

# Congressional Record

proceedings and debates of the  $112^{tb}$  congress, second session

## SENATE—Tuesday, January 3, 2012

The 3d day of January being the day prescribed by the Constitution of the United States for the annual meeting of the Congress, the 2d session of the 112th Congress convened at 12:01 and 32 seconds p.m., and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 3, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Mark R. Warner, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE.

President pro tempore.

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

ADJOURNMENT UNTIL 11 A.M., FRIDAY, JANUARY 6, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m. on Friday, January 6, 2012.

Thereupon, the Senate, at 12:02 and 13 seconds p.m., adjourned until Friday, January 6, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, January 3, 2012

This being the day fixed pursuant to the 20th Amendment to the Constitution for the meeting of the second session of the 112th Congress, the House met at noon and was called to order by the Speaker pro tempore (Mr. La-Tourette).

# DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

January 3, 2012. I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

John A. Boehner, Speaker of the House of Representatives.

#### PRAYER

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

Loving God, we give You thanks for giving us another year.

As the second session of this 112th Congress begins, we humbly ask Your divine presence. As the Members of the people's House attend to their noble responsibilities, send Your spirit of wisdom to be with them.

Watch over each Member of the House and their families during this session. Grant that they might be wise in their deliberations, charitable in their interactions with one another, and judicious in the execution of their duties.

May all that is said and done in the coming session be for Your greater honor and glory.

Amen.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 493, no organizational or legislative business will be conducted on this day.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(c) of House Resolution 493, the House stands adjourned until 10 a.m. on Friday, January 6, 2012.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House adjourned until Friday, January 6, 2012, at 10 a.m.

## SENATE—Friday, January 6, 2012

The Senate met at 11 and 3 seconds a.m., and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 6, 2012.
To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,

President pro tempore.

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

ADJOURNMENT UNTIL TUESDAY, JANUARY 10, 2012, AT 11 A.M.

Mr. WEBB. Under the previous order, the Senate stands adjourned until 11 a.m. on Tuesday, January 10, 2012.

Thereupon, the Senate, at 11 and 32 seconds a.m., adjourned until Tuesday, January 10, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Friday, January 6, 2012

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

# DESIGNATION OF THE SPEAKER PRO TEMPORE

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

> Washington, DC, January 6, 2012.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on

> John A. Boehner, Speaker of the House of Representatives.

#### PRAYER

Reverend Clete Kiley, Archdiocese of Chicago, offered the following prayer:

At the beginning of this new year, O Lord, our hearts are filled with hope and our imaginations are inspired once again with Your vision for this Nation. Our forefathers were dedicated to this vision of a shining city on a hill. Our Nation's heroes and prophets have continually called us to become the beloved community, a people dedicated to the common good, a Nation at peace with itself.

And so as this new year breaks upon us, may this age-old vision guide us in our work here in the House of Representatives; may it stir up within us a new dedication to comity; may it fill each of us who come from every district in America with a sense of common purpose in this House. May this vision reinvigorate our resolve to faithfully execute our oaths of office with courage and integrity.

In this new year, we pray: Bless us now; bless our work; and may You, O God, continue to bless America.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 493, the Journal of the last day's proceedings is approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland (Ms. EDWARDS) come forward and lead the House in the Pledge of Allegiance.

Ms. EDWARDS led the Pledge of Allegiance as follows:

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

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 493, no organizational or legislative business will be conducted on this day.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(c) of House Resolution 493, the House stands adjourned until 2 p.m. on Tuesday, January 10, 2012.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House adjourned until Tuesday, January 10, 2012, at 2 p.m.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 973: Mrs. HARTZLER.

H.R. 1370: Mr. MULVANEY.

H.R. 1738: Mr. MURPHY of Pennsylvania.

H.R. 1744: Mr. MULVANEY.

H.R. 1831: Ms. NORTON.

H.R. 2154: Mr. Sherman.

H.R. 2236: Mr. Sherman.

H.R. 2499: Mr. McDermott. H.R. 3545: Mr. Platts.

H.R. 3702: Mr. BERMAN, Mr. WELCH, and Mr. FILNER.

H. Res. 489: Mr. QUAYLE.

## EXTENSIONS OF REMARKS

IN RECOGNITION OF MARIA AMBUUL UPON HER ACHIEVE-MENT OF THE STARS AND STRIPES AWARD, THE HIGHEST HONOR OF THE AMERICAN HER-ITAGE GIRLS

#### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Friday, January 6, 2012

Mr. LAMBORN. Mr. Speaker, I rise today to recognize Ms. Maria Ambuul upon her achievement of the Stars and Stripes Award, the highest honor of the American Heritage Girls organization. It is a pleasure and privilege to honor Ms. Ambuul for her accomplishments, as well as her dedication to her God, her family, her community, and her country.

American Heritage Girls is a nonprofit Judeo-Christian organization for girls ages five to 18, dedicated to building women of integrity through service to God, family, community, and country. The organization was started in 1995 and has grown to nearly 400 troops with more than 12,500 members in 45 states. Ms. Ambuul is the first Coloradan to achieve the coveted Stars and Stripes Award.

The Stars and Stripes Award is bestowed upon young women who have gone above and beyond the highest program level in American Heritage Girls. Young women receiving the Stars and Stripes Award must exemplify the following qualities: compassion, helpfulness, honesty, loyalty, perseverance, purity, resourcefulness, respectfulness, responsibility, and reverence. They must also have demonstrated exemplary commitment to the American Heritage Girls oath to love God, cherish their families, honor their country, and Stripes Award is equivalent to the Boy Scout's Eagle Scout Award.

Ms. Ambuul has proved her love for and dedication to her community. I thank her for the difference she has made in Colorado's Fifth District and for setting such a fine example for young women in the state of Colorado.

RECOGNIZING LOCAL STUDENT MUSICIANS FOR THEIR SELECTION TO THE 2012 ARMY ALLAMERICAN BOWL MARCHING BAND

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 6, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize four outstanding student musicians in my community: Nicolas Allegro, Joyce Su and Gina Hansen of Thomas Jefferson High School for Science and Tech-

nology in Fairfax and C. Hunter Bockes of C.D. Hylton High School in Prince William were recently selected as members of the U.S. Army All-American Bowl Marching Band.

These young people will represent northern Virginia, along with 125 other musicians and color guard members from across the nation, as part of the marching band for the Jan. 7 U.S. Army All-American Bowl in San Antonio. The All-American Bowl is the nation's largest high school football all-star game, which seeks to generate positive publicity for the Army, strengthen the Army's connection with America and demonstrate the commitment of the Army to America's youth. These individuals were nominated by members of their communities and selected by the National Association for Music Education. They represent the top marching band musicians from across the country.

Mr. Speaker, it is a tremendous honor to be selected to the All-American Bowl Marching Band, and I ask my colleagues to join me in recognizing these young men and women for their achievements and congratulating them on representing their schools and our community on the national stage.

#### HONORING DARLENE HIEB

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, January 6, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Darlene Hieb, who rose through the ranks to become the Director of Nursing at Tuolumne General Hospital and announced her retirement, after 30 years of service, at the end of December 2011.

There are no words to adequately describe Darlene's quality of character, competence, and the contributions she made to Tuolumne General Hospital and the community. Throughout her county career, Darlene has been the model of quality care, love, compassion, and loyalty to both her patients and staff. She has exemplified the best of what has been offered at Tuolumne General Hospital.

Darlene Hieb was born with a heart for nursing and a calling to care for people. Indeed, her education and 37-year professional career as a nurse bear this out. After graduation from Lodi Union High School, Darlene proceeded to earn an A.A. degree in Pre-Nursing and a B.S. degree in Nursing. Darlene also obtained her license as a Registered Nurse (RN) and numerous certifications, the most notable as a Mobile Intensive Care Nurse (MICN) and Nurse Administrator. After receiving her Bachelor's degree and RN license, Darlene worked as an RN for the Los Banos Community Hospital for four-and-a-half vears and at the Huntington Intercommunity Hospital for two-and-a-half years.

Darlene Hieb started her career at Tuolumne General Hospital as a Relief RN II on February 3, 1982. She continued to serve as an RN II until January 1986, when she was promoted to a Head Nurse position. Darlene was later promoted to Nursing Services Manager and then to Director of Nursing—the position she has held since October 15, 1995.

Since the decision was made to close Tuolumne General, Darlene's importance to the organization grew even greater. When others might have left, Darlene rose to the occasion and committed to stay as the recognized leader of the hospital throughout the major transitions to come. She will long be remembered as the heart and soul of Tuolumne General during that season of the hospital's life. It is hard to imagine how the phased closure could have happened in such a professional, caring, and financially responsible manner without her. Through it all, Darlene was able to inspire and engender the loyalty of her staff to maintain the quality of care Tuolumne General had long been known for until its last day of operation.

Mr. Speaker, please join me in honoring and commending the outstanding career dedicated to the care of people and the standard of excellence brought to Tuolumne General Hospital by Darlene Hieb, and hereby wish her continued success in her retirement.

TRIBUTE TO THE BETA BETA LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY, INC.

#### HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Friday, January 6, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to pay tribute to the Beta Beta Lambda Chapter of Alpha Phi Alpha Fraternity, Inc.

Alpha Phi Alpha Fraternity, Inc was founded on Tuesday, December 4, 1906 at Cornell University, Ithaca, New York, as the First African-American Intercollegiate Fraternity. Alpha Phi Alpha Fraternity Inc. was founded by seven courageous men who will forever be known as the Noble Jewels of the fraternity; Henry Arthur Calis, Charles Henry Chapman, Eugene Kinkle Jones, George Biddle Kelly, Nathaniel Allison Murray, Robert Harold Ogle and Vertner Woodson Tandy.

The fraternity's aims of "manly deeds, scholarship and love for all mankind" have always been displayed by its many national programs which includes, "Go to High School, Go to College", "A Voteless People is a Hopeless People" and Project Alpha.

Alpha Phi Alpha Fraternity, Inc., successfully completed the building of the Reverend Dr. Martin Luther King, Jr. Monument in Washington, D.C., the only African-American and non-president to be so honored on The National Mall.

The local chapter in Miami-Dade County, Beta Beta Lambda Chapter raised over \$2.1 million during the leadership of seven chapter presidents and the monument coordinator (Brothers Gordon Murray, W. Ajibola Balogun, Dana Moss, Ola Aluko, David Young, Maurice Hurry, Trevor Wade and Gregory Gay) for the building of the Reverend Dr. Martin Luther King, Jr. Monument in Washington, DC. Today, I commend the Beta Beta Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. for their contribution and their effort in building the Reverend Dr. Martin Luther King, Jr. Monument in Washington, D.C.

HONORING WITTENBERG UNIVERSITY TIGERS, THE 2011 NCAA DIVISION III WOMEN'S VOLLEY-BALL CHAMPIONS

#### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 6, 2012

Mr. AUSTRIA. Mr. Speaker, on November 20, 2011, the Wittenberg University Tigers Women's Volleyball team won their first NCAA Championship. After ending the regular season with a 37–3, 16–0 NCAC record, the Tigers advanced through the post-season tournament to sweep the title in a 3–0 match against Christopher Newport University. This championship represents years of hard work and dedication by these volleyball players and their coaches. This achievement is also a reflection of the support these women have received from their families, Wittenberg University, and the Springfield, Ohio community.

Members of the 2011 Women's Volleyball team include Hallie Donathan (Tipp City, Ohio); Tessa Litman (Magnolia, Ohio); Hillary Monnin (Russia, Ohio): Katie Sumner (Dublin, Ohio); Ali Hock-James (Cincinnati, Ohio); Kiah Murray (Yorktown, Indiana); Hannah Riley (Minerva, Ohio); Miranda Sagle (Springfield, Ohio); Kimmie Dyer (Copley, Ohio); Kate Shoemaker (Vallonia, Indiana); Courtney Lauber (Zionsville, Indiana); Christine Simpson (Dublin, Ohio); Catherine Fumy (Fort Wayne, Indiana); Andrea Behling (Columbus, Indiana); Christina Gilene (Milford, Ohio); Meghan Vodopich (Canton, Ohio); Jessica Batanian (Sylvania, Ohio); Quin Gable (West Chicago, Illinois).

The Wittenberg University Women's Volleyball team was lead by Head Coach Paco Labrador and assisted by Laura Jensen and Amy Cox. The team was also heavily supported by Athletic Director Garnett Purnell, and University President Dr. Mark H. Erikson.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's Seventh Congressional District in congratulating the Wittenberg Tiger Women's Volleyball team.

CONGRATULATING CHUCK BROWN, THE "GODFATHER OF GO-GO"

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA IN THE HOUSE OF REPRESENTATIVES  ${f C}$ 

Friday, January 6, 2012

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating one of the Nation's great musical innovators. Chuck Brown, the "Godfather of Go-Go," on receiving the Executive Director's Lifetime Achievement Award from the American Civil Liberties Union of the Nation's Capital (ACLU-NCA). Chuck will be presented with the award on January 7, 2012, at the historic and elegant Carnegie Institution for Science in Washington, DC, The ACLU-NCA has long fought for equal congressional representation for the citizens of the Nation's capital, the right of District residents to make their own laws and spend their own money and, above all, statehood. Last summer, Chuck performed at the ACLU-NCA's annual DC. Statehood Teach-In on the West Lawn of the U.S. Capitol. Despite temperatures in excess of 100 degrees, Chuck gave a spirited performance of the kind that has earned him legendary status. Chuck uplifted the DC statehood movement, and liberty itself.

Since the mid-1960s, when his musical career began, Chuck Brown has been the fundamental force behind "Go-Go," the musical genre he invented in Washington, DC. Chuck's early hit "Bustin' Loose" has been adopted by the Washington Nationals baseball team as the official home-run celebration song. In addition to creating original music, Chuck has recorded a series of Go-Go covers of early jazz and blues songs. Chuck's remarkable music catalogue spans 22 studio albums over more than 30 years. Chuck's signature musical style recently proved its longevity when the song "Love," from his album entitled We Got This, earned Chuck Grammy Award nomination 2010.

Chuck Brown has also been a devoted and loving father. When his son played football at Virginia Tech, Chuck scheduled performances and other appearances around the team's home football games, never missing a single game his son played at Lane Stadium. Following the Virginia Tech massacre in 2007, Chuck dedicated several shows to the memories of the victims.

Mr. Speaker, Chuck Brown has earned iconic status, especially in the District of Columbia where Go-Go music was invented and popularized. For decades, through his distinctive sound with its iconic beat. Chuck has pulled people out of their seats to dance nationwide. Whether in the depressing aftermath of the Virginia Tech massacre or on a hot summer day on Capitol Hill, Chuck has always used his music to uplift the human spirit. I. therefore, ask the House of Representatives to recognize Chuck Brown for his contributions to music in our country and to the District of Columbia, and to join me in commending him on receiving the ACLU-NCA's Executive Director's Lifetime Achievement Award.

RECOGNIZING NANCY VEHRS ON HER RETIREMENT

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 6, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize and congratulate Nancy Vehrs on her retirement after 31 years of service to the citizens of Fairfax County, Virginia. I worked closely with Nancy during my 14 years on the Fairfax County Board of Supervisors, and I saw firsthand her dedication and hard work.

Nancy began working for Fairfax County in 1980 and held positions in the Woodburn Mental Health Center and the Fairfax County Police Department before being appointed by Clerk to the Board of Supervisors in 1990.

The position of Clerk to the Board of Supervisors is often thankless, but nevertheless extremely vital to both the operations of County government and our citizens' ability to actively participate in the decision-making process. Nancy was instrumental in modernizing recordkeeping for official Board proceedings and constituent correspondence, enabling better governmental transparency and providing for County residents with a better means of communication. Citizen involvement in government provides another avenue for individual contributions; however, the process of volunteering to serve one's community can be daunting. Nancy saw the value in the County's various volunteer Boards, Authorities and Commissions, and she helped implement a training program to provide citizen volunteers with access to legal, proprietary, and procedural training to assist in their endeavors.

Nancy always sought to pass along her expertise, sharing those ideas and best practices throughout the Commonwealth of Virginia, and she served as President of the Virginia Municipal Clerks Association. She received well-deserved recognition for these efforts, earning the title of Master Municipal Clerk in 2008 and twice being named the VCMA Region II Clerk of the Year.

In addition, Nancy has actively served her community in her individual capacity. She has served as President of the Prince William Committee of 100, a civic organization dedicated to informing the community of local issues of importance. She has served on the Board of Directors of Virginia Native Plant Society and the Board of the Prince William Conservation Alliance, and was the President of the Prince William Wildflower Society.

Mr. Speaker, Nancy Vehrs is a tremendous example of a dedicated civil servant whose many efforts over the years have improved the lives of her community. While her departure will be felt throughout the County government, the many procedures and improvements she helped implement will continue to benefit County residents for many years to come. I ask my colleagues to join me in recognizing and congratulating Nancy Vehrs on her 31 years of service to the citizens of Fairfax County, Virginia, and in wishing her well in her much-deserved retirement.

HONORING FALLEN STANISLAUS
COUNTY SHERIFF'S OFFICE
CRIME SCENE INVESTIGATOR
MARY ANN DONAHOU

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, January 6, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor fallen Stanislaus County Sheriff's Office Crime Scene Investigator Mary Ann Donahou. CSI Donahou's end of watch came on December 30, 2011, while in the line of duty gathering evidence at a crime scene. While assisting a deputy, she was struck by a vehicle. Mary was deeply committed to her profession—one that she put her whole heart into. CSI Donahou wore her badge with pride, loved her job, and loved serving the community.

Mary Ann was born on August 20, 1965, in Ceres, California, and she graduated from Downey High School in 1983. In December of 1999, Mary Ann was blessed with the love of her life, her son Jake. In 2002, she began her career at the Sheriff's Department as a legal clerk in the county jail. She was later promoted to Community Service Officer in 2005, followed by a 2007 promotion to Crime Scene Investigator. Mary Ann served the Sheriff's Office with honor and distinction.

Mary Ann was the epitome of a public servant. She always strived for excellence and had an unquenchable thirst for knowledge and self-improvement in the field of forensics and crime scene investigation. She was a shining example of what an employee of the Sheriff's Office should be: competent and courageous, tenacious and tough, brave and dedicated, yet understanding and compassionate to those who needed a helping hand. Mary Ann was also an active community member; she was a den mother for the cub scouts, did local charity work, and loved supporting local sports organizations.

Mary Ann received multiple commendations from peers, supervisors and citizens, including recognition for her forensic work leading to the arrest and conviction of those who victimize the innocent. In one of her many cases, Mary Ann was assisting the Robbery-Homicide Team in taking crime scene photographs for two different search warrant locations. She maintained a positive attitude despite the very detailed and complex case. Even after a long, hard day at work, she still took the time to talk to the neighborhood children who were curious about what she was doing. She showed them her equipment, how to look for latent fingerprint evidence, and told them all about Crime Scene Investigators. This is reflective of Mary's character and her dedicated service to the Sheriff's Office and the community.

Mary Ann was a loving mother, sister, daughter, aunt, and cousin. Her smile lit up the room and her laughter was contagious. Her grace, beauty, friendship, humor, intelligence and compassion were all attributes that made her so endearing.

Mary Ann is survived by her son Jake Lewis

Mary Ann is survived by her son Jake Lewis Hassler; her parents Janice and Robert Pence

and Jack and Mary Donahou; her sisters Jennifer Horne, Melinda Donahou-Sneed, Lori Donahou, and Teresa Brockman; her loving companion Eugene Day; three nieces; four nephews; and six great-nephews.

Mr. Speaker, please join me in honoring and remembering the outstanding contributions made to law enforcement by Stanislaus County Sheriff's Office Crime Scene Investigator Mary Ann Donahou. The life of Mary Ann serves as an example of excellence to those in our community, and her legacy will not be soon forgotten.

HONORING CHAPEL HILL HIGH SCHOOL 2011 TEXAS CLASS 3A STATE FOOTBALL CHAMPION-SHIP

#### HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Friday, January 6, 2012

Mr. GOHMERT. Mr. Speaker, it is a great honor to recognize and congratulate the Chapel Hill Bulldogs on a stellar high school football season in 2011 that culminated with their winning the 2011 Texas Class 3A State Football Championship. As a result of extraordinary teamwork and athletic prowess, the undefeated Chapel Hill Bulldogs captured the State title over the powerful Alvarado Indians with a final score of 20–19.

Last year, the Chapel Hill Bulldogs showed extraordinary heart by winning all the way to the championship resulting in a runner up position. Though most teams would be proud of getting that far, Chapel Hill players and coaches set their sights on going all the way back to the finals and coming back to east Texas with a State Championship trophy. The Bulldogs had to defeat some outstanding football teams simply to get an opportunity to get to a playoff game.

Not only did they get to the playoffs, they finished the season with an unbeaten and untied record of 15-0. The team became known as the "Cardiac Pack" because the last four games were won with heart-stopping gallantry late in the game. Such was the case in the game leading up to the state final, played against West Columbia in which Chapel Hill won in the last 8.2 seconds of the game. Following that nail-biter, the "Cardiac Pack" Bulldogs fought hard and came out victorious by one point in the final game making them state champions. Although this was the Bulldogs twelfth playoff appearance since 1969, this was the team's second football State Championship, the first being in 1989.

The Chapel Hill Bulldogs' 2011 championship success is a tribute to the Coach, who brought his team back for another chance at victory, as well as a tribute to the players and all who assisted them along the way. Such championship did not come without vast preparation beginning with off-season fitness, hot wearisome August workouts, coach preparations late into the night and weekend, insightful scouting and video research of opposing teams, unrivaled discipline, selfless teamwork, learning and executing football fundamentals, all encompassed by an unwavering determination to reach the highest goal achievable in Texas football—one that will never be forgotten as long as there is a Texas.

The lessons learned about teamwork and discipline should help carry everyone who played, coached, and assisted in knowing that whatever the obstacles that may lie ahead in life, they can overcome and be champions.

A tribute goes out to all of the athletic staff including Athletic Director and Head Coach Thomas Sitton, and Coaches Chris Taber, Jason Holman, Wes Schminkey, Sam Brandt, Jeremy Loyd, Brad Baca, Juan Silva, Kenneth Cook, Patrick Davis, Robert Sampson, Justin McCowin, Bill Toon, John Pyle, Kenneth Johnson, and Jon Sheppard.

The tribute to the team that accomplished this great feat goes to the football team members consisting of Tre Allen, Jay Reagan, Raeshuiwn Mumphrey, Nelson Onwuzu, Wesley Thompson, Jalen Williams, Deaveron Dean, Avery Henderson, Kevin Garcia, Patrick Day, Kendall Beal, Jason Hill, Tyler Brown, Avery Saenz, Anthony Kincade, Will Spradley, Richard Sandoval, Christman Weeks, Rex Rollins, Andrew Tucker, Reese Turner, Christian Schlener, Joseph Clark, JaMarcus McCowin, Kevone Kennedy, Londreyus Johnson, Travis Johnson, Braylon Roberson, Tyraiel Hart, Marco Orpineda, Colton Moorehead, Brandoyn Bell, Keith Minor, Daniel Smith, Pedro Valdez, Thad Bevis, Keiundas Wade, Josh Hamilton, Sir Calvin Wallace, Jacob Ratliff, Shaq Warren, Brandon Upshaw, and Gabriel Robinson.

This accomplishment could also not have been achieved without the vast support of Chapel Hill Independent School District staff and the entire community supporting this great East Texas school. Congratulations to all those who comprise the Chapel Hill Bulldogs' unbeatable team.

HONORING U.S. ARMY STAFF SER-GEANT JOSEPH ALTMANN'S SERVICE IN IRAQ AND AFGHANI-STAN

#### HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 6, 2012

Mr. DUFFY. Mr. Speaker, I rise today to commemorate and honor the life and service of Staff Sergeant Joseph Altmann from Marshfield, Wisconsin. Staff Sergeant Altmann lost his life on Christmas Day while serving our country in the Kunar province of Afghanistan. He suffered injuries when insurgents attacked his unit with small-arms fire. Staff Sergeant Altmann was serving with the Headquarters and Headquarters Company, 2d Battalion, 27th Infantry Regiment, 25th Infantry Division, Schofield Barracks, Hawaii.

Mr. Speaker, Staff Sergeant Altmann embodied the best qualities of a true American hero. He was a dedicated soldier and a brave man who fought for a cause greater than himself—a feat to which not many may attest. He served his country not only in Afghanistan, but

re-enlisted in order to do so after completing two previous tours in Iraq. He died protecting the freedoms we all too often take for granted.

Staff Sergeant Altmann's heroic sacrifice and exemplary service will not soon be forgotten. He has made his wife, his family, his

home State of Wisconsin and his country eternally proud. It is my humbling honor to pay due tribute to him and I urge my colleagues to join me today in honoring the life of Staff Sergeant Joseph Altmann for the sacrifice he made for this country and for our freedom.

## SENATE—Tuesday, January 10, 2012

The Senate met at 11 and 4 seconds a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 10, 2012.
To the Senate:

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

Daniel K. Inouye, President pro tempore. Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY, JANUARY 13, 2012

The ACTING PRESIDENT pro tempore. The Senate stands adjourned until Friday, January 13, 2012, at 12 noon.

Thereupon, the Senate, at 11 and 32 seconds a.m., adjourned until Friday, January 13, 2012.

## HOUSE OF REPRESENTATIVES—Tuesday, January 10, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

#### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

> WASHINGTON, DC, January 10, 2012.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on

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

#### PRAYER

Reverend Anthony Craig, Blessed Sacrament Catholic Church, Hibbing, Minnesota, offered the following pray-

Heavenly Father, You protect, provide, and establish us. We praise You for who You are, the source of eternal salvation.

We give You thanks for all the good things that You give us, Your children. We look to You today, Lord Holy Fa-

ther, to be our strength this day.

Please protect us in Your mercy, provide for the needs of our Nation, and establish us in truth which will guide our decisions.

Draw near, Almighty God, and grant that we may ardently desire, prudently examine, truthfully acknowledge, and perfectly accomplish what is pleasing to You for the praise and glory of Your name.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 493, the Journal of the last day's proceedings is approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 493, no organizational or legislative business will be conducted on this day.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(c) of House Resolution 493, the House stands adjourned until 11 a.m. on Friday, January 13, 2012.

Accordingly (at 2 o'clock and 2 minutes p.m.), the House adjourned until Friday, January 13, 2012, at 11 a.m.

#### EXTENSIONS OF REMARKS

RECOGNIZING MR. IRA LEE SUL-LIVAN FOR DEDICATION AND SERVICE TO OUR COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 10, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Mr. Ira Lee Sullivan. Mr. Sullivan was born on May 22, 1918 in Webster County, Mississippi. His life was transcended on November 7, 2011. He was married to Jo Ella Campbell-Sullivan for 63 years until she preceded him in death in 2009.

Mr. Sullivan is a remarkable veteran for a number of reasons. His tour of duty was filled with heroic actions, life threatening calls to duty, and celebration. He volunteered for the U.S. Navy on July 6, 1938 out of Grenada, Mississippi and spent most of his tour of duty in the Pacific. He was aboard the USS Enterprise on December 7, 1941 in Honolulu during the bombing of Pearl Harbor. He was a member of the USS Enterprise (CV-6) aircraft carrier which became one of the most decorated U.S. Naval vessels of World War II. Mr. Sullivan was aboard the destroyer USS Morrison that was sunk on May 4, 1945 during the Battle of Okinawa. While aboard, more than twenty-five Japanese Kamikaze planes air raided the vessel killing 152 of the 331 aboard. Mr. Sullivan's parents were notified by the Navy that he was aboard the vessel when it sank and was therefore missing in action and presumed dead. Yet despite all the odds, a few weeks later he returned home to the astonishment of his family. He was honorably discharged on November 30, 1945, with numerous awards and citations that included the Presidential Unit Citation Award and the Purple Heart.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Ira Lee Sullivan, a decorated World War II veteran and an unforgotten hero for his dedication and service to this country and the pride of this family.

FRED ANDERSON TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 10, 2012

Mr. TIPTON. Mr. Speaker, I rise today in memory of Colorado State Senator Fred Anderson. A Loveland native and former Senate President, Mr. Anderson recently passed away at the age of 83.

Senator Anderson is remembered by his colleagues for his decency, statesmanship, and expertise on water issues. He was first elected in 1966, at the age of 38. For eight of

his sixteen years in office, he also served as Senate President. Among his signature achievements were helping to integrate Colorado's ground and surface water rights, restructuring state water laws, and securing instream flow water rights.

Since retiring from the legislature in 1982, Senator Anderson stayed active on water issues and chaired the Loveland Water and Sewer Board. He received a Presidential appointment to the U.S. Advisory Commission on Intergovernmental Relations, where he served for six years. Additionally, he helped found the House of Neighborly Service and Project Self-Sufficiency, and was an active member of Trinity Lutheran Church.

Fred Anderson's family has resided in the Loveland area since his great-great-grand-parents, indentured servants from Sweden, were married there in 1876. He grew up on a farm before serving with the U.S. Army in the Korean War. After the war, he returned to Colorado and married his wife of 57 years, Anne and began a career raising cattle. He is also survived by four children, seven grandchildren, and one great-grandchild.

Mr. Speaker, it is an honor to recognize Senator Fred Anderson. I rise today in remembrance of his dedication to his family and to the State of Colorado.

RECOGNIZING MR. HOSEA SPENCER FOR HIS HONORABLE SERVICE TO OUR COUNTRY

## HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 10, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Mr. Hosea Spencer, of Greenville, Mississippi.

Mr. Spencer attended Coleman Middle & High School, located in Greenville, Mississippi. He withdrew from school in the 11th grade to join the military, enlisting in the U.S. Air Force in 1954 and serving through 1957. Mr. Spencer received his basic training at Lackland Air Force Base in San Antonio, Texas. After basic training, he became a part of the James Connally Air Force Base in Waco, Texas. He was stationed there for 2½ years, and held the title, Corporal, in the medical field.

In September of 1956, Mr. Spencer volunteered to go overseas. He was stationed in England, where he was an Air Policeman at the 388th Air Police Squadron, which was his last duty assignment and major command.

Mr. Spencer was awarded during his service time for being a Rifleman and a Sharpshooter. He also received a National Defense Service Medal

Mr. Spencer learned a lot about life during his time in the service. Being in the U.S. Air Force taught him everything as a young man

and gave him a chance to see the world. His only regret is that he did not make a career with the military.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Hosea Spencer for his time and dedication to serving our country.

LAWRENCE ATENCIO TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 10, 2012

Mr. TIPTON. Mr. Speaker, I rise today in honor of outgoing Pueblo, Colorado City Council Representative Lawrence Atencio. Mr. Atencio's last day representing Council District 2 was December 31, 2011.

A man of wide-ranging experience and talents, Lawrence Atencio served in the Armed Forces and worked in municipal government, academia, the arts, and in private business before his election to the council. He served two terms of office, beginning in 2007.

After graduating from East High School in 1965, Lawrence earned associate's and bachelor's degrees from Southern Colorado State College, and later a master's in public administration from the University of Northern Colorado. He served in the U.S. Army from 1970–1972, and then returned home to Pueblo and became a Health Inspector. Since 1984, he has owned and operated LA Distributing Company.

Mr. Atencio has also been an instructor of classical ballet since 1972, as well as director/choreographer for the Colorado State Fair Fiesta Committee Scholarship Pageant and an actor in community theatre and the film industry. Since 1991, he has taught Business, Macro Economics, Sociology, and Chicano Studies at the college level. Mr. Atencio is active in the Knights of Columbus and is a private pilot.

Mr. Speaker, it is an honor to recognize Councilman Lawrence Atencio. I rise today to thank him for his work on behalf of the citizens of Pueblo.

RECOGNIZING MR. ISAAC DANIEL SCOTT FOR HONORABLE SERVICE TO OUR COUNTRY AND COMMITMENT TO THE COMMUNITY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January \ 10, \ 2012$ 

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran and lifelong resident of the Mississippi Delta, Mr. Isaac Daniel Scott.

Mr. Scott was drafted to serve in the United States Army while pursuing an education in

Agriculture Business at Tennessee State University: Mr. Scott served during the Vietnam Conflict and was a member of the 1st Calvary Air Mobile Unit. He earned the rank of Specialist and an Honorable Discharge after his tour of duty. Upon completion of his tour of duty, Mr. Scott returned to the Mississippi Delta to pursue farming with his father, Mr. Edward Scott.

Mr. Scott wanted to continue his contact with fellow veterans and became a member of the American Legion Post #220 in Mound Bayou, Mississippi. In 2009 he was elected to serve as Vice Commander of VFW Post #220.

Mr. Scott is married to Ms. Lucy Chatman-Scott and they are the proud parents of seven children and three grandchildren. A proud veteran and family man, he lives his life by the motto: "Do unto others as you would have them do unto you."

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Isaac Scott for his dedication to serving our great country.

RECOGNIZING THE TEACHERS FEDERAL CREDIT UNION

#### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to commend the Teachers Federal Credit Union, a financial institution dedicated to the continued success of its members and to promoting financial literacy throughout the community.

It is with great pleasure that I offer my congratulations to the TFCU on the occasion of their 60th anniversary and the opening of its new headquarters in Hauppauge.

Since its founding in 1952, Teachers Federal Credit Union has grown from a tiny credit union with seven members and \$35 to an institution with over 200,000 members and \$4 billion in assets. Along the way, TFCU and its members have found time to demonstrate a continued commitment to efforts aimed at preserving the environment and improving the quality of life enjoyed by Long Islanders.

I would also like to commend TFCU on its continuing dedication to the promotion of financial literacy. In recognition of that dedication, the Teachers Federal Credit Union has been awarded the Desjardins Youth Education Award, given in honor of significant commitment to youth financial education, six times.

Mr. Speaker, I am pleased to convey my sincere thanks to the Teachers Federal Credit Union, and my hopes for their continued success at their new Hauppauge location.

RAY AGUILERA TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 10, 2012

Mr. TIPTON. Mr. Speaker, I rise today in honor of outgoing Pueblo, Colorado City Council President Ray Aguilera. Mr. Aguilera's last day representing Council District 4 was LGBT RIGHTS ARE HUMAN RIGHTS December 31, 2011.

Ray Aguilera knows the City of Pueblo well thanks to his roles as a student recruiter at Pueblo Community College and as manager of both Pueblo Boulevard Liquors and Fiesta Used Cars. This extensive business and educational experience has served him well during his two stints with the Council, first in 2003 and then beginning in 2007.

A graduate of Pueblo Catholic High School, Mr. Aguilera attended Southern Colorado State College, St. Michaels College, and Pueblo Junior College. In addition to his Council responsibilities, he has been a member of the Pueblo Area Council of Governments, Caring for Colorado Board of Directors, and Boys and Girls Club of Pueblo Board of Directors, as well as many other outstanding civic organizations. He is the president and founder of the Pueblo Hispanic Education Foundation.

Mr. Aguilera's numerous local awards have included Greater Pueblo Chamber of Commerce Member of the Year, Latino Chamber Member of the Year, and the Latin-American Educational Foundation Annual Salute Award. His daughter, Andrea Nicole Aguilera, is a senior at Colorado State University.

Mr. Speaker, it is an honor to recognize Councilman Ray Aquilera, I rise today to thank him for his work on behalf of the citizens of

RECOGNIZING STAFF SERGEANT JOE NATHAN WILSON FOR HIS DEDICATION AND SERVICE TO OUR COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and honorable veteran, Staff Sergeant Joe Nathan Wilson. Sergeant Wilson has shown what can be done through hard work, dedication and desire.

Sergeant Wilson, a lifelong resident of Crystal Springs, Mississippi, was born on October 7, 1973 to Joseph Johnson and Maxine Adams.

He graduated from Crystal Springs High School in 1993. After graduation, he enlisted in the United States Army, where he served until the Chinook helicopter he was aboard went down on November 2, 2003, in Al Fallujah, Iraq. In 2002 he married Erica Beatty and to that union they had a daughter, Yasmin.

Sergeant Wilson's attitude was always positive, whether serving in the army or competing on the football field at Crystal Springs High. He attended White Oak Baptist Church in Crystal Springs, Mississippi. As a member of the 2nd Battalion, 5th Field Artillery Regiment of Crystal Springs, Mississippi, Staff Sergeant Wilson received several honors including the Purple Heart.

Mr. Speaker, I ask my colleagues to join me in recognizing Staff Sergeant Joe Nathan Wilson for his unwavering dedication to serving our great country.

#### HON. JAMES P. McGOVERN

OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES Tuesday, January 10, 2012

Mr. McGOVERN. Mr. Speaker, I strongly agree with Secretary of State Hillary Clinton when she declared on December 6, 2011, that LGBT rights are human rights. I would like to bring to the attention of my colleagues the speech she gave in recognition of International Human Rights Day in Geneva. Switzerland. when she passionately and persuasively described the importance of the LGBT struggle for basic human rights.

REMARKS IN RECOGNITION OF INTERNATIONAL HUMAN RIGHTS DAY, PALAIS DES NATIONS, GENEVA, SWITZERLAND

Good evening, and let me express my deep honor and pleasure at being here. I want to thank Director General Tokayev and Ms. Wyden along with other ministers, ambassadors, excellencies, and UN partners. This weekend, we will celebrate Human Rights Day, the anniversary of one of the great accomplishments of the last century.

Beginning in 1947, delegates from six continents devoted themselves to drafting a declaration that would enshrine the fundamental rights and freedoms of people everywhere. In the aftermath of World War II. many nations pressed for a statement of this kind to help ensure that we would prevent future atrocities and protect the inherent humanity and dignity of all people. And so the delegates went to work. They discussed. they wrote, they revisited, revised, rewrote, for thousands of hours. And they incorporated suggestions and revisions from governments, organizations, and individuals around the world.

At three o'clock in the morning on December 10th, 1948, after nearly two years of drafting and one last long night of debate, the president of the UN General Assembly called for a vote on the final text. Forty-eight nations voted in favor; eight abstained; none dissented. And the Universal Declaration of Human Rights was adopted. It proclaims a simple, powerful idea: All human beings are born free and equal in dignity and rights. And with the declaration, it was made clear that rights are not conferred by government: they are the birthright of all people. It does not matter what country we live in, who our leaders are, or even who we are. Because we are human, we therefore have rights. And because we have rights, governments are bound to protect them.

In the 63 years since the declaration was adopted, many nations have made great progress in making human rights a human reality. Step by step, barriers that once prevented people from enjoying the full measure of liberty, the full experience of dignity, and the full benefits of humanity have fallen away. In many places, racist laws have been repealed, legal and social practices that relegated women to second-class status have been abolished, the ability of religious minorities to practice their faith freely has been secured.

In most cases, this progress was not easily won. People fought and organized and campaigned in public squares and private spaces to change not only laws, but hearts and minds. And thanks to that work of generations, for millions of individuals whose lives were once narrowed by injustice, they are now able to live more freely and to participate more fully in the political, economic, and social lives of their communities.

Now, there is still, as you all know, much more to be done to secure that commitment. that reality, and progress for all people. Today, I want to talk about the work we have left to do to protect one group of people whose human rights are still denied in too many parts of the world today. In many ways, they are an invisible minority. They are arrested, beaten, terrorized, even executed. Many are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse. They are denied opportunities to work and learn, driven from their homes and countries, and forced to suppress or deny who they are to protect themselves from harm.

I am talking about gay, lesbian, bisexual, and transgender people, human beings born free and given bestowed equality and dignity, who have a right to claim that, which is now one of the remaining human rights challenges of our time. I speak about this subject knowing that my own country's record on human rights for gay people is far from perfect. Until 2003, it was still a crime in parts of our country. Many LGBT Americans have endured violence and harassment in their own lives, and for some, including many young people, bullying and exclusion are daily experiences. So we, like all nations, have more work to do to protect human rights at home.

Now, raising this issue, I know, is sensitive for many people and that the obstacles standing in the way of protecting the human rights of LGBT people rest on deeply held personal, political, cultural, and religious beliefs. So I come here before you with respect, understanding, and humility. Even though progress on this front is not easy, we cannot delay acting. So in that spirit, I want to talk about the difficult and important issues we must address together to reach a global consensus that recognizes the human rights of LGBT citizens everywhere.

The first issue goes to the heart of the matter. Some have suggested that gay rights and human rights are separate and distinct; but, in fact, they are one and the same. Now, of course, 60 years ago, the governments that drafted and passed the Universal Declaration of Human Rights were not thinking about how it applied to the LGBT community. They also weren't thinking about how it applied to indigenous people or children or people with disabilities or other marginalized groups. Yet in the past 60 years, we have come to recognize that members of these groups are entitled to the full measure of dignity and rights, because, like all people, they share a common humanity.

This recognition did not occur all at once. It evolved over time. And as it did, we understood that we were honoring rights that people always had, rather than creating new or special rights for them. Like being a woman, like being a racial, religious, tribal, or ethnic minority, being LGBT does not make you less human. And that is why gay rights are human rights, and human rights are gay rights.

It is violation of human rights when people are beaten or killed because of their sexual orientation, or because they do not conform to cultural norms about how men and women should look or behave. It is a violation of human rights when governments declare it illegal to be gay, or allow those who harm gay people to go unpunished. It is a violation of human rights when lesbian or transgendered women are subjected to so-called corrective rape, or forcibly subjected to hormone treatments, or when people are

murdered after public calls for violence toward gays, or when they are forced to flee their nations and seek asylum in other lands to save their lives. And it is a violation of human rights when life-saving care is withheld from people because they are gay, or equal access to justice is denied to people because they are gay, or public spaces are out of bounds to people because they are gay. No matter what we look like, where we come from, or who we are, we are all equally entitled to our human rights and dignity.

The second issue is a question of whether homosexuality arises from a particular part of the world. Some seem to believe it is a Western phenomenon, and therefore people outside the West have grounds to reject it. Well, in reality, gay people are born into and belong to every society in the world. They are all ages, all races, all faiths; they are doctors and teachers, farmers and bankers, soldiers and athletes; and whether we know it, or whether we acknowledge it, they are our family, our friends, and our neighbors.

Being gay is not a Western invention; it is a human reality. And protecting the human rights of all people, gay or straight, is not something that only Western governments do. South Africa's constitution, written in the aftermath of Apartheid, protects the equality of all citizens, including gay people. In Colombia and Argentina, the rights of gays are also legally protected. In Nepal, the supreme court has ruled that equal rights apply to LGBT citizens. The Government of Mongolia has committed to pursue new legislation that will tackle anti-gay discrimination.

Now, some worry that protecting the human rights of the LGBT community is a luxury that only wealthy nations can afford. But in fact, in all countries, there are costs to not protecting these rights, in both gay and straight lives lost to disease and violence, and the silencing of voices and views that would strengthen communities, in ideas never pursued by entrepreneurs who happen to be gay. Costs are incurred whenever any group is treated as lesser or the other, whether they are women, racial, or religious minorities, or the LGBT. Former President Mogae of Botswana pointed out recently that for as long as LGBT people are kept in the shadows, there cannot be an effective public health program to tackle HIV and AIDS. Well, that holds true for other challenges as

The third, and perhaps most challenging, issue arises when people cite religious or cultural values as a reason to violate or not to protect the human rights of LGBT citizens. This is not unlike the justification offered for violent practices towards women like honor killings, widow burning, or female genital mutilation. Some people still defend those practices as part of a cultural tradition. But violence toward women isn't cultural; it's criminal. Likewise with slavery, what was once justified as sanctioned by God is now properly reviled as an unconscionable violation of human rights.

In each of these cases, we came to learn that no practice or tradition trumps the human rights that belong to all of us. And this holds true for inflicting violence on LGBT people, criminalizing their status or behavior, expelling them from their families and communities, or tacitly or explicitly accepting their killing.

Of course, it bears noting that rarely are cultural and religious traditions and teachings actually in conflict with the protection of human rights. Indeed, our religion and our culture are sources of compassion and inspi-

ration toward our fellow human beings. It was not only those who've justified slavery who leaned on religion, it was also those who sought to abolish it. And let us keep in mind that our commitments to protect the freedom of religion and to defend the dignity of LGBT people emanate from a common source. For many of us, religious belief and practice is a vital source of meaning and identity, and fundamental to who we are as people. And likewise, for most of us, the bonds of love and family that we forge are also vital sources of meaning and identity. And caring for others is an expression of what it means to be fully human. It is because the human experience is universal that human rights are universal and cut across all religions and cultures.

The fourth issue is what history teaches us about how we make progress towards rights for all. Progress starts with honest discussion. Now, there are some who say and believe that all gay people are pedophiles, that homosexuality is a disease that can be caught or cured, or that gays recruit others to become gay. Well, these notions are simply not true. They are also unlikely to disappear if those who promote or accept them are dismissed out of hand rather than invited to share their fears and concerns. No one has ever abandoned a belief because he was forced to do so.

Universal human rights include freedom of expression and freedom of belief, even if our words or beliefs denigrate the humanity of others. Yet, while we are each free to believe whatever we choose, we cannot do whatever we choose, not in a world where we protect the human rights of all.

Reaching understanding of these issues takes more than speech. It does take a conversation. In fact, it takes a constellation of conversations in places big and small. And it takes a willingness to see stark differences in belief as a reason to begin the conversation, not to avoid it.

But progress comes from changes in laws. In many places, including my own country, legal protections have preceded, not followed, broader recognition of rights. Laws have a teaching effect. Laws that discriminate validate other kinds of discrimination. Laws that require equal protections reinforce the moral imperative of equality. And practically speaking, it is often the case that laws must change before fears about change dissipate.

Many in my country thought that President Truman was making a grave error when he ordered the racial desegregation of our military. They argued that it would undermine unit cohesion. And it wasn't until he went ahead and did it that we saw how it strengthened our social fabric in ways even the supporters of the policy could not foresee Likewise some worried in my country that the repeal of "Don't Ask, Don't Tell" would have a negative effect on our armed forces. Now, the Marine Corps Commandant, who was one of the strongest voices against the repeal, says that his concerns were unfounded and that the Marines have embraced the change.

Finally, progress comes from being willing to walk a mile in someone else's shoes. We need to ask ourselves, "How would it feel if it were a crime to love the person I love? How would it feel to be discriminated against for something about myself that I cannot change?" This challenge applies to all of us as we reflect upon deeply held beliefs, as we work to embrace tolerance and respect for the dignity of all persons, and as we engage humbly with those with whom we

disagree in the hope of creating greater understanding.

A fifth and final question is how we do our part to bring the world to embrace human rights for all people including LGBT people. Yes, LGBT people must help lead this effort, as so many of you are. Their knowledge and experiences are invaluable and their courage inspirational. We know the names of brave LGBT activists who have literally given their lives for this cause, and there are many more whose names we will never know. But often those who are denied rights are least empowered to bring about the changes they seek. Acting alone, minorities can never achieve the majorities necessary for political change.

So when any part of humanity is sidelined, the rest of us cannot sit on the sidelines. Every time a barrier to progress has fallen, it has taken a cooperative effort from those on both sides of the barrier. In the fight for women's rights, the support of men remains crucial. The fight for racial equality has relied on contributions from people of all races. Combating Islamaphobia or anti-Semitism is a task for people of all faiths. And the same is true with this struggle for equality.

Conversely, when we see denials and abuses of human rights and fail to act, that sends the message to those deniers and abusers that they won't suffer any consequences for their actions, and so they carry on. But when we do act, we send a powerful moral message. Right here in Geneva, the international community acted this year to strengthen a global consensus around the human rights of LGBT people. At the Human Rights Council in March, 85 countries from all regions supported a statement calling for an end to criminalization and violence against people because of their sexual orientation and gender identity.

At the following session of the Council in June, South Africa took the lead on a resolution about violence against LGBT people. The delegation from South Africa spoke eloquently about their own experience and struggle for human equality and its indivisibility. When the measure passed, it became the first-ever UN resolution recognizing the human rights of gay people worldwide. In the Organization of American States this year, the Inter-American Commission on Human Rights created a unit on the rights of LGBT people, a step toward what we hope will be the creation of a special rapporteur.

Now, we must go further and work here and in every region of the world to galvanize more support for the human rights of the LGBT community. To the leaders of those countries where people are jailed, beaten, or executed for being gay. I ask you to consider this: Leadership, by definition, means being out in front of your people when it is called for. It means standing up for the dignity of all your citizens and persuading your people to do the same. It also means ensuring that all citizens are treated as equals under your laws, because let me be clear-I am not saving that gay people can't or don't commit crimes. They can and they do, just like straight people. And when they do, they should be held accountable, but it should never be a crime to be gay.

And to people of all nations, I say supporting human rights is your responsibility too. The lives of gay people are shaped not only by laws, but by the treatment they receive every day from their families, from their neighbors. Eleanor Roosevelt, who did so much to advance human rights worldwide, said that these rights begin in the small

places close to home—the streets where people live, the schools they attend, the factories, farms, and offices where they work. These places are your domain. The actions you take, the ideals that you advocate, can determine whether human rights flourish where you are.

And finally, to LGBT men and women worldwide, let me say this: Wherever you live and whatever the circumstances of your life, whether you are connected to a network of support or feel isolated and vulnerable, please know that you are not alone. People around the globe are working hard to support you and to bring an end to the injustices and dangers you face. That is certainly true for my country. And you have an ally in the United States of America and you have millions of friends among the American people.

The Obama Administration defends the human rights of LGBT people as part of our comprehensive human rights policy and as a priority of our foreign policy. In our embassies, our diplomats are raising concerns about specific cases and laws, and working with a range of partners to strengthen human rights protections for all. In Washington, we have created a task force at the State Department to support and coordinate this work. And in the coming months, we will provide every embassy with a toolkit to help improve their efforts. And we have created a program that offers emergency support to defenders of human rights for LGBT people.

This morning, back in Washington, President Obama put into place the first U.S. Government strategy dedicated to combating human rights abuses against LGBT persons abroad. Building on efforts already underway at the State Department and across the government, the President has directed all U.S. Government agencies engaged overseas to combat the criminalization of LGBT status and conduct, to enhance efforts to protect vulnerable LGBT refugees and asylum seekers, to ensure that our foreign assistance promotes the protection of LGBT rights, to enlist international organizations in the fight against discrimination, and to respond swiftly to abuses against LGBT per-

I am also pleased to announce that we are launching a new Global Equality Fund that will support the work of civil society organizations working on these issues around the world. This fund will help them record facts so they can target their advocacy, learn how to use the law as a tool, manage their budgets, train their staffs, and forge partnerships with women's organizations and other human rights groups. We have committed more than \$3 million to start this fund, and we have hope that others will join us in supporting it.

The women and men who advocate for human rights for the LGBT community in hostile places, some of whom are here today with us, are brave and dedicated, and deserve all the help we can give them. We know the road ahead will not be easy. A great deal of work lies before us. But many of us have seen firsthand how quickly change can come. In our lifetimes, attitudes toward gay people in many places have been transformed. Many people, including myself, have experienced a deepening of our own convictions on this topic over the years, as we have devoted more thought to it, engaged in dialogues and debates, and established personal and professional relationships with people who are gay.

This evolution is evident in many places. To highlight one example, the Delhi High

Court decriminalized homosexuality in India two years ago, writing, and I quote, "If there is one tenet that can be said to be an underlying theme of the Indian constitution, it is inclusiveness." There is little doubt in my mind that support for LGBT human rights will continue to climb. Because for many young people, this is simple: All people deserve to be treated with dignity and have their human rights respected, no matter who they are or whom they love.

There is a phrase that people in the United States invoke when urging others to support human rights: "Be on the right side of history." The story of the United States is the story of a nation that has repeatedly grappled with intolerance and inequality. We fought a brutal civil war over slavery. People from coast to coast joined in campaigns to recognize the rights of women, indigenous peoples, racial minorities, children, people with disabilities, immigrants, workers, and on and on. And the march toward equality and justice has continued. Those who advocate for expanding the circle of human rights were and are on the right side of history, and history honors them. Those who tried to constrict human rights were wrong, and history reflects that as well.

I know that the thoughts I've shared today involve questions on which opinions are still evolving. As it has happened so many times before, opinion will converge once again with the truth, the immutable truth, that all persons are created free and equal in dignity and rights. We are called once more to make real the words of the Universal Declaration. Let us answer that call. Let us be on the right side of history, for our people, our nations, and future generations, whose lives will be shaped by the work we do today. I come before you with great hope and confidence that no matter how long the road ahead, we will travel it successfully together. Thank you very much. (Applause.)

RECOGNIZING MR. ELLIS
WILKERSON FOR HIS CONTRIBUTIONS AND SERVICE TO COMMUNITY AND COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Ellis Wilkerson of Yazoo County, Mississippi.

Mr. Ellis Wilkerson served in the National Guard for 20 years, Special Force 1st/20 and 1st/114 Artillery. Mr. Wilkerson also served in the U.S. Army Infantry from 1968–1970. He is the recipient of the Infantry Badge, Vietnam Campaign Badge, Purple Heart, and Bronze Star.

Mr. Wilkerson is married to Mary Johnson-Wilkerson and they have two sons. He is a member of Pleasant Grove M.B. Church where he serves as a Deacon. Mr. Wilkerson is a one hundred percent disabled Veteran, and he is also retired from the VA Medical Center.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Ellis Wilkerson for serving our country honorably.

VERA ORTEGON TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. TIPTON. Mr. Speaker, I rise today in honor of outgoing Pueblo, Colorado City Council Representative Vera Ortegon. Councilwoman Ortegon's last day representing her at-large district was December 31, 2011.

A businesswoman, microbiologist, and mother, Vera Ortegon immigrated to the United States from Colombia to attend college, and has since become an American success story. Her wide variety of experience has served her well during her two terms of office, beginning in 2007.

While working as a production manager for the Schering Corporation in New Jersey, Mrs. Ortegon earned bachelor's and master's degrees in microbiology from Rutgers and Fairleigh Dickinson University. Simultaneously, she has been managing partner of a familyowned real estate company since 1976. In 1980, she moved to Pueblo with her husband. She later continued her studies in the University of Colorado's Ph.D. program in molecular biology, while also working as an instructor, researcher, and director of the Biotechnology Center at the Colorado Springs campus.

More recently, Vera has worked for the Office of Economic Development and International Trade, Southeastern Colorado Conservancy District Board, and as President of the Board of Water Works. She is active with the Pueblo Economic Development Corporation, the 10th Judicial District Nominating Commission, and is Vice President of the John Neumann Catholic Schools Board. She is married with two sons.

Mr. Speaker, it is an honor to recognize Councilwoman Vera Ortegon. I rise today to thank her for her work on behalf of the citizens of Pueblo.

RECOGNIZING MR. JOSEPH GRAY FOR HIS CONTRIBUTIONS AND SERVICE TO OUR COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Mr. Joseph Gray. He is the American Legion Post Commander of Cooper Yerger Post-28 association for veterans, in Clarksdale, Mississippi. Mr. Gray is a native of Greensboro, North Carolina. He graduated in 1964 with a Bachelor of Science Degree from the Citadel. He is married to the former Mary LaUna Jones of Clarksdale, Mississippi, and they have three daughters and seven grandchildren.

daughters and seven grandchildren.

Upon graduation, Mr. Gray accepted a commission in the U.S. Marine Corps and served in Vietnam from 1967–1968 where he received thirty-seven Air Medals representing over 750 combat missions. Some of the medals he received included the Single Mission Air Medal, the Vietnamese Cross of Gallantry, the Sikorsky Winged S for saving lives. He also logged flight time in a U.S. Marine Sikorsky H–34 helicopter which is now housed in the Smithsonian National Air and Space Museum.

Mr. Gray is currently the CEO of Gray Enterprises, LLC, where he provides small business counseling for startup companies. He conducts seminars and workshops for small business owners on the basic discipline of business, business plans and management-by-objective.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Joseph R. Gray, a decorated Vietnam veteran and hero for his dedication and service to this country, community and family.

# A TRIBUTE TO WYATT CARPENTER

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Wyatt Carpenter for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement whose standards have been well-maintained over the years.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Wyatt's project was to assist in the creation of a resting place in the newest Madrid City Park. This project will be enjoyed by his community for years to come, and his achievement will not go unrecognized.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Wyatt and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on achieving an Eagle Scout ranking and will wish him continued success in his future education and career. Thank you.

RECOGNIZING SERGEANT WILLIE NASON FOR HIS HONORABLE SERVICE TO OUR COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 10, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the distinguished life of Sergeant Willie Nason. Sergeant Nason was born on April 12, 1983.

Sergeant Nason, anxious to serve his country, enlisted in the Marine Corps in 2000. In 2004, he was assigned to the 3rd Battalion, 5th Marines where he served in Weapons Company as a team leader and later squad leader. In August 2004, he deployed to Iraq. Having shown phenomenal capabilities as an inspiring leader, he would go on to become a Drill Instructor

Mr. Speaker, I ask my colleagues to join me in recognizing Sergeant Willie for his service to our country.

## SENATE—Friday, January 13, 2012

The Senate met at 12 and 3 seconds p.m., and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 13, 2012.

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to

perform the duties of the Chair. Daniel K. Inouye,  $President\ pro\ tempore.$ 

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

ADJOURNMENT UNTIL 10:15 A.M., TUESDAY, JANUARY 17, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10:15 a.m. on Tuesday, January 17, 2012.

Thereupon, the Senate, at 12 and 33 seconds p.m., adjourned until Tuesday, January 17, 2012, at 10:15 a.m.

## HOUSE OF REPRESENTATIVES—Friday, January 13, 2012

called to order by the Speaker pro tempore (Mr. HARRIS).

#### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

> WASHINGTON, DC. January 13, 2012.

I hereby appoint the Honorable ANDY HAR-RIS to act as Speaker pro tempore on this day.

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

#### PRAYER

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

Eternal God, we give You thanks for giving us another day. We pause now in Your presence and acknowledge our dependence on You. We ask Your blessing upon the men and women of this, the people's House, who are soon to return to their stations here on Capitol Hill.

As the new session begins, help them, and indeed help us all, to obey Your law, to do Your will, and to walk in Your way. Grant that they might be good in thought, gracious in word, generous in deed, and great in spirit.

Make this a glorious day in which all are glad to be alive and ready to serve You. May all that is done this day be done for Your greater honor and glory. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 493, the Journal of the last day's proceedings is approved.

#### PLEDGE OF ALLEGIANCE

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

Mr. MORAN led the Pledge of Allegiance as follows:

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

COMMUNICATION THE FROM PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-81)

The SPEAKER pro tempore laid before the House the following commuUnited States:

THE WHITE HOUSE. Washington, January 12, 2012.

Hon. John Boehner, Speaker of the House of Representatives,

Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 3101A(a)(2)(A) of title 31, United States Code, I hereby certify that the debt subject to limit is within \$100,000,000,000 of the limit in 31 U.S.C. 3101(b) and that further borrowing is required to meet existing commitments. Sincerely,

#### BARACK OBAMA.

The SPEAKER pro tempore. The communication is referred to the Committee on Ways and Means and ordered to be printed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK, HOUSE OF REPRESENTATIVES, Washington, DC, January 3, 2012. Hon. John A. Boehner,

The Speaker, House of Representatives,

Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 3, 2012 at 1:02 p.m.:

That the Senate pursuant to the order of December 23, 2011, Senate appoints conferees H.R. 3630.

With best wishes, I am Sincerely.

KAREN L. HAAS.

#### COMMUNICATION FROM THE OF-FICE OF THE CHIEF ADMINIS-TRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Patrick Hirsch, Director, House Recording Studio:

OFFICE OF THE CHIEF ADMINISTRA-TIVE OFFICER, HOUSE OF REP-RESENTATIVES.

Washington, DC, January 4, 2012. Hon. JOHN A. BOEHNER.

Speaker, House of Representatives,

Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony issued by the Superior Court of the District of Columbia in connection with a misdemeanor case now pending before that court.

After consultation with the Office of General Counsel, I have determined to comply

The House met at 11 a.m. and was nication from the President of the with the subpoena to the extent that it is consistent with Rule VIII.

Sincerely,

PATRICK HIRSCH, Director, House Recording Studio.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

> OFFICE OF THE CLERK, House of Representatives, Washington, DC, January 3, 2012.

Hon. John A. Boehner,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 3, 2012 at 1:02 p.m.:

That the Senate insists on the amendments to the bill and agrees to a conference asked by the House H.R. 3630.

With best wishes, I am Sincerely,

KAREN L. HAAS.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 493, no organizational or legislative business will be conducted on this day.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(c) of House Resolution 493, the House stands adjourned until 2 p.m. on Tuesday, January 17, 2012.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House adjourned until Tuesday, January 17, 2012, at 2 p.m.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII.

Mr. REED (for himself, Mr. Gosar, Mr. STIVERS Mr. FRANKS of Arizona, Mrs. BLACK-BURN, Mrs. MILLER of Michigan, Mr. SCHIL-LING. Mr. SAM JOHNSON of Texas, Mrs. BLACK, Mr. King of Iowa, Mr. Paul, Mr. Boustany, Mr. Womack, Mr. Huizenga of Michigan, Mr. WOODALL, and Mr. QUAYLE) introduced a joint resolution (H.J. Res. 98) relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31. United States Code, on January 12, 2012; which was referred to the Committee on Ways and Means.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

mitted regarding the specific powers granted to Congress in the Constitu- lation pursuant to the following: tion to enact the accompanying bill or joint resolution.

By Mr. REED: H.J. Res. 98.

Congress has the power to enact this legis-

Article 1, Section 8, Clause 1 relating to the power to pay the debts of the United States.

## **EXTENSIONS OF REMARKS**

A TRIBUTE TO JIM QUAIL

#### HON. EDOLPHUS TOWNS-

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor Jim Quail for his distinguished career of exemplary educational services to the District 14 community. Mr. Quail retires having vastly improved the quality of education for the students in his community.

Mr. Quail grew up in Astoria, Queens, and is the son of Irish immigrants. With ambitions of going to law school, Mr. Quail always had an affinity for the importance of education to promote ones wellbeing. After graduating from Fordham University he decided to follow in the footsteps of his sister and pursue a career in teaching.

Mr. Quail subsequently began his illustrious career as a student-teacher in the District 14 community. His first assignment at the then Board of Education was to report to P.S. 132 on Metropolitan Avenue. Mr. Quail spent five years at P.S. 132, while also earning educational administration degrees in his out-of-school time that enhanced his professional development. With such experience and dedication, Mr. Quail was promoted to Assistant Principal at P.S. 250 and served in that capacity for five years.

At P.S. 250, Mr. Quail would have the biggest impact on the students he encountered as well as in his personal life. With the support and confidence of student parents, school administration, and the community; Mr. Quail was selected to serve as the Principle of P.S. 250. Mr. Quail would spend the next 25 years in this post as the educational leader of P.S. 250. During his tenure, Mr. Quail accomplished many notable achievements which include leading P.S. 250 to become one of the top schools in the district.

In 2003, Mr. Quail was named superintendent of District 14. In this capacity he has served as the top education official in our community, overseeing all 26 schools and the 15,000 children they serve. Mr. Quail has led the efforts to implement a number of new initiatives in the district. Among them includes the Federal 21st Century grant which supports schools in their effort to create specialized programs in the community. Additionally, he has increased the visibility of the District's involvement in community activities.

Over the past four decades, Mr. Quail has been fully committed to ensuring a quality education for the students of the District 14 community. Mr. Speaker, I would like to congratulate Mr. Jim Quail on his retirement and for leading the charge of education reform in his community.

SENATOR ROBERT SHANKLIN WHAM TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. TIPTON. Mr. Speaker, I rise today in memory of Colorado State Senator Robert Shanklin Wham. Mr. Wham, a long time resident of Colorado was an active and giving citizen of our State.

Following his graduation from the University of Illinois School of Law, Mr. Wham joined a law firm in Montrose, Colorado. It did not take him long to become involved in Colorado Government, accepting a position as an Assistant U.S. District Attorney and moving to Denver where he later served as Deputy City Attorney, and later the City Attorney. In 1976, he was elected to the Colorado State Senate. Mr. Wham remained active in the practice of law until 2009.

Mr. Wham loved to spend time in the Colorado Mountains with his family. A passionate outdoorsman, you could find Mr. Wham throughout the year driving through the mountains, skiing, hiking and sailing.

Mr. Speaker, it is an honor to recognize Senator Robert Shanklin Wham. I rise today in memory of his devotion to his family and to the State of Colorado.

IN HONOR OF THE BARRINGTON BAND

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the centennial anniversary of the Barrington Band and commemorate its many contributions to the cultural community of South New Jersey. This community band comprised of approximately thirty members ranging from teenagers to seniors has delighted audiences with their patriotic and seasonal repertoire for one hundred years, and today we thank them for the joy they have brought to their many listeners this past century.

teners this past century.

The Barrington Band formed on January 1, 1912 when four townsmen rang in the New Year parading through the streets with cowbells, whistles, a clarinet and drum. They had such fun that they decided to form a community band. Recruitment proved to be easy, as many members of the Barrington Improvement Association were eager to join despite a lack of musical knowledge. This was soon remedied as local musicians were hired to teach the new band, and this day July 4, 1912 the band held their first performance at the flagraising of the Barrington Fire Company.

Since that day, the Barrington Band has been marching and playing at all sorts of community building events including 17 Philadelphia Mummers Day Parades, the inauguration of New Jersey Governor Harold Hoffman in 1935, on the way to the shore on the Wildwood Boardwalk, and at the annual Concert at the Gazebo in Cape May.

Through decades of excellent musicianship,

Through decades of excellent musicianship, the Barrington Band has built an unparalleled reputation for providing a fun and entertaining show comprised of marches, patriotic and Broadway songs. Beyond being a staple at Barrington civic events and nursing homes, the band has established the Harold Houck Award for musicianship and academic achievement, to be given to a member of the Woodland School eighth grade graduating class. The award was named after Harold Houck, son of the original band director, who played with the band from fourteen to eightynine years old. He started a tradition of lifelong participation that continues to this day, a unique legacy for this talented band.

Mr. Speaker, the Barrington Band has been an integral part of the South Jersey community for one hundred years, bringing people together through the shared joy of music. I join the township and all of South Jersey in paying tribute to this exceptional band on its one-hundredth anniversary.

THE LEGACY OF REVEREND JOHN LAWSON VAUGHN

#### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2012

Mr. GINGREY of Georgia. Mr. Speaker, the theme of the Civil Rights Era, "Road to Freedom," honors the legacy in Leadership exemplified by Rev. J.L. Vaughn. While riding the bus to Main High School, the students witnessed Reverend Vaughn walking across the South Rome Bridge in Rome, Georgia, daily at 7 a.m. carrying a Bible under his arm. He was going to City Hall, the Courthouse, and to business owners in the downtown district to advocate for equal rights. The lunch counter sit-ins took place in Rome on March 28, 1963. When the Civil Rights Bill was passed in 1964 and the Voting Rights Act was passed in 1965, Reverend Vaughn used his pulpit to speak to the citizens and allowed white politicians to give a campaign speech in his church. The voting ballot was unfamiliar to black citizens and they had to be taught how to use it. He stressed the importance of exercising the right to vote.

The legacy of Reverend Vaughn began long before he crossed over the bridge in the 1960's through times of racial struggles in Rome to be a voice for the Black community. He died in 1979, and Rome's first African

American was appointed to serve as a public official on the City Board of Commissioners in 1980. Reverend Vaughn's funeral service was held at the First Baptist Church on East 4th Street, Rome, Georgia.

John Lawson Vaughn was one of twelve children, born in 1881. He worked hard helping his father make a living for the family. As a boy, his father sent him to Tuskegee Institute to study in the farm educational and vocational academy. He studied for four years; helping in the wheel shop during his spare time. He began his ministerial career on February 11, 1911.

His first pastorate was the Shiloh Baptist Church of Alabama City, Alabama. In 1917, Reverend Vaughn came to Rome as Pastor of the Lovejoy Baptist Church, where he served for over fifty years. During three summers he studied in Gadsden, Alabama working toward his degree and then entered Morehouse College. He returned to Rome in 1923 with his degree and once again took over the pastorate of the church. Reverend Vaughn also served as pastor of Flint Hill Baptist Church of Gaylesville, Alabama, where he served for 25 years. While in Rome, he also served Matthew Chapel Baptist Church for 4 years, Friendship Baptist Church of Adairsville, Georgia for 9 years, and the Hopewell Baptist Church of Dalton, Georgia for 14 years.

In 1948, Reverend Vaughn was elected as Vice President of the Rome Ministerial Alliance, composed of both black and white ministers. This was the first time an African American had been elected to an office. Reverend Vaughn's interests did not stop with problems of just his own congregation. He was constantly being called on to help solve outsiders' problems and to aid needy families, and he also posted bail to get people out of jail. During the Christmas Season, he was one of the leading figures in the Empty Stocking Fund, and also one of the prime forces in helping Rome Black Leaders procure a band for Old Main High School. He was looked upon as a leader in all civic drives and campaigns benefiting both races, and he freely gave of his time and monies to help build a better Rome.

TRIBUTE TO THE INTERNATIONAL FEDERATION OF BLACK PRIDES' ANNUAL MEETING AND TECHNICAL ASSISTANCE MEETING

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA IN THE HOUSE OF REPRESENTATIVES  $Friday, January \ 13, \ 2012$ 

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the International Federation of Black Prides' Annual Meeting and Technical Assistance Meeting, which will be held in Wash-

The International Federation of Black Prides, Inc. (IFBP)—a 501(c)(3) with offices in Washington, D.C., Jacksonville, FL, and Los Angeles, CA—is a coalition that promotes a multinational network of lesbian, gay, bisexual, and transgender (LGBT) Black Prides and community-based organizations dedicated to: promoting grassroots organizing around issues affecting the Black LGBT community; pro-

ington, D.C., from January 13-16, 2012.

moting community health and wellness; providing technical assistance to its member Prides; promoting unity; and ensuring educational development, economic empowerment, and individual and collective self-determination.

The mission of the IFBP is to build awareness of and pride in the diversity of the black LGBT community. Each local Black Pride is a nonprofit organization dedicated to the mission of the IFBP. Each Black Pride hosts yearround services and activities in addition to a multi-day festival that celebrates the rich cultural heritage of the black LGBT community through educational workshops, health seminars, artistic events, and activism on the local level. Since its formation in 1999, the IFBP has grown to include 32 domestic memberand-affiliate Prides and three international Prides. D.C. Black Pride, which will celebrate its 22nd anniversary in May 2012, was a charter member of the IFBP.

The IFBP is led by a national board comprised of eight members—four officers, three At-Large members and one Ex-Officio member. The board consists of: Dwayne Jenkins, Chair; Kimberly Jones, Vice-Chair; Anthony Hardaway, Secretary; Elizabeth Burch, Treasurer; Victoria Kirby, Member At-Large; Rev. Eric P. Lee, Member At-Large; Charles E. Nelson II, Member At-Large; and Earl Fowlkes, Jr., Ex-Officio Member.

I ask the House to join me in welcoming all who are attending the IFBP's Annual Meeting and Technical Assistance Meeting.

HONORING TEXAS CENTENARIAN CLESPIE WEST CARR

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor and congratulate Ms. Clespie West Carr of Houston, Texas, on the occasion of her 100th birthday. Ms. Carr celebrated her 100th birthday on January 4, 2012, and hers is a life rich in history and life experience.

Ms. Carr's childhood was not easy, and from an early age she had the strength of character that would carry her throughout her life. At age 2, Ms. Carr was orphaned and placed under the care of her grandmother. Just a few short years later, when she was not attending the Marquez School four months out of the year, she was hard at work in the fields picking cotton and vegetables.

Having lived for 100 years, Ms. Carr has seen so many of our Nation's historic events. When Ms. Carr was only 23, the Great Depression was in full swing. A young mother, she cared for her small children during the harsh economic realities of the time. Her resilience and strong work ethic helped carry her family through one of the toughest periods in American history.

She too has witnessed our country's decades-long struggle for civil rights. She lived through a time of segregation and violence motivated by hate, and decades later she would see the first African American elected to the highest office in the land.

If there was one thing in particular that enduring these hardships and struggles did for Ms. Carr, it was to forge unbreakable bonds with her children and family. Ms. Carr recalls the happiest time in her life as watching her children grow up and being able to attend school. Her constant and enduring desire to work hard so that her children could live a better life and her duty to family is as selfless as it is noble.

But Ms. Carr's selflessness extended far beyond her own family; the benefits of her service and generosity poured out into the community. Ms. Carr served as Secretary for the Robinson Chapel Baptist Church for 40 years. There, she was one of several members of the Sick Committee who would aid the sick by cooking, cleaning and running errands for the needy.

Mr. Speaker, Clespie Carr is now part of the small number of centenarians in the U.S. but her determination and dedication to her family and friends only make her that much more unique. I am pleased to acknowledge this monumental occasion and Ms. Carr's tireless efforts for the sake of others this past century, and I wish her continued health and prosperity.

#### HONORING GREG HAMILTON

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to the extraordinary achievements of my constituent, Mr. Gregory V. Hamilton. Greg is dedicated and he is passionate, and he has devoted his entire life to serving our country, his community, and the causes he champions so well. Many Montgomery County residents know him by his signature braids and his colorful garb that reflect his love of country, his Native American heritage, and his pride as a Vietnam veteran.

Unfortunately, Greg's braids are gone now, a victim to the cancer that is ravaging his body because of his exposure to Agent Orange during his service in Vietnam in 1969 and 1970. Greg served in the U.S. Navy and was honorably discharged in 1970. He received numerous medals and ribbons for his service, including the Meritorious Unit Commendation Ribbon and the Combat Action Ribbon for his service on the USS *Hickman County LST 825* in the Brown Water Navy in Vietnam.

Despite his lifelong fight against the effects of Agent Orange-or maybe because of it-he is passionate about improving the lives of veterans nationwide, and he has dedicated himself to doing so. A lifetime member of Vietnam Veterans of America and a committed member of Rolling Thunder Maryland Chapter 1, Greg has for many years been a part of the Wall Washing Crew, volunteers who wash and maintain the Vietnam Veterans Memorial from April to November each year. He also participates in the arrival of "Honor Flights," greeting and escorting World War II veterans to the Memorial in Washington, DC. Greg has been active in assisting those affected by military life ever since his own discharge 40 years

ago. He supports military families by sharing with them his own experiences and offering advice. He was critical to the creation of the Montgomery County Commission on Veterans Affairs and, most recently, he has been involved in the Mental Health Association of Montgomery County's initiative "Serving Together: Troops, Veterans, and Family Care Project." He has tirelessly provided support and care for military families throughout our community.

Greg is of African-American and Cherokee descent. He maintains a strong connection to his Native American heritage, having spent much of his life working with Native American organizations. In 2002, he was elected Council President of the American Indian Heritage and Education Association, Inc., an organization that serves the Native American community by honoring Native American culture and providing outreach to veterans and their families. In 1995, he helped plan the first American Indian Heritage Day Powwow in Montgomery County. More recently, he has produced two public access cable shows-"American Indians: Past and Present" and "Our Veterans, Our Warriors."

Greg's professional career has also been devoted to public service. He has served on countless boards and committees around Montgomery County. For example, he was President of the Park Ritchie Tenants' Association, Inc., served on the Board of Directors of Suburban Maryland Fair Housing, Inc., served three terms as a Councilmember for the City of Takoma Park, and served as chair of the Takoma Park Cable TV Advisory Board, the Montgomery County Community Leadership Task Force on Drug and Alcohol Abuse Prevention, and the Public, Health and Safety Committee and the Housing Committee of the City Council. Greg's level of community involvement is extraordinary—he has never hesitated to be involved, to take a stand and to make a difference.

Every resident of Montgomery County, Maryland and every veteran in America owes a debt of gratitude to Greg Hamilton for his dedicated, selfless, and passionate work. I am proud to speak today to honor this extraordinary man. I urge my colleagues to join me in recognizing Greg's many accomplishments, his lifelong work on behalf of our Nation's veterans and his profound commitment to honoring their service.

 $\begin{array}{c} \text{HONORING CAPTAIN JEFFREY} \\ \text{MACLAY} \end{array}$ 

#### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Friday,  $January\ 13,\ 2012$ 

Ms. BROWN of Florida. Mr. Speaker, as the representative of Florida's third congressional district, I would like to commend Captain Jeffrey Maclay for the outstanding service he provided for NAS-Jax during his tenure as Commanding Officer. The importance of Naval Air Station-Jacksonville, both for our area's residents, as well as our Nation's national defense, cannot be overstated, and Captain Maclay performed a remarkable job as a leader in this post.

Captain Maclay, a native of New Bedford, Mass., graduated from the Virginia Military Institute in May 1986 with a Bachelor of Science Degree in civil engineering, and during his six Seahawk deployments, accumulated more than 3,800 flight hours in the SH–3H Sea King and SH–60F/HH–60H.

His fleet assignments include tours with HS-2 and HS-14, Carrier Air Wing Two and USS Kearsarge (LDH-3). Captain Maclay also served as executive officer aboard HS-2 while deployed in support of Operation Iraqi Freedom. After "fleeting up" as commanding officer, his squadron earned the Arnold J. Isbell Award for Undersea Warfare excellence and the Arleigh Burke Award for warfighting excellence. He can also boast of shore tours, which included the Joint Staff (J-7, Operational Plans and Joint Force Development) as a strategic planner, the OPNAV staff (N51 Strategy and Policy) as an operations analyst, and HS-10 (Fleet Replacement Squadron) as a flight instructor.

A graduate of the Air Command and Staff College at Maxwell AFB, Montgomery, Ala., he also attended Auburn University, and earned a Masters Degree with a distinction in political science. He also completed a one-year Federal Executive Fellowship at the Center for Strategic and International Studies in Washington, DC.

Under Captain Maclay's leadership, NAS-Jax was chosen the winner of the 2011 Commander, Navy Installations Command (CNIC) Commander in Chief's Installation Excellence Award. In the words of Captain Maclay, "this (was) an award that reflected the hard work by all who help NAS-Jax deliver the most effective and efficient readiness from the shore." And throughout 2011, NAS-Jax served as the premier installation for delivering effective, sustained and improved shore readiness to its 15 home based squadrons, sailors and civilian personnel, as well as supporting numerous joint commands, government agencies and carrier readiness sustainment exercises.

I wish Captain Maclay the best of success in his future endeavors, and, like all Jacksonville area residents, am honored to have had him serve as NAS-Jacksonville's Commanding Officer.

HONORING THE CONTRIBUTIONS OF TUOLUMNE GENERAL HOSPITAL

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge that the last patient cared for by Tuolumne General Hospital (TGH), also known as the Tuolumne General Medical Facility, was transferred out on November 23, 2011. With the transfer of that patient, a proud 162-year history of service to the residents of Tuolumne County was brought to an end.

The beginning of Tuolumne General Hospital dates back to about 1849. Plans for a public hospital began on November 7, 1849, when the citizens of Sonora saw a need to establish a hospital for the sick and the destitute

of the county. The first facility in Tuolumne County consisted of a canvas tent erected on the hill near the present courthouse in 1849. In November of that year, a wooden structure with a canvas roof was constructed to serve as a hospital at a cost of \$542. Patients occupied berths along the walls and were nursed by a male steward who received \$4 per day for his services.

A hospital was established near the Roman Catholic Church in June, 1851. Two months later, another hospital was established on Washington Street. No permanent arrangements had been made by the City or County for the care of indigent patients, until a law was enacted that authorized the County Board of Supervisors to levy a special tax to raise funds for the care of indigent persons.

In 1854, with funds raised by the special tax, the County Board of Supervisors called for bids to provide hospital and medical services for indigent patients. The contract was awarded to Drs. William T. Browne and Thomas Kendall on their low bid of \$25 per week, per patient. The bid price included furnishing the hospital facility, food, bedding, medicine, and their professional services.

In 1856, the Board of Supervisors again called for bids to provide hospital and medical services. At that time, the state began to make funds available to counties for indigent care with the specification that any physicians employed were required to have medical degrees. As a result, the call for bids specified that the contracting physician had to be a "graduate of a legally incorporated medical college." The new two-year contract was awarded to Dr. Francis Canton, a well-educated French physician, and his associate, Dr. Georfe Manning, a fellow of the Royal College of Surgeons of England. The contract price was only \$9 per week per patient, but it specified that the County would be responsible for the burial expense of unfortunate patients. In addition, the contracting doctors were allowed to take in private patients.

In 1861, the County Supervisors decided to purchase their own hospital. A building was secured on the northwest corner of Lyons and Shepherd Streets, now part of the China Town parking lot. After a decade of use, the building was no longer suitable. In 1873, the County purchased the old Lewis C. Gunn residence located on the west side of South Washington Street. The building was remodeled and enlarged substantially and made suitable for patients according to the standards of that period. The most noted physician-in-charge was Dr. William Eikelroth. Dr. Eikelroth installed a hand pump on the only well near the hospital at his own expense (about \$19) and then had to sue the County to get reimbursed. By the mid-1870's, water was made available to most parts of the hospital and facilities were installed where patients could take either hot or cold baths and wash their clothing and bed-

In 1897, a new county hospital was constructed at the south end of Sonora where the present TGH is located. Necessitated by Tuolumne County's second gold rush during the mid-1890's, most of the hospital's early facilities were geared for male occupants only. Females were generally cared for in private homes, although a facility for their care was

operated on the north side of South Washington Street during a period when the county hospital was located in the old Gunn Building.

Over the next 80 years the hospital continued to grow and in 1984, a major modernization project was completed which included the expansion of the Emergency Room, Radiology Department, Pharmacy, Intensive Care Unit, Recovery Room, and several support services. The next year, TGH started Health Promotion Programs and in 1987 the Adult Day Health Care Center opened, the Primary Care Clinics opened, and they began a Prenatal Program to serve the over 100 women per year that would not be seen by the OB/Gyn physicians. Additionally, the TGH Foundation was formed.

During the 1990's, several additional changes took place: the first Satellite Adult Day Health Care Center in California was opened; Dr. Eric Runte was recruited as the first full-time physician director of the Primary Care Clinic; the hospital became affiliated with Visiting Home Nurses & Hospice of the Sierra; and the facility opened a Rehab Center in Groveland and began year-round low-cost mammography. In 1997, they signed a Memorandum of Understanding with UC Davis Health System to form a partnership.

On Tuesday, April 10, 2007, Tuolumne

On Tuesday, April 10, 2007, Tuolumne County's Board of Supervisors voted to close Tuolumne General Hospital's acute care services, hand off its clinics to a private operator, and phase out its psychiatric and long-term care units over the following three years. At midnight on June 30, 2007, Tuolumne General Hospital ceased all acute services. The name of the hospital changed to Tuolumne General Medical Facility. On March 4, 2008, a Memorandum of Understanding was signed between the Board of Supervisors and Avalon Healthcare to transfer the 42 Long Term Care residents to Avalon Healthcare, once they completed an addition to their existing facility.

On January 2, 2009, the Acute Psychiatric Unit was closed. A new Memorandum of Understanding was developed with Avalon Healthcare to build a 90-bed addition to their existing building. In June 2010, Avalon celebrated the ground breaking of their new addition.

In December, Avalon was contracted to oversee and manage Tuolumne General's Dietary Department. All Tuolumne General dietary staff was hired by Avalon, and the residents from the Long Term Care Unit were transferred upon completion of the addition at Avalon. With that, Tuolumne General Medical Facility closed its doors ending a 162—year history of providing excellent healthcare in Tuolumne County.

Mr. Speaker, please join me in honoring the contributions of Tuolumne General Hospital to the community of Tuolumne County.

IN HONOR OF THE BELOVED MAURICE J. "BUD" MALEY OF MOUNT LAUREL, NJ

#### HON. ROBERT E. ANDREWS

of new jersey In the house of representatives  $Friday, January \ 13, \ 2012$ 

Mr. ANDREWS. Mr. Speaker, I rise today to honor the beloved Maurice J. "Bud" Maley,

one of the great pillars of the Mount Laurel, New Jersey community. Let us remember him, today and always, for both his benevolence and his endless drive to work toward the betterment of society.

Always a venerable man of action, Bud never shied away from helping a community in need. After graduation from Northeast Catholic High School in Philadelphia, he recognized that need in his country and gallantly enlisted in the United States Army. It was decisions such as this one that truly separate Bud from the rest; he was always willing to serve.

After his time in the military, Bud moved to New Jersey to share his talents and kindhearted spirit with the Cinnaminson and Mount Laurel communities. Until his retirement in 1989, Bud worked in communications sales for Western Electric and Alcatel-Lucent, surely with the same enthusiasm and dedication that he came to be known for.

There is no doubt that Bud loved his community, but he took it a step further: he worked to better it. He was an avid member of the Saint Bernard's Home and School Finance Committee, the Knights of Columbus, the Western Tip and Ringers, and more. His work with these organizations undoubtedly touched many lives and helped the area prosper. Communities are able to stand strong because of people like Bud Maley.

As for his passions, Bud had several great loves. He was a devoted and caring husband to his wife, Mary Lou, and a dedicated father to his three children, Jim, Maureen, and Marianne. Outside of his family life, Bud fell in love with videography and photography. His artwork was able to capture glimpses of his life that can now be cherished in his memory.

Mr. Speaker, Mr. Maley's extraordinary actions and character are qualities to be emulated by future generations. His friends and family are in my thoughts and prayers during this time. He will always be remembered as a man of truly remarkable measures.

# THE LEGACY OF REVEREND NORRIS K. ALLEN, SR.

#### HON, PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES  $Friday, \ January \ 13, \ 2012$ 

Mr. GINGREY of Georgia. Mr. Speaker, Norris K. Allen, Sr. was the founder of the Martin Luther King Celebration of Rome, Georgia in 1987, which was held at the Rome City Auditorium. Rev. Clyde Hill, Sr. was honored at that event with the Outstanding Community Service Award for his leadership guiding Rome through the Era of Integration. Hill was a voice for the black community in the early 1970's, demanding jobs in public establishments, utility services companies, banks, and grocery stores, all while battling zoning and busing issues evolving from students, integration into the Rome Public Schools System. The MLK Celebration grew into an annual, four-day event and has served its purpose for the past 25 years.

Reverend Allen was also the founder of the Northwest Georgia Minority Business Association, which is an organization of 125 businessowners trained in economic development under the state mandate of Rural Economic Development of Small and Minority Businesses. This organization established a legacy to honor the downtown Black Business District-commonly referred to as Five Points. NWGMBA was retired into History on May 20, 2011 ending Twenty-Five Years of Service to the NW Georgia District. The NWGMBA has received several honors from numerous organizations, including: the Small Business Development Center of the University of Georgia, the Atlanta Business League, the Business League of Georgia, the Georgia Association for Minority Entrepreneurs (GAME) of Augusta. NWGMBA has also received the Congressional District Award for Outstanding Community Service Organization, and has been honored by both the Georgia Legislative Black Caucus and the Atlanta Chamber of Commerce for its outstanding works. Minority Business owners experienced much progress: building and owning new businesses.

Furthermore, "Camelot"—held on January 15, 2009—was a concept of Reverend Allen. As President of local SCLC, he offered a celebration to honor the 80th Memorial Birthday of Dr. Martin Luther King, Jr., and the historic election of the first African American elected as President of the United States. A ballroom gala affair gave opportunity to citizens to join in the nation's celebration. Norris and Gladys Allen attended the Inauguration in Washington, held a book signing at the Rome City Auditorium to create a record of Romans who attended the Historical Inauguration. This Book was presented to the archives of the City of Rome at RAHM on February 15, 2009. The Museum opened its doors on January 20, 2009. celebrating the historical signing-in ceremony in Washington, D.C.

Reverend Allen continues to break barriers and cross racial lines, locally, state-wide, and nationally. On July 28, 2007, he presented a Who's Who of the MLK Diversity Class to honor a host of multi-racial leaders, making a difference by bringing harmony to our community. Rev. Allen will host "Camelot II", on January 15, 2013 honoring the 50th Anniversary of The Civil Rights Movement of Rome.

 $\begin{array}{c} \text{MARGARET ANDERSON, NATIONAL} \\ \text{PARK RANGER} \end{array}$ 

## HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2012

Mr. REICHERT. Mr. Speaker, I rise today in remembrance of a fallen constituent, a National Park Ranger who will be remembered for her love of the outdoors and her co-workers, her dedication to community and family, and as a hero.

Mr. Speaker, Ranger Margaret Anderson was killed on January 1 while performing her duties at Mt. Rainier National Park. The senseless and heartbreaking act of violence ended the life of a public servant and law enforcement officer who respected and enjoyed her colleagues and the natural world. Washington State has a long tradition of outdoor enthusiasm and it is because of Rangers like

Margaret Anderson that the people of the State explore our natural resources safely. She worked at Mt. Rainier for four years. She served as a Ranger at other locations previously and met her husband while performing her duties. As friends and colleagues around the country react to her death, Mr. Speaker, the same words get repeated: sweet, kind, selfless, loving. She respected and loved her colleagues and the same respect and love was returned

Margaret and her family lived in Eatonville, Mr. Speaker, a small community in the 8th District near Mt. Rainier. Her friends, neighbors, and relatives recall a woman who volunteered her time for many causes, and doted on her two little girls. Her husband—like Margaret, a park ranger at Mt. Rainier—and her two girls, ages 1 and 3, need a community of support. I'm heartened to know that community, because there is no doubt the family will get it in Eatonville. While Margaret was with us, she cared for her family and her community. Now, her community will help care for her family.

The manner of Margaret's death will not soon be forgotten. Thankfully, Mr. Speaker, neither will her spirit and life. I urge members of this House to keep Margaret's husband Eric and her two daughters Anna and Katie in their prayers. As Eric, Anna, Katie, and the rest of Margaret's family move forward in life, I want them to know that Margaret is a hero and her sacrifice will never be forgotten.

WHERE ARE THE REPUBLICANS?

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. MORAN. Mr. Speaker, where are the Republicans?

Democrats stand ready to extend tax cuts for 160 million middle income Americans, unemployment insurance, and making sure seniors can keep their Medicare doctors.

But where are the Republicans? The February deadline is rapidly approaching and conferees should be meeting.

But to date, the Republicans haven't called a single meeting to discuss these critical economic benefits. Where are they?

According to the Majority, we are in session. This is an attempt to prevent the President from making critical appointments tasked with protecting American consumers and workers.

But as I stand in this empty chamber it is clear the House is not in session. The Majority cannot have it both ways.

Under Republican rules: pro forma sessions are "real" and can stop Presidential nominee appointments, but I'm not recognized to speak on the floor.

Under their rules, critically important bills that would block the debt limit and force our nation to default for the first time in its history can be introduced, but I can't speak.

Under Republican rules, extensions of remarks that reflect the exact words I would speak on the floor can be put in the CONGRESSIONAL RECORD, but I can't actually be heard saying those words on the House floor.

They can introduce their bill to cause a default but I can't be recognized to talk about extending middle class tax cuts or creating jobs. This is the absurd reality of the Republican

pro forma legislative session.

The clock is ticking on the American people and the Majority seems unconcerned.

Right now, the Speaker and the Chairman of the Ways and Means Committee, a member of the conference committee, are in Latin America. No meetings of the Conference Committee have been convened.

The payroll tax cut in effect for 2011 provided \$110 billion of tax relief to 159 million American workers. If the payroll tax cut is not extended by the end of February, middle class families making \$50,000 will see their taxes go up by \$1,000.

Extending the payroll tax cut will boost consumer demand, sustaining our economic recovery and encouraging job creation. Lack of demand continues to be a significant barrier to economic growth and hiring. Consumer spending represents roughly 70 percent of our economy, and consumer confidence is at levels not seen since the recession.

According to the Chief Economist of Moody's Analytics, Mark Zandi, continuing the payroll tax cut for employees will result in \$1.25 of economic growth for every \$1 of budgetary cost.

Federal unemployment programs are also slated to expire. As a result, over 6 million will lose benefits over the next year.

The Economic Policy Institute estimates that allowing these Federal unemployment benefits to expire would hurt consumer demand and thereby cost the U.S. economy 528,000 jobs. And would mean \$45 billion less in assistance to unemployed workers, and \$70 billion less in economic activity. That reduction in purchasing power would lower GDP by 0.4 percent.

The Congressional Budget Office has indicated that providing extended unemployment benefits is one of the most effective job creation strategies available during a period of high joblessness, stating "Households receiving unemployment benefits tend to spend the additional benefits quickly, making this option both timely and cost-effective in spurring economic activity and employment."

The Federal government has never allowed emergency extended benefits to expire when the jobless rate has been anywhere close to its current level of nearly 9 percent. In fact, Congress has never allowed an emergency unemployment program to end when the unemployment rate is higher than 7.2 percent. We must not be the first Congress to do so.

The American people deserve a House Majority prepared to work for them.

HONORING THE LIFE AND LEGACY OF FORMER MEMPHIS STATE COACH, GENE BARTOW

#### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. COHEN. Mr. Speaker, I rise today to pay tribute to the life and legacy of former

Memphis State men's basketball coach and President of Hoops, L.P., Gene Bartow. Coach Bartow was born on August 8, 1930 in the tiny town of Browning, Missouri. Mr. Bartow graduated from Browning High School in 1948 and Northeast Missouri State College in 1952. After serving in the U.S. Army for two years, Mr. Bartow earned his master's degree from Washington University in St. Louis and did additional graduate work at the University of Southern California.

Mr. Bartow began his coaching career at the high school-level before moving first to Central Missouri State University and later to Valparaiso University. In 1970, the Memphis State Tigers, who had posted a dismal 3 and 45 conference record since joining the highly regarded Missouri Valley Conference in 1967. hired Mr. Bartow as their head coach. The Tigers went 18-8 in Bartow's first season as head coach and made the National Invitational Tournament, NIT, the following year. Despite never having won an National Collegiate Athletic Association, NCAA, tournament game, the Tigers reached the NCAA Championship Game in 1973, playing valiantly but ultimately falling to the John Wooden-coached and Bill Walton-led UCLA Bruins. That same year Bartow was voted NCAA Coach of the Year by his peers.

Coach Bartow left Memphis State in 1974 to coach the Fighting Illini at the University of Illinois for one season before succeeding the revered John Wooden at UCLA in 1976. After amassing a 52-9 record and leading the UCLA Bruins to the Final Four all in just two seasons, he left for the University of Alabama at Birmingham, who had offered him complete control in building an athletic program as athletic director and head basketball coach. At the time. UAB had no teams in any sport. In just its second year of existence, Coach Bartow's UAB team made the NIT tournament: they followed it up with seven consecutive NCAA tournament appearances. Birmingham Southern athletic director Joe Dean, Jr. stated. "Coach Bartow started an entire Division 1 athletic program from scratch, and by his fourth year he had the basketball program in the Elite Eight of the NCAA Tournament. No other school in the history of college athletics has done anything like that in such a short period of time." It is no wonder that he was dubbed "The Father of UAB Athletics."

Coach Bartow's storied 36-year coaching career produced 647 wins and 353 losses, and only two losing seasons. He was elected to 10 different Halls of Fame, including the National Collegiate Basketball Hall of Fame, and he will be inducted into the Tennessee Sports Hall of Fame in May. UAB renamed its basketball arena the Bartow Arena in 1997.

Gene Bartow was loved and revered by many for his contributions to the city of Memphis. University of Memphis basketball coach Josh Pastner commented, "The best description I can give of Coach Bartow is he was as nice a human being and as good a human being as you'll find." George Lapides, former sports editor of the defunct Memphis Press-Scimitar and a longtime friend of Bartow, observed, "When you consider what a gentleman Gene was, in addition to what he did for this city in the early '70s when this city was so racially divided after the assassination of

[Dr.] Martin Luther King, Jr., he might be the top sports figure in Memphis history." His contribution to cancer research will continue, for each year the University of Memphis and UAB play the Gene Bartow Classic, which donates 2 dollars for every ticket sold to the Coach Gene Bartow Fund for Cancer Research.

I will remember Gene Bartow as a class act, a gentleman and one of the finest people to ever grace our city. Mr. Barlow passed away on January 3, 2012 at 81 years of age. He is survived by his wife of 59 years, Ruth, daughter, Beth B. Long, sons Mark and Murry, brother, Russell and eight grandchildren. Beloved throughout the basketball world, Mr. Bartow is perhaps best remembered for his class, humility, integrity, and genuine love not just for his players but for every person he met. Mr. Speaker, I ask my colleagues to join legacy of Gene Bartow. His was a life well-lived.

SALUTING BOB LAY: A TRUE LOCAL HERO AND PUBLIC SERV-ANT

#### HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. POSEY. Mr. Speaker, I rise to commemorate the life and service of Colonel, U.S. Army (Ret) Bob Lay for his distinguished service to the U.S. Army and his nation. Colonel Lay honorably served his country for thirty-one years.

After an Army career as a helicopter pilot in which Colonel Lay served three tours in Vietnam, he retired from the United States Army in August 1994. During his last assignment, while serving as the Commander of the United States Army Readiness Group, at Patrick Air Force Base, he also served as the Department of Defense Coordinating Officer responsible for coordination of all disaster response and recovery missions assigned to the Department of Defense in wildfires in Georgia and in Hurricane Andrew in south Florida. He also served as the manager of the Disaster Field Office in Albany, Georgia, during the floods of 1994.

Bob served as the Director of Brevard County Emergency Management from April 1997 until his death on January 11, 2012. I applaud his commitment to our community, military and the future of our Armed Services.

Former Governor Lawton Chiles appointed Lay to the Governor's Wildfire Response and Mitigation Review Committee following wildfires in 1998, and he represented the Central Florida Region as Emergency Management Co-Chair for Central Florida Regional Domestic Security Task Force since 1999. He served on the Regional Local Emergency Planning Committee and on the Joint Toxic Hazard Control Team representing the public surrounding Kennedy Space Center and Canaveral Air Force Station. He was instrumental in establishing unity of effort as a regionalization of resources within the Central Florida Regional Domestic Security Task Force area.

Lay was recognized by the Florida Emergency Preparedness Association as the Emer-

gency Management Professional of the Year for 2003 and received a Distinguished Service Award from the National Hurricane Conference in 2004 for outstanding leadership in response to hurricanes Charlie, Frances and Jeanne.

Bob was the President of Ascension Lutheran Church's Congregational Council and served on the Board of Directors of the Community Services Council and the Eastern Florida Maritime Area Security Committee, as well as representing Emergency Management on FEMA's National Advisory Council.

Bob is survived by his wife, Patti, two sons, a daughter and three grandchildren. This is a sudden and tragic loss for our community. Bob was a great guy, a true leader and someone who we all relied on to get us through the hurricanes, storms and other devastating events. He was calm in a crisis, cool under pressure and there was not a challenge Bob wasn't ready to face. Bob embodied the true meaning of public service.

"Bob has been an absolute rock for many, many years," said Brevard County Sheriff Jack Parker.

Our thoughts and prayers are with his family and friends that knew and loved him.

I am honored to rise in support of Colonel, U.S. Army (Ret) Bob Lay's service to our nation, and I am proud of his commitment to the cause of liberty, freedom and public service.

HONORING EDUCATOR AND VIETNAM VETERAN FELIX EUGENE GARRETT III

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES  $Friday, \ January \ 13, \ 2012$ 

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of Mr. Felix Eugene Garrett III, a loving husband and devoted father. Mr. Garrett was a talented individual who bravely served our country and, as an educator, worked for years improving the minds and lives of his students.

In service to his country, Mr. Garrett completed a tour of duty in Vietnam before being assigned to Air Force bases in various regions of the world. In 1975, Mr. Garrett retired after honorably and faithfully serving for more than 20 years in the defense of our Nation.

Consistent with his selfless character and devotion to public service, Mr. Garrett went on to become assistant principal at Elgin High School. Mr. Garrett quickly moved up the ranks to ultimately retire as a school administrator from the Temple Independent School District in 1993, leaving behind a legacy of helping children of all backgrounds and ages.

Mr. Garrett's personal life was just as rich as his professional life. Mr. Garrett enjoyed a wide range of hobbies, including hunting, community service, and cherishing his membership in Mensa, the largest and oldest high-IQ society in the world.

Mr. Garrett was a proud University of Texas fan, and traveled far and wide to support the Longhorns during a number of their most notable victories. Mr. Garrett was also proud to see his daughter, Machree Garrett Gibson, be-

come the first African American female president of Texas Exes, the University of Texas' Alumni Association.

Mr. Speaker, I am saddened to hear of Mr. Garrett's passing, although it is my hope that his family may take solace in the fact that he lived a long and fulfilling life. He will be remembered for his dedication to his family, his community, and his unwavering service to his country.

#### HONORING OFIELD DUKES

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2012

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in honoring Ofield Dukes, an African American pioneer in the field of public relations, and a longtime influential champion of civil rights.

Before Ofield Dukes founded Ofield Dukes and Associates, he served as deputy director for public affairs for the President's Committee on Equal Employment Opportunity and Plans for Progress as well as deputy director for public affairs in the Lyndon B. Johnson Administration. He was a communications consultant for every Democratic presidential campaign since 1972. His work was instrumental in establishing the Congressional Black Caucus and in creating the national holiday for Dr. Martin Luther King Jr.

Born in Ruthledge. Alabama in 1932 and raised in Detroit, Michigan, Dukes served in the Korean War as a member of the United States Army. He earned a degree in journalism from Wayne State University in Detroit, Michigan. After graduation, he spent several years crafting his skills at WCHB radio as the news director until and then got his break at the Michigan Chronicle, where he won several National Newspaper Publishers Association awards. His accomplishments caught the attention of President Lyndon B. Johnson, who tapped Dukes to become deputy director of the President's Committee on Equal Employment Opportunity and Plans for Progress, and a year later he became deputy director of public affairs. In 1969, Dukes started his own public relations firm in Washington, DC. Ofield Dukes and Associates. His first client was Motown Records, and he went on to represent multinational companies such as AT&T, Sony Music Entertainment, and RJR Nabisco. During this period. Dukes was a key figure in establishing the Congressional Black Caucus, including organizing the first Congressional Black Caucus Dinner in 1971. In the 1980s. Dukes joined forces with Stevie Wonder in organizing a march in Washington for a national holiday for Dr. Martin Luther King Jr.. He founded the Black Public Relations Society of Washington, DC., giving black public relations professionals a place to meet and cultivate ideas. Dukes was known to say, "Public relations is synonymous with human communication." In a publication of the African American Public Relations Collective, he said, "Even Jesus Christ was involved in communications. He had the disciples as advance persons and John the Baptist was sort of a PR agent." He

said that public relations is more than just promoting an event or just engaging in an outpouring of publicity.

In addition to his stellar career, Ofield Dukes was an educator who gave selflessly of his time and talent. He was an adjunct professor at Howard University and later American University for nearly three decades.

Mr. Speaker, I ask the House to join me in honoring Ofield Dukes not only for his accomplishments in public relations but for his service to our Nation.

THE LEGACY OF BISHOP L.M. MITCHELL

#### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES Friday, January 13, 2012

Mr. GINGREY of Georgia. Mr. Speaker, the Civil Rights exhibit, "The Road to Freedom," honors the legacy of Bishop L.M. Mitchell and the leadership exemplified by great faith and courage.

As a successful entrepreneur himself, he exposed black entrepreneurship to Rome, Georgia. He taught practical principles to the church, inspiring the followers to open a pathway for some type of business of their own.

Lattace Mack Mitchell was born December 18, 1872, in South Carolina, the son of a former slave. He joined the Fire Baptize Church in his early teens, and organized his first church on October 23, 1912, in a shoe shop with three members. He attended Gammon Theological Seminary in South Carolina, and due to the depression, he had lived in New Hampshire and New York before moving to Atlanta, Georgia. He came to Atlanta in May 1919, and organized the Overcoming Church of God. He placed a tent on the corner of Ira and Bass Street in Atlanta, and preached night and day without fear or favor. From this, the Overcoming Church of God was organized and grew throughout the Southeast and Northeast parts of the United States

He was led to Rome, Georgia, in 1921. The most memorable anecdote was a racial incident—as told by Bishop Mitchell—that when he and his partners came from Atlanta to Rome for the first time and attempted to go

South on Broad Street, somewhere between Sixth Avenue and the Cotton Block, he was followed by a police car. While approaching the Etowah River Bridge, he was stopped by a white officer from the Rome City Police and asked where he was going. As a native of Atlanta, he had been put in jail many times for speaking out on injustices, and when the officer spoke to him, he proceeded getting out of his car; showing no fear. He was a black man driving a 1921 Black Cadillac. He was 6'6" and he wore a size 15 shoe. He pointed ahead and looking down on him, he told the officer, "Do you see that bridge? I'm going to cross that bridge, but I don't know what the condition of it will be, when I return." He was letting the officer know that he was not afraid of whatever might happen to him. He knew it was a possibility that the bridge might be impassable when he needed to cross back over. Yet he had no fear in addressing a white officer during a segregated time in a small rural town in 1921. Bishop Mitchell said the officer looked up and told him to get back into his car and proceed across the bridge.

He continued coming to Rome and became a resident. He found a handful of saints worshiping under the leadership of Mother Ricks. He began preaching, day and night, at 200 Nixon Avenue. At that time, the church was infinancial trouble. He helped the church get out of debt, and afterwards, it was completely renovated. The church was named New Hope.

Bishop Mitchell was an entrepreneur, investing in rental property throughout the Rome community. He understood the disadvantages of being a black businessman in the South, but that did not stop him from reaching his goals. No matter what the opposition, the success of the church can be attributed to the zeal and honesty of the man who is credited with founding the New Hope Overcoming Church in Rome, Georgia, He lived at 500 Wilson Avenue and served as leader of the Church of God for forty-six years, until his death in 1966. He was the first to be buried in the Shadyside Memorial Gardens, a cemetery located in South Rome. He was highly respected by his peers, who gave honorable remarks at his funeral services: Rev. J.L. Vaughn (Loveiov Baptist Church), Rev. Clarence Tuggle (Thankful Baptist Church), Rev. G.P. Bowman (Mt. Calvary Baptist Church) and Rev. J.W. Baxter (Solomon Temple).

IN HONOR OF CHARLES ROUSE, VIETNAM VETERAN AND RECIPI-ENT OF THE SILVER STAR AND BRONZE STAR

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 13, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor Specialist Four Charles Rouse, a courageous and gallant American veteran. Not only did he risk his life to defend America's ideals in Vietnam, but he served with such heroism that he was awarded two of the most distinguished military honors one can receive, the Silver Star and the Bronze Star. Mr. Rouse's patriotism and allegiance to his country are nothing short of astounding, and we all owe our livelihoods to individuals like him who make similar sacrifices and bold choices every day.

Like so many others who were drafted to serve in Vietnam, Mr. Rouse had the task of carrying out necessary missions and protecting the lives of his fellow soldiers. Mr. Rouse not only performed those responsibilities with utmost dedication, he chose to go above and beyond the call of duty. The Silver and Bronze Stars are only given to those few individuals who exhibit extraordinary valor and courage in the face of the enemy. To receive even one of them is an extremely high honor. Mr. Rouse was one of those very few who received not only one of these prestigious awards, but both of them. We are so fortunate and so proud that he wore a U.S. uniform.

Mr. Speaker, Mr. Rouse's unfaltering love for this country and its people is truly remarkable and should not go unrecognized. To his family and friends whom he holds dear, you certainly do not have to be told of his magnificent character. While serving his country, Mr. Rouse exhibited the extraordinary courage that is required to do what most of us cannot even imagine. It is for these reasons that we honor him today and why his legacy will live on forever.

## SENATE—Tuesday, January 17, 2012

The Senate met at 10:15 and 2 seconds a.m., and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

Daniel K. Inouye,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY, JANUARY 20, 2012, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Friday, January 20, 2012.

Thereupon, the Senate, at 10:15 and 30 seconds a.m., adjourned until Friday, January 20, 2012, at 2 p.m.

## HOUSE OF REPRESENTATIVES—Tuesday, January 17, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. Womack).

#### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC.

January 17, 2012.

I hereby appoint the Honorable STEVE Womack to act as Speaker pro tempore on this day.

JOHN A BOEHNER

Speaker of the House of Representatives.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another year.

At the beginning of this new day, we are grateful as individuals and as a Nation for all the blessings we have been given.

We ask Your blessing upon the Members of this people's House as they reconvene for the second session. May they anticipate the opportunities and difficulties that are before them, and before so many Americans, with steadfast determination to work together toward solutions that will benefit their countrymen. Grant that they be worthy of the responsibilities they have been given by their constituents and truly be the people You have called them to be.

May the walls of disagreement that have divided this assembly be put aside and replaced by a spirit of respect and dignity.

May Your Spirit, O God, be in all of our hearts and minds and encourage us to do the works of peace and justice, now and always.

May all that we do be done for Your greater honor and glory. Amen.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 1 minute p.m.), the House stood in recess until approximately 6:30 p.m.

#### □ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 30 minutes p.m.

#### CALL OF THE HOUSE

The SPEAKER. A call of the House is ordered to ascertain the presence of a auorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

#### [Roll No. 1]

	[ROII NO. 1]	
Ackerman	Cooper	Gutierrez
Adams	Costa	Hahn
Aderholt	Courtney	Hall
Akin		Hanabusa
Alexander		Hanna
Altmire	Crenshaw	Harper
Amash	Critz	Harris
Amodei	Crowley	Hartzler
Andrews		Hastings (FL)
Austria		Hastings (WA)
Baca		Hayworth
Bachmann	Davis (IL)	Heck
Bachus	Davis (KY)	Hensarling
Baldwin	DeFazio	Herger
Barletta	DeGette	Herrera Beutler Higgins
Barrow Bartlett		Himes
		Hinojosa
		Hochul
Becerra		Holden
Benishek	Diaz-Balart	Holt
Berg	Dicks	Hoyer
Biggert		Huelskamp
		Huizenga (MI)
		Hultgren
BISHOP (IN Y )		Hunter
Black		Hurt
Blackburn Blumenauer	Dreier	Israel
Brumenauer	Duffy	Issa
Boehner		Jackson (IL)
Bonner Bonne Magle		Jackson Lee
	Edwards	(TX)
	Ellison	Jenkins
	Ellmers	Johnson (IL)
Boustany	Emerson	Johnson (OH)
Brady (PA)	Engel Farenthold	Johnson, Sam Jones
	Fattah	Jordan
		Kaptur
Proup (CA)		Keating
Proun (FL)		Keating
Broun (GA) Brown (FL) Buchanan	Flake	Kildee
Bucshon	Fleischmann	King (IA)
Buerkle	Fleming	King (IX) King (NY)
		King (N1)
		Kingston Kinzinger (IL)
		Kinzinger (IL)
Camp	Form	Kline
Canseco		Kucinich
Cantor	Fudge	Labrador
Capito	Gallegly	Lamborn
Capps	Garamendi	Lance
Capuano	Gardner	Landry
Carnahan	Garrett	Langevin
Carney	Gerlach	Lankford
Carson (IN)		Larsen (WA)
		Larson (CT)
Castor (FL)	Gonzalez	Latham
Chabot	Goodlatte	LaTourette
Chandler	Gosar	Latta
Thu	C	Lee (CA)
Cicillina	Granger	Levin
Clarke (MI)	Graves (GA) Graves (MO)	
Cleaver	Graves (MO)	Lewis (CA) Lewis (GA)
Clyburn	Green, Al	LoBiondo
	Green, Gene	Loebsack
		Long
Cole	Griffith (VA)	
Conaway	Griffith (VA) Grimm	Lucas
Conaway	G 1 1	14046

Lungren, Daniel	Petri	Sensenbrenner
E.	Pingree (ME)	Serrano
Mack	Pitts	Sessions
Maloney	Platts	Sewell
Manzullo	Poe (TX)	Sherman
Marchant	Polis	Shimkus
Markey	Pompeo	Shuster
Matheson	Posey	Sires
Matsui	Price (GA)	Smith (NE)
McCarthy (CA)	Price (NC)	Smith (TX)
McCarthy (NY)	Quayle	Smith (WA)
McClintock	Quigley	Southerland
McCollum	Rahall	Stearns
McCotter	Rangel	Stivers
McDermott	Reed	Stutzman
McGovern	Rehberg	Sullivan
McHenry	Reichert	Sutton
McIntyre	Renacci	Terry
McKeon	Ribble	Thompson (CA)
McKinley	Richardson	Thompson (MS)
McMorris	Richmond	Thompson (PA)
Rodgers	Rigell	Thornberry
McNerney	Rivera	Tiberi
Meehan	Roby	Tipton
Meeks	Roe (TN)	Towns
Mica	Rogers (AL)	Tsongas
Michaud	Rogers (KY)	Turner (NY)
Miller (FL)	Rogers (MI)	Turner (OH)
Miller (MI)	Rokita	Upton
Miller (NC)	Rooney	Van Hollen
Miller, Gary	Ros-Lehtinen	Vali Hollen Velázquez
Miller, George	Roskam	Visclosky
Moore	Ross (AR)	Walberg
Mulvaney	Ross (FL)	Walden
Murphy (CT)	Rothman (NJ)	
Murphy (PA)	Royce	Walsh (IL)
Myrick	Runyan	Walz (MN)
Nadler	Ruppersberger	Wasserman Schultz
Neal	Rush	Watt
Neugebauer	Ryan (OH)	
Nugent	Ryan (WI)	Waxman
Nunes	Sánchez, Linda	Webster Welch
Nunnelee	T.	
Olson	Sanchez, Loretta	West
Olver	Sarbanes	Whitfield
Owens	Scalise	Wilson (FL)
Palazzo	Schakowsky	Wilson (SC)
Pallone	Schiff	Wittman
Pascrell	Schilling	Wolf
Pastor (AZ)	Schmidt	Womack
Paulsen	Schrader	Woodall
Payne	Schwartz	Woolsey
Pearce	Schweikert	Yarmuth
Pelosi	Scott (SC)	Yoder
Pence	Scott (VA)	Young (AK)
Perlmutter	Scott, Austin	Young (FL)
Peters	Scott, David	Young (IN)

 $\Box$  1850

The SPEAKER. On this roll call, 378 Members have recorded their presence. A quorum is present.

#### PERSONAL EXPLANATION

Mr. TONKO. Mr. Speaker, on rollcall No. 1 I was delayed. Had I been present, I would have voted "present."

#### PERSONAL EXPLANATION

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, January 17, 2012, I was absent during rollcall vote No. 1. Had I been present, I would have voted "present" to establish a quorum in the House of Representatives for the start of the Second Session of the 112th Congress.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 1, I arrived late due to a court case. Had I been present. I would have voted "present."

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

Guinta

Connolly (VA)

Luetkemeyer

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the proceedings of January 13, 2012, and announces to the House his approval thereof.

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

Mr. WOMACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal. The question was taken; and the

Speaker announced that the ayes appeared to have it.

Mr. WOMACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

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

Mr. WEST led the Pledge of Allegiance as follows:

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

#### SWEARING IN OF THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

House of Representatives, OFFICE OF THE SERGEANT AT ARMS,

Washington, DC, January 17, 2012. Hon. John A. Boehner,

Speaker, House of Representatives, Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby offer my resignation as Sergeant at Arms of the House of Representatives, effective January 17, 2012. It has been a privilege and honor to serve this institution as Sergeant at Arms since the 104th Congress.

If I can ever be of service to the House of Representatives in the future, please do not hesitate to call upon me.

Sincerely,

WILSON LIVINGOOD. Sergeant at Arms.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 511

Resolved, That Paul D. Irving of the State of Florida, be, and is hereby, chosen Sergeant-at-Arms of the House of Representa-

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the Sergeant at Arms-designate please take the well.

The Chair will now swear in the Sergeant at Arms of the House.

The Sergeant at Arms-designate took the oath of office as follows:

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

The SPEAKER. Congratulations.

#### PROVIDING FOR A COMMITTEE TO NOTIFY THE PRESIDENT OF THE ASSEMBLY OF THE CONGRESS

Mr. CANTOR. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as fol-

#### H. RES. 512

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### APPOINTMENT AS MEMBERS OF COMMITTEE NOTIFY THE TO PRESIDENT, PURSUANT HOUSE RESOLUTION 512

The SPEAKER. Pursuant to House Resolution 512, the Chair appoints the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

the gentleman from Virginia (Mr. CANTOR) and

the gentlewoman from California (Ms. Pelosi).

#### THE JOURNAL

The SPEAKER pro tempore (Mr. WEST). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

#### TO INFORM THE SENATE THAT A QUORUM OF THE HOUSE HAS AS-SEMBLED

Mr. CANTOR. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as fol-

#### H. RES. 513

Resolved. That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR THE HOUR OF MEETING OF THE HOUSE

Mr. CANTOR, Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as fol-

#### H. RES. 514

Resolved, That unless otherwise ordered, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays (or 2 p.m. if no legislative business was conducted on the preceding Monday); noon on Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MAKING IN ORDER MORNING-HOUR DEBATE

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that the order of the House of January 5, 2011, providing for morning-hour debate be extended for the remainder of the 112th Congress, except that House Resolution 514 shall supplant House Resolution 10.

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

There was no objection.

#### $\Box$ 1900

REPORT ON RESOLUTION AD-DRESSING A MOTION TO PRO-CEED UNDER SECTION 3101A OF TITLE 31, UNITED STATES CODE

Mr. SCOTT of South Carolina, from the Committee on Rules, submitted a privileged report (Rept. No. 112-365) on the resolution (H. Res. 515) addressing a motion to proceed under section 3101A of title 31, United States Code, which was referred to the House Calendar and ordered to be printed.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1161

Mr. SCHRADER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor for H.R. 1161.

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

There was no objection.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. QUAYLE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

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

There was no objection.

#### KEYSTONE XL PIPELINE

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

Mr. POE of Texas. Mr. Speaker, the little tyrant from the desert in Iran is saber rattling and rattling the nerves of many Americans. Ahmadinejad is threatening to block oil from going through the Strait of Hormuz. This would raise the price of gasoline in America.

Meanwhile, 3 years have gone by, and the administration continues to delay, delay, delay a decision on the Keystone XL pipeline project.

Approval of this pipeline would immediately create 20,000 jobs in America and bring in 700,000 barrels of oil a day. At first, the administration decided not to decide until 2013. However, new law requires the administration to make a decision by February 21, but there are grumblings the administration may find a way to ignore this provision of the law.

Americans are in need of a stable source of energy, and they are thirsty for jobs. This country needs energy from a reliable and stable country like Canada. We should make Middle Eastern oil and its politics of turmoil irrelevant.

The administration needs to pick a horse and ride it. Build the Keystone XL pipeline from Canada to Port Arthur, Texas.

And that's just the way it is.

# CONGRATULATING JONES COUNTY JUNIOR COLLEGE

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

Mr. PALAZZO. Mr. Speaker, today I am proud to recognize an educational keystone in Mississippi's Fourth Congressional District. Jones County Junior College is celebrating 100 years of educational leadership and excellence since 1911.

Located in Ellisville, Jones is the largest single-campus 2-year college in our State. And it's among the topranking community and junior colleges in the Nation for enrollment. JCJC boasts diverse and competitive programs, including nine academic divisions, four career and technical divisions, and awarding-winning athletic teams.

How does Jones County live up to its motto of "Inspiring Greatness"? During the past 100 years, Jones' outstanding faculty and five presidents, including the current president, Dr. Jesse Smith, have brought commitment and consistency to this campus. It is not unusual to see Dr. Smith visiting casually with students around campus, leading by example and investing in student success.

I salute Dr. Smith, the staff, faculty, alumni, and students of Jones County Junior College on more than 100 years of excellence. Congratulations on a job well done.

Go Bobcats.

# CONGRATULATING NORTH DAKOTA STATE BISON

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

Mr. BÉRG. Mr. Speaker, today I want to congratulate the North Dakota State Bison on an incredible football season that led to winning the 2011 FCS championship. More than 10,000 Bison fans cheered on NDSU in Frisco, Texas, where the Bison defeated Sam Houston by a score of 17–6.

The Bison and Coach Craig Bohl worked hard this season, and their determination resulted in NDSU's ninth football championship and the first championship in Division I.

These student athletes represent NDSU's commitment to both academic and athletic excellence. Their character and perseverance truly exemplify the North Dakota spirit, and they have made our State proud.

Congratulations, Coach Bohl, the Bison players, and NDSU fans everywhere on an excellent season. Thank you, and go Bisons.

## KEEPING OUR JUNIOR ATHLETES SAFE

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

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the courage of two young Minnesotans whose lives have been drastically changed recently while playing a sport they truly love.

A December 30th high school hockey game began brightly for 16-year-old high school sophomore Jack Jablonski, who scored the opening goal of the game. But a shocking check from behind during the second period left Jack paralyzed.

And sadly, one week later, another young hockey player, 18-year-old Jenna Privette from St. Croix Lutheran High School, was hospitalized after also being injured during a game.

Despite this, these two young athletes have not lost their love of the game and have shown incredible courage in the face of such terrible accidents.

I am pleased that this weekend the Minnesota State High School League took swift action in announcing new rules that aim to make the game safer.

I urge all of us to keep Jack, Jenna, and their families in our thoughts and prayers.

#### □ 1910

# $\begin{array}{c} \text{H-CANYON IS A VITAL NATIONAL} \\ \text{ASSET} \end{array}$

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

Mr. WILSON of South Carolina. Mr. Speaker, H-Canyon Chemical Separations Facility at the Savannah River Site near Aiken, South Carolina, which is valued at nearly \$1 billion, is the only shielded nuclear chemical separations plant still in operation in the United States. During its operating life, H-Canyon facility routinely recovered uranium-235 and neptunium-237 spent fuel and has aided America in honoring its international agreement by returning these fuels for the purposes of nuclear nonproliferation and safeguarding.

Today, H-Canyon and its HB-Line operations are supporting the DOE Highly Enriched Uranium Blend-Down program and Plutonium Disposition program. By blending down highly enriched uranium and isolating plutonium from surrounding corrosive elements, H-Canyon ensures our country's national security, while simultaneously providing fuel which is currently being purchased by the Tennessee Valley Authority to empower commercial nuclear reactors.

As difficult funding decisions are made in this Congress, I urge my colleagues to support the mission of H-Canyon. It is a vital national asset that has served our country since victory in the Cold War and will continue to protect and serve Americans both home and abroad for decades.

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

# CONGRATULATIONS, HOUSTON TEXANS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, you would wonder how do you

claim victory out of a season that if was \$3.49 a gallon. And you know, we you are a professional football player does not end in the Super Bowl.

I rise today to congratulate and thank my hometown team of the Houston Texans, a very young franchise that came together and showed their mighty might and kept on plugging until they got into the playoffs and even to the point of meeting the Baltimore Ravens last Sunday.

There are many good things to say about this team; and in the backdrop of the holiday of Dr. Martin Luther King, it is also a tribute to these young men who worked together and showed themselves as brothers, coming from so many diverse backgrounds from around the Nation. Their owner, Bob McNair; their coach, Coach Kubiak; their defense coach, Wade Phillips; General Manager Smith; and some of their stars, like No. 80 and Arian Foster and their young quarterback and many others showed themselves to have good character and good examples for our community.

And, yes, let me thank them for the service they've given to the young kids in Houston, Texas. From the foundation of No. 80 and the many individual acts of kindness, we appreciate the Houston Texans.

So, tonight, you may not be in the Super Bowl, but you are our winner. We thank you for being the kind of young men that are modeling yourselves to be the kind of leaders that middle school boys and girls and others can have as a shining example. Go, Texans. Maybe not this year, but I know you're on your way. But most of all, you have served yourself well in the area and the arena of professional sports. We can truly be proud of you. Congratulations, young men. Do well in the off season, and we're ready for you to come back.

Houston loves you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RI-VERA). The Chair will remind Members that remarks in debate must be addressed to the Chair and not to others in the second person.

#### KEYSTONE XL PIPELINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. Latta) is recognized for 60 minutes as the designee of the majority leader.

Mr. LATTA. Mr. Speaker, this is a very important hour tonight because we are talking about the security of this country, and we are talking about having a secure source of oil and energy into the future. And as Americans around the country know, it hasn't been too long, they just go out and look at what the gas pump says, and I know when I left Bowling Green, my hometown in Ohio this morning, gas only have to go back to January of '09 when President Obama took office and gasoline was \$1.78. So we've seen a dramatic increase in the price of gasoline.

What we need to do is we need to talk not only about the security but where we are getting our oil from, because oil runs our manufacturing and it's very, very important. I serve on the Energy and Commerce Committee. And earlier this year, manufacturing jobs in this country on just our committee alone. on Energy and Commerce, we had 1,729,250 manufacturing jobs on our committee alone, according to National Manufacturers. Today, that number has dropped to 1,526,941, or a loss of 202,309 jobs in manufacturing.

And when I'm out talking to my folks in manufacturing, small and large, one of the things that really hits them is what the cost of energy is and where it's going to be coming from. And when we've got the problems over in the Middle East and with Iran, and there is a question as to whether we're going to have a secure source in that region of the world, it pushes up the price of energy, and it affects the jobs in this country.

But we have a unique opportunity in this country, and the President does. And what the President can do is to get this Keystone XL pipeline going; and we've urged him in committee, and we're urging him in Congress, to make that decision to get this going.

Let me just go through a few facts, if I may. First of all, a lot of people might not realize this, but the Canadians are the largest folks up there to the north to provide energy to us in the form of oil. We get 13 percent of our current U.S. energy, our oil needs come from Canada, and 23 percent of all U.S. petroleum imports come from Canada. A lot of people might think they come from over in the Middle East. They don't. They come from our friends up north, our good neighbors up north. Another statistic that I think is really important to point out is that when we send a dollar to Canada for Canadian products, we're getting 90 percent back from the Canadians on purchases they make of U.S. goods and services.

So it's a very, very great relationship that we have with the Canadians because it's a great relationship, our largest partner to the north, and when it comes to trading.

But Canada is only second to Saudi Arabia for proven recoverable oil reserves with over 170 billion barrels in the form of the oil sands-170 billion barrels. And, again, as the largest supplier of oil to the U.S., Canada provides consistency and stability with nearly 2 million barrels per day, which is currently more than, again, of the 20 percent of U.S. imports. And approximately 56 percent of all Canadian exports of oil to the U.S. flow into the northern Midwest region. That's Ohio, Illinois, Indiana, Minnesota, and Wisconsin. Ninety-four percent of all those imports into the region come from Canada, and 76 percent of this oil is from the oil sands. Forty percent of all the oil refined in this region also comes from that area of the oil sands.

A report that was issued by the Canadian Energy Research Institute, the CERI, states that U.S. jobs supported by Canadian oil sands development could grow from 21,000 jobs today to 465,000 jobs by 2035. It's also important to note that we are looking at about 20,000 jobs right now, and another 100,000 jobs on ancillary if this pipeline gets approved and gets moving. So it's incumbent that the President takes action so we can get these jobs in the United States; but also, more importantly, along with those job is to make sure that we have a secure source of oil in this country.

2,400 American companies in 49 States are involved in development of Canadian oil sands. That's important, because it's just not the Canadians up there that are doing this. It's American companies, American jobs making sure that we have that stable source.

So when it comes right down to it, we need to have the President act immediately and favorably on this to get America moving on jobs, but also, at the same time, to make sure that we have a stable and a secure source of energy in this country.

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

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. Terry) is recognized for the remainder of the hour.

Mr. TERRY. Mr. Speaker, why are many of us on the House floor tonight after regular business talking about the Keystone Pipeline? Because it's a win-win-20,000 immediate contracting support jobs for the construction of a 1,700-mile pipeline from Alberta, Canada, down to our refineries in south Texas and then over to Louisiana. Beginning when this pipeline is finished, it will bring about 600,000, 700,000 barrels of oil to the United States from our good friend, Canada.

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Now, just to put that amount in perspective, 700,000, they expect that by the time it's fully operational it will be 1 million.

To put it in context, today we are importing 900.000 barrels from Venezuela. We import 1.2 million from Saudi Arabia. So take it which way you want, but our friends from Canada. Alberta, just a few hundred miles north of our border, will produce enough oil to almost completely offset the heavy crude from Venezuela or Saudi Arabian oil. The reality, my friends, is that we have enough energy resources in the United States and Canada to be free of OPEC oil.

Now, we talk about 20,000 direct jobs from a \$7 billion project that is sitting waiting to go. They have their project labor agreement sitting. There are union folk ready to go to work. All it has to do is be approved, the permit for this, approved by the President. Once he says yes, 20,000 people go to work and we put ourselves on a path to greater energy security.

That's one of the reasons why I fought so hard to get onto the Energy and Commerce Committee-to set us on a path to energy security where we don't have to send our money, U.S. consumers' dollars, to buy the energy necessary to propel our economy. But a funny thing happened on the road to energy security. The environmentalists said that this is heavy crude, and it is going to expel in the process too much  $CO_2$ . They want to stop fossil fuels. So instead of using the most energy-efficient refineries in the world that would have the least emissions of CO<sub>2</sub>, I guess the environmental community would rather it go to China, where they have few pollution and carbon controls on their refineries. And by the way, China just bought half of the oil sands just a week ago; they'd be glad to buy the other half if we don't. So it's going to be refined.

The President has until February 21 to say yes or no to this. That was by act of Congress, setting that deadline, because the original application was filed September of 2008, 3 years and 4 months ago. The average is 18 months for a transcontinental pipeline. This administration has been dragging its feet because they don't want to irritate the environmental community, which has been heightened now since we're into an election year. I wish we could have done this before we got into 2012, where it could be based on the merits and not the politics, but politics is what we're dealing with right now. The President said several times in the last few weeks that, geez, because Congress has forced my hand on making a decision before February 21, that's not enough time, so I may just have to deny it. Well, that's complete bull.

Here's a document. I apologize to the gallery and maybe our C-SPAN viewers because the print is rather small, but this is an administration document from their agency dated July 25, Executive Office of the President, July 25. Let me read the important sentence here, the significant sentence in their document, the bill that we had then on July 25. They say it's unnecessary because the Department of State-who makes the recommendation to the President—has been working diligently to complete the permit decision process for the Keystone XL pipeline and has publicly committed to reaching a decision before December 31, 2011.

Two other documents from the State Department have said that they have all the information they need, they're

working diligently, and they will have the recommendation to the President by December 31, 2011, which of course they have not made. And the President says, geez. Congress, no reason for you to get involved because we're working diligently and we have all the information we need, and we will make a decision. Then, just prior to December 31, they're starting to say we want more information, or you're putting us in a box where we're going to have to say no. Bull. This is all politics. Stop playing politics, Mr. President, and put us on a road that we can be energy independent. And at a time of high unemployment, where these tradespeople are standing around waiting for work, put them back to work now, Mr. President.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for the remainder of the hour.

Mr. SHIMKUS. Mr. Speaker, it is important that as soon as we get back here today, it is our first day back, that we get back on the focus of creating jobs in this country. And not jobs that government says we can create, but sustainable jobs that are created by the private sector; private capital assuming risk, hoping for a return to get economic growth. There's no better opportunity to do that than with the Keystone XL pipeline.

This is what we're talking about. Here's the oil up here in Edmonton. There's already a pipeline that goes down into my district actually, Patoka, a refinery in Wood River, and a new refinery also in the central eastern part of the State of Illinois.

The Keystone XL would be this blue line, which will bring more crude. Why do we need another pipeline, a bigger pipeline? Because there's so much crude oil up there in Canada, and they really don't have the ability to refine it, they really don't have the ability to market it. Let's get this crude to U.S. refineries so that we can then access it to our markets.

The great thing about the folks from the Midwest, as you had Mr. TERRY, you had Mr. LATTA, we already understand the benefits of the Keystone pipeline because we're already receiving the product to our refineries.

This is the oil sands. It's just oil that coats sand. And they boil it off, they recover the froth, they turn it into a liquid product called bitumen. And then it eventually gets turned into synthetic crude, and that's what we're talking about.

The third-largest oil reserves in the world are right here. How do you get it? A lot of times you do it through surface mining. Here's an example. Now the trucks are actually a little bit

bigger in the mining operation, they're about seven stories tall—the tires are at least one story tall—built by a U.S. company called Caterpillar, located in Illinois. And that's where many—50 percent—of all these heavy dump trucks go, to mining operations around the world. One of their bigger markets right now is right in Canada.

Robinson Oil Refinery is the other refinery in Illinois. It's receiving the oil sands product, moving it into a product to meet to the market. So these are real jobs at a real time that will create real jobs—20,000 immediately, and as my colleagues have said, ancillary jobs.

You have pumping stations. You need to build the pumps. You've got to have the electricians that operate it. So this is something—private capital, return on investment, energy security. The President says he believes in the free flow of oil when he's trying to address Ahmadinejad in Iran and the Strait of Hormuz. There's no better free flow of oil than permitting the Keystone XL pipeline.

Thank you, Mr. Speaker. I yield back the balance of my time.

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The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. SCALISE) is recognized for the remainder of the hour.

Mr. SCALISE. Mr. Speaker, you are going to be hearing a lot, and we're all going to be talking a lot, about the Keystone pipeline. And the reason that we're talking a lot about it is that between now and February 21, President Obama has a decision to make. President Obama has been tasked by this Congress to make a decision by February 21 on whether or not to approve the Keystone pipeline.

Now, the President, frankly, should have approved this project months ago when, back in August, the State Department, which was tasked by the President to make a recommendation, was getting ready to actually make a recommendation to move forward on the Keystone pipeline. And of course what we're talking about is creating jobs in America. There will be 20,000 American jobs created if the President moves forward with the Keystone pipeline. But also American energy security is at stake here.

The President has continued to punt this issue. In fact, just a few months ago, the President tried to push this issue off until after the election. Just right after the State Department was getting ready to say, Let's go forward with the Keystone pipeline, all of a sudden, some of the radical environmental groups came forward. And these radical environmental groups, who are against any form of American-created energy that doesn't involve wind and solar power—whether it's oil, gas, nuclear—they're against all American energy.

So these radical environmental groups went and had a protest over at the White House. And they intimidated this President enough to where President Obama said, okay, he's going to push it off until after the election, thinking that he could just hide behind radical environmentalists and say, Oh, we'll, we've got to look at the environmental issues.

Well, this has nothing to do with whether or not it's good for the environment because, frankly, the State Department looked at the environmental issues already. President Obama knows that. The State Department looked at these environmental concerns and said they're not there. In fact, if the President approved Keystone tomorrow and said yes to those American jobs, the Canadian Government and the company that would be building the pipeline would still have to comply with the environmental laws of every single State that that pipeline would go through.

So it's not a question of whether or not Keystone would comply with the environmental laws. They have to comply with all the environmental laws. But what is at stake is whether or not we're going to take these 20,000 jobs in America or whether those jobs are going to be shipped to China because China's already said that they want the Keystone oil, they want the oil that would be created by these oil sands in Canada.

So the question is, Are we going to have that oil from Canada sent into America, or is that oil going to go to China? And of course what that really means is, Are we going to take the 20,000 jobs in America, or is President Obama going to send those 20,000 jobs to China? What does President Obama have against the creation of 20,000 American jobs?

The President loves to give all these speeches, talking about the middle class. And, Mr. Speaker, when the President talks about the middle class, he can't say that he supports the middle class if he rejects the Keystone pipeline because he'll be turning down 20,000 American jobs that will be coming down with over \$7 billion of private investment that's coming from one of our best partners in the world, Canada. Canada is a great trading partner with America.

If the Keystone pipeline is built in America and we start partnering with and taking about 700,000 barrels a day of oil from Canada, that's oil that we don't have to get from Middle Eastern countries who don't like us. So look at the policy. First of all, if they do this, they have to comply with the environmental laws not only in the United States but in every State that it goes through. So the environmental issues don't exist that the President raises.

But what is at stake is whether or not we are going to get 20,000 American jobs and whether or not we're going to get oil from our friend Canada or are we going to get oil from Middle Eastern countries who don't like us. So that is what this debate is about.

Between now and February 21, the President has got to decide whether or not he's going to say yes to American jobs or is he going to side with his radical environmentalist friends who went over to the White House and threatened him and all of this kind of foolishness and said that they want to send that oil to China.

The good news is that the President doesn't really have to decide whether or not that's going to happen because he can just go look at what his own State Department said. The State Department said that they think those jobs should stay in America. But the President has got to decide whether he is going to side with the radical environmentalists or whether he's going to side with American families and workers who just want jobs and want American energy security.

And, frankly, if we've got a choice—because our demand for oil hasn't gone down—it's a question of whether or not we want oil from Canada who's a friend or from Middle Eastern countries who are not and if we want to create 20,000 American jobs. So that is what is at stake between now and February 21.

With that, Mr. Speaker, I urge, first of all, the President to side with America in the creation of 20,000 jobs and to approve the Keystone pipeline.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. SCALISE. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I want to go back to something that Mr. SCALISE said, which I think gets to the heart of the issues that we are talking about. And I would like to highlight this with our colleagues.

Mr. Scalise, who knows this issue so very well because he is from Louisiana, he has constituents who work in this industry every day. He said, what the President had done was to choose, to make a conscious decision to push off making a definitive pronouncement on the Keystone pipeline. Mr. Speaker, I think that is so important. And what Mr. Scalise is saying gets to the heart of this.

The President made that decision. Usually—and Mr. SCALISE can illuminate us on this issue a bit—but it is my understanding that, generally, a Presidential permit requires anywhere from 18 to 24 months to secure, and that currently the Keystone pipeline is in its 40th month of trying to get a permit from this administration, from the President; and that if the President has his way on this, he is going to push that, and it would be another 12 months.

Mr. SCALISE. The gentlelady from Tennessee is correct. In fact, when you look at the timeline for Keystone—as you said, it's been 40 months. And the thing here is that the State Department has done the review. The President right now is trying to give some indication that now February 21 might not be enough time for him when, in fact, he's had much longer than the normal process for any review. But he's also got the approval from the State Department because there is one other big factor here. There is also the fact that China is out there saying they want the oil. So as America, through President Obama, is saying that he doesn't want to do it or he wants to delay it until after the election, where Canada has indicated they can't wait until after the election in November, they've got to make a decision. And they want to send the oil to the United States of America because we're great trading partners.

But if President Obama keeps saying no, China right now is saying they want the oil. So we don't have an unlimited amount of time for the President to keep kowtowing to his radical environmentalist friends and try to kick the can down the road. A decision needs to be made; and February 21 is that date that's currently available, and we're trying to push the President to make that decision in the affirmative way and say yes to those 20,000 jobs that would be created here.

With that, I will be happy to yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. The gentleman's point, I think, is so important to make. The President has already taken twice as long as most Presidents would take to enter into this decision. So he has already had twice as much time. But he is asking for half again as much time to make this decision.

And while he can't make a decision it's like voting "present" when you come to the floor to cast a vote, not being able to make a decision, being indecisive on this-while that is transpiring, the United States is looking at 20,000 direct American jobs and an additional 118,000 private sector jobs that would be linked to this project, if the information is correct that I have received. So you are talking about a total of 138,000 direct and indirect American jobs, good-paying jobs that are American products that produce energy that is right here that we would be getting from Canada and bringing in about 700,000 barrels of oil a day so that we could begin to break the ties that are existing with OPEC and Middle Eastern oil.

And I think that it's so important for us to look at this. This is not an issue of taking more time or additional time.

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The time is now because we've already spent twice as much time as is generally needed to do the due diligence and to check the process and to

make that decision that will move us toward energy independence.

Mr. SCALISE. I thank the gentlelady from Tennessee. I think it's been clear what's been laid out, the decision that should be made by President Obama. Unfortunately, he continues to drag his feet, tries to punt on this issue; but ultimately a decision's going to have to be made if we're going to be able to get those 20,000 jobs here in America or whether or not they're going to go to China, who's also asking for them.

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

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Mississippi (Mr. HARPER) is recognized for the remainder of the hour.

Mr. HARPER. Thank you, Mr. Speaker.

The President has spent a lot of time during the last 3 months traveling around the country these many months demanding that Congress put aside party differences and pass the bill, referring to his \$447 billion so-called jobs bill. But if the President were to get off the campaign trail and focus on the facts, he would realize that House Republicans have been advancing a progrowth agenda that creates jobs without expanding the Federal Government's role.

The House of Representatives has voted numerous times this year in the 112th Congress to increase American oil production, which would put Americans back to work, reduce our country's dependence upon foreign oil, and lower prices at the pump. And I ask you to think back to when the President took office. The average price for a gallon of gas in this country was \$1.83. We can only barely remember such a time. These are steps that we can take that can turn that around.

Those bills that we did pass out of the House would speed up the permitting process for drilling in the Gulf of Mexico, require the Secretary of the Interior to conduct more offshore oil and gas leases, direct the Department of the Interior to proceed with exploration and production in the areas estimated to contain the most oil and gas, and eliminate this administration's bureaucratic delays that have stalled offshore energy production in the Outer Continental Shelf.

Further, the House has voted multiple times to push for a final decision on the Keystone XL pipeline. The Keystone XL pipeline application was filed more than 3 years ago, and a final decision on whether to let the pipeline go forward is long, long overdue.

In his first term in office, the President has talked about the need for energy independence. Keystone XL could help provide the United States with the certainty of almost a million barrels of oil a day; and that oil comes from our friends and largest trading partner, Canada, not the Middle East.

At a time when the President has tasked three aircraft carriers and strike groups with protecting the Strait of Hormuz, wouldn't approving this new source of friendly oil be just good, plain common sense.

The President has struggled with turning the economy around since taking office 3 years ago, and his speeches often center on the subject of jobs. If approved today, the Keystone XL project would create 20,000 construction jobs and an estimated 100,000 indirect jobs during the life of its operation for Americans who desperately need them.

Look at these 20,000 jobs that are there that are held up. You know, I think back to my late father. His first job as a petroleum engineer was in Tinsley Field in Yazoo County, Mississippi. Those jobs matter to families. It's time to move forward and approve this.

Instead of issuing the necessary permits to begin construction of the pipeline and putting American families and Americans to work, the administration is in the third year, almost 4 years now, of dragging its feet through bureaucratic delays and indecision. It can only be for political reasons.

Pro-business groups like Americans for Prosperity and the Chamber of Commerce are supporting Keystone XL to give a much needed boost to the economy. Even pro-labor groups are supporting Keystone XL because they know it will create jobs. Americans across the country are asking this President to approve this project. They realize its importance, and they deserve to be answered.

The Keystone XL pipeline is just one example of how House Republicans have been working to promote job creation without the need for stimulus money. Today it is the most pressing. Every day that the President kicks the can down the road is another day without the jobs, and another day without the relief from Middle Eastern oil, and another day that Americans should be asking this administration and this White House, Where are the jobs?

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

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for the remainder of the hour.

Mr. GARDNER. Thank you, Mr. Speaker, for the opportunity to address the House on the issue of the Keystone XL pipeline.

There are pipe dreams and pipelines out there that people talk about. Apparently, when it comes to jobs, maybe the pipeline is apparently a pipe dream.

We have an opportunity, in this country, to secure our energy future with North American energy, to create American jobs on a project that is a 1,700-mile-long pipeline.

You know, I hear all the time from constituents in Colorado about: Hey, what's the deal with this pipeline? Why can't we get forward moving creating jobs, American energy independence using North America's great resources to help our country create jobs and a more secure energy future? And the conversation then really revolves around commonsense ideas.

Here's a President who, the President has said in the past that we need to support shovel-ready projects, that the stimulus bill that passed in 2009 was all about shovel-ready projects. And if you go back to last summer, I believe the President had said, well, I guess shovel-ready wasn't as shovel-ready as we thought it was.

Well, here's a shovel-ready project. Here is a pipeline, a privately funded pipeline that's ready to be built, 1,700 miles, 20,000 American jobs. We could get started on that today.

It's been years since this pipeline was actually first—the permit process first started, and yet here we are waiting once again. This isn't a surprise to anybody. It shouldn't shock anybody that the issue of the pipeline came up.

The bill that we passed in December said you've got to make a decision. The President has said he would make a decision, and yet we still have no decision.

I find it difficult to understand what is really the tough part of this decision. We can create jobs right now with a truly shovel-ready project.

Earlier this year, back in February,

Earlier this year, back in February, actually, back in February of last year, we had testimony before the Energy and Commerce Committee that talked about the development of the Alberta oil sands and what it would mean to jobs in the United States. Now, the Keystone pipeline is part of that. According to the testimony we received in that committee, between 2011 and 2015, 6,000 jobs could be created in Colorado, alone, because of the development of the Alberta oil sands.

The Fourth Congressional District of Colorado that I represent has two counties. When you look at the true unemployment rates, the unemployment rates that take into account people who have just given up work—who've given up looking for work, who have just decided that they can't find work so they've stopped looking, two counties in my district have over 19 percent unemployment when you look at it through the lens of people who have stopped looking for work.

A project like the Keystone pipeline, 20,000 direct jobs, 100,000 jobs indirectly created, development of the Alberta oil sands creating 6,000 jobs in Colorado over the next 3 years, next 4 years, these are good-paying American jobs with North American energy that we could be putting to the benefit of this country.

We know there are willing partners out there. We know there are other people who have said: Go ahead, we'll take the business; we'll partner with you; we're not afraid. China has more than once said that this is something that they would look at.

Canada has made it very clear that they won't just stop if we say no. Shovel-ready projects. Here it is, our opportunity to create American jobs.

Three years ago the application was filed to build the pipeline. Most Americans at town meetings that I attend, they all know about this pipeline. They know where it's going. They know what's happening with it.

It's been our goal in this 112th Congress to look out for the economy, to advance projects that make sense when it comes to American energy and North American energy and American job creation.

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That ought to be the goal of every single one of us in this Congress. Every action we take should be looked at through the same lens that we look at the Keystone pipeline—creating jobs.

I'm continuously awed at the energy resources that we have in North America and how simple it would be to advance policies that would make us more energy independent, and yet we still can't move forward because no decision has been made.

I'm baffled at how difficult this administration has made it when it comes to weaning ourselves off of overseas oil while at the same time creating more jobs right here at home.

The administration has done everything it can to stand in the way of a project that can help Americans get back to work, a \$7 billion private sector infrastructure project, when construction jobs around Colorado, around this country have been some of the hardest hit by the recession. This project provides a lifeline to thousands of construction workers seeking ways to get back on their feet.

But the inaction of this administration has led us down a path of insecurity and dependence on other countries that have great animosity towards us. It's simply unacceptable. Not only do we have the resources in our own backyard in North America, but we have the ability to utilize friendly and willing neighbors like Canada to import that oil.

Mr. Speaker, our unemployment rate as a Nation has hovered around 9 percent for far too long. There's no reason that the Federal Government should not be supporting a private sector solution done with private capital at a time like this. With rising gas prices, the threat of the Strait of Hormuz being blocked, and unemployment hovering so high, we simply cannot afford not to act.

Mr. Speaker, the President has had plenty of time to make a decision. The studies have been submitted. The conversations have taken place. The debate has occurred. But what's winning this debate is the fact that the American people understand how many jobs would be created with the North American Energy Project.

Mr. Speaker, I yield back my time and thank you for the opportunity tonight.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Kansas (Mr. POMPEO) is recognized for the remainder of the hour.

Mr. POMPEO. In 36 days, the President will have an opportunity to do a great thing for America. He'll have an opportunity to allow private industry with private funds to build a pipeline to carry petroleum all across the country to lower the price for consumers driving their cars, for manufacturers who use these products, and to do so in a way that is environmentally friendly.

It is indeed my hope that the President will take this opportunity to do just that.

Today we've got oil at over \$100 a barrel. It was not all that long ago in the history of our country that we stared at North American energy production and wondered: Will we have enough natural gas, will we have enough oil here domestically so that we don't have to depend on the Middle East?

I remember when I was much younger sitting in a car with lines of cars waiting to get gasoline. We could only get gas on even days because that was the license plate that we had on our car.

Today, technology and innovation, American-style, has led us to a place where we have got an abundance of energy. All we're asking is that we permit a pipeline to carry their product safely all across the country so we can get that energy to the places we need it at prices Americans can afford.

We know, too, that we suffer much like we did back in the late 1970s. At the same time we had this perceived shortage of fossil fuels, we also had enormously high unemployment. We had a misery index in the low twenties. Today, we have a similar phenomenon. We've got far too many people out of work. Unemployment is officially at 8½ percent. But if you go around Kansas' Fourth Congressional District, you know that it's much higher in the place that matters, the place that folks would really rather work more hours, would rather work for higher pay, or, frankly, we've got a lot of folks who've just found the workplace so unappealing to them in terms of their job prospects that they've given up. Yet here we sit with a project that everyone agrees will create 20,000 jobs.

Most of those jobs are with trade unions—folks that are building and welding and riveting and who will make this pipeline safe and secure. And yet we've got a President that continues to reject this as an option for our country.

We need this capacity. We have found oil in North Dakota. We are finding oil in south central Kansas. We've got to make sure that this product can get to the markets, the places that it needs to be. This pipeline would do that.

Now, I can't figure out, for the life of me, why this pipeline has become the cause celebre of the left. We have tens of thousands of miles of pipelines all across this country. This product is transported safely. It is highly regulated. Indeed, this year, in a year when there was lots of bickering between the parties, we passed a piece of pipeline safety legislation which will continue to further improve the way we transport fossil fuels around our country. This pipeline can be done safely, too.

The objection that there are risks to groundwater and to environmental harm is greatly overblown. Industrial accidents certainly happen, but we know, to make America move forward, we've got to do it in a way that is responsible and safe. Everything about the way this pipeline has been engineered and developed meets that mark.

This President has shared this notion of energy independence as we all do. We see the need for it. Yet he's taken an approach that is so different from what we are trying to do with the Keystone XL pipeline. This approach has private citizens meeting real demand in the real marketplace, folks who want products.

The President's approach has been very different. He has spent hundreds of millions of dollars of taxpayer money trying to subsidize energy sources that America does not want. It's not that America wouldn't like solar energy or wind energy. It's simply that today they can't be provided in a cost-effective manner, so we force taxpayers to subsidize those energies to try and bring them to market. We've seen what happens when you do that. You get things that happen like Solyndra. We don't need to do that. The energy is available.

The risk will be taken by private industry. They'll provide the capital. They'll provide the hard work. They'll provide the innovation. They'll provide energy for America at a time we so desperately need it.

I just returned to Washington, D.C., today. I was in the airport in Wichita, Kansas. I talked with half a dozen folks. Each of them talked about jobs being the most pressing issue that they wanted me to take care of when I came back to Washington, D.C.

I spent a lot of time over the break, as well, talking with folks who provide energy. We have lots of independent drillers and E&P companies and folks who provide field services to the oil patch in Kansas and in Oklahoma and Nebraska, all around. We need these

products. Consumers need these products. I hope that the President, 36 days from now, will decide that he agrees, affordable American energy coming from North America, provided safely, so that the Keystone XL pipeline can move forward

I yield back the balance of my time. The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Oklahoma (Mr. LANKFORD) is recognized for the remainder of the hour.

Mr. LANKFORD. I will tell you, living in Oklahoma City, and if you come through Oklahoma at all, you'll drive around and you'll see our beautiful land, and you'll drink our beautiful water and breath our beautiful air; but you'll also realize that there are thousands of miles of pipeline underneath your feet, because, you see, Oklahoma is the center of pipeline movement through a lot of the United States.

In fact, just north and east of my house in Oklahoma City is a small town called Cushing, Oklahoma. And if you know anything about pipeline and about oil, you know about Cushing, Oklahoma, because there's a large storage facility there for a lot of petroleum products, and it is the hub for everything that moves as far as oil and all pipelines running through the Midwest. Cushing, Oklahoma, is part of that connection for the Keystone pipeline.

When you talk to people in Oklahoma about pipelines, we're very familiar with what they are, how they move energy, and how important they are to our economy.

Let me just touch base on a couple of things, though.

While we're talking about Keystone, it's interesting to me in several ways. One is I'm 43 years old, and for my entire life, I've heard people say in politics we need to have a national energy policy. We need to be dependent on energy from our soil or from our nearest neighbors, Canada and Mexico. We need to have a North American focus of energy, and I would have to say I completely agree. But we've never had a time in our life when we are closer to that than right now.

The rising alternative of fuel options, whether it be solar and wind, and I hope all of them come to be, we're still decades away from them being able to be fully established and out there. We're very dependent on oil, gas, and coal.

#### $\square$ 2000

But we're finding new reserves in North America of oil, gas, and coal that are solving a lot of the energy issues that we currently have right now. Many people don't know that in the last quarter of 2011, 58 percent of the oil consumed in the United States was found domestically in the United States—58 percent. You go back just 20 years ago, 60 percent of all oil was com-

ing from overseas; now almost 60 percent of all oil is in the United States, coming from the United States.

We are making progress. Hydraulic fracking, horizontal drilling, finding new well sites, great new technology in geology, all the ways that we're finding these new sources of energy, doing it cleaner and doing it less expensive than we've ever done it before. That's a good thing for us. We are now close to providing our own energy sources.

The second-largest reserve of oil in the world is now from this area where the Keystone Pipeline originates in Canada, the second-largest oil reserve in the world. This is a key time for us now, getting better technology in the United States to be able to use our own energy to now partner up with Canada and continue drawing even more energy from Canada from this huge reserve that is there. We need to continue to draw from them in that sense.

Now you would think this would be a simple thing—focus on our own national security. Why wouldn't we continue to focus on it and say we are this close to being energy independent, and we are not dependent on energy from the Middle East. Why wouldn't we continue to take the steps on that?

In addition to that, why wouldn't we continue to expand on our pipelines? You see, this is not the first time for Keystone to do a pipeline coming from Canada to the United States—it was just a very few years ago. In fact, that Keystone that they did a few years ago took 24 months to permit. From the exact same area to the same area, 24 months for the total permitting process. That pipeline is functional and active and running right now.

They want to double up the capacity. So you would think this would be a slam dunk. Let's just add a second line there. They run through the permit process to the same system, but instead of 24 months this time, we're now at 42 months of permitting and still climbing.

Where the same pipeline crossing over the border, drawing oil from the exact same area, took 24 months a few years ago, now that pipeline takes 42 months and climbing. We're not sure how much longer it's going to take. In addition to that, Keystone is running there, that's one company.

There's also another company, Enbridge, which draws oil from that exact same area in Canada and takes it through the United States. That pipeline is also currently running and hasn't had any issues with permitting and through the process of construction that it did years ago.

You see, this is not some new oil discovery that's up there that we've never tapped into. The United States uses that oil and has used that oil for a long time. It is a reserve that is from a reliable neighbor next door in Canada that's consistent, that we're not having

to deal with issues in the Strait of Hormuz and wondering about the flow of oil coming from the Middle East.

We're dealing with the United States, now 58 percent of our oil usage coming from our own home country, and we're dealing with reliable neighbors dealing with our pipelines, like Canada and Mexico. It's the right thing to do for our national security. It's the right thing to do for jobs. We're talking about immediately, private jobs. No government participation other than the permitting being finished. Private money begins to sink in the billions of dollars to be able to run almost 1,700 miles of pipeline.

We're talking pipefitters, which are based often in Oklahoma, by the way, union jobs, right-to-work areas and other job areas. You're dealing with steel manufacturers for that pipe, pipe manufactured, most of it done in Arkansas. People digging the ditches, running the tractors, driving the trucks. All of the different areas that are attached to that, thousands of jobs that begin immediately across the entire central part of the United States and many manufacturing areas.

We need to be able to open that up and let those jobs run and let's get those going on that. And then the third thing on this, not only national security and jobs, but just basic common sense. That oil will be sold somewhere. It's not a matter that we can argue and complain about it and say that Canada is not going to use their own resources. When the second-largest discovery of oil in the world is underneath your feet, they're going to sell that oil.

So just shutting it down and saying Americans aren't going to take it, we're going to let them sell it off, and they'll send it west over into Asia, and that will make things a lot better, doesn't make common sense, number one.

Number two is we should provide as much national security as we can for this. That's basic common sense with reliable neighbors.

Number three in the common sense is this basic simple thing: It's new pipeline. Now we can argue about pipeline safety, and there are areas we need to work on pipeline safety, and we in this Congress as Republicans and Democrats together have passed pipeline safety initiatives, and we should do that. This will be the newest pipeline in the country. It will have the highest level of technology and of monitoring of any pipeline in the country. It is the best possible way to do it.

The alternative is to be able to put it on trucks and trains, which have a higher incidence for accidents. This is the safest way to be able to do this. And as I mentioned before, it's not as if we're not already drawing this oil already. This just increases our capacity

and increases our ability to not be dependent on Venezuela and OPEC countries for our oil.

There are pipelines from Enbridge and Keystone running from that exact same area all the way down to the gulf already. We need to continue to increase our capacity so that we are providing for our own energy long term.

I would submit to this Congress, and I would submit to the President and ask for his prompt approval, even early would be great, of approval of this to be able to move forward and say let's get this off our back, let's get the jobs going, let's continue to move forward with our national security, providing for our own energy, and let's continue to work through this process so that we don't have to deal with issues like this again.

Far be it from us, in the days to come, that manufacturers would say I don't want to do manufacturing and construction in the United States because I'm afraid the President will slow down a jobs project. I'm afraid Congress will slow down a jobs project. I'm afraid that that country is not open for business. We should do it better than the rest of the world. We can and we do.

This is a simple project. Approve the Keystone Pipeline. It's been approved through these States, and Nebraska is working through its system of its approval process. We need just to approve that 50 feet crossing the border from Canada to the United States, and let's get this project going.

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

#### MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, it's good to be back and wishing you and all of our colleagues the best of this new year and happy new year, and I hope yours and the other 433 Members of this august body had a great holiday season

For many Americans that was not the case, however. Unemployment remains high and, unfortunately, just before we broke for the Christmas holidays, we did pass a piece of legislation that extended the unemployment insurance, and that's really important, and also extended for 2 months the reduction in the payroll tax, and that put money into the pockets of working men and women around this Nation.

We have much work to do this year. We just heard a presentation on the Keystone Pipeline, which will add a few jobs, some 6,000 jobs, temporary, building the pipeline, and that's good. The rush to judgment on it, however,

should be very cautiously approached. Pipelines can be dangerous. You only need to look in California, where a gas pipeline exploded and the recent Yellowstone contamination that was caused by a broken oil pipeline.

Haste can make waste, and it can cause problems, so I would urge us to be circumspect. I suspect someday this pipeline will be built, but it ought to be built properly and in the right locations

But the subject of tonight's discourse is really about jobs. I'll be joined a little later by my friend PAUL TONKO from the great State of New York, and perhaps MARCY KAPTUR from Ohio will be here. But what we want to talk about is jobs, not just temporary jobs building a pipeline, but rather solid, American jobs in the manufacturing sector. For more than a year, we've been talking about making it in America, rebuilding the great American engine of wealth, the great American engine that created the biggest middle class anywhere in the world, and the great American engine that over the last 20 years has seen an incredible decline, often caused by policy, governmental policy.

#### $\square$ 2010

A couple of examples to give you: outsourcing. Outsourcing doesn't just happen. It happens because the economics of the situation have changed.

When I arrived here in November 2009, a debate was under way about how to rebuild the American economy. One of the things that we took up was the issue of taxes. It turns out that American corporations receive somewhere between \$12 billion and \$15 billion and year in tax reductions. That is you and I, all of us, get to pay corporations for doing, what, sending jobs offshore—offshoring American jobs.

Fortunately, in December of 2010, without any support at all from our Republican colleagues, we passed legislation that terminated \$12 billion of those subsidies, providing a positive encouragement—or eliminating a positive encouragement—for corporations to offshore jobs. We can do more, and that's what the Make It in America agenda is all about.

There are many, many pieces in this. Economists who look at the American economy and where we are today will note that we have seen significant growth in jobs. The unemployment rate is down to 8.5 percent, and that's a good thing; but it is still far too high. We have seen some 330,000 manufacturing jobs created just this last year; and that's good, but it's not enough. On the other hand, we have also seen layoffs.

The government sector, despite what you might hear, has actually seen a very significant decline in employment. State governments and local governments all across this Nation

have been laying off people. In California, 42,000 teachers have lost their jobs in the last 2 years. An incredible statistic. At a time when we need a more highly educated workforce, to layoff teachers seems to be a real serious no-brainer. Why would we do that? Well, we did it. And we have layoffs like that occurring across this Nation. We need to turn that around, and we can. We need to turnaround the decline that occurred over the last 20 years in the manufacturing sector, and we have made a start.

But there is much more to be done. We have lost perhaps 45 percent of all of our manufacturing jobs, from some 19 million down to just over 11 million in the last 20 years. Coming back, 330,000 this year. More to be done.

Fortunately, we have an ally in the White House. That ally is President Barack Obama who, as he said just last week, wakes up every day thinking about how can we, Americans, solve this crisis in our economy. What can we do to put men and women back to work? How can families know they have a secure future?

Way back in September, President Obama proposed the American Jobs Act. It wasn't the first thing that was done to get Americans back to work, but it's a very, very important step. The first thing that was done by President Obama and the Democratic majority in this House way back in January of 2009 when the new administration took office was to create the American Recovery Act. Some people call it the stimulus. No matter what else you hear, the stimulus works; and it's working today.

In my district out in California, you can't go very far down a highway, across a bridge, see a levee, see a new manufacturing facility in place without knowing or seeing a sign that says the American Recovery Act. Bridges are being built. Highways have been repaired. The Caldecott Tunnel on the East Bay in the Oakland Hills has now been drilled through the mountain. It'll be completed, almost totally financed by local government and a larger majority of the money from the American Recovery Act. We can rebuild jobs in America. That was step one

Along the way, we've seen tax policy changes. We've seen a tax policy that the President proposed and enacted by the Democrats with some Republican help in 2010 that actually gave companies a 100 percent write-off for every capital investment that they made. The result of that, some of the greatest capital investment in the last 20 years has been made just in 2011. We're putting people back to work. We have a long way to go. We're not nearly where we need to be.

And for employers, an incentive in the American Jobs Act that the President proposed last September has now become law, with both Democrat and Republican support, bipartisanship really does exist; and that proposal, now law, gives employers a tax reduction, a credit, for every returned veteran from America's wars. They can go all of the way back to the Vietnam war. An employer that takes a longterm unemployed veteran can get a \$2,500 reduction in their taxes for every veteran they keep on for a full year. For a disabled veteran, injured in the line of service, a \$9,600 reduction in the employer's taxes. That's a very, very powerful incentive to hire those veterans who have sacrificed so much for this Nation, for the very safety and the freedom we enjoy. That's one part of the American Jobs Act.

A couple of other pieces of the American Jobs Act still have to be put in place, and the one that I like is called the infrastructure bank. We know that we are not flush with cash. We know the Federal Government has a serious deficit, and we know that we need to solve that. We also know that we're not going to solve it unless we actually put people back to work. And the infrastructure bank is a very good way to deal with two problems simultaneously, putting people back to work, building infrastructure, perhaps pipelines, certainly those kinds of projects that have a cash flow-sanitation systems, water systems, toll roads, toll bridges—all of those things where there is a cash flow where we pay a fee for using that particular piece of infrastructure.

The infrastructure bank would be started with a loan from the Federal Government. The President recommended \$10 billion. I say go the whole route, let's put in \$20 billion, \$25 billion of Federal money, and then reach out to the pension funds around the Nation and give them an opportunity to invest in this. Right now a government bond, it's less than 2 percent return. An infrastructure bank could probably give you a 5, 6 percent return. So the pension funds would have a place to invest both public and private pension funds. Most who have looked at this believe we could generate anywhere from \$70 billion to \$100 billion of loan capability that could immediately be used to build projects.

I know in my district that we have sanitation projects that need to be built. We have water projects. We have levees. We have dams, and we have other infrastructure that needs to be built. Those that are cash-flow possible can use the infrastructure bank; and in so doing, we free up those other infrastructure projects for which there is not a cash flow; for example, the levees that I just mentioned. And there are many other projects, highway projects, universities, laboratories, research facilities that you can then use the general fund, as we have done for more than a century, to build these infrastructure projects.

So the American Jobs Act, as proposed by the President, has an infrastructure bank in it. It also has a major infrastructure project tandem to it. So those two things together would put men and women to work across this Nation.

And even more can be done if this particular piece of legislation were to pass. This is the real Make It in America piece of legislation. I happen to be the author of it. I wasn't the first to think of it. For some time we have had what we think as Buy America, but it has been routinely ignored over the years. So the Buy America provisions, while ignored, need to be strengthened; and that's what this piece of legislation does.

What it does, it says that our tax money, gasoline tax, 18½ cents, diesel tax of 25 cents a gallon goes into the transportation fund. Is that money being used to buy American buses and railroad and high-speed rail, the transit facilities? Is it? Often, it is not. But if this bill passes—and it is now before the Transportation Committee here in the House—were it to pass, it would require that all of our tax money spread out over a 5-year phase-in process would be used to buy American-made equipment.

# $\square$ 2020

Do you want to travel up to San Francisco? You ought to. We could use your tax dollars out there. Come and visit. But as you travel from Oakland to San Francisco, you'll travel on the old Oakland-San Francisco Bay bridge. Just adjacent to it is a new, magnificent bridge being built. But it's not being built with American steel. And most of the welding was done not by Americans, but by Chinese. In an effort to save 10 percent, the State of California decided that they would buy Chinese products, Chinese steel. Thousands of jobs were created in China, virtually none in America. Chinese engineers came to see that the steel was properly erected. Where were the American engineers?

This piece of legislation has now been adopted by the State of California. It's the law there now. And I dare say that if this type of legislation were the law when the San Francisco-Oakland Bay bridge was put out to bid, that steel would have been made in America, American steelworkers would be employed, American welders would have done the welding, and there would not have been the quality problems that were found in the Chinese product and their Chinese workmanship. Let's make it in America. Let's use our tax money to buy American-made equipment.

We just had a long discussion about oil, and we're going to use oil for a long time. That discussion also talked about natural gas, which many people see as a transition away from the dependency on oil to a dependency on renewable and green energy systems of the future. So we're probably going to be in a transition period for several years. But in order to get to that place where we are totally independent of the oil dictators around the world, where we are no longer using oil for transport but rather using electricity or natural gas, we're going to need assistance to move to that.

For many years now, starting way back in the 1970s, the United States has had a policy of implementing what are known as green energy systems, principally solar. And I think all of us are familiar with solar and similarly the wind turbines that are now being found on hilltops across this Nation.

So where are those things made? Where do we make those? Where do those solar cells come from? Where are the wind turbines manufactured? Until very, very recently, not in America. But your tax money and my tax money is used to subsidize this new industry. And as that money is being spent, it must be spent on American-made equipment so that Americans can have those jobs. We're going to continue to import. If you want to go buy a solar system for your house, you can buy whatever you want. But if this bill passes, if you want that tax subsidy, then it's going to have to be an American-made solar system. No more outsourcing American dollars to China or Europe or wherever. Bring those dollars home. Put Americans back to work at home.

These are things that can be done. It is a policy direction. And this Congress and the Senate should be moving quickly to make sure that things are made once again in America, particularly those things that use our tax dollars, whether it's a bus, a rail line, a bridge, a solar cell, or a wind turbine. All of this is possible. All we need is a law that says that our tax money will be used to buy American-made equipment. That is just one part of what we call Make It in America.

This initiative has many other pieces. Some of it deals with education. We know—anybody that looks at any economy around the world knows that if you're going to have a strong economy, you have to have a very well-educated workforce.

So where are we in America? Are we the best educated workforce in the world? We used to be, but not today. Not today. Earlier, I mentioned 42,000 teachers were laid off in California. President Obama had a solution to that. In the American Jobs Act introduced last September, President Obama said, let's hire teachers. Some 280,000 teachers could have been hired across this Nation for the fall semester if our Republican colleagues had brought that bill to the floor and we had found the sufficient votes here and in the Senate. That's not a bad thing to put 280,000 teachers back to work.

And, by the way, what kind of a facility will they be working in? If you were to look across our Nation at the schools, you will see many that are rundown, old, the laboratories either in disuse or very ancient equipment, not up-to-date—even in Kansas City. So what are we going to do about this? The President said, let's invest in refurbishing our schools, putting men and women back to work, painting, fixing up the school grounds, repairing the toilets, building the new laboratories that are necessary for today's educational system.

It hasn't happened yet. I would ask our Republican colleagues if they care so mightily about the economy, they ought to care about the most fundamental investment that any society can make in its economy, and that is education.

The American Jobs Act has many pieces to it: infrastructure, transportation, infrastructure bank, tax credits for hiring the unemployed and a tax reduction for every American working through the payroll tax reduction. A good program. We're now in the middle of January. By the end of February, Congress will have to face the reality of terminating the payroll tax reduction and raising taxes on every American or continuing it. For me, we ought to continue it, and we also ought to continue the unemployment benefits because the jobs are not yet there. Had we passed the American Jobs Act. there would be far more jobs available. That has not yet happened.

And so we will face some very tough sledding ahead as we debate how shall we pay for this; how shall we pay for the February 29 extension of the payroll tax reduction and the unemployment insurance. Our Republican friends have basically said we ought to

pay for it by taxing the middle class and by reducing those programs that the middle class depends upon, from health care to jobs to education. The Democrats have a different plan. We think President Obama is correct that we ought to ask those that have been so extraordinarily successful in the last two decades, the super-rich in America, the top 1 percent, to pay their fair share in keeping Americans in their jobs and providing them with enough food that they can eat and pay their rent through the unemployment insurance.

Let me just show you a chart here of why those superwealthy, those whose annual income is over \$1 million a year, why they can pay just a little bit more. The bottom three lines here are the bottom three-quarters of the population. The low, those in poverty, low, middle and middle class. The top line are those in the very top, the top 10 percent. They've seen their wealth grow by extraordinary numbers, some 350 percent increase in theirs, while down here at the bottom, very, very little. In fact, most of this comes from two, from the husband and wife both working, two members of the family working.

There's plenty of opportunity here. The President has suggested a very small tax increase of 3½ percent of that amount over \$1 million. It's not going to bust anybody's bank. They're still going to have plenty of money to go to their golfing and buy whatever they need to buy. But what will happen is Americans will continue to have an unemployment check if that job is not available to them, and Americans will also be able to see a reduction in their payroll tax so that they, too, can participate in this American economy.

So with that, I think we'll wrap it up for the evening. And we want to keep in mind that America can make it when we make it in America. Federal policy is critical if we're going to succeed. There are many things we can do. We have reviewed some of them here tonight, and we'll be talking more about it as this week and next week goes on and we approach that February 29, once-every-3-year opportunity for this Nation to do what's right for those men and women and working families out there and for those who are unemployed.

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

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Ms. Pelosi) for today and January 18 on account of illness.

Mrs. NAPOLITANO (at the request of Ms. Pelosi) for today.

Mr. REYES (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. MARINO (at the request of Mr. CANTOR) for today on account of illness.

 $Mr.\ \mbox{Culberson}$  (at the request of Mr. Cantor) for today on account of illness.

#### ADJOURNMENT

Mr. GARAMENDI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 18, 2012, at 10 a.m. for morning-hour debate.

# EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BARRY JACKSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 23 AND NOV. 30, 2011

	Date			Per diem <sup>1</sup>		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Barry Jackson	11/23 11/24 11/25	11/24 11/25 11/30	Georgia Lithuania Egypt		594.00 243.00 1,330.00		3,233.50 ( <sup>3</sup> ) 7,689.00				3,827.50 243.00 9,019.00
Committee total											13,089.50

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>&</sup>lt;sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>3</sup> Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DFC 31 2011

		Date		Per diem <sup>1</sup>		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

HON. JOHN KLINE, Chairman, Jan. 3, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per diem 1		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						

HOUSE COMMITTEES

Please Note: If there was no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

HON, DAVE CAMP, Chairman, Jan. 6, 2012.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows: 4458. A letter from the Secretary, Commodity Futures Trading Commission, trans-

mitting the Commission's final rule — Registration of Foreign Boards of Trade (RIN: 3038-AD19) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4459. A letter from the Program Development and Regulatory Analysis, Department of Agriculture, transmitting the Department's final rule - Standards and Specifications for Timber Products Acceptable for Use by Rural Utilities Service Electric and Telecommunications Borrowers received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4460. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs Loan Making Activities (RIN: 0560-AI03) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4461. A letter from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Amending 7 CFR Part 4290, Rural Business Investment Program, and 7 CFR Part 1940, General (RIN: 0570-AA80) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4462. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2011-0972; FRL-9329-9] received December 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agri-

culture.
4463. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Isoxaflutole; Pesticide Tolerances [EPA-HQ-OPP-2010-0845; FRL-8885-8] received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4464. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Butyl acrylate-methacrylic acid-styrene polymer: Tolerance Exemption [EPA-HQ-OPP-2011-0732; FRL-9327-6] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Agriculture.

4465. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2010-0916; FRL-9327-7] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Agriculture.

4466. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Captain Colin J. Kilrain, United States Navy, to wear the authorized insignia of the grade of rear admiral (lower half): to the Committee on Armed Services.

4467. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael C. Vitale, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4468. A letter from the Acting Under Secretary, Department of Defense, transmitting proposed test and evaluation (T&E) budgets for FY 2012 that have not been certified as adequate by the Director of the Defense Test Resource Management Center (TRMC); to the Committee on Armed Services.

4469. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Utilization of Domestic Photovoltaic Devices (DFARS Case 2011-D046) (RIN: 0750-AH43) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4470. A letter from the Chief Counsel, Department of Health and Human Services, transmitting the Department's final rule -Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8207] received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4471. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Net

Worth Standard For Accredited Investors (RIN: 3235-AK90) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4472. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — Race to the Top Fund Phase 3 [Docket ID: ED-2011-OS-0008] (RIN: 1894-AA01) received December 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4473. A letter from the Chief, Branch Policy, Regulations and Procedure Division of Longshore and Harbor Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule — Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels (RIN: 1240-AA02) received December 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4474. A letter from the Program Manager. Department of Health and Human Services, "Major" transmitting the Department's final rule - Patient Protection and Affordable Care Act; Establishment of Consumer Operated and Oriented Plan (CO-OP) Program [CMS-9983-F] (RIN: 0938-AQ98) received December 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4475. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions [EPA-R06-OAR-2011-0032; FRL-9613-3] received December 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4476. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Approval and Disapproval and Promulgation of Implementation Plans; Texas; Infrastructure and Interstate Transport Requirements for the 1997 Ozone and the 1997 and 2006 PM2.5 NAAQS [EPA-R06-OAR-2008-0638; FRL-9613-7] received December 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals

<sup>&</sup>lt;sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

4477. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oklahoma; Interstate Transport of Pollution [EPA-R06-OAR-2007-0314; FRL-9613-2] received December 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Hospital/Medical/Infectious Waste Incinerator (HMIWI) Emissions from Existing Facilities [EPA-R04-OAR-2011-0006(a); FRL-9611-8] received December 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional. and Small Industrial-Commercial-Institutional Steam Generating Units [EPA-HQ-OAR-2009-EPA-HQ-OAR-2011-0044, FRL-9611-41 (RIN: 2060-AP52; RIN: 2060-AR31) received December 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virgina; General Conformity Requirements for Federal Agencies Applicable to Federal Actions [EPA-R03-OAR-2011-0872; FRL-9504-7] received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4481. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program [EPA-HQ-OAR-2011-0542; FRL-9502-2] (RIN: 2060-AR07) received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4482. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Petroleum and Natural Gas Systems Category of the Greenhouse Gas Reporting Rule [EPA-HQ-OAR-2011-0512; FRL-9501-9] (RIN: 2060-AR09) received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4483. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2011-0822; FRL-9505-8] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4484. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of

Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton, OH-KY-IN 1977 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2010-0937-201164; FRL-9506-3] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4485. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions [EPA-R04-OAR-2011-0867-201157(a); FRL-9507-3] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4486. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Oregon [EPA-R10-OAR-2008-0155; A-1-FRL-9248-1] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4487. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances [EPA-HQ-OAR-2010-0672; FRL-9507-6] (RIN: 2060-AQ39) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4488. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances — Hydrocarbon Refrigerants [EPA-HQ-OAR-2009-0286; FRL-9507-7] (RIN: 2060-AP54) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce

mittee on Energy and Commerce.
4489. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2011-0897; FRL-9499-9] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4490. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Business Opportunity Rule (RIN: 3084-AB04) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4491. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (RIN: 3150-AI10) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4492. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Criteria for Development of Evacuation Time Estimate Studies (RIN: 3150-AI10) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4493. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interim Staff Guidance Emergency Planning for Nuclear Power Plants (RIN: 3150-AI10) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4494. A letter from the Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

4495. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Amendments to the Export Administration Regulations: Facilitating enhanced public understanding of the provisions that implement the Comprehensive U.S. Sanctions Against Syria pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 [Docket No.: 110627356-1475-01] (RIN: 0694-AF29) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4496. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

4497. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2011 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended: to the Committee on Foreign Affairs.

4498. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting three reports related to the Global Fund; to the Committee on Foreign Affairs

4499. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

4500. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-248, "Comprehensive Military and Overseas Voters Accommodation Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

4501. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-262, "Receiving Stolen Property and Public Safety Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4502. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-247, "Closing of a Portion of the Public Alley in Square 5052, S.O. 10-00603, Act of 2011"; to the Committee on Oversight and Government Reform.

4503. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-263, "Oak Hill Conservation Easement Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

4504. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-242, "Electrician Equality Act of 2011"; to the Committee on Oversight and Government Reform.

4505. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 19-246, "Uniform Foreign-Country Money Judgements Recognition Act of 2011"; to the Committee on Oversight and Government Reform.

4506. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-252, "Ward Redistricting Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4507. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-251, "Clarification of Personal Property Tax Revenue Reporting Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

4508. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-245, "William O. Lockridge Way Designation Act of 2011"; to the Committee on Oversight and Government Reform.

4509. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-250, "Income Tax Withholding Statements Electronic Submission Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

4510. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-243, "Executive Service Compensation Amendmant Act 2011"; to the Committee on Oversight and Government Reform.

4511. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-249, "Economic Development Special Account Revival Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4512. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-244, "Workforce Intermediary Establishment and Reform of First Source Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4513. A letter from the Associate General Counsel for General Law (Acting), Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4514. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting fifteen reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4515. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4516. A letter from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4517. A letter from the Deputy Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4518. A letter from the Administrator, Environmental Protection Agency, transmit-

ting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Beform

4519. A letter from the Chief Financial Officer, Farm Credit System Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4520. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2011, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4521. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4522. A letter from the Chairman, Federal Trade Commission, transmitting the semi-annual report on the activities of the Office of Inspector General for the period from April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act.), section 5(b); to the Committee on Oversight and Government Reform.

4523. A letter from the Chairman, National Credit Union Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4524. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's fiscal year 2011 Performance and Accountability Report; to the Committee on Oversight and Government Reform

4525. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2011 through December 31, 2011 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112-80); to the Committee on House Administration and ordered to be printed.

4526. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports pursuant to clause 2(b), Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 112-79); to the Committee on House Administration and ordered to be printed.

4527. A letter from the Secretary, Department of the Interior, transmitting a draft bill and summary for a proposal to "[a]mend the Migratory Bird Hunting and Conservation Stamp Act to provide for a price increase for the Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp"; to the Committee on Natural Resources.

4528. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Yellowstone National Park (RIN: 1024-AD92) received December 9, 2011, pursuant to 5

U.S.C.~801(a)(1)(A); to the Committee on Natural Resources.

4529. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA821) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4530. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA820) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4531. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Hudson Canyon Access Area to General Category Individual Fishing Quota Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XA789) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4532. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Western and Central Pacific Fisheries for Highly Migratory Species; 2011 Bigeye Tuna Longline Fishery Closure [Docket No.: 090130102-91386-02] (RIN: 0648-XA780) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4533. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 3 [Docket No.: 0907301205-0289-02] (RIN: 0648-XA649) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4534. A letter from the Acting Director, Of-

4534. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Correction to Cod Landing Limit for Handgear B Vessels in the Common Pool Fishery [Docket No.: 0910051338-0151-02] (RIN: 0648-XA732) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4535. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Skates in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-2] (RIN: 0648-XA731) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4536. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other Rockfish" in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-2] (RIN: 0648-XA734) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4537. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 46 [Docket No.: 110627355-1539-02] (RIN: 0648-BB08) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4538. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North ans South Atlantic Swordfish Quotas [Docket No.: 110527309-1508-02] (RIN: 0648-BA90) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4539. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 15B [Docket No.: 110620342-1659-03] (RIN: 0648-BB55) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4540. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program [Docket No.: 0812081573-1645-03] (RIN: 0648-AX47) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4541. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Secretarial Emergency Action [Docket No.: 110818511-1641-03] (RIN: 0648-BB32) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4542. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Limited Access Privilege Program [Docket No.: 100819383-1652-02] (RIN: 0648-BA18) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4543. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2012 [Docket No.: 110207104-1536-02] (RIN: 0648-

BA76) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4544. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Prioritized Examination for Requests for Continued Examination [Docket No.: PTO-P-2011-0070] (RIN: 0651-AC65) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4545. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4546. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Y-12 facility in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4547. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from Vitro Manufacturing in Canosburg, Pennsylvania, to be added to the Special Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4548. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from W.R. Grace and Company in Curtis Bay, Maryland, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4549. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on "data-mining" activities pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007 from January 1, 2008 to September 30, 2009; to the Committee on the Judiciary.

4550. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Literacy Program [BOP-1036-F] (RIN: 1120-AA33) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4551. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile Marker 230 to Mile Marker 234, in the vicinity of Baton Rouge, LA [Docket No.: USCG-2011-0841] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones, 2011 Asia-Pacific Economic Cooperation Conference, Oahu, HI [Docket No.: USCG-2011-0800] (RIN: 1625-AA87) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia and Willamette Rivers, Dredge Vessels Patriot and Liberty [Docket ID: USCG-2011-0939] (RIN: 1625-AA87) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Truman-Hobbs alteration of the Elgin Joliet & Eastern Railroad Drawbridge, Morris, Illinois [Docket No.: USCG-2011-0961] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; The Old Club Connonade, Lake St. Clair, Muscamoot Bay, Harsens Island, MI [Docket No.: USCG-2011-0907] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4556. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine events, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2011-0885] (RIN: 1625-AA08) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4557. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Line of Sail Marine Parade, East River and Brunswick River, Brunswick, GA [Docket No.: USCG-2011-0830] (RIN: 1625-AA08) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Captain of the Port Lake Michigan Zone [Docket No.: USCG-2011-0489] (RIN: 1625-AA87) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4559. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone [Docket No.: USCG-2011-0870] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4560. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA [Docket No.: USCG-2011-0805] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4561. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals; Lower Colorado River, Lake Havasu, AZ [Docket No.: USCG-2011-0838] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4562. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; 2011 Head of the South Regatta, Savannah River, Augusta, GA [Docket No.: USCG-2011-0861] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mainardi/Kinsey Wedding Fireworks, Lake Erie, Lakewood, OH [Docket No.: USCG-2011-0848] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4564. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; The Florida Orchestra Pops in the Park Fireworks Display, Tampa Bay, St. Petersburg, FL [Docket No.: USCG-2011-0834] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

4565. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Passaic River, Harrison, NJ [Docket No.: USCG-2011-0268] (RIN: 1625-AA09) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waverly Country Club Fireworks Display on the Willamette River, Portland, OR [Docket No.: USCG-2011-0899] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bear Creek, Sparrows Point, MD [Docket No.: USCG-2011-0816] (RIN: 1625-AA09) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

4568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Apponagansett River, Dartmouth, MA [Docket No.: USCG-2011-0335] (RIN: 1625-AA09) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia [Docket No.: USCG-2011-0934] (RIN: 1625-AA08) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Saugus River, Lynn, MA [Docket No.: USCG-2011-0857] (RIN: 1625-AA11) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Georgetown Channel, Washington, DC [Docket No.: USCG-2011-

0929] (RIN: 1625-AA87) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4572. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rotary Club of Fort Lauderdale New River Raft Race, New River, Fort Lauderdale, FL [Docket No.: USCG-2011-0589] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility [Docket No.: USCG-2010-0842] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

4574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Route 24 Bridge Construction, Tiverton and Portsmouth, RI [Docket No.: USCG-2011-0868] (RIN: 1625-AA11) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V DAVY CROCKETT, Columbia River [Docket No.: USCG-2010-0939] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4576. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Swim Around Charleston, Charleston, SC [Docket No.: USCG-2011-0575] (RIN: 1625-AA00) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping and Transportation; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2011-0618] (RIN: 1625-AB77) received December 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4578. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airmorthiness Directives; ATR-GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2011-0721; Directorate Identifier 2010-NM-217-AD; Amendment 39-16861; AD 2011-23-10] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4579. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Drivers of CMVs: Restricting the Use of Celluar Phones [Docket No.: FMCSA-2010-0096] (RIN: 2137-AE65) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4580. A letter from the Secretary, Department of Transportation, transmitting the Department's thirteenth report to Congress and the eleventh report to the President entitled, "The National Initiative for Increasing Safety Belt Use: The Buckle Up America Campaign"; to the Committee on Transportation and Infrastructure.

4581. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Blythe, CA [Docket No.: FAA-2011-0585; Airspace Docket No. 11-AWP-9] received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4582. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Luray, VA [Docket No.: FAA-2011-0785; Airspace Docket No. 11-AEA-20] received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4583. A letter from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Corporation's annual financial audit and management report for the fiscal year 2011, in accordance with OMB Circular A-136; to the Committee on Transportation and Infrastructure.

4584. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Alternate Passenger Rail Service Pilot Program [Docket No.: FRA-2009-0108; Notice No. 2] (RIN: 2130-AC19) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Department of Energy FY 2010 Methane Hydrate Program Report to Congress", pursuant to Section 968 of the Energy Policy Act of 2005; to the Committee on Science, Space, and Technology.

4586. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Medical Benefits for Newborn Children of Certain Woman Veterans (RIN: 2900-A005) received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4587. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2009 annual report on the Child Support Enforcement Program; to the Committee on Ways and Means.

4588. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — William & Sharon Norris v. Commissioner, T.C. Memo. 2011-161 received December 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4589. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Employer's Annual Federal Tax Return and Modifications to the Deposit Rules [TD 9566] (RIN: 1545-BK82) received December 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4590. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Sample Plan Amendment for Section 436 [Notice 2011-96] received December 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4591. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Targeted Populations Under Section 45(e)(2) [TD 9560] (RIN: 1545-BE89) received December 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4592. A letter from the Assistant Secretary, Department of Defense, transmitting an additional legislative proposal that the Department of Defense requests to be enacted during the first session of the 112th Congress; jointly to the Committees on Armed Services and Transportation and Infrastructure.

4593. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Second Biennial Report to Congress Responding to the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) Findings and Recommendations during Fiscal Years 2008 and 2009", pursuant to Public Law 109-58, section 807(d)(2); jointly to the Committees on Energy and Commerce and Science, Space, and Technology.

4504. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Ezogabine Into Schedule V [Docket No.: DEA-354] received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

4595. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2012-03 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 2, 2011 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

4596. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Availability of Medicare Data for Performance Measurement [CMS-5059-F] (RIN: 0938-AQ17) received December 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 2059. A bill to prohibit funding to the United Nations Population Fund (Rept. 112–361). Referred to the Committee of the Whole House on the state of the Union.

Mr. DANIEL E. LUNGREN of California: Committee on House Administration. House Resolution 496. Resolution adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress (Rept. 112–362). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 2309. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; with an amendment (Rept. 112–363, Pt. 1). Ordered to be printed.

Mr. RYAN of Wisconsin: Committee on the Budget. H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative lineitem veto to expedite consideration of rescissions, and for other purposes; with amendments (Rept. 112–364, Pt. 1). Ordered to be printed.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 515. Resolution addressing a motion to proceed under section 3101A of title 31, United States Code (Rept. 112–365). Referred to the House Calendar.

Mr. BACHUS: Committee on Financial Services. H.R. 1221. A bill to suspend the current compensation packages for the senior executives of Fannie Mae and Freddie Mac and establish compensation for such positions in accordance with rates of pay for senior employees in the Executive Branch of the Federal Government, and for other purposes; with an amendment (Rept. 112–366, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 1221 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

# TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

[Omitted from the Record of January 6, 2012]

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 20, 2012.

[Submitted January 17, 2012]

H.R. 2309. Referral to the Committee on Rules extended for a period ending not later than March 1, 2012.

H.R. 3521. Referral to the Committee on Rules extended for a period ending not later than February 3, 2012.

# PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Submitted January 10, 2012]

By Mr. GIBSON (for himself and Mr. REED):

H.R. 3769. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee; to the Committee on Ways and Means.

By Mrs. BLACK (for herself, Mrs. Adams. Mr. Akin. Mr. Austria. Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BON-NER, Mr. BROOKS, Mr. BURGESS, Mr. BURTON of Indiana, Mr. Coffman of Colorado, Mr. CONAWAY. Mr. CRAVAACK, Mr.CRAWFORD. Mr. DESJARLAIS, Mr. DUNCAN of Tennessee, Mrs. Ellmers, Mr. Fincher, Mr. FITZPATRICK, Mr. FLAKE, Mr. FLEISCHMANN, Mr. FRANKS of Arizona, Mr. Garrett, Mr. Gerlach, Mr. GIBBS, Mr. GOHMERT, Mr. GOSAR, Mr. GRIFFIN of Arkansas, Mr. GUTHRIE, Mr. Harper, Mr. Harris, Mr. of HUIZENGA Michigan, Mr. HULTGREN, Ms. JENKINS, Mr. JOHNSON

of Ohio, Mr. SAM JOHNSON of Texas, Mr. Jones, Mr. King of Iowa, Mr. KINZINGER of Illinois, Mr. LABRADOR, Mr. Lamborn, Mr. Landry, Mrs. LUMMIS, Mr. MARINO, Mr. McCLINTOCK, Mr. McCOTTER, Mr. McHENRY, MrMILLER of Florida, MULVANEY, Mr. MURPHY of Pennsylvania, Mr. Nugent, Mr. Nunnelee, Mr. Palazzo, Mr. Paul, Mr. Pitts, Mr. Pompeo, Mrs. Roby, Mr. Ross of Florida, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SIMPSON, Mr. STIVERS, Mr. TIBERI, Mr. WALSH of Illinois, Mr. WESTMORELAND, MR. WILSON of South Carolina, Mr. Womack, Mr. Young of Florida, Mr. SCALISE, Mr. CANSECO, and Mr. QUAYLE):

H. Res. 509. A resolution disapproving of the President's appointment of four officers or employees of the United States during a period when no recess of the Congress for a period of more than three days was authorized by concurrent resolution and expressing the sense of the House of Representatives that those appointments were made in violation of the Constitution; to the Committee on the Judiciary.

[Submitted January 13, 2012]

By Mr. LANDRY (for himself, Mr. Duncan of South Carolina, Mr. Ross of Florida, Mrs. Black, Mr. Rogers of Alabama, Mr. Burton of Indiana, Mr. Westmoreland, Mr. Johnson of Ohio, Mr. Griffith of Virginia, Mr. Stearns, Mr. Miller of Florida, Mr. Gowdy, Mr. Sam Johnson of Texas, Mrs. Blackburn, Mr. Gosar, Mr. Scott of South Carolina, Mr. Franks of Arizona, Mr. Brooks, Mr. Murphy of Pennsylvania, Ms. Jenkins, Mr. Scalise, and Mr. Barletta):

H.R. 3770. A bill to amend title 5. United States Code, to provide that payment for services may not be made to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, and for other purposes: to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Ms. CLARKE of New York, Ms. Brown of Florida, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. COHEN, Ms. RICHARDSON, and Ms. LEE of California):

H.R. 3771. A bill to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Mississippi: H.R. 3772. A bill to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building"; to the Commitee on Oversight and Government Reform

> By Ms. LEE of California (for herself, Ms. Bass of California, Ms. Bordallo, Ms. Brown of Florida, Mr. BUTTERFIELD, Mr. CAPUANO, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. AL

GREEN OF Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS OF Florida, Mr. HONDA, Ms. JACKSON LEE OF TEXAS, Mr. JOHNSON OF GEORGIA, Mr. LEWIS OF GEORGIA, Mr. MCGOVERN, Ms. MOORE, Ms. NORTON, Mr. PAYNE, Mr. PRICE OF NOrth Carolina, Mr. RUSH, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WATERS, Ms. WILSON OF Florida, and Ms. WOOLSEY):

H. Res. 510. A resolution recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives, and expressing continued solidarity with the Haitian people; to the Committee on Foreign Affairs.

[Submitted January 17, 2012]

By Mr. OLSON (for himself, Mr. McKinley, Mr. Pitts, Mr. Gene Green of Texas, Mr. Gonzalez, and Mr. Costa):
H.R. 3773. A bill to amend the Renewable

H.R. 3773. A bill to amend the Renewable Fuel Program in section 211(a) of the Clean Air Act to allow domestic alternative fuel to be used to satisfy a portion of the required applicable volume of renewable fuel; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3774. A bill to reduce the salaries of Members of Congress and the amounts available for the salaries and expenses of offices of Members, committees, and the leadership of Congress by 50 percent, to provide for further reductions in the salaries of Members of Congress to the extent that Congress is in session for more than 60 days during any session of a Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Rules, and Ethics, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. PITTS:

H.R. 3775. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. GRIJALVA (for himself, Mr. HOLT, and Ms. WOOLSEY):

H.R. 3776. A bill to amend the Elementary and Secondary Education Act of 1965 regarding school libraries, and for other purposes; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3777. A bill to resolve title issues involving real property and equipment acquired using funds provided under the Alaska Kiln Drying Grant Program; to the Committee on Agriculture.

By Mr. SCHWEIKERT:

H.J. Res. 99. A joint resolution proposing an amendment to the Constitution of the United States to require that an increase in the Federal debt requires approval from a majority of the legislatures of the several States; to the Committee on the Judiciary.

By Mr. CANTOR:

H. Res. 511. A resolution electing the Sergeant-at-Arms of the House of Representatives; considered and agreed to.

By Mr. CANTOR:

H. Res. 512. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. CANTOR:

H. Res. 513. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. CANTOR:

H. Res. 514. A resolution providing for the hour of meeting of the House; considered and agreed to.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

173. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 145 urging the Congress and the Department of Labor to amend proposed work regulations that would limit youth employment on farms; to the Committee on Education and the Workforce.

174. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 13 urging the President and the Congress to provide resources to increase the supply of physicians in California; to the Committee on Energy and Commerce.

175. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 18 recognizing September 2011 as Sickle Cell Awareness Month in California; to the Committee on Energy and Commerce.

176. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 17 urging the Congress and the President to increase funding for these law enforcement and crime prevention programs and to pay the full costs of incarcerating undocumented criminals; to the Committee on the Judiciary.

177. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 15 urging the government to consider the California jobs and economic stimulus provided by the California floriculture industry when advancing free trade agreements; to the Committee on Ways and Means.

178. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 95 expressing support for the continued efforts of the Michigan Attorney General to oppose the Implementation of the Patient Protection and Affordable Care Act; jointly to the Committees on Energy and Commerce, Appropriations, Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, and Rules.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

[Submitted January 10, 2012]

By Mr. CHRISTOPHER P. GIBSON: H.R. 3769.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

[Submitted January 13, 2012]

By Mr. LANDRY:

H.R. 3770.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 as well as Article I, Section 5, Clauses 2 and 4 of the United States Constitution.

By Mr. CONYERS:

H.R. 3771.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. THOMPSON of Mississippi:

H.R. 3772.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.

[Submitted January 17, 2012]

By Mr. OLSON:

H.R. 3773.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Necessary and Proper Regulations to Effectuate Powers)

By Mr. JOHNSON of Illinois:

H.R. 3774.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 5 states that "Each House may determine the Rules of its proceedings" By Mr. PITTS:

H.R. 3775.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. GRIJALVA:

H B. 3776

Congress has the power to enact this legislation pursuant to the following:

Article I, Sections 1 and 8 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 3777.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. SCHWEIKERT:

H.J. Res. 99.

Congress has the power to enact this legislation pursuant to the following:

Article 5 of the Constitution states: The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Submitted January 10, 2012]

H.R. 104: Mr. CRAWFORD.

H.R. 361: Mr. FARENTHOLD, Mr. MURPHY of Pennsylvania, Mr. BARLETTA, and Mr. Palazzo.

H.R. 456: Mr. ROTHMAN of New Jersey.

H.R. 529: Mr. PAULSEN.

H.R. 721: Mrs. Black.

H.R. 750: Mr. GARDNER and Mr. AMASH.

H.R. 965: Ms. WATERS.

H.R. 996: Mr. Conyers, Mr. Moran, and Mr. JACKSON of Illinois.

H.R. 1058: Mr. KISSELL.

H.R. 1148: Mr. McCotter and Mr. Gibson.

H.R. 1244: Mr. GOODLATTE.

H.R. 1653: Mr. Crenshaw.

H.R. 2077: Mr. Long. H.R. 2412: Mr. Thompson of Mississippi.

H.R. 3187: Ms. SLAUGHTER and Mr. CRAWFORD

H.R. 3307: Mrs. MALONEY.

H.R. 3309: Mr. LATTA, Mr. KLINE, and Mr. STEARNS.

H.R. 3332: Mr. Huizenga of Michigan.

H.R. 3626: Mr. ISRAEL.

H.R. 3676: Mr. REHBERG, Mr. DOGGETT, and Mr. Brooks.

H.R. 3702: Mr. DOGGETT.

H.R. 3766: Mr. PLATTS.

H.J. Res. 80: Mr. Jackson of Illinois.

H.J. Res. 86: Mr. BLUMENAUER.

H.J. Res. 88: Ms. NORTON.

H. Con. Res. 87: Mr. WALZ of Minnesota.

H. Res. 134: Mr. SHIMKUS.

H. Res. 137: Mr. WATT. H. Res. 304: Mr. VAN HOLLEN.

H. Res. 489: Mr. LoBiondo and Mr. Guthrie. [Submitted January 13, 2012]

H.R. 26: Mr. HIMES.

H.R. 104: Mr. Conyers and Mr. Bartlett.

H.R. 178: Mr. VAN HOLLEN.

H.R. 181: Mr. PETRI.

H.R. 476: Mr. HINOJOSA

H.R. 654: Mr. McDermott.

H.R. 1085: Mr. BACA.

H.R. 1219: Ms. Sewell, Mr. Wilson of South Carolina, Mr. CARTER, and Mrs. SCHMIDT.

H.R. 1259: Mr. MEEHAN.

H.R. 1370: Mr. Coffman of Colorado.

H.R. 1564: Mr. Grijalva.

H.R. 1738: Mr. Meehan, Ms. Norton, Mr. GRIMM, Mr. COURTNEY, and Mr. BERMAN.

H.R. 2310: Mr. Hastings of Florida.

H.R. 2404: Mr. FILNER.

H.R. 2492: Mr. RUNYAN, Mr. FRANK of Massachusetts, Mr. Roskam, Mr. Shimkus, Mr. GIBSON, and Mr. ROONEY.

H.R. 2757: Mr. WELCH.

H.R. 2954: Mr. BACA.

H.R. 3059: Mr. SABLAN and Mr. BISHOP of New York.

H.R. 3283: Mrs. McCarthy of New York.

H.R. 3313: Mr. Jackson of Illinois and Mr. CAPUANO.

H.R. 3324: Ms. JACKSON LEE of Texas.

H.R. 3435: Mr. BRADY of Pennsylvania.

H.R. 3527: Mr. KING of New York.

H.R. 3589: Mr. STIVERS and Mr. RIVERA.

H.R. 3608: Mr. Young of Alaska.

H.R. 3618: Mr. McDermott.

H.R. 3627: Mr. PLATTS.

H.R. 3702: Ms. Woolsey, Mr. Moran, Mr. GUTIERREZ, Mr. BLUMENAUER, and Mr. DEFA-

H. Res. 475: Ms. Jenkins and Mr. Murphy of Pennsylvania.

H. Res. 507: Mr. COHEN.

H. Res. 509: Mr. BARLETTA, Mr. BERG, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. CAL-

VERT, Mr. CARTER, Mr. FORBES, Mr. GARD-NER, Mr. GOODLATTE, Mr. GRIFFITH of Virginia, Mr. HERGER, Mr. HUELSKAMP, Mr. LANCE, Mrs. MYRICK, Mr. ROONEY, Mr. WEST, Mr. Sessions, Mr. Stearns, Mr. Aderholt, Mr. Brady of Texas, Mr. Bucshon, Mr. GOWDY, Mrs. MILLER of Michigan, Mr. PRICE of Georgia, Mr. TIPTON, Mr. WOLF, and Mr. WOODALL

[Submitted January 17, 2012]

н.к. 32: Мг. Нодт.

H.R. 100: Mr. PALAZZO. H.R. 115: Mr. KIND.

H.R. 121: Mr. BISHOP of Utah.

H.R. 178: Mr. INSLEE.

H.R. 205: Mrs. Christensen, Mr. Pallone, and Mr. GRIJALVA.

H.R. 361: Mr. BERG and Mr. TURNER of Ohio.

H.R. 401: Mr. YARMUTH.

H.R. 413: Mr. GRIJALVA and Mr. JACKSON of Illinois.

H.R. 419: Mr. COHEN.

H.R. 453: Mr. COHEN.

H.R. 456: Mr. MICHAUD.

H.R. 466: Mr. CLARKE of Michigan.

H.R. 494: Mr. FILNER.

H.R. 520: Mrs. Maloney.

H.R. 587: Mrs. CAPPS.

H.R. 591: Mr. QUIGLEY, Mr. JOHNSON of Georgia, and Mr. BLUMENAUER.

H.R. 640: Ms. ESHOO and Mr. GONZALEZ.

H.R. 645: Mr. MURPHY of Pennsylvania.

H.R. 735: Mr. FORTENBERRY.

H.R. 814: Mr. KISSELL. H.R. 835: Mr. UPTON and Mr. RUNYAN.

H.R. 931: Ms. Jenkins and Mrs. Hartzler.

H.R. 938: Mrs. Hartzler and Mr. Hastings of Florida.

H.R. 998: Mr. RANGEL and Ms. KAPTUR.

H.R. 1085: Mr. TIERNEY.

H.R. 1130: Mr. KIND and Mr. ISRAEL.

H.R. 1148: Mr. GOWDY and Mr. COSTELLO. H.R. 1173: Ms. Jenkins and Mr. Aderholt.

H.R. 1175: Mr. Peterson and Mr. Nugent.

H.R. 1182: Mr. Gosar.

H.R. 1294: Mr. McDermott.

H.R. 1295: Mr. McDermott.

H.R. 1311: Mr. KEATING.

H.R. 1350: Mr. GUTIERREZ.

H.R. 1375: Mr. SERRANO.

H.R. 1385: Mr. MURPHY of Pennsylvania.

H.R. 1418: Mr. Снавот.

H.R. 1543: Mr. MURPHY of Connecticut.

H.R. 1564: Mr. FILNER and Mrs. McCarthy of New York.

H.R. 1579: Ms. DELAURO.

H.R. 1681: Mr. ENGEL.

H.R. 1746: Ms. LEE of California.

H.R. 1810: Mr. PRICE of North Carolina, Mr. PLATTS, Mr. CUMMINGS, Mr. LATOURETTE, Mr. RYAN of Ohio, and Ms. SLAUGHTER.

H.R. 1811: Mrs. HARTZLER.

H.R. 1845: Mrs. Bono Mack.

H.R. 1897: Ms. WATERS.

H.R. 1901: Mr. Johnson of Georgia.

H.R. 1964: Mr. BARLETTA.

H.R. 1978: Ms. SLAUGHTER. H.R. 2026: Mr. WALZ of Minnesota.

H.R. 2077: Mr. PAUL.

H.R. 2085: Ms. CHU and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2086: Mr. CAPUANO.

H.R. 2123: Ms. Schwartz.

H.R. 2139: Mrs. SCHMIDT, Mrs. MALONEY, Mr. CAPUANO, and Mr. GIBSON.

H.R. 2140: Mr. McDermott.

H.R. 2168: Ms. HIRONO.

H.R. 2179: Mr. Bonner, Mrs. Blackburn, Mr. MARCHANT, and Mr. LONG.

H.R. 2207: Mr. MURPHY of Connecticut. H.R. 2215: Mrs. McCarthy of New York.

H.R. 2229: Mr. FILNER.

H.R. 2284: Mr. HUIZENGA of Michigan.

H.R. 2336: Mr. SHERMAN.

H.R. 2412: Mr. ENGEL and Mr. CICILLINE.

 $\rm H.R.~2418;~Mr.~Ross~of~Arkansas,~Mr.~Owens,~Mr.~Holden,~and~Mr.~Peterson.$ 

H.R. 2437: Ms. SCHWARTZ and Mr. GRIJALVA.

H.R. 2487: Mr. MORAN.

H.R. 2499: Mr. DEFAZIO, Mr. BACA, Mr. FIL-NER, and Mr. LOEBSACK.

H.R. 2514: Mr. STUTZMAN, Mr. Ross of Florida, and Mr. QUAYLE.

H.R. 2542: Mr. Brooks.

H.R. 2547: Mr. CLARKE of Michigan.

H.R. 2689: Mr. CICILLINE.

H.R. 2900: Mr. BISHOP of Utah.

H.R. 2970: Ms. Baldwin and Mr. BUTTERFIELD.

H.R. 3032: Mr. ALEXANDER.

H.R. 3059: Ms. Eddie Bernice Johnson of Texas.

H.R. 3083: Mr. Johnson of Georgia.

H.R. 3126: Mr. RUSH.

H.R. 3156: Mr. MULVANEY. H.R. 3200: Ms. SLAUGHTER and Mr. STARK.

H.R. 3236: Mr. DEFAZIO.

H.R. 3269: Mr. MICHAUD, Mr. SHIMKUS, Mr. MACK, Mr. DOYLE, Mr. PALAZZO, and Mr.

GENE GREEN of Texas.

H.R. 3324: Mr. TIERNEY. H.R. 3400: Mr. FINCHER and Mr. HULTGREN.

H.R. 3401: Mr. Issa.

H.R. 3418: Mr. GONZALEZ, Mr. GRIJALVA,

Mr. Conyers, and Mr. Hinchey.

H.R. 3425: Mr. LARSON of Connecticut. H.R. 3440: Mr. Huelskamp, Mr. Austria, and Mr. GOSAR.

H.R. 3485: Mr. LEVIN. H.R. 3506: Mrs. McCarthy of New York.

H.R. 3521: Mr. BERG.

H.R. 3568: Mr. Peterson, Mr. Conyers, and

Mr. Honda.

H.R. 3573: Mr. PAYNE.

H.R. 3581: Mr. Westmoreland. H.R. 3594: Mr. Austria, Mr. Graves of Georgia, Ms. Jenkins, and Mr. Murphy of

Pennsylvania. H.R. 3596: Mrs. Lowey, Mr. Rahall, Mr. HIGGINS, Mr. SHERMAN, Mr. PASTOR of Arizona, Mr. Owens, Mr. Lobiondo, Mr. Hin-CHEY, Mr. KEATING, and Ms. CLARKE of New

H.R. 3608: Mr. ROKITA, Mr. FLEISCHMANN,

and Mrs. BLACK. H.R. 3625: Mrs. Christensen and Ms.

Brown of Florida. H.R. 3627: Mr. MARKEY.

H.R. 3632: Mr. STARK.

H.R. 3634: Mr. NADLER. H.R. 3636: Mr. COURTNEY.

H.R. 3639: Mr. GOWDY. H.R. 3643: Mr. ALTMIRE.

H.R. 3648: Mr. Young of Alaska. H.R. 3676: Mr. Manzullo, Mrs. Lummis, Mr.

AMODEI, and Mr. PEARCE. H.R. 3702: Mr. KEATING and Mr. CAPUANO.

H.R. 3704: Mr. FARR.

H.R. 3713: Mr. FILNER, Mr. COURTNEY, and Ms. Speier.

H.R. 3770: Mr. WILSON of South Carolina, Mr. Manzullo, Mr. Farenthold, and Mr. MILLVANEY

H.J. Res. 88: Mr. HINCHEY and Mr. SMITH of Washington.

 $H.J.\ \bar{R}es.\ 98:\ Mr.\ Stearns,\ Mr.\ Burton$  of Indiana, Mr. Garrett, Mr. Posey, Mr. GINGREY of Georgia, Mr. GIBBS, Mr. WILSON of South Carolina, Mrs. SCHMIDT, Mr. JOR-DAN, Mr. GIBSON, Mr. BURGESS, Mr. DUNCAN of South Carolina, Mr. Gowdy, Mr. Huelskamp, Mr. Mack, Mr. Guinta, Mr. HULTGREN, Mr. MILLER of Florida, Mr. PRICE of Georgia, Mr. FARENTHOLD, Mr. AUSTRIA, Mr. Berg, Mr. Latta, Ms. Jenkins, Mr. FLAKE, Mr. MANZULLO, Mr. KINZINGER of Illinois, Mr. Goodlatte, Mr. Palazzo, Mr. BARLETTA, Mr. MULVANEY, Mr. MCKINLEY,

Mr. Walberg, Mr. Bishop of Utah, Mr. Southerland, Mr. Brooks, Mr. Harris, Mr. Akin, Ms. Buerkle, Mr. Sullivan, Mr. Luetkemeyer, Mr. Bilirakis, Mr. Desjarlais, Mr. Nugent, Mr. Amodei, Mr. Griffin of Arkansas, Mr. Ross of Florida, Mr. Gardner, Mr. Forbes, Mr. Coble, Mr. Rehberg, Mr. Jones, Mr. Westmoreland, Mr. Poe of Texas, Mr. Chaffetz, Mr. Terry, Mr. Lamborn, Mr. Gohmert, Mrs. Lummis, Mr. Paulsen, Mr. Nunnelee, Mrs. Biggert, Mr. Canseco, Mr. Johnson of Ohio, Mr. Marchant, Mr. Graves of Georgia, and Mr. Stutzman.

H. Con. Res. 60: Mr. Griffin of Arkansas. H. Con. Res. 85: Mr. Lewis of Georgia, Ms. Chu, Ms. Bass of California, and Mr. SERRANO.

H. Res. 20: Ms. WATERS and Mr. LEVIN.

H. Res. 282: Mr. ISSA.

H. Res. 378: Mr. STARK.

H. Res. 403: Mr. Posey.

H. Res. 460: Mr. Costello, Mrs. Lowey, Mr. Ross of Arkansas, Ms. Jackson Lee of Texas, and Mr. Hastings of Florida.

H. Res. 475: Mr. NUGENT and Mr. ROKITA.

H. Res. 507: Mr. BUCHANAN.

H. Res. 509: Mr. LATHAM, Mr. GINGREY of Georgia, Mr. FARENTHOLD, Mr. MANZULLO, Mr. FORTENBERRY, and Mr. McCaul.

# DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1161: Mr. SCHRADER. H.R. 3261: Mr. QUAYLE.

# PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES PRIOR TO SINE DIE ADJOURNMENT OF THE 112TH CONGRESS 1ST SESSION

# BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 19, 2011 she presented to the President of the United States, for his approval, the following bills:

H.R. 3321. To facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

H.R. 674. To amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

Karen L. Haas, Clerk of the House also reports that on December 2, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 394. To amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

Karen L. Haas, Clerk of the House also reports that on December 7, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 2192. To exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

Karen L. Haas, Clerk of the House also reports that on December 13, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 2061. To authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.

H.R. 470. To further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

Karen L. Haas, Clerk of the House also reports that on December 16, 2011 she presented to the President of the United States, for his approval, the following bill

H.J. Res. 94. Making further continuing appropriations for fiscal year 2012, and for other purposes.

Karen L. Haas, Clerk of the House also reports that on December 17, 2011 she presented to the President of the United States, for his approval, the following bill.

H.J. Res. 95. Making further continuing appropriations for fiscal year 2012, and for other purposes.

Karen L. Haas, Clerk of the House also reports that on December 19, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 2867. To reauthorize the International Religious Freedom Act of 1998, and for other purposes.

H.R. 3421. To award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

Karen L. Haas, Clerk of the House also reports that on December 21, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 1540. To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2055. Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 3672. Making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes

Karen L. Haas, Clerk of the House also reports that on December 23, 2011

she presented to the President of the United States, for his approval, the following bills.

H.R. 3765. To extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

H.R. 1801. To amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 1059. To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 2056. To instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

H.R. 515. To reauthorize the Belarus Democracy Act of 2004.

H.R. 1264. To designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 2422. To designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office"

H.R. 789. To designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office".

H.R. 1892. To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2845. To amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

# **EXTENSIONS OF REMARKS**

ANNOUNCEMENT OF THE 2012 CON-GRESS-BUNDESTAG/BUNDESRAT EXCHANGE

# HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 17, 2012

Mr. BOEHNER. Mr. Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany for ten days from May 18–27 of this year. During this ten day exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies.

A comparable delegation of German staff members will visit the United States for ten days April 14–22 of this year. They will attend similar meetings here in Washington. The U.S. delegation is expected to facilitate these meet-

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in April, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HC-4, the Capitol, by 5 p.m. on Friday, February 24, 2012.

RECOGNIZING MR. WILLIAM LE'RON JACKSON FOR HIS SERVICE IN THE COMMUNITY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 17,\ 2012$ 

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Mr. William Le'Ron Jackson. Mr. Jackson is a lifelong resident of Byram, Mississippi. He is the son of Mrs. Hollia Smith-Thompson, Henry Thompson, Jr., and Mr. William Smith. He is a graduate of Jackson State University with a Bachelor of Science degree in Criminal Justice. Mr. Jackson is aspiring to obtain a law degree with an emphasis on Disability and Common law.

Mr. Jackson has been involved in numerous volunteer activities throughout the years. He is a dynamic role model who mentors people with and without disabilities throughout the state on the values of education and self-advocacy. Mr. Jackson has worked for Living Independence for Everyone, LIFE, of Mississippi and a children's medical program under the Mississippi Department of Health. He has also served as an AmeriCorps Volunteer. Mr. Jackson always finds time to give back to his community by giving statewide presentations and serving on various committees, such as the My Voice My Choice Board of Directors, Healthy Opportunities for Transition Advisory Council, Teen Empowerment Success Training Council, and the National Youth Leadership Network.

During 2010, Mr. Jackson expanded his volunteer service by beginning a three-year term as a Member of the Board of Directors for Disability Rights Mississippi, a non-profit agency that provides protection and advocacy services to people with disabilities statewide.

Mr. Jackson recently was selected in March 2011, to be a part of a committee, formed with the assistance of the Commissioner of the United States Administration on Development Disabilities, ADD, and other national self-advo-

cacy organizations, to focus on improving selfadvocacy throughout the state of Mississippi.

During April 2011, Mr. Jackson was awarded the Governor's Initiative for Volunteer Excellence, GIVE, Award, which is presented by the Mississippi Commission for Volunteer Service in cooperation with the Office of the Governor to recognize individuals, organizations, or communities for volunteer efforts which have made a significant difference to the state or to local communities, establishing high standards for volunteer involvement and effectiveness, and multiplying resources for communities.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Jackson for his dedication to serving others and giving back to the community.

#### MEMORIES OF DAVID KATZ

# HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the RECORD on behalf of my constituent, Sam Katz. Mr. Katz asked me to enter the following remarks into the RECORD in remembrance of his father, David Katz. Mr. Katz's statement follows:

Today, we mourn the loss of a great man; a man who to us was simply known and loved as, "Daddy."

Daddy was first and foremost a loving, caring, and dedicated husband for nearly 59 years to the wonderful lady we simply know and love as, "Mommy." Daddy's love and support for Mommy is something every man should learn from.

We could not have asked for a more loving and dedicated father. Always a father, he was also our mentor, teacher, and when necessary, a friend. We were deeply blessed with a very peaceful and loving family life with two wonderful parents. We always believed our parents' love for each other was strong. However, throughout Daddy's illnesses this past year, it became beautifully and painfully clear that their marriage was sustained by true and genuine love. There were times in the hospital and in care facilities when Mommy would go to extremes just to give Daddy a kiss because it meant so much to her, and for as long as we can remember, Mommy was the glimmer in Daddy's eyes. This was not a marriage that lasted out of convenience or for the sake of their four children This beautiful and long marriage endured better, worse, richer, poorer, sickness and health, and was still parted only by death.

We never heard a cross word spoken between Mommy and Daddy, and never even heard them call each other by their first names. Everyone should be so fortunate!

Growing up was a lot of fun. We went on regular summer vacations. Daddy traveled quite a bit and at times, would take one or more of us with him on the road. We traveled to family Bar and Bat Mitzvahs and spent as much time as possible together as a family.

Family dinners were very important to Daddy. We would wait for him to come home from work and the entire family would have dinner together and talk about our day. We spent evenings together watching our 19" black and white TV in the family room—the only TV in the house. This was very important to Mommy and Daddy. We didn't have TVs in our bedrooms and our parents didn't hide away in theirs watching TV.

There were lots of great moments that probably weren't so great for Daddy, such as: us kids learning to drive or taking apart cars in the garage. Through it all, Daddy was always a dedicated father with our best interests in his sights. He genuinely wanted each of us to succeed and to be our best.

Daddy lived his life the proudest man in the world. He always bragged about Mommy and us four children; he treasured the fact that we remained close through our adult lives. As we got older, each of us children chose a career path and moved out on our own. We stayed in touch and enjoyed many family gatherings where we grew up in Williamsville, NY, in New Jersey and for the past 17 years, in Chesapeake, Virginia. At times, we (the kids) would stay up all night talking and having fun. About the only thing that has changed over the years is that now we sometimes stay up as late as ten p.m.

Thanksgiving has always been a very special time for all of us to unite, and this past year was no different. It meant the world to Daddy to be home and with his family. With his health declining before our eyes over Thanksgiving weekend, he remained that proud and wonderful man: the Daddy that we all loved. We are all very proud to have given him this gift, and are convinced this time together has made his journey from this earth more peaceful.

Daddy's other loves: classical music and photography. Born of two concert musicians, he studied piano at the age of three, violin at five, and once arriving in the United States, composition at one of the finest music conservatories in New York. He performed under the batons of some of the greatest conductors in the world. While Daddy's ears are probably still ringing from the blasting rock and roll sounds from our teenage bedrooms, classical music of some fashion has touched all of our lives over the years. Daddy peacefully passed with classical music playing in his room.

A self-taught accomplished photographer, his one-person shows over the years were awe-inspiring and his natural creativity will never be duplicated. Those that share his passion for photography will never forget the lessons learned from him over many years. Thankfully, he was also the kindest critic.

In closing: Daddy didn't talk a lot about being a Holocaust survivor while we were growing up. We would get "sound bites." For example, when we would ask him to drive us somewhere close, he would respond with: "I walked 500 miles to the Swiss border when I was your age." We had no idea it was really true.

Over the years, we started to understand a little more about his survival, but he was never willing to document it. Thankfully, when he retired, he took the time, and now his story has been published in several books including a wonderful autobiography. His story is also presented in several Holocaust documentaries and with the Shoah Foundation.

Daddy was well known throughout the Tidewater community as he regularly spoke

about his Holocaust years at schools, military installations, and many other organizations. His story will live on for those that will never have the opportunity to meet the great man, Daddy.

HONORING THE RECIPIENTS OF THE KENNEBEC VALLEY CHAMBER OF COMMERCE AWARDS

# HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 17, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the outstanding recipients of the 2012 Annual Kennebec Valley Chamber of Commerce Awards. The Kennebec Valley Chamber serves the people of Maine's Capital Region with distinction, working every day to strengthen and develop economic and community opportunity throughout the Kennebec Valley and the entire State.

Every year, the Kennebec Valley Chamber of Commerce honors some of the outstanding businesses individuals that are doing their part to make Maine a better place to work and live. These Mainers are to be commended for their outstanding service and commitment to growing the economy in the Capital Region.

This year's award recipients include the Pine State Trading Co., Business of the Year; John V. Finnegan, Business Person of the Year; and William H. Perry, Lifetime Achievement Award. Recipients of the President's Award include Keltie McCatherin Collins, Kennebec Dance Centre; John Reny, Renys Department Store; and Steve Barrows, Steve's Appliance Service and Sales. Community Service Awards recipients include Judy Lloyd, Johnson Hall Performing Arts Center; and, Carolyn Neighoff, currently a service learning mentor in Augusta. Tobias Parkhurst of Oakes & Parkhurst Glass earned the Young Professional Award

These individuals and the businesses they represent are some of the best that Maine has to offer, and are stellar examples of the quality of people and businesses that serve as the economic and cultural engine of the Capital Area. They are to be commended for their meritorious service to their community.

Mr. Speaker, please join me again in congratulating the recipients of the 2012 Kennebec Valley Chamber of Commerce Awards on their outstanding achievements.

RECOGNIZING MR. WARREN SMALL FOR HIS SERVICE TO OUR COUNTRY AND CONTRIBUTIONS TO THE COMMUNITY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Mr. Warren Small, Jr. Mr. Small has shown what can be done through hard work and lofty goals.

Mr. Small, a resident of Rolling Fork, Mississippi, was born on July 17, 1934, to Warren

and Betty Small in Winona, Mississippi. He graduated from Kilmichael High School in 1953. After high school, he enlisted in the United States Army in 1955 where he served until 1958. He returned to the Army for one additional year in 1961. After serving in the Army twice, he attended Mississippi Valley State University where he earned a Bachelor's degree in 1962.

In 1968, Mr. Small obtained a Masters in Mathematics from Colorado College in Colorado Springs, Colorado. From 1960 to 1993, Mr. Small taught mathematics at different levels throughout the Sharkey County, Mississippi, School System. In 1973, Mr. Small joined the Army National Guard and served until 1994 when he retired.

In 1961, he married the late Joyce Love Small and to that union they had two children, Warren III and Toyce Michelle. He joined Mount Lula Missionary Baptist Church upon his move to Rolling Fork, Mississippi, in the early 1960s. There, he actively serves on the deacon board. Since 1993, he has held the Veteran Service Officer position for the counties of Sharkey and Issaquena. He is also employed with the Issaquena County Correctional Facility in Mayersville, Mississippi, as a Life Skills and Pre-Release Counselor.

Mr. Speaker, I ask my colleagues to join me in recognizing an honorable veteran, Mr. Warren Small, Jr., for his dedication and service to our great country as well as his contributions to the Sharkey County, Mississippi, community.

# CELEBRATING BABY LOU'S RETIREMENT

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and sincere respect that I congratulate my good friend Mr. Loreto "Baby Lou" Gonzalez on his retirement from ArcelorMittal, formerly the Inland Steel Company. Mr. Gonzalez, a member of United Steelworkers Local 1010 for many years, has dedicated his life to the interests of his fellow tradesmen and the entire community in Northwest Indiana. For his lifetime of service, Baby Lou was honored at a retirement celebration at Club Ki-Yowga in East Chicago, Indiana, on January 7, 2012.

Baby Lou is the youngest of seven children born to Loreto and Carlota Gonzalez. Following his graduation in 1965 from East Chicago Washington High School, Baby Lou began working at Inland Steel in the slab yard. After years of service, he eventually moved to the 80" hot strip where he became a crane operator. Mr. Gonzalez has been one of the most active members of Steelworkers Local 1010, where he was a grievance steward for 30 years

Baby Lou's dedication to his community has always been a focal point of his life's work. He has helped Local 1010 annually with its food and coat drive to assist families in need. Recognizing the importance of civic involvement, he has also assisted in voter registration and

community outreach programs to help improve the lives of all residents of Northwest Indiana. Baby Lou Gonzalez has served as a board member for the Catherine House and the Northwest Indiana Catholic Youth Organization. Additionally, he has spent countless hours coaching and developing baseball players in the East Chicago Little League and Senior League, worked tirelessly as a precinct committeeman, and is currently a member of the Human Rights Committee for East Chicago.

While my friend has been a dedicated worker for the last 47 years, and a steadfast contributor to his community, he has been an even more dedicated husband to Irene, father to Louie, Irene, and Kurt, and grandfather to three wonderful grandchildren.

Mr. Speaker, Loreto Gonzalez has given his time and efforts selflessly to the steelworkers with whom he has worked and to the people of Northwest Indiana for his entire life. He has been a true role model to his peers and a true friend to Northwest Indiana. I respectfully ask that you and my other distinguished colleagues join me in commending Baby Lou for his outstanding contributions to Northwest Indiana and in wishing him well upon his retirement.

#### SHANNON MOODY

# HON. FRANK C. GUINTA

OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 17, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Shannon Moody as she is recognized with the STAR Award by the Learn To Read Program for reading her 700th book to her daughter. The Student Achievement in Reading Award is given to one student per year who has shown exceptional dedication, commitment and persistence in reaching their literacy goal. Shannon worked towards this goal with the help of her volunteer tutor and utilized the vast resources available at the Manchester Public Library.

Shannon recognizes and appreciates the quality time she and her daughter share when they read together. As a parent, I know the importance of spending time with your children and she has set a fine example to her daughter on working hard towards a goal that is important to you. I'm sure Shannon's efforts have instilled a great love of reading into her daughter and she can be very proud of her achievements in the Learn To Read Program.

I congratulate Shannon and wish her all the best for continued success in the future.

RECOGNIZING MR. THEODORE MCCURTIS FOR HIS HONORABLE SERVICE TO OUR COUNTRY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 17,\ 2012$ 

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable disabled

veteran, Mr. Theodore McCurtis, who was born September 19, 1934, in Hinds County, Edwards, Mississippi. He was the fourth of eight children born to the late Herman and Mae Bell Lloyd McCurtis. Mr. McCurtis' early years of education began at Edwards Elementary School and continued on to Southern Christian Institute High School in Edwards, Mississippi. From there, he volunteered to go to the United States Air Force while in the 12th grade.

Mr. McCurtis entered the United States Air Force on October 22, 1952, where he served in the Korean War. He received basic training at Parks Air Force Base in Pleasanton, California

Mr. McCurtis served at Castle Air Force Base in Merced, California, and was attached to a Strategic Air Command. He was later sent to England where he served in the Military Police and embarked on missions to set up radar around the world. After dutiful service, he became disabled and lost the use of both his hands.

Mr. McCurtis is a member of Friendship Missionary Baptist Church in Edwards, Mississippi, where he serves as a dedicated Trustee. His membership at Friendship Missionary Baptist Church began during childhood under the leadership of his grandfather, Sam Butler, who was the second minister of Friendship Missionary Baptist Church.

Mr. McCurtis is happily married to his wife of 45 years, Mrs. Christine E. McCurtis. They have four children: Theodore, Jr., Martin Lloyd, Andrea Denise, and Sharon Denise McCurtis.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Theodore McCurtis for his honorable service to our country.

RECOGNIZING CHESTER STANLEY LOBODZINSKI

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 17, 2012

Mr. VISCLOSKY. Mr. Speaker, I am honored to stand before you and my colleagues today to recognize Chester Stanley Lobodzinski. Chester has dedicated his life to serving the community of Northwest Indiana. His outstanding dedication put forth toward public service has allowed him the opportunity to enrich the lives of countless individuals.

For his tremendous passion to serve those in need and to encourage others to do the same, Chester is a true leader and an inspiration. He has accomplished so much throughout his life and I am grateful for his numerous contributions to the community of Northwest Indiana. Chester, a retired steelworker, founded the American Steelworkers National Day, a day that honors steelworkers who have been committed to improving the quality of life for people in Northwest Indiana. Chester is also the founder of the local chapter of the Youngstown Sheet and Tube Old-Timers, an organization that brings people together through public service. Another project that Chester has organized and developed is the Hammond Tech Appreciation Society, which recognizes

and honors the faculty and alumni of Hammond Tech High School. In addition to these wonderful organizations, Chester is also a member of American Legion Post 261 in Cedar Lake, Indiana, and has given much of his time to the Crown Point Little League and the Chester Stanley Lobodzinski Hope Foundation for cancer patients, among others: Chester's unwavering perseverance and his enthusiastic outlook when it comes to community service is to be admired, and he is worthy of our highest praise.

Chester's dedication to public service and the community of Northwest Indiana is exceeded only by his devotion to his amazing family. Chester and his lovely wife, Lurene, have been happily married for almost fifty years. They raised four beloved children: Cathy, Stan, Tim, and the late Anita, and have two adoring grandchildren. Mr. Speaker, Chester Lobodzinski has always given his time and efforts generously and compassionately. I ask that you and my other distinguished colleagues join me in honoring him for his exceptional charitable work. Chester continues to touch the lives of countless people, and for his unselfish, lifelong commitment, he is to be commended.

HONORING CHARLES T. "CHUCK"
KENNEDY

# HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Mr. Charles T. "Chuck" Kennedy on the occasion of his retirement with the National Security Agency, NSA, after 31 years of distinguished service.

As Chief of the Office of Contracting at NSA, Mr. Kennedy has been responsible for about 36,000 contracting actions per year. His expertise has been used in joint NSA initiatives with other countries and foreign contractors. Mr. Kennedy is also a member of NSA's Power, Space, and Cooling Triage Team. This cross-functional team, made up of leaders throughout the NSA Washington Enterprise, ensures that high-priority mission requirements receive the necessary power and cooling to function.

Mr. Kennedy is also a member of the Office of the Director of National Intelligence Procurement Executive Council. This interagency team examines procurement challenges, helps streamline processes and establishes contracts

Mr. Kennedy spent his entire career in the contracting field, graduating from his internship in 1983. Over the years, Mr. Kennedy progressed through various management levels that included Chief of the Signals Intelligence Directorate/Research & Development Contracting Office, Chief of the Information Technology Enterprise Contracting Office, Chief of the Mission Support Contracting Office and Chief of the Cost and Economic Analysis Contracting Office.

Mr. Kennedy is a recipient of the Meritorious Civilian Service Award. This is NSA's second

highest honorary award, given only to extraordinary individual achievements of major significance to NSA, the Department of Defense, or the United States Government.

Mr. Kennedy holds two Masters of Science Degrees, a Bachelors of Science Degree and is a graduate of the NSA Senior Cryptologic Course. His certifications include Defense Acquisition Workforce Improvement Act Certified Level 4—Acquisition Corps and NSA Logistician. He holds an unlimited Contracting Officer warrant.

Mr. Kennedy and his wife Patti have been married for 34 years. They have three sons and three grandchildren.

Mr. Speaker, I ask that you join with me today to honor Mr. Kennedy. His long and dedicated service to the United States government is an inspiration to all of us. It is with great pride that I congratulate Mr. Kennedy on his retirement and wish him the best of luck in the future.

RECOGNIZING MR. CALVIN DICKERSON FOR HIS CONTRIBUTIONS AND SERVICE THROUGHOUT HIS COMMUNITY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and honorable man, Mr. Calvin Dickerson. Mr. Dickerson has shown what can be done through hard work, dedication, and a desire to serve. He is currently a 56-year-old resident of Rolling Fork, Mississippi, where he volunteers countless hours to the Mississippi Christian Family Services.

Mr. Dickerson is well known at Mississippi Christian Family Services and throughout the community for his hard work, dedication, reliability, and kind deeds. His work at Mississippi Christian Family Services includes making sure families in need of quality social services are provided for in a kindly, comforting, and proficient manner.

Mr. Dickerson volunteers with the Rolling Fork Fire Department, Police Department, and assists the security guards with the Sharkey County Sheriff Department at football and basketball games at the local public and private high schools.

He has the opportunity to serve as an assistant tour guide at the two most popular events that are held each year: the Great Delta Festival held in May and the Bear Festival held in October. He enjoys helping the tour guide show students from local schools the different bear carvings and the stations that are set up to inform students about how the event originated and other important features.

Mr. Speaker, I ask my colleagues to join me in recognizing a dynamic servant of the community, Mr. Calvin Dickerson for his dedication to service throughout his community.

KHAN ACADEMY PROJECT

## HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. FATTAH, Mr. Speaker, I rise today to draw the attention of the House to the recent innovative vision developed by the Khan Academy, a non-profit educational organization. The organization's mission aims to decrease the disparity of educational resources. by using the internet as a tool to revolutionize the way we approach knowledge. In their attempt to mobilize a free, world-class education, they have compiled over 2,700 videos in the subjects of math, biology, chemistry, physics, history and art. The production of these videos is helping adults and children fill in gaps of knowledge they either forgot or never learned. I know that the Khan Academy recognizes the importance of technology in education and I commend them for their effort to develop creative strategies to help our children learn.

Salman Khan is the founder and visionary of the Khan Academy project. After graduating from Massachusetts Institute of Technology, he pursued a career in finance and guit his job in 2009. While he assisted his cousin with the subject of mathematics, he designed tutorial videos and eventually published them online. He received a successful response from over 20,000 users, which ultimately led to his interest in crafting a media tool that would help revamp traditional classroom techniques. Currently, the Khan Academy receives about \$2 million in support and continues to expand videos and programs. Most recently, the organization decided to make the material available in community colleges and charter schools in the United States.

By recognizing the importance of technology in education, we have a responsibility to make sure that more people have access to the intemet. If we fail to pave the road for this access to pioneering technologies, we run the risk of furthering economic disparities and barriers to equal education. I encourage my colleagues to become familiar with the Khan Academy's website and use the fresh approaches in technology to elevate their knowledge about the world.

RECOGNIZING GEORGE THIEL

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I take this opportunity to recognize one of Northwest Indiana's most dedicated and selfless citizens, Mr. George Thiel, of Griffith, Indiana. After serving the people of Griffith as a firefighter for sixty years, the last twenty-nine of which he served as the department's Fire Chief, George retired from service at the beginning of 2012. In recognition of Mr. Thiel's service to his community, not only as a firefighter but also for his commitment to serving his community in many

other capacities, a party was held in his honor on Sunday, January 8, 2012.

George was born March 20, 1926, in Saint John, Indiana, and learned the meaning of dedication and hard work on his family's farm. To this day, George still enjoys farming. After graduating from Dyer Central High School, George entered the Army, where he was quickly promoted to Sergeant for the 99th Infantry Division. During his military service, he participated in the Battle of the Bulge and earned a Purple Heart Medal. George was honorably discharged from the Army in 1945 and began his first career as a home builder, retiring from that position in 1990. Shortly after beginning his first career, George found his true love and married Peggy Vestal in 1951. He then found his other true love and joined the Griffith Fire Department in 1952. George and Peggy were blessed to have three children: Mike, Larry, and Sandy, who have given them six wonderful grandchildren. George remained dedicated to his family and his career and was promoted to Fire Chief in 1983, a post he retained until his retirement.

Of all the awards and highlights of a sixtyyear firefighting career, George can be most proud of the public educational work he has accomplished and the countless lives he has saved. George has saved many lives simply through his initiative to provide Griffith residents with smoke detectors, carbon monoxide detectors, and fire extinguishers at no cost to the resident. Additionally, George has passed on much of his knowledge and expertise to so many firefighters that Griffith will benefit for generations to come.

Aside from his incredible sixty years of service on the fire department, George's contributions to the Northwest Indiana community extend to numerous youth organizations that were fortunate to have George's coaching and mentoring skills. George continues to enjoy volunteering and watching all Griffith High School football and basketball games. George also remains an instrumental teacher to the people of Griffith by sharing his knowledge of the rich tradition and history of the town.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Mr. George Thiel for his lifetime of leadership, service, and dedication to the residents of Griffith, Indiana. He has touched the lives of countless citizens, and his commitment to the safety of his community and to the improvement of the quality of life for the people of Griffith is to be admired.

RECOGNIZING MS. LELA BUIE FOR HER PERSERVERANCE DESPITE DISABILITY AND DEDICATION TO SERVE OTHERS

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable person with disability, Ms. Lela Buie. Born on June 26, 1938, in Jefferson County, Fayette, Mississippi, she is the youngest of four children to the late Eda and Jude Sims. Her early years

of education began at Ledall Elementary School and she later attended Alcorn in Lorman, Mississippi, and received her General Education Diploma.

Ms. Buie was employed at the Mississippi Department of Labor for 17 years before retiring to take care of her children.

Ms. Buie has two daughters, Sarah and Shirley Buie, and four sons, G.C. Buie, Jr., Edward Charles, Jude, and Robert Ander.

Ms. Buie is happy to have seen her loving children grow up to be successful and has a host of nieces and nephews that love and care for her. Ms. Buie is a longtime member of Rosehill Church #2.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Lela Buie for her dedication to serving others in her disability.

RECOGNIZING THE SELECTION OF MR. TRACY HOWARD FOR THE ARMY ALL-AMERICAN GAME

# HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 17, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commend the accomplishments of Mr. Tracy Howard, Jr. of Miramar, Florida. Mr. Howard was selected to play in the 2012 Army All-American game on January 7, 2012. I would like to take this opportunity to congratulate him on this great honor, and to recognize all of his extraordinary achievements.

Mr. Howard is a star cornerback for the Miramar High School Patriots. Thanks in part to his proficient coverage skills, the Patriots finished runner up in the Florida High School Athletic Association's Class 8A Football Finals. While the team is full of talented players, college football coaches across the country rate Mr. Howard as one of the best prospects in the country.

As an indication of his talents, Mr. Howard has received numerous honors and awards. He was recently named a first-team SportsIllustrated.com All-American. In addition to playing in the Army All-American game, he was a finalist for both the U.S. Army All-American Player of the Year and Defensive Player of the Year Awards.

Mr. Speaker, Tracy Howard is an extremely talented athlete. His success is just one example of how talent, hard work, and dedication can help people achieve their dreams. I am honored to commend Mr. Howard on his accomplishments, and wish him the best of luck as he continues his football and academic career at the collegiate level.

IN CELEBRATION OF THE MICHAEL E. SMITH MIDDLE SCHOOL'S 50TH ANNIVERSARY

# HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 17,\ 2012$ 

Mr. NEAL. Mr. Speaker, I would like to acknowledge the 50th anniversary of the building

of the Michael E. Smith Middle School in South Hadley, Massachusetts. The school was built in 1961 and was dedicated on January 14, 1962.

The school is celebrating this milestone with an assembly on the morning of January 18, 2012. The assembly will feature several important faculty members who will be speaking, including Principal Erica Faginski-Stark and Walter Morse, a teacher who has worked at the school for 40 years. In addition, Superintendent Sayer, Former Principal Noel, and State Representative John Scibak will all be speaking at this historic event.

The Michael E. Smith Middle School is a public school in the South Hadley school district of Massachusetts. The school has gone by several names, beginning with the South Hadley Intermediate School upon the building's completion in 1962. In 1978, the school's name was changed to the South Hadley Middle School. With this name change came two new grade levels. The fifth and sixth grades were added to the seventh and eighth grades to double the school's classes. In 2002, the school changed its name for the final time, commemorating the late Michael E. Smith, a past superintendent.

For the last decade, the school has undergone several renovations, including the completion of a new building and an extensive remodeling of the interior. Currently, 700 students in the South Hadley School District are educated at the Michael E. Smith Middle School, with a faculty and staff of 104. Ms. Erica Faginski-Stark is the current Principal of the school, and the Assistant Principals are Mr. Vincent Napoli and Ms. Brett Costello.

I wish to congratulate the Michael E. Smith Middle School on providing 50 years of quality education. I wish them good luck in educating the children of South Hadley for years to come.

HONORING THE MAYOR OF THE CITY OF GARY, KAREN FREE-MAN-WILSON

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and the deepest respect that I rise today to honor one of Northwest Indiana's most distinguished citizens, the Mayor of the City of Gary, Indiana, Karen Freeman-Wilson. Born and raised in Gary, Karen is truly one of the most passionate and involved individuals that I have ever known, especially when it comes to serving the people of Gary. Mayor Freeman-Wilson's first term began this year, and in doing so, she took her place in history as the first female mayor of the City.

Karen Freeman was born in Gary, Indiana; her father, a steelworker, and her mother, the coordinator of a local community center. Both took great pride in their city and were heavily involved in their community, and it was through their example that Karen learned the importance of hard work and public service from a young age. Karen credits her parents with teaching her that "to whom much is

given, much shall be required," and it is with this ideal in mind that she has accomplished so much throughout her distinguished career.

Following her graduation from Harvard Law School, Karen quickly realized that working in a law firm was not what she was meant to do. Rather, her calling was public service. Throughout her esteemed career. Mayor Freeman-Wilson has held many posts. From 1995 to 2000, she served as a presiding judge for the Gary City Court, during which time she established the first drug treatment court in the State of Indiana. In 2000, Governor Frank O'Bannon appointed Karen to serve as Attorney General for the State of Indiana. After leaving office, Karen continued to work for the public in various capacities. She has served as the Chief Executive Officer of the National Association of Drug Court Professionals, the Executive Director of the National Drug Court Institute, the Director of the Indiana Civil Rights Commission, and as a member of the board of directors for Hythiam, Inc. Mayor Freeman-Wilson has also been involved with numerous other organizations and charitable groups, including: the American Bar Association, the Indiana State Bar Association, Legal Services of Northwest Indiana, the Gary Chamber of Commerce, and the Second Chance Foundation, an organization aimed and combating substance abuse, for which she is a founding member. She is also very active in her church, Israel C.M.E. Church.

For her many contributions to her community, the State of Indiana, and beyond, the Mayor has received countless accolades. To name a few, she was recognized by Ebony magazine as a Leader of the Future, by the Delta Sigma Theta Sorority with the National Award for Achievement in Civil Rights, and is an inductee into the Stanley Goldstein Drug Court Hall of Fame. In addition, she is a recipient of the prestigious Sagamore of the Wabash, awarded by former Indiana Governors Evan Bayh and Frank O'Bannon.

A devoted wife and mother, Karen's passion for serving the people of Gary is matched only by her love for her family. Karen and her husband, Carmen, are the proud parents of a daughter, Jordan. Karen and Carmen have reinforced the same sense of responsibility and civic pride in their daughter that Karen learned from her parents.

Mr. Speaker, I ask that you and all of my distinguished colleagues join me in congratulating Mayor Karen Freeman-Wilson as she begins her first term as the Mayor of Gary. She is to be commended for her leadership, dedication, and her love for the people of Gary. Karen serves as a true inspiration to those she serves, and I look forward working with her in the years to come.

RECOGNIZING REVEREND LARRY WILLIAMS FOR HIS HONORABLE SERVICE TO OUR COUNTRY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 17,\ 2012$ 

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran,

Reverend Larry Williams. Reverend Williams has shown what can be done through hard work, dedication and a desire to make a positive difference in doing God's will.

Reverend Williams, a resident of Mayersville, Mississippi, was born May 25, 1953, to Paul and Gracie Williams in Clarksdale, Mississippi. He enlisted in the United States Army December 7, 1972, and served until January 1993.

Reverend Williams completed his graduation through the Army Program while in Germany. Later, he attended the University of Maryland and earned his Associate's Degree from Central Texas College.

He is married to Terry Williams. Together, they have one son, Dominique Williams. Reverend Williams was installed as Pastor at Saint Peter Missionary Baptist Church in December 2006. It is his passion to minister to those who are lost.

Mr. Speaker, I ask my colleagues to join me in recognizing Reverend Larry Williams for his dedication and service to our great country.

OUR UNCONSCIONABLE NATIONAL DEBT

# HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,236,323,396,400.44. We've added \$10,434,918,221,106.16 dollars to our debt in 16 years. This is \$10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment

DR. MARTIN LUTHER KING, JR. MEMORIAL BREAKFAST

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. VISCLOSKY. Mr. Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King's life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana's First Congressional District were recognized during the 33rd Annual Dr. Martin Luther

King, Jr. Memorial Breakfast on Saturday, January 14, 2012, at the Genesis Convention Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Service Club paid tribute to several local individuals who have for decades unselfishly contributed to improving the quality of life for the people of Gary. Mayor Rudolph Clay was honored with the prestigious Dr. Martin Luther King, Jr. Drum Major Award for 2012. The individuals recognized as Dr. Martin Luther King, Jr. Marchers at this year's breakfast included: Attorney Arlene D. Colvin, Mr. Richard (Chappy) Woods, Pastor Dwight A. Gardner, Ms. Sandra Jean Irons, Colonel (Retired) Richard D. Ligon, and Bishop E. Bobby Warren. Yolkfellow James Piggee was selected as the 2011 Frontier of the Year. In addition, the club also inducted its first Honorary Member, Reverend Pharis D. Evans, Pastor of Clark Road Baptist Church in Gary, for his many years of service to the Gary Frontiers Service Club. Though very different in nature, the achievement of all these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and faced them with unwavering strength and determination. Each one of the honored guests' greatness has been found in their willingness to serve with "a heart full of grace and a soul generated by love." They set goals and work selflessly to make them a reality.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending the Dr. Martin Luther King, Jr. Breakfast Chairman Clorius L. Lay and the Gary Frontiers Service Club officers: President Oliver J. Gilliam, Vice President Sean Jones, 1st Vice President James Piggee, Recording Secretary Melvin Ward, Financial Secretary Sam Frazier, Corresponding Secretary Ferba Hines and Treasurer/Seventh District Director Floyd Donaldson, as well as the honorees and all other members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

RECOGNIZING MS. KIMBERLY SMITH FOR HER DESIRE AND COMMITMENT TO EDUCATION

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a faithful and tenacious young woman, Ms. Kimberly Smith. She has shown what can be done through hard work, dedication, and a boundless desire to achieve.

Ms. Smith is a lifelong resident of Mayersville, Mississippi, and is the third of seven children born to Melvin and Emma Smith.

Ms. Smith was the salutatorian of her 1999 South Delta High School class. She attended Jackson State University, where she earned her Bachelor of Science degree in Elementary Education. Graduating with honors from Jack-

son State in 2003, she began teaching at South Delta Elementary School. She taught both second and fourth grade during her short tenure.

In 2004, Ms. Smith was in a car accident that would change her life forever. After her accident, she decided the only thing to keep her going was her drive for education; for that reason, she pursued and obtained her Masters of Education degree. In 2008, she received her Masters of Education with "Honors" from Delta State University. Ms. Smith lives by the motto, "Saved by Grace, spared by Mercy."

Ms. Smith is an active member of Rising Star Seven Day Adventist, where she serves as Youth Director.

Mr. Speaker, I ask my colleagues to join me in recognizing a humble but dynamic servant, Ms. Kimberly Smith for her unwavering desire to education.

IN MEMORY OF MAYOR BOB WASSERMAN

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the memory of the Mayor of Fremont, California, Bob Wasserman. The residents of Fremont and communities throughout California and beyond mourn the loss of this dedicated public servant who passed away on December 29, 2011.

Mayor Wasserman was born in Gary, Indiana, and moved to California and attended public schools in the Los Angeles area. He became a Police Officer in the City of Montebello, California, and was appointed to the position of Chief of Police in San Carlos, California in 1969 where he served for three years. He was appointed Chief of Police in Fremont in January 1976 and retired in 1992.

In 1992, Mayor Wasserman was elected to the Fremont City Council and served until 2004. He was elected Mayor in 2004 and currently held that position.

Mayor Wasserman's 40-year career in law enforcement included appointments in Southern California and a term as president of the California Peace Officers' Association. He has been recognized by the California State Senate for outstanding public service and was the recipient of the Law Enforcement Executive of the Year Award.

His numerous affiliations include Past President of the California Peace Officer's Association, California Police Chief's Association, International Association of Chiefs of Police, Commission on Peace Officers Standards and Training and Police Executive Research Forum.

He received a Bachelor of Science degree in Police Science and Administration from California State University, Los Angeles and received his Master's degree in Public Administration from the University of Southern California.

Mayor Wasserman is survived by his wife of 53 years, Linda, and their two children, Dan and Jill. I join the community extending heartfelt sympathy to the family, colleagues and

friends of Mayor Wasserman. He served with honor and distinction and his many positive contributions to make a difference in the lives of others have left an indelible mark and will never be forgotten.

TRIBUTE TO THE LIFE OF RUBEN AYALA

# HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a devoted public servant, Ruben Ayala. Ruben, a former State Senator from California passed away on January 4, 2012, at the age of eighty-nine.

Ruben was born and raised in segregated Chino, California, to Hispanic parents. During his youth, he attended Chino High School and was widely respected for his strong athletic ability. After high school, Ruben served honorably in the 1st Marine Division in the South Pacific during World War II.

After his service in the Marine Corps, Ruben attended the National Electronic Institute of Los Angeles, where he studied television repair. It was during this time that he met his beloved wife, Irene. Ruben worked in television repair in Chino, and later the insurance industry, until starting his political career in 1955 with his election to the school board.

In 1962, Ruben continued his career as a city councilman in Chino. Two years later, in 1964, Ruben became Chino's first elected mayor, where he began to leave his lasting impression on the community. From 1974 until 1998, Ruben served admirably as a State Senator, becoming the first Mexican-American to serve in the Senate since 1911.

I had the privilege of knowing Ruben and Irene personally. I also had the honor of serving with Ruben in the California State Legislature. During our service together, I quickly discovered that Ruben was widely respected by both Democrats and Republicans, who looked to him for advice and counsel because of his ability to lead and his hard working reputation. Ruben's success as a Senator opened doors for Latinos and Latinas in California. Ruben encouraged and inspired me to run for his Senate seat, when his career ended due to term limits.

In our time working together on important water and transportation issues, I saw first-hand Ruben's commitment to improving the quality of life for area residents. His immense passion and devotion for his hometown led him to create legislation to build the Peripheral Canal as well as to establish the California Conservation Corps. Through his commitment to public service, Ruben inspired hope for a better future for the next generation. Due to his remarkable service to Chino, a High School was named in his honor, as well as a park in Chino.

Ruben was preceded by the death of his wife, Irene in 2008. He is survived by his sons; Bud, Maurice, and Gary. He leaves with cherished memories a loving family of grand-children and great-grandchildren. My thoughts and prayers, along with those of my wife, Bar-

bara, and my children, Mayor pro tem Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Ruben's family at this time. Mr. Speaker, I ask my colleagues to join me today in honoring a beloved community member and tireless advocate, Ruben Ayala.

RECOGNIZING MR. KELVIN
DASHUN BROWN FOR HIS DEDICATION AND SERVICE TO THE
COMMUNITY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable disabled individual, Mr. Kelvin Dashun Brown. Mr. Brown is a lifelong resident of the City of Mound Bayou in the Mississippi Delta.

He was born on September 21, 1977, with cerebral palsy and is a spastic quadriplegic. At birth his parents were told that he would not live beyond the age of two years old and if he did, he would be in a vegetative state.

Mr. Brown has proved the doctors incorrect. He started his education at the age of two at Delta House Child Development and the Bolivar County Demonstration Center in Cleveland, Mississippi. At the age of four, he was enrolled in the Mound Bayou Head Start Program. At the age of six, he was enrolled in the I.T. Montgomery Elementary School. Upon completing his education there, he enrolled at John F. Kennedy High School, where he remained until graduating in May of 1997. While a student at John F. Kennedy High School, he was a member of the Student Council and served as class representative and was elected vice-president during his junior year.

Mr. Brown worked for the City of Mound Bayou Police for eight years as a certified dispatcher and was promoted to Sergeant, Serving as Volunteer Youth Activities Coordinator for the City of Mound Bayou Police for the past seven years, he has coordinated and raised funds for annual back-to-school giveaways of school supplies, cookouts, toy drives, and monthly story hours for youths. He has held numerous preventative activities at the local school districts in the City of Mound Bayou and the City of Shelby to forge relationships with local school districts, youths and local police departments. Mr. Brown has received many accolades and awards for his youth and community endeavors.

He is an active member of Mount Olive Missionary Baptist Church, where he serves with the Usher Ministry.

Mr. Brown is the oldest son of Eugene Brown and Joann Brown. He lives his life by this motto: "It is what it is". In other words, his condition cannot stop him from being an asset to society.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Kelvin Dashun Brown for his dedication to serving his community and youths in the Mississippi Delta.

HONORING UNITED STATES ARMY SERGEANT BRIAN LEONHARDT

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with immense gratitude and deep sadness that I wish to commend United States Army Sergeant Brian Leonhardt for his bravery and his willingness to fight for his country. Sergeant Leonhardt, a member of the Indiana National Guard assigned to the 713th Engineer Company, 81st Troop Command out of Valparaiso, Indiana, was killed in the Kandahar Province of Afghanistan, along with three other members of the Indiana National Guard, when their vehicle struck an improvised explosive device on Friday, January 6, 2012. The sacrifice of Sergeant Leonhardt, as well as that of his fellow Guard members, will be forever remembered by those they fought to protect.

Born in Crown Point, Indiana and a resident of Merrillville, Indiana, Brian graduated from Hammond Baptist High School in Hammond, Indiana. Friends and family remember him as an athlete who loved to play basketball and an avid fan of the Miami Heat. A man of faith, Brian attended services at First Baptist Church of Hammond.

After his graduation, Brian joined the Indiana Army National Guard and completed his basic training and advanced individual training at Fort Leonard Wood, where he was recognized as the honor graduate of his class. One of eight children, it is evident that Brian was raised with a deep sense of patriotism. In fact, three of his brothers are also military veterans. For Sergeant Leonhardt's unwavering love for his country, as well as his extraordinary skill and commitment as a member of the Indiana National Guard, he received numerous military awards and honors.

Sergeant Leonhardt leaves behind a loving family that will forever cherish his memory. He is survived by his devoted wife Dianne, adoring parents Marie and Robert, brothers Charles, Randall, Robert III, Anthony, and Trevor, and sisters Theresa and Jacqueline. He also leaves behind many other friends and family members, as well as a saddened but proud community and a grateful nation. While the loss of Sergeant Leonhardt is a tremendous tragedy, and there is much sadness for a brilliant future cut far too short, the impact he has had on his family, friends, and community will leave a lasting impression.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Sergeant Brian Leonhardt. Sergeant Leonhardt sacrificed his life in service to his country, and his passing serves as an unfortunate, yet all too familiar reminder of the realities of war. Sergeant Leonhardt will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

RICHARD L. MAHACEK

# HON. DENNIS A. CARDOZA

 $\begin{array}{c} \text{Of California} \\ \text{IN THE HOUSE OF REPRESENTATIVES} \\ \textit{Tuesday, January 17, 2012} \end{array}$ 

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Richard Mahacek in the event of his retirement after four decades of service with Merced County and the University of California, Division of Agriculture and Natural Resources Cooperative Extension.

Richard began his youth development career in 1975 in the California Counties of Sonoma, Napa and San Benito as a 4–H Assistant implementing youth programs. Richard then moved on to Merced County where he became responsible for the development, implementation and evaluation of 4–H educational programs as the 4–H Youth Development Advisor. He has continued in this assignment for over 35 years. In 2005, he also assumed the role of Merced County Director for all Cooperative Extension programs.

In addition to his work with Merced County. Richard became the California statewide 4-H contact for Mechanical Science/Engineering project areas beginning in 1995. Richard's involvement and direction for the Mechanical Sciences and Engineering projects stems from his interest, degrees and credentials in Industrial Arts and Technology. His curiosity in technology was fostered in his youth by participating in electrical, woodworking and safety projects as a 4-H member in Sonoma County. His work over the years has included development of curriculum and activities in science processes, robotics, computers, GIS/GPS, biosecurity, and environmental issues such as watersheds and wildlife habitats. He has provided numerous workshops and training sessions on science processes, inquiry and experiential learning as implemented through various 4-H curricula locally, statewide and na-

Richard has partnered with other groups to extend technology programs including the California Girls Collaborative, Challenger Learning Centers, Merced County Office of Education, the California Division of Recycling, 4–H/Military Kids program, Society of Women Engineers, 21st Century Community Learning Centers and state supported after school programs. He serves on the executive board of the Challenger Learning Center of the San Joaquin Valley and is a member of the California Industrial and Technology Education Association and the International Technology and Engineering Educators Association.

tionally.

Richard has been married to his beautiful wife Susan for over 32 years. Together they have three grown children. Their son Mark works for an office of education working in computer networking and technology support and his wife Marissa is a teacher in Planada. Paul is a mechanical engineer who is working on an ocean acidification research project in the South of France and his wife Lindsay is an Accountant. Their daughter Anne is a mechanical engineer who is working on a Masters program in Mechatronics.

Mr. Speaker, I ask that my colleagues join me in honoring Mr. Richard Mahacek for his years of dedication to the 4-H students and program.

HONORING THE RECIPIENTS OF THE ANDROSCOGGIN COUNTY CHAMBER OF COMMERCE AWARDS

# HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the extraordinary recipients of the 2012 Androscoggin County Chamber of Commerce Awards. The Androscoggin Chamber has an outstanding record of creating and providing opportunities that promote economic and community growth in the communities that make up the heart of Central Maine.

Every year, the Androscoggin County Chamber of Commerce honors some of the outstanding individuals that work hard each and every day to make the Lewiston/Auburn region a better place to do business. Their efforts to strengthen opportunity and prosperity in Maine are remarkable, and the whole community benefits from the example of their success.

This year's award recipients include Agren Appliance and Baxter Brewing, Business Leadership Awards; Steve Closson of Androscoggin Bank, the Ray Geiger Award; L/A Cash Coalition and L/A Art Walk, Commity Service Awards; Pike Industries, the Poland Business Award; Auburn Chief of Police and Acting City Manager Phil Crowell, the Public Service Leadership Award; Healthy Androscoggin, the Education Award; Industrial Roofing, the Cool Chamber Award; Lewiston Career Center, the Ken Addition Award for Business Advocacy; Center Street Dental, New Member of the Year; and, Northeastern Charter and Tours, and the Library Café, President's Awards.

These businesses, individuals, and organizations are among the very best that the Androscoggin County region has to offer. Thanks to the contributions of this year's award winners, Androscoggin County is a great place to work and live. I wish them all continued success going forward.

Mr. Speaker, please join me again in congratulating the recipients of the 2012 Androscoggin County Chamber of Commerce Awards.

RECOGNIZING REVEREND ELIJAH
EASON FOR HIS HONORABLE
SERVICE TO OUR COUNTRY AND
COMMITMENT TO THE COMMUNITY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran and man of God, Reverend Elijah Eason. He has served his community through hard work and Christian leadership.

Reverend Eason, a resident of Rolling Fork, Mississippi, was born October 31, 1965, to Frank and Maggie Eason in Washington County, Mississippi. He was the youngest child born to this union.

Following his graduation from Rolling Fork High School in 1984, he enlisted in the United States Army, where he served for four years. After returning home from the military, he met and married Angelia Michelle Bush in 1992.

In 2001, he devoted his life to Christ and was ordained a Baptist minister. For nine years, he led the flock of the Mount Lula Missionary Baptist Church and served there with great spiritual devotion. Reverend Eason always had a joke or a parable that would make you smile. He had true and genuine love for people.

Mr. Speaker, I ask my colleagues to join me in recognizing Reverend Elijah Eason for his dedication to serving our great Country and his community

PHILIP D. PROVENCHER

# HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Philip Provencher of Dunbarton, New Hampshire, on receiving the French Legion of Honor. It is truly a prestigious distinction to be appointed a Chevalier of the French Legion of Honor by the President of France, Nicolas Sarkozy. Throughout history, France has been a strong ally to the United States and it is greatly appreciated that they continue to recognize the heroic acts of the brave men and women of our Armed Forces, and for the sacrifices and service performed to assist the French people during World War II.

As a member of the U.S. Army's First Infantry Division, Philip joined with allied forces on D-day to help liberate France from the Germans by carrying a 50 lb. mortar on his back through the turbulent tides of the English Channel, to help support ground forces on Omaha Beach. As a translator for his unit, "Frenchy" then marched with his fellow soldiers through France, Belgium, and Germany. His valiant efforts during this campaign also earned him a Bronze Star for rescuing a wounded friend while under enemy fire.

These are but a few examples of the heroic and courageous acts Mr. Provencher performed in service to his country during WWII and I join with President Sarkozy and Governor Lynch in congratulating Philip on this esteemed recognition. On behalf of a grateful nation, I thank him for his dedicated service to our country.

IN HONOR OF THE RETIREMENT OF SANDY HOPP FROM THE COUNTY OF STANISLAUS

# HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 17, 2012

Mr. CARDOZA. Mr. Speaker, I rise today to recognize Mrs. Sandy Hopp in the event of her retirement from Stanislaus County.

Sandy Hopp has been an employee of the County of Stanislaus since January 2003. She was recruited to work as a Field Representative for Supervisor Jeff Grover, a position she held for eight years. She is currently the Field Representative to Supervisor Terry Withrow, representing Supervisorial District Three. After being hired, she quickly increased in responsibilities and exhibited a great skill in working with people in all walks of life. She is often the eyes, ears and voice of her elected Supervisor, and represents the Supervisor in venues such as the Salida Municipal Advisory Committee, the Weed and Seed Project and other community meetings and organizations.

Mrs. Hopp has a tremendous understanding of government operations and serves as an outstanding interface between the Supervisors' Office, County departments, the community and various state and federal organizations. In her role, Mrs. Hopp quickly developed a passion for the area of legislative and governmental affairs. She was selected as a liaison to a French delegation visiting Stanislaus County, she serves as the coordinator of Government Day for the elite Leadership Modesto program and she was a coordinator of the San Joaquin Valley Regional Association of California Counties Supervisors Association Annual Meeting.

Mrs. Hopp is an outstanding liaison with the offices of local, state and federal elected officials. A personal highlight of mine is when Stanislaus County officials visit Washington, D.C. to present projects and priorities. Mrs. Hopp coordinates extremely complex schedules for maximum efficiency of the trip and also serves as an outstanding liaison to Congressional offices. Visiting with Mrs. Hopp on these trips is always a highlight for my staff and for me personally.

Mrs. Hopp has a personal commitment to excellence and a strong faith which is central to whom she is as a person and to her service to her family, church and community.

Mr. Speaker, I ask that my colleagues join me in honoring Mrs. Sandy Hopp for her many years of dedication to the County of Stanislaus.

RECOGNIZING ELDER HENRY SMILEY FOR HIS DEDICATION AND SERVICE TO THE COMMUNITY

# HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and honorable man, Elder Henry Smiley. A lifelong resident of Copiah County, Mississippi, he has shown what can be done through hard work, dedication, and a desire to achieve.

Elder Smiley graduated from Breckenridge Job Corps Center in Morganfield, Kentucky, in 1977. After graduation, he accepted God's call on his life to minister.

March 13, 1978, changed his life forever and provided a monumental challenge to his faith and his zeal for life. He suffered a devastating accident while working at a local saw mill. Although paralyzed from the waist down, he maintained a soaring spirit and even stronger love for the Lord.

He is a tireless and tenacious worker who lives a life of service to others and to his God. Elder Smiley has served on the "Spirit Team" at the Methodist Rehabilitation Center where he motivates and encourages others with spinal injuries. He is also a member of the Copiah Chapter of NAACP, Chaplin of the Hazlehurst Parent-Teacher Association and volunteers at high school football games in traffic control and gate security. From 2002 to 2005, he served as a role model and discussion leader at the Mississippi Job Corp Center and he is the Vice President of the Benevolent Fund of the Copiah County Ministerial Alliance and the Transportation Committee.

Elder Smiley and his wife, Cora, have four children. He is an Ordained Minister and Elder at New Cathedral of Worship in Hazlehurst, Mississippi. He serves as an officer on the Church's Executive Board with responsibility as Director of Maintenance, Property and Logistics.

Mr. Speaker, I ask my colleagues to join me in recognizing a humble but dynamic servant, Elder Henry Smiley, for his service to the community.

#### HONORING ERIC MERKELY

# HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. CHAFFETZ. Mr. Speaker, I rise to honor Eric Merkely, a 17-year-old student at Salem Hills High School. This remarkable young man was recently diagnosed with a form of cancer found in his leg called osteosarcoma. The cancer quickly spread into the surrounding muscle, bone, and nerves to the point that Eric had to undergo extensive surgery. While this surgery saved his life, it also took his leg.

For most people this experience would be considered a tragic loss. However, Eric has grown from the experience and greatly impacted his school and community. Even though many were concerned about his health, Eric turned his illness into an opportunity to give back to those less fortunate than himself. He raised money by selling wristbands and donated the proceeds to a children's hospital.

I invite my colleagues to join me in celebrating the accomplishments of a young man who turned his personal trials into an opportunity to give to those less fortunate and who is great example for the community.

IN HONOR OF THE PREMIERE OF THE "RED TAILS" MOVIE ABOUT THE TUSKEGEE AIRMEN

# HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to an upcoming cele-

bration of the Tuskegee Airmen, which will be held on January 20th when the George Lucas film "Red Tails" makes its national debut.

The movie will highlight the heroic Tuskegee Airmen who served our country with honor and distinction even though they faced great challenges back at home. The Tuskegee Airmen flew over 15,000 missions and were awarded the Congressional Medal in 2007.

Across Tuskegee and Alabama, friends will honor this tribute by wearing red and hanging red ribbons across the community. There will be a red ribbon hanging in my Washington, DC office as well.

In 1998, the Tuskegee Airmen National Historic Site at Moton Field in Macon County was established. This site draws people from all over to come and visit.

It is with deepest appreciation and honor that we celebrate the Tuskegee Airmen for the film "Red Tails" filmed in their honor. This tribute should be another great way to help continue to tell their story for generations to come.

CONGRATULATING THE SANTA MARGARITA CATHOLIC HIGH SCHOOL EAGLES ON THEIR 2011 CIF STATE BOWL DIVISION AND 2011 CIF PAC-5 DIVISION CHAM-PIONSHIPS

# HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to congratulate the Santa Margarita Catholic High School Eagles on their 2011 CIF State Bowl Division and 2011 CIF PAC-5 Division Championships. Their 42–37 victory on December 16, 2011, is an achievement that will be remembered forever.

Winning a state championship is a remarkable achievement. This championship is a legacy that both Santa Margarita High School and each 2010-2011 Eagle player will always cherish. The Eagles and Coach Harry Welch, along with assistant coaches John Carpenter, Sean Coen, Dave Frazeur, Paul Gomes, Joe Griffith, Wyatt Hart, Rob Hendricks, Mike Johnson, Jay Noonan, Kevin Orton, Brian Pearsall, Adrian Peters, Marty Spalding, Mike Butch Ward and Walcott, Monterio Witherspoon, know that success comes with teamwork and perseverance. The coaches rely upon team managers for expert assistance. Managers Haley Davin, Lauren Haydon, Rachel Imburgia and Sydney Martin were instrumental in the victory.

It is an honor to pay tribute to Santa Margarita High School and the entire Eagles football squad. The House of Representatives salutes each of you: Houston Agan, Matt Andersen, Reid Andrew, Ryan Andrew, Nick Begg, Tony Bone, Zach Bonte, Erik Bunte, Justin Cabrera, Josh Canty, Grant Clancy, River Cracraft, Dane Crane, Kendall Czech, Ian Dewert, Frank DiPietro, Sean Donegan, David Dotson, Chris Frost, Ryan Gardner, Sammy Gibbs, Hunter Graham, Grady Higgins, Duncan Hume, Konner Kafentzis, Patrick Kennelly, Jack Kerry, Ryan Kilander, Jonathan LaBonty, Brenden Linzmeier, Cole Luther, Michael Della

Maggiore, Austin Maihen, RJ Mazolewski, Joseph McGill, John McGrory, Brady McGuire, Sean McGuire, Alec McNiff, James McQuitty, Andrew Mendonca, Cory Mendoza, Sean Modster, Connor O'Brien, Mack Pierson, Luke Poutre, Taylor Prenevost, Ben Prukop, Blaine Rieger, Drake Schwenke, Riley Sorenson, Will Sorenson, Gian Carlo Spinosi, Johnny Stanton, Luke Stinson, Alex Suchesk, Randal Swain, Kyle Sweet, Max Tuerk, Alex Ury, Ryan Wolpin and Bradley Ydens.

Congratulations again to the Santa Margarita High School Eagles.

IN RECOGNITION OF GARY JONES

# HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. BURGESS. Mr. Speaker, I rise today to recognize FEMA Region 6 Deputy Regional Administrator Gary Jones as he retires from public service. Mr. Jones retired at the end of 2011 after forty-six years of state and federal service.

Earning a Bachelor's Degree in Education from the University of Arkansas and a Master's Degree in Public Health Administration from Tulane University, Mr. Jones began his public service with the State of Arkansas. This state career spanned thirteen years, including three years as the Director of Arkansas' Emergency Medical Services Program. He then went into federal service in 1977 with the U.S. Public Health Service where his role as Arkansas State Coordinator for Physician Recruitment to identify doctors, dentists and nurses for rural Arkansas communities federally designated as medically underserved.

In 1983 Mr. Jones joined FEMA and moved to Denton. By 1987 he was Branch Chief for Region 6 Technological Hazards Branch where he was responsible for the region's Radiological Emergency Preparedness, Radiological Defense, Hazardous Materials, Earthquake Preparedness, Hurricane Preparedness, Dam Safety and the Chemical Stockpile Emergency Preparedness programs.

In 1994 Mr. Jones was promoted to his current position as the FEMA Region 6 Deputy Regional Administrator, during which he served on five separate occasions as the FEMA Region 6 Acting Regional Administrator for a span of time that exceeded four years.

During the seventeen years he served as Deputy Regional Administrator, he provided executive leadership and oversight in over three hundred federally declared disasters including his roles as Deputy Principal Federal Official for Hurricane Rita (2005) and Federal Coordinating Officer for Hurricanes Katrina (2005) and Georges (1998) as well as service in Hurricane Andrew, the Oklahoma City bombing, the Columbia Space Shuttle disaster, Tropical Storm Allison, and the duration of 2008 which featured Hurricane Ike and proved to be a record-breaking year for the region in presidentially declared disasters. Several of these disasters have directly impacted the 26th District of Texas, and with each I and my staff have come to rely on his timely and thorough briefings during which he patiently shared the progress and challenges unique to each situation.

As Mr. Jones enters retirement, the region loses a reliable and dedicated public servant. I wish for him many well-earned years to spend time with his wife Mary, daughter Shea Hutchison, and his granddaughter. I am honored to represent Gary Jones and FEMA Region 6 in Washington, D.C., and on behalf of the constituents of the 26th District of Texas I rise to thank him for his service.

RECOGNIZING KENT CONINE AND HIS CONTRIBUTIONS TO THE STATE OF TEXAS AND THE CAUSE OF AFFORDABLE HOUSING

# HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. SESSIONS. Mr. Speaker, today I wish to recognize Kent Conine of Dallas, TX. Mr. Conine has spent his career working to provide affordable housing for the citizens of the great State of Texas. As a homebuilder, Mr. Conine has made significant and lasting contributions to his local community and the housing industry. President of Conine Residential Group, Mr. Conine has helped thousands of Texans fulfill their American Dream of homeownership.

However, his efforts extend beyond his personal business. Mr. Conine has served as Chairman of the Texas Department of Housing and Community Affairs (TDHCA), on the Board of Directors Federal Home Loan Bank of Dallas, and as President of the Texas Association of Builders, the National Association of State of Housing Boards, and the National Association of Homebuilders.

This evening in Austin, Texas the Texas Affiliation of Affordable Housing Providers is honoring Mr. Conine for his years of service and unwavering dedication to the people of Texas. I wish to join them in thanking Kent for everything he has done, and continues to do, to promote the American Dream of homeownership in Texas.

HONORING THE SAINT XAVIER UNIVERSITY COUGARS FOOTBALL TEAM FOR WINNING THE 2011 NAIA CHAMPIONSHIP

# HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Saint Xavier University for winning the 2011 NAIA National Football Championship. I am very proud of Head Coach Mike Feminis and the SXU Cougars for defeating reigning champion Carroll College 24–20 and bringing back the Chicago area's first collegiate football national championship since 1913.

Congratulations are also in order for longtime Athletics Director Bob Hallberg, University President Christine Wiseman, and all the faculty, staff, and students at Saint Xavier, Chicago's oldest Catholic University, which is located in the Third District in the Mt. Greenwood neighborhood and in Orland Park.

The Cougars fielded a balanced team all vear. They stifled opponents' offenses with an experienced defense and confused the opposition's defenses with a fast-paced spread offense. Senior captains Patrick Appino and Michael Prosser led one of the top defenses in the country, holding Carroll's running back, the NAIA player of the year, to only 57 yards rushing in the championship game. On offense, local standouts Shane Zackery and Wes Gastel combined for 13 receptions and 109 yards receiving. Zackery and Gastel also provided quarterback Jimmy Coy and the rest of the offense favorable field position on several occasions with four kick returns for 113 yards. This balanced attack has been Coach Feminis' recipe for success all season long.

I am proud to have the Cougars call my district home, not only because they are the best NAIA football team in the country, but also because they embody all the best attributes of true student-athletes. Coach Feminis is proud of the familial atmosphere he creates in the team's facilities and the emphasis he places on academics. I am certain the tradition of success Coach Feminis has established will continue for a long time at SXU.

Please join me in honoring these hardworking, dedicated, and honorable men for a memorable season and bringing a championship home to Chicago.

HONORING SGT. GUY MELLOR

#### HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 17, 2012

Mr. CHAFFETZ. Mr. Speaker, I rise to honor the incredible service and dedication of Sgt. Guy Mellor, a resident of Fayette, Utah and a real American hero. As he served his country as a member of the Utah Army National Guard, he set aside his personal aspirations of becoming a Civil Engineer to prepare for the Army's Best Warrior Competition Noncommissioned Officer for 2011. With much preparation he won the State, Regional, and National level competitions.

Sgt. Mellor had to compete against twelve Major Army Commands in a series of tests including physical fitness, marksmanship, battle drills, a written exam, and a board interview conducted by seven of the Army's top leaders. This is only the second time in the history of this competition that a National Guard Soldier has won this prestigious award.

I invite my colleagues to join me in celebrating the accomplishments of this valiant man who placed service to his country above that of his own ambitions. Sgt. Mellor is a great example of the men and women that are currently serving our country in various branches of the armed services. I am grateful to every one of them for the great sacrifice that they make every day.

IN MEMORY OF THE LIFE OF MR. JOCK SMITH

# HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 17,\ 2012$ 

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to the life of Mr. Jock Smith who passed away on January 8, 2012.

Mr. Smith was born in Manhattan, New York, on June 10, 1948, and graduated from Tuskegee University and later the University of Notre Dame Law School. He returned to Alabama after receiving his law degree.

Mr. Smith was an attorney and senior partner at the National Law Firm of Cochran, Cherry, Givens and Smith, P.C. He also worked as a sports agent for Cochran Sports Management, Assistant Attorney General of

the State of Alabama and as a professor of political science at Tuskegee University.

Mr. Smith was a member of Christian Life Church in Montgomery, Alabama. He was married to Yvette Smiley-Smith and had a daughter Janay Johnson.

We honor the memory of Mr. Jock Smith today.

# HOUSE OF REPRESENTATIVE—Wednesday, January 18, 2012

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

#### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC. January 18, 2012. I hereby appoint the Honorable DANIEL Webster to act as Speaker pro tempore on this day.

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

#### MORNING-HOUR DEBATE

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

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

#### A GOLDEN OPPORTUNITY FOR A COLLECTIVE VISION IN REBUILD-ING AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. Blumenauer) for 5 min-

Mr. BLUMENAUER. We begin the new year on the same sour note with which we concluded 2011—an appalling year, full of fabricated crises that didn't need to happen but which produced real-life consequences, the debt ceiling debacle being but one example. The Republican nomination of a Presidential candidate is showing the dark side of this new era of Super PACs and what happens when a party is captive to ideological extremists.

Even if you're not a Republican, it's a sad indictment. We need two constructive, effective, responsible political parties, or at least as close as we can come. It is past time to respond to things that Americans need and support.

It really doesn't need to be this hard. I would suggest that one test going forward would be dealing with issues that could be supported by both the Tea Party and the Occupy Wall Street

to a shared concern that Americans are being shortchanged, that America is on a path that is not sustainable, and of a political process that is unable to respond to their needs. Both movements are understandable and have valid concerns, that the political process is too often stacked against people trying to make changes in how we do business.

The degree of overlap between the two narratives is very encouraging, and I think it is healthy that both have found political expression. The question is the extent to which people who identify with these movements can identify with each other and with practical, achievable responses.

I think they can.

This year, I hope that both sides of the aisle here in Congress will think about what those shared objectives might be.

Agricultural reform ought to be at the very top of the list. We have a system that the right and the left can agree shortchanges most farmers and ranchers and is far too expensive. It is tilted towards large agribusiness, not to smaller operations—the quintessential family farm. We know we can do better to help more people while we save taxpayer money, improve the environment, and enhance the health of our children in dealing with school nutrition.

Another major area of agreement deals with American leadership in helping the 2 billion poor people around the world who do not have access to safe drinking water or adequate sanitation or, tragically, to both. The United States has the potential to dramatically enhance the effectiveness of the work we are already doing and the money we are already spending. I am pleased we have bipartisan legislation with my friend TED POE from Texas as the lead Republican to enhance these international water and sanitation efforts.

For years, I've been working to enhance the capacity of our health care system to help people when they are most vulnerable. This has commonly been referred to as "end of life." but it is not just that—it is much more. It is any time people are in difficult medical conditions, when they may lose control over what happens to them. We need to make sure that people understand their choices, are able to articulate what they and their families want, and that their health care wishes, whatever they may be, are respected.

This bipartisan concept got caught up in the madness of the 2009 political

protesters—both movements responses lie of the year—death panels—but it's now time to revisit it. It's overwhelmingly supported by the American people, including the Tea Party and Occupy Wall Street. It costs nothing, and will help enhance the well-being of our families.

> There is a golden opportunity to come together around a collective vision of rebuilding and renewing America. This is happening at the State and local levels as people are uniting around their visions and putting up money to achieve it. This is the fastest way to revitalize the economy and protect our quality of life, and the Federal Government should be playing.

> While I strongly support efforts to correct the distorting and, in some ways, corruption of the political process by avalanches of secret money that are now savaging Republican candidates for the Presidential nomination, there is another corrupting process that is taking place for which there are no constitutional barriers to remediate—the legislative redistricting process. In most States, it's a scandal where politicians pick the voters rather than voters being able to pick the politicians. We all ought to identify with reform efforts that are emerging in this area.

> These are five simple steps that don't cost money and certainly, in the long run, will save money while they enhance the integrity of the system. They can strengthen the economy while revitalizing the political process and addressing the frustrations of both Occupy Wall Street and the Tea Party.

#### NUCLEAR WASTE STORAGE IN TENNESSEE

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

Mr. SHIMKUS. Mr. Speaker, it's great to be back down on the floor, back to being in Washington, DC, to continue with what I spent most of my time last year doing, which was addressing the high-level nuclear waste issues in this country.

Today, we go to the great State of Tennessee, and identify a location where there is presently high-level nuclear waste stored and compare that to the site that was picked and that is in Federal law right now, which is the high-level nuclear waste depository scheduled to occur in Yucca Mountain.

First of all, this is Sequoyah in Tennessee, where there are over 1.094 MTU of spent nuclear fuel onsite. At Yucca

Mountain, which is in the desert in Nevada, there is currently no nuclear waste onsite. At Sequoyah, the waste is stored above the ground in pools and dry casks. If we were to put it in Yucca Mountain, where it is supposed to go, the waste would be stored 1,000 feet underground-underneath, in essence, a mountain. At Sequoyah, the waste is 25 feet from the groundwater table. At Yucca Mountain, it would be 1,000 feet above the water table, and Yucca Mountain is 100 miles from the Colorado River. Sequoyah is 14 miles from the city of Chattanooga and 14 miles from Chickamauga Lake.

So why do I highlight these issues? Because of what happened in Japan with Fukushima Daiichi and the highlevel nuclear waste.

A lot of the nuclear exposure was because pools had dried up. The nuclear waste heated up, and then you had almost a worldwide catastrophe right next to the ocean. If we were doing what was public policy in Federal law in collecting our high-level nuclear waste and taking it to a desert underneath a mountain, that would be a much more secure location than around our major municipalities, our streams, and our groundwater locations. But, no, because of this administration and some political promises made in the last election cycle, they have defunded and pulled off the table Yucca Mountain from consideration.

In 1982, the Nuclear Waste Policy Act made the Federal Government responsible for checking waste. Since that time, \$9 billion and 20 years was spent studying for a suitable location. That study ended in Yucca Mountain.

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In 1987 Congress named Yucca Mountain the sole candidate site for a permanent repository, and then in '94 DOE published scientific results demonstrating Yucca as capable of protecting public health and safety; in '98, the statutory deadline for DOE to commence disposal of spent nuclear fuel.

So we pay these nuclear utilities money to hold their own waste that we should be collecting based upon Federal law.

In 2002 we voted here, and the President and Congress approved Yucca as the site repository. DOE issued a license application in 2008, and then in 2009 President Obama announced plans to terminate Yucca Mountain after \$15 billion spent in studying this site.

And I'll close with this: Would you rather have nuclear waste 14 miles from a major metropolitan area next to a lake or would you rather have highlevel nuclear waste hundreds of miles from the major, largest city, 100 miles from a river, underneath a mountain, in the desert?

Public policy, good public policy demands that we move forward on Yucca Mountain.

CONGRATULATING UNIVERSITY OF ALABAMA ON 2011 BCS CHAM-PIONSHIP

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

Ms. SEWELL. Mr. Speaker, today I rise to congratulate the University of Alabama Crimson Tide for being the 2011 BCS champions. Roll Tide.

The State of Alabama is still number one in college football. For the past 3 consecutive years, a team from the State of Alabama has won the national championship trophy. The University of Alabama has been the national champs twice in the last 3 years.

The championship game between Alabama and LSU represents college football at its finest. Both schools have a proud and very rich tradition in football history, and the LSU Tigers should be commended for an outstanding season. While both teams deserve recognition, in the end, Alabama beat LSU with a final score of 21–0.

I want to congratulate the coaches, staff, team, and the entire university family and fans for an amazing season. It was your hard work, persistence, leadership, and commitment all season long that made this decisive victory become a reality.

The University of Alabama has had a long-standing tradition of excellence in collegiate football. This year's victory represented the 14th national championship title for the University of Alabama. Since being founded in 1892, the Crimson Tide football program has achieved 813 victories in the NCAA Division I and 26 conference championships. The Crimson Tide also sets an NCAA record with 58 post-season bowl appearances. The Tide leads the SEC West Division with seven division titles and seven appearances in the SEC Championship Game.

This entire team deserves recognition and honor. I want to especially acknowledge Trent Richardson, who was a Heisman Trophy finalist and winner of this year's Nation's Most Outstanding Running Back. I would also like to acknowledge Barrett Jones, who was the 2011 Outland Trophy winner for the Nation's best interior lineman in college football.

This championship team also includes six players who were selected for the 2011 Associated Press All-America Team: Mark Barron, Dont'a Hightower, Barrett Jones, Trent Richardson, Courtney Upshaw, and Dre Kirkpatrick. This year's team was truly a force to be reckoned with.

This win not only represents a victory for the University of Alabama football team, but it also is a unifying victory for the State of Alabama, who suffered so much during the devastation of the April tornados. This victory shows the resilient spirit of Alabamians and reflects our hope for a better future.

I speak on behalf of the constituents of the Seventh Congressional District, the great State of Alabama, and this Nation as I express how proud we are of the players, coaches, and athletic staff of the University of Alabama for making this victory possible and helping our communities heal.

I also want to thank Representative CASSIDY of Louisiana for being such a good sport and looking so dapper today in his brand-new Crimson Tide tie and attire. What an addition to your wardrobe.

I urge my colleagues to please join me in celebrating the achievements of the University of Alabama Crimson Tide and its outstanding athletes on their 2011 BCS championship victory.

Roll Tide.

# MAKE FEDERAL GOVERNMENT LIVE WITHIN ITS MEANS

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

Mr. WALBERG. Mr. Speaker, when the 112th Congress was sworn in on January 5, 2011, I, along with many of my fellow Republicans, voted to change the status quo.

Instead of escalating spending, we have made and pushed for significant spending cuts. Instead of forcing a trillion dollar government takeover of health care on the American people, we voted to repeal it in the House. Instead of imposing costly and burdensome regulations on an already struggling business economy, we passed legislation to reverse overly burdensome regulations so businesses can get back to hiring again.

These are the vows we made to our constituents when we took office a year ago. And despite hitting numerous snags in the do-nothing Senate and with leadership lacking in the White House, we delivered on the promises.

In the past year, the House has passed 27 job-creating measures as part of our plan for American job creators. We have remained committed to removing the onerous taxes and regulations that are crippling small business and our families and are the cause for so much distrust of Washington. We have begun an honest conversation about which programs are in alignment with our constitutional principles and which programs are wasteful and inefficient.

We have the responsibility to make the Federal Government live within its means, just like hardworking families across the country. This means we have to cut spending, stop raising taxes, and eliminate wasteful spending from our outdated, overreaching government programs.

When we took office last January, we vowed to reduce discretionary spending to 2008 levels, and we delivered. The House passed a bill to reduce spending

by \$5.8 trillion over the next 10 years. We also voted to cut over 100 programs across government and save billions of dollars in the process. In May, the House also overwhelmingly voted against giving President Obama a blank check to increase the debt limit without spending reductions or reforms.

We have relentlessly fought for policies that will encourage job creation and free our families from the burdensome economic problems of government regulation. We acted to undo duplicative permitting requirements for farmers by passing the Reduced Regulatory Burdens Act. We pushed back against the President's attempts to implement a cap-and-trade policy—an energy reduction policy, really—through the regulatory process by passing the Energy Tax Prevention Act. And we confronted the EPA's costly and burdensome agenda by passing three regulatory reform bills that safeguard our environment while keeping Americans at work.

On November 16, we defeated the 3 percent withholding rule by passing H.R. 674. This misguided tax rule would have required government agencies at all levels to withhold 3 percent of their payments to businesses for goods and services. Any small business that contracts with the government would have their profit margins wiped out if such a rule were allowed to take effect.

We passed the REINS Act, to bring accountability to the executive branch by requiring that government bureaucrats receive permission from Congress, the elected representatives of the people, before the implementation of any major regulation.

Just 2 weeks after beginning our work in Congress, the House voted to repeal the overreaching, costly, and harmful government takeover of health care that President Obama forced upon the American people. H.R. 2 was one of my first votes after being sworn in. The bill cut new spending by \$1.4 trillion over 10 years and repealed the President's health care takeover, and I was proud to vote to repeal this job-killing law which will do nothing to bring stability and certainty to American families.

Throughout the first session of the 112th Congress, House Republicans have remained committed to changing the way the government does business. We've delivered on our promises to pass legislation that reins in spending and encourages job creation. Going forward, I'm hopeful that our friends in the Senate and the leadership in the White House will finally be ready to join us in passing legislation that the American people want and not let dozens of job-producing bills sit idle in the Senate.

This year, I look forward to working with my colleagues in the House as we look beyond the next election and

focus on improving people's lives and creating a brighter economic future allow this sort of censorship, sort of with the freedom God really intended for all of us.

going to enshrine principles that would allow this sort of censorship, sort of mimicking some of the actions of the Iranian and the Communist Chinese. I

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#### STOP PIPA AND SOPA

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

Mr. DEFAZIO. PIPA, Protect Intellectual Property Act; SOPA, Stop Online Piracy Act. Now, who could be against bills like that, to prevent the theft of intellectual property or online piracy, to prevent online piracy. Clever names, great. Content, not so much.

Now, the worst, organized, government-sanctioned theft of intellectual property in the world goes on day in and day out in Communist China. And this government has done precious little to rein that in. We run a huge trade deficit with China. We're buying their goods. They are dependent upon our purchasing of their goods. And yet we allow them to get away with that. This bill does nothing to deal with the organized theft in Communist China, which is the greatest problem that confronts us in the theft of intellectual property.

Now, concealed behind these really benign names and embedded in the text is something that's kind of like what we call malware. Now, we all know what malware can do to our computers. We've seen it; the black screen of death. Well, this is a little bigger than malware that gets on your computer, steals your data, or crashes your computer. It could crash the entire Internet and the productivity of the Internet.

Now, eventually this legislation could threaten the existence of an entire domain because of one blog entry, one user link. A whole domain could be taken down. Wow. That's pretty incredible. Imagine how some of these user-content sites are going to have to try and police things.

Well, they can always err on the side of censorship because there are broad provisions in this bill to allow you in good faith to censor something because you thought maybe it was a problem. So they could start censoring rather dramatically. The legislation also includes very broad language for socalled anti-circumvention, that is any site that provides information that could—could, maybe, possibly—help users get around censorship would be a target. Well, that's kind of an interesting contradiction for the government of the United States because actually we promote through the State Department software that helps democratic activists in Communist China, which I already mentioned, and in Iran and other vicious dictatorships around the world to get around their government's online censorship. We're now

going to enshrine principles that would allow this sort of censorship, sort of mimicking some of the actions of the Iranian and the Communist Chinese, I guess, in regards to the Internet here. Of course, we're going to allow private companies to impose this censorship instead of the government imposing this censorship; but they would have government enforcement behind their actions, the private right of actions that would be allowed in this bill.

This is pretty extraordinary legislation, very poorly drafted. If you didn't care about the Internet, if it didn't exist and you wanted to put in the toughest possible protections theoretically for piracy and intellectual property, maybe you'd write something like this. But there's a better way to go than to kill the Internet at the same time as you're trying to get at these few bad actors that are out there, let alone the state bad actors, like China.

I'd love to see a bill drafted to take on the Chinese on their multi-billion-dollar annual theft of intellectual property from the United States. Everybody says we can't take on China; no, they're too big. So instead, we'll go after small, creative people who could tread across this line unknowingly who are participating in a much larger site. They have their blog as part of that site or they have their post as part of that site. The whole site could be taken down.

This legislation, I'm pleased to say, that it seems like the White House has woken up to the dangers here; the fact that we are essentially creating the PATRIOT Act national security letter provisions for private companies to censor the Internet. We cannot let that happen. We must stop this legislation. We also need to take on meaningfully piracy and the theft of intellectual property.

# OUT OF AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. Jones) for 5 minutes.

Mr. JONES. Mr. Speaker, thank you very much.

During the Christmas break, I wrote a letter to President Obama expressing outrage over the fact that Afghan President Karzai again snubbed our country and our men and women in uniform by signing an oil contract with China. How much more do the American people have to sacrifice with their young men and women? How many more young men and women have to walk the countryside of Afghanistan and have a leg or arm blown off, or killed, so Mr. Karzai can continue to say to Uncle Sam: We don't need you, but you've got to stay here so I can cut all these deals with these foreign countries.

In a December 8, 2010, Washington Post article, while meeting with General Petraeus and former Ambassador Eikenberry, President Karzai said: I have three main enemies—the Taliban, the United States, and the international community. Karzai further stated: If I had to choose sides today, I'd choose the Taliban.

Yes, young men and women in uniform, thank you for what you're doing; but it's time to bring you home.

In a November 14, 2010, interview with the Washington Post, Karzai said that he wanted American troops off the roads and out of Afghan homes and that the long-term presence of so many foreign soldiers would only worsen the war.

Very seldom do I say: Thank you, Mr. Karzai. vou're exactly right.

March 12, 2011, New York Times: "I request that NATO and American soldiers should stop these operations on our soil. This war is not on our soil. If this war is against terror, then this war is not here. Terror is not here." Mr. Karzai, president of Afghanistan.

In October of 2011 during a television interview, President Karzai stated: "If ever there is a war between Pakistan and America, Afghanistan will side with the Pakistanis."

Why are we still there spending \$10 billion a month and saying to the American people: We're going to cut your school programs; we're going to cut your bridge programs; we're going to cut your road programs? American people, we don't have the money, but somehow, we have \$10 billion a month to send to Mr. Karzai.

This little boy beside me is named Tyler Jordan. In 2003, his father, Gunny Sergeant Phillip Jordan, was killed in Iraq. I've spoken to his mom, Amanda. She lives in Connecticut. I've asked her about Tyler. I've had this picture since 2003. She says he still misses his daddy. He will always miss his father.

Bin Laden is dead. Al Qaeda has been dispersed all over the world. I hope the American people will call their Members of Congress in both parties and say: Get our troops out of Afghanistan. Do not wait until 2014, 2015. I don't know how many more will have to die for a corrupt leader named Karzai.

We have won. Bin Laden is dead. We have won. Declare victory and bring them home.

God, continue to bless our men and women in uniform. Bless the families who've given a child dying for freedom in Afghanistan and Iraq. And God, please continue to bless America. We're in great need of Your guidance, dear God. God bless America.

# ☐ 1030 POVERTY

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

Ms. LEE of California. Mr. Speaker, first of all, let me just say to the prior gentleman who spoke, Mr. Jones, that I appreciate him continuing to call for the end of the war and occupation of Afghanistan and bringing our young men and women home because, of course, we know that this war has created undue hardship, so many deaths, and really has been the longest war in our lifetime. And so thank you, Mr. Jones, for your leadership.

I am the founder of the Congressional Out of Poverty Caucus, and I just have to rise today on behalf of the caucus to continue to talk about the tide of poverty that is sweeping our country.

As we begin now the second session of the 112th Congress, we must do more to help the millions of Americans living in poverty, looking hard for a job, and working hard every day to move up the ladder of opportunity and earn their share of the American Dream.

Mr. Speaker, on January 4, The New York Times reported that economic mobility—the ability to work hard and make your fortune from humble beginnings, which is the fundamental cornerstone of the American Dream—is getting harder and harder to achieve in America. Americans have fallen behind and are increasingly cut off from their dreams of having a job and supporting their families.

How in the world did this happen? The failed policies of the past administration only helped the richest among us become richer and concentrated greater wealth into the hands of a wealthy few. And today, House Republican leadership has failed to address the needs of most Americans.

The only way that our economy can recover and reduce poverty is to create jobs and to expand access to the economic opportunities. We find that the lack of opportunity and economic mobility is worse at the bottom, and without a real commitment to change, it will only get worse.

The Republican-led Congress has been too beholden to their extremist Tea Party base to reach the necessary compromises to move our Nation forward and to begin the hard work of rebuilding and growing our economy for all Americans.

Now, President Obama did stop the economy from going off a cliff, and Congress must work with the President to put our Nation back on the road to recovery and growth.

We continue to have unacceptably high unemployment, and we all know that the rates of unemployment and the rates of poverty in our minority communities continue to be about twice the national average. But even these painful and these shameful statistics may not completely show just how much Wall Street has focused their efforts on stripping communities of color of the little wealth that they have managed to accumulate over the last few decades.

The Pew Research Center found that minority households were hit disproportionately hard by the housing and financial crisis. The Pew Center found that from 2005 to 2009, median wealth fell by 66 percent among Hispanic households and 53 percent among black households, compared with just 16 percent among white households. As a result of these declines, the typical African American household now has, mind you, just \$5,677 in wealth; the typical Hispanic household has \$6,300 in wealth; and the typical white household has \$113,000 in net worth.

So the facts speak for themselves. Wall Street targeted minority homeowners and minority communities, and we must respond accordingly.

It is long past time that we as a Nation enact bold programs and policies that ensure that we are a Nation that truly does provide equal opportunity and access to the American Dream rather than allowing, for example, minorities to be targeted for policies and programs that undermine their ability to achieve the American Dream. We must begin immediately to have an upor-down vote on a clean bill that extends vital emergency unemployment benefits for the 99 weeks for the millions of job seekers who continue to struggle to find a job and are no longer eligible for unemployment compensa-

Mr. Speaker, the majority of Americans who are struggling to find a job now are already no longer getting unemployment benefits due to the 99-week wall. But people want to work. There are four people, however, looking for one job, and that is a fact.

So we need to pass H.R. 3638, the Restore the American Dream Act, for the 99 percent, a package of job-creation measures and policy reforms introduced by the Congressional Progressive Caucus. This bill would significantly boost employment and create jobs in the short term and improve the fiscal outlook in the long term. It's the right thing to do. Instead, this Tea Party-led Congress has wasted an entire year without any jobs bills, without extending any new help to the millions of Americans in need.

We can't wait and neither should Congress. Let's help to make sure that the poor and the unemployed Americans find good-paying jobs and make that our number one priority. We must remove these obstacles to reignite the American Dream.

## ENERGY AND NATIONAL SECURITY

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

Mr. KINZINGER of Illinois. Mr. Speaker, you know, when we look at what are some of the most important issues facing our country today, obviously economy comes very first. Next,

we talk about energy, we talk about it's not the United States, it will be spending, and we talk about national security, all very important.

it's not the United States, it will be China—unless we take immediate action to expand the Keystone XL pipe-

You know, one nexus between economy and national defense is energy and our lack of energy here at home. Yesterday, the President's own Jobs Council called for an "all-in approach" to energy policy that includes expanded oil and gas drilling as well as expediting energy projects like pipelines. The report stated:

"The Council recognizes the important safety and environmental concerns surrounding these types of projects, but now more than ever, the jobs and economic and energy security benefits of these energy projects require us to tackle the issues head-on and to expeditiously, though cautiously, move forward on projects that can support hundreds of thousands of jobs."

The Keystone XL pipeline does just that. This pipeline would directly create 20,000 American jobs in manufacturing and construction and 118,000 total jobs. In addition, we would see 830,000 barrels of safe and secure oil each day from our friends to the north, which means we'll need less oil from countries we can no longer rely on and are not friendly to the interests of the United States.

Caterpillar, a leading manufacturer from my home State, supports securing stable and affordable energy from a North American ally through the Keystone XL pipeline and urges approval of this pipeline. Daniel Macholan, the Global Pipeline general manager for Caterpillar, said: "Considering the economic and energy security benefits of these vital resources, we should continue to expand America's access to safe. affordable energy to help ensure improved domestic and global energy security and stable prices for consumers. Pipelines are a critical part of our energy infrastructure, and additional pipeline capacity will help consumers and businesses throughout the United States."

There's a lot of talk of the need for bipartisanship today. There's a lot of talk for the need to unite different factions of people into one common goal for our country. And I agree that when you look at this project, the Keystone pipeline, it has bipartisan support. There were Democrats that supported this bill as well as Republicans and something that I believe we should move forward on as a country.

Manufacturers and union organizations are united alike in supporting this project. Last summer, the State Department announced that this extension had passed extensive environmental reviews, but President Obama already stalled for more than 26 days to make a decision on the Keystone XL pipeline.

The fact is that somebody will benefit from oil out of Alberta, Canada. If

it's not the United States, it will be China—unless we take immediate action to expand the Keystone XL pipeline—and it will be American businesses and consumers who will suffer the consequences from our inaction.

Ladies and gentlemen, I'm an Air Force pilot. I've been overseas. I've fought in these wars. And I can tell you, as much as I think we're doing the right thing, one thing we can do is to reduce our reliance on foreign oil so that when Iran threatens to close the Strait of Hormuz, it means nothing to the energy security of this country and just simply leaves it to what that's going to mean for them.

I strongly urge President Obama to immediately support this job-creating, bipartisan project. The time to act is now.

INSENSITIVE COMMENTS BY PRESIDENT OF OHIO STATE UNIVERSITY

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

Ms. KAPTUR. Mr. Speaker, my first reaction upon reading Dr. Gordon Gee's denigrating comments about the Polish Army was to see red—blood red.

As a Polish American, I fail to see the humor when the president of The Ohio State University described bureaucratic turf battles at his school with administrators "shooting each other" as "kind of like the Polish Army." His comments revealed not only insensitivity to the suffering of the Polish people over the past two centuries, but a shocking lack of knowledge of history. Surely, the leader of a major institution of higher learning should know better.

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Ohio State, after all, is home to the Center for Slavic and East European Studies.

Having spent my public career trying to overcome ethnic stereotyping, I thought about how to respond: Do I hold a press conference? Do I make an official statement? The Polish American Congress quickly demanded, received, and accepted an apology from President Gee.

But I kept thinking about my dear friend Colonel Marian Wojciechowski, a true hero of Poland and America, who died last year at age 97. I have known the Wojciechowski family for almost half a century. Marian's brilliant daughter Mary Ann was my friend in high school and the valedictorian of our class at St. Ursula Academy in Toledo.

Her father, Marian, had commanded a Polish Army cavalry platoon at the place where World War II started on land September 1, 1939. Against impossible odds, the Polish Army secured a tactical victory in the battle of Mokra. There was nothing disorganized or chaotic about Marian's home unit, the 21st Regiment Pulku Ulanow Nadwisclankich, which eventually was awarded the Virtuti Militari, Poland's highest military honor.

No, President Gee, the Polish soldiers at Mokra did not shoot at each other. In fact, they inflicted surprisingly heavy losses against the more heavily equipped Nazi invaders, who lost 800 men. Eventually, the Poles' situation deteriorated, as they ran low on ammunition and medicine. No Western country came to their aid. No Western country. The infantry commander considered surrendering, but the cavalry commander ordered a charge. Polish cavalry soldiers bravely drew their swords, positioned their artillery, and heroically charged German positions, even though they were hopelessly overmatched by mechanized blitzkrieg forces on the land, including two Panzer divisions, and Luftwaffe planes in the air.

A fellow soldier from Marian's hometown of Polaniec thought Marian had been killed and reported the sad news to Marian's family who held a funeral for him. But in fact, Marian had survived, had moved east with his remaining cavalry forces to fight the Red Army that attacked Poland 3 weeks later on the Russian front, on September 17. My friend Marian was grazed in the head by a Russian bullet.

He then joined the underground resistance for over 2 years in such dangerous work until he was arrested, brutally tortured, sent to Auschwitz in Death Block 11, and then transferred to Gross-Rosen and finally to Leitmeritz in 1945, from which he escaped. I must mention that the woman who had accidentally revealed his name was beheaded by Nazi forces.

Of course Poland, which had been partitioned by adjoining empires since the late 18th Century for daring to write its own democratic Constitution in 1791—2 years after our own and upon which it was modeled—was devastated by World War II. Poland lost a higher percentage of her population than any other nation, approximately one in five people. Cities such as Warsaw were razed because their people fought unrelentingly until they were subdued.

Fleeing to Germany and a U.S. Army-run refugee camp, Marian met his life-long love. Wladvslawa Poniencka, a Polish girl scout and also a member of the women's Underground resistance. She and her family had been arrested in Warsaw and sent to the notorious Pawiak Prison and then she to Ravensbruck where unspeakable experiments were performed on her while all of her closet relatives were killed. Marian and Wladyslawa married. They had their first child, my friend, and immigrated to America in 1950 under the Displaced Persons Act. They were sponsored by Marian's cousin in Toledo. They raised their family.

And he published a Polish language newspaper Ameryka-Echo in Toledo, for more than 7 years. He also built a career in neighborhood community development, working until age 80.

Like Generals Kosciusko and Pulaski, Colonel Marian Wojciechowski dedicated his life to the cause of liberty and community building. He was an extraordinary man. In different times, I think he might have been president of Poland. He surely should have run for office here.

I am going to send a copy of the book "Seven Paths to Freedom," edited by Miroslawa Zawadzka and Andrezj Zawadzki, to President Gee. I hope he reads it. It's over time for the President of Ohio State University to show reverence and respect for Poland's heroic struggle for liberty.

> THE KOSCIUSZKO FOUNDATION, New York, NY.

Subject: Ohio State President Gordon Gee Must Be Reprimanded For Polish Slur. Chairman Leslie H. Wexner,

Board of Trustees, Ohio State University, Brick-

er Hall, Columbus, OH.

DEAR CHAIRMAN WEXNER AND TRUSTEES OF OHIO STATE UNIVERSITY: As a son of Polish war heroes, I ask that you publicly admonish University President Gordon Gee for his unacceptable comment that your staff, "were shooting at each other . . . like the Polish Army." In addition, the Board of Trustees must truly serve the 465,000 Polish-Americans living in Ohio by funding classes on Polish history at the University. With a President who lacks erudition, how can you expect to educate your students about World history, or Poland?

I can assure Mr. Gee that my father, Corp. Dionizy Storozynski was shooting straight as a motorcycle scout for a Polish tank division during the allied invasion of Normandy. Afterwards, he was awarded the Polish Army Medal, and three medals from the British Army. And I can assure Mr. Gee that my grandfather, Sgt. Wladyslaw Krzyzanowski was shooting straight when his Polish regiment, the Anders' Army, helped drive the Germans from North Africa, and when he destroyed two German tanks in the Battle of Monte Cassino in Italy. For this he received three Polish medals and three British medals. And I can assure Mr. Gee that the Polish WWII pilots that set records in accuracy in destroying German Luftwaffe planes during the Battle for Britain were shooting straight.

It's Mr. Gee who is not a straight shooter. Gee has made a half-hearted apology. That is not enough. Gee has a history of putting his feet in his mouth and having to apologize. Yet the Ohio State Board of Trustees has made him the highest paid college president in the United States, paying him \$1.6 million annually.

As Trustees, you are the governing body for a state university in a state that has nearly half a million Polish-American taxpayers and voters. Yet you offer few classes in Polish language and literature, and no classes in Polish history. With your university receiving \$493 million in state appropriations and \$426 million in other government funding in 2012, surely you can afford to rectify this situation. This should be put on the agenda for your next Board of Trustees meeting on Feb. 9.

After Mr. Gee made his unenlightened comment, he said, "Who did I embarrass himself and Ohio State University. This is also an embarrassment to United States foreign policy.

With thousands of Polish soldiers who have served in Iraq and Afghanistan, Gee's comments have caused a stir in Poland. And the Polish soldiers supporting the American mission in Afghanistan will not be pleased with Mr. Gee's benighted opinion. Poland's Special Forces unit shut down oilrigs in the Persian Gulf during the invasion of Iraq, and the Polish Army played a major role in the war.

When I traveled to Iraq in 2006 to write an article for the New York Sun, U.S. Army lieutenant general, Peter Chiarelli, told me that the Polish troops "are doing an absolutely outstanding job. They've been one of the most steadfast members of the coalition. And these are two of the most peaceful provinces in all of Iraq, Diwaniyah and Wasit. And that's largely attributable to the great leadership of successive Polish generals who have come down here and the Polish units who have served here."

The Polish Army has made major contributions to European and American history. King Jan Sobieski turned back the Ottoman Empire during the Siege of Vienna in 1863 when the Turks invaded Europe and tried to turn it into a Muslim colony. The Polish-Lithuanian Commonwealth was the largest country in Europe at the time and Sobieski's Hussar Knights were the most feared soldiers in Europe.

The President of a major university should also know the military contributions of Poles to this country. The Father of the American Cavalry, Gen. Casimir Pulaski saved George Washington's life at the Battle of Brandywine. Gen. Thaddeus Kosciuszko built the largest fortress in America. West Point and suggested putting a military academy there. That was before he devised the plans for the Battle of Saratoga, the turning point of the American Revolution. And Abra-Lincoln appointed Wlodzimierz Krzyzanowski Brigadier General in the Union Army during the Civil War. Would Abe Lincoln have picked a Polish general if he could not shoot straight?

Mr. Gee further exposed his ignorance about Poland when after his witless comments about the Polish Army he told the crowd at the Columbus Metropolitan Club, 'Oh, never mind, who did I embarrass now? I'll have to raise money for Poland now.

If Mr. Gee read the Wall Street Journal he would know that despite Europe's financial woes, over the past several years, Poland has had one of the fastest growing economies in Europe. So no, Poland does not need Mr. Gee to help it raise money. But he can help himself by curing his foot-in-mouth disease and working to rehabilitate his image with the many Polish-Americans in your state.

Here's where he can start. Thaddeus Kosciuszko was given 500 acres on the Scioto River in Ohio by the Founding Fathers for his exemplary service in the American Revolution. That original tract of land borders the Ohio State University campus in Columbus. Today, part of that land is the Riverside Drive Park in Dublin, Ohio, and in May the city will rename it Thaddeus Kosciuszko Park. In addition to his military service, Kosciuszko put his money where his mouth was when it came to standing up for liberty. Kosciuszko donated his salary from the American Revolution, \$17,000 and asked that it be used to purchase slaves, and to free and educate them.

Kosciuszko was a virtuous straight shooter who did the right thing. If Mr. Gee is as

now?" For starters, Mr. Gee embarrassed much of a straight shooter as Polish soldiers, and has any semblance of decency, he should pay to erect a statue of Kosciuszko in that park. With a salary of \$1.6 million per year, Mr. Gee can clearly afford it.

ALEX STOROZYNSKI. President & Executive Director. The American Center for Polish Culture.

PIAST INSTITUTE. Hamtramck, MI, January 17, 2012. President E. GORDON GEE,

The Ohio State University, Bricker Hall, Colum $bus,\ OH.$ 

DEAR PRESIDENT GEE: I like many others both inside and outside the Polish American community, was surprised and dismayed by your remarks that played off deeply offensive stereotypes of Poles and Polish Americans. I am glad that you have recognized the inappropriateness of your statements and have tendered an apology. Nevertheless, it is disheartening that such remarks should come from the President of one of America's major universities. It shows that our society still has a long way to go in dispelling prejudice.

I am sure that you and the university's trustees have also received quite a number of letters detailing at some length the story of Poland as source of a world-class culture, a distinguished democratic tradition, courageous soldiers who have fought consistently for freedom for themselves and others and an unparalleled contribution to the history of liberty and human dignity in our time. through the efforts of heroes such as John Paul II and Lech Walesa.

Many of those who have written have asked for redress in the form of greater attention to the history of Poland and Polish Americans in courses and programs at The Ohio State University. Such projects would indeed help the people of Ohio better appreciate the contribution of Poland to world civilization and to give students a valuable historical and cultural perspective on universal issues such as human dignity, the price of liberty, and the various dimensions of tolerance, pluralism and non-violence. The Piast Institute heartily supports such a program, which is at the heart of its mission.

Nevertheless, such a program no matter how far reaching, will be of limited success unless it also addresses deep-seated negative images of Poles and Poland that lie buried in our culture. It will be hard for most people to even hear, let alone incorporate more positive images of Poland and Poles until these are attacked and extirpated. As Malgorzata Warchol-Schlottmann pointed out in her study of stereotypes of Poles in German culture "Positive personal experiences or empirical knowledge of Poland did not modify the stereotypical images". On the basis of my experience, I believe that the same is true of American culture.

I do not think that you picked the image of incompetent Polish soldiers shooting at each other at random out of thin air. It would have left your listeners puzzled if you had chosen "The Norwegian army" as your example. You were drawing, certainly without deep reflection, perhaps ever reflexively on deeply embedded negative images of Poles and Poland in American culture.

These stereotypes took shape in Europe in the 18th century as part of propaganda by Prussia, Russia and Austria to justify their unprecedented partition of Poland and the destruction of the Polish constitution. They were later used to justify Nazi genocide against Poles. Those images were transmitted to America in the 19th century and

became a distinct American bigotry in response to the large influx to Polish immigrants. Those stereotypes still exist and have power. This is clear from the fact that a President of a major American university could invoke them so unthinkingly and cavalierly.

I would hope that any program to provide redress would also include a mandate to examine the character and roots of anti-Polonism in courses and special programs designed to deal with racism, bigotry and prejudice in American Society. The Piast Institute, which is a national research and policy institute, would be pleased to assist in curriculum development and materials for such classes and programs.

We maintain close ties with the Polish community in Ohio and have worked with them on educational and cultural programs as well as providing demographic analysis of the Polish American population in Cleveland and Akron. The work of the Institute on such projects as our national survey of 1,400 Polish American leaders published as Polish Americans Today (2010) and our work in preparing curricula for the genocide curriculum in the California schools and for the National Catholic Holocaust Education Center at Seton Hill College has given us unparalleled recognition in Polish American communities and among their leaders. I also served for eight years as President of St. Mary's College founded by Polish immigrants and for many years a national center for Polish studies in the U.S.

I look forward to working with you and the university to turn this unfortunate event into a positive project to lessen prejudice and create a genuine pluralism at Ohio State as well as to build bridges to the half a million Polish Americans who live in Ohio and the 10 million Polish Americans in the United States.

Sincerely yours, THADDEUS C. RADZILOWSKI, Ph.D., President.

#### FISCAL DISCIPLINE

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

Mr. LANCE. Mr. Speaker, last week, President Obama asked Congress for \$1.2 trillion in additional borrowing authority, and today Congress has the opportunity to respond to the President request. Since the President took office, the national debt has increased \$4.6 trillion. The current Federal debt now exceeds the U.S. gross domestic product, and our Federal Government is borrowing more than 30 cents of every dollar it spends. In recent years, that has been as high as 40 cents of every dollar it spends.

The President's most recent request for a \$1.2 trillion increase will bring the debt limit to \$16.394 trillion. Yet despite this fiscal outlook, Admiral Mullen, the recently retired Chairman of the Joint Chiefs of Staff, has rightly called the national debt "the single-biggest threat to our national security." President Obama and some in Congress still refuse to make the difficult, long-term spending choices necessary to begin restoring fiscal discipline to the Federal budget.

The President publicly opposed a balanced budget amendment, an idea about which Thomas Jefferson said, "I would be willing to depend on that alone for the reduction of the administration of our government."

The House of Representatives, in a majority fashion, passed a balanced budget amendment late last year. Unfortunately, it did not receive a two-thirds vote here, as the Constitution requires; and I hope we can revisit that issue.

President Obama has failed to put forth a credible budget plan that reins in runaway Federal entitlement spending. It is the single-biggest contributor toward our long-term fiscal problems.

When the President releases his budget proposal for fiscal year 2013 in a few weeks, he has another opportunity to propose real spending caps and entitlement program reforms. I hope he will seize the opportunity to do so.

I commend to the President's attention and to the administration's attention, for example, Chairman RYAN's budget proposals, and we would like to work in good faith with the administration and with the President to make sure that we move forward in a fiscally responsible way.

But today's debate, Mr. Speaker, is about leadership and making tough choices. The Governor of the State of New Jersey, my friend Chris Christie, said last year, "Leadership, today in America, has to be about doing the big things." When given the opportunity to lead on issues concerning levels of spending, debt, and deficits, I urge President Obama to join with us in doing the big things to make sure that we can get our fiscal house in order, a glide path back toward fiscal responsibility for balancing our budget over time.

We need to restore that fiscal discipline in Washington instead of choosing the fiscally perilous path of more spending, larger annual deficits, and mounting debt. The next generation will have to pay back this debt. It is a tremendous burden on young people, and it will sap our strength in the continuing competition of the United States with the nations around the world, including, for example, China and India.

Mr. Speaker, I will oppose the President's request for an additional \$1.2 trillion in spending. I hope that we can work together with the administration on this fundamental issue, the issue that confronts the Nation's fiscal responsibility. And may the United States be restored to fiscal responsibility so that future generations might succeed, as generations have succeeded generation in and generation out, the great promise of the American Nation.

The President publicly opposed a bal-MORE THAN LIP SERVICE: HELPnced budget amendment, an idea ING OUR VETERANS FIND JOBS

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

Ms. WOOLSEY. Mr. Speaker, our Nation is now in the 124th consecutive month of war. And while those of us privileged to serve in this body enjoyed time back home with our families for the holidays, there is no such holiday break for our servicemembers who are serving in harm's way.

#### □ 1050

Thousands of American families had a permanently empty seat around their table this holiday season because a son or daughter or mother or father was killed in one of these senseless wars that we've been fighting.

I would note as a bit of an aside, Mr. Speaker, how ironic it is that 2 days ago we celebrated a Federal holiday named for a man who was a proud and principled pacifist, who believed in the moral power of nonviolent resistance. Martin Luther King once said, "A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual doom."

Mr. Speaker, it's time we paid more than lip service to his dream; it's time we started living it.

It's time also that we paid more than lip service to our veterans who are returning home from Iraq and Afghanistan. These men and women who have courageously sacrificed so much for us are coming home to an economy that seems to have no place for them.

Yes, we're in the grips of a devastating job crisis that's affecting just about every community and every group in the United States, but veterans of the Afghanistan and Iraq wars are feeling the squeeze disproportionately. Even as the job numbers have picked up some for the rest of economy, because it has rallied slightly, veterans are slipping further behind.

Overall, unemployment dropped to 8½ percent in December for our country. But for veterans who've served since September 2001, the jobless rate is a staggering 13.1 percent. Is this what we call a hero's welcome? Is this how our Nation shows its gratitude? Closing this gap must be at the top of our 2012 calendar.

There has been some progress. For example, in November, Congress passed and the President signed the Vow to Hire Heroes Act, which provides tax credits to employers who hire veterans. But, Mr. Speaker, we need to do much, much more because unless we take bold action, this problem is going to get much worse before it gets any better as the war in Iraq and, hopefully, the war in Afghanistan winds down and even more returning troops flood the jobs market.

We know what to do. There's no question. We need more job training. We need more technical assistance so that these skilled young people can find the work they need. We need more career counseling and job fairs. We need to increase our investment in veterans' housing initiatives. How about helping veterans become entrepreneurs by starting their own businesses? And basically, we need more jobs in this country.

We must not pinch pennies on veterans. We must not pinch pennies on their health care, and we must make sure that wounded veterans aren't victimized by job discrimination.

So let's get creative here. Let's put our money where our mouth is. If we can spend billions of dollars every month on wars, then certainly we can spend a fraction of that to help the Americans who fought those wars. When they come home they should have a seamless transition back to civilian life.

These wars have already taken too much from all of us, from our country. We can't let them also destroy the job prospects and the successful futures of the people who served so bravely on the front lines. It's time to bring our troops home and, at the same time, provide them with the jobs they need to support their families.

# WHAT WE HAVE LEARNED ABOUT THE CONSTITUTION FROM THE EXECUTIVE BRANCH, PART I

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

Mr. POE of Texas. Mr. Speaker, the United States Constitution is the law of the land. It must be followed in the spirit and in the letter of the law.

Article II, in section 2, gives the Executive authority to appoint certain public ministers with advice and consent of the U.S. Senate. When the Senate is in recess, the Executive can make temporary appointments until the end of that legislative session.

See, the Constitution envisions cooperation by the Executive with the Senate over naming persons to offices that rule over the people of America. Both the Executive and the Senate must agree prior to an official appointment.

The Senate, within their legal prerogative, has been blocking three NLRB appointments and the appointment of the head of the new Consumer Financial Protection Bureau.

However, ignoring the Senate, the Executive appointed these people anyway. He declared the Senate was in recess when he made such appointments. But was it?

Well, constitutional experts disagree. The Senate was in a pro forma session. One reason they were in pro forma session was to prevent recess appointments by the executive branch. During pro forma sessions, the Senate can do business and meet another constitutional requirement to not be in recess without permission of the House of Representatives.

More from the Constitution. Article I, section 5 says no Chamber, the House or the Senate, can recess for more than 3 days without the approval of the other Chamber. The House did not and even could not agree to a recess of the Senate because the Senate was in session, not in a recess.

The Executive's claim that the Senate was in a recess is flawed because the House did not consent to any Senate recess. Thus, the Senate legally had to still be in session until the House agreed to a recess under our Constitution.

Furthermore, Congress determines when it's in recess, not the executive branch.

There is more evidence the Senate was in session. The Executive says the pro forma session was not a real session but a recess, so, thus, the recess appointments. However, during this pro forma session, the Senate passed legislation. The controversial payroll tax extension law became law signed by the Executive.

If the Senate was in recess, as the Executive claims, then it seems the payroll extension law is null and void. Why? Because Congress cannot pass legislation unless it's actually in session.

However, the opposite is true. Since the payroll tax law was passed during this pro forma session, and the appointments were made during this pro forma session, the appointments are null and void. They violate the letter and spirit of the Constitution. They were made without confirmation of the Senate. These were not recess appointments because the Senate was in session.

The Executive cannot have it both ways. The Executive cannot use linguistic gimmicks to redefine the words "recess" and "session" to his own liking, just so he can have it his way. The letter and spirit of the Constitution have been bruised and violated by his actions

The Constitution must be followed, whether one agrees with what it says or not. Even if the Executive wins his argument, which is legally and logically flawed, he has ignored the framework of the Constitution, which is built on Executive cooperation with Congress.

The Executive went his own way. And that's just the way it is.

# CELEBRATING THE 70TH BIRTHDAY OF MUHAMMAD ALI

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

Mr. DAVIS of Illinois. Mr. Speaker, yesterday, January 17, Muhammad Ali became 70 years old, so I rise to salute the champ and to wish him a happy birthday.

Ali has taken a lot of hard licks during his lifetime, but has always gotten up and has always maintained his dignity. Ali lived in and spent a great deal of time in Chicago. He attended events, went to meetings, and was part of community life. Therefore, I got to know him quite well.

A few years ago, after he had become ill with Parkinson's Syndrome, I sat next to Ali at a community banquet, and he was having difficulty holding on to his food and eating. The person on the other side of him was trying to help. Ali was becoming more and more irritated and finally, in a polite but firm manner, said, Thanks, but please leave me alone, I can do this, and he did. And I think that's characteristic of his life.

Born Cassius Clay, Ali converted to Islam, became a Muslim, and changed his name. Ali took hits from individuals and fans who disagreed with this position.

#### □ 1100

Initially categorized as not qualified to serve in the military because of poor performance on a Selective Service exam, Ali is then reclassified. But in April of 1967, he refused induction into the Army. He is tagged a draft dodger and stripped of his championship and barred from boxing. He is ultimately permitted to return.

As he worked his way toward the title shot at Sonny Liston, there are rumors that the fight might be canceled because of his emerging relationship with Malcolm X and the Nation of Islam. However, the fight does take place. Cassius Clay wins, and a month later, the honorable Elijah Muhammad gives Clay a new name: Muhammad Ali.

Ernie Terrell, a friend of mine, who graduated from high school with my wife and was a heavyweight champion, refused to address Ali by his new name, and Ali whipped him soundly and taunted him by asking him continuously, "What's my name? What's my name?"

Muhammad Ali is known as "The Greatest" to most people for his electrifying style in the boxing ring. But others might call him "The Greatest" for his continued humanitarian efforts outside the world of boxing. Since his retirement in 1981, he has gone on to do great things to help out the less fortunate and disenfranchised people throughout the world.

In 1991, he traveled to Iraq during the Gulf War and met with Saddam Hussein in an effort to negotiate the release of American hostages. On January 8, 2005, Muhammad Ali was presented with the Presidential Citizens

Medal by President George W. Bush. He has received the Spirit of America Award calling him the most recognized American in the world. He has also been to Afghanistan as a U.N. Messenger of Peace.

One of his most recent accomplishments has been the creation of the \$60 million nonprofit Muhammad Ali Center opened in downtown Louisville. This center was opened to reflect Mr. Ali's core values of peace, social responsibility, respect, and personal growth. These are the values that have made Muhammad Ali the great man he is today, and it's those values that should not be forgotten. Instead, they should be passed down to future generations.

So I say: Happy birthday, Mr. Champ, and thanks for what you have meant and continue to mean to millions of people throughout the world.

#### NO BUDGET

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

Mr. DENHAM. This month is the 35th consecutive month under this administration's economic policies where we're over 8 percent unemployment. If you look at an area like mine in California's central valley, we have been double that for that same time period.

Sixteen to 20 percent unemployment is unacceptable. We need to be pushing policies that will change this, not only for the central valley but across the entire Nation.

Now, I'm a small business owner, and I will tell you from my perspective, the trillion dollar stimulus package, the government takeover of health care, the Dodd-Frank bill, are all things that have created uncertainty in my business

But in the central valley, I'm also a farmer. And as a farmer, regulations like the dust act that creates uncertainties where we're not allowed to have dust in a farming scenario, I can't shake the almonds off my almond trees. I can't even grow almonds in the central valley. I can't put a plow into the ground because tilling the dirt will create dust. The regulations of uncertainty keep jobs from being created in the central valley.

As well as water. Without water, we cannot grow the crops that we need to feed the rest of the Nation or the rest of the world. The water and the regulations that prohibit the water from getting to our farms create the uncertainty year in and year out.

But looking long term, we need to have the policies that allow us to have off-stream storage that will have greater water storage, greater certainty so that we know we're going to have a consistent flow of water throughout California's central valley year in and year out.

Once again, we would call on the President. It's fine to come to our great State and visit L.A. and San Francisco, even visit a coastline in San Diego, but California's central valley—the bread basket of the world—where we're creating greater agricultural commodities than many other regions not only in the United States but across the world, we would ask the President to come and understand the uniqueness of the central valley and some of the battles that we face.

This also comes at a time where next week we're going to see the 1,000th day since we've had a budget, the most fundamental responsibility of the Federal Government, of the President, of Congress, without a budget. This is going to be a President that fails to have a budget in his entire first term. A thousand days is coming quickly. And that same type of uncertainty, whether it's a business that is forced to have a budget every year or a family that is forced to have a budget, our Federal Government needs to have a budget as well.

I think that we need to look at the bottom line of getting both Houses of Congress to work together. Whether it's job creation or actually having a budget, it's incumbent on both Houses to work together and find solutions.

Now, I'm one Member that is providing a solution dealing with our Civilian Property Realignment Act, selling the things that we just don't need. utilizing properties like the post office right down the street here that costs us \$6½ million every year to maintain yet sits vacant for well over a decade. We have many people who want to redevelop it; 150 jobs just in redeveloping that one site, another 150 jobs ongoing once that site is redeveloped. Now, isn't that a bipartisan solution that not only solves a problem with bringing in revenue but also getting rid of the cost of something that just is not needed, a cost that we don't need to bear the expense of?

At the same time, if you want new tax revenue, let's put it back on the tax rolls or find a bipartisan solution where we can come together, get Republicans and Democrats, the House and the Senate to agree on something that will create jobs, that will cut the cost of doing business and bring in new revenues.

It is time that the Senate works with the House. We have 27 bills sitting over there that deal with job creation, all aspects, whether it's the credit and financial markets or making sure that we're cutting regulations to end some of the challenges that we're facing in the central valley, but we have to get both Houses to work together.

We would call on the President. Visit California's central valley. Prepare a budget that can be passed by both Houses. This country is hurting right now, and we need real leadership that will bridge that gap.

CONGRATULATIONS, ALABAMA

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

Mr. CASSIDY. In the challenge that we have in creating jobs, every now and then we have a lighthearted moment. Congresswoman SEWELL, who represents Tuscaloosa, and I made a challenge to each other over the BCS championship game. I'm here to pay off my end of the challenge.

First, let me congratulate LSU. They had a tremendous season. They played nine ranked teams. Four of those games were against those that were in the top three in the polls. Coach Les Miles was Coach of the Year. There were four positions on the All-America Team held by LSU Tigers, two on the second team. It was a tremendous season for the fans as well.

That said, I also congratulate Alabama. They similarly had a great year. They are to be congratulated. They came back from their earlier defeat where LSU beat them at Bryant-Denny Stadium and stayed focused and got revenge on LSU in the BCS.

I would also say to Congresswoman SEWELL, she was incredibly gracious in paying off our arrangement then. I enjoyed those Tuscaloosa ribs. I also will thank Congressman PAUL BROUN, who, when LSU beat Georgia, was similarly gracious.

Now I hope to be as gracious as they and pay off my arrangement with Congresswoman Sewell before we return to this serious business of Congress, and that is to say on the floor of the House of Representatives, Roll Tide.

#### □ 1110

REPEALING SECTION 1021 OF THE NATIONAL DEFENSE AUTHORIZA-TION ACT FOR FISCAL YEAR 2012

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

Mr. PAUL. Mr. Speaker, I rise today to introduce a very simple piece of legislation: to repeal the infamous section 1021 of the National Defense Authorization Act, which was quietly signed into law by the President on New Year's Day. What a way to usher in the new year.

Section 1021 essentially codifies into law the very dubious claim of Presidential authority under the 2001 authorization for the use of military force to indefinitely detain American citizens without access to legal representation or due process of law. Section 1021 provides for the possibility of the U.S. military acting as a kind of police force on U.S. soil, apprehending terror suspects, including Americans, and whisking them off to an undisclosed location indefinitely.

No right to attorney. No right to trial.

No day in court.

This is precisely the kind of egregious distortion of justice that Americans have always ridiculed in so many dictatorships overseas. A great man named Solzhenitsyn became the hero of so many of us when he exposed the Soviet Union's extensive gulag system. Is this really the kind of a United States we want to create in the name of fighting terrorism?

Some have argued that nothing in section 1021 explicitly mandates holding Americans without trial, but it employs vague language, radically expanding the detention authority to include anyone who has "substantially supported" certain terrorist groups or "associated forces." No one has defined what those terms mean. What is an "associated force"?

Sadly, too many of my colleagues are too willing to undermine our Constitution to support such outrageous legislation. One Senator even said about American citizens being picked up under this section of the NDAA, "When they say, 'I want my lawyer,' you tell them, 'Shut up. You don't get a lawyer.'" Is this acceptable in someone who has taken an oath to uphold the Constitution?

Mr. Speaker, of course I recognize how critical it is that we identify and apprehend those who are suspected of plotting attacks against Americans; but why do we have so little faith in our judicial system? Have we not tried in civilian court and won convictions of hundreds of individuals for terrorist or related activities? I fully support continuing to do so, but let us not abandon what is so unique and special about our system of government in the process.

I hope my colleagues will join my effort to overturn this shameful section, 1021, of the National Defense Authorization Act.

## A NATION UNIFIED

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. Jackson Lee) for 5 minutes.

Ms. JACKSON LEE of Texas. Let me join with my colleagues to wish some of our distinguished Americans a happy birthday in this month, but more importantly, let me acknowledge and salute both Muhammad Ali and First Lady Michelle Obama in celebrating their birthdays this month.

I've listened to my colleagues speak about the question of job creation, and they're absolutely right. As Democrats, we've come back to do nothing but to ensure the passage of the payroll tax decrease for working Americans and, as well, to be able to provide for jobs for this country and our communities. My constituents have spoken loudly and clearly, so I have several points, Mr. Speaker, that I would like to make today. Some of them wind

back to the culture and how we work that the idea of substituting a New together.

York janitor who makes \$37,000 and put

First of all, I'm hoping that as a member of the Judiciary Committee here in the House we'll have an opportunity to look seriously at the SOPA legislation and find a compromise. I've worked on the issues of piracy from the time late-Chairman Henry Hyde served on that committee, and I am concerned about it. But in this new world of startups and technology that is beyond many times our comprehension, it is important to ensure that we do not falsely or inappropriately shut down sites or stop businesses from thriving. There must be a compromise. I am prepared to be at the table of discussion to save jobs.

The U.S. is losing high-tech jobs to Asia. In fact, the United States lost more than a quarter of its high-tech manufacturing jobs during the past decade as U.S.-based multinational companies placed a growing percentage of their R&D overseas. I am here to fight for that R&D to come back. I, frankly, believe those are the jobs of the 21st century and that it is time for us to fight for those jobs to come back.

Mr. Speaker, we can do many things together. That happens to be one, and I hope to encourage the high-tech industry and others to join me as we proceed with roundtable discussions to see how we can impact all of our communities, those communities that have unemployment at the highest levels. We know that there are jobs in the hightech industry, not only in the famous Silicon Valley in California, but in places around the Nation. Houston, Texas, is looking with complete and great excitement at the potential of building our biotech and, of course, technology sectors more and more and more. Let's save those jobs.

I want to move to something that is quite contrary to what I've just mentioned, but the reason I started with something on which we could work together is because I'm concerned. In this element of political campaigns, this atmosphere, I have no challenge with the First Amendment and with those who are trying to encourage individuals to vote and to vote for them. But I rise today in the backdrop of the commemoration of Dr. King's birthday, which really speaks to all Americans' hearts.

No matter what your background, Dr. King spoke of peace, nonviolence, and harmony in this country. I love that. I am a product of that. I was educated by way of opportunities that had not been given to my parents. Yet we find candidates like Newt Gingrich who simply want to throw fuel on the fire of racial divide to develop sort of an explosiveness in this country that is unnecessary.

To suggest that President Obama is the "food stamp President" has underlying suggestions. To be able to say that the idea of substituting a New York janitor who makes \$37,000 and put a bunch of kids to work—the New York school district is predominantly minority, Latino and African American—is by its very words divisive and destructive. And to insinuate that poor communities and minority children have never seen people get up, go to work and work hard—come to my district and see people getting up in the early morning hours, single parents working hard to create opportunities for their children.

Mr. Gingrich, I know you. You are better than that, and if not, America is better than that. I am incensed by your words.

Mr. PAUL, our colleague, another candidate who is running for President, has a series of newsletters that have already been appalling to those of us who cannot understand why racial divisiveness has to be at the core of Presidential politics. Now we understand that there is a comparison in these newsletters about 13-year-old African American boys: that they are wild and unmanageable. If you say that about our children, they will come to believe it.

I am literally appalled that our Presidential politics, Mr. Speaker, has to be grounded in racial divisiveness. Dr. King wants us as a Nation to be unified. I call upon the Presidential candidates to get out of the dungeon and to rise to your higher angels on behalf of the American people—speak of unity not divisiveness. Our troops fight for all of us, and for justice and equality for all.

## JOBS FOR YOUNG AMERICANS

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, when I had the privilege of serving in this House for the first time in the 1980s, I joined with many of my colleagues in supporting the creation of the Martin Luther King, Junior holiday. I recall the time because we had twice before defeated the proposition based on fiscal concerns. I, in fact, had voted against it on one occasion and then had reflected further on it and thought that it perhaps was more important that we have a single holiday that celebrated the consensus that had been obtained on civil rights, the consensus in this country that we should take positive action to assure that all men and all women were recognized as being created equal and having opportunity in this society.

#### $\square$ 1120

I thought this consensus on civil rights was embodied in the person of Dr. Martin Luther King and thought it was important for all Americans,

young and old, to be able to reflect on that and to have a period of time for that reflection and that we could learn from the mistakes of the past and also the sacrifices of the past as we went forward.

Now, having said that, I must take exception to a characterization of the comments of one of our Presidential candidates, a former colleague and my friend, Newt Gingrich, when he was trying to make a very, very important point. Too often, those of us in government take credit for programs that give things to people that is largesse from the government to individuals rather than understanding the genius of our system, which is the opportunity for people to rise to the best of their abilities to become as good as God created them to be, and that there is no greater social welfare program or social program than a job. That's a cliche at times but it is, in fact, an important statement.

The point that Newt Gingrich was making was that we should not revel in the fact that we have more people on food stamps than ever before, even though that has been promoted by some as evidence of our compassion. What Mr. Gingrich suggested is we ought not to be beating our breasts in pride about our compassion. We ought to be looking inward about our inability to create opportunity for our fellow men and women in this society. The point he made is that it is far better that we create an economic environment in which men and women, young and old, have an opportunity to experience the satisfaction of a job well done.

As Newt Gingrich said, his daughter's first job was as a janitor in their Baptist church in Georgia, and he said while that was not to which she aspired as a long-term goal, it was, in fact, the launching point of her job experience. Too often we have knocked out the lower rungs of the ladder of economic success in a manner which has created frustration, disappointment, and a lack of confidence in our young people today.

That was the point that former Speaker Gingrich made. It is a point well made. It is a point that we should contemplate. It is a point that we should recognize and place within our debate today. And to mischaracterize it as somehow having an underlying racial meaning demeans the level of debate on this floor, the level of debate in the Presidential campaigns, and frankly, the reality that confronts too many of our people today.

I represent a district that has higher unemployment than the national average, higher unemployment than the statewide average in California, which has for too long a period of time been, I think, the third worst unemployment rate in the country. We need to work harder on creating an economic environment in which the uncertainty im-

posed by the government is reduced so that those men and women of genius and hard work and inspiration and creativity can continue to make this the most vibrant, robust, economic engine in the history of the world.

That is the way that we help all in our society, men and women, black and white, Hispanic, people of every color, not by questioning motivations but by, in fact, facing the truth.

EVEN WITH WARNING SIGNS, BERNANKE FAILED TO SOUND THE ALARM

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

Mr. STEARNS. Mr. Speaker, our economy today continues to suffer after shocks from the biggest financial meltdown since the Great Depression. Today we understand a series of mistakes were made in the past decade which led to our current financial crisis

Now the Financial Crisis Inquiry Commission, FCIC, was given the task to investigate the causes of the meltdown of our financial institutions. Though the commission was unsuccessful in reaching a certain consensus of the exact cause, they did, however, conclude that the financial crisis was avoidable and was the result of the following factors, an explosion in risky subprime lending, an unsustainable rise in housing prices, widespread reports of egregious and predatory lending practices, dramatic increases in household mortgage debt, and exponential growth in financial firms' trading activities, unregulated derivatives. and short-term repo lending markets, just among a few of the red flags. Surely with all those factors Chairman Bernanke should have been more concerned.

In fact, the title of my speech this morning is, "Even with Warning Signs, Bernanke Failed to Sound the Alarm.' In fact, he was warned by members of the Federal Reserve Board often. The release of transcripts from the Federal Open Market Committee, FOMC, meetings in 2006 shed light on the critical failures of the Federal Reserve and Mr. Bernanke to act when the warning signs were clear and present. The first meeting, however, was spent praising Bernanke's predecessor, outgoing Federal Chairman Alan Greenspan. But the FCIC later concluded that 30 years of deregulation and reliance on self-regulation by financial institutions that was championed by Mr. Greenspan were the factors in devastating the stability of our Nation's market, stripping away safeguards that simply could have avoided this catastrophe.

Now in a later meeting on May 10, 2006, of the FOMC, then Fed Governor Susan Bies was one of the earliest to raise concern over the Nation's mort-

gage sector, which offered exotic loans that increased household debt over time instead of decreasing it. Now, specifically, her concerns stem from the absence of home equity growth, and the consumer's ability to absorb the uncertainties of the housing market. Listen to Mr. Bernanke's response when she made her declaration. "So far we are seeing, at worst, an orderly decline in the housing market; but there is still, I think, a lot to be seen as to whether the housing market will decline slowly or more quickly."

Yet again another colleague, then Fed Vice Chairwoman Janet Yellen, warns of the possibility of "an unwelcome housing slump." But in the meeting of August 8, 2006, Chairman Bernanke remains hopeful in his prediction for a "soft landing" for our economy. Need I say the 2008 Great Recession was not a soft landing? In the September meeting, the Feds still remained oblivious to the detrimental effects in the housing market that will affect the rest of the economy.

In the last meeting, Mr. Speaker, of the FOMC, Fed Governor Bies again, in December 2006, stated once again her concern of the housing market, stating that mortgages securitized in the past few years warrants additional risk than the investors have been focusing on. Despite the concerns that reported increased difficulty getting mortgages in their region, as well as a noticeable cool down in housing activity. Mr. Bernanke fails to see the warning signs and, again, predicts a soft landing on December 12, 2006, once again. This was his second statement of a soft landing in the same year.

It was the failure of Mr. Bernanke to not pursue possible vulnerabilities and assuring us to the contrary that attributed to the economic crisis that we faced. On February 15, 2007, he stated "Overall economic prospects for households remains good. The labor market is expected to stay healthy. And real incomes should continue to rise. The business sector remains in excellent financial condition." Again, on March 28, 2007, he stated, "The impact on the broader economy and financial markets of the problems in the subprime markets seems likely to be contained." Even on May 17, 2007, despite concerns raised by Fed Governor Bies again, he said, "We do not expect significant spillovers from the subprime market to the rest of the economy or to the financial system." How wrong he was. But all of the dire warning signs were there.

At Bernanke's confirmation hearing in the Senate Banking Committee, he conceded to the notion that the central bank "should have done more." That's an understatement. The Fed had the authority and necessary power to prevent further abuses happening in the financial industry, but simply chose to ignore critical warning signs. Bernanke

thinks he can prevent a further crisis. Mr. Speaker, I'm not sure that he, being Chairman, is going to prevent a further crisis and, frankly, I'm sure he failed to sound the alarm of the 2008 Great Recession.

#### RECESS

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

Accordingly (at 11 o'clock and 30 minutes a.m.), the House stood in recess until noon.

#### □ 1200

#### AFTER RECESS

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

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and Gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of this assembly, to be the best and the most faithful servants of the people they serve. Purify their intentions, that they will say what they believe and act consistent with their words.

Help them, indeed help us all, to be honest with themselves, so that they will be concerned not only with how their words and deeds are weighed by others, but also with how their words and deeds affect the lives of those in need and those who look to them for support, help, strength, and leadership.

May all that is done this day in the people's House be for Your greater honor and glory. Amen.

# THE JOURNAL

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

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

Mr. TONKO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. TONKO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further pro-

The point of no quorum is considered withdrawn.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. HAHN) come forward and lead the House in the Pledge of Allegiance.

Ms. HAHN led the Pledge of Allegiance as follows:

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### KEYSTONE XL

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

Mr. PITTS. Mr. Speaker, before Congress left Washington in December, we asked the President a simple question: Will he stop blocking the Keystone XL pipeline?

Congress established laws to govern pipeline approval; the State Department published regulations; and typically, approval takes 18 to 24 months. However, Keystone has been sitting on the shelf for more than 40 months now. The President, ignoring standard procedures, ordered duplicative environmental reviews that would extend the approval process to more than 52 months.

Is this because Keystone is unprecedented? No. TransCanada has already built and operates a pipeline that crosses the U.S. border. Additionally, thousands of pipelines already crisscross the proposed route.

The difference is the political pressure brought by extreme environmental groups. Politics is blocking tens of thousands of new jobs. Politics is blocking a reliable new source of energy. It's time to stop letting politics stand in the way of a project that could help grow our economy.

#### STREAMLINING GOVERNMENT

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

Ms. HOCHUL. Mr. Speaker, over the last few weeks, I have traveled constantly throughout my 26th District of New York, meeting business owners and talking to them about the challenges that they are facing in this par-

agrees he missed the warning signs, but ceedings on this question will be post-ticular economic climate. Right now, they are frustrated with the various levels of government they have to go through to get an answer out of their Federal Government. It has become so burdensome that there are actually 80 different economic development agencies, four different departments, and in fact, there are 47 different job training programs. These businesses have enough on their minds and have enough challenges before them without having to solve this problem.

Fortunately, the President has come up with a plan. Last week, President Obama proposed consolidating six various entities into one, a one-stop shop for businesses, for trade so that they can get their questions answered without having complications. This is something I support, my local Chambers of Commerce support, and that's why I'm calling on this body: Let's take up this plan. Let's give the people in my district—a Republican district, I might add—what they're looking for. Streamline our government, reduce the cost of government, save taxpayer dollars, a one-stop shop for our businesses; and once and for all, let's demonstrate to the American people that we have the capability to work together.

#### NEW YEAR, NEW OPPORTUNITIES FOR JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, in early 2009, the President assured the Nation that with the passage of his stimulus bill, which has failed, the borrowing and spending would reduce unemployment and that it would not exceed 8 percent. January marks the 35th straight month that the Nation's unemployment rate has remained above 8 percent.

Last year, House Republicans followed through with their commitment to the American people and passed 28 job-creating bills, most with bipartisan support. All of these pieces of legislation remain stalled in the liberal-controlled Senate, where bills are denied debate or a vote.

Because of the gridlock in the Senate and the President's failed policies, the American people are losing faith in government officials. As we begin a new year, I hope the Senate will take immediate action for the American people by passing legislation that promotes jobs.

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

# CONGRESS AND THE ECONOMY

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

Ms. CHU. I came here today wanting to wish everybody a happy new year. But when I came, I found out that our Republican Congress wanted to give everybody an unhappy old year, continuing last year's agenda of no jobs for you. They ended last year not with a bang, but a whimper, as they walked out on a deal to stop a tax hike on the middle class right before the holidays. Even though Senate Republicans had agreed to a compromise, House Republicans were willing to abandon you, just as you were trying to figure out how to pay for gifts for your children.

They were serious about letting the payroll tax and unemployment benefits expire. Thank goodness you expressed your outrage and they were forced to change their position. They gave a 2-month extension. Now in just over a month, they'll be faced with the same choice: to raise taxes for the middle class or finally work together with Democrats to give real relief to Americans like you. Make sure they do the right thing.

#### GRATITUDE FOR THE WELL-WISHES

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

Mr. COBLE. Mr. Speaker, last month I was a sick pup. This month, I am a recovering pup. During my sick pup days, I became the beneficiary of cards and letters from well-wishers, personal visits, telephone calls, and emails. Many of these expressions originated here in the people's House. And the purpose of my 1-minute today is to convey my expression of appreciation to my colleagues, Democrats and Republicans, for their generous support during that period.

# LET'S INVEST IN AMERICA

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

Ms. HAHN. Mr. Speaker, it's 2012; and this is the year we need to create jobs and get our economy moving again. Without a growing economy, our budget deficit will only get worse. It's time that we boldly invest in America.

My friends on the Democratic side want to invest in education and infrastructure, creating jobs now and building our future. My Republican friends, on the other hand, want to cut spending on Social Security and Medicare. The Democrats want the wealthiest of Americans to pay their fair share, and my friends on the Republican side oppose even asking the wealthiest Americans to pay their fair share.

We need to make the right choices this year. Let's invest in America. □ 1210

# IN MEMORY OF SPECIALIST CHRISTOPHER PATTERSON

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

Mr. HULTGREN. Mr. Speaker, today I rise to honor the life of Specialist Christopher Patterson.

Christopher, a 2009 graduate of West Aurora High School in Illinois, came from a military family. He joined the National Guard while studying music education at Valparaiso University, but in his own words, he didn't join the Guard just for money for school. He joined to serve his country. His conviction to serve was so strong that he chose to join his Guard unit overseas when they were sent to Afghanistan, even though he could have stayed behind to continue his studies.

Just 3 weeks ago, Christopher and three other soldiers were working in the Kandahar province of Afghanistan to clear combat routes for convoys to pass through when an IED detonated and took his life.

Today we honor Christopher and the ultimate sacrifice he paid for our country and give our thoughts and prayers to his family and friends during this difficult time. We are, and will remain, eternally grateful for Christopher's service and sacrifice to our country.

# HEALTHY SCHOOLS PROGRAM IN WEST NEW YORK, NEW JERSEY

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

Mr. SIRES. Mr. Speaker, I would like to congratulate the West New York, New Jersey, School District for their efforts to promote nutrition and physical education at school as part of the Healthy Schools Program.

Last week, President Clinton visited PS #2 in West New York to praise the Board of Education for its efforts in transforming the school system's nutritional program. This was part of the Alliance for a Healthy Schools Program to reduce childhood obesity. During his visit, President Clinton was able to see firsthand how the school has embraced nutrition and wellness.

West New York has a history of being recognized by the Alliance for nutritional achievement. PS #2 received a Bronx National Recognition Award in 2009 and a Silver National Recognition Award in 2010 for their efforts to provide students with a fresher, more nutritional meal plan.

In 2010, my high school alma mater, Memorial High School, received the first and only Gold National Recognition Award given by the Alliance. And last October, the Alliance awarded Sal Valenza, the food service director of West New York, the distinction of the Healthy Schools Program Champion.

I am honored to represent a school district that emphasizes healthy life-styles, and I am pleased that West New York has been recognized for their efforts.

#### FEATHER CREEK FLOODING

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

Mr. BUCSHON. Mr. Speaker, I rise today to bring to light a problem that's facing my constituents in Clinton, Indiana. Feather Creek floods over 100 times per year, damaging the same homes year after year. In 2008, many of the homes filled completely with water, leaving only their roofs to be recognizable.

The Army Corps of Engineers has been working on the project for many years, including numerous environmental studies and surveys of the land, but the flooding does continue. The Army Corps, to their credit, held a town hall last week in Clinton, where they heard from over 300 residents about the damage this flooding has been causing them for decades. The estimated cost of the project is \$900,000.

I do appreciate the willingness of the Army Corps of Engineers, specifically, Colonel Leonard, to meet with my staff and constituents, and I urge the Corps to remember what they heard in Clinton, Indiana, last week and complete the Feather Creek project as quickly as possible. My constituents deserve no less than a safe environment, free from the threats of yearly floods.

#### BUFFALO BILLS BLACKOUTS

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

Mr. HIGGINS. Mr. Speaker, I rise to discuss an issue of great importance to western New York, the Buffalo Bills.

The Bills have one of the most dedicated fan bases of any football franchise in the entire country. Since 1960, Bills fans have embraced and supported the team, both emotionally and financially. Today, the Buffalo Bills franchise is an integral part of the New York State economy. But harsh blackout provisions threaten New Yorkers' ability to watch their team on television.

The blackout rule requires that a stadium be sold out 72 hours in advance in order to broadcast a football game locally. In Buffalo, this means that, in order to avoid a blackout, the Bills must sell more tickets than the league average in one of the league's smallest markets. Last year, almost half of the Bills' home games were blacked out. This is unacceptable.

This morning I sent a letter to the FCC Chairman asking that he eliminate this unfair rule, which does not provide for individual solutions to different local markets. The FCC has

opened a public comment period on this matter, and I urge fans who feel similarly to do the same. In the meantime, I will continue this fight.

#### KEYSTONE XL PIPELINE

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

Mr. FLORES. Mr. Speaker, a few minutes ago the White House announced that it was going to reject the Keystone XL pipeline. The White House did this among a backdrop with record high gas prices in January. A major factor in these high gas prices is the continued political upheaval in the Middle East and the impact that it's having on economic uncertainty around the world.

Keystone would bring nearly a million barrels of oil from our friendly neighbor, Canada, to the north and also up to 100,000 barrels of oil from the Bakken discoveries in Montana and North Dakota. It would also put more Americans to work while improving our energy security.

The Department of Energy has stated that "gasoline prices in all markets served by the gulf coast and east coast refiners would decrease" as a result of the pipeline's construction.

The White House would be well-advised to consider a poll that I took in a recent tele-town hall of our constituents, where 87 percent of the constituents said that they strongly supported

the Keystone XL pipeline.

We cannot wait for more jobs and for better economic certainty for all generations.

# SUPPORT THE KEYSTONE XL PIPELINE

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

Mr. ALTMIRE. Mr. Speaker, I rise today in support of the construction of the Keystone XL pipeline. I ask that the President reconsider his reported rejection of this project. This project will increase employment while reducing our dependence on overseas oil.

Canada has already made its decision. The pipeline is going to be built. The question is whether it lands on the gulf coast of the United States or the west coast of Canada. And make no mistake: If it ends up on Canada's coast, that oil will only continue westward to China and their markets. The jobs and the economic benefit of the pipeline would then be lost here in the United States.

Mr. Speaker, this pipeline is a foregone conclusion; who will benefit is not. This is a chance to employ Americans and help protect them in a volatile oil market.

I ask the President to reconsider his reported rejection of this project.

IT'S A "NO" TO KEYSTONE?

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

Mr. POE of Texas. Mr. Speaker, there is disturbing news today regarding our national security and economic security. Politico reports that the administration will say "no" to the Keystone XL pipeline today. So "no" to thousands of union and nonunion jobs to build the pipeline, and "no" to refinery jobs in southeast Texas. "No" to obtaining oil from a reliable nation and ally like Canada.

But "yes" to more oil from dictators like Chavez from Venezuela; "yes" to being held hostage to Middle Eastern oil and dictators like Ahmadinejad, who now threatens to stop oil tankers from going through the Straits of Hormuz. And "yes" to insulting Canada

The Prime Minister of Canada says that he will build a pipeline, but now it will go to his west coast, and that crude oil will be loaded on Chinese tankers—China, our national competitor regarding the economy. Isn't that lovely.

If the administration chooses to say "no" to Keystone XL, the administration chooses poorly.

And that's just the way it is.

### ALZHEIMER'S DISEASE BUDGET AND NATIONAL PLAN

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

Mr. MARKEY. As we debate our national budget, we must address one of the largest costs threatening our economy and bankrupting our families—the Alzheimer's pandemic. 5.4 million Americans suffer from Alzheimer's today, and as all the baby boomers retire, 15 million Americans will have Alzheimer's.

We already spend \$130 billion a year on Alzheimer's from Medicare and Medicaid. At this rate, in 2050, we will spend \$800 billion every year from Medicare and Medicaid on this one disease alone. That is more than the entire defense budget today.

Thankfully, right now, the Advisory Council for the National Alzheimer's Project Act is developing the first-ever comprehensive national plan to fight this disease. We cannot cut funding for medical research for Alzheimer's today if we want to balance the budget tomorrow.

We made a vow to care for our citizens as they age. NIH is the National Institutes of Hope. We must not cut that budget or else all of these families with Alzheimer's will have no hope.

 $\sqcap$  1220

# KEYSTONE XL PIPELINE

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

Mr. QUAYLE. Mr. Speaker, it's not too often that a President of the United States has the opportunity with one swipe of his pen to increase private sector jobs by thousands of employees, while at the same time increasing our energy independence and our energy security. But that's exactly what's going to happen with the Keystone XL pipeline.

Unfortunately, the President, earlier this year, punted on that decision and punted it past 2013, even though his own State Department said that there would not be a significant impact on the environment. But we gave him another chance.

Unfortunately, there are reports that he will reject the permit for the Keystone XL pipeline. The thing that's confusing, Mr. Speaker, is that he's been saying that we can't wait for job creation. But with this decision, he's saying that we can wait for thousands and thousands of private sector jobs here in the United States and that we can wait for energy security. Mr. Speaker, this is the wrong decision at the wrong time. We need better decisions from the administration.

# EXTENSION OF PAYROLL TAX

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

Ms. NORTON. Mr. Speaker, if I asked the average American, what should be the first vote in the House? For sure, she would say extend payroll tax, unemployment insurance, and the doc fix. What is our first bill? Disapproval of raising the debt ceiling. For what? To remind Americans that Tea Party Republicans brought us the loss of our triple A rating for the first time in American history? A new year demands a new start.

The payroll tax is the best way to eat into Congress' 84 percent disapproval rating. Do the inevitable. No poison pills. Any add-ons will be understood as just that by every American who draws a salary or who is unemployed or who is a senior.

Do it to get it over with and get on with a year of working on jobs. Come over to the side of the street with the 99 percent. You may grow to like it.

# KEYSTONE XL PIPELINE

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

Mr. GARDNER. Mr. Speaker, according to the Canadian Government, over 143,000 jobs in Colorado depend on our

trade relationship with Canada. Further, crude petroleum is Colorado's top import from our neighbor to the north. And Colorado's not unique. Many of the jobs and energy around the country come as a result of our relationship with Canada.

It's been 3 years since the application was filed to build the Keystone XL pipeline, which would create a pipeline that extends from the oil sands in Alberta to the gulf coast, bringing significant oil supplies into the United States.

The United States as a whole, both economically and from a national security standpoint, will benefit immensely from the approval of this pipeline.

In my mind, it's a very simple question: Why import oil from countries that seek to do us harm when we can get it from our neighbor to the north? I'm continuously awed at how much energy potential we have in North America and how simple it would be to advance policies that would make us more energy independent. Isn't that what we're trying to accomplish?

But apparently there is an asterisk when it comes to job creation for this administration. Not these jobs, not these 100,000 jobs. Perhaps some others. This administration has done everything it can to stand in the way of a project that can help 100,000 Americans get back to work.

Mr. President, don't put a cork in our economy. Let's get this pipeline built.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to the President or other Members in the second person.

# FRUSTRATION FOR THE MIDDLE CLASS

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

Mr. TONKO. Mr. Speaker, I rise today in frustration—frustrated with the lack of compassion for the middle class coming out of this body, frustrated with the lack of ideas and focus on job creation, and frustrated with the continued partisanship and division that have led to some of the lowest levels of confidence and trust for this body in its history.

America deserves better than this, Mr. Speaker. One hundred and sixty million middle class individuals deserve to have their payroll tax cut extended through the end of this year. Those who have lost their jobs through no fault of their own deserve to know that they will be able to continue to have a lifeline in the time of need. And seniors deserve to know that they can

visit their doctor of choice without worrying whether or not Medicare will cover the visit. America and Americans don't deserve more wasted time.

Instead of a vote today on the debt ceiling, one that is partisan, divisive, and ultimately dead on arrival in the other Chamber, we should be focusing on jobs and creating jobs and protecting the middle class. Think of it: 61 percent of Americans always or usually live paycheck-to-paycheck, which has risen from 43 percent in 2007.

Mr. Speaker, I'm frustrated with the American people being also frustrated. It's time this body come together, put politics aside, and work on growing jobs.

## KEYSTONE XL PIPELINE

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

Mr. OLSON. Mr. Speaker, while the President campaigns on his "we can't wait" slogan, American workers are still asking, "Where are the jobs?" The President knows that 20,000 true shovel-ready American jobs can be created by approving construction of the Keystone XL pipeline.

Why is he rejecting 20,000 American jobs? Why is he not reducing our dependence upon Middle Eastern sources of oil? Why is he not increasing our energy security, which increases our national security? Why isn't he taking our debt crisis seriously by increasing revenue from taxpayers with American jobs? Why is he not listening to the American people?

Mr. Speaker, the American people deserve better from their President. He should focus on the 20,000 new jobs he could help create—not the one he wants to keep.

# BE FAIR

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)  $% \label{eq:main_eq}$ 

Ms. HANABUSA. Mr. Speaker, as I was home, I was asked to explain the payroll tax extension, and as I did it, it was clear to me. The Republicans in the House are toying with the wellbeing of the working people, the seniors, and our most vulnerable.

Everyone will say we support a year's extension; the question is, how do we pay for it? The bipartisan Senate, only 10 voting "no," gave us the 2-month extension to do that negotiation. It is time to pass a year's extension.

People are watching this House. They want to be sure that we don't limit unemployment insurance benefits to those who only have a high school diploma because unemployment is an earned benefit for those who are unemployed through no fault of their own, and it would just not be fair.

Mr. Speaker, be fair. Do not make our seniors, our most vulnerable, and the middle class pay for the extension because that just would not be fair.

# CONGRATULATING WEST VIRGINIA UNIVERSITY FOOTBALL

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

Mr. McKINLEY. Mr. Speaker, on January 4, the West Virginia University Mountaineers football team faced the Clemson University Tigers in the prestigious Orange Bowl. Through an outstanding record-setting performance, the blue-collar work ethic of the West Virginia Mountaineers prevailed.

Eighty-four percent of the country had predicted that West Virginia would lose, but in case you missed it, the final score was 70–33. West Virginia's unheralded players proudly showed once again that as a team, they can dominate the best of schools on any given day, just like they've done defeating Georgia and Oklahoma in previous BCS bowl games.

Everyone in West Virginia should be proud of their State and their flagship university.

So let me end with this: For those Clemson supporters who still don't know where West Virginia is, look in your end zone.

# □ 1230

# COMBATING ONLINE PIRACY

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

Mr. POLIS. Mr. Speaker, today many Web sites across the Internet, from Reddit to Wikipedia, have blacked out their sites in protest of a bill before this body, the Stop Online Piracy Act, and its accompanying bill in the Senate, the PIPA Act. These bills threaten free discourse, free speech, and the very infrastructure of the Internet, itself.

The Internet has brought this country and the world so much, not only in terms of the millions of jobs and economic productivity of American citizens, but far-reaching changes in terms of the Arab Spring and the Voice of Freedom desires across the world. SOPA and PIPA directly threaten the very Internet that has brought humanity great prosperity and greater peace.

I call upon my colleagues to join in solidarity with Internet users across the world in making sure that we tackle online piracy in a way that doesn't throw out the baby with the bathwater.

# THE AMERICAN ECONOMY: PUT AMERICANS FIRST

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

Mr. TIPTON. I appreciate following my colleague from Colorado, who recognizes the importance of jobs. Unfortunately, the President of the United States has turned a blind eye to the needs of the American people.

In my own district in the State of Colorado, according to the Colorado Department of Labor, we have 17 counties that have unemployment in excess of 20 percent. We have an opportunity to create jobs in this country. The Keystone pipeline will help provide energy certainty for this country in a responsible way, and will create American jobs on American soil to be able to put American people back to work.

Today, we hear the President is throwing his hands up and turning his back on the American people. The people deserve better. We must get this economy moving. We must create those opportunities for jobs for the American people. This is our time. This is our opportunity, and we call upon the President to join us in putting Americans first

# THE MUHAMMAD ALI LEGACY ACT

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

Mr. YARMUTH. Mr. Speaker, Muhammad Ali's contributions to the world continue to transcend his achievements in the boxing ring.

Although he won three heavyweight championships, Muhammad has never believed in resolving differences through conflict. He is a man of peace and justice, of patience and grace-a visionary who changed the boxing world so he could change the entire world. In 2005, he founded the Muhammad Ali Center in my hometown of Louisville, Kentucky. The center is a cultural attraction and an international education hub, whose work is based on the core values by which Muhammad lives-respect, confidence, conviction, dedication, giving, and spirituality.

Yesterday, Muhammad turned 70. Today, I'm introducing the Muhammad Ali Legacy Act to honor his values and to build upon his humanitarian work. The legislation establishes a grant program to promote global respect, understanding, and communication. The program will prepare leaders to contribute to the global society through peacebuilding and violence prevention, and it will teach young people how to combat the pull of radicalism.

By cosponsoring the Muhammad Ali Legacy Act, I ask my colleagues to join me in supporting this work and the man who has dedicated his life to it.

# OUR TROOPS WILL NOT BE FORGOTTEN

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

Mr. HUIZENGA of Michigan. Mr. Speaker, I appreciate this time to come and report back to this body and to the people of the Second District about my very quick but very informative weekend trip to Afghanistan where I was able to be cautiously encouraged by the progress that the Afghan National Army is making there. Mainly, my goal was to go and say "thank you" to the men and women of all the different branches and to let them know that they will not be forgotten by me, by my constituents or by the rest of us here in this body.

I especially want to say "thank you" to our international partners—the Brits, the Aussies, the Germans, the Dutch, the Romanians—who are there with us along with many others who are pushing this effort forward. I also want to say "thank you" to the Embassy staff for their fine work and to the men and women of the Air National Guard, who are there sacrificing, especially those men and women from the 82nd Airborne, who hosted us in Kandahar. I also thank the marines at Camp Leatherneck in Helmand province.

I have to tell you, Mr. Speaker, I now proudly carry this challenge coin given to me by a new friend, a sergeant major from Michigan. I carry this in my pocket every day, and I want them to know that they will not be forgotten.

### TURKEY IS AMERICA'S ALLY

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I join my colleague in saying that our troops will not be forgotten. I continue to wear a yellow ribbon, as we're doing in our community in Houston, in welcoming home the troops from Iraq.

That's why I rise today—to challenge those who are in the midst of the Presidential campaign to be cautious about ill-conceived and ill-spoken words. When one of the candidates, the Governor of Texas, calls the leadership of Turkey "Islamic terrorists" and says that Turkey is run by Islamic terrorists, I can assure you that those words are ill-conceived and inappropriate and absolutely wrong.

Turkey is one of the United States' strongest allies. It's a member of NATO, and it is seeking at this time membership in the European Union. There is constant dialogue between our country and Turkey. We are encouraging, of course, Turkey's diplomatic efforts to engage with Israel; and frankly, our troops have benefited from some of the needs taken care of through efforts by Turkey.

So I would just encourage that we not pour fuel and fire together and that we recognize Turkey and others of our allies live in very difficult areas. Therefore, we need to be part of the solution and not part of the problem. Check your facts. I don't believe the democratic country of Turkey is run by Islamic terrorists. You're wrong and it is inappropriate.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3261.

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

There was no objection.

ADDRESSING A MOTION TO PROCEED UNDER SECTION 3101A OF TITLE 31. UNITED STATES CODE

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 515

Resolved, That a motion to proceed with regard to a joint resolution of disapproval specified in subsection (a)(2) of section 3101A of title 31, United States Code—

(a) may be offered even if the joint resolution has not been reported to the House as contemplated by subsection (c)(3) of such section; and

(b) shall be in order only if offered by the Majority Leader or his designee.

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

Mr. SCOTT of South Carolina. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

### GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SCOTT of South Carolina. The Budget Control Act of 2011, which was enacted into law on August 2, 2011, authorized increases in the administration's borrowing authority subject to a joint resolution of disapproval. The law provides for consideration of a joint resolution of disapproval with 2 hours of debate. Amendments to the joint resolution are not permitted under the law. H. Res. 515 allows the House to consider the resolution of disapproval in the House today, rather than tomorrow, as currently contemplated in the

consideration by 1 day to better accommodate the House floor schedule.

I rise today in support of this rule and the underlying resolution. Mr. Speaker, I stand before you posing two very, very important questions. The first is an issue of scale.

Where I come from in North Charleston, South Carolina, we have a little trouble digesting exactly what \$1.2 trillion really means. To help get my own head around the number \$1.2 trillion. I did a little factfinding. A last-minute flight from Charleston, South Carolina, to Washington, D.C., is about \$1,100. You could fly back and forth every single day for the next 3 million years in order to spend \$1.2 trillion. I'm not sure about anyone else in the Chamber, but there aren't too many things I'm planning to do for the next 3 million years.

Now that we have a little perspective on what \$1.2 trillion really means, the second question is a simple one: Why is it so hard to say we can't afford it? It's a simple question. Why is it so hard to say that we can't afford another \$1.2 trillion of debt?

I asked the same question on my Facebook. Here are two responses to the question:

What's not to understand? Just cut the darned budget just like the rest of us have to do.

We the people, on an individual level, have got to demand less government. It's called courage, the courage to just say "no."

# □ 1240

So, Mr. Speaker, it's bad enough that through the national health care bill, the Democrats raised taxes on the middle class by \$500 billion and then they raised another half a trillion dollars for Medicare, but now they want to borrow \$1.2 trillion. From whom—it's a good question-from whom? Unborn Americans, unborn Americans and foreign nations in order to continue borrowing 42 cents on every dollar to spend in 2012.

It's just not right, Mr. Speaker. The American people will not stand for the blank check culture of the past and I, for one, stand with the American peonle.

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

I reserve the balance of my time.

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

I want to thank my colleague for yielding me the customary 30 minutes, and I rise today in opposition to the rule and the bill.

Mr. Speaker, what exactly are we doing here? We could be talking about creating jobs for the middle class. We could be talking about a payroll tax

law. Simply put, we are moving up its cut extension. We could be talking about corporate tax reform, individual tax reform, and most importantly, we could be talking about solving the national deficit, about reducing government spending, about solving the deficit issue.

> But, instead, we're here playing this game of Kabuki theater. Rather than pursuing an agenda that isn't a Democratic or Republican agenda, but an American agenda that both sides all can agree on, we're here playing a counterproductive and absurd game. In fact, not only playing a game, we're replaying a game.

> We all remember the debt debacle last August that almost shut down Federal Government and led to a downgrade, potentially increasing interest rates and costing the government billions or hundreds of billions of dollars more in interest payments. For the first time in history, Standard & Poor's downgraded our country's credit rating, citing brinksmanship and political gridlock as motivating factors for their decision.

> Look, this is all Monday night quarterbacking. It's after the fact. The money has been spent. The money has been spent, and 147 Republicans voted in December to spend \$915 billion in the appropriations bill, the omnibus appropriations bill, 147 Republicans, \$915 billion, all of which was deficit spending. One hundred forty-seven Republicans spent \$915 billion in deficit spending December 17th. That's a Christmas shopping spree, and now the credit card bill has come in January, and here they are saying we don't want to pay that credit card bill.

> The answer, Mr. Speaker, is not to spend the money if you're not going to make good on your bill. Every American family knows that. Once the money's spent it's after-the-fact political finger pointing, not looking to a solution for a deficit problem.

> And the Republicans have not put a solution on the table. Even the House Republican budget, the PAUL RYAN budget that ends Medicare, creates \$5.1 trillion in deficit spending over the next 10 years, \$5.1 trillion in deficit spending. How many times will the Republicans have to raise the debt limit to have a deficit of \$5.1 trillion?

> This Congress and the majority of this Congress on the Republican side are addicted to spending, Mr. Speaker, and until they are willing to entertain a real discussion—and the President of the United States, President Obama, has led the way by convening a commission, the Bowles-Simpson Commission, to try to take a bipartisan approach to actually solving the deficit situation. But rather than bringing any of those bills before the House, the Republicans passed the budget that not only ends Medicare but leads to \$5.1 trillion in deficit spending and as recently as December 17th, spent \$915 bil-

lion of deficit spending, the entire deficit for this year, essentially, around December 17th, because we had already spent the money that actually came in. And here they are in January, Mr. Speaker, saying they don't want to pay the bills.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I find it quite interesting to hear Mr. Polis, who sounds like a good Republican over there, I must concede, sounds like a good Republican over there talking about excessive spending.

But here's the question, the Democratic-controlled Senate hadn't passed the budget, next Tuesday, in a thousand days, and it's laughable that someone on the left would talk about deficit spending since the three records on deficit spending have occurred in the last three cycles, FY 2009 a \$1.4 trillion deficit and FY 2010, \$1.294 trillion deficit. Under President Obama in 2011, a 1.299—let's just round it to \$1.3 trillion in deficit spending.

Mr. POLIS. Will the gentleman vield?

Mr. SCOTT of South Carolina. No, sir, but I yield 3 minutes to my good friend from South Carolina (Mr. WIL-

Mr. WILSON of South Carolina. I thank the gentleman for yielding, and I appreciate the leadership of Congressman TIM SCOTT on this very important

As South Carolina votes in the Presidential primary on Saturday, our State is grateful for the leadership of Congressman TIM SCOTT, along with my other colleagues who are on the floor today, JEFF DUNCAN, TREY GOWDY, MICK MULVANEY.

We know that in November of last year, our Nation's annual debt reached \$15 trillion and it recently exceeded the value of the entire American economy. Washington's out-of-control borrowing and spending must stop.

The President has ignored our Nation's spending problem and once again asked Congress to increase the debt ceiling by \$1.2 trillion. This request is a chilling reminder of the out-of-control debt which threatens senior citizens' retirement security and saddles young people with a mountain of debt. The President in February of 2009 said the deficit is unsustainable, but then he proceeded to double the year's debt and has since.

Our Nation's unemployment rate has consistently remained above 8 percent for 35 months. This is tragic for American families.

Instead of offering solutions to reduce spending and decrease taxes to encourage economic growth, the President and the liberal controlled Senate continue to support legislation calling for massive tax increases and funding for programs that contribute to our growing national deficit, which destroys jobs and hurts American small businesses.

Americans have made it clear they expect their elected officials to make meaningful fiscal reforms today so as not to burden future generations with crushing deficits and debts tomorrow.

House Republicans have remained committed to our projects by fighting to create jobs and promote job growth in the private sector. Last year, House Republicans passed 35 job-creating bills, most with bipartisan support. Instead of acting on these bills to create jobs, the liberal controlled Senate refuses to consider most of these pieces of legislation.

By passing today's resolution that disapproves of the President's authority to increase the debt limit, Congress can help restore the American people's faith in our Nation's government by protecting future generations and limiting Washington's out-of-control borrowing and spending. Instead of giving the President more power to spend more money we do not have, Congress should work together to find ways to reduce spending and put America back on the path to fiscal responsibility just as Congressman Scott has pointed out families do.

I encourage my colleagues to vote in favor of this resolution.

Mr. POLIS. I yield myself 30 seconds. Mr. Speaker, the gentleman from South Carolina complained about the President's budget, he complained about a lack of budget in the Senate. What he failed to acknowledge is that the budget the Republicans adopted in this body without a single Democratic vote not only ends Medicare, but leads to \$5.1 trillion in deficit spending over the next 10 years, several times the deficit over the last 10 years; \$5.1 trillion, a larger deficit spending than this country has ever had in a 10-year period, was supported and voted on and enacted by the Republicans in this House.

Mr. Speaker, I am proud to yield 3 minutes to the gentleman from New Jersey (Mr. Andrews).

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker and colleagues, as the Congress meets for the first time in 2012, the people of the country are burdened by a deficit of jobs, a deficit in our Federal budget, and a deficit of hope that things could get better.

# □ 1250

It is our responsibility to work together to try to make them better. Now, to reduce the deficit of the country, yes, you should restrain spending. The parties came together in August and passed—with about half of each party voting for it—a deficit-reduction plan that cut spending in our departments by about 5 percent each, made reasonable reductions in defense spending and some reasonable reductions in social problems. We should keep those reductions on the books.

We think that in reducing the deficit, that the very wealthiest and most successful in American society should have to pay a little bit more of their fair share. Not everyone agrees with that, but we think that is an important part of reducing the deficit. But by far the best way to reduce the deficit is to create jobs for the people of this country. You have a hard time creating jobs when there is a deficit, but you have an impossible time of reducing the deficit when there are no jobs.

132 days ago, the President of the United States came to this Chamber and put forward four good ideas to create jobs in this country. First, he said that we should cut taxes for middle class and working Americans. Well, we managed to eke out a 2-month agreement to do that. Let's get to work today in extending that middle class tax cut for at least the rest of the year.

The President then said that we should put people back to work, building science labs in our schools and fixing bridges and roads that need to be repaired. The Congress hasn't acted on that proposal at all in this House.

The President said that we should cut taxes for small business people who hire people, who create jobs. This House has not acted at all on that proposal since September 8. The President took due note that as private sector jobs have risen, police officers and teachers and firefighters have lost their jobs in the public sector. And he said to help our States and cities keep police officers on the beat, keep firefighters in the apparatus, keep teachers in the classroom, let's give some aid to those States and cities to keep those people working. The House has not acted at all on that proposal.

Ladies and gentlemen of the House and Mr. Speaker, rather than going through an exercise here where people can pontificate about how much they deeply care about the deficit, let's do something about it. Let's put on the floor of this House each of the President's proposals to create jobs and let's take a vote.

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

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

Mr. ANDREWS. And to those who say they have better ideas, let's put their ideas on the floor. The American people did not take the month of January off; neither should we. Let's put these job-creating proposals on the floor, put them to a vote and do our job to help put the American people back to work.

Mr. SCOTT of South Carolina. Mr. Speaker, one of the comments by my good friend, Mr. Polis from Colorado, was that Republicans were trying to end Medicare. That's a laughable comment. As a matter of fact, it is so laughable that hot off the press, the PolitiFact, which finds out whether or not there is truth or not in words: The

political lie of the year is that Republicans voted to end Medicare. PolitiFact just named the political lie of the year the comment that Republicans voted to end Medicare.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today to ask my colleagues to support House Joint Resolution 98 denying this President the trillion-dollar draw on the Nation's line of credit. You know, just because you've got the credit limit that you've asked for doesn't mean you have to max out the credit card.

How dare this President come back for another increase in the Nation's debt after the failure of the supercommittee. How dare he. This President did everything he could and successfully stopped the committee from producing any kind of cut to the size and scope of government, and now he wants to kick the can further down the road yet again. Another year, another trillion dollars in debt, Mr. Speaker.

What has this administration done to stop the deficit spending that fuels the debt and brings about the need for an increase in the debt ceiling? Nothing. Mr. Speaker, this administration has done absolutely nothing to rein in this Federal Government.

This is the same President whose party controls the other body. And on Tuesday, the United States Senate will mark 1,000 days since they last passed a budget, the same day the President delivers his State of the Union address. What an embarrassment, to continuously ask for more debt without even pretending to know how you've budgeted. If this were a private business, it would be bankrupt.

This President and, sadly, this Congress continues to mortgage the futures of our children and grandchildren, drowning them in a sea of debt. After the failed policy of the President's stimulus package, we are swimming in deficit spending of this President's making.

Mr. Speaker, our country stands over \$15 trillion in debt, and after this increase we'll be over \$16 trillion in the red. Congratulations. We've now joined the club of nations whose national debt is larger than our annual national economic output. This is simply an unsustainable position, and the only way we will get our debt under control is to stop the insanity of trillion dollar a year deficit spending. This must stop, and we in this House must be the responsible adults in the room to stop it. Now is not the time to go get another increase in the limit. Now is the time for us to cut up the credit card and buckle down, like millions of American families are doing across this great land. In an economy this difficult, American families have had to tighten their belts, get back to basics, and cut

things from their budget. Surely now is the time for the Federal Government to do the same.

Mr. Speaker, I understand the politics here. We'll thump our chests and we'll pass this resolution and we'll say we've done all we can to stop this increase. The other body, led by a party bent on destroying the American dream and taking us down the path of economic ruin to ever-greater government dependency, will table this. In the end, the President will get his increase. And we'll spend yet another trillion dollars that our children do not have. But the bill is coming due, Mr. Speaker, and sooner or later we're going to have to stop this debt train from derailing our country. God bless America.

Mr. POLIS. Before further yielding, I yield myself a minute.

Mr. Speaker, to hear the other side, they doth protest too much. Why does a party for whom 147 Members voted to spend \$915 billion, causing the deficit, which is roughly a trillion dollars in size, essentially that \$915 billion that they spent on their Christmas spending spree was the deficit, now they're complaining about it?

And since the gentleman from South Carolina wasn't kind enough to yield to me, I'd like to ask him on my own time, the gentleman referred to whether or not ending Medicare was true, and obviously there's been a vital discussion about that, but the other assertion that I made is a very factual one, and I just want to confirm with the gentleman that the Paul Ryan Republican budget that the Republicans passed did indeed contain \$5.1 trillion of deficit spending. Is that your understanding as well? Is that true?

I yield to the gentleman from South Carolina for an answer.

Mr. SCOTT of South Carolina. I do remember that the Paul Ryan budget came in at a number of \$1.19 trillion in overall spending for the annual year. If you're talking about the 10-year impact of the Paul Ryan budget—

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

Mr. POLIS. I yield myself an additional 30 seconds.

The 10-year figure for that deficit from the CBO itself, \$5.1 trillion in deficit spending. And again, the same Republicans who spend \$915 billion here in December are again saying now that the credit card bill has come due, they somehow don't want to pay it.

With that, Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Texas (Ms. Jackson Lee).

Ms. JACKSON LEE of Texas. I thank the gentleman from Colorado.

I'd like to tell a fairy tale and the true story of the American people. The fairy tale, of course, is why we're here on the floor even today to actually tell a little story to the American people that we are doing something to impact the deficit.

The bill we passed in August, of course, responded to the need to raise the debt ceiling to pay America's bills. But in order to cajole and drag our friends, the Republicans on the other side of the aisle, they did things like cut Pell Grants. They required the joint select committee that did not work to reduce the deficit. And, of course, they wanted us to have these shenanigans on the floor so that the American people could think they're doing their job.

But here's the real story of the American people. First of all, the debt that was increased that we are now dealing with, \$1.9 trillion was raised under Ronald Reagan; \$1.5 trillion was raised under George Bush; Bill Clinton, \$1.4 trillion; and George W. Bush, \$6.1 trillion.

What is the raising of the debt ceiling, which I think most Americans care about. It is responding to the debt that is now held by the public. It is doing our job. It is responding to the fact that the public should not burden America not paying her bills. What kind of bills? Debts that are owed to individuals, to our corporations that our friends say are of great friendship to them—banks and insurance companies; but most importantly, pensions, mutual funds. State and local governments will be left holding the bag because today we want to do a few shenanigans.

### □ 1300

Mr. Speaker, let me tell you that the Kaiser Foundation has indicated in my own State that 5.6 million Texans are living in poverty—2.2 million of them children. And 17.4 percent of the households in the State struggle with food insecurity. Not raising the debt ceiling means that the burden falls on those who get up every morning to work. That's a true story of the American people.

What else will happen if we don't raise the debt ceiling? 642,500 jobs will be lost. The gross domestic product will decrease by 1 percent. Unemployment would go up. Every mortgage would increase by \$19,175. Stocks would fall. The S&P dropping 6.3 percent. And every 401(k) holder would lose \$8,816.

This is the real story of the American people. I want to stand on their side. I want to acknowledge that together as Republicans and Democrats. rather than writing the fairy tale story that you're seeing today, a resolution of disapproval, we can really work together as we have done in years past. 1997—the balanced budget amendment that created the Children's Health Insurance Program, helping children across America to be able to have health insurance. Or get rid of Medicare part D, passed by the past administration and the Republican Congress. Medicare part D, any senior will tell you, is one of the most devastating parts of their budget, causing them to pay three times more for their prescription drugs. We can get rid of that, as the Affordable Care Act did, and we would generate millions and millions of dollars.

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

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. Fairy tales are supposed to end with a wonderful ending, something such as never, never again or it ended happily thereafter. Well, let me tell you the true story of the American people. They don't want us on the floor today talking about not paying their bills to them. They want us on the floor right now to create jobs, to bring down the unemployment, to give them payroll tax relief, and to give extension for unemployment for those who are seeking jobs. And they don't want us to deny food stamps to young soldiers whose incomes don't allow them to provide for their families. They want us to get to work. Here I am. I'm ready to get to

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of House Joint Resolution 98, a resolution that would prevent President Obama from raising the debt ceiling by \$1.2 trillion.

This is a critical time for our Nation. Over 14 million Americans are unemployed, and our record-setting level of debt is more than \$15 trillion. The fact is the Obama administration will not lead on this debt reduction issue. I believe it is critical we send a message that we will not return to the era of continuing to run up the American taxpayers' credit card and endless increases to our Nation's debt limit.

Let's look at President Obama's record. Since assuming office in 2009, President Obama has proposed consecutive budgets that offer more than \$1 trillion in deficit spending, the most of any President in our Nation's history. And under the President's budget plans, in 2018 the United States will owe more interest on the debt than will be spent on all defense spending, meaning we will owe more money to our creditors than supporting our national defense. That is crazy.

Congress has a moral obligation to our children and grandchildren to stop the outrageous spending and restore fiscal sanity in Washington to ensure we don't leave them under a mountain of debt. Right now, every American faces \$200,000 in financial obligations to pay for our debt, and this is unacceptable. This resolution of disapproval is a good place to start in getting our fiscal house in order, and I urge my colleagues to support it.

Mr. POLIS. Mr. Speaker, I yield myself 30 seconds before further yielding.

Every Republican that has spoken on this issue voted for a budget that included \$5.1 trillion in deficit spending over a decade, more deficit spending than any 10-year period in the history of our country. They also, as part of that budget, voted for raising the debt ceiling by \$8.8 trillion. They voted to do it, Mr. Speaker. They voted to raise the debt ceiling from \$14.3 trillion to \$23.1 trillion by 2021. Yes, Mr. Speaker, every Republican in this body, except for four, and zero Democrats, voted to double the national debt over the next 10 years.

I'm proud to yield 2½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend. Thank you, Mr. Speaker.

It's winter in Washington, but apparently our Republican friends have returned thinking it's August at the beach, and they've packed their neon-colored flip-flops.

Last year, this Congress came together in a bipartisan fashion to avoid America's first-ever default. The business community, economists, financial analysts warned of the economic calamity that a default would cause. Passing this resolution today—in fact by two-thirds vote in this body and the Senate—would produce just such a catastrophic result.

The Budget Control Act we passed didn't appropriate one penny of new spending; it just provided for America to meet its previous obligations. Although the initial intransigence of some brought the Nation to the brink and the first downgrading by S&P in our history, ultimately 174 Republicans finally agreed to do the right thing.

Today's vote is a direct repudiation of that vote. The debt limit increase in this resolution is the exact same one they supported as part of the Budget Control Act only 5 months ago. Today's vote is simply an opportunity for Republicans to give themselves cover and to flip-flop and say they're against what they in fact already voted for.

Make no mistake, Mr. Speaker: Nothing Republicans have proposed this year would have forestalled an increase in the debt ceiling, not the Ryan budget, not the Republican Study Committee budget, not even the balanced budget amendment. Avoiding default was the difficult but responsible action last August, and it remains the responsible action today.

I urge my colleagues to leave their flip-flops at the beach and do the responsible thing. Put country ahead of politics today.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Mr. Tom GRAVES.

Mr. GRAVES of Georgia. Mr. Speaker, I'll try not to follow up too much on the flip-flop comments, but I do prefer Crocs if anybody cares.

Mr. Speaker, I rise in opposition to President Obama's latest request to

Every Republican that has spoken on its issue voted for a budget that inuded \$5.1 trillion in deficit spending over a decade, more deficit spending an any 10-year period in the history of our country. They also, as part of that budget, voted for raising the debt of any U.S. President and more debt than the first 41 Presidents combined.

And the Nation's debt level has recently reached a disturbing milestone. The U.S. debt is now as big as the entire U.S. economy. That's the value of all goods and services produced here in the United States. It's another stark warning that America cannot continue spending at the current pace. And alarm bells should be going off all throughout the Halls of Congress because this problem is not going away. Yet, here we are again poised to go down and continue down this Road to Ruin.

The will to see the error of our ways and make significant spending cuts still doesn't exist here in Washington. Unless we start making the tough choices now, this Nation will reach a point where we have no choice at all.

Mr. POLIS. Again, the Republicans doth protest too much. If there is concern about the budget deficit, why did every Republican who has spoken here today—every Republican except for four—vote to double our national debt over the next 10 years? Why has every Republican here voted for a budget that included \$5.1 trillion in deficit spending, more deficit spending than this country has ever had in a 10-year period?

I certainly hear complaints about President Obama and others. The President can't spend a penny—a penny—without congressional approval. So if the Republicans are concerned about the budget, why did they go on a Christmas spending spree where 147 Republicans voted to spend over \$900 billion, every penny of it deficit spending? This makes no sense, Mr. Speaker.

Let's address this budget deficit, as President Obama has charged us to do with the Bowles-Simpson Commission. Let's undertake a bipartisan approach to solve the deficit. This Nation shouldn't have a \$5.1 trillion deficit, as the Republicans have voted on and passed. This body should not spend enough money to double the national debt by the year 2021, which every Republican except for four has voted for.

Let's get to work, Mr. Speaker. This is all fun and games, but the country is burning while we continue to work to solve this issue and avoid the hard ones.

I reserve the balance of my time.

### □ 1310

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, Mr. RANDY HULTGREN.

Mr. HULTGREN. Mr. Speaker, today I rise in support of this important reso-

lution of disapproval. I oppose raising the debt ceiling and will continue to oppose raising the debt ceiling without a real structural reform to how Washington works.

A balanced budget amendment is what we need. We find ourselves in this position today because the President has come to Congress telling us that he wants to raise the Nation's debt ceiling again. Our Nation's credit card is maxed out because of his administration's reckless spending.

My home State of Illinois is a perfect example of the truth that we cannot spend, borrow, and tax ourselves out of huge budget deficits; and now Illinois is the State in the worst financial shape of any other State.

Today's vote will not just show which of our colleagues support more spending, but it will also reflect our positions on the greater philosophical divide confronting us: Are we for bigger government or smaller, more accountable, more effective government?

Today's vote will clearly show the American people who in this Chamber wants to further grow the size of government, let it intrude further into the private sector, and give more power to Washington bureaucrats to meddle in the everyday lives of American citizens; and in contrast, it will show those of us who believe that a smaller government increases our constituents' liberties.

By supporting this resolution of disapproval, we are sending a message that we are standing for smaller government and greater individual freedom. We must not increase our debt ceiling without real structural change to how Washington works.

Mr. POLIS. Mr. Speaker, I would like to ask my friend from South Carolina if he has any remaining speakers.

Mr. SCOTT of South Carolina. Yes, sir. I suppose I have four or five.

Mr. POLIS. I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana, Mr. DAN BURTON.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

You know, this whole process amuses me because, when we passed the Budget Control Act, we, in effect, gave the President the ability to raise the debt ceiling by an additional \$500 billion without us having any control whatsoever. And with this \$1.2 trillion we're talking about raising the debt ceiling today, we really don't have any control over that either.

Now, I voted against the Budget Control Act and I voted against raising the debt ceiling, or giving the President the authority to raise the debt ceiling by that first \$500 billion, and I'm going to vote against the \$1.2 trillion increase today.

But here's how it works, and I don't think the American people understand it. We disapprove today and let's say the Senate disapproves, and it goes to the President and he vetoes it. It comes back to us, and we have to have a two-thirds majority vote to override it. So this is not going to happen. We have, in effect, given the President of the United States the ability to raise the debt ceiling without us having any control whatsoever, and that's just wrong.

We should never have passed that Budget Control Act the way we did. This body should always have the ability to stop raising the debt ceiling. But when we passed the Budget Control Act the way we did, we gave the President carte blanche, and it's dead wrong.

This President now has control that no President has had in history. He is making appointments without advice and consent of the United States Senate. He is able to raise the debt ceiling without us being able to do a darn thing about it. It's just wrong, and this body made a big mistake when we put that provision in the Budget Control Act, and the American people need to know it.

Mr. POLIS. You know, Mr. Speaker, sometimes it seems like we're arguing about a different bill in this Chamber. Many of those who have spoken on the other side have risen to attack government spending; and yet they voted for a budget with a \$5.1 trillion deficit over a 10-year period, a bigger deficit than this Nation has ever had. Many of them also voted to spend \$915 billion December 17th on their Christmas shopping spree, all deficit spending. And now they're complaining about a deficit that their votes caused.

Let me assure you of something, Mr. Speaker. This Nation pays its bills. Families across America pay their bills. When families spend too much on Christmas gifts, the answer is not to not pay your credit card bill in January. The answer is to cut back on spending. That's what families across America know. That's what this Congress needs to know. That's common sense.

Every Republican in this body, except for four, voted for a budget that called for specifically raising the debt ceiling from \$14.3 trillion to \$23.1 trillion. The House Republican budget voted to double the national debt over the next 10 years.

We can and we must do better, Mr. Speaker. Let's get past these games and begin a real discussion about reining in the national deficit and starting to pay down our national debt.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado has 12 minutes remaining. The gentleman from South Carolina has 13 minutes remaining.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. I thank my colleague, and thank you, Mr. Speaker.

I want to follow on to what my colleague said in his opening remarks about trying to get your hands around how big \$1.2 trillion is. It's one of the things I struggle with. I know it's one of the things that my folks back home struggle with. So I look at it in a different fashion.

If you are a family that is making \$46,000 a year, which is just under the average household in the United States, this is the equivalent of borrowing an additional \$14,000, which might not sound that much until you stop to realize that if you were that little family making \$46,000 a year, trying to borrow an additional \$14,000—which is what we're doing today—you also owe \$305,000 on the credit card bill. You you are trying to borrow another \$14,000.

It raises the question in my mind, Mr. Speaker, a fairly straightforward and honest question: Does the President really ever intend to pay it back? Seriously. I think that is a legitimate question to ask.

If someone came to me and said, "Would you loan me an additional \$14,000?" and I knew that you already owed \$305,000, I think asking that person a legitimate question would be to say, "Do you ever really intend to pay it back?" And if the answer is, "Yes," which I assume it is, my question then would be, "Well, when?" Because you offered us a budget last year, Mr. President, that never balances, ever.

We've heard a lot of nasty things today about Mr. RYAN's budget, about the GOP budget. At least it balances eventually and goes to surplus and provides for a method with which to pay off the debt. The Republican Study Committee budget, which many of us voted for, balances it in 8 years and allows us to pay off the debt. Yet the President has never offered us a budget that ever balances or produces a surplus to generate the money with which to repay the debt that he's asking us to take on today.

The President's own words in 2006 have become somewhat famous. Back then when he was in the Senate, he said that the fact that we are here today to debate raising America's debt limit is a sign of leadership failure.

America has a debt problem and a failure of leadership. Americans deserve better.

Mr. Speaker, I ask the simple question: If the President would like to exercise some leadership, the opportunity exists for him to do so.

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

Mr. SCOTT of South Carolina. I yield the gentleman from South Carolina an additional 30 seconds.

Mr. MULVANEY. And that would be to simply send us a budget that bal-

ances. In his lifetime would be great; in his children's lifetime would be okay; but send us a budget, Mr. President, that balances at some time. You are at the White House right now working on it to send to us next month. Send us a budget that balances sometime so at least maybe we can pretend that we will eventually pay off this money that he wants us to borrow today.

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

Mr. Speaker, I want to quote from an article in The Hill. My friend and colleague Mr. MULVANEY from South Carolina said that this entire procedure "is just a fig leaf for some Republicans to say they are against more debt, even though they essentially approved it."

That's what we know this to be. This money has been spent. It's out the door. My colleague, Mr. MULVANEY from South Carolina, agrees and has put it into the RECORD. Even the budget from the Republican Study Committee, which the gentleman cited, calls for specifically raising the debt ceiling by \$5.6 trillion, increasing the national debt by a third. That's not the answer.

The President has led the way through the creation of the Simpson-Bowles Commission and their hard, bipartisan work to come up with a way to reduce the national deficit. The Republican Study Committee budget, the Paul Ryan budget, all of the budgets that the Republicans brought before the House increase the deficit substantially, more so than any Congress has in the history of this entire country.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. TREY GOWDY.

# □ 1320

Mr. GOWDY. Thank you, Mr. Speaker. And I want to thank my friend and colleague from the great State of South Carolina, Mr. TIM SCOTT, for his outstanding work on the Rules Committee.

So here we are again, Mr. Speaker, less than 6 months removed from last summer's so-called debt crisis, on the verge of committing another act of generational embezzlement. We are on the verge of assigning another trillion dollars of debt to our progeny because we can't muster the courage to make hard decisions.

We're on the verge of \$16 trillion in debt, Mr. Speaker, because we can't bring ourselves to say "no." We're on the verge of \$16 trillion in debt, Mr. Speaker, because we refuse to have a serious conversation about the role of government juxtaposed with the role of the individual.

And at times like this, when leadership and moral courage, as my friend from South Carolina, MICK MULVANEY,

so eloquently put it, when moral courage and leadership are needed we get slogans more befitting of a student body president race than a campaign to be the leader of the free world.

This administration says it wants a "balanced approach" but a "balanced approach" apparently doesn't include a balanced budget. This administration says it wants a grand bargain, a big, transformative deal, but the details of such a deal would fit nicely on the back side of a postage stamp.

And my personal favorite, Mr. Speaker, this administration wants the "rich to pay their fair share." I've heard that phrase several times this morning. What I have not heard, Mr. Speaker, because they never seem to get around to defining who the rich are, and they never seem to get around to defining the word "fair," which may be the most subjective word in the English language.

So I would ask, is it fair, is 34 percent not enough? You want a half? You want two-thirds?

When will your President define who the rich are and what's fair?

And if sloganeering and class warfare were not insidious enough, this administration criticizes those who do have the moral courage to offer a way out. Where is the President's entitlement reform plan? Where is his tax reform plan? Where is his regulatory reform plan? Where is his litigation reform plan?

Mr. Speaker, I have seen his reelection plan. Where is the plan to pay down the debt, balance the budget, and offer real opportunity to our fellow Americans who want it and need it?

We had a town hall in Greenville, South Carolina, Mr. Speaker, over the Christmas break, and one of the people I work for gave me some good advice. He said, drop the trillions and billions and talk where real people can understand. And he was right.

So, Mr. Speaker, assume a family makes \$22,000 a year, but the family's expenses are \$38,000 a year, and all the while they carry \$142,000 in credit card debt. Do you think they really need an increase in their line of credit? Do you think another job or more hours will make ends meet?

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

Mr. SCOTT of South Carolina. I yield the gentleman another 30 seconds.

Mr. GOWDY. Mr. Speaker, you don't decide to go to the matinee instead of the 9 p.m. movie and order a cheaper appetizer when you're \$142,000 in debt. You make real, dramatic, systemic transformative change.

Each one of us received an inheritance, Mr. Speaker, from our parents and grandparents. We received a better, stronger, more vibrant country than the one they inherited, and we have squandered that inheritance. We have become prodigal sons and daughters, except we have a credit card.

I hope the generations that come after us will have the courage the generations that came before us had, for we have been profiles in timidity and greed.

Mr. POLIS. Well, the gentleman from South Carolina didn't give me a chance to answer the question that he posed to me. He said, what's rich and what's fair?

What I and many others have proposed is that people making over \$1 million a vear in income is who we're talking about, not people with a net worth of 2 or 3 million or less, but people who have an income, make \$1 million or more a year in income, and the tax rate would go from 35 to 39.6 percent, a 4½ percent increase. That's what we're talking about as part of a comprehensive package. That's in the bipartisan Bowles-Simpson package, that's in the bipartisan Gang of Six package. That's some of the revenue that, along with cuts and entitlement reform, are part of the solution to this

Rather than bellyaching and complaining about having to do what Republicans themselves have said they were going to do in the Ryan budget and the Republican Study Group budget that's doubled the deficit-Republicans committed to doubling the deficit. I didn't support that. I voted against those bills. But Republicans promised to double the deficit. I opposed that. But here they are, now that they're doing the spending that they did, their massive spending spree in December, their budget that doubles the size of the national deficit, and here they are bellyaching, after spending all that money, that they don't want to pay the bill.

Well, that's immature, Mr. Speaker. Let's rein in the spending, rather than not make good on the full faith and credit of the United States of America.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. Fleming).

Mr. FLEMING. I thank the gentleman, and I thank the Speaker.

The reason why we're here today is because of the Balanced Budget Act of last year, which was a flawed bill, one which I voted against. Why? It set spending limits way too high. It guts defense by \$1 trillion in a time when the world is becoming even more dangerous than ever. It cut funding to Medicare providers in a time when patients out there need access to their physicians and hospitals. And it finally creates a sham, this resolution that we're debating today, which is just that, a sham.

All the President has to do is veto our vote of disapproval and it automatically goes into effect. We just basically handed the President, in a time when we have crossed that threshold, \$15 trillion of debt more than our GDP,

our gross domestic product, which puts us up there with Greece. We have now handed the President a gift of another spending of \$1.2 trillion, which now brings him increasing the national debt.

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

Mr. SCOTT of South Carolina. I yield the gentleman another 20 seconds.

Mr. FLEMING. This brings the President from a point which all Presidents, all the way through George Bush 43, bringing us to \$10.6 trillion, increasing that national debt by 70 percent, just in one term under President Obama.

I urge my colleagues to vote for the disapproval.

Mr. POLIS. Well, finally, Mr. Speaker, we have some bipartisan agreement. My colleague from Louisiana called this vote a sham. My colleague from South Carolina called this a fig leaf to disguise excess Republican spending. I think we have agreement on those basic concepts. Whether you call this a sham or a fig leaf, this bill, this process that the Republicans have put before us doesn't do a thing to solve the deficit, doesn't do a thing to rein in the national debt. It only perpetuates this Congress' addiction to spending, Mr. Speaker.

By somehow pretending to say that we're doing something by making a fuss over whether we're going to make good on the full faith and credit of what we've already spent, rather than just not spend it in the first place, Mr. Speaker, we're misleading the American public into thinking that this Congress is tackling the national debt and the deficit, when all we're doing, as my friend from Louisiana said, is simply a sham.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, we're prepared to close.

Mr. POLIS. I am prepared to close as well. I ask the Speaker how much time remains.

The SPEAKER pro tempore. The gentleman from Colorado has  $8\frac{1}{2}$  minutes. The gentleman from South Carolina has  $5\frac{1}{2}$  minutes.

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

Mr. Speaker, Americans are urging both parties, Republicans and Democrats, to work together to solve the basic challenges that this country faces, joblessness, a tax code that rewards those with well-connected lobbyists rather than hardworking Americans, and yes, to solve the budget deficit and budget crisis and ensure that we don't leave a legacy of debt for our children.

And yet, we will deal with none of these issues today, none of these issues in the 2 days the Republican majority has scheduled us to work this week, amidst the biggest national recession since the Great Depression. And each time that President Obama and Democrats have sought consensus on these

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issues, the majority have bowed to radical elements within their party that insist on an agenda that is far outside the American mainstream and will lead to doubling the national debt over the next 10 years.

Time and time again, we've seen the Republicans choose gridlock over problem solving. We saw this most recently when the House Republicans refused to allow a vote on the bipartisan compromise to extend the payroll tax break.

You know, the American people are tired of political games. They want action rather than rhetoric; they want progress rather than partisanship. And with today's move, the Republicans are again playing the dangerous game of signaling to the world that America might not pay its debt, might not make good on the very money that the Republicans voted to spend in December

#### □ 1330

At a time when Standard & Poor's has moved to downgrade nine European countries' ratings, the last thing our Nation can afford is a risk of default. If we are further downgraded, Mr. Speaker, it would likely lead to an increase in the rate that we have to pay to finance our national debt. This would, in fact, increase the national debt even more than the Republicans want to increase the national debt—by \$5.1 trillion

Yes, that very same Paul Ryan budget that ends Medicare as we know it and has \$5.1 trillion of deficit spending could have \$10 trillion or \$20 trillion of deficit spending if the Republicans succeed in jeopardizing our credit rating by playing games with the full faith and credit of the United States of America.

Like millions of responsible Americans, our Nation knows that we must make good on our obligations. Every minute that we waste debating this-I'll use what the other side has called it—debating this sham, the gentleman from Louisiana, this fig leaf, the gentleman from South Carolina, every minute we waste debating this underlying rule and bill is a minute that could have been spent enacting practical, substantial legislation to end the budget deficit, to right the fiscal course of this Nation, and put our country back on the road to economic recovery.

I strongly urge a "no" vote on the rule and the underlying bill.

I yield back the balance of my time. Mr. SCOTT of South Carolina. Hypocrisy is nothing new in the House of Congress, unfortunately, and even in this House.

My good friend from Colorado talks about what we're doing on the righthand side. There's no question, however, that Mr. Polis himself voted for the Democratic Caucus budget proposed by Mr. VAN HOLLEN, which would have increased spending by \$4.5 trillion more than the Ryan budget.

There is only one way to reduce the debt at that level of spending, and that's higher and higher taxes on the middle class. It's bad enough that, in one bill under the Democratic-controlled House, they increased taxes on the middle class by \$500 billion and at the same time raided Social Security, men and women on a fixed income, by \$500 billion—or a half a trillion dollars.

It's unfortunate that not only were they increasing taxes, but they specifically targeted the middle class, creating a new 3.8 percent surtax on investment income on folks who have a middle class income.

It is very unfortunate that the President went a step further than even the Democratic Caucus budget. He increased spending by \$6.2 trillion more than the Ryan budget.

So everything we hear on the left right now about the spending and the debt, we need to frame it in the real conversation around what the left has already done under the Pelosi House \$1.4 trillion annual deficit.

In addition to that, we need to think to ourselves and ask the question, do we need \$49 trillion of spending over the next 10 years that's been proposed by some on the left? Can we afford taking our national debt from \$16.3 trillion, \$16.4 trillion with this credit card extension into the \$27 billion range at the end of this decade? The answer is obviously "no." But the hypocrisy is just business as usual from the left.

Mr. Speaker, today's vote is very clear. You either stand for reducing spending here in Washington or you don't. It is as simple as that.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 515, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 176, answered "present" 1, not voting 18, as follows:

### [Roll No. 2] YEAS—238

Adams Amodei Bartlett
Aderholt Austria Barton (TX)
Akin Bachmann Bass (NH)
Alexander Bachus Benishek
Amash Barletta Berg

Bilirakis Bishop (UT) Black Blackburn Bonner Bono Mack Boustany Brady (TX) Brooks Broun (GA) Buchanan Bucshon Buerkle Burgess Burton (IN) Calvert Camp Canseco Cantor Capito Carter Cassidy Chabot Chaffetz Coble Coffman (CO) Cole Conaway Cravaack Crawford Crenshaw Culberson Davis (KY) Denham Dent DesJarlais Diaz-Balart Dold Dreier Duffy Duncan (SC) Duncan (TN) Ellmers Emerson Farenthold Fincher Fitzpatrick Fleischmann Fleming Flores Forbes Fortenberry Foxx Franks (AZ) Frelinghuysen Gallegly Gardner Garrett Gerlach Gibbs Gibson Gingrey (GA) Gohmert Goodlatte Gosar Gowdy Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Guinta

Hanna Harper Harris Hartzler Hastings (WA) Hayworth Heck Hensarling Herger Herrera Beutler Huelskamp Huizenga (MI) Hultgren Hunter Hurt. Issa Jenkins Johnson (IL) Johnson (OH) Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston Kinzinger (IL) Kissell Kline Labrador Lamborn Lance Lankford Latham LaTourette Latta Lewis (CA) LoBiondo Long Lucas Luetkemever Lummis Lungren, Daniel E. Mack Manzullo Marchant Matheson McCarthy (CA) McCaul McClintock McCotter McHenry McIntyre McKeon McKinley McMorris Rodgers Meehan Mica Miller (FL) Miller (MI) Miller, Garv Mulvanev Murphy (PA) Myrick Neugebauer Nugent Nunes Nunnelee Palazzo Paul Paulsen

Pence Petri Pitts Platts Poe (TX) Pompeo Posey Price (GA) Quavle Reed Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (FL) Rovce Runyan Rvan (WI) Scalise Schilling Schmidt Schock Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (NE) Smith (N.I) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan Terry Thompson (PA) Thornberry Tiberi Tipton Turner (NY) Turner (OH) Upton Walberg Walden Walsh (IL) Webster West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall

# NAYS-176

Ackerman Capps Altmire Capuano Andrews Carney Carson (IN) Baca Baldwin Castor (FL) Barrow Chandler Bass (CA) Chu Cicilline Becerra. Clarke (MI) Berman Clarke (NY) Bishop (GA) Bishop (NY) Clav Blumenauer Cleaver Boren Clyburn Boswell Cohen Connolly (VA) Brady (PA) Braley (IA) Conyers Brown (FL) Cooper Costa

Costello Courtney Critz Crowley Cuellar Cummings Davis (CA) Davis (IL) DeFazio DeGette DeLauro Deutch Dicks Dingell Doggett Donnelly (IN) Dovle

Yoder

Young (AK)

Young (FL)

Young (IN)

Ellison	Loebsack	Ruppersberger
Engel	Lofgren, Zoe	Rush
Eshoo	Lowey	Ryan (OH)
Fattah	Luján	Sánchez, Linda
Frank (MA)	Lynch	T.
Fudge	Maloney	Sanchez, Lorett
Garamendi	Markey	Sarbanes
Gonzalez	Matsui	Schakowsky
Green, Al	McCarthy (NY)	Schiff
Green, Gene	McCollum	Schrader
Grijalva	McDermott	Schwartz
Gutierrez	McGovern	Scott (VA)
Hahn	McNernev	Scott (VA)
Hanabusa	Meeks	Serrano
Hastings (FL)	Michaud	
Higgins	Miller (NC)	Sewell
Himes	Miller, George	Sherman
Hinojosa	Moore	Shuler
Hirono	Moran	Sires
Hochul	Murphy (CT)	Slaughter
Holden	Nadler	Smith (WA)
Holt	Napolitano	Stark
Honda	Neal	Sutton
Hoyer	Olver	Thompson (CA)
Israel	Owens	Thompson (MS)
Jackson (IL)	Pallone	Tierney
Jackson Lee	Pascrell	Tonko
(TX)	Pastor (AZ)	Towns
Johnson (GA)	Perlmutter	Tsongas
Johnson, E. B.	Peters	Van Hollen
Kaptur	Peterson	Velázquez
Keating	Pingree (ME)	Visclosky
Kildee	Polis	Walz (MN)
Kind	Price (NC)	Wasserman
Kucinich	Quigley	Schultz
Langevin	Rahall	Waters
Larsen (WA)	Rangel	Watt
Larson (CT)	Richardson	Waxman
Lee (CA)	Richmond	Welch
Lee (CA) Levin	Ross (AR)	Wilson (FL)
Levin Lewis (GA)	Rothman (NJ)	Woolsey
Lipinski	Roybal-Allard	Yarmuth
Lipinski	noy bar-Allard	rarmudi

#### ANSWERED "PRESENT"-1

#### Landry

# NOT VOTING-18

Berkley	Giffords	Noem
Campbell	Grimm	Olson
Cardoza	Heinrich	Payne
Carnahan	Hinchey	Pelosi
Farr	Inslee	Reyes
Filner	Marino	Speier

# □ 1359

Ms. EDWARDS changed her vote from "yea" to "nay."

Messrs. MANZULLO and PALAZZO changed their vote from "nay" "yea."

So the previous question was ordered. The result of the vote was announced as above recorded

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 2, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

# THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

#### RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 292, noes 120, answered "present" 1, not voting 20, as follows:

# [Roll No. 3]

# AYES-292

Fleischmann Ackerman Marchant Aderholt Fleming Matheson Akin Flores Matsui Alexander McCarthy (CA) Forbes Altmire Fortenberry McCarthy (NY) Amodei Foxx McCaul Franks (AZ) McClintock Austria Baca Frelinghuysen McCollum Bachmann Gallegly McCotter Gingrey (GA) Barletta McHenry Gonzalez Goodlatte Bartlett McIntyre Barton (TX) McKeon Bass (NH) Gosar McKinlev Becerra Gowdy McMorris Berg Granger Rodgers Graves (GA) Berman McNerney Biggert Graves (MO) Meehan Bilirakis Meeks Green, Al Bishop (GA) Griffith (VA) Mica Bishop (UT)  $\operatorname{Grimm}$ Michaud Miller (FL) Black Guinta Blackburn Guthrie Miller (MI) Miller, Gary Miller, George Blumenauer Gutierrez Hall Bonner Bono Mack Hanabusa Moran Boren Harper Mulvanev Boswell Harris Murphy (CT) Boustany Hartzler Murphy (PA) Hastings (WA) Brady (TX) Myrick Brooks Hayworth Nådler Broun (GA) Hensarling Napolitano Brown (FL) Herger Neugebauer Hinojosa Buchanan Nugent Bucshon Hirono Nunes Buerkle Hochul Nunnelee Burton (IN) Huelskamp Olson Butterfield Huizenga (MI) Owens Hultgren Calvert Palazzo Camp Hurt Paul Canseco Issa Paulsen Jackson Lee Cantor Pearce Capito Pence Carnev Jenkins. Perlmutter Johnson (IL) Carter Petri Chabot Johnson, Sam Pingree (ME) Chaffetz Jones Pitts Jordan Platts Chandler Kaptur Pompeo Cicilline Posey Price (GA) Kellv Clay Kildee Coble King (IA) Price (NC) Cohen King (NY) Quigley Cole Kingston Rangel Connolly (VA) Kinzinger (IL) Rehberg Cooper Kissell Reichert Crenshaw Kline Ribble Critz Labrador Richardson Crowley Lamborn Richmond Culberson Lance Rigell Davis (CA) Landry Rivera Davis (KY) Langevin Robv Roe (TN) DeGette Lankford Larson (CT) DeLauro Rogers (AL) LaTourette Rogers (KY Denham DesJarlais Latta Lewis (CA) Rogers (MI) Deutch Rokita Diaz-Balart Loebsack Ros-Lehtinen Lofgren, Zoe Roskam Ross (AR) Dicks Dreier Long Duncan (SC) Ross (FL) Lowey Duncan (TN) Roybal-Allard Lucas Luetkemever Edwards Royce Ellmers Luján Runyan Ruppersberger Ryan (OH) Emerson Lummis Lungren, Daniel Engel Eshoo Ryan (WI) Farenthold Mack Scalise Fincher Maloney Schiff Manzullo Schilling

Smith (TX) Wasserman Schock Schrader Smith (WA) Schultz Southerland Waters Schwartz Watt Stark Schweikert Waxman Stearns Webster Scott (SC) Stutzman Scott (VA) Welch Sullivan Scott, Austin West Thompson (PA) Westmoreland Scott, David Thornberry Sensenbrenner Whitfield Tiberi Serrano Wilson (FL) Tonko Wilson (SC) Sessions Tsongas Wittman Turner (NY) Sherman Wolf Turner (OH) Womack Shimkus Upton Shuster Woolsey Van Hollen Simpson Yarmuth Walberg Young (AK) Sires Smith (NE) Walden Young (FL) Walz (MN) Smith (NJ) Young (IN)

# NOES-120

Adams	Fudge	Moore
Andrews	Garamendi	Neal
Baldwin	Gardner	Olver
Barrow	Garrett	Pallone
Bass (CA)	Gerlach	Pascrell
Benishek	Gibbs	Pastor (AZ)
Bilbray	Gibson	
Bishop (NY)	Green, Gene	Pelosi
Brady (PA)	Griffin (AR)	Peters
Braley (IA)	Grijalva	Peterson
Burgess	Hahn	Poe (TX)
Capps	Hanna	Polis
Capuano	Hastings (FL)	Quayle
Carnahan	Heck	Rahall
Carson (IN)	Herrera Beutler	Reed
Castor (FL)	Higgins	Renacci
Clarke (MI)	Himes	Rohrabacher
Clarke (NY)	Holden	Rooney
Cleaver	Holt	Rothman (NJ)
Clyburn	Honda	Rush
Coffman (CO)	Hoyer	Sánchez, Linda
Conaway	Hunter	T.
Conyers	Israel	Sanchez, Loretta
Costa	Jackson (IL)	Sarbanes
Costello	Johnson (GA)	Schakowsky
Courtney	Johnson (OH)	Shuler
Cravaack	Keating	Slaughter
Crawford	Kind	Stivers
Cuellar	Kucinich	Sutton
Cummings	Larsen (WA)	
Davis (IL)	Latham	Terry
DeFazio	Lee (CA)	Thompson (CA)
Dent	Levin	Thompson (MS)
Dingell	Lewis (GA)	Tierney
Doggett	Lipinski	Tipton
Dold	LoBiondo	Towns
Donnelly (IN)	Lynch	Velázquez
Doyle	Markey	Visclosky
Duffy	McDermott	Walsh (IL)
Ellison	McGovern	Woodall
Fitzpatrick	Miller (NC)	Yoder

# ANSWERED "PRESENT"-1 Amash

# NOT VOTING-20

Bachus Berkley Campbell Cardoza Cassidy Farr	Filner Frank (MA) Giffords Gohmert Heinrich Hinchey	Johnson, E. B. Marino Noem Payne Reyes
Farr Fattah	Hinchey Inslee	Speier

### $\Box$ 1407

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall 3, I was unable to vote because I was a witness in a redistricting trial. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 3, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3622

Mr. TIBERI. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3622.

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

There was no objection.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. REED. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

#### H. CON. RES. 96

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 2012, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISAPPROVAL RESOLUTION RE-LATING TO DEBT LIMIT IN-CREASE

Mr. REED. Madam Speaker, pursuant to House Resolution 515 and as the designee of the majority leader, I have a motion at the desk.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Clerk will report the motion.

The Clerk read as follows:

Mr. Reed moves that the House proceed to consider the joint resolution (H.J. Res. 98) relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012

## □ 1410

The SPEAKER pro tempore. Pursuant to section 3101A(c)(3) of title 31, United States Code, the motion is not debatable.

The question is on the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the title of the joint resolution.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

### H.J. RES. 98

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of the President's exercise of authority to increase the debt limit, as exercised pursuant to the certification under section 3101A(a) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to section 3101A(c)(4) of title 31, United States Code, the joint resolution is considered as read, and the previous question is considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate, equally divided and controlled by the gentleman from New York (Mr. REED) as the proponent and the gentleman from Michigan (Mr. LEVIN) as the opponent.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. REED. Madam Speaker, I yield myself such time as I may consume, and I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the resolution under consideration.

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

There was no objection.

Mr. REED. Madam Speaker, I rise today as the proud primary sponsor of the subject resolution that is before the desk.

Madam Speaker, I'd like to start my conversation with a few numbers: \$15.2 trillion. That is the size of our national debt. We as a Nation are borrowing at the rate of \$58,000 per second. That is approximately \$45,000 for each man, woman, and child in America. This type of debt is not sustainable.

Madam Speaker, this resolution is offered today to send a message to the Nation and to the world that this Chamber is going to lead and not hide. We are going to deal with the issue of the national debt once and for all because it is time. The path that we are on is not sustainable. It is a path of bankruptcy, it is a path that will destroy the American Dream if we do not stand up to the plate and lead us out of this fiscal nightmare that we now find ourselves in.

Now, many people in this town and in this Chamber and in the Chamber on the other side of the Capitol probably would like this issue to go away until after the election. The problem is, is that the issue will not go away. And even though if we don't want to deal with it politically, we need to deal with it substantively. And my resolution that is before this Chamber will send a message that the constant borrowing on the backs of our children and our grandchildren must come to an end.

I quote the words of our own President when he was Senator in the U.S. Senate. The path that we are on is similar to the words he echoed and stated in the U.S. Senate Chamber when he said this constant borrowing, this national debt is a complete failure of leadership in the White House. We need to lead, and that is what we are going to do.

So I ask for support on this resolution from all of my colleagues, to stand with us, make the hard decisions, deal with this issue to stop this insanity that is truly a threat to our very Nation. And also, it is a threat to any economic recovery that our Nation hopes to enjoy in the short term, because if we do not get the debt under control, small business America, our entrepreneurs, the people that are going to put Americans back to work will not have the confidence or the certainty to invest in the American market that is going to lead to real jobs and to deal with the problem of our unemployment once and for all.

So with that, Madam Speaker, I reserve the balance of my time.

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

You know, there's a very basic fact—I've listened to the rhetoric—if House Republicans prevailed on this bill, what would be the result? Chaos. Chaos.

The House Republicans have become the "party of chaos." Six months ago, they took us to the brink of default. No one in this country liked what they saw—or maybe a very few—not the American public at large, surely not the markets, surely not the markets. But apparently House Republicans did, and you're at it again.

Here we are in the first full day in the House when we're in session this year debating a measure that would take us immediately back to the brink of default. House Republicans are once again relying on the votes of others to save them from themselves and to save this country from them.

This is posturing, not legislating. This is rhetoric, not reelection. And we've seen this movie before. 174 House Republicans voted for the Budget Control Act that set out the structure to keep the government functioning and address our long-term debt, but many decided to turn tail. And on September 14, 228 House Republicans voted in favor of the disapproval resolution to end the President's authority to pay our bills. That is what's fiscally responsible, paying bills.

Basically, they were for it before they were against it. It's a rerun of a bad movie when the American people clearly want us to move forward. And unfortunately, House Republicans have turned to Washington with the same confrontational tone they left when they nearly allowed the payroll tax and the unemployment insurance to expire. And I want to emphasize that, the same confrontation; instead of a spirit of seeking common ground, essentially confrontation. And I think the American people have said to you, enough is more than enough.

House Republicans act as if they don't already have a deadline looming, one with vast implications for millions of American families. That's what we should be talking about. In 6 weeks, the payroll tax cut expires for 160 million Americans, Federal unemployment insurance begins to end for more than 3 million people searching for work, and access to health care becomes endangered for 46 million seniors and the disabled.

#### $\Box$ 1420

Well, last month's jobs numbers were encouraging. The private sector created more than 200,000 jobs in December and nearly 3 million since the recovery began. But with 13 million Americans still looking for work, we need to do more. We should be doing everything possible, everything possible to ensure that our recovery doesn't falter. And you are here supporting something, if it prevailed, that would deeply impact our economy and economic growth.

So here we are in the third week of January. And now we have a conference committee on these issues, charged with the payroll tax cut and unemployment insurance. But that hasn't yet happened, not for a lack of wanting on our part. We've been ready and eager to begin. Businesses and families that are trying to plan and budget for the year should not have to wait until the 11th hour, once again, for certainty. For Republicans, brinkmanship has, I'm afraid, as demonstrated today, become the rule.

So I urge we should reject this cynical, this rigidly ideological attempt to take us back to the brink of default. If you prevail, it wouldn't take us back to the brink: it would throw us over.

The resolution, fortunately, is going nowhere. Its only impact will serve to divide and distract from addressing the real needs of the American people. So I assume—it's happened once before—a majority, and maybe a vast majority, of the House Republicans will come down here and essentially contradict what they helped to pass. That contradiction isn't even good politics, and it's terrible policy.

I reserve the balance of my time.

Mr. REED. Madam Speaker, what I would like to say is that time has passed since we passed the Balanced Budget Control Act. There has been no action on the debt. We have seen nothing out of the White House as to a plan to deal with this national crisis. And my colleague on the other side. I will remind, that I am a conferee on that conference committee to deal with the payroll tax rates, to deal with unemployment, and to deal with the doc fix.

We were here at the end of December. I was here over the New Year's break, Thursday, Friday, working on it. We are ready to do the work. And I'm glad to hear my colleague on the other side of the aisle say that now the House Democrats are here to do the work. We do need the Senate to join into that conversation, and my hope is that they

soon.

But we are capable men and women in this Chamber, Madam Speaker. I am confident that we can walk and chew gum at the same time. We will deal with the issue of the payroll tax rate. We will deal with the issue of the unemployment. We will deal with the issue of the doc fix. But we will not take our eye off of what is becoming one of the fundamental issues of our generation, and that is our national debt. And that's what this resolution speaks to and will constantly remind all of us that we need to be diligent on this issue to get it taken care of once and for all

And with that, I would like to yield 3 minutes to my colleague from Colorado (Mr. Lamborn).

Mr. LAMBORN. Madam Speaker, I thank the gentleman from New York for the time and for his work on this vital issue.

I am opposed to raising the debt ceiling limit. How in the world can we raise the debt limit when the Senate refuses to work with the House to even pass a budget? The Senate hasn't passed one in 3 years. No one would walk into a bank and ask for a loan without a plan on how they would spend that money and pay it back. So why is it okay for the Federal Government to operate that way?

It's not.

The latest increase to the debt ceiling limit allows President Obama to borrow an additional \$1.2 trillion, which brings our national debt to \$16.4 trillion, and he will likely be back at the end of the year asking for another increase. To put that into perspective, after the Revolutionary War, when we became a country in 1776, and after that, many wondered if the young democracy could withstand what many at the time considered a crushing debt. The Nation had borrowed heavily to pay for the Revolutionary War. The debt, when the war was over, was about \$34 per American which, in today's inflation-adjusted dollars, would be about \$653. Today's debt, by contrast, is nearly 68 times that size, or \$45,000 per American. It's bad enough to borrow money like there is no tomorrow, but to do so without even a budget in place is simply wrong.

Today I have introduced a bill to stop this madness. The Budget Before Borrowing Act, H.R. 3778, is a straightforward, no-gimmicks approach to spending money. It very simply says that the Nation cannot raise the debt ceiling limit unless the House and the Senate have agreed on a budget resolution. This can only be waived with a vote of two-thirds of the Members of both houses.

To conclude, I am opposed to raising the debt ceiling limit, and I urge my colleagues to support this disapproval resolution. With our current debt load

will join into that conversation very and lack of a budget, the President has no business asking to raise our Nation's debt at this time.

> Mr. LEVIN. It's now my pleasure to yield 1 minute to the gentlewoman (Ms. WASSERMAN from Florida SCHULTZ).

> WASSERMAN SCHULTZ. Ms. Madam Speaker, I rise today in firm opposition to this resolution, a political stunt that prevents the increase in the debt limit that this Congress has already approved.

> This is a dangerous distraction from our efforts to move the country forward, support continued economic growth, and promote job creation, and it flies in the face of the Budget Control Act, which 174 House Republicans voted for last summer.

> In 2011, my colleagues across the aisle caused multiple self-inflicted economic crises with the specter of defaulting on our Nation's debt each time they played with fire regarding the debt limit. The Republican majority simply has not learned that these kinds of empty, partisan measures can cause immediate harm to our economy and hurt working families everywhere.

> This resolution is nothing but a deeply harmful and dangerous charade: dangerous for Americans still struggling to find work, dangerous for our economy that is depending on a robust and focused recovery, and dangerous for our responsibility as a legislature, tasked not with these grand charades of brinkmanship but of safeguarding the well-being of our Nation.

We have already seen America's credit downgraded and have watched as other nations have faced the worst of default. It is time to stop holding our economy hostage to an ideological agenda. I urge my colleagues to reject this resolution and protect the full faith and credit of the United States of America.

Mr. REED. Madam Speaker, I am happy to yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for vielding.

Madam Speaker, we are here today to try to prevent the national debt from going up another \$1.2 trillion, but in a way, it's a formality because most everybody knows the national debt is going up \$1.2 trillion. This is sad because this process is a very mixed effort to try to curtail spending. And this power of the President to ask for a debt increase, and then we have to get twothirds of the Congress to prevent this from going up, this is a creature of Congress. It's also a creature of a mental status here in the Congress of overspending on just everything.

It would be nice if we could blame everything on the current administration or even the previous administration. But the crisis that we're in has been building over a long period of time, and it's very bipartisan. There's been way

too much cooperation in this Congress because those who like spending cooperate, and they keep spending. And for a long time, we were able to get away with this because we were a very wealthy country. Now we're non-productive. The good jobs are overseas, and yet the spending is escalating exponentially.

We're really not facing up to the reality that the problem is spending. Yes, we have to deal with the debt. But the debt is a consequence of too much spending. Where do we spend too much money? In two places: overseas and domestically. And we need to stop the spending.

Really, in my mind, it started about 40 years ago when there was a guarantee that you don't have to worry about debt because we always had somebody there to buy the debt. If we would have had a market rate of interest where you didn't have the Federal Reserve buying the debt, interest rates would go up and would force us to live within our means. As long as you have a Federal Reserve there with no linkage to anything of soundness-since 1971, the Congress has been reckless. and the deficits have continued to grow, and the crisis that we're facing today is an inevitable consequence.

### □ 1430

I believe we're in denial here in the Congress. If we had the vaguest idea of how serious this crisis is financially, not only for us, but for the world, we'd cut spending because you can't solve the problem of debt by accumulating more debt. It's just impossible to do this.

And one other thing that I think we fail to do on both sides of the aisle is really cut spending overseas. It is considered that if you spend more money overseas you have more defense, and there's no truth to that. Just spending over \$1 trillion a year overseas doesn't necessarily give you more defense. And yet nobody's willing to cut. Some of these automatic cuts that are just supposed to be in line that come out of the supercommittee, everybody's squirming already. How are we going to prevent these cuts?

And this pretense that we might cut \$1 trillion over the next 10 years is total pretense. We're in total denial that it's cutting something. There's a proposed increased baseline budgeting of \$10 trillion. We're going to cut \$1 trillion over 10 years? That's \$100 billion a year.

Our national debt is going up \$100 billion a month. So it's really a charade. But the American people know it's a charade. They're tired of it, and they've heard about this for so long, and we need to make up our minds. Are we going to live within the confines of the Constitution? Cut the spending and balance the budget and get out of this mess

The SPEAKER pro tempore. The to be something that we believe in. time of the gentleman has expired.

And I don't know what Republicans

Mr. REED. I yield the gentleman another 30 seconds.

Mr. PAUL. But the crisis that we face, as I said, is not just domestic because it is a worldwide crisis. And if we don't do something, we will be forced, under very dire circumstances, because we cannot bail out the world. We are prepared now through our Federal Reserve to bail out all of Europe. We've been downgraded, France is downgraded, Greece is downgraded, and we believe that all we have to do is spend more money and inflate the currency. Believe me, we ought to face up to reality and live within our limits.

Mr. LEVIN. It's now my privilege to yield 3 minutes to the very distinguished senior member of our committee, Mr. CHARLES RANGEL of New York.

Mr. RANGEL. I was awed in listening to my friend, Congressman Paul. He usually comes up with some farfetched ideas that I have no idea what he's talking about. But the truth of the matter is that he is right. America is walking down a very serious economic path that could not only jeopardize what's left of our fiscal system, but, good or bad, the whole world depends on our system.

And I cannot believe that a group of Americans, especially Members of the Congress, would say that the President of the United States is not authorized to pay off the debts that we already had. We certainly can find a lot of agreement as to how we got there, whether it's President Obama or Bush's tax cuts, or going to wars that the Congress never declared, hey, all you need is a mathematician to add it up. But we got it there and we owe the money.

Who is so less patriotic, who cares so little about our country that you would have, in addition to the falsehoods they tell about us, saying and we don't pay our debts either?

It's a question that you want to talk about what we do in the future as relates to spending, but I know the debate has to deal with people who don't pay taxes. I know the debate has to say that people are taking unfair advantage of a Tax Code with so many loopholes in it that the most conservative Republican has to agree it's time for a reform.

There's a broad area that we can talk about in what we're going to do about wild, reckless spending. But you just don't to it by saying that I am so angry with the President, I'm so politically involved in opposing him that I would deny him the opportunity to do what every President has always done, and that is to be able to tell the world that can you count on us to pay the money that we have borrowed.

Now, being a politician myself, I know there's extreme things that we go through, but love of our country has

to be something that we believe in. And I don't know what Republicans feel such a strong commitment to the Tea Party, or whatever other people having parties on the other side, that they would say that they will stop America from paying its debts.

I don't believe it. You don't believe it. You know this is not going to pass. But my God, I don't think we should be dictated in connection with what foreigners think about us. There should be some dignity and pride in saying if we make mistakes, they are our mistakes. Not European mistakes, not foreign mistakes. And if we borrow money and we don't like how much we borrow, that is our domestic problem.

For God's sake, don't let us fall in such partisan positions that we are going to say that the United States of America, the leader of the free world, we know how to borrow but we won't allow us to pay it back.

Mr. REED. Madam Speaker, I am happy to yield 2 minutes to the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. Our national debt now stands at more than \$15.2 trillion. That amount exceeds the entire U.S. economy. Washington's reckless spending now burdens every child born in the U.S. with a \$50,000 share of the national debt. If we don't do something about it now, we will be the first generation in American history to leave our children a nation worse than we inherited.

Our skyrocketing debt doesn't just affect our children and their future. It damages our economy and our unemployment rate today. It is a drag on the economy that fuels uncertainty. It hurts our credit rating. It slows economic growth and it prevents job creation.

When President Obama took office, he pledged to cut the deficit in half by 2012. After 3 years in office, has he yet to introduce a credible plan to get our deficits under control? No. Instead, under his watch the country has hit three of the highest deficits on record. That is unacceptable. The national debt has grown by more than 4.6 trillion in his 3 years in office.

We can't solve our debt problems until we address the root cause of this issue, and that is overspending here in Washington, D.C.

In the House, we passed a budget that would put our country on the path to a balanced budget. The Senate didn't pass a budget, they didn't take up our budget. They did nothing.

We passed nearly 1 trillion in spending cuts and we are planning to do more this year. The Senate, as I said, has not written a budget in nearly 1,000 days

If your family was trying to get out of the red, you would sit down at the table, figure out how much you're making, how much you're spending and where you should cut back. The Senate refuses to do that. Think about that for

a second. How on earth are we supposed to get our fiscal house in order if the Senate won't even write a budget?

Why won't the Senate do their job? One word: Politics. It is no wonder we have a 12 percent approval rating.

It is time to cut up the credit cards here in Washington and stop spending money we don't have. The longer we wait, the harder it will be to fix the mess that we are in. Putting our country on a responsible fiscal path is the only way to restart the economy and ensure our children a prosperous future.

Mr. LEVIN. Madam Speaker, it is my privilege to yield 3 minutes to another distinguished member of our committee, the gentleman from the State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I thank the gentleman from Michigan.

Listening to this debate, you're not hearing the same thing you heard 7 months ago I'm told. But when you look away, then you say: Gee, didn't I hear this before. Maybe that is true on both sides.

Bruce Bartlett, who was a former adviser to President Reagan and a Treasury official in George Bush's administration, wrote about the five myths of not paying the debt or not increasing the debt. One of them I think bears witness today of what I have heard, the myth that it is worth risking default on the debt to prevent a tax increase given the weak economy. This is a Republican saying this. I'm just repeating the words.

He says while Republicans' concerns about higher taxes are not unreasonable—and they are not—most economists believe that any fiscal contraction at this time would be dangerous. In fact, they note that a large cut in spending in 1937 brought in another sharp recession.

# □ 1440

It's very easy to say that the President is the reason why we had the plague and the tremendous deficit, but if the private sector wasn't spending money, then we would have had 5 million more people out of work.

The government has a responsibility when folks can't do for themselves what we expect. That undermines the recovery of the country, and that's what happened in the Great Depression. Republicans respond that tax increases are especially harmful to growth; however, they made the same argument in 1982 when President Reagan requested the largest peacetime tax increase in American history. and again in 1993 when President Bill Clinton asked for a large tax boost for deficit reduction. In both cases, conservative economists' predictions of economic disaster were completely wrong and strong economic growth followed.

I wasn't here in '93. Many of you were here in '93. You remember what the

dire consequences of the Clinton plan were and what happened. We had the greatest boom in 50 years. Just like the economists who told us we were heading toward nirvana since 2001; and I don't want any part of nirvana if that's it, and none of us do.

We're not talking here about helping the middle class; that's for sure. We've got bailouts for them, for the other side. We know what the results are. All of us know that. It's not a partisan issue, really.

So you're trying to say that you want to protect people's taxes, and we want to say we've got to pay our debts. Well, we're really not 180 degrees apart. I think we need to do both. And if we don't sit down together, we're not going to do both.

Mr. REED. I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, any vote to raise the debt ceiling should be tied to restraints on spending.

This is the voting card, America's most expensive credit card. During my time in Congress, I voted nine times against raising the debt limit because it was not tied to spending controls. This is another time to say 'no.'

Last August we were hopeful that we could have gone beyond the \$4 trillion mandate in the Budget Control Act, but it did not happen. Unfortunately, the supercommittee could not come to a consensus, and we've been drifting ever since. We are now projected to add \$2.1 trillion to the national debt since August, with the President's most recent request.

I've voted over 700 times against 2.6 trillion in spending over the past 5 years. That's a good place to start to find the savings that we need to get serious on debt reduction.

We need to vote "yes" to disapprove raising the debt limit yet again so we can get to work to cut the spending.

Mr. LEVIN. You know, I was looking over the vote from the 1st of August, and it's interesting to see and hear people coming forth who voted "aye" on August 1 and now essentially want to repudiate that.

I now yield 3 minutes to another very distinguished active member of our committee, JAMES MCDERMOTT, Dr. MCDERMOTT, from the snowy State of Washington.

Mr. McDERMOTT. Madam Speaker, it's been more than a year since the Tea Party took over the House, 375 days, and in all of that time, the Republicans have not brought one bill to the floor to help the economy—not a single bill.

Today, after a long vacation and on the only day of legislative business in the month of January, the Republicans are yet again wasting the American people's time putting out press releases. We aren't voting to help Americans get jobs or make education better or investing in roads or bridges, no. Instead, the Republicans have us voting on their top priority: to default on our country's debts. Ain't that some priority?

Today's vote is exactly why the public is disgusted with the Congress. The hypocrisy of this vote boggles your mind. Republicans wage unnecessary wars on our credit cards, they cut taxes on the very rich and blow up the deficit, and now they don't want to pay for the spending binge.

Yesterday, I got the Republican Study Committee's email outlining their agenda for next year. I admit I subscribe. I always want to know what folks on the other side of the aisle have come up with.

We have 14 million people unemployed. We have huge competitive challenges with other countries. There's lots of investing that we need to do at home. But what's the Republican program as they put it out over the email? Nothing. They didn't have one new idea in that agenda. All the Republicans want is more war, more deregulation on Wall Street, and more dirty air—and no help of any kind whatsoever for the middle class.

Madam Speaker, the Republicans are wasting the Americans' time. We need investment, not a Republican default. They're spending their time in South Carolina now selecting their next leader to lead into this same Congress of "no." This is the Congress of "no" we're watching. They don't pay their debts. They don't have any ideas. They don't provide any jobs. It is simply the "no" Congress.

Mr. REED. I'd just like to remind my colleagues on the other side of the aisle that last time we took a vote on this issue back on the Budget Control Act in August was a much different time than today. Since August, we've been waiting for a plan from the other side to deal with our national debt. We've been waiting for a plan from the White House to deal with our national debt. Nothing has occurred.

So, Madam Speaker, there is no repudiation of our vote from August. This is consistent with what the American people are telling us, that we have to get our act together in Washington.

I join my colleagues on the other side. My hand is open to work hand in hand to deal with these problems once and for all. I'm willing to sacrifice my political life to do what needs to be done for the American people. I just hope my friends and colleagues on the other side of the aisle will join in that same sentiment.

Let's put politics aside. Let's deal with the substance of the day. Let's deal with this underlying national crisis that is represented in our national debt. You have many friends over here that are looking to reach out hand to hand, join arm in arm to deal with this

problem and deal with the economy of disruptive to the most important task our Nation once and for all. I just ask you to jump and join us rather than fight us.

With that, I'm happy to yield to my colleague from Arizona (Mr. Flake) for 2 minutes.

Mr. FLAKE. This vote has been called a charade. That is true; it is. Let's face it. The President will veto this. The Senate will sustain the veto.

Having said that, for years and years we raised the debt limit without a discussion, let alone a vote sometimes. It would just happen procedurally. That's wrong. At least this time we've had a discussion back in August. I didn't favor the budget agreement that we had there. I did not vote for it because I think, if we're going to raise the debt ceiling, then boy, we ought to have a plan to pay down the debt or actually deal with the deficit.

But I think we have to admit that even if the Senate had passed the House-passed budget, the so-called Ryan budget, we would still have to raise the debt ceiling. I don't think anybody really disputes that. We're going to have to raise the debt ceiling again and again. But at least let's put together a plan to deal with our deficit, and we haven't done that.

Now, in our candid moments over here on the Republican side of the aisle, we have to admit that we were headed toward this fiscal cliff long before the current President took the wheel. He stepped on the accelerator a bit, and we're going to get there a lot faster.

Having said that, this Congress seems to only take action when we're right at that cliff, right staring off into the abyss. We can't do that anymore. We don't know where that next cliff is. It could happen when we have a treasury auction and have no buyers for our debt. That could happen sooner than we might want to realize. So it behooves us now to actually put together a plan to deal with our debt and deficit. That plan does not exist today.

### $\Box$ 1450

So I think, for that reason, we ought to vote for this resolution and then actually put a plan in place to deal with it rather than just letting future generations inherit this debt.

Mr. LEVIN. I yield myself 15 seconds. Mr. Flake, the problem is, if you prevailed, you'd create an abyss.

Madam Speaker, I now yield 2 minutes to the very distinguished gentleman from Georgia, another active member of our committee, Mr. Lewis.

Mr. LEWIS of Georgia. I want to thank the gentleman for yielding.

Here we go again, Madam Speaker. Instead of working on legislation to help create jobs, House Republicans have gathered us here for political games. This bill is not constructive. Madam Speaker, it is destructive. It is we face—helping struggling Americans get back to work and getting our economy moving again.

We've been down this road before. We fought this so-called "battle" last year. The debt limit is America's credit card hill and just because we don't like the balance doesn't mean we don't have to pay it. It's just that simple. When you get a balance on your credit card, you pay it. We all do it. This exercise is a waste of time and taxpayer dollars.

I urge all of my colleagues to vote "no" on this bill. Let's come together and work for the good of this Nation and not partisan dissent. The time is always right to do right.

Mr. REED. Madam Speaker, I would just like to remind my colleague on the other side of the aisle that when you get a credit card bill that you can no longer afford, you do pay it, but you cut it up, and you stop the spending so you don't exacerbate the problem.

With that, I would like to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I stand in strong support of this resolution of disapproval of increasing the debt ceiling another \$1.2 trillion

You've heard colleagues on both sides of the aisle, members of the Ways and Means Committee, the distinguished former chairman, Mr. RANGEL, and others speak about why we have to raise the debt ceiling and that it's something that has been done over the years. Certainly, that's true. In the 9 years that I've been a Member—this being my 10th year—I've seen it happen many times. A lot of times it has passed, as Mr. Flake said, procedurally, and the public doesn't even

Now, I rarely disagree with my friend from Arizona, but I take a little bit of exception to what he said. He said the President has just stepped on the accelerator a bit. I would say \$4.5 trillion in 3½ years is not stepping on the accelerator just a bit, Madam Speaker; that's putting the pedal to the metal. This has gotten so totally out of hand that it has got to stop.

So, on our side, this is not a waste of time as the gentleman from Washington said. We're not just pandering to the Tea Party. Listen, we're paying attention to the conservatives in this country, who first got my attention in 1964, and to the conscience of a conservative: to just quit all this spending and get our fiscal house in order. We need to do that with the cooperation on both sides of the aisle.

This resolution of disapproval, yes, it's going to fail—we understand that but the American people need to know that there are Members of this Congress who are going to stand with them. Whether you call them Tea

Party or whatever and try to denigrate them, we're going to stand with them and do the right thing. That's why I'm proud to take the time today. Yes, it is important. It may be the most important thing we do to finally say that we're not going to overspend; and then we say we're going to cut over the next 10 years but we'll borrow over the next year \$1.2 trillion. It has got to end.

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

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

Mr. GINGREY of Georgia. My colleague has yielded to me a little bit of additional time, but I'm pretty much ready to wrap up, Madam Speaker.

Honestly, this is what we need to do. This is what the American public wants us to do. It's time for us to get together in a bipartisan way to solve this, to solve Medicare, to solve Social Security.

As former Speaker Newt Gingrich said on the campaign trail just vesterday: It's time to take Social Security off budget and have it stand alone, not let the Congress raid the trust fund. We now owe it \$2.5 trillion. Then for the Secretary of the Treasury to say if we don't increase the debt ceiling that seniors are not going to get their Social Security checks, that's baloney.

Mr. LEVIN. It is now my privilege to yield 3 minutes to another distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for vielding.

Let me call attention to some of the statements that have been offered here.

Mr. REED, the reason you were invited to the floor to manage this time as a freshman Member of Congress is very simple. You weren't here for the reckless ride that the Republican Party took during the 8 years of the Bush administration. That's why you're here and the other freshmen who have come to the floor. You weren't here for this tirade of spending.

You said you'd cut up the credit card. So we're going to cut up the credit card for the VA hospitals after 35,000 men and women have been wounded serving us honorably in Iraq and Afghanistan?

Now, look. I voted against the war in Iraq, and I voted against the Bush tax cuts in 2001 and 2003. Now a fact, not opinion: Bill Clinton says goodbye, and there is a \$5.7 trillion surplus. He balanced budgets four times in 5 years. It has only happened five times since the end of World War II.

The gentleman from Arizona (Mr. FLAKE) is one of the few Republicans who will come to the House with a straight face and say, Let me tell you how we got here. He knows how we got here. Mr. GINGREY is a friend, and he knows how we got here. You can't cut taxes by \$2.3 trillion and fight two wars and honor the commitment we have to

those men and women who have served us honorably in Iraq and Afghanistan. While I was against the tax cuts and while I was against the war in Iraq, I'm going to vote for those appropriations to take care of those veterans' hospitals. You don't cut up the credit card when they come back. You use good judgment before you send them off.

What happened here during those 8 years with the prescription drug benefit? What happened during those 8 years with weapons of mass destruction? What happened with tax cuts? By the way, the corresponding argument on those tax cuts is: Tax cuts pay for themselves? Well, guess what. We're staring at a \$15 trillion deficit and debt because of those reckless fiscal practices that took place.

For the Republican Party to make these arguments today about this issue—which, by the way, Mr. Flake is correct about again—is but a charade. You meet your obligations. You pay your bills. That's what the credit card is about and not to pontificate in front of this Chamber today about reckless spending when, for 8 years, nobody had the courage on that side to stand up and say enough is enough.

Mr. REED. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman for the time.

Every time I go back home to Tennessee and as I hold town hall meetings, I do hear from my constituents: Enough is enough. Stop the madness. Let's get the Nation's fiscal house in order.

That is what the American people are demanding that we do. Just so we all realize what the debt is, you're talking \$15.2 trillion, Nearly \$5 trillion, or onethird, of that debt has come onto the books in the past 3½ years. That is the rate of acceleration by which this administration is pushing this Nation to the brink, and that is why our constituents are saying, "Stop it." It's the reason for this vote today: to pass a resolution of disapproval and to send our message to the President that, look, time has long passed for you to bring forward a plan to deal with this debt. It is your responsibility to do so for this country, and it is your responsibility to do so for future generations in order to make certain that our children and our grandchildren, like my two grandchildren, don't have an increasing share of this.

## □ 1500

This past year, a family's share of our national debt grew by \$30,000. It is time for us to realize that we have to stop the out-of-control spending, we have to freeze this spending, and then we have to begin to cut and remove and eliminate items that are unnecessary to the budget. Let's reiterate our com-

mitment to getting back on the right track, getting our fiscal house in order, and let's reiterate this commitment to the American people that we have hit the high-water mark in spending, and we are going to join together in a bipartisan fashion to make certain that we get the Federal Government's fiscal house in order.

Mr. LEVIN. I yield 3 minutes to another distinguished member of our committee, the gentleman from the great State of Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this measure. What we are dealing with today is a smokescreen to obscure the self-inflicted crisis of confidence that has been unfolding with our friends on the other side of the aisle over the course of this last year.

Everybody knew that we would honor our debts that had already been incurred, but they fogged the issue, created doubt, pushed to the brink. And this charade today is a result of what was required to help them get off the ledge onto which they had climbed, that risk, damaging the credibility and creditworthiness of the United States.

The issue should be how we spend money. We need to change how we do business, and I think, with all due respect, there are things that we could be working on now to make some progress.

There is an opportunity to reform our tax system that is complex and unfair. We're just finding out that Mr. Romney, worth hundreds of millions of dollars, pays less in tax than probably the undocumented workers who worked in his yard.

There are opportunities to deal with carried interest, with unnecessary tax breaks that are permanent for oil and gas while important emerging technologies like wind are in a state of limbo. And the public agrees that the most fortunate among us should be paying a little more. It's only fair, they can do it, it makes a difference.

We could be working together on agricultural reform to spend less money, but target on farmers and ranchers, rather than large agribusiness.

We should accelerate the health care reforms that started out bipartisan and relatively noncontroversial that actually would help us no longer spend twice as much as other developed countries for results that aren't as good.

Instead of getting down to brass tacks, my Republican friends are playing games like this measure. Luckily the game that they are playing today won't crash the global economy, but it will further erode confidence in Congress, and it delays the day that we work together on the elements that I just described where we could get bipartisan support, change how we do business, reduce the deficit, and give the taxpayers more value for their dollars

Mr. REED. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from New York for yielding.

Let's look at President Obama's record after his first 3 years. President Obama has left us a record of debt, despair, and downgrades, and here we are today debating whether or not President Obama is able to go grab another \$1.2 trillion that he adds to the debt of our Nation that our children and grandchildren are going to have to pay.

The reason we were downgraded is because President Obama himself has still refused to put a plan forward to balance the Federal budget, his budget that he purported and pushed forth doubles the national debt in his first 5 years. And then, of course, he becomes the first President in the history of our Nation to have our debt rating, the debt rating of the United States, downgraded.

You know, you look at the despair as Americans are trying to get jobs. We're getting reports today that President Obama is going to reject the Keystone pipeline, turning his back on 20,000 American families who were looking for those good jobs here in America, making us more dependent on Middle Eastern countries who don't like us.

You know, the Canadians, who are a good friend of ours, wanted to send oil down to America. That's oil we don't have to be buying from Middle Eastern countries. Instead, the President is going to, as we're hearing reports of today, is going to turn his back on those 20,000 jobs. And he's going to send that oil and those jobs to China.

Now how preposterous is that? As the President is trying to rack up more debt on the Nation's credit card, which we're debating here today, at the same time he's turning his back and running 20,000 more jobs out of this country. That's the record of this administration. That's what President Obama has given us, and you wonder why we've had over 8 percent unemployment for almost every single month he's been President.

We can't afford the Obama economy. It's time for a change. We need to reject this increase in the debt ceiling. Stop spending money that we don't have

Mr. LEVIN. I yield 3 minutes to a former active member of our committee, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank my good friend.

Madam Speaker, I understand the Republican majority will vote today against the President's request to raise the debt limit. To borrow a phrase from the former Speaker of the House, can we please drop the pious baloney?

Less than 6 months ago, 174 Republicans voted for precisely what they are voting against today. This Republican

leadership created a national crisis and walked us to the brink of default. Then they voted for a bill to end the crisis, but slipped in a provision allowing them to attack the President for the decision that they now don't have the guts to stand by.

This is not leadership, and it certainly is not governing. It's an ideological game that has ventured well beyond the absurd.

Now, Mr. Flake, I think in a very important moment of candor, talked about the fact that the very budget that the Republicans passed this last year would, in fact, raise the national debt by more than \$6 trillion over the next 10 years. You cannot square logically an opposition to raising the debt ceiling when you have then voted for a budget that does exactly that. It raises the national debt.

And with all due respect to the gentleman from New York, when he says nothing's changed in the last 7 months—nothing has changed in the last 7 months. We agreed on something, we knew what the debt was going to be, the deficit. We agreed to accommodate it in this way.

The only thing that has changed in the last 7 months is that the Republicans are now trying to renege on the agreement that they made 7 months ago. That's the only thing that's changed.

The American people have been loud and clear on what they need from this Congress: responsible investments and infrastructure; education; and job creation. And they want everyone to share in the sacrifice for our economic recovery, including billionaires and big oil companies.

Madam Speaker, it's time to do the work the American people have asked us to do. They don't have time for more pious baloney.

Mr. REED. Madam Speaker, I would just remind the gentleman that what we have done on our side of the aisle is at least we have put a plan in writing by adopting and approving the budget. We're just looking. In the last 7 months we've been waiting for a plan in black and white from the White House on how we are going to get out of this national debt crisis. Not political speeches, but in black and white so that we can take it back to the American people and have an open and honest debate with them as to where we're going to prioritize our spending and how we're going to get out of this hole.

That's what we're looking for, and that's what my colleague from Arizona (Mr. Flake) is talking about. We are at the point on this side of the aisle, ladies and gentlemen, of saying we don't care who's at fault. I'm at the point—Democrat, Republican, we're at \$15.2 trillion, whoever is responsible for it, I could care less.

## □ 1510

What I care about are my kids—and my grandkids, who aren't even born,

who aren't even on the face of this Earth—and getting our act together in Washington and getting a national plan put together so we can join arm in arm and stand with each other to deal with this issue.

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

Mr. HUELSKAMP. Madam Speaker, I rise today in opposition to raising the debt limit again and again and again.

Last week, I traveled across the First Congressional District of Kansas to host seven town hall meetings. Kansans reiterated the same thing I heard in 70 town halls last year—overspending, over-regulation, and yes, overtaxing must end now.

Kansans are not concerned about the next election, like most in Washington seem to be. They are worried about the next generation.

Between the first day this President took office and today, debt has grown by \$4.6 trillion. As a comparison, it took from George Washington to Bill Clinton to build up that much debt. And now the President wants another \$1.2 trillion. But unfortunately, the real battle to prohibit this \$1.2 trillion mortgage on our children's future was lost 5 months ago when the House passed the Budget Control Act. Since the Budget Control Act passed, the Congress has failed to produce any cuts from the supercommittee. We have failed to pass a balanced budget amendment. And Senator REID not only refuses to pass but even to consider a budget.

However, those recent failures don't paint the picture. The culture of overspending in Washington for the past half century has led us to where we are today. Every President has refused to balance the budget. Every Member of Congress who advocated for their pet projects, every bureaucrat who practiced a use-it-or-lose-it mentality, every special interest who came to us, everyone, they are all to blame for where we stand today.

Our national debt is equal to our GDP. When this debt limit is reached, every man, woman, and child in America will have their own debt to pay to Washington of \$50,000, and this doesn't take into account the mountains of debt we face for future runaway entitlement programs.

I look around this body, this is not about us. This is about our children and grandchildren who will have to pay this back. Unless and until Washington can get its grip on reckless spending and borrowing, the future of our country will remain on the line.

The SPEAKER pro tempore. The Chair will advise the gentleman from New York that he has 34 minutes remaining on his side. The gentleman from Michigan has 35½ minutes.

Mr. LEVIN. Madam Speaker, it is now my privilege to yield 5 minutes to

our distinguished whip, Mr. HOYER from the great State of Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Madam Speaker, according to a new poll by The Washington Post and ABC News, 84 percent of Americans disapprove of the way Congress is doing its job. I don't know that the other 16 percent are paying attention, because we're not doing our job well. And this certainly is not doing our job well. The reason it is not doing our job well is because it is a pretense, a sham. This legislation is to pay bills that we've already incurred. Whether, as the gentleman said, it was incurred with your votes or whether it was incurred with our votes, we have incurred those expenses. This is about whether America is going to pay its bills. Nothing more, nothing less.

Now, the previous gentleman said nobody had done anything about the debt. In point of fact, we did do something about the debt. We put revenue at levels commensurate with our spending. As a result, in 1997, 1998, 1999, and 2000 and 2001—in 1997 we brought the deficit down to \$25 billion, and for the next 4 years, we had a surplus. Now a couple of those years were not real surpluses because we counted on Social Security revenue. But two of those years were real surpluses.

This is about whether we pay our bills that we have incurred. Not doing this would be irresponsible, and would lead, I think, to further disrespect by the public, and properly so. One of the reasons for this feeling by the public is that Americans are tired of political games. This is a political game. This is a game that will say, see, I voted against debt.

Now, let me tell you how you can vote against debt. When you cut taxes in 2001 and 2003—and I agree with my friend, it's not about blame. It is about learning, however. When we cut taxes in 2001 and 2003 under George Bush, we didn't pay for them. We pretended they would pay for themselves. They didn't. Alan Greenspan says they won't. We ought to learn from that.

Learning from that, we ought to say yes, we'll pay our debts. The President doesn't want this money. It's not for the President; it's for bills that we incurred in fighting two wars, in giving tax cuts primarily to the wealthiest in America, to passing a prescription drug program that frankly all of us now support, but we didn't pay for it. And as a result, we got deeply into debt. And we have to get out of that debt, and we have to show courage, wisdom, and hopefully intellectual honesty in getting to that.

The American public is tired of seeing Republicans spending time on votes simply because of electoral positioning. And, frankly, they'd be tired of us doing the same thing. But that's all this is. It's so we can say: Look

what we voted for. This is not our debt, we voted against it. But that's not responsible, and it's not honest. And I think most of you know that.

The resolution before us today is simply another waste of time. More than that, it undermines confidence here and around the world. Some of that debt, of course, we owe to people around the world. It is the essence of political gamesmanship, and does nothing to reduce the debt or create jobs. And we spend a whole day on it. As a matter of fact, this is the only full day we are going to spend in January debating any issue.

Americans know that we ought to pay our bills. They know we reached a deal in August that said both parties will work together to address our deficits in a way that will provide certainty to our businesses, markets, and families around the dinner table.

Agreeing to this resolution would only provide more uncertainty at a time when our people need to see us working together on a big, balanced deal to meet our fiscal challenges. My friend and I are both for that effort. I am very much for that effort. But I don't pretend that not paying the bills that we have incurred is going to solve that problem. The only thing that's going to solve that problem is we're going to ask everybody to contribute their fair share. Yes, we're going to have to make some cuts. And we're going to have to make some cuts that neither side will like, and we're going to have to raise revenues that neither side will like.

But I will tell my friend who is waiting for his grandchildren, I have three grandchildren now, and I have two great grandchildren, and he's right; they are the ones who are going to have to pay this bill.

And I saw my young friend, a new Member from South Carolina, and I can't recall his name right this second.

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

Mr. LEVIN. I yield the gentleman an additional 3 minutes.

Mr. HOYER. I thank the gentleman for yielding.

I saw my young friend passionate about not passing these bills along to his children. I thought to myself, I could give that speech. But, very frankly, I voted against cutting taxes without paying for them. I voted against the AMT without paying for it. We paid for it when we set the AMT. I think it needs to be fixed, and we paid for it.

I will vote "no" on this resolution, which comes as no surprise after you've heard me talk, and I strongly encourage my colleagues to do the same. Why? America is disheartened because they do not believe we are honest in dealing with them. They believe we play political games. They believe that we are not addressing the issues

they know are of importance and they know do not have easy, simplistic answers.

I hope Democrats who vote "no" are joined by a large number of Republicans, not because you like debt, not because any of us like debt. And, very frankly, I voted for the Clinton revenue increases in 1993, and the prediction on your side of the aisle was that it would destroy the economy, unemployment would spike, and the deficit would explode. None of that happened. You were wrong. All of us are wrong from time to time, Dead wrong.

#### $\sqcap$ 1520

As a matter of fact, we enjoyed the best economy I have seen in my adult life in the 1990s. And we have seen the worst recession in my life after pursuing the Bush policies for 8 years. Yes, we were in charge for the last 2, but we couldn't change policies because the President had the veto and a majority of the votes to sustain that veto on this floor.

So ladies and gentlemen, let's be honest with the American people. We've all incurred a debt. We all spent the money. We drove on the roads, we were defended abroad, we invested in health care, research. We all incurred these debts. We know we need to solve it. We know that medicine will be tough. But honesty will make it easier, honesty between ourselves, honesty with the American people, and honesty, integrity and courage.

I hear around this country talk about Greece has a real problem. They are 128 percent, I think, in debt; we're only at about 100 percent. If you count our internal debt, it's less than that. But the problem that Greece has is they don't have the resources to solve their problem. America, the good news for us is we have the resources to solve our problems if we have the courage and political will to do so. This vote is a small token of showing that we have the courage, the wisdom and the political will to do so.

We need to pay our bills. Vote "no" on this resolution. Show the American people that we have courage, that we have wisdom, and we can have the political will to make America the continuing strongest country on the face of the Earth.

Mr. REED. Madam Speaker, I would like to say to Mr. HOYER that I have a tremendous amount of respect for him as a Member of this body. And I have joined him to support the "Go Big" effort.

And what I would say is, by this resolution, look at what we have done on our side of the aisle. We have brought this conversation out of the back rooms. We have brought the ideas and proposals that we've heard from Mr. Blumenauer from Oregon, I believe, who talked about comprehensive tax reform, agriculture reform on the floor

of this House, in front of the American people, in an open and honest manner. And what we have done on our side of the aisle is to stress that these conversations will no longer happen behind closed doors, but they will happen on the floor of this Chamber. And I'm confident. I am confident that when we come together like we are, like the foundation that we are setting in our conversations, that we are going to solve this problem. But until that solution is enacted, I will get up every day as a Member of this House to champion the cause of getting the fiscal house of Washington, DC in order, to get our reckless spending under control, and get this economy going.

Mr. HOYER. Will the gentleman yield?

Mr. REED. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for his comments. And I want to thank him for his participation in addressing this issue. And frankly, in my opinion, he was one of the 100 signatories that we had saying let's get a big deal, we have to get a handle on this debt. I want to thank him. But I want to assure him as well, I've been here just a little longer than he has, this debate has been going on for some period of time. This is not a new debate. With all due respect, it's been on this floor—I've been raising this issue for some 20 years, very frankly, others have as well on both sides of the aisle. The debate has been going on, but as I said, we need to summon the courage and political will to not just debate it, but to address it and address it effectively. And I thank the gentleman for yield-

Mr. REED. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. I thank the gentleman for my time.

It's a new year, and we have a new chance to tackle some real problems in this session of the 112th Congress, but real problems need real solutions. We saw what was possible when the House came together last year to pass conservative, job-creating bills and a plan to cut \$6.2 trillion in government spending and reduce deficits by \$4.2 trillion over the next decade. We also saw how little got done when Democrats in the Senate and the Obama administration consistently ignored the wishes of the American people.

This administration has said it will continue to wage its 2012 campaign against this Congress. So instead of working with us and encouraging the Senate to consider the numerous jobs bills we have passed in the House, the President has chosen once again to try to divide us and the American people.

Make no mistake, the issue of spending will be as important in this second session of Congress as it was in the first. It remains so because our economy has not stabilized. Government is

still too large and too many people are still looking for work. Yes, the President inherited a bad economy, but his destructive policies have made it much worse.

I support this resolution of disapproval of the President's debt limit increase because shouldering future generations with trillions of dollars in debt is not leading, it is following. So I say to the President and leaders in the Senate, if you're ready to work together on some very real solutions to real problems in 2012, so are we. We've been ready.

America deserves and demands better than the short-term, drive-the-car-off-the-cliff mentality and policies our President has given us over this past year. And we in the House will continue to bring forth real leadership and real solutions to the real problems facing us for this generation and for those to come.

Before I yield, one of our colleagues mentioned something about the Path to Prosperity, the Republican budget. He said, yes, it does include running deficits and increasing the debt. But what he failed to mention was it would also repeal job-killing regulations, simplify the Tax Code, repeal the government takeover of health care, and address the number one driver of our deficit, and that's Medicare. We call that plan the Path to Prosperity. The President and Democrats' only alternative has been a path to despair.

Mr. LEVIN. Madam Speaker, I yield myself 15 seconds.

Mr. REED, Mr. HOYER mentioned this. You know, on Ways and Means for years, once the Republicans gained the majority, we protested they weren't paying for anything. So this isn't a new issue. It isn't a new issue.

I now yield 5 minutes to the ranking member of the Budget Committee and a distinguished former member of the Ways and Means Committee, the gentleman from Maryland (Mr. VAN HOL-LEN)

Mr. VAN HOLLEN. I thank my colleague. Mr. LEVIN.

You know, day after day, month after month, we hear Members of Congress-Republicans and Democrats alikecome to the floor of this House and say we've got to do more on jobs, we've got to make sure that we get this fragile economy moving again. Unfortunately, while we say those things in this body, we haven't yet taken up the President's jobs initiative that he presented to this Congress last September. We've taken little bits and pieces here and there. We've had 2 months now in the payroll tax cut—that's good news, I hope we can get the rest of it—but the rest of it has been absolutely ignored. But at least people said they wanted to focus on job creation and getting the economy moving again.

And what's incredible about today is we have our Republican colleagues advocating a course of action which, if we took them seriously, would wreak absolute havoc on the economy. It would destroy jobs throughout the economy. That's not just me saying it, that's Republican economists, independent economists, Democratic economists. If the United States, for the first time in its history, refused to pay its debts, if the United States, for the first time in its history, refused to make good on the full faith and credit of the United States, the economy would fall to pieces, millions of people would lose their jobs.

You know, if we want to be taken seriously we have to be serious about the consequences of our actions. And if we take the course of action being presented, we'd have a fiasco on our hands.

Look, the American people I think understand full well what's going on here, but I do think it's important to make clear what the debt ceiling does. You raise the debt ceiling in order to cover obligations already made. If we don't lift the debt ceiling, it's as if we woke up one morning and said, you know, we're not going to pay our mortgage, or if you went out and purchased goods and services with a credit card and said, hey, you know what, we're not going to pay our credit card today. Well, you know what happens? You lose your house if you do that. The credit card company comes after you for that. If the United States of America was to renege on the full faith and credit of its obligations, it would be a disaster in the international economy, and yet that is apparently the course of action being advocated by our Republican colleagues today.

### $\sqcap$ 1530

Now, what makes this really political theater is everybody knows that more responsible Members of Congress and certainly the President of the United States are not going to let that happen. They are not going to allow that reckless outcome to happen. And that's why, in so many ways, this is unfortunately just political theater; and it's one of the things, frankly, that contributes to the American people's low view of the Congress, this kind of political game playing.

Another thing that contributes to that is Members of Congress' refusal to take responsibility for their own actions. Last year, we had the Republican budget on the floor of the House. There are major differences in the priorities between the Republican budgets and the Democratic budgets. But the reality is the Republican budget that was overwhelmingly voted for by our Republican colleagues would require us to lift the debt ceiling of the United States, the very debt ceiling that our Republican colleagues are now telling us they don't want to increase. It would require us. It would have added

vocating a course of action which, if we \$7 trillion to the debt over the next 10 took them seriously, would wreak abyears.

How is it that people can come down and vote for a budget that says we're going to ask the United States to take on these additional obligations and then vote for a motion, a resolution, that refuses to take responsibility for those very actions? And I think that's why the American people are understandably losing much of the confidence certainly in this House of Representatives.

Obviously, we have big challenges with respect to the deficit. Let's get together and solve them. But as my colleague from Maryland (Mr. HOYER) said, in order to do that, we have to come to the table in the spirit of compromise.

And we have before the country a number of approaches. We've had a number of bipartisan commissions. We have Simpson-Bowles, Rivlin-Domenici. They have established a framework for resolving the deficit issue. All of their frameworks say, yes, we have to make some tough decisions on making cuts, but we also have to deal with the revenue side of the equation. And the major obstacle—let's just be clear—to dealing with the revenue side of the equation is we have a lot of folks who have taken the position that you can't close one corporate tax loophole for the purpose of deficit reduction.

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

Mr. LEVIN. I yield the gentleman from Maryland an additional 2 minutes

Mr. VAN HOLLEN. I thank my colleague from Michigan.

We have our colleagues on the Republican side taking the position of the socalled Grover Norquist pledge, a pledge to Grover Norquist's organization as opposed to the pledge we all take to do our best to uphold the Constitution of the United States. And under that pledge, if you close a corporate tax loophole for the purpose of deficit reduction, you have violated your pledge. If you say, "You know what? Gas prices are doing really well. Oil companies are doing just great. We don't think they need a taxpayer subsidy. We are going to get rid of it," you can't get rid of that if you are going to use some of that money for deficit reduction. It's a violation of the pledge.

So, yes, let's get serious about deficit reduction. Let's take a balanced approach. We have a bipartisan model—at least a framework—in Simpson-Bowles. Let's be serious about that. But the reason this process on the floor of the House today is not serious is because everybody recognizes the United States can't afford to default on its full faith and credit—everybody, that is, except for the folks who are apparently going to vote to say we can't raise the debt ceiling, that we are not going to take responsibility for paying for obligations already due and owing, budgets

is that to our children?

You've got to pay for your debts. But you know what? You don't really have to; wink, wink, nod, nod. Go ahead and buy those things on your credit card and then decide the next day you are not going to pay for them. What a terrible message that is.

So let's take responsibility, I will say to our colleagues, for our actions. Let's not play political games. And most of all, let's not follow the advice that our Republican colleagues today are recommending which would undoubtedly, if taken seriously, result in economic chaos and a huge loss of jobs.

Mr. REED. Madam Speaker, I'm happy to yield 2 minutes to the gentlewoman from New York (Ms. BUERKLE). Ms. BUERKLE. I thank my colleague

from New York.

You know, we prepare our remarks to come down here and speak, but as I listen to my colleagues across the aisle, I just have to comment on a couple of things here today. First and foremost, this is not a Democratic or a Republican issue. The debt that this Nation faces is not partisan. It's an American issue. We need to join together and figure out a path forward. And to hear my colleagues across the aisle demagogue our Republican budget-well, I challenge the Senate to put forth a budget, and let's put a spending plan in place.

This debate about the debt ceiling is critical to this country because we can't get the Senate to the table to debate a budget, so we've got to somehow get their comments out and get to the American people how very important it is to stop the spending.

The United States of America doesn't have a taxing problem; we have a spending problem. And until and unless we get our spending under control, we cannot move forward as a Nation. It isn't about taxing the American people anymore. They are taxed enough. We need a fairer and a flatter income tax. We need to revise our Tax Code. But, most importantly, we need to stop the spending.

This past week, our President came out, Madam Speaker, and he talked to us about consolidating Departments within the Federal Government, about decreasing government, making it more efficient, and yet he comes to us and he asks us to increase the debt ceiling. That's talking out of both sides of your mouth, Madam Speaker. This President, I believe, thinks that government has the answers, and he wants to give the bureaucrats a blank check to move forward and to spend this country into oblivion.

I came here as the mother of six children and a grandmother of 12 because I believe the best thing we can do for this country is to get our spending under control, stop spending money that we don't have so that the country that we give to our kids and our grand-

already passed. What kind of message children is a better place with more opportunity to achieve the American Dream.

> Mr. LEVIN. I now yield 3 minutes to the very active gentleman from Vermont (Mr. WELCH).

> Mr. WELCH. I thank the gentleman. Madam Speaker, the course of action that is being proposed by the Republican majority is two things: One, it's reckless and irresponsible; and, two, it's cynical and very political.

> First of all, why is it reckless and irresponsible? It is because this country has never seriously considered defaulting on its obligations, saying "no" to paying its bills. What great country would ever seriously suggest to its citizens that it will stiff its creditors, with all of the economic chaos that would ensue?

> Also, the reason that we have to raise the debt ceiling is not so we have permission to spend more money. It's to meet obligations that have been incurred. Many of those obligations, incidentally, are for expenditures that I opposed but you supported: the war in Iraq; the extension of the Bush tax cuts; the Medicare prescription drug part D that was never paid for; the extension of the Bush tax cuts a year ago December when it was going to add \$800 billion to the 10-year deficit, but even then, in order to accommodate that, you wouldn't raise the debt ceiling. So that's the irresponsible part of this proposal.

> Obligations incurred are obligations that must be paid. I was against the Iraq war. I didn't want to spend that money. Had I been here, I would have voted against the Bush tax cuts because I thought it was bad policy. But, as a Member of Congress, those were congressional obligations, I believe, that we and I have an obligation to stand behind.

> But secondly, the reason I believe this is cynical and political is two things: First, these budget requirements are ones that were incurred, in many cases, at the advocacy of our Republican majority. Secondly, this process that we're now doing is one that was designed to allow people who wanted to stand up and vote "no" against extending the debt ceiling the opportunity to do so so that they could claim they were against it, even though it was designed as well to guarantee that the debt ceiling would be raised, just putting the full burden of making that happen on the President of the United States.

### □ 1540

I'm glad that he's willing to bear that responsibility. But I question whether the American people are fooled by a congressional maneuver whereby the majority is saying that we want to say no, that we're against raising the debt ceiling, even though we've guaranteed a process by which it will happen.

Mr. REED. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Tennessee DESJARLAIS).

Mr. DESJARLAIS. Madam Speaker, our Nation is over \$15 trillion in debt. But what does 15 trillion in debt really

Well, it means that every American's share of the debt is roughly \$48,000. It means that our debt is more than our Nation's yearly Gross Domestic Product. It means we must borrow 40 cents on every dollar we spend. And it means that China can purchase a new F-35 Joint Strike Fighter every 2 days with the interest we pay them.

While these facts alone should cause concern, the truly frightening part is that there is no plan in place to prevent our debt from continuing to grow. Increasing the debt limit by another \$1.2 trillion will mean by the end of 2012 our national debt will be in excess of \$16 trillion. But worse than that, raising the debt limit sends the message to job creators that we are still not serious about making the necessary spending cuts and reforms to pay down this unsustainable debt.

My constituents have given me a clear message: Make the Federal Government live within its means. That will require us to prioritize our spending and make tough spending decisions. But there's no other choice. It is simply impossible to continue to run yearly trillion dollar deficits, yet that is exactly what some in Washington want to continue to do.

There is absolutely no doubt that if we don't change this course, this reckless spending binge will ruin our economy and bankrupt our Nation. That is not fair to our future generations.

We have an opportunity here today to say, enough is enough. We can be the Congress that acts to put this great Nation back on the right track.

I urge my colleagues to join me in voting in favor of this disapproval resolution.

Mr. LEVIN. I reserve the balance of my time.

Mr. REED. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. Ross).

Mr. ROSS of Florida, I thank my colleague for yielding.

Madam Špeaker, today I rise against the debt ceiling, and I rise in favor of reality.

Madam Speaker, my freshman colleagues and I arrived in Washington, D.C. from various backgrounds. Many, like me, owned their own businesses. Others include auto dealers, funeral home directors, a dentist, doctors, soldiers, a pilot, law enforcement officers. a football player, a roofing contractor and others. The point is, Madam Speaker, people who lived and worked in the real world came in as freshman as my colleagues.

Many of that same group have been told, "We just don't understand how Washington works." The fact is, Washington doesn't work. Only in Washington is slowing the rate of growth in spending called a cut. Only in Washington are job creators called a myth, but bailouts are called a stimulus.

Madam Speaker, the sad reality is that Washington doesn't work. But what is more saddening is that it can. Our founders, in their enduring wisdom, crafted a system of government with checks and balances.

Just because we have a President that is willing to spend our way into further debt does not mean that this branch of government has to go along with it. We have the ability, right here, right now, to stop repeating the fiscal insanity that has led us to trillions in debts and deficits.

The fact that we're even talking about raising the debt limit without any realistic credible plan to pay off our debts shows just how ingrained in our thinking this irresponsible spending has become. The fact that this President wants to spend 23 to 25 percent of GDP, when over the last 80 years this government has never come close to matching that in revenues, regardless of tax rates, is a travesty to the American people, our children and our grandchildren.

The fact that our friends across the Capitol can't pass a budget for more than 1,000 days is unacceptable. The fact that we are printing money to buy our own debt makes sense only if you got your economics degree by passing go and collecting \$200.

Madam Speaker, the entire government has a choice. We can make a government work for the betterment of the American people.

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

Mr. REED. I yield an additional 1 minute to the gentleman from Florida.

Mr. ROSS of Florida. We can make Washington work for the betterment of the American people. Will we live in the real world, prioritize spending and yes, go without, or will we continue to play in Congressional Candyland, the place where some say the sky is blue while others say the sky is red, and at the last minute, a deal is declared saying it's purple, and it's called progress.

Madam Speaker, the sky is blue, and at this time, I ask Congress and the President to join the rest of America in the real world.

Mr. LEVIN. How many more speakers do you have, Mr. REED?

Mr. REED. We believe we have about three or four.

Mr. LEVIN. I reserve the balance of my time.

Mr. REED. Madam Speaker, could I inquire as to the amount of time we have left?

The SPEAKER pro tempore. The gentleman from New York has  $23\frac{1}{2}$  minutes remaining. The gentleman from Michigan has  $17\frac{1}{4}$ .

Mr. REED. Madam Speaker, at this time I am happy to yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I thank the gentleman.

Madam Speaker, I rise today to state the obvious, that the Federal Government still spends too much and it borrows too much.

President Obama has asked the Congress to raise the debt limit by \$1.2 trillion. Let's put this number into perspective. There are 83 million families in the United States. So what the President is really asking is for every hardworking American family to mortgage an additional \$14,450. While middle-class Americans are struggling, the President has requested to pile more and more debt on top of hardworking taxpayers.

Americans are tired of hoping that their lawmakers will come together and find commonsense solutions to a very serious problem facing our Nation. Our national debt stands at over \$15 trillion. Our outstanding debt totals 100 percent of our Gross Domestic Product. Our credit rating has been downgraded. Medicare will be bankrupt in 9 years, and Social Security faces insolvency.

The time for hope is past. We must act. America simply cannot wait. We got into this mess because of a decade of budget tricks, accounting gimmicks and empty promises. We did not get into this situation overnight, and we certainly cannot get out of it overnight.

But the fact is, we need a commonsense budget and a Federal Government that is efficient and effective, not one that wastes money of hardworking taxpayers.

If we do nothing, American prosperity will drown in debt, as we are currently on an unsustainable path of trillion per year deficits. But if we make the hard decisions today, we can avoid the unacceptable consequences that we will surely face.

We're all in this together, and we must find a solution together. America never backs down from a challenge. We can and we will make the right decisions today so that we can restore the American dream and give our children and our grandchildren a future full of opportunity.

Therefore, I support the resolution, and call on the President to work with the House and the Senate to put in place a budget that guarantees a more stable and secure future for America.

Mr. LEVIN. Let me reserve so I don't have to do this each time until, Mr. REED, you finish, and then I'll close and then you'll close.

Mr. REED. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER. Madam Speaker, you know, I'm a military pilot, and

I've been overseas and executed this Nation's wars. And I'll tell you, one of the things I've seen firsthand is that the biggest threat to our national security is our national debt.

This debt ceiling increase is a symptom of overspending that has consumed Washington for far too long. President Obama's request for a \$1.2 trillion increase in the debt limit points to the serious fiscal challenges we have found ourselves in due to decades of irresponsible and reckless spending.

For decades, Members of Congress who continue to serve, voted to simply raise the debt ceiling without ever offering a plan to stop the bleeding. It wasn't until the new House majority arrived with my freshman class when we turned the focus of conversation from how much more to spend to how much we can cut, and we turned the conversation to how to cut spending in Washington, D.C. We demanded that Washington stop doing business as usual and include spending cuts greater than the amounts raised.

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In June, I told President Obama head on in the weekly address that under no circumstances will Republicans support irresponsible legislation which increases the Federal Government's credit limit without any spending cuts or budgetary reforms.

It's high time that we cut up the government's credit cards and draw a hard line to stop the government from overspending, which is hampering our economy's ability to grow and thrive.

Currently, every man, woman, and child has a share of the public debt that exceeds \$46,000 a piece. Unemployment rates are through the roof, and the irresponsible spending habits of prior Congresses and administrations have racked up trillions in national debt.

The culture of Washington must be reformed from the ground up. The future of our Nation depends on it.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. REED. I yield 2 minutes to the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. I want to thank my colleague from the Empire State.

Recently a leader in the other House said, "I hope this Congress has had a very good learning experience, especially those newer to this body." Essentially saying that you new people need to learn how we do things here in Washington.

Well, as the newest Member of "how we do things here in Washington" for about 122 days, I can assure you that the people who gave me this job know how we do things here, and they're tired of it.

They understand that Washington has a fatal spending problem. They understand that the answer to every question is not more Federal spending.

That is the problem—more Federal spending. I find it interesting to hear my colleagues from both sides of the aisle talk about, we need to pay our bills. We need to talk about what we incur as bills before we take more money from others.

This is not a problem that we got here by ourselves in a partisan manner. It was in fact a bipartisan problem. But to treat the solution as one that requires only a one-sided solution or another gets us to this point that I find it incredible that people would talk about wreaking havoc on the economy and also about sending the wrong message for confidence.

For the first time in the history of this Nation, we've had our credit rating downgraded because of what we're doing here. This is not about whether we will pay our bills in the near future or not. This is about having the courage to start talking about how the problem is spending. Yes, there are loopholes, and yes there are others who may be able to pay more. But why on Earth would you ask them to pay more into this system of spending that we created which is in no way accountable to any of those folks who are paying?

So I can tell you this for those folks that are new and perhaps need to understand how things are done here in Washington: the people who gave me this job understand very well how things are done here in Washington, and they're tired of it. And you know what? They're right.

Mr. LEVIN. I yield myself such time as I shall consume.

It will take me just I think 30 seconds, maybe a minute.

You know, in a few words what the Republicans in the House are doing, they're playing with fire. And that's reckless. They know that others will put out the fire. And we'll vote, many of us, to do that today. And if we don't succeed, the Senate will do so.

This, I think, is worse than a charade because it really assumes that the agenda of this Congress should essentially be a kind of a plaything.

A number of the people who came to speak for this resolution voted in August for the resolution that brings us here today, including, I think, Mr. REED.

So I think what's changed is not our responsibility, but the ability of some to kind of have it both ways, to vote "yes" on the resolution knowing that as it goes to the Senate, this potential damage to the economy will be saved.

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

I thank my colleague on the other side of the aisle, Mr. LEVIN, for engaging in this debate today that is so important, in my opinion, to the future of this Nation, to the future of the world, in the sense that we need to get this issue under control once and for all.

The national debt is a serious threat to our very existence as a nation. You don't have to take my word for it. You can take the word of the former joint chief of staff, Admiral Mullen, who, when he was asked by the President what is the biggest threat to our national security, responded: Not a military threat, but the national debt. A fiscal threat is what jeopardizes us most in regards to our national security.

When I hear that type of opinion and advice coming out of our military leaders, I am very concerned. It should send a message across the nation that this debt needs to be addressed. It doesn't necessarily just need to be addressed for the purposes of the threat it represents to our national security, but also the threat that it represents to the economic recovery that we are trying to kindle in this city across America.

The national debt represents a threat to that American recovery when it comes to putting our men and women back to work because it is the cancer that is causing concern across all of small-business America and all across the private sector when they express that they don't have the confidence or certainty that Washington will take care of the problems that threaten us most. So it is time that we come up with a hard plan.

My colleagues during this debate referenced the House budget as the plan that was adopted here, that somehow by voting for this resolution we contradict ourselves because we voted for that House budget because it called for an increase in the debt ceiling. I would remind my colleagues on the other side of the aisle, that budget only passed this House. The Senate has yet to enact a budget.

It will soon be 1,000 days that the Senate of the United States of America has not passed a budget. If we don't have a U.S. House and a U.S. Senate committed budget that we can rely upon to solve this issue, how can we only rely on the House budget to see us through?

This resolution today sends a message to the Senate and to the Nation that the House of Representatives will remain committed to finding a solution on this issue.

The second threat that it represents to our American recovery and putting men and women back to work is if our interest rates in the private sector, which are keyed upon the national debt and the interest rates that are charged for our borrowing costs as a governmental entity, if those interest rates in the private sector increase, you're not going to have the capital to invest in small-business America or in the private sector that is going to lead us out of this economic turmoil that we find ourselves in, because they won't be able to afford that capital that will build the next plant, that will build the

The national debt is a serious threat next assembly line or build the next reour very existence as a nation. You tail operation that will put people back on't have to take my word for it. You to work.

The bottom line is this debt touches everything across America. What we are doing with this resolution is saying we are going to deal with it, and we are going to continue to deal with it until we get a plan in place from the White House, from the U.S. Senate, and from the U.S. House that deals with it once and for all and brings certainty and competence back to the American market.

Madam Speaker, it is time to lead this Nation, not hide. It is time to put our ideas in writing, debate them with the American people in an open and honest fashion, and once and for all even be willing to sacrifice our political lives to do what is right for the American people. I am committed to doing that if it means that we will save my children's generation and the generations yet to come.

#### □ 1600

That's what needs to be done, and I think my colleagues on the other side of the aisle know that. We know it on our side of the aisle, and our hand is open to work in a bipartisan fashion. So I am glad that I heard many comments today on the other side of the aisle showing they are committed to that also. I am confident that when we ioin hands, when we come together, we will solve this issue and that we will solve the economic problems we face as a Nation, because together the history of our Nation has shown that we can overcome any obstacle in America, any threat to our existence once we unite, not divide, and put forth a commonsense solution to our problems.

With that, Madam Speaker, I ask all of my colleagues to support this resolution, and I yield back the balance of my time.

Mr. DINGELL. Madam Speaker, I rise in opposition to H.J. Res. 98, a resolution disapproving of President Obama's exercise of authority to increase the debt limit. We have been through this song and dance several times before, and we have reached the same conclusion every time. Failing to raise the debt ceiling would do irreparable damage to our economy, our financial markets and our credit rating. We know we must raise the debt ceiling to prevent a default on our nation's obligations, avert an international economic crisis, and prevent further harm from being visited upon middle class families. Why are some around here so hopelessly slow-or is it malevolent?

With the coming of the new year, most of us hoped that Congress would reconvene with a real dedication to getting our economy on track and putting Americans back to work. Yet here we are, rehashing the same tired debate for the third time and continuing to play the same sorry old political blame games. It is no surprise that the approval ratings of this institution are at record lows when the American people see us engaged in political posturing

instead of trying to deal with the problems average Americans face every day. People across this country are hurting and are sick of the inaction in Washington.

Instead of passing a full-year extension of the payroll tax cut, reauthorizing our Nation's surface transportation programs or federal aviation programs, we are faced with another symbolic vote which has no chance of being signed into law. Why would leadership even schedule this vote? Is it to pander to their base and score cheap political points? Congress has plenty of items to consider which could provide a real benefit to the American people and our country. It is time to stop playing games and get to work, and we might just do something good for America.

Mr. MACK. Madam Speaker, I rise in support of this resolution to stop the President from increasing Washington's borrowing authority once again. How many times do we have to say "Enough is enough" before President Obama and his liberal allies in Congress get the message?

Do we have to be in a debt crisis like Europe's before we make the necessary spending cuts? Does our country's credit rating have to be downgraded further? Do we have to be pushed into a corner with no other option but to eliminate programs altogether before we do what's right for America's economic well-being? The answer is clearly "no." We can act now to avoid more painful decisions down the road. America's freedom, security, and prosperity depend on our courage and what we do now to restore fiscal discipline.

America can't afford to let this President continue to borrow and spend on our nation's credit card to advance his failed liberal policies. We need to adopt this resolution. And we need to enact the Penny Plan—legislation I introduced to cut spending by just one penny out of every federal dollar spent and to balance our nation's budget.

Madam Speaker, if families and businesses throughout the United States have to make the tough decisions and cut their budgets so their families and businesses won't be buried in debt, why can't the government do the same for the American people? After all, tax dollars don't belong to the government—they belong to the people who work hard to pay their bills and make their payrolls. We, as elected officials, must be responsible stewards of the people's money. We have been entrusted by those who have put us here.

If we allow Washington to continue its reckless spending habits, we will continue to lose the people's trust—and justifiably so. This is the "People's House." If we don't stand for the American people, who do we stand for? Deficit spending must stop. Enough is enough. Let's restore the America we know and love by getting—and keeping—our fiscal house in order.

Madam Speaker, I am encouraged by every effort to restrain federal spending, and I urge my colleagues to support this important resolution.

Mr. HOLT. Madam Speaker, from the beginning of this debt debate last summer, I rejected the notion that America's creditworthiness should be used as a bargaining chip. Americans from all walks of life are wondering why Congress can't do the job that they sent us here to do: putting Americans back to work

and revitalizing our economy. Now, here we are again, only two days into the new session of Congress, and the Republican majority is still playing political games and still trying to have us default on our debts. This resolution may have no chance of becoming law, but those who vote for it are nonetheless voting for default

I urge my colleagues to make the responsible choice: pay our bills, and pay them on time. Instead of engaging in partisanship and manufacturing crises, we should be coming together to fashion effective and bipartisan solutions to the jobs crisis.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in opposition to H.J. Res. 98, "Relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code." This Joint Resolution is designed to prevent President Obama from raising the debt ceiling by \$1.2 trillion. Under the agreement reached last summer, which Republicans supported, the President was given the authority to raise the debt ceiling. Republicans are now putting forth a resolution that is a direct contradiction to the agreement which we all felt was the right decision for our country.

Today we are here pursuant to the Budget Control Act of 2011 that this body passed last summer. In the course of our efforts numerous concessions were made to placate Republicans just to do the business of the American people; to pay our bills and ensure that essential services were taken care of for the infirm, the elderly, our children—in short: the most vulnerable in our society. This Republican led resolution is nothing more than an attempt to obstruct the government; the measure is expected to fail in the Senate. In the end, this measure will be a tremendous waste of both Congressional resources and time.

The words to the resolution read as follows: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves of the President's exercise of authority to increase the debt limit, as exercised pursuant to the certification."

These words, less than forty by my count, are an unabashed attempt to throw cold water on the mere prospect of an economic recovery. It is notable that some jobs have been created; however, our economy continues to gradually recover. You would think that Congress would be acting in a bipartisan manner, and not acting as poseurs in the legislative picture.

I am disappointed to see that my colleagues on the other side of the aisle are more interested in playing political games than improving the economy. Congressional Republicans are attempting to constrain the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles instead of working towards a bipartisan job creation bill.

My Republican colleagues have put forth a measure that will impact the President's ability to raise the debt limit. This is a dangerous stunt and amounts to political theatrics that could result in our nation defaulting on its obligations. We are a nation that pays our bills. We are a nation that will provide for those among us who are unable to provide for themselves.

To address our ever-growing and complex needs, the first debt ceiling was established in 1917, allowing the federal government to borrow money to meet its obligations without prior Congressional approval, so long as in the aggregate, the amount borrowed did not eclipse a specified limit.

Since the debt limit was first put in place, Congress has increased it over 100 times; in fact, it was raised 10 times within the past decade, under both Democrat and Republican presidents; and last year, we were able to negotiate another compromise, and keep the country from default. I urge my colleagues not to undermine the agreement that was reached by attempting to block the President's ability to raise the debt ceiling.

This Republican Congress has asked for a balanced budget amendment. It has codified the Joint Select Committee on Deficit Reduction, which is possibly unconstitutional, and has had no impact on jobs and the unemployment problem. This illustrates what happens when Congress does not work together in a bipartisan manner, laboring for the American people. We must work together and compromise.

At a time when our citizens need legislation that will fuel the economy and drive the engine of job growth, before us is a measure that will take us on the road to nowhere.

Our country cannot afford to take the issue of raising our nation's debt limit lightly. It is reckless for Republicans to send confusing signals to international markets that could jeopardize our own fragile economic recovery.

This country has made tremendous progress, even in the face of a cavalier attitude towards job creation and unemployment eradication on the part of my colleagues on the other side of the aisle. Housing starts are improving; the economy is adding jobs at a gradual, steadied, yet consistent pace. Retail sales were up during the recent holiday season. The American people are out there living their lives, going about their business, and hoping that we get our act together here in Congress.

REPUBLICAN ACCORD: BUDGET CONTROL ACT

This Joint Resolution is nothing more than a gimmick that has been implemented by Republican leadership to divert serious discussions about our debt limit and instead inspire partisan vitriol.

BUDGET CONTROL ACT LANGUAGE

"(a) IN GENERAL.—

"(1) \$900 billion.—

"(A) certification.—If, not later than December 31, 2011, the President submits a written certification to Congress that the President has determined that the debt subject to limit is within \$100,000,000,000 of the limit in section 3101(b) and that further borrowing is required to meet existing commitments, the Secretary of the Treasury may exercise authority to borrow an additional \$900,000,000,000, subject to the enactment of a joint resolution of disapproval enacted pursuant to this section. Upon submission of such certification, the limit on debt provided in section 3101(b) (referred to in this section as the 'debt limit') is increased by \$400,000,000,000.

"(B) RESOLUTION OF DISAPPROVAL.—Congress may consider a joint resolution of disapproval of the authority under subparagraph

(A) as provided in subsections (b) through (f). The joint resolution of disapproval considered under this section shall contain only the language provided in subsection (b)(2). If the time for disapproval has lapsed without enactment of a joint resolution of disapproval under this section, the debt limit is increased by an additional \$500.000.000.000.

"(b) JOINT RESOLUTION OF DISAPPROVAL.—

"(1) IN GENERAL.—Except for the \$400,000,000,000 increase in the debt limit provided by subsection (a)(1)(A), the debt limit may not be raised under this section if, within 50 calendar days after the date on which Congress receives a certification described in subsection (a)(1) or within 15 calendar days after Congress receives the certification described in subsection (a)(2) (regardless of whether Congress is in session), there is enacted into law a joint resolution disapproving the President's exercise of authority with respect to such additional amount.

#### AMENDMENT NOT IN ORDER

"(e) AMENDMENT NOT IN ORDER.—A joint resolution of disapproval considered pursuant to this section shall not be subject to amendment in either the House of Representatives or the Senate

#### PAYROLL TAX CUT FACTS

For more than 360 days, the GOP House majority has failed to offer a clear jobs agenda. Congress left Washington for the holidays without extending the payroll tax cut and unemployment benefits, for the entire year, an act that could have put money into the economy and promote jobs, by providing certainty to the American people and American businesses.

The GOP is risking tax relief for 1.60 million Americans while protecting massive tax cuts for 300,000 people making more than a million dollars per year.

Extending and expanding payroll tax cuts until the end of the year would put \$1,500 into the pockets of the typical middle class family, and relieve them of the uncertainty.

At least 400,000 jobs would be lost if Republicans block the payroll tax cut from being extended until the end of the year.

In November, Senate Democrats proposed reducing it to 3.1 percent for 2012, and cutting employers' taxes on the first \$5 million in taxable payroll to the same level, which helps small businesses. To pay for the cut, the bill called for a 3.25 percent tax on gross income over \$1 million for single filers and married couples filing jointly, the so-called "Millionaire's Tax." This was a reasonable compromise, then, and now.

There are other ideas floating around this Chamber that touch on tax, such as repatriation. Lowering taxes for the American people and American businesses is always a good idea, but piecemeal, scattershot approaches to tax reform can lead to undesirable outcomes.

TARGETED TAX RELIEF FOR AMERICAN WORKERS

The 2% payroll tax cut in effect for 2011 provided \$110 billion of tax relief to 159 million American workers.

If the payroll tax cut is not extended until the end of the year, a family struggling through the economic recovery making \$50,000 will see its taxes go up by approximately \$800.

Expanding the 2% payroll tax holiday to 3.1% will cut Social Security taxes in half for 160 million American workers next year.

Republicans targeted the unemployed by slashing 40 weeks of unemployment insurance. Such an action would have negatively impacted the lives of millions of families.

These are the very families who are still struggling under the weight of the worst economic downturn since the Great Depression. The Senate rejected this assault on families and the elderly. When we come back to the table in the coming weeks, let's focus on what matters: the American people.

It was clear that our failure to act to support the Senate amendment to H.R. 3630 late last year would have resulted in twenty-two jurisdictions with the highest unemployment rates being the hardest hit these states are: My home state of Texas, Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee and Washington.

According to report released by the Department of Labor just weeks ago, 3.3 million Americans would lose unemployment benefits as a result of H.R. 3630 compared to a continuation of current law. In my home state of Texas alone, 227,381 people were in danger of losing their sole source of income by the end of January.

There is nothing normal about this recession. Republicans seem to want to blame the unemployed for their unemployment. Until it was clear that the American people would not stand behind Republican efforts, House Republicans continued to put in jeopardy tax cuts for the middle class and aid for the unemployed. In this economy the unemployed are not to blame: it is the failure of Republican leadership to bring forth any job creating measures before this house. Currently, there are over four unemployed workers for every available job, and there are nearly 1 million fewer jobs in the economy today compared to when the recession started in December 2007. In our nation's history there has never been so many unemployed Americans without work for such a long period of time. But the other side wants to send messages to their base by requiring drug testing of unemployed applicants? Really? Republicans are clearly out of touch.

I stand with my fellow Congressional Democrats and remain committed to responsible deficit reduction. We must protect our citizens. By threatening to prevent an increase in the debt ceiling threatens our ability to pay for Medicare. Protecting Medicare represents the basic values of fairness and respect for our seniors that all Americans cherish, including the 2.9 million Texans who received Medicare in 2010. I am committed to addressing the budget deficit by putting America's working families first. We should not be cutting programs that protect the everyday lives of Americans.

Repeated attacks against Medicaid by Republicans, this Congress, are additional examples of wrong priorities that are poor choices for seniors and middle class families.

### FACTS ABOUT MEDICARE

Medicare covers a population with diverse needs and circumstances. Most people with Medicare live on modest incomes.

Today, 43% of all Medicare beneficiaries are between 65 and 74 years old and 12% are

85 or older. Those who are 85 or older are the fastest-growing age group among elderly Medicare beneficiaries.

With the aging and growth of the population, the number of Medicare beneficiaries more than doubled between 1966 and 2000 and is projected to grow from 45 million today to 79 million in 2030.

60% of nursing home residents are not on Medicaid at the time of their admittance into a facility. With the average annual cost of nursing home care being \$60,000, the longer an individual remains in a facility, the more likely they are to deplete their financial resources and qualify for Medicaid coverage. Even after individuals deplete their assets, they are still required to apply their income, including Social Security and pension checks, towards their care costs, except for an average monthly \$30 personal needs allowance.

#### POVERTY

Madam Speaker not only will allowing America to default on its debt wreak havoc and chaos on financial markets around the world, but it will also be damaging to the most vulnerable members of our society. In essence it takes a hatchet to the programs Americans truly care about.

In my district in Houston, Texas, there are 190,035 people living under the poverty line as well as 82,272 seniors and over 58,500 seniors. In addition, children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth.

The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

If House Republicans' self destructive economic policies are allowed to play out it will threaten the viability of the programs that our Nation's seniors, children, and poor depend on for health and well being.

Despite countless warnings from economists, business leaders, and Wall Street executives about the economic consequences, House Republicans are still holding the economy hostage by threatening to default on our debt and are putting the economy at risk by suggesting America might not pay its bills.

Federal Reserve Chairman Ben Bernanke said defaulting on our debt would "at minimum" lead to "an increase in interest rates, which would actually worsen our deficit and would hurt all borrowers in the economy."

Additionally, a coalition of 62 of the nation's largest business groups urged Congress to raise the debt limit: "With economic growth slowly picking up we cannot afford to jeopardize that growth with the massive spike in borrowing costs that would result if we defaulted on our obligations."

According to a well respected moderate think tank, released a report outlining the consequences of not paying America's bills:

642,500 jobs lost

GDP would decrease by 1%

Every mortgage would increase by \$19,175 Stocks would fall, the S&P dropping 6.3%

And every 401(k) holder would lose \$8,816 The House Republican majority needs to stop threatening the American people and get to work to increase the debt ceiling so that our country can pay its bills.

We must begin to focus on the real plights faced by our nation. We must find ways to raise revenues while also reducing spending. They must complement each other. Congressional Republicans must be prepared to allow everything to be on the table, including ending the tax cuts to the top 2% of the wealthiest people in our country.

We need a serious measure that will discuss reasonably and responsible ways to increase the debt ceiling. A measure that will allow us to have a deliberative discussion on how to cut spending without cutting Medicare and Medicaid.

If not, the failure to extend our Nation's debt limit would have harmful effects on job creation and the programs necessary to ensure the health and safety of our constituents.

Perhaps my friends on the other side of the aisle are content to conclude that life simply is not fair, equality is not accessible to everyone, and the less advantaged among us are condemned to remain as they are, but I do not accept that. That kind of complacency is not fitting for America.

Prior to the existence of the debt ceiling, Congress had to approve borrowing each time the federal government wished to borrow money in order to carry out its functions. With the onset of World War I, more flexibility was needed to expand the government's capability to borrow money expeditiously in order to meet the rapidly changing requirements of funding a major war in the modern era.

To address this need, the first debt ceiling was established in 1917, allowing the federal government to borrow money to meet its obligations without prior Congressional approval, so long as in the aggregate, the amount borrowed did not eclipse a specified limit.

Since the debt limit was first put in place, Congress has increased it over 100 times; in fact, it was raised 10 times within the past decade, and last year, we were able to negotiate another compromise, and keep the country from default. I urge my colleagues not to undermine the agreement that was reached by attempting to block the President's ability to raise the debt ceiling.

Once again, the American economy hangs in the balance as the act of the President raising the debt ceiling becomes an irrelevant spending debate that is as unnecessary as it is perilous, as increasing the debt ceiling does not obligate the undertaking of any new spending by the federal government. Rather, raising the debt limit simply allows the government to pay existing legal obligations prometed to debt holders that were already agreed to by Presidents and Congresses, both past and present.

This resolution is a petulant attempt to undermine President Obama. The bill itself says it is a joint resolution "relating to the disapproval of the President's exercise of authority to increase the debt limit." Exercise of authority. It does not say unlawful exercise of authority, or unconstitutional exercise of authority. The language of the bill itself makes it clear the President has the authority to raise the debt ceiling as indicated in the agreement reached on August 2.

PAYROLL TAX AND STOCK OPTION AMENDMENTS

I attempted to offer in the Rules Committee meeting last night an amendment extending the payroll tax credit until the end of 2012, and to help reduce the budget deficit by closing a tax loophole that bridges the gap between book and tax accounting when stock options are awarded.

The amendment closes a loophole that allows corporations to take a deduction for the fair market value of an exercised corporate stock option, over-and-above the value of the deduction that they receive when the option is issued. It does two significant things: raises money and shuts down an egregious loophole.

But we were unfortunately subject to a closed rule, which is undemocratic.

### STUDENT LOANS

I would note that in completing this bill, which was, perhaps a Hobson's choice for some Members, it should be stated that we took aim at education funding via Pell Grants, Direct, and Stafford Loans, which are a lifeline to many of our most disadvantaged citizens.

How will we compete for the new factories when we are offshoring education. I take some consolation in the fact that we did it to save the country.

#### ADOPTION TAX CREDIT FACTS

Last night in the Rules Committee, I also attempted to offer an amendment yesterday evening to encourage and promote adoption, and if you take a look at the statistics on adoption and foster care, it really speaks for itself. Yet, we dither in this body while children out there need us, and we are failing them.

The most recent data on all types of adoption, collected by the National Center for State Courts (NCSC) based right down the road in Charlottesville, indicate that an estimated 127,000 children were adopted in 2001. According to NCSC data, of adoptions in 2001, an estimated 46% were private (including tribal and kinship, such as stepparent), 39% were intercountry, and 15% were public agency adoptions.

Today, in the United States there are an estimated 500,000 children in the foster care system and of those children, there are 130,000 waiting for families to adopt them. The number of youth who "age out" of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58 percent since 1998, as nearly 28,000 foster youth "aged out" of foster care during 2007 which is appalling and unacceptable.

In addition, 3 in 10 people in the United States have considered adoption; a majority of them have misconceptions about the process of adopting children from foster care. Approximately 45% believe that children enter the foster care system because of juvenile delinquency.

And, I offer up forlornly the tale of the little baby who was found on the stairs of a house blocks away in South East Washington, DC, just this past weekend. A sad and heart-breaking story that serves to remind us how critical something like the Adoption Tax Credit can be. It is also a reminder that time is of the essence.

Passing this resolution will not decrease spending; it will merely compromise our ability to pay for spending already authorized. This

bill does nothing to reduce the deficit, or address the budget, it only risks our economic standing and ability to pay our nation's bills, while simultaneously hurtling the nation toward another debt ceiling crisis.

Instead of spending time on Resolutions designed to cast the President in a negative light, it is time for this Congress to come together, and pass meaningful legislation that will benefit the American people. In his address to a joint session of Congress last September, President Obama gave this body a great opportunity to achieve bipartisan, job creating legislation that will invest in small business, help families that have been struggling with chronic unemployment, assist veterans in finding jobs, and invest in our infrastructure.

It is time for a new sense of bipartisanship. It is time for Congress to work together to aggressively take on job creation. It is time to end these divisive tactics and compromise to encourage the rapid job growth the American people deserve. I urge my colleagues, Democrats and Republicans alike, to stand up and vote no on this partisan resolution; we can, and we must take this opportunity to declare our intent to do what is right, face what is hard, and achieve what is great.

Instead of attempting to embarrass the President, I urge my friends on both sides of the aisle to come together, and focus on passing legislation that will help the American people by improving the economy and creating jobs. Now is not the time for partisan malice, now is not the time for H.J. Res. 98; now is the time for this Congress to do all it can to usher in a new age of American ingenuity and prosperity. H.J. Res. 98 is simply a way to engage in past battles, and I am voting against it in order to focus on the future.

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in support of H.J. Res. 98 disapproving of President Obama's request to increase the statutory debt limit of the United States. Though, I voted against the original bill authorizing this request, the Budget Control Act, I stand firmly in opposition to any increase in the debt limit and have been opposed in increases since 2005.

Madam Speaker, reckless spending is crushing our economy. It must stop and we cannot continue to give a blank check with no strings attached to the powers that be. These powers, Republican and Democrat alike, have spent this country in to a fiscal catastrophe.

I look forward to working with my colleagues to eliminate duplicative programs, wasteful spending, and reforming the way Congress does business. For example, I have recently introduced the Citizen Legislator Act and the Biennial Budgeting Act. These bills are starting the dialogue to create the fundamental changes so desperately needed in Washington as demanded by our constituents. Congress must be honest with itself and honest with the American people when discussing the defining issue of our time.

Mrs. MALONEY. Madam Speaker, it comes as no surprise that my colleagues on the other side of the aisle are opening the second session of the 112th Congress by once again driving us to the brink of default. By voting to disapprove of the debt limit increase, the Majority is ignoring essential actions like extending the Payroll Tax Cut and unemployment

Ruppersberger

Sánchez, Linda

Sanchez, Loretta

Ryan (OH)

Sarbanes

Schiff

Schrader

Schwartz

Sewell

Shuler

Sires

Stark

Sutton

Tierney

Tonko

Towns

Tsongas

Van Hollen

Velázquez

Visclosky

Walz (MN)

Wasserman

Schultz

Waters

Waxman

Wilson (FL)

Watt

Welch

Woolsey

Yarmuth

Sherman

Slaughter

Smith (WA)

Thompson (CA)

Thompson (MS)

Scott (VA)

Scott, David

Schakowsky

Rush

benefits. The American people have called on Congress to create jobs, reduce the deficit, and grow the economy. Today's resolution does none of these and hurts the American economy by politicizing the debt limit increase. Now is the time for the House Majority to bring to the floor critical pieces of the President's American Jobs Act that would spur small business growth, rebuild our school and transportation infrastructure, and prevent layoffs in crucial jobs like teachers, firefighters, and police officers.

Vote "no" on this irresponsible legislation

Ms. RICHARDSON. Madam Speaker, I rise in strong opposition to H.J. Res. 98 because it is an empty gesture designed to waste time and provide a stage for political posturing.

One hundred and seventy four House Republicans voted for the Budget Control Act in August which raised the federal debt limit and allowed the country to make good on the promises it made to the American people.

Under the Budget Control Act, the debt limit increase that the President is requesting is automatically matched, dollar-for-dollar, by drastic spending cuts that target the poorest among us. Those cuts would hurt the people I represent in California's 37th District, and so I voted against it.

Despite strong opposition from both sides, the Budget Control Act was passed, with a number of useless and unfair provisions, including this disapproval resolution, which lets House Republicans who voted for it in August turn around and withdraw their support.

In this way, they can stand here today and make the same irresponsible arguments that they made last summer. Instead of working together to implement the American Jobs Act which would help create jobs and improve economic growth, they have chosen to squabble over the ability of the President of the United States to do his job.

As ridiculous as it sounds, this is the trick that House Republicans are trying to play. It is entirely symbolic, of course, because if this resolution were to become law, it would result in the first default in U.S. history. A vote for this resolution is a vote against the full faith and credit of the United States and a slap in the face to its citizens.

This kind of behavior is the main reason that Congress has lost the trust of the American people. It creates tremendous uncertainty within the business community and impedes economic growth. It also provides a terrible example to the rest of the world that should be able to look to us for guidance in times of tur-

I urge my colleagues to reject this empty legislation and focus on creating a responsible, long-term budget that puts people back

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the statute, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolu-

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 176, answered "present" 2, not voting 16. as follows:

# [Roll No. 4]

	YEAS-239
Adams	Gibson
Aderholt	Gingrey (GA)
Akin	Gohmert
Alexander	Goodlatte
Altmire	Gosar
Amash	Gowdy
Amodei	Granger
Austria	Graves (GA)
Bachmann	Graves (MO)
Bachus	Griffin (AR)
Barletta	Griffith (VA)
Barrow	Grimm

Barton (TX)

Bass (NH)

Benishek

Biggert

Bilbray

Black

Bonner

Boren

Bilirakis

Bishop (UT)

Blackburn

Bono Mack

Boustany

Brooks

Brady (TX)

Broun (GA)

Buchanan

Bucshon

Buerkle

Burgess

Calvert

Canseco

Cantor

Capito

Carter

Cole

Camp

Burton (IN)

Berg

Grimm Guinta GuthrieHall Hanna Harper Harris Hartzler Hastings (WA) Hayworth Heck Hensarling Herger Herrera Beutler Huelskamp Huizenga (MI) Hultgren Hunter Hurt Issa Jenkins Johnson (IL) Johnson (OH) Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston

Cassidy Chabot Kinzinger (IL) Chaffetz Kissell Coble Kline Coffman (CO) Labrador Lamborn Conaway Lance Lankford Cravaack Crawford Latham Crenshaw LaTourette Culberson Latta Lewis (CA) Davis (KY) LoBiondo Denham Long

Dent DesJarlais Lucas Diaz-Balart Luetkemever Dold Lummis Lungren, Daniel Duffv Duncan (SC) Mack Duncan (TN) Manzullo Ellmers Emerson Marchant Farenthold Matheson McCarthy (CA) Fincher

Fitzpatrick Flake Fleischmann Fleming Flores Forbes Fortenberry Foxx Franks (AZ) Frelinghuysen

Rodgers Meehan Gallegly Mica. Miller (FL) Gardner Garrett Miller (MI) Gerlach Miller, Gary

Andrews Ba.ca. Baldwin Bass (CA) Becerra. Berman Bishop (GA) Bishop (NY) Blumenauei Boswell Brady (PA) Bralev (IA) Butterfield CappsCapuano Carnahan

Ackerman

Myrick Neugebauer Nugent Nunes Carney Carson (IN) Nunnelee Castor (FL) Chandler Palazzo Chu Cicilline Paulsen Clarke (MI) Pearce Clarke (NY) Pence Clav Cleaver Clyburn Cohen Connolly (VA) Conyers Cooper Costa

Costello

Courtney

Crowley

Cuellar

Cummings

Davis (CA)

Davis (IL)

DeFazio

DeGette

DeLauro

Deutch

Landry

Dicks

Critz

Platts Poe (TX) Pompeo Posey Price (GA) Quayle Reed Rehberg Reichert

Murphy (PA)

Olson

Paul

Petri

Pitts

Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam

Ross (FL) Royce Runvan Ryan (WI) Scalise Schilling Schmidt

Schock

Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuster Smith (NE)

Smith (NJ) Smith (TX) Southerland Stearns Stivers Stutzman

Sullivan Terry Thompson (PA) Thornberry McCaul Tiberi McClintock McCotter Tipton Turner (NY) McHenry Turner (OH) McIntyre

Upton McKeon McKinley Walberg Walden McMorris Webster West

Westmoreland Whitfield Wilson (SC) Wittman Mulvanev

Young (FL) Yoder Young (AK) Young (IN)

NAYS-176

Green, Al Pascrell Green, Gene Pastor (AZ) Grijalya. Payne Gutierrez Pelosi Hahn Perlmutter Hanabusa Peters Hastings (FL) Peterson Higgins Pingree (ME) Himes Polis Hinojosa Price (NC) Hirono Quigley Hochul Rahall Holden Rangel Holt Richardson Honda Richmond Hoyer Ross (AR) Israel Rothman (NJ) Rovbal-Allard

Jackson (IL) Jackson Lee (TX) Johnson (GA) Johnson, E. B. Kaptur

Keating Kildee Kind Kucinich Langevin Larsen (WA) Larson (CT)

Lee (CA) Levin Lewis (GA) Lipinski Loebsack Lofgren, Zoe Lowey Luján

Lynch Maloney Markey Matsui McCarthy (NY) McCollum McDermott

McGovern

Dingell McNerney Doggett Meeks Donnelly (IN) Michaud Doyle Miller (NC) Dreier Miller, George Edwards Moore

Ellison Moran Murphy (CT) Engel Eshoo Nadler Napolitano Fattah Frank (MA) Nea1

Fudge Olver Garamendi Gonzalez Pallone

ANSWERED "PRESENT"-2 Walsh (IL)

# NOT VOTING-16

Filner Bartlett Noem Berkley Brown (FL) Giffords Reyes Heinrich Simpson Campbell Hinchey Speier Farr Marino

# □ 1626

Mr. RUSH changed his vote from "yea" to "nay."

Mr. McHENRY changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NOEM. Madam Speaker, because I was attending the funeral service of Governor Bill Anklow today, I was unable to be present for the vote on H.J. Res. 98. If present, I

tion.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 4, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

#### HOUR OF MEETING ON TOMORROW

Mr. TERRY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and further, when the House adjourns on that day, it adjourn to meet at noon on Monday, January 23, 2012, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. TERRY. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of the Stop Online Piracy Act, H.R. 3261.

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

There was no objection.

## PERMANENT STRUCTURAL REFORMS NEEDED

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

Mr. CRAWFORD. Madam Speaker, permanent structural reforms are needed in Washington. The Nation's debt is now greater than the value of the entire U.S. economy. Nonpartisan economists have noted that a debt to GDP ratio above 90 percent results in a reduction of economic growth. That means that the Obama administration's own economic model could be preventing the creation of nearly 1 million jobs.

Over the last 2 weeks. I have talked to many of my constituents in Arkansas' First District, and nearly every person I spoke with told me that we must get our Nation's debt under control.

The Federal Government has a spending addiction that is paralyzing our economy. We cannot keep spending money that we simply don't have. We must start living within our means, and we must stop growing our Nation's deht.

Fundamental change must come to Washington to force this and future Congresses to live within our means. Both Republicans and Democrats are to blame for the poor fiscal health we find ourselves in, and whether the change is a balanced budget amendment or some other permanent binding

steps to prove that this Congress understands that our government cannot main unclear. continue on its current path.

## NATIONAL DEBT THREATENS NATIONAL SECURITY

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

Mr. CRAVAACK. Mr. Speaker, I rise today in regards to our most pressing threat to our national security—our staggering and ever-increasing national debt.

The message from my constituents in Minnesota's Eighth Congressional District is loud and clear: We cannot continue to saddle the soaring debt onto the backs of our children and our grandchildren. This is irresponsible, and quite frankly unacceptable.

Mr. Speaker, this epidemic is the reason that I jumped into this fight. Our national debt will increase to over \$23 trillion in the next 10 years. Currently, our debt is now over \$15.2 trillion: 47 percent of that debt is foreign owned; 30 percent is owned by China.

It is past time to alter course, Mr. Speaker, or this generation will be the first generation of this great Nation to leave our children less well off.

### $\sqcap$ 1630

# NATIONAL DEBT

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

Mr. THOMPSON of Pennsylvania. Less debt and more jobs, Mr. Speaker. This remains our priority as we begin the second session of the 112th Congress.

Our national debt recently surpassed economic output, meaning the national debt is now greater than the value of the entire U.S. economy. Despite almost \$1 trillion of stimulus spending. there's been 35 straight months of national unemployment averages greater than 8 percent. These are the facts. Mr. Speaker, yet some are calling for more deficit spending and tax increases, and that's just plain wrong.

The best way to reduce our debt and deficit is to get America back to work. Over the last 12 months, this has been the focus of this Chamber. The House has passed more than 30 jobs bills, most of which the Senate has refused to consider. Next week will mark 1.000 days since the Senate has passed a budget.

Today, the House again has taken the steps to disapprove of further raising the debt ceiling. Failure to address even a budget will only serve to speed up our downward spiral. Mr. Speaker, there is no way around it: Without

would have voted "yea" in favor of the resolu- measure, both parties must take the dealing with the debt, this country's long-term economic outlook will re-

#### REMEMBERING REV. BERNARD REISER

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his re-

Mr. PAULSEN. Mr. Speaker, I rise today to honor the life of Rev. Bernard Reiser, who passed away late last year at the age of 87.

Ordained in the Catholic Church in 1949, Father Reiser spent most of his adult life in the community of Coon Rapids, Minnesota, where he established Epiphany Catholic Church back in 1964. He helped grow Epiphany from a small 125-family parish to one of the largest parishes in the State, with over 5,000 member families.

And though he was well known within the community of Coon Rapids, Father Reiser's work extended far beyond its borders. Since 1996, he had traveled to Haiti, where he helped improve the lives of the less fortunate. And last year, he was honored for his international aid work by a local Twin Cities television station in our commu-

Though he will be missed, his memory does live on in the community and the lives that he touched at Epiphany and in Haiti.

## CREATING JOBS IN AMERICA

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

Mr. KINGSTON. Mr. Speaker, there are three things we need to do to create jobs in America:

Number one, we need to roll back job-killing regulations. You don't have to work for worker safety at the expense of the job. There is a balance. Government agencies need to work with the entrepreneur and the employer and the job creator, not against him or her. We can find a balance.

Number two, you need to drill your own oil. For us to suggest and believe that the people in the Middle East are more environmentally friendly or more sensitive than we are is ridiculous. We have got to get our head out of the Middle East sand and our drills and bring it back home to America. If gas fell \$1 a gallon, it would be a huge economic boom to our country.

And, number three, we need tax simplification. Ask any audience, "How many of you fill out your own tax return?" and then ask, "How many of you pay to fill out your own taxes?" and inevitably you'll find an 80/20 split. It is ridiculous when 80 percent of the people in America have to pay an accountant or a lawyer to fill out their taxes. We need tax simplification.

LOCAL KERNERSVILLE BUSI-NESSES SHOW HOW PRIVATE SECTOR CAN HELP PEOPLE

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

Ms. FOXX. Mr. Speaker, the headlines regularly remind us about the country's trying economic times, but back in the Fifth District of North Carolina there are stories of people coming together to help one another through difficult situations—without the help of government. In Kernersville, North Carolina, for example, two local businesses have played a crucial role in ensuring that the community's less fortunate are fed.

Over the holidays, the interior design company Designer's Attic and the construction firm Friddle and Company, Inc. paired up to bring thousands of meals to the needy. Designer's Attic decorated Friddle and Company's "Holiday House," which was open to the public for tours. Instead of a tour fee, the businesses requested that visitors pay in canned goods. Out of the shared endeavor, the businesses were able to donate enough food to the Second Harvest Food Bank for 17,000 meals.

In a time of difficult economic news and consistent government overreach, it's a thrill to highlight this kind of success story.

Congratulations to the good people at Designer's Attic and Friddle and Company, Inc. for giving back to the community in such a creative and effective manner.

# GETTING BACK ON ROAD TO PROSPERITY

The SPEAKER pro tempore (Mr. Rokita). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. Gohmert) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, it's a privilege to be speaking on the floor here this evening.

Here we've been talking for some time about the huge deficit spending that's going on. In fact, Republicans have promised to make massive cuts. And the old story that used to be told about the fellow Texan, Sam Rayburn, about a young freshman Democrat coming up and talking about how difficult things were here in the House and that: Gee, as a Democrat, it's obvious the Republicans are our enemy. They're trying to stop us from doing what we need to, and, boy, the media's not helping. And Speaker Rayburn stopped him, reportedly, and said: Son, the Republicans are not your enemy. The media is not your enemy. At the other end of the hall, the Senate, now they're your enemy.

Well, I thought that was a strange story when I heard that about Speaker Rayburn, but the longer I've been here, the more we see so many great bills that have come out of the House in the last year have gone down the hall and are languishing for lack of action. And so when I read that a friend down the hall, Leader Reid, was lambasting Republicans for a do-nothing status, it was remarkable to me that they could have so many House bills sitting down there waiting to do something and yet doing nothing with them.

Now, we have been trying to get bills passed into law that would make substantial cuts. It's still, as our friend from east Texas, Bo Pilgrim, used to say, a mind-boggling thing to have seen this President come in in 2009. with Speaker Pelosi in charge of the House and Leader REID in charge of the Senate, and to know that we had been just vilified as majority Republicans in the House in 2006 for exceeding the amount of income coming in by \$160 billion, vilified, and yet when President Obama became the President and Leader Reid and Speaker Pelosi were in charge, we ran a deficit of 10 times that much in 1 year. Incredible.

#### □ 1640

Now one thing that should not have ever happened is to have our national security out on the table as a bargaining chip in the debt ceiling negotiation. But it was. And we were told that, Gee, neither side is going to allow those kinds of cuts to occur to our national security.

And lo and behold, being in Afghanistan, seeing the new year come in with our military men and women in some remote operating areas—I went with Senator JIM INHOFE from Oklahoma and JOE BARTON from Texas—and being in remote areas, it was amazing to hear some folks say, We're already being told amounts that we're going to be cut because of the sequestration coming. Talking with some of our Texas National Guard folks, I've been told over the last couple of weeks, We're already being told about moneys that are being cut. These are people that are trying to protect and defend our coun-

I went to the deployment ceremony of a unit leaving from Lufkin, Texas, being deployed as guard. And they're hearing, as they're being deployed, about cuts to the amount of money they will have to protect them while they're protecting us. Absolutely outrageous.

As we talk about doing what's best for America and as we hear from people around the world that think of the United States as "the great Satan," one would think—especially if they studied history—that the last thing we would want to do is to hurt our national security, yet that is where we're going.

It seems also clear that those negotiating from the Republican side during the debt ceiling bill made an assump-

tion that turned out to be false, that the Democrats in the Senate would never allow the sequestration of \$100, \$200, \$300 billion from Medicare. That was a bad assumption because the same Democratic leadership in the Senate passed ObamaCare, which brought about \$500 billion in cuts to Medicare. So of course they were going to be willing to allow sequestration because this time they would be able to blame Republicans for also being part of what caused the cuts. Cuts to Medicare and cuts to our national security, not a good idea. Not a good idea.

National Review Online had an article out in the last couple of days with some great information; and we have taken that information and put it in short form from the article and double checked; and apparently, these are accurate numbers. These numbers, if anybody cares to contest them, actually come from President Obama's own Office of Management and Budget.

It turns out that as this President and his administration have complained about not having money, not having the ability to make cuts, having to make draconian cuts to Medicare and to our national defense, his administration has been sitting on money, hundreds of billions of dollars of money that they haven't spent from 2010 and 2011. They're complaining about not being able to even cut \$5 billion or \$10 billion when it turns out they're sitting on hundreds of billions of dollars that have not been obligated, have not been spent from 2010 and 2011.

So let's take a look at the money that this administration has not been willing to cut, even though it's unobligated, it's unspent, it's been appropriated, they have the ability to spend it or save it or spend it for something else. And yet this administration just can't seem to want to cut loose from this money to reduce the deficit, to cut down on the money we borrow from China, to cut down on the deficit spending or the reduction in spending for the military, reduction in spending for Medicare. How about that? It turns out they're sitting on all this money.

The Department of the Treasury, under the direction of Secretary Tim Geithner-hopefully he will be okay getting his tax return in this year. He is sitting on \$226 billion that was appropriated; and yet it is sitting there unobligated, unspent. Yet Timothy Geithner has told us, you know, there's just no money to do what he feels needs to be done. He was out there this summer saying, We've got to raise taxes because this poor gentleman was not going to be able to cut loose, as we find out, of the \$226 billion he's got sitting in change. And that is not even including the \$125 billion that he still has in TARP assets or money, and it's estimated by some to be maybe about \$50 billion in additional assets. So around \$170, \$175 billion remaining from TARP,

\$226 billion sitting there appropriated. I guess that means we've already borrowed 42 cents of every dollar from the Chinese. So we're sitting on it.

Then the Department of Defense. Since we've got \$78 billion that the Defense Department has unobligated—it has been appropriated but unspent—why couldn't we use some of that \$78 billion to help eliminate some of the cuts that are being suggested—in fact, being demanded of Defense?

You've got the Department of Transportation with \$45 billion in unobligated, unspent money from 2010 to 2011. You've got \$40 billion from the Department of Health and Human Services sitting there unobligated, unspent from 2010 and 2011. Department of Housing and Urban Development, \$23.8 billion sitting there. Department of Education, \$19 billion.

And the thought comes, What if we did away with the Department of Education and all that money that comes pouring into Washington every yearsome of it borrowed—and it gets held here in Washington and gets funded to administrators and bureaucrats that have nothing to do with actually teaching anything, how about if we just turn that right around and send it right back to those States and say, We're taking our grimy fingers off of that money; we're not going to keep any of it because we think it is that important that it go for education? And how about if we, by doing that, therefore, encourage every State—as I believe it was Newt Gingrich who suggested to then let go so many of the administrators in each State capital that are not involved in any kind of teaching, just involved in dictation to local school boards? And of course for every bureaucrat that we have to have right now in Washington, they have to have at least one in every State capital because they've got to carry out the assignments from Washington. And then for every one in the State capital, you've got to have bureaucrats at each local school district to carry out those assignments.

I was shocked to go online and see that one of the best school districts in east Texas was saying that they were proud to note that half of all their school district employees were actually teachers.

### □ 1650

So when I went to look at that a little further, you go back to before President Jimmy Carter created the Department of Education. That number was closer to 75 percent in Texas. Now it's around 50 percent in Texas. But before there was a Federal Department of Education, about 70, 75 percent of all Texas education employees were just wonderful school teachers, like my mother, like my sister, like my wife was. Now, that's getting teachers, that's getting people in the education system where they can do some good.

So you have the Department of Education sitting on \$19 billion. You go online and look up how many school districts there are in America, and divide them into \$19 billion, you'd have school districts that were not having to fire teachers right now. That would do a world of good.

But we've got bureaucrats here in Washington that think it is more important that they sit there with a slush fund, \$19 billion unobligated, unspent funds from 2010/2011.

You've got the Department of Labor. They've got \$18 billion sitting there from 2010 and 2011. And we acknowledge it is important for them to sit on a slush fund because they have so many things they have to do, like they have to run to States like South Carolina and tell them, you can't have a new Boeing plant in your State because we're trying to help unions in Washington. Even though not one single union worker in Washington was going to lose their job or be adversely affected, we're going to rush in and be, not a referee, we're going to be a player/referee, and we're going to dictate, like used to be done by caesars, kings. czars, emperors, pharaohs.

They thought they had the authority to come into South Carolina and play Pharaoh and say, nope, you're not going to have these jobs. Well, once the unions finally got satisfied, then isn't it amazing that the NLRB backed off some. I think we've seen the NLRB is something we could do away with, and one of our colleagues in our party here in the House has a bill that will do just that. I think it's time to do that.

Department of Agriculture, \$14 billion sitting unspent, unobligated from 2010/2011.

The Department of State, they don't have quite as much money sitting there as some of these other departments, but they still have \$8.7 billion sitting unobligated, unspent from the last 2 years.

Department of Homeland Security, \$7.2 billion. Now, they may want to use some of that to go buy some more of these machines from our friend, Secretary Chertoff. What a waste of money those were.

Then you've got the Department of the Interior at \$6.7 billion sitting unspent, unobligated in their coffers.

Department of Energy. The Department of Energy that was set up by President Carter, with the purpose of getting us off of dependence on foreign oil, and every year the Department of Energy has existed one thing has been consistent. And we've got to give them credit for this. One thing has been very consistent from the Department of Energy. Every year they've existed we've become more dependent on foreign oil.

So if you're in the private sector, and you went all these years, 32 years, working on 33 years or so, with a department in your business that got further and further from its original goal, you'd probably cancel that department, get rid of it, disband it. Not here in government. Not only are they not doing what would help America by getting us off dependence on foreign oil, they are actually working in conjunction with the Department of the Interior to make us more dependent on foreign oil, and to limit the amount of production here in the United States.

Just today, the President of the United States has had the incredible nerve to step up and say, there are thousands and thousands and thousands of Americans who I am going to deprive of the opportunity to have a good union job. And there are thousands and thousands and thousands of more Americans who would be suppliers for those people who would be working on the Keystone pipeline, everything from private suppliers to people that work in steel plants that would be providing the pipe, to be providing the materials that would be used, that would be building the heavy equipment that would be used, all of those thousands and thousands and thousands of ripple jobs that would be coming, this President today is saving. I am not going to allow you to have that kind of job.

We're going to keep pushing, the President might as well have said, to make sure you can get unemployment for 99 weeks, and we can keep you from reaching your God-given potential of actually producing, because there is a great deal of satisfaction for doing something productive, seeing the products of your hands. That's why, as my wife would tell you, I actually enjoy getting out in the backvard on weekends, kind of tough during the winter, but actually getting out there and doing things, so that when I finish I can see I've done something productive, because we come up here and we pass some good legislation in the House, it never becomes law.

We pass things and encourage the President to get the Senate to help us pass off on things so people could become productive, and they could get their own jobs and become productive and they wouldn't need to become so dependent on the Federal Government. It gets pretty frustrating.

But you've got a Department of Energy sitting there, \$5.6 billion unobligated, unspent from the last 2 years.

Department of Veterans Affairs. You would think that with all of the veterans who need assistance, who need help, who have problems, both psychologically, physically, that some of that \$5.2 billion that's been sitting there for the last couple of years, it could have been used to help our veterans, you would think. Our veterans need help.

President Bush, right before he left office, had asked a retired military, retired Army General to do an assessment of the VA and make recommendations. He had some good recommendations. Unfortunately, they've not been carried out by this administration.

But one of the things he told me personally, privately, he said, the problem with the Veterans Administration is they're supposed to be an assistance organization, and, instead, they think they're an adversarial organization. They should be assisting our veterans. And yet, so often, every time a veteran comes through the door needing help, they look at them as if they're a thief coming in to steal something. Our veterans deserve better than that.

There are some VA clinics, VA places, you know, in Lufkin, I keep asking our veterans—even though I did 4 years in the Army I'm not entitled to this care, but I want to make sure that our veterans get what they think is best for them. People around Lufkin that go to that clinic, they say, hey, I would far rather go to this VA clinic than any other medical facility.

## □ 1700

Other places I hear from veterans that go to other clinics that say, I'd just as soon you give us a card and let us go to any doctor or any clinic we want. But at the same time all of this is going on, and we were told there now is a need to increase the contribution for veterans for TRICARE, we find out there's \$5.2 billion that has been sitting there unspent, unobligated for the last couple of years.

Department of Justice, \$1.9 billion here that we have them coming in before our committee whining and moaning about all of the millions and millions of dollars they need. Turns out they've got \$1,900 million that they could use instead of coming begging here for more money from Congress.

You've got other independent agencies and miscellaneous: \$82 billion unobligated, unspent; Office of Personnel Management \$55 billion. I know that the administration spends more money than any other administration in history, far and away a lot more, but you would think that they wouldn't have to come demanding more and more money and put pressure on HARRY REID down in the Senate to get more and more out of the House because they just can't live on the \$55 billion slush fund they have from the last couple of years unspent.

International assistance programs, \$45 billion. I've said it over and over, but it is absolutely true. I've seen it firsthand going around. You could even see it in some areas of Afghanistan. You don't have to pay people to hate you. They'll do it for free. It would save a lot of money.

I still have a U.N. voting accountability bill. I filed it my fourth time in

this fourth Congress I've been in. It says unless you vote with the United States over half the time in the U.N. that you shouldn't get any foreign assistance from the United States. Again, these people in foreign countries that hate us, it is absolutely their right to do so. But we don't have to pay people to hate us. They'll do it for free.

Environmental Protection Agency, one of those things that was created when Congress made the mistake of giving the Nixon administration the power to consolidate and reorganize government and make it more efficient. The Nixon administration created the Environmental Protection Agency. And right now, the EPA is in the process of costing thousands and thousands and thousands of people jobs all over America, and this administration is doing nothing to rein them in.

Some people have said, well, can the Congress do something about that? Sure we can. We can get rid of the EPA. I've been told by some Federal authorities: But you don't understand. Even though Texas has an environmental commission, the TCEQ, there are a handful of States that don't have environmental commissions for their States, so we need one for the whole country. What happened to the Ninth and 10th amendment? If it is just inside the State, doesn't involve interstate commerce, then why shouldn't we let the States take care of those issues? Instead, the EPA is spending some of their slush fund money to sue States like Texas and others, shutting down power plants.

And I would have thought today that when the President released his statement about why he was going to deprive tens of thousands of Americans jobs immediately where they could earn their own way and own their own things without the government handouts, that he would at least be able to say, "Because I have a better plan of getting us off foreign oil." That's not what he said.

Apparently, it's the President's position he wants to get us off oil—not off foreign oil, just off oil. He wants to put more people out of work, increase the cost of gasoline and diesel, which means increasing the cost of everything you buy in America because transportation costs have to be figured in

The one good thing about the President killing the Keystone pipeline that you have to acknowledge with money like the EPA has, \$4 billion, and Transportation, \$45 billion sitting there in their slush fund unobligated, unspent from the last 2 years, different other Agencies, Departments, Department of the Interior, by cancelling the Keystone pipeline, they won't have to spend money checking it out, regulating, making sure things are done appropriately. They can spend these hundreds of billions of dollars, if they care

President Bush, right before he left this fourth Congress I've been in. It to do so, on more Solyndras. Isn't that fice, had asked a retired military, resays unless you vote with the United a great thing?

We will be able to fund more cronv capitalism. Somebody wants to come in and claim they're going to create some kind of solar product, then this administration will take a good look at it; and there's a good chance if you're a Republican you can forget it, but if you're not, you may very well be the next Solyndra to get money appropriated for you. And heck, we may even have one of the administrations step in when the United States, as a creditor, wants to stand in line and get repaid for loans that are made and downgrade those loans and put other unsecured creditors in front, just as the administration did in the bailout of the auto manufacturers, turn the Constitution upside down, deprive people with property of due process. There's a lot of good money to do those good projects that the President has been doing for the last 3 years.

So, Mr. Speaker, I hope that in the days ahead, as people hear more and more complaining and whining from the administration about there not being any money, gee, we're going to have to raise taxes, I hope that there will be people in America that will look at these figures and say: Enough whining. Let us tell you about a shortage of money. You keep taking our money in taxes and sitting on it in your Departments. Enough is enough. It's time to be accountable. It's time to let money be in the hands where it is earned so we can get this economy going again.

One thing is for sure. Even though we've spent more money than any nation in history no matter how you want to look at it, whether it's in dollars or whether it's in percentage of GDP, this administration has been on a course for ruin; and I just hope that as this administration continues to follow the lead of countries like Greece, Italy, Spain, others in economic trouble, that hopefully, before we go over the cliff with them, there will be enough of us that can stop the wagon train and get us back on the right road to prosperity.

Quick recap: \$687 billion that has been appropriated or unobligated, unspent from 2010 and 2011, so we shouldn't hear any more bellyaching about there being a shortage of money by this administration. It's time to help the American people, not the bloated government.

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

### □ 1710

# SUNSHINE AND APPLE PIE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. Thank you, Mr. Speaker. I appreciate the time. I appreciate your giving me a moment to set up my charts, because I've got some pretty ones down here, and I'm sorry you can't see them, Mr. Speaker.

I've got here the White House. The White House isn't the President's house. It's our house. Every time I drive by, Mr. Speaker, every time I go past, I think, you know what? I own that. I may live in a little old apartment of my own, but when I drive by the White House, I think, I own a piece of that. That house belongs to me. I do hope every American believes that same thing. It is our house. So, if you have not gone to your Member of Congress to try to get a tour of the White House, I encourage you to do it. I encourage you to do it because it belongs to you, and Presidents, Republican and Democrat alike, open up those doors so that we can see our White House in America, Mr. Speaker. It's a symbol of freedom around the world.

I printed this one up in full color. I spent a little extra. I'm pretty thrifty in my budget. If you know anything about me, not only do we cut our budget here in the United States House of Representatives, but I cut mine another 10 percent. Beyond that, we're going to give back about \$300,000 to the American taxpayer, but we spent the extra money to put down the blue sky of optimism because this is the President's election night victory speech in 2008. Do vou remember it? Do vou remember it, Mr. Speaker?—because I remember it. I remember the promise of a better day, and here it is as he's talking about bipartisanship, because it gets a lot of lip service in this body, Mr. Speaker, but it takes hard work. It takes hard work. Here we go. He is talking about bipartisanship and about partisanship in particular. He says:

I will resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for far too long.

He hadn't been sworn in yet. The inauguration hadn't happened yet. His victory speech 2008:

I will resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for far too long.

That inspires me, Mr. Speaker. Would that it be true.

Let's move past full color to the stark black and white, which is the world we're living in today. Here is the President from last month, giving up on that commitment of bipartisanship. When questioned about the partisan angle that he took throughout the Social Security debate, throughout the doc fix debate, throughout the unemployment debate, he concluded:

It was gonna take more than a year. It was gonna take more than 2 years. It was gonna take more than one term. Probably takes more than one President.

Mr. Speaker, you know as well as I know we've only been in this institution just over 1 year now. It does not take time. It takes courage to make things happen in this body. It does not take hours. It takes "I do's." It takes somebody standing up and saying, "I will be responsible for that," which the President did. He said:

I will be responsible for ushering a new era into Washington, D.C.

As a freshman legislator, I took him at his word. Four years later, here we are. Can't do it in a year. Can't do it in 2 years. He couldn't do it in 3 years, and now he says it probably takes more than one President. It might take a different President, but he says it's going to take more than one.

Let me take you back to sunshine and apple pie, Mr. Speaker, because that's what we're about here in America. We thrive on challenges. We thrive on opportunities to do better. We want one generation to do better than the previous generation, and we want the next generation to do better than our generation. Here is what President Obama says in August 2008 in talking about his Vice Presidential pick:

After decades of steady work across the aisle, I know he'll—in talking about Senator BIDEN, now Vice President BIDEN—be able to help me turn the page on the ugly partisanship in Washington so we can bring Democrats and Republicans together to pass an agenda that works for the American people.

Who doesn't believe in that, Mr. Speaker? Who doesn't believe in that? Who doesn't believe it's not necessarily compromise and that it can be consensus? Who doesn't believe on coming together to pass an agenda that works for the American people?

You do, Mr. Speaker. I do.

I'll take you back to the stark black and white of where we've come, of President Obama in November 2010, a year ago. When talking about why it is his administration has taken on such a partisan tone, he says this:

I neglected some of the things that matter a lot to people, and rightly so that they matter: maintaining a bipartisan tone in Washington. I'm going to redouble my efforts to go back to some of those first principles.

Mr. Speaker, you and I came here for the same reason. We came here to get stuff done for our constituents back home. We came here to uphold the Constitution and the freedoms that it preserves for our constituents back home. We've been stuck in an environment in Washington, D.C., where the Senate refuses to act on any of the legislation that we put forward and where it refuses to act on any of its own legislation. Then we have a President who says this about his leadership in this town:

I neglected some of the things that matter a lot to people, and rightly so that they matter: maintaining a bipartisan tone in Washington. I'm going to redouble my efforts to go back to some of those first principles.

Mr. Speaker, that's the funny thing about principles. You're not supposed to have to go back to them. You're supposed to stick with them day in, day out, in good times, in bad times. It's easy to have principles in the good times. Whoo, it's easy. It's when times get tough that principles really matter. This was a year ago, Mr. Speaker. The President is going to redouble his efforts to go back to some of those first principles of his, which is ending the partisan tone in Washington, D.C., in November 2010.

Now, folks know what happened in November of 2011. We began the discussion of what to do to solve health care issues for our seniors because Medicare reimbursement rates were on their way down, and seniors might not have had access to care, and we wanted to protect our seniors to make sure that that access to care existed. We had unemployment benefits that were getting ready to expire, and we had folks who were depending on those benefits and who were trying to sort out how it was that we would continue those and reform that program so it wouldn't just provide a check but provide a way back to employment.

We had Social Security, the payroll tax break that the President instituted in December of 2011, which was right after he made this comment that reduces the Social Security contributions of every working American by a third but does nothing to change the benefits that those working Americans get back when they retire, thus accelerating the bankruptcy of the Social Security Trust Fund, not to mention breaking that link that has been omnipresent in this country. With Social Security, it is not an entitlement in the welfare sense of the word. It is an entitlement in that you paid into it, and so you have earned it. You deserve it. We're changing that linkage for the very first time.

Following that debate, I wake up in the morning down in the Seventh District of Georgia, in the northern suburbs there of Atlanta. I was in Gwinnett County. I wake up to find out the President has made recess appointments. Ah, I've got to tell you I went through the roof, but you might not have gone through the roof, Mr. Speaker. I don't know where everybody was, all 300 million Americans, where they were when they woke up to that news that morning or where they were with regard to their Constitution. I carry mine. I know you carry yours, Mr. Speaker, and I would encourage anybody who doesn't have one to contact another Member of Congress. We can absolutely get you the United States Constitution, the rule book by which everything we do here should be

judged—should be judged. It's why recess appointments matter, Mr. Speaker.

What I have here is article II, section 2 of the United States Constitution. It's clause 3. I'll back up just a little bit and make it clear for folks who haven't studied their Constitution recently that article I delegates the legislative powers to the United States Congress.

#### $\Box$ 1720

Article I, the very first order of business of our Founding Fathers in framing our Republic was to protect the people's powers here in the people's House and in the United States Senate, article I.

Article II vests power in the Executive. Article II, section 2, clause 3: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

It seems pretty straightforward, but it is not. That is what it so wonderful about our Constitution. Our Founding Fathers had the wisdom to say enough without saying too much.

Shortly after the ratification of the Constitution, Alexander Hamilton was writing on this topic. When he read this very same clause, he read this: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate." What Alexander Hamilton saw is that the only vacancies that can be filled are those vacancies that occur during a recess of the Senate; not vacancies that are getting filled then, but vacancies that actually occurred then.

This is important language. It is important language because I live 640 miles away from the United States Capitol. I happen to travel with my friends at Delta, and they get me here in an hour and a half; but if I had to get on my horse and ride, it would take a little while.

There is good reason there was recess appointments going on in the founding of this Republic, Mr. Speaker. I hope we can get back to having more recesses here. Why in the world we have let this Congress evolve into a fulltime job that takes place year round. I do not know. The general assembly in Georgia meets for 40 days out of the year. I tell folks back home I will have achieved success when it is we in Washington, D.C., who only meet for 40 days out of a year because we have sent that power that has been gradually stolen from the people, stolen from the community, stolen from the States, and return that power to those communities.

But it was a real issue in the early days of our Republic that if there was a recess, we wanted to give the President the power to continue the Republic even when you couldn't get a hold of the United States Senate for con-

firmation. Well, in the age of iPads and BlackBerrys and fax machines, it is not that hard to get in touch with folks. It is easy to reconvene the Senate. But still on the books today, "The President shall have the power to fill up all vacancies that may happen during the recess of the Senate."

You may be asking, ROB, why do you even care about this? You are in the House. This doesn't concern you. Let me tell you, this concerns me and it concerns every American because it concerns the rule book by which our Republic is governed. If we decide that the rule book doesn't matter, it will be something small today and it is going to be something medium-sized tomorrow, and it is going to be something huge a year from now, and the freedoms that our Constitution has so ably protected for over 200 years will soon be gone.

This isn't a partisan fight. This is an American fight. I will tell you that when we had a Republican President in the White House and Republican Members controlling this U.S. House and Republican Members controlling the U.S. Senate, power left this House and went down to the executive branch. Republicans allowed legislative power to leave this House and get transferred to the executive branch.

We have got to be on duty all the time. It is not Republican/Democrat; it is Executive/U.S. House. Why? Because when our framers were framing the Constitution, they knew tyranny of the Executive was what was to be feared. King of England. Tyranny of the Executive was what was to be feared, and so they invested most of the power in the Congress, in the House, in the Senate. This is where our framers trusted that power to reside, but they gave the President the power to make appointments in recess of the Senate.

Why is this important at all? Article II, section 2, clause 2, which is known as the advice and consent clause: The President "shall have the power, by and with the advice and consent of the Senate, to make treaties, provided twothirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, and Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for."

Hear this: The President absolutely, positively has the power to appoint whomever he wants, by and with the advice and consent of the United States Senate. If the Senate is not in session, clause 3 takes over during those times. The President shall have the power to fill those vacancies, and it shall not extend past that one session.

Well, Mr. Speaker, what happened over Christmas, as the rights and privileges of the American people were stolen out from under us here in the United States House and Senate and transferred to the executive branch, is that the President said—and you will remember the quote. He said: If I can't do it with Congress, I will go around Congress.

Do you remember that?

If I can't pass my agenda with Congress, I will go around Congress.

Tyranny of the Executive, the most fundamental fear our framers had. The most fundamental fear was that an Executive would decide that he or she could do whatever they wanted without the consent of the government.

We have to stand up as Republicans and Democrats and say there is a right way and a wrong way to run this town, that there is a rule book by which this town is governed, that there is 200 years of precedent that tells us how appointments must occur, how that advice must occur when those appointments can be made.

If you followed any of this—and we'll talk about this more in the weeks to come because it goes to the bedrock of our Republic. Again, if you let your reverence for the Constitution slide when it is convenient for you, you're going to find it pulled out from under you when you need it most.

Mr. Speaker, I know that when you swore your oath to the people of this country, you swore your oath not to protect the Constitution from Democratic Presidents, not to protect the Constitution from Republican Presidents, but to protect the Constitution from all enemies foreign and domestic. Your oath, whether there is a Republican in the White House or a Democrat in the White House, is to make sure that the people's power remains here with the people. We legislate and the President executes.

This isn't a mystery. This isn't something I came up with in the Seventh District of Georgia. This is something President Bush and Senator Harry Reid struggled with during the Bush administration. This is something all Congresses and Presidents struggle with. The struggle is not new. The complete abdication of constitutional responsibility, that is new. The deciding that if you can't do it with the Constitution, you will go around the Constitution, that is new.

Let me tell you what HARRY REID said, Mr. Speaker. I hold in my hand here a copy of that page from the CONGRESSIONAL RECORD.

As you can see, we record absolutely every word that goes on here. We don't want folks to be misquoted. We don't want the debate to go on and folks not to be able to remember what was said. We want to hold folks accountable to the people back home.

Let me tell you what HARRY REID said as it was recorded right here by the reporters, published in the CONGRESSIONAL RECORD.

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He said on November 16, 2007: Mr. President, the Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.

Now, I understand there's a lot of legalese that goes on here in Washington, D.C. We have the Constitution right here. Article II, section 2, clause 2; Article II, section 2, clause 3, this is the important part. This is the important part. With the advice and consent of the Senate, the President shall appoint, and the President has the power to appoint without the Senate during recess.

But now we are in what's called pro forma sessions because the Constitution also says that no body of Congress, neither the House nor the Senate, can adjourn for more than 3 days without the consent of the other body. We've seen that in some State legislatures across the country, haven't we, where folks just take their toys and go home, Mr. Speaker. They decide they don't like the way things are going, so they just leave.

The Founding Fathers 200 years ago sensed that challenge and wrote it into the fabric of our founding document that no body of Congress, neither the House nor the Senate, shall adjourn for more than 3 days without the consent of the other. And what that leaves you then with is these bodies in what they call pro forma session. We're in. We're open. Every 72 hours, the Speaker comes up here to the microphone and gavels us in. The House is open for business. When business is done, they gavel us out. Is it a full day? No, it's not. Are we in session? Yes, we are. And this is a process that has gone on for decades, in fact, dozens of decades. And in November of 2007 when Senator HARRY REID was trying to prevent President George Bush from making recess appointments, he said this: We're not going to go into recess. Hah. Hah. I've got responsibilities to the people back home, HARRY REID said, to advise and consent on all of your appointments. I think you're going to try to pull one past us when we're gone for Thanksgiving. In fact, I think you're going to try to pull one past us while we're gone for Christmas. So what am I going to do, the Senate will be coming in for pro forma sessions during the holiday to prevent recess appointments.

Mr. Speaker, this was 2007, when it was well known that the law of the land is that while the Senate is in for pro forma sessions, no President—not President Bush and not President Obama—can make appointments without the advice and consent of the U.S. Senate. November of 2007; well known. HARRY REID, presiding over the U.S. Senate, issuing those words: We will remain in pro forma session to prevent recess appointments.

And this President, whose Justice Department put together literally dozens of pages to defend this departure from constitutional tradition, to defend this rejection of 200 years of congressional precedent, to defend this going around Congress, said no, we think you can do it. The majority leader of the United States Senate knew you couldn't do it. The Framers of the Constitution knew you couldn't do it. And this President, as if it was nothing, that's what troubles me the most, Mr. Speaker, as if it was nothing, pulled together a press conference and said. I'm doing it any wav—Richard Cordray, Consumer Financial Protection Bureau. This is a confirmation that didn't occur during a recess, didn't occur during a recess. The President made his nomination while the Senate was absolutely in session. The Senate voted, Mr. Speaker, and did not confirm. Could not get the 60 votes necessary to move forward on the confirmation, took the vote, couldn't move forward. The vote occurred. It occurred in the negative.

And while the U.S. House and the U.S. Senate remained in pro forma sessions, working out those issues I talked about earlier, the doc fix for our friends on Medicare to make sure that the resources were still available for unemployment, to make sure the program was reformed and funded for Social Security taxes, to make sure that the trust fund was funded and that workers were satisfied, while all of those things were happening in this body during session, the President decided, no, in fact, we were not in session, and he would make appointments. And he started with one that had already been rejected by the United States Senate. Then went on to name three more members to the National Labor Relations Board. That was a smaller press conference for that one. Mr. Speaker, because that one was much more controversial. No press conference at all, in fact, just a press release. And then the President said: Look out. I may do more. I may do more. You know what, I kind of like this thing where I get to do whatever I want to do. I kind of like this thing where it doesn't matter what the Senate says, it doesn't matter what the Representatives of the States say, it doesn't matter what the representatives of the people say; I've got an agenda, and Congress is standing in my way. And if you'll not work with me, Congress, I will go around you.

Article II delegates authority to the Executive. Article I delegates authority to this House. Article I delegates authority to the people's House. You cannot go around the people in America. I can't do it. The President can't do it. The military can't do it. That's not what we do. Are there countries around the globe that do that? Yes, there are. Our forefathers fled those

countries to come here where the only power vested in government is that which we the people give it. Hear that, Mr. Speaker. You know it to be true. The only power held in this city in the capital of the free world, the center of free speech and freedom of religion, the beacon of hope and prosperity all across the world, every bit of power that is here is here because the American people elected to share it.

There's no inherent authority in being the President of the United States; it comes from the people. There's absolutely no authority in being a Congressman of the United States; it comes from the people.

The President has the power to execute the laws passed by this body. But he does not have the power to make new laws on his own. We've heard that from executive branch agencies across the board. The President has the power to choose who he would like to bein those positions of power in those agencies, and he can make those selections with the advice and consent of the United States Senate.

This isn't about me, Mr. Speaker. It's not even about this body. When the President tramples on the Constitution like this, he's trampling on the Senate's powers. But when he tramples on the Constitution, he tramples on my freedom, and he tramples on your freedom. And he tramples on all of our freedoms, and we cannot let it stand.

What are we going to do? Well, candidly, what makes this so troubling is the Constitution didn't actually imagine that we would ever elect an Executive that would simply go his own way. There is no slap on the wrist. We can't send the U.S. House Sergeant of Arms down there to prosecute this kind of offense. What happens is it plays itself out in the courts, and we're going to see it. Everyone who's regulated by this Consumer Financial Protection Bureau, they're going to sue. Folks who are regulated by the NLRB, they're going to sue. It's going to go across the street to the United States Supreme Court to try to decide about this division of powers. And if it gets there, folks are going to decide in favor of the very plainly written words of the United States Constitution.

But, Mr. Speaker, it doesn't have to be like this. The President said I'm going to change the tone in Washington. The President said we can work together to implement an agenda for the American people. Mr. Speaker, you stand here ready to work. I stand here ready to work. And the President said: I can't work with you, I'm going around you.

Mr. Speaker, I don't know who the President thinks we are, but I'm a mouthpiece for a million Americans back home in the Seventh District of Georgia. I come here with their hopes and dreams. You're the voice of a million constituents in your home State,

Mr. Speaker, and you come here to do their bidding. The President isn't fighting with this House, the President is fighting with the American people. And I say to you, Mr. President, if you get on the wrong side—Mr. Speaker, I encourage you to share with the President—if he gets on the wrong side of the American people, he's on the wrong side.

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We can work together, and we do work together.

And I encourage folks to watch 2012. I had great hopes, Mr. Speaker, for what would happen in 2012. And the President's very first act was not to work with Congress, but to go around Congress. The license plate of the vehicle that ran over the Constitution, Mr. Speaker, it reads Illinois. And we have to stand up and reverse.

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

Mr. WOODALL. I thank the Speaker for the time.

# LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. Pelosi) for January 17 and today on account of a family illness.

Mr. REYES (at the request of Ms. PELOSI) for today on account of illness in family.

# ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 19, 2012, at 10 a.m.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4597. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Temporary Registration of Municipal Advisors [Release No.: 34-66020; File No. S7-19-10] (RIN: 3235-AK69) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4598. A letter from the Associate Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—National Environmental Policy Act Compliance for Proposed Town Registrations, Effects of Communications Towers On Migratory Birds [WT Docket No.: 08-61, WT Docket No. 03-187) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4599. A letter from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules, Wireless E911 Location Accuracy Requirements, E911 Requirements for IP-Enabled Service Providers [GN Docket No.: 11-117] [PS Docket No.: 07-114] [WC Docket No.: 05-196] received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4600. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes [Docket No.: 111202715-1724-01] (RIN: 0694-AF46) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4601. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-146, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4602. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-136, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4603. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-124, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4604. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Registration and Licensing of Brokers, Brokering Activities, and Related Provisions (RIN: 1400-AC37) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs

4605. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category VII (RIN: 1400-AC77) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a notification pursuant to the Cooperative Threat Reduction Act of 1993; to the Committee on Foreign Affairs.

4607. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4608. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 11 [Docket No.: 0808041037-1649-02] (RIN: 0648-AX05) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4609. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Pacific Cod Fishing in the Parallel Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No.: 110207103-1113-01] (RIN: 0648-AY65) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4610. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Driggs, ID [Docket No.: FAA-2011-0837; Airspace Docket No. 11-ANM-17] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

4611. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airmorthiness Directives; Pacific Aerospace Limited Airplanes [Docket No.: FAA-2011-0971; Directorate Identifier 2011-CE-030-AD; Amendment 39-16862; AD 2011-23-11] (RIN: 2120-AA64) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4612. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; Evaluation of Amyotrophic Lateral Sclerosis (RIN: 2900-AN60) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4613. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty Revised Loan Modification Procedures (RIN: 2900-AN78) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4614. A letter from the TTB Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Fort Ross-Seaview Viticultural Area [Docket No.: TTB-2011-0004; T.D. TTB-98; Re: Notice Nos. 34, 42, and 117] (RIN: 1513-AA64) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4615. A letter from the TTB Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Coombsville Viticultural Area [Docket No.: TTB-2011-0006; T.D. TTB-100; Ref: Notice No. 119] (RIN: 1513-AB81) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4616. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 482: Methods to Determine Taxable Income in Connection With a Cost Sharing Arrangement [TD 9568] (RIN: 1545-B147) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4617. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Use of Differential Income Stream as a Consideration in Assessing the Best Method [TD 9569] (RIN: 1545-BK72) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 200. A bill to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes (Rept. 112–367). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2070. A bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the nation on June 6, 1944, the morning of D-Day; with an amendment (Rept. 112–368). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2087. A bill to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; with an amendment (Rept. 112–369). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2336. A bill to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System; with an amendment (Rept. 112–370). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2752. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to conduct onshore oil and gas lease sales through Internet-based live lease sales, and for other purposes; with an amendment (Rept. 112-371). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2236. A bill to provide for the issuance of a Wildlife Refuge System Conservation Semipostal Stamp (Rept. 112-372, Pt. 1). Ordered to be printed.

# PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

# By Mr. LAMBORN: $\,$

H.R. 3778. A bill to amend the Congressional Budget Act of 1974 to establish a point of order to prohibit the extension of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

# By Mr. OWENS:

H.R. 3779. A bill to hold accountable Federal departments and agencies that fail to meet goals relating to the participation of small business concerns in procurement contracts, to authorize Federal departments and agencies to give preference to small business concerns when procuring goods or services,

and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky:

H.R. 3780. A bill to amend the Internal Revenue Code of 1986 to allow an ordinary and necessary business expense deduction for contributions to regional infrastructure improvement zones, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. Jackson of Illinois, Mr. Rush, and Mr. Gutterrez):

H.R. 3781. A bill to amend title 18, United States Code, to provide a criminal penalty for torture committed by law enforcement officers and others acting under color of law; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. CAMP-BELL, Mr. CHAFFETZ, Mr. DOGGETT, DOYLE, Ms. ESHOO. FARENTHOLD, Mr. HONDA, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. Polis, Ms. Speier, Mr. Thompson of California, Mr. Johnson of Illinois, STARK. Mr. LANGEVIN. Mr. Mr. MCHENRY, Mr. GEORGE MILLER of California, Mr. Ross of Florida, Mr. SENSENBRENNER, Mr. HASTINGS of Florida, Mr. BACHUS, Mr. ELLISON, Mr. GRIJALVA, Mr. DEFAZIO, and Ms. WOOLSEY):

H.R. 3782. A bill to amend the Tariff Act of 1930 to address unfair trade practices relating to infringement of copyrights and trademarks by certain Internet sites, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of South Carolina (for himself, Mr. Higgins, Mr. Mack, Mr. McCaul, Mrs. Myrick, Ms. Hochul, Mr. Meehan, Mr. Canseco, Mr. King of Iowa, Mr. Hultgren, Mr. Franks of Arizona, Mr. Walsh of Illinois, Mr. Hunter, Mr. Royce, Mr. Pitts, Mrs. Blackburn, Mrs. Lummis, Mr. Austria, Mr. Desjarlais, Mr. Quayle, Mr. Culberson, Mr. Calvert, Mr. Burton of Indiana, Mr. Poe of Texas, Mr. Bilirakis, and Mr. Lamborn):

H.R. 3783. A bill to provide for a comprehensive strategy to counter Iran's growing presence and hostile activity in the Western Hemisphere, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KUCINICH (for himself, Ms. WOOLSEY, Mr. CONYERS, Mr. LANGEVIN, Ms. FUDGE, and Mr. FILNER):

H.R. 3784. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3785. A bill to repeal section 1021 of the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 3786. A bill to ensure clarity of regulations to improve the effectiveness of Federal regulatory programs while decreasing burdens on the regulated public; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CICILLINE (for himself, Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. McDermott):

H.R. 3787. A bill to amend the Congressional Budget Act of 1974 to require a jobs score for each spending bill considered in Congress; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois:

H.R. 3788. A bill to ensure that State and local E911 fees, taxes, and surcharges are imposed in a fair and equitable manner with respect to prepaid mobile services; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Bv Ms. DELAURO:

H.R. 3789. A bill to amend the Truth in Lending Act to establish clear regulatory standards for mortgage servicers, and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL (for himself, Mr. Tiberi, Mr. Frank of Massachusetts, Ms. Norton, Mr. Ellison, Mr. Grijalva, and Mr. Hinchey):

H.R. 3790. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare Program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS:

H.R. 3791. A bill to amend the Securities Exchange Act of 1934 to require annual disclosures relating to the compensation brackets in which an issuer's minority and women employees reside; to the Committee on Financial Services.

By Mr. ROGERS of Kentucky (for himself, Mr. Yarmuth, and Mr. Guthrie):
H.R. 3792. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Mill Springs Battlefield located in Pulaski and Wayne Counties, Kentucky, and the feasibility of its inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. SHULER:

H.R. 3793. A bill to establish State infrastructure banks for education; to the Committee on Education and the Workforce.

By Mr. STUTZMAN:

H.R. 3794. A bill to repeal the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973; to the Committee on Education and the Workforce.

By Mr. YARMUTH (for himself, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. Cohen, Mr. Conyers, Mr. Davis of Illinois, Mr. FILNER, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. JACK-SON of Illinois, Ms. JACKSON LEE of Texas, Mr. McDermott, Mr. Meeks, Mr. Moran, Mr. Peters, Ms. Roybal-ALLARD Ms SEWELL and Mr. Towns):

H.R. 3795. A bill to establish a grant program to preserve the legacy and ideals of Muhammad Ali and promote global respect, understanding, and communication, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KUCINICH:

H.J. Res. 100. A joint resolution proposing an amendment to the Constitution of the United States regarding the use of public funds to pay for campaigns for election to Federal office; to the Committee on the Judiciary.

By Mr. REED:

H. Con. Res. 96. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. NUGENT (for himself, Mr. POSEY, Mr. WILSON of South Carolina, Mr. KINZINGER of Illinois, Mr. NEUGEBAUER, Mr. GRIFFIN of Arkansas, Mr. GARDNER, Mr. DUNCAN of South Carolina, Mr. LATTA, Mr. COLE, Mr. Cassidy, Mr. Rooney, Mr. Denham, Mrs. Roby, Mrs. Miller of Michigan, Mr. Olson, Mr. Conaway, Mr. Roskam, Mr. Bachus, Mr. BUCSHON, Mr. NUNNELEE, Mr. SCOTT of South Carolina, Mr. HUIZENGA of Michigan, Mrs. Adams, Mrs. Ellmers, Ms. Ros-Lehtinen, Mr. AMODEI, Mr. WEST, Mr. WOODALL, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. ROKITA, and Mr. Young of Florida):

H. Res. 516. A resolution expressing the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance; to the Committee on the Budget.

By Mr. ROGERS of Kentucky (for himself, Mr. DAVIS of Kentucky, Mr. YARMUTH, Mr. GUTHRIE, and Mr. CHANDLER):

H. Res. 517. A resolution to commemorate the 150th Anniversary of the Battle of Mill Springs and the significance of this battle during the Civil War; to the Committee on Natural Resources.

By Ms. SEWELL (for herself, Mr. Bon-NER, Mrs. Roby, Mr. Aderholt, Mr. Brooks, Mr. Rogers of Alabama, and Mr. Bachus):

H. Res. 518. A resolution congratulating the University of Alabama Crimson Tide football team for winning the 2011 Bowl Championship Series National Championship; to the Committee on Education and the Workforce.

By Ms. WATERS:

H. Res. 519. A resolution honoring Apostle Frederick K.C. Price on his 80th birthday; to the Committee on Oversight and Government Reform.

By Ms. WATERS:

H. Res. 520. A resolution recognizing the significance of the 45th anniversary of Kwanzaa Week; to the Committee on Oversight and Government Reform.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LAMBORN:

H.R. 3778.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 2.

By Mr. OWENS:

H.R. 3779.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7: Appropriations and Accounting of Public Money.

By Mr. DAVIS of Kentucky: H.R. 3780.

Congress has the power to enact this legis-

lation pursuant to the following:

Article I, Section 8 of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. DAVIS of Illinois:

H.R. 3781.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, U.S. Constitution

By Mr. ISSA:

H.R. 3782.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of Article I of the Constitution.

By Mr. DUNCAN of South Carolina: H.R. 3783.

Congress has the power to enact this legislation pursuant to the following:

"This bill follows the Constitutional prerogatives of Congress under Article I, Section 8, pertaining to the clauses to 'provide for the common Defense' and 'make Rules for the Government.'"

By Mr. KUCINICH:

H.R. 3784.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8.

By Mr. PAUL:

H.R. 3785.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8

By Mr. BRALEY of Iowa:

H.R. 3786.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitu-

By Mr. CICILLINE:

H.R. 3787.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. DAVIS of Illinois:

H.R. 3788.

Congress has the power to enact this legislation pursuant to the following:

Section 5 of the 14th Amendment to the Constitution and Congress' plenary power under Article I, Section 8, Clause 3 of the Constitution (commonly known as the "commerce clause"), in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new

selective and excessive taxes and other burdens on such providers and consumers.

By Ms. DELAURO:

H.R. 3789.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Mr. ISRAEL:

H.R. 3790.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States. Article 1, Section 8, Clause 18 of the Constitution of the United States.

By Mr. MEEKS:

H.R. 3791.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8

By Mr. ROGERS of Kentucky:

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

Article 4, Section 3, Clause 2

By Mr. SHULER:

H.R. 3793.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1 gives Congress the authority to "provide for the common defense and general welfare of the United States.'

Article 1 Section 8 Clause 3 gives Congress the authority to "regulate commerce with foreign nations, and among several states."

By Mr. STUTZMAN:

H.R. 3794.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 9 of article I of the Constitution of the United States, which states "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . " and clause 1 of section 8of article I of the Constitution provides that Congress shall have the Power "to pay the Debts and provide for the common Defence and general Welfare of the United States Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. YARMUTH:

H.R. 3795.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the U.S. Constitu-

By Mr. KUCINICH:

H.J. Res. 100

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. PINGREE of Maine, Ms. CLARKE of New York, Mr. FARR, Mr. CLEAVER, Ms. TSONGAS, and Mr. FLEMING.

H.R. 83: Ms. NORTON.

H.R. 104: Mr. SCHRADER and Mr. MARCHANT.

H.R. 139: Mr. Clarke of Michigan.

H.R. 190: Mr. STARK.

H.R. 303: Mr. INSLEE.

- H.R. 350: Mr. Brady of Pennsylvania.
- H.R. 374: Ms. HERRERA BEUTLER and Mr. MURPHY of Pennsylvania.
- H.R. 402: Mr. MORAN.
- H.R. 431: Mr. MILLER of Florida.
- H.R. 459: Mrs. Bono Mack, Mr. Berg, and Mr. Lewis of California.
  - H.R. 507: Mr. Meehan and Mr. Platts.
  - H.R. 511: Mr. Young of Florida.
  - H.R. 544: Ms. HAHN.
  - H.R. 555: Mr. Sablan.
  - H.R. 572: Ms. HAHN.
- H.R. 607: Mr. CRITZ and Mrs. CHRISTENSEN.
- $H.R.\ 733;\ Mr.\ GRIJALVA,\ Mr.\ CONYERS,\ and\ Mr.\ CRAWFORD.$ 
  - H.R. 856: Mr. AMODEI.
  - H.R. 883: Mr. McDermott.
  - H.R. 890: Mr. RIBBLE.
  - H.R. 954: Mr. MILLER of Florida.
- H.R. 974: Mr. Conyers and Mr. Jackson of Illinois.
- H.R. 1124: Mr. CICILLINE.
- H.R. 1154: Mr. CONNOLLY of Virginia.
- H.R. 1167: Mr. GARDNER.
- H.R. 1195: Mr. KINZINGER of Illinois.
- H.R. 1265: Mr. MILLER of Florida.
- H.R. 1288: Mr. MORAN.
- H.R. 1332: Mr. MILLER of North Carolina, Ms. WILSON of Florida, Ms. RICHARDSON, Mr. McDermott, Mr. Andrews, Mr. Graves of Missouri, Mr. Gerlach, Ms. Bordallo, Mr. Meehan, Mr. Runyan, and Mr. Lance.
  - H.R. 1417: Ms. Woolsey.
  - H.R. 1418: Ms. HANABUSA.
  - H.R. 1558: Mr. ALEXANDER.
  - H.R. 1614: Ms. Brown of Florida.
- H.R. 1639: Mr. JOHNSON of Illinois and Mr. GOWDY.
- H.R. 1697: Mr. PALAZZO, Mr. ADERHOLT, Mr. WOMACK, and Mr. REHBERG.
- H.R. 1704: Mr. BUTTERFIELD, Mr. JOHNSON of Georgia, Mr. MEEHAN, Mr. McDERMOTT, and Mr. LANCE.
- H.R. 1738: Mr. PLATTS and Mr. TURNER of Ohio
- H.R. 1775: Mr. McCotter.
- H.R. 1792: Mr. VAN HOLLEN.
- H.R. 1903: Mr. HONDA.
- H.R. 1916: Mr. MARKEY.
- H.R. 1960: Mr. MORAN.
- H.R. 2014: Mr. Ross of Arkansas and Mr. Thompson of Mississippi.
- H.R. 2026: Mr. ELLISON and Ms. McCollum.
- H.R. 2162: Mr. Ross of Florida.
- H.R. 2179: Mr. DIAZ-BALART, Mr. CASSIDY, Mr. CONAWAY, and Mr. NUNNELEE.
- H.R. 2238: Mr. Inslee.
- H.R. 2247: Ms. NORTON.
- H.R. 2288: Mr. Polis. H.R. 2305: Ms. Tsongas.
- H.R. 2335: Mr. JONES.
- H.R. 2357: Mr. PALAZZO.
- H.R. 2377: Mr. McIntyre.
- H.R. 2397: Mr. Ross of Florida.
- H.R. 2414: Mr. FARENTHOLD.
- $\rm H.R.$  2418: Mr. Loebsack, Mr. McIntyre, Mr. Walz of Minnesota, Mr. Kind, and Mr. Luetkemeyer.
  - H.R. 2453: Mr. KLINE.
  - H.R. 2459: Mr. PALAZZO.
- H.R. 2536: Ms. Chu, Mr. Grimm, Mr. Lance, Mr. McDermott, Mr. Meehan, and Mr. Platts.
  - H.R. 2542: Mr. MILLER of Florida.
- H.R. 2595: Mr. MORAN, Mr. LEWIS of Georgia, Mr. McDermott, Mr. Honda, and Mr. Towns

- H.R. 2604: Mr. HIGGINS.
- H.R. 2634: Mr. HONDA.
- H.R. 2649: Mr. Boren, Mr. Gene Green of Texas, Mr. Owens, and Mr. Sullivan.
- $H.R.\ 2652$ : Mr. RIBBLE and Mr. Ross of Florida.
- H.R. 2679: Ms. Moore, Ms. BALDWIN, and Ms. WOOLSEY.
- H.R. 2682: Ms. MOORE
- H.R. 2705: Mr. Welch and Ms. Speier.
- H.R. 2733: Mr. KING of New York.
- H.R. 2741: Mr. HINCHEY.
- H.R. 2746: Mrs. Napolitano.
- H.R. 2810: Mr. RIBBLE.
- H.R. 2902: Mr. GRIJALVA.
- H.R. 2948: Mr. WAXMAN and Mr. McDermott.
- $H.R.\ 2954;\ Mr.\ Keating.$
- H.R. 2982: Mr. WEST.
- H.R. 3001: Mr. Lewis of California, Mr. AMODEI, Mr. LOBIONDO, Mr. BASS of New Hampshire, Mr. Frelinghuysen, Mr. Tiberi, Mr. Dold, Mr. LaTourette, Mr. Nunes, Mr. KUCINICH, Mr. HUNTER, Mr. SMITH of Texas, Mr. Stivers, Mr. Hultgren, Mrs. McMorris RODGERS, Mr. REICHERT, Mr. CASSIDY, Mr. FORTENBERRY, Mr. FRANK of Massachusetts, Mrs. Capito, Mr. Gosar, Mr. Rokita, Mr. BERG, Mr. CLARKE of Michigan, Mr. JOHNSON of Georgia, Mrs. Christensen, Mr. Payne, Ms. Clarke of New York, Ms. Wasserman SCHULTZ, Mr. HANNA, Mr. PENCE, Mr. WEST-MORELAND, Mr. RENACCI, Mrs. LOWEY, Mr. RUPPERSBERGER, Mr. POLIS, Mr. HECK, Mr. JACKSON of Illinois, Mr. SCHOCK, Mr.QUIGLEY, Mr. WAXMAN, and Mr. COSTELLO.
- H.R. 3053: Mr. STARK.
- H.R. 3087: Mrs. Adams.
- H.R. 3096: Mr. WITTMAN and Mr. Posey.
- H.R. 3187: Mr. GIBSON and Ms. BALDWIN.
- H.R. 3203: Mr. MULVANEY. H.R. 3208: Mr. MULVANEY.
- H.R. 3209: Mr. MULVANEY.
- H.R. 3210: Mr. Posey.
- H.R. 3211: Mr. SCHOCK.
- H.R. 3215: Mr. BILIRAKIS.
- H.R. 3216: Mr. STIVERS, Mr. LUJÁN, and Mr. SCHWEIKERT.
- H.R. 3259: Mr. RYAN of Ohio, Mr. PRICE of North Carolina, Mr. JACKSON of Illinois, and Mr. TOWNS.
- H.R. 3265: Mr. DESJARLAIS and Mr. RIBBLE.
- $H.R.\ 3300:\ Mr.\ Towns,\ Mr.\ Grijalva,\ and\ Mr.\ Carson of Indiana.$
- $\rm H.R.~3324;~Mr.~ROTHMAN~of~New~Jersey~and~Mr.~Sires.$
- H.R. 3340: Mr. FILNER.
- $\rm H.R.$  3399: Ms. Brown of Florida and Mr. Boren.
- H.R. 3409: Mr. BERG.
- H.R. 3437: Mr. YARMUTH.
- H.R. 3474: Mr. Murphy of Pennsylvania.
- H.R. 3483: Ms. LEE of California, Mr. BRADY of Pennsylvania, and Ms. LINDA T. SÁNCHEZ of California.
- H.R. 3501: Mr. Pence, Mr. Young of Indiana, Mr. Bucshon, Mr. Burton of Indiana, Mr. Visclosky, Mr. Donnelly of Indiana, Mr. Carson of Indiana, and Mr. Rokita.
  - H.R. 3506: Ms. JENKINS.
- H.R. 3523: Mrs. McMorris Rodgers, Mr. Sullivan, Mr. McKinley, Ms. Ros-Lehtinen, Mr. Coffman of Colorado, and Mr. Goodlatte.
- H.R. 3525: Ms. FUDGE.
- H.R. 3527: Mr. MATHESON.
- H.R. 3553: Mr. DEFAZIO.

- H.R. 3554: Mr. DEFAZIO.
- H.R. 3555: Mr. DEFAZIO and Mr. CLARKE of Michigan.
  - H.R. 3573: Mr. COHEN.
  - H.R. 3578: Mr. MULVANEY and Mr. BERG.
  - H.R. 3581: Mr. Scott of South Carolina.
- H.R. 3582: Mr. McHenry, Mr. Woodall, Mr. Pitts, Mr. Huelskamp, Mr. Barton of Texas, Mr. Walberg, Mr. Kingston, Mr. Pearce, Mr. Harris, Mr. Quayle, Mr. Posey, Mr. Culberson, Mrs. Blackburn, and Mr. Franks of Arizona.
- H.R. 3583: Mr. WALBERG, Mr. QUAYLE, Mr. AUSTIN SCOTT of Georgia, Mr. PITTS, Mrs. LUMMIS, and Mr. GOHMERT.
  - H.R. 3600: Mr. Coffman of Colorado.
  - H.R. 3606: Mr. OWENS.
- H.R. 3608: Mr. NUNNELEE.
- H.R. 3609: Mr. ROE of Tennessee, Mr. KINGSTON, Mr. AUSTIN SCOTT of Georgia, Mr. PITTS, Mrs. LUMMIS, Mr. GOHMERT, Mr. WALBERG, Mr. HUIZENGA of Michigan, Mr. ROSS of Florida, and Mr. AMASH.
- H.R. 3612: Mr. RANGEL, Mr. WELCH, Mr. COURTNEY, Mr. MICHAUD, Mr. BUTTERFIELD, Mr. CRITZ, Mr. ROSS of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. GALLEGLY, and Mr. NUGENT.
  - H.R. 3634: Mr. Duncan of South Carolina.
  - H.R. 3643: Mr. PETRI and Mr. AMODEI.
  - H.R. 3646: Mr. Braley of Iowa.
- H.R. 3662: Mr. Heck, Mr. Crenshaw, Ms. Foxx, Mr. Ross of Florida, Mr. Cole, Mr. Johnson of Ohio, and Mr. Culberson.
- H.R. 3676: Mr. Scott of South Carolina, Mr. Jones, and Mr. Heck.
- H.R. 3687: Ms. LINDA T. SÁNCHEZ of California.
- H.R. 3695: Ms. BORDALLO and Ms. RICHARD-SON.
- H.R. 3713: Mr. Coble and Mr. McNerney.
- H.R. 3750: Mr. RANGEL.
- H.R. 3760: Mr. LANCE.
- H.R. 3762: Ms. Brown of Florida. H.R. 3767: Mr. Griffin of Arkansas.
- H.R. 3770: Mr. Latta, Mr. Fleming, Mr. Huelskamp, Mr. Cole, Mr. Neugebauer, Mr. Price of Georgia, Mr. Lamborn, Mr. Kingston, Mr. Huizenga of Michigan, and Mr. Gohmbert.
  - онмект. H.J. Res. 72: Mr. Farr.
  - H.J. Res. 86: Mr. LUJÁN.
- H.J. Res. 97: Mr. JACKSON of Illinois and Ms. Lee of California.
- H.J. Res. 98: Mr. FLORES, Mr. SCOTT of South Carolina, Mr. NEUGEBAUER, and Mr. ROONEY.
- H. Res. 111: Ms. BALDWIN, Mr. OWENS, and Mr. HUNTER.
  - lr. HUNTER. H. Res. 220: Mr. CHABOT.
  - H. Res. 225: Mr. McDermott.
- H. Res. 484: Mr. DANIEL E. LUNGREN of California.
- H. Res. 509: Mr. HALL, Mr. CHABOT, Mr. OLSON, Mr. PEARCE, and Mr. RIBBLE.

# DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 3261: Mr. HOLDEN and Mr. TERRY.
- H.R. 3622: Mr. TIBERI.

# EXTENSIONS OF REMARKS

THE PASSING OF SAN FRANCISCO LABOR LEADER WALTER JOHNSON

## HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Ms. PELOSI. Mr. Speaker, with the passing of Walter Johnson, the working men and women of San Francisco have lost an extraordinary champion and a powerful advocate; our nation has lost a strong voice for economic justice. Many of us in Congress were proud to call him a friend.

Walter Johnson was a giant in the labor movement, who dedicated his life to advancing and expanding the rights of workers—the cornerstones of a thriving middle class. He championed fair pay for a full day's work, equal rights and protection in the workplace, and social justice and opportunity for all. Walter's imprint can be seen across our city, whether in better conditions for home care workers, greater access to health care, more affordable housing options for families, or increased diversity at San Francisco City College.

Born on April 22, 1924, in Amenia, North Dakota, Walter arrived in San Francisco following three years of service in the United States Army during World War II. While working as an appliance salesman for Sears, he joined the Retail Clerks Union, where he was elected President in 1958, and in 1964 was elected Executive Officer, the top position in his local. Under Walter's leadership, the rights of women, people of color, and gay people working in retail were protected. His expert guidance resulted in his subsequent re-election over the next 11 years.

Walter was elected Secretary-Treasurer of the San Francisco Labor Council in 1985 and held that post until he retired in 2004. From that powerful perch, he fought for workers' benefits, health care reform, and workplace equality. Walter educated, enlightened and mobilized union members to fight the unjust and unfair practices that existed in the workplace. He had a special talent for negotiation, helping to settle many contentious disputes.

Walter possessed unflinching moral courage. He spoke out against the Vietnam War, even though it was supported by the AFL-CIO national leadership. He was one of the first labor leaders to give unconditional support to the gay rights movement. Even after his retirement, he was active in labor demonstrations, where he walked picket lines and was arrested at sit-ins.

A humanitarian, Walter's friendships extended far beyond the labor community. He was known by all, from the owner of the corner store to the homeless person on the street. His friends were blessed by his generous nature, his wry sense of humor, and his penchant for storytelling. He was rarely with-

out a personal anecdote or a footnote from history.

Walter Johnson's life was a story of extraordinary courage, leadership, and service to the labor community and the people of San Francisco. His legacy will live on in our continued pursuit of fairness and workers' rights in our city and across the country.

We hope it is a comfort to Walter's son Lawrence, his daughter Emily Davis, his grandchildren and a multitude of friends and loved ones, that so many share their grief and are praying for them at this sad time.

HONORING NANCY B. KELLEHER

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the accomplishments of Nancy B. Kelleher of Scarborough, Maine, on the occasion of her retirement as AARP's Maine State Director.

Maine has the highest median age in the United States, and our state's seniors depend on a strong advocate for the issues that matter most to them: greater access to affordable health care and financial security. Since 2008, Nancy Kelleher has served Maine's 228,000 AARP members as State Director, spearneading legislative efforts to provide protection for Maine seniors on issues such as access to affordable health care and prescription drugs, predatory lending and homeowner protections, funding for home care services, and the repeal of the older worker penalty.

Prior to joining AARP, Nancy worked in the Speaker's Office of the House of Representatives, where she coordinated administrative and policy issues for three Speakers, and was named Chief of Staff to Speaker Steven Rowe. Nancy also served as the Deputy Secretary of State for Corporations, Elections & Commissions for former Secretary of State, Dan Gwadosky, and as the Director of the Division of Community Services, a cabinet level position under former Governor Joseph E. Brennan.

Nancy is a leader in her community. She serves on and volunteers for several health-related groups, amongst which are the Elder Abuse Task Force of Maine, the Stakeholders Group on Health INFONet, the Maine Health Management Coalition and the Aligning Forces for Quality Project. Her contributions are not limited to just health issues. Nancy volunteers for and has served as the President of the Scarborough Public Library Board of Trustees. Her additional interests include helping women and families with housing issues. Most recently she has worked with American Friends, a group that assists recent refugees to adjust to life in America. In 2002,

she was named a YWCA Woman of Achievement.

She and her husband, Edward, live in Scarborough, Maine and are the proud grand-parents of four. I wish her the best in her retirement.

Mr. Speaker, please join me in honoring Nancy B. Kelleher for her life-long dedication and service to the people of Maine.

CONGRATULATING SCOTT COSTA ON HIS TENURE AS STATE PRESIDENT OF THE CABRILLO CIVIC CLUBS OF CALIFORNIA

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. COSTA. Mr. Speaker, I rise today to extend my sincerest congratulations to Scott Costa, as he concludes his tenure as State President of the Cabrillo Civic Clubs of California. This prestigious organization is one of California's oldest and largest groups committed to promoting and preserving the memory of John Rodrigues Cabrillo, who discovered our great State in 1542. Scott's dedication to the Cabrillo Clubs, community service, and education makes him a role model and a source of pride for our community.

Scott grew up in southern California and graduated from Antelope Valley High School. Upon completion of his studies, Scott pursued a career in the hospitality industry, where he managed and sold hotel properties in El Paso, Texas, as well as Sacramento and Fresno, California. Not only is Scott a successful and savvy businessman, he is also a tireless advocate for the people of our community and California

Demonstrating his commitment to community service, Scott joined Sacramento Civic Club No. 5 in 1999 as an Honorary Member. Honorary Members are recognized for having made "outstanding contributions to the welfare and advancement of the Portuguese in California." In 2005, he became an Affiliate Member, and was eventually eligible to serve as a subordinate club officer. Scott was elected to serve as President of the Sacramento Club and completed five consecutive terms. An Active Member of the Cabrillo Civic Club by 2008, Scott was elected 2nd Vice President at the State Council Convention in 2009, which led to the State Presidency in 2011.

Continuing its long tradition under Scott's leadership, the Cabrillo Clubs of California have proudly served California's students by providing over 175 \$500 scholarships to high school seniors throughout the State. In addition, members have volunteered over 130,000 hours in a year.

Scott Costa is the proud father of Kay Lee Hinds and Rebecca Jackson of Austin, Texas; Billy Ingraham of Seattle, Washington; and Lisa and Michael Gavin of San Jose, California, grandfather of seven, and soon-to-be great-grandfather of one. He has lived at the Costa Family Farm since 2002 and has become proficient in the farming of a vineyard.

Mr. Speaker, I applaud Scott for his diligent work and many years of dedicated service to the Cabrillo Civic Clubs of California. I invite my colleagues to join me in recognizing Scott Costa's commitment, dedication, and success and wish him well as he embarks on new endeavors.

RECOGNIZING 2011-2012 FULBRIGHT GRANTEES JULIA BAILEY, GREG-ORY DE ST. MAURICE, JAY EVICK AND SETH PACKRONE

#### HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. CRITZ. Mr. Speaker, I rise to recognize four intelligent and accomplished students from my district for receiving one of the world's most competitive, merit-based grants to perform research in a foreign country. Since 1946, the Fulbright program has been fostering cross-cultural understanding and scholarly excellence by sending some of the world's brightest minds abroad to undertake innovative research projects. Julia Bailey of Latrobe, PA, Gregory De St. Maurice, also of Latrobe, Jay Evick of Waynesburg, PA, and Seth Packrone of Uniontown, PA, each received a Fulbright grant for the 2011-2012 academic year. They were given this honor on account of their outstanding leadership skills, exceptional academic credentials and penetrating interest in foreign cultures.

Julia Bailey was awarded a Fulbright-Nehru English Teaching Assistantship. She is currently a graduate student at George Mason University, where she studies international development in Africa, as well as social anthropology. She has a wealth of education policy and classroom teaching expertise, having performed a significant amount of research to promote education in the developing world, and taught English in the United States and Egypt. Her worldliness, intellect and wideranging experience make her well-suited to serve as an ambassador for American culture and scholarship abroad.

Gregory De St. Maurice was given a grant to study Anthropology in Japan. He is currently working toward a Ph.D. in Cultural Anthropology at the University of Pittsburgh. At present, his research focuses on the food culture of the city of Kyoto. Gregory's in-depth understanding of the people and traditions of Japan is laudable and will serve him well in his future studies.

Jay Evick received a grant to serve as an English teaching assistant at the Tyumen State University of Oil and Gas in Tyumen, Russia. He has spent the last four years studying Russian and linguistics at the University of Pittsburgh. Jay's ability to grasp the intricacies of Eastern European culture and complexities of the Russian language is a testament to his tremendous scholarly abilities.

Seth Packrone was awarded a teaching assistantship at Inonu University in Malatya, Turkey. Seth's passion is education reform. In the summer of 2007, he interned with Advocates for Children, a nonprofit that works to promote access to quality education for low-income, minority and special needs students. Seth has also been the recipient of an Arthur Liman Public Interest Law Fellowship. As a Liman Fellow, he researched and developed education policy with the Center for Law and Education in Washington, DC. Seth's unwavering desire to unlock the potential of young students everywhere speaks to his inherent selflessness and kindness.

Mr. Speaker, these four individuals possess an exemplary work ethic, profound intelligence and a precociously broad worldview. I am overjoyed that they have been granted such a prestigious and coveted opportunity to study and work abroad.

RECOGNIZING THE 125TH ANNIVER-SARY OF BENET ACADEMY

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. ROSKAM. Mr. Speaker, I rise today to commemorate the 125th Anniversary of Benet Academy, a Catholic Benedictine college preparatory high school located in Lisle, Illinois. On March 2, 2012, Benet will celebrate its Founder's Day, representing 125 years of dedication to academic excellence and Christian morality.

Benet Academy was founded in 1887 on the Benedictine motto "Ora et Labora," "Pray and Work." Generation upon generation of the Academy's devoted faculty and promising students have upheld this motto in a tradition that carries back 1,500 years to the Order of Saint Benedict.

I applaud Benet Academy's commitment to nurturing an atmosphere of prayer, work, and stability among its student body. Its distinctive qualities draw students from six counties, including many in Illinois' Sixth Congressional District. Benet Academy has helped students consistently achieve at rigorous academic levels while instilling the Benedictine core values of community, hospitality, respect, stewardship and love of learning.

On this special occasion, we recognize Benet Academy's rich history and faithfulness to God. We thank the Academy for its partnership with parents, who strive to educate the current generation that will become our nation's future leaders. For well over a century, Benet Academy has contributed toward this brighter future.

Mr. Speaker and Distinguished Colleagues, please join me in honoring the legacy of Benet Academy, and in wishing them continued success.

RECOGNIZING THE VIRGINIA NATIONAL GUARD'S 400 YEARS OF SERVICE TO THE COMMONWEALTH OF VIRGINIA

#### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. CANTOR. Mr. Speaker, I rise today to recognize the selfless service of the Virginia National Guard, which is now celebrating 400 years of service to the Commonwealth of Virginia and our nation.

With its roots dating back to the Jamestown Colony in the early 1600s, the Virginia Guard has established itself as one of the oldest institutions of our nation's armed forces. From protecting the colonies during the earliest days of the Commonwealth to its role in the Revolutionary War, the Virginia Guard was an essential force in the inception of our great nation.

For over four centuries, Virginia's guardsmen have come from all walks of life and volunteered to be "a guardian of freedom and the American way of life." These men and women have gone into harm's way time and time again to preserve peace and ensure their fellow citizens of the Commonwealth are kept safe. Members of the Virginia Guard also have a proud history of public service to the nation at large, including five Virginia Guard officers who later went on to become U.S. Presidents: George Washington, Thomas Jefferson, James Madison, James Monroe, and John Tyler.

More recently, the brave men and women of the Virginia Guard have again selflessly answered the call to duty. Since the terrorist attacks on September 11, 2001, over 14,000 Virginia soldiers have been deployed across the world to protect our country. The enormous sacrifice of these soldiers and their families is something for which we will forever be grateful for.

Mr. Speaker, please join me in recognizing the sacrifice and service of all past and present Virginia Guardsmen as we celebrate 400 years of courage and bravery in protecting the Commonwealth of Virginia and our country.

THE PALMER CENTER

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize The Palmer Center of Missouri's Sixth District. The Palmer Center is being honored by The National Institute for Senior Centers for meeting and exceeding the NISC standards of accreditation.

Of the 11,000 senior centers in the country, only 126 senior centers are able to achieve accreditation. The Palmer Center is one of only two sites in all of Missouri to earn that lofty distinction. Throughout the year-long process to receive the accreditation, the NISC noted the Palmer Center's innovative partnerships with various organizations and businesses throughout the community, its dynamic

health and fitness programs, and The Palmer Center's exceptionally organized and professionally operated senior program. The NISC also made special note of the most important strength of The Palmer Center, its committed and dedicated volunteer staff.

Mr. Speaker, I proudly ask you to join me in recognizing The Palmer Center located in the Sixth District of Missouri. It is an amazing place with an outstanding group of people dedicated to making a daily impact on the proud seniors in Independence, MO and the whole of the Sixth District. I am honored to represent The Palmer Center in the United States Congress.

IN MEMORY OF DOROTHY "DOT" HALL FOWLER SHEFFEY

#### HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January~18,~2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Dorothy "Dot" Hall Fowler Sheffey, a devoted wife, sister, mother, grandmother, and community leader from Southwest Virginia. Dot left us on January 9, 2012.

Born on September 6, 1926, Dot was an active member of the Pulaski County community. Dot lived by the philosophy, "You get out of anything what you put into it." This philosophy was evident through her service in a number of local groups and the awards she received. In 1984, she was named Pulaski County Woman of the year. She also received the Gerry Atkinson Community Service Award. Dot was involved with local Girl Scout and Cub Scout groups, the PTA, Band Boosters. the Fairlawn Fire Department, and was a longtime member of the Pulaski County Republican Women. She served as a member of the Radford University Advisory Board on Vocational Education, the Advisory Committee for Marketing Curriculum at New River Community College, the American Cancer Society. and the American Red Cross Board. Dot was also an election officer in Pulaski County and an active member of Mountain View United Methodist Church.

Dot leaves behind her husband, Donald; daughter and son-in-law, Alice Fowler and Butch Buford; son and daughter-in-law, Dennis James and Eva Fowler; brother, Calvin Dexter Hall; sister, Ester Soper; sister-in-law, Thelma Hall; stepdaughters and their spouses, Rhonda and Phil Moser, and Sandra Kay and Brandon Clabes; stepson, Donald Keith Sheffey; as well as four grandchildren, one great-granddaughter, and four step-grandchildren.

Dot impacted the lives of many through her work in Pulaski County. She never wanted to be in the spotlight. Instead, she pushed others to become leaders in the community and was content to stay in the background. She had a positive attitude and was always there with words of encouragement or advice. I had the honor of knowing Dot for many years. I am honored to pay tribute to this great woman's many contributions. Her legacy and influence will be long remembered in Pulaski County and throughout Southwest Virginia.

TRIBUTE TO ODELL MERRICK

#### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the late Odell Merrick, a successful Kentucky businessman and longtime community leader of Pulaski County, Kentucky. His passing is a great loss to his family, his community, and to me personally.

As the Co-Founder and CEO of Cumberland Wood & Chair, Co-Owner of Somerset Wood Products, and Director of Citizens National Bank, Odell Merrick has left behind a legacy of successful business ventures.

In 1985, Odell founded Somerset Wood Products, alongside his son, Steve Merrick, which grew over the years to become a nationally-recognized manufacturer of hardwood flooring. Odell remained a co-owner with the company up until his death last November.

In addition to his many successful business ventures, Odell was a highly active member of his church, where he taught Sunday school for more than 30 years. Serving as both a Deacon and Chairman of his church, Odell has been highly involved in many church projects, including the founding of Somerset Christian School.

Odell was a man of service and dedication to his community and in 2010, he was honored by the Somerset-Pulaski County Chamber of Commerce with the highest honor for those who have made significant contributions to the community, the "Distinguished Community Service Award."

Odell Merrick leaves behind a devoted family: his loving wife of more than 53 years, Nancy Routt Merrick; their children, Steve Merrick and Debbie Eades of Somerset, KY, along with four sisters and grandchildren. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to the Merrick family.

TRIBUTE TO GREATER CORONA VALLEY CHAMBER OF COMMERCE CITIZEN OF THE YEAR MIKE ZELLER

# HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mike Zeller is one of these individuals. On January 21, 2012, Mike will receive a prestigious honor when the Greater Corona Valley Chamber of Commerce names him the 2011 Citizen of the Year at the organization's annual awards and installation gala at the Eagle Glen Golf Club.

Mike began his career as an educator but 30 years ago he decided to make a change and open a life insurance business through Primerica. Mike's business offers clients options to purchase insurance, from term to life, and anything in between. Another component unique to his business is the marketing and structure of Primerica. Mike has been honored by Primerica often, and was again on January 15 as he celebrates 30 years of providing service to his clients.

In addition to his business acumen, Mike has also lived a compassionate and giving life. Twenty years ago, his son Chad was fatally injured on a bicycle ride. Both he and his wife Nancee refused to let this tragedy define their lives and in honor of Chad they formed a foundation, called the Chad Zeller Memorial. The foundation has held annual consecutive walks/runs to ensure public safety—giving thousands of helmets to children of all ages.

Throughout the many years that Mike has been a member of the Greater Corona Valley Chamber, Mike has been involved and supported the Chamber financially in sponsorships and door prizes. Every year, he is quick to recognize the Chamber for its involvement with the Chad Zeller Memorial Walk/Run events.

In addition to the Greater Corona Valley Chamber of Commerce, Mike is involved with service clubs and multitude of other charities. Mike has a philosophy to help as many people as possible and lives his life in service to others, regardless of their status in life.

In light of all Mike has done for the community of Corona, the Greater Corona Valley Chamber of Commerce named Mike their Citizen of the Year. Mike's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and I join them in saluting him as he receives this prestigious award.

#### HONORING GERALD ROPER

#### HON. MIKE OUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. QUIGLEY. Mr. Speaker, on January 25, 2012 longtime civic leader Gerald Roper will receive honors for his commitment to greening and beautifying Chicago, as well as improving the region's business and entrepreneurial communities.

A founding member of Chicago Gateway Green Committee, Jerry's commitment to beautifying Chicago over the past 25 years can be seen all across our city. As Chairman, Jerry oversaw the planting of 57,000 shrubs, 53,000 perennials, and 2,050 trees and the removal of more than one million pounds of litter from Chicago's expressways. He was instrumental in the installation of numerous sculptures at Chicago's beautiful landmarks and has helped make our hometown a place travelers from around the world want to visit and admire.

Under Jerry's leadership as President and Chief Executive Officer of the Chicagoland Chamber of Commerce for more than 18 years, the Chamber earned a 5-star accreditation by the United States Chamber of Commerce for its sound policies, effective organizational procedures, and positive impact on the region's business climate. The award is given to only the top five percent of all chambers in the country.

Jerry demonstrates the meaning of a true public servant. In 2000 he formed the Chicagoland Entrepreneurial Center, an affiliate of the Chamber of Commerce. The Center's contributions features the innovative Bridge Program that connects emerging companies to establish Chicago area firms to their mutual benefit, as well as the Illinois Innovation Accelerator Fund that bolsters access to venture capital.

A founding member of the National Business Leaders for Transportation, Jerry is an outspoken voice for the aviation and rapid transit industries. He also participates actively in several civic and industry organizations, serving as Chairman of the President's Advisory Council for Harold Washington College, for example.

Jerry's passion and commitment to the City of Chicago is beyond compare. On this day, we thank Jerry for his outstanding service to our greater community and look forward to his future contributions.

STALEY HIGH SCHOOL FOOTBALL TEAM

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize the outstanding achievement of the Staley Falcons High School football team on defeating the Kirkwood Pioneers, by a score of 35–21, to win the Class 5 State Championship.

The Falcons finished their incredible season by posting an undefeated 14–0 record. In a hard-won championship game, Staley scored an 80-yard drive in the 4th quarter, taking 7 minutes off the clock. Staley then made a defensive stop to win the school's first-ever state title, and the first football title for the North Kansas City School District. Staley's football team also became the first in Missouri history to have two-2,000 yard rushers, with Morgan Steward earning 2225 yards and Trent Hosick 2054 yards.

I want to recognize the great leadership of the team, including Head Coach Fred Bouchard and the work of his assistant coaches. I also want to acknowledge the work of Superintendent Todd White, and Principal Clark Mershon as additional keys to success.

Mr. Speaker, I ask you to join me in congratulating the Staley Falcons High School football team on their perfect season and State Championship. It is an honor to represent this team in the United States Congress and I wish them the best of luck in the seasons to come.

CELEBRATING RON SZAFARCZYK'S RETIREMENT

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Mr. Ronald Szafarczyk on his retirement from his position of Clerk-Treasurer for the town of Griffith, Indiana. Ron has dedicated his life to public service and the interests of the residents of Griffith. For his lifetime of serving the people of Griffith and Northwest Indiana, Ron will be honored at a celebratory reception on Thursday, January 19, 2012, at Andorra Banquets in Schererville, Indiana.

Ron's interest in local politics began in 1967, when he became a precinct committeeman for the town of Griffith. For the past twenty-four years, Ron has served the town of Griffith in numerous elected capacities. In 1987, Ron ran for a position on the town council and was elected as a councilman, serving from 1988 to 1996. Ron was then elected Clerk-Treasurer, and served in this capacity for sixteen years. Ron's passion, devotion, and continuous support to the town of Griffith are remarkable and he is to be commended.

In addition to his impressive career with the town of Griffith, Ron is a member of the Griffith Rotary, the Griffith Chamber of Commerce, and serves on the committee for Griffith's "Park Full of Art" event. He is also a member of the Knights of Columbus and Saint Mary Catholic Church, where he serves as a Eucharistic Minister. Mr. Szafarczyk is the most generous of gentlemen.

Ron's dedication to the town of Griffith is noteworthy; however, it is his commitment to his family that is most impressive. Ron and his wonderful wife, Janice, have six beloved children and fourteen grandchildren.

I am proud that Řon Szafarczyk is my friend and I cannot thank him enough for all that he has done for me over the years. I am even more grateful for what he has done for so many for so long; strangers and friends alike.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Mr. Ronald Szafarczyk for his outstanding contributions to the town of Griffith and the community of Northwest Indiana, and to wish him well upon his retirement. Ron has given his time and efforts selflessly to the community and his service is worthy of the highest praise.

TRIBUTE TO THE LIFE AND LEGACY OF DR. TIMUEL D. BLACK, JR. OF CHICAGO

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. RUSH. Mr. Speaker, I rise to pay tribute to the life and legacy of my friend and constituent Dr. Timuel D. Black, Jr. on the occasion today of the unveiling of the "Timuel D. Black Jr. Papers" at the Vivian G. Harsh Re-

search Collection of Afro-American History and Literature of the Chicago Public Library's Carter G. Woodson Regional Branch.

The grandson of slaves, Dr. Black was born in Birmingham, Alabama in 1919. He and his family, who were part of the first big wave of African-Americans to migrate from the South, came to Chicago when he was just 8 months old. He is the product of the Chicago Public Schools system, graduating from DuSable High School and completed his undergraduate degree at Roosevelt University and graduate degree at the University of Chicago.

Dr. Black taught in the Chicago Public Schools for 40 years, served as a Dean of Transfer Programs and Vice President in the City Colleges of Colleges. He is Professor Emeritus of Social Science at the City Colleges' Harold Washington College. Dr. Black is a revered political and social activist, community leader, oral historian, and philosopher.

It was while teaching in the City Colleges system that Black trained himself to be an oral historian. His collection includes the extended versions of the 400 interviews that were excerpted for Black's celebrated two-book series, Bridges of Memory: Chicago's First Wave of Great Migration, which chronicled black Chicago history from the 1920s to the present.

Dr. Black was a pioneer in the independent, progressive black political movement in Chicago which eventually saw the rise of Chicago's first Black Mayor, the late Harold Washington. Black has spent his life furthering the cause of social justice, and promoting the political, educational and social empowerment of African Americans.

The "Black Papers", containing nearly 260 archival boxes, is the largest collection assembled at the historic Vivian G. Harsh Research Collection in more than two decades. It contains material from the 1963 March on Washington, rare photos of Black with the late Dr. Martin Luther King, Jr. and a vast jazz collection featuring Duke Ellington and others.

Mr. Speaker, Dr. Timuel D. Black, Jr.'s life has been seen through the lenses of discrimination, restrictive housing covenants, marches and protests for human rights and dignity, and struggles for social and political self-determination and empowerment that have been preserved and will be unveiled for Chicago, this nation, and indeed the world to now see. I commend him and the Chicago Public Library for their forethought in capturing, recording, and displaying an important part of American history. I am privileged to enter these words in the CONGRESSIONAL RECORD of the U.S. House of Representatives.

HONORING DR. FELICIA MOSS MAYFIELD

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES  $We dnesday, \ January \ 18, \ 2012$ 

 $\mbox{Mr. JOHNSON}$  of Georgia. Mr. Speaker, I submit the following proclamation,

Whereas, Thirty-six years ago a virtuous woman of God accepted her calling to serve in the Educational System in DeKalb County, Georgia; and

Whereas, Dr. Felicia Moss Mayfield began her educational career in teaching, she rose to the rank of Associate Superintendent for Student Support Services and has served the DeKalb County Public Schools System well and our community has been blessed through her service: and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Educator, Administrator and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who wants to advance the lives of our youth; and

Whereas, Dr. Mayfield is formally retiring from her educational career today, she will continue to promote education because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Dr. Felicia Moss Mayfield on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK' JOHNSON, JR. do hereby proclaim December 16, 2011 as Dr. Felicia Moss Mayfield Day in the 4th Congressional District of Georgia.

Proclaimed, This 16th day of December, 2011.

CONGRATULATIONS TO THE AUGUSTA BRANCH OF THE NAACP ON THE OCCASION OF THEIR 38TH ANNUAL FREEDOM FUND BANQUET

### HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. BARROW. Mr. Speaker, it is with great pleasure that I rise today to recognize the accomplishments of the Augusta Branch of the NAACP and to honor them as they celebrate their 38th Annual Freedom Fund Banquet.

For over a century, the NAACP has served on the front lines of change in America. So often when we recount their success, we think of the most prominent images of the Civil Rights Movement. We remember the heroes who marched peacefully and stood with dignity in the face of injustice. And we remember how they overcame those who hosed and humiliated college students and put dogs on women and children because of the color of their skin. But there has been—and always will be—more to the NAACP than this chapter in the Civil Rights Movement.

The NAACP has committed itself to shepherding the cause of equality and justice in America. In the 50 years before and since the sit-ins and marches that toppled Jim Crow, the NAACP has played a vital role in numerous communities to protect the political, educational, social, and economic rights of all persons regardless of color.

The Augusta Branch of the NAACP in my home district was recently honored with nine awards at the Georgia State Conference NAACP Convention. Among their commenda-

tions were awards for overall outstanding contributions as well as recognition for accomplishments in social justice and increased membership.

As a Life Member of the NAACP, it's a particular point of pride for me to see one of the NAACP branches that I represent recognized for their important contributions. I offer them my continued support and many more years of success in Affirming America's Promise.

CONGRATULATING TAIWAN PRESIDENT MA YING-JEOU ON HIS REELECTION

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to congratulate Taiwan President Ma Ying-jeou on being reelected as President of the Republic of China, also known as Taiwan, on January 14, 2012.

This free and fair election continues Taiwan's long tradition of being a strong and stable democracy. On October 10, 2011 Taiwan celebrated the 100th anniversary of its founding. In the past century, Taiwan has matured into a free-market, multi-party democracy that is a model for the world. Taiwan is an important partner in maintaining peace and stability in the region.

As a proud member of the Congressional Taiwan Caucus, I have had the privilege to travel to Taiwan last year as part of a bipartisan delegation. I had the pleasure of meeting President Ma Ying-jeou and other government officials. I was strongly encouraged by their commitment to maintaining strong ties with the United States.

As a Member of the Homeland Security Committee, I also discussed Taiwan's request for inclusion in the Visa Waiver Program with President Ma. I raised my concerns with President Ma about the need to strengthen their passport security standards before I would be comfortable in supporting Taiwan's inclusion into the Visa Waiver Program.

I was pleased to hear that Taiwan has strengthened their passport standards, and I was proud to send a letter with some of my colleagues to Secretary Clinton recommending that Taiwan be included in the Visa Waiver Program. On December 22, 2011, the U.S. State Department announced Taiwan's nomination for inclusion into the Visa Waiver Program.

Mr. Speaker, I urge my colleagues to join me in congratulating President Ma on his reelection as the President of Taiwan. I look forward to maintaining the strong U.S.-Taiwan relations under his leadership.

IN MEMORY OF JAMES LAWRENCE "JIM" ROSE

# HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a great leader, en-

trepreneur and motivator, James Lawrence "Jim" Rose. He was a great inspiration and will be missed across the Commonwealth.

Jim Rose was a successful businessman with a thriving entrepreneurial mind and a philanthropic spirit. After attending Berea College and the University of Kentucky, Jim's first taste of success started in his hometown of Manchester, Kentucky. He launched a small coal company in 1959, leading to his post as president and chief executive officer of Interstate Coal Company, continuing to span his company across a dozen counties in eastern Kentucky. When he retired in 1993, the company was one of the top three producers of coal in the Commonwealth and was nationally renowned for its safe coal mining practices and mine rescue team.

In the late 1970's, Jim launched two successful banking ventures. He formed the United Bancorp of Kentucky, Inc. and guided a successful merger with National City Corporation in 1995. He and his wife Judy also became majority stockholders, in the Bank of Lexington and Trust Company and subsequently sold it. His savvy business instincts were coveted across the country and he proudly served as a director or member of numerous trade associations.

With a golden heart of generosity, Jim committed a vast majority of his time to civic and charitable organizations. He served on the Board of Trustees of the University of Kentucky and the Albert B. Chandler Medical Center, Centre College, and Lees College. He was a founding member of the Commonwealth Endowment for Kentucky Educational Television and served as a member of Kentucky's State Investment Commission. He left one of his largest footprints at the Lexington Christian Academy, where the "Rose Campus" covers 75 acres in Lexington, Kentucky.

Jim Rose leaves behind a devoted family: his loving wife of 49 years, Judy Sizemore Rose; his son, James F. "Jamie" Rose and his wife Kris; his daughter Sonya Rose Hiler and her husband Ken; eight grandchildren and three step-grandchildren. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to the Rose family.

Mr. Speaker, I ask my colleagues to join me in honoring a dear friend and inspiration, the late Jim Rose.

HONORING GARY EICHTEN FOR HIS 45 YEARS IN BROADCASTING ON THE OCCASION OF HIS RE-TIREMENT FROM MINNESOTA PUBLIC RADIO

## HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Ms. McCOLLUM. Mr. Speaker, I rise to pay tribute to Gary Eichten, a Minnesota broadcasting legend, as he prepares to retire after a distinguished 45-year career at Minnesota Public Radio, MPR, News.

It is increasingly rare today that one spends his entire career with one employer, but it is even rarer that one can say he helped to put his employer on the map. Eichten can make that claim, beginning his career in 1967 at Minnesota Public Radio as a student announcer at Collegeville's KSJR, MPR's first station. Today, MPR is one of the nation's premier public radio systems with a reputation for integrity and thoughtful civic engagement. Garv Eichten personifies this tradition.

As host of the MPR News "Midday" program, Eichten has been a familiar and downto-earth voice on its airwaves, providing a forum for civil discourse that truly informs and educates the public. Throughout his career, he has retained his trademark Midwestern sensibility. His colleagues sum it up best, describing him as an "everyman in the newsroom." A recent article in the Star Tribune describes Eichten as a "kid from Mankato," Minnesota, who "traded stories and barbs with state legislators, sitting governors and presidential hopefuls. An evasive answer might be met with Eichten's lovable grumble: 'Aw, c'mon, Senator.'"

Eichten's success as a broadcaster has earned him many well-deserved awards, including the Corporation for Public Broadcasting Award for Best Local News Program. He also assisted in the development of two Peabody award-winning documentaries. In 2007, Eichten was inducted into the Pavek Museum of Broadcasting's Hall of Fame. Most recently, Eichten was awarded with the prestigious 2011 Graven Award by the Premack Public Affairs Journalism Awards Board for his contribution to excellence in the journalism profession.

For many years, Eichten and MPR Midday have been part of my midday ritual. As an MPR listener, I have appreciated his timely and insightful interviews. As an elected official, I have respected his tough, but fair questions—always delivered civilly. It has been an honor to be a guest on his show. The excellent journalism practiced by Eichten and MPR is even more important today, because it has become a rarity in today's media landscape.

A testament to his notable career is the "Heckuva Farewell" planned for Eichten on January 19 in St. Paul. The evening will begin with what Eichten does best, an interview, with a guest who happens to be a former Vice President—Walter Mondale. Following this interview, Eichten will have the microphone turned on himself as he is subject to an interview about his incredible career at MPR. I know Minnesotans are looking forward to this night

As he retires after 45 years on Minnesota Public Radio, Eichten's voice will be missed, but his legacy of broadcasting excellence will continue. Mr. Speaker, please join me in honoring Gary Eichten, a Minnesota icon.

CLAIRTON BEARS PIAA CLASS A STATE CHAMPIONS

#### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. DOYLE. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Clairton Bears on another perfect high school football season and their third consecutive PIAA Class A state championship victory.

The Bears' win in Hershey, PA extended their current winning streak to 47 games, the longest in the nation at the high school, collegiate, and professional levels.

These outstanding achievements are the culmination of years of hard work and dedication on the part of the coaching staff and players.

The staff included head coach Tom Nola and assistant coaches Tim Bukowski, Jim Dumm, Eric Fusco, Marc Gambino, Wayne Wade, Jr., and Remondo Williams, Sr.

The players consisted of ten seniors—Trenton Coles, Devante Gardlock, Dakota Halcomb, Remondo Williams, Capri Thompson, Reuben Kelley, Carvan Thompson, Garnett Gallmore, Erik Walker, and Donte Thomas—as well as underclassmen Tyus Booker, Bryon Clifford, Terrish Webb, Titus Howard, Vinny Moody, Robert Boatright, Armani Ford, Ryan Williams, Damion Rump, Devontae Hammonds, Tyler Boyd, Esaias Hammonds, Hasson Petty, Devonte Harvey, Dyran Davenport, Kenny Mason, Garrett Santoline, Jordan Gressem, Vance Gibson, Robert Wellington, and Israel Melvin.

Pittsburgh is proud of the Clairton Bears for continuing the rich tradition of athletic success which our community has come to expect. I congratulate the Bears once again on their victory and flawless season, and I wish the returning players and coaches further success next season. Thank you.

IN HONOR OF MR. JOE DECARO

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Joe DeCaro, an iconic produce vendor at Cleveland's West Side Market for almost 80 years.

Joe's parents, Italian immigrants, opened the DeCaro vegetable stand at Cleveland's West Side Market in 1934. Joe began working at the produce stand at the age of seven with his siblings. Throughout college at The Ohio State University, he would come home to work the stand on weekends. The only period of time in which Joe did not work at the DeCaro stand was during his service in World War II.

For seventy-seven years Joe has been a fixture at the West Side Market, taking the stand over when his parents passed away. He has run the stand by his motto, which is mounted above his produce: "Good food is not cheap and cheap food is not good."

Today, Joe is the patriarch of a large and close-knit DeCaro family. He is married to his wife Rhea, and together they raised nine children. Joe is also the proud grandfather of 23 and great-grandfather to 14 children.

Mr. Speaker and colleagues, please join me in honoring Mr. Joe DeCaro, one of the West Side Market's most iconic produce vendors.

football season and their third consecutive IN MEMORY OF EDWARD D. FRY II

#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a good friend and dedicated public servant who recently passed away. On Friday, Jan. 13, 2012, Edward "Ed" Fry, long-time congressional aide and Chief of Staff to three successive Arkansas Congressmen, died of cancer at the much too young age of 55. Ed worked so hard for his state and nation for more than 20 years that he eventually earned the honorary title of "Arkansas's Fifth Congressman."

I knew Ed Fry for many years and considered him a good friend since our days as active members of the Arkansas Young Democrats. In fact, we used to drive together across the state of Arkansas setting up Young Democrat chapters at colleges and universities wherever we could. Ed would later go on to serve as the President of the national chapter of the Young Democrats of America.

Considering himself a life-long "yellow dog" Democrat, politics and helping people were among Ed's top passions in life. So, when Arkansas Governor Bill Clinton decided to run for president in 1992, Ed jumped at the chance to help and joined an enthusiastic group of Clinton supporters—called the "Arkansas Travelers"—who traveled around the country to help elect the 42nd President of the United States.

Ed Fry was born in Illinois, but his family moved to Pine Bluff, Ark., in 1972, where his father worked as a naval architect. He enrolled in Ouachita Baptist University in Arkadelphia, Ark., as a 16-year-old student and graduated with his bachelor's degree in just three years. He went on to earn a J.D. from the University of Arkansas-Little Rock Bowen School of Law and a master's degree from Emory University in Atlanta, Ga.

Ed also proudly served his state and nation as a congressional staffer in our nation's capital for more than 20 years, serving as Chief of Staff to three successive Arkansas Congressmen and as a mentor to dozens of young people over the years. He became such a staple in Arkansas politics and was such a strong and passionate advocate for the people of Arkansas that he eventually earned the nickname "Arkansas's Fifth Congressman."

When not working, Ed took to the waters and had a great passion for boating his entire life, even earning his USCG Masters "Captains" License at the young age of 18. He had such a humble, infectious personality that as a friend, I know we will all miss him dearly.

Ed made public service his career, life and passion. Arkansas and the nation are a better place because of the time, energy and life of Ed Fry. Cancer took from us a wonderful human being and a person who loved the American political system and who worked hard to make Arkansas and America a better place to call home.

My thoughts and prayers are with his partner of 17 years, Mark McCullough; parents, Edward and Patricia Fry; sisters, Leah Ann Taylor and Andrea Zomber; six nieces and nephews; and, the rest of his family and friends.

Today, I ask all Members of Congress to join me in honoring all of our congressional staffers who work hard every day for the people of this country. I also ask that they join me in honoring the life and legacy of an extraordinary congressional staffer and statesman. Ed Fry—"Arkansas's Fifth Congressman"—who will be deeply missed throughout the halls of Congress and throughout the state of Arkansas.

RECOGNITION OF THE 40TH ANNI-VERSARY OF THE AMHERST BALLET THEATRE COMPANY OF AMHERST, MASSACHUSETTS

#### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. OLVER. Mr. Speaker, I rise today to recognize the invaluable work that Amherst Ballet has done to advance the culture and education of communities in Massachusetts. Amherst Ballet was founded in 1971 by Therese Brady Donohue to give ballet lessons to 30 students in the old Amherst Junior High School building. In 1977 Donohue relocated her dance school to within walking distance of three Amherst public schools, appended two studios to it, gathered a board of directors and incorporated the Amherst Ballet Theatre Company as a non-profit corporation. In the ensuing years hundreds of children have been trained in ballet, modem and jazz dance and thousands of audience members have delighted in their performances. In 2000 the Theatre Company bought the dance school and became a non-profit entity known as Amherst Ballet. 2004 saw the retirement of Donohue and in the following year Amherst Ballet purchased the building in which it had been housed to firmly establish its permanent home. Catherine Fair joined Amherst Ballet's staff as a teacher in 1997, became its director upon Donohue's retirement and has steadily grown the annual enrollment to more than 200 stu-

The Amherst area is rich in cultural institutions, artists and musicians and Amherst Ballet has enjoyed collaborations with a wide variety of them including performances with Layaali Arabic Music Ensemble, Springfield Symphony Orchestra, Pioneer Valley Symphony Orchestra, Smith College Orchestra, Da Camera Singers, Hampshire Choral Society Young People's Chorus as well as with local authors Jane Yolen and Heidi Stemple. Amherst Ballet has worked with composers Karen Tarlow, Ted Trobaugh and John Cooper, visual artist Rebecca Guay and media artist Carlos Fontes. Director Fair collaborated on the libretto for the original ballet Emily of Amherst with Jane Wald, historian and executive director of the Emily Dickinson Museum. Amherst Ballet participates in ballets created by Picture Book Theatre which performs at the Eric Carle Museum of Picture Book Art.

Amherst Ballet has been the recipient of Amherst Cultural Council grants for many years and in 2011 received the Massachusetts Cultural Council's Gold Star Award, one of only 6 in the commonwealth, in recognition of its success integrating arts into the community. Amherst Ballet has given special performances upon invitation including excerpts from The Nutcracker and Chopiniana with the Pioneer Valley Symphony, Peter and the Wolf with the Smith College Orchestra and Bob McGrath from Sesame Street, The Arctic at American International College in Springfield, The Firebird with the Springfield Symphony Orchestra, The Nutcracker with the Moscow Ballet and Emily of Amherst at the New York Botanical Garden.

Amherst Ballet has produced dancers who have joined professional companies including Pacific Northwest Ballet, New York City Ballet, Merce Cunningham, Omaha Ballet, Greater Houston Civic Ballet, Charleston Ballet Theatre, Hoechster Ballet (Germany), Ballet Contemporain de Bruxelles, Delia Stewart Jazz Company, Luis Fuente's Ballet Company (Spain), Rachel Lampert Company and Mixed Company (New York City). Amherst Ballet students who audition for residential and summer programs are routinely accepted to them including programs at Alvin Ailey, American Academy of Ballet, American Ballet Theatre Company, Boston Ballet, Joffrey Ballet School, Kaatsbaan International Dance Center, Kirov Academy, North Carolina School for the Arts, Nutmeg Conservatory, Richmond Ballet and Walnut Hill School.

On this day it is my honor to recognize their hard work and to present them to this body as an institution that truly serves and benefits our Union

# IN RECOGNITION OF CAPTAIN HARRY ANDERSON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 102nd birthday of Captain Harry Anderson who celebrated his birthday on October 5, 2011.

Captain Anderson was born in Sweden on October 5, 1909. He emigrated to the United States at the age of ten in 1919. He had a passion for the sea at an early age and served as a Second Mate with the United States Merchant Marine during World War II. He eventually became a Captain with the Cleveland Cliffs in 1963 where he was Master of the Cliffs Victory, the Cadillac, the Frontenac, the LaSalle, the Pontiac, and Walter A. Sterling, the Edward B. Greene and the William G. Mather. He retired as a Captain from the Cleveland Cliffs in 1974.

Following his retirement, Captain Anderson spent his time volunteering on the William G. Mather, which was docked as a museum on the shores of Lake Erie in downtown Cleveland. He is the oldest member of the International Shipmasters Association's Cleveland Lodge Number 4.

Mr. Speaker and colleagues, please join me in recognizing Captain Harry Anderson and wishing him a happy 102nd birthday.

HONORING THE SERVICE OF HIS EXCELLENCY, DR. JAMALUDIN JARJIS, AMBASSADOR OF MALAYSIA TO THE UNITED STATES

#### HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. FALEOMAVAEGA. Mr. Speaker, as the former Chairman and current Ranking Member of the Foreign Affairs' Subcommittee on Asia and the Pacific, which has broad jurisdiction for U.S. policy affecting the region, including Malaysia, I rise today to honor the service of my good friend, His Excellency Dr. Jamaludin Jarjis, Ambassador Extraordinary and Plenipotentiary of Malaysia to the United States.

Dr. Jamaludin has served his country and ours with remarkable distinction which merits historical recognition in the CONGRESSIONAL RECORD. A prominent political and corporate figure in the U.S. and Malaysia, Dr. Jamaludin is a Member of Parliament and has represented Rompin, Pahang since 1990. He is also an elected member of the UMNO Supreme Council.

In 2002, Dr. Jamaludin joined the Malaysian Cabinet as Second Finance Minister. He also served as Minister of Domestic Trade and Consumer Affairs, and Minister of Science, Technology and Innovation.

Dr. Jamaludin began his career as a lecturer at University Technology Malaysia (UTM) and in 1984 started his own consultancy services, specializing in electrical power and mechanical engineering. He later became Chairman of Malaysia's national power utility, Tenaga Nasional Berhad (TNB), which is the largest listed company on the Kuala Lumpur Stock Exchange (KLSE) in terms of market capitalization.

Dr. Jamaludin holds a Bachelor of Science (First Class Honours) in Electrical Engineering from the University of Manchester, Institute of Science and Technology (UMNIST), United Kingdom; a Masters Degree of Science in Electrical Engineering from the University of Manitoba, Canada; and a PhD in Electrical Engineering (Power System) from the University of McGill, Canada.

Among his many accomplishments, Dr. Jamaludin is also married to Dr. Kalsom Ismail and they have four children. While I extend to Ambassador Jamaludin and his family my highest regards and well wishes, I am pleased that Ambassador Jamaludin has been appointed to serve as Special Envoy to the United States.

Because of his tenure as Ambassador, U.S.-Malaysian relations are stronger than ever. Economic ties are robust, and the U.S. and Malaysia cooperate closely on security matters, including regional stability. With his new appointment as Special Envoy, we can be assured that our partnership will continue to grow, and I look forward to continuing my association with Dr. Jamaludin who is to be commended for his loyalty in discharging his duties for and on behalf of Prime Minister Datuk Seri Najib Tun Razak and the people of Malaysia.

IN MEMORY OF GENE HUFF

#### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a great leader, public servant, and an inspiration, Gene Huff.

Although he was born and raised in Ohio, Gene Huff planted his home in London, Kentucky, where he raised his family and pastored the First Pentecostal Church for 25 years. When he retired in 1994, he took the Great Commission to the airwaves with the launch of a 50,000-watt Christian Radio Station, WYGE. In combination with his desire to communicate, his passion for public service expanded beyond the stained glass windows, into the state capitol.

Gene was successfully elected to two terms in the Kentucky House of Representatives before he was elected in 1971 to the state Senate where he spent more than 22 years. During that time, he stood firm on conservative principles, representing his constituents with great honor and loyalty.

Gene Huff leaves behind a devoted family: his loving wife of nearly 60 years, Ethel Dayberry Huff, five children, 19 grandchildren and 16 great-grandchildren, with more on the way. My wife, Cynthia and I extend our deepest heartfelt sympathies to the Huff family.

Mr. Speaker, I ask my colleagues to join me in honoring a divine public leader and minister of God, the late Gene Huff.

OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) REMARKS: JANUARY 9, 2012

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I submit the following. My name is DENNIS KUCINICH, K-U-C-I-N-I-C-H. Oh, and also, one other, n-o. I'm here as the Congressional Representative of the people of this area. I'm also here as the ranking Democrat in the United States Congress and the subcommittee that has jurisdiction over the EPA. I want to state for the record that regarding some of the questions that have been asked here, (I'm) totally dissatisfied with the way that this process has been conducted. The community has not been involved but it will be involved, I can promise you.

I want to announce here tonight, that I am going to work to bring representatives of our Domestic Policy Subcommittee in the Congress here for a full Congressional hearing where preliminary to that we will gain access to the EPA's documents on this. I can promise you that, that we'll gain access to information that has not been brought forward in a full way with respect to the toxic emissions, with respect to public health impacts, with respect to the way that this thing has been set up, that the public has a right to have their health protected. And that as the person who has re-

sponsibility and jurisdiction over the EPA, I've already sent a letter to EPA Administrator Jackson to let her know that there are environmental health issues here, public policy issues, and also environmental justice issues.

We look very closely at the census tract that this particular facility would be recycling. And there are compelling reasons under environmental justice principles why this should not be built. We need to involve the larger community here. It's good that you're all here tonight. We need to make sure that all of these questions that you have are on the record, are brought forward in the record and we'll put them in the CONGRESSIONAL RECORD.

And I can make one other prediction. There was a few years ago when people were rushing to try and get rid of what was then called Muni Light, now it's Cleveland Public Power, and there was someone who stood in front of the community and said, you know what? You may say that you're going to sell that system, but it's never going to happen. The people in this community made sure of that. The people in this community were the ones that helped protect what is now Cleveland Public Power.

I'm going to give the EPA a little bit of advice. If I know the people in this community, you're not going to shove this down their throats. Your bureaucratic process might be okay to satisfy some legal minutia, but it's not going to the satisfy a community that is intent on protecting the quality of the air, the quality of the water, their children, their schools, their neighborhoods, the quality of health. Welcome to Cleveland.

RECOGNIZING AND CONGRATU-LATING THE AMERICAN BUREAU OF SHIPPING ON ITS 150TH ANNI-VERSARY

#### HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES  $Wednesday,\ January\ 18,\ 2012$ 

Mr. LoBIONDO. Mr. Speaker, I rise today to recognize and congratulate the American Bureau of Shipping on its 150th anniversary.

What today is known as the American Bureau of Shipping, or ABS, was originally founded by John Divine Jones as the American Shipmasters' Association. Through a legislative act by the State of New York, the Association was formally incorporated on April 22, 1862.

From the time of its founding, ABS has been committed to its mission to promote the safety of life, property and the natural environment. To fulfill this mission, ABS has evolved into a global not-for-profit organization with more than 200 offices in 70 different countries.

ABS published its first technical standards, Rules for Survey and Classing Wooden Vessels, in 1870. As the technology evolved, so too did ABS' rules. In 1890, ABS published its first version of the Rules for Building and Classing Steel Vessels. These Steel Vessel Rules continue to be revised and published annually, embodying the service, experience, and technological achievements accumulated since that first edition.

With the passage of the Merchant Marine Act of 1920, ABS became the Agent of the United States Government on all matters of ship classification for government vessels. This led to ABS providing classification services for 2,710 Liberty Ships and 531 Victory Ships during World War II. This record of working side-by-side with our naval shipbuilders continues today as ABS provides classification-related services to a host of government vessels including the Navy's DDG-1000 and Littoral Combat Ships: the Coast Guard's Offshore Patrol Cutter and Fast Response Cutters; and NOAAs Oceanographic Research vessels. ABS also works with the Military Sealift Command and Maritime Administration Ready Reserve Force in support of our national sealift capabilities.

ABS continues to be a leader in establishing technical standards for the commercial maritime industry as well. This longstanding technical experience has led to ABS providing over 3,000 inspections of commercial U.S.-flagged ships on behalf of the U.S. Coast Guard this past year.

ABS has also provided guidance and support to the offshore energy industry for more than five decades. In recent years ABS has provided independent third party safety, security, and risk assessments to insurance, chemical, mining, nuclear power and renewable energy companies, as well as the U.S. Government.

Mr. Speaker, I ask my colleagues to join with me in congratulating ABS on its 150th anniversary and in recognizing ABS' significant service to the American marine and offshore industries and our sea services. As the Classification Society of the United States, ABS continues to serve today as a vanguard to mariners, public safety, and our natural environment.

HONORING ROBERT ABRAMSON

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor an old friend and personal hero, Robert Abramson of Cotati, CA, who turned 88 last month. Bob and his wife Barbara traveled the world for 17 years in connection with his work for the United Nations and the World Bank and were later active leaders in the United Nations Association of Sonoma County.

Born in San Francisco, Bob earned his BA in Sociology and Philosophy followed by an MA degree in Social Welfare at UC Berkeley. As a pilot in the Air Force in World War II, he flew 27 missions over Japan and earned the Distinguished Flying Cross and the Air Medal Oak Leaf Cluster.

While at a Cessna aircraft factory in Kansas, Bob met local girl Barbara, and they married in 1945. The couple lived in the Bay Area for several years while Bob, with his social welfare background, worked as a parole agent. During this time, he was introduced to a program at the University of Southern California that led to him setting up classes in management training in Pakistan and Bangladesh.

The United Nations recognized his special talents in this field, and he embarked on a career teaching management training internationally to government officials who needed to work together to help their countries thrive in a rapidly changing world. Barbara frequently traveled as his aide, learning the niceties of social icebreakers in a large variety of cultures, including Bangladesh, New Guinea, Sri Lanka, Uganda, and Brunei.

"Since Bob spoke only English fluently, we worked in former British colonies," says Barbara. "The colonials had kept the people in menial jobs, and Bob trained them in modern methods of governance." He was committed to ensuring that the new leaders of fledgling democracies had the skills to run their countries for the benefit of their people.

Bob was also a Professor of Public Administration at the University of Pittsburgh where he trained leaders in U.S. agencies that worked abroad

The U.N. had a mandatory retirement age of 65, but Bob continued to take short-term work assignments for a number of years. The couple retired to the Bay Area where their best friends lived in Sonoma County. Twenty-two years ago, they settled in Sonoma themselves and became active in the United Nations Association of Sonoma County, a group whose purpose is to build public understanding and support for the United Nations and to foster constructive U.S. leadership to make the U.N. more effective. Bob served as President for four years and Membership Chair for many more ("because he has a good head for details," according to Barbara).

The Abramsons have two children and two grandchildren. Daughter Julie lives in southern California, and son Bruce lives in Healdsburg. Growing up, the children lived in different countries with their parents and experienced a broad view of global culture.

Mr. Speaker, I admire Robert Abramson's respect for different cultures and the passion he conveys for demonstrating that the path to peace is to engage cooperatively with other countries. His work and his volunteerism have exemplified the best of this approach. Please join me in honoring him on this special occasion.

IN REMEMBRANCE OF MR. TONY J. SUSTARSIC

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Tony J. Sustarsic, the former Mayor of Euclid. Ohio.

Born in 1925, Tony was a lifelong resident of Euclid, Ohio and graduated from Euclid Central High School. Before he began his career in politics, Tony bravely served his country as a member of the U.S. Army's 3d Armored Division during World War II. He fought in the Battle of the Bulge and the Normandy Invasion. During his service, he suffered almost a dozen injuries and was later honored with a Purple Heart and four battle stars. Following his military career, Tony helped estab-

lish the Euclid Veteran's Club. He was also a member of the American Legion Euclid Post 343, the Veterans of Foreign Wars Post 1056 and was an inductee to the Ohio Veterans Hall of Fame Class of 2008.

Mr. Sustarsic was appointed to the Euclid City Council in 1954 and served until 1968 when he was appointed Administrative Director. He was elected as the ninth Mayor of Euclid in 1975. During his term as mayor, Mr. Sustarsic expanded senior programs and facilities, and oversaw infrastructure improvements and the opening of Euclid Square Mall.

I offer my condolences to his wife, the former Helen Palsa; children, Jerry and Judy Malachowski; two grandchildren, Tony (Pam) and Paula (George); and great-grandchildren, Eddie, Alex, Tony III, Jordon and Joey.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Tony J. Sustarsic, who bravely fought for his country and valiantly served the residents of Euclid.

 $\begin{array}{c} {\tt VETERANS} \ {\tt WALK} \ {\tt FOR} \ {\tt WOUNDED} \\ {\tt WARRIORS} \end{array}$ 

### HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. WEST. Mr. Speaker, I rise today to recognize and stand alongside four United States Army Veterans on a mission to raise awareness for our Wounded Warriors.

All residents of South Florida, Sgt. Larry Maroto, Sgt. Katrina Taylor, Staff Sgt. Lewis West, and Staff Sgt. Stephen Murphy are enduring a 101-mile walk from West Palm Beach to Homestead, as our brothers in arms endure injuries from a distant war.

"101" is a symbolic number for these Warriors, as they all served in the 101st Airborne Division of the United States Army. Known as the "Screaming Eagles" the 101st Airborne Division was renowned during World War II and its role in Operation Overlord, the D-Day landings on June 6, 1944 in Normandy, France, and action during the Battle of the Bulge near the city of Bastogne, Belgium.

The 101st Airborne is one of the most highly decorated units in the United States Army.

Although our Military Warriors bear harsh conditions away from home and from the love of their friends and family, many Wounded Warriors find the return home can be even more harrowing. The Wounded Warrior Project, of which these Veterans are walking to support, seeks to help injured veterans of the Iraq and Afghanistan wars transition to civilian life.

My heart is always with my fellow comrades in arms and their families who are serving in Afghanistan and across our globe. Their sacrifice, courage, and patriotism are the lifeblood of our great nation. These Veterans' commitment to our brothers and sisters in uniform reminds us all why America is the greatest and most exceptional nation on the face of the Farth

I believe that the United States Congress can learn a lot from these Veterans. They do not know personally all of the people they are helping with the money raised from this walk. They do not care whether they are Republicans or Democrats. They care that at the end of the day, they did their best to help their fellow brothers and sisters.

I truly commend these Veterans for their unwavering service to our nation and to our Wounded Warriors. May they rendezvous with destiny on their mission.

Steadfast and Loval.

THE ADMINISTRATION'S MIXED MESSAGE ON SUDAN

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. WOLF. Mr. Speaker, I submit a copy of a letter I received from the assistant secretary for legislative affairs at the State Department in response to a December 13, 2011, letter to President Obama expressing my disbelief that the administration had granted the necessary waiver for the genocidal government of Sudan to obtain legal representation from Mr. Bart Fisher, a lawyer in Washington. I also submit the December 13 letter to the president.

I have written various administration officials at the State Department, Treasury and the White House since I learned of this indefensible development. Every response I have received to date attempts, unsuccessfully, to put my mind at ease by assuring me that the U.S. government has a "firm policy of denving authorization to U.S. persons who seek to lobby or provide public relations services on behalf of the Government of Sudan for the lifting of sanctions or for any other purposes." However, the administration argues that "Our system allows even the worst actors to receive legal advice on how to comply with our laws and to challenge sanction enforcement actions in court."

I don't agree with their analysis. But even if I did, the restrictions on representation that the administration claims to have in place are inconsistent with what Mr. Fisher is actually being permitted to do. Mr. Fisher wrote me a letter claiming, "Although the Office of Foreign Assets Control (OFAC) has granted my law office a license, that license does not authorize any lobbying activities, and my office will engage in none. We will respond (emphasis added), however, to requests, for information from Members of Congress or the Obama Administration."

As I pointed out in a December 15, 2011 letter to Treasury Secretary Geithner, I never requested information from Mr. Fisher. And yet, in the letter to my office, he tries to convince me, as a member of Congress, not anyone involved in court proceedings with the Government of Sudan, that the current sanctions regime should be altered. How can this not be understood to be lobbying?

Meanwhile, on Monday, U.S. Ambassador to the United Nations (UN) Susan Rice sent a strongly worded letter to the president of the UN Security Council about the tragedy presently unfolding in Sudan—specifically in Southern Kordofan and Blue Nile. Rice wrote, "It is clear that the Government of Sudan has instituted a deliberate policy to prevent humanitarian agencies from reaching vulnerable

civilians impacted by the conflict." She said that the people of these regions have been pushed to the "brink of a major humanitarian crisis." She warned of "famine conditions" and concluded, "A humanitarian disaster of this magnitude is unacceptable in any circumstance. It is particularly shameful when the path to averting large-scale loss of innocent lives is so clear. Mr. President, this crisis can be addressed by the Government of Sudan, if it were to allow the United Nations and other relied organizations immediate and unimpeded access to vulnerable civilians across Southern Kordofan and Blue Nile."

I would argue that that is not the only thing that is shameful. This administration is splitting hairs. It is blind to its own inconsistency. I agree wholeheartedly with Ambassador Rice's analysis. And yet, the administration, in the face of past crimes against humanity and genocide and present actions which jeopardize the lives of thousands of people, has given the Government of Sudan the privilege a legal representation in our nation's capital—representation which constitutes lobbying.

The administration must reverse course and revoke Mr. Fisher's license lest Secretary Clinton, Secretary Geithner and President Obama be complicit in aiding a genocidal government.

U.S. DEPARTMENT OF STATE, Washington, DC, January 12, 2012.

Hon. FRANK R. WOLF,

House of Representatives.

DEAR MR. WOLF: Thank you for your letter of December 13, 2011, to President Obama and your subsequent call to Secretary Clinton concerning reports that the Government of Sudan has attempted to retain a lobbyist to represent its interests in the United States. While we cannot comment on specific cases, the United States government has a firm policy of denying authorization to U.S. persons who seek to lobby or provide public relations services on behalf of the Government of Sudan for the lifting of sanctions or for any other purpose. There are no current Office of Foreign Assets Control (OFAC) licenses allowing U.S. persons to lobby or provide public relations services on behalf of the Government of Sudan.

We also recognize the importance of due process and opportunity for redress under the Sudan sanctions regime. Our system allows even the worst actors to receive legal advice on how to comply with our laws and to challenge sanction enforcement actions in court. However, such legal services do not include lobbying activities. There are investigation and enforcement mechanisms in place to ensure compliance with U.S. sanctions, which include the possibility of civil and criminal penalties for violations of sanctions regulations.

We hope this information is helpful in addressing your concerns. Please feel free to contact us further on this or any matter of concern to you.

Sincerely.

> House of Representatives, December 13, 2011.

Hon. BARACK H. OBAMA, *The President*,

The White House, Washington, DC.

DEAR MR. PRESIDENT: I was appalled to learn yesterday that the genocidal government of Khartoum has hired a firm to represent it in Washington for the express purpose of trying "to lift American sanctions

against it," according to a piece which ran in Africa Intelligence, on December 10. This is an outrage

The publication reported that the Law Office of Bart S. Fisher would be paid \$20,000 a month plus expenses to represent this government which literally has blood on its hands. I have enclosed the article for your reference along with Mr. Fisher's documentation from the Foreign Agent Registration Unit which I accessed on the Department of Justice (DOJ) Web site.

I write today seeking immediate clarification on what appears to be an indefensible situation. According to this news report and information available on DOJ's Web site, Mr. Fisher is providing legal counsel to the government of Sudan and intends to make "representations (including petitions) . . . to U.S. government agencies regarding sanctions against the Republic of the Sudan." Was he granted a license from the Office of Foreign Assets Control (OFAC) at the Treasury Department to do so? If not, is his representation in violation of the law? If so, why would the administration allow this to move forward?

Sudan's president, Omar Hassan al-Bashir, is an internationally indicted war criminal. He is accused by the International Criminal Court of five counts of crimes against humanity (murder, rape, torture, extermination, and forceful transfer of civilian population) and two counts of war crimes (for directing attacks against the civilian population and pillaging). In June 2004 I led the first congressional delegation with Senator Sam Brownback to Darfur, soon after the world began hearing about the atrocities being committed against the people of that region. I witnessed the unfolding nightmare with my own eves. I saw the scorched villages and teeming camps of displaced people. I heard the stories of murder and rape.

But Bashir's assault on his own people is not simply a thing of the past. My office has received regular reliable reports from individuals on the ground in the Blue Nile and Southern Kordofan states of aerial bombardments, extrajudicial killings, illegal detention, disappearances, and indiscriminate attacks against civilians.

Furthermore, evidence gathered through satellite imagery by the Satellite Sentinel Project have found at least eight mass graves in and around Kadugli, the capital of Southern Kordofan.

Thousands have fled the violence. More than 20,000 are living in Yida refugee camp just over the border in South Sudan. But it turns out they aren't safe there either. Yida was hit by air strikes in November. A November 16 APP story reported that, ". . an Antonov aircraft flew in from the north and dropped five bombs in and around Yida." This cross-border assault by the government of Sudan has put humanitarian assistance to this vulnerable population in jeopardy. Bear in mind that it appears that this aerial assault on innocent civilians happened just days after the Mr. Fisher signed a contract with the government of Sudan.

Mr. Fisher's client has a notorious history of brutalizing its own people. No amount of "representation" can erase the image seared into the minds of many of charred bodies, brutalized women and mass graves.

I look forward to a prompt and detailed response from the administration about this important matter.

Best wishes.

Sincerely,

Frank R. Wolf, Member of Congress. IN HONOR AND MEMORY OF SERGEANT AARON BENNETT

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Sergeant Aaron Bennett, a highly decorated U.S. Army sergeant.

Sgt. Bennett was born in Mississippi and raised in Hawaii and Ohio. He attended Valley Forge High School in Parma Heights, where he was a member of the swim team. He graduated in 2003.

Sgt. Bennett joined the U.S. Army in 2007 and served as an infantryman with the 1st Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division. He completed a yearlong tour in Iraq in June of 2011. Additionally, Sgt. Bennett was a member of the Presidential Honor Guard and was recently selected to participate in Scouts and Ranger Sniper School.

Because of his bravery and service to the country, Sgt. Bennett was awarded the Combat Infantryman Badge, an Army Commendation Medal, the Army Good Conduct Medal and the Iraqi Campaign Medal. Sgt. Bennett was also the recipient of the Army Achievement Medal which he earned by saving the lives of two soldiers injured in a mortar attack.

I offer my condolences to his wife, Michelle; parents, David and Sally; and sister, Rachel.

Mr. Speaker and colleagues, please join me in honoring the memory of one of our country's heroes, Sergeant Aaron Bennett.

TRIBUTE TO GEORGE "G.W."
GRIFFIN

# HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the late George "G.W." Griffin, a successful businessman in the food industry and admired leader in his community of London, Kentucky.

George began his career in 1950, at Laurel Grocery, a local wholesaler based in London, KY, where he served as President for 34 years up until his retirement in 1997. Using honesty and wisdom as the secret to his business success, George taught his co-workers to be forthright in following through with their commitments and careful in not committing to something they could not accomplish.

George's other grocery industry activities included chairing the Food Marketing Education Council, as well as sitting on the boards of the National-American Wholesale Grocers Association, and the Kentucky Grocers Association, of which he was elected president in 1979. A passionate and highly regarded businessman, Griffin was named the "Grocer of the Year" in 1986 and in 2005 he was honored as the first inductee into the Kentucky Grocers Hall of Fame

Outside of his professional commitments, George served proudly in the United States Navy during World War II, and was very active in civic events and in service to his community. An avid golfer and thoroughbred horse owner/racing enthusiast, George traveled throughout the world to pursue his passions. As a graduate from University of Kentucky and a member of the board of trustees for 16 years, George was a diehard Kentucky fan, and never missed a home football game until he became too ill to attend.

Mr. Speaker, I ask my colleagues to join me in memory of George "G.W." Griffin for his dedication and service to the leaders and families of Eastern Kentucky. His enthusiasm and zeal will be greatly missed.

# RECOGNIZING THE UNITING OF TWO MARINE FAMILIES

#### HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. McNERNEY. Mr. Speaker, I rise today to recognize the uniting of two Marine families. On January 14, 2012, Lance Corporal Ronnie Porta met the parents—Chuck and Teri—of Corporal Charles Palmer II of Manteca, California

LCpl. Porta and Cpl. Palmer served together in Iraq, braving daily dangers in order to protect our freedoms and liberty. Tragically, in March of 2007, Palmer and Porta's vehicle hit an improvised explosive device, severely injuring LCpl. Porta and taking the life of Cpl. Palmer, the first casualty of the war from the City of Manteca.

Palmer, who grew up in Manteca before joining the Marine Corps in 1992, received the Global War on Terrorism Service Award and Marine Corps Good Conduct Medal for his service.

Since the event in 2007, LCpl. Porta has undergone more than 120 surgeries over  $4\frac{1}{2}$  years at a medical facility in Texas. His ability to endure and succeed through the years is indicative of his good will and tremendous spirit. LCpl. Porta traveled from Texas to California to meet Chuck and Teri for the very first time.

At the January 14 event, members from all corners of the community rallied together in support of both families and to express their gratitude to those who serve. The City of Manteca, the Patriot Guard Riders, Marines, veterans' organizations, families, business leaders, and other members of the community worked as one to make this event possible.

As a nation, we are truly blessed to be represented by the brave men and women wearing the U.S. uniform.

I ask my colleagues to join me in support of this tremendous occasion and in honor of the sacrifices of Cpl. Palmer and LCpl. Porta.

IN MEMORY OF MR. ROBERT M. SEELIE

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Mr. Robert M. Seelie, a former councilmember and council president for the City of Lakewood.

Mr. Seélie was born and raised in Lakewood, Ohio by his father, a police officer for the City of Lakewood, and mother, a nurse at Lakewood Hospital. He attended St. Edward High School, where he played on the hockey team. He later earned bachelors' degrees in political science and communications from Cleveland State University. He also earned a master's in public administration degree from CSU in 1991.

Mr. Seelie dedicated his life to serving the residents of Lakewood and Cuyahoga County. He was a youth services coordinator for the county in 1979 and in 1980 began working as a county employment service specialist. In 1985 he began a seventeen year stint as an assistant in the county administrator's office.

Mr. Seelie served the City of Lakewood, Ohio as a councilman and council president from 1992 until 2007. He was elected as a councilman to Lakewood's Ward 3 in 1991, which he represented for 16 years. He was eventually chosen by the council as the council president for 10 years.

I offer my most heartfelt condolences to his children, Kelly and Patrick; two grandchildren, three brothers and his sister.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Robert M. Seelie, his service to the City of Lakewood will not be forgotten.

# AID TO COUNTRIES WHO DON'T PLAY BY THE RULES

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. POE of Texas. Mr. Speaker, in 1996, Evelyn Mezzich was driving drunk.

She fell asleep at the wheel and had a head-on collision with a telephone pole.

The accident barely harmed Evelyn, but it killed her 18-year old roommate Lindsay Brashier and permanently paralyzed another passenger.

Mezzich was indicted for intoxicated manslaughter in Texas.

After posting bail, she and her parents skipped town, heading to their native Peru.

But Peru refuses to extradite her in flagrant disregard for the provisions of the extradition treaty between Peru and the United States.

Evelyn Mezzich is living out her life in Peru, while Lindsay Brashier's family and the other victim are suffering.

Yet we still continue to give foreign aid to

This is just one example of a case in which countries who have treaties with the U.S. fail to comply.

This is an injustice for United States citizens.

Why do we continue to hastily give money to countries that hate us and refuse to cooperate with our government?

Members of Congress decide how to spend Americans' tax dollars overseas by voting on one big bill that sends money to various countries around the world.

I believe it is irresponsible and plain wrong to give money to countries who are denying justice to our citizens.

Let's start voting individually on every one of these countries that want our aid rather than out all countries in one massive bill.

We need to start taking care of America before we start sending American money to countries throughout the world.

We cannot continue to reward countries that do not comply with treaties and refuse to extradite criminals

It's a time to reconsider foreign aid. And that's just the way it is.

TRIBUTE TO SAN CLEMENTE CIT-IZEN OF THE YEAR COURTNEY SMITH

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. Courtney Smith is an exceptional young woman and on February 23, 2012, Courtney will receive a prestigious honor when the San Clemente Chamber of Commerce names her the 2012 Citizen of the Year at the organization's annual awards and installation dinner at the Talega Golf Club.

Courtney is the 15-year-old daughter of Christina and Jeff Smith, sister to Amy and Andrew, and sister-in-law to Bobby. Courtney Faye Smith was born with a genetic disorder called Spinal Muscular Atrophy; it is a rare form of Muscular Dystrophy. She has never been able to walk and has been driving a wheelchair since she was four years old and has a service dog, Michaela. Her body is in pain every single day of her life, but you would never know it or hear her complain. Through it all, she always remains light in heart and spirit.

Courtney is a freshman at San Clemente High School and is currently receiving straight A's. Besides choir, all of her classes are Advanced Academic. She is extremely social and attends every football game as well as school plays. She adores singing and is currently saving to go to Hawaii with her high school choir 'Acapella' to perform over spring break.

Courtney loves to sew and loves fashion design. She is contemplating the idea of going to college to become a costume designer. She also enjoys horseback riding, which she has done since the age of four and has won several blue ribbons. She also loves to train dogs and hopes to help train service dogs in the future. Courtney has been a Muscular Dystrophy Ambassador for close to 10 years and a Make-A-Wish Ambassador for 7 years.

Courtney is very humble; she never asks for anything, and despite life's challenges, she is happy and content with life. She loves her family dearly and they treasure her. This is a special year for Courtney, as she will see one of her dreams come to fruition, with the development of "Courtney's SandCastle."

The idea for "Courtney's SandCastle" was cultivated because, as most kids do, Courtney always wanted to play on playgrounds as a little girl. Her mom knew it was next to impossible, so they would drive to Los Angeles in order to play on an accessible playground where, amongst other things, she could reach the sandbox from her wheelchair and actually swing on the swing set by herself, safely buckled in. "Courtney's SandCastle" is a universal playground, which was developed as a part of the Vista Hermosa/La Pata Community Park. It will serve special needs children and adults as well as able-bodied children. Special recreational equipment will also be available to handicapped veterans. Along with many amazing and supportive community members, Courtney has remained tenacious and followed this project through after almost 10 years to ensure that "Courtney's SandCastle" is completed.

In light of all Courtney has done for the community of San Clemente, the San Clemente Chamber of Commerce named Courtney their Citizen of the Year. I am humbled by the composure and tenacity of this young woman who has faced more challenges in her life than many of us will in our entire lifetime. I know that many community members are inspired and grateful for Courtney's service and I join them in saluting her as she receives this prestigious award.

IN REMEMBRANCE OF MR. THOMAS F. O'MALLEY, SR.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Thomas F. O'Malley, Sr., a man who bravely served his country and selflessly worked on behalf of his fellow residents in Northeast Ohio.

Mr. O'Malley was born on May 13, 1928 to Thomas E. and Marie E. O'Malley. He was raised in Parma and graduated from St. Ignatius High School in 1946. He went on to Case Western Reserve University and the Cleveland State University's Cleveland Marshall Law School. Mr. O'Malley served bravely with the U.S. Army before returning to Cleveland and beginning his career in law. He was the former law director for the cities of Fairview Park and Brooklyn. Overall, Mr. O'Malley practiced law for more than 52 years.

I offer my condolences to his wife, Colleen; children, Jackie Needham (John), Judge Kathleen O'Malley (Ray Gallucci), Brigid O'Malley, Judge Thomas F. O'Malley, Jr. (Kelly), Dr. Martin J. O'Malley (Marina), Joseph P. O'Malley (Cathy), and Jamie Farina (Gerald); grandchildren Kathleen Dunham (Josh), John and Tom Needham; Brian and Michael Cuiffo; Thomas III, Joseph, Farrell and Jack O'Malley;

Quinn, Olivia, Micaela, Emmett and Cecelia O'Malley; Lauren and Colin O'Malley and Gennaro Farina; great-grandchildren James Dunham; siblings Carol Henry (Thomas), and the late Jeanne Schneider and Jack O'Malley.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Thomas F. O'Malley. His contributions to Northeast Ohio and the country will be missed.

HONORING HENRY HORBACZEWSKI

#### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. AUSTRIA. Mr. Speaker, I rise today to recognize the Senior Vice President and General Counsel of Reed Elsevier. Henry Horbaczewski, as he is retiring from the company. Henry Horbaczewski has been with Reed Elsevier for over 25 years. During his tenure, Mr. Horbaczewski has been a key participant in many of the transformative events that have built Reed Elsevier into one of the world's leading publishing and information companies. Mr. Horbaczewski played a key role in the acquisitions of LexisNexis. Matthew Bender, Variety, and other businesses that have helped to grow Reed Elsevier into a world-class company. Today, Reed Elsevier has over 30,000 employees in over 200 locations worldwide. Reed Elsevier's LexisNexis business has its roots in Ohio, with nearly 3.000 employees in the state and around 65 employees in the Seventh Congressional District where LexisNexis, a key data center, is located.

Henry Horbaczewski has been a vocal proponent for the strong protection of intellectual property rights. He is a recognized leader in the area of copyright law and has worked across business sectors to promote the strong enforcement of intellectual property rights that fuel creativity and innovation and help our country remain strong.

Mr. Horbaczewski's contributions extend beyond Reed Elsevier. He has been a strong advocate for human rights and has worked tirelessly to promote the Rule of Law around the world. Mr. Horbaczewski has made significant contributions in the area of human rights and has worked to protect basic rights for all individuals, and ensure the fair and equal enforcement of laws. In 2011, Mr. Horbaczewski was honored for his contributions in the human rights area by Humanity in Action, an international organization dedicated to promoting human rights around the world.

Mr. Speaker, please join me in congratulating Mr. Horbaczewski on his many accomplishments, and thanking him for the significant contributions he has made in protecting human rights, promoting the protection of intellectual property rights, and advancing the Rule of Law around the globe.

HONORING DIANNE JACKSON

# HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of a stalwart champion for New York's working families. After more than 27 years of service to the residents of Cooper Park Houses, Dianne Jackson is retiring. Through her decades of service, she has made countless contributions, improving not just Cooper Park Houses, but the surrounding Williamsburg community.

Throughout her nearly three decades of service, Dianne has been an unwavering voice for some of the most vulnerable members of our City. As President of the Cooper Park Resident Council, she advocated for tenants' rights on a range of issues—from fighting to ensure buildings are repaired and maintained to pushing for more green space and ensuring the local community is consulted when development decisions affect the residents.

A graduate of the Neighborhood Women's College Program at LaGuardia Community College, Dianne's career is characterized by a tireless commitment to helping others. In addition to serving as President of the Cooper Park Resident Council, she was one of the founding members of the Center for Elimination of Violence in the Family. Today, that organization houses up to 1,000 women and children, each year, providing a helping hand to members of our community most in need of assistance.

In addition to her tireless advocacy and work in the community, Dianne overcame personal struggles, as well. A cancer survivor, she exhibited the perseverance, resolve and toughness to not only recover, but remain a driving force for positive change in Brooklyn.

Mr. Speaker, one would be hard pressed to find a better example of how one person can make a difference improving their community, city and society, overall. Dianne Jackson should be commended for her years of service. I wish her only the best for an enjoyable, well-earned retirement.

IN HONOR AND MEMORY OF WALTER T. MAY

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and in memory of Mr. Walter T. May, a former Captain with the Cleveland Police Department and president of the Fraternal Order of Police Lodge 8.

Walter was born on December 11, 1958 in Cleveland, Ohio to his parents, Walter "Matt" E. and Sally May. He graduated from St. Joseph High School and later attended Cleveland State University.

Walter was appointed to the Cleveland Division of Police on February 9, 1987 and served for more than 25 years. He worked as a Patrol Officer, Detective, Sergeant, Lieutenant and

was promoted to the rank of Captain in 2000. In March 2006, Walter was appointed Commander of Community Policing.

In addition to his career, he was the president of the Fraternal Order of Police Lodge 8 which serves its members as the labor representative for the supervisors of the Cleveland Division of Police. Walter was also an active member of the Retired Irish Police Society and Anchor Club Branch 17.

I offer my most sincere condolences to his wife, Terry; son, Jake; sister, Patty; nephew, Chris, many nieces and nephews; and his canine companion, Maggie May.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Walter T. May, who served his community with honor and dedication.

# IN MEMORY OF DONALD E. GIRDLER

#### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to one of my most trusted advisors and one of southern Kentucky's most savvy political strategists, Donnie Girdler.

Donnie proudly served Kentucky's Fifth Congressional District as my field representative for nearly a quarter of a century. With sheer tenacity and courage of conviction, Donnie played a key role in orchestrating new opportunities and projects for southern and eastern Kentucky. However, it was his passion for politics that many sought during campaigns. Donnie's political insight was invaluable to local, state and federal leaders across the Commonwealth of Kentucky. In fact, he became acquainted with five U.S. Presidents and assisted with presidential elections. Donnie befriended people from all walks of life and had a keen perception of character.

As a former U.S. Marine and a former Commonwealth's Detective, Donnie was a man of integrity and loyalty. He pledged his life to his country, his home region and especially his family. My wife Cynthia and I extend our deepest heartfelt sympathies to the Girdler family.

Mr. Speaker, I ask my colleagues to join me in honoring a dear friend and a true patriot, the late Donnie Girdler.

#### IN MEMORY OF RANDY RHOADS

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in memory of Randy Rhoads, a close personal friend to my wife Janice and me, who passed unexpectedly and way too young.

Randy was only 52, but he packed a lot of life in those years. He managed the family business, Green Acres Market in Simi Valley, California, which his parents, Dick and Brenda, bought in 1968. Randy worked there as a

young teen sweeping up and doing other odd chores, and after graduating high school told his dad it was the only place he wanted to work.

Over the years, Randy's winning smile greeted thousands of customers who came in for the market's fresh meat, produce, and breads. Many of those who landed their first job at Green Acres were trained and mentored by Randy, and they became lifelong friends.

Randy believed in helping the less fortunate and was a big contributor to the MANNA Conejo Valley Food Bank and Simi Valley Care & Share Food Bank, even storing food for them at times in the grocery's refrigerator. One of the last philanthropic events he worked on was the Elton Gallegly & Friends Operation Toy Drop 2011 at Naval Base Ventura County in December. He supplied the 400 hams that went with bicycles, toys, and other food to thank military spouses and children of deployed, formerly deployed, or soon-to-be-deployed service members, who must endure long periods without a loved one.

When Randy wasn't at the store or caring for the less fortunate, he enjoyed camping, barbecuing, fishing wherever there was a stream, riding his motorcycle, playing poker, and being with his family.

Randy had a quotation hanging over his work bench at home. It read: "It doesn't matter where you go in life . . . What you do . . . Or how much you have . . . It's who you have beside you."

Those of us who had Randy beside us are very grateful to have known him and to have shared our lives with him.

Randy leaves behind his parents and Janice and my friends for more than 40 years, Dick and Brenda; his wife, Gina; their two daughters, Ashton and Brandie; sister, Julie; Julie's children, Tisa, Rachelle, and Ryan; and hundreds of friends.

Mr. Speaker, I know my colleagues join me in remembering Randy Rhoads, in thanking him for his many gifts to others, and in sending our condolences to his family and friends. Godspeed, Randy.

RECOGNIZING CSM STEPHEN BLAKE

#### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to thank Stephen Blake, Command Sergeant Major of the U.S. Army Sustainment Command. Today CSM Blake is retiring after 30 years of service to the U.S. Army and our country.

CSM Blake has served with distinction throughout his career. He has completed multiple overseas tours including combat tours in Southwest Asia during Operations Desert Shield/Desert Storm and Operation Iraqi Freedom, and a tour in Afghanistan in support of Operation Enduring Freedom. He has earned numerous awards and decorations.

During his time at ASC Headquarters at Rock Island Arsenal, CSM Blake and his wife Karen have been tremendous ambassadors

for the Army to communities throughout Eastern Iowa and Western Illinois. They have opened their home and generously shared their time. The Quad City region is a better place because they are in it.

Since CSM Blake arrived at Rock Island Arsenal in 2008 I have observed and admired his service to soldiers, military families, and our community. I've seen him embrace and support Gold Star Families. He has mentored community leaders including my own staff. Through his words and actions he consistently demonstrates compassion for others. He does what all of us are called to do: help each other.

Congratulations to CSM Blake and the entire Blake family. We are grateful for your service.

OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,236,288,061,558.65. We've added \$10,434,882,886,264.37 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### GOVERNOR BILL JANKLOW

#### HON. KRISTI L. NOEM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mrs. NOEM. Mr. Speaker, I would like to recognize the passing of Governor Bill Janklow, who served the state of South Dakota with great dedication and resolve. His persistence and ambition to achieve great things for South Dakota were truly one of a kind. My family's thoughts and prayers go out to Mary Dean and the rest of Governor Janklow's family during this difficult time. He was a passionate advocate for our State and will be missed.

Because I will be attending his funeral service today, I will not be present for the vote on H.J. Res. 98, which states the disapproval of the President's exercise of authority to increase the debt limit. If present, I would have voted "yes" in favor of the resolution.

IN REMEMBRANCE OF MR. DONALD L. FERFOLIA

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor of the memory of Mr. Donald Louis

Ferfolia, a man who was dedicated to his family and the Catholic Church.

Mr. Ferfolia was born on February 11, 1929 to his parents, Louis and Theresa Ferfolia. He was a licensed embalmer for 61 years and eventually became the president and chief executive officer of Ferfolia Funeral Homes.

Mr. Ferfolia was a dedicated member of the Catholic Church. He was a member of St. Wenceslas Church until its closing when he became a parishioner at St. Basil the Great Catholic Church in Brecksville. He was a member, and at one time the president, of the Maple Heights Catholic Club. Donald was also a founding member of the Callistian Guild, "an organization dedicated to the fundamental principle that the poorest of God's children are entitled to be buried with dignity."

I offer my condolences to his wife of 61 years, Alice; children, Donald B. Sr. (Margaret), Donna (the late C. Richard III) Mark L. Sr. (Christine) and Mary (Jeffrey A. Sr.); grandchildren, Donald B. Jr. (Dawn), Maureen, Joseph (Leanne), Allyson, Michelle (Michael), Megan, Colleen, Jeffrey (Erin), Kristin, Brian (fiancee, Anne), Meredith, Mark Jr., Rachael, Alex, Amy, Jeffrey Jr., Christina, Susan, Richard and Paige; great-grandchildren Ryan, Lauren, Donna, Caroline, Isadora and Julia; brother-in-law of Robert (Donna), Elaine and the late Carol Bandsuh (the late Richard).

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Donald L. Ferfolia. His contributions to Northeast Ohio and the Catholic community will be missed.

# TRIBUTE TO KATHERINE E. McCARRON

#### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on behalf of myself and Mr. BRADY, our Ranking Member, I would like to take this opportunity to recognize Katherine E. McCarron who is leaving the House to take a position with the Federal Trade Commission. Ms. McCarron served in the Office of the General Counsel for nearly 4 years as an Assistant Counsel. We will miss her.

Ms. McCarron provided frequent and invaluable legal advice and representation to the Committee on House Administration, as well as to Members, officers and other committees of the House more generally. Our staff came to rely on her expertise and guidance, particularly in connection with their internal oversight activities. Over the years, Ms. McCarron played a significant role in safeguarding the legal and institutional interests of the House of Representatives.

Ms. McCarron served the House with great distinction, and we know she will serve the Federal Trade Commission with that same level of distinction. On behalf of the Committee on House Administration, we thank Ms. McCarron for her devoted service, and extend to her our very best wishes for her continued success.

REMEMBERING THE CONTRIBUTIONS OF THE TUSKEGEE AIRMEN

# HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. AL GREEN of Texas. Mr. Speaker, it is important that we remember the contributions of the Tuskegee Airmen in protecting our freedom and way of life during World War II. These heroic World War II veterans just recently celebrated the 70th anniversary of their first training session on July 19, 1941. It is important that we constantly remind ourselves of the sacrifices of veterans in pursuit of our liberty.

The Tuskegee Airmen were not only heroes but pioneers, becoming the first African Americans to pilot and instruct others on how to fly combat aircraft. Though only approximately 140 Tuskegee pilots remain, it is essential we celebrate their accomplishments as a realization of the American Dream that inspired millions of African Americans, as Congress did in 1998 by establishing Tuskegee Airmen National Historic Site in Tuskegee, Alabama.

The Tuskegee Airmen fought courageously for their country at a time when they were denied vital freedoms and liberties at home. They endured segregation and hostility from the local community, and especially stringent standards meant to exclude as many of them as possible from the piloting program. When they finally reached combat, they fought in segregated units, but still managed to distinguish themselves-engaging in over 200 bomber escort missions, damaging or destroying 409 German aircraft, and sunk a battleship destroyer. Their prowess became so legendary they were nicknamed the "Red Tails Angels," by the pilots they protected, as only the red back end of the aircrafts were visible while they flew in front of U.S. air bombers on their vital missions. After the desegregation of the military in 1948, the Tuskegee Airmen went on to make exceptional individual contributions in the integrated U.S. Air Force.

I had the pleasure of attending the Tuskegee Institute of Technology, now Tuskegee University, the site of the training program for these brave young men, as an undergraduate. Tuskegee University has provided me and a multitude of African American youth with the most precious commodities in life, education and self-esteem.

 $\begin{array}{cccc} \mbox{HONORING THE HONOREES OF THE} \\ \mbox{OXFORD HILLS CHAMBER OF} \\ \mbox{COMMERCE AWARDS} \end{array}$ 

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the recipients of the 2012 Annual Oxford Hills Chamber of Commerce Awards. Representing over 400 area businesses and organizations, the Oxford Hills Chamber has been instrumental in advocating for economic growth throughout the region.

Each year, the Oxford Hills Chamber of Commerce honors local businesses, business leaders, and individuals who promote and advance a vital and healthy economic environment. These honorees embody the kind of entrepreneurism and resourcefulness which has helped the state to weather one of the harshest economic climates in American history.

This year's award recipients include Business of the Year, New Balance Athletic Shoe, Inc.; Employee of the Year, Ted Moccia, Principal of Oxford Hills Comprehensive High School; Rising Star of the Year, Mitch and Judy Green of Crazy Horse Racing Parts and Engines. Additionally, Connie Allen, Jean Delmater, Karen Ellis, Doreen Tibbetts, Carlene Treadwell, Wendy Williams, and John Williams of Right Start will receive the Community Service Award.

These recipients are among the best that Maine has to offer. Through their leadership and incredible commitment to their communities and to the region, Maine is a better place to live and to do business.

Mr. Speaker, please join me again in congratulating the Oxford Hills Region Chamber of Commerce and these individuals on their outstanding service and achievement.

COMMEMORATING THE 150TH ANNI-VERSARY OF THE BATTLE OF MILL SPRINGS

# HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to commemorate the 150th anniversary of the Battle of Mill Springs and to honor the soldiers who fought and died in this significant battle during the Civil War 150 years ago today.

The Battle of Mill Springs took place on January 19, 1862, in Pulaski and Wayne Counties in Kentucky and was the first significant victory for the Union Army in the west during the Civil War. The battle marks the death of Confederate General Felix Zollicoffer, who was the first general to die in the Civil War.

The Battle of Mill Springs was the second largest battle to take place in Kentucky and engaged over 10,000 soldiers. The outcome of this battle broke the main Confederate defensive line that was anchored in eastern Kentucky and opened the path for the Union Army to move through Kentucky and into Tennessee, affecting the outcome of the war.

The Mill Springs Battlefield is considered a National Historic Landmark, as the Mill Springs Battlefield Association along with countless volunteers have made significant strides in preserving the site and educating the public about this historic event.

With the Mill Springs Battlefield Association Visitor Center providing visitors with battlefield tours, access to Civil War artifacts, and a Civil War library, there have been 50,000 Civil War enthusiasts who have traveled to this uniquely preserved, nearly 500 acre historic battlefield. On this anniversary, I would like to honor and thank the Mill Springs Battlefield Association

for preserving this important site, particularly Chairman Bill Neikirk, who has dedicated significant time and energy to the museum and battlefield acquisition. In honor of those who fought valiantly during the battle 150 years ago and in appreciation for all that Chairman Neikirk has done in preserving this historic site, an American flag will be flown over the Capitol Building on the 150th Anniversary of the Battle of Mill Springs.

Today I am also introducing non-binding legislation which commemorates the 150th anniversary of the Battle of Mill Springs and its significance during the Civil War, as well as binding legislation that directs the Department of the Interior to conduct a study which evaluates the feasibility of incorporating the battle-field into the national park system. Such an addition will ensure its preservation for generations to come.

Mr. Speaker, I am proud to stand with the Mill Springs Battlefield Association and Civil War enthusiasts in commemorating this anniversary today and in seeking to preserve these hallowed grounds for tomorrow's visitors. I ask my colleagues to join me today in honoring the 150th anniversary of the Battle of Mill Springs and to recognize those who bravely fought to help preserve the union of the United States.

TRIBUTE TO GREATER CORONA VALLEY CHAMBER OF COMMERCE CHAIRMAN AWARD RECIPIENT DEAN SEIF

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Corona, California, are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dean Seif, a board member of the Greater Corona Valley Chamber of Commerce, is one of these individuals. On January 21, 2012, Dean will receive a prestigious honor when the Greater Corona Valley Chamber of Commerce gives him the Chairman's Award at the organization's annual awards

and installation gala at the Eagle Glen Golf

Club.

Dean was voted onto the Board to serve in 2011 and as a new board member took on the responsibility of chairing the weekly networking group, "Chamber Networking Solu-Taking his board responsibility seriously, Dean attended a special Southern California Training for Chamber Volunteers, bringing his wife, Shannon, who also is a member of the Chamber. They enthusiastically participated, taking notes and bringing back to the Board a full report which engaged and motivated other board members to consider future training. This past September a similar training session was held and Dean and ten other board members attended this time, bringing value back to the Chamber and its members. Annually, the Chamber travels to Sacramento for Legislative Days and the Chamber excels in bringing a contingent of volunteers to the trip each year. In 2011, both Shannon and Dean were part of the 18-person group from the Greater Corona Valley Chamber.

Dean's passion and leadership is contagious and when it comes to commitment, Dean matches his words with his actions. He was the top ticket seller for the Super Bowl Ticket drawing contest. Dean has attended countless meetings for creating and revising the 2012 budget. This next year, Dean will serve as an officer, becoming the Treasurer and overseeing the Finance Committee. Additionally, Dean will move to the chair position for the Ambassador's committee and is planning on having the Chamber host the Ambassador Rally in 2012.

In light of all Dean has done for the community of Corona, the Greater Corona Valley Chamber of Commerce has given Dean their Chairman's Award. Dean's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

IN REMEMBRANCE OF KATHLEEN "KATIE" DEVRING

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 18, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Kathleen "Katie" Devring who dedicated her life to those in need.

Katie was the second child of John and Margaret Devring and grew up on Cleveland's West side. She attended St. Rose Elementary School and began high school at St. Peter's. She graduated from West Tech High School in 1966

Throughout her life Katie was known as a compassionate soul that dedicated her life to those less fortunate. She worked tirelessly as a case worker for the Cuyahoga County Welfare Department for 25 years.

In addition to her work, Katie was a longtime volunteer and advocate for the LGBT community. She worked with the Northern Ohio CoDA Intergroup (NOCI) for decades arranging events and fundraisers to benefit the marginalized and disenfranchised of Northeast Ohio.

I offer my condolences to her brothers, John, Bill (Margie), Eddie and Marty (Mary); as well as her nieces, nephews and many friends

Mr. Speaker and colleagues, please join me in honoring the memory of Kathleen "Katie" Devring.

HONORING THE LIFE AND ACHIEVEMENTS OF JOHN T. FISHER II (JOHN T.)

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. COHEN. Mr. Speaker, I rise today to honor the life of John T. Fisher II, an unsung hero of the Civil Rights Movement. John T. was born on February 10, 1934 and became a community leader who spent his life working on racial equality in Memphis, Tennessee and around the world.

John T. Fisher II earned his Bachelor of Science in Commerce from the University of Virginia. Afterwards he entered into Officer training with the U.S. Marine Corps. After serving two years as a Marine in Okinawa, Japan, he returned to Memphis and assumed the presidency of the John T. Fisher Motor Company which was founded by his grandfather in 1907 and was one of the original Chrysler franchises in the country. By 1968, John T. operated a highly successful car dealership and once sold a car to Elvis Presley. Even so, he risked his reputation by being one of the few white businessmen to support the sanitation strike that brought Dr. Martin Luther King, Jr. to Memphis. In the days after the assassination of Dr. King, John T. did not hesitate in trying to bring the Memphis community together. Working with clergy members and professionals of all races, he invited all members of the community, regardless of race, to join in a peace rally called "Memphis Cares," which 6,000 people attended.

Mr. Fisher's ethical and religious convictions took him to work with the Council of World Churches in Geneva, Switzerland where he worked with the Faith and Society Committee and the Finance Committee. His task was to lead the divestment of all World Council financial holdings in South African companies that supported apartheid. This work moved him across Europe where he attended seminars and coordinated meetings with the World Council and eventually was asked to be a delegate to the 5th Assembly of World Council of Churches in Nairobi, Kenya in 1975.

In 2001, at age 67, John T. accepted a post at the Regional Medical Center at Memphis as Vice President for Development where he oversaw the MED Foundation. During his time there, he was credited with raising millions of dollars for the MED and was influential in building The Rehabilitation Hospital of Memphis (RHM). Today, RHM delivers comprehensive acute care, inpatient rehabilitation and outpatient treatment. RHM is a complement to the Elvis Presley Memorial Trauma Center, the Firefighters Regional Burn Center and serves the same five-state region in which the MED serves.

John T. Fisher II remained deeply committed to the community. He served as Chapter's Warden and Bishop's Warden at St. Mary's Episcopal Cathedral, Chairman of the Board of Trustees and Board of Advisors at St. Mary's Episcopal School, and on the boards of the Memphis Regional Chamber of Commerce, the Memphis Arts Council, the Better Business Bureau, the Committee of

Southern Churchmen, the Center for Urban Ministry, and the Wake Forest University Divinity School Board of Visitors. In addition to these responsibilities, he was a founding director of the Metropolitan Inter-Faith Association (MIFA). Today MIFA continues to unite the Memphis community and address the challenges of poverty by engaging the community to sustain the independence of seniors, transform the lives of families in crisis, and equip teens for success.

John T. will be remembered for his many contributions and accomplishments. Those who knew him best will also remember him for his collection of "words to live by," which he kept in his wallet to reference at any time and any place. Some of his favorite quotes were "Make no little plans; they have no magic to stir men's blood," ". . . Leadership is the willingness to state an opinion, the motivation to commit to a project, and the ability to make difficult choices . . ." and "quality is never an accident; it is always the result of intelligent effort." He used these quotes to reflect upon vision, leadership and quality, all of which embodied his lifelong work.

John T. Fisher II passed away on Friday, December 30, 2011, at 77 years of age. He is survived by his wife, Jean Carter Fisher, his three children: Jean Kelley Fisher, Suzannah Fisher Ragen, and John T. Fisher III, five grandchildren, his sister, Billie Fisher Carr Houghton and close mentor, Lewis Donelson of Memphis.

Mr. Speaker, I ask my colleagues to join me in honoring the many accomplishments and contributions of John T. Fisher II. His was a life well-lived.

# $\begin{array}{c} \text{HONORING CAPTAIN LOUIE A.} \\ \text{WRIGHT} \end{array}$

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Captain Louie A. Wright on his retirement as President of the International Association of Fire Fighters Local 42.

A self-made man from humble beginnings. Louie graduated from Ruskin Heights High School and joined the Kansas City Fire Department in 1972. Louie was first elected as President of Local 42 in 1976. In 1988, Louie resigned as President of Local 42 in order to run for General Secretary of the IAFF. This hiatus from the Presidency gave Louie the opportunity to finish his Juris Doctor with distinction from the University of Missouri-Kansas City School of Law, finishing a collegiate journey that included receiving his Master of Public Administration from the Harvard University John F. Kennedy School of Government. Louie was again elected President in 1995, leading Local 42 ever since.

His time with Local 42 has been marked by many memorable moments. When the negotiations over 40-hour work weeks and mandatory overtime grew fierce in the late 1970s, Louie and around 70 other firefighters were arrested. An agreement was later reached and

Louie was pardoned by the governor. However, it was not the only time this happened and Louie often jokes that he is the only member of the Missouri Bar Association to have been arrested and pardoned twice. For the past 35 years Louie Wright has led the Local 42 to unprecedented growth with skill, street smarts and toughness. Local 42 members, their friends, families, fellow firefighters and the citizens of greater Kansas City will always remember Louie Wright as a "fireman's fireman."

Mr. Speaker, I proudly ask you to join me, Louie's children Joanna and Nick and his family and friends in congratulating Captain Louie A. Wright on his retirement after 29 years with the Kansas City Fire Department and the IAFF and in wishing him the best of luck in the years to come.

PAYING TRIBUTE TO LIEUTENANT GENERAL EDGAR E. STANTON III'S 40 YEARS OF SERVICE TO OUR NATION

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Lieutenant General Edgar E. Stanton III for his extraordinary dedication to duty and service to the United States of America. Lieutenant General Stanton will retire from active military duty in April 2012 after 40 distinguished years of service to the United States Army. Lieutenant General Edgar E. Stanton III has distinguished himself throughout his 40 years of service to his Nation by exceptionally meritorious service to the United States Army and the United States of America, culminating as the Military Deputy for Budget to the Assistant Secretary of the Army (Financial Management & Comptroller). He is currently the Army's senior uniformed financial manager. Throughout his career, Lieutenant General Stanton has served in command and staff positions at every level from the Finance Section, to the Army Secretariat, including Commander, 18th Finance Group; Commandant, US Army Finance School; Deputy Chief of Staff, Resource Management, TRADOC, and Commanding General, US Army Soldier Support Institute. During his tours as the Director, Army Budget and Military Deputy to the Assistant Secretary, Lieutenant General Stanton was directly and intimately involved in supervising the formulation, iustification, and execution of Army Appropriations valued at over \$1.5 trillion.

As the Military Deputy for Budget to the Assistant Secretary of the Army (Financial Management & Comptroller) since July 2008, Lieutenant General Stanton continued to be instrumental in resourcing the Army at war, and was also intimately involved in the planning for the force of the future in a rapidly changing strategic and economic environment. He helped senior Army leaders maintain a strategic focus in these efforts and craft a story that can be clearly understood by leaders at the Office of the Secretary of Defense and the Congress.

Throughout his tenure as both the Director, Army Budget and Military Deputy for Budget,

Lieutenant General Stanton forged and maintained countless valuable relationships with Congressional members and staffers, key leaders at the Office of Management and Budget, leadership in the Office of the Secretary of Defense, and with his Service counterparts. These relationships were critical communications links when the Army needed to provide key information and have a voice in critical resource decisions that affected its programs. Lieutenant General Stanton's exemplary leadership and selfless devotion to duty has touched fully two generations of Soldiers, Department of the Army Civilians, and their Families. His integrity and credibility are unsurpassed, and expertise is unquestioned. Lieutenant General Stanton's 40 years of service to our Army and the Nation can only be characterized as distinguished.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in saying thank you to Lieutenant General Edgar E. Stanton III, for his extraordinary dedication to duty and service to his country throughout his distinguished career in the United States Army and we wish him, his wife Paula M. Stanton, his sons Edgar "Chip" E. Stanton IV, LTC Paul Stanton, and William "Billy" Stanton, all the best in his well-deserved retirement.

HONORING SACRIFICES BY FEDERAL EMPLOYEES

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. WOLF. Mr. Speaker, every federal employee has repeated the following oath: "I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Within the past month, northern Virginia residents have attended services for two federal law enforcement officers who have died in the line of duty: U.S. Park Police Sergeant Michael Andrew Boehm of Burke, Virginia, and National Park Service Ranger Margaret Anderson, who previously lived in Lovettsville, Virginia, before her post in Washington State.

I urge all members to read Washington Post columnist Joe Davidson's piece entitled "Park ranger's death highlight the risks in federal law enforcement," which I am submitting for the RECORD. This piece highlights the sacrifices made in 2011 by 13 federal law enforcement officers who died in the line of duty, including: Senior Special Agent John Capano, Bureau of Alcohol, Tobacco, Firearms, and Explosives; Special Agent Daniel "Danny" Lee Knapp, Federal Bureau of Investigations; Officer Bart Child. Fort Huachuca Police Department: Special Agent Timothy S. Briggs, Federal Bureau of Investigations; Border Patrol Agent Eduardo Rojas, Jr., Customs and Border Protection: Border Patrol Agent Hector R. Clark, Customs and Border Protection: Senior Officer Specialist Christopher Cooper, Bureau of Prisons;

Deputy Marshal John Perry, U.S. Marshals Service; Park Ranger Julie Weir, National Park Service; Deputy Marshal Derek Hotsinpiller, U.S. Marshals Service; Special Agent Jamie Zapata, Immigration and Customs Enforcement; and Park Ranger Chris Nickel, National Park Service.

Their sacrifices remind us that many federal employees are repeatedly put in dangerous situations. According to the Office of Personnel Management, since 1992, nearly 3,000 federal employees have paid the ultimate price while serving their country. The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent from my congressional district. CIA, FBI, DEA agents, and State Department employees are serving sideby-side with our military in the fight against the Taliban. Customs and Border Patrol and Immigration and Customs Enforcement agents are working to stop the flow of illegal immigrants and drugs across our borders. Federal firefighters work to protect federal lands and mitigate the spread of deadly fires.

Federal employees who are not in harm's way on a daily basis are also dedicated civil servants. The medical researchers at the National Institutes of Health working to develop cures for cancer, diabetes, Alzheimer's and autism are all dedicated federal employees. Dr. Francis Collins, the physician who mapped the human genome and serves as director of the NIH, is a federal employee.

The National Weather Service meteorologist who tracks hurricanes, and the FDA inspector working to stop a salmonella outbreak, are federal employees. The ATF agents who were in Blacksburg, Virginia, immediately following last month's shooting are federal employees. These are but a few examples of the vital jobs performed by federal employees.

I thank all federal employees for their service to our nation, and know that all my colleagues are grateful to the families of those who have died while working to ensure that our country is a safer and better place.

[From the Washington Post, Jan. 4, 2012] PARK RANGER'S DEATH HIGHLIGHTS THE RISKS IN FEDERAL LAW ENFORCEMENT

#### (By Joe Davidson)

In a stark reminder of how dangerous working for Uncle Sam can be, 13 federal law enforcement officers died in 2011. Then the new year began with the murder of an officer in an otherwise peaceful park.

Margaret Anderson, a ranger with the National Park Service, was gunned down in Washington state's Mount Rainier National Park on New Year's Day.

The day before, John Capano, an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives agent, was killed in Seaford, N.Y., as he tried to stop a pharmacy thief. Capano, 51, who was off-duty at the time, apparently was mistakenly shot by another law enforcement officer, according to the Associated Press and New York media reports.

Last Thursday, Daniel Knapp, a 43-year-old FBI agent, drowned in Puerto Rico while trying to assist a distressed swimmer.

A day earlier, U.S. Park Police Sgt. Mike Boehm was buried. Boehm suffered a heart attack while on duty Dec. 16, trying to assist a man who plummeted from the Key Bridge in Georgetown.

Kevin Bacher, a ranger who served with Anderson at Mount Rainier, said she "always had a smile and always had a kind word and would bend over backward if you needed something."

Anderson, a 34-year-old mother of two girls who was married to another ranger, probably would have been more than willing to assist even the likes of Benjamin Colton Barnes. But the 24-year-old Iraq war veteran allegedly shot her before she could even get out of her car. He then fled into the woods, where he developed hypothermia and drowned in a creek

Before transferring to Mount Rainier in 2008, Anderson was assigned to the Chesapeake and Ohio Canal National Historical Park in Hagerstown.

"When I think of Margaret's tenure here, I think of her big smile. But she also was a nononsense law enforcement officer," said Kevin Brandt, the park's superintendent. Unlike many officers, she became an emergency medical technician "to provide that important service to visitors," he added. "She had a real love of nature. . . . She was a consummate ranger. She was everything that you'd want a ranger to be."

Anderson's death points to the perils that rangers face. "This tragedy serves as a reminder of the risks undertaken by the men and women of the National Park Service and law enforcement officers across the Department every day," said Interior Secretary Ken Salazar.

Rangers are far more than park tour guides in peculiar hats. Particularly in remote parks, they carry out a variety of critical duties, including fighting fires, saving lives and being the cops many of them are authorized to be. There are two types of rangers, those with law enforcement powers such as Anderson, and interpretive rangers who have some of the same responsibilities but don't carry guns, wear body armor or confront killers.

Generally, guns and bulletproof vests are not necessary, because national parks are safe places. "Margaret Anderson's case was incredibly tragic for us, but it was very rare at the same time," said National Park Service Director Jon Jarvis.

Like Anderson, many park service employees have a strong sense of mission and devote their careers to protecting America's natural resources. "The Park Service . . . is a big family," said Jarvis, himself a 35-year Park Service veteran. "To lose one of the family is devastating to us."

While its people are devastated, he said, the Park Service "also will evaluate the situation in extraordinary detail to see if there is anything we can do to prevent this from happening in the future."

The 13 officers who died in the line of duty, including deaths from job-related illness and accidents, compares with just four in 2000 and 17 in 2007, according to the Officer Down Memorial Page, a nonprofit organization. "These officers selflessly put themselves in harm's way to protect their fellow Americans," said Office of Personnel Management Director John Berry. "All Americans are saddened by their loss, and grateful for the courage every Federal law enforcement officer shows daily as they keep our nation safe."

For all of the sadness the deaths bring, the killings of officers also generate understandable anger. When Jaime J. Zapata, an Immigration and Customs Enforcement (ICE) agent, was killed in Mexico in February, Homeland Security Secretary Janet Napolitano did not mince words:

"Let me be clear: Any act of violence against our ICE personnel—or any DHS per-

sonnel—is an attack against all those who serve our nation and put their lives at risk for our safety."

OFFICERS LOST IN THE LINE OF DUTY LAST YEAR

Thirteen federal law enforcement officers died in the line of duty in 2011, according to the Officer Down Memorial Page, a nonprofit organization. In addition to officers who were killed by gunfire, as National Park Service Ranger Margaret Anderson was on Sunday, the list includes officers who died because of job-related illnesses, such as heart attacks, or in vehicle and other accidents.

Senior Special Agent John Capano, Bureau of Alcohol, Tobacco, Firearms and Explosives, Dec. 31, New York.

sives, Dec. 31, New York.

Special Agent Daniel "Danny" Lee Knapp,
FBI, Dec. 29, Puerto Rico.

Sgt. Michael Andrew Boehm, U.S. Park Police, Dec. 16, District of Columbia.

Officer Bart Child, Fort Huachuca Police Department, Aug. 18, Arizona.

Special Agent Timothy S. Briggs, FBI, May 31, Kentucky.

Border Patrol Agent Eduardo Rojas, Jr., Customs and Border Protection, May 12, Arizona.

Border Patrol Agent Hector R. Clark, Customs and Border Protection, May 12, Arizona.

Senior Officer Specialist Christopher Cooper, Bureau of Prisons, April 7, Kansas.

Deputy Marshal John Perry, U.S. Marshals Service, March 8, Missouri.

Park Ranger Julie Weir, National Park Service, Feb. 24, Nebraska.

Deputy Marshal Derek Hotsinpiller, U.S. Marshals Service, Feb. 16, West Virginia.

Special Agent Jaime J. Zapata, Immigration and Customs Enforcement, Feb. 15, Mexico.

Park Ranger Chris Nickel, National Park Service, Jan. 29, Utah.

# HONORING CURTIS LUCILLE SANDERS

# HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 18, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, one hundred years ago a virtuous woman of God, Curtis Lucille was born in Lawrenceville, Georgia on January 7, 1912 to Frank and Gussy Hutchins; and

Whereas, she was raised up at Macedonia Baptist Church in Gwinnett County, Georgia, and she married Mr. John W. Sanders and she had one son, Mr. Porter Lucas, Jr., and one daughter, Ms. Lizzie Ruth Flanigan and eleven grandchildren; and

Whereas, this phenomenal Proverbs 31 woman has shared her time and talents as a Wife, Mother and Motivator, becoming a Georgia citizen of great worth, a fearless leader and a servant to all by always advancing the lives of others; and

Whereas, Mrs. Sanders has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Sanders along with her family and friends are celebrating this day a remarkable milestone, her 100th Birthday, we pause to acknowledge a woman who is a cornerstone in Lithonia, DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Sanders on her birthday and to wish her well and recognize her for an exemplary life which is an inspiration to all;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim January 7, 2012, as Mrs. Curtis Lucille Sanders Day in the 4th Congressional District of Georgia.

Proclaimed, this 7th day of January, 2011.

RECOGNIZING MARY CZEMERDA FOR RECEIVING THE CLEARVIEW FEDERAL CREDIT UNION'S JO-SEPH C. CIRELLI COMMUNITY SERVICE AWARD

#### HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. CRITZ. Mr. Speaker. I rise to recognize a skilled and selfless community leader for receiving an award for outstanding dedication to the greater good. Each year, the Clearview Federal Credit Union presents the Joseph C. Cirelli Community Service Award to an individual who works ardently and effectively to advance the foundational cause of a charity. This year's recipient is Mary Czemerda, Program Director for Lower Burrell Meals on Wheels. Thanks to Mary's exceptional managerial skills and kindhearted spirit, the Meals on Wheels program in Lower Burrell has grown from a small, church-based charity into a 501(c)(3) not-for-profit organization. I am proud to represent a woman of such great character and ability in Congress.

Clearview's Award includes a \$2,500 donation to a charity of the recipient's choice. Mary has already given this money to Meals on Wheels. It will be used to feed five meal re-

cipients who cannot afford the \$4 per day charge for an entire year.

Mary has been with Lower Burrell Meals on Wheels for the last seven years. She came to this organization desiring to be a driver, but due to her track record as a proven leader at the Alcoa Technical Center, she was almost immediately appointed to her current post. As program director, she records financial transactions, solicits donations and manages driver schedules. Her ability to adeptly juggle these multiple responsibilities is a testament to the wide range of her talents.

Mary began volunteering long before getting involved with Meals on Wheels. Over the years, she has done extensive work with scout troops, the United Way of Westmoreland County and a number of religious education programs. Devotion to others has been the abiding theme of Mary's life. In addition to being a model philanthropist, she is a loving and dedicated wife, mother of three and grandmother of two.

Mary has said that the driving force behind her community service is her faith in the inherent goodness of the people she works with and serves. I share this faith; the kindness and selflessness of those I represent hold the communities of western Pennsylvania together. Mary's own example serves as clear evidence for this.

Mr. Speaker, I want to congratulate Mary for receiving such a well-deserved honor.

HONORING THE HONOREES OF THE BANGOR REGION CHAMBER OF COMMERCE AWARDS

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 18, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the Honorees of the 2012 Bangor

Region Chamber of Commerce Annual Awards Dinner. Founded in 1911, the Bangor Region Chamber of Commerce serves Bangor and 21 surrounding communities. The positive economic effects of the Bangor Chamber's committed advocacy can always be felt throughout the state.

Each year, the Bangor Region Chamber of Commerce recognizes local businesses, business leaders, and individuals who promote and advance a vital and healthy business environment. These individuals and businesses are committed to strengthening opportunity and prosperity in Maine.

This year's award recipients include John Bragg of N.H Bragg, recipient of the Norbert X. Dowd Award; Habib Dagher of the University of Maine, recipient of the Catherine Lebowitz Award for Public Service; Nelson Durgin, recipient of the Arthur A. Comstock Professional Service Award; Sutherland Weston Marking Communications, recipient of the Bion and Dorain Foster Entrepreneurship Award: Cross Insurance, recipient of the Business of the Year Award; Bill Lucy and Peoples United Bank, recipient of the Community Service Award; Maine Discovery Museum, recipient of the Non-Profit of the Year Award; Bangor Greendrinks, recipient of the FLAVA (Fusion Leadership and Vision Award); and Husson Hospitality Program, recipient of the Volunteer of the Year Award.

These nine recipients are among the best that Maine has to offer. Through their leadership and incredible commitment to the communities and the region, Maine is a better place to live and do business.

Mr. Speaker, please join me again in congratulating the Bangor Region Chamber of Commerce and these individuals on their outstanding service and achievement.

# HOUSE OF REPRESENTATIVES—Thursday, January 19, 2012

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

# DESIGNATION OF THE SPEAKER PRO TEMPORE

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

> Washington, DC, January 19, 2012. ne Honorable Tom Rep

I hereby appoint the Honorable Tom REED to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: We give You thanks, O God, for giving us another day.

As You make available to Your people the grace and knowledge to meet the needs of the day, we pray that Your spirit will be upon the Members of this people's House, giving them the richness of Your wisdom.

Bless the Members of the majority party as they gather these next days. May they, with those who accompany them, travel safely and meet in peace.

Bless also the minority party as they prepare for their own gathering. May these days be filled with hopeful anticipation.

May the power of Your truth and our faith in Your providence give them all the confidence they must have to do the good work required for service to our Nation. Give all Members the strength of purpose and clarity of mind to do those things that bring justice and mercy to people and maintain freedom and liberty for our land.

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

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

# COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, Washington, DC, January 18, 2012.

Hon. JOHN BOEHNER,

Speaker of the House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), I hereby appoint Mr. Gregory T. Moore of Washington, DC to the U.S. Election Assistance Commission Board of Advisors.

Thank you for your attention to his appointment.

Sincerely,

 $\begin{array}{c} {\rm NANCY\ PELOSI},\\ {\it House\ Democratic\ Leader}. \end{array}$ 

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Monday, January 23, 2012, at noon.

# $\begin{array}{c} {\tt EXECUTIVE~COMMUNICATIONS},\\ {\tt ETC}. \end{array}$

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4618. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Real-Time Public Reporting of Swap Transaction Data (RIN: 3038-AD08) received January 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4619. A communication from the President of the United States, transmitting notification that the national emergency regarding terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2012, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112—82); to the Committee on Foreign Affairs and ordered to be printed.

4620. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated States of Legal Authority To Reflect Continuation of Emergency

Declared in Executive Order 12938 [Docket No.: 111031662-1691-01] (RIN: 0694-AF44) received December 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

fairs.
4621. A letter from the Assistant Secretary,
Legislative Affairs, Department of State,
transmitting the Department's final rule —
Amendment to the International Traffic in
Arms Regulations: Establishment of U.S.
Munitions List Category XIX for Gas Turbine Engines (RIN: 1400-AC98) received December 19, 2011, pursuant to 5 U.S.C.
801(a)(1)(A); to the Committee on Foreign Affairs

fairs.
4622. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100804324-1295-03] (RIN: 0648-BA01) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4623. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Program Improvement and Enhancement; Amendment 21-1 [Docket No.: 110616336-1627-02] (RIN: 0648-BB13) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4624. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83 [Docket No.: 100107012-1689-03] (RIN: 0648-AY53) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4625. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's "Major" final rule—Flightcrew Member Duty and Rest Requirements [Docket No.: FAA-2009-1093; Amdt. Nos. 117-1, 119-16, 121-357] (RIN: 2120-AJ58) received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's "Major" final rule— Hours of Service of Drivers [Docket No.: FMCSA-2004-19608) (RIN:2126-AB2) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans, transmitting the Department's final rule — Payment or Reimbursement for Emergency Treatment Furnished by Non-VA Providers in Non-VA Facilities to Certain Veterans with Service-connected or Nonservice-connected Disabilities (RIN: 2900-AN49) received

December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans'

4620. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Employee Plans Determination Letter Program changes [Announcemnnt 2011-82] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4629. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Revenue Ruling 2011-1 [Notice 2012-6] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS Under clause 2 of rule XII,

Mr. SENSENBRENNER (for, Mr. DAN-IEL E. LUNGREN of California, Mr. LANCE, and Ms. WASSERMAN SCHULTZ) introduced a bill (H.R. 3796) to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006; which was referred to the Committee on the Judiciary.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution. Mr. SENSENBRENNER:

H.R. 3796.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 1.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. CRAVAACK.

H.R. 1200: Mr. McGovern.

H.R. 3643: Mr. Boswell.

 $\rm H.R.~3702;~Mrs.~NAPOLITANO~and~Mr.~WALZ~of~Minnesota.$ 

H.J. Res. 88: Ms. LEE of California.

H. Res. 516: Mr. Tiberi, Mrs. Hartzler, and Mr. Roe of Tennessee.

# EXTENSION OF REMARKS

RECOGNIZING JACQUELINE JACKS AS THE 2012 WASHINGTON COUN-TY ROOKIE TEACHER OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 2012

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to recognize Jacqueline Jacks as the 2012 Washington County Rookie Teacher of the Year.

Ms. Jacks has impacted the lives of many through her contributions as Educator of Students with Exceptionalities. Above all, she has earned the fondness and respect of her students and the school community. Driven by her passion for teaching and her love for children, Ms. Jacks is a positive force behind each student's growth of mind, giving them the confidence, knowledge, and inspiration necessary for success.

Ms. Jack's childhood dream was to teach and inspire others, and it was not until after raising her three children that this dream came to fruition. Her story demonstrates that it is never too late to pursue your dreams; it continues to inspire her pupils and her three children, Taryn, Clinton, and Ashton.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Jacqueline Jacks on her achievement and contributions in the Washington County School District. My wife Vicki joins me in congratulating Ms. Jacks, and we wish her all the best.

OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,236,279,221,858.36. We have added \$10,434,874,046,564.08 dollars to our debt in 16 years. This is \$10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING VADM JAMES A. ZIMBLE

# HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to honor VADM James A. Zimble, MC, USN, who passed away December 14, 2011 at age 78

Throughout his career in the United States Navy, Admiral Zimble was unrelenting in his dedication to his country and fellow service members. After earning his degree from the University of Pennsylvania School of Medicine, Dr. Zimble joined the Navy in 1955. Completing an internship at St. Albans Hospital, Dr. Zimble decided to pursue undersea medicine and spent a tour aboard the fleet ballistic missle submarine USS John Marshall. The valuable skills he acquired there paved the incredible career that followed.

Dr. Zimble served as the CO of the Naval Regional Medical Center in 1978 before becoming the Medical Officer of the Marine Corps in 1981 and then the Fleet Surgeon for Commander in Chief, U.S. Atlantic Fleet. Most notably, VADM Zimble served as the Surgeon General of the U.S. Navy from 1987 to 1991, where he presided over disestablishment of the Naval Medical Command and the return of the Bureau of Medicine and Surgery (BUMED). In addition, Dr. Zimble managed the deployment of the hospital ships *Mercy* and *Comfort*, the Fleet Hospitals, and Medical Department personnel for the Gulf War.

Upon his retirement in 2004, Dr. Zimble moved to New London, Connecticut, where he lived with his wife Mona.

Admiral Zimble's commitment to the health of the military and their families touched the lives of millions. Please join me in honoring this extraordinary man.

RECOGNIZING DELANIE PRITCH-ARD AS THE 2013 WASHINGTON COUNTY TEACHER OF THE YEAR

## HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Thursday, January 19, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Delanie Pritchard as the 2013 Washington County, Florida Teacher of the Year.

Benjamin Franklin once said, "Tell me and I forget. Teach me and I remember. Involve me and I learn." It is with great honor that I recognize Delanie Pritchard for her ability to not only teach, but to involve and engage those around her. The best teachers are those who not only educate, but those who strive

every day to actively engage their pupils. Mrs. Pritchard embodies this spirit. She is an educator, a mentor, and a role model to those she serves.

Her greatness extends well beyond her title as Teacher of the Year—it lies in the hearts and minds of the students who have been deeply affected. Through her passion and dedication, Mrs. Pritchard has proven herself to be among Northwest Florida's finest teachers. The Washington County School District is honored to have her as one of its own.

Throughout her career, Mrs. Pritchard has taught in various capacities. Whether she was teaching in the classroom at Arthur G. Dozier School for Boys and Vernon Place juvenile facilities; teaching on the field as Physical Education Instructor at Hutchinson Beach Elementary, Surfside Middle School, and Roulhac Middle School; or teaching from behind a desk as Guidance Counselor at Roulhac Middle School, Mrs. Pritchard's impact in molding the minds of her students has been felt. not only by the educational system, but also by the entire community. Since 2004, Mrs. Pritchard has counseled and advised the students of Roulhac Middle School, and it is in this role that the Washington County School Board recognizes her for her outstanding contributions.

Mrs. Pritchard is also a proud wife and mother. She has been happily married for almost 25 years to Ross Pritchard, and they have two daughters, Meredith and Michelle. Her dedication to Northwest Florida and her family is commendable.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Delanie Pritchard on her achievement and her exemplary service in the Washington County School District. My wife Vicki joins me in congratulating Mrs. Pritchard, and we wish her and her family all the best.

HONORING UNIVERSITY OF ILLINOIS' WOMEN'S VOLLEYBALL TEAM

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, January 19, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to commemorate the 2011 University of Illinois at Urbana-Champaign Women's Volleyball Team.

This talented group of young women truly represents the epitome of athleticism, dedication, and perseverance as the team placed 2nd in the country in the Division I NCAA Tournament. This marked the first time in history that this Illini organization has made it to the finals of this competition.

I would like to also congratulate Kevin Hambly, the head coach, as well as his fellow coaches and staff members who helped guide the 2011 Women's Volleyball Team to accomplish greatness. Mr. Hambly was recently named the National Coach of the Year by Volleyball Magazine. In addition, this publication named Michelle Bartsch as a first-team All-American and Colleen Ward as a second-team All-American. I would also like to note that 11 of the young women on the 2011 Women's Volleyball Team placed among the top 60 in each of their recruiting classes.

It is undeniable that the women on this team all serve as role models for community that I represent, and it is honors such as these that make me incredibly proud to call the University of Illinois at Urbana-Champaign my alma mater.

BLACK JANUARY IN AZERBAIJAN

# HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 2012

Mr. SHUSTER. Mr. Speaker, as the Co-Chairman of the Congressional Azerbaijan Caucus, I rise today to join with the people of Azerbaijan to commemorate the tragic events of "Black January."

On January 19, 1990, approximately 26,000 Soviet troops stormed Azerbaijan's capital city of Baku in tanks and armored vehicles. That night, the Soviet military bulldozed innocent Azeris and opened indiscriminate fire on peaceful demonstrators, including women and children. According to Azerbaijani sources, as a result of these merciless acts 131 people were killed, 611 were injured, 841 were arrested, and 5 went missing.

rested, and 5 went missing.

The Human Rights Watch report "Black January in Azerbaijan" states that "among the most heinous violations of human rights during the Baku incursion were the numerous attacks on medical personnel, ambulances, and even hospitals." The report concludes that the violence used by the Soviet Army constituted an exercise in collective punishment and that the punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in other Republics of the Soviet Union.

In their honor, every January 20, thousands gather in Martyr's Cemetery in Baku to honor the dead and the nation's commitment to independence and freedom. In doing so, it is clear the victims of "Black January" did not perish in vain.

Far from crushing the spirit of Azeris, the atrocities of Black January instead consolidated the rising independence movements in the country and united the Azerbaijani nation in its quest for freedom. Today, Azerbaijan is a critical and strategic ally of the United States and is preparing to celebrate 20 years of diplomatic relations with the United States.

It is my honor to thank the Azerbaijani people for their friendship and to offer my thoughts and prayers to the families of those who gave their lives for the independence of Azerbaijan. I encourage my colleagues to visit the very moving memorial to Black January in Baku that honors the memories of those killed in these attacks by the Soviet military and to join with me today in standing with Azerbaijanis as they commemorate this tragedy.

RECOGNIZING CHRISTY PIPPIN AS THE 2012 WASHINGTON COUNTY SCHOOL RELATED EMPLOYEE OF THE YEAR

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Christy Pippin as the 2012 Washington County School District Related Employee of the Year. Christy Pippin is a Teacher's Aide for Kate M. Smith Elementary School in Washington County, where she has proudly served since 2000.

Mrs. Pippin's childhood dream was to teach, and at the early age of fifteen her passion was further ignited when she began work at a daycare. She continued inspiring and educating others throughout high school and college. In 2000, her dream to become a full time paraprofessional came to fruition as she began her work at Kate M. Smith Elementary School.

Christy Pippin's passion for and dedication to the students has impacted the lives of many. My wife Vicki joins me in congratulating Mrs. Pippin, and we wish her, her husband Chris, and their two children, Sarah-Grace and Riley, all of the best.

HONORING MS. ALEX VAN HOOF'S CLASS 1A CROSS COUNTRY ACCOMPLISHMENTS

# HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, January 19, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to recognize the achievement of a talented individual from Bloomington, IL. Alex Van Hoof recently placed 2nd in the class 1A Illinois cross country state meet. She finished the 3 mile course in an astounding 17 minutes and 18 seconds. This time also breaks her old record, which was the school record, by 9 seconds. I would also like to congratulate her

coach Tom Engelhorn for his hard work with his team and with Alex. This young lady has represented herself, her school and her community in an exemplary fashion and I want to join with all the members of this House in wishing her continued success in her athletic and academic endeavors.

THE PULMONARY FIBROSIS RESEARCH ENHANCEMENT ACT

#### HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 2012

Mr. ALTMIRE. Mr. Speaker, I rise today to bring attention to a cause of great importance, the fight against Pulmonary fibrosis. Pulmonary fibrosis is a disorder of the lungs that, over time, deprives its victims of their ability to breathe normally. An estimated 200,000 Americans currently suffer from Pulmonary fibrosis, and 48,000 additional cases are diagnosed each year. Sadly, the disease claims 40,000 lives every year, yet there is no known cause, and even worse, no cure. Despite the prevalence of Pulmonary fibrosis, it remains virtually unknown to the public.

That is why I was proud to cosponsor the Pulmonary Fibrosis Research Enhancement Act in the past, and why I believe it is important to do so again in the 112th Congress. This bill would require the creation of a National Pulmonary Fibrosis Registry to collect data, expand research for prevention, and generate much needed awareness for the individuals who suffer from Pulmonary fibrosis, and the loved ones who care for them. It would also create a national advisory board that would report to Congress, convene a national summit, and foster greater coordination among federal agencies to better facilitate information in an effort to better understand the disease.

The Coalition for Pulmonary Fibrosis is a group of dedicated individuals who together are working to raise awareness in the hopes that one day we can discover the cause of Pulmonary Fibrosis, as well as a treatment and cure. In August 2011, the Coalition held an inaugural walk/run to raise money for Pulmonary Fibrosis in Pittsburgh, Pennsylvania. The event was a great success. Over 270 people participated, and they raised over \$28,000.

The Pulmonary Fibrosis Research Enhancement Act is a crucial step in the fight towards increasing public awareness and understanding of the disease. I urge my colleagues to join me in supporting this worthy cause, and this important piece of legislation.

# SENATE—Friday, January 20, 2012

The Senate met at 2 and 11 seconds p.m., and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE, Washington, DC, January 20, 2012.

To the Senate:

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

Daniel K. Inouye, President pro tempore. Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY, JANUARY 23, 2012, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, January 23, 2012.

Thereupon, the Senate, at 2 and 40 seconds p.m., adjourned until Monday, January 23, 2012, at 2 p.m.

# SENATE—Monday, January 23, 2012

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

#### PRAYER

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

Let us pray.

Eternal Lord God, the source of wisdom and might, with renewed powers and refreshed spirits, we return to this national Chamber of deliberation. We begin our work with the awareness that without You nothing of significance can be accomplished. Be the guardian and guide of our Senators as they travel the unbeaten path into our national future. Grant them wisdom and courage for the living of these days.

We pray in Your sacred Name. Amen.

#### PLEDGE OF ALLEGIANCE

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

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

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 23, 2012.

To the Senate:

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

Daniel K. Inouye, President pro tempore.

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

# RECOGNITION OF THE MAJORITY LEADER

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

#### WELCOME

Mr. REID. Mr. President, I, first of all, welcome everyone back after the

The Senate met at 2 p.m. and was long break we had. I hope it was restful lowed it as closely as I have been able alled to order by the Honorable Richard and productive for everyone.

As happens every 4 years, we have a Presidential election year and, as a result of that, things should be more tense than usual, but I certainly hope not.

# MEASURES PLACED ON THE CALENDAR—H.R. 440 AND H.R. 3012

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The legislative clerk read as follows: A bill (H.R. 440) to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in

the Near East and South Central Asia.

A bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other pur-

Mr. REID. Mr. President, I object to further proceedings in regard to these two bills

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

#### SCHEDULE

Mr. REID. Mr. President, the Senate will be in morning business until 4 o'clock today, with Senators permitted to speak for up to 10 minutes each. Following that morning business, the Senate will proceed to executive session to consider the nomination of John Gerrard to be United States District Judge for the District of Nebraska. At 5:30 p.m., we will vote on confirmation of that nomination.

#### ORDER OF PROCEDURE—S. 968

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 70, S. 968, be vitiated.

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

#### WISHING SENATOR KIRK A SPEEDY RECOVERY

Mr. REID. Mr. President, I was saddened to hear that Senator MARK KIRK suffered a stroke over the weekend. He had surgery this morning. I have fol-

lowed it as closely as I have been able to. The doctors say he will recover, and I am confident that is true. He is young and in very good health. I wish him a full and speedy recovery and look forward to him returning to his work in the Senate as soon as possible.

#### FINDING COMMON GROUND

Mr. REID. Mr. President, Winston Churchill said:

Courage is what it takes to stand up and speak. Courage is also what it takes to sit down and listen.

I know each of my colleagues in the Senate—regardless of political party—has the courage to stand up and speak in defense of his or her principles. This year I hope we each find the courage and faith to listen and cooperate as well.

The Founders, in their wisdom, when drafting our Constitution, created a divided government. That is what they did with this bicameral legislature they envisioned. They also looked to see a robust debate on important issues. I do not believe they envisioned the obstructionism and gridlock that ground the Senate to a halt last year. Influenced by the tea party voices, Republicans forced us to waste months on routine legislation, they nearly shut down our government, and they held hostage the full faith and credit of the United States.

So I remind my Republican colleagues that not every discussion, every matter we deal with, should collapse into a fight. We do not have to fight about everything. Every piece of legislation we consider should not result in a political battle.

When we work together, we achieve greater results for the American people. That is why this year Democrats and Republicans must seek common ground. We must also admit it when we find that common ground, and work on that common ground we have discovered.

We should all be able to agree that Congress must do whatever it takes to help create jobs and strengthen our economy. Democrats believe it will take commonsense policies that protect the middle class and smart investments that rebuild our roads, bridges, and schools, our water and sewer systems.

We must combat income inequality now or the rich will keep getting richer and the poor getting poorer, while the middle class disappears. That is not fiction; it is fact.

I watched on public television within the past week or so a wonderful piece on "Bill Moyers Journal." I was so impressed with that, I called and spoke with him afterwards. I am not in the habit of calling people like that very often, but over the years we have spoken a couple times—three or four times probably over the many years I have been here

The reason I was so impressed with what he said is that it reminded me I think of what a lot of people should be reminded. He talked about going to a public elementary school, he talked about going to a public high school, a State-supported university, and during all this time of going to libraries, public libraries.

We have to understand that government has been so helpful to most of us, and we cannot turn away from institutions of government which have been so important to us over the years.

So I repeat, we must combat income inequality and combat it now or the rich will keep getting richer, the poor getting poorer, and the middle class being squeezed all the more. I repeat, that is not fiction; it is a fact.

We Democrats will continue to defend working Americans, and we hope Republicans will join us in that regard. But if they allow the tea party to turn every issue into an all-or-nothing battle, we cannot back down—we should not back down—and we will always side with the middle class.

We saw the results of Republican brinkmanship in December.

I was on a—well. I will not talk about TV shows—but as soon as we had the vote here, I walked up to the press gallery, as I was requested to do, and complimented publicly my Republican colleague Senator McConnell—and I was happy it did get some press-because Senator McConnell and I made an arrangement here to complete this legislation, and he stuck by that. I know he had tremendous pressure, and I cannot understand all the pressure he did have. But I admire and appreciate what he did in sticking with what the Senate did. So we then refused to give up on a tax cut for hard-working families, and it turned out well because Members of Congress came to the realization that the American people said they could not afford a thousand-dollar tax hike. Putting money back in the pockets of 160 million American workers should not have been so difficult. It should not have been a fight in the first place. I hope we all learned a lesson in this battle.

It is time for us to stop fighting. I repeat, we do not have to fight about everything. There comes a time—and that time is now—when we need to have the courage to stand up and fight for what is right.

This year it will be as important that we summon the courage to sit down and listen. Rather than standing up and fighting, we need to sit down and listen more often.

#### COLLEGE BASKETBALL

Mr. REID. Mr. President, before my friend starts, the Republican leader and I deal with a lot of issues that come up in the Senate, and some of them are difficult. But the one thing we have that is kind of a diversion for us is we follow college athletics in our respective States. I have been very fortunate in Nevada that the University of Nevada has had a very good football team the last 5 or 6 or 7 years. I will not talk about the UNLV football item; it is not worth doing, as I told the university president.

But we also have in Nevada—and this is always the way it is in Kentucky; they always have good basketball teams—we have been doing very well in recent years, especially at UNLV; and now what UNR has is, I believe, the longest winning record in Division I basketball. They have only lost three games. UNLV has only lost 3 games.

So we have fun in our few minutes together talking about basketball. I have never seen a more avid fan of the University of Louisville. He, of course, follows the University of Kentucky, which is easy to follow, because their teams are always so good. But so is Louisville's team. And Louisville and UNLV have had, in recent years, some very tight basketball battles.

So I want the Acting President pro tempore and everyone else to know Senator McConnell and I do, on occasion, divert from the business of the Senate.

# RECOGNITION OF THE MINORITY LEADER

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

Mr. McCONNELL. Mr. President, I will add, we do enjoy our sports discussions. Of course, I always have the ultimate trump, which is the University of Kentucky has won seven NCAA championships and the University of Louisville two. So my friend is always trying to catch up. And I would say that—

Mr. REID. We only have eight more to go.

Mr. McCONNELL. Only eight more to go. UNLV has a good team this year, probably not as good as Kentucky, maybe as good as Louisville, but it does give us an opportunity to catch up on each other's teams every day as we head to the floor.

#### WISHING SENATOR KIRK A SPEEDY RECOVERY

Mr. McCONNELL. Mr. President, let me start on a sort of sober note by saying we are all thinking of our colleague MARK KIRK. It is at moments such as these that we are all reminded of how fragile life is, and that there are far more important things in life than politics. So we send MARK and his family our prayers and our wishes for a speedy recovery.

#### THE JOBS CRISIS

Mr. McConnell. I wish to begin my remarks today by simply stating the obvious: The jobs crisis we are in continues for millions of Americans. Many millions more are worried about the future. And Republicans are quite eager to work with the Democratic majority here in the Senate to jump-start our economy and set our Nation on an entirely different course than the one we have been on the last few years.

Let's be clear: The reason our economy has gotten worse and our future more uncertain has nothing to do with what Republicans in Congress will not do at some point in the future and everything to do with what this President has already done.

Americans are looking for an entirely new direction. It is one that focuses on growing the economy, not growing our Nation's debt.

So we are happy to work with the Democratic majority in the Senate to achieve these goals. But based on some of the news stories I have read over the last few weeks, it does not appear they are all that interested. Based on what I have read, it appears Democratic leaders right here in the Senate have gotten together with the White House and mapped out a plan to actually guarantee gridlock for the rest of the year.

This is sort of a stunningly cynical strategy when you think about it. Millions of Americans cannot find work. The average length of unemployment is the longest it has ever been. Hundreds of thousands of Americans who had a job when this President took office have simply dropped out of the workforce. And yet the Washington Democrats' plan for this year is to sit on their hands and blame it on the other guy.

I certainly hope this was just a couple of overzealous staffers saying this. I hope our Democratic friends have not decided this is how they plan to spend the rest of this year. I hope they have not given up on governing in favor of campaigning and complaining because to borrow a phrase, facing up to the economic crises we face cannot wait. Democrats in Congress cannot simply throw in the towel because they are no longer getting everything they want.

The fact is, Democrats got everything they wanted for 2 years—for 2 years after this President was elected. The American people decided to impose a little balance in the November 2010 election, and they are still waiting for this White House and Democratic leaders in Congress to work on a different approach. So it is about time we got started. President Obama's 3-year experiment with big government has

made our economy worse and our fu- and believe he has the experience, the ture more uncertain. Americans want a government that is simpler, streamlined, and secure.

But we will not be able to achieve these things if Democrats refuse to even try, if they have decided to spend the next year on show votes and legislation that is designed for bus tours instead of bill signings.

The No. 1 issue facing our country is jobs, and the No. 1 goal of Republicans in 2012 is to continue to make it easier for American small business to create jobs. We will accomplish this by focusing on three things: fundamental tax reform, regulatory reform, and energy security. But we will surely fail if the Democratic majority in the Senate refuses to help.

So Republicans will continue to make the case for policies that will spark an economic revival and create new opportunities for struggling Americans, and we hope the Democrats will join us. Tomorrow, the President will come to the Capitol to tell us what he thinks about the state of our country and to outline his plans for the future. We welcome him. We look forward to his address. We stand ready to work with him as always on an agenda that will get our Nation moving again, not an agenda to divide, not a repackaging of the same ideas that have made our economy worse and our future more uncertain but a truly bipartisan agenda that gets us beyond past skirmishes and onto a different path entirely. There is much we can and should do together. Let us focus on that and put the rest aside.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

## GERRARD NOMINATION

Mr. NELSON of Nebraska. I rise to speak on behalf of an outstanding Nebraskan, State Supreme Court Justice John Gerrard. His nomination to fill a vacancy on the U.S. District Court for Nebraska is now before the Senate.

John Gerrard has built an exceptional record in private practice and on the Nebraska Supreme Court and will do an exemplary job as a U.S. district judge for the District of Nebraska, I have known him for more than 20 years intellect, and the temperament needed on our Federal bench. I cannot think of anyone better qualified than John Gerrard.

I was very pleased the President nominated him. I have welcomed my colleague Senator Johann's strong support, and I believe the Senate should confirm him for the position of a U.S. district court judge.

John Gerrard, a native of Schuyler, NE, has served as a private attorney, a city attorney, counsel to several public school districts in Nebraska, and he has an outstanding public record as a judge. In private practice, Judge Gerrard tried dozens of cases, both civil and criminal, to verdicts in State and Federal courts. He was highly respected as a trial attorney earning an "AV" Martindale-Hubbell rating from his colleagues. He was elected to the American Board of Trial Advocates by his peers.

During my tenure as Governor, I appointed him, in 1995, to the Nebraska Supreme Court. Nebraska voters have shown their confidence in him by retaining him in office three times: in 1998, 2004, and 2010. He has consistently received top ratings by the Nebraska State Bar Association in its biennial judicial evaluations, particularly in the areas of legal analysis, judicial temperament, and fair treatment of litigants and their lawyers.

Furthermore, the Nebraska judicial system gave him its Distinguished Judge for Improvement of Judicial System Award in 2006. This was in recognition of his work as cochair of the system's Minority Justice Committee and the Interpreter Advisory Committee, as well as leading initiatives promoting racial and ethnic fairness under the law.

Also, in 2008, the Nebraska State Bar Foundation gave him its Legal Pioneer Award. This was for making the courts more user friendly for citizens from all cultures by utilizing technology and other means to improve both understanding and participation in the courts. I would note that on the Nebraska Supreme Court, Judge Gerrard has authored more than 450 opinions, and he is widely considered a leader on that court

Judge Gerrard is held in the highest regard by both the bench and the bar in Nebraska, and the American Bar Association has deemed him "unanimously well qualified" to serve as a U.S. district judge. Judge Gerrard maintains the same even temperament off the bench as he does on the bench. Clearly, he is an exemplary person who has contributed much to our society.

Furthermore, he and his wife Nancy have been married for 34 years and have raised four exceptional children. I would also note that during my years as Governor, I appointed 81 judges in the State of Nebraska, including the Nebraska State Supreme Court. Since I have been in the Senate, I voted on numerous judicial nominees. In all cases, I have supported candidates for the judiciary who convinced me they would follow the law and would not manipulate it to promote a personal or activist agenda. This is a critical test for me and it is relevant concerning Justice Gerrard. I am convinced he would not allow personal beliefs to interfere with his judicial duties, nor would he bring an activist agenda to the Federal bench. He has proven this beyond a doubt with his disciplined approach to the law over the last 16½ years as a judge on the Nebraska Supreme Court.

Questions, however, have been raised to Justice Gerrard on those points, and I would like to address them now. He has been asked whether a matter may be constitutional one day and not the next based on a changing legal landscape. He has answered for the record that the U.S. Supreme Court and the circuit courts set the binding precedent on whether a matter is constitutional, which he would follow as a district

He has stated a Federal district court judge can conclude the law has changed only by legislation or by a ruling by a higher court. Justice Gerrard has a clear understanding of the limitations of a Federal district court judge. He has demonstrated that understanding in the deference he has given to the legislative branch and to higher court precedent during his years on the Nebraska Supreme Court.

He has also been asked specifically whether he has personal beliefs that would make him unable to carry out the death penalty. Again, he has answered, for the record, that he does not. More to the point, Nebraska carried out the death penalty while I was Governor and Justice Gerrard was serving on the Nebraska Supreme Court. As a matter of fact, the court has concurred in establishing an execution date to take place this March 6 in the State of Nebraska.

Issuing and executing a death sentence is one of the most solemn responsibilities the judicial and executive branches are entrusted with. In every instance, Justice Gerrard has ruled on the death penalty, he has been balanced, even-handed and, most important, faithful to the Constitution. In fact, Judge Gerrard has confirmed for the record that the U.S. Supreme Court and the Nebraska Supreme Court have repeatedly held that the death penalty is an acceptable punishment as long as the laws for imposing it are followed and the constitutional limitations imposed by the U.S. Supreme Court are respected.

Finally, Judge Gerrard has stated, and the record shows, he has voted to confirm a number of sentences and convictions of those sentenced to death. and he has authored more than one State court opinion upholding the constitutionality of Nebraska's death penalty law. In my view, Judge Gerrard's answers and his clear record more than adequately address any concerns about his ability or willingness to both apply the law with impartiality and to carry out the law effectively.

To sum up, John Gerrard deserves to be confirmed by the Senate because he has an outstanding legal record, he possesses the proper temperament needed on the Federal bench, and he will follow legal precedent to carry out the law rather than interpret as he sees it. He has been and will be an impartial judge, not an activist. So I urge his confirmation by my colleagues.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNS. Mr. President, I am very pleased today to rise in support of a man who has proven himself worthy to serve as a Federal judge on the U.S. district court.

Justice John Gerrard has experience, integrity, and respect for the Constitution—all of which are necessary for someone serving on our Federal bench.

He has earned the respect and the admiration of the people of Nebraska. He consistently receives top ratings from the Nebraska State Bar Association, and the people of Nebraska have expressed their confidence in him not once, not twice, but three times, voting to retain him on the bench.

Justice Gerrard has authored hundreds of opinions throughout his 16 years as a member of the Nebraska Supreme Court. These decisions reveal with clarity his philosophy regarding the powers and limitations of a judge. They reflect his commitment to adhere to the Constitution and the laws of our great Nation.

When asked about judicial restraint after his nomination to the U.S. district court, Justice Gerrard responded:

I firmly believe that a judge should rely on the admissible evidence and applicable law (and nothing else) when rendering a decision.

He further responded:

I do not believe a judge should consider his or her own values or policy preferences in determining what the law means—and I have never done so at any time in my judicial career.

This unequivocal statement says a lot. Justice Gerrard knows that his more than 450 opinions are a matter of public record and that they are open to everyone's scrutiny. He has welcomed that. He has welcomed it with humility.

You will not hear him boast about being the youngest person ever appointed to my home State's high court, nor will you hear him boast about his successful years as a private attorney and city attorney—and they were successful. He is absolutely unassuming. He is reflective and he is articulate. He speaks with great reverence about the oath he took to uphold the Constitution.

I did not know Justice Gerrard prior to his appointment to the Nebraska Supreme Court, but he quickly developed a reputation as a disciplined judge who renders very well researched opinions.

I believe Justice John Gerrard is a worthy member to join the U.S. district court, and so I stand here today urging my colleagues to vote in favor of his confirmation.

I would also like to take a moment to talk about the process that brought us here this afternoon. In this regard, I would like to offer my appreciation and thanks to my colleague from Nebraska, the senior Senator, BEN NEL-SON. Senator Nelson called me before this nomination was made and asked for my input. I took that opportunity to sit down with Judge Gerrard and to talk to him. After our meeting and knowing what I knew about the justice, it was my decision to support his nomination to the U.S. district court. In fact, I would say, if I had total control of this nomination. I would do it all over again.

This is a fine man. This is a man who I hope will have strong bipartisan support this afternoon when we vote on making him a U.S. district judge. He is a good man, and he deserves a strong bipartisan vote. He is going to adhere to the laws of our Nation with integrity, humility, and a strict adherence to the law.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF JOHN M.
GERRARD TO BE UNITED
STATES DISTRICT JUDGE FOR
THE DISTRICT OF NEBRASKA

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 90 minutes for debate, with 60 minutes divided in the usual form and 30 minutes under the control of the Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask that I be notified after 12 minutes.

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

Mr. SESSIONS. Mr. President, by all accounts, Judge Gerrard of the Nebraska Supreme Court is a good man with a good family and many friends, and he has done a pretty good job over the years—maybe a good job over the years—as a capable practicing jurist now on the Supreme Court of Nebraska.

I will vote against that nomination, reluctantly. I really do not want to in one sense, but his nomination raises an important issue about the duty of a judge to be faithful to the law and to commit to serve under the law and under the Constitution, as the oath of a Federal judge requires. In other words, as a judge you are a servant to the law.

You honor the law. You venerate the law. You follow the law whether or not you like it, whether or not you think it is a good idea, whether or not had you been at the Constitutional Convention in the 1700s, you would have voted for that phrase or not voted for that phrase or whether if you had been in the House or the Senate you would have worked to change the Constitution or change the law of the State of Nebraska. Those are matters that are outside the province of a judge. If judges choose to be involved in policysetting, then they ought to invest themselves in the policy-setting branches, the legislative and executive branches.

So judges are, as Justice Roberts said so wonderfully, "neutral umpires." They do not take sides in the game; they enforce the rules of the game. How those rules have been written and established and what motivation caused the Congress to pass them is not the critical issue. So there is a very troubling matter to me which reveals an activist tendency in this judge, and it was the case of State v.

The case of State v. Moore in Nebraska is very significant because it raises quite clearly these very issues. In the Moore case, Judge Gerrard took an active role as one of the members of the court. Mr. Moore had been on death row since 1980. He had confessed to murdering two people. He had appealed

to the Nebraska Supreme Court three times. Three times the Nebraska Supreme Court had denied his appeals. He had quit appealing. In fact, he filed a motion and said he did not desire any more appeals. His pleading said he no longer wished to challenge his sentence, and he was being set for an execution that by law he deserved.

Judge Gerrard intervened on his own motion and stayed that execution even though no pleading had been filed. He did it on the basis that while Moore was set for electrocution, he was aware that another case that was coming up to the Supreme Court of Nebraska dealt with the constitutionality of the death by electrocution statute. Apparently the judge did not like the death by electrocution statute. But he stopped it. Technically, I am not sure that was correct. He was criticized by three members of the court, but he did that.

Then the case came before the court, this other case, the Mata case. The judge then confronted the fundamental question of whether the utilization of electrocution was a constitutional matter.

Now in Nebraska and in most States there are two types of constitutions: the U.S. Constitution and the Nebraska Constitution. As is often the case, the exact same words with regard to the death penalty are in the U.S. and Nebraska Constitutions: that the Constitution prohibits the carrying out of a death penalty by cruel or unusual means. "Cruel and unusual" actually is the phrase. So it must be cruel and it must be unusual to be unconstitutional, otherwise States can all carry out death penalties as they choose.

In fact, at the time the Constitution was adopted, every colony, every State that formed our Union had a death penalty. The U.S. Government had a death penalty. There are multiple references in the U.S. Constitution to the imposition of a death penalty. It says, for example, that you cannot deny a person "life" without due process. It makes reference to "capital crimes," which are death penalty crimes. There are several, multiple references to that. Implicit in the Constitution itself is a constitutional acceptance of the ability of the Congress or the State legislatures to impose a death penalty.

The Constitution was in no way ever thought to be a document that would have prohibited all death penalty cases. But there became a movement in the middle of the last century and later that the death penalty was bad and that judges should overthrow it. Actually two judges on the Supreme Court opposed every death penalty case because they said it was cruel and unusual.

That was not the Constitution. They were allowing their personal views about the wisdom, or lack of it, of the death penalty to influence their judi-

cial decisionmaking. How can we say the Constitution prohibits the death penalty when it makes multiple references to the death penalty? Every State and the Federal Government have been utilizing the death penalty since the time the Republic was founded.

So I am not debating the death penalty. I am not debating the death penalty. Good people can disagree. It ought to be brought up on the floor of this Congress, on the floor of the legislatures of Nebraska, Alabama, Texas, and New York, and they can decide whether they want to have one and how it will be carried out.

The Constitution does say, however, that we cannot use cruel and unusual methods of carrying out the death penalty because they understood that. They did not want people to be drawn and quartered and chopped up and things like that—burned in fires. The accepted penalty at that time was firing squad and hanging, generally. That is what was approved in most States. We still have States—at least one State today—that allows firing squad. I think we still have some that have hanging. But most States have gone more and more to lethal injection, and a number, quite a number, still have electrocution.

So the question of electrocution was brought up. The guy was defending a person who had been sentenced to die as a result of his crimes. They objected, saying electrocution was cruel and unusual in 1890. In 1890 the Supreme Court ruled that it was not unconstitutional. Then again it was ruled in 1947 that electrocution was not cruel and unusual punishment. Since that time, up until recent years, most-I would say perhaps even a majority of States—used electrocution as being less painful and more consistent with our values than a firing squad or hanging. So it was seen as a reform, a better way to carry out the severe penalty of death.

The Supreme Court of the United States has since repeatedly denied appeals to seek to raise again electrocution as being unconstitutional.

This other case came up in Nebraska, State v. Mata. It squarely challenged the constitutionality of electrocution as a method of execution. Although he acknowledged the Nebraska Supreme Court had always held that electrocution was not cruel and unusual, Judge Gerrard asserted in the Moore case that "a changing legal landscape raises questions regarding the continuing vitality of that conclusion."

I am not aware of anything in the landscape that would justify any change in that. I think 1 State in the United States out of 50 has held that electrocution is not appropriate. I don't know how it violates the cruel and unusual clause. I am not sure how they possibly so ruled, but they did. So

it came up before this court. The Mata case came up before the court and, to sum it up, let me just say they concluded, contrary to the previous rulings of the Nebraska Supreme Court, contrary to the rulings of the U.S. Supreme Court, that electrocution amounts to a cruel and unusual punishment and eliminated and stayed the execution of two individuals, Mr. Mata and Mr. Moore.

I guess what I will say is this: We all in this body have to make a decision about whether judges make errors—which they sometimes do—and then how serious those errors are and what those errors reflect about the ability of the judge to fulfill the oath they take. The oath, remember, is to serve under the Constitution, under the laws of the United States, and to do equal justice to the rich and the poor and to follow the law, in effect, whether you like it or not.

I think this was not a little bitty matter. I think the people of the United States and judges on the Supreme Court of the United States have dealt with death penalty cases for some time, and the American people have been called upon on a number of occasions to eliminate death penalties in their States. A few have; most have not.

Mr. President, 30 minutes has been set aside for me, correct?

The ACTING PRESIDENT pro tempore. That is correct. The Senator has used just over 13 minutes.

Mr. SESSIONS. I ask to be notified after 7 additional minutes.

The ACTING PRESIDENT pro tempore. The Chair will notify the Senator.

Mr. SESSIONS. Mr. President, it is not a little bitty matter. These matters have gone to the Supreme Court. Electrocution was passed by legislatures and voters for one reason. They thought it was a way to carry out a grim death penalty sentence in a way less painful than a firing squad and hanging. That is why they did that. It was not any more cruel and unusual but less cruel and unusual. Death is instantaneous, and it is an effective method and is consistent with our Constitution, as the Supreme Court held and as the Nebraska Supreme Court previously held.

Here we are in this body and we have heard the debates. A lot of good people with very plausible arguments—I don't agree with them, but I respect them—say we should not have a death penalty. This is a debate we should have and talk about with the American citizens. It is not a matter for judges to effectively decide by altering the plain meaning and principles of the U.S. Constitution because they think it is not right. They are not legislators. This is a big issue around the country and people are tired of it. They say people are not happy with the judges and they

don't understand the law. Well, they understand the death penalty. They have considered it. Their elected representatives have voted on it. It has been approved in most States. They expect their judges to carry out the law, unless it plainly violates the Constitution of their State or the Nation.

I just suggest that I believe this decision was a product of an ill will or a bias against the death penalty, consistent with the effort of a lot of people working around the legal system every day. I was the attorney general of Alabama, chief prosecutor in the State. I was a U.S. attorney for 12 years. So I have wrestled with these issues. I know how the deal works. Everybody in the system understands what this is.

For the Supreme Court of Nebraska to hold that electrocution violates the cruel and unusual clause of the Constitution of Nebraska or the Constitution of the United States—they said in this case, Nebraska, which has exactly the same language as the U.S. Constitution; for them to rule that way, I believe, is outside the bounds of what I am willing to accept. We have people saying the evolving standards of decency, evolving legal principles, and evolving national and international law says we ought to change. No, the American people rule and they elect their representatives and they pass laws; and judges have one obligation, which is to enforce the law, unless it is plainly contrary to the Constitution. My opinion, as someone who has been in the legislature and had to defend death penalties as the attorney general of the State of Alabama-my opinion is that declaring electrocution to be an unconstitutional method of imposing the death penalty steps out of objective, neutral judging and evidences a plain activist tendency to promote a result.

I think it is compounded by the fact that the judge went out of his way, contrary to other judges' wishes on the court, to lead an effort to stay one execution until they could take up this case and then to rule over the Chief Judge's dissent that it was indeed unconstitutional.

Mr. Moore remains now, since 1980, even today, still on death row. People are unhappy about that. They rightly think the law is not working and that there is too much politics in it, and people are undermining duly enacted law. There was no question of this defendant's guilt. He murdered two people and he confessed to it.

That is the way I feel about this. I can see a lot of other people saying Judge Gerrard is a good man, a smart lawyer, and he will do a good job on the bench—and I hope he does—but I am not voting for judges, as I have said before, who will not establish that they are willing to follow the law even if they don't like it. Particularly, I am very reluctant to support judges who, I

believe, in this most controversial area where much debate has occurred, in one form or another, take extraordinary, unlawful steps in my view, to undermine the death penalty because they don't like it.

You say: Somebody else said that may have been a mistake, but it is not disqualifying. I respect other people's opinions. I am not calling on other people to reject Judge Gerrard. As I said, by all accounts, he is a good man. I am saving I don't feel comfortable voting for someone based on a legal issue such as this that I personally dealt with over the years. I would not oppose him if he personally opposes the death penalty. That is fine. But as a judge he is required to carry it out in an effective way. We have had far too much obstruction of the death penalty, and I hope we will see an end to it and get judges on the bench who will follow the law.

I reserve the remainder of my time.

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

Mr. JOHANNS. Mr. President, I ask if the Senator from Alabama will yield me 3 minutes to speak on Judge Gerrard.

Mr. SESSIONS. I will. I appreciate my colleague's interest in this matter. I believe there is considerable time left on the other side. He can certainly have that on my time.

The ACTING PRESIDENT pro tempore. There is about 10 minutes.

Mr. SESSIONS. Mr. President, I yield what time I have to the Senator from Nebraska.

Mr. JOHANNS. Mr. President, I thank the Senator from Alabama for yielding the time. One thing I wish to say, to start out with, is that the Senator from Alabama and I would almost always agree about judicial appointments. It is a very unusual situation that we would be in any kind of disagreement. Many times I come to the floor and seek out the Senator from Alabama and ask his thoughts on things or to tell me more about a nominee. I am here this afternoon with great respect for the Senator from Alabama and his views of judicial nominees

I have very strong feelings, though, about Justice Gerrard. I have had an opportunity to watch this man on the Nebraska Supreme Court for many years. In my view—and I doubt there would be many who would disagree with this—judges, especially Federal judges, should follow the law and not their own inclinations or personal preferences or their own personal feelings on a matter or controversy before them. I think we need to examine this issue very carefully.

There has been some suggestion that Justice Gerrard might seek to craft his own preferred outcomes instead of following the law. I wish to respond to that. The concerns, of course, relate to a case out of Nebraska, State of Nebraska v. Moore.

In that case, Justice Gerrard ordered a stay of a death warrant pending the outcome of another case the Nebraska Supreme Court was considering. At issue in the second case was whether the death penalty by electrocution, as provided by Nebraska statute, was consistent with the Nebraska Constitution. Because the defendant in Moore was scheduled to die by electrocution, Justice Gerrard stayed the warrant pending the court's decision in that second case. In the majority opinion in Moore, Justice Gerrard noted that the court was using its inherent authority to stav the warrant.

If I might, let me take a moment to explain what Justice Gerrard was saying there.

Some have concluded that what he was saying was he was calling on some nebulous, indistinct legal authority merely to cloak his own wishes. But I would suggest respectfully that Justice Gerrard has fully and very satisfactorily explained exactly what he meant by the specific choice of those words. He was, in fact, carefully using authorities granted to him by Nebraska law. As the judge explained in a letter. Nebraska law provides that the Nebraska Supreme Court is directly responsible for issuing the order of execution of prisoners sentenced to death. So when Judge Gerrard used his inherent authority to stay the execution at issue in Moore, he was using authority granted by Nebraska statute to order the execution in the first place. In other words, the Nebraska Supreme Court, by Nebraska law, has the power to issue the order and then deal with that order in the future.

This is what Judge Gerrard said in his letter in a series of questions that were posed to him relative to his nomination for the U.S. district court:

The "inherent authority" referred to in the Moore order was only the court's inherent authority to control the implementation of its own orders, just as any court, at any level, can control its own orders.

I should note also that Judge Gerrard makes plain that he considers the death penalty to be the law of the land, one that he must uphold.

On the question of whether the death penalty is constitutional, Justice Gerrard writes:

I am aware of no authority, nor any persuasive evidence, supporting the conclusion that the death penalty itself is unconstitutional. Our court has concluded in multiple cases that the death penalty itself is constitutional, and I have joined in (and authored many) of those decisions.

Mr. President, as I have indicated in my remarks in support of this nominee, I do believe Judge Gerrard will base his decisions on the evidence before him and the applicable law. I have had an opportunity to watch him do that for years and years. That is what

he will do. He will base his decisions on the evidence before him and the applicable law and nothing else. Furthermore, he has earned the respect and support of Nebraskans, who three times voted to return him to the bench. I believe he is well qualified to serve our Nation in the Federal courts as a district judge. Justice Gerrard's nomination deserves our support, and I again urge my colleagues to support him today.

Mr. President, I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to compliment the Senator from Nebraska for his comments. I totally agree with him.

As last year drew to a close, I spoke about the Senate's lost opportunity to take long overdue steps to address the serious vacancies crisis on Federal courts throughout the country. With nearly one out of every 10 Federal judgeships vacant, the Senate should not have adjourned with 21 judicial nominations on the calendar and stalled from having a vote. Regrettably, Senate Republicans chose to end last year using the same obstructionist tactic that they used the year before. They continue to delay final confirmation votes on consensus judicial nominees for no good reason. Such delaying tactics are a disservice to the American people and prevent the Senate from doing its constitutional duty and ensuring the ability of our Federal courts to provide justice to Americans around the country.

The result of the Senate Republicans' inaction is that the people of New York, California, West Virginia, Florida, Nebraska, Missouri, Washington, Utah, the District of Columbia, Nevada, Louisiana, and Texas are without the judges they need. The result is that judicial emergency vacancies in Florida, Utah, California, Nevada and Texas remain unfilled. Last year it took us until June to make up the ground we lost when Senate Republicans refused to complete action on judicial nominees at the end of 2010. The Senate starts this year with 19 judicial nominees awaiting final Senate action, all but one of them reported with significant bipartisan support, 16 of them unanimously. They should have been confirmed last year.

By repeating its obstruction and refusing to consent to votes on consensus nominees before the end of the year, Senate Republicans have again ratcheted up the partisanship in connection with filling judicial vacancies. While once Republican Senators threatened to blow up the Senate to force votes on a handful of President Bush's most extreme ideological picks, Senate Republicans now stall and block even President Obama's mainstream, consensus nominees across the board. Those they delayed are the kind of qualified, consensus nominees who in the past would have been considered and confirmed by the Senate within days of being reported with the support of their home state Senators and the support of both Democrats and Republican on the Senate Judiciary Committee.

Last year, final consideration of qualified, consensus judicial nominees took months because Senate Republicans refused to consent to confirmation votes. They took this to a new extreme by ending the year by refusing to hold votes on any judicial nominees. Meanwhile, the millions of Americans who are served by the Federal courts in those districts and circuits whose vacancies could be filled with qualified, consensus nominees are left with overburdened courts and unnecessary delays in having their cases determined.

I thank the Majority Leader for arranging for final consideration of Justice John Gerrard's nomination. Since 1995, Justice Gerrard has served on the Supreme Court of Nebraska, and his nomination received the highest possible rating from the ABA's Standing Committee on the Federal Judiciary, unanimously "well qualified." He received a near-unanimous vote before the Senate Judiciary Committee back in mid-October last year and has had the support of his home state Senators, a Democrat and a Republican, from the outset. Recently, the senior Senator from Nebraska announced that this will be his last year in the Senate. I have always enjoyed working with Senator Nelson. He has worked hard and represented the people of his state well. He has been diligent with respect to judicial nominations for vacancies in Nebraska and tirelessly pressed to fill vacancies there to ensure that cases before the Federal courts in Nebraska were not needlessly delayed. I am sorry that confirmation of this judicial nomination, one he has so strongly supported, has been needlessly delayed more than three months while the Federal trial court for the District of Nebraska remains overburdened.

More than half of all Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations that have been voted out of the Senate Judiciary Committee and have been awaiting a final confirmation vote by the Senate since last year. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should be helping to fill these numerous, extended judicial vacancies, not delaying final action for no good reason.

Our courts need qualified Federal judges not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who are seeking their day in Federal court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With one in 10 Federal judgeships currently vacant, the Senate should have come together to address the serious judicial vacancies crisis on Federal courts around the country.

Professor Carl Tobias makes the point in his column at the end of last entitled, "Judicial Openings vear Erode U.S. Justice System." He correctly observed: "The Senate recessed without considering any of the 21 nominees, 16 of whom the Committee unanimously reported, on its calendar because Republicans refused to debate and vote on them." He goes on to describe some of the slowdown tactics Senate Republicans have employed and concludes: "Most problematic has been Republican refusal to vote on uncontroversial nominees." I ask consent that a copy of Professor Tobias' column be included at the conclusion of my statement.

In his 2010 Year-End Report on the Federal Judiciary, Chief Justice Roberts rightly called attention to the problem of overburdened courts across the country. Indeed, the workload in our Federal trial courts has increased 5 percent during President Obama's term in office and 22 percent over the last 10 years. Senate Republicans have shown no interest in adding the judgeships that the Judicial Conference, Chief Justice Rehnquist and Chief Justice Roberts have requested. To the contrary, they have been stalling needed Federal judges and keeping judicial vacancies at historically high levels for unprecedented lengths of time. Unfortunately, the unprecedented obstruction of consensus judicial nominations by Senate Republicans continues. They have dramatically departed from the Senate's longstanding tradition of regularly considering consensus, noncontroversial nominations. Their obstruction marks a new, dark chapter in what Chief Justice Roberts had called the "persistent problem of judicial vacancies in critically overworked districts."

Chief Justice Rehnquist had chastised Senate Republicans for their stalling tactics on judicial nominees during the Clinton administration. In his 2001 Year-End Report on the Federal Judiciary, Chief Justice Rehnquist reiterated his critical comments from 1997 and 1998 when Senate Republicans were responsible for stalling scores of qualified, needed judicial appointments. By the next year, Senate Democrats had completed confirmations of 100 of President Bush's nominees and reduced judicial vacancies throughout

the country to 60. By the end of the third year of the Bush administration, the Chief Justice reported that he was pleased by the progress being made filling vacancies and focused his attention on seeking to raise judicial salaries. With respect to judicial vacancies, he noted that the Federal trial courts had only 27 vacancies.

Regrettably, that progress is not being replicated despite President Obama's efforts to work with home state Republican Senators and to nominate qualified, mainstream candidates. A New York Times editorial from January 4, 2011, properly noted that Senate Republicans' "refusal to give prompt consideration to noncontroversial nominees" in 2010 was a "terrible precedent." Regrettably, Senate Republicans continued that tactic through 2011. They replicated the blockade of consensus judicial nominees they had conducted at the end of 2010 by again blocking consensus nominees across the board at the end of 2011. At the end of 2010, they blocked 17 judicial nominees who should have been confirmed in 2010 but had to be carried over for months before finally being acted upon by the Senate. In 2011, Senate Republicans ended the year needlessly stalling another 19 judicial nominees, including 18 who were by any measure consensus nominees, who should have been confirmed.

Their partisan tactics are at odds with the professed concern about caseloads that Republican Senators contended justified their filibuster of Caitlin Halligan and prevented a vote on her nomination to the D.C. Circuit. The Washington Times' banner headline last December 7th correctly proclaimed that with the Senate Republican filibuster of that nomination "GOP Ends Truce on Judicial Hopefuls." Of course, if caseloads were really what mattered to Senate Republicans, they would not have blocked the Senate from voting to confirm consensus nominees to fill judicial emergency vacancies around the country.

what If caseloads were really mattered to Senate Republicans, they would have consented to consider the nomination of Judge Adalberto Jordan of Florida, which was reported unanimously last October, to fill a judicial emergency vacancy on the Eleventh Circuit. If they were really concerned with caseloads, they would have consented to move forward to confirm Judge Jacqueline Nguyen of California, a well-qualified nominee to fill a judicial emergency vacancy on the Ninth Circuit, the busiest Federal appeals court in the country. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after another Republican filibuster, that against the nomination of Goodwin Liu, now a Supreme Court Justice in California. If they cared about caseloads, they should also have consented to votes on the nominations of Michael Fitzgerald to the Central District of California, David Nuffer to the District of Utah, Miranda Du to the District of Nevada, Gregg Costa to the Southern District of Texas, and David Guaderrama to the Western District of Texas, all nominations to fill judicial emergency vacancies in our Federal trial courts.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider qualified, consensus judicial nominees. Republicans' consent is what was needed to vote to fill these judicial vacancies and support the Federal judiciary, to help them deal with what Chief Justice Roberts calls "demanding dockets" and to further public confidence in the integrity and responsiveness of our Federal justice system. Instead, Senate Republicans' refusal to confirm 18 qualified, consensus judicial nominees before adjourning last year, reminds me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration.

When I became Chairman in 2001 and made the Committee blue slip process public for the first time and worked to confirm 100 judicial nominees of a conservative Republican President in 17 months, I hoped we had gotten past these partisan tactics. I am disappointed after working for more than a decade to restore transparency and fairness to the process of considering judicial nominations that Senate Republicans are again using partisan holds to block progress at filling judicial vacancies.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would do what Democrats did during President Bush's first term. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. By the time Americans went to the polls in November 2004 there were only 28 vacancies. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years.

In November of 2008, when I was Chairman with a Republican president, we again reduced judicial vacancies to only 37. I was willing to accommodate Senate Republicans and held expedited hearings and votes on judicial nominations, even as late as September 2008. By working together, even in an election year, we were able to reduce the number of judicial vacancies.

It is wrong to dismiss the delays resulting from the Senate Republicans' obstruction as merely tit for tat. This

is a new and damaging tactic Senate Republicans have devised. They are stalling action on noncontroversial nominees and have been doing so for the last three years. Meanwhile, millions of Americans across the country who are harmed by delays in overburdened courts bear the cost of this obstruction.

I had hoped and urged that such damaging obstruction not be repeated. I had urged that before the Senate adjourned last year at least the 18 judicial nominees voted on by the Judiciary Committee who are by any measure consensus nominees be confirmed. With vacancies continuing at harmfully high levels, the American people and our Federal courts cannot afford these unnecessary and damaging delays. So while I am pleased to see John Gerrard's nomination voted on today, there remain another 17 qualified, consensus judicial nominees still being stalled from last year.

For the last two years in a row, Republicans have rejected the Senate's traditional, longstanding practice of taking final action on consensus nominations before the end of the Senate session. Senate Democrats consented to consider all of the consensus nominations at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Executive Calendar. That is also what the Senate did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar.

That is also what we did at the end of President George W. Bush's third year. Although some judicial nominations were left pending, they were among the most controversial, extreme and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed in 2010 and 2011, but Senate Republicans would not. They set a new and destructive standard to hold up qualified, consensus judicial nominees for no good reason.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. Three years into his first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly nine out of every 10 nominees he sent

to the Senate over two terms. That was structive practices and join with us to a higher percentage of judicial nominees confirmed than President Clinton achieved and is far higher percentage than for President Obama's nominees. most of whom are mainstream, consensus choices.

We remain well behind the pace set by the Senate during President Bush's first term. By the end of his first term, the Senate had confirmed 205 district and circuit nominees. At the beginning of his fourth year in office, the Senate had lowered judicial vacancies to 46 and already confirmed 168 of his judicial nominees. In contrast, the Senate has confirmed only 124 of President Obama's district and circuit nominees. leaving judicial vacancies at more than 80. The vacancy rate remains nearly double what it had been reduced to by this point in the Bush administration.

Senate Republicans have returned to the strategy of across-the-board delays and obstruction of the President's judicial nominations, again leading to persistently high judicial vacancies. In 2009, the Senate was allowed to confirm only 12 Federal circuit and district court judges, the lowest total in 50 vears. In 2010, the Senate was allowed to confirm 48 Federal circuit and district judges. That has led to the lowest confirmation total for the first two years of a new presidency in 35 years. As a result, judicial vacancies rose again over 110 and stayed at about 90 for the longest period of historically high vacancies in 35 years.

Last year, we worked hard to overcome filibusters and delays and improve the number of confirmations. They included 17 confirmations that should have taken place in 2010 but were delayed. That resulted in only 47 iudicial nomination confirmations from hearings conducted last year. Even including the 17 confirmations in last year's total that should not have been delayed from the previous year, the total lags far behind the total in President Bush's second year in office when the Senate Democratic majority confirmed 72 Federal circuit and district court judges. It was lower than the total in President Bush's third year in office, when Senate Democrats worked with the Senate Republican majority to confirm 68 Federal judges. And it was lower than the 66 Federal judges the Senate Democratic majority confirmed in the last year of President George H.W. Bush's presidency during a presidential election year.

The Senate starts this year with 18 qualified, consensus judicial nominations that should have been confirmed last year. Senate action on those 18 qualified, consensus judicial nominations would have gone a long way to helping resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country. I urge Senate Republicans to abandon these deconfirm the qualified, consensus judicial nominations they have stalled. This cycle of unnecessary delays must

Mr. President, I ask to proceed in morning business to speak about an important effort to help the American economic recovery and preserve American jobs.

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

#### PROTECT IP ACT, S. 968

Mr. President, rogue websites, primarily based overseas, are stealing American property, harming American consumers, hurting the American economic recovery and costing us American jobs. Stealing and counterfeiting are wrong. They are harmful. The Institute for Policy Innovation estimates that copyright infringement alone costs more than \$50 billion a year, and the sale of counterfeits online is estimated to be several times more costly. The AFL-CIO estimates that hundreds of thousands of jobs are lost to these forms of theft.

And this is not just an economic and jobs problem for Americans. This is a consumer safety issue. According to a study released earlier this year, a couple dozen websites selling counterfeit prescription drugs had more than 141,000 visits per day, on average. Counterfeit medication, brake linings and other products threaten Americans' safety. These are serious concerns. These are the concerns I have kept in mind over the last several years as I have worked with Senators on both sides of the aisle to help resolve these serious problems.

I admire and respect the marvelous advances of technology and, in particular, those represented by the Internet. I have promoted its democratizing impact around the world. I have fought to keep the Internet free and open, as it has become the incredible force that it is today. I have promoted its potential for access in rural areas, for distance learning, for increasing points of view and allowing all voices to be heard and as a means for small start ups and firms in Vermont and elsewhere to market quality products. Nor is this a newfound interest or passing fancy. I started and chaired a Judiciary Committee panel two decades ago on technology and the law and was a founder of the bipartisan, bicameral congressional Internet Caucus. Yesterday, The Washington Post got it right in its editorial entitled "Freedom on the Internet":

A free and viable Internet is essential to nurturing and sustaining the kinds of revolutionary innovations that have touched every aspect of modern life. But freedom and lawlessness are not synonymous. The Constitution does not protect the right to steal, and that is true whether it is in a bricks-andmortar store or online.'

Last week, a Wall Street Journal editorial was like-minded, noting:

The Internet has been a tremendous engine for commercial and democratic exchange. but that makes it all the more important to police the abusers who hijack its architec-

Without rights that protect the creativity and innovation that bring fresh ideas and products to market, there will be far fewer ideas and products to steal."

Two years ago, I announced a bipartisan effort to target the worst-of-theworst of the foreign rogue websites that profited from piracy, stealing and counterfeiting, while also ensuring that we protect the Internet. I have been working since that time to do just that. In 2010, the bill that Senator HATCH and I introduced was reported unanimously by the Senate Judiciary Committee.

I took seriously the views of all concerned. I reached out to the administration. We incorporated revised definitions suggested by Senator Wyden. We held additional hearings to which we invited Google and Yahoo!. And we redrafted the legislative measure and reintroduced it as The Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act, more commonly known as the PRO-TECT IP Act. Senator Grassley joined as an original cosponsor. I continued to work with all who showed interest. The measure was reported unanimously from the Judiciary Committee in May 2011, and 40 Senators from both sides of the aisle have cosponsored it. It is rare that editorial boards with divergent viewpoints such as The Wall Street Journal and The Washington Post agree on a problem and legislative approach. As I have already noted, this problem of foreign rogue websites engaging in piracy, theft and counterfeiting is one such time. I ask that copies of the recent editorials from The Washington Post and The Wall Street Journal be included in the RECORD at the conclusion of my remarks.

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

Mr. LEAHY. Few issues unite the United States Chamber of Commerce and the AFL-CIO; the National Association of Manufacturers and the Teamsters; the cable industry and the broadcast industry. By targeting the worst-of-the-worst and protecting the integrity of the Internet, we have been able to create a broad ranging coalition of support of the PROTECT IP Act. Along with law enforcement groups, more than 400 companies, associations, and unions have come together to support this targeted, bipartisan legislation to combat foreign rogue websites.

Protecting American intellectual property and the American jobs that depend on it is important. Last year we were able to reform our patent laws to unleash American innovators and help boost our economic recovery. Now we need to confront the threat to our economic recovery posed by Internet pi-

As I have demonstrated throughout my service in the Senate and again during the last two years, I have remained flexible in terms of the legislative language in order to best meet our goals of stemming the criminality when protecting legitimate activities and guarding against doing anything to undercut innovation or fetter free discussion. I have urged those with concerns to come forward and to work with us. We adjusted the very definitions in the bill to narrow them as Senator Wyden had suggested. I announced two weeks ago that I took seriously the concerns about the domain name system provisions and would fix it as part of a manager's amendment when the bill was considered by the Senate.

I regret that the Senate will not be proceeding this week to debate the legislation, and any proposed amendments. I thank the Majority Leader for seeking to schedule that debate on this serious economic threat. I understand that when the Republican leader recently objected and Republican Senators who had cosponsored and long supported this effort jumped ship, he was faced with a difficult decision. My hope is that after a brief delay, we will. together, confront this problem. Everyone says they want to stop the Internet piracy. Everyone says that they recognize that stealing and counterfeiting are criminal and serious matters. This is the opportunity for those who want changes in the bill to come forward, join with us and work with us. This is the time to suggest improvements that will better achieve our goals. The PRO-TECT IP Act is a measure that has been years in the making, and which has been twice reported unanimously by the Senate Judiciary Committee to better enforce American intellectual property rights and protect American consumers. It has been awaiting Senate action since last May. Today the rogue foreign websites based in Russia that are stealing Americans' property are delighted to continue their operations and counterfeiting sweatshops in China are the beneficiaries of Senate delay. People need to understand that the PROTECT IP Act would only affect websites that have been judged by a federal court to have no significant use other than engaging in theft whether through stolen content or the selling of counterfeits. It is narrowly targeted at the worst-of-the-worst. Websites that have some infringing content on their sites but have uses other than profiting from infringement are not covered by Websites like the legislation. Wikipedia and YouTube that have obvious and significant uses are among those that would not be subject to the provisions of the bill. That Wikipedia and some other websites decided to "go dark" on January 18 was their choice, self imposed and was not caused by the legislation and could not be.

It was disappointing that sites linked to descriptions of this legislation that

Internet should be a place for discussion, for all to be heard and for different points of view to be expressed. That is how truth emerges and democracy is served. Last week, however, many were subjected to false and incendiary charges and sloganeering designed to inflame emotions. I am concerned that while critics of this legislation engage in hyperbole about what the bill plainly does not do, organized crime elements in Russia, in China, and elsewhere who do nothing but peddle in counterfeit products and stolen American content are laughing at their good fortune that congressional action is being delayed.

Nothing in PROTECT IP can be used to cut off access to a blog. Nothing in PROTECT IP can be used to shut off access to sites like YouTube, Twitter, Facebook or eBay. Nothing in PRO-TECT IP requires anyone to monitor their networks. Nothing in PROTECT IP criminalizes links to other websites. Nothing in PROTECT IP imposes liability on anyone. Nothing in PRO-TECT IP can be required without a court order, first, and without providing the full due process of our Federal court system to the defendants before a final judgment is rendered. I also note that the guarantees of due process provided in the PROTECT IP Act are those likewise provided every defendant in every Federal court proceeding in the United States, no less. The PRO-TECT IP Act requires notice to the defendant. If the plaintiff seeks an injunction, the court must apply Federal Rule of Civil Procedure 65, which is the standard for all courts in determining whether to issue an injunction, including whether to issue the injunction as a temporary restraining order for a limited period of time. When stealing of copyrights are involved, such court orders can be made if, upon a factual showing, a court finds that serious harm would otherwise occur and it is in the public interest to do so while the case is more fully considered.

The PROTECT IP Act is directed at the foreign websites that are the worst-of-the-worst thieves of American intellectual property and operate from outside the United States and the jurisdiction of our courts. These website operators prey on American consumers, steal from our creators and economy, but are currently beyond the jurisdiction of U.S. courts.

The Obama administrative officials were right in a recent post saying "existing tools are not strong enough to root out the worst online pirates beyond our borders." They called on Congress "to pass sound legislation this year that provides prosecutors and rights-holders new legal tools to combat online piracy originating beyond U.S. borders while staying true to the principles outlined. . . . We should never let criminals hide behind a hol-

were misleading and one-sided. The low embrace of legitimate American Internet should be a place for discusvalues." That is what we are trying to sion, for all to be heard and for difdo with the PROTECT IP Act.

What the PROTECT IP Act does is provide tools to prevent websites operated overseas that do nothing but traffic in infringing material or counterfeits from continuing to profit from piracy with impunity. The Internet needs to be free, but not a lawless marketplace for stolen commerce and not a haven for criminal activities.

In the flash of interest surrounding this bill last week, those who were forgotten were the millions of individual artists, the creators and the companies in Vermont and elsewhere who work hard every day only to find their works available online for free, without their consent. There are factory workers whose wages are cut or jobs are lost when low-quality counterfeit goods are sold in place of the real thing they worked so diligently to produce. There are men and women of our National Guard and military who put their lives on the line for all of us every day, and for whom a counterfeit part can literally be a matter of life and death. There are the seniors who are struggling to be able to afford medications and order from what appears to them to be a reputable site, only to find that a foreign website has sent them an untested counterfeit drug that will not control their blood pressure or diabetes or heart problem.

At the end of the day, this debate boils down to a simple question. Should Americans and American companies profit from what they produce and be able to provide American jobs, or do we want to continue to let thieves operating overseas steal that property and sell it to unsuspecting American consumers? I hope that in the coming days the Senate will focus on stopping that theft that is undercutting our economic recovery. I remain committed to confronting this problem. And I appreciate the efforts of Senator KYL, Senator Alexander and others who want to continue to work in a thoughtful manner with all interested parties to find an effective solution to eliminate online theft by foreign rogue websites. I thank those Senators who called me in Vermont and back here this past week when I got back to Washington to offer their help—Senators on both sides of the aisle. It means a lot.

I know the senior Senator from Nebraska is waiting to speak about the judicial nominee from his State. I will say what I said to him privately because I know this is his last year in the Senate. I have always enjoyed working with him. He has worked hard. He has represented the people of his State well. He has been very honest in his dealings with me. He has been diligent with respect to judicial nominations for vacancies in Nebraska. He has tirelessly pressed to fill vacancies there to ensure cases before the Federal court

are not needlessly delayed. He did that terpart are far more modest than this cyber to protect everybody in Nebraska, Republicans and Democrats, to make sure the courts are open for them.

I am sorry the confirmation of Justice Gerrard, one he so strongly supported, has been so needlessly delayed for more than 3 months, but I say to the people of Nebraska they are very fortunate to have been represented by the senior Senator from Nebraska, my friend BEN NELSON, who has been there fighting for them. He fought for the people of Nebraska every day from the day he took the oath of office. This may be his last year here, but based on past performance I think it is safe to say he will fight for Nebraska right up until the moment that adjournment bell sounds.

Mr. President, I ask unanimous consent a January 19 article from the Wall Street Journal and a January 22 article from the Washington Post be printed in the Record.

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

[From the Wall Street Journal, Jan. 19, 2012] BRAKE THE INTERNET PIRATES

Wikipedia and many other websites are shutting down today to oppose a proposal in Congress on foreign Internet piracy, and the White House is seconding the protest. The covert lobbying war between Silicon Valley and most other companies in the business of intellectual property is now in the open, and this fight could define-or reinvent-copyright in the digital era.

Everyone agrees, or at least claims to agree, that the illegal sale of copyrighted and trademarked products has become a world-wide, multibillion-dollar industry and a legitimate and growing economic problem. This isn't college kids swapping MP3s, as in the 1990s. Rather, rogue websites set up shop overseas and sell U.S. consumers bootleg movies, TV shows, software, video games, books and music, as well as pharmaceuticals, cosmetics, fashion, jewelry and more.

Often consumers think they're buying copies or streams from legitimate retail enterprises, sometimes not. Either way, the technical term for this is theft.

The tech industry says it wants to stop such crimes, but it also calls any tangible effort to do so censorship that would "break the Internet." Wikipedia has never blacked itself out before on any other political issue, nor have websites like Mozilla or the social news aggregator Reddit. How's that for irony: Companies supposedly devoted to the free flow of information are gagging themselves, and the only practical effect will be to enable fraudsters. They've taken no comparable action against, say, Chinese repression.

Meanwhile, the White House let it be known over the weekend in a blog post—how fitting—that it won't support legislation that "reduces freedom of expression" or damages "the dynamic, innovative global Internet," as if this describes the reality of Internet theft. President Obama has finally found a regulation he doesn't like, which must mean that the campaign contributions of Google and the Stanford alumni club are paying dividends.

The House bill known as the Stop Online Piracy Act, or SOPA, and its Senate countantrum suggests. By our reading they would create new tools to target the worst-of-theworst black markets. The notion that a SOPA dragnet will catch a stray Facebook post or Twitter link is false.

Under the Digital Millenium Copyright Act of 1998, U.S. prosecutors and rights-holders can and do obtain warrants to shut down rogue websites and confiscate their domain names under asset-seizure laws. Such powers stop at the water's edge, however. SOPA is meant to target the international pirates that are currently beyond the reach of U.S.

The bill would allow the Attorney General to sue infringers and requires the Justice Department to prove in court that a foreign site is dedicated to the wholesale violation of copyright under the same standards that apply to domestic sites. In rare circumstances private plaintiffs can also sue for remedies, not for damages, and their legal tools are far more limited than the AG's.

If any such case succeeds after due process under federal civil procedure, SOPA requires third parties to make it harder to traffic in stolen online content. Search engines would be required to screen out links, just as they remove domestic piracy or child pornography sites from their indexes Credit card and other online financial service companies couldn't complete transactions.

(Obligatory housekeeping: We at the Journal are in the intellectual property business, and our parent company, News Corp., supports the bills as do most other media content companies.)

Moreover, SOPA is already in its 3.0 version to address the major objections. Compromises have narrowed several vague and overly broad provisions. The bill's drafters also removed a feature requiring Internet service providers to filter the domain name system for thieves—which would have meant basically removing them from the Internet's phone book to deny consumer access. But the anti-SOPA activists don't care about these crucial details.

The e-vangelists seem to believe that anybody is entitled to access to any content at any time at no cost—open source. Their real ideological objection is to the concept of copyright itself, and they oppose any legal regime that values original creative work. The offline analogue is Occupy Wall Street.

Information and content may want to be free, or not, but that's for their owners to decide, not Movie2k,to or LibraryPirate,me or MusicMP3.ru. The Founders recognized the economic benefits of intellectual property. which is why the Constitution tells Congress to "promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries' (Article I. Section 8).

The Internet has been a tremendous engine for commercial and democratic exchange. but that makes it all the more important to police the abusers who hijack its architecture. SOPA merely adapts the current avenues of legal recourse for infringement and counterfeiting to new realities. Without rights that protect the creativity and innovation that bring fresh ideas and products to market, there will be far fewer ideas and products to steal.

[From the Washington Post, Jan. 22, 2012] MEGAUPLOAD SHOWS ONLINE COPYRIGHT PROTECTION IS NEEDED (By Editorial Board)

most measures, the Web site Megaupload was a 21st-century success story, with 50 million daily visitors and \$175 million in profits. According to the Obama administration, it was also an "international organized crime enterprise.'

In an indictment last week, the Justice Department accused the company and several of its principals of conspiracy, racketeering and vast violations of copyright law. The loss to copyright owners of movies, television programs, entertainment software and other content; some \$500 million. The government calls this the largest criminal copyright case in the nation's history.

Megaupload maintained servers in the United States and relied on U.S.-registered domain names, allowing U.S. prosecutors to tap domestic laws to shutter the business. But what if the Web site had been run using only foreign-based servers and foreign-registered domain names? U.S. law enforcers would have had a difficult if not impossible time stopping the alleged wrongdoing.

That reality, of course, is what gave rise to the Protect IP Act (PIPA) and its House counterpart, the Stop Online Piracy Act (SOPA), which proposed to give the Justice Department and copyright owners the legal reach and muscle to thwart overseas theft of American intellectual property. SOPA was fatally flawed, with vague provisions that could have made legitimate Web sites vulnerable to sanctions. PIPA was more measured, allowing action against a site only if a federal judge concluded it was "dedicated to" profiting from the unauthorized peddling of others' work.

Still, Internet giants such as Google railed against the bills, arguing they sanctioned government censorship and threatened the viability and security of the Internet. The protests culminated last week in a remarkable, largely unprecedented protest during which sites such as Wikipedia temporarily went dark. Millions of individuals-many of them armed with distorted descriptions of the bills-phoned, e-mailed and used social networks to demand that they be quashed.

Whether it was democracy in action or spinelessness by cowed lawmakers, the campaign worked. House and Senate leaders said they would pull back the bills for further consideration. While a temporary breather may be helpful, lawmakers should not abandon the quest to curb the multibillion-dollar problem that is overseas online piracv.

Some opponents will fight any regulation of the Internet. This should not be acceptable. A free and viable Internet is essential to nurturing and sustaining the kinds of revolutionary innovations that have touched every aspect of modern life. But freedom and lawlessness are not synonymous. The Constitution does not protect the right to steal. and that is true whether it is in a bricks-andmortar store or online.

The PRESIDING OFFICER (Mr. COONS). The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague, the esteemed chair, for such kind remarks. I wish they were universally believed by all. This is the kind of introduction my father would have enjoyed but my mother would have believed. I appreciate so very much his kind comments.

The Nebraska Supreme Court temporarily stayed the execution of one prisoner, a Carey Dean Moore, because a full evidentiary record was before it in another immediately pending case, State v. Mata, which was referred to by my friend and colleague from Alabama,

Senator Sessions. That case challenged the constitutionality of electrocution as a method of execution. It did not challenge, it did not deal with, and was not associated with whether or not to have a death penalty. It was not challenging the death penalty but the methodology of a death penalty.

The court had to determine whether a prisoner should be executed depending on whether that question was soon answered. The temporary stay was issued and the other case decided as a matter of State constitutional law. The court, by a vote of 6 to 1, determined that execution as a method—and I emphasize "a method" of electrocution—violated prohibitions against cruel and unusual punishment, which is the purview of the court to make that determination where there is a question of dealing with the Constitution.

The court was clear that the death penalty remained valid in Nebraska. No writ of certiorari had been taken. The Nebraska Legislature changed the method of execution to lethal injection, and the execution of Moore, Mata, and others will be carried out accordingly.

As a matter of fact, the court has set a date of execution for a prisoner to be executed on March 6. This same court set dates of execution while I was Governor on three occasions, and they were carried out. Judge Gerrard was a member of the court at that time and had no objections to the executions. It is the methodology that the court dealt with.

It is important to recognize that in the Moore case the issue was not whether the death penalty itself was constitutional; it was whether a particular means of execution was constitutional. Those are completely different questions.

Senator Sessions claims that Judge Gerrard stayed the defendant's execution in the light of "a changing legal landscape." However, it is not uncommon for a court, when presented with different cases involving related issues, to withhold ruling on any one case until all of the related issues are resolved. Therefore, the Moore order reflects a pragmatic decision to wait until both cases could be resolved.

I agree with Senator Sessions that this is about the duty of a judge to be faithful to the law and to serve under the law. However, I strongly disagree with Senator Sessions' characterization of Judge Gerrard as an activist judge. Judge Gerrard has written 450 opinions in his 15-plus years on the Nebraska Supreme Court. The U.S. Supreme Court concluded in a previous case that the U.S. Supreme Court and the Nebraska Supreme Court have held in a related matter that the death penalty is not cruel and unusual. Judge Gerrard would have no difficulty following that binding precedent. As a matter of fact, he has. He has no personal beliefs that would prevent him from enforcing the death penalty. In fact, he has authored several opinions and voted to affirm the convictions and sentences of defendants who have actually been sentenced to death.

Judge Gerrard believes the death penalty is an acceptable form of punishment. He understands the significant difference between a judge on a court of last resort interpreting State court constitutional law and a Federal district judge who follows U.S. Supreme Court precedent.

I reiterate for the record, Judge Gerrard is held in the highest regard by both the bench and the bar in Nebraska. He has earned an "AV" Martindale-Hubbell rating from his colleagues, and the American Bar Association has deemed him "unanimously well-qualified" to serve on the U.S. district court.

I thank my colleague, Senator JOHANNS from Nebraska, for his support and his comments which I think were also very supportive, clearly supportive, of Judge Gerrard and the decisions. Clearly, he is not an activist judge.

I yield the floor.

### RECESS APPOINTMENTS

Mr. GRASSLEY. Mr. President, just over a month ago, on December 17, the Senate entered into a unanimous consent agreement to consider the nomination of John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska. We are proceeding with this nomination, which I will support, despite the President's actions on recess appointments. During the last session we acted responsibly in considering the President's nominees. Even the Majority Leader acknowledged this. He stated, "We have done a good job on nominations the last couple of months. Actually, in the last 3 months, we have accomplished quite a bit."

I will have more to say about the recess appointments. But with regard to this nomination I hope my colleagues understand that even though we are proceeding under regular order today, it is only because this unanimous consent agreement was locked in before the President demonstrated his monarchy mentality by making those appointments. I am not going to hold this nominee accountable for the outrageous actions of the President.

However, as this is a matter of concern to my Republican colleagues, as it should be for all Senators, we must consider how we will respond to the President and restore a Constitutional balance. Since the adoption of the unanimous consent agreement governing the nomination before us, President Obama has upset the nominations process. Article II, Section 2 of the Constitution provides for only two ways in which Presidents may appoint certain officers.

First, it provides that the President nominates, and by and with the advice and consent of the Senate, appoints various officers. Second, it permits the President to make temporary appointments when a vacancy in one of those offices happens when the Senate is in recess. On January 4, the President made four appointments. They were purportedly based on the Recess Appointments Clause. He took this action even though the Senate was not in recess. This action is of the utmost seriousness to all Americans.

These appointments were blatantly unconstitutional. They were not made with the advice and consent of the Senate. And they were not made "during the recess of the Senate."

Between the end of December and today, the Senate has been holding sessions every 3 days. It did so precisely to prevent the President from making recess appointments. It followed the same procedure as it had during the term of President Bush. Honoring the Constitution and the desire of the Senate President Bush declined to make recess appointments during these periods. But President Obama chose to make recess appointments despite the existence of these Senate sessions.

In addition to being unconstitutional, these so-called recess appointments break a longstanding tradition. They represent an attempted presidential power grab against this body.

A President has not attempted to make a recess appointment when Congress has not been in recess for more than 3 days in many decades. In fact, for decades, the Senate has been in recess at least 10 days before the President has invoked this power.

Other parts of the Constitution beyond Article II, Section 2 show that these purported appointments are invalid. Article I, Section 5 provides, "Each House may determine the Rules of its Proceedings..."

In December and January, we provided that we would be in session every 3 days. The Senate was open and provided the opportunity to conduct business. That business included passing legislation and confirming nominations. In fact, the Senate did pass legislation, which the President signed. According to the Constitution—each House—not the President determines whether that House is in session. The Senate said we were in session. The President recognized that fact by signing legislation passed during the session.

Article I, Section 5 also states, "Neither House, shall, during the session of Congress, without the consent of the other, adjourn for more than 3 days..." The other body did not consent to our recess for more than 3 days. No concurrent resolution authorizing an adjournment was passed by both chambers. Under the Constitution, we could not recess for more than 3 days.

We did not do so. The President's erroneous belief that he can determine whether the Senate was in session would place us in the position of acting unconstitutionally. If he is right, we recessed for more than 3 days without the consent of the other body. By claiming we were in recess, the President effectively dares us to say that we failed to comply with our oath to adhere to the Constitution. Yet, it is the President who made appointments without the advice and consent of the Senate while the Senate was in session. It is the President who has violated the Constitution.

Of course, the President does not admit that he violated the Constitution. He has obtained a legal opinion from the Office of Legal Counsel at his own Department of Justice.

That opinion reached the incredible conclusion that the President could make these appointments, notwithstanding our December and January sessions. That opinion is entirely unconvincing. For instance, to reach its conclusion that the Senate was not available as a practical matter to give advice and consent, it relies on such unpersuasive material as statements from individual Senators.

The text of the Constitution is clear. It allows no room for the Department to interpret it in any so-called "practical" way that departs from its terms.

The Justice Department also misapplied a Judiciary Committee report from 1905 on the subject of recess appointments. That report said that a Senate "recess" occurs when "the Senate is not sitting in regular or extraordinary session as a branch of the Congress, or in extraordinary session for the discharge of executive functions; when its Members owe no duty of attendance; when its Chamber is empty; when, because of its absence, it can not receive communications from the President or participate as a body in making appointments."

Obviously, that report does not support the Department of Justice. During these days, the Senate was sitting in session. It could discharge executive functions. The Chamber was not empty. It could receive communications. It could participate as a body in making appointments. In fact, it sat in regular session and passed legislation.

There is nothing in the 1905 report that justifies the President substituting his judgment for the Senate's regarding whether the Senate is in session. In any event, a Senate Judiciary Committee report from 1905 does not govern the United States Senate; in 2012. The Senate; as constituted today; decides its rules and proceedings.

The Department is on shaky legal ground when it claims that "whether the House has consented to the Senate's adjournment of more than 3 days does not determine the Senate's practical availability during a period of pro

forma sessions and thus does not determine the existence of a 'Recess' under the Recess Appointments Clause.''

There is no basis—none—for treating the same pro forma sessions differently for the purposes of the 2 clauses. The Department simply cannot have it both ways.

The Justice Department's opinion contains other equally preposterous arguments. For instance, the opinion claims that the Administration's prior statements to the Supreme Court—through former Solicitor General Elena Kagan—that recess appointments can be made only if the Senate is in recess for more than 3 days are somehow distinguishable from its current opinion, or that the pocket veto cases do not apply.

Or even if they did, the "fundamental rights" of individuals that the courts described in those cases include the right of the President to make recess appointments.

There was a time when Presidents believed that they could take action only when the law gave them the power to do so. They obtained advice from the Justice Department on the question whether there was legal authority to justify the action they wished to take. But Theodore Roosevelt started to change the way Presidents viewed power. He believed that the President could do anything so long as the Constitution did not explicitly preclude him from acting. When he used that theory to create wildlife refuges against a rapidly expanding industrial base, there was no objection. But a dangerous precedent was set. When he claimed that he could make recess appointments during a "constructive recess" of the Senate, the Senate rejected this view in that 1905 report.

When a President thinks he can do anything the Constitution does not expressly prohibit, the danger arises that his advisers will feel pressure to say that the Constitution does not stand in the way. At that point, a President is no longer a constitutional figure with limited powers as the founders intended. Quite the contrary, the President looks more and more like a king that the Constitution was designed to replace.

This OLC opinion reflects the changes that have occurred in the relationship between the Justice Department and the President on the question of presidential power. Formerly, the Justice Department gave legal advice to the President based on an objective reading of texts and judicial opinions. It was not an offshoot of the White House Counsel's office.

This more objective view of the limits of Presidential power also provided a level of protection for individual liberty, the principle at the core of our constitutional separation of powers. The President might refuse to accept the advice. He might choose to fire the

officer who gave him advice with which he disagreed. He could seek to appoint a new officer who would provide the advice he preferred. But he risked paying a political price for doing so. An official who thought that loyalty to the Constitution exceeded his loyalty to the President could refuse to comply, at great personal risk. That is what Elliot Richardson did during the Saturday Night Massacre of the Watergate era.

During the Reagan Administration, OLC issued opinions that concluded that the President lacked the power to undertake certain acts to implement some of his preferred policies. The President did not undertake those unilateral actions.

President Obama originally submitted a nominee for OLC that was wholly objectionable. The Senate had good reason to believe that she would not interpret the law without regard to ideology. We refused to confirm her.

The President ultimately withdrew her nomination and nominated instead Virginia Seitz. We asked important questions at her confirmation hearing and thorough questions for the record.

Ms. Seitz responded that OLC should adhere to its prior decisions in accordance with the doctrine of stare decisis. And she stated that if the administration contemplated taking action that she believed was unconstitutional, she would not stand idly by. Relying on those assurances, the Senate confirmed Ms. Seitz.

Ms. Seitz is the author of this wholly erroneous opinion that takes an unprecedented view of the Recess Appointments Clause. And I suppose it is literally true that Ms. Seitz did not stand idly by when the administration took unconstitutional action: rather, she actively became a lackey for the administration. She wrote a poorly reasoned opinion that placed loyalty to the President over loyalty to the rule of law.

That opinion, and her total deviation from the statements she made during her confirmation process, show extreme disrespect for the institution of the Senate and the constitutional separation of powers. I gave the President and Ms. Seitz the benefit of the doubt in voting to confirm her nomination. However, after reading this misguided and dangerous legal opinion, I am sorry the Senate confirmed her. It's likely to be the last confirmation she ever experiences.

The Constitution outlines various powers that are divided among the different branches of our Federal government. Some of these powers are vested in only one branch, such as granting pardons or conducting impeachment proceedings. Other powers are shared, such as passing and signing or vetoing bills. The appointment power is a shared power between the President and the Congress. When one party

turns a shared power into a unilateral President may not. It is the Constitupower, the fabric of the Constitution is itself violated, and a response is called

In Federalist 51, Madison wrote that the separation of powers is more than a philosophical construct. He wrote that the "separate and distinct exercise of the different powers of government" is "essential to the preservation of liberty."

The Framers of the Constitution wrote a document that originally contained no Bill of Rights. They believed that liberty would best be protected by preventing government from harming liberty in the first place. That was the reason for the separation of powers. They designed a working separation of powers through checks and balances to ensure a limited government that protected individual rights. Madison wrote, "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.'

That is what the Framers intended in a case such as this. When the President unconstitutionally usurped the power of the Senate, the Senate's ambition would check the President's. In this way, the Constitution is preserved. The power of the government is limited. And the liberties of the people are protected. But the Framers did not anticipate the modern Presidency. It took Justice Jackson's famous concurrence in the Youngstown case to address presidential powers in today's world. When the Judiciary Committee held its confirmation hearings on President Bush's Supreme Court nominations, my friends on the other side of the aisle posed many questions about the Jackson concurrence. That opinion sheds light on these so-called recess appointments.

For instance, President Obama argued in a nationally televised rally that his actions were justified because "[e]very day that Richard [Cordray] waited to be confirmed . . . was another day when millions of Americans were left unprotected. . . . And I refuse to take 'no' for an answer."

Justice Jackson anticipated these hyperbolic statements. He wrote: "The tendency is strong to emphasize the transient results upon policies. . . . lose sight of enduring consequences upon the balanced power structure of our Republic." President Obama has definitely let transient policy goals overtake the Constitution. His argument is that the end justifies the means.

His argument is that he can say no to the Constitution. Or, in essence, that the Constitution does not apply to him. But the Constitution demands that the means justify the ends, and that adherence to established procedure is the best protection for liberty. A monarch or a king could say no to the Constitution. But under our Constitution, the tion, and not the President, that refuses to take no for an answer.

Justice Jackson was also aware that the modern President's actions "overshadow any others [and] that, almost alone, he fills the public eye and ear." By virtue of his influence on public opinion, he wrote, the President "exerts a leverage upon those who are supposed to check and balance his power which often cancels their effectiveness

Some people believe that President Obama challenged the Senate for partisan purposes. But Justice Jackson understood the true partisan dynamic that is now playing out. He recognized that the President's powers are political as well as legal. Many presidential powers derive from his position as head party. a political Jackson wrote: "Party loyalties and interests sometimes more binding than law, extend his effective control into branches of government other than his own, and he often may win, as a political leader, what he cannot command under the Constitution." Finally, he concluded, "[O]nly Congress itself can prevent power from slipping through its fin-

Outside these walls, in the reception room, are portraits of great Senators of the past. The original portraits were selected by a committee that was headed by then Senator John F. Kennedy. They included such figures as Webster. Clay, Calhoun, LaFollette, and Taft. Yes, these Senators were partisans. But they were selected because of the role they played in maintaining the unique institution that is the Senate in our constitutional system. In particular, they protected the Senate and the country from the excessive claims of presidential power that were made by the chief executives of their time. Where are such Members today?

Where is a member of the President's party today who is like a more recent institutionalist—Robert Senate Byrd? He defended the powers of the Senate when Presidents overreached even Presidents of his own party. Where are the Members who recognized that our sessions every 3 days rightly prevented President Bush from making recess appointments but who stand idly by as President Obama makes recess appointments without a recess?

I remind my colleagues of my experiences as chairman or ranking member of the Finance Committee. I refused to process nominees to positions that passed through that committee to whom President Bush gave recess appointments. That is how I used the authority that I had to protect the rights of the Senate.

I do not believe we should let the powers vested in the elected representatives of the American people slip through our fingers because we place partisan interests above the Constitution. I have shown how the Framers understood that supposedly expedient departures from the Constitution risked individual liberty. The constitutional text in this situation is clear. It must be upheld. We must take appropriate action to see that it is done.

Nor should we wait for the courts.

Although the NLRB appointments are already the subject of litigation, we should take action ourselves rather than rely on others. The stakes are too high. On the other hand, even the OLC opinion recognizes, as it must, the litigation risk to the President.
For more than 200 years, Presidents

have made very expansive claims of power under the Recess Appointments Clause. The President and the Senate have worked out differences to form a working government.

Now, the Obama administration seeks to upend these precedents and that working relationship. It may well find, as did the Bush administration, that when overbroad claims of presidential power find their way to court. that not only does the President lose, but that expansive arguments of presidential power that had long been a part of the public discourse can no longer be

Although I believe that this ironic result will ultimately occur here as well, the Senate must defend its constitutional role on its own, as intended by the framers of the Constitution that we all swore an oath to uphold.

Mr. KYL. Mr. President, important questions have been raised about Judge Gerrard's willingness to follow established precedent in a reasoned way in death-penalty cases. Too often, the Senate has confirmed nominees who are hostile to the death penalty, and who then abuse their authority and twist the law to block the execution of legally sound capital sentences that have been entered by State courts. In his December 15, 2011, written response to questions posed to him by Senator SESSIONS, however, Judge Gerrard assured the Senate that he "would have no difficulty" in following "binding precedent" in capital cases, and that he has "no personal beliefs that would prevent [him] from enforcing the death penalty." I take Judge Gerrard at his word and thus will vote in favor of confirming his nomination to be a United States district judge.

Mr. GRASSLEY. Mr. President, John M. Gerrard is nominated to be United States District Judge for the District of Nebraska. Judge Gerrard received his B.S. degree from Nebraska Weslevan University in 1975 and his J.D. from Pacific McGeorge School of Law in 1981.

He began his legal career in private practice as an associate for the Nebraska law firm of Jewell, Otte, Gatz, Collins & Domina. A year later, Judge Gerrard joined in a new law firm where he conducted primarily a general litigation practice. In 1990, Judge Gerrard and two partners formed a new law office. For the next 5 years, before being appointed to the bench, he engaged in an active trial practice and administrative law/school law practice.

In 1995, then-Governor Nelson appointed Judge Gerrard to the Nebraska Supreme Court. He has been retained (by election) in 1998, 2004, and 2010. He has written roughly 480 opinions, 450 of which are published. The opinions cover a variety of legal issues, including homicide appeals, tort issues, and evidentiary disputes. While serving on the State's highest court, Judge Gerrard has served on a number of committees, including those focusing on issues pertaining to gender, race and the judicial system.

American Bar Association Standing Committee on the Federal Judiciary has rated Judge Gerrard with a unanimous "Well Qualified" rating.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I yield back all time on our side.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. Lieberman), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Illinois (Mr. KIRK).

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

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote? nays 16, as follows:

### [Rollcall Vote No. 1 Ex.]

#### YEAS-74

Akaka	Durbin	Merkley
Alexander	Enzi	Moran
Ayotte	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich Bennet Bingaman Blumenthal Blunt Boxer Brown (MA) Brown (OH) Burr Cantwell Cardin Carper Casey Coats Cochran Collins Conrad Coons	Grassley Harkin Heller Hutchison Inouye Johanns Johnson (SD) Kerry Klobuchar Kohl Kyl Landrieu Leahy Levin Lugar Manchin McCain McCaskill	Nelson (FL) Portman Pryor Reed (RI) Reid (NV) Roberts Rockefeller Schumer Shaheen Snowe Stabenow Tester Thune Udall (CO) Udall (NM) Warner Webb
Corker	McConnell	Whitehouse
Crapo	Menendez	Wyden

#### NAYS-16

Johnson (WI)	Shelby
Lee	Toomey
Paul	Vitter
Risch	Wicker
Rubio	
Sessions	
	Lee Paul Risch Rubio

#### NOT VOTING-10

Chambliss	Hoeven	Mikulski
Graham	Kirk	Sanders
Hagan	Lautenberg	
Hatch	Lieberman	

The nomination was confirmed.

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

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Illinois is recognized.

#### MORNING BUSINESS

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

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

# ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, reserving the right to object, can I kindly ask the assistant leader something, and this is a matter of accommodation. We have two speakers on the Republican side and two on the Democratic side. Would he be amenable to entering into an order to lock in the order and go back and forth?

Mr. DURBIN. I have no objection. May I have some suggestion about the

The result was announced—yeas 74, time for each? Senators Wyden and MORAN want to speak.

> Mr. WYDEN. Mr. President, I think that is a reasonable request. Senator MORAN and I, who have teamed up on Internet policy, wish to speak for a few minutes, if we could follow each other. We plan to be brief. The Senator from Illinois will be brief. Is that acceptable?

> Mr. CORNYN. I ask whether the Senator from Illinois would agree that following his comments I be recognized for 10 minutes, and then go back and forth.

> Mr. DURBIN. Mr. President, here is what I suggest to the Senator from Texas. Senator Wyden and Senator MORAN already asked for time. I only ask for 3 minutes to speak about Senator Kirk, and then I will turn it over to them. I will not speak at length. After they have spoken—can the Senator suggest a time?

> Mr. WYDEN. Five or 10 minutes each. We will be brief.

> Mr. DURBIN. And then we will go back to the Senator's side. Is that fair? Mr. CORNYN. Yes.

> Mr. DURBIN. I ask unanimous consent that that be the order.

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

#### SENATOR MARK KIRK

Mr. DURBIN. Mr. President, we have been gone for 6 weeks or so. It is great to see our colleagues back here. A lot of things have been exchanged about what we did back home during the break, but the focal point of most conversations on the floor this evening has been, rightfully, about my colleague, Senator Mark Kirk. Most everybody knows now he suffered a stroke over the weekend, and he underwent surgery in Chicago at Northeastern Hospital last night.

All that I know about this comes from a press conference his surgeon gave in Chicago today. We want to make it clear to MARK that he is in our thoughts and prayers, as is his family. We all feel, to a person, that he will make a strong recovery. He is young and in good condition. He prides himself on his service in the Naval Reserve and stays fit to serve our country in that capacity, as well as in the Senate. He has a tough, steep hill ahead of him, but he is up to the task.

If encouragement from a Democrat, as well as many Republicans, is what is needed, he has that. I want to let him know, if the word is passed along to him in his recovery, that his colleagues in the Senate are focusing on his quick recovery and are anxious for him to return.

I vield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, Senator DURBIN speaks for every Member of the Senate. Senator KIRK is such a decent, caring, and thoughtful man, and all of us enjoy working with him in the Senate on various kinds of bills. Godspeed, Senator KIRK, for a healthy recovery. We are thinking of you tonight and you are in our prayers. I am very glad the senior Senator from Illinois has reflected the concerns of everybody from his home State tonight.

### THE INTERNET

Mr. WYDEN. Mr. President, I want to take a few minutes with Senator MORAN tonight to reflect on the events of the last few days with respect to the Internet legislation. I want to begin by thanking Majority Leader HARRY REID reopening the debate anticounterfeiting and copyright protection legislation. In pulling the Protect IP Act from the floor, Leader REID has given the Senate an opportunity to get this policy right. The Senate now has the opportunity to consult all of the stakeholders, including the millions of Internet users who were heard last week. The Senate has the opportunity to ensure that those exercising their first amendment rights through the Internet, those offering innovative products and services, and those looking for new mediums for sharing and expression, have their voices heard.

I also express my appreciation to Senator Moran. He is an impassioned advocate for job creation and innovation on the Net—the first on the other side of the aisle to join me in this cause. My colleague, Senator Cantwell from Washington State, who is as knowledgeable as anybody in public service about technology, and Senator Rand Paul, who is a champion of the Internet as a place where those who look at the Net as a marketplace of ideas, stand together and approach policy in an innovative way.

Last week, tens of millions of Americans empowered by the Internet effected political change here in Washington. The Congress was on a trajectory to pass legislation that would change the Internet as we know it. It would reshape the Internet in a way, in my view, that would have been harmful to our economy, our democracy, and our national security interests.

When Americans learned about all this, they said no. The Internet enables people from all walks of life to learn about the legislation and then take collective action to urge their representatives in Washington to stop it.

So everybody asked, come Wednesday, what would happen? In fact, the American people stopped this legislation. Their voices counted more than all the political lobbying, more than all of the advertising, more than all of the phone calls that were made by the heads and the executives of the movie studios. Their voices were heard loud and clear.

Last week, the Congress did what the American people called for instead of what the Washington insiders wanted. That is what I call real change. It was a grassroots victory for the history books, and, as one commentator said, now we are in unexplored territory. Here is why. Eight million of 162 million who visited Wikipedia took action to influence their Member of Congress: 7 million Americans signed Google's petition to block consideration of PIPA; hundreds of thousands of Americans called the Congress. In all, in just 1 day, more than 15 million Americans communicated with Congress and urged it to reject the Hollywood proposal to censor and censure the Inter-

The 15 million Americans who took action, who signed petitions, who provided their e-mail addresses and ZIP Codes in a desire to be informed are now going to be watching us like never before. The 15 million who looked up and spoke up are not faceless and they are not anonymous. They are people such as Frances Stewart of Maryland, Nancy Linton from Oregon, Debbie Kearns from East Hartford, CT, and John Jewett of Colorado, who gave their names to Web sites around the country. They are joined by millions of other Americans who were raising concerns for months before last week's Web blackout and supporting the filibuster I announced here in the Senate almost 1½ years ago.

These 15 million citizen activists were not the only ones saying the PROTECT IP Act took the wrong approach. The New York Times and the Los Angeles Times—the hometown newspapers for the content industry—both wrote editorials saying the legislation overreached. I ask unanimous consent to have printed in the RECORD copies of those articles.

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

[From the Los Angeles Times, June 7, 2011]

A Senate bill aims to cut off support for any site found by the courts to be 'dedicated' to copyright or trademark infringement. Its goals are laudable, but its details are problematic.

Hollywood studios, record labels and other U.S. copyright and trademark owners are pushing Congress to give them more protection against parasitical foreign websites that are profiting from counterfeit or bootlegged goods. The Senate Judiciary Committee has responded with a bill (S 968) that would force online advertising networks, credit card companies and search engines to cut off support for any site found by the courts to be "dedicated" to copyright or trademark infringement. Its goals are laudable, but its details are problematic.

The global nature of the Internet has spawned a profusion of websites in countries that can't or won't enforce intellectual property law. Under S 968, if a website were deemed by a court to be dedicated to infringing activities, federal agents could then tell

the U.S. companies that direct traffic, process payments, serve advertisements and locate information online to end their support for the site in question. Copyright and trademark owners would be able to follow up those court orders by seeking injunctions against payment processors and advertising networks that do not comply.

Cutting off the financial lifeblood of companies dedicated to piracy and counterfeiting makes sense. A similar approach to illegal online gambling has shown that it is technically feasible for payment processors to stop directing dollars from U.S. bettors to gambling sites anywhere in the world. The operators of the largest online advertising networks say they can do the same, although they object to the bill's proposal to let copyright and trademark owners seek injunctions against them.

The main problem with the bill is in its effort to render sites invisible as well as unprofitable. Once a court determines that a site is dedicated to infringing, the measure would require the companies that operate domain-name servers to steer Internet users away from it. This misdirection, however, wouldn't stop people from going to the site, because it would still be accessible via its underlying numerical address or through overseas domain-name servers.

A group of leading Internet engineers has warned that the bill's attempt to hide piracy-oriented sites could hurt some legitimate sites because of the way domain names can be shared or have unpredictable mutual dependencies. And by encouraging Web consumers to use foreign or underground servers, the measure could undermine efforts to create a more reliable and fraud-resistant domain-name system. These risks argue for Congress to take a more measured approach to the problem of overseas rogue sites.

[From the New York Times, Nov. 26, 2011] GOING AFTER THE PIRATES

Online piracy is the bane of the Internet. Still, bills proposed in the House and the Senate have overreached. The legislation needs to be tightened to protect intellectual property without hindering online speech and innovation.

Forty billion music files were shared illegally in 2008, according to the International Federation of the Phonographic Industry, amounting to 95 percent of all music downloads worldwide. Three-quarters of the video games released in late 2010 and early 2011 were shared illegally.

Musicians, moviemakers, authors and software designers are not the only victims. Piracy's cost is measured in less innovation and less economic activity, as creators lose hope of making a living from their creations. Still, the definition of wrongdoing in the "Stop Online Piracy Act" introduced in the House is too broad.

Under the bill, copyright owners could direct payment providers like Visa and advertising networks like Google's to cut off business to a Web site simply by filing notice that the site—or "a portion" of it—"engages in, enables or facilitates" intellectual property infringement or is being willfully blind to it.

Accused Web sites would have only five days to assert their innocence. And the payment providers and ad networks could not be sued by sites that were wrongly cut off, so their easiest course of action might be to just comply with copyright owners' requests. If copyright owners could starve a Web site of money simply by telling a payment processor that the site was infringing on intellectual property, the bill could stymie legitimate speech.

The purpose of the legislation is to stop business flowing to foreign rogue Web sites like the Pirate Bay in Sweden. But these provisions could affect domestic Web sites that are already covered by the 1998 Digital Millennium Copyright Act. That act has safe harbors protecting sites, like YouTube, that may unknowingly host pirated content, as long as they take it down when notified

Another provision would allow the attorney general to sue foreign sites that "facilitate" piracy, and to demand that domestic search engines stop linking to them and that Internet service providers redirect traffic. Experts have said this measure could be easily overcome by users and warn that it could undermine an industrywide effort to reduce hacking. Legislators should also think hard about the message it would send to autoratic regimes like China's, which routinely block political Web sites.

The House bill is right to focus on payment systems and ad networks to cut off the money to rogue Web sites. But like its Senate companion, the "Protect IP" bill, it has serious problems that must be fixed.

The bill should be made to stipulate clearly that all of its provisions are aimed only at rogue Web sites overseas. Foreign sites must be granted the same safe harbor immunity—and the bill must not open the door to punishments for domestic sites that abide by the 1998 digital copyright law. And rather than encouraging credit card companies and advertising networks to pre-emptively cut off business to Web sites accused of wrongdoing, a court order should be required before they take action.

[From the New York Times, June 8, 2011] INTERNET PIRACY AND HOW TO STOP IT

Online piracy is a huge business. A recent study found that Web sites offering pirated digital content or counterfeit goods, like illicit movie downloads or bootleg software, record 53 billion hits per year. That robs the industries that create and sell intellectual products of hundreds of billions of dollars.

The problem is particularly hard to crack because the villains are often in faraway countries. Bad apples can be difficult to pin down in the sea of Web sites, and pirates can evade countervailing measures as easily as tweaking the name of a Web site.

Commendably, the Senate Judiciary Committee is trying to bolster the government's power to enforce intellectual property protections. Last month, the committee approved the Protect IP Act, which creates new tools to disrupt illegal online commerce.

The bill is not perfect. Its definition of wrongdoing is broad and could be abused by companies seeking to use the law to quickly hinder Web sites. Some proposed remedies could also unintentionally reduce the safety of the Internet. Senator Ron Wyden put a hold on the bill over these issues, which, he argued, could infringe on the right to free speech. The legislation is, therefore, in limbo, but it should be fixed, not discarded.

The bill defines infringing Web sites as those that have "no significant use other than engaging in, enabling, or facilitating" the illegal copying or distribution of copyrighted material in "substantially complete form"—entire movies or songs, not just spinnets

If the offender can't be found to answer the accusation (a likely occurrence given that most Web sites targeted will be overseas), the government or a private party can seek an injunction from a judge to compel advertising networks and payment systems like MasterCard or PayPal to stop doing business with the site.

The government—but not private parties—can use the injunction to compel Internet service providers to redirect traffic by not translating a Web address into the numerical language that computers understand. And they could force search engines to stop linking to them.

The broadness of the definition is particularly worrisome because private companies are given a right to take action under the bill. In one notorious case, a record label demanded that YouTube take down a home video of a toddler jiggling in the kitchen to a tune by Prince, claiming it violated copyright law. Allowing firms to go after a Web site that "facilitates" intellectual property theft might encourage that kind of overreaching—and allow the government to black out a site.

Some of the remedies are problematic. A group of Internet safety experts cautioned that the procedure to redirect Internet traffic from offending Web sites would mimic what hackers do when they take over a domain. If it occurred on a large enough scale it could impair efforts to enhance the safety of the domain name system.

This kind of blocking is unlikely to be very effective. Users could reach offending Web sites simply by writing the numerical I.P. address in the navigator box, rather than the URL. The Web sites could distribute free plug-ins to translate addresses into numbers automatically.

The bill before the Senate is an important step toward making piracy less profitable. But it shouldn't pass as is. If protecting intellectual property is important, so is protecting the Internet from overzealous enforcement.

[From the New York Times, Jan. 18, 2012] ONLINE PIRACY AND POLITICAL OVERREACH

For months, it seemed as if Congress would pass an online antipiracy bill, even though its main weapons—cutting off the financing of pirate Web sites and making them harder to find—risk censoring legitimate speech and undermining the security of the Internet. But the unmovable corporations behind those bills have run into an unstoppable force: an outcry by Internet companies led by Google and Wikipedia that culminated in an extraordinary online protest on Wednesday.

Lawmakers have begun peeling away from the bills, notably Senators Marco Rubio, the Florida Republican who cosponsored the Senate version, and John Cornyn, the powerful Texas conservative. They dropped out after Wikipedia's English language site went dark and Google put a black bar on its homepage on Wednesday.

The Protect I.P. Act would have easily passed the Senate last summer if not for a hold placed by Senator Ron Wyden, a Democrat of Oregon. The Stop Online Piracy Act, introduced in the House in October, has also lost some of its initial backers. And on Saturday, the White House released a statement warning that it would "not support legislation that reduces freedom of expression, increases cybersecurity risk, or undermines the dynamic, innovative global Internet."

Though we are encouraged by legislators' newfound caution about the potential consequences of the bills, Congress must keep working on ways to curtail the growing business of foreign rogue Web sites trafficking in counterfeit goods and stolen intellectual property.

The Internet industry was pitted against some of the best-honed lobbying groups, including Hollywood and the recording studios,

the United States Chamber of Commerce and the A.F.L.-C.I.O. The industry has made a good case that some of the definitions of wrongdoing—like "facilitating" intellectual property infringement—were overly broad. They said allowing property rights owners to direct payment companies like Visa and ad networks like Google's to stop doing business with sites they deemed infringing—with no penalties if they were proved wrong—could stymie legitimate online expression.

They made the case that the proposal to make infringing Web sites "disappear" from the Internet by forbidding search engines from finding them or redirecting their Web addresses to other Internet domains was easy to get around and could potentially undermine efforts to stop hackers from doing exactly the same thing.

The Internet companies now have the responsibility to come up with a workable alternative that gives owners of intellectual property rights better tools to stop piracy by Web sites located in faraway countries. These sites get some 53 billion visits a year, more than Google or Wikipedia. Yet they are outside the grasp of American law.

The focus on cutting the financing of online pirates, which features in the House and Senate bills, is the right way to go. Sponsors of both bills have moved to delete, at least temporarily, provisions to make rogue Web sites disappear. The legislation could be further amended to narrow the definition of criminality and clarify that it is only aimed at foreign sites. And it could tighten guarantees of due process. Private parties must first get a court order to block business with a Web site they deem infringing on their copyrights.

We are happy that the drive to pass antipiracy legislation has slowed enough that Congress might actually consider all its implications carefully. Lawmakers can now act wisely to create tools that can help combat the scourge of online piracy without excessive collateral damage.

Mr. WYDEN. Mr. President, while the 15 million are no doubt pleased, as I am, that Majority Leader REID pulled PIPA, they are waiting to see if we will now retrench into the old ways of doing things-the old way where Senators went behind closed doors and wrote legislation with the help of wellhealed lobbyists, the old way that has eroded the trust America has with the Congress and the confidence that we are here on their behalf-or will the Congress instead construct legislation in a transparent way that responds to our broad collective interests? The American people want just that, and they deserve it. Among the lessons we should have learned from the events of the past few weeks is the importance of letting the public in on what we are doing.

There are serious unintended consequences when Members of Congress and staff think they have all the answers and rush to construct and pass legislation. There are clear virtues in prudence, deliberation, and even a little humility. I believe that is what our constitutional Framers had in mind for the Senate.

I know my colleagues are waiting, and I want to close with this. I harbor no doubt that this Congress on a bipartisan basis can and should construct legislation to combat international commerce in counterfeit merchandise and content that infringes on copyrights. There is no question that selling fake Nikes or movies you don't own is a problem that needs to be addressed, but it can be done in ways that do not threaten speech, that allow for the legitimate sharing of information and protect the architecture and value of the Internet. I look forward to working with my colleagues and a broad cross-section of stakeholders to do that.

I have proposed an alternative with Senator Moran and Senator Cantwell here in the Senate. Chairman Issa and Congresswoman Lofgren have proposed exactly that kind of alternative in the House. It is called the OPEN Act. It is bipartisan. It is bicameral. It would allow us to go after the problem of these rogue foreign Web sites while at the same time protecting what we value so greatly about the Internet.

We are going to have more discussions about this legislation and other approaches in the future, but we now have an opportunity to get this right. To a great extent, that is possible because of my colleague from Kansas who has joined me in this effort, the first on the other side of the aisle to step up and join our efforts. I am very appreciative of what he has done, and I look forward to his comments.

I also thank the Senator from Texas, Mr. CORNYN, for his courtesies so that Senator Moran and I, because of our bipartisan work, could make these brief remarks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I appreciate so much the remarks of the Senator from Oregon, Mr. Wyden.

It was a significant moment in my brief time as a Member of the Senate when, 3 months ago, Senator Wyden and I had a conversation here on the Senate floor about this legislation, about PIPA and about SOPA and about the open Internet, and it was a moment in which Senator Wyden found me looking for ways in which I could be engaged in the process of trying to create an environment in which entrepreneurship flourished in the United States.

I had been discouraged or disillusioned a bit by the lack of Congress's and the President's ability to find ways to reduce spending and to balance the budget, and while I don't intend ever to walk away from those important issues, it became clear to me that another way we can reach a more balanced budget is to have a growing economy. I started looking at research that would suggest how we get there. When Senator Wyden presented this thought to me about engaging on this issue, it was one that made so much sense to me, and I am very grateful for the partnership we have developed.

Senator Wyden and I, as he said, intended to speak this evening about our concerns about the PROTECT IP Act prior to the bill being considered this week on the Senate floor. But because of the actions of millions of Americans in voicing their concerns about this legislation, it is no longer necessary for us to throw procedural obstacles in the way of the PROTECT IP Act, and I appreciate the majority leader withdrawing his plan to hold a vote tomorrow on this legislation.

Last week's events in which we all received so much input is a very good reminder of what a powerful tool the Internet can be. It was encouraging to see so many Americans get involved, particularly young Americans who often choose not to be involved in the process. But they saw something important to them, and they knew exactly how to communicate with elected officials. What became clear last week was that Congress, in this issue and its far-reaching implications, was not fully yet understood, and so to take a pause, to take a step back and to reconsider the direction we were going seems so appropriate to me.

Congress has the responsibility to remain engaged and up to speed on all issues, particularly those that so directly impact our economy. It is no easy task given that technology is constantly evolving, but it is an important task. Technology holds incredible promise, from strengthening education. to delivering health care more efficiently, to allowing entrepreneurs to develop products that have vet to be invented. By remaining more engaged, Congress will also be better able to enact public policies that encourage Americans to innovate, create new products, and strengthen the economy.

Last week's decision to delay consideration of PIPA was an important moment for many innovators and entrepreneurs across America, and it was an outcome that my colleagues and I-Senator Wyden and others—sought to see occur. It is important also not just to entrepreneurs, though, but to people who are concerned about freedom and about the opportunity to use the Internet to communicate, the opportunity for free speech. And certainly we had concerns about national security. My concerns about the PROTECT IP Act can be summed up like this: Certain provisions in this legislation will threaten free speech, innovation, and our national security.

I am adamantly opposed to legislation that tampers with the Internet security, specifically the Domain Name System. Internet engineers have worked for 15 years to develop a way to authenticate the sites we visit to make sure they are secure and to enhance commerce on the Internet. At a time when our Nation faces increasing numbers of cyber attacks from abroad, PIPA and SOPA would create signifi-

cant security risks and set America back more than a decade.

Second, both PIPA and SOPA would create new liabilities because of vague definitions in the bills that would drag companies into unnecessary and prolonged litigation. We don't need more legal battles. Congress should not put in place a system that would force lawabiding innovators to utilize their limited resources in the courtroom to defend themselves rather than invest in their companies, develop new products, and hire new workers.

America is a country of innovation that was founded on freedom and opportunity, and that has been true since the birth of our Nation when entrepreneurs have strengthened our country and its economy by creating new products and sharing them around the world. Americans today still want the opportunity to develop new products and to innovate in the marketplace. Because of the power of technology, ideas that were once only imaginable have now become a reality.

About 1 year ago, Google announced that it was accepting applications from cities across the United States to deploy a 1-gigabit Internet connection, which is roughly 100 times faster than what most users could experience today. Last March, much to my delight and the delight of many Kansans, Google chose Kansas City as the Nation's first Google Gigabyte City. In fact, Kansas City was selected from more than 1,100 cities that had applied and competed.

Many people in the Kansas City area were soon asking: What is actually possible with a gigabit Internet connection? What happens when you connect an entire community with a gigabit Internet connection?

An organization called Think Big Partners wanted to know the answer to those questions, so they put together a competition called Gigabit Challenge. The Gigabit Challenge was a project based on an idea and a prediction. They predicted that when Americans are given access to cutting-edge technology—in this case, one of the fastest bandwidths in the world-new innovations, new applications, and new products would be created. So they challenged entrepreneurs and innovators to come up with products that will leverage this new network capacity and offered significant cash prizes for the three best ideas.

The response was overwhelming. Mr. President, 113 ideas were submitted from 5 continents, 7 countries, and 22 States. The list was eventually narrowed down to 17 companies that presented last week to a distinguished panel of judges. I had the opportunity to join Think Big Partners in Kansas City last week for part of that event, and I was impressed, so impressed, by what I saw. I congratulate the prize winners tonight who competed, and I

brought new ideas to the table.

The Gigabit Challenge underscores the fact that Americans want to innovate, and Congress should encourage innovation rather than create new hurdles for American creators and innovators. One of the most important things Congress can do to encourage innovation is to make it easier for entrepreneurs to start a business.

Last month, Senator WARNER and I introduced bipartisan legislation called the Startup Act to jump-start the economy through creation and growth of new businesses. Data from the Kauffman Foundation in Kansas City shows that between 1980 and 2005, nearly all of the net jobs that were created in the United States were created by companies less than 5 years old. In fact, new businesses create about 3 million jobs each year.

The Startup Act recognizes the jobcreating potential of entrepreneurs and is based upon five progrowth principles:

First, the Startup Act will reduce the regulatory burden on new businesses and startups.

New businesses, which are almost always small, face a tough challenge complying with the various rules and regulations that govern business behavior. According to the U.S. Small Business Administration, companies with fewer than 20 employees spend 36 percent more per employee than larger firms to comply with Federal regulations.

The president and CEO of the National Association for the Self-Employed, who endorsed the Startup Act, said this:

The majority of small businesses are enterprises of 1-2 people. . . . Cutting down on some of the unnecessary red tape that new businesses must face means that the owner can spend more time growing their business. hiring employees, and helping to turn our Nation's economy back around. The Startup Act would help address these regulatory burdens faced by new companies.

Reducing regulatory burdens means entrepreneurs will have more time and money to invest in their business and to hire more workers.

Secondly, the Startup Act creates tax incentives to help facilitate the financing of new businesses so they can get off the ground and grow more auickly.

One of the greatest challenges for startups is accessing the necessary capital to grow their business. The Startup Act provides capital gains and income tax incentives to facilitate financing the new business at its critical juncture of firm growth. Helping entrepreneurs attract investment and retain greater share of the company's profits will lead to job growth.

Third, the Startup Act recognizes that innovation drives the American economy.

Some of the best minds in the world work and study at American univer-

congratulate all who competed and sities. The innovation that occurs on campuses across the Nation contribute to the strength and vitality of our economy. To speed up the movement of new technologies to the marketplace where they can propel economic growth, the Startup Act uses a portion of existing Federal research and development funding to support innovative projects at American universities in order to accelerate and improve the commercialization of cutting-edge technologies developed through faculty research. When more good ideas make their way out of the laboratory and into the marketplace, more businesses and more jobs are created.

Fourth, the Startup Act encourages pro-growth State and local policies through the publication of reports on new business formation and the entrepreneurial environment in States.

I am proud that Kansas City leaders recognize the importance of policies that support entrepreneurs. Last year, area leaders declared that Kansas City should be called "America's Most Entrepreneurial City," given their efforts to encourage entrepreneurship.

Better policies at the State and local level will create more opportunities for entrepreneurs to open businesses and put Americans to work.

Finally, the Startup Act will help win the global battle for talent by keeping entrepreneurial-minded and highly skilled workers in the United States

For too long, our Nation's immigration policies have turned away American-educated talent and sent highlyskilled individuals back to their home country where they competed against America. Rather than lose that talent, we need to keep those highly-skilled individuals and potential job creators in the United States.

The Startup Act recognizes the jobcreating potential of entrepreneurial and highly-skilled immigrants, and provides additional opportunities for those who are here legally on a temporary basis to stay if they have the high-tech skills our economy needs or are willing and able to create jobs for Americans.

Highly-skilled workers will fuel growth at technology startups and entrepreneurial immigrants will employ Americans.

Business and industry leaders across the country are speaking out about the importance of innovation and entrepreneurship. Gary Shapiro, the President and CEO of the Consumer Electronics Association, said this:

As a country we must do more to support and foster innovation and entrepreneurialism, and the introduction of the Startup Act is an important step forward.

Dr. Robert Atkinson, the President and Founder of the Information Technology & Innovation Foundation echoed those remarks. He said:

The United States is at risk of losing its economic leadership and vitality and it is essential for policymakers to unite in practical ways to reverse this trend. The Startup Act is a commendable example of what is needed to restore U.S. innovation-based competitiveness.

The millions of Americans who spoke out last week against a bill that would stifle innovation on the Internet understand the importance of this too.

Fostering innovation and promoting entrepreneurship are not Republican or Democrat ideas they are American val-

What occurred last week is a reminder to all of us in this Senate about the leadership that is necessary. Again, I congratulate Senator Wyden for providing that leadership. With good leaders in Washington, DC, and with the American people who understand in many instances better than we often do the value of entrepreneurship, of free speech and an open Internet, great things can once again happen in the United States of America. Our economy can flourish and grow.

It is so important that what occurred this week, with the legislation not proceeding, sets the stage for greater opportunities for Americans across our country to have a dream, to pursue it, to succeed, to spend their time pursuing that dream, and in achieving their dreams they have the opportunity to create success for others.

I urge my colleagues to work with me. Let us work together. Our country cannot wait until after another election to get the economy growing again.

I vield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### SENATOR MARK KIRK

Mr. CORNYN. Mr. President, I join my colleague from Illinois in expressing our concerns about the junior Senator from Illinois, Senator KIRK, who, unfortunately, suffered a medical incident, has had surgery, and is now recovering in Chicago. We know once again we are reminded that life is short and it is fragile. It could happen to any one of us or our families or anyone we care about and love. I know all of us extend our sympathy and our well wishes to Senator Kirk as he begins his convalescence and recovery from this surgery and this medical incident that he has experienced.

# THE BUDGET

Mr. CORNYN. Mr. President, I wish to observe that tomorrow night the President of the United States will make his annual State of the Union Address to Congress. This signals, of course, the beginning of the annual budget and appropriations process. But what has not happened for too long is the Senate passing a budget for the Federal Government. In fact, tomorrow, the same day the President will

speak to the Nation, it will be the 1,000th day since the budget was passed by the Senate. That day was April 29, 2009. As the facts would reveal, it is our Democratic friends, led by the majority leader, Senator REID, who have resisted bringing a budget to the floor for amendment and debate and a vote.

I believe with all my heart that is one of the reasons why the American people hold the Congress in such low regard. It is because we have failed in our most basic responsibilities, now for more than 1,000 days. None of us can imagine a family or small business operating without a budget. It is unthinkable. I suspect there are not many, if any, small businesses that do not sit down and do the hard work of working out a budget. A budget, after all, is a matter of priorities. As the distinguished occupant of the chair knows as a former Governor, there is no way a State, a city, a county, a small business, or a family can get by without a budget because it is the discipline that comes with a budget where you decide what is absolutely essential, you decide what you want to have that you maybe could put off for another day, and it forces you to reach the conclusion in some instances that things you would like to do are simply unaffordable. Unfortunately, the majority leader has simply resisted those hard decisions. That is regrettable.

As a member of the Budget Committee. I was especially disappointed that the Budget Committee, the very purpose of which is to debate and pass a budget, did not debate one this last year. The majority leader, when asked about this in the press, said that it would be foolish for the majority to produce a budget. I suspect he wanted to protect his Democratic Members from some tough votes and tough decisions. But that is what we were sent here for, to make hard but important decisions on behalf of our constituents and the American people, even if they are tough votes and even if they are unpopular decisions. That is our responsibility. But under the leadership of Senator Reid the Senate has completely abdicated that responsibility for now 1,000 days.

Nothing could be more foolish or foolhardy than refusing to provide the Nation's job creators, investors, and, yes, the taxpayers, with a blueprint for our fiscal future. How is it that the majority can continue to shrink from the most basic responsibilities of governing? I am amazed sometimes. People say they want to serve in public office. They like the prestige, perhaps, the visibility, the power that goes along with it. Yet when it comes to actually discharging their responsibilities and making tough decisions, they may say, no, I don't want to make anybody mad.

But that is what we were sent here for. It is our responsibility. It is plain fact that the American people cannot afford to have this body continue paying just lip service to fiscal sanity while seeing our fiscal ship so off keel.

It should come as no surprise that during this period of time we have not had a budget for the Federal Government, the Nation has spent \$9.4 trillion. And \$4.1 trillion has been added to the national debt, if you account for the fact that the President recently asked for another \$1.2 trillion in additional borrowing authority. The national debt has grown to more than \$15 trillion and is now larger than the whole U.S. economy, our gross domestic product. Government spending has reached a post-World War II record and now makes up 25 percent of the economy. That is just government spending alone. The average has been somewhere around 20 percent of our gross domestic product. Now it is up to about 25 percent.

Unfortunately, because the economy is so depressed, revenues are around 15 percent, hence a 10-percent annual budget deficit which, as it accumulates, adds to our national debt.

As we all know, our Nation has lost its triple-A credit rating from Standard & Poor's, casting further doubt about the solvency of the U.S. Government and our commitment to pay our debts. All three major rating agencies have assigned a negative outlook, something short of a downgrade, but they have issued a warning to those who lend money to the U.S. Government that they have a negative outlook on the Nation's long-term rating. This is a signal too that future downgrades are more likely in the near future. You know what happens when the rating agencies downgrade our debt; it is more expensive for the Federal Government to borrow money.

Indeed, I have read that over a 10-year period of time, a 1-percent increase in the cost of paying China or somebody to buy our debt, in terms of a return on that investment, a 1-percent increase over 10 years is roughly \$1.3 trillion. So even if we were to cut \$1.3 trillion, suffering a 1.3-percent increase in the cost of persuading somebody to buy our debt would negate and wipe out any savings by a cut.

I fear the failure to pass a budget is simply a recipe for more debt and more out-of-control spending. While the majority has abdicated its responsibility to pass a budget, as required by law, and even refused to bring it to the floor, the House has acted responsibly and has passed its own budget. But instead of offering their own blueprint in the Senate, the majority leader and the majority party have simply demagogued the House budget.

We have seen that from the President of the United States. Ultimately, Senator REID brought the House budget up for a vote on the floor, knowing it would fail because it actually reduced spending, it continued much-needed tax relief, and it put the Government on a diet, something the Federal Government sorely needs.

The Senate also had an opportunity to finally vote on the budget submitted by the President last year. This was something that was prompted by action of Senator McConnell, the Republican leader, because our friends across the aisle did not, apparently, even want to vote on the President's proposed budget. But while there was support for the House budget, not one Senator on either side of the aisle supported the President's budget. It went down 97 to 0, which was quite a remarkable vote. Even my colleagues on the other side of the aisle realized that the budget submitted by the President was an irresponsible budget, one that would increase taxes, increase spending, and increase debt.

We know that higher debt leads to slower economic growth. Economic studies have shown that high levels of government debt inhibit economic growth by creating economic uncertainty about the economy, about tax increases, and it actually crowds out or displaces investment in the private sector. Slower economic growth means fewer jobs. According to Christina Romer, former chair of the White House Council of Economic Advisers, a 1-percent change in gross domestic product growth is equivalent to 1 million jobs a year.

I would recall, back during the time the administration proposed its stimulus to try to get the economy moving again—\$787 billion plus interest, roughly \$1 trillion—they projected growth of the economy during 2011–2012 to be roughly 4.3 percent of gross domestic product, a 4.3-percent growth. Unfortunately, in the third quarter of 2010, which is the last quarter for which some numbers are available, the economy grew at a rate of 1.8 percent—not 4.3 percent but 1.8 percent.

So the warning sound has clearly been heard. The fiscal tsunami that many budget experts predicted could suddenly arise is fast approaching. It is a challenge that faces the country today, not tomorrow, and we need solutions today. But it takes leadership and it takes courage. All we have to do is look across the Atlantic Ocean and watch what many of our European friends are going through today to see what happens when government spending and debt are allowed to grow unchecked. When governments and nations live beyond their means and continue to rack up debt, passing it on to their children and grandchildren, at some point the creditors of that nation, the holders of that sovereign debt, lose confidence in the ability of those nations to actually pay it back and we see the kind of sovereign debt crisis like we are seeing in Europe today.

All of these challenges require Presidential leadership, but I am confident we will not hear the President talking about these issues tomorrow. The President has had multiple opportunities to embrace bipartisan fiscal overhaul plans such as the one produced by his own bipartisan debt commission, the Simpson-Bowles commission. Unfortunately, the President has chosen to ignore the work of his own debt commission.

Over the past 2 years we have also noted an explosion in the number of Federal regulations which have further created uncertainty in the economy and caused the entrepreneurs and job creators to sit on the sidelines not knowing what the cost is going to be of their doing business, whether their business model will actually work or whether in addition to taxes, regulation, and the cost of health care they can actually break even, much less make a profit. Well, it is no coincidence because of the higher debt, runaway regulations, and the threat of higher taxes that we have experienced the weakest economic recovery since World War II. leaving millions of Americans without jobs.

My constituents—all 25 million of them in Texas-and everyone in America deserve better, and they are telling us in unequivocal terms that they think the country is on the wrong track. How could they possibly believe otherwise? When my constituents know Washington borrows 40 cents out of every dollar it spends and knows the national debt is a job-killing economic liability for the country, how would they say the country is on the right track when clearly it is not. Every man, woman, and child in my State and across the country is roughly \$49,000 in debt, and that has increased by almost 40 percent since President Obama took office in 2009.

The unemployment rate in Texas, while, thankfully, is lower than the national rate, consistently remains above what it was since the last time the Senate passed a budget. The unemployment rate in Texas is 20 percent higher than it was when the administration told Texans that its stimulus plan would make sure the national rate would not go above 8 percent.

Well, if we go back and look at the projections—they said it would not go above 8 percent, and by the first quarter in 2012 it would be 6 percent—clearly, they were off the mark, and the stimulus failed to meet the administration's own stated goals.

My constituents also believe, with some justification, the national debt is a national security risk. ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff, said the debt is the single biggest threat to our national security. It struck me as unusual to hear the Chairman of the Joint Chiefs of Staff saying it is our financial condi-

tion that is our national security threat. But when we think about it, if America cannot pay its debt back, if we experience a sovereign debt crisis, if the interest demanded by our creditors goes through the roof—as we have seen for Italian bonds and other bonds over in Europe—it means we will not have the money to pay not only for the safety net programs that are important for the most vulnerable of Americans and keep our commitments for Social Security and Medicare, it means we will not be able to protect the national security of the United States, which is the No. 1 responsibility of the Federal Government.

Secretary of State Hillary Clinton has said the debt "undermines our capacity to act in our own interest . . . and it also sends a message of weakness internationally."

My constituents know that successful debt reduction measures must rely on spending cuts, not tax increases, and that economic growth is one of the main goals. Right now, if we don't act before the end of the year, due to expiring tax provisions we will see the single highest tax bill in American history, almost \$5 trillion more by some estimates.

For example, the State and local sales tax deduction—my State doesn't have an income tax, and income taxes are deductible under Federal tax law, but State sales taxes are not right now but for the provision that will expire by the end of the year. This is an important issue to my constituents and a matter of fundamental fairness.

In 2009, 2.1 million taxpayers in Texas claimed almost \$4 billion in deductions. According to tax comptroller Susan Combs, extending the sales tax deduction will benefit millions of Texans who are working hard to keep our Nation's economy vibrant.

I am proud my State has been a beacon from the economic standpoint of opportunity where people have voted with their feet, and they have moved from places where they don't have jobs and don't have opportunities to Texas where they do. It is no coincidence that as a result of the most recent reapportionment, Texas got four new congressional seats. This is primarily due to people moving to where the opportunity is. It makes perfect sense.

Why would we want to do anything that would threaten the economy of Texas or any other State of the Union? We know the President will give another speech to the American people tomorrow night, and he will send his budget—as required by law—to Congress early next month. At this time, the American people will be able to see for themselves if we have a leader who possesses the audacity to bring us together to right the ship or one who will lead us down a path that has brought the economies of Europe to the brink of economic disaster and a permanent lower standard of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask to speak as if in morning business for 2 minutes.

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

#### ST. CROIX BRIDGE

Ms. KLOBUCHAR. Mr. President, we are about to pass unanimously the St. Croix bill. It is something we have been working on very hard—the two Senators from Minnesota, myself, Senator Franken, Senator Johnson, as well as Senator Kohl—to get through the Senate.

This bill allows a bridge to be built that has been waiting for 30 years. It is a bridge that exists now and is a beautiful bridge, but it is falling apart. Pieces of the bridge have fallen into the St. Croix River. It is a bridge that is expected to take 18,000 cars a day, and the Department of Transportation and the State of Minnesota believe very strongly we need a new bridge.

This legislation allows the bridge to move forward. I appreciate all of the help from my colleagues on both sides of the aisle. They have helped me to work on this legislation over the last few months. Senator COBURN had some changes at the end, and we worked with every single Senator to get this done

The bill now moves to the House where it also enjoys bipartisan support, and both Governors of both States support this bill. They will then be allowed to build the bridge they want.

There has been questions raised about whether this creates some kind of precedent under the Scenic Rivers Act. This is a very unique situation. It has taken us a year to pass. We are in a situation where any new bridge would need an exemption to the Scenic Rivers Act.

We are pleased this bill is getting passed today. I don't believe anyone believed we could have done this unanimously after 30 years of work, but tonight we are getting it done.

I yield the floor.

### TRIBUTE TO ADRIENNE POWERS

Mr. REID. Mr. President, I rise today to honor Adrienne Powers, who recently retired as Head Interior Designer for the Architect of the Capitol at the end of last year.

Many on Capitol Hill join my wife, Landra, and me in expressing a sincere and warm congratulations on a well-earned retirement to Adrienne. Although her stylistic genius and sensitivity to the integrity and history of the walls and floors of the Capitol will be missed, she has left an indelible mark that will not be forgotten.

In 1984, after receiving her Bachelor's degree in interior design from American University, Adrienne began her career as an interior designer with the Architect of the Capitol. Her first assignment was to style the legendary Senator Moynihan's third floor office in the Russell Senate Office Building. After impressing Senator Moynihan with her ornate style and keen eye for fine art, other Senators quickly sought her services for their offices as well. This trend continued until she recently retired, making her one of the most popular figures among Members on both sides of the aisle and Capitol.

One would struggle to find some part of the Capitol that has not been improved by Adrienne's immense talent and impeccable taste. After 27 remarkable years balancing history and purpose, she leaves behind an indebted community on Capitol Hill that will forever remember her friendship, professionalism and dedication.

# RECOGNIZING THE FINANCIAL GUIDANCE CENTER

Mr. REID. Mr. President, I rise today to honor the Financial Guidance Center, FGC, a nonprofit organization that has remained steadfast in its commitment to providing financial literacy services to all Nevadans.

This year marks 40 years of empowering Nevadans by providing quality financial and credit counseling. FGC is a HUD-approved housing counseling agency, accredited by the Council of Accreditation and a member of the National Foundation for Credit Counseling.

More than ever, their services are crucial to countless homeowners in Nevada. FGC provides access to free financial, housing, and bankruptcy counseling, debt management, downpayment assistance, and financial literacy programs that are essential to making our communities more financially sound. The Financial Guidance Center should be proud of its enduring resolve to provide families with the important tools that contribute to a healthy community

Selected by the Las Vegas Chamber of Commerce as the 2010 Non-Profit of the Year, FGC has remained dedicated to helping Americans get back on their feet, reach their housing goals, and attain much needed financial sustainability in trying economic times.

I am pleased to stand today in recognition of the Financial Guidance Center and their many contributions to Nevada and Utah, and I wish them continued success in the years to come.

### TRIBUTE TO JHETT JOHNSON

Mr. BARRASSO. Mr. President, today I wish to honor a true American Cowboy, Jhett Johnson. At the Wrangler National Finals Rodeo in Las Vegas, Jhett and his teammate, Turtle Powell, took home the gold buckle in the team roping competition after 10

career as an interior designer with the rounds of competition against the best world-renowned Architect of the Capitol. Her first as- of the best.

Those of us in Wyoming talk about the Code of the West. As a sixth-generation Wyoming rancher and now a world champion rodeo cowboy, Jhett Johnson personifies the code. He lives each day with courage, takes pride in his work, and rides for the brand. Jhett has demonstrated this in all aspects of his life, not just his rodeo career. When still in his twenties, Jhett survived cancer. He approached his illness, and his recovery, by living the code. He wanted to finish what he started, and he intended to do what needed to be done. He knew that there were hundreds of rodeos ahead of him, and he wasn't going to let cancer slow him down.

We can all learn from Jhett Johnson and his teammate, Turtle Powell. Team roping is not an individual sport. You must trust your partner. Team roping takes in incredible amount of practice and skill, but you must acknowledge that sometimes you catch one and sometimes you don't. Competing requires miles and miles of travel to rodeos across our great Nation, which means time away from family and loved ones.

When he is not rodeoing, Jhett enjoys training horses on the family ranch near Casper, WY. He is the devoted husband to Jenny and father to three sons, Kellan, Carson, and Cress.

Mr. President, join me in congratulating Wyoming's world champion cowboy, Jhett Johnson, on his terrific accomplishments.

### ADDITIONAL STATEMENTS

RECOGNIZING THE 100TH ANNIVER-SARY OF THE HAWAIIAN VOL-CANO OBSERVATORY

• Mr. AKAKA. Mr. President, today I wish to commemorate the centennial anniversary of the founding of the Hawaiian Volcano Observatory, HVO, on the island of Hawaii on January 17. 1912. Currently situated on the northwest rim of the caldera of Kilauea, one of Earth's most active-and most studied-volcanoes, HVO has collaborated with top scientists from around the world to achieve its mission: to create a detailed account of Hawaii's volcanic activity. During its 100 years of operation, HVO's pursuit of this mission has not only led to great strides in the study of volcanology, it has made living near these volcanoes safer for island residents

Established by the late visionary geologist Thomas A. Jaggar, Jr., the observatory has been continuously monitoring Kilauea and other Hawaiian volcanoes for the past century, collecting data critical to the understanding of volcanic activity. Jaggar's work built on the pioneering contributions of the

world-renowned American volcanologist, Frank A. Perret, who made his first observations on the volcanic activity at Kilauea in 1911. Jaggar used Perret's work to successfully solicit initial support and funding for the project from the Massachusetts Institute of Technology, the University of Hawaii, and the Carnegie Geophysical Laboratory. Jaggar also received essential contributions from several local businessmen, who pledged significant sums to establish the observatory at Kilauea.

Over time, the sponsorship and operation of HVO has been administered through various Federal agencies, including the United States Weather Bureau from 1919 to 1924; the United States Geological Survey, USGS, from 1924 to 1935; the National Park Service, NPS, from 1935 to 1947; and the USGS again from 1947 to the present. Throughout HVO's history, it has worked with local interests to further public safety, education and outreach, and geological science. HVO has enjoyed a longtime partnership with University of Hawaii's Hilo and Manoa campuses, as well as close working relationships with NPS at Hawaii Volcanoes National Park, the County of Hawaii, and Hawaii's news media.

The observations made from HVO have led to groundbreaking contributions in modern geological science through their precision and diligence in data collection, thorough analysis of the observatory's vast record, and innovation in monitoring devices and techniques. Today, HVO scientists analyze data collected from more than 100 field stations, which include seismic, deformation, volcanic-gas, geologic, and other monitoring tools. These stations transmit data to HVO around the clock, with a single instrument sending as much as 60 terabytes of data each year. As a result, HVO-guided efforts have successfully diverted or stopped lava flows threatening Hilo and neighboring communities, mitigated the damage caused by tsunamis by providing reliable wave predictions, and have painted a rich, detailed account of the activity of some of the world's most volatile volcanoes.

Finally, I wish HVO and USGS the best of luck and continued successes as they carry on their important work. I know that they are excited to begin the next hundred years of the observatory's work, and I look forward to the advances that will result from their efforts.

#### REMEMBERING JIM CAPOOT

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of James "Jim" Capoot—a dedicated husband, proud father, loving son, devoted friend and respected colleague. Officer Capoot lost his life in the line of duty while serving the

Vallejo Police Department on November 17, 2011. He was 45 years old.

Jim Capoot was originally from Little Rock, AR, and served in the U.S. Marine Corps and as a California Highway Patrol Officer before joining the Vallejo Police Department in 1992. Officer Capoot was a highly decorated officer having received the Vallejo Police Department Officer of the Year award, the Medal of Merit, the Life Saving Medal, and twice awarded the Medal of Courage. In addition to his work with the Police Department, Officer Capoot was the volunteer coach of the Vallejo High School girls' basketball team and led the team to a section championship in 2010.

Officer Jim Capoot, like all those who serve in law enforcement across California, put his life on the line to protect his community. I extend my deepest condolences to his loving wife Jennifer and three daughters. My thoughts and prayers are with them. We are forever indebted to him for his courage, service and sacrifice.

#### REMEMBERING OFFICER MARY ANN DONAHOU

• Mrs. BOXER, Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant. Officer Mary Ann Donahou of the Stanislaus County Sheriff's Department. On the morning of December 30, 2011, while gathering evidence at a crime scene in Hughson, Officer Donahou was tragically killed after being struck by a vehicle.

Officer Donahou was born in Ceres, CA. In 2002, she began her career at the Stanislaus County Sheriff's Office as a booking clerk in the county jail. As her knowledge and love of law enforcement grew. Officer Donahou eventually became a crime scene technician and dutifully served the citizens and communities of Stanislaus County with great commitment, integrity, and valor, Her devotion to helping others, along with her passion for law enforcement, enabled her to become a respected member of the Stanislaus County Sheriff's Department.

Those who knew Officer Donahou will always remember her as a caring, kind, and devoted mother, colleague, and friend. She fulfilled her oath as an officer of the law with honor, bravery, and dedication. Her contributions to public safety and commitment to the citizens she served will never be forgotten and will be an example to others who hope to one day protect and serve the public.

I extend my deepest condolences to Officer Donahou's son, Jake Lewis Hassler; her parents, Janice and Robert Pence and Jack and Mary Donahou; and her sisters, Jennifer Horne, Melinda Donahou-Sneed, Lori Donahou and Teresa Brockman.

We shall always be grateful for Officer Donahou's heroic service and the community and the people she loved. She will be dearly missed.

#### REMEMBERING WARREN HELLMAN

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the life and legacy of Warren Hellman, a San Francisco financier, philanthropist, and community leader who died last month at age 77 from complications of leukemia.

In addition to its spectacular beauty, the City of San Francisco is known around the world for its great heart and free spirit, its celebration of diversity, and its charm. In recent years, perhaps no San Franciscan has embodied his beloved city more than Warren Hellman. He was a fantastically successful businessman and investor who liked to dress casually, ride horses, run 100-mile races, and play bluegrass banjo.

Here is how Warren was remembered by the Bay Citizen, the free newspaper he founded when he felt that local news coverage was in decline:

A rugged iconoclast whose views on life rarely failed to surprise. Hellman was a lifelong Republican who supported labor unions, an investment banker whose greatest joy was playing songs of the working class in a bluegrass band, and a billionaire who wanted to pay more taxes and preferred the company of crooners and horsemen who shared his love of music and cross-country 'ride and tie' racing.

Warren Hellman was born in New York and raised in San Francisco. He graduated from the University of California, Berkeley and earned an MBA at Harvard Business School. After becoming the youngest director in the history of Lehman Brothers, Warren moved home to California and cofounded the private equity firm of Hellman & Friedman. Though he made a lot of money, he much preferred giving it away. Warren said that money was "like manure: If you spread it around, good things will grow-and if you pile it up, it just smells bad.

Among the many institutions Warren helped grow were the San Francisco Free Clinic, the Hellman Fellows Program at UC Berkeley, and his Hardly Strictly Bluegrass festival, where more than half a million people come each year to hear free concerts from top entertainers and from Warren's band, the Wronglers.

He served as chairman and trustee emeritus of The San Francisco Foundation; advisory board member of the Walter A. Haas School of Business at UC Berkeley; trustee of the UC Berkeley Foundation; trustee emeritus of The Brookings Institution: board member of the Committee on JOBS; member of the Board of Directors and Executive Committee of the Jewish Community Federation; chairman of the Jewish Community Endowment Fund; board member of the San Francisco

sacrifices she made while serving the Chamber of Commerce and the Bay Area Council; and chairman of Voice of Dance.

> Warren also led many efforts to support civic initiatives in San Francisco, from the underground parking garage that saved two major museums in Golden Gate Park to the broad-based campaign to reform San Francisco's city employee pension system.

> On behalf of the people of California, who have benefitted so much from Warren Hellman's great generosity and public sprit, I send my deepest gratitude and condolences to his wife, Patricia Christina "Chris" Hellman; son Marco "Mick" Hellman; daughters Frances Hellman, Judith Hellman, and Patricia Hellman Gibbs; his sister, Nancy Hellman Bechtle; and his 12 grandchildren. Warren's passing is a great loss to his family, his friends, and the city he loved and served so well.

### RECOGNIZING THE ANNENBERG RETREAT AT SUNNYLANDS

• Mrs. BOXER. Mr. President, this year the late Walter and Leonore Annenberg's legendary California estate, Sunnylands, will open its doors to the public as the Annenberg Retreat at Sunnylands. I ask my colleagues to join me in honoring the Annenbergs' remarkable legacy and saluting the new institution's noble goals.

Sunnylands was designed and built in the mid-1960s as the Annenbergs' desert home in Rancho Mirage. It served as their winter residence and as a tranquil retreat and meeting place for Presidents of the United States, U.S. Supreme Court Justices, scholars, historians, former diplomats, Governors, State legislators as well as bipartisan coalitions of the U.S. Senate and House of Representatives. Among many other notable guests, President Nixon wrote his 1974 State of the Union speech there, and Queen Elizabeth II and Prince Charles visited in 1983.

In 2001, the Annenberg Foundation Trust at Sunnylands was founded to continue Sunnylands' role as a conference center and retreat for national and international leaders to address the world's most pressing concerns. Throughout their lifetimes, Ambassador and Mrs. Annenberg hosted and sponsored a number of solution-driven retreats that fostered positive diplomatic, judicial, and legislative progress.

Now, the new Annenberg Retreat at Sunnylands will be available for the President of the United States and the Secretary of State to bring together world leaders to promote and facilitate peaceful international agreements; for the President and the Cabinet, the Supreme Court, and the bipartisan leadership of the Congress to meet to focus on ways to improve the functioning of the three branches of government; and

for leaders of major social institutions, such as universities, colleges, public schools, charities, and government agencies, to meet and determine how these institutions might better serve the public good.

I invite all of my colleagues to join me in congratulating the Annenberg Retreat at Sunnylands for realizing the Annenbergs' dream of creating a world-class center that provides our leaders with an atmosphere to discuss vital issues, promote cooperation, and craft solutions for our Nation and the world.

# TRIBUTE TO LILY TOMLIN AND JANE WAGNER

• Mrs. BOXER. Mr. President, on March 16th, two of the Nation's great theatrical talents will be recognized when my friends Lily Tomlin and Jane Wagner are added to the Palm Springs Walk of Stars.

As we all know, Lily Tomlin is a dazzling star of stage, screen, and television. She first won the hearts of millions of Americans more than 40 years ago on "Rowan and Martin's Laugh-In," where she created unforgettable characters such as the world famous telephone operator Ernestine and the precocious young child Edith Ann. Lily said of these characters, "I don't necessarily admire them, but I do them all with love." From the beginning, audiences fell in love with Lily Tomlin.

In 1971, Lily began working on an Edith Ann comedy album with a brilliant, award-winning young playwright named Jane Wagner. They produced acclaimed hit recordings and television specials and went on to further triumphs on Broadway and in Hollywood.

It is fitting that Lily and Jane will be honored together on the Palm Springs Walk of Stars, not only because of their long personal and professional partnership, but because they have formed one of the most fruitful creative collaborations in the history of American performing arts. Over the past four decades, Jane Wagner has created unforgettable characters, and Lily has inhabited these characters and brought them fully to life.

Since 1985, much of their creative energy has focused on various productions of Jane's play "The Search for Signs of Intelligent Life in the Universe". Through this timeless yet dynamic work of art—with insight, humor, and love for all that makes us human—these two extraordinary artists have expanded both the bounds of performance art and our understanding of the human condition.

I have known Lily Tomlin and Jane Wagner for many years. I am pleased to call them my friends, and I will be honored to join the Palm Springs Walk of Stars next month in paying tribute to their tremendous contributions to the Palm Springs area and to American culture. ●

# TRIBUTE TO STEVEN D. GARBARINO

• Mr. CARDIN, Mr. President, I wish to take this opportunity to congratulate Mr. Steven D. Garbarino of Owings Mills, MD, on the completion of a highly successful 27-year career as a civilian employee within the Department of the Army, U.S. Army Corps of Engineers Baltimore District, on January 31. 2012. Mr. Garbarino's entire career was marked by his daily demonstration of the Army's values. His performance reflected a strong loyalty to the organization and its members; a selfless dedication to duty, his customers and the Corps' public service mission; and a no-nonsense "can-do" attitude built upon honor, integrity, superior competence, and the personal courage to strive for excellence in his job performance. I applaud his commitment to public service and recognize the sacrifices he has made for the good of our Nation. Mr. Garbarino highlights the importance of hard-working Federal workers who strive to keep us healthy, safe, informed, and free to enjoy the lifestyle that we, as Americans, have grown to appreciate and expect. He is a model Federal employee who readily deserves recognition for his distinguished career as a professional member of the U.S. Army Corps of Engineers.

As a project manager, Mr. Garbarino made significant personal efforts to become a subject matter expert on policy, procedures, and processes associated with the Civil Works Program and projects. This expertise led him to serve as a mentor to project team members and other Civil Works project managers.

Mr. Garbarino has also authored several environmental technical report/papers and made numerous presentations related to his work. Forums for these presentations have included numerous workshops, conferences, public meetings, televised interviews, radio talk shows, and the United Nations 1995 conference on environmental restoration. Over his career he has developed a strong public speaking presence and is recognized for his outstanding professional representation of the Corps.

I also want to thank Diane, Steve's wife of over 30 years, and their two sons, Garret and Zachery. The families of outstanding Federal employees have to make sacrifices, too, as they share their loved ones with a job serving the American people. I know they join me in my best wishes to Steve for a happy and well-earned retirement.

Mr. President, it is my sincere pleasure to congratulate Mr. Garbarino on the occasion of his retirement. He was a highly valued employee of the Baltimore District and well deserves recognition in 2012 for his outstanding public service career as a distinguished member of the Federal workforce. He is an outstanding example of the Federal

workforce who worked tirelessly day in and day out for the American people.

# REMEMBERING ROGER DOUGLAS KOTTER

• Mr. CRAPO. Mr. President, today I wish to honor the life of Roger Kotter, a husband, father, community leader, businessman, and exemplary Idahoan.

At the core of Roger Kotter's accomplishments were his dedication to family, strong sense of community, and his ability to connect with his customers. Roger served a mission for the Church of Jesus Christ of Latter-day Saints in Santiago, Chile, from 1966 to 1968, married his wife of 43 years, Karen, and graduated from Brigham Young University in 1971. After graduating, Roger moved back to Nampa and started working for Stone Lumber in 1972 and became part owner in 1980. Stone Lumber has been a staple of Nampa since 1906, and under the direction of Roger and Monte Schlerf, it has continued in the tradition of providing jobs and exceptional customer service. Roger also devoted decades of service and was involved in various organizations, including Nampa Exchange Club past president-Nampa Boys and Girls Club, Nampa Schools Foundation, Scouts of America, and, through Stone Lumber, worked with Habitat for Humanity. Roger was active in supporting the local Hispanic community acting as a mentor and teaching English. He was also actively involved with his church and served in stake presidencies, bishoprics, and was most recently a counselor in the Boise Idaho Mission presidency. Roger has been recognized for his commendable skills through honors, such as his selection as Idaho Businessman of the Year in 2000.

I join Rogers's wife Karen; five children, Kristin, Jason, Brent, Matthew, and Amy; 12 grandchildren; father, James; 6 siblings; other family members; many friends; the Nampa community, and the numerous people he inspired in mourning his loss and expressing gratitude for his contribution. Roger Kotter will be missed, and his legacy of devotion to his family and community will not be forgotten.

# TRIBUTE TO REAR ADMIRAL KAREN A. FLAHERTY

• Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true military visionary who has humbly served our country for close to 40 years in the Navy Nurse Corps, both Active and Reserve components: RADM Karen A. Flaherty. A native of Winsted, CT, she joined the U.S. Navy as a Nurse Corps candidate in July 1973. Upon graduation from Skidmore College, she attended Officer Indoctrination School in Newport, RI, in August 1974.

Admiral Flaherty's first assignment was Quantico Naval Hospital, where she served as a staff nurse and charge nurse of the Surgical Ward, Orthopedic Ward, and the Maximum Care Unit. Upon transfer to the Philadelphia Naval Medical Center in 1977, she assumed the duties as charge nurse for the General Surgery Unit and the Obstetrics and Gynecology Clinic. Admiral Flaherty reported for duty as the officer programs officer for Naval Recruiting Command, Navy Recruiting District New Jersey in 1979. She transitioned to the Naval Reserve in 1982.

Admiral Flaherty's subsequent reserve tours included assignments to numerous naval hospitals and fleet hospital commands. In her distinguished career she has served as commanding officer, Fleet Hospital, Fort Dix, executive officer, director of nursing services, officer-in-charge, and training officer. In February 1991, she was recalled to serve with Fleet Hospital 15, Al Jubail, Saudi Arabia, in support of Operation Desert Shield/ Storm. She served as commanding officer of the OPNAV 093 Reserve Unit prior to assuming Flag duties as the Deputy Commander Force Integration National Capital Area and the deputy chief for health care operations at the Bureau of Medicine and Surgery. In each assignment, she excelled and overcame every challenge and was rewarded with greater responsibility and opportunities.

Admiral Flaherty has served at the Navy Bureau of Medicine and Surgery as the deputy surgeon general, deputy chief, wounded, ill, and injured, and the 22nd director of the Navy Nurse Corps. Her visionary leadership and executive management skills have played vital roles in forging new frontiers between the Department of Defense, Veterans Affairs, and the private sector to improve care for sailors, marines, veterans, and their families.

Admiral Flaherty received her master of science degree from the University of Pennsylvania and has held senior executive leadership positions at Thomas Jefferson University Hospital in Philadelphia, PA, St. Francis Hospital in Wilmington, DE, and the Philadelphia Veterans Affairs Medical Center in Philadelphia, PA.

Admiral Flaherty's career has encompassed the full spectrum of public, private, academic, and military service. Focusing on quality, access, and reliability of wounded warrior care, she is the embodiment of joint, interagency, academic, public, and private collaboration. Through far-reaching vision, dedication, and inspired leadership she improved health care operations across Navy Medicine and built relationships between Department of Veterans Affairs and Department of Defense Health Systems. Her sustained performance reflects greatly on herself,

Admiral Flaherty's first assignment as Quantico Naval Hospital, where he served as a staff nurse and charge are of the Surgical Ward, Orthopedic ard, and the Maximum Care Unit. pon transfer to the Philadelphia aval Medical Center in 1977, she assumed the duties as charge nurse for service.

# REMEMBERING CHARLES M. PALLESEN, JR.

• Mr. NELSON of Nebraska. Mr. President, today I wish to pay tribute to a good friend who can quite aptly be called a gentleman and a scholar, as well as one very likeable person who touched the lives of many of my fellow Nebraskans. Charles M. "Chuck" Pallesen, Jr., passed away on November 26, 2011, at the age of 74.

First and foremost a loving husband and father, Chuck married his college sweetheart, Lorraine Sysel; and two sons, Mike and Ed, together with their families, blessed this union. He was also a former Boy Scout; a U.S. Army veteran who served in the Judge Advocate General's Corps; and a partner for more than 40 years in a successful law practice—Cline Williams Wright Johnson & Oldfather, L.L.P.—specializing in health care and business law.

Chuck was one of the most active people in civic and political matters that I have ever met. He was engaged in the Nebraska efforts of every Presidential campaign from John F. Kennedy to Barack Obama. He was a key adviser not only to me, but also to former Nebraska Governors and Senators Jim Exon and Bob Kerrey.

Yet Chuck was so much more than his résumé. A good friend of his, Gerry Finnegan, said recently that:

Chuck was at his best, both professionally and politically, lodged between disagreeing parties coaxing them to resolve their conflict—a masterful mediator blessed with an innate sense of how much ground each adversary could give and how hard he could push for a resolution.

This ability, combined with an outgoing personality and a keen eye for details, made him invaluable to Senators Exon, Kerrey, and myself.

Always a very busy guy, Chuck and a colleague, former Judge Samuel Van Pelt. Jr., had been in the process of authoring a book about Senator Exon. Chuck spoke to me several times, both for and about his upcoming book. Those interviews were extremely enjoyable, and I looked forward to every opportunity to walk down memory lane and swap stories about "Big Jim," one of the greatest Nebraskans to ever serve my home State. Chuck's untimely passing has made me look forward even more to reading his labor of love when it is published, and when I do, I will be remembering not only the great J. James Exon, but Charles Pallesen, Jr., as well—on every page and throughout every chapter.

In closing, Chuck Pallesen was a man who will be missed by all who knew him and remembered as an individual who served his community, State and country well. A true statesman, we are all the better for Chuck's countless contributions, his enthusiasm, his dedication, and most of all, his compassion. He was truly a giant among men.

#### CATHOLIC SCHOOLS WEEK

• Mr. VITTER. Mr. President today, I would like to recognize and honor the valuable contributions of Catholic schools in educating our young people throughout our great Nation. This year from January 29 to February 5, we will celebrate Catholic Schools Week to recognize the exceptional work of Catholic education programs across the country.

Our Nation's Catholic schools have received international praise for academic excellence and have provided students with lessons that extend far beyond the classroom. These schools have continued to impart comprehensive curriculums that emphasize moral, intellectual, and physical development in young people.

In Louisiana, our Catholic schools maintain high academic standards, foster a healthy learning environment for students, and encourage family involvement in the ongoing education of children.

Today, more than two million students attend Catholic schools in the United States, and Catholic schools nationally graduate 99 percent of students with more than 97 percent pursuing college degrees.

The National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."

This statement not only stresses the importance of education as part of the mission of the Catholic Church, but also the importance of community and schools in shaping our young people as they go out in to the world to become valuable members of society and their community.

This week, we recognize the students, their families, teachers, administrators, all of our parish leaders, and our communities for their efforts to support our Catholic schools and continued achievement towards the education of our young people. ●

### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

### REPORT RELATIVE TO THE DEBT LIMIT, RECEIVED DURING AD-JOURNMENT OF THE SENATE ON JANUARY 12, 2012—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

THE WHITE HOUSE, Washington, January 12, 2012.

Hon. JOSEPH R. BIDEN, Jr., President of the Senate,

Sincerely.

Washington, DC.
DEAR MR. PRESIDENT: Pursuant to section 3101A(a)(2)(A) of title 31, United States Code, I hereby certify that the debt subject to limit is within \$100,000,000,000 of the limit in 31 U.S.C. 3101(b) and that further borrowing is required to meet existing commitments.

BARACK OBAMA.

# MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on January 18, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following resolutions:

H. Res. 511. Resolution that Paul D. Irving of the State of Florida, be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives.

H. Res. 513. Resolution that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that pursuant to House Resolution 512, the Speaker appoints the following Members of the House of Representatives to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make: Mr. CANTOR of Virginia and Ms. PELOSI of California.

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

H.J. Res. 98. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

The message also announced the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 96. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), the Minority Leader appoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors: Mr. Gregory T. Moore of Washington, DC.

# MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 440. An act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

H.R. 3012. An act to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

The following joint resolutions were read the first and second times by unanimous consent, and placed on the calendar:

S.J. Res. 34. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012

H.J. Res. 98. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 20, 2011, she had presented to the President of the United States the following enrolled bill:

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

# EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-4401. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-137, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4402. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-124, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4403. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-120, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4404. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–134, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4405. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the quarter ending September 30, 2011 (DCN OSS 2011–1935); to the Committee on Armed Services.

EC-4406. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ricky Lynch, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4407. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Peter W. Chiarelli, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-4408. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Edgar E. Stanton III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4409. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Carroll F. Pollett, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4410. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Michael C. Vitale, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-4411. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4412. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Jeffrey A. Remington, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4413. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the Foreign Language Skill Proficiency Bonus program; to the Committee on Armed Services.

EC-4414. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole; Pesticide Tolerances" (FRL No. 9328-6) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4415. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyhalofop-butyl; Pesticide Tolerances" (FRL No. 9330-1) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4416. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tepraloxydim; Pesticide Tolerances" (FRL No. 9330-2) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4417. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards" (FRL No. 9614-4) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4418. A communication from the Acting Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classes of Poultry" (RIN0583-AC83) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4419. A communication from the Secretary of the Commission, Division of Clearing and Risk, Commodity Futures Trading

Commission, transmitting, pursuant to law, the report of a rule entitled "Investment of Customer Funds and Funds Held in an Account for Foreign Futures and Foreign Options Transactions" (RIN3038-AC79) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4420. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Registration of Foreign Boards of Trade" (RIN3038-AD19) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4421. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "United States Savings Bonds, Series EE and I" (31 CFR Parts 351, 359, and 363) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4422. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Registration as a Municipal Advisor; Required Amendments; and withdrawal from temporary registration" (RIN3235-AK69) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4423. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-4424. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4425. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4426. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council's report relative to prompt corrective action; to the Committee on Banking, Housing, and Urban Affairs.

EC-4427. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-4428. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No.

FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4429. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey; Regional Haze State Implementation Plan" (FRL No. 9611-2) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Environment and Public Works

EC-4430. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; California; Determinations of Failure to Attain the One-Hour Ozone Standard" (FRL No. 9612-8) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Environment and Public Works.

EC-4431. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standard for Hazardous Air Pollutants From Secondary Lead Smelting" (FRL No. 9610-9) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Environment and Public Works.

EC-4432. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas: Regional Haze" (FRL No. 9611-3) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4433. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon: New Source Review/Prevention of Significant Deteriorations Rule Revisions and Air Quality Permit Streamlining Rule Revisions" (FRL No. 9494-9) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4434. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Area for Air Quality Planning Purposes; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9610-3) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4435. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Harardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing;

Amendments" (FRL No. 9610-2) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4436. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone" (FRL No. 9609-9) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4437. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas; correction" (FRL No. 9609-1) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4438. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oklahoma; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determinations" (FRL No. 9608-4) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4439. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Revisions to Final Response to Petition From New Jersey Regarding SO2 Emissions From the Portland Generating Station" (FRL No. 9609-4) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4440. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Adhesives and Sealants Rule" (FRL No. 9609-2) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4441. A communication from the Chief of Consultation, Recovery, HCP and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Preble's Meadow Jumping Mouse" (RIN1018-AX93) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4442. A communication from the Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endan-

gered and Threatened Wildlife and Plants; Removal of the Concho Water Snake From the Federal List of Endangered and Threatened Wildlife Removal of Designated Critical Habitat'' (RIN1018-AU97) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4443. A communication from the Chief of Permits and Regulations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations" (RIN1018-AX98) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Environment and Public Works.

EC-4444. A communication from the Secretary of the Interior, transmitting, pursuant to law, a legislative proposal relative to the Migratory Bird Hunting and Conservation Stamp Act to provide for a price increase for the Migratory Bird Hunting and Conservation Stamp, popularly known as the Duck Stamp; to the Committee on Environment and Public Works.

EC-4445. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Highly Erodible Land and Wetland Conservation" (RIN0560-AH97) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Environment and Public Works.

EC-4446. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Determination Letter Program Changes" (Announcement 2011-82) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Finance.

EC-4447. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Ruling 2011-1" (Notice 2012-6) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Finance.

EC-4448. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2012" (Rev. Rul. 2012-2) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Finance.

EC-4449. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 482: Methods to Determine Taxable Income in Connection with a Cost Sharing Arrangement" (RIN1545-BI46) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Finance.

EC-4450. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Differential Income Streams as a Consideration in Assessing the Best Method" ((RIN1545–BK72) (TD 9569)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Finance.

EC-4451. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2011–100) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4452. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2011 Cumulative List of Changes in Plan Qualifications Requirements" (Notice 2011-97) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4453. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting of Specified Foreign Financial Assets" ((RIN1545-BK17) (TD 9567)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4454. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest" ((RIN1545-BG15) (TD 9565)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4455. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Return Preparer Penalties Under Section 6695" ((RIN1545-BK16) (TD 9570)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4456. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Foreign Base Company Sales Income" ((RIN1545-B145) (TD 9563)) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4457. A communication from the Senior Advisor, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revisions to Rules of Conduct and Standards of Responsibility for Representative" (RIN0960-AH32) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Finance.

EC-4458. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2009; to the Committee on Finance.

EC-4459. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief for IRA Owners Subject to Certain Broker Agreements" (Announcement 2011-81) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4460. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Competitive Sourcing Report for fiscal year 2011; to the Committee on Finance.

EC-4461. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Ronald Andrew Mayo and Leslie Archer Mayo v. Commissioner, 136 T.C. 81 (2011)" (AOD-2011-06) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Finance.

EC-4462. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0202-2011-0226); to the Committee on Foreign Relations.

EC-4463. A communication from the Chairman of the Joint Chiefs of Staff, relative to the need for implementing improvements to the current consultation and notifications processes for Foreign Military Sales, Direct Commercial Sales, and changes to U.S. export controls; to the Committee on Foreign Relations.

EC-4464. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to proposed amendments to parts 120, 122, 126, 127, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4465. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention and the Australia Group; to the Committee on Foreign Relations.

EC-4466. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category XX in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4467. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category VI in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4468. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia (DCN OSS 2011–1936); to the Committee on Foreign Relations.

EC-4469. A communication from the Secretary of Health and Human Services, trans-

mitting, pursuant to law, the report of a petition to add workers from the Pantex Plant in Amarillo, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4470. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Community Living Assistance Services and Supports Program: 2011 Report to Congress"; to the Committee on Health, Education, Labor, and Pensions.

EC-4471. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Head Start Designation Renewal System"; to the Committee on Health, Education, Labor, and Pensions.

EC-4472. A communication from the Chief of the Branch of Policy, Regulations and Procedures Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels' (RIN1240-AA02) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4473. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Mine Safety Disclosure" (RIN3235-AK83) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4474. A communication from the Executive Secretary, National Labor Relations Board, transmitting, pursuant to law, the report of a rule entitled "Representation-Case Procedures" (RIN3142-AA08) received during adjournment of the Senate in the Office of the President of the Senate on December 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4475. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2010-005, Updated Financial Accounting Standards Board of Accounting References" ((RIN9000-AM00) (FAC 2005-55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4476. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs

EC-4477. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–55, Small Entity Compliance Guide" (FAC 2005–55) received during adjournment of the Senate in the Office of the President of the Sen

ate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs

EC-4478. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-55; Introduction" (FAC 2005-55) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4479. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2008-032, Preventing Abuse of Interagency Contracts" ((RIN9000-AL69) (FAC 2005-55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4480. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2010-016, Public Access to the Federal Awardee Performance and Integrity Information System" ((RIN9000-AL94) (FAC 2005-55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs

EC-4481. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2009-043, Time-and-Materials and Labor-Hour Contracts for Commercial Items" ((RIN9000-AL74) (FAC 2005-55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4482. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, ransmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2005-037, Brand-Name Specifications" ((RIN9000-AK55) (FAC 2005-55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4483. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; FAR Case 2011-021, Transition to the System for Award Management (SAM)" ((RIN9000-AM14) (FAC 2005-55)) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4484. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Cost Accounting Standards Pension Harmonization" (48 CFR Part 9904) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4485. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Cost Accounting Standards Applicability Threshold" (48 CFR Parts 9901 and 9903) received during adjournment of the Senate in the Office of the President of the Senate on January 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4486. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the District of Columbia Lottery and Charitable Games Control Board From Fiscal Year (FY) 2007 to FY 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4487. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4488. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Performance and Accountability Report Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4489. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs

EC-4490. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2011 Sector Critical Infrastructure Protection Annual Report for the Transportation Systems Sector"; to the Committee on Homeland Security and Governmental Affairs.

EC-4491. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2011 Sector Critical Infrastructure Protection Annual Report for the Postal and Shipping Sector"; to the Committee on Homeland Security and Governmental Affairs.

# REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of December 17, 2011, the following reports of committees were submitted on January 13, 2012:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 114. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes (Rept. No. 112–103).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 140. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the

State of Michigan, and for other purposes (Rept. No. 112–104).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 247. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes (Rept. No. 112–105).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 264. A bill to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes (Rept. No. 112–106).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 302. A bill to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of Denali National Park, and for other purposes (Rept. No. 112-107).

S. 322. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes (Rept. No. 112–108).

S. 323. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes (Rept. No. 112-109).

S. 499. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project (Rept. No. 112–110).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 500. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes (Rept. No. 112–111).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 526. A bill to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range (Rept. No. 112–112).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 667. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes (Rept. No. 112–113).

S. 765. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes (Rept. No. 112–114).

S. 766. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes (Rept. No. 112–115).

S. 779. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program (Rept. No. 112–116).

S. 802. A bill to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes (Rept. No. 112-117).

S. 883. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution (Rept. No. 112-118).

S. 888. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System (Rept. No. 112-119).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 896. A bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service (Rept. No. 112-120).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 970. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System (Rept. No. 112–121).

S. 1047. A bill to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes (Rept. No. 112–122)

S. 1090. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes (Rept. No. 112-123).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Report to accompany S. 1134, A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values (Rept. No. 112–124).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1325. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes (Rept. No. 112–125).

S. 1344. A bill to direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes (Rept. No. 112–126).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1421. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes (Rept. No. 112–127).

S. 1478. A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 112–128).

H.R. 441. To authorize the Secretary of the Interior to issue permits for microhydro projects in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National

Park and Preserve from Doyon Tourism, Inc., and for other purposes (Rept. No. 112-129)

H.R. 461. A bill to direct the Secretary of the Interior to convey certain Federal features of the electric distribution system to the South Utah Valley Electric Service District, and for other purposes (Rept. No. 112–130).

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2032. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 2033. A bill to amend the Internal Revenue Code of 1986 to end the costly derivatives blended rate loophole, and for other purposes; to the Committee on Finance.

By Mr. McConnell (for himself, Mrs. Hutchison, Mr. Lee, Mr. Hatch, Mr. Barrasso, Mr. Cornyn, Ms. Ayotte, Mr. Moran, Mr. Alexander, Mr. Crapo, Mr. Rubio, Mr. Coats, Mr. Enzi, Mr. Sessions, Mr. Burr, Mr. Vitter, Mr. Isakson, Mr. Blunt, Mr. Boozman, Mr. Kyl, Mr. McCain, Mr. Shelby, Mr. Wicker, Mr. Chambliss, Mr. Lugar, Mr. Risch, Mr. Roberts, Mr. Inhofe, Mr. Grassley, Mr. Kirk, and Mr. Graham):

S.J. Res. 34. A joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012; placed on the calendar.

# SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. GILLIBRAND:

S. Res. 352. A resolution expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 296

At the request of Ms. Klobuchar, the names of the Senator from New Hampshire (Mrs. Shaheen) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 296, a bill to amend the Federal Food, Drug, and

Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 381

At the request of Mr. Tester, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 412

At the request of Mr. Levin, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 418

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

S. 506

At the request of Mr. Casey, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. Nelson) were added as cosponsors of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students

S. 547

At the request of Mrs. Murray, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 567

At the request of Ms. Collins, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 634

At the request of Mr. Schumer, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

C 665

At the request of Mr. Brown of Ohio, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 968

At the request of Mr. HATCH, his name and the names of the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), the Senator from Arkansas (Mr. BOOZMAN), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Idaho (Mr. RISCH) were withdrawn as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

At the request of Mr. Bennet, his name was withdrawn as a cosponsor of S. 968, supra.

S. 1018

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1039

At the request of Mr. Cardin, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1241

At the request of Mr. Rubio, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1241, a bill to amend title

18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions

S. 124

At the request of Mr. BLUNT, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1299

At the request of Mr. Moran, the names of the Senator from Iowa (Mr. Grassley), the Senator from Hawaii (Mr. Akaka) and the Senator from Nebraska (Mr. Johanns) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1355

At the request of Mrs. Feinstein, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Florida (Mr. Nelson) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1597

At the request of Mr. Brown of Ohio, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1607

At the request of Mr. Blumenthal, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1607, a bill to include shellfish to the list of crops eligible for the noninsured crop disaster assistance program and the emergency assistance for livestock program of the Department of Agriculture.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1707

At the request of Mr. Burr, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1802

At the request of Mr. Udall of Colorado, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1802, a bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors

S. 1816

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 1816, a bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

S. 1845

At the request of Mr. Wyden, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1845, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1863

At the request of Mr. Menendez, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1896

At the request of Ms. AYOTTE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1896, a bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. Johanns, his name was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. TOOMEY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1930, supra.

S. 1941

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1941, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 1963

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Ms. Landrieu) and the Senator from Alaska (Mr. Begich) were added as cosponsors of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

S. 1994

At the request of Mr. Schumer, the name of the Senator from New York (Mrs. Gillibrand) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2003

At the request of Mrs. Feinstein, the names of the Senator from California (Mrs. Boxer), the Senator from Maryland (Ms. Mikulski) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2006

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2006, a bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes.

S. 2010

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 232

At the request of Mr. Menendez, the name of the Senator from Wisconsin

(Mr. Johnson) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

#### S. RES. 310

At the request of Ms. Collins, the name of the Senator from Massachusetts (Mr. Brown) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

At the request of Ms. Mikulski, the name of the Senator from Texas (Mrs. Hutchison) was added as a cosponsor of S. Res. 310, supra.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2032. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

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

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

#### S. 2032

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Our Students and Taxpayers Act" or "POST Act".

#### SEC. 2. 85/15 RULE.

- (a) IN GENERAL.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—
  - (1) in paragraph (1)—
- (A) in subparagraph (D), by striking "and" after the semicolon;
- (B) in subparagraph (E), by striking the period and inserting "; and"; and
- (C) by adding at the end the following:
- (F) meets the requirements of paragraph (2).
- (2) by redesignating paragraph (2) as paragraph (3); and
- (3) by inserting after paragraph (1) the following:
- "(2) REVENUE SOURCES.—
- "(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).
- "(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act

or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

"(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

"(i) use the cash basis of accounting;

"(ii) consider as revenue only those funds generated by the institution from—

"(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV:

"(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

"(aa) conducted on campus or at a facility under the control of the institution;

"(bb) performed under the supervision of a member of the institution's faculty; and

"(cc) required to be performed by all students in a specific educational program at the institution; and

"(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

"(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

"(I) grant funds provided by an outside source that—

"(aa) has no affiliation with the institution; and

"(b) shares no employees with the institution; and

"(II) institutional scholarships described in clause (v):

"(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans:

 $\lq\lq(v)$  include a scholarship provided by the institution—

"(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account: and

"(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

"(aa) has no affiliation with the institution; and

"(bb) shares no employees with the institution; and

"(vi) exclude from revenues—

"(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

"(II) the amount of funds the institution received under subpart 4 of part A of title IV;

"(III) the amount of funds provided by the institution as matching funds for any Federal program:

"(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

"(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

"(D) REPORT TO CONGRESS.—Not later than July 1, 2012, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

"(i) the amount and percentage of such institution's revenues received from Federal funds; and

"(ii) the amount and percentage of such institution's revenues received from other sources.".

(b) REPEAL OF EXISTING REQUIREMENTS.— Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)-

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively:

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking "subsection (e)" and inserting "subsection (d)";

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking "subsection (h)" and inserting "subsection (g)";

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking "subsection (e)(2)" and inserting "subsection (d)(2)"; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking "subsection (a)(27)" in the matter preceding subparagraph (A) and inserting "subsection (a)(26)".

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking "subsections (a)(27) and (h) of section 487" and inserting "subsections (a)(26) and (g) of section 487"; and

(B) in subsection (b)(1)(B)(i)(I), by striking "section 487(e)" and inserting "section 487(d)":

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking "section 487(a)(25)" each place the term appears and inserting "section 487(a)(24)";

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking "section 487(f)" and inserting "section 487(e)"; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking "section 487(f)" and inserting "section 487(e)".

# By Mr. LEVIN:

S. 2033. A bill to amend the Internal Revenue Code of 1986 to end the costly derivatives blended rate loophole, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, the coming year is certain to be focused on two problems: the need to restore prosperity for American working families, and the need to reduce our budget deficit. Our challenge is to accomplish

these goals together, and not to pursue one at the expense of the other. As I have said repeatedly to this Senate, I believe the only way we can successfully achieve both goals is to pursue deficit reduction strategies that do not rely solely on slashing federal spending and attacking programs that help build opportunity for the middle class. We must recognize that revenue, as well as spending cuts, must be part of our strategy, and we must ensure that the sacrifices that surely will be needed to reduce the deficit fall not just on middle-class Americans, but are spread equitably, and ask for contributions from those who have benefitted so greatly from policies enacted in the past.

Today I introduce the Closing the Derivatives Blended Rate Loophole Act. This bill meets the twin tests of helping to reduce the deficit while promoting the interests of American families. It would put an end to a tax loophole that epitomizes how our tax code too often favors short-term speculation over investment in economic growth and job creation. This loophole showers benefits on short-term traders of certain financial instruments, but does nothing to promote economic growth and raises the tax burden on American families.

What is the derivatives blended rate? It's an example of how the complexities of the tax code can grant breaks for the few at the expense of the many. Here is how it works.

Generally speaking, taxpayers are allowed to claim the lower long-term capital gains tax rate on earnings only if those earnings come from the sale of assets that they have held for more than a year. The reason is simple: we tax longterm capital gains at a lower rate because we want to encourage the long-term investment that helps our economy grow.

But under Section 1256 of the Internal Revenue Code, traders in certain derivatives contracts have managed to win themselves an exemption from the distinction between short-term and long-term capital gains. Under this section, traders in those derivatives can claim 60 percent of their income as long-term capital gains, no matter how briefly they hold the asset. This "blended" tax rate applies if the trader holds the asset for 11 months or 11 hours.

The details may be complex, but the bottom line is that this treatment bestows a substantial tax break on those who typically hold the covered derivatives for only a brief period. It encourages and rewards short-term speculation in complicated financial products and does little, if anything, to help our economy grow and create jobs. In fact, the increasing focus of our financial markets on short-term profit through trades that last just minutes or seconds threatens real damage to our economy. This speculation is hardshould subsidize.

We also lose significant tax revenue by allowing this tax break—a revenue loss that means we must either ask for more from American families, or add to the deficit. What's more, this misguided policy contributes to the basic unfairness that characterizes too much of our tax code, by providing an unusual and unnecessary tax break to a small group of financial speculators. Instead of encouraging growth and investment, these loopholes contribute to what Warren Buffett has called the "coddling" of the wealthy and wellplaced.

Closing this loophole is a commonsense, mainstream idea. I ask my colleagues to heed the advice of the tax experts at the American Bar Association's Tax Section, who wrote in December to the tax-writing committees of the House and Senate:

We are aware of no policy reason to provide preferential treatment for these gains and losses. Lower capital gains rates are intended to encourage long-term investments in capital assets such as stock. Whatever the merits of extending preferential rates to derivative financial instruments generally, we do not believe that there is a policy basis for providing those preferential rates to taxpayers who have not made such long-term investments.

Ending this loophole by passage of the Closing the Derivatives Blended Rate Loophole Act would not solve all the problems in our tax code, nor end our deficit dilemma. But it would be another important step toward a saner, fairer tax code. It would demonstrate that Congress shares the concerns of so many Americans that the tax system is too often stacked against the interests of working families and in favor of the privileged few. It would end a policy that encourages short-term speculation over long-term investment in growth. It would provide a down-payment on the revenue we need to restore if we are to engage in serious deficit reduction and avoid slashing critical programs. I urge my colleagues to join me in the effort to pass it.

> By Mr. McCONNELL (for himself, Mrs. Hutchison, Mr. Lee, Mr. HATCH, Mr. BARRASSO, Mr. COR-NYN, Ms. AYOTTE, Mr. MORAN, Mr. Alexander, Mr. Crapo, Mr. RUBIO, Mr. COATS, Mr. ENZI, Mr. SESSIONS, Mr. BURR, Mr. VIT-TER, Mr. ISAKSON, Mr. BLUNT, Mr. Boozman, Mr. Kyl, Mr. McCain, Mr.SHELBY, Mr. WICKER, Mr. CHAMBLISS, Mr. LUGAR, Mr. RISCH, Mr. ROB-ERTS, Mr. INHOFE, Mr. GRASS-LEY, KIRK, and Mr. GRAHAM):

S.J. Res. 34. A joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States

ly the sort of activity that our tax code Code, on January 12, 2012; placed on the calendar.

Mr. McCONNELL. Mr. President. I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 34

Resolved by the Senate and House of Representatives of the United States of America Congress assembled, That Congress disapproves of the President's exercise of authority to increase the debt limit on January 12, 2012, as exercised pursuant to the certification under section 3101A(a) of title 31, United States Code.

# SUBMITTED RESOLUTIONS

SENATE RESOLUTION 352-EX-PRESSING THE SENSE OF THE SENATE THATUNITED  $_{\mathrm{THE}}$ STATES SHOULD WORK WITH THE GOVERNMENT OF HAITI TO ADDRESS GENDER-BASED VIO-LENCE AGAINST WOMEN AND CHILDREN

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Rela-

S. RES. 352

Whereas, since 1993, research has shown tens of thousands of women and girls have been victims of sexual or gender-based violence in Haiti, particularly in times of conflict or natural disaster;

Whereas approximately 50 percent of the victims are adolescent girls under the age of 18, with many of the cases involving the use of weapons, gang rape, and death threats for reporting the crime;

Whereas members of many medical professions are insufficiently trained to attend to the special needs of victims of gender-based violence, whether they be children or adults;

Whereas some medical providers report as many as 20 percent of adolescent victims they have treated for sexual violence become pregnant from their rape;

Whereas some women's rights groups in Haiti have witnessed dramatic increases in rates of sexual violence in many of the displacement camps formed after the earthquake:

Whereas the January 12, 2010, earthquake in Haiti increased the economic and social vulnerabilities of many women who are now unable to protect their young children from sexual predators, thereby increasing their risk for sexual violence:

Whereas, according to data from public interest law firms litigating cases of sexual violence, significant gender-based barriers to justice continue to exist at all levels of the justice system in Haiti;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure proper investigations and prosecutions hampers the ability to hold perpetrators accountable for their crimes and discourages victims from formally seeking justice;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects:

Whereas members of the police, prosecutors, and judges are insufficiently trained to attend to either the special needs of women and girl victims of gender-based violence, or the special needs of boys and girls who are victims of other abuses such as forced labor, beatings, or violence:

Whereas the lack of protection measures discourages women and girls in Haiti from pursuing prosecution of perpetrators of sexual violence, for fear of reprisal or stigmatization:

Whereas rape and other forms of genderbased violence in Haiti threaten the physical and psychological health of both the victims and their families:

Whereas many countries in Latin America and the Caribbean face significant challenges in combating violence against women and girls, and violence against children, and international cooperation is essential in addressing this serious issue;

Whereas the Government of Haiti has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, adopted December 18, 1979; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, adopted at Belem Do Para, Brazil, June 9, 1994; and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women:

Whereas the Government of Haiti has been a signatory of the United Nations Convention on the Rights of the Child, adopted November 20, 1989, since December 29, 1994;

Whereas the Haitian National Police and the United Nations Mission for Stabilization of Haiti have created special police units to address sexual and other forms of genderbased violence in Haiti;

Whereas the special police unit to address gender-based violence within the Haitian National Police remains significantly underresourced, rendering it practically ineffective to carry out its mandate:

Whereas, in March 2009, the Inter-American Commission on Human Rights issued a report recognizing Haiti's history of gender discrimination that fuels gender-based violence and gives rise to a climate of impunity;

Whereas, in December 2010, the Inter-American Commission detailed steps the Government of Haiti must take to protect women and girls from increased risk of gender-based violence in post-earthquake Haiti;

Whereas, in 2012, the Ministry for the Status of Women and Women's Rights in Haiti plans to unveil a comprehensive draft law that calls for the prevention, punishment, and elimination of violence against women:

Whereas the United Nations and donor countries, such as the United States, continue to have a prominent economic and leadership role in the stabilization and reconstruction of Haiti;

Whereas few mechanisms exist in Haiti to protect the rights of young children not living at home, such as restaveks, who are engaged in forced labor or are victims to other forms of violence; and

Whereas the lack of protection for women and girls and continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Haiti: Now, therefore, be it

Resolved, That the Senate-

(1) sympathizes with the families of women and children victimized by sexual and other forms of gender-based violence in Haiti;

- (2) urges the treatment of the issue of violence against women and children as a priority for the United States Government's humanitarian and reconstruction efforts in Haiti:
- (3) asserts its support for the passage of Haiti's first comprehensive law on the prevention, punishment, and elimination of all forms of gender-based violence:
- (4) calls on the Government of Haiti to establish urgent plans that address the needs of vulnerable and unprotected children who are in situations of sexual exploitation, forced labor, or face sexual and or domestic violence, and to take steps to immediately implement those plans, in consultation with grassroots organizations working specifically on the protection and promotion of the rights of children;
- (5) calls on the Government of Haiti to take steps to implement the recommendations of the Inter-American Commission on Human Rights issued in response to increased levels of sexual violence in camps for internally-displaced persons on December 22, 2010, including—
- (A) ensuring participation and leadership of grassroots women's groups in planning and implementing policies and practices to combat and prevent sexual violence and other forms of violence in the camps:
- (B) ensuring provision of comprehensive, affordable, adequate, and appropriate medical and psychological care in locations accessible to victims of sexual violence in camps for those internally displaced, including, in particular ensuring—
  - (i) privacy during examinations;
- (ii) availability of female medical staff members, with a cultural sensitivity and experience with victims of sexual violence;
- (iii) timely issuance of free medical certificates:
- (iv) availability of HIV prophylaxis, and
- (v) sexual reproductive health and emergency contraception;
- (C) implementing effective security measures in displacement camps, such as providing street lighting, adequate patrolling in and around the camps, and a greater number of female security forces in police patrols in the camps and in police stations in proximity to the camps;
- (D) ensuring that public officials, such as police officers, prosecutors, and judges, responsible for responding to incidents of sexual violence receive specialized training from experienced Haitian and international women's organizations with a proven track record in gender-sensitive protection enabling them to respond adequately to complaints of sexual violence with appropriate sensitivity and in a nondiscriminatory manner; and
- (E) maintaining effective special units within the police and the prosecutor's office investigating cases of rape and other forms of violence against women and girls:
- (6) asserts its commitment to support the Haitian Ministry of Women's Affairs in its efforts to—
- (A) build ministry capacity and facilitate gender-based violence sub-cluster meetings and initiatives as it transitions over to the Government of Haiti
- (B) perform decentralized meetings, consultations, and outreach to women's movements and community groups;
- (C) address issues of gender-based violence country-wide, including violence in internally displaced person camps, rural peasant communities, and among children; and
- (D) strengthen gender assessments, gender budgets, and gender planning in collabora-

tion with other Haitian ministries, the Haitian Parliament, the ruling administration in Haiti, the United Nations, the Inter-American Commission on Human Rights, donors, and international nongovernmental organizations within the reconstruction process; and

(7) asserts its support for the Government of Haiti, especially the Ministry of Women's Affairs, in its efforts to assess, amend, and renew its 5-year gender protection plan, which expired in October 2011, which includes support for the Government of Haiti in its efforts—

- (A) to thoroughly assess the impact of the previous 5-year protection plan, including both pre- and post-earthquake analyses and perform diversified assessments in consultation with local, regional, and national women's groups throughout the country, that will help gather decentralized data in both urban and rural zones;
- (B) to perform specialized surveys and interviews in a significant sampling of internally displaced person camps and impoverished neighborhoods with high rates of gender-based violence with victims of rape and violence, the community groups that support them, and local officials in order to fully understand the needs and recommendations of these different populations and integrate these findings into a revised protection plan;
- (C) to revise the existing Haitian protection plan based on the results of diversified and decentralized assessments and in direct consultation with national, regional, and local government officials and grassroots organizations, including women's groups and international institutions that focus on solutions to gender-based violence; and
- (D) to amend, reintroduce, and pass into law a revised Haiti gender protection plan that reflects current post-earthquake realities, the needs and recommendations of victims of gender-based violence and the community groups that support them, integrates provisions for judicial and medical services for gender-based violence victims, and reflects key findings of decentralized assessments in both urban and rural zones.

# AMENDMENTS SUBMITTED AND PROPOSED

SA 1468. Ms. KLOBUCHAR (for herself, Mr. JOHNSON of Wisconsin, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

# TEXT OF AMENDMENTS

SA 1468. Ms. KLOBUCHAR (for herself, Mr. Johnson of Wisconsin and Mr. Franken) submitted an amendment intended to be proposed by her to the bill S. 1134, to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values; as follows:

Strike section 3 and insert the following: SEC. 3. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in the table contained in section 1702 of the SAFETEA-LU (119 Stat. 1288, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety

construction programs distributed under section 120(a)(6) of title I of division C of Public Law 112-55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains available to the State as of the date of enactment of this Act is permanently rescinded.

### NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, "Taxation of Mutual Fund Commodity Investments." The Subcommittee hearing will examine the issuance of over 70 private letter rulings by the Internal Revenue Service allowing mutual funds to make unlimited indirect investments in commodities through controlled foreign subsidiaries or commodity-linked notes, despite longstanding statutory restrictions on mutual fund investments in commodities. Hearing witnesses will include senior officials from the Department of the Treasury and the Internal Revenue Service.

The Subcommittee hearing has been scheduled for Thursday, January 26, 2012, at 10:00 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

# $\begin{array}{c} \text{COMMITTEE ON ENERGY AND NATURAL} \\ \text{RESOURCES} \end{array}$

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, January 31, 2012, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the U.S. and global energy outlook for 2012.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Allison\_Seyferth@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Allison Seyferth at (202) 224–4905.

# $\begin{array}{c} \text{COMMITTEE ON ENERGY AND NATURAL} \\ \text{RESOURCES} \end{array}$

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 2, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the final report of the Blue Ribbon Commission on America's Nuclear Future.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Allison\_Seyferth@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Allison Seyferth at (202) 224–4905.

# NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2011 fourth quarter Mass Mailing report is Wednesday, January 25, 2012. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

# THE SOAR TECHNICAL CORRECTIONS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of H.R. 3237 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows: A bill (H.R. 3237) to amend the SOAR Act by clarifying the scope of coverage of the Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3237) was ordered to a third reading, was read the third time, and passed.

# ST. CROIX RIVER CROSSING PROJECT AUTHORIZATION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, S. 1134.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1134) to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river val-

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

#### S. 1134

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "St. Croix River Crossing Project Authorization Act".

#### SEC. 2. AUTHORIZATION OF PROJECT WITH MITI-GATION MEASURES.

Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately 6 miles north of the I-94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006 (including any subsequent amendments to the Memorandum of Understanding), are included as enforceable conditions.

### SEC. 3. OFFSET.

To provide an offset for the funds made available to carry out this Act, there is rescinded from the Department of the Interior franchise fund authorized under section 113 of division A of title I of Public Law 104–208 (31 U.S.C. 501 note; 110 Stat. 3009–181) \$8,000,000.

#### SEC. 4. BUDGETARY EFFECTS.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to and be considered original text for the purposes of further amendment; that the Klobuchar-Johnson of Wisconsin-Franken amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements

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

The committee-reported amendment was agreed to.

The amendment (No. 1468) was agreed to, as follows:

(Purpose: To modify the offset)

Strike section 3 and insert the following: SEC. 3. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in the table contained in section 1702 of the SAFETEA-LU (119 Stat. 1288, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety construction programs distributed under section 102(a)6) of title I of division C of Public Law 112-55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains available to the State as of the date of enactment of this Act is permanently rescinded.

The bill (S. 1134), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1134

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "St. Croix River Crossing Project Authorization Act".

#### SEC. 2. AUTHORIZATION OF PROJECT WITH MITI-GATION MEASURES.

Notwithstanding section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), the head of any Federal agency or department may authorize and assist in the construction of a new extradosed bridge crossing the St. Croix River approximately 6 miles north of the I-94 crossing if the mitigation items described in paragraph 9 of the 2006 St. Croix River Crossing Project Memorandum of Understanding for Implementation of Riverway Mitigation Items, signed by the Federal Highway Administration on March 28, 2006, and by the National Park Service on March 27, 2006 (including any subsequent amendments to the Memorandum of Understanding), are included as enforceable conditions.

#### SEC. 3. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available for items 676, 813, 3186, 4358, and 5132 in the table contained in section 1702 of the SAFETEA-LU (119 Stat. 1288, 1380, 1423) shall be subject to the limitation on obligations for Federal-aid highways and highway safety construction programs distributed under section 120(a)(6) of title I of division C of Public Law 112-55 (23 U.S.C. 104 note; 125 Stat. 652).

(b) RESCISSION.—Any obligation authority made available until used to a State as a result of receipt of contract authority for the items described in subsection (a) that remains available to the State as of the date of enactment of this Act is permanently rescinded.

#### SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement

related to the bill be printed in the titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

### PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 96, which was received from the House and is at the desk; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 96) was agreed to.

### APPOINTMENTS

The PRESIDING OFFICER. Chair announces the following appointments made pursuant to the unanimous consent agreement of December 17, 2011, by the President pro tempore and the majority leader during the adjournment of the Senate:

Pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, upon the recommendation of the majority leader, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair on behalf of the President pro tempore, announces the reappointment and appointment of the following individuals to the United States-China Economic Security Review Commission: William A. Reinsch, of Maryland, for a term beginning January 1, 2012 and expiring December 31, 2013 (reappointment), and Carte P. Goodwin, of West Virginia, for a term beginning January 1, 2012 and expiring December 31, 2013, vice Patrick A. Mulloy of Virginia.

### ORDERS FOR TUESDAY, JANUARY 24. 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, January 24, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4 p.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first 30 minutes controlled by the majority leader or his designee and the second 30 minutes controlled by the Republican leader or his designee; and that at 12:30 p.m. the Senate be in recess until 2:15 p.m. to allow for the weekly caucus meetings.

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

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Tuesday, January 24, 2012, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

BOBERT E. BACHARACH, OF OKLAHOMA, TO BE UNITED

ROBERT E. BACHARACH, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE ROBERT HARLAN HENRY, RESIGNED.
WILLIAM J. KAYATTA, JR., OF MAINE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE KERMIT LIPEZ, RETIRED.
MICHAEL A. SHIPP, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY WICE MAD VICTUE BADELL BETTIED.

JERSEY, VICE MARY LITTLE PARELL, RETIRED.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDI-CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION

### To be general

LT. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION

### $To\ be\ lieutenant\ general$

MAJ. GEN. CRAIG A. FRANKLIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDI-CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION

#### To be lieutenant general

LT. GEN. STEPHEN P. MUELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major general

BRIG, GEN, MARK A, EDIGER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ROBERT T. BROOKS, JR.

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. DANIEL B. ALLYN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

## To be major general

BRIGADIER GENERAL ROBERT P. ASHLEY, JR. BRIGADIER GENERAL JEFFREY L. BAILEY BRIGADIER GENERAL JEFFREY N. COLT BRIGADIER GENERAL KENNETH R. DAHL BRIGADIER GENERAL GORDON B. DAVIS, JR.

BRIGADIER GENERAL JOSEPH P. DISALVO
BRIGADIER GENERAL ROBERT M. DYESS, JR.
BRIGADIER GENERAL KAREN E. DYSON
BRIGADIER GENERAL KAREN E. DYSON
BRIGADIER GENERAL PAUL E. FUNK II
BRIGADIER GENERAL PAUL E. FUNK II
BRIGADIER GENERAL WILLIAM C. HIX
BRIGADIER GENERAL WILLIAM C. HIX
BRIGADIER GENERAL WILLIAM C. HIX
BRIGADIER GENERAL STEPHEN R. LYONS
BRIGADIER GENERAL JOHN M. MURRAY
BRIGADIER GENERAL JOHN M. MURRAY
BRIGADIER GENERAL RICHAED P. MUSTION
BRIGADIER GENERAL BICHAEL K. NAGATA
BRIGADIER GENERAL BRYAN R. OWENS
BRIGADIER GENERAL JAMES F. PASQUARETTE
BRIGADIER GENERAL LAWARREN V. PATTERSON
BRIGADIER GENERAL AUNDRE F. PIGGEE
BRIGADIER GENERAL JOHN G. ROSSI
BRIGADIER GENERAL JOHN G. ROSSI
BRIGADIER GENERAL JOHN G. ROSSI
BRIGADIER GENERAL THOMAS C. SEAMANDS
BRIGADIER GENERAL MICHAEL H. SHIELDS
BRIGADIER GENERAL LESLIE C. SMITTH
BRIGADIER GENERAL LESLIE C. SMITH
BRIGADIER GENERAL JENYAN G. WATSON
BRIGADIER GENERAL BRYAN G. WATSON
BRIGADIER GENERAL BRYAN G. WATSON
BRIGADIER GENERAL BRYAN G. WATSON
BRIGADIER GENERAL DARRELL K. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. LESLIE A. PURSER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

### To be brigadier general

COL. KRISTIN K. FRENCH COL. WALTER E. PIATT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

### To be brigadier general

COL. MARY E. LINK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 156 AND 3064:

# To be brigadier general, judge advocate general's corps

COL. RICHARD C. GROSS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. JOHN M. CHO COL. JEFFREY B. CLARK

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE  $10,\,\mathrm{U.s.c.}$ , SECTION 601:

 $To\ be\ admiral$ 

ADM. SAMUEL J. LOCKLEAR III

#### CONFIRMATION

Executive nomination confirmed by the Senate January 23, 2012:

#### THE JUDICIARY

JOHN M. GERRARD, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

# HOUSE OF REPRESENTATIVES—Monday, January 23, 2012

The House met at noon and was called to order by the Speaker pro tempore (Ms. Foxx).

# $\begin{array}{c} {\tt DESIGNATION~OF~SPEAKER~PRO} \\ {\tt TEMPORE} \end{array}$

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

 $\begin{array}{c} \text{Washington, DC,}\\ January\ 23,\ 2012. \end{array}$  I hereby appoint the Honorable Virginia Foxx to act as Speaker pro tempore on this day.

 ${\bf JOHn~A.~BOEHNER}, \\ Speaker~of~the~House~of~Representatives.$ 

### MORNING-HOUR DEBATE

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

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

### HONORING TUSKEGEE AIRMEN

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

Mr. COHEN. Madam Speaker, this weekend a movie opened in America that is really unlike any other movie. It is a significant movie because it is about a group of gentleman who won the Congressional Gold Medal, the Tuskegee Airmen. They were the first black airmen in the United States military history.

It's part of black history; but beyond black history, it's American history. Because as I watched the movie yesterday in Memphis, in a largely African American crowd, I realized this was a story about America's progress and fulfilling its promise and about the problems we've had and have had to overcome.

The Tuskegee Airmen were men that wanted to fight for their country in World War II, but they weren't allowed to because of segregationist policies that we had at the time. The military wasn't integrated, and they didn't think African Americans were capable of serving as pilots and weren't allowed to do so. They had an experimental

group set up in Tuskegee, Alabama, the Tuskegee Institute, to train black Army personnel who wanted to be pilots. They succeeded, and they formed the Tuskegee Airmen. They had many obstacles, but they beat the odds and they succeeded. They rose to the challenge. They dispelled myths that African Americans weren't courageous enough, weren't skilled enough, weren't smart enough.

On Friday, at the request of the family, I spoke at the funeral of Lieutenant Colonel Luke Weathers, Jr. Lieutenant Colonel Weathers was from Memphis originally and died in Tucson, Arizona, at age 90. He was one of the first Tuskegee Airmen. He was buried on Friday at Arlington National Cemetery with full military honors, family present, seven horses—six drawing the carriage and the riderless horse—a military flyover, 21-gun salute passed, an American hero being laid to rest in hallowed ground, sacred ground, Arlington National Cemetery.

Lieutenant Colonel Weathers not only had to fight the Germans and fight for his country, he had to fight his country to be accepted and benefit in the basic rights that we all take for granted. To learn about Lieutenant Colonel Weathers and the Tuskegee Airmen is inspiring. And during Black History Month, we will reflect and we celebrate other struggles and accomplishments of many African Americans in our history, African Americans who came here in about 1620 as slaves and didn't get freedom from slavery until 1865, and then didn't get real freedom until Jim Crow laws were overturned in the 1960s. The vestiges of slavery and Jim Crow still live with us. Those who overcame those obstacles and broke down barriers were heroes and need to be recognized in the middle of month of February.

At one time, they said African Americans couldn't play baseball, and Jackie Robinson showed them wrong. They said African Americans couldn't be quarterbacks, and Doug Williams and others showed them wrong. They couldn't be coaches. Bill Russell took the Celtics to championships, and Tony Dungy in 2007 won a Super Bowl championship. They couldn't be pitchers and certainly couldn't play tennis. Well, Arthur Ashe showed them wrong. In golf, there is nobody in the world better than Tiger Woods.

And, you know, it's amazing that in this day and time, there are still barriers to be broken. At one time, people thought that an African American

couldn't be President of the United States, wouldn't be capable of such. Well, we know that's wrong; but, unfortunately, there are still people in this country who think that the President can't be their President because of his race. Some even refer to him as a "food stamp President." We know that code is wrong. I would ask anybody who thinks that way or has those thoughts to know that they are backwards thinking, just like the people were in the 1940s who said that black people couldn't participate in our military and couldn't fly for our country and that the Red Tails couldn't shoot down the Germans and protect our bombers, as they did. Those days are past.

I would ask everybody to see the movie, remember the Tuskegee Airmen, realize how far our country has come, and get beyond any bigotry that we have in ourselves. This is a Nation of tolerance and diversity, and we must celebrate it. I encourage everybody to learn about black history and the Tuskegee Airmen, our great vehicle.

# FREEDOM AND THE INTERNET, VICTORIOUS

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

Mr. McCLINTOCK. Madam Speaker, long ago, Jefferson warned: "The natural progress of things is for liberty to yield and government to gain ground." The exceptions to that rule have been few and far between recently; and they ought to be celebrated when they occur, as one did just this past week with the announcement that the supporters of the so-called Stop Online Privacy Act and the Protect Intellectual Property Act have indefinitely postponed their measures after an unprecedented protest across the Internet.

SOPA and PIPA pose a crippling danger to the Internet because they use legitimate concern over copyright infringement as an excuse for government to intrude upon and regulate the very essence of the Internet—the unrestricted and absolutely free association that links site to site, providing infinite pathways for commerce, discourse, and learning. It is not the Internet, per se, that sets the stage for a quantum leap in human knowledge advancement but, rather, the free association that's at the core of the Internet; and this is precisely what SOPA and PIPA directly threaten.

But as dangerous as this concept is to the Internet, it pales in comparison to the danger it poses to our fundamental freedoms as Americans. It is true that rogue Web sites operating from offshore havens are stealing intellectual property and then selling it. We already have very good laws against that, as evidenced by the arrest yesterday of Mr. Kim Schmitz and his associates in New Zealand who stand accused of operating one of the biggest of these rogue sites.

Theft of intellectual property is fundamentally no different than the theft of any other kind of property. It should be taken no less seriously than the thefts perpetrated by the likes of Bernie Madoff or John Dillinger or Willie Sutton. It is no different, and it should be treated no differently. In every such case, it is the individual who commits the theft; and it is the individual who is culpable and the individual who is accountable to the law: and it's the individual who is also accorded the right of due process, including the presumption of innocence while he stands accused. That's what SOPA and PIPA destrov.

Upon mere accusation, these measures would allow the government to shut down Web sites, ruin honest businesses, impound property, disrupt legitimate speech, and dragoon innocent third parties into enforcing laws that may or may not have been broken.

#### □ 1210

When property is stolen, we hold accountable the individuals who knowingly commit the act and place the burden of proof on the accuser. The accuser must demonstrate to the satisfaction of the jury that the defendant stole property or that he received property that he knew was stolen.

Yes, it is a ponderous system. Yes, it means you actually have to provide evidence. Yes, it means you have to convince a jury. Yes, it means that we can't catch and successfully prosecute every criminal. But the experience of mankind over centuries has proven that this is the best possible way to protect the innocent and protect our freedom while also punishing the guilty. In part, we punish the guilty to discourage others that we might not be able to punish.

As the arrests yesterday in New Zealand prove, it works. Let Mr. Schmitz and his confederates be extradited, and let them have their day in court. Let evidence be presented. Let a jury be convinced of that evidence. And if convicted of one of the greatest thefts in human history, let us mete out the full measure of punishment provided by the law to stand as a fearsome example to others.

This doesn't and won't stop all theft, and it isn't perfect. But to replace it with one where mere accusation can bring punishment or inflict ruinous costs upon innocent third parties would introduce a despotic and destructive concept that is antithetical to the ancient rights that our government was formed to protect.

The developments of the last few weeks have saved the Internet and saved these fundamental principles, at least for now. But Jefferson was right that the natural order is for government to grow at the expense of liberty. That's why we have our Constitution.

As to the protection of that Constitution, the Internet has now empowered its rightful owners—"we, the people"—to defend it more effectively than ever before, which leads me, Madam Speaker, to conclude that because of the events of the past week, we will see many more victories for freedom in the days and years to come.

# CONGRATULATING BRUCE McMILLAN

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to honor the career of an Eagle Scout who is planning for retirement after 37 years of distinguished professional service to the Boy Scouts of America. Bruce "Trip" McMillan will retire as the Area 4 director for the Northeast Region of the Boy Scouts of America.

Bruce McMillan received his bachelor's degree from Montclair State University. He is a Vigil Honor member of the Order of the Arrow and a Wood Badge recipient. He has staffed jamborees, camp schools, and countless training events.

His career serving America's youth began in 1975 as a district executive in Wayne, New Jersey. Since then, he went on to serve as a Scout executive in Maryland, New York, New Jersey, and Pennsylvania. Trip was then promoted to the Northeast Region Area 4 staff in 2001 and Area 4 director in 2008.

In all capacities, Trip has served with great distinction, earning the respect and admiration of all he has served over a remarkable career. Congratulations to Trip and his devoted wife, Diane.

Madam Speaker, I am honored to recognize a friend and scouting professional who has touched the lives of so many youth in his service to scouting. Well done, Scouter.

### KEYSTONE XL PIPELINE

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

Mr. HARPER. Madam Speaker, I am deeply disappointed by President Obama's decision to deny TransCanada's application to build the Keystone XL pipeline. I know that

many of my colleagues in the House, Members of the Senate, and citizens across this country share my disappointment and near disbelief. I say "near" disbelief rather than "complete" because while an approval of the application made sense to so many, I had a feeling that the President would continue down a path of making political decisions instead of decisions based on merit and what is best for our country, much like the knee-jerk reaction and decision to shut down drilling in the Gulf of Mexico after the Deepwater Horizon explosion on April 20, 2010

Instead of shutting down the negligent parties involved in the explosion, the President shut down an entire industry for 6 months, and then it took almost another 6 months before the first permit was issued—almost a 1-year delay that cost thousands of families their jobs. While the President may talk about energy independence, I question whether he understands the role that oil plays in our economy and will continue to play in our Nation's energy portfolio. Even worse would be if he does understand and is just making political decisions.

The application for Keystone XL has been pending for over 3 years; and even though history shows that these types of applications generally take 18 months to approve, the President said that a February 21, 2012, deadline imposed by Congress did not give him enough time to properly review the application. The Keystone XL application was pending for twice as long as a normal application. The President's argument about not having enough time to make a decision to approve the project is weak, at best. The application was filed more than 3 years ago, and a final decision on whether to let the pipeline go forward was long, long overdue.

Unfortunately, I believe the wrong decision has been made. And if he didn't want to approve it for environmental reasons, I wonder if thought was given to the fact that China wants the oil if the United States does not get it, and that means putting the oil on tankers, which we know would have a much more negative impact on the environment than pipelines.

Mr. Speaker, the United States needs the XL Keystone pipeline. In his first term in office, the President has loosely talked about the need for energy independence. Keystone XL could help provide the United States with the certainty of almost a million barrels of oil a day, and that oil comes from our friend and largest trading partner, Canada, not the Middle East. At a time when the price at the pump continues to fluctuate—in part due to uncertainty in the Middle East-I cannot understand how the President justified denying the transport of friendly Canadian oil to our gulf coast refineries.

When the President took office in January 2009, the average cost of a gallon of gas was \$1.83. On January 23, 2012, AAA reports that the current average is \$3.83 per gallon. The record for the highest annual average price for a gallon of gasoline ever in our Nation's history was set in 2011. A major factor in recent high prices is continued political tension in the Middle East and North Africa. These events have threatened or disrupted huge quantities of oil, causing great fear among investors. It is beyond evident that America needs relief.

The President has struggled with turning the economy around since taking office 3 years ago, and his speeches often center on the subject of jobs. Mr. Speaker, I hope that the President realizes that his denial of the Keystone XL application is costing our country tens of thousands of jobs. An analysis by the Perryman Group, an economic consultant in Texas, has demonstrated the tremendous job-creating potential of this project. It is the reason that six major labor unions have signed project labor agreements to construct the pipeline. These are good-paying American jobs that union members are eager to fill. However, instead of issuing the necessary permits to begin construction of the pipeline and put Americans to work, the administration drags its feet for over 3 years and at the end of that time denied an estimated 120,000 Americans jobs to provide a way to support their families.

Pro-business groups like Americans for Prosperity and the Chamber of Commerce support Keystone XL as a way to give a much-needed boost to the economy. Pro-labor groups support Keystone XL because they know it will create jobs. Americans across the country asked President Obama to approve this project. They realized its importance but were clearly ignored.

The Keystone XL pipeline is just one example of how House Republicans have been working to promote job creation without the need for "stimulus" money. While the President decided to pander to his extreme environmentalist supporters in a campaign year instead of keeping the best interests of the American people at heart, I do not believe that this battle is over.

Our country needs the pipeline. We need these jobs. We need cheaper gas at the pumps, and I'm committed to working towards alternative ways to get it back.

# KEYSTONE XL PIPELINE WILL CREATE JOBS

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentlewoman from North Carolina (Ms. Foxx) for 5 minutes.

Ms. FOXX. Mr. Speaker, unemployment is still at an all-time high; and

When the President took office in the high cost of energy is having a signary 2009, the average cost of a galnificant negative impact on my disnof gas was \$1.83. On January 23, trict's economy as well as on the econ12, AAA reports that the current avomy of the entire country.

But when President Obama had the opportunity to help job creation and lower energy costs, he turned his back on hardworking American taxpayers. And as my colleague from Mississippi has just spelled out, we have just seen the highest energy costs ever in this country last year, and the cost of gasoline itself has more than doubled under this President.

President Obama has done all he can to stand in the way of businesses that can help get Americans back to work. The Keystone XL pipeline is a \$7 billion private sector infrastructure project that will create 20,000 jobs with its construction and an estimated 100,000 indirect jobs during the life of its operation.

For the 3 years that President Obama has been in office, he's delayed this project for political benefit in order to placate his liberal base. Liberals who oppose this project say that these jobs are "temporary" and somehow of less value. This is not just misguided, but insulting. All construction jobs, by their essence, are temporary. No construction project is permanent. It's a dangerous precedent these groups are setting by denigrating hardworking Americans for the type of work they perform.

The President is in full campaign mode. He's more interested in protecting his job than allowing the private sector to create jobs.

Mr. Speaker, we cannot continue to import energy from Middle Eastern countries. North American energy will lead to energy security, lower energy costs, and more jobs for Americans.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess until 2 p.m.

### □ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with many forces and interests demanding their attention. In these days, as the second session is poised to be fully engaged, give wisdom to all of the Members, that they might execute their responsibilities to the benefit of all Americans.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. JOHNSON of Ohio led the Pledge of Allegiance as follows:

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

# OBAMA'S ACTIVIST EPA MUST BE STOPPED

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

Mr. JOHNSON of Ohio. Mr. Speaker, here is the simple truth: the Obama administration is driven by a far left liberal ideology rather than the facts. This administration says it wants to put America back to work, but through its policies is doing the exact opposite. For example, because of the EPA's new train wreck of regulation, up to 160 direct jobs will be lost with the accelerated closure of Beverly, Ohio's Muskingum coal-fired power plant.

This train wreck of regulation is the most expensive regulation that the EPA has ever mandated. These costs will ultimately be passed on to hardworking families in the form of higher utility rates. This new disastrous regulation will also cost southern Ohio many indirect jobs related to the coal industry. No matter how you look at it, the President has declared war on the coal industry and the jobs that go with it.

It is time for this administration to get serious about creating real jobs, creating an energy policy that puts America first, and ending its war on coal.

RECOGNIZING THE 39TH ANNIVER-SARY OF ROE V. WADE AND THE CATHOLIC DIOCESE OF BILOXI IN THE MARCH FOR LIFE

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

Mr. PALAZZO. Madam Speaker, today we pause to mark the 39th anniversary of the Supreme Court ruling of Roe v. Wade. No other Supreme Court case has so directly affected the lives of millions of American people, both those who have been touched by abortion and the millions of unborn children whose lives have been taken since 1973.

I and many of my colleagues will continue to speak out on behalf of these unborn children by supporting legislation such as the Life at Conception Act. I am thankful we have hundreds of thousands of friends in the fight that have gathered in the streets of Washington this week in memory of so many lives lost. I am especially grateful to the 150 youths with the Catholic Diocese of Biloxi who have made the trip all the way from my district in south Mississippi.

Today I ask my colleagues to join with me and our friends with the March of Life in marking this sad day and resolving to put an end to this murderous practice of taking unborn life. I pray, as Christ did in Luke 23:34, "Father, forgive them, for they know not what they do."

#### HONORING CLEON KIMBERLING

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

Mr. GARDNER. Madam Speaker, I rise today to honor Cleon Kimberling. Dr. Kimberling was recently honored by Colorado State University's Department of Animal Science as the livestock leader of the year.

Dr. Kimberling is now 81 years old and has dedicated his life to improving livestock health. He received a degree in veterinary medicine from Colorado State in 1959 and since that time has made significant contributions to the veterinary science field.

One of Dr. Kimberling's achievements includes developing tests that contributed to the eradication of brucellosis in the dairy industry. He has also successfully advocated for different nutrition standards for sheep. leading to an overall increase in the health of our sheep herds nationwide.

His dedication to animal health started at a very young age when an outbreak of disease occurred on his farm. Since that point, he has dedicated a lifetime to veterinary medicine, stopping disease outbreaks and advocating prevention.

Aside from his medical successes, he is also an avid cyclist. In fact, his business card states that he specializes in both sheep health and bicycling. At 65, Dr. Kimberling completed a bike trip from Oceanside, California, to Bar Harbor, Maine. This trip was over 3,500 miles long.

His support for agriculture has helped many farmers and ranchers pre-

industry. These stories highlight an amazing man, and I am proud to honor Dr. Cleon Kimberling from the House

#### NATIONAL DEBT NOW EQUAL TO ECONOMY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his re-

Mr. BURGESS, Madam Speaker, Congress is now back into session and reconvening, hitting a dubious milestone. The national debt is now larger than the entire economy of the United States. Earlier this month, USA Today reported on this, and the numbers are daunting. The amount of money the Federal Government owes to its creditors tops \$15.23 trillion. President Obama's own budget from last year shows the debt increasing by \$1 trillion a year over the next 10 years, topping out at \$26 trillion a decade from now.

Put into perspective, other countries have similar situations: Greece, Iceland, Ireland, Italy, Japan—the very countries that are responsible for the European debt crisis. At the same time, the administration, over the last 3 years, has pushed a very aggressive spending agenda which includes a government takeover of health care, government takeover of banks, and \$800 billion in stimulus funding.

House Republicans passed well over 20 jobs bills last year that have yet to come up for a vote in the Senate. I encourage the other body to take up these pieces of legislation. We have got to get our country back to work. We need to grow more taxpayers, not raise taxes.

### □ 1410

### SENATOR MARK KIRK

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

Mr. DOLD. Madam Speaker, this morning we learned that Senator MARK KIRK suffered a stroke over the weekend. I know all of my colleagues here in the House join me in expressing our thoughts and prayers not only to Senator KIRK but to his family, his friends, and his staff for a quick and speedy recovery.

As many of you know, I succeeded MARK in this body. He served here for 10 years before moving on to the Senate. He has been a friend and a mentor and still is to this day.

One thing that I know about MARK is that MARK is a fighter. MARK fought for 10 years to represent the people of the 10th District of Illinois, battling human rights violations around the globe, battling for a strong U.S.-Israel

vent disease and improve our livestock relationship, battling for the environment, battling for hardworking American taxpayers. As a Senator, he's doing that for the people of Illinois.

As a commander in the United States Navy, he's fought to protect our borders and our way of life. Today he is fighting to make sure that he can come back to the United States Senate to work on the things that he holds dear.

I join with all of my colleagues in hopes that he will be back here shortly, and I welcome the opportunity to walk across the aisle down here across the Capitol and welcome my friend back.

#### MARCH FOR LIFE

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

Mr. YODER. Madam Speaker, I rise today to welcome the tens of thousands of people traveling to Washington, D.C., to show their support for the cause of life and give a voice to those who do not have one.

Since the ruling of Roe v. Wade 39 years ago, tragically, over 50 million abortions have occurred in this country. There are over 3,500 abortions a day, 146 an hour, and, sadly, one pregnancy is aborted every 25 seconds.

Each year, the March for Life gives Americans who are heartbroken by these tragedies a time to come together and pray for these lost souls and the families and women hurt by the abortion epidemic in this country.

As we renew our efforts to support legislation that will restore the sanctity of life, I thank all of these impassioned Americans who today chose to come together in support of life.

### RECOGNIZING DONALD SCHNEIDER

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

Mr. SHUSTER. It is my privilege today to celebrate the life and mourn the passing of Donald Schneider, a pioneer who transformed the transportation industry through his ingenuity and entrepreneurial spirit.

Mr. Schneider, who was chairman emeritus and former president of Schneider National, ran one of the Nation's largest trucking companies with over 12,500 tractors, 35,000 trailers, and thousands and thousands of employees. Some of you may recognize those trucks painted in a distinct shade of orange that travel the highways and byways of America.

Mr. Schneider was a hardworking man who began his career driving a truck and as a mechanic's assistant at age 18 in his family's business. He served in Korea, went to the Wharton School of Business in Philadelphia, and began working in the family business in 1961.

Over three decades, Mr. Schneider expanded his fleet substantially, using modern management techniques and acquisition of regional companies to grow his business. Again, his leadership pushed Schneider National to one of the largest trucking companies in America and, of course, one of the most successful, especially after the deregulation which occurred in 1980.

Donald Schneider was a great man who never lost his common touch. He insisted on being called by his first name and, in a 1970 interview, was quoted as saying: My job is important, but not as important as the driver or the people in the service center.

That's how he grew his business—caring about the common man, caring about the customer, and growing his business into one of the great businesses in America.

Mr. Schneider was a man who served with a true servant's heart, and America has been enriched by his service to this country. I invite all Americans to join me in celebrating his life.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess until approximately 4 p.m.

### □ 1600

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker protempore (Ms. FOXX) at 4 p.m.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

# ROTA CULTURAL AND NATURAL RESOURCES STUDY ACT

Mr. WITTMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1141) to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 1141

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

### SECTION 1. SHORT TITLE; FINDINGS.

- (a) SHORT TITLE.—This Act may be cited as the "Rota Cultural and Natural Resources Study Act".
- (b) FINDINGS.—Congress finds as follows:
- (1) The island of Rota was the only major island in the Mariana Islands to be spared the destruction and large scale land use changes brought about by World War II.
- (2) The island of Rota has been described by professional archeologists as having the most numerous, most intact, and generally the most unique prehistoric sites of any of the islands of the Mariana Archipelago.
- (3) The island of Rota contains remaining examples of what is known as the Latte Phase of the cultural tradition of the indigenous Chamorro people of the Mariana Islands. Latte stone houses are remnants of the ancient Chamorro culture.
- (4) Four prehistoric sites are listed on the National Register of Historic Places: Monchon Archeological District (also known locally as Monchon Latte Stone Village), Taga Latte Stone Quarry, the Dugi Archeological Site that contains, latte stone structures, and the Chugai Pictograph Cave that contains examples of ancient Chamorro rock art. Alaguan Bay Ancient Village is another latte stone prehistoric site that is surrounded by tall-canopy limestone forest.
- (5) In addition to prehistoric sites, the island of Rota boasts historic sites remaining from the Japanese period (1914–1945). Several of these sites are on the National Register of Historic Places: Nanyo Kohatsu Kabushiki Kaisha Sugar Mill, Japanese Coastal Defense Gun, and the Japanese Hospital.
- (6) The island of Rota's natural resources are significant because of the extent and intact condition of its native limestone forest that provides habitat for several federally endangered listed species, the Mariana crow, and the Rota bridled white-eye birds, that are also native to the island of Rota. Three endangered plant species are also found on Rota and two are endemic to the island.
- (7) Because of the significant cultural and natural resources listed above, on September 2005, the National Park Service, Pacific West Region, completed a preliminary resource assessment on the island of Rota, Commonwealth of the Northern Mariana Islands, which determined that the "establishment of a unit of the national park system appear[ed] to be the best way to ensure the long term protection of Rota's most important cultural resources and its best examples of its native limestone forest."

# SEC. 2. NPS STUDY OF SITES ON THE ISLAND OF ROTA, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

- (a) STUDY.—The Secretary of the Interior shall—
- (1) carry out a study regarding the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on the island of Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; and
- (2) consider management alternatives for the island of Rota, Commonwealth of the Northern Mariana Islands.
- (b) STUDY PROCESS AND COMPLETION.—Except as provided by subsection (c) of this section, section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.
- (c) SUBMISSION OF STUDY RESULTS.—Not later than 3 years after the date that funds are made available for this section, the Secretary shall submit to the Committee on Natural Resources of the House of Rep-

resentatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WITTMAN) and the gentleman from Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. WITTMAN. Madam Speaker, I yield myself as much time as I may consume, and I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. WITTMAN. Madam Speaker, H.R. 1141 authorizes the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

The island of Rota contains cultural and natural resources, including caves with pictographs and several other prehistoric relics as well as sites from the 20th century Japanese occupation. Additionally, Rota has a natural limestone forest that is habitat for endangered species native to the island.

With that, Madam Speaker, I reserve the balance of my time.

Mr. SABLAN. I yield myself as much time as I may consume.

Madam Speaker, I rise in support of H.R. 1141, the Rota Cultural and Natural Resources Study Act. The bill authorizes the Secretary of the Interior to determine whether it is suitable and feasible to add certain cultural, archeological, historical, and natural resources of the island of Rota in the Northern Marianas to the National Park System.

This same measure was approved by the House in 2010 without dissent, and I hope my colleagues will approve its passage again today.

I want to thank Chairman HASTINGS and Ranking Member MARKEY of the Natural Resources Committee for their support of H.R. 1141. I also want to thank Chairman BISHOP and Ranking Member GRIJALVA of the Subcommittee on National Parks, Forests and Public Lands for their help in bringing this measure to the floor.

We all understand that resources are limited and that we must not add to the debt our children and grand-children will be responsible for tomorrow.

At the same time, we owe a debt to our descendants to preserve and protect those resources that we hold in trust for them today. Therefore, when considering adding a unit to the National Park System, we have to balance these two requirements. And we have a well established process for doing so.

The National Park Service began this process on the island of Rota in 2004. A study team assessed the ancient Mochon Latte Stone Village and other sites of the Chamorro people, who first inhabited the Marianas some 3,500 years ago. The team explored the Chugai Cave, containing over 90 pictographs of prehistoric origin. They inventoried the rare species of plants and animals endemic to the limestone forests that still blanket parts of Rota, home to the critically endangered aga, or Marianas crow, and the endangered nosa Luta, or Rota bridled white-eye.

Having completed this field reconnaissance in September of 2005, the Park Service issued a report that concluded there are cultural and natural resources on the island of Rota that are of national significance. The Park Service recommended the next step in designation of a new unit of the Park System: A suitability and feasibility study. And H.R. 1141 authorizes the Secretary of the Interior to take that next step and conduct the necessary study.

I would like to note that the people of Rota look forward to the possibility of having areas of their island added to the National Park System.

It was then-Senator Diego M. Songao of Rota who first encouraged the Park Service to conduct a reconnaissance of the archeological sites on his home island and to determine their importance as part of America's legacy.

Rota Representative Teresita Santos testified before the Natural Resources Committee enthusiastically supporting a national park on Rota.

Rota Mayor Melchor A. Mendiola of Rota has added his support to the record, as has Northern Mariana Islands Senate President Paul A. Manglona, who also hails from Rota.

Of course, during the study authorized by H.R. 1141, the people of Rota will continue to have ample opportunity to consider along with the Park Service the suitability and feasibility of including any particular areas of their island in park status.

The people of Rota understand the importance of their culture and of the natural resources and want to pass this on to their children and grandchildren. They also understand that preserving the remains of ancient Chamorro culture and the plants and animals of the limestone forests of Rota has value today because visitors from elsewhere in the world want to see that which is unique and experience what only Rota has to offer.

Last week, President Obama announced new initiatives to create jobs and spur economic growth in America by improving our visa system and by

providing national parks, wildlife refuges, and historic sites to international travelers.

Being the closest part of America to the emerging economies of Asia, the Northern Marianas is eager to see new countries added to our visa waiver program. We want to have the unique cultural and natural resources of our islands added to the national treasures the President intends to promote.

We know that having areas on Rota designated as part of the National Park System will help create jobs in ecotourism, transportation, hotels and restaurants for the people of today. We understand that protecting and preserving these nationally significant resources on Rota will also help ensure jobs for our children and grandchildren in the future.

I urge my colleagues to support passage of H.R. 1141.

I yield back the balance of my time. Mr. WITTMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, H.R. 1141.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WITTMAN. Madam Speaker, on that I demand the year and nays.

The yeas and nays were ordered.

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

#### □ 1610

### PERMANENT ELECTRONIC DUCK STAMP ACT OF 2011

Mr. WITTMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3117) to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

### H.R. 3117

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Electronic Duck Stamp Act of 2011".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ACTUAL STAMP.—The term "actual stamp" means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the "Duck Stamp Act"), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) AUTOMATED LICENSING SYSTEM.-

(A) IN GENERAL.—The term "automated licensing system" means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term "automated licensing system" includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparaaraph(A).

(3) ELECTRONIC STAMP.—The term "electronic stamp" means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under section 4(b).
(4) SECRETARY.—The term "Secretary" means

the Secretary of the Interior.

#### SEC. 3. AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.

(a) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this Act.

(b) CONSULTATION.—The Secretary shall implement this section in consultation with State management agencies.

#### SEC. 4. STATE APPLICATION.

(a) APPROVAL OF APPLICATION REQUIRED.— The Secretary may not authorize a State to issue electronic stamps under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section. The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(b) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the

application contains-

(1) a description of the format of the electronic stamp that the State will issue under this Act, including identifying features of the licensee that will be specified on the stamp;

(2) a description of any fee the State will charge for issuance of an electronic stamp;

(3) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(4) the manner by which the State will transmit electronic stamp customer data to the Sec-

(5) the manner by which actual stamps will be delivered;

(6) the policies and procedures under which the State will issue duplicate electronic stamps; and

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) Publication of Deadlines, Eligibility Requirements, and Selection Criteria.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications: and

#### (3) criteria for approving applications.

# $SEC.\ 5.\ STATE\ OBLIGATIONS\ AND\ AUTHORITIES.$

(a) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this Act shall receive an actual stamp-

(1) by not later than the date on which the electronic stamp expires under section 6(c); and

(2) in a manner agreed upon by the State and Secretary.

(b) Collection and Transfer of Electronic STAMP REVENUE AND CUSTOMER INFORMATION.—

(1) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this section-

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the face value amount of each electronic stamp sold by the State: and

(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(2) TIME OF TRANSMITTAL.—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(3) ADDITIONAL FEES NOT AFFECTED.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(c) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this Act, including costs of delivery of actual stamps.

(d) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or

damaged.

(e) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this Act.

#### SEC. 6. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) STAMP REQUIREMENTS—The Secretary shall require an electronic stamp issued by a State under this Act—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State: and

(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this Act shall, during the effective period of the electronic stamp-

(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp:

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that

(c) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

#### SEC. 7. TERMINATION OF STATE PARTICIPATION.

The authority of a State to issue electronic stamps under this Act may be terminated-

(1) by the Secretary, if the Secretary—
(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 4; and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. WITTMAN) and the gentleman from the Northern Mariana Islands (Mr. Sablan) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

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

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

There was no objection.

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

In 1934, the Congress enacted the Migratory Bird Hunting Stamp Act. This law required hunters to purchase a Federal duck stamp in order to hunt migratory waterfowl. Proceeds from the sale of these stamps have been used to preserve vital wetlands and waterfowl habitats across the country. Every year, hunters, bird watchers, and stamp collectors visit the post office, National Wildlife Refuge, or sporting goods store to purchase their duck stamp.

For the past 4 years, eight States have participated in an electronic duck stamp pilot program. Instead of having to visit a bricks-and-mortar store, hunters and collectors could purchase the duck stamp online. By all accounts, the program has been a tremendous success. Many Americans have enjoyed the convenience of buying a Federal duck stamp over the Inter-

I'm the author of this legislation and would like to see that it continues to allow hunters to electronically purchase the annual Federal duck stamp required to hunt migratory waterfowl. It is time to make this permanent feature a Federal law for a more efficient and faster process. Similar technology is already embraced by States that allow sportsmen to obtain their hunting and fishing licenses online.

And, by the way, many States who require a duck stamp also allow their hunters to purchase the duck stamp online. And as I have spoken with a number of hunters, they also indicate an interest to be able to do this. And especially hunters that may, at the last minute, decide to want to pursue a hunting activity the next day, if they are not in the area where a post office is open, then they are not able to enjoy a day on the water hunting waterfowl.

As a member of the Migratory Bird Conservation Commission and an avid waterfowl hunter, I am proud to sponsor this legislation to modernize the distribution of the Federal duck stamp program without burdening the taxpaver.

I want to compliment the lead cosponsor of this bill, Congressman RON KIND from Wisconsin, for his leadership, his commitment, and his passion on sportsmen's issues and waterfowl conservation. Anybody who knows Representative KIND knows how strongly he feels about this. He has worked on this issue for a number of years, and I thank him for those ongoing efforts.

H.R. 3117 is supported by the Congressional Sportsmen's Foundation and Ducks Unlimited.

I urge support for this bill, and I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 3117, which would allow the Secretary of the Interior to continue sale of electronic duck stamps and expands the program to include all 50 States.

The Migratory Bird Hunting and Conservation Stamp, commonly called the "duck stamp," must be purchased and carried by all waterfowl hunters 16 years and older when hunting migratory waterfowl on both public and private land. Ninety-eight cents of every dollar generated by the sales of the duck stamp goes to purchase or lease wetland habitat for the National Wildlife Refuge System, which benefits migratory waterfowl.

In some rural areas, purchasing duck stamps can be difficult, with hunters having to wait a significant amount of time to receive their official duck stamp. Electronic stamps come with a unique identifying number that serves as a proof of purchase and allows hunters to hunt for 45 days until the actual stamp arrives via the postal service.

In October, at the hearing on H.R. 3117, the Fish and Wildlife Service supported the bill's intent to continue the electronic duck stamp program.

I commend my colleagues, Congressman WITTMAN and Congressman Ron KIND, for introducing this bill and for their leadership on this issue.

I have no additional speakers, and I yield back the balance of my time.

Mr. WITTMAN. With that, Madam Speaker, we have no further speakers. and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, H.R. 3117, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WITTMAN. Madam Speaker, on that I demand the yeas and navs.

The yeas and nays were ordered.

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

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. LUJÁN. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

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

There was no objection.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 16 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

#### □ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Poe of Texas) at 6 o'clock and 31 minutes p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3117 and H.R. 1141, in each case by the yeas and navs.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

### PERMANENT ELECTRONIC DUCK STAMP ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3117) to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 373, nays 1, not voting 59, as follows:

# [Roll No. 5]

#### YEAS-373

A = 1= = ==== = ==	A ma a dai	Damass
Ackerman	Amodei	Barrow
Adams	Andrews	Bartlett
Aderholt	Baca	Barton (TX)
Akin	Bachmann	Bass (CA)
Altmire	Bachus	Bass (NH)
Amash	Barletta	Becerra

Benishek Frank (MA) Lummis Franks (AZ) Biggert Frelinghuvsen E. Fudge Lynch Bilbray Bilirakis Garamendi Bishop (GA) Gardner Bishop (NY) Garrett Bishop (UT) Gerlach Black Gibbs Blackburn Gibson Blumenauer Gohmert Gonzalez Boren Boswell Goodlatte Boustany Gowdy Braley (IA) Granger Graves (GA) Brooks Broun (GA) Graves (MO) Brown (FL) Green, Al Buchanan Green, Gene Bucshon Griffin (AR) Griffith (VA) Buerkle Burgess Grimm Burton (IN) Guthrie Hahn Meeks Calvert Mica Camp Hall Campbell Hanabusa Canseco Hanna Cantor Harper Capito Harris Hartzler Capps Capuano Hastings (FL) Moore Hastings (WA) Cardoza Carnahan Hayworth Carney Carson (IN) Heck Heinrich Hensarling Cassidy Nadler Castor (FL) Herger Herrera Beutler Neal Chabot Chaffetz Higgins Chandler Himes Hinojosa Chu Nunes Cicilline Hirono Clarke (MI) Hochul Olson Clarke (NY) Holden Olver Clay Holt Owens Cleaver Honda. Coble Hoyer Coffman (CO) Huelskamp Huizenga (MI) Cohen Cole Hultgren Payne Conaway Hunter Pearce Connolly (VA) Hurt Pelosi Convers Israel Cooper Issa Peters Costello Jackson (IL) Jackson Lee Courtney Crayaack (TX) Crawford Jenkins Crenshaw Johnson (GA) Critz Johnson (OH) Polis Crowley Johnson, E. B. Cuellar Johnson, Sam Posey Cummings Jones Jordan Davis (CA) Davis (KY) Keating Quayle DeGette Kellv Kildee Rahall DeLauro King (IA) Dent DesJarlais King (NY) Reed Deutch Kingston Kinzinger (IL) Diaz-Balart Dicks Kissell Dingell Kline Reyes Labrador Ribble Doggett Donnelly (IN) Lamborn Doyle Lance Dreier Landry Rigell Duffy Langevin Rivera Duncan (SC) Lankford Duncan (TN) Larsen (WA) Edwards Larson (CT) Ellison Latham Ellmers Latta Lee (CA) Emerson Engel Levin Lewis (CA) Eshoo Farenthold Lewis (GA) Lipinski Fattah Fincher LoBiondo Fitzpatrick Loebsack Fleischmann Lofgren, Zoe Fleming Long Flores Lowev Rovce Forbes Runyan Lucas Fortenberry Luetkemever Ruppersberger

Luián

Ryan (OH)

Lungren, Daniel Manzullo Marino Matheson Matsui McCarthy (CA) McCarthy (NY) McCaul McClintock McCollum McCotter McDermott McGovern McHenry McIntvre McKinley McMorris Rodgers McNerney Meehan Michaud Miller (FL) Miller (MI) Miller (NC) Miller, Garv Mulvaney Murphy (CT) Murphy (PA) Myrick Napolitano Neugebauer Nugent Nunnelee Palazzo Pallone Pastor (AZ) Paulsen Perlmutter Peterson Pingree (ME) Pitts Poe (TX) Pompeo Price (GA) Price (NC) Quigley Rangel Rehberg Reichert Renacci Richardson Richmond Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (AR) Ross (FL) Rothman (NJ) Roybal-Allard

Smith (NJ) Sanchez, Loretta Smith (TX) Sarbanes Southerland Scalise Stark Schakowsky Stearns Schiff Stivers Schilling Stutzman Schmidt Sullivan Schock Sutton Schrader Terry Schwartz Schweikert Scott (SC) Thornberry Scott (VA) Scott, Austin Tiberi Scott, David Tierney Serrano Tipton Sessions Tonko Sewell Tsongas Turner (OH) Shimkus Shuster Upton Van Hollen Simpson Sires Velázquez Smith (NE) Visclosky Sensenbrenner Flake Alexander Austria Gallegly

Walberg Walden Walsh (II.) Walz (MN) Wasserman Schultz Waters Waxman Welch West Thompson (CA) Westmoreland Thompson (MS) Wilson (FL) Thompson (PA) Wilson (SC) Wittman Wolf Womack Woodall Woolsey Yarmuth Yoder Young (AK) Young (FL) Young (IN) NAYS-1

#### NOT VOTING-59

Miller George Moran Baldwin Giffords Noem Gingrey (GA) Berkley Pascrell Berman Gosar Paul Bonner Bono Mack Grijalva Pence Guinta. Platts Gutierrez Brady (PA) Rush Brady (TX) Sánchez, Linda Hinchey Butterfield Inslee T. Carter Johnson (IL) Sherman Shuler Clyburn Kaptur Slaughter Costa Kind Culberson Kucinich Smith (WA) Davis (IL) LaTourette Speier Mack DeFazio Towns Denham Maloney Turner (NY) Dold Marchant Watt Webster Farr Markey Filner McKeon Whitfield

### □ 1855

Messrs. DENT and MULVANEY changed their vote from "nay" to "yea.

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 5, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. DOLD. Mr. Speaker, on rollcall No. 5, I was unavoidably, detained. Had I been present, I would have voted "yea."

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make a brief announcement concerning floor practice.

Members should periodically rededicate themselves to the core principles of proper parliamentary practice that are so essential to maintaining order and deliberacy in the House. The Chair believes that a few of these principles bear emphasis today.

Members should refrain from trafficking the well when another (including the presiding officer) is addressing the House.

Young (AK)

Members should wear appropriate business attire during all sittings of the House, however brief their presence on the floor might be.

Members who wish to speak on the floor should respectfully seek and obtain recognition from the presiding officer, taking the time to do so in proper forms (such as "I ask unanimous consent to address the House for 1 minute").

Members should take care to yield and reclaim time in an orderly fashion, bearing in mind that the official reporters of debate cannot properly transcribe two Members simultaneously.

Members should address their remarks in debate to the presiding officer and not to others in the second person or to some perceived viewing audience.

Members should not embellish the offering of a motion, the entry of a request, the making of a point of order, or the entry of an appeal with any statement of motive or other commentary, and should be aware that such utterances could render the motion, request, point of order, or appeal untimely.

Following these basic standards of practice will foster an atmosphere of mutual and institutional respect. It will insure against personal confrontation among individual Members or between Members and the presiding officer. It will facilitate Members' comprehension of, and participation in, the business of the House. It will enable accurate transcriptions of proceedings. In sum, it will ensure the comity that elevates spirited deliberations above mere

The Chair appreciates the attention of the Members to these matters.

### ROTA CULTURAL AND NATURAL RESOURCES STUDY ACT

The SPEAKER. Without objection, 5minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1141) to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia (Mr. WITTMAN) that the House suspend the rules and pass the

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 100, not voting 55, as follows:

[Roll No. 6]
YEAS-278

Napolitano

Nunes

Olver

Owens

Pavne

Pelosi

Peters

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Peterson

Pallone

Pastor (AZ)

Perlmutter

Pingree (ME)

Price (GA)

Price (NC)

Quigley

Rahall

Rangel

Rehberg

Reichert

Richardson

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Reves

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Rivera

Roe (TN)

Rogers (AL)

Rogers (KY)

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Rooney

Ross (AR)

Runvan

Ryan (OH)

Rvan (WI)

Sarbanes

Schiff

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Scott (VA)

Scott, Austin

Scott, David

Serrano

Shimkus

Simpson

Smith (NE)

Smith (NJ)

Smith (TX)

Sires

Speier

Stark

Sullivan

Thompson (CA)

Thompson (MS)

Sutton

Tiernev

Tsongas

Turner (OH)

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Walz (MN)

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Schultz

Wilson (SC)

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Waters

Welch

West Wilson (FL)

Wolf

Waxman

Tonko

Upton

Sewell

Schakowsky

Rohrabacher

Ros-Lehtinen

Rothman (NJ)

Roybal-Allard

Ruppersberger

Sanchez, Loretta

Robv

Ackerman

Altmire

Amodei

Andrews

Bachus

Barrow

Barletta

Bartlett

Barton (TX)

Bass (CA)

Bass (NH)

Berg

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Fleming

Fudge

Fortenberry

Frank (MA)

Garamendi

Frelinghuysen

Emerson

Dingell

Doggett

Diaz-Balart

Donnelly (IN)

Dent

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Cooper

Costa

Cohen

Cole

Carnahan

Carson (IN)

Castor (FL)

Boustany

Braley (IA)

Brown (FL)

Burton (IN)

Buchanan

Bilirakis

Bishop (GA)

Bishop (NY)

Bishop (UT)

Blumenauer

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Gerlach Gonzalez Graves (MO) Green, Al Green Gene Griffith (VA) Grimm Guinta Guthrie Hahn Hanabusa Hanna Harper Harris Hastings (FL) Hastings (WA) Heck Heinrich Hensarling Herger Herrera Beutler Higgins Himes Hinojosa Hirono Hochul Holden Holt Honda Hoyer Hunter Hurt Israel Issa. Jackson (IL) Jackson Lee (TX) Jenkins Johnson (GA) Johnson, E. B. Jones Keating Kellv Kildee King (NY) Kissell Labrador Lamborn Landry Langevin Lankford Larsen (WA) Larson (CT) Lee (CA) Levin Lewis (CA) Lewis (GA) Lipinski Loebsack Lofgren, Zoe Long Lowey Lucas Luján Lungren, Daniel E. Lynch Marino

Matheson Matsui McCarthy (CA)  $McCarthy\ (NY)$ McCaul McClintock McCollum McDermott McGovern McHenry McIntyre McKinley McMorris Rodgers McNerney Meeks Michaud Miller (NC) Miller, Gary Moore Moran Murphy (CT) Murphy (PA) Myrick

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Adams Aderholt Akin Amash Bachmann Benishek Black Blackburn Broun (GA) Bucshon Buerkle Burgess Campbell Cassidy Chabot Coble Conaway DesJarlais Duncan (SC)

Coffman (CO) Duncan (TN) Farenthold Fitzpatrick Fleischmann Flores Forbes Foxx Franks (AZ) Gardner

Garrett

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Gibson

Flake

Gohmert

Goodlatte

Graves (GA) Griffin (AR) Hall Hartzler Hayworth Huelskamp Huizenga (MI) Hultgren Johnson (OH) Johnson, Sam Jordan King (IA) Kingston Kinzinger (IL) Kline Lance Latham Latta. LoBiondo Luetkemeyer Lummis Manzullo McCotter Meehan Mica Miller (FL) Miller (MI) Mulvaney Neugebauer Nugent Olson NOT VOTING-

Yarmuth

Gowdy

Granger

NAYS-100

Palazzo Paulsen Pearce Pitts Poe (TX) Pompeo Posey Quavle Reed Renacci Ross (FL) Royce Scalise Schilling Schmidt Scott (SC) Sensenbrenner

Sessions Shuster Southerland Stearns Stivers Stutzman  $\operatorname{Terry}$ Thompson (PA) Thornberry Tiberi Tipton Walberg Walsh (IL) Westmoreland Young (IN)

Alexander Gallegly Noem Austria Giffords Baldwin Gingrey (GA) Paul Berkley Gosar Pence Grijalya. Berman Bonner Gutierrez Bono Mack Hinchey Rush Brady (PA) Inslee Brady (TX) Johnson (IL) T. Butterfield Kaptur Carter Kind Clvburn Kucinich Culberson LaTourette Davis (IL) Mack DeFazio Maloney Denham Marchant Watt Farr Markey Webster McKeon

Pascrell Platts Roskam Sánchez, Linda Sherman Shuler Slaughter Smith (WA) Towns Turner (NY)

Whitfield

### □ 1908

Miller, George

Mr. YOUNG of Indiana changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 6, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

#### PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I want to state for the RECORD that on January 23, 2012, I missed the two rollcall votes of the day.

Had I been present I would have voted "yea" on rollcall vote No. 5, on H.R. 3117— Permanent Electronic Duck Stamp Act of 2011. Additionally, had I been present, I would have voted "yea" on rollcall vote No. 6, on H.R. 1141-Rota Cultural and Natural Resources Study Act.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 5 and 6.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, I had a previously scheduled meeting with constituents in Champaign County Illinois and was unable to attend votes this evening. Had I been present, I would have voted "yea" and "yea" on H.R. 1141, the Rota Cultural and Natural Resources Study Act and H.R. 3117, the Permanent Electronic Duck Stamp Act of 2011.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. ROSS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

The SPEAKER pro tempore (Mr. Poe of Texas). Is there objection to the request of the gentleman from Florida? There was no objection.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mrs. CAPPS. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 3630, the conference report to extend payroll tax, unemployment insurance, and sustainable growth rate payments for doctors.

The form of the motion is as follows: Mrs. Capps moves that the managers on

the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to file a conference report not later than February 17, 2012.

#### □ 1910

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. SCALISE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3261.

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

There was no objection.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. GRIFFIN of Arkansas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3261.

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

There was no objection.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3609

Mr. LANKFORD. Mr. Speaker, due to a clerical error, I ask that the name of

the gentleman from Michigan, JUSTIN AMASH, be removed as a cosponsor from H.R. 3609.

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

There was no objection.

#### MARCH FOR LIFE

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

Mr. FLEISCHMANN. Mr. Speaker, I was honored to speak at the March for Life today at the rally on the National Mall earlier today. Thousands of Americans came together in our cause to protect the sanctity of all human life and voice our continued opposition to the decision made in Roe v. Wade.

I am reminded each and every day now how precious life is and why we should stand up for its intrinsic value. It is our belief that life is sacred from the moment of conception until the grave.

That separates us from so many others in the world. Every abortion is a tragedy, but being pro-life isn't just about conception to birth, it's about the entire existence of a person. It encompasses more than just their physical well-being. A soul cannot flourish, a person cannot prosper if they aren't first allowed to live. Being pro-life is also promoting faith, education, jobs and the overall quality of life.

I will continue to fight against the culture of abortion and fight for the right of life, liberty and the pursuit of happiness.

#### CENTER AISLE CAUCUS

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

Mr. MURPHY of Connecticut. Mr. Speaker, I'm so grateful that as we prepare to receive the President tomorrow night for his State of the Union Address that we're going to be joined by our colleague, Congresswoman GABBY GIFFORDS. The courage that she has shone in her long recovery has been an inspiration to all of us, and I'm proud to call her a friend.

Last year, in the aftermath of that terrible and tragic shooting, we came together as a Congress for the State of the Union. We put aside our partisan differences, and we convened as a united body. Republicans sat with Democrats, conservative Members sat with liberal Members. It was a small but symbolic gesture that this place can rise above partnership for the greater good of this Nation.

As cochair of the House's Center Aisle Caucus, I, along with my fellow cochairs are calling on this House to do it again. Tomorrow night, let's sit together, let's show the Nation again that with GABBY in our midst we can be one rather than be divided. Now our small but growing caucus brings together Members who believe that we can discuss issues in a civil and respectful manner. I hope that all of you, all of my colleagues, will join us in an effort to build on the success of last year and start a new bipartisanship tradition in this House.

#### HONORING FORMER ILLINOIS REP-RESENTATIVE EDWARD DERWINSKI

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

Mrs. BIGGERT. Mr. Speaker, I rise today with great sadness to report the passing of former Illinois Representative Edward Derwinski.

Congressman Derwinski dedicated his life to public service, including 24 years here in the House serving Illinois' Fourth District from 1959 to 1983. He passed away on January 15 at the age of 85. Perhaps best known for his colorful and engaging personality, he went on to serve as the Undersecretary of State for National Security Affairs, and in 1989 he led efforts to renew our country's commitment to its veterans as first ever Secretary for Veterans Affairs.

President George H.W. Bush once said of Ed, a former infantryman in World War II, that he had the skill of a seasoned legislator, the patience of a practiced administrator, the finesse of a diplomat, and the heart of a man who knows what it means to start his government career as a private in the United States Army.

Today I join my colleagues in the Illinois delegation in honoring his service to our State and Nation. My thoughts and prayers are with all those who knew him best, especially his wife, Bonnie; son, Michael; daughter, Maureen; stepdaughter, Maggie; stepson, Kevin; sister, Bernadette; and his seven grandchildren.

# TRIBUTE TO ARMY MASTER SERGEANT JOHN F. BAKER, JR.

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

Mr. WILSON of South Carolina. Mr. Speaker, last Friday retired Army Master Sergeant John F. Baker, Jr., a recipient of the Medal of Honor, died at the age of 66.

Master Sergeant Baker was a native of Davenport, Iowa, before relocating to South Carolina. My thoughts and prayers are with his wife, Donnell, and the Baker family. Master Sergeant Baker served in Vietnam and received the Medal of Honor after braving intense Communist fire to safe the lives

of eight American soldiers on November 5, 1966.

Master Sergeant Baker was one of 239 servicemembers to receive our Nation's highest honor for conspicuous gallantry and courage during their service in the Vietnam War. He was also the last Army soldier to be awarded the Medal of Honor and have residency in South Carolina.

Our country is very grateful for the service of Master Sergeant John Baker. He went well beyond the call of duty, sacrificing so much for this great Nation, and will be remembered as a true American hero, along with the late Colonel Chuck Murray of Columbia.

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

#### TIME TO STAND UP FOR LIFE

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

Mr. FLEMING. Mr. Speaker, as a family physician for more than 30 years, I've had the privilege of delivering hundreds of babies. I have witnessed the miracle of life itself firsthand, and I believe that every human life at any stage is unique and fully deserving of my protection as a physician. The authority of our government should stand behind the protection of human life.

I am proud to be from Louisiana, a State recently ranked number one on life issues by Americans United for Life. Louisiana has implemented some commonsense protections, including a requirement that any woman seeking an abortion must understand how that unborn child is developing, the pain her child will experience during the abortion, and the facts about risks and the alternatives to abortion.

Louisiana has banned partial birth abortion and prohibits abortion providers from getting taxpayer dollars to pay for abortion services. We are making progress.

But abortion still happens. In the last 39 years, there have been more than 54 million babies terminated. This is a heart-breaking number, and it is past time to end this scourge and protect human life from conception to natural death.

#### KEYSTONE XL PIPELINE

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

Mr. BURTON of Indiana. Mr. Speaker, I was listening to Rush Limbaugh today, as I quite frequently do, and they had a Democrat truck driver, African American Democrat truck driver, come on and he talked for about 4 or 5 minutes, which is unusual, when you listen to Rush, for him to let somebody talk that long.

But this fellow was very intelligent, and his remarks were something I wish everybody, including the President, could hear. And he said, you know, I was a big supporter of President Obama, and I voted for him. He said, but when he stopped that pipeline, which would bring thousands of jobs to America, and also maybe help us lower the price of gasoline and diesel fuel—and I presume he used a lot of diesel fuel—he said that really, really bothered me.

And he said, when they started talking about inflation, whether or not we had it, he said, I'm telling you, there is inflation. I can't hardly afford to buy groceries or to live anymore. And he said because of that, I'm not going to vote for President Obama this time, I'm going to vote for whoever is running against him.

Now, I hope, since the President is working on his State of the Union speech, he'll take what that African American, intelligent young man said today and take it to heart. It's extremely important that we get that pipeline and start worrying about American jobs.

#### □ 1920

#### KEYSTONE XL PIPELINE

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

Mr. POE of Texas. Mr. Speaker, today there are thousands of Americans who are forced to pay \$3.50 a gallon just to fill up their car to get to work. And there are more than 14 million other Americans who can't get to work because they don't have jobs.

Meanwhile, the little fellow from the desert, Ahmadinejad of Iran, threatens to block the Strait of Hormuz and thus control oil shipments and the international price of oil.

The Keystone XL pipeline would bring 700,000 barrels of oil per day from our stable, friendly ally, Canada. And it would bring it down to my district in southeast Texas. It would create at least 20,000 jobs and over 100,000 related jobs. But the administration arbitrarily just said "no" to jobs, "no" to energy, and "no" to national security. This pipeline is in the national interest. Build the pipeline. Make unstable Middle Eastern countries irrelevant. Put Americans back to work, lower the cost of energy.

While the administration continues to say "no" to Americans, Congress has the obligation and legal ability to say "yes" to America.

And that's just the way it is.

#### LIFE BEGINS AT CONCEPTION

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

Mr. BARTON of Texas. Mr. Speaker, in the spring of 1981, I was applying for the White House Fellow's Program, which is a program where you work for the President of the United States for 1 year in one of the executive agencies like the Department of Energy or the Department of State. Our regional seminar was in Austin, Texas, at the LBJ School of Government. We had a lunch, and I sat at lunch with Hillary Rodham Clinton and a lady name Sarah Weddington, who was the lead attorney in the Roe v. Wade Supreme Court case. Little did I know then, back in 1981, that that case would still be the law of the land.

Today, thousands of people from all over the United States came to protest that court case and asked the Congress to help overturn it.

I'm a lifetime 95 percent pro-life voting Member, and I pledged to the crowd on the Mall that I would do everything I could in Congress to help overturn that decision. Life is precious. Life begins at conception, and we need to recognize that in the Congress of the United States.

#### JOB GROWTH

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

Ms. FOXX. Mr. Speaker, fostering job growth for the American people continues to be the number one job for House Republicans. We certainly don't know what the number one job is for President Obama, but it doesn't seem to be creating jobs. He talks a good game, but when it comes to delivering, he does nothing. He has refused to approve the Keystone pipeline, which would immediately create 20,000 jobs, bring down the price of gasoline for hardworking Americans, and ultimately create hundreds of thousands of jobs.

You would think with unemployment above 8 percent for the past 35 months and the Obama economy continuing to produce the Nation's worst jobless record since the Great Depression that we would see different actions out of the President.

Last year, following the House Republican plan for America's job creators, the House passed more than 30 bipartisan bills on behalf of the American people. We outline them on this card. Each bill is aimed at unleashing the power of our private sector to freely and confidently build, invest, innovate, and expand again and put millions of Americans back to work. The Keystone pipeline is one of those projects that should be done.

Unfortunately, 27 of these bipartisan House-passed jobs bills are being ignored or blocked in the Democrat-controlled Senate. The American people are tired of waiting. It's time for the Democrats in the Senate and the White

these jobs bills.

#### PREGNANCY CARE CENTERS

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

Mr. MANZULLO. Mr. Speaker, today we recognize the Roe v. Wade decision and its aftermath. In 1982, my wife and I had the opportunity to work to start what became the seventh crisis pregnancy center in the country. Now they are known as pregnancy care centers. The work that we did in Rockford, Illinois, spilled into Freeport, Illinois, and DeKalb, Illinois. We set up these centers so we could be there to minister to the women who had very difficult decisions to make.

The pregnancy care centers throughout the country offer all kinds of service, from ultrasound to social services to working with the women and with the fathers involved in a very difficult situation.

We commemorate that today we honor those who worked so hard for these crisis pregnancy centers. My wife and I are proud to have been two people who helped start the one in Rockford, Illinois.

#### SANCTITY OF HUMAN LIFE ACT

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

Mr. BROUN of Georgia. The greatest moral issue that this Nation faces today is the killing of 4,000 babies every single day through abortion. God cannot and will not continue to bless this land while this atrocious practice continues.

The first bill I introduced in this Congress when I was elected in 2007, and in every single Congress since then, has been my Sanctity of Human Life Act that scientifically describes beginning of life when spermatozoon, or the sperm cell, enters the cell wall of the ovum, the egg, to create a one-cell human being, the zygote.

Mr. Speaker, it's absolutely critical, if we want to continue to expect God to bless America, that we stop murdering these unborn babies, and I will continue to fight to do so. And I hope my colleagues will see the reality that these are human beings. It's not a glob of tissue; it's a human being created by God, and we have to protect their lives.

#### LIVES LOST TO ABORTION

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

Mr. LAMBORN. Mr. Speaker, I rise this evening in recognition of the over tion since the passage of Roe v. Wade 39 years ago.

In President Obama's statement celebrating the anniversary of Roe v. Wade, he emphasized the principle that government should not intrude on private family matters. Ironically, on Friday, the Obama administration made an unprecedented decision to require all U.S. employers to cover the cost of contraception, including emergency contraceptive drugs, despite the protest from faith-based institutions such as Catholic hospitals and universities. This is a violation of citizens' religious convictions. It will force the organizations to either violate their deeply held views or pay a heavy fine and terminate health insurance plans.

Every human life has inherent value because he or she is made in the image of God. I will continue to fight for the right to life for America's youngest pre-born citizens and for freeing taxpayers from being forced to pay for abortions.

#### WORDS MATTER

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

Ms. JACKSON LEE of Texas. Mr. Speaker, a gentleman by the name of Andrew Adler located in Atlanta, Georgia, and writing for an Atlanta, Georgia, newspaper offered instructions to the prime minister of Israel on how to protect that great nation. He suggested an attack on Hezbollah and Hamas and an attack on Iran. And then he gave number three: Give the go ahead for U.S.-based Mossad agents to take out a President deemed unfriendly to the nation of Israel. That President, I need not say, happens to be the President of the United States now. Words matter.

Mr. Adler has been called upon to apologize, and he did. But he has brought shame to Jewish Americans, to Americans and Israel. And, frankly, the latitude in which he thought he could talk about assassinating the President of the United States without in any way a suggestion of, if you will, challenge, is an outrage and disgrace.

I believe in the First Amendment, but words do matter. We should come together and be unified as a Nation, find ways to disagree with each other without raising words that are hostile and devastating. I beg for this Nation's leaders to stop calling names and talk about policies and how to build this Nation up.

I'm outraged, Mr. Adler. An apology is not enough.

#### □ 1930

CONGRESSIONAL BLACK CAUCUS HOUR: VOTING RIGHTS ACT

The SPEAKER pro tempore (Mr. SCHWEIKERT). Under the Speaker's an-

House to put politics aside and pass 55 million American lives lost to abor- nounced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. Christensen) is recognized for 60 minutes as the designee of the minority leader.

#### GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject matter of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, tonight we are here on the floor of the House of Representatives on the eve of the State of the Union by President Barack Obama, the first African American President of the United States and some 46 years after the passage of the Voting Rights Act which made his election and ours possible. And I'm pleased to be joined by members of the Congressional Black Caucus this evening for this Special Order.

I'd like to yield such time as he might consume to the gentleman from New York, who I believe is the most senior member of the Ways and Means Committee, a former chair of the Congressional Black Caucus and a founding member of the Congressional Black Caucus, Mr. CHARLIE RANGEL.

Mr. RANGEL. Let me thank the gentlewoman from the Virgin Islands for having the foresight to try to protect our Constitution and the voting rights that all Americans are entitled to. Before I get into the subject matter, I would like to really first thank the Speaker for pointing out the guidelines that we would have as relates to the decorum of Members in the House of Representatives. I think it's well heeded and we can walk away with some pride. I just assume that included in that was not to make derogatory remarks about the President of the United States. But recognizing that the whole body and the whole world has already spoken about this issue, then I don't think there is any need for me to elaborate.

Because of the reputation of the United States of America, no matter what we find in our fiscal system or whatever problems we have day-to-day and year-to-year, we still remain the source of hope and inspiration for people all over the world. People teach their kids that if they can only get to America this is the place where you can come from the depth of poverty, and with hard work and education there's no limit to how far you can go.

And while we have fought over the years in order to get equality for those that came as immigrants to this country or slaves, we do recognize that in this country, this country offers all of us the best opportunity in the world to be able to provide a better life for ourselves, our kids and for society generally.

Madam Chairlady, when the early sixties was there, and I marched from Selma to Birmingham, Alabama, it was 54 miles. But, quite honestly, I don't know whether I've admitted this publicly or not, I had no idea that I was going to march 54 miles. I thought I could go down, have my picture taken and come back and say I was with Andy Young, JOHN LEWIS, Ralph Bunche, and Dr. King. But, somehow, I got caught up in it, and I was cussing every step of the way wondering how did I get caught up walking through all of these dark streets and being insulted.

But much later, when I heard Lyndon Johnson say those words, that theme that had directed us emotionally and patriotically that "we shall overcome," I felt so proud, notwithstanding my lack of knowledge of the importance of the issue, that I did march. Then I found out that the Civil Rights Act and the Voting Rights Act weren't just something that made minorities feel good, it made Americans feel good. And the ripple effect of this throughout the world was that we were able to say, see, we told you that in the United States, it's not what we want, but in the United States of America we are working toward full equality.

Now, even today when we give assistance to a country that aspires to have a democracy, more often than not they come here to see how we were able to do it, and we send people to watch what they are doing. And they listen to Americans teaching them what equality is and how to avoid fraud and how everybody should have an opportunity to participate. And notwithstanding what happens in America, we used to have a sense of pride that even though we have our problems we're still respected throughout the world. And what is happening today in certain States that have had a long history of discrimination, it seems as though now they want to take this backward step to cause it to be difficult for people to vote.

Why in the world would this great country want people not to vote? What could it be to have more andmore people express themselves? You go to countries that have 80 and 90 percent of the population participating in this great democracy, and when you vote you care more about the direction in which your country is going. God knows that in America today with the performance of the Congress, if the people were more involved we'd do a better job and do it in a hurry. But having said that, these States are now changing their laws to make it difficult for people to vote.

Even though I have my own suspicions as to why, if you lay out the facts and see what is happening, which States are they and what prohibitions are they putting? They're asking for ID. Well, do we have cases of people

misusing ID? The Attorney General doesn't know of any. And then they're going after those who allow participation on Sundays, then they're going after communities with a high number of poor people, then they go into minority communities, and then they ask older people who have no reason for ID that they have to do it. And people who fought so hard for these rights that were given to them now find themselves, in this late stage, being denied the right to vote.

It is so embarrassing. Not only is it not the right thing to do as Americans, but how can we continue to send people to foreign and developing countries as being the major spokespeople for democracy, when right in this country we are prohibiting—not prohibiting—but discouraging people from participating in the right to yote?

I don't know whether the color of the President or the fact that this President has received record-breaking participation by the very same people that they're making it difficult to vote, but I tell you for you taking the opportunity to bring the attention of this to the Congress, and therefore to the Nation, for you to be able, with the Congressional Black Caucus, to say that we're not protecting our rights, we're protecting our Constitution, we're protecting our country, and there is no question in my mind that we felt better as a people when we were able to overcome the obstacles that were placed.

#### □ 1940

So let me thank you and my fellow colleagues in the Congressional Black Caucus for saying we can vote. They can't hurt us. But it's a better country with everybody, regardless of their color, their age, where they live or how much money they have in the bank, to be able to say, in our country, at this time, we have to move forward, and we cannot find ourselves where we were 60 and 70 years ago.

So thank you so much for this opportunity, and for all of the Members who have taken time this evening to say that we shall indeed overcome for the length of the Constitution of this great Nation.

Mrs. CHRISTENSEN. Thank you, Mr. RANGEL. And thank you again, as a founding member of the Congressional Black Caucus, for reminding the American people why we're called the conscience of the Congress. Thank you for those words.

I'd like now to yield such time as she might consume to the gentlelady from Ohio, who for the last Congress chaired these Special Orders and who is a leader on so many, many issues and whose district I believe the CBC will again be traveling to to help protect the rights of voters in Ohio, Congresswoman MARCIA FUDGE.

Ms. FUDGE. Let me thank my colleague who comes down to this floor

every week. I know what it's like. I thank you for being the anchor for the CBC hour.

Mr. Speaker, I rise today to address the covert voter suppression effort under way in the United States of America. This effort might have begun as a stealth operation, but my colleagues, organizations across the Nation, and I will ensure that Americans are informed and protected, such that voters are well prepared for the gimmicks under way to keep them from casting their ballots in 2012.

During 2011, 34 States introduced legislation that would require voters to show a photo ID to cast a ballot. Approximately 13 States introduced bills to end Election Day and same-day voter registration. As many as nine States introduced bills to reduce early voting, and four States proposed draconian reductions in absentee voting opportunities. Two States took steps backward by reversing prior executive actions that make it easier for citizens with past felony convictions to restore their voting rights.

For many years, America has been described as a beacon of light for the world; the model of democracy and the home of fair elections. As a Nation, we have always rejected voter intimidation at polling places in foreign nations. We frown upon nations that limit the right of its citizens to vote. Yet we now face the same issues that fall disproportionately on the same class of voters that these very laws were designed to protect—the elderly, the disabled, students, and minorities.

I will not stand by, Mr. Speaker, and watch silently as State legislatures attempt to compromise the right of citizens to vote. And as a caucus, we will not be silent. We will not stand by idly as decades of struggle for equal voting rights are trampled upon. We will not turn our backs on voters who now face the erosion of the very premise upon which our Nation is built, and that is the right to vote and to representation.

I am proud to report, however, that 2012 is looking much better than 2011. Connecticut's Secretary of State and Governor introduced a package to streamline voter registration and increase access to absentee voting. In Florida, a bill was proposed to repeal legislation that shortened early voting periods and restricted voter registration drives. A bill introduced in Nebraska that would require a photo ID to vote was removed from the legislature's agenda. In Washington, a bipartisan bill was introduced that would allow 16-year-olds to preregister to vote. The Department of Justice rejected South Carolina's photo ID law, and just last week a circuit court in Wisconsin heard a case against Wisconsin's voter ID law. It looks like 2012 will be a very good year for the protection of voting rights.

These attempts to restrict voting are especially hard on young folks. More

than 1 million students attend colleges, universities, and technical schools in the State of Texas alone, but because of the State's new voter ID law, none will be allowed to use their student ID cards to cast a ballot. Texans, however, can show a gun permit and be allowed to vote, but a college student attempting to use their school-issued ID will be denied.

Earlier this month, Bill O'Reilly vehemently defended laws like the one in Texas. He said if students don't know they can vote absentee, they're too stupid to vote. You're in college, but you're too stupid to vote? What an insult.

During the Jim Crow era, people said African Americans were too stupid to vote. If you were black and you couldn't count the number of jelly beans in a jar or tell the person at the ballot box how many bubbles were in a bar of soap, you were too stupid to vote.

We refuse to return to those days. Stand with us. Protect the franchise. Protect the right to vote.

Mrs. CHRISTENSEN. Thank you, Congresswoman Fudge, for those very strong words, and thank you for the ray of hope by pointing out some of the States that are reversing some of those laws that are making it easier for their voters to vote.

I would now like to yield to the former chair of the Congressional Black Caucus, a leader not only in California but in the country, a person who has always been the conscience of the CBC as we are the conscience of the Congress, Congresswoman BARBARA LEE.

Ms. LEE of California. Thank you very much. I thank the gentlelady for her kind remarks, and I also thank Congresswoman Christensen for her leadership. She serves as the first vice chair of the Congressional Black Caucus and has led on so many issues in this House on behalf of our country and on behalf of her constituents. Thank you very much.

Let me also take a moment to thank Congresswoman Fudge and Congresswoman Jackson Lee, Congressman Bobby Scott and Chairman Rangel for their leadership in defending the most basic element of our democracy—the right to vote. I'd also like to thank our Congressional Black Caucus chair, Emanuel Cleaver, for his focus onthis very critical issue. His leadership is making such a difference on so many important issues in our country.

The right to vote is our most fundamental right that guarantees and preserves all other legal rights. When Americans lose their right to vote, that endangers their ability to defend further attacks on their rights.

The assault on voter rights continues in 2012. In this election year, a coordinated campaign designed to block access to the polls to tens of millions of Americans threatens to undermine our democracy and change election outcomes. And sadly, Mr. Speaker, it's no secret which communities these laws are designed to disenfranchise—communities of color, students, elderly Americans, impoverished families, and the disabled.

Let me say that the Republican legislators and Governors who are pushing these antivoter laws know exactly what they are doing. They saw the election results of 2008, with the surge of voter participation from Americans who had never voted before. They see the rising tide of Americans who seek to change their country by doing their basic civic duty on Election Day. Instead of embracing change, they are desperately trying to avoid change by undermining our voting process.

These Republican legislators are proposing partisan laws that require voters to show a government-approved photo ID before voting. Those who are truly concerned about voter fraud have plenty of actual, documented problems to take on. Why aren't they going after those who spread false information meant to trick voters or public officials who improperly purge eligible voters or political operatives who tamper with election equipment and forms? Instead, they all are pushing laws designed to change election outcomes by reducing voting, repressing turnout, and turning the clock back.

Now, I have an aunt who is 100 years old, who was born at a time when records were not kept like they are today. How in the world would my aunt know where to start to find her birth certificate to be eligible to qualify for a government ID? How can I ask her to pay to do the research so she can figure out where her birth certificate may be and then pay to get a government ID to vote? Outrageous.

One hundred years ago, my aunt did not have the right to vote. Thanks to the hard work of those who came before us, my aunt witnessed the expansion of voting rights to women with the 19th Amendment and the protection of African American and other minority voters with the Voting Rights Act. These regressive laws seek to turn my aunt back to where she was a century ago when she could not vote and her fundamental right to fully participate in our democratic society was cut off, mind you, just cut off by unjust laws.

These partisan laws are shameful and a disgrace to our country. These antidemocratic efforts have no place in a modern democracy, and we must unmask these shameful attempts to disenfranchise voters.

#### □ 1950

We encourage democracy and voting rights all around the world. I was an observer in the first election in South Africa where President Nelson Mandela was elected. I was an observer in the nineties in Nigeria. I witnessed long lines of people waiting patiently to vote. People believed and said to me that in America voting was encouraged rather than discouraged, so we need to stop these partisan efforts that strike at the core of our democracy. It really is, Congresswoman Christensen, fundamentally anti-American.

We have to win this war against voters. We should be about dismantling and reducing barriers so we can reignite their hope for the American Dream.

I want to, again, thank you for your leadership, and Congresswomen FUDGE and JACKSON LEE, and BOBBY SCOTT and Mr. RANGEL and the entire Congressional Black Caucus for their calls and their hard work to protect the right to vote for all citizens across this Nation.

We must protect voters from these attempts to deny access to the heart of our democratic process. We need to move forward and encourage more voter participation. People need to know that they have a stake in this system and in this democracy. These laws were designed to stop that.

Mrs. CHRISTENSEN. Thank you, Congresswoman Lee. And just to underscore what you have shared with us this evening, I don't usually quote from Politico, but let me read the last sentence of one of their articles. It says, the framers bequeathed us a Constitution intended to create a more perfect union. Every time an eligible voter is denied the right to vote we are left that much further from achieving that goal.

Thank you again for joining us this evening.

And now I want to yield such time as he might consume to one of our outstanding constitutional experts and attorneys in the CBC, Congressman BOBBY SCOTT from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlelady from the Virgin Islands for the opportunity to speak. And today I rise in opposition to an unfortunate trend that seems to be creeping up all over the country, laws that add unnecessary complications to the process of voter registration and the process of voting.

Now, some of these initiatives include photo ID laws, reduction in time to vote or to register to vote, laws complicating the rules for running voter registration drives.

Now, none of these little schemes prevent individuals from voting, but the unnecessary complications guarantee that many will not get their paperwork in on time and, as a consequence, many will not be able to vote. In some States, those few votes can make the difference in a presidential election.

Now, we need to protect the right to vote, not add unnecessary complications that will result in fewer people voting. But we see all over the country efforts to reduce the Election Day registration. In those States that have allowed it for decades, those who could have registered on Election Day will find that they cannot vote.

In States that allow early voting, we're seeing efforts to reduce the number of days of early voting, meaning that some people may not be able to get their votes in as they could have with the longer period.

In some States the rules for voter registration drives are becoming more onerous, so much so that groups that have traditionally conducted voter registration drives, such as the League of Women Voters, are having second thoughts about conducting those drives under the new rules, and that will mean fewer people will be registered to vote.

And many States are imposing for the first time a requirement that voters display a specific voter ID. This scheme that is so slanted that, as has been previously stated, some government-issued IDs are acceptable and some are not. Texas proposed to accept the concealed weapons permit as acceptable government-issued ID, but not student IDs from a State college.

Now, Mr. Speaker, these voter ID requirements are a solution in search of a problem. There is no credible evidence that in-person voter fraud, which is the only kind of fraud that the photo ID would prevent, is any problem around the country. In fact, multiple studies have found that virtually no cases of in-person voter fraud can be found.

And the requirement of voter ID in subjecting people to that time and expense will guarantee that many will not get their paperwork in on time. There are complications that can occur when you're trying to get that paperwork done. Some of the elderly have never gotten a photo ID and wouldn't know where to start. Many who are adopted may not know where to find a birth certificate. Many counties—for the elderly people, some counties have lost their records and the records aren't available.

And it produces bizarre results, such as the nuns who were prohibited from voting because they didn't have photo ID, even though the election officials knew them personally.

In Virginia, we have an exception to the photo ID. You have to present a photo ID, but if you don't have one, you can sign an affidavit under pains of a felony and go ahead and vote right now. But unfortunately, even in Virginia they're trying to eliminate that exception and require people to go through the time and expense of getting photo ID if they don't have one.

Now, if we're going to look for problems in the voting process maybe we ought to look at Iowa that just certified, had announced that one person had won the Republican Caucuses one day and a couple of days later certified results that another one had won. And there are public reports that suggest that really nobody knows who won. I mean, if you want to look for some voter irregularities, maybe we ought to look at that.

Or maybe we ought to look at the candidate who tried to become a candidate on the Virginia Republican Presidential Primary this year. He has publicly stated that petition signatures submitted on behalf of hiscampaign, of those signatures, hundreds were, in fact, bogus. And if they had not been caught, he would have qualified for the ballot. But fortunately, it has been ascertained that so many were bogus signatures that he, in fact, did not qualify for the Virginia ballot.

But as we see all over the country, efforts to reduce Election Day registration and other forms of ease in voting are making it possible for many people to lose those rights. While the situations like Iowa and in Virginia, where it's clear that those situations need scrutiny, there is no evidence that inperson voter fraud is a problem anywhere in the United States.

Voting is not an arbitrary, inconsequential act. The cumulative effect of individuals voting elects our government officials who directly create our laws and policies. It is important that we ensure that every eligible voter is given the opportunity to vote, free from unnecessary barriers and schemes. Those schemes that erect barriers to the right to vote are unfair in our democracy.

And I thank the gentlelady from the Virgin Islands for giving us the opportunity to make these statements.

Mrs. CHRISTENSEN. I thank you for joining us and for pointing out some of that data and helping to explain to the American public the injustice that's being done by these voter restrictions on voting and restrictions on registration.

We're also joined by another fighter for justice and equality, a strong voice in the Congressional Black Caucus, the gentlelady from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I'd like to thank Dr. CHRISTENSEN, which I enjoy calling her that because she has been of such value and service to this Congress and to this body, the Congressional Black Caucus, and thank her for her leadership in convening this very important discussion on voter protection.

I'm very delighted to be joined, and I thank him very much, by Congressman BOBBY SCOTT, who has served and we are serving on the Judiciary Committee. And I know that he remembers that in about 2006, 2007, after years of rumors of the Voting Rights Act ending, we clarified it by coming together in a bipartisan manner and over

months of hearings, convinced a then, I believe, Republican and moving into a Democratic Congress, but a bipartisan Congress, that the Voting Rights Act was needed, and it needed to be reauthorized in certain sections.

And so our stand today is to reinforce that issue. And so I would like to thank, again, Congressman RANGEL, who so movingly told of his long journey and walk to support the Voting Rights Act, Congresswoman FUDGE, who has been a champion in her State in Ohio, Congresswoman LEE, and then Congressman SCOTT, who all bring to the table a personal story about voter protection.

#### $\square$ 2000

But I must make mention of our friend Congressman John Lewis, who is the epitome of the civil rights movement around the idea of voter protection and enhancement. Many of us are not aware of Mr. Filner, who was one of the Freedom Riders and celebrated the Freedom Riders in the last year, their 50 years. My colleague Congressman AL Green, who led the NAACP in Houston during times when we were under siege as it relates to voting opportunities.

And I remember working for the Southern Christian Leadership Conference in the South in the aftermath in the 1970s of the Voting Rights Act actually going to many States, from North Carolina to South Carolina to Georgia and Alabama, where African Americans were still not registered, had still not had the full impact. I remember walking miles with Prairie View University students to allow the students to vote.

So this is a cause for which we have been on a long journey, and it saddens me that we are here again today fighting for voter protection in the year 2012 as we look to our Presidential elections

I might offer to my colleagues the words of Barbara Jordan, who could not have come to Congress if it had not been for the passage of the 1965 Voting Rights Act. Sitting in the Judiciary Committee she offered these words: "I believe hyperbole would not be fictional and would not overstate the solemnness I feel right now. My faith in the Constitution is whole, it is complete, it is total."

She said that of course during the impeachment hearings of Richard Nixon, but really the point was that she felt that the Constitution breathed life, if you will, into the rights of Americans, and the Constitution spoke to the voting rights of African Americans and others through the 14th and 15th Amendments.

But over the years, we had not been protected. And so the Congress, through the leadership and sacrifice of Dr. Martin Luther King, whose monument is magnificent, they passed the

Voting Rights Act. The constitutionality was challenged in 1966. It barely got passed. And the Supreme Court said this: Congress has found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting.

This is what they found over the years in the Deep South; that it was constant, it was ongoing because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systemic or systematic resistance to the 15th Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of evil to its victims. That was a landmark case in 1966, South Carolina v. Katzenbach, the Attorney General of the United States, to reaffirm the Voting Rights Act of 1966.

Here we are now almost 50 years plus where we are fighting this case again, and I might add, in not too friendly a climate. First of all, fraud is offered. and I notice that my colleague mentioned the unfortunate facts or the circumstances in Iowa where one Republican presidential candidate was declared a winner and then now another. And I did not hear voices being raised about whether there was fraud. Maybe it was a miscount, a mistake. But you didn't hear the outrage that we have heard over the seeming increase, or the effort to increase, the votes of poor people and minorities, and in particular Latinos and African Americans.

Might I just say with a sense of pride, the Honorable Barbara Jordan added Texas to the Voting Rights Act coverage by adding language minorities in I believe about 1978.

But the thought that fraud is bad and should be prosecuted, but a photo ID does not prevent voter impersonation, that it doesn't work—requiring a photo ID amounts to discrimination. Eleven percent of the entire voting-eligible population, 2.1 million, do not have a government-issued photo ID. You're discriminating against them. Twentyfive percent of eligible African American voters do not have a qualified voter ID. A 2006 nationwide study of voting-age citizens by the Brennan Center for Justice of the New York University School of Law found that African Americans are more than three times as likely as Caucasians to lack a government-issued ID.

You talk to many of our seniors and they were born with midwives. My mother, God rest her soul, we could not, as long as we looked for her birth certificate, could not find it, but she did have a voter registration card. Nationwide, 18 percent of eligible voters over 65 lack an ID. Voter ID laws are costly and add to the deficit. Missouri estimates that the ID law would cost the State over \$20 million to implement, and it goes on to say North Carolina, \$14 million.

This is a shame on us. This is a pox on our House. And it is a pox on our House because fraud cannot be documented. As my colleague indicated how ironic it is that a student ID, students at State colleges, private colleges, historically black colleges, Hispanic-leaning colleges can't use a credible ID that colleges take great pride or great efforts to secure. Photo ID. Young people who we want to see cherish the democracy of this country can not in fact use their ID. But yet a gun ID can be used.

Just a few weeks ago in the Judiciary Committee—somewhat related—we were trying to pass legislation that says if you have a gun ID in Georgia, you can use your gun permit in another State. We're willing to give all of these rights to those carrying a gun ID, which may in fact jeopardize our law enforcement officers in all of the different States by not knowing who's in there carrying a gun permit.

But yet the sacred and simple act of being able to vote for a person of your choosing causes the ire of so many State legislatures who, after the 2010 election and the misrepresentation that there was fraud in the 2008 election, maybe because we elected the first African American President, or some crisis generated this response, we have this kind of map that shows practically 40 States, it looks like, all but 11, that require photo ID, that photo ID requested, that photo legislationis proposed.

Congresswoman, I ask on what basis have we now taken the Constitution, the Voting Rights Act, and the constitutionality of the Voting Rights Act to do it?

Let me just share these points as I come to a close and ask that we continue the efforts.

I look forward to a voter protection meeting by the Congressional Black Caucus in Houston. The State of Texas has the voter ID law that is now being pre-cleared. I understand that all of my colleagues are in the middle of redistricting, but let me just say this is not in any way promoting Texas, but I believe that we may be the singular case that is going to ascertain the integrity of the Voting Rights Act and voter protection.

Right now Texas is in three courts: the Supreme Court, the District Court of Appeals here in the District of Columbia, and the San Antonio Federal Court. We are fighting on three different levels.

I might say this without any punitive comments intended. We had an interim plan, and this is under the Voting Rights Act, that one person, one vote. And Congresswoman, I think it is important to note that the Voting Rights Act protects all Americans. Its premise is one vote, one person. Its premise is not fraud but opportunity.

So when we have the redistricting and some sections of the Voting Rights

Act protect the idea of one person, one vote, we take these cases not for personal promotion, meaning Members of Congress and State legislators, but to ensure the integrity of the vote.

So when the court ruled in San Antonio just briefly that the plan did not work, that the State of Texas wrote and gave us a new plan, the State of Texas went to the Supreme Court—not the individuals trying to protect the right of voters—went to the Supreme Court to stay that plan.

Well, the Supreme Court did render a decision. We're still in the midst of our confusion. But I just have to put this on the record. The Supreme Court assessed us, the ones who did not appeal, \$18,000 to pay for printing. For those of us who are lawyers, we are simply questioning in wonderment how you can charge individuals who did not take the case up to the Supreme Court, who were being guided by the Federal Court, who had a plan and assessed us \$18.000.

I simply say here is another way that you can not protect voting, because inevitably, those who are on the side of the Voting Rights Act are not rich. We inevitably in many instances are not the State.

#### □ 2010

It's the State coming against those who are trying to say, "One vote, one person." I bring this up just as I close.

Let me just say that, in the course of the hearings that we had in reauthorizing the Voting Rights Act, we discovered that there were problems with voting across the country. In 2004, nearly 4,500 people reported problems with ballots that were coming to them; 1,000 people reported voting intimidation; 7,000 reported registration problems

Also, as you well know, the status of voting laws now, meaning the voting ID or voter identification, limits the kind of voter ID you can use. It excludes the most common forms of identification—student IDs, Social Security cards—and they offer no alternatives. There are changes requiring proof of citizenship as a condition for voter registration, limitations or the outright elimination of early voting opportunities, and barriers to first-time voters by suggesting that there is no same-day registration.

So I would simply argue that this is an important Special Order that you have tonight. What I feel in my heart is that we have to educate the public. They have to raise their level of, not anxiety, but of cause, in that they have a cause. They've got to get their marching shoes on again. They've got to get their shoes of being the carriers of justice as those civil rights legends and heroes did. They've got to get like the movie "The Help" when those domestics, those people who work for others, walked in the Montgomery Bus

Boycott because they were trying to do for others. So I want to thank you for allowing me to share with you this evening.

I also want to indicate that this very fine letter that was sent by Members of Congress to the Attorney General on July 25, 2011, should be upheld; that of these voter ID laws that may suppress the vote, we want to have voter protection by having a vigorous review of all of these laws, and one of them happens to be the voter ID requirement in the State of Texas.

Thank you for allowing me to participate in an opportunity to share and in an opportunity to tell a message to our colleagues that the justice of voting is justice for everyone and that the protection of voting is the protection of voting for everyone.

Mrs. CHRISTENSEN. I thank the gentlelady for those strong words.

Again, I'm going to go back to the article in Politico because everyone has made reference to the charges of fraud. In this article, it reads, "official and academic studies have consistently shown that the chances of being hit by lightning are greater than the likely

incidence of such fraud.'

So today, as we prepare for the elections in November of this year, we have seen an unprecedented—at least unprecedented since August of 1965-attack on the rights of Americans to vote. As you've heard, these attacks have taken many forms: expanding bans that prevent felons from voting; cutting election administration budgets in States; curtailing early voting, something that was used very effectively in previous elections; eliminating same-day registration; intimidating voter registration by some groups, which extends in some places to intimidation on Election Day; imposing strict ID requirements; creating barriers to getting the required ID; and creating barriers to voting by students in schools outside of their States.

Again, the voter fraud claims are bogus, and as our chairman, EMANUEL CLEAVER, said in testimony before the Senate Committee on the Judiciary late last year, "The laws are solutions in search of problems, especially when it comes to voter ID, because there is basically no evidence of fraud." Many studies, as I've said, have supported that statement.

With an estimated 11 percent of Americans not having IDs that would meet the requirement, it is projected that these new attacks on the rights of American citizens to vote will prevent millions of people—mostly manv Democrats, mostly minorities and the elderly-from voting and could affect as many as 171 electoral votes. It is clear to me, whether racially based or not, that this is a direct attempt not only to undermine the election process but is a specific attempt to derail what surely would be and ought to be the re-

election of Barack Obama.

The CBC is speaking out as is the NAACP, but I'm still waiting for the cries of many of the good people of this country. This is an egregious injustice and a threat to democracy and to the stability of our Nation, and it must not be allowed to continue. The Congressional Black Caucus has met with officials of the Justice Department; and as Congresswoman Jackson Lee has stated, the CBC has sent a letter to Attorney General Eric Holder, which has over 100 signatures from other Members, registering our grave concern over these laws and proposed laws, urging that the Department of Justice examine them and ensure that the rights of voters are protected.

In March, we will take up the torch of those who marched across the Edmund Pettus Bridge to continue to fight for equal rights and, together with the NAACP and other partners, to begin a voter protection tour to key cities in order to call attention to the injustice; to mobilize efforts to help individuals get the required ID or vote where there still remains some early voting; and to continue to press the Justice Department to do all that is in its authority to protect this right that so many fought, sacrificed, and died for.

Congresswoman JACKSON LEE Asshowed, this is the map. It's called the 'Map of Shame." Only 11 States are without voter ID laws or are requesting one or have legislation proposed. How will we ever be able to lead and speak for the rights of the disenfranchised in other parts of the world? That was something raised by Congressman RAN-GEL as we began the Special Order. Where will we get the moral authority if this travesty is allowed to exist and if we undermine this very fundamental right, the right to vote?

Already the undue influence of big money from undisclosed donors is influencing elections. Already theugly specter of racism has been raised to divide our country and to misinform and inflame some segments of our country. This is not the country that we want to be. The Voting Rights Act was passed in August of 1965, and at that time, it ended over a century of denial of the right to vote to African Americans in the South and to Latinos in the Southwest as well. In voting rights, as with health care reform, as someone said earlier, we are not going back.

I would like to just take a few minutes of the time we have left to call attention to a crisis in my district, in the U.S. Virgin Islands. Last Wednesday, January 18, we suffered an economic earthquake with the announcement that the HOVENSA oil refinery—it's either the second or the third largest oil refinery in the Western Hemisphere—is going to close in the middle of February. Now, we're a small community-110,000 throughout the entire Virgin Islands—and we're maybe about

55,000 on the Island of St. Croix, so a hit of over 2,000 jobs is a big hit to our economy. Those are the direct jobs. Of the people who work either for HOVENSA or their subcontractors on the site, there will continue to be about 100 employees for oil storage facilities, but the impact will reverberate throughout that entire commu-Businesses that rely nitv. on HOVENSA from some of their suppliers—hotels and restaurants and even some of our private schools-are wondering how they are going to survive and keep their doors open when HOVENSA closes.

We are looking at a number of issues. and we still have a lot of questions that we need to ask, but I wanted to bring this to the attention of my colleagues because this is a severe crisis. As all of our States have been, we were already having layoffs and having to cut salaries and impose austerity measures on our population. The closing of this refinery is a major hit, and it has left my community reeling. So I ask for your prayers, and at the appropriate time I will probably come and ask for your assistance on behalf of the people of the Virgin Islands.

I want to take this opportunity to thank my colleagues Congressman RANGEL, Congresswoman FUDGE, Congressman Scott, Congresswoman Lee, and Congresswoman Jackson Lee for joining me in this Special Order to speak to the issue of voter protection for the people of this country—the protection of a fundamental right that must not be abridged.

I would be happy to yield to my colleague from Texas if she would like to have some more time.

#### □ 2020

Ms. JACKSON LEE of Texas. First, I want to speak to the gentlelady's last comment and say that you have been a champion for the Virgin Islands. I have had the privilege of having several meetings there. They are generous people, they are our neighbors, and so I personally want to say, experiencing and understanding the impact of the loss of a major entity is something many of us have gone through.

In this instance I wanted to say, yes, we will stand with you and be of help. I'm introducing legislation that deals with trying to look at the energy industry in a way to help it grow in a fair way, to be environmentally safe, and I know that you are certainly someone who is a champion of the environment but have found that that business is served economically, and I want to make sure that we have these kinds of industries, and they are not mutually exclusive. I don't have the facts of what has generated this action, but we need to be helpful.

My legislation talks about using the energy industry to also support improving the environment, and I think that creates jobs as well. So I just want to say that I look forward to working with you and thank you for bringing that issue to our attention, because voter protection gives people the opportunity for expressing their views. We know that the opportunity for work and for jobs is crucial as well.

Mr. Speaker, I rise today to speak about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a right under the Constitution rather than being treated as though it is privilege.

I am joined by my colleagues here today to call on all Americans to reject and denounce tactics and measures that have absolutely no place in our democracy. I call on African-Americans, Hispanic and Latino Americans, as well as Asian-American voters to band together to fight for their right to vote and to work together to understand their voting rights which are granted to citizens of our nation by our laws and our Constitution.

I call on these citizens to stand against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb tactics of intimidation and harassment is to vote. Is to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

As a Member of this body, I firmly believe that we must protect the rights of all eligible citizens to vote. Over the past few decades, minorities in this country have witnessed a pattern of efforts to intimidate and harass minority voters through so-called "Voter ID" requirements. I am sad to report that as we head into the 21st century, these efforts continue.

Never in the history of our nation, has the effect of one person, one vote, been more important. A great Spanish Philosopher, George Santayana once said "Those who cannot learn from history are doomed to repeat it." Our history has taught us that denying the right to vote based on race, gender or class is a stain on the democratic principles that we all value. The Voting Rights Act was a reaction to the actions of our passed and a way to pave the road to a new future.

The Voting Rights Act (VRA) was adopted in 1965 and was extended in 1970, 1975, 1982, and 2007. This legislation is considered the most successful piece of civil rights legislation ever adopted by the United States Congress. Contrary to the prevailing rumor that the Act is due to expire, leaving minorities with no rights, the Act is actually due for reauthorization in the 2nd session of the 108th Congress-there is no doubt about whether it will continue to protect our rights in the future.

The VRA codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. Adopted at a time when African Americans were substantially disfranchised in many Southern states, the Act employed measures to restore the right to vote to citizens of all LIS states

By 1965, proponents of disenfranchisement made violent attempts to thwart the efforts of

civil rights activists. The murder of votingrights activists in Philadelphia and Mississippi gained national attention, along with numerous other acts of violence and terrorism.

Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded the President and Congress to overcome Southern legislators' resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act

Congress adopted this far-reaching statute in response to a rash of instances of interference with attempts by African American citizens to exercise their right to vote—a rash that appears to be manifesting itself again in this Nation. Perhaps a legislative measure is needed to respond in a way that the VRA did.

The Supreme Court upheld the constitutionality of the VRA in 1966 in a landmark decision—South Carolina v. Katzenbach, 383 U.S. 301, 327–28:

Congress had found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims.

It seems that the "obstructionist tactics" that threatened the aggrieved parties in Katzenbach have returned. The advantages of "time and inertia" that were shifted from bigoted bureaucrats to minority victims are slowly shifting back against their favor when educators, government leaders, and agencies are allowed to contravene the policy and legal conclusions given by the highest court in the country.

Several factors influenced the initiation of this civil rights legislation. The first was a large shift in the number of African Americans away from the Republican Party. Second, many Democrats felt that it was a mistake of its Southern members to oppose civil rights legislation because they could lose more of the African American and liberal votes.

No right is more fundamental than the right to vote. It is protected by more constitutional amendments—the 1st, 14th, 15th, 19th, 24th and 26th—than any other right we enjoy as Americans. Broad political participation ensures the preservation of all our other rights and freedoms. Three State laws that impose new restrictions on voting, however, undermine our strong democracy by impeding access to the polls and reducing the number of Americans who vote and whose votes are counted.

#### VOTER IDENTIFICATION

There have been several restrictive voting bills considered and approved by states in the past several years. The most commonly advanced initiatives are laws that require voters to present photo identification when voting in person. Additionally, states have proposed or passed laws to require proof of citizenship when registering to vote; to eliminate the right

to register to vote and to submit a change of address within the same state on Election Day; to shorten the time allowed for early voting; to make it more difficult for third-party organizations to conduct voter registration; and even to eliminate a mandate on poll workers to direct voters who go to the wrong precinct.

These recent changes are on top of the disfranchisement laws in 48 states that deprive an estimated 5.3 million people with criminal convictions—disproportionately African Americans and Latinos—of their political voice.

Voter ID laws are becoming increasingly common across the country. Today, 31 states have laws requiring voters to present some form of identification to vote in federal, state and local elections, although some laws or initiatives passed in 2011 have not yet gone into effect. Some must also be pre-cleared under the Voting Rights Act prior to implementation. In 16 of those 31 States, voters must (or will soon be required to) present a photo ID—that in many states must be government-issued—in order to cast a ballot.

Voter ID laws deny the right to vote to thousands of registered voters who do not have, and, in many instances, cannot obtain the limited identification states accept for voting. Many of these Americans cannot afford to pay for the required documents needed to secure a government issued photo ID. As such, these laws impede access to the polls and are at odds with the fundamental right to vote.

In total, more than 21 million Americans of voting age lack documentation that would satisfy photo ID laws, and a disproportionate number of these Americans are low-income, racial and ethnic minorities, and elderly. As many as 25% of African Americans of voting age lack government-issued photo ID, compared to only 8% of their white counterparts. Eighteen percent of Americans over the age of 65 do not have government-issued photo ID.

Laws requiring photo identification to vote are a "solution" in search of a problem. There is no credible evidence that in-person impersonation voter fraud—the only type of fraud that photo IDs could prevent—is even a minor problem. Multiple studies have found that almost all cases of alleged in-person impersonation voter "fraud" are actually the result of a voter making an inadvertent mistake about their eligibility to vote, and that even these mistakes are extremely infrequent.

It is important, instead, to focus on both expanding the franchise and ending practices which actually threaten the integrity of the elections, such as improper purges of voters, voter harassment, and distribution of false information about when and where to voter. None of these issues, however, are addressed or can be resolved with a photo ID requirement.

Furthermore, requiring voters to pay for an ID, as well as the background documents necessary to obtain an ID in order to vote, is tantamount to a poll tax. Although some states issue IDs for free, the birth certificates, passports, or other documents required to secure a government-issued ID cost money, and many Americans simply cannot afford to pay for them. In addition, obtaining a government-issued photo ID is not an easy task for all

members of the electorate. Low-income individuals who lack the funds to pay for documentation, people with disabilities with limited access to transportation, and elderly Americans who never had a birth certificate and cannot obtain alternate proof of their birth in the U.S., are among those who face significant or insurmountable obstacles to getting the photo ID needed to exercise their right to vote. For example, because of Texas' recently passed voter ID law, an estimated 36,000 people in West Texas's District 19 are 137 miles from the nearest full service Department of Public Safety office, where those without IDs must travel to preserve their right to vote under the state's new law.

In addition, women who have changed their names due to marriage or divorce often experience difficulties with identity documentation, as did Andrea, who recently moved from Massachusetts to South Carolina and who, in the span of a month, spent more than 17 hours online and in person trying without success to get a South Carolina driver's license.

Voter ID laws send not-so-subtle messages about who is and is not encouraged to vote. As states approve laws requiring photo ID to vote, each formulates its own list of acceptable forms of documentation. Another common thread emerging from disparate state approaches is a bias against robust student electoral participation.

Henceforth, students at Wisconsin colleges and universities will not be able to vote using their student ID cards, unless those cards have issuance dates, expiration dates, and signatures.

Currently, only a handful of Wisconsin colleges and universities are issuing compliant IDs. Nor will South Carolina, Texas, or Tennessee accept student identification at the polls.

Policies that limit students' electoral participation are particularly suspect, appearing on the heels of unprecedented youth turnout in the 2008 election.

Four states with new voter identification mandates, including my home state of Texas, South Carolina, Mississippi, and Alabama, are required under the Voting Rights Act to have these voting changes pre-cleared by either the Department of Justice (DOJ) or a panel of federal judges. Before they may be implemented, DOJ must certify that these laws do not have the purpose or effect of restricting voting by racial or language minority groups.

Thus far, South Carolina and Texas both have submitted applications to DOJ that have been formally opposed in written submissions. DOJ has requested further information from both states, and the applications are on hold. Alabama's ID requirements do not take effect until 2014, so the state has not yet applied to DOJ for preclearance. Mississippi's voter ID requirement was approved by voters on November 8, 2011, so a preclearance request has not yet been submitted.

In countries scattered across this earth, citizens are denied the right to speak their hearts and minds. In this country, only a few decades ago, the right to vote was limited by race, sex, or the financial ability to own land. When a vote is not cast, it is a referendum on all those who fought so hard and tirelessly for our rights. When a vote is cast, it is cast not only

for you and the future but also for all those who never had the chance to pull a lever.

We are still working to make Martin Luther King's dream a reality, a reality in which our government's decisions are made out in the open not behind cigar filled closed doors.

The time to take back the country is at hand, and we are the ones with the power to do just that. To do so we must allow all citizens who are eligible to vote, with the right to excise this decision without tricks or tactics to dilute their right to vote.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 report of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote. However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the long hard fought right to vote continues to be protected.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were deemed "Ballot Security" programs that include the mailing of threatening notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty police officers to intimidate and frighten voters at the polls.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct such activities and where a purpose or significant effect is to deter qualified voters from voting. These reprehensible practices continue to plague our Nation's minority voters.

VOTING RIGHTS ACT HISTORY

August 6, 2011, marked the 46th anniversary of the Voting Rights Act.

Most Americans take the right to vote for granted. We assume that we can register and vote if we are over 18 and are citizens. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most African Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.

Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.

Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

And the Voting Rights Act has made giant strides toward that goal. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.

In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The Act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. And Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

We must not forget the importance of protecting this hard earned right.

VOTER ID

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may "infiltrate" our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane

Katrina were scattered across 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of non-profits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another two weeks (and a full day waiting in line) to get the new Social Security card, and finally three—four weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within three months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

CONGRESS OF THE UNITED STATES,

Washington, DC, July 25, 2011.

Hon. ERIC HOLDER,

U.S. Attorney General, United States Department of Justice, Robert F. Kennedy Building, 950 Pennsylvania Ave., N.W., Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: We are concerned about the restrictive voter photo identification legislation pending or already signed into law in a number of states. Many of these bills only have one true purpose, the disenfranchisement of eligible voters—especially the elderly, young voters, students, minorities, and low-income voters. Approximately 11 percent of voting-age citizens in the country-or more than 20 million individuals—lack government-issued photo identification. We urge you to protect the voting rights of Americans by using the full power of the Department of Justice to review these voter identification bills and scrutinize their implementation.

The Voting Rights Act vests significant authority in the Department to ensure laws are not implemented in a discriminatory manner. Section 5 of the Voting Rights Act requires preclearance by the Department

when there is an attempt to change any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting in covered jurisdictions. In Section 5 jurisdictions, whenever photo identification legislation is considered, the Department should closely monitor the legislative process to track any unlawful intent evinced by the proceedings. In jurisdictions not covered by Section 5, the Department should exercise vigilance in overseeing whether these laws are implemented in a way that discriminates against protected classes in violation of Section 2 of the Voting Rights Act.

Restrictive voter photo identification legislation has the potential to block millions of eligible American voters, and thus suppress the right to vote. We urge you to exercise your authority to examine these laws so that voting rights are not jeopardized. We also request that you brief us on the efforts the Department is undertaking to ensure these new laws are implemented in accordance with the Voting Rights Act.

Sincerely,

Marcia L. Fudge; Nancy Pelosi; Steny H. Hoyer; James E. Clyburn; John B. Larson; George Miller; Tim Ryan; Janice D. Schakowsky; Keith Ellison; Grace F. Napolitano; Emanuel Cleaver; André Carson; Raúl M. Grijalva; Maxine Waters; Laura Richardson; Lucille Roybal-Allard; Silvestre Reyes; Sheila Jackson Lee; Yvette D. Clarke; Bob Filner.

Barbara Lee; Donna M. Christensen; José E. Serrano; Judy Chu; Alcee L. Hastings; Charles B. Rangel; Karen Bass; Frederica S. Wilson; Melvin L. Watt; Eleanor Holmes Norton; Bennie G. Thompson; G. K. Butterfield; William Lacy Clay; Danny K. Davis; John Lewis; Gwen Moore; Tammy Baldwin; Jesse L. Jackson, Jr.; Robert C. "Bobby" Scott; Donald M. Payne.

Michael M. Honda; Betty McCollum; Henry C. "Hank" Johnson, Jr.; Robert A. Brady; Dennis J. Kucinich; Edolphus Towns; Anna G. Eshoo; Steve Cohen; Corrine Brown; Luis V. Gutierrez; Elijah E. Cummings; Rubén Hinojosa; Joe Baca; Chellie Pingree; Betty Sutton; Terri A. Sewell; Charles A. Gonzalez; Fortney Pete Stark; Peter Welch; Brad Miller.

Ben Ray Luján; Loretta Sanchez; Carolyn B. Maloney; Donna F. Edwards; Dale E. Kildee; Henry A. Waxman; Doris O. Matsui; James P. McGovern; Eni F.H. Faleomavaega; Eliot L. Engel; Earl Blumenauer; Hansen Clarke; Gary L. Ackerman; John Garamendi; Russ Carnahan; Jerry McNerney; Rush D. Holt; Bill Pascrell, Jr.; Robert E. Andrews; Peter A. DeFazio.

Zoe Lofgren; Paul Tonko; Howard L. Berman; Lynn C. Woolsey; Michael H. Michaud; Lois Capps; Xavier Becerra; Rosa L. DeLauro; Steve Israel; Louise McIntosh Slaughter; Chris Van Hollen; Al Green; Cedric L. Richmond; Albio Sires; Sam Farr; Jim McDermott; Jim Cooper; Gregory W. Meeks; Nydia Veläzquez; Marcy Kaptur.

Eddie Bernice-Johnson; Theodore E. Deutch; Lloyd Doggett; Linda T. Sánchez; John P. Sarbanes; John W. Olver; Jerrold Nadler; John C. Carney; John D. Dingell; John F. Tierney; James A. Himes; Chaka Fattah; David E. Price; Ed Pastor; Chris Murphy.

Mrs. CHRISTENSEN. I thank you for your support, and I know that I have the support of the Congressional Black Caucus. It just raises the issue that we have been coming to the floor for the entire year to speak on before this evening, and that's jobs and job creation.

Mine, like other communities across the country, will definitely need to enact legislation, like the American Jobs Act and some of the countless pieces of legislation that the Congressional Black Caucus has introduced in this Congress to create jobs for the people, for people in this country.

I just wanted to add that in addition to the impact on the U.S. Virgin Islands and St. Croix in particular, this closing will have a major impact, especially on the east coast, as Hovensa has been a major supplier of gasoline to the east coast. So, again, I ask for your prayers and your support.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in strong opposition to voter suppression efforts in Texas and in several other states throughout the country.

In the Únited States, we use voting as a means for the people to select their elected representatives at all levels of government. This is a basic tenet of American democracy that some have sought to manipulate and curtail

Through a series of regressive voting laws, a number of state legislatures have already taken extraordinary measures to exclude the elderly, our youth, minorities, and the poor from access to the polls and casting their bal-

Whether in the form of voter ID mandates, obstructions to voter registration, or even outright intimidation, these measures to keep eligible voters from exercising their right to vote are contrary to our founding principles as a Nation.

In Texas, strict voter ID laws were passed in the State Legislature last year. This law requires each voter to present a valid government-issued ID, regardless of whether they possess a voter registration card and are listed among the voting rolls. These efforts are specifically tailored to exclude specific voting groups

The only mechanism keeping these discriminatory policies from becoming effective in Texas is preclearance, required under the Voting Rights Act in states that have a history of racial discrimination.

We need only to look to history to know that these kinds of devious tactics have been used before. In essence, these laws mimic the literacy tests and poll taxes that defined the days of Jim Crow. Except today, these laws target not only minorities but also seniors, students, the disabled, and the poor.

Yet here we find ourselves again battling the same problem with a different disguise. I refuse to accept that these laws seek to address existing weaknesses in our electoral system. In fact, these laws do nothing to address the kinds of fraud that were exposed during previous elections, such as the purging of entire voter rolls or intentionally long wait times during early voting.

Mr. Speaker, it is absolutely critical that we work toward strengthening the integrity of our elections and avoid tactics meant to sway their outcome in favor of a select few. It is undemocratic and I will continue to oppose any efforts to suppress our electorate.

#### RIGHT TO LIFE

The SPEAKER pro tempore (Mr. Gardner). Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of New Jersey. Mr. Speaker, the right-to-life movement is the greatest human rights movement on Earth, a remarkable decades-long struggle embraced by millions of self-less women and men of all ages, races, colors and creed and made up in recent years, I'm happy to say, disproportionately of young people.

We defend and seek to protect all the weak and vulnerable persons from the violence of abortion, infanticide and euthanasia. We believe in the politics and policies of inclusion, regardless of race, age, sex, disability or condition of dependence.

Yesterday, January 22, marked the 39th year since the infamous holdings of Roe v. Wade and Doe v. Bolton, the pair of Supreme Court decisions that nullified fundamental pro-life protections throughout the United States. The catastrophic loss of children's lives since Roe v. Wade and Doe v. Bolton has been absolutely numbing. Over 54 million children have been killed by dismemberment, chemical poisoning, lethal pills, suction and starvation.

Let's not forget that RU-486 is a chemical compound. It's two chemicals, and one of the effects of one of those chemicals is to literally starve the baby in the womb to death. The second chemical brings on delivery of a dead baby. Women have been harmed by abortion as well. Over 100 studies showed significant psychological harm, major depression and elevated suicide risk in women who abort.

The Times of London wrote, senior psychiatrists say that new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems. They found that women who had abortions had twice the level of psychological problems and three times the level of depression as women who give birth or who have never been pregnant.

Younger women are also harmed by abortion psychologically. A comprehensive New Zealand study found that almost 80 percent of 15- to 18-year-olds who had abortions displayed symptoms of major depression as compared to 31 percent of their peers.

Abortion also has a deleterious effect on subsequent children born to women who have aborted. At least 113 studies showed significant association between abortion and subsequent premature births. One study by Shah and Zoe showed a 36 percent increased risk for preterm birth after one abortion and a staggering 93 percent increased risk after two.

What does this mean for subsequent children born to women who have had abortions? Preterm birth is the leading cause of infant mortality in the industrialized world after congenital abnormalities or anomalies. Preterm infants have a greater risk of suffering from common lung disease, sensory deficit, cerebral palsy and cognitive impairment and behavioral problems.

Low birth weight, which is also one of the consequences, is associated with neo-natal mortality and motility.

Finally, Mr. Speaker, at the March for Life today, there were large, large numbers of people, tens of thousands of people. As cochair of the Pro-Life Caucus, I was proud to stay with so many of our lawmakers here, many of whom are on the floor tonight, and also with our leadership, Speaker JOHN BOEHNER, Majority Leader CANTOR, KEVIN MCCARTHY and JEB HENSARLING, among the most profoundly important speeches made about the sanctity and the dignity of human life.

And they have produced the No Taxpayer Funding for Abortion Act, H.R. 3, which not only would be a governmentwide prohibition on government funding for abortion, it also had a robust, very significant conscience clause as part of that legislation.

The Protect Life Act and, of course, the defunding of Planned Parenthood, a group that aborts in its clinics some 330,000 abortions, 330,000 dead babies in its clinics each and every year. It was a great march and we had women from Silent No More campaign, post-abortive women who eloquently speak to all women not to have abortions because they are the ones who have been victimized by it, but also as a pathway to healing and reconciliation for those who have. This movement is all about forgiveness and all about reconciliation and reaching out to those who are on the other side, especially postabortive women.

I would like to now yield to the distinguished gentlelady from Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from New Jersey for yielding.

Mr. Speaker, he said something that is so important. This is a special day, it's a somber day and solemn in many ways, but yet it is a day when you think about hope and encouragement and reconciliation. We all have had constituents who have come in today to express their opinion and to mark this 39 years to be here to protest, 39 long, painful years of government-sanctioned abortion on demand.

My constituents and many Tennesseans that came here today and

that gathered in churches and at the State Capitol in Nashville have done it for two reasons. One is to protest abortion. The other is to show respect for life. They have spoken with one voice.

Life is a beautiful gift from God and no government should be able to take that life away. We know in our hearts what is true. Life is a natural right, and the Declaration of Independence calls for us to protect the smallest and the weakest among us. After all, there is no independence without our most basic, fundamental right, the right to life.

There are a couple of things that have concerned many of us lately. One is abortion being smuggled into our health care system through ObamaCare. It is something that I think is morally indefensible, it is fiscally irresponsible, it is an issue that we're going to hear more about each and every day as we go through the year.

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As a woman, I believe that America and our citizens deserve better than abortion. And I believe, and this is the second thing that has really caught a lot of attention lately and is an area where we are going to place some additional attention this year, and that is on Planned Parenthood. America deserves better than Planned Parenthood. And it's important that everyone realize, Mr. Speaker, that Planned Parenthood continues to profit from the destruction of human life with taxpayer money. This year, we are going to delve into that issue a little bit more and find out more about what has happened with these funds and the organization of Planned Parenthood.

Today, as our constituents have come into the city, we have been encouraged, and we have encouraged others. It's nice to be able to encourage one another. We all have prayed for the millions of women and children who are hurt by abortion, and we have also prayed that God will provide the courage and the steadfastness that is needed for us to put an end to this national tragedy.

Mr. SMITH of New Jersey. I want to thank my friend, Mrs. BLACKBURN, for her very eloquent comments, and thank her for her leadership.

I would now like to yield to the gentlelady from Ohio (Mrs. SCHMIDT), who has led both in Ohio when she was there in the legislature as well as here in Washington.

Mrs. SCHMIDT. I thank my good friend from New Jersey (Mr. SMITH). Your courage on this issue will not go unnoticed.

I really, Mr. Speaker, wanted to talk to you tonight about a little girl, a little girl with a 2-inch foot and the lasting impression that that little 2-inch foot has made.

I come from southern Ohio, and my parish is St. Elizabeth Ann Seton, led

by Father Michael Cordier. Father of Independence, that said many Cordier has a brother, Andy, and his sister-in-law, Ann. And just recently they buried their 5-month-old daughter.

Sophia Grace Cordier was born with a chromosomal condition, one that was diagnosed long before she was born The doctors made the suggestion that perhaps they should abort the child because the risks were so great that she wouldn't even be born alive. Given the statistics, even if she was born alive, it was likely she would not make her first birthday, so why bother. But Ann and Andy understand the meaning of life at all levels. They know that life is precious, and they knew that her life was worthy of respect.

The amazing thing is not just the hundreds of people who came to the funeral, but what happened on December 23. See, the Cincinnati Enquirer had a front-page story on the miracle baby. They showed the risks, but they also talked about life and pro-life positions, our Cincinnati Enquirer.

At the funeral, there were many pictures of Sophia Grace. But the one that left the imprint on my mind were her little 2-inch footprints. And her mother had, and I wished I could remember the exact words, but typed up something that said to the point that no matter how small the footprint, every footprint can make a lasting impression. Had Sophia not been born, the Enquirer wouldn't have run the story and it wouldn't have provoked the discussion for life, and who knows what other child wouldn't have been saved.

Ann told me at the funeral that the value of life each person has, no matter their shortcomings or faults, should be loved and cherished and protected. Ann has it right. I believe many people in this Congress have it right. And I know that Americans at heart have it right.

So today, while hundreds of thousands marched on the lawn of the Capitol in the rain to protest a really bad decision that was made 39 years ago, I saw Sophia's little footprints in my mind. As I saw those footprints on the lawn, I thought those big footprints are making as lasting an impression as little Sophia because no matter how great or how small, we all have life's value because we are children of God.

Mr. SMITH of New Jersey. I thank my good friend for her excellent statement.

I now yield to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the gentleman for his courage in standing on this issue of life. It's an important issue. And tonight, we will have the privilege of hearing from lawyers and doctors and business people who all hold the same position, the position held with the framers and founders of this great country when they began in writing the greatest document man has ever written, I believe, the Declaration

things, but this tonight comes in very important to us when they said:

We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain unalienable rights, among them, the right to life, liberty, and the pursuit of happiness.

They understood in their wise minds as they deliberated together and as they contemplated doing something that had not been done in this world before, they sought their Creator for wisdom, and they understood truths that were unique and special and truths that were blessed ultimately by their Creator.

And so tonight. I don't want to speak to you from a medical perspective or from a legal perspective, but I want to speak from a perspective that really we give credence to when we look above the Speaker's rostrum and we see our motto for this great Nation: In God we trust. What does he think about what went on today? What does he think of what went on 39 years ago?

Well, the Psalmist said in the word of God that was left for us to understand and our framers and founders read, meditated upon, deliberated over, and came up with something great for this life and this country, they read words such as this. The Psalmist in Psalm 127

Behold, children are a gift of the LORD, the fruit of the womb is a reward.

The prophet Jeremiah heard from God himself who said to Jeremiah:

Before I formed you in the womb, I knew you, before you were born I set you apart.

Unique. Not a product of conception, a product of God's planning and gift.

And then in that beautiful Psalm, Psalm 139:

For You formed my inward parts; you wove me in my mother's womb. I will give thanks to You, for I am fearfully and wonderfully made; Wonderful are Your works, And my soul knows it very well. My frame was not hidden from You, When I was made in secret, And skillfully wrought in the depths of the earth: Your eyes have seen my unformed substance; And in Your book were all written The days that were ordained for me. when as yet there was not one of them.

In God we trust. He designed us. He designed a purpose for all life, Mr. Speaker. We as humans run amuck of His plan, His wisdom, if we decide what is good, what is right, what is acceptable as opposed to saying: God, thank You for the gift.

I'm a father of three gifts; I'm a grandfather of four, one in heaven that I look forward to seeing again some day after he fought and lived for 8 days on this Earth. I'm a grandfather of two others who are on the ground who I enjoy to the fullest, and a grandfather of one who is in the womb at this very time growing into what God intends him to be. And in a little over a month, I look forward to meeting and greeting that new creation, gift of God, formed uniquely in the womb.

We can think of medical practices and terms, and those are good. We can have arguments from law and Constitution, and those are good and decent. But I take the words of God, the Creator himself, and find great sustenance in my belief that life is the greatest gift that God has given. And the Savior that He gave who was born of a woman in a womb, not aborted, said:

I am come that you might have life, and life abundantly.

We would do well in this great country to say "Amen" to that issue and to support life in all its forms.

Mr. SMITH of New Jersey. Mr. WALBERG, thank you very much for that very eloquent and God-centered testimony on behalf of life. I would point out that throughout the Capitol and throughout the country there were religious services on behalf of the unborn seeking reconciliation and wisdom from above and healing. One of those was the National Memorial for the Preborn and Their Mothers and Fathers right here in the Capitol. Clergy from various denominations gathered together to pray and to hear readings from the Gospels, Old and New Testaments, and to hear the preaching of Father Frank Pavone, director of Priests for Life and president of the National Pro-Life Religious Council, and so many others of all denominations and faiths pleading before the Lord for reconciliation and, frankly, for forgiveness for this terrible tragedy of abortion on demand.

I would like to now yield to the gentlelady from New York, ANN MARIE BUERKLE. Mr. WALBERG talked about the lawyers. Well, she is a lawyer and a nurse and brings a unique perspective to this fight, the struggle for the human rights of the unborn and for their mothers.

Ms. BUERKLE. And I thank the gentleman from New Jersey for his leadership in this issue.

Mr. Speaker, I stand before you this evening as we commemorate the 39th anniversary of the infamous Supreme Court decision Roe v. Wade. And as we stand here and we reflect as a Nation the loss of millions and millions of unborn lives and the destruction and the damage that is done to the womanthere are two victims in an abortion. both the mother and the unborn-I think there is reason for us to be hopeful. This day we witnessed hundreds of thousands of Americans marching on the Capitol in support of life; and of those hundreds of thousands, so many of them were young people, high school students and college students standing up for life, doing the right thing. So I am hopeful we are changing the hearts and minds of the American people. The youth of today are willing to stand up for what's right, and they understand the words of the Declaration of Independence, that we are endowed by our Creator with unalienable Rights, among them, life, liberty, and the pursuit of happiness, and the most basic right is the right to life.

So we celebrate those youth who have the courage to stand up on behalf of life, and we pray for the change of the hearts and minds of the American people to understand that every life, regardless of how that life was conceived, is valuable; it has intrinsic value, and we must protect that life.

Mr. SMITH of New Jersey. Thank you. Ms. BUERKLE.

I would like to now yield to the gentleman from Tennessee, Dr. Roe. We have, in this Congress, a number of medical doctors, most of whom are profoundly pro-life. And in the case of Dr. Roe, I believe he has delivered at least 5,000 babies.

Mr. ROE of Tennessee. I thank the gentleman for yielding. And I want to first start out by thanking my friend and colleague, Congressman SMITH, for being one of the most steadfast leaders in this Nation, not tonight, not for this 1 hour of Special Order tonight, but for decades, CHRIS, for standing up for life and what's right, and I am proud to associate with you.

Today, as we went out on The Mall here, for those of you all who didn't see it on television, it was a cold, rainy day—and it was very cold last year and clear—but it didn't dampen the spirits of literally thousands and thousands of people who came from all over the Nation, and as Congresswoman BUERKLE just said, the scores of young people who are here to celebrate life.

Life, as has been mentioned, is a precious gift from God. And not only is abortion wrong both morally and ethically, it's a really bad idea. And I know from my practice of medicine, I'm an OB/GYN doctor, as Congressman SMITH mentioned, and in the group that I belong to and in the years that I was there, we delivered over 25,000 babies, myself almost 5,000 babies.

What I got to see during that time. it's been an amazing transition. When Roe v. Wade was passed, we didn't have access to ultrasound; and as ultrasound came along from just a little gray blur that you were able to see to now in 3-D and 4-D ultrasound that you're able to visualize the fingers, the hands and the movement, to see this little person very early on. We can identify a heartbeat at 28 days post-conception. And I will defy anyone to tell me that that is not a living, breathing, in utero human being. It's a person that's there that just hasn't been there quite long enough yet.

And I remember in my practice when I first began in 1977, at 32 weeks, half of the children died of prematurity at that point. Now, those children live the same as a term birth. And we're seeing that number pushed further and further and further back with children younger and younger.

We tend to think of this in our own time. Think about 50 or 100 years from now. Who knows what the technology will provide? Because it is a precious giftfrom God that we're protecting.

I sadly stand here and tell you that 19,500 women in Tennessee in 2008 had an abortion. That's just in one State. The rate is going down, and across the Nation it's going down, but it's far, far too many. And we've just heard a number, 54 million, that boggles my mind about how many people that is. And I can tell you, having had the opportunity to live in the community I have for 35 years and to watch young babies that I have delivered grow up to be teachers, coaches, doctors, and friends of mine-many of them are close, personal friends that I have delivered. I've watched them now take their children to soccer matches and to school plays and learn to play musical instruments and to add to this Nation and to add to the culture of this Nation. I can't imagine what this world would be like without them here.

And one of the great privileges that I've had in my life was a person that I know very well at home came to me and he said, Dr. Roe, do you remember that boy you delivered of mine 20 years ago? I said, Yeah, I do. He said, You also had the privilege of nominating him to the military academy to Annapolis. And I stand here with great pride, and I'm probably one of the few people that's been able to do that. And what if his mother had made a different decision? This young leader in this country, these are the future leaders of our Nation.

I want to finish by saying I think, to me, personally, one of the most heinous procedures that could ever be performed on a human being is a third-trimester abortion. There is absolutely no medical reason—I stand here tonight and will challenge anybody in this Nation of over 300 million people to debate me on this issue. There is no medical indication other than termination of the child's life. There is no reason to do that for any other.

I have made this challenge before, and I will make it again here tonight. I have yet to be taken up on that. I don't see any difference in that and why wait until a baby is born and do something. It's called murder then.

I want to thank Chris again, Congressman Smith, for being so steadfast in his 30-plus years. You are changing hearts and changing minds. And it is a true privilege to stand here tonight with my colleagues and to be for life. I can't imagine being otherwise.

Mr. SMITH of New Jersey. Dr. Roe, thank you so very much for your kind remarks, and you have been a leader, as have the Members that have been speaking. There's no single leader, except for maybe Henry Hyde when he was the leader here in the House. But this is a group leadership of men and

women who are just passionately in favor of life.

I mentioned doctors who are strongly members of this Pro-Life Caucus. Well, one of those is Dr. FLEMING from Louisiana, and I would like to yield to him.

And I just point out that the Obama administration has declared war on conscious protections. He has done it in a repeated fashion, most recently in ordering all health insurers, including faith-based institutions, to pay for all means of preventing pregnancy, including subsidizing abortifacients like Ella and Plan B. Everyone must comply regardless of moral objection or religious tenets simply because Obama says so.

The United States Catholic Conference of Bishops recently had a grant to assist human trafficking victims under a law I wrote called the Trafficking Victims Protection Act. They did a great job. The reviewers said so and gave it very high marks. But that wasn't enough for the Obama administration. This past fall, the USCCB was blatantly discriminated against and thrown out of the program simply because they would not refer for abortions.

And Mr. Lankford, who will speak shortly as well, did a wonderful job in a hearing in bringing out, as did Chairman Issa, how discriminatory this really is.

Leading the effort on conscience protection, prime sponsor of the Abortion Nondiscrimination Act, is Dr. Fleming.

Mr. FLEMING. I thank the gentleman, Mr. SMITH, not just for the introduction, but for the fine work you've done for so many years, sir, as well as JOE PITTS, our good friend and colleague.

Mr. Speaker, I speak to you this evening as a physician of over 30 years, a father, and a grandfather. And I have delivered, myself, many hundred babies and have found that that is one of the most important and intimate times in a person's life is taking part of and in some way delivering a baby.

#### □ 2050

Nonetheless, we have today a problem since Roe v. Wade that we are in great grievance about.

You heard Mr. WALBERG so eloquently talk about the passages from the Bible that describe about knitting me in the womb and knowing me even before being born. But do you realize that the DNA of every conceived life is unique in history? There will never be another like it. In my opinion, that is God's opinion, that that is a separate and distinct human being and a person upon itself.

Let me share some facts with you. Do you realize that the heart begins beating at 23 days after conception, that the fetus begins to feel pain as early as 20 weeks and maybe even earlier? We are still waiting for some studies on that. Certainly any abortion that is

committed in the middle or third trimester is obviously extreme agony for any type of fetus.

Some other important facts. While there were approximately 744,000 abortions in 1973, the time of Roe v. Wade, that actually peaked in 1990 at 1.6 million. It has come down. It has come down today to 1.2 million. Not nearly low enough. Do you realize also that over \$487 million of taxpayer money is used each year to go to Planned Parenthood, which is the number one provider of abortions in this country, committing over 320,000 innocent lives to death each year?

There are things we are doing that are effective. You heard me say that we are down from a peak of 1.6 million down to 1.2 million. What are some of the things that we can do and have done? My home State, Louisiana, which was chosen by AUL to be number one in abortion law, has done the following: A mother-to-be must wait at least 24 hours after notification to actually have an abortion; she must be provided with information so she can read about this and have a cooling-off period before making that final decision; she must receive information about fetal pain, what I mentioned just a moment ago; and that she must be allowed, if she chooses, to view a sonogram to see what that fetus actually looks like, her potential baby. And Louisiana has declared that the unborn child is a human being and is therefore

Mr. Speaker, there is a lot that we have done. There is a lot more we can do. Although I want to see Roe v. Wade overturned, there are still many good laws that we can produce that I think—certainly defunding of organizations that provide these abortions that can sharply lower these numbers. There is much more we can do.

We shouldn't just hold out for overturning Roe v. Wade. We should act today.

Mr. SMITH of New Jersey. I would like to now yield to the gentlewoman from Alabama, Congresswoman MARTHA ROBY.

One of the blessings of this Congress is that we have so many articulate and brave women who speak out in defense of life. I have been here for 32 years and I think we have now more pro-life women than ever.

Mrs. ROBY. I thank the gentleman for yielding.

Mr. Speaker, I also rise today to recognize the 39th anniversary of the monumental court decision of Roe v. Wade.

Since the legalizing of abortion in 1973, approximately 50 million abortions have been performed in the United States of America alone. Just today, 4,000 babies have been aborted. Over the course of 2012, as you heard the doctor just say, 1.2 million children in the United States will not be granted life.

I am unapologetically pro-life and it is a tremendous honor to be a part of this pro-life caucus. I believe that the miracle of human life begins at the moment of conception. I also believe that every human life has the inherent right to life and that this must be protected by law. As a woman, a wife and a mother of two precious young children of my own, I will continue to fight for the unborn as a Representative of Alabama's Second Congressional District.

I applaud my own home State of Alabama in its admirable fight to protect human life. Alabama recently became the fifth State to pass a measure banning physicians from performing abortions after 20 weeks, which according to the research you just heard is the point where an unborn child can experience pain. I applaud the Alabama legislature for taking such a strong stance on abortion and protecting the unborn.

I believe that I have an obligation to do everything in my power to fight for the unborn, prevent taxpayer money from funding abortions and to protect our system from the encroachment of the all-powerful judiciary.

Today is the time to celebrate the gift of life and to mourn those lives that were unjustly ended before birth. Let us use the 39th anniversary of Roe v. Wade as an occasion to reaffirm our belief and to vow to fight for the life of every child.

Mr. SMITH of New Jersey. I thank the gentlewoman

I would like to now yield to my good friend and colleague from Indiana, MARLIN STUTZMAN, who before coming to the House, fought for life in the legislature. And he did a wonderful job.

Mr. STUTZMAN. I thank the gentleman for yielding. I want to thank him for his service and his fight on this particular issue. And it is a privilege to stand here today with so many other colleagues on this important matter.

Mr. Speaker, I stand here before you today as a father of two young boys that I'm very proud of, Payton and Preston.

In this day of technology, it is amazing what we can now see in the womb. Today I brought with me a picture of my niece that my brother sent to me and it is on my BlackBerry. If you could see the picture, it is a picture of a little girl with a pudgy nose, pudgy cheeks and a lot of hair. The doctor tells my brother and my sister-in-law that she talks a lot and it doesn't surprise me for a Stutzman.

It is amazing to see a color picture like this of a little baby girl 27 weeks old in the womb and to see this picture and to realize the life that is inside the womb is truly amazing and remarkable. I believe that is what is going to be a big part in leading the battle in overturning Roe v. Wade or reversing this tragic decision that has led to so many lost lives here in America.

As I served in the Indiana legislature for so many years, we fought this issue year after year. And I applaud the Indiana legislature, especially last year, in passing legislation and preventing the subsidization of abortions with State and Federal tax dollars. At the same time, I want to bring to the floor the important matter that we have to continue to push back on the Federal Government because the Federal Government has threatened to withhold other health care dollars from the State of Indiana for this decision.

Indiana has actually been most recently named the most improved over 2011 by Americans United for Life and now ranks as the number 10 State in the Nation for defense of the unborn. Planned Parenthood received over \$487.4 million in government funding. That is an astounding \$1.34 million per day. By their own count, they performed 329,445 abortions in that same time. That is over 900 abortions a day.

Mr. Speaker, today is the day that we stop a tragedy that is going to be a blight on this country. I believe that the young people across America that marched today here in Washington, D.C., are going to be the generation that puts an end to this tragedy.

Mr. SMITH of New Jersey. Thank you very much and thank you for reminding all of us that Planned Parenthood really is Child Abuse, Incorporated, 329,000, 332,000 the year before that of innocent children decimated, killed in their clinics.

I would like to now yield to the gentleman from New Mexico, Mr. STEVAN PEARCE, who is back to us having served in the House. He came back after a different run.

He is a stalwart for life and a great friend of the unborn.

#### □ 2100

Mr. PEARCE. Thanks to the gentleman from New Jersey for leading this issue. The value of a Nation is measured in its willingness to speak for the most fragile among us.

In the United States, it is punishable by 5 years in jail and a \$250,000 fine to destroy an eagle egg, an embryo. If you destroy a human embryo, it is not only fully legal, but it is federally sanctioned. The Nation needs to pause and ask itself about these convoluted values.

It does not pass without note that Roe vs. Wade, 39 years ago, was passed in 1973. It was the same year that the Endangered Species Act was passed protecting the eagle eggs. So at the point that this Nation was fully sanctioning the destruction of human embryos, it was fully protecting embryos of other species.

I'm fully confident today that this tragedy is going to be reversed because I hear young men and young women across this Nation who are looking at the scientific evidence to understand that it is more than a blob of tissue, but this is human life that we're ending

We see the decline in the value of the ized that abortion is taking this life, they came here to express one similar human in our culture because of decisions that this Nation's policy leaders have made, and I see young people across this land beginning to stand up and let their voices be heard. And when we speak with one voice, Washington listens. And in this case of protecting the human life, it is time for Washington to listen.

Mr. SMITH of New Jersey. Thank you so much for that very, very eloquent statement.

I would like to now yield to VICKY HARTZLER from Missouri, a new Member of Congress who has already made a serious impact, particularly on the life issue. So glad to have you here.

Mrs. HARTZLER. Thank you so much, Congressman. It is an honor to be here tonight on the anniversary of the 39th year of the Roe v. Wade court decision. And today it was so encouraging to see the hundreds of thousands of people from all across this country come here to march and to commemorate this deadline, this decision, and to celebrate life and to pray for the day when all life is valued in this country.

It was cold, about 36 degrees here, and it was rainy, but people stood for hours out in the rain, not minding, because they believe in life. And people may say, well, why are the people doing this? And why are you pro-life?

And I'd just like to summarize it, Mr. Speaker, in that, basically because it's a child, not a choice. We see those bumper stickers around and we don't think about them very much. But those words and that reality certainly has meaning for me because words matter.

I was in sixth grade when the Roe vs. Wade decision came down, and I remember hearing a little bit about it, but not thinking too much about it. I was just busy being a 12-year old kid. But I remember one day in the hallway at school when a girl stopped me and said something about well, what do you think about abortion? What do you think? And I said, well, I don't know. And she said, well, do you think a woman should have a right to do with her body whatever she wants, and the government shouldn't tell her what to do? And I said, well, yeah. And she said well, you're pro-choice. And I said oh, well, okay. And I didn't feel quite right about it, but I didn't have much information, I didn't have much facts, I didn't know. So I remember in the future somebody asked me whether I was pro-choice, and I said yeah.

But then something happened. I got some facts, I got some information. It was in high school, in a child development class. And all of a sudden I got to see, for the first time, pictures of a developing baby. And let me show one to you now. This is one of the pictures that I saw, and this is of a 2-month old

And I looked at all of these pictures. and I heard the information, and I realand it's alive. It is a child. It is not a choice.

Here's some facts that I learned: That at day 22, that's just over 3 weeks, when most girls don't even know they're pregnant yet, the heart begins to beat. By the end of the third week the child's backbone, spinal column, and nervous system are forming.

By week six, brain waves are detectable, fingernails are forming. Week seven, evelids and toes form. The nose is distinct and the baby is kicking and swimming.

By the end of the second month, which is how old this baby is here, every organ is in place. Bones begin to replace cartilage. Fingerprints begin to form, and the baby begins to hear.

By week 9 and 10, the baby can turn his head and frown, and the baby can hiccup. By weeks 10 and 11, the baby can breathe amniotic fluid and it can grasp objects in its hand. Perhaps you've seen that famous picture of that surgery on that unborn baby and how that hand cameout and grasped the doctor's finger.

Week 12, end of the third month, the baby has all the parts necessary to experience pain. Like my colleague talked about, its vocal cords are complete, and the baby can suck its thumb.

Some facts that I also learned are, for instance, in 2008 there were 1.21 million abortions done and of those, 92 percent of those abortions were done during the first 3 months of life. So what that means is that there are abortions, and it would average out to about 138 an hour, I figured up, two for the minute that I'm talking here, where abortions are taking place on babies that can hear, that have a beating heart, that have brain waves going, and that have vocal cords.

It is about a child. This is not about a choice. And I commend all the people who came here today to Washington to speak out on behalf of life. And with them, I celebrate, and look forward to the day when all Americans are granted the right to life, whether they're born or unborn.

So thank you, Mr. Speaker, for having us today.

Mr. SMITH of New Jersey. Thank

I would like to yield to the gentleman from Nebraska, JEFF FORTEN-BERRY, who is the prime sponsor of the Respect for Rights of Conscience Act and has combated abortions both at home as well as in foreign nations.

Mr. FORTENBERRY. I thank the gentleman, my good friend from New Jersey, for the time and for his courageous leadership on this, a central American issue of justice.

Mr. Speaker, let me say this first. What a day this has been. I spent the morning with a group of young Nebraskans who had traveled all this way to participate in the March for Life. And purpose, one truth: that all life is worthy of protection. All life should be loved and nurtured.

These young people are saying that we should be big enough, caring enough, loving enough as a Nation to see to it that all mothers and their unborn children are provided for. And these young people are saving that we should make the great woundedness of the Roe vs. Wade decision a thing of the past.

Now, Mr. Speaker, it's important to note that in the same year when Roe vs. Wade was errantly decided by the Supreme Court, stripping unborn children of their dignity and right to life, that Congress came together and enacted a very important law called the Endangered Species Act. This was a very significant piece of legislation to ensure that the majesty and wonder of nature's creations were rightly protected.

I believe the responsible stewardship of our environment is an essential cause, but there is a certain irony here. The life of a child should be of no less value than any other creature on earth. And in 2010, with my support, we passed a bill prohibiting the interstate commerce of videos that were depicting the torture of vulnerable animals. Yet, in that same year, we could not move a bill forward that prohibited interstate abortions of vulnerable children and minors without parental protection. There is a grave inconsistency in these walls.

But, Mr. Speaker, I don't know if you had a chance to look out on the National Mall today. But the hundreds of thousands of young people out there braving both the bite of cold and wind, who understand the principle for which they marched, were saving this. These young people know that abortion hurts women. These young people are saying women deserve better. And they know that abortion is so often the result of a tragic circumstance of abandonment an unsupportive family or, worse yet, a coercive boyfriend or unscrupulous doctor, and they are saying that we can do better as a country.

#### $\square$ 2110

Mr. Speaker, I recently received a newsletter in my mailbox at home, and it described some people who were standing in front of an abortion clinic legally, peacefully providing witness to alternatives to abortion.

A car pulled up in the driveway. The car hesitated. The man driving was very anxious and nervous. And these people who were witnessing there walked up and asked if they could be of assistance. The woman who was with him who was going in for an abortion had three children. She was unsure that she could care for a fourth child. In fact, she didn't know where her next meal was coming from.

They talked a bit. The couple decided to seek these nice people's help, who had provided a little bit of assistance, comfort, and care for them. And now 9 months later because of that act of compassion, there is a baby named David.

We should be big enough and loving enough as a country to help people get through no matter how tough the circumstances.

It is that courageous woman who made the decision to keep her child that gives me strength to stand on this floor to defend our shared convictions and fight to see the day when the scales are lifted from our Nation's eyes and we declare the unborn worthy of protection under the 14th Amendment.

Before I conclude and yield back to my good friend from New Jersey, I'd also like to say a word of thanks, Mr. Speaker, to all of the women who are saying they will be silent no more, providing the most powerful example of women who have been wounded by abortion but now who are speaking out against the abortion industry in saying we can do better as a Nation.

Mr. SMITH of New Jersey. Thank you so much for your powerful statement.

I'd like to now yield to G.T. Thompson, a good friend and colleague from Pennsylvania who has spoken out so eloquently time and again on behalf of the sanctity of life.

Mr. THOMPSON of Pennsylvania. I thank my good friend from New Jersey for yielding and for hosting this Special Order about moral truth, that the right to life is a fundamental right, and frankly a Nation that kills its next generation is not a moral Nation.

It's been 39 years since the infamous Roe v. Wade decision, and for the 39th time, the American people have marched in Washington, D.C., in the March for Life to show Congress that they remain opposed to this decision. This year, the cold and driving rain couldn't dampen the resolve of the hundreds of thousands that turned out again. Their message was simple: stop abortion.

The act of murdering an unborn child has no place in this country. For a judicial system that is taking great lengths to try and ensure justice and fairness in the court of law, where is the justice here? Mr. Speaker, I'll ask you again, where is the justice for the unborn? The answer is simple. There is none.

But still Roe v. Wade and the subsequent left-wing pro-choice groups have pushed the envelope so that now this legalized murder of the unborn is prevalent across the country, accessible, and sometimes even partially financed by your tax dollars.

Let us look no further than last year in my home State of Pennsylvania, in a neighborhood outside west Philadelphia, an abortion mill that was in operation for over four decades, 40 years, was illegally delivering and killing newborns in a so-called abortion procedure. For years, the procedures he performed on women who came into the clinic was responsible for several deaths and severely injuring scores more.

For political reasons, even outlined in the grand jury report, the Pennsylvania Department of Health refused to inspect the abortion facilities. These abortion mills ran rampant and unchecked.

So for those who argue that this legalized murder is for the woman's health, I ask you where is the justice for those women? Where is the justice for the unborn at that facility? There is no justice in abortion for anyone.

Yet you look to the White House, and we have a President who states, "As we remember this historic anniversary, we must also continue our efforts to ensure that our daughters have the same rights, freedoms, and opportunities as our sons to fulfill their dreams."

Mr. Speaker, surely the President recognized he's wrong. Abortion is not the way to allow our daughters to fulfill their dreams. In America, everyone, regardless of color or gender, has the same rights and freedoms and opportunities to fulfill their dreams. Everyone except the unborn.

Mr. Speaker, surely the President knows that we will never know the dreams of the countless unborn daughters that are not with us today because of the pro-abortion policies this administration enforces.

Mr. Speaker, I stand with my colleagues tonight to say that enough is enough. How many more Roe v. Wade anniversaries must we endure until justice is done and this decision is overturned?

I thank my good friend from New Jersey.

Mr. SMITH of New Jersey. I thank my good friend. Again, a very, very powerful statement.

I'd like to yield to ALAN NUNNELEE from Mississippi. I thank him for being here this evening.

Mr. NUNNELĒE. I want to thank the gentleman from New Jersey for your leadership. Thank you for yielding.

Our Nation's Founders expressed in our Declaration of Independence that all individuals are endowed by their creator with certain unalienable rights, and that among these are the right to life. Yet, since January 22, 1973, over 50 million Americans have been denied that very basic right to life. Their unborn voices call from silent graves, asking America to change our ways.

There's another group who suffers in silence: our mothers, our wives, our daughters, and our sisters. Those who have been exploited as victims of a multibillion dollar industry that profits on their grief.

On this, the 39th anniversary of that decision, we rededicate our decision to stand for life. The measure of a society is how it treats its most vulnerable of itscitizens. For far too many unborn children, our Nation has abandoned that protection.

Now, there are those who say that since the Supreme Court has declared it, it must be right. This is the same Supreme Court that looked at Mr. Dred Scott and said, "Mr. Scott, in the eyes of the law, you're not a man, but chattel." The legal equivalent of a cow. The Supreme Court was wrong in 1857, and it was wrong in 1973.

We will answer to a higher law, a law higher than we debate in this hallowed Chamber, a law higher than is discussed across the street in the Supreme Court. And that law says:

For You formed my inward parts; You wove me in my mother's womb. I will give thanks to You, for I am fearfully and wonderfully made. My frame was not hidden from You, when I was made in secret, and skillfully wrought in the depths of the Earth; Your eyes have seen my unformed substance; and in Your book were all written the days that were ordained for me when as yet there was not one of them.

Mr. Speaker, I echo the prophet of old:

This day I call on heaven and earth as witnesses against you, that I have set before you life and death, blessings and curses. Now choose life, so that you and your children might live.

This night we choose life.

Mr. SMITH of New Jersey. I thank the gentleman from Mississippi.

I yield to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Speaker, we often come to the podium to talk about a bill or piece of legislation. Today I have the great privilege to stand in support of protecting every human life.

In Kansas is a place that has marked a great piece in the history of the prolife movement. In the early 1990s, the Summer of Mercy was held in Kansas. A huge step forward in people speaking out about the tragedy that is abortion.

I, personally, a couple years later had the privilege of working doing some research for a woman named Mary Ann Glendon, who became the ambassador of the Vatican, who taught me about how this movement can work, and how we can begin to eradicate this plague that sits on top of America after still 39 years.

For me, too, it's personal. I have a nephew and a niece that, but for a pregnancy crisis center in Wichita, Kansas, would not be my niece of 6, Emily, and my nephew of 10, James. Two brave women who made the right decision.

Today was an incredible privilege. I got to stand at the Mall and look out at hundreds of thousands of folks, including enormous groups of young people who came from Kansas on buses of 25-hour rides from Clearwater and from

Norwich and from Garden Plain, and from our high schools and colleges in Kansas who came today to stand for life and to say that this movement will continue, that we are winning, that after 39 years we can now say that America understands that this is not about choice but about protecting those lives.

To see those young faces and those young smiles was a glorious thing. I want to thank them for coming to Washington, D.C., to be part of this today, and with them and with our continued effort we can do the right thing and protect every human life.

#### $\square$ 2120

Mr. SMITH of New Jersey. I yield to the gentleman from Oklahoma, Mr. James Lankford.

Mr. LANKFORD. Mr. Speaker, I recently read about a couple who found out there was a problem in their pregnancy, that their child had not developed all four sections of its heart. So, at 23 weeks, they did a surgery where they reached in with a needle into the womb. They used a balloon technique to be able to open up the fourth chamber of the heart of that child. At 23 weeks, the family could gather around and see the video and celebrate this incredible scientific act of medical bravery, and then the family celebrated something wonderful that had happened. They had protected the life of a child. They reached into a beating heart, still in the womb at 23 weeks, and saved that child.

The frightening part is, across town, a different mother at 23 weeks of pregnancy, which is before viability in many States, could go to a different doctor, who could reach into that womb and pull that child apart limb by limb. The family wouldn't stand and celebrate nor would we look at the video and say that's beautiful, like we did with the other surgery.

Yet, in the cognitive dissidence of our Nation, we celebrate one mother. and we protect the other one simultaneously. It is unmistakable to look in that womb and see a life for both of them. Understand, this is a child in both instances, and they must stand to be protected.

It is a difficult thing for the President to say today that we must reduce the need for abortion. There is only one need to reduce the need for abortion: that is if the President understands the same thing that we do, that it's a life. He would not stand and sav we need to reduce the need for some skin tissue or some mole on your arm. If it were only tissue, there is no need to try to reduce the need, but he understands we do need to reduce the need. As the President stated today, this is not protecting the dreams of our daughters; this is protecting the daughters that will never be and the nightmare guilt that is on so many women who have gone through an abortion.

to the day. I look forward to the day that generations ahead of us will look back at this time and say, I am so glad that the Nation finally chose life.

Mr. SMITH of New Jersey. I yield to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Henry Hyde was a personal friend and mentor of mine. He first helped restrict abortion funding just 3 years after Roe v. Wade. Today, Planned Parenthood receives over 363 million tax dollars a year. We're giving 1 million tax dollars a day to an organization in desperate need of oversight. If he were here today, I think Henry Hyde would be shocked and appalled at the abhorring conditions of fraud, overbilling, and the general lack of transparency found at Planned Parenthood and at other abortion clinics across the

We must win this fight for life. It's the only way that we can literally win our future.

Mr. SMITH of New Jersey. I now yield to the gentleman from Michigan (Mr. Huizenga).

Mr. HUIZENGA of Michigan. I, too, want to rise today in recognition of this 39th year since this decision has come down from the Supreme Court, and it is something that has affected my family, my life. I think we have all known somebody who has had an abortion, whether she felt forced into it or whether she made that choice. Every single one of them, I know, has regretted that.

This issue of life became very personal for my wife and me as we had to move forward through troubled pregnancies and after losing quite a few pregnancies, struggling with that whole notion of "what is life?" and of "what does that mean to have that life growing in you?" We firmly came down on the side of this being a gift from God, that creation that happens. That's something that we want to protect.

I can tell you that the hardworking taxpayers don't expect their dollars to go towards procedures such as this and that it's something that this House has continued to fight for. I hold this issue very dear, and my wife, who now serves on the board of a crisis pregnancy center back in west Michigan, also holds that very near and dear. I will continue to fight for that sanctity of life and for that dignity of life at the beginning as well as at the end as long as we're here in Congress.

Mr. SMITH of New Jersey. In conclusion, tomorrow night, the President will call for a return to American values in his State of the Union message.

Mr. President, the violent destruction of the child in the womb, of the killing of babies and of the wounding of their moms is not an American value.

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

We must stand for life. I look forward THE MARCELLUS SHALE CAUCUS: THE POTENTIAL OF NATURAL GAS DEVELOPMENT

> The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. REED) is recognized for 30 minutes.

> Mr. REED. Thank you very much, Mr. Speaker.

I rise today with a few of my colleagues to talk about an issue that. I think, could be a game-changer for the United States of America, which is the natural gas development potential that we find in the shale formations throughout the United States.

I have been privileged to cofound the Marcellus Shale Caucus here in the U.S. House of Representatives with my colleague from Pennsylvania, MARK CRITZ, who will be joining us shortly. The purpose of the caucus is to come at this issue from an objective, scientific, database point of view in order to talk about the pros and cons of natural gas development in America and, in particular, of the Marcellus shale formation, which is located in my district of western New York, throughout Pennsylvania, and in other areas of the Northeast.

One of the things we wanted to highlight today is the indirect benefits that natural gas development will have on our country and probably most importantly from an economic point of view at this time when we face in our Nation's history some of the most enduring and high levels of unemployment we have ever seen.

What we are fundamentally talking about are jobs, not only the jobs related to extracting the natural gas, itself, and laying the pipeline to transport that natural gas to its markets, but the jobs that come as a result of the indirect benefits of that natural gas production. What I and my colleagues are, hopefully, going to talk about tonight are things like the benefits to the public local municipalities with regard to the tax base, road construction and the improvements of the road structures that are located within the areas upon which natural gas development is occurring as a result of the shale formations.

Through these conversations, I think that we will be able to establish that the benefits of extracting natural gas in America will be that game-changing event when it comes to domestic supplies of energy that come from American sources—an event we have never seen before in our lifetimes or potentially in the lifetimes of our children. So I would like to preface this entire conversation by laying some preliminary remarks based upon some concerns that have been raised as to natural gas development in America.

I travel my district. I go to many town hall meetings and get out in front of the people. At times, this issue can

become sensitive in the sense of the environmental concerns that are raised. I have always taken the position that this issue should only be dealt with when we can establish that natural gas exploration and development in America can be done in a safe, clean, responsible manner. That's why, tonight, I am going to read some quotes to you, Mr. Speaker, and to those who may be tuning in and watching this conversation, because there has been a lot of discussion about the potential threat to our aquifers and to our water supplies as a result of hydrofracking and natural gas development out of the shale and tight sand formations. For the record, I would just like to quote some of our leading environmental government officials in America:

"When it comes to natural gas development, the key is to make sure that we say, 'Engineers, make sure we do it safely, without harming water supplies,' and I think we're well on the way. On chemicals, we don't have data that shows those chemicals showing up in someone's well. Over time, that may not be a true statement. Unless there's a problem with well construction, hydrofracking chemicals shouldn't end up in aquifers," Lisa Jackson, head of the EPA for the United States of America, October 14, 2011.

"I'm not aware of any proven case where the fracking process, itself, has affected water, although there are investigations ongoing," Lisa Jackson, Director of the Environmental Protection Agency for the United States of America, May 24, 2011.

### □ 2130

You know, these are comments coming from our EPA Director, but then there's comments like, "With respect to hydraulic (fracturing), because it occurs so far underground, we don't know any examples of (contamination) on public lands. But it demonstrates the importance of ensuring we have wellbore integrity up and down the entire wellbore." That's our Interior Secretary, Kenneth Salazar, testifying to the House Natural Resources Committee on November 16, 2011.

I read these quotes to tell the American people and to tell you, Mr. Speaker, that the concern about the environmental impacts to our aquifers, though legitimate, I think have been fully vetted and have had a long, serious, scientific review and approach in determining that risk is not what many people in America are making it out to be. And again I reiterate my position on this matter, that we need to look at this resource through the economic opportunity that it represents to us in our districts, in our homes, but to us as a Nation.

And we have to look at this economic opportunity and this natural resource potential based on making sure that it is done in a safe and reliable way, but

we also have to look at it from a third point of view, and that is the national security implications of tapping this domestic supply of energy. Natural gas and oils are now being found all throughout America. They are also being found right here in the United States of America in the shale formation such as the Marcellus shale, the Utica shale formation, and also the tight sands formations that exist here in our Nation.

I don't think I have to speak long or hard to the American people or to you, Mr. Speaker, to explain what impact that would have on our national security. If we can establish an energy supply such that is estimated to be under our own ground in natural gas and oil, we will not be sending millions of billions, if not trillions of dollars, to people in the Middle East who have publicly declared that we are enemy number one. I think this is good public policy to promote.

On the indirect benefits, I just want to highlight three examples of people that are benefiting from this from my district.

Now in New York in the 29th Congressional District, we have not had any development in the Marcellus shale on a recent basis because of the moratorium in the Department of Environmental Conservation on the State level coming up with the regulations to ensure that this is done safely and responsibly. But I have the privilege of representing a district that's just adjacent to the northern tier of Pennsylvania, adjacent to my good friend, GT THOMPSON of Pennsylvania, who will speak shortly, where we have had a spillover effect of economic opportunity to the district.

I could talk to you about Dalrymple Holdings, it's a long, family-held company right outside of my hometown of Corning, New York, that has been involved in highway infrastructure construction in Chemung County for years and counties surrounding it. But now they've expanded beyond. The business has seen a tangible impact from the development across the border.

Mr. Dalrymple has reported to me that he has undertaken contracts for total construction of 65 miles of rural roads, a value over \$22 million of road construction being fully funded by private investment. Let me stress that again, Mr. Speaker, \$22 million of private dollars going into road construction upon which Mr. Dalrymple and his company have benefited.

Now, it's not just Mr. Dalrymple. I know this man, he's a good man, and in that \$22 million worth of additional investment in his company and in the projects that it represents, he has been able to create and hire over 60 new men and women averaging \$40 per hour to his business to fulfill those contracts. Those are 60 families that now benefit directly as a result of this development

occurring in the northern tier of Pennsylvania.

Mr. Speaker, Mr. Dalrymple and I share a common background in the sense of he's a small business owner, I was a small business owner before I came here to Congress. And I could tell you there is nothing, nothing like looking at a man or a woman when you hire them and bring them into your business, and you put them to work.

When you have sat in that position, you know when you look at that person you're not just benefiting that person, that person becomes part of your family as a small business owner, and you're taking care of him or her, but you're also taking care of his family, his children by putting food on their table, by providing extra dollars for their children and their education. That is the American ideal. That's the American Dream, just to give someone the opportunity to go to work to take care of their families.

And I also will bring to the record tonight a story of our local dry cleaning company. I could not believe it, Mr. Speaker. I went over to pick up the family dry cleaning, and I was talking to Rick over in Painted Post, New York, just adjacent to my hometown of Corning. And he said, Tom, come back here, I want to show you something.

And we went into his back room and he showed me piles of uniforms that were used by industrial workers, by the workers on the fields in the northern tier of Pennsylvania. He related to me that he was adding an additional \$5,000plus revenue to his business coffers every month. He talked about how he was able to give bonuses to his employees because of that new opportunity. He was another small business owner that knew what it was to take care of not only his employees, but their families and to have them share in the rewards of the hard work that they put together in that dry cleaning operation.

Mr. Speaker, I would be remiss if we don't talk a little bit about the public benefits that have been brought to my attention. You know, I look to our county executive in Chemung County, adjacent to my home county of Steuben County, and I see that his county, a small geographical county, mind you, is leading New York State in sales tax growth. He's leading New York State in hotel tax revenue increases—a small county leading thegreat Empire State of New York by what is going on in the northern tier of Pennsylvania.

And I would be remiss if I didn't tell you the story when I spent the day down in the northern tier of Pennsylvania and met with the commissioners of Bradford County and they told me about the history of their tax sales. You know these sales, Mr. Speaker, these are the sales of people who cannot pay their real property tax bill, lose their property at an auction.

I've been to those auctions. I've looked at families that have lost their property because they couldn't pay the tax bill. Well, in Bradford County, I believe in my friend's district. Mr. THOMPSON, they used to have sales of 100, 150 parcels is my understanding. I know we have had them in Steuben County and Chemung County in New York—and guess how many parcels went up for tax sale in the last year or two? Essentially zero, maybe one or two over those 2-year periods. That is a fundamental shift in what is going on in our part of the country, and hopefully it could be shared across America.

And as that one commissioner told me as we talked about some of the concerns and issues that have to be dealt with, and traffic is always a concern that is raised, he said I'd much rather see traffic lines in my home county than unemployment lines. And I, when I heard that line, I said, Doug, that is exactly what we're talking about. As a commissioner of Bradford County, you nailed it right on the head, and that we are talking about creating traffic lines of economic opportunity and development for generations of Americans rather than compounding and growing unemployment lines.

#### □ 2140

And so we will come at this issue of making sure that it is a clean and safe resource that is developed, but let us focus and join hands in bringing this opportunity for America forward.

My colleague from Pennsylvania has joined us. Mr. THOMPSON, if you would like to comment, I yield to you.

Mr. THOMPSON of Pennsylvania. Thank you for leading this Special Order on natural gas and its benefits. And thanks for your leadership on the Marcellus Shale Caucus. With natural gas, everybody wins. I am very proud to be a member of the Marcellus Shale Natural Gas Caucus. And I appreciate Mr. REED, my good friend from just north of me in New York, acknowledging that good stewardship and good science is important. And we have both when it comes to natural gas. This is not 50, 60 years ago when we were extracting coal. This is 2012, where we have and we benefit from great science, and we know that we have a responsibility to be good stewards of the environment. I appreciate that acknowledgment.

I represent Pennsylvania's Fifth Congressional District. There are 17 counties that I serve, and that's 22 percent of the land mass of Pennsylvania. Mr. Speaker, 15 of my 17 counties have Marcellus shale, and I give thanks for many blessings that God has provided me in my life, and I thank God for the blessings of this natural gas at this time for our country.

I also benefit from having an institution like Pennsylvania State University, Penn State, in my district, and specifically the ag extension part of that land grant university that has experts that are out in the field helping everyday citizens with decisions about leases, leasing their land, and helping them with issues related to making sure that it is done in a way that represents good stewardship by the companies

And here is the part I am most excited about: They are also helping them with finding the right kind of counsel for wealth management. That's the kind of problem we like to see our citizens have, a need for wealth management, because there were a lot of farmers who were going out of business. But today, they have a new John Deere tractor sitting there, and largely that is thanks to Marcellus shale. So it's going to be good for agriculture, which is good for all of America in terms of food

Let me talk about some of the benefits because that's what we're here to focus on. And I want to start with a big one. and that's energy security. Marcellus shale is taking that large valve that controls us, all that oil that we buy from the Middle East, and we're going to be able to shut that thing off because of energy security, moving towards energy independence that natural gas is going to allow this country to have. That's something, whether you're in an area that's blessed with natural gas or not, every citizen in this country should hope and pray and give thanks for the fact that we will move ourselves in the direction of being energy secure, and that natural gas is going to contribute to that significantly.

I want to put that out there. It is the first benefit that absolutely every American, I don't care where they live in this country, is benefiting from natural gas.

Secondly, it really is jobs. I know that is localized to where the jobs occur. I happen to live in an area that has benefited significantly. I represent a very rural part of Pennsylvania, and we've had our difficult times. We have lost industries. But where we have natural gas, we are growing jobs.

Let me just give a couple of examples. In Tioga County there is a manufacturer. Actually, it's an international company. And the international company, the parent company, is looking to expand a plant. Guess where they're looking to? They're looking to Pennsylvania. And they're looking to Tioga County. And a big part of that is manufacturing, a key feedstock ingredient, whether used for heating, processing, or an ingredient, is natural gas. And the price of natural gas being delivered domestically, how it is available, so plentiful and so cheap right now, they want to build and expand the plant right there in Tioga County. That's very exciting. That's jobs.

As I wander around Tioga County, I see help wanted signs everywhere. And it's not just in traditional businesses that you would think of when you think of natural gas. It's all businesses, because the economy is good. The income is up. The unemployment is way below both State and national averages in the counties where the natural gas production has really taken off. And it's moving to other counties.

In terms of jobs, there's an entrepreneur in Elk County who I serve. This is a gentleman who's a real smart businessman. He saw something that these natural gas companies need, and he went out and he created a small manufacturing business to provide it. He's creating jobs, really good jobs for people, skilled jobsin order to produce the supplies that the companies need. And you know what, that's good for everybody. That's Elk County.

In Centre County, my home county, there's a road contractor there. We know that we have a lot of problems with our roads. We're challenged both in the State and Federal budget in terms of money right now. But this road contractor is doing great things, as are a lot of small excavating companies, in terms of pad preparation and paving those roads. You talk about our roads are getting better. The gas companies are investing a significant amount of money early on to build roads, rebuild roads that really have never been built before.

In Pennsylvania we have what's called Pinchot roads, named for a former Governor, that don't have much of a base. So in the spring when the farmers are out there and are running their tractors, they rut up and get muddy. They've never had a firm base. Well, today, those Pinchot roads are being rebuilt really appropriately for the first time. And all of that is driven, that's a secondary benefit of the natural gas opportunity.

If you go to Warren County, we've got a longtime natural gas producer up there. It's a small, independently owned company. They've been in the oil and natural gas business I have to think for decades. Now today, they're partnering with a very large national company, so they're helping to bring outside dollars into the Fifth District of Pennsylvania, and they're creating more jobs.

The growth of the hotels, the hotel industry, is just booming, and those hospitality jobs are great jobs. In Clinton County, closer to my hometown, we have international companies that are relocating to rural Pennsylvania. International companies relocating and creating a significant amount of jobs. It's a very exciting opportunity that we're blessed with today.

I want to talk about heating costs, another benefit. This was two winters ago when the Marcellus was just starting to take off. You know, today, natural gas prices are somewhere in the

neighborhood of about \$2.60 for 1,000 cubic feet. Just 3 or 4 years ago, back when we didn't produce domestic natural gas—we imported it all from other countries—natural gas was somewhere from \$12 to \$13 per 1,000 cubic feet, or more. And today, it's like \$2.60 per 1,000 cubic feet.

Two or three winters ago, the utility in Philadelphia, about as far in Pennsylvania as you can get from where we drill natural gas, reported that the communities in Philadelphia, their home heating costs were at an all-time low. I would argue this winter, if we look in New York and Pennsylvania and all of the areas where, because of natural gas prices today, being domestically produced, those citizens who benefit from heating their homes and cooking with natural gas, their costs in a difficult economy are at an all-time low. That's something that everybody can benefit from.

In fact, one of the projects that I'm trying to work on, I think it is very important, I would like to see how we get those distribution lines for natural gas into more of our communities. My hometown doesn't have natural gas. I would love to be able to heat my home with natural gas, and I would like to at least see what Federal regulations are standing in the way of making that happen. I'm sure there's something out there that's a roadblock that we could work on.

The opportunities that we have today in terms of the benefits from natural gas are significant. They span a lot of different areas. I'm sure there are things that I haven't covered. I just want to take this opportunity to thank you for hosting this forum where we're talking about the benefits. These are really benefits that every American can experience as a result of accessing a resource that God has blessed us with.

Mr. REED. I appreciate my colleague from Pennsylvania for joining us here this evening. If I could continue this conversation with you, I'm sure you've done what I have done on numerous times. When I have traveled home, up state Route 15, right through the heart of your district on the way home to Corning, just over the Pennsylvania border, oftentimes I would take a few moments and get off the road and kind of go into the local communities there as we filled up the car or we got a cup of coffee. Most of the time I drive with a staff member who lives in the district, and I'd say: Let's go off road a couple of miles and see what's going on. I could tell you, every time I have pulled into a gas station there, I have been reminded of the benefits of what this can be to a community in that the parking lots are full. I had to wait in line to fill up the car because there's a lot of trucks. There's a lot of workers. There are a lot of folks coming and going out of those convenient marts.

 $\square$  2150

And some of the most compelling stories I had. I can remember two vividly. coming down the road, pulling off at one of these gas stations and one of these convenience marts and talking to the lady behind the counter. And we did it twice. I can remember vividly saving what does this mean to you? What's going on here? What's causing all this? Kind of playing dumb, obviously, I had an idea of what was causing it. But in both circumstances, the response was amazing. Yeah, it's not the same community. What they would say is that it wasn't the same community as when I grew up here, but, boy, everyone seems to be doing well. Everybody seems to be happy. And one lady, she expressed the conversation because she was working a side job and her husband was a contractor. And she said, my husband used to get up at 2, 3 o'clock in the morning until this came along, and they were receiving a small check, not a retirement size check as a result of this, but a nice, stable source of additional income coming into their household. And she looked at me and she said, it just kind of takes the edge off. It just kind of took the edge off at the end of the month having to pick and choose what bill they may be able to pay that month and which one they may have to put off for another 30 days.

We've all been there. I know growing up in that type of family and when we first started in our private sector life, my wife and I putting our family business together and struggling. There's a lot of stress at the end of the month. Probably that's why I lost my hair and maybe why you lost your hair. But it was amazing to look that one lady in the eye who said, I just appreciate the fact that he doesn't have to get up at 2, 3 o'clock in the morning anymore, and we've got a little side income that's going to take care of their kids.

That conversation you're not having in America right now in many places, but we're having it in your district. And not so much in our district in the sense because we don't have the natural gas going right now, but we've seen the positive impacts like that. And I don't know if my colleague has any similar stories to those two young ladies that I refer to.

Mr. THOMPSON of Pennsylvania. I do. Let me talk about, just out of fairness and equity, two young men, and this was actually published in the local paper. And they were doing a coverage of the Marcellus shale. And I was very impressed with this article because it was two young men who had just graduated from a local high school, actually in Clinton County, not too far off over the line from where I live. And they had decided they were going to go for a little technical training. They were going to go to a community college setting, get a certificate program,

basically for driving a truck. And they did that, and then they secured jobs with someone who I assume was hauling sand or hauling water for the Marcellus operations around the area. These young men I have no doubts are today, and fairly fresh out of high school, are earning somewhere in the neighborhood of over \$60,000 a year, and probably with overtime a little more. That's a pretty incredible start for a young person.

Because I have to believe that my district, the 22 percent of the landmass of Pennsylvania that I serve is probably a lot like your district that our number one export for many years has been our young people. We educate them, and I like to think we do a good job of that, and they go to where there's opportunity. And there has not been opportunity in our economies, and our areas have been somewhat depressed economically for some time. And today, opportunity has returned. That is what this has been.

And there are jobs sitting open now of all types. And that's the exciting part. When I hear about people that are unemployed—and we have had folks protesting about not having jobs. Well, come to the Fifth District of Pennsylvania. You don't have to work in the natural gas industry, because the natural gas industry they've kind of taken, they've been able to recruit some really good folks out of other positions. Some of those have been retail positions, service positions and manufacturing positions, but now those jobs are sitting open. And that's the effect that this kind of an economic opportunity has.

Mr. REED. And I so appreciate my colleague, and it is the sentiment, and I know our time is winding up. But one thing that also touched me. I've done a few tours in the northern tier of Pennsylvania in your district, and I've gone back on my own to go and verify information that has been presented to me. And I came back at the last, over the recess, over the holiday. I came back. and one thing struck me as I was driving home, and that's when talking about having the ability to educate their grandchildren and the children from these family farms, and I know you've had those conversations. I've had those conversations, we down here in Washington have spent billions if not trillions of dollars of public taxpayer money to try to lift people up out of despair; through the welfare society, entitlement society we have invested billions, trillions of dollars here. And look what happened based on private economic opportunity and development in the northern tier of Pennsylvania. You have generations of families that are now lifting themselves out of poverty and out of conditions that we are spending billions down here, they're doing it on their own, and

I think it makes them a stronger individual in our society and it unites families for generations, and it empowers families for generations to control their own destiny. That's what the American Dream is all about.

So I appreciate my colleague joining me this evening and having this conversation. And I so appreciate the invite coming to your district and your coming to my district and our continuing the efforts to educate the American people on the benefits of natural gas development in America, the benefits of Marcellus shale and through the Marcellus Shale Caucus getting the best science and information out to the American people.

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

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Culberson (at the request of Mr. Cantor) for today on account of illness

Mr. LATOURETTE (at the request of Mr. Cantor) for today on account of illness.

Mr. CLYBURN (at the request of Ms. Pelosi) for today on account of illness.

Mr. DAVIS of Illinois (at the request of Ms. Pelosi) for today on account of weather delay.

Mr. DEFAZIO (at the request of Ms. Pelosi) for today and the balance of the week on account of official business in the district.

Mr. FARR (at the request of Ms. Pelosi) for today and the balance of the week on account of health reasons.

#### ADJOURNMENT

Mr. REED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 24, 2012, at 10 a.m. for morning-hour debate.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4630. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyhalofop-butyl; Pesticide Tolerances [EPA-HQ-OPP-2011-0283; FRL-9330-1] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerances [EPA-HQ-OPP-2010-0959; FRL-9328-6] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tepraloxydim; Pesticide Tolerances [EPA-HQ-OPP-2010-0865; FRL-9330-2] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4633. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Golden Parachute and Indemnification Payments; Technical Correction (RIN: 3133-AD73) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4634. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Community Development Revolving Loan Fund Access for Credit Unions (RIN: 3133-AD91) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services

4635. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Family Educational Rights and Privacy [DOCKET ID: ED-2011-OM-0002] (RIN: 1880-AA86) received December 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4636. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedule of Controlled Substances: Placement of Carisoprodol Into Schedule IV [Docket No.: DEA-333] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; California; Determinations of Failure to Attain the One-Hour Ozone Standard [EPA-R09-OAR-2011-0638; FRL-9612-8] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

to the Committee on Energy and Commerce. 4638. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey; Regional Haze State Implementation Plan [EPA-R02-OAR-2011-0607; FRL-9611-2] received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4639. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards [EPA-HQ-OAR-2010-0133; FRL-9614-4] (RIN: 2060-AQ76) received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4640. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-269, "Health Benefit Exchange Authority Establishment Act of 2011"; to the Committee on Oversight and Government Reform.

4641. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-270, "Presidential Primary Ballot Access Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4642. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 19-271, "Unemployment Compensation Federally Funded Extended Benefits Maximization Temporary Amendment Act 2012"; to the Committee on Oversight and Government Reform.

4643. A letter from the Chief, Division of Consultation, Recovery, HCP and State Grants, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Preble's Meadow Jumping Mouse [Docket ID: FWS-R6-ES-2011-0062] (RIN: 1018-AX93) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4644. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations [FWS-R9-MB-2011-0088; 91200-1231-9BPP] (RIN: 1018-AX98) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4645. A letter from the Biologist, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Concho Water Snake From the Federal List of Endangered and Threatened Wildlife and Removal of Designated Critical Habitat [FWS-R2-ES-2008-0080; 92220-1113-0000-C6] (RIN: 1018-AU97) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4646. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 26 and Amendment 29 Supplement [Docket No.: 110606316-1652-02] (RIN: 0648-BB15) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4647. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Eastern Pacific Ocean [Docket No.: 110620342-1659-03] (RIN: 0648-B66) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4648. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #5 Through #26 [Docket No.: 100223162-1268-01] (RIN: 0648-XA551) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4649. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA782) received December 21, 2011, pursuant

Natural Resources.

4650. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA710) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4651. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule - Fisheries Off West Coast States; Pacific Coast Groundfish Harvest Specifications and Management Measures for the Remainder of the 2011 Fishery [Docket No.: 100804324-1265-02] (RIN: 0648-BA01) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4652. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule - Fisheries Off West Coast States; Highly Migratory Species Fisheries; Annual Catch Limits and Accountability Measures [Docket No.: 101102552-1319-021 (RIN: 0648-BA35) received December 21. 2011. pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4653. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule - Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag Grouper Closure Measures [Docket No.: 110321211-1289-02] (RIN: 0648-BA94) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4654. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule - Atlantic Highly Migratory Species: Vessel Monitoring Systems [Docket No.: 110520295-1659-02] (RIN: 0648-BA64) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4655. A letter from the Special Master, September 11th Victim Compensation Fund, Department of Justice, transmitting the Department's final rule — James Zadroga 9/11 Health and Compensation Act of 2010 [Docket No.: CIV 151] (RIN: 1105-AB39) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on the Judici-

4656. A letter from the Director, Office of Tribal Justice, Department of Justice, transmitting Department's final rule — Office of the Attorney General; Assumption of Concurrent Federal Criminal Jurisdiction in Certain Areas of Indian Country [Docket No.: OAG 142; AG Order No. 3314-2011] (RIN: 1105-AB38] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4657. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule - Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date; Impact on Prevailing Wage Determinations (RIN: 1205-

to 5 U.S.C. 801(a)(1)(A); to the Committee on AB61) received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

> 4658. A letter from the Senior Program Analvst. Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Turbofan Engines [Docket No.: FAA-2011-1261: Directorate Identifier 2011-NE-38-AD; Amendment 39-16875; AD 2011-24-11] (RIN: 2120-AA64) received December 21. 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

> 4659. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule - Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1256; Directorate Identifier 2011-NM-036-AD; Amendment 39-16874; AD 2011-24-10] (RIN: 2120-AA64) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

> 4660. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule termination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2012-2) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 1173. A bill to repeal the CLASS program (Rept. 112-342, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2606. A bill to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes; with an amendment (Rept. 112-373). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3117. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; with an amendment (Rept. 112-374). Referred to the Committee of the Whole House on the state of the Union.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on January 20, 20121

H.R. 901. Referral to the Committee on Energy and Commerce extended for a period ending not later than March 1, 2012.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. Lobiondo:

H.R. 3797. A bill to amend chapter 178 of title 28 of the United States Code to permit during a 4-year period States to enact statutes that exempt from the operation of such chapter, lotteries, sweepstakes, and other betting, gambling, or wagering schemes involving professional and amateur sports; to the Committee on the Judiciary.

By Mr. SCHRADER (for himself, Mr. GALLEGLY, Mr. FARR, and Mr.DENHAM):

H.R. 3798. A bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes; to the Committee on Agriculture.

By Mr. LATHAM (for himself, Mr. COLE, Mr. CHABOT, Ms. JENKINS, Mr. BONNER, and Mr. NUNES):

H.R. 3799. A bill to prohibit the disbursement of funds for salaries and expenses of the offices of Members and committees of Congress and to hold the salaries of Members of Congress in escrow if Congress does not adopt a concurrent resolution on the budget on or before May 15 of each year, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. RAHALL, Mr. Camp. Mr. Levin. Mr. Petri. Mr. COSTELLO, and Mr. Lewis of Georgia):

H.R. 3800. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself and Mr. FLAKE):

H.R. 3801. A bill to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

> By Mr. DUNCAN of South Carolina (for himself, Mr. Wilson of South Carolina, and Mr. JORDAN):

H.R. 3802. A bill to require an abortion provider, before performing an abortion, to wait for a period of at least 24 hours; to the Committee on Energy and Commerce

By Mr. FRANKS of Arizona (for himself, Mr. AKIN, Mr. GOHMERT, Mr. FLEMING. Mr. WALBERG. Mr. HUELSKAMP, Mr. PITTS, Mr. LAMBORN, Mr. SMITH of Texas, Mr. KINGSTON, Mr. SMITH of New Jersey, Mr. SOUTHERLAND, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. HARRIS, Mr. BUCSHON, Mr. Pence, Mr. Hultgren, Mr. Bou-STANY, Mr. ROGERS of Alabama, Mr. MANZULLO, Mr. Ross of Florida, Mrs. HARTZLER, Mr. FORTENBERRY, HERGER, Mr. CANSECO, Mr. LANKFORD, Mrs. Lummis, Mr. Austin Scott of Georgia, Mr. Roe of Tennessee, Mr.

MARCHANT, Nunnelee, Mr. HUIZENGA of Michigan, Mr. MURPHY of Pennsylvania, Mr. Jones, Mr. LANDRY, Mr. BACHUS, Mr. ROGERS of Kentucky, Mrs. Roby, Mr. McKinley, Mr. Lipinski, Mr. Kelly, Mr. Gowdy, Mr. Jordan, Mrs. Bachmann, Mrs. ELLMERS, Mr. AMASH, Mr. ISSA, Mr. SCHWEIKERT, and Mr. SCALISE):

H.R. 3803. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUELSKAMP:

H.R. 3804. A bill to permanently extend tax relief and repeal certain tax increases; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

> By Mr. JORDAN (for himself, Mr. AKIN, Mr. Austria, Mrs. Bachmann, Mr. BARTLETT, Mrs. BLACK, Mrs. BLACK-BURN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. Burton of Indiana, Mr. CALVERT, Mr. CANSECO, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. Flores, Mr. Forbes, Mr. Franks of Arizona, Mr. Garrett, Mr. Hall, Mr. Herger, Mr. Huizenga of Michigan, Mr. HULTGREN, Mr. JOHNSON of Ohio, Mr. JONES, Mr. KELLY, Mr. KING of Iowa, Mr. KLINE, Mr. Lipinski, Mr. Long, Mr. Man-ZULLO, Mr. MARCHANT, Mr. McCotter, Mr. Murphy of Pennsylvania, Mr. Neugebauer, Mr. Nunnelee, Mr. Roe of Tennessee, Mr. Rogers of Alabama, Mr. Ross of Florida, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. SOUTHERLAND, Mr. WESTMORE-LAND, Mr. HUELSKAMP, Mr. FLEMING, and Mr. MILLER of Florida):

H.R. 3805. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. MARINO:

H.R. 3806. A bill to end the practice of including more than one subject in a single bill by requiring that each bill enacted by Congress be limited to only one subject, and for other purposes: to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut:

H.R. 3807. A bill to provide for funding of the Low-Income Home Energy Assistance Program (LIHEAP) with a dedicated revenue source consisting of a tax on offshore oil production; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

> By Mrs. MYRICK (for herself, Mr. COBLE, and Mr. McIntyre):

H.R. 3808. A bill to amend the Immigration and Nationality Act with respect to detention of unlawfully present aliens who are apprehended for driving while intoxicated, and for other purposes; to the Committee on the Judiciary

By Mr. PALLONE:

H.R. 3809. A bill to amend title 28 of the United States Code to exclude the State of New Jersey from the prohibition on professional and amateur sports gambling to the extent approved by the legislature of the State; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 3810. A bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WILSON of Florida (for herself, Ms. Bass of California, Mr. Berman, Mr. BISHOP of Georgia, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CAPU-ANO, Mr. CARSON of Indiana, Ms. CAS-TOR of Florida, Mrs. Christensen, Ms. Chu, Mr. Cicilline, Mr. Clarke of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUM-MINGS, Mr. DAVIS of Illinois, Ms. EDWARDS, Mr. ELLISON, Mr. FATTAH, Ms. Fudge, Mr. Al Green of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. Jackson Lee of Texas, Mr. JACKSON of Illinois, Ms. EDDIE BER-NICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KEATING, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. McGovern, Mr. Meeks, Ms. Moore, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Ms. Richardson, Mr. Richmond, Mr. RUSH, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia. Ms. SEWELL, Mr. THOMPSON of Mississippi, Mr. Towns, Ms. Waters, and Mr. Watt):

H. Res. 521. A resolution expressing the sense of the House of Representatives that the United States should work with the Government of Haiti to address gender-based violence against women and children; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or ioint resolution.

By Mr. Lobiondo:

H.R. 3797.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. SCHRADER:

H.R. 3798.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to act under Article I, §8, clause 3—the Commerce Clause.

By Mr. LATHAM: H.R. 3799.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sections 6 and 9 of the Constitution of the United States.

By Mr. MICA:

H.R. 3800.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.

By Ms. GIFFORDS:

H.R. 3801.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. DUNCAN of South Carolina:

H.R. 3802.

Congress has the power to enact this legislation pursuant to the following:

Amendment V. Section 1-the "Due Process" clause protects any life from being taken without due process of law; this legislation provides unborn citizens a modicum of due process.

By Mr. FRANKS of Arizona:

H.R. 3803.

Congress has the power to enact this legislation pursuant to the following:

The District of Columbia Pain-Capable Unborn Child Protection Act is introduced pursuant to Article I, Section 8, clause 17: ' Congress shall have Power . . . to exercise exclusive legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of the particular states, and the Acceptance of Congress, become the seat of government of the United States.

By Mr. HUELSKAMP:

H.R. 3804.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

Clause 1 of Section 7 of Article I of the United States Constitution, all bills for raising revenue shall originate in the House of Representatives.

By Mr. JORDAN:

H.R. 3805.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article 1: To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes

Section 1 of the Fourteenth Amendment: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

By Mr. MARINO:

H.R. 3806.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2

Article I. Section 7. Clause 2

Article I. Section 8. Clause 18.

By Mr. MURPHY of Connecticut: H.R. 3807.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mrs. MYRICK:

H.R. 3808.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the United States Constitution, which gives Congress the power to establish a uniform Rule of Naturalization.

By Mr. PALLONE:

H.R. 3809.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. PETRI:

H.R. 3810.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. DOLD and Mr. STIVERS.

H.R. 83: Mrs. Christensen, Mr. Clay, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Ms. HAHN, Mr. MICHAUD, Mrs. CAPPS, Mr. JACK-SON of Illinois, and Mr. SABLAN.

H.R. 104: Mr. HINCHEY and Mr. GUTIERREZ.

H.R. 110: Mr. Schilling.

H.R. 140: Mr. Scott of South Carolina.

H.R. 191: Mr. McDermott.

H.R. 196: Mr. Towns.

H.R. 217: Mr. FARENTHOLD and Mr. STIVERS.

H.R. 265: Mr. Blumenauer.

H.R. 266: Mr. Blumenauer.

H.R. 267: Mr. Blumenauer.

H.R. 300: Mr. HINOJOSA and Mrs. MALONEY.

H.R. 365: Ms. RICHARDSON and Mr. RUNYAN.

H.R. 436: Mr. MURPHY of Pennsylvania.

H.R. 451: Mr. GRAVES of Georgia.

H.R. 469: Mr. NADLER

H.R. 511: Mr. MILLER of Florida, Mr. WEST. and Mr. Crenshaw.

H.R. 605: Mrs. CAPITO.

H.R. 668: Mrs. BACHMANN and Mr. GRIFFIN of Arkansas.

H.R. 733: Ms. HIRONO.

H.R. 735: Mr. ROKITA and Mr. HENSARLING.

H.R. 763: Mrs. Ellmers.

H.R. 835: Mr. SMITH of Washington.

H.R. 854: Mr. RIVERA.

H.R. 905: Mr. FITZPATRICK.

H.R. 931: Mrs. Myrick and Mr. Duncan of South Carolina.

H.R. 938: Mr. Long.

H.R. 965: Mr. SIRES.

H.R. 973: Mr. ROYCE.

H.R. 998: Ms. BORDALLO and Mr. CONYERS.

H.R. 1063: Mr. DOLD, Mr. CLARKE of Michigan, Ms. Brown of Florida, and Mr. Griffin of Arkansas.

H.R. 1093: Mr. MURPHY of Pennsylvania.

H.R. 1148: Mr. PASCRELL and Mr. FORBES.

H.R. 1173: Mr. Cravaack and Mr. Flake.

H.R. 1179: Mr. TURNER of Ohio, Mr. OLSON, Mr. Benishek, and Ms. Foxx.

H.R. 1182: Mr. RIBBLE.

H.R. 1195: Mrs. SCHMIDT and Mr. CONNOLLY of Virginia.

H.R. 1236: Mrs. Myrick, Mr. Watt, and Mr. MCHENRY.

H.R. 1265: Ms. Wasserman Schultz, Mr. JOHNSON of Illinois, Mr. ALTMIRE, and Mr. GOSAR.

H.R. 1327: Ms. Brown of Florida.

H.R. 1332: Mr. NADLER and Mr. NEAL.

H.R. 1348: Mr. CRITZ.

H.R. 1370: Mr. Shuster.

H.R. 1381: Mr. STARK.

H.R. 1385: Mrs. Blackburn.

H.R. 1386: Mr. NADLER, Mr. PRICE of North Carolina, Mr. REYES, and Mr. HASTINGS of Washington.

H.R. 1418: Mr. AMODEI.

H.R. 1433: Mr. Amodei.

H.R. 1523: Mr. CONNOLLY of Virginia

H.R. 1546: Ms. Matsui, Mr. Van Hollen, and Ms. Sutton.

H.R. 1564: Mr. Jackson of Illinois.

H.R. 1591: Mr. Austria.

H.R. 1606: Mr. Loebsack.

H.R. 1684: Mr. Thompson of Mississippi.

H.R. 1733: Mr. FILNER.

of Maine.

H.R. 1744: Mrs. Adams.

H.R. 1755: Mr. Pascrell.

H.R. 1756: Mr. OLVER and Mr. GUINTA.

H.R. 1780: Mr. Lobiondo.

H.R. 1842: Mr. PASCRELL and Mr. CICILLINE. H.R. 1867: Mr. FITZPATRICK.

H.R. 1895: Mr. Costello, Mr. Cohen, Mr. JACKSON of Illinois, and Mr. RUSH.

H.R. 1964: Mr. Desjarlais WOMACK.

H.R. 1971: Mr. FITZPATRICK.

 $\rm H.R.$  2010: Mr. McCotter.

H.R. 2016: Mr. Frelinghuysen, Mr. Price of North Carolina, and Mr. MILLER of North Carolina.

H.R. 2033: Mr. NADLER.

H.R. 2053: Mr. McIntyre.

H.R. 2139: Mr. Bilirakis, Mr. Scott of South Carolina, and Ms. Schakowsky.

H.R. 2179: Mr. WESTMORELAND.

H.R. 2194: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2195: Mr. GONZALEZ.

H.R. 2269: Mr. Johnson of Georgia.

H.R. 2313: Mr. Ross of Florida.

H.R. 2414: Mr. PITTS and Mr. JONES.

H.R. 2487: Mr. JACKSON of Illinois and Mr. MURPHY of Pennsylvania.

H.R. 2499: Ms. Eddie Bernice Johnson of Texas and Mr. KILDEE.

H.R. 2505: Mr. Stark and Mr. Walz of Minnesota.

H.R. 2514: Mr. RIBBLE.

H.R. 2529: Mr. McCaul.

H.R. 2679: Ms. HIRONO and Mr. Ross of Arkansas.

H.R. 2779: Mr. GIBSON.

H.R. 2787: Mr. GUTHRIE.

H.R. 2834: Mrs. Adams, Mr. Hanna, and Mr. Broun of Georgia.

H.R. 2885: Mr. MATHESON.

H.R. 2955: Mr. RYAN of Ohio.

H.R. 3000: Mr. Lankford.

H.R. 3013: Mr. Walsh of Illinois.

H.R. 3059: Mr. TERRY. H.R. 3066: Mr. ROKITA.

H.R. 3138: Ms. Brown of Florida.

H.R. 3187: Mr. GINGREY of Georgia, Mr.

Ross of Arkansas, and Mr. QUIGLEY. H.R. 3200: Mr. TURNER of New York.

H.R. 3203: Mr. ROKITA.

H.R. 3205: Mr. ROKITA.

H.R. 3209: Mrs. McMorris Rodgers.

H.R. 3213: Mr. Sam Johnson of Texas.

H.R. 3214: Mr. ROKITA.

H.R. 3216: Mr. Tonko.

H.R. 3242: Ms. Woolsey.

H.R. 3269: Mr. Keating, Mr. Farenthold, Mr. ENGEL, and Ms. DELAURO.

H.R. 3276: Ms. Ros-Lehtinen and Mr. Web-STER.

H.R. 3300: Mr. Polis.

H.R. 3307: Ms. Schakowsky, Mr. Gutierrez, Ms. Norton, Mr. Keating, Mrs. Napolitano, Mr. Moran, Mr. Tierney, and Ms. Chu.

H.R. 3308: Mr. Amash.

H.R. 3316: Mr. AL GREEN of Texas.

H.R. 3317: Mr. AL GREEN of Texas.

H.R. 3364: Mr. MILLER of North Carolina, Ms. Waters, Mr. Gonzalez, Mr. Baca, and Mr. Boren.

H.R. 3368: Mr. HINCHEY, Mr. MICHAUD, and Mr. Blumenauer.

H.R. 3380: Mr. Johnson of Illinois.

H.R. 3400: Mr. Amodei, Mr. Neugebauer, Mr. FLEMING, and Mr. QUAYLE.

H.R. 3423: Mr. Cassidy, Mr. Walberg, Mr. AUSTRIA, Mr. TURNER of Ohio, Mr. ROONEY, and Ms. HIRONO.

H.R. 3442: Mr. ISRAEL.

H.R. 3461: Mr. GARRETT, Mr. CANSECO, Mr. THORNBERRY, Mr. HECK, Mr. ROSKAM, Mr.

H.R. 1738: Mr. Schilling and Ms. Pingree Pompeo, Mr. Crawford, Mr. Owens, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, and Mr. Connolly of Virginia.

H.R. 3473: Mr. Costello, Ms. Brown of Florida, Mr. FILNER, Mr. HOLDEN, and Mr. MICHAUD.

H.R. 3510: Ms. Lee of California, Mr. QUIGLEY, Mr. CICILLINE, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. ENGEL, Mr. CLARKE of Michigan, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ OF California, and Mr. HECK.

H.R. 3527: Mr. Ross of Arkansas.

H.R. 3528: Ms. NORTON.

H.R. 3533: Mr. LATOURETTE, Mr. GENE GREEN of Texas, Mr. PAYNE, Mr. HIGGINS, and Ms. Schakowsky.

H.R. 3541: Mr. GOWDY, Mr. HALL, Mr. ROKITA, and Mr. LUETKEMEYER.

H.R. 3548: Mr. Desjarlais, Mr. Hultgren, Mr. Johnson of Ohio, Mr. Burton of Indiana, Mr. GINGREY of Georgia, Mr. PALAZZO, Mr. McClintock, Mr. Fincher, and Mr. Cole.

H.R. 3575: Mr. McCLINTOCK and Mr. DUNCAN of Tennessee.

H.R. 3577: Mr. BERG and Mr. SCOTT of South Carolina.

H.R. 3579: Mr. RIBBLE.

H.R. 3581: Mr. Amash, Mr. Walsh of Illinois, Mr. MULVANEY, Mr. McCLINTOCK, and Mr. WOODALL.

H.R. 3582: Mr. AMASH, Mr. McCLINTOCK, and Mr. Scalise.

H.R. 3583: Mr. AMASH.

H.R. 3590: Mr. HOLT.

H.R. 3596: Mr. Ackerman. Ms. Linda T. SÁNCHEZ of California, and Mr. NADLER.

H.R. 3599: Mr. DEFAZIO and Mr. SCHRADER.

H.R. 3606: Mr. MEEHAN.

H.R. 3609: Ms. Foxx and Mr. Canseco.

H.R. 3612: Mr. Frank of Massachusetts, Mr. JACKSON of Illinois, Mr. YOUNG of Florida, Mr. RIVERA, and Mr. McDermott.

H.R. 3615: Mr. PITTS.

H.R. 3627: Mr. LOEBSACK and Mr. McKin-LEY.

H.R. 3636: Mr. LARSON of Connecticut.

H.R. 3667: Mr. Benishek. H.R. 3670: Mrs. BLACKBURN and Mr. COFF-

MAN of Colorado. H.R. 3676: Mrs. MILLER of Michigan and Mr. YARMUTH.

H.R. 3679: Mr. CONNOLLY of Virginia, Ms. BERKLEY, Mr. KILDEE, Ms. SLAUGHTER, and Mr. Young of Alaska.

H.R. 3702: Ms. Schakowsky, Mr. Yarmuth, Ms. PINGREE of Maine, Mr. JONES, Mr. CROW-LEY, and Ms. CHU.

H.R. 3770: Mr. HALL, Mr. ROKITA, Mr. BROUN of Georgia, Mr. Labrador, Mr. CANSECO, Mr. FORBES, and Mr. BURGESS. H.R. 3778: Mr. GINGREY of Georgia, Mr. Posey, Mr. Fleming, Mr. Franks of Arizona,

Mr. Culberson, Mr. McClintock, and Mr. Burgess.

H.R. 3785: Mr. Amash. H.J. Res. 78: Mrs. NAPOLITANO and Mr. VAN

HOLLEN. H. Res. 16: Mr. Schiff and Mr. Sherman.

H. Res. 253: Mr. Alexander.

H. Res. 271: Mr. FORBES.

H. Res. 407: Mr. Braley of Iowa.

H. Res. 475: Mr. DUNCAN of South Carolina. H. Res. 490: Mr. KLINE, Mr. SMITH of New Jersey, Mr. Lobiondo, Mr. Burgess, Mr.

FORBES, and Mr. YODER. H. Res. 507: Ms. GRANGER.

H. Res. 509: Mr. LATTA, Mr. SCOTT of South Carolina, Mr. MARCHANT, Mr. WHITFIELD, Mr. MACK, and Mr. GUINTA.

H. Res. 516: Mrs. Lummis, Mr. Hastings of Washington, Mr. Westmoreland, Mrs. BLACKBURN, Mr. LATHAM, Mr. FLORES, Mr. BONNER, Mr. LUETKEMEYER, Mr. MACK, Mr.

LANKFORD, Mr. LAMBORN, Mr. MILLER of Florida, Mr. Hultgren, Mr. Forbes, and Mr. Austin Scott of Georgia.

H. Res. 517: Mr. WHITFIELD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3261: Mr. Scalise, Mr. Luján, Mr. Griffin of Arkansas, and Mr. Ross of Florida.

H.R. 3609: Mr. Amash.

# EXTENSIONS OF REMARKS

HONORING THE TOWN OF COLLINS FIRE DEPARTMENT ON THEIR 120TH ANNIVERSARY

# HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. HIGGINS. Mr. Speaker, it is my great honor to recognize The Town of Collins Fire Department on the occasion of their 120th anniversary.

On September 29, 1892, the Town of Collins residents took the initiative to fill a community need and formed their own fire department made up of 26 men led by H.F. Clark. These men operated with minimal equipment, comprising of one hand drawn pumper. The Collins Center Volunteers didn't have a fire house or regular meetings at the time and stored their pumper in the barn of D.W. Wood. But in 1902, the barn burned and the men acted by converting the former wagon shop of John Auwerter into a fire hall and town jail and thus, the Collins Center Volunteers finally had a home. The members hosted several meetings and the fire company became much like a social club for the men in town.

In 1922 the Collins Center Volunteers purchased their first horse-drawn gasoline engine for \$750.00 which helped them cover the extensive area. But even with new equipment, it was decided that the area was too great a challenge to cover for these men. So on April 21, 1925, the Collins Fire Company was formed, and they drastically reduced their coverage area while increasing fire protection.

The transformation of the Fire Department continued as the Collins and Collins Center Fire Companies merged to become the Town of Collins Fire District along with the merge the Board of Fire Commissioners was created. The Fire Department would hold annual fundraisers to increase their budget and build their Department.

Today, the firefighters train in numerous areas including firefighting pump operation, water supply, forestry fire, incident command, auto extrication, and search and rescue operations. The Fire Department has truly evolved over the years, and it could not have happened without the strong backing of such a vibrant, hard working community.

It is with great pleasure that I stand today to honor the Town of Collins Fire Department on their 120th anniversary of serving and protecting the community. The Collins Center Volunteer Fire Company has consistently answered the call to service, whether as volunteers or as active reservists. It is my privilege to join with this fine organization on the evening of Saturday, January 21, 2012 and recognize the unwavering service of the Town of Collins Fire Company.

CHARLIE BARR

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the exceptional service and leadership of Charles L. Barr III on his retirement from a long and successful career in Clay County, Missouri government.

A graduate of the University of Missouri, Charlie served as Athletic Supervisor for the St. Joseph Parks and Recreation Department and was responsible for the management of numerous Buchanan county amenities and projects. In 1987, he became Clay County's Assistant Director of Parks, Recreation, and Historic Sites, and supervised the enhancement and construction of new recreational facilities. He also oversaw countless special functions, from races and concerts to historical site events.

More recently, Charlie served as Assistant County Administrator, handling the oversight of purchasing activities and staff, and then became the overall Director of Parks and Recreation. There, he expertly managed over 5,000 acres of park land, 34 miles of trail, a 7200-acre lake, and a large staff dedicated to assisting Clay County citizens and maintaining the county's public spaces. Finally, having spent the past few months as Interim County Administrator, Charlie retires after 34 years of outstanding service.

Charlie's hard work has not gone unrecognized. A member of the Missouri Parks and Recreation Association, Charlie received the Fellow Award, the Association's highest honor. He has also received Mizzou's Eye of the Tiger alumni award and numerous recognitions from the YMCA, the city of St. Joseph, and Clay County.

and Clay County.

Mr. Speaker, I ask my colleagues to join with me in commending Charlie Barr for his dedicated service to the people of Clay County. I know Charlie's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

BLACK JANUARY

#### HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. BOREN. Mr. Speaker, as a Co-Chair of the Congressional Azerbaijan Caucus, I note that January 20 marked the 22nd anniversary of an historic and tragic day in the history of the country of Azerbaijan.

On the night of January 19, 1990, 26,000 Soviet troops invaded the capital city of Baku

and surrounding areas. As a result of this violent crackdown on the Azerbaijani people more than 130 innocent civilians died, 611 were injured, 841 were arrested and many more were missing. This event remained in the history and in the minds of all the citizens as "Black January".

This attack was an attempt to stop the independence movement that was gaining momentum in Azerbaijan and to rescue the totalitarian regime, the rule of Communist Party, and the whole Soviet Union. However, this invasion produced the opposite result. It further inflamed the national movement for independence in Azerbaijan and other Republics of the Soviet Union. In a resolution on January 22, 1990, the Supreme Soviet of Azerbaijan SSR declared that the decree used by the Presidium of the Supreme Soviet of the USSR to impose emergency rule in Baku and military deployment constituted an act of aggression. This event is seen as the rebirth of the Azerbaijan Republic.

Popular pressure led the country to break away from Soviet rule and declare its independence. On August 30, 1991, Azerbaijan's Parliament adopted the Declaration on the Restoration of the State Independence of the Republic of Azerbaijan, and on October 18, 1991, the Constitutional Act on the State Independence of the Republic of Azerbaijan was approved. November 1991 marked the beginning of international recognition of Azerbaijan's independence. The United States was among the first nations to recognize independence of this young country. It established diplomatic relations with Azerbaijan on February 28, 1992, and opened an embassy in Baku in March of that year.

Today, Azerbaijan has developed into a thriving country with sustainable economic growth and developing democratic institutions. The United States and Azerbaijan are cooperating on a broad range of issues and share a common vision for the future of the region and beyond.

I encourage my colleagues to join with me today in standing with Azerbaijanis as they commemorate this tragedy.

THE 39TH ANNIVERSARY OF ROE V. WADE

#### HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mrs. ROBY. Mr. Speaker, I rise today to recognize the 39th anniversary of the monumental court decision *Roe* v. *Wade*.

Since legalizing abortion in 1973, approximately 50 million abortions have been performed in the United States alone. Just today, over 4,000 babies will be aborted and over the course of 2012—1.4 million children in the United States will not be granted life.

Mr. Speaker, I am unapologetically pro-life and am proud to be a member of the Pro-Life Caucus. I believe that the miracle of human life begins at the very moment of conception. I also believe that every human being has the inherent right to life and that this right must be protected by law. As a woman, a wife, and a mother of two small children, I will continue to fight for the unborn as the Representative of Alabama's Second Congressional District.

I applaud my home state of Alabama in its admirable fight to protect human life. Alabama recently became the fifth state to pass a measure banning physicians from performing abortions after 20 weeks—which, according to research, is the point where unborn children can experience pain. I applaud the Alabama legislature for taking such a strong stance on abortion and protecting the unborn.

I believe that I have an obligation to do everything in my power to fight for the unborn, prevent taxpayer money from funding abortions, and to protect our democratic system from the encroachment of an all-powerful judiciary.

Mr. Speaker, today is a time to celebrate the gift of life and mourn those whose lives were unjustly ended before birth. Let us use the 39th anniversary of Roe v. Wade as an occasion to reaffirm our beliefs and our vow to fight for the life of every child.

HONORING FIRE CHIEF ANTHONY BEDNARZ FOR HIS RETIREMENT AFTER 50 YEARS OF SERVICE

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Fire Chief Anthony Bednarz upon his retirement after 50 years of service to the residents of Western Springs and Riverside, Illinois, two villages in my district. He retired on December 31, 2011. These two villages are, and always will be, safer thanks to his efforts.

The seeds of Chief Bednarz's career were planted at a young age, since his father served as a firefighter as well. Thinking that he wanted to avoid firefighting, Chief Bednarz entered the United States Army where he served honorably. After his discharge, he changed his mind and joined the Riverside Fire Department in 1961. He knew almost immediately that he wanted to be a leader within the department and took classes to be one of the first to earn a degree in Fire Science from the College of DuPage.

Over the years, Chief Bednarz gained the respect of his peers and eventually became Fire Chief of the Riverside Fire Department in 1976—a position he would hold for the next 30 years. The Riverside Fire Department is one of the most progressive and effective in the area thanks to the leadership of Chief Bednarz. He was pivotal in modernizing the department's building and rolling stock. He also coordinated the Riverside emergency medical response system in the 1970s.

Chief Bednarz left the Riverside Fire Department five years ago to join the Western Springs Fire Department where he helped

make improvements and guided the construction of a new building for the fire department.

Chief Bednarz has touched countless lives as a firefighter, manager, and mentor. He will be missed as a veteran firefighter and we are all sad to see him go. But it is a happy time for his family, as his retirement will give him more time to enjoy with his wife, Marianne, his children, Krista, Lisa, Charles, and Paula, and his grandchildren. I thank Fire Chief Anthony Bednarz for his career of service and I wish him a long and happy retirement.

HONORING RACHEL COLLETT

# HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the extraordinary life and decidedly courageous outlook of Rachel Collett upon her graduation from Livonia Churchill High School.

On January 13, 2012, Rachel, resplendent in her red cap and gown, rose from her wheel-chair and walked across the stage to accept her high school diploma. After ceremoniously moving the tassel from right to left, she triumphantly tossed her cap into the air as family, friends and school officials applauded.

Rachel Collett has taught much more than she has learned. She was diagnosed with osteosarcoma at the age of 11 and though since the initial diagnosis she has been constantly been in some form of treatment but never remission, she has never let the disease define her. Rather, she focused on living and determined to schedule her treatment around life and not life around her treatment. She has resolved to make every moment worth remembering. Rachel was earned a Livonia Rotary Service Award, earned college credits while in high school, coached middle cheerleading squads and was a member of the Churchill High School varsity cheerleading squad until this school year. She attended classes until October 2011 when the debilitating pain made it impossible to continue. Even then, the indomitable Miss Collett continued her schoolwork at home.

Rachel Collett is a remarkable young woman who reminds us longevity is never promised in this life. She has accepted what is and is determined to live the days God has given her striving to accomplish the goals she has set for herself. What we take for granted she fights for the opportunity to achieve.

Mr. Speaker, it is my honor and absolute privilege to recognize this incredibly inspiring young woman. For all she has endured, Rachel Collett still embraces life with an irrepressible smile. I ask my colleagues to join me in recognizing the incomparable light she is to all who know her and in thanking her for all she has brought to our community and our country. Shine on, Rachel.

IN MEMORY OF SHIRLEY LEVINE

#### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. BERMAN. Mr. Speaker, I rise to mark the loss of a titan of education in Los Angeles, Shirley Levine, who passed away on January 9, 2012. The entire Los Angeles community suffered a great loss in her passing.

Shirley Levine served as an educator in the LA Unified School District before founding the Abraham Joshua Heschel School in 1972. Encouraged by several local leaders, such as Rabbi Harold Schulweis and Mark Lainer, Shirley laid the groundwork for a school that would fuse humanistic values, a love of Judaism, and unparalleled secular studies. She originally opened the school in North Hollywood, CA, but Heschel quickly outgrew facilities at Adat An El and Valley Beth Shalom synagogues, among other locations, and the school eventually found a permanent home in Northridge, CA. As noted by Rabbi Jan Goldstein, the rabbi-in-residence during Heschel Day School's early years, each institution was forever impacted by Shirley's vision and pas-

As Heschel's Congressman during the 1980s and 1990s, I watched the school mature into a powerful source of moral strength in the San Fernando Valley community, with thousands of roots that trace back to Shirley's instruction and guidance. I have seen these roots firsthand—many of my constituents are current students and graduates of Heschel, as are some of my staff and close family friends. I can see Shirley's legacy through the activism and Jewish vitality of these individuals.

One graduate related to me stories of weekly Sabbath gatherings in every classroom at Heschel, and how meaningful it was to mark that day each week with peers. The week had an anchor, with the Sabbath as the focus. That epitomizes Shirley's approach—she created an institution with a warm, welcoming environment, one imbued with Jewish and humanistic values. I am also aware that many graduates credit Shirley for making them the person they are today, especially those who spent an inordinate amount of time for disciplinary reasons in Shirley's office. Shirley's son, Darren, stated during Shirley's eulogy that his mother's lasting message is: "Be passionate about what you do, treat others with compassion, and take actions to make the world a better place." I am inspired by the passion in which Shirley led her life; I am mindful of the compassion she imbued in her students; and I am grateful to Shirley for indeed making our community a better place.

My condolences go out to Shirley's husband, Arnold; children Mark, Darren and Marci; and the entire Heschel family.

PERSONAL EXPLANATION

#### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 947 I was detained while attempting to reach the house floor to cast my vote.

Had I been present, I would have voted, "vea."

HONORING THE VICTIMS AND SUR-VIVORS OF THE JANUARY 12, 2010 EARTHQUAKE IN HAITI

# HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in remembrance of the quarter of a million Haitians who lost their lives during the devastating earthquake that occurred on January 12, 2010. As we reflect on the two years that have passed since this tragedy, it is important to express our gratitude to those who have helped rebuild Haiti and renew our commitment to further assist survivors.

In the aftermath of the earthquake, over 50 percent of American households donated to earthquake victims, and the United States dispatched 20,000 civilian and military personnel to Haiti. These Americans put into operation the largest urban food distribution in history to 3.5 million people, provided emergency shelter to 1.5 million people, and implemented a vaccination campaign for more than 1 million people. Within the past two years, aid has shifted from rescue efforts to innovative reconstruction and development strategies. Still, there remains much more work to be done. The generosity of millions of people around the globe gives us hope that Haiti will be rebuilt.

The South Florida community displayed its continued commitment to the reconstruction of Haiti at a special event recognizing the two year anniversary of the earthquake on January 8th, 2012. Arranged by the Democratic Haitian American Caucus of Florida, the event included a Catholic Mass at St. John the Evangelist Church, a memorial service at Parish Hall, and a donation drive in partnership with a church group to collect supplies for victims.

I am proud to represent so many men and women in South Florida who in these past two years have supported our vibrant Haitian community in a myriad of ways, from housing displaced victims to donating supplies for reconstruction. As we remember those lost in this devastating natural disaster two years ago, we must reaffirm our commitment to helping Haiti rebuild their nation and forge a better future for themselves and their families.

HONORING THE NATIONAL INTEL Wetzler and Eric Parigoris of Kings Park High COMPETITION SCIENCE SEMIFINALISTS OF LONG IS-LAND

#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. ISRAEL. Mr. Speaker, I rise today to honor 58 Long Island high school seniors named as semifinalists in the National Intel Science competition. With 300 semifinalists nationwide, the Intel Science Talent Search gives high school seniors the opportunity to engage in ambitious science based research projects. I am especially proud of the constituents from my Congressional District on Long Island who were selected as semifinalists in this prestigious competition.

This next generation is continuing Long Island's strong legacy of pushing new innovations and scientific breakthroughs. Using math and science as a foundation, the seniors approached their respective projects from a variety of angles. By gaining access to professional laboratories at local universities, participants were given the opportunity to bring their creative aspirations to fruition. In doing so, they have begun to tackle some of our nation's most difficult challenges.

From working on a possible cure for Alzheimer's disease to creating a flame resistant plastic, our Long Island contestants embody the true American spirit of innovation and problem solving. Their sacrifice, patience and determination are instrumental in keeping America's competitive edge in a global econ-

Coupled with the effort of exceptional students, our Long Island science teachers played a pivotal role in this accomplishment. By pushing the boundaries and setting high expectations, these excellent teachers have helped their students succeed. Long Island's strong placement in the Intel Science competition semifinals reflects their dedication and commitment to their students' success. Moving forward, it is critical that our schools have the resources they need to cultivate robust math and science programs.

At the end of this month, forty finalists will be selected and invited to Washington, D.C. to meet leading scientists and researchers in a variety of fields. I am optimistic that some of our Long Island seniors have the privilege to attend. For all of the Intel Science Talent semifinalists. I wish them continued success as they pursue their college educations and future careers. I would now like to formally submit their names to the CONGRESSIONAL RECORD: Rebecca Alford, Austin Lee and Savina Kim of Commack High School: Juliana Coraor of Huntington High School; Malini Desai of Half Hollow Hills High School West; Jill Dolowich, Neil Mehta, Anuja Shah, Anirudh Chandrashekar, April Pun, Sagar Rambhia and Christine Kim of Jericho High School; Parsa Erfani, Samantha Fradkin, Sherilyn Gould and Mariam Makram of Plainview-Old Bethpage John F. Kennedy High School; Samantha Garvey of Brentwood High School; Hannah Kenagy of Half Hollow Hills High School East; Amelia Morales, Shannon

School; Garima Yadav of Sachem North High School.

PERSONAL EXPLANATION

#### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. SIMPSON. Mr. Speaker, on rollcall No. 4, Adoption of H.J. Res. 98, relating to the disapproval of the President's exercise of authority to increase the debt limit, I was unavoidably detained and unable to vote.

Had I been present, I would have voted "aye."

THE MEMORY OF ROSCOE R. NIX

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. VAN HOLLEN. Mr. Speaker, it is with sadness that I advise my colleagues of the death on January 4, 2012 of my constituent, civil rights leader and education activist. Roscoe R. Nix. Roscoe Nix was an inspirational giant in the Montgomery County, Maryland community where he was known for his wisdom, his kind and caring manner, and his fierce dedication to social and educational equality for all Americans. Mr. Nix worked passionately for decades as a leading civil rights activist, drawing attention to racial inequalities throughout our country.

Roscoe Russa Nix was born June 22, 1921. in Greenville, Alabama, the second of nine children and the son of the only black postman in town, Mr. Nix attended Alabama A&M University but left to serve in the Army in Europe during World War II. After his military service, he settled in the Washington area and graduated from Howard University. He moved to Montgomery County in 1968 where he resided until 2010 when, for health reasons, he moved near his daughter in Riverdale, Geor-

Growing up in segregated Alabama, Roscoe Nix had firsthand experience with Jim Crow laws and the injustice of institutionalized racism. After moving to the Washington, DC area, Mr. Nix observed that northern states were more likely to have simply overlooked their own records of discrimination. He recalled being refused service at a Silver Spring, Maryland restaurant in 1962 and the demonstration he staged in response. Moments like this defined his career and inspired him to work for change.

During our Nation's post-segregation era, Mr. Nix worked for the U.S. Justice Department's Community Relations Service, traveling around the country as a "peacemaker" to work with local leaders on conflict resolution in cities experiencing civil unrest.

For decades, Mr. Nix was a leader in public education in Montgomery County. In 1974, he was the second African American elected to the Montgomery County Board of Education

where he fought against de facto school segregation. As a member of the Board until 1978 and then afterwards, he pushed for greater resources for schools in poorer neighborhoods and spoke out about racial disparities in the schools. Mr. Nix was a champion for early childhood initiatives and fought for increased funding of Head Start and Title 1 and for lower class size in the elementary grades. In 2006, the Montgomery County Board of Education dedicated the Roscoe R. Nix Elementary School in Silver Spring in recognition of his contributions to the public education of the children in the county.

In 1989, Mr. Nix co-founded the Montgomery County African American Festival of Academic Excellence. This annual event recognizes, encourages and celebrates African American students for their academic achievements and reinforces the idea that it is "cool" to be smart.

Serving as President of the Montgomery County chapter of the NAACP from 1980–90, Roscoe Nix spoke out against police mistreatment of minorities and worked to increase the number of African American officers on the police force.

In 2001, Mr. Nix was inducted into the Montgomery County Human Rights Hall of Fame. After receiving the honor, he said, "So much of what Montgomery County is today is because of struggle. . . . It's hard, especially for young people, to remember how we got where we are today." He noted, "Blessings come to people through someone else's help or through some unknown entity. Because of that, it is our obligation to use whatever it is that one of us has to help those who are less fortunate or who may be afraid to speak for themselves." These guiding words and the legacy and achievements of Roscoe R. Nix will live on in Montgomery County, in Maryland. and across our Nation.

I ask my colleagues to join me in paying tribute to this extraordinary American and in offering our condolences to Mr. Nix's wife of 59 years, Emma Coble Nix; his two daughters, Veretta Nix and Susan Webster; his sister, Anita Jackson; his three brothers, Crispus Carey Nix, Pettis Nix and Comer Nix; and his three grandchildren.

RECOGNIZING THE TUSKEGEE AIRMEN

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Monday, January 23, 2012

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the Tuskegee Airmen for their excellence in aviation, their courage, and their role as trailblazers for equality. On January 20, 2012, the movie "Red Tails," which depicts the story of the Tuskegee Airmen, debuted nationwide.

The story of the Tuskegee Airmen, as they would become known as, begins long before they fought in World War II. Their first fight began at home, against racial discrimination. Prior to WW II, the U.S. Army Air Corps prohibited African Americans from serving as pi-

lots, because the U.S. government believed that African Americans were incapable of flying an airplane. In October 1940. President Franklin Roosevelt ended the ban on African Americans serving as pilots in the Air Corps. However, it was not until January 1941, in response to pressure from the National Association for the Advancement of Colored People. the Chicago Defender and other African American newspapers, and only one day after Howard University student Yancey Williams threatened to sue the Secretary of War because the Air Corps still had not accepted any African Americans pilots, that the War Department created an all-black squadron in Tuskegee. Alabama, the U.S. Military was racially segregated at the time. Soon thereafter, the Airmen received a visit from First Lady Eleanor Roosevelt. During the visit, she asked Charles "Chief" Anderson, the head of the program, "Can Negros really fly airplanes?" Chief Anderson replied: "Certainly we can: as a matter of fact, would you like to take an airplane ride?" Mrs. Roosevelt accepted and upon landing, she turned to Chief Anderson and said, "I guess Negros can fly."

By the spring of 1941, the training of the first group of Tuskegee Airmen, the 99th Fighter Squadron, commenced. The squadron consisted of 13 African American men, all of whom were college graduates and had earned their pilot licenses prior to serving in the Air Corps. The Airmen trained under difficult conditions, from overcrowded classrooms and airstrips to racist officers. In 1943, the Airmen were sent to North Africa, and Europe to fight. In their first mission, they managed to shoot down six German aircraft.

The Tuskegee Airmen were known as the "Red Tailed Angels" because of the red paint on the propeller and tail of their planes. In all, approximately 990 men graduated from Tuskegee's pilot training program but only 450 of them were sent overseas for combat assignments. These heroes managed to destroy over 409 German airplanes and 950 railcars. trucks, and other vehicles. The Airmen flew, 1.578 missions over Europe and North Africa. escorted more than 200 bombing missions, and were the first to sink a battleship using only machine guns, remarkable accomplishments for a group of men whom the military thought could not fly. In total, the Red Tails were awarded 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. The accomplishments of these brave soldiers helped pave the way for President Harry Truman's decision to integrate the military in 1948. In 2007, several decades after they completed their last mission. President George W. Bush presented the Congressional Medal of Honor to the Tuskegee Airmen, a well-deserved recognition for a group of men who had to fight two battles, one at home and another abroad.

Not surprisingly, there are currently 31 Airmen living in the D.C. Area. Residents from the District of Columbia, particularly students from Dunbar High School, the-then segregated public high school for black students here, were selected in a disproportionate number as Tuskegee Airmen.

I ask the House to join me in honoring the accomplishments of the Tuskegee Airmen and in thanking them for their service.

HONORING DONALD SCHNEIDER

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. SHUSTER. Mr. Speaker, it is my privilege to rise today to recognize Mr. Donald Schneider, a pioneer who transformed the transportation industry as we know it. I ampleased to have the opportunity to call attention to his service and his remarkable story of American entrepreneurship and ingenuity.

Mr. Schneider, chairman emeritus and former president of Schneider National, Inc., ran one of the nation's largest truckload carriers with nearly 12,500 tractors and 35,000 trailers, all painted in a distinct shade of orange. You may have seen his trucks driving down our great national highways, hauling goods from coast to coast. Behind these trucks was a stellar businessman who leveraged new technologies and innovations to grow his company into one of the most successful, recognizable, and respected transportation and logistics companies in North America. In the process, an industry was transformed and millions of Americans benefited from his life's work without them even realizing.

Mr. Schneider was a hard working man who began as a mechanic's assistant and truck driver at the age of 18. He graduated from St. Norbert College with an undergraduate degree in business and married his wife Pat in 1957. After serving a 13 month military tour of duty in Korea, Schneider graduated from the University of Pennsylvania Wharton Business School, then began to work in his father's trucking business in 1961, fusing his passion for trucking with a keen business sense.

Over the next three decades, Mr. Schneider expanded his fleet substantially, using modern management techniques and acquisition of regional trucking companies to grow his business. Under Mr. Schneider's leadership, Schneider National was one of only a few prederegulation truckload carriers that survived and flourished after the Motor Carrier Act of 1980

Later in that same decade, his company even began to install satellite communication in trucks. By allowing companies to track their trucks in real time, consumers benefitted from faster package deliveries and just-in-time inventory management.

His company's entrance into the logistics business in 1993 heralded a new frontier in trucking by enhancing the ability of companies to manage time-sensitive deliveries and inventories. Meanwhile, his use of standard-sized trailers that could run over the road and ride on railroad flatcars—known as intermodal transportation—established partnerships with the railroads and was followed by all others in the industry.

Now, it is unimaginable how the trucking industry ever fared without Mr. Schneider's visionary ways.

Though Mr. Schneider was a great man, he never lost his common touch. He insisted on being called by his first name, and was a community philanthropist who was active in several charities. In a 1997 interview, he was

quoted as saying, "My job is important, but it's no more important than the driver or the people in the service center."

Mr. Schneider was a man who had a true servant's heart, and America has been enriched by his service to this country. His entrepreneurial spirit will endure not only in his company's orange trucks and trailers, but in the homes of countless Americans who have benefited from his innovations. I invite the American people to join me in celebrating his life.

HONORING THE CARROLL SENIOR HIGH SCHOOL DRAGON CROSS COUNTRY TEAMS

# HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I rise to recognize the Carroll Senior High School Dragon cross country boys and girls teams for winning their respective 2011 Texas state championship titles.

Carroll Senior High School competes in the University Interscholastic League Class 5A, the most competitive athletic class composed of the largest schools in Texas. For the girls team, this championship was their fifth in Class 5A since 2005, and their first since 2008. For the boys team, this was their first title in school history.

Both teams turned out strong performances by all competitors. The girls won with a team score of 34 points. Three of their runners earned a spot among the top ten finishers at the state competition. Courtney Kriegshauser led the Lady Dragons with a second-place finish.

The boys' first title broke the championship record for team points. They finished with 20 points, which is the lowest in the history of 5A state meets. Five of the boys made the top ten, with Nate Sullivan leading the way in fifth.

I am extremely proud of the Carroll Dragon cross country teams for their excellence in athleticism and sportsmanship. I would like to recognize each player on these championship teams. For the girls: Shelby Chapin, Rachel Felice Johnson, Courtney Harper. Kriegshauser, Allison Naval, Sarah Roe and Julia Sunderland. For the boys: Jordan Chavez, Trevor Gilley, Ben Golestan, Connor Hendrickson, Alex Johansson, Joe Sansone and Nate Sullivan. The team was guided by an exceptional coaching staff that included Justin Leonard, Nichole Gillev, Brandon Rogers, and Christopher Anderson.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating the Carroll Dragon cross country teams on winning the boys and girls state championship titles.

OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,236,271,879,792.78. We've added \$10,434,866,704,498.50 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### TRIBUTE TO GILBERT CATES

#### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. BERMAN. Mr. Speaker, I rise today to pay respects to my friend, producer and director, Gilbert Cates who passed away on October 31, 2011 at the age of 77. Let this congressional insert serve as a tribute to his memory and celebration of his meaningful life.

Born June 6, 1934, in New York City to Jewish parents, Mr. Cates was a member of the fencing team at Syracuse University studying pre-med but changed his major to Theater after an experience teaching actors to sword fight during a student production of Richard III.

Gilbert began his career directing a number of feature films—including two Oscar nominated films—I Never Sang for My Father, in 1970, and Summer Wishes, Winter Dreams, in 1973. He also produced and directed Broadway and off Broadway plays, most notably the productions of I Never Sang for My Father and You Know I Can't Hear You When the Water's Running.

Hailed as a director with a propensity for taking on challenging themes, in 1984 Gilbert directed Consenting Adult, a made-for-TV feature which focused on homosexuality and was followed up in 1989 with Do You Know the Muffin Man?, a story centered on child molestation. Mr. Cates received Emmy nominations in the Best Director category for both projects.

During his tenure as president of the Directors Guild of America, DGA, Gilbert led the guild's negotiations committee and four times headed contract negotiations with producers, leading the guild through a strike in 1987. He was instrumental in orchestrating the merger between the Radio & Television Directors Guild and the Screen Directors Guild in 1960.

Well known for producing some 14 Academy Awards broadcasts between 1990 and 2008, Gilbert is famed for recruiting Billy Crystal and Whoopi Goldberg as well as David Letterman, Steve Martin, Chris Rock and Jon Stewart as hosts. He also served on the Academy's Board of Governors from 1984–1993, and won an Emmy in 1991 for the 63rd annual Oscars, returning to the board in 2002 and serving as its Vice President from 2003–2005.

In 1990, Gilbert became the Dean of UCLA's newly combined School of Theater, Film and Television, a post he held until 1998, after which he continued to educate young filmmakers as a professor. As a result of his many professional accomplishments, Mr. Cates received a star on the Hollywood Walk of Fame. He also received the DGA's prestigious President's Award and the Guild's Robert Aldrich Award for service, as well as having received the DGA's Honorary Life Membership.

Gilbert was a loving husband and father. He is survived by his wife, Dr. Judith Reichman, four children, two stepchildren and six grand-children.

I ask my colleagues to join me in celebrating the life and achievements of Gilbert Cates.

#### HONORING KENT MORTON

# HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Kent Morton and to mourn him upon his passing at the age of 28.

Born on June 12, 1983, Kent Morton was a gregarious man with a ready smile. He loved his close-knit family and called his older brother Shane his best friend. Kent was a man who was always willing to help in any way he could. He was happily involved in his Garden City community and spent many hours as a PTA volunteer at Lathers Elementary School where his daughter Makayla is a student. He often used his formidable painting skills to help beautify his church.

Regrettably, on January 11, 2012, Kent Morton fell more than 100 feet from the painters' scaffolding on the Ambassador Bridge into the frigid Detroit River. Although he did survive the initial fall, he could not survive the strong current and passed from this earthly world to his eternal reward. He is survived by his beloved parents, Fawn and Mario Salvatore, and father David Morton. He leaves a legacy in his adored daughter, Makayla, and an unborn child. His treasured siblings, Shane, Amber, Bret and Sarah will forever carry Kent in their hearts. He will be deeply missed by his cherished fiancee Kristi Waltsgott and many family members and friends.

Mr. Speaker, Kent Morton is remembered as a loving father, a compassionate son, a devoted brother and an admired friend. Kent was a man who deeply treasured his family, friends, community and his country. Today, as we bid Kent farewell, I ask my colleagues to join me in mourning his passing and honoring his devotion to his country and his community.

MARCELLUS SHALE—ANCILLARY INDUSTRIES

#### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mrs. CAPITO, Mr. Speaker, the natural gas industry is very important to my constituents in West Virginia. Given the exciting opportunities that my state has as a result of the Marcellus Shale, I particularly appreciate the opportunity to discuss ancillary industries that West Virginia has the opportunity to develop as a result of its shale resources. I applaud Congressmen REED and CRITZ for organizing a Special Order on the Shale's ancillary industries.

America's current energy policy is highly flawed. My constituents can see its flaws when they are forced to pay higher prices at the gas pump. Newly found shale resources have given us a major opportunity to take advantage of home-grown natural resources like natural gas diversifying our energy portfolio and making us less dependent on foreign sources of energy. Our combined recoverable oil, natural gas and coal resources is the largest in the world. The United States must seize the opportunity to tap into these resources; however the Administration remains intent on enforcing a moratorium on energy production and transportation.

In 2009, the oil and natural gas industry supported 24,400 jobs in West Virginia. It is projected that the next decade could see an increase in 18,000 to 26,000 jobs due to Marcellus investment and production. In addition to the economic boost that this nation can receive by utilizing its own energy resources, we also have the opportunity to strengthen existing industries and to also develop new ones. There are abundant resources present in the Marcellus Shale, including natural gas, oil, propane, and ethane. These resources can be used to heat our homes, power our vehicles and fleets, and to serve as a feedstock for chemical production.

As my colleagues from Ohio and Pennsylvania know, our states are currently competing against one another to attract chemical plants known as "crackers". A single cracker would result in billions of dollars in investment, tens of thousands of construction jobs, and thousands of permanent jobs. It would also create jobs across the region and across the economic spectrum. A cracker would increase the local tax base, allowing local school districts to have more funds available to improve the education offered to our children.

Attracting a cracker to the region will benefit all of our states and the country as a whole, but my hope is that West Virginia is successful at gaining this exciting opportunity. I believe that West Virginia has everything that a company desiring to build a cracker could want. West Virginia has a strong budget picture, an improving tax climate, a ready and able workforce, and a strong history in the chemical industry. I want my constituents to know that I am working with other leaders from West Virginia to attract a cracker. A cracker would give West Virginians what they want the most: good paying jobs that will allow them to put dream.

Additionally, production in the Marcellus Shale gives us the opportunity to revive our industrial base. This is especially the case in regions that have historically been dominated by the steel and chemical industries. In order to actually produce the sources available in the shale we must first have steel and industrial equipment. The new demand for these materials will hopefully allow previously shuttered facilities to reopen, new facilities to be built, and existing facilities to increase production. All of this will create jobs.

We are blessed in West Virginia to have abundant, natural resources that power our country. The Marcellus Shale will undoubtedly play a major role in the future of the energy industry, moving us toward energy independence and creating jobs in ancillary industries as well as the energy industry.

Of course we must develop these resources in a responsible manner that ensures our grandchildren have clean air and water. It is essential that a proper regulatory structure is in place, one that balances exploiting this tremendous resource with environmental concerns. However, it is not necessary for the federal government and bureaucrats in Washington to balance these concerns. I fully support States being able to regulate the natural gas industry without undue interference from Washington bureaucrats. I am confident that states have the ability to regulate this industry, West Virginia showed that it had the ability to do so when it passed comprehensive legislation regulating shale gas production.

I urge my colleagues to continue fighting to ensure that we are able to take advantage of our domestic resources to create the jobs that Americans so desperately need.

HONORING THE LIFE OF NORTH-FLORIDA'S BELOVED WEST LARRY BUTLER

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress. I rise today to recognize the life of Northwest Florida's beloved Larry Butler. Northwest Florida and the world of music and entertainment mourn the loss of an extraordinarily gifted

A musical prodigy, Larry Butler began his distinguished career at the mere age of six, when he made a guest appearance singing with the Henry James Orchestra. At the age of nine. he had his own show on Pensacola's WEAR-TV3; and by his twenty-first birthday, Mr. Butler was already recording with musical legends such as George Jones, Loretta Lynn, Dolly Parton, Jerry Lee Lewis, and Johnny Cash. He later collaborated with both Johnny Cash and Kenny Rogers, on some of their most well known hits. Mr. Butler is a two-time Grammy Award Winner with over 100 gold and platinum awards. He won his first Grammy for writing B.J. Thomas' hit song. "(Hey, Won't You Play) Another Somebody

food on the table and live the American Done Somebody Wrong Song." His second Grammy was for Producer of the Year.

In addition to his celebrated musical career. Mr. Butler has contributed his hard work and talent to improving Northwest Florida. After Hurricane Ivan devastated the Gulf Coast in 2004, Mr. Butler played a crucial role in orchestrating and producing three sold-out concerts with musical friends, Kenny Rodgers, Willie Nelson, and Will Hedgecock, which together raised more than a half million dollars for community rebuilding efforts.

To some, Larry Butler will be remembered as a musical genius; to others, he will be remembered for his charitable work in the Northwest Florida Community; and to his family and friends, he will always be remembered as a loving father and spouse. He touched the lives of many, not only with his music, but also with his devotion and commitment to his family and community

On behalf of the United States Congress, I am honored to recognize the life and deeds of Larry Butler-a talented musician, committed community activist and loving family man. He will be missed by many, but his memory will live on through the timeless legacy he left. My wife Vicki joins me in extending our thoughts and prayers to the entire Butler family.

HONORING THE LIFE AND SERVICE OF RETIRED SUPERIOR COURT JUDGE RAMON V. DIAZ

# HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life and service of retired Superior Court of Guam Judge, Ramon Valero Diaz. Judge Diaz passed away on January 15, 2012 at the age of 93.

Judge Diaz was born on October 13, 1918 in Manila, Philippines and is the son of Dr. Vicente Lozada Diaz and Bibiana Valero Diaz. He came to Guam in 1951 to work and make a living for his family. In 1956, he was admitted to the Guam Bar Association, and in 1958, became a naturalized U.S. citizen.

In 1980, Judge Diaz became the first person of Filipino descent to be appointed as a judge for the Superior Court of Guam. After 15 years of government service, he retired as a family court judge.

Judge Diaz graduated from the University of Santo Tomas in Manila, Philippines, In 1941, in the wake of World War II, he was commissioned as an officer in the Philippine Army and was soon inducted into the United States Armed Forces of the Far East (USAFFE) as an infantry line officer. On April 9, 1942, he was captured by Japanese Forces in the province of Bataan, Philippines, and was held as a prisoner of war in the Capas Concentration Camp. Later that year he was released as a POW and resumed his military duties shortly thereafter. In 1945, he completed studies from the U.S. Army Judge Advocate General School for commissioned officers at University of Michigan in Ann Arbor. Upon his return from JAG school, he assumed the role of Chief of Claims Branch under JAG, Philippine

Army, where he was responsible for the adjudication of all types of war claims in favor of heirs

In 1951, Judge Diaz retired from the Philippine Army as Captain. Throughout his distinguished military career, he received various awards, including the United States and Philippine Presidential Unit Citation and the Philippine Presidential Military Merit Medal.

Judge Diaz was involved in many community organizations throughout his life. He was among the first ordained permanent deacons in the Archdiocese of Agana and was instrumental in organizing the Knights of Columbus, Guam Council and Assembly. Further, he was a founding member of the Catholic Social Services, and was active in the establishment of St. Dominic's senior care home and the Dominican Catholic schools on Guam.

Judge Diaz was also heavily involved in the founding of the Filipino Community of Guam, where he served as President. He also helped establish the Marianas Audubon Society, the UST Alumni Association of Guam, and the Chapter of Bataan-Corregidor Veterans on Guam.

Judge Diaz was married to Josefina de la Concepcion for 66 years and together they raised 10 children: Marilu Martinez, Carl Diaz (deceased), Mariles Benavente, Marilen Artero, Maribel Chandler, Mariann Carr, Maricar Davis, Tony Diaz, Vicente Diaz, and Ramon Diaz Jr., and have been blessed with 19 grandchildren and 13 great grandchildren.

I join our community in mourning the loss of Judge Ramon Diaz. His contributions to the Guam Judiciary and our community will be remembered by the many citizens he helped throughout his life. We extend heartfelt condolences to his many family, friends, and loved ones.

God bless Judge Diaz. He will be missed.

RICHLAND SPRINGS COYOTES STATE CHAMPIONSHIP

#### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the Richland Springs Coyotes on an outstanding 2011 football season. On December 9, 2011, the Coyotes won the Class A, 6-man Division II State Championship with a dominant 76–28 performance over the Motley County Matadors.

The victory capped a perfect season, where 14 of the Coyotes' opponents were subjected to the 45-point mercy rule—the Matadors were no exception. This stellar performance earned the Coyotes their second consecutive state championship.

I want to congratulate the team on their work ethic—domination on the grid-iron does not come easy.

As well as the young men on the team, I want to recognize Coach Jerry Burkhart for putting together a football program of unparalleled success. In the 124 games played under his leadership, you can count all the losses on one hand! Incredible.

I encourage the team and the coaches to enjoy this moment to the utmost. It is my

honor to represent Richland Springs and their outstanding football program. Again, I congratulate the Coyotes on a perfect season and a state championship.

RECOGNIZING BARRETT BYRNES

# HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor and recognize the life of Barrett Byrnes, a constituent and friend, who passed away on December 21, 2011. He was 59 years old.

Barrett Byrnes was raised in Huntington and attended Harborfields High School in Greenlawn before going on to Farmingdale State College. While a student at Farmingdale, Barrett pitched for the baseball team and in 1972 had an ERA of 0.36, fifth in the country and a school record that stands to this day.

Upon his graduation, Barrett followed in his father's footsteps and began training to become an air traffic controller. Ralph Byrnes was one of New York's first air traffic controllers at LaGuardia Airport.

Barrett's career began at Duchess County Airport in Wappingers Falls, a small local airport. It ended at John F. Kennedy Airport in New York, where he was a certified professional controller in the main tower for the final fourteen years of his career, retiring in 2008.

Beyond his valuable work in the control tower, Barrett was also an active leader in the National Air Traffic Controllers Association, of which he was a charter member, and president/faculty representative of the JFK Tower chapter. As a safety advocate, Barrett served as an air safety investigator to the National Transportation Safety Board.

It was through his commitment to legislative activism on behalf of his union that I came to know him, as he served as the face of the NATCA to the New York congressional delegation.

Mr. Speaker, I mourn the passing and honor the memory of Barrett Byrnes. I wish to extend my heartfelt sorrow to his wife, Jacqueline Taylor, and the rest of Barrett's family.

HONORING COACH STABILE OF BA SCHOOL

COACH JEFFREY R. OF BAYONNE HIGH

# HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES  $Monday, January\ 23,\ 2012$ 

Mr. SIRES. Mr. Speaker, I rise today in honor of Coach Jeffrey R. Stabile, the former head coach of Bayonne High School's Girls Basketball team, who taught in the district for over 37 years. Recently, the gymnasium in the Bayonne High School Physical Education Community Education Center was dedicated to him and renamed, "Jeffrey R. Stabile Court." Coach Stabile had an outstanding coaching career with the Bayonne High School Bees and also coached both Boys and

Girls Basketball and Softball. Additionally, Coach Stabile was a special education teacher

Coach Jeffrey R. Stabile has been a coach at Bayonne High School for 41 years, including 14 years with the Boys Basketball program as a freshman coach and junior varsity coach, and 27 years with the Girls Basketball program as the head coach. Coach Stabile led the Boys Basketball team to back to back Hudson County Interscholastic Athletic Association Junior Varsity Championships in 1968-69 and in 1969-1970. As the Girls Basketball head coach, Coach Stabile compiled a record of 570 wins and 135 losses, which included 20 Hudson County Interscholastic Athletic Association (HCIAA) Finals and 14 HCIAA Championships. Coach Stabile led his teams to 11 New Jersey State Interscholastic Athletic Association (NJSIAA) Section Finals and won 5 Section Championships. Finally, his teams made 28 straight State Tournament appearances and reached the State final once in 2006. From 1985 until 1992, the team had a 120 game win streak versus Hudson County Teams which led to 7 straight HCIAA Championships.

For his accomplishments, Coach Stabile was inducted into the Hudson County Hall of Fame in 2005, into the New Jersey Scholastic Coaches Association Hall of Fame in 2005, and the St. Aloysius High School Wall of Fame in 2007, where he attended high school.

Please join me in honoring Coach Jeffrey R. Stabile for his service to the community as a teacher and a coach. I thank him, his wife, Maryann, and his two children Jeffrey Jr. and Joelle, for his contribution to our community.

HONORING THE HONORABLE GABRIELLE GIFFORDS

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES  $Monday, \ January \ 23, \ 2012$ 

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor my friend and esteemed colleague, the Honorable GABRIELLE GIFFORDS.

A little over a year ago an unfathomable tragedy occurred in Tucson, Arizona, where six individuals were killed in a shooting and several others were wounded, including Congresswoman GIFFORDS. Congresswoman GIFFORDS courage and recovery reminds us that freedom defines our society, and violence will not silence reason and discourse. Congresswoman GIFFORDS unbreakable spirit is a lesson that fear will not drive us. Unity and the dedication to our democracy will help us rise above all adversity.

The victims of this tragedy were individuals who were committed to the well-being of their community. They had gathered that Saturday morning a year ago in Tucson to discuss making their community and our world a better place. It is in good spirit that before Congresswoman GIFFORDS resigns she has chosen to finish what she started by holding a private gathering in Tucson with some of the people who were at present that tragic day a year ago.

As Ranking Member on the House Committee on Science, Space and Technology I have worked with Congresswoman GIFFORDS closely for the past five years, where she served as both the Chairwoman and Ranking Member of the Space and Aeronautics Subcommittee. She has made an immeasurable contribution to our work on the Committee, and has been a steadfast champion of NASA and encouraging our next generation of scientists. She is one of the most devoted Members of the House of Representatives, and has served our country with distinction.

Congresswoman GIFFORDS is a shining example of our Democratic system of government—a system where we all have a voice. As she departs these hallowed halls of Congress, I take comfort from the fact that she is doing so to devote her energies to restoring her full health, and I wish her the best in her continuing recovery. She and her family will remain in my thoughts and prayers.

I pray that we can rise together as a nation and embody those values of service that Congresswoman GIFFORDS has personified.

IN SUPPORT OF H.R. 3684, THE COMMUTER PROTECTION ACT

#### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. REED. Mr. Speaker, I rise today in strong support of the Commuter Protection Act, of which I am proud to be an original cosponsor. This bipartisan, responsible legislation brings oversight of our nation's federally funded highway system back to the United States Department of Transportation, giving them the ability to determine whether tolls imposed by regional and state toll authorities are just and reasonable. This was an authority the Department of Transportation had previously, and one I believe should be restored. Importantly, they would only have oversight when, and if, there was a complaint about a toll practice.

Representing the 29th Congressional District of the great state of New York, this is an issue that impacts my constituents directly. Recent actions taken by the Port Authority of New York and New Jersey are indicative of the abusive toll structure that can be imposed when agencies are left unchecked. The Port Authority recently raised toll rates for all of its bridges and tunnels, which, when fully implemented, will charge 5-axle tractor-semitrailers \$105 per crossing. Mister Speaker, this is a 163% cost jump, with rates three times higher than Philadelphia, the next highest city for tolls on trucks.

Mr. Speaker, a toll increase like this has a tremendously negative impact on my constituents who transport goods in and out of New York City. I have heard directly from many of them, like Ken Johnson who owns Leonards Express, a trucking company in Ontario County, about the harm this would do for his business and others throughout Western New York and the Southern Tier. Additionally, it is clear that ultimately consumers will bear the burden of paying higher prices for goods they buy in stores.

While I understand making needed safety improvements to our nation's roads necessitates increasing tolls from time to time, I do not understand—nor has the Port Authority given—the justification for a rise of this magnitude. Thus, we need the Department of Transportation to be able to review these toll structures, and others across the country, to ensure taxpayer interests are being best served. Consumers and businesses should not be forced to pay the price for mismanagement, and that is why I urge my colleagues to support the Commuter Protection Act.

RECOGNITION OF THE SERVICE OF VINCE PANVINI

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. STARK. Mr. Speaker, I rise to acknowledge and thank Vince Panvini for his decades of service on behalf of sheet metal workers locally, nationally and internationally. Panvini's retirement from his position as Director of Governmental Affairs for the Sheet Metal Workers' International Association is a great loss to the community of sheet metal workers and to the labor community as a whole.

Throughout his career, Panvini has proven himself as a first-rate organizer and representative of his union members. For close to 50 years, this second-generation sheet metal worker has been a member of Local Union 19 in Philadelphia. He won election as a Local 19 trustee and later to their Executive Board. He rose to an appointment as Local Union Organizer, then was appointed—and later elected—as Business Representative for the Local. After attending training at Harvard Trade School for International Labor Relations, he was appointed as Director of Governmental Affairs for the Sheet Metal Workers' International Association in January 1994.

His success, friends and coworkers have said, is characterized by the fact that Panvini was "born to do this work." His love of the job combined with his unparalleled memory and "funny but stern" personality has won him leagues of friends and allies. These attributes also won him great respect among peers, politicians, organizers, community leaders and union workers.

The labor community's loss at Panvini's retirement, however, will be his family's gain—a noble tradeoff. With a return to Philadelphia, he'll get quality time with family, his top priority. Panvini has a son, a daughter and four grandchildren. On top of that, Panvini will have more time to cheer on his Philadelphia Eagles.

I thank Vince Panvini for his years of service and wish him well in retirement.

 $\begin{array}{c} \text{COLLEGE RIVALRY GOOD FOR} \\ \text{TEXAS} \end{array}$ 

# HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. POE of Texas. Mr. Speaker, "Texas fight, Texas fight and it's goodbye to A&M."

The words of the Texas fight song rang loud for the last time this year at the annual duel between the University of Texas and Texas A&M

The last match-up between the two Texas football powerhouses was a bittersweet ending to a 117-year rivalry. Now, the eyes of Texas are upon the Aggies as they abandon the Big 12 for the alluring SEC. With that decision, ends one, if not the greatest football rivalries of all time.

The annual Turkey Day battle between the burnt orange and the maroon is not just a game played once a year; it's not just another team on the schedule. This game makes or breaks the season. It's a rivalry in every sense of the word; a chance for bragging rights for a whole year among family and friends. Neighborhood kids that grow up playing with each other become gridiron gladiators, fighting for the ultimate goal of beating the other. This football game divides households, friendships, and the state of Texas.

This past Thanksgiving, a historic battle between two Texas universities ran deep in the pulse of Texans who have watched year after year as these two waged war. With their final game, it's happy trails to a Texas tradition that I have grown up with, that my kids have grown up with and one that I would love my grandkids to grow up with.

The Longhorns walked out of Kyle field with a 27–25 victory and the bragging rights for at least another 10 years (or until a non-conference game becomes available). As the Aggies left their Austin counter-parts for what they believe are bigger and better fields in the SEC, they ended a 117-year relationship with the sudden divorce. Maybe the Aggies were tired of playing in the shadow of BEVO. After all, Texas holds a 2–1 lead in overall wins.

Not all people are glad about the end of this era. Even some Texas citizens with no ties to either school have suggested the legislature pass a law requiring the two state schools to play each other every year in football.

The rivalry between UT and Texas A&M is beyond a Saturday football game. Here at home, college football has become somewhat of a religion to many people—a deep-rooted passion between rival mascots and school colors clashing into hard-hitting victories. It's the Junction Boys, the Tyler Rose, the last-minute touchdown run by Vince Young in the Rose Bowl for the National Championship.

This is beyond college football; it's Texas football. Nowhere is it exemplified better than between the two schools.

It all started in the 19th century. Grover Cleveland was president when on Friday, Oct. 19, 1894, the University of Texas and Texas A&M University began their on-field feud. Texas A&M was a military academy until the mid-60s. The Aggies' record against the burnt orange suffered because of this, but this game was a must win among both schools. The Aggies hired legendary coach Bear Bryant as head coach and athletic director, but Bryant only defeated the University of Texas one time in the four years he commanded before moving on to Alabama.

As A&M transitioned out of being solely a military academy, their traditions against the Longhorns were passed down from generation to generation. The two universities fed off of

each other's student camaraderie by trying to out-do the other with war hymns, anthems, school pride, pep rallies and hand signs. Both schools even denounce the other in their school songs.

Legend has it that the UT mascot BEVO established his name after Aggies branded the steer with a 13–0 score from the 1915 season. After the branding, Texas officials tuned the 13 into the letter B and added the E and V into the middle, creating the name BEVO—one of the most recognized mascots in college football. Modern Texas revisionists claim this is all bunk. Who knows.

Even today, A&M has their hand in the well-being of the beloved mascot. When BEVO becomes ill, Texas officials have to quietly transport him to the College Station campus—to A&M's top ranked veterinarian program. They see it as a top secret mission so as to not invoke the students to "defame" the legendary steer.

Today, the rivalry between the students of each school is still alive. But there is no more football between the schools. The last game has been played; the teams have left the field; and the clock has ticked down to 0:00. In their losing effort this year, the Aggie faithful sang the "Aggie War Hymn" for the last time at the UT-A&M game. "So it is goodbye to Texas University, so long to the orange and the white. . . ." This may be so, but it ought not to be. The people of State of Texas deserve to see these two great universities do their annual Thanksgiving battle with the pigskin. There is too much history and too much fight left for these football teams to abolish a Texas tradition.

And that's just the way it is.

RECOGNIZING DON DOMINA FOR HIS NEARLY 35 YEARS OF SERV-ICE TO THE CENTRAL CON-NECTICUT COOPERATIVE FARM-ERS ASSOCIATION

#### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to congratulate Don Domina, General Manager of the Central Connecticut Cooperative Farmers Association who is retiring after nearly 35 years of service to the people and businesses of Connecticut.

Don Domina grew up on a farm in Vermont where his family, including his six siblings, raised dairy cows. Life on the farm led to interests in working with animals as a veterinarian, a passion he pursued as a youngster. As he grew older, Don left his family farm to pursue work in construction, building silos around New England and New York. In the late 1960s, Don moved to Connecticut to do construction work and later became a milk truck driver for Moser's, returning him to his dairy roots.

In November 1977, Don joined the staff of the Central Connecticut Cooperative Farmers Associations a truck driver. However in his nearly 35 years at the co-op, he has held more than a half dozen positions in nearly every capacity. In March 2004, Don became manager of the co-op, a position he earned through his hard work and lasting commitment to help his customers and their farms.

While he is retiring from his position as General Manager, I imagine we will continue to see Don active in the agriculture world for many years to come. Whether it is through his work with the Connecticut Poultry Association or the University of Connecticut's agriculture programs, Don's commitment to agriculture and the farm families across Connecticut will never tire. I want to extend my heartiest congratulations to Don on his retirement and ask my colleagues to do the same.

MIDLAND CHRISTIAN SCHOOL MUSTANGS STATE CHAMPIONSHIP

#### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the Midland Christian School Mustangs on a tremendous football season. On December 3, 2011, the Mustangs defeated the Tomball Concordia Lutheran Crusaders to win the TAPPS Division II State Championship.

The Mustangs finish the season with a 12–2 record, winning 12 consecutive games to finish the season and capture the state championship.

I want to congratulate the team on their dedication and hard work. This remarkable season was capped by a thrilling state championship that was a fight to the finish. Throughout the ups and downs of this year, the Mustangs persevered and clung together as a unit, ultimately winning state. I applaud their dedication and hard work.

Coach Greg McClendon, as well as the young men on the team, deserves recognition for the accomplishment. This victory marks the fifth 11-man state championship for the Mustangs—an outstanding accomplishment. I encourage them to enjoy this achievement to the utmost.

It is my honor to represent the Midland Christian School Mustangs and their state championship football team. Again, I congratulate the Mustangs on an outstanding season.

IN HONOR OF CONNIE COKER

# HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Monday, January 23, 2012

Mr. ENGEL. Mr. Speaker, in a loss we are only just beginning to feel, Connie Coker stepped down as Rockland County Legislator at the end of 2011. To me she typified the Rockland spirit of enthusiasm, common sense, hard work, and intelligence. She cared for people and worked hard to help them in any way a legislator could. To top it off, she is a genuinely nice person and I'm happy to call her a good friend.

Connie came to the legislature in April, 2006, winning a special election and then win-

ning her re-election in 2007. She was tireless in advocating for clean air and water, affordable housing, green space, clean energy, a fair tax structure, and against overdevelopment and the dangers associated with Indian Point.

In the County Legislature she served as Chair of the Environmental Committee, Vice-Chair of the Multi-Services Committee and the Special County Comprehensive Plan Committee, was a member of the Public Safety Committee and the Solid Waste Authority Board, and served as the Legislative Liaison to the Fire Advisory Board, to the Volunteer Counseling Service, and to the Environmental Management Committee.

She is a registered nurse and a licensed midwife and her legislative agenda was based on her commitment to the health, well-being and safety of the citizens of Rockland County.

Connie lives in South Nyack with her husband Erik Larsen, a doctor. They have two daughters: Keah Larsen, a graduate of Nyack High School and SUNY New Paltz with a degree in Women's Studies; and Anika Larsen, also a graduate of Nyack High School who attended SUNY Delhi-Culinary Arts and Rockland Community College.

I will miss seeing Connie at the events we both went to. I will miss far more the wise counsel she had to offer and her sound advice about the areas we both represented. By happy coincidence we both represented a 17th District. She is a good and gracious person who represented her constituents wisely and well. We are all better for knowing her.

RECOGNIZING JAMES BURKE

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor the newly invested chief of the Suffolk County Police Department, James C. Burke. A dedicated law enforcement officer, Chief Burke has devoted his career to the service and protection of his community.

Chief Burke began his service at the New York City Police Department in January of 1985, before moving to the Suffolk County PD in July of the following year. During his time with the department, Burke has served in a variety of leadership roles, including supervising the patrol and detective divisions.

In addition to commanding the Organized Crime Bureau of the SCPD, Chief Burke has, since 2006, served as the chief investigator for the Suffolk County District Attorney's Office. Burke also has demonstrated a commitment to law enforcement education and is frequently called to give lectures to groups around the country.

On January 1, 2012, James Burke was promoted to Chief of the Suffolk County Police Department, the pinnacle, but by no means the end, of a long and distinguished career. Chief Burke will continue to serve his community as the highest ranking uniformed officer in the county, upholding the high standard for which the SCPD has become known.

Mr. Speaker, I honor James Burke for his invaluable and continuing contributions to our community. It is my great hope that his tenure with the department will be a credit to him and the officers he now oversees. I look forward to working with Chief Burke and supporting the department in its mission to keep Long Island safe and secure.

#### POVERTY IN CUBA

#### HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Mr. SIRES. Mr. Speaker, I submit the following regarding the culture of poverty in Cuba under the Castro regime.

[From the Jersey Journal, Dec. 31, 2011] CUBA'S CULTURE OF POVERTY PERSISTS

(By Roland A. Alum)

The Fidel-&-Raul Castro regime marks 53 years this Jan. 1. The brothers unquestionably enjoyed extraordinary popularity in 1959, but the enthusiasm soon vanished as they turned Cuba into a financially and spiritually bankrupt Marxist anti-utopia.

As a result, nearly two million Cubans of all social backgrounds have fled, many of them settling in Hudson County.

By the 1950s, Cuba was a regional leader in numerous social indicators, notwithstanding instability and corruption during the republican era (1902–1958). But since 1959 the island-nation has become a backward, closed society beleaguered by unproductivity and rationing.

Sociologist Tomas Masaryk noted that "dictators 'look good' until the last minutes"; in Cuba's case, it seems particularly fine to certain U.S. intellectuals. Comfortably from abroad, apologists contend that most of the socioeconomic problems that traditionally afflicted the prior five and a half decades were eliminated after 1959. Yet, fact-finding by international social-scientists challenges this fantasy.

An early, little-known account uncovering some effects of the Castros' regimentation came from research in Cuba in 1969-'70 by U.S. cultural-anthropologists Oscar Lewis and Douglas Butterworth. They intended to test Lewis' theory that a culture of poverty would not exist in a Marxist-oriented society. They had naively presupposed that the socially alienating conditions that engender such phenomena could develop among the poor solely under capitalism.

The Lewis-Butterworth early on-theground scrutiny validates many accounts by respected experts and the much vilified exiles. There exists a culture of poverty in Cuba, although it is not necessarily a survivor of the old times, but seemingly a byproduct of the Castros' totalitarian socialism. There were always poor Cubans, and some version of the culture of poverty might have existed before; but in my communications with Butterworth, he reconfirmed another discovery. The researchers could not document a case for a pervasive pre-1959 culture of poverty. The authorities must have suspected the prospective conclusions because the scholars were abruptly expelled and their Cuban statistician imprisoned.

Upon the 53rd anniversary, the old Lewis-Butterworth analysis invites renewed reflection. Apologists customarily replicate propagandistic cliches by blaming failures on ex-

ternal factors, such as the ending, two decades ago, of the multibillion-dollar subsidies from the defunct Soviet Bloc.

The anthropologists' undertaking, however, revealed that life for average Cubans in the Castros' first decade was already beset with corruption and time-wasting food lines. Likewise, Butterworth described how ordinary people were engaging in what sociobehavioral scientists now call "everyday forms of resistance." Cubans were already undermining the police-state through black-marketeering, pilfering and vandalism, as we hear that they continue to do decades later.

After more than half a century of oppression and poor quality of life, one hopes for a transition to an open society with equal opportunities for every Cuban.

CONGRATULATING THE GREATER BETHLEHEM BAPTIST CHURCH ON THEIR 80TH ANNIVERSARY

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the Greater Bethlehem Baptist Church on their 80th anniversary. This is truly a historic occasion, and I want to commend the church on this special anniversary for its ardent commitment to service and community outreach.

The Greater Bethlehem Baptist Church's beginnings were humble. The church was first organized in 1932, under the auspices of Dr. C.C. Choice. Dr. Choice, along with thirty-five members of the Bethlehem Baptist Church, had a vision of growing the church through good works in the community and being stewards of their faith.

Over the years, their numbers did grow. As their numbers grew, so did their charitable acts. The church has been devoted in their commitment to serve people from all walks of life in Dallas. They offer many services to church members and the public, including providing health care workshops and screenings, ministries to youth and young adults to cultivate their spiritual and leadership skills, and a performing arts troupe, For His Glory.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Greater Bethlehem Baptist Church's congregation. The church's decades of commitment to our community has improved the lives of so many. Throughout the years, the church has continued to bless the lives of countless people. May God continue to bless the congregation with many more years of continued prosperity.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week

Meetings scheduled for Tuesday, January 24, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED JANUARY 25

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Kazakhstan, focusing on the stability of their government.

2200, Rayburn Building

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contract management at Arlington National Cemetery.

SD-342

#### JANUARY 26

10 a.m.

Budget

To hold hearings to examine the outlook for the United States and global economy.

SD-608

Judiciary

Business meeting to consider S. 1925, to reauthorize the Violence Against Women Act of 1994, and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, Department of Justice.

SD-226

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine taxation of mutual fund commodity investments.

SD-342

2:15 p.m.

Judiciary

To hold hearings to examine the nominations of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Kristine Gerhard Baker, to be United States District Judge for the Eastern District of Arkansas, John Z. Lee, and John J. Tharp, Jr., both to be a United States District Judge for the Northern District of Illinois, and George Levi Russell, III, to be United States District Judge for the District Judge for the District of Maryland.

SD-226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

### JANUARY 31

10 a.m.

Energy and Natural Resources

To hold hearings to examine the United States and global energy outlook for 2012

SD-366

### FEBRUARY 2

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the final report of the Blue Ribbon Commission on America's Nuclear Future.

SD-366

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

SD-628

### FEBRUARY 7

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-G50

## FEBRUARY 8

10 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for Veterans' Programs.

SR-418

### FEBRUARY 9

10 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Department of Justice's opinion on internet gaming, focusing on what's at stake for tribes.

SD-628

## FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

### FEBRUARY 16

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country. SD-628

### FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345, Cannon Building

## FEBRUARY 29

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing

on Veterans' Affairs progress on its five year plan.

SR-418

#### MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SH-216

#### MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

SD-G50

#### MARCH 21

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

## MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

## SENATE—Tuesday, January 24, 2012

The Senate met at 10 a.m. and was called to order by the Honorable Christopher A. Coons, a Senator from the State of Delaware.

### PRAYER

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

Let us pray.

Almighty God, who has made of one blood all the nations of the Earth, hallowed be Your Name. Give Your grace to our lawmakers so that their lives will give a witness to Your providential power and love. May the words of their mouths and the meditations of their hearts be acceptable to You. Give them courage in danger, steadfastness in trial, and perseverance in difficulty.

Lord, we also ask You to touch Senator MARK KIRK with Your healing hands, restoring him to robust health.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable Christopher A. Coons led the Pledge of Allegiance, as follows:

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

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 24, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Christopher A. Coons, a Senator from the State of Delaware, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 4 p.m. today. During that period of time, each Senator will be permitted to speak for up to 10 minutes. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. The Senate is going to recess from 12:30 p.m. to 2:15 p.m. today to allow for our weekly caucus meetings. The State of the Union is at 9 p.m. tonight. Senators will gather at 8:30 p.m. to proceed to the House of Representatives.

## THE ECONOMY

Mr. REID. Mr. President, for generations this was the American promise: If you worked hard and played by the rules, success would be within your reach. We call that success the American dream—to earn a decent wage, buy a home, put your children through school, and retire comfortably. For many people in this country, that dream has drifted further and further from reality. The recession cost many Americans their jobs, homes, savings, and basic economic security. Many are still struggling. Although the economy has made slow progress toward recovery, there is still much more work to be done before every American who wants to work can find a job.

But the terrible recession is only part of the problem. The same Wall Street greed that caused the financial collapse is fueling the greatest income disparity since the Great Depression. In the last few decades, the average CEO's income has multiplied 250 times. Meanwhile, CEO's employees have watched their incomes creep up barely at all.

So America is at a crossroads. As President Lyndon Johnson said in 1965—and it is time to ask that now—and I quote:

. . . not only how to create wealth but how to use it; not only how fast we are going, but where we are headed.

That is what he said. And the path we choose will determine what kind of a country we will be. We can choose to be the kind of nation where the hard work of many pays off only for the richest few or we can be the kind of nation where every man and woman shoulders a fair share of the burden and reaps a fair share of the reward. We can be the kind of country where the rich get richer and the poor get poorer or we can be the kind of country where middle-class families share in the opportunity and the prosperity.

President Obama has called this choice a "make or break moment" for the middle class, and tonight he will

lay out a roadmap that sets us on the path to fairness instead of inequality. I look forward to hearing President Obama's vision this evening. It begins with an economy that works for every American—regardless of the size of his or her checkbook. I expect the President to lay out commonsense ideas to spur American manufacturing, create jobs, and help small businesses compete and grow. His vision is fueled by homegrown, renewable energy. It is time to stop spending American dollars on foreign oil. It is time to hire American workers to build wind turbines and next-generation vehicles. President will propose a new plan to make sure that today's students are ready for tomorrow's jobs and that today's workers remain competitive in our global economy.

I expect the President to include ideas from Democrats and from Republicans. For 3 years, the President has reached out to Republicans. Now is the time to work with him on common ideas to produce legislation, not stalemate. I ask my Republican colleagues to give his bipartisan vision the consideration it deserves.

In 1947, President Truman delivered the first televised State of the Union Message. Truman was the 20th President to govern alongside a Congress controlled by the opposing party. The first was George Washington. He said Democrats in the executive branch and Republicans in the legislative branch could and should work hand in hand to shape the Nation. This is what he said:

There are ways of disagreeing; men who differ can still work together sincerely for the common good.

I hope Republicans in Congress will keep those words in mind tonight. Despite all our differences, together we can build an economy that works for the common good of all Americans.

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

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

The legislative clerk proceeded to call the roll

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

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

## RECOGNITION OF THE MINORITY LEADER

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

## THE PRESIDENT'S POLICIES

Mr. McConnell. Mr. President, tonight the President of the United States will come to the Capitol to give us his sense of the state of the Union. This is a venerable tradition, and we welcome him. Yet it is hard not to feel a sense of disappointment even before tonight's speech is delivered because while we do not yet know all the specifics, we do know the goal. Based on what the President's aides have been telling reporters, the goal is not to conquer the Nation's problems, it is to conquer Republicans. The goal is not to prevent gridlock but to guarantee it.

Here is how the New York Times summed up the President's electionyear strategy in a recent article entitled "Obama to Turn Up Attacks on Congress in Campaign." Here is the quote:

In terms of the president's relationship with Congress in 2012 . . . the president is no longer tied to Washington, D.C.

According to the story, winning a full-year extension of the cut in payroll taxes is the last—the last—"must do" piece of legislation for the White House

Here is how a White House aide described the President's election-year strategy just a couple of weeks ago, presumably just as tonight's speech was being drafted. Referring to past displays of bipartisanship, he said:

[Then] we were in a position of legislative compromise by necessity. That phase is behind us. . . .

So, as I see it, the message from the White House is that the President has basically given up. He got nearly everything he wanted from Congress for the first 2 years of his Presidency. The results are in. It is not good. So he has decided to spend the rest of the year trying to convince folks that the results of the economic policies he put in place are somehow Congress's fault and not his.

Well, my message is this: This debate is not about what Congress may or may not do in the future, it is about what this President has already done. The President's policies are now firmly in place. It is his economy now. We are living under the Obama economy. The President may want to come here tonight and make it sound as if he just somehow walked in the door. A better approach is to admit that his 3-year experiment in big government has made our economy worse and our Nation's future more uncertain and it is time for a different approach. That is the message the American people delivered to the President in November of 2010, and they are still waiting.

The President will tell the American people tonight that he has a blueprint for the economy. What he will fail to mention is that we have been working off the President's blueprint now for 3 years—for 3 years. And what has it gotten us? Millions still looking for work,

trillions in debt, and the first credit downgrade in U.S. history.

The President will propose ideas tonight that sound good and have bipartisan support. If he is serious about these proposals, if he really wants to enact them, he will encourage Democrats who run the Senate to keep them free from poison pills such as tax hikes on job creators that we know from past experience turn bipartisan support into bipartisan opposition.

If the President wants someone to blame for this economy, he should start with himself. The fact is, any CEO in America with a record like this after 3 years on the job would be graciously shown the door. This President blames the managers instead. He blames the folks on the shop floor. He blames the weather.

Well, you are certainly within your rights to walk away from the legislative process if you like, Mr. President. You can point the finger all you like. But you cannot walk away from your record.

I saw a survey the other day that contained a number of sobering findings. It was a poll of small business leaders. It said that more than 8 out of 10 of them now believe the U.S. economy is on the wrong track. Eight in ten said they would rather have Washington stay out of the way than try to help them. Nearly 9 out of 10 said they would rather have more certainty from Washington than assistance. And it said that nearly one-third of all those surveyed said they are not hiring on account of the health care bill. Onethird of them said they were not hiring on account of the health care bill. What this survey says to me is that the policies of this administration are literally crushing—crushing—the private sector. They are stifling job creation, and they are holding the economy back.

Americans want Washington to get out of the way. Yet this President continues to have the same two-word answer he has always had for seemingly every single problem we face: more government. And this is the economy we have to show for it.

Last week, the President had an opportunity to do something on his own about the ongoing jobs crisis. The only thing that stood in the way of the single biggest shovel-ready infrastructure project in America was him. The Kevstone Pipeline was just the kind of project he had been calling for in speeches for months, and he said no; that one could wait. Here is a project he knew would create thousands of jobs instantly. He said no. A project that would not have cost taxpavers a dime. He said no. That would have brought more energy from our ally Canada and less from the Middle East. He said no. It all came down to one question: Was the Keystone Pipeline in the national interest? He said no.

As one columnist put it, his own standard was not the national interest, it was his own political interest. Americans want jobs, and the President is studying an election that took place 60 years ago to see how he can save his own job.

He sided with the liberal environmental base over the energy and security interests of the American people. That is exactly what we are now being told we can expect for the rest of the year.

In last year's State of the Union, the President talked about how we need to win the future—win the future. This year he just wants to win the next campaign. The President can decide he is not interested in working with Congress if his party only controls one-half of it. That is his prerogative. He can give up on bipartisanship, but we will not; our problems are too urgent. The economy is too weak. The future is too uncertain

The President knows as well as I do that when he has called for action on things for which there exists bipartisan support, Republicans have been his strongest allies. Last year in the State of the Union, he called for free-trade agreements. We worked hard to get them done and we did. Since then he called for an extension of the highway and FAA bills and the jobs that come with them. We did both with strong bipartisan support. The President asked for patent reform. We got that done too.

The President knows as well as we do we are happy to work with him whenever he is willing to work with us. If he turns his back on that good-faith offer, as we expect he will this year, we will remind people the problems we face are not about what Congress may or may not do in the future but what this President has already done—what has already happened.

Let the President turn his back on bipartisanship, let the press cover every futile speech and every staged event, but we intend to do our jobs. We invite him to join us.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4 p.m. today, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first 30 minutes controlled by the majority leader or his designee and the second 30 minutes controlled by the Republican leader or his designee.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

are going to repeal Wall Street reform. They are going to repeal health care

## BIPARTISAN COOPERATION

Mr. DURBIN. Mr. President, I listened to the speech just given by the Republican leader of the Senate. He expresses a sentiment Americans share; that it is time for us to work together in the Senate and the House, across the board in Washington, and solve the problems which American families face every single day.

I agree with him completely. Unfortunately, the record does not reflect the level of cooperation which the American people are expecting. It was hardly a month or two into the Obama administration when the Republican leader announced that his highest priority was to make certain Barack Obama was a one-term President.

It is difficult to establish a working relationship when the first words out of a Republican leader's mouth are: We are going to defeat you. Then, as we addressed the largest issues of the day, time and again, we found little or no bipartisan cooperation. I think back to the important, historic debate on health care. If there was ever a moment when we should have come together with a bipartisan solution, it was that moment.

Despite the best efforts of Senator BAUCUS, the Democratic Finance chair and others, we were unable to even get a core group of Republicans to join us in this conversation about containing the overwhelming increase in the cost of health care. At the end of the day, after one of the most painfully long and rancorous debates in Senate history, not one single Republican Senator would vote for health care reform—not one.

The same thing held true when it came to Wall Street reform. Many of us felt the recession we are currently coming out of was created by mismanagement and greed at the highest levels of our financial institutions. Many of us were angered by the fact that we were called on, with a political gun to our heads, and told, if we do not pass a bailout program for the biggest banks in America, our economy will crater and the weakest, poorest people in America will suffer the most.

That was our choice, our Faustian choice given at that moment. Many of us were determined to never let that happen again. So we put together a Wall Street reform bill. Senator Chris Dodd of Connecticut, now retired, led the effort on the Democratic side, and we tried to come up with a bipartisan bill. We worked to do it. He was masterful in his day and did everything in his power to make it a bipartisan bill. Yet at the end of the day, not one single Republican would vote for Wall Street reform—not one.

Now, on the campaign trial, we hear from Republican candidates that they are going to repeal Wall Street reform. They are going to repeal health care reform. They are not creating an environment that is conducive to the level of cooperation of which Senator McConnell earlier spoke.

I hope he is right; that even in this Presidential election year, we can find some common ground. There are several items which are immediately before us which require it: First, the extension of the payroll tax cut. This is a cut that helps working families across America and helps the economy. It will expire at the end of February if we do not reach a bipartisan agreement to extend it, along with unemployment benefits

Secondly, postal reform. Many of the suggestions that have been made by the Postmaster General about saving money at the post office create real hardship in States such as Illinois. where some nine different mail processing facilities would be closed, closed in areas where I. frankly, could never justify it because they do a volume of work, do it well, and perform a valuable function. We have a chance. By May 15, the deadline which the Postmaster General agreed to in my office—by May 15, if we enact legislation signed by the President to save money and keep the post office running in the right direction, then we can avoid some of these onerous cuts and choices we have heard about.

But the burden falls on Congress, Democrats and Republicans, to achieve it. I hope we can.

## CUBA AND HAITI

Mr. DURBIN. Mr. President, last week, I had the opportunity to visit two island nations near our shores, Cuba and Haiti. Each is facing enormous problems—in Cuba, how to reform a Communist dictatorship of over half a century into a modern democratic member of the community of nations, and in Haiti how to rebuild from a devastating earthquake of 2 years ago in a nation already one of the poorest on Earth.

I concluded the trip more optimistic about Haiti, despite all its challenges, than Cuba, which quite simply appeared frozen in time in an ideology which should be cast aside for a more modern view of how to progress in the 21st century.

Let me start with Cuba. I am no fan of the Castro regime, but I am also no fan of the foreign policy of the United States. When I look back at what we tried to achieve for over 50 years in Cuba, any honest, objective analysis will have to tell you we did not achieve our goal. Fidel Castro is not a casualty of our own foreign policy; he is a casualty of old age. He is still there, and his brother now reins as his successor in Cuba.

Despite some notable achievement in this nation of Cuba, in areas such as health and education—and I saw firsthand as I traveled around some of these achievements—the government has maintained a grip on this island which is unfair to many of the people who live there.

Political opposition is swiftly and harshly repressed, often with severe prison sentences and deeply troubling harassment. Those pursuing greater political freedom of government accountability at times even find their young children threatened, as was sadly noted in the New York Times on Sunday.

In this most recent incident, Maritza Pelegrino Cabrales found herself repeatedly harassed by government officials for associating with the Ladies in White, a group of wives, mothers, and daughters, of political prisoners. Incredibly, state security officers threatened to take away her 5- and 7-year-old daughters.

Other brave Cubans, such as Oswaldo Paya, who collected thousands of signatures on a petition calling for modest political change, found himself and his colleagues harassed and in some cases jailed. Tragically, the petition process for change was actually called for in the Cuban Constitution. He was only following the Constitution of his country, and he ended up being harassed and many who supported him arrested.

Nonetheless, under President Raul Castro, there has been some modest reform, the conditional release of some political prisoners, and some economic reform. There has also been some serious oil exploration underway off the coast of Cuba. I wanted to go to Cuba for the first time to visit that part of Cuba, other than Guantanamo, to see what changes had taken place, to see what preparations the Cuban Government had made for offshore oil drilling within 50 miles of the State of Florida's coast, to see if the United States and Cuba could work together on potential environmental concerns related to such offshore drilling, to see if the 50-plus years of U.S. isolation were having the intended affect of creating a climate of political and economic reform.

Most important, I wished to talk to the Cuban Government about a 62-year-old American development worker, Alan Gross of Maryland, who has been imprisoned by the Cuban regime for more than 2 years. Gross was sentenced to 15 years for bringing Internet equipment to Cuba for the island's small Jewish community—15 years for bringing equipment to Cuba which any American could purchase at Radio Shack.

Fifteen years in prison, can anyone imagine that in today's world? That is a fact in Cuba. I sat for 2 hours with Mr. Gross. I am grateful the government let me do that. I did not know him in advance. I had heard a lot about

him, but I took the measure of a man walk that back and forth every mornwho is living under the most trying circumstances during that 2-hour meeting when I get up. Then I get a little breakfast and listen to Cuban news. Finally in the afternoon, they get a

Alan Gross is no spy. He is no terrorist. He is no threat to Cuba or its future. He is a humble and kind man. He was not trying to overthrow their government. He was simply trying to expand communications and openness in Cuba. Now, while his family suffers in his absence back home, he languishes in a Cuban military hospital, a prisonlike atmosphere.

He told me what happened when he came to Cuba. He said: Understand, I used my American passport with my name and flew in on a Cuban-owned airline, landed in Havana and took every piece of equipment I was bringing in through Customs and stood there while they took each piece out of the box and inspected it. At one point, the Customs official said to him: What is this?

He said: It is a router.

He said: I am not sure you can bring it in.

At which point, Gross said: Then keep it. Just give me your name. I will come back and claim it as I leave the country.

The man said: No, wait a minute. Maybe if I charge you a duty you can bring it in.

Gross said: How much is the duty?

The man said: How much did it cost? Because it is 100 percent we are going to charge you.

He said: It cost \$100. The duty is \$100 then.

He paid the \$100 and all the equipment passed through Customs, right on the table, inspected piece by piece. He brought it into the country. He stayed at a Cuban hotel. They knew where he was and his travels were well known, as most travels are, to the Cuban Government. Then they arrested him and said he was guilty of trying to overthrow the government. It is hard to say with a straight face that Alan Gross was some agent of a government trying to overthrow the Cuban Government.

He languishes now over 2 years because of these accusations. They have taken away his shoes. He said at one point he could not have shoestrings because he might try to hang himself. It took him 7 months to convince them to allow his wife to bring him dental floss. He uses the dental floss for shoestrings. They took away his iPod. He has no access to music, and he sits there day after weary day. He told me his routine. It is a routine which I would find hard to imagine for any long period of time. He gets up at 6 o'clock. He is in a room with two other prisoners. He has mapped out a course on the floor he has measured that he walks every morning, back and forth and back and forth, for an hour and a half.

He says: If I do that route 500 times, it is the equivalent of 5 miles. So I

walk that back and forth every morning when I get up. Then I get a little breakfast and listen to Cuban news. Finally, in the afternoon, they get a chance to go outside—1 hour outside. He says: They have some rebar hanging over a patio, and I do pullups to try to keep myself in decent physical condition.

He is suffering from a deteriorating back problem, which causes partial paralysis in his right leg. They wanted to treat him with chemotherapy, but he refused. I find it hard to imagine how chemotherapy could apply to that situation. He is a man who has other medical issues of arthritis and other problems, gout and other conditions, which do not make for a very comfortable life and, of course, the wear and tear on his mind from being separated from his family for so long.

I was very moved by my discussion with Alan Gross—his bravery and particularly his warmth toward the Cuban people. I said to one of the ministers of the government afterwards: You ought to sit down and talk to this man. He doesn't hate Cuba or the people of Cuba. He certainly wasn't coming in to overthrow your government. He would come back to America and say we need a better, stronger relationship between our two nations. Much different than some might expect.

I appealed to the Cuban Government when I was there—twice, three times, in fact—to consider a humanitarian release of Alan Gross, to show some compassion for this man, to show a gesture that could help improve relations between our two countries that have seen enough division and animosity.

I know our Interests Section under the Chief of Mission, John Caulfield, has worked tirelessly on this issue as well. Sadly, the Cuban Government seems determined to keep Alan Gross as a pawn, an innocent hostage in the endless and dated standoff between our two nations. I hope I am wrong in that conclusion, but I left Cuba feeling this poor man was a victim of international horse trading which has been going on for five decades. I hope the government will show compassion and mercy to Mr. Gross and let him come home after 2 years of imprisonment.

Recently, President Raul Castro released over 290 political prisoners, including some Americans. Alan Gross was not included. He should have been. There is still a chance—a chance for the Cuban Government to do the right thing for Alan Gross and do something that will allow us to say there is real progress when it comes to dealing, at least in this instance, with a man who I believe has been falsely accused.

I hope there are some in the Cuban leadership who are tired of the old way of doing things—tired of decades of isolation and worn-out slogans blaming the superpower United States for every problem in Cuba, tired of a system of

political and economic isolation that has nothing to do with the United States anymore and a system that keeps its people from joining the community of nations and sharing the many impressive talents of the Cuban people.

Nonetheless, while deeply troubled by Cuba's political repression and the impasse on Alan Gross, I continue to believe we should look for new ways to establish a relationship with Cuba. I believe that dramatically opening Cuba to the world at large, and America in particular—the ideas and the energy of the American people—is the best way to bring real and lasting change to that island. We have tried isolation for more than 50 years with, at best, mixed results.

It became clear to me during my visit that some of the hard-liners who were part of that revolution back in the 1950s are still in power and still clinging to their old ideology. It is time for something new in Cuba, and it is time for something new in our policy—a new diplomacy with Cuba. There are a lot of people who disagree with me on this issue in this Chamber and on the outside, including many of my close friends. But ultimately we have the same goal: We want real freedom in Cuba and we want to work to make sure the United States has a friend 90 miles off our shore. I hope that day is near.

Mr. President, I then visited Haiti. It was my third trip to that poor country. It is the poorest nation on our side of the globe. And, of course, the poverty preceded an earthquake of a little over 2 years ago. It is a flight of about 90 minutes from Miami, but in many ways it is a world apart. Its proud and kind people have suffered unimaginable misfortune, both at the hands of repressive dictators and from Mother Nature.

The history of Haiti is fascinating. They overthrew slavery, took control of their nation, and for almost 50 years waited for the U.S. Government to recognize them as a nation. Because we were divided in our country over the issue of slavery, it was too hot to handle. It was an issue we wouldn't touch until the Civil War began. Abraham Lincoln was President, and he recognized the Republic of Haiti for the first time as a sovereign nation.

Two years ago, the world showed an outpouring of generosity and humanity to help this country when it was devastated by an earthquake. As you travel around Port au Prince, as we did last week, you can still see the rubble, you can still see the pancaked buildings where so many people died. Thousands responded, donating time and endless efforts, and they still do.

The plane from Miami to Port au Prince was loaded with Americans many of them wearing crosses around their necks, tee shirts advertising the charitable causes they were supporting—headed to Haiti to help. That spirit of giving has sustained the Haitian people through a very difficult time. Former Presidents Clinton and George W. Bush helped raise money for those efforts and the rebuilding efforts that followed.

Today, more than half of the 1 million displaced persons have left the camps in Port au Prince and around the Island of Haiti and found homes. Believe me, their homes are modest by American standards. To walk into an 8-foot-by-8-foot room and have the woman there tell me time and again that four or five people live in that room is hard for many Americans to imagine, but for these Haitians it is an improvement over where they were before.

Many of the changes in Haiti are fragile and there is a great deal of work to be done, but improvements are real. I recommend to those who go to Port au Prince to visit one project—several, actually, but one in particular—a group called GHESKIO, in partnership with the Centers for Disease Control. This group is showing what can happen with a modest, small investment by the United States.

Many years ago, I worked to pass legislation known as the Paul Simon Water for the Poor Act. It was not funded at any great level, but it was an opportunity to have some money available for developing nations around the world to find portable, clean, safe drinking water. How important is that? Right now, Haiti faces the threat of a cholera epidemic, which literally kills innocent people, and it is because they do not have safe drinking water.

But smack dab in the middle of Port au Prince, at this GHESKIO project, Dr. Deschamps—an amazing woman, who took me on a tour—pointed to the ground to a little piece of equipment and said: This is our well, and you built it with the Paul Simon Water for the Poor Act.

She said: We had to drill down 600 feet, but we found crystal clear water, and we bring it up, put it in a holding tank, treat it with chlorine, and we provide water for 100,000 people.

I asked her: How much did it cost to build the project? She said \$25,000. Imagine, \$25,000. Think of the cost in human terms, not to mention economic terms, of a cholera epidemic and the suffering that would follow.

This is a lesson for us in America, to learn that small contributions in the right places can dramatically change lives in the poorest places on Earth. The people in that camp and those who are served know the American people cared enough to let them drill a well which gives them safe water for their children and families. We can and should do more, even with our limited means.

We witnessed a group called Partners in Health led by a fellow by the name of Dr. Paul Farmer, an inspiring man whom I read about and have come to know personally. He continues to extend the reach of care and health care to the poorest people on that Haitian island. We visited one of his camps, where literally the day after the earthquake they went into a hospital and found 40 children in a hospital ward unattended. Because of the earthquake, people fled and died in the process, but these kids survived. It was Dr. Paul Farmer of Partners in Health who brought them in.

About one-fourth of these children are special needs children who could not survive were it not for his leadership. They are there being fed and cared for and clothed because of the kindness of this man and the wonderful volunteers who are part of his organization.

We went back to a project I visited years ago with Senator Mike DeWine from the State of Ohio. He and his wife Fran invited me down to meet Father Tom Hagan of Philadelphia, who in 1985 went down to Haiti with a group of students from Lafayette College and decided this was where he needed to spend the rest of his life. He created a group called Hands Together, and now that organization literally educates and feeds hundreds of poor children and elderly people in Haiti.

It is refreshing and rewarding to go see this work and to realize that amidst all the storm and fury of our political debate there are good people, many from our own country, who do such amazing things with little or no recognition. Father Tom Hagan of Hands Together in Port au Prince, in one of the poorest sections, is a living example of that.

I wanted to thank our own embassy staff, our Ambassador Ken Merten in Port au Prince. This is his third or fourth assignment in Haiti. He and his wife love Haiti. They speak Creole. He is a wonderful representative of the United States and works tirelessly to help these poor people.

We had a meeting with the new President of Haiti, President Martelly. I didn't know what to expect, Mr. President. Here is a man who made his name as a punk Reggae rap star and got elected President. So I didn't know what I was going to find when I walked in the room. But what I found was a bundle of energy leaping off the couch and saying: Let's get these things done. Cut through the redtape. My people need it and they need it now. What a dramatic, positive change over some of his predecessors, and I was happy to meet with him.

Then, Prime Minister Conille, a medical doctor from Haiti who was working in the United Nations in New York making over \$200,000 a year as Chief of Staff to former President Clinton in his role as envoy from the United Nations to Haiti, gave up that post in New York to take the job of Prime Minister in

Haiti for \$35,000 a year. This is a medical doctor and a wonderful man who clearly has no separate personal agenda. He just wants to help the people of this island.

I left Haiti very heartened by my meetings with those two individuals. Their energy, determination, and thoughtfulness give me hope for Haiti—a nation that needs so much more. They recognize Haiti will never be on the full path to recovery and long-term stability without educating its people and employing them and bringing the kind of leadership and foreign investment so that their nation can grow. We in the United States should support that effort.

I am going to urge Chairman John Kerry of the Foreign Relations Committee—a committee on which the Presiding Officer and I serve—to advance the Haiti Reforestation Act. That is an issue which was brought up by many of the leaders we met with. I introduced it originally with Senator Susan Collins and Senator Kerry some months ago. We want to tackle one of Haiti's most entrenched, long-term problems, which has a spillover effect on a lot of key issues such as agriculture and the flooding that can hit this poor nation.

The last night we were in Haiti, in our room, there was a violent thunderstorm. The lady who ran our gathering place in the inn came to me and said: I will guarantee you in the morning there will be press reports that two or three people drowned and died because of this rainstorm. It is not uncommon in Haiti. That is why reforestation is part of the solution to that terrible problem.

I want to make sure my colleagues understand how important our involvement is. I asked how many groups had come down recently from Congress to visit Haiti. I was told that my colleague, Senator MARK RUBIO from the State of Florida, had been there a few days before. I know Senator BILL NEL-SON has spent time there with his wife making the right contacts and stopping in this nation. But for those in the Senate and House, of both political parties, who are looking for an opportunity to see where a small amount of American taxpayer dollars is making a huge difference in the lives of some of the poorest people in the Western Hemisphere, that hour-and-a-half trip from Miami to Haiti is worth your time.

Mr. President, I yield the floor.

# AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort the President of the United

States into the House Chamber for the joint session to be held tonight at 9 p.m.

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

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

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

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

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

Mr. ISAKSON. I would further ask to be recognized as if in morning business.

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

## THE BUDGET

Mr. ISAKSON. We are back. Tonight, I understand, the Presiding Officer and I will be sitting together at the State of the Union event, which I am pleased to do. It is always a historic and seminal moment in our legislative process when the President of the United States talks about and lays out his plans for the future.

From watching this morning on television and from reading some of the accounts of what is thought will be said tonight—I don't know what is going to be said yet—one of the overriding themes is going to be that of fairness. I think that is an important point for us to focus on in a second, particularly with regard to our spending, our debt, and our deficit, about what is fair to the American people.

Last night—and I brought some notes—I did a telephone townhall meeting back to Georgia. We had thousands of people listening in on the call. I was able to take 17 questions in the course of an hour and one of the questions was from Fred in Barnesville, GA. Fred is a small businessperson. He asked this question: Senator, you were a small businessman; I am a small businessman. We had to operate within a budget. Why is it the U.S. Government doesn't have a budget? I think today is the 1,000th day we have been operating without a budget.

That was a fair question. So if we want to talk about fairness for a minute, my contribution to fairness is going to be: What is fair to the American people, the American businessman, the American employer, the American employee? Let's think about it for a second.

A budget is a guide by which we try to live under. It is an appropriation of our priorities for the future based on what we think we will need to accomplish our goals. But if we are without a budget, then we have the tendency to do what America has done over the last 3 years; that is, exponentially increase its debt and its deficit. What that has done is put a pall on the recovery and a pall on the economy.

I would suggest the fairest thing we can do in the Congress and the fairest thing the administration can do is to see to it that we have a budget submitted, that it come to the floor of the House and Senate, that it be adopted, and then, more important, that we change our pace around here and live within that budget.

I have some suggestions as to how we do that, but first and foremost I urge the White House to submit a budget this year. I understand, from this morning's announcements, it will be delayed until February 13. That is fine with me. But the quicker we get it to us, the better we are. Then, let the Budget Committees of the House and Senate act, and let us end up with a framework—not just for 1 year but, as the Presiding Officer knows, for 10 years—because we forecast out those budgets and those complications of those budgets for 10 years.

But we have a broken system. We also have a broken will to do what is most important for the American people when it comes to spending their money. I wish to suggest how we change our habits and become a fairer legislative body and a fairer governing body for the American people.

Senator Jeanne Shaheen and I introduced a bill 1 year ago called the biennial budget. It amends the Budget Control Act of the United States of America and changes the way we do business. It portends that, in the future, instead of appropriating and budgeting for 1 year, we will do it in 2-year cycles, and we will always do our appropriating and our budgeting in the odd-numbered years so, in the even-numbered year of reelection, we are doing oversight and fiscal responsibility.

I think everybody in this room will admit we make an effort at oversight, to a certain extent, but practically speaking not near the oversight the American people have to do.

It is ironic that our country, our people, our families, our retirees, our business folks, our employees the last 4 vears of the recession have sat around their kitchen table lots of times. They reprioritized what they could afford and what they couldn't. They reallocated their resources to take care of their family and their children and they have been frugal and they have been conservative because they have to. They can't deficit spend. They can't borrow themselves into oblivion. They can't print the money and they can't write the checks. Don't you think the government of the people who are having to do that ought to have to at least live under the same set of circumstances?

We need for this room to become a big kitchen table, big enough for 100 people of good will to sit down together. We need a White House that will submit a budget we can then argue about and set the priorities of this country and try and put a governor on what we are spending, try and put some type of accountability for where we are going, try and forecast into the future what it is the American people can expect of all of us.

So when tonight the President talks about fairness, I hope one of his quotes will be: It is only fair to expect me, the President, to submit a budget to the Congress, and it is only fair for me, the President, to expect the Congress to act on that budget-because, after all, everything else flows from that. In the absence of budget responsibility, budget restrictions, budget projections, and a calculus for the future, we are spending without any governor or guide. It is akin to trying to drive from here to Alaska without a roadmap. I couldn't get there. I would probably have a wreck. I would probably run off the road because we don't know where we are going and we don't know how we are getting there.

Unfortunately, of all the institutions in America, there is only one that doesn't know where it is going and how it is getting there, and that happens to be the government of the United States of America.

So my message, this day of the State of the Union and this statement of fairness, let's be fair to the American people. Let's ask of ourselves what they are having to askof themselves because of high deficits and high debt. Those living on fixed incomes are seeing interest rates of 0.25 percent—almost negligible. Markets have been flat in terms of investment. Real estate values are down 33 percent nationwide. I saw last night in Tampa, where the Presidential debate was, it is 52 percent. The worst it got post-1929 was 31 percent.

We have the most significant, serious financial crisis in the history of the United States of America, and it is impacting our families and our people.

So let's ask of ourselves, let's ask of our President what every American family has had to ask of itself—sit around our kitchen table and budget and prioritize. I would submit Senator SHAHEEN and I have a roadmap that works for process. It says do it in 2-year cycles, so we are committed to spending in 1 year and we are committed to savings, efficiency, accountability, and repealing out-of-date programs the other year.

Wouldn't it be a great change in the body of politics for you and for I to be campaigning in even-numbered years, talking about what we are looking to save and cut, rather than what we are going to do to bring home the bacon?

I think the day of bacon coming home reckoning is here, and it is time for the next bacon to be brought home termining and prioritizing how we are to be a sound budget and fiscal policy for the people of the United States of America.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

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

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

### SENATOR MARK KIRK

Mr. THUNE. Mr. President, I wish to, similar to all my colleagues, express our sympathy and support and prayers for our colleague, Senator KIRK.

Senator Kirk is someone who is new to the Senate but served for a good number of years in the House of Representatives and has already made a tremendous impact in coming to the Senate—incredibly smart, hard-working, thoughtful, knowledgeable on so many different subjects. So obviously we will miss his presence in the near term but hope and pray for a full, quick, complete recovery and hope to have him back with us soon. I know I speak for many of my colleagues, but I certainly wish to express my and my family's prayers and support for Senator Kirk and for his family as he tries to get back on his feet. We wish him all the best as he does that and hope he will return soon and be able to get involved in many of the issues he was involved with and has been involved with since he has come to the Senate.

### THE BUDGET

If he were here, I think he would be very involved in the debates we are going to be having in the coming days about the budget. Today marks the 1,000th day since we have actually acted on a budget in the United States. That is something many people here who are interested in fiscal policy are very concerned about. Senator KIRK is one of those. I consider myself to be one of those. We have a lot of people in the Senate who are very concerned about where we are as a nation, about the amount of spending, the amount of debt we have racked up and continue to pile up on an annual basis. It all starts with a budget.

We spend \$3.6 trillion of the American people's money on an annual basis. Yet we have not had a budget in the Senate for 1,000 days, literally now for 3 years, essentially, since the Senate last passed a budget.

We cannot continue with a straight face to go to the American people and say we are being good stewards of their tax dollars when, in fact, we don't even go through the exercise annually of degoing to spend their hard-earned tax dollars. This is something that cries out for reform.

My colleague Senator ISAKSON, who just spoke, has some proposals for budget reform that I think we ought to take up and we ought to vote on in the Senate. I have some ideas about budget reform. There is so much we need to do to change the budget process in the Congress because we have failed to pass a budget resolution, not just for the past 1,000 days but also for 5 of the last 7 election years, and we have only completed all the annual appropriations bills on time in 4 of the last 34 years. We clearly have a problem. I don't think there is anybody here who can't say this system is broken and needs to be fixed.

It strikes me, at least, that as we went through the 2012 budget process, we failed again to complete the appropriations work on time, and so we had to go through this annual exercise of doing a nearly \$1 trillion omnibus spending bill at the eleventh hour yet again. During the past 3 years, we have consistently had record deficits of \$1.3 trillion or more.

Clearly, what we have in place is not working, and the American people are the ones who are paying the price for that because the debt per person is now over \$48,700. That is an increase of nearly \$14,000 on an individual basis since President Obama took office.

If we think about it on a per household basis, it represents \$126,000 per American family, per household that is their share of our Federal debt. That is a massive amount of money we pile onto people in this country.

If we add in the unfunded liabilities for Social Security and Medicare. which exceed \$40 trillion, then we start talking about over \$1/2 million in liability for every family in this country.

The national debt is now more than \$15 trillion, which is literally over 100 percent of our gross domestic product. To put that into perspective, 1 year ago, Greece was at 143 percent. We are not far behind. We are now 1 to 1, 100 percent debt to GDP. We are seeing the effect of high levels of sovereign debt on the economies of European countries such as Greece, and if we fail to get spending in our country on a sustainable path, we are going to face a similar crisis in the not-too-distant future. If we continue to see an economy that is struggling and growing at a very slow rate, we cannot grow that economy by making the Federal Government larger. If that is the case, the \$1 trillion stimulus bill that passed in 2009 would have brought unemployment down. But, as we know, the unemployment rate in this country is still at 8.5 percent.

So we have to unleash the economy. We need to cut spending in Washington, DC. We have to make the Federal Government smaller, not larger, and get Federal spending as a percentage of our gross domestic product, as a percentage of our entire economy, back to more of a historical average.

Today, the spending as a percentage of our GDP is about 25 percent. If we go over the last 40 years of American history, the average has been 20 to 21 percent. Ironically, there have only been five times since 1969 where the budget has actually been balanced. In those cases where the budget was balanced, spending as a percentage of GDP was 18.7 percent, on average.

So it can be done. But we have to get spending back to a more historic and reasonable level relative to our entire economy.

The debt to GDP, as I mentioned earlier, is also historic because we haven't seen debt-to-GDP levels such as this literally since the end of World War II. We would have to go back over half a century to find a time when we were carrying debt to GDP that was literally 1 to 1, where the amount of debt we have in this country is 100 percent of our entire economic output in a given year. That is a staggering number and one that should make us all very concerned about our future if we don't take steps to correct it.

I think that point was driven home by the former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, who has said in testifying before congressional committees that the greatest threat to America's national security is our national debt.

Think about that. He didn't say the Iranian nuclear program. He didn't say China. He didn't say North Korea. He didn't say al-Qaida. He said the greatest threat to America's national security is our national debt—that coming from the person who used to be the highest ranking military official in this country.

I think that speaks volumes about what we need to be focused on and why it is so important we start getting our budgetary, our fiscal house in order and why it is so important, frankly, that we pass a budget. One thousand days without a budget, and we spend \$3.6 trillion every single year of the American people's money.

I think, again, in order to get our fiscal house in order, in order to get our economy back on track, we have to cut spending. We have to reduce the amount we spend. That means we have to take on some of the big challenges before us, such as entitlement reform.

We all know about three-fifths of all Federal spending is what we call mandatory spending, and that represents programs such as Social Security. Medicare, and Medicaid that are not annually appropriated for by Congress but are a function of the law. If a person is eligible for a particular program they are going to get a benefit under that program. That type of spending in

our budget represents about threefifths of all Federal spending. If we add interest on the debt, which is also mandatory spending, we get up to about 65 cents out of every dollar spent right now is mandatory spending.

If we have programs such as Medicaid growing at three times the rate of inflation, and Medicare growing at two times the rate of inflation, it is pretty clear that is not sustainable over time. We have to figure out a way to get these programs where they are not growing at 12 percent a year or 8 percent a year-closer to the rate of inflation. That means we have to reform these programs if they are going to be sustainable and if they are going to be there for future generations of Americans. That can be done without impacting the benefits that people who are on those programs today receive and those who are nearing retirement age receive.

There is a real concern, there is a lot of hot political rhetoric about Republicans just want to cut benefits for seniors across this country. I think most of my colleagues know there have been several proposals put forward that would address the long-term challenges we face with regard to Medicare and Medicaid and for that matter Social Security, all of which would not impact people who are retired today nor those who are nearing retirement age but simply put in place some reforms that would impact younger Americans who, today, are working hard, putting money into these programs, but if we do not take steps to fix these programs they are not going to be around when those people retire.

Entitlement reform is so important in terms of getting Federal spending under control. That is why, notwithstanding the fact it is an election year, I hope there will be the political will in the Congress and with the President. Frankly, it is going to take Presidential leadership to do these types of things. We cannot do big things, we cannot conquer big challenges and big problems in this country absent Presidential leadership. There are 535 Members of Congress and there is only one President, one person who can sign a bill into law, one person who can engage the Congress and work toward a solution to some of these big problems.

So far this President has demonstrated no willingness to take on the challenges we face with regard to our budget. It was demonstrated last year when he submitted his budget. It was ultimately voted on in the Senate, voted down by a vote of 97 to 0. I think that tells us they have not been serious about taking on the major drivers of Federal spending in this country.

With regard to the other part of the budget, the discretionary part, we saw spending increase in that part of our budget by about 24 percent between 2008 and 2010. It literally grew at about

8 to 10 times the rate of inflation. So we need to get that side of our spending under control as well. Many of us supported legislative efforts that would roll back discretionary spending to 2008 levels to get us back into a place where we can defend the things we are doing to the American people at a time when they are seeing their family budgets shrink, that they are seeing their personal assets shrink, and many of them are having a very hard time finding work. Cutting spending, reducing spending, reforming entitlement programs, getting our fiscal house in order, is just essential, absolutely essential if we want to put our country on a path and a track that will prevent us from heading for the train wreck that many of our allies, many of the countries in Europe, are facing right now simply because they made promises to their people they just could not

We have to get our spending under control in this country and rein it in or that is our future. I hope for the sake of our children and grandchildren in this country we are willing to make the hard political decisions that will enable that to happen.

The second thing we have to do if we are going to get out of this sort of morass we are in right now, in addition to reducing spending, is we have to get the economy growing again. We have to expand this economy, grow this economy. It has been said the rising tide lifts all the boats. We need to get a tide that starts lifting all Americans. Instead of talking about how we are going to redistribute the pie, we need to make the pie bigger. The way we do that is to grow and expand the economy. If we start growing and expanding the economy we will get more Americans back to work, more people making money, more people investing. When more people are working, there are more people paying taxes and that gets revenue going up and that makes these other issues manageable. But we have to have economic growth and we have to have policies in place that promote economic growth.

Regrettably, the policies of the current administration have had the opposite effect. They have made it more difficult, more expensive to create jobs in this country. We need to put policies in place that will make it less expensive, less difficult to create jobs, and that will encourage people and provide the kind of economic certainty that gets people to invest their money, to put their capital to work, and to get Americans back to work in this country.

I think there are several things, obviously, that need to be done. No. 1, of course, is to reform the Tax Code. In my view, right now that is a roadblock, if you will, an obstacle, an impediment to economic growth. We are not competitive in the world marketplace because of our tax policies. What we need

today is a clear, fair, simple tax code that does away with a lot of the special interest loopholes that exist today, one that broadens the tax base in this country but at the same time one that lowers rates so that businesses want to invest in America as opposed to moving their headquarters and taking their jobs overseas. We want to encourage investment. That means we have to reform our Tax Code and, as I said, we have to do away with a lot of the Tax Code that is riddled with loopholes. We have to do away with those loopholes and get our tax rates down to where they are competitive with countries around the world that are stealing business from us and taking jobs over-

Tax reform is, in my view, an essential element of an economic growth strategy that will get us on a path where the economy is growing and expanding and we are creating jobs in this country. That is going to take Presidential leadership just as entitlement reform is going to take Presidential leadership. We cannot do big things in this country absent Presidential leadership. This is another area where we have not seen that from this President.

I hope he will engage the Congress—again, notwithstanding the fact that this is an election year—in a debate and perhaps more than a debate, a solution to the problems in the Tax Code in this country that will get us on a competitive footing and make us more competitive in the world marketplace. The President is going to have to be involved in that debate or it is not going to happen, particularly in a political year.

We also have to get our arms around these overreaching, excessive regulations that are strangling small businesses in this country. I cannot tell you how many times, when I travel my State of South Dakota or anyplace else for that matter, that I hear from small businesses that the No. 1 obstacle right now to us creating jobs is this massive amount of regulation coming out of Washington, DC. In fact, there have literally been thousands and thousands of pages of new regulations that have been promulgated and issued since this President took office. They affect every sector of our economy.

The one we hear about the most probably is the EPA, but we have the Department of Labor, we have other agencies of government that are constantly putting forward new regulations which make it more difficult, more complicated to get people in this country back to work.

Just as a point of fact, regarding a recent set of regulations proposed by the Department of Labor—by the way, there was no complaint about this that there was no consultation with the people who would be impacted by this—there was really no reason we can come

up with for why these regulations were put forward. But the Department of Labor, in their infinite wisdom, decided they knew better about how to run a farming operation or a ranching operation in this country, better than the people who are involved in those endeavors, and they have basically put forward some regulations that would put all kinds of new restrictions on young people working in family farming or ranching operations—incredibly prescriptive regulations, I might add, detailed regulations that are going to change the culture and the economic fabric of ranching and farming in this country more than anything we have seen before.

Anybody who has been around a farming operation or enterprise in my part of the country realizes they are inherently family operations. Young people are involved in those operations. When the Department of Labor comes out and says young people cannot operate certain types of equipment or young people cannot work with farm animals that are older than 6 months or cannot be at an elevation that is any more than 6 feet, it is a complete contradiction to the way that work gets done in rural parts of this country. But that is what we have. We have a massive amount of new regulation coming out of the Department of Labor that will forever change the way farming operations are carried out and the way work gets done on a family farm.

That is the kind of thing I am talking about. It is overreaching. It is excessive. It goes beyond the pale in terms of what we need by way of regulation in this country. We need smart regulation. There are public health and safety reasons why we need that. But this kind of overreaching and excessive regulation is making it that much more difficult for people to get jobs in this country.

The final thing I will mention in regard to an economic agenda that I think will create jobs is the issue of energy security. We need an energy policy in this country that promotes domestic production, that recognizes that we have enormous amounts of resources at home, that we should not have to continue to import a lot of our energy from outside the United States. The Keystone Pipeline, which was just recently vetoed by the administration-turned down-is an example of that. It was studied 3 years extensively by many agencies of the government. At the EPA there were serious environmental impact statements done. They all cleared, they all teed this up to be done, and just this last week the President said: No, it is not in the national interest.

I, and I think a lot of people on both sides in the Senate, would argue this is in the national interest. It is a lot better for us to get 700,000 barrels of oil a day from a friendly neighbor such as

Canada as opposed to a country such as Venezuela. We can continue to buy oil from Hugo Chavez or we can get the same, the equivalent amount of oil from a friendly neighbor such as Canada, bring it into this country where it is refined and creates jobs, puts people back to work, puts capital to work in this country, and gets investment in the United States. Instead, we are going to see that energy source go in the other direction. It is going to Asia, it is going to go to China, if we are not able to get projects like this approved.

Interestingly enough, there was a pipeline just like this that was built a few years ago, and it goes right through the eastern part of my State and other States. This pipeline would go through the western part of my State of South Dakota as well as other States, but it would bring much of that energy resource into this country, create jobs, and help create economic growth in America as opposed to sending that energy overseas and making us even more dependent upon foreign sources of energy at home. It makes absolutely no sense.

If the President of the United States is serious in his rhetoric about focusing every morning on creating jobs, one would think the first thing he would want to do is support projects that create shovel-ready jobs, in this case 20,000 shovel-ready jobs and an investment of \$7 billion, and bring energy into this country that will make us more energy independent. That is absolutely right in the wheelhouse of what we ought to be looking for in terms of getting this country's economy back on track. Yet last week the President turned thumbs down on this proposal.

I would say again, in closing, in my view, if we are going to get our country back on track, we have to get our fiscal house in order, which means we have to reduce spending, get our spending as a percentage of our entire economy back into a form of historical norm of revenues. As I said, for the past 40 years that has been 18 percent of our economy. Today we are spending 25 percent, and we are on a trajectory such that not too far from now we are spending our entire economy on the Federal Government, not to mention State and local control. We have to get policies in place that will promote long-term economic growth and reverse the decline we have seen, the massive amount of debt we racked up over the past 3 years, and the huge job losses we have seen at the same time. If we can do that, we will at least be doing the people's work in terms of trying to address the major problems I think face most Americans and the things they are most concerned about every single day.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

VERMONT STUDENTS' ESSAYS

Mr. SANDERS. Mr. President, democracy; that is, government of the people, by the people and for the people, does not thrive or even survive unless we have a well-informed and well-educated public who are thinking about, discussing and debating the important issues facing our country.

In order to stimulate that goal, I have, for the last 2 years, sponsored an essay-contest asking Vermont's high school students what they think the United States should be doing to address the major problems we face as a nation. In other words, while tonight we hear the President's views about the State of the Union, the essays these students wrote reflect Vermont students' views about the State of the Union.

I am delighted that 308 students, from 30 different schools throughout Vermont, thought about these challenges as they wrote their own State of the Union essay. And I want to thank each and every one of them for their participation in the contest and the time and effort they put into it. I also want to thank the five teachers who acted as judges for these contests. They are Brian Burgess of Hazen Union High School; Liz Lebrun of Poultney High School, Lois Little of Canaan Memorial High School; Joe Maley of South Burlington High School and Terri Vest of Twinfield Union High School.

The winner, selected by a panel of five Vermont teachers, is Jennifer Sikorski, a senior at Winooski High School. In addition to Jennifer, 18 students were named as finalists. The four runners-up were: Monica Allard, Milton High School; Kayleigh Ehler-Vock, South Burlington High School; Kate Raszka, Champlain Valley Union High School; Karolina Sowulewska, Burr and Burton Academy.

Because of the excellent quality of the essays, we also honored 14 other students with an honorable mention.

Mr. President, I ask unanimous consent that the winning essay be printed in the RECORD.

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

JENNIFER SIKORSKI, WINOOKSKI HIGH SCHOOL (WINNER)

[January 23, 2012]

Ever since the Declaration of Independence was signed, the United States has constantly paved the way to peace and prosperity both for itself and the rest of the world. However, as the world economy rapidly disintegrates, new issues have emerged, from unemployment to the environment to gay rights, and in the midst of it all, America stands still, seemingly oblivious to the fact that its future is crumbling in front of it. It is time to pave the way to prosperity once again through these issues in order to ensure that someday we can thrive again.

Perhaps the biggest problem we face as a nation is unemployment. As of 2011, 8.5 percent of people in the U.S.—over 26 million

Americans—are jobless. While it may seem as if putting such a large amount of people to work cannot happen, there is a chance that it can be done. As unemployment has been rising, the condition of our environment has been deteriorating due to deforestation and the emissions of greenhouse gases and carbon dioxide given off by the use of fossil fuels. Renewable energy such as solar and wind power, on the other hand, has remained a topic of interest, yet it is still somehow largely unavailable to the public. However, the environment can be preserved, if not improved, by phasing out fossil fuels in favor of solar and wind energy, while millions of Americans can return to work to plant trees to restore our forests and to build, distribute, and repair solar panels, wind turbines, and other renewable energy products. We are actually lucky in a way to have to face both of these issues at once, as they can both be improved simultaneously.

America has also had a long-standing tradition of leading the way in human rights, with such important movements such as women's suffrage and civil rights abolishing discrimination based on gender and race. There is no reason why this tradition should not continue with gay rights as well. Currently, only seven states in the entire country allow same-sex marriage, and I am proud to live in one of the few states that has begun to lead the way. I have many friends and relatives that consider themselves gay or bisexual and are actively involved in the LGBT community, and I have witnessed their struggles as they have realized that many are intolerant of their lifestyles. The entire country should follow Vermont's example and legalize same-sex marriage to continue to encourage not only the rights of certain groups of people, but the rights of everyone.

In conclusion, the challenges that we face with unemployment, the environment, and gay rights are just some of the challenges that, when dealt with appropriately, will make our country stronger and greater than before. Though our current situation looks bleak, we can always work towards goals such as these that will help make America and the world a better place.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

### THE BUDGET

Mr. CONRAD. Mr. President, in listening to some of our colleagues on the other side of the aisle—both in speeches here and in press statements they have made—I repeatedly hear them saying we have not had a budget for 1,000 days. That is just wrong. That is absolutely wrong. Sometimes I wonder if our colleagues are paying attention to what goes on here on the floor of the Senate. Have they already forgotten the Budget Control Act? Here it is. On

August 2nd of last year, the Budget Control Act passed this body 74 to 26. More than half of our Republican colleagues voted for it. Didn't they know what they were voting on? The Budget Control Act contains the budget for this year and for next year. Weren't they paying attention? Don't they know what they voted on?

In many ways, the Budget Control Act is stronger than a typical budget resolution, and it is stronger in these ways: No. 1, it is more extensive than a traditional budget resolution. No. 2, it has the force of law. Unlike a budget resolution that is not signed by the President, the Budget Control Act that we passed last August, that provides the budget for this year and for next year, is a law passed by the House of Representatives, passed by the Senate, signed by the President of the United States—the Budget Control Act. It also set discretionary caps on spending for 10 years instead of the 1 year normally set in a budget resolution.

So when our colleagues come out here and say we have not had a budget in 1,000 days, wow, can they really have missed the vote, the debate, the consideration of the Budget Control Act? Did they really miss all that or—or—are they saying something they know to be untrue, because really those are the only choices you are left with. Either they do not know what they did or they are misrepresenting what we all did.

Not only does the Budget Control Act set discretionary caps for 10 years, it also provided enforcement mechanisms, including a 2-year "deeming" resolution, allowing budget points of order to be enforced. That is what a budget does. It sets the spending levels, it creates spending caps, and it provides enforcement mechanisms. All of that is in the Budget Control Act we passed on August 2nd of last year with a vote of 74 to 26. Not only did we pass it, but the Republican-controlled House passed it, and the President signed it. It is the law of the land. It sets the budget for this year. It sets the budget for next year. It provides enforcement mechanisms. It sets 10 years of spending caps. And it created a reconciliation-like supercommittee to address entitlement and tax reforms. That supercommittee did not come up with a result, but they were established in the Budget Control Act, and they were given the authority—just like a reconciliation provision would—to come back with a package that could not be filibustered and could not be altered and could pass with a simple majority. That is the fact.

So if we hear colleagues come out and say one more time that we have not had a budget for 1,000 days, I hope somebody will have the sense to stand up and say: Really? What was the Budget Control Act about? What was this legislation that passed not only

the Senate on a vote of 74 to 26 but passed the House of Representatives, which is controlled by the other party, and was signed by the President of the United States?

Republican rhetoric aside, Congress did pass a budget—not through the normal way of a budget resolution but through an actual law. The Republican-controlled House passed it, the Democratic Senate passed it, and the President signed it.

The Budget Control Act set 10 years of spending caps, established a 2-year "deeming" resolution to enforce spending levels, and it created a reconciliation-like process to consider entitlement and tax reform.

I hope we have laid this issue to rest. So now if I hear colleagues come out and say that we have not had a budget for 1,000 days-I will know they have been put on fair notice. Maybe they missed somehow what they were voting on back in August. Maybe they gapped out. Maybe they forgot. But you know what, they voted for it. Every Member of the Senate voted on the Budget Control Act. Seventy-four to twenty-sixadd it up—that is 100. Everybody was here. And if they did not know what they were voting on, now they do. So if I hear another assertion that there has not been a budget for 1,000 days, I will know and the listeners will know that somebody is not telling the truth.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

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

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

### REMEMBERING JARED FRANCOM

Mr. LEE. Mr. President, today I rise with a heavy heart to mourn the loss of Ogden police officer Jared Francom.

Earlier this month, on the evening of January 4, 2012, Agent Francom was senselessly gunned down defending his fellow officers as they attempted to serve a search warrant in Ogden, UT. Five other officers—Sean Grogan, Kasey Burrell, Michael Rounkles, Nate Hutchinson, and Jason Venderwarf—were wounded in the gun battle.

A week later, a crowd of roughly 4,000 family members, friends, and supporters, including more than 1,000 uniformed officers, gathered at a public memorial for Jared to say goodbye to one of America's fallen heroes. The sentiment from all who knew him was the same: Jared was a devoted family man, a dedicated father to his two young daughters, a fun-loving brother and son to his family.

At the funeral, which I attended, I heard Jared's brother Ben say that he

"taught people to care for each other and taught others to change the world like he was doing on the streets of Ogden." Commenting on the outpouring of support, Jared's brother Travis said: "I know my brother would be proud, because we all are his family."

Achieving a goal he had set for himself as a young boy, Agent Francom became a member of the Ogden police force 7 years ago and was assigned to the Weber-Morgan Narcotics Strike Force.

Jared's sacrifice should be a reminder to us of the incredible risks our brave law enforcement officers all take as they protect the people they serve. I have a deep and unwavering respect for the law enforcement community, and as a former assistant U.S. attorney I have seen up close how these men and women serve with honor, integrity, and dedication. Jared Francom was no exception. He will be remembered for giving his life in service to the people and to the community he loved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

### MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

## THE BUDGET

Mrs. HUTCHISON. Mr. President, I rise because this week is going to be a very important week for voting on the President's request to raise our debt ceiling.

Our debt is \$15.2 trillion. The President is going to ask for a \$1.2 trillion increase in that debt. These are astronomical numbers. Anyone looking at this can see we are spiraling out of control in very short order.

To put it in perspective, the gross domestic product ratio to debt has been in the range of 40 percent debt to our

gross domestic product. Today, we are surpassing 100 percent. We don't hear numbers such as these except in certain places in Europe. This is untenable.

When President Obama was sworn into office, the Federal debt was \$10.6 trillion. In just under 4 years, the United States has accumulated more than \$5 trillion in new debt. Let's place the President's request in context.

The \$1.2 trillion he is asking to increase the debt ceiling will not even cover last year's deficit, which was \$1.3 trillion. We are in an untenable situation and we must do something about it. I think most people who are focusing on this believe that. But instead, attempts to cut the deficit are met with proposals to do—what? Increase taxes, taxes to pay for current spending and even new spending on top of the current levels.

In the coming weeks, the President will unveil his fiscal year 2013 budget. Last year, the fiscal year 2012 budget the President put forward totaled \$3.7 trillion, and he proposed over \$1.6 trillion in new taxes over a 10-year period.

These figures demonstrate the fundamental problem we have in this country, which any small businessperson looking at this can tell us; that is, we have chronic deficit spending.

We must accept the fact that mandatory spending accounts for more than half of all Federal spending, and the entitlement spending is open-ended. The reality is, Social Security is currently operating in the red. Benefits are exceeding payroll tax revenue. The programs that are in the entitlement section of our budget are in dire need of being updated. We must gradually reform Social Security to meet current life expectancy rates. I have introduced a bill to do that, along with Senator

It is very important that the President take the lead on entitlement spending. Yet from all the things we have heard from the President about what he is going to propose at the State of the Union address and what he is going to put in his budget, there is no entitlement reform included. Instead, it is more spending and more taxes to cover the spending.

The fact remains, we must change the course of this country. If we fail to do so, we are going to be at the same point later this year because that is when we could reach the new debt ceiling of \$16.4 trillion if the President's request is granted by Congress.

The precedent is vivid. Look how quickly the initial \$900 billion request set forth under the Budget Control Act last August has been exhausted—\$900 billion gone since August. This is January. That is a stunning figure. A coherent, comprehensive policy regarding our Nation's debt ceiling is non-existent.

In order to correct our current fiscal problems, we must align spending to

match incoming revenues. American businesses and households know this. They do it every month, every week. Why shouldn't our government be held to the same standards?

We have not had a true debt limit set by this administration. The President continually requests increases in the debt ceiling without addressing the core problem, which is spending.

While the Budget Control Act included discretionary spending caps and a 2013 sequestration, it did not go far enough. No targets were set forth for our debt limit or for our annual deficits.

We need to take our caps on spending further. Each year, the caps should bring us closer to a balanced budget. We should have a target to bring, over 10 years, the debt down to a specific level. We should be able to set this with leadership from the President. This year, we must focus on cutting our deficits and aligning spending with revenues.

We are going to have this vote on Thursday, we are told. We have the time and the means to implement a sensible reform for our entitlement programs. That is not going to happen in a vacuum, and it is not going to happen with just the President or with just the Republicans or with just the Democrats in Congress. We have to address entitlement issues together.

The Social Security bill I have introduced gradually increases the age at which Social Security would be available to retirees. We all know people are living longer. They are working longer. They are healthier longer. The actuarial tables don't match the Social Security program that was put in place 50 years ago. It does not work. We have to take the reins.

If the President would work with Congress to do that, my bill increases the normal retirement age by 3 months per year. So it is a very gradual increase. No one would be affected over the age of 58 under my plan. But if one is 57, the normal retirement age would be 3 months later. So it is a plan that can work. With that minor adjustment, we could make 75 years of Social Security solvent, along with a small decrease in the cost-of-living increase but nothing on the core benefit. There would be no cut in the core benefit, only a 1-percent decrease in the costof-living increase. If inflation goes above 1 percent, there would be a costof-living adjustment.

I think everyone would rather have a sound Social Security system and know it is there for them as a cushion. As we know, Social Security was not supposed to be a retirement plan. It was supposed to be a safety net, and it is a safety net for many people in our country.

We are also trying to encourage more saving by people for security in retirement. That is why, when we are talking about the 15-percent tax on capital

gains and dividends, it is because we are encouraging people to save for their retirement security. We are a country, unfortunately, that has a very low savings rate. Compared to most other countries in the world, Americans save very little. The 15-percent capital gains and dividends rate is meant to encourage savings and helping people to plan and support their own retirement in addition to Social Security.

If we made Social Security solvent, it would also bring down the deficit, and we could do it in a gradual way. If we and the President don't take the reins now in a bipartisan way and we keep marching along the same path, we are going to have drastic cuts in the actual benefit, in the core benefit going forward. That would be a tragedy. It would be wrong for our children. It would be wrong for the next generation for us not to be able to address this in a bipartisan way. I hope the President will mention this in the State of the Union address. I hope he will make that a part of his efforts in this last year of his administration before the election.

I haven't heard any talk of that. In the previews I have heard of the State of the Union address, we are not hearing anything about entitlement reform. Yet it is more than half of the federal budget. We know that we have to cut spending if we are going to actually bring down the deficits and start peeling away this cancerous debt we have accumulated in this country, \$5 trillion in the last 3 years and \$10 trillion accumulated up until 3 years ago.

It is my hope we will start a leadership in the administration tonight at the State of the Union—a leadership that we haven't seen yet because all we have seen are the same old tax-andspend proposals we are used to seeing. It is nothing new and nothing fresh. But the people of America know we have to change course. The people of America in the polls say, by huge numbers, we are going in the wrong direction in this country. Seventy percent of Americans have said in the latest polls of "How do you feel about where we are now," 70 percent believe this country is going in the wrong direction

Only we can do something about it, along with the President, and I hope he will provide the leadership. But I don't think raising the debt ceiling, with no plan in the future to cut spending is going to happen this week. That is not leadership, and I hope there will be a change in direction.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

objection, it is so ordered.

Mr. RUBIO. I ask unanimous consent that I be recognized to speak as in morning business for up to 15 minutes. The PRESIDING OFFICER. Without

objection, it is so ordered.

## LEGISLATIVE CHALLENGES

Mr. RUBIO. Mr. President, it is good to be back at work here in Washington. DC. We have the big State of the Union tonight, which is kind of the beginning of the legislative year. I am looking forward to the challenges and, hopefully, accomplishments we will have together both in this Chamber and in this building in the coming year.

As we prepare for the State of the Union, I think it is always a good time for us to reflect on where we are as a nation and where we have been. I think all of us can look back on the 20th century and say it was truly the American century. I was blessed to be born in that century and to be a beneficiary of so much of America's greatness. Those of us who have been beneficiaries of America's past have an obligationcertainly those who serve here—to be defenders of America's greatness in the future. At the core of everything we debate today are these issues about America's future and how we make the 21st century an American century as well

If we examine some of what has really distinguished us from the rest of the world, that has made America and life in America different from life in other countries, there are three things that come to mind. The first is this concept of fairness. We are a people who strongly believe in the concept of fairness. For Americans, fairness has meant equality of opportunity—in essence, the belief that it doesn't matter where you come from, it doesn't matter if your parents are poor, it doesn't matter if you grow up in a disadvantaged background, every single American should have the equality of opportunity, the same opportunity to succeed and accomplish their hopes and dreams.

Maybe we take that for granted from time to time, but that is not a universal concept. In multiple societies and economies around the world, I daresay that in the majority of them there is not a strong belief in this notion. In fact, people believe that what you are going to be in life should be determined by the circumstances of your birth. Not in America. This Chamber, the membership here—basically everywhere you go in America—is a testament to people who were born in a very different place or into very different circumstances than the ones they live in now and that which they have been able to achieve.

As Americans, we have always embraced the concept of prosperity, the

The PRESIDING OFFICER. Without ability to accomplish your economic dreams and hopes. Sometimes that means people make billions of dollars. and sometimes that means you make enough money to provide for your family and give them the opportunity to do even better than yourself, but we embrace the concept of prosperity.

Last but not least, we Americans have always embraced the concept of responsibility, the responsibility that all of us have as individuals, as neighbors, as members of a community, as family members. Deep in this concept of responsibility is the notion that while we want fairness and equality of opportunity and while we want prosperity, we are also a compassionate people who do not want to see others left behind. In essence, we do not want the price of our prosperity to be leaving people behind. To that end, Americans, as I outlined in a speech earlier last year, have always struggled and have fought for the notion of balancing those two important goals—being a nation of prosperity and also a nation of responsibility.

These are the central things, these are at the core of our values as a people that defined our greatness in the last century, and therefore they must remain at the core of who we are as a nation if we want the 21st century to be an American century as well. Let's examine some of the challenges to those three principles that are so important to our future.

On the issue of fairness, on the issue of equality of opportunity, what are the things standing in the way of equality of opportunity in America? In essence, what are the things keeping some people from climbing the ladder, from doing better than their parents did, from being able to pursue and fulfill their dreams as they should in a nation so deeply committed to equality of opportunity?

In essence, there are a few things that are standing in the way. The first is skills. There are some Americans right now who do not have access to the kind of training they need to build the skills they need, for example, to create or to have a middle-class job. Part of that is our own doing as a nation. We have, for example, stigmatized career and technical education. For the life of me, I do not understand why we have done that. Not every kid wants to go to a 4-year university. Not every kid wants to graduate with a Ph.D. Some kids want to grow up and fix airplane engines or build things. That is good and important, necessary work. Yet we do not train our kids to do that. A number of jobs in America require more than a high school education but less than a 4-year degree in college. Why can't kids graduate from high school with a high school diploma and an industry certification and a career that will employ them right away? That is one of the impediments that

are standing in the way of growing middle-class jobs. If we are truly committed to the principle of fairness, we should invest in that, encourage that, particularly at the State level.

There is another thing standing in the way of fairness, equality of opportunity: that is, the playing field is not always even. And there are two things in particular that stand out: our regulations and our Tax Code. It is not me saying that, it is the job creators, small businesspeople trying to make it. Let me tell you what I mean by that. We have a complicated Tax Code, and it is broken. Here is the deal. If you are a large, major, Fortune 500 company, you can afford the best lawyers and accountants in the world to navigate it. You may not like the large, complicated Tax Code, but you can deal with it. The people who cannot deal with a large, complicated Tax Code are the people who are trying to make it the sole practitioner, the entrepreneur, the small businessperson starting out in the garage or spare bedroom of their home. They cannot deal with the taxes. and they cannot deal with the regulations because they cannot hire the army of specialists it takes to navigate these things.

In case you say somehow we are making this up or somehow this is coming out of nowhere, let me tell you that the U.S. Chamber of Commerce did a survey of small businesses earlier this year. They found that 86 percent of small businesses—which are, by the way, not just the backbone of America's economy, they are the backbone of America's prosperity—86 percent of them say they are worried that regulations, restrictions, and taxes are hurting their ability to do business. This is a fact.

In terms of there not being a playing field that is even in America, in my opinion, the single greatest contributor to making it more difficult for people who are trying to make it is some of the policies—as well-intentioned as they may be—that are being implemented at the governmental level. We need to invest and commit deeply to this notion of fairness, which is defined in America as equality of opportunity.

The second thing we need to continue to believe in is prosperity. Prosperity in America has and must continue to mean private sector economic growth. The private sector grows and creates private jobs which employ people and turn those people into parents who can send their kids on to college and consumers who can spend money in our economy. The creation of middle-class jobs is not just the backbone of our economy, it is the backbone of our prosperity.

How are jobs created in the private sector? It is simple. Someone has an idea, they have a business or product they want to invest in, they have access to money, whether it is their own money or someone else's money, and they use that money to put that idea into practice. They start a business, it works, and as a result people get jobs, people are employed, and the cycle repeats itself. The job for us in Washington is to make it easier for people to do that at every level. No. 1 is to make it easier for people to have ideas, and that is the easiest one of all. Americans have not run out of good ideas, and Americans have not forgotten how to create jobs. There are plenty of great ideas. There are great business ideas for the 21st century. There are a bunch of them that exist in the minds of hundreds of thousands of Americans who are waiting for the chance to put that dream into practice.

The second thing we have to do is make it easier for them to get access to the money they need to start their businesses, and that means to encourage investment. I do not understand why we would punish or discourage investment. Why raise taxes on people who want to invest in businesses that allow these businesses to grow and hire more people? It is important we make that easier as well.

I would like to talk again about small businesses. The survey I outlined a minute ago showed that 78 percent of small businesses say taxes and regulations coming from Washington also make it harder for them to hire more employees. So in addition to making it easier for people to make money available to investors to allow these ideas to go into practice, we also have to lower the cost of doing business and the barriers to entry, and the equation is pretty straightforward.

If you are an employee working for somebody and decide you can do a better job than your boss and want to start your own business and want to compete against him, well, the regulations that impact that industry and the tax code that applies to that industry are too complicated and too burdensome so you cannot do it. If you are a small business trying to grow, no matter how much money you have invested, you may not be able to deal with that as well.

By the way, there are two industries I hope we will look at as real growth opportunities and prosperity in America. We are an energy-rich country and advances in technology have made certain deposits of energy once inaccessible to us accessible. Natural gas is a great example. We need to stop punishing investment in the energy sector by raising taxes. We need to stop passing regulations that put entire areas of this country completely off limits and make it difficult to access our energy deposits. I think energy is an area on which we should focus.

The other is manufacturing. As labor costs rise around the world, there is no reason more and more manufacturing cannot return to the United States.

But this is not going to happen if we regulate people looking to do manufacturing in a way that they decide America is not the place they should do business and if the tax treatment of America puts us at a competitive disadvantage.

Let me close by saying that the opportunity before us is real. The 21st century holds promise, promise that holds no parallel in human history. I don't think it is an exaggeration to say we can see the kind of economic growth here and around the world that we have never seen before. That is how promising the 21st century is. It all comes down to a choice. We have to make a choice. Are we prepared to abandon the principles and ideals that made us unique and special or are we going to reembrace those principles and ideals and in so doing make this new century an American century as well?

When I hear some of the talk in this building, it concerns me. When I hear people telling the American people that the way to protect their jobs is to raise their bosses' taxes, I think that is counterproductive. When I hear policymakers in Washington pitting the American people against each other, telling people that the only way they can do better is if someone else is worse off, I get concerned. Not only is it not true, that type of thought has never worked anywhere in the world. In fact, people flee from countries that think in that way.

The American experience has been something very important. The American experience has been that this is a country where everybody can do better, where the people who have made it can stay there, and the people who are trying to make it can join them. We have never believed that the way for us to do better is for other people to do worse. We have never believed in order to climb the ladder, we have to pull somebody else down. For me, it is not theory, it is the experience of my life.

My parents raised me with middle-class jobs in the service sector. My dad, for example, was a bartender, and I thank God every night there was someone out there willing to risk their money to build a hotel in Miami Beach and later in Las Vegas where he could later work. I thank God there was enough prosperity in America so people could go on vacation and leave tips in my dad's tip jar. With the money he raised as a bartender, he gave me the opportunity to do what he never had a chance to do.

We had help along the way. I had student loans and grants from the government to help me get my education. I went to a public school system, and that is an important role for government to play.

Let's not forget we cannot have more government than our economy can afford. That is why those of us who desperately want to see a country that continues to have prosperity but also compassion believe safety net programs should exist to help those who cannot help themselves and help those who have fallen to stand and try again. That is why we believe we have to have a strong and robust economy.

What is startling is that we, the largest and most prosperous Nation in human history, have built a government so massive that not even the richest country in the history of the world can afford it, and we cannot continue on that road either.

I will close by saying that I hope this new year will be the beginning of our work toward a new American century. I know it worked in the past. I know this is a nation where anyone from anywhere can accomplish anything. It is not just something I read about in a magazine. I have seen it in my own life. There is no reason it cannot continue here if only we are creative.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for up to 18 minutes.

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

### THE BUDGET

Mr. SESSIONS. Mr. President, today, state of the Union day, marks 1,000 days since this Senate has fulfilled its statutory responsibility of passing a budget. This is not a little bitty matter, and it implicates the leadership of the Democratically controlled Senate and their willingness to address the American people honestly and effectively concerning the very significant financial threats this Nation faces.

Indeed, President Obama, on April 29, 2009, when we last had a budget, said this:

A budget serves as an economic blueprint for the Nation's future.

That is true. It is not an insignificant document that just has a bunch of numbers; it is a blueprint for the Nation's future. We either have one or we don't. He went on to say a budget is necessary "to lay a new foundation for growth and to strengthen our economy."

I believe that is certainly true because the whole world, our own economy, U.S. businesses and investment, and the American people are concerned that we don't have a plan for our future that gets us off of the debt path—some would say an economic growth death

path—that we are on. They want to see that we have a plan to do better.

We will have a speech tonight. I suspect it will be grand in sound and have some popular phrases. But the question is, when it is over will we have a plan that can be examined? Will we have a plan that will lead us on an improved—dramatically improved—debt path or will we remain in business-as-usual mode, in denial?

A budget resolution is legally required by the Congressional Budget Act of 1974. It was passed because Congress hadn't been passing budgets effectively. So the Congress passed a law and said we must do it. We are going to require ourselves to do it.

By law the President must submit a budget to the Congress by the first Monday in February. The President has submitted one for 2012. He submitted it to the Congress last year. It was not a good budget. It was what I have called the most irresponsible budget ever submitted to Congress. I chose those words carefully because we have never been, as a nation, in a more systemic danger from debt as we are today. Our population is aging. Our growth is not solid. The number of people on Medicare and Medicaid and Social Security has increased. We need growth and prosperity. We are in danger if we don't change it. That is why the world is worried about the United States. That is also why Europe is having such a serious problem. So it is important that we have a budget and we lay this out.

So the law requires the President to submit the budget to the Congress by the first Monday in February. We did it last year. It was not a good budget because it increased spending, it increased taxes, and it increased spending more than taxes. Over the 10-year budgetary window or plan, it increased the debt more than if we had not had the budget, if we had just gone on automatic pilot for spending growth in our country. That is why it was a failed budget plan. When the Senate finally voted on it—I brought it up after the majority leader brought up the House budget to try to defeat it. I brought up the President's budget and asked my Democratic colleagues if they supported their President's budget. It failed 97 to 0. Not a single Senator voted for that plan because it was irresponsible. It put us on a worse course than we were already on, and nobody wanted to be on record as voting for it.

Now, once the President's budget has come in, the Senate Budget Committee, by law, is required to report a budget resolution to the Senate by April 1. Congress is required to complete action on a concurrent resolution on the budget no later than April 15. It is a challenge. In the past it has been a real challenge. People have worked hard to meet that goal.

Last year, while the Senate did not act, the Republican House met its re-

quirements under the Budget Act to consider and pass a budget resolution in both their Budget Committee—Congressman PAUL RYAN's committee—and in the full House of Representatives. The chairman of the Senate Budget Committee, however, did not even offer a budget for consideration in committee, which precluded its consideration before the full Senate.

The budget process exists in one respect to compel the President and Congress to set forth a plan for the disposition of the taxpayers' money for the upcoming fiscal year and a minimum of 4 fiscal years. The budget has to be a 5-year budget. Often it is 10 years. The President submitted a 10-year budget which I think is preferable to a 5-year budget, and most people agree. Setting forth such a plan requires setting priorities; does it not? A household does a budget. A city, county, or State does a budget. They have to choose with their limited resources the priorities they can fund and determine how to use those scarce dollars, which in our case includes discretionary spending which is subject to the annual appropriation process, as well as the mandatory spending programs which are provided for under the rules set forth in permanent law. Those programs include food stamps, Medicaid, Medicare, Social Security, and a lot of other programs.

So mandatory spending programs currently comprise almost 60 percent of our spending. They are on automatic pilot. If a person reaches a certain age or if a person loses their job or their income falls below a certain level, they are entitled to certain benefits. A person can walk into a government office and ask for food stamps or ask for governmental assistance, and if that person qualifies it must be given whether the government has any money or not. If those programs are out of control and are growing too fast and are not properly managed, Congress has to change laws, not just change the budget to deal with it. So this is almost 60 percent of our budget today, the mandatory part.

So the budget process, through the use of reconciliation, is the only mechanism available to Congress to compel oversight and review of mandatory spending programs. Without the discipline provided by the budget process, these programs proceed on automatic pilot. So, importantly, the numbers that were deemed by the Budget Control Act, which was passed last summer in the wee hours of the morning just to avoid a governmental shutdown, that Budget Control Act. not subject to any amendments and not brought up for debate, set spending levels. But it could only set the number for discretionary spending.

The Budget Control Act effectively told Chairman CONRAD to provide discretionary spending at the levels of the

Budget Control Act caps and for mandatory—the 60 percent—to stay the same, and revenue policies—taxing policies—at levels estimated in the Congressional Budget Office March 2011 baseline. So mandatory spending and tax increases and tax policies would be controlled by the Congressional Budget Office baseline, business as usual—the definition of business as usual for 60 percent of our budget.

So the so-called deemed budget is not a real budget, and the process used to adopt it is not the kind of process that is legitimate. It is not the kind of process that is required. In the Budget Act, we must have a committee markup. We must have 50 hours of guaranteed debate on the floor of the Senate and an unlimited number of amendments can be offered—a public, open discussion about the dangers facing this country and how Senators are going to deal with them, and they have to vote and they have to vote multiple times. The Democratic leadership, supported by Democratic Members, did not want to go through that process. That is why the Democratic leader, Senator REID, said it is foolish to have a budget. He did not mean it was foolish for America to have a budget. He meant it was foolish for them to have to vote publicly and be accountable for the serious challenges facing this country. I think that was a big reason for the shellacking a lot of Members of Congress took in the last election.

The American people want Congress to be accountable. Congress works for them. We are not on our own up here to do whatever we want to. The American people are watching us. Forty cents of every \$1 we spend is borrowed. Are the American people not legitimately unhappy with us? Why should they be satisfied with Congress? Why should we be looked up to as people who are leading the country effectively? We will not even bring up a budget.

I just want to say, the Republicans fought for a budget. I am the ranking Republican member of the Budget Committee. We pleaded with the majority. We protested. But the leadership in the Senate has the power to set the agenda, and a minority cannot call a budget hearing in the Budget Committee, nor can they require a real budget to be brought forth for full debate on the floor of the Senate.

So this is where we are, I just have to say, because our colleague, whom I truly respect and like, Senator Conrad, was saying we do not need a budget today. Apparently, they are not going to produce one again this year. That is not right. We do need a budget, and we need to go through the process because the American people need to know what the debt commission told us; which is, we do not have the money to keep spending as we are spending today.

So a real budget would have required a weighing of the spending demands placed on the Federal Government and the available revenues and reached a consensus on what activities the government would pursue and how the government would pay for it, including the amount that would be added to the debt—how much are we going to increase the debt and how much will be left to future generations.

So the failure of our Democratic leadership in the Senate is to not seriously and credibly address our mandatory spending programs, which all experts and observers tell us are on an unsustainable course. Everyone tells us that. What we are doing today is unsustainable. For example, the budget the President submitted calls for deficits every single year for the next decade. It goes from about \$1.3 trillion now-it was going to drop down, for the lowest single year, to a deficit of \$740 billion, and in years 7, 8, 9, and 10, it would be going back again to almost \$1 trillion.

We spend this year \$650 billion on Social Security. By the 10th year, according to the Congressional Budget Office analysis of the President's budget, the interest we would pay on the debt alone—just the interest—would be \$940 billion. Today it is \$240 billion. This is how we get into the European crisis. This is why experts and economists have told us our spending and debt situation is unsustainable. That is not a frivolous word. They mean it is unsustainable.

Contending that the creation of the supercommittee absolved the Senate of that responsibility to produce a budget is laughable and it is not credible and I reject that. Instead, we are told that the deeming of a budget and spending caps—and only discretionary spending—determined in secret and brought out in the eleventh hour before the Senate for an up-or-down vote, without amendment, to avoid a government shutdown-to contend that meets the requirements placed on this Chamber for responsibility and fiscal rectitude just cannot be sustained. Nothing could be further from the truth. Passing a real budget is indeed not easy, particularly now because we have such a serious financial crisis. Tough decisions are going to have to be made. Perhaps our Democratic leadership does not want to show Americans how much their big spending agenda truly costs. That is what a budget shows over 10 years: how much we plan to spend, how much we are going to cut, how much we are going to tax. Maybe they do not want the people to know how much they intend to raise taxes and how much of that falls not just on the rich but on the middle class. I can show you the budget the President submitted. It goes beyond the rich. It was a big tax increase.

The failure to propose and openly debate on the floor a detailed, long-term fiscal plan may be considered by some to be smart. But it is sending our country toward the fiscal cliff. Our Democratic colleagues wish to pretend for the Nation that they have an actual budget plan. If they want to do that, they must find in their files the secret document they produced last year and finally, once and for all, make it public.

Senator Conrad said: I have a budget. He said: We are going to have a committee markup, and I am going to present to our conferences the majority's budget plan to the Budget Committee. He was prepared to do that. He was prepared to do that, I thought. I was ready to get prepared to have the hearing. So when we got ready, somehow it did not happen. It got put off. It got put off again. Then, in the days that followed and we made a fuss, Senator Reid eventually said, basically: I made that decision not to have a budget. It is foolish to have a budget.

So we never saw this budget. He said publicly they had one. Are they ashamed of it? Were they afraid to bring it out? Did no one want to see it? We were prepared with our little calculators to see how much taxes were going to increase, how much spending was going to increase, how much debt was going to increase. When are we going to change our debt trajectory and make the country better, put us on a sounder path? That is what we wanted to know, and we were told we were going to get it. We did not.

So instead of an open, accountable process, where the public votes are taken, where our constituents can hold us responsible for the leadership we provide, we got, at the eleventh hour, deals, a month of secret meetings, and political maneuvers. The primary aim of the process, it looks to me, was political advantage, not the advantage for the people of the United States.

So I believe when the majority leader and his majority colleagues chose to block the lawfully mandated budget process and not bring up a budget—not have committee hearings and actual votes, not have 50 hours of floor debate, not being able to allow amendments that deal with the budget and spending—they put politics over the Nation's interest. They rejected a duty they have, by all just deserts in logic and also by law. They did so for their political convenience.

I think if they continue to fail to produce a budget, to allow it to be discussed, to show what their plans are for the future, they have forfeited the leadership they have asked for in the Senate. If they cannot produce a budget and they do not have the gumption to lay out their plan for the future and have numbers that can be studied and examined, added and subtracted—if they cannot do that, if they are not willing to face up to that responsibility, they do not deserve to lead the

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Senate because, at this point in history, I think it is the most significant matter we face.

Our economy is not doing well. Our debt is surging. This year, the debt came in, as of September 30, another \$1.3 trillion. Three consecutive years of deficits over \$1 trillion, averaging \$1.3 trillion. Can you imagine that? The highest deficit President Bush ever had—and it was too high—was \$450 billion. But for 3 years we have averaged \$1.3 trillion.

The debt is surging out of control, and the Budget Control Act that purports to change that trajectory only reduced the projected deficit over 10 years by \$2.1 trillion, when every expert—Democrats, Republicans, liberals and conservatives—before our Budget Committee told us we need to have \$4 trillion over 10 years in reduced deficits.

Because under the projections we have from the Congressional Budget Office, we are on track to add \$13 trillion more to the debt in 10 years—\$13 trillion more—doubling the now over \$13 trillion in debt we have.

That is why we cannot continue. We need a plan to change that. Instead, we got a minimum reduction, I guess, from approximately \$13 trillion to \$11 trillion out of the Budget Committee. So we will add \$11 trillion to the debt over the next 10 years rather than \$13 trillion. That is not enough change. Mr. President, \$4 trillion, in my opinion, based on the studies and the hearings and the testimony of the witnesses I have heard, is not enough. We need to do a good bit more than that. The House proposed a better plan by far. It would have changed our debt course, but the Senate did not do its responsibility to meet that challenge or the position of the House.

I appreciate the opportunity to share these thoughts. We look forward tonight to the President's State of the Union. I hope he will do more than do his normal eloquent processes and lay out a real plan, a plan that can be studied, a plan that can be evaluated, to put this Nation on a sound fiscal course. Because until we do that, jobs will not be created, and we will not see growth. There is a lack of confidence in our economy, and the greatest foundation of that lack of confidence is the debt.

I will just add briefly, there are things we can do to create growth and jobs without an increase in spending and without increase in debt. How do we do it? We eliminate every single regulation that is unwise. We reform our Tax Code into a growth-oriented Tax Code as much as possible. We produce more American energy and stop making policies that prohibit the production of American energy, creating American jobs, creating wealth in the United States, stopping the export of that wealth to Venezuela or

Saudi Arabia or other places such as that.

We have to end this health care bill that was passed. Already, health care premiums for average Americans have gone up—for a family of four: \$2,400. Already? It was supposed to bring those costs down. That is a hammer blow to the middle class.

So we are talking about jobs, growth, progress. Those are the kinds of things we need. We can do it without more government debt and more government spending. That is what I will be looking for tonight.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the period for morning business be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

## DATA PRIVACY DAY

Mr. LEAHY. Mr. President, on January 28, 2012, privacy advocates, industry leaders, and government officials from across our Nation will celebrate Data Privacy Day 2012. I am pleased to join these stakeholders in calling attention to the need to better secure our privacy and security in cyberspace.

In the digital age, our Nation faces the challenge of securing our computer networks from cyber threats and cyber crime, while at the same time, encouraging innovation and protecting Americans' right to privacy. Even as the Internet and other rapidly advancing technologies spur economic growth and expand opportunity, there is growing uncertainty and unease about how Americans' sensitive personal information is collected, shared, and stored. Data Privacy Day provides an important reminder about the importance of data privacy.

After a record year of high-profile data breaches in the private sector and throughout government, it is more important than ever that Congress step forward and enact meaningful data privacy legislation. As the chairman of the Senate Judiciary Committee, I continue to work toward that goal.

Last year, I reintroduced comprehensive data privacy legislation that will better protect Americans' sensitive

personal data and reduce the risk of data security breaches. The Personal Data Privacy and Security Act would establish a single nationwide standard for data breach notification and require that companies that have databases with sensitive personal information establish and implement data privacy and security programs. This bill would also help law enforcement better combat cyber crime by strengthening and clarifying the penalties for violations of the Computer Fraud and Abuse Act and creating a new criminal offense for cyber attacks involving government computers that manage critical infrastructure information.

The Senate Judiciary Committee favorably reported this bill in September 2011. The committee has previously reported similar legislation three times. I urge the 112th Congress to finally enact this much needed legislation.

In the coming weeks, the Senate is expected to consider comprehensive cyber security legislation. Protecting our Nation's data from breaches is at the very core of a comprehensive strategy for improving cyber security. That is why President Obama included a data breach proposal that closely mirrors the Personal Data Privacy and Security Act in his cyber security proposal to Congress. That is why consumer and privacy advocates, business leaders, and Members of Congress on both sides of the aisle continue to call for the enactment of data privacy legislation. And that is why I will continue work to ensure that meaningful data privacy legislation is included in any cyber security legislation the Senate considers this year.

I will also continue the important work that the Judiciary Committee began last year to update the Electronic Communications Privacy Act, ECPA, so that our digital privacy laws keep pace with changes in technology. Updating this law to reflect the realities of our time is essential to keeping us safe from cyber threats.

Again, I thank and commend the many stakeholders and leaders from across the Nation who are holding events to commemorate Data Privacy Day. I look forward to working with these stakeholders and with Members of Congress on both sides of the aisle and in both Chambers to ensure that the right to privacy is ensured in the digital age.

### TRIBUTE TO PASTOR DAVID WOOD

Mr. LEAHY. Mr. President, Chris Bohjalian is one of the treasures of Vermont, as well as being a gifted writer. We Vermonters are fortunate to be able to read his weekly column. They almost always deal with some aspect of life in the State he and I share.

Marcelle and I were especially touched by his column on Christmas Day about Pastor David Wood, of the United Church of Lincoln, VT.

So many of us go to church on Christmas Day, shake hands with those officiating at the service and thank them for what they have done, and then go home to be with our families. What Chris has done is talk about the Herculean tasks of Pastor David Wood. It reminds us that those who give us spiritual guidance and consolation do far more than what we see on holidays and holy days. I would ask unanimous consent that Chris Bohjalian's column about the extraordinary David Wood be printed in the RECORD.

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

[From the Burlington Free Press]
IDYLL BANTER: BURNING THE CHRISTMAS
CANDLE AT BOTH ENDS
(By Chris Bohialian)

Look, I know Santa just pulled an allnighter, flew through serious turbulence over Iceland, and had to put up with—yet again—Prancer's "attitude" that no one has yet to write a song about him. (You live on nothing but lichen between Thanksgiving and Christmas, and watch what happens to your temper.) But my great friend and the pastor of the United Church of Lincoln, David Wood, just performed four church services in 16 hours.

Yup. Four in 16. This is what happens when Christmas falls on a Sunday.

"From a spiritual point of view, I love it when Christmas comes on a Sunday. From a practical point of view, it's terrifying," David told me.

Specifically, last night there were three services at the church here in Lincoln. There was a 7 p.m. pageant for families—and this year the pageant was mighty impressive, with St. Nicholas himself sharing the story of the Nativity. Then there was an 8:30 p.m. service that was more traditional, just as joyous, but at least marginally less raucous. Finally, at 11:30 p.m., there was the quiet, contemplative, communal service that ended shortly after midnight—on Christmas Day. And while the church's youth pastor, Todd Goodyear, did the heaviest lifting at that very first service, David was still plenty involved.

In any case, after three services in five hours last night, David finally collapsed into bed about quarter to 1 on Christmas morning . . . and was back in the sanctuary today, preaching, 10 hours later.

That workload might not daunt Santa, but it would most mortals.

It has always seemed to me that the majority of priests and ministers and rabbis and imams work incredibly hard. Certainly David does. To wit: I will never forget when my wife was in labor with our daughter a little over 18 years ago. When Grace arrivedso did David. The labor was 22 hours, but still he was there within 40 minutes of Grace's arrival. Two months ago, my wife had six hours of kidney surgery. I had told David about it the day before. Sure enough, there he was the next day at the hospital. And it's not like my wife gets preferential treatment. (Given the number of Humane Society shelter cats she has tried to foist on David's family, he should be giving her a very wide berth.) He is always comforting someone or some family in hospitals in two counties. And then there are the funerals. And the christenings. And the baptisms. And the marriages. And the meetings. And the counseling. And the Yankees. (We all have our flaws.) David has been the pastor here in Lincoln since 1979, so this is not the first time that Christmas has fallen on a Sunday on his watch. He knows what to expect: "Everything speeds up. Nothing slows down." Consequently, he had his sermons done weeks ahead of time. He had a plan in place to get the props from the pageant removed from the sanctuary in time for the 8:30 service. And, once again, he made sure that all six church fire extinguishers were distributed discretely to volunteer firefighters before that first Christmas Eve service, since it would end with the congregation-including the children-raising and lowering lit candles while we all sang "Silent Night."

But despite the borderline bedlam that can mark this time of the year for us all, he tries not to lose sight of the blessings that come with that chaos. "What is most special for me every Sunday, but even more as we approach Christmas and Easter, is the realization that I get to speak the good news to people. Christian faith isn't about rules and regulations, it is about our relationship with a God who loves us enough to choose to be with us."

Indeed. So, while I remain impressed as heck with what Santa Claus and his reindeer just pulled off, I am mighty grateful as well for the work of David Wood and his peers.

Merry Christmas. Happy Hanukkah. Peace.

### ADDITIONAL STATEMENTS

## RECOGNIZING ELIOT ELEMENTARY SCHOOL

• Ms. COLLINS. Mr. President, today, I commend Eliot Elementary School of Eliot, ME, on being named a 2011 National Blue Ribbon School of Excellence. This prestigious recognition of high accomplishment was bestowed by U.S. Secretary of Education Arne Duncan.

Created in 1982, the Blue Ribbon Schools Award is considered the highest honor an American school can obtain. Schools singled out for this national recognition reflect the goals of our Nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools Program is designed to honor public and private schools that are either academically superior in their States or that demonstrate dramatic gains in student achievement.

This award recognizes that Eliot Elementary students achieve at the highest level academically. Eliot Elementary School is a top-performing school on State-required assessments, and staff at the school use assessments throughout the academic year as a tool for improving and customizing instruction. The school works closely with families to forge a strong school community where students are connected and encouraged to pursue their interests.

I applaud not only the students but also the administrators, teachers, staff, and parents of Eliot Elementary School. Together, they are succeeding in their mission to generate excitement and momentum for learning. They are making a difference in the lives of their students, helping them reach their full potential as independent, responsible learners and citizens.

I am pleased that the U.S. Department of Education has selected Eliot Elementary School for this well-deserved honor, and I congratulate the communities of Eliot and South Berwick for this outstanding achievement.

### EVERYBODY WINS!

• Mr. HARKIN. Mr. President, I would like to take a moment to recognize two individuals for their extraordinary service to the Everybody Wins! Program in Iowa.

As many of my colleagues know, Everybody Wins! is a literacy and mentoring program for elementary school students. The program gives adults the opportunity to spend one lunch hour a week reading with a child in a public school.

Fourteen years ago, Senator Jim Jeffords recruited me to join him as a volunteer for the Everybody Wins! Program in Washington, D.C. Since then, I have been an Everybody Wins! volunteer at Brent Elementary School in Washington D.C. I have seen the tremendous impact this program has both on the adult volunteers and their young student partners.

I was very happy when Everybody Wins! was launched in my home State of Iowa in 2002. Two people I want to recognize today joined Everybody Wins! as volunteer readers and founding board members in 2003. Both of them retired in the last year after contributing to the solid foundation on which the Iowa program rests today.

Mary Ann Nielsen joined the board of Everybody Wins! Iowa in the spring of 2003. She continued her service, including as president of the board, until May of 2011. Her work on the board included serving on three executive director search committees, as well as on the personnel and executive committees.

Amy Elbert also joined the board in the spring of 2003, and continued her service until May of 2011. She devoted substantial time and energy to fundraising, two executive director search committees, as secretary of the board, and as chair of the outreach committee. Amy also has enjoyed reading relationships through the program for the past 4 years.

For their commitment to our youth, to literacy, and their long-time contributions to Everybody Wins! Iowa, I extend my sincere thanks to Mary Ann and Amy and wish them all the best in their future endeavors.

## REED COLLEGE

• Mr. MERKLEY. Mr. President, with great pride I wish to congratulate Reed

College in Portland, OR, on its 100 years of delivering excellent higher education. Reed College has consistently demonstrated its devotion to academia and to developing the intellectual spirit of its students through demanding curricula, insightful research and stimulating classroom conversation. I am certain that the next century will prove to be as fruitful as the last for Reed and its students and that the strong academic tradition will continue to thrive in the Eastmoreland neighborhood of Portland.

Reed's story is much like the city of Portland's. The founders of Reed wanted to approach higher education differently. They wanted to focus on creating leaders who think outside the box and who know that the answers of the past are not necessarily the answers of the future. Reed has put an emphasis on the progress of the individual student, emphasizing intellectual development over the pursuit of grades.

Colleges and universities like Reed allow people to continue their pursuit of knowledge, to debate problems and to develop ideas. Higher education is also a driving force behind social mobility and has broken down divisions of race, religion, gender and socio-economic class. Reed College embraces this mission, as reflected in the small class sizes filled with diverse students.

One hundred years of commitment to liberal arts education has produced 31 Rhodes Scholars, a great number of Fulbright grant recipients and countless well-educated members of the Oregon community and our Nation. To Colin Diver, the President of Reed College, and to the faculty and students of Reed: congratulations on a century of academic excellence.

## REMEMBERING JUDGE LIONEL "RED" NOONAN

• Mr. SESSIONS. Mr. President, I was saddened over the holidays to learn of the death of a good man and friend, Judge Lionel "Red" Noonan of Mobile. AL, at the age of 86. Judge Noonan was a wonderful man. He knew it was all about service to others, and the courtesy, ease, and empathy he displayed to all he came upon was noticed and appreciated and remembered. Many think good politicians are the smooth folks, always ready with the right words, always thinking, always plotting, but Judge Noonan was a great politician because he served his constituents with grace and it came back to him in respect and in votes.

As a practicing lawyer in probate court, he always treated me the way he treated everyone. I was a rock-ribbed young Republican and he a loyal Democrat, yet I couldn't have been more fairly treated by him. I had always heard, from my Republican friends, what a good man he was. As I have got-

ten older, I have come to see that in a place such as Mobile, where people really know one another, those who have good reputations are invariably good people. Judge Noonan's good reputation was justly earned over a lifetime of honest dealing.

The Republicans were always hoping that he would switch parties and join them. That is in itself a high compliment to be courted by two parties. But to the Democrats he remained true.

Judge Noonan retired in 2001 after serving 18 years as the Mobile County probate judge. Prior to that he had served 8 years in the Alabama State Senate and was a 4-year starting fullback for the Alabama Crimson Tide after World War II.

He and his wonderful wife Ruby have been a fine team. They have always been active politically for causes they believed in in the classical sense of the American ideal of good government and what is good for America. Of course, there is the sausage making part of politics. Sometimes, it is not all cookies and cream. Politics can be tough. Yet, for Ruby and Red, it was always about what would make Mobile, AL, and America a better place, and I have always admired that in them.

His wife Ruby has lost a great partner, his children, Ruth, Kelly, and Lionel, Junior, a great father and mentor, and Mobile, one of the best loved citizens to ever have walked the streets.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANU-ARY 24, 2012—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Mr. Vice President, members of Congress, distinguished guests, and fellow Americans:

Last month, I went to Andrews Air Force Base and welcomed home some of our last troops to serve in Iraq. Together, we offered a final, proud salute to the colors under which more than a million of our fellow citizens fought—and several thousand gave their lives.

We gather tonight knowing that this generation of heroes has made the United States safer and more respected around the world. For the first time in nine years, there are no Americans fighting in Iraq. For the first time in two decades, Osama bin Laden is not a threat to this country. Most of al Qaeda's top lieutenants have been defeated. The Taliban's momentum has been broken, and some troops in Afghanistan have begun to come home.

These achievements are a testament to the courage, selflessness, and teamwork of America's Armed Forces. At a time when too many of our institutions have let us down, they exceed all expectations. They're not consumed with personal ambition. They don't obsess over their differences. They focus on the mission at hand. They work together.

Imagine what we could accomplish if we followed their example. Think about the America within our reach: A country that leads the world in educating its people. An America that attracts a new generation of high-tech manufacturing and high-paying jobs. A future where we're in control of our own energy, and our security and prosperity aren't so tied to unstable parts of the world. An economy built to last, where hard work pays off, and responsibility is rewarded.

We can do this. I know we can, because we've done it before. At the end of World War II, when another generation of heroes returned home from combat, they built the strongest economy and middle class the world has ever known. My grandfather, a veteran of Patton's Army, got the chance to go to college on the GI Bill. My grandmother, who worked on a bomber assembly line, was part of a workforce that turned out the best products on Earth.

The two of them shared the optimism of a Nation that had triumphed over a Depression and fascism. They understood they were part of something larger; that they were contributing to a story of success that *every* American had a chance to share—the basic American promise that if you worked hard, you could do well enough to raise a family, own a home, send your kids to college, and put a little away for retirement.

The defining issue of our time is how to keep that promise alive. No challenge is more urgent. No debate is more important. We can either settle for a country where a shrinking number of people do really well, while a growing number of Americans barely get by. Or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone

plays by the same set of rules. What's at stake are not Democratic values or Republican values, but American values. We have to reclaim them.

Let's remember how we got here. Long before the recession, jobs and manufacturing began leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. Folks at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that weren't, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who couldn't afford or understand them. Banks had made huge bets and bonuses with other people's money. Regulators had looked the other way, or didn't have the authority to stop the bad behavior.

It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hard-working Americans holding the bag. In the six months before I took office, we lost nearly four million jobs. And we lost another four million before our policies were in full effect.

Those are the facts. But so are these. In the last 22 months, businesses have created more than three million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. Together, we've agreed to cut the deficit by more than \$2 trillion. And we've put in place new rules to hold Wall Street accountable, so a crisis like that never happens again.

The state of our Union is getting stronger. And we've come too far to turn back now. As long as I'm President, I will work with anyone in this chamber to build on this momentum. But I intend to fight obstruction with action, and I will oppose any effort to return to the very same policies that brought on this economic crisis in the first place.

No, we will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits. Tonight, I want to speak about how we move forward, and lay out a blueprint for an economy that's built to last—an economy built on American manufacturing, American energy, skills for American workers, and a renewal of American values.

This blueprint begins with American manufacturing.

On the day I took office, our auto industry was on the verge of collapse. Some even said we should let it die. With a million jobs at stake, I refused to let that happen. In exchange for help, we demanded responsibility. We got workers and automakers to settle their differences. We got the industry to retool and restructure. Today, Gen-

eral Motors is back on top as the world's number one automaker. Chrysler has grown faster in the U.S. than any major car company. Ford is investing billions in U.S. plants and factories. And together, the entire industry added nearly 160,000 jobs.

We bet on American workers. We bet on American ingenuity. And tonight, the American auto industry is back.

What's happening in Detroit can happen in other industries. It can happen in Cleveland and Pittsburgh and Raleigh. We can't bring back every job that's left our shores. But right now, it's getting more expensive to do business in places like China. Meanwhile, America is more productive. A few weeks ago, the CEO of Master Lock told me that it now makes business sense for him to bring jobs back home. Today, for the first time in fifteen years, Master Lock's unionized plant in Milwaukee is running at full capacity.

So we have a huge opportunity, at this moment, to bring manufacturing back. But we have to seize it. Tonight, my message to business leaders is simple: ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed.

We should start with our tax code. Right now, companies get tax breaks for moving jobs and profits overseas. Meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it

So let's change it. First, if you're a business that wants to outsource jobs, you shouldn't get a tax deduction for doing it. That money should be used to cover moving expenses for companies like Master Lock that decide to bring jobs home.

Second, no American company should be able to avoid paying its fair share of taxes by moving jobs and profits overseas. From now on, every multinational company should have to pay a basic minimum tax. And every penny should go towards lowering taxes for companies that choose to stay here and hire here.

Third, if you're an American manufacturer, you should get a bigger tax cut. If you're a high-tech manufacturer, we should double the tax deduction you get for making products here. And if you want to relocate in a community that was hit hard when a factory left town, you should get help financing a new plant, equipment, or training for new workers.

My message is simple. It's time to stop rewarding businesses that ship jobs overseas, and start rewarding companies that create jobs right here in America. Send me these tax reforms and I'll sign them right away.

We're also making it easier for American businesses to sell products all over the world. Two years ago, I set a goal

of doubling U.S. exports over five years. With the bipartisan trade agreements I signed into law, we are on track to meet that goal—ahead of schedule. Soon, there will be millions of new customers for American goods in Panama, Colombia and South Korea. Soon, there will be new cars on the streets of Seoul imported from Detroit, and Toledo, and Chicago.

I will go anywhere in the world to open new markets for American products. And I will not stand by when our competitors don't play by the rules. We've brought trade cases against China at nearly twice the rate as the last administration—and it's made a difference. Over a thousand Americans are working today because we stopped a surge in Chinese tires. But we need to do more. It's not right when another country lets our movies, music, and software be pirated. It's not fair when foreign manufacturers have a leg up on ours only because they're heavily subsidized.

Tonight, I'm announcing the creation of a Trade Enforcement Unit that will be charged with investigating unfair trade practices in countries like China. There will be more inspections to prevent counterfeit or unsafe goods from crossing our borders. And this Congress should make sure that no foreign company has an advantage over American manufacturing when it comes to accessing finance or new markets like Russia. Our workers are the most productive on Earth, and if the playing field is level, I promise you—America will always win.

I also hear from many business leaders who want to hire in the United States, but can't find workers with the right skills. Growing industries in science and technology have twice as many openings as we have workers who can do the job. Think about that—openings at a time when millions of Americans are looking for work.

That's inexcusable. And we know how to fix it.

Jackie Bray is a single mom from North Carolina who was laid off from her job as a mechanic. Then Siemens opened a gas turbine factory in Charlotte, and formed a partnership with Central Piedmont Community College. The company helped the college design courses in laser and robotics training. It paid Jackie's tuition, then hired her to help operate their plant.

I want every American looking for work to have the same opportunity as Jackie did. Join me in a national commitment to train two million Americans with skills that will lead directly to a job. My Administration has already lined up more companies that want to help. Model partnerships between businesses like Siemens and community colleges in places like Charlotte, Orlando and Louisville are up and running. Now you need to give

more community colleges the resources they need to become community career centers—places that teach people skills that local businesses are looking for right now, from data management to high-tech manufacturing.

And I want to cut through the maze of confusing training programs, so that from now on, people like Jackie have one program, one website, and one place to go for all the information and help they need. It's time to turn our unemployment system into a reemployment system that puts people to work.

These reforms will help people get jobs that are open today. But to prepare for the jobs of tomorrow, our commitment to skills and education has to start earlier.

For less than one percent of what our Nation spends on education each year, we've convinced nearly every State in the country to raise their standards for teaching and learning—the first time that's happened in a generation.

But challenges remain. And we know how to solve them.

At a time when other countries are doubling down on education, tight budgets have forced States to lay off thousands of teachers. We know a good teacher can increase the lifetime income of a classroom by over \$250,000. A great teacher can offer an escape from poverty to the child who dreams beyond his circumstance. Every person in this chamber can point to a teacher who changed the trajectory of their lives. Most teachers work tirelessly, with modest pay, sometimes digging into their own pocket for school supplies—just to make a difference.

Teachers matter. So instead of bashing them, or defending the status quo, let's offer schools a deal. Give them the resources to keep good teachers on the job, and reward the best ones. In return, grant schools flexibility: to teach with creativity and passion, to stop teaching to the test, and to replace teachers who just aren't helping kids

We also know that when students aren't allowed to walk away from their education, more of them walk the stage to get their diploma. So tonight, I call on every State to require that all students stay in high school until they graduate or turn eighteen.

When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July. Extend the tuition tax credit we started that saves middle-class families thousands of dollars. And give more young people the chance to earn their way through college by doubling the number of work-study jobs in the next five years.

Of course, it's not enough for us to increase student aid. We can't just

keep subsidizing skyrocketing tuition; we'll run out of money. States also need to do their part, by making higher education a higher priority in their budgets. And colleges and universities have to do their part by working to keep costs down. Recently, I spoke with a group of college presidents who've done just that. Some schools redesign courses to help students finish more quickly. Some use better technology. The point is, it's possible. So let me put colleges and universities on notice: if you can't stop tuition from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury—it's an economic imperative that every family in America should be able to afford.

Let's also remember that hundreds of thousands of talented, hardworking students in this country face another challenge: the fact that they aren't yet American citizens. Many were brought here as small children, are American through and through, yet they live every day with the threat of deportation. Others came more recently, to study business and science and engineering, but as soon as they get their degree, we send them home to invent new products and create new jobs somewhere else.

That doesn't make sense.

I believe as strongly as ever that we should take on illegal immigration. That's why my Administration has put more boots on the border than ever before. That's why there are fewer illegal crossings than when I took office.

The opponents of action are out of excuses. We should be working on comprehensive immigration reform right now. But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, and defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

You see, an economy built to last is one where we encourage the talent and ingenuity of every person in this country. That means women should earn equal pay for equal work. It means we should support everyone who's willing to work; and every risk-taker and entrepreneur who aspires to become the next Steve Jobs.

After all, innovation is what America has always been about. Most new jobs are created in start-ups and small businesses. So let's pass an agenda that helps them succeed. Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow. Expand tax relief to small businesses that are raising wages and creating good jobs. Both parties agree on these ideas. So put them in a bill, and get it on my desk this year.

Innovation also demands basic research. Today, the discoveries taking

place in our federally-financed labs and universities could lead to new treatments that kill cancer cells but leave healthy ones untouched. New lightweight vests for cops and soldiers that can stop any bullet. Don't gut these investments in our budget. Don't let other countries win the race for the future. Support the same kind of research and innovation that led to the computer chip and the Internet; to new American jobs and new American industries.

Nowhere is the promise of innovation greater than in American-made energy. Over the last three years, we've opened millions of new acres for oil and gas exploration, and tonight, I'm directing my Administration to open more than 75 percent of our potential offshore oil and gas resources. Right now, American oil production is the highest that it's been in eight years. That's right—eight years. Not only that—last year, we relied less on foreign oil than in any of the past sixteen years.

But with only 2 percent of the world's oil reserves, oil isn't enough. This country needs an all-out, all-of-the-above strategy that develops every available source of American energy—a strategy that's cleaner, cheaper, and full of new jobs.

We have a supply of natural gas that can last America nearly one hundred years, and my Administration will take every possible action to safely develop this energy. Experts believe this will support more than 600,000 jobs by the end of the decade. And I'm requiring all companies that drill for gas on public lands to disclose the chemicals they use. America will develop this resource without putting the health and safety of our citizens at risk.

The development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don't have to choose between our environment and our economy. And by the way, it was *public* research dollars, over the course of thirty years, that helped develop the technologies to extract all this natural gas out of shale rock—reminding us that Government support is critical in helping businesses get new energy ideas off the ground.

What's true for natural gas is true for clean energy. In three years, our partnership with the private sector has already positioned America to be the world's leading manufacturer of hightech batteries. Because of federal investments, renewable energy use has nearly doubled. And thousands of Americans have jobs because of it.

When Bryan Ritterby was laid off from his job making furniture, he said he worried that at 55, no one would give him a second chance. But he found work at Energetx, a wind turbine manufacturer in Michigan. Before the recession, the factory only made luxury yachts. Today, it's hiring workers like

Bryan, who said, "I'm proud to be working in the industry of the future."

Our experience with shale gas shows us that the payoffs on these public investments don't always come right away. Some technologies don't pan out; some companies fail. But I will not walk away from the promise of clean energy. I will not walk away from workers like Bryan. I will not cede the wind or solar or battery industry to China or Germany because we refuse to make the same commitment here. We have subsidized oil companies for a century. That's long enough. It's time to end the taxpayer giveaways to an industry that's rarely been more profitable, and double-down on a clean energy industry that's never been more promising. Pass clean energy tax credits and create these jobs.

We can also spur energy innovation with new incentives. The differences in this chamber may be too deep right now to pass a comprehensive plan to fight climate change. But there's no reason why Congress shouldn't at least set a clean energy standard that creates a market for innovation. So far, you haven't acted. Well tonight, I will. I'm directing my Administration to allow the development of clean energy on enough public land to power three million homes. And I'm proud to announce that the Department of Defense, the world's largest consumer of energy, will make one of the largest commitments to clean energy in history—with the Navy purchasing enough capacity to power a quarter of a million homes a year.

Of course, the easiest way to save money is to waste less energy. So here's another proposal: help manufacturers eliminate energy waste in their factories and give businesses incentives to upgrade their buildings. Their energy bills will be \$100 billion lower over the next decade, and America will have less pollution, more manufacturing, and more jobs for construction workers who need them. Send me a bill that creates these jobs.

Building this new energy future should be just one part of a broader agenda to repair America's infrastructure. So much of America needs to be rebuilt. We've got crumbling roads and bridges. A power grid that wastes too much energy. An incomplete high-speed broadband network that prevents a small business owner in rural America from selling her products all over the world.

During the Great Depression, America built the Hoover Dam and the Golden Gate Bridge. After World War II, we connected our States with a system of highways. Democratic and Republican administrations invested in great projects that benefited everybody, from the workers who built them to the businesses that still use them today.

In the next few weeks, I will sign an Executive Order clearing away the red

tape that slows down too many construction projects. But you need to fund these projects. Take the money we're no longer spending at war, use half of it to pay down our debt, and use the rest to do some nation-building right here at home.

There's never been a better time to build, especially since the construction industry was one of the hardest-hit when the housing bubble burst. Of course, construction workers weren't the only ones hurt. So were millions of innocent Americans who've seen their home values decline. And while Government can't fix the problem on its own, responsible homeowners shouldn't have to sit and wait for the housing market to hit bottom to get some relief.

That's why I'm sending this Congress a plan that gives every responsible homeowner the chance to save about \$3,000 a year on their mortgage, by refinancing at historically low interest rates. No more red tape. No more runaround from the banks. A small fee on the largest financial institutions will ensure that it won't add to the deficit, and will give banks that were rescued by taxpayers a chance to repay a deficit of trust.

Let's never forget: Millions of Americans who work hard and play by the rules every day deserve a Government and a financial system that do the same. It's time to apply the same rules from top to bottom: No bailouts, no handouts, and no copouts. An America built to last insists on responsibility from everybody.

We've all paid the price for lenders who sold mortgages to people who couldn't afford them, and buyers who knew they couldn't afford them. That's why we need smart regulations to prevent irresponsible behavior. Rules to prevent financial fraud, or toxic dumping, or faulty medical devices, don't destroy the free market. They make the free market work better.

There is no question that some regulations are outdated, unnecessary, or too costly. In fact, I've approved fewer regulations in the first three years of my presidency than my Republican predecessor did in his. I've ordered every federal agency to eliminate rules that don't make sense. We're revising over 500 more, just a fraction of reforms that will save business and citizens more than \$10 billion over the next five years. We got rid of one rule from 40 years ago that could have forced some dairy farmers to spend \$10,000 a year proving that they could contain a spill—because milk was somehow classified as an oil. With a rule like that, I guess it was worth crying over spilled milk.

I'm confident a farmer can contain a milk spill without a federal agency looking over his shoulder. But I will not back down from making sure an oil company can contain the kind of oil spill we saw in the Gulf two years ago. I will not back down from protecting our kids from mercury pollution, or making sure that our food is safe and our water is clean. I will not go back to the days when health insurance companies had unchecked power to cancel your policy, deny you coverage, or charge women differently from men.

And I will not go back to the days when Wall Street was allowed to play by its own set of rules. The new rules we passed restore what should be any financial system's core purpose: getting funding to entrepreneurs with the best ideas, and getting loans to responsible families who want to buy a home, start a business, or send a kid to college

So if you're a big bank or financial institution, you are no longer allowed to make risky bets with your customers' deposits. You're required to write out a "living will" that details exactly how you'll pay the bills if you fail—because the rest of us aren't bailing you out ever again. And if you're a mortgage lender or a payday lender or a credit card company, the days of signing people up for products they can't afford with confusing forms and deceptive practices are over. Today, American consumers finally have a watchdog in Richard Cordray with one job: to look out for them.

We will also establish a Financial Crimes Unit of highly trained investigators to crack down on large-scale fraud and protect people's investments. Some financial firms violate major anti-fraud laws because there's no real penalty for being a repeat offender. That's bad for consumers, and it's bad for the vast majority of bankers and financial service professionals who do the right thing. So pass legislation that makes the penalties for fraud count.

And tonight, I am asking my Attorney General to create a special unit of federal prosecutors and leading state attorneys general to expand our investigations into the abusive lending and packaging of risky mortgages that led to the housing crisis. This new unit will hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.

A return to the American values of fair play and shared responsibility will help us protect our people and our economy. But it should also guide us as we look to pay down our debt and invest in our future.

Right now, our most immediate priority is stopping a tax hike on 160 million working Americans while the recovery is still fragile. People cannot afford losing \$40 out of each paycheck this year. There are plenty of ways to get this done. So let's agree right here, right now: No side issues. No drama. Pass the payroll tax cut without delay.

When it comes to the deficit, we've already agreed to more than \$2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we're poised to spend nearly \$1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. Right now, Warren Buffett pays a lower tax rate than his secretary.

Do we want to keep these tax cuts for the wealthiest Americans? Or do we want to keep our investments in everything else—like education and medical research; a strong military and care for our veterans? Because if we're serious about paying down our debt, we can't do both.

The American people know what the right choice is. So do I. As I told the Speaker this summer, I'm prepared to make more reforms that rein in the long term costs of Medicare and Medicaid, and strengthen Social Security, so long as those programs remain a guarantee of security for seniors.

But in return, we need to change our tax code so that people like me, and an awful lot of Members of Congress, pay our fair share of taxes. Tax reform should follow the Buffett rule: if you make more than \$1 million a year, you should not pay less than 30 percent in taxes. And my Republican friend Tom COBURN is right: Washington should stop subsidizing millionaires. In fact, if you're earning a million dollars a year. you shouldn't get special tax subsidies or deductions. On the other hand, if you make under \$250,000 a year, like 98 percent of American families, your taxes shouldn't go up. You're the ones struggling with rising costs and stagnant wages. You're the ones who need relief.

Now, you can call this class warfare all you want. But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense.

We don't begrudge financial success in this country. We admire it. When Americans talk about folks like me paying my fair share of taxes, it's not because they envy the rich. It's because they understand that when I get tax breaks I don't need and the country can't afford, it either adds to the deficit, or somebody else has to make up the difference—like a senior on a fixed income; or a student trying to get through school; or a family trying to make ends meet. That's not right. Americans know it's not right. They know that this generation's success is only possible because past generations felt a responsibility to each other, and to their country's future, and they know our way of life will only endure if we feel that same sense of shared responsibility. That's how we'll reduce

I recognize that people watching tonight have differing views about taxes and debt; energy and health care. But no matter what party they belong to, I bet most Americans are thinking the same thing right now: nothing will get done this year, or next year, or maybe even the year after that, because Washington is broken.

Can you blame them for feeling a little cynical?

The greatest blow to confidence in our economy last year didn't come from events beyond our control. It came from a debate in Washington over whether the United States would pay its bills or not. Who benefited from that fiasco?

I've talked tonight about the deficit of trust between Main Street and Wall Street. But the divide between this city and the rest of the country is at least as bad—and it seems to get worse every year.

Some of this has to do with the corrosive influence of money in politics. So together, let's take some steps to fix that. Send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow. Let's limit any elected official from owning stocks in industries they impact. Let's make sure people who bundle campaign contributions for Congress can't lobby Congress, and vice versa—an idea that has bipartisan support, at least outside of Washington.

Some of what's broken has to do with the way Congress does its business these days. A simple majority is no longer enough to get anything-even routine business—passed through the Senate. Neither party has been blameless in these tactics. Now both parties should put an end to it. For starters, I ask the Senate to pass a rule that all judicial and public service nominations receive a simple up or down vote within 90 days.

The executive branch also needs to change. Too often, it's inefficient, outdated and remote. That's why I've asked this Congress to grant me the authority to consolidate the federal bureaucracy so that our Government is leaner, quicker, and more responsive to the needs of the American people.

Finally, none of these reforms can happen unless we also lower the temperature in this town. We need to end the notion that the two parties must be locked in a perpetual campaign of mutual destruction; that politics is about clinging to rigid ideologies instead of building consensus around common sense ideas.

I'm a Democrat. But I believe what Republican Abraham Lincoln believed: that Government should do for people only what they cannot do better by themselves, and no more. That's why my education reform offers more competition, and more control for schools

our deficit. That's an America built to and States. That's why we're getting rid of regulations that don't work. That's why our health care law relies on a reformed private market, not a Government program.

> On the other hand, even my Republican friends who complain the most about Government spending have supported federally-financed roads, and clean energy projects, and federal offices for the folks back home.

> The point is, we should all want a smarter, more effective Government. And while we may not be able to bridge our biggest philosophical differences this year, we can make real progress. With or without this Congress, I will keep taking actions that help the economy grow. But I can do a whole lot more with your help. Because when we act together, there is nothing the United States of America can't achieve.

> That is the lesson we've learned from our actions abroad over the last few vears

> Ending the Iraq war has allowed us to strike decisive blows against our enemies. From Pakistan to Yemen, the al Qaeda operatives who remain are scrambling, knowing that they can't escape the reach of the United States of America.

> From this position of strength, we've begun to wind down the war in Afghanistan. Ten thousand of our troops have come home. Twenty-three thousand more will leave by the end of this summer. This transition to Afghan lead will continue, and we will build an enduring partnership with Afghanistan, so that it is never again a source of attacks against America.

> As the tide of war recedes, a wave of change has washed across the Middle East and North Africa, from Tunis to Cairo; from Sana'a to Tripoli. A year ago, Qadhafi was one of the world's longest-serving dictators—a murderer with American blood on his hands. Today, he is gone. And in Syria, I have no doubt that the Assad regime will soon discover that the forces of change can't be reversed, and that human dignity can't be denied.

> How this incredible transformation will end remains uncertain. But we have a huge stake in the outcome. And while it is ultimately up to the people of the region to decide their fate, we will advocate for those values that have served our own country so well. We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings-men and women; Christians, Muslims and Jews. We will support policies that lead to strong and stable democracies and open markets, because tyranny is no match for liberty.

> And we will safeguard America's own security against those who threaten our citizens, our friends, and our interests. Look at Iran. Through the power of our diplomacy, a world that was

once divided about how to deal with Iran's nuclear program now stands as one. The regime is more isolated than ever before; its leaders are faced with crippling sanctions, and as long as they shirk their responsibilities, this pressure will not relent. Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal. But a peaceful resolution of this issue is still possible, and far better, and if Iran changes course and meets its obligations, it can rejoin the community of nations.

The renewal of American leadership can be felt across the globe. Our oldest alliances in Europe and Asia are stronger than ever. Our ties to the Americas are deeper. Our iron-clad commitment to Israel's security has meant the closest military cooperation between our two countries in history. We've made it clear that America is a Pacific power, and a new beginning in Burma has lit a new hope. From the coalitions we've built to secure nuclear materials, to the missions we've led against hunger and disease: from the blows we've dealt to our enemies; to the enduring power of our moral example, America is back.

Anyone who tells you otherwise, anyone who tells you that America is in decline or that our influence has waned, doesn't know what they're talking about. That's not the message we get from leaders around the world, all of whom are eager to work with us. That's not how people feel from Tokyo to Berlin; from Cape Town to Rio; where opinions of America are higher than they've been in years. Yes, the world is changing; no, we can't control every event. But America remains the one indispensable nation in world affairs-and as long as I'm President, I intend to keep it that way.

That's why, working with our military leaders, I have proposed a new defense strategy that ensures we maintain the finest military in the world, while saving nearly half a trillion dollars in our budget. To stay one step ahead of our adversaries, I have already sent this Congress legislation that will secure our country from the growing danger of cyberthreats.

Above all, our freedom endures because of the men and women in uniform who defend it. As they come home, we must serve them as well as they served us. That includes giving them the care and benefits they have earned—which is why we've increased annual VA spending every year I've been President. And it means enlisting our veterans in the work of rebuilding our Nation.

With the bipartisan support of this Congress, we are providing new tax credits to companies that hire vets. Michelle and Jill Biden have worked with American businesses to secure a

pledge of 135,000 jobs for veterans and their families. And tonight, I'm proposing a Veterans Job Corps that will help our communities hire veterans as cops and firefighters, so that America is as strong as those who defend her.

Which brings me back to where I began. Those of us who've been sent here to serve can learn from the service of our troops. When you put on that uniform, it doesn't matter if you're black or white; Asian or Latino; conservative or liberal; rich or poor; gay or straight. When you're marching into battle, you look out for the person next to you, or the mission fails. When you're in the thick of the fight, you rise or fall as one unit, serving one Nation, leaving no one behind.

One of my proudest possessions is the flag that the SEAL Team took with them on the mission to kill bin Laden. On it are each of their names. Some may be Democrats. Some may be Republicans. But that doesn't matter. Just like it didn't matter that day in the Situation Room, when I sat next to Bob Gates—a man who was George Bush's defense secretary; and Hillary Clinton, a woman who ran against me for president.

All that mattered that day was the mission. No one thought about politics. No one thought about themselves. One of the young men involved in the raid later told me that he didn't deserve credit for the mission. It only succeeded, he said, because every single member of that unit did their job-the pilot who landed the helicopter that spun out of control: the translator who kept others from entering the compound; the troops who separated the women and children from the fight; the SEALs who charged up the stairs. More than that, the mission only succeeded because every member of that unit trusted each other—because you can't charge up those stairs, into darkness and danger, unless you know that there's someone behind you, watching your back.

So it is with America. Each time I look at that flag, I'm reminded that our destiny is stitched together like those fifty stars and those thirteen stripes. No one built this country on their own. This Nation is great because we built it together. This Nation is great because we worked as a team. This Nation is great because we get each other's backs. And if we hold fast to that truth, in this moment of trial. there is no challenge too great; no mission too hard. As long as we're joined in common purpose, as long as we maintain our common resolve, our journey moves forward, our future is hopeful, and the state of our Union will always be strong.

Thank you, God bless you, and may God bless the United States of America.

> BARACK OBAMA. THE WHITE HOUSE, *January 24*, 2012.

## MESSAGES FROM THE HOUSE

At 11:54 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1141. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System.

H.R. 3117. An act to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

### ENROLLED BILL SIGNED

At 5:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act.

#### MEASURES REFERRED

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

H.R. 1141. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 3117. An act to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; to the Committee on Environment and Public Works.

The following bill was read, and referred as indicated:

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Environment and Public Works by unanimous consent.

## MEASURES DISCHARGED

The following bill was discharged from the Committee on Homeland Security and Governmental Affairs, and referred as indicated:

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Environment and Public Works.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4492. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Suspending Random Row Diversion Regulations Under the Marketing Order for Tart Cherries" (Docket No. AMS-FV-11-0047; FV11-930-1 FR) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4493. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of (14) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4494. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report entitled "Navy Fisher House Annual Report, Fiscal Year 2011"; to the Committee on Armed Services.

EC-4495. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Benjamin C. Freakley, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4496. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hong Kong, China; to the Committee on Banking, Housing, and Urban Affairs.

EC-4497. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions" (RIN3133-AD95) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4498. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Interim Rule; Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4499. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4500. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Suspension of Community Eligibility for Repealing Its Floodplain Management Regulations" ((44 CFR Part 64) (Docket No. FEMA-2011-0020)) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4501. A communication from the President of the United States of America, trans-

mitting, pursuant to law, a report relative to the continuation of the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4502. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components" (RIN0694–AF38) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4503. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings (Regulation DD)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4505. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4506. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4507. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure (Regulation C)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4508. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Equal Credit Opportunity (Regulation B)" (RIN3170-AA06) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4509. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the continuation of the national emergency that was declared in Executive Order 13396 on February 7, 2006, with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC-4510. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting, Procedures and Penalties Regulations; Transnational Criminal Organizations Sanctions Regulations" (31 CFR Parts 501 and 590) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4511. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury transmitting, pursuant to law, (7) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC-4512. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Joint Final Rule: Community Reinvestment Act Regulations, Technical Amendments" (RIN3064-AD90) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4513. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's 2012 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-4514. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for fiscal year 2011 of the Commerce Department's Bureau of Industry and Security (BIS); to the Committee on Banking, Housing, and Urban Affairs.

EC-4515. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4516. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Consolidated Appropriations Act of Fiscal Year 2012 and the Disaster Relief Appropriations Act of Fiscal Year 2012; to the Committee on the Budget.

EC-4517. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedure for Automatic Commercial Ice Makers" (RIN1904-AC38) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Energy and Natural Resources.

EC-4518. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf—Acquire a Lease Non-competitively; Correction" (RIN1010-AD71) received

during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Energy and Natural Resources.

EC-4519. A communication from the Acting Assistant Secretary, National Park Service, Department of the Interior, transmitting pursuant to law, the report of a rule entitled "Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore-Off-Road Vehicle Management" (RIN1024-AD85) received during adjournment of the Senate in the Office of the President of the Senate on January 18, 2012; to the Committee on Energy and Natural Resources.

EC-4520. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report related to the Colorado River System Reservoirs for 2012; to the Committee on Energy and Natural Resources.

EC-4521. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Attendance at NRC Staff-Sponsored Meetings" (NRC Management Directive 3.5) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4522. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance for Fuel Cycle Facility Change Process" (Regulatory Guide 3.74) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Environment and Public Works.

EC-4523. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance on Making Changes to Emergency Plans for Nuclear Power Plants" (Regulatory Guide 1.219) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Environment and Public Works.

EC-4524. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "EPAAR Clause for Compliance with EPA Policies for Information Resources Management" (FRL No. 9616-2) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4525. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for the State of Oregon" (FRL No. 9615-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4526. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Alaska" (FRL No. 9616-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4527. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9480-1) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4528. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Partial Disapproval of Air Quality Implementation Plans; California; San Joaquin Valley; Reasonably Available Control Technology for Ozone" (FRL No. 9616-5) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4529. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 PM2.5 and 8-Hour Ozone NAAQS. . . ." (FRL No. 9506-8) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4530. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia, and West Virginia; Determinations of Attainment of the 1997 Fine Particulate Standard for the Metropolitan Washington, DC-MD-VA and Martinsburg-Hagerstown, WV-MD Nonattainment Areas" (FRL No. 9616-6) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Environment and Public Works.

EC-4531. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Rome; Fine Particulate Matter 2002 Base Year Emissions Inventory" (FRL No. 9617-2) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4532. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9615-5) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4533. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Mexico: Final Authorization of State-initiated Changes and Incorporation-by-Reference of State Hazardous Waste Management Program" (FRL No. 9613-6) received

during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4534. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Colorado: Smoke, Opacity and Sulfur Dioxide Rule Revisions; Regulation 1" (FRL No. 9614–8) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Environment and Public Works.

EC-4535. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Imperial County Air Pollution Control District" (FRL No. 9617-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4536. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Placer County Air Pollution Control District" (FRL No. 9618-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4537. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation of Revised ASTM Standards that Provide Flexibility in the Use of Alternatives to Mercury-Containing Industrial Thermometers" (FRL No. 8880-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. GILLIBRAND (for herself, Mr. Schumer, and Mr. Brown of Ohio):

S. 2034. A bill to impose sanctions with respect to human rights abuses committed against the people of Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. Tester):

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to authorizing regulation of contributions to candidates for State public office and Federal office by corporations, entities organized and operated for profit, and labor organizations, and expenditures by such entities and labor organizations in support of, or opposition to such candidates; to the Committee on the Judiciary.

## SENATE RESOLUTIONS

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

> By Mr. CONRAD (for himself and Mr. HOEVEN):

S. Res. 353. A resolution congratulating the North Dakota State University football team for winning the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. Shelby) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 84

At the request of Mr. VITTER, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 84, a bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 490

At the request of Mr. Tester, his name was added as a cosponsor of S. 490, a bill to amend title 38. United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 539

At the request of Mr. Whitehouse, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health informa-

SUBMISSION OF CONCURRENT AND tion technology assistance eligibility measures to combat trafficking in perto behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 672

At the request of Mr. Rockefeller. the names of the Senator from Maine (Ms. COLLINS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other pur-

S. 707

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. Feinstein) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1035

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. Coons) was added as a cosponsor of S. 1035, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler systems as section 179 property and classify certain automated fire sprinkler systems as 15-year property for purposes of depreciation.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1214, a bill to amend title 10. United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance sons, and for other purposes.

S. 1354

At the request of Mrs. HAGAN, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1354, a bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other pur-

S. 1360

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Mr. Franken) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1381

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. Brown) was added as a cosponsor of S. 1381, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne disease, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1435

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1435, a bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance for needy families program, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1451

At the request of Mr. VITTER, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1576

At the request of Ms. Landrieu, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1747

At the request of Mrs. Hagan, the name of the Senator from Oklahoma (Mr. Coburn) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1781

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1781, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Nevada (Mr. Heller) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1832

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1850

At the request of Mr. Harkin, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. Durbin, the names of the Senator from Georgia (Mr. Chambliss) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1897

At the request of Mr. Casey, the name of the Senator from Pennsylvania (Mr. Toomey) was added as a cosponsor of S. 1897, a bill to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes.

S. 1911

At the request of Ms. Collins, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. Hagan, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Cali-

fornia (Mrs. Feinstein) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1964

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1964, a bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2003

At the request of Mrs. Feinstein, the names of the Senator from New Jersey (Mr. Lautenberg) and the Senator from Montana (Mr. Tester) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2030

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2030, a bill to provide protection for consumers who have prepaid cards, and for other purposes.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 34

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S.J. Res. 34, a joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

At the request of Mr. McConnell, the names of the Senator from Oklahoma (Mr. Coburn), the Senator from South Dakota (Mr. Thune) and the Senator from Kentucky (Mr. Paul) were added as cosponsors of S.J. Res. 34, supra.

S. RES. 285

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 285, a resolution supporting the goals and ideals of World Habitat Day, October 3, 2011.

S. RES. 352

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 352, a resolution expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 353—CON-GRATULATING THE NORTH DA-KOTA STATE UNIVERSITY FOOT-BALL TEAM FOR WINNING THE 2011 NATIONAL COLLEGIATE ATH-LETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUB-DIVISION TITLE

Mr. CONRAD (for himself and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 353

Whereas the North Dakota State University (referred to in this preamble as "NDSU") Bison won the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title game in Frisco, Texas, on January 7, 2012, in a hard fought victory over the Sam Houston State University Bearkats by a score of 17 to 6;

Whereas the NDSU Bison and coach Craig Bohl had an incredible 2011 season with a record of 14 wins and 1 defeat;

Whereas the Bison had a season full of highlights, including a 37 to 24 win over the University of Minnesota Gophers on September 24, 2011;

Whereas, during the championship game, the NDSU Bison offense scored 17 points against the Sam Houston State Bearkats, led by key plays from quarterback Brock Jensen, running back D.J. McNorton, and punter Matt Voigtlander;

Whereas the stifling Bison defense shut down the Bearkats, limiting the Bearkats to just 2 field goals;

Whereas Bison linebacker Travis Beck, the Most Outstanding Player of the game, secured a momentum-changing interception in the final minutes of the game to preserve the win for the Bison:

Whereas the Bison, who were previously a dominant force in the National Collegiate Athletic Association Division II, have continued to strive for excellence since moving up a division in 2004 and have proven they are able to compete and win in Division I:

Whereas Coach Bohl and his staff have instilled character and confidence in the NDSU players and have done an outstanding job with the Bison football program:

Whereas the leadership of President Dean Bresciani and Athletic Director Gene Taylor has helped bring both academic and athletic excellence to NDSU:

Whereas the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title was a victory not only for the NDSU football team, but also for the entire State of North Dakota: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the North Dakota State University football team, the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision champions:

- (2) commends the North Dakota State University players, coaches, and staff for their hard work and dedication; and
- (3) recognizes the students, alumni, and loyal fans for supporting the Bison on their successful quest to capture the first Division I trophy for North Dakota State University.

### NOTICES OF HEARINGS

#### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 2, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on the following bills: S. 1739, a bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; S. 356, a bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; and S. 908, a bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the committee on Indian Affairs will meet on Thursday, February 9, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "U.S. Department of Justice Opinion on Internet Gaming: What's at Stake for Tribes?"

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

## AUTHORITY FOR COMMITTEES TO MEET

### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 24, 2012, at 9:45 a.m.

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

## UNANIMOUS CONSENT AGREEMENT—H.J. RES. 98

Mr. REID. Mr. President, I ask unanimous consent that following any leader remarks on Thursday, January 26, the Republican leader or his designee be recognized to move to proceed to the consideration of Calendar No. 294, H.J. Res. 98, a joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit; that the time until noon be for

debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; that at noon, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, that all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered

### CONGRATULATING THE NORTH DA-KOTA STATE UNIVERSITY FOOT-BALL TEAM

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 353

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 353) congratulating the North Dakota State University football team for winning the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 353) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 353

Whereas the North Dakota State University (referred to in this preamble as "NDSU") Bison won the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title game in Frisco, Texas, on January 7, 2012, in a hard fought victory over the Sam Houston State University Bearkats by a score of 17 to 6;

Whereas the NDSU Bison and coach Craig Bohl had an incredible 2011 season with a record of 14 wins and 1 defeat;

Whereas the Bison had a season full of highlights, including a 37 to 24 win over the University of Minnesota Gophers on September 24, 2011:

Whereas, during the championship game, the NDSU Bison offense scored 17 points against the Sam Houston State Bearkats, led by key plays from quarterback Brock Jensen, running back D.J. McNorton, and punter Matt Voigtlander;

Whereas the stifling Bison defense shut down the Bearkats, limiting the Bearkats to just 2 field goals;

Whereas Bison linebacker Travis Beck, the Most Outstanding Player of the game, secured a momentum-changing interception in the final minutes of the game to preserve the win for the Bison:

Whereas the Bison, who were previously a dominant force in the National Collegiate Athletic Association Division II, have continued to strive for excellence since moving up a division in 2004 and have proven they are able to compete and win in Division I;

Whereas Coach Bohl and his staff have instilled character and confidence in the NDSU players and have done an outstanding job with the Bison football program;

Whereas the leadership of President Dean Bresciani and Athletic Director Gene Taylor has helped bring both academic and athletic excellence to NDSU;

Whereas the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision title was a victory not only for the NDSU football team, but also for the entire State of North Dakota: Now, therefore, be it

Resolved, That the Senate-

- (1) congratulates the North Dakota State University football team, the 2011 National Collegiate Athletic Association Division I Football Championship Subdivision champions:
- (2) commends the North Dakota State University players, coaches, and staff for their hard work and dedication; and
- (3) recognizes the students, alumni, and loyal fans for supporting the Bison on their successful quest to capture the first Division I trophy for North Dakota State University.

# DISCHARGE AND REFERRAL—H.R. 1791

Mr. REID. I ask unanimous consent that the Homeland Security and Government Affairs Committee be discharged from further consideration of H.R. 1791 and the bill be referred to the Committee on Environment and Public Works.

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that the Senate recess until 8:30 p.m. tonight and proceed as a body at 8:40 p.m. to the Hall of the House of Representatives for the joint session of Congress provided under the provisions of H. Con. Res. 96; that upon the dissolution of the joint session, the Senate adjourn until 9:30 a.m. on Thursday, January 26, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be re-

served for their use later in the day; that following leader remarks, the Senate begin consideration of the motion to proceed to H.J. Res. 98 under the previous order.

Madam President, before we move on that, the reason we are not going to be in session tomorrow is the Republicans are having a retreat. These are normally done at the beginning of every Congress. We are going to do ours in the next week or so—the next week or 2 weeks, I should say—and we will be out of session that day also. So this is why we are not working tomorrow.

We have work that we are going to complete Thursday, and the next week we have some fairly heavy legislation we are going to start. The reason we have not been working real hard this week is the IP bill, which we expected to work on this week and next week, things came up and we were unable to do that.

So I ask the Chair to rule on my request

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

#### PROGRAM

Mr. REID. Madam President, the next vote will be on Thursday at 12 p.m. on the motion to proceed to H.J. Res. 98.

### RECESS

Mr. REID. If there is no further business to come before the Senate, I ask that it recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:30 p.m.

Thereupon, at 4.41 p.m., the Senate recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of Colorado).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. The Senate will proceed to the Hall of the House of Representatives to hear a message from the President of the United States of America.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Martina Bradford, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Barack Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL THURSDAY, JANUARY 26, 2012, AT 9:30 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:23 p.m., the Senate adjourned until Thursday, January 26, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF DEFENSE

JESSICA LYNN WRIGHT, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DENNIS M. MCCARTHY, RESIGNED.

JAMES N. MILLER, JR., OF VIRGINIA, TO BE UNDER SEC-

JAMES N. MILLER, JR., OF VIRGINIA, TO BE UNDER SEC-RETARY OF DEFENSE FOR POLICY, VICE MICHELE A. FLOURNOY.

FRANK KENDALL III, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE ASHTON B. CARTER, RESIGNED.

AND LOGISTICS, VICE ASHTON B. CARTER, RESIGNED.
ERIN C. CONATON, OF THE DISTRICT OF COLUMBIA, TO
BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS, VICE CLIFFORD L. STANLEY.

### FEDERAL RESERVE SYSTEM

JEREMY C. STEIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004, VICE KEVIN M. WARSH, RESIGNED.

JEROME H. POWELL, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RE-SERVE SYSTEM FOR THE UNEXPIRED TERM OF FOUR-TEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN.

#### CONSUMER PRODUCT SAFETY COMMISSION

MARIETTA S. ROBINSON, OF MICHIGAN, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2010, VICE THOMAS HILL MOORE, TERM EXPIRED.

## DEPARTMENT OF ENERGY

ADAM E. SIEMINSKI, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION, VICE RICHARD G. NEWELL.

## FEDERAL ENERGY REGULATORY COMMISSION

ANTHONY T. CLARK, OF NORTH DAKOTA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2016, VICE MARC SPITZER, TERM EXPIRED.

### ENVIRONMENTAL PROTECTION AGENCY

JAMES J. JONES, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE STEPHEN ALAN OWENS, RESIGNED.

### DEPARTMENT OF STATE

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE NANCY J. POWELL RESIGNED.

PAMELA A. WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MIN-ISTER, TO BE AMBASADOR EXTRAORDINARY AND PLEN-IPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

JOHN CHRISTOPHER STEVENS, OF CALIFORNIA, A CA-

JOHN CHRISTOPHER STEVENS, OF CALIFORNIA, A CA-REER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAOR-DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LIBYA.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERV-ICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

SCOTT H. DE LISI, OF MINNESOTA, A CAREER MEMBER

SCOTT H. DELISI, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

### DEPARTMENT OF EDUCATION

DEBORAH S. DELISLE, OF SOUTH CAROLINA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE THELMA MELENDEZ DE SANTA ANA.

## DEPARTMENT OF VETERANS AFFAIRS

CONSTANCE B. TOBIAS, OF MARYLAND, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS, VICE JAMES PHILIP TERRY, TERM EXPIRED.

## WITHDRAWALS

Executive Message transmitted by the President to the Senate on January 24, 2012 withdrawing from further Senate consideration the following nomiSCOTT C. DONEY, OF MASSACHUSETTS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE KATHRYN D. SULLIVAN, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

TIMOTHY CHARLES SCHEVE, OF PENNSYLVANIA, TO BE INMOTH CHARLES SCHEVE, OF PENNSILVANIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2015, VICE NANCY KILLEFER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

GINEEN MARIA BRESSO, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2013, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON MARCH 17, 2011. GLORIA WILSON SHELTON, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 110-389, APPROVED OCTOBER 10, 2008, WHICH WAS SENT TO THE SENATE ON JUNE 22, 2011.

## HOUSE OF REPRESENTATIVES—Tuesday, January 24, 2012

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

## $\begin{array}{c} {\tt DESIGNATION~OF~SPEAKER~PRO} \\ {\tt TEMPORE} \end{array}$

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

Washington, DC, January 24, 2012.

I hereby appoint the Honorable ERIK PAUL-SEN to act as Speaker pro tempore on this

> John A. Boehner, Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

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

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

## AFGHANISTAN SITUATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, on January 12, CBS Evening News did a segment on just how impossible is the situation in Afghanistan. This is something I have been speaking out on for months and months and months, and I think CBS illustrated beautifully just how dire of a situation it is in Afghanistan. I will read excerpts from the report containing examples of just how inept the Afghan Army is.

"CBS News correspondent Clarissa Ward found one reason in the Pech Valley. Americans lost their lives there building a base called Nangalam. When they tried to hand over their gains to the Afghan Army, the base went to ruin.

"Army Major Guillermo Guillen, from southern California, is frustrated. You're relying on us to do all of your security for you. You need to be participating," Guillen told an Afghan counterpart.

"On a recent patrol, some Afghan soldiers were not wearing helmets. One chatted on his cell phone.

"The United States military left Nangalam base last February, handing over to Afghan forces. But within weeks, things went badly wrong."

Remember, Mr. Speaker, this is a CBS national report.

"Enemy forces returned to roam freely through the valley. The Afghan commander deserted. Hundreds of his soldiers followed.

"The Afghan forces that remained ransacked their own base. All the electric wires have been pulled out. Anything of any value was taken. You can see the wire hanging out of the light."

Mr. Speaker, "A new Afghan Army unit has been brought in with a new commander, Colonel Turab. U.S. officers have nicknamed him 'Honest Abe.' And he was honest to a fault about the prospects of the Afghan Army."

Mr. Speaker, listen very carefully: "'It will take about 30 years' for the Afghan Army to be ready, Turab said through a translator. 'And if they are reformed and the corruption is removed,'" it will take about 10 years.

How many \$10 billion a month do we have to spend? How many young men and women have to die for a failed policy? History has proven you will never, never change Afghanistan no matter what you do.

This poster beside me is a wife in tears whose husband was killed in Afghanistan, and the little girl, as you can see, Mr. Speaker, is looking at the flag. She has no idea that her daddy is dead. She will know one day that her father died to prop up a corrupt leader named Karzai and a corrupt government, and then she will learn from the history books as she gets into high school that no nation has ever conquered Afghanistan and no nation will ever conquer Afghanistan.

As we listen to the President tonight and he talks about the state of affairs, I hope he will mention that he intends to bring our troops home now, not in 2014. In 2014, I do not know how many young men and women have to lose their legs, their arms, and die. So I hope both parties will come together this spring and talk about bringing our troops home now, not 2014.

With that, Mr. Speaker, I will ask God to please bless our men and women in uniform and their families, to bless the families who have given a child dying for freedom in Afghanistan and Iraq, and ask God to please continue to bless America.

[From cbsnews.com, Jan. 12, 2012]

NANGALAM: A SYMBOL OF THE AFGHAN WAR'S

TROUBLES

(By Clarissa Ward)

Most Americans in Afghanistan are doing their best in a war that's now in its 11th year. Why has it taken this long?

CBS News correspondent Clarissa Ward found one reason in the Pech Valley. Americans lost their lives there building a base called Nangalam. When they tried to hand over their gains to the Afghan army, the base went to ruin.

This is one part of Afghanistan that America thought it could finally leave. But U.S. troops are back, trying once again to train their Afghan allies.

Army Major Guillermo Guillen, from Southern California, is frustrated.

"You're relying on us to do all your security for you. You need to be participating," Guillen told an Afghan counterpart.

On a recent patrol, some Afghan soldiers were not wearing helmets. One chatted on his cell phone.

"We're not going to be here forever, you need to take care of yourself," Guillen said. The U.S. military left Nangalam base last February, handing over to Afghan forces. But within weeks, things went badly wrong.

Enemy forces returned to roam freely through the valley. The Afghan commander deserted. Hundreds of his soldiers followed.

"I believe there was some of (feeling of abandonment) amongst the (Afghan) soldiers. It's probably what led to some of their leadership leaving." Guillen said.

The Afghan forces that remained ransacked their own base.

All the electric wires have been pulled out. Anything of any value was taken. You can see the wiring hanging out of the light.

Just about everything else that could be moved was sold for cash.

Without American support, the Afghan army refused to resupply the base. The soldiers were living in filth.

For the U.S. military, it was an embarrassing example of what might happen when security is handed over to Afghan forces across the country, and so four months after leaving, a small group of U.S. troops was sent back in.

Today, American contractors are back on the base repairing the damage, with U.S. taxpayers footing the bill, again.

A new Afghan army unit has been brought in, with a new commander, Colonel Turab. U.S. officers have nicknamed him "Honest Abe."

And he was honest to a fault about the prospects for the Afghan army.

"It will take about 30 years" for the Afghan army to be ready, Turab said through a translator. "And if they are reformed and the corruption is removed, ten years."

"They understand what they're doing. They understand what's required. It's just getting them to do it without coalition support," Guillen said.

The U.S. exit strategy depends on them doing it without support. Not in 30 years, and not in ten. They have just two years before the vast majority of American forces are

of Afghanistan—for good.

### IN MEMORY OF FORMER CONGRESSMAN ED JENKINS

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

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to the life, leadership, and legacy of our former colleague and a friend of many in this house, Congressman Ed Jenkins.

My colleague, John Lewis, brought many of us together on this floor or in other public statements to say what an honor it was to serve with Eddie Jenkins, how much we all learned from him. The humor as well as the intellect he brought to his work was definitely, definitely an asset to the work of the Congress.

Eddie Jenkins was a proud son of Georgia. If you heard him say it, you would agree, a self-described country lawyer from Jasper, a public servant dedicated to his constituents, to advancing the interests, hopes, and aspirations of his neighbors down there in Georgia, and in securing future prosperity for all and opportunity for all Americans.

It must be a true honor for Congressman Jenkins and his family that this tribute has been organized and led by the conscience of the Congress, a man of extraordinary leadership and character and a fellow representative from the State of Georgia, Congressman John Lewis.

Congressman Jenkins will long be remembered as a leader willing to work across the aisle, negotiate and build coalitions on behalf of the greater good. He will be remembered in textile mills across the South as a champion of the industry, a defender of good-paying jobs for local workers in small towns and communities across the region for small businesses. He will be remembered as a champion of the Ways and Means Committee for his expertise on the Tax Code, for his wisdom and leadership, with the respect he earned even when his colleagues disagreed with him. And he will be remembered for his legendary tough questioning during the Iran-Contra hearings, a scene that reflected and embodies his strong will, deep character, and core principles—his pursuit of the truth, his commitment to transparency and accountability, and his firm belief in the sanctity of the rule of law.

Congressman Jenkins served his community and our country as a lawyer and a congressional staffer, in the Coast Guard, and as a Member of the House of Representatives. He'll be missed by his friends in Congress, by his friends he served in Georgia, by his neighbors, and loved ones.

We only hope that it is some comfort to his wife of 51 years, Jo; his daughters, grandsons, and his entire family that so many share grief at this sad time.

Thank you, Mr. Jenkins, for a life of service to the Congress and the country. Thank you, Mr. LEWIS, for providing this opportunity for us to honor a person we were proud to call a colleague and friend.

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## THANK YOU TO MY FRIEND, GABBY GIFFORDS

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

Mrs. SCHMIDT. Mr. Speaker, today I really just want to say thank you to a young woman who for the last time in her legislative career as a Member of Congress will grace our presence this evening at the State of the Union, and I'm talking about my good friend, GABBY GIFFORDS. I think the world will all know Gabby as the courageous heroine who, on January 8, 2011, was met by an unbelievable mad person who changed her life and the life of so many, but I really want to tell all of us in this body what a great individual and humanitarian she was for all of us.

She was sworn into office on January 4, 2007. She came out of the State legislature in Arizona, so her background was in the State legislature, as mine is. She currently represents southern Arizona, the Tucson area, which has the Davis-Monthan Air Force Base and Fort Huachuca in Sierra Vista. She is the leading champion on border security, energy independence, and the needs of military families and veterans, which she knows so well because she is married to an active military veteran, Mark Kelly, who not only flew umpteen missions as a naval pilot but also flew into space as a NASA astro-

On January 8, when she was having Congress On Your Corner at a supermarket in northwest Tucson, an ordinary morning, and many people were there, she was met by a madman who not only changed her life, but ended the life of 9-year-old Christina Taylor Green: Dorothy Morris: John Roll. chief Federal judge for Arizona; Phyllis Schneck; Dorwan Stoddard; and Gabriel Zimmerman. Twelve others, including Giffords' staff members Ron Barber and Pat Simon, were wounded. She was treated initially nearby and then flown to the TIRR Memorial Hermann Rehabilitation Hospital in Houston. She continues to be rehabilitated. and it is remarkable how far this young woman has come.

She was a Fulbright Scholar, but more importantly, she is my friend. You see, in the House we have a little bipartisan softball team. We play folks like the NRCC young folks and the

scheduled to leave the Pech Valley—and all ters, Janice and Amy; his brothers, sis- DCCC young folks, and now recently we're are playing the press corps. She was a member of our team, and she was a really good member.

I wish GABBY well as she moves to a new direction in her life, and I pray each and every morning and each and every evening that God will continue to allow her to become a complete human being again. She is a great lady, a great friend of this House, a great friend of the folks in Tucson and surrounding Arizona.

Mr. ENGEL. Will the gentlewoman yield?

Mrs. SCHMIDT. Yes, I will yield to my friend, Mr. ENGEL from New York.

Mr. ENGEL. I thank the gentlewoman for yielding to me, and I think that her taking the floor this morning is the best example of bipartisanship that people say Congress doesn't have enough of, and I think that those of us that believe in bipartisanship need to do more and more of this.

The attack on Gabby was really an attack on all of us, an attack on Congress, and something that's really unthinkable. I'm very happy that she will be here this evening for the State of the Union Address by the President.

I got to know GABBY very well because my son attended the University of Arizona in Tucson and graduated from there, and he was campaigning for her, and I actually got to know her before she even was a Member of the House. I think that all of us can say that she has been one of the most collegial, friendly, hardworking and dedicated Members of Congress.

We go out there, all of us, on both sides of the aisle every day and meet with thousands and thousands and thousands of constituents. I think that she embodied the best of what Congress has to offer. I am sorry that she is resigning, but I know that she's doing what she feels is best for her State of Arizona and also best for her. I know that we all wish her Godspeed, and I know we all wish her as speedy a recoverv as we can get.

I know we haven't seen the last of her. She will come roaring back and will continue to make tremendous contributions to this country for years to come. So I want to thank the gentlewoman for doing this. I think that both of us standing here today shows the American people that Congress can work together and should work together, and in the fine tradition of GABBY GIFFORDS, we are going to make sure that we all continue to work together.

## HONORING 40TH ANNIVERSARY OF 93 WXRT

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

Mr. QUIGLEY. Mr. Speaker, Chicago is a city of many treasures. From the architecture to the museums and cultural institutions, from the sports teams to our food, there are many, many reasons to celebrate the Windy City. But with so much to do, see, and eat, some of our city's finest features do not make it onto most tourists' todo lists. But if you want to share with the visitors some of the true heart and soul of Chicago, drive down Lake Shore Drive with our lake on one side and our beautiful skyline on the other and 93 WXRT on the radio.

I have tried to explain to my children about the vast wasteland that was music radio in Chicago before XRT. Forty years ago, all you had was the same 10 songs on AM radio. Then came XRT, with a rich, diverse playlist, with a passion and an integrity unmatched even today. No coincidence it became a 24-hour station in 1976, demonstrating our city's unique commitment to independent thinking and an unbridled celebration of art and music.

Like many others, XRT linked me to a new world. XRT encouraged me to leave my sterile environment and travel to the Earl of Old Town to listen to Steve Goodman and my first concert at the Aragon Ball Room to see Mott the Hoople and the New York Dolls, not to mention other famous haunts that played host to greats like Iggy Pop, David Bowie, Muddy Waters, Frank Zappa, Roxie Music and the like.

Thank you, XRT, for 40 great years. You made me a better person. And when your kids turn their dial to 93, they will find Lin Brehmer, "your best friend in the whole world." Lin has been the morning voice of XRT for the last 20 years and is a Chicago institution unto himself. For 20 years, Lin has been there with us to celebrate all things Chicago, from commiserating with us over another Chicago Cubs loss to suggesting the perfect restaurant for a post-concert dinner. He shares with us the best of the city and makes sure we better understand the world with "Lin's Bin." He helps us discover new sounds, rediscover old favorites and provides an unparalleled soundtrack to

A celebrated fixture in radio, Lin has received a variety of honors throughout his illustrious career. In 1990, he was honored as Music Director of the Decade by Hard Report.

Lin's musical sensibilities are nicely summed up by his motto, borrowed from the writing of Gerard Manley Hopkins: "Flesh fade and mortal trash fall to the residuary worm, you and I might as well rock and roll." Dubbed the Reverend of Rock and Roll early in his radio career, Lin sought to put together a radio program unlike any other

Now, more than 35 years since he first hosted a radio show in Albany, New York, Lin has succeeded in doing that and so much more.

Radio isn't Lin's only passion; he is also quite the accomplished foodie,

never going anywhere without a food guide in his car and his self-described 'eating pants," an outfit with enough give to accommodate another Chicago meal-oh, that Wiener Circle, His favorite restaurants in Chicago include a wide variety of cuisine for an even broader array of occasions. His recommendations have included "best upscale Mexican restaurant for when you want to leave the kids at home" and the very specific "best late night steak burrito." I'm sure he also enjoys splitting a cinnamon roll with our friend and his colleague, Teri Hemmert, another Chicago jewel, at her favorite table at Ann Sather's Restaurant on the north side.

Lin Brehmer is a man who helps us discover the best about Chicago, and in doing so, has become a Chicago treasure himself. We appreciate and applaud his career as one of our city's finest radio personalities and most recognizable voices, and look forward to the music experiences and food he will help us discover in his next 20 years. Thank you, Lin, for always reminding us why it's great to be alive.

## PUTTING PEOPLE BEFORE POLITICS

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

Mr. DOLD. Mr. Speaker, I know in just listening to some of the comments that I'm joined by I think all of my colleagues in welcoming GABBY GIFFORDS back to this body for this evening's State of the Union Address, and certainly our thoughts and prayers are with her for a full and speedy recovery as she continues to make strides.

Mr. Speaker, this past month, I've had the opportunity, as many of my colleagues have, to travel throughout our districts, and as the number one manufacturing district in our country, it's no surprise that people are frustrated and concerned about jobs and the economy.

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I know that's common because when I talk to my colleagues on the other side of the aisle and my colleagues over on this side of the aisle about the number one issue we face, they also say it's jobs and the economy. So whether you're a Republican or a Democrat or an independent, I think we can all come together and agree that we need to find the common ground to spur economic growth.

It's time that we work together in a bipartisan way to pass legislation that empowers job creators and puts America back to work. I firmly believe that if we put people before politics and progress before partisanship and find common ground, we will move our country forward. If you have an idea that is going to move our country for-

ward, I think that we ought to vote on it and move it forward immediately.

Mr. Speaker, today marks the 1,000th day that the United States Senate has not passed a budget. As someone that ran a small business before coming to Washington, sitting around kitchen tables, Americans are wondering how they tighten their belt, how they balance their budget.

But the point there is that they have a budget. Small businesses all across the land can't operate without a budget. Big businesses can't operate without a budget. American families generally can't operate without a budget. And yet we here in Washington have not had a budget in far, far, far too long. You could build the Empire State Building two and a half times in the time that it has taken the Senate to even pass their version of a budget. This is just plainly unacceptable for the American public.

Put something forward. Let us know where we should be putting our priorities. And that, unfortunately, creates an enormous inefficiency. Can you imagine trying to figure out where you're supposed to spend your resources, what you're supposed to spend your money on in terms of trying to move your family forward without a budget?

There is a tremendous amount of uncertainty, Mr. Speaker, out there and I hear it from people each and every day, uncertainty that Washington is creating. Excessive regulations, there's no question about that. We look at Dodd-Frank. In Dodd-Frank, frankly, we've got 400 rules and regulations, over 200some-odd that have yet to even be written. What it does is it paralyzes small businesses. People are sitting on their hands. They're not moving forward; they're not hiring people. This is something that we here in this body have an opportunity to change. We can provide that level of certainty, and I think that we must.

We're going to hear a lot about a donothing Congress, and frankly, I get frustrated when I hear about that. This body has passed over 30 jobs bills and sent them across the courtyard to the other side of the Capitol where they sit on HARRY REID's doorstep. Now, these aren't partisan bills, Mr. Speaker; these are bills like Access to Capital for Job Creators that passed this body by over 400 votes. That's wildly bipartisan, something that we agree upon, my colleagues on the other side of the aisle and my colleagues on this side of the aisle; and yet they're sitting on HARRY REID's doorstep, and they won't even come up for a vote. This is the frustration that I think the American public has.

Washington needs to move forward. We need to address jobs and the economy. We need to address the out-of-control spending that has happened, yes, on both sides of the aisle. We need

can tighten its belt so that we do not bury our children and grandchildren under a mountain of debt and jeopardize the very fabric of the American Dream.

Mr. Speaker, I talk to my colleagues on both sides of the aisle and I do sense that there is a frustration. There is a concern that we may be the first generation of Americans that leaves our country worse for our children and grandchildren than we received from our parents and grandparents. For me, this is absolutely unacceptable, which is why I think that we have to find that common ground-find the common ground and move our country forward.

I certainly hope tonight we talk about a united America, we talk about a vision that unites us as opposed to one that divides us. This will be an opportunity. And I hope it's about jobs and the economy, the out-of-control spending, and making sure that hardworking American taxpayers are moving forward.

This is our time. It's time we all come together to put America back to work.

RECOGNIZING CONGRESSIONAL GOLD MEDAL OF SERVICE FOR YOUTH RECIPIENT SALLY WHITE

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

Ms. SEWELL. Mr. Speaker, I rise today to recognize Sally White, a remarkable young lady from the Seventh Congressional District of Alabama who was a recent recipient of the Congressional Gold Medal of Service for Youth Award.

Sally is a driven, committed, and determined young lady who is destined for success. She is currently a senior at Thomasville High School in Thomasville, Alabama, and has a 4.32 grade point average. She has been a member of the varsity cheerleading squad for 3 years and was captain of the squad this year. She was also named a Universal Cheerleaders Association All-American.

Sally has been involved in the Thespian Drama Honor Society for 6 years and attended the International Thespian Festival in Nebraska where she worked with theater students from around the world. She is a member of the National Honor Society, attended Alabama's Girls State, and is a Thomasville Chamber Ambassador.

Sally has been very passionate about public service and mission work. She traveled to Ecuador for 2 weeks in the summer of 2010, planting trees to raise money for village schools. Sally serves as a volunteer for the summer reading program at the Thomasville Public Library and volunteers in the extended day program at Thomasville Elemenwith homework.

Sally plans to pursue a college degree in either biomedical or chemical engineering. After college, she plans to attend graduate school to earn a Ph.D. or medical degree. Her ultimate goal is to one day work in the medical research field to develop cures for this Nation's most troubling diseases.

Sally is one of 14 youth in the State of Alabama who has received the Congressional Gold Medal of Service Award since its inception by Congress in 1979. The award provides a unique opportunity for young people to set and achieve personal challenging goals that build character and foster commuservice. Unlike many nitv other awards, recipients do not win the Congressional Gold Medal of Service. They earn it. Sally earned this accolade by setting and achieving goals in four program areas: volunteer public service, personal development, physical fitness, and explorations. In her more than 800 hours of community service, she strengthened her commitment to public service and realized the power that one individual can make in one's community and in this world.

I had the great privilege of presenting the Congressional Gold Medal of Service Award to Sally 2 weeks ago on January 11, 2012, during a student assembly at Thomasville High School. I was impressed by Sally's poise, grace, and strength and her commitment to helping others. When asked about the award, Sally stated: "Receiving the Congressional Gold Medal of Service for Youth Award has been a tremendous honor for me. I am thankful for the love and support I have been provided while working towards this award. I am extremely humbled by this honor.'

Sally's principal, Mr. Kyle Ferguson, expressed the sentiments of her teachers, advisers, and mentors when he stated: "Sally White is without a doubt one of the most driven, goal-oriented, and conscientious young people that I have ever encountered. She is certainly operating at a level far beyond her years. We are honored that she has been with us through her high school years."

Sally White is an excellent role model and a wonderful example of servant leadership. We should all aspire to work as hard as Sally for the good of others and for our own personal development. I want to applaud Sally's teachers, family members, friends, and the Thomasville community for helping to shape and nurture an outstanding student.

On behalf of the Seventh Congressional District, the State of Alabama, and this Nation, we recognize and congratulate Sally White for receiving the Congressional Gold Medal of Service for Youth Award for her hard work, dedication, and community involve-

to figure out a way that Washington tary School to assist young students ment. It is with great pride that I ask my colleagues in the House of Representatives to join me in honoring Sally White for her exemplary commitment to public service.

□ 1030

## NATIONAL SCHOOL CHOICE WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 min-

Mr. DUNCAN of South Carolina. Mr. Speaker, all around the Hill today, you will see Members of Congress wearing a red button, "1,000 Days," a reminder that it has been 1,000 days since the United States Senate has passed a budget for the United States of America; 1,000 days of acting irresponsibly.

I want to pause and tell you that last year on January 8, just 3 days after being sworn in as a new United States Congressman, we were informed of the tragic incident that happened in Arizona; and I want to let the gentlewoman from Arizona, GABBY GIFFORDS, know that I'm going to be honored that she will be on the floor with us today. The prayers of my family and of the members of the South Carolina delegation and our State go out to her and her family and the folks in Arizona that she represents every day, and we will continue to do that long after her service to this country.

Mr. Speaker, this week is National School Choice Week. All across our country, students and families are rallving for National School Choice Week. a grassroots campaign dedicated to the idea that all students, regardless of background, should have the opportunity to choose the school that most effectively motivates them to learn. For too long, we have made increases in spending and new standards from Washington our focus, which have, sadly, strangled our parents' and teachers' ability to help our students succeed.

Now, with that, I want to give a shout-out to the Nation's teachers who have to deal every day with complying with the mandates that come from Washington, D.C., while they struggle to educate the children of our country. Instead of propelling them to success, the United States has fallen to 14th in the world in reading, 17th in science, and 25th in math, compared to other countries, according to the 2009 edition of the Program for International Student Assessment. Those numbers are astonishing.

As proud Americans, we will not accept the consequences of failure, of letting our children fall behind the rest of the world. Parents are demanding results in education for their children; and Washington should listen to their message, which is, simply: We know how to reform education in our States;

watch us succeed.

Education should be returned to the States, the local communities, and to parents, just where our Founding Fathers left it when they designed this great government.

This is the reality we face: Our country, the United States of America, stormed the beaches of Normandy. We raised the flag over Iwo Jima. We fought for and won the freedom of other nations all around the globe. We ventured into space and landed the human race on the Moon. We inspired the collapse of the Berlin Wall. But before all of this, we invented the lightbulb, the automobile, the television, the telephone, discovered the art and science of flying.

Our inventions, though, are not as much the reason for our greatness as they are the result of it. because at the very beginning, at our founding, we declared to the world this belief: "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.'

The truth in that Declaration reminds us that our people will succeed and prosper, and our students will learn and achieve when we preserve the liberty of every parent to choose the educational environment that's best for their children. And if we do so, imagine how our children will lead the world through another century marked by the rise of freedom and the innovation that freedom inspires.

With that, Mr. Speaker, I want to end by echoing the words of Mr. Jones from earlier when he said: May God bless the men and women in uniform, may God bless their families, and may God continue to bless the United States of America.

## FROM HUMBLE BEGINNINGS TO THE HIGHEST OFFICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. Jackson Lee) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, last week, I came to the floor of the House to challenge the utilization of words because words matter. Candidates who are charging each other with a variety of sins decided to call President Barack Obama, who tonight will give us the State of the Union, the "food stamp President."

For many of us who know our history, we might recall that in the 1940s and beyond, there were many who were on government cheese. In fact, many people I know today smile about that government cheese and peanut butter that they were given. They include doctors and lawyers and leaders of this

get Washington out of the way and Nation, teachers, people who are expanding opportunities for others.

This Nation is a great country, and we are reminded that many who start from humble beginnings can ascend to the highest office or the barons and the leadership of corporate America. So the negative connotation of "food stamp President" is to denigrate those who receive it rather than to suggest that there are opportunities in this Nation that no other country can provide.

So, Mr. Speaker, I rise today to talk about and look forward to the President's State of the Union as he speaks about income equality and challenges us, as a Nation, to come together, to move forward on expanding jobs, such as the President's American Jobs Act. But I raise for thought the problem of how we will come to that point.

I'm looking at an article that suggests that "Made in the USA" may be a relic of the bygone. It uses one of our most famous, one of our most imitated companies in the world, Apple, which speaks to the genius of America. I will never step away from acknowledging that we are the inventive, the innovative, the genius, the creative population because we've been given freedom by our Constitution. But when you ask the question why the iPhone is manufactured elsewhere and you hear comments about why the genius of this particular company has not been translated into a number of jobs, why decisions have been made to move manufacturing overseas, and you ask the question where is the corporate social responsibility, for example, and where is the generosity in terms of hiring American workers, well, we know that the international economy is intertwined. Companies once felt an obligation to support American workers even when it wasn't the best financial choice. We call that "American generosity." But I understand the bottom

So it is important that we begin to look at the items that the President is talking about, jobs skills training, and to find a way to restore the modern manufacturing that will bring more jobs to America.

Why do these companies move overseas? In this article, it suggests because of the supply chain and the way factories can be put up and put down in these foreign countries. Now, you tell me why we can't do that. I believe we can. It is all about focus and logistics. And tonight, as the President expands on his Kansas speech about how we are a great Nation, I'm looking for ways to end that income inequality, to come together and make sure that those who make much can have the ability to share those dollars but yet still make a grand profit. I want to see us improve our supply chains and logistics. I want to see us get factories up and bring them down.

We restored the American auto industry by commitment, dedication, and sacrifice. At last I heard, General Motors now is the number one manufacturer of automobiles in the world. How did it come about? Because Democrats came together and joined around, with a bipartisan support, the idea that we can create jobs; we can manufacture

Let me just say this: I will accept the challenge tonight that the President will offer, and I will realize that a food stamp family today providing for their children are the presidents and CEOs and astronauts and inventors of tomorrow. That's the kind of Nation that we

I say it always, and I will say it again. "Food stamp" is a denigrating term when you say "food stamp President," as if the President does not want to create jobs. We're tired of the buzzwords and innuendo about certain groups, but I believe that we have a way of coming out of this.

Mr. Speaker, now is the time. It is an urgency of now. It is the justice and equality that Martin Luther King and many other great leaders spoke of. It is this mosaic Nation of people from all walks of life that have shown the world we're the greatest Nation in the world. I'm looking forward to pursuing that in the 21st century, building jobs and saying, "God bless America,"

## □ 1040

## ACCEPTING THE MANTLE OF LEADERSHIP

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, first I would just say to the gentlelady who just spoke that I do not doubt that the President wishes to create jobs. The fact of the matter is he just doesn't know how. The record would suggest that.

When I first came to this House, the year was 1979, January. We were in the midst of what history has shown us was a failed Presidency. We had something called the misery index. We had unemployment rising. We had inflation rates around 20 percent. We had, by all gauges, a difficult time, a time that many people looked upon with despair, and many suggested that the issues were so large and the problems so great that no President could possibly deal with it, no Congress, and the American people could not.

It was just prior to that time that I met a gentleman from Georgia, Mr. Gingrich, as we were both freshman Members elected. And we began talking about the fact that our party had not been in the majority for well over a generation, that there seemed to be a lack of a vision for the future, and that there was an acceptance of mediocrity and failure and second-class status for America.

Our belief was, at that time, that we could come together with a number of other Members and try and at least give voice to a new idea, a new vision, a more positive vision for America. We worked together with other Members and formed what was called the Conservative Opportunity Society because we thought that that was a positive vision for the future of America, consistent with Republican principles and, more importantly, consistent with and expressive of American principles. We thought it was an antidote to what we saw leading us at that time as the liberal welfare state. I think history has shown that, with the election of Ronald Reagan and the embracing of the Conservative Opportunity Society vision of America, that America could turn around.

We are confronted with what I believe to be a failed Presidency at the present time. We are confronted with questions and some great despair in families around America for the failure of an opportunity for jobs. And I would suggest that, at this point in time, it is appropriate for those who have visions, those who are ready to challenge the conventional wisdom, those who believe that America's best days are ahead, not behind, to come to the fore.

There are those who look at the faults of Newt Gingrich. I'd like to suggest that he was the one person that I know that had a vision in this House of how this House could be changed, how we, working as an institution, could work with a President to make changes and, ultimately, how this side of the aisle could, for the first time in a generation, actually be the majority.

Following his ascendency to Speaker of the House, we actually had balanced budgets. We actually had some bringing down of some of the size of the Federal Government. We actually had some progress around the country. So I would say, for those who look at the faults of others, let's look at their accomplishments.

This is a time when it seems to me we ought to be serious about the future of America. We ought to be bold about the future of America. We ought to have some confidence in the greatness of America, the greatness of its people, not necessarily the greatness of its government. We need to have a good governmental structure that allows the greatness of the American people.

There are some on the Presidential debate scene today who are willing to challenge us with bold ideas. That has been done in the past and has proven successful. It seems to me we should not shrink from the future; we should embrace the future. We should, in fact, be leaders of the future.

I am not one elected to this House to be satisfied that the future of America for my children and my grandchildren is any less than what it was for me as a child growing up. I will not stand here and allow us to act in vain so that It's egregious, even by current Repubthe sacrifices of my parents, some call the Greatest Generation, I say one of the greatest generations, will have been in vain. They worked hard. They accepted the challenges of the future with an innate confidence in the goodness of the American people, the capabilities of the American people, and, ves, the common sense of the American people.

My hope is that as we go forward in this year, those of us who seek office for both the House, the Senate, and Presidency will accept that mantle of leadership that has been cast upon us from those in the past.

#### PENALIZING UNEMPLOYED AMERICANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. Butterfield) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to express my concern that Republicans are attempting to penalize unemployed American citizens who do not have a high school diploma. Last month, House Republicans included a provision in the payroll tax cut bill, which is presently in conference, to establish an educational requirement for recipients of benefits.

The provision, Mr. Speaker, would require recipients of unemployment benefits to have at least a high school diploma or a GED or be enrolled in classes to obtain such a degree. This requirement, Mr. Speaker, would affect an estimated 248,000 workers in the first 3 months of enactment, and disproportionately affect older workers, forcing certain unemployment recipients to either enroll in adult education programs or forego the benefits they need to support their families. This is a disgrace.

In 2010, half a million workers age 50 or over who received unemployment insurance lacked a high school diploma. For most of these individuals who have worked more than 30 long years, returning to high school makes very little sense. They are the bricklayers and the carpenters and sanitation workers and housekeepers in our communities.

In the case of workers under the age of 50, adult education might be useful, but is largely unattainable. Currently, State and local adult education programs do not have the capacity—we know that—do not have the capacity to meet this demand. Waiting lists for these programs are proliferating and certain to worsen due to a 20 percent decline over the past decade in Federal funding for adult education programs and \$1 billion in cuts to job-training programs in fiscal year 2011.

Creating an educational mandate as a condition of eligibility to receive unemployment insurance benefits. Mr. Speaker, is punitive. It's misguided.

lican standards.

While there are certainly benefits to receiving at least a high school education, establishing a blanket policy that denies unemployment benefits to low-skill workers who have lost their jobs due to no fault of their own, without ensuring they have unrestricted access to educational opportunities, sets up hundreds of thousands of Americans to fail.

It seems incredibly cynical to require participation in adult education and job training as a condition of receiving unemployment benefits while simultaneously eliminating meaningful Federal support for these programs.

Mr. Speaker, it is unconscionable to put additional strings on this crucial relief that do nothing, nothing to address the real causes of the current unemployment crisis. It is a difficult time to be unemployed in America. It is a difficult time to be unemployed in America, but House Republicans seem determined to make it even more difficult.

I urge my colleagues to join me and stand up against this education mandate and fight for policies that can actually help bring the unemployment crisis to resolve.

#### RECOGNITION OF CATHOLIC SCHOOLS WEEK

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

Mr. FITZPATRICK. Mr. Speaker, starting January 29 of this year, Catholic schools across the country will initiate their annual observance of Catholic Schools Week. The theme for this year is "Catholic Schools: Faith. Academics. Service."

The 2012 theme emphasizes the principles of Catholic school education, which families in my district and across the country highly value. The theme focuses on three priorities that are distinct to Catholic schools. Children are taught faith, not just the basics of Christianity, but how to have a relationship with their God: academics. in which Catholic schools are held to very high standards.

Earlier this year I was proud to recognize the Nativity of our Lord Catholic School in Warminster. Pennsylvania, for receiving the 2011 National Blue Ribbon of Excellence Award.

#### $\Box$ 1050

Finally, the third principle in the 2012 theme is service, the giving of one's time and effort to help others. It is taught both as an expression of faith but also of good citizenship.

Schools typically celebrate Catholic Schools Week with mass, open houses, and activities for students, families. parishioners, and the community at large. In addition to this year's list of activities, some schools in my district will host events welcoming families from schools with which they will be merging. While the Archdiocese of Philadelphia contemplates its plans for continuing to provide students with a rigorous academic curriculum in concert with spiritual values, families and parishioners can reflect upon the three principles of Catholic Schools Week—faith, academics, service—not simply as a theme but also as a guide for their future decisions.

Mr. Speaker, Catholic Schools Week is truly a time to demonstrate the intangible value of Catholic education. I'm extremely grateful for the hard work and dedication of the administrators, faculty, students, and parents who've created an environment fostering academic excellence, spirituality, and service.

#### POVERTY IN AMERICA

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

Ms. LEE of California. As the founder of the Congressional Out of Poverty Caucus, I rise again today to remind this body about the crisis of poverty in America, which really should prick the conscience of every Democrat and Republican. As we begin to consider legislation for this year and budgets for the fiscal year 2013, we must do more to help millions of Americans living in poverty.

We must do more for the millions of Americans who are looking very hard for a job and working hard every day to move up the ladder of opportunity, really trying to remove these very difficult barriers.

We must not balance our budgets on the backs of the most vulnerable, the poor, and low-income individuals, and we cannot allow any budget cuts or authorize new spending on programs that will increase poverty or increase income inequality in America.

We also must commit to taking bold steps to reducing the devastating impact of poverty in America, and that is by creating jobs. It's inexcusable and immoral to fail to take the strongest possible action to bring immediate help to those Americans in need.

We cannot continue down the path that leads to increasing poverty, inequality, and income disparities which focus more and more wealth in the hands of the few and leave millions of Americans behind. With nearly 50 million Americans in poverty and half of all Americans in low-income households, we cannot wait. We must act now.

Mr. Speaker, poverty doesn't just hurt families and the children who grow up in families trapped by poverty, but it costs our Nation hundreds of billions of dollars in lost productivity and slows the Nation's economic growth. We must act to strengthen funding for programs that not only prevent hunger, homelessness, crime, and maintain access to education, but we all must create initiatives to demand goods and services which boost our economy. That means that small businesses across America need customers, and they need customers right now.

So we must extend the expiring unemployment benefits. We can't abandon the millions of job seekers before they find a good job. We should also immediately add an additional 14 weeks of tier I unemployment benefits for the millions of Americans who have completely exhausted their benefits after 99 weeks. Far too many Americans have exhausted all of their unemployment benefits and are still unable to work. We must not abandon these 99ers.

To achieve these ends, we must ensure that we protect the efficient and effective programs we already have in place and provide strong investments that spur immediate job growth. And we have the resources to do this if we commit ourselves to increasing fairness in taxation to ensure that the wealthiest Americans pay their fair share and enact a reasonable Tax Code that includes financial transactions which will not only raise vital revenue but set some limits to the wild, out-ofcontrol speculation and vulture capitalism that nearly brought down this entire economy.

Also, we must take a bold approach in how we allocate the large savings from our defense budgets as we bring our troops home from abroad.

I'm confident that the President will speak to the moral and economic crises of income inequality and will not forget the long-term unemployed, the poor, our seniors, our students, and the middle class in his State of the Union speech tonight.

I hope the Republicans and Democrats in this body take heed and tomorrow pass the American Jobs Act for the good of the country.

# SMART SECURITY: TO CREATE AN AMERICA BUILT TO LAST

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

Ms. WOOLSEY. Mr. Speaker, tonight when the President of the United States addresses our Nation from this Chamber, we will hear some good news on the national security front. The end of the Iraq war, for example, is an impressive accomplishment, one that wouldn't have happened if bold progressives hadn't called for our troops to be brought home way back in 2005.

I'm also pleased the President's leadership will make it possible for our military strategic review to call for significant reductions in defense spending.

But on both of these fronts, ending our current wars and long-range national security strategy, I'm hoping for proposals that are bigger and bolder than what we've heard to this point.

Bottom line, Mr. Speaker, we need to end the war in Afghanistan, and we need to end it now, not 2014. Not at whatever other later date the military brass decides is appropriate. After nearly 1,900 American deaths and more than 10 years of bloodshed and mayhem, we owe it to our troops and to their families, as well as American taxpayers, to bring them home.

This war is not just a moral disgrace, not just a humanitarian disaster, Mr. Speaker; it's a strategic failure. We're spending at least \$10 billion every month to prop up a regime in Afghanistan that is ineffective on its best day and downright corrupt on its worst.

Afghanistan continues to be racked by poverty and violence, and my belief is that by continuing to have military boots on the ground, we're encouraging more animosity towards the United States, giving the Taliban a recruitment tool, and thus, undermining our security.

Mr. Speaker, we need a new security program. We need a new security paradigm, an entirely fresh way of thinking about how to keep our Nation safe. Won't we make more friends and win more hearts and minds if we extend a hand of friendship to the rest of the world instead of rattling the saber at the first sign of trouble?

Actually, that's the heart of my SMART security platform. Why are we spending pennies on humanitarian aid for every dollar we're spending on weapons and warfare? Instead of a military surge, we need a civilian surge, one that lifts people out of poverty, rebuilds infrastructure, promotes education, especially for women and girls, and combats malnutrition and global health problems around the world.

SMART security is a renewed commitment to diplomacy, multilateralism, and peaceful conflict resolution. It would support a dramatic downsizing of the military industrial complex. Believe it or not, the Pentagon consumes 56 percent of discretionary spending with a budget bigger in real dollars than it was at the height of the Soviet threat. And with SMART security, we can reverse that.

Tonight I'm told the President will sound the theme of an America built to last. But no Nation, Mr. Speaker, that exists in a state of semipermanent warfare can be built to last. I worry about how we can be built to last when we have enough nuclear warheads to blow the world to smithereens many times over.

Now is the time, Mr. Speaker. Our common humanity compels us to bring the troops home from Afghanistan and

implement a SMART security agenda. Now is the time.

#### □ 1100

HONORING THE LIFE OF FORMER REPRESENTATIVE ED JENKINS

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise to recognize and celebrate the life of Ed Jenkins, a fellow Georgian, a dedicated public servant, and a good friend. I had the honor of serving on the Ways and Means Committee along-side Congressman Jenkins.

Born in the small town of Jasper, Georgia, Congressman Jenkins would often describe himself as a country lawyer, but he was a country lawyer with an extensive knowledge of the tax system. He was knowledgeable; he was very informed. He was an advocate for the people and industries of Georgia. He was a champion of the South's textile industry and a fierce protector of the local economy.

Although often soft-spoken, Ed Jenkins bravely pressed for the facts of the Iran-Contra affair. He believed the American people deserved to hear the truth, and he was not afraid to speak out, he was not afraid to speak up.

He was thoughtful, considerate, a brave negotiator and an unbelievable, just excellent colleague. When I first came to Congress, he was so helpful and so caring. I learned so much from him. He was a good man, a decent human being. I never heard him say a mean thing about anyone.

I only wish we had more Members of Congress on both sides of the aisle, with not just his demeanor, but with the pride he took in this institution and this Congress. He was very proud to be a Member of Congress and proud to be a member of the Ways and Means Committee, and that pride made him a powerful leader.

I can remember over the years each time the Ways and Means Committee came together for a reunion. He would always show up long after he retired from the Congress.

I was so sad to hear of his passing and would like to express my deepest sympathy to his wife, Jo; his daughters, Janice and Amy; and his entire family. As a Nation, we greatly benefited from his service. As a colleague, I learned so much from his example and his friendship.

He will be deeply missed by the people of Georgia, the people of this Nation. He made a lasting contribution to our country; and we must never, ever forget this good and great man.

# TRIBUTE TO FORMER REPRESENTATIVE ED JENKINS

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

Mr. BISHOP of Georgia. Mr. Speaker, I would like to thank Congressman JOHN LEWIS and his staff for reserving time this morning for Members of the House to come to the floor to pay tribute to my friend, one of Georgia's former and notable legislators, the late Congressman Edgar Lanier Jenkins. Ed died January 1 of this year.

The poet Longfellow wrote: "Heights by great men reached and kept were not obtained by sudden flight but, while their companions slept, they were toiling on upward in the night." It was no sudden flight for Ed Jenkins, born in Young Harris, Georgia, to rise to prominence in Washington, DC under the dome of this great Capitol. No, it was the result of hard work and humble sacrifice.

Although I didn't have the pleasure of serving in this body with Ed, as he retired from Congress in 1993 as I was beginning my first term, I and countless others from across the country looked to Ed as a role model. Ed came to me shortly after I was elected. He embraced me. He was always available to me for advice and counsel. Not only that, he and his friend of many years and his business partner, John Winburn, made it a point to offer continuous support for Democratic Members from the Georgia delegation, year in and year out; and Ed never asked for anything in return.

He was a humble and able country lawyer. He practiced in Jasper, Georgia. He was born in Young Harris. He attended Young Harris College. He was in the Coast Guard. For many years he served as an aide to former Congressman Phil Landrum of Georgia. He was elected to this body, and he served from 1977 to 1993.

As a member of the House Ways and Means Committee, he played an instrumental role in passage of key tax initiatives that benefited millions of working American families. He was a key figure in the investigation and uncovering the crimes committed during the Iran-Contra affair.

Ed, through his illustrious legislative career, always remained a passionate and loyal advocate of the South's manufacturing and textile industry. In 1985, he wrote and passed the Textile and Apparel Trade Enforcement Act, which was ultimately vetoed by President Reagan, but would have rolled back the textile imports from foreign countries by 40 percent. As a conservative Democrat from the South, Ed Jenkins often received praise from his constituents for putting their interests ahead of political ideology or party affiliation.

In his political life, he always embodied the adage of the turtle on the fence post, which was quoted so often by his childhood friend, former Georgia Governor and U.S. Senator Zell Miller. It goes like this: whenever you see a turtle perched on a fence post, you know one thing—he didn't get there by

himself. Somebody put him there. Ed Jenkins always remembered who sent him to Washington.

Ed is survived by his beloved wife of 51 years, Jo Jenkins; two daughters, Janice Anderson and Amy Dotson; two brothers, Charles and Kenneth; three sisters, Marilyn Thomasson, Ella Battle, and Patti Chambers; and two grandsons. My wife, Vivian, and I would like to extend our sincere condolences to Ed's family, friends, and former constituents as they mourn the loss of our dearly departed friend.

There must have been something about the water at Young Harris College. It produced people who must have ingested something about public service: Zell Miller, Governor, Senator; Jack Brinkley, United States Congressman; Edgar Lanier Jenkins, United States Congressman par excellence.

Isn't it strange how princes and kings and clowns that caper in sawdust rings and common folks like you and me are builders for eternity. Each is given a bag of tools, a shapeless mass and a set of rules, and each must make your life as flown a stumbling block or a stepping stone.

Mr. Speaker, I'm so glad, and the people of Georgia and this Nation are glad, that Ed Jenkins was a stepping stone and not a stumbling block for a higher, better life for so many people across this country. We mourn his loss, but we are grateful that we knew him and that he passed this way.

# DISTRICT OF COLUMBIA AND NATIONAL WWI MEMORIAL

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

Mr. POE of Texas. Mr. Speaker, this is a photograph of Frank Buckles. It was taken when he was about 16 years of age. He may have been 15; he may have been 17.

You see, Frank Buckles Jr. joined the United States Army in the great World War I, and he lied to get into the Army so he could serve America in France. They called them doughboys when they went to Europe. He drove an ambulance so he could rescue other doughboys who had been wounded and killed on the battlefield in Flanders and other places in Belgium and France.

After the great World War I was over with, he came back home to the United States, while 114,000 doughboys did not return alive.

Many of them died from flu that they had contracted in France and died in the United States. Four million served, 114,000 died, and Frank Buckles Jr. got to come home. After the war was over with, when the great World War II started, he was in the Philippines.

#### □ 1110

He was captured by the Japanese and held as a prisoner of war for  $3\frac{1}{2}$  years.

And shortly before he was to be executed by the Japanese, he was rescued as other prisoners of war, Americans, Filipinos, were rescued.

He spent the remainder of his years in the United States. He drove a tractor in West Virginia until he was 107. And then last year, at the age of 110, Frank Buckles died. Frank Buckles had a mission before he died. It was to see that all who lived and died and served in the great World War I were remembered by this country. You see, he was the last doughboy. He was the last American who died from the great World War I

This second photograph is a more recent photograph taken when Frank Buckles and I and others were at the D.C. Memorial for World War I veterans. Frank Buckles and others, including myself, Members of the Senate and Members of this House, wanted to see that the D.C. Memorial, which was exclusively to remember the veterans from D.C., great Americans who lived. fought, and died representing our country in the great World War I, to see that this D.C. Memorial was expanded to not only honor the D.C. veterans who served, but all Americans who served in World War I. After all, it is on The National Mall where we have three other great memorials to the four important wars of the last century. You see, America built the Vietnam Memorial, then built the Korean Memorial, and then built the World War II Memorial. But there is no memorial on The National Mall for all Americans who served in the great World War I. And it is time that we do that. that we honor all that served, not just the few, but all of them.

So I've introduced legislation along with my friend from Missouri, EMAN-UEL CLEAVER, to have legislation that will do three things:

First of all, it will take this memorial that you see in the back of this photograph, the World War I D.C. Memorial. At the time this photograph was taken, it was in a state of disrepair. It has since been repaired by the National Park Service which oversees the memorial. Take this memorial, honor the D.C. vets and expand it to include and make it the District of Columbia and National World War I Memorial, maybe even give more recognition to the people of D.C. who built the memorial, the schoolchildren who collected money so it could be built many years ago, but make it a memorial for all who served in World War I.

The second thing it would do is also designate the Liberty Memorial in Kansas City as the World War I Museum, which would be in Kansas City, Missouri. You see, it is the museum in the United States that honors and recognizes the history of World War I.

And the third thing that this bill would do is set up a commission so America can commemorate World War

I. You see, it's almost been 100 years since that war started. Not much is being said about World War I. I asked a person not too long ago what he remembers about World War I from history books, and he said, Isn't that the war where Snoopy fought the Red Baron?

Unfortunately, too many Americans know nothing about our history, and it's time we do something. And so we're going to have a commission to honor World War I and all who served. This commission is not going to be paid for by the taxpayers. There's no taxpayer money involved in any of this, but it'll be set up to make sure that America remembers the 100th anniversary, and that anniversary is coming up on us.

Mr. Speaker, it's one thing to die for your country. It's another thing, and the worst casualty of war, to be forgotten by your country.

And that's just the way it is.

### REMEMBERING CONGRESSMAN ED JENKINS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BARROW) for 1 minute.

Mr. BARROW. Mr. Speaker, I rise to recognize the lifelong public service of my fellow Georgian, former Congressman Ed Jenkins. Congressman Jenkins was born in Young Harris, Georgia. He was a veteran of the Coast Guard and a graduate of Young Harris College and the University of Georgia Law School.

Congressman Jenkins represented north Georgia in Congress for 16 years, serving on the Budget Committee and the Ways and Means Committee. His service and his approach to service are a good example for all of us today. Those who knew him and served with him remember him as a levelheaded workhorse and a zealous advocate for the interests of his district, especially the textile and poultry industries. More importantly, he was willing to work in a bipartisan way to do what he thought was best for his constituents and his country.

After Congress, Ed Jenkins served as a member and as chairman of the University System of Georgia Board of Regents. Congressman Jenkins passed away on New Year's Day, but he is survived by a wife of 51 years, two daughters, two grandchildren, and thousands of friends and admirers. We've missed him a lot these last few years, and now we'll miss him even more.

### STATE OF THE UNION, JOBS AND TRADE

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

Ms. KAPTUR. Mr. Speaker, tonight the President will speak to America and the world in the annual State of

the Union Address. I'm eager to hear his ideas about additional job creation because job creation must be America's number one priority.

Back home in northern Ohio, we are seeing manufacturing starting to pick up. In Lorain, Ohio, Republic Steel is gearing up production. In Toledo, GM Transmission and companies like BX Solutions are bringing back jobs in the transportation and logistical services industry. And across our region, the auto sector is making major investments.

The Detroit auto show just wrapped up, and there is much to be optimistic about. For one, GM is officially back on top, claiming the title as the world's largest automaker, an amazing comeback for the American automotive industry. Our resilient autoworkers brought it roaring back, even after some here would have left it for dead.

Just between 2009 and last year, the U.S. auto industry created over 75.000 new jobs. We see the impact in places like Toledo, where Chrysler is expanding production at the Jeep plant, creating thousands of new jobs. In Avon Lake, Ford is investing. And GM's hotselling Cruze is lighting up factory floors in northern Ohio, from Toledo and Defiance to Parma and Lordstown. However, we cannot forget that countries like China want to muscle in on the U.S. auto sector. If we want to see the U.S. auto industry in a continuing state of growth, creating jobs and building our economy forward, Congress must champion fair trade.

In December, the Congressional China Commission held a hearing on China's unfair trade practices. I used that opportunity to point out exactly how the government in Beijing blocks fair trade in U.S.-made cars and trucks. When Congress ceded China permanent normal trade relations, proponents promised that U.S. products would gain real access to the Chinese market. This has not happened. Would you believe that a Jeep Grand Cherokee costs \$85,000 in China? That is three times what it costs here in the United States. And why? The Chinese Government has created an elaborate system of protective tariffs meant to keep U.S.-made trucks and cars out of China.

I asked the U.S. Trade Representative in December to develop a comprehensive strategy for addressing China's anticompetitive behavior. Main Street manufacturers are hard at work creating jobs along Ohio's north coast and throughout the Midwest, but it's overtime for the administration and Congress to get to work on the very real impact that the trade deficit has on lost U.S. jobs.

Economists estimate that for every billion dollars in trade deficit, we lose 15,000 jobs here. For 2011, our trade deficit with China alone will be close to

\$300 billion. If we do the quick, back-ofthe-envelope math, this means that the U.S. ceded over 4.3 million jobs to China last year.

The entire U.S. trade deficit for 2011 is projected to reach an incredible \$727 billion in the red, three quarters of a trillion. China accounts for 40 percent of it. Congress and the President must stand up for U.S. manufacturing and American jobs.

On December 15, the Chinese Government ratcheted up its attacks on our auto industry by levying an additional 21.5 percent antidumping duty and a 12.9 percent countervailing duty on top of their already unfair practices. That is why I and other Members are asking the President to take the Chinese before the World Trade Organization. We need official action to confront China's job aggression.

While the official unemployment rate is coming down here, we have a major fight to create more jobs in America.

#### $\sqcap$ 1120

In places like northern Ohio, there are still over 100.000 people out of work. Greater Cleveland has over 75,000 people out of work, Toledo over 27,000, and Sandusky over 3,000. Our economy is still struggling forward. We can see how many jobs have been stamped out in not just the auto industry, but in manufacturing across our country due to unfair trade regimes. We need Congress and the executive branch to stand up and demand fairness for our companies, our workers, and our communities that are working so hard to build forward this country as our economyour fragile economy-keeps rebounding. While it's rebounding forward, it could do a lot better with some help from the President and this Congress.

### REMEMBERING THE HONORABLE EDGAR LANIER JENKINS

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

Mr. LEVIN. I want to join my colleagues in remembering Ed Jenkins—and Mr. RANGEL, who served with him for all of Ed's service, as chairman, I will yield time to him after I say just a few words on behalf of Ed Jenkins.

The Ways and Means Committee is indeed a key committee, and Ed Jenkins was a key person. I was reading some of the tributes, and one of them noted what was said in the Almanac of American Politics about Ed Jenkins: "He was a man who must be consulted on many key legislative issues." How true that was.

Ed Jenkins showed you could be both gentle and strong. He did not seek the limelight, but he shed light on so many issues. One example is the textile industry. He comes from an area that once reined close to supremely in terms of textile.

Ed never gave up. He introduced legislation. It passed, but because of a veto, it did not become law. But talking about shining light, he did expose the importance of the textile industry as part of the manufacturing base of this country, and in that sense, he was very successful. He also showed his grit when it came to the Iran-contra dispute, and he took on Oliver North in his strong though gentle way.

I close my remarks with memories of Ed Jenkins when he would come right up to where I now stand, and almost invariably he would say, well, I'm just a poor country lawyer. Well, that's about the only thing that he said about himself that wasn't true. He was more than a poor country lawyer. He had been an Assistant U.S. Attorney. But he had a lot of quiet dynamism.

And so, as we talk about Ed, we remember the many times he came forth to speak in his soft but often strong way. He was an important part of this institution. He served his district, he served his State, and he served the Nation with dignity, with pride, and with civility that is too short available today in this Hall.

So I join all of you from Georgia who represent that State and everyone who has spoken in sending our warmest regards to Ed's family, and say to all of you, you should remember your husband and dad not only as a wonderful family member, but someone who came here, often at sacrifice, and he did so in a way that indeed served this country.

I would now like to yield the balance of my time to someone who knew Ed so well who has served as chairman of our committee and who remembers Ed Jenkins with such affection, the senior member for the State of New York, CHARLES RANGEL.

Mr. RANGEL. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. RANGEL. I would like unanimous consent that we extend it to 2 minutes additional. This is the end of it for Ed Jenkins, and I did not know.

The SPEAKER pro tempore. The Chair cannot entertain the gentleman's request.

Mr. RANGEL. I would like to request the Chair recognize me for 5 minutes.

The SPEAKER pro tempore. The Chair cannot entertain the gentleman's request at this time.

Mr. RANGEL. Could the Chair tell me what request you might entertain so I can share my views for the late Ed Jenkins?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. RANGEL. Well, rules are rules, and they have to be followed. I had really hoped that given my long acquaintance with Ed Jenkins that I would have the opportunity to share with his family and those that knew him.

Unfortunately, those of us that were raised in the village of Harlem have very few opportunities to meet white Southern gentlemen, and it took a long while when he came on the committee for me to even understand what Ed Jenkins was talking about. But it didn't take long for me to understand that people are people no matter where they come from; they love, they get angry, they work out things. Now is the time I think more than ever that we just need somebody like Ed Jenkins to cross that barrier that we seem to have in a partisan way, in such a deep, hurting, partisan way in this Congress.

SANDY LEVIN can tell you, whenever our chairman Dan Rostenkowski had a problem, there was no problem that Ed Jenkins would not take a look at and recognize that it was not a Democratic problem, it was not a majority problem, but it was a problem that the United States of America really faced.

Since the Chair cannot entertain, I will then go to Reverend John Lewis and find out how we can work out something in a faith tradition so that all of us will get a chance to know, enjoy, and love the memory of a great American, the former Congressman, Edgar Jenkins.

#### BYRON NASH LIVE

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

Mr. AL GREEN of Texas. Mr. Speaker, this weekend, I, along with my colleague Congresswoman Sheila Jackson LEE attended an event in Houston, Texas. It was styled "Byron Nash Live." This event was well attended. As I approached the venue, there were literally hundreds of people outside. Most of them were young people, and it was raining as I approached the venue. I did ask one of the young people if he was going to be able to go in, and I was told that there was an overflow crowd. that it was standing room only, and that as a result, he would have to stand outside. But he assured me that he would be there for the duration of the event. He was there for "Byron Nash Live."

Byron Nash, a 24-year-old comedian, was giving a performance, if you will. This performance was attended by his mother, Gwen Nash; his father, Michael Nash; his grandfather and grandmother, Reverend James and Mrs. Nash as well. This event was a lively event. Byron received several standing ovations, and his life was spoken of throughout the entirety of the event.

This, in a sense, may have been his last performance in the physical world, for you see, Byron Nash made his transition, and this was his home-going celebration. It was truly a celebration. There were many who did mourn his death, but we all were there to celebrate the life that he lived. His life,

while it was short, was a meaningful life because the true measure of one's life is not how long one lives, but rather, what does one do with the time that God gives.

#### □ 1130

In his short lifetime, Byron Nash made a very positive impression on a lot of young people—a lot of older people as well. But I was proud to see so many young people in attendance, so many young people who were there to pay their last respects to a young man who lived a life that we were, of course, eager to celebrate.

While his life is no longer in the physical world, we believe that his spiritual existence is one that we should celebrate continually, and we will remember him.

There is good reason for his life to symbolize something, because he passed because of a rare type of cancer styled renal medullary carcinoma. As of 2009, there were 120 cases-I'm sure more since then, obviously more, but 120 cases. Victims of this type of cancer live 1 to 7 months, thereabout. Not a lot of empirical evidence has been acquired. This type of cancer seems to attack those who suffer from sickle cell. If his life can mean something to those who still live and symbolize something as we go forward, it should be that we must do more to fight this type of cancer.

His grandfather has dedicated his life to a continuing effort to get the word out, get the message out that this type of cancer does claim the lives of young people. We can do more here in the Congress of the United States of America to help fight cancer in general and this specific type of cancer that is known to few. It is my hope that we will continue to allocate resources to fighting cancer such that this type of cancer can move to the front burner.

We've got to do more to prevent, to educate, and to make sure that cancer becomes a disease of the past in our lifetimes. It is my hope that Byron Nash's life would become the genesis for us to do more to fight not only cancer in general but for this specific type of cancer known as renal medullary carcinoma.

I will leave these words with all of those who are within the sound of my voice here and those who may be viewing at home, and especially to his family: I want you to know that we will do all that we can to make sure that he not only lived a decent life—as he did, and that is as recognized—but also that we will do all that we can to fight this dreadful disease and bring it to an end.

## HONORING SERGEANT JOHN BAKER, JR.

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

Mr. SCHILLING. Mr. Speaker, I rise today in honor of the distinguished life of Sergeant John Baker, Jr.

Born in Davenport, Iowa, but raised within the 17th District of Illinois, in Moline, Sergeant Baker served in Vietnam as a proud member of the United States Army. His selflessness and heroism earned him the Medal of Honor, Silver Star, Bronze Star, and Purple Heart as he bravely fought for God and country. Sergeant Baker would humbly say that this Medal of Honor was not actually for him, that he had done what anyone would have, that the medal belonged to all servicemen, to all veterans.

Though he surely never would have said so himself, Sergeant Baker—the Quad Cities only Medal of Honor recipient—represented all that is good about our great Nation. Although he is no longer with us, the I-280 bridge named after John Baker, Vietnam veteran, and the monument will also serve as a constant reminder of who Sergeant Baker was and what he did for us all.

Godspeed, Sergeant Baker. God bless you for your outstanding service, your remarkable courage, and your modest heroism.

## WISHING SENATOR MARK KIRK WELL

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

Mr. ENGEL. Mr. Speaker, tonight, when we listen to the President give his State of the Union speech, one of our colleagues, unfortunately, will not be here, and that is Senator MARK KIRK, who served in this body as a Member of Congress for many years and, before that, was a staffer on the Foreign Affairs Committee.

MARK, Senator KIRK, as we all know, is fighting against a terrible stroke that he had just yesterday. I want him and his family to know that all of our thoughts and prayers are with him as he battles this stroke, and hopefully he will make a full recovery.

I just was devastated when I heard about it because anyone who knows MARK knows what a terrific Senator he is, what a great colleague he is, someone who has always reached across the aisle in a bipartisan way and someone that I have just tremendous respect for. When he was sworn in as a Senator, I was very pleased that he invited me to stand with him on the Senate floor when he was sworn in.

So, again, I just want MARK and his family and friends, of which I am one, to know that our thoughts and prayers are with him as he battles this stroke. We have confidence that he is in good hands with the doctors and will make a full recovery.

MARK, again, is the kind of person who epitomizes what bipartisanship is all about, what Americanism is all about. Mark was a cochair, when he was in this body, of the Albanian Issues Caucus with me, has been a strong supporter of the State of Israel, and we've worked together on a number of these issues.

So, MARK, we're with you. We're going to be watching, and we have confidence that you will recover fully and come back to this body. America needs you, and we're thinking of you.

#### RECESS

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

Accordingly (at 11 o'clock and 36 minutes a.m.), the House stood in recess until noon.

#### □ 1200

#### AFTER RECESS

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

#### PRAYER

Reverend Dr. Kate Braestrup, Maine Warden Service, Lincolnville, Maine, offered the following prayer:

St. Francis of Assisi advises us to pray constantly. If necessary, he says, use words

God, our prayer today arises from a house of words, from a Nation rooted in words. We do not derive our identity as Americans from our color or our creed, from our wealth or power, nor even from the land itself, though we do love the land.

Rather, by Your grace, America is America through its words: That all men are created equal, that all are endowed with inalienable rights—life, liberty and the pursuit of happiness—these beautiful, necessary words.

God, may every word spoken and written from this Chamber contain an echo of those words. May our words, too, be necessary and true. May our words remember and inspire the brave, compassionate action that is and always has been America's finest prayer.

Amen.

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

THE JOURNAL

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentle-woman from New York (Ms. HAYWORTH) come forward and lead the House in the Pledge of Allegiance.

Allegiance as follows:

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

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 96. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1134. An act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river val-

The message also announced that pursuant to the unanimous consent agreement of December 17, 2011, by the President pro tempore and the Majority Leader during the adjournment of the Senate and pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, upon the recommendation of the Majority Leader, and in consultation with the Chairman of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair on behalf of the President pro tempore announces the reappointment and appointment of the following individuals to the United States-China Economic Security Review Commission:

William A. Reinsch of Maryland for a term beginning January 1, 2012, and expiring December 31, 2013 (reappointment).

Carte P. Goodwin of West Virginia for a term beginning January 1, 2012 and expiring December 31, 2013, vice Patrick A. Mulloy of Virginia.

#### WELCOMING REVEREND DR. KATE BRAESTRUP

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

There was no objection.

Mr. MICHAUD. Mr. Speaker, it is my honor today to welcome Reverend Kate Braestrup to the House of Representatives.

In 1996, Kate's husband, Maine State Police Trooper James "Drew" Griffith, was tragically killed in a car accident while on duty. At the time of his death, Drew was beginning to prepare to be-

Ms. HAYWORTH led the Pledge of come a Universalist Unitarian minister. Kate decided to pursue Drew's dream and began attending the Bangor Theological Seminary in 1997. She was ordained in 2004.

> Since 2001, Kate has served as the chaplain for the Maine Warden Service, providing counsel for the families of loved ones lost in Maine's wilderness. An accomplished writer and minister. Kate has authored several books, including the national best seller "Here If You Need Me."

> Kate is a true asset to our State. Her remarkable devotion to helping others has made her an invaluable public servant and a beloved member of the community.

> It is my honor to welcome Reverend Braestrup to the House.

#### ANNOUNCEMENT BY THE SPEAKER ${\tt PRO\ TEMPORE}$

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

#### WORKING TOGETHER TO CREATE JOBS

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

Ms. HAYWORTH. Mr. Speaker, last November I hosted a jobs fair in New York's Hudson Valley. A thousand local residents came to meet with nearly 40 local employers, all seeking work, of course, all offering work.

At Christmas I was very happy to receive a card from one of our residents. She had found a job at our jobs fair. So the question I have as we approach the President's State of the Union tonight is: How can we multiply this story by 14 million? And I think we can do it if we work together, House and Senate and President, to free American enterprise to create jobs.

Washington cannot regulate or tax us into growth, but we can work together to lift burdens and bring the Federal Government to the right size to serve, and not to suffocate, a strong and healthy economy.

I stand ready to work with our colleagues to pursue this. It is simple common sense.

#### STUMBLING BLOCKS TO AMERICA'S ECONOMIC RECOVERY

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

Mr. KUCINICH. One of the biggest stumbling blocks to America's economic recovery is that corporations can legally buy elections and then influence policies which move millions of jobs out of America which escape taxation by offshoring profits, which cash in on wars, which press military industrial spending through the roof.

While we pledge allegiance to the red, white and blue, corporations, whose only allegiance is to green, are selling out America; and they're becoming ever more powerful because of a Supreme Court decision in Citizens United, which effectively turns this government into an auction where policies may go to the highest bidder.

We must stand up for America. We must reclaim our Nation. House Joint Resolution 100 is a constitutional amendment which aims at taking all private money out of elections and returning government to the people.

I urge my colleagues to support H.J. Res. 100 so that we can break the golden shackles which are imprisoning this government right now and so that we can get rid of corporate influence once and for all. No private money in elections. Support H.J. Res. 100.

#### □ 1210

#### SENATE MUST REACH A BUDGET

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

Mr. ROGERS of Alabama. Mr. Speaker, we have now reached a thousand days since the Congress of the United States has adopted a budget. It's not the fault of the House of Representatives. We passed a budget. We passed one last year and are going to pass another one this year. The President has proposed a budget every year, and nobody here much liked it. That's okay. He at least proposed a budget. What we haven't seen is the other body at the other end of the Capitol adopt a budget at all. They don't like the House budget; they don't like the President's budget. And they don't do anything.

The fact is, if we're ever going to get our financial house in order, we have to have a budget, just like families, just like businesses. It's time for the other body to pass a budget. It's time for the President to call on the other body, which is controlled by his party, to pass a budget. I hope he'll do that tonight. Because the fact is we've got to get this country working again. It's all about jobs. And the fact that the Congress can't operate under a budget and get its fiscal house in order is hindering that job growth because it's affecting the financial markets in a negative way.

So to the other body: Pass a budget.

#### CONGRESS MUST CREATE JOBS

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

Mr. BACA. Mr. Speaker, it has been more than a year since the Republicans took control of the House of Representatives. What do the American people have to show for it? We still have not passed a single bill to create jobs. We have had a vote to end Medicare as we know it. And we have had a vote to slash college fund aid for the American young people.

Fourteen million Americans are without jobs. Families are hurting, and they need our help. Let's get to work now on extending the payroll tax cut and unemployment benefits for a full year.

Many of my constituents rely on unemployment benefits to put food on the table and keep a roof over their heads. I urge the conference committee to get started and work on it today.

Forget about the tax break for millionaires and billionaires and companies that ship jobs overseas. Let's create jobs and help the middle class, and extend the payroll tax and unemployment benefits today.

#### SENATE MUST PASS A BUDGET

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

Mr. STEARNS. Mr. Speaker, it was April 29, 2009, 1,000 days ago, when the Democrat-controlled Senate last passed a budget. Back then, Solyndra was not a household name. General Motors was not yet bankrupt. Billy Mays was still selling OxyClean, and my good friend, Tebow from Gainesville—no one knew about Tebowtime.

Since then, the Federal Government has added \$4.1 trillion to the national debt. Our fiscal situation is in shambles. Entitlement spending is growing while defense spending is being cut, and the policies of a bigger and bigger government and higher taxes have not been successful.

When the Senate last passed a budget, CBO predicted that the deficit for 2011 would be \$693 billion. Today, it's \$1.3 trillion. A budget is the first and most basic step that must be taken towards reining in historically high levels of spending and massive government growth.

It is time for the Senate to do their job.

### CANCER RESEARCH

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

Mr. HIGGINS. Mr. Speaker, I bring to this House and the Nation great news from Roswell Park Cancer Institute in Buffalo. Roswell Park is the first comprehensive cancer institute in the entire Nation.

Today, they are launching a clinical trial to test the use of a cancer vaccine as therapy to kill cancer cells and to prevent a relapse of the disease. The vaccine is designed to boost the body's America's schools; giving the middle immune system to fight and destroy class a tax cut; putting money in the cancer cells.

The vaccine has shown early promise in treating ovarian, bladder, brain, and breast cancer. The vaccine's exciting potential is a direct result of many years of cancer research. For cancer research to be effective, it has to be sustained over the longer term. It can't stop and start because you lose promising research and promising researchers.

So my message to Congress today is that the only failure in cancer research is when you quit or you're forced to quit because of a lack of funding. I urge my colleagues to fully fund cancer research in the 2012 budget.

#### SENATE MUST PASS A BUDGET

(Mr. SCOTT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. SCOTT of South Carolina. Mr. Speaker, today is day 1,000; 1,000 days since the Senate Democrats last passed a budget.

To put that in perspective, I asked my Twitter followers and my Facebook friends to tell me what they've done in the last 1,000 days. I'd like to share some of the comments.

One says, Between my home and my small business, over 60 monthly budgets have been taken care of, and they are getting harder and harder to balance

Another said, Cut our family debt by \$60,000 in 1 year, removed two car payments, and finished my bachelor's degree while working full time being a father and getting ready for a business launch

Another said, Finished 75 college credits, watched over 100 films, directed 16 hours of TV, and tutored over 1,000 hours.

Final one. My son made one overseas deployment, started his second one, finished his master's degree at Georgia Tech since the last budget.

Mr. Speaker, one thing is very clear: The American people are working hard. The House of Representatives, we are working hard with 27 jobs bills and counting fast. The only question, Mr. Speaker, is when will the Senate join us.

#### PRIORITIES AS A CONGRESS

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

Ms. FUDGE. Today I rise to address the importance of setting our priorities as a Congress.

It seems that some of my colleagues have lost sight of what is important. We should be focused on putting teachers, firefighters, and construction workers back to work; creating jobs by investing in infrastructure; improving

America's schools; giving the middle class a tax cut; putting money in the pockets of consumers; helping small businesses thrive and grow; keeping Americans in their homes; committing to our veterans and making sure they can get jobs when they return from duty; protecting Social Security and Medicare; and making sure we are investing in this great Nation so our children have an opportunity to get ahead.

It's time we take a step back and reevaluate our priorities. The American people deserve it.

#### NATIONAL SCHOOL CHOICE WEEK

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

Mr. HULTGREN. Mr. Speaker, I rise today to support National School Choice Week.

School choice means empowering families to make the best decision for their students and helping them learn in an environment that best suits their child's needs and interests. We must work to ensure that every student has access to quality, public education, but some families may choose alternatives like charter schools, private schools, or home schools.

State and local governments, as well as the Federal Government, should do their part to pass legislation making it easier for students to choose the school that best suits them.

My wife and I have tried to choose the schooling that is best for our children, and I trust that our decision will help them have the best education possible

I want all families and all students to have that same opportunity, choosing the education forum that best suits their students.

#### YEARLONG EXTENSION OF MIDDLE CLASS TAX CUTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for every single job that is created, there are four people waiting for that job. So I rise today, Mr. Speaker, to voice my support for a yearlong extension of the payroll tax cut for middle class Americans.

Unfortunately, my Republican colleagues tried until the very last minute to raise taxes on the middle class just before the holidays. But the American people spoke up and let the Congress know that they would not stand for it.

We cannot wait for another lastminute fix. We need a yearlong extension of the payroll taxes and unemployment insurance now. We cannot afford to take more risks with the incomes of more than 160 million Americans the way the Republicans did in 2011.

Remember, we need to create jobs. There are four people for every one job there is. That means we need more jobs. That means we need to support the President's jobs bill.

#### □ 1220

#### BUDGET

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

Mr. BILIRAKIS. Mr. Speaker, I am here today to speak about something that is nearly 3 years in the making. Some 1,000 days ago, in April of 2009, the Senate passed a budget, and that's the last time we've seen any attempt from them to set Washington's agenda and rein in government spending.

Without a budget, how can government set its priorities? Without priorities, how can American citizens have any confidence in how their tax dollars are being used? The short answer is they can't.

With a \$15 trillion debt, the United States faces its greatest fiscal challenge in history. Washington must find a way to get its finances in order while preserving programs for our seniors, protecting our services for future generations, and providing our economy with the certainty to create much needed jobs in America.

The House will soon pass a budget that does this, and I urge the President to call for action during tonight's State of the Union address.

#### HONORING JANUARY 28 GROUP

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

Mr. CARNAHAN. Mr. Speaker, this Saturday, January 28 at noon, Iraq war veterans will be honored by a returning heroes parade in downtown St. Louis. This is significant not only because these war veterans deserve this welcome home, but because St. Louis is the first city in the Nation to hold such an event.

The organizers are simply called the January 28 Group, a grassroots organization which launched a social network campaign to raise awareness and money to stage the parade and a veterans' resource event to follow. The January 28 Group is partnering with St. Louis-based veterans service organizations, including The Mission Continues, which works to help veterans transfer their military leadership skills to civilian life.

They say Missouri is the "Show-Me" State, but this time the compassionate and patriotic people of St. Louis are showing the Nation just how quickly

you can mobilize to give back to those who have given so much to our Nation.

I salute you all, and wish you success for the returning heroes parade at noon this coming Saturday, January 28, in downtown St. Louis.

### CONSEQUENCES OF NOT HAVING A BUDGET

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

Mr. GOHMERT. Mr. Speaker, there are consequences of not having a budget. One of them is you don't make proper plans. How else can you explain the Obama administration going so long and crying so loudly, Gee, we can't find \$10 billion to cut, much less \$100 billion? We certainly aren't going to cut a trillion even though we increase spending by a trillion.

And we find out last week from the Obama OMB that there is \$687 billion sitting in accounts that's been appropriated. It's unobligated. It's unspent, sitting there, and they're still demanding more and more money.

America can't afford it. It's time to claw back the money before it's spent on other Solyndras and to give us a budget at the other end of the building.

#### CLEAN ENERGY IN MAINE

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

Ms. PINGREE of Maine. Mr. Speaker, I want to talk for a minute about some exciting developments in clean energy in my State of Maine.

Last week, Energy Secretary Chu released a report detailing the enormous potential for tidal energy off of U.S. coasts. There is enough there to meet up to one-third of our needs, and he singled out Maine, saying, "These resources can create new industries and new jobs in America."

He's right, and we're proving it. The Ocean Renewable Power Company of Portland is building a tidal power project in Maine that, if all goes as planned, will start producing clean, American-made electricity as early as this summer.

Meanwhile, we're welcoming one of the biggest energy companies in the world to our State. Statoil from Norway is considering a pilot project of large-scale wind turbines that would produce clean electricity while floating out of view off our coast. Experts say up to 15,000 jobs can be created in my State by offshore wind, good-paying American jobs that will help us regain our energy independence.

This is good news off our coast, Mr. Speaker, for Maine and our country.

### VISION OF AN AMERICA BUILT TO LAST

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

Ms. HANABUSA. Mr. Speaker, the President will deliver the State of the Union tonight. I expect to hear his vision of an America built to last.

Mr. Speaker, let's listen together. Let's remember together. We must remember how and why we are the greatest Nation in the world. We must remember those American values that built this Nation. We must remember how, in building this Nation, the middle class emerged and how they are our backbone and how they are our foundation.

Hard work, pride, and being a just and fair Nation is what makes us great. Let us look to the past. Remember its lessons to build the future.

#### FUTURE OF MIDDLE CLASS

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

Ms. SCHAKOWSKY. Mr. Speaker, the State of the Union address tonight is going to be very important, and I agree with President Obama that this is a make-or-break moment for the middle class and those trying to reach it.

And what's at stake is the very survival of the basic American promise that if you work hard, you can do well enough to raise a family, own a home, and put a little bit away for retirement. We can either settle for a country where a shrinking number of people do really well while more Americans barely get by, or we can build a Nation where everyone gets a fair shot, he says, everyone does their fair share and everyone plays by the same rules.

We found out today that, especially when it comes to taxes, there really are different rules for the rich. Mitt Romney released his taxes. He made \$42 million over the last 2 years and paid at about a 14.5 percent rate because most of his income is in capital gains.

Look at the tax brackets. If you make \$8,500 as a single person, you're in a 15-percent tax bracket. Is that fair? I don't think so.

#### AMERICANS LIVING ON EDGE TODAY

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

Mrs. CHRISTENSEN. Too many of our fellow Americans are living on the edge today and have been for far too long. The last thing they need is another showdown at the Not-OK Corral.

They need jobs. They need to save or go back into their homes. And for those who have been living in poverty or those who used to be in the middle class but are now struggling to survive below the poverty level, they need us to help provide the opportunity to help lift them and their families out of poverty and to a better life. Our President is coming to us tonight to again offer us some opportunities to do all of these things and more and to restore our country's economic health.

So let's not put our fellow Americans through another cliffhanger on things that are important to their well-being. Let us pass the payroll and unemployment insurance extension, fix the Medicare payment issue without drama, and come together to work on the bipartisan measures that the President will ask us to pass for our people and our country.

#### INCLUDE PUERTO RICO IN SSI PROGRAM

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

Mr. PIERLUISI. Mr. Speaker, today I introduced legislation that would extend the SSI program to Puerto Rico, the United States Virgin Islands, and Guam.

SSI provides cash assistance to blind, disabled, or elderly individuals who have limited or no income. Although SSI applies in the States, it does not apply in Puerto Rico, which instead receives a block grant to assist its most vulnerable residents.

Of all the disparities that Puerto Rico faces because of its territory status, this is perhaps the most harmful. Puerto Rico's annual grant is about \$35 million. By contrast, the Nation's poorest State, with almost 1 million fewer residents, received over \$740 million in SSI funding in 2010.

While in the States beneficiaries receive about \$500 each month, Puerto Rico residents receive only \$70. Residents of Puerto Rico are American citizens, but when it comes to SSI, their citizenship is second class.

I hope my colleagues on both sides of the aisle will support this bill.

#### $\Box$ 1230

## RETURN "SESAME STREET" TO PALESTINIAN AIRWAVES

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

Mr. ELLISON. Mr. Speaker, I brought a friend to the floor with me today. As we all know, this is Elmo. This guy taught us our 1, 2, 3s, but he also taught us tolerance and understanding. For the past several years, he's been doing the same thing for children in the Palestinian territories. Because of "Sesame Street" in Palestine,

Palestinian kids grow up with the same positive role models as we did.

But recently, "Sesame Street" has been off the air. Now Palestinian kids are left watching Farfour. This is Farfour right here. He's a mouse who is the main character of a Hamas TV show. Instead of tolerance and understanding, Farfour promotes violence and anti-Semitism.

This Congress approved funding for "Sesame Street" in Palestine last year, but because of the position of certain individuals in Congress, that means the money is being held up. There's no Elmo, but there is Farfour, trafficking and teaching extremism.

I'm not the only one who wants Congress to release the funding. Even the Israeli Government wants it released. Let's get good funding to the people of Palestine so that they can grow and strengthen their own society. Let the funding flow and give something for Farfour to compete with—Elmo.

### CHALLENGING US TO DO OUR BEST

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to welcome our colleague, Congresswoman Gabrielle Giffords, Gabby Giffords, back home to this House, a place that she served ably and is serving ably today, to thank her for her courage and to thank her for accepting the challenge of what an American hero is. Many have called her that; for in the course of this enormous tragedy, she stood tall and still continues to do that today.

I want to thank the medical professionals, the emergency medical professionals, and many in Houston, Texas, TIRR, one of the best renowned rehabilitation hospitals in the world.

But most of all, as Congresswoman GIFFORDS comes back, let us give as a gift, both on behalf of the American people and this Congress, that we can work together to improve the lives of all Americans. That I believe would be her challenge, and that would be her call. As she comes back today, serving the people of Arizona and serving the American people, we want to say: Thank you, Congresswoman, for your courage and for being a model for the American people and challenging us to do the best.

#### IMPROVING OUR ECONOMY

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

Mr. HIMES. Mr. Speaker, in 9 hours the President will stand on this podium behind me to deliver the State of the Union address. I remember the first time he did that. I sat in this Chamber as one of our colleagues called the new President a liar. And that was not the low mark in the partisanship that has earned this institution its historically low approval ratings by the American public.

We'll be sitting in bipartisan fashion today, and I guess that's good; but let's make it something more than symbolic. Let's think in our responses to this speech what is in this speech that we can find common ground to get done.

I have a suggestion. I don't care if you're a Republican or Democrat, northern or southern, rich or poor, you need roads. You need railways, you need a good electrical grid for your economy to flourish. We're going to invest the money in those things at some point to fix them to be world leaders. Why not do it soon? Why not do it soon when it would help our economy and help millions of out-of-work Americans go to work with dignity. Improving our infrastructure is the way to improve our economy.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

#### WORLD WAR II MEMORIAL PRAYER ACT OF 2011

Mr. JOHNSON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2070) to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the Nation on June 6, 1944, the morning of D-day, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 2070

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "World War II Memorial Prayer Act of 2011".

### SEC. 2. PLACEMENT OF PLAQUE OR INSCRIPTION AT WORLD WAR II MEMORIAL.

The Secretary of the Interior—

(1) shall install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the Nation on June 6, 1944, the morning of D-Day:

(2) shall design, procure, prepare, and install the plaque or inscription referred to in paragraph (1); and

(3) may not use Federal funds to prepare or install the plaque or inscription referred to in

paragraph (1), but may accept and expend private contributions for this purpose.

#### SEC. 3. COMMEMORATIVE WORKS ACT.

Chapter 89 of title 40, United States Code, (commonly known as the "Commemorative Works Act") shall not apply to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. JOHNSON) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

#### GENERAL LEAVE

Mr. JOHNSON of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield myself such time as I may consume

Today, I rise in support of legislation that I sponsored, the World War II Memorial Prayer Act of 2011.

This legislation directs the Secretary of the Interior to install at the World War II Memorial a suitable plaque or an inscription with the words that President Franklin Roosevelt prayed with the Nation on the morning of the D-day invasion.

This prayer, which has been entitled "Let Our Hearts Be Stout," gave solace, comfort and strength to our Nation and our brave warriors as we fought against tyranny and oppression. The memorial was built to honor the 16 million who served in the Armed Forces of the United States during World War II and the more than 400,000 who died during the war.

Prior to introducing the legislation, I spoke to many World War II veterans in Ohio and asked them if they thought putting this prayer on the memorial would be appropriate. The answer was a resounding yes.

Furthermore, the Nation's largest service organization, the American Legion, is supportive of this legislation. The American Legion in a support letter said that this legislation would bolster the meaning of the memorial and would also give strength and encouragement to future generations.

It seems to me that if the remaining veterans of World War II are supportive of the prayer being added, we as a country should honor that request.

Unfortunately, the administration and the Department of the Interior don't think it's that easy. Last year, the Department of the Interior testified before the Natural Resources Committee that this legislation would "necessarily dilute the central message of the memorial." Now, I don't know how the administration came to this

position because I don't see how a nondenominational prayer that gave solace and comfort and strength to our Nation during one of the most pivotal days of World War II and one of the most memorable days in our Nation's history would dilute the central message of the memorial. In fact, I think it would do exactly the opposite and would only strengthen the central message of the memorial.

To his credit, Secretary of the Interior Ken Salazar testified during a hearing last year that he personally disagreed with his own Department's testimony on the legislation. However, since his testimony, neither the Department of the Interior nor the administration has changed their official position on this legislation. I am hopeful after a bipartisan vote today on this legislation that the administration may have a change of heart.

Fortunately, you don't have to just take my word for it because today we are honored to be joined by George "Poppy" Fowler of Coolville, Ohio. Poppy is 88 years young and served 3 years, 10 days, 1 hour and 10 minutes in the United States Navy during World War II. He flew 35 missions in Air Group 15 on a SB2C Helldiver as both a rear gunner and photographer.

I had the pleasure of escorting Poppy last fall on an honor flight trip to visit the World War II Memorial, and he and I became friends.

#### $\square$ 1240

When the Natural Resources Committee scheduled a hearing on this legislation, I invited Poppy to come testify before the committee, and he graciously accepted the offer and came out to testify at his own personal expense.

Here is a brief excerpt of Poppy's testimony at the hearing: "I feel, with no doubt, that it would be appropriate that this prayer be inscribed in some manner at the World War II Memorial. Those reading this prayer will be able to recall the sacrifices made by our military, also those on the homefront. This prayer came at a perilous time, yet it was answered in victory at a dear cost of lives. Today, this prayer can pertain to any military action. Under present circumstances, it is also appropriate."

Now, I don't think anybody or anyone in this body could be more succinct and articulate than Mr. Fowler, and I thank him again for coming to Washington to testify on behalf of this legislation and for being here for today's debate and final vote in the House.

Before I close, I also want to thank my fellow Ohioan, Chris Long, for his tireless efforts to gain support and momentum for this legislation. This legislation wouldn't be on the House floor today without Chris' efforts.

Like Poppy, I have no doubt that the prayer should be included among the

tributes to the Greatest Generation memorialized on the National Mall, and I strongly urge all of my colleagues to support this legislation.

With that, Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, H.R. 2070 would direct the Secretary of the Interior to install at the World War II Memorial a plaque or inscription with the text of President Franklin Delano Roosevelt's prayer on June 6, 1944—D-day. The committee considered this legislation in November. We have no objections.

I yield to the gentleman from Ohio (Mr. Kucinich) as much time as he may consume.

Mr. KUCINICH. I want to thank my friend. Mr. SABLAN, and the Members for pursuing this important legislation. I rise on behalf of not just myself but of a now departed World War II combat veteran by the name of Frank J. Kucinich, Sr. He was proud to serve this country. He served in the Pacific theater. But all veterans come together to pay respect not only to those who served but to a President who on June 6, 1944, as the Nation was preparing for that D-day invasion, said the following, "With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations, into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil. Thy will be done, Almighty God. Amen.

Those words by President Franklin Roosevelt, upon the occasion of D-day, June 6, 1944, should not only be inscribed—as my friend in his work will make sure of it, with the consent of this Congress—on a plaque for a suitable presence in the memorial, but should also be reflected upon on a daily basis to remind us of the sacrifices that people have made for this country and to remind us that the ultimate objective of those sacrifices is peace, peace within our Nation and peace among people around the world.

And so it is in that spirit of human unity and in recognition of the importance of this legislation that I ask all of our colleagues to join with us in approving it.

Mr. JOHNSON of Ohio. Mr. Speaker, I want to thank my colleagues for their support. May I ask if the minority bill manager has any additional speakers? We do not.

Mr. SABLAN. No, I don't, Mr. Speaker. I yield back the balance of my time.
Mr. JOHNSON of Ohio. Mr. Speaker.

I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, today the House considered the World War II Memorial Prayer Act, which I cosponsored and was

pleased to vote in favor of. The bill directs the U.S. Department of the Interior to include President Franklin D. Roosevelt's prayer with the nation on D-day at the World War II Memorial in Washington, DC.

It is not possible to overstate the importance of D-day in World War II, or the enormity of the battle the 160,000 Allied troops faced. The victory there allowed 100,000 soldiers to start to march across Europe to defeat Hitler and the Nazi forces. The battle came with an enormous cost; 9,000 soldiers were killed or wounded, including thousands of American troops there to help liberate Europe and win the war.

At home, as the battle was being waged on the beaches of Normandy, President Roosevelt led the nation in a prayer over the radio. The moving prayer concluded with these words:

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil. Thy will be done, Almighty God.

As the author of the original legislation to create the World War II Memorial, I think it is fitting to include President Roosevelt's prayer at the Memorial grounds. The prayer is not only important historically, but it allows us to honor those for whom the country was praying, but also those at home who were comforted by this prayer.

It will be 25 years ago next month that an important question was posed to me at a fish fry in Jerusalem Township, Ohio, by a World War II veteran, Roger Durbin. Mr. Durbin was a veteran of World War II and he wanted to know why there was no memorial for the war in our nation's capital. We set to work together, and 17 years later the nation dedicated the World War II Memorial on the National Mall in Washington, DC. Unfortunately, Roger passed away before the dedication. But I am sure he would be pleased with the passage of this bill here today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHN-SON) that the House suspend the rules and pass the bill, H.R. 2070, as amend-

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Ohio. Mr. Speaker. on that I demand the year and nays.

The yeas and nays were ordered.

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

#### WAR MEMORIAL PROTECTION ACT

Mr. JOHNSON of Ohio. Mr. Speaker. I move to suspend the rules and pass the bill (H.R. 290) to amend title 36, United States Code, to ensure that memorials commemorating the service of of San Diego was sued over the cross, the United States Armed Forces may contain religious symbols, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 290

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "War Memorial Protection Act".

#### SEC. 2. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF MILITARY MEMORIALS.

(a) AUTHORITY.—Chapter 21 of title 36, United States Code, is amended by adding at the end the following:

#### "\$ 2115. Inclusion of religious symbols as part of military memorials

"(a) INCLUSION OF RELIGIOUS SYMBOLS AU-THORIZED.—To recognize the religious background of members of the United States Armed Forces, religious symbols may be included as part of-

"(1) a military memorial that is established or acquired by the United States Government; or

"(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

"(b) MILITARY MEMORIAL DEFINED.—In this section, the term 'military memorial' means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2115. Inclusion of religious symbols as part of military memorials.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. JOHNSON) and the gentleman from the Northern Mariana Islands (Mr. Sablan) each will control 20 min-

The Chair recognizes the gentleman from Ohio.

#### GENERAL LEAVE

Mr. JOHNSON of Ohio. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield myself such time as I may consume.

290, introduced by the gen-H.R. tleman from California (Mr. HUNTER), will allow the inclusion of religious symbols as part of military monuments.

In 1913, a memorial that included a 43-foot tall cross was placed on Mt. Soledad in San Diego, California, as a tribute to the members of the Armed Forces who sacrificed their lives to defend the United States. In 1989, the city

with critics claiming it violated the First Amendment to the U.S. Constitution and to the California Constitution.

Several remedies were attempted over the years to avoid the cross being removed by the courts. These included transferring the property to a nonprofit organization, but this, too, led to a lawsuit. The property was also declared a national memorial by Congress in 2004. In 2006, Congress enacted Public Law 109-272 to transfer the memorial to the Department of Defense. The Federal Government was sued, and the Ninth Circuit Court of Appeals ruled that the cross was unconstitutional.

While the legislation does not specifically resolve the constitutionality of the Mt. Soledad cross, this legislation will, for the first time, statutorily protect religious symbols in all war memorials and make clear Congress' intent in the U.S. Code.

I urge adoption of H.R. 290, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I my consume.

Mr. Speaker, H.R. 290 is a bill that would allow religious symbols to be included as part of memorials commemorating the service of the United States armed services. The legislation, sponsored by my good friend Congressman HUNTER of California, was considered by the Committee on Natural Resources in July. I commend my colleague. Mr. HUNTER, for moving this legislation forward.

We have no objections to the bill, and I reserve the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the author of the bill.

Mr. HUNTER. I thank the gentleman from Ohio for yielding and for his service as a veteran and for what he has done for this country. I also thank the gentleman from the Northern Mariana Islands.

#### $\Box$ 1250

One of the most common ways that this Nation honors its military and war dead is with monuments and memorials. Across the Nation, from Fort Rosecrans National Cemetery in San Diego to Arlington National Cemetery, there are countless markers paying tribute to America's war heroes and the brave men and women who never came home. In many cases, these markers display symbols of religion and personal faith—representing not just individuals, but the shared commitment and sacrifice of those who serve and those who made the ultimate sacrifice to protect others and us here at home.

I'm reminded of headstones at Arlington National Cemetery or images of Normandy where symbols of personal faith and religion are prominently displayed. And even then, these

symbols never overshadow the purpose and message of honoring our military and veterans.

Now this time-honored tradition is under attack. Civil liberty groups have taken offense to the presence of religious symbols on war memorials. They are going after a cross sitting atop a hill at Camp Pendleton in San Diego. It's not an official site sanctioned by the Marine Corps or the Federal Government, and the cross can't even be seen by the public. But groups are pushing the Marine Corps to remove the cross from Camp Pendleton even when the base is contributing much of the manpower to the fight in Afghanistan and more recently Iraq.

The Mt. Soledad Veterans Memorial in San Diego is also a cause for their outrage. The memorial, first erected to honor veterans of the Korean war, displaying a 29-foot concrete cross, is now under the full ownership of the Department of Defense. At the base of the cross are more than 3,000 plaques with images and statements paying tribute to the veterans of all wars and religions. Last year, the runaway Ninth Circuit Court ruled that the memorial is unconstitutional, overturning a lower-court ruling.

The future of the Mt. Soledad Veterans Memorial is uncertain, even though the memorial, for all its years as a fixture of the San Diego community, had one stated purpose: to remember those who have fought and died for this Nation. H.R. 290 ensures Mt. Soledad and any other war memorial will withstand these attacks by allowing the inclusion of all symbols of religion and personal faith on war memorials established and under control of the Federal Government.

For the 131 national cemeteries under the purview of the Department of Veterans Affairs, there are currently 48 emblems, I believe, authorized. There is no preference for one symbol over another—the way that things should be. In the face of persistent legal challenges and the threat of more to come, it's important that we install the right protection for war memorials in Federal law, allowing the spirit and tradition of honoring our Nation's military to continue.

I urge my colleagues to support this legislation.

Mr. SABLAN. Mr. Speaker, some Members may be aware of specific situations regarding religious symbols located on public land in California. In fact, the committee report for H.R. 290 mentions one of these ongoing controversies

It is important to note that the committee report also makes clear "this legislation does not specifically address the Mt. Soledad situation." Further, the report includes analysis of the legislation by the Congressional Budget Office, which found, "under current law, religious symbols are not

barred from being used in any military memorials; thus, H.R. 290 would codify current practice. According to the Department of Defense, the National Park Service, and the American Battle Monuments Commission, implementing H.R. 290 would not require any new memorials to be built or current memorials to be changed."

H.R. 290 is not necessary and does not appear to change current law. As a result, we do not oppose it.

At this time, I reserve the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I am truly honored and proud to be here today as a cosponsor of this bill. This is a bill that will protect and defend religious symbols on war memorials from Washington to San Diego.

I think we need to remember that one thing that was a foundation of this country was religious tolerance. And this bill is addressing the fact that there are those who refuse to express religious tolerance and are actually after any symbol, no matter how traditionally accepted and how universally accepted by the community as a general recognition of service and devotion and memorial, that they would attack it if they could find a religious connotation in any form.

Mind you, our Constitution protects the freedom of religion, not from it. But I think that this issue is one that has gone so far that we're actually talking about tearing crosses down over war memorials, and I don't think any American across the board who really believes in tolerance would support that.

I'm very honored to have four plaques at this memorial in San Diego. Frankly, I have a father, a stepfather, a brother, and a stepbrother whose plaques are at the memorial at Mt. Soledad. This is a family effort. I remember as a child, my father pointing up at the cross at Mt. Soledad and that memorial that it symbolizes and said it's one of the few in the country to the men and women who died in Korea. Now, I also was very privileged in 2006 to be the cosponsor of a bill with another Duncan Hunter, Duncan's father, that specifically had Congress and the Federal Government come in to save this war memorial.

Mr. Speaker, if you're not going to support this bill, if your attitude is that any religious connotation anywhere in the world that is on Federal-controlled property needs to be torn down and destroyed, then you can take that position, but don't stand in these Chambers and point at religious symbols all over in Europe or in San Diego and say they must come down or you will not defend them.

If you're going to sit in these Chambers with Moses at one side, Pope Inno-

cent and Pope Gregory on the other, and Calvin, in these Chambers, if you're not going to stand up and demand that this Congress tear those plaques off these walls, then for God sakes, leave our war memorials alone, and don't tear down religious symbols just because you're intolerant and can't stand the fact that there are some of us that respect our war service and respect their faith, but most importantly, respect the heritage that has made America what it is today.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, today I rise in support of H.R. 290, the "War Memorial Protection Act," of which I am a proud cosponsor.

H.R. 290 will allow religious symbols to be included as part of a military memorial established or acquired by the U.S. government. This follows past legislation which led to the federal government's acquisition of Mount Soledad Veterans Memorial from the city of San Diego in 2006.

First erected in 1913, the cross on top of Mount Soledad has been a fixture of San Diego for nearly a century. In 1954 the Mount Soledad Veterans Memorial was rebuilt and dedicated as a lasting memorial to the dead of the two world wars and the Korean conflict. It is a symbol of the community's respect and honor for those who have made the ultimate sacrifice in defense of their nation and liberty.

I am a proud defender of the Mount Soledad Veterans Memorial. Our Founding Fathers made sure the government did not impose one religion on all people. They also believed religion plays an important role in public life and individuals should be able to freely practice what they believe.

That is why it is so important to pass the War Memorial Protection Act. This bill does not favor one religion over another and it does not make any exclusions. This bill seeks to ensure that religious symbols can also be part of war memorials honoring our fallen heroes.

Mr. Speaker, again I urge passage of H.R. 290.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 290.

The question was taken; and (twothirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## BUFFALO SOLDIERS IN THE NATIONAL PARKS STUDY ACT

Mr. JOHNSON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1022) to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 1022

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers in the National Parks Study Act".

#### SEC. 2. FINDINGS AND PURPOSE.

- (a) FINDINGS.—The Congress finds the following:
- (1) In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks.
- (2) Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.
- (3) The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era.
- (4) As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.
- (b) PURPOSE.—The purpose of this Act is to authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers played in the early years of the National Parks.

#### SEC. 3. STUDY.

- (a) IN GENERAL.—The Secretary of the Interior shall conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks.
- (b) Contents of Study.—The study shall include—
- (1) a historical assessment, based on extensive research, of the Buffalo Soldiers who served in National Parks in the years prior to the establishment of the National Park Service:
- (2) an evaluation of the suitability and feasibility of establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served;
- (3) the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks:
- (4) an evaluation of appropriate ways to enhance historical research, education, interpretation, and public awareness of the story of the Buffalo Soldiers' stewardship role in the National Parks, including ways to link the story to the development of National Parks and the story of African-American military service following the Civil War; and
- (5) any other matters that the Secretary of the Interior deems appropriate for this study.
- (c) REPORT.—Not later than 3 years after funds are made available for the study, the Secretary of the Interior shall submit to the Committee on Natural Resources of the

House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the study's findings and recommendations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. JOHNSON) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

#### GENERAL LEAVE

Mr. JOHNSON of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Ohio. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1022 authorizes the National Park Service to study alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the national parks.

The Buffalo Soldiers were a segregated Army unit composed of African American cavalrymen. For nearly 25 years before the creation of the National Park Service, Yosemite National Park was administered by the U.S. Army. The Buffalo Soldiers played a key role protecting those park resources that have since been enjoyed by millions of Americans. Their success will be examined by this study that will focus on existing resources inside current national parks.

I reserve the balance of my time.

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

H.R. 1022 would direct the Secretary of the Interior to study ways the National Park Service could commemorate the role of Buffalo Soldiers.

Buffalo Soldiers were African American troops who served in the first national parks, including Yosemite and Sequoia National Park, prior to the establishment of the National Park Service.

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The legislation, sponsored by Congresswoman Speier of California, was considered by the Committee on Natural Resources in May. I commend my colleague, Congresswoman Speier, for introducing this legislation and for her leadership on this issue. We strongly support this legislation.

I reserve the balance of my time.

Mr. JOHNSON of Ohio. I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I yield such time that she may consume to the Congresswoman from California (Ms. Speier), the sponsor of this legislation.

Ms. SPEIER. I thank my friend from the Northern Mariana Islands for yielding

I rise today in support of this legislation, the Buffalo Soldiers in the National Parks Study Act, which will allow the Department of the Interior to study the role of Buffalo Soldiers and how they defended our first national parks. This is a key step in preserving the legacy of the Army's first African American infantry and cavalry units and the contributions they made to our Nation.

This bill will evaluate the feasibility of a National Historic Trail along the Buffalo Soldiers' route from their historic military post at the San Francisco Presidio to Yosemite and Sequoia National Parks. The study would also identify properties that could be listed in the National Register of Historic Places or designations as National Historic Landmarks.

For several years, Buffalo Soldier regiments traveled 320 miles along this route to patrol the parklands for loggers and poachers, build new trails, and escort visitors. The Buffalo Soldiers were among our very first park rangers, a challenging task these troops took on with pride after serving bravely in the Civil War.

Because of the color of their skin, the Buffalo Soldiers were all too often marginalized instead of respected for their service to our Nation, both on and off the battlefield. However, during their time protecting the parks, they not only confronted racism and discrimination, they overcame it. They became respected neighbors and friends to people living in the park regions, and they made real inroads toward racial progress that were extraordinary for their day.

Although they were assigned to watch over government property for only a relatively short time, the Buffalo Soldiers helped lay the groundwork for some of our greatest wilderness to be preserved forever.

I'm proud that the Buffalo Soldiers traveled through my district on their way to the parks, and I believe this bill will help shine a light on the history they made in the great State of California and in many places across the country.

All Americans from all walks of life would benefit from learning about this often overlooked chapter in our history. The Buffalo Soldiers' story is ultimately about the triumph not just of African American troops over prejudice and injustice, but about the movement of our Nation toward a more tolerant and courageous society.

I thank my colleagues for supporting this bill.

Mr. JOHNSON of Ohio. Mr. Speaker, may I ask if the minority bill manager has any additional speakers? We do not.

Mr. SABLAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, with that, I yield back the balance of my time.

Mr. COLE. Mr. Speaker, I stand today in support of H.R. 1022, the Buffalo Soldiers in the National Parks Study Act, which will allow the Department of the Interior to study the role of Buffalo Soldiers and how they defended our first national parks. This is a key step in preserving the legacy of the Army's first African American infantry and cavalry units and the contributions they made to our Nation.

Although history has often overlooked the contributions of the Buffalo Soldiers, all Americans from all walks of life would benefit from learning about this often overlooked chapter in our history. The legacy of the Buffalo Soldiers dates back to post Civil War days. Although African Americans have fought with distinction in all of our country's military engagements, their future in the Army was in doubt after the Civil War. In July 1866, however, Congress passed legislation establishing two cavalry regiments and four regiments of infantrymen, later merging two, whose composition was made up entirely of black soldiers. The troopers of the 9th and 10th Cavalries developed into two of the most distinguished fighting units in the Army and who were stationed at Ft. Sill in Oklahoma in the late 1870s. While they constructed key buildings on the post that still stand today, the Buffalo Soldiers' biggest contribution was to preserve the integrity of the land-runs which are such an integral part of Oklahoma, the Sooner state's, history and identity. Their bravery and fierce fighting techniques on the battlefield inspired Native Americans to call them "Buffalo Soldiers."

The Buffalo Soldiers served the United States in the harshest environments and under the most difficult conditions, and preserving their legacy will ensure that the Buffalo Soldiers' service will be appropriately memorialized. The Buffalo Soldiers' story is ultimately about the triumph not just of African American troops over prejudice and injustice, but about the movement of our nation westward, and toward a more tolerant and courageous society.

As such. I support the effort to evaluate the feasibility of a great National Historic Trail along the Buffalo Soldiers' route from their historic military post at the San Francisco Presidio to Yosemite and Sequoia National Parks. Identifying properties that could be listed in the National Register of Historic Places or designations as National Historic Landmarks will help keep the Buffalo Soldiers' story alive and bring to light, for future generations, their story of courage while serving their country.

We must all continue to work, together and as individuals, each day to make sure that our country truly is a community of all people and recognize those that came before us to make this nation strong, prosperous and free. We should never forget the challenges our predecessors faced in the creation and preservation of this great nation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1022, "Buffalo Soldiers in the National Parks Study Act." This bill directs the Secretary of the Interior to study alternatives for the commemoration and interpretation of the role of the Buffalo Soldiers in the early years of the national parks.

America's national parks are a treasure of nature's magnificent wonders-84 million acres of the most stunning landscapes anyone has ever seen. The story of the national parks is the story of people from every conceivable background who were willing to devote themselves to saving a portion of the land they loved. Among them were Buffalo Soldiers.

Our country began the arduous task of rebuilding itself after a brutal civil war. In this war former slaves fought in Union regiments to pursue the ultimate goal to end slavery. These Black soldiers were later used in 1866. when Congress created six segregated regiments that ultimately became four black regiments that later became known as the original Buffalo Soldiers. Because of prevailing attitudes following the Civil War, these soldiers could only serve west of the Mississippi River. Their main charge was to protect settlers as they moved west and to support building the infrastructure needed for new settlements to flourish

Buffalo Soldiers conducted campaigns against American Indian tribes on a western frontier that extended from Montana in the northwest to Texas, New Mexico, and Arizona in the southwest. They engaged in several clashes against such great Indian Chiefs as Victorio, Geronimo, and Nana.

"Buffalo Soldiers" was the name given the black cavalrymen by the Plains Indians. Reason for the name is uncertain. One view is that the Indians saw a resemblance between the black man's hair and the mane of a buffalo. Another view is that when a buffalo was wounded or cornered, it fought ferociously, displaying unusual stamina and courage. This was the same fighting spirit Indians saw in combat with black cavalrymen. Since Indians held the buffalo in such high regard, it was felt that the name was not given in contempt.

Those Buffalo Soldiers not only fought in conflicts along the western frontier, but they were indispensible in the treacherous and desolate trails of the Wild West. They helped protect and build up our new country as it expanded west. They built roads. They protected new territories where they escorted settlers, cattle herds, and railroad crews, while battling Mexican revolutionaries, outlaws, rustlers and hostile Native American tribes. The Buffalo Soldiers were the protectors of the western frontier.

Buffalo Soldiers played a central role in protecting national parks—Yosemite. Sequoia and Kings Canyon National Parks. They were, in fact, our national parks' first "guardians." These Soldiers kept the park free from poachers and from the ranchers whose grazing sheep destroyed the parks' natural habitats. They built roads, including the first wagon road into the Giant Forest of Seguoia.

At a time when most of the country would not recognize their humanity, these brave patriots stood up to fight and protect a country that was just as much theirs as any other American. And I think it is fitting and symbolic that at a time when our Nation was rebuilding itself after being torn apart, it was former slaves and children of former slaves-Buffalo Soldiers—that rebuilt and protected our new and expanding country.

As our country progresses, there will continue to be sites of historic and cultural significance that need to be added to the national park system. Commemorating and interpreting the role of the Buffalo Soldiers in the early years of the national parks will ensure the historical contributions of the Buffalo Soldiers will always be remembered. Celebrating the role of Buffalo Soldiers serves to interpret, articulate, collect, display and preserve historical artifacts, documents, and other historical memorabilia relating to these brave men.

It is America's mandate to acknowledge and reflect America's diverse stories. The story of Buffalo Soldiers is an underrepresented cultural theme in our national parks. Commemorating Buffalo Soldiers in the history of the nation's national parks is a step in the right direction. It reflects our cultural heritage and ensures their stories are told for our children and grandchildren to enjoy throughout posterity.

At this time I would also like to take a moment to thank a special Legislative Fellow in my office, Byron McKie. He has been working diligently to enhance the opportunities of children through STEM education.

The SPEAKER pro tempore (Mr. FORTENBERRY). The question is on the motion offered by the gentleman from Ohio (Mr. Johnson) that the House suspend the rules and pass the bill, H.R. 1022.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Ohio. Mr. Speaker, on that I demand the yeas and navs.

The yeas and nays were ordered.

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

#### AIRPORT AND AIRWAY EXTENSION ACT OF 2012

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3800) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 3800

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2012".

#### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

- (a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "January 31, 2012" and inserting "February 17, 2012".
  - (b) TICKET TAXES.-
- (1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "January 31, 2012" and inserting "February 17, 2012"
- (2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "January 31, 2012" and inserting "February 17, 2012"
- (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 1, 2012.

# SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

- (a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—
- (1) by striking "February 1, 2012" and inserting "February 18, 2012"; and
- (2) by inserting "or the Airport and Airway Extension Act of 2012" before the semicolon at the end of subparagraph (A).
- (b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "February 1, 2012" and inserting "February 18, 2012".
- (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 1, 2012.

### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

- (a) AUTHORIZATION OF APPROPRIATIONS.—
- (1) IN GENERAL.—Section 48103(9) of title 49, United States Code, is amended to read as follows:
- "(9) \$1,344,535,519 for the period beginning on October 1, 2011, and ending on February 17, 2012."
- (2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available for a portion of fiscal year 2012 pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2012, and shall remain available until expended.
- (b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "January 31, 2012," and inserting "February 17, 2012,"

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

- (a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "February 1, 2012." and inserting "February 18, 2012."
- (b) Section 41743(e)(2) of such title is amended by striking "and \$2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012," and inserting "and \$2,295,082 for the portion of fiscal year 2012 ending before February 18, 2012,".
- (c) Section 44302(f)(1) of such title is amended—
- (1) by striking "January 31, 2012," and inserting "February 17, 2012,"; and
- (2) by striking "April 30, 2012," and inserting "May 17, 2012,".
- (d) Section 44303(b) of such title is amended by striking "April 30, 2012," and inserting "May 17, 2012,". (e) Section 47107(s)(3) of such title is
- (e) Section 47107(s)(3) of such title is amended by striking "February 1, 2012." and inserting "February 18, 2012.".
- (f) Section 47115(j) of such title is amended by striking "February 1, 2012," and inserting "February 18, 2012,".
- (g) Section 47141(f) of such title is amended by striking "January 31, 2012." and inserting "February 17, 2012.".
- (h) Section 49108 of such title is amended by striking "January 31, 2012," and inserting "February 17, 2012,".
- (i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "February 1, 2012," and inserting "February 18, 2012,".
- (j) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "February 1, 2012," and inserting "February 18, 2012,".
- (k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "January 31, 2012." and inserting "February 17, 2012." SEC. 6, FEDERAL AVIATION ADMINISTRATION OP-

### Section 106(k)(1)(H) of title 49, United States Code, is amended to read as follows:

ERATIONS.

"(H) \$3,692,555,464 for the period beginning on October 1, 2011, and ending on February 17, 2012.".

### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(8) of title 49, United States Code, is amended to read as follows:

"(8) \$1,044,541,913 for the period beginning on October 1, 2011, and ending on February 17, 2012."

### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(16) of title 49, United States Code, is amended to read as follows:

"(16) \$64,092,459 for the period beginning on October 1, 2011, and ending on February 17, 2012"

#### SEC. 9. ESSENTIAL AIR SERVICE.

Section 41742(a)(2) of title 49, United States Code, is amended by striking "and \$50,309,016 for the period beginning on October 1, 2011, and ending on January 31, 2012," and inserting "and \$54,699,454 for the period beginning on October 1, 2011, and ending on February 17, 2012,"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. Petri) and the gentleman from Illinois (Mr. Costello) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 3800.

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

There was no objection.

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

I would like to include in the CON-GRESSIONAL RECORD an exchange of letters between the Committee on Ways and Means and the Committee on Transportation and Infrastructure concerning H.R. 3800

I am pleased to report that we are currently in the final negotiations of completing an FAA reauthorization bill with the Senate, with only a few open issues left to be resolved. I am confident that we will be able to complete negotiations and produce a conference report in the very near future.

However, given the congressional schedule and the limited legislative days before FAA's current authority expires, we will not be able to consider the final agreement on the conference report until February. Since current funding expires at the end of this month, it is necessary for us to pass a clean, short-term extension of the FAA's funding and programs through February 17 at current funding levels.

This extension is a prudent precaution to ensure that the FAA is able to continue its funding and programs while negotiations are completed and the House and Senate consider the FAA conference report. House of Representatives, Committee on Ways and Means, Washington, DC, January 24, 2012. Hon, John Mica.

Chairman, Committee on Transortation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 3800, the "Airport and Airway Extension Act of 2012" which is expected to be scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Sections 2 and 3 of this bill amend the Internal Revenue Code of 1986 by extending the current Airport and Airway Trust Fund (AATF) expenditure authority and the associated Federal excise taxes to February 17, 2012. In order to expedite H.R. 3800 for Floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3800, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

 $\begin{array}{c} \text{DAVE CAMP,} \\ \textit{Chairman.} \end{array}$ 

HOUSE OF REPRESENTATIVES, COM-MITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, January 24, 2012. Hon. DAVE CAMP.

Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3800, the "Airport and Airway Extension Act of 2012." The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 3800, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that forgoing action on H.R. 3800 does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 3800 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA, Chairman.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

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

I rise in support of H.R. 3800, the Airport and Airway Extension Act of 2012. This bill contains a clean extension of the Federal Aviation Administration's authority to spend from the Airport and Airway Trust Fund to carry out

airport improvement projects at current funding levels through February 17, 2012.

Mr. Speaker, this short-term extension will hopefully provide us enough time for the House Republican leadership to finally appoint conferees to the FAA reauthorization bill, which we passed almost a year ago, work through the remaining policy issues with the other body, and send a comprehensive bill to the President.

Although this has been an unnecessarily difficult and controversial process during the first session of the 112th Congress to move the multiyear FAA reauthorization measure, I'm pleased that the House and Senate leadership recognized the importance of getting a bill completed and stepped in to help in the process.

While I will reserve judgment on a final conference report, it appears as though we are making progress, and we certainly need to avoid a repeat of the disastrous outcome that occurred this summer when the FAA was partially shut down for 2 weeks, costing taxpayers almost \$400 million in lost revenue for infrastructure investment. As we move to conference, we need to enact a fair and comprehensive bill that creates jobs, furthers aviation safety, and advances our transition to the Next Generation Air Transportation System.

Mr. Speaker, I support this short-term FAA extension in the interest of preventing another FAA shutdown in order to give us a few more weeks to produce a bipartisan reauthorization conference report that the President can sign into law.

Mr. Speaker, I urge my colleagues to support H.R. 3800, the Airport and Airway Extension Act of 2012, and I reserve the balance of my time.

Mr. PETRI. Does the gentleman have any further requests for time?

Mr. COSTELLO. Mr. Speaker, we have one speaker.

Mr. PETRI. I will continue to reserve the balance of my time.

Mr. COSTELLO. At this time, I yield 2 minutes to the gentlelady from the District of Columbia (Ms. Norton), a valued member of the Transportation and Infrastructure Committee.

Ms. NORTON. I thank the gentleman from Illinois. This compromise only reminds me of how much I regret that he has decided to retire. He was such a valuable chair of our subcommittee and member of the Transportation and Infrastructure Committee. I can only wish him all the good fortune his extraordinarily productive years in the Congress have earned him.

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But I thank both sides of the aisle for this short-term extension, short-term, I am assured, to wrap up some details. This is a bill that is really a great deal more bipartisan than it would appear. Yes, there were some tough items, as in any piece of major legislation.

I do regret the major reason for the standoff. This bill, it seems to me, could have been before us long ago but for at least one provision which could have been settled, and that was the provision in the bill that would have insisted that no-shows be counted in labor elections, the no-shows be counted as for one side or the other. And in this case, they would have been counted as a "no" vote against joining the union.

You know, you could argue just the opposite, that if you really were against the union, you're the ones who show up. So it seems to me that was a thumb on the scale, but you don't know how it would come out. And some kind of compromise has been reached on that. I will have to wait on that compromise. But I'm very pleased that we've moved ahead on a compromise because the President had said over and over again he was going to veto the bill if it had that provision in it. So since we knew it was going to be vetoed, it was up to us to get to a compromise much earlier and to get on to other tough issues in the bill. And I recognize that more time is needed on those issues.

One of those issues, by the way, has to do with just how much traffic we are going to tolerate at Reagan Airport, with the idea that if an individual Member from the west coast would prefer the convenience of landing at Reagan, then the whole bill should bend in that way. I ask that we consider—

Mr. COSTELLO. I yield another 1 minute to the gentlewoman.

Ms. NORTON. So, in winding up the bill, I ask that we keep in mind the fact that a very fragile compromise has been reached to allow the three other airports in this region and the economic assumptions involved to divide up the air traffic as has been allowed.

I also want to say that when we get to these union provisions, do remember that in every society, one of the cardinal tests of whether or not you have a free society is whether there is a right to organize a union.

Mr. PETRI. I yield such time as he may consume to our colleague from Texas, Representative FARENTHOLD.

Mr. FARENTHOLD. Mr. Speaker, I rise today to do something that I don't particularly like to do, supporting in kicking the can down the road another time. But I'm excited about kicking the can down the road this time. We've had 23 extensions of the FAA bill, but this time, as we kick the can down the road, we actually see the end of the road.

The Transportation and Infrastructure Committee has worked in a bipartisan manner to come up with a bill

that I think is going to be phenomenal once we get it out of the House and Senate conferees. It's taken some time to get us to the point where we can find the efficiencies and savings that we need and continue to provide the level of service we expect in our air transportation system in this country. My fear is we're going to come up with this bipartisan bill and it's going to get stalled again though.

As we stand here on the eve of the State of the Union address, we have the politics of a do-nothing Congress. I hope that that narrative doesn't stop this bill from moving forward as it comes up and we don't have to extend this again.

This is something we've been able to do in a bipartisan nature. Historically, transportation bills have been bipartisan. Let's not let this get stopped and have to kick the can down the road. Let's get our conferees done. Let's get this passed.

I urge everybody, my colleagues, to support this extension. Let's make it the last and get the long-term bill passed for the betterment of this country and everyone in it.

Mr. COSTELLO. I continue to reserve the balance of my time.

Mr. PETRI. I yield such time as he may consume to the chairman of the full Transportation and Infrastructure Committee, our colleague from the State of Florida, JOHN MICA.

Mr. MICA. Mr. Speaker, I want to thank Chairman Petri, our chair of the Aviation Subcommittee. I see Mr. Costello, the ranking member, former chair of the subcommittee. Thank you for your work.

We're here to extend FAA for the 23rd time. The consequences of that can, I hope, be positive, that we can conclude this long overdue and very important authorization.

Members of Congress, we must authorize every program. That's part of our constitutional responsibility.

I had the privilege, when I chaired the Aviation Subcommittee, to write a lot of what was in the last bill which we authored in 2003. It expired in 2007. The other side of the aisle had 4 years in which they controlled the body, 2 of which they controlled every branch of government, and were unable to pass that. They passed 17 extensions. We've had to pass—it will now be five—but we can get this done. This should be a bipartisan and must be a bicameral jobs bill.

The aviation industry in our country accounts for between 7 and 8 percent of our gross domestic national economic activity, and for us not to have passed an authorization that updates the safety, all of the programs, the next generation of air traffic control, things that are so important to have a dynamic industry, and then an area of our economy that we have led in in the world. The biggest area of exports is

aviation. That's huge for jobs in this country.

So this is going to be the last extension. It's done in, again, a bipartisan effort to conclude the negotiation.

Let me say in conclusion, there are some tough issues on labor that have held us up—4 years with the Democrats, the last year with us—and I want to commend Speaker BOEHNER for his leadership working with the leadership of the Senate. The Speaker and his staff and others have worked day and night through the holidays and right up to now to conclude what I think is a very fair compromise. And it must be a compromise.

This is part of our business is to do the best business we can for the American people and getting this economy working and getting in place the framework for one of the most important aspects of our industry. If we want to see Americans back to work, we'll pass this legislation by the 17th of February, and then we'll come back in the next week or two, and we will pass a long-term infrastructure transportation measure, and we will and we can get Americans working.

So I ask for continued cooperation to complete this important process.

Mr. PETRI. I have no further requests for time, and reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, let me commend Chairman MICA and Chairman PETRI for working in a bipartisan way. We've attempted to work with the other body in working on an agreement. We are very close to agreement. As I said in my statement, I reserve judgment on the final conference agreement, but I certainly want to commend our friends on the other side of the aisle for working to move this legislation forward.

With that, I urge the passage of this legislation, and I yield back the balance of my time.

#### □ 1320

Mr. PETRI. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. Petri) that the House suspend the rules and pass the bill, H.R. 3800.

The question was taken; and (twothirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAY-ROLL TAX CUT CONTINUATION ACT OF 2011

Mrs. CAPPS. Mr. Speaker, I have a motion to instruct conferees at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. Capps moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to file a conference report not later than February 17, 2012.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentle-woman from California (Mrs. CAPPS) and the gentleman from New York (Mr. REED) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CAPPS. I yield myself 5 minutes.

I rise today to offer a straightforward motion to provide certainty to American families and businesses.

As we all know, late last month, after a lot of drawn-out drama, we enacted a short-term extension of the payroll tax cut, of unemployment insurance, and the so-called doc fix. All of these provisions were set to expire at the end of last year. Payroll taxes would have gone up on 160 million American workers. Millions of unemployed people would have had their benefits cut off even though they still can't find work, and doctors would have faced huge cuts in their reimbursement from Medicare, making it harder for seniors to see a doctor. The 2-month extension was not ideal, but differences could not be resolved before the clock ran out.

Now, with this short-term extension set to expire in just a few weeks, we must find a way to bridge our differences and enact a full-year extension of these provisions, and we need to do it as soon as possible, and that's what this motion is about.

It simply directs the conferees to finish their work by February 17 so both the House and Senate will have time to vote on the final package before the clock runs out on the 29th; just a date certain to ensure that we get our work done without yet another last-minute scramble. We have a habit in this Congress of leaving our work to the last minute, something we should have learned when we were kids when our parents warned us about this long ago.

Last year, for example, was filled with manufactured crises and last-minute deals. It led to a great deal of uncertainty about everything from tax policy to whether or not America will pay its debts. This uncertainty has affected our economy and our efforts to create jobs. I know we can do better. I know we must do better

Our economy is still in a fragile state, and we must not add to its precarious nature with yet another unnecessary dustup here in Washington and especially not about provisions we generally agree upon. For example, extending the payroll tax cut for 160 million Americans will put a thousand dollars more in their paychecks for a worker in this coming year. In my

home State alone, that would put \$21 billion into the pockets of 17 million Californians. That's real money for consumers to spend quickly at small businesses across the country, stimulating demand and growing our economy.

Now, economists from both sides from every perspective agree that this payroll extension is critical to maintaining our recovery and critical to extending new jobs.

In addition, there is a general agreement about the need to extend unemployment benefits. This affects about 4½ million Americans who would lose their unemployment benefits if we don't get our work done in time. Never before have we allowed emergency unemployment benefits to expire while unemployment remains so high. Millions of middle class workers and their families depend upon emergency unemployment benefits to feed their families, to put gas in their cars, to keep their houses warm.

Once again, extending these benefits helps create jobs, helps to grow our economy. According to Mark Zandi, every dollar of unemployment benefits creates \$1.65 in economic demand. It's not rhetoric. It's a fact.

Finally, Mr. Speaker, we all agree on the need to ensure our doctors don't see a draconian cut in their Medicare reimbursements. Such a cut would affect the health care of nearly 50 million seniors who could lose access to their doctors if we don't complete our work on time. Without an extension, Medicare physicians will see nearly a 30-percent reimbursement cut at the end of this month, and of course this is something we face every year, which is why I have always supported a permanent fix to the SGR. But at a minimum, we must include a full-year fix for this program. Failure to do so will harm not only our doctors and their employees but our seniors as well.

Mr. Speaker, the American people are rightfully tired of the political games and needless brinksmanship that has become all too common in this body. I say it's time to change course.

Let's begin this new year on a better note. Let's begin the year by putting aside our differences and working together. Let's begin the new year by completing the work that we all were sent here to do, and let's do it on time and without unnecessary drama.

Let's begin the new year by helping middle class families and small businesses stay afloat in these tough times. It's way too important to wait until the last minute. Millions of American workers, business owners, and families are depending on us. The time to act is now.

I urge my colleagues to support this motion to ensure that we get our work done on time.

I reserve the balance of my time.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume. ulus that should be expanded. I understand, and I have read what the econo-

I rise today in great agreement with my colleague from California on the other side of the aisle. What she has articulated before us in this Chamber, Mr. Speaker, is an instruction to the conferees, of which I am one, to get our job done. I wholeheartedly agree with that sentiment.

Also, there is a tremendous amount of agreement when it comes to the payroll tax extension to get an extension for at least a year, to extend unemployment benefits, and also to do what we have to do in Washington, D.C., in regards to our providers under Medicare with our doc fix.

We have proposed and passed in this Chamber before the end of the year a 1-year proposal on the payroll tax extension fully paid for, a 2-year proposal on our doc fix fully paid for. Those are long-term solutions that have been offered by our side of the aisle, adopted in a bipartisan fashion before the end of the year, and sent to the Senate to act upon.

The reality of the situation finds us in a position where the Senate has not done its job. And my colleague from California is correct. A lot of it had to do with the fact that the Senate ran out of time, and they reverted to classic, old political ways of doing business: passing legislation at 3 o'clock, 2 o'clock in the morning, waiting until the last minute, and putting forth a product that only allowed us to kick the can 2 months down the road.

We can do better. We need to do better. The proposal that came out of this Chamber was a start in that right direction. It is time that we join together and we hit this long-term solution put forth for the American people because they deserve no less.

I would be remiss if we did not identify the fact that we as conferees were here over the Christmas break. We were here trying to champion the cause for making sure we put policy into law, not achieve political gamesmanship or wins. It is time for us to focus on policy and put politics aside. Hardworking taxpayers deserve that today in America.

I, for one, will join my colleague on the other side of the aisle in the tremendous amount of agreement that I think we have going into this conference and the sentiment of getting the job done in time, not waiting until the last minute, coming up with a long-term solution of at least a year on our payroll tax extension, at least 2 years for our doctors who are getting reimbursed under Medicare, and take care of the unemployment situation.

□ 1330

But I would have to disagree with my colleague on the other side of the aisle when she says that unemployment benefits are some sort of economic stim-

ulus that should be expanded. I understand, and I have read what the economists have said on the economic impact of unemployment benefits.

My point would be, if that logic were true, then why don't we just extend unemployment benefits to every American and sit back and watch the economy blossom. The fundamental truth is—and it's time to be open and honest with the American people about it that the economy is not going to strengthen based on government expansion, government spending. It's going to strengthen on a commitment to small-business America laying the foundation upon which the private sector knows that there is certainty, there is confidence in the market, and they have the ability to know what the rules are going to be for years to come, not on a month-by-month basis.

I urge my colleagues in the other Chamber, in the U.S. Senate, to heed that fundamental message. We can no longer, in Washington, D.C., believe that short-term policy is the best we can do for America. Hardworking taxpayers deserve better than that, and small business owners across America need to know what the rules are with certainty and for years so that they can make the investments to put our hardworking taxpayer Americans back to work.

That's what we stand for on this side of the aisle; and that is what I am hopeful, going into this conference, we will be able to produce out of this payroll bill, unemployment extension, and our doc fix.

With that, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Lee).

Ms. LEE of California. I want to thank the gentlelady for yielding and also for her tremendous leadership.

Mr. Speaker, I rise to encourage all the conferees on H.R. 3630 to fully consider the chilling effect on the economy of any failure to fully extend unemployment benefits.

While we are all pleased to see the economy slowly improving, unemployment rates continue to be unacceptably high; and, yes, there are four individuals looking for every one job. This job recovery still has not created enough jobs in our country.

I have participated in many job fairs in my district, along with the Congressional Black Caucus; and we have witnessed thousands and thousands and thousands of people lining up for the jobs that existed. People want to work. It's not that people are sitting around waiting for their unemployment benefits. If there were jobs, people would work. So we need this bridge over troubled waters until we find out a way to create the jobs that people deserve.

We must immediately extend all expiring unemployment benefits. The

conferees should also strongly consider adding an additional 14 weeks of tier 1 unemployment benefits for the millions of 99ers who have completely exhausted their benefits. We don't remember that even with the extension of unemployment, there are between 2 and 3 million people who will not be eligible because 99 weeks is the limit.

So we can't abandon those individuals. We have to pass, and we're asking for Congressman Scott's bill and my bill, H.R. 589, to be included in any final legislative agreement.

So, Mr. Speaker, I am pleading for this body to really understand that until we figure out a way to create jobs, people want to work. It is our moral responsibility to create this extension of unemployment benefits to include an additional 14 weeks for people who have hit the 99-week mark. That's our duty and our responsibility, and I hope that you'll put this in our package.

House of Representatives, Washington, DC, January 23, 2012.

Hon. Dave Camp,  $\,$ 

Chairman, Committee on Ways and Means, House of Representatives, Longworth HOB, Washington, DC.

Hon. MAX BAUCUS,

Chairman, Committee on Finance, U.S. Senate, Dirksen SOB, Washington, DC.

DEAR CHAIRMAN CAMP AND CHAIRMAN BAUCUS: As you and your colleagues on the conference committee address the extension of payroll tax relief and unemployment compensation benefits, restoration of Medicare payments to physicians, and other matter, I urge you to fully consider the ongoing impacts of the crisis in unemployment and long term unemployment, not only on the millions of affected individuals and families who are living life on the edge, but to also consider the impact on our nation's struggling economy.

While we see some slow improvements in the jobs numbers, unemployment rates continue to be unacceptably high and the rates of long term unemployment as well the length of time that the unemployed are out of work are both at record highs.

We must immediately extend the expiring emergency unemployment benefits to the maximum authorized levels and we should also immediately add an additional 14 weeks of tier I unemployment benefits for the millions of Americans who have completely exhausted their benefits while struggling to find work.

Far too many Americans have exhausted all of their unemployment benefits and are still unable to find work. Abandoning these job seekers will only further depress the economy and will fail to reduce our deficits as these so called 99er's will begin to fall into poverty and begin to be eligible for other needs based federal benefits.

With nearly 50 million Americans in poverty and half of all Americans in low income households, we must take bold action now. It is only by providing these millions of struggling American families with adequate and immediate relief and a genuine long term pathway out of poverty that we can put America back on track to prosperity and economic growth for all.

I strongly urge the members of the conference committee to consider my legislation, H.R. 589 for inclusion in any final legislative agreement.

Sincerely.

BARBARA LEE, Member of Congress.

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

I would like to respond to my colleague on the other side of the aisle who just spoke in regard to when it comes to unemployment benefit extensions.

What we have to do, in my opinion, is set the framework upon which jobs in America could be created. We just had an example of this last week. I so hope our President tonight in this very Chamber comes and explains his decision to reject American jobs being created through the Keystone pipeline, because there is a project that has been identified; and it will be implemented in a way that would create an immediate 20,000 new jobs for men and women in America.

That will go a long way to solving our unemployment problems in the United States, not just extending unemployment benefits. But as we take up the issue of extending unemployment benefits, we need to do better. We owe it to hardworking taxpayers of America to come up with solutions and reforms in our unemployment benefits programs that give them the tools, the resources to be reemployed.

I agree wholeheartedly with my colleague on the other side of the aisle that I don't believe the majority of Americans wants to be unemployed. They want to get back to work.

So in our reforms that were passed in this Chamber before the end of the year, we talk about such things as requiring GEDs, high school education equivalency diplomas, high school degrees so that people could have that basic educational benefit that will give them the tools to get back to work. We should be focusing together in a bipartisan manner, Democrat and Republican, on reforms that are going to give those tools to our unemployed Americans rather than just giving a check.

There is an old adage that I grew up with, being the youngest of 12 children, that was passed on for generations in our family, which was: You give a man a fish, you feed him for a day. You teach a man or woman to fish, you feed him and her and their entire family for a lifetime.

That is the mantra. That is the foundation upon which we should take up unemployment extension in this conference and join hands to implement going forward.

Again, I have to highlight the fact that what we see out of the other Chamber in the United States Senate is a willingness to just achieve what is politically possible, to only achieve what could be called a political win. It is time to stop focusing on politics.

Hardworking taxpayers in America deserve us to focus on good policy.

Mr. Speaker, with that, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today to support the Capps motion to instruct conferees.

This issue is just too important to get tied up in election-year politics. Failing to extend the payroll tax cut, unemployment insurance, and the Medicare doc fix will have real and lasting effects on our Nation's middle class. It will mean that fewer doctors will be available to care for seniors and the aging baby boomer generation. It will mean that people who have lost their job through no fault of their own will have the safety net pulled out from under them, and it will mean that working families will see their paychecks shrink.

Americans don't want partisan gridlock. They want jobs, they want economic security, and they want access to health care. I urge my colleagues, support the Capps motion and put our families first.

Mr. REED. I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank our colleague, Representative CAPPS, for yielding time and for her great leadership on behalf of middle class families across America.

I rise to encourage all of our colleagues to get to work on middle class tax relief and also take this opportunity to strengthen Medicare. We're going to have a lot of debates over Medicare here in the coming year.

#### □ 1340

This will be an opportunity to address a real shortcoming in Medicare, and that is protecting our parents and grandparents and the ability that they have to see the doctor of their choice. See, what will happen if the Congress does not act is there will be instituted very harsh cuts to the reimbursement rate for doctors who take care of our parents and take care of our grandparents under Medicare. We simply can't let this happen.

Democrats are interested in a permanent fix to these Medicare cuts to doctors. This is vitally important for tens of millions of our parents and grandparents all across America. And you better believe in the State of Florida, where we have 3.4 million seniors who rely on Medicare, we want to ensure that the ability of the doctor that they trust, that they see time and time again, will be there when they make that appointment in the doctor's office. We're interested in a permanent fix. We think working together we can get this done.

Medicare is that promise that has been made to generation after generation of Americans; that it will be there no matter what happens, how hard they work, what happens in their lifetime, Medicare will be there to serve them, and we need to ensure that the doctors are there on the front lines to take care of our parents and grandparents as well.

Mr. REED. Mr. Speaker, again I'm heartened because, as the gentlelady spoke, I came to the conclusion we're in full agreement. House Republicans are in full agreement, so that gives us hope, ladies and gentlemen. That gives us hope going into this conference that what we're going to be able to put together with the doc fix and how our providers are paid under Medicare is a solution that will be a long-term solution to this situation that politically is required to go through all the time because of this doc fix situation we find ourselves in.

But I would remind this Chamber and I would remind all of my colleagues that we are in the midst of a fiscal crisis in this Nation that needs to be respected. And as we talk about making sure that our providers under Medicare are taken care of on a long-term basis, we need to go into this discussion with our eyes wide open, and that is that fiscal crisis forces us to cover these costs, for us to be responsible in Washington, DC, for one time and pay for what we are doing and live within our means.

That's what our proposal for 2 years out of the House Chamber before the end of year passed by a bipartisan fashion did—took care of 2 years of the doc fix, fully paid for and offset. What we need to do is bring that attitude into the conference to get it taken care of.

I so heartily agree with my colleague, the esteemed lady, and her position in coming up with a long-term solution for our doctors under Medicare. But we do need to be responsible and we have to offset and make sure that it is paid for. That is the reality of the situation we find ourselves in in America in the fiscal crisis we now face, and it will be the reality of our Nation's fiscal prosperity going forward if we so choose to honor it.

With that, I continue to reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, we hear that there is agreement over some basic principles here. Just about everyone thinks we should extend the middle class tax cut for the rest of this year. Just about everyone thinks we should make sure that doctors don't see a nearly 30 percent cut in the payments that they receive to take care of our seniors and disabled persons under Medicare. Most of us think that unemployment benefits should be extended

at a time when there are four people unemployed for every one job opening in the country.

Most people believe that most if not all of this should be paid for; that is to say that we shouldn't borrow the money to do these things. The amount of money that's needed to do that is about \$3 out of every \$1,000 that we're going to spend here. It's significant money, but it's about \$3 out of every \$1,000 that we spend.

So here's the idea behind this motion. Since there is such broad agreement that this middle class tax cut and the other provisions need to happen, since there is such broad agreement that it ought to be offset in part, if not fully, and since it's such a relatively small amount of money, \$3 for every \$1,000 we're going to spend, let's not wait until the very last minute to do it.

The history of 2011 is littered with the majority waiting until the eleventh hour. And it was more than just an inconvenience for the legislative process. In August when the markets melted down, it turned out to be a crisis for the country and the global economy. Let's not take that chance again.

So if everybody is so much in agreement, vote for this motion. What it says is let's not wait until February 29. They gave us a leap year this year, so let's not stretch it. Let's not wait until February 29 at midnight. Let's get this done no later than February 17 to get this done in an orderly fashion.

The American people are tired of a Congress that has the study habits of a student who parties all semester and crams for the finals. Let's get serious, let's grow up, and let's vote for this motion.

Mr. REED. Mr. Speaker, I do have to remind my good friend on the other side of the aisle that, on December 22, House Republicans were here. We were sitting in the conference ready to get to work, and conferees on their side of the aisle had not even been named by that point in time.

I was here over the New Year's break. Thursday, Friday, working on this issue in preparation for the conference. Where was the Senate? Nowhere to be found. So let us be straight with the American people. Let's be open and honest with the American people that who's ready to do the work is us in the House Chamber on the House Republican side. We demonstrated it at the end of 2011 by staying here. We may have been hurt politically or lost that political battle. But you know what? The American people want us to do not what is politically the winning strategy, but what is the best policy for the American people. And that's what we stood up for.

Maybe that message didn't get home to the men and women back in our districts immediately. But I can tell you, Mr. Speaker, when I went back in my

district and I had the question presented to me at my local church, local grocery store, why were you still down there? What was the problem? What were you fighting for? And we went through the details of the policy that we're talking about here with the payroll tax rate, the unemployment extension, and the Medicare reimbursement for our providers under Medicare, and they said: Well, obviously, you needed to stay there to get it done. And that's what we have to do. We have to adopt the attitude of, we have been sent here to do the people's work. It's time not for us to wait until the last minute. I wholeheartedly agree. But it's also time that we just do not leave town because we've accomplished what was politically possible or what was in our political interest. I wholeheartedly am committed to finding the real solutions, the real policy initiatives, and that's what we are standing for on this side of the aisle.

With that, I continue to reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. Each side has 18 minutes remaining.

Mrs. CAPPS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Connecticut (Mr. COURT-NEY)

Mr. COURTNEY. Mr. Speaker, I rise in support of the Capps motion, which again says that we should move as swiftly as possible to resolve all of these issues.

In support of that, I just want to share with the body a survey that was released by the Connecticut Medical Society a few days ago. It's the largest physician group in the State of Connecticut. It asked what the impact would be if the SGR 27 percent rate cut went into effect. It would be catastrophic: 40 percent of doctors would stop accepting Medicare patients; 10 percent would close their practices; 32 percent would lay off staff. But what was interesting was that 19 percent said they are already refusing to take new appointments of Medicare beneficiaries and are curtailing access for both Medicare and Tricare patients all across the State of Connecticut.

So clearly, this is not an issue which can wait until the last minute. People are already voting with their feet, and it's affecting access to health care literally as we sit here today in the House Chamber.

I also would just like to remind the gentleman from New York that the measure that the Republicans passed in December, which supposedly addressed this issue, paid for the SGR fix by taking \$40 billion out of the hospital accounts in Medicare.

#### □ 1350

So in the name of protecting physician fees, they butchered the other

part of the system and the central part of the system in terms of hospital access which provides emergency care all across this country. The American Hospital Association and others clearly warned this Chamber and the Senate that this cut would be extremely damaging and catastrophic to the American health care system. And the fact that the Senate did not just rubberstamp what the House did, in my opinion, shows that they acted appropriately.

It is extremely urgent for the American health care system that we pass and follow the Capps motion's timeline to fix this issue, frankly an issue which has festered since the 1990s when the Republicans passed the SGR formula. This is not part of the Affordable Care Act. In fact, at the time we passed the Affordable Care Act, it abolished the SGR with H.R. 3662. We should follow that path at the end of the day, and we should certainly follow the timeline of the Capps motion.

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

I so appreciate my colleague reminding me of the offsets on the doc fix bill. And I would just like to remind my colleagues on the other side of the aisle and this entire Chamber that in the House-passed bill that was sent to the Senate, 90 percent—90 percent—of those offsets were recommended and supported by the President of the United States, President Obama.

Now, I'm not saying that that's the final thing that we can agree to. By no means am I saying that. But what I will say is that we did our work. We found common ground with the President's own recommendations and policies that he supported and sent it to the Senate. At this point in time, I still remind the American people who is at the table: the House. Where is the United States Senate? And may I remind the Speaker and the American people, I say the entire Senate but, in particular, those on the other side of the aisle.

With that, I continue to reserve the balance of my time.

Mrs. CAPPS. I am pleased to yield, Mr. Speaker, 2 minutes to our colleague from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Mr. Speaker, in just a few hours, the President of the United States will be on the floor to present his ideas as to how we can grow our economy and put the American people back to work. I hope the majority keeps an open mind and rejects the extreme ideology and political timidness that has driven the 112th Congress of the United States.

Need I remind my friend from New York State, need I remind him that the tax cuts of 2001 and 2003, as we move into this next decade, are the biggest cause and the biggest proportion of the deficit facing this Congress. And you are not going to—you are not going to nickel and dime us to solve the problem of the deficit on the backs of the middle class and the working poor. It doesn't work. You can't figure it out.

While the economic indicators are showing pretty good improvements, the unemployment rate in my home State of New Jersey is still 9.1 percent, above the national average of 8.5. Because of games played by the extreme wing of the Republican Party, the payroll tax cut that President Obama and the Democratic Congress support is at risk of expiring again.

Now, I can't say any clearer than this: \$1,000 may not be a lot for millionaires like Mitt Romney paying a 13.9 percent tax rate, but it is a significant amount of money directly in the pockets of middle class families in north Jersey.

You don't have to look far to see where we are still hurting. Just last month, Mr. Speaker, the construction industry unemployment rate jumped another 3 percent to 16 percent. Passing the payroll tax cut will help grow the economy and get the American people back to work.

Isn't that what we want?

Mr. REED. Mr. Speaker, I would like to yield 1 minute to my good friend from Missouri (Mr. Long).

Mr. LONG. Mr. Speaker, I rise today to address the issue of the payroll tax extension—holiday—whatever want to call it, and the doc fix that we address every single year here in this Congress. At the end of last year, we went home. We did our work. We extended the payroll tax holiday for 1 full year. We did the doc fix for 2 years. When I got to the airport in Dallas, Texas, we got a call that the Senate had sent back over a bill here that was going to pay the doctors taking care of our seniors on Medicare for 2 months. I think, if I remember right, they had three different plans. It would either take care for 2 months, 8 weeks, or 60 days. That's the only three programs they looked at in the Senate. Then they sent it back over here, and then they try and blame us, saying we're not for the payroll tax extension. We were for it for a year; we were for the doc fix for 2 years.

I think it is ridiculous that the Senate cannot do their work, just like we haven't had a budget out of the Senate in 1,000 days.

Mrs. CAPPS. I am pleased to yield 2 minutes to our colleague from North Carolina, DAVID PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the motion to instruct and want to thank our colleague from Santa Barbara for offering it

Last year, as we lurched from one congressionally created crisis to another, uncertainty plagued families and businesses, and the American people's confidence in our ability to do their work plummeted.

In the first few months of the new year, we can right these wrongs. We can proceed in a deliberative, mature manner to address our Nation's problems.

As the President will reiterate tonight in his State of the Union Address, this is a make-or-break moment for our economic recovery, for our middle class and those trying to reach the middle class. Extending the payroll tax cut will put an average of \$1,000 in the pockets of working people this year. Let's not play games by threatening to raise taxes on 160 million workers if you don't get your way on one bargaining chip or another.

We should pass a full-year extension of the payroll tax cut right away and then move on to the President's broader jobs bill that would create jobs and put us on a faster road to recovery.

Mr. REED. I reserve the balance of my time.

Mrs. CAPPS. I am pleased to yield 2 minutes to our colleague from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague, Mrs. CAPPS, for yielding this time and for spearheading this resolution which will simply end the "dog ate my homework" excuse my Republican colleagues have repeatedly used when refusing to do more than the bare minimum that our job requires.

I'm a father of three children all under the age of 13. My kids are the best. I love them dearly. But they are like most: they don't like doing their homework, and they often wait until the last minute to get it done, despite my wife's and my best efforts to see otherwise. While this behavior is common in households across America, it is not acceptable in the workforce, and it ought not be acceptable here in the Republican leadership has gone about our business here in Congress.

This Congress almost let the United States of America default on its bills. This Congress almost prevented Social Security checks from going out to every American senior because they wanted their way or the highway. This Congress almost refused to pass a middle class tax cut for Americans before the holidays because they didn't believe middle class Americans deserve one.

And here we are today. The majority has refused for weeks to even begin discussions on the payroll tax even though Democrats named their conferees several weeks ago and have been ready to talk ever since.

President Obama has been waiting for any word from my Republican colleagues. He's made clear he wants to talk, negotiate, and get this done. But the Republicans have clearly been in no rush to get a tax cut passed for the middle class.

Today, with the passage of Mrs. CAPPS' resolution, that will all come to

an end. The middle class will go to the front and center of this Congress, and it's about time. We cannot wait until the last second once again. We have the chance to pass a bill that will provide the typical American family earning \$50,000 a year over \$1,000 in tax cuts—tax cuts they will see in every paycheck.

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

Mrs. CAPPS. I yield 30 seconds to our colleague.

Mr. CROWLEY. We have the chance to ensure the doctors treating seniors on Medicare can continue to do so without having to charge them higher fees for medical care. We have the chance to continue unemployment benefits for those who lost their jobs by no fault of their own and are actively looking for work.

The majority has a simple choice today: pass this resolution and make it clear it's our shared goal—Republicans and Democrats alike—to help hardworking Americans who are struggling in this economy; or reject this bill and continue playing the same games that have become the hallmark of this donothing Congress.

#### □ 1400

The fact is the American people don't have time for these games anymore. Stop the games. Pass this motion to instruct conferees.

Mr. REED. Mr. Speaker, I am pleased to yield 2 minutes to my colleague from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

I enjoy listening to revisionist history as is practiced here on the floor of the House of Representatives.

Our friends on the other side are saying that we haven't done our job, that we're not doing our work. Well, let's think about this for a second. It was the House Republicans that passed the full-year extension last year of the payroll tax and the unemployment extension. It was the House Republicans that named the conferees to get this work done. Let's think about who is and who is not getting their job done.

This year marks the second year in a row where the President has literally flouted the law and is delaying his budget. It's 2 years that the President hasn't brought the budget on time as according to law. Today is 1,000 days since the other body in the United States Senate bothered to even try to pass, let alone propose, a budget.

We acted responsibly. We acted in time. And, more to the point, Mr. Speaker, if we're going to have a temporary tax holiday for payroll taxes, let's never forget the fact that payroll taxes finance Social Security. This is why we insist on spending cuts—to make sure that Social Security is intact, remains whole. The failure to cut spending to pay for this temporary tax

holiday means complicity with raiding the Social Security trust fund, and we are not in favor of that.

Mrs. CAPPS. Mr. Speaker, may I ask, please, how much time I have remaining?

The SPEAKER pro tempore (Mr. WOMACK). The gentlewoman from California has 10 minutes remaining.

Mrs. CAPPS. With that, may I just remind our colleagues that we went lurching from one crisis to another during the past year, first about our debt ceiling default crisis, then whether or not we could even continue the government. Then we spent some time shutting down the FAA. So that's the reason behind this motion to instruct conferees in terms of getting on time.

Now I would like to yield 2 minutes to our colleague from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentlewoman for yielding to me. I rise in strong support of her motion, and I urge my colleagues to do so as well.

Today is a day of bipartisanship. The President is speaking to us. We should really show it. We should really put our money where our mouths are. It may be true, as the gentleman just said on the other side of the aisle, that the Republicans passed a year of a payroll tax break, yeah, but they put poison pills in it. They put Keystone in it. They put Medicare restrictions in it.

We want a clean bill. We want a year's bill, but let it be a clean bill. Let it be a bill that is not mixed in with anything else, no poison pills. I challenge my friends on the other side of the aisle to do that. This is what we should be doing. The American people want it.

There are still significant differences between the two parties on the specifics. Let's resolve them. Let's resolve them sooner rather than later. The American people are saying Congress is dysfunctional. Congress can't even agree on a bill, which everyone agrees. And this is more reason why we should pass this and show that we should not be playing politics on something that's so vital to people's lives. We should not wait until the very last minute to reach an agreement.

This motion simply instructs conferees to finish negotiations by February 17; and by doing so, we'd avoid the confusion and uncertainty that happened last time when the Congress waited until the last minute for the last extension. We need these tax breaks for the middle class. We need the doc fix. We need unemployment benefits for those who have been hurt most by the prolonged economic downturn.

Let's not play politics with people on these issues. I urge the conferees to quickly reach an agreement that will not hurt the unemployed and will help continue our economic recovery.

So again, Mr. Speaker, I urge my colleagues to support this motion so that

we don't take this debate to the last minute again, make us look like fools and play games with people's lives. Let's pass this. Let's do it now. Let's not wait. Let's stop the political games.

Mr. REED. Mr. Speaker, I'd just remind my good colleague on the other side of the aisle that we were here. The House Republicans were here December 22. December 26, conferees weren't even named yet. I was here Thursday and Friday of New Year's working on the issue.

We're ready to do the work. But there is one thing that we will not yield on, that we have demonstrated years in Washington, DC, of fiscal irresponsibility. And until we came in, this freshman class in November 2010, there was an attitude of, Don't worry about how we're going to cover it; don't worry about how we're going to pay for it

it.
That attitude has changed, and that's why I'm proud to yield 2 minutes to a fellow freshman Member from North Carolina (Mrs. Ellmers).

Mrs. ELLMERS. I thank my freshman colleague from New York for yielding.

I've been watching this discussion, this debate going on, and I am once again amazed by the issue.

I am in favor of this motion to instruct. In fact, I am so much in favor of it that I wish we weren't here talking about it right now. I wish we had finished the people's work in 2011. As my colleague has pointed out, we were here. This idea that somehow we don't work up until the minute, Mr. Speaker, this is ridiculous. This is absolutely ridiculous. This is nothing more than a dog and pony show.

As a conferee, I am anxious to begin the House and Senate-level meetings and to learn about what policy pathway will get us to the yearlong extension we are all seeking, what we voted for, what we passed in the House of Representatives—bipartisan effort, mind you. I am waiting to see what the Senate has to say about this on this 1,000th day of their not even passing a budget. The Senate's willingness to produce a plan is critical to giving employers, workers, and those seeking to reenter the workforce certainty they need

Again, I am ready to work on this issue. My colleagues are ready to work on this issue. We were ready to fix this problem in 2011, where it should have been left, so that into 2012 we could provide certainty for the American people.

I support this effort, and let's get to work.

Mrs. CAPPS. Before I yield time, I just want to congratulate the conferees for finally meeting today for the very first time, at least 5 weeks after they were appointed. So that's the point.

I am pleased now to yield 2 minutes to our colleague from Texas, Sheila Jackson Lee.

Ms. JACKSON LEE of Texas. I thank the gentlelady from California for the recognition and also for the leadership.

I might say to my colleagues that whenever we come to the floor of the House to do the people's business it is an important effort, and this motion to instruct is truly the people's business. I want to applaud you for framing the urgency of answering the call of doing what we need to do with respect to 160 million Americans who need payroll tax relief-again, tax cuts for middle class and working Americans, not a discriminatory treatment of only the top 1 percent being able to sing the song "Oh Happy Day." but to allow those who get up every day, some working with their hands, some working with the genius of their minds, and being able to get tax relief from this Congress.

I also know that the American people are looking for immediate relief as it relates to jobs. And I join with my colleague, Chairman LARSON of the Democratic Caucus, about the American Jobs Act and the President's initiative on putting teachers and firefighters, police and construction workers to work, creating jobs and cutting taxes to put in the American people's pockets, and, as well, to provide job training and extended unemployment incentives.

But I do raise this question as we look to protect Medicare and, yes, to provide the doctor fix, which is so important to Houston, with the large Texas Medical Center and the large population of seniors. I join with my colleagues to urgently move toward that. But may I make it very clear that unemployment benefits are not a handout. It is not given to people who have not worked. It is given to blue collar workers. It's given to white collar workers. It's given to people who have worked and contributed to this economy. For my friends on the other side of the aisle to suggest in the most insulting way to give drug tests and to suggest that people need a GED, I can assure you people want to get a GED. But when you talk of the body politic of unemployed workers, 14 million people can't find jobs because there are no jobs to be found, and we are working to create jobs.

So the issue is: Help us pass the American Jobs Act, and help recognize that those who get unemployment benefits, Mr. Speaker, are Americans who have worked, who deserve this kind of insurance.

I join in passing the payroll tax motion to instruct and the unemployment benefits. Let's do it now.

#### □ 1410

Mr. REED. I reserve the balance of my time.

Mrs. CAPPS. I am pleased to yield 2 minutes to our colleague from Ohio (Mr. Kucinich).

Mr. KUCINICH. I agree with Representative CAPPS in that we shouldn't wait. We have to move quickly to eliminate any uncertainty that American families have in planning their budget or any uncertainty that they may have as to whether or not they're going to get unemployment benefits.

We in this Congress have certainty in much of our lives, especially with the fact that we get paid every month. But if you are out there and you have a really tight budget or you are unemployed or you are a senior trying to make sure you can go to your doctor of choice, this motion that the gentlewoman from California (Mrs. CAPPS) has is very important because we need to recognize that the middle class has been under enormous financial stress. With the wealth of the country accelerating upward, middle class people have been looking for a break.

If I'm right, this legislation will provide up to \$1,000 for the year for a middle class family, which would be a great break for many families. This middle class tax break is imperative. Unemployment benefits for those who have not been able, despite their best efforts, to find a place in the job market are absolutely essential. There are 13 million people who are unemployed. There are a tremendous number of unemployed people in my own State of Ohio. They are looking to see, are we going to help them eliminate the uncertainty? That is why the Capps amendment is important, because we move forward quickly to show them, we are there for you. And the senior citizens, they want to make sure they can get their doctors of choice, and doctors want to make sure they are going to paid what is appropriate.

So I rise to support this amendment. Let's remember the middle class tax-payers. Let's remember those who are unemployed. Let's remember seniors who want to see the doctor of their choice. Let's remember doctors who want to get paid a fair amount. And let's pass this Capps amendment.

Mr. REED. Mr. Speaker, in closing, I would just like to say simply this, that we wholeheartedly agree with the general sentiment that has been brought to the House Chamber today, with the motion that is before this body, that we need to do our work in the conference. We cannot wait until the last minute. We wholeheartedly join in that sentiment, and we have demonstrated that commitment by what we have already done. Our actions should speak louder than our words.

The House Republicans were here on December 22, asking the Senate to come back to the table and do the people's work. And we are ready to do that work now. We need the Senate to come to the table in good faith, finalize this package on a long-term basis, bring certainty to our payroll tax rates, bring certainty to our providers, how

they get paid under Medicare, and take care of the unemployment extension situation. But we must go into this conference with our eyes wide open.

We were sent to Washington in November 2010 because the American people recognized the fiscal crisis that is coming to our shores in America if we don't get our debt under control, and the habit that creates it; the spending problem of Washington, D.C., corrected once and for all, or we will not have a future in America. And that is unacceptable to me, as a father of two, and as the father of three, the gentleman from New York (Mr. CROWLEY) on the other side of the aisle, also indicated. We are fighting for our children and our grandchildren who have yet to see the face of this Earth.

So I join with my colleagues in sending a message that we will do the work. The hardworking taxpayers in America deserve no less. The U.S. Senate should come to the table, find a solution to these issues, and we will whole-heartedly join hands on our side of the aisle when we do it in a responsible way that will take care of this situation in a long-term fashion, not the short-term Band-Aid that Washington, D.C., for so long has thought is good policy at the expense of the hardworking taxpayers of America.

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

Mrs. CAPPS. I yield myself the remainder of my time.

Mr. Speaker, I will say to my colleague from New York, being here in December, as you mentioned a few times, it was December 22 that Senator McConnell—actually several Senators said to us, Don't just be here, but get to work. Again, I acknowledge that, today, the conferees are meeting for the first time.

In closing, I just want to make a few quick points: first, to remind our colleagues what is in this motion. It simply says that the conference should finish its work and report it back to the House by February 17. It doesn't speak to specific outcomes, just that we get our work done and do it in a timely fashion. It is very clear that we need to come together and work on the problems that the American people have sent us here to address. They are rightfully tired of the endless drama and the political posturing in Washington, D.C. They know we can do better, and we know it too.

Second of all, we pretty much agree on the need for the basic provisions of this bill—the extension of the payroll tax cut, a tax cut for middle class, hardworking families, an extension of unemployment benefits, and a doc fix for Medicare providers for the rest of the year.

Third, it sounds like we all want to get these issues resolved as quickly as possible. There was a lot of agreement here on the floor during the past hour.

So I hope we can all agree now to pass this simple and commonsense motion to instruct the conferees to get their work done over the next 3 weeks so that we can get our work done here on the floor and get moving to the agenda that we know lies before us.

I urge my colleagues to support this motion, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate h as expired.

Without objection, the previous question s ordered ont he motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

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

The yeas and nays were ordered.

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

#### □ 1420

## EXPRESSING SENSE OF HOUSE REGARDING FEDERAL BUDGET

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 516) expressing the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance.

The Clerk read the title of the resolu-

The text of the resolution is as follows:

#### H. RES. 516

Whereas the Congressional Budget Act of 1974 established the modern budgeting process:

Whereas the President is required to submit a budget to Congress each year;

Whereas the last time the House of Representatives passed a budget was on April 15, 2011:

Whereas the last time the Senate passed a budget was on April 29, 2009; and

Whereas people in the United States must routinely set budgets for themselves, their businesses, and their families: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material

on H. Res. 516 currently under consideration. upon our friends in the Senate to get serious about their duty to those they

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 3 minutes at this time. We welcome the President to the

We welcome the President to the House Chamber tonight, where he will address the American people to assess the state of the Union. This presents another opportunity for the President to chart a new course. I hope the President takes this opportunity to stop offering empty rhetoric and broken promises, to stop pushing policies that have proven to make matters worse, and to stop dividing Americans for political gain. I hope the President takes this opportunity to start working with us to get America back on track.

Yet the administration has, time and again, turned hope into disappointment. The President and his party's leaders continue to duck from the most pressing fiscal and economic challenges facing our Nation. Exhibit A of this failure is the fact that today marks 1,000 days without Senate Democrats passing a budget.

Having failed to put forward a credible plan in 1,000 days, the President's party is committing America to a future of debt, doubt, and decline. Instead of dealing honestly with our biggest fiscal challenges and providing certainty to job creators, Senate Democrats have refused to meet their legal and moral obligations to propose and pass a budget.

The President and his party's leaders refuse to account for their reckless spending spree. The lack of credible budget plans from the President and his party leaders raises the question: What are they hiding? Is it threats to economic security, health security, and national security that would result from their policy agenda? the job-destroying tax hikes that they continue to insist upon? the bureaucratic rationing and denial of vital care for seniors that would result from their health care law? or the deep cuts to the military that would hollow out our national defense?

Mr. Speaker, their policy preferences call for ever higher levels of government spending, higher taxes, a board of bureaucrats to cut Medicare, and a smaller military. It's understandable why they'd be afraid to try and fit that agenda on a spreadsheet, but that is no excuse for giving up on budgeting.

This failure to budget stands in stark contrast to our efforts here in the House. As the law requires, we proposed and passed a budget resolution last spring. We honestly confronted our Nation's most difficult challenges, putting the budget on a path to balance and the country back on to a path to prosperity.

We will keep working together to advance solutions this year, and we call

upon our friends in the Senate to get serious about their duty to those they serve: Propose a budget; engage in debates; advance solutions.

I thank Congressman Nugent for his leadership on this resolution, which expresses the sense of House that passage of a budget is of national importance.

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

Mr. RYAN of Wisconsin. I yield myself 15 seconds to say we must recommit ourselves to the American idea. We must apply our Nation's timely principles to the challenges of the day, and we will continue to advance bipartisan solutions and the principled reforms necessary to get our country back on track.

With that, I reserve the balance of my time.

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

I appreciate, as always, the opportunity to exchange views with my good friend from Wisconsin, the chair of the Budget Committee, with whom I've been pleased to work with on some items. Occasionally, rarely, we're opposed, but this is one of those areas where I do have some concerns.

When I hear my friend talk about empty rhetoric and broken promises, I am reminded of what the Republican agenda has been to this point in this Congress—debt, doubt, and decline. Debt, doubt, and decline. Well, I think that that's a pretty good assessment of what had been offered up by my good friends when they had an opportunity this last year to present their vision.

Now they attempt to lay this off somehow on the Senate. And we all have had our frustrations with the other body. But the fact is, the problem that we face in terms of being able to work regular order, is that there has been a decision by the minority leader in the other body.

The senior Senator from Kentucky, the Republican leader, has been very clear. His number one priority is not putting Americans back to work. It's not dealing with the challenges we face at home and abroad. It is to make sure that President Obama is not reelected. And when you start from that premise and radiate out, we have seen the Senate, which has never been, shall we say, nimble, has slowed to a crawl. We have seen an unprecedented effort to make even the most modest and mundane efforts over there require a supermajority.

It's unprecedented. It is sad. The American people deserve better. But it is Republican obstruction that has twisted the rules of the Senate to make it nonfunctional.

Debt, doubt, and decline. The Republican budget, notwithstanding all the pyrotechnics and the effort to spread doubt about whether or not the United States would honor its commitment,

paying the national debt for debt that is already incurred, which occupied too much time this summer, an absolutely manufactured crisis, the Republican budget authored by my good friend from Wisconsin, itself, would have required increasing the debt ceiling.

And when you talk about decline, my Republican friends have failed to move forward with meaningful job creation. We've had, languishing, a reauthorization for the Surface Transportation Act, which we've had to extend eight times. And, in fact, the Republican budget actions to this date are cutting back on investment in water, in transportation, things that would put Americans to work all across America.

And as for bureaucratic rationing of health care, I'm surprised my good friend can say that with a straight face because, remember, his budget takes the half trillion dollars and accepts it. He doesn't unwind it. He doesn't change it. He accepts it. They count on it because they know that, in fact, there are opportunities for us to strengthen Medicare without ending the guarantee that two generations of senior citizens have relied upon to be able to have the Medicare payments when they need them.

We have the opportunity to refine and reform Medicare, to provide better service for our seniors and eliminate unnecessary expenditures. There was a time when those agenda items, not the rhetoric, not vouchering this and slashing that, but what was required to move forward to actually reform Medicare, that has been bipartisan. It's been agreed to. It's being practiced by health care systems in Wisconsin, in Oregon. We know what to do. We have the opportunity to do it. Unfortunately, the Republican approach to this point has been to assume that it's too expensive, that we can't do it. It's too expensive for the Federal Government, so we're going to transfer the risk to the next generation of senior citizens but taking advantage of the savings under the Affordable Care Act.

Now, Mr. Speaker, we're going through an exercise today that is largely beside the point. What we should be doing is dealing with pieces of legislation that would have bipartisan support, moving forward, accelerating health care reform, rebuilding and renewing America, taking things like the work that I've done with my good friend from Wisconsin in terms of reforming the agricultural system that wastes too much money on the wrong people, doing the wrong things. We could be moving forward on a constructive agenda that the Occupy Wall Street people and the Tea Party folks could actually get behind.

### □ 1430

Unfortunately, today, this H. Res. 516 is another sidetrack that gets us away from doing what we should do.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, as I yield time to the gentleman from Texas, I will simply say I'm sure my colleague, my friend from Oregon, knows that you cannot filibuster a budget resolution in the Senate. I would just state that for the RECORD.

At this time, I would like to yield 2 minutes to the gentleman from Texas, a member of the Budget Committee, Mr. Flores.

Mr. FLORES. Mr. Speaker, just like America's families and businesses, Congress must base its spending on a budget so that the Federal Government lives within its means. While Americans struggling in the Obama economy must sit down every day and produce a budget for their families, Senate Democrats have decided it would be a better political move to not produce a budget for the Nation, even though the law requires passage of an annual budg-

To repeat, the Senate leadership is ignoring the law and has been for 1,000 davs.

A budget plan is Congress' most basic responsibility of governing, but without a budget, the State of the Union is uncertain, just like the economy is today.

Coincidentally, today is not only the President's State of the Union address: it is also the 1,000th day since the Senate last passed a budget. And without surprise, yesterday, just like it did last year, we also learned that the White House will again miss its deadline to submit a budget to Congress.

For 1,000 days, the Democrat-led, donothing Senate has refused to fulfill this duty to the American people. During this time, our national debt has surpassed our gross domestic product. And we've seen 35 straight months of unemployment higher than 8 percent. That means trillions of dollars of debt. are being added to the bill our children and grandchildren will be forced to pay.

House Republicans put together a plan to put America back on a sound fiscal trajectory and to avoid a future of doubt, debt, and despair. Our "Path to Prosperity" budget will cut excess spending while strengthening vital programs like Medicare so they will be around for current and future generations.

Unfortunately, Senate Democrats rejected this bill; and, in fact, they have not bothered to do their job and pass a budget for the Federal Government since April 29, 2009, exactly 1,000 days

Today, I call on President Obama and Senate Democrats to do their jobs, providing real leadership for the American people and to join House Republicans in passing a responsible budget so that we may restore America's promise, prosperity, and security for future generations.

important resolution, H. Res. 516.

Mr. BLUMENAUER. I reserve the balance of my time.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, as I heard the gentleman from Oregon speaking of debt, doubt, despair, decline, I couldn't help but think that all of those words start with "D." just as "Democrat" does, and "recovery" starts with "R," just as "Republican" does.

Now, Mr. Speaker, the President presented a budget, and that's a fact, and the House passed a fiscally responsible budget. The Senate defeated both of those budgets and then failed to produce an alternate.

Republicans in the House stand willing to work and want to move to regular process. Senator REID has closed that door at every opportunity.

Today, we call on the President to appeal to the Senate in his State of the Union address tonight to ask the Senate simply to pass a budget. Without a budget, there is no plan. With no plan, that means no recovery, and no recovery means no new jobs.

Mr. Speaker, Americans did not send us here to play the same tired old games that Senator REID continues to play. They sent us here to get something done for this generation.

This is my son, Wells. He's 12 years old. Our class represents over 300 children and grandchildren. Now, times are tough, but Americans are tougher, so the future of America is bright. But today is 1,000 days that this country has operated without a Federal budget.

I understand the majority leader likes to say that we don't have a budget because of House freshmen, but that's simply not true. When we arrived in Washington, we were sworn in just over a year ago, and America had operated at that time without a budget for 678 days. Our freshman class knew we could do better than that, and we did better than that, Mr. Speaker. We passed a budget in the House, and we call on the President tonight to ask the Senate to fulfill their job for the American people and simply pass a budget.

Mr. BLUMENAUER. I continue to reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Missouri (Mr. Long).

Mr. LONG. I rise today to address a thousand days. Now, I can try to impress you with my knowledge of a thousand days and tell you things like Mark Zuckerberg could have invented Facebook in his dorm room at Harvard 71.3 times in a thousand days, but I don't think that's going to get us anywhere. I could tell you that you could build 2.4 Empire State buildings in a

I urge my colleagues to support this thousand days, but that really doesn't mean anything. Those are the things you could do in a thousand days. What I'd like to address is what you cannot do in a thousand days.

What can we not do in a thousand days? The Senate cannot pass a budget. I was with one of the 87 freshmen that got here last year. I've been here 365plus days. So what happened to that first 600-and-some days, if we could address that, when the Democrats controlled all three bodies, the House, the Senate, and the White House? They didn't produce a budget in that time.

This is an election year. I don't think we're really going to see a budget this year. We can talk about it all we want and ask them to produce one, but it's not politically correct to budget in this country anymore. And to me, Mr. Speaker, that's appalling.

When you do come forth with a budget, as we did last year, a couple days later you're going to get an ad of somebody throwing a lady off a cliff in a wheelchair, because that's what happens in this country when you put your plan down in writing, and that's appall-

Eighty-seven freshmen came here last year—doctors, nurses. I was one of two auctioneers. Pizza parlor owner, roofing contractor. Just like the Founding Fathers envisioned. Car dealers, people off the street, people that have run businesses, small business people.

We got here and we were told the first vote we needed to take was for what? Speaker of the House. We voted for John Boehner, Speaker of the House, because the public sent us up here with a 25-seat majority.

What was our second vote? A CR, a continuing resolution. We looked at each other. Continuing resolution? Oh, yeah. We've got to keep the government open for 2 more full weeks, 14 days, because that's how we operate here in Washington, D.C. And if that's not appalling, too—we were sent here to change the way Washington does business.

Now, you can have your three Ds doubt, despair, decline—and I think on "Hee Haw" they used to say "and agony"—but we can also be optimistic in this country.

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

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. LONG. You can deal from a position of defeat and doubt and decline like our colleagues across the aisle like to, but I wish I would have stepped 14 steps down the hall to my good friend from Oregon's office-that's how far our offices are apart—and I could have studied on how the first term of George W. Bush they worked night and day how to figure out how to get him rebecause elected. apparently McConnell is doing something wrong in the Senate.

Mr. BLUMENAUER. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman from Oregon for yielding.

On its surface, the resolution seems to make sense about making sure we pass a budget, and that's of national importance. I think that all of us who are here understand the underlying politics that have made it very difficult to bring a budget forward.

Of course, budgets are all about priorities, what are our Nation's priorities. When we get to the point of passing a budget, here's what we ought to be telling the American people: that the middle class will be protected: that the social safety net will be protected; that Social Security will be protected; that benefits will not be cut; that the cap will be lifted; that there will be no privatization; that Medicare will be protected; that there will be a fix so that doctors can get a fair shake; that we'll do something about Medicare Part D, which blew a hole in the Medicare budget; that we'll begin to cut back our military presence around the world, and that we start to take down this military industrial complex that General Eisenhower warned about so many years ago; that we'll begin investing in new technologies so that we can grow the economy of the future.

Budgets are about priorities. And while we still debate whether or not we're going to pass a budget, we need to set those priorities that will enable America, when it finally has a budget, to move forward into the future with a country that's going to be serving everyone, not just a few at the expense of the many.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time remains between the two sides?

The SPEAKER pro tempore. The gentleman has  $10\frac{1}{2}$  minutes remaining, and the side in opposition has  $12\frac{1}{2}$  minutes remaining.

#### □ 1440

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. BLUMENAUER. I yield 4 minutes to the gentleman from Texas (Mr. Doggett).

Mr. DOGGETT. I thank the gentleman.

As a long-time member of the Budget Committee, I certainly think that having a budget resolution is a good idea. I think it is a matter of national importance. I don't see how anyone can really disagree with the resolution, although it seems to have been offered primarily to establish a setting for the Republican response to the State of the Union Address that we all look forward to hearing tonight.

It is important to understand what the budget resolution is and what it is not, and what difference it really makes if one hasn't been passed for 1,000 days, 3 or 4 years, or 3 or 4 weeks. The budget resolution is not the appropriations act. It is a statement of our values and of our priorities, and I think that it is important to try to get one passed every year.

But the most important practical consequence of passing a budget resolution is to establish the level of discretionary spending, that is, to establish the level of expenditures that can be made by the various Appropriations committees and by this Congress. It provides us a good opportunity to look at what the consequences of that spending are, to try to match it up to revenues, and not to engage in endless deficit spending.

But the practical effect of the resolution itself is to say to the Appropriations Committee here in the House and in the Senate how much discretionary spending will the Congress approve this year. So what happens when there is not a budget resolution? The Congress finds other ways to do the very same thing.

So, in fact, the Congress did not pass a budget resolution for fiscal year 2003, for fiscal year 2005, for fiscal year 2007; but that did not stop President Bush from signing appropriation bills that added billions of dollars to our national debt—along with his tax cuts for those at the top that also added immensely to our national debt. He signed those appropriation bills.

I don't know whether we went a thousand days or a year or two then without a budget resolution. It would have been better if we could have adopted one, but the budget resolution tends to be confused by some people with the appropriations that keep the Federal Government going. This is not the act that Republicans from time to time have threatened to shut down the government.

You can't threaten to shut down the government over the passage of a budget resolution. That has happened with some of our appropriation bills. It almost happened with the ceiling on debt for the Federal Government. It is also inaccurate, not only confusing, to mix the two; and it is inaccurate to say that this Congress has not acted to establish some discretionary spending limits, even though a budget resolution, as good as it would be to have one, has not been formally adopted.

We did, in fact, adopt last year the Budget Control Act. The Budget Control Act proposes to set discretionary expenditure limits, what this Congress will spend, not just for this year but for a 10-year period in an effort to try to get spending under control and bring us closer to getting our fiscal house in order, which is something we very much need to do.

I see today's resolution as restating the obvious, that a budget resolution is a good idea, but not adding really much to our attempt to achieve some balance in our budget. Indeed, the last debate here on the floor about instructing conferees and trying to move forward on the issues of unemployment, the job creation, and the payroll tax extension are much more on target than a resolution of this nature.

We do have some serious challenges and deadlines. We still have almost 5 million Americans that would lose their unemployment benefits this year if we don't have an extension. I'd focus on those and working with the President, rather than a resolution that accomplishes little.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I would like to thank the gentleman from Wisconsin for yielding and also for his leadership on budget issues.

Mr. Speaker, 1,000 days without a budget and then 2 days ago we received news that the President is going to miss his deadline for submitting a budget to Congress. Rather than urging Senate Democrats to pass a budget and work with us to solve our Nation's fiscal problems, President Obama has joined them in failing to do their job.

America deserves better than this. Families and businesses set budgets every day. How much money do we have? What can we afford? What do we have to go without? In Washington, we have an obligation to ask and to answer those same questions. As I learned operating a small business, failing to plan is planning to fail.

Now, 17 years ago when I lost my job in a corporate merger, my wife and I sat down around the kitchen table, made a pot of coffee and got out a sheet of notebook paper, drew a line down the middle and on the left side we wrote this is how much we have, on the right side how we were going to spend it. That's a budget. Americans are sitting around their kitchen tables every night, and they have every reason to expect their government in Washington to do the same thing.

In the House, we passed a serious budget last year, and we're committed to do so again this year. It's time for the President and the Democrats in the Senate to do the same.

Mr. BLUMENAUER. I yield myself 2 minutes.

It's interesting to watch my friend's attempt to reframe the issue away from proposals that they have offered and the inartful budgetary fiscal activities of this last year. It was, after all, a Republican choice to halt the operation of the other body, essentially shutting down the Senate, by requiring supermajorities on everything.

We started the year with the threat of government shutdown. You recall we went to just minutes away from having to shut down the Federal Government over a basically theological argument on the part of my friends on the other side of the aisle over things like Planned Parenthood and Big Bird.

Then this summer we had cast doubt for the first time in history about whether we were actually going to honor the requirement to pay the debt for obligations we'd already incurred. This summer the Republicans were willing to leave town, and we actually shot the hostage when it came to the FAA: 70,000 people were idled on construction projects for aviation; 4,000 employees laid off.

Then this fall and into the winter, we had the spectacle of what should be a relatively routine effort, and has been a routine effort for Republicans and Democrats alike, dealing with things like the extension of unemployment insurance and avoiding a draconian impact with the sustainable growth rate, the SGR, the doc fix. We watched our Republican friends in the House and Senate unable to communicate, and we ended up having a situation where they just basically turned their backs on the American people and were going to insist it was their way or the highway again.

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

Mr. BLUMENAUER. I yield myself 1 additional minute.

It took days for, finally, reason to settle in when even the Republicans in the Senate had to say, no, well, this is the deal that we had. There appears to be a lack of accord on behalf of the new majority in the House, we're still spinning around.

And all the time we're dealing with things like this that are a sideshow when the majority of what really makes the difference, how we spend the money, these appropriation bills, the majority of which haven't even come out of the Republican-controlled committee to the Republican-controlled House to be passed, when we actually should be working on the next fiscal year.

### □ 1450

So we'll endure the sideshow. This will pass. It will not really do anything other than sort of trying to be the pivot point in trying to spin the issue. But it would be nice at some point to stop the spin and the things that are beside the point, and maybe encourage the Republicans to agree amongst themselves, come into accord between the House and the Senate, and maybe get some of these appropriations bills to the floor so we can see where we're going.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Mr. Speaker, today I rise in support of the resolution offered by my colleague, the gentleman from Florida. The jaws of the people I represent drop when I inform them

that 1,000 days have passed since the Senate actually passed a budget; 1,000 days since Democrat HARRY REID allowed a budget to actually be debated. They can't believe that such a failure of duty has occurred, yet alone that it can occur.

Two weeks ago I hosted a town hall in Clay Center, Kansas, and a constituent asked: How is it possible for the Senate to not pass a budget? As the constituent correctly pointed out, you can't run a city, a State, or a business this way. Washington seems to be the only place in the world where reality doesn't apply. Perhaps it's fitting that the President traveled to the most magical place on earth—Disney World—last week. He is complicit with allowing the Senate Democrats to live out a fairy tale in which fiscal policy is carried out on a whim.

Not only do cities, States, and businesses not function without budgets, but American families cannot get ahead without them. Families who face mountains of debt, like Washington does, never erased the red ink without a plan to pay it down or a plan to stop adding to it. Families who want to save and invest for the future cannot do so without a budget. Families who want to leave a legacy for their children and grandchildren come up with a blueprint to do so. And in the same regard, we should be focused on the legacy Washington is leaving for our children and grandchildren, Mr. President and Mr. REID. We cannot wait.

Mr. BLUMENAUER. I continue to reserve the balance of my time.

Mr. RYAN of Wisconsin. I yield myself  $1\frac{1}{2}$  minutes.

Here's the deal, Mr. Speaker. We're going to have a debt crisis in this country if we don't watch it. What is going to happen if that happens everybody's going to get hurt in this country. Europe is in the middle of austerity. What that means is they're cranking up taxes on all of their countrymen, slowing down their economy. And they're pulling the rug out from under their seniors who have already retired and organized their lives around these programs. We want to prevent that from happening. We want to preempt a debt crisis. We want to get America on a path to prosperity and deal with this debt issue, and we can't grow the economy and create jobs unless we do that. The only way to fix this problem, to prevent seniors from getting harmed, to grow this economy, is to have a budget.

And it's been 1,000 days since the Senate bothered even trying to pass a budget. It's the epitome of irresponsibility that the other body has neglected this most basic function of governing. We've got to save this country. And in order to do that, we have to budget and prioritize because that's what our constituents elected us to do.

With that, I reserve the balance of my time.

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

I agree with the goal of my good friend from Wisconsin about making sure that we deal with our long-term problems of budget deficits and national debt, and certainly look forward to working together moving down a path to prosperity. But we have slightly different ways of going about this, and it is unfortunate because I think if we really had full and open debate on the floor of the House, if we hadn't accepted draconian rules that make it very hard to be able to discuss on the floor the opportunity to have a balanced approach that would include, for example, eliminating unnecessary tax breaks for industries that no longer need them, or adjusting the Tax Code so we wouldn't have the anomaly of where people worth hundreds of millions of dollars—the most recent example of Mr. Romney releasing his tax returns, where he is paying less than 15 percent due to the use of carried interest long after he left his former employer. These are things that we could do that the American public agrees with and that would help have a balanced approach that ultimately would make a difference.

I am, as I mentioned, a little bit perplexed that we are going to continue to beat up on the Senate, although that's always fun, to whack around the other body, but the point is that the dysfunction of the Senate is a Republican choice to shut it down, require extraordinary majorities for the most routine of items. We see it with judicial appointments that have been cleared out of committee, that have bipartisan support, that the minority in the other body, the Republican Party, won't even allow to move forward when we have a serious crisis in a number of the areas of our judiciary.

We have watched where there's long on rhetoric, but when it comes time to just getting the budgets done for this year, there are six major appropriations bills for this year, and we're now 5 months into the fiscal year, that are languishing, that have not passed out of the Republican committee to the Republican-controlled House to at least start the process going.

Now, today in the Budget Committee we had a fascinating intellectual exercise. There were four bills that were considered. We're moving these items to the House floor, each and every one of which was an interesting intellectual exercise, but in the name of transparency and simplicity and giving the American public a fuller picture, every one of them clouds the budget picture, whether it's so-called dynamic scoring that won't deal with important investments like infrastructure and give the people a great picture, but it will muddy the waters in terms of the impact on legislation coming forward.

Biennial budgets, when we can't move forward now with appropriations

on an annual basis, will institutionalize the sideshow. We'll do it twice; we'll require the bureaucracy to generate more information over a longer timeframe that will be more inaccurate. It flies in the face of what is happening in the States—which have been referred to as the laboratories of democracy—which used to have biennial budgets, and the majority are moving away because it doesn't work, it is inaccurate, and it requires extra work. This is part of the Republican approach, to move in this direction.

Freezing baseline budgets will make long-term budgeting less accurate and make it harder to really assess what the budgetary costs and consequences are going to be.

And then there's a little thing that deals with risk adjustment that would require the current process, where there is an absolute accurate appraisal of what will happen with Federal loans and their performance, but because it doesn't deal with their academic model, will require a risk adjustment premium and further budget balancing. And I defy any Member of the House to explain to any of their constituency, even pretty sophisticated people, why this is an improvement for greater transparency and accuracy.

The point is it's continuing a side show instead of working together on what the American public wants. They want a balanced solution. And if we didn't have the vast majority of the people in the House and the Senate pledging their fealty to an unelected lobbyist, pledging never to increase taxes, we could have moved with the supercommittee and moved forward and done something.

#### □ 1500

It is time for us to stop the gimmicks, maybe work together doing what the American public wants so that we can deal with avoiding a debt crisis and get us launched on a path to prosperity that the American public would agree with.

Mr. RYAN of Wisconsin. Mr. Speaker, for the purposes of closing, I yield the remainder of my time to the gentleman from Florida, the author of this House resolution, Mr. NUGENT.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 51/2 minutes.

Mr. NUGENT. I would like to thank the chairman, Mr. RYAN, for allowing me to speak and allowing me to close. And I heard this is a sideshow. I don't think the American people see it as that.

Mr. Speaker, I rise today to offer a resolution expressing the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance. You've heard it over and over again that this is the 1,000th day, 1,000 days, Mr. Speaker, since the Senate has not ful-

filled its obligation. Think about all the things Americans have done and been able to accomplish in the last 1,000 days, and yet the Senate has failed to achieve this basic responsibility under the Budget Act of 1974.

It's astonishing. I've had two sons graduate from college, two sons go to war and come home again. Another son got married in that time period. And in that time, the citizens of Florida's Fifth Congressional District sent me to Washington to do this job to work for the American people.

That work undoubtedly includes passing a budget, as this House did on April 15 based on the leadership of Chairman RYAN. The Senate, on the other hand, hasn't produced a budget since 2009—I believe it's April of 2009—and didn't even bother to propose a budget this last year. The last time the Senate passed the budget, the CBO predicted that the deficit for 2011 would be \$693 billion. In reality, it was twice, almost twice that, \$1.3 trillion.

When I'm at home talking with people in my district, they're astounded that the Senate has not passed a budget in almost 3 years. They can't fathom how we can operate without a budget. In truth, Mr. Speaker, you've heard the other side even say that we haven't been operating smoothly. When I first got here, we had to do a CR. That's because we haven't done what we're supposed to do in the Senate and the House. The American people know that, and that's reflected in our approval ratings.

You see, in the real world, Americans routinely set budgets for themselves, their families, and their businesses. I had to set one when I was a sheriff. Unfortunately, the Senate doesn't operate in the real world. Rather, it has become a legislative graveyard, even for bills passed with bipartisan support.

The House, however, has acted. We've passed 27 bipartisan jobs bills that have been lost to the black hole that is the Senate. Some of those bills received an overwhelming majority of support. For instance, H.R. 1070, the Small Company Capital Formation Act, would allow small businesses to capture more capital in the early stages of their formation, and that passed in this House with 421 votes for and one opposed. That's a perfect example of legislation that should be public law, and it isn't because it's died in the Senate.

Now, I understand the Senate may not agree with everything in our bills that we pass, and that's fine. That's how the Founding Fathers envisioned it. But if you have objections, then put forth your own proposals and allow the normal process to work. Do not simply sit on the sidelines and decry every idea that comes out of the House of Representatives—ideas that we put forward.

In my opinion, there couldn't be a better example of putting politics before country than the Senate's refusal to pass a budget. Even those on the other side have said, it's a plan, we have to have a direction. That's what we ask. We don't have to agree on that direction; but at the end of the day, we have to have something to set our appropriators free to work with within the confines.

Rather than show Americans what priorities are, rather than show what they're willing to spend, where they want to cut and how much they want to increase taxes, and whether they believe our colossal debt is even an issue. the Senate has instead insisted on punting this issue entirely. This is not only a disservice to the American people; but, frankly, it's irresponsible. And when you hear them say the Republicans in the Senate are blocking a budget, vou can't filibuster a budget in the Senate. The rules do not allow for it. So they could, if they wanted to, do their job and assist the American people in figuring out where they stand on issues of great national importance. Once again, we talked about spending, taxes, and how we move forward.

The Senate Democrats had the supermajority in the Senate, control of the House and the White House and still didn't pass a budget. I don't think it's too much to ask the Senate to produce a budget. I know Americans don't think so either.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and agree to the resolution, H. Res. 516.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

#### RECESS

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

Accordingly (at 3 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 4 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION PRO-VIDING FOR CONSIDERATION OF 1173. FISCAL RESPONSI-BILITY AND RETIREMENT SECU-RITY ACT OF 2011

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112-375) on the resolution (H. Res. 522) providing for consideration of the bill (H.R. 1173) to repeal the CLASS program, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

The motion to suspend the rules and adopt House Resolution 516, by the veas and navs:

The motion to suspend the rules and pass H.R. 2070, by the yeas and nays; and

The motion to instruct on H.R. 3630, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5minute votes.

#### EXPRESSING SENSE OF HOUSE REGARDING FEDERAL BUDGET

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 516) expressing the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance, on which the yeas and nays were ordered

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 410, nays 1, answered "present" 1, not voting 21, as follows:

## [Roll No. 7]

#### YEAS-410 Barton (TX) Ackerman Boren Adams Bass (CA) Boswell Aderholt Bass (NH) Boustany Akin Becerra. Brady (PA) Alexander Braley (IA) Benishek Berg Berkley Brooks Broun (GA) Altmire Amash Biggert Amodei Brown (FL) Buchanan Andrews Bilbray Bilira.kis Austria Bucshon Baca Bishop (NY) Buerkle Bachmann Bishop (UT) Burgess Butterfield Bachus Black Blackburn Baldwin Calvert Barletta Blumenauer Camp Campbell Barrow Bonner Bartlett Bono Mack Canseco

Cantor Capito Capps Capuano Cardoza Carnahan Carney Carson (IN) Carter Cassidy Castor (FL) Chabot Chaffetz Chandler Chu Cicilline Clarke (MI) Clarke (NY) Clay Cleaver Clyburn Coble Coffman (CO) Cohen Cole Conaway Connolly (VA) Conyers Cooper Costa Costello Courtney Cravaack Crawford Crenshaw  $\operatorname{Critz}$ Crowley Cuellar Cummings Davis (CA) Davis (IL) Davis (KY) DeGette DeLauro Denham Dent DesJarlais Deutch Diaz-Balart Dingell Doggett Donnelly (IN) Dovle Duffv Duncan (SC) Duncan (TN) Edwards Ellison Ellmers Emerson Engel Eshoo Farenthold Fattah Filner Fincher Fitzpatrick Flake Fleischmann Fleming Flores Forbes Fortenberry Foxx Franks (AZ) Frelinghuysen Fudge Gallegly Garamendi Gardner Garrett Gerlach Gibbs Gibson Gingrey (GA) Gohmert Gonzalez Goodlatte Gowdy

Granger

Graves (GA)

Graves (MO)

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Matheson

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Green, Gene McCarthy (CA) Griffin (AR) McCarthy (NY) Griffith (VA) McCaul Grijalva McClintock Grimm McCollum Guinta McCotter McDermott Guthrie Gutierrez McGovern Hahn McHenry Hall McIntyre Hanabusa McKeon McKinlev Hanna Harper McMorris Harris Rodgers Hartzler McNerney Hastings (FL) Meehan Hastings (WA) Meeks Hayworth Mica Michaud Heck Heinrich Miller (FL) Hensarling Miller (MI) Herger Miller (NC) Herrera Beutler Miller, Gary Higgins Moore Himes Moran Hinoiosa Mulvanev Murphy (CT) Hirono Hochul Holden Murphy (PA) Myrick Holt Nådler Hoyer Napolitano Huelskamp Neal Huizenga (MI) Neugebauer Hultgren Noem Nugent Hunter Hurt Inslee Nunnelee Olson Israel Olver Jackson (IL) Owens Jackson Lee Palazzo (TX) Pallone Jenkins Pascrell. Johnson (GA) Pastor (AZ) Johnson (IL) Paulsen Johnson (OH) Pavne Johnson, E. B. Pearce Johnson, Sam Pelosi Jones Pence Jordan Perlmutter Kaptur Peters Peterson Keating Kelly Petri Pingree (ME) Kildee Kind Pitts King (IA) Platts King (NY) Poe (TX) Kingston Polis Kinzinger (IL) Pompeo Kissell Posey Price (GA) Kline Kucinich Price (NC) Labrador Quayle Lamborn Quigley Rahall Lance Landry Rangel Langevin Reed Lankford Rehberg Larsen (WA) Reichert Larson (CT) Renacci Latham Reyes Ribble Latta Lee (CA) Richardson Levin Richmond Lewis (CA) Rigell Lewis (GA) Rivera Roby Roe (TN) Lipinski LoBiondo Loebsack Rogers (AL) Lofgren, Zoe Rogers (KY) Rogers (MI) Long Lowey Rohrabacher Lucas Rokita. Luetkemeyer Rooney Luján Lummis Roskam Lungren, Daniel Ross (AR) Ross (FL) Lynch Maloney Royce Manzullo Marchant Runvan Marino Markey

Ros-Lehtinen Rothman (N.I) Roybal-Allard Ruppersberger Ryan (OH) Rvan (WI)

Sanchez, Loretta

Visclosky Smith (WA) Walberg Schakowsky Southerland Walden Walsh (IL) Schiff Stark Schilling Walz (MN) Stearns Schmidt Stivers Wasserman Schock Stutzman Schultz Schwartz Sullivan Waters Schweikert Sutton Waxman Scott (SC) Terry Webster Thompson (CA) Scott (VA) West Westmoreland Scott, Austin Thompson (MS) Scott, David Thompson (PA) Whitfield Thornberry Sensenbrenner Wilson (FL) Tiberi Wilson (SC) Serrano Sessions Tierney Wittman Sewell Tipton Wolf Sherman Tonko Womack Shimkus Towns Woodall Shuler Tsongas Woolsey Turner (NY) Shuster Yarmuth Simpson Turner (OH) Yoder Sires Unton Young (AK) Van Hollen Smith (NE) Young (FL) Smith (NJ) Velázquez Young (IN) NAYS-1 Honda

#### ANSWERED "PRESENT"-1

Welch

#### NOT VOTING-21

Berman Giffords Sánchez, Linda Bishop (GA) Gosar т Brady (TX) Hinchev Schrader Burton (IN) LaTourette Slaughter Culberson Mack Speier DeFazio Miller, George Watt Farr Pau1 Frank (MA) Rush

#### □ 1630

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### WORLD WAR II MEMORIAL PRAYER ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2070) to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the nation on June 6, 1944, the morning of D-day, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHN-SON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, navs 26, not voting 21, as follows:

#### [Roll No. 8] YEAS-386

Ackerman	Amodei	Baldwin
Adams	Andrews	Barletta
Aderholt	Austria	Barrow
Alexander	Baca	Bartlett
Altmire	Bachmann	Barton (TX)
Amash	Bachus	Bass (CA)

Ros-Lehtinen

Turner (OH)

Upton Van Hollen

Visclosky

Walsh (IL)

Walz (MN)

Wasserman

Schultz

Westmoreland

Whitfield

Wittman

Womack

Woodall

Yarmuth

Young (AK)

Young (FL)

Young (IN)

Yoder

Payne

Polis

Rangel

Serrano

Velázquez

Woolsey

Stark

Scott (VA)

Wolf

Wilson (FL)

Wilson (SC)

Waters

Waxman

Webster

Welch

West

Walberg

Walden

January	24,	2012
Bass (NH)		lores orbes
Benishek Berg		orbes ortenberi
Berkley Biggert		oxx rank (M <i>A</i>
Bilbray	F	ranks (A
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NOT VOTING-21 Farr Reves Giffords Sánchez, Linda Gosar Т. Hinchey Schrader LaTourette Slaughter Mack Watt Miller, George Paul

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during

the vote). There are 2 minutes remain-

#### □ 1649

Mr. PAYNE changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAY-ROLL TAX CUT CONTINUATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 3630) offered by the gentlewoman from California (Mrs. CAPPS) on which the yeas and nays were ordered.

The Clerk will redesignate the mo-

The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 16, not voting 20, as follows:

[Roll No. 9] YEAS-397

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Pastor (AZ)

Pelosi Royce Terry Runyan Thompson (CA) Pence Perlmutter Ruppersberger Thompson (MS) Thompson (PA) Peters Rush Ryan (OH) Peterson Thornberry Rvan (WI) Petri Tiberi Pingree (ME) Sanchez, Loretta Tierney Pitts Sarbanes Tipton Platts Scalise Tonko Poe (TX) Schakowsky Towns Polis Schiff Tsongas Schilling Pompeo Turner (NY) Posey Price (GA) Schmidt Turner (OH) Schock Unton Schwartz Price (NC) Van Hollen Quigley Schweikert Velázquez Rahall Scott (SC) Visclosky Rangel Scott (VA) Walberg Scott, Austin Walden Rehberg Scott, David Walsh (IL) Sensenbrenner Reichert Walz (MN) Renacci Serrano Wasserman Reves Sessions Schultz Ribble Sewell Waters Richardson Sherman Waxman Richmond Shimkus Webster Rigell Shuler Welch Shuster Rivera West Roby Simpson Westmoreland Roe (TN) Sires Whitfield Smith (NE) Rogers (KY) Wilson (FL) Rogers (MI) Smith (NJ) Rohrabacher Smith (TX) Wilson (SC) Rokita Smith (WA) Wittman Womack Rooney Southerland Ros-Lehtinen Woodall Speier Roskam Stark Woolsey Ross (AR) Stearns Yarmuth Young (AK) Ross (FL) Stivers Rothman (NJ) Sullivan Young (FL) Young (IN) Roybal-Allard Sutton

#### NAYS-16

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Bachmann	McClintock	Wolf
Blackburn	McKinley	Yoder
Campbell	Neugebauer	
Flake	Quayle	

#### NOT VOTING-20

Berman	Giffords	Miller, George
Brady (TX)	Gosar	Paul
Burton (IN)	Hinchey	Sánchez, Lind
Conyers	Hirono	T.
Culberson	LaTourette	Schrader
DeFazio	Mack	Slaughter
Farr	McDermott	Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

#### □ 1656

Mrs. LUMMIS changed her vote from "yea" to "nay."

So the motion to instruct was agreed to

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3261

Mr. CARTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3261.

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

There was no objection.

#### HOUR OF MEETING ON TOMORROW

Mr. CARTER. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of purporting to reserve seats prior to the joint session by placement of placards or personal items will not be allowed. Chamber Security may remove these items from the seats. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 58 minutes p.m.), the House stood in recess until approximately 8:35 p.m.

#### □ 2040

JOINT SESSION OF CONGRESS PURSUANT TO HOUSE CONCUR-RENT RESOLUTION 96 TO RE-CEIVE A MESSAGE FROM THE PRESIDENT

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The joint session will come to order.

The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. McCarthy);

The gentleman from Texas (Mr. HEN-SARLING);

The gentleman from Texas (Mr. SESSIONS);

The gentleman from Georgia (Mr. PRICE);

The gentlewoman from Washington (Mrs. McMorris Rodgers);
The gentleman from Texas (Mr. Car-

TER);
The gentlewoman from California

(Ms. Pelosi); The gentleman from Maryland (Mr.

HOYER);
The gentleman from Connecticut
(Mr. LARSON):

The gentleman from California (Mr. BEGERRA):

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from New York (Mr. ISRAEL); and

The gentlewoman from Ohio (Ms. SUTTON).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID); The Senator from Illinois (Mr. DUR-BIN);

The Senator from New York (Mr. SCHUMER):

The Senator from Washington (Mrs. Murray);

The Senator from Michigan (Ms. STA-BENOW);

The Senator from Alaska (Mr BEGICH);

The Senator from Kentucky (Mr. McConnell);

The Senator from Arizona (Mr. KYL); The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Wyoming (Mr. BARRASSO);

The Senator from South Dakota (Mr. Thune);

The Senator from Texas (Mr. CORNYN); and

The Senator from Missouri (Mr. BLUNT).

The Deputy Sergeant at Arms announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him

The Deputy Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Sergeant at Arms, the Honorable Paul D. Irving, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

The PRESIDENT. Mr. Speaker, Mr. Vice President, Members of Congress, distinguished guests, and fellow Americans:

Last month, I went to Andrews Air Force Base and welcomed home some of our last troops to serve in Iraq. Together, we offered a final, proud salute to the colors under which more than a million of our fellow citizens fought—and several thousand gave their lives.

We gather tonight knowing that this generation of heroes has made the United States safer and more respected around the world. For the first time in 9 years, there are no Americans fighting in Iraq. For the first time in two decades, Osama bin Laden is not a threat to this country. Most of al Qaeda's top lieutenants have been defeated. The Taliban's momentum has been broken, and some troops in Afghanistan have begun to come home.

These achievements are a testament to the courage, selflessness, and teamwork of America's Armed Forces. At a time when too many of our institutions have let us down, they exceed all expectations. They're not consumed with personal ambition. They don't obsess over their differences. They focus on the mission at hand. They work together.

Imagine what we could accomplish if we followed their example. Think about the America within our reach: a country that leads the world in educating its people; an America that attracts a new generation of high-tech manufacturing and high-paying jobs; a future where we're in control of our own energy, and our security and prosperity aren't so tied to unstable parts of the world; an economy built to last, where hard work pays off, and responsibility is rewarded.

We can do this. I know we can because we've done it before. At the end of World War II, when another generation of heroes returned home from combat, they built the strongest economy and middle class the world has ever known. My grandfather, a veteran of Patton's Army, got the chance to go to college on the GI Bill. My grandmother, who worked on a bomber assembly line, was part of a workforce that turned out the best products on Earth

The two of them shared the optimism of a Nation that had triumphed over a depression and fascism. They understood they were part of something larger; they were contributing to a story of success that every American had a chance to share—the basic American promise that if you worked hard, you could do well enough to raise a family, own a home, send your kids to college, and put a little away for retirement.

The defining issue of our time is how to keep that promise alive. No challenge is more urgent. No debate is more important. We can either settle for a country where a shrinking number of people do really well, while a growing number of Americans barely get by. Or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules. What's at stake are not Democratic values or Republican values, but American values. We have to reclaim them.

Let's remember how we got here. Long before the recession, jobs and manufacturing began leaving our shores. Technology made businesses more efficient but also made some jobs obsolete. Folks at the top saw theirincomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that weren't, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who couldn't afford or understand them. Banks had made huge bets and bonuses with other people's money. Regulators had looked the other way, or didn't have the authority to stop the bad behavior.

It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hardworking Americans holding the bag. In the 6 months before I took office, we lost nearly 4 million jobs. And we lost another 4 million before our policies were in full effect.

Those are the facts. But so are these. In the last 22 months, businesses have created more than 3 million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. Together, we've agreed to cut the deficit by more than \$2 trillion. And we've put in place new rules to hold Wall Street accountable so a crisis like this never happens again.

The state of our Union is getting stronger. And we've come too far to turn back now. As long as I'm President, I will work with anyone in this Chamber to build on this momentum. But I intend to fight obstruction with action, and I will oppose any effort to return to the very same policies that brought on this economic crisis in the first place.

No, we will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits. Tonight, I want to speak about how we move forward, and lay out a blueprint for an economy that's built to last—an economy built on American manufacturing, American energy, skills for American workers, and a renewal of American values.

This blueprint begins with American manufacturing.

On the day I took office, our auto industry was on the verge of collapse. Some even said we should let it die. With a million jobs at stake, I refused to let that happen. In exchange for help, we demanded responsibility. We got workers and automakers to settle their differences. We got the industry to retool and restructure. Today, General Motors is back on top as the world's number one automaker. Chrysler has grown faster in the U.S. than any major car company. Ford is investing billions in U.S. plants and factories. And together, the entire industry added nearly 160,000 jobs.

We bet on American workers. We bet on American ingenuity. And tonight, the American auto industry is back.

What's happening in Detroit can happen in other industries. It can happen in Cleveland, Pittsburgh and Raleigh. We can't bring every job back that's left our shores. But right now, it's getting more expensive to do business in places like China. Meanwhile, America is more productive. A few weeks ago, the CEO of Master Lock told me that it now makes business sense for him to bring jobs back home. Today, for the first time in 15 years, Master Lock's unionized plant in Milwaukee is running at full capacity.

So we have a huge opportunity, at this moment, to bring manufacturing back. But we have to seize it. Tonight, my message to business leaders is simple: Ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed.

We should start with our tax code. Right now, companies get tax breaks for moving jobs and profits overseas. Meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it.

So let's change it. First, if you're a business that wants to outsource jobs, you shouldn't get a tax deduction for doing it. That money should be used to cover moving expenses for companies like Master Lock that decide to bring jobs home.

Second, no American company should be able to avoid paying its fair share of taxes by moving jobs and profits overseas. From now on, every multinational company should have to pay a basic minimum tax, and every penny should go towards lowering taxes for companies that choose to stay here and hire here in America.

Third, if you're an American manufacturer, you should get a bigger tax cut. If you're a high-tech manufacturer, we should double the tax deduction you get for making your products here. And if you want to relocate in a community that was hit hard when a factory left town, you should get help financing a new plant, equipment, or training for new workers.

So my message is simple. It is time to stop rewarding businesses that ship jobs overseas and start rewarding companies that create jobs right here in America. Send me these tax reforms, and I will sign them right away.

We're also making it easier for American businesses to sell products all over the world. Two years ago, I set a goal of doubling U.S. exports over 5 years. With the bipartisan trade agreements we signed into law, we're on track to meet that goal—ahead of schedule. Soon, there will be millions of new customers for American goods in Panama, Colombia and South Korea. Soon, there will be new cars on the streets of Seoul imported from Detroit, Toledo and Chicago.

I will go anywhere in the world to open new markets for American products. And I will not stand by when our competitors don't play by the rules. We've brought trade cases against China at nearly twice the rate as the last administration—and it's made a difference. Over a thousand Americans are working today because we've stopped a surge in Chinese tires. But we need to do more. It's not right when another country lets our movies, music and software be pirated. It's not fair when foreign manufacturers have a leg up on ours only because they're heavily subsidized

Tonight, I'm announcing the creation of a Trade Enforcement Unit that will be charged with investigating unfair trading practices in countries like China. There will be more inspections to prevent counterfeit or unsafe goods from crossing our borders. And this Congress should make sure that no foreign company has an advantage over American manufacturing when it comes to accessing financing or new markets like Russia. Our workers are the most productive on Earth, and if the playing field is level, I promise you—America will always win.

I also hear from many business leaders who want to hire in the United States but can't find workers with the right skills. Growing industries in science and technology have twice as many openings as we have workers who

can do the job. Think about that—openings at a time when millions of Americans are looking for work.

It's inexcusable. And we know how to fix it.

Jackie Bray is a single mom from North Carolina who was laid off from her job as a mechanic. Then Siemens opened a gas turbine factory in Charlotte and formed a partnership with Central Piedmont Community College. The company helped the college design courses in laser and robotics training. It paid Jackie's tuition, then hired her to help operate their plant.

I want every American looking for work to have the same opportunity as Jackie did. Join me in national commitment to train 2 million Americans with skills that will lead directly to a job. My administration has already lined up more companies that want to help. Model partnerships between businesses like Siemens and community colleges in places like Charlotte, Orlando and Louisville are up and running. Now you need to give more community colleges the resources they need to become community career centers—places that teach people skills that businesses are looking for right now, from data management to high-tech manufacturing.

And I want to cut through the maze of confusing training programs so that from now on people like Jackie have one program, one Web site, and one place to go for all the information and help that they need. It is time to turn our unemployment system into a reemployment system that puts people to work.

These reforms will help people get jobs that are open today. But to prepare for the jobs of tomorrow, our commitment to skills and education has to start earlier. For less than 1 percent of what our Nation spends on education each year, we've convinced nearly every State in the country to raise their standards for teaching and learning—the first time that's happened in a generation.

But challenges remain, and we know how to solve them. At a time when other countries are doubling down on education, tight budgets have forced States to lay off thousands of teachers. We know a good teacher can increase the lifetime income of a classroom by over \$250,000. A great teacher can offer an escape from poverty to the child who dreams beyond his circumstance. Every person in this Chamber can point to a teacher who changed the trajectory of their lives. Most teachers work tirelessly with modest pay, sometimes digging into their own pocket for school supplies just to make a difference.

Teachers matter. So instead of bashing them or defending the status quo, let's offer schools a deal. Give them the resources to keep good teachers on the job and reward the best ones. And in

return, grant schools flexibility to teach with creativity and passion, to stop teaching to the test, and to replace teachers who just aren't helping kids learn. That's a bargain worth making.

We also know that when students don't walk away from their education, more of them walk the stage to get their diploma. When students are not allowed to drop out, they do better. So tonight, I am proposing that every State—every State—require that all students stay in high school until they graduate or turn 18.

When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July. Extend the tuition tax credit we started that saves millions of middle class families thousands of dollars, and give more young people the chance to earn their way through college by doubling the number of work-study jobs in the next 5 years.

Of course, it's not enough for us to increase student aid. We can't just keep subsidizing skyrocketing tuition; we'll run out of money. States also need to do their part by making higher education a higher priority in their budgets, and colleges and universities have to do their part by working to keep costs down. Recently, I spoke with a group of college presidents who've done just that. Some schools redesign courses to help students finish more quickly. Some use better technology. The point is, it's possible. So let me put colleges and universities on notice: If you can't stop tuition from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury. It is an economic imperative that every family in America should be able to afford.

Let's also remember that hundreds of thousands of talented, hardworking students in this country face another challenge—the fact that they aren't yet American citizens. Many were brought here as small children, are American through and through; yet they live every day with the threat of deportation. Others came more recently to study business and science and engineering; but as soon as they get their degree, we send them home to invent new products and create new jobs somewhere else. That doesn't make sense.

I believe as strongly as ever that we should take on illegal immigration. That's why my administration has put more boots on the border than ever before. That's why there are fewer illegal crossings than when I took office. The opponents of action are out of excuses. We should be working on comprehensive immigration reform right now. But if election-year politics keeps Congress from acting on a comprehensive

plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, and defend this country. Send me a law that gives them a chance to earn their citizenship; I will sign it right away.

You see, an economy built to last is one where we encourage the talent and ingenuity of every person in this country. That means women should earn equal pay for equal work. It means we should support everyone who's willing to work and every risk-taker and entrepreneur who aspires to become the next Steve Jobs. After all, innovation is what America has always been about.

Most new jobs are created in startups and small businesses. So let's pass an agenda that helps them succeed. Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow. Expand tax relief to small businesses that are raising wages and creating good jobs. Both parties agree on these ideas. So put them in a bill and get it on my desk this year.

Innovation also demands basic research. Today, the discoveries taking place in our federally financed labs and universities could lead to new treatments that kill cancer cells but leave healthy ones untouched, new lightweight vests for cops and soldiers that can stop any bullet. Don't gut these investments in our budget. Don't let other countries win the race for the future. Support the same kind of research and innovation that led to the computer chip and the Internet, to new American jobs and new American industries.

And nowhere is the promise of innovation greater than in American-made energy. Over the last 3 years, we've opened millions of new acres for oil and gas exploration. And tonight, I'm directing my administration to open more than 75 percent of our potential offshore oil and gas resources. Right now, American oil production is the highest that it's been in 8 years—that's right, 8 years. Not only that, last year we relied less on foreign oil than in any of the past 16 years. But with only 2 percent of the world's oil reserves, oil isn't enough. This country needs an all-out, all-of-the-above strategy that develops every available source of American energy, a strategy that's cleaner, cheaper, and full of new jobs.

We have a supply of natural gas that can last America nearly 100 years, and my administration will take every possible action to safely develop this energy. The experts believe this will support more than 600,000 jobs by the end of the decade. And I'm requiring all companies that drill for gas on public lands to disclose the chemicals they use because America will develop this resource without putting the health and safety of our citizens at risk.

The development of natural gas will create jobs and power trucks and fac-

tories that are cleaner and cheaper, proving that we don't have to choose between our environment and our economy. And by the way, it was public research dollars, over the course of 30 years, that helped develop the technologies to extract all this natural gas out of shale rock, reminding us that government support is critical in helping businesses get new energy ideas off the ground.

Now, what's true for natural gas is just as true for clean energy. In 3 years, our partnership with the private sector has already positioned America to be the world's leading manufacturer of high-tech batteries. Because of Federal investments, renewable energy use has nearly doubled, and thousands of Americans have jobs because of it.

When Bryan Ritterby was laid off from his job making furniture, he said he worried that at 55 no one would give him a second chance; but he found work at Energetx, a wind turbine manufacturer in Michigan. Before the recession, the factory only made luxury yachts. Today it's hiring workers like Bryan who said, I'm proud to be working in the industry of the future.

Our experience with shale gas, our experience with natural gas shows us that the payoffs on these public investments don't always come right awav. Some technologies don't pan out. Some companies fail. But I will not walk away from the promise of clean energy. I will not walk away from workers like Bryan. I will not cede the wind or solar or battery industry to China or Germany because we refuse to make the same commitment here. We have subsidized oil companies for a century. That's long enough. It's time to end the taxpayer giveaways to an industry that rarely has been more profitable and double down on a clean-energy industry that never has been more promising. Pass clean-energy tax credits, and create these jobs.

We can also spur energy innovation with new incentives. The differences in this Chamber may be too deep right now to pass a comprehensive plan to fight climate change, but there's no reason why Congress shouldn't at least set a clean-energy standard that creates a market for innovation. So far, you haven't acted. Well, tonight I will. I'm directing my administration to allow the development of clean energy on enough public land to power 3 million homes. And I'm proud to announce that the Department of Defense, working with us-the world's largest consumer of energy-will make one of the largest commitments to clean energy in history, with the Navy purchasing enough capacity to power 250,000 homes a year.

Of course, the easiest way to save money is to waste less energy. So here's a proposal: help manufacturers eliminate energy waste in their factories, and give businesses incentives to upgrade their buildings. Their energy bills will be \$100 billion lower over the next decade, and America will have less pollution, more manufacturing, and more jobs for construction workers who need them. Send me a bill that creates these jobs.

Building this new energy future should be just one part of a broader agenda to repair America's infrastructure. So much of America needs to be rebuilt. We've got crumbling roads and bridges, a power grid that wastes too much energy, an incomplete high-speed broadband network that prevents a small business owner in rural America from selling her products all over the world.

During the Great Depression, America built the Hoover Dam and the Golden Gate Bridge. After World War II, we connected our States with a system of highways. Democratic and Republican administrations invested in great projects that benefited everybody, from the workers who built them to the businesses that still use them today.

In the next few weeks, I will sign an executive order clearing away the red tape that slows down too many construction projects, but you need to fund these projects. Take the money we're no longer spending at war, use half of it to pay down our debt, and use the rest of it to do some nation-building right here at home.

There's never been a better time to build, especially since the construction industry was one of the hardest-hit when the housing bubble burst. Of course, construction workers weren't the only ones who were hurt. So were millions of innocent Americans who have seen their home values decline. And while government can't fix the problem on its own, responsible homeowners shouldn't have to sit and wait for the housing market to hit bottom to get some relief.

And that's why I'm sending this Congress a plan that gives every responsible homeowner the chance to save about \$3,000 a year on their mortgage by refinancing at historically low rates. No more red tape. No more runaround from the banks. A small fee on the largest financial institutions will ensure that it won't add to the deficit and will give those banks that were rescued by taxpayers a chance to repay a deficit of trust.

Let's never forget: Millions of Americans who work hard and play by the rules every day deserve a government and a financial system that do the same. It's time to apply the same rules from top to bottom. No bailouts, no handouts, and no cop-outs. An America built to last insists on responsibility from everybody.

We've all paid the price for lenders who sold mortgages to people who couldn't afford them and buyers who knew they couldn't afford them. That's why we need smart regulations to prevent irresponsible behavior. Rules to prevent financial fraud or toxic dumping or faulty medical devices, these don't destroy the free market. They make the free market work better.

There is no question that some regulations are outdated, unnecessary, or too costly. In fact, I've approved fewer regulations in the first 3 years of my Presidency than my Republican predecessor did in his. I've ordered every Federal agency to eliminate rules that don't make sense. We've already announced over 500 reforms, and just a fraction of them will save business and citizens more than \$10 billion over the next 5 years. We got rid of one rule from 40 years ago that could have forced some dairy farmers to spend \$10,000 a year proving that they could contain a spill—because milk was somehow classified as an oil. With a rule like that, I guess it was worth crying over spilt milk.

Now, I'm confident a farmer can contain a milk spill without a Federal agency looking over his shoulder. Absolutely. But I will not back down from making sure an oil company can contain the kind of oil spill we saw in the gulf 2 years ago. I will not back down from protecting our kids from mercury poisoning or making sure that our food is safe and our water is clean. I will not go back to the days when health insurance companies had unchecked power to cancel your policy, deny your coverage, or charge women differently than men.

And I will not go back to the days when Wall Street was allowed to play by its own set of rules. The new rules we passed restore what should be any financial system's core purpose: Getting funding to entrepreneurs with the best ideas, and getting loans to responsible families who want to buy a home or start a business or send their kids to college.

So, if you are a big bank or financial institution, you're no longer allowed to make risky bets with your customers' deposits. You're required to write out a living will that details exactly how you'll pay the bills if you fail, because the rest of us are not bailing youout ever again. And if you're a mortgage lender, or a payday lender, or a credit card company, the days of signing people up for products they can't afford with confusing forms and deceptive practices, those days are over. Today American consumers finally have a watchdog in Richard Cordray, with one job: to look out for them.

We'll also establish a financial crimes unit of highly trained investigators to crack down on large-scale fraud and protect people's investments. Some financial firms violate major antifraud laws because there's no real penalty for being a repeat offender. That's bad for consumers, and it's bad for the vast majority of bankers and financial service professionals who do the right thing. So pass legislation that makes the penalties for fraud count.

And tonight, I'm asking my Attorney General to create a special unit of Federal prosecutors and leading State attorney generals to expand our investigations into the abusive lending and packaging of risky mortgages that led to the housing crisis. This new unit will hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.

Now, a return to the American values of fair play and shared responsibility will help protect our people and our economy. But it should also guide us as we look to pay down our debt and invest in our future.

Right now, our most immediate priority is stopping a tax hike on 160 million working Americans while the recovery is still fragile. People cannot afford losing \$40 out of each paycheck this year. There are plenty of ways to get this done. So let's agree right here, right now: no side issues, no drama. Pass the payroll tax cut without delay. Let's get it done.

When it comes to the deficit, we've already agreed to more than \$2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we're poised to spend nearly \$1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the Tax Code, a quarter of all millionaires pay lower tax rates than millions of middle class households. Right now, Warren Buffett pays a lower tax rate than his secretary.

Do we want to keep these tax cuts for the wealthiest Americans? Or do we want to keep our investments in everything else, like education and medical research, a strong military, and care for our veterans? Because if we're serious about paying down our debt, we can't do both.

The American people know what the right choice is. So do I. As I told the Speaker this summer, I'm prepared to make more reforms to rein in the long-term costs of Medicare and Medicaid and strengthen Social Security so long as those programs remain a guarantee of security for seniors.

But, in return, we need to change our Tax Code so that people like me, and an awful lot of Members of Congress, pay our fair share of taxes. Tax reform should follow the Buffett rule. If you make more than \$1 million a year, you should not pay less than 30 percent in taxes. And my Republican friend Tom COBURN is right: Washington should stop subsidizing millionaires. In fact, if vou're earning a million dollars a year. you shouldn't get special tax subsidies or deductions. On the other hand, if you make under \$250,000 a year, like 98 percent of American families, your taxes shouldn't go up. You're the ones struggling with rising costs and stag-

And tonight, I'm asking my Attorney nant wages. You're the ones who need eneral to create a special unit of Fedrellef.

Now, you can call this class warfare all you want. But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense.

We don't begrudge financial success in this country. We admire it. When Americans talk about folks like me paying my fair share of taxes, it's not because they envy the rich. It's because they understand that when I get a tax break I don't need and the country can't afford, it either adds to the deficit or somebody else has to make up the difference, like a senior on a fixed income, or a student trying to get through school, or a family trying to make ends meet. That's not right. Americans know that's not right. They know that this generation's success is only possible because past generations felt a responsibility to each other and to the future of their country, and they know our way of life will only endure if we feel that same sense of shared responsibility. That's how we'll reduce our deficit. That's an America built to last.

Now, I recognize that people watching tonight have differing views about taxes and debt, energy and health care. But no matter what party they belong to, I bet most Americans are thinking the same thing right about now: Nothing will get done in Washington this year, or next year, or maybe even the year after that, because Washington is broken.

Can you blame them for feeling a little cynical?

The greatest blow to our confidence in our economy last year didn't come from events beyond our control. It came from a debate in Washington over whether the United States would pay its bills or not. Who benefited from that fiasco?

I've talked tonight about the deficit of trust between Main Street and Wall Street, but the divide between this city and the rest of the country is at least as bad, and it seems to get worse every year. And some of this has to do with the corrosive influence of money and politics. So together, let's take some steps to fix that. Send me a bill that bans insider trading by Members of Congress. I will sign it tomorrow.

Let's limit any elected official from owning stocks in industries they impact. Let's make sure people who bundle campaign contributions for Congress can't lobby Congress and vice versa, an idea that has bipartisan support, at least outside of Washington.

Some of what's broken has to do with the way Congress does its business these days. A simple majority is no longer enough to get anything, even routine business, passed through the Senate. Neither party has been blameless in these tactics. Now both parties should put an end to it. For starters, I ask the Senate to pass a simple rule that all judicial and public service nominations receive a simple up-or-down vote within 90 days. The executive branch also needs to change. Too often it's inefficient, outdated, and remote. That's why I've asked this Congress to grant me the authority to consolidate the Federal bureaucracy so that our government is leaner, quicker, and more responsive to the needs of the American people.

Finally, none of this can happen unless we also lower the temperature in this town. We need to end the notion that the two parties must be locked in a perpetual campaign of mutual destruction, that politics is about clinging to rigid ideologies instead of building consensus around commonsense ideas.

I'm a Democrat, but I believe what Republican Abraham Lincoln believed—that government should do for people only what they cannot do better by themselves and no more. That's why my education reform offers more competition and more control for schools and States. That's why we're getting rid of regulations that don't work. That's why our health care law relies on a reformed private market, not a government program.

On the other hand, even my Republican friends who complain the most about government spending have supported federally financed roads and clean energy projects and Federal offices for the folks back home.

The point is we should all want a smarter, more effective government. And while we may not be able to bridge our biggest philosophical differences this year, we can make real progress.

With or without this Congress, I will keep taking actions that help the economy grow. But I can do a whole lot more with your help because when we act together, there's nothing the United States of America can't achieve.

That's the lesson we've learned from our actions abroad over the last few years. Ending the Iraq war has allowed us to strike decisive blows against our enemies. From Pakistan to Yemen, the al Qaeda operatives who remain are scrambling, knowing that they can't escape the reach of the United States of America.

From this position of strength we've begun to wind down the war in Afghanistan. Ten thousand of our troops have come home; 23,000 more will leave by the end of this summer. This transition to Afghan lead will continue, and we will build an enduring partnership with Afghanistan so that it is never again a source of attacks against America.

As the tide of war recedes, a wave of change has washed across the Middle East and North Africa, from Tunis to Cairo, from Sana'a to Tripoli. A year ago, Qadhafi was one of the world's longest serving dictators, a murderer

with American blood on his hands. Today, he is gone. And in Syria, I have no doubt that the Assad regime will soon discover that the forces of change cannot be reversed and that human dignity cannot be denied.

How this incredible transformation will end remains uncertain. But we have a huge stake in the outcome. And while it's ultimately up to the people of the region to decide their fate, we will advocate for those values that have served our own country so well.

We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings, men and women, Christians, Muslims, and Jews. We will support policies that lead to strong and stable democracies and open markets because tyranny is no match for liberty. And we will safeguard America's own security against those who threaten our citizens, our friends, and our interests.

Look at Iran. Through the power of our diplomacy, a world that was once divided about how to deal with Iran's nuclear program now stands as one. The regime is more isolated than ever before. Its leaders are faced with crippling sanctions. And as long as they shirk their responsibilities, this pressure will not relent.

Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal. But a peaceful resolution of this issue is still possible and far better. And if Iran changes course and meets its obligations, it can rejoin the Community of Nations.

The renewal of American leadership can be felt across the globe. Our oldest alliances in Europe and Asia are stronger than ever. Our ties to the Americas are deeper. Our ironclad commitment, and I mean ironclad to Israel security has meant the closest military cooperation between our two countries in history.

We've made it clear that America is a Pacific power. And a new beginning in Burma has lit a new hope.

From the coalitions we've built to secure nuclear materials to the missions we've led against hunger and disease, to the blows we've dealt our enemies, to the enduring power of our moral example, America is back.

Anyone who tells you otherwise, anyone who tells you that America is in decline or that our influence has waned doesn't know what they're talking about. That's not the message we get from leaders around the world who are eager to work with us. That's not how people feel from Tokyo to Berlin, from Cape Town to Rio, where opinions of America are higher than they've been in years. Yes, the world is changing. No, we can't control every event. But America remains the one indispensable Nation in world affairs; and as long as I'm President, I intend to keep it that

That's why, working with our military leaders, I have proposed a new defense strategy that ensures we maintain the finest military in the world while saving nearly half a trillion dollars in our budget. To stay one step ahead of our adversaries, I have already sent this Congress legislation that will secure our country from the growing dangers of cyberthreats.

Above all, our freedom endures because of the men and women in uniform who defend it. As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned, which is why we've increased annual VA spending every year I've been President. And it means enlisting our veterans in the work of rebuilding our Nation.

With the bipartisan support of this Congress, we are providing new tax credits to companies that hire vets. Michelle and Jill Biden have worked with American businesses to secure a pledge of 135,000 jobs for veterans and their families. And tonight, I'm proposing a Veterans Job Corps that will help our communities hire veterans as cops and firefighters so that America is as strong as those who defend her.

Which brings me back to where I began. Those of us who've been sent here to serve can learn a thing or two from the service of our troops. When you put on that uniform, it doesn't matter if you're black or white, Asian, Latino, Native American, conservative or liberal, rich, poor, gay, straight. When you're marching into battle, you look out for the person next to you, or the mission fails. When you're in the thick of the fight, you rise or fall as one unit, serving one Nation, leaving no one behind.

And one of my proudest possessions is the flag that the SEAL team took with them on the mission to get bin Laden. On it are each of their names. Some may be Democrats, some may be Republicans; but that doesn't matter. Just like it didn't matter that day in the Situation Room when I sat next to Bob Gates, a man who was George Bush's Defense Secretary, and Hillary Clinton, a woman who ran against me for President.

All that mattered that day was the mission. No one thought about politics. No one thought about themselves. One of the young men involved in the raid later told me that he didn't deserve credit for the mission. It only succeeded, he said, because every single member of that unit did their job—the pilot who landed the helicopter that spun out of control, the translator who kept others from entering the compound, the troops who separated the seen and children from the fight, the SEALs who charged up the stairs.

More than that, the mission only succeeded because every member of that unit trusted each other, because

you can't charge up those stairs into table and, under the rule, referred as darkness and danger unless you know that there's somebody behind you watching your back.

So it is with America. Each time I look at that flag, I'm reminded that our destiny is stitched together like those 50 stars and those 13 stripes. No one built this country on their own. This Nation is great because we built it together. This Nation is great because we worked as a team. This Nation is great because we geteach other's backs. And if we hold fast to that truth in this moment of trial, there is no challenge too great, no mission too hard. As long as we are joined in common purpose, as long as we maintain our common resolve, our journey moves forward, and our future is hopeful and the state of our Union will always be strong.

Thank you, God bless you and God bless the United States of America.

(Applause, the Members rising.)

At 10 o'clock and 16 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet; the Chief Justice of the United States and the Associate Justices of the Supreme Court; the Dean of the Diplomatic Corps.

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 23 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT RE-FERRED TO THE COMMITTEE OF THE WHOLE HOUSE THEONSTATE OF THE UNION

Mr. CANTOR. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The motion was agreed to.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Brady of Texas (at the request of Mr. Cantor) for January 23 and for the balance of the week on account of a family emergency.

Mr. Culberson (at the request of Mr. CANTOR) for today on account of illness.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's follows:

S. 1134. An act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values; to the Committee on Transportation and Infrastructure; in addition to the Committee on Natural Resources; in addition to the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the

#### ADJOURNMENT

Mr. CANTOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 25, 2012, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4661. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule - Importation of Live Swine, Swine Semen, Pork and Pork Products from Liechtenstein and Switzerland [Docket No.: APHIS-2009-0093] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4662. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8209] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4663. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-00021 received December 4. 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4664. A letter from the Deputy Secretary. Securities and Exchange Commission, transmitting the Commission's final rule — Mine Safety Disclosure [Release Nos.: 33-9286; 34-66019; File No. S7-41-10] (RIN: 3235-AK83) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4665. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Adhesives and Selants Rule [EPA-R03-OAR-2011-0721;FRL-9609-2] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4666. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas; Correction [FDMS Docket No.: EPA-03-OAR-2011-0511; FRL-9609-1] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4667. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Approval and Promulgation of Implementation Plans and Designation of areas for Air Quality Planning Purposes; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R05-OAR-2011-0017; EPA-R05-OAR-2011-0106; FRL-9610-3] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4668. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Oklahoma: Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determinations [EPA-R06-OAR-2010-0190; FRL-9608-4] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4669. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oregon: New Source Review/Prevention of Significant Deterioration Rule Revisions and Air Quality Permit Streamlining Rule Revisions [EPA-R10-OAR-2011-0767; FRL-9494-9] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4670. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas: Regional Haze [EPA-R07-OAR-2011-0675; FRL-9611-3] received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4671. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone [EPA-HQ-OAR-2009-0491; FRL-9609-9] (RIN: 2060-AR01) received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4672. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing; Amendments [EPA-HQ-OAR-2008-0080; FRL-9610-2] (RIN: 2060-AR16) received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and

4673. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emissions Standards for Hazardous Air Pollutants From Secondary Lead Smelting [EPA-HQ-OAR-2011-0344; FRL-9610-9] (RIN: 2060-AQ68) received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4674. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Final Response to Petition From New Jersey Regarding SO2 Emissions From the Portland Generating Station [EPA-HQ-OAR-2011-0081; FRL-9609-4] (RIN: 2060-AQ69) received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4675. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airpsace; Winters, TX [Docket No.: FAA-2011-0608; Airspace Docket No. 11-ASW-7] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4676. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nashville, AR [Docket No.: FAA-2011-0497; Airspace Docket No. 11-ASW-4] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4677. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Danville Airport, PA [Docket No.: FAA-2011-0766; Airspace Docket No. 11-AEA-19] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

4678. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Alice, TX [Docket No.: FAA-2011-0498; Airspace Docket No. 11-ASW-5] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4679. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Emmonak, AK [Docket No.: FAA-2011-0880; Airspace Docket No. 11-AAL-17] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4680. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Ardmore, OK [Docket No.: FAA-2011-0851; Airspace Docket No. 11-ASW-10] received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Air Traffic Routes; Northeast United States [Docket No.: FAA-2011-0376; Airspace Docket No. 10-AEA-11] (RIN: 2120-AA66) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4682. A letter from the Senior Regulations Specialist, Department of Transportation, transmitting the Department's final rule—Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Federal

Drug Testing Custody and Control Form; Technical Amendment [Docket: DOT-OST-2010-0161] (RIN: 2105-AE13) received December 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4683. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Tribal Child Welfare (RIN: 0970-AC41) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4684. A letter from the TTB Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Naches Heights Viticultural Area [Docket No.: TTB-2011-0005; T.D. TTB-99; Ref: Notice No. 118] (RIN: 1513-AB80) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Work and Means.

mittee on Ways and Means.
4685. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Current Refundings of Tax-exempt Bonds in Certain Disaster Relief Bond Programs [Notice 2012-03] received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4686. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — HARP Safe Harbor Guidance for REITs (Rev. Proc. 2012-14) received December 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4687. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Safe Harbor Reporting Method for Eligible REMICs Required to Report on Schedule Q Information with Respect to REMIC Assets [Notice 2012-5] received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means

mittee on Ways and Means.

4688. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Deadline to Submit Opinion and Advisory Letter Applications for Pre-approved Defined Contribution Plans is Extended to April 2, 2012 (Announcement 2012-3) received December 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4689. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Deduction and Capitalization of Expenditures Related to Tangible Property [TD 9564] (RIN: 1545-BJ93) received December 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4690. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2012-7) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 522. Resolution providing for consideration of the bill (H.R. 1173) to repeal the CLASS program (Rept. 112–375). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POE of Texas (for himself, Mr. BOREN, Mr. BARTON of Texas, Mr. CULBERSON, Mr. FARENTHOLD, Mr. SESSIONS, Mr. OLSON, Mr. BOUSTANY, Mr. MARCHANT, Mr. SCALISE, Mr. MCCAUL, and Mr. ROHRABACHER):

H.R. 3811. A bill to approve the Keystone XL pipeline project permit; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PIERLUISI (for himself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. SABLAN, Mr. SERRANO, and Ms. VELÁZQUEZ):

H.R. 3812. A bill to extend the supplemental security income program to Puerto Rico, the United States Virgin Islands, Guam, and American Samoa, and for other purposes; to the Committee on Ways and Means.

#### By Mr. ROSS of Florida:

H.R. 3813. A bill to amend title 5, United States Code, to secure the annuities of Federal civilian employees, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMASH (for himself, Mr. Burton of Indiana, Mr. Akin, Mr. Paul, Mr. Austria, Mr. Cole, Mr. Duncan of Tennessee, Mr. Benishek, Mr. Franks of Arizona, Mr. Duncan of South Carolina, Mr. Chaffetz, Mr. Quayle, and Mr. Gomert):

H.R. 3814. A bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns; to the Committee on the Judiciary.

### By Mr. AMODEI:

H.R. 3815. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAVES of Missouri (for himself and Mr. LIPINSKI):

H.R. 3816. A bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HIMES:

H.R. 3817. A bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of electric instantaneous water heaters, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 3818. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services. By Mr. HUIZENGA of Michigan:

H.R. 3819. A bill to amend the Internal Revenue Code of 1986 to allow the transfer of required minimum distributions from a retirement plan to a health savings account; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. SERRANO, Mr. LOEBSACK, and Mr. Towns):

H.R. 3820. A bill to amend the Internal Revenue Code of 1986 to modify the dependent care credit to take into account expenses for care of parents and grandparents who do not live with the taxpayer; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mrs. LOWEY, and Ms. DELAURO):

H.R. 3821. A bill to reauthorize 21st century community learning centers, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 3822. A bill to require the Nuclear Regulatory Commission to retain and redistribute certain amounts collected as fines; to the Committee on Energy and Commerce.

By Mr. RIVERA:

H.R. 3823. A bill to authorize the cancellation of removal and adjustment of status of certain aliens who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means. Armed Services, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

> By Mr. LIPINSKI (for himself, Mr. SMITH of New Jersey, Mr. REED, Ms. BORDALLO, Mr. JONES, Mr. MANZULLO, Mr. Baca, Mr. Towns, Mr. Holt, Ms. KAPTUR, Mr. HOLDEN, Mr. GINGREY of Georgia, Mr. GRIJALVA, Mr. TIBERI, Mr. Murphy of Pennsylvania, Mr. WILSON of South Carolina, Mr. HIG-GINS, Mr. DAVIS of Illinois, Mr. DON-NELLY of Indiana, Mr. BARLETTA, Mr. FITZPATRICK, Mr. QUIGLEY, Mr. KIL-DEE, Ms. McCollum, Mr. Ruppers-BERGER, Mr. YARMUTH, Mr. COURT-NEY, Mr. CALVERT, Ms. DELAURO, Mr. FORBES, Mr. KELLY, Mr. COSTELLO, Mr. McCaul, Mr. Payne, Mr. Ryan of Ohio, Mr. NEAL, Mr. WOLF, Mr. AKIN, Mr. McCotter, Mr. Austria, Mr. MICHAUD, Mr. SABLAN, Mr. GONZALEZ, Mr. GRIMM, and Ms. ESHOO):

H. Res. 523. A resolution supporting the contributions of Catholic schools; to the Committee on Education and the Workforce. By Mrs. McCARTHY of New York:

H. Res. 524. A resolution expressing the sense of the House of Representatives that the Palestine Liberation Organization should not be allowed to maintain an official office in Washington, D.C; to the Committee on Foreign Affairs.

By Ms. LINDA T. SÁNCHEZ of California:

H. Res. 525. A resolution expressing support for designation of the week of February 6 through February 10, 2012, as "National School Counseling Week"; to the Committee on Education and the Workforce.

By Mr. SHUSTER (for himself and Ms. SCHWARTZ):

H. Res. 526. A resolution expressing the sense of the House of Representatives with respect toward the establishment of a democratic and prosperous Republic of Georgia and the establishment of a peaceful and just resolution to the conflict with Georgia's

internationally recognized borders; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. POE of Texas: H.R. 3811.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 3

By Mr. PIERLUISI:

H.R. 3812.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I. Section 8. Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I. Section 8. Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3. Clause 2 of the Constitution.

By Mr. ROSS of Florida:

H.R. 3813.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I

By Mr. AMASH:

H.R. 3814.

Congress has the power to enact this legislation pursuant to the following:

The Second Amendment to the Constitution guarantees individuals' right "to keep and bear Arms." The federal government's policies barred by this bill are an undue burden on that right.

By Mr. AMODEI:

H.R. 3815.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress). and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRAVES of Missouri:

H.B. 3816

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article 1, Section 8, Clause 3 of the United States Constitution, Congress shall have the power to Regulate Commerce with foreign Nations, and among several States, and with the Indian Tribes.

By Mr. HIMES:

H.R. 3817.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3 of the U.S. Constitution.

By Mr. HOLT:

H.R. 3818.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution

By Mr. HUIZENGA of Michigan:

H.R. 3819

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. ISRAEL:

H.R. 3820

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. KILDEE:

H.R. 3821.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article 1 of the Constitution.

By Mrs. LOWEY:

H.R. 3822.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Mr. RIVERA:

H.R. 3823.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, Immigration Regulation

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. CARSON of Indiana.

H.R. 57: Mr. BARLETTA.

H.R. 104: Mr. Schilling, Mr. Honda, Ms. Brown of Florida, and Mr. Southerland.

H.R. 114: Mr. Manzullo.

H.R. 153: Mrs. CAPITO.

H.R. 187: Mr. MILLER of Florida.

H.R. 196: Ms. ROYBAL-ALLARD and Mr. HAS-TINGS of Florida.

H.R. 308: Ms. HAHN.

H.R. 361: Mrs. Adams.

H.R. 365: Mr. HANNA.

H.R. 419: Mr. BLUMENAUER.

H.R. 493: Mr. McCotter. H.R. 547: Mr. Coffman of Colorado.

H.R. 631: Ms. PINGREE of Maine.

H.R. 676: Ms. HAHN and Mr. TOWNS.

H.R. 680: Mr. PITTS.

H.R. 735: Mrs. Adams.

H.R. 750: Mr. FLEISCHMANN.

H.R. 819: Mr. AL GREEN of Texas.

H.R. 860: Mrs. Black, Ms. Bordallo, Mr. AMODEL and Mr. ROSKAM.

H.R. 890: Mr. FITZPATRICK.

H.R. 920: Mr. MANZULLO.

H.R. 938: Mr. FATTAH and Ms. JENKINS.

H.R. 1048: Mr. Hastings of Florida.

H.R. 1084: Mr. ROTHMAN of New Jersey.

H.R. 1092: Mr. COHEN and Mr. HONDA.

H.R. 1167: Mr. Fleischmann.

H.R. 1175: Mr. RUNYAN, Mr. COFFMAN of Colorado, and Mr. PETRI.

H.R. 1218: Mr. ALTMIRE.

H.R. 1350: Ms. PINGREE of Maine.

H.R. 1370: Mr. STIVERS.

H.R. 1426: Ms. SUTTON.

H.R. 1449: Ms. Brown of Florida.

H.R. 1479: Mr. McDermott.

H.R. 1515: Mr. CLAY.

H.R. 1533: Mr. Gene Green of Texas, Mr. CROWLEY, Mr. LIPINSKI, and Mr. HUIZENGA of Michigan.

- H.R. 1537: Mr. Andrews. H.R. 1549: Mr. KISSELL. H.R. 1564: Mr. VAN HOLLEN. H.R. 1568: Mr. GRIJALVA. H.R. 1576: Mr. LATHAM. H.R. 1621: Ms. HIRONO. H.R. 1639: Mr. SCALISE, Mr. LARSON of Connecticut, and Mr. ISSA. H.R. 1738: Mr. CONNOLLY of Virginia. H.R. 1744: Mr. LATHAM, Mr. JONES, and Mr. BISHOP of Utah. H.R. 1746: Mr. GARAMENDI. H.R. 1747: Mr. OWENS. H.R. 1783: Mr. Blumenauer. H.R. 1802: Ms. SEWELL and Mr. ROGERS of Alabama. H.R. 1830: Mrs. Myrick. H.R. 1856: Mr. RIGELL. H.R. 1936: Mr. MEEHAN. H.R. 1956: Ms. Jenkins. H.R. 1957: Mr. BILIRAKIS. H.R. 1960: Mr. Connolly of Virginia. H.R. 1966: Mr. TIERNEY. H.R. 2014: Mr. HECK. H.R. 2020: Mr. McCotter. H.R. 2140: Ms. SCHWARTZ. H.R. 2179: Mr. COLE and Mr. LOEBSACK. H.R. 2187: Mr. CLARKE of Michigan. H.R. 2190: Mr. NADLER. H.R. 2268: Mr. HURT.  $H.R.\ 2284;\ Mr.\ Stivers$  and  $Mr.\ Rokita.$ H.R. 2299: Mr. RAHALL. H.R. 2334: Mr. BERMAN and Mr. McHenry.
- H.R. 2335: Mr. NUNES. H.R. 2341: Mr. BACA. H.R. 2353: Mr. Blumenauer. H.R. 2435: Mr. Thornberry. H.R. 2443: Mr. SMITH of Texas. H.R. 2464: Mr. Towns. H.R. 2528: Mr. CANSECO. H.R. 2595: Mr. Young of Florida, Mr. NAD-LER, and Mr. COLE.  $\rm H.R.~2597;~Mr.~Andrews.$ H.R. 2689: Mr. Lewis of Georgia. H.R. 2810: Mr. CANSECO. H.R. 2888: Ms. HIRONO. H.R. 2951: Mr. Johnson of Ohio. H.R. 2955: Mr. JOHNSON of Georgia and Mr. Jackson of Illinois. H.R. 2969: Ms. LEE of California and Mr. LIPINSKI H.R. 3028: Mr. WITTMAN. H.R. 3039: Mr. FITZPATRICK.

H.R. 3059: Mr. MEEHAN, Ms. RICHARDSON, Mr. BERG, and Mr. MEEKS. H.R. 3061: Mr. SOUTHERLAND and Mrs. CHRISTENSEN. H.R. 3067: Mr. Frank of Massachusetts, Mr. CICILLINE, Mr. SENSENBRENNER, Mr. MEEKS, Ms. Clarke of New York, Ms. Baldwin, Mrs. McCarthy of New York, Mr. Scott of Virginia, Mr. Tonko, Mr. Hinchey, and Ms. H.R. 3074: Mr. Jones and Ms. Buerkle.

H.R. 3096: Mr. Poe of Texas.

H.R. 3130: Mr. FARENTHOLD. H.R. 3159: Mr. WITTMAN. H.R. 3192: Mr. Ross of Arkansas and Mr. HINCHEY.

H.R. 3200: Mr. COSTA. H.R. 3206: Mr. ROKITA. H.R. 3211: Mr. MEEHAN. H.R. 3216: Mr. HECK.

H.R. 3258: Mr. Loebsack.

H.R. 3286: Mr. CUMMINGS and Mr. PRICE of North Carolina.

H.R. 3324: Ms. SPEIER and Mr. BACA.

H.R. 3337: Mr. NUNNELEE, Ms. SCHWARTZ, and Ms. Berkley.

H.R. 3349: Mr. KING of New York. H.R. 3351: Mr. KING of New York.

H.R. 3357: Mr. DEFAZIO.

H.R. 3359: Mr. OWENS and Ms. SPEIER. H.R. 3400: Mrs. MILLER of Michigan.

H.R. 3405: Mr. FILNER and Mrs. McCarthy of New York.

H.R. 3423: Mr. Johnson of Illinois, Mrs. NAPOLITANO, and Mr. MEEHAN.

H.R. 3437: Mr. HONDA.

H.R. 3462: Ms. WATERS, Mr. McGovern, and Ms. Lee of California.

H.R. 3480: Mr. COBLE.

H.R. 3510: Mr. WITTMAN and Mr. TERRY.

H.R. 3521: Mr. GERLACH.

H.R. 3533: Ms. Sutton.

H.R. 3545: Mr. WILSON of South Carolina.

H.R. 3575: Mr. KLINE and Mr. MANZULLO.

H.R. 3577: Mr. SCHRADER and Mr. MAN-ZULLO.

H.R. 3578: Mr. Amash, Mr. Paulsen, Mr. RIBBLE, Mr. MANZULLO, Mr. KLINE, and Mr. HUELSKAMP.

H.R. 3581: Mr. KLINE.

H.R. 3582: Mr. KLINE and Mr. MANZULLO.

H.R. 3596: Ms. Slaughter.

H.R. 3606: Mr. Sam Johnson of Texas.

H.R. 3610: Mr. Bucshon. H.R. 3611: Mr. Bucshon.

H.R. 3627: Mr. PAYNE.

H.R. 3643: Mr. Desjarlais and Mr. Mathe-SON

H.R. 3658: Mr. COLE.

H.R. 3661: Mr. Reyes.

H.R. 3662: Mr. Jones, Mr. Hall, Mr. Car-TER, Mr. WESTMORELAND, Ms. JENKINS, and Mr. Calvert.

H.R.~3676: Mr.~GUTHRIE.

H.R. 3677: Mr. McDermott, Ms. Schwartz, Mr. CLARKE of Michigan, Mr. ELLISON, and Mr. Peters.

H.R. 3695: Mr. MICHAUD, Mr. SABLAN, Mr. COHEN, and Ms. WOOLSEY.

H.R. 3698: Mr. HULTGREN.

H.R. 3704: Ms. Slaughter.

H.R. 3713: Mr. MEEHAN, Mr. MICA, Ms. PIN-GREE of Maine, Ms. RICHARDSON, Mr. AMODEI, Mr. WITTMAN, Mr. FITZPATRICK, Mr. HECK, and Mr. Runyan.

H.R. 3714: Mr. Blumenauer, Mr. Connolly of Virginia, and Ms. TSONGAS.

H.R. 3723: Mr. LANDRY and Mr. KINZINGER of Illinois.

H.R. 3747: Mr. LANCE.

H.R. 3760: Mr. Baca, Mr. Grijalva, Mr. Pastor of Arizona, Mr. Courtney, Mr. Cohen, Mr. Luján, Mr. Meeks, Mr. Hinojosa, VELÁZQUEZ, Mrs. NAPOLITANO, Mr. CUELLAR, Mr. ANDREWS, Mr. SERRANO, Mr. ELLISON, Mr. GONZALEZ, Ms. BALDWIN, Ms. MOORE, Mr. YARMUTH, Mr. PRICE of North Carolina, Ms. Bass of California, Mr. Crow-LEY, Mr. DONNELLY of Indiana, Mr. ALTMIRE, Mr. ROTHMAN of New Jersey, Mr. PERL-MUTTER, Mr. SARBANES, Mr. BRADY of Pennsylvania, Mr. Holden, Mr. Ryan of Ohio, Mr. CRITZ, Mr. CAPUANO, and Mr. HOLT.

H.R. 3771: Mr. FILNER and Ms. WATERS.

H.R. 3772: Mr. NUNNELEE, Mr. HARPER, and Mr. Palazzo.

H.R. 3778: Mr. CANSECO and Mr. MANZULLO.

H.R. 3781: Ms. Jackson Lee of Texas.

H.R. 3785: Mr. Jones.

H.R. 3795: Ms. WATERS.

H.R. 3796: Mr. Amodei, Mr. Poe of Texas, Mr. Gowdy, and Mr. Austria.

H.R. 3799: Mr. NUGENT and Mr. DUFFY.

H. J. Res. 8: Mr. PRICE of North Carolina.

H. J. Res. 13: Mr. WOLF.

H. J. Res. 90: Mr. McNerney, Mr. Filner, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. MORAN, Ms. NORTON, Ms. SLAUGHTER, Ms. CHU, Mr. GEORGE MILLER of California, Mr. OLVER, and Mr. SHERMAN.

H. Con. Res. 72: Mr. ROTHMAN of New Jer-

H. Res. 25: Mr. LANGEVIN.

H. Res. 111: Mr. McCaul.

H. Res. 247: Mr. PITTS.

Res. 333: Mr. PEARCE and MCDERMOTT.

H. Res. 460: Mr. BERMAN, Ms. WOOLSEY, Mr. OWENS, Mr. REYES, Mr. RAHALL, and Ms. WATERS.

H. Res. 474: Mr. LEVIN.

H. Res. 489: Mr. COLE.

H. Res. 507: Mr. Poe of Texas, Mr. March-ANT. and Mr. McCAUL.

H. Res. 509: Mr. STUTZMAN, Mr. SENSEN-BRENNER, Mr. RYAN of Wisconsin, Mr. WITT-MAN, Mr. HURT, and Mr. SOUTHERLAND.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3261: Mr. CARTER.

# **EXTENSIONS OF REMARKS**

RECOGNIZING MRS. ALMA
THOMPSON-LEWIS FOR
DEDICATION TO SERVICE

LEE REMARKS OF THE HONORABLE HER DAVID CROCKETT

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Mrs. Alma Lee Thompson-Lewis. She was born in the rural town of Flora, Mississippi on September 6, 1930.

Mrs. Lewis received her early education at Good Hope Church and Christ Missionary Industrial Church School in Jackson, Mississippi. She earned her high school diploma from Camden Street School in Canton, Mississippi and Mrs. Lewis later furthered her studies at Mary Holmes College in West Point, Mississippi.

Born to Mr. Willie Lee Thompson and Mrs. Emma Deloris Cotton-Thompson, she is the eldest of four children. After the passing of both her parents in 1950, Mrs. Lewis, with the help of her grandparents, served as caregiver to her three siblings; Mrs. Lucille Thompson-Jamison, Mr. John Thompson and Mrs. Louise Thompson Eley-Sumler.

Mrs. Lewis has been a long-time community servant. She's worked many years with organizations in and around the Flora, Mississippi area. These organizations include the Magnolia Improvement Committee. The Ebony Group, Community Pride Groceries, the Madison County Civic Organization and the Order of the Eastern Star; an organization of which she is a member. She is a faithful and dedicated member of Fearns Chapel Free Will Baptist Church where she has served as choir advisor, group captain and Sunday school teacher. Over the years, she has also been involved with many other community service projects, including serving as manager of the Magnolia Heights voting precinct.

Mrs. Lewis began to serve with the Mississippi Head Start Program as a carrier, where she used her family's station wagon to transport children to and from the Head Start Center in Flora, Mississippi. She was eventually certified to teach for the Head Start Program and finally promoted to Center Director, where she eventually retired in 1991.

She is the wife of Mr. Dan Lewis and mother to Mrs. Debra Thompson-Devine, Mr. Levi Lewis, Mr. Calvin Lewis, Mrs. Almarie Lewis-Winters, Mr. Sylvester Lewis, Emma Jean Lewis (deceased at six months of age), Mr. Howard Earl Lewis and Mrs. Sandra Lewis-Denton.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Alma Lee Thompson-Lewis for her life-long dedication to service and commitment to education.

#### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. ROHRABACHER. Mr. Speaker, below is the text of a detailed report of a speech given on the floor of the House of Representatives that I believe will be of interest to my colleagues. The description was included in a book titled "Speeches on the Passage of the Bill for the Removal of the Indians," published by Perkins and Marvin in 1830. The speech was given by Rep. David Crockett of Tennessee on May 19, 1830, in opposition to the Indian Removal Act. Unfortunately, the Congress disregarded Crockett's objections and passed the bill, which was then signed into law by President Jackson.

A SKETCH OF THE REMARKS OF THE HON. DAVID CROCKETT, REPRESENTATIVE FROM TENNESSEE, ON THE BILL FOR THE REMOVAL OF THE INDIANS, MADE IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, MAY 19, 1830

Mr. Crockett said, that, considering his very humble abilities, it might be expected that he should content himself with a silent vote; but, situated as he was, in relation to his colleagues, he felt it to be a duty to himself to explain the motives which governed him in the vote he should give on this bill. Gentlemen had already discussed the treatymaking power; and had done it much more ably than he could pretend to do. He should not therefore enter on that subject, but would merely make an explanation as to the reasons of his vote, He did not know whether a man (that is, a member of Congress) within 500 miles of his residence would give a similar vote; but he knew, at the same time, that he should give that vote with a clear conscience. He had his constituents to settle with, he was aware; and should like to please them as well as other gentlemen; but he had also a settlement to make at the bar of his God; and what his conscience dictated to be just and right he would do, be the consequences what they might. He believed that the people who had been kind enough to give him their suffrages, supposed him to be an honest man, or they would not have chosen him. If so, they could not but expect that he should act in the way he thought honest and right. He had always viewed the native Indian tribes of this country as a sovereign people. He believed they had been recognised as such from the very foundation of this government, and the United States were bound by treaty to protect them; it was their duty to do so. And as to giving to giving the money of the American people for the purpose of removing them in the manner proposed, he would not do it. He would do that only for which he could answer to his God. Whether he could answer it before the people was comparatively nothing, though it was a great satisfaction to him to have the approbation of his constituents.

Mr. C. said he had served for seven years in a legislative body. But from the first hour he had entered a legislative hall, he had never known what party was in legislation; and God forbid he ever should. He went for the good of the country, and for that only. What he did as a legislator, he did conscientiously. He should love to go with his colleagues, and with the West and the South generally, if he could; but he never would let party govern him in a question of this great consequence.

He had many objections to the bill—some of them of a very serious character. One was, that he did not like to put half a million of money into the hands of the Executive, to be used in a manner which nobody could foresee, and which Congress was not to control. Another objection was, he did not wish to depart from from the foundation of the government. He considered the present application as the last alternative for these poor remnants of a once powerful people. Their only chance of aid was at the hands of Congress. Should its members turn a deaf ear to their cries, misery must be their fate. That was his candid opinion.

Mr. C. said he was often forcibly reminded of the remark made by the famous Red Jacket, in the rotundo of this building, where he was shown the pannel which represented in sculpture the first landing of the Pilgrims, with an Indian chief presenting to them an ear of corn, in token of friendly welcome. The aged Indian said "that was good." The Indian said, he knew that they came from the Great Spirit, and he was willing to share the soil with his brothers from over the great water. But when he turned round to another pannel representing Penn's treaty, he said "Ah! all's gone now." There was a great deal of truth in this short saying; and the present bill was a strong commentary

Mr. C. said that four counties of his district bordered on the Chickasaw country. He knew many of their tribe; and nothing should ever induce him to vote to drive them west of the Mississippi. He did not know what sort of a country it was in which they were to be settled. He would willingly appropriate money in order to send proper persons to examine the country. And when this had been done, and a fair and free treaty had been made with the tribes if they were desirous of removing, he would vote an appropriation of any sum necessary; but till this had been done, he would not vote one cent. He could not clearly understand the extent of this bill. It seemed to go to the removal of all the Indians, in any State east of the Mississippi river, in which the United States owned any land; Now, there was a considerable number of them still neglected: there was a considerable number of them in Tennessee, and the United States' government owned no land in that State, north and east of the congressional reservation line. No man could be more willing to see them remove than he was if it could be done in a manner agreeable to themselves; but not otherwise. He knew personally that a part of the tribe of the Cherokees were unwilling to go. When the proposal was made to them, they said, "No; we will take death here at our homes. Let them come and tomahawk us here at home: we are willing to die, but never to remove." He had heard them use this language. Many different constructions might be put upon this bill. One of the first things which had set him against the bill, was the letter from the secretary of war to colonel Montgomery-from which it appeared that the Indians had been intruded upon. Orders had been issued to turn them all off except the heads of the Indian families, or such as possessed improvements Government had taken measures to purchase land from the Indians who had gone to Arkansas. If this bill should pass, the same plan would be carried further; they would send and buy them out, and put white men upon their land. It had never been known that white men and Indians could live together; and in this case, the Indians were to have no privileges allowed them, while the white men were to have all. Now, if this was not oppression with a vengeance, he did not know what was. It was the language of the bill, and of its friends, that the Indians were not to be driven off against their will. He knew the Indians were unwilling to go: and therefore he could not consent to place them in a situation where they would be obliged to go. He could not stand that. He knew that he stood alone, having, perhaps, none of his colleagues from his state agreeing in sentiment. He could not help that. He knew that he should return to his home glad and light in heart, if he voted against the bill. He felt that it was his wish and purpose to serve his constituents honestly, according to the light of his conscience. The moment he should exchange his conscience for mere party views. he hoped his Maker would no longer suffer him to exist. He spoke the truth in saying so. If he should be the only member of that House who voted against the bill, and the only man in the United States who disapproved it, he would still vote against it; and it would be matter of rejoicing to him till the day he died, that he had given the vote. He had been told that he should be prostrated; but if so, he would have the consolation of conscience. He would obey that power, and gloried in the deed. He cared not for popularity, unless it could be obtained by upright means. He had seen much to disgust him here; and he did not wish to represent his fellow citizens, unless he could be permitted to act conscientiously. He had been told that he did not understand English grammar. That was very true. He had never been six months at school in his life; he had raised himself by the labor of his hands. But he did not, on that account, yield upon his privilege as the representative of freemen on this floor. Humble as he was, he meant to exercise his privilege. He had been charged with not representing his constituents. If the fact was so, the error (said Mr. C.) is here. (touching his head) not here (laying his hand upon his heart). He never had possessed wealth or education, but he had ever been animated by an independent spirit; and he trusted to prove it on the present occasion.

A TRIBUTE TO F. JOHN WHITE

# HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 24, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor F. John White. Mr. White, the Chief Executive Officer of Public Financial Management, Inc. and a member of its Board

of Directors, will celebrate his retirement after IN a lifetime of service to his company, profession, and community.

As CEO of Public Financial Management, Inc., Mr. White is responsible for the overall daily management of the firm and chairs the PFM Management Committee, the primary policy-making body in the firm. In his role, Mr. White has spearheaded PFM's growth in personnel, technology advances, and business practice expansion. He has helped to expand PFM over the past 30 years from a single office with five employees in 1980 to over 445 employees in 31 offices nationwide.

Mr. White has also taken the lead in PFM's effort to develop and maintain a strategic consulting practice designed specifically to assist state and local governments in strengthening credit ratings. He led the team that wrote the original Five Year Plan for the City of Philadelphia in 1992 enabling Philadelphia to recover from a more than \$200 million structural operating deficit and regain an investment grade rating. This effort resulted in upgrades from all three major credit rating agencies and Philadelphia's return to the bond market after a two-year absence.

Prior to joining PFM in 1980, Mr. White held policy-making positions in various aspects of local, state and federal governments. He served as Deputy to the then District Attorney Edward G. Rendell of Philadelphia and as Regional Representative in the Pennsylvania Department of Commerce. He spent five years handling administrative and legislative matters for then Congressman William Green, serving on the House Ways and Means Committee.

A life-long resident of Philadelphia, Mr. White is a graduate of The William Penn Charter School and Muhlenberg College. He serves on Penn Charter's board of overseers as Treasurer.

Mr. White's long and impressive career showcases his commitment and service to his profession and community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking F. John White for his work and congratulate him on the occasion of his retirement.

PERSONAL EXPLANATION

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. KIND. Mr. Speaker, I was unable to record my vote on the House floor during the vote on H.R. 3117 and H.R. 1141 on January 23, 2012 because of family commitments in Wisconsin. Had I been present, I would have voted in favor of both H.R. 3117 (Roll No. 5) and H.R. 1141 (Roll No. 6).

IN RECOGNITION OF TOMMY FELLO AND THE 40TH ANNIVER-SARY OF TOMMY'S RESTAURANT

# HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. KUCINICH. Mr. Speaker, I would like to bring to your attention the 40th anniversary of Tommy's Restaurant, and its owner, Tommy Fello.

What later became "Tommy's" on Coventry Road in Cleveland Heights started out as a part-time job at a 7-stool lunch counter at the corner drug store for Tommy when he was in the 9th grade in 1967. By 1972, just a year and a half after graduating from Cleveland Heights High School, Tommy bought the lunch counter and renamed it Tommy's. Having learned to make Lebanese specialties, such as falafel, hummus and baba ghanouj, from the lunch counter, he incorporated these and other items to cater to a growing demand for good food and healthy lifestyles. His menu includes vegetarian, vegan, macrobiotic, and gluten-free foods. But one can also get hamburgers, hot dogs and meat pies. After 45 years cooking and 40 years as the owner, Tommy still works long hours behind the grill making sandwiches and other treats for his many customers.

With success, Tommy always found ways to give back to his community. Every year on Earth Day, Tommy Fello can be found at the Cleveland Metroparks Zoo in Ohio's 10th Congressional District, feeding all the volunteers the wonderful food he cooks at his restaurant. On New Years Day every year, Tommy opens his restaurant for a 4 hour pancake breakfast with all proceeds donated to the local arts community. Tommy's Restaurant has provided a first job to thousands of youths in the Cleveland area since opening. Tommy has worked as a mentor for many local schools and is often asked to give entrepreneurial and motivational speeches to students of all ages.

Tommy's Restaurant is a Cleveland-area landmark. His website lists many customers of national and local renown, including TV personality Al Roker, actress Alicia Silverstone, the late Cuyahoga County poet laureate Daniel Thompson, blues musician Mr. Stress (who also has a sandwich named in his honor), comedian Molly Shannon (who once worked at Tommy's), actor Danny DeVito, the late graphic novelist Harvey Pekar, singer Patty Smith, and movie director Jim Jarmusch. I am proud to also be on this list.

I am also proud to know this fine individual who has worked hard, found much success, and has given so much back. Other businessowners on his street have nicknamed him the King of Coventry or the Mayor of Coventry because of their appreciation for all his hard work and dedication to the community. Mr. Speaker and colleagues, please join me in honoring Tommy Fello on his celebration of 40 years owning Tommy's Restaurant.

BLACK JANUARY

#### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to recognize a landmark event in history known as "Black January". This was a day when Azerbaijani citizens stood up to the Soviet government and gave up their lives for freedom from communism and dictatorship. Indeed, January 20, 1990, in Baku, Azerbaijan, has become a symbol of when the Soviet empire lapsed.

At midnight, on January 19, 1990, twenty-six thousand Russian troops flooded the capital city of Baku with tanks. Armed with a state of emergency declared by the U.S.S.R. Supreme Soviet Presidium and signed by then President Mikhail Gorbachev, the incursion was intended to suppress a growing independence movement. The end result was the opposite as the incident inflamed Azerbaijani nationalism and contributed to the breakup of the Soviet Union.

The national independence movement had reached a remarkable momentum with hundreds of thousands demonstrating for independence, sovereignty and territorial integrity. The emerging democratic groups and protesters called for independence from the Soviet Union and removal of Communists officials. On the night of January 19-20, more than 130 people died, 611 were injured, 841 were arrested and 5 went missing. In the days after the invasion, thousands of Azerbaijanis surrounded Communist Party headquarters demanding the resignation of the republic's leadership. Soviet troops were eventually withdrawn from Baku, but political control was maintained for almost another 2 years until Azerbaijan's parliament declared independence in October 1991. The Republic of Azerbaijan has maintained its independence for more than 17 years.

Today, Azerbaijan has developed into a thriving country with double digit growth, in large part due to a freely elected president and parliament, free market reforms led by the energy sector, and, most importantly, no foreign troops on its soil.

Mr. Speaker, let us remember those who sacrificed their lives and those who stood against communism and dictatorship on the monumental "Black January" day on January 20, 1990.

HONORING THE CARROLL SENIOR HIGH SCHOOL DRAGON FOOTBALL TEAM

#### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the Carroll Senior High School Dragon football team for winning the 2011 Class 5A Division I Texas State Championship title.

The Dragons finished the season with a perfect 16-0 record and the program's eighth

state championship. Carroll High School competes in the University Interscholastic League Class 5A, the most competitive athletic class composed of the largest schools in Texas.

Carroll had a thrilling 2011 season, winning three playoff games after being behind in the second half. The state championship was especially exciting where the Dragons played Fort Bend Hightower High School at Cowboys Stadium with an attending crowd of 42,822.

Hightower had a 29–28 lead over Carroll starting the fourth quarter. In Hightower's first possession of the fourth quarter, Carroll line-backer Will Davis caused a fumble that was recovered by the Dragons on Hightower's 29-yard line. With key positioning in Hightower territory, Carroll quarterback Kenny Hill led the offense to a touchdown with five plays. Carroll then scored a two-point conversion giving them a lead of 36–28.

With 9:18 left in the fourth quarter, the Carroll defense shut down the Hightower offense. On a second down, cornerback Sabian Holmes made a pivotal play breaking up a pass near the end zone, and on the third down, linebackers Will Davis and Jeff Miller sacked the Hightower quarterback, forcing a punt. Following the punt return, the Dragon offense shrewdly ran down the clock to win the state championship title.

I am extremely proud of the entire Carroll football team. I would like to take a moment to recognize all of the players who contributed to this championship:

Drew Ahmuty, Derek McLemore, Ryan Weigel, Jared Bales, Ray Crockett, Peyton Williams, Cameron Feuchter, Ben Sego, Connor Dyer, Corey Kemp, Tanner Jacobson, Austin Miller, Kyle McKinney, Blake McWhirter, Sean Dickson, Brandon Viohl, Kenny Hill, Conner Combs, Tyler Hunter, Ian Moss, Tyler Barnes, Kellen Day, David Stroope, Tanner Hutyra, Britton Wallace, Michael Stephens, Anthony Custable, Matthew Zauber, Chris Swart, Luke Kissick, James Noetzel, Sabian Holmes, Reid Hall, Roy Peryea, Robert Harless, Jeremy McClellan, Zach Hernandez, AJ Ezzard, Nick Melocik, Aaron Hoagland, Carter Bishop, Adaryan Jones, Matt Swoyer, Travis Martin, Derek Kalata, Hunter Westmoreland, Drew Brown, Will Davis, Conor Owens, Alex Johnston, Sam Downey, Joseph Formella, Steven Bergmark, Nash Neu, Dillon Rake, Jacob White, Landon Howard, Christian Poucket, Jeff Miller, Brian Bonacci, Nick Arst, Jackson Mitchell, Korbin Wayton, Edgar Gonzalez, Hunter Lackey, Michael Gavin, Nicholas Berman, Austin Tyrone, Dustin Flegle, JJ Prince, Alec Deutsch, Brady Stallings, Kyle Arpaia, Patrick Mundlin, Raymond Proietti, Ryan Hauser, Caleb LaCombe, Kyle Rae, Jack Proskovec, Evan Brown, Clay Hochstrate, Avery Hill, Connor Chase, Andrew Olear, Gabe Callan, Matt Jackson, Holden Sheehan, Connor Wakeham, Grant Drewelow, Cam Manning, Chad Kwong, Garrett Hale, Keaton Duhon, Joe Heineman, Sammy Silver, Haydn Billman, Caden Carlton, Brandon Gordon. Hunter Peck. Jesse Martinez. Cenan Lalani, Luke Timian, Blake Collins, Jake Webb, Al Tolbert, Matt Watford, Davin Campbell, Connor Page, James Hagerman, Scott Marks, Brock Sales, Ty Cummings, Joseph Depinto, Nash Dickey, Spencer Sunstrum.

Of course, no championship team is complete without those behind the scenes. Head

Coach Hal Wasson; Asst. Coaches Clayton George, Tim Wasson, Mike Loveless, Tony Holmes, Austin Cranford, Aaron Lineweaver, Robert Drake, Brad Skinner, Kirk Rogers, Rob Royer and Brandon Murdock; Team Managers Colt Meachem, Nick Foster, Nick Bromley and Brendon James; Athletic Trainers Derek Abell, Allison Loftin and Carrie Saulters; and Student Trainers Sye Noble, Cameron Spence, Ragan Sims, Scott Miritillo, James Sarandis, and Brad Mason were all key contributors to Carroll's 2011 championship.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating the Carroll Senior High School Dragons football team for its victory in the 2011 Class 5A Division I state Texas state championship.

#### PERSONAL EXPLANATION

#### HON. ROBERT L. TURNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 24,\ 2012$ 

Mr. TURNER of New York. Mr. Speaker, because of travel delays due to inclement weather, I missed the two votes on January 23, 2012. Had I been present, I would have voted "aye" on House Resolution 3117, the Permanent Electronic Duck Stamp Act of 2011 (Roll-call 5) as well as House Resolution 1141, the Rota Cultural and Natural Resources Study Act (Rollcall 6).

I understand the responsibility of representing the residents of the Ninth Congressional District of New York and I regret missing these two votes.

# CONGRATULATING BACARDI ON ITS 150TH ANNIVERSARY

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 24,\ 2012$ 

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to congratulate Bacardi on its 150th anniversary. The company was founded by Don Facundo Bacardí Massó in Santiago de Cuba on February 4, 1862, and overcame multiple adversities to become the largest privately-held spirits company, one that today sells more than 200 brands and labels in more than 150 markets globally, and the third largest spirits company in the world. Family-owned and run for seven generations, the Company employs nearly 6,000 people around the world. Bacardi has a significant presence and history in the United States.

As its business grew in Cuba, Bacardi capitalized on growing opportunities abroad and expanded outside of Cuba as Cuba's first multinational company. In 1916, the Company established a bottling facility in New York City. Bacardi rum is distributed by Bacardi U.S.A., Inc. based in my home district of Coral Gables, Florida. Having toured the offices recently, I've seen first hand the energy and excitement in the employees about the company.

I congratulate the Bacardi rum brand on its 150th anniversary and commend the Bacardi Company for 150 years of business perseverance and commitment to continue sustainable business practices, fairness to employees and generosity to the community at large that built Bacardi during the past 150 years.

IN RECOGNITION OF THE ST. IGNATIUS FOOTBALL TEAM

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 24, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the St. Ignatius Football Team, which won the 2011 Ohio High School Athletic Association (OHSAA) Division I State Championship.

St. Ignatius High School was founded in September of 1886 on Cleveland's West 30th Street. At the time, it was the twentieth secondary school sponsored by the Jesuits in the U.S. An all male college preparatory high school, the Wildcats continue to live by the school motto, "Men for Others." Academically, St. Ignatius is one of Ohio's most prestigious high schools. It is St. Ignatius great emphasis on academic achievement which produces scholars and which translates to success both on and off the field. Each year 99% of its students go on to four-year college programs.

Led by Coach Chuck Kyle, the St. Ignatius Wildcats took to the field at 7:07 p.m. on December 3, 2011 against the Pickerington Tigers. The Wildcats gained an early lead in the first quarter, highlighted by a 45 yard touchdown pass by Eric Williams to Tim McCoy. The first half ended with the Wildcats ahead, thanks to two Tim Shenk field goals and a Tim McVey rushing touchdown, by a score of 20-13. The second half was dominated by the Wildcats defense, which did not allow the Tigers to score again. The Wildcats offense continued to produce; Tim McVey ran for another touchdown and Eric Williams threw a 40 yard touchdown to Jake Mooney. At 10:03 p.m., the St. Ignatius Wildcats left the field as OHSAA Division I State Champions for the 11th time in 12 state championship appearances with a score of 34-13.

Mr. Speaker and colleagues, please join me in congratulating the 2011 OHSAA Division I State Champions, the St. Ignatius Football Team.

RECOGNIZING MRS. ALMA R. HOLLINS-RUCKER FOR HER DEDICATION TO SERVING OTHERS

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Mrs. Alma R. Hollins-Rucker. Mrs. Rucker was born and raised in Yazoo City, Mississippi. She is the daughter of Mr. Arnett Hollins and the late Ms. Carrie Mae Wright. She is a pillar of her community for not only

holding reputable positions within her church, but by also promoting a positive image and reputation through her service to others in the community.

Mrs. Rucker started serving the Lord at an early age at Bethel African Methodist Episcopal Church where she is still a member and serves as President of the Pastor's Aide Club and Chair of the Trustee Board.

She graduated from Yazoo City High School in 1970 and attended Draughon's Business College. After attending Draughon's Business College, she became the Assistant Librarian at Lamar Library and retired four years later in management due to an acquired disability.

Despite her handicap, Mrs. Rucker continues to serve her community through countless acts of servitude. She volunteers at several food pantries and nursing homes and provides donations to various organizations throughout her community. Mrs. Rucker is the mother of five children and three grand-children.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Alma R. Rucker for her dedication to serving others in need.

#### PERSONAL EXPLANATION

#### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes on the afternoon of January 18, 2012, which included rollcall votes 2, 3, and 4.

If I had been present, I would have voted against rollcall vote 2, Representative Scott's (SC-01) bill, H. Res. 515.

If I had been present, I would have voted in favor of rollcall vote 3, Approval of the Journal. If I had been present, I would have voted against rollcall vote 4, Representative Tom REED's (NY-29) bill, H.J. Res. 98.

HONORING THE CONTRIBUTIONS
AND DEDICATION OF A HUMAN
RIGHTS CHAMPION: DOUGLAS A.
JOHNSON, EXECUTIVE DIRECTOR
OF THE CENTER FOR VICTIMS
OF TORTURE

#### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Ms. McCOLLUM. Mr Speaker, I rise today to honor the inspiring career of Mr. Doug Johnson, an international leader and voice for human rights, on the occasion of his retirement from the Center for Victims of Torture (CVT).

When the Center for Victims of Torture opened in Saint Paul, Minnesota in 1985 it was the first center of its kind in the United States and only the third torture treatment center in the world. Doug Johnson became its Executive Director in 1988 and served in this role for the next 23 years. Today, because of Doug's extraordinary leadership and commit-

ment to eradicating torture, CVT is helping thousands of torture survivors from over 60 countries at centers in Minneapolis, Saint Paul, the District of Columbia, Sierra Leone, Liberia, Jordan, Kenya and the Democratic Republic of Congo.

Thanks to Doug Johnson's vision, CVT has become a global leader in the treatment of torture. Doug and CVT have received numerous awards for their pioneering work, including the National Crime Victims Service Award, which is the highest civilian honor awarded by the U.S. Department of Justice. CVT is also a leading advocate for torture victims. Doug worked closely with former Minnesota Senator Dave Durenberger to pass the original Torture Victims Relief Act in 1998, which authorizes federal funding for torture survivor rehabilitation programs in the U.S. and abroad. The United States is the world's largest donor to torture survivor rehabilitation thanks to leaders like Doug Johnson.

CVT's central and steadfast conviction that torture is a crime against humanity—a crime against all of us—is one that I share. It is a weapon of terror, intimidation and cruelty that seeks to dehumanize its victims and traumatize their communities. Torture victims face debilitating and unimaginable physical, social, emotional and spiritual scarring. Unfortunately, thousands of our brothers and sisters around the world have experienced this horror and are struggling each day to live with its aftermath. That is why the work of the Center for Victims of Torture is so incredibly important.

While it is easy for many of us to point fingers at foreign governments when human rights are abused and torture is used to coerce, silence, or intimidate, it takes the courage of one's convictions to stand up to one's own government when abuses are exposed. During the past decade, Doug was a voice for America's best and highest ideals of due process and respect for human rights. When the American people learned of torture as a sanctioned interrogation technique by our own government in Iraq, Afghanistan, Guantanamo Bay, or other clandestine prisons, it was Doug Johnson who spoke out loudly and fearlessly. He rallied human rights leaders and policy makers to condemn these abuses and sought to expose them for what they were—torture. Doug influenced the debate in Congress and helped elevate torture as an issue of national significance.

CVT is a Minnesota treasure and it has been my pleasure to work closely with Doug Johnson over the past eleven years. The legacy of Doug Johnson will live on in CVT's work providing hope for survivors of torture around the world and bring us ever closer to a world free from torture.

TRIBUTE TO REVEREND JOSEPH LEE JOHNSON

#### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 24,\ 2012$ 

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay tribute to Reverend Joseph Lee Johnson, a dynamic leader

of the religious community and a founder of the Police Chaplains Program in the City of Richmond, California—and to mark his passing on January 9, 2012, at the age of 93.

Born in Westdale, Louisiana on September 3, 1918, to the late Adeline and Bill Johnson, J.L. Johnson was one of twelve children. In December of 1937, he met Ida Mae Gilliom—they were married two weeks later on January 11, 1938. He and Ida Mae remained happily married for nearly 74 years.

In September 1943 he and Ida Mae moved to Vallejo, California, where he worked at the Mare Island Naval Shipyard. It was there that he united with Union Baptist Church where he served on the Deacon Board until 1950, when he was ordained and became Pastor of St. John Missionary Baptists Church in Vallejo. He continued to pastor at St. John Church for over 21 years. Reverend Johnson organized the Baptist Ministers Union of Vallejo, and was elected its first president. In addition, he was president of the Interdenominational Ministers Alliance for many years, organizing local clergy around issues such as promoting civil rights, ending hunger, and curbing violence.

Reverend Johnson also started one of the first food programs in Richmond where he was instrumental in working with government agencies to provide cheese, butter and other food to local churches to feed low-income families.

He was a peacemaker. During the social unrest of the 1960s, the Bissell property where Elizabeth Missionary Baptist Church is now located was, at the time, the local headquarters for the Black Panther Party. Reverend Johnson and others negotiated with the late Huev P. Newton and Party leaders to acquire the building as a church and an outlet to serve the needs of the community. In the early 1980s, Reverend Johnson played an integral role between African American police officers and the City of Richmond Police Department to address racial divisions within the department. Those efforts resulted in the very first Police Chaplin Program in the country. Reverend Johnson and other ministers rode with police officers to provide spiritual counseling, comfort and prayer to men and women of the force as well as victims of violence and their families. He served as a Police Chaplin for almost 20 years.

Reverend Johnson received his Bachelor of Arts in Theology from Moody Bible Institute in Chicago, Illinois, and his degree in Christian Doctrine from the Divinity School of Oakland Seminary. He was a mentor to many young preachers and pastors, and worked tirelessly beyond the boundaries of his faith community by counseling and advising local civic leaders. Reverend J.L. Johnson was a very proud man who would often say, "As for me and my house, we will serve the Lord," His presence will be greatly missed throughout our community. I ask my colleagues to join with me in offering sincere condolences to his wife of 74 years, Ida Mae Johnson and to the entire Church Family of Elisabeth Missionary Baptist Church.

IN HONOR OF MICHELINE BENEDICT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 24,\ 2012$ 

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Micheline "Mickey" Benedict as she retires after 50 years of service at St. Ignatius High School as Director of Technology.

From an early age Mickey has been part of the St. Ignatius High School community. Her uncles, Fr. George Kmieck, the former Dean of Philosophy at John Carroll University, and Dr. Peter Kmieck, the St. Ignatius High School team physician, began bringing Mickey to the school at the age of two.

Mickey began her career with St. Ignatius High School in May 1961. She was hired by Fr. Pingstock and made \$1.25 per hour for clerical and typing work. In November of 1997, she was promoted to head the school's Computer Services Department by Fr. Robert Welsh. She led a team of 20 who worked to move the school into the age of modern technology. Mickey was promoted to the position of Director of Technology in May of 2000 and held the position until her retirement in December of 2011.

The St. Ignatius High School community will celebrate the career of Mickey Benedict on January 20, 2012 with a mass and school wide reception.

Mr. Speaker and colleagues, please join me in honoring Mickey Benedict and congratulating her on her retirement from St. Ignatius High School following 50 years of dedicated service.

# A TRIBUTE TO LOUIS RONEY

### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. MICA. Mr. Speaker, I rise today to pay tribute to Louis Roney, who has devoted his life both as a performing artist and in support of the arts. Throughout his career as a long-time leading operatic tenor, he has been featured in the great opera houses of Europe and North America. As a great patron of the arts in Florida, he has recently been recognized and will soon be inducted into the Florida Artists Hall of Fame.

Mr. Roney's professional music career began after his studies at Harvard and commended service in the U.S. Navy during WWII. Over four decades he sang leading roles throughout Paris, Vienna, Berlin, Hamburg, Amsterdam, Brussels, Munich and Lisbon, as well as Italy, Canada, and of course, the United States. He was frequently engaged as a soloist all across America and Europe and appeared in numerous movies and national operatic festivals over the course of his career. Over the years he has performed as leading tenor in every major French and German opera house. His life work has been performing, teaching and supporting music.

Though he spent his whole life mingling amongst heads of state, royalty and Europe's

cultural elite, he never lost a deep sense of how art can transcend power and wealth and can be appreciated and enjoyed by everyone. Mr. Roney has said that, "The artist's life is a 'giving' proposition. And if giving is more blessed than receiving, the artist is more blest than those who enjoy his art."

Returning to his home State of Florida after his European career, Mr. Roney continued to devote his life to expanding cultural opportunities for others. He founded and for 17 years led Orlando's Festival of Orchestras. He served as Distinguished Professor of Music and Artist in Residence Emeritus at the University of Central Florida. In both of these roles Mr. Roney has worked with passion and dedication to make culture and the arts accessible to as many people as possible.

Mr. Roney is well deserving of the honor and induction into the Florida Artists Hall of Fame. This recognition expresses our State's appreciation for his selfless service to the humanities and salutes a life lived with great dignity and purpose, as well as a daily sense of the high calling of the artist. He and his career have had a deep and profound impact on our community, State and Nation. I ask that my colleagues join me in recognizing Mr. Roney for his decades of service and congratulate him on the Florida Artists Hall of Fame's recognition of his invaluable contributions.

#### CONGRATULATING MIKE ABRAMS

#### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. BRALEY of Iowa. Mr. Speaker, today, I'd like to congratulate Mike Abrams on his new position with the Ohio Hospital Association. Mike has been at the Iowa Medical Society for 15 years, and he has been a friend and adviser to me since I came to Congress in 2007.

For years, lowa has suffered from unfair Medicare reimbursement rates, and a flawed equation that determines payments. Within the first few months of my Congressional career, Mike was in my office helping me find solutions to that problem. It was only with Mike's help that we were able to increase payments to lowa doctors, and take significant steps towards a reimbursement structure based on quality of care, not just quantity of care. He has been a resource to me, and he often served as my "lifeline" during late-night, highlevel health care negotiations over the last few years.

Mike's knowledge and understanding of current health care issues is matched only by his terrific wit and shining personality. Iowa doctors and patients have benefited from his time at Iowa Medical Society, and he has helped me advocate for improved access to health care in Iowa. Thank you, Mike, and we wish you the best in your new endeavor.

IN HONOR OF ARMY SERGEANT FIRST CLASS BENJAMIN WISE

#### HON. MIKE ROSS

OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 24, 2012

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a dedicated soldier and true American hero who died in service to this great country. On January 15, 2012, U.S. Army Sergeant First Class Benjamin B. Wise, who was 34 years old, died at Landstuhl Regional Medical Center in Landstuhl, Germany, in support of Operation Enduring Freedom. Sergeant First Class Wise died of injuries sustained on January 9, 2012, in Balkh Province, Afghanistan, from small arms fire.

ŠFC Benjamin Wise graduated from West Side Christian High School in El Dorado, Ark., in 1995 and eventually joined the United States Armed Forces in 2000, where he began a distinguished military career. At the time of his death, SFC Wise was on his fourth deployment overseas—once in Iraq and three times to Afghanistan—and was assigned to A Company, 3rd Battalion, 1st Special Forces Group, Joint Base Lewis-McChord, Washington.

SFC Wise was an outstanding soldier and, according to his family, incredibly proud of the career he built in the Army. During his 11 years as a soldier, SFC Wise earned three Army Commendation Medals; three Army Good Conduct Medals; the National Defense Service Medal; two Afghanistan Campaign Medals with Bronze Service Stars; three Iraq Campaign Medals with Bronze Service Stars; the Global War on Terrorism Service Medal; two Noncommissioned Officers Professional Development Ribbons; the Army Service Ribbon; two Overseas Service Ribbons; the NATO Medal; the Parachustist Badge, Basic; the Combat Infantryman Badge; the Expert Infantry Badge; the Combat and Special Skill Badge, Basic Marksmanship Qual Badge; the Canadian Parachutist Badge; the Special Forces Tab; and four Overseas Service Bars.

SFC Wise was also posthumously awarded two Bronze Star Medals for his bravery in battle and a Purple Heart for giving his life in service to his country.

As a well-respected leader, SFC Wise was an outstanding soldier who served his country well and proudly wore the uniform of the United States of America. He represented the best of our Armed Forces and the best of America—giving his life to protect the freedoms we all cherish. As a husband, father, son and brother, his loss will leave an incredible void that will be impossible to fill. My thoughts and prayers are with his wife, Traci; his children, Kallen, Luke and Ryan; his parents, Dr. Jean and Mary Wise; his brother, Marine Corps Cpl. Matthew Wise; his sister, Mary; and, the rest of his family and friends during this very difficult time.

Unfortunately, what made SFC Wise's death even more tragic is that just two short years ago, the Wise family also lost another son in Afghanistan—Jeremy Wise, who was SFC Benjamin Wise's brother. Former Navy SEAL Special Warfare Operator First Class Jeremy Wise, age 35, was part of the CIA's security

detail at an outpost near Khost, Afghanistan, when he was killed on December 30, 2009, when a terrorist detonated a bomb at the facility killing seven Americans in the attack. America has now lost two outstanding patriots in the Wise family and both Benjamin and Jeremy will be deeply missed.

The United States of America remains a strong beacon for freedom and liberty around the world because of brave, honorable and dedicated service members like SFC Benjamin Wise and his brother, Jeremy. The Wise family has endured an incredible burden and made an extraordinary sacrifice on behalf of all Americans and we are forever thankful.

Today, I ask all Members of Congress to join me as we honor the life and legacy of Army Sergeant First Class Benjamin Wise, as well as each man and woman in our Armed Forces, and all of those in harm's way supporting their efforts, who give the ultimate sacrifice in service to this great country. I also ask that we recognize the sacrifice and burdens our military families endure in support of this great country. We owe them all our eternal gratitude.

#### A TRIBUTE TO SAMUEL BUTLER

### HON. MIKE McINTYRE

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Samuel Butler, the President of the Robeson County Firemen's Association, of Maxton, North Carolina, for his commitment to his community and as a dedicated man of public service. Mr. Butler proved himself to be a devoted and effective public servant, a man of great character, and a dedicated public servant. Tragically, he lost his life while protecting others on January 8, 2012. He was also a devoted father, grandfather, and dear friend, who will be dearly missed.

In addition to his service to the Evans Crossroads Volunteer Fire Department, Mr. Butler was also a proud employee of the Campbell's Soup Company for over 29 years. Driven by the spirit of service and dedication to his community and its people, he was a board member of the Robeson County Fire College and Robeson County Honor Guard, guiding future stewards and first responders to better serve the community. In recognition of his devotion, Mr. Butler was a candidate for the Robeson County Hero Society.

Mr. Butler, a volunteer fire fighter for over 20 years, was struck and killed by a vehicle while responding to an accident. He made the ultimate sacrifice to save those in danger. His passing is a significant and tragic loss to his family, his community, and beyond.

Mr. Speaker, may we never forget the goodness, humility, service, and character that defined the life of Samuel Butler. May God continue to bless his beloved wife, Brenda, and all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

detail at an outpost near Khost, Afghanistan, IN RECOGNITION OF MAYOR DAVID when he was killed on December 30. 2009. W. SMITH

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 24,\ 2012$ 

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mayor David W. Smith who is retiring after serving 33 years as the Mayor of the city of Newark, California.

Mayor Smith began his career in 1967 after graduating from Michigan Technological University with a degree in Business Administration and Industrial Management. He began his career as a Plant Manager at Ethyl Corp. After working at the plant for ten years he developed an interest in public service. In 1976, he was elected to the Newark City Council. Just two years later, in 1978, he was elected Mayor of the city of Newark.

Mayor Smith is currently serving his 16th consecutive term as mayor, the most senior mayor currently serving in California. Additionally, he is also 2nd in mayoral seniority in the United States. During his service as Mayor, Smith was the Vice President of the Retail Division of Oatey Supply Chain Services from 1979 to 2006. More recently, he has served as the Executive Director of Ohlone College Foundation since 2006.

Mavor Smith's accomplishments during his tenure as Mayor are exemplary. He has displayed the highest level of public service to his citizens, and his commitment can be seen through the wide array of organizations and committees in which he was involved. He was a Trustee and Committee Chair of the United States Conference of Mayors, and was highly involved in the Arts Committee as well as the Education Committee. He was previously chair of the Alameda County Transportation Authority and the Tri-City Waste Management Authority, and was also President of the Alameda County Conference of Mayors. He is the currently the Chair of the Newark Redevelopment Agency, the Newark Disaster Council, and the Newark Community Development Advisory Committee.

Mayor Smith has received a myriad of awards for his outstanding accomplishments. He was honored as a Distinguished Alumni of Calumet High School, and an Outstanding Young Alumni of Michigan Technological University. He was selected as one of California's Five Outstanding Young Men, and was named a Life Member of the United States Junior Chamber, a leadership and civic organization.

I join many others in saluting Mayor Smith for his commitment to excellence, thanking him for his exemplary service, and wishing him well on his retirement.

OUR UNCONSCIONABLE NATIONAL DERT

# HON. MIKE COFFMAN

OF COLOBADO

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 24,\ 2012$ 

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at

a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4.801,405,175,294.28.

Today, it is \$15,236,245,309,869.69. We've added \$10,434,840,134,575.41 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING MR. BENNIE DOTSON FOR HIS DEDICATION TO SERVING OTHERS

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a fine patriot and

noble member of his community, Mr. Bennie Dotson. Mr. Dotson was born September 9, 1923, in Vicksburg, Mississippi. He is the younger of two children born to the late Mr. Ben and Mrs. Mary Dotson.

Mr. Dotson's early years of education began at Dunbar Elementary School in Warren County, Mississippi. He later attended Grange Hall Elementary School culminating with an eighth grade education.

At the age of 18, Mr. Dotson entered the United States Army and served in the European War. He received his basic training at Camp Shelby in Mississippi, after which, he served tours of duty in England, France, Belgium, and Germany.

After leaving the United States Army, Mr. Dotson worked at Anderson Tully Lumber Company in Vicksburg, Mississippi, where he retired after 45 years of service. Mr. Dotson has continued to serve as a lay member of

Shady Grove Missionary Baptist Church for many years.

Mr. Dotson was happily married to his late wife of 57 years, Mrs. Lorraine Dotson, and together they raised one child, Ruby McDonald. He also has a host of nieces and nephews that love and care for him.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Bennie Dotson for his dedication to our country and his commitment to serving others.

# HOUSE OF REPRESENTATIVES—Wednesday, January 25, 2012

called to order by the Speaker pro tempore (Mr. Chaffetz).

#### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

> WASHINGTON, DC. January 25, 2012.

I hereby appoint the Honorable JASON Chaffetz to act as Speaker pro tempore on this day.

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

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: We give You thanks, O God, for giving us another day.

As You make available to Your people the grace and knowledge to meet the needs of the day, we pray that Your spirit will be upon the Members of this people's House, giving them the richness of Your wisdom.

Bless the Members of the minority party as they gather these days. May they, with those who accompany them, travel safely and meet in peace.

Bless also the majority party as they return to their constituencies. Give them hearts and ears to listen well to all of those whom they represent.

May the power of Your truth and our faith in Your providence give them all the confidence they must have to do the good work required for service to our Nation.

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

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. CICILLINE led the Pledge of Allegiance as follows:

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

# PRO TEMPORE

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

#### GABBY

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

Mr. POE of Texas. Mr. Speaker, my grandmother used to say that there is nothing more powerful than a woman that has made up her mind. GABBY GIF-FORDS has always been that woman. She is compassionate, tenacious, and relentless in her love for our country.

Her desire to serve and represent the people of Arizona has never wavered, and she will carry that same feisty spirit with her indefinitely.

After she was attacked and faced with what seemed to be insurmountable odds, GABBY fought each day to get better. Her recovery has been a miracle, and she will only continue to get stronger.

GABBY is the spirit of bipartisanship that we should all learn from, and I have enjoyed working with her on border security issues. She makes decisions based on what she sees to be right for her people. Although she will no longer serve in Congress for the time being, the people of Arizona have not lost an advocate.

No question about it, GABBY is a fighter, and she fights for what she believes in. She is fiercely dedicated to making her community and our country a better place because she is a woman that has made up her mind.

And that's just the way it is.

#### CONGRESS SHOULD GET THINGS DONE FOR OUR COUNTRY

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

Mr. CICILLINE. Mr. Speaker, my constituents in Rhode Island have been hit hard by this recession. Last night, President Obama offered Congress a plan to rebuild our economy with proposals focused on manufacturing, innovation, investments in infrastructure and workforce training, proposals that I and many of my colleagues have been working hard to advance.

I urge my friends on the other side of the aisle to move forward on the Offshore Prevention Act that would end tax breaks for companies that ship

The House met at 9 a.m. and was ANNOUNCEMENT BY THE SPEAKER American jobs overseas. We should work together to strengthen American manufacturing by passing legislation such as my Make it in America Block Grant and the rest of the Make it in America agenda. I look forward to fighting hard for commonsense proposals like these that will benefit hardworking families in my State.

Rhode Islanders want Congress to move beyond ideological differences to get things done for our country. After so much unproductive partisanship this past year, let's send the President bills like these that will advance not just the interests of Democrats or Republicans, but of every American family.

#### SEQUESTRATION UNDERMINES PEACE THROUGH STRENGTH

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

Mr. WILSON of South Carolina. Mr. Speaker, the Constitution gives Congress the responsibility of providing for a common defense. The defense cuts that occur in 2013 as a result of sequestration undermine this constitutional duty. General Ray Odierno, the Army Chief of Staff, has stated, "Cuts of this magnitude would be catastrophic for the military."

Defense Secretary Leon Panetta has said that under sequestration, "We would have to reduce the size of the military sharply. Rough estimates indicate after 10 years of these cuts, we would have the smallest ground forces since 1940, the smallest number of ships since 1915, and the smallest Air Force in our history."

With growing worldwide threats, the President last night praised our troops but actually is slashing the Army by 80.000 troops and cuts to Marines by 20.000.

I urge my colleagues to support Chairman BUD McKEON and vote in favor of the Down Payment on National Security Act. This bill provides certainty for the military to promote peace through strength.

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

#### CONGRESS SHOULD WORK TOGETHER

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

Ms. HOCHUL. Mr. Speaker, exactly 12 hours ago, those of us who sat in this Chamber watched raw courage walk through that door when our colleague, GABBY GIFFORDS, came in here of her own accord. She overcame obstacles both physical and emotional that few of us can ever imagine. In this room, we often find similar challenges. I call on this body in the spirit of GABBY GIF-FORDS to put aside our differences and work together and institute the parts of the President's plan we heard last night that we all agree on.

I sat over here on the so-called Republican side of the aisle, and I know there were times when my colleagues, all of them, got up and applauded and supported the President and issues, whether it was to bring back jobs from overseas, whether it was fairness in our Tax Code, or infrastructure for our roads and bridges that are crumbling,

at least in my district.

We have much before us, just as our friend GABBY did. We can overcome it. She did it. We must. The American people are counting on us.

#### KEYSTONE XL PIPELINE

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

Mr. WOMACK. Mr. Speaker, last night in this very Chamber, I heard the President talk of an "all-of-the-above" energy strategy for our Nation. I couldn't agree more. But this is the same President who a few days ago rejected the Keystone XL pipeline project, a \$7 billion trifecta shovelready for America: jobs, energy security, and urgent logistical relief necessary to move oil to the gulf coast region.

Count me as one of the disappointed. At a time when we should be doing everything we can to be giving American workers a lift, instead we take to the bully pulpit and preach envy and division, simply a smokescreen for political convenience and expedience.

Mr. President, if you truly believe in an all-of-the-above strategy, if you're genuinely concerned about 8½ percent unemployment, and if you're looking for a bipartisan way to reverse this economic course we are on, say "yes" to Keystone XL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore. The Chair will remind the Members that they are to address their remarks to the Chair.

#### FAIRNESS IS VITAL TO THE SURVIVAL OF OUR SOCIETY

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

Mr. YARMUTH. Mr. Speaker, I was very pleased last night to hear Presi-

dent Obama talk about the defining issue of our time, the great economic disparity that we face in this society and the need to have a fair taxation system. Of course, what is fair is in the eye of the beholder, and the recent disclosure of Governor Mitt Romney's tax returns offers us a great laboratory to talk about that.

On \$21 million in income, he paid \$3 million in taxes. The question for us shouldn't be whether \$3 million is fair or whether a 13.9 percent rate is fair. The question is, did he deserve a preferential rate? Did that \$21 million of income educate anyone, did it create jobs, did it provide important research, did it build infrastructure? If it provided a broad societal benefit, then that preferential rate is justified. If not, then we can't explain to hardworking Americans how he pays a lower rate than they do.

Fairness is incredibly vital to the survival of our society, and we need to emphasize that always.

#### □ 0910

#### STATE OF THE UNION SPEECH

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

Mr. LANKFORD. Mr. Speaker, today is day 1,001 since the Senate has passed a budget. In addition to that, Mr. Speaker, the President has notified this body that his budget will also be late this year. Now, that may be a couple days, it may be a week-we don't know exactly how late that's going to be at this point. And last night, at the State of the Union Address, he spent exactly 3 percent of the speech talking about debt and deficits. We have \$15.3 trillion worth of debt right now in our Nation. It is a major issue for us. It slows down our economy.

I was very pleased to hear him talk about an all-of-the-above energy strategy though, and I'm very focused on that exact same thing. But I did have a couple things that need to be cleared up. He mentioned basically that hydraulic fracking and the process of recovering shale gas was a Federal project and a Federal invention. Well, I'd like to inform everyone that since 1949, we have done that in Oklahoma. And the chemicals that he mentioned, we need to get out there and stop concealing them. Τf you go fracfocus.org, Mr. Speaker, you will already find all those hydraulic chemicals out there. So we need to clear those things up.

#### MOVE AMERICA FORWARD

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

Mr. COHEN. Mr. Speaker, last night was the State of the Union, but it was also the State of the American family, for family values were much on display like I have never seen before in this room. We had the President of the United States and his beautiful wife. Michelle, who have a beautiful family and certainly exhibited family values. And we had GABBY GIFFORDS and her marvelous husband, Mark Kelly, who have shown family values. Two couples in America that are beautiful and have shown what vows mean and what for better or worse mean. They know a marriage is forever.

They also are great Americans who want to bring this country together. And the President properly said our country is great. We're doing better. We have improved since the Bush years in so many areas and are putting our country on a course toward economic employment, preservation of the middle class, shared responsibility, and fairness.

I urge everybody, in the spirit of family values that the President and Representative GIFFORDS and their families exhibit, to join together as an American family and move this country forward and keep America number one.

#### HOUSE-PASSED BILLS DEMAND ACTION

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, last night, President Obama asked Congress to support his same failed policies that have kept unemployment above 8 percent. This administration has caused our economy to fail. The House has passed more than 30 bipartisan bills that will create American jobs, but the Democratic-controlled Senate has failed to move on 27 of them. It's time for the Senate and the President to get behind these commonsense bills that will boost job growth, cut spending, shrink the deficit, and get the government out of the way of small business.

Just last week, the President rejected the Keystone project, which would create tens of thousands of jobs, draw billions of dollars in new investment to the United States, and increase our domestic energy security. America's energy independence should be a top priority for the White House. Americans want, need, and deserve immediate action on these bills and the Keystone pipeline.

#### ONE-YEAR ANNIVERSARY OF EGYPTIAN REVOLUTION

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

Mr. ELLISON. Mr. Speaker, I rise to congratulate the Egyptian people on

their revolution 1 year ago today. Of course that revolution is still a work in progress, but it reminded us of what people can accomplish through non-violence and perseverance. It inspired my constituents and people around the world

Egyptians disproved the myth that people in the region do not want democracy. Protesters in the streets were not asking for another dictator. The nonviolent protest was a stunning rejection of violence and extremism as exhibited by al Qaeda. They also were not blaming others for their problems. Their demands focused primarily on internal issues like the economy, corruption, and police brutality.

The United States must engage the new Egyptian Government. We can't advance our interests and values if we don't. If the new Parliament doesn't deliver, the Egyptian people will throw them out just like our people will throw us out. That's democracy. As they build theirs, we should remember that we're still perfecting our own.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

#### ULTRALIGHT AIRCRAFT SMUG-GLING PREVENTION ACT OF 2012

Mr. REICHERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3801) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act. and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 3801

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

#### SECTION 1. SHORT TITLE.

This Act may cited as the "Ultralight Aircraft Smuggling Prevention Act of 2012".

#### SEC. 2. CLARIFICATION OF DEFINITION OF AIR-CRAFT AND OFFENSES UNDER AVIA-TION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

- (a) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—
- (1) by redesignating subsection (g) as subsection (h); and
- (2) by inserting after subsection (f) the following:
- "(g) DEFINITION OF AIRCRAFT.—In this section, the term 'aircraft'—
- "(1) has the meaning given that term in section 40102 of title 49, United States Code; and
- "(2) includes a vehicle described in section 103.1 of title 14, Code of Federal Regulations.".

- (b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting ", or attempts or conspires to commit," after "commits".
- (c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act. SEC. 3. INTERAGENCY COLLABORATION.
- (a) FINDINGS.—Congress makes the following findings:
- (1) The Department of Defense has worked collaboratively with the Department of Homeland Security to identify equipment, technology, and expertise used by the Department of Defense that could be leveraged by the Department of Homeland Security to help fulfill its missions.
- (2) As part of that collaborative effort, the Department of Homeland Security has leveraged Department of Defense equipment, technology, and expertise to enhance the ability of U.S. Customs and Border Protection to detect, track, and engage illicit trafficking across the international borders between the United States and Mexico and the United States and Canada.
- (3) Leveraging Department of Defense equipment, technology, and expertise is a cost-effective inter-agency approach to enhancing the effectiveness of the Department of Homeland Security to protect the United States against a variety of threats and risks.
- (b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—
- (1) continue the broad program of cooperation and collaboration with the Secretary of Homeland Security described in subsection (a): and
- (2) ensure that the Department of Homeland Security is able to identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to enhance its efforts to combat illicit trafficking across the international borders between the United States and Mexico and the United States and Canada, including equipment and technology that could be used to detect and track the illicit use of ultralight aircraft.

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

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. REICHERT. Mr. Speaker, I yield myself such time as I may consume, and I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. REICHERT. Mr. Speaker, as a former sheriff, I rise in strong support of H.R. 3801 because it would address the increasing use of ultralight aircraft in the smuggling of contraband across our borders.

We also move this bill today in honor of Congresswoman GABRIELLE GIF-

FORDS, the sponsor of this bill. She ably represented Arizona's Eighth Congressional District since being elected to the United States House of Representatives in November of 2006. In fact, our offices were next door to each other when she first arrived in Congress, and we had an opportunity to walk and talk and share some stories, and I learned from her that she came to Congress for the right reasons—she is concerned about her constituents and cares and loves this country deeply. So we got to know each other just a little bit. And one of her foremost concerns has been the safety of her constituents. This bill is but one way in which she addressed those concerns, working together with her good friend and tireless colleague, Representative FLAKE. I'm delighted that we can move this bipartisan bill. We look forward to the day when Gabrielle fully recovers.

The use of ultralights, which are small, slow, highly maneuverable, single-seat recreation air vehicles is a proven way to smuggle contraband. These planes fly at a very low altitude and do not even have to land; they simply drop their bundles of contraband at a predestined point and fly back undetected.

A sheriff in Luna County, New Mexico, was quoted as saying that we need the ability to detect smugglers' flights before they cross the border to track them and give us a good indication of where they're dropping their contraband so that we can pre-position our response teams.

This legislation provides the tools to stop these smugglers from using ultralight aircraft. First, the bill adds ultralights to the definition of aircraft for purposes of smuggling and stiffens the penalties for using this type of aircraft to smuggle contraband. Secondly, it enhances the ability of U.S. Customs and Border Protection to detect, track, and halt illicit trafficking across the international borders between the United States and Mexico and United States and Canada by calling for a collaborative effort between the Department of Defense and Customs and Border Protection. For these reasons, I'm in favor of expanding our abilities to combat smuggling and support this bill.

I reserve the balance of my time.

#### □ 0920

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

I rise very much in support of the Ultralight Aircraft Smuggling Prevention Act of 2012. It is crucially important in two respects:

It is important in and of itself. It's clear we need to act. Every year, hundreds of these aircraft are flown across our borders. They are carrying drugs. Smugglers favor them because they are hard to detect, they are inexpensive, and they can often avoid radar detection. The problem is that under current

law, Immigration and Customs Enforcement, ICE, and the prosecutors don't have the authority to charge the users, these offenders, with the existing statute, so they can't seek the higher penalties or lower the burden of proof.

This bill—and this is the second significance—was introduced by Representative GABBY GIFFORDS, and it would close this loophole. So I think for all of us, colleagues and friends, this is a special moment. This legislation was characteristic of the devotion, the dedication, and the hard work of Representative GIFFORDS, representing so ably the people of her district, the people of her State, and the people of our entire Nation.

GABBY GIFFORDS has been a spectacular star in the congressional galaxy. And we say, as friends, with love and affection, we know that that star will continue to shine brightly, and it will inspire us all.

GABBY GIFFORDS will be sorely missed, but her dedication, her vitality, and her courage have set an example that I think, hopefully, will lead us to undertake our duties with the same devotion as she has given to her work here in the House.

I reserve the balance of my time.

Mr. REICHERT. Mr. Speaker, I understand that the other side may have some additional speakers. We have one additional speaker. So I would yield to Mr. LEVIN to continue with the further speakers on his side.

I will continue to reserve the balance of my time.

Mr. LEVIN. I thank the gentleman from Washington.

It is my pleasure now to yield 3 minutes to another distinguished gentleman from the State of Washington and member of our committee, Mr. McDermott.

Mr. McDERMOTT. Mr. Speaker, I urge Members to support H.R. 3801, the Ultralight Aircraft Smuggling Prevention Act of 2012. This bill, as you have heard, will help prevent drug smuggling across our borders, and it does it, really, in three ways:

It amends the current law to give our prosecutors the authority to charge smugglers who fly ultralight aircraft the same way as they charge smugglers who fly conventional aircraft.

Second, the bill adds both an "attempt" and a "conspiracy" provision to the aviation smuggling law. That means our prosecutors will be able to seek higher penalties when it makes sense.

And finally, the bill directs the Defense Department and the Department of Homeland Security to collaborate in identifying equipment and technology that could be used by our Customs officials to detect these ultralight aircraft.

This is a commonsense piece of legislation that addresses a real problem and does so in a way that deserves

broad bipartisan support. A very similar bill passed the House in the last Congress by a vote of 412–3. So this is a broad bipartisan bill. I expect this bill to pass with the same kind of bipartisan support today.

What's unique about it is that it comes on the day when GABBY GIFFORDS is going to resign from the Congress, the woman who brought this bill to the floor. And I want to congratulate her, not only on this important piece of legislation, but for the impressive record she developed over the 5 years that she was representing the Eighth District of Arizona.

We all know GABBY's spirit well enough to know she will be back to serve the public as soon as she possibly can. She has an office down the hall from mine, and I occasionally walked with her from the office over here in the times when we came over to vote, and I got to know her on a human basis. She is truly a wonderful woman, and we will miss her. She had a bright future before her here, and it's sad to us that she's leaving, but it's important for her to take care of herself.

I'm a physician. I'm a psychiatrist, and I have seen cases like hers in the past and know that the possibilities for rehabilitation are very good. But it takes time, and running political campaigns and doing the kinds of things that you have to do in this business doesn't give you much time to take care of yourself. So we want GABBY to go home and take care of herself and return to her highest level of ability, because she hasmuch to offer the people of the State of Arizona and her husband and the country.

So it's with a great deal of sadness that we say good-bye to her, but on the other hand, we're very happy for her. We very much urge everyone to vote for this bill.

Mr. REICHERT. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Arizona (Mr. Flake) and also take a moment to recognize him for his continuing efforts and dogged determination to ensure the safety of our country's borders.

Mr. FLAKE. I thank the gentleman for yielding.

I rise today in support of this legislation. It is needed and will help on the border to close this loophole to make sure that we can better protect the border.

I also want to pay tribute at this time to my friend and colleague GABBY GIFFORDS for bringing this bill forward and for her work on this over the years. I have traveled to the border many times to meet with those property holders there, particularly the ranchers—the Glenns, the Ladds, and others—that she knows so well, that she has worked with over the years to develop legislation like this and the other legislative initiatives that she has pushed to make sure that we have a secure border.

She met with these groups and then committed to have conference calls routinely to make sure that she was hearing their concerns, and she did so over a long period of time. And I can tell you, those who reside at the border, those who live there, who have property there, who work there, who have been there for generations appreciate so deeply the work that she has done over these years.

I want to pay tribute also to her family, especially her good husband, Mark, for this difficult and challenging year, for supporting her, and for making sure that she had what she needed and that she is recovering. What a wonderful story they have together and will continue to have.

I also want to pay tribute to GABBY GIFFORDS' wonderful staff. This has been a challenging year for them, and they have done everything possible to ensure that the people from the Eighth District have received the representation that they deserve. They've worked long hours under difficult circumstances and have made sure that those constituents were well served. I was down in Sierra Vista last week and spoke to many of her constituents who recognize the efforts of GABBY and her good staff in this difficult time.

We, as the Arizona delegation, will miss her in Congress deeply. We are so appreciative of the service that she has rendered; and we know that she will continue to serve, whether in the future in an elected office or in whatever capacity, she will continue to serve the good people of Arizona and this country.

#### □ 0930

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield 3 minutes to the gentleman from Texas (Mr. REYES), a gentleman who has been very much involved in issues relating to this bill.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Like my friend and colleague from Washington, I, too, rise in support of this legislation, H.R. 3801, as a former Federal law enforcement officer, retired Border Patrol Agent and Border Patrol Chief who had the opportunity, as a cochair of the Border Caucus, to work very closely with GABBY GIFFORDS. It's a real privilege to be able to support this piece of legislation which, as my colleague from Washington mentioned, has previously passed the House and, it's my understanding, has already passed Senate. So I urge all my colleagues to support it.

I, too, would like to pay tribute to GABBY GIFFORDS because not only did I get a chance to work with her on border issues as members of the Border Caucus, but also as members of the Interparliamentary Group, and wanted to make sure that we know that we're not counting out GABBY. I think those of us that know her, those of us that

have had the privilege of working with her, understand that she is determined to make a full recovery.

We all will miss her, but we certainly agree with the decision that she has made, along with her husband, Mark, and her family, that she needs to take some time to fully recover. So we haven't seen the last of GABBY GIFFORDS, I believe.

I think whatever the future holds for her, she has made this a better place because of her work, because of her thirst to seek out the facts. This piece of legislation is just one indicator of the work that she has done on behalf of not just her constituents and not just her State, but work done on behalf of our Nation to keep us safe, especially post-9/11.

So I hope today we have a unanimous vote of support for legislation that, yes, is needed, because I've been on the border with our Border Patrol Agents and ICE agents and have seen some of these ultralights that this legislation addresses, but more than that, because we have to continue the fight against these drug cartels and these drug trafficking organizations.

So I urge all the Members to vote "yes," and wish GABBY and her family well and am proud to have worked with her.

Mr. REICHERT. Mr. Speaker, I have no additional speakers, and I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Texas (Ms. Jackson Lee).

Ms. JACKSON LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan, and I thank the manager of the bill and rise today to support H.R. 3801

I serve on the Homeland Security Committee and know the importance of emphasizing utilizing resources in a partnership and, in fact, passing a law, an authorization for that. We all know there's a firewall between a civilian government and its Department of Defense, and that's why I think this bill is particularly astute and particularly important, authored by our friend GABBY GIFFORDS. I thank her for her thoughtfulness to ensure that, as we put assets together, we have the act of law to ensure that it is properly done.

As a member of a border State, or a resident of a border State, having been to the border many times, having walked the border from California to Texas, having been on the border at night, having been on the border with Customs and Border Patrol, I can see what these assets can do to help stop the scourge of drug cartels and drug trafficking, and certainly making sure that those who come into this country come in for the right reason.

I also had the privilege of serving as part of the region that we are associated with in the structure ofthis Congress and served on the steering and policy committee with our friend. I consider her a gift that keeps on giving to this Nation; and I really do believe that, as she pursues her own health issues, as she continues to espouse those values that she did when she was here. I think America's a great country, and she is an example of that and her husband, Mark, who served so well in exploring our universe.

We, in Houston, owe her a debt of gratitude, for you could not imagine the love and affection of Houstonians who had never met Congresswoman GIFFORDS as she healed in our community.

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

Mr. LEVIN. I yield the gentlewoman an additional 15 seconds.

Ms. JACKSON LEE of Texas. So I'd like to say thank you to her and wish her well and to say, as I've said before, she is an American hero because of the courage. Certainly we acknowledge those who lost their lives and those who were wounded on that tragic day, but what a symbol that this Congresswoman represents, this American represents to all who seek a better place.

I ask our colleagues to enthusiastically support H.R. 3801.

Mr. REICHERT. Mr. Speaker, I have no additional Members seeking time, and I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, as we wrap up, I look about and think of this institution. It sometimes can be quite impersonal. I think for all of us today, this is a very personal moment, and I think all of us join in saluting GABBY and Mark.

I yield back the balance of my time. Mr. REICHERT. Mr. Speaker, I will keep my closing statement short.

This obviously is an important bill to this country for our Nation's security and is especially important on this day when our good friend, GABRIELLE GIF-FORDS, has presented her resignation.

I urge all Members to join me in support of this bill, and I yield back the balance of my time.

Ms. JENKINS. Mr. Speaker, I rise today in support of H.R. 3801, an important piece of bi-partisan legislation that will strengthen our borders and strike an important blow against those who would try and smuggle drugs into this country.

But I also rise to honor H.R. 3801's sponsor, my long time friend Congresswoman GABBY GIFFORDS.

I have known GABBY a long time. In fact, our friendship goes back long before either one of us considered running for Congress to when we spent time together during our involvement with the Aspen Institute's Rodel Fellowship and traveled to Vietnam together with the American Council of Young Political Leaders.

I have truly missed seeing GABBY in the halls of the House and will continue to miss her in the years to come. While I am sad to hear she is moving on, I wish her well as she continues her remarkable recovery.

Though she is retiring from the House this week, I know that GABBY's impact on public policy, this Congress, and this country is far from over. I look forward to seeing the great things she will accomplish in the years to come.

Just as was the case with much of what she does GABBY's last legislative act before she resigns has strong bipartisan appeal. I support H.R. 380 and I support GABBY.

Mrs. BONO MACK. Mr. Speaker, I rise today in strong support of H.R. 3801. This critically-needed legislation will provide law enforcement officials with a powerful new tool in the on-going war against illicit drugs.

It imposes tough new penalties on smugglers who use ultralight aircraft to illegally bring drugs into America. But just as importantly, it sends a clear signal that we are going to do whatever it takes to protect our borders from the raging narco wars which are plaguing Mexico today.

Last year, I was proud to support my close friend and colleague, GABBY GIFFORDS, in her efforts to pass similar legislation, and I'm honored—in her last official act—to do so again today.

For many people, this is a bittersweet moment because of GABBY'S difficult decision to retire from Congress after more than five years of outstanding public service to the people of Arizona and to America.

But I see this more as a celebration of her life—and a celebration of what's still to come in her life—as GABBY continues to make a miraculous recovery which is nothing short of a miracle.

So, in some ways, you can view her retirement today as a glass half-full story. Yet when it comes to GABBY GIFFORDS, the glass is always full—and usually overflowing with love, kindness and devotion.

She has been such an inspiration for me and for millions of Americans as well.

Throughout her life, GABBY has had such a special way of bringing diverse people together and finding solutions that benefit everyone.

We will miss her in Congress, but I know deep in my heart that we have not heard or seen the last of this extraordinary woman.

God bless you, GABBY, and thank you for your tireless dedication to America and to your fellow human beings.

When God created miracles, he certainly had you in mind.

Ms. SCHAKOWSKY. Mr. Speaker, I want to express my support for H.R. 3801, The Ultralight Aircraft Smuggling Prevention Act of 2012, and also my strong admiration of its sponsor, my colleague and friend GABRIELLE GIFFORDS.

GABBY will be stepping down from Congress this week to focus on her recovery, but it is clear that she is not stepping down from her commitment to public service and her devotion to her constituents. GABBY GIFFORDS remains an inspiring example of how legislators can be effective in reaching across the aisle and encouraging cooperation between those who are often adversaries.

America has learned a lot about GABBY GIFFORDS since the tragic shooting last January. We have watched her deal with her grievous wounds with courage and determination. We

Thompson (CA)

know not just her strength, but her genuine warmth. America, like all of us who have had the joy to work with her, not only respect her but love her.

I am sad to see GABBY leave the Houseshe will be sorely missed. I know she will continue her amazing path to recovery, with her remarkable husband Mark Kelly by her side. I look forward to working with her in the future.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. REICHERT) that the House suspend the rules and pass the bill, H.R. 3801.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 9 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

#### □ 0944

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 9 o'clock and 44 minutes a.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1022, by the yeas and nays;

H.R. 3801, by the year and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

#### BUFFALO SOLDIERS IN THE NATIONAL PARKS STUDY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1022) to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes, on which the yeas and nays were ordered.

Diaz-Balart

Kind

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. JOHN-SON) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 338, nays 70, not voting 25, as follows:

#### [Roll No. 10]

#### YEAS-338

Adams King (IA) Altmire Dingell King (NY) Amodei Doggett Kissell Kucinich Andrews Dold Donnelly (IN) Austria Labrador Baca Lamborn Doyle Bachus Dreier Lance Baldwin Duffy Langevin Lankford Barletta Duncan (TN) Barrow Edwards Larsen (WA) Bartlett Ellison Larson (CT) Barton (TX) Engel Latham Bass (CA) Eshoo Latta Lee (CA) Bass (NH) Fattah Becerra Filner Levin Lewis (CA) Berg Fincher Fleischmann Berkley Lewis (GA) Biggert Fleming Lipinski Forbes Fortenberry LoBiondo Bilbray Lofgren, Zoe Bilirakis Bishop (GA) Foxx Long Bishop (NY) Frank (MA) Lowey Bishop (UT) Franks (AZ) Lucas Frelinghuysen Luetkemeyer Black Blumenauer Fudge Gallegly Luián Bono Mack Lummis Garamendi Lungren, Daniel Boren Boswell 8 | Gerlach E. Boustany Gibson Lynch Brady (PA) Gohmert Maloney Brooks Gonzalez Marino Brown (FL) Markey Gowdy Buchanan Granger Matheson Butterfield Green, Al Matsui McCarthy (CA) Calvert Green, Gene Griffin (AR) McCarthy (NY) Camp Canseco Griffith (VA) McCaul McClintock Cantor Grijalva Capito Grimm McCollum McCotter Capps Guinta. Guthrie McDermott Capuano Cardoza Gutierrez McGovern Carnahan Hahn McIntyre Carney Hall McKeon Carson (IN) Hanabusa. McKinley Castor (FL) Hanna McMorris Chabot Harper Rodgers Chaffetz Hartzler McNernev Hastings (FL) Chandler Meehan Hastings (WA) Chu Meeks Cicilline Hayworth Mica. Clarke (MI) Heck Michaud Clarke (NY) Heinrich Miller (FL) Clav Herger Miller (MI) Cleaver Herrera Beutler Miller (NC) Clyburn Higgins Miller, Gary Coffman (CO) Himes Miller, George Cohen Hinojosa Moore Cole Hirono Moran Connolly (VA) Murphy (CT) Hochul Conyers Holden Murphy (PA) Cooper Holt Nadler Napolitano Honda Costa Costello Hoyer Neal Courtney Hunter Noem Nugent Cravaack Inslee Crawford Israel Nunes Crenshaw Issa. Olson Jackson (IL) Olver Critz Jackson Lee Crowley Cuellar (TX) Jenkins Cummings Pascrell Davis (CA) Johnson (IL) Pastor (AZ) Davis (IL) Johnson, E. B. Paulsen Davis (KY) Johnson, Sam Pelosi DeGette Jones Perlmutter Kaptur DeLauro Peters Keating Denham Peterson Kelly Petri Dent Deutch Pingree (ME) Kildee

Sánchez, Linda Polis Sarbanes Posev Schakowsky Price (NC) Quiglev Schiff Schilling Rahall Schmidt Rangel Schock Reed Schrader Rehberg Schwartz Reichert Schweikert Reves Scott (SC) Ribble Scott (VA) Richardson Scott, Austin Richmond Scott, David Rigell Sensenbrenner Roby Serrano Roe (TN) Sessions Rogers (AL) Sewell . Rogers (KY) Sherman Rogers (MI) Shimkus Rohrabacher Shuler Simpson Rooney Roskam Sires Smith (NE) Ross (AR) Rothman (NJ) Smith (NJ) Rovbal-Allard Smith (TX) Royce Smith (WA) Runyan Southerland Speier Ruppersberger Rush Stark Ryan (OH) Stivers Ryan (WI) Sutton

Thompson (MS) Sanchez, Loretta Thompson (PA) Tiberi Tierney Tipton Tonko Towns Tsongas Turner (NY) Turner (OH) Upton Van Hollen Velázquez Visclosky Walz (MN) Wasserman Schultz Waxman Webster Welch West Whitfield Wilson (FL) Wilson (SC) Wittman Wolf Womack Woodall Woolsey Yarmuth Yoder Young (FL) NAYS-70

Aderholt Garrett Gibbs Akin Alexander Gingrey (GA) Amash Goodlatte Graves (GA) Bachmann Graves (MO) Benishek Blackburn Harris Bonner Hensarling Huelskamp Huizenga (MI) Broun (GA) Bucshon Hultgren Buerkle Burgess Hurt Johnson (OH) Carter Cassidy Jordan Coble Kingston Kinzinger (IL) Conaway Kline DesJarlais Duncan (SC) Landry Manzullo Ellmers Farenthold Marchant Fitzpatrick McHenry Flake Mulvaney Flores Myrick Gardner Neugebauer

Nunnelee Palazzo Pearce Pence Pompeo Price (GA) Quavle Renacci Rokita Ross (FL) Scalise Shuster Stearns Stutzman Sullivan  $\operatorname{Terry}$ Thornberry Walberg Walden Walsh (IL) Westmoreland Young (IN)

# NOT VOTING-

Ackerman Farr Payne Giffords Berman Rivera Brady (TX) Gosar Ros-Lehtinen Braley (IA) Hinchey Slaughter Johnson (GA) Burton (IN) Waters Campbell LaTourette Watt Culberson Loebsack Young (AK) DeFazio Mack Emerson

#### □ 1018

Messrs. YOUNG of Indiana, TERRY, FLAKE, PRICE of Georgia, AKIN, SULLIVAN, FLORES, FITZPATRICK, BUCSHON, SHUSTER, DESJARLAIS, BONNER, GARDNER, LANDRY and ROKITA changed their vote from "yea" to "nay."

Messrs. WEBSTER, SCOTT of South Carolina, GOWDY, KUCINICH and TOWNS changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### HONORING REPRESENTATIVE GABRIELLE GIFFORDS

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

Ms. PELOSI. Mr. Speaker, all of us come to the floor today, colleagues of Congresswoman GABBY GIFFORDS, to salute her as the brightest star among us, the brightest star Congress has ever seen.

When she came to Congress and in her service and leadership here, GABBY GIFFORDS brought to Washington and the Capitol the views of a new generation of national leader. From this floor, she has spoken out courageously and led boldly at times that demanded both.

Since the tragic events of 1 year ago, Congresswoman GIFFORDS has become an inspiring symbol of determination and courage to millions of Americans.

She has brought the word "dignity" to new heights by her courage.

#### □ 1020

Congresswoman GIFFORDS' message of bipartisanship and civility is one that all in Washington and in the Nation should honor and emulate. As GABBY said in her video, which moved us all so much this weekend, we can do so much more by working together.

In that vein, Mr. Speaker, I want to thank you for the courtesies extended to enable this extraordinary ceremony to take place today. Thank you, Mr. Speaker. With your permission, I would like to acknowledge GABBY's mother, who is with us today, Gloria, and her father, Spencer, who is watching from Tucson. We thank you.

And we thank Commander Mark Kelly, a hero in his own right as an astronaut and a commander of a mission, but also our personal hero, for the care and love that he has given to GABBy over this past year—oh, and before that, to help make her, as Gloria and Spencer have, the person that she is.

I think all of our colleagues join in thanking you, GABBY, for the honor of calling you colleague and wishing you and Mark much happiness and success. You will be missed in the House of Representatives, but your legacy in this Congress and your leadership in our Nation will certainly endure. So thank you for being who you are, for lifting our country at a very important and sad time. We wish you, again, much success. With great gratitude, admiration, and affection, we salute you, Congresswoman GABBY GIFFORDS, one last time.

It is now my privilege to yield the floor to the distinguished majority leader of the House, the gentleman from Virginia, Representative CANTOR. Mr. CANTOR. I thank the leader.

Mr. Speaker, a little more than a year ago, America witnessed a heinous attack on Gabby Giffords, her staff, and the citizens of Tucson. This attack

took six innocent lives, including Gabe Zimmerman, injured 13, and shook all of us in the congressional community and, in fact, our Nation to its core. This attack was a stark reminder that even in this country, where freedom of speech and public demonstration are the cornerstones of our democracy, citizens and public officials can face violence and danger. We will never forget those who lost their lives on that fateful day or the brave efforts of our law enforcement, community members, and a very special intern who responded in the emergency.

Mr. Speaker, I know I speak for all of my colleagues when I say we are inspired, hopeful, and blessed for the incredible progress that GABBY has made in her recovery. GABBY's courage, her strength, and her downright fortitude are an inspiration to all of us and all Americans.

As GABBY leaves the House today, Mr. Speaker, she has decided to focus her energies on recovery, but she has refused to give up her fight for the people of her beloved Arizona and her country; and as such, today we will vote on her legislation to help secure our Nation's southwestern border. GABBY's bill gives law enforcement greater authority to penalize those who seek to do us harm by engaging in illegal activity along the border. I commend GABBY for her commitment to work on this and her unwavering commitment to a safer, more secure America.

For the past 6 years, Congresswoman GABBY GIFFORDS has served Arizona's Eighth District with dedication and dignity. I want to recognize her accomplishments here and thank her staff for their exceptional service, dedication, and, yes, courage during these difficult times.

Mr. Speaker, I especially want to recognize her chief of staff, Pia Carusone. I know, having met with Pia personally, her having worked with our office, she has demonstrated incredible dedication to her coworkers, to you, GABBY, and, Mr. Speaker, she has demonstrated unparalleled leadership for the people of the Eighth District of Arizona. And for that, I know they are and we are very grateful.

On Sunday, Mr. Speaker, I received a call from Captain Mark Kelly—as we all know, GABBY's husband—who informed me of GABBY's decision. Mark has been steadfast in his support of his wife and forever by her side as her best friend and partner. Though GABBY may be leaving Washington today, I know this won't be the last we see of her or Mark.

We wish you, GABBY, we wish Mark, together, the best as they continue the process of GABBY's recovery.

And I'll say once again, Mr. Speaker, GABBY GIFFORDS' strength against all odds serves and will continue to serve as a daily inspiration to all of us.

Ms. PELOSI. I thank the leader.

Mr. Speaker, I am now pleased to yield to GABBY's friend, the distinguished minority whip of the House, the gentleman from Maryland, Congressman HOYER.

Mr. HOYER. I thank the leader for yielding. I thank the Speaker for ensuring that we would have this opportunity to speak to our friend, GABBY GIFFORDS. I thank the majority leader for his comments.

None of us on this floor are talented enough to summon the rhetoric that all of us feel in our hearts. We have young men and women arrayed on the fields of Iraq and Afghanistan and other troubled spots in the world. They are fighting for freedom and democracy, and too many of them are injured on those fields.

Our beloved colleague GABBY GIFFORDS was injured on the field in the exercise of that democracy, and in being injured, she has become an example for us, for all Americans—and, indeed, all the world—of courage, of clarity of purpose, of grace, of responsibility, of a sense of duty, which she exercises this day.

#### $\Box$ 1030

I love Gabby Giffords. I was honored when she first ran for office, before she was elected, to go to her district, as I have done for so many others in this country, to stand by her side, to walk down the streets of her community with her, to see in her the beauty not only of person. Many of us see the outward visage of us all, but Gabby's beauty is in the heart, in the soul, in the spirit.

The House of Representatives of America has been made proud by this extraordinary daughter of this House who served so well during her tenure here, who felt so deeply about her constituents and cared so much for her country.

GABBY, we love you. We have missed you.

 $\operatorname{Ms.}$  GIFFORDS. I miss you.

Mr. HOYER. Mr. Speaker, I don't know whether you were able to hear that response. As GABBY looked with that extraordinary smile, the twinkle in her eyes, she said to me and to all of us, "I miss you." Do any of us doubt that that is the case?

Pia, we are blessed in this House to be served by extraordinary people, of which you are a perfect example, by people who love us but love their country even more, who serve our constituents so extraordinarily well, who evidence every day care for us and care for the work that we do, which we could not do, Pia, without people like yourself and all of your colleagues that we call staff. Thank you.

Mr. Speaker, God has blessed Gabrielle Giffords, and he has sent a blessing to all of us in the person of Gabrielle Giffords. And God blessed

GABBY as well with an extraordinary mom and dad and an extraordinary partner in life.

Mark, we owe you a debt of gratitude. Our country owes you a debt of gratitude. I look forward to the day when you and GABBY will be returning here, returned to full health and full ability to serve.

GABBY, America thanks you. It thanks you for the example that you have given of overcoming adversity, and doing so with a spirit unparalleled. God bless you and Godspeed.

Ms. PELOSI. Mr. Speaker, I know that every Member in the House would like to associate himself or herself with the remarks of our distinguished majority leader and Democratic whip, especially with regard to GABBY, of course, but also Pia.

It is something that every day we have the Chaplain or the guest chaplain come to the floor and ask God's blessing on this House. As Mr. HOYER said, one of those blessings to us has certainly been the leadership and the life and service that will continue for many years to come of Congresswoman GABBY GIFFORDS.

We focus on her. She is our friend. We look at her remarkable recovery with great pride. She also carries in her need for recovery the sorrow of so many others who lost their lives today. So the apparent physical recovery that we see is something even more than we could ever imagine for the challenge that Congresswoman GIFFORDS has faced.

God gave her a very special mission. He gave it to GABBY GIFFORDS because he knew she could carry that burden because he has blessed her with so many, many gifts and a very loving family to make her the person that she is. How fortunate we have all been to be part of her life until now and hopefully for a long time to come.

Now, it is with very mixed emotions, Mr. Speaker, that I yield to GABBY's very good and close friend. I say "mixed emotions" because we want her to stay with us, but, intellectually, we know that GABBY has made the right decision. Hopefully, it will be liberating for her in many ways but that she goes with knowing the close ties we all feel personally to her.

So, Mr. Speaker, it is my honor to yield the floor now to a very close friend of GABBY, a leader in this House, the gentlelady from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. If I can ask my colleagues to join me at the well.

Thank you, Mr. Speaker and Madam Leader, Mr. Whip, and Majority Lead-

I couldn't prepare anything this morning because I knew that I would not be able to hold it together for very long.

I am so proud of my friend, and it will always be one of the great treas-

ures of my life to have met GABBY GIF-FORDS and to have served with her in this body.

We have all been through such a tumultuous year. The Nation has been through a tumultuous year, no one more tumultuous than GABBY and her family and her constituents in her beloved home city of Tucson, Arizona.

Being able to be GABBY's voice today and knowing her as well as I do, the one thing that has not been said is that GABBY wants her constituents to know, her constituents who she loves so much in southern Arizona, that it has been the greatest professional privilege of her life to represent them; that she loves them, as a fifth-generation Tucsonian; that her public service has meant a great deal to her; that this is only a pause in that public service; and that she will return one day to public service to represent them, as she has so capably done for the last 5½ years.

And let me just say, a point of personal privilege, that the last year has been one of the honors of my life. The most important thing to remember is that no matter what we argue about here on this floor or in this country, there is nothing more important than family and friendship, and that should be held high above all else. I will always carry that in my heart, and even though I know we won't see each other every day, GABBY, we'll be friends for life—for life.

It is my privilege to read this letter on behalf of GABBY and her family and her constituents:

JANUARY 25, 2012.

Hon. John Boehner, Speaker of the House, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: In 2001, strongly holding the belief that there is no higher calling than serving my country, I went from selling tires in my Tucson family business to being a freshman representative in the Arizona State House. And for 10 years I served—in the Arizona legislature, in the United States Congress, and, after marrying Mark, as a proud military spouse. Always I fought for what I thought was right. But never did I question the character of those with whom I disagreed. Never did I let pass an opportunity to join hands with someone just because he or she held different ideals.

In public service, I found a venue for my pursuit of a stronger America—by ensuring the safety and security of all Americans, by producing clean energy here at home instead of importing oil from abroad, and by honoring our brave men and women in uniform with the benefits they earned. I found a way to care for others. And in the past year, I have found a value that is unbreakable even by the most vicious of attacks.

The tragic January 8th shooting in Tucson took the lives of six beautiful Americans and wounded 13 others, me included. Not a day goes by that I don't feel grief for the lives lost and so many others torn apart. Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabe Zimmerman embodied the best of America. Each in their own way, they committed their lives to serving their families, community and country, and they died per-

forming a basic but important act of citizenship that's at the heart of our greatness as a nation. They will be remembered always by their country and by their Congress.

I don't remember much from that terrible day, but I have never forgotten my constituents, my colleagues, or the millions of Americans with whom I share great hopes for this nation. To all of them: Thank you for your prayers, your cards, your well wishes, and your support. And even as I have worked to regain my speech, thank you for your faith in my ability to be your voice.

The only way I ever served my district in Congress was by giving 100 percent. This past year, that's what I have given to my recovery. Thank you for your patience. From my first steps and first words after being shot to my current physical and speech therapy, I have given all of myself to being able to walk back onto the House floor this year to represent Arizona's 8th Congressional District. However, today I know that now is not the time. I have more work to do on my recovery before I can again serve in elected office.

This past year my colleagues and staff have worked to make sure my constituents were represented in Congress. But if I can't return, my district deserves to elect a U.S. Representative who can give 100 percent to the job now. For that reason, I have submitted the attached letter of resignation to Arizona Governor Jan Brewer.

Amid all that was lost on January 8th, there was also hope and faith. This past year, it is what I have often clung to: Hope that our government can represent the best of a nation, not the worst. Faith that Americans working together—in their communities, in our Congress—can succeed without qualification. Hope and faith that even as we are set back by tragedy or profound disagreement, in the end we come together as Americans to set a course toward greatness.

Everyday, I am working hard. I will recover and will return, and we will work together again, for Arizona and for all Americans

Sincerely,

 $\begin{array}{c} {\rm GABIELLE} \; {\rm Giffords}, \\ {\it Member \; of \; Congress}. \end{array}$ 

Ms. PELOSI. Mr. Speaker, in appreciation, once again, for your courtesies enabling this to happen, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would remind all Members to be in proper business attire when they come to the floor of the House.

ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2012

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3801) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman

Sires

McKeon

from Washington (Mr. REICHERT) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 11] YEAS-408 Crenshaw Adams Herrera Beutler Aderholt Critz Higgins Crowley Akin Himes Alexander Cuellar Hinoiosa Altmire Cummings Hirono Hochul Amash Davis (CA) Amodei Davis (IL) Holden Davis (KY) Andrews Holt Austria DeGette Honda Baca DeLauro Hover Bachmann Huelskamp Denham Bachus Dent Huizenga (MI) DesJarlais Baldwin Hultgren Barletta Diaz-Balart Hunter Dicks Barrow Hurt Dingell Bartlett Inslee Barton (TX) Doggett Israel Bass (CA) Dold Issa Jackson (IL) Donnelly (IN) Bass (NH) Becerra Doyle Jackson Lee (TX) Jenkins Benishek Dreier Duffy Berg Berkley Duncan (SC) Johnson (GA) Biggert Duncan (TN) Johnson (IL) Johnson (OH) Bilbray Edwards Bilirakis Ellison Johnson, E. B. Bishop (GA) Ellmers Johnson, Sam Bishop (NY) Emerson Jones Bishop (UT) Jordan Engel Black Eshoo Kaptur Farenthold Blackburn Keating Blumenauer Fattah Kelly Bonner Filner Kildee Bono Mack Kind Fincher Boren Fitzpatrick King (IA) Boswell Flake King (NY) Fleischmann Boustany Kingston Brady (PA) Fleming Kinzinger (IL) Brooks Flores Kissell. Broun (GA) Forbes Kline Brown (FL) Fortenberry Kucinich Labrador Buchanan Foxx Frank (MA) Lamborn Bucshon Buerkle Franks (AZ) Lance Frelinghuysen Landry Burgess Butterfield Fudge Langevin Calvert Gallegly Lankford Larsen (WA) Camp Garamendi Canseco Gardner Larson (CT) Cantor Garrett Latham Gerlach Capito Latta Gibbs Lee (CA) Capps Capuano Gibson Levin Cardoza Giffords Lewis (CA) Gingrey (GA) Carnahan Lewis (GA) Carnev Gohmert Lipinski Carson (IN) Gonzalez LoBiondo Goodlatte Lofgren, Zoe Carter Cassidy Gowdy Long Graves (GA) Castor (FL) Lowey Chabot Graves (MO) Lucas Chaffetz Green, Al Luián Chandler Green, Gene Lummis Lungren, Daniel Chu Griffin (AR) Cicilline Griffith (VA) E. Clarke (MI) Grijalva Lynch Clarke (NY) Grimm Maloney Clav Guinta Manzullo Cleaver Guthrie Marchant Clyburn Gutierrez Marino Hahn Coble Markev Coffman (CO) Hall Matheson Hanabusa. Cohen Matsui McCarthy (CA) Cole Hanna Conaway McCarthy (NY) Harper Connolly (VA) Harris McCaul McClintock Conyers Hartzler Cooper Hastings (FL) McCollum Hastings (WA) Costa McCotter Costello McDermott Hayworth

Courtney

Cravaack

Crawford

Heck

Heinrich

Hensarling

McGovern

McHenry

McIntvre

Rangel McKinley Reed Smith (NE) McMorris Rehberg Smith (NJ) Smith (TX) Rodgers Reichert McNerney Renacci Smith (WA) Meehan Reves Southerland Meeks Ribble Speier Mica Richardson Stark Michaud Richmond Stearns Miller (FL) Rigell Stivers Roby Roe (TN) Miller (MI) Stutzman Miller (NC) Sullivan Miller, Gary Rogers (AL) Sutton Miller, George Rogers (KY) Terry Moore Rogers (MI) Thompson (CA) Rohrabacher Moran Thompson (MS) Mulvanev Rokita. Thompson (PA) Murphy (CT) Rooney Thornberry Murphy (PA) Roskam Tiberi Myrick Ross (AR) Tierney Nådler Ross (FL) Tipton Napolitano Rothman (NJ) Tonko Nea1 Rovbal-Allard Towns Neugebauer Royce Tsongas Noem Runyan Turner (NY) Nugent Ruppersberger Turner (OH) Nunes Rush Upton Van Hollen Nunnelee Ryan (OH) Rvan (WI) Olson Velázquez Olver Sánchez, Linda Visclosky Owens Т. Walberg Palazzo Sanchez, Loretta Walden Pallone Sarbanes Walsh (IL) Pascrell Scalise Walz (MN) Pastor (AZ) Schakowsky Wasserman Schiff Paulsen Schultz Payne Schilling Waters Pearce Schmidt Waxman Pelosi Schock Webster Pence Schrader Welch Perlmutter Schwartz West Schweikert Peters Westmoreland Peterson Scott (SC) Petri Scott (VA) Whitfield Wilson (FL) Pingree (ME) Scott, Austin Wilson (SC) Pitts Scott, David Wittman Platts Sensenbrenner Poe (TX) Serrano Wolf Womack Polis Sessions Woodall Pompeo Sewell Posey Price (GA) Sherman Woolsey Yarmuth Shimkus Price (NC) Shuler Yoder Quayle Shuster Young (FL) Quigley Simpson Young (IN)

#### NOT VOTING-25

Ackerman	Farr	Paul
Berman	Gosar	Rahall
Brady (TX)	Granger	Rivera
Braley (IA)	Herger	Ros-Lehtinen
Burton (IN)	Hinchey	Slaughter
Campbell	LaTourette	Watt
Culberson	Loebsack	Young (AK)
DeFazio	Luetkemeyer	roung (IIII)
Deutch	Mack	

#### $\sqcap$ 1055

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LUETKEMEYER. Mr. Speaker, on rollcall No. 11, on Wednesday, January 25, 2012, I was unable to vote due to unavoidable circumstances. Had I been present, I would have voted, "yea."

#### PERSONAL EXPLANATION

Mr. BRALEY of Iowa, Mr. Speaker, I regret missing floor votes on Wednesday, January 25, 2012. Had I registered my votes, I would have voted:

"Yea" on rollcall 10, motion to Suspend the Rules and Pass H.R. 1022-the Buffalo Soldiers in the National Parks Study Act;

"Yea" on rollcall 11, motion to Suspend the Rules and Pass H.R. 3801-to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under the Act, and for other purposes.

APPOINTMENT AS MEMBER OF STATES-CHINA UNITED ECO-NOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore (Mr. CHAFFETZ). The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following member on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2013:

Mr. Daniel M. Slane, Ohio.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3784

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to H.R. 3784.

The SPEAKER pro tempore (Mr. McKinley). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

#### □ 1100

#### ADJOURNMENT TO FRIDAY, JANUARY 27, 2012

Mr. McHENRY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Friday, January 27, 2012, and further when the House adjourns on that day, it adjourn to meet at noon on Tuesday, January 31, 2012, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

#### PERMISSION TO FILE REPORTS ON SUNDRY LEGISLATION

Mr. McHENRY. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until 3 p.m. on Monday, January 30, 2012, to file reports on the following measures: H.R. 3582, H.R. 3578, and H.R. 3581.

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

There was no objection.

#### PERMISSION FOR MEMBER TO INSERT EXTRANEOUS MATERIAL

Mr. McHENRY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. RYAN) be authorized to insert extraneous material in the RECORD.

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

There was no objection.

#### JOBS AND ENERGY

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

Ms. FOXX. Mr. Speaker, my constituents are outraged by the lack of leadership coming from this administration and Senate Democrats.

Last night, the President came here and talked about working with any projects that would put Americans to work. Well, Mr. Speaker, House Republicans have passed 27 bipartisan bills that help job creation, and the Senate Democrats refuse to take action on them

We also gave the President a bill that creates over 20,000 jobs associated with the Keystone XL pipeline—a project that not only creates jobs but reduces energy costs and leads us to independence from Middle Eastern oil. But President Obama has once again put politics first and has halted the Keystone project. Even one of the President's strongest allies, the unions, have said that the President is wrong on this issue.

Mr. Speaker, it is clear that, in an effort to save his job, the President is willing to sacrifice the jobs and energy security for Americans that Keystone will create. The President keeps asking for blank checks so he can do more failed stimulus projects or play venture capitalist with companies like Solyndra.

House Republicans will continue our progress in crafting and passing bipartisan legislation like the 27 jobs bills that await action in the Senate. Republicans will continue to create an environment in which businesses can grow and create jobs, and we will continue to work to reduce our dependence on Middle Eastern oil.

HONORING THE SERVICE AND DEDICATION OF STEVE PERKINS TO THE U.S. HOUSE OF REPRESENTATIVES

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for  $1\ \mathrm{minute.}$ )

Ms. JACKSON LEE of Texas. We just saw a very moving ceremony to acknowledge our dear friend and colleague, and again, I offer my appreciation of her service. But in the course, we mentioned her staff as well, and I wanted to make sure that I added my appreciation to Congresswoman GIFFORDS' staff.

That leads me to say that we depend upon the staffs of this House and our personal staffs and committee staffs. Not often do we get to know them personally. But I rise today to salute Steve Perkins, who will be retiring, and to thank him for his service to this august body.

To each and every Member, remember that those who serve in this body do not recognize Democrat or Republican; what they recognize is the great service to America.

Mr. Perkins has served this Congress with excellence, commitment, and dedication. He truly should be commended and admired and respected for his service to the Nation. I wish him well in his retirement, with his family, his children, and his grandchildren, and I know that he will continue to be a very special person in the hearts of all of us.

Steve Perkins, we thank you for your service. Thank you for letting us know how much you care about this institution, how much you care about us. Let me say we care about you. Thank you for your service to this Nation and to this great body, the House of Representatives of the United States of America.

# KENNETH GUETZKE—FRENCH LEGION OF HONOR

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

Mr. PAULSEN. I rise today to honor Lieutenant Colonel Kenneth Guetzke, a World War II veteran from Eden Prairie, Minnesota, one of my constituents who landed at Omaha Beach on D-day and who went on to fight at the Battle of the Bulge. He later was awarded and received both the Purple Heart and the Bronze Star for his service.

During the battle to liberate occupied France, Lieutenant Colonel Guetzke's mission was to protect some of Paris' most famous landmarks—the Eiffel Tower, the Notre Dame Cathedral, the Louvre, and the Arc de Triomphe—from being destroyed by retreating Nazi forces. Earlier this month, the people of France formally thanked Lieutenant Colonel Guetzke, and awarded him the Chevalier of the French Legion of Honor.

I want to thank Lieutenant Colonel Guetzke for his exemplary service, and I also want to congratulate him on receiving France's highest honor.

# RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

January 25, 2012.

Hon. John Boehner, Speaker of the House, The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: In 2001, strongly holding the belief that there is no higher

calling than serving my country, I went from selling tires in my Tucson family business to being a freshman representative in the Arizona State House. And for 10 years I served—in the Arizona legislature, in the United States Congress, and, after marrying Mark, as a proud military spouse. Always I fought for what I thought was right. But never did I question the character of those with whom I disagreed. Never did I let pass an opportunity to join hands with someone just because he or she held different ideals.

In public service, I found a venue for my pursuit of a stronger America—by ensuring the safety and security of all Americans, by producing clean energy here at home instead of importing oil from abroad, and by honoring our brave men and women in uniform with the benefits they earned. I found a way to care for others. And in the past year, I have found a value that is unbreakable even by the most vicious of attacks.

The tragic January 8th shooting in Tucson took the lives of six beautiful Americans and wounded 13 others, me included. Not a day goes by that I don't feel grief for the lives lost and so many others torn apart. Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabe Zimmerman embodied the best of America. Each in their own way, they committed their lives to serving their families, community and country, and they died performing a basic but important act of citizenship that's at the heart of our greatness as a nation. They will be remembered always by their country and by their Congress.

I don't remember much from that terrible day, but I have never forgotten my constituents, my colleagues, or the millions of Americans with whom I share great hopes for this nation. To all of them: Thank you for your prayers, your cards, your well wishes, and your support. And even as I have worked to regain my speech, thank you for your faith in my ability to be your voice.

The only way I ever served my district in Congress was by giving 100 percent. This past year, that's what I have given to my recovery. Thank you for your patience. From my first steps and first words after being shot to my current physical and speech therapy, I have given all of myself to being able to walk back onto the House floor this year to represent Arizona's 8th Congressional District. However, today I know that now is not the time. I have more work to do on my recovery before I can again serve in elected of-

This past year my colleagues and staff have worked to make sure my constituents were represented in Congress. But if I can't return, my district deserves to elect a U.S. Representative who can give 100 percent to the job now. For that reason, I have submitted the attached letter of resignation to Arizona Governor Jan Brewer.

Amid all that was lost on January 8th, there was also hope and faith. This past year, it is what I have often clung to: Hope that our government can represent the best of a nation, not the worst. Faith that Americans working together—in their communities, in our Congress—can succeed without qualification. Hope and faith that even as we are set back by tragedy or profound disagreement, in the end we come together as Americans to set a course toward greatness.

Everyday, I am working hard. I will recover and will return, and we will work together again, for Arizona and for all Americans.

Sincerely,

Gabrielle Giffords,

Member of Congress.

Enclosure.

JANUARY 25, 2012.

Hon. JANICE K. BREWER,

Arizona Governor, Executive Tower, West

Washington Street, Phoenix, AZ.
DEAR GOVERNOR BREWER: In 2001, strongly holding the belief that there is no higher calling than serving my country, I went from selling tires in my Tucson family business to being a freshman representative in the Arizona State House. And for 10 years I served—in the Arizona legislature, in the United States Congress, and, after marrying Mark, as a proud military spouse. Always I fought for what I thought was right. But never did I question the character of those with whom I disagreed. Never did I let pass an opportunity to join hands with someone just because he or she held different ideals.

In public service, I found a venue for my pursuit of a stronger America—by ensuring the safety and security of all Americans, by producing clean energy here at home instead of importing oil from abroad, and by honoring our brave men and women in uniform with the benefits they earned. I found a way to care for others. And in the past year, I have found a value that is unbreakable even

by the most vicious of attacks.

The tragic January 8th shooting in Tucson took the lives of six beautiful Americans and wounded 13 others, me included. Not a day goes by that I don't feel grief for the lives lost and so many others torn apart. Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabe Zimmerman embodied the best of America. Each in their own way, they committed their lives to serving their families, community and country, and they died performing a basic but important act of citizenship that's at the heart of our greatness as a nation. They will be remembered always by their country and by their Congress.

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in my ability to be your voice.

The only way I ever served my district in Congress was by giving 100 percent. This past year, that's what I have given to my recovery. Thank you for your patience. From my first steps and first words after being shot to my current physical and speech therapy, I have given all of myself to being able to walk back onto the House floor this year to represent Arizona's 8th Congressional District. However, today I know that now is not the time. I have more work to do on my recovery before I can again serve in elected office.

This past year my colleagues and staff have worked to make sure my constituents were represented in Congress. But if I can't return, my district deserves to elect a U.S. Representative who can give 100 percent to the job now. For that reason, I am resigning from the U.S. House of Representatives effective at the end of today.

Amid all that was lost on January 8th, there was also hope and faith. This past year, it is what I have often clung to: Hope that our government can represent the best of a nation, not the worst. Faith that Americans working together—in their communities, in our Congress—can succeed without qualification. Hope and faith that even as we are set back by tragedy or profound disagreement, in the end we come together as Americans to set a course toward greatness.

Everyday, I am working hard. I will recover and will return, and we will work together again, for Arizona and for all Americans.

Sincerely,

Gabrielle Giffords,

Member of Congress.

#### □ 1110

#### HIGH-LEVEL NUCLEAR WASTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

#### SENATOR MARK KIRK'S CONDITION

Mr. SHIMKUS. Mr. Speaker, I want to thank the leadership for allowing me this time to come to the floor. I'm going to do two short items, and then I'll address the weekly discussion on high-level nuclear waste and Yucca Mountain.

First, because of this day and our focus on the sacrifice of our colleague GABBY GIFFORDS, let me update my colleagues on Senator MARK KIRK's progress, since he was a former colleague in this Chamber.

Senator Kirk's early prognosis is good, and his doctors are pleased with his progress at this point. As the Senator continues his recovery, his offices will remain open to constituents. I will just add very similarly, Congresswoman Giffords' staff continued to do the best job they could to serve the constituents of her congressional district. While she was unable to attend to many events, staff really did pick up the ball and carry it for her, as Senator Kirk's staff will continue to do for the State of Illinois.

During MARK's five terms in the House of Representatives and his first in the Senate, Senator KIRK has worked tirelessly on behalf of his constituents. From traveling around the State holding town halls, to working with Members on both sides of the aisle to build consensus on key issues, to traveling overseas to advocate for strengthening America's security in relationships with foreign nations, Senator Kirk has demonstrated endless energy and dedication in public service. I have no doubt that he will return to the Senate with the same zeal and passion for his job that he had when he first entered this Chamber 12 years a.g.o.

#### TRIBUTE TO FRANK COOK

Mr. SHIMKUS. Secondly, Mr. Speaker, I am a member of the NATO Parliamentary Assembly. It's an organization designed around legislators from all of our NATO countries. It's been in existence over 50 years. Since the legislative bodies in most chambers are the funding for the military, it's important that the legislative body talks about NATO's role in the past, in the present, and in the future.

During my time as a member of the NATO Parliamentary Assembly, I became great friends with a member of the British Parliament who recently passed away, and I would like to pay tribute to him.

Mr. Speaker, I would like to pay tribute to my British friend and colleague, Frank Cook, who passed away on January 12. Frank was a longtime colleague of mine in the NATO Parliamentary Assembly. As you know, the Assembly brings together Members of Congress with their counterparts from Canada and Europe to talk about issues that concern us all. As a leading member of the Defense Security Committee, Frank Cook made vital contributions in debates in the Assembly from the mid-1980s to 2010 on issues as wide ranging as Afghanistan, arms control with Russia, NATO's operation in Kosova, and its relations with Ukraine and other partners. He also served as vice president of the Assembly.

Frank embodied the spirit of the transatlantic alliance. He was never shy to express his opinions with a clear mind and a sharp wit. Even when Frank and I disagreed on policy, we remained friends and allies because we shared the values that underpin NATO: democracy, freedom. fundamental human rights, and the rule of law. We both believed that the NATO Alliance was critical to our collective security and defense, and that we as legislators in our own countries needed to do everything we could to make sure it was capable of meeting the threats we face in the 21st century.

I can recall many unforgettable experiences I've shared with Frank. I observed him lead a forceful debate on controversial issues and get all sides mad, like a debate he led on Nagorno-Karabakh in Quebec in 2006.

He and I took incoming artillery fire from the Taliban in Kandahar Airfield in 2007.

During the summer of 2010, we visited Greenland together. We visited a military encampment called Point North, which is north of the Arctic Circle. The dogs there pull sleds and provide early warning for polar bears. They appear quite scary, but Frank was the first to amble up and pet them.

Frank was a throwback to a time when characters could be listed—and by being listed, in parliamentary speak, that means being put on the party list for election—so Frank was a throwback to a time when characters could be listed and serve constituencies

But perhaps my most memorable experience was when Frank would regularly treat us with the best performance of "My Way" since Old Blue Eyes himself—not a small feat for a Brit.

I learned a great deal from him, and he will be deeply missed by many of his friends at the NATO Parliamentary Assembly and here in Congress.

Now to the business at hand, Mr. Speaker. Again, thank you for letting me come down once again to talk about a very pressing and important issue in this country, one that I'm going to continue to use the bully pulpit for to help educate my colleagues, the public as a whole, even you, Mr. Speaker, on the need to address the issue of high-level nuclear waste in this country.

It's an issue that has been around since the development of the nuclear weapon system that we used to win World War II. Some of that waste is still there from that time, and it still sits in the same location of 40-50 years ago. It has hit the international stage with the experience that Japan has had in Fukushima Daiichi and the tsunami, not just the generating facilities themselves but what happened to the nuclear waste on-site, and an international nuclear disaster that still is making it difficult for our allies in Japan and really causes us to make sure that we look at our systems and understand what is our national policy on high-level nuclear waste and why we are not moving forward.

What I've done in my times coming to the floor is go around the country and highlight where nuclear waste sites are and compare it to where we, by Federal law, have stated our nuclear waste should be stored. This is all under the 1982 Energy Policy Act, and a site was located under that law in 1987. So let's go through the area for a brief review.

This is what happens when we no longer have pages on the House floor to helnus

The first site I visited personally was in Washington State and the site is called Hanford, which was a good place to start in this tour of where nuclear waste is because the vast majority of nuclear waste stored here is Department of Defense and Department of Energy waste that was used to develop our nuclear weapons systems during World War II.

There are 57 million gallons of nuclear waste on-site, mostly in large tanks of 750,000 to a million gallons each. The waste is stored 10 feet underground. The waste is 250 feet above the water table, and the waste is 1 mile from the Columbia River. And something that is not listed there, some of that waste is leaking from the tanks.

#### □ 1120

So let's compare it to the site that we have decided by law to establish, which is Yucca Mountain. Yucca Mountain has currently no nuclear waste onsite. The waste would be stored 1,000 feet underground. The waste is 1,000 feet above the water table, and the waste would be 100 miles from the Colorado River. Nuclear waste next to the Columbia River or nuclear waste stored underneath a mountain in a desert? That is site number one.

Next, not to pick on other States to the exclusion of mine, the next location I talked about was the Zion power plant, decommissioned, high-level nuclear waste still on-site. Let's compare it to Yucca Mountain. Sixty-five casks containing 1,135 metric tons of nuclear waste, the waste is stored above the ground, 5 feet above the water table and 1,300 feet from Lake Michigan. And, of course, this is Lake Michigan right there.

Part of the time what I've been doing is highlighting a location and then looking at the States surrounding. The State of Wisconsin has two nuclear power plants, both on Lake Michigan similarly located. Of course, the stats for Yucca Mountain are the same.

Let me add here that we have already spent \$15 billion to study this site of Yucca Mountain, 20 years in the mak-

ing; and we still wait.

I'm not sure if this is still in the proper order that I have come down to the floor, but the next nuclear power plant that I wanted to highlight was San Onofre Nuclear Generating Station. Now, this one is in California, and it's right next to the Pacific Ocean on the opposite side from where Japan is. You can see the waves, and you can see how close it is to the Pacific Ocean. At this power plant, there are 2,300 waste rods on-site. The waste is stored above the ground and in pools, and it's adjacent to the Pacific Ocean, as I said, and 45 miles from San Diego.

Yucca is 90 miles to 100 miles from Las Vegas, and it's also located on government property the size of the State of Rhode Island. It's controlled by a couple of entities, the Department of Energy being one, the Bureau of Land Management being another, and the third one, it is a nuclear test site where we tested nuclear weapons years

I didn't mention Zion nuclear power plant. Zion is located about 45 miles from Chicago, Illinois. There is another nuclear power plant, and that is located in Massachusetts. As you can see, it's next to Cape Cod, the Pilgrim generating facility. There are 2,918 spent fuel assemblies on-site. Waste is stored above the ground in pools. And why is that important? Part of the problem in Fukushima Daiichi was that there was waste stored in pools. Because of the disaster, we're not really sure what happened. Either the foundation was cracked and the coolant water left the pond, or the power went off, the water couldn't circulate, the heat by the rods evaporated the water, then the heat on heat caused the rods to, in essence, start to melt, which is a very dangerous situation.

So much of our nuclear waste throughout this country is stored in pools around the country. Why is that important? Because it's our national policy, based upon a law passed in 1982, followed up by the location site in '87, that we are to have one geological repository, not nuclear waste stored all over this country; but we would have one centralized location. Now, it's important to add that in the next couple of days, the Blue Ribbon Commission is going to come out with a report, and we think it's going to say that it's in the national interest to have one geological repository for high-level nuclear waste. And we await, with interest, that report.

Now we go to Idaho National Labs, a Federal national laboratory in Idaho. Comparing it to where nuclear waste would be stored if we would continue to comply with Federal law, we have in Idaho there 5.090 canisters of waste. A good point to note on this waste, a lot of this waste, again, is from the research done on nuclear power and nuclear weapons systems. And in that process, you create waste. In Hanford. as they're trying to decide what to do with the waste, the containment systems to transport the waste have all been designed with the plan to store in Yucca Mountain.

So when you look at the 53 million gallons in Hanford, and we're going to move that waste out of Washington State and into Yucca, time, effort, energy, and money has gone in to preparing the technology to move this waste and store it in Yucca Mountain, similar to Idaho National Labs. Currently, though, we have 5,090 canisters on-site, waste is stored above the ground, waste is 500 feet above the water table, and the waste is 50 miles from Yellowstone National Park.

Then we go to the great Southeast in the State of Georgia, and we look at the Savannah generating station where you have 6,300 canisters of nuclear waste on-site, water is stored right below the ground zero to 160 feet above the water table. And as you can see from the photo, it's right next to the Savannah River.

Part of the debate that the environmental left and anti-nuclear folks told us about is water in the desert and how it's going to affect nuclear waste. And part of the educational process that I've learned going through the different sites is you really can't find a nuclear power site—and, of course, all nuclear waste generated is still on-site—that's not close to a body of water. So that's this whole issue about would you rather have it next to a body of water or would you rather have it in a desert. I think that debating point is pretty clear. So that's Savannah generating station versus Yucca Mountain.

Right before the end of last year, I came down on the floor and the location that I was to talk about next-of course, I got off topic a little bit and didn't really clarify and identify—is Turkey Point. Turkey Point is in the State of Florida. And, of course, again, we're comparing it to Yucca Mountain. At Turkey Point, you have 1,074 metric-ton vehicles of spent fuel on-site.

The waste is stored above the ground in pools. Waste is on the Biscayne Bay at sea level, and the waste is 10 miles from the Everglades versus Yucca Mountain.

Again, defined by the Nuclear Waste Policy Act of 1982, Yucca was established by Federal law, by this Chamber and the other Chamber and the President of the United States in 1987. Yucca Mountain is in a desert; the storage site would be underneath a mountain in that desert far away from any population that would be immediately affected.

Another location that I was to address last week, which I also got off topic, is the Sequoyah Nuclear Generating Station. Sequoyah is in Tennessee, but it's right on the South Carolina border. At Sequoyah, there are 1,094 metric-ton vehicles of spent fuel on-site. The waste is stored above ground in pools in dry casks, waste is 25 feet from the groundwater, and waste is 14 miles from Chattanooga on Chickamauga Lake.

What I've done once we get to new States that I haven't really identified is then I've gone and looked at the Senators' past statements and/or their voting record on this because we had a vote on the floor this year on whether we should move forward with the dollars to finish the final scientific study by the Nuclear Regulatory Commission, and that vote was 297 "yes."

#### □ 1130

Now, there's only 435 Members in this Chamber; a huge bipartisan vote that really sent a signal of where the will of this Chamber is.

So why can't we move forward? The issue is the majority leader of the Senate happens to be from the State of Nevada. And to really get the Senate to move, you have to hold the Senators from these States accountable, or at least for them to state a position as to where they stand on where the nuclear waste currently is, and really what is the proposal and what should we do with it.

So having done that before, I then look at the Senators from the State of Tennessee and the State of North Carolina. Senator ALEXANDER is a "yes." Senator CORKER is a "no." Senator BURR is a "yes." A "yes" is let's move our nuclear waste to Yucca Mountain in a desert underneath a mountain.

Senator HAGAN is silent. What do I mean by "silent"? We couldn't find any public statements. Of course, the Senate has not cast a vote. So we hope maybe the Senator will sometime make her position known, but as for now we will list her as being silent. Again, why is that important? Because we really need to find out where the Senators are.

Under the Senate rules, to break a filibuster you have to have 60 votes. So I'm hoping that through this process

we will finally tally them up, which is what I'll do at the end of my time, and kind of show you where we are so far.

Now, I still have a couple of places around the country to address. Remember that these are just one—many States like mine. I've pointed out Zion, but we actually have six sites and 11 reactors. Illinois has a huge nuclear power plant. Fifty percent of our electricity comes from nuclear power. So even though I'm mentioning a few, you can multiply that by three, as far as how many nuclear power plants are out there. And equivalently, if there is a nuclear power plant in your State, then your State is the storage site for nuclear waste right now.

The State that I came to the floor on to highlight today and the region is the State of Arkansas and the State of Missouri. Now, Missouri, as I know—I'm from Illinois. I'm from southern Illinois. I know the State of Missouri well. The State of Missouri has a nuclear power plant called Callaway. So the same thing I'm mentioning here on this power plant in Arkansas you can make for the Callaway plant.

So let's look at the one we've chosen, which is a power plant called Nuclear One. Again, Nuclear One has 1,260 MTBs of spent fuel on site versus none at Yucca Mountain. Nuclear One has waste stored above the ground in pools and dry casts. Obviously, there's no nuclear waste at Yucca Mountain, but if there were, where would it be stored? It would be stored 1,000 feet underneath the ground

Nuclear One has waste adjacent to a water supply. Of course, you can see the photo right here. As I've highlighted, in almost every nuclear power plant or waste site there's water nearby. Well, of course Yucca Mountain is in a desert, so the waste would be stored 1,000 feet above the water table. Nuclear One has waste on Lake Dardanelle, a reservoir on the Arkansas River

Now, what's a reservoir? I think, by definition, a reservoir is a body of water that you've created to hold water for public use, whether that's for recreation or for drinking and stuff. So there you have, you've got Nuclear One right on this reservoir.

Now, what about the Senators from the State of Arkansas? I mean, are they happy with this nuclear waste on site? So let's look at their positions. We actually have a few other States represented, too.

First, from the State of Arkansas, we have Senator BOOZMAN, one of our former colleagues, has a stated position and cast votes in support of Yucca Mountain. Senator PRYOR, as far as we can tell, is silent. From Iowa, Senator GRASSLEY is a "yes." Senator HARKIN is not only silent, he's a "no." So not sure why that would be, maybe because Iowa doesn't have nuclear power plants in the State of Iowa, but there's defi-

nitely some around there. It must be his position that nuclear waste stored around this country is okay.

Then you go to the State of Kansas. Another colleague, former colleague, Senator MORAN, has voted "yes" Yucca Mountain as a good place to put high-level nuclear waste in a single repository. Senator Roberts, also a "ves" vote. From the State of Missouri, another former colleague of ours, Senator BLUNT is a "yes" on moving high-level nuclear waste from the State of Missouri to a desert underneath a mountain. Senator McCaskill is silent on this, which, again, since I'm next door to the State of Missouri, I know that the Callaway nuclear power plant is in the State of Missouri, and Senator McCaskill is silent on that issue.

So what's our scorecard? Where are we at with goingaround the country? Because remember, Mr. Speaker, because of the Senate rules, we have to get to 60 to really push something through. So we've identified what we believe is actually 36 "yes" votes so far. We've identified actually 10. This should be updated. We have 10 that we really don't know their position; in other words, they have no public statement or they have not cast a vote. And then we have eight definite "noes," which means they have made public statements in opposition to moving nuclear waste underneath a mountain in a desert or they've cast a vote somewhere in some type or signed a letter. We're happy to be corrected on any of this analysis of where Senators are, but I think it's time that we start to get some accountability in this proc-

Why have we not moved forward on Yucca Mountain? And the answer is pretty clear that when this administration was running for the Presidency, he, wanting to get support from the senior Senator from the State of Nevada, promised not to move forward. That's fine. It was a political decision. He's holding to his commitment to do that at the cost of what? Nuclear waste being held across this country, in States around this country, in places that, after Fukushima Daiichi, you might argue might not be the best place to have this nuclear waste.

So the President and the Majority Leader of the Senate has placed this in the political realm. Elections have consequences. We're approaching an election cycle. There will be Senators on the ballot in November. What is their position on what their State, and what should be the national position on what we do with high-level nuclear waste.

So we do know we've got a lot who are on record saying nuclear waste ought to go in a single repository in a desert underneath a mountain. We do believe that the Blue Ribbon Commission this week will say this country needs a single repository.

We do have 10 Senators that we do not know their positions; and, to their credit, we have eight that we do know their position in opposition. But it looks, from being a casual observer, and if the trend continues, that we're getting close to a majority of U.S. Senators that say that we should have a single repository, and that single repository should be what's been identified under the Nuclear Waste Policy Act and the following legislation in 1987 that said Yucca Mountain is the site.

#### □ 1140

Why is this important? Fukushima Daiichi is example number one, the health and wellness of our citizens, the location of all of this nuclear waste. We have to continue to highlight these concerns because the nuclear waste isn't going away. In fact, we have got some nuclear power plants being constructed right now. Maybe in 10 or 15 years, they will start generating. When they do, they will start creating nuclear waste, and that nuclear waste is going to have to go somewhere.

The question that we have highlighted throughout this year we'll finish in a couple of months. Should that be in all these States and all these locations, or should it be at a single repository?

Mr. Speaker, I look forward to coming down numerous times in the future to continue to identify each State, each Senator, and then allow the public access to the information so that they can make a decision if this is an important criteria in this next election cycle. I hope that the answer would be yes so that we would follow up on a national policy to deal with high-level nuclear waste.

We have only spent \$15.5 billion in over 20 years to identify Yucca Mountain as a site. If we were to try to find a new site, we throw away the \$15 billion, the 20 years of research, and we will have to have another 20-year time for research and development and another \$15 billion to get to the same location we are today.

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

# A FUTURE WHERE WE ARE IN CONTROL OF OUR OWN ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege and the honor to be recognized to address you here on the floor of the United States House of Representatives and to follow the gentleman from Illinois (Mr. SHIMKUS) here in the well.

I want to first say that he makes clear sense with the argument he makes. We don't hear these arguments enough. Too often, this Congress is dealing with superfluous issues, political issues, rather than practical solutions.

It brings to mind for me the President's speech last night from in front of where you are right now, Mr. Speaker. Very early in his speech, the President said he wants to see a future where we are in control of our own energy. Part of that solution is encompassed by the delivery of John Shimkushere a little bit ago with what to do with nuclear waste. I would say also there are other things we can do from a technical perspective to utilize that, recycle that.

Some of the nuclear waste is tied up because of an Executive order that was signed by President Jimmy Carter more than 30 years ago. We haven't cracked the code on how to resolve that even though the science has caught up.

We have a long ways to go, and we need to have an administration that actually means this: A future where we are in control of our own energy. The instant that I heard that statement last night, it occurred to me that the President is in control of our energy, but the American people are not in control of our own energy.

I would point out the Keystone XL pipeline as an example. I heard an instantaneous rumbling here on the floor of the House of Representatives when the statement was made that we were going to be in control of our own energy.

The President also said he wants to see an all-of-the-above energy policy. The all-of-the-above policy includes responsible utilization of all of the nuclear fuel that we have and then responsible positioning of it when we can no longer utilize the energy within it.

But it also includes drilling offshore, and it includes drilling the nonnational parks public lands in the United States, and it includes bringing in energy from other places on the North American continent from our friends, our number one trading partner, Canada, our good friends to the north.

They are in energy-export despair right now because they have listened to what the President had to say. For 3 years, the study has gone on about the Keystone XL pipeline, 1,666 miles of pipeline that runs from Canada down to the gulf coast. It allows for a spur to go off of that to a future refinery that I hope is built in southeastern South Dakota and which would be able to transfer refined oil that would come from the oil sands in northern Alberta and be able to distribute that across the country, primarily to points from there south and east.

Mr. Speaker, the President has blocked the Keystone XL pipeline. He announced last night that he is opening up 75 percent of the—I have forgotten the exact word he used—75 percent

of the Federal lands that are eligible, I think would be a fair way to characterize his statement, to drilling for oil. That is news to all of us. It is news to the oil industry, I believe. In the previous State of the Union address that he gave, if I recall correctly, he mentioned that he has opened updrilling in the gulf coast again. In at least one of these addresses that he made, that's what he has said.

But when you look at the permits, it is a different story. They say they are opening up permits again after the BP spill; but we have lost a lot of deepwater rigs to other parts of the oil-developing world, including outside the Western Hemisphere. The industry tells me that once you lose a big rig from a location, it takes about 4½ years to transition it back into the gulf coast again. That has happened to rig after rig down off of the gulf coast.

The announcement that this is the most oil that we have produced or most petroleum that we have produced domestically in 8 years may be true. I don't know anyone else that knew those numbers in this Chamber either. And I am wondering how they defined it, how they quantified it.

In any case, we have a lot of oil that is being produced up in the Bakken region of North Dakota. The reason for that is because they found the oil up there. It is on private land. The Federal Government has not as many tools to obstruct the development of oil production in the Bakken region of North Dakota as they might have in 75 percent of the Federal property that the President addressed last night.

I don't know that any of us believe that he is serious about wanting to develop American energy, especially American petroleum energy. If he were serious about it, why would he not direct the Secretary of State, Hillary Clinton—whom he spoke kindly of last night—why would he not direct her to sign the agreement with Canada so that we could go ahead and build the Keystone XL pipeline? The only Federal procedural obstruction left in the way is the permit that is the agreement between Canada and the United States. All that is required to do is to drop that last section of pipe in place right there at the 49th parallel, at the border of the United States and Canada. The rest of that is all green light.

And so if it weren't for the fear that the billions that would be invested for a real return—not to mention the 100,000 jobs that would be created, if you look at the iterations that come forth from not just the construction of the pipeline but the operation of and the economic development that flows from it, 100,000 jobs. But his speech last night was about jobs, and we can't have the 20,000 jobs instantaneously lit up by the Keystone XL pipeline or the additional 80,000 jobs that flow from the economic development from the Keystone XL pipeline. Why? Not because

there is a legitimate environmental concern. There is not one left. Not because, as the President said, he needs more time to study it. There has been 3 years to study it.

Think about how this works if you're the President of the United States. You're constantly barraged with decisions that must be made, and you have set up a network, a pyramid of advisors that filter that. You're only dealing with the most difficult problems that there are. Your subordinates take care of all the other decisions. No one-no matter how smart, no matter how quick—really has the mental space to deal with all of the things that go on here in the United States of America. It is humanly impossible. The President has a series of advisers. They advise him.

The President has said, I haven't had time to study the Keystone XL pipeline. The President of the United States is never going to have time to study all of the nuances that have to do with all of the components of the Keystone XL pipeline. Hardly any Member of Congress could dedicate a career to know all the things there are to know about the Keystone XL pipeline. It isn't how we make decisions in the real world. It isn't how the President makes decisions in the real world.

What if the Iranians launched a nuke and it was in the air? Would the President say, "I don't have time to make a decision"? I would like to think not.

#### □ 1150

I'd like to believe, Mr. Speaker, that the President would make that decision in a split-second heartbeat. In fact, I'd like to believe he had that delegated so there could be instantaneous action and a response, and we could shoot that missile down before it could get over the continental United States and be within the cone of its target. I'd like to think that would happen.

I'd like to think the President had fail-safe systems in place to protect us for national defense. And I'd like to think that he has a system in place where he can trust his advisers to look at something that is conceptually like the Keystone XL pipeline and be able to say, Mr. President, we've studied this for 3 years—if I'm listening to that briefing, it's already cleared a lot for me at that point, and "what have you found out?" would be my question if I had to ask it. And the answer would be, there's no environmental risk Zero.

We have tens of thousands of miles of pipeline that pump a lot of things more toxic than crude oil through it underneath the ground of the United States of America, and the average number of problems we have that I hear about is zero. And so if we had had spills from an oil pipeline, I guarantee you the environmental extremists would have let us know, and they would have embellished it to the point where everybody

in America would know about how horrible it might be if one of those pipelines got a crack in it and some oil seeped out.

But instead, environmental extremists come with this argument. My gosh, it goes over the Ogallala Aquifer. It's an important aquifer, a wonderful, freshwater aquifer. They pump water out of it to irrigate and water cattle and people. That's all true.

But also, it's true that there are hundreds of miles of pipeline that run over the top of the Ogallala Aquifer now, and some of them have things in it that are less digestible than the petroleum that's coming out of the oil sands in Northern Alberta. So I don't have heartburn over that because we have already established we can build pipelines effectively and we can build them safely, with a very, very, very minimal risk of any spills. Statistically it's almost zero.

And by the way, Mr. Speaker, I'm not just speaking as someone who has an opinion, having read a briefing document put together by someone else. I'm actually a guy who's gone out and worked on a pipeline, built pipelines. I've been down in the ditch, I've been up on the bank. I've been a swamper on a bending crew. I've been a welding helper. I've built pipelines in Kansas, I've built them in Iowa, and I understand the mechanics of it, and I understand the system. I understand the labor structure, the business component of it.

And by the way, I'd say this to the Keystone XL pipeline people. Let's do this. Let's take the risk. There's a lot of money invested now anyway. This country needs to move forward. This pipeline will be built. It'll either be built with the approval of this President, or it'll be built after the disapproval of the American people elects us a new President.

So why wouldn't we just take this risk and move this ball down the field a little ways, start that investment and build this pipeline in the United States, build all of it that's appropriate. The only thing that can't be done is you can't cross the 49th parallel. You can come down from Canada right up to that line. We don't know how wide our border is. You know, it's infinitely narrow, at least in theory. But let's say a 20-foot section of pipe—that's what I'd leave out.

Build it down from Canada, stop 10 feet from the 49th parallel, take the GPS locator out there, drive a stake in the middle at the border. Step over to the other side. Oh, wait a minute. Bring your passport, then step over to the other side, and start 10 feet south of the 49th parallel and build that pipeline all the way down to the Gulf Coast.

Now we have it all built, except for 20 feet, and we've done it all within the law, all within the regulations. Every-

thing else is all cleared and wide open. That 20-foot section of pipe can sit there then on the spoil pile, can just sit there, and we can look at that for a while. Let's set up a Web cam and a Web site, and then all the American people and everybody around the world, including the oil sheikhs and the oil cartels and those tyrants that are rich with oil money that are getting more and more belligerent in proportion to the oil price, they can watch too on the Web cam, on the Web site, as that piece of pipe 20 feet long sits there waiting for the President to let Hillary Clinton sign the agreement with Canada so that 20-foot section of pipe could be set in place and welded, and then we could open up the valve and send that oil down to the refineries. And oh, what a breath of economic fresh air that would be.

Mr. Speaker, that's what should be done, and with the Web site and the Web camera watching this still piece of pipe sitting there on the spoil pile right at the 49th parallel, what we need to have also is a little counter on there; that is, how many days they've stalled, how long does he have to think about it now, and how much money is being lost and how many jobs are being lost, three little counters there on that Web site, along with the Web cam shot of the still photo of-well, we can make it a video, can't we-of the section of pipe 20 feet long that's sitting there, 10 feet of it to go in Canada, 10 in the United States.

By the way, somebody's going to sign that permit some day, sooner rather than later, whether it is the new Secretary of State that will be appointed by the successor to Barack Obama, or whether it's Hillary Clinton that might sign that agreement.

I'm standing here, Mr. Speaker, saying this will happen. The Keystone XL pipeline will be built. The American people support it. They know it's environmentally safe and sound. The labor unions want it. There is a tugging of war going on within the political support base for the President, and he found himself in a situation where he had to decide between environmental extremists, a very strong base for him, or the labor unions, another strong base for him. He essentially said to America, I'm making a political decision here, and I'm going to go with my environmental extremist friends, and the labor unions are going to have to just swallow this one for a while. That's the answer.

He told us he didn't have time to study, and Congress said you shall come back with an answer within 60 days of whether this is an economic security risk for the United States, this pipeline, whether it needs to be built for economic security reasons or not, national security reasons or not.

Twenty-eight days into the 60 days that he had to study—now, remember,

he had all of those 3 years to study like everybody else did, and all of those advisers to synthesize this for him, boil it down and give him one or two or three points, all he really needed to know. But instead, he opted to jump the gun, go only 28 days into the 60-day period of time he had and then say, I didn't have time. How would that be?

What if he had to go out and run a race that was 30 or say 60 laps long, and you run that race for 28 of the 60 laps, and then you go, well, I didn't have time to finish the race so I'm quitting now. Cut this thing off, shut it down.

We know the difference. The American people, Mr. Speaker, know the difference between reasons and excuses. The President has given the lamest of excuses. No thinking person in the country believes that it was a reason that he didn't have time to study the Keystone XL pipeline.

It will be built. We need to build it all within the United States and within Canada, leave out that 20-foot section. For the people that might want to set it as a 50-foot section or a 10-foot section, I'm good with all that. I'm not going to quibble.

I'll just tell you here's what I'll do personally, if you'll let me. I'll go up there and swing that section of pipe into place myself, and I'll go down there and grab the welder, and I'll weld it in place myself. I'll weld my initials on that pipe, too, while I'm there and the date, and that date and the time will coincide with the last date and time that will be on the Web site that will be ticker tape rolling through, telling us how much money it's costing not to complete that Keystone XL pipeline, how many days it's been, how many jobs it's cost, and this economic development piece.

So a President that comes to the floor and says last night, I'm for all-ofthe-above energy policy, well, let's see. Except for the Keystone XL pipeline, except for drilling offshore, if that means actually issuing permits, except for this mystery that how much public lands he's going to hold off of the production. I think we ought to drill all the nonnational park public lands where there's oil. We don't know how much oil there is in the United States. We haven't been able to examine it. We have not committed the resources to do the inventory. We used to have an inventory that there were 406 trillion cubic feet of natural gas available in the United States. We know that number's a lot higher than that now. We've learned how to develop it.

When we look at the fracking technology, that's another thing that the President didn't speak to last night. But if he's for all of the above, the EPA should not be turning over every stone, looking at every geological nook and cranny trying to come up with a way to block fracking, the fracking technology that's opened up so much en-

ergy to this country, developed by Americans. We have about 1.2 million utilizations of fracking, and now the EPA has found some elements that could have been potentially used in fracking in a shallow water location someplace in Wyoming that they say could have actually come from a fracking utilization in a well somewhere. They've not tied it together; they just run that red herring up the flagpole, and now the environmentalists can hyperventilate and they can try to find another way to shut down energy production in America.

#### □ 1200

Why? Mr. Speaker, what's going through the fixed goals of these people. And to the American people, why do they have patience with that kind of thinking, the effort that goes after the economic development efforts in the United States? What's going on?

And here's what's behind it. The President alluded to that last night, too, come to think of it. He said he doesn't think the votes are in this Congress to pass cap-and-tax. Oh, wait a minute. I might have amended the President's quote a little bit, Mr. Speaker. So I'd back up just a little and say he didn't think the votes were to pass his proposal or his version in his speech last night of cap-and-trade.

No, they aren't. They aren't because the American people have wised up and so have a lot of Members of Congress. And we have 89 new freshman Republicans in this place, many of them the result of what happens when you try to advance bad policies through this Congress

So the votes aren't there for cap-and-tax, that's true. The EPA is looking to implement it by order of the President, and his public statement that they could implement and promulgate rules and end up with the same thing as cap-and-tax. So underneath that is the almost religious belief by environmental extremists that if you burn petroleum products and these hydrocarbons release into the atmosphere CO<sub>2</sub>—and it does, by the way. I can concede that point, the CO<sub>2</sub> in the atmosphere—they believe that is the cause of global warming.

Now, first you have to come to a conclusion that global warming is taking place, and then you have to come to the conclusion that it's an unnatural global warming taking place caused by activity of man. Then you have to conclude the activity of man that causes it is the release and suspension of  $CO_2$  into the atmosphere.

So I listened to all of that, and I say there's a tough equation to make. And it was really hard for the people in the University of East Anglia and Penn State, Michael Mann and some of those other people to make that case. They had to fabricate, remember? Mr.

Speaker, they had to fabricate the case for the actual data that would support even that the Earth was getting warmer, let alone the calculations that it's being caused by  $\mathrm{CO}_2$  suspended in the atmosphere, let alone that that  $\mathrm{CO}_2$  is sourced from industry, let alone that that industry is primarily U.S. industry.

So I just ask a few—you might call them dumb—questions, Mr. Speaker. I might call them simple questions, the basic questions that I sometimes find out nobody asks. Everybody is a specialist nowadays, and they only deal with a component of the overall picture. They don't look at the big picture, be it generalist, they say wait a minute, arrange this all for me so a logical rational deductive mind can come to a conclusion, do that first and then we'll get to the details.

And so the physicists deal with the formulae that are handed to them by the meteorologists; and the data, it comes from other places. They accept what comes to them, and they work within their zone. And then who picks up the whole picture? I don't know.

So I just ask this question: tell me if  $CO_2$  is suspended into the atmosphere by U.S. industry, is the cause of the theory that global warming exists, then would you tell me how much  $CO_2$  is in the atmosphere from the U.S. industry? Because they propose they are going to cut it by one-seventeenth each year until the year 2050.

So if they know the formula that's going to turn down the Earth's thermostat—and, by the way, I spent a lot of my life cold, so I'm not sure that that's a good idea—but I do know that on their comparison chart they have a whole list of bads on one side of the ledger and no list of goods, good things that might happen from a warmer Earth

So I look at this and I say, all right, so show me, I want to know how much atmosphere has the gravity of the Earth attracted throughout all this time of it orbiting around the Sun and floating through the galaxy. So we get this answer back: it's not a disputed number. The gravity is pulling it so many metric tons. I don't have the number committed to memory, Mr. Speaker, but that is okay. So, fine.

Now we know how much atmosphere there is. Now I'd like to know how much of that atmosphere is CO<sub>2</sub> suspended in it as a result of the cumulative effect of U.S. industry since the beginning of the dawn of the industrial revolution. So that calculated out to be, when we did this, 205 years of industrial revolution.

So we add this all up. I said, now, take all of this atmosphere of the Earth, draw it in a circle for me, two sheets of drywall, so to speak, an 8-foot diameter circle, a little bit higher in my hand all the way around. That's the size of the Earth's atmosphere in your pie chart.

Now, Mr. Speaker, I'd ask, think about it. How big a circle would you draw in the middle of that 8-foot diameter circle in order to demonstrate the total volume of the CO<sub>2</sub> that's suspended in the Earth's atmosphere, a cumulative effect for 205 years of the industrial revolution, this thing that we're going to reduce by one-seventeenth of its emissions each year? By the way, that's one-seventeenth of one-two hundred and fifth the first year. We're going to adjust that, and we're going to use that to turn the Earth's thermostat down.

How big is that circle of  $CO_2$  suspended in the atmosphere, 8-foot circle is all the atmosphere? Mr. Speaker, I'm not going to put you on the spot, but I'll just say, here's the answer. One might imagine that it's a 4-foot circle of  $CO_2$  suspended or something that could really impact the Earth's temperature.

Well, it's not. It is .56, Mr. Speaker, just a little over a half an inch in diameter. That's the size of the CO<sub>2</sub> that's suspended in the Earth's atmosphere, the cumulative effect for 205 years of U.S. industry, some of those times that we were belching a lot of the smoke out into the atmosphere from burning raw coal in ways that aren't nearly as clean as they are now.

So I looked at that and I thought, are you kidding me. An 8-foot circle is the Earth's atmosphere, and we're going to take this .56 circle of all the  $\rm CO_2$  that's in there from the U.S., and we're going to reduce that by one-seventeenth, which is actually one-seventeenth of the 205 years that it has accumulated, remember, and we're going to do that for the next 50 years and dial the Earth's temperature down?

What utter arrogance to think that we could do that. Haven't the physicists looked at this, also? I don't think they have.

Then I go back and—see, I'm a generalist, so go across some other studies, Mr. Speaker. I found a book called "Human Universals," and it's written by a Professor Brown from the University of California at Berkeley. I don't usually go there to find my enlightened authors, but he's the only one I could find that actually has written a book on human universals.

What are the common denominators of humanity? What do you see in human beings that has been true since the beginning of time, the first civilization? What did Adam and Eve do, and what did every generation of humanity do that was common to them then that's common to us now and common to every generation across all cultures, civilizations, continents and tribes?

There are a list of about 123 things in his book, and he explains almost all of them. But one of them, Mr. Speaker, this human universal is every generation of man has tried to not just worship the weather, or was affected by the weather. Every generation of man has tried to change the weather, to change the weather. You know, they sacrificed virgins down in Central America and sometimes ripped their heart out and threw them down in the pit, and that was going to change the weather and get it to rain or not rain, as the situation called for.

I just wonder, Mr. Speaker, if this cap-and-tax is not the modern version of the rain dance. And the weather is probably not going to change because we argue in here—and it's probably not going to change because we change the emissions. I think we should, though, put our factories together and control our emissions and have the cleanest atmosphere we can have because it's good for the air we breathe.

But I think it's utter arrogance to believe we're going to adjust the Earth's thermostat with the methodology that we have here. We do know the methodology of cap-and-tax that was advocated by the President last night is a methodology that will transfer our wealth in our industry to countries that care a lot less about the atmosphere, which is my point, Mr. Speaker.

I didn't really intend to go down that path, but I thought it was important to bring it up, and I make another point that came to my attention last night, and it was in the very early part of the President's speech. He spoke of this being the first time in two decades that Osama bin Laden doesn't threaten the American people, a very good thing. I give the President maximum kudos for that and the SEALs, of course. It was the right decision, it was the right order, and it was the right result, a very good thing.

But he went on to say—and, by the way, he delivered that in a subtle fashion that was becoming of the President of the United States in a speech he gave last night—but he went on to say the Taliban's momentum has been broken. I disagree, to this extent: the Taliban's momentum has shifted from military tactical to political.

They have a lot of political momentum. It's not been broken. Their political momentum has been accelerated, Mr. Speaker. I would make this point that if we look at the country of Afghanistan and look back through its history, starting at the end of the seventies and beginning of the eightieswell, when the Russians invaded Afghanistan, the Northern Alliance, the mujahedin, many of them at the time, took on the Russians and fought them through that decade with the help of Charlie Wilson and at least one Member in this Congress seated today, the help from U.S. missiles that took out Russian helicopters.

But the tenacity of the Northern Alliance today, the tribes from the northern part of Afghanistan that took on, that took on the Russians and drove

the Russians out of Afghanistan, the Northern Alliance leaders today, the men who mounted horseback and then themselves led the cavalry charge on horseback and attacked Russian tanks with AK-47s in their hands, these courageous men are the men that drove the Russians out of Afghanistan and, at that point, there was a power vacuum.

#### □ 1210

The Taliban filled up Afghanistan, and we remember what they did. They blew up the Buddhist temples, and they drove the life expectancy of a woman down. The only country in the world to have a lower life expectancy for women than men was Afghanistan. They treated them horribly. Afghanistan was digressing back to the Stone Age. It was a fertile area for al Qaeda training camps. We got hit on September 11. The United States went in to help them with Special Forces. The Northern Alliance rose up again and, with our help, drove the Taliban out of Afghanistan. Then they handed over their heavy weapons and embraced the constitution that was proposed by the United States State Department, accepting that we would look out for their political interests.

And what do they have?

These warriors, who defeated the Russians and the Taliban, who lost their political influence because they trusted the constitution to represent them and who gave up their heavy weapons, are now watching the White House and President Karzai negotiate with the Taliban.

The Taliban's momentum has not been broken. It has been transitioned into political power, and they are looking today to hand political power over to the Taliban in Afghanistan so that the Afghanistan Government will reflect the wishes of the Taliban and less reflect the wishes of the Northern Alliance

Mr. Speaker, I would inquire as to how much time I might have remaining.

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

Mr. KING of Iowa. So I will take 10 seconds to thank you for your attention and for the opportunity to address you. I appreciate that privilege.

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

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Culberson (at the request of Mr. Cantor) for today on account of illness

# PUBLICATION OF BUDGETARY MATERIAL

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2012 AND THE 10-YEAR PERIOD FY 2012 THROUGH FY 2021

Hon. John A. Boehner,

Speaker, Office of the Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 2012 and for the 10-year period fiscal year 2012 through fiscal year 2021. This status report is current through January 19, 2012.

The term 'current level' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 34, the concurrent resolution on the budget for fiscal year 2012. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2012 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for action completed by each authorizing committee with the "section 302(a)" allocations

made under H. Con. Res. 34 for fiscal year 2012 and fiscal years 2012 through 2021. "Action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2012 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for fiscal year 2013 of accounts identified for advance appropriations under section 402 of H. Con. Res. 34. This list is needed to enforce section 402 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution

If you have any questions, please contact Paul Restuccia.

Sincerely.

PAUL RYAN, Chairman.

# STATUS OF THE FISCAL YEAR 2012 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 34

[Reflecting action completed as of January 19, 2012—On-budget amounts, in millions of dollars]

	Fiscal year 2012 <sup>1</sup>	Fiscal year 2012–2021
Appropriate Level:		
Budget Authority	2,858,503	n.a.
Outlays	2,947,662	n.a.
Revenues	1,890,365	30,278,654
Current Level:		
Budget Authority	3,012,188	n.a.
Outlays	3,065,929	n.a.
Revenues	1,889,982	30,251,240
Current Level over (+)/under (-) Appro-		
priate Level:		
Budget Authority	153,685	n.a.
Outlays	118,267	n.a.
Revenues	- 383	-27,414

n.a. = Not applicable because annual appropriations Acts for fiscal years 2013 through 2021 will not be considered until future sessions of Congress.

¹ Notes for 2012: The appropriate level for FY2012 was established in H. Con. Res 34, which was subsequently deemed to be in force in the House of Representatives pursuant to H. Res. 287. The current level for FY2012 starts with the baseline estimates contained in An Analysis of the President's Budgetary Proposals for Fiscal Year 2012, published by the Congressional Budget Office, and makes adjustments to those levels for enacted legislation.

#### BUDGET AUTHORITY

Budget authority for FY 2012 is above the appropriate levels set by H. Con. Res. 34.

#### OUTLAYS

Outlays for FY 2012 are above the appropriate levels set by H. Con. Res. 34.

#### REVENUE

Revenue for FY 2012 is below the appropriate levels set by H. Con. Res. 34.

Revenue for the period FY 2012 through FY 2021 is below the appropriate levels set by H. Con. Res. 34.

# DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JANUARY 19, 2012

[Fiscal years, in millions of dollars]

House Committee	201	2012	2012-2021	
House Committee	BA	Outlays	BA	Outlays
Agriculture:.				
Allocation		- 2,228	-177,866	-176,005
Current Level		0	0	
Difference	+2,315	+2,228	+177,866	+176,005
rmed Services:	Ď.			
Allocation		Ü	0	U
Current Level		Ü	0	U
Difference	0	0	0	0
ducation and the Workforce:.	4004	0.500	140 407	100.000
Allocation		- 2,522	- 149,437	- 133,808
Current Level		+3,492	- 8,775	- 4,630
Difference	+13,684	+6,014	+140,662	+129,178
nergy and Commerce:	000	1.007	1 005 771	1 000 050
Allocation		-1,207	- 1,365,771	- 1,366,350
Current Level		+3,306	+4,061	+4,061
Difference	+4,004	+4,513	+1,369,832	+1,370,411
inancial Services:	F 000	0.405	00.050	07.400
Allocation		- 6,485	- 66,359	- 67,488
Current Level		-1,300	- 35,700	- 35,700
Difference	+4,686	+5,185	+30,659	+31,788
oreign Affairs:.				
Allocation		Ü	0	Ü
Current Level		Ü	0	Ü
Difference	0	0	0	0
omeland Security:	1.000	1 000	10.000	14100
Allocation		- 1,900	-16,600	-14,100
Current Level		1 000	10.000	14 100
Difference	+1,900	+1,900	+16,600	+14,100
ouse Administration:	0			
Allocation		Ŭ	Ŭ	U
Current Level		Ü	0	Ü
Difference		U	0	U
udiciary:	207	1	40.007	47 701
Allocation		-1	- 48,087	- 47,701
Current Level		-3	-13	-13
Difference	+384	-2	+48,074	+47,688
atural Resources:	020	100	10.725	10 470
Allocation		<b>- 190</b>	- 10,735	-10,472
Current Level		100	0	10.470
Difference	+239	+190	+10,735	+10,472
lversight and Government Reform:	0.100	0.075	150 145	150.000
Allocation	8,102	- 8,275	- 153,145	- 153,302
Current Level		-1	. 152 145	. 152 222
Difference	+8,102	+8,274	+153,145	+153,302
cience, Space and Technology.	•	^	^	
Allocation		Õ	Õ	Q
Current Level		0	0	0
Difference	0	0	0	0
mall Business:.				

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JANUARY 19, 2012-Continued

[Fiscal years, in millions of dollars]

House Committee —		2012		2012–2021	
		Outlays	BA	Outlays	
Allocation Current Level Difference Transportation and Infrastructure:	0 0 0	0 0 0	0 0 0	0 0 0	
Allocation  Current Level  Difference  Veterans' Affairs:	- 17,250 - 185 +17,065	- 122 0 +122	$^{-132,784}_{-1,850}_{+130,934}$	- 4,396 0 +4,396	
Allocation Current Level Difference	0 - 26 - 26	0 - 26 - 26	0 -7 -7	0 -7 -7	
Ways and Means: Allocation Current Level Difference	- 7,945 +27,276 +35,221	- 8,020 +27,064 +35,084	$\begin{array}{r} -1,147,818 \\ -20,902 \\ +1,126,916 \end{array}$	$\begin{array}{l} -1,148,128 \\ -20,983 \\ +1,127,145 \end{array}$	

#### DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2012—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUB ALLOCATIONS

[In millions of dollars]

	302(b) sub allocations as of Jan. 19, 2012 (H. Rept. 112–104)		Current status reflecting action completed as of Jan. 19, 2011		Current status minus sub allocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA Commerce, Justice, Science Defense  Defense and Water Development Financial Services and General Government Homeland Security Interior, Environment Labor, Health and Human Services, Education Legislative Branch Military Construction and Veterans Affairs State, Foreign Operations Transportation, HUD	40,850 27,473 139,218 4,314 72,535	21,452 62,446 654,698 44,577 23,523 45,122 30,766 154,253 4,397 78,492 46,060 118,272	20,137 52,944 633,229 33,734 21,526 46,258 29,175 156,767 4,307 71,747 53,343 57,312	23,292 63,759 647,612 46,422 25,735 45,360 30,866 179,569 4,336 78,414 52,880 122,169	+2,887 +2,707 -15,480 +3,095 +1,631 +5,408 +1,702 +17,549 -7 -788 +13,774 +9,657	+1,840 +1,313 -7,086 +1,845 +2,212 +238 +100 +25,316 -61 -78 +6,820 +3,897
Subtotal (Section 302(b) Allocations)  Total (Section 302(a) Allocation)  Memorandum:  Emergencies <sup>1</sup> Disaster Relief <sup>2</sup> Program Integrity <sup>3</sup> Global War on Terrorism <sup>4</sup>			1,180,479 1,180,479 10,453 483 126,544	1,320,414 1,320,414 	+42,135 +42,135 0 +10,453 +483	+36,356 +36,356 0 +1,803 +415 -679

<sup>&</sup>lt;sup>1</sup>Pursuant to H. Con. Res. 34, emergencies are not reflected in 302(b) allocations or current level above.

<sup>2</sup> The Budget Control Act (P.L. 112—25), enacted after passage of the FY2012 House Budget resolution, established statutory discretionary spending caps at different levels than the 302(a) allocation set by the budget resolution. Spending designated for disaster relief under section 251(b)(2)(D) was not included within the original 302(a) allocation.

<sup>3</sup> The Budget Control Act (P.L. 112—25), enacted after passage of the FY2012 House Budget resolution, established statutory discretionary spending caps at different levels than the 302(a) allocation set by the budget resolution, spending designated for Continuing Disability Reviews and Redeterminations under section 251(b)(2)(B) was not included within the original 302(a) allocation.

<sup>4</sup> Section 301 of H. Con. Res. 34, allows the allocation to the House Committee on Appropriation to be adjusted by amounts designated for the Global War on Terrorism [GWOT]. The 302(b) allocations and current status above reflect any adjustments made to date for this purpose. Outlays displayed on the GWOT row, represent only new outlays resulting from new GWOT-related budget authority.

2013 Advance appropriations purs H. Con. Res 34 as of Jan. 19, 2		Section 402(c)(2) Limits Tenant-based Rental Assistance	2013 4,000
[Budget authority in millions of do	ollars]	Project-based Rental Assist-	
Section $402(c)(1)$ Limits	2013	ance	400
Appropriate Level	52,541	Subtotal, enacted advances <sup>1</sup>	28,846
Accounts Identified for Advances: Department of Veterans Affairs Medical Services Medical Support and Compli-	41,354	Previously enacted advance appropriation <sup>2</sup> Corporation for Public Broad-	2013
ance	5,746	casting	445
Medical Facilities	5,441	Total, enacted advances 1	81,832
Subtotal, enacted advances <sup>1</sup>	52,541	<sup>1</sup> Line items may not add to total due to ro <sup>2</sup> Funds were appropriated in Public Law 11	
Section 402(c)(2) Limits	2013	U.S. Congress,	
Appropriate Level	28,852	CONGRESSIONAL BUDGET OFFICE	,
Accounts Identified for Advances: Employment and Training Ad-		Washington, DC, January 25, Hon. PAUL RYAN,	2012.
ministration	1.772	Chairman, Committee on the Budget,	
Office of Job Corps	n.a.	House of Representatives, Washington, D	C.
Education for the Disadvan-		DEAR MR. CHAIRMAN: The enclosed	report
taged	10,841	shows the effects of Congressional act	
School Improvement Programs	1,681	the fiscal year 2012 budget and is o	
Special Education	9,283	through January 19, 2012. This report	
Career, Technical and Adult		mitted under section 308(b) and in aid	
Education	791	tion 311 of the Congressional Budget	Act, as
Payment to Postal Service	78	amended.	

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 34, the Concurrent Resolution on the Budget for Fiscal Year 2012, as approved by the House of Representatives.

Since my last letter dated December 16, 2011, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2012:

Consolidated Appropriations Act, 2012 (Public Law 112–74);

Disaster Relief Appropriations Act, 2012 (Public Law 112-77);

Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78); and

An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (Public Law 112-80).

Sincerely,

DOUGLAS W. ELMENDORF, Director.

Enclosure.

FISCAL YEAR 2012 HOUSE CURRENT LEVEL REPORT THROUGH JANUARY 19, 2012 [In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: Revenues Permanents and other spending legislation Appropriation legislation Offsetting receipts	n.a. 1,842,372 0 - 708,099	n.a. 1,771,503 581,418 — 708,099	1,891,41 n.a n.a n.a
Total, Previously enacted	1,134,273	1,644,822	1,891,411
Enacted 1st Session, 112th Congress:  Authorizing Legislation Comprehensive 1099 Taxpayer Protection & Repayment of Exchange Subsidy Overpayments Act of 2011 (P.L. 112—9) Airport and Airway Extension Act of 2011, Part II (P.L. 112—16) Budget Control Act of 2011 (P.L. 112—25) Restoring GI Bill Fainess Act of 2011 (P.L. 112—26) America Invents Act (P.L. 112—29) An act to extend the Generalized System of Preferences, and for other purposes (P.L. 112—40) United States-Groater Fee Trade Agreement Implementation Act (P.L. 112—41) United States-Colombia Trade Promotion Agreement Implementation Act (P.L. 112—42) United States-Panama Trade Promotion Agreement Implementation Act (P.L. 112—43) An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding and for other purposes (P.L. 112—56) Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112—78) An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (P.L. 112—80)	- 26 - 3 - 28	0 0 3,492 -26 -3 -240 53 -68 1 -39 29,363	- 49( ( ( - 4 - 99( - 33) - 131 114 - 22: 136
Total, Authorizing Legislation	37,758	32,532	- 1,429
Appropriations Acts: Continuing Appropriations Act, 2012 Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112–55, Divisions A, B, and C) Consolidated Appropriations Act, 2012 (P.L. 112–74) Disaster Relief Appropriations Act, 2012 (P.L. 112–77)	-1,000 242,076 1,621,868 8,607	- 1,000 195,617 1,193,967 1,608	(
Total, Appropriations Acts	1,871,551	1,390,192	(
Total, Enacted 1st Session, 112th Congress	1,909,309	1,422,724	- 1,429
Entitlements and Mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs Total Current Level <sup>1</sup> Total House Resolution <sup>2</sup>	- 31,394 3,012,188 2,858,503	- 1,617 3,065,929 2,947,662	1,889,982 1,890,365
Current Level Over House Resolution Current Level Under House Resolution Memorandum:	153,685 n.a.	118,267 n.a.	n.a 383
Revenues, 2012-2021: House Current Level House Resolution	n.a. n.a.	n.a. n.a.	30,251,240 30,278,654
Current Level Over House Resolution Current Level Under House Resolution	n.a. n.a.	n.a. n.a.	n.a 27.414

	Dauget dutilonty	outidys	Novellado
Original House Resolution	2,858,545	2,947,916	1,891,411
For the United States-Colombia, Panama, Korea Free Trade Agreement Implementation Acts (section 404)  For an act to extend the Generalized System of Preferences, and for other purposes (section 305)	-14 -28	$-14 \\ -240$	- 50 - 996
Revised House Resolution	2,858,503	2,947,662	1,890,365

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Friday, January 27, 2012, at 11 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4691. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule - Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate [Doc. No.: AMS-FV-11-0057; FV11-906-1 FR] received January 3, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

4692. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus amyloliquefaciens strain D747; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0944; FRL-9330-4] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4693. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8205] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4694. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended: to the Committee on Financial Services.

Outlavs

Revenues

Rudget authority

4695. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation as required by section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act 1985, as amended; to the Committee on the Budget.

4696. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report for Fiscal Year 2010 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and the Workforce.

4697. A letter from the Administrator, Department of Transportation, transmitting a report on the activities of the National 911 Program: to the Committee on Energy and Commerce

4698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Approval and Promulgation

it, current lever does not include these tells.

2 Periodically, the House Committee on the Budget revises the totals in H. Con. Res. 34, pursuant to various provisions of the resolution: SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia, and West Virginia; Determinations of Attainment of the 1997 Fine Particle Standard for the Metropolitan Washington, DC-MD-VA and Martinsburg-Hagerstown, WV-MD Nonattainment Areas [EPA-R03-OAR-2011-0801; FRL-9616-6] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Alaska [EPA-R10-OAR-2010-0917; FRL-9616-4] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 PM2.5 and 8-Hour Ozone NAAQS: "Significant Contribution", "Interference with Maintenance", and "Interference with Prevention of Significant Deterioration" Requirements: Revisions to Regulation No. 3 [EPA-R08-OAR-2007-1037; FRL-9506-8] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Energy and Commerce.

4701. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — EPAAR Clause for Compliance with EPA Policies for Information Resources Management [EPA-HQ-OARM-2010-0764; FRL-9616-2] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4702. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Approval and Partial Disapproval of Air Quality Implementation Plans; California; San Joaquin Valley; Reasonably Available Control Technology for Ozone [EPA-R09-OAR-2011-0723; FRL-9616-5] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4703. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) [EPA-R09-OAR-2011-0547; FRL-9480-1] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4704. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for the State of Oregon [EPA-R10-UST-2011-0097; FRL-9615-4] received January 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4705. A letter from the Acting Secretary, Federal Trade Commission, transmitting Biennial report on the Do-Not-Call Registry for FY 2010 and 2011; to the Committee on Energy and Commerce.

4706. A letter from the Secretary, Deaprtment of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a

six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4707. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1622(d); to the Committee on Foreign Affairs.

4708. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 21, 2011 — October 20, 2011 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4709. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4710. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

4711. A letter from the Director, Office of Personnel Management, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Oversight and Government Reform.

4712. A letter from the Chair, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards: Cost Accounting Standards 412 and 413 — Cost Accounting Standards Pension Harmonization Rule received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4713. A letter from the Chair, Cost Accounting Standards Board, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards: Change to the CAS Applicability Threshold for the Inflation Adjustment to the Truth in Negotiations Act Threshold received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4714. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report for fiscal year 2011 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

4715. A letter from the Chief, Division of Management Authority, International Affairs Program, Department of Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Removal of the Regulation that Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle from Certain Prohibitions [Docket No.: FWS-R9-IA-2010-0056] (RIN: 1018-AX29) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4716. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Pandemic and All-Hazards Preparedness Act Usage of Act's Antitrust Laws Exemption; to the Committee on the Judiciary.

4717. A letter from the Secretary, Department of Transportation, transmitting the fourth of five reports required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

4718. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Technical Amendment [Docket No.: FAA-2006-26661; Amdt. No. 61-129] (RIN: 2120-A186) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4719. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections [Docket No.: PHMSA-2009-0151(HM-218F)] (RIN: 2137-AE84) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4720. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report to Congress on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

#### By Ms. HIRONO:

H.R. 3824. A bill to ensure that the Federal Aviation Administration addresses fatigue issues of flight attendants; to the Committee on Transportation and Infrastructure.

By Mr. POMPEO (for himself, Ms. Jen-KINS, Mr. YODER, and Mr. HUELSKAMP):

H.R. 3825. A bill to authorize the use of multifamily housing subject to a mortgage insured under section 207 of the National Housing Act as work force residential housing; to the Committee on Financial Services.

By Mr. COURTNEY (for himself, Mr. PETERS, Mr. REYES, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. BRALEY of Iowa, Mr. STARK, Mr. CLARKE of Michigan, Mr. GRIJALVA, and Ms. NORTON):

H.R. 3826. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans; to the Committee on Education and the Workforce.

By Mr. GUTHRIE (for himself, Mr. BENISHEK, Mr. ROGERS of Michigan, Mrs. McMorris Rodgers, Mrs. BLACKBURN, and Mr. BARTON of Texas)

H.R. 3827. A bill to repeal the Patient-Centered Outcomes Research program and comparative effectiveness research funding; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, the Budget, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUELSKAMP (for himself, Mrs. Hartzler, Mr. Hultgren, Mr. Johnson of Ohio, Mr. Canseco, Mr. Nunnelee, Mr. Akin, Mr. Westmoreland, Mr. Latta, Mr. Jones, and Mr. King of Iowa):

H.R. 3828. A bill to amend title 10, United States Code, to require that implementation of the repeal of the former Department of Defense policy concerning homosexual behavior in the Armed Forces not infringe upon the free exercise of religion by and the rights of conscience of members of the Armed Forces, including chaplains, and for other purposes; to the Committee on Armed Services.

By Ms. MOORE (for herself, Mr. Ellison, Mr. Payne, Ms. Slaughter, and Ms. Schakowsky):

H.R. 3829. A bill to require a criminal background check for employees of child care providers, family child care providers, and adults who reside in the private residences of family child care providers in States that receive funds from the Child Care and Development Block Grant Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H.R. 3830. A bill to restrict the provision of defense articles and defense services to the Government of Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TERRY (for himself and Mr. THOMPSON of California):

H.R. 3831. A bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to provide for the equalization of the excise tax on liquefied natural gas and per energy equivalent of diesel; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut (for himself, Mr. Dreier, Mr. Carnahan, and Mr. Price of North Carolina):

H. Res. 527. A resolution expressing the sense of the House of Representatives regarding Tunisia's peaceful Jasmine Revolution; to the Committee on Foreign Affairs.

By Mr. HUNTER (for himself, Mr. Mur-PHY of Pennsylvania, Mr. Aderholt, Mr. Austria, Mr. Bachus, Mr. BARLETTA, Ms. HERRERA BEUTLER, Mrs. BIGGERT, Mr. BILBRAY, Mr. BON-NER, Ms. BORDALLO, Mr. BROUN of Georgia, Mr. CALVERT, Mr. CANSECO, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. CRAVAACK, Mr. DENHAM, Mr. DENT, Mr. Dold, Mr. Fleming, Mr. Flores. Mr. FORBES, Mr. FRANKS of Arizona. Mr. GARDNER, Mr. GERLACH, Mr. GIB-SON, Mr. GINGREY of Georgia, Mr. GOODLATTE, Mr. GOSAR, Mr. GRIFFIN of Arkansas, Mr. Griffith of Virginia, Mr. GRIMM, Mr. GUTHRIE, Ms. HANABUSA, Mr. HARPER, HARTZLER, Mr. HASTINGS of Washington, Mr. HECK, Mr. HENSARLING, Mr. HERGER, Mr. HUIZENGA of Michigan, Mr. Hultgren, Mr. Hurt, Mr. Johnson of Ohio, Mr. Kelly, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LABRADOR, Mr. LANCE, Mr. LANGEVIN, Mr. LATHAM, Mr. LEWIS of California, Mr. Long, Mr. LUETKEMEYER, Mr. McCAUL, McCOTTER, Mr. McGOVERN, Mr. Mr.McKinley, Mrs. McMorris Rodgers, Mr. Neugebauer, Mr. Nugent, Mr. NUNNELEE, Mr. PALAZZO, Mr. PITTS, Mr. Price of Georgia, Mr. Ribble, Mr. ROGERS of Kentucky, Mr. Roo-NEY, Mr. RUNYAN, Mr. RUPPERS-BERGER, Mr. RYAN of Wisconsin, Mr. RYAN of Ohio, Mr. SABLAN, Mr. SCHIL-LING, Mrs. SCHMIDT, Mr. SCOTT of South Carolina, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. STIV-ERS, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TURNER of New York, Mr. WEST, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. WOLF, Mr. Young of Florida, Mr. Young of Alaska, Mr. Young of Indiana, Mr. BISHOP of Utah, Ms. PINGREE of Maine, and Mr. TURNER of Ohio):

H. Res. 528. A resolution honoring the service and sacrifice of the members of the United States Armed Forces in Operation Iraqi Freedom and Operation New Dawn; to the Committee on Armed Services.

By Mr. ROHRABACHER (for himself, Mr. GOHMERT, and Mr. KING of Iowa):
H. Res. 529. A resolution expressing the sense of the House of Representatives that the United States should not consider releasing Taliban prisoners, Abdul Haq Wasiq, Mullah Norullah Noori, Mullah Mohammed Fazl, and Mullah Khairullah Khairkhwa, from prison in Guantanamo Bay, Cuba, until Mullah Muhammed Omar has been turned over to United States custody; to the Committee on Armed Services.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. HIRONO:

H.R. 3824.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. POMPEO:

H.R. 3825.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1.

By Mr. COURTNEY:

H.R. 3826.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power \*\*\* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. GUTHRIE:

H.R. 3827.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Section 3

To regulate Commerce with foreign Nations and among the several States, and with the Indian Tribes

By Mr. HUELSKAMP:

H.R. 3828.

Congress has the power to enact this legislation pursuant to the following:

This legislation is introduced under the authority of Article 1, Section 8, Clause 14, which grants Congress the power to "make Rules for the Government and Regulation of land and naval Forces,"; Article 1, Section 8, Clause 16, which grants Congress the power to "provide for the organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States"; and the "free exercise" clause of the First Amendment to the Constitution, which ensures the right to freely exercise one's religion.

By Ms. MOORE:

H.R. 3829.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. ROHRABACHER:

H.R. 3830.

Congress has the power to enact this legislation pursuant to the following:

This bill follows the Constitutional prerogatives of Congress under Article I, Section 8, pertaining to the clauses to "to regulate commerce with foreign nations."

By Mr. TERRY:

H.R. 3831.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article 1, Section 8, Clause 3

By Mr. THORNBERRY:

H.R. 3832.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mrs. Capito.

H.R. 104: Mr. Johnson of Illinois, Mr. Ruppersberger, and Mr. Sessions.

H.R. 121: Mrs. Black.

H.R. 124: Mrs. Black. H.R. 190: Mr. Carson of Indiana.

H.R. 555: Mr. Ruppersberger.

H.R. 640: Mr. McCotter.

H.R. 680: Mrs. CAPITO.

H.R. 729: Ms. HAHN.

H.R. 750: Mr. KINZINGER of Illinois.

H.R. 782: Mrs. CAPITO.

H.R. 951: Mrs. CAPITO.

- $\ensuremath{\mathrm{H.R.}}$  1057: Mr. Cohen and Ms. Wilson of Florida.
- H.R. 1058: Mr. HECK.
- H.R. 1085: Ms. HAHN.
- H.R. 1148: Mr. PIERLUISI, Ms. CHU, and Mr. CRAWFORD.
- H.R. 1179: Mr. CRITZ.
- H.R. 1206: Mr. REED, Mrs. Adams, Mr. BISHOP of Georgia, Mr. MEEHAN, Mr. BISHOP of Utah, Mr. MANZULLO, Mr. BILBRAY, Mr. DUNCAN of Tennessee, Mr. LANDRY, Mr. PEARCE, and Mr. THOMPSON of Pennsylvania.
- H.R. 1288: Ms. PINGREE of Maine and Mr. KEATING.
- H.R. 1612: Ms. BALDWIN.
- H.R. 1648: Mr. BISHOP of New York, Mr. PALLONE, and Mr. CONYERS.
- H.R. 1697: Mr. BROUN of Georgia.
- H.R. 1704: Mr. DEFAZIO.
- H.R. 1712: Mr. CARTER.
- ${
  m H.R.}\ 1739{
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  m Mr.}\ {
  m Chabot.}$
- H.R. 1822: Mrs. CAPITO.
- H.R. 1873: Mr. CICILLINE.
- $\rm H.R.~1897;~Mr.~Towns,~Ms.~Lee~of~California,~Mr.~Poe~of~Texas,~Mr.~Critz,~Mr.~Van~Hollen,~and~Mr.~Welch.$
- $\rm H.R.$  1903: Mr. Lewis of Georgia, and Mr. Clarke of Michigan.
- H.R. 1988: Mr. Connolly of Virginia, Mr. Sires, Mr. Pascrell, Mr. Rothman of New Jersey, Mrs. McCarthy of New York, Mr. Brady of Pennsylvania, Mr. Fattah, Mr. Critz, Mr. Carson of Indiana, Mr. Hastings of Florida, Mr. Courtney, Mr. Holt, Mr. Rangel, Mr. Keating, Ms. Kaptur, and Mr. Kind.
  - H.R. 2052: Mr. NUGENT.
  - H.R. 2082: Mr. STIVERS.
  - H.R. 2086: Mr. Jackson of Illinois.
  - H.R. 2179: Ms. BORDALLO.
  - H.R. 2187: Mr. KEATING.
  - H.R. 2238: Mr. McIntyre. H.R. 2245: Mr. Altmire.
  - H.R. 2376: Mr. Frank of Massachusetts.
  - H.R. 2412: Mr. THOMPSON of California.
  - H.R. 2444: Mr. HEINRICH.
  - H.R. 2514: Mr. FLEISCHMANN.
  - H.R. 2536: Mr. PRICE of North Carolina.

- H.R. 2557: Mr. THOMPSON of Pennsylvania and Mr. Gerlach.
- H.R. 2625: Mrs. Lowey.
- H.R. 2657: Mr. PRICE of North Carolina.
- H.R. 2772: Mr. RIVERA.
- H.R. 2880: Mrs. Lowey.
- H.R. 2955: Mr. LIPINSKI.
- H.R. 2966: Mr. Towns, Mr. Heinrich, Mr. Larsen of Washington, Ms. Sutton, Mr. Fattah, and Ms. Kaptur.
  - H.R. 2985: Mr. KEATING.
- H.R. 3059: Mr. PRICE of North Carolina.
- H.R. 3204: Mr. ROKITA.
- H.R. 3208: Mr. ROKITA.
- H.R. 3209: Mr. ROKITA.
- H.R. 3276: Mr. MICA, Mr. MILLER of Florida, and Mr. CRENSHAW.
- H.R. 3307: Mr. PRICE of North Carolina, Ms.
- SLAUGHTER, and Mr. JOHNSON of Illinois. H.R. 3314: Mr. Frank of Massachusetts.
- H.R. 3315: Mr. SMITH of Washington and Mr. Polis.
- H.R. 3337: Mr. Turner of Ohio, Ms. Kaptur, Mr. Ryan of Ohio, Mr. Critz, and Mr. Johnson of Georgia.
- H.R. 3353: Ms. SCHAKOWSKY and Mr. CONNOLLY of Virginia.
  - H.R. 3401: Mr. Franks of Arizona.
  - H.R. 3409: Mrs. CAPITO.
  - H.R. 3432: Mr. MORAN.
  - H.R. 3455: Mr. CRAWFORD.
- H.R. 3461: Ms. Granger, Mr. Amodei, Mr. Fleischmann, and Mr. Meehan.
- H.R. 3483: Mr. Clay, Mr. Cleaver, Mr. Rangel, Ms. Wilson of Florida, Ms. Sewell, Ms. Hanabusa, Mr. Clyburn, Mr. Thompson of Mississippi, Mr. Richmond, Mr. Miller of North Carolina, Mr. Carson of Indiana, Ms. Clarke of New York, Ms. Moore, Mr. Rush, Ms. Velázquez, Mr. Payne, Ms. Richardson, Mr. Meeks, and Mr. Price of North Carolina.
- H.R. 3490: Mr. PRICE of North Carolina. H.R. 3515: Mr. McDermott and Ms
- SLAUGHTER. H.R. 3521: Mr. CUELLAR.
- H.R. 3523: Mr. WOLF and Mr. FORBES.
- $\rm H.R.$  3533: Ms. Jackson Lee of Texas.
- H.R. 3542: Mr. JOHNSON of Georgia.

- H.R. 3545: Mr. ROONEY and Mr. LONG.
- H.R. 3548: Mr. ROSKAM, Mr. POE of Texas, and Mr. CANSECO.
  - H.R. 3571: Ms. PINGREE of Maine.
  - H.R. 3583: Mr. MANZULLO.
  - H.R. 3609: Mr. Manzullo.
- H.R. 3612: Ms. BORDALLO, Mr. GRIFFIN of Arkansas, Mrs. NAPOLITANO, and Mr. HIMES.
- H.R. 3623: Mr. Johnson of Ohio.
- H.R. 3625: Mrs. CAPPS.
- H.R. 3638: Mr. Cohen and Ms. Hahn.
- H.R. 3643: Mrs. Black.
- H.R. 3681: Mr. DANIEL E. LUNGREN of California.
- $\rm H.R.$  3687: Mr. FILNER, Mr. BENISHEK, and Mr. REYES.
  - H.R. 3695: Mr. Ellison.
  - H.R. 3702: Mr. BISHOP of New York.
  - H.R. 3737: Mr. Benishek.
  - H.R. 3762: Ms. SLAUGHTER.
  - H.R. 3770: Mrs. Roby.
- $\rm H.R.$  3778: Mr. BISHOP of Utah and Mr. Westmoreland.
- H.R. 3783: Mr. ISSA, Mr. CONAWAY, Mr. LONG, Mr. KING of New York, Mr. YOUNG of Indiana, and Mr. WOLF.
  - H.R. 3794: Mr. Bucshon.
- H.R. 3802: Mr. GOWDY, Mr. HUIZENGA of Michigan, and Ms. BORDALLO.
- H.R. 3805: Mrs. HARTZLER, Mr. ROGERS of Kentucky, and Mr. LATTA.
  - H.R. 3814: Mr. WALBERG.
  - H.J. Res. 92: Mr. JACKSON of Illinois.
  - H. Con. Res. 63: Ms. RICHARDSON.
- H. Res. 282: Ms. Eshoo and Ms. Scha-KOWSKY.
  - H. Res. 480: Mrs. BLACK.
  - H. Res. 523: Mr. LATTA.

# DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3784: Mr. LANGEVIN.

# **EXTENSIONS OF REMARKS**

LT. COL. TRACY N. JOHNSON TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. TIPTON. Mr. Speaker, I rise today in recognition of Lt. Col. Tracy N. Johnson (retired). A resident of Montrose, Colorado, Lt. Col. Johnson recently celebrated his 90th birthday with a host of family and friends at his side. It is my honor to recognize Lt. Col. Johnson's distinguished Marine Corps career. The sacrifices he has made and the commitment he displayed during his time in uniform and since leaving the active ranks of the Marine Corps are truly deserving of special recognition.

Member of our nation's "greatest generation", Lt. Col. Johnson served his country bravely while flying combat missions in three wars. His action in combat, earned him the Distinguished Flying Crosses and Air Medals, testaments to his courage, patriotism and devotion to duty. Marines serving throughout the world today take great pride in carrying on the illustrious legacy of valor, discipline and steadfast fidelity that he helped forge.

From flying Corsairs in Korea to serving as a Presidential Helicopter pilot for Presidents Kennedy and Johnson, he provided crucial air support throughout his career and set the standard for Marine aviation. He has earned the respect and admiration of all who have had the privilege of serving with him, and he has been an inspiration for generations of his fellow Marines.

Mr. Speaker, it is an honor to recognize and extend my deepest gratitude to Lt. Col. Tracy N. Johnson. I rise today in recognition of his dedication to his family, community, and this nation

THE RETIREMENT OF CONGRESS-WOMAN GABRIELLE GIFFORDS

#### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. HIRONO. Mr. Speaker, I rise to join my colleagues in sending a fond aloha to our friend and colleague, Congresswoman GABRIELLE GIFFORDS.

We have all been deeply touched and inspired by GABBY's courage, spirit, and her pure love for Arizona and our Nation. Her admirers and friends in Hawaii and across the country will continue to pray for her ongoing recovery.

I hope that we in Congress will redouble our efforts to come together and work in the spirit of laulima (cooperation) to find common

ground with our colleagues across the aisle on the issues that matter most to our country. That's how we can truly honor our GABBY's service and courage.

HONORING THE RETIREMENT OF MR. ROBERT FITCH

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. MORAN. Mr. Speaker, I rise today to pay tribute to Mr. Robert Fitch on the occasion of his retirement as Senior Vice President, Regulatory Affairs, for BAE Systems, Inc. One of my constituents living in Arlington, Virginia, Mr. Fitch has over 41 years of distinguished service to our nation, serving in key management positions in the military, the legislative branch of government, and the aerospace and defense industry.

Prior to his current position, Mr. Fitch served as Senior Vice President, Government Relations, for BAE Systems, Inc. He had responsibility for all legislative affairs and government relations activities for the company's U.S.-based business. He is also a member of the BAE Systems, Inc. Board of Directors. As a senior leader in the company during a period of significant change and growth, he has been recognized on numerous occasions for his commitment to excellence and visionary leadership.

Robert previously held the position of Vice President, Government Relations with Marconi North America and Tracor, Inc. Prior to Tracor, he was the Vice President, Corporate Strategic Development for GDE Systems, Inc., a subsidiary of Tracor.

During the 1970's, Mr. Fitch served in the U.S. Army. His assignments included the Pentagon as the Army's functional officer for tactical intelligence programs; Germany as the aide to an infantry division commander; the Cryptologic School as a company commander of 300 men and women; and Vietnam as an advisor. His awards include the Legion of Merit and the Bronze Star.

From 1984 to 1993, Mr. Fitch was the Senior Professional Staff Member and Director of the Program and Budget Authorization Staff of the House Permanent Select Committee on Intelligence. His responsibilities included oversight and coordination of staff reviews of national and tactical intelligence activities. Specific areas of specialty included space and airborne reconnaissance, industrial base, acquisition reform and support to military operations. In December 1992, he served on the Intelligence Transition Team for the new administration.

He holds a bachelor's degree in Political Science from the University of Rhode Island and an MBA from the Graduate School of Management at the University of Dallas. Most recently, Robert completed the Program for Senior Executives in National and International Security at Harvard University.

Mr. Fitch is a member of the George C. Marshall Foundation's Board of Trustees; Ford's Theatre Board of Governors; and the National Cryptologic Museum Foundation's Board of Directors. He is a member of the Sigma lota Epsilon Business Honor Society, and is a Principal for the Council for Excellence in Government. He has served on the USO World Board of Governors; Board of Directors for the National Military Intelligence Association; and on the Technical Committee of the American Institute of Aeronautics & Astronautics.

Mr. Speaker, I am pleased to recognize the efforts and accomplishments of this outstanding industry leader. I congratulate and thank Bob Fitch for his many years of service to this nation and wish him a happy retirement.

CONGRATULATING JIM PARENT

#### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES  $Wednesday,\ January\ 25,\ 2012$ 

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to congratulate Jim Parent on his retirement as President of the Connecticut State Council of Machinists.

James M. Parent was born in 1946 in Van Buren, Maine, and now lives with his wife Robertine in Glastonbury where they raised their two children. A former member of the Glastonbury Democratic Town Committee, Jim has also served as Vice Chair of the Democratic State Central Finance Committee.

Jim served his country in Vietnam and returned to continue his public service by joining the labor movement. Jim's knowledge and expertise as an activist for Connecticut's machinists started when he was employed at Pratt & Whitney in 1965 in East Hartford. Since then, Jim has been a fierce advocate for the Machinists' 14,000 members, and has served as the Business Representative for the Machinists Union, Executive Board member of the Connecticut State Council of Machinists and as Hartford Area Vice President from 1986 to 1991, when he was elected President of the Council.

As President, he has been a leading advocate for workers in Connecticut. I witnessed his leadership firsthand when we worked together to fight the closing of the Pratt & Whitney Connecticut Airfoil Repair Operation (CARO) and Cheshire Engine Center.

Jim's advocacy earned him the Connecticut AFL-CIO Leadership Award in 1997. I am proud to call Jim Parent an ally in the fight to keep good jobs in Connecticut, and to stop the

crippling trend of outsourcing. We have worked together to bring jobs back to the United States through efforts to strengthen "Buy American" laws. I know that Jim will continue to be a leader and an advocate for Connecticut's working families even after his retirement. I am honored to call Jim Parent my friend, and I wish him well in his retirement.

# HONORING THE LIFE OF MAYOR HIRAM PALEY

# HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in recognition of the life of Mr. Hiram Paley, former Mayor of Urbana, IL, and Associate Professor Emeritus at the University of Illinois in Mathematics. Mr. Paley passed away on Monday, January 9, at the age of 78 at the Carle Foundation hospital in Urbana, IL, after his long fight with cancer.

Hiram Paley was an excellent representation of what living the American dream is all about. He was born the son of Russian immigrants and rose above humble beginnings to obtain his doctorate in mathematics with a specialization in algebra. Mr. Paley became a professor at the University of Illinois in 1959 where he would meet his wife of over 50 years, Jean Paley. Together they had three children. He soon became active in the local community, eventually rising to the Office of Mayor for the town of Urbana, IL. He served a single term as Mayor. Afterward, he remained active in community events throughout the rest of his life. He remained always perceptive to the concerns of everyday citizens with whom he interacted.

It is paramount to emphasize that although Hiram Paley was not of the same political affiliation as I, he was always civil and respectful toward individuals who did not share similar political philosophies. This is an underlying theme that we as leaders should glean most from this man's life. This ideal ought to be at the forefront of our debates today. Civility and discourse in politics may seem like a large river, seemingly impossible to cross, but in actuality, our political reality today is but a modest stream that is only in need of leadership to step across and achieve consensus. And that model is what government is truly about. Thank you, Mr. Paley, for your excellent example and extraordinary life, as well as your service to our Nation; you shall be missed tremendously.

IN CELEBRATION OF DR. MARTIN LUTHER KING, JR., DAY 2012

## HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in celebration of Dr. Martin Luther King, Jr., Day, an appropriate reminder of Dr. King's legacy, the civil rights struggle and the impor-

tance of serving one's community to make the country stronger.

Dr. Martin Luther King's legacy is a symbol of the American values of progress, peace, and equality that have come to define American exceptionalism. Although we still have a long way to go to reach Dr. King's promised land, the strides taken toward racial equality since his March on Washington are a testament to the power of his non-violent message.

On this day, we not only celebrate the legacy of Dr. King, but we commit ourselves to giving back to our communities. Dr. King's spirit compels us to use this day to volunteer our time in service of our neighborhoods. This year, millions of Americans across the country demonstrated their commitment to Dr. King's vision of a better world by offering their help to countless service projects and activities nationwide.

Dr. King once said "the moral arc of the universe is long, but it bends toward justice." It is on this day—nearly 44 years after his death—that we remember his words and continue our struggle toward racial, social, and economic justice. While an assassin may have felled the Dreamer; the dream of Dr. King still lives in the hearts and minds of people of goodwill everywhere in the world.

In these tough economic times, it is important to remember the message Dr. King espoused—non-violence, determination, peace, and justice. These values have seen us through the tumultuous uproar of the 1960s and continue to persevere today.

Dr. King's words not only inspired social movements in the United States, but were a heavy influence in Poland, the nations of eastern and central Europe, and more recently in Egypt and Tunisia.

Dr. King, Jr., recognized that the struggle for civil rights and workers' rights were inextricably linked. Both required that the basic rights of all people are equal and ought to be honored equally, whether by an employer or by the United States government. It is by the light of his example that we should confront the hardships that face this generation of American citizens.

Mr. Speaker, I urge my colleagues to join me in celebrating the gift of hope that Dr. King gave to so many and to remember the dream that he so eloquently articulated. We remember Dr. King's sacrifice and resolve to keep his dream alive through tolerance, altruism and community service.

IN SUPPORT OF LEGISLATION CONTINUING AVIATION AND SUR-FACE TRANSPORTATION PRO-GRAMS

# HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased that the House of Representatives this week passed legislation to continue vital aviation and surface transportation programs while Congress completes a comprehensive, long-term reauthorization of the Federal Aviation Act. Importantly, the temporary extension

contains no negative policy provisions, reductions in funding, or political grandstanding. Rather, it is a clean extension until mid-February.

Aviation and surface transportation programs represent critical elements of our economy. The current extension avoids another Republican-led shut down, as occurred last summer—a shutdown that jeopardized the iobs of tens of thousands of workers and resulted in hundreds of millions of dollars in lost revenue. I also am very pleased that the House of Representatives appointed conferees so that Congress can complete the long-term reauthorization of the important programs related to the Federal Aviation Administration. Our nation enjoys one of the best and strongest aviation systems in the world; Congress must do our part to update and strengthen our aviation laws in a permanent way to provide economic and workforce security and safety related to air transportation. A full reauthorization will improve the safety, efficiency and competitiveness of our aviation system.

MATTOON HIGH SCHOOL BAND STUDENTS SELECTED FOR ALL-STATE

# HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Sarah Bradbury, Brittney Evans, and Megan Schuler for their accomplishments in the Mattoon High School band. They have been selected to the All-State Concert Band and the All-State Orchestra. Bradbury, on French horn, will play with the All-State Concert Band while Evans, oboe, and Schuler, trombone, will play with the All-State orchestra. The three will represent the Mattoon High School Pride of the Green Wave Band Program at the Illinois Music Educators Association All-State Conference in Peoria. Rehearsals and performances will take place from Wednesday to Saturday.

This is the highest honor for a junior or senior musician to accomplish; each participant went through a tough audition back in October. "Of the tens of thousands of musicians throughout the state, 300 winds and percussionists are selected from nine districts to participate in the two All-State Concert Bands and Orchestras."

The Mattoon High School Pride of the Green Wave band is directed by Todd Black and James Stanford. I would like to further congratulate these directors on a job well done; everyone's family, community, and school are extremely proud of the accomplishments of Sarah, Brittney, and Megan.

RECOGNIZING NATIONAL SCHOOL CHOICE WEEK

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. PENCE. Mr. Speaker, I rise today to recognize January 22–28, 2012, as National School Choice Week. Our children are the future of this great Nation, and they should be able to attend the highest-quality schools possible. Improving the quality of education and expanding access to highly effective schools is an important step toward ensuring that all of our children receive the best possible education in America.

This week, more than 400 events will be held in all 50 states to advance and support school choice. Tens of thousands of Americans will be taking part in these events including parents, teachers, and guardians responsible for taking care of our Nation's children. America is blessed to have a multitude of high-quality public schools, public charter schools, and nonpublic schools, as well as many high-quality teaching professionals who are committed to educating our children.

This past year, my home State of Indiana enacted meaningful and comprehensive education reform that provides parents with the freedom to make sure their child gets the best education possible. And last year I was proud to support Speaker BOEHNER's Scholarships for Opportunity and Results Act (H.R. 471) when it passed the House of Representatives. The SOAR Act allows for education scholarships to be provided to children in the District of Columbia so that they can receive a high quality education regardless of their race or income status in society. Research demonstrates conclusively and consistently that providing children with multiple schooling options improves academic performance and parental satisfaction.

And so I rise today in strong support of National School Choice Week because I support empowering parents with school choice. Every child must have the opportunity to pursue the American dream, and I firmly believe parents are in the best position to determine which schools their children should attend. As a parent myself, I am proud to celebrate National School Choice Week, and I look forward to continuing to advocate for local control of education and for further opportunities to provide parents with the ability to give their children the best education possible.

EXAMINING ONGOING HUMAN RIGHTS ABUSES IN VIETNAM

# HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I chaired a hearing to examine the ongoing human rights situation in Vietnam.

The Vietnamese Government continues to be an egregious violator of a broad array of human rights. Our distinguished witnesses who testified before me yesterday provided detailed accounts; I would like to highlight just a few areas of grave concern.

Despite the State Department's decision in 2006 to remove Vietnam from the list of Countries of Particular Concern as designated pursuant to the International Religious Freedom Act, Vietnam, in fact, continues to be among the worst violators of religious freedom in the world. According to the United States Commission for International Religious Freedom's 2011 Annual Report, "[t]he government of Vietnam continues to control religious communities, severely restrict and penalize independent religious practice, and brutally repress individuals and groups viewed as challenging its authority." I agree with USCIRF's conclusion that Vietnam should be designated a CPC country.

The State Department's designation of Vietnam as a Tier 2 Watch List country with respect to the minimum standards for the elimination of human trafficking also needs to be critically examined. The Department's 2011 Trafficking in Persons Report states not only that Vietnamese women and children are being sexually exploited, but that there are severe labor abuses occurring as well-with the government's complicity. The Report acknowledges that state-affiliated and state-licensed labor export companies engage in numerous trafficking-related violations, including fraud and the charging of illegal commissions for overseas employment. There also are documented cases of recruitment companies ignoring pleas for help from workers in exploitative situations.

As the sponsor of the Trafficking Victims Protection Act, I am deeply disturbed that the Tier Rankings are not being better utilized by our State Department to pressure Vietnam to correct the trafficking abuses occurring within its government, not to mention those in the private sector.

We were particularly privileged to have Ms. Phong-Anh Vũ with us to testify about the horrific suffering she endured when she was trafficked from Vietnam to Jordan. It is also troubling to hear about the abuse that she and others have continued to endure at the hands of the Vietnamese Government even after their escape from their traffickers. I greatly admire her courage and the Subcommittee is most appreciative the testimony she presented yesterday.

I met other courageous individuals during my last trip to Vietnam who were struggling for fundamental human rights in their country. Unfortunately, many of them continue to be persecuted by the government. Father Ly is in prison and is suffering from very poor health, and Attorney Nguyen Van Dai remains under house arrest.

Despite this dismal status for human rights in Vietnam, there are new opportunities for the United States to exert pressure on the government to cease these abuses.

H.R. 1410, the Vietnam Human Rights Act which I introduced last year—and which passed the House previously in 2007—would provide significant motivation to the government of Vietnam to respect its international human rights obligations. It would prohibit any annual increase in the amount of non-humanitarian assistance that the United States pro-

vides to Vietnam unless there is an equal or greater increase in the amount of assistance for human rights and democracy promotion programming in Vietnam.

An increase in non-humanitarian assistance would also be prohibited unless Vietnam satisfies certain requirements, including substantial progress toward respect for the freedom of religion and freedom of expression and assembly, respect for ethnic and minority rights, and allowing Vietnamese nationals free and open access to United States refugee programs. The government would also have to end its complicity in severe forms of human trafficking.

In addition, this legislation would reaffirm the United States' commitments: to overcoming the jamming of Radio Free Asia by the Vietnamese Government; to engaging in cultural exchanges in a manner that promotes freedom and democracy in Vietnam; and to offer refugee resettlement to Vietnamese nationals who have been deemed ineligible solely due to administrative errors or for other reasons beyond their control.

I thank all of our witnesses for appearing before the Subcommittee yesterday.

HONORING THOMAS W. KLENDER

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Thomas W. Klender. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Thomas has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Thomas W. Klender for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MS. CARRIE NOVICK

# HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. WALDEN. Mr. Speaker, it is with great pleasure that I take this opportunity to honor Ms. Carrie Novick on the occasion of her retirement. Since 1990, Carrie has served as the airport manager for Roberts Field, Redmond Municipal Airport in Redmond, Oregon. She will leave her position next Tuesday after nearly 22 years of exemplary public service to the citizens of Redmond and central Oregon.

During her tenure as airport manager, Carrie has transformed a sleepy municipal airfield into a first class regional transportation hub. Nearly two years ago, Carrie completed an airport terminal expansion project that more than doubled the size of the existing airport to 136,000 square feet, tripled its operations capacity to 45 flights per day, and allowed for more than 200,000 passengers per year to pass through its gates. For nearly ten years, Carrie worked passionately to make this fantastic project a reality.

Carrie's tenacity and good stewardship of public resources modernized the facility, increased flight availability, and improved passenger safety and services. Carrie fulfilled her vision to transform the Redmond Airport into a regional economic engine powering tourism, trade, and industry, all while improving the quality of life for area residents.

Carrie has always been eager to share her vision and passion for her work. She always made an effort to meet me whenever I was flying to or departing from the airport to brief me on the latest airport developments, offer her counsel on aviation policy, or just share a cup of coffee with me at the gate. I will miss her candor, quick wit, and indomitable spirit. I'm proud to call her my good friend.

Mr. Speaker, I ask my colleagues to join me in commending Ms. Carrie Novick for her outstanding contributions to the city of Redmond and the communities of central Oregon, and to wish her well upon her retirement. Carrie has given her time and efforts selflessly to the region and her service is worthy of the highest praise. Mr. Speaker, I yield back the balance of my time.

HONORING GUNNERY SERGEANT WILLIAM "DENNY" WEISGERBER

# HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. HONDA. Mr. Speaker, I rise today to honor the courage and unwavering dedication of Staff Sergeant William "Denny" Weisgerber, United States Marine Corps (retired). Weisgerber is a true hero and symbol of pride for the Bay Area.

Denny Weisgerber served on active duty in the United States Marine Corps from February 1949 to May 1953. Serving as the assistant platoon Sergeant, Weisgerber saw combat action in Korea on Bunker Hill, Reno, Vegas, Seattle and Warsaw Outposts, in front of the main line of resistance known as the "Hook," on the Jamestown Line. It was during an assault on the outpost Seattle, in front of the Jamestown Line, when Weisgerber was severely wounded. He refused medical treatment and courageously moved forward to aid a wounded comrade, fearlessly exposing himself to intense hostile fire. His wounds later resulted in the loss of his leg. In recognition of his bravery and valor, he was awarded the Navy Cross and Purple Heart for his actions that night. During this time, Weisgerber was on track to receive a promotion. Unfortunately, he was medically discharged due to the wounds he received at outpost Seattle, thus making him ineligible for promotion.

Weisgerber returned to the United States to start his family with his high school sweetheart and wife Marianne, eventually settling in the Bay Area. Despite being medically discharged and now age 81, Weisgerber has remained committed to the Marine Corps and continues to serve and exhibit true volunteerism. He helps young Marines adjust to civilian life, find iobs, and obtain military benefits once they leave the service. Weisgerber continues to counsel generations of amputee veterans and other returning veterans at the Palo Alto Veterans Hospital and the Menlo Park Post Traumatic Stress Disorder Center. His own story of perseverance is an inspiration to wounded veterans and to the entire Marine Corps. In my district, the Marines of the 4th Marine Logistic Group, Marine Forces Reserve always speak highly of Weisgerber, often praising him as the epitome of the Marine Corps. He is continuously present, providing a helping hand to the Marines in every possible way.

Weisgerber's commitment extends to the broader community as well. He served three terms as the Mayor of Milpitas and currently sits on numerous boards and commissions in the Bay Area on issues ranging from transportation to veterans' affairs. His accomplishments in the community are noteworthy, and they speak to a lifetime spent dutifully serving others.

William D. Weisgerber has worked tirelessly for the past 58 years as a "retired" Marine and has asked for nothing in return. However, grateful Marines touched by Weisgerber's unwavering service have campaigned on his behalf to see that he is deservedly recognized. On December 5, 2011, Secretary of the Navy Ray Mabus, in accordance with section 1563 of title 10, U.S. Code, approved the honorary promotion of Staff Sergeant Weisgerber to Gunnery Sergeant due to his selfless dedication to our country.

Mr. Speaker, this Saturday, January 28th 2012, Staff Sergeant William "Denny" Weisgerber will finally receive the promotion that he has deserved for six decades. I proudly commend Gunnery Sergeant William "Denny" Weisgerber for his commitment and noble service to our Marines, veterans, community and country. His daily sacrifice to our community and the Marine Corps is extraordinary.

PERSONAL EXPLANATION

## HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. SMITH of Washington. Mr. Speaker, on Monday, January 23, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 5 (on the motion to suspend the rules and pass H.R. 3117, as amended) and "yes" on rollcall vote No. 6 (on the motion to suspend the rules and pass H.R. 1141).

RECOGNIZING COLONEL CHARLES YOUNG

### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. TURNER of Ohio. Mr. Speaker, I would like to recognize the important contributions of Colonel Charles Young, a Buffalo Soldier whose historic home is in my community in Southwest Ohio.

As a Member of the House Armed Services Committee and Co-Chair of the House Historic Preservation Caucus, I have the privilege of frequently working with our servicemembers as well as a great appreciation for our nation's historic treasures.

Colonel Young, the third African-American to graduate from the United States Military Academy at West Point in 1889, was a distinguished officer in the U.S. Army. He was a pioneer of military intelligence techniques, a commander of troops in combat in the Spanish-American War and the Mexican expedition against Pancho Villa.

His first assignment after graduation was with the Buffalo Soldiers in the 10th Cavalry in Nebraska, and then with the 9th and 10th Cavalries in Utah. With the outbreak of the Spanish-American War, he was reassigned as Second Lieutenant to training duty at Camp Alger, Virginia.

In 1903, then-Captain Young was in command of the 10th Cavalry stationed at the Presidio of San Francisco. That summer, with the Army responsible for its management, Colonel Young was assigned to serve as Acting Superintendent of Sequoia National Park in California.

Colonel Young was then awarded a commission as a Major in the Ninth Ohio Volunteer Infantry. Later, during the Spanish-American War, he commanded a squadron of the 10th Cavalry Buffalo Soldiers in Cuba. Throughout his military career, Colonel Young distinguished himself in service to our nation with the Buffalo Soldiers of the 9th and 10th Cavalries, and the 25th Infantry, as well as serving as Professor of Military Science at Wilberforce University, Ohio.

Today we seek to honor the continuing legacy and leadership of the Buffalo Soldiers. Colonel Charles Young stands out as a shining example of the dedication, service, and commitment of the Buffalo Soldiers throughout United States and world history.

Mr. Speaker, I am glad to recognize the important historical contributions of Buffalo Soldiers such as Colonel Young.

HONORING LUCAS J. OBORNY

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Lucas J. Oborny. Lucas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the

Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Lucas has been very active with his troop, participating in many scout activities. Over the many years Lucas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Lucas has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Lucas J. Oborny for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE CHINESE NEW YEAR

# HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. DAVIS of Illinois. Mr. Speaker, I wish to recognize and celebrate the beginning of the Chinese New Year. On January 23, 2012, we marked year 4710 of the lunisolar Chinese calendar. In my Congressional District, in the windy city of Chicago, there are well over 68,000 Chicagoans with Chinese heritage. We are very proud that Chicago boasts one of the largest populations of Chinese Americans, with the second largest Chinatown in the nation. Many of these Chicagoans reside or work in the historical neighborhood of Chinatown just south of the loop area. Chicago was one of the first cities that Chinese immigrants called home, with the first immigrants arriving during the 1870s. Since then, the Chinese community in Chicago has flourished and greatly enriched the culture and heritage of our city.

This New Year is the Year of the Dragon. the most powerful of all the animals-an animal whose power and strength are admired. The Chinese New Year is a chance for a new beginning and a chance for all of us to reflect on our blessings, such as family, friends, opportunities and cherished moments. The New Year also provides an opportunity for us to settle our disputes with loved ones and to help people less fortunate than we are. I am blessed with having many close friends within the Chinese-American community. I have shared many important moments with these friends, both in Chinatown and at my house on the West Side. Through these relationships, I have developed a profound appreciation for Chinese culture, including the Chinese New Year celebration.

I recognize the new beginning brought by the spring festival, and I wish the Chinese community in Chicago and in the United States a memorable and prosperous New Year. I look forward to celebrating the Year of the Dragon on January 29 with the annual Chinese New Year parade. Aside from this incredible celebration, there are multiple opportunities throughout the year to experience the history and culture of the Chinese-American community, be it the dragon boat races, the concerts in Ping Tom Park, or the tours of our historic China Town. I wish all a Gong Hei Fat Choy.

HONORING SAMUEL T. NAGORNEY

# HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Samuel T. Nagorney. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Samuel has contributed to his community through his Eagle Scout project.

Mr. Špeaker, I proudly ask you to join me in commending Samuel T. Nagorney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ROE V. WADE ANNIVERSARY

# HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to mark an incredible milestone. Thirty-nine years ago from this past Sunday, the Supreme Court of the United States guaranteed the women of this country our right to privacy. In handing down the landmark Roe v. Wade decision, the justices of the Supreme Court affirmed the right for American women to keep medical decisions between women and their doctors.

This right was not easily won, and it has not come without four decades of fighting to protect it. And yet today, some are still trying to strip women of this right.

Many of those who seek to overturn Roe claim to be protecting life—but it's no secret that making abortion illegal won't end the problem of unplanned pregnancies in this country.

In fact, legal abortion keeps women more safe. In 1965, almost 20 percent of all maternal deaths were due to illegal abortion—and that's only what was reported.

So in looking ahead for 2012, I invite my anti-choice colleagues to consider this: instead of working against us by voting to defund title X programs for women who need them most, work with us in a shared goal of making abortion safe, legal, and rare. That is what the prochoice movement stands for.

I was 6 years old when Roe v. Wade was handed down, and never in my life have I felt that my rights were threatened like I do now.

Last year alone, 69 laws containing 92 antiabortion provisions were enacted in 24 states—and my home State of Florida was unfortunately responsible for several of them.

But the problem isn't only at the State level—last year, the Republican majority in the

House took up a slew of bills that tried to do everything from defund Planned Parenthood, a crucial title X provider in our country, to redefine rape to say that if the victim was mentally unable to consent, then it didn't really count as forcible rape.

These bills are insulting and dangerous to women's health and wellbeing, something that we as Members of Congress should be working together to protect.

In this spirit, I remind my anti-choice colleagues that the concern for human life and dignity cannot end at birth. So, it is my sincere hope that in the budget bills we will soon take up, all Members work to pass a budget that holds women and children harmless, placing important programs like title X family planning, Head Start, and Maternal and Child Block Grants at the top of the priority list. In these trying financial times, we cannot afford to balance our budget on the backs of women and children.

Mr. Speaker, in closing, I urge my colleagues to note this anniversary with the gravity it deserves, as well as the energy it will require to work to ensure that next year at this time, we are once again commemorating this crucial right as protected by the Supreme Court, and not lamenting yet another year in which this right has been assailed. Women's lives depend on it!

#### HONORING BLAKE TAYLOR

# HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Blake Taylor. Blake is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 354, and earning the most prestigious award of Eagle Scout.

Blake has been very active with his troop, participating in many scout activities. Over the many years Blake has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Blake has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Blake Taylor for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE CONTRIBUTIONS OF MICHAEL BOZICK TO THE PEOPLE OF THE COACHELLA VALLEY

#### HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mrs. BONO MACK. Mr. Speaker, I rise today to pay tribute to a dear friend, Mr. Michael Bozick, a highly respected and honorable community leader in the district which I have the honor of representing in Congress.

I am deeply grateful for the contributions Mr. Bozick has made to our desert community, and on behalf of the people I represent, I extend sincere appreciation for all he has done to enhance our local economy and improve the lives of area residents. Mike Bozick has made a difference because of his passion for serving the community, his achievements in industry, and his love of our region. In particular, he has helped countless young people through his support of the Coachella Valley Boys & Girls Club, along with numerous other worthwhile charitable organizations and

A generous and devoted family man. Mike Bozick's story is the embodiment of the American dream. Born to a Yugoslavian immigrant family in Masontown, Pennsylvania, he moved to Southern California as a young man. After graduating summa cum laude from the University of Southern California, Mike began working in the table grape industry in the mid-1960s, assisting his family with operations at Richard Bagdasarian, Inc., a table grape production company based in California's Coachella Valley. It was during this period that Bozick's passion for the grape industry grew, and he soon developed into an effective and highly regarded leader within the agricultural industry.

Mike Bozick recently completed his 39th year of service as a California Table Grape Commission Board Member, an organization which strives to maintain and expand current markets to new and larger markets for fresh California grapes, both domestically and internationally. As Chairman of the Board, Mike has introduced new and innovative ideas, such as promoting table grapes from all of the commission districts, a rarity in the past since many districts have overlapping markets. His ideas certainly paid off. By 2010, national sales of California table grapes grew to a shipment of 98 million boxes per year-a substantial increase from 20 million in the 1960s. As someone who is deeply committed to the growth of our local economy and the creation of jobs in our region, it is very gratifying to see the expansion and growing popularity of one of our most prized and valued industries, due in large part to Mike's perseverance, passion and dedication.

While Mike has made many contributions to the table grape industry, it is his hard work, entrepreneurial spirit and unwavering generosity that impresses me most. He is the fulfillment of the all-American notion that hard work and dedication pay off, and he has used his success to benefit others and provide an example for young people everywhere.

Mr. Speaker, please join me in commending Michael Bozick for his exemplary record of service and contributions to the people of the Coachella Valley, the California Table Grape Commission, the greater table grape industry, and in sending best wishes for continued success in his future endeavors.

HONORING MATTHEW WILKS

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Matthew Wilks. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 354, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Matthew has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Matthew Wilks for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

# HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, during rollcall No. 7, rollcall No. 8, and rollcall No. 9 on January 24, 2012, I was unavoidably detained. Had I been present, I would have voted "yea" on H. Res. 516, expressing the sense of the House of Representatives that the passage of a fiscal year 2013 Federal budget is of national importance. I would have voted "yea" on H.R. 2070. And I would have voted "yea" to instruct conferees to file a conference report on the Payroll Tax Cut no later than February 17, 2012.

REMARKS OF CONGRESSMAN STE-VEN PALAZZO ON THE DEATH OF CAPTAIN EUGENE P. LUND

## HON. STEVEN M. PALAZZO

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. PALAZZO. Mr. Speaker, last week our country lost a true American hero, my uncle, Captain Eugene P. Lund. Captain Lund died on the Mississippi Gulf Coast at the age of 78.

My uncle was a graduate of Notre Dame and the U.S. Naval Postgraduate School with degrees in engineering, and from The George Washington University with a masters degree in management.

While in the Navy, he was a carrier fighter pilot and commanding officer of a fighter squadron serving with distinction in over 250 missions during Vietnam.

He was awarded the Bronze Star, Silver Star, Distinguished Flying Cross, 19 additional Air Medals and numerous other awards for his service to our Nation.

He also headed the Navy team that designed and developed the F/A-18 aircraft.

Before retirement, he served as the Director of the Naval Weapons Engineering Support Activity providing engineering assistance and consultation on many naval aviation and weapons programs. He retired after 25 years of service to our country in the Navy.

My heart goes out to the rest of our family, especially my Aunt Virgie. The men and women who serve our country in uniform are the bravest and most selfless in the world. I ask that all of my colleagues strive to remember that every day.

Uncle Geno, may your journey to Christ be of "Fair winds and following seas and long may your big jib draw."

HONORING ERIC BROWN

# HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Eric Brown. Eric is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 714, and earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many scout activities. Over the many years Eric has been involved with scouting, he has not only earned 41 merit badges, but also the respect of his family, peers, and community. Eric has served his troop in many leadership roles, including Patrol Leader, Treasurer, Bugler and Scribe. Eric has also contributed to his community through his Eagle Scout project. Eric directed the installation of barbeque grills, a walkway between a shelter house and gazebo, and landscaped a rock garden and a rose garden in the New Market Christian Church Community Park in New Market, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Eric Brown for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF LAWRENCE KENNETH DAVIS

# HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. RICHARDSON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Mr. Lawrence Kenneth Davis, Korean War Veteran and father of California State Assemblyman Mike Davis.

Lawrence Davis died on Saturday, December 4, 2011, at his home in Long Beach. He was 81 years old.

Mr. Davis was born on June 27, 1930 in North Carolina. After graduating from Highland High School in his home state, he went on to attend college at Johnson C. Smith University where he served as a member of the Varsity Football team. While there he met Myrtle Elizabeth Antrum, who he would later marry. After graduation, Lawrence began his career as a faithful employee of Piedmont Heat Treating Company.

Mr. Davis was full of life, eager to learn and deeply involved in his community. While employed at Piedmont Heat Treating Company, Davis worked diligently to receive certification as a metallurgical technician. Mr. Davis' strong work ethic and passion for his trade was demonstrated in whatever task he was assigned.

After his time at the Piedmont Heat Treating Company, Mr. Davis became the Chief of Security at Burt Lynn Middle School where many took note of his passion for his job. He also worked as a referee at local basketball games and entertained the audience with tunes such as "The Stars and Stripes Forever" and would "wow" the crowd with his roller skating skills.

After moving to California, Mr. Davis' love for learning would lead him to enroll in Los Angeles Trade Technical College where he earned his Associate's Degree in Science. It was in Los Angeles that Lawrence Davis chose to raise his family. His son, Mike Davis, would go on to become a member of the California State Assembly and Vice Chair of the California Legislative Black Caucus.

Mr. Speaker, as we reflect on Mr. Davis life let us remember his commitment, love, and passion for service to his community and his country. His inquisitive and youthful nature left a lasting impression on those he encountered every day.

I would like to request a moment of silence in his honor and memory.

# HONORING MICHAEL A. JONES

# HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Michael A. Jones. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Michael has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Michael A. Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO FRANCIS "FRANNIE" DRUMMOND

## HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. FITZPATRICK. Mr. Speaker, our hometown hero Francis "Frannie" Drummond was born to Mary and Francis Drummond on October 15, 1949. Frannie was one of five children. Locally raised in Langhorne, he attended Our Lady of Grace grade school and went on to graduate from Egan High School in 1967.

Recently graduated and unsettled with his job, a very young Fran decided to enlist before he was drafted into the service. Intending to first join the army with his friend, he switched gears to the Marine Corp after seeing a Marine in his dress blues. Fran served as a Lance Corporal under Fox Company Second B. 7th Marines in South Vietnam during the height of the U.S. involvement in the Vietnam conflict. Unspeakable war time horrors were abated by Fran's undefeated boxing abilities for his company. Days were made a little brighter by mom's daily letters from home.

Fran's homecoming in 1970 darkened by the protestors of the Vietnam War at the airport was further darkened by the death of his father on the night of his return.

Moving ever forward, a determined Fran went on to work for the United Postal Service, a job he would hold for forty years. Fran worked equally as hard to capture the heart of his true love, Audrey Foley. Married in 1972, the soul mates were blessed with 2 children, Frannie and Jennifer, whom they raised on the family land nicknamed "Drummondville" where they were fortunate enough to build their own home. Summer vacations then and now are spent enjoying the sunny beaches of Ocean City, only now Fran and Audrey enjoy the company of their grandchildren, Aiden, Morgan, Ashley, Alley and Leighton.

Physically active and fit throughout his adult years, Fran played softball in the mens Lower Bucks league. Fran also proved to be Bucks County's own Jack La Lanne in fitness and weight lifting.

Ever a good Catholic boy, Fran can be found at daily mass at his home parish of Our Lady of Grace thanking God for the blessings of his life. He spends his Sundays as an extraordinary minister of Holy Communion delivering to the residents of Langhorne Manor Nursing Home.

A tireless advocate for Veterans and their needs, Fran serves as the Jr. Vice Commander for Disabled Veterans and is a very active member of the American Legion for the Veterans of foreign wars. He personally drives veterans to and from their doctor and hospital appointments, the Veterans Administration building or wherever they may need to go. In addition to taking the Veterans where they need to go, he also lends a hand with their home and auto repairs.

No task is too small or large when it comes to lending a helping hand for this Marine. One particular life changing incident during Fran's tour in Vietnam proved to be an extreme example of Fran's life's motto "Leave no man behind"

Huddled in a sandbag bunker somewhere in South Vietnam, Fran and fellow Marines were trying to stay alive and dry during a driving monsoon when the bunker collapsed due to the heavy rain fall. The collapse trapped Fran and his fellow soldiers who quickly became neck deep in mud and rain water. Refusing to give up. Fran crawled forward dragging a fellow soldier to safety. Holding the roof up, reportedly 2 tons of weight, soldiers were able to crawl to safety. Severely injured, unable to walk, knowing one fellow soldier remained in the crushed bunker, Fran crawled to a nearby bunker alerting them of his injured buddy. Helicopters transported the injured Marines to area hospitals never again to see each other. Birdman, Messler and other soldiers are alive today because of Fran Drummond's heroic actions. These men call Fran their savior and know without Fran's help they would not be alive today nor have families of their own. Ever faithful Fran knows that someone more powerful was with him that day, his savior . Jesus Christ.

Fran's commitment to America and its citizens is a shining example of what makes this country strong. Raised by his parents, Marines themselves, Frannie has spent his entire life in service to his family and fellow man. He has gone beyond the call of duty serving and protecting us all, indeed making the United States a safer and better place to live.

He is an honorable man, a leader, a marine, and our hero. Semper Fi.

INTRODUCING THE AIRLINE FIRST RESPONDER WORKPLACE FAIRNESS ACT

# HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. HIRONO. Mr. Speaker, I rise in support of a bill that I'm introducing today, the Airline First Responder Workplace Fairness Act.

As the world's most geographically isolated archipelago, my home State of Hawaii is uniquely dependent upon air travel. It is the primary mode of transportation for people travelling to Hawaii from the U.S. mainland and other countries—as well as from island to island.

Flights to and from Hawaii are long. They cover vast expanses of ocean and cross several time zones. Because of these unique circumstances, I am acutely aware of the importance of ensuring that the members of every flight crew are rested and alert while doing their duties

The legislation that I'm introducing today is designed to strengthen necessary workplace protections for flight attendants to enhance the safety of the travelling public.

This bill will help put in place commonsense policies to prevent flight attendant fatigue. These are the same types of policies that the Airline Safety and Federal Aviation Administration Extension Act of 2010 required for pilots. That legislation passed the House by voice vote and the Senate by unanimous consent.

I believe passage of that legislation was a strong statement that Congress recognizes fatigue is clearly detrimental to air crews' ability to do their jobs safely—and to ensure the HONORING PASTOR PHILLIP L. safety of the travelling public.

Unfortunately, the legislation and rulemaking that provided pilots with standards to guard against fatigue failed to include flight attendants

However, Congress had previously enacted legislation that directed the Federal Aviation Administration's (FAA) Civil Aerospace Medical Institute (CAMI) to study the topic of flight attendant fatigue. Funding to carry out this study has already been appropriated and the study has been completed. The results of the Civil Aerospace Medical Institute's study support the conclusion that action on this front is needed

The study has found that "fatigue is a pervasive condition across the flight attendant community." Moreover, in June of 2007, the former international president of the Association of Flight Attendants, Patricia Friend, testified before the House Aviation Subcommittee on flight attendant fatigue. She indicated that since 9/11 the security responsibilities of flight attendants have greatly increased. Flight attendants must always be vigilant of what is going on in the aircraft cabin-and, as I'm sure we all know, fatigue seldom makes one more vigilant.

To underscore this point. I'd like to highlight a quote from a flight attendant's safety report filed with NASA's Aviation Safety Reporting System. This person said, "I am filing this report because I was so tired I don't know if I made any mistakes. I know the trip was legal. but it wasn't humane." Another flight attendant reported that she had to pinch herself just to stay awake.

That quote should be a chilling call to arms. No one, in any occupation, should ever be so exhausted that they have to pinch themselves to stay awake, or be unable to remember if they've made a mistake at work. That type of environment is bad for workers and bad for the people who are depending on these workers to safely do their job.

My legislation will move past the study stage and take the next step toward ensuring the safety of both our in-flight workforce and the travelling public, while doing so in a collaborative manner that includes input from the aviation industry.

The bill does this by directing the Federal Aviation Administrator to establish an Aviation Rulemaking Committee (ARC) comprised of aviation industry stakeholders, labor representatives, and safety experts.

This ARC would then have 1 year to examine the findings and recommendations of the CAMI study, and develop its own recommendations for the Federal Aviation Administration (FAA) to utilize in developing a final regulation. The FAA would then have 1 year to issue a notice of proposed rulemaking on the issue, and would then be required to issue a final rule 18 months after that.

I believe that this legislation sets out a fair, collaborative timeline for dealing with this important issue and ensuring the safety of both our in-flight workforce and the travelling public.

I look forward to working with my colleagues to see this important legislation advanced.

FERRELL OF MT. HERMON BAP-TIST CHURCH

# HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. DINGELL. Mr. Speaker, I rise today to honor Pastor Phillip L. Ferrell, for his 191/2 years of pastoral service to Mt. Hermon Baptist Church and for his eight years of service to the Ministers' Alliance of Ypsilanti. Ann Arbor and Vicinity, where he has served as President. As friends and family and community members gather on Friday, January 27, 2012, I would like to offer my appreciation for Pastor Ferrell's passion, dedication and commitment to Mt. Hermon Baptist Church and the Washtenaw County community.

Pastor Ferrell was born and raised in Ypsilanti, Michigan, and has spent a lifetime working to make our community a better place. His teachings and influence have not been reserved to the church; however, as he has accepted the call to action on several occasions, locally and across the State of Michigan. Pastor Ferrell served as a member of Governor Jennifer Granholm's Faith Based Advisory committee, as a member of the Ypsilanti Public Schools Emergency Crisis Team, as a Board Member of the local N.A.A.C.P., and as a member of the Washtenaw County Literacy Council. He has also shared his knowledge with our young people as an instructor in the Huron Valley District Congress of Christian Education, and is currently teaching in the Renaissance Christian Leadership School under the National Baptist U.S.A. Sunday School Publishing Board.

Pastor Ferrell has been a trusted leader, a wise teacher, a loving husband, father and grandfather, and a dear friend to many. Deborah and I are not alone in celebrating the long. meaningful and positive impact that Pastor Ferrell and his lovely family have had in my

## PERSONAL EXPLANATION

# HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. SHERMAN. Mr. Speaker, on Monday January 23, 2012 I was unavoidably absent from the House Chamber. Had I been present, I would have voted "yea" on rollcall votes 5 and 6.

IN MEMORIAM OF REPRESENTATIVE ED JENKINS

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. NEAL. Mr. Speaker, I would like to acknowledge the passing of one of my dear friends, former Congressman Ed Jenkins of Georgia. Ed served in the House of Representatives from 1977 to 1993. He was a strong advocate for his district and for this country. Throughout his time in Congress, Ed was a leader in protecting the South's textile industry. He was a champion for the workers in those factories and communities who depended on them for their livelihood.

Edgar Jenkins was born in Young Harris, Georgia, on January 4, 1933. He graduated from Young Harris College in 1951. Before he got his law degree from the University of Georgia, he served admirably in the United States Coast Guard for three years. He also served as an Assistant Attorney General in Georgia from 1962 to 1964.

Throughout his tenure, Ed was well-admired by many for his knowledge and devotion to the issues. He protected workers throughout the country by strongly advocating keeping textile jobs in the United States. He pushed for the Textile and Apparel Trade Enforcement Act, ultimately helping its passage in the United States House of Representatives. It was his behind-the-scenes efforts that made him one of the most admirable and intelligent members of Congress.

Congressman Jenkins represented his country with distinction during difficult points in American history. His contribution to this country and the people of Georgia will not soon be forgotten.

OUR UNCONSCIONABLE NATIONAL DEBT

# HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,236,236,452,380.40. We've added \$10,434,831,277,086.12 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

# HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, during rollcall No. 5 and rollcall No. 6 on January 23, 2012, I was unavoidably detained. Had I been present, I would have voted to suspend the rules and pass both H.R. 1141 and H.R. 3117.

RECOGNIZING JANUARY AS NA-TIONAL GLAUCOMA AWARENESS MONTH

# HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take the opportunity to recognize January as National Glaucoma Awareness Month. Glaucoma is an insidious class of diseases that robs hundreds of thousands of Americans of their sight. The Glaucoma Research Foundation reports that over 2.2 million Americans have glaucoma, with approximately 120,000 Americans being blind as a result of the disorder.

Glaucoma is the leading cause of preventable blindness and accounts for between 9 percent to 12 percent of all cases of blindness. Glaucoma affects people of all ages but is more common among people who are middle-aged or elderly. As with many health problems, glaucoma disproportionately affects people of color, with glaucoma representing the leading cause of blindness for African American and Latino individuals. Research indicates that this group of eye diseases is 6 to 8 times more common in African Americans than Caucasian Americans. Those who are diabetic or severely nearsighted are further at heightened risk for developing glaucoma.

Glaucoma presents few if any symptoms of its onset; those affected can lose as much as 40 percent of their vision prior to noticing the vision loss. Unfortunately, there is no cure for glaucoma; however, amazing advances are occurring to prevent further visual loss. Medications that slow the progression are critical and steps toward optic nerve cell regeneration are being made. I am proud that many skilled researchers in Chicago are working to advance the prevention and treatment of glaucoma, including experts at Rush University Medical Center, the University of Illinois at Chicago, and Northwestern University Medical School.

National Glaucoma Awareness Month is designed to raise awareness of this group of eye diseases and to encourage individuals to get tested. Given the lack of cure for glaucoma, early detection is incredibly important. Thus, I lend my voice to the cause of raising awareness of glaucoma and encouraging Americans to get regular eye exams to identify early any potential visual problems.

A TRIBUTE TO CLARK SHUSTER

# HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 2012

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the hard work and leadership of Clark Shuster, President of the Lower Bucks County Chamber of Commerce (LBCCC). The Chamber plays an important role in economic and business development in my District and Mr. Shuster has been leading this important work as president since 1985. Under Mr. Shuster's leadership, the LBCCC has partnered to provide the aviation industry stability and with over 1000 members including small, medium and large business firms in the commu-

Mr. Shuster has worked with the community to develop mentorship, communication, and education programs that foster free enterprise and provide businesses with opportunities to succeed.

Clark has also been a part of the Bucks County community for his entire life. He grew up in Bucks County and attended High School at Central Bucks East. Today, Clark lives in Newtown, Pennsylvania with his wife Jane. Not only is he an active leader in the local business community, but he has provided his efforts and leadership to other community organizations such as the Lower Bucks YMCA and the Levittown Fairless Hills Rotary Club.

Mr. Speaker, I am honored to recognize Clark Shuster's hard work, dedication and devotion to bettering our Bucks County community and for his support of local business and free enterprise within the Eighth District of Pennsylvania and I wish him all the best in the years ahead.

FAA REAUTHORIZATION

# HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, today I rise in support of a quick conclusion and passage of a multi-year Federal Aviation Administration Authorization. On Friday afternoon, I was pleased to see that a compromise was reached regarding language on union elections under the National Mediation Board. It was almost a year ago on February 11, 2011 that the FAA Air Transportation Modernization and Safety Improvement Act was introduced. During this time, Congress passed five extensions contributing to the now 23 short-term extensions that the FAA has operated under for several years.

Twenty-three times the FAA and thousands of employees who rely on the FAA have faced potential shutdowns and uncertainty due to Congressional inaction, with one two-week shutdown resulting in millions of dollars in lost federal revenue. The impact of these extensions is not limited to instability for Americans in the aviation industry and a loss of federal revenue.

The lack of a multi-vear authorization has stalled the implementation of the NextGen aviation system. When fully implemented, NextGen will allow for a more dynamic aviation system by allowing for quicker and more fuel efficient routes for aircraft and a more flexible aviation system. Each delay places our domestic aviation industry at risk of falling behind their international competitors. The passage of a multi-year FAA authorization bill ensures that NextGen will move forward and allow the United States to remain ahead of the world in implementing this system.

I am confident that the FAA extension we passed earlier this week is the last extension needed to complete this process. When the remaining issues are resolved, we will be able show to the American people that Congress can work together and accomplish something.

HONORING WWII VETERAN MR. JAMES EDWARD MCSHANE CELE-BRATING HIS 86TH BIRTHDAY

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize World War II Veteran James Edward McShane, who will celebrate his 86th birthday tomorrow, January 26, 2012. Mr. McShane fought courageously in the South Pacific with the 96th Infantry Division during World War II. With great honor, I pay tribute to him today for his loyalty and sacrifice to his country during wartime.

A Chicagoland native, Mr. McShane was born to Patrick and Catherine McShane on January 26, 1925. He attended De La Salle High School in Chicago where he began playing the trombone. Later in life, his deep-rooted passion and talent for music led him to form the Jimmy McShane Orchestra, which delighted Chicago audiences for many years. Mr. McShane married the love of his life, Joan Frances Connors, on January 28, 1950. He is a devoted father of five children and a grandfather to fourteen.

After returning home from war, he received his bachelor's degree from DePaul University in Chicago. He found a career in the plastics industry forging many lasting friendships and garnering respect among his professional peers. A hardworking and dedicated man, he retired from Tyco Plastics in 2002. During his well-deserved days of retirement, Mr. McShane spends his time gardening, playing bridge, and conversing with friends.

On behalf of the residents of the Third District of Illinois, I extend to Mr. McShane my warmest birthday wishes and sincere gratitude for his service to our country. He is an exemplary American, and I am proud to have him as a constituent

IN HONOR OF THE UNI-CAPITOL WASHINGTON INTERNSHIP PRO-GR.AM

# HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. FARR, Mr. Speaker, I rise today to pay tribute to the Uni-Capitol Washington Internship Program. Since its inception 13 years ago, the program has placed some of Australia's best and brightest university students, who have exhibited a passion for civic engagement and public service, with House and Senate offices for two-month full-time internships annually. These internships have enabled me and my staff, who have participated since the program's inception to share in our common values and ideals, while at the same time learning more about the Commonwealth of Australia.

It is an understatement to say that the United States and Australia are close allies globally, or that we share many political and economic traits. We are in many ways akin to extended family, sharing much tied history and culture. It is in this spirit that the program was launched 13 years ago to further such relations. Since its beginnings, the program has seen more than 130 young Australians walk the halls of Congress, and it is with the utmost pride that I recognize the importance of the Uni-Capitol Washington Internship Program in the United States House of Representatives.

Ms. Jessica Boddington joined my office on January 3, 2011 from the University of Queensland, where she is simultaneously pursuing degrees in International Relations and in Economics. During her time in my office, Jess has proven herself to be a caring, intelligent and dedicated intern, and I am honored to host her. In addition to serving my constituents with professionalism and respect, she has attended hearings and briefings, drafted legislative correspondence and assisted my staffers with a variety of individual projects.

Founded and directed by former House and Senate staffer, Eric Federing, the program fosters cultural and educational exchanges between the United States and Australia. Mr. Federing deserves distinguished praise for his efforts in coordinating this program, as well as for the support he provides to its individual participants. Outside of working in Congressional offices, the interns are given the opportunity to explore our brand of American democracy through panel discussions with political correspondents, representatives from various government offices and professionals at non-government agencies.

Mr. Speaker, I cannot fully express how remarkable the Uni-Capitol Washington Internship Program is, and I once again extend my sincere appreciation to Mr. Federing for managing this program. As United States Members of Congress we have a responsibility to serve our constituents well, but also a unique opportunity to reach out to a myriad of people across the globe. As such, I would encourage all of my colleagues to open their doors to students from overseas, so that we can share our culture and democratic institutions. I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Washington Internship Program and, again, thank Jess Boddington for her admirable participation and diligent work.

IN REMEMBRANCE OF BLACK JANUARY IN AZERBAIJAN

# HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Mr. TOWNS. Mr. Speaker, I rise today with the people of Azerbaijan in remembrance of the 22nd anniversary of the tragic events of Black January, when at midnight of January 19, 1990, 26,000 Soviet troops stormed the capital city of Baku with tanks and armored vehicles to crush the demonstrators. The shooting continued for three days and among the victims were women, children and elderly citizens

Black January had a profound effect on Azerbaijan. However, it was the opposite of what the Soviets had wanted. For 40 days, the country mourned the victims and as a sign of mass protest stayed away from work. This was a turning point in the history of Azerbaijan. This massacre did not stop the people of Azerbaijan from continuing their struggle for national independence. The Azerbaijani national movement succeeded to stand against Soviet challenge, and Soviet troops eventually had to withdraw from Baku. Subsequently, Azerbaijan declared its independence on October 18, 1991.

Azerbaijan has developed into a thriving country and has become an essential partner of the United States in the region, collaborating on strengthening energy security and working together to counter terrorism, drugtrafficking and extremism. I would like to thank the Azerbaijani people for their friendship and share my thoughts and prayers with the families of those who gave their lives fighting for a better Azerbaijan. The United States will continue to work with Azerbaijan and other countries in the region to resolve protracted conflicts, to promote democratic development, to maintain stability, strengthen institutions, and enhance the rule of law.

CONGRATULATING THE CARPIN-TERIA VALLEY CHAMBER OF COMMERCE ON ITS 100TH ANNI-VERSARY

## HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  $Wednesday,\ January\ 25,\ 2012$ 

Mrs. CAPPS. Mr. Speaker, I rise today to congratulate the Carpinteria Valley Chamber of Commerce in my Congressional District on its 100th Anniversary. The Carpinteria Valley Chamber of Commerce was chartered in 1912 to serve local businesses by a group of visionary community leaders, many of whose descendants still live and work in Carpinteria.

The original charter states that Carpinteria "had good churches, schools and social condition, plus a population of 500, which was sure to grow with the great inducements of city and rural life, in addition to the magnificent mountain and ocean scenery," qualities that continue to draw people to this treasured community on California's South Coast.

Over the last century, the Carpinteria Valley Chamber of Commerce has diligently served the Carpinteria Valley business community through its commitment to developing strong and viable local businesses by providing opportunities for business education and networking, promoting tourism, and advocating on behalf of business interests. They have also worked closely with the City of Carpinteria to create strong business outreach and community support.

This Chamber is a valued organization of businesses united to create a strong local economy and a positive quality of life by representing business to government, promoting the community, providing networking opportunities and supporting a sustainable future for business and economic development.

Mr. Speaker, it has been my honor to represent this outstanding group of business and community leaders over the years. Again, I congratulate them on a century of achievements and outstanding contributions to our community, enhancing the life of all Carpinterians and helping our local businesses stay strong.

RECOGNIZING JANUARY AS NATIONAL STALKING AWARENESS MONTH

# HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the month of January as National Stalking Awareness Month. This month is dedicated to increasing public understanding of the crime of stalking as well as helping to improve law enforcement's response to stalking in an attempt to hopefully putting an end to this terrifying crime. As a nation, we need to take the necessary action to prevent stalking before it occurs.

Unlike other crimes, stalking is not a single, easily identifiable crime, but a series of acts directed at a single person with the intention to cause fear through threats, intimidation and/ or nonconsensual or unwanted communication. Victims of stalking face profound consequences, such as high levels of stress, fear and anxiety.

Stalking is a dangerous reality that affects thousands of Americans every year. In the United States, stalking affects 3.4 million people each year. Further, one in six women and one in 19 men in the United States have been victimized by stalking at some point in their lifetime.

January offers time to focus on a crime that is vastly under-reported. Due to threats, intimidation, fear of retribution, or lack of an adequate support system, a large number of victims do not report stalking to law enforcement. Stalking is often a precursor to more serious crimes and it can be dangerous if left unreported. If you or someone you know is the victim of stalking, I urge you to come forward and get the protection you need.

As of September 1993, all 50 states and the District of Columbia had passed some type of anti-stalking legislation and in 1996, Congress passed the federal stalking law. This is great progress. Until the passage of anti-stalking laws, victims had few remedies and limited options.

The Obama administration has taken significant strides to identify and prevent stalking. President Obama was the first President to proclaim January as National Stalking Awareness Month and his administration has gone to great lengths to create a strategy to combat violence against women. In addition, stalking is one of the four crimes addressed in the Violence Against Women Act and the Department of Justice Office of Violence Against Women is a leader in the fight to reduce stalking. While we are currently taking steps in the right direction, there is room for progress.

I would like to take time to commend Peace over Violence and Safe at Home, for all the work they do to protect victims in my district. Peace over Violence is a non-profit organization dedicated to preventing stalking and domestic violence in the Los Angeles area. Peace over Violence offers Emergency. Intervention, Prevention, Education and Advocacy services as well as a 24-hour hotline for victims. Safe at Home, California's address confidentiality program, is administered by the California Secretary of State's office. The program provides a free post office box and mail forwarding services designed to help stalking and other domestic violence victims. Safe at Home offers services that include confidentiality for children, as well as confidential name change, voter registration and the suppression of Department of Motor Vehicle records. Both Peace over Violence and Safe at Home provide victims of stalking with protection, relief and a sense of safety.

Stalking is serious, unpredictable and can often escalate over time. To effectively respond to stalking, we must do more to promote public awareness about stalking and support victims of this crime. Let us work together to advance protection services for stalking victims and expanded educational services. The more people learn to recognize stalking, the warning signs and the dangers, the better chance we have to protect victims and prevent tragedies.

Mr. Speaker, as I rise today to observe National Stalking Awareness Day, I encourage all Americans to come together to prevent stalking before it occurs and I encourage victims to get help by reporting harassment and stalking to the proper authorities.

CONGRATULATING THE KOʻOLAUPOKO HAWAIIAN CIVIC CLUB ON ITS 75TH ANNIVERSARY

# HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES Wednesday, January 25, 2012

Ms. HIRONO. Mr. Speaker, I rise today to congratulate the Koʻolaupoko Hawaiian Civic Club on the 75th anniversary of its founding and to recognize its impressive contributions to the preservation and perpetuation of Native Hawaiian culture. Koʻolaupoko Hawaiian Civic Club has a distinguished record of service to the ahupua'a of Kane'ohe, Heaeia, Kahalu'u, Waihe'e, Ka'alaea, Waihole, Waikane. Hakipu'u, and Kualoa on the windward side of the island of O'ahu. The civic club, along with community and other local partners in Hawaii, has planned a year-long celebration featuring the musical, natural, and cultural heritage of O'ahu's windward coast.

Our civic clubs have played an important role in the history of Hawaii, dating back to the first Hawaiian civic club founded in 1918 by Prince Jonah Kuhio Kalanian'ole. He was a stalwart figure in Hawaiian history, a tireless advocate for the Hawaiian people and served in this very chamber as Hawaii's delegate to Congress from 1902 to 1922. Carrying on Prince Kuhio's legacy and strong belief in civic duty and grassroots activism, more than sixty Hawaiian civic clubs have been established in Hawaii and the continental United States.

These clubs proudly keep Hawaiian traditions, language, and culture alive and work to improve the conditions of the Native Hawaiian people and our island communities.

Founded by community leaders George Ke'ehukulani Cypher, Johnny Townsend, Isaac Kanakanui, and Solomon Halualani, as well as renowned hula master Kau'i Zuttermeister and Honolulu City Planner George Houghtailing, the Ko'olaupoko Hawaiian Civic Club, has taken its core value of malama-or to take care-to heart. Through its efforts to maintain ancient heiau (sacred Hawaiian religious sites), restore threatened wetlands, provide annual scholarships for Native Hawaiian students, and many other initiatives, the Koʻolaupoko Civic Club continues to support the culture and heritage of Native Hawaiians. It's only fitting that the club was awarded the Prince Jonah Kuhio Kalanian'ole Award as the "most outstanding Hawaiian Civic Club" at the Association of Hawaiian Civic Clubs' 2011 Convention.

Congratulations to the members of the Koʻolaupoko Hawaiian Civic Club for all their accomplishments, their dedication to the betterment of our community and continuing the civic clubs' heritage of service.

Mahalo nui loa (thank you very much).

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week

Meetings scheduled for Thursday, January 26, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

#### JANUARY 31

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine holding the Consumer Financial Protection Bureau (CFPB) accountable, focusing on a review of first semi-annual report.

SD-538

Energy and Natural Resources

To hold hearings to examine the United States and global energy outlook for 2012.

SD-366

Finar

To hold hearings to examine extenders and tax reform, focusing on long-term solutions.

SD-215

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FEBRUARY 8

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for Veterans' Programs.

SR-418

#### FEBRUARY 9

10 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Department of Justice's opinion on internet gaming, focusing on what's at stake for tribes.

SD-628

Judiciary

Privacy, Technology and the Law Subcommittee

To hold hearings to examine the "Video Privacy Protection Act", focusing on protecting viewer privacy in the 21st century.

SD-266

#### FEBRUARY 1

10 a.m

Small Business and Entrepreneurship

To hold hearings to examine developing and strengthening high-growth entrepreneurship.

SR-428A

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine Federal retirement processing, focusing on ensuring proper and timely payments.

yments. SD–342

### FEBRUARY 2

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the final report of the Blue Ribbon Commission on America's Nuclear Future.

SD-366

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oraccomp.

SD-62

# FEBRUARY 7

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-G50

#### FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G5

#### FEBRUARY 16

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country. SD-628

FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-10

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345, Cannon Building FEBRUARY 29

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR-418

#### MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

SD-G50

MARCH 21

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association

SD-G50

#### MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans

345, Cannon Building

# SENATE—Thursday, January 26, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

#### PRAYER

The PRESIDING OFFICER, Today's opening prayer will be offered by Rev. James E. Smith, senior pastor of Mount Zion Missionary Baptist Church in Pioneer, LA.

The guest Chaplain offered the following prayer:

Let us pray.

Our Almighty God says, in 2 Chronicles, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land. Now mine eyes shall be open, and mine ears attent unto the prayer that is made in this place."

Lord, please grant our lawmakers the humility to know that complete consensus on most of the moral, religious, or political issues of these times is beyond their control. Only You, Almighty God, can move this body to seek Your wise counsel and live to honor You above all else.

As Apostle Paul says, in Ephesians, "Endeavour to keep the unity of the Spirit in the bond of peace. There is one body, and one Spirit, even as ye are called in one hope of your calling.

May God bless America, Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable Tom UDALL led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

> U.S. SENATE, PRESIDENT PRO TEMPORE, Washington, DC, January 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3. of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Udall, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE. President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

pore. The majority leader.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, the guest Chaplain is from the State of Louisiana. It is my understanding Senator VITTER would like to say a few words, so I yield to him.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

## WELCOMING THE GUEST CHAPLAIN

Mr. VITTER. Mr. President, it is my true honor and distinct pleasure—joy, really-to help host Reverend Smith today. As the Acting President pro tempore said, Reverend Smith is the senior pastor of the Mount Zion Missionary Baptist Church in Pioneer, LA. He is from Rayville, LA. All of this is in northeast Louisiana, the Monroe

Reverend Smith is very distinguished and has brought real hope to so many people in so many communities in that area—first of all, as a spiritual leader, the leader of his congregation and so many others; secondly, as a true leader in fighting truancy, fighting dropout rates very effectively, and also developing good jobs through many school systems. But the third point I really want to make is that I am most joyful to help host him today because he is a true and a good and a tremendously supportive friend. I know that from personal experience, from personal counsel and encouragement, and so do so many other Louisianans know that, and we cherish the reverend in that very personal way. So I am truly honored and delighted to be able to introduce the Senate to Reverend Smith.

#### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks this morning, the Senate will begin consideration of the motion to proceed to H.J. Res. 98, which is a joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit. The time until noon will be for debate on the motion to proceed and is equally divided between the two lead-

The ACTING PRESIDENT pro tem- ers or their designees. At this time, I designate whatever time we have on this side to the chairman of the Finance Committee, Senator BAUCUS. At noon, the Senate will vote on that motion to proceed to H.J. Res. 98.

#### REBUILDING THE ECONOMY

Mr. REID. Mr. President, in 1946 President Harry Truman delivered his first State of the Union Message. This was the first State of the Union Message since the end of World War II. The trials of war were behind us but new challenges laid ahead. Truman laid out a vision for not only how America could survive those challenges but thrive in the modern world. He described the path forward in simple words. He said:

Our basic objective-toward which all others lead-is to improve the welfare of the American people.

That meant economic prosperity. It meant Social Security and unemployment insurance. It meant an opportunity for higher education, access to medical care, and the dream of home ownership.

The goal, he wrote, was "that we become a well-housed people, a well-nourished people, an educated people, a people socially and economically secure, an alert and responsible people." And in the three decades that followed that vision, that was reality. The middle class was never larger, never stronger, and it had never been easier to become a part of that middle class. That is the way it was. Through hard work and ingenuity, Americans prospered together.

For three decades after World War II, the rungs on the ladder to success grew closer together, but in the three decades that followed, something changed. The goal was the same—to be a wellhoused, well-educated nation of responsible and economically secure people but for many, reaching that goal became very difficult—certainly more difficult. Incomes skyrocketed for the richest few, but they stalled for the rest, and the middle class lost more and more ground.

Today, the richest 1 percent holds nearly half of all the wealth in this country. Today, the richest 1 percent takes home a quarter of all wages. Income, personal income-1 percent takes 25 percent of that. I repeat, the richest 1 percent holds nearly half of all the wealth in this country.

Americans are working just as hard as they worked 60 years ago, but that hard work is paying off for fewer and fewer people. What does that mean? For the last three decades, the rungs

on the ladder to success have grown farther apart instead of closer together, and the farther apart those rungs grow, the fewer Americans climb that ladder. The farther apart those rungs are, the fewer Americans make it into a disappearing middle class.

We just weathered the worst recession since the Great Depression, but the financial collapse of 2008 was not the cause of the problem, it was a symptom of the problem. It was a symptom of a system that is rigged to pay off for a few but leave many behind, and it is time to even the playing field.

As we rebuild our economy, let's rebuild it to last. Let's rebuild it to work for every American, regardless of the size of their bank account. This week, President Obama laid out a vision to do just that.

The President's plan will spur manufacturing. It is time to reward companies that "make it in America" and end giveaways to companies that ship jobs overseas. It will reduce our reliance on expensive foreign oil. It is time to rely on plentiful, homegrown, renewable energy sources, in spite of the fact that President Obama said that just less than 10 years ago we were importing 60 percent of the oil and now it is less than 50 percent. We are producing more oil than we have in about a decade, and that is good, but we need to make sure the future is one of renewable energy. The plan will ensure that today's students have the skills to become tomorrow's workers. That is the only way to keep pace in a competitive world economy. And it will return this country to the core value that has always made it a great country—a country of fairness. Everyone must share the prosperity as well as the responsibility, and every person and every corporation must play by the same rules. That value encouraged three decades of growth after World War II, and it can make America grow again.

I look forward to working with my colleagues on both sides of the aisle to make this vision of fairness a reality.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

# RECOGNITION OF THE MINORITY LEADER

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

#### BURMA

Mr. McCONNELL. Mr. President, I wish to briefly discuss a trip I took recently to a country that for much of the past 50 years has ranked among the world's most isolated and oppressed by its own government. Many of us wondered if things would ever change in Burma, but after my recent visit I am pleased to say that change is clearly in the air. It appears that Burma has made some progress toward democracy in the past 6 months-made more than it has in the last decade. As one who has taken a strong interest in Burma for over 20 years and as the lead author in this Chamber of an annual sanctions bill aimed at encouraging the Burmese Government to reform, I can tell you this is welcome news.

On this trip I had the opportunity and privilege to meet with a woman who for over two decades has embodied the struggle for peace in her oppressed country. After Aung San Suu Kyi's political party won 80 percent of the vote in a free and fair election back in 1995, the Burmese military regime dismissed the results and kept her under house arrest for the last 22 years—most of the time for the last 22 years confined at home. Scores of other political reformers during that period were jailed or tortured, and the regime waged a brutal campaign against ethnic minorities, driving many of them out of their homes and into refugee camps. But by her courage and her patience that justice delayed would not be justice denied, Aung San Suu Kyi has kept the hope of freedom in her country alive. I have long admired her from afar. She once took a great risk to smuggle out of Burma a letter thanking me for my support, a letter I have proudly kept to this day. But never did I think I would get to meet the Nobel laureate in person. It was quite a moment.

Following an election in 2010 that was widely thought to be unfree and unfair, the new civilian government in Burma, to the surprise of many of us, has made undeniably positive steps toward reform. In addition to releasing Suu Kyi from house arrest, scores of other political prisoners have been freed. During my visit last week, I spoke with two who had just been released days before my arrival.

One of the longest standing armed conflicts in the world—the Burmese Government's campaign against the ethnic minority called the Karen—has apparently been brought to a close. Many Karen people who fled Burma now call Kentucky home. I had the chance to meet with many of them and other refugees from Burma, now resettled in Kentucky, at Louisville's Crescent Hill Baptist Church this past Saturday. I enjoyed meeting with those folks and was pleased to relay to them the same message I share with my colleagues today that change is indeed in the air in their country.

Because of all of these positive developments, I applaud Secretary Clinton's recent decision to exchange ambassadors with Burma for the first time in 20 years. Of course, the Government of Burma still has a substantial way to go to achieve real and lasting reform. I would not support and I do not think the administration would support lifting the sanctions that have been imposed unless there is much further progress.

The next steps will be elections to fill 48 seats of the national parliament on April 1. Suu Kyi intends to run as the representative of the district with a significant Karen population. This election will give the new government an opportunity to hold the first free and fair elections in Burma since 1990. It also demonstrates the seriousness of its recent reform efforts. The government must also fully and peacefully reconcile with Burma's ethnic minorities. This is vital. Reports indicate that the military continues to engage in hostilities with the Kachin. That is certainly troubling. And questions about Burma's relationship with North Korea must be answered

As the new government enacts reforms, we should respond with meaningful gestures of our own in the hopes of encouraging further positive developments from Burma's leaders. Reformers such as new President Thein Sein, whom I also met on my trip, are strengthened when they can show positive results. Steps such as exchanging ambassadors with the United States would enable them to do just that.

My trip to Burma has filled me with hope for its people, hope that they will one day be free to elect their own leaders and hope that every person regardless of the ethnic group can enjoy equal rights and full protection under the rule of law. It also reaffirmed for me that the desire to be free is absolutely universal and that the patient yet persistent leadership of one woman can make a tremendous difference.

These are indeed exciting times for all who care about the future of the people of Burma. I know that includes a great many of my colleagues here in the Senate. Burma has quite a long way to go, but it is certainly moving in the right direction.

## DEBT CEILING INCREASE

Mr. McCONNELL. Mr. President, a few weeks ago President Obama asked Congress to raise the Nation's debt ceiling. Today virtually every Republican in the Senate will oppose that request. Washington needs to start spending less than it takes in, and our future will be uncertain and our economy in danger as long as the President fails to lead on this crucial issue.

President Obama's record on the issue is absolutely clear. On the day he took office, the Nation's debt stood at

\$10.6 trillion. Today it is \$15.2 trillion. More spending, more debt, fewer jobs—that is what we have gotten from this administration, and now they want to make it worse. But we should be working together to lower the debt, not having votes to increase it.

The President must be willing to face this crisis head-on. He must be willing to acknowledge how serious this issue is. Most Americans understand that we cannot keep spending money we do not have on programs we do not need. Unfortunately, the President does not seem to be one of those Americans. He has no plan to get this crisis under control, and he continues to act as if it really is not a priority. Has he noticed how that is working out for Europe?

Americans are worried and they are frustrated. Middle-class families are doing without. Why can't Washington? Well, we believe it can. So today Republicans will send a simple message to the White House: No more blank checks. Democrats have been in charge of the Senate and the White House for 3 years. They have had the time they need to figure this out. They have chosen the path of blame instead. They have had their chance. They have made it worse. We must do better.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leadership time is reserved.

DISAPPROVAL OF THE PRESI-DENT'S EXERCISE OF AUTHOR-ITY TO INCREASE THE DEBT LIMIT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.J. Res. 98.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 294, H.J. Res. 98, relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on January 12, 2012.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until noon will be equally divided and controlled between the two leaders or their designees for debate on the motion to proceed.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, Benjamin Franklin once said, "Promises may fit the friends, but nonperformance will turn them into enemies." We should be clear about what the debt limit means and what it does not. Raising the debt limit does not authorize new spending. Let me make that clear. Raising the debt limit does not authorize new spending. It does not mean an increase in future spending.

What does it mean? It simply means the United States will be able to meet its obligations. Increasing the debt limit only permits the Treasury Department to pay the bills we have already incurred. It does not authorize new spending. It permits the government to pay the bills that have already been incurred. They have been incurred. We owe the obligation. It says: OK, we owe that. It is in the law, passed. It is history. We have to pay the bills. It allows our country to meet our promises to our citizens, and it means there is money to provide the benefits to millions of seniors and veterans whose families depend on them every day to make their ends meet.

We should remember why we are taking today's vote. Last August, Congress enacted the Budget Control Act of 2011. We all remember it. This legislation reduced spending by \$2.1 trillion. That was a budget action taken by the President and the Congress together that reduced Federal spending by \$2.1 trillion. It is a reduction. That is not commonly understood, not widely known, but that is the fact. And it provided a plan to raise the debt limit by the same amount. It did so so that the Federal Government could meet its financial obligations so we could keep our promises.

Today's vote would reverse that agreement in August. Voting to disapprove an increase in the financial limit is unreasonable. It would be very much like your bank increasing your line of credit unless you tell them not to. Nonetheless, that is the issue we are voting on and debating in the Senate.

Passing this resolution would mean there would be no money to keep our promises. The United States would default for the first time in its history. It would send a message to the world that the United States does not keep its promises. With all of the uncertainty in the world, especially in Europe, that could have disastrous consequences. It could be a contagion. There could be a reaction, a debt spiral in the wrong direction, an interaction between the two—the United States defaulting on its debt and Europe—some countries defaulting on theirs, perhaps Greece.

This is clearly the wrong time to take an action that would leave the United States to be placed in default. would be disastrous There consequences for our economy alone, irrespective of the repercussions and reverberations around the world, especially Europe. Our gross domestic product would shrink by as much as 1 percent and more than \$150 billion. We would be defaulting. That default would compromise our credit rating. What would happen if our credit rating was in jeopardy? It would cause interest rates to skyrocket. Just think what would happen if the United States, as we are struggling to slowly get our economy

going, was faced with a big spike in interest rates. That would stop the recovery dead in its tracks. It would do more than that. It would probably plunge us back into recession. That is what would happen. Yearly prices for food, gas, and utilities would increase by hundreds of dollars for American citizens. Americans could lose thousands in retirement savings; that is, if we default and interest rates have to go up so much as a consequence of default.

We have to act so investors would want to invest in the United States. If we default, U.S. businesses would not be able to meet payroll much less expand. Millions of Americans would not be paid. Millions more would lose their jobs. We are trying to get the unemployment rate down. This would cause it to go up dramatically. Default would cause it to go up. If this passes, that would mean the United States would be in default and jobs would be harder to find and unemployment would rise. Americans would be unable to access credit to buy a home, a car, or take out loans for college. The housing market would plummet again. The economy would fall into another recession or even a depression.

At a time when our economy is starting to show signs of recovery, now is exactly the wrong time to risk a contraction. American workers, families, and small businesses cannot afford that, to say the least. If today's vote succeeds and causes a default, the Federal Government would not have funds to pay troop salaries.

What about SEAL Team 6 who took on Osama bin Laden? We read about them in the last couple of days rescuing an American out of Somalia. There would not be a SEAL Team 6, let alone the other troops that would not be paid. Social Security benefits would not be paid. Just think of that. Medicare bills would not be paid. Think of that.

These programs would all be in danger if we were to default, and a positive vote here would cause default. We are voting on a motion to disapprove. That would hurt the families and seniors who rely on these programs I just mentioned.

We need to do all we can to help these families make ends meet, not put their jobs and paychecks in danger. There is no doubt that we need to work together to reduce the deficit. Everybody agrees on that. We need to work together to get it done. Clearly, we need to make changes to both revenue and the spending sides of the budget. That is clear.

We need to do so in a way that doesn't put jobs and economic growth at risk. We need to do it, obviously, in a fair and balanced way. That is why the people in our States sent us here.

As we do that, we can't refuse to meet our country's obligations. There have been many efforts to reduce the budget deficit, whether it was the Biden deficit commission, the so-called supercommittee, and the many budget proposals we talked about—Bowles-Simpson and Rivlin-Domenici—and we are getting closer and closer and we are going to get the job done.

As we work on that, again, we cannot refuse to meet our country's obligations, and we have to make sure we pay the bills we have already incurred. We need to show the world the United States keeps its promises. We have to show people we live up to our word.

I urge my colleagues to keep our promises and to vote no on the motion to proceed.

I yield the floor.

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

Mr. HATCH. Mr. President, I wish to express my disapproval of the President's request of a debt limit increase of \$1.2 trillion, which would place the total limit just below \$16.4 trillion.

The requested increase amounts to nearly \$4,000 of additional debt for every American man, woman, and child; and the total debt limit being requested works out to over \$50,000 per person. This would be a terrible burden to impose on our children.

For many in Washington, including this President, this debt limit increase is just a matter-of-fact necessity. Watching the mainstream media, many Americans might be surprised to even know that it was set to happen. But this is no small matter. This is not an inconsequential increase in the limit on Federal spending.

Federal spending is already out of control, and we all know it. Our total debt is already greater than the size of our entire economy. I will repeat that: Our total debt is greater than the size of our entire economy. The debt ceiling increase being requested amounts to nearly 8 percent of our entire gross domestic product, or GDP, and the total debt limit being requested amounts to over 108 percent of GDP. That would place us in worse shape than many of the eurozone countries currently confronting their devastating fiscal crisis.

Given the recent experience in Europe, it is disconcerting to hear repeated calls by the grow-government-at-all-costs crowd to double down on failed government initiatives to stimulate the economy by borrowing even more. Rates are cheap, they say, so let's continue riding this debt bubble as far as we can.

We should have learned from the housing bubble and the European sovereign debt bubble that bubbles pop rapidly and with great devastation. It was not long ago that the grow-government crowd was mocking concerns about indebtedness in the eurozone, taunting what they called "bond vigilantes" and saying that there was

nothing there to see. Interest rates will not go up. Don't worry. Rates are low, so borrow and spend.

We know how this story ends. It was not long ago that we saw the housing market participants, lured in by the promise of an ever-bigger "McMansion," being told: Don't worry. Rates are low and housing prices never fall. The government backs your mortgage, so there is no risk.

As outsized and highly speculative activity took place in the housing and financial sectors, Federal regulators ignored all warnings, failed to use their existing authority to promote safety and soundness and, frankly, failed to do their jobs. To date, it is difficult, if not impossible, to come up with a single name of a regulator who lost a job. In fact, many in the top slots got promotions. Meanwhile, everything bad that exists in the housing market and in mortgage finance is blamed on the evils of private business. That is a great way to deflect regulatory failure, but a terrible way to get private activity back into the housing arena.

The fact is, the housing bubble was caused by too much borrowing and the folks who egged it on. The results were not pretty. Global investors struck against mortgage-backed securities issued in the United States, leading ultimately to a precipitous global strike on financial intermediation and massive government bailouts of financial institutions.

The experience with the housing bubble caused by mortgage debt is being replicated with the explosion of sovereign debt. The bond vigilantes did strike against profligate eurozone countries, and they precipitously demanded higher and higher interest rates to protect lenders from risks of default. This effectively shut entire countries out of the debt market. Entire countries face an inability to borrow at rates they can sustain. Absent an ability to roll over debt, those countries have been forced quickly and violently into fiscal restructuring, immediate austerity, and sometimes even partial default.

The President's most recent request to take on more debt follows the same bubble pattern that we know will lead to devastation and losses. I, for one, don't wish for us to continue flirting with catastrophe by encouraging bubbles with the fools' gold that because rates are cheap we should borrow more.

We are on the edge of the cliff, and it is time to carefully but deliberately take a few steps back. Rates may be low today, but they can turn on a dime. When they do, the outsized Federal Government we currently have will suddenly be exposed as unaffordable. When that day comes, our creditors can go on strike as quickly as they have in Europe.

Last summer we got a taste of what is to come when we received the first downgrade of U.S. sovereign debt in history from a major credit rating agency. Americans can never be allowed to forget that this downgrade occurred under, and because of, this administration's fiscal stewardship. We cannot risk what are likely to be further downgrades in the near future by raising the debt limit.

It is time to resist the siren song of cheap credit and put our focus back on the job at hand, which is to allow the private sector to create jobs and to get rid of the \$1 trillion-plus deficits of the Obama Presidency, to get rid of our mountain of debt that surpasses the size of our entire economy, and to bring the size of our Federal Government back to its historical norms.

Federal outlays as a share of our entire economy averaged 18.6 percent over the past 40 years. Under the current administration, Federal outlays represent 25 percent of GDP in 2009, 23.8 percent in 2010, and were estimated to have been 25.3 percent in 2011. The current administration has engineered a Federal Government where outlays represent 25 percent—one-quarter—of our entire economy. The last time Federal spending represented such a large share of our economy was back in 1946 as the world began rebuilding after the ravages of World War II.

I guess this is what one of my colleagues meant when he said the other day that America is in good shape. Economic and job growth remain weak, but Washington and the government jobs it funds is doing just fine.

The administration likes to talk about economic fairness—about the haves and have-nots. But ultimately the people in the best shape in this economy are those who owe their live-lihoods to the Federal Government and Federal taxpayers. When the 99 percent are being taxed to fund and fuel an ever-growing Washington bureaucracy, we have what the President might call economic justice.

There is no end in sight. After Federal spending spiked in World War II as the entire Nation mobilized to defeat the axis powers, it quickly ratcheted down, with Federal spending averaging 6.5 percent of GDP in the 10 years that followed. Yet with President Obama, the ratchet only moved in one direction, up.

Equally of interest is the behavior of Federal spending relative to the size of the economy in those Clinton years, which many look back on as the golden age of fiscal correctness. While Democrats focus solely on the existence of budgetary bliss despite higher tax rates under Clinton, they typically fail to mention how the budgetary bliss was generated. It is difficult to deny the facts, which include a reduction in Federal outlays relative to GDP from 21.4 percent in 1993 to 18.2 percent by 2001, a 3.2-percentage point reduction.

During those years government receipts relative to GDP did rise from 17.5 percent to 19.5 percent, a 2.0-percentage point increase. But it is impossible to deny that the budget bliss was largely generated by reducing the share of the economy accounted for by Federal spending. Of course, my friends on other side of the aisle pledge allegiance to tax-and-spend economics. They wish to maintain a Federal Government where spending amounts to one-quarter of the size of the entire economy. To them, Federal spending and big government are not problems; they are virtues from which good things trickle down from government to preferred classes of people.

They decry that a deep recession has caused government receipts as a share of GDP to fall below 15 percent and argue in panic that the decline is proof that taxes must be raised, while refusing to acknowledge that the nonpartisan Congressional Budget Office projects that revenues as a share of GDP will rise with economic recovery. Federal revenues have averaged 18 percent of GDP over the past 40 years. They are projected by our Congressional Budget Office to reach nearly 19 percent of GDP in 2013, 21 percent in 2021, and 23 percent by 2035 under current law. That is what they say.

Even under the CBO's so-called alternative fiscal scenario, CBO puts revenues as a share of GDP at around 18.4 percent, higher than the long-run average. Congress and the President should focus on the things they are capable of controlling.

Mr. President, Federal revenues come from the economy, and as the economy recovers, CBO expects revenues to recover and rise above historical norms relative to the size of the economy. The President and his allies are putting the cart before the horse. They want to increase revenues by raising taxes. But the real way to increase revenues is to promote economic growth.

Federal spending is something that Congress and the President have full control over, however. Every Federal dollar spent counts because Congress and the President decide to spend it. Our deficits and debt are on an unsustainable path because of unsustainable spending. Yet with this debt limit increase, the President and his allies are confirming they are comfortable with our government consuming an ever-increasing share of the economy.

The President has made clear before that in the name of class warfare he is comfortable raising taxes regardless of whether those tax hikes generate revenues or decrease deficits and debt. With his latest proposal to tax the so-called rich, he has shown again he is willing to ignore the fact—the clear fact—we have a spending problem not a revenue problem.

To tackle our spending problem, unsustainable government promises embedded in entitlement programs such as Medicare, Medicaid, and Social Security must be reformed. There is no budget analyst on this planet who does not identify entitlement reform as key to getting the Federal budget back on track. Yet over the 3 years of the Obama Presidency, there has been no plan—no plan from the administration—to deal with entitlements.

The entitlement can is simply being kicked down the road, and to deflect attention from our real fiscal challenges my friends on the other side of the aisle resort to the politics of division. Tax the evil banks and all will be equal, just, and fair, they suggest. Tax millionaires and billionaires no matter whether they are fat cats on yachts or small business owners and all will be equal, just, and fair, they suggest.

The politics of division bears no fruit. It is an economic dead end. Yet it is elevated to the top of the President's agenda to divert attention from our bloated Federal Government. The taxes on the so-called rich or on evil financial institutions or evil energy producers or evil insurance providers have been promoted in the interest of fairness and equality.

Reducing income and wealth inequality is a laudable goal. Yet my friends on the other side of the aisle have not—and I repeat, have not—proposed new tax measures to generate greater income equality through the Tax Code. The numerous permanent surtaxes on the so-called rich or on energy producers or on financial institutions have not been offered with corresponding permanent reductions in taxes for others with lesser means. Rather, they have been offered to promote more government spending and a permanently larger government. They are permanent tax hikes used to pay for temporary stimulus or taxes on business to fuel more spending or bailouts or government jobs.

Of course, no mention is made of what effect those taxes have on businesses or private sector job creation. No mention is made about the effect those taxes have on the returns on retirement portfolios of seniors, which contain stocks and bonds of the vilified banks and energy producers and insurance companies. The message to retired seniors in Sandy, UT, is clear: You have been suffering for years through near-zero returns on bonds because of Federal Reserve policy. But now you will just have to take it on the chin when the value of your pensions fall because the Federal Government needs to tax business to get more revenue for union construction jobs or stimulus or for bailouts of mortgages of speculative housing investors.

Mr. President, my friends on the other side of the aisle say they want more equality and more jobs but do not offer tax proposals that would generate more equality through the Tax Code or a better environment for job creation.

Instead, they want to tax the so-called rich to get money for things such as high-paid infrastructure contractors while fighting tooth and nail on behalf of their union constituencies to retain and even expand Davis-Bacon and Contract Service Act coverage, which we know costs taxpayers money and stifles job creation. These kinds of schemes have nothing to do with equality. They have nothing to do with promoting as much job creation as possible. They have everything to do with the politics of division and with cronyism.

In the recent flurry of tax-the-rich surcharges offered by the other side, each corresponding spending idea has been clearly directed to appease Democratic constituencies—mostly unions, again—and to build up campaign season talking points that say the only thing standing in the way of Democrats' do-goodery is Republican refusal to tax some easily demonized group. This might make for good politics, but it is no way to formulate fiscal policy, and it is no way to run a country.

At first, to pay for a massive new stimulus plan of the President, the Democrats wanted to limit deductions for people earning \$200,000 or more, which in September of last year was evidently how Democrats defined who was rich. Next came a proposed surtax of 5.6 percent on people earning \$1 million or more to pay for the President's stimulus scheme. I am guessing the earlier definition of "rich" at \$200,000 did not sit too well—or poll too well—with Democrats in high-income jurisdictions, in places such as New York and California.

Next came a surtax of 0.5 percent on those earners to give funds to States to help pay mostly union workers.

Next came a surtax of 0.7 percent on those earners to help pay for a new Fannie-and-Freddie-like, government-sponsored enterprise called the infrastructure bank.

Next came a permanent surtax of 3.25 percent on those earners for what was billed as a temporary payroll tax preference which, ironically, gives more to richer earners than it does to poorer earners and gives nothing at all to the unemployed.

Next came a long-term surtax of 1.9 percent on richer earners, again for the allegedly temporary payroll tax preference.

Mr. President, the pattern is clear. Democrats settle on their stimulus spending plan of the week, find out how much it will cost, and then find out what surtax to slap on high earners, including business income recipients. That is how we get tax proposals with rates of 5.6 percent, then 0.5 percent, then 0.7 percent, then 1.9 percent, and who knows what is going to come next. Never mind that businesses across this country have been clear that massive uncertainty

from the current administration's policies and proposals is holding back hiring, job creation, and the economy.

Given the past few months of tax rate roulette being played by the Democrats, is it any wonder families and businesses lack the confidence to take risks, make significant purchases and grow the economy?

And never mind that the Joint Committee on Taxation has told us approximately 34 percent of flow-through business income, which tends to be small business income, would be subject to Democratic surtax proposals. My friends on the other side of the aisle ask us not to mind the effect on job creators, even as the economy faces massive joblessness.

If we abide by the recommendations of the editors of the New York Times, who are in lockstep with the Democratic Party, we should not care about more taxes on businesses. Indeed, in a December 9 editorial last year, those tax policy experts told us:

For any savvy business owner, a surtax would have no bearing on hiring decisions. If new workers are profitable before tax, they will be profitable after tax, even if the employer has to pay slightly more of the profit in taxes.

This view perfectly encapsulates the understanding of the economy held by those who have never created a private sector job or worked to turn a profit. By this view, these rich business owners would not even flinch if we increases taxes. After-tax profitability of hiring does not matter evidently, especially when we view business earners as those evil rich.

Mr. President, I know in certain circles it is fashionable to vilify business and hold the profit motive as the root cause of mega-wealth. But the notion that business decisions, including hiring, will not be affected in the least by higher taxes is truly bizarre.

The ongoing vilification of private businesses in America is shameful. Hard-working Americans who are by no definition rich, but who work in mortgage markets and real estate markets and securitization markets and energy production markets and in financial markets, have been hit with a blanket indictment from this administration that they are wrongdoers.

Of course, if they do wrong they need to go to jail. But my experience with the American people is, by and large, they play by the rules, seek to offer useful products to their buyers, and look only for fair rewards for their efforts. They do not deserve to be vilified by the President and painted as purveyors of tricks and traps to abuse their neighbors in order to buy yachts.

Again, anyone who breaks a law should go to jail. Any Federal regulator who fails to do their job should be fired. But the vast majority of Americans who operate and work hard and honestly in business should not be

shamed for their work. It would be far more appropriate to shame lawmakers who set tricks and traps in the Tax Code in order to get more money for the Federal Government to spend while falsely selling their schemes as paths toward equality.

While President Obama seeks to take attention away from his historically record-high deficits and Federal spending that accounts for 25 percent of the economy and his jobs deficit and his congressional relations deficit by identifying some sort of "trust deficit" he has with financial institutions, it is imperative that he and Democrats in Congress do not spend the rest of this year playing election-year politics. People need jobs, and the Nation cannot afford to wait for the President and Democrats to get past November.

We need to stop the tsunami of jobcrushing regulations and the runaway regulatory agencies which continually stretch their authority in order to intervene into the economy and crush job creation. We need to reduce the time needed for private sector projects to clear the forest of regulatory and permitting redtape. We need to proceed immediately with known shovel-ready, job-creating, and environmentally safe projects such as the Keystone Pipeline. Despite having cleared years of reviews and oversight and despite support from virtually all interests—including unions but excluding radical environmentalists—it is inconsistent for the President to say he cares about American jobs while he prevents them from being created by approving the pipe-

While the President needs to approve the Keystone Pipeline, I wish to again express my disapproval of the administration's Federal spending pipeline.

For 3 years, the administration has lacked any serious and coherent budget plan. The administration has refused to deal seriously, if at all, with tackling unsustainable entitlement spending. It wishes to continue to practice the politics of division in order to permanently enshrine a European-sized Federal Government that absorbs over one-fourth of the entire size of our economy.

Americans do not want this oversized government. Americans do not want or need job-stifling tax hikes. Americans do not need the Federal Government running their lives and making their choices. Allowing the debt limit to rise would only serve to promote things that Americans do not want and that Americans do not need.

Therefore, I disapprove of the President's request for a \$1.2 trillion increase in the debt limit which would place the total limit at nearly \$16.4 trillion, and I urge my colleagues to similarly disapprove.

I yield the floor.

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

Mr. INHOFE. Mr. President, I first wish to thank the Senator from Iowa for allowing me to move in front of him; and I ask unanimous consent that at the conclusion of my remarks he be recognized.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I speak immediately following the Senator from Iowa.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me say to Senator HATCH and his remarks, there has never been anyone I can recall who has been so relentless in trying to stop all this deficit spending whom I associated with and served with in the Senate.

One month ago we were standing here trying to pass a balanced budget amendment to the Constitution and Senator HATCH was right in the middle providing leadership. We wanted that to be a reality.

My activity with the balanced budget amendment goes all the way back to the 1970s, when then-Senator Carl Curtis was trying to preratify an amendment to the Constitution. I was a State Senator at that time, and we were the first State to preratify the Constitution. So we know it has been a real uphill battle. It has been very difficult.

I think it is important, though, and one thing that hasn't been said in this debate is why we have this deficit and why we have this debt. It is important for people to understand, and I know most people don't. But to overly simplify it a little bit: The debt is the responsibility of the President. It is not the Republicans, it is not the Democrats, it is not the House, it is not the Senate; it is the President who puts together a budget every year.

We have a President who put together his first budget, and the Obama first budget had a deficit of \$1 trillion; the second budget he had in 2011 was \$1.3 trillion; then, last year, his budget deficit was \$1.1 trillion. But if you stop and think about what has happened in the past, that 2011 deficit was going to be much more than that because they have now upgraded that to \$1.65 trillion. So we are talking about a President who is going to have in excess of \$5 trillion in deficit, in the 4 years he has been in office, by his own budgets.

I remember back in 1996, when President Clinton came out with the first \$1.65 trillion budget and I was outraged that we couldn't sustain that kind of spending. Yet that was to run the entire country of the United States of America, and this is just the deficit alone.

So it is estimated the President will have presided over \$14 trillion in spending by the end of the year. By then, our

national debt will be over \$16.3 trillion, making this President accountable for increasing the national debt by about \$6 trillion.

That is more debt than all Presidents, from George Washington to George W. Bush, combined—one President, in a 4-year period.

Over the last couple years, the President has been warned and warned and warned that we have to do something about it. He has ignored these warnings and instead went after the single largest contributor to the deficit and to debt that this government is having; that is, government-sponsored health care. He did this with the passage of ObamaCare, a bill he talked about was going to be fiscally responsible. In reality, the bill will increase the Federal expenditures by \$2.5 trillion in the first 10 years following the law's full implementation. After that, it will only skyrocket.

Their own estimate on ObamaCare is, after the first 10 years, it will go up \$4.4 trillion in addition to the \$2.5 trillion.

We are talking about trillions, and every time I hear a projected cost, I know it is going to be a lot more than that. I recall back in 1967, when the House Ways and Means Committee projected what Medicare was going to cost. Medicare was put in, in 1966, and they said by 1990 Medicare was going to cost \$12 billion. Guess what happened. In 1990, it wasn't \$12 billion; it was \$110 billion—10 times more than what they were expecting. So I know this is going to cost a lot more than the \$4.4 trillion they are projecting after the first 10 years.

President convened groups, The gangs, commissions to figure out, Why is our Nation going so far in debt? We are going in debt because we have a President whose budget reflects over \$1 trillion of deficit each year, and that is for four budgets. They talk about forming those commissions; they come out with recommendations. Some of the recommendations, by the way, were good, but the President rejected all those recommendations. In fact, I would say the only cuts he is willing to go along with are cuts that are in our national security spending. He has decimated our military, and right now we are looking at a reorganization that is going to be an even more difficult situation to recover from after this President is gone.

By the way, when the President says he inherited deficits, it is interesting that when President Bush went into office, he took over a military that had been cut down during the Clinton administration by about 40 percent. That was back during the euphoric chant that the Cold War is over and so we don't need to have a military anymore, and so they did that. Right after that, of course, we know 9/11 came. So President George W. Bush did have deficits. His deficits averaged \$240 billion a year

for 8 years. Add that and it is \$2 trillion. But this President, in 4 years, will have done nearly \$6 trillion—three times as much as President George W. Bush did in 8 years.

So we still have the problems. Unemployment is ticking around 8.5 percent, the labor market is very weak, the regulatory train wreck, and the regulations right now. People have talked an awful lot about the deficit spending. That is what we are talking about this morning. I don't want to confuse this issue, but I wish to tell you the overregulations we are having-here we have a President who is now trying to invoke a cap-and-trade through regulation that he was not able to do through legislation. There is another cost that would be somewhere in excess of \$300 billion, not once but every year. So the regulations, the train wreck is on its way. It is alive and well, and we have to do everything we can to try to stop

So they came up with a deal. They said: Let's put together something where, over a period of 10 years, we are going to try to come up with \$1.5 trillion. Keep in mind, that is over 10 years when this President does that much in deficit each year.

So the first phase of this grand program they had was to increase the debt limit by \$900 billion to the current level of \$15.2 trillion. It was matched by discretionary spending cuts—or it was supposed to be-in the same amount. Then the supercommittee went to work to find \$1.5 trillion. Keep in mind, we are supposed to have \$1.5 trillion to reduce as a justification for increasing the debt limit, which we did before, and that was over a period of one decade. So they are trying to find \$1.5 trillion over 10 years that this President has been accountable for increasing the deficit, the same amount. every year—or what will be every year-for the 4-year period. But because we all know it failed, we are facing additional automatic spending cuts of \$1.2 trillion. In exchange for this, the President is going to be allowed to increase the debt limit by \$1.2 trillion to a staggering level of \$16.4 trillion.

That is a lot of money, and it is hard for people to understand. I think the best way to explain it is, what he is doing is he is administering an increase in the debt of more than this country has sustained since the country's beginning.

In the President's first State of the Union Message, he promised to cut Federal deficits in half by the end of the first term, but we know what happened.

Before we agree to an increase in the debt limit, I think they are going to have to have some kind of reforms that actually reduce spending to levels that can put our Nation in a fiscally sound position.

If we are serious about this and want to do something about the debt, want to do something about the deficit, do you know how we can do it? It would be very simple. All we would have to do is repeal ObamaCare. That is all we would have to do. As already mentioned, the law is a fiscal nightmare, and it hasn't started yet. But as things stand, our \$15 trillion debt is weighing us down, and now the President wants the authority to add another \$1.2 trillion to it. We can't allow this to happen.

I know the President thinks he has us over a barrel. What he has done now three times in a row, and he is planning to do it again, is say: If you don't do something about increasing the debt limit, we are going into default. He talks about the horrible results that are going to happen. But when would that end if we don't have any sincere effort to stop the spending of the Obama administration?

Here is the last chance we have—the first chance we have is this resolution of disapproval that will be voted on. If we can do this, then that is going to shock the President into knowing he has to be fiscally conservative. I am not speaking on my behalf. I am speaking on behalf of my 20 kids and grandkids who are going to have to pay for all this fun we are having.

With that, I yield the floor.

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

#### RECESS APPOINTMENTS

Mr. HARKIN. Mr. President, as the chairman of the Health, Education, Labor, and Pensions Committee, I wish to respond to some of the shrill rhetoric and outright misinformation regarding President Obama's recent recess appointments to the National Labor Relations Board and to the Consumer Financial Protection Bureau.

When all the political grandstanding is done, at the heart of this dispute is the ability of these two agencies to carry out their congressionally mandated functions. One is charged with defending the rights of consumers and the other defending the rights of work-

Republican partisan obstruction and filibusters prevented confirmation of nominees to lead both these agencies, which would have prevented their legal authority to act. With the rights of millions of American workers and consumers on the line, the President did what was his duty to preserve the functioning of two critically important agencies—agencies that are essential cornerstones of our efforts to rebuild and restore our struggling middle class.

At a time when our Nation is engaged in serious soul-searching about the demise of the middle class, the missions of the Consumer Bureau and the Labor Board have become particularly essential. These agencies are tasked with the vital responsibility of standing for consumers and workers against Wall Street and powerful corporations.

Indeed, the true significance of the debate over the President's recess appointments is not about legislative or secure power or the meaning of a proforma session, but the true significance is about whether we will let the powerful and well connected use the political process to rig the system or if, instead, we will enact and enforce laws that will give workers and consumers a fighting chance at a decent middle-class life.

As a centerpiece of the Dodd-Frank bill to rein in the recklessness on Wall Street, the idea behind the Consumer Bureau is simple. We need a cop on the beat, looking out for the best interests of consumers who use financial products, as we have regulators looking out for the financial health of banks, as we have a Food and Drug Administration, the FDA, looking out for the safety of food and drugs for consumers or the Consumer Product Safety Commission that looks out for and protects our kids from harmful toys.

A strong Consumer Financial Protection Bureau will ensure that consumers are not lured into debt through hidden fees. It will simplify disclosures and reduce paperwork so consumers are not faced with mountains of paperwork they cannot understand. It would oversee providers of consumer credit such as payday lenders—which for years have acted similar to banks but without facing any kind of bank regulation.

Additionally, as student debt surpasses credit card debt as the largest source of consumer debt in America, the Bureau can play a critical role in helping families better understand the increasing challenges of financing a college education as well as bringing some sanity to the private student loan marketplace.

Despite these laudable goals, Republicans refused to confirm Richard Cordray, the President's nominee to lead the agency, unless the President would agree to water down the law and weaken consumer protections. Fortyfour Republican Senators served notice they would not confirm anyone to the position of Director unless structural changes were made to the Bureau that would effectively gut its ability to stand for consumers. When the President refused, they filibustered and prevented an up-or-down vote on this nomination, leaving the consumer bureau unable to fully interpret and enforce the law.

As a consequence, Americans across the country were left in limbo, with limited ability to stand up to big banks and financial scam artists. Leaving the Bureau so powerless was unacceptable, so the President had no choice but to use his constitutional authority to ensure that this critical agency can continue to perform its legislatively mandated mission.

The ramifications of Republican obstruction were even more dire at the

National Labor Relations Board, where the impending loss of a quorum of members meant the Board would become totally inoperable if the President did not step in to fill the vacancies. Similar to the consumer bureau, the NLRB, as it is known, is a government agency tasked with standing up for working families. In its very text, the very text of the law that created the Board, it established that the policy of the United States is to encourage the process of collective bargaining. Senator Robert Wagner of New York, the act's author in 1935, explained that collective bargaining would increase the purchasing power of American workers and therefore aid our national recovery from the Great Depression. This law was one of the cornerstones of a new American economic policy that created the largest middle class in history, gave rise to the economic boom that transformed America and the world, and brought economic security and a better life to generations of Americans.

Unfortunately, not everyone agrees with this mission. Some very powerful interests think that a few at the very top should have a monopoly power in our economy; that they should be able to set all the rules. These interests have lined up allies in Congress to wage a relentless crusade against the National Labor Relations Board. In all my years in public office, I have never seen anything like it.

Last year, Republicans in the House held at least eight hearings, specifically addressing the NLRB. They passed two bills to amend the National Labor Relations Act to strip workers of their rights. Republican elected officials have tried to defund the agency. They have threatened the professional credentials and livelihoods of nonpartisan career employees and even called on a Republican board member to resign, in order to incapacitate the agency. On the campaign trail, Republican Presidential candidates have raged against the National Labor Relations Board and its employees.

What are the great crimes these dedicated public servants at the NLRB are supposed to have committed? First, they started a new initiative to make sure workers are aware of their rights under law. In April of this year, employers will have to post a notice about National Labor Relations Act rights on the office bulletin board, next to other longstanding notices about the minimum wage, workplace safety, and other basic worker protections. This hardly seems to be an unreasonable burden.

Second, the NLRB prosecuted a case against a company that allegedly retaliated against its employees for going on strike. I spoke at length about this case last year, on numerous occasions, on the floor of the Senate because there was so much misinforma-

tion about it. While the case was brought against a powerful company and became very controversial as a result, prosecuting retaliation cases is unquestionably a necessary and important part of the NLRB's responsibility. After all the fire and brimstone and all the threats from Republicans against this agency and the Governor of a certain State, as has happened in the past, this dispute was resolved by the company and the union. It has happened so many times in the past without us having to do a thing about it.

Third, the National Labor Relations Board enacted a rule to standardize timelines for national elections. Under the act, after workers petition for an election, the NLRB holds a hearing to decide who should be in the bargaining unit and who should not be. In recent years, many employers have started flooding that hearing with frivolous litigation to stall the elections for months or even years, while arguing or appealing over every minor detail their lawyers can imagine. The NLRB decided to fix this problem and make sure workers get a vote in a reasonable period of time. The Board said workers should vote and then, if necessary, the ballots would be sequestered while the litigation drags on over certain peripheral issues. The new rules do not encourage union organization and they do not discourage it; they just give workers the ability to say yes or no in a reasonable period of time. Workers should not have to wait until innumerable lawsuits, one after the other, are disposed of before they even get a chance to vote.

In response to these eminently reasonable and fair proposals, Republicans have attempted to shut the Board down by blocking all nominations. Senator GRAHAM of South Carolina vowed publicly to block all nominees to the labor board, even if it meant the agency would cease to function. In his opinion, Senator GRAHAM said, "The NLRB as inoperable could be considered progress." To the thousands of American workers every year who rely on the NLRB to enforce the law and defend their rights, that must sound pretty cold-blooded, a direct attack on middle-class Americans.

In practice, disabling the NLRB would mean American workers would have nowhere to turn if their rights are violated. Thousands of American workers are fired every year for trying to organize a union in their workplace—their legal right, by the way. With the labor board out of commission, these workers might never get their jobs back. If an employer or a union refused to adhere to a contract, there would be no NLRB to resolve the dispute.

The labor board also ensures that unions do not step outside the law in their interactions with workers or employers. Those cases would be stuck in limbo too. Perhaps that is why a senior

counsel to the National Federation of of playing these political games but Independent Business told the Congressional Quarterly that "to have the Board totally shut down would be a travesty."

The President averted this travesty by appropriately exercising his recess appointment authority. Indeed, the President showed restraint by only appointing nominees to agencies that would lose their ability to function due to Republican obstruction. Acting to ensure the continued smooth functioning of government under these circumstances is a President's-whether it is President Obama or any other President—constitutional responsibility. As constitutional scholar Laurence Tribe has explained, the Constitution considered the possibility that congressional squabbles would lead to paralysis and determined:

The Constitution that has guided our Republic for centuries is not blind to the threat of Congress's extending its internal squabbles into a general paralysis of the entire body politic, rendering vital regulatory agencies headless and therefore impotent. Preserving the authority the President needs to carry out his basic duties, rather than deferring to partisan games and gimmicks, is our Constitution's clear command.

Again, I say, if my colleagues do not like the National Labor Relations Act or Dodd-Frank, they can introduce a bill and try to get support to change the law. Of course, Republicans know such a bill would fail miserably. Instead, they are trying to short-circuit the process laid out by the Constitution to pass legislation. Under their theory, under the Republicans' theory, just 41 Senators could effectively repeal an existing law by simply denying an up-or-down vote on the President's nominees. Think about that. We pass a law by majority vote. It might even get through; of course, overriding a filibuster with 60 votes. The President signed it into law. A couple years later, the minority says we want to change it. We do not have the votes to change it, but we can block a nominee, nominees to the agency, and effectively shut down the agency with only 41 Senators. That is what is going on here. That is what is going on.

President Obama took a bold but necessary step. Stepping in to protect ordinary Americans from the consequences of congressional dysfunction is hardly an intrusion on Congress's authority. It is the essence of leadership.

I might point out I think facts will show that the last President before President Obama, President Bush, exercised his authority to appoint recess appointees 171 times. I think President Obama is right now around 20 or 21. something like that.

Since President Obama was elected, Republicans have openly stated their No. 1 goal is not to govern or legislate; their No. 1 goal is to prevent the reelection of President Obama. Republicans in Congress may have the luxury any President does not. Americans are counting on this President to do what is right for the middle class and that is unquestionably what he did by making these recess appointments to these two vital consumer protection agencies, the Consumer Protection Agency and the National Labor Relations Board.

I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I am going to speak about the debt disapproval resolution that is before us because I feel so strongly it is time to send a strong message to the President and give the people of America some comfort that we are not going to continue to raise the debt ceiling again and again without doing something that shows we understand the crisis we are in and that we are going to take the steps necessary to whittle down our debt and do the responsible thing. However, I do want to respond to what has just been said about the recess appointment of Mr. Cordray, the Director of the new consumer agency, which was done by the President when Congress was out of session, depriving Congress of the ability to advise and consent to this appointment.

I think to put it in the context where it is proper, it is very important to know that this consumer agency was created by a Democratic President who had complete Democratic control of Congress and gave this agency unprecedented power—unprecedented in that the agency has no congressional oversight. None. We don't control the budget. In fact, no one controls the budget of this new agency that was created with complete Democratic control of Congress and the Presidency.

This agency was created in the Dodd-Frank bill with no oversight by any entity whatsoever other than the Democratic President who signed the bill that was given to him by the Democratically controlled Congress. So Mr. Cordray is now the head of an agency without congressional approval, and Congress has no control over its budget, and we now have the possibility of a burgeoning new Federal bureaucracy that is going to put more regulations on probably the most overregulated industry in America today, which is the banking industry.

If you talk to anybody out there trying to get capital in a small business, they will tell you that the banks are being hamstrung. So now we are going to give them more regulations that are going to put a freeze on their capability to make consumer small loans. The banking industry has plenty of regulation, and the Comptroller of the Currency does a good job. Certainly the FDIC has done its job in trying to make sure that the reserves are met for banks to be stable because we are not going to be bailing out banks.

I heard the President of the United States talking at his State of the Union Message. I heard him say: We are going to go through this government, and we are going to cut back on regulations because we know regulations can hamper the ability of our small businesses to get up and get out there and hire people and make a profit. We think profit is good because we think profit makes people able to hire more people and get this economy going.

So there is a constitutional issue at stake where the President just decided that Congress was out of session and appointed Mr. Cordray. In any other instance, Congress would have some say because we would be able to set a budget for the agency and we would be able to curb some of its overreach if we feel that it is there; however, not this agency because there is no congressional oversight of this agency.

So we are in a position where we have Mr. Cordray—and let me say there is nothing personal against Mr. Cordray, but there is a lot that is wrong with Mr. Cordray being appointed by the President rather than being confirmed by the Senate, which is in the law. There is a problem when there is no congressional oversight whatsoever that would be able to curb the overregulation that we suspect is going to happen in this agency.

This is not the end of this subject. Today we are going to be voting on the increase in the debt limit by \$1.2 trillion. What do we already have on the books for debt? It is \$15.2 trillion, which is a figure that is now equal to or more than our gross domestic product. We are not talking about Greece, we are talking about the United States of America. We should be the beacon of economic stability in the world, and we are here to raise the debt limit without so much as a plan to curb spending or to look at the entitlement reforms we know are necessary because we cannot cut enough spending in the discretionary accounts to actually do what we must do to whittle down a \$15 trillion debt because the discretionary accounts are approximately 30 percent of the total expenditures of our country.

The major responsibility this country has in defense is getting ready to be shredded by this administration, while we have a new consumer agency that has unfettered budgetary authority. Where is our perspective here? We are talking now about 30 percent of the budget that we spend, the spending in our country, being discretionary accounts, and we are hearing today that the President is going to cut enormous numbers out of our defense budget, but at the same time we hear very little talk about entitlements, which are the automatic expenditures we cannot control. If the President were to lead, he would be going into the entitlements and providing some solutions and some

leadership. The Republicans have said nesses are hiring and if we can get an repeatedly: We will work with you on entitlements because we know it is

I have introduced legislation—along with Senator KYL-that would begin the process of shoring up Social Security and saving our system. In fact, it is called the Defend and Save Social Security Act, and it would cover a 75vear shortfall without raising taxes and without cutting core benefits. Anyone in our plan who is 58 years of age or older would not be affected at all. However, starting in 2016, under our bill, the normal retirement age would start to increase 3 months each year for normal retirement. So if you are 58 or above, it would not affect you at all. If you are 57, you would retire 3 months later. If you are 56, you would retire 6 months later. That would begin to put us on a much more accurate table of when people are actually living and retiring. The actuarial tables show that people are healthier now than when Social Security passed, they work longer, they want to work longer, and we need to make the actuarial tables match today's standards of health and work.

In addition, my bill would propose a very modest change in the annual costof-living adjustment. We would begin the cost-of-living adjustment if inflation is over 1 percent, and at that point we would factor in whatever the inflation rate is. So it would be a minor adjustment in the cost-of-living adjustment, but we would never go into the core benefits, nor would we tax anyone any more than they are being taxed right now. That is how we can address this in a gradual way and give our Social Security system the ability to stay solid and secure for 75 years.

We have not heard the President of the United States talk about correcting something as solid and necessary as Social Security. We have not heard anything from him about helping to solve the Medicare problem, which is a different issue, but clearly it must be addressed because we are going into deficits every month, every week, and

every day on Medicare.

The missing ingredient—and what the President has said in his State of the Union and what actually needs to happen—is entitlement reform. Republicans have said: We will work with you on tax reform that will produce more revenue with a fairer, flatter tax system, and one that will make our businesses and corporations more competitive. If we put our corporations at a better competitive position in the world, then they are going to hire more people. If we can do that with the President, we can make a difference in this debt and the deficits. However, all I am hearing is kind of a class warfare argument. It just seems old and stale because I think the American people are smarter than that. I think the American people know that if busieconomy that is robust and strong with more people working, everybody is going to do better, and that is what we all want.

Raising taxes, which is the only option the President seems to care about, is not what we ought to be doing in a recession. You can dance around it, but if this is not a recession, then I don't know what it is with millions of people not working and almost a 9-percent unemployment rate. I don't know what the definition of "recession" is by the economists, but I think that when millions of people are not working and the unemployment rate is about 9 percent, that is a time when you don't want to increase taxes and increase the burden on businesses with a health care plan that is out of control. It is freezing hir-

It is not rocket science, and it is time we got together with the President of the United States. He is the elected leader of our country, and we don't need partisan rhetoric and campaign speeches. What we need to do is look at the real capability we have to do something about this deficit; that is, cut domestic spending in a reasonable way, address entitlement reform, which we can do, and for heaven's sake, tax reform that creates a fairer, flatter tax and gives our corporations the ability to compete globally would be a step in the right direction.

I hope we reject his request. Let's not increase the debt limit. Let's sit down and get to work on bringing the debt down so we will never go beyond \$15 trillion in debt for our country and our future generations.

I vield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Senator Durbin of Illinois be the next Democratic speaker.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VOTING LAWS IN FLORIDA

Mr. NELSON of Florida. Mr. President, Senator DURBIN, the chairman of the Civil Rights Subcommittee of the Judiciary Committee, will convene a hearing of the subcommittee in Tampa tomorrow afternoon at 1 o'clock for the purpose of reviewing Florida's new election law that was passed a year ago by the Florida Legislature. It is what has been characterized by this Senator and others as a voter suppression law. Interestingly, there is a pattern in about 14 States that has changed the election laws to make it harder to vote, harder to register to vote, and harder to have one's vote counted as they intend. It is rather extraordinary that in this year of 2012 we would be concerned about the right of access to the ballot and the right to vote, which

is a cherished constitutional right and one which is under assault in this country at this moment, especially in my State of Florida.

Let me give my colleagues some particulars. The new election law, for example, has changed the voting registration requirements for those who sign up to register others—in other words, third parties—such as the League of Women Voters. The League of Women Voters had been registering voters in Florida under the old law that was on the books for decades. That law gave them, once they registered the voter took the information-10 days to turn it in to the county supervisor of elections. That law had been on the books for decades.

Last year the Florida Legislature signed into law by the Governorchanged that time period to 48 hours and the penalties that accrue go up to \$1,000 for the person who is registering the voters and does not turn in those names within 48 hours. Therefore, the League of Women Voters in Florida, which has been doing this as a civic duty, has stopped registering voters. They are not going to take the chance that their members would be fined up to \$1,000.

Now, doesn't that sound like something exactly the opposite of what we should be doing? We should be encouraging people to register to vote, which is what the League of Women Voters has been doing according to their civic duty for years. It is happening before our eyes. But there is more.

College students, young people, got excited about politics in the last Presidential election and voted in record numbers compared to what they had been doing before. But the Florida Legislature changed the law. Now, if a college student who has not been registered before suddenly gets interested and goes down to the Supervisor of Elections Office and registers to vote for this year's general election, and they arrive on election day and they are asked to show their identification, and they pull out their driver's license—the likelihood is their driver's license is the address of their parents where they have grown up. If that address is in a different county from the county they registered in, they will not get a ballot; they will get a provisional ballot.

We know from the last Presidential election in 2008 in Florida only half of the provisional ballots were counted. Is this what we want to do to encourage young people to get excited and interested in their government, to get there on election day and get a provisional ballot instead of a regular ballot? I don't think so. But it is happening right underneath our noses. That is one of the reasons the Judiciary Committee is coming to Tampa tomorrow. We are going to flesh this out with a whole bunch of witnesses. But, unfortunately, there is more.

After the debacle in the 2000 Presidential election in Florida where we saw mistake after mistake after mistake—and all too painfully we know the results of how that election played out—to the credit of the Florida State government, they made it easier to vote. They created early voting. They created what was the old absentee ballot, where a person had to swear they were actually going to be absent from their place of voting on election day, and they made that easier by having the vote by mail. They set early voting—and it has been the case for years now-14 days prior to the election.

It was so successful in the last Presidential election that fully 40 percent of the entire general electorate voted before election day. So one can imagine the process was a lot more orderly and there were less lines when 60 percent of the electorate turned out on election day between 7 a.m. and 7 p.m. Of course, the 40 percent who voted early, many of them have jobs, and it wasn't convenient for them to get to the polls. So they could do it at their convenience and they could do it on the weekend. Some of them, such as single moms who had to arrange to get a babysitter, could do it at their convenience. Indeed, many minorities found it convenient when they could not get away from work to vote early.

So the Florida Legislature changed the law, and it was signed into law by the Governor, constricting that 14 days to 8 days. Then a very interesting change took place. Instead of early voting going all the way up to and including the Sunday before the Tuesday election, they constricted that so the last day of the 8 days is now Saturday. Guess who has voted in record numbers after church on the Sunday before the Tuesday election, record numbers: African Americans. So they will not be able to go and vote on the Sunday before the Tuesday election because of the new law in Florida.

Now, those who passed this new law said it was to cut down on fraud. Yet they have no example—and I am looking forward to asking some of the witnesses tomorrow to make the record complete—no example of any increase in fraud in the last decade of which these election laws were passed after the 2000 Presidential election to make it easier to vote. So what we have is a pattern in over 14 States, including our State, of what I have just described, which is the law is one of the most onerous and one of the more distinct voter suppression laws that has been enacted. Why? Is it for partisan reasons?

If we restrict young people, if we restrict minorities, if we make it more difficult for women, particularly single moms, does that suggest a pattern of restricting certain voters and making it more difficult because of partisan reasons? I think it is pretty clear. This

is happening in America in the year 2012 when, in fact, the Constitution tells us that one of the most cherished opportunities—we even went through a civil war and then we went through the civil rights movement in order to guarantee the right of access to the ballot, and we had to knock down poll taxes and all kinds of impediments for people to vote. We have gone through all of that experience since the 1850s and here, right under our noses, we are having these kinds of voter suppression laws enacted.

There is a three-judge panel that is now considering this law in the District of Columbia. There is also an examination under the Voting Rights Act of 1965 in the five counties that are watched counties under that act in Florida as to whether their civil rights have been eclipsed. I am certainly hopeful that the court and/or the Civil Rights Division of the Justice Department will look behind this smoke screen of so-called fraud as to what is really the motivation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The motion to proceed to H.J. Res. 98.

Mr. COBURN. And the amount of time that has been allocated by the majority leader and under the unanimous consent agreement?

The PRESIDING OFFICER. The Republicans have 8 minutes remaining.

Mr. COBURN. I understand that, but what is the total amount of time that has been allocated to H.J. Res. 98?

The PRESIDING OFFICER. The time until noon is equally divided.

Mr. COBURN. So the total amount of time is less than 2 hours today that we are going to discuss this resolution; is that correct?

The PRESIDING OFFICER. Slightly more than 2 hours.

Mr. COBURN. Thank you. I ask unanimous consent to speak on the resolution for 20 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, how many minutes does the minority have remaining?

The PRESIDING OFFICER. The minority has 7 minutes remaining.

Mr. NELSON of Florida. How much time does the majority have remaining?

The PRESIDING OFFICER. The majority has 24 minutes remaining.

Mr. NELSON of Florida. Would the Senator consider 15 minutes, given the inequity of the time?

Mr. COBURN. Well, actually, that was my whole point. We are going to spend a little more than 2 hours to raise the debt limit by \$1.2 trillion, and

we can't give a Senator 20 minutes to talk about it?

Mr. NELSON of Florida. Mr. President, is there a consent order that was entered into yesterday?

The PRESIDING OFFICER. There was a unanimous consent agreement yesterday.

Mr. NELSON of Florida. And the minority has 8 minutes remaining?

The PRESIDING OFFICER. The Senator now has 6½ minutes remaining.

Mr. COBURN. Mr. President, I am asking for unanimous consent to speak on this issue, a \$1.2 trillion raise in the debt limit, for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator will proceed.

Mr. COBURN. Mr. President, I come to the floor aghast that we have entered into a unanimous consent agreement to spend less than  $2\frac{1}{2}$  hours talking about raising the debt ceiling another \$1.2 trillion—\$1.2 trillion.

We passed the Budget Control Act that raised the debt limit to \$15.2 trillion. The President has requested another increase in the debt limit of another \$1.2 trillion. We passed the Budget Control Act that didn't cut spending. There is no absolute reduction in spending. We didn't eliminate one program. We didn't do one oversight hearing on the waste, fraud, and abuse in the Federal Government from the time of August, when we passed that, until now. No wonder America is disgusted with Congress.

On September 7, the debt limit was increased from \$8.9 trillion to \$9.8 trillion. In July of 2008 the debt limit was increased to \$10.6 trillion, and in October to \$11.3 trillion, in February of 2009 to \$12.1 trillion, in February of 2010 to \$14.3 trillion, in August of 2011 to \$14.7 trillion, in September of 2011 to \$15.2 trillion, and now we are going to raise it to \$16.3 trillion.

I did not vote for one of those. The reason is a debt limit does not mean anything in this country, because every time we come up to the debt limit, what we do is just pass it rather than do what the American people have asked us to do.

Little has changed in Washington in the last 5 years. We have argued, debated, and lamented over how to rein in the Federal Government's costs and the out-of-control spending. All the time that was going on, we were on a spending binge, spending money we do not have on things we do not need. Even though we knew we had to borrow more money, Congress has done nothing to avoid raising the debt limit—nothing.

We did not do oversight of Federal programs. We did not eliminate one duplicative program. We did not eliminate any spending in the Tax Code.

We hear all the Members of Congress and the President talking about how we have to change stuff. We did not do anything on that which would generate more revenue, fair revenue to the Federal Government. We did not work to save Medicare. We did not work to save Social Security. Instead of fixing the problem, we made it worse. We increased the deficit. We funded ineffective programs. We wasted money on silly projects. We funded duplication. We approved \$1 trillion in more spending for next year—all of which will essentially be borrowed on the backs of our grandkids and our kids.

Let me give some examples of what we spent money on last year.

We spent \$75,000 to promote the awareness that Michigan raises Christmas trees. We spent \$113,000 for video game preservation. We spent \$550,000 for a documentary about how rock music contributed to the collapse of the Soviet Union. We spent \$48,000 for the second annual Hawaii Chocolate Festival. We spent \$350,000 to support an international art exhibit in Venice, Italy. We spent \$10 million to remake "Sesame Street" for Pakistan. We spent \$35 million on our own party conventions, and we spent \$764,000 to figure out how students use mobile messaging devices for social networking, which they already know how they do

February of last year, GAO brought us a wonderful report. It showed thousands upon thousands of programs that are duplications. The majority leader of this body voted against both attempts I made to take advantage of that and eliminate waste and duplication. He never once instructed committee chairmen to go find this duplication and eliminate it to save our children, to save our country, and we did not do any better on our side of the aisle. The fact is, we did not do anything. Of the thousands of things we could have done, we did nothing to lower our deficit, cut the waste or eliminate duplication.

We have known about this significant \$100 billion gold mine of savings from the GAO report for over 1 year now, and we have done nothing—zero. America should be disgusted with Congress because what we care about is party power, not fixing the problems of this country.

Just this week, the GAO reported—an additional report; and next month we are getting the second third of the Federal Government on duplication, and it is going to have another \$100 billion identified as waste—we have 209 separate Federal programs to advance science, technology, engineering, and math education—209 programs, of which most of them overlap one another.

We have put amendments on the floor to say: We want every agency to tell us of all the programs. It is de-

feated. They vote against it because they do not want to know what all the programs are. The only way we eliminate the duplication is to make the agencies show us what they are doing. That goes down to defeat. Why? Because we do not want to do the hard work of living within our means such as every family and every business in this country does. We ignore the realities. We are in la-la land on who can win the next election.

We have done nothing about the \$9.5 billion in government benefits that have been paid to people who earn more than \$1 million a year in this country. We have done nothing about that since that report came out. Government benefits from unemployment insurance to student loans, \$9.5 billion a year, and we have done nothing—zero. We could have done it. We could save money. We have done nothing.

Real Americans—everyday Americans—understand the way we get out of our problems is through sacrifice and prioritizing what is important for our country. We lack the leadership in this body to do that.

A veteran who served our country in a time of war wrote me a letter about our current financial situation. More than nearly anyone I come in contact with in Washington, this regular citizen from the middle of the country understands the problem, and he understands what is needed to fix it.

DEAR SENATOR COBURN:

I'm a retired military member and Veteran, deployed four times during my career—having spent years of my life in some very dangerous places, away from home, and in tough conditions. I am very familiar with shared sacrifice. In all those days away, my sole purpose was to be prepared and ensure my Soldiers were ready to deploy and return alive. In our current situation, it's easy to feel like we're (as a country) going into battle unprepared against an economic, financial enemy of political gridlock and no compromise [no leadership]; with two political parties vying for the next election.

I'm well aware that many proposals currently out there would potentially affect me. However, I'm willing to work hard now and be part of a solution which solidifies our country's future versus robbing my kids and grandkids from the same opportunities our great country [offered me].

Please inform your colleagues—there are more people like me awaiting leadership and good decision making than there are left and right side uncompromising voters. These times call for briefings to the American people, not speeches. These times call for members of congress to stand together and [to brief us on our unfunded liabilities]—and to show how sacrifice now can lead to renewed prosperity later.

Sincerely,

ROBERT BOUDIETTE, Jr., Lawton, OK.

I am embarrassed for us that we fail to meet the very standard we ask of the people who serve this country.

So rather than give a speech, let me give a briefing. We have done nothing to fix the 100-plus programs in surface transportation. We have done nothing

to eliminate the duplication in the 82 Federal Government programs for teacher quality. We have done nothing to consolidate the 88 economic development programs. We have done nothing to consolidate the 80 different transportation assistance programs. We have done nothing to eliminate the 56 financial literacy programs. We have no business teaching anybody financial literacy when we do not even have it ourselves. We have done nothing to consolidate the 47 job training programs. As a matter of fact, we heard the President say he wanted to add to it. Homeless prevention and assistance, 20 programs we have done nothing to consolidate; the food programs, disaster response and FEMA, and there are hundreds more. Yet we have done nothing.

Shouldn't we come together as men and women, Americans-not Democrats and Republicans—and say we are going to do what we can do to assure the future of this country and quit thinking about the next election? We ought to be doing what is needed. It is called making priorities. We could save \$50 billion if we got together and said: OK. Every committee is going to do oversight, eliminate duplication, and eliminate fraud. We have a bill with 37 cosponsors to eliminate the fraud in Medicare—37. It is bipartisan. We cannot even get it to the floor to vote on it to make sure CMS eliminates some of the \$100 billion a year in waste and fraud at CMS in terms of Medicare. That is how we save Medicare. But yet we cannot get it to the floor. So when we do work together, we are blocked or impeded from having a vote where we have bipartisan consensus.

I call on my colleagues—I love them dearly; I think they are tremendous individuals—we better change our vision. We better change what we have our eye on in terms of the risk to our country, the survival of our country, and it is time we come together, put partisanship aside, and say we are going to solve the problems in front of this country. We can do it. The brainpower is here. The capability is here. Let's do

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, how much time is remaining on each side?
The PRESIDING OFFICER. The

The PRESIDING OFFICER. The Democratic side has 18 minutes remaining.

Mr. DURBIN. Is there time remaining on the other side?

The PRESIDING OFFICER. There is no remaining time on the other side.

Mr. DURBÍN. Mr. President, I would like to ask the chairman if I could have 8 minutes or 10 minutes to speak.

Mr. BAUCUS. Mr. President, I yield 10 minutes to my colleague from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman of the Finance Committee and my friend from Utah, the ranking member of the committee.

Senator Coburn of Oklahoma, who just spoke, and I probably see so many things differently, but yet we see many things the same. He and I come to the Senate with different backgrounds, perhaps different political values in many areas, and a much different voting record. They would put us on opposite sides of the political spectrum if they described those voting records. Yet I have found, over the last several years, Senator Coburn and I have been able to agree and come together on some of the important issues which he just raised on the Republican side of the aisle, which are shared on the Democratic side of the aisle.

Senator COBURN and I served on the Bowles-Simpson Commission, a commission appointed by President Obama, to reduce our Nation's debt and deficit. I voted for the Commission report, with some misgiving over proposals but believed it moved us in the right, proper, and necessary direction.

The fact and simple fact is, the United States borrows 40 cents for every \$1 our government spends. It borrows 40 cents for every \$1 we spend, primarily after we have exhausted the savings of Americans, from foreign nations such as China, that end up buying the U.S. treasurys to fund our debt. So as we go more deeply into debt, we become more indebted to foreign countries, sovereign nations and their sovereign funds. I think that is something that needs to be addressed, addressed in a proper fashion. Where Senator COBURN and I may disagree is in the fashion that we approach it.

We are currently emerging from a recession. We know what the impact has been. Families and businesses across America have been hard hit—families and their savings, many people losing their jobs, and businesses either going out of business or cutting back.

We are starting to see the first indications of recovery—the "green shoots," as they say. As the President said in his State of the Union Address, we lost 4 million jobs in America in the 6 months before he was sworn in and another 4 million before his proposal to get the economy moving forward was enacted into law—8 million jobs in that short timeframe out of the 14 million unemployed today.

The President started to move the economy forward working off a proposal by President Bush to deal with financial institutions—a bitter pill for many of us but, I am afraid, necessary to keep our economy stable—and then, with his investment program, to put America back to work.

These things are starting to take hold. We have seen a growth of some 3 million private sector jobs since the President's program started. It is an indication we are moving in the right direction.

I would just say to my friend from Oklahoma, when we talk about issues such as deficit reduction and spending reduction, we should speak to those issues in the context of economic recovery, to make certain that whatever decisions we make in reducing the deficit, reducing spending, raising taxes, whatever it may be, that at this point in time in our history, it is in the context of getting America back to work.

At 12 o'clock today we have a scheduled vote, and the vote is on the debt ceiling. What is the debt ceiling? It goes back to my earlier point. When we spend more than we bring in in revenue, we need to borrow it. As the need to borrow increases, the President has a responsibility to ask for authorization from Congress. It is known as the debt ceiling limit. In years gone by, it was a routine vote. In fact, if I am not mistaken, President Reagan asked for some 16 debt ceiling extensions in the 8 years he served. For most of these, he was given permission to extend the debt ceiling on a bipartisan vote. Sixteen times in 8 years—a rather common occurrence at that time but one that we anticipated being part of the ordinary business of government. That issue has become politicized now, and there are some Members who will come to the floor and vote against extending the debt ceiling, extending the authority of the President to borrow money to keep our government functioning.

What troubles me greatly is that many of the same Senators who are going to vote against the debt ceiling voted for the spending. They voted to spend the money knowing we did not have it and now, as former Congressman Obey of Wisconsin used to say, want to pose for holy pictures—"Oh, I am opposed to the debt ceiling. I am not in favor of debt." Really? How about your vote for the appropriations bills to fund our wars? Did you not vote for those? Did you not vote for the budget resolution which passed on a bipartisan basis which established our spending for 2 years? Did you not vote as well when it came to the continuing resolution of appropriations that had to pass both the House and the Senate?

Many of my colleagues who dutifully voted for all of this spending, knowing in the back of their minds we did not have enough money and would have to borrow to accomplish it, now will come to the floor in a few moments and are going to say: We are holier than the others. We are going to vote against an extension of the debt ceiling.

I would say to those colleagues: Do not vote for the spending if you will not vote for the borrowing because we know now they are linked together. They are one in the same. And the President is only doing what is responsible.

You know, we faced a government shutdown over this debt ceiling last year. That was one of the first ever where a serious threat was looming that we were not going to extend the debt ceiling and, in fact, would renege or basically default on America's debts around the world. The result of that would have been catastrophic. The reputation of America, its economy, and the soundness of the dollar was at stake. Thank goodness, at the last minute those who were opposing the debt ceiling relented, and they set up the process we will be addressing in just a few moments. They said: Well, on a periodic basis, the Congress will have to vote to extend the debt ceiling.

Last week, the House of Representatives said: No, we do not want to extend the debt ceiling. The same Members of the House who voted for the spending bill, the same Members who voted for the Budget Enforcement Act, the same Members who give speeches back home about how we can't turn our backs on our men and women in uniform and have to spend the money to bring them home safely, those same Members voted against the debt ceiling. It is a totally inconsistent position. It is not honest. An honest position would be "I do vote for spending. I do not vote for borrowing." Very few Senators, if any, can say that with a straight face. In fact, just the opposite is true.

I hope my colleagues here will accept our responsibility to extend the debt ceiling by voting no on the motion to proceed to the consideration of the debt ceiling. It is an important vote. And then I want to join and meet the challenge of Senator COBURN of Oklahoma. There are things we can and must do to bring our Nation's debt down, consistent with the Bowles-Simpson deficit commission, consistent with the work of the Gang of 6, and consistent with growing the American economy. It has to include, as the Bowles-Simpson deficit commission recommended, both revenue increases as well as spending cuts. Both have to happen.

When the President comes before us in the State of the Union and suggests increasing tax rates of those making over \$1 million a year, the vast majority of Americans say that is reasonable. It is reasonable to ask those who are well off to pay their fair share. Well, let's make that part of our conversation here. If we are serious about the deficit, let's include revenue that will not hurt working families who are struggling from paycheck to paycheck but will bring the money in to lessen our need to borrow money from overseas

That should be part of it, spending cuts and revenue enhancement that will not hurt the economy. I think we can do that if we address it on a bipartisan basis. I stand ready to cooperate with my colleagues to achieve that. I hope they will join me in voting no against the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

BURMA

Mr. BAUCUS. Mr. President, I will speak on a different matter for about 2 minutes. I wish to compliment the senior Senator from Kentucky for his longtime work on behalf of dissidents in Burma. Very recently, he visited Burma. He met Aung San Suu Kyi, who was awarded the Nobel Peace Prize. As the senior Senator from Kentucky reported to us earlier this morning on the floor of the Senate, we as Americans are making real progress in Burma. Our sanctions in Burma are working. The government there is relenting. I have had briefings from the State Department, and while we need to retain sanctions for the time being to encourage further progress, it is undeniable that we have been seeing real progress in Burma. The dissidents, as led by Aung San Suu Kyi, are engaged in this process. Again, I want to compliment the Senator from Kentucky for his 20 years of work in this area, and I think it is probably in large part due to his efforts that we are making progress in Burma.

Mr. President, turning back to the subject at hand, Alexander Hamilton once said:

To be able to borrow upon good terms, it is essential that the credit of a nation should be well established.

That is obvious. We have low interest rates today because so far we have been able to borrow on good terms. The good terms are that the American people and investors worldwide know the United States is a safe haven given all the consternation occurring in the world, the problems in Europe, for example, and other countries. The United States is a safe haven. Investors want to borrow on U.S. Treasurys. That is why the rate is low, the lowest in recent history. And that is essentially because our credit is good. Investors trust the United States.

It is important to also remember that this debt limit we are voting on today is not an authorization for new spending. I repeat, it does not authorize new spending. That is not what this is. It has nothing to do with new spending. It just says that we have to honor our past bills, honor our past debts. As Alexander Hamilton said, for a country to be on good terms, it is important that we honor our past debts. The credit of a nation should be well established.

I strongly urge our colleagues to vote no on this motion to proceed to disapprove because the result would be chaos. If that were to pass, it would be chaos. We would plunge ourselves back into recession, probably through that into a depression. Interest rates would skyrocket. Inflation would skyrocket. We are trying to lower unemployment rates, not increase unemployment rates. We want people to have jobs, not people not to have jobs.

If the United States did not honor its bills, if the United States did not honor

its debt it has heretofore incurred, it would cause chaos. It would show we are not a creditworthy country. For that reason, I think it is a no-brainer that this bill should be disapproved and, frankly, should be unanimously disapproved.

I think every Member of the Senate wants to honor the credit of the United States of America, wants to pay the bills we incurred in the past. It is an entirely different question as to what we do in the future, entirely different question as to how much we reduce our debt, entirely different question as to how much we cut spending and increase revenues in order to reduce our deficits and our debt. That is an entirely different issue—an extremely important issue but entirely different. That has nothing—nothing—to do with this vote. This vote is only whether we honor our past debts.

Once we say yes, we are going to honor our past debts, then clearly it is imperative that this body move ahead to reduce deficits, reduce our national debt. There has been a lot of discussion about that. We have not made as much headway as we should have. But it is important to remember that in August of last year, this Congress voted to reduce spending by \$2 trillion, \$2.1 trillion—to reduce spending by \$2.1 trillion over 10 years. Close to \$1 trillion of that was accomplished on that vote, and the other \$1.2 is part of the sequestration which goes in effect in January of next year. It is not unimportant that this body voted to reduce spending by about \$2 trillion.

So we should honor our past debts. We should reduce spending—we should reduce our budget debt and deficit. We do that by cutting spending and increasing revenue. That is a different issue. That is what we do in the future. That is what we have to work on this year and next year. But today, it is important for the world to know that we honor our commitments; the United States can be trusted; we have credit that is well established because we honor our past obligations.

I strongly urge Members of the Senate to vote no on the motion to proceed to disapproval because I think there would not be a positive outcome if that vote were to pass. I am not one who is prone to exaggeration or to hyperbole, but I might say in this case that if this motion were to proceed, we would be on the border of catastrophe.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, we are here today to debate the President's desire to take on more debt. We are here to debate whether it is a good thing to put current and future generations on the hook for the spending policies of this administration.

I believe that it is not a good thing. We should not enable this administration to spend more taxpayer dollars by increasing the debt ceiling.

We should be forcing the administration to lead, and to make the reductions in government programs and spending that everyone knows must happen if we are to remain a free and prosperous Nation.

Here is the bottom line, and it is not pretty.

Our debt today is \$4.6 trillion higher than when President Obama took office.

In his 3 years in office, President Obama has run up the three largest deficits in American history.

Three trillion-dollar deficits.

This is an enormous burden that the President is placing on American tax-payers.

He talks about fairness. Well, this debt is unfair to current taxpayers and future generations.

Yet by this debt ceiling increase, he wants Congress to give him a green light to spend more, running our debt up to nearly \$16.4 trillion.

The debt per person has increased by \$13,963 since President Obama took office.

This is unacceptable.

I will be voting for this resolution of disapproval. The debt ceiling should not be increased. The fiscal path that this Nation is on is a path to ruin. The President knows that. But instead of hitting the brakes and getting spending under control, he is slamming on the accelerator.

This is no longer acceptable.

Voting for this resolution, as the House did overwhelmingly, would make it clear that the way to address our spending problem is by reducing spending

This resolution is worthy of our support, and I encourage my colleagues to support it.

I ask for the yeas and nays.

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

Mr. BAUCUS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to the motion to proceed to H.J. Res 98.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. McCAIN).

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

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

The result was announced—yeas 44, nays 52, as follows:

# [Rollcall Vote No. 2 Leg.]

#### YEAS-44

Alexander	Grasslev	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	10 0 10 10 2 0 2 2 10
Collins	Kyl	Shelby Snowe
Cornyn	Lee	
Crapo	Lugar	Thune
DeMint	Manchin	Toomey
Enzi	McConnell	Vitter
Graham	Moran	Wicker

#### NAYS-52

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet Bingaman	Inouye Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller Sanders Schumer Shaheen Stabenow Tester Udall (CO) Udall (NM) Warner Webb Whitehouse Wyden
Boxer Brown (MA)	Klobuchar Kohl	
Brown (OH)	Landrieu	
Cantwell Cardin Carper Casey Conrad Coons Durbin Feinstein	Lautenberg Leahy Levin Lieberman McCaskill Menendez Merkley Mikulski	
Franken	Murray	

#### NOT VOTING-4

Chambliss Kirk Corker McCain

The motion was rejected.

#### MORNING BUSINESS

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the time from 1 p.m. to 2 p.m. in morning business be reserved for the majority.

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

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ULTRALIGHT AIRCRAFT SMUG-GLING PREVENTION ACT OF 2012

Mr. UDALL of New Mexico. Madam President, I rise today to discuss H.R. 3801, the Ultralight Aircraft Smuggling Prevention Act of 2012, and I urge the Senate to pass this legislation today. Passing this bill will not only help to secure our southwest border, but it also affords us the opportunity to honor an incredible colleague.

I had the privilege of serving with Congresswoman Gabby Giffords in the House of Representatives, and she is the force behind this legislation. She originally introduced it in 2010, before the senseless act of violence that took place, and she won its passage. But the Senate failed to take it up.

Over this past year, we have been working with Gabby's staff, and I was honored to introduce her bill in the Senate with Senators Heller, Bingaman, and Feinstein. It passed by unanimous consent in December but was held up in the House because of a procedural issue. This allowed Gabby to reintroduce it in the House this week with Congressman Jeff Flake. Yesterday, as we all bid Gabby an emotional farewell, the House overwhelmingly passed it by a vote of 408–0.

I commend the House leadership for working to make sure this important legislation passed as Gabby's final legislative act before resigning. I want to especially say how honored I am to have worked on this legislation with her.

Like all Americans, I have watched in awe at Gabby's courage and her remarkable grace. She inspires us all. She represents the best of our Nation. Dr. Martin Luther King once said that darkness cannot drive out darkness; only light can do that. Gabby is truly a shining light to all who know her.

The Ultralight Aircraft Smuggling Prevention Act is a testament to Gabby's commitment to securing our borders from illegal activity. A new trend in drug smuggling is to fly a one-person ultralight aircraft over the border to drop drugs. Hundreds are flown across the southwest border each year. Each one can carry hundreds of pounds of narcotics.

Because ultralights are not categorized under existing law as aircraft by the Federal Aviation Administration, they do not fall under the provisions of the Tariff Act of 1930. This means a drug smuggler piloting an ultralight is subject to weaker criminal penalties than one who uses a small plane.

Ultralight presents a unique challenge for Border Patrol and prosecutors. Our legislation will close any unintended loopholes. It will give our law enforcement and prosecutors the additional tools they need to combat drug smuggling. It will also add an attempt and conspiracy provision to the aviation smuggling law. This enables prosecutors to charge people other than the pilot who are involved in aviation smuggling. It gives prosecutors a new tool to go after the ground crews who aid pilots as well as those who pick up drugs that are being dropped off in the United States

This bill will also direct the Department of Defense and the Department of Homeland Security to establish and collaborate in identifying the equipment and technology for border protection to detect ultralights. The ultimate

purpose of this legislation is to make our communities safer, and it is fitting that Gabby, from the very beginning, has been so instrumental in making it happen. I also want to acknowledge the hard work of her staff who worked on this bill tirelessly every day. Peter Ambler is one of her staff members who has been key. I know Gabby's staff is very dedicated to her, and I know Gabby's perseverance to advance her legislative priorities during her recovery demonstrate what a good public servant she is.

Gabby, we know you will be back. But until then, we wish you and Mark all the very best, and we thank you for your extraordinary service to our Nation.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### RECESS APPOINTMENTS

Mr. GRASSLEY. Mr. President, I addressed the Senate recently on President Obama's recess appointments, and he did this when the Senate was not in fact in recess. I described at length why this was an outrageous and unconstitutional power grab. However, President Obama's decision to bypass the constitutional advise and consent of the Senate is not an isolated incident by the President. It is merely the latest escalation in a pattern of contempt for elected representatives of the American people and the constitutional separation of powers. This pattern has become more apparent since the last election when public opinion turned against the direction that President Obama was trying to take the country.

When the President's party in 2009 and 2010 had an overwhelming control of both Houses of Congress, he was able to pursue his agenda with only the slightest of lip service to the objections from congressional Republicans because we were very much in the minority, and, of course, we believe we were representing millions of Americans whose views were in opposition to President Obama's views. In 2009 and 2010, President Obama could in fact govern more like a Prime Minister in a European parliament, where the leader of the party in power dictates the policy to be rubberstamped by that parliament.

Since the 2010 election, that is no longer the case. There was a tremendous voter backlash against both the style and substance of the President's agenda. A groundswell of Americans

became convinced their government termed "czars" are supposed to be, just was out of touch, and they demanded to be heard. The President's party in the Senate is now well below the supermajority necessary to pass legislation without consulting the minority party, and that is the way it was intended for the Senate to work. Moreover, there is now a new majority in the House of Representatives trying to chart a new course based on the concerns that so many voters expressed in the last election.

Rather than accept the message of the 2010 election and the fact he is faced with a Congress that is no longer a rubberstamp, the President has decided that he does not need Congress at all. Imagine that. In fact, he has even said so.

In October, upset that Congress would not pass his latest stimulus bill exactly as he had proposed, the President launched a media campaign around the tag line, "We can't wait for Congress." Under this banner he has announced executive actions for everything from mortgage and student loans, summer jobs for youth, and new fuel economy standards.

A President being frustrated with Congress is nothing new. We all know that from history. What is more remarkable is the notion that the President, however, can act independently of Congress. "Where they won't act, I will," the President has said.

Article I. section 1 of the Constitution of the United States says:

All legislative Powers herein granted shall be vested in a Congress of the United States. which shall consist of a Senate and House of Representatives.

Having had their rights violated by King George, our Founding Fathers intentionally put the power to make laws in the branch of government that is most directly related and accountable to the citizenry of this country. Under our Constitution, the President's role is not to make policy unilaterally but. to quote the Constitution, "take care that the laws are faithfully executed."

Some might say the whole "we can't wait" campaign is just harmless political rhetoric. It would be bad enough if the President were just kidding when he implies that he is usurping legislative power, the legislative power vested in the duly elected representatives of the citizens of the 50 States. However, after his latest power grab, there can be no doubt that President Obama is dead serious. It is not just political rhetoric.

This disregard for the constitutional role of Congress did not start with President Obama's "we can't wait for Congress" campaign. An earlier indicator of actions to come was his controversial appointment of several new so-called czars. The President is well within his rights to choose advisers. We all agree to that. That is in the past just what these positions now

advisers. However, it became clear that many of President Obama's new highlevel czars—such as the climate czar, for instance—were involved in crafting regulations and other roles normally reserved for Senate-confirmed officials. Why? Because then they could be called to the Senate committees to respond and have us operate a proper oversight function.

example of President Another Obama's disregard for Congress is his administration's unilateral pursuit of climate change regulations. The House and Senate have considered various proposals to regulate greenhouse gas emissions, but these have proved very controversial and very harmful to the economy. When the climate legislation backed by President Obama could not achieve sufficient support to pass Congress, the administration announced that it would go ahead anyway. While a Supreme Court ruling opened the door to that possibility, the fact that Congress specifically did not authorize such regulations should have given the President pause.

In a similar move, when the DREAM Act as currently written was unable to secure sufficient support in Congress to pass, an Immigration and Customs memorandum appeared calling for immigration laws to be enforced so as to bring about the same ends as the legislation that could not pass Congress. Congress also rejected the card check bill supported by President Obama to eliminate secret ballot elections for union members. Sure enough, the National Labor Relations Board proposed a rule providing for snap elections, which would achieve the same goals, thus giving union leaders an upper hand in union elections.

The President's "Race to the Top" education program is another significant overreach. Congress bears responsibility for writing a \$5 billion check to the Secretary of Education in the first stimulus bill with minimal guidelines attached. However, the administration blew past even those broad guidelines to implement an unprecedented Federal intervention into State education policy. The resulting program offered the possibility of big grants to cashstrapped States provided they first changed State laws to implement specific policies favored by the Secretary of Education. Most States, such as Iowa, implemented the Secretary's preferred policies and applied for the funds yet never saw a dime in return for changing out State laws.

In a similar move, the President announced he would grant waivers to States for relief from the requirements of the No Child Left Behind Act. The catch is that States will have to adopt key components of his education reform agenda in order to get such a waiver. This is despite the fact that Congress is currently considering legislation to update the Federal education policy and may not adopt all aspects of the President's proposal. Moreover, current law allows for waiving existing requirements on a case-by-case basis but does not authorize the administration to add new requirements in return

So far during my remarks I have mostly focused on areas where the President has acted without authority from Congress. On the other hand, when Congress has passed legislation the President has not entirely agreed with, he has announced while signing them into law that he will not implement the parts he does not like.

During the 2008 campaign, candidate Obama said that he was "not going to use signing statements as a way of doing an end run around Congress.'

However, he has done just that on numercus occasions.

Moreover, he has made clear his intention to not enforce certain laws that are already on the books, such as federal anti-drug laws.

The President's Attorney General also decided not to defend a legal challenge to the Defense of Marriage Act.

Again, the Constitution makes clear that it is the President's responsibility to "take Care that the Laws be faithfully executed" whether the current occupant of the White House agrees with those laws or not.

I can think of plenty more examples of executive overreach.

It would be much harder to think of examples where Congress has successfully fought off an executive power

In fact, the more President Obama has gotten away with these little power grabs, the bolder he has become.

Congress has not been effective in fighting this executive encroachment because Congress is not of one mind.

Members of the President's party are understandably reluctant to oppose him publicly.

However, with this latest escalation, the time has come for Congress, on a bipartisan basis, to say "Enough is enough."

I would ask my colleagues on the other side of the aisle to think hard about the precedent being set for the next Republican President.

Once the genie is out of the bottle, you are not likely to be able to get it back in.

For those who are tempted to sympathize with the President when he justifies bypassing Congress because of "obstructionism", I would return to the fact that our system of checks and between the different balances branches of government did not come about by accident.

The philosophy underpinning the American Revolution, as expressed in the Declaration of Independence, is based on "unalienable Rights" and the principle "That to secure these Rights,

Governments are instituted among Men, deriving their just powers from the consent of the governed."

As a result, our government was intentionally structured to provide maximum protection to individual rights.

In our Constitution, that principle takes precedent over getting things done.

In my previous remarks, I quoted the Father of the Constitution, James Madison, in Federalist 51, "separate and distinct exercise of the different powers of government" is "essential to the preservation of liberty."

Madison was concerned about a temporary majority faction assuming full control of the government and acting tyrannically toward those Americans in the minority.

By contrast, the French Revolution was inspired by the philosophy of Jean-Jacques Rousseau, who wrote that claims of natural rights must be abandoned in favor of submission to the authority of the "general will" of the people as a whole.

The application of this philosophy tends to result in power centralized in a ruling elite that claims a unique ability to interpret the "general will".

This centralization of power allows for a more active government.

That may be attractive to those whose main concern is making the trains run on time. But Amtrak doesn't run on time.

On the other hand, the single-minded pursuit of a common purpose at the expense of individual rights has led to some of history's worst tyrannies.

Our system of separation of powers, federalism, and checks and balances, designed to protect individual rights, results in a more deliberative form of government.

This can be frustrating.

It means that the President cannot expect Congress to just pass his proposals without reading them. But Speaker Pelosi said about Health Care Reform we have to first pass it to find out what is in it.

Still, these features of our Constitution perform an important role in preventing one faction of Americans from dominating another.

President Obama is not the first to become frustrated with the checks and balances built into our constitutional system.

In fact, at the dawn of the 20th century, an entire philosophical movement developed around the idea that our Constitution had become outmoded, that its focus on individual rights was no longer applicable to the modern age.

I mentioned in my previous remarks about the President's unconstitutional appointments that it was Theodore Roosevelt who started to change the way Presidents viewed power.

It is worth noting that President Obama recently gave a speech in Osawatomie, KS, the site of Teddy Roosevelt's famous "New Nationalism" speech.

That speech marked the beginning of Roosevelt's break with the incumbent Republican president, William Howard Taft.

Roosevelt then went on to challenge Taft in the 1912 election on the Progressive Party ticket.

In that speech, which President Obama commemorated, Roosevelt described his New Nationalism as "... impatient of the impotence which springs from overdivision of governmental powers." Throw the Constitution out the window.

He went on to say that, "This New Nationalism regards the executive power as the steward of the public welfare."

An even more explicit description of the progressive view of the Constitution was written by the ultimate winner of the 1912 presidential election, Woodrow Wilson.

In his Constitutional Government, Wilson wrote,

The makers of the Constitution constructed the federal government upon a theory of checks and balances which was meant to limit the operation of each part and allow to no single part of organ of it a dominating force; but no government, can be successfully conducted upon so mechanical a theory.

Leadership and control must be lodged somewhere . . .

It seems strange we have made it for 225 years under our Constitution.

He then goes on to describe at length why he feels the President is where this "leadership and control" should ultimately be lodged.

This philosophy advocates a concentration of power in order to more effectively act on behalf of "the people," at the expense of representing the diverse views of Americans.

It is contrary to the founding principles of our Nation and foreign to the realities of American civic life.

We are a large nation with tremendous variety in both geography and people.

No one man can claim to speak on behalf of all Americans, which is why we have a Congress in the first place.

The voices of all Americans deserve to be heard through their elected representatives and the rights of each American must be respected.

As the State motio of Iowa goes, "Our liberties we prize, and our rights we will maintain."

We must not let short term partisan interests trump those enduring constitutional principles.

The Senate, and the whole Congress, has a solemn duty to defend its constitutional role.

The PRESIDING OFFICER. The Senator from Michigan.

MICHIGAN'S 175TH ANNIVERSARY

Ms. STABENOW. Mr. President, I rise today to congratulate my State of

Michigan on its 175th anniversary of statehood. On Thursday, January 26, 1837, President Andrew Jackson signed into law the bill granting Michigan statehood. The bill was surprisingly controversial. At the time, Michigan and Ohio had been embroiled in an argument called the Toledo war. Before Michigan was granted statehood it had to surrender its claim over Toledo. But in exchange we got the Upper Peninsula of Michigan, one of the most beautiful places in the entire country—I would say in the entire world. So I think we won that trade.

Twenty-four years later President Lincoln would exclaim, "Thank God for Michigan," when Michigan troops arrived to defend Washington, DC, during the Civil War. Around the turn of the century, the auto industry took off in Michigan. Henry Ford paid the workers \$5 a day to build the Model Ts so they could afford to buy the cars they made. That was viewed as revolutionary at the time. Those workers not only created the middle class in this country-and we are very proud it started in Michigan with our workersbut they made America an international superpower.

During World War I, Michigan factories built boats and vehicles that helped turn the tide in Europe. During World War II, Michigan's role became even more important. Auto plants were rapidly converted to military use, building tanks and jeeps and bombers. The Nation's first freeways were built in Michigan to connect our factories in Detroit with those in other parts of the State. The iconic image of Rosie the Riveter saying, "We can do it" was based on a real woman named Rose Monroe who worked at the Willow Run factory in Michigan.

After the war, Michigan experienced incredible growth, becoming the home of our American middle class. Only California and Florida saw greater population growth than Michigan in the postwar years. Manufacturing took off across the State and eventually across the country. Farms saw greater increases in production with the invention of new machinery and the adoption of increased specialization. We built the Mackinac Bridge connecting our two beautiful peninsulas, an engineering marvel that remains one of the largest suspension bridges in the world. Of course, Motown Records and all the wonderful musicians who have come since then gave the world some of the most wonderful music and the best musicians who have ever lived.

The last few years have been tough on all of us in Michigan, but we have been through tough times before, and every time we have come back stronger than ever. We may be 175 years old, but one would not know it. Our economy is growing stronger and more nimble than ever. Great sacrifices have gotten us to this point as we have moved

through great recessions and changes represent in the Senate, the great in a global economy. I am very proud of everyone in Michigan who is working hard and bringing things back.

Our auto companies have made an incredible comeback. G.M. is, once again, the world's largest automaker. Ford is investing billions of dollars in Michigan plants, and Chrysler is reminding the country that the very best cars and trucks are imported from Detroit. I am so grateful for all the sacrifice and hard work of our workers who have helped get our companies to this point.

It was great to hear President Obama talk so much about the future of Michigan's economy in his State of the Union speech. We are diversifying to support new technologies and new businesses. The President invited a Michigan worker, Bryan Ritterby, who lost his job in the furniture business at age 55 and was able to get retrained and have a new job at a wind turbine factory on the west side of the State. He said. "I am proud to be working in the industry of the future." That came about because of the concerted effort of all of us working together not only to help General Motors and Chrysler but to focus on a manufacturing strategy of the future to make things in America.

The President talked about our leadership with clean energy manufacturing and advanced battery technology. In fact, Michigan is now No. 1 in new clean energy patents. We are doing so much in innovation. In fact, the U.S. Patent and Trademark Office is opening a new office in Detroit in July, which is the first satellite office in the country. I am proud to have offered the provision to name it the Elijah McCoy Patent Office, after an African-American inventor whose highquality products and innovations gave rise to the expression, "the real McCoy."

On Michigan's 175th anniversary, there are so many reasons I am proud to represent our beautiful Great Lakes State, from our incredible waters to our tradition of manufacturing, to our great diversity in agriculture. We make and grow products in Michigan. We don't have a middle class in this country, we don't have an economy unless we do that, and Michigan is, once again, leading the way. I am most honored to serve the great people of Michigan who are, without a doubt, the toughest, friendliest, hardest-working people in the country.

The author John Steinbeck once wrote of a trip he took to Michigan. He said, "It seemed to me that the Earth was generous and outgoing here in the heartland, and, perhaps, its people took a cue from it." In fact, our people have.

Today, as we celebrate Michigan's 175th birthday, we have an incredible history to be proud of and an incredible future to look forward to.

Mr. LEVIN. Mr. President, the State of my birth, the State I am honored to State of Michigan celebrates its 175th birthday today. This landmark occasion is cause to reflect on Michigan's contributions to the greatness of our nation.

Michigan has never failed to excite imaginations. The great Civil War historian Bruce Catton, a Michigan native, once wrote that Michigan has always been less about the present than about our voyage to the future, "to the fantastic reality that must lie beyond the mists." From the first European explorers who yearned to learn what they would find on the far lakeshore or around the next river bend, to the scientists and engineers who today are charting the technologies that will define our world for decades to come, Michigan has always helped to answer America's burning question: What comes next?

To a large degree, that voyage of discovery has always been about the growth of America's economy and the prosperity of her people. The lumber that built great cities in New York and Chicago came from our forests. The ores that fed the Industrial Revolution came from our Copper Country and Iron Mountains. The cars that put the world on wheels, and helped build America's middle class, came from our factories—as did the bombers and tanks that helped win World War II. And today, the exploration of new technologies in energy and transportation is helping to shape America's economy so that we can prosper in an extraordinarily competitive global marketplace.

Our State's identity is inextricably linked to the jewels that surround us: the Great Lakes. Their waters provide the drinking water that sustains us. They drive our economy. They help move goods to and from the far corners of the globe. They bring visitors to our shores. And they are a treasure trove of memories—of families sharing a picnic on the beach, of a kayaker's solo paddle through the mists of early morning, of a voungster's first successful cast of a fishing line or of a sunset walk along the water. We are custodians of the largest store of fresh water on the globe, and throughout our history, Michiganians have sought to exercise that responsibility with gratitude and

Michiganians have left an indelible mark on history, a mark that reaches far beyond our borders. The cry "Remember the Raisin!" rallied American troops to win the War of 1812, and Custer's shout, "Come on, you Wolverines!" helped turn the tide at Gettysburg. From W.K. Kellogg's cereal to Thomas Edison's light bulb to Henry Ford's assembly line, Michigan innovators have shaped the world around us. Michiganians helped to run the Underground Railroad and to lead the fight for civil rights. A Michigan woman, Sojourner Truth, changed the world by asking, "Ain't I a woman?" And a Michigan man in the White House, Gerald Ford, helped heal the wounds of division in the dark days of Watergate.

Michigan has given the world remarkable artists, from the poems of Philip Levine to the sounds of Motown. Michigan has given the world Magic Johnson's smile, Joe Louis's power and Derek Jeter's leadership.

Michiganians look back with pride on these 175 years. And we look forward with hope and anticipation to that always-approaching future that Bruce Catton described to the fantastic reality that awaits our State in the years ahead. I hope my colleagues will join me in celebrating the 175th anniversary of Michigan statehood and the greatness ahead for our State.

I yield the floor. The PRESIDING OFFICER. The Senator from Rhode Island.

#### CITIZENS UNITED ANNIVERSARY

Mr. WHITEHOUSE. Mr. President, representing a State that is coming up on our 350th anniversary, I am delighted to salute the great State of Michigan on its 175th anniversary.

I rise to note the anniversary of an unfortunate event that is undermining the very core of our cherished democracy. This past Saturday marked the 2year anniversary of the Supreme Court's disastrous 5-to-4 decision in a case called Citizens United v. the Federal Election Commission. With that feat of judicial activism, the conservative block of the Supreme Court gnawed a hole in the dike protecting our elections integrity, overturned the will of Congress and the American people, and allowed unlimited, anonymous corporate money to flood into our elec-

Senator McCain recently called this "one of the worst decisions in history." Senator SCHUMER said, at the time, "One thing is clear; the conservative block of the Supreme Court has predetermined the outcome of the next election: the winners will be the corporations."

It is no secret around here that big corporate interests long have had oversized influence in the legislative and executive branches. But Citizens United supersizes that influence so it threatens to overrun our elections. Here is how my home State newspaper, the Providence Journal, explained it:

The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

This election year already confirms those fears. Senator McCain noted earlier this month—and I will quote him

I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold finance] law, that there would be a flood of money into campaigns. not transparent, unaccounted for, and this is exactly what is happening . . . and I predict . that, in the future, there will be scandals because there is too much money washing around political campaigns now that nobody knows where it came from and nobody knows where it's going.

Senator McCain got it right. Look at Iowa, New Hampshire, and South Carolina. This election cycle has been the coming-out party for the super-PACs, the so-called "evil twins" of candidates' campaigns.

Why evil twins? Because unlike candidates' campaigns, super-PACs can accept unlimited corporate cash. Unlike candidates' campaigns, super-PACs can hide the identities of who is funding them until long after the voting is over. Unlike candidate's campaigns, super-PACs can run vicious and misleading advertisements without anyone being accountable to the voters.

Super-PACs supposedly cannot coordinate their activities with the candidates' campaigns, but we all know this is pure fiction. In practice, they are run by close confederates of the candidates, fueled by the same donors and acting in perfect harmony with the campaigns and it is out of control. Through the date of the New Hampshire primary, super-PACs spent over \$14 million, far more than the candidates' campaigns did themselves. Here is the problem: Corporations are not people. By refusing to acknowledge this, the Citizens United opinion has undermined the integrity of our democracy, allowing unlimited corporate money to drown out ordinary citizens' voices.

This is not just some unfortunate side effect of a longstanding right enshrined in our Constitution. This is new and novel. The Founders certainly did not consider corporations to be citizens of our democracy. Corporations are not even mentioned in the Constitution once. Indeed, private business corporations were actually rare at our Nation's founding.

As Justice Stevens noted in his dissent in Citizens United it is:

Implausible that the Framers believed 'the freedom of speech' would extend equally to all corporate speakers, much less that it would preclude legislatures from taking limited measures to guard against corporate capture of elections.

So there is no case to support the Citizens United decision if one is an "originalist."

Federal laws have restricted corporate spending on campaigns since 1907. The principle that an inanimate business corporation is not allowed to spend unlimited dollars to influence political campaigns is a long-established cornerstone of our political system from Teddy Roosevelt, a century

ago, to Senators McCAIN and Feingold Five. Other courts are having trouble in our time, who won that bruising legislative battle for the 2002 bipartisan Campaign Reform Act. Citizens United overturned not just all that legislation but also overturned a long line of judicial decisions upholding those restrictions on corporate cash and elections. So there is no case based on precedent either.

Justice Stevens noted that "the only relevant thing that has changed [since those prior precedents] . . . is the composition of this Court.

The conservatives got a majority of five and they ran with it-judicial activism pure, plain, and simple. The activism appears pretty nakedly in the majority's finding of fact.

For starters, a Supreme Court is not supposed to make findings of fact. Its role is to review the factual record presented to it and interpret the law. But the Supreme Court's conservative bloc nevertheless made findings of fact in Citizens United. Here is one:

We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

They just declared that to be true. So a company comes in, drops a couple million dollars to smear one candidate on behalf of the other in a closely contested race, and you don't think that other candidate is in the company's pocket? Please.

Say a year later that company comes back and it sits down quietly with the Congressman and says: Remember that ad we ran smearing your opponent last year that helped you win the election? Well, here is one we are going to run against you through a different, phony shell organization unless you vote with us on this bill. No possibility of corruption or the appearance of corruption? Please. It is ludicrous. It is patently false.

Here is another finding of fact by this bloc of judges:

The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy.

If all we are doing is listening to the corporations, people are going to be fine with that. Please. Anyone in politics knows how phony that statement is. There are hundreds of thousands of pages to the contrary in the records of the previous Supreme Court decisions that were overturned and from legislative hearings.

Here is what the Senate said 100 years ago, speaking about corporate money in elections:

The evils of the use of [this] money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government and calculated to promote purity in the selection of public officials.

This finding of the Senate was magically overturned by the Citizens United swallowing this phony factfinding.

The Montana Supreme Court recently rejected this false premise that underlies Citizens United. Here is what they said:

Clearly the impact of unlimited corporate donations creates a dominating impact on the political process and inevitably minimizes the impact of individual citizens.

Now, that is true. But the conservative justices comprising the Citizens United Five had to make these unsupported findings of fact. They are the analytical linchpin of the Citizens United decision. Without the pretense that corporate money could never corrupt or appear to corrupt elections, the rest of their analysis falls to pieces, and they would never have been able to open the floodgates for the big corporations.

So they had to make these findings, even though the findings were contrary to precedent, contrary to common sense, contrary to fact.

Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections. Rhode Islander Charles-I will just use his first name—in Little Compton wrote to me:

[i]t is wrong that someone who shouts louder or further, in this instance solely because they have more money, should drown out another person . . . [C]orporations have no problems getting their views aired.

Hope-Whitney in Bristol wrote to me: [j]ust the idea that a corporation is considered an individual in regards to politics goes against everything American to me [T]hey have become the Emperors as they have the financial ability to be heard everywhere . . . I'd be willing to bet that a majority of their own employees do not agree with their political representation.

Elizabeth in Wakefield, RI, wrote:

Big business should not control our elections. It is bad enough that they deeply influence our politicians through lobbyists.

Rhode Islanders, like Americans across the country, have had enough. In 2010, we came within one vote in this Chamber of passing the DISCLOSE Act, which would have at least kept the corporate cash from flooding our elections anonymously. This year, let's redouble our efforts to limit the damage done by Citizens United. We must if we are to preserve democracy of the people, by the people, and for the people from this tide of unlimited, unaccountable, and anonymous corporate money polluting the power of elections.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER (Mrs. McCaskill). The Senator from Minnesota.

Mr. FRANKEN. Madam President. I rise today to talk about one of the worst Supreme Court decisions in the history of the Court. Two years ago the Supreme Court handed down the landmark decision Citizens United, and with it they gave corporations a blank

check to utterly destroy our political system. I wish to take a few minutes this afternoon to tell my colleagues about the practical impact of this decision and how it threatens our democracy and why we need to do something about it.

Let me start with the punch line. In Citizens United, the Supreme Court ruled for the first time that corporations are guaranteed the same free speech rights as real people to influence elections. I didn't say it was a funny punch line. The Court had previously held that money or campaign contributions are speech, so functionally that means the corporations are now able to spend as much money as they want, whenever they want, in any election in this country.

Let me tell my colleagues how.

My colleagues may have heard a lot about PACs. "PAC" is short for political action committee, and it is an entity that is separate from a campaign that can run political ads on issues or support or oppose a candidate. They can also give a limited amount of money directly to campaigns. The idea behind them is that if a number of citizens share views on issues, say, the environment, they can pool their resources, make their views known, and influence an election. They can run ads to call for the election of a candidate who supports those shared beliefs. But a PAC cannot coordinate with that candidate's campaign. It is not supposed to be an extension of that campaign.

Prior to Citizens United, corporations could get involved in the political process, but there were special protections in place. They couldn't use their money to make a direct contribution to a campaign, and they couldn't buy political ads to directly influence elections. Instead, they had to give money to a PAC, and how much they could give was very tightly restricted. Corporations could only use their treasury funds to pay to set up and administer a PAC and could not use any money to expressly advocate for the election or defeat of any candidate. Their executives, like all other individuals, could only write checks of up to \$5,000 to these PACs.

Citizens United began the process of unraveling these protections when it was found that companies could give unlimited money to PACs for the purposes of running ads directly advocating for or against a candidate. This kind of activity is called "independent expenditures."

There is one line from the Supreme Court's opinion that I think is worth sharing with my colleagues, as Senator WHITEHOUSE did as well, because it highlights for me and for him just how absurd the thinking of the Court was on this case. It said:

[I]ndependent expenditures, including those made by corporations, do not give rise

to corruption or the appearance of corruption. super PAC, which are published only tion.

I added the emphasis.

This one line that is so flawed and so out of touch with reality is what has spawned the complete unraveling of our campaign finance system, and it has opened the floodgates for political spending.

A subsequent case, FreeSpeech-Now.org v. FEC, continued what Citizens United started by finding the contribution caps—the limits on what corporations and wealthy individuals can give to PACs—to be unconstitutional.

The combination of these two court cases is what gave rise to what is now known as a super PAC, and as a result many regular PACs have now given way to these super PACs. What does this mean in practice? It means that corporations can now give an unlimited amount of funds directly from their general treasuries to PACs and that those funds can be used to run ads supporting a candidate or running attack ads against their opponents. And because the cap on contributions to PACs was eliminated for individuals as well, now CEOs and other superwealthy individuals can write multimillion-dollar checks to influence elections. This entirely undermines the restrictions that were put in place on how much an individual or corporation can give to a candidate running for office. A person just gives however much they want to the candidate's super PAC, and they buy ads that support the candidate's election or, as we have seen a lot of lately, they run negative ads that smear another candidate.

A super PAC is not a new legal entity; it is just a PAC that started to bundle together these unlimited corporate donations with unlimited donations from super-rich individuals with the goal of supporting or defeating certain candidates. Let's be clear. These super PACs aren't about issues, they are about campaigning for candidates—even though they ostensibly can't coordinate with the official campaign and legally a candidate can't even force them to stop.

As so many people have noted, in this new political reality it would be unilateral disarmament—and ultimately electoral defeat—for elected officials to run away from super PACs. That is why the system needs to be changed.

But it gets even worse. In a post-Citizens United world, one often cannot even find out where the money is coming from. PACs and super PACs have to disclose several times a year where they get their money from, but companies often don't want us to know they are giving lots of money to elect or defeat someone, so they do something that looks like money laundering, except that it is legal. They might create and give money to a shell corporation which in turn donates to a super PAC. When you look at the records of the

super PAC, which are published only about quarterly, you will see the shell corporation but not the original source of the money. A company might give money to one shell corporation which, in turn, could give money to another PAC, and so on, until it finally reaches the ultimate super PAC. With records published so infrequently, it is nearly impossible to trace back to the original corporation.

To make matters even worse, many super PACs have been able to get permission from the Federal Election Commission to delay their disclosure statements, rendering all of these supposed disclosures completely useless.

So back to the punch line. Corporations can now spend an unlimited sum of money to buy elections, and the American people generally won't even know about it. Corporations and superwealthy individuals no longer have to play by any sensible rules when it comes to the checks they write for campaigns. Citizens United ushered in the wild, wild west of political spending. But don't take my word for it. Let's look at some of the numbers.

In the 2010 election, outside groups spent over \$280 million on political ads and other campaign expenses. This is more than double the amount spent by outside groups in 2008 before the decision, and it is more than five times the amount spent by these groups in 2006. The chamber of commerce alone spent more than \$32 million on campaigns in 2010, which is more than any other single outside group, and it is nearly double the amount it spent in 2008. Outside groups spent more on political advertising in 2010 than the official Democratic and Republican Party committees.

But that was 2010, when corporations and the superwealthy were just beginning to understand the utility of this amazingly misguided decision. The last several months have given us example after example of what big money can do to control the political process.

Now, I may not agree with the views of all of the Republican primary candidates—or any of them, for that matter; some of them individually, maybe, but not as a whole—but I do believe that everyone deserves a fair shake when they run for office. And a fair election is just not possible when corporations and wealthy individuals can swoop in and drown out the voices of hundreds of thousands of Americans with a single fat check.

Madam President, I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRANKEN. Former Speaker Newt Gingrich pulled off a surprise win in South Carolina. But I would venture to guess it wouldn't have happened if Mr. Gingrich's super PAC hadn't received a \$5 million check from one guy, a multibillionaire from Las Vegas. This super PAC, also known as the group Winning Our Future, used the money to pay for attack ads against former Governor Mitt Romney. Just a few days ago, it was announced that the wife of this same billionaire wrote another \$5 million check to Mr. Gingrich's super PAC to help him out in Florida. Now. I wish I could offer an example of a company writing a similar check, but as I mentioned before, there is just no way of knowing if they did or didn't because they don't have to disclose it and they can take steps to hide it. But this example of two \$5 million checks from one couple who just happened to be willing to talk about their donations should show just how big we are talking about. This is very, very big money, and it is happening now.

To be fair, Mr. Romney has his own super PAC called Restore Our Future. and it is currently outspending every other PAC in Florida by 20 to 1. I wish I could tell my colleagues how this is possible, but the first disclosure statement for this campaign season won't be out until the end of this month, and even then it will be hard to trace it back to individual companies or people through all the shell corporations and other PACs.

This is only the beginning. Hold on

to your hats. Over the next 10 months, I predict we will not just see a flood, but we will see a tidal wave of political spending by corporations and the wealthiest of the wealthiest Americans, the vast majority of whom are also running these corporations. And what will this mean? It means it will be hard for \$25 individual contributions to make any impact when compared to a single \$5 million check from a superwealthy and super-self-interested individual. Your voice and the voice of millions of Americans like you will be overwhelmed by the voice of a corporation or "uber" wealthy individual who can write multimillion-dollar checks without blinking an eye. All of this is going to happen under a shroud of secrecv.

We may not know who is bankrolling these groups, but we do know who is hurt by them, and it is all of us-Democrats and Republicans alike. No matter where one's ideology falls or with what political party one associates, I think people will agree with me that this process isn't fair. It isn't right, and it is something we need to change.

Congress tried to do something about this a little over a year ago when we took up CHUCK SCHUMER'S DISCLOSE Act. Despite overwhelming public support for disclosure laws, this tremendous piece of legislation did not pass. It failed in the Senate by one vote. I am sad to say that every Democrat voted for it and every Republican voted against it. That is a very disappointing outcome because this is an issue that affects candidates of both parties. It is one we should all be able to get behind.

We are all hurt by corporations that can write enormous checks to their favorite politician, and we are all hurt when wealthy individuals can shield their contributions from the public by donating to shell groups and phony organizations that do nothing but pass those dollars on to help the candidate of their choice. This is a matter of transparency and accountability and fairness which should cut across the entire political spectrum.

Although we may not agree on everything, I do think we can all agree we need to do more to bring greater transparency to the election process. A number of my Republican colleagues agree with me-and had agreed for years before the Supreme Court further unraveled restrictions on corporate spending.

I will read one of the quotes. A good friend of mine, Senator JEFF SESSIONS,

I don't like it when a large source of money is out there funding ads and is unaccountable. . . . To the extent we can, I tend to favor disclosure.

I could go for minute upon minute upon minute reading these quotes. I will not in the interest of time.

So this is a problem we all need to recognize, we all need to deal with. Republican Presidential candidates are dealing with it now, but soon it will be the Democrats' turn. So I have teamed up with a number of my colleagues, many of whom will be speaking today, to see that Congress can take up legislation where we disclose, where we have greater transparency for this outof-control spending. We are going to work hard to bring our Republican colleagues to the table and get their agreement on a path forward. Disclosure will not fix all the evils of Citizens United, but it certainly will be a step forward. I hope my colleagues will join with us in this effort, and I hope to be back on the floor many times on this issue.

Madam President, I thank you for your indulgence because I have run out of time.

I vield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Minnesota. As he was eloquently telling us, last Saturday was the 2-year anniversary of the Citizens United Supreme Court decision that caused our democracy to take a giant step back from the values we hold dear in this country. It was a ruling that overturned decades of campaign finance law and policy, allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy, and blew the door wide open for foreign corporations to spend their money on elections right here in the United States.

That disastrous decision opened loopholes in our campaign finance laws big enough for the biggest corporations and wealthiest Americans to drive truckloads of anonymous money right through, and as we have seen over the last 2 years, that is exactly what they have done. Tens of millions of dollars have flooded our electoral process, with no transparency, no accountability, no way for the American people to know where it is coming from or who would benefit from the policies being advocated. This is wrong. It is not the way elections in America are supposed to work.

We are a country that believes very strongly that every voice deserves to be heard. If you have a good idea, you can go out and talk about it. If your fellow citizens agree with you, they can stand with you. They can tell their friends and their neighbors and vote for you or in support of the issue. That is one of the foundations of our great democracy. Today it is being subverted. The Citizens United ruling has given special interest groups and the wealthiest Americans a giant megaphone to drown out the voices of ordinary citizens across America-to spend unlimited money and do it with no transparency, no accountability.

This is a personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of average Washington State families were being represented. They made phone calls. They went door to door. They talked to families across my State who wanted more from their government. Well, we ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But to be honest, I do not think it would have been possible if corporations and special interests had been able to drown out their voices with a barrage of anonymous negative

My story is not unique. In every election across the country, ordinary citizens make the decision to get involved in the political process. They lace up their shoes, hit the streets, and make their case to their fellow citizens. They ask their friends and their neighbors for financial support to help them spread their ideas. And they publicly publicly—release the names and contributions of everyone who supports their campaign.

These men and women come from all different walks of life, and they each have their own reasons for running, but for most of our Nation's history, they had a shot. They could compete. Ordinary Americans who wanted to get involved in public service to improve their community or their State or their Nation could do that because their voice could be heard. But if Citizens United is allowed to stand, these

Americans are going to be drowned out misguided decision in Citizens United and beaten down by the onslaught of unlimited and anonymous money special interests can throw into races to support the candidates who agree with them, the candidates who will be good for their own bottom line and who will not threaten the loopholes and subsidies or tax breaks from which their financial backers profit. This is wrong. It needs to end.

Last session, I was proud to support legislation—the DISCLOSE Act—that would shine a bright spotlight on this process and force special interest groups and CEOs to take responsibility for the ads they put on the airwavesthe same way candidates do. That bill would have strengthened overall disclosure requirements for groups that are attempting to sway our elections. It would have banned foreign corporations and special interest groups from spending in U.S. elections, made sure corporations are not hiding their election spending from their shareholders, limited election spending by government contractors to make sure taxpayer funding is never used to influence an election, and would have banned coordination between candidates and outside groups on advertising so corporations and special interest groups can never sponsor a candidate

That bill was blocked on the Senate floor last session, but we cannot give up. We need to overturn Citizens United and hand democracy back to our citizens. Anyone who believes special interest groups and big corporations should not be able to spend unlimited money influencing our elections without any accountability or any transparency should support this effort. Anyone who believes foreign entities should have no right to influence U.S. elections should stand by our side. And anyone who agrees with Justice Brandeis that "sunlight is the best disinfectant" should drop their opposition to this and work with us to get this done.

Throughout the history of our great Nation, ordinary citizens have had a strong voice in our electoral process. The Citizens United decision is a threat to that critical foundation of or democracy, and 2 years later, it is clearer than ever that we cannot allow it the stand. So I thank all of our colleagues who are speaking out here on this floor and vow to continue to work with them to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to follow the distinguished Senator from the State of Washington who has spoken so powerfully on this issue, which is especially appropriate at this time because we do mark the 2-year anniversary of the U.S. Supreme Court's momentous and

v. Federal Election Commission. That decision strikes at the core of democratic ideals and principles, not just because it opens the floodgates for money that can drown out the voices of millions of ordinary Americans in the political process, but it also demonstrates the results of judicial activism at its worst. In that case, the Court, by a 5-to-4 margin, held that corporations have a first amendment right to spend unlimited amounts of money in the service of political candidates and that those rights cannot be abridged by placing limits on their independent spending for political purposes.

This decision not only expanded the ability of wealthy individuals and large corporations to flood out the voices of millions of ordinary Americans, it also reversed nearly a century of existing law and struck down the validly approved—by this Congress—Bipartisan Campaign Reform Act, approved in 2002. The purpose of that act was to limit the corrosive influence of money on our political process that has been discussed and denounced by Members of this body again and again and again and by the President of the United States as recently as a couple nights

This decision, in my view, was wrong as a matter of law as well as policy. It enables unlimited anonymous money to be contributed in support of or opposition to candidates. It allows the wealthy and powerful to have a disproportionate voice in the most important and fundamental aspect of our democracy—a free and fair election that counts everyone's vote equally.

The shock waves of that decision in Citizens United are reverberating now with increasing impact throughout our political system. We can see them every day, literally, in the ads that appear on TV in major markets in the primary States and throughout the country that could and would-might as well be in the voices of the candidates themselves. Outside groups spent four times as much money in the 2010 midterms as in the 2006 midterms—nearly \$300 million. Nearly half of the money spent in the 2010 elections was spent by just 10 groups. Outside spending per race tilted in favor of the winning candidate in 60 of the 75 contests last year where power changed hands. This impact is visible and tangible, undeniable in our political process. It is right before us, as visible as the desks and people in this Chamber. That impact can be expected to grow dramatically in 2013, as spending in the Presidential years is typically much higher than in the midterm elections.

According to opensecrets.org, which tracks political spending, as of today, 296 groups organized as super PACs have already reported spending nearly \$41 million on the upcoming election. These super PACs are banned from explicitly coordinating with the candidate they support, but they are operated and controlled by supporters, many of them former staff members. Their collaboration and confederacy are no less impactful because of that rule barring explicit coordination.

We must act to limit the destructive effects of Citizens United before it permanently alters the nature of our political system, undermining it forever and eviscerating the fundamental rights and freedoms that are protected by our Constitution.

I am a strong proponent of legislative proposals to force corporations and individuals to disclose their enormous donations and expenditures to the public-a number of them have been mentioned by my colleagues—and I support them. The Supreme Court's opinion in Citizens United naively argued that voters could readily learn the identity of companies behind these corporatefunded political advertisements. But the fact is otherwise.

Nearly half of the \$300 million spent by outside groups in 2006 came from groups that did not disclose their funding source. We must pass disclosure legislation immediately to at least allow sunshine to rein in the worst excesses of this new system, to give ordinary Americans the knowledge they need so that disclosure protects their freedom.

But I also believe we need to go further, and that is why I am a cosponsor of the constitutional amendment that would reverse this decision. amendment, S.J. Res. 29, would reiterate what we all believed the law to be before Citizens United. That resolution clarifies, and the amendment would do so, that Congress does indeed have the power "to regulate the raising and spending of money and in kind equivalents with respect to Federal elections and that States have the authority with regard to State elections to do the same."

I know that amending the Constitution is not easy, and supporting a proposed amendment is not something I do lightly. But, unfortunately, the Supreme Court has clearly demonstrated that it will permit unchecked corporate power over elections, and the task is then for Congress and the States and the people to restrain such spending and thereby rein in the Supreme Court.

Many have seen Citizens United as an expression of the U.S. Supreme Court's judicial activism in favor of well-funded and well-lawyered corporations, often at the expense of vulnerable Americans, and there is support for that view of the Supreme Court trend in decisions.

In AT&T v. Concepcion, it expanded the ability of companies to force consumers into secretive binding arbitration agreements. In Wal-Mart v. Dukes,

it restricted the ability of similarly situated persons, including female employees who faced discrimination in the workplace, to ban together and seek redress against a powerful company.

In PLIVA v. Mensing, a case involving a woman who sustained injuries from a drug company's failure to properly disclose the risk of a generic drug, the Court sided with the drug companies, holding that a generic drug company is not liable under State law for failing to notify the FDA or the consumer about newly discovered risks of the drug.

In Sorrell v. IMF Health, the Court overturned a Vermont law intended to prevent improper and invasive practices of drug companies tracking doctors' prescriptions to patients. Just 2 weeks ago, in CompuCredit v. Greenberg, the Court halted a class action lawsuit by consumers who signed up for a credit card marketed to individuals with poor credit histories. Each of those decisions and others has been interpreted as part of a pattern that led the Senate Judiciary Committee to hold a hearing a few months ago entitled: "Barriers to Justice and Accountability: How the Supreme Court's Recent Rulings will Affect Corporate Behavior."

But more important than that perception and the appearance of that favoritism in judicial activism is the activism itself, the potential overreaching that undermines the faith and confidence of people in the Court. Citizens United exemplifies judicial activism at its worst. People want limits on the corrosive and corrupting influence of money. They want restraints on the power of corporations and wealthy individuals to fund—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLUMENTHAL. I ask unanimous consent for 2 additional minutes.

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

Mr. BLUMENTHAL. In closing, people speak through their legislature. The judiciary struck down a measure through which the people spoke to place those limits on the ability of corporations to shape results, and the judiciary now should be overturned through a constitutional amendment that restores the Democratic voice of the people as a whole.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon State.

Mr. MERKLEY. Madam President, my colleagues and I come here today to speak out against the hijacking of American democracy by powerful special interests. It was 2 years ago this last Saturday that the Supreme Court found in Citizens United that unlimited secret funding of campaigns in America is just fine. This is not an opinion shared by Americans who understand

that secret donations corrupt the electoral process. It is not an opinion shared by virtually everyone who serves in this body, who has come to this floor and talked about transparency and accountability. Certainly it is a viewpoint that would be very strange to the authors of the Constitution.

What are those first beautiful three words of the Constitution? Are they, "We the powerful"? Are they, "We the special interests"? No, they are not. Those three words are, "We the people." Virtually every schoolchild in America can tell you that. "We the people." That is what American democracy is all about.

The entire Constitution is written for the prosperity and success for the rights of the citizens of the United States of America. Indeed, it was President Lincoln who captured the genius of American democracy in this phrase: A government of the people, a government by the people, for the people.

Citizens United is the opposite. Secret unlimited donations are an instrument of the powerful. Secret unlimited donations are an instrument of very large companies. Our Constitution honors free speech. The first amendment is about free speech. It recognizes how important it is that citizens are able to openly debate the merits of candidates and the merits of ideas. But the action of the first amendment is that competing voices must be heard and measured against each other in a market-place of ideas. But that falls apart under Citizens United.

Under Citizens United, the torrent of cash amounts to the equivalent of a stadium sound system drowning out the voices of the people. Let me give you an example of what I am talking about. If you were to take a very successful company in 2008—I will choose one, Exxon, a very profitable company—if it had spent 3 percent of its net profits in 2008, that money would have been equal to the money spent by all Americans on the Presidential campaign. One company, one board room, one proposal, spending 3 percent—only 3 out of 100—of the net profits, equivalent to all money spent by all of the rest of America on a Presidential election. That completely corrupts the concept of a government of the people, by the people, and for the people.

Now, in 2012 we are seeing the results. I am going to put up a chart. Take a little comparison. We see that spending in 2008 at this point in the campaign was about \$23 million. About half of that, where these blue arrows come to, was coming from independent expenditures. The other half was coming from candidates and parties.

Well, here we are 4 years later, post-Citizens United. Look down here, and you will see the very small amount that comes from candidates and parties. You will see this enormous part of the funding coming from independent parties. Ninety-five percent up to this point is coming from independent parties. Well, the number went from 26 to 45, and the amount spent through the ordinary system has dropped massively. This is the special interest impact on American elections. This is the impact of the powerful on American elections.

Now, let's look at the campaigns to date for the Presidency. The Iowa caucuses: Newt Gingrich started to rise to the top of the polls, but then super PACs supporting Mitt Romney weighed in. They came to town and they spent a huge amount of money. When caucus night came, Gingrich lost, and he lost badly.

Newt Gingrich commented, "For a State this size," referring to Iowa, "to spend that number of dollars in negative ads aimed at one candidate is pretty amazing."

It is amazing and it is effective. The story changes when Newt Gingrich had a super PAC of his own that came in with \$5 million in South Carolina. Instead of being defeated, he won. The pattern is clear. The message is clear: The vast expenditures of secret powerful money make an enormous difference in who wins elections.

Why is this corrupting? Every person on this floor, every one of us sees that pattern. Everyone running across this country sees that pattern. It means, when the powerful come to an individual and say: You are going to run. This is my position. Will you not back it? And they know that company can put millions into their race, that corrupts the process.

When a bill is on the floor of this Chamber and someone knows the person backing that bill can spend millions of dollars in the upcoming race, that corrupts this process. That is not what American democracy is all about. So we must change that. We must have full disclosure of donors. We must have timely disclosure of donors. We must have commonsense limitations on how money is raised and how it is spent. That is why with others, I have joined to back Senator Tom UDALL's constitutional amendment that makes it very clear that is exactly what can be done.

This does not constrain speech; this makes free speech work as designed in the Constitution for the citizens in a government by and for the people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I commend my colleague from Oregon for his statement.

Mr. SCHUMER. Would the Senator yield?

Mr. WYDEN. I would yield.

Mr. SCHUMER. I ask unanimous consent that I be allowed to speak immediately after Senator WYDEN for no more than 5 minutes.

objection, it is so ordered.

Mr. WYDEN. I thank the Senator from New York for his courtesy. I too will be brief. It is an extraordinary honor to represent Oregon in the Senate. Having this special privilege, I have tried to make the lodestar of my service transparency and accountability. It is why I worked with the distinguished Senator from Missouri Mrs. McCaskill to end secret holds in the Senate

I have had more than 600 open town meetings. That is why we take legislative drafts and put them online so citizens can comment wherever possible. It is all about transparency and accountability. Today's campaign finance system is neither. It is not transparent, it is not possible for Americans to see who is giving what sums to what particular candidate, and there is no accountability—certainly no accountability in the sense that when people go to the polls in Vermont or New Hampshire or New York or anywhere else people know who has given a donation so that they can factor that in to their political judgment.

With the explosion of mass media, the tradition of negative campaigning through pamphleteers and partisans has grown and grown to the point where the typical voter cannot find a way to avoid the flood of half truths and outright falsehoods. It becomes even harder to send the message that voters want; that is, we made our choice because we have full and complete information.

Now, all of this was getting worse until the Congress came together to take two steps. The first was Congress enacted regulations of independent expenditures and eliminated the so-called soft corporate money that had begun to overwhelm the process.

The second step—and I want to thank Senator Collins from Maine for working with me on this issue—is we passed what is called "stand by your ad."

This is the law that requires candidates who sponsor political ads to take individual responsibility for their ads and state in the ads that they "approve this message." I thank Senator SCHUMER, who has been a champion for this kind of accountability for years.

That is where we were until the U.S. Supreme Court's decision in Citizens United drove the system right back into the mud. Through this decision, the Supreme Court has seen fit to create what amounts to a new route for massive sums of unreported, unaccountable, and unacceptable spending to drown out any responsible discourse. In my view, this decision degrades our democracy and creates the appearance that the American Government is simply up for sale to the highest corporate bidder.

This decision by the 5-to-4 majority on the Supreme Court overturned al-

The PRESIDING OFFICER. Without most a century of precedent and undermined the intent of the Founders. The decision, in my view, reflects a lack of understanding about a political process and an inability to see the corrosive effect of massive and hidden expendi-

> Justice Kennedy, in the decision, specifically said this:

> We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

> In effect, it was the opinion of the Court that if Disney or Comcast or British Petroleum spends \$20 million in an otherwise \$10 million Senate race advocating one candidate, that newly elected Senator will not even have the appearance of working in their corporate interests instead of the public interest. In my view, that kind of reasoning does not pass the smell test. This is the sort of decision that ought to be left to the branch of government with constituents who understand not just the theory but the reality of elections.

> It is incumbent upon the Congress, whose members do understand the electoral system, to begin the process of restoring balance to the mechanisms of democracy. This needs to be done before our elections are entirely overrun by shadowy interests warring unchecked, using the political system and American voters as pawns.

> My final point is that I do not reach this judgment lightly. I believe constitutional amendments ought to be reserved for those situations when the delicate balance set up by the Founders has been upset by time, circumstance. or, in this case, a sudden and ill-considered change in the jurisprudence that governs our system. That is the situation we face today, and it is why I have decided to add my name to the sponsors of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to again call for increased disclosure of campaign contributions and expenditures so the American people are informed about who is spending in our elections.

I thank my colleagues from Oregon, Senator Wyden and Senator Merkley, for their good remarks, as well as many of the others who have spoken.

This week marks the second anniversary of the Supreme Court's appalling decision in Citizens United, in which Chief Justice Roberts and his cohort of activist judges overturned a century of legal precedent and created a flood of special interest group spending coursing through the veins of American elections.

It is my view this decision has done more to poison our politics than most any other in recent times. In fact, some have argued this is the worst decision the Supreme Court has made since Plessy v. Ferguson. I agree a great deal with that argument.

The Court's decision created a loophole that allowed entities to create groups to serve as a conduit to anonymously funnel money and mislead the public about their true motives. The decision has also led to the creation of super PACs, which are not only able to receive unlimited contributions and spend money at unprecedented levels. they are able to do so without accountability, working under the protective shadow of anonymity. As a result, a multimillionaire individual, corporations, and labor unions could spend \$1 million or \$5 million or \$10 million against a candidate because they didn't like his or her stand on the environment, but all the ads would talk about would be, say, gay marriage. Nobody would know where the ads came from.

What the decision does is make our people feel more and more distant from our politics and our government. That is corrosive—vituperatively corrosive for any democracy. What has happened since this decision is appalling. I sometimes wonder what our Supreme Court Justices are thinking as they watch what is happening. Can they hide up in their ivory tower and say this is the first amendment at work? They know better than anybody that no amendment is absolute. They know we can't scream fire falsely in a crowded theater and we have libel laws, child pornography laws, and other kinds of laws that balance the needs of the first amendment with other societal needs.

One of the foremost needs of our societv is for a fair functioning democracy. where there is some semblance of equality, that each person who votes has the same weight in the system. We know money counterbalances that fundamental fairness, but never has the balance been so put out of whack as by this decision. This decision—it is hard to believe that our Supreme Court Justices, whatever their ideology, went for this. I hope some of them are paying attention.

To be honest with you, I sat behind the Supreme Court Justices at the State of the Union Address. I was so tempted to talk to them about this, but I wasn't sure if that was appropriate protocol. I hope they are listening today—particularly Justice Kennedy, the swing vote, who wrote the majority decision. I hope they will listen to what we are saying because what they are doing is undoing our democracy. It is that fundamental.

In short, the Citizens United decision represents one of the most corrosive and destructive changes in law that has occurred in recent memory. Democracy is already struggling to stay afloat in a sea of powerful special interests, and this decision is an anchor around its neck.

In my judgment, there is no more important step we can take to ensure America's continued greatness than to fight back against this deeply flawed decision allowing anonymous special interests to subvert democracy. The need for reform is urgent.

Last Congress, I sponsored the Disclose Act to foster effective disclosure. I pledged my continuing commitment to fight for disclosure legislation in this Congress. The Disclose Act failed to get cloture by one vote. I hope the level of unmitigated spending in the Republican primary has changed the minds of the opponents. As we have seen, we now have a system where a single person can change the course of an election. That is a system more like monarchy than a democracy.

This is not a partisan issue. There are super PACs and other kinds of anonymous giving on both sides. In fact, two of the leading candidates for the Republican Presidential nomination called super PACs "totally irresponsible, totally secret" and "a disaster . . . [that] makes a mockery out of our political campaign season." That wasn't me or Senator SHAHEEN or BERNIE SANDERS speaking. One quote came from Newt Gingrich and one quote came from Mitt Romney.

Disclosure will lift the curtain of secrecy and at least reveal the true identity of these organizations. One of the Supreme Court Justices' predecessors, Justice Brandeis, said, "Sunlight is the greatest disinfectant." People would not have malicious, pernicious, and false ads if they had to disclose who they are. It is plain and simple. But if you can hide behind the shroud of secrecy and put unlimited money into these campaigns, as the Supreme Court decision allows-and we have not changed it because our colleagues on the other side are even against disclosure, which, of course, is allowed by the law—the American democracy gets weaker.

Even eight of the nine Justices, in the activist and overreaching decision in Citizens United, agreed that the American people deserve meaningful disclosure. That makes the decision even more galling because they didn't require disclosure or limit what they did in light of the fact that we don't have disclosure, as they wrote. The Court found, though, that there was a strong governmental interest in "providing the electorate with information about the sources of election-related funding."

In conclusion, we cannot afford to be complacent while our democracy is under attack. The effect of the Court's decision is clear. The flood of secret money has begun cascading through our election system, and the American people need us to act. Spending by special interest groups must be checked, and the very least we can do is demand that these groups step into the light and identify themselves.

The Citizens United decision is a poison coursing through our body politic and disclosure is the antidote.

I yield the floor. If Mr. COATS is not here, with the permission of the minority, I ask unanimous consent that the Senator from New Hampshire be allowed to proceed immediately after me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, to all of my colleagues who have come to the floor today to talk about the critical nature of spending in our campaigns, I say I am pleased to join them to talk about the importance of preserving our representative democracy by restoring some commonsense restrictions to our Nation's campaign finance system.

As we have heard, Saturday was the second anniversary of the Supreme Court decision in the case of Citizens United v. The Federal Election Committee. Already we have seen how that decision has altered the landscape of politics in this country.

When the Supreme Court struck down limits on corporate financing of elections, it ushered in the age of the super PAC. These so-called super PACs can raise and spend unlimited amounts of money during political campaigns with very limited disclosure requirements.

This election cycle the floodgates have opened. Super PACs have already spent over \$30 million in the 2012 cycle, and the election is still 10 months away. That amount of money is staggering.

When I was home over the holidays in New Hampshire, before our Presidential primary, I witnessed firsthand that influx of corporate cash and what it does to the Presidential election. Negative ads paid for by the super PACs contributed to disaffecting our voters and drowning out the voices of the people, those ordinary, everyday citizens of New Hampshire who aren't able to put in tens of thousands of dollars, in some cases millions, to affect the outcome of an election.

This has to stop. This is not a partisan issue. The commonsense restrictions that were struck down in the Citizens United decision were part of legislation like the Bipartisan Campaign Reform Act of 2002, otherwise known as McCain-Feingold. That thoughtful legislation which had broad, bipartisan support limited soft money and corporate funding of political ads and campaign spending in a way that made sense.

Our campaign finance system has gotten way off course. It is time for us in the Congress to help put it back on track. The unchecked influence of money in our elections compromises the very future of our representative democracy.

The monied special interests and corporations have been given free rein to spend unlimited amounts of money during campaigns, and they do not need our help being heard. It is homeowners struggling to pay their mortgages, parents who want to send their children to college but aren't sure how they can afford it, and unemployed workers who are looking for jobs and hoping tomorrow will be better than today—those are the voices that are being drowned out in a sea of corporate and special interest cash, and those are the voices of the American people who need to be heard in Washington.

So on the second anniversary of this decision, as we think about what we need to do to address this and to change the negative direction it is taking this country, I urge all of my colleagues to turn their attention to this important work and to reach across the aisle to build consensus on this issue. Let's all tell the American people that we hear their voices calling for change.

I look forward to speaking with all of my colleagues in the coming weeks and months about the specific approaches we can take to repair our broken campaign finance system, and I hope we will have the courage and the commitment to do something about this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I very much appreciate joining all my colleagues on the floor who have been speaking about the Citizens United case. I think what we are seeing in the Senate is what we are seeing in the country. The citizens of this country are concerned about unlimited corporate funds in campaigns, and Senators who are also concerned about that are standing and speaking out, as I know our Presiding Officer has, and are offering constitutional amendments in trying to resolve the situation we have before us.

Two years ago this week, the Supreme Court issued its misguided decision in Citizens United v. FEC. Citizens United was a victory for special interests at the expense of the average American. It held that corporations deserve the same free speech protections as individual Americans. It enables these corporations to spend freely from their treasuries on campaign advertising. It also gave rise to so-called super PACs that we are seeing too much of. These super PACs can raise and spend unlimited funds to campaign for or against candidates.

Now, what do we mean by corporate treasuries and super PACs? Let me cite an example. Exxon—the large oil company—has \$80 billion in its corporate treasury. If Exxon wanted to go out and create a super PAC or contribute to these 200-plus super PACs that are out there to the tune of \$80 billion, it

could do it. That is what the Supreme Court opened in terms of its ruling.

The toxic effect of this ruling has become brutally clear in the last 2 years. The Citizens United decision opened the floodgates to unprecedented campaign spending, drowning out the voices of ordinary Americans. Huge sums of unregulated, unaccountable money are flooding the airwaves. An endless wave of attack ads, paid for by billionaires, is poisoning our political discourse. The American public-rightly so—looks on in disgust. As we head into the election year, this bad situation will only get worse. The checkbooks are out, and the money is gushing. Citizens United really means citizens denied—denied a fair playing field, denied an equitable influence in our political system, denied their right to be truly heard, and denied the right to even know who is spending all of this money.

While much of the focus this week is on Citizens United, we must realize that the corruption of our campaign finance system did not suddenly happen 2 years ago. The Citizens United decision sparked a renewed focus on the need for reform, but the Supreme Court laid the groundwork for a broken system many years ago.

In 1976, the Court held in Buckley v. Valeo that restricting candidate campaign expenditures violates the first amendment right to free speech. It established the flawed precedent that money and speech are the same. Since then, the influence of money has continued to play an increasing role in our Nation's elections. Sadly, in many cases, a candidate's ability to either raise money or self-finance can outweigh the quality of a candidate's ideas or dedication to public service.

The Buckley and Citizens United decisions, among others, demonstrate the Court's willingness to ignore longstanding precedent and declare our campaign finance laws unconstitutional. Because of this, I believe the only way to truly fix the problem is to first amend the Constitution and grant Congress clear authority to regulate the campaign finance system. In November of last year, I introduced such an amendment. I am proud to say it currently has 19 cosponsors and support continues to grow.

Our proposed constitutional amendment is broadly tailored and similar to bipartisan proposals introduced in previous sessions of Congress dating back to 1983. It would authorize Congress to regulate the raising and spending of money for Federal political campaigns, including independent expenditures, and it would allow States to regulate such spending at their level. It would not dictate any specific policies or regulations.

I chose my approach to not only overturn the previous bad Court decisions but also to prevent future ones. We don't know what a future Court may do. In Citizens United, the Court upheld campaign contribution disclosure requirements. A future Court might declare the same laws unconstitutional. Our amendment would remedy this problem by restoring authority—stripped Congress's Buckley v. Valeo and subsequent decisions—to regulate the campaign finance system. If ratified, the amendment would ensure that campaign finance laws would stand constitutional challenges regardless of the makeup of the Supreme Court.

The text of my constitutional amendment and any of the others is less important right now than the concept. Hearings can be held, and the text can be worked out. That is really the easy part of a difficult process. What is harder to achieve—and something we rarely see in our country—is gaining the widespread support necessary to amend the Constitution.

The Citizens United decision was disastrous, and it may have been the very catalyst we needed to build a movement to amend the Constitution. There is a groundswell of support growing across the country for a constitutional amendment to rein in the out-of-control campaign finance system. City councils, from places as diverse as Los Angeles and New York to Missoula, MT, have endorsed resolutions calling on Congress to pass an amendment. Several grassroots organizations and coalitions have formed to advocate an amendment. Hundreds of thousands of citizens have signed petitions. Is it difficult to amend the Constitution? Yes, and it should be. But I believe the growing momentum demonstrates that this is the right time for Congress to

Our Founders did not intend for elections to be bought and paid for by secretive super PACs. Our Founders did not bequeath a government of the millionaires, by the millionaires, and for the millionaires. Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government.

We need to put elections back in the hands of average Americans and not in the hands of special interests with unlimited bank accounts. We need to answer to the American people and not just to the privileged. Our Nation cannot afford a system that says "come on to the rich and powerful but then says "don't bother" to everyone else. The faith of the American people in their electoral system is being corrupted by big money. It is time to restore that faith. It is time for Congress to take back control. It is time for a constitutional amendment that will allow real reform.

With that, Mr. President, I yield the floor, and I suggest the absence of a auorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

### DRUG SHORTAGE CRISIS

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the drug shortage crisis that is continuing to spread across the country. I am proud to stand here today with my friend and colleague, Senator SUSAN COLLINS of Maine, who has been a leader on this issue and who shares my concern for so many patients who are struggling to find much needed medication. This is a crisis that has grown to such proportion that current drug shortages have impacted individuals all across the country, forcing some patients to delay their lifesaving treatments or use unproven, less effective alternatives. In some cases, drug shortages have even resulted in patient deaths. Enough is enough. We can no longer just simply talk about this issue and have meetings. We need to act.

Here is one story. A few months ago, I met a young boy named Axel Zirbes. Axel has bright eves and a big smile. He also happens to have no hair on his head because he has childhood leukemia. When his parents found he had leukemia, and he was scheduled to start chemotherapy treatment last year, they learned that an essential drug—Cytarabine—was in short supply and might not be available for their son. Understandably, they were thrown into a panic, desperately looking for any available alternatives. They even prepared and made plans to take Axel to Canada, where the drug was still readily available. Fortunately, it didn't come to that.

But Axel and his parents are not alone. Earlier this month, I held a forum in Edina, MN, where a woman by the name of Mary McHugh Morrison shared her story of how she struggled with the shortage of the chemotherapy drug Doxil. When Doxil went into shortage last year, Mary was in the middle of her chemotherapy regimen and was shocked when her doctor told her they had actually run out of the drug necessary to continue her treatment. This is in Minnesota, where we have excellent health care, as you know, Mr. President. Literally, they ran out of the drug in the middle of a chemotherapy treatment.

While trying to get herself added to a wait list, Mary was able to call around to other hospitals and clinics in her area in search of any available Doxil and was able to find extra treatments four separate times. She actually talked to the forum about how she grappled with the ethics of the fact that because she knew people and was able to call around and get this, that she was taking this limited drug out of supply for herself and not for other patients.

However, because of a few delays in the treatment, Mary's doctor told her that her tumor had, unfortunately, returned and that she was no longer responding to Doxil. She is now going without treatment and, depending on her health condition, could be placed on a clinical trial at the Mayo Clinic in March

But these shortages aren't just affecting cancer patients. There are also shortages in drugs that help people improve their quality of life. Just this week, the Minneapolis Star Tribune reported that hundreds of patients in the Minnesota Sleep Disorder Center at Hennepin County Medical Center have suffered a shortage of Ritalin. Adderall, and their generic equivalents. These shortages have had significant impacts on these patients' quality of life, oftentimes forcing them to pay hundreds more dollars for expensive alternatives or professionals risking their careers to adjust to their diseases and spending extra hours and days of time trying to find ways to fill their prescriptions or their pharmacists doing that or their doctors doing that or their nurses doing that. We know how difficult this health care system is anyway, and now we are putting patients in this position and wasting the time of medical professionals to find drugs that should be readily available.

These are just a few examples of real people who are just trying to deal with their disease, and there are many more like them.

Across the country, hospitals, physicians, and pharmacists are confronting unprecedented shortages. Many of these are generic drug products that have been widely used for years and are proven effective. Many of them are for cancer. The number of drug shortages has more than tripled over the last 6 years—and if you don't believe my stories, listen to this—jumping from 61 drug products that were in shortage in 2005 to more than 200 last year. That is not 200 instances, that is 200 different kinds of drugs that affect hundreds of thousands and millions of patients across this country. A survey by the American Hospital Association found that virtually every single hospital in the United States of America has experienced shortages of critical drugs in the past 6 months. More than 80 percent reported delays in patient treatment due to a shortage. These aren't just a few stories that come into our office anymore, these are the facts.

For some of these drugs, no substitutes are available or, if they are, they may be less effective and may involve greater risk of adverse side effects. The chance of medical errors also rises as providers are forced to use second- or third-tier drugs with which they are less familiar.

A survey conducted by the American Hospital Association showed that nearly 100 percent of their hospitals experienced a shortage. Another survey conducted by Premier Health System showed that 89 percent of its hospitals and pharmacists experienced shortages that may have caused a medication safety issue or error in patient care.

It is clear that there are a large number of overlapping factors that are resulting in unprecedented shortages. Experts cite a number of factors that are responsible. These include market consolidation and poor business incentives, manufacturing problems, production delays, unexpected increases in demand for a drug, inability to procure raw materials, and even—and this is a new phenomenon—the influence of a "gray market," where middlemen are literally hoarding the drugs because they have heard there is going to be a shortage.

Financial decisions in the pharmaceutical industry are also a major factor. Many of these medications are in short supply because companies have simply stopped production. They decided it wasn't profitable enough to keep producing them. Mergers in the drug industry have narrowed the focus of production lines. As a result, some products are discontinued or production has moved to different sites, leading to delays. When drugs are made by only a few companies, a decision by any one drugmaker can have a large impact.

To help correct a poor market environment or to prevent "gray market" drugs from contaminating our medication supply chain, we must address the drug shortage problem at its root. Last year, I introduced the Preserving Access to Life-Saving Medications Act to address this issue. With the support and leadership of Senator Collins, Senator BOB CASEY, and others, this bipartisan bill would require drug manufacturers to provide early notification to the FDA whenever there is a factor that may lead to a shortage. This will help the FDA take the lead in working with pharmacy groups, drug manufacturers, and health care providers to better manage and prepare for impending shortages, more effectively manage those shortages when they occur, and minimize—and that is what we want to do-their impact on patient care. The legislation would also direct the FDA to provide up-to-date public information of a shortage situation and the actions the agency would take to address them.

Additionally, the bill requires the FDA to develop an evidence-based list of drugs vulnerable to shortages and to work with the manufacturers to come up with a continuity of operations plan to address potential problems that may result in a shortage. The bill would also direct the FDA to establish an expedited reinspection process for manu-

facturers of a product in shortage. With manufacturers providing early notification, the FDA's drug shortage team—and they do now have a drug shortage team—can then appropriately use their tools to prevent shortages from happening.

If you think this wouldn't work, in the last 2 years the FDA, with more information, has successfully prevented nearly 200 drug shortages. So it does work when they get the information. But nothing requires them to get the information, and that is what we are trying to do today. It is not the endall, be-all solution for the long term, but at least in the short term, when these patients are experiencing these drug shortages that can impact their treatment, that can impact their lives, it gives the FDA that extra tool to look for alternative drugs. If they can't find them in this country, maybe they can find them in Canada. But it puts the patient first, not the drug companies.

At the urging of the bipartisan work group I have been involved in, the FDA held a public workshop last September that brought together patient advocates, industry, consumer groups, health care professionals, and researchers to discuss the causes and the impact of drug shortages and possible strategies for preventing or mitigating future shortages.

In addition to the workshop, we have been speaking with a broad range of stakeholders to try to discover why we have seen such a large number of shortages over the past few years. This current explosion of shortages appears to be a consequence of a lack of supply of certain products to keep up with the substantial expansion in the scope and demand for these products. We must ensure we have the manufacturing capabilities to keep up with the demand.

There are a lot of ideas for incentives and pricing, but we also know that those will take a long time to take effect on the immediate shortage problem. That is why we want to get this bill passed—and passed very soon.

The President has issued an Executive order, which is helpful, but it still doesn't get at the very serious problem of the kinds of drug shortages we are seeing. The Executive order pushes drug companies to notify the FDA of impending shortages, expands the FDA's current efforts, and instructs the FDA to work with the Department of Justice. But there is still much more work to be done. Patients such as Axel or Mary shouldn't have to be burdened with the added stress and worry about whether they have enough medicine. It is time for action. I urge my colleagues to pass our bill.

I now turn it over to my friend and colleague from Maine, Senator SUSAN COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me first begin my remarks by commending my friend and colleague from Minnesota for leading the way on this very important bill.

There are so many issues that divide us in this Chamber. Surely, this is an issue that should unite us. It is not a Democratic issue. It is not a Republican issue. It is an issue of serious consequence to the American people and to our health care system. I would hope—and the reason Senator Klobuchar and I have come to the floor today—that we can act immediately to pass our bill, get it through the House, and send it to the President.

Physicians, pharmacists, and patients throughout the country are struggling to cope with the surge in shortages of needed drugs which is causing significant disruption in health care and putting patients at risk. I share with my colleague from Minnesota her concern about this critically important problem.

According to the U.S. Food and Drug Administration, the number of drug shortages has nearly quadrupled over the last 6 years, jumping from 61 products in 2005 to a record 231 by the end of November of last year. And there appears to be no end in sight.

Many of the drugs in short supply are vital. They are used in hospitals and cancer centers for anesthesia, for chemotherapy, and for the treatment of infections. There are also continuing shortages of drugs used in emergency rooms and in intensive care units.

I have met with several doctors and other medical professionals and pharmacists in Maine who are extremely concerned about this issue. They have told me that these shortages are causing serious problems around our State and across our Nation, including forcing some medical centers to ration drugs or postpone elective surgeries. Even more tragic, oncologists have told me of situations where they have been forced to change a patient's chemotherapy regime midcourse because they suddenly encountered a shortage of a particular drug. Moreover, for some drugs, such as the leukemia drug Cytarabine, which Senator KLOBUCHAR mentioned as well, there are no effective substitutes.

This crisis is widespread. In a survey by the American Hospital Association. more than 80 percent of our hospitals reported that they have had to delay treatment due to the shortages. Just think what that is like for a patient who has received the diagnosis of cancer and has started treatment and then finds out the lifesaving drug they need is not available. It is hard enough to cope with the devastating diagnosis. To add to that the fact that the drug you need isn't available is just too much to bear. More than half of our hospitals have said they could not provide some of their patients with the recommended therapy.

Drug shortages are also adding to the cost of care. Hospital pharmacists are having to spend additional time—some 8 to 12 hours per week—dealing with shortages, increasing labor costs by an estimated \$216 million a year.

That is why I joined with my colleague from Minnesota in cosponsoring the Preserving Access to Life-Saving Medications Act. Our bill will provide the FDA with better tools to better manage and, we hope, prevent shortages of lifesaving medications.

First and foremost, it takes the very commonsense step of requiring pharmaceutical manufacturers to notify the FDA of the discontinuance, interruption, or other adjustment in the manufacture of a drug that would likely lead to a shortage. Providing early warning when a drug will not be available will help both physicians and their patients. It builds on its successful model—the FDA's Drug Shortage Program—which encourages manufacturers to report potential or existing shortages so that the problems can be addressed or other manufacturers can ramp up their production. Through this voluntary approach, the FDA was able to avert 195 shortages last year.

Our bill also directs the FDA to provide up-to-date public notification of any shortages, and it directs the FDA to work with manufacturers to establish contingency plans to address drug shortages due to manufacturing problems, such as the shortage of raw materials or reduction in production capabilities.

Our legislation would give the FDA the information and the tools it needs to help address and prevent drug shortages. This, in turn, will help to ensure that our hospitals and health care professionals are able to provide the best care medical science allows. Most important, it will help ensure that patients have access to the medications they need when they need them most.

I am proud to join with my colleague from Minnesota in sponsoring such an important initiative. I urge our colleagues on the HELP Committee to act quickly to report this bill and the full Senate to act without delay to approve it as well. Surely, this is an issue that should bring this Chamber together and that we should act on immediately.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask to speak as in morning business.

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

Ms. KLOBUCHAR. Mr. President, I thank Senator Collins for her great leadership. This bill is moving. This bill is picking up support across the Nation. Again, we need to get it done. We cannot wait. These patients cannot wait.

### CITIZENS UNITED

Ms. KLOBUCHAR. I am here today also to talk about something that is very important to the future of our democracy; that is, campaign finance reform and the Citizens United decision by the Supreme Court which had its second anniversary a few days ago.

I see Senator GILLIBRAND from New York is also here to speak on this important issue. She is a leader. The Presiding Officer has done some very important work in this area as well, which I will get to in a minute. Most fundamentally, I am here to talk about the public lack of trust and our need to ensure that the American people have a government that is responsive to their concerns.

It is vital that the American people have trust and confidence in their government. Right now it is clear they do not have either. The American people believe Washington is focused more on scoring political points for special interests and not looking out for their interests, for the interests of the people of this country, for the interests of the middle class. They have seen the preservation of oil company subsidies while at the same time the price of gasoline has remained painfully high. Simply put, they think the system is broken.

While most people probably do not have the time to study the intricate details of campaign finance law, which unfortunately has loopholes and things written in it that make it hard to figure, the American people have a pretty good sense there is something wrong with how we conduct our elections. The American people know spending on campaigns has gotten out of control and that spending by special interest groups is contributing greatly to that problem—and they are right.

The Supreme Court Citizens United decision has made it profoundly worse by loosening the rules on special interest spending on political campaigns. We are now in a situation where candidates have to report every single contribution they raise over a certain amount. That is good. But literally millions of dollars in special interest money can come in in attack ads, can come in and do whatever it wants, and you literally cannot prove who that person is who put in that money. It shakes the very foundation of our democracy when the people who are voting in these elections cannot even tell where the money is coming from that is paying for the ads.

Citizens United has unleashed a new wave of special interest spending, and the American people have been inundated with negative ads on their televisions. Worse, they are constantly hearing about the increased role that special interests are playing in our elections, and that heightens their suspicions that Washington is working

only for the powerful, only for the people who can pay for issue ads. The public justifiably believes the more money outside groups spend on campaigns the less their voices are heard. How can they have a voice when people are drowning out their voices with multimillions of dollars? This is a big problem and it is something I think we need to address.

The President touched on this issue of money in politics in his State of the Union this week, and in his address last year he took on Citizens United directly. He knows we need change, and I agree. Unfortunately, the Citizens United decision makes it very difficult to take action legislatively. That is why I am a sponsor of a constitutional amendment which would allow Congress to pass laws regulating campaign fundraising and spending.

TOM UDALL has worked on one. I know the Presiding Officer also has a similar bill as well. I hope we can advance this amendment, but I realize it will be an uphill battle, especially as we enter an election year. But we must change this system. In the meantime, even before the election. I am hopeful we will take some steps to make it more transparent so at least we can start finding out who is spending this money—the people of Vermont or the people of New York or the people of Minnesota can find out who is putting in millions of dollars, and they can draw their own conclusions—they are pretty smart—about why they are spending that money.

We need it to be transparent. We also have to stem this great abuse of power, this great amount of money that is coming into the system. But in the end we will need a constitutional amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues in marking the 2-year anniversary of the Supreme Court's decision in Citizens United. I want to express my support for legislation to reverse the harmful impact of this decision and restore accountability, transparency and common sense to our Nation's electoral system.

Nearly 2 years ago, on January 21, 2010, the Roberts Court handed down a 5-4 decision striking down parts of the "Bipartisan Campaign Reform Act."

That decision—Citizens United v. Federal Election Commission—flew in the face of nearly a century of Congressional law and overturned two prior rulings of the Supreme Court.

This case is not alone.

It is part of a pattern of decisions from the Roberts Court that have overturned precedent.

I have a real concern that this Court is going out of its way to rewrite and reinterpret prior law with decisions, I am sorry to say, seem to favor corporate interests over the interests of the American people.

The Citizens United decision may be the most troubling of these activist decisions.

This decision does not only impact one group of people or one area of the law—it affects the very functioning of our elections and the democracy of more than 300 million Americans.

The Court's decision in this case opened the door to unlimited corporate spending in Federal elections.

Let me repeat: unlimited spending.

The Court held that the First Amendment of the Constitution protects the rights of corporations to spend freely—in the millions or even the billions—on election ads to support or defeat a particular candidate.

What does this mean in the real world?

This means that an oil company like ExxonMobil—a company that earned \$45 billion in profits last year—could spend unlimited money to support a candidate who supports more drilling, or to defeat a candidate who opposes more oil drilling.

It means that Xe Services, formerly known as Blackwater, and other defense contractors could spend unlimited sums toward the election of candidates who view their defense positions favorably.

Or large banks like Bank of America would be free to use their corporate treasury to attack candidates who favor financial regulation and consumer protection.

As Fred Wertheimer of Democracy 21 testified at a Rules Committee hearing in 2010, "It would not take many examples of elections where multimillion corporate expenditures defeat a Member of Congress before all Members quickly learn the lesson, vote against the corporate interest at stake in a piece of legislation and you run the risk of being hit with a multimilliondollar corporate ad campaign to defeat you."

Is this what we want?

Four years ago in 2008, at this same point in the presidential election cycle, \$12.9 million was spent by super PACs in support of candidates.

The fall 2010 midterm elections ushered in this new political landscape with outside groups spending a record \$300 million on political advertisements and other messages. This amount represents a 340 percent increase above 2006 spending levels.

According to the Center for Responsive Politics, the spending by presidential super PACs in this year's election cycle has quadrupled since 2008 to an astonishing \$42.5 million spent as of January 24, 2012.

More money is being spent than ever before.

Do not take my word for it.

Take a look at what is going on in the Republican Presidential primary. Corporations and wealthy individuals are funding these super PACs and

spending vast amounts of money to attack candidates.

My concerns with these dramatic increases in spending are heightened by a recent finding from the Center for Responsive Politics that approximately 44 percent of the outside spending in 2010 came from anonymous sources.

The Roberts Court's decision in Citizens United was, I believe, the wrong one.

It protects corporate free speech and will drown out an individuals' free speech. It has threatened to put democratic elections in the United States up for sale to the highest bidder. And it will, I believe, lead to voters having less reliable information about candidates, not more.

The Court gets the final word on the Constitution, and it has spoken.

However, Congress should pass the DISCLOSE Act or Senator Tom UDALL's campaign finance constitutional amendment.

I supported the DISCLOSE Act in the last Congress because I believe it is a critical step forward, but the bill was narrowly defeated on a cloture vote of 59–39 in September of 2010.

Given what we have seen in the Republican primaries this year, I think this body must try again to pass the DISCLOSE Act. In 2010, we came close to passing it and needed just one additional yea vote to move the bill forward

The DISCLOSE Act ensures the American public knows who is funding an ad when they see it on television, and it will close loopholes that could have otherwise allowed unlimited spending in our elections by foreign nationals and corporations receiving government assistance.

I understand that Senator Schumer is working to reintroduce this legislation, and I fully support him in this effort.

Senator UDALL's resolution to amend the Constitution would authorize Congress to regulate the raising and spending of money for federal campaigns, including the independent spending of super PACs.

This resolution is a critical step to ensure that corporate dollars will not flow in the dark to one candidate and against another, but, instead, our election process will regain the transparency it has lost after Citizens United.

I believe it is essential that we pass legislation to address this growing problem, and I look forward to working with my colleagues to do so.

Mr. LEAHY. Mr. President, two years ago, with the stroke of a pen, five Supreme Court justices acted in a case known as Citizens United to overturn a century of law designed to protect our elections from corporate spending. They ran roughshod over longstanding

precedent to strike down key provisions of our bipartisan campaign finance laws, and ruled that corporations are no longer prohibited from direct spending in political campaigns. I was troubled at the time and remain troubled today that in that case, the Supreme Court extended to corporations the same First Amendment rights in the political process that are guaranteed by the Constitution to individual Americans.

Now, 2 years later, the American people have seen the sudden and dramatic effects of the Citizens United decision. The flood of corporate money flowing into campaigns from undisclosed and unaccountable sources has had an enormous influence in the Republican primary elections this year, just as it did in the 2010 mid-term elections. Instead of hearing the voices of voters, we see a barrage of negative advertisements from so-called Super PACs. This comes as no surprise to the many of us in Congress and around the country who worried at the time of the Citizens United decision that it turns the idea of government of, by and for the people on its head. We worried that the decision created new rights for Wall Street at the expense of the people on Main Street. We worried that powerful corporate megaphones would drown out the voices and interests of individual Americans. Two years later, it is clear those concerns were justified.

We held a hearing in the Senate Judiciary Committee last year to explore how the Citizens United decision affects the lives of hardworking Americans. I began that hearing by talking about how our Constitution starts with the words, "We the People of the United States." In designing the Constitution, ratifying it, adopting the Bill of Rights and creating our democracy, we spoke of, thought of, and guaranteed, fundamental rights to the American people, not corporations.

There are reasons for that. Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals or the same interests. Corporations cannot vote in our democracy. They are artificial legal constructs to facilitate business. The Founders understood this. Americans across the country have long understood this.

Corporations are not people. That is common sense rooted in core American values. Nowhere does our Constitution mention corporations. The great Chief Justice John Marshall understood this distinction when he wrote in 1819 that, "A corporation is an artificial being . . . the mere creature of law, it possesses only those properties which the charter of its creation confers upon it "

The distinction between corporations and people is one that was at the heart of the campaign finance reforms proposed by Teddy Roosevelt more than a

century ago limiting the role of corporations in the political process. Those reforms were preserved and extended through another century of legal developments that followed. Nine years ago, it was these same values that informed bipartisan efforts in Congress, on behalf of the American people, to enact the landmark McCain-That legislation Feingold Act. strengthened the laws protecting the interests of all Americans by ensuring a fair electoral process where individual Americans could have a role in the political process, regardless of wealth.

As I pointed out at our hearing last year, when the Supreme Court first reviewed the constitutionality of the McCain-Feingold Act in 2003, McConnell v. Federal Election Commission, it upheld the key provisions of the Act against a First Amendment challenge. Six years later, a thin majority of the Supreme Court, made possible by President Bush's appointment of Justice Samuel Alito, reversed course on the very same question. In so doing, the conservative activist majority discarded not only the McConnell decision, but ignored longstanding precedent to effectively redraft our campaign finance laws. As Justice Stevens noted in dissent: "The only relevant thing that has changed since . . . McConnell is the composition of the Court." The Constitution had not changed, but five Justices rewrote it.

The reason so many Americans continue to recoil from the Citizens United decision 2 years later is that the brand of conservative judicial activism on display in that decision is a threat to the rule of law and an effective representative democracy. At the core of the First Amendment is the right of individual Americans to participate in the political process to speak and, crucially, to be heard. That is what the campaign finance laws were designed to ensure—that Americans can be heard and fairly participate in elections. Rather than abiding by the limitations that Congress has developed to ensure a multitude of voices in the marketplace of election contests, five justices on the Supreme Court decided that the biggest corporations should be unleashed, and can be the loudest and most dominant, and drown out individual Americans. They showed no deference to Congress, and little deference to the precedents of the Supreme Court.

The risks we feared at the time of the Citizens United decision, the risks that drove Congress to pass bipartisan laws based on longstanding precedent, have been apparent in the elections since that decision. Citizens United has opened the floodgates of corporate influence in American elections. In these tough economic times, I believe individual Americans should not have their voices stifled by unfettered corporate

interests. I remain concerned that this decision will invite foreign corporate influence into our elections.

Recently, Justice Scalia responded to the criticism of the Citizens United decision and the advent of Super PACs and their overwhelming influence by saying that if people do not like it, they should turn off their televisions. That response misses the point. Americans should not be told to tune out from democracy or from considering a fair exchange of ideas. American voters should be able to speak, be heard and to hear competing voices, not be overwhelmed by corporate influence and driven out of the governing process. Even some whose response to the Citizens United decision was more muted have turned a corner, and recently, Senator McCain, a lead co-author of the McCain-Feingold Act, conceded that Super PACs are "disgraceful." They allow nothing more than to have corporations or wealthy individuals dominate and control local elections.

We have tried to curtail some of the worst abuses allowed by the Supreme Court's decision, but Senate Republicans have blocked those efforts. In 2010, Senate Republicans filibustered the DISCLOSE Act, preventing the Senate from even debating the measure, let alone having an up-or-down vote in the Senate. The DISCLOSE Act would have added transparency to the campaign finance laws to help prevent corporations from abusing their newfound constitutional rights. It would have preserved the voices of hardworking Americans in the political process by limiting the ability of foreign corporations to influence American elections, prohibiting corporations receiving taxpayer money from contributing to elections, and increasing disclosure requirements on corcontributors, among other porate things.

By preventing us from even debating the DISCLOSE Act, Senate Republicans ensured the ability of wealthy corporations to dominate all mediums of advertising and out the voices of individuals, as we have seen and will continue to see in our elections.

We continue to try to fight the effects of corporate influence unleashed by Citizens United. We have introduced the Fair Elections Now Act, to establish a voluntary program for viable congressional candidates to accept Federal grants, matching funds, and vouchers to supplement money from small dollar donors. Rather than fundraising, this legislation will enable incumbent candidates more time to better represent their constituents, and it will level the playing field to give challengers the chance to better compete with established candidates without relying on wealthy donors to fund their entire campaign. The Fair Elections Now Act represents one important step toward minimizing corporate influence in the electoral process, and ensuring that candidates for Congress are neither beholden to corporate influence, nor so consumed with fundraising that they do not have the time necessary to legislate. I hope that Senators on both sides of the aisle will work to enact this important measure.

We continue to work to protect shareholders of publicly held corporations from having their money spent on political activity without their consent, another consequence of the Citizens United decision. I am a cosponsor of the Shareholder Protection Act, which would require shareholder authorization and full disclosure of any political spending by publicly held corporations. Last week, I joined with 14 other Democratic Senators in sending a letter to the Securities and Exchange Commission, SEC, urging it to consider using its authority to immediately implement part of this legislation requiring full disclosure of corporate political spending. Such an action is within the SEC's power to do today. This information is not only material to shareholders, but it is something shareholders continue to request from corporations. As we wrote last week, a corporation's money belongs to the shareholders, not the executives, and they deserve a voice in how it is spent.

Vermont is a small State. It is easy to imagine the wave of corporate money we are seeing spent on elections around the country lead to corporate interests flooding the airwaves with election ads, and transforming even local elections there or in other small States. It would not take more than a tiny fraction of corporate money to outspend all of our local candidates combined. If a local city council or zoning board is considering an issue of corporate interest, why would the corporate interests not try to drown out the view of Vermont's hardworking citizens? I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on Election Day. Vermonters cherish their critical role in the democratic process and are staunch believers in the First Amendment. Vermont refused to ratify the Constitution until the adoption of the Bill of Rights in 1791. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending.

When the Citizens United decision was handed down, I said that it was the most partisan decision since Bush v. Gore. As in Bush v. Gore, the conservative activists on the Supreme Court unnecessarily went beyond the proper judicial role to substitute their preferences for the law. But Citizens United is broader and more damaging, because rather than intervening to decide a single election, we have seen the Court's intervention affecting all elections. On the 2 year anniversary of

Citizens United, I call on all Senators, Republican or Democratic, to come together to restore the ability of every American to be heard and participate in free and fair elections.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask to speak as in morning business.

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

### STOCK ACT

Mrs. GILLIBRAND. Like millions of Americans all across our country, I was shocked to learn that insider trading by Members of Congress, in fact, and their families and their staff, using nonpublic information gained through their congressional work, is not clearly and expressly prohibited by law and the rules of Congress. The American people need to know that their elected leaders play by the exact same rules by which they have to play. They also deserve the right to know their lawmakers' only interest is what is best for the country, not what is best for their own financial interests.

Members of Congress, their families and staff, should not be able to gain personal profits from information they have access to that everyday middleclass American families do not. It is simply not right. Nobody should be above the rules.

I introduced a bipartisan bill in the Senate with 28 of our Senate colleagues from both sides of the aisle to close this loophole. The STOCK Act legislation is very similar to the legislation introduced by my friends in the House, Congresswoman Louise Slaughter and Congressman TIM WALZ. I thank them for their longstanding dedication and leadership to this important issue. I thank Chairman LIEBERMAN, also Ranking Member Collins, and all of the committee members for their work in acting swiftly to move this bipartisan bill out of committee with a sense of common purpose straight to the floor for a vote. I thank Leader REID for his leadership and support in bringing up this bill before the full Senate.

Our bill, which has received the support of at least seven good government groups, covers two important principles. First, Members of Congress, their families and their staff, should be barred from buying or selling securities on the basis of knowledge gained through their congressional service or from using the knowledge to tip off someone else. The SEC and the CFTC must be empowered to investigate these cases. To provide additional teeth, such acts should also be in violation of Congress's own rules to make it clear that this activity is not only against the law but inappropriate for this body.

Second, Members should also be required to disclose major transactions within 30 days, to make information available online for their constituents to see, providing dramatically improved oversight and accountability from the current annual reporting requirements.

I am pleased the final product that passed with bipartisan support in the committee is a strong bill with teeth and includes measures such as ensuring that Members of Congress cannot tip off others with nonpublic information gained through their duties and ensured trading from this information would also be a violation of Congress's own ethics rules.

Some critics say the bill is unnecessary and is already covered under current statutes. I have spoken to experts tasked in the past with investigations of this nature and they strongly disagree. We must make it unambiguous that this kind of behavior is illegal. As my home State newspaper, the Buffalo News, notes:

The STOCK Act would ensure that it's the people's business being attended to.

President Obama said in his State of the Union Address, send this bill and he will sign it right away. We should not delay. It is time to act and take a step right now to begin restoring the trust that is broken in Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask to speak as in morning business.

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

### RECESS APPOINTMENTS

Mr. WICKER. Mr. President. I rise because I am deeply concerned about President Obama's unconstitutional overstep of executive authority in the ostensible appointment of Richard Cordray as the Director of the Consumer Financial Protection Bureau, the CFPB, and three new members of the National Labor Relations Board. These unilateral, nonrecess appointments are a blatant abuse of power, one that threatens the very legitimacy of the confirmation process and essentially undermines Congress's critical responsibility to restrain the excesses of the executive branch.

On January 4, mere weeks after this body had rejected Mr. Cordray's nomination, the President went ahead with his own agenda, disregarding our decision and the fact that the Senate was in pro forma session. Days later, unbelievably, the Obama Justice Department's Office of Legal Counsel defended the move, essentially saying that pro forma sessions do not matter anymore; that the President can determine whether the Senate is in recess.

Reversing years of precedent, the administration is asserting that the executive branch now has the authority to

decide whether the legislative branch is or is not in session. This presumptuous action by the President goes far beyond the limited powers he is granted by our Constitution. It is an affront to the democratic checks and balances established by our Founders, and it constitutes a gross violation of precedents set by those who have come before us.

The courts surely will have a say in what the President has done, amounting to an expensive, unnecessary move for pure political reasoning. It was only a matter of days before business groups filed a legal challenge against the President's appointments to the NLRB.

To be sure, the President has the right to make recess appointments. This much is unquestioned and is clearly set forth in article II, section 2 of the Constitution, which states the President can "fill up all vacancies that may happen during the recess of the Senate."

But the power he has to execute this right nevertheless hinges on a condition that all parties have acknowledged: The Senate must be in recess. As it states in article I, section 5, clause 4 of the Constitution:

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than 3 days.

The House of Representatives had not formally given our Chamber that consent when the President made his appointments. Moreover, Senators had agreed by unanimous consent to remain in pro forma session.

What the President has done triggers a dangerous new precedent. With this overstep, those in the Obama administration have put their political agenda above the Constitution and above the founding principles that established our government's separation of powers. This is no trifling matter.

Equally troubling is this power grab could inspire further overreach, setting an unconstitutional model for future administrations. It stands to reason that if the President's judgment, not Congress's, dictates when the Senate is in recess, then what would stop him from making an appointment whenever he chooses?

Michael McConnell, a distinguished former Federal judge and director of the Constitutional Law Center at Stanford Law School, recently suggested in the Wall Street Journal that the President could, for example, make an appointment overnight or during a lunch break. The parameters of what recess means would be subject to his discretion and his discretion alone.

In 2007, majority leader HARRY REID kept the Senate in pro forma session to block nominations by President Bush. He said then that recess appointments are "an end run around the Senate and the Constitution." The majority leader's position then was that pro forma

sessions may be used to prevent recess appointments. The Democratic leadership was correct on the law then and they ought to be outraged now over President Obama's disregard of precedent and of the Constitution.

Instead, the Democratic leader, who should be protecting the institution that he currently has stewardship of, as well as protecting our Constitution, last week defended the President's appointments on the national news as "a good move."

The Constitution does not change based on which party occupies the White House. The same rules should apply no matter who holds office. America was not built upon nor did it rise to greatness because of a single branch of government. Our democracy sits on three separate pillars, and the decisions of the legislative branch are not merely a hurdle for the President to run around.

The Constitution endowed the Senate with exclusive authority to give advice and consent on the executive branch and official nominations. Senators upheld their role to advise when we rejected Mr. Cordray's nomination. Many of us made our reasons for the disapproval well known.

Last year, 44 Republican Senators sent a letter to the President stating that the Consumer Financial Protection Bureau established by the Dodd-Frank Act was in desperate need of reform before a Director could be appointed. This has nothing to do with Mr. Cordray as an individual, but it has everything to do with creating a flawed agency-an extremely powerful one at that. We pointed out our concerns about how unaccountable this Bureau will be to the American people. We raised a red flag about the extraordinary power it gives to unelected government bureaucrats, particularly the Bureau's Director. It is clear that our advice did not fit with the White House's agenda.

This happens in a functioning democracy, and this should be honored. The President has decided not to honor the will of the Senate. He has tried to make an unauthorized appointment that the Members of this body have rejected. In doing so, in circumventing the decisions of elected public servants, his Executive order ultimately diminishes the voice of the American people.

In recent months, the President has made it obvious that he wants to rail against a do-nothing Congress. Perhaps it is part of his reelection strategy. Yet, instead of working with Congress to make needed reforms, he fuels an already polarized environment with this move on recess appointments.

I say this with all sincerity to the President and to my colleagues on the other side of the aisle: There is a time for spin and there is a time to make political points, but politics and theater

ought to stop short of trampling on our Constitution.

Like each of you, I made an oath to support and defend the Constitution when I took this office. I would not be upholding this pledge if I did not speak out now about what the President has done. Preserving the constitutional sanctity of the decisions of the Senate and the role it serves is one way we support and defend our founding document and the democratic ideals of those who created it.

The chair of the Banking Committee has scheduled a hearing on Tuesday, supposedly to hear testimony from Mr. Cordray on his plans for the Consumer Finance Protection Board. Let me be explicitly clear. Richard Cordray is not the duly constituted Director of the CFPB. His purported recess appointment does not comply with the Constitution and is, in fact, a nullity. I will not provide the administration with an appearance of legitimacy in this action, and I will therefore not be in attendance at next Tuesday's hearing. This may seem to be a small step. but I hope it is the first of what will become a debate in this Senate by both parties about the constitutional system of checks and balances. This matter will also go to the courts, and I pray that somewhere in the process the sanctity of our Constitution will be upheld.

I approach this matter regretfully and soberly but with apprehension about what the Obama administration is trying to do to our 225-year-old Constitution. I call upon Members of both parties in this Senate to rise in solemn defense of this institution and the constitutional principle of the separation of power.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alaska.

## THE STOCK ACT

Mr. BEGICH. Before I speak on my formal comments, I just want to say one thing. I know the Senator from New York was here a little bit ago talking about the STOCK Act. She made an incredible presentation to us in the Homeland Security and Government Affairs Committee, and I am grateful she is moving forward on that. We actually added a piece to the STOCK Act that I think makes it a lot stronger than it was by making sure that as officials report their transactions, they are done electronically and are searchable. That means anybody in this country can go to the Senate's Web site and find the information about their Senator.

As you know, as a new person in this office, as I am, when we file our disclosure forms, they are sent to the Senate Clerk, and then if you want them, they have to copy them and send it off to someone else. You cannot search for

them and you cannot get them, which is unbelievable. So we made sure in the committee that if we do this act—I think it is a strong act; it is something we should do—we make sure it is searchable and available electronically in this age we live in today.

I already put my disclosure form on my Web site. I have put it on there since the day I came into office. I think people need to know exactly what their Senator's investments are. If they have spouses—in my case, all of my spouse's information is on there even though I am not required to do it. I put it on there because I think people need to know the household income of their Senator and where it comes from and where their investments are. We overreport. After I fill out the forms, we have an attorney review it, and he always tells me we are giving too much information. I have to remind him that is what I am doing. That is the way I think it should be done.

Again, I congratulate the Senator from New York who was here for the work on the STOCK Act, and I am glad I could participate in making it even stronger.

### NOME REFUELING SITUATION

Mr. BEGICH. Madam President, I seek to speak on the floor to speak of my residence of Alaska, a State that constantly overcomes adversity in its tough winters. This year has been an especially tough winter.

Alaska's history is marked by stories of people coming together to overcome extreme hardships and save their communities. None is more memorable than the 1925 Serum Run, when diphtheria ravaged the remote Arctic community of Nome. The needed vaccine was raced to the community by a team of 20 mushers and some 150 sled dogs. They faced brutal February weather and extreme cold, with winds and snowdrifts, and carried their precious cargo—the vaccine—some 700 miles in just 51/2 days. It is a speed record that has never since been broken, and it saved the community. The feat is memorialized by the 1,000-mile Iditarod sled dog race known as the last great race on Earth.

This year, the city of Nome faced a 21st-century challenge: the need for energy. The fall fuel barge—the last scheduled before winter set in—was blocked first by a mammoth October storm which swept up western Alaska and then by heavy sea ice. The barge had to turn back, but without the delivery Nome would run out of fuel by March. Nome is not connected by road, and the earliest the next barge would arrive would be this June. Flying in 1.3 million gallons of fuel would have taken 300 flights and would have boosted the cost of an already expensive gasoline and home-heating fuel to over \$9 a gallon. As you can see here, the price of fuel in the community right now is over \$5 a gallon.

The Sitnasuak Native Corporation and Vitus Marine proposed to do what has never been done before: bring over 1 million gallons of diesel fuel and gasoline to Nome in the dead of winter. They contracted with a Russian-flagged tanker, the *Renda*, which was ice-capable and double-hulled.

To ensure the safety of the delivery, the Coast Guard immediately recognized it had a mission and the right equipment. The Coast Guard icebreaker *Healy* had just completed a lengthy scientific tour off the Arctic. Rather than return home, they stayed on the job as winter set in, breaking open lanes through the ice to allow the tanker to arrive.

The Healy and the Renda encountered conditions more severe than anticipated, with colder temperatures, stronger winds, and thicker ice. Some days their progress was frozen, literally, but the Healy pressed on through the ice. With the determination that is the hallmark of the U.S. Coast Guard, they succeeded. They did not make it to Nome Harbor, which was frozen solid, but close enough to top off the city's fuel tanks through a half-mile-long hose. Now they are on their way back home but not out of the ice yet. The *Healy* and the *Renda* still have several hundred miles before they reach open water.

I take to the floor today to offer my thanks and congratulations to Captain Beverly Havlik and the men and women aboard the *Healy* for a job well done and also the crew of the charter tanker, the Renda, and many others who helped ensure that the transfer of fuel was safe, workers from the Sitnasuak Corporation, Vitus Marine, the city of Nome, State of Alaska, and others who have played their part, even the University of Alaska researchers who flew aerial drones to inspect ice conditions in advance of the approaching vessels. Together they proved that winter operations are possible even in the most challenging circumstances.

I speak today not just to congratulate all those who pitched in to help refuel this community but to consider its broader implications and lessons.

First, America is an Arctic nation. The residents of cities such as Nome and Kotzebue and Barrow and numerous smaller villages thrive in the often challenging but rich Arctic environment. The Alaska Native peoples have thrived for generations and for thousands of years, living off the resources of the land and the sea.

Second, the Arctic offers much to our Nation. Its offshore oil and natural gas is our most promising energy province, which is actively being considered by industry. Trade routes over the top are eager to cut up to 40 percent off trade routes between the east and the west.

Yet, while we are an artic nation, we lack the basic infrastructure to serve its people, to fulfill our responsibilities and take advantage of its opportunities. But it is not just me saying it. Just today the Northern Waters Task Force released a report calling for a better Arctic infrastructure. The Healy is our Nation's only operational polar icebreaker, and it is only rated as a medium-duty vessel. Our two heavyduty icebreakers are both idle. The 36year-old *Polar Star* is being retrofitted and should be operational again soon, but it has been proposed to send her sister ship, the *Polar Sea*, to the scrap

Since taking office, I have repeatedly called for recapitalizing the Nation's icebreaker fleet. A comprehensive Coast Guard study recently found that 6 to 10 icebreakers are needed just to meet the Coast Guard's statutory responsibilities. Until we have a firm plan to meet these needs, I have introduced legislation with Senator CANT-WELL to halt the dismantling of the Polar Sea until all options can be considered. Without icebreakers, we can neither meet our responsibilities nor take advantage of our opportunities as an Arctic nation. We are falling behind Arctic nations such as Russia, Chinawhich is not an Arctic nation but is building icebreakers-Canada and others as well. Russia is building a yearround Arctic port. Canada is conducting military operations. And, as I mentioned, China is building new icebreakers.

America must build its Arctic infrastructure, such as a deepwater port to maintain our national presence as other nations make their claims to the Arctic. We need to maintain spill response capabilities, enhance communications, track the increasing vessel traffic using polar routes, strengthen communications and the base scientists who are researching the changing Arctic ecosystem.

In addition, we need the legal framework to support our Arctic presence, and that means ratification of the Law of the Sea Treaty. We need a robust scientific program to track changes in the Arctic which in the past has operated like a global air-conditioner.

But scientists say, and the residents of the region confirm, that the Arctic is warming. As its ice pack diminishes, it is changing our weather. The National Oceanic and Atmospheric Administration, NOAA, says there were a record 12 weather disasters in the United States costing more than \$1 billion each in 2011. The hurricane force storm that blocked the fuel delivery to Nome isn't the only unusually severe weather facing my State. South central Alaska has had—and I will repeat this when I say it—24 feet of snow—24 feet of snow so far this winter. The cities of Cordova and Valdez know a thing or two about heavy winter snowfalls, but this is an unusual one for them.

In Cordova, buildings collapsed and avalanches cut the town off from its airport. That is a true concern since, like 80 percent of the rest of Alaska, Cordova is not connected by roads to the rest of the State.

The Army and Air National Guard sent soldiers and airmen to the scene. and the State of Alaska sent over 100 State responders and heavy equipment to the town by the State ferry system. The whole town, along with the Guardsmen and the State workers, pitched in and worked around the clock to clear the snow off the streets and roofs as another snow and rain system was about to hit. The only problem: Alaskans can be rather enthusiastic and kept breaking every single one of those snow shovels. Eventually they ran out and had to have more snow shovels shipped in from out of State.

Other parts of the State are affected as well. Boats capsized in the fishing port of Kodiak due to the heavy snow. Yesterday, once again, the Coast Guard came and performed their duty—not only one but two rescues of the crews of fishing vessels that sank near Kodiak Island.

NOAA is closely watching the heaviest sea ice in decades in the Bering Sea, which threatens to close the important crab fisheries and destroy millions of dollars in fishing gear.

Some politicians downgrade public service and say government can't do anything right. I am grateful for the government's response. I am grateful to the Coast Guardsmen on the Healy who gave up their holiday with their families to ensure Nome got its fuel, and I am grateful to the Alaska National Guard and State and local governments working to help dig out Cordova and Valdez.

I know my time has expired, but I wish to say there is no question in my mind that the work the Coast Guard did, the National Guard, and many others, set us on a course to again recognize the incredible people who are doing incredible things in our State and around the country. As we continue to look at the vast resources of the Arctic, more of these resources will be necessary, and I know one thing about Americans, about Alaskans, and that is we will be ready to take on the challenges of the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

### RECESS APPOINTMENTS

Mr. LEE. Madam President, in defense of the Constitution, I stand against an action taken recently by our Chief Executive. President Obama's January 4, 2012, appointments to the Consumer Financial Protection Bureau and to the National Labor Relations Board are different in kind than previous recess appointments made by

Presidents of the United States made by both political parties. These four appointments are unconstitutional because they did not, as required by article II, section 2, receive the "advice and consent" of the Senate, even though such advice and consent was necessary under the circumstances.

President Obama has asserted that the appointments are constitutional under the recess appointments clause. That clause provides that the President may "fill up all Vacancies that may happen during the Recess of the Senate." That clause does not apply here, however, because the Senate was not in recess when President Obama made the appointments in question.

In making these appointments, the President did not state that he believes an intrasession adjournment of less than 3 days constitutes a recess, and there can be little dispute that such a brief adjournment as occurred between January 3, 2012, when the second session of the 112th Congress officially began, and January 6, 2012, when the next pro forma session of the Senate occurred, does not, in fact, constitute a recess for purposes of the recess appointments clause.

The Department of Justice has consistently maintained that intrasession adjournment must he longer than 3 days to constitute such a recess. The text of the Constitution evidences that the Framers did not consider an adjournment of less than 3 days to be constitutionally significant. Indeed, in article I, section 5, we read that "neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days."

Now, at the time these appointments—the appointments in question—were made, the Senate had not received consent from the House of Representatives to adjourn for a period of time of more than 3 days. If an intrasession adjournment of less than 3 days were to be considered constitutionally sufficient for the President to exercise his recess appointment power, it is unclear what, if anything, might prevent the President from routinely bypassing the Constitution's advice-and-consent requirement and appointing nominees during even weekend adjournments.

The Department of Justice's Office of Legal Counsel asserts that the President may unilaterally conclude that the Senate's brief pro forma sessions do not constitute sessions of the Senate for purposes of the recess appointments clause. But this assertion is deeply flawed. It is for the Senate and not for the President of the United States to determine when the Senate is in session. The Constitution expressly grants the Senate the power to determine the rules of its own proceedings.

Granting the President unilateral power to override the Senate's determination of when it is in session would undermine the constitutional prerogative and violate the Constitution's fundamental principles of separation of powers.

The OLC memorandum on which the President relies asserts that the "touchstone" for determining when the Senate is in session is "its practical effect: viz. whether or not the Senate is capable of exercising its constitutional function of advising and consenting to executive nominations." This analysis contradicts the text and the original understanding of the recess appointments clause.

The purpose of that clause, we read in Federalist No. 67 which was authored by Alexander Hamilton, was to avoid obliging the Senate "to be continually in session for the appointment of officers." Nothing in either the Constitution's text or in the debate surrounding the recess appointment clause suggests in any way that the President should have the unilateral power to appoint officers and judges at times when the Senate is regularly meeting, even if that body is not conducting substantial business.

In addition, the OLC memorandum's functionalist argument fails on its own terms. During the Senate's pro forma sessions, including its session on January 6, 2012, the Senate was manifestly capable of exercising its constitutional function of advice and consent. Notably, at one such pro forma session on December 23, 2011, the Senate passed a significant piece of legislation demonstrating that it is, in fact, capable of conducting business—meaningful business—at such sessions.

But regardless of how much business the Senate conducts during pro forma sessions or how much business it indicates in statements that it intends to conduct in advance of such sessions, the Senate has been and continues to be capable of conducting business at such sessions—including advising and consenting as to nominations for the President should it decide to do so.

OLC's argument boils down to an untenable assertion that because the Senate has chosen not to act on the President's nominations during its sessions, it was incapable of doing so.

Finally, OLC's assertion that pro forma sessions are not cognizable for purposes of the recess appointments clause violates established constitutional practice and tradition. The Constitution provides that "[n]either House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days," and that "unless [Congress] shall by law appoint a different day," Congress shall begin each annual session by meeting "at noon on the 3d day of January."

The Senate has commonly and without objection used pro forma sessions to fulfill both constitutional requirements, evidencing a past consensus that such sessions are of constitutional significance. President Obama's novel assertion that such sessions no longer count for purposes of the recess appointments clause thus upsets precedent and creates an internal contradiction in the treatment of Senate sessions for purposes of the Constitution.

President Obama's January 4, 2012, appointments to the CFPB and the NLRB are unconstitutional. As duly sworn Senators, we each have an institutional and a constitutional duty to preserve and defend the prerogatives of the Senate, particularly from the encroachments of the Executive. The President's unconstitutional appointments simply cannot stand.

Throughout my time as a member of the Judiciary Committee, I have made it a point to work collaboratively with Members from across the aisle, and I have also gone out of my way to cooperate with the current administration to ensure that the overwhelming majority of the President's nominees to judicial and other positions are considered and receive a vote. Both in the Judiciary Committee and on the floor I voted for dozens of nominees with whom I fundamentally disagreed on various issues simply because they were nominated by a President who was duly elected by the people. But I will do so no more

My concerns, to be clear, are nonpartisan, and I will be equally critical of any Republican President who might attempt to make recess appointments under the same deeply flawed legal theory. Given this President's blatant and egregious disregard for proper constitutional procedures and for the Senate's unquestioned role in such appointments, I find myself duty-bound to resist the consideration and approval of additional nominations until the President takes steps to remedy the situa-

Regardless of what precise course I choose to pursue, the President certainly will not continue to enjoy my nearly complete cooperation unless and until he rescinds his unconstitutional recess appointments.

Thank you, Madam Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. I thank the Chair.

(The remarks of Senator Sanders pertaining to the introduction of S. 2037 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Utah.

### HONORING THE MEMORY OF SPECIAL AGENT JARED FRANCOM

Mr. HATCH. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 355, which was submitted earlier today.

clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 355) honoring the memory of Special Agent Jared Francom of the Ogden, Utah Police Department.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 355) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 355

Whereas, on January 4, 2012, Special Agent Jared Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded in a shooting while serving a search warrant on a residence in Ogden;

Whereas Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department were also wounded in the shooting:

Whereas Sergeant Nate Hutchinson of the Weber County Sheriff's Office was also wounded in the shooting:

Whereas Officer Jason Vanderwarf of the Roy Police Department was also wounded in the shooting:

Whereas the officers on the Weber-Morgan Narcotics Task Force acted quickly and brayely to subdue the shooting suspect, preventing further injury and loss of life;

Whereas Officer Kasey Burrell remains in the hospital recovering from serious injuries sustained in the shooting;

Whereas Special Agent Francom served with the Ogden Police Department for 8 years:

Whereas Special Agent Francom served the Ogden community with honor and distinc-

Whereas the people of Utah have come together to mourn and honor Special Agent Francom, with an estimated 4,000 people attending the funeral of Special Agent Francom on January 11, 2012, in Ogden; and

Whereas the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

Resolved, That the Senate-

(1) recognizes and honors the sacrifice of Special Agent Jared Francom;

(2) extends the deepest condolences of the Senate to the family and friends of Special Agent Francom:

(3) expresses the wishes of the Senate for a full and speedy recovery of all the officers wounded in the shooting in Ogden. Utah: and

(4) recognizes the remarkable courage and honor that the men and women in law enforcement display and the risks those men and women take to keep their communities safe.

Mr. HATCH. Madam President, on January 4, 2012, Special Agent Francom of the Ogden, Utah Police Department, serving on the Weber-Mor-

The PRESIDING OFFICER. The gan Narcotics Strike Force, was fatally wounded while defending his fellow officers as they attempted to serve a search warrant on an Ogden resident.

I wish to express my deepest sympathies and condolences to Special Agent Francom's family—especially his wife and his two daughters—and the many friends he had throughout the whole community.

Serving as a police officer was a lifelong dream for Special Agent Francom, one that was realized in 2004 when he joined the Ogden City Police Department. He served with honor and distinction and was trusted and beloved by his fellow officers.

He was a fine man, a good father, a good husband and a model citizen and public servant.

On January 11, a crowd of 4,000 people—about half of them uniformed officers from all over Utah and elsewhereattended his funeral.

Five of Special Agent Francom's fellow officers on the strike force—five of them—including Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department; Sergeant Nate Hutchinson of the Weber County Sheriff's Office; and Officer Jason Vanderwarf of the Roy Police Department, were also wounded in the shooting.

Officer Burrell remains hospitalized as he recovers from the serious injuries he sustained in the shooting.

Along with everyone in Utah, I am deeply saddened by this turn of events.

At the same time, we are humbled, as this tragedy reminds us all of the bravery and dedication of the women and men of law enforcement who risk their lives every day to keep our communities and their communities safe.

As I have served the people of Utah over the years, I have had a chance to meet and get to know many members of our law enforcement community. Without question, they are among the most honorable and courageous people any of us could ever hope to meet. I am honored every time I have an opportunity just to be in their presence.

Today, I was joined by Senator LEE in submitting this resolution recognizing the sacrifice of Special Agent Francom, extending the Senate's condolences to his family and friends, expressing our good wishes to his fellow officers, and hoping they will all have a full and speedy recovery, and, of course, recognizing the remarkable courage and honor displayed by the men and women of law enforcement.

I wish to thank my colleagues for their support of this resolution, which I know will mean a lot to Officer Francom's family, his fellow officers, and their community.

I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

### WEATHER IN ALASKA

Ms. MURKOWSKI. Madam President, I rise to spend a few minutes on the Senate floor to talk about home—about Alaska. We have a tendency sometimes up north to do things in a big way, a bold way. We tend to brag a little bit about it. That is all OK. But we have been in the center of the news cycle for a few weeks this winter, at the onset of this year, because of our weather which has been big and bold.

As a consequence of some of the extremes that we are seeing up north, I think it has brought out the best of Alaskans and certainly the warmth that comes from a northern climate. I think the occupant of the chair sees that in her State where she has some conditions with snow and cold.

The neighbor-to-neighbor response that comes about when we are dealing with Mother Nature at her finest or at her most extreme, I think, is something that helps define us as a people.

Today, I wish to speak for a few moments to recognize the very extraordinary efforts we have seen recently of the U.S. Coast Guard and the Alaska National Guard in helping the residents of several of our communities since early this year.

Earlier on the Senate floor, my colleague, the junior Senator from Alaska, mentioned some of the events that have happened. He, too, acknowledged the hard work and very significant efforts of our Coast Guard and the Alaska National Guard. I think it is important to make sure we all take the time to tell the story, to share it with colleagues and with people around the country.

In many parts of the United States right now there are some areas that are just begging for snow. I have sons out in Colorado, and they are waiting. I know on the east coast many of us would prefer a little bit more snow. Sometimes it is one of those "be careful what you ask for" situations, or we may be like the town of Valdez and have 27 feet of snow in our community. That is a little bit more than I think most of us would ask for or hope for.

The community of Nome has been in the news for months now as they have felt the brunt of some early winter storms, storms that have forced them as a community in the northwest region of the State to feel the pinch of Mother Nature in a very extreme way. Nome is a community of about 3,500 residents. It sits up on the west coast of Alaska. Most people in this country recall Nome from the early days of the Gold Rush. But more recently, Nome comes into the national news every

March when the famous Iditarod dog sled race is run which finishes in Nome. It is a 1,100-mile race where man and animal are pitched against Mother Nature in a pretty intense way.

Nome makes it in the headlines for several different reasons. This year adds yet another reason that Nome is in the history books, where people are talking about this incredible part of the State. Alaska is known for our tough winters and, again, I started my comments by saying we kind of like the fact that we are tougher than the rest of the world, and we brag about it. This winter, though, has been particularly harsh.

We have seen record cold. We have seen snowstorms hit the State earlier than usual. I was up in the State last week, places such as Bethel where it normally averages about zero this time of year, and we are looking at 20 below for extended periods of time, not just a day or two. In southeastern Alaska not only have they been hit with below zero temperatures, but massive amounts of snow are hitting them as well.

Nome is, again, a coastal community. When they receive their annual fuel supplies, they basically fuel up for the winter. The only way to get to Nome is to fly in or to go by water. So in order to get the fuel tanks filled up for the winter, the annual fuel barges come in early fall before they have ice conditions out in the Bering Sea.

This year, if you will recall, back in October, everybody was watching the news because of the massive storms that were pounding western Alaska. Back in Washington, DC, every evening on the news we could see these major storms coming through. If we were here or down in Florida, they would have called them hurricane force winds. For us, it was a winter storm—a tough one.

What happened with that storm is that it prevented the fuel barge from reaching Nome, so the shipment of fuel that they would receive for the winter is not able to come in.

One might think, well, fuel up the community another way. Again, there are no roads. What is the other way? The other way is aircraft. So one would have to fly in barrels of fuel, driving the cost of fuel up, and, quite honestly, adding to the risk of transport. So it is an issue where fuel delivery by air, while it is possible, is not the preferable way. They are in a situation where they have not only a community of 3.500 but all of the surrounding villages in the region relying on Nome for their backup. So they are at risk too. Without the fuel tanks being filled. what the community and region were looking at was a situation whereby about March—sometime in March, depending on how harsh the winter wasthey were going to run out of fuel.

Well, if the January temperatures are any indication—on average, it is

usually about 2 degrees, but it has been 20 below and colder recently. That means people go through fuel pretty darn quick. Then what do they do? They are stuck until spring. You say: Well, isn't April or March spring? Not in Northwest Alaska because fuel barges cannot get to port until all of the ice in the Bering Sea has melted, which doesn't happen until May or June—perhaps earlier if the ice moves.

That is the reality up north. So we have a major community and outlying villages that are looking at a very real threat to their community. Senator BEGICH showed a picture on the Senate floor of gas prices in Alaska. When I was in Nome last week, I saw firsthand the price of regular fuel at the pump was \$5.43. That is what residents of Northwestern Alaska are paying today. Diesel is a hair less than \$6. If they were having to fly in fuel for the balance of the winter, they were looking at about \$9 a gallon. This is on top of all of the other extraordinary costs they pay as a community that is reliant on air for just about everything they need.

Most of you may have seen the story in the news. Lots of people got to work to try to address the situation. I was in contact with the Coast Guard to see what they could do to help. The Coast Guard was amazing in saying: Yes, we are committed to this mission. We are going to help the people of Nome, the people of the region. So what came together was a pretty interesting story.

There is a fuel tanker, the Renda, which is home-ported over in Russia. The Renda filled up with fuel in South Korea and was going to pick up fuel in Japan. They got shut out of Japan by weather. They had to go to Unalaska, Dutch Harbor on the Aleutian Chain. to fill up. For those of us who know of the Jones Act, there is an issue there. They had to get the Departments of Defense, Homeland Security, Transportation, and Energy to act to get a Jones Act waiver so the Russian fuel tanker could fill up in an Unalaska port and haul the fuel north to the people of Nome. It is a pretty interesting saga, just in describing the beginning.

This is more than a 1,000-mile nautical journey, and they were breaking ice for about half of the way. The Renda is a pretty capable ship, but she is not an icebreaker. How she got through that ice is an interesting part of the story. The Coast Guard Cutter Healy, which had been on a research mission since early May and was on her way back to Seattle to deliver the crew got a call that Nome needed help. The fine men and women of the Healy missed their Christmas, their New Year's, and headed back north to clear a path for the Renda to Nome.

Now, I think it is important to stop here and recognize that this is not the Coast Guard doing something for the people of Nome or the people of Alaska that is not part of the Coast Guard's mission. This month-long journey was the first fuel delivery through sea ice in Alaska's history, but not the first time the Coast Guard has worked to get fuel to a community. This is important.

Back in 2000, CWO Richard Glasgow testified about ice-breaking operations on the Hudson River. At that time, there were five Coast Guard cutters that performed ice-breaking duties from Sandy Hook, NJ, all the way up to Troy, NY. They were working to get heating fuel to about 4 million people in the communities along the river. Officer Glasgow testified that as a direct result of the Coast Guard's continuous ice-breaking efforts that winter, all 274 petroleum-bearing barges that started the trip up the Hudson made it through the ice.

He also noted if the Hudson had remained closed to barge traffic, it would have taken over 21,000 tank truck loads to move that petroleum, assuming that the trucks were available to make those deliveries.

So we basically had a situation on the East Coast where the Coast Guard came to the rescue. They cleared a path so that commerce could be facilitated, and these communities along the Hudson could have the fuel and the resources they needed. The Coast Guard made it happen in an efficient and environmentally responsible way—avoiding 21,000 tank truck loads of fuel on the roads.

This is not unlike the role the Coast Guard has played in Alaska. The difference with Nome is that there could not be 21,000 truck loads of petroleum because there are no roads for those trucks to travel to Nome. So we did not have the option for any other means of transport to the community short of air transport.

So when we look at what the Coast Guard Cutter *Healy* and Captain Havlik and all the crew members did, they were following in the footsteps of many members of the Coast Guard before them in carrying out the Coast Guard's stated ice operations mission, which is to assist vessels and communities in emergency situations and facilitate essential commercial maritime activities.

The Coast Guard carried out this mission by assisting with 680 ice transits, representing the transport of over \$2 billion of cargo. Similarly, just last year, Coast Guard cutters coordinated with the Canadian Coast Guard ships to facilitate the movement of about \$2 billion worth of critical goods on the Great Lakes.

I point this out because I think it is important for people to know that in addition to all the other critical missions the Coast Guard has, one of theirs is to assist vessels and communities in emergency situations and to facilitate essential commercial maritime activi-

ties like getting fuel—an absolute bare necessity to the people in this north-western region at a time when temperatures are 20 below for days and days on end. It was critical to us, and the Coast Guard did a remarkable job.

Again, I wish to recognize these men and women who gave up their Christmas holiday, who gave up their New Year's holiday to assist Alaskans, and they were nothing short of remarkable. I had the opportunity to go on board the Healy when I was in Nome last week, as the Renda was beginning to lay the hose from the fuel barge to the shore. I also spoke with the men and women and they were exceptionally proud of their mission. But I said to them: You will go back home and your world will be changed because you will be able to stand and say: Yes, I was on the *Healy* when we broke ice to get the Renda to northwest Alaska.

Let me give an update. Renda, the tanker, was able to get close to Nome after weeks of transit made difficult by the winter conditions of the thick ice and the currents and the winds. There were days when they actually went backward. The Coast Guard Cutter Healy would break the ice, loosen it, but it was so cold and things were happening so fast, the ice would refreeze the distance between the cutter and the Renda.

In addition to some pretty tough environmental conditions, we had some language issues going on between the Coast Guard cutter and the Russian tanker. They had to translate the mission. We had some cultural differences going on. But what they were able to facilitate, again, was pretty remarkable. I am giving laudatory praise to our Coast Guard, but I think it is also important to recognize the good work the crew of the *Renda* did in assisting as well.

Using NOAA's satellites to determine where the best mapping could be, where to cut through that, they were able to break through and get within about a half mile of the shore of Nome. It was close enough so that when I got off the *Healy*, I was able to take a snow machine to shore. It was about a 3-minute snow machine ride. That is how close they were able to get in safely to the shore. The *Renda* laid hose across the ice to connect to the tankers on-shore.

It was about a 6-day process to transfer the fuel to the community, but the parties involved did it safely, without any incident whatsoever. They were able to then close that operation and, last Friday, they took off from Nome to go back—the *Renda* to Russia and the Coast Guard Cutter *Healy* to Seattle.

I asked for a progress report just this afternoon. And as of today, the *Healy* and the *Renda* were approximately 240 nautical miles southwest of Nome, 275 nautical miles from the ice edge. So

they still have a long way to go getting through the ice.

One might ask the question: Why don't they just go back the way they came in? Because, obviously, they cut the trail. But it doesn't work that way. It is cold up there. In fact, they are continuing to rely on the NOAA satellites to help them map out a perhaps more efficient way, but it has been tough. They have very challenging ice conditions and very steady strong winds. The weather is giving them winds in excess of 25 to 30 knots. Hopefully, they are going to be diminishing to 15 knots on Friday. But they are working with NOAA and other folks to find the safest, the most expedient route out of the ice. But the ice forecast continues to see ice edge expanding to the south. So all the progress they are making going south, the ice is just coming at them in the other direc-

So it is challenging, but, again, these are extraordinary professionals across agencies. I have mentioned NOAA, and I mentioned what we needed to do in order to facilitate the Jones Act waiver through the Departments of Energy, Homeland Security, Transportation, and Defense, but we also had the State Department involved, we had the EPA involved, and the native corporation Sitnasuak to put this whole thing together. We had incredible local leadership coming out of the community of Nome. We had the University of Alaska researchers who helped with the UAVs to determine, again, how we best lay everything from the tanker in the safest place across the ice. An incredible act of collaboration.

I see my friend from Illinois is on the floor, and I know I have gone over my time, but I have about 3 more minutes to wrap up if that works for my colleague. Senator DURBIN comes from a State that appreciates snow, and so I think my colleague would like to hear the rest of my story because I am not done acknowledging the fine men and women of the Alaska National Guard who played a role in helping to dig out the community of Cordova after record snowfall.

We have had some pretty tough snows. Cordova is a coastal community in south central Alaska, and they got hammered. They got about 176 inches of snow. Last week, when we checked in, they had 16 feet of snow on the ground, which is pretty unusual. Not quite Valdez's record, which is sitting at 27 feet right now, but it was enough that roofs were caving in and there were public safety concerns. What the community did was come together, as small communities do, to try to shovel out, and 50 or 60 Alaska National Guardsmen were there to help. The Coast Guard was there too helping to shovel-it was quite a lovely community story.

Again, it is one of those stories that reminds us that whether Mother Nature hits us with winds and storms and cold in the north, or hurricanes in the south, we come together as a people. We come together as communities to help, and sometimes we have some real heroes that emerge. Some of those heroes for us in Alaska these past few weeks have been our U.S. Coast Guard and our Alaska National Guardsmen and women.

As I started my comments, I said we do things bigger in Alaska, perhaps a little bolder. There is a new movie coming out that you may have heard about. It is called "Big Miracle." It is about the rescue of the whales back in the late 1980s. Some of you may remember the whales were trapped in the ice off Point Barrow. It is a wonderful story about how we, as Alaskans, came together with the Russians, state and federal agencies, environmental and other groups that would normally not be allies, and regular folks for a common purpose. That movie, "Big Miracle," reminded me that in Alaska we have a few more big miracles we can brag about, and they begin with people who truly make the health, safety, and well-being of others their top priority, even when they do not know any of those people.

I know the people of Nome and Cordova and the people of Valdez all give thanks to those who stepped up during these tough winter months to help us out and were there at our side. I thank the Chair for the extra time, and I thank my colleague from Illinois for his patience and again extend my heartfelt thanks to our U.S. Coast Guard men and women, as well as the fine men and women of the Alaska National Guard.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleague from Alaska and tell her that this week on National Public Radio there was a feature about Cordova and all the snow they have had to deal with there. I am sure this is perhaps commonplace in her great State, but as we listened to it from Chicago, we felt blessed we haven't been hit too hard yet this winter. But our hearts go out to the men and women in the Coast Guard and the National Guard in Alaska and the people who are struggling in Alaska's communities to survive these natural disasters.

## THE DREAM ACT

Mr. DURBIN. Mr. President, each of us takes on an agenda in Congress, things that are important to us personally, and sometimes one or two of those issues become very personal and very important to us. The one that has become very personal to me relates to the DREAM Act.

The DREAM Act is a bill I introduced 10 years ago—10 years ago. To serve in the Senate, one has to be a patient person because nothing happens quickly. But 10 years is long enough, and I am urging my colleagues on both sides of the aisle to take a close look at this legislation today.

First, let me explain what it is all about. It is a bill that would allow students to literally earn their legal status in America. These are students who came to the United States as children. They have been here for a long period of time. They have good moral character. They must graduate from high school, speak English and complete at least 2 years of service to our country in the military or at least 2 years of college, and that can include vocational training, which I think can be equally valuable to many young people. And I have talked to the Presiding Officer about this. I certainly believe that should be part of this conversation.

The DREAM Act would make us a better and stronger country. These young people are waiting for the opportunity to contribute to America. I have come to the floor dozens of times now to tell their stories. There was a time when they were afraid to speak out and to identify themselves. But thank God that has changed. They now speak out because they understand when people see who they are, what they have done, and what their dreams are, they can appreciate the fact these are good young people who, when given a chance, will make us a safer and stronger nation.

That is why this proposal has been supported by the Department of Defense. They want these young peoplethese high school graduates of good character-to come into our military and make it better. Of course, many others see this as a valuable addition to our economy—tomorrow's engineers and scientists and teachers and doctors and lawyers and entrepreneurs. These young people can make America a better place.

I contacted the Obama administration last year, along with 21 of my colleagues, and asked that they take a look at these young people when it comes to deportation. Understand we estimate there are 11 million undocumented people in America. There are some who just say: Oh, send them all back.

That is not even in the realm of reality. So I have asked the Obama administration, along with 20 of my colleagues, to focus on those who are any danger to the United States and send them back-deport them. In fact, the Obama administration has done just that. I have asked them as well, since we have limited resources, to please try to identify those who might fall into the qualification of the DREAM Act and do not deport them.

There are some who argue: Oh, wait a minute. They should all go. But we know we have limited resources for enforcement. If a person is a State trooper, parked on the side of a highway in Illinois or West Virginia, with a speed limit of 55 miles an hour, and one car comes by at 65 miles an hour and the next one comes hurtling by at 110 miles an hour and they can go after only one car, which one will they go after? We know the answer. They go after the car that is traveling so fast it is a danger to its occupants and everyone else. The same is true when it comes to questions of deportation. Use good sound prosecutorial judgment, with limited resources, to deport only those people who could be a threat or a danger to these United States. That is the first priority.

Earlier today, Senator GRASSLEY, who is the ranking member of the Senate Judiciary Committee, came to the Senate floor and claimed that the Obama administration is using this discretionary authority to implement the DREAM Act because it failed to pass Congress. I respectfully disagree with my friend from Iowa.

The DREAM Act would give these

young people the chance to earn legal status. That is not the case when it comes to deportation. Even if they are not deported, they are still not in a legal or permanent legal situation in the United States. Their future is still in doubt and in question. So there is no parallel as far as that is concerned.

I have come to the floor many times to introduce those who follow this debate to these young people to get to know who they are and why I think this cause is important and their lives are important to us. Let me introduce today two of them.

This is Alaa Mukahhal. Alaa is of Palestinian descent, was brought to the United States by her parents 19 years ago when she was 7 years old. She is 26, and she grew up in the suburbs of Chicago, my home State. She was an honor student in high school and graduated from the University of Illinois at Urbana Champaign—a great university—with a bachelor's degree in architecture. She sent me a letter, and here is what she said:

Being undocumented and with no pathway to the citizenship means I actually can't use my architectural degree. It means I can't get a job and move forward with my life. This year, once again, we wait for Congress to do the right thing and give undocumented young people all across America a chance to better serve our communities and our country. I am an asset to this country, a resource, with a desire to make good use of my degree. I want to be able to work and design affordable housing for low-income communities.

In the finest American tradition, Alaa has become an activist. She has stepped out to introduce herself to America so we know who these DREAM Act students are and what

they could mean to the future of our dirtiest, hardest jobs available because Nation.

That was it, and they prayed that their

Let me also introduce to you this lovely young lady, Maria Luna. Maria has a heartbreaking but inspiring story.

Her mother lives in the United States. But just before she was to be born in the United States, her mother fled the country and gave birth to her on the Mexican side of the border. Maria's mother abandoned her in Mexico at that point—left her when she was only 3 days old. Luckily, her grandmother stepped in and started raising Maria in Los Angeles, CA. Her grandmother passed away when Maria was 10 years old.

After her grandmother's death, Maria went to live with her biological mother who, unfortunately, was abusive both physically and emotionally to this young woman. While she was in high school, Maria learned that she did not have legal status because she was actually born across the border in Mexico. She asked her mother to file the papers for her so that she could be legal in America. Her mother refused, and she threatened to turn her into the authorities if she caused any trouble at home.

Maria persevered. She became a straight-A student. She graduated from high school with a 4.2 GPA. This is what she said:

Even through everything that I was facing at home, I was able to find relief at school. At school, I felt worthy. My dignity was returned. I was valued based on my merit and drive.

In 2010, Maria graduated from California State University of Sacramento. She also decided to start to tell her story publicly about why she believes the DREAM Act is so important.

Maria wants to go to business school and become an entrepreneur. She has begun a career in modeling—as you can tell, a lovely young lady—although she doesn't have legal status and can't be paid for her work. She sent me a letter, and here is what she said:

Through my involvement through the DREAM Act I have learned of many students who like me have excelled despite tough odds. One thing that we all share in common is our hunger to succeed and give back to this country. My dreams and ambitions are all for America. This is where I belong. I know no other home. It is here that I was given an opportunity, it is here that I have become educated. America adopted me and raised me as her own. And because of that, I am forever indebted to her. All I want is to have the ability to give back to my country.

Mr. President, you and I know this is a nation of immigrants. We are fortunate that at some point in the past our parents and grandparents had the courage and determination to come to these shores and fight the odds. They came here speaking broken, if any, English. They persevered through the rejection of people who wanted nothing to do with immigrants. They took the

dirtiest, hardest jobs available because that was it, and they prayed that their kids would have a better life. That was the immigrant's dream, and it always has been. That is the dream of these children: that they can have a better life, that they can make this a better country. All they are asking for is a chance to earn the right to be legal, to earn it—not to be given it but to earn it.

I am going to continue to work for passage of the DREAM Act. I hope my colleagues on both sides of the aisle will look at this in an honest and fair way. I know immigration has been a hot button issue since right after the Pilgrims got off the Mayflower. The next boat that arrived, I am sure some of the Pilgrims said: Oh, not more of those people.

Well, that is the story of America. Thank goodness a lot of those immigrants from Italy, from Lithuania, from Poland, from China, from Mexico, decided to stick it out and fight for their future. These young people deserve that same opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I have week after week ever since the President's health care law was passed, to bring a doctor's second opinion about the health care law.

I traveled the State all the last week in Wyoming talking to people about the things they look for in a health care law, which is what they want as patients, as citizens. What they are looking for is the care they need from a doctor they want at the price they can afford. Across the board, they do not believe they are getting that with the health care law that was passed in this body and then in the House and signed by President Obama during the last couple of years of the administration.

It is interesting, as we went to the floor of the House in the House Chamber this past week for the President's State of the Union speech, it was almost 7,000 words, and he focused very little on the health care law.

One might say: Well, why is that? Well, it seems pretty obvious it is because that law was unpopular when it was passed, and it is actually more unpopular with the American people today than it was the day it was passed. The more people find out about it, the less popular it becomes.

Even the White House understands this law is deeply flawed, it is extremely unpopular, and it actually makes it harder for small businesses to create jobs. So when the President wants to talk about job creation in America, he realizes his health care law isn't helping, and it is actually making it worse.

I had townhall meetings in different communities around Wyoming last week, where you gather a group of people together. My colleagues ought to do the same in their own communities and their home States and ask the group of people: Do you believe, under this health care law—you remember, the one the President promised that if passed that the cost of your insurance would go down? Do you remember that law? Do you believe that after that was passed, that your health care costs will actually go up? How many believe the cost of your care will go up and your insurance will go up? Every hand went

Then ask those same people, who now say they are going to end up paying more: Do you think the quality—because there is a lot of discussion about quality and access and concerns about care. Do you believe the quality of your care will go down? Again, the hands went up.

So we have people who are saying: We are going to be paying more and getting less, and that is not what I want.

So today I am here to discuss something about the health care law that the President did leave out of his big speech on Tuesday night, and that is the issue of waivers.

On January 6, while we were all back in our home communities, many people talking to folks around their home States—on January 6, while Congress was not in session, the House was not in session, the Senate was not in session—the administration ended their program that has been a major embarrassment to the Obama administration. Month by month, the President has had to announce that he had to issue more and more waivers from his health care law, waivers that the President granted to unions, to businesses, and to insurers. Each and every waiver served as a clear admission that the health care law, as written, didn't get the job done and doesn't work.

Well, as of January 6, 2012, the administration has issued a total number of waivers that covers more than 4.1 million Americans. Over 1,700 waivers were given covering more than 4.1 million Americans.

Now, interestingly, of all of those people, a very small percentage of workers in this country are union workers. Yet over half of all the waivers given, 2.2 million of those people were those who are covered with union insurance. So we have 4.1 million Americans given waivers. So 2.2 million people with union insurance got a waiver; that is, 54 percent of all of the waivers went to union employees who supported the health care law. These are the people who were out in the streets rallying, saying: We want the health care law. They have it on their

Web sites. They had celebrations when it was passed.

Then, do you remember what NANCY PELOSI said? First, you have to pass it before you get to find out what is in it. As all these people getting their insurance through unions found out, if they complied with the law as written it would break their policies, break their programs, and they said: We cannot afford to have this law apply to us. Please give us a waiver. And 2.2 million people with union insurance got a waiver. As they say, they let the word out January 6, 2012, while Congress was not in session and while people were focused on other things.

The rest of America's small business owners were not so lucky. A new poll from the Chamber of Commerce found that 78 percent of small businesses surveyed reported that taxation, regulation, and legislation from Washington made it harder for their businesses to hire more workers. These are the small businesse of the country, the people who are the job creators. In that same poll, 74 percent of small business owners said the recent health care law makes it harder for their business to hire more employees.

Now, aren't these the very people we are asking to go out and hire more workers to get America back to work? Yet the President's and Democrats' health care law is making it harder for 74 percent of small businesses in this country to hire more employees.

So how did we get here?

Well, in May of 2011 I came to the Senate floor, right here, and explained that the waiver recipients, under the way it worked, had to reapply because they were getting annual benefit waiver limits year after year after year. Realizing what an embarrassment this drip, drip, drip of new waivers was going to be by the administration, in August of 2011 the administration switched course. The Department of Health and Human Services announced at that point that if people wanted a waiver, they were going to have to apply for a final waiver that would carry on all the way through 2014—a 3vear waiver. They wanted to get all of this out by the beginning of 2012 so it wouldn't be a continued election year embarrassment for this President, this administration, and those who voted for it. This scheme allowed the administration to dodge issuing more waivers leading up to the 2012 Presidential election.

It is clear these waivers were going to be an election year embarrassment for the President. They are an embarrassment because each and every waiver was yet another reminder to the American people that President Obama's health care law wasn't working.

The President promised, and we remember hearing him loudly and clearly: If you like the health insurance

plan you have, then you can keep it. Well, what he meant was, to keep the coverage you have, if you like it, you may need a waiver from Washington.

I also want to talk for a moment about what happens now that this September deadline has passed and these 4 million waivers have been granted.

It is now no longer possible to apply for an annual benefit limit waiver. It is no longer an option for business owners in this country. So that means it leaves hard-working Americans who want to start a new business forced to choose between two options. I think they are bad options.

One, they can offer high-cost, government-approved health insurance. Well, that is going to make it very expensive for them to try to open a new business and hire workers. The expense of opening that business may likely be too great. So those jobs are not created, and unemployment rates stay high. No. 2, they could not offer coverage at all because they cannot afford the health care law's onerous mandates. If they chose that second option, what happens ultimately? The American taxpayers will end up footing the bill.

With a \$15 trillion debt and unemployment hovering around 8.5 percent, the last thing we should do is adopt policies like this health care law and then this waiver that discourage America's best and brightest from starting new companies and hiring new workers. But that is exactly what President Obama's health care law does. It stifles innovation, strangles the market, and it saddles the American people with more debt.

This is just another example showing how the President's health care policies are making the situation worse. His policies are hurting America's economy. His policies are making the standard of living in America worse. His policies are making health care in America worse. His policies are making America's debt worse.

Almost immediately after President Obama signed this health care bill into law, the employers around the country began to sound the alarm. They said the health care law's annual benefit limit policy would force them to stop offering health insurance to hundreds of thousands of Americans and their families. That is why the administration came up with this waiver idea. Nowhere in the health care law is the Secretary of Health and Human Services granted explicit authority to start an annual benefit limit waiver programnowhere in the law. What the administration should have done is come to Congress and ask for help to fix the problem they had created. That would mean, however, the President and Washington Democrats would have to admit their health care law was flawed.

Washington Democrats crafted policy mandating that everyone must buy government-approved health insurance.

In many cases, it is insurance these individuals do not need, do not want, and cannot afford. The President pushed his mandates on the American people without understanding how limited health insurance products work in the marketplace. The administration simply ignored the fact that many employers cannot afford to offer the Cadillac health insurance coverage to their workers that the government is mandating.

Now, if those businesses do not have a waiver already, they will not be able to offer their employees any insurance coverage at all, and new business startups will not have the opportunity to ask for a waiver. Those employers might have wanted to offer some basic level of health insurance coverage to their new employees, but thanks to the Obama administration they will not be able to offer anything at all because of the expense.

This is just another example of Washington Democrats pushing a one-sizefits-all, "we know best" policy where they think they know what is best for all of the people of this country. How many more disruptive, ticking timebombs are there lurking in this health care law? We do not know because many of the provisions do not even go into effect until 2014 or later. That is why I come to the floor week after week giving a doctor's second opinion, to mention and to tell that I intend to fight each and every day to make sure the American people will never have to find out, come 2014.

I am committed more than ever to repealing the health care law, repealing it and replacing it with health care reforms that help American families get the care they need from a doctor they want at a price they can afford.

I yield the floor.
The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is not the time for a debate with my friend, the distinguished Senator from Wvoming. I would just say there are two sides to the story. Try to have my friend, the Senator from Wyoming, explain to Jeff Hill, a young man who, within 2 weeks after turning age 24—he had to go off his parents' insurance when he turned 23—got testicular cancer. His parents had to spend money they didn't have, borrow money they didn't have to take care of the problems this young man developed with testicular cancer, all the surgery, radiation, all the other chemo he had. Try to have him explain to the more than 2 million seniors who have been able to have wellness checks as a result of this law we passed. How about the people in Nevada who have come to me with tears in their eyes, explaining to me that their daughter or son now has the ability to have insurance because they cannot be denied insurance because of a preexisting disability.

That is why we have seen this litigation which has been generated, and the appellate courts by a 3-to-2 margin have favored the law, including a brilliant decision written by an extremely conservative judge, Judge Silberman in the D.C. Court of Appeals, who upheld this law. That is why many consumer groups have joined in the appeal to the U.S. Supreme Court, along with the pharmaceutical industry, along with the insurance companies—because this is something that is good for the American consumer.

That is why it was so unfortunate that the Republicans blocked something that would help consumers after the financial wizardry that took place on Wall Street that basically tore down the economies of so many different States. When we passed the Dodd bill, we wanted to make sure consumers were protected. That is why we tried for months and months to have someone selected to fill that spot.

Republicans said: We do not like the law. We like him, but we don't like the law, so we do not want the law effectuated, so we are not going to approve him. And they did not. That is why President Obama, under the terms of the Constitution that is written to protect this country, has in that Constitution the power of recess appointments. That is what he did to protect the consumer.

The health care law we passed protects the consumer.

### MORNING BUSINESS

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

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

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 301, S. 2038.

The legislative clerk read as follows:

The Senator from Nevada, Mr. REID, moves to consider Calendar No. 301, S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge Act:

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Joe Manchin III, Tom Udall, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Patty Murray, Charles E. Schumer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived on the cloture motion on the motion to proceed to S. 2038; further, that the cloture vote on the motion to proceed to S. 2038 occur at 5:30 p.m. on Monday, January 30.

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

### BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate a budget scorekeeping report. The report, which covers fiscal year 2012, was prepared by the Congressional Budget Office pursuant to Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of Congressional action through January 20. 2012, and includes the effects of legislation enacted since passage of the Budget Control Act of 2011, which established allocations, aggregates and other levels for 2011, 2012, 2012–16, and 2012-21. The legislation includes: P.L. 112-29, the America Invents Act; P.L. 112-33, the Continuing Appropriations Act, 2012; P.L. 112-40, an act to extend the Generalized System of Preferences. and for other purposes; P.L. 112-41, the United States-Korea Free Trade Agreement Implementation Act: P.L. 112-42. the United States-Colombia Trade Promotion Agreement Implementation Act; P.L. 112-43, the United States-Panama Trade Promotion Agreement Implementation Act; P.L. 112-55, the Consolidated and Further Continuing Appropriations Act, 2012; P.L. 112-56. an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding, and for other purposes; P.L. 112-74, the Consolidated Appropriations Act, 2012; P.L. 112-77, the Disaster Relief Appropriations Act, 2012: P.L. 112-78, the Temporary Payroll Tax Cut Continuation Act, 2012; and P.L. 112-80, an act to amend title 39, U.S.C., to extend the authority of the United States Postal Service to

issue a semipostal to raise funds for breast cancer research.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of Section 106 of the Budget Control Act of 2011 and CBO's March 2011 baseline.

The estimates show that for fiscal year 2012, spending is \$27.5 billion in budget authority and \$20 billion in outlays above the levels provided pursuant to the Budget Control Act, while revenues are \$0.9 billion below the levels provided pursuant to the Budget Control Act. The overage in spending is the result of P.L. 112-78, the Temporary Payroll Tax Cut Continuation Act of 2012, which was passed at the end of last session. While that legislation was fully paid for over 10 years, it increased spending in 2012. Finally, the estimates show that, in total, there has been no net change for Social Security.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

U.S. CONGRESS, CONGRESSIONAL BUDGET OFFICE, Washington, DC, January 25, 2012.

Hon. KENT CONRAD.

Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2012 budget and is current through January 20, 2012. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of section 106 of the Budget Control Act of 2011 (Public Law 112–25).

This is CBO's first current level report for fiscal year 2012.

Sincerely,

Douglas W. Elmendorf,

Director.

Enclosure.

TABLE 1. SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2012, AS OF JANU-ARY 20, 2012

[In billions of dollars]

	Budget ag- gregates	Current level	Current level over/ under ( – ) aggregates
ON-BUDGET			
Budget Authority Outlays Revenues OFF-BUDGET	2,985.7	3,013.2	27.5
	3,046.9	3,066.9	20.0
	1,890.9	1,890.0	— 0.9
Social Security Outlays <sup>1</sup>	574.0	555.1	$-18.9 \\ -18.9$
Social Security Revenues	666.8	647.8	

Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.
 SOURCE: Congressional Budget Office.

TABLE 2. SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2012, AS OF JANUARY 20, 2012 [In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted <sup>1</sup>			·
Revenues	n.a.	n.a.	1.890.921
Permanents and other spending legislation	1,847,363	1,773,303	n.a.
Appropriation legislation	700,000	581,418	n.a.
Offsetting receipts	- 708,099	- 708,099	n.a.
Total, Previously enacted	1,139,264	1,646,622	1,890,921
Enacted 1st Session, 112th Congress:1			
Authorizing Legislation:			
America Invents Act (P.L. 112-29)	-3	-3	-4
An act to extend the Generalized System of Preferences, and for other purposes (P.L. 112–40) United States-Korea Free Trade Agreement Implementation Act (P.L. 112–41)	- 28 53	- 240 53	- 996 - 31
United States-rolea free frade Agreement implementation Act (r.L. 112-41)  United States-rolea free frade Promotion Agreement Implementation Act (P.L. 112-42)	- 68	- 68	- 31 - 137
United States-Panama Trade Promotion Agreement Implementation Act (P.L. 112-43)	1	1	118
An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding and for other purposes (P.L. 112-56)	- 39	-39	- 25
Temporary Payroll Tax Cut Continuation Act, 2012 (P.L. 112—78)  An act to amend title 39, U.S.C., to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (P.L.	29,363	29,363	136
An act to amend title 39, U.S.C., to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (P.L. 112–80)	0	-1	0
Total, Authorizing Legislation	29,279	29,066	- 939
		,	
Appropriations Acts:			
Continuing Appropriations Act, 2012 (P.L. 112–33)	-1,000	-1,000	0
Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112–55, Divisions A, B, and C) Consolidated Appropriations Act, 2012 (P.L. 112–74)	242,076	195,617	0
Consolidated Appropriations Act, 2012 (P.L. 112—74)	1,621,868 8.607	1,193,967 1,608	0
Disaster Relief Appropriations Act, 2012 (P.L. 112–77)	0,007	1,000	
Total, Appropriations Acts	1,871,551	1,390,192	0
Total, Enacted 1st Session, 112th Congress	1,900,830	1,419,258	- 939
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	-26.928	1.027	0
Total Current Level 2	3,013,166	3,066,907	1,889,982
Total Budget Aggregates 2,3	2,985,700	3,046,903	1,890,921
Current Level Over Budget Aggregates	27.466	20.004	n.a.
Current Level Under Budget Aggregates		n.a.	939

SOURCE: Congressional Budget Office.

Original Budget Aggregates	Budget authority 2.854.385	Outlays 2,987,419	Revenues 1.890.921
Revisions:	,,	, , , ,	,,.
Adjustments for disaster, emergency, and overseas contingency operations, and for other purposes (September 16, 2011)	-396	-4,998	0
Adjustments for disaster and overseas contingency operations funding (September 21, 2011)	117,885	59,677	0
Adjustments for disaster, overseas contingency operations, and program integrity intiatives (October 5, 2011)	11,896	5,108	0
Adjustments for disaster spending (October 20, 2011)	475	62	0
Conference report for H.R. 2112 (November 16, 2011)	<b>- 847</b>	<b>- 79</b>	0
Conference report for H.R. 2055 (December 16, 2011)	2,302	-286	0
Revised Budget Aggregates	2,985,700	3,046,903	1,890,921

### REMEMBERING VÁCLAV HAVEL

Mr. CARDIN. Mr. President, today I rise to honor former Czech President and renowned human rights activist Václav Havel. Václav Havel died last month, and I was sad to note that the news of his death was overshadowed by not only the holidays but also by media coverage of Kim Jong Il's death. The irony—that one of the great leaders of the third wave of democracy, passed at virtually the same time as one of the century's most dangerous, repressive tyrants—is striking.

Eulogies to Havel from everyday Czechs, European and world leaders, and admirers across the globe have poured forth in the past month, and for me, some of the most touching have come from the Czech Romani community. The Roma community, which is often ostracized from and disenchanted with mainstream politics, embraced Havel as a leader and a friend. And indeed Emil Scuka, the Czech president

of the International Romani Union, said "Václav Havel was not afraid to publicly stand up for Romani people even though he knew he could lose a great deal politically by doing so because the public wouldn't like it. He never made such political calculations in advance . . . With the death of Václav Havel, all of us Romani people are losing a great defender, a fighter for freedom and human rights. We are losing the certainty that when things are at their worst, Václav Havel will help us. However, I believe his ideals, his ideas, and his philosophy will live onį.''

I was also inspired by the eloquent tribute of Gabriela Hrabanova, a former advisor to the Czech government on Romani issues, who said "Everyone has been writing about how this is the end of an era. I firmly hope that is not the case. The legacy of Václav Havel must remain with us, and the space for truth and love in society must continue to increase."

Just a few days before his death, Havel was actively following protests in Moscow, and published an opinion in the independent Russian newspaper Novaya gazeta, and called the current Russian government a "specific combination of old stereotypes and a new business-mafia environment." He encouraged Russian citizens to see that the current regime, which presents itself as democratic, is in fact not democratic at all. Exposing the truth of the repressive Communist regime lead to the victory of his peaceful Velvet Revolution, and Havel was convinced this experience could be replicated in Russia, if the citizens were committed.

I am not at all surprised by a report from Aung San Suu Kyi, who said she received a letter in the days following Havel's death from Havel himself. Suu Kyi said that Havel wrote from his deathbed that he was thinking of her and how the transitional experience

Source: Congressional Budget Orthice.

Note: n.a. end applicable; P.L. = Public Law.

¹ Pursuant to section 106 of the Budget Control Act of 2011, budgetary effects of legislation enacted in the 1st session of the 112th Congress up to and including the Budget Control Act of 2011 (P.L. 112–25) are shown in the "Previously Enacted" section of this table. Because P.L. 112–26 (the Restoring GI Bill Fairness Act of 2011) was cleared by Congress for the President's signature before P.L. 112–25, it is also included in that section.

² For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the aggregate levels are provided for in section 106 of P.L. 112–25. These levels, as originally published in the Congressional Record of September 7, 2011, do not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

³ Periodically, the Senate Committee on the Budget revises the aggregate totals:

from Czech Republic might prove useful to her in Burma's transition and her own quest for freedom and truth. Even in the last moments of his life, Havel was thinking about the imperiled human rights defenders around the world, from Russia to Burma, whom he could help.

And so it strikes me that in addition to the resolution honoring Havel, introduced by Senators Rubio and Lieb-ERMAN, on which I am a proud cosponsor, we should also take this moment to rededicate ourselves to the principles so clearly visible in the life of this virtuous man. We must aid the Havels of this generation in their efforts to live in truth and freedom. We must do an even better job of prioritizing respect for human rights whenever we engage other governments, whether we are dealing with the transitional regime in Egypt, long-established rulers in Bahrain, newly elected leaders in Honduras, or strategic allies in Europe.

Václav Havel was a hero of the twentieth century, and I was very fortunate to have met him. I am also very proud of all that the Helsinki Commission and the United States did in Eastern Europe to support Havel and his friends in their quest to live in truth. We must strive to honor that commitment in the rest of the world, so that Havel's legacy, and our own, lives on in the twenty-first century.

## TRIBUTE TO MAJOR GENERAL MICHAEL DUBIE

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to Major General Michael Dubie, the Adjutant General of the Vermont National Guard. Throughout his career, General Dubie has demonstrated selfless dedication and service to our State and our country. I was very pleased to learn that Vermont's largest newspaper, the Burlington Free Press, recently named General Dubie the Vermonter of the Year. He certainly deserves the honor.

Earlier this year, when Tropical Storm Irene devastated much of Vermont, General Dubie led the Vermont National Guard fronting one of the most serious crises our State has ever faced. The Guard acted immediately to deliver emergency supplies to victims cut off by the storm's destruction. Helicopters airdropped food and water. When it became apparent that Vermont needed more airlift because some of the Vermont Guard's helicopters were in Iraq, General Dubie coordinated with other State Guards to get the help Vermont needed.

The Guard's intensive rescue and aid mission eventually evolved into a longer-term recovery and rebuilding mission. Skillfully and tirelessly, Vermont citizen-soldiers set to work

removing debris and rebuilding roads and infrastructure.

General Dubie commanded some 500 activated Guard members in the wake of Irene. But that does not account for other ongoing missions in 2011, or the substantial contribution the Vermont Guard has made to the wars in Afghanistan and Iraq—including a major activation to Afghanistan in 2010. In honoring General Dubie as Vermonter of the Year, we pay tribute to the tremendous sacrifice made both in State and overseas by Vermont National Guard members and their families.

True to form, General Dubie, despite his extensive experience with dangerous overseas missions, has called the Irene deployment the proudest mission of his career because he was able to directly help so many of his fellow Vermonters.

MG Michael Dubie is a proven leader and he embodies the best of Vermont. I am proud to recognize his hard work and I wish him continued success in his career.

I ask unanimous consent that the Burlington Free Press article entitled "Maj. Gen. Dubie is Vermonter of the Year" be printed in the RECORD.

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

[From the Burlington Free Press, Jan. 1, 2012]

MAJ. GEN. DUBIE IS VERMONTER OF THE YEAR As the Vermonter of the Year, we select Maj. Gen. Michael Dubie, adjutant general of the Vermont National Guard, as the representative of the team of men and women of the Guard and the many civilians who worked together to help Vermont recover from Tropical Storm Irene.

In our lifetime, Tropical Storm Irene is arguably the biggest and most dominant local news story. Three people lost their lives during the storm. Vermont National Guard 1st Sgt. Shawn Stocker lost his life working to respond. Thousands lost their homes, their businesses and many of their possessions. Thousands more suffered property damage. Irene washed away some roads, damaged many others and rendered useless the state office complex in Waterbury.

Who would have thought that our state could recover so well in less than 90 days!

Vermonters owe this recovery to so many. State and local government leaders have done their jobs well. In every community impacted by the storm, there were at least a few civilians who devoted most of their time and energy for many weeks helping their community respond and recover. Hundreds of volunteers from all over our state and beyond stepped up to do extraordinary things. They collectively demonstrated both the indomitable spirit of Vermonters and our love for community.

Approximately 500 Vermont National Guard members were activated as well. We are especially mindful that this activation is in addition to Air Guard deployments to Norway and Korea, ongoing Vermont National Guard missions in Djibouti, Kosovo, Macedonia and Senegal, helicopter rescues in Iraq—all in 2011—and following the major activation to Afghanistan in 2010. Let us also remember, as the Iraq War officially comes

to its end, the tremendous sacrifice made by Vermont National Guard members and their families while serving our country during these past nine years.

As Dubie said in nominating the men and women of the Vermont National Guard, "As you know, we are a team. It is what makes us so strong." In responding to Tropical Storm Irene, the Vermont "team" also included many civilians. Together, the Vermont National Guard and the community members searched and rescued and then delivered supplies to people in otherwise unreachable locations. Then they began reconstruction. In addition to the National Guard, all of these volunteers should be commended and thanked for their efforts.

We can choose only one person, however, as Vermonter of the Year. Because so many people did so much, the selection committee found it hard to identify a single individual to recognize. So we choose Maj. Gen. Michael Dubie to honor them all

### ADDITIONAL STATEMENTS

RECOGNIZING THE "MAJOR CHARLES ROBERT SOLTES JR., O.D. BLIND REHABILITATION CENTER"

• Mr. BOOZMAN. Mr. President, today I wish to commemorate the dedication of the "Major Charles Robert Soltes Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center."

As a member of the U.S. House of Representatives during the 111th Congress, I strongly supported the bill that ultimately became P.L. 111–164. That law designated the Department of Veterans Affairs Blind Rehabilitation Center in Long Beach, CA, as the "Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center."

Naming this facility after MAJ Charles Robert Soltes, Jr. is an appropriate expression of our support for our blinded veterans. In 2004, while deployed in Iraq, MAJ Soltes was serving in the 426th Civil Affairs Battalion in the U.S. Army when the vehicle he was traveling in was struck by an improvised explosive device, costing him his life.

MAJ Soltes was the first Army optometrist to be killed in action while on active duty. He left behind a long-lasting legacy in the veteran community. His sacrifices remain an inspiration, particularly amongst the approximately 157,000 veterans in the United States who are legally blind and the more than one million veterans suffering from debilitating low vision.

Mr. President, I was the son of a World War II veteran and before entering public service, I practiced optometry in Rogers, AR. With that background, I hold an immense respect for, and a particularly strong interest in, the care that VA blind rehabilitation centers provide our wounded warriors. Approximately 60 percent of veterans with known combat-related Traumatic Brain Injury (TBI) and 30 percent with

noncombat-related TBI report vision symptoms. As eye injuries continue to plague our servicemembers overseas, our VA eye care providers play a vital role in the medical service our veterans receive.

This week, the VA health care system adds one more location where those who have given so much for our freedoms can seek help with their vision problems. The dedication of this facility as the "Major Charles Robert Soltes Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center" is a fitting tribute to a fallen hero who committed his life to our country and the health and wellbeing of his fellow Americans. The service and sacrifice of MAJ Soltes will not be forgotten and his dedication to country and mankind will live on through the increased care for our Nation's blind veterans.

### REMEMBERING ETTA JAMES

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the life and artistry of Etta James, the legendary singer and entertainer who moved and delighted music lovers for more than half a century. She died in her hometown of Riverside, CA last week at the age of 73 after a long and valiant battle with leukemia.

Born Jamesetta Hawkins in Los Angeles in 1938, she began singing in the St. Paul Baptist Church choir at age 5 and recorded her first hit record, "The Wallflower (Roll With Me Henry)," when she was just 15. Etta James was equally at home singing rhythm & blues classics like "Something's Got a Hold on Me," soulful ballads such as "All I Could Do Was Cry," and passionate love songs including the incomparable "At Last."

I was fortunate enough to grow up with her music, dancing to "The Wallflower" in high school, "At Last" as a newlywed, and "Tell Mama" as a young mother. As she continued to tour and record, later generations marveled at her talents, reveled in her exuberant performances, and admired her indomitable spirit.

Through her music, Etta James brought the joys and sorrows of life home to millions of fans all over the world. She will be deeply missed, but her music will live on in our hearts and souls.

On behalf of the people of California, I send my deepest condolences to her husband, Artis Mills; her two sons, Donto and Sametto James; and her four grandchildren.

# TRIBUTE TO MASTER SERGEANT TRAVIS RIDDICK

• Mr. GRASSLEY. Mr. President, I rise to pay tribute to a fallen son of Iowa, MSgt. Travis Riddick. Master Sergeant Riddick joined the Marine Corps after

Centerville, IA. In doing so, he was following in a laudable family tradition of patriotic service. His father and grandfather were marines, as well as his uncle and cousins. His twin brother recently retired after 21 years in the Navy. Travis Riddick certainly did his family, his State, and his country proud. He was awarded six Air Medals, the Navy and Marine Corps Commendation Medal, four Navy and Marine Corps Achievement Medals, seven Marine Corps Good Conduct Medals, two National Defense Service Medals, the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Armed Forces Service Medal, the Humanitarian Service Medal, the NATO Medal, the NATO ISAF Medal, and the Kuwait Liberation Medal.

My prayers are with his mother, Barbara, his father, John, and his wife, Jennifer, as well as his children and all his family and friends. His father reports that Travis loved his job and his mother said that he was the best marine ever. Our Nation is tremendously fortunate to have individuals like Travis Riddick who have the drive to step forward and serve their country with enthusiasm and honor. To selfless heroes like Travis Riddick, we owe nothing short of our liberty. Unlike at the birth of our country, when every person who aligned with the cause of freedom was putting themselves at great risk, those who enjoy our way of life today rely on a select group of patriotic Americans to preserve everything we hold so dear. We can never repay the debt we owe, but we are obliged to honor and remember them for their sacrifice in the name of libertv.

## RECOGNIZING THE NATIONAL HANDICAPPING CHAMPIONSHIP

• Mr. HELLER. Mr. President, today I wish to bring awareness to an event being hosted in my State this weekend. The National Handicapping Championship, NHC, will take place on January 27 and 28 at Treasure Island Las Vegas. Tourism and gaming are the backbone of Nevada's economy. It's a legacy that we must continue to nurture and I welcome events like the NHC to my state.

Las Vegas is a world-class destination unmatched by any other, and I have and will continue working to support policies that will keep Nevada's gaming industry growing and prosperous. Travel and tourism are a major part of my State's economy, attracting millions of visitors every year because of the variety of attractions and entertainment options available.

Considered the most anticipated tournament in the world for

graduating from high school in Centerville, IA. In doing so, he was following in a laudable family tradition of patriotic service. His father and grandfather were marines, as well as his uncle and cousins. His twin brother recently retired after 21 years in the Navy. Travis Riddick certainly did his family, his State, and his country proud. He was awarded six Air Medals, the Navy and Marine Corps Commenda-

I commend the Daily Racing Form and the NTRA for choosing Las Vegas, NV to host this prestigious tournament and wish them a successful event this weekend. I look forward to building upon this success and encourage more events to visit my State. As a United States Senator from Nevada, I will continue do all that I can to make sure that organizations such as these have the opportunity to enjoy all that my great State has to offer.

## ST. CROIX RIVER BRIDGE PROJECT

• Ms. KLOBUCHAR. Mr. President, I rise today to recognize the remarkable commitment of a key group of Senate staffers, who worked tirelessly over the last several months to ensure the passage of a critical bill for advancing the bipartisan St. Croix River Bridge Project. By replacing the outdated, 80-year-old Stillwater Lift Bridge with a bridge that adequately meets the needs of local businesses and families, this bill will promote public safety and economic development in communities throughout the St. Croix River Valley.

Passing the bill was truly a team effort, requiring all hands on deck from lawmakers at the State, local and Federal level. We could not have done it without the leadership of my co-sponsors in the Senate—AL Franken, Ron Johnson and Herb Kohl—or our colleagues in the House from both Minnesota and Wisconsin. But most importantly, we could not have reached this important milestone without the talent and tenacity of the hard working people "behind the scenes."

This includes the staff of the Environment and Public Works and Senate Energy and Natural Resources Committees as well as the U.S. Departments of Transportation and Interior, who worked closely with my office. And it includes all of the hard-working members of my staff who logged countless long hours to ensure we had a bill that was strong, effective and bipartisan. Their hard work made all the difference.

I am especially grateful to my Deputy-Legislative Director Travis Talvitie, who played an indispensible role every step of the way. Travis came into this process with a deep understanding of infrastructure policy, which he immediately put to work on this bill. When he wasn't meeting with community leaders from Stillwater

and the St. Croix River Valley, he was coordinating with Federal agencies, and has become an expert on the important Wild and Scenic Rivers Act.

Thanks to the efforts of all involved, I am hopeful that Minnesota and Wisconsin will soon have a bridge that not only improves public safety and promotes economic growth, but preserves the incredible beauty of the St. Croix River ●

### VERMONT STUDENTS' ESSAYS

• Mr. SANDERS. Mr. President, I ask to have printed in the RECORD these essays written by Vermont High School students as part of the second annual "What is the State of the Union?" essay contest conducted by my office. The following essays were selected as "Runners Up."

The Statements follow.

MONICA ALLARD, MILTON HIGH SCHOOL (RUNNER UP)

[January 23, 2012]

The American Dream is adaptable. The ideals that we have long valued are admirable, but often contradicting or impossible to achieve with a large population. In today's economy, that translates to the right to a free market economy, conflicting with the practical need for government interference: the right to succeed for oneself, battling with the need to work together for today's and future generations. As long as our country is able to prosper without certain regulations, I encourage it to run free, but when the winter comes and there is no more grazing, the horse must accept the fence that accompanies the grain. It is imperative that Americans collectively work to solve problems with social security, our economy, and our political system in these troubled times.

"Maybe if we ignore it, it will go away" has been the standard approach to growing concerns about social security in the last few years. Because of increasing life expectancy, more people are retiring than the system can support. When the newest generation retires, there won't be enough funds for everyone, unless something changes soon. A fixed rate retirement check is the logical solution, if we deduct money from the fixed rate check based on income. Working citizens would pay fewer taxes because only the people who need social security will be receiving it, and everyone else would have more money to put aside for their own retirement plans.

The predominant issue of the 21st century has been the international recession. Unemployment rates are high, but what many young Americans don't realize is the shortage in technical workers. There is a national trend towards traditional four-year universities, but technical careers are the road to take if you are searching for job stability, demand, potential for advancement, and self-employment or a local employer in today's economy. Through ad campaigns and offering incentives to students enrolling in technical universities. This is a simple way to lower the unemployment rate, while promoting local businesses.

Another important step in rejuvenating our economy is passing legislation that gives the national government more control over the stock market. Occupy movements have swept the country and it is time for Congress to respond, instead of hiring and appointing the same executives who were largely responsible for our economy's collapse.

In order to move forward, we need to present a united front. Republicans and Democrats are rending our country in two because of partisan pressure. We need radical change in the political system: remove all party authority. Primaries and power distribution in Congress put too much emphasis on parties, cause corruption, and detract from the primary duty of Senators and Representatives to their states and country.

As our soldiers rejoin their families at home we are forced to turn our focus inward. Reform is necessary. It is not a question of when nor is it a question of how. Rather, the question is whether or not we are willing to do what is necessary to save our great county. God bless America.

KAYLEIGH EHLER-VOCK, SOUTH BURLINGTON HIGH SCHOOL (RUNNER UP)

[January 23, 2012]

During a time of severe recession, a government facing incredible debt, and a collapsing financial system, our future looks dark. As a student that has been in the system for 13 years, and will continue to higher education, I have seen the benefits and complications of the current situation with education. Next year, I will be attending college and the cost of tuition is daunting. The high cost deters kids from attending college. However, in our world today, a high school diploma no longer ensures a hopeful career. Republicans and democrats alike acknowledge the need to invest in the skill and future of the youth.

Those who choose to continue their education to better themselves and America should not be punished by entering the real world chained down by debt: no one should be at the bottom because they choose to go to college. According to Helen Krispien of The Hopkinton Crier, the cost of private college is approximately 57% of yearly income, and therefore having two children in college is 114% of yearly income. The cost of tuition is expected to increase by 5% per year, leaving those in 15 years with tuition of \$103,946. Reform is needed. Colleges and universities must be required to cut their own costs. They know their budget better than anyone, and like our nation, they need to find a way to balance competition with lowering skyrocketing costs. This will allow for less borrowed education, and less government intervention. Furthermore, revamp colleges in hometowns allowing affordable options for the working class. As a nation, we need to eliminate the interest that banks charge on student loans. Instead, temporary tax breaks should be given to those who have children that have attended college for four years. This will allow for quicker repayment of loans, and will insure a successful future for both the youth and our nation. The government shouldn't be funding the system the way they do now; funding should be used on reform.

Aspiring students see college as an investment into the future; friendships, suitable partners, and a confidence in them. In four years, I don't want to enter into a world of hurt. I want to be a proud American, able to look back and see what this great nation can do to recover from the struggle we are facing. I want my parents to be able to retire; they have worked hard to raise me and my siblings, they deserve what they were promised. I am proud our government is willing to listen, and if we work together as one nation, America can be triumphant and re-establish the high caliber and positive regard we have for much of history.

KATE RASZKA, CHAMPLAIN VALLEY UNION HIGH SCHOOL (RUNNER UP)

[January 23, 2012]

MY FELLOW AMERICANS: The current state of our nation is one of anticipation; anticipation for the future and what changes will occur in the government regarding both foreign and domestic affairs.

Our country faces many difficulties: a struggling economy, the draining of resources from involvement in foreign conflicts, too few new jobs, environmental degradation, uncertainty about how to pay for health care, and a damaged international reputation because of our handling of suspected terrorists. While we face many difficulties, we can find strength as one union and pursue solutions as a nation.

The United States must continue to lead by example. We should teach the world how to prevent the degradation of our environment. We as a country can promote renewable energy resources. This would create a larger, newer market which in turn would provide many new jobs. We have the power to directly change the future. We must lead the fight to preserve our planet.

It is unfortunate that while our country faces many domestic issues we have been deeply involved in conflicts overseas. However, our involvement in Iraq has led to a more stabilized and democratic country. As we pull out, we leave with a success.

Currently our judicial branch is deciding whether or not the recently passed health care bill violates individual and states' rights. All Americans deserve affordable health care. To be successful our citizens must be able to live without the fear of being unable to provide themselves or their children healthcare. It may be wrong to require all people to buy insurance, but a solution must be found by our esteemed members of Congress in which all seeking citizens will find affordable health care.

The indefinite incarceration of our citizens suspected of terrorist involvement is a wrong that must be corrected. The National Defense Authorization Act is a direct violation of habeas corpus and must be dealt with. I urge the Supreme Court to do so immediately.

The greatest solution to our problems is to make our education system the greatest in the world and prepare our youth for the competitive future. Educating our children will prepare our younger generations to solve new problems that will undoubtedly arise in the future. Currently, our children's test scores fall below other rising nations' scores. With our resources these results are unacceptable. It is time to ensure that all our citizens, particularly those below the poverty line, can attend college. Many of the students with low test scores live in poor environments with few opportunities. The success of our country must be made by building upon our society from the bottom up. It is time to raise our education standards and inspire change among those of us most down

Thank you and God bless the United States of America.

KAROLINA SOWULEWSKA, BURR AND BURTON ACADEMY (RUNNER UP)

[January 23, 2012]

MY FELLOW AMERICANS: Our world is rapidly evolving, and we must adapt to it, or be left behind. As a sovereign power, we must lead through example. While progress has been made in three domestic key fronts, America must advance environmentally, economically and educationally.

We must take the first step in saving the environment, or it will not sustain us and our ever expanding nation. America must take initiative; by reducing our dependency on foreign oil, to improve relations abroad. and purses for Americans at home. This is also an opportunity to create jobs for Americans, through national programs that would emphasize a greener economy, such as lowering the cost of public transportation, cutting gasoline and foreign fuel spending, and creating energy efficient plans for buildings and residential areas. By funding regional and national projects, we create jobs and take large steps forward towards a low carbon future

The necessary changes in the environment intertwines with our second key front: education. We need to fund and broaden opportunities ranging from the elementary to university level. More programs with emphasis on environmental service, protection and restoration would prepare the men and women of America to attack real world problems. If the budget for education were to increase, there would be more monetary provisions for grants, payment for teachers and new programs. Projects and research, such as investigating alternative fuel resources, and technological innovations, would not only benefit our environmental front, but would prepare our nation's future for the larger arena they must compete in. Let us not wait for another Sputnik crisis to advance in education and the sciences. We need simply to offer accessible opportunities for higher learning for the variety of people that seek

The environmental and educational fronts cannot begin to expand or flourish, without a sturdy and secure economic front. We must also adapt our freestanding market: the debt continues to rise, and the need to invest the American people in their nation increases as well. We must restore the people's faith in the government. Our middle class will strengthen. Unfortunately, this has to be achieved through austerity: budgets must be redistributed to focus on our priorities, such as our three fronts. While the free market begs for stimulus, we must not wane and give in, but offer a firm guiding hand to decrease the national debt. This must begin by focusing our resources on environmental changes, which would be brought forth through advances in educational programs. By becoming less dependent on foreign resources, we not only further invest in our nation and economy, but provide jobs for hardworking Americans.

If the United States is to remain a strong domestic and international power, we must adapt to our current situation and prepare for the upcoming year. We must make significant changes in order to progress. These changes on our three fronts—environment, economy and education—will be difficult, but they are changes that will only benefit us: these are changes we can believe in. ●

### TRIBUTE TO HAVEN J. BARLOW

• Mr. LEE. Mr. President, today I wish to recognize and congratulate former Utah State Senate President Haven J. Barlow on his recent 90th birthday. He is a true patriot who spent much of his life serving his State and his country, and I thank him for that service.

Haven was born January 4, 1922 in Clearfield, UT to Jesse B. and Issadora Beck Barlow. His mother Issadora was killed in a tragic car/train accident when he was just 9 months old, causing him to learn his share of responsibility at an early age.

After graduating from Davis High School, Haven earned a degree in business administration at Utah State Agricultural College, now Utah State University. He joined the U.S. Navy and attended officer candidate school at Harvard University. He served as a naval supply and disbursement officer in the Pacific and the Atlantic in World War II, receiving the Philippine Liberation Medal.

Haven and his wife Bonnie Rae Ellison Barlow were married for 58 years before Bonnie Rae passed away at age 79. Haven and Bonnie Rae returned to Davis County after World War II, where they reared their six children in Layton.

In 1949, Haven started the Barlow Realty and Insurance Company, and he still checks in daily at the very successful real estate development office.

In 1952, Haven was elected to the Utah State Legislature, where he served consecutively for 42 years from 1953 to 1994, longer than any other legislator in Utah history. He served as President of the Utah State Senate for 6 years.

While serving as a senator and representative for 42 years in the Utah State Legislature, Haven introduced and sponsored a number of pieces of legislation that formulated the landscape in northern Utah. In the field of education, one of Haven's passions, he supported the establishment of then-Weber State College as a 4-year school, Weber State's transition from college to university, and the securing of funding for the Weber State Davis Campus. Today, Weber State boasts over 24,000 students. Haven also supported the bill that turned Utah State Agricultural College into Utah State University.

Haven backed legislation that created the Davis Applied Technology Center, which is now the Davis Applied Technology College. The vocational school trains students in a variety of technologies and skills that can be directly applied to the workplace. Additionally, Haven supported the Ogden-Weber Applied Technology Center, also now a college, which offers similar services to its students.

In 1981, Haven was a proponent of the Hill Aerospace Museum, which was founded that year and is now home to over 90 aircraft. The museum hosted its millionth visitor in 1996, and now has nearly 200,000 visitors annually.

Even given his many accomplishments, there is perhaps nothing more admirable about Haven than his support for charity. He sponsored legislation that created the Utah Botanical Center, home of a "giving garden" which donates all produce to local food banks. He has also donated money and countless hours to the United Way of Salt Lake, and has been known to tell

skeptical donors that if they wound up unhappy about their donations, he would pay them back personally. United Way of Salt Lake Regional Director Jim Young has said of Haven, "[His] irrepressibly positive attitude makes him a joy to be around. He has what a colleague of mine calls 'yes, in his heart.' Haven's heart for those around him challenges us to become more involved in our community and make a difference."

The world is a better place because of Haven Barlow. He is an example for all Americans to follow, and I wish him a very happy 90th birthday.●

### RECOGNIZING CYR BUS LINES

• Ms. SNOWE. Mr. President, during the past 100 years our country has seen remarkable changes. From horse drawn-carriages to cars and airplanes, and handwritten letters to text messaging, our world has undergone a vast transformation. Few small businesses have had the tenacity to adapt to these changes and continue to prosper, but those who have, deserve our sincerest praise. With this in mind, today I rise to recognize Cyr Bus Lines, located in Old Town, ME, which this year celebrates its 100th anniversary.

When John T. Cyr founded this small transportation firm in 1912, it utilized horses and carriages for transporting everything from timber to passengers. And now, the Cyr name is highly regarded throughout Maine for its elite bus transportation. As the needs of Maine changed, so did the company, shifting from local trucking to expand into school buses and motor coaches to best suit the wishes of its customers. The result of Cyr's successful adaptation has been a flourishing enterprise.

Today, Cyr buses are a familiar sight to numerous school children and parents, serving 17 different school districts across Maine. Additionally, the company offers over 120 guided coach tours, allowing customers a relaxing and informative trip to several destinations. In 2012, these guided tours include routes to popular destinations throughout New England as well as more distant favorites such as Quebec and New Orleans. This year, one could even book a tour aboard a luxurious Cyr bus to visit Washington D.C. during the magnificent cherry blossom season.

Cyr Bus Lines represents a true family-owned small business, which has been handed down throughout generations and is now owned and operated by the founder's grandson, Joe Cyr. Joe took over operations in 1967 from his father, Harvey, and has continually strived to improve the company. As the years have progressed, the fourth generation of the Cyr family has become involved with Joe's son Mike running the coach department and Joe's daughter Becky acting as bookkeeper.

In light of this firm's long-term success, it should come as no surprise that this small business has received several honors recognizing their commitment to safety and quality. Most recently in 2011, Cyr Bus Lines was awarded the International Motor Coach Group, IMG, award for Motor Coach Safety. Further, at the 2011 annual meeting of the Maine Chamber Group Trust, the local provider for workers' compensation insurance, Cyr Bus Lines received honors for both "Most Improved Safety Program" and for "No Indemnity Claims in 2010." Additionally on April 21, 2011, two of Cyr's employees received first place trophies, in the categories of transit school bus and conventional school bus, for their exceptional driving skills at the Maine Association for Pupil Transportation Central Maine Conference and School Bus Rodeo.

A century later, Cyr Bus Lines continues to maintain a position of excellence in the community. This small business' tireless and successful efforts to persevere and prosper in a changing environment represent a truly monumental achievement. I am proud to extend my congratulations to the Cyr family and everyone at Cyr Bus Lines on their 100th anniversary. I offer my best wishes for their continued success.

### CENTENNIAL ANNIVERSARY OF THE MAINE ASSOCIATION OF AG-RICULTURAL FAIRS

• Ms. SNOWE. Mr. President, I rise today to honor the Maine Association of Agricultural Fairs and to congratulate this venerable organization on 100 years of championing the agricultural fair industry and the agricultural community of Maine.

As the Maine Association of Agricultural Fairs celebrates its centennial anniversary, I would like to take this opportunity to recognize the remarkable progress and strides made by this historic organization in this century and the last. Founded in 1912, the Association served as a vital catalyst in uniting the agricultural fairs across Maine and promoting a shared spirit of fellowship and cooperation.

What was once a welcomed vehicle for local farmers to exchange and showcase their cattle and goods has over many decades evolved into 26 officially licensed agricultural fairs. During Maine's fair season, which starts in July and ends in early October, families can look forward to any number of events that have achieved iconic status, including harness racing, educational museums, the world's largest steer and oxen show, as well as a world-class Woodsmen's Day competition—all of which speak to Maine's legendary work ethic and can-do spirit.

Every one of Maine's storied agricultural fairs has its own persona, tradi-

tion, and imprint on the landscape of our State and the unerring character of our people. In fact, just last year I had the privilege of attending two agricultural fairs—the Skowhegan Fair which began in 1818 and, according to the Association, lays claim to being the oldest continuous-running fair in the United States, and the Fryeburg Fair which is considered Maine's largest agricultural fair, attracting more than 300,000 people annually.

In this second decade of the 21st century, the integral role that the Maine Association of Agricultural Fairs and that agriculture itself continue to play in the lives of Mainers could not be more paramount or indispensable. As many of my colleagues in the Senate can attest, and as thousands of Mainers undeniably understand firsthand, the agricultural industry is one of the bedrock foundations of our State and Nation—central both to consumption and commerce.

In fact, it was the Father of our country, President George Washington, also an avid agriculturist, who considered the improvement of agriculture as one of the greatest pursuits "in which more real and important services can be rendered to any country." I could not agree more!!

What was true at the founding of our great Nation remains ever-true today because of the example set by all in my State who are tied irrevocably to working the land, and by the exceptional leadership of the Maine Association of Agricultural Fairs, Board Members, and volunteers. We could not be more appreciative to them for the wellearned spotlight they shine on the infinite contributions made by Maine farmers and organized fairs, which have become a staple on the yearly calendar for our State and indeed across New England. To experience one of these wonderful fairs is to witness the very best of who we are as Mainers and to experience the limitless pride our farmers take in cultivating the bounty our great State has to offer.

# MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the following enrolled bill, previously signed by the Speaker of the House, was signed on January 25, 2012, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act.

### MESSAGE FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed

the following bills, in which it requests the concurrence of the Senate:

H.R. 290. An act to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes.

H.R. 1022. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

H.R. 2070. An act to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the Nation on June 6, 1944, the morning of D-Day.

H.R. 3800. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3801. An act to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission for a term to expire December 31, 2013: Mr. Daniel M. Slane of Ohio.

### MEASURES REFERRED

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

H.R. 290. An act to amend title 36, United States Code, to ensure that memorials commemorating the service of the United States Armed Forces may contain religious symbols, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1022. An act to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2070. An act to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the nation on June 6, 1944, the morning of D-Day; to the Committee on Energy and Natural Resources.

# EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4538. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Missouri; Reasonably Available Control Technology (RACT) for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)" (FRL No. 9621-1) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC-4539. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area" (FRL No. 9620-3) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC-4540. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Vehicle Program" (FRL No. 9620-2) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC-4541. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Great Lakes Steamship Repower Incentive Program" (FRL No. 9618-9) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Environment and Public Works.

EC-4542. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Participation in the Development and Use of Consensus Standards" (NRC Management Directive 6.5) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Environment and Public Works.

EC-4543. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs: Negotiated Pricing and Remaining Revisions; Prescription Drug Benefit Program: Payments to Sponsors of Retiree Prescription Drug Plans' (RIN0938-AP64) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Finance.

EC-4544. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy" (RIN0960-AH24) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Finance.

EC-4545. A communication from the Director, Office of Regulations, Social Security

Administration, transmitting, pursuant to law, the report of a rule entitled "Mailing of Tickets Under the Ticket to Work Program" (RIN0960-AH34) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Finance.

EC-4546. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Permitted Disparity in Employer-provided Contributions or Benefits' (Rev. Rul. 2012–5) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4547. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. of Rev. Proc. 2011-6" (Rev. Proc. 2012-6) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4548. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. of Rev. Proc. 2011-4" (Rev. Proc. 2012-4) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4549. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation and Apportionment of Interest Expense" ((RIN1545-BJ84) (TD 9571)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4550. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2011-5" (Rev. Proc. 2012-5) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4551. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012–10) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4552. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2011-8" (Rev. Proc. 2012-8) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4553. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance on Informational Reporting to Employees of the Cost of Their Group Health Insurance Coverage" (Notice 2012–9) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4554. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled 'Dividend Equivalents from Sources within the United States'' ((RIN1545-BK53) (TD 9572)) received during adjournment of the Senate in the Ofice of the President of the Senate on January 19, 2012; to the Committee on Finance.

EC-4555. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "HARP Safe Harbor Guidance for REITs" (Rev. Proc. 2012–14) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC-4556. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proportional Method for OID on Pools of Credit Card Receivables" (Notice 2012-5) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC-4557. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deadline to Submit Opinion and Advisory Letter Applications for Pre-approved Defined Contribution Plans is Extended to April 2, 2012" (Announcement 2012-3) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC-4558. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Current Refunding of Tax-exempt Bonds in Certain Disaster Relief Bond Programs" (Notice 2012–3) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC-4559. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Deduction and Capitalization of Expenditures Related to Tangible Property" (TD 9564) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Finance.

EC-4560. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance

EC-4561. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Post Acute Care Payment Reform Demonstration (PAC-PRD)"; to the Committee on Finance.

EC-4562. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Children's Health Insurance Program: An Evaluation (1997–2010)"; to the Committee on Finance.

EC-4563. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Conduit Financing Arrangements"

((RIN1545-BH77) (TD 9562)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012: to the Committee on Finance.

EC-4564. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2006-2009 Report to Congress": to the Committee on Finance.

EC-4565. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Lists of Regions Classified with Respect to Certain Animal Diseases and States Approved to Receive Certain Imported Horses" ((RIN0579-AD05) (Docket No. APHIS-2009-0035)) received during adjournment of the Senate in the Office of the President of the Senate on January 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4566. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Real-Time Public Reporting of Swap Transaction Data" (RIN3038-AD08) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry

EC-4567. A communication from the Acting Chief of Planning and Regulatory Affairs, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments" (RIN0584-AD54) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4568. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "European Larch Canker; Expansion of Regulated Areas" (Docket No. APHIS-2011-0029) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4569. A communication from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Business and Industry Guaranteed Loan Program" (RIN0575-AA87) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4570. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus amyloliquefaciens Strain D747; Exemption from the Requirement of a Tolerance; Technical Correction" (FRL No. 9334-3) received during adjournment of the Senate in the Office of the President of the Senate on January 17, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4571. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Bacillus amyloliquefaciens Strain D747; Exemption from the Requirement of a Tolerance" (FRL No. 9330-4) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4572. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Subtilis strain CX-9060; Exemption from the Requirement of a Tolerance" (FRL No. 9330-9) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4573. Å communication from the Secretary of the Commission, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Registration of Swap Dealers and Major Swap Participants" (RIN3038-AC95) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4574. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Swap Data Recordkeeping and Reporting" (RIN3038-AD19) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4575. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Pilot Program for Acquisition of Military-Purpose Nondevelopment Items" ((RIN0750-AH27) (DFARS Case 2011-D034)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Armed Services.

EC-4576. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: New Designated Country-Armenia" ((RIN0750-AH48) (DFARS Case 2011-D057)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Armed Services.

EC-4577. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds" ((RIN0750-AH50) (DFARS Case 2012-D005)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Armed Services.

EC-4578. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Independent Research and Development Technical Descriptions" ((RIN0750-AG96) (DFARS Case 2011-D011) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Armed Services.

EC-4579. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4580. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4581. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services

EC-4582. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department of Defense (DOD) for sporting events during calendar year 2011; to the Committee on Armed Services.

EC-4583. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-4584. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, an annual report relative to the Department's Chemical Demilitarization Program; to the Committee on Armed Services.

EC-4585. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD60) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4586. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Housing Goals: Mortgage Reporting Amendments" (RIN2590-AA48) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4587. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Remittance Transfers" (RIN3133-AD94) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4588. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting (Regulation V)" ((RIN3170-AA06) (Docket No. CFPB-2011-0029)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs

EC-4589. A communication from the Attorney, Office of the General Counsel, Consumer

Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Privacy of Consumer Financial Information (Regulation P)" ((RIN3170-AA06) (Docket No. CFPB-2011-0028)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs

EC-4590. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Mortgage Acts and Practices—Advertising (Regulation N); Mortgage Assistance Relief Services (Regulation O)" ((RIN3170-AA06) (Docket No. CFPB-2011-0027)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4591. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Consumer Leasing (Regulation M)" ((RIN3170-AA06) (Docket No. CFPB-2011-0026)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4592. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Interstate Land Sales Registration Program (Regulations J, K, and L)" ((RIN3170-AA06) (Docket No. CFPB-2011-0025)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4593. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (Regulation I)" ((RIN3170-AA06) (Docket No. CFPB-2011-0024)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4594. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "S.A.F.E. Mortgage Licensing Act (Regulations G and H)" ((RIN3170-AA06) (Docket No. CFPB-2011-0023)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4595. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Fair Debt Collection Practices Act (Regulation F)" ((RIN3170-AA06) (Docket No. CFPB-2011-0022)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Afficies.

EC-4596. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers (Regulation E)" ((RIN3170-AA06) (Docket No. CFPB-2011-0021)) received during adjournment of the

Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4597. A communication from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Real Estate Settlement Procedures Act (Regulation X)" ((RIN3170-AA06) (Docket No. CFPB-2011-0030)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4598. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-4599. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4600. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-4601. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4602. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4603. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4604. A communication from the Chief of the Division of Management Authority and International Affairs Programs, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of the Regulation that Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle from Certain Prohibitions" (RIN1018-AX29) received during adjournment of the Senate in the Office of the President

of the Senate on January 9, 2012; to the Committee on Energy and Natural Resources.

EC-4605. A communication from the Director, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, a report entitled "Estimates of Natural Gas and Oil Reserves, Reserves Growth, and Undiscovered Resources in Federal and State Waters off the Coasts of Texas, Louisiana, Mississippi, and Alabama"; to the Committee on Energy and Natural Resources.

EC-4606. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of CC: INTL No-Rule Revenue Procedure, Rev. Proc. 2011-7" (Rev. Proc. 2012-7) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Finance.

EC-4607. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Administrative Simplification: Adoption of Standards for Health Care Electronic Funds Transfers (EFTs) and Remittance Advice" (RIN0938-AQ11) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Finance.

EC-4608. A communication from the Commissioner of the Social Security Administration, transmitting, a legislative proposal relative to improving work incentive provisions and extending the funding authority for the Work Incentive Planning and Assistance (WIPA) program and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program; to the Committee on Finance.

EC-4609. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Foreign Relations.

EC-4610. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Foreign Relations.

EC-4611. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of F-15 Head-Up Displays (HUD) in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4612. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services for upgrade of current Swiss simulator training devices to reflect the

same configuration as Swiss F/A-18 aircraft to support the F/A-18 Tactical Operational Flight Trainer Program for Switzerland in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4613. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of major defense equipment in the amount of \$14,000 or more and the export of defense articles to include the export of defense articles, including, technical data, and defense services to Indonesia necessary to support the upgrade and retrofit of C-130B aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4614. A communication from the Assistant Secretary of State, Bureau of Legislative Affairs, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC-4615. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC-4616. A joint communication from the Acting Assistant Secretary, Legislative Affairs, Department of State and the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting, pursuant to law, a report entitled "United States Activities in Libya"; to the Committee on Foreign Relations.

EC-4617. A communication of from the Director of the Credit, Travel and Grants Policy Division, Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Implementation of Office Management and Budget Guidance on Drug-Free Workplace Requirements" (RIN0505-AA14) received during adjournment of the Senate in the Office of the President of the Senate on January 10, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4618. A communication from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Race to the Top Fund Phase 3" (RIN1894-AA01) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4619. A communication from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Family Educational Rights and Privacy" (RIN1880-AA86) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4620. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022 and 4044)

received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4621. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Application of Food and Drug Administration Approval to Market a New Drug; Revision of Postmarketing Reporting Requirements—Discontinuance" (Docket No. FDA-2011-N-0898) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4622. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibition" (Docket No. FDA-2008-N-0326) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4623. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revisions to Labeling Requirements for Blood and Blood Components, Including Source Plasma" (Docket No. FDA-2003-N-0097) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4624. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Temperature-Indicating Devices; Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Correction" (Docket No. FDA-2007-N-0265) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4625. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Ovarian Adnexal Mass Assessment Score Test System; Labeling; Black Box Restrictions" (Docket No. FDA-2011-D-0028) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4626. A communication from the Program Manager, Administration for Children, Youth and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Tribal Child Welfare Interim Final Rule" (RIN0970-AC41) received during adjournment of the Senate in the Office of the President of the Senate on January 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4627. A communication from the Executive Analyst, Department of Health and Human Services, transmitting, pursuant to

law, (2) reports relative to vacancy announcements within the Department; to the Committee on Health, Education, Labor, and Pensions.

EC-4628. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Administration on Aging's Report to Congress for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4629. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the combined fourth and fifth quarterly reports relative to the steps the Food and Drug Administration has taken to implement the Menu and Vending Machine Labeling provisions from the Patient Protection and Affordable Care Act of 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4630. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC-4631. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Declassification of National Security Information" (RIN3095-AB64) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4632. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; Implementation of Information Technology Security Provision" ((RIN3090-AJ15) (GSAR Case 2011–G503)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-4633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-269 "Health Benefit Exchange Authority Establishment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-242 "Electrician Equality Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4635. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-243 "Executive Service Compensation Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4636. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–244 "Workforce Intermediary Establishment and Reform of First Source Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-245 "William O. Lockridge Way Designation Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-246 "Uniform Foreign-Country Money Judgments Recognition Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-247 "Closing of a Portion of the Public Alley in Square 5052, S.O. 10-00603, Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4640. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-248 "Comprehensive Military and Overseas Voters Accommodation Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4641. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-249 "Economic Development Special Account Revival Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4642. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-250 "Income Tax Withholding Statements Electronic Submission Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-251 "Clarification of Personal Property Tax Revenue Reporting Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4644. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-252 "Ward Redistricting Temporary Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4645. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-262 "Receiving Stolen Property and Public Safety Amendment Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4646. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-263 "Oak Hill Conservation Easement Temporary Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4647. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-270 "President Primary Ballot Access Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4648. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-271 "Unemployment Compensation Federally Funded Extended Benefits Maximization Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4649. A communication from the Executive Director, Office of the Chairman, Federal Labor Relations Authority, transmit-

ting, pursuant to law, the fiscal year 2011 Competitive Sourcing annual report; to the Committee on Homeland Security and Governmental Affairs.

EC-4650. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-4651. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 2011 Financial Report of the U.S. Government; to the Committee on Homeland Security and Governmental Affairs.

EC-4652. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4653. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4654. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Agency's fiscal year 2011 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4655. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4656. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Prioritized Examination for Requests for Continued Examination" (RIN0651-AC65) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on the Judiciary.

EC-4657. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Literacy Program Final Rule" (RIN1120-AA33) received during adjournment of the Senate in the Office of the President of the Senate on December 12, 2011; to the Committee on the Judiciary.

EC-4658. A communication from the Director of the Office of Tribal Justice, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Assumption of Concurrent Federal Criminal Jurisdiction in Certain Areas of Indian Country" (RIN1105-AB38) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on the Judiciary.

EC-4659. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Coombsville Viticultural Area" (RIN1513-AB81) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2011; to the Committee on the Judiciary.

EC-4660. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Naches Heights Viticultural Area" (RIN1513-AB80) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2011; to the Committee on the Judiciary.

EC-4661. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Fort Ross-Seaview Viticultural Area" (RIN1513-AA64) received during adjournment of the Senate in the Office of the President of the Senate on December 29, 2011; to the Committee on the Judiciary.

EC-4662. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2010 Annual Report of the National Institute of Justice": to the Committee on the Judiciary.

EC-4663. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

mittee on the Judiciary. EC-4664. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 27, 2010; to the Committee on the Judiciary.

EC-4665. A communication from the Associate Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2011; to the Committee on the Judiciary.

EC-4666. A communication from the Acting Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report relative to sound recordings fixed before February 15, 1972; to the Committee on the Judiciary.

EC-4667. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2011; to the Committee on Rules and Administration.

EC-4668. A communication from the General Counsel and Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report entitled "2010 Election Administration and Voting Survey"; to the Committee on Rules and Administration.

EC-4669. A communication from the Deputy General Counsel, Office of General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Jobs Act: Implementation of Conforming and Technical Amendments" (RIN3245-AG15) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Small Business and Entrepreneurship.

EC-4670. A communication from the Deputy General Counsel, Office of the General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Jobs Act: 504 Loan Program Debt Refinancing" (RIN3245–AG17) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Small Business and Entrepreneurship.

EC-4671. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical Benefits for Newborn Children of Certain Woman Veterans" (RIN2900-AO05) received during adjournment of the Senate in the Office of the President of the Senate on December 18, 2011; to the Committee on Veterans' Affairs.

EC-4672. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayments for Medications in 2012" (RIN2900-AO28) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Veterans' Affairs.

EC-4673. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Payment or Reimbursement for Emergency Treatment Furnished by Non-VA Providers in Non-VA Facilities to Certain Veterans with Service-connected or Nonservice-connected Disabilities" (RIN2900-AN49) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Veterans' Affairs.

EC-4674. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation and Employment Program—Changes to Subsistence January 11, 2012; to the Committee on Veterans' Affairs.

EC-4675. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of Statutory Period for Compensation for Certain Disabilities Due to Undiagnosed Illness and Medically Unexplained Chronic Multi-Symptom Illness" (RIN2900-AO09) received during adjournment of the Senate in the Office of the President of the Senate on December 28, 2011; to the Committee on Veterans' Affairs.

EC-4676. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Evaluation of Amyotrophic Lateral Sclerosis" (RIN2900-AN60) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011: to the Committee on Veterans' Affairs.

EC-4677. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Loan Guaranty Revised Loan Modification Procedures" (RIN2900-AN78) received during adjournment of the Senate in the Office of the President of the Senate on December 20, 2011; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 50. A bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities (Rept. No. 112-131).

52. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes (Rept. No. 112-132).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 363, a bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes (Rept. No. 112-133).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 485. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other pur-

poses (Rept. No. 112–134). S. 1665. A bill to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes (Rept. No. 112-

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 97. A bill to amend the Federal Water Pollution Control Act to establish a grant program to support the restoration of San

Francisco Bay (Rept. No. 112-136). By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 893. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine (Rept. No. 112-

S. 1296. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in the State of Rhode Island (Rept. No. 112-138).

S. 1740. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. No. 112-139)

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1789. A bill to improve, sustain, and transform the United States Postal Service. By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Af-

fairs, without amendment: S. 2038. An original bill to prohibit Mem-

bers of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

> By Mr. MORAN (for himself and Mr. ROBERTS):

S. 2035. A bill to provide support for workforce residential housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND (for herself, Mr. DURBIN, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. SCHUMER):

S. 2036. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS: S. 2037. A bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 2038. An original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Mr. HOEVEN (for himself and Mr. CONRAD):

S. 2039. A bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands; considered and passed.

By Mr. LEE (for himself, Mr. RUBIO, Mr. VITTER, Mr. TOOMEY, Mr. THUNE, Mr. COBURN, Mr. PAUL, Mr. DEMINT, Mr. Johnson of Wisconsin, Mr. Risch, and Mr. CRAPO):

S. 2040. A bill to amend the Congressional Budget Act of 1974 to establish a point of order to prohibit an increase or other modification of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect; to the Committee on Finance.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

> By Mr. MENENDEZ (for himself, Mr. RUBIO, and Mr. NELSON of Florida):

S. Res. 354. A resolution honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza; to the Committee on Foreign Relations.

> By Mr. HATCH (for himself and Mr. LEE):

S. Res. 355. A resolution honoring the memory of Special Agent Jared Francom of the Ogden, Utah Police Department; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 376

At the request of Mr. COBURN, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 376, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 416

At the request of Mr. Burr, the name of the Senator from Maryland (Ms. MI-KULSKI) was added as a cosponsor of S. 416, a bill to develop a strategy for assisting stateless children from North Korea, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 810

At the request of Ms. Cantwell, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 821

At the request of Mr. Leahy, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 968

At the request of Mr. CHAMBLISS, his name was withdrawn as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 968, supra.

S. 987

At the request of Mr. Franken, the name of the Senator from Maryland (Mr. Cardin) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1161

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1161, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 1223

At the request of Mr. Franken, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1223, a bill to address voluntary location tracking of electronic communications devices, and for other purposes.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1316

At the request of Mr. Enzi, the name of the Senator from Pennsylvania (Mr. Toomey) was added as a cosponsor of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1333

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1333, a bill to provide for the treatment and temporary financing of short-time compensation programs.

S. 1360

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1360, a bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes.

S. 1375

At the request of Mr. Levin, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1375, a bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation.

S. 1451

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1461

At the request of Mr. Nelson of Florida, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and

small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1467

At the request of Mr. Blunt, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1645

At the request of Mr. Casey, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1645, a bill to establish an Oleoresin Capsicum Spray Pilot Program in the Bureau of Prisons, and for other purposes.

S. 1895

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. 1895, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. Lautenberg), the Senator from Maryland (Ms. Mikulski) and the Senator from Wisconsin (Mr. Kohl) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. Leahy, the names of the Senator from Alaska (Ms.

MURKOWSKI), the Senator from Alaska (Mr. Begich) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1935

At the request of Mrs. Hagan, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. Blumenthal, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1956

At the request of Mr. Thune, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from West Virginia (Mr. Rockefeller) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2010

At the request of Mr. Kerry, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 176

At the request of Ms. Mikulski, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. Res. 176, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANDERS:

S. 2037. A bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANDERS. Mr. President, it is no great secret that our country today faces many enormously difficult problems. We remain in the midst of a very serious recession. Real unemployment is at about 15 percent. Our middle class continues to decline. The gap between the very rich and everybody else is growing wider. Fifty million Americans have no health insurance. Millions of young people are struggling, trying to figure out how they are going to make it into college and pay for their college education. But in the midst of all of those problems, I hope very much that we do not forget about the problems facing one of the most vulnerable sectors of our society; that is, senior citizens.

We are an aging population. That is no secret. Today, and every day, some 10,000 Americans reach the age of 65. If we as a nation do not begin to address the very serious reality of an aging population, we are going to be in a lot of trouble that we are not anticipating.

One of the issues we have to understand is that not only are we an aging population, but many of those people who are becoming 65 and older are dealing with issues of poverty. Incredibly enough, 20 percent of the seniors in this country are living on average incomes of \$7.500 per year—\$7.500 per year average income for the bottom 20 percent of seniors in this country. Frighteningly, and embarrassingly, more and more seniors in this country are literally going hungry. Today, there are almost 1 million seniors who go hungry and many more who face the threat of hunger. That should not be happening in the United States of America.

What America is supposed to be about is that when we age, we can live out our remaining years with security and dignity, not trying to find food in order to stay alive.

Now, that is the bad news. The good news is that we have Federal legislation called the Older American Act which, to some degree, begins to address these very serious problems.

I am happy to announce, as the chairman of the Subcommittee on Primary Health and Aging, we are introducing legislation to reauthorize and improve the Older Americans Act.

The legislation we are offering is going to do its very best to say senior citizens in this country will not go hungry. This legislation is going to significantly increase funding for senior centers all over this country, to provide congregate meal programs in senior centers. In my view, these congregate meal programs are enormously important, not only because they provide good nutrition to seniors all over our Nation but also they allow seniors to come together to socialize, to talk to each other, to get some of the professional help they need in their waning years. So we have to strengthen the congregate meal program, and that is what this bill does.

In addition to that, there is another program which is almost life and death to some of the most fragile and vulnerable people in this country; that is, the Meals on Wheels Program. What Meals on Wheels is about—it takes place all over this country—is, you have people in senior centers and in other institutions who take meals—a good, quality, nutritious hot meal—to seniors, sometimes living at the end of a dirt road in Vermont or in Utah or in New Hampshire. These are people who cannot leave their homes, especially in the wintertime. These are people who, in some cases, would not survive if they did not have that Meals on Wheels Program.

I wish to take this opportunity to thank the many volunteers from senior centers and other institutions who get in their cars and trucks to take these hot meals to seniors all over this country through the Meals on Wheels Program.

What we are finding in my State of Vermont—and what we are finding around the country—is, many senior centers simply do not have the resources now to accommodate the growing number of seniors who need the Meals on Wheels Program.

Let me further say to any of my friends who say: Senator SANDERS, this is a good idea. It is going to cost money. Yes, it will. Increased funding for Meals on Wheels and congregate meals will cost additional revenue. But at the end of the day, the Federal Government will save money. We have had hearings on this issue. We have had physicians come forward, and they say one of the reasons seniors end up in the hospital, seniors end up in the emergency room, is because they are malnourished. Sometimes, literally, because of poor nourishment, they fall, break their hips, at great expense to Medicaid or Medicare. So not only is it the right and moral thing to do to keep seniors in this country from going hungry; in the long run, we save money by keeping them healthy.

Furthermore, in this bill, we are going to do something I think is long overdue. There has been a lot of discussion in the Senate and in the House

about Social Security. Some of my friends—often Republicans, sometimes Democrats—think we should cut Social Security, we should try to move toward a balanced budget by cutting funding for some of the most vulnerable people in this country. I strongly oppose that.

One of the arguments brought forth to cut Social Security is: The COLA—the Consumer Price Index for the Elderly; how we determine what the COLA is—it is too generous. It is inadequate. When I tell that to senior citizens in Vermont, do you know what they do? They laugh. They literally laugh when I tell them there are people in Washington, DC, who believe the formulation as to how we determine COLAs is too generous, and they say: Bernie, we have not gotten a COLA for the last 2 years, so how is this too generous? They are, of course, right.

The way we, in my view, formulate the COLA right now is inadequate, not because it is too generous but quite the contrary. The truth is, seniors' purchasing needs are different than the general population. Everybody knows that. Seniors spend a higher percentage of their income on prescription drugs. They spend it on health care. In coldweather States such as mine and New Hampshire, they spend it on keeping warm. Senior citizens are not out there, by and large, buying flat-screen TVs or laptop computers or iPhones or iPads. Their money is going into health care.

What has been happening in recent years is, while the cost of some products—electronics in general—has been going down, the cost of prescription drugs and health care has been going up. So when you tell seniors their COLA is too generous, they tell you that makes no sense at all because they are spending more and more on health care, prescription drugs, staying warm in the wintertime.

So what we have done in this bill is requested that the Bureau of Labor Statistics improve the Consumer Price Index for the Elderly, or CPI-E, by including more of the items seniors spend money on, such as prescription drugs and other health care costs. We must have a more accurate measure for COLAs for seniors, and I believe this is the path to a fair COLA.

I look forward to working with all the Members of the Senate to make sure we do right by our parents and our grandparents, that we make sure seniors in this country can live out their remaining years in security and dignity by reauthorizing a strong and fair older Americans Act in the coming months.

I especially want to applaud Senators KOHL, MIKULSKI, CASEY, and FRANKEN for introducing other thoughtful, innovative, and important Older Americans Act amendments.

We are at a critical moment in American history. In the midst of all the

other challenges we face, let us not turn our backs on those who sacrificed, who fought the wars, who built the economies that made this country great. Let us support a strengthened and improved Older Americans Act.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 354—HON-ORING THE LIFE OF DISSIDENT AND DEMOCRACY ACTIVIST WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO RE-GIME FOR THE DEATH OF WILMAN VILLAR MENDOZA

Mr. MENENDEZ (for himself, Mr. RUBIO and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 354

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime:

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime:

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, "Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.";

Whereas Amnesty International stated, "The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.";

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the "Black Spring" crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011: and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be

Resolved, That the Senate-

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

SENATE RESOLUTION 355—HON-ORING THE MEMORY OF SPECIAL AGENT JARED FRANCOM OF THE OGDEN, UTAH POLICE DEPART-MENT

Mr. HATCH (for himself and Mr. LEE) submitted the following resolution; which was considered and agreed to:

### S. Res. 355

Whereas, on January 4, 2012, Special Agent Jared Francom of the Ogden, Utah Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded in a shooting while serving a search warrant on a residence in Ogden;

Whereas Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas Sergeant Nate Hutchinson of the Weber County Sheriff's Office was also wounded in the shooting;

Whereas Officer Jason Vanderwarf of the Roy Police Department was also wounded in the shooting;

Whereas the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the shooting suspect, preventing further injury and loss of life:

Whereas Officer Kasey Burrell remains in the hospital recovering from serious injuries sustained in the shooting;

Whereas Special Agent Francom served with the Ogden Police Department for 8 years;

Whereas Special Agent Francom served the Ogden community with honor and distinction:

Whereas the people of Utah have come together to mourn and honor Special Agent Francom, with an estimated 4,000 people attending the funeral of Special Agent Francom on January 11, 2012, in Ogden; and

Whereas the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it.

Resolved, That the Senate—

(1) recognizes and honors the sacrifice of Special Agent Jared Francom;

(2) extends the deepest condolences of the Senate to the family and friends of Special Agent Francom;

(3) expresses the wishes of the Senate for a full and speedy recovery of all the officers wounded in the shooting in Ogden, Utah; and

(4) recognizes the remarkable courage and honor that the men and women in law enforcement display and the risks those men and women take to keep their communities safe.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1469. Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

## TEXT OF AMENDMENTS

**SA 1469.** Mr. REID (for Mrs. BOXER) proposed an amendment to the bill S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. LEVEES.

- (a) DEFINITIONS.—In this section—
- (1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and
- (2) the term "covered hazard mitigation land" means land—
- (A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act: and
  - (B) that is located—
  - (i) in North Dakota; and
  - (ii) in a community that—
- (I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and
- (II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.
- (b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—
- (1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

- (2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;
- (3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—
- (A) specifying the maintenance activities to be performed;
- (B) specifying the frequency with which maintenance activities will be performed;
- (C) specifying the person responsible for performing each maintenance activity (by name or title):
- (D) detailing the plan for financing the maintenance of the levee; and
- (E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.
  - (c) Maintenance Certification.—
- (1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).
- (2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

### NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 2, 2012 at 10 a.m. in SD-430 to conduct a hearing entitled "Innovations in College Affordability."

For further information regarding this meeting, please contact the committee on (202) 224-5501.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 16, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2013.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Abigail\_Campbell@energy.senate .gov.

For further information, please contact Jennifer Nekuda Malik at 202–224–5479 or Abigail Campbell at 202–224–1219

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 28, 2012, at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's fiscal year 2013 proposed budget for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake\_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224–9863 or Jake McCook (202) 224–9313.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2012, at 10:00 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on January 26, 2012, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the

session of the Senate on January 26, ULTRALIGHT 2012, at 10:30 a.m. to conduct a hearing entitled "Compliance with Tax Limits on Mutual Fund Commodity Speculation."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2012, at 2:30 p.m.

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

### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted floor privileges for the duration of the debate on the debt limit: Claire Green, Omar DeLeon, Elizabeth Samson, Amanda Summers, Johannes Echeverri, Whitney Lott, Samson Chen, Harun Dogo, David Sklar, and Amanda Bartmann.

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

Mr. BEGICH. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, William Mowitt, a fellow in my office, during the pendency of the 112th Congress.

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

### AIRPORT AND AIRWAY EXTENSION ACT OF 2012

Mr. REID. I now ask unanimous consent that the Senate proceed to H.R. 3800, which has been received from the House and is at the desk.

The PRESIDING OFFICER. clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3800) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, that the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements be printed in the RECORD.

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

The bill (H.R. 3800) was ordered to a third reading, was read the third time, and passed.

GLING PREVENTION ACT OF 2012

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 3801

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3801) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I have worked to expedite the Senate's passage of Congresswoman Giffords' legislation. This action today shows what we can do when we work together. The Ultralight Aircraft Smuggling Prevention Act, H.R. 3801, is intended to help ensure that smugglers who use ultralight aircraft along the United States border are held accountable for their actions. Its passage today is an appropriate tribute to the courage and outstanding work of Congresswoman Gif-

Congresswoman Giffords has long been committed to securing the border against drug smugglers. This legislation is intended to keep Americans who live and work along the border safe.

I was part of the tribute to Congresswoman Giffords at the joint session of Congress to hear the President's State of the Union address earlier this week. I was saddened to learn of Gabrielle Giffords' decision to resign from Congress. I know that her commitment to the citizens of Arizona is unwavering. I look forward to working with her in the future, and wish her a continued speedy recovery. She is an inspiration to all.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The bill (H.R. 3801) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, it is my understanding this is legislation that has been pushed by Gabrielle Giffords who resigned from the House yesterday.

What wonderful statements made by Members of the House yesterday signifying the way the whole country feels about the courage of this gallant woman. We all wish her the very best in her future with her heroic husband standing by her side, an astronaut. I am sure they will fare better than we can imagine.

AIRCRAFT SMUG- ALLOWING A STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES

> Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2039, introduced earlier today.

The PRESIDING OFFICER. clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Boxer substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 1469) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. LEVEES.

- (a) DEFINITIONS.—In this section—
- (1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and
- (2) the term "covered hazard mitigation land" means land-
- (A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and
  - (B) that is located-
- (i) in North Dakota; and
- (ii) in a community that-
- (I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and
- (II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.
- (b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine. through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that-
- (1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;
- (2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which

shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government:

- (3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—
- (A) specifying the maintenance activities to be performed;
- (B) specifying the frequency with which maintenance activities will be performed;
- (C) specifying the person responsible for performing each maintenance activity (by name or title);
- (D) detailing the plan for financing the maintenance of the levee; and
- (E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.
  - (c) MAINTENANCE CERTIFICATION.—
- (1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).
- (2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

The bill (S. 2039), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

# ORDERS FOR MONDAY, JANUARY 30, 2012, AT 2 P.M.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate adjourn until 2 p.m. on Monday, January 30, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m. with Senators permitted to speak up to 10 minutes each; that at 4:30 p.m., the Senate resume consideration of the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge Act (STOCK), with the time until 5:30 p.m. equally divided between the two leaders or their designees.

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

#### PROGRAM

Mr. REID. Mr. President, the next vote will take place next Monday at 5:30 p.m. on the motion to invoke cloture on the motion to proceed to S. 2038, the STOCK Act.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn following the statement of Senator BOOZMAN and that the statement be limited to 15 minutes.

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

### FAREWELL TO THE PAGES

Mr. REID. Mr. President, if I could just take a moment. I know my friend from Arkansas is here to speak.

This is the last day this group of pages, who have been here since September, will spend in the Senate. I believe I am going to speak at their graduation—I am quite sure that is true—tomorrow

I think the pages render such terrific service to this body. They do a lot of things. They get very little credit for what they do, but we depend on them for some of the most menial tasks a lot of times. But they are always polite. I have never had one treat me impolitely in all of the years I have been in the Senate. I can only speak from personal experience, and I have said this before on the Senate floor, and I will say it again: My two oldest grandchildrengranddaughters—both served in the Senate as pages, and it really changed their lives. I say that without any reservation. They became more in tune with what is going on in our country, and it hasn't left them. They look back with great-I don't know if "reverence" is the right word, maybe that is the wrong choice, but they look back certainly fondly on their experience here in the Senate.

I hope these young men and women understand how much we appreciate what they do. I do hope from a personal perspective that they have benefited as much as my two granddaughters did during their time here.

The PRESIDING OFFICER (Mr. Franken). The Senator from Arkansas.

HONORING OUR ARMED FORCES SERGEANT FIRST CLASS BEN-JAMIN WISE

SERGEANT FIRST CLASS BENJAMIN WISE

Mr. BOOZMAN. Mr. President, we are constantly reminded of the sacrifices of American troops and their families. These brave Americans fight for our freedoms and our values while putting their own lives at risk. We must always

remember their service and thank them for their patriotism, dedication, and commitment, and honor those who have paid the ultimate price.

Today I am here to pay my respects to Arkansas soldier SFC Benjamin Wise, who sacrificed his life for the love of his country while in support of Operation Enduring Freedom.

Sergeant 1st Class Wise graduated from West Side Christian School in El Dorado, AR, in 1995, and enlisted in the military in 2000, joining the Army as an infantryman assigned to the 520th Infantry Regiment, 2nd Infantry Division at Joint Base Lewis-McChord.

He discussed his military service with the Hope Star in 2004, saying that he was proud to be a soldier and that he wanted to serve his country.

In 2005, he volunteered for the special forces—something his sister Heather told the Arkansas Democrat Gazette was something he talked about growing up. His new position in the 3rd Battalion, 1st Special Forces Group suited him well. Sergeant 1st Class Wise's comrades said he was a friend to all of the members of his unit, cracking jokes and offering an ear to listen to all of their concerns.

He was well aware of the dangers he faced, having served four deployments—twice to Iraq and twice to Afghanistan. His family says that Ben was proud of the career he built in the Army. He was all too familiar with the sacrifices associated with work in wartorn Afghanistan after his brother, Jeremy Wise, a former Navy SEAL working as a security contractor, was killed in the country in December of 2009.

On Monday, January 9, 2012, Sergeant 1st Class Wise was injured during an attack by insurgents during a small-arms fight. He passed away on January 15, 2012.

SFC Benjamin Wise is a true American hero. I ask my colleagues to keep his family—his wife Traci, sons Luke and Ryan, and daughter Kailen—and his friends in their thoughts and prayers during these very difficult times. I humbly offer my appreciation and gratitude—and I know I speak for the Senate and Congress as a whole—to this patriot and his family for his selfless sacrifice.

I yield the floor.

### ADJOURNMENT UNTIL MONDAY, JANUARY 30, 2012, AT 2 P.M.

THE PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Monday, January 30, at 2 p.m.

(Thereupon, the Senate, at 5:03 p.m., adjourned until Monday, January 30, 2012, at 2 p.m.)

## HOUSE OF REPRESENTATIVES—Friday, January 27, 2012

called to order by the Speaker pro tempore (Mr. Thornberry).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

> WASHINGTON, DC. January 27, 2012.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

## PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord, we honor You today in prayer and thanksgiving. We pray for the Members of this House, their families and staffs. Grant them peace that passes all understanding and amazing grace to sustain them when days are long and rest is short.

Father, You are our refuge and fortress. You provide everything we need for life and godliness. You hear our ardent intercession, and smile when we raise our voices in praise and worship. We thank You for Your presence, love

It is in Your mighty Name I pray. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair an-

The House met at 11 a.m. and was nounces to the House that, in light of the resignation of the gentlewoman from Arizona (Ms. Giffords), the whole number of the House is 433.

### COMMUNICATION FROM THE SER-GEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS, HOUSE OF REPRESENTATIVES, Washington, DC, January 25, 2012.

Hon. John A. Boehner,

Speaker, House of Representatives,  $Washington,\,DC.$ 

DEAR MR. SPEAKER: This is to notify you formally that, pursuant to Rule VIII of the Rules of the House of Representatives, the Office of the Sergeant at Arms has been served with a subpoena for documents issued by the United States District Court for the District of Columbia, in connection with a civil lawsuit currently pending before that

After consultation with the Office of General Counsel. I will make the determinations required by House Rule VIII.

Sincerely,

PAUL D. IRVING. Sergeant at Arms.

COMMUNICATION FROM CENTRAL OREGON OFFICE DIRECTOR, THE HONORABLE GREG WALDEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nick Strader, Central Oregon Office Director, the Honorable GREG WALDEN, Member of Congress:

CONGRESS OF THE UNITED STATES, House of Representatives. January 24, 2012.

Hon. John A. Boehner,

Speaker, House of Representatives,

Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the Circuit Court for the County of Deschutes, Oregon, for witness testimony.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

NICK STRADER, Central Oregon Office Director.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK. House of Representatives, Washington, DC, January 26, 2012.

Hon. John A. Boehner,

The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 26, 2012 at 5:50 p.m.:

That the Senate passed S. 2039. With best wishes, I am Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

> OFFICE OF THE CLERK. House of Representatives, Washington, DC, January 26, 2012.

Hon. John A. Boehner,

The Speaker, U.S. Capitol,

House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 26, 2012 at 5:18 p.m.:

That the Senate passed without amendment H.R. 3800.

That the Senate passed without amendment H.R. 3801.

With best wishes, I am Sincerely,

KAREN L. HAAS.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2039. An act to allow a State or local government to construct levees on certain properties otherwise designated as open space lands: to the Committee on Transportation and Infrastructure.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, January 31, 2012, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4721. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Highly Erodible Land and Wetland Conservation (RIN: 0560-AH97) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4722. A letter from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Home Mortgage Disclosure (Regulation C) [Docket No.: CFPB-2011-0020] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4723. A letter from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Interstate Land Sales Registration Program (Regulations J, K, and L) [Docket No.: CFPB-2011-0025] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4724. A letter from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Privacy of Consumer Financial Information (Regulation P) [Docket No.: CFPB-2011-0028] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4725. A letter from the Attorney, Office of the General Counsel, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Fair Credit Reporting (Regulation V) [Docket No.: CFPB-2011-0029] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4726. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Remittance Transfers (RIN: 3133-AD94) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4727. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Administrative Simplification: Adoption of Standards for Health Care Electronic Funds Transfers (EFTs) and Remittance Advice [CMS-0024-IFC] (RIN: 0938-AQ11) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4728. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Attendance at NRC Staff-Sponsored Meetings [DT-11-23] received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4729. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components [Docket No.: 110825537-1539-02] (RIN: 0694-AF38) received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4730. A letter from the Assistant Director of Policy, Department of the Treasury, transmitting the Department's final rule—

Reporting, Procedures and Penalties Regulations; Transnational Criminal Organizations Sanctions received January 6, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4731. A communication from the President of the United States, transmitting a notification of a Special Forces Operation; (H. Doc. No. 112—83); to the Committee on Foreign Affairs and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. S. 300. An act to prevent abuse of Government charge cards (Rept. 112-376 Pt. 1). Referred to the Committee of the Whole House on the state of the Union

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Armed Services discharged from further consideration. S. 300 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL (for himself and Mr. SMITH of Texas):

H.R. 3833. A bill to reauthorize surface transportation research programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROOKS, Mr. LIPINSKI, Mrs. BIGGERT, and Mr. LUJÁN):

H.R. 3834. A bill to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. DUFFY:

H.R. 3835. A bill to extend the pay limitation for Members of Congress and Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HAHN:

H.R. 3836. A bill to amend the Small Business Act to make permanent the Small Loan Advantage program, and for other purposes; to the Committee on Small Business.

By Ms. HAHN:

H.R. 3837. A bill to provide funds to each State to cover all the costs to repair or reconstruct a bridge determined by the Federal Highway Administration to be structurally

deficient; to the Committee on Transportation and Infrastructure.

By Ms. HAHN:

H.R. 3838. A bill to authorize the Secretary of Transportation to establish a program to make grants to ports to enable ports to employ high school students during the summer; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. Berman, Mr. Burton of Indiana, Mr. Meeks, Mr. Mack, Mr. Sires, Mr. DIAZ-BALART, Mr. RIVERA, and Mr. ENGEL):

H. Con. Res. 97. Concurrent resolution expressing the sense of Congress in honor of the life and legacy of Vaclav Havel; to the Committee on Foreign Affairs.

By Mr. McDERMOTT (for himself, Mr. DICKS, Mr. REICHERT, Mr. SMITH of Washington, and Mr. INSLEE):

H. Res. 530. A resolution honoring the Northwest Kidney Centers on its 50th anniversary; to the Committee on Energy and Commerce.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HALL:

H.R. 3833.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 "To regulate

Article I, Section 8, Clause 3 "To regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes;" and Article I, Section 8, Clause 18 "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. HALL:

H.R. 3834.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 "To regulate

Article I, Section 8, Clause 3 "To regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes;" and Article I, Section 8, Clause 18 "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. DUFFY:

H.R. 3835.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. HAHN:

H.R. 3836.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. HAHN:

H.R. 3837.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. HAHN:

H.R. 3838.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. Kaptur.

H.R. 88: Mr. Walsh of Illinois.

H.R. 104: Mr. NUGENT, Mr. SULLIVAN, and Mr. Peters.

H.R. 675: Ms. HIRONO.

H.R. 875: Mr. Johnson of Ohio.

H.R. 904: Mr. Manzullo.

H.R. 1006: Mr. SHERMAN.

H.R. 1063: Mr. LOEBSACK and Ms. HIRONO.

H.R. 1175: Mr. Sensenbrenner.

H.R. 1193: Mr. MURPHY of Connecticut and Mr. GRIMM.

H.R. 1386: Mr. CRITZ.

H.R. 1513: Mr. CARNAHAN, Mr. SIRES, Ms. WILSON of Florida, and Mr. BACA.

H.R. 1639: Mr. STIVERS and Mr. AUSTRIA. H.R. 1648: Mr. FRANK of Massachusetts.

H.R. 1744: Mr. ROGERS of Alabama and Mr.

H.R. 1842: Mr. CARSON of Indiana and Mr. MORAN.

H.R. 1895: Mr. GRIJALVA.

H.R. 2168: Mr. FILNER. H.R. 2241: Mr. STARK. H.R. 2437: Mr. PLATTS.

H.R. 2468: Mr. HARRIS.

H.R. 2492: Ms. ROYBAL-ALLARD.

H.R. 2499: Mr. LATOURETTE.

Н. R. 2524: Мг. FATTAH.

H.R. 2529: Mr. DAVIS of Kentucky and Mr. GERLACH.

H.R. 2794: Mr. GALLEGLY and Mr. GENE GREEN of Texas.

H.R. 2866: Mr. McCotter.

H.R. 2969: Mr. LUJÁN.

H.R. 2970: Mr. REYES.

H.R. 2982: Mr. OLVER.

H.R. 3200: Mr. GRIMM, Mr. HINOJOSA, Mr. ANDREWS, and Ms. BASS of California.

H.R. 3207: Mr. MURPHY of Pennsylvania and Mr. Sessions

H.R. 3269: Mr. MEEHAN, Mr. McKINLEY, Mr. AMODEI, and Ms. BUERKLE.

H.R. 3307: Mr. RENACCI and Mr. Polis.

H.R. 3399: Mr. THOMPSON of Pennsylvania.

H.R. 3504: Ms. Foxx.

H.R. 3522: Mr. Jones, Mr. Towns, and Mr. ISRAEL.

H.R. 3541: Mr. KINGSTON and Mr. AUSTIN SCOTT of Georgia.

H.R. 3551: Mr. Petri.

H.R. 3573: Ms. Schakowsky.

H.R. 3580: Mr. MANZULLO.

H.R. 3582: Mr. Stivers, Mr. Flake, Mr. BONNER, Mrs. BLACK, Mr. TIBERI, Mr.

HULTGREN, Mr. McKinley, Mr. Harper, Mr. Austin Scott of Georgia, Mr. Rivera, Mr. GIBSON, Mr. Austria, Mr. Johnson of Ohio. Mr. CRAVAACK, Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, and Mr. BARLETTA.

H.R. 3590: Mr. HINCHEY.

H.R. 3612: Mr. AUSTIN SCOTT of Georgia, Mr. JONES, and Mr. CARTER.

H.R. 3618: Ms. CHU and Mr. SMITH of Washington.

H.R. 3670: Ms. HIRONO.

H.R. 3676: Mr. SIMPSON.

H.R. 3704: Mr. OLVER.

H.R. 3769: Mr. HANNA and Mr. WELCH.

H.R. 3770: Mr. FINCHER, Mr. RIBBLE, and Mr. Austin Scott of Georgia.

H.R. 3785: Mr. DUNCAN of Tennessee.

H.R. 3803: Mr. NEUGEBAUER, Mr. RIBBLE, Mr. McIntyre, and Mr. Johnson of Ohio.

H.R. 3805: Mr. Austin Scott of Georgia.

H.R. 3811: Mr. HALL, Mr. Ross of Florida, Mr. Goodlatte, Mr. Sam Johnson of Texas, Mr. Gohmert, Mr. Brooks, Mr. Chaffetz, Mr. Landry, Mr. Carter, Mr. Thornberry, Mr. GRIMM, Mr. BURTON of Indiana, Mr. Con-AWAY, Mr. PLATTS, Mr. BURGESS, Mr. ROE of Tennessee, Mr. ROONEY, Mrs. BLACK, Mrs. HARTZLER, Mr. COLE, and Mr. SMITH of

H. Res. 130: Ms. LEE of California.

H. Res. 134: Mr. STIVERS.

H. Res. 480: Mr. GUTHRIE.

H. Res. 524: Mr. BURTON of Indiana, Mr. KISSELL, Mr. PLATTS, Mr. McIntyre, and Mr. West.

H. Res. 528: Mr. Jones.

# EXTENSIONS OF REMARKS

PORT OPPORTUNITY, REINVEST-MENT AND TRAINING ACT

# HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Ms. HAHN. Mr. Speaker, one of the unfortunate, oft-neglected effects of the financial crisis has been chronically high teen unemployment. This past summer, the unemployment rate for teenagers in California reached an astonishing 35 percent, which is well above the high rate for all Californians. For many teens, summer is a time to find their first jobs and learn their first lessons about making and managing money. Those experiences, however, are becoming less common as high school students find it harder to obtain summer employment. As study after study has shown, high rates of unemployment and stagnant wages have been linked with higher crime rates. Alleviating youth unemployment, therefore, isn't just about giving kids something to do over the summer, it's about giving them skills they can use the rest of their lives.

That is why I have introduced the "Port Opportunity, Reinvestment and Training (PORT) Act." This legislation authorizes the creation of a grant program at ports throughout the country to hire eligible high school students over the summer. This is a win-win for the American economy. Our nation's ports have long been engines of economic growth, and so there is no better place for students to learn the skills they need to compete in today's workforce.

These grants are an investment in the communities that need them most. Not only will these grants put money in the pockets of high school students facing unprecedented levels of unemployment, but they will rejuvenate regions that have been devastated by the financial crisis

I urge my colleagues to support this crucial investment in our students, our communities, and our economy.

# HONORING ANDREW WILSON

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Mrs. BLACKBURN. Mr. Speaker, we owe much of our freedom to those who offer their life's work in service to the tenets of this mighty country. With unequalled resolve, the men and women of the United States Armed Forces protect freedom at home while bringing the light of freedom into the world's darkest places.

On October 19, 2011, one of our brave defenders of the contract of democracy was in-

jured when an Improvised Explosive Device exploded while he was on patrol in Afghanistan. He celebrated his 24th birthday at Walter Reed Medical Center awaiting his second prosthetic leg. After 11 surgeries, Wilson remains determined as his toil is for a higher purpose. He will stand and greet his fellow heroes as they return from the Global War on Terror in April.

With boldness, the brave men and women serving in our Armed Forces respond to recognizable evil with the might of America's military, and today freedom continues to march onward. There is a debt of gratitude to Specialist Wilson that no words can repay. I ask my colleagues to join with me in honoring Specialist Andrew Wilson as he refuses to accept defeat and lives brightly the Warrior Ethos. I rise to honor his sacrifice and join him in prayer for those in battle who have not yet made it home.

#### HONORING LEON HELMS

## HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES Friday, January 27, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to honor and recognize the life and work of one of my constituents, Mr. Leon Helms, who will retire at the end of this month.

Leon received his B.A. degree from Henderson State University. From 1954 to 1956, he served as a First Lieutenant in the U.S. Army at installations at Nuremburg and Munich in Germany, and Fort Benning, Georgia.

Since that time, Leon has enjoyed a distinguished banking career, spanning 55 years. Leon, a graduate of the National Trust School and the Louisiana State University School of Banking of the South, began his career in the area of personal trust at Commercial National Bank. After this, he spent a number of years at First Commercial Bank where he was manager of the bank and the personal trust administration department.

For the past 11 years, Leon has served as a senior advisor at Delta Trust. His service there has proved instrumental to the growth and success of the trust department.

Leon is also a distinguished member of Arkansas's legal profession. He received his J.D. from the School of Law at University of Arkansas at Little Rock, and he is a member of the Arkansas State Bar Association as well as the Pulaski County Bar Association. He was the 2005–2006 President of the Pulaski County Bar Association.

Leon's dedication to his community is demonstrated through his volunteer activity with a number of organizations. He also serves on the boards for the American Lung Association of Arkansas, the Arkansas Lighthouse for the Blind, and the Central Arkansas Estate Coun-

cil. He also serves on the advisory board of the Jones Eye Institute.

Leon and his wife, Ardith, reside in Little Rock, Arkansas, which is in my Congressional district. It is here that they will enjoy Leon's retirement.

It is an honor to represent Leon, and I congratulate him on his long and distinguished career, on his retirement, and for his dedication to his community and his nation.

# TRIBUTE TO DONALD MALCOLM WILSON

# HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Friday, January 27, 2012

Mr. HOLT. Mr. Speaker, I rise to mark the passing of Donald Malcolm Wilson who spent a lifetime in communications during some of the most historic occasions of the twentieth century. Until his death on November 29, 2011, he was the last surviving member of the Executive Committee of the National Security Council (EXCOMM), the ad hoc group formed by President John F. Kennedy, which informed U.S. policy during the most dangerous days of the Cold War—the Cuban Missile Crisis of October 1962. At the time, Don was deputy director of the U.S. Information Agency, second only to the legendary Edward R. Murrow, who was the director.

Because Mr. Murrow was ill at the time, Mr. Wilson states in his book, The First 78 Years, he was asked to join EXCOMM, whose other 17 members included Vice President Lyndon Johnson, Secretary of Defense Robert McNamara, Secretary of State Dean Rusk, Under Secretary of State George Ball, and Gen. Maxwell Taylor, Chairman of the Joint Chiefs of Staff. Then 37 years of age, Mr. Wilson was one of the youngest people in the room. It was his job to get the American side of the story out to the world.

The Crisis grew from the U.S. discovery that the Soviets had secretly built missile bases in Cuba. Evidence for the bases was collected photographically by reconnaissance flights, which some members of the administration did not want to release because they would reveal the scope of U.S. secret aerial activity. However, Mr. Wilson argued persuasively that release of the photos would convince skeptical allies that the bases actually existed. The photos were released as Soviet ships headed toward Cuba to deliver ballistic missiles to the formerly secret locations.

EXCÓMM members were divided on two options: an invasion of Cuba or a U.S. Navy blockade of the island to prevent the Soviets from delivering the weapons. President Kennedy decided on the blockade. On Thursday, October 24, 1962, described by Robert Kennedy as the day in his life that was, "The most

trying, the most difficult, and the most filled with tension," Soviet-bloc ships approached the U.S. Navy ships surrounding the island. Much to the relief of the nation and the world, on orders from Premier Nikita Khrushchev, Soviet ships reversed course and the danger of what would surely have been a nuclear war was averted

Dean Rusk famously remarked of that incident that, "We're eyeball to eyeball, and I think the other fellow just blinked."

On the day President Kennedy was shot, Mr. Wilson was again at the helm of the USIA, working to reassure the nation's people that the democratic process would continue as described in the Constitution of the United States and that their lives and safety would not be altered by the assassination.

Proud of the fact that the USIA had become an integral part of U.S. foreign policy during his tenure, Mr. Wilson left the agency in 1965 to return to his first employer, Time Inc., where he became general manager of Time-Life International.

He took a leave of absence in 1968 to work on Robert Kennedy's presidential campaign and was 50 feet behind Kennedy when he was shot. At that point, Mr. Wilson wrote, he decided not to be involved again in government service. Speaking for himself and his wife Susan Wilson, he stated, "Two assassinations, which had broken our hearts, were enough." Nonetheless in 2000, at the age of 74, he made a brief return to the political arena during the primaries to support Bill Bradley's campaign for the presidential nomination.

In 1970, Mr. Wilson was named Vice President for Public Affairs at Time Inc., a position he filled for the next 19 years, where he initiated internal and external communications programs, including the school program, "Time to Read," matching contributions for employees who donated to charity, and the development of a new and modern Time Inc. logo. News tours took him to Southeast Asia, the Middle East. and Europe.

He was at the helm in 1984 when Israeli General Ariel Sharon sued Time magazine for libel. Although Time won the case, it lost the public relations war, Mr. Wilson states in his autobiography. In retrospect, Mr. Wilson believed that the case should have been settled before it went to court. Another explosive story in 1971 was a test of Mr. Wilson's skill in public relations. An authorized biography of reclusive billionaire Howard Hughes was scheduled to be excerpted in Life. Before being exposed as a fraud by Hughes himself, the author Clifford Irving provided material he said was handwritten by Howard Hughes that experts deemed authentic. The story unraveled before the excerpts were published.

Don Wilson was born in Montclair, New Jersey, on June 27, 1925. Republican Calvin Coolidge was president and the George Washington and Golden Gate Bridges had not yet been built. Mr. Wilson's interest in politics began at an early age, and he was avid in his support for Franklin Roosevelt, despite the fact that his father was a Republican. He attended Montclair Academy, Deerfield Academy in Massachusetts. In 1943 he joined the U.S. Army Air Corps and was commissioned a second lieutenant as a B–17 navigator. Before

World War II ended, he flew six missions over Europe with the 303rd Bomb Group.

He then finished his education at Yale University, where he gravitated to journalism and wrote a column for the Yale Daily News. Upon graduation, Mr. Wilson was hired by Life magazine as an office boy and worked his way up through the ranks from researcher to reporter to foreign correspondent. He covered the Korean War and the French Indochina War before becoming Washington Bureau chief in charge of coverage of the U.S. government. In 1960 he joined the Kennedy presidential campaign and became deputy director of the USIA in 1962.

In 1957, he married Susan Neuberger, a researcher at Life magazine, who, he states in his autobiography, impressed him immediately with "her crisp questions and easy sense of humor." In 1978, she was appointed to the New Jersey State Board of Education and subsequently devoted 23 years to the Network for Family Life Education, now Answer, a non-profit organization that promotes education on sexuality. She and Don are the parents of three children, Dwight M. Wilson, Katherine L. Wilson and Penelope Wilson.

In the 1960s Don and Susie Wilson moved to Princeton, and when Mr. Wilson retired from Time Inc., he and George Tabor, formerly Time magazine's business editor, launched NJBIZ, a business paper covering the state of New Jersey. He co-founded the nonprofit Independent Journalism Foundation in 1991 with James Greenfield, a former New York Times editorial board member. Following the collapse of communism in the Soviet Union, the IJF sponsored training programs for journalists in Eastern Europe and Southeast Asia. He was a member of the Century Association and the Council on Foreign Relations in New York City.

Don Wilson died at peace in the arms of his beloved wife, Susie, shortly after a Thanksgiving celebration filled with tributes from his children and grandchildren.

His interest in politics continues to live on in the Donald M. Wilson Fellowship at the Robert F. Kennedy Center for Justice & Human Rights. His legacy as an imaginative and innovative communicator continues on.

HONORING DR. MILTON RICHARDS

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor former California State University Stanislaus Director of Athletics, Dr. Milton Richards, who in November 2011, after 12 years as the Director of Athletics at the California State University Stanislaus, announced he was leaving to take a position as Athletic Director at Simon Fraser University in British Columbia.

He intends to lead Simon Fraser University on their journey to becoming a full-fledged member of the National Collegiate Athletics Association (NCAA). He is guided by the belief that intercollegiate athletics is an integral part of the overall mission of the university, and that a successful intercollegiate athletics and recreation program for men and women contributes substantially to campus life and community interaction.

While at CSU Stanislaus, Dr. Richards and his staff took Warrior Athletics to new heights among the Nation's NCAA DII elite intercollegiate athletics programs. During his time at CSU Stanislaus, student-athletes graduated at a rate higher than the general student body while maintaining a stellar 3.0 class room grade point average as a group. Other accomplishments by Dr. Richards, his coaches, student-athletes, and friends of the program during Richard's tenure at CSU Stanislaus include:

More than 355 student-athletes were named to all-conference, all-region, and All-American honors, as well as receiving accolades as all academic student-athletes at various levels.

24 Warrior Athletics teams participated in NCAA postseason play.

More than \$6 million dollars was secured in private funds for the Intercollegiate Athletics program.

Three separate student fee referendums were passed by CSU Stanislaus students in support of the Athletics program, including the referendum for the recently completed \$16 million state-of-the-art Student Recreation Complex, and two additional referendums to support Warrior Athletics.

Prior to joining CSU Stanislaus, Dr. Richards served as Director of Athletics at the State University of New York at Albany. In this capacity, Dr. Richards provided the needed leadership to move the Albany Intercollegiate Athletics program from NCAA DIII classification to NCAA Division I status.

A native of Liverpool, New York, Dr. Richards worked in Division IA athletics for 11 years at Kansas State University and Temple University. As Director of Athletics at Kansas State, Dr. Richards was responsible for an athletics program which totaled 14 sports with an \$8.5 million budget. Under his leadership, the program reached new heights in athletic fundraising.

From 1982–1991, Dr. Richards enjoyed a nine-year association with Temple University, a Division IA institution in Philadelphia. He spent six of those years as Associate Athletics Director, a position that included the job of Chief Financial Officer. In that role, he managed all of the administrative and operational aspects for the Temple University Department of Intercollegiate Athletics. At Temple University, Dr. Richards also served as an adjunct faculty member for the Temple University College of Education teaching graduate and undergraduate courses in Education Administration.

Dr. Richards is completing a second five-year term as a member of the West Virginia University School of Physical Activity and Sports Sciences President's Visiting Committee. The Visiting Committee is an advisory board established to provide input to WVU President James Clements and College Dean Dana Brooks, on all matters related to the college. Dr. Richards is a member the West Virginia University Hall of Fame and earned three degrees from WVU, including an Ed.D (1983), a MS (1982), and a BS (1980). He has also authored several articles on issues related to intercollegiate athletics.

Dr. Richards is the father of two children—Milton Chase, a nursing student at West Virginia University, and Megan Brittany, a senior at WVU. He is married to former CSU Stanislaus Hall of Fame student-athlete Amy Bublak, who is a law enforcement officer with the Modesto Police Department.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to intercollegiate athletics by Dr. Milton Richards and hereby wish him continued success in his new journey.

THE BRIDGE TO JOBS ACT

## HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Ms. HAHN. Mr. Speaker, as every American knows already, we have a jobs crisis in this country. While unemployment has improved within the past year, at 8.5 percent it is still strangling our economy. Over 40 percent of jobless Americans—who lost their jobs through no fault of their own—have been out of work for six months or longer, and the longer they wait, they harder it is for them to find jobs. The fact of the matter is that we will not see robust economic growth again until we put Americans back to work.

We also have an infrastructure crisis. According to Transportation for America, there are 69,223 bridges that have been classified as "structurally deficient" by the Federal Highway Administration. Leaving these bridges in their current state of disrepair poses a grave threat not only to our safety, but also to our economy. As the President noted just a few months ago, "Our aging transportation infrastructure costs American businesses and families about \$130 billion a year . . . And if we don't act now, it could cost America hundreds of billions of dollars and hundreds of thousands of jobs by the end of the decade." Additionally, studies have shown that our crumbling infrastructure threatens our competitive edge in the world economy. As the Washington Post reported this past summer, if nothing is done to improve our infrastructure, "U.S. businesses would pay an added \$430 billion in transportation costs, household incomes would fall by more than \$7,000, and U.S. exports will fall by \$28 billion." Mr. Speaker, we can't afford to wait until the end of the decade; we need action now.

Alleviating both of these crises is not a mutually exclusive endeavor. That's why I've introduced the "Bridge to Jobs Act," a muchneeded "win-win" for the American economy and public safety. The act provides states with grants to put Americans back to work by repairing crumbling bridges. Not only will this legislation put Americans back to work and bolster our ailing economy, it will also ensure the safety of the millions who use these bridges each and every day. I urge my colleagues to support this crucial investment in our workforce, our economy, and our safety.

HONORING CHIEF RICKY WATSON

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES Friday, January 27, 2012

Mrs. BLACKBURN. Mr. Speaker, there are sacred obligations all citizens have to their community: to participate, to serve, and to leave their home a more prosperous place than they found it. From time to time, it is my distinct privilege to acknowledge outstanding citizens who have made it their life's work to fulfill their sacred obligations. I rise today to honor Chief Ricky Watson as he retires from 25 years of service to the Brentwood community, the Memphis community, and the greater Tennessee family.

Chief Watson began his career in public service by joining the Memphis Police Department in 1978 where he worked in various precincts as well as in the Criminal Investigations Division. A veteran of the United States Air Force, it was no surprise that Chief Watson would join the Tennessee National Guard and earn the rank of 1st Lieutenant. Coming to Brentwood in 1986, he served as Captain of Administrative Services and Captain of Police Services until 2000 when he was appointed as Chief of Police.

A storied legacy of service, Chief Watson embodies at that we in this chamber hold sacred. A member of the International Association of Chiefs of Police, American Legion, and Leadership Brentwood, Chief Watson has spent his career giving to the noble ideals of freedom, service, and sacrifice. I thank him for his service and his example, and ask my colleagues to join me in honoring Ricky Watson for his lasting devotion to a higher calling.

A TRIBUTE TO HENRY S. TRYSLA

### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES Friday, January 27, 2012

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor an icon of the Eastern Nebraska business community, Henry Trysla. I was saddened to learn this week he had passed away at the age of 82. Henry's life was linked with Nebraska newspapers for more than 50 years. Beginning as a young reporter and columnist at the South Sioux City Star, he rose through the ranks to become the paper's editor and then a contributing writer after his retirement.

Henry served as president of the Nebraska Press Association which bestowed on him its highest honor, Master Editor-Publisher. A Nebraska Press Association Hall of Fame inductee, Henry led the South Sioux City Star to nine community service awards.

Henry's accomplishments did not stop with his professional life. He was also a devoted family man and community leader. He and Margaret, his wife of 52 years, raised five children and have twelve grandchildren. Henry was active in the South Sioux City community, holding a variety of offices in service organizations and receiving numerous awards, includ-

ing the Optimist Club Service to Youth Award. He was also a founding member of the board of directors of Dakota County State Bank, and he was instrumental in creating a park along the Missouri River.

Henry lived life to its fullest and is an example to us all. He leaves behind a loving family, a grateful community, and a lasting journalistic legacy. Henry was a very special Nebraskan who will be truly missed. May his memory be a blessing.

TRIBUTE TO CONGRESSMAN EDWARD J. DERWINSKI

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Mr. JORDAN. Mr. Speaker, I am honored today to recognize the accomplishments of former Congressman Edward J. Derwinski, who passed away on Sunday, January 15, 2012, after a long and distinguished career of service to our country.

Ed Derwinski led a fascinating and extraordinary life. An Army veteran, he served in the Pacific during World War II and the postwar occupation. He returned home following his Army service to earn a degree at Loyola University in 1951. After a single term in the Illinois House of Representatives, he was elected to Congress, where he represented Illinois's Fourth District for 24 years.

The congressman's fearlessness was a hall-mark of his career, as was most clearly evident in his policy toward the USSR. He was of Polish descent and sympathized strongly with Poland's plight under Soviet rule. To this end, President Reagan appointed him to the State Department, ultimately tapping him as Under Secretary for Security Assistance in 1987. The capstone of his long career of public service was his appointment as the first Cabinet-level Secretary of Veterans Affairs.

As Chairman of the Republican Study Committee, I am proud to note that Ed Derwinski was one of our founding members. Heritage Foundation President Ed Feulner has written that Congressman Derwinski was "the only senior member who was willing to have the group meet in his office in those early days," as other members "did not want to be viewed as party mavericks by the Republican leadership in the House." I am grateful for the solid foundation he and his colleagues built nearly four decades ago.

Mr. Speaker, Ed Derwinski is now fittingly buried in Arlington National Cemetery. On behalf of the Republican Study Committee, I offer his family my condolences as we all continue to celebrate the life of such a tireless defender of freedom both at home and abroad.

RECOGNIZING REP. GABRIELLE GIFFORDS

#### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Mr. BACA. Mr. Speaker, it is with a thankful heart that I rise to recognize a dedicated public servant and truly exceptional Member of Congress—Rep. Gabrielle Giffords.

In her time as a Member of Congress, and before that—as a Member of the Arizona State Legislature, Gabby has been a shining example of what a public servant can be.

From supporting our veterans, to working to bring greater fiscal stability and championing home-grown energy—her accomplishments have been many.

But perhaps even more amazing is what Gabby has shown all of us about perseverance and the strength of the human spirit.

We all remember the horrible attack that took place on January 8, 2011, and the impact it had on every single one of our communities and families.

We also remember the bravery of the heroes and first responders, who saved lives on that day.

Gabby's courage, strength, and resilience remind all of us that the human ties of family, and friendship that connect us are much more important than the ideological and political differences that can divide us.

As we recognize Gabby, let's also take a moment to remember the individuals who lost their lives in this heinous event that occurred in Tucson last January.

In particular, I hope we can all keep a special place in our thoughts and prayers for Christina Taylor Green and her family.

Christina was a nine year old child, who had been recently elected to the student council at Mesa Verde Elementary School.

She was beginning to show an interest in civics, and went to the Congress on Your Corner event that day in order to get a chance to meet her Congresswoman.

Christina had great hopes and aspirations for her future. Sadly, all of that was taken away from her in the blink of an eye.

Let us stand together to honor the lives Christina and everyone else who lost their lives in this terrible tragedy.

We offer our heartfelt condolences to the families, friends, and loved ones they leave behind.

Again—I want to thank Rep. Giffords for her outstanding service to her constituents in Arizona, and to the nation as a whole.

The best wishes and prayers of Barbara and I go out to Gabby, her husband Mark, and her family and friends, on continued happiness and a complete recovery.

REMARKS REGARDING STATE-MENT BY RYAN C. CROCKER, THE U.S. AMBASSADOR TO AF-GHANISTAN

#### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, January 27, 2012

Mr. ROHRABACHER. Mr. Speaker, the January 24 statement by Ryan C. Crocker, the U.S. ambassador to Afghanistan, contained two claims that were not worthy of a diplomat of his wide experience.

First, he misstated the rationale for why the United States has spent over 10 years, 1,800 lives, and half a trillion dollars in Afghanistan, claiming, "the United States is committed to supporting the efforts of the central government, to build a strong, secure, democratic, and unified Afghanistan. We have no other aim or goal." As much as we may care about the Afghan people, the defense of America is the only legitimate reason for the deployment of such a large combat force.

We went to Afghanistan in 2001 to avenge the slaughter of 3,000 Americans that was planned by terrorists hiding in that country. We did not go to Afghanistan to indulge in a nation-building social program. What we have done in Afghanistan must be justified on the grounds of whether it has made America more secure. Crocker seems to be moving away from that objective; perhaps because the current policy is failing to meet the security needs of our country. Yet, the current policy he does defend is failing to provide stable, honest government in Afghanistan.

Crocker claims in his second misstep, "Rumors that the United States has a plan to divide Afghanistan or change its form of government are, frankly speaking, lies that dishonor the sacrifice of more than 1,800 American service members who have died in the cause of a unified Afghanistan, governed by its Constitution." While it is true that the U.S. has no plan, certainly a discussion on how to change the current corrupt and incompetent system in Kabul has been going on for a long time.

Questions like whether governors and mayors should be elected or appointed and what constitutes a sustainable Federal system are for the Afghans to decide by democratic methods which depend on free debate.

Ambassador Crocker seems to want to stifle the debate on how to reform and improve the Afghan structure so as to leave behind a more sustainable and legitimate government in Kabul when the U.S. and its allies withdraw in 2014. It is not a "lie" that such a debate is in progress, nor is the debate a "dishonor" to those who have died fighting enemies of the United States.

Indeed, it would be a dereliction of duty not to look for alternatives to the present failed policy. Many Afghans feel that the current governmental structure will not survive beyond 2014 because it has not created a system that is rooted in the people. It's over centralized form, remote from tribal and village society, does not command the allegiance of those who will have to fight to protect Afghanistan after 2014.

Crocker's attempt to insult and discredit those who engage in an honest dialogue is not what one would expect from a professional diplomat and trouble-shooter with his reputation. Though he has had a long and distinguished career in the State Department, he has never held elected office nor served in the Legislative branch. He, thus, does not fully appreciate the role and authority of Members of Congress to engage in spirited debate and oversee how U.S. policy is conducted in foreign lands.

I ask that the full text of Ambassador Crocker's statement be printed in the RECORD at this point.

Embassy of the United States, Kabul, Afghanistan, January 24, 2012.

STATEMENT BY AMBASSADOR CROCKER FROM REMARKS DELIVERED AT THE AFGHAN GOV-ERNMENT MEDIA INFORMATION CENTER

A free and independent media plays a vital role in any democracy by keeping the public well informed of key issues, as do government spokespersons who provide accurate information to those who report the news.

Afghanistan's media and the government spokespersons who interact with it—but do not control it—are important elements in our close bilateral relationship.

And it is a close, multi-dimensional relationship that is vitally important to both our countries. That is why we are negotiating a long-term Strategic Partnership that will affirm our mutual commitment far into the future. Afghanistan will not be left alone.

Simply put, the United States is committed to supporting the efforts of the central government, to build a strong, secure, democratic, and unified Afghanistan. We have no other aim or goal.

Rumors that the United States has a plan to divide Afghanistan or change its form of government are, frankly speaking, lies that dishonor the sacrifice of more than 1,800 American servicemembers who have died in the cause of a unified Afghanistan, governed by its Constitution.

It is for the same cause that American taxpayers have provided billions of dollars over the past decade, supporting the government and people of Afghanistan in rebuilding this country, supplying electricity, improving health, and giving access to education, as well as our support for the Afghan Government Media Information Center. We will continue this important work with our Afghan partners through our long-term strategic partnership.

Let me also address another false and absurd rumor: that the United States is seeking a secret deal with the Taliban at the expense of the Afghan government and people.

As you know, Ambassador Grossman was just in Kabul. During his visit, we engaged in a comprehensive discussion on the way forward with President Karzai, his senior advisors, and with the leadership of the High Peace Council.

Afghanistan and the United States both support a peace process for Afghanistan. But only Afghans can decide the future of Afghanistan.

President Karzai, in his speech to Parliament, spoke in support of opening an office in Qatar for the Afghan Taliban. For a peace process to succeed, Afghans must talk to Afghans. The President also spoke of Afghan government contacts with representatives of Hizb-i Islami. This is another example of an Afghan-led process that we are pleased to support.

As Secretary Clinton said after she met the Qatari Foreign Minister earlier this month, nothing has been concluded on the opening of an office, and more work needs to be done

As Ambassador Grossman said, that work includes first, direct contact between Qatar and Afghanistan on the subject of the opening of any office.

Secondly, for an office to open, we also need to have a clear statement by the Afghan Taliban against international terrorism and in support of a peace process to end the armed conflict in Afghanistan.

And for reconciliation to take place, we are in full agreement with the Government of Afghanistan that three conditions must be met by the Taliban and other armed insurgents: a complete break with al-Qaida; an end to violence; and respect for the Afghan constitution, including its protections for women and minorities.

# SBA LOAN PAPERWORK REDUCTION

### HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 2012

Ms. HAHN. Mr. Speaker, during my short time in Congress, I've met with over 50 small businesses in my district to listen to their concerns. Over and over they tell me that their

biggest obstacle in working with the Small Business Administration is the arduous amounts of paperwork needed to access SBA loans. If we are going to get our economy back on track, we need to make sure our small business owners and entrepreneurs have access to capital.

That is why I am introducing the SBA Loan Paperwork Reduction Act, which will make permanent the SBA's pilot Small Loan Advantage Program which features streamlined paperwork, with a two-page application for borrowers and a faster approval time. Small business owners are having a hard enough time in this economy without having to spend their valuable time and resources wading through a mountain of paperwork.

By passing this bill, we will ensure that our entrepreneurs are given the chance to succeed and our small business owners can access the capital they need to grow and hire more workers.

#### HONORING ROBERT MECHLING

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES Friday, January 27, 2012

Mrs. BLACKBURN. Mr. Speaker, throughout our history, at times appointed, this country

has come face-to-face with evil. It's gone by different names, but it is always recognizable by its desire to blot out the light of freedom. Time and time again, America has seen her sons and daughters respond to that threat with the might, devotion, and strength of military service. We've seen the freedom defended within our boundaries, but more than this, we've come to be known the world-over as defenders of freedom's cause at home and abroad.

One such son, Robert Mechling, took to the call of freedom and served as captain in the 8th Army Air Force in World War II. His dedication to the mission at hand and the promise of liberty for those bound by tyranny's grasp has earned him deserved admiration and distinction. For his heroic deeds which were decisive in the liberation of France, especially his participation in the Normandy landings, Mechling will receive the National Order of the Legion of Honor.

I rise today to honor Robert Mechling as he receives the highest honor given by the President of the Republic of France and thank him for his courage. I ask my colleagues to join me in thanking Mechling and all who served in WWII for their constant vigilance against the foe.

# SENATE—Monday, January 30, 2012

called to order by the Honorable CHRIS-TOPHER A. COONS, a Senator from the State of Delaware.

#### PRAYER

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

Let us pray.

Eternal Lord God, from whom we come and to whom we belong and in whose service is our peace, may Your kingdom come. Use our lawmakers to do your will on Earth as it is done in Heaven. Create in them courageous hearts that will beat undaunted by fear, unconquered by adversity, and unstained by sin. Give them the wisdom to put themselves in others' places before judging them. Strengthen them to lift downcast, stricken lives.

We pray in Your holy Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable Christopher A. Coons led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

> U.S. SENATE PRESIDENT PRO TEMPORE, Washington, DC, January 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Christopher A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE, President pro tempore.

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

#### RECOGNITION OF THE MAJORITY LEADER

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

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 4:30 p.m. this afternoon. Senators will be

The Senate met at 2 p.m. and was allowed to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the STOCK Act. At 5:30 p.m. there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to the STOCK Act.

### BIPARTISAN COOPERATION

Mr. REID. Mr. President, Americans believe Congress is broken, and it is no mystery why. Political divisions in this Chamber are so great they often prevent the Senate from performing even its most fundamental difficulties. Divisions are so great they prevented this body from confirming Presidential nominees, which is a constitutional obligation we have. These days, it is no longer enough to be a qualified nominee. It is no longer enough to have bipartisan support. And in the case of judicial nominees, it is no longer enough to be reported unanimously out of the committee.

Last year, my Republican colleagues blocked or delayed scores-scores of outstanding nominees. Why? Because they want to defeat President Obama. They said so. That was their No. 1 goal. And it is he who made these nominations. So that is the No. 1 goal, to go after him any way they can. At the end of last year, Republicans refused to allow votes on 16 judicial nominees who were reported out of the committee unanimously-Democrats and Republicans.

Unfortunately, this year may bring more of the same. Already this yearthe last few weeks—some Republicans have come to the floor and threatened to drag out the confirmation process for every nominee for the rest of the year. This Republican obstructionism is supposedly retribution for President Obama's recess appointment of Richard Cordray. No one questions his qualifications—no one. He was called upon by the President to head the Consumer Financial Protection Bureau. If we have a qualified leader at the helm, this Bureau will be able to effectively protest things that are wrong and protect middle-class families from the greed and excess of big Wall Street banks. It will not impact smaller financial service firms that help Americans who do not want to use banks, and it will not impact the banks or nonbanks that deal fairly with consumers, but it deal severely with foreign nonbanks that are ripping off customers. This Bureau will serve as a watchdog against the kinds of abuses that nearly collapsed our financial system in 2008.

President Obama is right to recessappoint Mr. Cordray. It is protected in the Constitution. That is a constitutional obligation and benefit President Obama has—or any President has. It is in the Constitution. President Bush had the same right to make recess appointments even though Democrats kept the Senate in pro forma session. Bush did not exercise that right or challenge the pro forma sessions in court because Democrats worked with him to confirm hundreds of his nominees. Unfortunately, Republicans have refused to work with President Obama as we did with President Bush. Instead, they are threatening political payback and more delays.

This brand of obstructionism is the reason Americans are disillusioned with Congress. They believe Congress cannot get anything done. It will take cooperation between Democrats and Republicans to turn that perception around. So we should show the American people that, with cooperation—we know it works, cooperation between the two parties—this body can accomplish great things.

#### STOCK ACT

Mr. REID. Mr. President, as to the STOCK Act, I am glad to see that spirit of cooperation is alive as we move forward. At least I hope so. It is bipartisan legislation. Members of Congress and their staff have a duty to the American people. They may not use privileged information they get on the job to personally profit. But the perception remains that a few Members of Congress are using their positions as public servants to serve themselves in-

Insider trading laws were created to level the playing field and stop Wall Street excesses. And Members of Congress are not above the law. We must play by the same rules by which every other American plays. The STOCK Act will clear up any perception that it is acceptable for Members of Congress to profit from insider training. It will end any confusion over whether Members of Congress can be prosecuted for their serious crime. They can be.

I am really disappointed that I had to file cloture to stop a Republican filibuster on this worthy legislation, but I did. Rather than let us move to this. we had to file cloture to stop this filibuster. So when we get on this billand we will get on this bill-we are going to have an open amendment process. It is my wish that Republicans will not abuse the comity that should be here in the Senate, and I hope these

amendments that are offered will not be nongermane, nonrelevant. I hope we can legislate on issues that are in the context of this legislation. I repeat, it is sure too bad we had to file cloture.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### REELECTION CAMPAIGN

Mr. KYL. Mr. President, President Obama is campaigning for reelection on a "soak the rich" kind of platform. He argues that income inequality and economic fairness are the defining issues of our time. In his narrative, the more prosperous and fair society requires more balance or redistribution.

Unfortunately, for the President, polls suggest Americans aren't lining up behind this politics of resentment. For example, a Gallup poll reports that just 2 percent of Americans rank the divide between rich and poor as the most pressing economic issue facing our country, that Americans are now less likely to view U.S. society as divided between the haves and have-nots than in 2008, and that only 46 percent believe reducing the wealth gap is extremely or very important; whereas, 82 percent say that about accelerating economic growth.

Despite the class-warfare rhetoric they hear on a daily basis, most Americans instinctively understand that adopting progrowth policies to boost mobility is wiser than adopting antigrowth policies to curb inequality. They realize if Washington increases tax rates, for example, and the size of government to achieve greater economic balance, the result will be less job creation and less opportunity for everyone.

Americans don't want the Federal Government to penalize success. They want the Federal Government to make it easier for them to succeed on their own. As American Enterprise Institute President Arthur Brooks wrote in his book, "The Battle," earned success is the key to true human happiness and flourishing. Here is how he put it:

If we know we have the possibility of earning success, we know we can improve our lives and our lot.

Most Americans, he notes, support principles that aim to "stimulate true prosperity, not treat poverty."

If we are looking to expand opportunities for earned success and prosperity, the best place to start is with a sweeping overhaul of our very inefficient Tax Code. Progrowth tax reforms would make the system fairer and simpler. Right now, it functions as a mechanism to deliver wealth to favored constituencies rather than a means to pay for government. In fact, syndicated columnist George Will recently noted the Tax Code has been tweaked 4,500 times in the last 10 years. Most of these tweaks, he wrote, have benefited "interests sufficiently strong and sophisticated to practice rent-seeking." In other words, to get special benefits for themselves.

A fairer and more growth-oriented Tax Code would feature permanently lower rates—rates that would flatter but still be progressive. Such a Tax Code would benefit small business owners and entrepreneurs, who are America's biggest job creators. Many small businesses currently have the cash to invest, to innovate, to expand, and to create jobs, but they are sitting on the cash because of the threat of higher taxes.

Cutting the corporate tax rate would also fuel stronger growth and greater mobility. The statutory U.S. rate is now the second highest among advanced economies, and it has damaged American competitiveness while holding down wages. Indeed, the most recent Global Competitiveness Index from the World Economic Forum ranked the United States now fifth, behind Finland, Sweden, Singapore, and Switzerland. In 2008, America had the top ranking.

Coca-Cola's CEO Muhtar Kent recently underscored this development when he said China now has a more business-friendly environment than America. Kent cited tax policy as a particularly large hindrance. His experience may be different from a lot of others, but even for a major CEO to talk in these terms suggests we have more to do at home.

Beyond tax reform, policymakers must also stop shackling entrepreneurs with more and more regulations. The explosion of new highly complex rules over the last 3 years has spawned a new class of bureaucrats entrusted with decoding and enforcing thousands of regulations that will affect American businesses.

My Republican Senate colleague SUSAN COLLINS of Maine has introduced a bill I have cosponsored that would impose a temporary moratorium on new regulations that adversely affect jobs and the economy. It would also help if we could repeal the Obama administration's two signature laws, the Affordable Care Act and the Dodd-Frank Act, both of which have dramatically increased regulatory uncertainty and created new economic distortions.

Obviously, Republicans are not against all regulations, and we support a strong social safety net. But we are against economically damaging regulations that fail a simple cost-benefit test. Both the ACA and Dodd-Frank would fail such a test, as would the 2002 Sarbanes-Oxley law. In late 2008 and early 2009, the Securities and Exchange Commission surveyed publicly traded firms affected by section 404 of Sarbanes-Oxley and it found that "a majority felt that the costs of compliance outweighed the benefits. This was especially true among smaller companies."

While President Obama pays lipservice to economic growth on the campaign trail, many of his policies have undermined that goal. It is hard to create jobs at the bottom when you are obsessed with attacking people at the top.

The case for growth and success-oriented policies is not just practical, it is moral. The biggest economic favor policymakers can do for Americans is to support policies that make more opportunity, mobility, and the possibility of earned success.

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

### HONORING OUR ARMED FORCES

STAFF SERGEANT PERNELL HERRERA

Mr. UDALL of New Mexico. Mr. President, I rise today as we enter a new year to honor a brave young soldier who, sadly, did not see this new year. Army SSG Pernell Herrera died December 31, 2011, while serving in Afghanistan. He was 33 years old.

At times like this, words of elected officials seem so inadequate. Words will not ease the profound loss of Staff Sergeant Herrera's family. Words will not fully express our gratitude for Staff Sergeant Herrera's service to our Nation. But the death of a young soldier like Staff Sergeant Herrera demands our attention. It demands our respect, and it demands that we remember

Pernell Herrera just wanted to serve his country. He enlisted in the New Mexico National Guard in 2006. He was assigned to C Company, 1st Battalion, 171st Aviation Regiment, and he served honorably over the last 5½ years. His journey ended in the course of that service. We are forever in his debt.

When we talk about our fallen soldiers, we honor their sacrifices and we also honor their lives. Pernell Herrera

Espanola and graduated from Espanola High School. He leaves behind a son Julian and a daughter Alicia.

Pernell wrote about himself on his Facebook page the following description:

I am a very easygoing dad of one son, and one daughter. They are the biggest joys of my life. I enjoy spending my free time with my mom, and brother, family and friends. I'm currently in Afghanistan with the United States Army. I have served in the military for 5 years.

In the decade that our military has been fighting in Afghanistan, thousands of our fellow citizens have volunteered in service to our country. They have put their own safety at risk to protect the safety of others—in defense of the ideals we hold so dear. Some of these brave warriors, such as Staff Sergeant Herrera, tragically, do not come home.

To Staff Sergeant Herrera's family, I offer my deepest sympathies. We mourn your loss while we also honor his dedication to our country, and we are thankful for his service.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HOEVEN. I thank the Chair.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 2041 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The legislative clerk proceeded to call the roll.

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

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

## THE STOCK ACT

Mr. LEVIN. Mr. President, the lifeblood of our democratic government is the contract between the people and their elected representatives—a contract that must be based on trust that elected officials will act for the good of our Nation and in the interests of their constituents and not for personal gain. To ensure that we maintain that trust, our Nation has laws and our Congress has rules that establish clearly the responsibilities of government officials. Members of Congress, and their staffs

was born in Los Alamos. He grew up in and that provide for the enforcement of violations. The legislation that will be before us is, in a way, preventive maintenance to protect that trust. It is a tightening of our legal and ethical guidelines as part of what must be a constant effort to ensure that the interests of our Nation and our constituents come first. Our constituents must have confidence that Members of Congress and our staffs will not use our positions for our personal financial ben-

> There should be no doubt that regardless of our action on this legislation, the STOCK Act, it is a violation of the trust our constituents placed in us, a violation of the democratic process, a violation of the securities laws, and a violation of congressional ethics rules for Members of Congress or their employees to engage in insider trading—the use of information not available to the public to make investment decisions.

> Insider trading is and will remain prohibited for Members of this body to seek private profit through their public responsibilities, no matter the fate of this bill. But questions have been raised about insider trading by Members of Congress. The legislation before us today is designed to ensure that those questions are answered. It removes any doubt that insider trading by Members and employees of Congress is against the law and against congressional rules. It is important to remove that doubt because any appearance of a breach in trust between Congress and our constituents is so corrosive to honest, open, and effective government.

> Back in December, the Homeland Security and Governmental Affairs Committee held extensive discussions on the need to preserve that trust, including a very productive hearing on December 1. Later in December, the committee held a markup and approved the Stop Trading on Congressional Knowledge Act. or the STOCK Act. I commend Chairman Senator LIEBERMAN and our ranking member, Senator CoL-LINS, for their leadership and the many members of the committee, Democratic and Republican, who made contributions to that process.

> Two things became clear during our hearings and markup. First, there was consensus that we should remove any uncertainty about the prohibition on insider trading. The second thing that became clear was that there was a significant bipartisan desire to avoid any unintended consequences as we sought to remove any uncertainty. We reported out the legislation because of widespread agreement on our goals, but there remained concerns about the means, and it was understood that we would attempt to address those concerns before this bill came to the floor. So a number of us have worked in the weeks since to make sure our goals and our means are in concert. The revised

legislation, which will be before us, meets that objective. It should remove any uncertainty over the prohibition on insider trading, and it avoids unintended, harmful consequences that concerned some of us.

I will point to two provisions that I believe are important to achieving those goals. The first reassures the American people that there are no barriers to prosecuting Members and employees of Congress for insider trading. It does so through language establishing that Members and employees of Congress have a duty arising from "a relationship of trust and confidence" with the Congress, the government, and, most important, with the American people. Establishing such a duty removes any doubt as to whether insider trading prohibitions apply to Congress. It is also important that the bill language makes clear that in offering this new language, it does not in any way prevent enforcement of the anti-insider trading provisions contained in current law. Again, I am confident that, under current law, Members of Congress and our staffs are prohibited from insider trading. This bill will ensure that the current prohibition is unambiguous and thereby strengthened.

The second major provision of the legislation instructs the ethics committees of both Chambers to issue clear guidance to Members and staffs on the prohibition on profiting from inside information. This guidance will clarify that existing rules in both Chambers relative to gifts and conflicts of interest also prohibit the use of nonpublic information gained in the conduct of official duties for private profit.

Finally, one other provision I will briefly mention, which is unrelated to insider trading but nonetheless an important step forward in terms of gaining the confidence of our constituents. As one of the originators of the Lobbying Disclosure Act of 1995, I am well aware of the value of transparency in government. The bill before us improves congressional transparency by requiring that personal financial disclosure filings required of Members and certain staff are made available electronically to the public. I commend Senators Begich and Tester for offering a measure that improves that transparent governance.

Mr. President, it is important we pass this legislation, that we clarify and strengthen our rules and our laws and end any uncertainty about insider trading by Members of Congress. I hope we can promptly pass this legislation.

Again, I commend our chairman and ranking member and all the members of our committee for the work they have put into this bill.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT—MO-TION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2038, which the clerk will report.

The legislative clerk read as follows: Motion to proceed to the consideration of S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I want to begin debate, and I do so with gratitude that the distinguished ranking member Senator COLLINS is here, as well as Senator Brown of Massachusetts, whose original legislation, along with Senator GILLIBRAND, forms the basis of this proposal that comes out of our committee.

I want to go back to the beginning, to President Washington, whose Farewell Address seems to take on more relevance as time goes by, although it is obviously more than 200 years old now. Washington said in his Farewell Address that "virtue or morality is a necessary spring of popular government" and that we cannot "look with indifference" at anything that shakes that foundation or, continuing his metaphor, dries the spring.

I think we have to say in the long proud course of American history since then there have been very few times where the springs of trust in popular government have been more dry than they are in our time.

I am grateful my colleague Senator McCAIN is not on the Senate floor now because when we get to this subject, he usually says: When you look at the public opinion polls on Congress, the numbers of people who have a favorable impression of this body are so low we are down to close relatives and paid staff. Usually, when I am with him, I add: I'm not so sure about all the paid staff.

But, in any case, we have an opportunity with this piece of legislation to take a small step forward toward rebuilding public trust in Congress and to restoring those necessary springs of popular government—the trust of the people in us. This goes back just to last fall and early winter. A book appeared by an author named Peter Schweizer who was then interviewed on "60 Min-

utes." He made allegations that some Members of Congress and their staffs have used information gained on their jobs to enrich themselves with timely investments, particularly in the stock market. Those allegations, as Washington might have said, certainly dried the springs of trust that we should have with the American people, even more than they already are.

So today I am proud to rise to bring before the Senate the STOCK Act, which stands for Stop Trading on Congressional Knowledge Act of 2012. This piece of legislation puts into law language and reporting requirements that will make it clear to the American people we understand being a Member of Congress means we have a responsibility to the public, a public trust, and any Member of Congress or staff member here who violates that trust will be punished.

This bill was reported as an original bill out of the Committee on Homeland Security and Governmental Affairs on December 14 with a bipartisan vote of 7 to 2. In advancing this bill, as I have said, Senator Collins and I worked closely with Senators GILLIBRAND and Brown of Massachusetts, both of whom sponsored versions of the STOCK Act. Senator LEVIN, who has just spoken, worked closely with us on the substitute amendment that will be filed, and I thank them all for their contributions on this piece of legislation. I also thank the Senate majority leader, Senator Reid, for deciding this important piece of legislation would be one of the first items we take up in Congress this year.

The specific rules making insider trading illegal are found in a large body of Securities and Exchange Commission regulatory activities pursuant to section 10(b) of the Securities Exchange Act of 1934 and court decisions interpreting those activities. Our Committee on Homeland Security and Governmental Affairs held a hearing on this topic in December, and the Securities and Exchange Commission actually filed a statement with us for the record declaring its belief that currently there is authority in the law to investigate and prosecute congressional insider trading cases. The chief enforcement officer of the SEC said:

Trading by congressional members or their staffs is not exempt from the Federal securities laws, including the insider trading prohibitions.

But other witnesses at that hearing, including Georgetown University Law Professor Donald Langevoort and Columbia Law School Professor John Coffee told us that while the SEC might be technically right, in their opinion there was ambiguity in the law and they couldn't be sure how a court would rule if there was a challenge to the SEC's authority to bring an insider trading case against a Member of Congress or a staff member.

That is because, as the professors explained, a person may be found to have violated insider trading laws only if he or she breaks a fiduciary duty, a duty of trust and confidence owed to somebody—typically to the shareholders of a company or to the source of the nonpublic information. They argued it is possible a judge might decide that Members of Congress do not have a fiduciary duty—in the way in which it has normally been interpreted—to anyone with respect to the nonpublic information that we receive while carrying out our duties.

Now, I must say that I find it hard to see it that way. It seems to me self-evident that a public office is a public trust and that Members of Congress have a duty to the institution of Congress, of course to the government as a whole, and ultimately, most importantly, to the American people not to use information gained during their time in Congress—and unavailable to the public-to make investments for personal benefit. But the fact is there are some very experienced and intelligent legal experts who told our committee they couldn't certify a judge would see it exactly that way.

That is the first purpose of this act, the STOCK Act: to clarify the ambiguity of securities law by explicitly stating that Members of Congress and our staffs have a duty of trust to the institution of Congress, to the United States Government, and to the American people—a duty that Members of Congress violate if we trade on nonpublic information we gain by virtue of our public position.

The bill also requires the ethics committees of both Houses of Congress to issue guidance to clarify that Members and staff may not use nonpublic information derived from their positions in Congress to make a private profit.

Besides these changes—and this is different and important—our committee decided the STOCK Act should require Members of Congress and their staffs to file public reports on our purchases or sale of stocks, bonds, commodities, futures, or other financial transactions exceeding \$1,000 in value within 30 days of the transaction. Right now, as the Acting President of the Senate knows, these trades are reported once a year in our annual disclosure statements. This proposal would change that to within 30 days of the trade.

More timely reporting of this kind will allow not just the SEC but the public to assess whether there is anything suspicious or wrong about the timing of the trade and conduct in the Senate. That kind of real transparency will be an additional deterrent to unethical or illegal behavior.

The bill also contains another important provision offered in committee by Senators Jon Tester and Mark Begich that will require the financial disclosure forms filed by Members and staff

to be filed electronically and perhaps even more significantly, therefore, be available online for public review. The fact is, our reports are now available for public review. But people have to go to the Office of the Secretary of the Senate and ask for copies of them. There is no sensible reason to make someone physically come to the House or Senate to see a copy of one of our financial disclosure forms. They are public records and they ought to be easily available to the public online, and this proposal will make sure that happens.

Those are the three major provisions of the proposal, as I see it: to affirm a clear fiduciary duty under the insider trading law so it is clear Members of Congress and our staffs are covered by them; secondly, to require disclosure of trades in excess of \$1,000 within 30 days; and, third, that those trades and our annual financial report will be electronically filed and, therefore, be available online.

May I say, as we begin the second session of the 112th session of Congress, we begin with so much distrust of our Federal Government that I think passing the STOCK Act could have a positive effect on how we are being perceived, and particularly if, as I hope, we pass it on a bipartisan basis. The STOCK Act was passed out of our committee in exactly that way. I believe it has the support of Members and leaders of both parties in the House and Senate, and President Obama has promised to sign it as soon as it comes to his desk.

So let me end by quoting again from our first President, this time from his Inaugural Address, where he set the ideals for the new government that our country would have. He said:

The foundations of our national policy will be laid in the pure and immutable principles of private morality . . . and the preeminence of free government [will] be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world.

Enacting this proposal into law will say to our disappointed, our skeptical, our troubled constituents that we understand and accept Washington's wisdom.

I thank the Chair, and at this time I yield to my dear friend, the distinguished ranking member of our committee, Senator COLLINS.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join today the chairman of our committee, Senator Lieberman, and the sponsor of this bill, Senator Scott Brown, in urging our colleagues to begin consideration of what is known as the STOCK Act.

This legislation is based on a bill that was first introduced in the Senate by Senator Scott Brown and a similar one introduced by Senator GILLIBRAND. Put simply, the STOCK Act is intended

to ensure that Members of Congress do not profit from trading on insider information.

As a cosponsor of Senator Brown's bill, I wish to commend him for his leadership in this area. I also wish to recognize Chairman LIEBERMAN for moving this important bill forward in such an expeditious manner.

Press reports on "60 Minutes" and elsewhere have raised questions about whether lawmakers have been exempt, either legally or practically, from the reach of our laws prohibiting insider trading. At a time when polls show record low public confidence in Congress, there is a strong desire on our part to address the concerns that underpin the public's skepticism and assure the American people that we are putting their interests ahead of our own

The STOCK Act is intended to affirm that Members of Congress are not exempt from our laws prohibiting insider trading. While several of the witnesses who appeared before our committee's hearing on this bill testified that there is no legal exemption for Members of Congress, confusion and uncertainty nevertheless persists. For example, on the eve of our markup, the Wall Street Journal published an op-ed by a Yale law professor who wrote that "the Securities and Exchange Commission has determined that insider trading laws do not apply to Members of Congress or their staff."

This, however, is directly contradicted by the statement for the record submitted to the committee by the SEC's Enforcement Director who said: "There is no reason why trading by Members of Congress or their staff members should be considered exempt from the Federal securities laws, including trading prohibitions."

I ask unanimous consent to have printed in the RECORD the SEC statement at the conclusion of my comments.

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

(See exhibit 1.)

Ms. COLLINS. Mr. President, to me, this illustrates the confusion over this issue. So I am pleased the committee not only reported Senator Brown's bill but unanimously adopted an amendment I offered with Chairman LIEBERMAN that states clearly that Members and their staff are not exempt from insider trading laws.

The need for this unambiguous statement can likely be traced back to the nature of the insider trading laws. As our committee has learned, our Nation's insider trading laws are not, generally speaking, based on statutes passed by Congress but rather on court precedents. As one of our witnesses, law professor Donna Nagy from Indiana University, pointed out during our hearing:

Congress has never enacted a Federal securities statute that explicitly prohibits anyone from insider trading. . . The explicit statutory ban on insider trading . . . is entirely absent in U.S. securities law.

Rather, the SEC pursues insider trading cases under the general antifraud provisions of the Federal securities laws, most commonly section 10B of the Securities Exchange Act of 1934 and rule 10b5, a broad antifraud rule promulgated by the Commission. Therefore, what constitutes insider trading has largely been determined by the courts, including the Supreme Court, on a case-by-case basis.

Under the case law, two different types or theories of insider trading violations have developed; one where the defendant is a classic corporate insider using nonpublic information to trade on the company's stock and a second where the defendant has misappropriated inside information in violation of a duty owed to the source of the information, such as a lawyer who trades on advanced notice of a business transaction. Both types of cases, however, share common elements:

There must be a breach of a duty, such as a traditional fiduciary duty or a duty of trust and confidence; the breach must involve material information, which is the type of information a reasonable investor would consider important in making a decision to buy or sell stock; the information must be nonpublic; and the defendant must receive a personal benefit, which the Supreme Court has said may include not only financial gain but also reputational benefits.

As the Supreme Court has held, under section 10B, the chargeable conduct must involve a deceptive device or contrivance used in connection with the purchase or sale of securities. In criminal prosecutions for insider trading, under rule 10b5, the government must prove that a person willfully violated the provision with culpable intent.

Although the witnesses who came before the committee generally agreed that Congress enjoys no exemption from insider trading laws, they also stressed the need to clarify the relevant duty that applies to Members.

The bill reported by the committee, in language refined by Senator Levin, addressed this issue by affirming a duty arising from the relationship of trust and confidence already owed by Members and their staff to the Congress, the U.S. Government, and the citizens we serve. At our markup, we clarified that this does not create a new fiduciary duty, in the traditional sense, but rather recognizes or affirms our existing duty.

As reported, the bill would also have amended the Congressional Accountability Act to prohibit Members and staff from using nonpublic information gained through the performance of their official duties for personal benefit. This proposed prohibition, however, was not limited to the trading context or otherwise tethered to financial transactions. Because it was not anchored in financial transactions, I expressed some concerns about the potential breadth of this term and the potential for unintended consequences.

These concerns were echoed by several members of the committee during our consideration of the bill. Therefore, following the markup, we continued to refine the bill while adhering to the fundamental principle that Members of Congress should be subject to the same insider trading laws as other Americans. I believe we have come up with a solution that addresses the potential problem that troubles all of us; that is, public officials using public office for private gain. We need, however, to make sure that in doing so, we do not inhibit our ability to gather information so we can serve our constituents to the best of our ability.

The proposed substitute offered by Senator Reid, Senator Brown, and Senator LIEBERMAN reflects the work of our committee members as well as other bill sponsors. It would require the Senate Ethics Committee and the House Committee on Standards of Official Conduct to issue guidance on the relevant rules of each Chamber, clarifying that Members and staff may not use nonpublic information derived from their positions in Congress to make a personal profit. This would cover insider trading matters, as well as land deals and other financial transactions where nonpublic information could be wrongly converted into a private gain.

Similar to the reported bill, the substitute includes a straightforward statement making clear that Members and their staff are not exempt from insider trading prohibitions arising from the securities laws.

In keeping with an amendment that Senator PAUL successfully offered at our markup, the substitute applies the same framework-clarification of the prohibition against using nonpublic information for private profit and the affirmation of existing duty that we have—to the employees of the executive and judicial branches, as well as the legislative branch. Similar to the reported bill, the substitute includes earlier deadlines for financial reporting requirements and greater transparency for financial disclosure statements, as the chairman mentioned, by requiring that they be available online and in a searchable format.

I believe we need to reassure a skeptical public that we understand that elective office is a place for public service, not private gain; that it is an honor and a trust we have been given by the people we represent. Underscoring that important message is clearly the intent of this bill, and that is why I support it.

vote to invoke cloture on the motion to proceed.

#### EXHIBIT 1

[From U.S. Securities and Exchange Commission, Dec. 1, 2011]

STATEMENT ON THE APPLICATION OF INSIDER TRADING LAW TO TRADING BY MEMBERS OF CONGRESS AND THEIR STAFFS, BEFORE THE UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL

#### (By Robert Khuzami)

Chairman Lieberman, Ranking Member Collins, and Members of the Committee:

Thank you for the opportunity to provide a statement for the record on behalf of the U.S. Securities and Exchange Commission on the subject of insider trading.

Insider trading threatens the integrity of our markets, depriving investors of the fundamental fairness of a level playing field. To deter this conduct and to hold accountable those who fail to play by the rules, the detection and prosecution of those who engage in insider trading remains one of the Division of Enforcement's highest priorities.

My statement provides a summary of the Division of Enforcement's recent work in the area of insider trading, an overview of the law of insider trading as developed through our enforcement program and judicial precedent, and a description of how the current law of insider trading applies to securities trading by Members of Congress and their staffs.

ENFORCEMENT'S INSIDER TRADING PROGRAM

Insider trading has long been a high priority for the Commission. Approximately eight percent of the 650 average annual number of enforcement cases filed by the Commission in the past decade have been for insider trading violations. In the past two years, the Commission has been particularly active in this area. In fiscal year 2010, the SEC brought 53 insider trading cases against 138 individuals and entities, a 43 percent increase in the number of filed cases from the prior fiscal year. This past fiscal year, the Commission filed 57 actions against 124 individuals and entities, a nearly 8 percent increase over the number of filed cases in fiscal year 2010.

The increased number of insider trading cases has been matched by an increase in the quality and significance of our recent cases. In fiscal year 2011 and the early part of fiscal year 2012, the SEC obtained judgments in 18 actions arising out of its investigation of Galleon hedge fund founder Raj Rajaratnam, including a record \$92.8 million civil penalty against Rajaratnam personally. The SEC also discovered and developed information that ultimately led to criminal convictions of Rajaratnam and others, including corporate executives and hedge fund managers. for rampant insider trading. In addition, we recently filed an insider trading action against Rajat Gupta, a former director of both Goldman Sachs and Procter & Gamble. whom we allege provided confidential Board information about both companies' quarterly earnings and about an impending \$5 billion Berkshire Hathaway investment in Goldman Sachs to Rajaratnam, who traded on that information.

Among others charged in SEC insider trading cases in the past fiscal year were various hedge fund managers and traders involved in a \$30 million expert networking trading scheme, a former Nasdaq Managing Director, a former Major League Baseball player, a

I urge my colleagues to vote yes to Food and Drug Administration chemist, and a former corporate attorney and a Wall Street trader who traded in advance of mergers involving clients of the attorney's law firm. The SEC also brought insider trading cases charging a Goldman Sachs employee and his father with trading on confidential information learned by the employee on the firm's ETF desk, and charging a corporate board member of a major energy company and his son for trading on confidential information about the impending takeover of the company.

> The Division also has targeted non-traditional cases involving the misuse or mishandling of material, non-public information. This past fiscal year, the Commission charged Merrill Lynch, Pierce, Fenner & Smith with fraud for improperly accessing and misusing customer order information for the firm's own benefit. The Commission also censured broker-dealer Janney Montgomery Scott LLC for failing to enforce its own policies and procedures designed to prevent the misuse of material, nonpublic information. Charles Schwab Investment Management was charged for failing to have appropriate information barriers for nonpublic and potentially material information concerning an ultra-short bond fund that suffered significant declines during the financial crises. This deficiency gave other Schwab-related funds an unfair advantage over other investors by allowing the funds to redeem their own investments in the ultra short-bond fund during its decline. The Commission also charged Office Depot, Inc. and two of its executives for violating Regulation FD by selectively disclosing to certain analysts and institutional investors that the company would not meet its earnings.

> To respond to emerging risks, the Enforcement Division has developed several new initiatives targeted at ferreting out insider trading, which have enhanced our effectiveness in this area. During our recent reorganization, the Division established a Market Abuse Unit, with an emphasis on various abusive market strategies and practices, including complex insider trading schemes.

> The Market Abuse Unit has spearheaded the Division's Automated Bluesheet Analysis Project, an innovative investigative tool that utilizes the "bluesheet" database of more than one billion electronic equities and options trading records obtained by the Commission in the course of insider trading investigations over the past 20 years. Using newly developed templates, Enforcement staff are able to search across this database to recognize suspicious trading patterns and identify relationships and connections among multiple traders and across multiple securities, generating significant enforcement leads and investigative entry points. While still in its early stages of development, this new data analytic approach already has led to significant insider trading enforcement actions that were not the subject of an SRO referral, informant tip, investor complaint, media report, or other external source.

As part of the reorganization, the Division also established a cooperation program to encourage key fact witnesses to provide valuable information. Insider trading investigations are extremely fact-intensive. Enforcement staff undertake the often painstaking work of collecting and analyzing trading data across equity and options markets, analyzing communications (email, telephone calls and instant messages, among others) and analyzing market-moving events (e.g.,

announcements of corporate earnings, product development, and acquisitions and mergers) to identify persons who may have engaged in insider trading or who may have information about such activity. Our new cooperation program is a valuable tool that can help us break open an insider trading investigation earlier in the process, thereby preserving resources. We are already seeing the effectiveness of the cooperation program in our insider trading cases and expect this trend to continue as more cooperators come forward in our investigations.

With an aggressive investigative approach that includes early coordination with the FBI, Department of Justice, and other law enforcement agencies, we have been able to identify potential cooperators who may assist criminal authorities with their covert investigative techniques, helping amass critical evidence in numerous insider trading investigations. Our work with certain SROs has provided valuable early tips, helping us mitigate the harm from insider trading schemes by freezing the illicit proceeds before funds are moved to offshore jurisdictions

#### LAW OF INSIDER TRADING

There is no express statutory definition of the offense of insider trading in securities. The SEC prosecutes insider trading under the general antifraud provisions of the Federal securities laws, most commonly Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5, a broad anti-fraud rule promulgated by the SEC under Section 10(b). Section 10(b) declares it unlawful "[t]o use or employ, in connection with the purchase or sale of any security . . . any manipulative or deceptive device or contrivance in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors." Rule 10b-5 broadly prohibits fraud and deception in connection with the purchase and sale of securities. As the Supreme Court has stated, "Section 10(b) and Rule 10b-5 prohibit all fraudulent schemes in connection with the purchase or sale of securities, whether the artifices employed involve a garden type variety of fraud, or present a unique form of deception," because "[n]ovel or atypical methods should not provide immunity from the securities laws.

There are two principal theories under which the SEC prosecutes insider trading cases under Section 10(b) and Rule 10b-5. The "classical theory" applies to corporate insiders—officers, directors, and employees of a corporation, as well as "temporary" insiders, such as attorneys, accountants, and consultants to the corporation. Under the "classical theory" of insider trading liability, a corporate insider violates Section 10(b) and Rule 10b-5 when he or she trades in the securities of the corporation on the basis of material, nonpublic information. Trading on such information qualifies as a "deceptive device" under Section 10(b), because "a relationship of trust and confidence [exists] between the shareholders of a corporation and those insiders who have obtained confidential information by reason of their position with that corporation." That relationship "gives rise to a duty to disclose [or to abstain from trading] because of the 'necessity of preventing a corporate insider from tak[ing] unfair advantage of . . . uninformed . stockholders."

The Supreme Court has recognized that corporate "outsiders" can also be liable for insider trading under the "misappropriation theory." Under this theory, a person com-

mits fraud "in connection with" a securities transaction, and thereby violates Section 10(b) and Rule 10b-5, when he or she misappropriates confidential and material information for securities trading purposes, in breach of a duty owed to the source of the information. This is because "a fiduciary's undisclosed, self-serving use of a principal's information to purchase or sell securities, in breach of a duty of loyalty and confidentiality, defrauds the principal of the exclusive use of that information." The misappropriation theory thus "premises liability on a fiduciary-turned-trader's deception of those who entrusted him with access to confidential information." Under either the classical or misappropriation theory, a person can also be held liable for "tipping" material, nonpublic information to others who trade, and a "tippee" can be held liable for trading on such information.

A common law principle is that employees owe a fiduciary duty of loyalty and confidence to their employers. In addition, employees often take on contractual duties of trust or confidence as a condition of their employment or by agreeing to comply with a corporate policy. Accordingly, employees have frequently been held liable under the misappropriation theory for trading or tipping on the basis of material non-public information obtained during the course of their employment. This includes prosecution of federal employees who, in breach of a duty to their employer, the federal government, trade or tip on the basis of information they obtained in the course of their employment. For example, the SEC recently brought insider trading charges against a Food and Drug Administration employee alleging that he violated a duty of trust and confidence owed to the federal government under certain governmental rules of conduct when he traded in advance of confidential FDA drug approval announcements.

In light of existing precedent regarding the liability of employees—including federal employees—for insider trading, any statutory changes in this area should be carefully calibrated to ensure that they do not narrow current law and thereby make it more difficult to bring future insider trading actions against any such persons.

APPLICATION OF INSIDER TRADING LAW TO TRADING BY MEMBERS OF CONGRESS AND THEIR STAFF

The general legal principles described above apply to all trading within the scope of Section 10(b) and Rule 10b-5. There is no reason why trading by Members of Congress or their staff members would be considered "exempt" from the federal securities laws, including the insider trading prohibitions, though the application of these principles to such trading, particularly in the case of Members of Congress, is without direct precedent and may present some unique issues

Just as in any other insider trading inquiry, there are several fact-intensive questions—including the existence and nature of the duty being breached and both the materiality and nonpublic nature of the information—that would drive the analysis of whether securities trading (or tipping) by a Member of Congress or staff member based on information learned in an official capacity violates Section 10(b) and Rule 100-5.

The first question is whether the trading, or communicating the information to someone else, breached a duty owed by the Member or staff. Although there is no direct precedent for Congressional staff, there is case law from other employment contexts

regarding misappropriation of information gained through an employment relationship. This precedent is consistent with a claim that Congressional staff, as employees, owe a duty of trust and confidence to their employer and that a Congressional staff member who trades on the basis of material nonpublic information obtained through his or her employment is potentially liable for insider trading under the misappropriation theory, like any other non-governmental employee.

The question of duty is more novel for Members of Congress. There does not appear to be any case law that addresses the duty of a Member with respect to trading on the basis of information the Member learns in an official capacity. However, in a variety of other contexts, courts have held that "[a] public official stands in a fiduciary relationship with the United States, through those by whom he is appointed or elected." Commenters have differed on whether securities trading by a Member based on information learned in his or her capacity as a Member of Congress violates the fiduciary duty he or she owes to the United States and its citizens, or to the Federal Government as his or her employer.

Existing Congressional ethics rules also may be relevant to the analysis of duty for both Members and their staff. For example, Paragraph 8 of the Code of Ethics for Government Service provides that "Any person in Government service should . . . [n]ever use any information coming to him confidentially in the performance of governmental duties as a means for making private profit."

The second question is whether the information on which the Member or staff trades (or tips) is "material"—that is, is there "a substantial likelihood" that a reasonable investor "would consider it important" in making an investment decision? Materiality is a mixed question of fact and law that depends on all the relevant circumstances. In some scenarios, it may be relatively clear that an upcoming Congressional action would be material to a particular issuer or group of issuers, while in others it may be more challenging to establish that.

The third critical question is whether the information on which the Member or staff traded (or tipped) is "nonpublic." The Commission has stated that "[i]nformation is nonpublic when it has not been disseminated in a manner making it available to investors generally." Whether information is "nonpublic" would likely depend on the circumstances under which the Member or staff learned the information and the extent to which the information had been disseminated to the public.

As with all issues of liability with regard to insider trading and other claims under Section 10(b), the conduct at issue must be intentional or reckless. Since all of these issues are inherently fact-specific, it is difficult to generalize about the likely outcome of any particular scenario. However, trading by Congressional Members or their staffs is not exempt from the federal securities laws, including the insider trading prohibitions.

APPLICATION OF TIPPER AND TIPPEE LIABILITY
THEORIES TO MEMBERS OF CONGRESS AND
THEIR STAFF

Communication of nonpublic information to others who either trade on the information themselves or share it with others for securities trading purposes, could be analyzed under the case law relating to tipper and tippee liability and also would turn on the specific facts of the case.

A person can be liable as a tipper where he or she discloses information in breach of a fiduciary duty or other similar duty of trust or confidence and the tippee trades on the basis of that information. The same duty requirement described above is applicable in the tipper context, as are the requirements that the tipped information be nonpublic and material. In addition, a court may require a showing that the Member of Congress or staff member personally benefited from providing the tip.

A person who trades on the basis of material, nonpublic information conveyed by a Member or staff member in breach of a duty also could be liable for illegal insider trading as a tippee. An additional element of liability is that the tippee knew or should have known of the tipper's breach of duty in disclosing the information.

Investigations into potential trading or tipping by Members of Congress or their staff could pose some unique issues, including those that may arise from the Constitutional privilege provided to Congress under the Speech or Debate Clause, U.S. Const. art. I, §6, cl.1. The Supreme Court has stated that "Itlhe Speech or Debate Clause was designed to assure a co-equal branch of the government wide freedom of speech, debate, and deliberation without intimidation or threats from the Executive Branch." The Clause "protects Members against prosecutions that directly impinge or threaten the legislative process." While the "heart" of the privilege is speech or debate in Congress, courts have extended the privilege to matters beyond pure speech and debate in certain circumstances. There may be circumstances in which communication of nonpublic information regarding legislative activity to a third party falls "within the sphere of legitimate legislative activity," and thus may be protected by the privilege.

#### CONCLUSION

The SEC's continued focus on insider trading and innovative investigative techniques demonstrates our commitment to pursuing potentially suspicious trading in a variety of contexts. While recent innovations in the Division of Enforcement are enhancing our ability to obtain that evidence, to establish liability we must satisfy each of the elements of an insider trading violation, including the materiality of the information, the nonpublic nature of the information, the presence of scienter, and a fiduciary or other duty of trust and confidence that was violated by the trading or tipping. While trading by Members of Congress or their staff is not exempt from the federal securities laws. including the insider trading prohibitions. there are distinct legal and factual issues that may arise in any investigations or prosecutions of such cases. Any statutory changes in this area should be carefully calibrated to ensure that they do not narrow current law and thereby make it more difficult to bring future insider trading actions against individuals outside of Congress.

Ms. COLLINS. I now yield the floor to the sponsor of the bill, Senator Brown.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I wish to thank Ranking Member Collins and Chairman Lieber-MAN for doing something very unusual around here, which is to get something out in a very short period of time, having it not only come up and being filed by Senator GILLIBRAND—her bill and even my bill-and then you both working together to move it forward for a and coming out so quickly is unheard of, and I wish to thank you for that.

I also wish to thank Leader REID for bringing this bill to the floor today as well as, as I said, Chairman LIEBERMAN, Ranking Member Collins, and Senator GILLIBRAND. We have worked together to draft a bipartisan version of the STOCK Act, an act that passed out of committee by an overwhelming margin. That is appropriate because this isn't a partisan or ideological issue. It is about cleaning up Washington.

Abraham Lincoln spoke at Gettysburg of fighting to preserve "government of the people, by the people, and for the people." I think that if the approval ratings are any indication, the American people have lost faith that we are living up to Lincoln's ideal, and we need to do it better. They have lost faith that Congress works for them. They believe too many Members of Congress have come to Washington to make themselves rich or to do other things instead of taking care of the people's business and that Congress only steps in to bail out the people with the most money or the most lobbying power, and that is not right.

With the bill before us today, we can take a small step to reestablishing the trust between the American people and Congress. If we can pass the STOCK Act this week, it will send a very strong and unified message to the American people that Congress does not consider itself to be above the law. We can start to finally address that deficit of trust that the President referenced in his State of the Union Address. Members of Congress must live by the same rules that govern every other American citizen.

As you may recall from a "60 Minutes" investigation only 2 months ago, we learned that Members of Congress, their staff, as well as other Federal employees, may be using material nonpublic information for their personal gain, either through stock trades, real estate deals or other financial activity. Everyone agrees this should be illegal or it already is, as referenced by the ranking member and her very thorough explanation of the law and the problems with it. But somehow, despite all the evidence, there has never been a single Member of Congress or congressional staffer charged with insider

I have to admit, similar to you and many others, I was shocked by this report. I think we all were. As a result, I filed my version of the STOCK Act, which would prohibit Members and employees of Congress from using material nonpublic information for their personal benefit.

When Homeland Security and Governmental Affairs Committee held a hearing on the state of insider trading law as it applies to Congress, one thing was very clear. Although, as Ranking

hearing. That hearing going very well Member Collins said, the SEC theoretically has the ability to prosecute Members, there has been no precedent for it, and the state of law at this point is very unsettled. To remove any and all doubt, we need to act, and we need to act now. In addition to clarifying that insider trading is indeed a criminal offense, we are increasing the transparency of Members' trading activity to make sure our investment decisions are out there for everyone to see as plain as day. As President Ronald Reagan liked to say: Trust but verify.

> In conclusion, I wish to say that Senator COBURN has a phrase that I think is very accurate in this context. He talks about all the earmarks and contracts and Washington spending that end up in the hands of those people he calls well-heeled and well-connected. In my opinion, no one is more well-connected, with more access to a wide range of privileged, nonpublic information, than Members of Congress, their friends, employees or family members.

> At a time when our economy is struggling and the average American family has to make hard economic choices, congressional Members and staff should not be lining their pockets on insider information. Serving our country is a privilege, one I cherish very much. I believe we must level the playing field and show the American people that the people in Congress do not consider themselves to be above the laws we expect everyone else across the country to obey.

> I believe it is time to listen to our constituents and remember that every seat in this room is the people's seat.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New York.

Mrs. GILLIBRAND. I thank my colleague from Massachusetts for his strong advocacy on such an important issue. I would like to recognize Chairman LIEBERMAN and Ranking Member COLLINS for their leadership and advocacy and their work on getting this out of the committee so quickly.

I urge my colleagues to vote yes on cloture tonight on this bipartisan bill to ensure clearly and unambiguously that all Members of Congress, their staffs, and Federal employees play by the exact same rules as all the American people. The American people deserve the right to know their lawmaker's only interest is what is best for the country, not their own financial interests. Members of Congress and their families and staff should not be able to gain personal profit from information to which they have access that everyday middle-class Americans do not. It is simply not right. Nobody should be above the rules. I introduced a bipartisan bill in the Senate with 28 of our colleagues from both sides of the aisle to close this loophole.

The STOCK Act legislation is very similar to the legislation introduced by my friends in the House of Representatives, Congresswoman Louise Slaugh-TER and Congressman TIM WALZ. I thank them for their longstanding advocacy and dedication to this important cause. I again thank Chairman LIEBERMAN, Ranking Member Collins, and all the committee members for their work in acting swiftly to move this bipartisan, commonsense bill to the floor for a vote. I also thank Leader REID for his leadership in moving this body forward to this important debate and an up-or-down vote that the American people deserve.

Our bill, which has received the support of at least seven good-government groups, covers two important prin-

ciples:

First, Members of Congress, their families, and their staff should be barred from buying or selling securities on the basis of knowledge gained through their congressional service or from using the knowledge to tip off anyone else. The SEC and the CFTC must be empowered to investigate these cases. To provide additional teeth, such acts should also be in violation of Congress's own rules, to make it clear that the activity is inappropriate.

Second, Members should be required to disclose transactions within 30 days, to make this information available online for their constituents to see, providing dramatically improved oversight and accountability from the current annual hard copy reporting.

I am pleased that the final product that passed with bipartisan support out of the committee is a strong bill with teeth and includes measures such as ensuring that Members of Congress cannot tip off others with nonpublic information gained through their duties and ensuring that trading with this information would be a violation of Congress's own ethics rules.

Some critics have said this bill is unnecessary and is already covered under current statutes. I have spoken with experts tasked in the past with investigations of this nature, and they strongly disagree. We must make it unambiguous that this kind of behavior is illegal.

My home State newspaper, the Buffalo News, noted:

. . . the STOCK Act would ensure that it is the people's business being attended to.

President Obama said in his State of the Union—send him the bill and he will sign it right away.

We should not delay. It is time to act. I urge my colleagues to vote yes tonight for cloture so we can pass this bill without delay. Let's take this step to begin rebuilding the trust necessary in Congress.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, today the Senate will be given the oppor-

tunity to ban insider trading by Members of Congress and their staff. Insider trading is illegal for everyone in America, and there is no doubt about that. But when it comes to the information that folks in Congress learn before the general public learns it, there are no clear-cut rules, and that is unacceptable. Folks in Congress clearly have advanced knowledge of which bills and issues Congress will consider. They know how those bills will affect basic goods and services, and often the legislation we pass impacts how well a company does on the stock market.

Good men and women work for Congress, and I have the deepest respect for my colleagues. I would say all come to the Senate with good intentions and carry out their daily responsibilities without thinking about using information they learn for personal financial gain. That is why banning insider trading should be an easy lift. The fact that Members of Congress and their staffs are allowed to buy and sell stocks based on privileged information is incredible to me.

Congress has historically low approval ratings from the American people. They believe many in Congress do not represent them and have forgotten what it means to be a normal American. Most folks would assume Congressmen and Senators already cannot trade stocks based on information they get in their jobs, but it turns out this may not be true. That is just one more example of why the American people have lost faith in this institution.

As elected officials, it is our duty to regain the trust of the American people. We have an obligation to be as transparent and as accountable as possible. That is why I was the first Member of Congress to post my public schedule online for everybody to see. My constituents can look at my schedule every day to see with whom I meet and which hearings I attend.

Now we have the opportunity to help regain trust in this body by bringing our own rules in line with the rest of America. By adding transparency and accountability, the American people will know we are working on their behalf without considering personal financial gains.

This bill contains a provision Senator Begich and I sponsored to ensure that the annual financial disclosure forms filed by Members of Congress are available electronically. As with most transparency, full transparency means the public has the right and the ability to see our records. In the 21st century, there is no reason we can't do it right away. Letting those disclosures sit in a filing cabinet somewhere in the Capitol Complex is not transparency; putting the files online in a searchable format is.

At a time of hyperpartisanship, this is an opportunity for both sides to work together on a bill we sorely need.

There is not a Democratic or Republican angle to this. Every elected official should want to make sure the rules we are held to are consistent and transparent and in line with the rest of the Nation. In fact, this is as nonpartisan a bill as can be, with ideas from Senator GILLIBRAND and Senator SCOTT BROWN but carried by Senator LIEBERMAN. This bill covers each section of the political spectrum. It is a straightforward bill that is long overdue. The STOCK Act will be a step toward ensuring that when people run for Congress or come to work for Congress, they are doing so because they want to work on behalf of the American people and not for their own personal benefit.

I call on my colleagues on both sides of the aisle to vote yes on this act so we can restore faith in Congress.

I vield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I failed to reference—I was hopeful I could have Nathaniel Hoopes participate in the legislative process and participate on the floor in this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I was going to reserve the right to object to Mr. Brown's motion on behalf of Mr. Hoopes because I was about to say the above-mentioned Mr. Hoopes got his start in my office and I was looking for an opportunity to say that.

We have about 20 minutes until the vote on the motion occurs. Obviously, we are all here together—Senator Collins, Senator Brown, Senator Gillibrand, Senator Tester, and I—to urge Members to vote for cloture, to take up this measure. It would be a ray of light—warm light—if we pass this measure, this cloture vote, overwhelmingly. Then we could go on to debate it.

Some people may have amendments—obviously, I presume they will—they want to offer. I hope that in considering amendments, our colleagues will focus on the problem that stimulated this legislation, that led Senator BROWN and Senator GILLI-BRAND to introduce it and led our committee to pass it out on a bipartisan vote, which was the concern that Members of the Congress and our staffs are not covered by insider trading laws. This legislation makes clear that we are covered by insider trading laws and therefore can be investigated and prosecuted for violation of those laws, both by the SEC and the Justice Department, but we have also asked the ethics committees of both Houses of Congress to issue interpretive guidance, making clear that insider trading is also a violation of the ethics rules of both Chambers.

I am sure there are a lot of different aspects that Members of Congress, including ourselves on our committee

who worked on this bill, might have in mind to also correct problems that exist, perhaps to also try to help rebuild public confidence in the institution of Congress, but I really appeal to our colleagues not to do so in a way that will make it more difficult or at worst impossible to fix the wrong, the problem that motivated this legislation, which is fear that Members of Congress and our staffs are not covered by insider trading laws.

I have talked to Senator COLLINS about this. Members have other ideas. Please introduce them as legislation. To the extent they are forwarded to our committee, we will give them hearings and due consideration and try to approach them thoughtfully and then follow the will of the majority of members of our committee. In other words, let's try to not make this measure so sweet or so good that it cannot pass.

I say to my colleagues, I just had a very unusual metaphor come to mind. I go to Dr. Seuss, one my favorite Dr. Seuss books I have not read in a while, "Thidwick the Big-Hearted Moose." I don't know if you remember Thidwick, but he was a very good-natured moose. One by one through the pages of the book as Dr. Seuss records it, other animals in the forest want to lodge in his enormous antlers. He welcomes them until finally there is too much there and his antlers fall off and they all fall to the ground. We don't want this wonderful bill, which really does accomplish some very important things, to be so loaded that it falls to the wayside like Thidwick's antlers and does not pass.

I urge my colleagues to join us in a spirited debate, but let's exercise the kind of restraint, on a bipartisan basis, that will allow us to have a significant, bipartisan, good-government accomplishment here at the beginning of this session of Congress.

I listened to a conversation a while ago where somebody was asked, why is the public opinion of Congress so bad? And the answer was that it is because Congress has been so bad. This has not been a time in the history of this great institution that I think any of us feel good about. This is an opportunity to do something real that we can not only feel good about but, more important, that our constituents can feel good about.

I hope we will have a resounding vote at 5:30.

I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I concur, and I have always felt one good deed begets another good deed, and so on and so forth. This is a measure the American people are clamoring for. We need to reestablish the trust with the American people, and this is the first step in doing that very thing.

Once again, I thank the chairman for referencing something I failed to reference as well. I would encourage my colleagues on my side of the aisle and my friends on the other side of the aisle to keep all amendments germane. We need to make sure we move for cloture, get cloture, and then have a free, fair, and spirited debate on the issues that concern them but don't get sidetracked to the point where the bill gets killed or pulled. I think that would be a travesty and a mistake. So I am going to encourage my colleagues to make sure if they have a concern, let's air it out and take a full and fair vote on it and move forward.

I love hearing the Senator's stories. I am reading his book because of his knowledge and history and the way he can weave things back and forth. That is a very good analogy.

I too have concerns. We have referenced many times that there may be forces beyond us who want to make sure this doesn't come out of this Chamber and go next door and then ultimately be signed by the President. I am not one of them. I want to make sure—as the Senator from Connecticut, the Senator from Maine, and many of the other Members and the cosponsors—that this bill comes out in a good and fair form.

We are here for a very specific reason, to address a very specific issue that affects people, quite frankly, in a manner that I never thought was possible. If there are other concerns, I commend the chairman for publicly stating to bring them up in a separate matter on a separate bill and address them if there are issues we have missed. I have a fear—and I hope I am wrong-that by making it, as the Senator from Connecticut referenced, too perfect or too sweet, it could fail, and I don't want to see that. I want to make sure we have a laser-sharp bill that addresses a very specific issue, and if we do it together and work in a true bipartisan manner, we have an opportunity right now in this moment in our history of this country to do something special.

I was sent here to do the people's business, and I do it each and every day by working across party lines with good people and good Democrats like the Senator from Connecticut and others. I take that role very seriously. We have an opportunity right now to send a very powerful message for which the American people are yearning. They want us to do well. They want us to be good. They want us to be better than we have been representing ourselves right now.

So I am encouraging—just to reference and take it a step further—my colleagues to do the same thing. Let's put our party differences aside. Let's put the inner party differences aside and push this legislation through in a thoughtful, methodical, respectful, and

responsible manner that will make the American people say: OK, it is a good first step. What is next, Congress? Are we going to do the postal bill and try to save the postal bill? I hope that is the next issue. We need to work in a truly bipartisan manner.

Once again, who is here? It is me, Senator LIEBERMAN, Senator COLLINS, and Senator COCHRAN who are pushing to try to save the post office. That should be the next issue. What is after that? We need to address our fiscal and financial issues so we can come out of this 3-year recession in a lean-and-mean manner so we can be a better country and be able to compete on a global basis. We need to start putting the American people's interests first instead of everybody else's.

I usually get in trouble when I go off like this, but I think it is critically important to let the people know that one good deed begets another good deed, and this is the first step in this new calendar year to do just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I appreciate the comments.

Mr. President, I am pleased to report that I just received notice that within the hour the administration put out the Statement of Administration Policy—the so-called SAP—strongly endorsing this legislation, S. 2038, and we appreciate that very much. It is a very strong statement of support for the principles and exactly the kinds of things Senator Collins, Senator Brown, Senator Gillibrand, Senator Tester, and I have been saying.

As the President said in his State of the Union speech, if we can get this bill to his desk—and the sooner the better—he will sign it as soon as he possibly can.

If there is no one else who wishes to speak at this time, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

### CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge Act:

Harry Reid, Joseph I. Lieberman, Sherrod Brown, Joe Manchin III, Tom Udall, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Patty Murray, and Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes, be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LAN-DRIEU) and the Senator from New Jersey (Mr. Menendez) are necessarily ab-

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Illinois (Mr. KIRK), and the Senator from Mississippi (Mr. WICKER).

The yeas and nays resulted—yeas 93, navs 2. as follows:

### [Rollcall Vote No. 3 Leg.]

### YEAS-93

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

### NAYS-2

Burr Coburn

NOT VOTING-5

Wicker

Isakson Landrieu Kirk Menendez

The PRESIDING OFFICER. On this

vote, the year are 93, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

#### MORNING BUSINESS

Mr. LIEBERMAN. Mr. President. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, and that Senator Grassley be recognized to speak for up to 20 min-

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. LIEBERMAN. Mr. President, on behalf of the majority leader, he has asked me to announce there will be no more votes tonight.

If I may say, on my own behalf, we will go to the STOCK Act, S. 2038, tomorrow morning and hope anyone who has a relevant amendment will come to the floor and offer it.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Iowa.

#### ORDER OF PROCEDURE

Mr. GRASSLEY. Madam President, I have been asked by Senator Brown of Ohio if he could be recognized immediately after me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### RECESS APPOINTMENTS

Mr. GRASSLEY. Madam President. one week ago today, I addressed the Senate on President Obama's decision to bypass the Senate, and the Constitution as well, by making four "recess" appointments at a time when the President's recess appointment power did not apply.

I explained in detail why the legal memo released by the Obama administration attempting to justify President Obama's actions did not hold legal water.

Last Thursday, I laid out the case that this is not an isolated incident or a technical legal squabble. Rather, the President's recent actions are part of a pattern of disregard for the constitutional system of checks and balances.

Today, I will address why such criticisms are justified and why such criticisms are necessary.

First, is it legitimate for a U.S. Senator to criticize a legal opinion issued by the Office of Legal Counsel and the Senate-confirmed head of that office?

I have no doubt Senators may criticize such opinions and, when the facts warrant, ask whether that office and its head are exercising the independence that is required for the Constitution to be upheld. Recently, we read some in the media apparently disagreed with this. They say it is wrong

for a Senator to ever criticize a Senateconfirmed official's independence and judgment. They say that all a Senator can do is criticize the official's substantive arguments.

I say nonsense. When the media makes these claims, it merely seeks to divert attention from the weakness of the opinion's actual conclusions and reasoning. In my statement last week, I laid out my disagreement with the contents of the Office of Legal Counsel. Of course, Senators and administration officials can reach different conclusions on the law; each can have a reasonable point of view; but that is not the case here.

If the Office of Legal Counsel is to be "the Constitutional conscience of the administration" that some in the media characterize it to be, it must exercise a certain level of independence, as I mentioned in my statement.

When a President who takes an expansive view of his power asks the Justice Department officials, who owe their job to him, whether he has the constitutional or legal authority to take such action, there is always the chance that pressure will overtake their responsibilities to provide their

best legal judgment.

That is why at Ms. Seitz' confirmation hearing and in a followup communication, we took very painstaking efforts to give her the opportunity to state on the record her commitment to providing independent legal advice, to make sure she would place loyalty to the law and loyalty to the Constitution above her loyalty to the President. That was our purpose. Ms. Seitz promised to act independently. She promised not to stand idly by if she thought the Constitution was being violated.

The only way to tell whether the office has given independent advice, the only way to tell whether pressure has been resisted, is to review the arguments and the reasoning the Office of Legal Counsel provides.

The media cannot address criticism of whether the head of that office is independent and has used good judgment without such a review. It is not enough that the media might agree with her conclusions. In this case, the analysis in the Office of Legal Counsel opinion was so poor as to raise legitimate questions concerning judgment and independence.

The Office of Legal Counsel is supposed to give the President objective legal advice before that person acts. It is not supposed to provide a weakly thought-out rationalization for a Presidential decision to act that has already been made.

Here, the arguments in the opinion are so weak that a fair-minded person can question the independence and judgment of the opinion's author. For instance, the opinion is internally inconsistent. It correctly recognizes that a President's ability to make recess appointments turns on the capacity of the Senate to conduct business. But in determining whether the pro forma sessions constitute a recess, the opinion does not consider at all the capacity of the Senate to conduct business and what it could do. Rather, it relies upon what individual Senators said, not what the institution said or can do, and it ignores not only what theoretically the capacity of the Senate had to act but even its actual actions.

Similarly, the established meaning of the word "recess" is the same each time it appears in the Constitution. Giving the term the same meaning means that the President can make recess appointments, but that this is a limited power.

The Office of Legal Counsel, contrary to clearly established precedent, inconsistently defines the term "recess" differently when it was used in different parts of the Constitution. But we cannot do that. The only thing consistent in the opinion is that it interprets recess each time in a way that expands the power of the President to make recess appointments and in such a way as to leave open the question of whether that power is limited in any meaningful way.

Former Federal Circuit Judge Michael McConnell, himself a former Justice Department lawyer who has defended Presidential power, found the arguments in the Office of Legal Counsel opinion to be so implausible—those are his words—that "it is difficult to escape the conclusion that the Office of Legal Counsel is simply fashioning rules to reach the outcome that it wishes."

Since the outcome that the Office of Legal Counsel wishes is to expand Presidential power contrary to the text of the Constitution, and also many decades of historical practice, it is quite fair to question the independence, the judgment, and the adherence to statements made during the confirmation process by the head of that office.

The media again focused more on personalities than on substance, and they will say the Bush administration reached a similar conclusion, so how can Ms. Seitz be criticized. That is where the media is coming from.

There are three points to be made that set the record straight for the newspaper.

First, President Bush did not make recess appointments when the Senate was in pro forma session. Secondly, President Bush did not even claim he could make such recess appointments while declining to do so. Third, his Office of Legal Counsel did not issue any opinion that would be binding on future Justice Department advice.

Unlike the public actions of the Senate-confirmed head of OLC, a lower level official in the previous administration, the Bush administration, apparently wrote a secret memorandum to the file on this subject.

The existence of such a memorandum was not known until the Office of Legal Counsel's opinion referred to it and sought to rely on it. It is not possible to evaluate the reasoning of that memorandum because the Department of Justice has not agreed to release it, despite my request that they do release it.

If the Office of Legal Counsel is to exercise the independent judgment that is necessary for it to properly perform its functions, it cannot rely on some sort of secret memo or memos from lower level officials. That approach creates incentives for the Office of Legal Counsel heads to avoid accountability. An incentive is created for the preparation of secret memoranda that make outlandish claims of Presidential power if they cannot be reviewed by anybody. No one knows of the memo. So its arguments do not face the transparency of public scrutiny. The President and Office of Legal Counsel take no responsibility for its conclusions.

Then the Office of Legal Counsel later issues a public opinion on the subject. To bolster very weak arguments, it cites earlier memos. But it avoids transparency as well by keeping the memoranda secret, so no one can see that the opinion's weak arguments may be supported by only other weak arguments. It avoids accountability by suggesting that this question was already decided by an earlier Office of Legal Counsel memorandum.

Instantly, the number of administrations that support expanded Presidential power goes from zero to two, neither one of which is said to be responsible for that expansion. That bootstrapping can never lead to a reasoned, objective analysis of Presidential power.

It cannot produce the independent OLC that Ms. Seitz promised the Senate she would provide at her confirmation. The media has also made the strange argument that Ms. Seitz' opinion must be professional and her judgment and independence cannot be questioned because of her high professional reputation.

Îs that not a little bit backward? The legitimacy of the argument contained in a legal opinion is not established by the reputation of the person who wrote it. Reputations are not steady. They are established by the quality of the professional work, not the other way around.

In the past, a prominent Democratic Senator called for a judge to resign because of his legal work as Office of Legal Counsel head. The Washington Post, in an earlier editorial, criticized the opinions of other Bush administration OLC lawyers as displaying "the logic of criminal regimes" and "bringing shame to the American democracy."

If the Post truly believes that criticizing Office of Legal Counsel lawyers

is beyond the pale, they should retract their earlier opinions and condemn the far harsher rhetoric that was hurled against Bush OLC lawyers.

While explaining what is wrong with the newspapers, I now go to explain why my criticisms were not just legitimate but they were absolutely necessary. Last Thursday, I laid out in great detail a long series of abuses of executive authority and usurpation of legislative authority by President Obama and his administration.

In fact, he made his willingness to bypass Congress a campaign issue with slogans such as "We can't wait for Congress," and those headlines and slogans were splashed all across the White House website. President Obama has made the decision to run for reelection not on his record, for obvious reasons, but against Congress. In doing so, he is daring Congress to defend its role as representatives of Americans from each of the 50 States in the face of his unilateral agenda.

Some have suggested this is a clever political trap laid by President Obama; that if Congress resists the President's power grabs, it will validate his slogans and play into his electoral strategy. This may or may not be true. However, the stakes are greater than the next Presidential election, and the implications of the President's actions will be felt well beyond any short-term political gain.

The Framers of the Constitution foresaw the temptation by one branch of government to try to usurp the powers of the other branches. In Federalist 51, James Madison explained how the Constitution was designed to prevent power grabs through an ingenious system of checks and balances.

He wrote this long quote:

But the great security against a gradual concentration of several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.

The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.

Of course, this assumes a desire on the part of each branch to guard its constitutionally granted powers.

If some Members of Congress are not willing to resist an encroachment because they place party loyalty above constitutional responsibilities or if members are reluctant to push back for fear of political consequences, then the system of checks and balances will not work as intended by our Constitution writers.

All Members of Congress swore an oath to support and defend the Constitution. That is our first obligation. I want to be clear that this is not an argument about constitutional semantics; it is one of fundamental principle.

As Madison explains in Federalist 51: The "separate and distinct exercises of the different powers of government" is "essential to the preservation of liberty."

This also goes beyond an argument about the ends to which President Obama has used the new powers he now claims. His agenda is controversial, to be sure, or he would not have had to bypass Congress.

Still, even those who support this President's policies should not be so quick to look the other way. Once the walls separating the powers allotted to each branch of government are eroded, they are very difficult walls to rebuild.

The most eloquent expression of the philosophy on which our Nation was founded is, of course, the Declaration of Independence. I quote the all familiar:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life. Liberty and the pursuit of Happiness.

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . .

Based on these fundamental principles, the Constitution laid out a form of government designed to protect individual rights by resisting the concentration of power. This can be frustrating to those who would like a more activist government. Still, these features of our Constitution perform a very important role in preventing one faction of Americans from dominating another faction of Americans.

I am sure President Obama is convinced his agenda is what is best for the country and that the ends justify the means in pursuing that agenda. But that is not the Machiavellian ideas that any of our Constitution writers had.

Naturally, he doesn't see any danger in concentrating power in the Presidency because he believes he will use that power very wisely. Moreover, he has gone out of his way to identify himself with the school of thought that the constitutional separation of powers is an outdated barrier to change.

Last month, President Obama gave a speech in Kansas in which he sought to link his agenda to Teddy Roosevelt's famous "New Nationalism" speech at the same place in 1910. The original speech marked the beginning of Roosevelt's break with many of his past policies and with the incumbent Republican President, William Howard Taft.

Roosevelt then went on to challenge Taft in the 1912 election, heading up the Progressive Party ticket. You know that both Roosevelt and Taft lost.

In that 1910 speech to which President Obama paid tribute, Roosevelt described his new nationalism as "impatient of the impotence which springs from overdivision of governmental power."

This philosophy seeks to fundamentally transform the United States from a nation founded on the principle that protecting the unalienable natural rights of each citizen is the paramount goal of government to one that empowers an enlightened elite to take whatever actions they deem necessary to correct perceived wrongs in society. In other words, throw the Constitution out the door. This may start out with very good intentions, but there is no guarantee that once our constitutional protections are gone, future leaders will always act in the most enlightened way. In fact, the single-minded pursuit of a better society at the expense of individual rights has led to some of history's worst tyrannies.

Moreover, not only is the concentration of power in the executive branch contrary to the founding principles of our Nation, it is foreign to the realities of American civic life. With a country as large and as diverse as ours, no individual can claim to speak on behalf of all Americans. Our constitutional system, based on federalism, separation of powers, and checks and balances helps ensure that each American has the opportunity to live their life as they see fit.

I return to the words of James Madison:

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of society against the injustice of the other part.

The voices of all Americans deserve to be heard through the elected representatives of the people. That is what is at stake. Those of us who were elected to represent the people of our States should do just that or we deserve not to be here.

I vield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I want to take 60 or 90 seconds to discuss the subject that the Senator from Iowa discussed; that is, the appointment of Richard Cordray to the Consumer Protection Bureau. I checked with the Senator's story earlier during this move through the Banking Committee on which the Presiding Officer sits. Never in history has anybody in one party blocked even a vote of a Presidential nominee who is admittedly qualified only because they don't like the agency.

That would be a little like, as Senator REED from Rhode Island said, refusing to confirm an appointee to run the FDA until the Congress weakens food safety laws. It runs counter to everything we believe. I wasn't insisting that my Senate colleagues all support Richard Cordray, former attorney general from Ohio, who is eminently qualified for this job. We were saying to just let it come to an up-or-down vote.

Instead, the minority party filibustered, stopped that, and the President had no choice but to act because the agency simply could not do its job. Only 2 years ago, this agency was created, this consumer bureau, to have a consumer cop on the beat to keep Wall Street banks and payday lenders and everybody in between honest. It took 60 votes in the Senate, including the Presiding Officer and me, and 58 others, to say this agency should be created and the consumer bureau should be in effect. That is the history of that.

#### RECOGNIZING BRANDON MOORE

Mr. BROWN of Ohio. Madam President, I rise today to honor Detective Brandon Moore, of the Morrow County, OH, Sheriff's Department and Ohio's first recipient of the Congressional Badge of Bravery.

Established in 2008, the Congressional Badge of Bravery is an annual award from the U.S. Attorney General to public safety officers who display bravery in the line of duty.

Earlier this month, Congressman JIM JORDAN and I had the honor of presenting the award to Detective Moore, along with Morrow County Sheriff Steven Brenneman and sheriffs and law enforcement officers from across central Ohio.

It was an honor to meet Detective Moore—to hear his story of heroism and to see his humility firsthand.

In October 2010, Detective Moore was shot multiple times and nearly killed in the line of duty during an ambush and firefight.

When you hear about what happened, you can imagine the scene.

Then-Deputy Sheriff Moore received a report of neighbors engaged in a property dispute.

He traveled to the scene. But in the course of the investigation, he suspected criminal drug activity in one of the homes.

The story quickly turned to the unimaginable.

One of the neighbors came out of his house with an assault rifle and started firing.

Detective Moore was shot in the groin, leg, foot, and abdomen.

As Detective Moore has described it, the normal reaction of fear, shock, doubt, and panic was overwhelmed by a calmness that only highly-skilled police training could provide.

Severely wounded and laying on the ground—Detective Moore first used his belt to create a tourniquet on his leg. He then shot and disabled his assailant from more than 50 yards away.

In doing so, he saved himself, three civilians, and other officers.

Yet his injuries were so life-threatening that he made the unimaginable call to his wife—Diandra, his high school sweetheart—explaining what happened, wanting her to know how much he loved her and their children, Alec and Andrew.

Detective Moore was airlifted to the hospital for multiple surgeries and where he stayed for a month.

Law enforcement from across central Ohio visited the hospital to show their support—speaking volumes of the solidarity of a sacred brotherhood and sisterhood.

Today, Detective Moore is on the road to recovery—well ahead of schedule.

He was told it could take two or three years before he could return to duty. Detective Moore thinks he'll do it in 18 months.

He recently hit one of his goals of running a quarter of a mile without stopping. Before April, his goal is to run half a mile.

And as difficult as the recovery has been for him—he remains grounded by humility and faith, and the love of his

Diandra has been with him on every step of the highs and lows of rehabilita-

To their children, Alec and Andrew, when you're older, you'll understand more than most people, the meaning of duty, love, and faith.

I had the honor of meeting Detective Moore's parents, who raised him and his siblings near my hometown of Mansfield, OH.

His parents—mother Tommie and father Jim-still live there.

Jim is also a police officer—the sense of duty and faith runs deep in the family.

And it's not just for a father seeing a son follow his footsteps—it's also for a mother seeing both her husband and son put on a uniform to protect the public.

Like much of our great State, Mansfield is a place where you grow up with the values of hard work and fair playservice, community, and faith.

Detective Moore's story illustrates those values as clearly as any.

We ask a great deal from our law enforcement officials—to risk their lives each day and each night.

And while we may never guarantee their safety, in honoring their service we give meaning to their sacrifice.

That's what the Congressional Badge of Bravery reflects—the very character of our Nation that honors those who serve us.

We ask. And as he says himself, guided by faith in God, family, and his fellow officers. Detective Moore gave. And we're all humbled by that service.

Thank you, Detective Brandon Moore. A proud State and grateful Nation continue to offer our prayers and well wishes for you and your family.

I yield the floor.

#### TRIBUTE TO COMMISSIONER MICHAEL COPPS

Mr. ROCKEFELLER. Madam President, I rise to honor Dr. Michael Copps.

Fortunately, help quickly arrived to At the end of last year, Dr. Copps retired from public service—though not from public life.

> For those of you who do not know him, I want to take this opportunity to tell you about him, the life he has led, what he has done for this country-and what he has done for all of us.

> After earning a doctorate in U.S. history from the University of North Carolina, Dr. Copps headed south to the Big Easy. He taught history at Lovola University in New Orleans, It was there that he met his wife Beth.

> Academe had its pull. But so did Washington. So in 1970, he convinced his wife to pack up their life and move north to the capital. He heard the call of policy and politics and told her that after he got it out of his system, he would head back to university life.

> He never did head back to the halls of the academy. But his keen mind, calm demeanor, and dedication to the public interest have taught all of us about what it is to lead an honorable life in public service.

> He started in Washington in the office of Senator Fritz Hollings, He eventually served for over a dozen years as Senator Hollings' chief of staff. He is well known and well loved by so many who served in the office of the South Carolina Senator. I know that Fritz Hollings too is proud to call him a colleague and friend.

> From the Halls of the Senate, he headed on to industry. He took on policy operations in Washington for a Fortune 500 manufacturing company. He also worked at a major trade association.

> With the election of President Clinton, however, he again heard the call of government service. He first served as Deputy Assistant Secretary at the U.S. Department of Commerce. During his tenure, he fostered public sector and private sector cooperation to strengthen American industry. He led the U.S.-Russia Business Development Committee's oil and gas working group. In this role, he pushed successfully for the removal of an export tax for U.S. companies shipping oil out of Russia. He negotiated power, chemical, and automotive policies with China. He built partnerships involving forest products, agriculture products, and electrical power in Russia, Ukraine, and Turkey. He assisted generously with global automotive negotiations and trade promotion initiatives.

> Five years later, he was nominated and confirmed by this body, for Assistant Secretary for Trade Development at the U.S Department of Commerce. Again, he served nobly. He worked with the private sector to expand commercial opportunities for U.S. businesses in the global economy. He oversaw a reorganization of trade development within the Department, creating a new office focused on information technologies industries. He also advocated

internationally for the creation of independent telecommunications regulatory regimes, transparent legal authority for telecommunications, and investor-friendly climates for information technology.

He did all of these things at the Department of Commerce with his characteristic force, impressive analytical skills, and customary grace.

But it was only sometime after his tenure at the Department of Commerce that I really came to know Dr. Copps. That was when, in 2001, he was first nominated, and later confirmed, for the role of Commissioner at the Federal Communications Commission. brought to the role the same energy and enthusiasm that he displayed at the Department of Commerce. He brought the same sense of conviction, and he brought the same belief that through expanding the stakeholders in any dialogue, we can enrich our conversation, grow our economy, and enhance our public life.

His accomplishments over the course of his two terms at the agency are too numerous to mention. So I will dwell only on a few.

First, as the Acting Chairman of the agency he led the national transition to digital television. He was the man in charge of keeping the television on, as our Nation's broadcasters ceased sending signals in analog form. His calm, clear focus, and ability to marshal public and private efforts to manage the transition kept millions and millions of households with access to television news, emergency information, and entertainment.

Second, he called early and often for policies to support broadband, understanding well before others that broadband is the great infrastructure challenge of our age. It was here that his eye for history served him especially well, as he analogized between broadband networks and the railroads that criss-crossed our country more than a century before; between opening ports to new markets and opening communities through new communications networks; and between the need for our interstate highway system and the need for new broadband byways. He called for a national broadband plan well before it was popular to do so. He reminded us that rural Americans must not be left on the wrong side of the digital divide. In fact, he tirelessly pressured to expand service to the historically underserved—from rural areas, to Indian Country, to those with disabilities, and more—believing that access to communications technologies strengthens our economy and our democracy.

Third, he was an early champion of the open and free Internet. As our lives migrated online, he saw the risks posed by the control of both connectivity and content. He gave early voice to basic concepts that grew to become network neutrality.

as an important voice on media policy. He has never shied from asking the hard questions about our media institutions. He has criticized media concentration for diluting the diversity, localism, and competition we need in our information sources. He has worried for all of us that with the shuttering of newspapers and thinning of journalism's ranks, we are doing great harm to the public's need to know. He was not blind to the great informational promise of the Internet, but instead a realist about its near-term journalistic limitations. Without an informed citizenry, he reminded us over and over again, we risk what is essential for democracy. His zeal for this issue was anything but academic. He took to the road and held countless hearings outside of Washington—giving thousands of people across the country the opportunity to speak about the changes in our media landscape, and the information they need in their communities.

As part of this, he also pressed for less indecency in the media, and less coarse content on our airwaves. His media policies had fans and also detractors. But both uniformly respected how he took on these issues and how deeply committed he was to his cause.

Simply put, they do not make men like Michael Copps anymore. He represents the best in public service. So as Dr. Copps turns in his badge and turns to spending more time with Beth and their family of five children, I wanted to come to the floor and congratulate him on his accomplishments. He has set an example for all of us. This one-time history professor has earned his place in history. I know I am grateful for his service to this country. I am also grateful to call him a friend.

## TRIBUTE TO THE DICK FAMILY

Mr. McCONNELL. Madam President, I rise today to honor a family of entrepreneurs who have been loyal and persistent in contributing to the economy of the Commonwealth, the Dick family of Science Hill, KY. The late brothers Arl and Carl Dick opened two separate general stores over 60 years ago which are still open for business and family operated today. In the midst of an economy where small businesses commonly struggle, it is inspiring that Kentucky's very own Pulaski County has two successful family-run businesses that have withstood the test of time.

The brothers Carl and Arl were Kentucky natives, but were living in Ohio when they decided to return to their Pulaski County roots and open a general store that would become a backbone in the local economy. At the beginning of 1952, there were a total of three general stores in the downtown area of Science Hill; one owned by

Fourth, and finally—he has emerged an important voice on media policy. The has never shied from asking the ard questions about our media institutions. He has criticized media contration for diluting the diversity, calism, and competition we need in ware as well.

None of the three stores were necessarily in competition with each other because each store specialized in carrying a different supply of items. Carl's grandson James Dick, who grew up working in the family business, started out as a delivery boy. If a customer requested an item that a particular store did not have in stock, James would run from store to store to find the item and make sure it was delivered to the customer.

Carl's son Russell Dick remembers the generosity his father showed to customers on a daily basis. Carl initiated a local system of credit so farmers could obtain the items they needed with an agreement that they would pay for the items as soon as their crops were sold. Carl was also notorious for investing in the local economy. He would lend money to farmers who wished to purchase new farm equipment and entrepreneurs who were interested in starting local businesses, all of which was paid back to him in full.

For the past half century, the general stores of downtown Science Hill have provided a family atmosphere for customers and have established a reputation for caring about their community. Carl Dick's General Store—now run by Carl's son and daughter-in-law Russell and Hazel Thurman Dick—and Science Hill Market, now run by Arl's widow Ruth Elliot Dick, still value friendly, caring customer service above all else. This devotion to the local customer has led to the long-lasting success of this small Kentucky business in today's modern economy.

The Pulaski County-area publication the Commonwealth Journal recently published an article that illustrates the impact three generations of the Dick family and their businesses have made on the community of Science Hill. I ask unanimous consent that the full article be printed in the RECORD.

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

[From The Commonwealth Journal, June 19, 2011]

CARL DICK'S GENERAL STORE: A SCIENCE HILL TRADITION

#### (By Don White)

Wal-Mart would have had a tough time competing with the Science Hill of yester-year.

Three general merchandise stores once operated downtown, all within a few feet of each other, carrying items ranging from shoes and clothing, paints, wallpaper, and flooring, to a full line of groceries.

Brothers Arl and Carl Dick each opened his own store at about the same time, and both remain in business. Arl's widow, Ruth Elliot Dick, is owner/manager of Science Hill Market, and across the way is Carl Dick's General Store, where his son and daughter-in-law Russell and Hazel Thurman Dick hold down the fort, often assisted by their son, James.

The Pulaski County natives opened their stores in 1948 and 1952 after returning home from living in Ohio.

"Arl's is the oldest, and the other store in town was operated by Ed Gibson," says James. "They were so close together, it was almost like they were under the same roof," notes the former delivery boy/floor sweeper/ stocker, and cashier who grew up in the business.

James supplemented the \$5 per week paid for working in the store with such chores as delivering mail, watering flowers for residents at a nickel per job, and mowing lawns.

"I was so young when I started mowing my customers had to start the mower for me," he says laughingly.

Often, when things were extra busy in the store, James welcomed the opportunity to make deliveries and figures he went to every house in town, either by walking, riding a bike, motorcycle or driving a golf cart.

"When our store didn't have something a customer wanted, chances were pretty good one of the others would, so I did the running from store to store picking up and delivering the items."

The 45-year-old bachelor and 1984 Somerset High graduate remains on the run, currently serving as president and CEO of Morris & Hislope and Pulaski Funeral homes, in addition to being a licensed funeral director. Life lessons learned in the store are given credit for the success he enjoys today in the world of business and helping people.

He learned about credit due to a big portion of the customers purchasing items with an agreement to pay when their crops were sold.

When adults would gather around the coal stove in the center of the building and swap stories and words of wisdom, James tried to stay within hearing distance.

"Adults were always talking, and I was listening, picking up lots of good advice along the way."

His papaw stressed the value in remaining humble throughout life, saying . . . "If you've got a quarter in your pocket, be sure and make people think it's a nickel," and to always be thrifty.

"I once ended up with \$25 at the end of a month of working, and they took me to Roses to pick out toys. I bought all quality toys. Ended up with a basket full and plenty of change left over."

Well versed in local history, James says his papaw's store was called Four Brothers and operated by the Randall brothers when Carl took over.

Arl purchased his store from Millard Roy. "All the stores stayed extremely busy, and there was never a feeling of one being in competition with the other because each was known for certain items.

"We specialized in shoes, feed and clothing," says James.

"I can remember selling bibbed overalls for \$2.98 per pair," says Russell, also widely known as a used car dealer from 45 years with two lots in Science Hill.

James has always been aware of the respect people in the area have had throughout three generations of service for Dick family members.

"I have all good memories of growing up in Science Hill, a really close-knit community that's a great place to live and work. "It's been a pleasure to see all the progress, like watching Charles Hall (former superintendent for the Science Hill Independent School System) build that school into one of the best in the state."

At the visitation for his papaw, he heard from dozens of people about the things he had done for them, including lending money for the buying of farm equipment.

"Vernon Merrick told me that papaw took a dollar off every pair of shoes he bought his children, and that meant a lot."

Coming to town to "do your tradin" at the three stores was a big deal.

"I seldom meet an area family who didn't shop downtown," he says.

And the best thing about the good ol' days is that they aren't over yet in Science Hill, Kentucky.

Carl Dick's General Store is open Monday through Saturday from 8 A.M. until 5 P.M., still selling everything from delicious baloney sandwiches to diamond rings.

Even old-fashioned candy is still sold by the pound at Christmas time.

In fact, the shelves are still stacked high with so much merchandise, the walkways are passable, but very narrow.

"Chances are, if you want it, we've got it, if we can find it," says Hazel.

### ADDITIONAL STATEMENTS

# TRIBUTE TO JAMIE KAMAILANI BOYD

• Mr. AKAKA. Madam President, I wish to congratulate an innovative educator and health care professional from my State, Jamie Kamailani Boyd, from Kaneohe, HI, on receiving the Robert Wood Johnson Foundation 2011 Community Health Leaders Award. The award was presented at a ceremony last November in Baltimore.

This award was given to ten individuals throughout the Nation who have overcome challenges to improve health and quality of life in disadvantaged or underserved communities. The award provides \$20,000 to each recipient for personal development and another \$105,000 to the project with which the awardee is affiliated. I am confident that this funding will be put to good use in Dr. Boyd's hands.

Dr. Boyd is a nursing assistant professor and a health programs coordinator for the University of Hawaii's Windward Community College, WCC. She is the first Native Hawaiian faculty member at the University of Hawaii to have earned a Ph.D. while also being a registered nurse. Carrying on a family tradition of nursing learned from her grandmother, she set out to better the health care system in Hawaii by improving nurse training and patient care.

To help achieve those goals, Dr. Boyd created the Pathway out of Poverty program at WCC. The program is founded on Native Hawaiian cultural values and seeks to encourage and train Native Hawaiian and disadvantaged students pursuing careers in nursing. She aims to reduce poverty,

increase the number of Native Hawaiian nurses, and improve the quality of nursing care by producing more empathetic and culturally competent providers. Today, Dr. Boyd trains about 50 nurse's aides a year with approximately one-quarter of them going on to pursue an RN degree.

As an educator and former principal, I know firsthand about the countless hours that go into creating curricula and reaching out to students. It makes me proud to see outstanding educators receive well-deserved national recognition for their hard work. Dr. Boyd's dedication to her field and to the people of Hawaii is undeniable. I applaudher for earning this outstanding recognition, and I wish her much continued success in her future endeavors.

# 100TH ANNIVERSARY OF NEW MEXICO'S STATEHOOD

• Mr. BINGAMAN. Madam President, this month marked the 100th anniversary of New Mexico's statehood. In recognition of this occasion, the Senate Historian, Donald Ritchie, wrote a wonderful piece highlighting the political and ethnic issues surrounding New Mexico's efforts to become a State. I thought it would be nice to share this historical note with the public by including it in the CONGRESSIONAL RECORD.

Mr. President, I ask that Mr. Ritchie's Senate Historical Minute, titled "New Mexico Enters the Union," be printed in the RECORD.

The material follows.

SENATE HISTORICAL MINUTE—JANUARY 6, 1912 NEW MEXICO ENTERS THE UNION

A century ago, on January 6, 1912, New Mexico entered the Union as a State. This ended a 64-year effort to achieve statehood, stalled by a combination of political and ethnic prejudice.

In 1848, the United States acquired vast territories in the Southwest under the Treaty of Guadalupe-Hidalgo, which ended the Mexican War. The problem was how to organize this territory without inflaming tensions between the North and South over the spread of slavery. The treaty had provided that inhabitants of the territories would become citizens and would be admitted into the Union as States "at the proper time (to be judged by the Congress of the United States)." President Zachary Taylor thought that sectional tensions might be eased if New Mexico and California immediately applied for statehood and avoided territorial status. The Compromise of 1850 admitted California but ignored New Mexico's application for statehood.

Over the next six decades, other Western States were admitted ahead of New Mexico. Congress at that time was often divided between a Democratic majority in the House and a Republican majority in the Senate. Each party tried to block the admission of a new State that might give the other party two more Senators. Because New Mexico was viewed as a potentially Democratic state, the Republican Senate thwarted its admission. In 1888, Republican majorities in both houses passed an omnibus statehood bill that

enabled North and South Dakota, Washington, and Montana to move towards state-hood, but omitted New Mexico.

Besides politics, New Mexico met resistance from Senators who questioned whether its largely Spanish-speaking, Catholic population was capable of self-government "in the Anglo-Saxon sense." Senator Albert Beveridge, who chaired the Committee on Territories, traveled through New Mexico and Arizona in 1902 and came back convinced that neither was ready for statehood. President Theodore Roosevelt, however, was anxious to settle the issue, and to break the logjam he proposed combining the territories of New Mexico and Arizona into a single State. Its capital would be in Sante Fe, but it would take the name Arizona. When submitted to the voters, New Mexico passed the proposal, but Arizona soundly defeated it.

In his last annual message to Congress, President Roosevelt abandoned the idea of a combined territory and proposed that each should gain statehood. Senator Beveridge continued to fight statehood, but in 1910 Congress adopted the Enabling Act to admit both New Mexico and Arizona. New Mexico immediately submitted an acceptable constitution, but objections were raised against Arizona's more progressive constitution. As a result, New Mexico's admission was blocked by a Senate filibuster until Arizona's constitution was also approved. New Mexico at last became a State on January 6, 1912, and Arizona followed a month later.

# TRIBUTE TO SHERIFF PAUL LANEY

• Mr. CONRAD. Madam President, I wanted to say a few words today about Paul Laney, who is the Sheriff of Cass County, ND. Sheriff Laney has just been named the Sheriff of the Year for 2011 by the National Sheriff's Association, and I can tell you that it is a well-deserved honor.

Sheriff Laney has long been known for his tireless, diligent and innovative efforts on behalf of the people of Cass County. He is always out in public putting the best face on the Sheriff's Department and working hard to strengthen community bonds in that part of the Red River Valley. Last year he received the 9-1-1 Government Leader Award from the E9-1-1 Institute for his work in helping create the Fargo-Moorhead regional dispatch center, which was the first in the nation to integrate services across State lines.

Sheriff Laney also played a strong and pivotal role in coordinating response to major flooding in both 2009 and 2010 in Cass County. The flooding in 2009 was the worst ever seen in the region, and his leadership made a major difference in a situation that many thought would end in catastrophic loss.

I congratulate Sheriff Laney for being named Sheriff of the Year. I know the citizens of Cass County, like me, greatly appreciate all he has done on their behalf.●

### VERMONT STUDENTS' ESSAYS

• Mr. SANDERS. Madam President, I ask to have printed in the RECORD

these essays written by Vermont High School students as part of the Second Annual "What is the State of the Union?" essay contest conducted by my office. The following essays were selected as "Honorable Mentions."

The Statements follow.

HANNAH APFELBAUM, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

America is not living up to its full potential. We have one of the highest child poverty rates in the Western world, a high unemployment rate, and test very low in math and science compared to other developed countries. And that's not all—we also face environmental challenges and the decline of the middle class. We must use our differences to unite us by tackling all aspects of the issues we face. But America is asking how, specifically, do we solve these problems?

First, we need to decide what problems not to solve. Iraq and Afghanistan are not in ideal condition. This does not mean, however, that we should be pouring all of our money into military efforts there. Instead, we need to make more money available for the most pressing issues in our own country.

One way to make more money available is to stop giving the wealthiest people the biggest tax cuts. It is understandable that politicians are concerned about backlash from these influential citizens, but the majority of people in this country—the middle class—needs to be taken into account. With the national debt becoming greater and greater, these tax cuts simply are not sustainable.

So where should our money go? The first priority should be education. Successful experiences in the early years of school make children much less likely to drop out or end up in prison—an entity that tax dollars pay for, with less than stellar results. Investment in public elementary schools benefits both the children and the general public. We also need to spend money on college financial aid programs. The most successful students who cannot pay their own tuition deserve to have this opportunity, and will most likely make a large contribution to society in their adult lives. All contributions to education will help make Americans qualified to obtain jobs that will provide them with comfortable wages, and stimulate the economy.

We also need to spend money on healthcare. Every American has the right to "life, liberty, and the pursuit of happiness." Life, especially, is very hard to maintain without adequate healthcare. The right to be safe is something that needs to be provided to all citizens. It is simply not acceptable for a child in need of a treatment such as chemotherapy to not be able to access it. It is time that we live up to this responsibility. And in providing safety, a clean environment is also essential. Clean air helps reduce our risk of cancer, lung disease and numerous other health issues.

America—now is the time to make choices for the benefit of our national community. We need to fund education. We need to fund healthcare. We need to take environmental action. It is time for each of us to advocate and actively work for these policies so that America can reach its full potential.

ERIN CLAUSS, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

My fellow Americans, as we move into 2012, there are serious issues that must be resolved. The American middle class is in crisis. Hard-working Americans are losing their jobs, and are unable to care for and provide for their families. This nation is drowning in debt. Americans are unable to pay for basic needs, like healthcare.

The Occupy Wall Street movement has

brought to all of our attention how important fixing the economy is. As of November 2011. 7.6 million Americans have lost their jobs during this recession. The unemployment rate is declining, but there is still much work to be done. These people want to be able to support themselves. They don't want to be living off food stamps and have their homes foreclosed on. They want to work. They want to be able to afford to give their children a college education. The United States has the most expensive college tuition in the world, leaving young adults struggling with debt. They have difficulty paying off that debt when they are unable to find a decent job after graduation.

Part of the solution must be to raise taxes on America's wealthiest citizens. This isn't about class warfare. It's about saving the American economy. Those who can afford to pay more have the responsibility to do so. To be able to pay off our debt and bring back the so-called "American dream," we desperately need to raise revenue, and this is the clear solution.

Due to this recession, many Americans cannot afford to buy health care. They are uninsured and unprotected. Over 44 million Americans do not have health insurance. This is an outrage. Health care is a basic right that should be guaranteed for everyone. If, in the Declaration of Independence, we, as a nation, claim to guarantee the rights to life, liberty, and the pursuit of happiness, we must do so. By allowing insurance companies to deny our people adequate medical care, we are taking away their right to life. This must be remedied.

What we really need now is compromise. Nothing can or will be achieved if the leaders of our nation, the representatives of the people, refuse to compromise and work together towards the betterment of our country. This crisis is not unsolvable. We have the tools to fix the situation in our nation today, but only if both sides are willing to make concessions to help us move forward into the future as a powerful nation.

Thank you.

YAMUNA DAHAL, WINOOSKI HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

The United States of America is country of opportunity and success. We believe in our country and our confidence. We believe that we would eventually succeed overcoming any obstacles. We never fear to try something new. We are always trying to show the world our power of unity and diversity. We got the best entrepreneurs in this country whose continues hard work and confidence made our country the best among the world, we do have some issues that need to be fixed.

Our parliament system is based on equality and liberty. Our democratic governmental system enhances the public voice to be heard. Anyone, who is capable and willing of leading this country, could be elected freely regardless of their ethnicity, race or social background.

For the last decade, our country is facing many problems. The average income for the American family is falling down. Many of our American families are losing their jobs because companies outsourced their jobs to foreign land. Companies and rich peoples are

getting richer whereas the average income families are falling towards the poverty line. There are others concerns like illegal immigration, and increasing crime. There are also issues such as recovery of hurricane Katrina at New Orleans, Oil spill at the Gulf of Mexico and California fire. I could go on and on and never finish mentioning our problems.

However, for our generation increasing college tuition is a matter of headache. Our parents' incomes are spent paying their college loans and home mortgages. Today 'saving for the children's college' is rarely heard from average income family parents. Today, it's very hard to get accepted for scholarship at colleges and university so the only way to go to college is to 'take a loan.' However, in this economy, many of our college graduates are jobless and are under the debt of more than 100K dollars. And the numbers of those college graduates are increasing along with their debts. Many students get frosted about their college loans and choose to go to community college. Universities and research centers are beyond their imagination. It is decreasing our confidence and our hope for the better future. As a young high school student, I myself have to start thinking about college and my future jobs as early as my eighth grade.

To prevent ruining our future the government should put a limit for private colleges and universities tuition. There should be more scholarships available for needy students. High school students should get opportunity to take college courses during summer to reduce their semesters when they actually go to college. They should be properly trained about money management and time management. The government should increase and improve community colleges and government state universities and reduce the price. The number of colleges and universities should be increased in the remote site of the country and make it more accessible for everybody.

JULIENNE DEVITA, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION) [January 23, 2012]

Dear Fellow Americans: Today, I stand before this great nation, to speak to the concerned, hardworking Americans, with the intent of bettering the state of this country. I would like to bring to your attention three of the most pressing issues which I feel need to be addressed in 2012 in order for the United States of America to reach it's full potential; the environment, our economy, and college education costs.

This past year, after 10 years of war, and frustration, the United States Military Forces found and defeated a key leader of the Al Quaida movement; Osama Bin Laden. This brought relief and feelings of security back to Iraqi and American citizens. We ended a war and are bringing our troops back home. Now however, it is the time for our government to focus on domestic issues, three important things that need to get done in our country.

Firstly, fossil Fuels are a finite commodity in our world today, and whose dwindling supply has lead our country to face the unavoidable subject of Global Warming. We need to focus the public's attention not only on the devastating effects of the environment, but ultimately what will happen to human life on this planet. There needs to be more public awareness of the long-term disastrous affects that global warming will inevitably bring to our world. We need to commission scientists to create more practical and affordable solutions to this problem.

Another issue that is of paramount importance is the state of our economy. We must invest in America; American jobs, American-made products, and the American people. Companies need to be rooted in this country so that more jobs can be made available to the 8.6 percent of unemployed Americans. Financial incentives must be available for businesses to stay in the U.S. and employ the American workers.

America needs to close the vast gap between rich and poor in this country. Actions that progress the wealth down through the middle and lower class are essential. Since 1978, the cost of college tuition has increased more than 900 percent. Costs of a college education have to be more affordable for our young adults who are planning and investing in their futures.

As we reach towards these goals, our country's leaders have to come together and put aside their religion, skin color, or the fact that they are a Democrat or Republican in order to address these issues and find solutions. We must put aside our differences and compromise towards the common good. Individually we are not as strong as when we all work together.

We are a country rich of talent, knowledge, and resources. By vowing to work together on the issues of the environment, our economy, and college education costs, we will be ensuring a better future for all Americans. Let's make our future one to look forward to.

ALDEN FLETCHER, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

Our union is a union of people, a people who recently have been vocal about the state in which they find themselves. From the tea party to Occupy Wall Street, everywhere there is a movement rising up, demanding similar changes to a broken system. The people are hurting, they have lost their jobs, they are dealing with a harsh economic recession and thus far our government has failed them.

Our government has proven itself incapable of effectively dealing with the diverse and complicated problems currently threatening this nation. Our legislative body is crippled by partisan gridlock, the executive branch has been lenient in its duty to protect the American people and their rights, and, the power of common citizens in politics is being marginalized in favor of the interests of the wealthy. The need for reform is evident.

First the influence of special interests in government must be diminished; legislators should be motivated by a desire to ensure public good, not a job at a lobbying firm. In addition, the effects of Fec v. Citizens United must be reversed, and new restrictions must be established that limit an organization's media power and its access into the political system.

Second, we must be certain that the federal government is vigorous in its regulatory capacity. Whistblowers, people who report nefarious or negligent activity against the public, must be protected to the utmost; further initiatives need to be taken that increase accountability within the government bureaucracy. This will guarantee that the federal government does not abuse its power in the same manner as it has with national security.

Our country is a democracy, and it is the citizens' prerogative to keep government in check. However, many states have instituted laws that place unnecessary burdens upon

voting rights. In order for a democracy to function it requires popular participation and it should be the imperative of government to encourage all those who are eligible, to vote. Through the means of a constitutional amendment, the federal government must be granted increased jurisdiction over national elections. Thus the government can create standardized voting requirements, implement automatic voter registration and facilitate absentee balloting, all of which are vital steps to giving underrepresented groups, for instance young people, more of a say in the national debate.

Finally there must be a new a sentiment of cooperation and compromise in Washington if there is to be progress. A government that continually threatens to shut down due to petty disputes does little to serve the people. Changing the way this nation is governed will allow us to tackle issues from climate change to inequality, from the rising cost of college education to promoting human rights across the globe. However, if no action is taken we can accomplish nothing, and it is our responsibility to be an educated and vigilant electorate, to ensure that this does not happen.

JACK DU PRE, VERGENNES UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

The state of this nation is declining. It has become an age where men and women of higher education status can't find work and an age where the natural order of employment has been shaken by a decline in productivity and availability of jobs. Teens, like me, cannot find work due to the fact that many "white collar" workers have no choice but to take jobs that they would normally not consider. At a resort near my school, the common denominator of the wait staff this summer was that most held Masters Degrees and two held PhD level educations. Waiting tables was what they could find for work.

From our youngest days in school we are charged to go to college and further our education. We are taught that the American dream is alive, well and available for those diligent and hard working. The present realities make that seem more like a fairy tale and the realities of the current economic situation more of a harsh reality. America is in need of a direct approach to stimulate the economy. The answer is not pouring more money into the economy, but deciding what will be made here and made with precision, passion and pride. The economy is stagnant because of lack of direction and focus.

In conclusion, the mending needs to come from three places. It needs to come from a Congress joined by a common interest—America and not divided by partisan rhetoric and a current state of blaming the other side. It needs to come from American corporations who decide to invest in America and in American ingenuity. Lastly, it needs to come from the people who are mired in frustration and apathy. If all three forces face the future and address the issue of what America truly needs, then the country can begin to live as it has in the past, as a beacon for other countries as a place where dreams can come true.

EMMA HAMILTON, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

At the dawn of 2012, the United States is facing a multitude of pressing issues. Currently, the U.S. poverty rate is 15.1 percent, the highest since 1993; the unemployment

rate is 8.6 percent; and an unprecedented string of natural disasters has overcome our country in 2011. Compounding all these problems is our divided Congress, which has proven to be largely ineffective in addressing these daunting issues in a concerted and resolute manner. In this critical time, it is imperative that change comes soon.

The root of many of our country's problems originates with our degraded education system. There is a great gap in opportunities for early education, which is in large measure based on income. Studies have proven that a quality early education is essential for a successful future. Re-building and strengthening our early education system must become a top priority if the country wants to see future positive change.

When American children are born, they are told that if they follow the rules: go to school, work hard, and attend college, then they will be rewarded with a promising future. Nowadays, graduates fresh out of college find that even though they followed the rules, they struggle to find the promising future that they were led to believe would be there. America needs to find a way to put our educated people back to work with jobs that will build our economy, community, and country.

This past year extreme tornadoes ripped through the southeast. Hurricanes and tropical storms flooded communities along the eastern seaboard. Furthermore, the summer of 2011 was the hottest ever in Texas, New Mexico and Oklahoma, causing heat waves and record droughts. This extreme weather has cost our country over \$35 billion dollars. Most can agree that the climate is drastically changing at unprecedented rates. The time has come that the human race faces the effects it has on Mother Earth. The United States emits more than 5,425 million tons of carbon dioxide every year, ranking it second highest worldwide. We must join together as a nation to find quick solutions to this evergrowing problem before it is too late.

In 2011, Congress proved to be one of the most divided and uncompromising Congresses the American public has ever seen. In a time of crisis, America needs congressional leadership with creative solutions and a willingness to work together to get things done. It is vital that Congress moves forward without partisan bickering and focuses on making positive change.

During a time of high unemployment, living with a degrading education system, and increasing environmental catastrophes, our country cannot afford to wait anymore. The time has come for Americans to come together to solve the problems we are facing. Although we are confronted with many issues, there is hope for a brighter future. America has repeatedly shown it is strong and can and will restore itself to become the thriving and great nation it is capable of being.

ZACH HOLMAN, CHAMPLAIN VALLEY UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

I stand before our great nation to address the current state of the nation. 2011 was a struggle for many people, students were ending college carriers thousands of dollars in debt, scraping every last penny to cover medical bills because health insurance is too costly, or many were just not able to find a job whether he or she was an adult or teenager. 2011 is behind us and 2012 is here, things will improve. For this year there are three crucial changes our government must make to make America truly great again and fully

prosperous we must get people working, enact a one-payer healthcare system that ensures coverage to all, and a higher education program that makes college affordable for levels of income and status.

The past few years have led to the demise of the middle class. This is due to the fact higher paying positions do not exist and no one is hiring. Everyone from the age of 16 to 65 is under pressure to find work and yet most cannot. This year, 2012, it will change. At the end of the 2011 the unemployment rate dropped to 8.6 percent, an improvement. not a solution. We must make it so those able to and willing to work can. My plan is to start programs that train a work force for different skilled positions that there is a demand for. Then I will make sure that these positions are available. If this means subsidizing certain industries to increase demand and promote hiring, I see that it happens. It is time to get America working again whether you are a teenager or elderly adult jobs will be available.

This country has attempted to tackle the healthcare problem, and each time it does not succeed in the way most hope. It is time to throw away the old system and start new; it is a new year and a time for new ideas. The only way to bring quality healthcare to all Americans is through a one-payer system. A system that makes sure no citizen goes uncared for. To make this possible we must de-privatize insurance companies and give coverage to all. Life is not a luxury only people of certain socioeconomic statuses deserve, it is a basic human right and a one-payer system is the only way to make it possible.

Education is my last topic for the night. Today only students in dire need of financial aid receive it to attend college. This is not right and does not work. Middle class families barely can afford the outrageous price of tuition for one child let alone two or more. We must enact new forms of aid that make college affordable for all and give everyone an equal opportunity.

The country needs help, but with a few small changes success is possible. God bless you and God bless the United States of America.

# KATIE LEAVITT, WOODSTOCK UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

Crises encourage friendships. They force people to act as a community and work together, especially when they involve those that they care about. They create situations that bring out the good in people who would otherwise never step up to lend a hand.

The town of Woodstock has lived through a crisis this past fall: Hurricane Irene. In the months and weeks afterward, the town saw first hand that people come together and do the right thing when they need to. Community members recognized that friends and relatives who were dear to them were in trouble, so they stepped up to help make a change, because in light of a crisis, they cared. When a tree lay across my road after taking out a power line, everyone in my neighborhood helped those who weren't able to get to their homes by providing them with food, showers, and shelter. My family even created a path through our field to allow people to drive through to the other side. Crises involving family, friends, and neighbors force people into action, and they create a better environment through a sense of urgency and caring.

A major issue in our country today is the poverty crisis. One cannot enter a city with-

out passing someone with all their belongings in a bag, asking for any money to help alleviate their situation. The majority will walk by and do nothing. The whole country begs for change: an end to poverty, yet they walk right by when a person in need asks for help. The only feeling in walking by is guilt that you have more than they, and can relieve the guilt by handing them a dollar or two. However, this does nothing to solve the problem as a whole; it only gives one temporary peace of mind. They do nothing to truly help because there is no intrinsic pull to help them, just a sudden guilt. They feel no real sense of urgency to do anything, as they have no connection to the person. It is the sense of caring for this person and the urgency to alleviate their situation that they lack.

The solution to the crisis of poverty is to replicate this feeling. To find a way to make people truly care about those that they walk by in the street everyday to get to work. Organize committees to issue government grants to motivated groups of people who will find a way to engender the feeling of community in their own hometowns and cities. Grant them the money for them to create ways for the poor and wealthy alike to become friends, and begin to form a community. That's all it takes: when you know someone, and you realize they are having a crisis, you go out of your way to help fix the problem, because that's the way it always works: absolute neediness from people you care about brings everyone together. The wealthier people will begin to look around and realize that their new friends are deep in the middle of a crisis, and they will do something about it. Trust me. I've seen it.

# THEOPHILA LEE, SOUTH BURLINGTON HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

As a nation, the most pressing concern we currently face is our current education system. An issue of vital important to the next generation of this country, and therefore to the nation itself, I am dismayed by the lack of progress our nation seems to be making in this area. Instead of further sensationalizing the statistics of the abysmal standards of U.S. students in comparison with their international cohorts, I have decided instead to give some practical suggestions.

The change has to come from all levelsfrom the students, the teachers, the schools, and the communities. At the basic levels, subjects should be taught in a more integrated way. History, literature, and art should be interwoven and studied together. This ability to reach across traditional disciplines and explore their relationships will develop increasing well-roundedness in student. It will force pupils to make interdisciplinary connections, an educational experience that I believe ultimately makes a better informed, creative, and open-minded student. Collaboration should be encouraged more often. For teachers, teaching skills should be continually sharpened, with time to take courses, attend conferences, and share lessons and tips with other teachers, online and in person. Should school districts want to explore the option of merit pay, they should base it on the above criteria, certainly not test scores of a teacher's students. Additionally, schools (with the assistance of the community at large) should require that students complete various internships with businesses, government agencies, etc. This allows students to explore their passions and expose them to the world of work through school-to-career programs and internships.

Finally, I find it appalling that lowering the cost of college tuition while still maintaining the quality of our higher education system is still not a high enough priority.

Our higher education system is something America should be proud of: every year, the Ivy League and top liberal arts colleges receive an increasing number of international applicants, all who recognize the superiority of a U.S. education. However, the price tag is an entirely different issue. While it's understandable that cutting costs will inevitably create conflict, couldn't college presidents be held more accountable for the rising costs? This previous semester, a Stanford professor tried an experiment where he opened up his class to anyone online-for free. Expecting to get only 10,000 people, he instead found that by the end of his course, 140,000 pupils from all around the world had enrolled. Perhaps the government should encourage top colleges to explore technology in higher education through government subsidies. More paying students would lead to lower prices. It would also reduce the frenzy of high-school seniors as we find ourselves competing with as many as 10 other students for a place in our top choice college. I believe this would be a win-win situation for both parties involved.

# GIOVANINA MIER, ST. JOHNSBURY ACADEMY (HONORABLE MENTION)

[January 23, 2012]

In the eternal words of our country's Preamble of the Constitution, it is stated that the purpose of the United States is "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for all". Today, over 224 years later, these words may seem distant and unreachable. However, they still remain the foundation of our government and ideals that we, as the American people, should strive to achieve.

In recent years, our government and political systems have become increasingly polarized and radical. While this is not inherently unfortunate, it has led to the inability of groups of differing opinions to compromise. Without compromise, democracy cannot function. In order for the people to exercise their sovereignty in such a way as to spark change and improvement in both our country and the world, we must first be able to express the will of the majority. With two equally unbending political parties pitted against each other, our government has become stagnant. This effects even minor problems, but is especially crucial in the economic recovery that is the desire of every American. With the inability to come to agreements on smaller negotiations. how can we expect to solve the larger problems of our staggering debt, unemployment, and inflation? The economic recession has injured every American, from the college student unable to find a job with a Master's degree in their field to the small business that must close its doors.

These problems facing the American people cannot be solved by simply holding fast to one's beliefs. While it is valuable to have those in government that adequately and accurately represent the ideas, morals, and beliefs of the American public, compromise does not mean that one has to entirely renounce everything they hold to be right and true. Instead, compromise asks that we come to a place at which both parties can agree upon one idea or principle. Does that seem so much to ask? Of course, compromise in practice is more difficult than in theory, but by

striving for this ideal, we can create a foundation upon which compromise becomes possible. The intensive media coverage extended to the extreme ends of the political spectrum drowns out the rest of the American public; yet listening to the less heard voices of the moderate American people is one of many ways in which we can begin to meet the challenges of compromise.

To restore our country to prosperity and success that will extend to all Americans, we must listen to both the minority and majority. We must not allow the media to create entertainment and triviality out of such serious matters of government and politics that affect all of us so greatly. We must overcome our differences and disparities to become a more unified nation truly built upon compromise, and achieve the dreams articulated in the Preamble of our Constitution.

# TRAVIS KENT REED, VERGENNES UNION HIGH SCHOOL (HONORABLE MENTION)

[January 23, 2012]

In the past our country has been a world leader in freedom and democracy, but this unfortunately is no longer true. When I was little, I remember my father explaining to me that in places like Soviet Russia and Nazi Germany if people were suspected of opposing the government or expressing a divergent viewpoint, they would simply disappear. Today the United States government has made moves toward emulating its past enemies and even such fictional totalitarian states as "The Party" from the book 1984, by passing bills that designates the world as a battlefield and allowing the indefinite detention of any person suspected of terrorism, including American citizens, without trial or other Constitutional rights.

Recently Occupy Wall Street protestors have been labeled in the same vein as domestic terrorists and the United States military has been mobilized to stop these protestors who are being attacked and brutalized for attempting to carry out their rights to peaceable assembly guaranteed in the Bill of Rights. Just recently a bill was sent to committee to be discussed. Called "Stop Online Piracy Act", it was introduced by Representative Lamar Smith of Texas. This bill is one that would seriously engender freedom of speech on the Internet by allowing for copyright holders to take down any website with a copyright claim against it. For sites like YouTube, and Reddit that had previously been protected by the Digital Millennium Copyright Act of 1996, this would mean death. What is the terrifying thing about this bill is that it isn't the only one like it. In the Senate there is a bill called Protect IP ACT, introduced by Senator Patrick Leahy which will perform the same function as the SOPA. These bills have been introduced into a nation that has long criticized countries like China for censorship and the suppression of human rights.

Our nation has long prided itself on how it treats its citizens and how the rights of the individual are the backbone of our democracy. It seems today our country is going away from this model and the value placed on the citizen is less and less important. While the wars of terrorism are being fought, a greater threat is looming, and the rights of the American people are slipping away, quietly and with deliberate purpose.

#### DAHLIA SOMERS, SOUTH BURLINGTON HIGH SCHOOL (HONORABLE MENTION) [January 23, 2012]

America has been able to spread her objectives of freedom and democracy throughout

the world. Together we have overcome one difficulty after another and now we face a new challenge: to create an even greater and more progressive America. To remain a world leader change is inevitable: otherwise our country will take a back burner to rising super powers. We will always be a great nation, but to remain an important one the issues of economy, education, healthcare, and environment must be addressed.

Currently we are in debt to China for over \$15 trillion; this means our population of roughly 311 million citizens has a debt share of around \$49 thousand each. East Asian countries and European countries surpass us in education—especially in the academic subjects of math and science. Japan has a universal health care system and an average population life expectancy of 82.25. Germany understands that our environment has a finite supply of resources and imposes an environmental tax on its citizens.

Focusing on the economy, we need to generate more jobs and discontinue outsourcing. It is time for heavy regulation, and an end to the laissez-faire relationship with big businesses. This is evident in the Wall Street bailout, the outraged 99 percent, and the unacceptable (though declining) unemployment rate of 8.5 percent. The warfare against the middle classes must be addressed, and the lower classes must be bolstered.

Education is success. The focus of education should be aimed at life achievement rather than standardized tests. The problem now is that schools don't have a large enough budget: if teachers had larger salaries more competition would be created and our children would be taught by the best qualified. Parents, when they motivate and assist their children, can become invaluable components in this exciting process.

Our healthcare system is a painful topic. America has the most expensive healthcare system without the better results of less expensive European systems. We should follow the European models. Well, at least all children, seniors, and disabled should have assured healthcare. Vermont is an innovator in healthcare, and if we are successful the rest of America might follow our example.

The environmental issue is not to be taken lightly. Global warming is real and we perpetuate the harm caused to our planet. It is our responsibility to work with other powerful countries to limit our ecological footprints and conserve the world's natural resources. Steps must be taken not only on a political level but on a cultural one as well. It must become part of our culture to consume less extravagantly and recycle more diligently.

To make these ideals a reality our government must find harmony between the Democrats and the Republicans. We need to remember that this is not an issue of which party is most correct, but what can be compromised to create a better America. We still haven't seen all America can be, she is still growing and we, the present and the future, must guide her to the best outcome.

# KIDDER SPILLANE, CVU, (HONORABLE MENTION)

[January 23, 2012]

Dear Fellow Americans, I am reporting to you as the New Year is starting I would like to inform the state in which the country is in and in which subjects we are going to push our efforts toward.

I believe the most important subject to address first is our problem with oil. We depend a lot on Middle Eastern countries for their foreign oil. The oil is running out and we

need to put a lot of our efforts into alternative energy sources including solar, wind and even hydroelectricity. We can't just make this happen overnight it's going to take a lot of time and effort; this can be looked upon as a positive. This brings me to my next subject, if we create more alternative energy productions this will open a lot more opportunities for job creation. In November of 2011 the unemployment rate dropped to 8.4 percent from 9 percent. There are still over 13 million American without a job, and these alternative energy products can reduce that number significantly.

The next subject I would like to address is healthcare. Healthcare is a necessity that I feel every American should be able to have with no cost. Healthcare shouldn't be something people have to worry about, our country should provide universal healthcare across the nation it is our right to get the treatment they need to survive.

The country is in debt, that's the truth we are in a deficit of \$1.48 trillion. This is a cause of overspending by the U.S. simply just raising the taxes for everyone is not the answer. I believe the way people should be taxed is the answer if a wealthier individual has the money to be able to pay more in taxes than he is doing than he should be paying more than somebody who is working a middle class job living in the suburbs. There needs to be a higher minimum tax payment on the less wealthy citizens. Not just a low percentage of somebody's income.

I also believe we need to support student loan reforms. In the future almost 60 percent of future jobs will require more than a high school diploma. We want every American to have the opportunity, and the ability to get a college diploma. People shouldn't have to be in so much debt from their loans. We need to help the people that aren't able to pay for college by themselves. The interest rate on student loans will be lowered.

Thank you fellow Americans. It is not just congresses job to make this happen we need to unite as a nation everybody needs to be a part of the action of strengthening our nation. This is a tough time right now with the economy it's going to take effort from all Americans. Thank you for your time America. God bless you and may god bless the United States of America.

#### MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3800. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3801. An act to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight.

# EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4678. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing eforts for fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

EC-4679. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the National 911 Program; to the Committee on Commerce, Science, and Transportation.

EC-4680. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the awarding of funding made available by the American Recovery and Reinvestment Act of 2009; to the Committee on Commerce, Science, and Transportation.

EC-4681. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "NASA: Key Controls NASA Employs to Guide Use and Management of Funded Space Act Agreements are Generally Sufficient, but Some Could Be Strengthened and Clarified"; to the Committee on Commerce, Science, and Transportation.

EC-4682. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the Do-Not-Call Registry Fee Extension Act of 2007; to the Committee on Commerce, Science, and Transportation.

EC-4683. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2012" (RIN0691-AA80) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4684. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Miscellaneous Amendments; Response to Appeals; Corrections" (RIN2137-AE84) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4685. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service of Drivers" (RIN2126-AB26) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4686. A communication from the Deputy Bureau Chief, Public Safety and Home-

land Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "911 Service, Phase II Accuracy" (FCC 11-107) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4687. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Milford, Utah)" (MB Docket No. 11-64, RM-11598) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4688. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures, Third Report and Order" (MB Docket No. 09-52, RM-11528) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4689. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "911 Service, Phase II Accuracy" (FCC 10-176) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4690. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 95 of the Commission's Rules to Provide Additional Spectrum for the Medical Device Radiocommunication Service in the 413–457 MHz Band" (FCC 11–176) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4691. A communication from the General Counsel of the Department of Commerce, transmitting, proposed legislation entitled "Port State Measures Agreement Act of 2011"; to the Committee on Commerce, Science, and Transportation.

EC-4692. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Fayette, AL" ((RIN2120-AA66) (Docket No. FAA-2011-0559)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4693. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Winters, TX" ((RIN2120-AA66) (Docket No. FAA-2011-0608)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4694. A communication from the Senior Program Analyst. Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Alice, TX" ((RIN2120-AA66) (Docket No. FAA-2011-0498)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4695. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ardmore, OK" ((RIN2120-AA66) (Docket No. FAA-2011-0851)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4696. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Emmonak, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0880)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4697. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tatitlek, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0757)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4698. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nashville, AR" ((RIN2120-AA66) (Docket No. FAA-2011-0497)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4699. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Danville Airport, PA' ((RIN2120-AA66) (Docket No. FAA-2011-0766)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4700. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Amendment of Class E Airspace; Los Angeles, CA" ((RIN2120-AA66) (Docket No. FAA-2011-0496)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4701. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Umiat, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0750)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the

Committee on Commerce, Science, and Transportation.

EC-4702. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dalles, OR." ((RIN2120-AA66) (Docket No. FAA-2011-0893)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4703. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, ransmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Blythe, CA" ((RIN2120-AA66) (Docket No. FAA-2011-0585)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4704. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class B Airspace; Seattle, WA" ((RIN2120-AA66) (Docket No. FAA-2011-0232)) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4705. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (77); Amdt. No. 3451" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4706. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (77); Amdt. No. 3450" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4707. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (4); Amdt. No. 497" (RIN2120-AA63) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4708. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightcrew Member Duty and Rest Requirements" (RIN2120-AJ58) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4709. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Air Traffic Service Routes; North-

east United States" ((RIN2120-AA66) (Docket No. FAA-2011-0376)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4710. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization of Airworthiness Standards for Transport Category Airplanes—Landing Gear Retracting Mechanisms and Pilot Compartment View" (RIN 2120-AJ80) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4711. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Pilot, Flight Instructor, Ground Instructor, and Pilot School Rules (Part 61)" ((RIN2120-A186) (Docket No. FAA-2006-26661)) received during adjournment of the Senate in the Office of the President of the Senate on December 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4712. A communication from the Senior Program Analyst, Federal Aviation Adminis-Department of Transportation. tration. transmitting, pursuant to law, the report of a rule entitled "Pilot, Flight Instructor, and Certification; Pilot School Technical Amendment," ((RIN2120-AI86) (Docket No. FAA-2006-26661)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4713. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (34); Amdt. No. 3457" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4714. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (98); Amdt. No. 3456" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4715. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1256)) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4716. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International, Inc. Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1261)) received during adjournment of

the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4717. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1252)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4718. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Quest Aircraft Design, LLC Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1328)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4719. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC 120B Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4720. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BRP-Powertrain GmbH and Co. KG Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1299)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4721. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737–200, –200C, –300, –400, and –500 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0914)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4722. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0720)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4723. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, and D1; and AS355E, F, F1, F2, N, and NP Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1158)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012;

to the Committee on Commerce, Science, and Transportation.

EC-4724. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0648)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4725. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piaggio Aero Industries S.p.A. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0954)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4726. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, ransmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1206)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4727. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace Corporation Model GV and GV-SP Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0572)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4728. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Division (PW) PW4000 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0733)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4729. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-27747) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4730. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG (RRD) BR700-710 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0684)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4731. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1341)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4732. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1298)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation

EC-4733. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PT6A-15AG, -27, -28, -34, -34AG, -34B, and -36 Series Turborop Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1038)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4734. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0651)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4735. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International, Inc. TPE331 Model Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0935)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4736. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Authorization to Use Lower Than Standard Takeoff, Approach and Landing Minimums at Military and Foreign Airports" (RIN2120-AK02) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4737. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412CF, 412EP Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1041)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4738. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Erickson Air-Crane Incorporated Model S-64F Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0909)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4739. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model EC225LP Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1074)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4740. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0792)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4741. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model EC225LP Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1033)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4742. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-215-1A10, CL-215-6B11 (CL-415 Variant), and CL-215-6B11 (CL-415 Variant) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1096)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4743. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, AS332L1, and AS332L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0939)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4744. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0650)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4745. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0255)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4746. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1317)) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4747. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Eastern Pacific Ocean; Pelagic Fisheries; Vessel Identification Requirements" (RIN0648-BA49) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4748 A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service. Department of Commerce, transmitting. pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United Atlantic Mackerel, Squid. States: and Butterfish Fisheries; Amendment (RIN0648-AX05) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, Transportation.

EC-4749. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer" (RIN0648-XA825) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4750. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 10" (RIN0648-AY72) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4751. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 13 to the Coastal Pelagic Species Fishery Management Plan; Annual Catch Limits" (RIN0648–BA68) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportations

EC-4752. A communication from the Deputv Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled Magnuson-Stevens Fishery Conservation and Management Act Provisions: Fisheries of the Northeastern United States: Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning (PSP)" BB59) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4753. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled Fisheries of the Northeastern States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Interim 2012 Summer Flounder, Scup, and Black Sea Bass Specifications; 2012 Research Set Aside Projects" (RIN0648-XA795) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science. Transportation.

EC-4754. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region" (RIN0648-B26) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4755. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions for Bigeye Tuna and Yellowfin Tuna in Purse Seine Fisheries for 2012" (RIN0648-BB73) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4756. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service. Department of Commerce, transmitting, pursuant to law, the report of a rule entitled Fisheries Off West Coast States: West Coast Salmon Fisheries; Amendment 16 to the Salmon Fishery Management Plan' (RIN0648-BB55) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science. Transportation.

EC-4757. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Amendment 18" (RIN0648–18133) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4758. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Amendment 88" (RIN0648-BA97) received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4759. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Removal of Standardized Bycatch Reporting Methodology Regulations" (RIN0648-BB52) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4760. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Recreational Accountability Measures" (RIN0648-BB66) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4761. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2011 and 2012 Harvest Specifications for Groundfish" (RIN0648-XA855) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4762. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendments to the Queen Conch and Reef Fish Fishery Management Plans of Puerto Rico and the U.S. Virgin Islands" (RIN0648-AY55) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4763. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Generic Annual Catch Limits/Accountability Measures Amendment for the Gulf of Mexico" (RIN0648-AY22) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4764. A communication from the Acting Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83" (RIN0648–AY53) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4765. A communication from the Acting Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Vessel Monitoring Systems" (RIN0648-BA64) received during adjournment of the Senate in the Office of the President of the Senate on December 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4766. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BB65) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4767. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XA842) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4768. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA858) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4769. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sculpins in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA857) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4770. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Flatfish' in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA834) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4771. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyazofamid; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9332–5) received in the Office of the President of the

Senate on January 30, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4772. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Etoxazole; Pesticide Tolerances" (FRL No. 9334-9) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4773. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rimsulfuron; Pesticide Tolerances" (FRL No. 9332-1) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4774. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Net Worth and Equity Ratio" (RIN3133-AD87) received in the Office of the President of the Senate on January 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4775. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Covered Securities of Bats Exchange, Inc." (RIN3235-AL20) received in the Office of the President of the Senate on January 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4776. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs

EC-4777. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4778. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "New Mexico Regulatory Program" (Docket No. NM-048-FOR) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Energy and Natural Resources.

EC-4779. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Protection Against Turbine Missiles" (Regulatory Guide 1.115, Revision 2) received in the Office of the President of the Senate on January 23, 2012; to the Committee on Environment and Public Works.

EC-4780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Infrastructure Requirements for 1997 8-Hour Ozone and the 1997 and 2006 PM2.5NAAQS" (FRL No. 9622-5) received in the Office of the

President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Consumer and Commercial Products" (FRL No. 9620-9) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina; Approval of Section 110(a)(1) Maintenance Plan for Greensboro-Winston-Salem-High Point 1-Hour Ozone Maintenance Area to Maintain the 1997 8-Hour Ozone Standards" (FRL No. 9621-8) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4783. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Unites, Plan Revisions" (FRL No. 9620-6) received in the Office of the President of the Senate on January 24, 2012; to the Committee on Environment and Public Works.

EC-4784. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Gravesite Accountability Study Findings at Arlington National Cemetery; to the Committee on Veterans' Affairs.

EC-4785. A communication from the Director of the Office of Management and Budget (OMB), Executive Office of the President, transmitting, pursuant to law, the "OMB Final Sequestration Update Report for Fiscal Year 2012", referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; the Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Health, Education, Labor, and Pensions: Homeland Security and Governmental Affairs; the Judiciary; Rules and Administration: Small Business and Entrepreneurship; and Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1401. A bill to conserve wild Pacific salmon, and for other purposes (Rept. No. 112–140).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1657. A bill to amend the provisions of law relating to sport fish restoration and

recreational boating safety, and for other purposes (Rept. No. 112-141).

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

Report to accompany S. 890, a bill to establish the supplemental fraud fighting account, and for other purposes (Rept. No. 112–142).

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

> By Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. McCONNELL, Mr. Johanns, Mr. Portman, Mr. Bar-RASSO, Mr. MCCAIN, Mr. CORNYN, Mrs. HUTCHISON, Mr. THUNE, Mr. SESSIONS, Mr. ALEXANDER, Mr. MORAN, Ms. AYOTTE, Mr. BOOZMAN, Mr. DEMINT, Mr. Paul, Ms. Murkowski, Mr. Kyl, Mr. MANCHIN, Mr. LEE, Mr. BLUNT, Mr. Inhofe, Mr. Toomey, Mr. Hatch. Mr. Burr, Mr. Chambliss, Mr. Coats, Mr. Corker, Mr. Coburn, Mr. Coch-RAN, Mr. CRAPO, Mr. GRAHAM, Mr. ENZI, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. Risch, Mr. Roberts, Mr. Rubio. Mr. SHELBY, Mr. WICKER, and Mr. Brown of Massachusetts):

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight; read the first time.

By Mr. TESTER:

S. 2042. A bill to reinstate the reporting provision relating to fees and expenses awarded to prevailing parties in civil actions involving the United States; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 2043. A bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations; to the Committee on Health, Education, Labor, and Pensions.

# SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself, Mr. LIEBERMAN, Mr. RUBIO, Mrs. BOXER, Mr. DURBIN, Mr. McCAIN, Mr. WEBB, and Mr. UDALL of Colorado):

S. Res. 356. A resolution expressing support for the people of Tibet; to the Committee on Foreign Relations.

By Mr. McCONNELL (for himself and Mr. Paul.):

S. Res. 357. A resolution commemorating the 150th anniversary of the Battle of Mill Springs and the significance of the battle to the Civil War; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. BEGICH, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, Mr. PRYOR, and Mrs. BOXER):

S. Res. 358. A resolution expressing support for the designation of January 28, 2012, as "National Data Privacy Day"; considered and agreed to.

By Mr. RUBIO (for himself, Mr. Lieberman, Mr. Lugar, Mr. Kyl, Mr. Casey, Mr. Cardin, Mr. Inhofe, Mr. Menendez, Mrs. Feinstein, Mr. Dur-

BIN, Mr. BARRASSO, Mr. CORNYN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. ISAKSON, Mr. MCCAIN, and Mr. GRAHAM):

S. Con. Res. 34. A concurrent resolution expressing the sense of Congress in honor of the life and legacy of Vaclav Havel; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 296

At the request of Ms. Klobuchar, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. Whitehouse, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 414

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

S. 593

At the request of Mr. Schumer, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 598

At the request of Mrs. Feinstein, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 704

At the request of Mr. Wyden, the names of the Senator from Missouri (Mr. Blunt) and the Senator from Alaska (Mr. Begich) were added as cosponsors of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. Brown) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

2 750

At the request of Mr. Durbin, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

S. 816

At the request of Mr. Brown of Ohio, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 816, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 835

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 835, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes.

S. 1023

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1106

At the request of Mr. Kohl, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1299

At the request of Mr. MORAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1309

At the request of Mr. Schumer, the name of the Senator from Maryland (Mr. Cardin) was added as a cosponsor of S. 1309, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1368

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 148

At the request of Mr. ROBERTS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1486, a bill to amend title XVIII of the Social Security Act to clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1606

At the request of Mr. PORTMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1629

At the request of Mr. Tester, his name was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

At the request of Mrs. GILLIBRAND, the names of the Senator from South Dakota (Mr. Johnson) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 1629, supra.

S. 1755

At the request of Mr. Tester, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 1755, a bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes.

S. 1796

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1832

At the request of Mr. ENZI, the name of the Senator from Maryland (Mr.

CARDIN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from South Dakota (Mr. JOHNSON) was withdrawn as a cosponsor of S. 1930, a bill to prohibit earmarks.

At the request of Mr. Toomey, the name of the Senator from Wisconsin (Mr. Johnson) was added as a cosponsor of S. 1930, supra.

S. 2010

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S.J. Res. 19, a joint resolu-

tion proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. McConnell, Mr. Johanns, Mr. Portman, Mr. Bar-RASSO, Mr. McCain, Mr. Cornyn, Mrs. HUTCHISON, Mr. THUNE, Mr. SESSIONS, Mr. ALEXANDER, Mr. MORAN, Ms. AYOTTE, Mr. BOOZMAN, Mr. DEMINT, Mr. Paul, Ms. Murkowski, Mr. Kyl, Mr. Manchin, Mr. Lee, Mr. Blunt, Mr. INHOFE, Mr. TOOMEY, Mr. HATCH, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. CORKER, Mr. COBURN, Mr. COCHRAN, Mr. Crapo, Mr. Graham, Mr. Enzi, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. Johnson of Wisconsin, Mr. Risch, Mr. Roberts, Mr. Rubio, Mr. Shelby. Mr. WICKER, and Mr. BROWN of Massachusetts):

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight; read the first time.

Mr. HOEVEN. Mr. President, I rise today to speak about legislation I am introducing. I am pleased to introduce this legislation, along with 43 cosponsors, making that 44 Members of the Senate sponsoring legislation to improve the Keystone XL project.

This legislation would approve Keystone XL under article 1, section 8 of the Constitution. That provision, the commerce clause, gives Congress the authority to regulate commerce with foreign countries, and that is the authority Congress needs to use, just as Congress used that authority in 1973 to approve the Alaskan Pipeline.

Moving forward with the Keystone project will create tens of thousands of jobs—tens of thousands of jobs at a time when our country badly needs those jobs, at a time when we have more than 13 million people out of work, or 8½ percent unemployment. It will create those jobs without spending one Federal taxpayer dollar. Not one. This is private sector investment—more than \$7 billion that will help generate tens of thousands of jobs at a time when our economy badly needs them and when we need to get people back to work.

Also, this will reduce our dependence on oil from the Middle East—830,000 barrels a day. The Keystone XL Pipeline will move 830,000 barrels of oil a day from Canada and from States such

as my own, the State of North Dakota. That is 830,000 barrels of oil a day we don't have to get from the Middle East at a time when we have rising tensions in the Middle East, at a time when Iran is threatening to close the Strait of Hormuz, at a time when we could see gas prices going to \$4, maybe even \$5 a gallon.

The reality is, even if we don't build the project, the oil will still be produced. The oil in Canada will still be produced. It is just that it would not come to the United States. It will go to China, and we will have worse environmental stewardship, not better. Building the project will actually help us provide better environmental stewardship because we don't need to haul that oil overseas, around the world. We would not need to continue bringing in oil from the Middle East. That 830,000 barrels a day will go to our refineries where there are higher standards with better environmental stewardship.

President Obama recently turned down this project. He turned down the project because he said he couldn't make a decision in 60 days. He said he couldn't make a decision on the project in 60 days. That was too soon. But the project has been under review for more than 3 years. Let me repeat that. This project has been under review by the administration for more than 3 years. The EPA and the State Department have been reviewing the project.

In our legislation we simply say this has been under review for more than 3 years, and it is time to make a decision. It is time to move forward. Furthermore, for the one portion of the route that was contested, the Nebraska portion, we say: Take as much time as you need to reroute in Nebraska—after 3 years—to make sure we provide enough time for the decision.

I have a chart here that shows this timeline. Let's take a minute and go through it.

The application was originally submitted in September of 2008. September of 2008 is when the process started. So as you can see, it has been under review in 2008, 2009, 2010, 2011.

The State Department itself, EPA through the NEPA process and the State Department, has responsibility to make a decision on the project and, as you can see, on their own timeline they had planned to render a decision before the end of last year. As a matter of fact, I received a letter from Secretary of State Clinton indicating they intended to have a final decision before the end of the year. Yet, when we passed our earlier legislation, the President said, Well, we can't make a decision in 60 days.

Do you mean 3 years and 60 days? How long does it take to study this process and make a decision—particularly when in the last bill which we passed 89–10 by this body, and now in this legislation again we say, as to the

only contested portion of the rule where you may want to reroute through Nebraska due to the Oglala aquifer, we provide as much time as needed to do the rerouting. But at some point we have got to make a decision to move forward with the project.

So maybe you say, Well, okay, it has been studied for 3 years, but more time is needed somehow because it is a unique project. Actually, it is not a unique project.

Before coming to the Senate last year, I was the Governor of North Dakota for 10 years. While I was Governor, TransCanada built a very similar project. The red line here is the Keystone project. It goes from Calgary down to Patoka, IL, much the same route, bringing oil from Canada into our refineries. That was permitted, not in 3 years, that was permitted in 2 years. In 2 years, that was permitted. We have been studying Keystone XL, a sister pipeline—very similar. It goes down to Cushing into the refineries along the gulf coast. We have been studying for 3 years a very similar project already approved in 2.

You may say, Well, I don't know. Still, you only have one kind of project there and maybe there is some new or challenging thing you have to take into account. So, yes, we have been studying it for 3 years and you need that kind of time because somehow we are recreating the wheel or doing something new and different. Well, that is not quite the case, either.

Let's go to my third chart. These are the oil and gas pipelines in the United States. All these red lines show oil and gas pipelines throughout our country, already existing, already in place, already moving oil and gas around the country. So now we are going to bring another one through here with all these pipelines, with the latest technology, the latest safeguards. And you mean to say that, after 3 years, that is not time to figure out whether we can approve another pipeline when we have hundreds of pipelines all over this country that people count on every day for their supply of oil? For their supply of gas? That is the situation.

Clearly, we can make this decision. Clearly, after more than 3 years of study, it doesn't make sense to not move forward, particularly when we are talking about tens of thousands of jobs that we need. Not only will it not cost our Federal Government revenue, it will generate hundreds of millions in revenue back to local, State, and Federal Government.

In addition to creating jobs, it reduces our dependence on Middle East oil. And if we don't do it, the oil goes to China. It is still produced, but it goes to China. So, actually, we have better environmental stewardship with the project.

The U.S. Chamber of Commerce last year did a study. In that study, they

cited 351 infrastructure projects that are being held up in the country right now-351 infrastructure projects that are being held up in the country right now due to regulations and bureaucratic delays. If we can get those projects going, based on the study the U.S. Chamber did, that would generate almost \$1.1 trillion in gross domestic product for our country. It would generate—their estimate—1.9 million jobs, not with more government spending, but enabling the private investment to go forward by taking the bureaucratic delays out of the way, by reducing the regulatory burden, by green-lighting projects like Keystone XL, which has been under study for more than 3 years.

Back to one of these earlier charts. In my home State of North Dakota, we now produce more than 500,000 barrels of oil a day. We need to put 100,000 barrels a day into this pipeline so we can get it to market, so we can get it to consumers and companies throughout this country. That is 100,000 barrels a day right now that we have to move through other means, such as truck or rail. That is equal to 500 truckloads a day, or 17 million truck miles a year. Think of the toll on our roads, think of the traffic fatalities that result when that product should be going through pipeline. And at the same time that we have less traffic safety, tremendous wear and tear on our roads, we suffer a discount. Our companies, our mineral owners, our people suffer a discount because it is more expensive to transport that product by rail and by truck. Those are the realities of getting our economy going.

Again, I go back to the national security concern: 830,000 barrels a day that we have got to get from the Middle East.

With these kinds of developments, with this kind of infrastructure, together with Canada and some oil that we get from Mexico, by building Keystone XL Pipeline we can produce more than 80 percent of the oil we consume right here in our country. That means we don't have to get it from the Middle East. And look what is going on in the Middle East. Look at Iran, threatening to blockade the Strait of Hormuz. That is a fundamental national security issue.

Unions across this country have said, Hey, we need these jobs. We support this project. We want to move forward with this and other infrastructure projects. But it is not just about the jobs and the economy, although that is vitally important to all the people who are out of work; it is a vital and national security issue, and it is going to continue to be a more important national security issue as we continue to see gas prices rise and as we continue to see instability in the Middle East.

Again, back to the environmental issues. This oil will be produced. It is either going to China or it is coming

here. If we bring it here, we have better environmental stewardship because it goes in a pipeline to refineries that have the lowest emission standards. If we don't, the pipeline goes to the west coast. They load it on tankers. You have to haul it to places such as China where it is refined in refineries with higher emissions. And then, guess what. We have to ship oil from the Middle East—generating more emissions—to bring to our refineries. Again, it makes no sense. It is time to move forward.

There is clear precedence and clear authority. Article 1, section 8 of the Constitution gives Congress the constitutional authority to act under the commerce clause. Congress exercised that authority in 1973 for the Alaskan pipeline. It is time for Congress to exercise its authority again for the good of our economy and for the good of our country

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—EX-PRESSING SUPPORT FOR THE PEOPLE OF TIBET

Mrs. FEINSTEIN (for herself, Mr. LIEBERMAN, Mr. RUBIO, Mrs. BOXER, Mr. DURBIN, Mr. McCain, Mr. Webb, and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 356

Whereas Tibet is the center of Tibetan Buddhism, and His Holiness the Dalai Lama, Tenzin Gyatso, is the most revered figure in Tibetan Buddhism;

Whereas the Government of the People's Republic of China continues to enforce policies that infringe on fundamental freedoms of Tibetans, including punitive security measures against monasteries, mass arrests, and restrictions on freedom to practice religion:

Whereas both the Dalai Lama and the Kalon Tripa, Dr. Lobsang Sangay, the prime minister democratically elected by the Tibetan exile community, have specifically stated that they do not seek independence for Tibet from China:

Whereas, in his inaugural address on August 8, 2011, Kalon Tripa Sangay stated that he will "continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People's Republic of China";

Whereas, according to the Department of State's 2011 Report on Tibet Negotiations, since 2002, nine rounds of talks between the Government of the People's Republic of China and envoys of the Dalai Lama "have not borne concrete results";

Whereas, despite persistent efforts by the Dalai Lama and his representatives, the Government of the People's Republic of China and envoys of the Dalai Lama have not held any formal dialogue since January 2010;

Whereas, since March 2011, at least 16 Tibetans have set themselves on fire, and at least 12 have died;

Whereas the repressive policies of the Government of the People's Republic of China have created an environment of despair.

hopelessness, and frustration among many Tibetans:

Whereas, on November 1, 2011, the United Nations Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, expressed concern over "restrictive measures" implemented by the Government of the People's Republic of China in Tibetan monasteries, stating that such measures "not only curtail the right to freedom of religion or belief, but further exacerbate the existing tensions, and are counterproductive" and affirming that "the right of members of the monastic community, and the wider community to freely practice their religion, should be fully respected and guaranteed by the Chinese Government":

Whereas, on January 24, 2012, Maria Otero, Under Secretary for Civilian Security, Democracy and Human Rights, and United States Special Coordinator for Tibetan Issues, issued a statement expressing concern about "reports of violence and continuing heightened tensions in Tibetan areas of China, including reports of security forces in Sichuan province opening fire on protesters, killing some and injuring others";

Whereas the Constitution of the People's Republic of China guarantees freedom of religious belief for all citizens, but the July-December 2010 International Religious Freedom Report of the Department of State states that "the [Chinese] government's repression of religious freedom remained severe in the Tibet Autonomous Region and other Tibetan areas":

Whereas, on March 10, 2011, His Holiness the Dalai Lama announced that he would relinquish his last remaining governmental duties in the Central Tibetan Administration, and would turn over political authority to the leadership democratically elected by Tibetans in exile;

Whereas, on March 20, 2011, the Tibetan government in exile conducted competitive democratic elections that were monitored by international observers and deemed free, fair, and consistent with international standards;

Whereas nearly 50,000 people in over 30 countries, more than half of all the eligible Tibetan exiles voters, participated in the March 20, 2011 elections;

Whereas Dr. Lobsang Sangay was elected Kalon Tripa, or prime minister, of the Central Tibetan Administration after receiving 55 percent of votes in the March 20, 2011, election and was inaugurated on August 8, 2011.

Whereas Kalon Tripa Sangay was selected to study in the United States under the Department of State's Tibetan Scholarship Program, earning a doctorate in law from Harvard University, and served as a Senior Fellow at the East Asian Legal Studies Program at Harvard Law School;

Whereas Kalon Tripa Sangay, while at Harvard University, promoted dialogue among Tibetan exiles and Chinese students and visiting Chinese scholars to enhance mutual understanding and advance the prospects for reconciliation; and

Whereas it is the objective of the United States Government, consistent across administrations of different political parties and as articulated in the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107–228; 22 U.S.C. 6901 note) to promote a substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people within China: Now, therefore, be it

Resolved. That the Senate—

(1) mourns the death of Tibetans who have self-immolated and deplores the repressive policies targeting Tibetans;

(2) calls on the Government of the People's Republic of China to suspend implementation of religious control regulations, reassess religious and security policies implemented since 2008 in Tibet, and resume a dialogue with Tibetan Buddhist leaders, including the Dalai Lama or his representatives, to resolve underlying grievances;

(3) calls on the Government of the People's Republic of China to release all persons that have been arbitrarily detained; to cease the intimidation, harassment and detention of peaceful protestors; and to allow unrestricted access to journalists, foreign diplomats, and international organizations to Tibet;

(4) calls on the Secretary of State to seek from the Government of the People's Republic of China a full accounting of the forcible removal of monks from Kirti Monastery, including an explanation of the pretext or conditions under which monks were removed and their current whereabouts:

(5) commends His Holiness the Dalai Lama for his decision to devolve his political power in favor of a democratic system;

(6) congratulates Tibetans living in exile for holding, on March 20, 2011, a competitive, multi-candidate election that was free, fair, and met international electoral standards:

(7) reaffirms the unwavering friendship between the people of the United States and the people of Tibet; and

(8) both-

(A) calls on the Department of State to fully implement the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107–228; 22 U.S.C. 6901 note), including the stipulation that the Secretary of State seek "to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet", and also to provide consular protection and citizen services in emergencies; and

(B) urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government consulate in Lhasa, Tibet.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators LIEBERMAN, RUBIO, BOXER, DURBIN, MCCAIN, WEBB, and MARK UDALL to submit a resolution expressing our deep concern about the current situation in Tibet and our steadfast support for the Tibetan people.

Once again, we have seen how harsh and counterproductive Chinese policies have heightened tensions and led to deadly violence.

According to press reports and the International Campaign for Tibet, since the beginning of the Chinese New Year on Monday, security forces in Sichuan province have opened fire three times on Tibetans who gathered peacefully to protest Chinese policies on Tibet.

At least six Tibetans have been killed and many more wounded.

These attacks come on top of a recent spate of self-immolations mostly by Tibetan monks and nuns.

Since March 2011, at least 16 Tibetans, including four this month alone, have set themselves on fire and at least 12 have died.

mourning these tragic deaths and the death of Tibetans in this latest round of unrest.

In addition, I call on Chinese security forces to exercise maximum restraint and stop targeting Tibetan protesters.

Violence is not the answer to the legitimate grievances of the Tibetan people.

We must raise our voice with this resolution to call on Beijing to respect the right of Tibetans to practice their own religion freely and preserve their distinct cultural and linguistic identitv.

This resolution mourns the death of Tibetans who have self-immolated and deplores the repressive policies targeting Tibetans; calls on the Government of the People's Republic of China to suspend implementation of religious control regulations, reassess religious and security policies implemented since 2008 in Tibet, and resume a dialogue with Tibetan Buddhist leaders, including the Dalai Lama or his representatives, to resolve underlying grievances; calls on the Government of the People's Republic of China to release all persons that have been arbitrarily detained; to cease the intimidation, harassment and detention of peaceful protestors; and to allow unrestricted access to journalists, foreign diplomats, and international organizations to Tibet.

The resolution commends His Holiness the Dalai Lama for his decision to devolve his political power in favor of a democratic system; congratulates Tibetans living in exile for holding, on March 20, 2011, a competitive, multicandidate election that was free, fair, and met international electoral standards; and reaffirms the unwavering friendship between the people of the United States and the people of Tibet.

Over the past several years I have been following the situation in Tibet with increasing concern.

I became involved in this issue when I first met His Holiness the Dalai Lama during a trip to India and Nepal in the

At that time, as Mayor, I invited His Holiness to visit San Francisco and he accepted.

In September 1979, I was delighted to welcome the Dalai Lama to San Francisco to receive his first public recognition in the United States.

He inspired me to act and I have had the privilege to call him a friend for over 30 years.

Over this time. I have come to the view that Chinese policies on Tibet are intended to suppress the Tibetan culture and people.

These policies include punitive security measures including permanently placing Chinese officials in monasteries; surveillance, mass arrests, and detentions; and restrictions on freedom to practice religion including Lama.

We have seen how these policies have created an atmosphere of despair, hopelessness, and frustration among many Tibetans.

Despite nine rounds of talks between the United Front Work Department of the Communist Party of China and envoys of His Holiness, a comprehensive solution to the Tibetan issue remains out of reach.

As a friend of China and the Dalia Lama, I am saddened to see the situation in Tibet deteriorate to this point.

The Dalai Lama has been trying to engage the Chinese leadership for over fifty years.

In the 1990s, I carried three letters to President Jiang Zemin from the Dalai Lama requesting a face to face meet-

In my view, the Dalai Lama's concerns are driven by a strong Tibetan belief and experience that the Chinese Government continues to suppress the Tibetan culture and way of life.

As my colleagues know, the Dalai Lama has made it clear that he does not support independence for Tibet, but rather meaningful cultural and religious autonomy for the Tibetan people within the People's Republic of China.

Most recently, in his March 2011 statement marking the 52nd anniversary of the peaceful Tibetan uprising he stated:

In our efforts to solve the issue of Tibet, we have consistently pursued the mutually beneficial Middle-Way Approach, which seeks genuine autonomy for the Tibetan people within the [People's Republic of China].

The newly elected prime minister of the Tibetan government-in-exile, Dr. Lobsang Sangay, has affirmed this policy in his inaugural address:

Guided by the wisdom of our forefathers and foremothers, we will continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People's Republic of China.

Despite these repeated and unequivocal statements, Beijing continues to insist that His Holiness seeks independence for Tibet.

I am stunned that this message has fallen on deaf ears.

Let there be no doubt: the clear goal of His Holiness and the Tibetan people is autonomy within China.

This autonomy can only come about through meaningful dialogue and negotiation, not actions that would undermine Tibetan culture.

As such, I urge the administration to work with our friends and allies in the international community and call on the Chinese Government to begin a substantive dialogue with the Dalai Lama on national reconciliation, respect for the Tibetan culture, and meaningful autonomy for Tibet.

I urge my colleagues to stand up for the Tibetan people and support this resolution.

I know I join my colleagues in requiring monks to denounce the Dalai SENATE RESOLUTION 357—COM-MEMORATING THE 150TH ANNI-VERSARY OF THE BATTLE OF MILL SPRINGS AND THE SIGNIFI-CANCE OF THE BATTLE TO THE CIVIL WAR

> Mr. McCONNELL (for himself and Mr. PAUL) submitted the following resolution; which was considered and agreed to:

#### S. RES. 357

Whereas the Battle of Mill Springs, which took place on January 19, 1862, in Pulaski and Wayne Counties in Kentucky, was the first significant victory for the Union Army in the Civil War, according to the National Park Service;

Confederate Whereas General Zollicoffer, who died at the Battle of Mill Springs, was one of the first generals to die in the Civil War:

Whereas the Battle of Mill Springs was the second largest battle to take place in Kentucky during the Civil War, engaging over 10,000 soldiers;

Whereas the outcome of the Battle of Mill Springs opened the path for the Union Army to move through Kentucky and into Tennessee, affecting the outcome of the Civil

Whereas Mill Springs Battlefield has been designated as a National Historic Landmark by the Department of the Interior;

Whereas the Mill Springs Battlefield Association, along with volunteers in the surrounding community, has made significant strides in preserving the historic site of the battle and educating the public about the historic event that took place at that site;

Whereas the Mill Springs Battlefield Association Visitor Center provides visitors with battlefield tours, access to Civil War artifacts, and a Civil War library; and

Whereas more than 50,000 visitors have traveled to the uniquely preserved battlefield, which spans nearly 500 acres: Now, therefore, be it Resolved, That the Senate—

- (1) recognizes the 150th anniversary of the Battle of Mill Springs:
  - (2) recognizes-
- (A) the work of the Mill Springs Battlefield Association in acquiring, preserving, and maintaining Mill Springs Battlefield for posterity: and
- (B) the continuing effort of the Mill Springs Battlefield Association to educate the public about this significant historic event;
- (3) encourages the people of the United States to visit Mill Springs Battlefield on the occasion of the 150th anniversary of the Battle of Mill Springs; and
  - (4) recognizes-
- (A) the contributions of the soldiers who fought in the Battle of Mill Springs; and
- (B) the outcome of the Battle of Mill Springs, which helped to preserve the union of the United States.

SENATE RESOLUTION 358-EX-PRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2012, AS "NATIONAL DATA PRI-VACY DAY"

Mr. ROCKEFELLER (for himself, Mrs. Hutchison, Mrs. Feinstein, Mr. KERRY, Mr. LEAHY, Mr. BEGICH, Ms. KLOBUCHAR, Mr. UDALL of New Mexico. Mr. PRYOR, and Mrs. BOXER) submitted considered and agreed to:

S. RES. 358

Whereas new and innovative technologies enhance our lives by increasing our ability to communicate, learn, share, and produce:

Whereas integration of new and innovative technologies into our everyday lives has the potential to compromise the privacy of our personal information if appropriate protection is not taken:

Whereas protecting the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals:

Whereas many individuals and companies are unaware of the risks to the privacy of personal information posed by new and innovative technologies, of data protection and privacy laws, or of the specific steps they can take to protect the privacy of personal information:

Whereas "National Data Privacy Day" constitutes an international collaboration and a nationwide effort to educate and raise awareness about data privacy and about protecting the privacy of personal information;

Whereas the fourth annual recognition of "National Data Privacy Day" by Congress would encourage more people nationwide to be aware of data privacy and to protect the privacy of their personal information;

Whereas government officials and agencies from the United States, Canada, and Europe, as well as representatives of businesses and nonprofit organizations, privacy professionals, academic communities, legal scholars, educators, and others with an interest in data privacy are working together on January 28, 2012, to educate and raise awareness about data privacy and about protecting the privacy of personal information:

Whereas on January 28, 2012, privacy professionals and educators are being encouraged to discuss data privacy and security with teens and young adults in schools across the United States, and parents are being encouraged to discuss data privacy and security with their children; and

Whereas January 28, 2012, would be an appropriate day to designate as "National Data Privacy Day": Now, therefore, be it Resolved. That the Senate—

- (1) supports the designation of January 28, 2012, as "National Data Privacy Day":
- (2) encourages State and local governments to observe the day with appropriate activities and initiatives that raise awareness about data privacy;
- (3) encourages privacy professionals and educators to discuss data privacy and security with teens and young adults in schools across the United States;
- (4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design data privacy into products they create wherever possible, and to promote trust in technologies; and
- (5) encourages individuals across United States to learn about data privacy and the specific steps they can take to protect the privacy of their personal informa-

SENATE CONCURRENT RESOLU-34—EXPRESSING TION THE SENSE OF CONGRESS IN HONOR OF THE LIFE AND LEGACY OF VÁCLAV HAVEL

Mr. RUBIO (for himself, Mr. LIEBER-MAN, Mr. LUGAR, Mr. KYL, Mr. CASEY,

the following resolution; which was Mr. CARDIN, Mr. INHOFE, Mr. MENEN-DEZ, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BARRASSO, Mr. CORNYN, Mr. NELSON of Florida, Mrs. Shaheen, Mr. Isakson, Mr. McCain, and Mr. Graham) submitted the following concurrent resolution; which was considered and agreed

#### S. CON. RES. 34

Whereas Václav Havel, former President of the Czech Republic, passed away on December 18, 2011, at 75 years of age, at his country home in Hrádeček in the Czech Republic;

Whereas Václav Havel was widely recognized and respected throughout the world as a defender of democratic principles and human rights:

Whereas through his extensive writings. Václay Havel courageously challenged the ideology and legitimacy of the authoritarian communist regimes that ruled Central and Eastern Europe during the Cold War:

Whereas Václav Havel, who was imprisoned 3 times by the Communist Party of Czechoslovakia for his advocacy of universal human rights and democratic principles, maintained his convictions in the face of repression:

Whereas Václav Havel was one of the leading organizers of Charter 77, a group of 242 individuals who called for the human rights guaranteed under the 1975 Helsinki accords to be realized in Czechoslovakia;

Whereas Václav Havel was a cofounder of the Committee for the Defense of the Unjustly Prosecuted, an organization dedicated to supporting dissidents and their families, which helped to advance the cause of freedom and justice in Czechoslovakia;

Whereas Václav Havel, as leader of the Civic Forum movement, was a key figure in the 1989 peaceful overthrow of the Czechoslovakian communist government known as the Velvet Revolution;

Whereas following the Velvet Revolution, Václav Havel was democratically elected as President of the Czech and Slovak Federal Republic in 1990, and after a peaceful partition forming 2 separate states, democratically elected President of the Czech Republic in 1993:

Whereas under the leadership of Václav Havel, the Czech Republic became a prosperous, democratic country and a respected member of the international community:

Whereas under the leadership of Václav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999, and continues to be a valued friend and treasured ally of the United States:

Whereas during his lifetime, Václav Havel received praise as one of the world's great democratic leaders and awarded many international prizes recognizing his commitment to peace and democratic principles;

Whereas on July 23, 2003, President George W. Bush honored Václav Havel with the Presidential Medal of Freedom, the highest civilian award of the United States Government, for being "one of liberty's great he-

Whereas, after leaving office as president of the Czech Republic in February 2003, Václav Havel remained a voice on behalf of democratic dissidents worldwide and against authoritarian regimes, including Belarus, Iran, Cuba, and Burma:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress-

(1) mourns the loss of Václav Havel and offers its heartfelt condolences to the Havel family and the people of the Czech Republic;

- (2) recognizes Václav Havel's courage and commitment to democratic values in the face of communist repression:
- (3) recognizes Václav Havel's pivotal historical legacy in defeating the ideology of communism, peacefully ending the Cold War, and building a Europe that is democratic, united, and at peace;
- (4) recognizes Václav Havel's solidarity with democratic dissidents throughout the world and support for the expansion of freedom, including in Belarus, Iran, Cuba, and Burma: and
- (5) reaffirms the commitment of the United States to the causes of freedom, democracy, and human rights for which Václav Havel stood.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1470. Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. Col-LINS Mrs GILLIBRAND Mr. LEVIN and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2038. to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

SA 1471. Mr. McCAIN (for himself, Mr. ROCKEFELLER, Mr. ENZI, Mrs. McCaskill, Mr. Johanns, Mr. Barrasso, Mr. Blunt, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1472. Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. Rubio, Ms. Ayotte, Mr. Portman, Mr. THUNE, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1473. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. McCain, Mr. Burr, Mrs. McCaskill, and Mr. Paul) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1474. Mr. COBURN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill S. 2038. supra; which was ordered to lie on the table.

SA 1475. Mr. COBURN (for himself, Mr. McCain, and Mr. Johnson of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1476, Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1470. Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieber-MAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Trading on Congressional Knowledge Act of 2012" or the "STOCK Act".

#### SEC. 2. DEFINITIONS.

- In this Act:
- (1) MEMBER OF CONGRESS.—The term "Member of Congress" means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico
- (2) EMPLOYEE OF CONGRESS.—The term "employee of Congress" means—
- (A) an employee of the Senate; or
- (B) an employee of the House of Representatives.
- (3) EXECUTIVE BRANCH EMPLOYEE.—The term "executive branch employee"—
- (A) has the meaning given the term "employee" under section 2105 of title 5, United States Code; and
  - (B) includes—
  - (i) the President;
  - (ii) the Vice President; and
- (iii) an employee of the United States Postal Service or the Postal Regulatory Commission.
- (4) JUDICIAL OFFICER.—The term "judicial officer" has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.

# SEC. 3. PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities as a means for making a private profit.

#### SEC. 4. PROHIBITION OF INSIDER TRADING.

- (a) AFFIRMATION OF NON-EXEMPTION.—Members of Congress and employees of Congress are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.
  - (b) DUTY.-
- (1) PURPOSE.—The purpose of the amendment made by this subsection is to affirm a duty arising from a relationship of trust and confidence owed by each Member of Congress and each employee of Congress.
- (2) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1) is amended by adding at the end the following:
- "(g) DUTY OF MEMBERS AND EMPLOYEES OF CONGRESS.—
- "(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b) and Rule 10b-5 thereunder, each Member of Congress or employee of Congress owes a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to material, nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities.
  - "(2) Definitions.—In this subsection—
- "(A) the term 'Member of Congress' means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico; and

- ``(B) the term 'employee of Congress' means—
- "(i) an employee of the Senate: or
- "(ii) an employee of the House of Representatives.
- "(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions.".

#### SEC. 5. CONFORMING CHANGES TO THE COM-MODITY EXCHANGE ACT.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended—

- (1) in paragraph (3), in the matter preceding subparagraph (A)—
- (A) by inserting "or any Member of Congress or employee of Congress (defined in this subsection as those terms are defined in section 2 of the Stop Trading on Congressional Knowledge Act of 2012)" after "Federal Government," the first place it appears;
- (B) by inserting "Member," after "position of the"; and
- (C) by inserting "or by Congress" before "in a manner"; and
- (2) in paragraph (4)—
- (A) in subparagraph (A), in the matter preceding clause (i)—
- (i) by inserting "or any Member of Congress or employee of Congress" after "Federal Government," the first place it appears;
- (ii) by inserting "Member," after "position of the"; and
- (iii) by inserting "or by Congress" before "in a manner";
- (B) in subparagraph (B), in the matter preceding clause (i), by inserting "or any Member of Congress or employee of Congress" after "Federal Government,"; and
- (C) in subparagraph (C)-
- (i) in the matter preceding clause (i), by inserting "or by Congress"—
- (I) before "that may affect"; and
- (II) before "in a manner"; and
- (ii) in clause (iii), by inserting "to Congress, or any Member of Congress or employee of Congress" after "Federal Government".

## SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

- (a) REPORTING REQUIREMENT.—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:
- "(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress shall file a report of the transaction."
- (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

### SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

- (a) REPORT.—
- (1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Congressional Research Service, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the role of political intelligence in the financial markets.
- (2) CONTENTS.—The report required by this section shall include a discussion of—
- (A) what is known about the prevalence of the sale of political intelligence and the ex-

tent to which investors rely on such information;

- (B) what is known about the effect that the sale of political intelligence may have on the financial markets;
- (C) the extent to which information which is being sold would be considered non-public information;
- (D) the legal and ethical issues that may be raised by the sale of political intelligence;
- (E) any benefits from imposing disclosure requirements on those who engage in political intelligence activities; and
- (F) any legal and practical issues that may be raised by the imposition of disclosure requirements on those who engage in political intelligence activities.
- (b) DEFINITION.—For purposes of this section, the term "political intelligence" shall mean information that is—
- (1) derived by a person from direct communications with executive branch and legislative branch officials; and
- (2) provided in exchange for financial compensation to a client who intends, and who is known to intend, to use the information to inform investment decisions.

#### SEC. 8. PUBLIC FILING AND DISCLOSURE OF FI-NANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CON-GRESSIONAL STAFF.

- (a) PUBLIC, ON-LINE DISCLOSURE OF FINAN-CIAL DISCLOSURE FORMS OF MEMBERS OF CON-GRESS AND CONGRESSIONAL STAFF.—
- (1) IN GENERAL.—Not later than August 31. 2012, or 90 days after the date of enactment of this Act, whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, officers of the House and Senate, candidates for Congress, and employees of the Senate and the House of Representatives in calendar year 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made available to the public on the respective official websites of the Senate and the House of Representatives not later than 30 days after such forms are
- (2) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures shall be retained. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, such disclosures shall be filed not later than 30 days after the transaction. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.
- (4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).
- (b) ELECTRONIC FILING AND ON-LINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS, OFFICERS OF THE HOUSE AND SENATE, AND CONGRESSIONAL STAFF.—
- (1) IN GENERAL.—Subject to paragraph (6) and not later than 18 months after the date of enactment of this Act, the Secretary of the Senate and the Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall develop systems to enable
- (A) electronic filing of reports received by them pursuant to section 103(h)(1)(A) of title

I of the Ethics in Government Act of 1978;

- (B) public access to financial disclosure reports filed by Members of Congress, Officers of the House and Senate, candidates for Congress, and employees of the Senate and House of Representatives, as well as reports of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, notices of extensions, amendments and blind trusts, pursuant to title I of the Ethics in Government Act of 1978 through databases that—
- (i) are maintained on the official websites of the House of Representatives and the Senate: and
- (ii) allow the public to search, sort and download data contained in the reports.
- (2) Login.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login protocol with the name of the user shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 does not apply.
- (3) Public availability.—Pursuant to section 105(b)(1) of title I of the Ethics in Government Act of 1978, electronic availability on the official websites of the Senate and the House of Representatives under this subsection shall be deemed to have met the public availability requirement.
- (4) FILERS COVERED.—Individuals required under the Ethics in Government Act of 1978 or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House shall file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House.
- (5) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures shall be retained for purposes of this subsection. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Secretary of the Senate or the Clerk of the House identify in writing to relevant congressional committees an additional amount of time needed.
- (c) Recordkeeping.—Section 105(d) of the Ethics in Government Act of 1978 is amended to read as follows:
- "(d)(1) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be.
- "(2) Such report shall be made available to the public—
- "(A) in the case of a Member of Congress until a date that is 6 years from the date the individual ceases to be a Member of Congress; and
- "(B) in the case of all other reports filed pursuant to this title, for a period of six years after receipt of the report.
- "(3) After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subse-

quently elected, such reports shall be destroyed 1 year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry."

#### SEC. 9. OTHER FEDERAL OFFICIALS.

- (a) PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.—
- (1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of non-public information, as necessary to clarify that no executive branch employee may use non-public information derived from such person's position as an executive branch employee or gained from the performance of such person's official responsibilities as a means for making a private profit.
- (2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use non-public information derived from such person's position as a judicial officer or gained from the performance of such person's official responsibilities as a means for making a private profit.
- (b) APPLICATION OF INSIDER TRADING LAWS.—
- (1) AFFIRMATION OF NON-EXEMPTION.—Executive branch employees and judicial officers are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.
- (2) Duty.
- (A) PURPOSE.—The purpose of the amendment made by this paragraph is to affirm a duty arising from a relationship of trust and confidence owed by each executive branch employee and judicial officer.
- (B) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1), as amended by this Act, is amended by adding at the end the following:
- "(h) DUTY OF OTHER FEDERAL OFFICIALS.—"(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b), and Rule 10b-5 thereunder, each executive branch employee and each judicial officer owes a duty arising from a relationship of trust and confidence to the United States Government and the citizens of the United States with respect to material, nonpublic information derived from such person's position as an executive branch employee or judicial officer or gained from the performance of such person's official responsibilities
- "(2) DEFINITIONS.—In this subsection—
- ''(A) the term 'executive branch employee'—  $\,$
- "(i) has the meaning given the term 'employee' under section 2105 of title 5, United States Code;
- "(ii) includes-
- "(I) the President;
- "(II) the Vice President; and
- "(III) an employee of the United States Postal Service or the Postal Regulatory Commission; and
- "(B) the term 'judicial officer' has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.
- "(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair

or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions.".

#### SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act, the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9 of this Act, shall be construed to—

- (1) impair or limit the construction of the antifraud provisions of the securities laws or the Commodities Exchange Act or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions;
- (2) be in derogation of the obligations, duties and functions of a Member of Congress, an employee of Congress, an executive branch employee or a judicial officer, arising from such person's official position; or
- (3) be in derogation of existing laws, regulations or ethical obligations governing Members of Congress, employees of Congress, executive branch employees or judicial officers
- SA 1471. Mr. McCAIN (for himself, Mr. ROCKEFELLER, Mr. ENZI, Mrs. McCASKILL, Mr. JOHANNS, Mr. BARRASSO, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using non-public information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:
- At the appropriate place, insert the following:

# SEC. \_\_\_. LIMITATION ON BONUSES TO EXECUTIVES OF FANNIE MAE AND FREDDIE MAC.

Notwithstanding any other provision in law, senior executives at the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are prohibited from receiving bonuses during any period of conservatorship for those entities on or after the date of enactment of this Act.

- SA 1472. Mr. TOOMEY (for himself, Mrs. McCaskill, Mr. DeMint, Mr. Udall of Colorado, Mr. Rubio, Ms. Ayotte, Mr. Portman, Mr. Thune, and Mr. Johanns) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:
- At the appropriate place, insert the following:

### SEC. \_\_\_. EARMARK ELIMINATION ACT OF 2012.

- (a) SHORT TITLE.—This Act may be cited as the "Earmark Elimination Act of 2011".
- (b) Prohibition on Earmarks.—
- (1) BILLS AND JOINT RESOLUTIONS, AMEND-MENTS, AMENDMENTS BETWEEN THE HOUSES, AND CONFERENCE REPORTS.—
- (A) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment, amendment between the Houses, or conference report that includes an earmark.
- (B) PROCEDURE.—Upon a point of order being made by any Senator pursuant to subparagraph (A) against an earmark, and such

point of order being sustained, such earmark shall be deemed stricken.

- (2) Conference report and amendment be-TWEEN THE HOUSES PROCEDURE.—When the Senate is considering a conference report on. or an amendment between the Houses, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.
- (3) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.
  - (4) Definitions.-
- (A) EARMARK.—For the purpose of this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives as certified under paragraph 1(a)(1) of rule XLIV of the Standing Rules of the Senate—
- (i) providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;
- (ii) that—
- (I) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and
- (II) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or
- (iii) modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.
- (B) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, duly chosen and sworn
- (5) APPLICATION.—This section shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 1473. Mr. COBURN (for himself, Mr. UDALL of Colorado, Mr. McCAIN, Mr. BURR, Mrs. McCASKILL, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for

personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information de-

At the appropriate place, insert the following:

SEC. PREVENTING DUPLICATIVE AND

# PREVENTING DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

- (a) SHORT TITLE.—This section may be cited as the "Preventing Duplicative and Overlapping Government Programs Act".
- (b) REPORTED LEGISLATION.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—
- (1) in subparagraph (c), by striking "and (b)" and inserting "(b), and (c)";
- (2) by redesignating subparagraph (c) and subparagraph (d); and
- (3) by inserting after subparagraph (b) the following:
- "(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—
- "(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and
- "(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist."
- (c) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:
- "6. (a) It shall not be in order in the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has prepared and posted on the committee website an overlapping and duplicative programs analysis and explanation for the bill or joint resolution as described in subparagraph (b) prior to proceeding.
- "(b) The analysis and explanation required by this subparagraph shall contain—
- "(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and
- "(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.
- "(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of—
- "(1) a significant disruption to Senate facilities or to the availability of the Internet; or
- ``(2) an emergency as determined by the leaders.".

**SA 1474.** Mr. COBURN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him

to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_\_. AVAILABILITY OF LEGISLATION IN THE HOUSE AND SENATE.

- (a) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to proceed to any legislative matter unless the legislative matter has been publically available on the Internet as provided in subsection (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate or the House of Representatives is in session on such a day) prior to proceeding.
- (b) AVAILABILITY.—With respect to the requirements of subsection (a), the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter.
  - (c) WAIVER AND SUSPENSION.—
- (1) In the senate.—The provisions of this section may be waived in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.
- (2) IN THE HOUSE.—The provisions of this section may be waived in the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, duly chosen and sworn.
- (3) POINT OF ORDER PROTECTION.—In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of paragraph (2).
- (4) MOTION TO SUSPEND.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section under clause 1 of rule XV of the Rules of the House of Representatives.
- (d) LEGISLATIVE MATTER.—In this section, the term "legislative matter" means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment.

SA 1475. Mr. COBURN (for himself, Mr. McCain, and Mr. Johnson, of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_. PERMANENT PROHIBITION ON CON-GRESSIONAL EARMARKS.

- (a) BILLS AND JOINT RESOLUTIONS.—
- (1) Point of order.—It shall not be in order to—  $\,$
- (A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or
- (B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.
- (2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

- (b) Conference Report.—
- (1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.
- (2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.
- (c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.
- (d) AMENDMENT BETWEEN THE HOUSES.—
- (1) IN GENERAL.—It shall not be in order to consider an amendment between the House if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.
- (2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.
- (e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.
- (f) DEFINITIONS.—For the purpose of this section—
- (1) the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;
- (2) the term "limited tax benefit" means any revenue provision that—
- (A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and
- (B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and
- (3) the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

SA 1476. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. MEMBER CERTIFICATION.

Section 102(a) of the Ethics in Government Act of 1978 is amended by inserting at the end the following:

- "(9)(A) A statement (as provided in subparagraph (B)) certifying that financial transactions included in the report filed pursuant to section 101 (d) and (e) were not made on the basis of non-public information.
- "(B) The certification required by this paragraph is as follows: 'I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material, non-public information.'".

#### NOTICE OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to offer an amendment to the Standing Rules of the Senate, by proposing Amendment No. 1473 to S. 2038.

#### PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Hala Furst, a Presidential Management Fellow on detail to the Homeland Security and Governmental Affairs Committee be granted the privilege of the floor for the duration of the debate on S. 2038.

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

Mr. TESTER. Mr. President, I ask unanimous consent that Val Molaison, a fellow in my office, be granted the privilege of the floor today.

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

## $\begin{array}{c} {\tt BORDER} \ {\tt TUNNEL} \ {\tt PREVENTION} \\ {\tt ACT} \ {\tt OF} \ {\tt 2011} \end{array}$

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 260, S. 1236

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1236) to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1236) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

#### S. 1236

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Tunnel Prevention Act of 2011".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) As the international border between the United States and Mexico becomes more secure, trafficking and smuggling organizations intensify their efforts to enter the United States by increasing the number of tunnels and other subterranean passages between Mexico and the United States.

(2) Border tunnels are most often used to transport narcotics from Mexico to the

United States, but can also be used to transport people and other contraband.

- (3) Between May 1990 and May 2011, law enforcement authorities discovered 137 tunnels, 125 of which have been discovered since September 2001. While law enforcement authorities discovered only 2 tunnels in California between 1990 and 2001, there has been a dramatic increase in the number of border tunnels discovered in California since 2001.
- (4) Section 551 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) added a new section to title 18, United States Code (18 U.S.C. 555), which—
- (A) criminalizes the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States; and
- (B) prohibits any person from recklessly permitting others to construct or use an unauthorized tunnel or subterranean passage on the person's land.
- (5) Any person convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods is subject to an enhanced sentence for the underlying offense. Additional sentence enhancements would further deter tunnel activities and increase prosecutorial options.

#### SEC. 3. DEFINITIONS.

In this Act:

- (1) NATIONAL SECURITY ZONE.—The term "national security zone" means any Southwest Border land designated by the Secretary as being at a high risk for border tunnel activity, as authorized under section 8(b).
- (2) SECRETARY.—The term "Secretary means the Secretary of Homeland Security.
- (3) SOUTHWEST BORDER LAND.—The term "Southwest Border land" means all parcels of real property in the United States that—
- (A) are located within 1 mile of the international border between the United States and Mexico; and
- (B) are not owned by a Federal, State, tribal, or local government entity.

# SEC. 4. ATTEMPT OR CONSPIRACY TO USE, CONSTRUCT, OR FINANCE A BORDER TUNNEL.

Section 555 of title 18, United States Code, is amended by adding at the end the following:

"(d) Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy."

# SEC. 5. AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ", section 555 (relating to construction or use of international border tunnels)" before the semicolon at the end.

#### SEC. 6. FORFEITURE.

- (a) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by inserting "555," after "545,".

  (b) CIVIL ASSET FORFEITURE.—Any mer-
- (b) CIVIL ASSET FORFEITURE.—Any merchandise introduced into the United States through a tunnel or passage described in section 555(a) of title 18, United States Code, shall be subject to seizure and forfeiture in accordance with section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)).

#### SEC. 7. MONEY LAUNDERING DESIGNATION.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 555 (relating to border tunnels)," after "section 554 (relating to smuggling goods from the United States)."

#### SEC. 8. NOTIFICATION REQUIREMENTS.

- (a) NOTIFICATION TO LAND OWNERS.—The Secretary is encouraged to annually provide each known nongovernmental owner and tenant of land located in a national security zone with a written notification that describes—
- (1) Federal laws related to the construction of illegal border tunnels: and
- (2) the procedures for reporting violations of such laws to U.S. Immigration and Customs Enforcement.
- (b) DESIGNATION OF BORDER TUNNEL HIGH RISK AREAS.—
- (1) IN GENERAL.—The Secretary may designate any Southwest Border land that the Secretary has a substantial reason to believe is at a high risk for border tunnel activity as a national security zone.
- (2) PUBLICATION.—The Secretary shall—
- (A) publish any designations made under paragraph (1) in the Federal Register; and
- (B) allow appropriate notice and comment in accordance with the chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedures Act").
- (c) RULEMAKING.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

#### SEC. 9. REPORT.

- (a) IN GENERAL.—The Secretary shall submit an annual report to the congressional committees set forth in subsection (b) that includes a description of—
- (1) the cross border tunnels in Southwest Border land discovered during the reporting period; and
- (2) the needs of the Department of Homeland Security to effectively prevent, investigate and prosecute border tunnel construction on Southwest Border land.
- (b) CONGRESSIONAL COMMITTEES.—The congressional committees set forth in this subsection are—
- (1) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (2) the Committee on the Judiciary of the Senate:
- (3) the Committee on Appropriations of the Senate:
- (4) the Committee on Homeland Security of the House of Representatives;
- (5) the Committee on the Judiciary of the House of Representatives; and
- (6) the Committee on Appropriations of the House of Representatives.

#### COMMEMORATING 105TH ANNIVER-SARY OF THE BATTLE OF MILL SPRINGS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 357 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 357) commemorating the 105th anniversary of the Battle of Mill Springs and the significance of the battle to the Civil War.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I rise to submit to my colleagues a resolution that is very important to the history of the Commonwealth of Kentucky and the history of our Nation.

This resolution, S. Res. 357, sponsored by myself and my friend Senator PAUL, commemorates the 150th anniversary of the Battle of Mill Springs and recognizes the significance of the great clash of the Civil War that took place there.

On January 19, 1862, the Battle of Mill Springs spilled across Pulaski and Wayne Counties in southeastern Kentucky. It was the second-largest battle to take place in the State, and involved over 10,000 soldiers. More importantly, it was the first significant Union victory to happen in what was then considered the western theater of the Civil War. The Union's victory meant that the main Confederate defense line that had been anchored in eastern Kentucky was broken, freeing Union soldiers to move through Kentucky and into Tennessee.

One hundred fifty years later, this battle is still a vital story in our Nation's history. That is why our resolution also salutes the Mill Springs Battlefield Association, which has worked hard to preserve the historic site and educate the public about what went on there. The Mill Springs Battlefield Association has a visitors' center, provides tours, displays Civil War artifacts and maintains a Civil War library. More than 50,000 visitors have traveled to see the preserved battlefield.

So Mr. President, I am proud to submit this resolution to the United States Senate, and proud of the history we have preserved for posterity in Kentucky.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S RES 357

Whereas the Battle of Mill Springs, which took place on January 19, 1862, in Pulaski and Wayne Counties in Kentucky, was the first significant victory for the Union Army in the Civil War, according to the National Park Service:

Whereas Confederate General Felix Zollicoffer, who died at the Battle of Mill Springs, was one of the first generals to die in the Civil War;

Whereas the Battle of Mill Springs was the second largest battle to take place in Kentucky during the Civil War, engaging over 10,000 soldiers:

Whereas the outcome of the Battle of Mill Springs opened the path for the Union Army to move through Kentucky and into Tennessee, affecting the outcome of the Civil War:

Whereas Mill Springs Battlefield has been designated as a National Historic Landmark by the Department of the Interior;

Whereas the Mill Springs Battlefield Association, along with volunteers in the surrounding community, has made significant strides in preserving the historic site of the

battle and educating the public about the historic event that took place at that site;

Whereas the Mill Springs Battlefield Association Visitor Center provides visitors with battlefield tours, access to Civil War artifacts, and a Civil War library; and

Whereas more than 50,000 visitors have traveled to the uniquely preserved battlefield, which spans nearly 500 acres: Now, therefore, be it

Resolved, That the Senate-

- (1) recognizes the 150th anniversary of the Battle of Mill Springs;
  - (2) recognizes-
- (A) the work of the Mill Springs Battlefield Association in acquiring, preserving, and maintaining Mill Springs Battlefield for posterity; and
- (B) the continuing effort of the Mill Springs Battlefield Association to educate the public about this significant historic event;
- (3) encourages the people of the United States to visit Mill Springs Battlefield on the occasion of the 150th anniversary of the Battle of Mill Springs; and
  - (4) recognizes—
- (A) the contributions of the soldiers who fought in the Battle of Mill Springs; and
- (B) the outcome of the Battle of Mill Springs, which helped to preserve the union of the United States.

#### NATIONAL DATA PRIVACY DAY

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 358, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 358) expressing support for the designation of January 28, 2012, as "National Data Privacy Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 358

Whereas new and innovative technologies enhance our lives by increasing our ability to communicate, learn, share, and produce:

Whereas integration of new and innovative technologies into our everyday lives has the potential to compromise the privacy of our personal information if appropriate protection is not taken;

Whereas protecting the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals:

Whereas many individuals and companies are unaware of the risks to the privacy of personal information posed by new and innovative technologies, of data protection and

privacy laws, or of the specific steps they can take to protect the privacy of personal information:

Whereas "National Data Privacy Day" constitutes an international collaboration and a nationwide effort to educate and raise awareness about data privacy and about protecting the privacy of personal information;

Whereas the fourth annual recognition of "National Data Privacy Day" by Congress would encourage more people nationwide to be aware of data privacy and to protect the privacy of their personal information;

Whereas government officials and agencies from the United States, Canada, and Europe, as well as representatives of businesses and nonprofit organizations, privacy professionals, academic communities, legal scholars, educators, and others with an interest in data privacy are working together on January 28, 2012, to educate and raise awareness about data privacy and about protecting the privacy of personal information;

Whereas on January 28, 2012, privacy professionals and educators are being encouraged to discuss data privacy and security with teens and young adults in schools across the United States, and parents are being encouraged to discuss data privacy and security with their children; and

Whereas January 28, 2012, would be an appropriate day to designate as "National Data Privacy Day": Now, therefore, be it

Resolved, That the Senate-

- (1) supports the designation of January 28, 2012. as "National Data Privacy Day":
- (2) encourages State and local governments to observe the day with appropriate activities and initiatives that raise awareness about data privacy;
- (3) encourages privacy professionals and educators to discuss data privacy and security with teens and young adults in schools across the United States:
- (4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design data privacy into products they create wherever possible, and to promote trust in technologies; and
- (5) encourages individuals across the United States to learn about data privacy and the specific steps they can take to protect the privacy of their personal information

#### HONORING THE LIFE AND LEGACY OF VÁCLAV HAVEL

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 34, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 34) expressing the sense of Congress in honor of the life and legacy of Václav Havel.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 34) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 34

Whereas Václav Havel, former President of the Czech Republic, passed away on December 18, 2011, at 75 years of age, at his country home in Hrádeček in the Czech Republic;

Whereas Václav Havel was widely recognized and respected throughout the world as a defender of democratic principles and human rights:

Whereas through his extensive writings, Václav Havel courageously challenged the ideology and legitimacy of the authoritarian communist regimes that ruled Central and Eastern Europe during the Cold War;

Whereas Václav Havel, who was imprisoned 3 times by the Communist Party of Czechoslovakia for his advocacy of universal human rights and democratic principles, maintained his convictions in the face of repression;

Whereas Václav Havel was one of the leading organizers of Charter 77, a group of 242 individuals who called for the human rights guaranteed under the 1975 Helsinki accords to be realized in Czechoslovakia;

Whereas Václav Havel was a cofounder of the Committee for the Defense of the Unjustly Prosecuted, an organization dedicated to supporting dissidents and their families, which helped to advance the cause of freedom and justice in Czechoslovakia;

Whereas Václav Havel, as leader of the Civic Forum movement, was a key figure in the 1989 peaceful overthrow of the Czechoslovakian communist government known as the Velvet Revolution;

Whereas following the Velvet Revolution, Václav Havel was democratically elected as President of the Czech and Slovak Federal Republic in 1990, and after a peaceful partition forming 2 separate states, democratically elected President of the Czech Republic in 1993;

Whereas under the leadership of Václav Havel, the Czech Republic became a prosperous, democratic country and a respected member of the international community;

Whereas under the leadership of Václav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999, and continues to be a valued friend and treasured ally of the United States:

Whereas during his lifetime, Václav Havel received praise as one of the world's great democratic leaders and awarded many international prizes recognizing his commitment to peace and democratic principles:

Whereas on July 23, 2003, President George W. Bush honored Václav Havel with the Presidential Medal of Freedom, the highest civilian award of the United States Government, for being "one of liberty's great heroes":

Whereas, after leaving office as president of the Czech Republic in February 2003, Václav Havel remained a voice on behalf of democratic dissidents worldwide and against authoritarian regimes, including Belarus, Iran, Cuba, and Burma:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

- (1) mourns the loss of Václav Havel and offers its heartfelt condolences to the Havel family and the people of the Czech Republic;
- (2) recognizes Václav Havel's courage and commitment to democratic values in the face of communist repression:

- (3) recognizes Václav Havel's pivotal historical legacy in defeating the ideology of communism, peacefully ending the Cold War, and building a Europe that is democratic, united, and at peace:
- (4) recognizes Václav Havel's solidarity with democratic dissidents throughout the world and support for the expansion of freedom, including in Belarus, Iran, Cuba, and Burma; and
- (5) reaffirms the commitment of the United States to the causes of freedom, democracy, and human rights for which Václav Havel stood.

#### MEASURE READ THE FIRST TIME—S. 2041

Mr. BROWN of Ohio. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2041) to approve the Keystone XL pipeline project and provide for environmental protection and government oversight.

Mr. BROWN of Ohio. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

Mr. BROWN of Ohio. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDERS FOR TUESDAY, JANUARY 31, 2012

Mr. BROWN of Ohio. I ask unanimous consent that the Senate adjourn until 10 a.m. tomorrow. Tuesday. January 31. 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, and that following morning business, the Senate proceed to vote on the motion to proceed to Calendar No. 301, S. 2038, the Stop Trading on Congressional Knowledge (STOCK) Act; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for weekly caucus meet- STOCK Act during tomorrow's session I ask unanimous consent that it adings.

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

### PROGRAM

Mr. BROWN of Ohio. Madam President, we will begin consideration of the further business to come before Senate,

of the Senate. Senators will be notified journ under the previous order. when votes are scheduled.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no

There being no objection, the Senate, at 6:38 p.m., adjourned until Tuesday, January 31, 2012, at 10 a.m.

### EXTENSIONS OF REMARKS

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4. agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest-designated by the Rules Committee-of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each

Meetings scheduled for Tuesday, January 31, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED FEBRUARY 1

10 a.m.

Budget

To hold hearings to examine the outlook for the eurozone.

SD-608

Small Business and Entrepreneurship

To hold hearings to examine developing and strengthening high-growth entrepreneurship.

SR-428A

2:30 p.m.

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine Ukraine, focusing on what's at stake for the United States and Europe.

SD-419 Homeland Security and Governmental Af-

Oversight of Government Management, the

Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine Federal retirement processing, focusing on ensuring proper and timely payments.

SD-342 United States Senate Caucus on Inter-

national Narcotics Control To hold hearings to examine the United States-Caribbean Security Cooperation.

SD-562

#### FEBRUARY 2

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the final report of the Blue Ribbon Commission on America's Nuclear Future.

SD-366

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled, "The Iran Sanctions, Accountability and Human Rights Act of 2012", and an original bill entitled, 'Federal Public Transportation Act of 2012".

SD-538

Budget

To hold hearings to examine the budget and economic outlook, focusing on fiscal years 2012-2022.

SD\_608

Health, Education, Labor, and Pensions To hold hearings to examine innovations in college affordability.

Judiciary

Business meeting to consider S. 1925, to reauthorize the Violence Against Women Act of 1994, S. 1945, to permit the televising of Supreme Court proceedings, and the nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, and Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice.

SD-226

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

#### FEBRUARY 3

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for January 2012.

210, Cannon Building

#### FEBRUARY 7

2:30 p.m.

Health, Education, Labor, and Pensions To hold hearings to examine accessible technology, focusing on challenges and

opportunities.

SD-G50

FEBRUARY 9

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Department of Justice's opinion on internet gaming, focusing on what's at stake for tribes.

SD-628

#### FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Pro-

SD-G50

#### FEBRUARY 16

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SVC-217 following the open session. SD-G50

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Energy.

SD-366

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country. SD-628

#### FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor. 10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior.

SD-366

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345, Cannon Building

#### FEBRUARY 29

10 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs.

SR-418

#### MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

#### MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

#### MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

#### MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-106

#### MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program: with the possibility of a closed session in SVC-217 following the open session. SD-G50

#### MARCH 14

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR-418

#### MARCH 21

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA). Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association

SD-G50

#### MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

#### MARCH 28

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

### SENATE—Tuesday, January 31, 2012

The Senate met at 10 a.m. and was called to order by the Honorable RICH-ARD BLUMENTHAL, a Senator from the State of Connecticut.

#### PRAYER

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

Let us pray.

Eternal spirit, You are our only safe haven. Give our Senators this day the courage and strength of spirit to continue to serve You and country. Reinforce within them the belief that with Your help, they can make a substantive difference in their Nation and world. May they refuse to cower in adversity, to compromise bedrock principles, or to turn their backs on those who need them most. Restore in them an equanimity of temperament that can dispel their doubts and fears.

Lord, today we thank You for the nearly four decades of faithful service by Alan Frumin, our Parliamentarian, as he prepares to retire.

We pray this prayer in Your merciful Name. Amen.

#### PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 2012.

To the Senate:

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

Daniel K. Inouye, President pro tempore.

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

# RECOGNITION OF THE MAJORITY LEADER

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

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11:30 a.m. The majority will control the first half and the Republicans will control the final half. Following morning business, the Senate will begin consideration of the STOCK Act. Senators will be notified when votes are scheduled.

## MEASURE PLACED ON THE CALENDAR—S. 2041

Mr. REID. Mr. President, I am told that S. 2041 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows: A bill (S. 2041) to approve the Keystone XL pipeline project and provide for environmental protection and government oversight.

Mr. REID. Mr. President, I would object to further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

#### RETIREMENT OF ALAN FRUMIN

Mr. REID. Mr. President, for a few weeks in March 2010, Alan Frumin was one of the most talked about men in the entire city of Washington. The Senate was poised to send a historic health care reform bill to President Obama's desk for him to sign, but the usual procedural hurdles stood in the way.

Health care policy staffers were camped out in Alan Frumin's office studying Senate procedure and precedent. But despite the pressure, despite the national spotlight, Mr. Frumin remained calm and professional through what must have been one of the most intense moments of his career. For a very few weeks, every Capitol Hill reporter knew his name for sure. His respectable face was on every political news blog. Every political science professor talked about him. Even a few folks outside the beltway learned what on Earth was a Senate Parliamentarian. What do they do? He was briefly a Washington celebrity. But for those of us who work in the Senate, Alan Frumin has always been a star, even when very few of us knew who he was or what job he did. But it did not take us long after coming to the Senate to learn that quickly.

Alan has served in the Office of the Secretary of the Senate since 1977. In

his 18 years as chief Parliamentarian, he has made countless difficult decisions with composure. He has a knowledge of complex rules that certainly would be deemed to be extraordinary. These are rules that are convoluted, and procedures are somewhat unique. But he understands every one of them.

He is, above all, impartial to a fault. I have been upset at Alan a few times when I wished he were not so impartial, but he has always been impartial. That is why he is the only Parliamentarian ever to be hired by both Democratic and Republican leaders to serve in this crucial role. In fact, he was retained in his position despite a change of Senate control four times by five different majority leaders.

One cannot be an effective Parliamentarian without being fairminded and judicious, but Alan Frumin also brings to the job a willingness to hear both sides of an argument and consider every side of the issue. He has patience. I have never heard him raise his voice. I never saw him to be agitated. He is always calm and cool. What a wonderful example he is for all of us.

The truth is, Senate Parliamentarians aren't simply appointed, they grow into the job. So I am pleased that the talented Elizabeth MacDonough, who has worked for Alan for a decade, will succeed him. Elizabeth will be the sixth person to hold the job of Parliamentarian since it was created in 1935, and the first woman. She steps into very large shoes.

I will miss Alan's experience and guidance greatly, but I wish him all of the best in his retirement. But he is really not going to retire; he is going to continue to edit Riddick's Senate Procedure, the official book of Senate procedure, and no one is more qualified than Alan to do this.

Congratulations, Alan. Thank you very much for your service.

## RECOGNITION OF THE REPUBLICAN LEADER

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

Mr. McCONNELL. Mr. President, let me also add some words about Alan Frumin. For those who are not aware of what the Parliamentarian does around here, he is sort of like an umpire in a ball game calling balls and strikes. It should not surprise anyone to hear that we have not always agreed on those calls. But it is not an easy job to be an umpire for 100 Senators. It is not easy to keep up with 200 years of precedents. And to Alan's credit, he

never hesitates to admit when he 43-percent increase in the national debt thought he got something wrong. in just 3 years and the stain of the first

Alan has a deep love for the Senate and the people who make it work. From the elevator operators and the cooks to the most senior Senators, he keeps up relationships with all of them. He cares a lot about this institution, and he has the service to show for it.

As the majority leader indicated, Alan has been here since 1974—longer than all but just a handful of us. So he has really seen it all. We will miss his devotion and his intellect. We are glad he has been able to spend more time with his wife Jill and his daughter Allie. I know they love to travel. Hopefully they will be able to do more of that.

Thank you, Alan, for four decades of service to this institution we all love and admire, and good luck in everything that lies ahead.

#### STOCK ACT

Mr. McCONNELL. Mr. President, last night the Senate voted to proceed to the STOCK Act—a bill, incidentally, that was coauthored by two Republicans. I am glad the majority leader is going to allow amendments for a change. Up until a few years ago, the Senate has been known as a forum for open-ended debate. The minority party may not have always gotten its way, but at least it knew it would always be heard. It is something we have not done nearly enough of in these past few years. I hope it does not prove to be a false promise. I expect Senators on both sides of the aisle will have a number of amendments to this legislation.

But one thing that stands out is the fact that the President is calling on Congress to live up to a standard he is not requiring of his own employees. So I think we can expect at least one amendment that calls on executive branch employees to live up to the same standards they would set for others. If the goal is for everyone to play by the same rules, that should not mean just some of us, and it certainly should not leave out those in the executive branch who, after all, have access to the most privileged information of all.

So the goal in the course of this floor debate will be to make sure the executive branch—those most likely to take advantage of insider information—is fully and adequately covered by this regulation.

But let's be clear. President Obama is not interested in this bill because it would address the Nation's most pressing challenges. Of course it will not. He is interested in it because it allows him to change the subject. The more folks are talking about Congress, the less they are talking about the President's own dismal economic record. Frankly, for a President who has presided over a

43-percent increase in the national debt in just 3 years and the stain of the first ever downgrade of America's credit rating, I can certainly understand why he would want to change the subject. I can see why he would rather be talking about Congress or the Super Bowl or the weather or anything other than his own failed economic policies. But the problems we face are too grave and too urgent, and every day the President spends time trying to change the topic instead of changing the direction of the economy is another day he is failing the American people who elected him.

Now, the President can pretend he just showed up. He can try to convince people, as he tried to do this weekend. that the economy is moving in the right direction, but he is not fooling anybody. Americans know we are living in an economy that has been weighted down and held back by legislation he passed with the help of a big Democratic majority in each House of Congress. Americans know we are living in the Obama economy now-we are living in the Obama economy right now-and they are tired of a President who spends his time blaming others for an economy he put in place. They want the President to lead.

I have yet to see a survey in the past year that shows Americans agreeing with the President on the direction of the country or the economy. The ones I have seen all say the opposite. Wide bipartisan majorities believe the country is on the wrong track.

For small business owners, the people we are counting on to create jobs in this country, the numbers are even starker. According to a recent survey conducted by the U.S. Chamber of Commerce, 85 percent-85 percent-of small business owners say the economy is on the wrong track. Eighty-four percent of them say the size of the national debt makes them unsure about the future of their businesses. Eightysix percent worry that regulations, restrictions, and taxes will hurt their ability to do business. Just about three-quarters of them say the President's health care bill will make it harder for them to hire. In other words, it is a huge drag on job creation.

If I were the President, I would probably rather be talking about Congress too. I understand why he would rather be talking about what Congress may or may not do rather than what he has already done. He would rather be talking about what Congress may or may not do rather than what he has already done. But he has a job to do. He was elected to do something about the problems we face, not blame others for our problems. He was elected to take responsibility for his own actions, not pretend they somehow never happened.

Today the Congressional Budget Office will release an annual report on the Nation's finances. We do not know all the particulars, but I can tell you

this: It will not paint a very rosy picture. Our fiscal problems are serious, and every day that the President refuses to address them, they become harder to solve.

So my message to the White House this morning is simple: It is time to lead.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### RETIREMENT OF ALAN FRUMIN

Mr. DURBIN. Mr. President, many years ago when I graduated from Georgetown Law School, I was offered a job by the Lieutenant Governor of Illinois, Paul Simon. He asked if I would join his staff in Springfield, IL, in the State capital and if I would serve as his senate parliamentarian. I jumped at the chance. I was in desperate need of a job with a wife, a baby, and another one on the way.

Deep in debt, I skipped my commencement exercise to get out and on the payroll in Springfield of the Illinois State Senate. The first day I walked in on the job at the Lieutenant Governor's office they handed me the senate rule book. It was the first time I had ever seen it. They parked me in a chair next to the presiding officer of the Illinois Senate, the Lieutenant Governor, and said: Now you are here to give advice.

I spent every waking moment reading that rule book and trying to understand what it meant. There wasn't a course like that in law school or anything that gave me guidance as to what I was to do. I made a lot of stupid mistakes, and I learned along the way what it meant to be a senate parliamentarian.

It was a humbling experience, in many respects, to learn this new body of law, how it applied to the everyday business of the Illinois State Senate. It was equally humbling to be in a position where your voice was never heard but your rulings were repeated by so many.

I recall that many years later—14 years later—I was elected to the U.S.

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House of Representatives. After serving 12 of those 14 years in the office of the Illinois State Senate Parliamentarian. I cannot describe to you the heady feeling I had when I went on the floor of the U.S. House of Representatives, they handed me the gavel, and I actually presided over the U.S. House. After 14 years of silence as the Illinois State Senate Parliamentarian, I was speaking before one of the greatest legislative bodies in the world. So I have some appreciation for the role of a parliamentarian, and particularly for the contribution of people such as Alan Frumin. In some respects, it is a thankless job, because you are bound to make some people upset. As the majority leader mentioned, we respect Alan's impartiality as Parliamentarian, but many times we go back to our office and are critical of it at the same time. We hope he will rule in our favor instead of the other way.

Alan has been faithful to precedent, to the rules of the Senate, and that is all we can ask of a person who serves in his position. He has to tolerate the titanic egos that occupy this Chamber. I used to say that the majority leader is the captain of a small boat full of titanic egos. That is the nature of this institution. Alan has been called on more often than most to deal with the peculiarities of even my colleagues and myself.

I wish him the best after more than 35 years of service to the Congress, both in the House and the Senate. I am glad he is going to continue at least on the research side to establish a body precedent that will guide the Senate and the Congress in the years to come.

Alan, thank you so much for all the service you have given to the Senate, to the Congress, and to the United States.

To Elizabeth MacDonough, congratulations. It is great you will be coming into this new role. It is precedent-setting in and of itself that you will be the first woman to serve as the U.S. Senate Parliamentarian. We all respect very much your professionalism and look forward to working with you—even when you give us disappointing rulings.

#### THE ECONOMY

Mr. DURBIN. Mr. President, I listened to the comments made by the Republican leader about how he believed President Obama is trying to change the topic and not talk about the economy and, rather, talk about ethical standards in the U.S. Congress. I have to say this is an issue that resonates with me personally because, as I mentioned earlier, I have been honored to have been brought up in public service by two outstanding individuals, former U.S. Senators Paul Simon and, before him, Paul Douglas. Both of these men had integrity as a hallmark.

Even as people in Illinois disagreed from time to time with their positions on issues, they never questioned their honesty. That is my background, my training, and I have tried to continue in that tradition.

I accepted the standard, which was first initiated by Senator Paul Douglas and carried on by Senator Paul Simon, of making a complete income and asset disclosure every single year. I think if I look back now, I can trace it back to my earliest campaign, certainly back to my time in the office of the Lieutenant Governor. Almost every year I made that disclosure. There was some embarrassment in the early years, because my wife and I were broke and we showed a negative net worth because of student loans. We suffered some chiding and embarrassment over that. Over the years, even my wife got to where she didn't pay much attention on April 15 when I released all this information.

What we are considering on the floor is a tough issue. It is this: When you earn something as a Congressman or Senator, what should you do to take care that you don't capitalize on that, that you don't turn that into part of a personal decision that might enrich you? It is a legitimate issue, and I support the legislation that is on the floor, though I think it will be challenging to implement.

We should never capitalize on insider information, private information given to us in our public capacity, to enrich ourselves, period, no questions asked. What we have before us now is an opportunity to call for more timely disclosure of those transactions that Members of Congress—in this case Senators—engage in that might or could have some relationship to information they learned in their official capacity.

I quickly add that this is a challenge because, honestly, in our work in the Senate we are exposed to a spectrum of information on virtually every topic. People sit and talk to us, those in an official capacity and also unofficially, about the future of the European Community, what will happen there, and if the European economy goes down or up, what impact will it have on the United States. We learn these things in meetings; we think about them as we vote on measures on the floor. Obviously, they are being discussed widely in the public realm as well. So drawing those lines in a careful, responsible way is going to be a challenge for us.

But disclosure is still the best antidote to the misuse of this public information. I don't think it is wrong for the President to challenge us or for the Republican leader to challenge the executive branch at the same level. That is fair. You know I am friendly to the President. I am a member of his party and was a personal friend to him before he was elected, and I still am today. He should accept the challenge from the Senator from Kentucky to look at the standards within the executive branch to see if they meet at least the minimum standards set by this legislation. We should look at it, as well, in terms of our responsibilities as Senators.

I take exception to the comments made by the Republican leader when it comes to the state of the economy and the role of the executive. The Senator from Kentucky said there has been change in the national debt, since the President was elected, by an increase of 4 percent. I am sure that is close to true if not true in detail. But look at the circumstances. When President Clinton left office and turned the keys over to President George W. Bush, the national debt was \$5 trillion, and the next year's budget would have been the third in a row in surplus by \$120 billion—not a bad welcome gift from the outgoing President, William Jefferson Clinton.

Now fast forward 8 years as President Bush left office and handed the keys to President Obama—quite a different world. Instead of a national debt of \$5 trillion, 8 years later, it was \$11 trillion, more than double under President George W. Bush, a fiscal conservative by his own self-description. Look at what he left for President Obama in his first budget, in the first year: a \$1.2 trillion deficit. Not a surplus, but a deficit 10 times as large as the surplus left by President Clinton. That is what President Obama inherited.

He said in the State of the Union Address that we had lost 3 million jobs in the 6 months preceding his being sworn in and another 3 million before his stimulus bill was passed and implemented. Six million jobs were gone; 750,000 people lost their jobs the month President Obama was sworn into office.

Now Senator McConnell comes to the floor and says that is President Obama's fault. I don't think that is a fair characterization. I think the President would accept responsibility not only for his time in office but for the decisions he has made. But to saddle him with the legacy of the previous President and his economic policies is fundamentally unfair.

The Senator from Kentucky says, don't forget, it was on President Obama's watch that a rating agency downgraded the credit rating of the United States. True. If you read the downgrade, it is not about the state of the economy, it was about the state of politics in Washington. We were downgraded by Standard & Poor's because they believed that we were incapable, as a divided government, to make important decisions for this Nation.

How did they reach that conclusion? Perhaps it was because of this divided government, with the tea party dominance in the House of Representatives, that led us into a position in 2011 where we faced two government shutdowns and one shutdown of the economy in the same year. This weakened economy, suffering from recession, still had

to worry about whether the fights between the House and the Senate would lead to even more economic peril. That is why we were downgraded. Don't blame the President for that. We can blame ourselves—at least partially for the downgrade. Let me say that

We know there is uncertainty about the future. People are waiting for certainty when it comes to the value of real estate, the future of jobs, and business. I understand that. But things are moving in the right direction. Last week, we learned that our economy grew at a rate of 2.8 percent in the last 3 months of 2011—the strongest quarter of the year-and it shows that the chances of double-dip recession are receding.

In 2011, the unemployment rate fell from 9 to 8.5. The private sector added more jobs in 2011 than in any year since 2005. The American manufacturing sector was growing for the first time since the late 1990s.

The Republicans don't want to credit this President as they should. There are 3 million new private sector jobs. The weakness in our unemployment figures reflects the loss of public sector jobs. Federal, State, and local employment has gone down as the revenues of government have decreased.

But this recovery is still fragile. Those who come to the floor, as many have, and argue for austerity and budget deficit concentration aren't wrong, but their timing is wrong. This is the moment when we need to strengthen this economy and move it forward. I was on the Bowles-Simpson commission. Understand that their deficit reduction did not begin until the first of 2013. We wanted to create enough time in that commission for the economy to recover and come out of this recession.

Those who argue that we should abandon that now would sink us even more deeply into a recession instead of on the road to recovery. We need to continue to act, to find that which will strengthen our economy—investment in education and training for our workers, investment in research, whether it is at the National Institutes of Health or other agencies of government, so that we can move forward with innovation and create jobs in areas such as green and clean energy.

Third is the development of our infrastructure. It is indefensible that Congress has been unable to pass a highway bill, an infrastructure bill to rebuild America. The trip I took to China last year was a stark reminder that China is determined to lead the world in the 21st century. They are building in China an infrastructure to do it, while we nurse one that has been falling apart for decades.

Can't Republicans and Democrats agree even in a Presidential election vear that we need a solid infrastructure bill that will rebuild America and

America? It is time for us to have a balanced plan and to work together to achieve it.

The President is not trying to avoid the topic. He addressed it in his State of the Union Address. It is up to the Congress to follow

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

#### TRIBUTE TO KEVIN HAGAN WHITE

Mr. KERRY. Mr. President, last Friday Kevin Hagan White, a four-term mayor of Boston, passed away.

In the city of Boston, in the shadows of Faneuil Hall, there is a statue of Mayor White that stands 10 feet tall, larger than life. There could not be a more fitting tribute to a mayor and a man who was himself a huge figure in the history of Boston and a mayor who helped to give our city the extraordinary skyline and the extraordinary spirit it has today.

He was a mayor who, more importantly, through four terms led the city of Boston through a remarkable transition, from times of division to a time of new international and singular identity for the city. He led the transition of a great city. But this good man and ground-breaking mayor was, frankly, much more than a transitional leader himself. He was a transformative figure in a city that, when it comes to history-making mayors, does not use the word "transformative" lightly.

Mayor White's passing gives Boston and its people a chance to reflect on how one leader, one politician could help to reshape a major city in America—to some degree reflecting his own persona, bright and energetic. Kevin White was elected to city hall in 1967, a time when big city mayors in America were political forces even as the days of the all-powerful political machines were beginning to dwindle. In Chicago, there was Richard Daley; in New York, John Lindsay; in Los Angeles, Sam Yorty, among some of the big city mayors of our Nation. But in Boston, Kevin represented a new generation of urban leaders. He was only 38 years old and was filled with optimism and energy and clear ideas of what he wanted Boston to be-summarized, perhaps, in the notion of being a worldclass city.

He attracted brilliant, idealistic young people to help him achieve his goal, brilliant young people such as BARNEY FRANK, Micho Spring, Ann Lewis, Paul Grogan, Fred Salvucci, George Regan, Robert Kiley, Bo Holland, Cecily Nuzzo Foster, Dennis Austin, and Clarence "Jeep" Jones, all of whom saw in him a reason to dedicate themselves to public service.

When Kevin White moved into city hall, some people assumed they were getting a business-as-usual mayor-

create good-paying jobs right here in Irish and Catholic, typical and traditional. But the times were changing. The political and social climate of Boston in the late 1960s was hardly traditional, and Kevin White was anything but your typical politician.

He glided effortlessly between the old world and the new. No one had ever seen a Boston politician go to Rhode Island to get the Rolling Stones released into their personal custody after they were arrested, and then the next night, when they appeared at a concert in Boston, stand up and announce to a cheering crowd, "The Stones have been busted, but I sprung them." Kevin did just that in 1972, which happened to be right after 18-year-olds got the right to vote.

Kevin White opened Boston's political system to African Americans, women, Jews, and gay Americans alike. He spearheaded rent control. He decentralized the city government by forming little city halls in the neighborhoods. He made jobs for young people a priority. He organized outdoor activities known summer as"Summerthing." He refused to let Interstate 95 run right through the city in order to protect low-income homes and boost public transportation. But perhaps most importantly, he sparked a downtown renaissance that began with Quincy Market, now one of the city's top tourist attractions, and it became the heartbeat of the new Boston that is his legacy.

Mr. President, Kevin White came to city hall with an ambitious plan to build a new Boston brick by brick if he had to, and that is pretty much what he did. When Kevin White took office, Boston was in many ways still stuck in the 1920s—virtually no new buildings in decades, a steady decline in population and jobs, flophouses in the Back Bay, Quincy Market, a ramshackle warehouse of butchers and cheese dealers. But Kevin and his new team at city hall hit Boston like a bolt of lightning, eventually reversing the city's economic slide and laying the groundwork for the vibrant Boston of today. He had

Boston was in Kevin's blood and so was politics. His father and maternal grandfather had been Boston city council presidents, and he married Kathryn Galvin in 1956, the daughter of another city council president. He was elected Massachusetts secretary of state three times before being elected mayor for the first time in 1967.

Kevin White was the right man for the job at the right time, as he proved so importantly and so poignantly within months of taking office on April 5, 1968—to be precise, the day after Dr. Martin Luther King, Jr. was assassinated. James Brown was scheduled to do a concert at Boston Garden that night. Rather than allow it to be cancelled, as many suggested, Kevin arranged for the concert to be televised live in hopes of minimizing unrest. He even appeared on stage himself to plead for calm. He stood on the stage and said:

All of us are here tonight to listen to a great talent. But we are also here to pay tribute to one of the greatest of Americans, Dr. Martin Luther King, Jr. Twenty-four hours ago, Dr. King died for all of us, black and white, so that we may live together in harmony, without violence, and in peace. I'm here to ask for your help. Let's make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.

That was leadership, and it helped. Cities across the country exploded in violence, but Boston summoned relative restraint. James Brown called Kevin "a swinging cat." Of course. difficult times lay ahead, a turbulent period of racial strife. But Kevin White sought to shepherd Boston through those difficult times, and in the process he ushered in the remarkable city we know today. He did his best to hold the city together by walking the streets, reaching out and fighting with every ounce to get Boston where it is today. At one point, he led a march of 30,000 people to protest racial violence.

Kevin White was, according to his most famous campaign slogan, a loner, in love with the city. But this self-proclaimed loner did love Boston, and Boston loved him back. His wide circle of friends and former staff remained loyal and close throughout his life. Above all he was a family man, devoted to his wife Kathryn of 55 years, to his five children, and to his seven grand-children. To all of them and to the rest of his family, we extend our deepest sympathy and a thank-you for sharing Kevin with us.

The devotion of Kevin's family was boundless throughout his long and valiant fight against Alzheimer's disease. From his diagnosis nearly a decade ago to the very end last Friday, they gave him all the love and care he needed to face his debilitating challenge with the same dignity and courage with which he served the city of Boston for so long.

Mr. President, Boston is that shining city on a hill that John Winthrop, one of the founders of the Massachusetts Bay Colony, spoke about in 1630 as he sailed to America. It is a city teeming with people of all kinds, a city of commerce and creativity, a city of grit and greatness. And Kevin White helped to make it that way.

I consider it a privilege to have watched his journey, to have enjoyed his friendship, support, and counsel. I join with so many in thanking him and his family for his service.

May he rest in peace.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### RECESS APPOINTMENTS

Mr. PAUL. Mr. President, I rise today in defense of the Constitution. I rise today to condemn the President for making appointments that are unconstitutional and illegal. Recently the President appointed members to the National Labor Relations Board and to the Consumer Financial Protection Agency. He did so by saying we were in recess.

This is news to us because those of us in the Senate maintain that we were never in recess. The President has usurped a power never previously taken by a President and has decided unilaterally that he gets to decide when we are in recess. These appointments are illegal and unconstitutional, and I am surprised—I am surprised—that no member of the majority party has stood to tell the President so.

I am not surprised that the President has engaged in unconstitutional behavior. His health care law is brazenly unconstitutional. His war with Libya was unconstitutional. He got no congressional authority. So, for a man who once gave lip service to the Constitution, the President now has become a President who is prone to lawlessness and prone to unconstitutional behavior

Our Founders clearly intended that the President have the ability and the power to appoint advisers, but they also separated that power and gave power to the Senate to advise and consent on these high-ranking officers in government. The President has gone an end-around on this and has done something that breaks with historical precedent. It goes against the notion of checks and balances.

In fact, the notion that underlies the whole idea of recess appointments is mostly a historic relic. Alexander Hamilton explained in Federalist 67 that the power was included so the Senate did not have to remain in session year round to deal with nominations. This was also done at a time when Congress would go out of session for months at a time for members to return to their farms and their businesses. Now Congress meets nearly year round.

So, in other words, recess appointments should only happen rarely, in extreme occurrences, if at all. There also should be agreement that we are in recess, and there is no disagreement that we were in recess.

There is a lot of talk about bipartisan cooperation on the other side of the aisle, but I am disappointed that not one Senator has stood to tell the

President this sets a terrible precedent; that this is a usurpation of power that is bad for the country and bad for the idea of checks and balances. I am disappointed that not one Senator from the other side of the aisle has stood to oppose this President on this unconstitutional power grab. This is an opportunity for us to stand together in defense of the Constitution.

I state now, unequivocally, if a Republican President tries to usurp his power, if a Republican President tries to define a recess and appoint people illegally. I will stand on the Senate floor and oppose him. This is not about being a Republican or a Democrat, it is about having respect for the Constitution. These lawless, illegal, and unconstitutional appointments fly in the face of the respect for our Constitution. This is an issue of separation of powers, of constitutional authority, and of Senate prerogative. It is sad that not one member of the opposition party will stand for the Constitution, will stand to the President.

Make no mistake, this is a huge breach of precedent. If the President is allowed to determine when we are in recess, nothing prevents him from making recess appointments this evening at 8 o'clock or on the weekends. If this precedent is allowed to stand, nothing stops the President from appointing a Supreme Court Justice tonight at 8 o'clock. Is that the kind of lawlessness we want in our country? Are we going to completely abandon the advise-and-consent role of the Constitution and of the Senate?

I ask today, is there not one Senator from across the aisle who will stand against this unconstitutional power grab? Is there not one Senator from across the aisle who will say to the President that these illegal appointments set a terrible precedent; that these appointments will encourage lawlessness; that these appointments eviscerate the advise-and-consent clause of the Constitution? I ask my colleagues from across the aisle: Where is your concern for the checks and balances? Where is your concern for the Constitution?

I am greatly saddened by this action, and I hope the President will reverse course. I hope the majority party in the Senate will stand for the Constitution. But I am greatly disappointed in where we are in this debate.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada.

#### THE STOCK ACT

Mr. HELLER. Mr. President, later today the debate will center on the fundamental question of whether Members of Congress should be responsible for upholding the same laws as the American people. The unified answer

from this Congress must be an unequivocal yes. It is no secret that Congress has a track record of exempting itself from the very laws it writes.

Former Senator John Glenn said such exemptions are "the rankest form of hypocrisy. Laws that are good enough for everyone else ought to be good enough for us."

Former Congressman Henry Hyde once quipped that "Congress would exempt itself from the laws of gravity if it could"

I have long supported efforts to ensure that Congress refuses to give into any temptation to exempt itself. When I was serving in the House of Representatives, I was proud to be a leader in the effort to require Members of Congress and their staffs be subject to the same requirements that the Obama health care bill put on all citizens.

While the bad old days of Congress exempting itself from major occupational safety and health and fair labor standard laws were done away with to some extent after passage of the Congressional Accountability Act, and other reforms of the mid-1990s, Congress should not miss this opportunity to show the American people that it is willing to live by the very rules that are imposed on the American people. The people of this Nation are tired of business as usual in Washington. They are tired of the congressional exemptions or carve-outs that create a chasm between the working class and the political class.

My home State of Nevada is currently enduring the highest unemployment rate in the country. In fact, Nevada has led the Nation in unemployment for more than 2 years. As I travel the State, I hear from individuals who are frustrated because the public servants who are supposed to be representing them don't feel their pain. While our economy limps on, the Nation's Capital remains untouched by the difficulties Nevadans experience every day. In light of these facts, is it any mystery why Congress is currently experiencing its worst approval ratings in history?

I am a cosponsor of the STOCK Act because I believe confidential information acquired as a result of holding public office should not be used for private gain. The STOCK Act would prohibit Members or employees of Congress and executive branch employees from profiting from nonpublic information obtained because of their status and requires greater oversight of the growing political intelligence industry. Members and employees should also be required to report the purchases, sales, and exchange of any stock, bond, or commodity transaction greater than \$1,000 within 30 days.

As a strong supporter of transparency in Congress and the Federal Government, I believe the STOCK Act is an important step for Congress to

take and start earning back the trust and faith of the American people. Restoring that confidence will surely be a long journey because public servants have in too many cases not taken their job seriously. But through legislation such as the STOCK Act, we send an important message to the citizens of this Nation that we understand our position requires us to uphold the highest ethical and moral standards, and we are willing to undergo the scrutiny required to regain that trust.

Members of Congress should follow the same rules as every other American. No American can trade on insider information without the risk of prosecution, and Congress should be held to the same standard. Elected officials should take every precaution to ensure that they do not use public information for personal gain.

I hope both Chambers will take the time to thoughtfully consider this legislation and send it to the President for his signature. My hope is that the American people will view passage of this legislation as an earnest bipartisan effort to change the way Washington does business.

I appreciate the opportunity to discuss this important bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

Mr. LEE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

#### THE ECONOMY

Mr. LEE. Mr. President, I rise today to talk about the state of the Nation's economy. Upon taking office, President Obama encountered one of the worst recessions in this country's history. He faced tremendous challenges under any standard. To be sure, it would have been difficult for any President to make the kinds of reforms that would have had an immediate effect on an economy this bad. But at the end of the day we see that although he was handed something that we can fairly characterize as an economic emergency, he, through his actions and through his policies, turned that emergency into a national tragedy.

In his first 2 years, instead of focusing on creating jobs and creating a set of circumstances in which the private sector could bring jobs to fruition, President Obama and his substantial majorities in both Houses of Congress used their tremendous advantage to push for greater government control over America's health care choices, more burdensome and debilitating regulations on businesses, and a failed stimulus package that led to recordsetting annual deficits.

Just look at America before President Obama took office and compare it to our economic situation now. For example, unemployment is up 9 percent from when President Obama took office. The price of gasoline is up 83 percent compared to when he took office. Long-term unemployment is up 107 percent. The median value of a single-family home in America is down 14 percent, and the U.S. national debt is up 43 percent. He has added over \$4 trillion to our national debt.

Then, last year, President Obama

Then, last year, President Obama created a standoff with Republicans by refusing to accept a reasonable compromise on spending reforms as a condition for raising the Nation's debt ceiling. He presided over the downgrading of America's credit rating, the first in our country's history, and he has taken every opportunity to block the development of America's energy resources, a source of much-needed revenue and jobs.

Perhaps most troubling, this President has intentionally divided the country by waging vicious class warfare campaigns separating average, hard-working Americans by income and then pitting them against one another. The President's record on this score has been repugnant and damaging.

Instead of working with Congress to address our genuine economic challenges, the President has responded by starting his reelection campaign early. In a series of taxpayer-funded campaign stops, the President sharpened his divisive message and astoundingly blamed Republicans for legislative gridlock-never mind that the President's most recent budget proposal failed to attract even a single vote in the U.S. Senate, and it was, in fact, Senate Democrats who refused to bring the President's own jobs plan to the floor for a vote. Even today, members of the President's own party are lining up against him to oppose his tone-deaf decision on the Keystone XL Pipeline. This project would create 20,000 American jobs, it would inject much needed private sector capital into our economy, and it would increase the country's energy security, but the President has chosen to block the project as an election-year nod to his friends in the extreme leftwing of the environmentalist movement.

President Obama has put the state of our Union in disarray. Certainly he inherited a poor economy, but the decisions he has made and implemented since taking office are making it worse. He was handed an economic emergency, and instead of taking the challenge head-on, he chose to ignore it, and then he turned it into a national tragedy.

There is a void of leadership in the White House. He must end the divisiveness and start dealing directly and decisively with the needs of the country.

The President has very little time left Mr. Levin, and Mr. Franken, proposes an to show the American people that he can be the kind of leader who will put the country before his own personal political interests. For the sake of all Americans, I sincerely hope he uses that time wisely.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Senator Collins pertaining to the introduction of S. 2044 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER, Morning business is closed.

STOP TRADING onCONGRES-SIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2038, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 2038, a bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to S. 2038.

The motion was agreed to.

The PRESIDING OFFICER. clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1470

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I have a substitute amendment at the desk.

The PRESIDING OFFICER. clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. Brown of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, amendment numbered 1470.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Monday, January 30, 2012, under "Text of Amendments.")

AMENDMENT NO. 1482 TO AMENDMENT NO. 1470 Mr. REID. Mr. President, on behalf of Senator LIEBERMAN, I call up amendment, which is at the desk.

The PRESIDING OFFICER. clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, proposes an amendment numbered 1482 to amendment No. 1470.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical amendment to a reporting requirement)

On page 7, line 22, after "Reform" insert "and the Committee on the Judiciary".

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1478 TO AMENDMENT NO. 1470

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. BROWN of Ohio. Mr. President, I call up amendment No. 1478.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 1478 to amendment No. 1470.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To change the reporting requirement to 10 days)

On page 6, strike lines 12 through 15, and insert the following:

(i) After any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress shall file a report of the transaction not later than 10 days following the day on which the subject transaction has been executed.

On page 9, line 17, strike "30" and insert "10".

AMENDMENT NO. 1481 TO AMENDMENT NO. 1470

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there

Without objection, it is so ordered. Mr. BROWN of Ohio. Mr. President, I call up my amendment No. 1481.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN] for himself and Mr. Merkley, proposes an amendment numbered 1481 to amendment No. 1470.

Mr. BROWN of Ohio. Mr. President. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit financial conflicts of interest by Senators and staff)

At the appropriate place, insert the following:

#### PUTTING THE PEOPLE'S INTERESTS SEC. FIRST ACT OF 2012.

- (a) SHORT TITLE.—This section may be cited as the "Putting the People's Interests First Act of 2012"
- (b) ELIMINATING FINANCIAL CONFLICTS OF INTEREST FOR MEMBERS OF THE SENATE.—A covered person shall be prohibited from holding and shall divest themselves of any covered transaction that is directly and reasonably foreseeably affected by the official actions of such covered person, to avoid any conflict of interest, or the appearance thereof. Any divestiture shall occur within a reasonable period of time.
- (c) Definitions.—In this section:
  (1) Securities.—The term "securities" has the same meaning as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).
- (2) COVERED PERSON.—The term "covered person" means a Member, officer, or employee of the Senate, their spouse, and their dependents.
- (3) COVERED TRANSACTION.—The term "covered transaction" means investment in securities in any company, any comparable economic interest acquired through synthetic means such as the use of derivatives, or short selling any publicly traded securities.
- (4) SHORT SELLING.—The term "short selling" means entering into a transaction that has the effect of creating a net short position in a publicly traded company.
- (d) EXCEPTION.—Nothing in this section shall preclude a covered person from investing in broad-based investments, such as diversified mutual funds and unit investment trusts, sector mutual funds, or employee benefit plans, even if a portion of the funds are invested in a security, so long as the covered person has no control over or knowledge of the management of the investment, other than information made available to the public by the mutual fund.
  - (e) TRUSTS.-
- (1) IN GENERAL.—On a case-by-case basis, the Select Committee on Ethics may authorize a covered person to place their securities holdings in a qualified blind trust approved by the committee under section 102(f) of the Ethics in Government Act of 1978.
- (2) BLIND TRUST.—A blind trust permitted under this subsection shall meet the criteria in section 102(f)(4)(B) of the Ethics in Government Act of 1978, unless an alternative arrangement is approved by the Select Committee on Ethics.
- (f) APPLICATION.—This section does not apply to an individual employed by the Secretary of the Senate, Sergeant at Arms, the Architect of the Capitol, or the Capital Po-

The PRESIDING OFFICER. The Senator from Maine.

thought we had a tentative, informal agreement that we were going to go back and forth, alternating to make amendments pending, and that we would do one from the Democratic side, then one from the Republican side, and go back and forth.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I appreciate the comments from the Senator from Maine. I was just asking that they be offered. I was going to speak on them together, but I am certainly willing for a Republican to go next and then I speak about my two amendments together—whatever the Senator from Maine would like.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Senator.

Mr. President, I, then, ask unanimous consent that we proceed with amendments so that we do alternate from side to side, since there are a number of amendments that have been filed, and I think that would be the fairest way to proceed to make them pending.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Pennsylvania.

AMENDMENT NO. 1472 TO AMENDMENT NO. 1470

Mr. TOOMEY. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

Mr. TOOMEY. Mr. President, I call up amendment No. 1472, my amendment with Senator McCaskill.

The PRESIDING OFFICER. clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. TOOMEY], for himself, Mrs. McCaskill, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. Johanns, proposes an amendment numbered 1472 to amendment No. 1470.

Mr. TOOMEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit earmarks)

At the appropriate place, insert the following:

#### . EARMARK ELIMINATION ACT OF 2012.

- (a) SHORT TITLE.—This Act may be cited as the "Earmark Elimination Act of 2011".
  - (b) Prohibition on Earmarks.-
- (1) BILLS AND JOINT RESOLUTIONS, AMEND-MENTS. AMENDMENTS BETWEEN THE HOUSES. AND CONFERENCE REPORTS.-
- (A) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment, amendment between the Houses, or conference report that includes an earmark.
- (B) PROCEDURE.—Upon a point of order being made by any Senator pursuant to sub-

Ms. COLLINS. Mr. President, I paragraph (A) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken.

> (2) Conference report and amendment be-TWEEN THE HOUSES PROCEDURE -When the Senate is considering a conference report on. or an amendment between the Houses, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

- (3) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.
- (4) Definitions.—
- (A) EARMARK.—For the purpose of this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives as certified under paragraph 1(a)(1) of rule XLIV of the Standing Rules of the Senate-
- (i) providing, authorizing, mending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;
- (ii) that—
- (I) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and (II) contains eligibility criteria that are
- not uniform in application with respect to potential beneficiaries of such provision; or (iii) modifying the Harmonized Tariff

Schedule of the United States in a manner

that benefits 10 or fewer entities.

(B) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, duly chosen and sworn

(5) APPLICATION.—This section shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

Mr. TOOMEY. Mr. President, I would like to make some comments about this amendment, but I will do that at a later time when time is more available.

I thank my colleague from Maine and my colleague from Ohio for their helpful cooperation in this process.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank both the Senator from Pennsylvania and the Senator from Maine.

AMENDMENTS NOS. 1478 AND 1481

I will speak in more detail about my amendments later, but now I want to say a few words about each of them.

First, they are consistent with the spirit of the underlying bill—a version of which I cosponsored. I am particularly appreciative to Senator Gilli-BRAND for her good work on this overall issue.

The underlying STOCK Act clarifies that insider trading laws apply the same way to Members of Congress as they do to the rest of the country, pure and simple. It makes sense.

My amendments would also extend generally applicable laws to Members of Congress.

One amendment would apply financial trade disclosure rules to Members in the same way they apply to others, such as corporate insiders, financial advisers, SEC employees. It would narrow the window for disclosure from 30 days down to 10 days. It would make Member disclosure more consistent with rules that require timely disclosure of transactions by corporate directors, officers, and large shareholders. We should do the same more strictly than we have in the past to do the same as they do. Let's hold ourselves to the same standard of openness and shine the light of transparency on our financial trades, if we make them.

The second amendment would extend to Senators the same conflict of interest rules that currently apply to committee staff and executive branch officials. This amendment, which is No. 1481, is coauthored by Senator MERKLEY of Oregon.

Members of the Senate and staff would be prohibited from owning or short-selling individual stock in companies affected by their official duties. We would still be permitted to invest in broad-based funds or place our assets in blind trusts, as permitted by the Select Armed Services Committee-SASC—rule and Federal regulations.

When asked about the fact that the SASC conflict of interest rules apply to staff and DOD appointees, President George W. Bush's Deputy Secretary of Defense, Gordon England, said:

I think Congress should live by the rules they impose on other people.

That is why I am offering these two amendments. It is pretty simple. We vote on a whole range of very important issues in this country. We should not only not benefit from our votes on investments we might have, but it is important that the perception be that when we make decisions, we make them for the good of the country, not for our own financial interests. That is something the public finds pretty distasteful. These two amendments together will help fix that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Massachusetts. Mr. President, I know we are starting to get the intake of amendments. I want to reiterate what we talked about yesterday, about having relevant amendments filed. This is a very specific issue we are addressing, which is to deal with perceived insider trading and/ or Members of Congress having an unfair advantage and having obviously nonpublic information, confidential information that would ultimately be used for financial gain.

As we are reviewing some of the amendments or hearing discussions of others that may be forthcoming, I want to remind the Members that this is something that forces outside this building may not want to happen. I feel very strongly that this is something we need to do and use to reestablish the trust with the American citizens and Members of Congress.

That being said, as our Members are listening or their staffs are proposing amendments that are forthcoming, I hope they would be relevant to the issue at hand and not get sidetracked into a discussion that would take us away from what we are trying to do

Again, I am looking forward to the amendments. I know Senators Lieber-MAN, GILLIBRAND, COLLINS, and I will be managing the floor today to try to make sure that happens and convince our Members to stay focused on this very important issue.

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

The PRESIDING OFFICER. clerk will call the roll.

The bill clerk proceeded to call the

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

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

Mr. THUNE. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 1477 TO AMENDMENT NO. 1470

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 1477.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 1477 to amendment No. 1470.

unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D)

At the appropriate place, insert the fol-

#### SEC. . MODIFICATION OF EXEMPTION.

(a) REMOVAL OF RESTRICTION.—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)) is amended by inserting before the period at the end the following: ". whether or not such transactions involve general solicitation or general advertising".

(b) Modification of Rules.—Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of title 17. Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230 502(c) of such title shall not apply to offers and sales of securities made pursuant to section 230.506, provided that all purchasers of the securities are accredited investors. Such rules shall require the issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as determined by the Commission.

Mr. THUNE. Mr. President, this amendment would make it easier for small business to better access capital in order to expand and create jobs. On November 3, 2011, the House of Representatives passed a companion measure, which was introduced by Representative KEVIN McCarthy, on a near unanimous vote of 413 to 11; 175 Democrats in the House supported this legislation. We have an opportunity here to show the American people that we are serious about creating jobs and to pass this amendment here in the Senate.

This amendment would remove a regulatory roadblock in order to make it easier for small businesses to access needed capital to expand and create jobs. Current SEC registration exemption rules severely hamper the ability of small businesses to raise capital by allowing them to raise capital only from investors with whom they have a preexisting relationship.

By modernizing this rule, small businesses and startups would be able to more easily raise capital from accredited investors nationwide. According to the Small Business and Entrepreneurship Council:

This is a long overdue solution that will widen the pool of potential funders for entrepreneurs. Our economy will improve once entrepreneurs are provided the tools, opportunities and incentives that they need to hire

Earlier this month, the SEC Small Business Advisory Committee on Small Emerging and Companies recommended that the agency "relax or modify" the general solicitation prohibition as a good policy to increase the

Mr. THUNE. Mr. President, I ask amount of capital available to small businesses.

> In his State of the Union Address last week, President Obama called on Congress to pass legislation that will help startups and small businesses access capital in order to expand and create jobs. The President said:

> Most new jobs are created in start-ups and small businesses. So let's pass an agenda that helps them succeed. Tear down regulations that prevent entrepreneurs from getting the financing to grow. Both parties agree on these ideas. So put them in a bill and get it on my desk this year.

> This is exactly what this amendment will do. And it has support from investors and entrepreneurs alike. When you have unemployment hovering around 9 percent, we need to pass legislation that will enable our job creators to expand and create jobs. As I said, this legislation received overwhelming bipartisan support in the House of Representatives. I hope we can do the same here in the Senate by passing this amendment.

> We all talk about the importance of making it easier, making it less costly, less difficult for our small businesses and entrepreneurs to get access to capital so they can create jobs and get the economy growing again. So many times these are contentious, they are controversial differences of opinion about how best to do that. We fight over regulations, we fight over taxes. This is something where there is broad bipartisan support, almost unanimous support in the House of Representatives, a vote of 413 to 11 in support of this legislation when it was voted on in the House of Representatives.

> We have an opportunity to do something that is very straightforward, that is broadly supported by both Democrats and Republicans—at least it was in the House of Representatives—that the President has suggested we ought to be working on, looking for these types of approaches to freeing up access to capital for our small businesses.

> You have the folks out there in the business community overwhelmingly supportive of doing away with the regulatory barrier, the regulatory obstacle this particular regulation represents in terms of access to capital for our small businesses. It seems like one of those issues on which there should be no disagreement. I hope that will be the case. I hope we can get a vote on this amendment, get this put into law and put into effect so our small businesses and our entrepreneurs in this country can do what they do best; that is, create jobs. They have to have access to capital in order to do that. This makes that process easier. It does away with some of these unnecessary regulations and roadblocks and barriers that exist today.

> I hope my colleagues in the Senate will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, earlier we agreed to alternate side to side for the offering of amendments. However, I would say to the Democratic floor manager that there do not appear to be any Democrats right now who are seeking recognition. Therefore, I would ask unanimous consent that the Senator from Arizona be permitted to proceed at this time, given the absence of a Democrat on the floor.

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

The Senator from Arizona.

AMENDMENT NO. 1471 TO AMENDMENT NO. 1470

Mr. McCAIN. Mr. President, I thank both the Senator from New York and the Senator from Maine for their courtesy.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 1471.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCain], for himself, Mr. Rockefeller, Mr. Enzi, Mrs. McCaskill, Mr. Johanns, Mr. Barrasso, Mr. Blunt, and Mr. Graham, proposes an amendment numbered 1471 to amendment No. 1470.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect the American taxpayer by prohibiting bonuses for Senior Executives at Fannie Mae and Freddie Mac while they are in conservatorship)

At the appropriate place, insert the following:

# SEC. \_\_\_\_. LIMITATION ON BONUSES TO EXECUTIVES OF FANNIE MAE AND FREDDIE MAC.

Notwithstanding any other provision in law, senior executives at the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are prohibited from receiving bonuses during any period of conservatorship for those entities on or after the date of enactment of this Act.

Mr. McCAIN. Mr. President, this bipartisan amendment is very simple. It would prohibit bonuses for senior executives at Fannie Mae and Freddie Mac while they are in a taxpayerbacked conservatorship. I am joined in this effort by Senators Rockefeller, ENZI, McCASKILL, JOHANNS, BARRASSO, BLUNT, GRAHAM, COBURN, and THUNE.

Since they were placed in conservatorship in 2008, these two government-sponsored entities have soaked the American taxpayer for nearly \$170 billion in bailouts. Recently Freddie Mac requested an additional \$6 billion and Fannie Mae requested an additional \$7.8 billion. That is \$13.8 billion more coming out of the pockets of hard-working Americans, many of whom are underwater on their mortgages.

I wish to read an article from Politico from back in October entitled "Fannie, Freddie dole out big bonuses."

The Federal Housing Finance Agency, the government regulator for Fannie and Freddie, approved \$12.79 million in bonus pay after 10 executives from the two government sponsored corporations last year met modest performance targets tied to modifying mortgages in jeopardy of foreclosure.

The executives got the bonuses about two years after the federally backed mortgage giants received nearly \$170 billion in taxpayer bailouts—and despite pledges by FHFA, the office tasked with keeping them solvent, that it would adjust the level of CEO-level pay after critics slammed huge compensation packages paid out to former Fannie Mae CEO Franklin Raines and others.

Securities and Exchange Commission documents show that Ed Haldeman, who announced last week that he is stepping down as Freddie Mac's CEO, received a base salary of \$900,000 last year, yet took home an additional \$2.3 million in bonus pay. Records show other Fannie and Freddie executives got similar Wall Street-style compensation packages. Fannie Mae CEO Michael Williams, for example, got \$2.37 million in performance bonuses.

Including Haldeman, the top five officers at Freddie banked a combined \$6.46 million in performance pay alone last year, though a second bonus installment for 2010 has yet to be reported to the SEC, according to agency records. Williams and others at Fannie pocketed \$6.33 million in incentives for what SEC records described as meeting the primary goal of providing "liquidity, stability and affordability" to the national market.

I think it is important to ask the question, is it necessary for these bonuses to be provided to these executives when we have men and women who are literally in harm's way, who are compensated far less? Is it possible that there aren't some patriotic Americans who would be willing to serve and head up these organizations and try to get them cleaned up?

The primary causes of the collapse of our economy still plague us to this day.

I ask unanimous consent that an article from Politico be printed in the RECORD.

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

[From Politico, Oct. 31, 2011]

FANNIE, FREDDIE DOLE OUT BIG BONUSES

(By Josh Boak and Joseph Williams)

The Obama administration's efforts to fix the housing crisis may have fallen well short of helping millions of distressed mortgage holders, but they have led to seven-figure paydays for some top executives at troubled mortgage giants Fannie Mae and Freddie Mac

The Federal Housing Finance Agency, the government regulator for Fannie and Freddie, approved \$12.79 million in bonus pay after 10 executives from the two governmentsponsored corporations last year met modest performance targets tied to modifying mortgages in jeopardy of foreclosure.

The executives got the bonuses about two years after the federally backed mortgage giants received nearly \$170 billion in taxpayer bailouts—and despite pledges by FHFA, the office tasked with keeping them solvent, that it would adjust the level of CEO-level pay after critics slammed huge compensation packages paid out to former Fannie Mae CEO Franklin Raines and others.

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Including Haldeman, the top five officers at Freddie banked a combined \$6.46 million in performance pay alone last year, though a second bonus installment for 2010 has yet to be reported to the SEC, according to agency records. Williams and others at Fannie pocketed \$6.33 million in incentives for what SEC records describe as meeting the primary goal of providing "liquidity, stability and affordability" to the national market.

"Freddie Mac has done a considerable amount on behalf of the American taxpayers to support the housing finance market since entering into conservatorship," Freddie spokesman Michael Cosgrove, told POLITICO on Monday. "We're providing mortgage funding and continuous liquidity to the market. Together with Fannie Mae, we've funded the large majority of the nation's residential loans. We're insisting on responsible lending."

A Fannie Mae spokesman said it is currently in a "quiet period" in advance of its third-quarter earnings report and declined to comment.

Most analysts believe the financial implosion of 2008 was fueled in part by Fannie Mae and Freddie Mac's zeal in promoting homeownership and their backing of risky loans. And critics say that the mortgage giants' deep backlog of repossessed homes, and their struggle through government conservatorship, is a staggering weight on a weak economy and puts even more downward pressure on home values.

"Fannie and Freddie executives are being paid millions to manage losses," Rep. Patrick McHenry (R-N.C.), a longtime critic of the administration's programs to rescue the housing market, told POLITICO. "By these same standards, I should be the starting forward for the Lakers. It's completely absurd."

"It is outrageous that senior executives at Fannie and Freddie are receiving multimillion-dollar compensation packages when they now rely on funding from U.S. taxpayers, many of whom face foreclosure or whose homes are underwater," Rep. Elijah Cummings of Maryland, who has led House Democrats in efforts to ease Fannie and Freddie's restrictions on restructuring loans or lowering payments for mortgage holders who owe more than their homes are worth, wrote in an email.

Compensation at Fannie and Freddie is, in fact, 40 percent below pre-government takeover levels, according to the FHFA, though 
those pay packages before conservatorship 
involved stock awards, while the current 
payments are exclusively cash. But compensation at both corporations, in particular 
Fannie Mae, has been a contentious issue 
since long before the 2008 financial meltdown, thanks to executives like Daniel 
Mudd, who earned \$12.2 million in base pay 
and bonuses while heading Fannie, and Richard Syron, Freddie's CEO, who pocketed \$19.8

million in total compensation the year before the organization went into conservatorship

Both Fannie and Freddie have long argued that they have to offer Wall Street-size paychecks to compete for the best private-sector talent. House Financial Services Committee Chairman Spencer Bachus (R-Ala.) introduced a bill in April to place the executives on a government pay scale, but it has yet to move out of committee.

A March report by FHFA's inspector general, however, found the agency "lacks key controls necessary to monitor" executive compensation, nor has it developed written procedures for evaluating those packages.

FHFA's acting director, Edward J. DeMarco, told Congress last year that the managers who were at the helms of the mortgage companies during the market collapse were dismissed but also argued that generous pay helps lure "experienced, qualified" executives able to manage upward of \$5 trillion in mortgage holdings amid market turrmoil.

DeMarco told lawmakers he's concerned that suggestions to apply "a federal pay system to nonfederal employees" could put the companies in jeopardy of mismanagement and result in another taxpayer bailout. He said the compensation packages at Fannie and Freddie are part of the plan to return them to solvency while reducing costs to taxpayers.

An FHFA representative said the agency is installing pay package recommendations outlined in the report. Currently, she wrote, the agency "carefully reviews all executive officer pay requests and considers suitability and comparability with market practice, after consulting with the Treasury Department in certain circumstances."

Since both companies' stock is worthless, bonuses are paid in cash, deferred bonuses and incentive pay rather than stock options. A key factor in determining those bonuses is how Fannie and Freddie performed in the loan modification program created by the administration, in addition to measures tied to financial and accounting objectives.

For example, Freddie Mac helped a mere 160,000 homeowners change their mortgages "in support" of the president's Home Affordable Modification Program and contacted only 45 percent of eligible borrowers, according to SEC filings. The company itself has modified 134,282 of its own loans since the start of the program. Those measures determined a significant share—35 percent—of deferred bonus salary and, to a lesser extent, "target incentives" for Freddie executives.

Fannie, which was involved in modifying 400,000 mortgages last year, also assessed executive payments based in part on how it administered HAMP.

President Barack Obama in the past has derided Wall Street "fat cats" for raking in seven-figure bonuses even though their banks and finance companies needed billions of dollars in government bailouts just to stay in business. Yet the White House so far has remained largely silent about comparable bonuses at Fannie Mae and Freddie Mac.

The congressional criticism over compensation follows other charges that DeMarco has been unwilling to throw a lifeline to homeowners plunged underwater when the market collapsed.

The government-sponsored firms have essentially filled the vacuum caused by an exodus from private lenders. But critics want the FHFA to embrace "principal writedowns," in which lenders and, by extension,

Fannie and Freddie, would have to forgive a significant portion of homeowners' outstanding mortgages; the move, they argue, would be a major step toward restoring housing market stability and boosting the economy but would force the two companies to accept red ink on their balance sheets.

DeMarco has resisted plans to modify troubled mortgages, insisting it wasn't part of his legal mandate to bring Fannie and Freddie to fiscal stability.

Both HAMP and a similar program, Home Affordable Refinance Program, were seen as having the potential to modify at least 3 million government-backed mortgages and refinance 4 million others. The results were disappointing, however: Just 1.7 million borrowers have been helped since the programs were launched two years ago.

Last week, the White House announced a plan to relax restrictions for the HARP refinance program, which lets homeowners in good standing refinance their mortgages at current rock-bottom interest rates. DeMarco, whom aides say had been studying a similar proposal, gave the plan his blessing—a rare point of agreement between him and the Obama administration.

Mr. McCAIN. For decades, the American taxpayer has been the victim of outright corruption and blatant abuse at the hands of Fannie Mae and Freddie Mac. There have been countless warnings over the mismanagement of both Freddie and Fannie over the years. In May 2006, after a 27-month investigation into the corrupt corporate culture and accounting practices at Fannie Mae, the Office of Federal Housing Enterprise Oversight, the Federal regulator which oversees Fannie Mae, issued a blistering 348-page report which stated in part that "Fannie Mae senior management promoted an image of the enterprise as one of the lowestrisk financial institutions in the world. as "best in class" in terms of risk management financial reporting, internal control, and corporate governance. The findings in this report show that risks at Fannie Mae are greatly understated and the image was false.

During the period covered by that report, Fannie Mae reported extremely smooth profit growth and had announced targets for earnings per share precisely each quarter. Those achievements were illusions deliberately and systematically created by the enterprise's senior management with the aid of inappropriate accounting and improper earnings management.

A large number of Fannie Mae's accounting policies and practices did not comply with generally accepted accounting principles. The enterprise also had serious problems with internal control and corporate governance. These errors resulted in Fannie Mae overstating reported income and capital by a currently estimated \$10.6 billion.

By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received at the expense of the shareholders. Earnings management made a significant contribution to the compensation of Fannie Mae chairman CEO Franklin Raines, which totaled—Franklin Raines' bonus totaled over \$90 million from 1998 through 2003. Of that total, over \$52 million was directly tied to achieving earnings per share targets, which turned out to be totally false.

The list goes on and on. Mr. President, I recommend to my colleagues, before I go too much further, this book. The title is "Reckless Endangerment," by Gretchen Morgenson, who happens to be a columnist and writer for the New York Times, and Joshua Rosner. "How Outside Ambition, Greed and Corruption Led to Economic Armageddon."

In this book it points the finger directly at Fannie and Freddie. I will quote one part of it:

Because bonuses at Fannie Mae were largely based on per share earnings growth, it was paramount to keep profits escalating to guarantee bonus payouts. And in 1998, top Fannie officials had begun manipulating the company's results by dipping into various profit cookie jars to produce the level of income necessary to generate bonus payouts to top management.

Federal investigators later found that you could predict what Fannie's earnings-pershare would be at year-end, almost to the penny, if you knew the maximum earnings-per-share bonus payout target set by management at the beginning of each year. Between 1998 and 2002, actual earnings and the bonus payout target differed only by a fraction of the cent, the investigators found.

Investigators uncovered documents from 1998 detailing the tactics used by Leanne Spencer, a finance official at Fannie, to make the company's \$2.48 per-share bonus payout target. That year, Fannie Mae earned \$2.4764 per share.

In a mid-November memo to her superiors, Spencer forecast that the company was on track to earn \$2.4744 per share, just shy of what was needed to generate maximum bonus payments to executives. She described various ways she could juice the company's profits if need be.

It goes on and on, and then it says this:

That month, Thomas Nides, Fannie's executive vice president for human resources, warned a swath of top managers that earnings growth was coming in weak as the yearend approached.

"You know that as a management group member, you help drive the performance of the company," Nides wrote in a memo. "That's why your total compensation is tied to how well Fannie Mae does each year.

In other words, he was jacking them up, telling them that they have to cook the books some more.

It says:

The memo achieved the desired result. Fannie Mae executives wound up exceeding their target in 1998 by accounting improperly for low-income housing tax credits the company received. The result: 547 people shared in \$27.1 million in bonuses. This was a record—the bonuses represented 0.79 percent of Fannie Mae's after-tax profits, more than ever before in the company's history.

The list goes on and on. By the way, executive pay at Fannie Mae was a

well-kept secret, and the company successfully blocked some in Congress, such as Congressman Richard Baker of Louisiana, from receiving information about salaries and bonuses paid by the company. It was only after Fannie was caught cooking its books that details of the lavish pay came out.

The accounting fraud went undiscovered until 2005, when an investigation by OFHEO unearthed it in a voluminous and detailed 2006 report. OFHEO noted that if Fannie Mae had used the appropriate accounting methods in 1998, the company's performance would have generated no executive bonuses at all. Although a highly kept secret at the time, Johnson's bonus for 1998 was \$1.9 million. Investigators returned and it later emerged that the company made inaccurate disclosures when it said Johnson earned a total of almost \$7 million in 1998. In actuality, his total compensation that year was more like \$21 million.

None of these people, to my knowledge, have ever been punished—ever. It is one of the great scandals of our time. What steps were taken by Congress at that time to punish Fannie Mae? None.

According to published reports, including Fannie Mae's own news release, Daniel Mudd, the President and CEO of Fannie Mae at the time, was awarded over \$14.4 million in 2006 and over \$12.2 million in 2007 in salary, bonuses, and stock, and Fannie Mae continued their risky behavior, successfully posting profits of \$4.1 billion in 2006.

Well, I fully understand that the corrupt individuals who cooked the books in order to meet the targets necessary for maximum executive compensation are no longer in place at Fannie Mae and Freddie Mac. For that, we can be thankful. But let's be clear about one thing: the structure for executive bonuses remains in place. There is still incentives for executives at Fannie and Freddie to meet certain goals in order to be rewarded with millions of dollars in bonuses.

I am not suggesting that either one of these GSEs is using fraudulent accounting methods, but the taxpayer remains at risk if an unscrupulous individual or a group of individuals decides to put their own self-interests above that of the American people. It has happened at Fannie and Freddie before, and it can happen again. It is unconscionable.

It has been proven time and again that Fannie Mae and Freddie Mac are synonymous with mismanagement, waste, and outright corruption and fraud, and their Federal regulator had the audacity to approve \$12.8 million in executive bonuses to people who make \$900,000 a year. This body should be ashamed if we let this happen again, especially in these tough economic times.

Every day more and more Americans are losing their jobs and their homes,

and we are allowing these people to take home annual salaries of \$900,000 and bonuses of \$12.8 million, all while they ask the taxpayers for \$6 billion more in bailout money.

Many of my colleagues sent a letter to Edward DeMarco, the Acting Director of the FHFA, asking for an explanation for his decision to award millions in bonuses to executives at Fannie and Freddie. In his response, Mr. DeMarco echoed what has become an increasingly popular theme used to defend the big payouts. Essentially, Mr. DeMarco argues that in order to get the best people in place, we need to pay them outrageous amounts of tax-payer dollars. Well, I don't buy that argument.

It is ridiculous to tell the American taxpayer: Look, we lost hundreds of billions of your money, so we need to pay these smart guys millions of dollars of your money so that we don't lose the rest of your money. The American people are smart enough to see through that sham logic and they are angry.

As I have previously stated on the Senate floor, I find it hard to believe that we cannot find talented people with the skills necessary to manage Fannie and Freddie for good money—\$900,000—without the incentive of multimillion-dollar bonuses. There are many examples of intelligent, well-qualified, patriotic individuals working in our Federal Government who make significantly less than the top executives at Fannie and Freddie, with just as much responsibility.

For example, the basic pay for a four-star general is \$179,700. Including the basic allowance for housing, that figure rises to \$214,980. Chief Justice Roberts makes \$223,500 a year. The President's Cabinet Members make \$199,700 a year. Today, to add a little insult to injury—or a lot of insult to injury—here is to-day's story from NPR.

Freddie Mac, the taxpayer-owned mortgage giant, has placed multibillion-dollar bets that pay off if homeowners stay trapped in expensive mortgages with interest rates well above current rates.

This is the same outfit we are paying all this money to in these bonuses; so they decided to bet against the homeowners of America.

Freddie began increasing these bets dramatically in late 2010, the same time that the company was making it harder for homeowners to get out of such high-interest mortgages.

No evidence has emerged that these decisions were coordinated. The company is a key gatekeeper for home loans but says its traders are "walled off" from the officials who have restricted homeowners from taking advantage of historically low interest rates by imposing higher fees and new rules.

Freddie's charter calls for the company to make home loans more accessible. Its chief executive, Charles Haldeman, Jr., recently told Congress that his company is "helping financially strapped families reduce their mortgage costs through refinancing their mortgages."

But the trades, uncovered for the first time in an investigation by ProPublica and NPR, give Freddie a powerful incentive to do the opposite, highlighting a conflict of interest at the heart of the company.

Do we need this company around? Can't we find something better?

In addition to being an instrument of government policy dedicated to making home loans more accessible, Freddie also has giant investment portfolios and could lose substantial amounts of money if too many borrowers refinance. . . Freddie Mac's trades, while perfectly legal, came during a period when the company was supposed to be reducing its investment portfolio, according to the terms of its government takeover agreement. But these trades escalate the risk of its portfolio, because the securities Freddie has purchased are volatile and hard to sell, mortgage securities experts say.

The financial crisis in 2008 was made worse when Wall Street traders made bets against their customers and the American people. Now, some see similar behavior, only this time by traders at a government-owned company who are using leverage, which increases the potential profits but also the risk of big losses, and other Wall Street strategums. "More than three years into the government takeover, we have Freddie Mac pursuing highly levered, complicated transactions seemingly with the purpose of trading against homeowners," says Mayer. "These are the kinds of things that got us into trouble in the first place."

You can't make it up. So it seems to me that the first thing we ought to do, as I and others have recommended, is get these GSEs on the track to going out of business as quickly as possible. Their track record is outrageous. The second thing, let's not give millions of dollars in bonuses to people who are betting against the homeowners of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will shortly be offering, as an amendment, an amendment to the substitute. It will be on behalf of myself and Senator JOHN CORNYN. I will ask consent in a moment to suggest the absence of a quorum but, upon the rescission of the absence of a quorum, that I be recognized for up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1483 TO AMENDMENT NO. 1470 (Purpose: To deter public corruption, and for other purposes)

Mr. LEAHY. Mr. President, I am soon going to offer an amendment to the substitute. I am going to offer it on behalf of myself and Senator CORNYN.

I hear Senators saying that with the public's opinion of Congress at a low point, we need to take action to restore public confidence. I think our amendment does that by closing loopholes in the laws that have allowed corruption to escape accountability.

I believe we have to provide investigators and prosecutors the tools they need to hold officials at all levels of government accountable when they act corruptly.

This amendment, which reflects a bipartisan, bicameral agreement, will strengthen and clarify key aspects of Federal criminal law and help investigators and prosecutors attack public corruption nationwide.

I should note, the Senate Judiciary Committee has reported this bill with bipartisan support in three successive Congresses, and I would note that the House Judiciary Committee, under a Republican chairman, recently reported a companion bill and did so unanimously. Every Republican and every Democrat voted for it. So I believe it is time for Congress to pass serious anticorruption legislation. We have demonstrated that this is something that could bring both Republicans and Democrats together, and we ought to pass it.

Public corruption erodes the trust the American people have in those who are given the privilege—and it is a privilege—of public service. Too often, loopholes in existing laws have meant corrupt conduct can go unchecked. The stain of corruption has spread to all levels of government, and that victimizes every American by chipping away at the foundation of our democracy. The amendment, I believe, will help to restore confidence in government by rooting out criminal corruption. It includes a fix to reverse a major step backward in the fight against crime and corruption.

In Skilling v. United States, the Supreme Court sided with a former executive from Enron and greatly narrowed the honest services fraud statute, a law that has actually been used for decades in both Republican and Democratic administrations as a crucial weapon to combat public corruption and self-dealing. Unfortunately, whether intended, the Court's decision leaves corrupt conduct unchecked. Most notably, the Court's decision would leave open the opportunity for State and Federal public officials to secretly act in their own financial self-interest rather than in the interest of the public.

The amendment Senator CORNYN and I have put together would close this gaping hole in our anticorruption laws. It includes several other provisions designed to tighten existing law. It fixes the gratuities statute to make clear that while the vast majority of public officials are honest, those who are not cannot be bought. It reaffirms that public officials may not accept any-

thing worth more than \$1,000, other than what is permitted by existing rules and regulations, given to them because of their official positions. It also appropriately clarifies the definition of what it means for a public official to perform an official act under the bribery statute. It will increase sentences for serious corruption offenses. It will provide investigators and prosecutors more time to pursue these challenging and complex cases. It amends several key statutes to clarify their application in corruption cases to prevent corrupt public officials and their accomplices from evading prosecution based on legal ambiguities.

If we are serious about addressing the kinds of egregious misconduct we have seen in some of these high-profile corruption cases, then let's enact meaningful legislation. Let's give investigators and prosecutors the tools they need to enforce our laws. It is one thing to have a law on the books; it is another to have the tools to enforce it. So I hope this bipartisan amendment will be adopted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I send to the desk an amendment to the substitute proposed by myself and Senator CORNYN.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. Leahy], for himself and Mr. Cornyn, proposes an amendment numbered 1483 to amendment No. 1470.

Mr. LEAHY. I ask unanimous consent that further reading of the amendment be dispensed with.

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

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

Mr. LEAHY. I vield the floor.

The PRESIDING OFFICER. The Senator from Maine.

### RECESS

Ms. COLLINS. Mr. President, I know of no other speakers who plan to come to the floor before we are scheduled, under the previous order, to recess at 12:30. So I suggest that we might want to move up the recess time by a couple moments.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT—Continued

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, what is the regular order, may I ask?
The PRESIDING OFFICER. The

The PRESIDING OFFICER. The pending amendment is amendment No. 1483 by Senator LEAHY to S. 2038.

Mr. LIEBERMAN. I thank the Chair. So we are on the STOCK Act and Senator Leahy has introduced this amendment, which I appreciate that he has done that. This underlying bill, as we said yesterday, responds to the concern about whether Members of Congress and our staffs are covered by insider trading laws; that is, laws that prohibit a person from using nonpublic information for private profit.

I suppose most of us here believed we have always been covered by insider trading laws. There were some questions raised about that at the end of last year. In fact, our committee held a hearing on two bills offered, one by Senator Kirsten Gillibrand of New York, the other by Senator Scott BROWN of Massachusetts, on this question, and we had some broadly respected, credible experts on securities law who said in fact there might be a question about Members of Congress. whether Members of Congress and our staffs were covered by Securities and Exchange Commission law and regulation on insider trading for a reason that would only make sense to lawyers and therefore may not be sensible but I will mention it anyway.

It is that the law relating to insider trading is actually the result not of a specific statute prohibiting insider trading, it is the result of regulations and enforcement actions by the SEC pursuant to antifraud provisions of the Securities Exchange Act of 1934.

In these regulations that have become the law of insider trading, a necessary element for prosecution for violating insider trading laws is the breach of a duty of trust, of a fiduciary duty. The law professors told us at our hearing at the end of last year that in fact one might raise the question of whether Members of Congress had a duty of trust as defined in insider trading cases, which is more typically the duty of trust that a corporate executive, for instance, has to stockholders. I presume that most Members of Congress would say of course we have a duty of trust, we have a very high duty of trust to our country, to our constituents. But it is, apparently, in the contemplation of securities law, perhaps not covered by the existing definitions, so this bill makes clear that

Members of Congress and our staffs are covered by insider trading laws.

We cannot derive personal profit from using nonpublic information that we gain as a result of our public offices. That is made absolutely clear by stating that indeed we do have a duty of trust to the Congress, to the government of the United States and, most importantly, to our constituents, to the people who were good enough to send us here.

I do believe that provision gives us an opportunity to take a step forward. It is going to take a lot more than one step to rebuild the trust and confidence that the American people have lost at this moment in our history in Congress and in our overall Federal Government.

There are two other very important provisions. One requires Members of Congress and our staffs to file a statement within 30 days of any transaction, purchase, or sale of a stock or other security with the Senate-and that would immediately go on line, as will now, as a result of this legislation, the annual financial disclosure statements that we file. Incidentally, these statements are now available to the public but you have to go to the office here in the Senate to get them and copy them. That is out of date and not consistent with the general principles of transparency and disclosure that I think people rightly expect of Congress today.

Our bill makes clear that both the annual statements and the 30-day statements have to be filed on line. That should help provide the transparency that the SEC itself has said—in testimony before the House of Representatives on this bill or one quite similar to it—would assist them, the SEC, in guarding against insider trading by Members of Congress or our staffs; that is, that the regular reporting, the 30-day reporting and the online reporting, would assist them in preventing insider trading.

I know there are a lot of amendments filed; actually, thankfully, not too many, but a significant number. Seeing the presence of the Senator from Oklahoma, I hope he may be here to take up one of his amendments. Obviously we would all like to begin to debate the amendments and have some votes.

I yield to the Senator from Maine, Senator COLLINS.

Ms. COLLINS. Mr. President, before the Senator from Oklahoma offers his amendment—and I will not take a great deal of time in my comments—I want to respond to some questions that many of our colleagues have raised about the reporting requirements in this bill. One of my colleagues, for example, has asked if a change in a Member's or staff's allocation in the Thrift Savings Program would be required to be reported under this bill. It would not. It is not required to be reported under the annual financial disclosure and it is not required under this bill.

A second of our colleagues has brought up a question of how would mutual funds be treated. Again, I would say that the treatment is not changed by this bill, other than the time period. Under this bill, as under the annual financial disclosure forms, qualified investment funds—those are the widely available mutual funds that are exempt from trades being disclosed—would be exempt under this bill as well.

As with our annual financial disclosures, you still list the fund and the amount of assets in categories for those funds, but you indicate that they are a qualified exempt fund and there is no requirement for trying to figure out what the trades are within that fund.

I mention these two examples because I fear there is some misinformation about the bill that is circulating. There is a legitimate dispute over whether 30 days is too short a time, whether the 90-day period in the original bill is better, which is my own preference. But the fact is that the information that is being reported is not being changed. The issue is how often it is reported. The inquiries from my colleagues about the implications for the Thrift Savings Plan allocations and for qualified exempt investment funds, widely held mutual funds, remain the same. They are reported, the category of the investment, the amount is reported, but the individual trades within the fund are not reported.

I apologize for surprising the Senator from Connecticut with this inquiry, and hope he will forgive me for that, but I would, through the Chair, pose a question to the Senator from Connecticut, the chairman of the committee, as to whether his understanding is the same as mine with regard to the Thrift Savings Plan and qualified mutual funds?

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

Mr. LIEBERMAN. Mr. President, first let me thank Senator Collins for making these points because there is concern about this particular part of the bill. There is a lot of misinformation around. I totally agree with her interpretation, which is that the reporting on the 30-day basis in the bill will not change what is reported and therefore both transactions within Thrift Savings Plan accounts and in qualified mutual funds will not have to be reported. I thank my colleague for clarifying that.

Ms. COLLINS. I thank my colleague and friend from Connecticut, the chairman of the committee.

Thank you, Mr. President, for allowing us to pose a question through the Chair. I hope our colleagues have heard this exchange, this colloquy, which clarifies what appears to be a rather widespread misunderstanding about the reach of this bill. As I said, the 30-

day issue is a different issue, a legitimate dispute as to whether that is too aggressive. We have some colleagues who think it should be a 10-day reporting period and an amendment has been filed to implement that. I personally prefer the 90 days in the original bill. I think that is more realistic. But the fact is there is a lot of misinformation and questions regarding what is reported. I appreciate the clarification from the Senator, the chairman of the committee.

At this point I yield to Senator COBURN for the next amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, as my colleagues are no doubt aware, I stand in opposition to this bill, not because I think we should have insider trading. As a physician I am trained to fix the real problem and you are treating the symptoms. Several months ago, CBS did a series and showed some questionable, not necessarily insider trading, stock transactions, which, given the low level of confidence by the American public in this institution, have raised the question: What about insider trading?

I honestly believe everyone in our body is never going to use insider trading to advantage themselves over the best interests of our country. But the real problem is the confidence in the Congress to do what is in the best longterm interest of the country. The reason the confidence is not there doesn't have anything to do with insider trading as we would normally think about it. It has to do with insider trading that we do not normally think about, as to how we sell a vote to get something else on the next vote, how we trade a position, how we saw positions were bought and sold on the health care bill. Whether it be the Cornhusker Kickback or the Florida Gator-aid, whatever it was, the fact is the American people saw behavior of Members of Congress doing things that were politically expedient rather than what is in the long-term best interest of our country. That is the real insider trading scandal we ought to be addressing.

How do we do that? The way we address that is bring to the floor bills that actually address the problems our country is having today. Every second of every day this year our Government will spend \$121,000. We will borrow \$52,000 a second every day. We are not addressing any of that in the Senate. We did not all last year and we are not this year. The real problem in front of our country is America does not see a Congress that is willing to address the real issues and make the hard choices.

Hard choices are coming. We will make those choices ultimately. Some of us will not be here. But the longer we delay in making those very difficult choices—such as saving Medicare, such as saving Social Security, such as reforming the Tax Code to stimulate economic activity and create job opportunities for Americans—that is what they want us doing.

The other thing I will mention is I was one of two people who voted against the last ethics law. I ask my colleagues, did we improve the Senate with the last ethics law? Will we improve the quality of representation with this law? I do not think so. I think what we are doing is playing a political game to say we are all guilty, now we have to prove that we are not. That is not what our system of law is built on. Our system of law is built on the fact innocent until we are proven guilty. The assumption that the Senate is undertaking now is that some of our colleagues are doing insider trading on the stock market. Nothing could be further from the truth. The real insider trading is the horse-trading that goes on in this body that is not always in the best interest of the country. This legislation is not about to earn back the trust of the American people.

The SEC and the Ethics Committee already have the power to investigate inside trading abuses. Yearly we fill out a report saying: Let's deem every trade we have made. If it is true what the chairman of the committee said that what the SEC would like to do is have it more refined so they can have better access, then that ought to be the bill we bring forward. We ought to bring forward a bill that says: No. 1, we are under the laws of the SEC, section 10b, and we are. We don't hear that said anywhere, but we are. If our intent is to bring forward a bill to fix the potential for insider trading, then that is what we ought to be doing. But the assumption we are guilty first and have to prove we are not by making a notification every 30 days of any trade that somebody makes for us—we may not have even been involved, but we have a fiduciary that we asked to trade for us. and then we are going to have to make that representation.

Has anybody asked the question: What happens if you do have inside information, have no involvement whatsoever in a trade because you put it in a trust account for yourself, but it is still being traded and they happen to coordinate at the same time? Are you guilty of insider trading or are you going to spend \$50,000 to \$100,000 proving that you are not guilty?

This is a fine institution. It can be better, but it is best when it fixes the real problems, not the symptoms of the problems.

AMENDMENT NO. 1473 TO AMENDMENT NO. 1470

Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1473 be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Oklahoma, [Mr. COBURN], for himself, Mr. UDALL of Colorado, Mr. McCain, Mr. Burr, Mrs. McCaskill, and

Mr. McCain, Mr. Burr, Mr. McCaskill, and Mr. Paul, proposes an amendment numbered 1473.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To prevent the creation of duplicative and overlapping Federal programs)

At the appropriate place, insert the following:

# SEC. \_\_\_\_\_. PREVENTING DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

- (a) SHORT TITLE.—This section may be cited as the "Preventing Duplicative and Overlapping Government Programs Act".
- (b) REPORTED LEGISLATION.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—
- (1) in subparagraph (c), by striking "and (b)" and inserting "(b), and (c)";
- (2) by redesignating subparagraph (c) and subparagraph (d); and
- (3) by inserting after subparagraph (b) the following:
- "(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—
- "(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and
- "(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist."
- (c) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:
- "6. (a) It shall not be in order in the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has prepared and posted on the committee website an overlapping and duplicative programs analysis and explanation for the bill or joint resolution as described in subparagraph (b) prior to proceeding.

"(b) The analysis and explanation required by this subparagraph shall contain—

"(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

"(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.

"(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of—

"(1) a significant disruption to Senate facilities or to the availability of the Internet;

"(2) an emergency as determined by the leaders.".

Mr. COBURN. This is a bipartisan amendment. This amendment is sponsored by Senator McCain, Senator McCaskill, Senator Udall from Colorado, Senator Burr, and Senator Paul, as well as myself.

This is a straightforward amendment. We have asked for this multiple times but have not gotten it. What this amendment says is, every bill that comes before Congress and to be considered by the Senate should determine whether it is duplicating something that is already happening in the Federal Government. It is common sense, and all we are saying is to have an analysis by the CRS, Congressional Research Service, to determine if the bill creates a new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, Federal office, or initiative with a similar mission, similar purpose, similar goal or activities along with a listing of all the overlapping duplicative Federal programs or offices or initiatives or initiative.

Now, why is that important? Last February the GAO brought to us the first third of the Federal Government and outlined to us \$200 billion worth of spending on duplicate programs. They gave it to us. It was held as a great thing. Now we know we have all of these areas: 82 teacher-training programs, 47 job-training programs, 56 financial literacy programs, and on and on. They brought that to us, and we all said that was good. The problem is we didn't do anything about it. If we want to restore confidence in the Congress, do something about the problems that have been identified already.

This is a good government policy that says before we act on a new bill that we actually will know what we are doing, and we will have checked with CRS, and they will tell us if we are duplicating again something that is already happening now.

One of the other amendments we should pass is to have every agency give us their list of programs every year. Do you realize there is only one agency in the Federal Government, one department, that actually knows all their programs? There is only one. It is the Department of Education. They are the only ones we can go to and find a list of all of their programs. The rest of them don't know it. There is no catalog. They have no idea.

So before we pass a new piece of legislation, we ought to at least have the help of the Congressional Research Service, and we ought to pass good legislation that doesn't duplicate. It may

be a well-intentioned piece of legislation, but because we, as a Congress, have failed in our oversight responsibility, we don't know that it is duplicative when we bring it to the floor and pass it in the Senate.

All I am asking is, let's do a doublecheck, especially in the time of trillion-dollar deficits. We ought to do a doublecheck and make sure we are not duplicating something that is already happening.

That is important for a second reason: If we don't know we are duplicating something, that means we are not "oversighting" what is occurring right now, the program or the office or the initiative that is out there now, if we don't have knowledge of it. Rather than create a new program, it might give us the opportunity to fix one that was well-intentioned but is not working.

So this is a good government amendment that is bipartisan that says: Let's do this before we pass additional legislation. But let's know what we are doing. It is complete and it is thorough. It also will provide greater transparency for both us and taxpayers regarding the impact of the legislation we are passing.

Some may say: What if we have an emergency? This has a clause in it that says if it is an emergency, that requirement is waived. So if in the case of an emergency we need to do something, we will waive the requirement that we have to look at CRS to see if there are duplications. So it is a commonsense amendment. I would hope my colleagues will support it, and that we can, in fact, actually fix the real problems not the symptoms of the disease.

AMENDMENT NO. 1474 TO AMENDMENT NO. 1470

Mr. President, I ask unanimous consent that the current amendment that is pending be set aside, and I call up amendment No. 1474.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Oklahoma, [Mr. COBURN], for himself and Mr. McCAIN, proposes an amendment numbered 1474.

The amendment is as follows:

(Purpose: To require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House)

At the appropriate place, insert the following:

## SEC. \_\_\_\_\_. AVAILABILITY OF LEGISLATION IN THE HOUSE AND SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to proceed to any legislative matter unless the legislative matter has been publically available on the Internet as provided in subsection (b) in searchable form 72 hours (excluding Saturdays, Sundays and holidays except when the Senate or the House of Representatives is in session on such a day) prior to proceeding.

(b) AVAILABILITY.—With respect to the requirements of subsection (a), the legislative

matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter.

(c) WAIVER AND SUSPENSION.—

(1) IN THE SENATE.—The provisions of this section may be waived in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) IN THE HOUSE.—The provisions of this section may be waived in the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(3) Point of order protection.—In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of paragraph (2).

(4) MOTION TO SUSPEND.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section under clause 1 of rule XV of the Rules of the House of Representatives.

(d) LEGISLATIVE MATTER.—In this section, the term "legislative matter" means any bill, joint resolution, concurrent resolution, conference report, or substitute amendment.

Mr. COBURN. Mr. President, this is another good government amendment. If we want to restore confidence, this is something we should do. It says before we vote on a bill, we are going to have at least 72 hours to read it. It is going to be available online with a CBO score so that when we cast a vote, we actually know what we are casting a vote on and we actually know how much it costs. It just says it has to be online for 72 hours.

In other words, we get the privilege of reading the bills we are voting on, and we also get the privilege of knowing the financial costs of the bill or at least an estimate of the financial cost and what that will entail. This transparency is designed to make the Senate better. If we want to build confidence with the American public, then the way we build confidence is to assure them that we knew exactly what we were doing when we cast a vote, not guessing at what the consequences and the details of that legislation are.

For many pieces of legislation right now, what we have seen in the last 2 or 3 years is there was no time given, no capability to study the legislation to make improvements, and many of the pieces of legislation came without the ability to modify it. If we cannot read the legislation, then we cannot amend it. What does that tell us about the legislative temperament and thoughtfulness of the Senate? We cannot read it, we don't have time to contemplate and consider it, and we cannot amend it even if we could. That doesn't have anything to do with the Senate as it was designed and has functioned for the last 170 years. It has everything to do with politics today rather than the best long-term interests of the coun-

Amendments like this have gained a large amount of bipartisan support and have had the support in the past when we voted on it, although we have not acquired the 67 votes that have been necessary in the past to pass it. The cosponsor of this amendment is Senator McCain. He understands the importance of reading what we pass. All of our colleagues do. Why not put in the self-discipline that we have to rather than the political moment that says we have to vote on this whether we know anything about it or not?

During the health care debate, eight of my colleagues sent a letter to review the health care legislation. They ultimately voted for the health care legislation. Their request was to give them 72 hours to read the legislation. The legislative text and complete budget scores from the Congressional Budget Office of the health care legislation considered on the Senate floor should be made available on a Web site the public can access for at least 72 hours prior to the first vote to proceed to the legislation.

Why shouldn't the public be able to see what we are doing 72 hours before we do it? Just as important, why shouldn't we be able to know what we are doing before we vote so it is straightforward, commonsense, and transparent to the American public as well as to our colleagues in the Senate that now we have the time available to read a piece of legislation contemplated and hopefully have the opportunity to improve it. What is the goal? The best long-term outcome for the country.

#### AMENDMENT NO. 1476

Mr. President, I would ask that the pending amendment be set aside, and I call up amendment No. 1476.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Oklahoma, [Mr. COBURN], proposes amendment numbered 1476.

The amendment is as follows:

(Purpose: In the nature of a substitute)  $\,$ 

Strike all after the enacting clause and insert the following:

#### SECTION 1. MEMBER CERTIFICATION.

Section 102(a) of the Ethics in Government Act of 1978 is amended by inserting at the end the following:

"(9)(A) A statement (as provided in subparagraph (B)) certifying that financial transactions included in the report filed pursuant to section 101(d) and (e) were not made on the basis of non-public information.

"(B) The certification required by this paragraph is as follows: 'I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material, non-public information.'".

Mr. COBURN. Mr. President, this amendment would provide a complete substitute for the STOCK Act. It requires Members and staff to certify that they have not used inside information for private financial profit. In other words, they are going to make an affirmative statement under the law that they have not violated section 10b

of the Securities and Exchange Act. All Members would be required to sign the following statement on an annual financial disclosure form: I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material nonpublic information.

The STOCK Act does not create new restrictions for Congress against insider trading. We all know that. Those restrictions are there. There are no new restrictions. We don't change the restrictions at all. The SEC has stated that the Members of Congress and staff are already subject to insider trading laws. They just need some clarity with that. They also would like to have timeliness with that.

In fact, all Americans are subject to these laws, including the Senate, found primarily in section 10b. This provision restricts anyone who trades stocks from using material nonpublic information to profit financially, and Congress is no different from anybody else.

The STOCK Act was carefully written to carefully reaffirm that Congress is not exempted from these laws, and I believe the chairman stated that just a moment ago, which we would include in this. As such, the bill brings no new reforms to the table nor does it create any real expectation that behavior will change. It just requires paperwork filing. All Members and relevant staff should have to certify they are not trading on private information.

Each year every Member and certain high-salaried staff are required to disclose their financial holdings. Senate rule 37 also already prohibits any Senator or staff from conflicts of interest. That would be a conflict of interest. Specifically, rule 37 prohibits the receipt of compensation by virtue of influence improperly exerted from his position as a Member or officer or employee.

So we are covered doubly. We are already covered under rule 37, and we are covered under section 10b of the Securities and Exchange Act.

If, in fact, somebody fails to do this. then they will be liable under the False Statements Act in title 18, section 1001, which makes it a crime to lie to Congress. Section 1001 prohibits anyone from knowingly and willfully making any material false, fictitious, or fraudulent statement to the government. The punishment for violating the False Statements Act is a fine and a prison term up to 5 years. This does not mean that someone who makes a good-faith effort but mistakenly forgets something will face punishment. Yet any Member who knowingly signs that form in error will be liable for making a false statement on his or her finances, carrying large penalties.

I think efforts to reestablish trust in the Congress are important. I disagree with my colleagues that this is one that will make a difference. It won't. a paperwork requirement. Nothing materially changes other than having to report every 30 days instead of annually.

What is the real problem? The people of this country do not have confidence in Congress because Congress does not address the real issues of the country. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to thank my friend from Oklahoma for coming to the floor and introducing these three amendments. It begins the process of considering the legislation.

I wish to go back to the first point he made, which I think is an important point—that we have to do a lot more than deal with the concern that Members of Congress and our staffs are not covered by insider trading laws to restore the confidence of the American people in this institution. It has taken a long time to get us as low as we are in public esteem today, and it is going to take a long time, I am afraid, to get back to it.

The first thing we can do is begin to work more across party lines to be less partisan, to be less ideologically rigid. This institution represents people across the widest array of origins, of ideologies, of political policy beliefs, et cetera. We can't function without compromise. When I say "compromise," I don't mean a compromise of principle, I mean compromise in the sense that one can rarely in a democratic institution of this kind-small "d"-get everything one aspires to get on a particular piece of legislation. If a person gets half of what they are aspiring to or even more, hopefully, that is a good result.

It reminds me of what my dad used to say about marriage, which was that in a successful marriage a spouse felt they were giving in 70 percent of the time to the other spouse, and maybe that is a good guideline for a successful Congress. We are not doing that enough here, and we are particularly not doing it enough on the central question of the deficit annually and the debt overall. The public sees this, so they are upset.

I wish to, therefore, put what we are doing in the STOCK Act in context. I think if we pass it, both because of the clarity with which we state that Members of Congress and our staffs are covered by anti-insider trading laws and the disclosure improvements we make in the law, we will take a step forward in beginning to rebuild some confidence the American people have lost in this institution, but, O Lord, it is only the beginning. The more we can deal particularly with the imbalances we have created in our Federal books. the more we are going to restore confidence in this institution.

Also, I hope we can prove on this measure and any number of others that

Nothing materially changes other than we are still capable of working across party lines to get things done. That is, after all, why our constituents sent us here.

> This is the beginning of my 24th year in the Senate. It has been a privilege. This is my last year in the Senate since I have announced I am not seeking reelection. I am forced to say that last year was the least productive of the 23 years I have been here. I hope we can perhaps on this bill prove, at least, that we can come together and get this done, and it will be the beginning of getting other much more important things done, including, as Senator COBURN has stated, doing something about the debt and the deficit. I have been privileged to work with him on some ideas we have put forward to make that happen. We can't do it and make everybody happy. We can't do it and make all the interest groups happy. But that is not why we came here. We came here to support and protect this extraordinary country of ours that we are blessed to be citizens of. So I say that by way of a first reaction.

> The second is that I wish to take some time in that context to take a look at amendments Nos. 1473 and 1474 that the Senator from Oklahoma has introduced, the first to prevent the creation of duplicative and overlapping Federal programs, and the second is this requirement that all legislation be placed online for 72 hours before voted on in the House and Senate. Both of these on first response have some merit, in my opinion. Certainly the first one has a lot of merit.

> I am concerned and I know all of us meaning Senators Collins, Brown, and GILLIBRAND—who have worked to bring the main parts of the bill out are concerned that we not go too far afield in amendments to the bill for fear that it will weight it down and it will ultimately get stopped or, at worst, that the majority leader will take the bill off the floor because we are not coming to a point of completing our business because amendments keep coming in that are not relevant. But these are two serious amendments, and I want to look at them and take a little time to respond.

> The third, amendment No. 1476, I guess is a good news, bad news reaction that I have. The good news is that this really is directly relevant to the substance of the bill. The bad news, if you will, is that I am opposed to it because it really does—it is a totally different approach to what we are trying to do in the bill. I don't think it accomplishes the intention of most Members on this bill because it would really replace the entire STOCK Act with the requirement that Members or anyone in the government who has to fill out a financial disclosure form certify that theywe—haven't traded on inside information. I don't think as a result that the amendment does anything to clarify

the current ambiguity in the law; that is, the question we heard raised before our committee by these experts on securities law about whether Members of Congress are really covered. If we don't clarify that we have a duty of trust to bring our behavior totally within existing securities law against insider trading, then I don't think the legislation would get us to where we need to go and we are still left with the kind of ambiguity that creates the kind of mistrust I know none of us want.

We have spoken at length on this question with the Securities and Exchange Commission staff, and I must say they share the concerns I have just expressed and believe that if the legislation doesn't explicitly state that a duty of trust exists and is held by Members of Congress, then the legislation will not do what is needed to get at the problem, which is whether an insider trading case brought before a court could be objected to by a Member of Congress who is the target of that suit.

Mr. COBURN. Will the Senator yield? Mr. LIEBERMAN. Yes.

Mr. COBURN. Through the Chair, would the chairman accept that modification to my amendment, that we would, in fact, establish positively that Members of Congress are under rule 10b of the Securities and Exchange Commission? Would that give the Senator less heartburn?

Mr. LIEBERMAN. Well, it would give me less heartburn, but it would probably still leave me needing at least a Rolaid.

Mr. COBURN. Well, I have plenty of those. In fact, I will do better—I will give you a Zantac.

Mr. LIEBERMAN. We should reason together. But, as the Senator from Oklahoma knows, there are three main parts to the STOCK Act. One is the declaration we have just talked about, and the second and third are disclosure requirements, one 30 days, and then the other is the online requirement. But I am glad to talk with the Senator about adding the requirement of a certification to the STOCK Act as opposed to substituting it for the whole STOCK Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that my amendment No. 1476 be modified with the change to the instruction line only. I am just doing some housekeeping on that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is as follows:

Strike all after the first word and insert the following:

#### SECTION 1. MEMBER CERTIFICATION.

Section 102(a) of the Ethics in Government Act of 1978 is amended by inserting at the end the following:

"(9)(A) A statement (as provided in subparagraph (B)) certifying that financial transactions included in the report filed pursuant to section 101(d) and (e) were not made on the basis of non-public information.

"(B) The certification required by this paragraph is as follows: 'I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material, non-public information.'".

Mr. COBURN. I would make one other point, and I am not trying to put my chairman in the hot seat, but nobody in this Chamber can name somebody right now who is trading on inside information. I believe that is a true statement. Yet we are changing the law not because anybody has done something wrong but because we are struggling to try to get people to think we are doing things right. There is nothing wrong with that as long as we are not going to entrap our colleagues.

The question I have is, if we can't name somebody and if there is not factual truth, what we are really putting the Senate on notice for is that, by the way, you are assumed to be trading on inside information now, and therefore we must do this to ensure that you are not. Well, I don't believe anybody in this body is doing that. And when we put our Members in that position by changing the law to, for example, 30 days—if I have three stock tradings and I miss it by 1 day, what is the consequence of that filing and of this bill? What is going to be the penalty that comes out of the Ethics Committee for missing it 1 day or missing one of the three trades because you didn't know? We have lots of questions that are not answered.

I can tell my colleagues that many Members of this body have spent a lot of their personal money defending themselves on accusations that were absolutely untrue before the Ethics Committee, and that should be addressed and clarified in the body, the report language, of this bill.

I have no doubt this bill is going to pass in one form or another. I understand I am in the very slim minority of people who think it is unnecessary because I think the law already applies to us, and I also don't think we have a bunch of cheats working in the Senate. But would the Senator agree through the Chair that we ought to make clarification of everything we can so we know what the ultimate results are or are we going to leave that up to the lawyers on the Ethics Committee? What are we going to do with that? Are we going to determine what the penalties are for late filing or an accidental omission? What is going to be our direction to the Ethics Committee in this regard?

Mr. LIEBERMAN. Mr. President, I thank Senator COBURN. Let me go back to the first point, but it is not the question he ultimately asked.

The Senator is raising a very high standard because I hope nobody is in-

volved in insider trading as a Member of Congress. I presume they are not. There were some serious allegations made last year by people outside Congress against Members of-certain Members of Congress, a small number. They have been denied and responded to by those Members. I presume that if there is any substance to them, the SEC will be investigating and take action. But obviously, necessarily, for dealing with insider trading, we would not know it is going on because they are using nonpublic information privately to secure private profit. So, as the Senator from Oklahoma well knows, the purpose of the law is to make sure that if anybody is doing this—and again, I know the people here, this is an honorable group of people, but if anybody is acting dishonorably—human nature being what it is and a prosecution is brought by the Securities and Exchange Commission, then there won't be any defense that the law doesn't cover Members of Congress. It is simple as that.

But let me come to the other point. I know there is a lot of unease amongst some Members about the 30-day requirement in this bill, which is that within 30 days one has to file a disclosure of any trade in a stock or security that a Member has been involved in that has a value of more than \$1,000. There is a lot of concern about the requirements that will put on Members. Ultimately, the Ethics Committee will adjudicate this. I assume there would be some rule of reasonableness if an unintentional error was made, and I certainly am happy to try to clarify in report language what our intention is, but the overall intention is to create transparency.

While I am on this—and I will be very brief with this—I know that people are worried about what it will take to fulfill this requirement and that it is in some sense unfair to ask Members of Congress to have to disclose stock purchases or sales within 30 days. But it is my understanding that people defined by law as corporate insiders have to declare it within 48 hours of trades they make in their company stock. The staff of the SEC have to publicly declare their trades within 5 days. So it is possible to do this. I gather it is possible to do it by simply asking whomever trades for you to copy the office here in the Senate when a transaction occurs. and then it automatically goes into a database online. We are asking more. and for some it will be an inconvenience. But we are different. We hold a public office. We have a public trust and public responsibility. So that is why this provision was in the original STOCK Act introduced in the House, bipartisan, and here in the Senate, both by Senator GILLIBRAND and Senator Brown. But I do want to state I am happy to work with the Senator from Oklahoma on report language

that will encourage the Ethics Committee to apply a kind of rule of reason if there is an unintentional violation of that 30-day reporting requirement.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oklahoma

Mr. COBURN. Mr. President, I have one more question for the chairman.

If, in fact, this is what we should do—and I think the body is going to agree this is what we should do—does not the Senator think this should apply to the administration as well, the executive branch, that this should apply the same 30-day rule to every member of the executive branch? You talk about real knowledge of inside information, they have it. We do not have it. They have it. Why would this rule not apply to—no matter who is President—executive employees in the administration?

Mr. LIEBERMAN. Mr. President, the Senator from Oklahoma is asking good questions.

Let me say first, as a point of clarification, as a result of an amendment submitted in the committee by Senator PAUL, and adopted, the insider trading parts of the bill do relate to executive branch employees. The 30-day disclosure requirement does not. I am happy to work with the Senator on this. I gather the administration itself applies certain disclosure requirements to a group of people in the administration at a Cabinet level or somewhat slightly below, but, obviously, not to all executive branch employees. But we can talk about this one.

I continue to be concerned, overall, that we are going to extend this so far and make it so "good" that it is going to fall of its own weight and not make it through. But the Senator is raising a reasonable question, and Senator Brown and I just talked about it. We are glad to continue the conversation.

Mr. COBURN. Mr. President, I would make a couple points. One, we already file all our stock trades—correct?—every year.

Mr. LIEBERMAN. That is right. We file annually.

Mr. COBURN. Every change in every investment we have, we file every year. We already do that. We are already under rule 37 of the rules of Senate Ethics, which forbids any conflict of interest action that would benefit ourselves. That would include inside information to trade stocks. There are 5 to 10 times as many senior executive positions within the administration than Members of Congress that, in fact, this same thing should apply to.

If the important thing is "within 30 days," my hope would be the chairman and the sponsor of the bill, Senator Brown, would give very clear instructions to the Ethics Committee on how this is to work. Because I will note for you, last year 16 Senators got a 90-day extension on their filings with the Ethics Committee. That is 16 percent. We

have to have some vow to make sure we do not put the Members who are absolutely innocent of anything in a corner because they cannot timely respond to this bill.

So my hope is—and I will finish with this; I know Senator Brown wants to speak—looking at the timeliness of the filing I think is important to still accomplish what you want, but not make it so rigorous that people are going to fall out of that. We all know how things get busy here, how we come in, we come out. We are traveling, and we have all these things we are responding to. It will be difficult for many Members to comply with the 30 days.

My hope would be you would look at that, and you would also look at rule 37 of Senate Ethics because, in fact, we are already doubly covered. We are covered under 10b. And I do not have any problem with modifying my amendment to say we are covered so you cannot have a defense to say you are not. But we are also covered under rule 37, which forbids any conflict of interest under which you would benefit personally.

With that, I yield the floor and thank the chairman of the committee.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I have enjoyed the back and forth between the chairman and the Senator from Oklahoma. The Senator from Oklahoma has raised some very valid points, points that we actually had discussed in committee.

I originally asked for a 90-day reporting period, and it was changed out of committee to the 30-day period. Obviously, I am happy to work with the Senator from Oklahoma and the chairman and the ranking member to determine if, in fact, there is some guidance necessary to Ethics; and, sure, I am happy to do it. This needs to not only be done in the proper manner but, obviously, to be implemented in a way that everybody can comply and not be caught short in that type of situation.

So I am looking forward—in speaking to the chairman—that we will certainly take those valid points into consideration, any guidance we need to put in for the record, or letters of guidance to Ethics as to what our legislative intent is. I am happy to do that and look forward to continuing that dialog.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank my friend from Massachusetts.

Seeing no one else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE POSTAL SERVICE

Mr. SANDERS. Mr. President, I want to say a word about an issue I think has not gotten the kind of attention it deserves here in Washington or even among the general public; that is, the situation regarding our Postal Service.

Right now, for a number of reasons, the Postal Service is facing financial difficulties.

No. 1, it is no secret to any American that first-class mail has declined significantly because the American people are using e-mail and not first-class mail, and that decline in first-class mail has significantly impacted the revenue for the Postal Service.

Second of all, not widely known is the fact that the Postal Service, every single year now, because of legislation passed in 2006, is forced to come up with \$5.5 billion—every single year—for future health retiree benefits. To the best of my knowledge—and to the best of the knowledge of anybody whom I have talked to—there is no agency of government forced to come up with anything near this kind of onerous requirement, nor is any corporation in the private sector doing that as well.

So the issue we face is whether we are going to save the U.S. Postal Service, whether we are going to bring about reforms which make the Postal Service strong and relevant to the 21st century and the digital age or whether we—as the Postmaster General has proposed—cut 40 percent of the workforce, shut down 3.700 post officesmost of them rural—end Saturday mail service, lay off or cut back on the workforce of the Postal Service by 40 percent—over 200,000 American workers, many of them, by the way, veterans who are now serving and working in the Postal Service.

Let me start off again with what the Postmaster General has proposed. Let me talk a little bit about legislation which has been led by Senator LIEBERMAN and Senator CARPER, which I think will be coming to the floor, I expect, next week, and then talk about where I think, and a number of us think, we should be going to strengthen that bill.

No. 1, this is what the Postmaster General has suggested that he needs to do in order to solve the financial problems facing the Postal Service. One, close down about 3,700, mostly rural, post offices. I will tell you, coming from a rural State, a post office is not just a post office. In many parts of Vermont, many parts of America, rural post offices serve many functions. If you get rid of those post offices, you are causing severe distress to the identity, the sense of self of small towns in rural America.

No. 2, what the Postmaster General has suggested is the shutting down of about 252 mail processing facilities—

about half of the mail processing facilities in this country. If you do that, there is no debate that you are significantly slowing down the delivery of mail in America. If you used to put a letter in a postal box, and it might get there in 1 day, now the talk is it may get there in 3 days. If today it gets there in 3 days, it might in the future, under these cuts, get there in 5 days.

Here is the fear I have and many other Members of the Senate and House have: If the Postal Service is trying to compete against the instantaneous communications of e-mail, what does it mean that you are slowing mail service significantly? Many of us believe this is the beginning of a death spiral for the Postal Service in the sense that many consumers, many businesses will say: Hey, what is the sense of me working with the Postal Service if my mail or packages are going to get there in 3 days or 5 days?

So we think shutting down 252 mail processing facilities, slowing down mail services, is laying the foundation for the destruction of the Postal Service as we know it.

To my mind, the issue is not whether we make changes or maintain the status quo. The status quo is not working. The Postal Service has to change. In my view, and I think the view of many others, the Postal Service must become much more aggressive, much more entrepreneurial, must be going out to the business community, must be going out to consumers and saying: We have these services we can offer you.

I will give you a few examples, and some of them, by the way, are included in the legislation brought forth by Senators LIEBERMAN and CARPER and COLLINS and SCOTT BROWN.

For example, in a rural State, if people would like to walk into a post office and get a letter notarized, they cannot do it today. If people walk into a post office and want to get 10 copies of their letter, they cannot do it today. The United States Congress has said they cannot do that. If somebody walks into a rural post office and wants to get a fishing license or a hunting license or fill out a driver's license, they cannot do that right now.

So I think what we need is a new business model for the post office, much more entrepreneurial. I would suggest—and what is happening around the world is, clearly, the United States Postal Service is not the only postal service having to deal with the digital world. What we are seeing in Europe and throughout the world is countries responding by giving their postal services much more flexibility.

One example: A lot of people are unemployed. A lot of people get unemployment checks. Sometimes in order to cash those checks they have to go to a payday lender. Why can't they walk into a postal service and cash that check at a minimal fee rather than

paying 10, 15, or 20 percent to a payday them involved in the digital age, not lender?

So I think one of the provisions that has to be included in any serious postal reform legislation is a blue ribbon commission made up of the best entrepreneurs we can find, those people within the Postal Service who have the most experience who will tell us what we can do and how we can raise additional revenue when we have thousands of post offices all over this country. Can they be renting out their space? What other services can they be providing? Right now we have our letter carriers delivering mail to about 150 million doors every single day, 6 days a week, all over the country. What more can they be doing?

So the debate we are having is two visions of the future of the post office. No. 1, the Postmaster General is saying: Let's cut 40 percent of the workforce over a period of time. Let's slow down mail delivery service. That is the business model he is proposing.

Some of us are saying, when we have a rural constituency, when we have senior citizens who live at the end of a dirt road who are dependent upon the post office in order to get their prescription drugs in the mail, when we have rural areas that very much depend on rural post offices, that the goal is to give more flexibility to the post offices so they can be more competitive, so they can raise additional sums of funding in order to deal with their financial problems.

A couple of specific points: Almost everybody agrees now that the \$5.5 billion required from the post office is absolutely onerous. I have talked to the Office of Personnel Management. They think \$2.5 or \$3 billion is quite enough, given the fact we have \$45 billion already in the account. Talk to other people and they will say given the fact that \$45 billion is already earning interest, that, in fact, we do not have to do anything. We do not have to add anything more into that account, and it will deal with all of the future health care retiree benefits the post office requires.

So I believe we have to be very firm and say, No. 1, if the post office is going to survive in any significant way, we have to maintain 1- to 3-day delivery standards for first class mail. Second, we have to maintain 6-day delivery of mail, not end Saturday service. Third, we have to protect our rural post offices. Fourth, we have to significantly reduce prefunding requirements for future retiree health benefits, not to mention that there is also widespread agreement that the Postal Service has overpaid the FERS account, the Federal Employment Retirement Service, by some \$11 billion. Obviously, that has to be dealt with.

Lastly, in my view, as I said previously, we need to develop a new business model for the Postal Service, get

them involved in the digital age, not run away from it—get them involved. Expand what they can do both with State and local governments as well as what they can do with the private sector.

So in the coming days, this is an issue that a number of us will be working on. I look forward to the support of my colleagues on both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I appreciate the Senator's reference to the post office, and the postal issue is something Senators COLLINS, LIEBERMAN, CARPER, and I have been working on probably about 300 or 400 hours at this point. So I look forward to his involvement as well.

At this point, getting back to the business at hand dealing with the STOCK Act, I ask that Senator PAUL be recognized. I believe he has three amendments that he would like to offer.

I vield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 1484, 1485, 1487 TO AMENDMENT NO. 1470 EN BLOC

Mr. PAUL. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendments Nos. 1484, 1485, and 1487 en bloc.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes amendments numbered 1484, 1485, and 1487 to amendment No. 1470.

Mr. PAUL. Mr. President, I ask unanimous consent that the reading of amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1484

(Purpose: To require Members of Congress to certify that they are not trading using material, non-public information)

Strike all after the enacting clause and insert the following:

#### SECTION 1. MEMBER CERTIFICATION.

Section 102(a) of the Ethics in Government Act of 1978 is amended by inserting at the end the following:

"(9)(A) A statement (as provided in subparagraph (B)) certifying that financial transactions included in the report filed pursuant to section 101(d) and (e) were not made on the basis of non-public information.

"(B) The certification required by this paragraph is as follows: 'I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material, non-public information.'"

# SEC. 2. USE OF NONPUBLIC INFORMATION AND INSIDER TRADING BY CONGRESS AND FEDERAL EMPLOYEES.

A Member, officer, or employee of Congress, a Federal employee (as defined in section 2105), including the President, the Vice

President, and an employee of the United States Postal Service or the Postal Regulatory Commission, and a judicial officer are not exempt from and is fully subject to the prohibitions arising under section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder, including the insider trading prohibitions.

#### AMENDMENT NO. 1485

(Purpose: To apply the reporting requirements to Federal employees and judicial officers)

#### Strike section 6 and insert the following: SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

(a) REPORTING REQUIREMENT.—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

"(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress, a Federal employee (as defined in section 2105), including the President, the Vice President, and an employee of the United States Postal Service or the Postal Regulatory Commission, and a judicial officer shall file a report of the transaction.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

#### AMENDMENT NO. 1487

(Purpose: To prohibit executive branch appointees or staff holding positions that give them oversight, rule-making, loan or grant-making abilities over industries or companies in which they or their spouse have a significant financial interest)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. LIMITATION ON EXECUTIVE BRANCH
OFFICERS AND EMPLOYEES INVOLVEMENT IN MATTERS INVOLVING FINANCIAL INTEREST.

The Ethics in Government Act of 1978 (5 U.S.C. App) is amended by adding at the end the following:

#### "TITLE VI—GOVERNMENT-WIDE LIMITA-TION ON INVOLVEMENT IN MATTERS IN-VOLVING FINANCIAL INTEREST

#### "SEC. 601. LIMITATION ON INVOLVEMENT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Executive agency' has the meaning given that term in section 105 of title 5. United States Code;

"(2) the term 'equity interest' includes stock, a stock option, and any other ownership interest:

"(3) the term 'immediate family member' has the meaning given that term in section 115 of title 18, United States Code;

"(4) the term 'remuneration' includes salary and any payment for services not otherwise identified as salary, such as consulting fees, honoraria, and paid authorship; and

"(5) the term 'significant financial interest', relating to an individual, means—

"(A) with regard to any publicly traded entity, that the sum of the fair market value of any remuneration received by the individual from the entity during the most recent 2-year period and the fair market value of any equity interest of the individual in the entity is more than \$5,000; and

"(B) with regard to any entity that is not publically traded—

"(i) that the fair market value of any remuneration received by the individual from the entity during the most recent 2-year period is more than \$5,000; or

 $\lq\lq$ (ii) that the individual has an equity interest in the entity.

"(b) LIMITATION.—An individual may not hold a position as an officer or employee of an Executive agency in which the individual would have oversight, rule-making, loan, or grant-making authority—

"(1) over any entity in which the individual or the spouse or other immediate family member of the individual has a significant financial interest: or

"(2) the exercise of which could affect the intellectual property rights of the individual or the spouse or other immediate family member of the individual."

Mr. PAUL. These amendments are recognizing what the authors of this bill have been discussing: that people should not profit off of their involvement in government; they should not profit off of special relationships; they should not profit off of special knowledge they gain in the function of serving the people.

Currently, there are some large donors who have been giving to this administration who have profited enormously and disproportionately. This will allow this bill to apply to the administration, and I do not believe people who are multimillionaires and billionaires should use the apparatus of government, as was used in the loans that were given to Solyndra, by someone who is profiting off of their relationship and ties to the President, profiting off of people who used to work for these companies who are now employed in the administration and using these connections to get taxpayer money to go to private individuals. This is wrong and this should stop.

I think this bill is a great vehicle for discussing how people in government are abusing their roles in government to make more money at the expense of the taxpayer. I think it should end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, we obviously just received the amendments. We look forward to digesting them and actually working on some of the points. They are well taken. So we look forward to doing that.

Since there is no Democrat here to offer another amendment, I would then, in the spirit of back and forth, yield the floor to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1488 TO AMENDMENT NO. 1470

(Purpose: To express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress may serve)

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment. I have amendment No. 1488 at the desk and ask for its immediate consideration.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1488 to amendment No. 1470: At the appropriate place, insert the following: Section: Sense of the Senate: It is the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress can serve.

Mr. DEMINT. Mr. President, I allowed that to be read because it is so short. I think all of us know that in just about all areas of life power corrupts. And despite the good people in the Congress, the good intentions here, we have found that the longer folks stay in Washington the more likely their associations with interest groups and other temptations often cause bad behavior.

What we are working on here with this STOCK Act is just treating the symptoms again when what we need to do is work on the root causes. If we bring a professional class of politicians to Washington, and we know incumbents always have the advantage in reelections, elections are not the only way to limit terms.

If we want good government, if we want representation of the people, then we need to have folks represented in the House and the Senate who are from the people and not from an elite class of politicians in Washington. That is why for years many of us on both sides of the aisle have worked on this idea of term limits.

My amendment is not a law. It does not set any specific term limits for the House or the Senate. It is a sense of the Senate that says we should pass a constitutional amendment that allows the States to ratify some limit on the terms of office. We know this would likely attract people who want to make representation a calling and not a career. So I would hope that as we look at this total bill, and certainly we do not want insider trading, Congressmen and Senators benefiting from their service in any personal way, if we want to get at the root cause of many of the problems here, many of the problems between parties across the aisle, many of the false differences, we need to limit the terms of people who come to Washington and bring in some fresh voices from all over the country. I think we will get better government, certainly less corruption.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BEGICH. Mr. President, I know there has been some discussion. Today know there has been some back and forth on what is the appropriate time when people should notify the public. I just hope at the end of the day our body is not afraid of transparency at every level.

The amendment I brought forward in the committee on which I sit dealt with the STOCK Act and made sure that all issues around any transactions that we make are going to be publicly disclosed in a timely manner-30 days—but electronically. So it does not matter where you are around the country, you can access it.

So I hope we do not forget what our goal is; that is, creating more disclosure, more transparency so people know what we are doing in Congress. The STOCK Act is just one of those

I rise today to support the STOCK Act as a sponsor of this act, legislation prohibiting insider trading by Members of Congress and their staffs. Since day one in the Senate I have made transparency a top priority in my office. Alaskans deserve to know what their Members of Congress are up to. That is why I worked hard to make sure they have access to critical information. I believe we must hold ourselves to a higher standard.

Since being elected I have posted my personal disclosures, my personal financial disclosures, on my Senate Web site so my constituents have full knowledge of how and what I am engaged in, and they can get it electronically. They can access my personal information electronically anytime they want. This is something Senators are not required to do but is just common sense. I will talk more about transparency in just a moment.

Now, when it comes to the STOCK Act, I know my constituents at home in Alaska and other Americans are probably shocked this bill is even necessary. They are asking themselves. and I have heard this: Is it really legal for Members of Congress to participate in insider trading? The fact is, insider trading is illegal for all Americans, including Members of Congress. All along, the SEC, the Securities and Exchange Commission, has had the authority to enforce insider trading laws.

But it is time for a little clarity. Trust and accountability are critical to our roles in Congress. That is why I support and have cosponsored this important bill, the STOCK Act. This stands for Stop Trading on Congressional Knowledge, again, the STOCK Act. This bill reaffirms that it is against the law for Members of Congress to engage in insider trading and confirms that anyone who does not follow the rules will be prosecuted.

Members of Congress are not, and should not be, immune. We have a responsibility to do our jobs in an honest, open, and transparent manner, and

we are talking about the STOCK Act. I to demonstrate that we are here every day fighting for our residents—in my case, the residents of Alaska. All you need do is look at Congress's approval rating to figure out that Americans don't think we have lived up to our end of the deal.

This bill is an important step in the right direction to regaining public trust. However, reminding our colleagues of laws we should have already known about is not enough. Transparency is a key element of moving forward. As I said, it is common sense.

That is why Senator Tester and I introduced a transparency amendment during the markup process. As he said in committee, listening to the testimony and debate, we thought it was necessary to take an additional step. I am pleased to say it was adopted and incorporated into the bill by the full committee.

The provision is simple. It requires that annual financial disclosure forms-the ones I put on my Web sitefiled by Members of Congress and their staffs be posted online and accessible to the American public.

When you think about where we are in this world, in the 21st century, with electronics and telecommunications and how we are not doing that today— I went on the Alaska Public Offices Commission Web site, which is the equivalent of what we are talking about today. If you want to file yours in Alaska, your disclosure form, as a State legislator—or in my case as former mayor—it is now all electronic.

The current system we have here is outdated, not transparent. It is not easily accessible to our folks back home. Under this new provision, Members, candidates, and staffs must file their financial disclosure forms electronically. They will use a new system created and maintained by the Secretary of the Senate, Sergeant at Arms, and the Clerk of the House of Representatives. The American public will be able to search, sort, and download data contained in the financial disclosure form. This information will be maintained online during their time of service and 6 years after the Member leaves office.

I commend Chairman LIEBERMAN. Ranking Member Collins, Senators GILLIBRAND, BROWN of Massachusetts, and LEVIN for their work on this legislation. The STOCK Act will make Congress more accountable and. I hope. will inspire confidence in the American people that we are here to represent their interests and not our own.

Again, I encourage passage of this legislation. It is another step to ensure that we have full transparency, and we should never be afraid of making sure our folks back home know exactly who we are, what we are doing, and what our work is here in Washington.

I vield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, first, I commend the Senator from Alaska for his efforts during the committee process. He offered some good amendments that we ultimately took up and accepted. We look forward to his continued involvement in the process.

As we have said, we need to make sure that all of the amendments are relevant. We hope he will join with us and get some of his colleagues to focus on the very important issues we are trying to work on and not get sidetracked.

That being said, I congratulate him and look forward to working with him.

I vield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President. let me join in what the Senator from Massachusetts said. Senator BEGICH, with Senator Tester, offered an amendment in committee that has not gotten as much attention as some other parts of the bill—but it will have at least as great a positive effect as the other parts of the bill-which is so simple that it makes you wonder why we have not done it before. I have been quoting Dr. Seuss lately, and I won't do it here, but there is a saying that sometimes the best answers to questions that are complicated are simple answers—something like that; I am losing something in the translation.

But Senator BEGICH and Senator TESTER require that the annual financial reports we file, which are public documents—for the public to see them, they or some representative have to go to the office of the Secretary of the Senate to look at them or make copies. We are in the information age, the digital age. So Senator BEGICH and Senator TESTER took a small step on the bill—which is a large step for the American people—which is that these reports will now be online and electronically filed. Everybody, not just the SEC, will have immediate access to those financial disclosure reports.

Incidentally, the 30-day provision for disclosure will also be covered by that, and will also be available.

The Director of Enforcement, Robert Khuzami, of the SEC, testified before the House committee on the comparable bill that the 30-day requirement and the annual requirement for electronic filing would assist the SEC in carrying out its responsibilities.

Once again, I thank the Senator from Alaska for his contribution to the bill. Mr. BEGICH. I thank the Senator.

One quick comment. Imagine the folks from Alaska who want to get a copy of a report. They have to find somebody in DC to go to a clerk and get a copy and send it over, and now, if this passes, they can go online from anywhere.

Again, I thank Senators LIEBERMAN. BROWN, and others. We are honored to will be easier for the public to get this information. I thank the Senator for his kind comments.

I yield the floor.

Mr. LIEBERMAN. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I rise today in strong support of the Stop Trading on Congressional Knowledge, better known as the STOCK Act, legislation that is critical to increasing accountability in Federal office and restoring the public's faith in govern-

I am a cosponsor of the STOCK Act and have been working to address concerns about insider trading in Congress. I appreciate the leadership of my colleague from Minnesota, TIM WALZ, in the House who spearheaded the bill, as well as the work of my colleagues. including Senator GILLIBRAND and Senator Brown, who have shown leadership in moving this issue forward.

No one is above the law in this country, least of all the lawmakers. At a time when Americans are crying out for leaders who are willing to put public interest before political gain, the STOCK Act presents a rare opportunity for both parties to come together and pass a bill that not only makes for good policy but that is, very simply, the right thing to do.

Over the last few years, we have worked to restore accountability and integrity to the major institutions in this country. We have worked to rein in recklessness on Wall Street. We have enforced greater accountability in Federal budgets. And in 2007, we passed historic reforms to strengthen congressional ethics laws.

I am standing here today because we can and must do more. Those of us who have the privilege of writing the rules have a responsibility to play by the rules, to not just talk the talk but walk the walk, and the STOCK Act is about making sure we are doing just that. This commonsense bill will strengthen our democracy by ensuring that no Federal employee or Member of Congress can profit from nonpublic information they have obtained through their position.

First and foremost, the legislation clarifies and strengthens laws for regulating insider trading by Members of Congress and their staff. It redefines the practice to clearly state that it is illegal to purchase assets based on knowledge gained through congressional work or service, ensuring Mem-

be able to contribute our piece to it. It bers of Congress are held to the same standards as the people we represent. That seems only fair.

> Some people have argued that there are already laws on the books for this, but the fact is that insider trading by Members of Congress and their staff is currently not prohibited by the Securities Exchange Act or congressional rules. Furthermore, the status of trading on congressional information has never been explicitly outlawed. The resulting ambiguity has made it incredibly difficult to enforce these rules, which is almost certainly part of the reason not a single violation has ever been prosecuted.

> The STOCK Act would clear up the ambiguity and make these laws crystal clear. It would give both the SEC and the ethics committee in each Chamber the authority to investigate and prosecute charges of insider trading, and it would make it a violation of the rules of the House and the Senate to engage in such activity, meaning that anyone who uses their role as a Member of Congress to enrich themselves would have to answer to the Department of Justice and the Securities and Exchange Commission.

> The bill would also enforce better oversight by significantly strengthening reporting requirements. Members of Congress are already required to disclose the purchase or sale of securities and commodities on an annual basis, and the STOCK Act would take these requirements several steps further. Not only would it mandate that Members and employees disclose any and all transactions of over \$1,000 within 30 days of the trade, but it would require that information about the transaction be published online.

> Finally, to close the revolving door between Congress and special interest groups, the STOCK Act would introduce much needed transparency into the industry known as political intelligence consulting—the practice of reaching out to people working in the legislative and executive branches to gain market intelligence regarding proposed rules, regulations, and bills. The STOCK Act would require the Government Accountability Office to study this issue and see what we can do to ensure that these consultants are subject to the same reporting requirements and restrictions imposed on lobbyists.

> Trust is the tie that binds our democracy, but with faith in government now at an alltime low, it is clear that some of those ties did break. Why would we not want to strengthen those bonds? Why would we not want to show the people who have sent us to Washington that we have nothing to hide by passing this bill? America was built on the principles of hard work, fair play, and personal responsibility. These are the rules middle-class families in States such as Minnesota and all across Amer

ica are still playing by today. We in Congress need to be willing to stand up and sav we are willing to do the same.

I want to end my remarks today by sharing two letters that were sent to my office on the subject of the STOCK Act. The first is from a Minnesotan named Robert, who wrote:

Elected officials need to get back to the business of representing those who sent them to Washington to serve, not increasing their personal wealth based on information they learn from holding those offices-information that, were it not for their elected office, they would otherwise not be privy to.

The second letter comes from a Minnesotan named David, who makes this issue crystal clear. He says:

Voters elect politicians to do what is best for the country, not to become rich.

I could not have put it better myself, and I could not agree more. I arrived in this town in a Saturn with my college dishes from 1985 and a shower curtain in the back seat, so clearly this is not as relevant to my personal situation. But I truly believe, if we are going to restore trust in government, we need to pass this bill.

I yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I commend the Senator from Minnesota for coming down. I appreciate her comments, her hard work on this issue, and thank her for her ef-

Once again I reiterate to folks who may be listening, we are gathering amendments. I believe they are stacking up. Some are very relevant. Some have pieces of relevancy. What we have been trying to do is take the best of each one and try to formulate a plan to move forward and try to get some votes, obviously today and tomorrow, and get this done as quickly as possible and get it over to the House.

I once again reiterate my request to have all amendments be relevant to the issue at hand. Like Senator LIEBER-MAN—I am not going to quote Dr. Seuss as he did, but I want to be sure we have a bill that has a chance not to get bogged down but to pass expeditiously.

To let folks know in the gallery and also those watching on television, there have been some very good amendments, good ideas. Some, actually, we may end up combining. There are amendments coming up in the days ahead that we have not had a chance even to look at because the amendments are coming in fast and furiously. We have not had a chance to get out and try to comment as to what we are doing with this amendment or that amendment. There are good points in virtually every amendment. We need to be sure we get the best and strongest bill we possibly can. I want to add that.

I do not see Senator McCaskill here. I vield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1472

Mr. TOOMEY. Mr. President, I would like to take a moment to discuss an amendment that I think is relevant to this discussion. I thank my colleague, Senator McCaskill, for her work on this topic. It goes to the issue of the integrity by which this body and Congresses in general operates, which certainly is a central issue regarding this particular bill. Our amendment goes to a particular aspect of the integrity of this body.

My concern is that in the absence of our amendment, many of our colleagues will likely resume a very wasteful, nontransparent process which is prone to corruption and abuse, and that is the process of earmarking. I wish to speak a little bit about earmarks and what they are and why I think we ought to have a permanent legislative ban on the process.

Let me be clear about the process. Earmarks exist precisely in order to circumvent any real scrutiny, transparency, or any process by which this body, the other body, or the American people can evaluate the merits of a given project. There is no authorization to earmarks. There is no proper scrutiny. There is no competitive bidding among competing demands for resources. I think the process itself is indefensible.

In part because the process is so badly flawed, we should not be surprised that it leads to extraordinary waste. We have seen it. Some of the earmarks have become famous because they are so wasteful and inappropriate. We all heard about the "bridge to nowhere." Recent earmarks include, above and beyond that, a \$1 million alternative salmon products earmark. There was a \$1.9 million earmark for the Charles Rangel Center for Public Service requested by none other than Congressman Charles Rangel. There was \$550,000 for a glass museum, \$2.5 million for Arctic winter games. The list goes on and on. I could go on all day with indefensible projects that got into law, taxpayer dollars that were spent precisely because these earmarks were permitted. I would argue that it has gotten to the point where it really adds up to real dollars and cents.

Those who would like to resume earmarking would like to suggest that it is not a real number, doesn't add up to a whole lot of money. Over the course of the last 15 years, the total value of taxpayer dollars spent this way has tripled. In the last Congress, it reached \$36 billion.

One other thing that is particularly pernicious about earmarks is that over time they became a currency used to buy votes. There was this unwritten law that if you ask for an earmark in a spending bill and you get it, you are obligated to vote for that bill regardless of how bloated, inappropriate, wasteful, or otherwise nonsensical that

bill might be. That is a really terrible process.

Finally, the fact is, it is an opportunity for corruption. I am not suggesting there is corruption involved in most earmarks. I am sure there is not. But we do know of some examples of some of our colleagues who did in fact use earmarks quite inappropriately to enrich themselves. I know of one in jail right now because of that. While that is certainly the very unusual exception, the fact is a process such as that is badly flawed and should be remedied.

As we all know, there is a current temporary moratorium in place on earmarks that has been adopted by both bodies and both parties. But that temporary moratorium expires this year. What our amendment does is create a permanent legislative ban on earmarks. It does that by creating a point of order. Any Senator can come down to the Senate floor and strike an earmark if one is inserted in a spending bill, and it would take a two-thirds vote of the Senate to override the effort to strike the earmark.

It is important to know that this amendment does not strike the entire bill. It would not invalidate the bill or otherwise disrupt the bill. It would surgically remove the earmark that would be offending this point of order.

As I say, I thank Senator McCaskill for her support. I thank Senator Coburn for the many years in which he has battled, as have others, especially Senator McCain and others. But Senator Coburn once described earmarks as the gateway drug to spending addiction, and I think he is really onto something with that characterization.

I think it is time we change the culture in Washington, that we change the culture of Congress, get away from a culture that says, how can we maximize spending, which really has been the culture of Congress for way too long, and move to a culture that says, how do we maximize savings, because when we are running trillion-dollar annual deficits, we have to find savings anywhere we can. I can't think of a better place to start.

If we really want to change Washington, if we really want to reduce wasteful spending, if we really want to eliminate opportunities for corruption, if we really want to change the culture of spending and begin the process of doing these things to hopefully restore some of the confidence of the American people in their government, one of the ways we can do this very constructively is to pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I thank Senator Toomey for joining me. He has been a great leader on this since he arrived in the Senate, in terms of the fight against earmarks. I thank him for that.

I also welcome him to our band of warriors in terms of fighting the earmark culture in Washington. It has been a fairly small number of Senators since I arrived here in January of 2007. I will be honest, the Senator spent some time in the House, so he was more familiar with the process of earmarking than I was. When I came to the Senate. I did not really understand how it worked. I did not really get it. I do not think, until you have gotten here and watched it from the inside, you truly appreciate how flawed it is in terms of a way of distributing public money. It really is going in the back room and sprinkling fairy dust. It is really a process that has more to do with who you are and whom you know than merit.

Have there been lots of projects that have been funded that I have supported? Of course. Did I make a decision—a difficult one—to not cherrypick certain earmarks to go after on the floor? Instead, I have tried, when I got here and realized the problems, to reform the process, not just to say, let's find this one earmark in this bill and gin up an amendment on it; rather, let's try to stop the process in its entirety because it makes no sense. And that is what this amendment does. It actually will stop the process in its entirety.

Why do we need it if we have a moratorium? Why now? Frankly, when I first started saying I wanted to do away with all earmarking, I was laughed at by Members of this body, directly and indirectly. Sometimes I felt as if people were patting me on the head and saying: Go away. You have no chance to do this. I am proud of the fact that we have gotten a moratorium now. The truth is, there are a lot of Members of this body who want to go back to the old ways, and I think it is very important that we do a permanent ban. I certainly thank the Senator for helping, and I think the amendment we are working on together will make sure we will not have what happened in the House this year.

Mr. TOOMEY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. I wished to touch on a point the Senator just made that I think is important to underscore. I would agree without hesitation that there are any number of earmarked projects that probably have very good merit. This is not at all to suggest that every earmark that has ever occurred had no merit. That is not what this is about.

What we are criticizing and what we are trying to change is a very badly flawed process that permits a great deal of projects that have no merit to get funded that otherwise would not be funded. Those that have merit—and goodness knows all kinds of projects,

especially transportation projects ought to be funded, but they ought to be funded in a transparent and honest way, subject to evaluation by an authorizing committee and subject to competition, so those projects that have the greatest merit and the greatest need would be funded first. That is what I think we are trying to get at and get away from this process where an individual Member of either this body or the other body, in the dark of night, can drop in some specific provision because he or she wanted it without it being subject to the proper scrutiny and evaluation and competition that the taxpayer deserves.

I just wished to underscore that point. I appreciate the Senator's work and the message she brought.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. I will tell my colleagues that I think for too long too many Senators believed the measure of their worth as a Senator had everything to do with how much money they were bringing home. I have a new idea. Instead of the measure of our worth being how much we can spend, I think the measure of our worth ought to be how much we can save. This place turned on the notion that if one stayed here long enough, if they got to be an appropriator, they got more earmarks. If they became a ranking member on a subcommittee on appropriations, they got even more.

Then I found out about honey pots. I didn't know about honey pots until I got here. I don't know if Senator TOOMEY is familiar with that term, but let me educate him about what that term means. A honey pot is what the ranking minority member and chairman set aside as their special pot of money that they get to spend on earmarks that is greater than everyone else's. Some of the appropriations subcommittees have honey pots and some don't. The very notion that we are deciding how to divide the money based on how long we have been here, what our party affiliation is, what committees we serve on is not the way we should spend public money. We spend public money based on merit or on a formula based on how many people are in our State.

One of the other things that drives me crazy is this talking point against doing away with earmarks: We can't let the bureaucrats decide. We can't let the executive branch decide. It is the power of the purse. We have had the power of the purse in Congress for hundreds of years. Earmarking is a modern invention. We have the right to oversee the executive budget, change the executive budget, cut the executive budget, and add money to the executive budget. We can do that as a Congress and that has nothing to do with earmarking.

Let me also say this about this talking point: This notion that earmarked

money just grows on trees somehow—where does the money for earmarking come from? It comes from other programs. Guess what programs it is taken from. It is taken from programs—I will just say from programs such as surface transportation.

Let's talk about that. We have a local process in Missouri. We have stakeholders all across the State who go to meetings and the public is invited and these agencies work very hard at trying to prioritize their transportation projects based on the economic needs of their community, based on safety considerations. These local folks work very hard to prioritize their projects, and what does earmarking do? It cuts in line. One individual's judgment supplants all the local planning.

This is not about Washington bureaucrats. In a lot of these instances it is about saying: I know better than the people back home know. Look at the Byrne grants, another perfect example. Money for the Byrne grants—which is a State-administered program done on a competitive basis at the State level they have been stealing money out of the Byrne grants for earmarks so one individual Senator can decide this sheriff needs new equipment as opposed to the State authorities deciding that there may be a crime problem in one area of the State, such as a methamphetamine problem that needs special attention.

Mr. TOOMEY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. This is a very important point. It is a common refrain from those who would like to go back to earmarking: We can't turn this over to the bureaucrats. Who controls the bureaucrats? It is Congress. If we think the bureaucrats are allocating resources in a way that we don't approve of, we can change the rules. We write the law that determines the criteria, the metrics, the methodology, the process by which they compete and evaluate competing projects. That is entirely up to us. So it is not fair for us to suggest that while the bureaucrats will not spend it wisely, then we should set the rules so they must. Frankly, they don't have the kind of incentives that some people who are holding elected office think they have to try to show up back home with a big oversized check. The bureaucrat doesn't have that incentive.

I would argue I can't imagine any bureaucrat who would award several hundred million dollars to build a bridge to nowhere or to build a cowgirl hall of fame or an indoor tropical rain forest. These are things that if a bureaucrat did make those decisions, it would be because they were following ridiculously flawed guidelines given to them by Congress. So this in no way diminishes Congress's control of the purse strings; it insists on a more account-

able process by which we allocate the resources from the purse.

Mrs. McCASKILL. Mr. President, it is easy to see why earmarking is held so dear to so many Members. I remember when I first was elected and people began showing up in my office that, frankly, had not been big supporters of mine. All of us who are here—and if we are brutally honest for the folks back home—we want to be loved. We put ourselves out there for public acceptance or rejection every 2, 4, 6 years. So people started showing up and being very nice to me who had not particularly been supporters of mine, and they were being nice to me and I thought, What is up here? Then all of a sudden I figured it out. They were all showing up to get their earmarks. The people in Missouri-I don't know about Pennsylvania—but in Missouri they are very worried about not having earmarks because they have been fed this line all these years: If we don't have earmarks. we are not going to get anything. We are not going to get our share. We are not going to get as much as we deserve.

Let's take water. Pennsylvania—this is a good example because Pennsylvania didn't get very much in water projects either. I don't know how many rivers there are in Pennsylvania. I should be more familiar with the geography there. But to say that Missouri is a river State is an understatement. I mean, we have the confluence of the two greatest rivers of our country, the Missouri and Mississippi Rivers, in our State. We have major impact in terms of water projects that need to be done in our State because of how prominent water is in the State of Missouri. But yet we have been way down the line in terms of water projects because we don't have an appropriator on that committee. We have appropriators on other committees but not on that com-

I keep telling the folks at home, if we compete with other States for water projects, we are going to do just fine, and that is the way it is supposed to work. States are supposed to get what they need and not get the benevolence of Washington because they happen to have somebody who has been here long enough to be on the right committee to have the right chairmanship or the right ranking committee so they can get even more. That is not the way this place should be run. It is not the right way to spend public money.

Mr. TOOMEY. Would the Senator yield?

Mrs. McCASKILL. I will.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. I can tell the Senator how I think a big majority of Pennsylvanians feel about this because I hear from them every day. Sure, there are some folks who would love to resume earmarks because they benefited from them in the past. I think the vast

majority of Pennsylvanians—and I would guess Americans—generally understand that, especially at a time when we have reached \$15 trillion in debt, when our debt now exceeds the entire size of our economy, when we are running annual deficits of over \$1 trillion for the last several consecutive years and, frankly, probably in the years to come. We are in an unsustainable mode right now. What my constituents want is for us to put ourselves on a viable, sustainable fiscal path. That means getting spending under control. So I don't think our constituents want us to see how much money we can spend, as the Senator pointed out. They want to see how much we can save, and I think they would overwhelmingly welcome ending a process that clearly leads to wasteful spending.

Mrs. McCASKILL. I hope we get a vote on this amendment. I am not optimistic about that because, typically—let's be honest—the vast majority of the leadership in this body has typically been appropriators and many of them want to go back to earmarking, and this is on both sides of the aisle.

As I started to point out before, it was the Republican Armed Services Committee in the House that set aside a slush fund and began doing earmarking on the Defense authorization bill. We were able to expose it and stop it, but clearly people are having a hard time breaking this habit. So I think this amendment is very important. I am happy to go toe-to-toe with anyone over the merits of this amendment. I am happy to stand shoulder-to-shoulder with anyone in this Congress, Republican or Democrat, who is willing to stop this process once and for all.

I think this amendment would do it. I hope we get a vote on it, and if we don't, it will not be the last time I think they will hear from both of us about our bill and how serious we are about getting it passed.

There will come a time that this bill will pass because the American people are on to us. The American people are on to this bad habit. They want it to end and they will have their way. It may not be today, it may not be this week, but I remind the Members of the Senate that it wasn't that long ago people laughed out loud at me when I said there would be an end to earmarking. They thought that was the silliest joke they had ever heard, and we have made a lot of progress thanks to the American people.

By the way, the credit should not go to me or Senator McCain or Senator Coburn—who have been working on this for much longer than I have—it should go to the American people who are figuring this out and rising in record numbers to say: We don't like earmarks. Stop it. We should give credit to them for paying attention. I hope they stay on it, and I hope we will eventually prevail.

Mr. TOOMEY. If the Senator would yield one final time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. I appreciate the Senator's kind indulgences. I am newer to this body, and maybe that explains my relative optimism. I am hopeful that we do get a vote, and I am hopeful, if we do get a vote, it will succeed. I point to the voluntary moratorium both Chambers instituted 1 year ago as a sign that this is increasingly becoming the consensus view among Members of both bodies. I don't know if I am right. I am hopeful. If we don't succeed today, that means we need to come back on another day when we can succeed because there is no doubt in my mind that the people of Pennsylvania and I suspect across America—want us to win this battle and begin to rein in wasteful spending. There is no better place to start than to ban these earmarks.

I thank the Senator from Missouri for her leadership and her work.

I yield the floor.

Mrs. McCASKILL. I also yield and thank the Senator for his work. This should be the easiest for us to get done. We have some hard work we have to do around here that is going to mean sacrifice and changes that are not going to be easy for anyone. This ought to be simple, so let's try to get it done.

I yield the floor.

Mr. LIEBERMAN. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. BROWN of Massachusetts. Madam President, as you know, people are coming down requesting amendments be brought up. Since I did not see any Democrats offering any, I yield to Senator PAUL. He has an amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1490 TO AMENDMENT NO. 1470

Mr. PAUL. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1490.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Madam President, I have no objection to proposing the amendment.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 1490 to amendment No. 1470.

Mr. PAUL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities)

At the appropriate place, insert the following:

# SEC. \_\_\_. FORFEITURE OF CREDIT FOR SERVICE AS A MEMBER IF FORMER MEMBERS OF CONGRESS BECOME LOBBYISTS.

- (a) DEFINITIONS.—In this section—
- (1) the term "creditable service" means service that is creditable under chapter 83 or 84 of title 5, United States Code;
- (2) the term "lobbyist" has the meaning given that term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);
- (3) the term "Member of Congress" has the meaning given that term in section 2106 of title 5. United States Code: and
- (4) the term "remuneration" includes salary and any payment for services not otherwise identified as salary, such as consulting fees, honoraria, and paid authorship.
- (b) FORFEITURE OF CREDIT FOR SERVICE.— Any service as a Member of Congress shall not be creditable service if the Member of Congress, after serving as a Member of Congress—
  - (1) becomes a registered lobbyist;
- (2) accepts any remuneration from a company or other private entity that employs registered lobbyists; or
- (3) accepts any remuneration from a company or other private entity that does business with the Federal Government.

Mr. PAUL. This amendment will address some of the situations that are concerning the American people. I think the ability to serve in the Senate is a great honor. The ability to serve in the House of Representatives is a great honor. But I am somewhat sickened and somewhat saddened by people who use their office, who leave office and become lobbyists, who leave office and call themselves historians but basically leave office and peddle the friendships they have found here and the relationships to make money. I think it is hard to prevent people from being lobbyists. But I think if people choose to leave the Senate and leave the House of Representatives and become lobbyists, they should give up something. These people are making millions of dollars lobbying Congress. I think maybe they should give up their pension. Maybe they should give up the health benefits that are subsidized by the taxpayer.

If someone is going to use their position as an ex-Senator or as an ex-Congressman to enrich themselves, maybe they should have to give up some of those perks they accumulated while in office. So this amendment would say that if you go out and become a lobbyist, you have to give up your pension and you have to give up your health benefits and you need to pay for them yourself. I think this is the least we can ask

I think we have a great deal of coverage now talking about people who are either lobbyists or not or whether

we have a lot of people peddling their friendship and their influence for monetary gain, and I do not think the taxpayers should be subsidizing that.

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

The PRESIDING OFFICER. clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Madam President, I thought I would bring our colleagues up to date on what is going on this evening, as it is getting late. We are close, I believe, to working out an agreement for a vote on an amendment that was offered by Senator PAUL earlier. It has to do with extending to executive branch officials the same kind of reporting requirement to ban insider trading that would apply to Members of Congress and their staffs. It is an amendment that enjoys the support of both managers and the principal authors of this bill.

We are trying to make sure, however, that we narrow the amendment so that it applies to top-level Federal employees and not to low-level Federal employees, who have no policy responsibilities. So we were looking at limiting it to Senate-confirmed positions. The problem with that is it brings in all of the military appointments that are Senate confirmed, so we want to make sure we exclude those individuals who are clearly not the target of the amendment.

We continue to work—the managers. the sponsors of the bill, and the sponsor of the amendment, Senator PAULin order to refine his amendment. It is still our hope that we can reach that compromise and have a rollcall vote tonight. We will keep our colleagues informed about whether it will be possible to complete the drafting that would be needed to modify his amendment.

## AMENDMENT NO. 1490

In the meantime, I want to talk very briefly about an amendment Senator PAUL filed, his amendment No. 1490. This is an amendment that would require former Members of Congress to forfeit their Federal retirement benefits if they work as a lobbyist or even engage in any lobbying activity-regardless, I might say, of whether they served 40 years in this body.

I also note that the language in this amendment is extraordinarily broad. For example, the definition of remuneration includes salaries, any payment for services not otherwise identified as salary, such as consulting fees, honoraria, and paid authorship. Think about that. As I read the language, a former Member of Congress who writes

they are historians. The bottom line is a book would be in danger of forfeiting his or her pension. In other words, this is going to apply to authors. It mentions honoraria, so if a former Member of Congress gives a speech and receives \$1,000 for giving that speech, that former Member is going to forfeit his or her pension—earned pension?

> I don't even know that this would pass constitutional muster. But there is certainly a fairness issue, it seems to me. I don't know if the intent of the Senator from Kentucky was to draft this as broadly as he did to include and define as remuneration paid authorship. In other words, if you wrote a book-and it would not even have to be a book; what if you wrote a newspaper article or an op-ed for the Washington Post and received \$250 for that? Do you forfeit the Federal pension? What if you worked in the private sector for a number of years, worked in State government for a number of years, and then worked for a few years serving the people of this country in Congress? Would you then forfeit your pension if you provided some lobbying activities? If you wrote a book? If you gave a speech for money? This is extraordinarily broad.

> I see the Senate majority leader is on the floor, so I will stop discussing this amendment. I did want our colleagues to actually read the text of this amendment before we ever vote on it.

> It defines remuneration not just as salary or payment for services not otherwise identified as salary, but consulting fees, honoraria, and paid authorship. In other words, if after being in Congress you wrote a book or you wrote an op-ed for which you were paid, you forfeit your Federal pension because you did some lobbying activities? This strikes me as a very sweeping amendment that does not belong on this bill.

> The PRESIDING OFFICER. The majority leader.

> Mr. REID. I am happy to hear what that amendment does, and I thank the Senator.

> COMMENDING ALAN S. FRUMIN ON HIS SERVICE TO THE UNITED STATES SENATE

> Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to S. Res. 359.

> PRESIDING OFFICER. The clerk will report the resolution by title.

> Mr. REID. I ask the clerk to read the entire resolution.

> PRESIDING OFFICER. The clerk will read the resolution.

> The assistant legislative clerk read as follows:

> Whereas Alan S. Frumin, a native of New Rochelle, New York, and graduate of Colgate University and Georgetown University Law Center, began his long career with the Congress in the House of Representatives precedents writing office in April of 1974:

Whereas Alan S. Frumin began work with the Secretary of the Senate's Office of the Senate Parliamentarian on January 1, 1977. serving under eight Majority Leaders:

Whereas Alan S. Frumin served the Senate as its Parliamentarian from 1987 to 1995 and from 2001 to 2012 and has been Parliamentarian Emeritus since 1997:

Whereas Alan S. Frumin revised the Senate's book on procedure, "Riddick's Senate Procedure." and is the only sitting Parliamentarian to have published a compilation of the body's work;

Whereas Alan S. Frumin has shown tremendous dedication to the Senate during his 35 years of service;

Whereas Alan S. Frumin has earned the respect and affection of the Senators, their staffs, and all of his colleagues for his extensive knowledge of all matters relating to the Senate, his fairness and thoughtfulness:

Whereas Alan S. Frumin now retires from the Senate after 35 years to spend more time with his wife, Jill, and his daughter, Allie; Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Alan S. Frumin and commends him for his lengthy, faithful and outstanding service to the Senate.

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to Alan S. Frumin.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 359) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I want to join in saluting Alan for his many years of work. He is someone all of us know to be an honest broker, who calls them as he sees them, who withstands at times tremendous pressures, and who has extraordinary knowledge that all of us have come to rely upon.

On behalf of the Republican side of the aisle, I am sure I am speaking for our Members as well in saluting Alan and wishing him well, and thanking him for his many years of dedicated public service.

We wish you well.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I would be remiss if I didn't say a word of thanks to Alan Frumin for his service to the Senate.

When I first came to the Senate in 1989 and had the privilege to occupy the chair, I had two great mentors. One was the great Senator from West Virginia, Robert C. Byrd, and the other was Alan Frumin. Both were steadfastly reliable.

I was just one of many who sat in the chair. We are often asked questions whose answers do not immediately spring to mind, and there was a voice that I heard—in this case, it was not from above but from slightly belowthat clarified exactly what the rules of the Senate required.

Alan has been a true and faithful public servant, has held himself to the highest standards, and helped this inherently unruly body to be ruly. For that, I thank him and wish him well in his next chapter of life.

Mr. COCHRAN. Mr. President, I am pleased to join the leader and other Senators on both sides of the aisle as we congratulate Alan Frumin on his impressive service as our Parliamentarian which was characterized by the dutiful and trustworthy performance of his duties.

We wish for him much continued success in the years ahead.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT OF 2012—Continued

Mr. DURBIN. Pending before the Senate is the STOCK Act, and the purpose is one that I support. It is a bill I cosponsored.

The notion behind it is that Members of Congress should not use their public service or information gained in their public service for private benefit. It basically outlaws the type of insider trading and conflict of interest that should be a standard and will be a standard after this is enacted into law.

Amendments have been proposed to this measure, and there is one in particular I heard about earlier and asked for a copy of. This is an amendment proposed by the Senator from Kentucky, Mr. PAUL. It is an amendment which talks about Members of Congress forfeiting their Federal retirement benefits and the conditions under which they would forfeit their Federal retirement benefits. Understand that these are Members of Congress who have completed enough service in the Congress to qualify for a pension. It is my understanding that is about 6 years. So at a minimum of 6 years of service, Members of Congress receive some pension benefit. Certainly those benefits increase the longer they serve.

This bill would disqualify them from pensions they have been credited and earned as Members of Congress under three conditions:

First, should they decide after they have served in Congress to serve as a registered lobbyist. That in and of itself is breathtaking. To think that if a person should decide after service in Congress to become a registered lobbyist—with or without compensation I might add, for perhaps a nonprofit or-

ganization—they would forfeit their Federal pension. That in and of itself is unacceptable and inexplicable, but then it gets worse.

This amendment goes on to say that a Member of Congress, retired, forfeits his Federal pension if he accepts any kind of remuneration, which could be a salary, a consulting fee, even an honorarium for giving a speech, from any company or other private entity that employs a registered lobbyist.

Think about that for a second. If a retired Member of Congress in Illinois should give a speech to a gathering of the management of Caterpillar Tractor Company in Peoria about their experience in Congress and their views on issues in Washington, give a speech and receive any compensation for giving that speech, they would forfeit their Federal pension because Caterpillar has a paid lobbyist in Washington.

Then it gets worse. The third provision says that a retired Member of Congress would forfeit their pension if they accept that remuneration from any company or private entity that does business with the Federal Government. Is using the mail service doing business with the Federal Government? Would most businesses in America, therefore, be doing business with the Federal Government because they use the mail service? If so, if I take compensation from that company, I forfeited my Federal pension?

What is the purpose of this, other than just to basically harass Members of Congress in their retirement?

There are certainly situations where a person could forfeit their pension based on misconduct, for example, or convictions for crime. That is understandable. But this has gone way too far. I hope Members of the Senate will read this amendment—it is very brief, two pages long—and in reading it realize this is something that should not be offered and if offered should be defeated. It does nothing to make this a better place to serve. It raises serious questions about the rights of individuals who have served the Nation in Congress and what they are going to do after they leave the service of the United States.

I urge my colleagues to defeat the amendment offered by the Senator from Kentucky and I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I rise today to speak about the STOCK Act. I wish to start by thanking the leaders on the floor, Senator Lieber-

MAN and Senator COLLINS, for their hard work and leadership in bringing this bill to the floor. There should not be any question that Members of Congress should be held accountable to the same laws to which every other American is held.

That is why in November Senator GILLIBRAND, Senator TESTER, and I introduced the STOCK Act to prohibit Members of Congress from engaging in insider trading. This bill is common sense. The American people deserve to know that their representatives in Congress are doing what is right for the country and not trying to strike it rich by trading on insider information.

My constituents are certainly wondering why this isn't law already, and that is a good question. It certainly is a question I asked myself last year when there were news reports raising this issue, and I was very pleased to join immediately with my colleagues to put forward this legislation to make it absolutely clear that insider trading by Members of Congress is in violation of the law.

I wish to thank, as I indicated before, the Senator from Connecticut and the Senator from Maine for moving this bill through their committee and bringing it to the Senate floor. I appreciate very much the vote of 93 Senators who voted last night to move the bill forward. I think it is a very important example of bipartisan support. I hope we will be able to move this forward to a simple up-or-down vote this week and that we will not see extraneous issues or obstruction or delay involving this bill. This is very simple and very straightforward. I am hopeful we will be able to move it forward and accomplish this goal.

We need to make sure it is very clear that the same laws to which everyone else adheres are held to be true for Members of Congress. It is also important to note that our bill creates new reporting requirements for Members of Congress and their staffs, with the reports available online, with a searchable database. That is very important for transparency. It asks the Government Accounting Office to investigate the so-called "political intelligence consultants" who contact Members and staff to get information on how legislation could affect their business clients or stock prices.

This bill is very simple and very clearcut. We are all engaged in conversations on a daily basis that make information available to us, and we need to make it very clear as to our responsibilities for handling that information and operating in the public interest.

So I am hopeful we will be able to keep this bill focused on the intended goal so we can actually get it passed, get it over to the House, and have the House do the same. It is important that while there may be a number of different issues we all care about that we would like to offer through amendments, we will be able to keep this focused on the issue in front of us and that we will be able to get this done as quickly as possible.

Our constituents are certainly looking to us to be able to do this. It would be an excellent way to start the new year by working together on a bipartisan basis to close a loophole that has created confusion about the responsibilities, the ethics, and the legal responsibilities for Senators as it relates to insider information and potential insider trading.

So I am hopeful we can get this done. I appreciate the work of everyone who has been involved in helping to get us to this point. Hopefully, by the end of the week we will have something passed that we can all feel very good about.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

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

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

Mr. REID. Mr. President, how many amendments are pending?

The PRESIDING OFFICER. There

are 15 amendments pending.

Mr. REID. We started this morning at about 11 o'clock. We had to invoke cloture on the motion to proceed to this bill, which was supposedly a bill everyone wanted. It is too bad we had to invoke cloture on the motion to proceed, but we did. We have been working all day to set up rollcall votes—all day. We thought we had one a few minutes ago, but a couple Senators came over and said: There will not be a vote on that unless I am guaranteed votes on mine-even though their votes are totally not relevant or germane to the subject matter.

I appreciate Senator LIEBERMAN and Senator Susan Collins. They are fine legislators. They understand what this body is all about and how important this legislation is and how important they are as managers of this bill. So they are negotiating on several of the amendments.

But at some point, Mr. President, this becomes ridiculous. To have Senators come over here and say they are not going to allow a vote on an amendment unless they are guaranteed votes on nongermane, nonrelevant amendments? Then people criticize me for not having an open amendment process? It becomes a circus. This is not the Senate that we have had or should have. At some point, we need cooperation from Members on both sides of the aisle to set up votes and dispose of these amendments and move on to passage of the bill.

I do not want to have to file cloture on this bill. I just want to alert everyone, if we continue the way we are going, where people are saying: You cannot have a vote on any amendment unless I am guaranteed a vote on my nongermane, nonrelevant amendment—what am I supposed to do to protect this body?

So I would hope the night will bring some common sense to some Senators. It is really—I will not say embarrassing, but it is a little bit, to these two fine Senators who have worked together for years on a bipartisan basis on some of the most sensitive issues this country has, protecting the homeland. We could not have two better people working on a bill to create some bipartisanship. But this is unfortunate and unfair and not right, and I, as the leader, am not going to let this continue forever.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the leader for his statement and thank him for his patience. I know people are critical of the way Senator REID has been forced to operate to try to get anything done, but if you go through a day like we have gone through, you understand why he has had no choice.

Mr. PAUL, the Senator from Kentucky, offered an amendment. We had a very thoughtful negotiation with him about modifying the amendment. We came to a meeting of the minds and were ready to go, and then another Member said: I will not consent to you voting on Senator PAUL's modified amendment unless you promise me a vote.

As Senator REID well knows, in the early years I was here this kind of behavior sometimes happened at just before the final vote on a bill or perhaps before a recess was about to be declared. But to conduct oneself in this way at the very beginning of a debate on a bill about which there is bipartisan support—yesterday, it was clear on the cloture motion, only two Senators voted against it. It is a real good government bill, and to hold it up in this way is frustrating.

I quote the majority leader, who is a straighter talker: It is ridiculous.

So at the end of a long day, we have nothing to show for our labor. I apologize to the Members of the Senate. But it requires some reasonableness from our colleagues to proceed.

## VOTE EXPLANATIONS

Mr. MENENDEZ. Mr. President, I was unavoidably detained for the rollcall vote on the motion to invoke cloture on the motion to proceed to S. 2038, the Stop Trading on Congressional Knowledge, STOCK, Act. Had I been present. I would have voted "vea" on the motion to invoke cloture. I cosponsored the STOCK Act on December 14. 2011.

Mr. ISAKSON, Mr. President, I was unavoidably detained during rollcall vote No. 3 on the motion to invoke cloture on the motion to proceed to S. 2038.

Had I been present I would have voted "vea" for rollcall vote No. 3 and I ask that the RECORD reflect that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## RECOGNIZING KNOX COLLEGE ON 175 YEARS

Mr. DURBIN. Mr. President, I rise today to congratulate Knox College in Galesburg, IL, on the 175th anniversary of its founding.

On February 15, 1837, the Illinois Legislature granted a charter to Knox Manual Labor College. Its founder, the Reverend George Washington Gale, a social reformer from New York, came to the Illinois prairie to found a college emphasizing manual labor that would be open to students regardless of their financial means, gender, or race.

This egalitarianism and the strong anti-slavery beliefs of Reverend Gale and his followers gave Knox and Galesburg a unique place in the history of the abolitionist movement in America. Knox is a nationally recognized part of the Underground Railroad network. Its Old Main was the site of the fifth debate between U.S. Senate candidates Abraham Lincoln and Stephen Douglas. It was during the debate at Knox that Lincoln would argue for the first time against slavery on moral grounds.

It seems fitting that President Lincoln, the Great Emancipator, and President Obama, our nation's first African American president, both hold honorary degrees from this institution. Knox was also the alma mater of Barnabas Root, who in 1870 became one of the first African Americans to earn a college degree in Illinois. In that same year, Hiram Revels, who also attended Knox, became the first African American to serve in the United States Sen-

Today, the Knox campus is a vibrant community of world class scholar-

teachers, staff, and more than 1,400 students hailing from 48 States and 51 countries. Manual labor may have been dropped from its name and curriculum-much to the relief of its current students to be sure-but Knox's founding commitment to providing a quality education to all persists. Of Knox's students today, more than a quarter are first generation college students, a quarter are U.S. students of color, and nearly one third are low-income students. Approximately two thirds of students receive some form of financial aid, and Knox has been rated by Princeton Review as a "Best Bang for Your Buck."

I congratulate President Teresa Amott and the entire Knox community on this milestone in the proud and storied history of Knox College. Knox is truly one of our nation's great liberal arts institutions—its contributions far surpass its relatively small size. So, as we look back in celebration of Knox's preceding 175 years, we also look to the future in anticipation of the continued contributions this small college on the Illinois prairie will make to our State and our country for years to come.

## TRIBUTE TO GARY D. REESE

Mr. INOUYE. Mr. President, every so often, it is my honor as the chairman of the Committee on Appropriations to recognize the outstanding contributions of members of the Senate family. As anyone who has spent a few years in Washington will know, public service may not be the career of choice for those who hope to be appreciated in their own time.

Benjamin Franklin recognized this back in 1772, when he wrote:

We must not in the course of public life expect immediate approbation and immediate grateful acknowledgement of our services. But let us persevere through abuse and even injury. The internal satisfaction of a good conscience is always present, and time will do us justice in the minds of the people . . .

Mr. President, through his 20 years of service in the U.S. Senate, Gary Reese is an exception to Mr. Franklin's rule. His charm, his expertise, and his professionalism have earned Gary the respect and appreciation of Senators, leaders in the executive branch, and his colleagues.

Gary's service in the Senate began in 1987, when he joined the staff of Senator Bennett Johnston as a legislative assistant for military issues. In 6 years of service, Gary demonstrated a great ability to get results for the State of Louisiana and distinguished himself by developing a thorough understanding of the shipbuilding industry. Gary then moved to the Senate Select Committee on Intelligence in 1993, where he developed expertise in some of the most technical and important aspects of our national security.

The Committee on Appropriations was extremely fortunate to lure Gary

away from that prestigious committee in January 1997. As a professional staff member on the Subcommittee on Defense, Gary excelled in oversight of acquisition programs in each of the military services, as well as classified matters. Gary departed the Senate in 2002, at which time his accomplishments were recognized by the Department of the Navy with the Meritorious Public Service Award and by the National Reconnaissance Office with the Gold Medal for Distinguished Service.

After 5 years with General Electric, Gary once again answered the call to public service. He rejoined the Committee on Appropriations in 2007, where he has applied his skills to the most challenging intelligence issues that our country has faced in Iraq, Afghanistan, the Horn of Africa, and the Asia-Pacific. His vision and ingenuity have made substantial contributions to our policies and operations in those regions, for which I hope the full story may someday be told.

Listing Gary Reese's accomplishments during his two decades of service to the U.S. Senate tells only a small part of his story. In an era of partisanship and divisiveness, Gary served both Democrats and Republicans with skill and dedication. I feel just as fortunate to have had Gary's assistance as my friend and former colleague, Ted Stevens, surely did.

In a capital city filled with bluster and ego, Gary's charm, humor, and integrity built trusted relationships in many corners of the Congress, the executive branch, and industry.

In a job where long hours and late nights can overwhelm even the most industrious public servant, Gary has never forgotten his dedication and commitment to his wife Ann, their son Bob, and their daughter Trish.

Mr. President, on behalf of myself and all the staff of the Committee on Appropriations, I wish to offer Gary and his family my appreciation for his 20 years of service to the Senate, and I wish him all the best on his future endeavors

ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS 112TH CONGRESS

Mrs. BOXER. Mr. President, the Honest Leadership and Open Government Act of 2007, the "Act", calls for the Select Committee on Ethics of the U.S. Senate to issue an annual report not later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the committee's activities in 2011 in the categories set forth in the act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee: 77. (In addition, 3 al-

away from that prestigious committee leged violations from the previous year were in January 1997. As a professional staff carried into 2011.)

- (2) The number of alleged violations that were dismissed—
- (A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 58.
- (B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 14.
- (3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 08. (This figure includes 3 matters from the previous year carried into 2011.)
- (4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.
- (5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit: 05. (This figure includes 2 matters from the previous year carried into 2011.)
- (6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 0.
- (7) The number of matters resulting in a disciplinary sanction: 0.
- (8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2011, the Committee continued its preliminary inquiry into the conduct of Senator John Ensign. An outside Special Counsel was appointed to assist the Ethics Committee staff with its fact finding regarding whether Senator John Ensign violated Senate rules and federal law. As noted in the Report of the Preliminary Inquiry into the Matter of Senator John E. Ensign released by the Committee, the Special Counsel determined that there was substantial credible evidence that Senator Ensign engaged in violations of law and Senate rules. The Special Counsel concluded that the evidence that would have been presented in an adjudicatory hearing would have been substantial and sufficient to warrant the consideration of the sanction of expulsion had Senator Ensign not resigned. The Committee lost jurisdiction over Senator Ensign because he resigned his United States Senate seat. The Committee referred the matter to the U.S. Department of Justice and Federal Election Commission for further review.

In 2011, the Committee staff conducted 6 new Member ethics training sessions; 14 employee code of conduct training sessions; 15 Member and committee office campaign briefings; 42 ethics seminars for Member DC offices, state offices and Senate committees; 3 private sector ethics briefings; and 8 international ethics briefings.

In 2011, the Committee staff handled approximately 10,918 telephone inquiries and 1,745 inquiries by email for ethics advice and guidance.

In 2011, the Committee wrote approximately 800 ethics advisory letters and responses including, but not limited to, 594 travel and gifts matters (Senate Rule 35) and 104 conflict of interest matters (Senate Rule 37)

In 2011, the Committee issued 4,130 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates and reviewed 1,869 reports.

# WELCOMING ELIZABETH MACDONOUGH

Ms. SNOWE. Mr. President. I rise today to pay tribute to the retiring Parliamentarian of the Senate, Alan Frumin, who has for the past two decades faithfully and honorably served this institution and who will, beginning tomorrow, embark upon a new chapter in his professional life. For 20 vears. Alan has advised the Senate and the hundreds who have had the privilege of serving here with a deft understanding of its rules, some of which can be quite arcane, and an abiding passion for this august body that will reverberate for generations to come. As Alan departs this Chamber, I extend my personal gratitude to him, wish him the very best, and hope he knows that this country is deeply indebted to him for his longstanding service.

At the same time, I want to recognize and applaud a milestone moment in the life of this venerable institution as we welcome Alan's successor, Elizabeth MacDonough, the first woman in the history of the Senate to assume the indispensable responsibilities of the Parliamentarian. Elizabeth, who has served as Senior Assistant Parliamentarian since 2002, has proved herself to be not only well-versed in the labyrinthine procedures of this body but fully prepared for the demanding and often unheralded work of ensuring that my colleagues and I remain within the bounds of proper parliamentary procedure, allowing us to focus less on the operation of the Senate and more on fulfilling the Senate's constitutional role.

Since 1931, the Parliamentarian has diligently sat below the President's rostrum, independently advising the Presiding Officer on the often obscure rules and precedents that guide the process and work of the Senate. Tomorrow Elizabeth becomes the first woman in 80 years to answer what can only be deemed a calling, and a noble one at that. There are very few who have amassed the considerable experience, knowledge, and disposition required to serve with distinction in this capacity. Elizabeth is well-equipped to take on this formidable task, and I wish her the very best.

# RECOGNIZING UVM PEACE CORPS ALUMNI

Mr. LEAHY. Mr. President, I would like to take a moment to commend the University of Vermont for its close relationship with the Peace Corps. This year, UVM ranked fifth in the Nation among midsized colleges and universities that are the top producers of Peace Corps volunteers. I am proud of the 42 UVM alumni currently serving in the Peace Corps around the world.

UVM has highlighted Eric Smith as one of its current alumni volunteers. Eric, who is stationed in Costa Rica, is applying his business degree by teaching microfinance and helping young women develop small businesses. He says that such efforts "would not have been possible without my education at UVM."

Like Eric, all of the UVM volunteers have devoted 2 years to promoting cultural understanding and improving the lives of people in countries such as Cambodia, El Salvador, Tanzania, and Uganda. Some are employing innovative teaching methods to inspire young people. Some work on small farms, increasing food production in rural villages. Others help provide safe drinking water or combat the HIV/AIDS pandemic. Yet all of the UVM volunteers display an admirable commitment to civic engagement with the dream of building a better world.

This dream is emblematic of the Vermont spirit. For the second year in a row, in 2011 our State produced the most Peace Corps volunteers per capita in the Nation. The Upper Valley region of Vermont ranks eighth in the Nation among metropolitan areas whose citizens are serving in the Peace Corps. In 2010, the Burlington area ranked second in the same category.

As the Peace Corps continues its 50th year of building understanding between Americans and the citizens of other countries, I want to applaud the contributions of Vermonters and the University of Vermont. These volunteers deserve our appreciation and support.

I ask unanimous consent that a January 25, 2012, Burlington Free Press article entitled "UVM ranks 5th in producing Peace Corps vols." be printed in the RECORD.

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

[From the Burlington Free Press, Jan. 25, 2012]

UVM RANKS 5TH IN PRODUCING PEACE CORPS VOLUMES.

## (By the Associated Press)

BURLINGTON.—The Peace Corps says the University of Vermont ranks fifth in the country in the number of former students who are serving as volunteers overseas.

The rankings of medium sized universities released Tuesday show that 42 UVM alumni are serving overseas. The figure is up eight over last year and it moved the school from 13th to fifth.

The Vermont alumni work across the globe in programs that include agriculture, education, environment, health and business and youth development.

The top producing medium sized college or university is The George Washington University.

The overall top producing school is the University of Colorado at Boulder.

## ADDITIONAL STATEMENTS

## HONORING JOSE BUNDA

• Mr. BOOZMAN. Mr. President, our veterans protected our country. They

have also helped to spread the ideals for which it stands and have made great sacrifices for our Nation throughout its history. We thank these patriots for the selflessness and courage they have exhibited under the most daunting circumstances.

The heroic tales of survival and commitment to service depicted in the history books are a reality for the men and women who served in our Nation's uniform while fighting to protect our interests and spread democracy worldwide.

While many of these patriots gave their lives on the battlefield, survivors such as Jose Bunda lived to tell some of the horrific events he endured. His firsthand accounts show the realities of WWII. They are gut-wrenching but show the human will to survive.

Today I wish to recognize the service and sacrifice of one of our veterans from the 'Greatest Generation' who stood in the face of danger: Jose Bunda. He is a true American hero who lived through the worst days of war and told his heroic story of survival.

Mr. Bunda grew up in the Philippines and joined the U.S. Army after graduating from high school when he was 18. When the Japanese attacked Pearl Harbor, Mr. Bunda was stationed on Corregidor Island.

In 1942, Mr. Bunda was defending the island against the Japanese and although his squad was able to hold its ground, he and his comrades were forced to surrender.

The realities of war Mr. Bunda experienced is something he always remembered. Almost 60 years after he was taken prisoner he recalled it as one of the worst times of his life in a story published in the Times Record.

Mr. Bunda detailed how he was piled into a boxcar for a ride that lasted 18 hours. Once the train stopped at Camp Duo he was forced on the infamous Bataan Death March where he walked day and night with no food.

"Once you fall down, they shoot you or chop off your head," Mr. Bunda said in a 1999 interview saying it was a miracle that he survived.

He was a prisoner of war for 2 years, working in a Japanese labor camp but escaped and joined a guerrilla unit until the end of the war.

Mr. Bunda's will to survive triumphed over the atrocities he was put through in WWII. Despite all the hardships, violence and massacres he witnessed, he remained committed to the military and continued his service in the Korean War

Mr. Bunda and his wife Rosario came to the United States in 1957 when he was stationed at Fort Chaffee. Although his career required him to move to other military bases, the couple moved back to Arkansas in 1962 once he retired from the military after 30 years of service.

In 2000, Mr. Bunda received many of the medals, awards and recognitions he deserved for his heroics and service. Of Capitol Hill and Australia experiences his 16 medals, he said he was proudest of his Silver Star and the Prisoner of War medals.

A veteran, a POW and a member of Disabled American Veterans, Mr. Bunda lived his life as a loving husband, devoted father and an inspirational grandfather. Today we honor the life and legacy Mr. Bunda leaves behind. His heroic tales of survival and commitment to service have ensured he will be remembered with the highest regard as a great American hero. His sacrifices made to secure victory and peace for all freedom loving people of the world will never be forgotten.

## RECOGNIZING THE UNI-CAPITOL WASHINGTON INTERNSHIP PRO-GRAMME

• Mr. CRAPO. Mr. President, I rise today to honor the Uni-Capitol Washington Internship Programme, UCWIP. Our Nation has benefited from the service of outstanding Australian college students who participate in internships throughout the U.S. Congress through this program.

The program is providing students with the opportunity to obtain considerable experience through their congressional internships, while also making available other educational experiences throughout their time in the United States. Uni-Capitol Washington Programme interns have helped me serve Idaho constituents, and I am grateful for their efforts and dedication.

Chris Colalillo, a UCWIP participant. has joined my staff as an intern this semester. Chris is studying bachelor's of law and arts at the University of Western Australia, where he is double majoring in political science and international relations and ancient history. When he graduates, Chris plans to work in a law firm and eventually go into Federal or State politics. Chris has been great to work with, and he was very quick to learn his role and responsibilities in the office. He is very intelligent, eager, and always puts forward his best work. He has shared with us some of the political and cultural differences between the United States and Australia, and it has been a great learning experience for both Chris and the staff.

Chris shared his impressions regarding the program and his internship. He said:

The UCWIP has been a unique opportunity to further my knowledge in the legislative process of the United States, enabling me to develop an appreciation for democratic systems of government as well as providing me with practical experience that will facilitate my theoretical studies in Political Science and International Relations. The welcoming nature of the staff within Senator CRAPO's office has made this internship an enjoyable experience thus far.

Eric Federing, UCWIP's director and founder, has successfully focused his

to provide this valuable educational exchange opportunity that benefits Australian students and congressional offices. His dedication to advancing this learning experience is remarkable.

I have been honored to have worked with the Uni-Capitol Washington Internship Programme for 5 years. The program is shaping young leaders who are helping to deepen understanding between our two nations while providing outstanding constituent support. I commend Chris Colalillo, Eric Federing, and the other Uni-Capitol Washington Internship Programme participants and interns for their achievements and wish them continued success.

## RECOGNIZING BIG BROTHERS BIG SISTERS OF NEW YORK

• Mr. SCHUMER, Mr. President, I rise today in honor of National Mentoring Month. This month we recognize the millions of Americans who have joined together to better the lives of others, especially our youth, through the gift of mentorship. The generosity and willingness of individuals to work together for the common good has been a hallmark of the American character since our Nation's founding.

Every day volunteer organizations across the country make substantial contributions to our Nation by fostering a place and sense of mentorship. One such extraordinary organization is the Big Brothers Big Sisters of New York City. Founded in 1906, Big Brothers Big Sisters of New York City is the oldest and largest youth mentoring organization in the United States, serving more than 3,000 young people annually. The mission of Big Brothers Big Sisters of New York City is to provide mentors to all children who need caring adult role models. These mentors change the lives of New York City's youth by expanding their horizons and helping them to realize their potential.

Big Brothers Big Sisters of New York City is unique in that it offers a variety of individualized mentoring programs that match dedicated mentors, or Bigs, to special populations of youth, or Littles. These include a New American Mentoring Program for immigrant youth, a Young Mothers Mentoring Program for pregnant teens or teenage mothers, an Incredible Kids Mentoring Program for children with a learning or physical disability or chronic disease, a Building Futures Mentoring Program for youth who are in the foster care system, and a Children of Promise Mentoring Program for children who have an incarcerated parent, sibling, or family member. Two additional special mentoring programs offered at Big Brothers Big Sisters of New York City that have a national significance are their 9/11 Together We Stand and FDNY Partnership Programs. These are unique mentoring programs for children who lost a parent or close relative in the World Trade Center attacks and those who lost a parent in the FDNY in the line of duty, including but not limited to September 11. So as you can see, Big Brothers Big Sisters of New York City is doing their part to ensure that all children have positive role models in their life no matter what their circumstances may be.

National Mentoring Month highlights the need and significance of mentors and mentoring for individuals of all ages. From organizations to individuals, mentoring enriches children's education and overall success in life. The small investment a mentor makes in the life of a child exponentially increases the success of a child's future and the success of the community. National Mentoring Month is particularly significant for Big Brothers Big Sisters of New York City because it offers a special opportunity for the organization to raise awareness of the power of mentoring and recruit volunteer mentors, which are critical to its mission of providing children with caring adult role models. By upholding the principles of volunteerism and academics, we continue creating positive opportunities for the next generation.

Mr. President, I urge my colleagues to join me in recognizing the month of January as National Mentoring Month so we may continue to honor the important work that organizations such as Big Brothers Big Sisters of New York City play in making our Nation a better and more prosperous place.

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2041. A bill to approve the Keystone XL pipeline project and provide for environmental protection and government oversight.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4786. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Suspending Random Row Diversion Regulations Under the Marketing Order for Tart Cherries" (Docket No. AMS-FV-11-0047; FV11-930-1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4787. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2011–2012 Marketing Year" (Docket No. AMS-FV-10-0094; FVII-985-IA IR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4788. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate" (Docket No. AMS-FV-11-0057; FV11-906-1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4789. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Grades of Frozen Okra' (Docket No. AMS-FV-07-0100; FV11-327) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4790. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate" (Docket No. AMS-FV-11-0077; FV11-983-2 IR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4791. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct Single Family Housing Loans and Grants" (RIN0575-AC81) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4792. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL No. 9329-9) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4793. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4794. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4795. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13566 of February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4796. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revising the Listing of the Gray Wolf (Canis lupus) in the Western Great Lakes" (RIN1018-AX57) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC-4797. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Disapproval and Promulgation of Implementation Plans; Texas; Infrastructure and Interstate Transport Requirements for the 1997 Ozone and the 1997 and 2006 PM2.5 NAAQS" (FRL No. 9613–7) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4798. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oklahoma; Interstate Transport of Pollution" (FRL No. 9613-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4799. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions" (FRL No. 9613-3) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4800. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Hospital/Medical/Infectious Waste Incinerator (HMIWI) Emissions from Existing Facilities" (FRL No. 9611-8) received during adjourn-

ment of the Senate in the Office of the President of the Senate on January 12, 2012; to the Committee on Environment and Public Works.

EC-4801. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units" (FRL No. 9611-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12. 2012: to the Committee on Environment and Public Works.

EC-4802. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Damages on Account of Personal Physical Injuries or Physical Sickness" (TD 9573) received in the Ofice of the President of the Senate on January 26, 2012; to the Committee on Finance.

EC-4803. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Restitution Payments under the Trafficking Victims Protection Act of 2000" (Notice 2012–12) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Finance.

EC-4804. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4805. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Annual Catch Limits and Accountability Measures" (RIN0648-BA23) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4806. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component of the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XA886) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4807. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea and Aleutian Islands Atka Mackerel Total Allowable Catch Amount" (RIN0648–XA901) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4808. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XA884) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4809. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount" (RIN0648–XA903) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4810. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XA887) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4811. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea Pollock Total Allowable Catch Amount" (RIN0648-XA906) received during adjournment of the Senate in the Office of the President of the Senate on January 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4812. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Adjustments to the Atlantic Bluefin Tuna General and Harpoon Category Regulations" (RIN0648-A85) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4813. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2012 Specifications and Management Measures and Secretarial Amendment 1" (RIN0648-BB27) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4814. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Reef Fish, Spiny Lobster, Queen Conch and Coral and Reef Associated Plants and Invertebrates Fishery Management Plans of Puerto Rico and the U.S. Virgin Islands" (RIN0648-BA62) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4815. A communication from the Director, Office of Sustainable Fisheries, Depart-

ment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Pelagic Fisheries; Closure of the Hawaii Shallow-Set Pelagic Longline Fishery Due To Reaching the Annual Limit on Sea Turtle Interactions" (RIN0648-XA370) received during adjournment of the Senate in the Office of the President of the Senate on December 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4816. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Grants and Cooperative Agreements to State and Local Governments: DOT Amendments on Regulations on Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" (RIN2105-AD60) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4817. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mercury, NV" ((RIN2120-AA66) (Docket No. FAA-2011-0894)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4818. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Stuart, IA" ((RIN2120-AA66) (Docket No. FAA-2011-0831)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4819. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Carroll, IA" ((RIN2120-AA66) (Docket No. FAA-2011-0845)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4820. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Sturgis, SD" ((RIN2120-AA66) (Docket No. FAA-2011-0430)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4821. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Spearfish, SD" ((RIN2120-AA66) (Docket No. FAA-2011-0431)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4822. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Bryan, OH" ((RIN2120-AA66) (Docket No. FAA-2011-0606)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4823. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Anaktuvuk Pass, AK" ((RIN2120-AA66) (Docket No. FAA-2011-0867)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4824. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Huntington, WV" ((RIN2120-AA66) (Docket No. FAA-2011-1057)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 1789, a bill to improve, sustain, and transform the United States Postal Service (Rept. No. 112–143).

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. COLLINS (for herself, Mr. Brown of Massachusetts, Mr. Akaka, Mr. Coburn, Mr. Levin, and Mr. Kyl):

S. 2044. A bill to require the Under Secretary for Science and Technology in the Department of Homeland Security to contract with an independent laboratory to study the health effects of backscatter x-ray machines used at airline checkpoints operated by the Transportation Security Administration and provide improved notice to airline passengers; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 2045. A bill to amend title 38, United States Code, to require judges of the United States Court of Appeals for Veterans Claims to reside within fifty miles of the District of Columbia, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MIKULSKI (for herself and Mr. KIRK):

S. 2046. A bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2047. A bill to authorize the Secretary of Education to make demonstration grants to eligible local educational agencies for the purpose of reducing the student-to-school nurse ratio in public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 2048. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of certain life insurance contract transactions, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. McCain, Mr. Coburn, and Mr. Enzi):

S. 2049. A bill to improve the circulation of \$1 coins, to remove barrier to the circulation of such coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Ms. LAN-DRIEU, and Mr. BROWN of Massachusetts):

S. 2050. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

> By Mr. REED (for himself, Mr. WHITE-HOUSE, Mr. FRANKEN, Mr. LEAHY, Mr. SANDERS, and Ms. STABENOW):

S. 2051. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 2052. A bill to amend title 5, United States Code, to provide that the legal public holiday for the birthday of George Washington take place on February 22, rather than on the third Monday in February; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself and Mr. McConnell):

S. Res. 359. A resolution commending Alan S. Frumin on his service to the United States Senate; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. LEAHY, Mr. ISAKSON, Mr. Whitehouse, and Mr. Franken):

S. Res. 360. A resolution raising awareness and encouraging prevention of stalking by designating January 2012 as "National Stalking Awareness Month"; considered

> By Mr. SHELBY (for himself and Mr. SESSIONS):

S. Res. 361. A resolution congratulating the University of Alabama Crimson Tide football team for winning the 2011 Bowl Championship Series National Championship; considered and agreed to.

By Mr. CRAPO (for himself and Mr. WHITEHOUSE):

S. Res. 362. A resolution designating the month of February 2012 as "National Teen Dating Violence Awareness and Prevention Month"; considered and agreed to.

> By Mr. MORAN (for himself and Mr. ROBERTS):

S. Res. 363, A resolution congratulating the Pittsburg State University Gorillas football team for winning the 2011 NCAA Division II Football Championship; considered and agreed to.

By Mr. VITTER (for himself, Ms. LAN-DRIEU, and Mr. JOHANNS):

S. Res. 364. A resolution recognizing the goals of National Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the name of the Senator from New Hampshire (Ms. Ayotte) was added as a coPublic Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 376

At the request of Mr. COBURN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 376, a bill to amend title 5. United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employ-

S 595

At the request of Mrs. MURRAY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal vears.

S. 680

At the request of Ms. Collins, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 1023

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1034

At the request of Mr. SCHUMER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. 1034, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1051

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. Boozman) was added as a cosponsor of S. 1051, a bill to impose sanctions on individuals who are complicit in rights abuses committed human against nationals of Vietnam or their family members, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and

sponsor of S. 165, a bill to amend the reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1277

At the request of Ms. Cantwell, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1277, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1309

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1309, a bill to amend title XIX of the Social Security Act to cover physician services delivered podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersev (Mr. Lautenberg) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1622

At the request of Mr. HELLER, the name of the Senator from Pennsylvania (Mr. Toomey) was added as a cosponsor of S. 1622, a bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes.

S. 1629

At the request of Mrs. GILLIBRAND, the names of the Senator from Oregon (Mr. Merkley) and the Senator from Rhode Island (Mr. Whitehouse) were added as cosponsors of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1884

At the request of Mr. Durbin, the names of the Senator from Minnesota (Ms. Klobuchar) and the Senator from North Carolina (Mr. Burr) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools

S. 1983

At the request of Mr. SCHUMER, the names of the Senator from Delaware (Mr. COONS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1983, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 1989

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Missouri (Mrs. McCaskill), the Senator from Vermont (Mr. Leahy) and the Senator from Massachusetts (Mr. Brown) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2003

At the request of Mrs. Feinstein, the name of the Senator from Kansas (Mr. Moran) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States, and for other purposes.

S. 2010

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2043

At the request of Mr. Rubio, the names of the Senator from Indiana (Mr. Coats), the Senator from Louisiana (Mr. Vitter) and the Senator from Utah (Mr. Lee) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

AMENDMENT NO. 1470

At the request of Mr. BEGICH, his name was added as a cosponsor of amendment No. 1470 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of amendment No. 1470 proposed to S. 2038, supra.

At the request of Mr. Heller, his name was added as a cosponsor of amendment No. 1470 proposed to S. 2038, supra.

AMENDMENT NO. 1471

At the request of Mr. McCain, the names of the Senator from Oklahoma (Mr. Coburn), the Senator from South Dakota (Mr. Thune) and the Senator from Nevada (Mr. Heller) were added as cosponsors of amendment No. 1471 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

## AMENDMENT NO. 1472

At the request of Mr. Toomey, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of amendment No. 1472 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

## AMENDMENT NO. 1476

At the request of Mr. COBURN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1476 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. Brown of Massachusetts, Mr. Akaka, Mr. Coburn, Mr. Levin, and Mr. Kyl.):

S. 2044. A bill to require the Under Secretary for Science and Technology in the Department of Homeland Security to contract with an independent laboratory to study the health effects of backscatter x-ray machines used at airline checkpoints operated by the Transportation Security Administration and provide improved notice to airline passengers; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to introduce legislation aimed at ensuring that the health of American travelers is not placed at possible risk as our airport security technology evolves. I am very pleased to be joined by Senators AKAKA, COBURN, SCOTT BROWN, and LEVIN, who are cosponsoring this bill.

Our bill has two major components. First, it would require the Department of Homeland Security's Science and Technology Directorate, in consultation with the National Science Foundation, to commission an independent study on the possible health effects of the x-ray radiation emitted by some of the scanning machines we see and pass through in our airports. Second, it would give airline passengers, especially those passengers in sensitive groups such as pregnant women, clear notice of their ability to choose another screening option in lieu of exposure to ionizing radiation.

Some advanced-imaging technology—or AIT—machines rely on x-ray backscatter technology. Time and time again, I have expressed my concern over their use, particularly since there is an alternative screening technology available. While the TSA has repeatedly told the public that the amount of radiation emitted from these machines is extremely small, passengers and some scientific experts have raised legitimate questions about the impact of repeated exposure to this radiation.

Last November, during a hearing on aviation security before our Homeland Security Committee, the TSA Administrator, John Pistole, agreed to my call for an independent study to address the lingering health concerns and questions about this additional and repeated exposure to radiation. Shortly thereafter, however, he appeared to back away from this commitment, suggesting that a forthcoming report by the Department of Homeland Security's inspector general might be a sufficient substitute for a new, completely independent, thorough study.

Chairman Joe Lieberman and I wrote to the Administrator to press for more details about TSA's plans for an independent study. Two weeks later, having received no reply, I sent another letter to Administrator Pistole asking why he believed the IG report on TSA's use of backscatter machines was a sufficient substitute for an independent study of the health impacts. TSA's response lacked any detail as to why the

agency no longer believes an independent study on the health effects of x-ray backscatter machines is warranted, nor did it explain how the IG's review would be a sufficient substitute for an independent study. That is why I have introduced this bill today.

Late last year, the European Commission announced that "in order not to risk jeopardizing citizens' health and safety," it would only authorize the use of passenger scanners in the European Union that do not use x-ray technology. This prohibition gives even more need and justification for an independent study of the safety of the AIT machines.

Some respected experts have warned Congress and the administration of the potential negative public health risks posed by the x-ray backscatter machines. They note that while the risk that someone might develop cancer because of his or her exposure to radiation during one screening by such an AIT machine is very small, we simply do not truly know the risk of this radiation exposure over multiple screenings for frequent flyers, those in vulnerable groups, or TSA employees themselves who are operating these

When a person is scanned by these machines, they receive a dose of radiation-what experts in the field call a direct dose. During the scan, some of the radiation is not absorbed but is scattered in random directions from the person being scanned. Experts call this the scatter dose. Some experts point to anomalies between the scatter dose reportedly associated with these scanners and the scatter dose associated with comparable medical technology. Specifically, the scatter doses for these AIT machines are higher in relative terms than scatter doses for comparable medical devices. What is troubling is that the experts are not sure why the AIT scatter doses are higher. They point to possible deficiencies with the testing equipment or the poor placement of the testing equipment as possible explanations. Overall, they say this anomaly could point to higher direct dose rates and should be yet another impetus for an independent study.

Additionally, some experts note that the safety mechanisms in these machines that would prevent them from malfunctioning have never been independently tested. This means that if a machine malfunctions and the safety features designed to shut the machine down in such an instance do not work, a traveler could receive a higher dose of radiation. Pregnant women, children, the elderly, and as much as 5 percent of the adult population are more sensitive to radiation exposure. At a minimum, this suggests the need for further independent study.

Mr. President, I wish to share with my colleagues a tragic episode involv-

ing the daughter of two of my constituents. She underwent screening at the airport with a backscatter x-ray AIT. She was pregnant and directed by TSA to a line for a backscatter x-ray AIT machine. She was completely unaware that she was entering into an x-ray emitting machine before she stepped into it. She thought it was the more traditional magnetometer. Afterward, she was distressed to know she had exposed her unborn child to x-ray radiation. Had she realized ahead of time, she clearly would have opted for the alternative screening methods. Only 2 weeks later, she suffered a miscarriage which she attributes to the radiation she received from this scan. We will never know for certain the cause of this family's loss, but they believe in their hearts that the backscatter radiation is to blame.

Clearly, at a minimum, this young woman should have been informed by a prominent sign that an alternative means of screening was available. That is why my bill also requires TSA to have larger, understandable signs at the beginning of the screening process, not later when it is only noticed, if at all, after a lengthy wait in line. Signs should alert passengers that pregnant women, children, and the elderly can be more sensitive to radiation exposure. These signs should also make clear that passengers can opt out of this type of scanning.

I have urged TSA to move forward using only radiation screening technology, but in the meantime, an independent study is needed to protect the public and to determine which technology is worthy of taxpayer dollars. Surely passengers should be well informed of their screening options.

We Americans have demonstrated our willingness to endure enhanced security measures at our airports if those measures appear to be reasonable and related to real risks. But travelers become frustrated when security measures inconvenience them without cause, cause privacy or health concerns, or when they appear to be focused on those who pose little or no threat.

On this particular issue, Senators AKAKA, COBURN, SCOTT BROWN, LEVIN, and I agree that we are past the time when an independent review of the scanning technology that emits radiation must be undertaken. I urge my colleagues to join us in quickly passing this legislation.

By Ms. MIKULSKI (for herself and Mr. KIRK):

S. 2046. A bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver programm and for other purposes; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, Senator Kirk and I have introduced the Visa Waiver Program Enhanced Security and Reform Act.

This is a piece of legislation near to my heart. For those who have known me, they have known I have fought long and hard for Poland to become free and independent. I think about the dark days of martial law in Poland, when we worked to support the solidarity movement in Poland and remove the yoke of communism. And after Poland emerged from the Iron Curtain, I worked with many of my colleagues to secure Polish democracy and bring them into NATO, securing their future in Western Institutions.

This legislation would help provide Poland a path to entry into the visa waiver program. It would eliminate the need for Polish citizens to obtain a visa to travel to America. As the grand-daughter of a woman who came to America from Poland over 100 years ago, it would warm my heart to know a grandmother from Gdansk would no longer need a visa to visit her grand-children in Baltimore.

This legislation does much more than just strengthen our relationship with Poland. It is a jobs bill. The visa waiver program makes America open for business for more tourists from allied countries. This can have a profound impact. South Korea entered the VWP in early 2009. In 2010, there was an increase of 49 percent in arrivals to the United States from South Korea, which created \$789 million in new spending and supported 4,800 new jobs.

If Poland becomes eligible for the visa waiver program and has a similar increase in visitors, it would create \$181 million in new spending and 1,500 new jobs. It's good for business and good for the economy.

Finally, it would strengthen America's national security by improving how we protect our borders. To participate in the visa waiver program, countries must agree to stronger passport controls, border security, and cooperation with American law enforcement—making it harder for terrorists to use these countries as entry points to the United States.

This legislation reinforces the program as an important component of national security by placing member countries on probation if any of the VWP requirements are not met and requiring a country's removal if it does not fulfill its requirements within two years.

The legislation also reinstates the Secretary of Homeland Security's Waiver Authority and a new cap on visa refusal rates will be set at no more than 10 percent, allowing the Secretary to recognize those nations that have met U.S. concerns on passport security, law enforcement cooperation, and border security. By admitting countries that have greater security standards for their travelers, the State Department can focus its limited consular resources on higher risk nations.

Poland has long been a friend to the United States, sending two of its finest

heroes, Kosciusko and Pulaski, to fight in the Revolutionary War for America's freedom. In recent years, Poland has stood besides the United States in the aftermath of September 11, sending troops to fight alongside Americans in Iraq and Afghanistan.

Poland has overcome a melancholy history to become a vibrant and growing democracy. This legislation helps cement that relationship while improving America's security and creating new jobs. I look forward to working with my colleagues to secure its passage.

By Ms. SNOWE (for herself, Ms. LANDRIEU and Mr. BROWN of Massachusetts):

S. 2050. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce along with Senator LANDRIEU the Small Business Tax Extenders Act of 2012, that will provide targeted tax relief legislation to small businesses and extend the essential tax relief provisions that were included in the Small Business Jobs Act of 2010. P.L. 111–240.

When the Small Business Jobs Act of 2010 was crafted, Senator Landrieu and I worked closely with Finance Committee Chair Baucus, then-Ranking Member Grassley, and now Ranking Member Hatch to ensure the critical small business tax provisions that reflected our shared priorities were included in that legislation. We sincerely appreciate all of their hard work on that legislation.

As the former Chair and now Ranking Member of the Committee on Small Business and Entrepreneurship, and along with current Chair LANDRIEU, we are well aware of the urgent imperative of job creation in our country. According to the Bureau of Labor Statistics, the average annual unemployment rate for 2011 was 9 percent. For the past 3 years, unemployment has been no lower than 8.3 percent, so we are far from where we need to be in a recovery. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the 6 decades since World War II.

At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping began in 1948, our government should be taking every possible step to ease the burden on job creators. We must help create an environment that is conducive to small businesses' job creation. Our Nation's small businesses are the engine of job creation, being responsible for at least 60 percent and perhaps as many as \(^2\sigma\) of all new jobs created, and they should be the focus of our support. One critical way to do so is through targeted small business tax incentives.

The bill Senator LANDRIEU and I are introducing today provides those targeted tax incentives that in the past have received bipartisan support both in the Senate and in the House. These tax provisions provide relief to small businesses in their capital investments and to those willing to risk their own savings by investing in the small business. The provisions provide relief to the self-employed as well as to S corporations and partnerships. The success of these provisions over the past several years is evident in the fact we noted above, about small businesses being the one bright spot of job creation even in these troubled times, and this bill will help them continue to grow and continue to help provide jobs.

The lifeblood of a small business is its cash flow and this bill contains several provisions to improve it. One of these provisions will address a fundamental injustice of the tax code by extending the deduction for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, the self-employment, or SECA, tax is imposed on the health benefits of business owners. This is a costly injustice that makes health insurance just that much more expensive at a time when insurance costs are already prohibitively expensive.

In the coming years we will certainly see health premiums rise, making it all the more onerous on small businesses to provide critical benefits to their employees. Allowing the full deduction for health insurance is critical for its affordability. I was thrilled that we were able to address this injustice in the Small Business Jobs Act of 2010, and I sincerely hope that this provision can be extended again until we can find a permanent solution.

This legislation will also extend a provision permitting general business credits to be carried back 5 years and taken against the Alternative Minimum Tax, AMT. Before the enactment of the Small Business Jobs Act, a business's unused general business credit could be carried back to offset taxes paid in the previous year, and the remaining amount could be carried forward for 20 years to offset future tax liabilities.

The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income to offset prior tax liability with these credits and get immediate cash infusion. Business owners can use this cash as they choose, but as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. The same principle applies with respect to the provision that allows credits to be used against the AMT.

When Congress implements policies through the tax code, it is with intent that businesses will utilize such incentives to do what they do best, and that is to grow their operations, which in turn leads to hiring additional employees. Unfortunately, during a struggling economic cycle that we have been experiencing for more than 3 years, businesses do not have income tax liability that can be offset with a credit. It is rather simple: if you do not have enough revenue to claim a credit, that credit is of little use to you.

An incredible benefit of the carryback and the use of general business credits against the AMT is to make health insurance more affordable for business owners to offer to their employees.

This bill would also extend the availability of the so-called Section 179 expensing to give businesses the option of writing off the cost of qualifying capital expenses in the year of acquisition instead of recovering these costs over time through depreciation, and allow businesses to take advantage of higher limits for the so-called Section 179 expensing. Under this provision, up to \$250,000 can be expensed for real property and up to \$250,000 for equipment, or up to the full \$500,000 for just equipment.

Expanding Section 179 expensing has been a significant Small Business Committee bipartisan priority of mine and Chair LANDRIEU's, as well as of former Small Business Committee Chair KERRY, as reflected in no fewer than three separate bills in the previous Congress.

I want my colleagues to understand that this provision is expected to confer a major economic boost because it certainly speeds up the recovery time on these investments. Extending this provision will help the businesses modernize while aiding construction firms and their employees.

Additionally, the Small Business Jobs Act of 2010 provided for a temporary reduction in the recognition period for S corporation built-in gains tax. When businesses convert from a C corporation to an S corporation, they have been required to hold their appreciated assets for a full decade or face a punitive level of double taxation. In such instances, first the built-in gain corporate tax rate of 35 percent is applied and then all other applicable federal, state and local shareholder tax rates are applied, often totaling near 60 percent in most states, including Maine. In effect, the built-in gain tax locks-up businesses' own capital and forces them to look elsewhere—a particular challenge for S corporations since closely-held businesses have limited access to the public markets and therefore fewer options for raising needed capital.

Recent law changes temporarily shortened this holding period to 7 years, but that is still too long. By infusing capital—that is, releasing their

own capital—this provision in the Small Business Jobs Act, reducing the holding period from 7 years to 5 years, enabled companies that have long been S corporations to redeploy this capital to invest in and grow their businesses. Extending this provision also underscores how vital access to capital is for small businesses, while preserving the original policy intent of the holding period and making it more reflective of the shorter business planning cycles of the 21st century.

A final provision would extend a complete exclusion on capital gains attributable to small business stock held for five years. Extending this measure will help further critical investment in our nation's small businesses. This is a longstanding priority of mine and of Senator JOHN KERRY-former Chair of the Small Business Committee and my fellow colleague on the Finance Committee. The Kerry-Snowe Invest in Small Business Act of 2009 included this exclusion, which we fought to incorporate into the Small Business Jobs Act. Chair Landrieu and I are very pleased to take-up that mantle together and we are committed to its extension.

But targeted small business tax provisions, for all their importance and critical need, are not enough. That is why as a senior member of the Senate Finance Committee, I have been urging this administration to champion tax reform, and, in fact, I led a panel on the issue as part of the Economic Summit at the White House more than three years ago.

The individual income tax form has more than tripled in length from 52 pages for 1980 to 174 pages for 2009. American taxpayers spend 7.6 billion hours and shell out \$140 billion—or one percent of GDP—just struggling to comply with tax filing requirements. This is not surprising as there have been 15,000 changes to the tax code since the last overhaul in 1986.

Alarmingly, the tax code is also needlessly restricting our ability to compete in today's integrated global economy, as we strain under the second highest corporate tax burden in the industrialized world. And while this Administration and the Senate majority are pondering whether we should reform our tax code, small businesses continued to struggle with the current tax regime at the expense of creating more jobs and growing operations.

While I continue to advocate for comprehensive tax reform, there are certain measures that, although not a silver bullet, should be passed right away to help improve the economic environment for small businesses. The Small Business Tax Extenders Act is a critical example: this legislation contains provisions that Senator Landrieu and I have championed for years to provide small businesses greater cash flow, incentivizing their investments, and increasing tax fairness.

Mr. President, it is essential that we pass these small business tax extensions. I urge my colleagues to support this legislation so we can ensure that our Nation's small businesses and their employees are provided with much needed tax relief.

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

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

#### S. 2050

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

## SECTION 1. SHORT TITLE; REFERENCES.

- (a) SHORT TITLE.—This Act may be cited as the "Small Business Tax Extenders Act of 2012".
- (b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

# SEC. 2. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

- (a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—
- (1) by striking "January 1, 2012" and inserting "January 1, 2013", and
- (2) by striking "AND 2011" and inserting ", 2011. AND 2012" in the heading thereof.
- (b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

#### SEC. 3. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF EL-IGIBLE SMALL BUSINESSES.

- (a) In General.—Subparagraph (A) of section 39(a)(4) is amended by inserting ", 2011, or 2012" after "2010".
- (b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

## SEC. 4. EXTENSION OF ALTERNATIVE MINIMUM TAX RULES FOR GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

- (a) IN GENERAL.—Subparagraph (A) of section 38(c)(5) is amended by inserting ", 2011, or 2012" after "2010".
- (b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

# SEC. 5. EXTENSION OF REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

- (a) IN GENERAL.—Clause (ii) of section 1374(d)(7)(B) of the Internal Revenue Code of 1986 is amended by inserting "2012, or 2013," after "2011,"
- (b) CONFORMING AMENDMENT.—The heading for section 1374(d)(7)(B) is amended by striking "AND 2011" and inserting "2011, AND 2012".
- (c) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1374(d)(7) of such Code is amended by striking "The preceding sentence" and inserting the following: "For purposes of applying this subparagraph to an installment sale, each portion of such installment sale shall be treated as a sale occurring in the taxable year in which the first portion of such installment sale occurred. This subparagraph".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 6. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SEC-TION 179 PROPERTY.

- (a) IN GENERAL.—Section 179(b) is amended—
- (1) by striking "2010 or 2011" each place it appears in paragraph (1)(B) and (2)(B) and inserting "2010, 2011, or 2012".
- (2) by striking "2012" each place it appears in paragraph (1)(C) and (2)(C) and inserting "2013", and
- (3) by striking "2012" each place it appears in paragraph (1)(D) and (2)(D) and inserting "2013".
- (b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking "2012" and inserting "2013".

  (c) COMPUTER SOFTWARE.—Section
- (c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking "2013" and inserting "2014".
- (d) ELECTION.—Section 179(c)(2) is amended by striking "2013" and inserting "2014".
- (e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking "2010 or 2011" and inserting "2010, 2011, or 2012".

  (f) EFFECTIVE DATE.—The amendments
- (f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 7. EXTENSION OF SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

- (a) IN GENERAL.—Clause (ii) of section 460(c)(6)(B) is amended by striking "January 1, 2011 (January 1, 2012" and inserting "January 1, 2013 (January 1, 2014".
- (b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

#### SEC. 8. EXTENSION OF INCREASED AMOUNT AL-LOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

- (a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—
- (1) by inserting ", 2001, or 2012" after "2010", and
- (2) by inserting "2011, AND 2012" in the heading thereof.
- (b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

# SEC. 9. EXTENSION OF ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE IN COMPUTING SELF-EMPLOYMENT TAXES.

- (a) IN GENERAL.—Paragraph (4) of section 162(1) is amended by striking "December 31, 2010" and inserting "December 31, 2012".
- 2010" and inserting "December 31, 2012".

  (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.
  - By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. LEAHY, Mr. SANDERS, and Ms. STABENOW):
- S. 2051. A bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans; to the Committee on Health, Education, Labor, and Pensions
- Mr. REED. Mr. President, today I introduce with my colleagues Senators Whitehouse, Sanders, Stabenow, and Franken legislation to stop the student loan interest rate from doubling on July 1 of this year.

This is an issue that weighs heavily on many of Rhode Island's students and families who rely on student loans to finance college. Rhode Island's college graduates have the ninth highest student debt total in the Nation, according to a recent study by the Project on Student Debt. In Rhode Island, 67 percent of students graduating from four-year colleges and universities in the 2010 school year had debt averaging over \$26.300.

Nationwide, the Department of Education estimates that more than 10 million students will borrow subsidized Stafford Loans in fiscal year 2012. Unless we act soon, they will see their interest rates double for the upcoming academic year.

In 2007, Congress made a historic investment in higher education by passing the College Cost Reduction and Access Act. Included in this law was a provision that reduced the fixed interest rate on Stafford Loans for undergraduate students from 6.8 percent to 3.4 percent over a 4 year period, easing the financial burden on millions of students and their families.

This was the right investment to make for our future. Today, education, particularly higher education, is even more essential than ever. In 1980, the gap between the lifetime earnings of a college graduate and a high school graduate was 40 percent. In 2010, it was 74 percent. By 2025, it is projected to be 96 percent. Since at least the 1980s, we have not been producing a sufficient number of college-educated workers to meet the demand of a more sophisticated and challenging economy driven by global competition. Indeed, our country lags behind in college education, ranking 14 in international comparisons of college graduates. For young adults, ages 25 to 34, we rank 16.

This is no time to make financing a college education more expensive for middle class families. Yet, absent enacting this legislation, that is what will happen. According to an analysis by U.S. PIRG, allowing the interest rate to double could cost borrowers who take out the maximum \$23,000 in subsidized student loans approximately \$5,000 more over a 10-year repayment period.

The subsidized student loan program for undergraduates is highly targeted to low- and middle-income families. Approximately 37 percent of the dependent borrowers in this program come from families with annual incomes of less than \$40,000. An additional 21.6 percent of students receiving subsidized students loans come from families with incomes between \$40,000 and 60,000 per year. These students receive very little, if any, benefit from the Pell grant program but still have significant financial need. The subsidized student loan program is our main vehicle for addressing that need.

Tax loopholes and giveaways that let the biggest companies ship jobs overseas cost roughly \$37 billion over ten

years. Loopholes like this one should be ended, with those savings used to prevent an increase in college costs. which are already a crushing burden on families. Indeed, those savings are more than enough to extend the student loan interest rate at least through the next reauthorization of the Higher Education Act, expected in 2014. I would that my colleagues on both sides of the aisle will support helping millions of middle class families finance a college education over continuing to provide incentives for companies to take jobs and their investments overseas. In his State of the Union Address, President Obama called on Congress to prevent this doubling of student loan rates. As families continue to struggle with the rising cost of college and newly minted graduates face one of the toughest job markets since the Great Depression, it is vital that we protect middle class families and their children from higher student loan rates.

I urge my colleagues to join me in cosponsoring and pressing for passage of this legislation.

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

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

#### S. 2051

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

## SECTION 1. INTEREST RATE EXTENSION.

Section 455(b)(7)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(D)) is amended—

(1) in the matter preceding clause (i), by striking "and before July 1, 2012,"; and

(2) in clause (v), by striking "and before July 1, 2012,".

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 359—COM-MENDING ALAN S. FRUMIN ON HIS SERVICE TO THE UNITED STATES SENATE

Mr. REID (for himself and Mr. McConnell) submitted the following resolution; which was considered and agreed to:

## S. RES. 359

Whereas Alan S. Frumin, a native of New Rochelle, New York and graduate of Colgate University and Georgetown University Law Center, began his long career with the Congress in the House of Representatives precedents writing office in April of 1974;

Whereas Alan S. Frumin began work with the Secretary of the Senate's Office of the Senate Parliamentarian on January 1, 1977, serving under eight Majority Leaders;

Whereas Alan S. Frumin served the Senate as its Parliamentarian from 1987 to 1995 and from 2001 to 2012 and has been Parliamentarian Emeritus since 1997;

Whereas Alan S. Frumin revised the Senate's book on procedure, "Riddick's Senate Procedure" and is the only sitting Parlia-

mentarian to have published a compilation of the body's work;

Whereas Alan S. Frumin has shown tremendous dedication to the Senate during his 35 years of service; Whereas Alan S. Frumin has earned the re-

Whereas Alan S. Frumin has earned the respect and affection of the Senators, their staffs and all of his colleagues for his extensive knowledge of all matters relating to the Senate, his fairness and thoughtfulness;

Whereas Alan S. Frumin now retires from the Senate after 35 years to spend more time with his wife, Jill, and his daughter, Allie; Now, therefore, be it

Resolved, That the Senate expresses its appreciation to Alan S. Frumin and commends him for his lengthy, faithful and outstanding service to the Senate.

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to Alan S. Frumin.

SENATE RESOLUTION 360—RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING BY DESIGNATING JANUARY 2012 AS "NATIONAL STALKING AWARENESS MONTH"

Ms. KLOBUCHAR (for herself, Mrs. Hutchison, Mr. Leahy, Mr. Isakson, Mr. Whitehouse, and Mr. Franken) submitted the following resolution; which was considered and agreed to:

#### S. RES. 360

Whereas 1 in 6, or 19,200,000, women in the United States have at some point during their lifetime experienced stalking victimization, during which they felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 3,400,000 persons in the United States reported that they had been victims of stalking, and 75 percent of those victims reported that they had been stalked by someone they knew.

Whereas 11 percent of victims reported having been stalked for more than 5 years, and 23 percent of victims reported having been stalked almost every day;

Whereas 1 in 4 victims reported that stalkers had used email, instant messaging, blogs, bulletin boards, Internet sites, chat rooms, or other forms of electronic monitoring against them, and 1 in 13 victims reported that stalkers had used electronic devices to monitor them;

Whereas stalking victims are forced to take drastic measures to protect themselves, including changing identity, relocating, changing jobs, and obtaining protection orders:

Whereas 1 in 7 victims reported having relocated in an effort to escape a stalker;

Whereas approximately 1 in 8 employed victims of stalking missed work because they feared for their safety or were taking steps to protect themselves, such as by seeking a restraining order:

Whereas less than 50 percent of victims reported stalking to police, and only 7 percent of victims contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist stalking victims and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for increased availability of victim services across the United States, and such services must include programs tailored to meet the needs of stalking victims:

Whereas persons aged 18 to 24 experience the highest rates of stalking victimization, and rates of stalking among college students exceed the prevalence rates found in the general population;

Whereas as many as 75 percent of women in college who experience stalking-related behavior experience other forms of victimization, including sexual or physical victimization, or both;

Whereas there is a need for effective responses to stalking on campuses; and

Whereas the Senate finds that "National Stalking Awareness Month" provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved. That the Senate-

- (1) designates January 2012 as "National Stalking Awareness Month":
- (2) applauds the efforts of the many stalking victim service providers, police, prosecutors, national and community organizations, campuses, and private sector supporters to promote awareness of stalking;
- (3) encourages policymakers, criminal justice officials, victim service and human service agencies, college campuses and universities, and nonprofit organizations to increase awareness of stalking and the availability of services for stalking victims; and
- (4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through "National Stalking Awareness Month".

SENATE RESOLUTION 361—CONGRATULATING THE UNIVERSITY OF ALABAMA CRIMSON TIDE FOOTBALL TEAM FOR WINNING THE 2011 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP

Mr. SHELBY (for himself and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

## S. RES. 361

Whereas the University of Alabama Crimson Tide football team won the 2012 Allstate Bowl Championship Series (referred to in this preamble as "BCS") National Championship Game, defeating Louisiana State University by a score of 21-0 in the Mercedes-Benz Superdome in New Orleans on January 9 2012.

Whereas this victory marks the second BCS title in the last 3 years and the 14th national championship in college football for the University of Alabama;

Whereas the victory by the University of Alabama was the first shutout in any BCS bowl game since the system was created in 1998 and the first shutout in the championship game since the 1992 Orange Bowl; Whereas the 2012 BCS National Championship Game was the 59th postseason bowl appearance and the 33rd bowl victory for the University of Alabama, both of which extend existing NCAA records for the University of Alabama;

Whereas the victory by the University of Alabama marks the sixth consecutive BCS national championship for the Southeastern Conference and the third consecutive BCS national championship for the State of Alabama:

Whereas the University of Alabama gained 384 yards of total offense in the BCS National Championship Game, while holding the offense of Louisiana State University to 5 first downs and 92 total yards, the second lowest yards of total offense in BCS history;

Whereas A.J. McCarron completed 23 of 34 passes for a total of 234 yards without a turnover and was named offensive player of the game:

Whereas senior linebacker Courtney Upshaw recorded 7 tackles, including 1 sack, and was named defensive player of the game;

Whereas Trent Richardson, winner of the Doak Walker Award, finished with 20 carries for 96 yards and 107 all-purpose yards and scored the only touchdown of the game;

Whereas Jeremy Shelley successfully completed 5 field goal attempts, setting a BCS National Championship Game record and tying an NCAA bowl record;

Whereas in 2011, the defense of the University of Alabama led the nation in rushing defense, passing defense, scoring defense, and total defense:

Whereas 4 members of the Crimson Tide football team were recognized as first-team All Americans by the Associated Press;

Whereas the 2011 Crimson Tide senior class compiled a 48-6 record, tying a Southeastern Conference record for class victories;

Whereas the leadership of head coach Nick Saban, whose dedication and commitment to excellence instilled in his players a sense of integrity, pride, sportsmanship, and perseverance, inspired both his team throughout the season and the Tuscaloosa community following the devastating losses in the April tornadoes;

Whereas President Robert Witt and Athletic Director Mal Moore have brought tremendous academic success and national recognition to the University of Alabama athletic department and the entire university;

Whereas the players, coaches, and support staff of the University of Alabama football team showed tremendous determination throughout the season and brought great honor to the University of Alabama and the State of Alabama: Now, therefore, be it

Resolved, That the Senate—

- (1) commends the University of Alabama for winning the 2011 Bowl Championship Series National Championship;
- (2) recognizes the achievements of all the players, coaches, and staff whose hard work, dedication, and persistence helped the Crimson Tide win a national championship; and
- (3) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to—  $\,$
- (A) the President of the University of Alabama, Dr. Robert Witt;
- (B) the Athletic Director of the University of Alabama, Mal Moore; and
- (C) the Head Coach of the University of Alabama Crimson Tide football team, Nick Saban.

SENATE RESOLUTION 362—DESIGNATING THE MONTH OF FEBRUARY 2012 AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH"

Mr. CRAPO (for himself and Mr. Whitehouse) submitted the following resolution; which was considered and agreed to:

#### S. RES. 362

Whereas, although dating violence, domestic violence, sexual violence, and stalking affect women regardless of age, teenage girls and young women are especially vulnerable;

Whereas, according to the National Intimate Partner and Sexual Violence survey recently conducted by the Centers for Disease Control and Prevention (referred to in this preamble as the "CDC"), the majority of victimization starts early in life, as most victims of rape and intimate partner violence first experience such violence before age 24;

Whereas, according to the Liz Claiborne Inc. 2009 Parent/Teen Dating Violence Poll, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a rate that far exceeds victimization rates for other types of violence affecting young people;

Whereas, according to the Youth Risk Behavior Surveillance System (referred to in this preamble as the "YRBSS") of the CDC, nearly 10 percent of high school students have been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend during the past year;

Whereas, according to the American Journal of Public Health, more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive:

Whereas, according to a survey conducted by the YRBSS, almost 20 percent of teenage girls who were exposed to physical dating violence did not attend school on 1 or more occasions during the 30 days preceding the survey because the girls felt unsafe at school or on the way to or from school;

Whereas a violent relationship in adolescence can have serious ramifications for the victim, putting the victim at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization:

Whereas being physically or sexually abused makes teenage girls—

(1) up to 6 times more likely to become pregnant; and

(2) more than twice as likely to contract a sexually transmitted disease;

Whereas, according to a recent study published in the Archives of Pediatrics and Adolescent Medicine, more than half of teenagers and young adults treated at an innercity emergency room reported having been a victim or perpetrator of dating violence:

Whereas nearly 3 in 4 "tweens", individuals who are between the ages of 11 and 14, report that dating relationships usually begin at age 14 or younger, and approximately 72 percent of students in eighth or ninth grade report dating;

Whereas 1 in 5 tweens report having a friend who is a victim of dating violence, and nearly half of tweens who are in relationships know a friend who is verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens:

Whereas, according to the Liz Claiborne Inc. 2009 Parent/Teen Dating Violence Poll,

although 82 percent of parents are confident that they could recognize the signs that their child was experiencing dating abuse, a majority of parents, or 58 percent, could not correctly identify all the warning signs of dating abuse:

Whereas 74 percent of teenage boys and 66 percent of teenage girls say they have not had a conversation with a parent about dating abuse in the past year;

Whereas, according to a National Crime Prevention Council survey, 43 percent of middle and high school students reported experiencing cyberbullying during the past vear.

Whereas 1 in 4 teens in a relationship report having been called names, harassed, or put down by a partner through the use of a cell phone, including through texting;

Whereas 3 in 10 young people have sexted, and 61 percent of young people who have sexted report being pressured to do so at least once:

Whereas, according to the Liz Claiborne Inc. 2010 College Dating Violence and Abuse Poll, 43 percent of college women who date report experiencing violent and abusive dating behavior;

Whereas 70 percent of college students who experienced relationship abuse failed to realize that they were in an abusive relationship at the time, and 60 percent of college students who were in an abusive relationship said that no one stepped in to help them:

Whereas the severity of violence among intimate partners has been shown to be greater in cases where a pattern of violence was established during adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence, and successful examples of such programs include education, community outreach, and social marketing campaigns that are culturally appropriate;

Whereas educating middle school students and the parents of those students about the importance of building healthy relationships and preventing teen dating violence is key to deterring dating abuse before it begins;

Whereas skilled assessment and intervention programs are also necessary for young victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

Resolved, That the Senate—

- (1) designates the month of February 2012 as "National Teen Dating Violence Awareness and Prevention Month";
- (2) supports communities that are empowering teenagers to develop healthier relationships throughout their lives; and
- (3) calls upon the people of the United States, including young people, parents, schools, law enforcement officials, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of teen dating violence in their communities.

SENATE RESOLUTION 363—CONGRATULATING THE PITTSBURG STATE UNIVERSITY GORILLAS FOOTBALL TEAM FOR WINNING THE 2011 NCAA DIVISION II FOOTBALL CHAMPIONSHIP

Mr. MORAN (for himself and Mr. ROBERTS) submitted the following reso-

although 82 percent of parents are confident lution; which was considered and that they could recognize the signs that agreed to:

#### S. Res. 363

Whereas the Pittsburg State University Gorillas football team defeated the Wayne State University Warriors by a score of 35 to 21 to win the 2011 NCAA Division II Football Championship in Florence, Alabama on December 17, 2011;

Whereas Pittsburg State University has more all-time wins than any other NCAA Division II football program and this championship victory, the 4th in the history of the university, continues a long tradition of success;

Whereas the Pittsburg State University coaching staff, led by second-year Head Coach Tim Beck, the 2011 Liberty Mutual Coach of the Year Award winner for Division II, guided the Gorillas to a final regular season record of 13 wins and 1 loss;

Whereas the Gorillas benefitted from strong leadership in the championship game, including senior quarterback and Pittsburg, Kansas native Zac Dickey, who passed for 190 yards and rushed for 68 yards; and

Whereas the students, staff, alumni, and friends of Pittsburg State University, along with the city of Pittsburg, Kansas, deserve much credit for supporting the Gorillas football team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pittsburg State University Gorillas football team for winning the 2011 NCAA Division II Football Championship; and

(2) recognizes the achievements of all the players, coaches, and support staff of the Pittsburg State University Gorillas football team

SENATE RESOLUTION 364-RECOG-NIZING THE GOALS OF NA-TIONAL CATHOLIC SCHOOLS WEEK AND HONORING THE VAL-UABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself, Ms. Landrieu, and Mr. Johanns) submitted the following resolution; which was considered and agreed to:

## S. RES. 364

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States:

Whereas Catholic schools in the United States today educate more than 2,000,000 students and maintain a student-to-teacher ratio of 14 to 1:

Whereas the faculty members of Catholic schools teach a highly diverse body of students:

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development: and

Whereas, in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.": Now, therefore, be it

Resolved, That the Senate-

(1) recognizes the goals of National Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

# $\begin{array}{c} {\rm AMENDMENTS} \ {\rm SUBMITTED} \ {\rm AND} \\ {\rm PROPOSED} \end{array}$

SA 1477. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

SĀ 1478. Mr. BROWN, of Ohio submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. ReiD (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1479. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1480. Mr. HELLER submitted an

SA 1480. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1481. Mr. BROWN, of Ohio (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1482. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038 supra

and Mr. Franken) to the bill S. 2038, supra. SA 1483. Mr. LEAHY (for himself and Mr. CORNYN) proposed an amendment to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillierand, Mr. Levin, and Mr. Franken) to the bill S. 2038, supra.

SA 1484. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr.

LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1485. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

\$A 1486. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1487. Mr. PAUL proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1488. Mr. DEMINT (for himself and Mr. VITTER) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

\$\tilde{S}A\$ 1489. Mrs. BOXER (for herself and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1490. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, SUDDA

SA 1491. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1492. Mr. TESTER (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1493. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1494. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra: which was ordered to lie on the table.

supra; which was ordered to lie on the table. SA 1495. Mr. UDALL, of Colorado (for Mr. INOUYE) proposed an amendment to the resolution S. Res. 286, recognizing May 16, 2012, as Hereditary Angioedema Awareness Day and expressing the sense of the Senate that more research and treatments are needed for Hereditary Angioedema.

## TEXT OF AMENDMENTS

SA 1477. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the appropriate place, insert the following:

## SEC. \_. MODIFICATION OF EXEMPTION.

(a) REMOVAL OF RESTRICTION.—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2))

is amended by inserting before the period at the end the following: ", whether or not such transactions involve general solicitation or general advertising".

(b) Modification of Rules.—Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of title 17, Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230,502(c) of such title shall not apply to offers and sales of securities made pursuant to section 230.506, provided that all purchasers of the securities are accredited investors. Such rules shall require the issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as determined by the Commission.

SA 1478. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

On page 6, strike lines 12 through 15, and insert the following:

"(j) After any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress shall file a report of the transaction not later than 10 days following the day on which the subject transaction has been executed."

On page 9, line 17, strike "30" and insert "10".

SA 1479. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_\_. EXTENSION OF PAY FREEZE FOR FEDERAL EMPLOYEES.

- (a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note) is amended—
- (1) in subsection (b)(1), by striking "December 31, 2012" and inserting "December 31, 2013"; and
- (2) in subsection (c), by striking "December 31, 2012" and inserting "December 31, 2013".
- (b) CLARIFICATION THAT FREEZE APPLIES TO LEGISLATIVE BRANCH.—
- (1) MEMBERS OF CONGRESS.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during the period beginning on the first day of the first pay period beginning on or after February 1, 2013 and ending on December 31, 2013.
  - (2) LEGISLATIVE BRANCH EMPLOYEES.
- (A) DEFINITION.—In this paragraph, the term "legislative branch employee" means—

- (i) an employee whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and
- (ii) an employee of any agency established in the legislative branch.
- (B) FREEZE.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013 shall be made.

SA 1480. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## TITLE II—NO BUDGET, NO PAY

## SECTION 201. SHORT TITLE.

This title may be cited as the "No Budget, No Pav Act".

#### SEC. 202. DEFINITION.

- In this title, the term "Member of Congress"—
- (1) has the meaning given under section 2106 of title 5, United States Code; and
  - (2) does not include the Vice President.

# SEC. 203. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

# SEC. 204. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

- (a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 205.
- (b) No RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 205, at any time after the end of that period.

## SEC. 205. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made

under subparagraphs (A) and (B) of paragraph (2).

- (2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—
- (A) on October 1 of each year, make a determination of whether Congress is in compliance with section 203 and whether Senators may not be paid under that section;
- (B) determine the period of days following each October 1 that Senators may not be paid under section 203; and
- (C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the
  - (b) House of Representatives.—
- (1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).
- (2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—
- (A) on October 1 of each year, make a determination of whether Congress is in compliance with section 203 and whether Member of the House of Representatives may not be paid under that section:
- (B) determine the period of days following each October 1 that Member of the House of Representatives may not be paid under section 203: and
- (C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

## SEC. 206. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 1481. Mr. BROWN of Ohio (for himself and Mr. Merkley) proposed an amendment to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_. PUTTING THE PEOPLE'S INTERESTS FIRST ACT OF 2012.

- (a) SHORT TITLE.—This section may be cited as the "Putting the People's Interests First Act of 2012".
- (b) ELIMINATING FINANCIAL CONFLICTS OF INTEREST FOR MEMBERS OF THE SENATE.—A covered person shall be prohibited from holding and shall divest themselves of any covered transaction that is directly and reasonably foreseeably affected by the official actions of such covered person, to avoid any conflict of interest, or the appearance thereof. Any divestiture shall occur within a reasonable period of time.
  - (c) DEFINITIONS.—In this section:
- (1) SECURITIES.—The term "securities" has the same meaning as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

- (2) COVERED PERSON.—The term "covered person" means a Member, officer, or employee of the Senate, their spouse, and their dependents.
- (3) COVERED TRANSACTION.—The term "covered transaction" means investment in securities in any company, any comparable economic interest acquired through synthetic means such as the use of derivatives, or short selling any publicly traded securities.
- (4) SHORT SELLING.—The term "short selling" means entering into a transaction that has the effect of creating a net short position in a publicly traded company.
- (d) EXCEPTION.—Nothing in this section shall preclude a covered person from investing in broad-based investments, such as diversified mutual funds and unit investment trusts, sector mutual funds, or employee benefit plans, even if a portion of the funds are invested in a security, so long as the covered person has no control over or knowledge of the management of the investment, other than information made available to the public by the mutual fund.
  - (e) TRUSTS.-
- (1) IN GENERAL.—On a case-by-case basis, the Select Committee on Ethics may authorize a covered person to place their securities holdings in a qualified blind trust approved by the committee under section 102(f) of the Ethics in Government Act of 1978.
- (2) BLIND TRUST.—A blind trust permitted under this subsection shall meet the criteria in section 102(f)(4)(B) of the Ethics in Government Act of 1978, unless an alternative arrangement is approved by the Select Committee on Ethics.
- (f) APPLICATION.—This section does not apply to an individual employed by the Secretary of the Senate, Sergeant at Arms, the Architect of the Capitol, or the Capital Police

SA 1482. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

On page 7, line 22, after "Reform" insert "and the Committee on the Judiciary".

SA 1483. Mr. LEAHY (for himself and Mr. CORNYN) proposed an amendment to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end, add the following:

# TITLE II—PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS

## SEC. 201. SHORT TITLE.

This title may be cited as the "Public Corruption Prosecution Improvements Act of 2012"

## SEC. 202. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18,

United States Code, is amended by adding before the period at the end the following: "or in any district in which an act in furtherance of the offense is committed".

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

## "SEC. 3237. OFFENSE TAKING PLACE IN MORE THAN ONE DISTRICT.".

- (c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:
- "Sec. 3237. Offense taking place in more than one district.".

#### SEC. 203. THEFT OR BRIBERY CONCERNING PRO-GRAMS RECEIVING FEDERAL FINAN-CIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

- (1) by striking "10 years" and inserting "20 years";
- (2) by striking "\$5,000" the second place and the third place it appears and inserting "\$1,000";
- (3) by striking "anything of value" each place it appears and inserting "any thing or things of value"; and
- (4) in paragraph (1)(B), by inserting after "anything" the following: "or things".

#### SEC. 204. PENALTY FOR SECTION 641 VIOLA-TIONS.

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

# SEC. 205. BRIBERY AND GRAFT; CLARIFICATION OF DEFINITION OF "OFFICIAL ACT"; CLARIFICATION OF THE CRIME OF ILLEGAL GRATUITIES.

- (a) DEFINITION.—Section 201(a) of title 18, United States Code, is amended—
- (1) in paragraph (2), by striking "and" at the end:
- (2) by amending paragraph (3) to read as follows:
  - ``(3) the term 'official act'—
- "(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and
- "(B) may be a single act, more than 1 act, or a course of conduct; and"; and
  - (3) by adding at the end the following:
- "(4) the term 'rule or regulation' means a Federal regulation or a rule of the House of Representatives or the Senate, including those rules and regulations governing the acceptance of gifts and campaign contributions.".
- (b) CLARIFICATION.—Section 201(c)(1) of title 18, United States Code, is amended to read as follows:
- "(1) otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—
- "(A) directly or indirectly gives, offers, or promises any thing or things of value to any public official, former public official, or person selected to be a public official for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official;
- "(B) directly or indirectly, knowingly gives, offers, or promises any thing or things of value with an aggregate value of not less than \$1000 to any public official, former public official, or person selected to be a public official for or because of the official's or person's official position;

- "(C) being a public official, former public official, or person selected to be a public official, directly or indirectly, knowingly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value with an aggregate value of not less than \$1000 for or because of the official's or person's official position; or
- "(D) being a public official, former public official, or person selected to be a public official, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value for or because of any official act performed or to be performed by such official or person;".

#### SEC. 206. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

- (a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 201, 641, 1346A, or 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties meet the requirements in subsection (b) of this section.
- (b) REQUIREMENTS.—In carrying out this subsection, the Commission shall—
- (1) ensure that the sentencing guidelines and policy statements reflect Congress's intent that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;
- (2) consider the extent to which the guidelines may or may not appropriately account for—
- (A) the potential and actual harm to the public and the amount of any loss resulting from the offense;
- (B) the level of sophistication and planning involved in the offense:
- (C) whether the offense was committed for purposes of commercial advantage or private financial benefit;
- (D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;
- (E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and
- (F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;
- (3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;
- (4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;
- (5) make any necessary conforming changes to the sentencing guidelines; and
- (6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

#### SEC. 207. EXTENSION OF STATUTE OF LIMITA-TIONS FOR SERIOUS PUBLIC COR-RUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

## "§ 3302. Corruption offenses

"Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

"(1) section 201 or 666;

- "(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;
- "(3) section 1951, if the offense involves extortion under color of official right;
- "(4) section 1952, to the extent that the unlawful activity involves bribery; or
- "(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right."
- (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:
- "3302. Corruption offenses.".
- (c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

# SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

- (a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a)(4) of title 18, United States Code, is amended by striking "3 years" and inserting "5 years".
- (b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "3 years".
- (c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "3 years".
- (d) Intimidation To Secure Political Contributions.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "5 years".
- (e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "5 years".
- (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "5 years".

## SEC. 209. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended—

- (1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 224 (bribery in sporting contests),"; and
- (2) by inserting "section 1031 (relating to major fraud against the United States)" after "section 1014 (relating to loans and credit applications generally; renewals and discounts).".

# SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

- "(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected."
  - (b) Perjury.—
- (1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

## "§ 1624. Venue

- "A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement."
- (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

## "1624. Venue.".

## SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following new section:

## "\$ 1346A. Undisclosed self-dealing by public officials

- "(a) Undisclosed Self-dealing by Public Officials.—For purposes of this chapter, the term 'scheme or artifice to defraud' also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.
  - "(b) Definitions.—As used in this section:
- "(1) OFFICIAL ACT.—The term official act—"(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and
- "(B) may be a single act, more than one act, or a course of conduct.
- "(2) PUBLIC OFFICIAL.—The term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.
- "(3) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.
- "(4) UNDISCLOSED SELF-DEALING.—The term undisclosed self-dealing" means that—
- "(A) a public official performs an official act for the purpose, in whole or in material part, of furthering or benefitting a financial interest, of which the public official has knowledge, of—
  - "(i) the public official;
- "(ii) the spouse or minor child of a public official:
- "(iii) a general business partner of the public official;
- "(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;
- "(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

"(vi) an individual, business, or organization from whom the public official has received any thing or things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation: and

"(B) the public official knowingly falsifies. conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or the knowing failure of the public official to disclose material information in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

"(5) MATERIAL INFORMATION.—The term 'material information' means information-

"(A) regarding a financial interest of a person described in clauses (i) through (iv) paragraph (4)(A); and

"(B) regarding the association, connection, or dealings by a public official with an individual, business, or organization as described in clauses (iii) through (vi) of paragraph (4)(A).'

(b) Conforming Amendment.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1346 the following new item:

"1346A. Undisclosed self-dealing by public officials."

(c) APPLICABILITY.—The amendments made by this section apply to acts engaged in on or after the date of the enactment of this

#### SEC. 212. DISCLOSURE OF INFORMATION IN COM-PLAINTS AGAINST JUDGES.

Section 360(a) of title 28, United States Code, is amended-

(1) in paragraph (2) by striking "or";

- (2) in paragraph (3), by striking the period at the end, and inserting "; or"; and
- (3) by inserting after paragraph (3) the fol-

"(4) such disclosure of information regarding a potential criminal offense is made to the Attorney General, a Federal, State, or local grand jury, or a Federal, State, or local law enforcement agency.".

## SEC. 213. CLARIFICATION OF EXEMPTION IN CER-TAIN BRIBERY OFFENSES.

Section 666(c) of title 18, United States Code, is amended-

(1) by striking "This section does not apply to"; and

(2) by inserting "The term anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include," before "bona fide salary"

#### SEC. 214. CERTIFICATIONS REGARDING APPEALS BY UNITED STATES.

Section 3731 of title 18, United States Code, is amended by inserting after "United States attorney" the following: ", Deputy Attorney General, Assistant Attorney General, or the Attorney General".

SA 1484. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

sert the following:

#### SECTION 1. MEMBER CERTIFICATION.

Section 102(a) of the Ethics in Government Act of 1978 is amended by inserting at the end the following:

"(9)(A) A statement (as provided in subparagraph (B)) certifying that financial transactions included in the report filed pursuant to section 101 (d) and (e) were not made on the basis of non-public information.

'(B) The certification required by this paragraph is as follows: 'I hereby certify that the financial transactions reflected in this disclosure form were not made on the basis of material, non-public information.

#### SEC. 2. USE OF NONPUBLIC INFORMATION AND INSIDER TRADING BY CONGRESS AND FEDERAL EMPLOYEES.

A Member, officer, or employee of Congress, a Federal employee (as defined in section 2105), including the President, the Vice President, and an employee of the United States Postal Service or the Postal Regulatory Commission, and a judicial officer are not exempt from and is fully subject to the prohibitions arising under section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, including the insider trading prohibitions.

SA 1485. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins. Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

Strike section 6 and insert the following:

## SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

(a) REPORTING REQUIREMENT.—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

'(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress, a Federal employee (as defined in section 2105), including the President, the Vice President, and an employee of the United States Postal Service or the Postal Regulatory Commission, and a judicial officer shall file a report of the transaction.'

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this

SA 1486. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

#### \_. PROHIBITION AGAINST A FEDERAL SEC. PROGRAM OF MCCIPAL REDUCTION. MORTGAGE PRIN-

Part 3 of subtitle A of the Federal Housing Enterprise Financial Safety and Soundness

Strike all after the enacting clause and in- Act of 1992 (12 U.S.C. 4601 et seq.) is amended by adding at the end the following:

#### "SEC. 1357. NO FEDERAL BAILOUTS OF RECKLESS BORROWERS.

"It shall be unlawful for the Federal Government to reduce the principal of mortgage loans that are held in mortgage-backed securities of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

## "SEC. 1358. STATES BEAR THEIR OWN COSTS.

"On or before the date that is 6 months after the date of enactment of this section, the Director shall develop a program that-

"(1) conforms to all existing pooling and servicing agreements of the enterprises on all outstanding mortgage-backed securities held by the enterprises:

"(2) allows for individual States to purchase whole loans out of mortgage-backed securities held by the enterprises for the purposes of reducing principal or performing other loan modifications, as determined appropriate by each individual State;

"(3) ensures that the Federal Government is paid at least par, or 100 cents on the dollar, for all whole loans sold out of mortgagebacked securities held by the enterprises to individual States for the purpose of performing loan modifications; and

"(4) ensures that the Federal Government is reimbursed by individual States for the entire cost of such program, including administrative costs, so that no cost is borne whatsoever by the Federal Government.".

SA 1487. Mr. PAUL proposed an amendment to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieber-MAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes: as follows:

At the appropriate place, insert the following:

#### SEC. LIMITATION ON EXECUTIVE BRANCH OFFICERS AND EMPLOYEES IN-VOLVEMENT IN MATTERS INVOLV-ING FINANCIAL INTEREST.

The Ethics in Government Act of 1978 (5 U.S.C. App) is amended by adding at the end the following:

## "TITLE VI-GOVERNMENT-WIDE LIMITA-TION ON INVOLVEMENT IN MATTERS IN-VOLVING FINANCIAL INTEREST

## "SEC. 601. LIMITATION ON INVOLVEMENT.

"(a) Definitions.—In this section—

"(1) the term 'Executive agency' has the meaning given that term in section 105 of title 5. United States Code:

"(2) the term 'equity interest' includes stock, a stock option, and any other ownership interest;

"(3) the term 'immediate family member' has the meaning given that term in section 115 of title 18. United States Code:

"(4) the term 'remuneration' includes salary and any payment for services not otherwise identified as salary, such as consulting fees, honoraria, and paid authorship; and

"(5) the term 'significant financial interest', relating to an individual, means-

"(A) with regard to any publicly traded entity, that the sum of the fair market value of any remuneration received by the individual from the entity during the most recent 2year period and the fair market value of any

ty is more than \$5,000; and

- '(B) with regard to any entity that is not publically traded—
- "(i) that the fair market value of any remuneration received by the individual from the entity during the most recent 2-year period is more than \$5,000; or
- "(ii) that the individual has an equity interest in the entity.
- "(b) LIMITATION.—An individual may not hold a position as an officer or employee of an Executive agency in which the individual would have oversight, rule-making, loan, or grant-making authority
- (1) over any entity in which the individual or the spouse or other immediate family member of the individual has a significant financial interest; or
- (2) the exercise of which could affect the intellectual property rights of the individual or the spouse or other immediate family member of the individual.".

SA 1488. Mr. DEMINT (for himself, and Mr. VITTER) proposed an amendment to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress may serve.

SA 1489. Mrs. BOXER (for herself, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## SECTION 9. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by inserting after "spouse" the following: , except that this exception shall not apply to a reporting individual described in section 101(f)(9)".

SA 1490. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes: as follows:

At the appropriate place, insert the fol-

#### equity interest of the individual in the enti- SEC. \_\_\_\_. FORFEITURE OF CREDIT FOR SERVICE AS A MEMBER IF FORMER MEMBERS OF CONGRESS BECOME LOBBYISTS.

- (a) DEFINITIONS —In this section—
- (1) the term "creditable service" means service that is creditable under chapter 83 or 84 of title 5. United States Code:
- (2) the term "lobbyist" has the meaning given that term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602):
- (3) the term "Member of Congress" has the meaning given that term in section 2106 of title 5, United States Code; and
- (4) the term "remuneration" includes salary and any payment for services not otherwise identified as salary, such as consulting fees, honoraria, and paid authorship.
- (b) Forfeiture of Credit for Service -Any service as a Member of Congress shall not be creditable service if the Member of Congress, after serving as a Member of Congress-
- (1) becomes a registered lobbyist:
- (2) accepts any remuneration from a company or other private entity that employs registered lobbvists; or
- (3) accepts any remuneration from a company or other private entity that does business with the Federal Government.

SA 1491. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table: as follows:

On page 7, line 7, strike "a" and insert "each officer or employee as referred to in subsection (f), including each"

On page 7, line 8 insert a comma after "employee of Congress'

At the end, insert the following:

#### "SEC. 11. PROMPT REPORTING AND PUBLIC FIL-ING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

"Each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.".

SA 1492. Mr. TESTER (for himself and Mr. Toomey) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table: as follows:

At the end, insert the following:

#### SMALL COMPANY CAPITAL FORMA-SEC. TION ACT OF 2012.

- (a) SHORT TITLE.—This section may be cited as the "Small Company Capital Formation Act of 2012"
- (b) AUTHORITY TO EXEMPT CERTAIN SECURI-TIES.
- (1) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended-
- (A) by striking "(b) The Commission" and inserting the following:
  - "(2) ADDITIONAL EXEMPTIONS.-
- "(A) SMALL ISSUES EXEMPTIVE AUTHORITY.-The Commission": and

- (B) by adding at the end the following:
- (B) Additional issues.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:
- "(i) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed \$50,000,000.
- "(ii) The securities may be offered and sold publicly.
- "(iii) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.
- "(iv) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.
- "(v) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.
- '(vi) The Commission shall require the issuer to file audited financial statements with the Commission annually.
- "(vii) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may in-
- "(I) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and
- "(II) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).
- of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.
- "(D) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.
- "(E) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it

shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount."

(2) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(A) in subparagraph (C), by striking "; or" at the end and inserting a semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

"(d) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

"(I) offered or sold on a national securities exchange; or

"(II) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale."

(3) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking "section 3(b)" and inserting "section 3(b)(1)".

(c) STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as "Blue Sky laws") on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(A) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SA 1493. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. \_\_\_. DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.

(a) Definitions.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (2)—

(A) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and

(B) by inserting after "lobbyists" the following: "or political intelligence consultants"; and

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

"(17) POLITICAL INTELLIGENCE ACTIVITIES.— The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

"(18) POLITICAL INTELLIGENCE CONTACT.—

"(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from

which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

"(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

"(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

"(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

"(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

"(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

"(20) POLITICAL INTELLIGENCE CONSULT-ANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts."

(b) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after "whichever is earlier," the following: "or a political intelligence consultant first makes a political intelligence contact,"; and

(ii) by inserting after "such lobbyist" each place that term appears the following: "or consultant":

(B) in paragraph (2), by inserting after "lobbyists" each place that term appears the following: "or political intelligence consultants"; and

(C) in paragraph (3)(A)—

(i) by inserting after "lobbying activities" each place that term appears the following: "and political intelligence activities"; and

(ii) in clause (i), by inserting after "lobbying firm" the following: "or political intelligence firm":

(2) in subsection (b)—

(A) in paragraph (3), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities";

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities": and

(ii) in subparagraph (C), by inserting after "lobbying activity" the following: "or political intelligence activity";

(C) in paragraph (5), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities":

(D) in paragraph (6), by inserting after "lobbyist" each place that term appears the following: "or political intelligence consultant"; and

(E) in the matter following paragraph (6), by inserting "or political intelligence activities" after "such lobbying activities";

(3) in subsection (c)—

(A) in paragraph (1), by inserting after "lobbying contacts" the following: "or political intelligence contacts"; and

(B) in paragraph (2)—

(i) by inserting after "lobbying contact" the following: "or political intelligence contact": and

(ii) by inserting after "lobbying contacts" the following: "and political intelligence contacts"; and

(4) in subsection (d), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities".

(c) REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a), by inserting after "lobbying activities" the following: "and political intelligence activities";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities";

(ii) in subparagraph (A)-

(I) by inserting after "lobbyist" the following: "or political intelligence consultant"; and

(II) by inserting after "lobbying activities" the following: "or political intelligence activities":

(iii) in subparagraph (B), by inserting after "lobbyists" the following: "and political intelligence consultants"; and

(iv) in subparagraph (C), by inserting after "lobbyists" the following: "or political intelligence consultants";

(B) in paragraph (3)—

(i) by inserting after "lobbying firm" the following: "or political intelligence firm"; and

(ii) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities": and

(C) in paragraph (4), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and

(3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting "or a political intelligence consultant" after "a lobbyist".

(d) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—

(1) in paragraph (3)(A), by inserting after "lobbying firms" the following: ", political intelligence consultants, political intelligence firms.":

(2) in paragraph (7), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm"; and

(3) in paragraph (8), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm".

(e) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking "or lobbying contacts" and inserting "lobbying contacts, political intelligence activities, or political intelligence contacts".

(f) IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting "OR POLITICAL INTELLIGENCE" after "LOBBYING";

(B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and

(C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity";

(2) in subsection (b)—

(A) in the heading, by inserting "OR POLITICAL INTELLIGENCE" after "LOBBYING";
(B) by inserting "or political intelligence

(B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and

(C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity"; and

(3) in subsection (c), by inserting "or political intelligence contact" after "lobbying contact".

(g) ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended—

(1) in subsection (a)—

(A) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and

(B) by striking "lobbying registrations" and inserting "registrations";

(2) in subsection (b)(1)(A), by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and

(3) in subsection (c), by inserting "or political intelligence consultant" after "a lob-byist".

SA 1494. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 6 through 9 and insert the following:

"(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress, executive branch employee, and any non-military individual appointed by the President shall file a report of the transaction.".

At the end of the amendment, insert the following:

## SEC. 10. EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the Office of Personnel Management shall establish a central reporting database that complies with the requirements of section 8 for all agencies and departments of the Executive branch and each independent agency.

SA 1495. Mr. UDALL of Colorado (for Mr. INOUYE) proposed an amendment to the resolution S. Res. 286, recognizing May 16, 2012, as Hereditary Angioedema Awareness Day and expressing the sense of the Senate that more research and treatments are needed for Hereditary Angioedema; as follows:

Beginning on page 3, strike line 8 and all that follows through line 18 on page 4 and insert the following: "the public.".

## NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, February 7, 2012, at 2:30 p.m. in SDG-50 to conduct a hearing entitled "The Promise of Accessible Technology: Challenges and Opportunities."

For further information regarding this meeting, please contact the committee on (202) 228-3453.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 9, 2012, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011. The Committee will also receive testimony on the text of S. 409, the Southeast Arizona Land Exchange and Conservation Act of 2009, as reported by the Committee during the 111th Congress.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224–9863 or Jake McCook (202) 224–9313.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 31, 2012, at 10 a.m., to conduct a committee hearing entitled "Holding the CFPB Accountable: Review of First Semi-Annual Report."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 31, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on January 31, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Extenders and Tax Reform: Seeking Long-Term Solutions."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 31, 2012, at 10 a.m.

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

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND THE LAW

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law, be authorized to meet during the session of the Senate on January 31, 2012, at 10 a.m., in room SD-266 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st Century."

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

## HEREDITARY ANGIOEDEMA AWARENESS DAY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 286 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 286) recognizing May 16, 2012, as Hereditary Angioedema Awareness Day and expressing the sense of the Senate that more research and treatments are needed for Hereditary Angioedema.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Inouye amendment which is at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any related statements be printed in the RECORD.

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

The amendment (No. 1495) was agreed to, as follows:

(Purpose: To strike provisions relating to increased research)

Beginning on page 3, strike line 8 and all that follows through line 18 on page 4 and insert the following: "the public.".

The resolution (S. Res. 286), as resolutions be agreed to, the preambles amended, was agreed to. be agreed to, the motions to reconsider

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 286

Whereas Hereditary Angioedema (HAE) is a rare and potentially life-threatening genetic disease, affecting between 1 in 10,000 and 1 in 50,000 people, leading to patients being undiagnosed or misdiagnosed for many years;

Whereas HAE is characterized by symptoms including episodes of edema or swelling in various body parts including the hands, feet, gastrointestinal tract, face, and airway;

Whereas patients often experience swelling in the intestinal wall, causing bouts of excruciating abdominal pain, nausea, and vomiting, and swelling of the airway, which can lead to death by asphyxiation:

Whereas a defect in the gene that controls the C1-inhibitor blood protein causes production of either inadequate or non-functioning C1-inhibitor protein, leading to an inability to regulate complex biochemical interactions of blood-based systems involved in disease fighting, inflammatory response, and coagulation;

Whereas HAE is an autosomal dominant disease, and 50 percent of patients with the disease inherited the defective gene from a parent, while the other 50 percent developed a spontaneous mutation of the C1-inhibitor gene at conception;

Whereas HAE patients often experience their first HAE attack during childhood or adolescence, and continue to suffer from subsequent attacks for the duration of their lives:

Whereas HAE attacks can be triggered by infections, minor injuries or dental procedures, emotional or mental stress, and certain hormonal or blood medications;

Whereas the onset or duration of an HAE attack can negatively affect a person's physical, emotional, economic, educational, and social well-being due to activity limitations;

Whereas the annual cost for treatment per patient can exceed \$500,000, causing a substantial economic burden;

Whereas there is a significant need for increased and normalized medical professional education regarding HAE: and

Whereas there is also a significant need for further research on HAE to improve diagnosis and treatment options for patients; Now therefore be it

Resolved, That-

- (1) the Senate-
- (A) recognizes and celebrates May 16, 2012, as Hereditary Angioedema Awareness Day; and
- (B) supports increased awareness of Hereditary Angioedema (HAE) by physicians and the public.

## RESOLUTIONS SUBMITTED TODAY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 360, S. Res. 361, S. Res. 362, S. Res. 363, and S. Res. 364.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to consider the resolutions en bloc.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the

resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 360

(Raising awareness and encouraging prevention of stalking by designating January 2012 as "National Stalking Awareness Month")

Whereas 1 in 6, or 19,200,000, women in the United States have at some point during their lifetime experienced stalking victimization, during which they felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 3,400,000 persons in the United States reported that they had been victims of stalking, and 75 percent of those victims reported that they had been stalked by someone they knew:

Whereas 11 percent of victims reported having been stalked for more than 5 years, and 23 percent of victims reported having been stalked almost every day:

Whereas 1 in 4 victims reported that stalkers had used email, instant messaging, blogs, bulletin boards, Internet sites, chat rooms, or other forms of electronic monitoring against them, and 1 in 13 victims reported that stalkers had used electronic devices to monitor them;

Whereas stalking victims are forced to take drastic measures to protect themselves, including changing identity, relocating, changing jobs, and obtaining protection orders:

Whereas 1 in 7 victims reported having relocated in an effort to escape a stalker;

Whereas approximately 1 in 8 employed victims of stalking missed work because they feared for their safety or were taking steps to protect themselves, such as by seeking a restraining order:

Whereas less than 50 percent of victims reported stalking to police, and only 7 percent of victims contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status:

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist stalking victims and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for increased availability of victim services across the United States, and such services must include programs tailored to meet the needs of stalking victims;

Whereas persons aged 18 to 24 experience the highest rates of stalking victimization, and rates of stalking among college students exceed the prevalence rates found in the general population;

Whereas as many as 75 percent of women in college who experience stalking-related behavior experience other forms of victimization, including sexual or physical victimization, or both;

Whereas there is a need for effective responses to stalking on campuses; and

Whereas the Senate finds that "National Stalking Awareness Month" provides an opportunity to educate the people of the United States about stalking: Now, therefore be it

Resolved, That the Senate-

- (1) designates January 2012 as "National Stalking Awareness Month";
- (2) applauds the efforts of the many stalking victim service providers, police, prosecutors, national and community organizations, campuses, and private sector supporters to promote awareness of stalking;
- (3) encourages policymakers, criminal justice officials, victim service and human service agencies, college campuses and universities, and nonprofit organizations to increase awareness of stalking and the availability of services for stalking victims; and
- (4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through "National Stalking Awareness Month".

#### S. RES. 361

(Congratulating the University of Alabama Crimson Tide football team for winning the 2011 Bowl Championship Series National Championship)

Whereas the University of Alabama Crimson Tide football team won the 2012 Allstate Bowl Championship Series (referred to in this preamble as "BCS") National Championship Game, defeating Louisiana State University by a score of 21–0 in the Mercedes-Benz Superdome in New Orleans on January 9, 2012;

Whereas this victory marks the second BCS title in the last 3 years and the 14th national championship in college football for the University of Alabama;

Whereas the victory by the University of Alabama was the first shutout in any BCS bowl game since the system was created in 1998 and the first shutout in the championship game since the 1992 Orange Bowl;

Whereas the 2012 BCS National Championship Game was the 59th postseason bowl appearance and the 33rd bowl victory for the University of Alabama, both of which extend existing NCAA records for the University of Alabama;

Whereas the victory by the University of Alabama marks the sixth consecutive BCS national championship for the Southeastern Conference and the third consecutive BCS national championship for the State of Alabama:

Whereas the University of Alabama gained 384 yards of total offense in the BCS National Championship Game, while holding the offense of Louisiana State University to 5 first downs and 92 total yards, the second lowest yards of total offense in BCS history;

Whereas A.J. McCarron completed 23 of 34 passes for a total of 234 yards without a turnover and was named offensive player of the game;

Whereas senior linebacker Courtney Upshaw recorded 7 tackles, including 1 sack, and was named defensive player of the game;

Whereas Trent Richardson, winner of the Doak Walker Award, finished with 20 carries for 96 yards and 107 all-purpose yards and scored the only touchdown of the game;

Whereas Jeremy Shelley successfully completed 5 field goal attempts, setting a BCS National Championship Game record and tying an NCAA bowl record:

Whereas in 2011, the defense of the University of Alabama led the nation in rushing defense, passing defense, scoring defense, and total defense;

Whereas 4 members of the Crimson Tide football team were recognized as first-team All Americans by the Associated Press;

Whereas the 2011 Crimson Tide senior class compiled a 48–6 record, tying a Southeastern Conference record for class victories;

Whereas the leadership of head coach Nick Saban, whose dedication and commitment to excellence instilled in his players a sense of integrity, pride, sportsmanship, and perseverance, inspired both his team throughout the season and the Tuscaloosa community following the devastating losses in the April tornadoes:

Whereas President Robert Witt and Athletic Director Mal Moore have brought tremendous academic success and national recognition to the University of Alabama athletic department and the entire university; and

Whereas the players, coaches, and support staff of the University of Alabama football team showed tremendous determination throughout the season and brought great honor to the University of Alabama and the State of Alabama: Now, therefore, be it

Resolved, That the Senate-

- (1) commends the University of Alabama for winning the 2011 Bowl Championship Series National Championship;
- (2) recognizes the achievements of all the players, coaches, and staff whose hard work, dedication, and persistence helped the Crimson Tide win a national championship; and
- (3) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to—
- (A) the President of the University of Alabama, Dr. Robert Witt;
- (B) the Athletic Director of the University of Alabama, Mal Moore; and
- (C) the Head Coach of the University of Alabama Crimson Tide football team, Nick Saban.

## S. RES. 362

(Designating the month of February 2012 as "National Teen Dating Violence Awareness and Prevention Month")

Whereas, although dating violence, domestic violence, sexual violence, and stalking affect women regardless of age, teenage girls and young women are especially vulnerable;

Whereas, according to the National Intimate Partner and Sexual Violence survey recently conducted by the Centers for Disease Control and Prevention (referred to in this preamble as the "CDC"), the majority of victimization starts early in life, as most victims of rape and intimate partner violence first experience such violence before age 24;

Whereas, according to the Liz Claiborne Inc. 2009 Parent/Teen Dating Violence Poll, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a rate that far exceeds victimization rates for other types of violence affecting young people;

Whereas, according to the Youth Risk Behavior Surveillance System (referred to in this preamble as the "YRBSS") of the CDC, nearly 10 percent of high school students have been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend during the past year:

Whereas, according to the American Journal of Public Health, more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive:

Whereas, according to a survey conducted by the YRBSS, almost 20 percent of teenage girls who were exposed to physical dating violence did not attend school on 1 or more occasions during the 30 days preceding the survey because the girls felt unsafe at school or on the way to or from school;

Whereas a violent relationship in adolescence can have serious ramifications for the victim, putting the victim at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization:

Whereas being physically or sexually abused makes teenage girls—

- (1) up to 6 times more likely to become pregnant; and
- (2) more than twice as likely to contract a sexually transmitted disease;

Whereas, according to a recent study published in the Archives of Pediatrics and Adolescent Medicine, more than half of teenagers and young adults treated at an innercity emergency room reported having been a victim or perpetrator of dating violence;

Whereas nearly 3 in 4 "tweens", individuals who are between the ages of 11 and 14, report that dating relationships usually begin at age 14 or younger, and approximately 72 percent of students in eighth or ninth grade report dating:

Whereas 1 in 5 tweens report having a friend who is a victim of dating violence, and nearly half of tweens who are in relationships know a friend who is verbally abused:

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens:

Whereas, according to the Liz Claiborne Inc. 2009 Parent/Teen Dating Violence Poll, although 82 percent of parents are confident that they could recognize the signs that their child was experiencing dating abuse, a majority of parents, or 58 percent, could not correctly identify all the warning signs of dating abuse;

Whereas 74 percent of teenage boys and 66 percent of teenage girls say they have not had a conversation with a parent about dating abuse in the past year;

Whereas, according to a National Crime Prevention Council survey, 43 percent of middle and high school students reported experiencing cyberbullying during the past year;

Whereas 1 in 4 teens in a relationship report having been called names, harassed, or put down by a partner through the use of a cell phone, including through texting;

Whereas 3 in 10 young people have sexted, and 61 percent of young people who have sexted report being pressured to do so at least once;

Whereas, according to the Liz Claiborne Inc. 2010 College Dating Violence and Abuse Poll, 43 percent of college women who date report experiencing violent and abusive dating behavior:

Whereas 70 percent of college students who experienced relationship abuse failed to realize that they were in an abusive relationship at the time, and 60 percent of college students who were in an abusive relationship said that no one stepped in to help them;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where a pattern of violence was established during adolescence; Whereas primary prevention programs are a key part of addressing teen dating violence, and successful examples of such programs include education, community outreach, and social marketing campaigns that are culturally appropriate;

Whereas educating middle school students and the parents of those students about the importance of building healthy relationships and preventing teen dating violence is key to deterring dating abuse before it begins;

Whereas skilled assessment and intervention programs are also necessary for young victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

Resolved, That the Senate-

- (1) designates the month of February 2012 as "National Teen Dating Violence Awareness and Prevention Month".
- (2) supports communities that are empowering teenagers to develop healthier relationships throughout their lives; and
- (3) calls upon the people of the United States, including young people, parents, schools, law enforcement officials, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and activities that promote awareness and prevention of teen dating violence in their communities.

## S. RES. 363

(Congratulating the Pittsburg State University Gorillas football team for winning the 2011 NCAA Division II Football Championship)

Whereas the Pittsburg State University Gorillas football team defeated the Wayne State University Warriors by a score of 35 to 21 to win the 2011 NCAA Division II Football Championship in Florence, Alabama on December 17, 2011;

Whereas Pittsburg State University has more all-time wins than any other NCAA Division II football program and this championship victory, the 4th in the history of the university, continues a long tradition of success:

Whereas the Pittsburg State University coaching staff, led by second-year Head Coach Tim Beck, the 2011 Liberty Mutual Coach of the Year Award winner for Division II, guided the Gorillas to a final regular season record of 13 wins and 1 loss:

Whereas the Gorillas benefitted from strong leadership in the championship game, including senior quarterback and Pittsburg, Kansas native Zac Dickey, who passed for 190 yards and rushed for 68 yards; and

Whereas the students, staff, alumni, and friends of Pittsburg State University, along with the city of Pittsburg, Kansas, deserve much credit for supporting the Gorillas football team: Now, therefore, be it

Resolved, That the Senate-

- (1) congratulates the Pittsburg State University Gorillas football team for winning the 2011 NCAA Division II Football Championship; and
- (2) recognizes the achievements of all the players, coaches, and support staff of the Pittsburg State University Gorillas football

#### S. Res. 364

(Recognizing the goals of National Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States)

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom:

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States:

Whereas Catholic schools in the United States today educate more than 2,000,000 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students:

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas, in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of National Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

## ORDERS FOR WEDNESDAY, FEBRUARY 1, 2012

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m., on Wednesday, February 1, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time

equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 2038, the Stop Trading on Congressional Knowledge Act.

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

## PROGRAM

Mr. UDALL of Colorado. Mr. President, we hope to have votes in relation to amendments to the STOCK Act during Wednesday's session.

# ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. UDALL of Colorado. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Wednesday, February 1, 2012, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C., SECTION 601:

## To be general

LT. GEN. DENNIS L. VIA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

## To be brigadier general

COL. TODD A. PLIMPTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

## To be lieutenant general

LT. GEN. CURTIS M. SCAPARROTTI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

## To be lieutenant general

MAJ. GEN. PATRICIA E. MCQUISTION

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

## $To\ be\ general$

LT. GEN. JOHN F. KELLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

## To be brigadier general

COLONEL EDWARD D. BANTA COLONEL MATTHEW G. GLAVY COLONEL WILLIAM F. MULLEN III COLONEL GREEG P. OLSON COLONEL JAMES S. O'MEARA COLONEL ERIC M. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL STEVEN W. BUSBY

BRIGADIER GENERAL MICHAEL G. DANA BRIGADIER GENERAL WILLIAM M. FAULKNER BRIGADIER GENERAL WALTER L. MILLER, JR. BRIGADIER GENERAL JOSEPH L. OSTERMAN BRIGADIER GENERAL CHRISTOPHER S. OWENS BRIGADIER GENERAL GREGG A. STURDEVANT

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be admiral

VICE ADM. BRUCE W. CLINGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

REAR ADM. JOHN W. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

REAR ADM PHILIPH CULLOM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

## To be vice admiral

REAR ADM. CHARLES W. MARTOGLIO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

VICE ADM. WILLIAM R. BURKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be rear admiral (lower half)

CAPT. DEBORAH P. HAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

## To be rear admiral (lower half)

CAPT. JANET R. DONOVAN

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## To be colonel

ALLENA H. E. BURGE SMILEY ROBIN L. CHOLOPISA JEROME M. TECLAW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## To be colonel

LEON S. BARRINGER DAVID EARL BOWLES BETSAIDA H. GUZMAN PAUL E. SMITH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINT-MENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

## To be lieutenant colonel

MARK W. DUFF

To be major

RAMIL MANSOUROV SHANDA R. MARSHALL KEITH C. TANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## $To\ be\ colonel$

KENNETH D. CARR STEVEN L. OBRIEN MARK P. ROWAN SCOTT A. RUTHVEN GREGORY S. STRINGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## To be colonel

PATRICK MICHAEL CARPENTER RICHARD M. CORNELL KAY M. GEHRKE LOUISE P. HARNISH DAVID A. LESKO ANTHONY J. PENA ROBIN D. RICHARDSON KEVIN N. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

JOSEPH J. ALBANO
STEVEN CHARLES CAMPMAN
BLAKE V. CHAMBERLAIN
WILLIAM HARRY DRIBBEN
LOUIE M. FEHL III
SHERI L. GLADISH
STEPHEN B. IRVIN
STEVEN M. KLEIN
OLIVER H. LOYD
FRANCES M. MCCABE
KEITH E. SCHLECHTE
RICHARD J. TIPTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## $To\ be\ colonel$

MICHAEL A. BATTLE
BENJAMIN M. BOWDEN
ROBERT KNOX COIT
JOHN PAUL DAVIS
MARK R. FITZGERALD
STEVEN F. GOODWILL
SUSAN DEANN LEHIGH
KIMBERLY A. LUDWIG
JOHN F. MCCARTHY
MICHAEL J. MCCORMICK
TERI J. MCGRATH
RACHEL L. MERCER
SIGURD R. PETTERSON, JR.
RUSSELL K. PIPPIN
CARL L. REED II
DAVID W. TOOKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE  $10, \, \text{U.s.c.}$ , SECTION 624:

## To be lieutenant colonel

ANN E. ALEXANDER
CLIFTON W. BAILEY
JOHN M. BEENE
JEFFREY S. BROWN
JENNIFER R. BURKE
CASEY M. CAMPBELL
JODY S. HARRISON
CLAYTON G. HICKS
DWIGHT L. JOHNSON
GRETCHEN B. JUNGERMANN
CARL A. LABELLA III
JOANNA SAENZ MCPHERSON
MASOUD MILANI
LEE E. ROUNDY
STEPHEN H. SPECK
JANICE TIMOTHEE
DAVID L. WELLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## $To\ be\ colonel$

BRENDA K. AMES
PATRICIA ANN BENEDICT
BRIDGET ILEEN BROZYNA
SHARON W. COLAIZZI
JOLI G. GARCIA
EDWARD G. GRUBER
SHERRY F. HEMBY
DEBORAH A. HODGE
PATRICK H. JOHNSON
VANESSA L. MATTOX
ANN G. MCCUNE
NANCY MIKULIN
MARY J. NACHREINER
VALARIE JEAN OLYNIEC
BRBARA A. PERSONS
DEBORAH L. SALTMARSH
VINCETTA L. TSOURIS
JOSEPHA WENSZELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE  $10, \mathrm{U.s.c.}$ , SECTION 624:

## To be colonel

JAVIER A. ABREU
LENA M. ARVIDSON
HONG V. BAKER
ROBERT K. BOGART
ERIC L. CATHEY
SARA A. DIXON
ROBIN E. FONTENOT
MARTIN F. GIACOBBI
TAMMY KNAPP HEISEY
ANDRE A. HENRIQUES
JOHN W. HULTQUIST
PHILIP S. JUNGHANS
LARRY K. LONG
DAVID L. MAPES
JOSEPH A. MUHLBAUER
BASEEMAH S. NAJEGULLAH
ALBERT L. OUELLETTE

THADDEUS H. PHILLIPS III LAWRENCE E. ROTH RUBEN S. SAGUN, JR. DANIEL A. SAVETT KIRK B. STETSON DONALD TYLER, JR. DAWN M. WAGNER MARK A. WEISKIRCHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

CARL P. BHEND
ERIC D. BROWN
NATHANIEL B. CALDON
HYE Y. CHOE
ARCHIE COOK, JR.
SARRA E. CUSHEN
MICHAEL L. EINHORN
ANGELA R. FITZPATRICK
SUZANA M. GJEKAJ
BENJAMIN D. HALL
AARON BENJAMIN HARDING
MICHAEL S. HOGE
EIRLEEN Y. HYUN
CHRISTOPHER R. JORDAN
ROBERT B. KIM
JEREMY B. LAKE
STEPHEN P. LAMBERT
GARY S. MAYNE
ROBERT K. MENSAH
JAMES P. MURPHY
DIOSDADO S. PANGILINAN
STEPHEN S. POTTER
RUTH S. ROJAS
CHRISTOPHER S. SCHMIDT
SCOTT T. SEAGO
JOSHUA T. SMITH
HEATHER M. TELLEZ
ADAM J. VERRETT
DEMITRI VILLARREAL
THOMAS K. WEBER
CHRISTOPHER M. WOLBERT
ALLYSON M. YAMAKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be colonel

BROADUS Z. ATKINS
THOMAS J. CANTILINA
THATCHER R. CARDON
DAVID S. COCKRUM
PHILLIP J. COVER, SR.
DANA K. CRESSLER
DAVID V. EASTHAM
RAYMOND FANG
MICHAEL A. FORGIONE
MELETIOS J. FOTINOS
JEFFREY J. FREELAND
CARL A. FREEMAN
JUAN GARZA
BARRY J. GREER
JOHN D. HALLGREN
SCOTT A. HARTWICH
MICHAEL J. HIGGINS
FRANCIS T. HOLLAND
JANE L. HOLTZCLAW
WILLIAM C. HOOK
LIDIA S. ILCUS
MICHAEL D. JACOBSON
BENJAMIN C. KAM, JR.
JAY D. KERECMAN
THOMAS J. KNOLMAYER
MARK W. KOLASA
BRADLEY A. LLOYD
CHERYL L. LOWTY
KAIWOOD MA
MICHAEL L. MARTIN
WALTER M. MATTHEWS
KURT D. MENTZER
PATRICK B. MONAHAN
RICHARD L. MOONEY
SUSAN O. MORAN
PAIGE L. NEIFERT
JOHN Y. OH
MARK D. PACKER
DAWN E. PEREDO
JAMES A. PHALEN
KIMBERLY D. PIETSZAK
LAURA L. PLACE
PAUL W. PLOCEK
DARLEN P. SMALLMAN
DANIEL T. SMITH
JOHN J. STEELE III
MICHAEL D. STEVEY
JON R. SHERECK
DARLENE P. SMALLMAN
DANIEL T. SMITH
JOHN J. STEELE III
MICHAELD. STEVEY
JON R. SHERECK
DARLENE P. SMALLMAN
DANIEL T. SMITH
JOHN J. STEELE III
MICHAELD. STEVENS
ERIC A. SUESCUN
JOHN NOKISH
GEOFFREY D. TOWERS
CHARLES A. TUJO
ROSCOE O. VAN CAMP
BRIAN A. VROON
CHARLES N. WEBB
KYLE J. WELD
LINDY W. WINTER

ENNETH C. Y. YU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE  $10, \, \text{U.s.c.}$ , Section 624:

#### To be lieutenant colonel

STEVEN J. ACEVEDO STEVEN J. ACEVEDO
TRACY M. ALDERSON
ANTOIN M. ALLEXANDER
CARL D. ALLRED
FLORIN D. ANDRECA
JONATHAN L. ARNHOLT
LEE S. ASTLE
NICOLE M. BALLINGER
SHANE B. BANKS. NICOLE M. BALLINGER SHANE B. BANKS ERIC W. BARNES RICHARD J. BARNETT JOHN P. BARON BRIAN S. BERKE DOMINGO R. BICALDO BRADLEY J. BOETIG JONATHAN N. BOWMAN KAREN E. BOWMAN MICHELLE R. BROWN GLENN D. BURNS GLENN D. BURNS ROBERTO D. CALDERON CHRISTINE L. CAMPBELL KEN J. CARPENTER ELIZABETH A. CASSTEVENS NATHAN D. CECAVA RAYMOND J. CLYDESDALE RAYMOND J. CLYDESD BRETT D. COONS AMY A. COSTELLO ROBERT M. CROMER JOHN M. CROWE RICHARD L. DAGROSA PAUL L. DANDREA STEVER W. DAVIS PAUL T. DEFLORIO IAN CROMWELL B. DIAZ TIMOTHY J. DUNCAN AN T. DUONG SPRING R. ELLEMBERGER STEPHANIE L. ERICKSON STEPHANIE L. ERICKS
JASON H. EVES
GEOFFREY L. EWING
SHANNON D. FABER
DELANO S. FABRO, JR.
ERIC M. FLAKE
HEIDI L. GADDEY
NORA E. GERSON
SANLAY A. GOGATE SANJAY A. GOGATE STEVEN M. GORE DAVID D. GOVER TODD B. GREBNER RICHARD T. GRECO KELLIE A. GRIFFITH STUART R. GROSS ALAN D. GUHLKE MARK A. GUNST CHARLES J. HAGGERTY AUDREY M. HALL TAYLOR S. HAN
MARTIN J. HARSSEMA
MARSHALL T. HAYES
KEVIN D. HETTINGER AQUILLA L. HIGHSMITH TYLER JOSHUA A. HODGE STEFANIE K. HORNE STEVEN J. HOSPODAR DAVID T. HSIEH JULIA C. JACKSON THEODORE J. JERDEE MICHAEL P. KENNEY TINA R. KINSLEY ROBYN T. KRAMER KIMBERLY D. KUMER RIMBERLY D. KUMER LEE M. KUXHAUS ROSELIA I. LABBE DANIEL L. LAMAR JASON W. LANE WAYNE A. LATACK PETER A. LEARN CHRISTOPHER T. LEBRUN CHRISTOPHER T. LEBRU.
JEFFREY D. LEWIS
ROBERT J. LOVE
BRANT J. LUTSI
SHELLY D. MARTIN
STEPHEN C. MATURO
PATRICK E. MCCLESKEY
MADIETE ANCE M. MCINI MARIEFRANCE M. MCINTEE MARSHA D. MITCHUM JEFFREY W. MOLLOY JOSHUA C. MORGANSTEIN WILLIAM B. NEWMAN SHAWNN D. NICHOLS JON J. OPRY LUIS B. OTERO VASUDHA ARUNA PANDAY PATRICIA A. PANKEY ANGELA M. PANSERA JACQUELINE J. PERCY TRENT VAN PHAN ERIC V. PLOTT PAVEENA POSANG JENNIFER R. RATCLIFF BEN C. ROBINSON CRAIG A. ROHAN BENJAMIN G. ROMICK PAOLO G. RONCALLO TIMOTHY M. ROWLAND GREENE D. ROYSTER IV

## CONGRESSIONAL RECORD—SENATE, Vol. 158, Pt. 1

CYNTHIA A. RUTHERFORD
TANJA R. SCHERM
ERICH W. SCHROEDER
ERIK R. SCHWALIER
CATHERINE T. D. SHOFF
MEGAN M. SHUTTS KARJOLA
KAMAL D. SINGH
KSHAMATA SKEETE
KRISTEN A. SOLTISTYLER
BARTON C. STAAT
ADAM M. STARR
EVELYN L. STENDER
DUSTIN E. STEVENSON
LOYAL R. STIERLEN
JAMES E. STORMO
TEDDY J. SU
DANIEL L. TARBOX
STEPHEN J. TITUS
LUAN C. TRAN
KARA M. VANDEKLET
LEFFREY D. WATSON
NGOZI U. WEXLER
DOUGLAS W. WHITE
KEVIN M. WHITE
CHRISTOPHER D. WILLIAMS
WENDI E. WOHLTMANN
TORY W. WOODARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

## To be colonel

CARA A. AGHAJANIAN JASON W. ARNOLD DAVID MICHAEL ASHLEY JEFFERY S. BARNETT MICHELLE N. BARRETT PHILIP ANTHONY BASSO, JR. DOUGLAS L. BATSON ELIZABETH ANN BEECHER MICHAEL ALAN BOUTET ROLANDRIAS BRADFORD RICHARD M. CASTO STEPHEN G. CHAFE STEPHEN W. CHAPPEL ROBERT W. CLAUDE ROBERT W. CLAUDE
JODI ANN CLAYTON
KENNETH C. COON
KENNETH R. COUNCIL, JR.
DEBORAH K. CRICKLIN
SCOTT DAVID CROGG
CHRISTOPHER E. CRONCE STEPHEN R. DAVIDSON WENDY R. DEEMER LAWRENCE R. DEIST STEPHEN G. DERANIAN STEPHEN G. DERANIA:
MARK M. DERESKY
JAMES D. DIGNAN
MARC C. DIPAOLO
RONALD A. DOLLESIN
ANDREA P. DUNBAR
DERIN S. DURHAM
JAMES W. EDWARDS
THOMAS K. ELMORE THOMAS K. ELMORE
MICHEL C. ESCUDIE
TIMOTHY J. EVELEIGH
PAUL R. FAST
DAMON S. FELTMAN
ROGELIO B. FIGUEROA
CARLOS A. FLORES
JANICE E. FLOWERS
DATTIL EDISDIE PATTI L. FRISBIE KENT B. FURMAN ERIC R. GERDES MICHAEL J. GIGER MICHAEL J. GIGER
KARL E. GOERKE
BRUCE G. GOOTEE
JAMES R. GRAY III
RICHARD O. GRAYSON
PATRICIA ANNE GRIFFIN
AUDRA R. GRINER
BRIAN C. GUTHRIE
MARK ALLEN HALE
KENNETH E. HALL
JEFFREY FRANCIS HANCOCK
CHRISTINA M. HANDLEY
JOHN M. HANLON CHRISTINA M. HANDLEY JOHN M. HANLON WILLIAM F. HARDIE PAUL C. HARPER JOHN G. HAYES, JR. PATRICK WILLIAM HAYES ROBIN LYNN HEIKKINEN JON P. HEILEMAN PETI M. HENLEY REID M. HENLEY MICHAEL F. HERNANDEZ KENNETH M. HERSTINE DEAN A. HICKS STEPHEN M. HIGGINS DAMION HILL DOUGLAS R. HILL STEPHEN K HORNISH BERT L. HUBERT HAROLD R. HUGHES II

WILLIAM E. HUTCHISON, JR. WALTER L. JABLOW CONSTANCE L. JENKINS RICHARD A. JENKINS
AMY E. JOHNSON
DAVID E. JOHNSON
JENNIE R. JOHNSON
MARY D. JOHNSON
ROBERT M. KALTEIS
HAROLD T. KAPLAN
MICHAEL A. KENNEDY
MARTY Z. KHAN
THOMAS P. KLINGENSMITH
PAUL E. KNAPP
JAMES D. KOVAC RICHARD A. JENKINS PAUL E. KNAPP
JAMES D. KOVAC
JEFFREY S. KOZAK
JEFFREY S. KOZAK
DWAIN F. KUEHL
KIMBERLY D. LAMMERTIN
CHRISTINE E. LANE
LORI ANN LARGEN
MARK S. LARSON
LAMES A. LAWSON ID MARK S. LARSON
JAMES A. LAWSON, JR.
BARBARA Y. Y. LEE
DAVID L. LEEDOM
BRENDAN N. LUDDEN
KENNETH M. LUTE MARY ANN LUTZ KELLY R. MAIORANA MICHAEL W. MANION MODERT A. MANTZ
JOHN L. MARTINO, JR.
JOSEPH S. MATCHETTE
MICHAEL TODD MATHEIS MICHAEL TODD MATHEJ JAMES MCANDREW KELVIN D. MCELROY SCOTT L. MCLAUGHLIN CHARLES A. MENZA PAUL S. MEYER EDWARD JOHN MILLER MICHAEL G. MILLER MICHAEL G. MILLER
LOUIS M. MONTGOMERY
JEFFREY J. MOORE
PHILIP E. MORGAN
ROBERT B. MOYLE
THEODORE W. MUNCHMEYER
ANDREW M. NISBET
ERICH C. NOVAK
DANIEL E. OCONNELL III ERICH C. NOVAK
DANIEL E. OCONNELL III
WILLIAM DONALD OHARA III
GINA M. OLIVER
JOHN M. OLSON
TYLER D. OTTEN
ROBERT P. PALMER
PERRY V. PALMER
PERRY V. PANOS
ADRIENNE PEDERSON
WALLAGE A. PENNINGTON ADRIENNE PEDERSON
WALLACE A. PENNINGTON
STEFANIE C. PERKOWSKI
ROBERT J. PETERSON
DEBORAH A. PHARRIS
JONATHAN M. PHILLEBAUM
WILLIAM D. PHILLIPS, JR.
JEFFREY JAMES PICKARD
CHARLES D. PLANER
JACQUELINE M. POWELL
PAMELIA J. POWERS
CASSANDRA PURYEAR
MARCK RATHMANN CASSANDRA PURYEAR
MARC K. RATHMANN
KEVIN C. RILEY
DONALD CALVIN ROBISON
DARRYL E. ROGERS
MARK J. RUCKH
EDWARD J. RYAN
PATRICK S. RYAN ROBERT J. RYSAVY II JUDITH ANN SAULEY STACEY L. SCARISBRICK CAROL A. SCHIMMOLLER
BARRY G. SCHRIMSHER
DENNIS L. SEYMOUR
LARY C. SHORT
RUSTY E. SHUGHART
GERRY A. SIGNORELLI
BRIAN D. SILKEY CHRISTOPHER R. SIMPSON DAVID H. SMITH DAVID W. SMITH MICHAEL DAVID SMITH THOMAS K. SMITH, JR. BRYAN D. SPALLA ANN M. STEFANEK RONALD P. STEFANIK HONALD T. STEPANIK LORI J. STENDER FRANK W. STEPONGZI MAX J. STITZER DOUGLAS N. STRAWBRIDGE DOUGLAS N. STRAWBRIDGE
ROGER P. SURO
ERIK D. SUTCLIFFE
JAMES S. TAGG
JAMES A. TRAVIS
WESLEY D. TRUE, JR.
DENNIS J. TUTHILL
DENSON H. TUTWILLER
BENJAMIN T. VORHEES
CHRISTINA DESIREE VOYLES
EDWIN P. WAGNON III
GREGORY J. WEBSTER
ROBERT S. WEICHERT
WILLIAM W. WHITTENBERGER, JR.
LAUREL A. A. WIEGAND
PAUL R. WIETBROCK
PATRICK T. WILLIAMS PATRICK T. WILLIAMS GEORGE M. WILSON

MARK FLOYD WILSON DANIEL T. WOLF DONALD F. WREN PATRICIA L. YORK CURTIS J. ZABLOCKI MICHAEL A. ZACCARDO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

MUDASIR A. ABRO
SCOTT H. ADKISSON
DIANA ALAME
BROOKE E. ALBRIGHT
KEVIN D. ALFORD
KENTON L. ANDERSON
NATHAN S. ANDERSON
APRIL M. ARSENEAU
PETER A. BALDWIN
SCOTT D. BARNES
JEFFREY G. BELISLE
STEPHANIE A. BERNZOTT
HALITON W. BEUMER HALTON W. BEUMER CHAD R. BIGONY KEVIN A. BLACKNEY CHAD RICHARD BOWSER LINDA U. BRADSHAW LEAH G. BRAR JUSTIN M. BREMER JASON A. BROCKER SHANNON M. BRODERSEN SHANNON M. BRODERSEN SCOTT L. BROTHERTON KIMBERLY K. BROUGHTON KAREN E. BRUNER ALLISON R. BUEL AALLISON R. BUEL
MARK T. BURBRIDGE
OMAR L. CABAN
LYNSEY M. CALDWELL
JOHN A. CALIFANO
CHRISTOPHER R. CALVERT
DAVID R. CARLSEN
JUSTIN E. CARRICABURU
SHAWN S. CARTER
ANYA J. CHANDLER
J. FOSTER CHAPMAN
MATTHEW V. CHAUVIERE
SHIHSHIANG CHENG
JOONE H. CHOI
REBECCA A. CHRISTI
HANNAH K. CHUNG
PETER CHUNG HANNAH K. CHUNG
PETER CHUNG
CHERYLL A. CLARK
RICHARD A. CLARK
RICHARD A. CLARK
MARIA K. COGANOW
JEAN M. COVIELLO MALLE
BRADLEY C. COWLEY
JASON W. CROMAR
JUSTIN A. CROP
ARISTIDES I. CRUZ, JR.
RAETASHA S. DASNEY
KRISTIN JOY DANIEL
CHRISTOPHER K. DAVID CHRISTOPHER K. DAVID BRETT W. DAVIES BRIAN M. DAVIS RYAN E. DAVIS PHILIP M. DEMOLA EMANUEL DIAZALONSO PHILIP TAYLOR DOOLEY DELL P. DUNN ELIZABETH A. DWYER STEPHEN B. EDSTROM STEPHEN B. EDSTROM
OLIVER L. EDWARDS
DERBE J. ELLINGSON
MELISSA R. ELLIS YARIAN
ANTHONY C. ESCHLIMAN
JULIA B. ESKUCHEN
PATRICIA L. EVANS
ERIN E. EZZELL
NATUAN D. FALK NATHAN P. FALK ABIGAIL T. FEATHERS ANNA FELDMAN BRENT A. FELDT MARY F. FINN BRENDAN M. FITZPATRICK BRIGITTE ANNE FLANAGAN AVEN W. FORD JOSHUA S. FOWLER THERESA M. FREEMAN ELIZABETH M. GAIDA ELIZABETH M. GAIDA
AMY D. GARCIA
JOSEPH A. GARCIA
KATHRYN K. GARNER
TODD M. GARRETT
KATHRYN T. GATTONE
STARRINA A. GIANELLONI
KACEY C. GIBSON
SARAH R. GLICK
KEVIN J. GOIST
EDUARDO L. GONZALEZ
STEVEN P. GRADNEY
DAVID B. GRAHAM DAVID B. GRAHAM MATTHEW D. GRAHAM THOMAS C. GRANA, JR. AARON D. GRANT KEVIN D. GROVES JODIE K. HAMER JOSHUA A. HAMILTON JARRETT HAMMER HEATHER M. HANCOCK ANGELA K. HANSEN

ABBY L. HARRIS WILLIAM B. HARRIS JEREMY S. HARWOOD MICHAEL A. HEALEY SCOTT A. HELLER BRANDON C. HEMPHILL TARA I. HERRINGTON ANDREA L. HICKMAN ERICA M. HILL PAIGE M. HIXSON PAIGE M. HIXSON
CLINT HOANGQUOCGIA
JOSEPH K. HOBBS
CHRISTEEN L. HODGE
JONI K. HODGSON
JUSTIN R. HOLLON
JASON D. HOSKINS
CHARLES T. HOWARD
TENNIFET J. HIDSON JENNIFER L. HUDSON JENNIFER L. HUDSON
GREGORY L. HUNDEMER
ANDREA W. JOHNSON
LESLEE B. KANE
MUHANNAD KASSAWAT
REBECCA K. KEMMET
JASON W. KEMPENICH
NATHAN M. KIM
IOHN M. KIM JOHN M. KITSTEINER CHRISTY T. KLEINKE KEITH W. KRAMER GEOFFREY N. KREDICH STEPHEN A. KUJANSUU JULIE E. KUNKEL PAMELA B. LANDSTEINER DAVID B. LEARY DAVID B. LEARY
WILLIAM B. LEASURE
TOBY F. LEES
MEGAN K. LEHR
TYLER T. LEIGH
SHERRY L. LEVIO
JOHN LICHTENBERGER III JOHN LICHTENBERGER III
ALAN J. LICUP
FREDILYN M. LIPATA
CARRIE ANN RENEE LITKE
KEVIN C. LOH
PAMELA M. LOVELAND
KRISTIN LUCY
NICHOLAS SCOTT LUDWIG
RICHARD K. LUGER
BRANDY ERIN RANSOM LYBECK
MARK E. LYTLE
MICHAEL D. MACK
JOSEPH K. MADDRY
MICHAEL HOWARD MADSEN JOSEPH K. MADDRY
MICHAEL HOWARD MADSEN
SEAN C. MALIN
CHRISTOPHER T. MANETTA
KATHERINE A. MANSALIS
SEAN N. MARTIN
CHRISTOPHER T. MARTINEZ
JASON C. MCCARTHY
CURTIS R. MCDONALD
CATHERINE H. MCHUGH
ROGER J. MCMURRAY
BRYANT R. MCNEILL
ADAM W. MEIER
ALEXANDER J. MENZE
MICHAEL J. MEQUIO
JASON D. MERRELL
GREGORY L. MESA JASON D. MERRELL GREGORY L. MESA DANIEL S. MICSUNESCU KIMBERLY A. MILFORD ROBERT J. MILLER BRENT R. MITTELSTAEDT MEISAM H. MOGHBELLI MELSAM H. MOGHBELLI MICHELLE A. MONRO TIMOTHY J. MOONEY, JR. ELIZABETH A. MORGAN CHRISTINA N. MORRIS JAMES E. MOSES JAMES E. MOSES CHARLES E. MOUNT III BRYCE A. NATTIER DAVID M. NAVEL ANJELI K. NAYAR HOLLY A. NELSON THIENNGA P. NGUYEN THIENNGA P. NGUYEN
LISA M. NICHOLSON
SAMUEL S. NOKURI
UZOAMAKA O. NWOYE
THAD F. OCAMPO
ROBERT J. OCHSNER
CRYSTAL M. PALMATIER
SONJA I. PARISEK
JEREMY D. PARKER
MICHAEL F. PARSONS
DANIEL I. PASCUCCI
KRISTINA A. PAULANTONIO
CHELISEA B. PAYNE
MELISSA L. PENNY MELISSA L. PENNY GABRIEL C. PEPPER CHRISTOPHER A. PERRO AARON H. PETERSEN
NELSON A. PICHARDO
MATTHEW A. PIEPER
ELIZABETH S. PIETRALCZYK ERIC R. PITTMAN SHEA M. PRIBYL MITCHELL J. PROU EUNICE I. PYUN FLORENCE V. QUINATA MATTHEW H. RAMAGE CRAIG M. RANDALL CYNTHIA D REED ERIK M. REITE JOSEPH L. RENO

JOSEPH S. A. RESTIVO JACOB F. RIIS ELIZABETH A. RINI SIMON A. RITCHIE ANDREW Y. ROBINSON JOCELYN A. ROBINSON OSCAR L. SANDERS IN KYUNG KIM SANTIAGO OSCAN J. SANTIAGO
OSCAN J. SANTIAGO
ELIZABETH G. SARNOSKI
VINCENT SAVATH
JONATHON W. SCHWAKE
WILLIAM HOGUE SCOTT, JR.
WILLIAM A. SCROGGS III
MUHAMMAD A. SHEIKH
LAUREER H. SHEYPUK
ROGER Y. SHIH
MONICA M. SICKLER
CHRISTY R. SINE
RAMAN P. SINGH
JAMES F. SMALL
CLIFF R. SMITH
SHANNA R. SNOW
DAWN B. SPELMAN OJEDA
MATTHEW E. SPIGEL
ARIC D. STEINMANN MATTHEW E. SPIGEL
ARIC D. STEINMANN
BENJAMIN M. STERMOLE
MICHELLE M. STODDARD
RYAN C. STONER
ASHLEY ANN S. STORMS
RORY P. STUART
SARAH M. SUNG
TEDMOND C. W. SZETO
CHARLENE E. TALLEY
HILLE K. TERDY ULIE K. TERRY
JULIE K. TERRY
ANDREW J. THOMPSON
ADAM D. TIBBLE
RUSSELL C. TONTZ III
JOHN WILLIAM TUEPKER JOHN WILLIAM TUEPKER
CHARLA C. TULLY
JOSHUA A. TYLER
ERIC R. VAILLANT
AARON N. VANZANTEN
STEPHEN E. VARGA
VICTOR M. VARGAS
SARAH D. VAUGHN
AUDEY L. VEACH
UYEN P. VIETJE
KRISTOPHER M. WAGNERPORTER
CHRISTOPHER J. WAGUESPACK
ADAM R. WALKER
JOANNA L. I. WALKER JOANNA L. I. WALKER JASON A. WAUGH ROBERT S. WEATHERWAX LELAND H. WEBB LELAND H. WEBB
MATTHEW D. WEIRATH
BREA E. WHITEHAIR
MATTHEW E. WICK
JESSE M. WICKHAM
MEGAN R. WILLIAMS KHMELEV
RYAN J. WILLIAMS
WINNIFRED M. WONG
CHARLES T. WOODHAM
LINDA M. YINKEY CHRISTINA M. ZIMMERMAN THOMAS C. ZIOLKOWSKI SHAUNA C. ZORICH

## IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE REG-ULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

## To be colonel

JUDITH M. DICKERT

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

## To be colonel

HAZEL P. HAYNES

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

## To be major

LARISSA G. COON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

## To be colonel

STEFANIE D. LAST TIMOTHY R. TOLBERT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

## To be major

JOSEPH T. NORA WILLIAM D. O'CONNELL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK J. CAPPONE

THOMAS H. WOMBLE CHARLES D. ZIMMERMAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE REG-ULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be lieutenant colonel

LANCE D. CLAWSON

To be major

THOMAS C. JOHNSON STEVEN A. KHALIL CHRISTOPHER L. ROZELLE

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be colonel

MARK N. BROWN JAMES R. MATHEWS KEVIN P. SHEEHY JOHN M. STEWART BRIAN C. TRAPANI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

## To be lieutenant colonel

SCOTT T. AYERS JAMES A. BARKEI ROBERT M. BLACKMON JENNIFER A. BREWER WILLIAM E. BROWN CHRISTOPHER B. BURGESS CHRISTOPHER B. BURGI MATTHEW A. CALARCO LAURA J. CALESE REBECCA K. CONNALLY JOSE A. CORA RYAN B. DOWDY DAVID H. DRAKE JOSEPH M. FAIRFIELD WADE N. FAULKNER GOSHBING C. BLEWGUED. WADE N. FAULKNER
TOSHENE C. FLETCHER
GRACE M. W. GALLAGHER
SHAWN W. GORDON
JOSEPH J. JANKUNIS
TONYA L. JANKUNIS
DEMARIS J. JOHANEK
FANSU KU
KELLY L. MCGOVERN
SEAN C. MCMAHON
WALTER E. NARRAMORE
TERRANCE J. ONEILL, JR.
JOSEPH N. ORENSTEIN TERRANCE J. OBELLI, JR.
JOSEPH N. ORENSTEIN
PATRICK D. PFLAUM
STEVEN M. RANIERI
RUNO C. RICHARDSON
MARK A. RIES
JAVIER E. RIVERAROSARIO
JEREMY W. ROBINSON
LESLIE A. BOWLEY
LESLIE A. BOWLEY LESLIE A. ROWLEY WILLIAM J. SCHAEFER DANIEL J. SENNOTT TYESHA L. SMITH ERIC K. STAFFORD
WILLIAM M. STEPHENS
ANGELA D. TUCKER
LANCE B. TURLINGTON KAY K. WAKATAKE RANA D. WIGGINS AMBER J. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

## To be major

RAYMOND R. ADAMS III
DAVID A. AMAMOO
SCOTT A. BACALJA
TREVOR I. BARNA
JESSICA L. BOSSI
PAUL R. BOUCHARD
SARA M. BRENNAN-DE JESUS
SHAWN C. BUTLER
CARLOS A. CALDERON
CHRISTOPHER A. CALLICOTT
JOHN K. CHOIKE
STEPHANE R. COOPER JOHN K. CHOIKE STEPHANIE R. COOPER BRADLEY M. COWAN DANIEL W. DALRYMPLE JACQUELINE J. DEGAINE JASON M. DELOSSANTOS REBECCA N. DIMURO CAMERON R. EDLEFSEN EWIL EF O. ET DEDET EMILEE O. ELBERT TRAVIS W. ELMS BRETT A. FARMER JESSICA M. FARRELL ASHDEN FEIN JONATHAN E. FIELDS CHRISTOPHER S. GLASCOTT JULIE A. GLASCOTT LAURA A. GRACE MATTHEW T. GRADY

JESSE T. GREENE
JONATHAN M. GROSS
CARAANN M. HAMAGUCHI
FRANCES M. HAMEL
DESIREE K. HELMICK
HEATHER A. HERBERT
STEPHEN M. HERNANDEZ
CHAD E. HIGHFILL CHAD E. HIGHFILL
HECTOR J. HIGUERA
JOON K. HONG
RYAN A. HOWARD
KEVIN M. HYNES
THOMAS P. HYNES
BUNDHIT INTACHAI
JACLYN C. JAHNKE
ELLIOTT G. JOHNSON
DETIPE G. HIETTEN JACLIVN C. JAHNKE
ELLIOTT G. JOHNSON
PETER G. JUETTEN
NATALIE J. KARELIS
GERARD M. KENNA
ADAM W. KERSEY
RYAN K. KERWIN
CHRISTOPHER M. KESSINGER
WILLIAM C. KNOTT, JR.
KEVIN D. KORNEGAY
FRANK E. KOSTIK, JR.
STEPHEN E. LATINO
RYAN W. LEARY
KEVIN M. LEY
PAUL J. LLOYD
AARON L. LYKLING
JOSEPH T. MARCEE
DANIEL L. MAZZONE
EDWARD B. MCDONALD
CHAD M. MCFARLAND
DALE C. MCFEATTERS
WILLIAM M. NICHOLSON
DAVID M. ODEA
JENNIFER A. PARKER
MECHAN M. DOLBIER WILLIAM M. NICHOLSON
DAVID M. ODEA
JENNIFER A. PARKER
MECHAN M. POIRIER
AARON S. RALPH
JOSHUA T. RANDOLPH
JOSHUA T. RANDOLPH
JOHN D. RIESENBERG
MICHAELA. RIZZOTTI
JESS B. ROBERTS
JILL B. RODRIGUEZ
JEFFREY H. ROHRBACH
MICHAELE. SCHAUSS
YOLANDA A. SCHILLINGER
JEREMY S. SCHOLTES
JOSEPH W. SHAHA
TODD W. SIMPSON
TRAVIS P. SOMMER
LAWRENCE H. STEELLE
WILLIAM J. STEPHENSON
WILLIAM M. SUDDETH
JOHN K. SUEHRO
SARAH C. SYKES
ANDRES VAZQUEZ, JR.
WENER VIEUX
AMY E. WALTERS
STEPHEN P. WATKINS
GLEN E. WOODSTUFF
MADELINE F. YANFORD
THE FOLLOWING NAME

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE  $10,\,\mathrm{U.S.C.}$ , SECTION 624:

## To be coloned

STEPHEN K. AITON
LAWRENCE A. ANYANWU
GREGORY S. APPLEGATE
DARRELL W. AUBREY
DAVID W. BANIAN
ROBERT L. BARRIE, JR.
GREGORY G. BOYD
PAUL K. BROOKS
JOHNNY R. BROUGHTON
MICHAEL L. BROWN
EDWARD J. BURKE IV
DOUGLAS R. CAMPBELL
JOHN R. CAYEDO, JR.
STEPHEN T. CHENG
TOM L. CLADY
WILLIE D. COLEMAN
MARK D. COLLINS
ANDREW C. COOPER
ANTHONY M. COSTON
SHANNON C. COX
HARRY R. CULCLASURE
JOY L. CURRIERA
JOSEPH G. DALESSIO
ANDREW M. DANWIN
BILLY J. DAVIS
JAMES E. DAVIS
CHRISTOPHER L. DAY
STEVEN S. DEBUSK
JAMES T. DELLOLIO
ROBERT J. DIXON, JR.
ERNEST L. DUNLAP, JR.
THOMAS J. EDWARDS, JR.
JOHN M. EGGERT
MARIA P. E. P. EOFF
MICHAEL D. EVANS
STEVEN W. FLETCHER, JR.
JOHN W. FRANCIS
WILLIUM
MOISES M. GUTIEREZ
DAYID V. GILLUM
MOISES M. GUTIEREZ
DAYID V. GILLUM
MOISES M. GUTIEREZ
DARYL P. HARGER

MICHAEL J. HARLAN
MORRIS J. HATCHER
KEVIN G. HEBL
GREGORY R. HOLMES
RICHARD J. HORNSTEIN
PAUL D. HOWARD
NATHAN B. HUNSINGER, JR.
LIECHESTER D. JONES
CRAIG W. JORGENSON
STEPHEN E. KENT
IAN B. KLINKHAMMER
PETTER J. LANE
ROBERT A. LAW III
STEPHEN B. LOCKRIDGE
JEFFREY A. MADISON
WILLIAM L. MARKS II
ERIC D. MARTIN
JOHNNEY K. MATTHEWS
DONALD M. MAYER
DAIRL D. MAYFIELD
JOHN V. MCCOY
ALONZO B. MCGHEE
FRITZGERALD F. MCNAIR
JAMES F. MCNULTY, JR.
MICHELLE D. MITCHELL
SANDRA S. MUCHOW
JOSE L. MUNIZ
RANDY MURRAY
RANDAL W. NELSON
COREY A. NEW
GREGORY D. PETERSON
SAMUEL L. PETERSON
KEVIN M. POWERS
MATTHEW F. RASMUSSEN
JOHN T. REIM, JR.
JENNIFER A. REINKOBER
DANIEL K. RICKLEFF
WILLIE RIOS III
RICHARD A. RIVERA
WILLIAM M. ROBARE
DAVID G. ROGERS
PAUL G. SCHLIMM
LOREN P. SCHRINER
TIMOTHY A. STAROSTANKO
MARY B. TAYLOR
MARC D. THORESON
JACK L. USREY
MARVIN G. VANNATTER, JR.
JOHN M. VANNOY
ALFREDO M. VERSOZA
ROBERT L. WHITE
RALPH E. WILLIAMS
TERRY M. WILSON, JR.
DAVID L. WOOD
SIDNEY C. ZEMP IV

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

## To be colonel

JAMES H. ADAMS III
KEITH W. ANTHONY
MARIO A. ARZENO
ANTONIO E. BANCHS
EDMUND J. BARRETT
JAMES B. BOTTERS
ROBERT D. BRADFORD III
JOHN R. BRAY
MICHELE H. BREDENKAMP
DAVID D. BRENNER
NICHOEL E. BROOKS
ENRIQUE N. CAMACHO-CERVANTES
CARLA J. CAMPBELL
CASIMIR C. CAREY III
TONY K. CHO
FRANK S. CLARK III
PATRICIA S. COLLINS
GREGORY J. CONTI
STEVEN L. CREIGHTON
CHRISTOPHER G. CROSS, JR.
TONY B. CUETIS
KENNETH L. CYPHER
PHILLIP J. DEPPERT
MARK J. DERBER
GLENN K. DICKENSON
KENNETH W. DOBBERTIN
PETER J. DON
TROY L. DOUGLAS
SCOTT C. DULLEA
RODNEY DUNCAN
JENNIE M. EASTERLY
ROBERT L. EDMONSON II
WILLIAM L. EDWARDS
CHRISTOPHER L. EUBANK
SONYA L. FINLEY
PAUL A. FISCHER
BRIAN P. FOLEY
BRIAN R. FOSTER
FRANCIS V. FRAZIER IV
JONATHAN E. FREEMAN
MARK C. GAGNON
DANIEL R. GREEN
TINA R. HASTIMAN
BRENT H. HASHIMOTO
THOMAS A. HAYS
TIMOTHY J. HIGGINS
DAVID J. HORAN
KELSO W. HORST, JR.

MARK J. HOVATTER
DAVID P. JEWELL
SBAN A. KEENAN
PATRICK L. KERR
CHRISTOPHER W. KIRKMAN
JEFFREY A. KLEIN
ROBERT M. KLEIN
KELLY T. KNITTER
BERNARD F. KOELSCH
LINDA A. KOTULAN
SEUNG J. LEE
STEPHEN A. LETCHER
RODNEY L. LIGHTFOOT
BRANDEE S. LOCKARD
NICOLAS J. LOVELACE
IAN B. B. LYLES
PATRICK B. MACKIN
NORA R. MARCIN
NORA R. MARCIN
NORA R. MARTI
MELINDA M. MATE
DOUGLAS M. MATTY
DAVID W. MAY
SAM R. MCADOO
SHANNON J. MCCOY
JEFFREY A. MCDOUGALL
WILLIAM M. MCLAGAN
GREGORY C. MEYER, JR.
THOMAS H. MEYER
DAVID B. MILLNER
JAMES M. MINNICH GREGORY C. MEYER, JR.
THOMAS H. MEYER
DAVID B. MILLNER
JAMES M. MINNICH
VICTORIA L. MIRALDA
DWIGHT R. MORGAN
MICHAEL C. MORTON
TERRENCE L. MURRILL
MICHAEL S. MUSSO
SCOTT T. NESTLER
ANDREW A. OLSON
ROBERT E. PADDOCK, JR.
TIMOTHY J. PARKER
JAMES C. PARKS III
JAMES C. PARKS III
JAMES C. PARKS III
JAMES C. PARKS III
JAMES D. PATTERSON
DAVID W. PENDALL
LAROY PEYTON
JOHN J. PUGLIESE
DANIEL P. RAY
PAUL B. RILEY
ANTHONY T. ROPER
JAMES C. ROYSE
SAM W. RUSS III
MICHELLE A. SCHMIDT
PAUL J. SCHMITT
MARK R. SCHONBERG
KURT A. SCHOSEK
ANTHONY SEBO
ALLEN D. SIREFFLER
JAMES D. SISEMORE
SCOTT A. SMITH
DANIEL E. SOLLER
CHRISTOPHER C. STENMAN
CLEOPHUS THOMAS, JR.
PETER J. TRAGAKIS CHRISTOPHER C. STENM.
CLEOPHUS THOMAS, JR.
PETER J. TRAGAKIS
SEENA C. TUCKER
ROBERT W. TURK
WILLIAM TURMEL, JR.
JUAN K. ULLOA
CRAIG S. UNRATH
MARK T. VANDEHEI
ROBERT A. WAGNER
VINCENT M. WALLACE
JOHN A. WASKO
MICHAEL D. WEISZ
MICHAEL E. WERTZ
PATRICK M. WHITE
KEVIN R. WILLIAMS SAMUEL E. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

## To be colonel

JOSSLYN L. ABERLE
JAYSON A. ALTIERI
PETER B. ANDRYSIAK, JR.
RICHARD E. ANOLIE
ROBERT P. ASHE
DAVID G. ATHEY
ROBERT T. AULT
DAVID C. BEACHMAN
MILFORD H. BEAGLE, JR.
PETER N. BENCHOFF
CHRISTOPHER M. BENSON
MICHAEL K. BENTLEY
KEVIN L. BERRY
WILLIAM W. BLACKWELL
THOMAS D. BOCCARDI
DAVID R. BOLDUC
MARK E. BOROWSKI
CHRISTOPHER BOYLE
JIMMY M. BRADFORD
GREGORY J. BRADY
TREVOR J. BREDENKAMP
JOHN W. BRENNAM, JR.
JAMES D. BROWN
ROBERT B. BROWN

DEAN A. BURBRIDGE WILLIAM J. BUTLER ROBERT C. CAMPBELL KEITH A CASEY KENNETH D. CHASE MARK W. CHILDS WILLIAM CHLEBOWSKI JON J. CHYTKA JOHN G. CLEMENT RICHARD R. COFFMAN ANDREW COLE, JR.
KIMBERLY M. COLLOTON
ALEXANDER CONYERS BRIAN C. COOK DANIEL J. CORMIER MIGUEL A. CORREA CHARLES D. COSTANZA DANIEL D. DEADRICH FRANCISCO B. DECARVALHO BRYAN E. DENNY LEE R. DESJARDINS LEE R. DESJARDINS KIRK C. DORR BRAD C. DOSTAL MARTIN DOWNIE CARTER N. DUCKETT FREDRICK C. DUMMAR JANELL E. EICKHOFF MICHAEL J. FARRELL PAUL W. FELLINGER TIMOTHY P. FISCHER COLLIN J. FORTIER DONALD R. FRANKLIN JAMES J. GALLIVAN VICTOR G. GARCIA, JR. BRIAN W. GIBSON JOSEPH P. GLEICHENHAUS RAUL E. GONZALEZ WENDY F. GRAHAM BRYAN S. GREEN JOEL D. HAMILTON AMY E. HANNAH RICHARD L. HANSEN KENNETH J. HARVEY KENNETH J. HARVEY
DAVID E. HEATH
KEVIN T. HENDERSON
ANDREW M. HERBST
BRYAN P. HERNANDEZ
MICHAEL J. HERTZENDORF
JOHNNY L. HESTER
MICHAEL J. HESTER
RICHARD D. HEYWARD DONN H. HILL DAVID M. HODNE JONATHAN E. HOWERTON CURTIS B HUDSON JR CURTIS B. HUDSON, JR.
MICHALI S. HUERTER
WILLIAM M. HUFF
JAMES P. ISENHOWER III
SCOTT A. JACKSON
KEVIN L. JACOBI
BARRY G. JONES
ZANE H. JONES TIMOTHY M. KARCHER TODD A. KEMPTON CHRISTOPHER K. KENNEDY SHAWN E. KLAWUNDER DANIEL C. KOPROWSKI PAUL K. KREIS TIMOTHY C. LADOUCEUR CHRISTOPHER C. LANEVE RYAN J. LAPORTE MICHAEL J. LAWSON JOHN W. LEFFERS JOHN W. LEFFERS
CAMERON A. LEIKER
MATTHEW R. LEWIS
WILLIAM C. LINDNER
DAVID P. MAUSER
MATTHEW W. MCFARLANE
BRIAN J. MCHUGH
ROBERT G. MCNEIL, JR.
PAUL A. MEL P. PAUL A. MELE ROBERT L. MENIST, JR. JEFFREY M. METZGER BRIAN M. MICHELSON PETER G. MINALGA THOMAS G. MOORE MICHAEL J. MUSIOL JODY L. NELSON THOMAS NGUYEN RUMI NIELSONGREEN DAVID M. OBERLANDER JOHN A. OGRADY JEFFREY T. ONEAL EDWARD J. ONEILL IV BRENT M. PARKER GUY B. PARMETER BRYAN E. PATRIDGE RICHARD T. PATTERSON JAMES P. PAYNE JAMES P. PAYNE
BRIAN L. PEARL
BRIAN S. PETIT
RICHARD A. PRATT
ANDREW D. PRESTON
SHAWN T. PRICKETT
CHRISTOPHER R. RAMSEY MARK D. RASCHKE FRED L. REEVES, JR. ROBERT A. REYNOLDS GORDON A. RICHARDSON CHRISTOPHER N RIGA JULIUS A. RIGOLE ADAM L. ROCKE

STEPHEN C. SEARS
ANDREW D. SEXTON
THOMAS A. SHOFFNER
ALAN J. SHUMATE
GREGORY F. SIERRA
HOLLY C. SILKMAN
DOUGLAS A. SIMS II
STEPHEN G. SMITH
MARK E. SOLOMONS
KARA L. SOULES
EVERETT S. P. SPAIN
GEORGE W. STERLING, JR.
DAVID F. STEWART
SCOT N. STOREY
SHAWN A. STROUD
PATRICK T. SULLIVAN
TIMOTHY P. SULLIVAN
GEORGE K. THIEBES
GARRY L. THOMPSON
JOSE M. THOMPSON
THOMAS J. TICKNER
RICHARD F. TIMMONS II
SHAUN E. TOOKE
VINCENT H. TORZA
JOHN A. VERMEESCH
JOEL B. VOWELL
PATRICK M. WALSH
TODD E. WALSH
MICHAEL E. WAWRZYNIAK
ANDREW J. WEATHERSTONE
STEPHEN A. WERTZ
RANDALL D. WILSOK
CHISTOPHER W. WILBECK
TODD P. WILSON
CHISTOPHER W. WILBECK HEATH C ROSCOE CHRISTOPHER W. WILBECK TODD P. WILSON DOUGLAS W. WINTON DONALD C. WOLFE, JR. ERIC W. ZEEMAN WILLIAM H. ZEMP TODD M. ZOLLINGER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3061:

#### To be lieutenant colonel

JORGE M. RUANO-ROSSIL

#### IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

CRAIG J SHELL

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

## WILLIAM J. WRIGHTINGTON

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

## JEFFREY S. LACORTE

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C.,

## To be major

## RUSSELL B. CROMLEY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C.,

## To be major

CHRISTOPHER P. DOUGLAS

SHAWN A. HARRIS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

BICHARD CANEDO MATTHEW C. FRAZIER

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be lieutenant colonel

## BRIAN T. THOMPSON

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C.,

## To be lieutenant colonel

MARK A. MITCHELL

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be lieutenant colonel

#### JUAN M. ORTIZ. JR.

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C.,

#### To be lieutenant colonel

#### BRIAN J. CORRIS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

#### KEVIN R. WILLIAMS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

#### CHRISTOPHER J. COX

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be lieutenant colonel

LEONARD R. DOMITROVITS

LEONARD R. DOMITROVITS
ROBERT A. PETTERSEN

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR
APPOINTMENT TO THE GRADE INDICATED IN THE
UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C.,
SECTION 624:

#### To be lieutenant colonel

JERRY R. COPLEY JAMES R. TOWNEY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

ROBERT F. EMMINGER

MICHAEL G. MARCHAND

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

CHRISTOPHER J. ALBRIGHT DANIEL W. ANNUNZIATA JAMES R. INGLIS CHRISTOPHER M. OSMUN

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

WINSTON D. BOYD II RAYMOND J. MITCHELL PERRY L. SMITH, JR. MOSES A. THOMAS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

STUART M. BARKER M. S. MURPHY CURTIS J. SMITH BRYAN E. STOTTS GREGORY E. WRUBLUSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION

## To be colonel

LADANIEL DAYZIE JAMES E. FOX, JR. CHRISTOPHER W. SCHARF CHRISTOPHER D. THOMPSON MICHAEL J. ULSES AGILEO J. YLANAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be colonel

EDUARDO A. ABISELLAN JAMES H. ADAMS III MARCUS B. ANNIBALE MICHAEL P. ANTONIO JOHN ARMELLINO, JR.

## CONGRESSIONAL RECORD—SENATE, Vol. 158, Pt. 1

ERIC E. AUSTIN
BRAD S. BARTELT
JASON A. BEAUDOIN
GRADY A. BELYEU, JR.
WILLIAM C. BENTLEY III
MARLIN C. BENTON, JR.
BRENT W. BIEN
RUSSELL A. BLAUW
JOHN A. BOLT
MICHAEL J. BORGSCHULTE
BRETT A. BOURNE
MATTHEW C. BOYKIN MATTHEW C. BOYKIN ROBERT C. BOYLES BRIAN E. BUFTON WAYNE M. BUNKER DAVID W. BUSSEL MAX W. CAIN II DONALD C. CHIPMAN JOHN P. CHRISTOPHER PHILIP A. COLBORN MATTHEW S. COOK KIRK F. CORDOVA KIRK F. CORDOVA ANDREW L. CRABB SCOTT S. CREED VANCE L. CRYER OSSEN J. DHAITI PETER J. DILLON CHRISTOPHER G. DIXON DOUGLAS G. DOUDS CHARLES DOWLING JON D. DUKE ERIC J. ELDRED JON D. DUKE
ERIC J. ELIDRED
JOHN W. EVANS, JR.
TODD R. FINLEY
DAVID C. FORREST
PHILLIP N. FRIETZE
RICHARD F. FUERST
CHRISTOPHER D. GIDEONS
STEVEN R. GIRARD
THOMAS J. GORDON IV
REGINALD L. HAIRSTON
SCOTT V. HALLSTROM
DOUGLAS A. HAWKINS
ANTHONY M. HENDERSON
JAMES R. HENSIEN
THOMAS K. HOBBS
JEFFREY P. HOGAN
KELLY P. HOULGATE
MARC C. HOWELL
KEVIN M. HUDSON
JAMES T. IULO
PRESTON W. JONES
STEVEN P. KAEGEBEIN
DANIEL R. KAISER
KENNETH R. KASSNER
MICHAEL J. KENNEDY
PELAN IL HIM MICHAEL J. KENNEDY BRIAN J. KING LAWRENCE M. LANDON LAWRENCE M. LANDON
PETER N. LEE
SCOTT D. LEONARD
JAMES C. LEWIS
MICHAEL J. LINDEMANN, JR.
DANIEL E. LONGWELL
DOUGLAS J. MACINTYRE
MICHAEL A. MANNING
DAMIEN M. MARSH
SEAN M. MCBRIDE
WILLIAM F. MCCOLLOUGH
KATHERINE M. MCDONALD
CHARLES A. MCLEAN II KATHERINE M. MCDONA
CHARLES A. MCLEAN II
MELANIE A. MERCAN
JOSEPH F. MONROE
SAMUEL P. MOWERY
ANDREW J. MOYER
JOHN J. MURPHY III
CHRISTOPHER B. NASH
DAVID. NATHANSOH DAVID NATHANSON
WILLIAM J. NEMETH
SETH L. OCLOO, JR.
DAVID L. ODOM
MICHAEL H. OPPENHEIM
MARK T. PALMEE
PHILIP M. PASTINO PHILIP M. PASTINO
PAUL T. PATRICK
FRITZ W. PFEIFFER
JAMES E. QUINN
JOSEPH N. RAFTERY
JOHN A. RAHE, JR.
MINTER B. RALISTON IV
MATTHEW G. RAU
ANDREW M. REGAN
DESMOND A. REID, JR.
WILLIAM H. REINHART
PAUL M. RIEGERT
DANIEL B. ROBINSON
PAUL A. ROSENBLOOM PAUL A. ROSENBLOOM PETER S. RUBIN ROBERT P. SALASKO SEAN M. SALENE SEAN M. SALENE
THOMAS B. SAVAGE
ERIC W. SCHAEFER
ROBERTA L. SHEA
MATTHEW M. SIEBER
JEFFREY C. SMITHERMAN
ROBERT J. SMULLEN
KEVIN J. STEWART BENJAMIN P. STINSON CRAIG H. STREETER DAVID A. SUGGS CHRISTOPHER A. TAVUCHIS WILLIAM J. TRUAX, JR MICHELLE L. TRUSSO

DANNY J. VERDA
JOHN E. WALKER
TYE R. WALLACE
HUGH R. WARE
EENJAMIN T. WATSON
AARON S. WELLIS
CHRISTOPHER J. WILLIAMS
BRIAN N. WOLFORD
CALVERT L. WORTH, JR.
CHRISTIAN F. WORTMAN
TYLER J. ZAGURSKI
WILLIAM E. ZAMAGNI, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

## To be major

OMAR A. ADAME
AGUR S. ADAMS
BRIAN A. ADAMS
BRIAN A. ADAMS
MICHAEL M. AHLSTROM
CLINT W. ALANIS
SARAH M. ALCAIDE
ANDREW J. ALISSANDRATOS
JUSTIN D. AMTHOR
MARY C. ANDERLONIS
BELINDA L. ANDERSON
JASON L. ANDERSON
LARS D. ANDERSON
LARS D. ANDERSON
NATHAN W. ANDERSON
NATHAN W. ANDERSON
ON ANTONY J. ANDERIOUS
CHARLES E. ANKLAM III
WELLINGTON C. AGUINO
ROBERT C. ARBEGAST
PHILLIP T. ASH
JONATHAN C. ASHMORE
MICHELLE B. AVILA
BRADLEE J. AVOTS
AARON M. AWTRY
DAVID LA BACUTA BRADLEE J. AVOTS
AARON M. AWTRY
DAVID J. BACHTA
DAVID T. BAILEY
STEPHEN C. BAIR
GLENN P. BAKER
RYAN M. BAKER
MARK V. BALFANTZ
MICHAEL J. BALICH
ONN D. BALF BURGET JOHN R. BALLENGER ANTHONY P. BARILETTI CHRISTINE D. BARILETTI JOSEPH N. BARKER JOSEPHUS E. BARNES JONATHAN F. BARR PAUL R. BARRON PAUL R. BARRON
MATTEEW D. BARTELS
ROBERT I. BASKINS
BENJAMIN K. BAYLESS
SCOTT E. BEATTY
ELDON W. BECK
MATTHEW J. BECK
DAVID BEERE
RICHARD A. BEHRMANN BEAU B. BELL KEVIN L. BELL THOMAS E. BELLAMY JUSTIN M BELLMAN ERIN K. BERARD JAMES R. BERARD MICHAEL D. BERRY MATTHEW P. BEUCHERT JOHN T. BIDWELL JOHN L. BINSTOCK BENJAMIN L. BLANTON MICHAEL A. BLEJSKI STEPHEN J. BOADA CHRISTOPHER F. BOKSANSKE JER BOLEN THOMAS E. BOLEN, JR. JOHN R. BOUTIN TIMOTHY J. BOVE ERIK A. BOYCE ANNE M. BRADEN BARRET F. BRADSTREET RICHARD J. BRIDGETT JOSHUA A. BRINDEL JOSHUA H. BRINGHURST MARC W. BRINNEMAN CHAD C. BROOKS LAWRENCE G. BROOKS ANDREW P. BROUGHTON BRANDON D. BROWN CHRISTOPHER J. BROWN DAVID L. BROWN ERIC A. BROWN IAN T. BROWN NEIL H. BRUBECK WILLIAM L. BRYSON, JR. SCOTT S. BUCHANAN CHRISTOPHER L. BUCK CHRISTOPHER L. BU JOHN E. BUIS MARC L. BULLLOCK ADAM W. BURCH THOMAS J. BURKE BRADLEY A. BYERS CORY T. CALLISON JOHN F. CAMPBELL KATHLEEN E. CAMPBELL JARRAD S. CAOLA SEAN S. CARANO ANDREW L. CARCICH THOMAS W. CAREY CLARK D. CARPENTER

WAYNE A. CARR, JR. BRYCE W. CARTER SHAWN R. CASH SHAWN R. CASH
CHRISTOPHER J. CELUSTA
GREGORY R. CHAPMAN
ROCKY L. CHECCA
COLIN M. CHISHOLM
ALLAN S. CHIU
ROBERT M. CHRISTAFORE, JR.
LONNIE S. CHRISTIAN, JR.
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BRYAN W. YOUNGERS
DAVID Z. ZARTMAN
CHRISTINA F. ZIMMERMAN

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

ARLINGTON A. FINCH, JR. BENNY B. JONES ALAN T. KRAUS KEVIN M. TSCHERCH

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

TIMOTHY T. RYBINSKI

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

## To be captain

JOHN D. WILSHUSEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### To be lieutenant commander

WILLIS E. EVERETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

### To be lieutenant commander

JAMES T. GILSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

## To be commander

CHRISTOPHER A. MARTINO

## HOUSE OF REPRESENTATIVES—Tuesday, January 31, 2012

called to order by the Speaker pro tempore (Mr. HARRIS).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

> WASHINGTON, DC. January 31, 2012.

I hereby appoint the Honorable ANDY HAR-RIS to act as Speaker pro tempore on this day.

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

## MORNING-HOUR DEBATE

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

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

## KEYSTONE XL PIPELINE AND THE K-FAST BILL

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

Mr. POE of Texas. Mr. Speaker, across the globe, Iran continues its saber rattling. The little fella from the desert, Ahmadinejad, threatens to block the Strait of Hormuz and all the oil shipments going through it.

This worries Americans who can't afford for the price of gasoline to go up.

What if we made unstable Middle Eastern countries irrelevant to our energy security? Imagine a place where the United States actually controlled its own energy destiny. There are two different paths to that world. The administration and environmental obstructionists will tell you the only way to energy independence is through so-"clean and green" energy called projects funded at taxpayer expense.

This may sound good in a sound bite, but these projects are expensive, unreliable, and in many cases they continue to fail.

Cases in point, three companies: Solvndra, Enerl, and Beacon Power, In each of these cases, the Federal Gov-

The House met at noon and was ernment has taken taxpayer money and gambled it on risky projects. With Solyndra, half a billion taxpayer dollars were poured into a company that was doomed to fail. The result: Solyndra went belly up, 1,000 people lost their jobs, and the American people will never see a refund on their money.

Clean energy may be a noble goal, but we're just not there yet.

The second path to controlling our energy destiny is an all-of-the-above approach: solar, wind, nuclear, clean coal, natural gas, and yes, oil.

For now, oil is the most reliable and cost-effective source of energy we have. That's one reason why the Keystone XL pipeline is a golden opportunity for our country. This project, unlike Solyndra, won't cost the taxpayers any of their money.

It would bring 750,000 barrels of oil per day from our stable ally, Canada, down to refineries in my district in southeast Texas. Equally important, it would create at least 100,000 jobs in its lifetime, including 20,000 immediate construction and manufacturing jobs. But unfortunately, the administration has said no to Keystone pipeline. It said no to our national interest. It said no to jobs. It said no to energy security. It said no to our ally Canada. It said no to the will of the American people because most Americans support the pipeline. But it did say ves—ves to China, because China will probably be the recipient of that Canadian oil and the jobs if the pipeline is not built in the United States. Now, isn't that lovelv?

Keystone would enhance our energy security by bringing almost as much oil as we get from Saudi Arabia to the United States. It would help enhance our foreign policy by bolstering our relationship with Canada instead of depending on unstable Middle Eastern countries. But radical obstructionists got their way when they took to the streets in front of the White House and threatened their support for the Presi-

They seem to conveniently forget that pipelines are the safest way to transport oil.

Failure to approve the pipeline is putting our national security, energy security, and economic security at risk. That is why I have introduced, along with my friend DAN BOREN from Oklahoma, the bipartisan Keystone for a Secure Tomorrow Act, or K-FAST for short. This bill would allow Congress to act immediately and approve the permit for the Keystone XL pipeline.

There is precedent for congressional approval of pipelines. In 1973, the same type of special interest groups were holding back the permit for the Trans-Alaska pipeline. After 4 years of delay, Congress finally took direct action and successfully approved that pipeline.

I'm pleased that a bipartisan group of 45 Senators agree that Congress should approve the Keystone pipeline. The Hoeven-Lugar-Vitter bill, similar to my bill, would do that.

While green energy is a worthwhile ambition, we simply cannot afford to reject a reliable supply of energy.

So while the administration continues to say no to Americans, Congress has the obligation and the legal ability to say yes. Let's make Keystone pipeline a reality.

It's time we create jobs, bring energy to the United States, and make Middle Eastern politics and turmoil irrelevant to our national and energy security. It's time to think of the American people because they can't wait.

And that's just the way it is.

## AMERICAN HERO, JOHN "JACK" FRANCIS HANNIGAN

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

Mr. FLORES. Mr. Speaker, I rise today to remember an American hero from this country's Greatest Generation. John "Jack" Francis Hannigan was born March 27, 1918 to Frank Hannigan and Elsie Sternweiss Hannigan in New York City. He attended parochial school throughout his life, obtaining a college degree and a law degree from St. John's University in New York. Through his beloved sister Myrtle, he met the love of his life, Marion Josephine Ronayne, and he also fell in love with her large and caring Irish family. They were married on May 2. 1942 at Maxwell Air Force Base in Montgomery, Alabama, thus beginning a union that lasted 67 years.

Jack was a navigator and a lawyer in the United States Army Air Corps, serving during World War II in the European theater of operations. As part of the 397th bomb group, also known as the Bridge Busters, he flew 70 combat missions in a B-26 Marauder, including three over Normandy Beach on D-Day. He earned a Purple Heart during his wartime service. In 1948, his commission as a JAG officer was transferred to the newly created United States Air Force.

Jack's and his wife's military service spanned 30 years, living in Alabama,

Louisiana, South Carolina, Florida, Georgia, New York, New Jersey, Pennsylvania, New Mexico, Arizona, Germany, Virginia, the Philippine Islands, Massachusetts, Maryland, and, of course, Texas. Throughout his service, he was awarded many medals of commendation, including the Silver Star, the Legion of Merit, the Meritorious Service Medal, the Air Medal, the Air Force Commendation Medal, and the Army Commendation Ribbon. Upon retirement, Colonel Hannigan received the Distinguished Service Medal in 1971 at Randolph Air Force Base in Texas. The Hannigans retired to Allen, Texas, and were active parishioners at St. Jude's Catholic Church. While there, he volunteered his legal services and his wife's typing to many church members.

Jack and Marion raised a large Irish Catholic family with six children. While the family is spread across the country, the love that Jack and Marion held for them is a bond that will forever unite the Hannigan clan. Jack is survived by his children, John F. Hannigan, Jr., United States Air Force retired colonel of Colorado; Mary Gadow of Arizona: Barbara Clark of Massachusetts; Joan Johnston of Massachusetts; Dr. Jim Hannigan of Austin, Texas; Kathy Havel of Dallas, Texas; 14 grandchildren; and 10 greatgrandchildren. He will also be remembered for his quick wit, practical jokes, skill with crossword puzzles, love of sports—especially golf—and yes, his "yes dears" to his wife, Marion.

This Friday, on February 3, 2012, a memorial service will be held at Arlington National Cemetery to honor his and his wife's life of service to our country.

Mr. Speaker, the service of Mr. and Mrs. Hannigan to our country will never be forgotten. They serve as examples for our current generations of Americans to emulate. God bless their service, and God bless the United States of America.

## □ 1210

## **AFGHANISTAN**

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. Jones) for 5 minutes.

Mr. JONES. Mr. Speaker, over the weekend, I read an article by the Associated Press that the French have made a decision to fast-track their withdrawal from Afghanistan and bring troops home by the end of 2013 instead of the end of 2014. If France follows through with this accelerated drawdown, they will join other countries like Canada and the Netherlands, who have also drawn down their forces in recent years.

I believe these countries are on the right track.

The Department of Defense has recently been asked to find over \$490 bil-

lion in cuts. We are currently spending \$10 billion a month, which equates to \$120 billion a year, in Afghanistan. By bringing our troops home now, we would be saving hundreds of billions of dollars, which would prevent the Department of Defense from cutting other military programs. It simply is common sense to bring our troops home now and not wait.

Mr. Speaker, I would like to quote from a January 20, 2012, New York Times article by Matthew Rosenberg, titled, "Afghanistan's Soldiers Step Up Killings of Allied Forces":

"American and other coalition forces here are being killed in increasing numbers by the very Afghan soldiers they fight alongside and train, in attacks motivated by deep-seated animosity between the supposedly allied forces, according to American and Afghan officers and a classified coalition report obtained by The New York Times."

Mr. Rosenberg further states in his article, "A decade into the war in Afghanistan, the report makes clear that these killings have become the most visible symptom of a far deeper ailment plaguing the war effort: the contempt each side holds for the other, never mind the Taliban. The ill will and mistrust run deep among civilians and militaries on both sides, raising questions about what future role the U.S. and its allies can expect to play in Afghanistan."

Mr. Speaker, more important than the money are the young men and women who are sacrificing their lives, limbs, and families by serving in a corrupt nation led by a corrupt leader.

Beside me, Mr. Speaker, is a poster that I have been bringing to the floor from time to time of a young soldier from Fort Bragg, North Carolina, who is sitting in a wheelchair with both legs gone and an arm gone, with his lovely wife standing beside his wheelchair showing him their new apartment.

How many more young men and women have to die? How many more young men and women have to lose their legs, their arms? And the sad part about it is that, as history has shown, no great nation in the history of the world has ever changed Afghanistan; and we're not going to change it either. History has proven that fact time and time again. It is time to bring our troops home from Afghanistan.

Before closing, Mr. Speaker, I want to tell the story of my visit to Walter Reed, which is in Bethesda, Maryland. A young Marine corporal from Camp Lejeune, which I have the privilege to represent, said to me, with his mom in the room: Why don't we come home, Congressman? Why don't we come home?

It is time that this administration and this Congress say to the American people: We're not going to wait until 2014 to bring our troops home. We're going to start bringing them home in 2013

And with that, Mr. Speaker, in closing, I ask God to please bless our men and women in uniform. I ask God to please bless the families who have given a loved one dying for freedom in Afghanistan and Iraq. And I will close by asking God three times: God, please, God, please, God, please continue to bless America.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess until 2 p.m.

## □ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker protempore (Mrs. Ellmers) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

Bless the Members of this assembly as they set upon the important work that faces them. Help them to make wise decisions in a good manner and to carry their responsibilities steadily with high hopes for a better future for our great Nation.

May they be empowered by what they have heard during their home district visits to work together. May they realize that each of them represents voters who side with their opponents, and that there are millions of Americans who voted for their opponents as well. The work to be done must benefit all Americans. Give them courage to make difficult choices when they are faced with them.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. BURGESS led the Pledge of Alle- than 3.2 million jobs. Last year we giance as follows:

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

## STOCK ACT

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

Mr. POE of Texas. Madam Speaker, the STOCK Act will prohibit Members of Congress and Federal employees from using nonpublic information for their own personal profit and help prevent insider trading.

Representative TIMOTHY WALZ of Minnesota has introduced this legislation in the House. The Senate has already voted to move forward on the STOCK Act.

I join a bipartisan group of 217 Members in supporting this legislation. Several media reports have indicated that insider trading is a problem in the Halls of Congress.

Madam Speaker, we work for the American people and cannot lose their trust. The STOCK Act or similar legislation is needed because it brings more transparency and oversight.

Insider trading, any way you look at it, is not only illegal in the United States, but it is corrupt and morally wrong. In Washington and in Congress, things must not only be right; they must look right.

And that's just the way it is.

## COMMENDING PRESIDENT BARACK OBAMA'S LEADERSHIP IN SUP-PORTING WORKING AMERICANS

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

Mr. FALEOMAVAEGA. Madam Speaker, as required by our Constitution, last week President Obama addressed our Nation in his annual State of the Union message before a joint session of Congress. President Obama outlined his blueprint for an America Built to Last, a plan that begins with American manufacturing.

President Obama noted in his address that the American auto industry is back. The President's decision to provide emergency loans to the auto industry saved more than 1.4 million American jobs. This decision by President Obama also prevented personal income losses over 2 years of more than \$96 billion and helped make the Big Three automakers—Chrysler, General Motors, and Ford—all profitable for the first time in years.

After taking office, President Obama signed the Recovery Act to get our Nation back to work. As a result, the U.S. has seen 22 consecutive months of private sector job growth, adding more added the most private sector jobs since 2005.

Madam Speaker, I commend President Obama for his vision and leadership. I commend his bold actions and, most of all, his commitment to serving our Nation in these difficult times.

#### BEYOND THE AFFORDABLE CARE ACT

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

Mr. BURGESS. Madam Speaker, this year the Supreme Court agreed to hear and issue a decision on the Affordable Care Act. Of course, I'm eager to see what happens, and I'll be following the case very carefully, as will millions of Americans. But important steps will need to be taken depending upon how the Court rules. Right now, we do not know if the Court will rule solely on the individual mandate or say that the entire law is unconstitutional. Either way, this House must be prepared.

Now, House conservatives have been working for at least the past 3 years, well before the Affordable Care Act was even passed, to craft policies that focused on patients instead of payments, that focused on quality instead of quantity, innovation instead of stagnation, and affordability as opposed to just being cheap.

I'm fully committed to continuing this work and producing alternative legislation that will benefit the American people without putting an undue burden on the economy.

The Congressional Health Care Caucus discussed this issue today at a briefing. James Capretta and Thomas Miller discussed and shared ways on which we can prepare in the coming months with specific policy ideas. Although no one has a clear idea of how the Court will rule we do know that we need to work together to consider ideas and craft policies to take care of the American people when their decision is rendered.

#### DUCKS UNLIMITED

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

Mrs. BLACKBURN. Madam Speaker, it is so true that "to whom much is given, much is required," especially when it comes to ensuring the blessings of creation for our children and grandchildren. Seventy-five years ago, a group of concerned citizens came together to offer their time, talents, and treasures to protect waterfowl populations and preserve wetland habitats.

Ducks Unlimited has a purposed beginning. During the 1937 Dust Bowl. drought-plagued waterfowl populations were at unprecedented lows. Recognizing the waterfowl were dangerously near to unrecoverable populations, a small group of sportsmen organized themselves and got to work.

Over the past 75 years, the members of Ducks Unlimited have worked to conserve, restore, and manage habitats essential to the well-being of our conpopulations. tinent's waterfowl Through public-private partnerships and the hard work of Ducks Unlimited volunteers throughout the country, more than 12 million acres across North America have been preserved.

Madam Speaker, it never ceases to amaze me how the citizenry, bound together by common dedication, determination, and focus, and not by government fiat, can change the world. Ducks Unlimited has spent the last 75 years improving water quality, mitigating the effects of floods, safeguarding and expanding recreational opportunities. They are to be commended for their 75 years.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK. HOUSE OF REPRESENTATIVES Washington, DC, January 31, 2012. Hon. John A. Boehner.

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 31, 2012 at 10 a.m.:

That the Senate passed S. 1236.

That the Senate agreed to S. Con. Res. 34. With best wishes, I am

Sincerely.

KAREN L. HAAS.

## APPOINTMENT OF CONFEREES ON H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. CRAVAACK. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 658) to amend title 49. United States Code. to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. Mica, Petri, Duncan of Tennessee, Graves of Missouri, Shuster, Mrs. Schmidt, Messrs. Cravaack, Rahall, DeFazio, Costello, Boswell, and Carnahan.

From the Committee on Science, Space, and Technology, for consideration of secs. 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X and title XIII of the House bill and secs. 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and sec. 732 of the Senate amendment, and modifications committed to conference:

Messrs. Hall, Palazzo, and Ms. Eddie Bernice Johnson of Texas.

From the Committee on Ways and Means, for consideration of title XI of the House bill and title VIII and title XI of the Senate amendment, and modifications committed to conference:

Messrs. Camp, Tiberi and Levin.

There was no objection.

#### RECESS

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

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

## □ 1715

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 5 o'clock and 15 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1173, FISCAL RESPONSI-BILITY AND RETIREMENT ACT OF 2011

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 522 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 522

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1173) to repeal the CLASS program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated January 31, 2012, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

# GENERAL LEAVE

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

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

There was no objection.

Mr. SESSIONS. House Resolution 522 provides a modified open rule for consideration of H.R. 1173. This rule allows for any amendment prefiled in the CONGRESSIONAL RECORD which complies with the rules of the House to be made in order. That's pretty simple.

Mr. Speaker, Î rise today in support of this rule and the underlying bill, H.R. 1173, the Fiscal Responsibility and Retirement Security Act of 2011, which was introduced on March 17, 2011, by the gentleman, my dear friend from Louisiana, Congressman CHARLES BOUSTANY, and was reported by the Committee on Energy and Commerce by a vote of 33–17 on November 29, 2011.

# □ 1720

Additionally, the bill was reported by the Committee on Ways and Means on January 18, 2012, by a vote of 23–13.

This legislation has been through regular order. Members from both sides

of the aisle on several committees have had opportunities to submit perfecting ideas, and those amendments have been considered. With the modified open process brought forward by the Rules Committee, every preprinted amendment will be given full and fair consideration by this body.

Mr. Speaker, the Community Living Assistance Services and Supports Act, also known as the CLASS Act, was a budgetary gimmick introduced by congressional Democrats in ObamaCare bill to fit a 10-year budget score, not to provide reliable insurance coverage. This is why we are here today. Built on an unstable foundation, this long-term health insurance system was broken from its inception, and vet was used to sell ObamaCare to those who did not fully comprehend its future implications.

Let's review the facts of this case. The CLASS Act establishes a longterm health coverage program that would be operated by the Federal Government. The program is a guaranteed issue, meaning no one can be turned away. The program provides subsidized premiums to those under the age of 22 and to those below the poverty line. Finally, it can use no government funding. If that isn't a recipe for failure, I'm not sure how else you would design the program. Giving reduced premiums to some and mandatory coverage to all necessarily drives up the monthly premium. The Department of Health and Human Services indicated that the plans, as designed, would cost \$235 and \$391 a month and could rise to as much as \$3,000 a month for those in the program. Anyone who is healthy and above the poverty line would most certainly turn to the private sector, leaving the program woefully underfunded. These are the facts. The program is not viable and is not sustainable.

In reference to the program, the Secretary of Health and Human Services, Secretary Sebelius, finally agreed on October 14, saying, "I do not see a viable path forward at this time." It makes you wonder what other sections of ObamaCare might not be fiscally sound, given a closer review as well. Oh, by the way, this Republican Congress is doing that right now, in committee, under regular order. Apparently, however, we had to pass the bill to find out about the CLASS Act and what was in it and how it might work.

Mr. Speaker, we are not solving the problem by creating programs that are unsustainable. We continue to double down, taxing Medicare and Medicaid relentlessly to where they cannot pay for themselves. President Obama and congressional Democrats actually cut \$500 billion in Medicare in order to fund the CLASS Act and flawed programs like it in the ObamaCare package. The majority of Republicans in this House are committed to protecting Medicare, Medicaid, and Social Security for future generations, not passing empty

promises—those that cannot sustain themselves and those that would be headed for failure from their inceptions. I believe we are abandoning the core mission of entitlement programs, which was meant to bring necessary coverage to those who cannot provide for themselves.

Mr. Speaker, I, like many Americans. can speak on a personal basis about what a disappointment this is, not just the ObamaCare bill, but the provisions laid out in it. You see. I'm not unlike many Americans. I have a disabled son at home. I have an 18-year-old Down syndrome young man. I, and Alex, perhaps at some point, will count on the government's being able to uphold its real responsibility. I believe government should have a mission statement, and that government should have a role in the lives of Americans, but it should be one which is very narrow and well understood.

I understand and believe that we should have a government that does help people who need help, and that we do have a government that can give assistance. However, I believe that ablebodied people should not be included in these programs. I believe that the people who should be a part of this government assistance should be those who have an intellectual or physical disability, those who are seniors—our parents. Because of their ages and their service to this great country, they have earned this and should be given that help. Lastly, those who are poorthose, in other words, who are at or below the poverty line-should be a part of this as well.

I believe that what this bill has done—and the philosophy of the Democratic Party, including that of this President—will diminish the real role that government should be playing, because, in fact, it has gone so far out of its intended purpose, or of its ability to sustain what it should be doing, that it will be a sham system and unable to help those it should have been intended to help in the first place. I have seen this many times. I have seen it in professional sports where, as an analogy, people will buy a season ticket and get a parking pass with it. There are sometimes 10,000 or 15,000 people who buy season tickets for 4,000 parking places. In other words, there may be 10,000 people who have the right to come to those parking places, but there is only room for a few.

Mr. Speaker, I believe our government and the leaders of this government, including Secretary Sebelius, recognize the limitations and the failures of this piece of legislation. This one piece alone is what we, as Republicans today, are trying to highlight, and Dr. BOUSTANY is right in bringing it to us

We should not be creating a system that would be outside the scope of what the government should actually be

doing, which is to help those who cannot help themselves or who deserve that opportunity to have help. In other words, by creating a larger-than-life scenario which cannot be sustained. they've, in fact, put the underpinnings of something that could be good at risk—selling too many parking places for the ones that need to exist. The parking places that need to exist need to be on a one-on-one basis now for the people who need them the most. That is what the government should be doing and doing well, not going outside of its mandate and not promising something that is unsustainable and that they cannot deliver on.

Mr. Speaker, I would submit and suggest that some Democrats will rise today to defend this bill, the CLASS Act, but the facts of the case are now known and well understood so that even the President and his administration are walking away from this part of the bill. The program is fatally flawed, and a full repeal is the only realistic way we should approach this.

Now is the time to be serious with the American people. Now is the time when we need to say that this should not have been a part of what this health care bill is about. It will surely not deliver on what was sold or do what it was intended to do; and before we engage in that, we ought to be realistic and honest about what this is doing.

Now is the time to be serious with the American people about expectations from the Federal Government as related to this program. House Republicans are committed to providing affordable, patient-driven solutions to the problems facing our health care system; and we recognize, in going through the bill, that this stands out as a prime example of what is broken about the legislation that is law today.

So we are here forthrightly, through regular order, to talk in a polite and sensible way about how we should handle what we now know and what we should have known then but failed to do. Not reading the bill is just another example of the flawed process that we were going through.

I urge all of my colleagues to vote for this modified open rule, which allows for the consideration of all preprinted amendments that comply with the rules of the House, and to vote for the underlying bill.

I reserve the balance of my time.

# □ 1730

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

I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary  $30\ \text{minutes}.$ 

First of all, Mr. Speaker, I would urge my colleagues to vote "no" on this rule. One is, as was pointed out, this is not truly an open rule—there is a preprinting requirement. But there is also a cap, a time limit of 3 hours on

the total debate for this bill. So if Members have an idea about an amendment they want to offer and it bumps up against the 3-hour time limit, they're out of luck.

I would remind my colleagues that this is an important issue. This is about long-term care, health care, mostly for our senior citizens. This is an important subject. We should be talking about this. We should be deliberating on this, and it deserves the necessary time to do this issue justice.

I guess I shouldn't be surprised, because we can't get this leadership to bring up not only legitimate health care bills to help improve the quality of health care for our citizens, but we can't get them to bring up jobs bills. We can't seem to get this leadership to bring up anything of any consequence or any significance to the American people or anything that will improve the quality of life for the citizens of this country.

Mr. Speaker, my friends on the other side of the aisle want to portray this as a very simple debate. They want everyone to think that this is a bill that just ends, as they put it, a problematic or a failed program, a bill that says we're going to run our government more effectively and more efficiently, a bill that says that we're going to get health care right for the American people.

But, Mr. Speaker, nothing, absolutely nothing, could be further from the truth. And let me be clear: This bill is just one more example of how the Republican majority in this House stands with Big Insurance instead of the American people. It's another example of how Republicans want to rig the health care system so insurance companies can continue to discriminate based on preexisting conditions and can continue to reap big profits at the expense of our families.

Democrats stand for improving access to the best health care system in the world. We want Americans to be able to take care of themselves and to plan for long-term care should they need it.

The debate in the Rules Committee last week was a telling example of how my friends on the other side of the aisle view this critical health care issue. During that debate, one of our colleagues, Republican colleagues on our Rules Committee, compared long-term care planning to owning a swimming pool, a luxury, saying that since the government shouldn't build a swimming pool for everyone in the country, that we shouldn't be providing long-term care advice or help with long-term care planning for the American people.

Mr. Speaker, this is where the discourse on health care has landed. We talk about how to lower costs and to increase access to health care, and my Republican friends talk about swimming pools. They are in over their

heads, which is why their poll numbers are sinking to the bottom. This bill may appear to be fairly simple, but it will have a devastating impact on Americans as they plan for the future.

H.R. 1173, the so-called Fiscal Responsibility and Retirement Security Act, would repeal the CLASS Act and defund the National Clearinghouse for Long-Term Care Information. The CLASS Act is a national voluntary insurance program for purchasing long-term or disabled care for things like nursing home fees. Let me repeat that: It's a voluntary program. There's no mandate, no requirement, no obligation for anyone to participate.

This bill also converts mandatory funding for the National Clearinghouse for Long-Term Care Information into discretionary funding. While they say that this saves \$9 million, the truth is Americans will lose access to critical information that can help them decide what kind of long-term care coverage they may or may not want, they may or may not need, as they grow older.

We need to figure out how to best address the cost and availability of long-term care in the United States, and the reality is that voting for this bill is the same as putting your fingers in your ears or covering your eyes. Surely you may not want to be able to hear or see what is bothering you, but it doesn't mean that these problems go away.

So why are we doing this today? Why are we repealing this without any replacement, without any thought given to how we might help the American people?

Well, if you listen to the Republican rhetoric, you'd think that some unnamed and unseen person is going to send you off to a dark room in an isolated nursing home, and you have no choice where to spend your golden years. That is, of course, if you listen to their ridiculous rhetoric.

It's true that the Obama administration has suspended enactment of the CLASS Act. They have done so after carefully assessing how they could implement a long-term, financially stable CLASS program. Unfortunately, they did not see a way forward at this particular point, but that doesn't mean we should just give up, throw up our hands and walk away.

While the CLASS Act is a sound premise, it clearly needs more work if it's going to be a viable program. The problem with H.R. 1173 is that it repeals the CLASS Act. We need to fix the CLASS Act, not destroy it. We need to engage on how to solve this problem, not to walk away from it, not to turn it into yet another piece of campaign rhetoric.

But that's not how the Republicans operate in this House. Their goal, it appears, is to tear down the health care system and to prevent people from getting adequate health care. How else can you explain their actions to repeal

the Affordable Care Act and to end for Medicare patients, and improve-Medicare? ments in preventable hospital care and

Mr. Speaker, the Republicans began the 112th Congress with an effort to "repeal and replace" the Affordable Care Act. Well, the House voted to repeal the new health care law, but we still haven't seen their replacement. They voted for repeal without replacement.

I should also point out to my colleague from Texas, it wasn't brought up under regular order; the repeal was brought up under a closed rule—but that's not unique in this House either.

The Republicans in control of the House of Representatives have found the time for bills on abortion and guns, bills to defund Planned Parenthood and National Public Radio and bills reaffirming our national motto, as if our national motto needs reaffirming. But when it comes to improving the quality of health care for the American people, my friends on the other side of the aisle are strangely silent.

As we near the second anniversary of the enactment of the Affordable Care Act, it's important to look at the success of this law and explain why repeal, as they have advocated, would cause real harm to the American people. We know for a fact that the Affordable Care Act is lowering costs and expanding coverage for millions of Americans.

The truth is crystal clear: 2.5 million young adults gained health insurance, 2.5 million young Americans gained health insurance. More than 40,000 Americans with preexisting medical conditions gained affordable health care coverage. Three hundred fifty new community health centers were built, and nearly 19,000 new jobs were created last year alone. Americans are benefiting from greater protections from unreasonable private insurance premium hikes.

More than 2 million senior citizens saved more than \$1.2 billion on prescription drugs in 2011. Again, let me repeat that: More than 2 million senior citizens saved more than \$1.2 billion on prescription drugs in 2011.

They want to repeal the bill, the affordable health insurance bill, which closes the doughnut hole, and all of a sudden senior citizens will see a tax hike the next time they look at their prescription costs.

Seniors in Medicare Advantage plans saw their monthly premiums decrease 14 percent from 2010 to 2011. Millions of women, seniors, and people with disabilities accessed preventative services

The Department of Health and Human Services and the Department of Justice stopped \$3 billion in fraudulent claims in 2011.

We also know that the quality of care is improving because of the Affordable Care Act. I'm talking about an expanded workforce, including primary care workers, better coordinated care

for Medicare patients, and improvements in preventable hospital care and readmission conditions, just to name a few. In fact, the entire debate within the health care community is changing on how we can better keep our citizens well.

Finally, we know that the health care industry is hiring more workers because of the Affordable Care Act. In fact, 514,900 new health care jobs have been created since the Affordable Care Act was enacted almost 2 years ago. Clearly, Mr. Speaker, the Affordable Care Act is working, and benefits will continue to grow as we move towards full implementation by 2016.

But by opposing the Affordable Care Act by pursuing repeal of the bill, Republicans have made it clear that they're against protections for people with preexisting conditions, that they are against expanding coverage for 2.5 million young adults who can't get health care on their own, that they are against new community health centers, that they are against the new jobs created by the Affordable Care Act.

#### $\Box$ 1740

And with this bill today, they are announcing that they are against planning for long-term care. This makes no sense, Mr. Speaker. Americans need to think about long-term care. They need planning options for the future.

Currently 10 million Americans need long-term care, and 5 million more will need long-term care over the next decade. Yet only 8 percent of Americans currently buy private long-term care insurance. Instead of forcing people to migrate towards Medicaid, the only other long-term care option available, we should be providing Americans with the tools they need to plan for the future. That's what the intention of the CLASS Act and the purpose of the National Clearinghouse for Long-Term Care Information is all about.

I know my friends will say: Trust us; we're going to come up with something down the road. Wouldn't it have been refreshing, in the spirit of bipartisanship, if we had come up with something before they chose to just outright repeal this provision? Maybe this would have been an opportunity for people to come together. But, no, we're told we're repealing it. You know, that fits in with our campaign rhetoric for 2012: We're going to repeal it; and the American people, just trust us. Take two tax breaks; call me in the morning. That's all you need to worry about.

The American people expect Congress to work each and every day to make this country better. Like Social Security and Medicare before it, the Affordable Care Act is an example of responsible legislating that is improving people's lives. It's not perfect. We need to build on it. We're going to need to make corrections. But there's not a piece of legislation that we have ever

needed to be corrected and adjusted and tweaked as time has gone on. But it is an important step in the right direction. And notwithstanding the rhetoric on the other side of the aisle, it has made a real difference in the lives of many millions of Americans who otherwise wouldn't have access to health care.

We must not and we will not let the Republicans drag us down with them on this issue. Vote "no" on this rule and "no" on the underlying bill.

I reserve the balance of my time.

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

I find very interesting my friend's arguments. First of all, the health care bill hasn't even kicked in, so millions of people have not gotten the advantages of this bill yet.

Mr. McGOVERN. Would the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. If I'm not mistaken, the allowance to let families keep their kids on their health insurance until they are 26 years old has kicked in.

Mr. SESSIONS. And that was a bipartisan agreement.

Mr. McGOVERN. No, no. Under your repeal bill, that would go away. That was part of the Affordable Care Act. That is one of the many things that has kicked in.

Mr. SESSIONS. Reclaiming my time. Mr. Speaker, at the time the bill was passed, we agreed to a number of things that we did think were good ideas. That was a good idea.

The \$500 billion of cuts in Medicare that Republicans talked about, we did not set that up for this election. They did that 2 years ago. That's one of the reasons why the American people, 50plus percent of the American people, another reason why they do not like this bill.

But to suggest that all of the advantages that are occurring as a result of this bill would be a misnomer. As a matter of fact, it's causing almost 80 percent of small business owners not to make decisions about hiring people for the future; and it's causing intense financial problems, not only upon small businesses but upon other businesses who don't hire people. It's causing a substantial problem on the amount of money that we are spending by this government right now.

Oh, by the way, that legislation also said in certain pieces of it that it's not for review by judicial or congressional oversight, that whatever these panels do is a decision that they would make. It's very restrictive. It's a governmentrun system, and it's causing enormous financial distress to this country.

I appreciate the gentleman trying to take all of the high attributes for it. It's a system that Republicans will

with a system that is market-based and that works.

Lastly, I will say that the gentleman talked about how cost effective it is. Insurance rates are raising 30 percent this year alone for people in the private sector, and that's nonsustainable.

Mr. Speaker, today, however, we are talking about a larger issue, and that is a piece part of that bill, the CLASS Act. I'm very pleased today to have a gentleman who is a great member of our conference, a physician by trade. It's just of enormous consequence that we have a person who understands why this piece of the bill in particular, today, must be repealed.

I'm delighted to yield 5 minutes to the gentleman from Louisiana (Mr. BOUSTANY), the original sponsor of the

BOUSTANY. Mr. Speaker, thank my friend from Texas for yielding some time to me on this important debate.

As a physician, I know firsthand about the needs out there with regard to long-term care. I've treated hundreds of patients who've needed it. This is a very important problem. It's an acute problem, and it's something that this Congress has to take seriously.

Also, I have a personal stake in this. I lost my father 3 years ago. He did not have a long-term care policy, and we had to deal with it. And we dealt with it. We were fortunate; as a family, we came together and we were able to take care of his needs. Many families can't. That's why this Congress has to get serious about dealing with this problem.

Now, our friends on the other side of the aisle had the last two Congresses to try to deal with this, and they proposed the health care bill. Yet there was no debate on any other alternatives. This was a one size fits all. This particular program wasn't even vetted in the House committees, and yet it was added into the bill as a budget gimmick. That's not serious legislation and that's not doing justice to the American people who are faced with these problems every single day.

Washington should have learned from this mistake. And there are three lessons, three basic lessons that we can learn from this CLASS program that was added into ObamaCare, this CLASS program, a failed program, an unsustainable program by the administration's own admission:

First, the first lesson, don't ignore reality. Democrat leaders ignored actuarial experts' warnings when they used the CLASS program as a budget gimmick in ObamaCare. President Obama can't create a self-funded, sustainable program that prohibits underwriting unless he intends to force healthy Americans to participate. Most enrollees will be high risk, causing premiums to skyrocket, making CLASS less ap-

passed in any Congress that hasn't vote to repeal, and we will replace that pealing to healthy Americans. So the first lesson: Don't ignore reality.

> The second lesson is simple: Don't break the law. The administration planned to break the law by excluding Americans made eligible by the statute. And when Congressional Research Service attorneys warned of lawsuits, I sent letters to Secretary Sebelius as the Oversight Subcommittee chairman on Ways and Means for her legal authority to make this change. Subsequently, she, and I think rightfully, suspended the program. But this does not correct bad law, a bad statute written into law. And unless we repeal CLASS, the Department of Health and Human Services will be in violation of the law when it misses an important deadline for implementation in October of 2012 and again in 2014. The administration. I think rightfully, doesn't want to break the law, but we need to go further and repeal this; otherwise, they are in violation of the law. And this is not my opinion, this is the opinion of CRS lawvers.

> So the first lesson, don't ignore reality; second, don't break the law; and, third, let's not compound our Nation's long-term fiscal problems.

> A prominent Democrat and former Congressional Budget Office Director, Alice Rivlin, wrote: "Since the CLASS program is a new, unfunded entitlement, it should be repealed because it will increase the deficit over the long term." Pretty clear statement from a Democrat and former Congressional Budget Office Director.

> The President's own deficit commission agrees with this assessment, and our grandchildren simply cannot afford a new budget-busting entitlement when we already have entitlements that we're struggling with.

> We need to solve problems. We need to get our budget under control. We need to solve this problem of long-term care, and there are ways to do it. There are many ways to do it. I'm working on legislation. I've got it in draft form. I'm sharing it with fellow colleagues, Democrats and Republicans, on the House Ways and Means Committee.

> I believe firmly that we have to do the right thing here, and I urge my colleagues on both sides of the aisle to support this rule. Let's repeal the CLASS program and support H.R. 1173, and this will give us the impetus to move forward on sensible legislation that will actually solve this problem and not add to the deficit.

> I believe, beyond CLASS repeal, we should make it easier for disabled Americans to save for their future needs.

#### □ 1750

We can expand access to affordable, private, long-term care coverage; and we can better educate Americans on the need for retirement planning. There are ways to do this. There are a

lot of good ideas on both sides of the aisle. I have already had conversations with Democrats on our committee. Let's solve the problem. Let's not add to the deficit. Let's not put the administration—by its own admission and by the analysis of CRS attorneys—let's not put them in a position of actually breaking the law. That's not a good example to set for the American public.

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

First of all, I just want to point out to my colleagues, in case they may have forgotten, that the CLASS Act was actually debated in the Energy and Commerce Committee. And do you want to know what the vote was? It passed by voice vote. There were a lot of other provisions in this health care bill that did not pass by voice vote where my Republican friends insisted on an up-or-down vote; but on this one, it passed by a voice vote. I want to point that out just so there's no misunderstanding.

The other thing I also think is important so there's no misunderstanding is that somehow nothing in the Affordable Care Act has kicked in. A lot has kicked in already. Blood pressure screenings for adults aged 18 and older, every 2 years for those with normal readings and annually for those with elevated results; cervical cancer screenings; child services, including screenings for autism; cholesterol screenings: colorectal cancer screenings; diabetes screenings; diet counseling; evaluation for depression; immunizations: mammograms. a.11 aimed at encouraging people to get preventative care so that they can avoid some of the debilitating results from not being checked. Those are all being covered under the Affordable Care Act.

My colleagues, over a year ago—over a year ago—it's now January 31—well over a year ago, you brought up on this floor under a closed rule a bill to repeal the Affordable Care Act. And you said, oh, we've got some ideas on how to fix the health care challenges in this country. It's been a year. Nothing. What have we been doing here? Well, we had a very rigorous debate on National Public Radio, something I'm sure everybody is concerned about all across this country.

We had a bill brought to the floor on reaffirming the national motto of this country, "In God We Trust." There it is, "In God We Trust," in gold letters right above where the Speaker sits. It's on the dollar bill. I didn't know it needed reaffirming, but we had to come to the floor and have this debate and vote on reaffirming our national motto.

We had votes on every hot-button issue that you can imagine; but when it comes to things like health care, improving the quality of life for people, we can't find the time. My friends say

they have all these great ideas. It's been over a year since you voted to repeal the Affordable Care Act. Do you want to repeal all these new services that are covered, all these tests to help people stay well, and in staying well, controlling health care costs?

My grandmother used to say an ounce of prevention keeps the doctor away. She was right. There's wisdom in encouraging people to seek out preventative-care services. If we can provide those services without a cost to encourage more people to take advantage of them, then more people will stay well, and we will control health care costs in this country.

We're having a discussion as a result of the Affordable Care Act about results-oriented health care, how do we keep our populations better. Not just how we could have the best doctors to do heart surgeries, brain surgeries and all these very complex surgical procedures which we want to make sure we still have the very best in the world, but maybe there are people who can avoid getting to that point.

Already, because of the passage of this bill, more and more people are taking advantage of these screenings. That's a good thing. And my colleagues, every one of them on the other side of the aisle, voted to repeal outright all these things. All these things would have gone away. Senior citizens would be paying more for prescription drugs today if their repeal bill made it through this process. So there are some good things that are happening.

I know it's tough to ever concede that this President has done anything good; but under this, the Democratic Congress, with no help from the Republicans on the other side of the aisle in this House, and the President of the United States, actually, I think, took a step in the right direction. As time goes on, more and more people are appreciating what is covered in that legislation.

So I point that out because my friends on the other side have a tendency to say "no" to everything. It's very easy to say "no." You don't have to take responsibility for anything. You said "no" over a year ago when you voted to repeal the Affordable Care Act, and you've said "yes" to nothing since. Today, you're asking us to join you in saying "no" again to the issue of making sure the people have the ability to take care of their loved ones and themselves in the case where they need long-term care. You're saying, say "no" to that. And replace it with what? Oh, trust us, we'll get back to you. Don't worry about it. We know what we're doing here. Well, again, it's very easy to say "no." It's more difficult to say "yes," and you've said "yes" on nothing when it comes to positive improvements in our health system.

With that, Mr. Speaker, I'd like to yield 3 minutes to the gentlewoman from Texas (Ms. Jackson Lee).

Ms. JACKSON LEE of Texas. Let me thank the gentleman from Massachusetts, and let me thank my colleague from Texas.

This is a very important debate. It brings about a lot of emotion for two reasons for me. In that same year on our debate on Affordable Care Act, I lost my mother, and she was in need of long-term care. As I speak, there are two elderly, senior-citizen relatives who likewise are in the midst of longterm care. They are of a different era. They did not have the opportunity to plan as much because of their economics and because of their station in life for their later life. But as I've watched the intensity of the care, I realize that we cannot make health care a political football.

I remember distinctly that very emotional time in March of 2010, and my recollection serves me not one friend on the other side of the aisle, not one Republican in this House, voted to help save the lives of Americans and provide them with a safety net of health care.

My good friend from Massachusetts has already given a litany of provisions that are already saving lives, from the 26-year-old being on insurance to not being kicked out of the hospital and many others. But let us focus on long-term care, a very personal part of one's life; 21 million people in 2008 had a condition that caused them to need help with their health and personal care. Many of them may be young people who've had serious, catastrophic illnesses and/or accidents. Medicare does not cover long-term services and supports—about 70 percent of people over 65.

But the real point that I want to make is if you want to talk about money, let me tell you how many of the family caregivers or how much their kind of help is equated. Some \$450 billion comes out of the family's either personal care or resources. This is not a throwaway. This is not throwing money away.

We recognize that the administration has thoughtfully said it needs to look at this long-term care in order to do it right. So I agree with the gentleman from Massachusetts that this should not be a throwaway; this should be a fix-up. One of the amendments that I had suggested was the idea of letting the Secretary come forward with best practices. For no one can intrude into the most personal time of your life when you are desperately in need, when you are catastrophically ill, or when you have aged to the point that there are people who you need to do the most personal things in life, in essence, to clean you up because of personal hygiene.

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

Mr. McGOVERN. I yield the gentlelady an additional 1 minute. □ 1800

Ms. JACKSON LEE of Texas. I thank the gentleman.

Long-term care is needed by a projected 15 million people. As I indicated, chronic conditions, trauma, or illness brings you to this, but the real idea is personal hygiene, getting dressed, using the bathroom. Do you want to put in the sunset of life or in time of great desperation the idea that no one is thinking about how we can best do long-term care? This repeal turns a light out, closes a door, abandons those family caregivers who are already giving \$450 billion of their time, their heart, the devastation—Medicaid giving \$101 million, but personal is \$14 billion.

Mr. Speaker, let's not throw the baby out with the bath water. Let us not, if you will, pass this bill that denies that America has a heart in the most difficult times of Americans. Who would raise their hand and say, I want someone to help me in my personal hygiene, I need someone to help me get to the bathroom, or something even more? This is what we're talking about. This is not the way to do it, Mr. Speaker. I demand that we vote against the CLASS Act repeal.

Mr. Speaker, I rise in opposition to H. Res 522, "Rule Providing Consideration on the Bill H.R. 1173, 'The Fiscal Responsibility and Retirement Security Act of 2011'." This bill would repeal title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

The CLASS Act was designed to provide an affordable long-term care option for the 10 million Americans in need of long-term care now and the projected 15 million Americans that will need long-term care by 2020.

Individuals need long-term care when a chronic condition, trauma, or illness limits their ability to carry out basic self-care tasks, called activities of daily living (ADLs), (such as bathing, dressing or eating), or instrumental activities of daily living (IADLs) (such as household chores, meal preparation, or managing money).

Long-term care often involves the most intimate aspects of people's lives—what and when they eat, personal hygiene, getting dressed, using the bathroom. Other less severe long-term care needs may involve household tasks such as preparing meals or using the telephone.

Estimates suggest that in the upcoming years the number of disabled elderly who cannot perform basic activities of daily living without assistance may double today's level.

CLASS provides the aging and the disabled with a solution that is self-sustaining, at no cost to tax payers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly, Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

Baby boomers are already turning 65. As of January 1, 2011, baby boomers have begun to celebrate their 65th birthdays. From that day on 10,000 people will turn 65 every day and this will continue for the next 20 years.

It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

In 2000, spending from public and private sources associated on long-term care amounted to an estimated \$137 billion (for persons of all ages). By 2005, this number rose to \$206.6 billion.

Individuals 85 years and older are one of the fastest growing segments of the population. In 2005, there are an estimated 5 million people 85+ in the United States; this figure is expected to increase to 19.4 million by 2050. This means that there could be an increase from 1.6 million to 6.2 million people age 85 or over with severe or moderate memory impairment in 2050.

An estimated 10 million Americans needed long-term care in 2000. Most but not all persons in need of long-term care are elderly. Approximately 63% are persons aged 65 and older (6.3 million); the remaining 37% are 64 years of age and younger (3.7 million).

The lifetime probability of becoming disabled in at least two activities of daily living or of being cognitively impaired is 68% for people age 65 and older.

By 2050, the number of individuals using paid long-term care services in any setting (e.g., at home, residential care such as assisted living, or skilled nursing facilities) will likely double from the 10 million using services in 2000, to 26 million people. This estimate is influenced by growth in the population of older people in need of care.

Of the older population with long-term care needs in the community, about 30% (1.5 million persons) have substantial long-term care needs—three or more activities of daily living limitations. Of these, about 25% are 85 and older and 70% report they are in fair to poor health. 40% of the older population with long-term care needs are poor or near poor (with incomes below 150% of the federal poverty level).

Between 1984 and 1994, the number of older persons receiving long-term care remained about the same at 5.5 million people, while the prevalence of long-term care use declined from 19.7% to 16.7% of the 65+ population. In comparison, 2.1%, or over 3.3 million, of the population aged 18–64 received long-term care in the community in 1994.

While there was a decline in the proportion (i.e., prevalence) of the older population receiving long-term care, the level of disability and cognitive impairment among those who received assistance with daily tasks rose sharply. The proportion receiving help with three to six ADLs increased from 35.4% to

42.9% between 1984 and 1994. The proportion of cognitive impairment among the 65+ population rose from 34% to 40%.

INFORMAL CARE GIVERS AND FAMILY

Informal Care Givers and Family are the unsung heroes for those who need longer term care. These care givers are unpaid individuals such as family members, partners, friends and neighbors who provide care. Just imagine for a moment an average family in the United States.

Imagine if the average working couple now has to balance raising children and caring for the needs of their aging parents or disabled adult relative without any additional support. Imagine how caretaking if left unaddressed will impact our workforce.

This is exactly what millions of families face every day. Over three-quarters (78%) of adults living in the community and in need of long-term care depend on family and friends (i.e., informal caregivers) as their only source of help; 14% receive a combination of informal and formal care (i.e., paid help); only 8% used formal care or paid help only.

Although estimates may vary the following numbers of family and informal care givers is still alarming and the numbers will only grow:

52 million informal and family caregivers provide care to someone aged 20+ who is ill or disabled.

44.4 million caregivers (or one out of every five households ) are involved in care giving to persons aged 18 or over.

34 million caregivers provide care for someone aged 50+.

27.3 million family caregivers provide personal assistance to adults (aged 15+) with a disability or chronic illness.

5.8 to 7 million people (family, friends and neighbors) provide care to a person (65+) who needs assistance with everyday activities.

8.9 million informal caregivers provide care to someone aged 50+ with dementia.

By the year 2007, the number of care giving households in the U.S. for persons aged 50+could reach 39 million.

Even among the most severely disabled older persons living in the community, about two-thirds rely solely on family members and other informal help, often resulting in great strain for the family caregivers.

# HOME AND COMMUNITY-BASED CARE

The majority of people, almost 79%, who need long-term care, live at home or in community settings. Less than 21 percent of individuals who need this type of care live in institutions. More than 13.2 million adults (over half younger than 65) living in a community received an average of 31.4 hours of personal assistance per week in 1995. Only 16% of the total hours were paid care (about \$32 billion), leaving 84% of hours to be provided (unpaid labor) by informal caregivers.

The trend towards community-based services instead of nursing home placement was formalized with the Olmstead Decision (July, 1999)—a court case in which the Supreme Court upheld the right of individuals to receive care in the community as opposed to an institution whenever possible.

Most assisted living facilities (ALFs) discharge residents whose cognitive impairments become moderate or severe or who need help with moving from a wheelchair to a bed. This

limits the ability of these populations to find appropriate services outside of nursing homes or other institutions.

Older individuals living in nursing homes require and receive greater levels of care and assistance. The issue before us today, is how we intend to treat our aging and disabled at a time when they are in need of assistance that will have a direct impact on their quality of life.

Traditionally, most long-term care is provided informally by family members and friends. Some people with disabilities receive assistance at home from paid helpers, including skilled nurses and home care aides.

Nursing homes are increasingly viewed as a last resort for people who are too disabled to live in the community, due to a number of factors, cost being one.

Mr. Speaker, I believe that we must leave the framework that exists in place and work with seniors, families, industry, HHS and others to find a way to make the CLASS Act or an alternative long-term care program work.

NOVEMBER 14, 2011.

Hon. FRED UPTON,

Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.

Hon. Joe Pitts,

Chairman, Subcommittee on Health, House Energy and Commerce Committee, House of Representatives, Washington, DC.

Hon. HENRY WAXMAN,

Ranking Member, House Energy and Commerce Committee, House of Representatives, Washington, DC.

Hon. Frank Pallone,

Ranking Member, Subcommittee on Health,
House Energy and Commerce Committee,
House of Representatives, Washington, DC.
DEAR CHAIRMAN UPTON, RANKING MEMBER
WAXMAN, CHAIRMAN PITTS, AND RANKING
MEMBER PALLONE: The undersigned organizations write to oppose legislation, H.R. 1173,
to repeal the Community Living Assistance
Services and Supports (CLASS) program and
respectfully urge members to reject such legislation.

In 2008, 21 million people had a condition that caused them to need help with their health and personal care. Medicare does not cover long-term services and supports (LTSS), yet about 70 percent of people over age 65 will require some type of LTSS at some point during their lifetime. As our population ages, the need for these services will only grow. In addition, about 40 percent of the individuals who need LTSS are under age 65 and LTSS can enable individuals to work and be productive citizens.

Regardless of when individuals may need these services, there is a lack of financing options to help them plan and pay for the services they need to help them live independently in their homes and communities where they want to be. Family caregivers are on the frontlines. They provided care valued at \$450 billion in 2009-more than the total spending on Medicaid that year. Private long-term care insurance helps some people pay for the cost of services, but it is not affordable for most, and some people are not even able to qualify for it. Too often, the cost of services wipes out personal and retirement savings and assets that are often already insufficient—as a result, formerly middle class individuals are forced to rely on Medicaid to pay for the costs of LTSS. There are few options for individuals to help them pay for the services they need that could help them delay or prevent their need to rely on Medicaid, the largest payer of LTSS.

That's why we support the CLASS program—to give millions of working Americans a new option to take personal responsibility and help plan and pay for these essential services. CLASS could also take some financial pressure off Medicaid at the state and federal levels-paid for by voluntary premiums, not taxpayer funds. For us, this is about the financially devastating impact that the need for LTSS has on families across this country every day and the essential, compelling and urgent need to address this issue. Every American family faces the reality that an accident or illness requiring long-term care could devastate them financially. This issue affects the constituents of every U.S. Representative. CLASS is an effort to be part of the solution. The CLASS actuarial report established that CLASS can still be designed to be a "value proposition." although development work was still needed. The actuarial report also noted that federal actuaries ". . . agreed that certain plans, designed to mitigate the adverse selection risk . . . can be actuarially sound and attractive the consumers." Rather than repeal CLASS, we urge continued dialogue and development of a viable path forward. The need to address LTSS and how these services will be paid for in a way that is affordable to individuals and society as a whole will not go a.wa.v

Families will continue to need a workable LTSS option to protect themselves, and a path forward is essential because the need for these services will only continue to grow. We appreciate your consideration of our views that are based on the experiences of millions of families across this country. We urge you to reject proposals to reapeal CLASS, and instead focus on a constructive path forward.

Sincerely

AAPD; AARP; ACCSES; AFSCME; Alzheimer's Foundation of America; American Dance Therapy Association: American Network of Cummunity Options and Resources; American Society on Aging; The Arc of the United States; Association of the United States: Association of Assistive Technology Act Programs; Association of University Centers on Disabilities (AUCD); Autism National Committee; Autistic Self Advocacy Network; Bazelon Center for Mental Health Law; Brain Injury Association of America (BIAA); California Foundation Independet Living Centers; Cape Organization for Independent Living Centers; Cape Organization for Rights of the Disabled (CORD); Center for Independence of Individuals with Disabilities; Center for Independent Living of South Florida, Inc.: Council for Exceptional Children; Direct Care Alliance: Disability Rights Education & Defense Fund; Easter Seals; Epilepsy Foundation.

Health & Disability Advocates: Inter-National Association of Business, Industry and Rehabilitation: Leading Age: Lutheran Services in America: Mental Health America: The National Alliance for Caregiving; National Alliance on Mental Illness (NAMI); National Association of Area Agencies on Aging (n4a); National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD): National Association of the Deaf; National Association for Home Care & Hospice; National Association of Nutrition and Aging Services Programs (NANASP); National Association of Professional Geriatric Care Managers; National Association of Social Workers; National Association of State Head Injury Administrators; The National Center for Learning Disabilities.

National Committee to Preserve Social Security and Medicare; The National Consumer Voice for Quality Long-Term Care (formerly NCCNHR); National Council on Aging; National Council on Independent Living; National Disability Rights Network; National Down Syndrome Congress; National Multiple Sclerosis Society; NISH; Paralyzed Veterans of America; Physician-Parent Caregivers; SEIU; Self-Reliance, Inc.; Services and Advocacy for GLBT Elders (SAGE); United Cerebral Palsy; United Spinal Association; Volunteers of America.

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

You know, the beautiful part of this body and really the historical context of the United States Congress is that people can come down and advocate for things that they see, things that they want. We go through, have hearings, we pass bills. We're not here today to say what's good or bad or right or wrong in terms of how we help people. We're here saying the government cannot make this program work.

To make the program work means that it has to have the underpinnings of an understanding, not just how it will work and who will pay for it, but really, what are the services that are going to be provided? The gentlewoman from Texas was very genuine in talking about the needs of people. I deeply believe in those needs also. But it also goes back to, this administration is the one that is walking away from the legislation, and it does us no good to try and act like, it's okay, we'll just ignore that.

The Congressional Budget Office today released its viewpoint for the coming year, and once again this administration, President Obama, will have a \$1 trillion deficit on his hands. The prior record before President Obama had been \$459 billion. We are going to be a trillion dollars—again—in the hole. At some point someone needs to recognize we cannot sustain all these great and wonderful ideas because if you cannot pay for something, you have set an expectation of performance that will not ever come true. That is cruel. That is cruel, and that is exactly what this ObamaCare bill and this CLASS Act is all about. It is about substantially telling the American people that something will be there when it never will be there because it's not put together where it's sustainable. The President's own people are saying it's not sustainable. And we as Members of Congress are trying to work with the administration on how it might work, and they're saying it can't and won't.

So the reality base of this is that the Republican Party does recognize the need. I recognize the need personally. I think CHARLES BOUSTANY, Dr. BOUSTANY, who is the sponsor of the bill, recognizes a need. But the way that it is defined and was defined in the Energy and Commerce Committee was, it's a concept and an idea; let's voice

vote this or agree that we'll get something back later. The bill was not voice voted. The agreement that they would come back later and look at it was.

In fact, Republicans are not guilty as charged. We are people who primarily go back home every weekend. I've never spent a weekend in Washington, D.C., in the 16 years I've been a Member of Congress. I go back out of Washington and try and go home to listen to people about the concerns that they have. It doesn't take much of a person who goes back every weekend to recognize there are great needs in this country. But to try and put together a program that cannot sustain itself, that offers a false hope and cannot be met, is cruel.

So today, Republicans, without calling anything bad, we're simply saying it cannot be sustained. It cannot be sustained by the government. The government cannot figure out a way to make it work. The managers of the business cannot figure out a way.

So, we've heard today we should hold hearings. We should. We should take up this issue. Dr. BOUSTANY talked about the need to do that, and we're going to. But the way the law looks right now, it's unsustainable, and we should tell the truth about that. And that is what Republicans are on the floor of the House doing today.

I reserve the balance of my time. Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

First of all, I think it's important to make it clear that there was a voice vote in the Energy and Commerce Committee. There were 2 days of debate on this CLASS Act, 2 days of debate. And the language in the amendment apparently was even changed before there was a voice vote. So to somehow diminish that there was some sort of a real vote or not—there was a real vote: 2 days of debate and a real vote.

Secondly, just so there's no misunderstanding, my friends keep talking about the debt and the deficit we face. First of all, as a Democrat, I want to say that I don't need a lecture from my friends on the other side of the aisle about deficits and the debt. We saw how this country went from surplus to deficit with the passage of the Bush tax cuts-mostly for the wealthy that weren't paid for. Every economist will affirm that they brought us into debt. Two, the prescription drug bill—that was much more expensive than my friends on the other side of the aisle told us it was going to be, and then they didn't pay for it on top of it. And then add to that two wars that aren't paid for. We are fighting the wars in Afghanistan and Iraq, and we didn't pay for them. We didn't look for offsets in the budget. They didn't even go to the American people and say, we're at war, we have to have a war tax, or we have to find a way to pay for the war. No. Soldiers go fight, you know, their families suffer, and we do nothing. So you want to know why we're in debt? That's why we're in debt.

And just for the record, this CLASS Act that we're talking about is not this taxpayer-subsidized, endless government funding type of a program here. I mean, it has to be self-financed by the premiums that people pay who volunteer to get into it. It says in the law that this cannot be funded by the dollars of taxpayers. What this is is a framework, a framework to get us to focus on the issue that we need to address, which is long-term health care in this country.

Now, I'm from Massachusetts, and I may be a little sensitive on this issue because one of my heroes, the late Senator Ted Kennedy, championed this issue. He understood that there was a need out there, and he saw, as we all have seen, what families go through when loved ones can't afford or families can't afford to pay for the longterm care of loved ones. So it took us decades to get here, to get to this point where we have a framework. Yes, it is true: This is not perfect. It needs more work. But we have a framework here. And it's not a framework which calls for endless subsidies by the taxpayers. It says we've got to come up with a program that can self-sustain itself, that is financed by those who want to be enrolled in it. Why would you throw this away? Why would you throw this away?

My friend on the other side of the aisle talks about false promises. Please, give me a break. False promises? You got up over a year ago and said we're repealing this health care reform bill, the Affordable Care Act, and we're going to replace it with something. It's been over a year. Nothing, nothing, not a single thing. You know, it's not like we haven't had time to do it or to talk about these issues or debate these issues. I mean, this has become a place where trivial issues get debated passionately and important ones not at all. National Public Radio funding, we had to debate that on the floor. Reaffirming our national motto "In God We Trust," we had time for that. Issues on abortion and every hot button issue you can think of, including we had a debate on making it easier for unsafe people to bring concealed weapons from State to State to State.

# □ 1810

Now, I don't know about Texas or about other countries, but I've got to tell you, people talk to me about a lot of problems and about a lot of things that keep them up at night. Some of the things that you've brought to this House floor never even enter their minds, because what keeps them up at night are things like this:

What happens if I get sick, will I be able to take care of myself? What happens if my spouse gets sick, seriously

ill, will I be able to care for her? Will I be able to care for him? What if it's my child? What if it's my mother, or what if it's my father? Will I be able to take care of them over a long period of time? Those are real-life issues that real people worry about each and every day.

So I would say to my friends on the other side of the aisle, first of all, vote down this rule, because I think it is insulting to bring a rule to the floor on the issue of long-term care and say we're going to cap debate at 3 hours. I think this is too important. This is more important than reaffirming our national motto, number one.

Number two, I would urge my colleagues on this side of the aisle, understand that what this represents is a framework and understand how long it has taken us to get to this point. And I've got to tell you, if we throw this framework away, I doubt very much that at any time in the near future this Congress is going to do anything meaningful on the issue of long-term health care.

So let's get serious about dealing with the real challenges that the American people are faced with. Let's not say that this is going to add to the deficit. It's not going to add to the deficit. In the law, it says it has to be self-sustaining; if not, it doesn't work. It says that we are not going to be subsidizing this program. That's what it says.

If you want to get serious about the deficit, you know what? Then make sure Warren Buffett pays the same tax rate as his secretary. If you want to get serious about the deficit, that's what you can do to help us deal with the issue of the deficit. But going after this with all these smokescreens I think is unfortunate.

So I would urge my colleagues, vote "no" on the rule and vote "no" on the underlying resolution.

I yield back the balance of my time. Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I think what we've done today is fair and honorable. We've talked about a problem. We've talked about a potential answer. First of all, an answer is that, since we do not have a workable program without bringing it back to the Congress, we ought to work with the administration. I think we've been responsible. But we have heard feedback from the administration, in a hearing, that said, we can't make that program work; we cannot make that program work.

So I think that what we are doing today is the fiscally responsible thing, to end the program, to end a program that is not going to work and was not designed to work, and then start back over, if we choose to, and put it into a workable mode. But only to have a false hope out there of something that cannot be sustained and something

that the managers of the government cannot make work is a bad idea.

We've got another trillion-dollar deficit that is facing this country, another \$1 trillion. We know who that is. That's Pin the Tail on the Donkey, Mr. Speaker. They are the ones responsible. They are the ones that are happy with that, and they are the ones that try to justify that.

Today we are coming together to find the solution to a long-term care issue in this country by talking about it, doing something that cannot be sustained, and then admitting, as Mr. BOUSTANY did, that we need to do something better. And we should not throw the idea away. Today we are going to vote on something that will do no further harm.

I applaud my colleague from Louisiana. Congressman Boustany, for introducing the bill. I appreciate him coming before us. I respect and appreciate my committee, the Rules Committee, and the gentleman from California (Mr. DREIER) for bringing this debate here in such an open and transparent process. I encourage a "yes" vote on the rule.

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

The previous question was ordered. The SPEAKER pro tempore. The

question is on the resolution.

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

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

The yeas and nays were ordered.

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

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 6 o'clock and 16 minutes p.m.), the House stood in recess subject to the call of the Chair.

## □ 1830

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Poe of Texas) at 6 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1173, FISCAL RESPONSI-BILITY AND RETIREMENT SECU-RITY ACT OF 2011

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on adoption of the resolution (H. Res. 522) providing

Garamendi

for consideration of the bill (H.R. 1173) to repeal the CLASS program, on which the yeas and nays were ordered.

The Clerk read the title of the resolu-

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

The vote was taken by electronic device, and there were—yeas 251, nays 157, not voting 24, as follows:

# [Roll No. 12]

#### YEAS-251

Adams Gardner McMorris Aderholt Garrett Rodgers Akin Gerlach Meehan Alexander Mica Gibbs Gibson Miller (FL) Amodei Gingrey (GA) Miller (MI) Austria Miller, Gary Gohmert Mulvaney Murphy (CT) Bachmann Goodlatte Bachus Gosar Barletta Murphy (PA) Gowdy Myrick Bartlett Granger Barton (TX) Neugebauer Graves (GA) Bass (NH) Noem Graves (MO) Benishek Griffin (AR) Nugent Berg Griffith (VA) Nunes Berman Nunnelee Grimm Olson Biggert Guinta Palazzo Bilbray Guthrie Bilirakis Paulsen Hall Bishop (UT) Pearce Hanna Pence Black Harper Blackburn Petri Harris Bonner Pitts Hartzler Poe (TX) BorenHastings (WA) Boustany Pompeo Hayworth Posey Price (GA) Brady (TX) Heck Brooks Hensarling Broun (GA) Quayle Herger Buchanan Reed Herrera Beutler Rehberg Bucshon Huelskamp Buerkle Reichert Huizenga (MI) Burgess Renacci Hultgren Calvert Ribble Hunter Camp Rigell Hurt Campbell Rivera. Issa Roby Roe (TN) Canseco Jenkins Cantor Johnson (IL) Rogers (AL) Capito Johnson (OH) Rogers (KY) Carney Johnson, Sam Carter Rogers (MI) Jones Cassidy Rohrabacher Jordan Chabot Rokita Kellv Chandler Roonev Kildee Ros-Lehtinen Coble Kind Coffman (CO) Roskam King (IA) Cole Ross (AR.) King (NY) Conaway Ross (FL) Kinzinger (IL) Cravaack Royce Kissell Crawford Runvan Kline Crenshaw Ryan (WI) Labradoi Culberson Scalise Lamborn Davis (KY) Schilling Lance Denham Schmidt Landry Schock Dent Lankford DesJarlais Schrader Latham Diaz-Balart Schweikert LaTourette Dicks Scott (SC) Latta Scott, Austin Dold Lewis (CA) Donnelly (IN) Sensenbrenner Dreier Lipinski Sessions LoBiondo Shimkus Duffv Long Duncan (SC) Shuler Duncan (TN) Lucas Shuster Luetkemever Simpson Ellmers Emerson Lummis Smith (NE) Lungren, Daniel Farenthold Smith (NJ) Fincher Smith (TX) Manzullo Fitzpatrick Southerland Marchant Flake Stearns Fleischmann Marino Stivers Matheson Fleming Stutzman McCarthy (CA) Flores Sullivan Terry Forbes McCaul Fortenberry McClintock Thompson (PA) Foxx McCotter Thornberry Franks (AZ) McHenry Tiberi Frelinghuysen McIntyre Tipton Turner (NY) Gallegly McKeon

West Walden Whitfield Walsh (IL) Wilson (SC) Webster Wittman Welch Wolf

Westmoreland

Womack Woodall Yoder Young (FL) Young (IN)

Pallone.

Pascrell

#### NAYS-157

Ackerman Gonzalez **Altmire** Green, Al Green, Gene Andrews Baca. Hahn Baldwin Hanabusa Barrow Bass (CA) Hastings (FL) Heinrich Becerra Himes Berkley Hinojosa Bishop (GA) Hirono Bishop (NY) Hochul Blumenauer Holden Boswell Holt Brady (PA) Honda Braley (IA) Hoyer Capps Israel Capuano Jackson (IL) Cardoza Jackson Lee Carnahan (TX) Johnson (GA) Carson (IN) Castor (FL) Johnson, E. B. Chu Keating Cicilline Kucinich Clarke (MI) Langevin Larsen (WA) Clarke (NY) Clay Larson (CT) Cleaver Lee (CA) Clyburn Levin Lewis (GA) Cohen Connolly (VA) Loebsack Lofgren, Zoe Conyers Cooper Lowey Costa Luián Costello Lynch Courtney Maloney Critz Markey Crowley Matsui Cummings McCarthy (NY) Davis (CA) McCollum Davis (IL) McDermott DeFazio McGovern DeGette McNerney DeLauro Meeks Deutch Michaud Miller (NC) Dingell Doggett Miller, George Doyle Edwards Moore Moran Nadler Ellison Eshoo Napolitano

Pastor (AZ) Payne Pelosi Perlmutter Peters Peterson Polis Price (NC) Quigley Rahall Rangel Reves Richardson Richmond Rothman (NJ) Roybal-Allard Ruppersberger Ryan (OH) Sanchez, Linda T. Sanchez, Loretta Sarbanes Schakowsky Schiff Schwartz Scott (VA) Scott, David Serrano Sewell Sherman Sires Slaughter Smith (WA) Speier Stark Sutton Thompson (CA) Thompson (MS) Tierney Tonko Towns Tsongas Van Hollen Velázquez Walz (MN) Waters Watt Waxman Wilson (FL)

## NOT VOTING-24

Bono Mack Brown (FL) Burton (IN) Butterfield Chaffetz Cuellar Engel Filner Frank (MA)

Farr

Fattah

Fudge

Grijalya. Gutierrez Higgins Hinchev Inslee Kaptur Kingston Mack

Neal

Olver

Owens

Pingree (ME) Platts Rush Visclosky Wasserman Schultz Young (AK)

Woolsey

Yarmuth

# □ 1854

Messrs. RAHALL, KUCINICH, AL GREEN of Texas, and MORAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Turner (OH)

Mr. FILNER. Mr. Speaker, on rollcall 12, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for a vote in the House Chamber today. Had I been present, I would have voted "nay" on rollcall vote No. 12.

NOTICE OF INTENTION TO OFFER number of patients waiting for an MOTION INSTRUCT TO CON-H.R. 3630, TEM-FEREES ON TAXPORARY PAYROLL CUT CONTINUATION ACT OF 2011

Mr. MICHAUD. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 3630, the conference report to extend the payroll tax, unemployment insurance, and SGR payments for doctors.

The form of the motion is as follows:

Mr. Michaud moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to recede from section 2123 of the House bill, relating to allowing a waiver of requirements under section 3304(a)(4) of the Internal Revenue Code of 1986, including a requirement that all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation.

#### PRESIDENT'S ACTIONS THREATEN OUR NATIONAL SECURITY

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

Mr. WILSON of South Carolina. Mr. Speaker, last Thursday, the President's plans were revealed to cut almost 80,000 army troops and 20,000 marines. This action will weaken our military's ability to protect us from increasing global threats.

This decision is another prime example of how the President and his administration continue to put American families at risk. Throughout our history, we have learned the consequences of downsizing our military, leading to surprise attacks.

I look forward to working with House Armed Services Committee Chairman BUCK McKeon to stop the execution of these drastic cuts which will decimate our military capabilities and threaten the security of America's servicememhers

I would also like to offer my sympathy to the family of Aiken Public Safety Master Corporal Sandra Rogers, who sacrificed her life while on duty Saturday.

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

#### TISSUE ENGINEERING AT TEXAS CHILDREN'S HOSPITAL

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

Mr. OLSON. Mr. Speaker, over the past 50 years, engineers, scientists, and clinicians have made amazing advances in the design and implementation of artificial organs. However, despite these advances, the gap between the

organ transplant and the number of available organs is widening.

The next great medical breakthrough will come from tissue engineering where organs are grown in a laboratory, in some cases with the patient's own cells, and then implanted.

My wife, Nancy, and I recently visited Texas Children's Hospital, one of the amazing institutions in the Texas Medical Center. By bringing scientists and engineers together who are developing tissue-engineered solutions with pediatric-focused clinicians, they spur more pediatric-focused research. Nancv and I are proud of the innovative work being done at Texas Children's Hospital. We saw firsthand that Texas Children's Hospital is leading the way on the most important component of this research—pediatric tissue engineering, new organs for kids.

Leaders lead, and Texas Children's is leading the way.

# $\square$ 1900

CELEBRATING THE 100TH ANNI-VERSARY OF THE GIRL SCOUTS OF THE USA

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to commend the Girl Scouts of the USA on its 52nd annual convention and its 100th anniversary. Since 1912, America's Girl Scouts have contributed significantly to the advancement of women in our society. For generations, Girl Scouts of America have actively promoted initiatives to help young women develop positive values, a sense of service, and other virtues that turn girls into productive contributors to their community, the country, and the world. Not only that, they've advanced the Nation by instilling courage, confidence, and character that young girls draw on to become leaders and make the world a better place.

Today, there are 3.2 million Girl Scouts-2.3 million girl members and 800,000 adult members working primarily as volunteers—all dedicated to inspiring generations of girls to reach for their goals and discover their full potential.

I want to commend each Girl Scout of each generation for their hard work and inspiring accomplishments, and I wish them well as the organization embarks on the next 100 years of service. Congratulations, Girl Scouts.

#### CELEBRATING AMERICAN HEART MONTH

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

Mr. PAULSEN. Mr. Speaker, tomorrow is February 1, and I want to recognize the month of February as being American Heart Month. Contrary to popular belief, heart disease does not discriminate by gender. It is the number one killer of both men and women and accounts for nearly one-quarter of all deaths in the United States.

Every 34 seconds—every 34 seconds someone in America is stricken by a heart attack, and every 60 seconds, someone in this country will die as a result of heart disease.

As cochair of the Congressional Wellness Caucus, this is an issue that is near and dear to my heart-pun intended, Mr. Speaker. Living a healthy lifestyle is one of the easiest ways to reduce your risk of heart disease. It's as simple as abstaining from tobacco, maintaining your body weight, eating healthy, and exercising every day, along with regular visits to your doctor. We should all do our part to raise awareness, staying healthy and staying heart healthy.

#### MAKE IT IN AMERICA: MANUFACTURING MATTERS

The SPEAKER pro tempore (Mr. HARRIS). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority

Mr. GARAMENDI. Mr. Speaker. I want to join with my colleagues this evening to take up an extremely important subject. This is about the heart and soul and the opportunity of the middle class of America. This is about, once again, rebuilding the great American manufacturing machine. Through the last century, America came to prominence for many reasons. But one of the most important was that we knew how to make things. This was the manufacturing heart of the world.

Just 20 years ago, nearly 20 million American workers were employed in manufacturing, and that gave rise to the great middle class and the stability of this Nation, and the opportunity for an individual to get an education, go into the manufacturing sector as an engineer or as a line worker and earn enough money to buy a home, take care of their family, and pay for their education-lead and live that good middle class life.

But that was yesterday. Today, we have about 11 million people in manufacturing. We've seen the decline of manufacturing in the United States keeping pace with the decline of the middle class.

It doesn't have to be that way. Tonight, my colleagues and I are going to talk about policies that we can put in place here in Congress—policies that we must put in place—to rebuild the American manufacturing machine.

Joining me is Mr. Blumenauer of Oregon, Ms. Jan Schakowsky from Illinois, and a couple other of my colleagues who are coming in a little later.

What this is all about is government policy. We already, on the Democratic side, have taken steps to begin the process of reversing this very awesome and dangerous trend. For example, a year ago December, we introduced and passed a piece of legislation that took away from American corporations over \$12 billion of tax breaks that they received for off-shoring jobs. I know it's hard to believe, but they were actually getting a tax break for every job that they off-shored. Those days are significantly reduced. That's just but one example of what we have been working on.

I'd like now to just point out to you this logo. Those of us in the Democratic Party here in the caucus keep this on our desk, and we've got it on our coffee cups, to remind us that it is our mission in the Democratic Caucus to push for legislation to create American manufacturing jobs. And we're going to talk about some of these tonight.

Mr. Blumenauer from Oregon, I know that you're very interested in an important piece of this. I see you've got a bicycle on your lapel. Perhaps that has to do with transportation. And I will note that we do have a major transportation bill coming up here in the House later this week, or later, on the new transportation program for the next 6 years. I know you have some concerns about this, so please share those with us.

Mr. BLUMENAUER. Thank you. I deeply appreciate your courtesy in permitting me to speak, and I appreciate your leadership in coming to the floor this evening and focusing on the importance of our being able to make goods and services in this country, particularly manufacturing. There is an element, as you referenced, that is the quickest way to jump-start the economy, that would be the largest source of family-wage jobs and which would tie into a whole host of contractors and subcontractors of people who make equipment operations in this country.

You're right. Our Republican colleagues have offered up a proposal to reauthorize the Surface Transportation Act. I'm pleased to at least see something come to the floor, because the act expired 850 days ago.

The notion of our transportation legislation used to be an area of bipartisan cooperation. It was something that people from both sides of the aisle worked on and came together to focus on how we strengthen our communities, how we put people to work and how we improve the environment, transportation, and mobility. Sadly, one of the casualties of the hyperpartisan environment was this

notion that we worked together cooperatively in the legislation. My Democratic colleagues did not see the legislation. At first, I was concerned that they weren't brought in to be a part of this process that I always enjoyed as a minority party member back in the day. But now when we see the legislation, we understand perhaps why it wasn't as open and transparent.

This is a piece of legislation that for the next 5 years is going to dramatically underinvest in infrastructure. It is claimed that it's a \$260 billion piece of legislation, but the revenues that they anticipate from oil and gas drilling in the Arctic are ephemeral. CBO tells us it may be 50, so it's going to have a \$50 billion to \$60 billion shortfall.

#### □ 1910

It guts environmental protections. It removes the power of local communities to plan cooperatively on this legislation and to be able to make sure that it meets their needs.

It is appalling to me, at a time when we are looking for ways to make things in America, to strengthen the manufacturing base, to move goods and services and put people to work at family wage jobs, that we are seeing a piece of legislation come forward that represents a failure of imagination. It doesn't even comport with what bipartisan commissions from the Bush administration recommended that it be funded at. It loses a chance for us to be able to have Americans deal with the steel, Americans deal with the equipment. Americans putting these pieces together. And over the course of the evening tonight we may be able to perhaps return to this, but I think it's important to look at this failure of vision, failure of will, failure of imagination in a way that's going to dramatically undercut the proposals to make it in America and put Americans to work.

Mr. GARAMENDI. Thank you very much, Mr. Blumenauer, and your work on this has been noted for a long, long time. You've been a leader across this Nation on providing all types of transportation well beyond just the bicycle, which you happen to have on your lapel. But this is a very important moment.

This week, this House, in the Transportation Committee, is taking up a long-term transportation bill. You've described all the shortcomings, but I do believe there's an alternative. Now, our colleague from Pennsylvania (Mr. Altmire) would like to talk about an alternative, which is basically the Democratic alternative.

And so, as we look at this transportation bill, is there some way that we can write a piece of legislation that would give us the infrastructure and the ability to move goods and services and people and, simultaneously, enhance American manufacturing?

Please share with us your thoughts.

Mr. ALTMIRE. I thank the gentleman from California for leading the hour and for yielding some time.

I come from a region of the country in western Pennsylvania—the Pittsburgh area and surrounding regionthat knows a little bit about manufacturing. And just as important, we know a little bit about the policies that have led to the loss of manufacturing, not just in western Pennsylvania, but in this country: policies that have given a preferred tax treatment for companies that outsource jobs, that transfer physical assets overseas and then can claim a tax deduction for the cost of moving expenses. We understand that those policies have failed. They do not lead, certainly, to job and economic growth. It's quite the opposite. But they do not help America become more competitive in the global economy, which is what this House is debating right now.

And, yes, I do serve on the Transportation Committee, and we are talking about a long-overdue reauthorization of the transportation funding reauthorization.

We also, in western Pennsylvania, we have locks and dams. The roads and bridges that we have are in serious decay. Our waterways infrastructure, just as an example, with locks and dams averages 85 years old. Locks and dams that were built to withstand 50 years before they would need to be replaced are now rated in imminent threat of failure by the Army Corps of Engineers

On the transportation side, we in the State of Pennsylvania have over 6,000 structurally deficient bridges. And in western Pennsylvania, my region, we have 1,000 structurally deficient bridges. Our infrastructure is literally crumbling around us, and we must do something about it. And that presents a wonderful opportunity for the Make It in America agenda, because when these roads and bridges and locks and dams are rebuilt, we want it to be American workers. And when the American taxpayer pays their tax dollars to fund infrastructure improvements, we want it to be done here in America. And we're going to talk more about that tonight.

I know the gentleman from California understands there's a bridge project, which is leading the discussion on this, across the country. I believe it's a \$400 million renovation. The gentleman can correct me.

Mr. GARAMENDI. That's billion dollars, \$4 billion.

Mr. ALTMIRE. A \$4 billion bridge project. And the American taxpayer is funding the Chinese to give the steel to California to rebuild this bridge. And the infrastructure improvements that are being made, certainly we'll see some benefit, but those are American jobs. And American tax dollars are going overseas for something that

ciently here at home.

So I know the gentleman wants to talk about that, but I appreciate his leadership.

Mr. GARAMENDI. Well, Mr. ALT-MIRE, you're raising the San Francisco Bay Bridge fiasco, which is one that gets the adrenaline flowing in California because the State of California decided they would put it out to bid. And there were two bids that came out by the same contractor. One was a bid that said the steel would be coming from China and the other was a bid that the steel would be coming from America. So that is not just the steel, but the formation of it and the structure itself.

So the Bridge Authority, in its infinite wisdom, decided to go with the 10 percent cheaper. Well, be careful if it's too good to believe. In this case what happened is the steel was manufactured in China. The bridge sections were welded together there. And it turns out that the welds were faulty; the inspections were faulty; the steel was not up to, and the overruns were well more than the 10 percent savings. Not only that, but you're employing some several thousand Chinese steelworkers. And mills in China are just revved up to get the steel going, and the mills in America shut down and American bridge and ironworkers were out of a job. We cannot let that happen anymore.

And so, as this transportation bill moves forward, one of the key elements in it—and this is beingproposed, I understand, by Mr. RAHALL, and I think you want to talk about this in more detail—is that, associated with the program, not only is there more revenue and better in dealing with the issues that Mr. Blumenauer raised, but also a very, very important policy that the money will be spent on American-made products.

Please continue.

Mr. ALTMIRE. I thank the gen-

And I would just say briefly, I am an original cosponsor of that bill. I don't know that my colleagues are. I presume they're cosponsors.

But it's very simple, actually. All it says is we're going to do this infrastructure. We're going to come up with the resources in this country to rebuild America, to invest in our infrastructure. It's long overdue in this country. And it just says, if you're going to do that, you have to seek out American workers and American products to do that. You have to use manufacturing from American workers to rebuild our infrastructure. It just sounds so simple. And our colleagues listening today and others might be surprised to know that that's not already in the law, that we would have a preference in this country for American workers and American steel and American goods to

ments.

Mr. GARAMENDI. Well. that's exactly what we should do.

About 2 months ago, the gentlelady from Illinois spoke on the floor about a history lesson that I was unaware of. I'm not sure she wants to go into that today, but it dates back to the Presidency of George Washington. If she doesn't cover it, I'll remind her and we'll have her cover that piece of it. But I know she wants to jump in here. Illinois, a great manufacturing sector of America, as well as finance and commerce.

Ms. Schakowsky.

Ms. SCHAKOWSKY. Well, I thank the gentleman not only for yielding, but for day after day, week after week coming to the floor and talking about something that resonates with every American, that in the United States of America it is time for us to bring jobs home and to have things that we make here stamped with "Made in America."

I also want to thank my colleague. Representative Blumenauer came to Chicago and convened, oh, it was maybe 100 people from all aspects of the transportation industry, contractors and actual workers, people who made the cement and people who were the engineers and would be involved in his project, Americans who are ready

And, yes, at the very dawn of this country we had an industrial policy. President George Washington made sure that we thought about and created a policy for not only importing from England, who we had just split from, but actually making things. He insisted that the suit that he wore for his inauguration be made in the United States of America. And it wasn't that easy to find that suit, but he did so that he would be wearing something made in America.

Mr. GARAMENDI. If I might interrupt just a second, I'm going to complete the story you told on the floor here just by my memory. If I'm wrong, please correct me.

But he told Alexander Hamilton to develop an industrial policy for Amer-

Ms. SCHAKOWSKY. That's correct.

Mr. GARAMENDI. So those free traders who say get government out of the way need to go back to the very history, the very beginning of history of this where President George Washington told his Treasury Secretary to develop an industrial policy for America so that we can make it in America.

□ 1920

This is not new. We need policies that do it.

Please excuse me for interrupting.

Ms. SCHAKOWSKY. Understanding the future of this country, that if we are going to compete in a global marketplace, we cannot just be a service

could be done better and more cost effi- perform our infrastructure improve- economy. We can't just have people working and making beds and flipping hamburgers and selling in retail stores. All these industries, all these jobs could be better jobs if they were better paid.

We need to manufacture things. We are the center of innovation. We can educate our young people to become innovators. In fact, I had a meeting this week with educators and the founder of the Austin Polytechnical Academy where they are teaching young people how to work in advanced manufacturing and the new kinds of steel mills and talking about ownership of those plants.

I wanted to say just a couple of things about what the President raised at the State of the Union address:

So we have a huge opportunity, at this moment, to bring manufacturing back. But we have to seize it. Tonight, my message to business leaders is simple: Ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed. My message is simple. It is time to stop rewarding businesses that ship jobs overseas, and start rewarding companies that create jobs right here in America.

I have a piece of legislation called Patriot Corporations of America that would reward those patriot companies that hire 90 percent of their workers as American workers. They would get tax breaks. They would be able to jump the line for government contracts, and it would be paid for by taking away those

I want to return to the issue of transportation that you raised, that my colleagues Mr. ALTMIRE and Mr. BLU-MENAUER were talking about. In fact, we have done something on transportation. My home State of Illinois, along with Iowa, Michigan, Missouri, California, and Washington State, received \$782 million, my State did, for the purchase of 33 quick-acceleration locomotives and 120 bilevel passenger cars that will run on rail corridors in our States. Those trains will be designed to travel at more than 110 miles per hour between cities, will follow high-speed rail standards established by State-led Next Generation Equipment Committee. The committee will provide manufacturers with consistent specifications, reducing costs for manufacturers and customers. It is exactly the kind of coordinated government effort needed to address our transportation needs.

Mr. GARAMENDI. Excuse me. That is called the Patriot Act?

Ms. SCHAKOWSKY. No. This is highspeed rail, money that has gone to States.

I want to point out that we hear a lot from the Republicans about how the President hasn't created jobs, which, of course, he has—3 million new jobs, 22 consistent months of private sector jobs. But Wisconsin, I would like to point out, refused to accept the money

from the Federal Government for highspeed rail, \$810 million to construct a new high-speed rail line between Milwaukee and Madison. As a consequence, a company called Talgo America, which was going to actually build trains in Milwaukee-and the City of Milwaukee invested over \$10 million to prepare a facility for Talgo. The company hired about 100 union workers, and 80 percent of those had been out of work for more than 2 years. That factory is going to close down this year because Governor Walker told the Federal Government that Wisconsin did not want the \$110 million in Federal investment. We are hoping that that company is going to move to Illinois to build those trains where we are more than willing to move ahead.

What I am saying here is that, in a partnership between government at all levels, Federal and State, and partnerships with private industry, like a company like Talgo, we can create millions of jobs and billions of dollars in economic activity in this country. Why we would see a reluctance, as Mr. BLU-MENAUER pointed out, by the Republicans to fill this gap that we have between our need for infrastructure development and the millions of people who want to work, to make our country so much better and stronger and safer so we don't have the bridges collapsing-Mr. ALTMIRE mentioned the thousands of bridges in his State that are not safe. We have thousands of them in Illinois as well. We can do this. We can do this together. Why the reluctance to partner, I can't understand. We can make it in America and America can make it in the world, continuing as a world leader.

I thank you.

Mr. GARAMENDI. Well, don't leave us, because we are going to go around on this subject again.

Mr. BLUMENAUER, you were kind of anxious to jump in with some ideas.

Mr. BLUMENAUER. I really appreciate what my colleagues have focused on.

Mr. ALTMIRE referenced the infrastructure deficit in this country. The American Society of Civil Engineers does a 5-year assessment. The latest assessment gave American infrastructure grades of C, C minus, D, with a total unmet need over the next 5 years of \$2.2 trillion just to bring it up to standard.

They have done another interesting study talking about the cost of not dealing with the improvements. Hundreds of billions of dollars of cost are going to be visited upon the American public because we don't bring our water infrastructure up to standard.

I see from my friend from western Pennsylvania that we leak from our underwater pipes in this country 6 billion gallons a day, enough to fill 9,000 olympic-sized swimming pools that would stretch from the Capitol, where we are standing, to my friend's district in western Pennsylvania. We can do better.

The notion of talking about the consequences of not investing in American companies—I appreciate both of you talking about that bridge segment. The \$400 million that was invested for an inferior product was money that didn't deal with our manufacturing infrastructure here. It meant not only we were giving money to our competitors, but there were thousands of American workers who didn't have the work and the suppliers and subcontractors that would have been part of the manufacturing chain.

In my district, we are constructing the first American-built streetcar in 58 years. These streetcars are going to be running in Portland, Oregon, in their streetcar system. It is going to be in Tucson, with our dear friend Gabby Giffords in the system she fought for, and in Washington, DC. It is not just that these streetcars are manufactured in Portland, Oregon, but there are dozens of subcontractors' manufacturing operations throughout the Midwest that get components to build as part of this.

It is part of the virtuous cycle where, when we focus, when we invest in making it in America, we are rebuilding and renewing our communities, meeting vast unmet needs that will not just revitalize the economy but make our communities safer and healthier. Remember, each billion dollars that is invested in infrastructure creates 30,000 jobs in America.

We can make it in America. We should start with rebuilding and renewing America.

Mr. GARAMENDI. And the transportation system goes with it.

Mr. BLUMENAUER, you are rightfully talking about the glories of Portland, Oregon; however, I want to bring to your attention that streetcars are now being manufactured in Sacramento, California, near my district. I will not let you get away with boosterism without mentioning my own State and what is happening there.

### □ 1930

Now, the reason that both of these plants are operating goes back to a very important action that the Democrats took here in January of 2009. Shortly after President Obama came into office, the American Recovery Act was voted on. I wasn't here at the time, but my colleagues on the Democratic side did. You voted for the American Recovery Act; and in the American Recovery Act; there was a provision for streetcars and rail systems, locomotives, that they be manufactured in America.

The direct result of that—not speaking of Oregon, because I don't know—but in California the direct result of that is that one of the largest manufac-

turing companies in the world, Siemans, came to Sacramento, built a factory to manufacture streetcars, and now they're producing eight locomotives for Amtrak as a direct result of a specific provision built into the American Recovery Act, the stimulus bill, that said you get the money but you've got to spend it in America on American-made products. That's what we need to do.

Joining me now, I see my colleague in part of the East-West program here, my colleague from New York (Mr. Tonko). Welcome.

Mr. TONKO. Thank you, Representative GARAMENDI. Thank you for bringing us together for a very thoughtful hour of discussion about the need to invest in America's infrastructure.

What I like about the comments made here are that we have the tools within our grasp to make a difference, to invest in the infrastructure, whether it's safety on the highways, whether it's dealing with environmental soundness as an outcome, by promoting public transportation, or by enhancing energy efficiency at our water treatment facilities, which is something I worked on when I was president and CEO in NYSERDA, New York State Energy Research and Development Authority.

But prime in the focus of this investment in infrastructure is an outcome that speaks to the reigniting of the American Dream. We have work to do.

This dream should not be beyond the grasp of Americans, certainly not beyond the grasp of America's middle class. The underpinnings of the support for reigniting the American Dream, embrace small business, which is the pulse of American enterprise that speaks to the moms-and-pops that raised a family based on a business that they developed, and they can feed this plan to rebuild America's infrastructure.

It's also driven by the dynamic of entrepreneurs, the doers, the believers, the dreamers. Those pioneers that made things happen in this country are out there ready to respond to a present-day, modern-day, cutting-edge retrofit of infrastructure in this country.

It speaks to empowering the middle class.

Those three legs of the stool are what reigniting the American Dream is all about. We have work to do. Unfortunately, it's not being done in this Chamber. We need a progressive agenda, embraced aggressively, to bring about an outcome that grows jobs driven by reigniting the American Dream.

I represent a district in the upstate reaches of New York that was impacted in 1987 by the collapse of the interstate highway bridge, brought down by the flood waters of April of '87, equal to the flow of Niagara Falls. We lost, I believe, 10 lives in that incident. We saw what economic crippling occurred in

that given region. You could not transport your products, the area lost volumes of visitors, and there was an economic consequence to that failed infrastructure caused by Mother Nature. There are samplings of that around this Nation.

That incident and the data that are assembled based on similar experiences should motivate us, inspire us to invest in our infrastructure. Water, an essential for industry, for residents, water efficiency, energy efficiency as you're dealing with water treatment facilities, can be upgraded in a way that addresses the bigger picture of energy policy inextricably linked to the economic comeback, linked to the grasping of the American Dream.

When you look at a number of our communication and energy retrofits that are required to provide for energy self-sufficiency for enabling cottage industries to be developed in remote places, if you broadband out to those areas, great things can happen.

So, Representative GARAMENDI, my statement is let's reignite the American Dream. We have work to do; and we can do it through small business, entrepreneurs, and a thriving middle class. The thriving middle class is the pulse of the Nation. If the middle class is doing well, America does well.

Any democracy around the world is most effective, most strong if it has a thriving middle class. Let's go forward with the agenda. It's possible. We have the intellect. Let's embrace America's intellect as the intellectual capacity, and let's get it done.

Mr. GARAMENDI. You've used some very, very challenging words for us, reigniting the American Dream.

We have an opportunity. It's this week. This House is going to take up in the Transportation Committee an extraordinarily important bill that speaks to the transportation infrastructure. The way that bill is currently structured, A, it's underfunded—it can only add to the deficit or not fulfill its mission and its purpose—and, B, has nowhere in it requirements that will cause jobs to be in America.

For example, here's what we presently do. We presently use our tax dollars. We send them overseas to buy buses and rail cars and ferry boats and the like. When this bill leaves that committee, and certainly if it were to leave this floor, it must have a makeit-in-America provision so that our tax dollars are spent on American-made equipment, buses, trains, steel, bridges, whatever. Why in the world we would export our money and our jobs is beyond my understanding.

But the bill as presently composed has no make-it-in-America provisions. It can be done. Those ideas have been presented.

I'm going to take just one more second and put up one more of my favorite charts, which happens to be my legisla-

tion, H.R. 613. It simply says: "If you're goingto use American taxpayer money to do a high-speed rail or build a bridge or a bus, then it's going to be made in America."

Mr. ALTMIRE, you were talking about this earlier. Let's reignite the American Dream and build the middle class by making things in America.

Mr. ALTIMRE. I thank the gentleman.

The gentleman leads me directly into what I was going to talk about. I wanted to make a couple of points.

One is we talked about the transportation bill, which we're going to be debating in the Transportation Committee, later on the floor of this House. maybe as soon as next week. Funding is a key issue. We've all referenced funding—where is the money going to come from-and that's a discussion that we're going to have as a country. Justifiably, we've had hours, days, months of discussion and intense debate in this Chamber and in both sides of this Capitol and around the country about spending, about what are our national priorities. Have we been spending money inefficiently? Are there things that we can redirect spending towards or away from, whatever the case may be?

But with regard to infrastructure, when I'm back home and I talk about spending, I talk about setting priorities, and I use the example that any family in America is going to understand, any business in America: if you have a leak in the roof that you discover, that leak is not going to fix itself.

Mr. GARAMENDI. How did you know my problem?

Mr. ALTMIRE. Right. You have to find a way to pay for it because it's only going to get worse if you ignore the problem.

Now, you might say as a family, you know what, we can't take the kids out for that steak dinner. We can't go out to see the movies this month like we were talking about. But we have to find a way to fix this leak because it's only going to get more expensive, it's only going to get worse, and it's only going to create more damage if we ignore that problem.

I talked earlier about the state of our roads and bridges, the state of our locks and dams; and the gentleman's chart shows the first word on that chart is "airports." Our aviation infrastructure in this country is as out of date as any other developed nation on the planet.

#### □ 1940

Our air traffic control system literally operates with 1950s technology.

One of the debates that we are having with infrastructure and aviation is this NextGen system, which is where we would utilize what has become commonplace everywhere else in the country: the system of satellites and GPS. It just makes common sense. The reason we have such bottlenecks at the major hub airports in the country, which affect everybody in this country, is that even if you don't live in that city, you're affected by it because that plane is going to be coming to your city; and if it's delayed, it affects you. We have those delays worse than anywhere else on the planet because of the state of our infrastructure with aviation and with airports.

It touches every type of transportation infrastructure you can think of—waterways, rail, roads, bridges. It is critically important.

This is a tremendous opportunity for America. In using American workers, in using American resources, we're all going to win from this; and that's why I support the gentleman's plan.

Mr. GARAMENDI. I thank the gentleman from Pennsylvania very much.

It's about jobs, isn't it?

Mr. ALTMIRE. Yes.

Mr. GARAMENDI. At the end of the day, it's about jobs.

Those jobs, if they're in the manufacturing sector, will be middle-American jobs, and it will reignite the American Dream. Men and women can see the opportunity. They can see the opportunity to buy a house, to educate their kids, to take care of their families, to put food on the table. That's the American Dream, and we intend to reignite it.

Ms. Schakowsky, if you would carry on here, you have more things, and I know you were talking earlier about some of them. So, please.

Ms. SCHAKOWSKY. I wanted to go back to this theme of a robust middle class. It's really in the manufacturing sector. It's really making it in America that built the middle class in our country. Yet there are people—and you hear it all the time—who say, you know what, these jobs are never going to come back. Just forget about it. We're not going to do this kind of manufacturing in America anymore.

Why would that be?

That is a myth that we have to bust. Of course, we can make it in America. We're not going to necessarily see factories where people are doing those kinds of repetitive jobs, and we don't want to see those dirty smokestacks come back. It's the vast manufacturing, the manufacturing for the 21st century and beyond, of clean jobs and of creating energy-storing batteries that we need and that we can export all around the world—the wind turbines that need to be built all over the world. Those innovators are here. Instead of turning it over to some other country—to China or some other country to then make the stuff or create the supply chain, we should make it right here. With transportation costs going up as they have been, it's actually becoming economically advantageous to

make it in America. That's why manufacturers are actually coming back, and we want to encourage that at every step

So the idea that somehow making it in America—factory work—is passé is absolutely wrong. That's what the Democrats have been saying, and that's what our Make It in America agenda is all about, that we are going to be the creators, the thinkers, the engineers, the factory owners.

And do you know what? We actually have a succession problem in the factories that we have right now. Instead of thinking, in order to make it, you have to go into the financial sector, where absolutely nothing is made, we have to encourage our young people: go into business, the business of making things. Start figuring out how you can be a leader in a manufacturing plant, in the manufacturing process, which is going to lead this country in the 21st century.

It is all there, waiting for us, if government will be a partner, not just creating the jobs but partnering with the private sector to make it all happen.

Mr. GARAMENDI. That history of partnership goes back to the very first President of this Nation. George Washington set up an industrial policy: Mr. Hamilton, Go out and develop an industrial policy because we're going to make things in America.

So at the very earliest day of this Nation, government and the private sector became partners to make things in America and to make a great manufacturing sector.

Ms. SCHAKOWSKY. President George Washington knew if we didn't do that, that we would not see the United States of America becoming a world leader or even putting its own people to work and being able to grow.

Mr. GARAMENDI. Mr. Tonko, a few moments ago, you talked about reigniting the American Dream. So how are you going to do that?

Mr. TONKO. I think there are a great number of things that we need to invest in in order to make it happen; but let me preface that response with a description, if you will, of the 21st Congressional District.

As I stated earlier, we are a chain of mill towns given birth to by the Erie Canal. The waterways of the 21st Congressional District can easily be defined as the ink that wrote the history of the Industrial Revolution. They were the gateway to the Westward Movement. What you had there were ideas from people working in factories, oftentimes the immigrant patterns entering this Nation, the very first stages of immigrants. So that American Dream was ignited there in a scenario that was very much deemed rags to riches. People came here with nothing but an idea and the hope to build for their families. They provided the fuel that created the Industrial Revolution,

and so America became this promised land.

Our best days lie ahead of us. We, as a sophisticated society, based on our humble roots, developed some of the products that primary are nowmanufactured in other nations; but we need, as a sophisticated society, to step up to the plate and do those product deliveries now that are not yet on the radar screen. We have it within our intellect to be able to do that; but when it comes to the infrastructure, we need capital; we need physical infrastructure; and we need human infrastructure. That's what we're looking to do with our Make It in America agenda, produced by the Democratic Caucus in this House, and we need action on these legislative items in order to make things happen.

Let me just close with this statement for now.

My district was ravaged by storms this past August. In late August, we were hit with Irene and Lee, and the infrastructure was devastated. People lost homes, homes that were entirely swept into the waters. People are still repairing homes that we hope will be recoverable. The infrastructure needs of taking a navigation channel like the Erie Canal and retrofitting it for flood design purposes so that it can be there as flood control infrastructure is an enormous mission. It's not just the engineers and the teams of construction workers who will put this together. You will need hydrogeologists to determine what the best patterns are. If we're going to simply build bridges at the same height and at the same span as currently exists when all the forecasts are that you're going to have greater amounts of water flowing, based on historic data now that are available, then that is foolish government. We need smart government. People want thoughtful government.

There is a way to embrace a recovery for these flood-torn areas and to rebuild their infrastructure by reaching to all elements of manufacturing and intellect that can build an agenda, that builds this Nation—and that is going back to our pioneer roots, to a rags-toriches scenario that is driven by the initial American Dream. We need to reignite that American Dream. We need to do it with innovation, education, higher education, and research, research into how best to do things so that we are ahead of the curve, not constantly reacting to issues with a Band-Aid approach.

Mr. GARAMENDI. We have work to

Mr. TONKO. We have work to do.

Mr. GARAMENDI. We need to put these things in place.

Let's see, we've had the Northeast, New York. We've had the Midwest. We've had western Pennsylvania. How about Texas? Let's go to Texas.

SHEILA JACKSON LEE, thank you for joining us tonight.

Ms. JACKSON LEE of Texas. It's a pleasure to join the gentleman from California and my colleagues from the great State of Oregon, the great State of Illinois, and the great State of New York. I heard earlier this evening that it's okay to say happy new year up until the end of January, which happens to be today; and I certainly wanted to start the year off right by joining you again and really pleading with our colleagues.

I just want to briefly talk about what my good friend from New York mentioned with regard to reigniting the American Dream, which I am zealously advocating, really, across my State and across the Nation; and I am adding to that: building ladders and removing obstacles.

I also see the work of the gentleman from California as really focusing in on an age-old problem. I want to call up a dear friend who is the former chairman of the Transportation Committee, Chairman Oberstar.

## □ 1950

Just a few years ago he watched his own community have a horrific incident that many of us in America continue to be shocked at, the collapsing of a bridge, the literal collapsing of a bridge and, of course, there was loss of life, devastation and fear, and an economic loss for people who could not be connected. That's not the America we know and love.

So why this is so important—and let me just suggest that there are so many variables—there are thousands of soldiers coming home from Iraq who are willing to sacrifice their lives for us, and those who have come back are now seeking opportunity. That's another component of individuals who want to work, although this administration, this Congress has been excellent in veterans preferences and seeking to employ them.

Every one of them will say they don't want a handout. They have been able to do massive work overseas that gives them the skills so they could be engaged in the reconstruction, the infrastructure work of airports, highways, high-speed rail, trains and transit, and we can give them the opportunity of reigniting the American Dream.

We know that what we must do is build on the working class and middle class. We must build on opportunities for young people who may choose a 4-year college, but as the President said last Tuesday, may choose a community college that gets them into job skills. So most economists will say that this is not a time to be, in essence, Scrooge.

When times are hard, you invest in human capital. And as someone who represents one of the largest airports in the country, George Bush Intercontinental Airport, and is also in a community that has Ellington Airfield and Hobby Airport, it is truly key to be

able to work on the infrastructure. As someone who comes from the coastal areas—and I want to present to the gentleman my legislation that talks about deficit reduction and restoration of coastal areas using the energy industry—but looking at it from a positive sense, all dealing with manufacturing, because manufacturing does matter.

Let me just say this in conclusion: Our friends or those who want to speak negatively are absolutely wrong that we don't have the genius of manufacturing. In fact, I can document that factories are coming back to America, that the high cost of labor for our friend and sometimes challenging ally, China, is going up, that the cost of having factories there is difficult, and there are obstacles such that now our American companies who are even thinking of going are looking at the agility of the skills of American workers.

You cannot underestimate the genius of American workers, the enthusiasm of American workers, the willingness to go into factories, the ability to build them, and I take on anyone who has suggested that our logistical or supply chain does not work. Frankly, let some of our military personnel who are now coming back, who are going into civilian life, let them show you how to do a logistical supply chain.

So I believe that manufacturing is here to stay. Just a news clip today talked about an individual who, with tears in his eyes, was talking about bringing back manufacturing of furniture in the Carolinas. I think in this instance it was North Carolina. He was excited. He was emotional about the fact that his father had left him this legacy. He was bringing it back.

Despite some of our friends who are talking about they can't make certain iPhones here in the United States, I frankly believe that our technology sector is alive and well, and that we're going to be building more, and certainly the infrastructure begs out, in tribute to our dear friend, Chairman Oberstar, and many others who have talked for years, as I joined him, and as I join my colleagues, to say that I believe we live in the greatest country in the world. I believe that there is nothing better than reigniting that American Dream, and I believe that once we move the obstacles and build the ladders, we'll be building airports. We'll be talking about high-speed rail.

Thank you to this administration for not abandoning it. We'll be doing the trains, we'll be doing the infrastructure, and we'll be putting people back to work. I can't imagine a better way to start off the new year.

I must leave this in tribute to a pastor's words I heard on Sunday: 2012 will be the year of uncommon favor. That's because we are not going to give up on the American worker and this great Nation.

I thank the gentleman for coming to the floor and allowing me to share with him.

Mr. GARAMENDI. Ms. SHEILA JACK-SON LEE, thank you very much for once again joining us in these dialogues and how America can make it. Certainly if we make it in America, we'll be well on our way. Manufacturing does matter.

Just this last weekend I was in one of the small communities of California, the town of Colusa, very small, 6,000 people. There was a General Motors-Chevy-GMC truck dealer that came up to me—it was a crab feed—and we were chatting, and he came up and he said, I just want you to know that I'm still in business.

I thought about that, well, that's a strange way to start a conversation. I'm still in business. And I said, it was President Obama that made a very courageous decision to bail out General Motors, and in doing so, not only does General Motors survive, but maybe tens of thousands of the supply chain manufacturers survived. And way off in California, a little town, up in the Sacramento Valley, an auto dealer said, I'm still in business.

He would have been gone, along with tens of thousands of other manufacturers and hundreds of thousands of jobs, if President Obama, together with this House, with the American Recovery Act providing the money, President Obama had not stood forward and said, I will not allow General Motors and Chrysler to die, not on my watch. Those two companies are now in business and profitable.

There is a partnership that needs to exist throughtime, beginning with George Washington and carried through, as you described the Erie Canal which was, what, 30 years after that, a partnership of business and private sector working together to create opportunity, to create the American Dream. Our task is to reunite it.

Mr. TONKO, why don't you pick it up.
Mr. TONKO. Representative
GARAMENDI, thank you again for bringing us together.

But when you speak to the history of the Erie Canal, it was devised because of economic tough times. This Nation was struggling at the moment, and we responded by building. We didn't walk away and cut our way through; we built our way to opportunity and prosperity.

And so as we look at the present moment, reigniting the American Dream begins with those underpinnings of support, investing in capital infrastructure so that there are the dollars available for research and retrofitting America's business community, its manufacturing base, which was for far too long ignored. It also requires the investment in human infrastructure. It is totally unacceptable to develop jobs in our Nation that will grow as we develop automation with advanced manu-

facturing, to not invest in the nurturing of skill sets within the American worker, totally unacceptable to not do that.

So I tell people now, as we tour with our roundtables on manufacturing, that there are thousands of jobs across this country waiting to be filled because there is an automated process that has been engaged in for manufacturing. And I have, at my community college base, training that is done for automated manufacturing.

I have within my technical 4-year college base and grad school base in the region—RPI and Hudson Valley Community College come to mind. But they allow, through incubator programs, to develop automated response to a particular manufacturer that we visited, Kintz Plastics. And Win Kintz reminded us that he has now been able to compete internationally by not necessarily doing it cheaper but smarter, and that's what the tools we require here are all about.

It's putting the capital, human, physical infrastructure demands into working order so that we're realistic about providing hope to America's working families, all by reigniting the American Dream. And yes, Representative GARAMENDI, we have work to do. Let's do it in this Chamber.

Mr. GARAMENDI. Mr. Tonko, thank you very much for your leadership and your steadfastness on this issue of rebuilding the American middle class. The President spoke here less than 2 weeks ago on the issue of manufacturing, on the issue of jobs and making it in America. We need to follow up with that.

We have an opportunity this week, and I would ask my Republican colleagues to pay attention to what we're saying here, in the transportation bill that should be marked up, put together in the Transportation Committee, there is an enormous opportunity to put in place policies that allow the American manufacturing sector to thrive as we spend our tax money on infrastructure issues, on buses, on trains, highways, and bridges. All of those essential transportation needs we ought to couple that with the notion that that money must be spent on American-made equipment.

## $\square$ 2000

It's a simple concept, but it is so powerful and it will create jobs, and that is our task, to reignite the American Dream, to put in place all of the ladders so that the middle class can once again succeed, eliminate the barriers that exist and get on with building America. Make it in America so that America can make it.

With that, Mr. Speaker, I believe my hour is nearly up. I thank my colleagues for joining us, and I turn this over to our Republican colleagues and hope that they will be responsive to

our plea that we use the transportation cars and light trucks would have to inbill to make it in America. crease their fuel economy to 54.5 miles

I yield back the balance of my time.

#### REGULATIONS STIFLING AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader

Mr. CARTER. Mr. Speaker, that was an interesting conversation we just heard. I was very impressed by that. And I agree, we need to expand infrastructure. Everything that was said there is important.

You know, I've been talking on the floor of the House about regulations recently; and as I listened to my Democratic colleagues talk about infrastructure, I was reminded that we have a bunch of new regulations on cement that are going to drive our cement industry out of the country. It's going to be a little tough to build bridges without cement. We have moratoriums on oil and gas. Asphalt is made with oil, so we need to think out these projects as we go forward.

Today I'm going to talk about some regulations, and I'm very grateful to be joined by numerous of my colleagues; and we are going to be talking about some new regulations that are going to attempt to be imposed upon an industry that is struggling and will, quite honestly, be a setback, in my opinion.

I'm going to start off by recognizing Mr. Guinta and letting him tell us his comments on the subject of the new 54-mile-per-gallon rules that are being proposed for our automobiles.

Mr. GUINTA. I thank the gentleman from Texas, and I thank you for your hard work in trying to protect small job creators, not just in your State but all across the country, in your proposal and amendments and legislation to try to address what I think is an unjust, overregulated approach to negatively affecting not just the auto industry but also the consumer.

Earlier last year, the EPA and California regulators, of course under the guidance and direction of President Obama and his White House, proposed the most expansive regulations ever on the auto industry. Estimates suggest that the cost will be \$157 billion. This is at a time, I remind you, when we have a debt and deficit of about \$16 trillion and \$1.3 trillion to \$1.5 trillion, respectively. This is not a time when this administration should impose greater oversight, greater regulatory challenges to job creators in America.

I want to remind those who are listening, as I take a look at an article written in The Wall Street Journal back in September of last year, September 14, it talks specifically about this piece of legislation and how new

cars and light trucks would have to increase their fuel economy to 54.5 miles a gallon. And the White House officials actually commented in that article. They commented that the proposed fuel efficiency target could raise average vehicle prices by about \$3,000. This administration acknowledges that their overregulation will increase the cost of an average vehicle by \$3,000.

Now, if you think about that, when an individual goes to purchase or lease a vehicle, they sometimes use a 3-year window, maybe a few more months, 39 months, and I find it interesting that we are about to extend the payroll tax for the balance of the year, which would give the average American \$1,000 back in their pocket. And the Obama administration would like to take that \$1,000 from the consumer pocket and put it back into the coffers of the Treasury.

I find that bad public policy, to say the least, not in the direction of trying to reduce our debt and deficit and have a pro-growth economy, and I think it stifles the auto industry. And most importantly, it stifles small business owners across the country.

I just want to share with you, briefly, statistical information about this industry in my State of New Hampshire. We have about 800 different businesses within this industry; 25,000 employees in New Hampshire, alone, that would be affected by this regulation.

I'm concerned about the job loss around the country. I'm concerned about small business owners having access to capital, being able to continue to survive through this down economy. And I'm concerned about those employees who work for those job creators, our friends and our neighbors. They're not Democrats or Republicans or Independents. They're Americans, and they're demanding that this Congress stop the regulatory oversight from President Obama and his administration and the EPA. We are trying to do that on behalf of the American public. I think it is a smart way for us to give back to not just the consumer but the job creators who we so desperately rely on for a pro-growth economy.

The final point that I would like to make is that, in addition to the \$3,200 estimated increase in the cost of the vehicle acknowledged by the President and his White House, this regulation would also essentially take the \$15,000 vehicle out of existence. We would not be able to, as consumers, access an affordable vehicle for ourselves or for anybody who's purchasing a vehicle, for that matter. The very middle class that our friends on the other side of the aisle talk about preserving and protecting are being targeted by this regulation.

It's time that the country hears more about how this administration chooses to take money from one entity and give it to another. They're taking money from hardworking Americans and putting it in the coffers of the Treasury so they can expand the size and scope of government.

The people of New Hampshire have had enough. They've sent me here to fight for those middle class families, those hardworking job creators who in New Hampshire provide 25,000 jobs in this industry. And I will continue to work with you and anybody else in this body who shares the opinion of enough with regulation. Let the free market work. Let the consumer win for a change.

I thank you for yielding to me and, again, I look forward to working with you on future legislation that you seek to address on the floor of this House.

Mr. CARTER. I thank you, and I agree with absolutely everything you've said. I think it's a real eyeopener to realize that we sit here and we have a State of the Union address where the middle class was referenced, I don't know, a dozen times probably, how it is all about the middle class and how we are going to do things for the middle class. I guess we can start off by saying that the first thing we are going to do is raise the price of a car for you by \$3,200, not because we have to, not because it fits our plan of coming up with fuel standards, which we had in place before the EPA in California interfered, no. We're going to do it now even though it was supposed to be 3 years from now that we start looking at these standards, and we're going to take \$3,200 out of your pocket when you buy that first car. That doesn't seem to be looking out for the middle class.

I think this House ought to be looking out for the middle class. I think they ought to be looking out for the buyer. I think we ought to realize that in a time when we have an industry which we had to pour literally billions and billions and billions of dollars in to save—and we've done it. We've got it, at least we hope, back on its feet—and then all of a sudden we impose standards upon that industry which, quite honestly, will probably harm them. you raise the price of your product \$3,200 that you weren't expecting to raise, you're not ready for that kind of problem.

## $\square$ 2010

Finally, and most importantly for Texans, the pickup truck capital of the world, I'm told this will eliminate SUVs and pickup trucks. And them's fightin' words where we come from. So that's the other thing that we ought to be concerned about. The lifestyle of Americans is going to be changed by requiring standards that some certain vehicles, quite honestly the engineers tell us, just can't get there. We're not thinking these things out. We're too busy. There's too many people around this town that are too busy trying to

get the government in control of your entire life that they're not thinking out what they're doing. Thank you for your comments.

a ting the most expensive regulations ever. You get three different agencies sometimes setting different standards, creating uncertainty in the auto indus-

My co-partner of sorts from Ohio (Mr. Austria) is here. He and I have been in this battle a good while, and we have done some stuff on the Appropriations Committee to raise this issue. We've got folks who came here ahead of you, but we're kind of co-chairing this thing, so you can make an opening if you would like, STEVE.

Mr. AUSTRIA. I thank the gentleman from Texas for yielding, and I thank Congressman Carter for his hard work and commitment with this very important issue, in addressing this very important issue that directly impacts hardworking Americans. Judge Carter and I have worked on an amendment together in committee to try to stop these duplicate government tasks that are going on right now. And I think you've done a good job in articulating the importance of having that amendment.

I can tell you, Judge, I fly home every weekend to Ohio, back to my district, number one, to be home with my family, but also to be out in the district and get what I call my reality check, to talk to the hardworking Ohioans, the small businessowners and farmers. And like many other Members of Congress, I do town halls, and I attend different events and meetings.

What I do hear from those hardworking families and those small businesses is that, number one, we have got to stop this out-of-control spending. And part of that includes wasting hardearned taxpayers' dollars because of duplicate services that are going on with different agencies in the government; and, number two, we've got to get government out of the way. We've got to stop these unnecessary, burdensome regulations that are hurting small businesses and that are killing jobs.

Back in 1975, Congress, this body, tasked NHTSA, the National Highway Transit Service Authority, under the Department of Transportation, that agency, with the task of setting those standards. And those standards were called the Corporate Average Fuel Economy standards, or the CAFE standards. And they were enacted, again, in 1975 with accountability and transparency with Congress to gradually and responsibly increase the fuel economy in America. And they've been reinforced and raised by Congress repeatedly, as recently as 2007.

And what we saw shortly after this administration came in was that EPA expanded its authority to start setting its own standards. And then they expanded it even further allowing California to create its own State standards. And what's happened here is we've created duplicate services, wasting taxpayers' hard-earned dollars cre-

ating the most expensive regulations ever. You get three different agencies sometimes setting different standards, creating uncertainty in the auto industry, and raising the cost of vehicles for hardworking families to pay for this, hurting our small businesses and killing jobs.

Last year, we saw the EPA, again without authorization from Congress, propose rules to regulate the fuel economy of cars and light trucks for model years 2017 to 2025. This is last year, in 2011 they're doing this. They increased the required average fuel economy over 54 miles per gallon. Because the EPA is not accountable to Congress for this, because they don't have any substantive guidance on how to create these regulations and they don't have to follow the same rules that were put in place, they're not required to take into account factors like job losses. We're going through one of the most difficult economies we've seen in decades. Unemployment is at one of the highest levels it's been, and they don't have to include job losses or consumer demand or safety. It became very apparent to myself and many of our colleagues that these regulations are out of touch with the American people. They're out of line with Main Street. USA, with small businesses that are the backbone of this economy. And in some cases, they're irresponsible.

I was proud to join you last July in offering an amendment during our full committee consideration of the Interior, Environment and Related Agencies bill that simply just put a 1-year time-out on the EPA's rulemaking process so that Congress and our constituents could have time to determine what's the most responsible path here to move forward. And the amendment also prevented the EPA from granting permission to California to create their own regulations, State regulations, that would lead to an impossible patchwork of State laws. So what this could lead to is, think about this, if you have an activist State, they could actually hijack Federal policy with regulations they're putting in place.

Our amendment was included in the Interior appropriations bill. It was reported out of committee. I joined you again in October, Judge CARTER, in sending a letter to the committee, along with 64 of our colleagues, bipartisan support on this, encouraging that this amendment be included as part of the final appropriations package that passed last year.

Unfortunately, this administration and their allies in the Senate, the Democrat majority, blocked this commonsense amendment, leaving the EPA with the authority to go out and continue to move forward with this harmful and ill-conceived rule.

I think the facts are, and you pointed this out, number one, it's the most expensive regulation ever on the auto industry, \$210 billion in new regulations. It's going to raise the average cost of a vehicle for a hardworking family by roughly \$3,200. It's going to regulate cheaper vehicles that are under \$15,000 pretty much out of existence. And the EPA has already wasted over \$24 million creating these duplicate regulations.

This is out of control what's happening right now. It's a waste of the taxpayers' dollars. And we have to, at some point, understand what's happening here. We're accountable for the taxpayers' dollars. We have to ensure that the way things are being done are being done properly. The EPA, again, has already spent 24 million, as I mentioned, on these duplicate services with the largest budget deficit in history. Congress and the administration should focus on eliminating the duplicate government programs and protecting the taxpayers' dollars. The redundant regulations of the fuel economy by the EPA is simply just a magnitude of the government waste that we're seeing today.

With that, Judge Carter, I appreciate, again, your leadership on this very important issue. I know we have a lot of Members here to speak on this.

Mr. CARTER. I would now like to have you hear from my colleague from Virginia, SCOTT RIGELL, who has been waiting to talk. I learned in a conversation before we started here tonight he's been in the car, the automobile business, and so he brings a good perspective to this conversation.

Mr. RIGELL. I thank the gentleman for yielding and bringing this to our attention. It's a critical matter facing our country. It has a direct impact on job creation, and I regret the way it's headed. That impact is adverse. And so we rise tonight, I believe all of us do, in defense of the folks who would be most directly impacted by it, the folks who are producing our cars, the folks who are selling and servicing our cars and the related industries.

I come to this body, and I know we all do, regardless of political affiliation, with the idea that we are first Americans. And I always try to find where do we agree. I start out tonight thinking we surely agree that it's a good idea for fuel economy standards and performance to increase over time. We share that with our colleagues on the other side. Yet that is also regrettably the point of demarcation because there is a sharp contrast, I believe, between where the administration is headed with this.

This is yet a third level of regulation on an industry that is already highly regulated. The Department of Transportation, the State of California itself, and now, and I believe unwisely so, the administration is allowing, in fact, encouraging the EPA to inject itself into this. There are multiple flaws in this path that I believe the administration is on through the EPA.

□ 2020

I just want to touch on one, Judge. Because as you noted, I've had the privilege of being in this great industry for a long time. Since I was about the age of 23, I've had the privilege of being a retail automobile dealer for about 21 of those years, and through our organizations had the great pleasure of retailing over 100,000 automobiles in our market and have spent a tremendous amount of time on the sales floor.

You know, we know this instinctively, that as the price increases, demand will drop. Now, this may be, I think, some noteworthy news to some who are in the regulatory business here, but an additional \$30 a month, I've seen it oftentimes, it becomes the stopping point for families, and rightfully so. As they try to live within a budget, \$30 a month—\$1 dollar a day you could say—that is in and of itself enough for a family to make a different purchasing decision. The math is pretty easy. With over a \$3,000 increase in a vehicle over 60 months—I think my math is pretty good here—it would be at least \$50, not to include interest, on a monthly basis. So on the margin we would see in dealerships across this country decisions to not buy cars. The higher the price, the fewer the buyers.

Now, that which seems so obvious to us—let me read from the regulation itself here. The administration's proposed regulation states: "Since the impact of this proposal on sales is unknown and sales have the largest potential effect on employment"-here's the point of note—"the impact of this proposal on employment is also unknown." Judge, I'd submit to you tonight, well, the EPA and the Obama administration may not understand the impact of these regulations on employment, but I do. I think the American people do. Sales go down, employment follows. The only thing that increases is the pain, real pain and suffering, of American families on the margin. Some employers have to tighten up, some manufacturers have to tighten up because of the decreased demand.

So Judge, I stand with you tonight. I applaud your leadership in this matter. And I hope that the EPA will reconsider—in fact, come to a full stop and allow the CAFE standards that have been in place since 2007 to guide us going forward. They're doing a good job. Manufacturers are improving in their fuel economy standards. It's a wise course of action to stay where we are. And I thank you again for your leadership.

Mr. CARTER. Reclaiming my time, and thanking my colleague for his comments—you know, we're talking this whole year of how we're going to get this economy back on its feet, how we're going to put people back to work, how we're going to make our decisions make sense to put people to work and

make our economy grow. And I'm concerned, where we already have the NHTSA—or whatever it's called—setting these standards, we had CAFE standards established—gosh, that's 8 years ago-with a plan to study on down the road, looking at the economic consequences and the job consequences. as well as the environmental consequences. And the EPA chose to make a decision based solely on their global warming view of the world and not take into effect the job—in fact, they say in their statement, we don't even know what the job consequences are going to be, and we don't know what the economic consequences are going to be. And we don't know if you can sell a car, \$3,200, but we're passing this regulation anyway. That's not the kind of decisions we ought to be making around this place. So I really thank you for raising those economic points, Scott. It helps a lot.

The next person I believe was here, ALAN NUNNELEE was the next one. I yield to my good friend from Mississippi.

Mr. NUNNELEE. Thank you, Mr. CARTER, for yielding.

Mr. Speaker, I have to confess, when Judge Carter started talking about Texans loving their pickup trucks and the EPA coming to take our pickup trucks away, that got my attention. Because the judge would know that while Texans love their pickup trucks, the only reason that you love them more is because there's more Texans than there are Mississippians. I love my truck as well, and I don't want anybody to come get it.

The EPA, California regulators, and the Obama White House have combined forces to show how far the left will go. They'll use any means at their disposal to ram through its liberal agenda. I'm convinced that this administration is driven by a radical environmental agenda, and that this environmental agenda will use the threat of allowing California to impose its own set of regulations as a way to strong-arm auto manufacturers into going along with the new and unnecessary fuel economy standards. As has already been described here tonight, Mr. Speaker, this action would drive up the cost of a vehicle by an average of \$3,200.

Now, my concern is that young family in Mississippi that's trying to make it on their own, that needs to go out and purchase a new vehicle. For that young family, \$3,200 is a lot of money. My concern is the senior citizen that needs to go out and purchase a new vehicle, and they're trying to make ends meet on a limited income. For that senior citizen, \$3,200 is a lot of money.

Also, my concern is for those manufacturing workers in Mississippi that are making vehicles tonight. And when the cost of those vehicles goes up by \$3,200, common sense says there's going to be less demand. And we've got auto-

mobile manufacturers and their suppliers that are a vital part of Mississippi's economy.

Now, Congress has granted sole authority to regulate fuel economy to the Department of Transportation. And all this proposal is is a backdoor attempt to implement cap-and-trade. there's even a larger issue here. The larger issue is about a President and the ideology he represents being obsessed with expanding Washington's control over every facet of our life. They've dictated what kind of light bulbs we use. Now they're trying to say what kind of vehicles we drive, what kind of health insurance we purchase, whether you can be forced to provide medical services that even violate your religious beliefs. Their attitude is that regulators know more about what families need than individuals.

Mr. Speaker, it's time to stand up. It's time tosay no more. When they're coming for my pickup truck, the answer is "no."

Mr. CARTER. I would now like to recognize my good friend, STEVE PEARCE from New Mexico, Texas' good neighbor to the west.

Mr. PEARCE. I thank the gentleman for yielding, and thanks for his leader-ship on this work.

To adequately assess exactly what the effects are going to be of increasing the CAFE standards from 35 to 54 miles per gallon requires that we take a look at the increase that we had just in 2007. the increase that moved us to 35 miles per gallon. We had testimony that declared that at least one auto manufacturer would go out of business, would file bankruptcy if that law was actually implemented. That was because we do not have the technical capability to enforce and to build the vehicles that would take us to 35 miles per gallon. In order to reach that objective then, the auto manufacturers were going to have to arbitrarily price their lower mileage vehicles—they raise the price on them to drive demand down. That is, they'd sell fewer. It's not that we're actually increasing the mileage; it's that we're selling fewer of the larger vehicles, vehicles like pickup trucks that are used in the oil field, on ranching operations. So we wanted to depress down the demand for them while simultaneously adding stimulus to the lower cost vehicles. Now, the problem with that for a business is that the profits are made from those vehicles that are like pickup trucks and the SUVs.

So this government was in the process of mandating that the manufacturers would build fewer of the high-profit vehicles and more of the low-profit vehicles. That's the only way they could comply with the government standards. And it was therefore going to decrease profits enough to put at least one of the manufacturers into bankruptcy. As it turned out, two of the three manufacturers in America filed for bankruptcy, two of the three.

 $\Box 2030$ 

The taxpayers went in and had to bail them out.

When the President in his State of the Union last week talked about not bailing out companies, he spoke out of the other side of his mouth later in the speech by saying that the company we bailed out in General Motors was such a great success when taxpayers have to subsidize the processes declared by the U.S. Government. If that is what happened when we moved the mileage from 20 to 35 miles per gallon, imagine the distress in the auto industry when we move it to 54.

The Prius does not even qualify. It does not reach 54 miles per gallon. The Toyota Yaris only gets 38 miles per gallon. The technology does not exist. The same geniuses in the White House that brought us Cash for Clunkers, are now going to bring us 54-mile-per-gallon requirements for fuel standards.

The reason that the United States economy is faltering and suffering is because of what is happening by government agencies. The unfairness for the lower-class people in this country is ghastly.

The President stood on this floor last week and talked about fairness to everyone, economic fairness. Let the President hear his own words. He made fun of one of his agencies that declared milk to be a hazardous substance. He made fun of the regulation which got so much attention that it was rolled back. Let the President make fun of this regulation, because it is going to kill the car manufacturers. They cannot make cars that go 54 miles to the gallon.

For those who say just make the rule, and they will develop it, I simply say let's pay our EPA workers, all of those involved in this process, let's simply start paying them with General Motors' stock. Let them find out in their own lives exactly what the value of their opinions and their designs are.

The final problem with the implementation of this rule is the constitutionality. Our Founding Fathers set up a system of checks and balances. The President would sign legislation. The Senate and the House would pass the legislation, but they had to pass exactly the same bill. No one House, no one branch could dominate the others. What the President is doing is taking his beliefs, his agendas outside that set up by the Founding Fathers that would guarantee voters would have input. He is moving it into extraterritorial agencies that have no controls by the taxpayers and no controls by the voters.

The President should be ashamed of what he is suggesting. The President is causing our Constitution to be set on a shelf. The Constitution is here not for the rich; the Constitution is here for the poor. The Constitution is that which gives the poor standing in this

country. The rich can always have their way; the powerful can always get their way; but the Constitution defends and protects the poor. When the President crassly sets aside the Constitution, he is working against the fairness economically and the fairness constitutionally of this Nation towards 99 percent of its inhabitants.

I think that it is time for this Congress and this House to stand up and tell the President no more, you will bypass the Constitution no more. We need to mean business, and we need to back our words up with actions.

I thank my friend from Texas.

Mr. CARTER. I thank my friend from New Mexico for a very strong statement.

I want to recognize Mr. ROSCOE BART-LETT, my friend from Maryland. He wants to get up here with some of his own charts, and I'm going to step aside and let him do it.

Mr. BARTLETT. Thank you very much for yielding.

I sat and listened to this discussion, and I am reminded of how futile efforts are to try to get something done by doing it wrong two different ways.

The President believes that we need higher CAFE standards, and he is going to impose those through regulations from the EPA. He is also assuming that the American people don't have the sense to understand that they need to have higher CAFE standards, so he is going to force them on them. Without trying to educate the American people. he is just going to tell them you need to trust me, you need higher CAFE standards, and this is what it is going to be. What the President is doing is illegal and illogical, and I don't think that the American people are going to stand for it.

I just have a couple of charts here that put in context why we need to look at CAFE standards. If the President would use this approach, the American people would do the right thing relative to the kind of car they buy when they understand the environment that the United States and the world is in.

Here I have two charts and they are from the IEA, the International Energy Association. This is a creature of the OECD. It is perhaps, maybe along with our Energy Information Administration, a part of our Department of Energy, the best followers and prognosticators of energy in the world. This is their world-energy outlook.

This one is in 2008. I just want to point to a couple of things here. First of all, the oil that we are now pumping—and you could go back here 150 years with this blue thing here. It started back at zero, and it pumped more and more and more and more we are today pumping this much oil. These are the conventional oil fields that we are pumping oil from now. We are also getting some natural

gas liquids, and you see that curve is growing and growing. This is not gas in your gas tank. This is propane and butane and gases like that.

The green here is nonconventional oil. We are having a lot of discussion of nonconventional oil now about the Keystone pipeline and bringing the oil from the tar sands of Alberta, Canada. We are going to build a pipeline. It is either going to be in this country, or it is going to be across Canada through the Rocky Mountains. If the environmentalists are worried about environmental impact, they ought to be thinking about what is going to happen to the environment when they put a pipeline through the Rocky Mountains.

Either we're going to get that cheap oil, or the Chinese are going to get that cheap oil. They're going to have a pipeline. We're not going to avoid a pipeline. There's going to be a pipeline.

I just think that commonsense comes down on the side of, gee, I would like that oil, I would like the jobs that go with getting that oil. And I am concerned about the environment, but there is going to be a pipeline. That is a given. It is either going to be here, or it is going to be in Canada. I think it is going to be more of an environmental insult going through the Rocky Mountains than down through the Mississippi Valley with that pipeline.

That green area is nonconventional oil, and that is increasing. It will increase. You see it is not a big fraction of what we get. Notice that we have been stagnated here for 5 years now at 84 million barrels. We call it oil, but it is more than oil because it is natural gas liquids too. The world has not been able to produce any more oil than 84 million barrels a day, which is why oil is about \$100 a barrel and we are in a recession, and it is still stuck at about \$100 a barrel.

They prognosticate that the production from current fields is going to go down fairly dramatically. You see it dropping off there. Not to worry, because we are going to get a lot of oil from the fields that we discovered, the light blue here that are too tough to develop. Then we are going to get a fair amount of oil from fields we have vet to discover, the bright red there. This is kind of a nice dream, isn't it? By the way, the dark red here is enhanced oil recovery. It really ought to be a part of this. That is putting  $CO_2$  down there or live steam or something down there to get a little bit more oil out.

Note that by 2030 they are prognosticating that we are going to be up at 106 million barrels of oil a day. This chart has disappeared. If you go on the Internet and try to find that chart, it is not there. It was there. That's where we got it. They're a little embarrassed by its presence because just 2 years later in 2010, they made this prognostication, the same people. By 2035, 5 years

later, instead of having 106 million barrels a day, they are up to only 96 million barrels of oil a day.

 $\square$  2040

Notice they've now incorporated the enhanced oil recovery here with conventional oil and notice a fairly precipitous drop-off. Now they're telling you that the production of oil is not going to decrease because we're going to get huge amounts of oil from the fields that we have now discovered that are too tough to develop like under 7,000 feet of water and 30,000 feet of rock in the Gulf of Mexico. A lot of discoveries like that, and fields yet to be discovered

I think there is little probability that these two wedges are going to occur. I think what's going to happen is that this curve is going to tip over and start down. Let me tell you why I think that's true.

Because the United States reached its plateau, which is called "peak oil," in 1970, and that was predicted in 1956 in what I think was the most important speech in the last century, given by M. King Hubbert in 1956. He says, 14 years from now, in 1970, the United States will reach its maximum oil production. After that, it will drop off. It

Now, he didn't predict the discovery of any oil in the Gulf of Mexico and in Alaska, and here we see there was a little blip in the slide down with the huge amounts of oil we found in Alaska. Remember the fabled discoveries of oil in the Gulf of Mexico, the yellow there. That's all it did.

We now produce half the oil that we did in 1970. I do not think the world is any more resourceful or creative than the United States. If we could not reverse this downtrend in our country. I do not think that the world will be able to reverse it worldwide, which is why I say that the world is going to follow the United States. By the way, this was predicted by M. King Hubbert. He said that the world would be peaking about now.

Your government has paid for four studies that said this is going to happen. I quote here from one of those studies. This was the first big study. This was the SAIC report called the Hirsch report.

World oil peaking is going to happen, they said. Peaking is when you reach this plateau, and after that, it falls off. They said the peaking of oil is going to happen. Oil peaking presents a unique challenge. The world has never faced a problem like this.

I just have one more chart here, and these are some quotes from what I think is the most insightful speech of the last century. The most important one I think was given by M. King Hubbert on March 6, 1956. This speech was given just a bit later, the 15th day of May in 1957, a speech given by

Hyman Rickover, the creator of our says, No. If you live in California, these nuclear submarines:

"There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect: The longer they last, the more time do we have to invent ways of living off of renewable or substitute energy sources"-we've been trying to do that, haven't we?— "and to adjust our economy to the vast changes which we can expect from such a shift."

By the way, this talk was given to a group of physicians in St. Paul, Minnesota. If you simply Google for "Rickover energy speech." his speech will come up. They lost it for several years. It's now back on the Internet.

In another place in this speech he said, in the 8,000-year recorded history of man, the age of oil would be but a blip. And, wow, what a ride it's been. The quality of life that we have as a result of using these fossil fuels has just been incredible.

Just one last quote from what I think was the most insightful speech of the last century. I love this quote:

Fossil fuels resemble capital in the bank. A prudent and responsible parent will use this capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one wit how his offspring will fare.

I think what our President needs to do is educate the American people to the situation we're in. If these charts truly represent that situation, the American people will voluntarily say, Mr. President, we need to respond to that in a responsible way. The President doesn't need to assume that you're ignorant and can't understand or assume that he has to tell us what we ought to do.

Mr. CARTER. I would now like to recognize Mr. Manzullo from Illinois. who is a champion of starting up the manufacturing again in this country. He understands the economy and how it works.

Mr. MANZULLO. I thank the gentleman from Texas for yielding.

Mr. Speaker, we have something very interesting going on in this administration, and it's called "Who's in Charge?" At one time, we believed that the National Highway Transportation Safety Agency, NHTSA, as part of DOT was in charge of regulating the corporate average fuel economy standards. In fact, it's always been that way. Well, then, all of a sudden the EPA gets involved, gets its nose under the tent and decides that, well, because there are emissions that they're going to get involved in it. Then along comes the California Air Resources Board and

are the standards.

So we have the automobile manufacturers taking a look at which agency is in control, if any, and what they have to follow, although they have been forced to follow the standard that's been set down by the EPA to have this amazing 54.5 miles per gallon fuel economy for model years beginning in 2017.

In the district that I'm proud to represent, Chrysler has a plant in Belvedere that's going to house the body shop for the new Dodge Dart. I saw that automobile at the auto show here in Washington this past week, and it's a beauty. It's beautiful. It represents more than a \$600 million investment in the community and workforce in northern Illinois, and Chrysler had more than 1,600 production workers at the same assembly plant started in July when they had the third shifts. This is another signal of the increase in automobile sales that we're seeing in this country from the zenith of 17 million that were sold years ago to where we are now.

But this car starts at \$16,000, and with the average price of a vehicle to increase by \$3,200 and the source of that is the government itself, I just don't know what these people are thinking. In fact, if you take a look at the EPA rule, that says the estimate is that the mandate will cost \$157 billion, which always means the number is vastly greater. That's a lot of money. That's a huge amount of money. I mean, this is classic Obama EPA.

But you ask yourself. What is the \$157 billion for? The great scientists, mathematicians, and bureaucrats over at EPA said, well, this is the cost that it's going to take in investing in new technology. I hear those words, "investing in new technology," as if people that don't even know the sweet smell of machine oil who sit in offices in Washington, D.C., can sit there with their calculators and their green clerks hats and come to an estimate of what it's going to cost to increase the technology to come up to that 54.5-mileper-gallon standard.

We all know government figures are wrong. I mean, \$157 billion, that's a huge amount of money. I think the total amount of the bailout, if anybody was interested in that, was around \$15 billion. Now, this is 10 times the amount.

You ask yourselves, where is this money coming from? Obviously, if manufacturers have to gear up for this major expense, they're not going to wait until 2017. They're going to start doing it now. And so the increase in prices of automobiles will be directly related to this new mandate from the EPA.

So to the gentleman from Texas, I want to thank you for having the courage of speaking out here, and I thank you for the opportunity to help explain to the American people of the folly of into this idea knowing that each electhis latest EPA action. tric car that they build, which is sub-

Mr. CARTER. I thank my friend for his great comments. One of the things I like to say about Washington is to show us the common sense, and, Mr. MANZULLO, I think you made a good, commonsense argument that we can understand.

I'd now like to introduce my friend, Mr. KELLY from Pennsylvania, and hear what he has to say on this interesting new challenge the Obama administration has given us.

# $\square$ 2050

Mr. KELLY. I thank the gentleman from Texas.

I come from a family that in 1953 started in the automobile business. My father came from being a parts picker in a warehouse for General Motors, surviving World War II and then coming back home and starting his own dealership in 1953. So, not only can I talk the talk, but I've actually walked the walk.

When we sit back and when we see what this administration is doing, while they say on one side they're very concerned with jobs and that they're very concerned with the recovery of the automobile industry, they propose legislation that will take 7 million buyers out of the market. That is a staggering number of cars that we will not be able to build. If we can't build them, we don't need folks there in the factories. We don't want to mess with the fragile recovery that the automobile industry has right now. Again, as I said, in having walked that walk and in understanding the cost of these vehicles as they go up, it is a terrible thing that this administration is considering. It does not surprise me because we are talking about people who have never in their lives actually had their own skin in the game. So, when they talk about these measures that they're taking, when they talk about all these well-intentioned ideas, they forget that the ultimate sacrifice made is by the buyers, by the American consumer. We are going to raise the average cost of these vehicles by \$3,200. As I said earlier, 7 million prospective buyers will not be in the market. We have jumped the standards that we had by 3 years.

I was there in the early seventies when the CAFE standards came into existence. The corporate average fuel economy had nothing to do with green energy; it had nothing to do with a carbon footprint. What it had to do with was our reliance on foreign oil. We are making great strides to that effect. Now, I do know that my friends in the automobile manufacturing business have agreed to these new standards. I also know that there are so many resets in this new standard that they opted to go along with this administration's directions and that they bought

into this idea knowing that each electric car that they build, which is subsidized by \$7,500 in taxpayer funds—hardworking American families who have paid their taxes will not have the same benefit that people buying these electric cars—the metrics on that is \$175,000. That is their average income.

Now, who are we appealing to?

We give the industry a double count on those. That's how they get to the 54.5 miles per gallon, and they understand with the resets that it's much easier to go along with this administration than to try to fight them up front. I will tell you, of my friends in the automobile dealer business, who are the folks who go to work every day, who have to put bread on the table, in my dealership there are 110 folks who come in there every day to solve the transportation needs of the people in our community.

The other side of this is safety. When my wife and my four children get in their cars—and keep in mind there are five grandchildren involved now—we're going to start asking those folks to start driving lighter cars, cars that will not be as safe as the cars we have on the road right now. And why? Because we are catering to an administration that puts its agenda ahead of the American public's safety.

So I appreciate what the gentleman from Texas is doing. I understand the unintended consequences of this, so it's time for us to blow the whistle on an administration that refuses to acquiesce to what the public needs and continues to drive its own agenda. I appreciate what you've done.

Mr. CARTER. In reclaiming my time, I'd like to ask the gentleman a question because it just dawned on me the economics that you're describing here.

What they're doing now is not saying, Okay, we're going to make a Chevrolet pickup or a Ford pickup that gets 54.5 miles per gallon. What they're saying is, Yeah, we've still got a Ford pickup or a Chevrolet pickup or a Chrysler pickup that gets 18 to 20 miles a gallon. But, hey, look at all these electric cars that don't use any gasoline, so we get an offset for those.

You also said the market for these is the rich people, that 1 percent that everybody is complaining about. No one is going to be able to afford to buy these electric cars. They're the market, and yet that's how they get this number down, but it's not real—it's imaginary.

Mr. KELLY. Yes, absolutely. We talked about that.

The loopholes in this program are not for the hardworking American families that go to work every day to support their kids and their families and their well-being. The folks really don't buy these cars to drive; they buy them because they can. We are giving people \$7,500 in Federal loopholes. Then in my State of Pennsylvania, it throws an-

other \$3,500 towards the purchase of an electric car. Those cars, by the way, are 200,000 cars per manufacturer. It's not 200,000 cars in total, but 200,000 cars per manufacturer. The cost of this and as you see the trajectory of this expense, it goes off the charts. The answer is it is not going to improve fuel economy. What really drives fuel economy is the number of miles you drive each year and the cost of gasoline. Yet they start to talk about, No, no. We've got to tell people that they can only drive a car that gets 54.5 miles per gallon.

You know, sir, as well as I do, that that is not the case. We've been gamed again. I think there should be an outrage over this with the American people now. This is a regulation that does nothing but push an agenda and does not push the well-being of the American citizen.

Mr. CARTER. That is a real eyeopener, and I thank you for explaining that. I didn't really get that concept.

So, in addition to playing games with numbers, the Federal Government is subsidizing the playing games with numbers, and then your State also subsidizes it. I hope Texas doesn't—but heck, who knows.

Mr. KELLY. Again, I appreciate the gentleman for bringing this topic up. We have to understand that, if we are really going to get this economy back on track, it is the people who make things—and we talk about making it in America. If we're really trying to support the domestic automakers, then you don't raise the price of the car by \$3,200. With each price increase, we eliminate somebody who would have bought a new car. As we eliminate the purchase of new cars, we also affect the long-range market for used cars. A new car eventually becomes a used car.

We are eliminating personal transportation in this country by upping the bar in a systematic way, and people aren't noticing it. There should be an outrage among the hardworking American families of whom sometimes Dad works two jobs and Mom works a joball to put food on the table, to educate their children, and to somehow get them from where they live to where they need to be, whether it be for their jobs or for education or for after-school activities. We are eliminating private transportation in this country by upping the price and by making it impossible for the average American to own his own car.

Mr. CARTER. That's shocking.

I do remember that the car that my wife and I are driving right now cost more than our first three-bedroom, two-bath house that we purchased when our first two children were born. That's kind of shocking as to how all that gamesmanship can drive that price up.

I did have a person in the transportation business who was telling me—

and I'm not going to disclose who it and self-governing people and tell them an easy call for the administration. Apwas—they do studies on selling tickets for the planes. It was the air industry. The ticket price is the price at which they know people will fly. They have done studies to determine, if they were to add \$10, in some instances, to that price of the ticket that people will fly. you'd lose like 18 percent. Add \$50, and you could lose half of your flying public. That's how much the margin is. and you have the same kind of deal in the automobile industry.

Mr. KELLY. It's all price point and it's all affordability, and it comes down to: How much per month does it cost for the average, hardworking American family to keep private transportation?

We are raising the price by \$3,200 per car. We are eliminating 7 million people from having the opportunity to own their own cars, their own transportation, which has been the hallmark of this country and which has driven this economy for many, many years. It has allowed the people to move out of the cities and into the suburbs because they had a way to get to work, and they didn't have to rely on public transportation.

In this country, what is very unique is that you can get up in the morning, and you can drive to wherever it is you want to go, and you can get there by yourself or with your friends; but that's the uniqueness and that's the greatness of America, and it has always been. It is the one thing that the rest of the world looks at. Private transportation is absolutely critical, and we are going to eliminate the ability for 7 million Americans to have that opportunity.

Mr. CARTER. In reclaiming my time, there is an agenda that is being sold

In testimony we had before the Appropriations Subcommittee on Transportation, which I happen to serve on, we talked to our former colleague about this administration's vision of the world it wants us to live in. It wants us all to live in high-rise apartments and to take public transportation. They will tell you straight out that's the future of America—concentrate. There have been at least some in the administration who have said the days of the two-story home in the suburbs are over.

I don't know if America knows that. This is a perfect example of part of the plan to drive us out of the suburbs and into concentrated populations where the only solution is public transportation. Quite honestly, where I live, that's not going to be very popular.

Mr. KELLY. I agree with the gentleman, and I will tell you that I join in your fight. This is not only a fight that we must fight; this is a battle we must win.

#### □ 2100

I will fight with you every step of the way. We cannot continue to take a free not only what foods they can eat, what houses they can live in, what light bulb they can use, or what car and truck they can drive.

So I thank you for being a champion of the American people and the hardworking Americans that pay for every single thing that this government does.

Mr. CARTER. I thank you, Representative Kelly. I will be glad to have you in the fight. You are a man I stand back-to-back with.

Mr. Speaker, we have been here talking about something that many of us realize is a shocking change of our world. It seems a small thing, but 54.5 miles per gallon, everyone will tell you the kinds of cars we drive in Texas, which is pickup trucks, they can never get there. They can't gear and torque to get to that number, 54.5. Therefore, unless you pull a scam that was being talked about, every electric car offsets the pickup trucks, we're in trouble.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (Mr. STUTZMAN). Members are reminded to refrain from engaging in personalities toward the President.

#### KEYSTONE XL PIPELINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. Mr. Speaker, I have got energy on my mind tonight too. It's a wonder, or I should say it's not a wonder, that everybody who comes to the floor of the House has this common theme. Mr. Speaker, that we have an economy that's in trouble, we have a regulatory network that is going out of control. And we have energy needs in this country that feed, that feed the economic heart of this country, and we're struggling to find that food.

Mr. Speaker, I have here, you can't see it, but it's an editorial from The Washington Post. It's January 19 of this year. Now, you know, Mr. Speaker, and as folks do who have a chance to read The Washington Post, it is one of the most liberal newspapers in this entire Nation. Now there are a few, San Francisco Chronicle or others, that might able to compete, but one of the most liberal newspapers in this coun-

And they put an editorial in their newspaper speaking on behalf of the newspaper editorial board on January 19, the day after President Obama announced his decision to block the Kevstone pipeline, and this is what it said. It's entitled, "A Kink in the Pipeline," and the headline reads—you won't be able to see this on the screen, Mr. Speaker-but it says, Approving the Keystone XL project should have been proving the Keystone XL project should have been an easy call for the administration.

This is from one of the most liberal newspapers in the country, Mr. Speaker, saying why, Mr. President, why did you choose to stand in the way, and they've got some ideas. The Washington Post has some ideas about that. The editorial begins like this: On Tuesday, President Obama's jobs council reminded the Nation that it is hooked on fossil fuels and will be for a long time. The council said this—it's going to require the United States to optimize all of its natural resources and for states to construct pathways, pipelines, transmission, and distribution to deliver electricity and fuel.

But that's what it's going to take, Mr. Speaker, to get the economy back on track. It's going to require that the United States optimize all of its natural resources.

It added that the regulatory and permitting obstacles that threaten the development of some energy projects negatively impact jobs and weaken our energy infrastructure. Mr. Speaker, you wonder why it is that I have to read this. You would say, ROB, that's common sense. Don't folks know that in the great State of Georgia?

I would tell you, Mr. Speaker, they do know that in the great State of Georgia. Where they don't know it is here in Washington, D.C., in this regulatory environment where if folks see a problem, they throw more rulemaking at it. The President's jobs council sees a problem. It's a problem—there's not enough energy infrastructure. Is the United States not maximizing its energy production?

Here's what the jobs council says. Mr. Speaker. It added, the regulatory permitting obstacles that could threaten the development of some energy projects, negatively impact jobs, and weaken our energy infrastructure need to be addressed immediately. And this is what The Washington Post says. Mr. Obama's jobs council could have started out by calling, well, the Obama administration to help in this effort.

On Wednesday the State Department announced that it had recommended rejecting the application of the Trans-Canada Corporation to build the pipeline, rejecting it. The President's jobs council, Mr. Speaker, says we need to maximize every energy opportunity that we have. If we are to see our economy succeed, we must access every bit of energy that we can domestically. We must find transportation mechanisms for it, pipelines, transmission facilities. And the White House says no, no.

The editorial goes on. Environmentalists have fought the Keystone pipeline furiously, and in November, the State Department tried to put off the politically dangerous issue until after next year's election.

Mr. Speaker, you came here for the same reason that I came here, and that is to take on the politically dangerous issues. We didn't run for Congress so that we could dodge the tough questions. We came to Congress so we could speak out on the tough questions. We came to Congress because we represent folks back home who view these issues with the common sense that America always does.

If you have an energy crisis, what do you need? You need more energy. Do you need energy efficiency? Of course. Do you need energy conservation? Of course.

But we have resources, Mr. Speaker, in this country. We have been so blessed. God has blessed this Nation with energy resources, and we have to harvest them

The State Department wants to put the decision off because it's politically dangerous. When do they want to put it off to, Mr. Speaker? Until after the next election. So it's unconscionable. The Washington Post makes that point and goes on.

Listen to the cynicism that's here, Mr. Speaker. This is what it's come to in Washington, D.C. The Washington Post says this: We almost hope this was a political call because on the substance there should be no question. The Washington Post says, we hope it was the President just playing politics, Mr. Speaker. We hope it was the President just playing to the radical, leftist wing of its party. We hope that it was because if he's looking at the substance, if he's looking at the same facts that we are, it should have been no question, an easy call.

Hear this, Mr. Speaker. Without the pipeline, Canada will still export its oil. And with the long-term transglobal market, it's far too valuable to keep in the ground. But it would go to China, Mr. Speaker.

You're from a part of the world like I am, Mr. Speaker, where we care about the environment. We're hunters, we're fishermen, we're farmers. No one plays outside more than you and I do, Mr. Speaker. No one works outside more than you and I do.

We care about our communities, and you tell me which community is going to treat the world's environment the best, Mr. Speaker. Is it going to be your community back home? Is it going to be my community back home? Or is it going to be the industrial machine that is mainland China? Mr. Speaker, we can either bring this oil from Canada to America and use it responsibly, or we can ship that oil from Canada to China, where it would surely go, so says the Washington Post.

We go on: Environmentalists and Nebraska politicians say the route the TransCanada pipeline proposed might threaten the State's ecologically sensitive areas. And in consultation with Nebraskan officials, they decide to pro-

ceed, even though the government announces last year, concluded that the original path would have had limited adverse environmental impact. Hear that. Here it is, a private pipeline going to go through America, Mr. Speaker, going to try to feed America's energy needs so we don't have to import oil from folks who hate us overseas. Folks said we have some concerns about the original pipeline path. The Federal Government does a study, they say we don't see any problem. We see very limited environmental impact, but if it's a concern to you, we'll move it. Willing to move it.

Environmentalists go on to argue that some of the fuel in U.S. refineries that produce China's bitumin might be exported elsewhere.

#### $\square$ 2110

Don't bring the oil to America, Mr. Speaker. Why? Because it might get refined in American refineries by American companies, using American workers, and we might sell that to another nation at a profit. For whom? For Americans.

Don't do it. Don't do it, Mr. Speaker. In this tough economy, don't you bring those products back to America. Don't you bring them to American factories. Don't you put American workers back to work. Why? Because we might export it to a foreign land to make a profit.

Mr. Speaker, that's what we need to be doing, and The Washington Post knows it to be true.

Here's how The Washington Post concludes, Mr. Speaker: There are far fairer, far more rational ways to discourage oil use in America, the first of which is establishing higher gasoline taxes. Environmentalists should fight for policies that might actually do substantial good instead of tilting against Keystone XL, and President Obama should have the courage to say so.

Those are not my words, Mr. Speaker. That comes from The Washington Post editorial board. President Obama should have the courage to say so. He should have the courage to stand up to the radical left. He should have the courage to stand up for American job creators. He should have the courage to stand up for American, North American, energy independence.

The headline, Washington Post, Mr. Speaker: Approving the Keystone XL project should have been an easy call for the administration. The Washington Post, Mr. Speaker. We hope it was a political call because on the substance, there should have been no question. And if you believe it happened for environmental reasons, Mr. Speaker, instead of political reasons, there are far fairer, far more rational ways to discourage oil use. President Obama should have had the courage to say so.

We're not done with this issue in the House, Mr. Speaker. You know, we're

going to continue to bring this issue back because we know where the American people stand on it. They stand for energy independence. They stand for American jobs. They stand for American manufacturing, and we can achieve those goals with that all-of-the-above energy policy that harnesses all of the God-given bounty that America has and puts it to work for the American worker.

Mr. Speaker, let me go on to the President's State of the Union address. He rejected the Keystone pipeline a week before the State of the Union. Here's what he said in the State of the Union: It's time to double down on a clean energy industry that never has been more promising.

Mr. Speaker, we have an opportunity to do something today about rising energy costs. We have an opportunity to do something today with the Keystone pipeline. We can put 20,000 workers to work today. We can bring \$70 million worth of oil into this country a day. We can do that with Keystone pipeline. The President says no, I'm canceling Keystone pipeline. I'm going to double down on clean energy because it's never been more promising.

Mr. Speaker, I believe in clean energy. I believe in clean energy. What I believe in even more, though, is energy independence, and we can't get to energy independence with the clean energy resources that we have today. We have to use the resources that we have here in this country. And once we achieve energy independence, Mr. Speaker, the entire conversation in America will change. The entire conversation will change from how much to from where, and we can do the doubling down on green energy. But the President wants to double down on green energy today. Why? Because it's been his calculation in his 3 years in office, Mr. Speaker, that the environment has never been more promising.

Let's see.

The President's promising environment, Mr. Speaker: Solyndra, bankrupt. Loans guaranteed by the taxpayer, \$535 million; a half-billion dollars, Mr. Speaker, sent out the door through crony capitalism and this administration. Down the drain, Solyndra, bankrupt.

What about Enerl? Guaranteed loans by the taxpayer, \$118 million. How'd that project work out? Bankrupt. That's okay, Mr. Speaker. Maybe there are some successes.

What about Beacon Power? No, \$43 million from taxpayers, Mr. Speaker. How'd that project work out? Bankrupt.

President Obama says the environment has never been more promising. If he's looking at the same financials you and I are looking at, Mr. Speaker, he sees bankrupt project after bankrupt project after bankrupt project after bankrupt we're doing this why? We're sending

out government dollars, why? These taxpayer dollars, why, Mr. Speaker? A half-billion to Solvndra: \$100 million to Ener1; \$43 million to Beacon Power. We're sending those out why? Because we have energy needs in this country that cannot be satisfied because the President has stopped the Keystone XL pipeline, which was going to be built with what? Half a billion dollars in government loans? No, with private sector initiatives, private sector initiatives, to bring fuel that we know that we can use today to refineries where we know we can process it, whether we use it here or whether we export it abroad.

The President thinks there has never been a better time than now, Mr. Speaker, to double down on the green energy projects funded by the tax-payer.

We see here, Mr. Speaker, those have all been busts. And it's not that we can't do green energy, Mr. Speaker, it's that we have to let the marketplace choose those things. Crony capitalism doesn't work. Government picking winners and losers doesn't work. You know who picks winners and losers? The American consumer. You know who picks winners and losers well? The American marketplace, not the American government. We've got to take that power out of Washington, D.C., and return it to industry, and we will succeed.

The President knows this in his heart. Listen to what he says, Mr. Speaker: "We have a supply of natural gas that can last America nearly 100 years, and my administration will take every possible action to safely develop this energy. Experts believe this will supportmore than 600,000 jobs by the end of the decade."

Do you know when he said that, Mr. Speaker? That was in his State of the Union speech. That was right here. Right here from where we are tonight, Mr. Speaker. He spoke these words just a week ago. He knows we have a supply of natural gas that can fuel this country for 100 years, that will support 600,000 new American jobs.

Well, golly, I bet we're going to go right after that today. We're going to start right now. Why, Mr. Speaker, because it's 84 trillion cubic feet of undiscovered natural gas. Who has that? Is it Saudi Arabia? No, it's America. Is it Iran or Iraq? No, it's America. Is it Venezuela and Hugo Chavez? No, it's America. We have 84 trillion cubic feet of undiscovered natural gas, 3.4 billion barrels of undiscovered natural gas liquids. These are the fuels, Mr. Speaker, that will fuel the American economy for the next decade.

The President knows it. The President says we can fuel 100 years of America; 600,000 jobs in America. We know where it is. Let's talk about how we're going to get it, Mr. Speaker.

The good news about America, and I say this, Mr. Speaker, as I know you

say to all of your constituents who are struggling: The good news about America is there is nothing wrong with America that we didn't do to ourselves. There's nothing. There is no worker who produces more than the American worker. There is no system of government that's more responsive to the people than ours. There is no engine of economic growth more powerful than the American entrepreneurial system. The President, though, knows that we have these resources. The question is, is he going to let Americans get them?

Here's where they are, off the coast: The Outer Continental Shelf: 2.28 trillion cubic feet in Washington and Oregon; 3.5 trillion cubic feet in northern California; 2.49 in central California; 7.76 in southern California.

It continues here along the east coast. In my home State of Georgia, Mr. Speaker, 2.4 trillion off the coast. Here in the Mid-Atlantic, right off the coast of Washington, D.C., 19.36 trillion cubic feet.

In the Gulf of Mexico, 16 trillion cubic feet.

We know, Mr. Speaker, this is the assessment of undiscovered but technically recoverable oil and gas resources on the Nation's Outer Continental Shelf. This comes from the Bureau of Ocean Energy Management. We know where these resources are.

And they're not just there, Mr. Speaker. They are where Americans often turn for energy resources, in Alaska. In Alaska, 76 trillion cubic feet. Over in the Beaufort Sea, 27 trillion cubic feet. All around the coast of Alaska, Mr. Speaker, you see opportunity after opportunity after opportunity. Again, not to send money to folks who hate us, not to send American dollars to overseas enemies because of the hook that they have in us because of our oil needs.

# □ 2120

Mr. Speaker, we have the ability to meet these needs with American production harvested by whom? American workers. Done through what? American companies. Whose dollars go where? To the American way of life. We can do those things. It's a national security issue, and it's an economic issue. The question is. Why aren't we. Mr. Speaker? And that is a political issue. You saw it in The Washington Post. The Washington Post said we hope the decision to cancel the Keystone XL pipeline was just a political issue because of the facts, there's no reason not to move forward. It must just be a political issue. Well, we saw that the President, in the State of the Union speech, said. I want to go after it all. I know that we've got 100 years of energy in natural gas. We can fuel 600,000 American jobs.

Well, what do the politicians say? Let's look just here in Alaska. LISA MURKOWSKI said, Americans can benefit from the tremendous resources in Alaska's Outer Continental Shelf. She votes "yes." Congressman Don Young here in the House said that the OCS would provide 1.2 million new jobs. Why are we continuing to send our hard-earned money overseas? Don Young votes "yes." The other Senator from Alaska says, My message to the President is that as America's energy storehouse, our State of Alaska can and should responsibly supply a significant portion of our country's energy needs. That's three for three, Mr. Speaker. Every Federal elected official from the State of Alaska says we've got energy here, and we want to harvest energy here to help fuel America, to help fuel America. We're in. We're

Mr. Speaker, do you know who's not in? President Barack Obama. He said all the right things in the State of the Union speech, Mr. Speaker. As the words were coming out of his mouth, I thought, I'm with you, I'm with you, time after time thinking that's the right thing to do. Now, sadly, I thought the same thing a year ago when so many of those same things were said. I said, I'm with you, it's the right thing to do

We talked about abolishing corporate tax rates in this country so that we'll be able to bring more American companies here so we can create more jobs. I said, I'm with you. I voted for a budget here in the House last year that would do just that. I introduced a bill here in the House, a Fair Tax, that would do just that; and I got no support at all, Mr. Speaker, from the White House—not on our budget, not on the Fair Tax, not on any corporate tax reform bill whatsoever.

We had that Joint Select Committee at the end of the year, Mr. Speaker. They could have done anything—anything—to reform our economy, to get our fiscal house in order and to put American job creation back on track. They could have done anything. It was guaranteed to come to the floor of the House for a vote, and they produced nothing at all. And the President supported that effort not at all.

Here we are on the Outer Continental Shelf, 1.76 billion acres, Mr. Speaker, 1.76 billion acres—38 million open for exploration, 97 percent off limits. Do I need to go back, Mr. Speaker, to what the President said? We have a supply of natural gas that can last America nearly 100 years. My administration will take every possible action to safely develop this energy. Experts believe, he says, this will support more than 600,000 American jobs by the end of the decade—97 percent off limits.

Now, good news, Mr. Speaker. The Department of the Interior controls so many of these resources. They put out a 5-year plan. They talk about when it is we're going to be able to open up these areas. I'll just take you back to

Alaska, Mr. Speaker, Alaska where so much of America's energy production comes from. Right here in the Beaufort Sea, 27.64 trillion cubic feet of natural gas. The Department of the Interior under the Obama administration, Mr. Speaker, said we're going to let you start leasing up there in 2015—2015.

I looked at my watch before I came down here, Mr. Speaker. It's 2012 and just barely into that-2012. You heard in the State of the Union speech: we have a supply of natural gas that can last America 100 years, and my administration will take every possible action to safely develop this energy because it can provide 600,000 American jobs. We know where the energy is, Mr. Speaker. The President's agency in charge says, just wait another 3 years, we'll let you in. Right here in this Chamber, Mr. Speaker, the President said he would do everything-everything—in his power. I'm asking you, Mr. Speaker, has he done anything? Has he done anything?

There is nothing wrong with America that we didn't do to ourselves. God blessed us with these resources. It's man's law that won't let us get them out of the ground. Our friends in Canada, Mr. Speaker, want to open up a pipeline to bring hundreds of thousands of gallons of oil into America every day, the market price of which is \$70 million a day. Mr. Speaker, we're using the oil anyway in our cars, our factories, plastics—all of our products. We're already using the oil. The question is where do we get it? And today we send that same \$70 million to Iraq, to Venezuela, and to Oman.

Mr. Speaker, we could have energy independence in this Nation if we applied ourselves to it, and it would change our foreign policy forever. If not in this Nation, Mr. Speaker, we could have energy independence on this continent. Our friends in Mexico, our friends in Canada, and we could collectively have energy independence. Why don't we? Why don't we, Mr. Speaker? And the answer is, as The Washington Post said, because in terms of leadership in this Nation, we lack the courage.

I just want to make that clear. Mr. Speaker. Let's go back to an issue that's going to come up over and over and over again until the President gets it right. It's the Keystone pipeline. When I say we lack the courage, Mr. Speaker, you and I both voted to move this Keystone project along. The AFL-CIO has endorsed moving this project along. It's not a Republican-Democratic issue, Mr. Speaker. It is an American jobs versus radical leftist agenda issue. The Washington Post. the most liberal newspaper in the area, one of the most liberal inthe country, Mr. Speaker, said on its face there is no question that approving the Keystone XL project should have been an easy call for the administration. The courage that we're asking for from the President, Mr. Speaker, is to stand up to the most radical, most leftist, and most anti-jobs segment of his party. That's the ask.

When The Washington Post here says President Obama should have had the courage to say so, they weren't saying. shake up the apple cart, Mr. Speaker. They weren't saying, take some dangerous untrodden path through the woods. They were saying, approve the project that on its face there could be no question about. Approve the project that our friends in Canada have already endorsed; approve the project that brings North American oil to America instead of shipping it to China; approve the project that saves \$70 million a day keeping it in North America instead of shipping it to the Middle East: approve the project that will improve 20,000 jobs today and more going forward; approve the project, as the President said, through our natural gas resources and through our oil resources that could support 600,000 new jobs by the end of the decade.

Who is the beneficiary, Mr. Speaker? You have the same town hall meetings I do. Who is the beneficiary of lower fuel prices?

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Is it ExxonMobil? No. Is it the big plastics plant? Well, I'm sure they'll do better, but that's not who it is. The big beneficiary, Mr. Speaker, of lower oil prices are American families. The big beneficiary, when American energy prices drop, are American workers. The big beneficiary, when we make these easy decisions to look to America's energy resources first, the beneficiary is the American economy. Should have been an easy call, Mr. Speaker. Should have been an easy call. I know you believe that. I believe that. The Washington Post believes that.

Mr. Speaker, I don't know how we'll find that true voice in the President's State of the Union speech. You know, there's so much double-speak in this town. It's sometimes tough to know what folks are actually saying. Rather than guess at what folks are actually saying, I blew it up in big words and put it right here because I wanted to be able to see it: I wanted to be able to remember it. Here's what the President says: "We have a supply of natural gas that can last America nearly 100 years. And my administration will take every possible action to safely develop this energy because experts believe this will support more than 600,000 jobs by the end of the decade."

Mr. Speaker, it's up to you and me. We have to hold the President accountable for these words. You cannot say these words when you're speaking to the American people in the State of the Union. You cannot say these words when you speak to the House and Senate here in joint session in the State of

the Union. You cannot say these words while canceling the largest opportunity we have for energy independence in this country. You cannot say these words when you're actually focusing your energy, your efforts, taxpayer money on these projects that we've proven time and time again don't work. You cannot say these words, Mr. Speaker, when you know we have 1.76 billion acres that we could explore, but only 38 million are open for exploration, meaning 97 percent are off limits.

Mr. Speaker, this debate does not end tonight. This debate begins tonight. You, me, and the American people, we can make a difference; and we owe it to the American people to do that.

Mr. Speaker, I thank you for the time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Ms. Pelosi) for February 1 and 2 on account of a death in the family.

#### SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 34. Concurrent resolution expressing the sense of Congress in honor of the life and legacy of Václav Havel; to the Committee on Foreign Affairs.

# BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on January 26, 2012 she presented to the President of the United States, for his approval, the following bill.

 $\rm H.R.\ 3237.\ To\ amend\ the\ SOAR\ Act\ by\ clarifying\ the\ scope\ of\ coverage\ of\ the\ Act.$ 

Karen L. Haas, Clerk of the House, reports that on January 30, 2012 she presented to the President of the United States, for his approval, the following bills.

H.R. 3800. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 3801. To amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

## ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes

p.m.), under its previous order, the (RIN: 3170-AA06) received January 3, 2012, House adjourned until tomorrow, Wednesday, February 1, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4732. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule - Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions [Doc. No.: AMS-FV-11-0027; FV11-953-1 FR] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4733. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule - Pistachios Grown in California, Arizona, and New Mexico; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0077; FV-983-2 IR] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4734. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — United States Standards for Grades of Frozen Okra [Document Number: AMS-FV-07-0100, FV-11-327] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4735. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West: Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2011-2012 Marketing Year [Doc. No.: AMS-FV-10-0094; FV11-985-1A IR1 received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4736. A letter from the Assistant Secretary of the Navy, Manpower and Reserve Affairs, Department of Defense, transmitting the Navy Fisher House annual report for Fiscal Year 2011; to the Committee on Armed Services.

4737. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Carroll F. Pollett, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4738. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (Regulation I) [Docket No.: CFPB-2011-0024] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4739. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule - Real Estate Settlement Procedures Act (Regulation X) [Docket No.: CFPB-2011-0030] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4740. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Consumer Leasing (Regulation M) [Docket No.: CFPB-2011-0026]

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4741. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule - Mortgage Acts and Practices — Advertising (Regulation N); Mortgage Assistance Relief Services (Regulation O) [Docket No.: CFPB-2011-0027] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4742. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — S.A.F.E. Mortgage Licensing Act (Regulations G & H) [Docket No.: CFPB-2011-0023] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4743. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule - Fair Debt Collection Practices Act (Regulation F) [Docket No.: CFPB-2011-0022] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4744. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule - Electronic Fund Transfers (Regulation E) [Docket No.: CFPB-2011-00211 (RIN: 3170-AA06) received January 3. 2012, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Financial Services.

4745. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Equal Credit Opportunity (Regulation B) [Docket No.: CFPB-2011-00191 (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4746. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Truth in Savings (Regulation DD) [Docket No.: CFPB-2011-0032] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4747. A letter from the Attorney, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Truth in Lending (Regulation Z) [Docket No.: CFPB-2011-0031] (RIN: 3170-AA06) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4748. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of New York since September 24, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a): to the Committee on Energy and Commerce.

4749 A letter from the Secretary, Department of Health and Human Services, transmitting an interim report entitled "The Children's Health Insurance Program: An Evaluation (1997—2010)"; to the Committee on Energy and Commerce.

4750. A letter from the Secretary, Department of Health and Human Services, transmitting a letter with a report entitled "Essential Health Benefits Bulletin": to the Committee on Energy and Commerce.

4751. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who

threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4752. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2011 of the Department's Bureau of Industry and Security (BIS); to the Committee on Foreign Affairs.

4753. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule -Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category VI (RIN: 1400-AC99) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4754. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule -Amendment to the International Traffic in Arms Regulations: Revision of U.S. munitions List Category XX (RIN: 1400-AD01) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4755. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, covering the period October 1, 2010 to September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act.), section 5(b); to the Committee on Oversight and Government Reform.

4756. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's Performance and Accountability Report for fiscal year 2011: to the Committee on Oversight and Government Reform.

4757. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4758. A letter from the Assistant Attorney General, Department of Justice, transmitting the "21st Century Department of Justice Appropriations Authorization Act", related to certain settlements and injunctive relief for the third quarter of 2011, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

4759. A letter from the President, American Academy of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 2010, pursuant to section 4 of its charter 36 U.S.C. 4204: to the Committee on the Judiciary.

4760. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Pantex Plant in Amarillo, Texas, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA): to the Committee on the Judici-

4761. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made during FY 2011 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub. L. 106-561) to improve forensic science services; to the Committee on the Judiciary.

4762. A letter from the President, National Safety Council, transmitting the Council's Annual Financial and Audit Report for Fiscal Year 2011, pursuant to 36 U.S.C. 1101(36) and 1103; to the Committee on the Judiciary.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on January 25, 2012, the following reports were filed on January 30, 2012]

Mr. RYAN of Wisconsin: Committee on the Budget. H.R. 3582. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; with an amendment (Rept. 112–377 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. H.R. 3578. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline; with an amendment (Rept. 112–378). Referred to the Committee of the Whole House on the state of the Union.

#### [Submitted January 31, 2012]

Mr. DREIER: Committee on Rules. H.R. 3575. A bill to amend the Congressional Budget Act of 1974 to establish joint resolutions on the budget, and for other purposes; with amendments (Rept. 112-379 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. H.R. 3581. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; with an amendment (Rept. 112–380 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

# DISCHARGE OF COMMITTEE

[The following action occurred on January 30, 2012]

Pursuant to clause 2 of rule XIII the Committee on Rules discharged from further consideration. H.R. 3582 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

[The following actions occurred on January 31, 2012]

Pursuant to clause 2 of rule XIII the Committee on the Budget discharged from further consideration. H.R. 3575 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committees on Oversight and Government Reform and Ways and Means discharged from further consideration. H.R. 3581 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MICA (for himself and Mr. DUN-CAN of Tennessee): H.R. 7. A bill to authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself and Mr. Bucshon):

H.R. 3839. A bill to address critical drug shortages; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. RAN-GEL, and Mr. CROWLEY):

H.R. 3840. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for employment tax treatment of professional service businesses; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. GUTIERREZ, Mr. CONYERS, Mr. BER-MAN, Mr. FILNER, Ms. SCHAKOWSKY, Mr. CLARKE of Michigan, Mr. BLU-MENAUER, and Mr. GRIJALVA):

H.R. 3841. A bill to prevent foreclosure of, and provide for the reduction of principal on, mortgages held by Fannie Mae and Freddie Mac; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACK (for herself, Mr. Bachus, Mrs. Blackburn, Mr. Brooks, Mr. Carter, Mr. Duncan of Tennessee, Mrs. Ellmers, Mr. Franks of Arizona, Mr. Gosar, Mr. Graves of Georgia, Mr. Hall, Mr. Herger, Mr. Huelskamp, Ms. Jenkins, Mr. Jones, Mr. Kinzinger of Illinois, Mr. Landry, Mr. Lankford, Mr. Long, Mr. Manzullo, Mr. Marchant, Mr. Pompeo, Mr. Quayle, Mr. Ross of Florida, Mr. Scott of South Carolina, Mr. Westmoreland, and Mr. Wilson of South Carolina):

H.R. 3842. A bill to prohibit Federal funding for lawsuits seeking to invalidate specified State laws that support the enforcement of Federal immigration laws; to the Committee on the Judiciary.

### By Mr. BERMAN:

H.R. 3843. A bill to amend the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to provide for the imposition of sanctions with respect to the National Iranian Oil Company and the National Iranian Tanker Company; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROBY (for herself, Mr. Mr. HUIZENGA of Michigan, SOUTHERLAND, Mr. KINZINGER of Illinois, Mrs. Adams, Mr. Huelskamp, Mr. DUNCAN of South Carolina, Mr. West, Mr. Gibbs, Mrs. Ellmers, Mr. CRAVAACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. REED, Mr. FITZPATRICK, Ms. HAYWORTH, Mr. GARDNER, Mr. BERG, Mr. BROOKS, Mr. DUFFY, Mr. CANSECO, Mrs. BLACK, Mr. Ross of Florida, Mr. Dold, Mr. Aus-TIN SCOTT of Georgia, Mr. FLORES, Mr. HULTGREN, Mr. CRAWFORD, and Mr. Bachus):

H.R. 3844. A bill to provide for greater transparency and honesty in the Federal budget process; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS: H.R. 3845. A bill to establish an alternative accountability model; to the Committee on Education and the Workforce.

By Mr. BLUMENAUER:

H.R. 3846. A bill to establish a National Commission for Independent Redistricting to prepare Congressional redistricting plans for all States and to require Congressional redistricting in a State to be conducted in accordance with the Commission plan for the State; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. WAXMAN, Ms. SCHAKOWSKY, and Ms. DELAURO):

H.R. 3847. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that a medical device is not marketed based on a determination that the device is substantially equivalent to a predicate device that has been recalled, corrected, or removed from the market because of an intrinsic flaw in technology or design that adversely affects safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DESJARLAIS:

H.R. 3848. A bill to prohibit the use of Federal money for print, radio, television or any other media advertisement, campaign, or form of publicity against the use of a food or beverage that is lawfully marketed under the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

By Mr. FINCHER (for himself, Mr. DONNELLY of Indiana, and Mr. GARY G. MILLER of California):

H.R. 3849. A bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide an exception from the definition of loan originator for certain loans made with respect to manufactured homes, to amend the Truth in Lending Act to modify the definition of a high-cost mortgage, and for other purposes; to the Committee on Financial Services.

By Mr. GRAVES of Missouri (for himself, Mr. Owens, and Mr. Schilling):
H.R. 3850. A bill to amend the Small Business Act with respect to goals for procurement contracts awarded to small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri:

H.R. 3851. A bill to amend the Small Business Act with respect to Offices of Small and Disadvantaged Business Utilization, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 3852. A bill to amend the Internal Revenue Code of 1986 to disallow a deduction for

amounts paid or incurred by a responsible party relating to a discharge of oil; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 3853. A bill to provide for semiannual actuarial studies of the FHA mortgage insurance program of the Secretary of Housing and Urban Development during periods that the Mutual Mortgage Insurance Fund does not meet minimum capital ratio requirements; to the Committee on Financial Services.

By Mr. PETERS:

H.R. 3854. A bill to amend title 23, United States Code, to help leverage private investment for transit oriented development near transit stations; to the Committee on Transportation and Infrastructure.

By Mr. QUIGLEY (for himself, Mr. Burton of Indiana, Mr. Chabot, Ms. Ros-Lehtinen, Mr. Diaz-Balart, Mr. Dold, Mr. Grimm, Mr. Kinzinger of Illinois, Mr. Rivera, Mr. Shimkus, Mr. Higgins, Ms. Kaptur, Mr. Lipinski, Mr. Murphy of Connecticut, Ms. Schakowsky, and Mr. Meeks):

H.R. 3855. A bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes; to the Committee on the Judiciary

By Mr. SOUTHERLAND (for himself, Mr. Ross of Florida, Mr. RIVERA, Mr. WEST, Mrs. ADAMS, Mr. MILLER of Florida, Mr. ROONEY, Mr. BUCHANAN, and Mr. WEBSTER):

H.R. 3856. A bill to limit the authority of the Administrator of the Environmental Protection Agency with respect to certain numeric nutrient criteria, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TURNER of New York (for himself, Mr. King of New York, Mr. Rog-ERS of Alabama, and Mr. GRIMM):

H.R. 3857. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes; to the Committee on Homeland Security.

By Mr. VAN HOLLEN (for himself, Mr. Cummings, Ms. Norton, Ms. EDWARDS, Mr. McGovern, Mr. Reyes, and Mr. Luján):

H.R. 3858. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during 2013; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JENKINS (for herself, Mr. PAUL, Mrs. Black, Mrs. Hartzler, Mr. Yoder, Mr. Hultgren, Mr. Akin, Mr. Schilling, Mr. Jones, Mr. Herger, and Mr. Gosar):

H. Con. Res. 98. Concurrent resolution to express the sense of the Congress that any Executive order that infringes on the powers and duties of the Congress under article I, section 8 of the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of the Executive order, is advisory only and has no force or effect unless enacted as law; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mr. NEAL, Mr. HIGGINS, Mr. CARNAHAN, Mr.

Towns, Mr. Lewis of Georgia, Mr. ENGEL, Mrs. MALONEY, Mr. KING of New York, Ms. Clarke of New York, Mr. Reed, Mr. Rangel, Mr. Sablan, Mr. Baca, Ms. Delauro, Mr. Capu-ANO, Mr. BURTON of Indiana, Ms. RICHARDSON, Ms. SPEIER, Mr. CON-YERS, Mr. LEVIN, Mr. GRIJALVA, Mr. PIERLUISI, Mrs. CHRISTENSEN, Mrs. McCarthy of New York, Mr. HIN-CHEY, Mr. TURNER of New York, Mr. ACKERMAN, Ms. McCollum, Mrs. LOWEY, Ms. BORDALLO. Mr. FALEOMAVAEGA, Mr. PRICE of North Carolina, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. Hastings of Florida, Mr. Nadler, Mr. Cohen. Mr. Cooper, and Mr. FRANK of Massachusetts):

H. Res. 531. A resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment; to the Committee on Energy and Commerce.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MICA:

H.R. 7.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. CARNEY:

H.R. 3839.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power \*\*\* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Article I, Section 8, Clause 3

The Congress shall have Power \*\*\* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. STARK:

H.R. 3840.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Ms. WATERS:

H.R. 3841.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mrs. BLACK:

H.R. 3842.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7. By Mr. BERMAN:

H R. 3843

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the authority delineated in Article I section 1, which includes an implied power for the Congress to regulate the conduct of the United States with respect to foreign affairs.

By Mrs. ROBY:

H.R. 3844.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress in regards to appropriations, as enumerated in Article I, Section 7, Clause 1, Article I, Section 8, Clause I, and Article 1, Section 9 of the United States Constitution.

Article I, Section 7, Clause 1 (Bills of Revenue):

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

Article I, Section 8 (Enumerated Powers of Congress):

"The Congress shall have power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Article I, Section 9 (Limits on Congress):

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. POLIS:

H.R. 3845.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. BLUMENAUER:

H.R. 3846.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States.

By Mr. MARKEY:

H.R. 3847.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 or article I of the Constitution

By Mr. DESJARLAIS:

H.R. 3848.

Congress has the power to enact this legislation pursuant to the following:

clause 7 of section 9 of Article I and clause 18 of section 8 of Article I of the Constitution

By Mr. FINCHER:

H.R. 3849.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. GRAVES of Missouri: H.R. 3850.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. GRAVES of Missouri:

H.R. 3851.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. HASTINGS of Florida:

H.R. 3852.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the Constitution of the United States, including but not limited to Amendment XVI, Clause 1 of Section 8 of Article I, and Clause 3 of Section 8 of Article 1.

By Mr. LYNCH:

H.R. 3853.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3-the Commerce Clause—and Article I, Section 8, Clause 18—the Necessary and Proper Clause—of the United States Constitution.

By Mr. PETERS:

H.R. 3854.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8. Clause 3 of the United States Constitution. By Mr. QUIGLEY:

H.R. 3855.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8

By Mr. SOUTHERLAND:

H.R. 3856.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution, relating to the power to regulate interstate commerce.

By Mr. TURNER of New York:

H.R. 3857.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Article I, Section 8, Clause 1 of the Constitution of the United States: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes:

Article I, Section 8, Clause 18 of the Constitution of the United States: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Office thereof.

By Mr. VAN HOLLEN:

H.R. 3858.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office there-

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[The following action occurred on January 30, 2012]

H.R. 3582: Mr. Mack, Mr. Gardner, Mr.  $\ensuremath{\text{SULLIVAN}}$  , Ms. Hayworth, and Mr. Bilirakis. [The following actions occurred on January 31, 20121

23: Mr. LANGEVIN and BUTTERFIELD.

H.R. 32: Mr. HASTINGS of Florida, Mrs. McCarthy of New York, and Mr. George MILLER of California.

H.R. 58: Mr. STIVERS and Mr. MURPHY of Pennsylvania.

H.R. 104: Mr. Hastings of Florida, Ms. LINDA T. SÁNCHEZ of California, and Mr. NEAL.

H.R. 152: Mr. GOSAR.

H.R. 196: Mr. FARR, Mr. KEATING, Ms. JACK-SON LEE of Texas, Mr. OLVER, and Mr. CAR-SON of Indiana.

H.R. 237: Mr. COURTNEY.

H.R. 300: Ms. McCollum, Ms. Moore, and Mr. Rangel.

H.R. 329: Mr. GENE GREEN of Texas, Mr. McDermott, Mr. Critz, and Mr. Reyes.

H.R. 361: Mr. CRAVAACK, Mr. KINGSTON, and

H.R. 365: Mr. Poe of Texas and Mr. Carson of Indiana.

H.R. 399: Mr. CLAY.

H.R. 431: Mrs. Black.

H.R. 452: Mr. DUNCAN of South Carolina.

H.R. 458: Mr. Towns and Ms. Lee of Cali-

H.R. 466: Mrs. DAVIS of California, and Mrs. MALONEY.

H.R. 488: Mr. AKIN.

H.R. 529: Mr. VAN HOLLEN.

H.R. 575: Mr. Jones and Mr. Westmore-

H.R. 645: Mr. STIVERS.

H.R. 677: Mr. FILNER, Mr. PETERS, Ms. SCHAKOWSKY, and Ms. MOORE.

H.R. 718: Mr. Griffin of Arkansas.

 $H.R.\ 719:\ Mr.\ RIBBLE,\ Mr.\ HUIZENGA$  of Michigan, Mr. Cohen, Mr. Duffy, Ms. Bald-WIN, Mr. MCCOTTER, Ms. DELAURO, and Mr. JONES.

H.R. 721: Ms. Buerkle and Mr. Hastings of Florida.

H.R. 733: Mr. Poe of Texas.

H.R. 735: Mr. Hastings of Washington.

H.R. 812: Mr. HIMES, Mr. SCOTT of Virginia, Ms. Brown of Florida, and Ms. Moore.

H.R. 816: Mr. Poe of Texas.

H.R. 835: Mr. CRAWFORD.

H.R. 870: Mr. CUMMINGS.

H.R. 890: Mr. Olver, Mr. Walberg, Mr. Young of Alaska, Mr. Honda, and Mr. Lar-SEN of Washington.

H.R. 965: Mr. Langevin.

H.R. 973: Mr. CRAVAACK.

H.R. 1048: Mr. DEUTCH and Mr. CLAY.

H.R. 1063: Mr. GARDNER.

H.R. 1148: Ms. LORETTA SANCHEZ of California, Mr. McCaul, Mr. Turner of New York, Mr. MARCHANT, Mr. KEATING, Mr. SERRANO, Mr. HOYER, and Mr. PALLONE.

H.R. 1179: Mr. BERG, Mr. GUTHRIE, Mr. BON-NER, Mr. RIBBLE, Mr. CRENSHAW, and Mrs. ADAMS.

H.R. 1206: Mr. GOWDY, Mr. KINGSTON, Mr. GALLEGLY, Mr. FINCHER, Mr. LANCE, and Mr. LATOURETTE.

H.R. 1219: Ms. BERKLEY.

H.R. 1236: Mr. CARNEY and Mr. HURT.

H.R. 1269: Mr. COHEN and Mr. DOGGETT.

H.R. 1321: Mr. DUNCAN of South Carolina.

H.R. 1340: Mrs. NOEM.

H.R. 1385; Mr. RENACCI.

H.R. 1397: Mr. CLARKE of Michigan.

H.R. 1417: Mr. CARNAHAN, Mr. RANGEL, and Mr. Olver.

H.R. 1449: Ms. LEE of California and Mr. KISSELL.

H.R. 1464: Ms. CHU.

H.R. 1523: Mr. WEST.

H.R. 1543: Ms. Matsui.

H.R. 1576: Mrs. McMorris Rodgers.

H.R. 1587: Mr. HONDA.

H.R. 1621: Mr. DESJARLAIS and Mr. COLE.

H.R. 1639: Mr. Duncan of South Carolina.

H.R. 1648: Mr. Gonzalez.

H.R. 1676: Ms. Eddie Bernice Johnson of

H.R. 1687: Mr. KING of Iowa.

H.R. 1711: Ms. Moore.

H.R. 1715: Mr. WESTMORELAND.

H.R. 1722: Ms. Zoe Lofgren of California.

H.R. 1744: Mrs. SCHMIDT, Mr. DENT, and Mrs. Emerson.

H.R. 1755: Mrs. Ellmers.

H.R. 1756: Mr. KEATING.

H.R. 1803: Mr. GRIJALVA.

H.R. 1826: Mr. DEUTCH.

H.R. 1831: Mr. CLARKE of Michigan.

H.R. 1856: Mr. BACHUS.

H.R. 1865: Mr. CRAVAACK, Mr. PALAZZO, and Mr. Cole.

H.R. 1876: Mr. DOYLE and Ms. HAHN.

H.R. 1897: Mr. Tiberi, Mr. Rangel, Mr. WILSON of South Carolina, and Mr. BERMAN. H.R. 1903: Ms. NORTON, Ms. HAHN, and Mrs.

CHRISTENSEN. H.R. 1960: Mr. STIVERS.

H.R. 1971: Mr. CRITZ.

H.R. 1997: Mr. PALAZZO.

H.R. 2014: Mr. Peters.

H.R. 2016: Mr. DOGGETT and Mr. HEINRICH.

H.R. 2028: Ms. PINGREE of Maine and Mr. McGovern.

H.R. 2082: Mr. CLAY.

H.R. 2139: Mr. LATHAM, Mr. LATTA, Mr. BOREN, and Mr. McIntyre.

H.R. 2179: Mr. Turner of Ohio, Mr. Lobi-ONDO, Mr. RYAN of Ohio, and Mr. JONES.

H.R. 2210: Mr. STARK.

H.R. 2256: Mr. Schiff, Mr. Buchanan, Mr. JACKSON of Illinois, Ms. RICHARDSON, Mr. BISHOP of New York, Mr. LANGEVIN, Mr. KIL-DEE, Mr. SIRES, Mrs. McCarthy of New York, and Mrs. NAPOLITANO.

H.R. 2288: Ms. SCHAKOWSKY and Mr. MORAN.

H.R. 2304: Mr. CRAVAACK.

H.R. 2376: Mr. DEUTCH.

H.R. 2412: Mr. NEAL, Mr. SHERMAN, and Mr. MARKEY.

H.R. 2429: Mr. PAUL.

H.R. 2487: Mr. OLVER, Mr. COHEN, and Mr. HONDA.

H.R. 2499: Ms. McCollum and Mr. Heinrich.

H.R. 2501: Ms. TSONGAS.

H.R. 2569: Mr. Franks of Arizona and Mr. Bass of New Hampshire.

H.R. 2580: Mr. Fleischmann.

H.R. 2604: Mr. HINCHEY.

H.R. 2679: Mr. BLUMENAUER.

H.R. 2682: Mr. KINGSTON. H.R. 2697: Mr. Polis, Mr. Meeks, and Mr.

LARSEN of Washington.

H.R. 2706: Mr. PALAZZO. H.R. 2716: Mr. CLAY.

H.R. 2729: Mr. Boswell, Mr. Peters, and Mr. Faleomavaega.

H.R. 2834: Mr. Cravaack, Mr. Palazzo, Mr. DUNCAN of South Carolina, Mr. STIVERS, and Mr. Calvert.

H.R. 2902: Mr. Kucinich, Ms. Norton, Mr. LEWIS of Georgia, and Ms. PINGREE of Maine.

H.R. 2913: Mr. FITZPATRICK.

H.R. 2955: Ms. KAPTUR.

H.R. 2962: Mr. BOUSTANY, Mr. THOMPSON of California, and Mr. DAVIS of Kentucky.

- H.R. 2969: Mr. RAHALL.
- H.R. 2970: Mrs. Maloney.
- H.R. 2977: Mr. JONES.
- H.R. 2978: Mr. Poe of Texas, Mrs. Lummis, and Mr. WALBERG.
- H.R. 2982: Ms. Moore.
- H.R. 3001: Mr. MEEHAN, Mr. STEARNS, Mr. GALLEGLY, and Mr. McGOVERN.
  - H.R. 3030: Mr. GRIJALVA.
- H.R. 3059: Mr. Smith of Texas, Mr. Ross of Florida, Ms. SEWELL, and Mr. WOMACK.
- H.R. 3102: Mr. Towns and Mr. Berman.
- H.R. 3145: Mr. Blumenauer.
- H.R. 3151: Mr. ELLISON.
- H.R. 3159: Mr. Franks of Arizona.
- H.R. 3178: Mr. CLAY.
- H.R. 3200: Mr. ROTHMAN of New Jersey, Ms. SPEIER, Mr. VAN HOLLEN, and Mrs. MALONEY.
  - H.R. 3206: Mr. MATHESON and Mr. BARROW.
- H.R. 3209: Mr. MATHESON.
- H.R. 3221: Ms. LEE of California.
- H.R. 3243: Mr. Austin Scott of Georgia.
- H.R. 3266: Mrs. CAPPS.
- H.R. 3269: Mr. Thompson of California, Mr. HOLDEN, Mr. KLINE, Mr. AUSTIN SCOTT of Georgia, and Mr. CROWLEY.
- H.R. 3286: Mr. FARR.
- H.R. 3298: Mrs. BIGGERT.
- H.R. 3300: Mr. Doggett.
- H.R. 3315: Mr. Benishek.
- H.R. 3352: Mr. Costa.
- H.R. 3364: Mr. MARINO.
- H.R. 3368: Ms. McCollum, Mr. Paul, and Mr. Stark.
- H.R. 3400: Mr. McCotter and Mr. Scott of South Carolina.
  - H.R. 3407: Mr. Duncan of South Carolina.
- H.R. 3418: Ms. NORTON and Mr. McDermott.
- H.R. 3458: Mr. Boswell.
- H.R. 3496: Mr. GRIJALVA.
- H.R. 3510: Mr. BERMAN, Ms. LORETTA SAN-CHEZ of California, and Mr. THOMPSON of Pennsylvania.
- H.R. 3521: Ms. Jenkins, Mr. Upton, Mr. LOEBSACK, and Mr. Polis.
- H.R. 3523: Mr. GARY G. MILLER of California, Mr. Stearns, and Mr. Issa.
- H.R. 3533: Mr. Peters and Ms. Baldwin.
- $H.R.\ 3541;\ Mr.\ Jordan,\ Mr.\ Sam\ Johnson\ of$ Texas, Mr. Carter, Mr. Marchant, and Mr. CONAWAY.
- H.R. 3545: Mr. McKeon and Mr. Schrader. H.R. 3548: Mr. Petri, Mr. Westmoreland,
- and Mr. KING of New York. H.R. 3567: Mr. Scalise.
- H.R. 3568: Mr. COLE.
- H.R. 3569: Ms. Bass of California.
- H.R. 3575: Ms. HAYWORTH.
- H.R. 3581: Mrs. Black.
- H.R. 3596: Mr. FILNER, Ms. VELÁZQUEZ, Mr. DINGELL, Ms. PINGREE of Maine, Mr. BACA, Mr. KISSELL, and Mr. ROTHMAN of New Jer-
- H.R. 3606: Mr. Sessions and Mr. King of New York.
- H.R. 3608: Mr. CANSECO.
- H.R. 3609: Mr. Westmoreland.
- H.R. 3612: Mr. Rush, Mr. Ribble, Mrs. DAVIS of California, and Mr. LATTA.
- H.R. 3625: Mr. RANGEL and Ms. NORTON.
- H.R. 3627: Mrs. Davis of California, Mrs. McMorris Rodgers, Mr. Ackerman, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. MOORE, and Mrs. Capps.
- H.R. 3643: Mr. KISSELL.
- H.R. 3652: Mr. Walberg, Mr. Rokita, and Mr. Sam Johnson of Texas.
- H.R. 3658: Mrs. Emerson and Mr. Jones.
- H.R. 3666: Mr. Kinzinger of Illinois.
- H.R. 3667: Mr. McDermott and Mr. Tiberi. H.R. 3676: Mr. VAN HOLLEN and Mr. BUR-GESS.
- H.R. 3698: Mr. LATTA.
- H.R. 3702: Mr. Luján, Mr. Cohen, Mr. Gri-JALVA, and Mr. HINCHEY.

- H.R. 3704: Mr. GRIJALVA, Mr. SERRANO, Ms. LEE of California, and Mr. HONDA.
- H.R. 3714: Ms. HIRONO.
- H.R. 3764: Mr. Conyers, Mr. Jackson of Illinois, and Mr. McGovern.
- H.R. 3767: Mr. LANCE, Mr. MEEHAN, Mr. RI-VERA, and Mr. ROONEY.
  - H.R. 3770: Mr. AMODEI.
- H.R. 3771: Mr. RUSH and Mr. STARK.
- H.R. 3778: Mr. RIBBLE, Mr. BENISHEK, and Mr. Akin.
  - H.R. 3798: Ms. PINGREE of Maine.
- H.R. 3803: Mr. GUTHRIE, Mr. LONG, Mr. MIL-LER of Florida, Mrs. BLACK, Mr. BONNER, Mrs. Blackburn, Mr. Graves of Missouri, Mr. Sam Johnson of Texas, Mr. Barletta, Mr. Griffin of Arkansas, Mr. King of New York, Mr. Carter, Mr. Bishop of Utah, Mr. CONAWAY, and Mrs. ADAMS.
- H.R. 3811: Mr. Westmoreland, Mr. Griffin of Arkansas, Mr. Rokita, Mr. Rehberg, and Mr. Yoder.
- H.R. 3814: Mr. HUIZENGA of Michigan and Mr. Jones
- H.R. 3820: Ms. Slaughter, Mr. Engel, Mrs. MALONEY, Mr. NADLER, and Mr. KING of New York
- H.R. 3821: Mr. Conyers and Ms. Moore.
- H.R. 3826: Mr. NADLER, Mr. BERMAN, Mr. RANGEL, Mrs. CAPPS, Mr. PALLONE, Mr. WELCH, Ms. ESHOO, Mr. CARSON of Indiana, Mr. McDermott, Mr. Sarbanes, Ms. Lee of California, Mr. Ellison, Mr. Sherman, Ms. HIRONO, Mr. ACKERMAN, Ms. SPEIER, Mr. LEWIS of Georgia, Ms. EDWARDS, Mr. CAPU-ANO, Mr. THOMPSON of Mississippi, Mr. DIN-GELL, Ms. McCollum, Mr. Johnson of Georgia, Ms. Moore, Mr. Sablan, Mr. Price of North Carolina, Ms. RICHARDSON, Ms. HAHN, Mr. Moran, Mrs. Maloney, Mr. Filner, and Mr. Cohen.
- H.R. 3828: Mr. HUIZENGA of Michigan, Mr. PITTS, Mr. MARCHANT, Mr. BURTON of Indiana, and Mr. LANKFORD.
  - H.R. 3833: Mr. NEUGEBAUER.
- H.R. 3835: Mr. Ross of Florida, Mr. Olson, Mr. FITZPATRICK, and Mr. AMASH.
- H.J. Res. 90: Mr. BLUMENAUER, Mr. GENE GREEN of Texas, and Mr. HONDA.
  - H.J. Res. 93: Mr. Brooks.
- H. Con. Res. 63: Ms. NORTON.
- H. Res. 25: Ms. LORETTA SANCHEZ of California.
  - H. Res. 67: Mr. Posey.
- H. Res. 111: Ms. EDWARDS, Mr. GARRETT, Mr. Fleischmann, Mr. Austria, Mr. Rush, Ms. Kaptur, Mr. Meeks, Mr. Hanna, and Mr. CHABOT.
- H. Res. 130: Mr. SMITH of Washington.
- H. Res. 180: Ms. LINDA T. SÁNCHEZ of California.
- H. Res. 456: Ms. Brown of Florida.
- H. Res. 484: Mr. Johnson of Georgia and Mr. Sherman.
- H. Res. 509: Mr. KINGSTON, Mr. AMODEI, and Mr. Poe of Texas.
- H. Res. 521: Mr. FILNER.
- H. Res. 523: Mr. DOYLE and Mr. KING of New
- H. Res. 525: Ms. NORTON, Mr. LOEBSACK, Mr. HOLT, Mr. REYES, and Ms. McCollum.
  - H. Res. 526: Mr. TURNER of Ohio.

# CONGRESSIONAL EARMARKS, LIM-ITED TAX BENEFITS, OR LIM-ITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

### OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3567, the Welfare Integrity Now for Children and Families Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

#### H.R. 1173

OFFERED BY: Ms. Jackson Lee of Texas

AMENDMENT No. 1: At the end of the bill, add the following:

#### SEC. 3. ENSURING MARKET PENETRATION FOR PRIVATE LONG-TERM CARE INSUR-ANCE.

- (a) IN GENERAL.—Section 2 shall not take effect until such date as the Secretary of Health and Human Services certifies to the Congress that at least 60 percent of individuals in the United States who are 25 years of age or older have private long-term care insurance.
- EXCEPTION.—Notwithstanding section (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

#### H.R. 1173

OFFERED BY: Ms. JACKSON LEE OF TEXAS

AMENDMENT No. 2: Page 5, after line 19, add the following:

#### SEC. 3. STUDY ON THE IMPACT OF NOT HAVING LONG-TERM CARE INSURANCE ON THE FEDERAL, STATE, AND LOCAL GOVERNMENTS.

- (a) STUDIES.—Section 2 shall not take effect until-
- (1) the Director of the Congressional Budget Office completes a macroeconomic study and submits a report to the Congress on the impact on the Federal, State, and local governments of not having long-term care insurance; and
- (2) the Secretary of Health and Human Services completes a study and submits a report to the Congress on the best practices necessary to have a viable, financially secure, and solvent long-term care insurance program.
- EXCEPTION.—Notwithstanding section (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

# H.R. 1173

OFFERED BY: MRS. CHRISTENSEN

AMENDMENT No. 3: At the end of the bill, add the following:

## SEC. 3. ENSURING AVAILABILITY OF AN AFFORD-ABLE NATIONAL LONG-TERM CARE PROGRAM IN PLACE OF CLASS PRO-GRAM.

- (a) IN GENERAL.—Section 2 shall not take effect until such date as the Secretary of Health and Human Services certifies that an affordable national long-term care program for community living assistance services and supports (other than the CLASS Program under title XXXII of the Public Health Service Act (42 U.S.C. 30011 et seq.)) is in effect.
- EXCEPTION.—Notwithstanding section (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

#### H.R. 1173

OFFERED BY: MR. DEUTCH

AMENDMENT No. 4: At the end of the bill, add the following new section:

#### SEC. 3. PREVENTING AN INCREASE IN MEDICAID SPENDING.

Section 2 (other than subsection (b)(3)(B) of such section) shall not take effect until 90 days after the date on which the Comptroller General of the United States certifies to Congress that failure to implement the CLASS program established under title XXXII of the Public Health Service Act will not increase State and Federal spending for long-term care under the Medicaid program under title XIX of the Social Security Act.

#### H.R. 1173

## OFFERED BY: MR. DEUTCH

AMENDMENT No. 5: At the end of the bill, add the following new section:

#### SEC. 3. CLASS PROGRAM FLEXIBILITY.

- (a) IN GENERAL.—Subject to subsection (b), section 2 (other than subsection (b)(3)(B) of such section) shall not take effect until such date on which each of the following has been satisfied:
- (1) The Secretary of Health and Human Services submits to Congress a report including a determination made by the Secretary on whether or not the Secretary has the authority to implement the CLASS program under title XXXII of the Public Health Service Act and develop and implement the benefit plans described in subsection (c).
- (2) In the case the Secretary determines the Secretary does not have the authority described in paragraph (1), the Secretary includes in the report described in such paragraph recommendations for statutory changes needed, and a recommended list of statutory provisions that would need to be waived, to provide the Secretary with such authority.
- (3) In the case the Secretary determines the Secretary does not have the authority described in paragraph (1), not later than 90 days after the submission of such report and recommendations, Congress has considered and rejected such recommendations.

#### (b) Exceptions.-

(1) Section 2 (other than subsection (b)(3)(B) of such section) shall not take effect if the Secretary of Health and Human Services determines under subsection (a)(1) that the Secretary has the authority described in such subsection and the Secretary develops the 3 benefit plans described in subsection (c)

- (2) In the case the Secretary determines under subsection (a)(1) that the Secretary does not have the authority described in such subsection and Congress has not considered and rejected the recommendations described in subsection (a)(2) by the deadline described in subsection (a)(3), section 2 (other than subsection (b)(3)(B) of such section) shall not take effect and the Secretary shall have the authority to waive the provisions recommended by the Secretary to be waived under the report described in subsection (a)(2).
- (c) ACTUARIALLY SOUND BENEFIT PLANS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall develop 3 actuarially sound benefit plans as alternatives for consideration for designation as the CLASS Independence Benefit Plan described in section 3203 of the Public Health Service Act that address adverse selection and have market appeal, regardless of whether such plans satisfy the requirements described in subsection (a)(1) of such section.

# EXTENSIONS OF REMARKS

RECOGNIZING MARK WASSERMAN AND THE HOUSES FOR CHANGE PROGRAM

# HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. HASTINGS of Florida. Mr. Speaker, Houses for Change is an innovative new campaign garnering support for the fight against homelessness. This new program is quickly becoming a popular way to help communities across the country support the less fortunate. The program's founder, Mark Wasserman, recently visited Capitol Hill to share his ideas with Members of Congress and their staff. I would like to recognize Mr. Wasserman's dedication and thank him for working to improve his community.

Looking for a way to help the homeless, Mark came up with the Houses for Change program. This innovative program allows children to use their imagination and creativity to support homeless people. The children decorate pre-ordered boxes so that they look like small homes, and then they take their homes around the community to collect loose change. On a selected date, the children and parents bring the boxes back to Houses for Change, and all of the proceeds go directly to a charity selected by the participants. Similar to the Jewish tradition of the tzedakah box, this unique method allows all of the money raised to go directly towards helping the homeless.

Mark's original idea was extremely successful in Palm Beach County, Florida. As a result, the program is now being launched nationwide. With the help of Family Promise, Houses for Change is quickly being adopted by schools, church congregations, and homeless organizations across the country. Additionally, organizations such as the YMCA and United Way are going to begin using this program to help youth get involved in this meaningful community service project. Due to his hard work and dedication, Mark's original idea is now a national effort to help the less fortunate members of our society.

Mr. Speaker, people like Mark Wasserman are a shining example of those selfless individuals who have committed their life to helping their communities become a better place. I am so proud that the Houses for Change program started in South Florida, and I hope that the program continues to thrive across the nation.

RECOGNIZING MARK WASSERMAN IN MEMORY OF JAMES I. THACKER

# HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to James I. Thacker, a dedicated public servant and brave member of the Pike County Sheriff's Department in Pikeville, Kentucky. His passing is a great loss and he will be deeply missed in Pike County.

For law enforcement officers and other first responders, a routine assignment can become dangerous at any moment. On Monday, January 23rd, James was serving papers at the end of his shift, when a vehicle crossed the center line on U.S. 460 and hit him head on. His comrades rushed to his aid, just the same as he had done so many times before for them.

James will always be remembered for his service to Pike County, both for his time as a Deputy Sheriff and his faithful years as a Constable. He served with compassion, loyalty and the utmost integrity. James' comrades highly respected him, and described him as someone who treated others as he wanted to be treated. He was an excellent officer and was always prepared to answer the call of duty.

James was a loving husband, a father of four, a grandfather and a former road foreman. His loss will be felt across the county and his legacy will carry on in the hearts and lives of those who love him.

Let us remember that everyday our law enforcement officers are putting their lives on the line and that a routine day is never routine. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to the Thacker family.

Mr. Speaker, I ask my colleagues to join me in honoring a brave, public servant for the people of Pike County, Kentucky, the late James Thacker.

IN HONOR OF JOANNE B. "JOEY" LASNIK

# HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Mr. FARR. Mr. Speaker, I rise today to honor Joanne B. "Joey" Lasnik, who passed away January 4, 2012. Lasnik was a longtime community activist, volunteer, leader, daughter, grandmother, and friend.

Lasnik was an active member of the Monterey County Commission on the Status of Women, the Monterey County Overall Economic Development Commission, the Monterey County Democratic Women's Club, a

leader on the National and local level of the Girl Scouts, the Salinas branch of NAACP, and the American Association of University Women, she served on the committee for the Fort Ord Task Force, and the advisory Board of KHDC. In 1981 Joanne was the first woman ever to be named foreman of the Monterey County Grand Jury. Joey proudly served four terms on the Hartnell College Board of Trustage

Joey always strived to enhance the status of women and seniors throughout her professional life as the Executive Director of the Volunteer Center for Salinas, Executive Director of the Alliance on Aging, a Board member of the Salinas Senior Center, and Executive Director of Meals on Wheels of Salinas Valley. She was instrumental in developing the vision to build a one-step state of the art Senior Center in Salinas. Joey had a talent for grant writing, passion for education, and beliefs in fairness and equality. She helped to train others to continue and expand on her work. She is considered an important mentor to many women.

Joanne had many tremendous accomplishments from her Bachelors in Education for the University of Wisconsin at Madison, Masters in Science from Purdue University, to all of her volunteer work, helping to organize women's shelters and partaking in numerous community groups. In addition, she was an accomplished needle-pointer, seamstress, and creative cook, but most of all she was a proud parent to Leslie, Jay, Mark, her daughter in law and beloved grandchildren as well as her "adopted" sons from Japan she hosted for over 10 years.

Mr. Speaker, I know I speak for the whole House in mourning the passing of this dedicated and loving woman. Her life was a gift to her community, a shining example to be emulated by those who she inspired to continue her work.

PERSONAL EXPLANATION

# HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mrs. MALONEY. Mr. Speaker, on January 23, I missed rollcall votes Number 5 and 6. Had I been present, I would have voted "yea" on rollcall vote 5, providing for consideration of the bill (H.R. 3115), the Permanent Electronic Duck Stamp Act of 2011, and "yea" on rollcall vote 6, providing for the consideration of the bill (H.R. 1141), the Rota Cultural and Natural Resources Study Act.

A TRIBUTE TO ONOREVOLE ALESSANDRO PAGANO

## HON. ROBERT A. BRADY

of PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 31, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Alessandro Pagano. Mr. Pagano, a member of the Italian National Parliament, has worked extensively to strengthen Italian American relations.

As a member of the Italian Parliament, Mr. Pagano works tirelessly to improve the fields of health, education, and budget. He has served as Regional Minister of Health, Regional Minister for Budget and Finance, Regional Councilor for Cultural Heritage, and Regional Minister for Education.

As the Regional Minister of Health, Mr. Pagano has served under various committees in an effort to improve both Italian healthcare systems and improve quality of life for the Italian people.

With his extensive educational background in both economics and banking, Mr. Pagano has impressively increased revenues without raising taxes and recovered financial resources of over one billion Euros per year, earning a positive rating with the international rating agency Fitch.

Mr. Pagano also has as history of teaching. He holds two degrees earned with honors in both banking and economics from the University of Messina, and has dedicated well over a decade of his life to teaching in higher education. He continues to serve as a member of the Scientific Committee of the weekly tax legislation, titled "The Taxes."

Under his position of Regional Minister for Education, Mr. Pagano has begun multi-million

Euro programs to help keep Sicilian schools safe.

In his continued efforts to preserve cultural heritage, Mr. Pagano was appointed as Regional Minister for Cultural Heritage, and has begun projects to renovate and restore priceless buildings and cultural artifacts.

Mr. Pagano's long and impressive career showcases his commitment to a better society, his profession, and his community. Mr. Speaker, I ask that you, and my other distinguished colleagues join me in thanking Alessandro Pagano for his work and his continued service to both Italy and the United States of America.

## REVENUE ESTIMATE

## HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Mr. HASTINGS of Florida. Mr. Speaker, on January 30, 2012, the Joint Committee on Taxation produced a revenue estimate for a bill that I introduced today. The Joint Committee estimates that my bill, which amends the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil, would save hardworking American taxpayers an average of \$1.3 billion per year.

I revise and extend my remarks today to include that revenue estimate for the RECORD.

Congress of the United States, Joint Committee on Taxation, Washington, DC, Jan 30, 2012.

 $\begin{array}{l} \text{Hon. Alcee L. Hastings,} \\ \textit{House of Representatives,} \end{array}$ 

Washington, DC.

DEAR MR. HASTINGS: This letter is in response to your request, dated January 26,

2012, for a revenue estimate of a proposal that would disallow the deductibility of amounts paid or incurred by a responsible party relating to the discharge of oil.

Your proposal would amend Internal Revenue Code (the "Code") section 162 by disallowing the ability to deduct expenses incurred as a consequence of the discharge of oil into navigable waters, other than an incident caused by an act of God or an act of war. For definitional purposes, any term used in the proposal that is also used in the Oil Pollution Act of 1990 is to have the same meaning as in the Oil Pollution Act of 1990. Based on our discussion with Ian Wolf McCormick of your staff, we have assumed that the tax base includes direct and indirect clean up costs, compensatory and punitive damages, associated legal fees, and other amounts associated with the discharge and paid by responsible parties. In addition, any casualty losses associated with the responsible party's own property incurred as a result of the oil spill are not included in the tax base nor are any of the responsible party's voluntary mitigation payments.

Your proposal would be effective for returns of tax the extended due date of which is after the date of enactment (regardless of whether any extension had been requested). For purposes of the revenue estimate, we have assumed a date of enactment of April 1, 2012

As incidents resulting in the discharge of oil of sizeable proportions do not occur with a frequency that creates a pattern that can be modeled, this estimate is primarily based on known discharges of oil that have occurred as of this date.

Fiscal years, millions of dollars—						
2012	2013	2014	2015	2016	2012–16	2012–22
2,224	1,385	1,679	1,139	303	6,729	6,792

Note: Details do not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely.

THOMAS A. BARTHOLD.

# IN HONOR OF DR. RAMA KHALSA

## HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the career of Dr. Rama Khalsa, who retired as the Director of Health Services of Santa Cruz County in the state of California. Not only was she a leader in the field of health services, but also in mental health. During her 35 years of service in the health care field, Rama was an advocate for reducing the costs and improving the quality of health services for low-income and uninsured residents of the county.

Her career began in 1976 as a Juvenile Court Psychologist in the San Bernardino County Probation Department, and then segued into mental health which has been her career. She has won numerous awards, participated in many research projects, has been awarded honors and doctorate degree, but is most proud of her accomplishments in the field of community access to mental health services.

She was a founder and first Chair of the Health Safety Net Clinic Coalition of Santa Cruz County, promoted the potential of health information technology in the last decade, and was a key leader in the development of the local children's health coverage program for Santa Cruz, Monterey, and Merced Counties.

During my tenure in the California State Legislature we worked together on the revision of the California Mental Health Master Plan Act to upgrade services and make mental health treatment more accessible in our state.

Rama has been an active member of the Board of Directors of Central Coast Alliance for Health, served on various committees, and has given her time for the Health Services Agency, Health Improvement Partnership Council, Safety Net Clinic Coalition, Health Information Technology, and Santa Cruz Health Information Exchange.

After 35 years of public service, Rama hopes to spend more time painting, traveling, volunteering, enjoying classical and Celtic music and spending more time with her two children, Siri and Dayal, in her retirement. She also plans to continue with health advocacy, grant writing and policy work.

Mr. Speaker, I know I speak for the whole House and the entire mental health community in California as I commend Rama Khalsa for all she has done and all she will undoubtedly continue to do. I extend my most sincere thanks and warmest wishes for her success and much happiness in her retirement. We are all blessed by her public service.

CELEBRATING EDITH COLEMAN'S 95TH BIRTHDAY

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January \ 31, \ 2012$ 

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and honor that I congratulate

Mrs. Mary Edith Brown Coleman on a momentous milestone, her 95th birthday, which will be on February 13, 2012. Edith will be celebrating this milestone with family and friends on Saturday, February 11, 2012. Throughout the past 72 years, Edith's presence in Northwest Indiana has allowed her the opportunity to touch the lives of countless people.

Edith Brown was born on February 13, 1917 in Muskogee, Oklahoma. She was one of four children born to Luther Albert Brown and Dora Rozolia Draper Brown. Having gone on to live in Kansas City, Kansas and Chicago, Illinois, Edith finally relocated to Gary, Indiana in 1940. Quite the accomplished student, Edith completed her Bachelor of Science and Master of Science degrees in education at Indiana University in Bloomington. From there, she decided to go into the teaching profession. As a teacher at Frederick Douglass Elementary School in Gary for over 27 years, Edith was able to enrich the lives of so many young people in the Gary community. For her commitment to the youth of northwest Indiana, she is worthy of the highest praise.

Equally as impressive, Edith has always been seen as the foundation of her family. She and her husband, the late William Henry Coleman, were blessed with the births of two wonderful children: Norma Louise Coleman and Merle Jean Coleman. Edith's family, as well as those whose lives she has touched, admire her for devoting unselfish love, time, dedication, guidance, and spirit to her family, her students, and her friends.

As well as being dearly loved and respected by her family, her students, and her community, Edith is also well known for her involvement with her church, the First Church of God in Gary, and several other organizations. For years, Edith has been a distinguished member of the American Association of University Women, the Women's Association of the Northwest Indiana Symphony Society, the Red Hat Society, and the Sigma Gamma Rho Sorority. Since her arrival in Northwest Indiana, Edith has always been known as a goodhearted woman who is always willing to help the people in her community. For her selflessness, she is to be commended and admired.

Mr. Speaker, Mary Edith Brown Coleman has always given her time and efforts self-lessly to the youth and the community in northwest Indiana throughout her illustrious life. She has taught every member of her family and extended family the true meaning of service to others. I respectfully ask that you and my other distinguished colleagues join me in wishing Edith a very happy 95th birthday.

HONORING ST. COLUMBKILLE ELEMENTARY SCHOOL

# HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to recognize the outstanding results achieved by St. Columbkille Elementary School, Dubuque, Iowa by being named a 2011 No Child Left Behind-Blue Ribbon School.

The program honors elementary, middle and high schools that are superior academically or that demonstrate dramatic gains in student achievement to high levels.

INTRODUCING EXCEPTIONS TAXES ACT

St. Columbkille Elementary is one of only seven schools out of 1,633 in lowa and one of 304 schools out of 132,656 nationwide to achieve Blue Ribbon status this year. Less than 1 percent of schools nationwide were chosen for the award. This is a true credit to the staff and teachers who continually challenge students to want more and be better.

Mr. Speaker, I am extremely proud of the accomplishments of St. Columbkille Elementary School and its Principal, Barb Roling. Earning this award shows strength and persistence and I am proud to serve these fine students in Congress.

MR. PATRICK J. SOLANO

# HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. BARLETTA. Mr. Speaker, I rise today to honor Patrick J. Solano, the 2012 Community Leadership Award recipient at Leadership Wilkes-Barre. Mr. Solano has a long history of dedicated service to the Commonwealth of Pennsylvania and his country.

Pat Solano was a member of the United States Air Force during World War II. While in the military, he was lauded many times for his exemplary service, which included more than 20 combat missions. His military awards include a Group Presidential Citation, the Air Force Medal with two oak leaf clusters, and the European Combat Theatre Medal with two bronze stars.

After retiring from military service, Pat Solano dedicated himself to serving the great commonwealth in which he was born. He held many positions in state government, including serving as senior counselor to Governor Tom Ridge and Governor Mark Schweiker. Even today, at age 85, Pat Solano continues to serve as a counselor and advisor to many of Pennsylvania's legislators.

In addition to his work as a philanthropist and his role as a decorated war veteran, family has always come first for Mr. Solano. He and his wife Marie have six daughters and 11 grandchildren. He and his family have lived for years in Hughestown, Pennsylvania.

Mr. Speaker, it is fitting that Leadership Wilkes-Barre honors a man who has donated so much of his time and effort to furthering the success of the Commonwealth. I am certain that his efforts will not end here. The work of Patrick J. Solano has ensured the continued success of Pennsylvania, and it is my pleasure to acknowledge all of his efforts here today.

NTRODUCING THE NARROWING EXCEPTIONS FOR WITHHOLDING TAXES ACT

# HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. STARK. Mr. Speaker, I rise today to introduce the Narrowing Exceptions for Withholding Taxes Act. This legislation will close a loophole in existing tax law that allows certain self-employed individuals to avoid paying their fair share of Medicare payroll taxes.

Medicare is financed in part by a payroll tax paid by employers and employees. The total tax is 2.9 percent split between workers and employers. Self-employed individuals pay the full 2.9 percent themselves.

Under current law, the S corporation structure allows certain self-employed individuals a way to avoid paying full Medicare taxes. Income received as compensation for services to that S corporation will be subject to the Medicare payroll tax, but any income classified as a distribution of profits will be exempt. This loophole in our tax law encourages income manipulation. These individuals pay themselves a nominal income for their services to the S corporation and classify most of their income as profits and dividends, to avoid paying the 2.9 percent payroll tax.

The House Democrats first tried to close this loophole in December 2009 with H.R. 4213, the American Jobs and Closing Tax Loopholes Act. That bill passed the House, but did not pass the Senate. At the time, the Joint Committee on Taxation scored this provision as raising \$11.2 billion in revenue over 10 years.

The IRS does not have the resources to audit all 4 million S corporations to ensure that there is no underreporting of income. The Treasury Inspector General for Tax Administration, the Joint Committee on Taxation and the GAO have all highlighted the systematic underreporting of income. The GAO estimated that pass-through organizations underpaid \$15 billion in 2001, with a median payroll tax underpayment of \$20.127.

Teachers, firefighters, and nurses can't structure their income to avoid payroll taxes. This is a strategy for lawyers, lobbyists, and investment managers. This legislation would close this loophole by targeting the individuals most likely to take advantage of this loophole. These are professional service businesses built on the reputation and skill of three or fewer employees in the fields of health. law. lobbying, engineering, architecture, accounting, investment advice or management, or brokerage services. Under this provision, all of the profits someone gets from an S corporation they own would be subject to the payroll tax. These shareholders will no longer be able to underreport wage income to exclude the rest of their earnings from the payroll tax.

Former House Speaker Newt Gingrich took advantage of this loophole. When he filed his 2010 taxes, he reported earnings from his two S corporations of just \$444,327 in income but \$2.4 million in profits and dividends. This nearly \$3 million was just earnings in the same year from the same two organizations. However, by choosing to report only \$444,327 as

wage income, the Wall Street Journal estimated that Mr. Gingrich saved himself \$69,000 in Medicare payroll taxes. His \$2.4 million in profits and dividends was exempt from the 2.9 percent payroll taxes due to a flaw in our tax laws.

This legislation would put our workers on an even playing field. Self-employed individuals would no longer have the option to avoid the taxes with the creative use of a pass-through entity. Just like those individuals who work in an ordinary partnership or sole-proprietorship, or work for a larger institution, every taxpayer would pay his or her fair share toward the Medicare trust fund.

HONORING THE AMERICAN BUREAU OF SHIPPING ON THEIR 150TH ANNIVERSARY

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize the American Bureau of Shipping for their 150 years at the forefront of setting the standard of excellence in marine and offshore classification in the United States and around the world.

From its world headquarters in Houston, Texas, the American Bureau of Shipping, or ABS, manages the third largest class society on the globe, with a classed fleet of over 10,000 commercial vessels, in more than 150 offices in 70 countries.

From the time it was first chartered in the State of New York in 1862 as the American Shipmasters' Association, ABS has been committed to the maritime industry and deeply involved in its technical development and the improvement of its safety standards.

Born out of a need for industry self-regulation, ABS published its first technical standards, Rules for Survey and Classing Wooden Vessels, in 1870. When the era of wooden ships gave way to iron, ABS established standards for these structures, and later for steel vessels.

ABS was officially recognized by the U.S. Government in the Merchant Marine Act of 1920, requiring that in work involving a classification organization, every governmental agency in the United States would turn to ABS.

ABS has continued its tradition of leading the classification and maritime safety industry through the 20th and 21st centuries by being the first society to publish rules for the construction and classing of offshore drilling units, submersibles, and aluminum vessels, as well as the first society to classify small-waterplane-area twin hull (or SWATH) vessels, floating production storage and offloading (or FPSO) vessels.

I congratulate ABS, its board of directors, and its hard-working employees for their commitment to the Houston community and for 150 more years of success as the world leader in maritime classification and safety.

CONGRESS SALUTES AMERICAN HERO AND PURPLE HEART RECIPIENT CHARLES HENRY KLINGELHOEFER

## HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. POSEY. Mr. Speaker, I rise today to bring to my colleagues' attention to the Posthumous Purple Heart Ceremony of WW I Veteran Mr. Charles Henry Klingelhoefer born April 16, 1876 in Baltimore, Maryland, taking place in Brevard County, Florida, He is survived by his niece Ms. Diane Roberts Vess of Melbourne. More specifically, on February 6, 2012, the United States Coast Guard will honor the memory of the brave men who served on the United States Coast Guard Cutter *Tampa*. Mr. Klingelhoefer, one of five brothers, was assigned to the United States Coast Guard Cutter Tampa, and served as a Warrant Carpenter.

The Purple Heart was presented in honor of those who received fatal wounds in the sinking of the United States Coast Guard Cutter Tampa at 8:45 p.m. on September 26, 1918—the largest known loss of life by any U.S. naval combat unit during World War I. Under the command of Captain Charles Satterlee, the Tampa served as a convoy escort protecting ships carrying critical Allied war materiel in European waters. The officers and crew earned the praise of the commander of the United States Naval Forces based at Gibraltar for the ship's wartime operational effectiveness.

On that fateful evening, having just completed another successful escort mission from Gibraltar to the United Kingdom, the Tampa departed the convov and proceeded toward the port of Milford Haven, Wales. A short time later, the shock of an explosion was felt by several of those remaining in the convoy. U.S. destroyers and British patrol craft conducted a three-day search of the Tampa's last known position, but found only two unidentified bodies and a small amount of wreckage identified as belonging to the Tampa. German records suggest that the Tampa was sunk by U-Boat 91 because it had reported sinking an American warship fitting the Tampa's description at that time and date.

One hundred-fifteen people, including 111 Coast Guardsmen and four Navy men, perished that evening. The distinguished record of the officers and crew of the *Tampa* is most heartily commended and is in keeping with the highest traditions of the United States Coast Guard.

Mr. Charles Henry Klingelhoefer and the crew of the *Tampa* laid their lives on the altar of freedom for the benefit our Nation and our way of life. On behalf of the United States Congress I would like to express my sincere appreciation for the sacrifices endured by Mr. Charles Henry Klingelhoefer and the crew of the United States Coast Guard Cutter *Tampa*.

PERSONAL EXPLANATION

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

 $Tuesday, January\ 31,\ 2012$ 

Mr. NEUGEBAUER. Mr. Speaker, due to an unforeseen delay, I was unable to vote on roll-call votes 906 and 907 during the 1st session of the 112th Congress. Had I been present, I would have voted the following way on H.R. 1633: rollcall No. 906, Amendment by Mr. RUSH— "no"; rollcall No. 907, Amendment by Mrs. CHRISTENSEN—"no."

HONORING THE ROCK BRIDGE HIGH SCHOOL CHEERLEADERS

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Rock Bridge High School varsity cheerleaders on its state championship.

On October 1, 2011, the squad of 25 young women placed first in the 5A Super Large division at the Missouri Cheerleading Coaches Association's state competition. It was the first time the squad has won a state cheerleading championship. These young women and their coaches should be commended for all their hard work and dedication.

I ask that you join me in recognizing the tremendous effort of the Rock Bridge High School's varsity cheerleaders and congratulating them on a job well done!

HONORING GRAPEVINE SENIOR OFFICER WARREN ORR

## HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize retiring Grapevine Senior Officer Warren Orr for his 24 years of service as a police officer.

Senior Officer Orr began his law enforcement career with the Bonham, Texas Police Department. He served as a Bonham police officer from December 1987 to November 1994.

In November 1994, Senior Officer Orr joined the Grapevine Police Department where he continued his career until he retired in January 2012. During his tenure at the Grapevine Police Department, Senior Officer Orr served as a patrol officer, motorcycle officer and detective. In addition to his normal duties, Senior Officer Orr served as a hostage negotiator for many years and obtained a Master of Peace Officer certification from the Texas Commission on Law Enforcement Standards and Education. While assigned as a motorcycle officer, Senior Officer Orr received extensive training in crash reconstruction and became one of only three hundred worldwide members of the

International Network of Collision Reconstructionists.

Senior Officer Orr and his wife, Grapevine Police Department Senior Officer Darcey Sutton, own a ranch in east Texas. Senior Officer Orr plans to spend his retirement raising cattle and shoeing horses, a trade he learned from his father and has passed on to his son, Bruce Orr. Bruce is a junior in the honors program at Tarleton State University.

I am very proud of the Grapevine Police Department, and I am honored to recognize Senior Officer Orr for his contribution to the community. Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking Warren Orr for his service as a police officer.

# IN COMMEMORATION OF CORPORAL KEVIN REINHARD

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. PALLONE. Mr. Speaker, I rise today to commemorate the life of Marine Corporal Kevin J. Reinhard of Colonia, New Jersey. On January 19, 2012, Corporal Reinhard was on a helicopter mission in the southern Afghanistan province of Helmand, Afghanistan, when his aircraft went down, killing the Corporal and five of his fellow Marines. He was 25 years old. Corporal Reinhard's valiant and heroic actions during his deployment in Afghanistan are truly worthy of this body's recognition.

Marine Corporal Kevin Reinhard is remembered as a loving son who was committed to his family and friends. A resident of the Colonia section of Woodbridge, New Jersey, Corporal Reinhard is a proud alumnus of St. Joseph's High School in Metuchen, New Jersey. He attended Ramapo College and later transferred to Middlesex County College in Edison, New Jersey where he majored in Criminal Science. In the spring of 2008, he admirably enlisted in the United States Marine Corps and was stationed in Hawaii. He soon rose to the rank of Corporal and proudly served as a Crew Chief, flying on a Sikorsky Sea Stallion with HMEI 363, also known as the "Lucky Red Lions." In January 2012, Corporal Reinhard was serving his second deployment in Afghanistan when his helicopter crashed, tragically taking his life and the lives of five other Marines. Corporal Reinhard leaves behind his mother, Kathleen Rose, his father, James, sister, Kathleen Marie, as well as his paternal grandparents, James and Mary Ann Reinhard. He is pre-deceased by his maternal grandparents, John and Veronica Gerrity of Colonia. Corporal Reinhard was an outstanding individual who proudly embodied the motto of the United States Marine Corps.

Mr. Speaker, once again, please join me in commemorating the life of Corporal Kevin J. Reinhard, an American hero who courageously served his country. His legacy has served as an inspiration to us all and he will truly be missed.

PERSONAL EXPLANATION

#### HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. LOEBSACK. Mr. Speaker, on January 25, 2012, I was not present for two recorded votes because I was in my district highlighting the importance of manufacturing to rebuilding lowa's economy and supporting good-paying lowa jobs.

If I had been present, I would have voted "yea" on rollcall 10 and "yea" on rollcall 11.

In addition, on the occasion of her resignation from the House of Representatives, I would also like to honor Congresswoman Giffords' service to our country and her constituents. I had the honor of sitting next to Congresswoman Giffords on the House Armed Services Committee. Her dedication to our troops and to her constituents will be missed.

OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4.801.405.175.294.28.

Today, it is \$15,295,052,578,718.01. We've added \$10,493,647,403,423.73 to our debt in 16 years. This is \$10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

#### LILLY LEDBETTER FAIR PAY ACT ANNIVERSARY

## HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, this weekend we celebrated an important anniversary in our nation's history.

Three years ago, only nine days after taking the oath of office, President Barack Obama signed the Lilly Ledbetter Fair Pay Act into law. It was the first bill he signed into law as President, solidifying this Administration's commitment to women's equality.

I met Lilly Ledbetter during a Judiciary Committee hearing in 2007. She told us then how after working at her company for more than twenty years, she learned of the long-standing pay discrimination against her based on gender. Unfortunately, this type of workplace discrimination occurs all too frequently across our country. Women still make just three-quarters of a man's salary for the same work. Fortunately, for women all across the country, Lilly Ledbetter found out about the discrimination carried out against her and took action.

As a result of her courage and strength, President Obama and the Democratic-led Congress passed this important piece of legislation that protects women and addresses a critical aspect of the wage gap in our country.

critical aspect of the wage gap in our country. The Lilly Ledbetter Fair Pay Act closes numerous loopholes and clarifies that an employee is discriminated against each and every time she receives an unfair paycheck. It also makes modest, common-sense reforms that hold employers accountable for their actions.

But our fight is not over. We have a long way to go until women reach true wage equality, which is why we must support legislation like the Paycheck Fairness Act, which builds on previous efforts and continues to address wage disparities.

Lilly's story is proof that progress can be made on this front, and just as importantly, she is a testament to how one person can create a lasting legacy of change.

Today, we celebrate Lily Ledbetter's courage by commemorating the anniversary of this essential legislation becoming law, and by remembering that in America, one person can make a difference.

CONGRATULATING NDSU BISON ON WINNING 2011 FCS CHAMPIONSHIP

## HON. RICK BERG

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Mr. BERG. Mr. Speaker, today I want to congratulate the North Dakota State Bison on an incredible football season that led to winning the 2011 FCS championship.

More than 10,000 Bison fans cheered on NDSU in Frisco, Texas, where the Bison capped off a 14–1 season and defeated the Sam Houston Bearkats in the championship game 17–6 on January 7, 2012.

game 17–6 on January 7, 2012.

The Bison, Coach Craig Bohl and his staff worked hard this season, and their determination resulted in NDSU's 9th football championship, and the first at the Division I level.

These student athletes represent NDSU's commitment to both academic and athletic excellence. Their character and perseverance truly exemplify the North Dakota spirit, and they have made our state proud. These young men will be remembered for a lifetime. Their efforts brought our state closer together, and we celebrate their athletic and academic successes.

Congratulations to the Bison players, coaches, NDSU staff, and Bison fans everywhere on an excellent season. You've made North Dakota proud!

Thank you, and Go Bison!

HONORING THE ARTESIA-CERRITOS LIONS CLUB 65TH AN-NIVERSARY

## HON. LINDA T. SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize and congratulate the Artesia-Cerritos Lions Club for

their 65th anniversary. This is a remarkable milestone that deserves our recognition and praise.

For 65 years, the Artesia-Cerritos Lions Club has maintained the reputation of being a keystone in local communities due to their steadfast response of donations and services to residents in need. The Lions Club has been at the forefront of health and safety, offering their services to local public safety fairs and Relay for Life events. They have also organized support efforts for the needy by arranging food and toy drives. In addition, the Lions Club has been vital in building the morale and closeness of the community by hosting the Miss Artesia Royal Court Contest, the Miss Cerritos Scholarship Contest, Flag Day events, and annual Easter Egg Hunts.

The Artesia-Cerritos Lions Club has provided life changing services and opportunities for youth of Artesia and Cerritos. The Lions Club has provided eyeglasses for children in the ABC Unified School District, sponsored the annual track meet for all of the elementary schools in the school district, and have hosted a student speaker contest for local high schools. In addition, The Lions Club has been a sponsor of the Cerritos High School Leos Club, a youth volunteer group, which has inspired young people to assume leadership roles by giving them a chance to learn, grow, and serve by participating in community service projects.

The Artesia-Cerritos Lions Club, driven by their motto "We Serve", has been a model for organizing and empowering volunteers in Artesia and Cerritos to serve their community. The contributions and achievements of the Lions Club members are far too many to count, but the enrichment and sense of community they have created is something to be acknowledged. For that reason, I would like to recognize the Artesia-Cerritos Lions Club for 65 years of honorable deeds and good work.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

## HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Central Valley Flood Protection Board as they celebrate their 100th Anniversary. It is a great pleasure to recognize the Board's long standing dedication to flood protection projects and flood management in the Central Valley. As Board members, staff and agency partners gather to celebrate this milestone, I ask all my colleagues to join me in honoring the key role the organization plays in protecting millions of Californians from a potentially devastating flood.

The Central Valley Flood Protection Board was created by the California Legislature in 1911. The Board's role is to serve as a liaison between the State of California, local residents, property owners, cities and counties, and the United States government. The Board works closely with the Army Corps of Engi-

neers to ensure that the Central Valley receives the highest level of flood protection possible, while addressing a number of financial, environmental, and engineering challenges.

Over the last century, the Board has maintained a wide variety of Central Valley flood protection systems and infrastructure along the Sacramento and San Joaquin Rivers, and their tributaries. This encompasses 1,600 miles of levees, 107 million acres of land, and 1,300 miles of designated floodways. The Congressional District that I represent is home to the City of Sacramento, which sits at the confluence of the American and Sacramento Rivers. It is without doubt that the Board's investment decisions have helped improve the safety for each of us that call Sacramento home.

In 2007, the California Legislature and the governor signed legislation that changed the name of the Central Valley Flood Protection and expanded the Board's responsibilities and authorities. The Board remains responsible to the citizens of California to ensure that the flood management system within the Central Valley meets the ever-mounting challenges of the 21st Century. This includes working with the Corps of Engineers on vegetation management and the California Department of Water Resources on a new Central Valley Flood Protection Plan.

The Board is led by Chair Benjamin Carter, who serves alongside Jane Dolan, Teri Rice, Francis "Butch" Hodgkins, Emma Suarez, John Brown and Michael Villines. The Board's Executive Officer is Jay Punia.

Mr. Speaker, I am honored to pay tribute to the Central Valley Flood Protection Board and their continuous commitment to providing the Central Valley with ever-improving levels of flood protection. The Board has contributed immensely to the safety and vitality of California's Central Valley. As Board members and staff gather to celebrate their 100th anniversary, I ask all my colleagues to join me in honoring their outstanding work in providing flood protection for the residents of the Central Valley.

SISTERS OF LORETTO CELEBRATE 200TH JUBILEE YEAR

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. REYES. Mr. Speaker, I rise today in recognition of a truly American story of faith and service, a tradition that has served, educated, and upheld true values in my district of EI Paso, Texas. During this Catholic Schools Week, I would like to congratulate the Sisters of Loretto celebrating their 200th Jubilee Year this April.

On April 25, 1812, three frontier women, Sisters Mary Rhodes, Nancy Havern and Christina Stuart, with the help of their Catholic pastor, the Rev. Charles Nerinckx, came together to found the Sisters of Loretto at the Foot of the Cross, on Hardin's Creek in central Kentucky, marking the beginning of a uniquely American community of faith and service. Mo-

tivated by faith and charity, they were soon joined by many others, taking as their purpose the instruction of girls and young women of every faith and economic means, even welcoming enslaved persons.

The Sisters of Loretto expanded the work of education westward, first by steamboat to Missouri and Louisiana, and then by wagon train to New Mexico, by mail-coach to Colorado, and by train to Texas, Arizona, and California, ultimately contributing to American education in more than 40 states. In the 20th century, they reached out to girls in Asia, South America, and Central America. Their members now serve throughout the United States, as well as in Europe, Guatemala, Bolivia, Nicaragua, Uganda, Ghana, and Pakistan.

In their 200 years of work, the Sisters of Loretto and their colleagues have founded nearly 300 schools in the United States. The first Texas site of the Sisters of Loretto was established by Mother Praxedes in 1879 in El Paso County, and has educated thousands of El Paso and Juarez students through St. Joseph's Academy, Sacred Heart, St. Ignatius, Guardian Angel, Holy Family, Assumption, St. Mary's, St. Patrick's, Cathedral School, St. Joseph's School, and Loretto Academy.

Mr. Speaker, I want to thank all of the educators and administrators who continue this important legacy. Having reached nearly one million people, the Loretto Community of Sisters continues to educate and foster values of faith, justice, community, and respect in students at Loretto Academy, to teach adult education and GED classes, to work as chaplains at Nazareth Hall Nursing Center, and to run a homeless center for women at the Villa Maria Shelter.

MR. JOHN DELEO

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. BARLETTA. Mr. Speaker, today I rise to honor and acknowledge John "Jack" DeLeo on his being named "UNICAN of the Year" by the Scranton Chapter of UNICO National.

Jack DeLeo was born in Scranton on December 8, 1947, to Angelo and Irene DeLeo. Jack graduated from West Scranton High School and entered the United States Army. He served his country in Vietnam from 1967 to 1968 with the 1st Battalion, 8th Artillery, 25th Infantry Division, rising to the rank of sergeant. Jack's business career began in sales in the pressure-sensitive labeling industry. After several years, Jack was elevated to general manager of Scranton Label, Inc., until 1992, and is now the company's vice president.

An active member of St. Lucy's Church, West Scranton, Jack is a member of the Holy Name Society and has served as its vice president since 1992. Jack is also active in many community activities and events in the region. He serves the City of Scranton as a member of the Board of Directors on the Parks and Recreation Authority, where he has worked diligently to clean and enhance the beauty and the awareness of Nay Aug Park. He is a member of the Board of Directors of

the American Red Cross, Scranton Chapter, where he chairs the Blood Services Committee and several blood drives throughout the year. Jack serves on the Advisory Board of the Salvation Army in Scranton and the Tripps Park Girls Pony League, and he was an assistant coach from 2000 to 2004. Jack served as president of the Columbus Day Association of Lackawanna County in 2002, and is now on its Board of Directors. He was the force in the creation of the Paul Bordi Memorial Scholarship Fund, which serves high school seniors throughout Lackawanna County.

He is an active member of the Scranton Chapter of UNICO National, the largest chapter in the country. He has been extremely active in chapter causes and chaired many fundraising events. He served as president in 2007–08 and presently serves as the chairman of the Board of Directors. Jack has always had a passion for the care and wellbeing of United States veterans. He helped create the UNICO Veteran's Assistance Community (UVAC) Fund. He is now chairman of this fund, which accepts donations from individuals and donates to area veterans wounded in recent years.

He and his wife, Patty, have been married for 21 years and are the proud parents of two daughters: Brittany, a sophomore at Scranton Prep, and Tia, a fifth-grade student at All Saints Academy in Scranton.

UNICO was founded on October 10, 1922, in Waterbury, Connecticut. A group of 15 men, led by Dr. Anthony P. Vastola, came together to create an Italian-American service organization to engage in charitable works, support higher education, and perform patriotic deeds. The name "UNICO" was selected as best representing the nature and the character of this fledging organization. The name is the Italian word for "unique, one of a kind." The founders believed that UNICO would be the only one of its kind because it placed service to the community before and above fraternity. In later years, UNICO became an acronym that stands for "Unity. Neighborliness. Integrity. Charity, and Opportunity.

Mr. Speaker, Jack DeLeo espouses the values of community that Dr. Vastola dreamed of when he helped found UNICO. Mr. DeLeo's steadfast dedication to his Italian-American heritage, community, and country is what makes organizations like UNICO a pillar in our community. I ask my colleagues to join me in recognizing and congratulating John "Jack" DeLeo for being named "UNICAN of the Year" by the Scranton Chapter of UNICO National.

RECOGNIZING THE TENAHA TI-GERS FOR WINNING THE TEXAS 1A DIVISION II FOOTBALL CHAM-PIONSHIP

## HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES  $Tuesday, January\ 31,\ 2012$ 

Mr. GOHMERT. Mr. Speaker, it is with enormous pride that I recognize and congratulate the Tenaha Tigers on an amazing 2011 football season in which they captured the Texas State Class 1A Division II Football Champion-

ship. These ferocious Tenaha Tigers have reached the pinnacle of success in Texas football for the second time in the last 15 years, having achieved that great title back in 1998.

A series of victories in which the Tigers crushed their opponents led them into the playoffs, where they demonstrated just how powerful they were as a team, playing as one well-tuned machine. The final game saw the Tenaha Tigers ultimately defeat the Munday Moguls 52–28. Although both Munday and Tenaha showed why they were in the finals during the first half, the Tigers pulled ahead in the second half scoring 21 points with little response from the Moguls.

The Tigers strong offensive and defensive lines dominated other teams exhibiting the result of grueling strength and endurance programs that showed how driven the Tigers were individually to excel. Clearly a team does not get to such a level of excellence without a coaching staff that knows its players, what they can accomplish and just how far they can be pushed.

The proof of their preparation and drive to be the best can be found in a number of statistics including the fact that the Tigers consistently maintained a 37.6 point lead over their opponents. Additionally, the defensive line often refused to allow its opposition to score a single touchdown.

There is no doubt that each of the individual players, coaches, and supporting personnel involved with the success of the Tigers will benefit from having witnessed the level of success that is achieved when each individual gives all they have while working together with such dedication and passion.

This tribute goes out to all of the athletic staff including Athletic Director/Head Football Coach Terry Ward and his Assistant Coaches Ian White, Mike Barber, Kevin Cates, Scott Tyner, Todd Bodden and Antonio Holmes.

The team members achieving this memorable accomplishment included T.J. Thomas, Reginald Davis, Demon Horton, Vincent Walton, Edgar Flores, Jacoby Ivy, Shaquille Mitchell, J.R. Hill, Octavius Griffith, Chavis Gregory, Keontas Davis, Damarcus Perry, Jaquarius Williams, Cobe Carraway, Seth Wyatt, Brady Tovar, Assuntay Cleaver, Jose Campos, Marqevius Reed, Alex Horton, JaKelvin Cooper, Izikel Flores, Damiem Reese, DeAaron Roland, Derek Jones, LaDarren Cooks, Edgar Pineda, Cody Richardson, Aaron Harris, Leon Aguilar, Donald Smith, Dustin Davis, and Tim Hafford.

No football team ever becomes a champion without unwavering support, and that is exactly what the Tigers had from the Tenaha Independent School District staff and the entire community. That is why congratulations go to all who contributed in any way to the success of the Tigers in for the 2011 season. May God continue to bless all of their efforts both in school and as they one day finish high school and use that same drive and determination to make this country even stronger. Congratulations go to the State Champion Tenaha Tigers, as their legacy is now recorded in the CONGRESSIONAL RECORD that will endure as long as there is a United States of America.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

#### HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Talon M. Falconer for achieving the rank of Eagle Scout.

Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Talon has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

IN HONOR OF LISA MANTARRO MOORE

## HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Mr. CARDOZA. Mr. Speaker, I rise today to honor Lisa Mantarro Moore for being honored by the Ceres Chamber of Commerce with its Citizen of the Year Lifetime Achievement Award. Lisa, also a valued member of my staff, has long been a tireless advocate for the city of Ceres, California, and its surrounding communities, and I am honored to pay tribute to her achievement today.

A lifelong resident of Ceres, Lisa's public

A lifelong resident of Ceres, Lisa's public service career began when she was elected as a student body officer at Ceres High School. After graduating from the California State University, Stanislaus, Lisa started her career with the U.S. House of Representatives as an aide to Congressman Gary Condit. For the past twenty years, she has served the constituents of California's 18th Congressional District as a Field Representative and a District Director, and currently, as my Deputy Chief of Staff. Lisa's leadership and skill have truly made a difference in the lives of those she has helped.

Lisa has long been a leader in the Ceres community. From 2001 to 2005, Lisa served the city as a councilmember as well as Vice Mayor. She has also served as an officer on the Ceres Street Faire Committee for the past ten years. In addition, she worked to form the Ceres Youth Commission, helped lead campaigns for passage of school bonds in Measures J and U as well as the Measure H halfcent sales tax for public safety. Further, she serves on the board at the Ceres Whitmore Mansion and on the Sam Vaughn and Mae Hensley Junior High School Site Councils.

In addition to her leadership in Ceres, Lisa is also a strong advocate for women. She is a longtime member of Soroptimist International of Ceres, which serves to better the lives of women and girls both locally and around the world. She was also instrumental in the development of the Stanislaus County Family Justice Center and serves on its Board of Directors.

It is my great privilege to honor Lisa Mantarro Moore on being recognized as the Ceres Chamber of Commerce's Citizen of the Year Lifetime Achievement Award recipient. She is certainly most deserving of this high acknowledgement. Her dedication to the city of Ceres and her passion for public service has truly made a difference in bettering her community. It is a true pleasure to have her on my staff and as my personal friend. Please join me in recognizing her work and her lifelong achievements.

HONORING THE DISTINGUISHED SERVICE OF GENERAL PETER CHIARELLI

## HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. INSLEE. Mr. Speaker, I rise to honor General Peter W. Chiarelli, who is retiring today as Vice Chief of Staff of the U.S Army, a position he has held with distinction since 2008. General Chiarelli's retirement is hardearned and well-deserved, coming after 40 years of brave service to his country. He enlisted in 1972 as a 2nd lieutenant of armor, served two combat tours in Iraq, and eventually became the second-highest-ranking general at the Pentagon. We are indebted to the service of General Chiarelli, and I am proud to say that he is a native Washingtonian.

General Chiarelli was born in Seattle, Washington and graduated with a bachelor's degree in political science from Seattle University, where he was a Distinguished Military Graduate of Seattle University's Army ROTC program. He received his masters from the University of Washington, and also led several different units at Fort Lewis, in Washington state. In addition to his service at Fort Lewis, General Chiarelli served as commander of the First Calvary Division at Fort Hood, Texas, as Director of Operations, Readiness and Mobilization at U.S. Army Headquarters, and led the Multi-National Corps in Irag.

Beyond simply acknowledging his service and expressing the gratitude of myself and my constituents, I would also like to acknowledge the General's longstanding advocacy on behalf of behavioral health issues in the Army. At a time when many of our young men and women are returning from service abroad suffering from post-traumatic stress disorder, traumatic brain injury, and other issues related to their service, General Chiarelli has called attention to the obligation we have to provide these heroes with the care they need and deserve

General Chiarelli, even in your retirement, myself, my colleagues, and my constituents remain inspired by your unwavering commitment to this nation, which will long serve as a shining example of the spirit of service and sacrifice that future generations will aspire to equal.

IN MEMORY OF LYMAN L. HUBBARD, SR.

## HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life of an American hero from Springfield. Illinois.

Lyman L. Hubbard, Sr. passed away on January 12, 2012 at the age of 85. One of the Tuskegee Airmen, Mr. Hubbard graduated as a command pilot from Tuskegee Army Air Base during World War II, and he dedicated his life to serving our great Nation. Known as a strong leader, Mr. Hubbard flew in multiple combat tours in Southeast Asia and earned numerous U.S. and foreign military decorations. Upon retiring in 1970, Mr. Hubbard had flown nearly 7,000 hours over a more than 20-year career in the Air Force.

Mr. Hubbard was also dedicated to the history of his community and his nation, as shown in 2005, when he saved from potential destruction one of the first African-American orphanages in the nation, the Lincoln Colored Home in Springfield.

I want to extend my condolences, and those of my colleagues in this House, to the family and friends of Lyman Hubbard, Sr., a patriot and true hero who will be missed by all who knew him.

IN HONOR OF CONGRESSMAN GLENN THOMPSON IN RECOGNITION OF HIS DISTINGUISHED EAGLE SCOUT AWARD

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. SESSIONS. Mr. Speaker, last night, Congressman GLENN "GT" THOMPSON was honored by the Boy Scouts of America with the Distinguished Eagle Scout Award. This award is the highest honor the Boy Scouts bestow, and is awarded to a deserving Eagle Scout for distinguished service in his profession and to his community for a period of at least 25 years after attaining the level of Eagle Scout.

A lifelong resident of North Central Pennsylvania, Congressman THOMPSON earned his Eagle Scout in May of 1977 from Boy Scout Troop 52 in Walker Township, Pennsylvania. Since then, Congressman THOMPSON has served his community as a volunteer fireman, member of the Bald Eagle Area School District Board of Education, and in 2008 was elected to serve his constituents as their voice in the U.S. House of Representatives.

I was proud to be with GLENN last night to help those closest to him honor his achievements. GLENN embodies the virtues of public service, duty to country and moral integrity that serve as the pillars of Scouting.

Therefore, today I wish to recognize Congressman GLENN THOMPSON and thank him for his service to his community and our country.

A TRIBUTE TO RAUF RAIF DENKTAS

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Rauf Raif Denktaş, the Turkish Cypriot leader who formerly served as the Vice President of the Republic of Cyprus and President of the Turkish Republic of Northern Cyprus. Mr. Denktaş passed away on January 13, 2012.

Mr. Denktas had a career of service to Turkish Cypriots that spanned six decades. As far back as 1958, he attended the United Nations General Assembly as a representative of Turkish Cypriots. In 1960, Cyprus won independence from Britain and an impassioned debate and conflict over the future of that island has continued to this day. Cyprus has been divided since 1974. Mr. Denktas was elected President of the Turkish Federated State of Cyprus in 1976 and was reelected in 1981. He was subsequently elected President of the Turkish Republic of Northern Cyprus on four separate occasions between 1985 and 2000, and served through April 25, 2005. He was also a prolific writer and photographer, and his works have been publicly displayed.

Mr. Denktaş was a colorful, effective leader and spokesman for Turkish Cypriots. Despite the tensions that have existed on the island of Cyprus for decades, the two sides have maintained a largely peaceful existence. Let us hope that a peaceful, prosperous, long-term solution can be found for the future of Cyprus.

INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO DISALLOW A DEDUCTION FOR AMOUNTS PAID OR INCURRED BY A RESPONSIBLE PARTY RELATING TO A DISCHARGE OF OIL

## HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. HASTINGS of Florida. Mr. Speaker, today Exxon announced annual earnings of \$41.1 billion, a 35 percent increase from the previous year. Recently, ConocoPhillips announced \$12.4 billion profits for 2011. Chevron's earnings for the year also rose 41 percent to \$26.9 billion. These enormous figures indicate that these global corporations no longer need charity from the United States government. For this reason. I rise today to introduce a bill that has been needed at least since the Exxon Valdez spilled 750,000 barrels of oil into Prince William Sound, My bill closes a loophole that permits these big oil companies to pad their bottom lines with tax deductions for cleaning up their oil spills. While the high price of gasoline continues to burden American families, oil companies are raking in such huge profits. Why should the American taxpayer pay for what the oil companies are supposed to do anyway?

Through clever accounting, a big oil company can actually deduct from its tax liability the money it spends cleaning up after an oil spill as an "ordinary cost of doing business." These big oil companies used to pay their fair share of taxes on their massive profits. Corporate taxes used to account for 40 percent of Federal revenues, but that now has fallen to around 7 percent, with many companies paying no taxes at all. At the same time that families, as well as Federal, State and local governments, are tightening their budgets, we're letting big oil and gas companies profit from valuable tax revenue that they don't deserve.

The Joint Committee on Taxation estimates that closing this loophole in the tax code will save the American taxpayer an average \$1.3 billion per year. With massive cuts to hundreds of essential programs and organizations dedicated to ensuring access to education, affordable health care, homeownership assistance, unemployment insurance, veterans benefits, loans for small businesses, food assistance to prevent hunger, support for farmers growing essential crops, and a middle class that is struggling more than ever, that billion dollars per year would ensure that these programs are not losing tax dollars because exceedingly wealthy companies are reaping the benefits. By eliminating a loophole that lets the largest oil and gas companies benefit from their own mistakes, this bill makes the tax code fair again for hardworking Americans and will put our country on track to develop a clean, sustainable, and sensible energy policy.

These tax dollars are not lost only when there's a rare catastrophic spill like the BP Deepwater Horizon or *Exxon Valdez*. In fact, oil spills happen all the time and oil companies can just write off the costs. Right now, there's a Chevron gas rig blowout burning at 1400 degrees Fahrenheit off the coast of Nigeria that Chevron has been unable to extinguish for over a week. Two people are dead and there is a sheen in the water. There were also recent blowouts at the Macondo well in the Gulf, the Montara well in the Timor Sea, as well as major accidents and spills in Bohai Bay, China and off the coast of Brazil.

I believe the tax code should reflect our country's need to end our reliance on fossil fuels by discouraging blowouts and oil spills and providing incentives for responsible and efficient energy use, and sustainable, clean energy sources.

We can no longer afford a 20th century energy policy when the rest of the world is well into the 21g century. From the Keystone pipeline debate to subsidies for oil and gas companies, our antiquated energy policy is replacted in our outdated tax code containing many provisions that have long since outgrown their usefulness. My bill will put our country on the right track.

Finally, Mr. Speaker, the Internal Revenue Service (IRS) defines an "ordinary business expense" as a cost that is both ordinary and necessary. Why are we allowing the cost of an oil spill to be treated as ordinary as purchasing a stapler or paying a phone bill? An oil spill should not be ordinary. From a fiscal standpoint, from a policy standpoint, and from a moral standpoint, even a small oil spill is an extraordinary and terrible mistake with farreaching consequences. Oil and gas corpora-

tions should not be allowed to benefit from their own extraordinary mistakes at the expense of the American taxpayer.

I urge my colleagues to support a 21st century energy policy, and a sensible tax code by supporting this bill.

HONORING THE SAINT FRANCIS
BORGIA HIGH SCHOOL
CHEERLEADING SQUAD

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Saint Francis Borgia High School cheerleading squad on its state championship.

On October 1, 2011, the squad took first place in the Class 4 division small at the Missouri Cheerleading Coaches Association's state competition. They competed against 16 other terrific teams, but with all their training and preparation, they were able to claim the number one spot. These young women and their coaches should be commended for all their hard work and dedication.

I ask that you join me in recognizing the tremendous effort of the Saint Francis Borgia High School's cheerleaders and congratulating them on a job well done.

A TRIBUTE TO FRANKIE MUSE FREEMAN, NATIONALLY-ACCLAIMED CIVIL RIGHTS ATTORNEY, PUBLIC EDUCATION ADVOCATE, SOCIAL JUSTICE CHAMPION

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to a great American—a nationally acclaimed civil rights attorney, public education advocate and a true champion of social justice . . . my dear friend and constituent, Frankie Muse Freeman.

Frankie Freeman has been a practicing attorney in state and federal courts for more than 60 years. After graduating Hampton Institute and Howard University Law School, she began her career serving the state of Missouri and the City of St. Louis. During this time she helped the NAACP in the case of Brewton v. St. Louis Board of Education, and later represented the NAACP in the landmark case, Davis v. the St. Louis Housing Authority, which ended racial discrimination in public housing.

In 1964, President Lyndon Johnson appointed Frankie Freeman as the first female member of the U.S. Civil Rights Commission.

From 1967–1971, Frankie Muse Freeman served with distinction as the 14th National President of Delta Sigma Theta Sorority, Inc. During this turbulent time period, she used her talents and skills as an attorney to enhance

the Sorority's efforts to gain full civil rights for African-Americans. She spoke out often and effectively for social action and ensured that the Sorority continued to lead efforts to secure human rights for all people. She also used her tenure as National President to lead the Sorority in supporting the college education of a record breaking number of African-American students.

Last July, Ms. Freeman became the 96th recipient of the coveted Spingarn Medal, the highest honor bestowed on a citizen by the NAACP. In the official announcement issued by the NAACP Board of Directors Chairman Roslyn M. Brock, she noted, "Frankie Muse Freeman has dedicated her life's work to the civil rights movement. She broke down barriers as a member of the NAACP's brain trust during the 1950s and as the first woman to serve on the U.S. Commission on Civil Rights. Her determination to end racial discrimination in American society for more than half a century serves as an inspiration to us all."

Mr. Speaker, Frankie Freeman has been a personal mentor of mine for almost 30 years. Her inspired advocacy laid the groundwork for the Federal Voting Rights Act, ended racial discrimination in public housing, and provided dedicated oversight of the St. Louis Public Schools and the voluntary desegregation plan. She is truly a national treasure and is most deserving of congressional recognition. I urge my colleagues to join me in honoring her remarkable service to the United States, the State of Missouri and the St. Louis community.

VOTING RIGHTS DISENFRANCHISE-MENT AND SUPPRESSION

## HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Tuesday, January 31, 2012

Ms. WILSON of Florida. Mr. Speaker, today I rise to voice my strong opposition to the legislative efforts across the nation aimed at suppressing voter turnout. Democracy is not a spectator sport. It is something we should encourage every American to engage in. A vibrant democracy is a healthy democracy, and back home in my district we take that lesson to heart. I come from Miami, one of the most vibrant cities in the world, and I intend to keep it that way. Unfortunately, some of my former colleagues in the state legislature feel differently and are doing their best to ensure that some people don't enjoy the same access to the polls this November as they did last November.

In Florida, we have enacted a series of changes to our voting laws, and I wanted to make this Chamber aware of them. I want you to hear personally, Mr. Speaker, the reasons why I feel that these new laws are not only uncalled for, but a detriment to American democracy. I feel that the letter the NAACP Legal Defense & Educational Fund, the Florida Conference of Black State Legislators, and the Florida State Conference of the NAACP submitted to Chris Herren of the Department of Justice on June 17, 2011 regarding the voting changes in Florida states my feelings clearly and succinctly. I'd like to read that letter for you now, Mr. Speaker:

JUNE 17, 2011.

COMMENT UNDER SECTION 5 OF THE VOTING RIGHTS ACT

Re: Section 5 Submission No. 2011-2187 (Submission by the State of Florida Regarding Omnibus Elections Law Bill, Laws of Florida 2011, Chapter 2011-40)

CHRIS HERREN.

Chief, Voting Section, Civil Rights Division, Room 7254-NWB, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC.

DEAR MR. HERREN:

#### INTRODUCTION

The NAACP Legal Defense & Educational Fund, Inc. (LDF), the Florida Conference of Black State Legislators, and the Florida State Conference of the NAACP, urge the Attorney General to object to the pending Section 5 submission of the State of Florida's omnibus elections law bill, Laws of Florida, Chapter 2011-40 / HB 1355 (hereinafter "Chapter 2011-40"), which provides for, inter alia: (1) a reduction in the number of days for early voting from 14 days to 8 days; (2) a requirement that registered voters who have moved between counties cast provisional ballots rather than regular ballots; and (3) unprecedented restrictions on volunteer thirdparty voter registration efforts. The state has failed to meet its burden of showing either that Chapter 2011-40 will not have a retrogressive effect, or that its adoption was free of discriminatory purpose.

Each of the measures described above will have a retrogressive effect on minority voting rights. Moreover, Chapter 2011-40 was enacted despite strong and measured concerns presented by a majority of members of the Florida Conference of Black State Legislators about the bill, and the justifications proffered by the State do not help the State satisfy its burden of showing the absence of discriminatory purpose.

#### ANALYSIS I. BACKGROUND

The implementation of all proposed statewide voting changes in Florida is subject to the requirements of Section 5 of the Voting Rights Act, 42 U.S.C. 1973c(a). Because five counties in Florida are covered by Section 5 (Collier, Hardee, Hendry, Hillsborough, and Monroe Counties), statewide voting changes in Florida are subject to Section 5's preclearance requirements. See Lawyer v. Dep't of Justice, 521 U.S. 567, 570 (1997) (Section 5 applies to statewide voting changes in Florida); see also Lopez v. Monterey County, 525 U.S. 266, 283-84 (1999) (statewide voting changes are subject to Section 5 review where a state is partially covered by Section

Laws of Florida, Chapter 2011-40, the Omnibus Elections Law Bill that is the subject of this Section 5 submission, was signed into law by the Governor of Florida on May 19, 2011, and submitted for review to the Department of Justice pursuant to Section 5 on June 8, 2011. See Section 5 Submission No. 2011-2187.

#### RETROGRESSIVE EFFECT

Section 5 prohibits voting changes that would result in "a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." Beer v. United States, 425 U.S. 130, 141 (1976). This Comment Letter focuses on the retrogressive effect of three provisions of Chapter 2011-40: (1) reductions in Florida's early voting period; (2) new provisional ballot requirements for registered voters who move across county lines; and (3) new restrictions with attendant penalties on third party organizations engaged in independent voter registration efforts. As documented below, each of these proposed voting changes will have a retrogressive effect.

#### A. Early Voting

Section 39 of Chapter 2011-40 ("Section 39") amends Florida Statutes section 101.657(1) to reduce the number of early voting days from 14 to 8, and gives local supervisors of elections discretion over early voting hours, changing the hours that early voting sites must operate from a mandatory 8 hours per day (other than weekends), to a discretionary range of 6 to 12 hours per day. Thus, Section 39 not only essentially eliminates the first week of early voting in Florida, by decreasing the total number of days of early voting from the benchmark practice of 14 early voting days to only 8 days, it also makes possible a reduction in total hours of early voting from a mandatory 96 hours to a minimum of only 48 hours. Moreover, by providing for wide discretion in early voting hours, Section 39, as compared to the benchmark practice, will likely result in substantial inconsistency in early voting hours across the 5 covered counties, risking confusion amongst minority voters in these areas.

Significantly, African Americans make up a disproportionate percentage of early voters in Florida's covered counties. African Americans constitute only 12.15% of the voting age population in the five covered jurisdictions in Florida, but were 18.86% of early voters during the 2008 General Election, with over 41,000 African Americans voting early.

Additionally, Section 39 essentially eliminates the first week of early voting, which will have a clear retrogressive effect on minority voters in the covered counties. During the first week of early voting in the 2008 General Election, African Americans constituted an even higher percentage of early voters, 20.08% in the covered counties.

A total of over 17,000 African Americans voted during the first week of early voting in the covered counties during the 2008 General Election. We note that the percentages vary from county to county, and, as the table above demonstrates, Hillsborough County of featured the highest level racial disproportionality among voters during the first week of early voting in the 2008 General Election with African Americans constituting only 14.63% of the voting age population, but 27.70% of early voters.

The figures in our independent analysis are confirmed by at least one news report indicating that, during the 2008 general election, African Americans were 22% of voters during the first week of early voting in Florida statewide, despite being only 13% of the Florida electorate. Overall, nearly 54% of Florida's African-American voters in 2008 voted at early-voting sites. In other words, African Americans were significantly overrepresented in the pool of early voters overall, and were much more likely than white voters to take advantage of the first week of early voting. Under Section 39, however, the first week of early voting would be eliminated, and the total number of mandatory early voting hours potentially reduced substantially, with inevitable retrogressive ef-

It is unsurprising that, as a group, African-American voters have taken advantage of the access currently afforded by the existing early voting period in Florida, given that, as this Department has noted, minorities in the Section 5-covered counties in Florida have lower rates of vehicle ownership and therefore benefit from the flexibility afforded by a wider range of early voting days. More recent Census data shows that 17.6% of African Americans in Florida's covered counties live in homes without a vehicle, as compared to only 4.8% of whites. These disparities in access to transportation mean that African American voters are more likely to encounter greater difficulties obtaining transportation on Election Day, such that an elimination of early voting days would substantially curtail existing levels of access to the polls with a resulting retrogressive effect on minority voters.

These concerns were confirmed by Leon Russell of the Florida State Conference of the NAACP. Mr. Russell stated the Florida NAACP's Get-Out-the-Vote efforts will likely "be impacted by" Section 39. He added that the benchmark practice of two weeks of early voting is essential because

[t]wo weeks provided folks with options and allowed them to coordinate voting with other reasons for being in the vicinity of an early voting location. Even though you may provide the same number of hours of operation, those hours don't automatically equate to the same opportunity. With a limited number of locations, time of day and transportation are important.

Joyce Russell, African-American Affairs Liaison for the Hillsborough County Government, echoed these concerns. She stated, "[t]he fact that [the proposed law is] going to shorten [early voting] is going to affect African-American voters" in Hillsborough County, where many African-American voters "work different hours of the day, so they can't always get into the regular voting hours. Many have non-traditional working She noted that in Hillsborough hours." County. "[w]e've seen African-American voter participation soar because of the early voting days." Ms. Russell stated that a longer early voting period "gives you more flexibility" for transportation, explaining that "Black churches have gotten involved" in helping African-American voters get to the polls, and that it is "easier to arrange church buses on a Saturday" than it is on Election Day

State Senator Arthenia Joyner, whose district encompasses part of Hillsborough County, stated that "[e]arly voting has changed the landscape of voting" by making possible broader participation among minority votand that the proposed reduction of ers." early voting days would have a "dramatic impact" on Black voters in Hillsborough County. She noted that the total number of early voting hours in each County will be left to the discretion of each Supervisor of Elections, who could set the number of early voting hours as low as 48. Senator Joyner also stated that, even if the number of early voting hours remained the same, "compressing into 8 days will not do what we had before-we're losing an entire weekend, including the Sunday before the election.'

State Representative Darryl Rousson. whose district also encompasses part of Hillsborough County, raised similar concerns, stating that, for his African-American constituents, "[c]utting back the number of [early voting] days erodes access and absolutely chips away at a person's opportunities to vote." He explained that despite statements to the contrary, Section 49 does not ensure that the same number of early voting hours will be "available, because local election officials will have discretion" to reduce the number of early voting hours significantly. Representative Rousson added that "Black leaders in my community," such as pastors, will now have a harder time

"gather[ing] up members" for Get-Out-the-Vote efforts. He further stated that, in his opinion, Section 39 is "aimed at minorities black folks and Hispanics—whose job restrictions do not permit them to vote at normal hours."

This Department has previously objected to changes to Florida's absentee voting rules based on data showing that, in at least some covered jurisdictions, "minority voters disproportionately avail themselves of the absentee voting option because they often do not have accessible transportation to the polling place on election day and/or have jobs that do not permit time off to vote." These same considerations should guide the Department's Section 5 review here.

To put the significance of early voting into perspective, we note that, in the 2008 General Election, over 2.6 million votes were cast during Florida's early in-person voting period, accounting for an estimated 31.25% of all ballots cast. Most significantly, the percentage of early voters was even higher in four of the five Section 5-covered counties: specifically, the percentage of voters who voted early in the Section 5-covered counties were as follows: Collier (36.85%); Hardee (43.75%); Henry (44.39%);Hillsborough (28.41%); Monroe (33.50%).

In recent elections, Florida has been beset by "hours-long lines" to vote on Election Day. Nowhere was this more true than in Hillsborough County, the largest Section 5covered jurisdiction in Florida, where, during the 2008 General Election, "[h]undreds waited for more than four hours to vote,' and "where poll workers failed to give hundreds of voters the second page of their ballot. . . ." At the University of South Florwhich is ranked 14th among undergraduate institutions nationally in awarding degrees to African Americans, waited in lines for in excess of three-hours' during the 2008 General Election." Senator Joyner noted that, in Hillsborough County, "we have long lines at the inner city polls on Election Day," and that the lines at the polls were "long enough when early voting was 14 days, and they will be even longer now.

Given these realities, early voting is a crucial means of participation for African-American voters in the covered counties. It is therefore clear that a reduction in early voting days as proposed in Section 39 would have a retrogressive effect on minority voters.

## B. Provisional Ballot Requirements

Section 26 of Chapter 2011-40 (Section 26) amends Florida Statutes section 101.045 to eliminate the right of registered voters in Florida who move from one Florida county to another to change their addresses at the time of voting. Under the benchmark practice, Florida permitted voters who have moved to update their address information in person at the polls at the time of voting by swearing an affirmation as to their new address. In such cases, the voters' existing registrations are carefully cross-checked in a state database before the voters are given a regular ballot. Section 26 eliminates that right, so that voters who move among Florida's 67 counties will be forced to cast provisional ballot. According to one estimate based on 2008 election figures, the resultwill be that nearly 34,000 additional Florida voters will be required to cast provisional bal-

This law will have a clear retrogressive effect on minority voters in the 5 covered counties. For one, the impacted group of voters will be disproportionately comprised of

minorities, who tend to move more frequently than do white Americans. According to a study by the Pew Research Center, 43% of African Americans and 48% of Latinos reported moving during the previous 5 years, as compared to only 27% of whites. African Americans and Latinos similarly report a higher likelihood of moving within the next 5 years; 59% for African Americans and 43% for Latinos, as compared to only 35% for whites.

These numbers are consistent with statistics from the Census Bureau showing that, in Florida's covered counties, African Americans have lower rates of home ownership (41.62% living in owner-occupied homes) than do non-Hispanic whites (74.31%), and other data showing that non-homeowners move three to four times more frequently than do homeowners. We note that this Department has previously relied on statistics indicating that minorities have lower rates of homeownership in the Section 5-covered counties in arriving at a determination to object to voting changes in Florida.

Furthermore, Florida has the nation's highest foreclosure rate, with three of the Section 5-covered counties in Florida continuing to experience foreclosure rates that are substantially higher than the national average. In our assessment, there are currently higher relative rates of mobility amongst minorities as compared to whites in the covered jurisdictions in Florida, and this trend is one that is likely to continue in the coming years.

Given these facts, the expected result of Section 26 is that more minority voters will be forced to cast provisional ballots, and at disproportionately higher rates. State Representative Rousson confirmed that this was the likely result for his minority constituents, explaining that, under Section 26, "people who change addresses-which often happens in minority low-income communities-[will] have[] to cast provisional ballots' frequently. Ms. Russell, Hillsborough County Government, also explained that this change will "affect African Americans disproportionately." She explained that "African Americans, like other minorities, are often working class people . . . and sometimes they have to move." She noted that Section 26 is particularly problematic because African Americans in Hillsborough County "have higher rates of unemployment and being laid off," and that, '[w]ith the economy like it is, now people are having to move because of layoffs, or they lose their home or can't pay their rent, through no fault of their own, but they are still eligible to vote.

Thus, we anticipate that, if implemented, Section 26 would force a disproportionate number of African-American voters to a different process for casting a ballot during elections, which will be retrogressive because provisional ballots are counted less frequently than are normal ballots, particularly in the covered jurisdictions. During the 2010 general election, the number of provisional ballots counted statewide was 74.27%, but only 55.64% of provisional ballots were counted in Florida's Section 5-covered counties, with particularly low numbers in Collier (58.71%) and Hillsborough (54.35%) Counties.

Statewide, the number of provisional ballots counted during the 2008 General Election was even worse, with fewer than half (only 48.59%) of all provisional ballots cast in Florida actually counted. Of particular worry is that there was substantial variation within the State with respect to the treatment of

provisional ballots: for instance, during the 2008 General Election, 80% of provisional ballots were counted in majority-white Duval County, whereas only 60% were counted in Section 5-covered Hillsborough County. Numbers were even lower in Section 5-covered Collier County: 36.45%.

This suggests that the rules governing the counting of provisional ballots are not being implemented uniformly. Ms. Russell, of the Hillsborough County Government noted that, in her County, forcing voters to use provisional ballots can become "so confusing that people will get discouraged and stay home," and that, even if voters do cast provisional ballots, "[w]e know that those provisional ballots are not always counted. State Senator Joyner also noted that it 'takes additional work by a voter' to make sure that a provisional ballot is counted, because voters will often have to return to the local election authority after Election Day in order to provide supporting documentation to ensure that their ballots are counted. In Senator Joyner's view, this will have a retrogressive impact on minority voters in Hillsborough County, "whose incomes are limited, who don't have transportation, who'll have to make an additional trip to verify their information."

In sum, given the disproportionately high rate of mobility and high foreclosure rate among minority communities within the 5 covered counties, Section 26 would result in more minority voters in the covered counties casting provisional ballots, which would in turn result in fewer ballots cast by minority voters being counted. The retrogressive effect of Section 26 would be particularly pronounced in Collier and Hillsborough Counties

#### C. Restrictions on Third Party Volunteer Voter Registration Efforts

Section 4 of Chapter 2011–40 ("Section 4") amends Florida Statutes section 97.0575 to require that any third party organization engaging in voter registration efforts submit any completed voter registration applications within 48 hours, or face penalties of \$50 per application per day late. Section 4 represents a substantial change from the benchmark practice, which permitted volunteers working for third party organizations engaged in voter registration drives to submit completed voter registration applications up to 10 days after receipt.

The 48 hour time period and the threat of substantial financial sanctions for failure to comply with this new restriction will severely hamper or completely deter voter registration efforts by volunteer third party organizations whose mission is to provide voter registration opportunities to minority communities. Leon Russell, of the Florida State Conference of the NAACP, stated that Section 4 "would likely discourage participation in voter registration efforts." sell noted that the NAACP's voter registration events take place in many different locations during various days of the week, but that volunteers from individual NAACP units frequently "may not be able to turn in documents until the unit meets" which could be several days after a planned registration event. The fact that these efforts are volunteer-based and uncompensated makes speedier transmittal of the forms especially onerous on the minority communities within the covered jurisdictions, many of which suffer from higher rates of socioeconomic disparities and higher poverty levels. Mr. Russell added, "[t]he threat of fines will also keep people from volunteering.

Harold Weeks, President of the Collier County branch of the NAACP, which regularly conducts voter registration drives in Collier County, stated, in reference to the fines contemplated by Section 4, that he "wouldn't want to subject anyone to those kind of consequences," particularly "young people" who may mistakenly fail to turn paperwork in on time. He added, "[w]e don't have much money to help pay somebody's fines."

Ms. Russell, of the Hillsborough County Government, observed that, in her County, "[t]here are a lot of African Americans, voting age individuals, who are not registered," but that Section 4 is "going to intimidate a lot of African-American groups that would love to register people as first time voters." She added.

You want to do your civic duty to register people, and now . . . it's very difficult to do. . . . Most people will feel like it's not worth the trouble. It's really going to hamper African-American Greek organizations (fraternities and sororities) that work on voter registration efforts. . . . It makes it more difficult to do that.

State Senator Joyner also noted that the "48 hour cap will cripple voter registration efforts." She stated that, "[i]n the Black churches there's ongoing voter registration," but under the proposed change, "you have to have someone every day" turn in registration forms, which is an onerous administrative burden on churches serving low-income communities. State Representative Rousson echoed these concerns, stating that "by making it 48 hours to get registration forms in, you're stifling" voter registration.

This is no trivial matter for minority citizens in Florida, who have substantially lower voter registration rates than average. As of 2008, the U.S. Census Bureau reported that, in Florida, African Americans had a registration rate of 53.6%, Latinos a rate of 47.4%, and Asians a rate of 35.3%, as compared with an overall average registration rate in Florida of 62.4%, and an average for white Floridians of 69.2%. Voter registration drives are a crucial means of addressing these inequalities, as studies show that African-American and Latino voters are more than twice as likely to register in these drives.

The implementation of Section 4 would therefore have the effect of only worsening these registration disparities.

## III. DISCRIMINATORY PURPOSE

Assessing a jurisdiction's motivation in enacting voting changes is a complex task requiring a "sensitive inquiry into such circumstantial and direct evidence as may be available." The "important starting point" for assessing discriminatory intent under Arlington Heights is "the impact of the official action whether it 'bears more heavily on one race than another." Other considerations relevant to the purpose inquiry include, among other things, "the historical background of the [jurisdiction's] decision'';
"[t]he specific sequence of events leading up to the challenged decision"; "[d]epartures from the normal procedural sequence"; and "[t]he legislative or administrative history, especially . . . [any] contemporary statements by members of the decisionmaking body." Numerous cases arising under Section 5 have employed this standard to help ferret out discriminatory intent in the Section 5

As noted above, various features of Chapter 2011-40 will have retrogressive effects on minority voters in the 5 covered counties. These concerns were no secret as Chapter 2011-40 was debated. To the contrary, they were raised often by members of the public.

And, without exception, every single member of the Florida Conference of Black State Legislators voted against this legislation.

It is noteworthy that these broad changes to long-standing voting laws—some of which have been in place for decades—are being proposed so recently after the last General Election, when African Americans in Florida turned out and exercised their political power in record numbers. One news report noted that the changes to early voting, and in particular the elimination of early voting on the Sunday before Election Day, "appear[] to be aimed directly at discouraging Florida's black voters." State Senator Joyner stated, "we view this as an effort to marginalize the votes of minorities in our County because we had tremendous turnout in recent elections." State Representative Rousson added, "in my mind, and in the minds of the Black leaders in my community, there is no question about the motives behind this. This is absolutely voter suppression and subversion. The perception is that it is aimed directly at [the Black] population. My constituents feel under siege.

Chapter 2011-40 was enacted in spite of these and other objections, but we note that the state's proffered interests in enacting Chapter 2011-40 do not withstand even casual scrutiny. Although the State claims that these voting changes are necessary to prevent voter fraud, there is no evidence of a problem of voter fraud in Florida, as even the Florida Secretary of State has "acknowledged that there is little voter fraud in the state." Nor is there any indication of how shortening the early voting period, requiring validly registered voters to cast provisional ballots, or imposing heavy fines on voter registration organizations would actually prevent fraud. Moreover, as this Department has acknowledged in response to a previous Section 5 submission by the State of Florida, "procedures used to eliminate voter fraud should not unnecessarily burden the rights of minority voters." Finally, while legislators also claimed that these changes are necessary for the sake of reducing "cost," an interest in administrative efficiency has not been recognized as a sufficient justification for voting procedures that otherwise violate the VRA.

#### CONCLUSION

For the reasons identified above, we urge the Attorney General to interpose an objection to Chapter 2011-40, as the state has failed to meet its burden of showing that it will not have a retrogressive effect, nor that it was adopted free of discriminatory purpose. Indeed, the state's submission contains no analysis whatsoever concerning the retrogressive effect of Chapter 2011-40 on minority voters, simply asserting without any substantiation that the proposed voting changes "will apply equally to all voters. . . ." That is not, however, sufficient to satisfy the state's burden to show the absence of retrogressive effect under Section 5 analysis. See Beer, 425 U.S. at 141. At a minimum, the Attorney General should issue a More Information Request (MIR) concerning the various issues raised in this letter as they affect minority voters in the five Florida Counties covered by Section 5.

Should you have any questions regarding the information presented in this Comment Letter, please contact Dale Ho at 212-965-

Sincerely,

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.: JOHN PAYTON, PRESIDENT & DIRECTOR- COUNSEL; KRISTEN
CLARKE, CO-DIRECTOR,
POLITICAL PARTICIPATION
GROUP; RYAN HAYGOOD,
CO-DIRECTOR, POLITICAL
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DALE HO, ASSISTANT
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KORGAONKAR, ASSISTANT
COUNSEL.
FLORIDA CONFERENCE OF
BLACK STATE
LEGISLATORS:
REPDESENTATIVE MIA

REPRESENTATIVE MIA JONES, CHAIR. FLORIDA STATE CONFERENCE NAACP: ADORA NWEZE, PRESIDENT.

Mr. Speaker, I don't think I could lay out my objections to the new voting laws in Florida any more clearly. I thank the authors of the letter I just read for their fine work, I only wish it wasn't necessary. Mr. Speaker, as we progress through this election season I would urge this Chamber and all of my colleagues to remember that every vote is important. Every American should be valued, and any effort to circumvent the right to vote, which some of us in this Chamber have fought so hard for, is a tragedy.

THE NATIONAL COMMISSION FOR INDEPENDENT REDISRICTIING ACT OF 2012

## HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. BLUMENAUER. Mr. Speaker, over the last few months, we have seen one opinion survey after another showing that Congress is facing record low approval ratings, hovering around 12 percent.

It's no coincidence that at the same time we've seen a surge in political activity from both the Tea Party and the Occupy Wall Street movements, expressing a shared frustration and distrust of Washington.

Underpinning America's disapproval of Congress is a broken political system, ranging from anachronistic Senate procedure to the recent Citizens United ruling. The budget battles of this Congress extend and amplify this trend.

While there is no silver bullet to "fix" what's ailing our Government, many experts and the public agree that we need comprehensive redistricting reform as a means to tone down the partisanship and make it possible to enact change. Under the current system, redrawing Congressional district boundaries every 10 years continuously sends Congress down the path to partisan gridlock.

It's the worst kept secret in Washington that our current redistricting process too often gives incumbent politicians more influence over picking their voters, than voters have in picking their politicians.

Both political parties have developed the redistricting process into an art form, punishing opponents and protecting incumbents. Just last week, House Speaker JOHN BOEHNER told POLITICO that Republicans will hold the House for the next decade thanks to the once-

in-a-decade redistricting process that has made the GOP's hold on the majority "ironclad."

I don't know about you, but I don't think the American public wants elections to be precooked, a decade at a time. Politicians should not be allowed to achieve through the redistricting process what they can't accomplish a the ballot box. And regardless of whether the Speaker is right or not, the optics are disheartening and more than enough to further depress voter turnout.

Outside the beltway, there is very little that separates the average person in their political beliefs. But when you have a redistricting system where incumbents don't feel accountable in general elections, but fear attack in the primary, politicians are forced further and further to the left or right, ultimately skewing the membership of Congress. This is a system that rewards ideological extremes, punishes those who have nuanced or moderate positions, and closes the door on compromise before anyone even gets to Washington.

Even though elections are just around the corner, only 22 states have approved final district maps, leaving voters uncertain about who their candidate will be and furthering the already substantial incumbent advantage. There is hope, however, in states that have adopted independent redistricting commissions. All but one of these 13 states have already finalized their Congressional districts, making up a majority of the national total, and representing a small fraction—two of the 11 states—that are duking it out in court.

Redistricting reform isn't a Democrat or Republican idea. Indeed, it's bipartisan as seen in California and Florida where in 2010, both states—California controlled by Democrats in both chambers, and Florida controlled by Republicans in both chambers—enacted bipartisan redistricting reform.

While reform is slowly taking hold, the process remains woefully inadequate and subject to political abuse. The temptation to place partisan objectives above the public interest is just too enticing.

To make Congress more representative, all districts in all states should follow the same balanced metrics and criteria for redistricting, instead of the corrupt system we have today that's makes some states less fair and representative than others. That is why I have introduced legislation that would create the National Commission for Independent Redistricting.

The Commission would be composed of respected leaders with a proven commitment to public service and strengthening our future, such as ex-Presidents, retired Federal justices, previous congressional leaders, and electoral experts from academia. The Commission would oversee an independent, professional agency, tasked with establishing uniform criteria and congressional district lines for each State that respects the communities of interest, and geographic, ethnic, cultural, and historic boundaries, rather than just partisan affiliation.

The Commission would also inject greater transparency and accountability into the process by requiring robust public consultation and commentary that must be taken into account, and a website where all maps, hearings, votes

with concurring and dissenting opinions, and materials would be made public in a timely fashion.

Congress would then approve or disapprove of the proposal put forward by the Commission with a simple up-or-down vote, free from procedural gridlock.

Congress should enact this legislation now, well before the next census in 2020. With six elections and nearly a decade standing between current politicians and the next Census, now is the time to reform our redistricting process and act in a way that reflects broad public interests rather than narrow and immediate partisanship.

Meaningful political reform is seldom easy and it takes time. Instead of each state passing their own version of what might as well be called "The Incumbent Protection Act" every 10 years, I am hopeful that there will be careful consideration of this proposal as a way to make the House of Representatives fairer, more representative, and more effective for this new century.

RECOGNIZING ALEX LESSER, SAM DIXON, AND JOSH FIXLER

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. MORAN. Mr. Speaker, I have the good fortune of representing many bright and promising young people. When they speak self-lessly about the need to help those less fortunate and recognize that the federal government has a responsibility to address this need, it renews my hope for a better future.

Yesterday was one such occasion. A young man, Alex Lesser, accompanied by Josh Fixler, Assistant Educator and Youth Director of the Temple B'Nai Shalom Congregation, came to my office on behalf of the Religious, Action Center and the Union for Reform Judaism. Alex presented my office with a paper he and his friend, Sam Dixon, wrote jointly on the topic of economic justice and the importance of extending unemployment benefits. Alex's and Sam's eloquent words of reason deserve to be heard by my colleagues. I ask that they be submitted in today's CONGRESSIONAL RECORD.

#### ECONOMIC JUSTICE

Hello, I am Alex Lesser, and I am Sam Dixon, here on behalf of the Religious Action Center and the Union for Reform Judaism. We come from Temple B'nai Shalom in Fairfax Station, and we are here to talk to vou about unemployment insurance. The economy is still recovering from the economic downturn of 2008. Since the recession started, a total of approximately 8.8 million jobs have been lost. Despite the fact that 2.7 million jobs have been recovered, 6.1 million workers have not gotten jobs back. The economy is still not in a good situation. The group that is struggling the most is the unemployed. And this group is not small: the national rate is still at 8.5%. Many of these people are food insecure. Being food insecure means a family or individual does not have the physical, economic, and social access to safe and nutritious food and drink. This is an important problem that YOU can help fix.

As a country that is currently in an economic crisis, it is not only our duty-but our responsibility to ensure that all citizens, regardless of economic status, are not at an unfair disadvantage to one another. However, this does not always seem to be the case in this nation. We have unfortunately seen a significant increase in poverty and unemployment over the past few years, with 3.2 million impoverished Americans in 2009. and 3.3 million in 2010. With unemployment insurance, not only will these unemployed individuals be supported and sustained, but our country as a whole will also benefit. A recent estimate from the Congressional Budget Office concluded that for every \$1.00 that the government invests in unemployment benefits, approximately \$1.90 will be added to the U.S. Economy. It seems to me that not only is this an important step in combating poverty for Americans, but also a necessary step to get the nation's economy back on track.

We are here today because Judaism teaches us that this is a vitally important issue. God commands us in the book of Deuteronomy that "if there is a needy person among you . . . do not harden your heart and shut your hand against your kin. Rather. you must open your hand and lend whatever is sufficient" (Deuteronomy 15:7-11). It teaches us that providing for the needy is not just a matter of charity, but an obligation. Judaism also teaches that the highest form of tzedakah, the Jewish value of charity, is to help a person achieve self-sufficiency. Unemployment insurance is that exact type of support that the homeless need to help them get back on their feet. I think that we can all agree that poverty is one of the worst fates imaginable. It is one of the most terrible sufferings. The Union for Reform Judaism has consistently fought against attempts to weaken the social safety net. This is clearly a moral choice as well as a political one.

This past Friday night, we attended a presentation from the National Coalition for the Homeless, which struck a very resonant chord in our hearts, all because of one man's story. Steve, a native Washingtonian and former homeless man, told us about how he was involved with drugs from a very early age. As a result of this drug abuse, he lost several high-paying jobs and his home. Steve mentioned that when he was at his lowest point, someone offered to help him in his path to sobriety, and he finally got his life together. After getting back on his feet, he is now in danger of going back on the streets due to a debilitating and degenerative disorder. His story reminded us that this is an extremely important issue because he was a prime example of a good person whose bad decisions impacted the rest of his life, making it hard for him to avoid homelessness. This reminds us that even when it seems as though someone has hit rock-bottom, the right help can put them back on the path to success. Part of the reason that this resonates with me is that we want to make sure that if our friends and family, as well as those who we will never meet, will not fall too far if they fall through the cracks.

Clearly, this is an important and timely issue that must be addressed. Extending unemployment benefits and insurance will not only help struggling Americans survive this economic downturn, but will also help the economy grow. We urge Representative Moran to support legislation that would extend unemployment insurance for a year.

JIM BARNETTE

#### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. UPTON. Mr. Speaker, today I bid farewell and best wishes to Jim Barnette, the incomparable Energy and Commerce Committee General Counsel.

When I became Chairman of the Energy and Commerce Committee, everyone told me I needed someone like Jim Barnette to serve as General Counsel. He served under three Chairmen before me and, though he was no longer in government service, his legacy of jurisdictional tenacity and seemingly limitless institutional knowledge remained.

Not content with a mere likeness, I informed Jim I was revoking his leave of absence and he was to report for duty promptly. Much to my delight, like any true public servant, he obliged.

As a veteran of the procedural, political, and policy battlefield, there was no one better suited to take the reins as General Counsel for the Committee when I began my tenure as Chairman at the outset of the 112th Congress.

Jim styles himself a country lawyer, but he brings a level of experience and wisdom to our Committee that is quite simply unmatched on Capitol Hill. He helped assemble and mentor the strongest team on Capitol Hill, building a backbone for our Committee staff that will stand the test of time.

He is a General Counsel in the fullest sense of the title: a faithful counselor to Members and staff and a forceful advocate for the issues before the Committee.

He has been a trusted partner, an expert negotiator, a skilled tactician, and a true friend. I wish Jim and his wife Chelo well, extending my sincere thanks for the year they set aside that allowed me to bring Jim back to the Committee. As we say at the Energy and Commerce Committee, Jim is the best.

IN RECOGNITION OF THE RETIREMENT OF MR. JACK CLINE

## HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to recognize a constituent of mine, Mr. Jack Cline, who retires from the Anniston Army Depot in April.

Jack Cline is a native of Anniston, Alabama. Upon his honorable discharge from the United States Navy in 1979, he came to work at Anniston Army Depot March 1981.

Jack began his career at the depot as an Electronics Worker in the Missile Guidance Branch, Directorate of Maintenance. He also worked in Directorate of Mission Plans and Operations as a Planner. In 1991, he became the Division Chief for Weapon Systems. In 1996, he became the Deputy Director for Production, and in 1999 served as the Division Chief for Tracked Systems. In 2001, he was promoted to Director of Production and Jack currently serves today as the Deputy to the Commander.

Among many educational and professional accomplishments, Mr. Cline attended Army Management Staff College in Fort Belvoir, VA; and the Depot and Arsenal Executive Leadership Program at UNC. Chapel Hill.

Married to the former Jeni Guthrie of Oxford, Alabama, Jack has one daughter Beth Williams, a teacher, married to Brad who serves as a Youth Minister. They have one granddaughter Savannah. Jack also has one step-son, Matthew, who is a Chemical Engineer. Jack and Jeni are active members of the Harvest Church of God in Anniston.

We congratulate Jack on his retirement today and thank him for his steadfast and dedicated service to our nation. On behalf of everyone at Anniston Army Depot, we wish him the best.

CONGRATULATIONS TO CARMELL F. ANDERSON FOR HER YEARS OF SERVICE

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 2012

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Carmell F. Anderson on her retirement from the U.S. Department of Labor.

Carmell F. Anderson was born in Detroit, Michigan in 1944 and resided most of her life in Bay City, Michigan. She was a 1962 graduate of T. L. Handy High School, and after attending Delta College, and later Northern Michigan University, she earned her Bachelor and Master's degrees in secondary education. In 1984, Carmell earned her Ph.D. from the University of Michigan in Adult Education and Labor Studies.

Along the way, Carmell taught driver's education and business classes for the Bay City Public Schools, worked at General Motors Saginaw Steering Gear, and the University of Missouri—Kansas City. In 1988, Carmell moved to Washington D.C. where she worked for the AFL-CIO—Human Resources Development, Inc. (H.R.D.I.) at the George Meany Center in Silver Spring, Maryland, followed by a position as Executive Assistant to Congressman Bob Traxler.

In 1991, she accepted a position as a researcher with the U.S. Department of Labor in Washington D.C. While working at the U.S. Department of Labor—Employment and Training Administration, Carmell and her husband, Jim Hoppenjan, volunteered during the first administration of the Clinton White House serving in the Correspondence Office, Personnel, and the NAFTA War Room. In 1994 she transferred to the Department of Labor Office of Apprenticeship in Detroit, Michigan. Carmell retired from the U.S. Department of Labor in 2012 after 21 years' service.

Mr. Speaker I would like to congratulate Carmell F. Anderson on her retirement. We are fortunate to have such a dedicated public servant in the U.S. Department of Labor and I wish her well in her future endeavors.

## SENATE—Wednesday, February 1, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable RICH-ARD J. DURBIN, a Senator from the State of Illinois.

#### PRAYER

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

Let us pray.

Lord, the Earth belongs to You, the world and everything in it. You are an awesome and majestic God. When we have anxieties about what the future holds, remind us that the hearts of Kings, Queens, and Presidents are in Your hands and You guide them wherever You please. You are sovereign.

Today, bless our lawmakers. Give them a positive attitude regarding the challenges they face. Lord, help them believe that You guard this Nation and will empower them with exactly what they need to lead with excellence.

We pray in Your great Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN led the Pledge of Allegiance, as follows:

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

#### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

> U.S. SENATE. PRESIDENT PRO TEMPORE, Washington, DC, February 1, 2012.

To the Senate:

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

DANIEL K. INOUYE, President pro tempore.

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

#### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

ELIZABETH MACDONOUGH

Mr. REID. Mr. President, as the Presiding Officer and all Senators should

the Senate now. And we wish Elizabeth MacDonough well. She is certainly well qualified for this job. She has proven that in the decade she has been here, her fairness and astuteness of Senate rules. Let everyone understand that a new boss is in the Senate now.

This morning, following any leader remarks, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, we will resume consideration of the STOCK

#### THE STOCK ACT

Mr. President, it is my understanding that the Republicans are going to have a luncheon today. I hope they discuss what they want to do here on the Senate floor. Last night we had a situation where two of our fine Senators, Mr. LIEBERMAN and Ms. COLLINS, who have a reputation of being fair and bipartisan, did their best to work through some amendments, to set up votes on them, and they couldn't do it because we had Senators who offered amendments that had nothing to do with this bill—nothing. But Republican Senators said they would not allow a vote on germane and relevant amendments until they were guaranteed a vote on their nongermane amendments. So that is not a good situation, and we cannot legislate in that fashion. It is one thing to offer an amendment that is not germane, but to demand a vote on it out of order before any other amendments? So the minority has to make a decision whether they want to legislate or have people give speeches all day that have nothing to do with the legislation.

I hope the leadership and the Senators generally on the other side of the aisle will work together to help us move this piece of legislation out of here. It is an important piece of legislation. We were told it is bipartisan. Only two Senators voted against breaking the filibusters so we could start debating this bill.

#### SPENDING

The Republicans in Congress often claim they are the only thing standing against a wave of deficit spending. But where were these Republicans when President Bush pushed for trillions in unpaid tax cuts for the rich? Where were they? They were right here in Congress, that is where. So instead of pointing the finger at us, Republicans should examine their own track record of extravagant spending: a prescription drug plan, unpaid for; two unpaid wars; tax breaks for the rich, unpaid for. And

understand, we have a new sheriff in they were paid for—borrowed money, money borrowed from American taxpayers. Trillions of dollars. In fact, President Bush's tax cuts were the single largest contributor to the ballooning budget deficits during his administration. There were plenty of others, but that was No. 1. And no one benefited from these tax breaks more than billionaires and millionaires. breaks for the richest Americans piled nearly \$1 trillion on our debt over the last decade. The tax bill was far more than that, but that is just people making more than \$1 million a year.

> Yesterday the nonpartisan Congressional Budget Office released a report showing that these tax cuts will continue to push deficits to unsafe levels. We know that, but in addition to doing that, what it does is it makes the poor poorer, the rich richer, and squeezes the middle class every day. Extending the Bush tax cuts for the wealthiest Americans—people making more than \$1 million a year—would add another \$1 trillion to the deficit over the next decade. We can no longer afford to bankrupt our Nation to give more tax breaks to people who do not need them. People are putting up accounts in the Cayman Islands, stashing money in Switzerland.

> Republicans are right about one thing: We do have a deficit problem in this country. And there are two ways to ease this crisis. We could cut more jobs for teachers, firefighters, police, and Federal employees. We could cut Social Security and Medicare benefits for seniors after a lifetime of hard work. We could put off repairing our crumbling roads, bridges, and schools. We could continue to let our schools fall into disrepair and our students fall further behind. We could continue talking about what really does not matter.

> The House keeps talking about bills they have passed that create jobs. Everyone, every pundit who has looked at those knows it is just a subterfuge. They want to cut regulations, and that would make people sicker, that would make our air dirtier and our water less pure and our food less safe. That is what they are doing to create jobs.

The other way to cut spending would be to take care of those unnecessary tax breaks for millionaires and billion-

So this is the choice we face: cutting the heart out of America or having the richest of the rich contribute just a little bit to the problems we have in America today as it relates to spending. The choice we face should not be a very difficult choice.

This country has limited resources, and we must use those resources wisely. Investing in the middle class is a wise use of those resources. When you put money back in the pockets of the middle class, they spend it. They spend it on groceries and gas and buying new cars, paying their mortgages, paying their rent, maybe repairing their family car, or spending it to fix the roof on their house that has become dilapidated. That spending boosts business, spurs hiring, and helps the economy. Rigging the tax system to favor the richest of the rich does not do that. Rigging the system does not create jobs. It does not spur growth. It is not a wise use of our resources.

# RECOGNITION OF THE REPUBLICAN LEADER

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

## HEALTH CARE

Mr. McCONNELL. Mr. President, later this morning President Obama is scheduled to speak in Virginia on the economy. I have not seen the speech, but I expect he will not be talking about the negative impact his health care bill is already having on job creation, and I guarantee he will not be talking about one provision in particular, the CLASS Act, which the House of Representatives is voting to repeal today.

Like so many of his policies, the CLASS Act has not turned out the way the American people were told it would. At the time of its passage, Americans were told it would be a long-term care cost saver. Proponents of the CLASS Act said it would account for nearly half of the deficit reduction they claimed the health care bill would somehow miraculously bring about.

More recently, however, the administration has admitted that government officials knew their projections about the CLASS Act could not possibly be true. They knew it would not work as advertised. Yet the Obama administration went ahead with it anyway.

In 2009, the Chief Medicare Actuary wrote that, based on his 36 years of actuarial experience, he believed the CLASS Act would "collapse in short order, and require significant Federal subsidies to continue" and that it would lead to what he called an insurance death spiral since only the sickest people would sign up, making it impossible for the program to remain solvent. Another health care policy official said that the program "seemed like a recipe for disaster."

So last October the Obama administration was finally forced to admit what they refused to admit when the health care bill first passed: that the

CLASS Act was indeed unsustainable. As HHS Secretary Sebelius put it, there is no viable path forward for the program. Yet for some reason the President is unwilling to follow through on that conclusion by his own administration. He opposes today's vote over in the House.

Most people would conclude that the administration would support repealing a portion of the health care bill that they now acknowledge is not financially viable, but they would be wrong. Despite admitting this program is doomed to fail, the Obama administration refuses to take it off the books. This refusal is all the more remarkable given the fact that President Obama has repeatedly said he is willing to listen to critics of his health care bill if they come up with ways to improve it. When it comes to the CLASS Act, the President does not even appear to be willing to listen to himself.

Well, it should be obvious what is going on here. The President is so determined to distract people from his own legislative record that he does not even want to have a conversation about it. He is so determined to convince people that the ongoing economic crisis is someone else's fault that he is acting as though the first 3 years of his Presidency never even happened. He refuses to admit the central role his policies have played in prolonging the economic mess we are in. Instead of leading, the President is biding his time, hoping the public will blame someone else for the jobs crisis. Instead of acknowledging the effects of his own policies, he is hoping he can change the subject. The problem is, the longer we wait to tackle these problems, the harder they will be to solve. And, frankly, most Americans think the President should be leading that charge, not avoiding it.

In 2009, President Obama said that rising health care costs were the most pressing fiscal challenge we faced as a nation. Yesterday, the Congressional Budget Office said government health care costs will double over the next decade. So the verdict is in. The administration looked at an area that both parties agree was in critical need of reform, and they made it worse, and now they will not even admit it. Why? Because it interferes with the President's reelection strategy. If it is about him or his policies, he does not want to talk about it. And when it comes to the CLASS Act, it is easy to see why.

So I would encourage our friends over in the House in their efforts today. I hope they send this bill over to the Senate with a strong bipartisan vote. If the President will not listen to his own advisers, let's hope he listens to Congress on the failures of his health care bill and in particular the failures of the CLASS Act.

If we are going to replace the President's health care bill with the kind of

commonsense reform that the American people want, repealing the CLASS Act is a good place to start. As the House is showing today, if the President refuses to act on this important issue, Congress will.

I yield the floor.

#### MORNING BUSINESS

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

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues from North Dakota and Nebraska.

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

#### KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, President Obama has said that every morning when he gets up, he thinks about what he can do to create jobs. Yet just in the last couple weeks, he turned thumbs down on a project that would create 20,000 shovel-ready jobs, the Keystone XL Pipeline, which is a project that is teed up and ready to go. It would invest \$7 billion initially and create 20,000 jobs immediately. It will address a very important issue for this country—energy.

We talk about getting away from the dependence on foreign sources of energy and becoming more energy independent, and we have an opportunity to do that and, at the same time, create economic opportunity in this country and get people back to work. It is a mystery as to why the administration and the President would not find this particular project to be in America's national interest.

It comes down to whether we are going to continue to import the oil, the energy we need, from unfriendly nations—we get about 700,000 barrels a day from Venezuela-or whether we will get that oil from a friendly neighbor such as Canada. When we look at that juxtaposition, that comparison, and ask should we get that 700,000 barrels of oil from Hugo Chavez or from Canada, most Americans would say it makes more sense to do business with our friendly ally to the north. Also, we would have that come down into this country in a 1,700-mile pipeline, which would transport that oil to refineries in the United States, where it would be refined and create jobs there as well.

In almost all respects, as we look at the project and the attributes that come with it, they are job creation, investment, energy security, not to mention the State and local tax revenue, which is something that is important to a lot of people whom I represent in South Dakota. In fact, I had someone from western South Dakota in my office last week, and he said: We care about the energy security issue, the jobs issue, and all that, but we need the tax revenue for our school districts and county governments that would be generated.

So we have all these positive benefits associated with this particular project. Yet after having studied it for 3 years, about 1,200 days, and having done multiple environmental impact statements—the last one concluded in August of last year—lo and behold, the President decides he is not going to move forward with this project.

We think that is terribly unfortunate, not in the national interest. We believe it is in the national interest to move forward to address the important energy security needs, as well as the needs for job creation and economic growth.

Two of my colleagues, former Governors, now Senators from Nebraska and North Dakota, are people who are well acquainted with these types of projects. The Governor from North Dakota was very involved when the first Keystone Pipeline that was built from Canada through North Dakota, South Dakota, Nebraska, and points south. That project went through a permitting process. It was a couple years in the making and it was approved. The construction process was concluded and it is now operational. That is an example of how this particular project can work.

This pipeline would cross the State of the Senator from Nebraska. There were concerns about whether it had the right route in order for this to be done in the best environmental way. Those issues have been addressed. The Nebraska legislature met in special session, and they and the Governor came up with an alternative idea about how to do this. They have been supportive of moving forward with this project as well.

The question before the House is if the President of the United States determines this is not in the national interest, notwithstanding the support of lots of Members of Congress on both sides of the aisle and I think overwhelming support of the States through which this line would traverse and the labor unions which represent a lot of people who are involved. Many editorial pages support this, including the Chicago Tribune, which said:

Obama's decision will cost the U.S. jobs. . . . He seems to think those jobs will still be there when he gets around to making decision on the pipeline. But they may well be gone for good.

They go further and say his decision "will deny the U.S. a reliable source of oil."

They recognize the importance of this project and doing business with a friendly country, the importance of energy independence, and the fact that if we don't benefit from this, it will go somewhere else. They have made it abundantly clear this is not something—if the United States turns it down—they will continue to wait around for until sometime in the future when we might consider it. They will go somewhere else—probably China—with it.

For those reasons, we believe we need to do everything we can do to move this project forward. My colleagues came up with legislation that recognizes the role of the Congress under the commerce clause and our ability to approve this project. I hope we will get an opportunity to discuss and debate this issue in the Senate and get a vote and perhaps get a vote as well in the House of Representatives, where Congress could weigh in and perhaps change the President's mind about this important project.

I am glad to be with my colleagues today. I will yield to the Senator from North Dakota and the Senator from Nebraska, two great leaders on this particular issue and all issues relating to energy security. They understand the history of this, as well as its importance to America's future.

I ask the Senator from North Dakota if he would like to give us an insight about the first Keystone Pipeline, built through his State a few years ago, the history of that, and the history of how this particular project was put forward as well and why we think it ought to go forward.

Mr. HOEVEN. Mr. President, I thank the Senator from South Dakota for organizing the colloquy and I also thank the good Senator from Nebraska for joining us as well. I appreciate working with them on this project, which is not only vital to our State but to our country.

As the Senator from South Dakota said, this project is critically important to our country for a number of reasons. First, it will create tens of thousands of jobs. There will be a \$7 billion investment, not one penny of which will be Federal Government spending but all private sector investment. The Perryman Group projected, when they did a study on the job creation, that it would create 20,000 construction jobs right away; it would create upward of 100,000 spinoff jobs as they expand refineries and with the other economic activity that is created. Some might dispute those job numbers, but any way we look at it, tens of thousands of jobs will be created by the private sector, which is why it has strong union support at a time when we have 13-plus million people out of work and we need the jobs.

As the Senator from South Dakota said, it will generate hundreds of millions in tax revenues from a growing economy, from more economic activity. The last I checked, it is pretty important at the local, State, and Federal levels to have those revenues coming in. In addition, it will reduce our dependence on oil from the Middle East. With what is going on in Iran—and they are threatening to blockade the Strait of Hormuz—and with gas prices at \$3.50 a gallon, roughly, and going up, it is important to consumers and the businesses of this country that we use the oil in this country and from our closest ally. Canada, rather than relying on the Middle East.

The third point is, this oil will be produced. If we don't build the pipeline capacity to bring it to our refineries to be refined, it goes to China. That is a fact. It will be produced. It will either go to China or it will come to us.

I have this chart to give a history of the project because, as the good Senator from South Dakota said, this has been under review for more than 3 years. TransCanada, the company that is trying to build the pipeline, built this Keystone Pipeline already. That is this red line on the chart. That project was approved in 2 years. Again, Keystone XL has been under study more than 3 years. The sister pipeline has already been built, and that was approved in 2 years. It comes from Alberta, Canada, to the refineries in the Patoka, IL, area.

The existing project, as we can see, comes through North Dakota-that was when I was Governor—through South Dakota, and down through Nebraska. The Keystone XL comes just to the west. I point that out because of the Bakken oil play in North Dakota and Montana, it is very important we have the ability to put oil into this pipeline. We are looking at putting 100,000 barrels a day of U.S. crude into this pipeline so it can get to our refineries. In other words, it is not just about bringing Canadian crude to our refineries: it is about bringing our own crude to them. It also saves wear and tear on our roads, and it is a safety issue because it reduces truck traffic. We are talking 500 truckloads a day and 17 million truck miles a year that we don't have to put on our roads. We don't have to have the traffic issues. the safety issues or the road issues in our country because we have the ability to move the product with this pipeline.

Let's look at this timeline. September, 2008. I know this is hard to read. I will make an important point. In September 2008, TransCanada applied for a permit for the Keystone XL Pipeline. In November of 2008, the current administration was elected. For the entire time the current administration has been in office, they have held up this project. It has gone through the

full NEPA process. It had the full environmental impact studies done. Even the State Department said there would be a decision before the end of last year. For the entire time this administration has been in office, TransCanada was working to go through the process with EPA and the Department of State, and the Department of State said they would have a decision before the end of last year, but we still don't have a decision. We have to ask why. Why don't we have a decision? That is what we are talking about. It is long past time to act.

Let's look at this chart. What are we talking about? What we are talking about is this—another pipeline. We are talking about another pipeline just like the one that has already been built. How about the hundreds or maybe I should say thousands of pipelines we already have, and somehow we cannot build this pipeline? That doesn't make any sense. Somebody needs to explain this to us.

We have legislation, with 45 Senators, 45 sponsors, who are saying: Hey, it is time to move forward and build the project. As a matter of fact, we are doing everything we can to address any and all problems or concerns the administration has raised.

That is why I am going to turn it over now to my good colleague from Nebraska, because when the administration says there is an issue or a State or the EPA says there is an issue, we stepped up in our legislation and solved it. We say: Great, let's address it, but let's move forward for the good of our economy and the good of our country. I defer now to the good Senator from

Nebraska.

The ACTING PRESIDENT pro tem-

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

Mr. JOHANNS. Mr. President, I appreciate the comments that have been offered by my colleagues from South Dakota and North Dakota. They absolutely have it right in terms of the importance of constructing this pipeline. There is no question that we are in a dire situation in this Nation. We need the jobs, we need the oil, and this pipeline can take a significant step forward in both regards.

I think the pipeline will be a huge help in those areas. But let me start by noting that I was a cosponsor of the first Keystone bill. I am also a cosponsor of the bill that Senators HOEVEN, LUGAR, and VITTER introduced just this past Monday, the bill we are talking about today.

Here is a very important point for my State. In both cases, and specifically in reference to this bill, the effort was specifically crafted to safeguard the route selection process that is occurring in Nebraska. I thank my colleagues for recognizing that work and recognizing that Nebraska has a process that will near completion this August or September. They have worked very hard to take into account our issues, and their bill recognizes that the Nebraska effort will continue.

They decided in our State—the Governor, the legislature, and Trans-Canada—to work on an alternative to the proposed route. Recognition occurred that the route through Nebraska involved some very sensitive land—the Sand Hills—and a very sensitive water supply—the Ogallala aquifer. The Governor called a special session, and, as we do in Nebraska, everybody sat down and said: How do we solve this problem?

So they came to an agreement that the best way to solve the problem was to do an environmental impact statement, which will be no cost to the Federal Government. It will be paid for by Nebraskans. That was part of the provision of this agreement. And Trans-Canada agreed they would work to reroute the pipeline through our State. Everybody shook hands. We are now in agreement. Our problem is solved in Nebraska.

For months and months, the Federal Government has been saying to the State of Nebraska: You have the power to route this pipeline through your State. And that is exactly what we are doing. So this legislation recognizes that agreement and says: Great, we are going to allow Nebraska to move forward. But very wisely this legislation also recognizes there is no need whatsoever for any delay on the remainder of this pipeline. This was the only segment—and it is a handful of miles in our State-that anybody was contesting. So why not issue the permit? Why not get the project going?

My colleagues worked very hard on coming up with a solution, and their solution works. It says: Construction can begin immediately. Why? Because, as my colleague from North Dakota has explained well, Congress has the constitutional authority to regulate foreign commerce. This bill exercises that power in a thoughtful, deliberate, and careful way. It says: Look, this project has gone through 3 years of study and analysis. It specifically notes in this legislation the part regarding Nebraska will be solved, as the Federal Government has been saying for months, by Nebraska officials, but that we can go forward and start construction elsewhere.

So what is holding up the creation of these jobs? What is holding up our ability to get more oil from places such as North Dakota and a friendly ally such as Canada, versus a very unfriendly ally in Hugo Chavez in Venezuela? What is holding that up? What could possibly be holding that up? Well, the simple answer to that question is, the President of the United States is holding it up.

The President is in a bind. The environmentalists have declared war on the

oil sands in Canada. They do not want the pipeline because they do not want the oil sands. On the other hand, unions want to build the pipeline. They want the jobs, and thoughtfully so. So this is a time where Congress does need to step in and exercise our constitutional powers. This is nothing unusual. In fact, there was a recent opinion by the Congressional Research Service which noted the Congress has the power to do exactly what this legislation is doing.

I will wrap up my comments today and yield back the time to the Senators from South Dakota and North Dakota and say this: This is a win-win situation for everybody. It is a win because we create jobs. It is a win for our country because we are trying in every way possible to get the Federal Government to lessen our dependence on foreign oil. Maybe the only person who it is not a win for is President Obama in his reelection. But this is a case where we need to put national interest ahead of November.

I urge my colleagues to support this legislation that was thoughtfully crafted. It is the right approach. I thank them for their sensitivity to the process going on in the State of Nebraska.

Mr. THUNE. Mr. President, I appreciate the hard work of the Senator from Nebraska on this subject, as well as the Senator from North Dakota, and he has fashioned a solution which I think does give us an opportunity as a Congress to assert our role under the Constitution, under the commerce clause of the Constitution, to move this project forward, notwithstanding the opposition, really of one person—the President of the United States, who is the person right now who is standing in the way of this.

I would again say to my colleague from North Dakota, as we wrap up here, I hear people say this needs to be studied further; that we need to do more analysis. It is sort of mind-boggling to think after more than 1,200 days of study, analysis, review, and scrutiny that people would come to that conclusion. The Keystone XL Pipeline I, which the Senator from North Dakota is well acquainted with because it goes through his State and he was involved in negotiating that project, took 693 days in the process of getting approved. What is interesting to me about this particular project is that after 1,200 days—longer than any of the pipelines of this magnitude—the extended review and more than 10,000 pages of environmental analysis concluded—concluded—the pipeline will not adversely impact the environment. When the announcement was made to deny the construction of the pipeline, the State Department still had 5 weeks to review it if they had chosen to use it. Clearly, the announcement wasn't based on policy but on political expediency, which is what the Senator from Nebraska pointed out.

There is a tremendous amount of resource in my colleague's State—the State of North Dakota-that could benefit as well. I think the State of North Dakota has the potential to generate somewhere on the order of 500,000 barrels of oil, about 100,000 of which, I am told, could be moved through this pipeline if it is approved. It seems to me at least, again, that here is a resource, an energy reserve in our country, in my colleague's State, that could benefit people in this country.

By the way, in 2011, Americans spent more on gasoline than any other year since 1981. And reports indicate that 2012 could be even worse. So when we look at the economic impact on Americans, from our not having our oil and energy being produced in this country, it is a very real impact. In fact, since the President has taken office, gas prices have gone from \$1.84 a gallon to over \$3.30 a gallon, and this pipeline could be part of that solution.

I want to end with a quote made by the State Department in their review of the pipeline. The Department of Energy, I should say, but it was part of the State Department's review. The Department of Energy noted:

Gasoline prices in all markets served by East Coast and Gulf Coast refineries would decrease, including the Midwest.

That is coming from the State Department's review, the Department of Energy, that gasoline prices in all markets served by east coast and gulf coast refineries would decrease. That is a pretty remarkable economic impact, not to mention all the jobs that would be associated with the construction, and once it is operational the jobs that would be created in refining this oil.

So again it is a win-win, as we heard from the Senator from Nebraska, who said that initially their State had some concerns about the route, but that has been all resolved so this project can move forward.

The legislation of the Senator from North Dakota, which I am proud to support and cosponsor, I hope gets a vote in the Senate, and I know the Senator is going to do everything he can to advance it—I hope he does—and I look

forward to working with him. Mr. HOEVEN. Mr. President, I thank my colleague from South Dakota again for organizing this colloquy this morning. I thank him and the esteemed Senator from Nebraska for their support of this legislation.

Again, we have taken a problem-solving approach to this legislation, and we are continuing to do that. We will continue to work with other Members of the Senate and our colleagues in the House, but we need the administration to engage with us on this important issue for the good of the American peo-

Again, I thank my colleague from South Dakota.

Mr. THUNE. Mr. President. with that, I yield back the remainder of my time, and I suggest the absence of a They are hungry at the highest level quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the Chair.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2059 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions ")

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the

The legislative clerk proceeded to call the roll.

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

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

#### COLLEGE COSTS

Mr. DURBIN. Madam President, too many Americans are out of work. We know that. Without a steady income, it is hard for families to stay current on their monthly expenses. We have all talked about the consequences of losing a job. When I meet with the unemployed in Illinois, one of the first things we talk about is health insurance because that is one of the first casualties. It is very difficult if not impossible for someone unemployed to maintain COBRA payments once they are out of work. They deplete their savings and find themselves in a very vulnerable position. Some fall behind on mortgage payments. More than 4 million families have lost their homes since the housing crisis began in 2008. Another 10.7 million Americans own mortgages that are underwater—the homeowner owes more than the home is worth.

One of the major mortgage banking associations in Washington, DC, recently had a short sale of their headquarters building in Washington. They went underwater. They could not pay their mortgage, and they ended up selling. It is happening not just to businesses, obviously, but to a lot of homeowners.

It is hard to keep up with these basic expenses. A lot of people who used to donate to food banks are now in line at food banks. According to the U.S. Department of Agriculture, one out of six Americans really has a food issue.

since the government started taking these numbers in 1995.

But there is another obligation, a financial obligation that needs a little more focus here in Washington. Private student loan debt is becoming the biggest burden for families across America. Student loan debt in October of 2010 for the first time in our history surpassed credit card debt in America. At public universities, the average debt for a graduating student was \$20,200. At private nonprofits, it was \$27,650. For students at for-profit colleges, the debt burden is even greater. Students at forprofit colleges graduated with an average debt of \$33,000. More than three out of four young adults say that college has become harder to afford in the past 5 years. Almost as many say that graduates have more student debt than they can possibly manage. There are few penalties for schools whose students incur huge amounts of debt when the student cannot repay their loan.

How did we reach this point? Two trends have led to this phenomenal level of student loan debt:

First, the for-profit college industry has grown by leaps and bounds over the last decade. It is the fastest growing sector of higher education. Three numbers put it in perspective. Ten percent of students out of high school end up in for-profit schools, yet for-profit schools consume 25 percent of all the Federal aid to education and account for 44 percent of student loan defaults. What is the obvious conclusion? These for-profit colleges are drawing in more student loan assistance from the Federal Government than their counterparts in the public and nonprofit area, and their students, deep in debt, cannot find jobs to pay off their debts and default on their loans.

Second, the cost of college is so far out of reach for most people that they exhaust their ability to borrow from the government and end up taking out private loans. Private loans are not federally guaranteed. The issuer is not required to work with you to consolidate the loans or restructure them in the future. If that sounds familiar, that is because many of the banks issuing these loans are the same banks holding your mortgage. Even more outrageous, the loans are protected in bankruptcy. What that means is, unlike other loans we would incur in our lives that we might bring into a bankruptcy court in desperation, these loans cannot be discharged in bankruptcy. These loans will trail the borrowers to the grave. Student loan decisions made at the age of 19, 20, and 21 years end up being a lifetime of responsibility.

Yesterday the president of a small, very good college in Illinois said that so many students she meets with who are interested in going to school are debt-dumb; they do not even understand debt as it might affect them

today and tomorrow. Unfortunately, these for-profit schools—and many others—are taking advantage of students with little or no life experience who end up, many times, with their parents signing for student loan debt that is unconscionable, at levels they will never be able to repay in any reasonable time, and often, when it comes to for-profit schools, for worthless diplomas if the student is lucky enough to finish.

One of my constituents, Hannah Moore, recently contacted my office regarding her outstanding student debt. I wanted to bring this to the attention of the Senate. In 2007, Hannah graduated with a bachelor of arts from a for-profit school called the Harrington College of Design. It was part of the Career Education Corporation's program. When Hannah graduated in 2007 from the Harrington College of Design, her student debt was \$124,570.

After she exhausted all her Federal student loan options, she turned to private loans when she wanted to finish and get a degree. At first she tried to manage her payments of close to \$800 a month by working three jobs. Her Federal loan is a reasonable payment because she signed up for the incomebased repayment program, but the private loan demands are unreasonable. When the payments became unmanageable, she tried to work out a plan with her lender. They refused. She said that she speaks to her lender about once a month asking for assistance, with no help. When it became apparent she would not be able to afford the payments, her family offered to help. Her dad, who had retired, got a job just to help his daughter make her student loan repayments. Dad went back to work, out of retirement. Her parents spend their time stressing over her loans with her.

Hannah is 30 years old. She wants to be independent, but her student debt of over \$124,000 is making that impossible. With the help of her family, dad going back to work and all she can do, she makes her monthly payments, but her life is still very much on hold. She said, "My education doesn't feel rewarding, it's a burden right now." When asked how her student loan debt is affecting her life, she said: I can't start a family, can't buy a house, I can't even buy a car. She rides her bike to work. Think about that. She went to college, she stuck with it, and she graduated with a degree of no value and \$124,000 in student debt.

She is not alone. Every week I hear from constituents who are seeking relief, and I invite them to come to my Web site and tell me their stories about student loan debt in America.

Last week, in his State of the Union, the President spoke about a plan to keep the cost of higher education from going even further. His proposal will provide better information to families, while enlisting colleges and State governments to partner with the Federal Government to keep costs down while improving student outcomes.

To make sure students and families have accurate information, the President has proposed creating a college scorecard for all institutions of higher education—all of them. The scorecard will provide families with clear, concise information about affordability and student outcomes—how many students go to this school and finish, how many who finish with a degree get a job. It is a pretty basic question. Then students and their families can make a good choice. They will not be overwhelmed by the spam and ads tossed at them on the Internet.

The plan would reward schools that give value, serve low-income students, and set reasonable tuition policies. These schools would be rewarded with additional campus-based aid so more students can attend college.

The President's proposal also builds on the success of the current Race to the Top Program by creating a new Race to the Top Program rewarding college affordability and completion that will promote change in State systems of higher education. This Race to the Top challenge will incentivize Governors and State legislatures around the Nation to join us in keeping tuition costs down.

Following the President's challenge to keep college costs down, the Senate HELP Committee is holding hearings this week on college affordability. I thank them for that. It is long overdue, and I look forward to working with Senators HARKIN and ENZI on this issue.

A hearing we had just a week or so ago in Chicago on the abuse of the GI bill education rights by for-profit schools should be a wake-up call to every Member of Congress. Holly Petraeus, the wife of General Petraeus, testified. She works at the Consumer Financial Protection Bureau, an agency that is in the news. It is controversial because the appointment of its Director, Richard Cordray, was announced by the President by executive appointment when the Senate refused to give him an opportunity to serve.

The Senate refused to break a filibuster on Mr. Cordray, even though I heard no speeches criticizing his ability. The speeches criticized the agency, which some Republicans loathe and despise, but it is in the law and it should be given a chance to work. Those who are critical of it should meet with Holly Petraeus. General Petraeus's wife. She is working with military families trying to stop the abuses of forprofit schools under the GI bill. That is something on which we should all join together, Democrats and Republicans alike. Americans who serve in the military are entitled to not only the GI bill but to institutions of learning that give them a chance to take their time in school and turn it into a much better life for themselves and their families.

I hope we can come together on the question of affordability and on taking a close look at many of these institutions of higher learning that are, unfortunately, defrauding many innocent children, families, and veterans who are returning from conflicts in Iraq and Afghanistan.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2038, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

Pending:

Reid amendment No. 1470, in the nature of a substitute.

Reid (for Lieberman) amendment No. 1482 (to amendment No. 1470), to make a technical amendment to a reporting requirement.

Brown (OH) amendment No. 1478 (to amendment No. 1470), to change the reporting requirement to 10 days.

Brown (OH)-Merkley amendment No. 1481 (to amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff.

Toomey amendment No. 1472 (to amendment No. 1470), to prohibit earmarks.

Thune amendment No. 1477 (to amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

McCain amendment No. 1471 (to amendment No. 1470), to protect the American tax-payer by prohibiting bonuses for senior executives at Fannie Mae and Freddie Mac while they are in conservatorship.

while they are in conservatorship. Leahy-Cornyn amendment No. 1483 (to amendment No. 1470), to deter public corruption.

Coburn amendment No. 1473 (to amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs.

Coburn-McCain amendment No. 1474 (to amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House.

of a substitute.

Paul amendment No. 1484 (to amendment No. 1470), to require Members of Congress to certify that they are not trading using material, nonpublic information.

Paul amendment No. 1485 (to amendment No. 1470), to apply the reporting requirements to Federal employees and judicial officers.

Paul amendment No. 1487 (to amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rulemaking, loan or grantmaking abilities over industries or companies in which they or their spouse have a significant financial interest.

DeMint amendment No. 1488 (to amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress may serve.

Paul amendment No. 1490 (to amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is a new day and with it comes the hope we will make more progress than we did yesterday. Actually, we were prepared, after some good work by the four of us-Senator Collins; Senator Brown; the occupant of the chair, Senator GILLIBRAND; and myself-and our staffs to move forward yesterday afternoon. Unfortunately, we were blocked in that. But I know efforts continue to allow us to at least proceed with the amendment Senator PAUL offered that was modified—or prepared to be modified, after discussion, with a reasonable conclusion that I think will be supported by most Members of the Senate.

There is so much we can do. Our staffs worked overnight. They have tried to divide the amendments into those that are germane and relevant and those that are not. I understand leadership on both sides will be talking about how to proceed.

I repeat what I said at the outset and I know all of us who have worked so hard to respond to the concern that Members of Congress and our staffs are not covered by insider trading lawsthat we not try to solve every problem or correct every potential source of public mistrust of Congress on this bill for fear that we will, therefore, never get anything accomplished.

I am hopeful, as the morning goes on and certainly into the afternoon, after discussions that occur at the lunch hour, we will be able to proceed to handle some amendments in an expeditious way and that we can see our way to the end of consideration of this bill, remembering that on the basic provisions of the bill we have overwhelming bipartisan support.

I understand the vote on cloture to proceed to the bill does not exactly express support for the final vote, but there were only two who voted against

Coburn amendment No. 1476, in the nature cloture, so clearly an overwhelming number of Members of the Senate want to proceed to vote on the bill.

> If we do not break this unfortunate and unnecessary and harmful gridlock, either the majority leader is going to have to file cloture or leave the bill and go on to other pressing business— FAA reauthorization and the like—and that would be not only disappointing to us, but having aroused the hope that we would respond to the public concern and anger about the possibility that we are not covered by insider trading laws, we will have ended up increasing that concern and anger and disenchantment with Congress. I do not think any of us want to do that.

> With that appeal to our colleagues to apply a certain rule of reason so we can get something done that will be good for our government and the people's respect for us, I am very pleased to see my colleague from Connecticut, Senator Blumenthal, in the Chamber. I know he has an amendment he wants to offer at this time, and I will yield the floor to him.

> The PRESIDING OFFICER. The Senator from Connecticut.

> Mr. BLUMENTHAL. Madam President, I thank the Presiding Officer, the distinguished Senator from New York, and my colleagues, Senator LIEBER-MAN, Senator Collins, and Senator Brown, for their superb leadership on this issue, and I am very pleased to strongly support the underlying bill.

AMENDMENT NO. 1498 TO AMENDMENT NO. 1470

Madam President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. BLUMENTHAL. Madam President, I call up amendment No. 1498.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. BLUMENTHAL], for himself and Mr. KIRK, proposes an amendment numbered 1498 to amendment No. 1470.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that reading of the amendment be dispensed

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

The amendment is as follows:

(Purpose: To amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses)

At the appropriate place, insert the following:

#### . APPLICATION TO OTHER ELECTED OF-FICIALS AND CRIMINAL OFFENSES.

- (a) APPLICATION TO OTHER ELECTED OFFI-CIALS.-
- (1) CIVIL SERVICE RETIREMENT SYSTEM.-Section 8332(o)(2)(A) of title 5, United States Code, is amended-
- (A) in clause (i), by inserting ", the President, the Vice President, or an elected offi-

cial of a State or local government" after 'Member'': and

(B) in clause (ii), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"

(2) Federal employees retirement sys-TEM.—Section 8411(1)(2) of title 5, United States Code, is amended-

(A) in subparagraph (A), by inserting ", the President, the Vice President, or an elected official of a State or local government" after 'Member"; and

(B) in subparagraph (B), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"

(b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

"(iii) The offense-

"(I) is committed after the date of enactment of this subsection and-

"(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi): or

"(II) is committed after the date of enactment of the STOCK Act and-

"(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii)."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

"(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

"(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

"(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the Unites States Court of Appeals for the Federal Circuit by Member of Congress).

"(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

"(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

"(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

"(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

"(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

"(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

"(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

"(xi) An offense under section 607 of title 18 (relating to place of solicitation).

"(xii) An offense under section 641 of title 18 (relating to public money, property or records).

"(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

"(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

"(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

"(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

"(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

"(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

"(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

"(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

"(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

"(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

"(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

"(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

"(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

"(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

"(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

"(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

"(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xviii), (xviii), (xix), (xx), (xxi), (xxiii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

"(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

"(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiii), (xiv), (xv), (xvi), (xviii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

"(II) an offense under clause (xxix), to the extent provided in such clause.

"(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).".

Mr. BLUMENTHAL. Madam President, essentially this amendment, very simply and directly, assures that Members of Congress who may be prosecuted and convicted of the offenses specified in the amendment also should see their pensions revoked, along with potentially other crimes that they may have committed.

The purpose essentially is to assure the credibility of Congress by revoking pensions of corrupt Members of Congress, not only those who may be convicted under this pending bill—insider trading—but also a variety of other public corruption offenses. In fact, the amendment adds 22 new public corruption offenses to existing law that merit the cancellation or revoking of congressional pensions.

I have worked with Senator KIRK, who, unfortunately, could not be with us today. He and his staff have been integral. It is a bipartisan-proposed statute that is similar to one I worked to enact in Connecticut when I was the attorney general there.

The guiding principle is absolutely crystal clear, consistent with the basic measure we are considering: not one dime of taxpayer money should go to corrupt elected officials.

Over the past 50 years, Members of Congress have been convicted of 16 separate felonies. So the need for this measure is considerable, even if it is a small minority of the Members of Congress. In fact, right now, approximately \$800,000 a year is paid to Members of Congress who have been convicted of these kinds of felonies.

So I wish to particularly thank Senator Kirk and quote him since he could not be here today. He said, earlier this year, of this legislation:

American taxpayers should not be on the hook for the pension benefits of convicted felons. Expanding current law to include additional public corruption felonies will block pension benefits for Members who fail to honor their pledge to defend the Constitution and uphold the laws of the United States. Once you have violated the public trust in that way, I think that the taxpayers should not be supporting your retirement.

In short, very simply, a breach of law by an elected official is a serious offense that should have consequences. Taxpayers should not pay for the retirement benefits of elected officials convicted of a felony—Members of Congress, anyone else—especially as the United States faces the soaring deficits that it does now and the crippling debt that grows even higher.

I urge my colleagues to support this amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1491 TO AMENDMENT NO. 1470

Mr. SHELBY. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up my amendment No. 1491, which is at the desk.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1491 to amendment No. 1470.

Mr. SHELBY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies)

On page 7, line 7, strike "a" insert "each officer or employee as referred to in subsection (f), including each".

On page 7, line 8 insert a comma after "employee of Congress".

At the end, insert the following:

#### "SEC. 11. PROMPT REPORTING AND PUBLIC FIL-ING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

"Each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978."

Mr. SHELBY. Madam President, I rise today to talk about the amendment that I have offered, No. 1491, to the STOCK Act.

Right now, the STOCK Act, as it is written, does not apply to the public disclosure requirements to the executive branch or independent agencies.

The amendment that I have offered this morning ensures the public disclosure of all trading by senior government officials. Yes, I will say it again. My amendment ensures the public disclosure of all trading by senior government officials.

This is a very reasonable amendment, as it is limited to the executive branch and independent agency personnel who are already subject to the reporting requirements.

My amendment merely expands the enhanced disclosure requirement under the STOCK Act to these current filers. Without this amendment, it would be impossible for the public to know whether the executive branch officials are complying with the STOCK Act. The public should be able to monitor trades of all executive and legislative branch officials in the same manner.

while leaving the executive branch and independent agencies in the dark.

Ironically, the disclosure provisions of the STOCK Act currently do not apply to the Securities and Exchange Commission, their employees, and so forth, which is the body that will be responsible for enforcing such provisions on Congress. That is nonsense. The SEC, which has access to vast financial markets information, should be held to the same standards it has been charged with enforcing.

My amendment will apply the disclosure provisions of the STOCK Act to all branches, ensuring transparency for all in government.

I appreciate the willingness of the chairman and ranking member of the Homeland Security and Governmental Affairs Committee to work with me. I look forward to working with them more to improve public disclosure for both the executive and legislative branches

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut

Mr. LIEBERMAN. Madam President, I thank my friend from Alabama for coming to the floor and proposing his amendment. I agree that there should be parity between the legislative and executive branches wherever it is appropriate. I am very happy to work with him

I must say that yesterday we made some progress on a somewhat similar amendment by Senator Paul to appropriately scope the amendment on requiring executive branch officials to report on their financial transactions to Senate-confirmed positions. I don't know whether that is the resolution here, but I think we should work on it. I want to state for the record that the executive branch is not free of conflictof-interest regulations. In fact, in some sense you might say they have tougher restrictions. Even the SEC employees have to get permission before they can make stock transactions, and then they have to file disclosures not within 30 or 10 days but within 2 days, I believe. There are many other regulations on them.

I think part of what is going on here is the nature of the two branches of Government to deal with conflicts of interest. We have focused on a system of disclosure and transparency. We have embraced the adage that sunlight is the best disinfectant. In contrast. the executive branch actually addresspotential conflicts of interest through not just transparency but statutory mandates that require the divestiture of stock when it may involve a conflict of interest and recusal being involved in handling anything that relates to any personal interest that an individual in the executive branch has. There is a very extensive system of high-ranking agency officials being

Let's not make Congress transparent forced to divest themselves of conforth. We would then have a certain flicting stock holdings—obviously, sometimes at a financial loss.

> There could be an amendment to come up on that. But to do it in exactly the way—at least on the recusal section—the executive branch does it would not be appropriate for Members Congress because Members are called on to vote on issues across the widest array of activity. Recusal, therefore, is not a viable option because it would deny our constituents representation and our votes on a very wide array of public issues. An amendment on divestiture of blind trusts or mutual funds is another question.

> But the main point I wanted to make is there is a lot of regulation on the executive branch. The ethics rules, requirements, and guidance that have been put forth over the years by the Office of Government Ethics and at the agencies are extensive. I know volume of pages of law isn't everything, but it says a lot. There are six pages in the Senate Code of Conduct that cover conflicts of interest, while there are literally hundreds of pages of rules and requirements governing such conflict of interest situations for the executive

> The amendment offered by the Senator from Alabama, as drafted, would require that the annual filings of over 300,000 career civil servants and managers be published on the Internet. That is a lot of people and a lot of work to be done to process and handle those. But I understand the intention of Senator Shelby. I think it is a good intention. Senator Wyden has a similar amendment, and I wish to work with them, as I know Senator Collins would as well, to see if we can come to some meeting of the minds that would allow us to achieve the purpose we all have in the underlying bill, which is to build confidence in our government and its integrity.

> The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Maine.

> Ms. COLLINS. Mr. President, I support the intent of the amendment offered by the Senator from Alabama. I think he is right, we need parity, as much as possible, in the disclosure requirements. I also believe he is correct the disclosure reports should be online so they are easily accessible. So the intent of his amendment is one I wholeheartedly support.

> As Senator Lieberman does, I have some questions about the universe of Federal employees who would be covered by the amendment of the Senator from Alabama. We have been working successfully with the Senator from Kentucky, who first brought up this issue of parity, to make sure the scope of coverage is appropriate. It seems to me one way to solve these issues is to use a similar scope as we have agreed on with Senator PAUL in the amendment that Senator Shelby has brought

consistency that we had vetted the universe of Federal employees that should be covered. That seems to me to be a very appropriate and relatively easy fix to this issue.

I do want to emphasize that I agree with Senator Shelby that those Federal employees should be required to file in the same timeframes as Members of Congress and their staffs, and that certainly those reports should be accessible online.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1481

Mr. BROWN of Ohio. Mr. President, across the Nation, Americans wonder if Washington is working for them. Congress's approval rate, as we know so well, is an abysmal 13 percent, 12 percent—different surveys—but not very good. One factor contributing to this distrust is the sense that elites in Washington are using their positions to get ahead financially. Members of Congress have the privilege and the honor of being elected to serve the public. Unfortunately, some elected officials have used the information they have acquired through service to the public—and I might put service to the public in quotation marks—to enrich their stock holdings. That is wrong. Public servants should not receive financial benefits for the votes they cast or the issues they work on. That is why I appreciate the work Senator GILLIBRAND, Senator LIEBERMAN, and Senator Col-LINS are doing in this legislation.

How many articles do we have to read about the appearance of impropriety on the investment decisions of lawmakers and their staff? In a Washington Post article from June of 2010. Taxpayers for Common Sense said:

By being on a committee with a particular jurisdiction, they're in a better position of influencing the performance of their investments, or at least appearing to have that ability.

I am not saying my colleagues do that. I think perhaps some do. I do not know that, but I do know that the appearance to the public is that Members of the Senate are in a position to enrich themselves on a variety of issues and investments.

In a Washington Post article on December 20, the Project on Government Oversight—this was about a year, 13, 14 months ago, this article—said:

It's a problem. They will come back and say that it's ludicrous that I would think of my stocks, that they only think about the nation's interests and of their constituents. The problem is, we can't know.

That is exactly right. We can't know. This is a USA editorial from yesterday:

If lawmakers were really concerned with ethics, they'd put their equity holdings in blind trusts, so they wouldn't have the obvious conflict of interest that comes from setting the rules for the companies they own.

Banking committee members wouldn't invest in financial institutions, armed services committee members wouldn't invest in defense contractors, and energy committee members wouldn't investment in oil companies.

These stories simply do not reflect well on the world's greatest deliberative body. Most of us think these investments don't affect our decisions. They probably do not. But isn't it time we hold ourselves to a higher standard?

That is what the STOCK Act is all about. The Senate is considering the STOCK Act, which clarifies the insider trading laws, that they apply the same way to Members of Congress as they do to people in the rest of the country. But the STOCK Act only deals with insider trading, which is very important, but that is only a small part of the problem. Senator MERKLEY and I are proposing the Putting the People's Interests First Act amendment to the STOCK Act. It would require all Senators and senior staff, probably legislative director, their most senior legislative people—person—and their Chief of Staff, all Senators and their Chiefs of Staff, all subject to financial disclosure, to sell individual stocks, divest themselves of individual stocks that create conflicts or place all of those individual stock investments in blind

No one is required to avoid equities. We can still invest in broad-based mutual funds or exchange-traded funds. We have already had this in a limited way. Senate ethics rule 37.7 requires committee staff making more than \$25,000 a year to "divest himself or herself of any substantial holdings which may be directly affected by the actions of the committee for which {that person} works" unless the Ethics Committee approves an alternate arrangement.

The Armed Services Committee requires all staff, spouses, and dependents to divest themselves of stock in companies doing business with the Department of Defense and Department of Energy. The Committee does permit the use of blind trusts.

In the executive branch, Federal regulations and Federal criminal law generally prohibit employees, their spouses, and their children from owning stock in companies they regulate.

All Senator Merkley and I are saying is Members of the Senate should hold themselves to the same standard we require of committee staff and executive branch employees. We tell committee staff and executive branch employees they can't do this. Why should we be allowed to do this? If we think

this is a sacrifice—which it is not, ultimately—remember that while the median net worth of all Americans dropped 8 percent from 2004 to 2010, the median net worth of Members of Congress jumped 15 percent over that same period. It is not a judgment of my colleagues, simply what we should do, what the public would want us to do.

Some argue selling our stock will make us lose touch with the rest of society. That thinking falls on deaf ears for most Americans. Why should they vote on issues that affect the oil industry when they own oil stocks? Why should Members of the Senate vote on issues that affect health care when they own stock in pharmaceutical companies—Big PhRMA stocks?

Appearance matters. Right now the American people do not trust that we are acting in the Nation's best interests far too often.

I will close with this and then turn to Senator Merkley. Public service is a privilege. Folks around Washington are paid pretty well for what we do—are paid very well for what we do. We take these jobs seriously. We should take them seriously. We should look at them as the privilege they are to serve in the greatest deliberative body in the world and get to serve my State, 11 million people; the State of Senator GILLIBRAND, 19 million people, something like that; and the State of Senator Merkley-millions of people we serve. It is a privilege to do it. There is no reason our colleagues need to be buying and selling stocks in multimillion dollar portfolios. When asked about the fact that the Senate Armed Services Committee conflict of interest rules apply only to staff and to DOD appointees, President Bush's Deputy Secretary of Defense Gordon England said, "I think Congress should live by the rules they impose on other people.

In the State of the Union Address the President said, "Let's limit any elected official from owning stocks in industries they impact."

Everything we do in this body, almost everything we do—committee hearings, floor sessions, calls to agencies—affects businesses and the profits businesses make or do not make. That is why Senator Merkley and I are introducing this amendment. It is simple. It is direct. The public should expect nothing else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to rise today in support of the STOCK Act and in support of amendment No. 1481 that my colleague from Ohio has put forward to address the fundamental issues of conflict of interest that reside here in our body.

Let me start with the defining principle; that is, there should not be one set of rules for Members of Congress and a different set of rules for ordinary

Americans. I think the citizens of the United States of America in every State understand that principle. Everyone else in the country has to abide by rules that say they cannot profit in the stock market from privileged information. There is no reason those rules should not apply to Members of Congress.

Indeed, Members of Congress at any given time can hold access to immense amounts of information from previews of economic forecasts, from advanced knowledge of events affecting major employers in their State, to classified defense information that might have implications for, for example, the oil market.

Under the right circumstances, all of this information can provide insider knowledge of which ways the markets are likely to move. So I am delighted that this body has voted overwhelmingly to move forward with the STOCK Act. It would make clear that trading on congressional knowledge is no more acceptable than any other form of insider trading, and it would also make financial disclosures for Members of the Senate searchable online, and that is also very important in the principle of transparency.

These are important steps, but they do not go far enough. Let's remember that insider trading is extraordinarily difficult to define and extraordinarily difficult to prosecute. Where did you get that information and what truly motivated you to make a particular trade in a stock? And because of that, when the conflict of interest exists, we have stepped forward to say that this must be addressed. We ask members of the executive branch to put aside their individual stocks in situations where the conflict arises. We ask our staff members to set aside and divest themselves of their stock when a conflict of interest arises. We applaud the fact that partners in law firms dealing with cases set aside and divest themselves of stock when the conflict of interest arises. But somehow we have not seen fit to have the debate about our own

My colleague put it very well when he said: Why should we allow Members of Congress to hold oil stocks and then vote on issues affecting oil companies? Why should folks be able to invest in renewable energy companies and then fight for tax credits that benefit renewable energy companies? Why should we allow Members to hold stock in pharmaceutical companies and then be deciding on issues such as whether we should have competition in the pricing of pharmaceuticals for Medicare? It is a direct conflict of interest.

Any Member of this body who says, I never even gave a passing thought to the impact on my several-hundred-thousand-dollar investment in X, Y, and Z, I must say, well, I honor their thought, but it doesn't address the

issue about us as an institution because no one else outside these walls will believe you didn't think a little bit about the impact on your personal financial portfolio when you voted for that tax credit or you voted for that policy that made your investment worth a lot more than it would have been otherwise.

The people in America are far ahead of us. During January, I had seven townhall meetings in which the STOCK Act came up several times, and I asked for feedback. I said: How many folks here believe Congress should live by the same rules of insider trading that everyone else in America lives by? And there was not a person who raised their hand in support of having a separate set of rules for Congress. Then I asked the question: Do you think we should go further? Should Members not be allowed to hold individual stocks given that they are making decisions that affect the values of the stock? Again universal support that Congress should address this conflict of interest in the same way we have addressed it for the executive branch or for our staff members. So the citizens of this country understand this.

The amendment that Senator Brown championing and that I am partnering to support has three advantages: It directly prevents conflict of interest, and that is a good thing. Second, it eliminates the appearance of impropriety. It gives Americans confidence that we are addressing issues not with a thought to our personal financial status, and that is a good thing. Third, it is very straightforward to enforce. It is not like insider trading, which is difficult to define and difficult to prosecute. It is very clear-cut. You get rid of your individual stocks and you hold broad mutual funds, you hold your investments in a blind trust. These are reasonable options. So for these three reasons, the Members of this body should debate this.

I know many do not agree. A number have come up to me and said they are almost offended by the notion that we would address conflict of interest in this body. I would invite them to come to the floor and converse on this. Yes, it is a longstanding Senate tradition, but there have been a lot of longstanding Senate traditions that didn't work well for the Senate and our place in helping to shape the laws of this Nation. We have changed many of them, and we should change this.

I encourage my colleagues to support the amendment Senator Brown has put forward, and I applaud him for doing

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1481, AS MODIFIED

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to bring up a modified version of amendment No. 1481.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

## SEC. \_\_\_\_\_. PUTTING THE PEOPLE'S INTERESTS FIRST ACT OF 2012.

- (a) SHORT TITLE.—This section may be cited as the "Putting the People's Interests First Act of 2012".
- (b) IN GENERAL.—A covered person shall be prohibited from holding and shall divest themselves of any covered investment that is directly, reasonably, and foreseeably affected by the official actions of such covered person, to avoid any conflict of interest, or the appearance thereof. Any divestiture shall occur within a reasonable period of time.

(c) Definitions.—In this section:

- (1) SECURITIES.—The term "securities" has the same meaning as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).
- (2) COVERED PERSON.—The term "covered person" means a Member, officer, or employee of the Senate, their spouse, and their dependents.
- (3) COVERED INVESTMENT.—The term "covered investment" means investment in securities in any company, any comparable economic interest acquired through synthetic means such as the use of derivatives, or short selling any publicly traded securities.
- (4) OFFICER OR EMPLOYEE.—The term "officer or employee of the Senate" means any individual whose compensation is disbursed by the Secretary of the Senate or employee of the legislative branch (except any officer or employee of the Government Accountability Office) who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.
- (5) SHORT SELLING.—The term "short selling" means entering into a transaction that has the effect of creating a net short position in a publicly traded company.

(d) EXCEPTIONS.—

- (1) BROAD-BASED INVESTMENTS.—Nothing in this section shall preclude a covered person from investing in broad-based investments, such as diversified mutual funds and unit investment trusts, sector mutual funds, or employee benefit plans, even if a portion of the funds are invested in a security, so long as the covered person has no control over or knowledge of the management of the investment, other than information made available to the public by the mutual fund.
- (2) CERTAIN SPOUSAL INVESTMENTS.—Nothing in this section shall preclude a spouse from purchasing, selling, investing, or otherwise acquiring or disposing of the securities of the company in which the spouse is employed.

(e) Trusts.—

- (1) IN GENERAL.—On a case-by-case basis, the Select Committee on Ethics may authorize a covered person to place their securities holdings in a qualified blind trust approved by the committee under section 102(f) of the Ethics in Government Act of 1978.
- (2) BLIND TRUST.—A blind trust permitted under this subsection shall meet the criteria in section 102(f)(4)(B) of the Ethics in Government Act of 1978, unless an alternative arrangement is approved by the Select Committee on Ethics.
- (f) APPLICATION.—This section does not apply to an individual employed by the Secretary of the Senate or the Sergeant at Arms.
  - (g) Administration and Enforcement.—

- (1) ADMINISTRATION.—The provisions of this section shall be administered by the Select Committee on Ethics of the Senate. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this section
  - (2) Enforcement.—
- (A) PENALTY.—Whoever knowingly fails to comply with this section shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation.
  - (B) REPORTING.—
- (i) COMMITTEE NOTIFICATION.—The Select Committee on Ethics shall notify the United States Attorney for the District of Columbia that a covered person has violated this section
- (ii) SECRETARY OF THE SENATE NOTIFICATION.—The Secretary of the Senate shall notify the United States Attorney for the District of Columbia that a covered person required to file reports under title I of the Ethics in Government Act has violated this section

Mr. BROWN of Ohio. Mr. President, I would just briefly explain that we narrowed the amendment to only cover those who disclose, which means people pretty much making over \$120,000 or so. It conforms with the disclosure requirement under the STOCK Act. Our concern is top staff in major decision-making positions and sitting U.S. Senators. That is our target, that is our concern, and we wanted to conform it with provisions Senator GILLIBRAND has put in her legislation subject to the STOCK Act.

Thank you, Mr. President. I appreciate Senator MERKLEY's input and involvement in helping with this amendment.

I yield the floor.

Mrs. GILLIBRAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

AMENDMENT NO. 1500 TO AMENDMENT NO. 1470

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 1500.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mrs. HUTCHISON, proposes an amendment numbered 1500 to amendment No. 1470.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit unauthorized earmarks)

At the end of the amendment, insert the following:

## EC. \_\_\_\_\_. PROHIBITION ON UNAUTHORIZED EARMARKS.

- (a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.
  - (b) SUPERMAJORITY.—
- (1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.
- (2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.
- (c) EARMARK DEFINED.—In this resolution, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—
- (1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;
- (2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or
- (3) is awarded through a statutory or administrative formula-driven or competitive award process.

Mr. INHOFE. Mr. President, today I understand Senator Toomey is going to be offering an amendment that will—it is quite an oversimplification to state it this way, but it would make permanent the temporary ban on earmarks. I think this is something we have talked about and talked about and talked about on this floor. In fact, the last time we talked about an amendment to put a moratorium on earmarks, my conservative rating of No. 1 in the U.S. Senate moved to No. 20 because I was telling the truth and not demagoguing an issue.

The problem we have is this: When the House of Representatives, first of all, came up some time ago—2 years ago—with doing away with earmarks, putting a moratorium on earmarks, then they defined what that moratorium was and defined an earmark in a certain House rule. The bottom line is this: It said it is any kind of an appropriation or authorization.

Now, here is where the problem is. Because everybody is upset with the process that has taken place by Democrats and Republicans on the floor of this Senate—and I will not name, but I think most of the Members know the ones I am talking about. Many of them are members of the Ap-

propriations Committee, where they would sit down during the course of an appropriations bill, and they would swap out deals, favors, and get things for their State. This is the type of thing that is wrong, and it should not take place.

But I have to remind my friends here that we have a Constitution for this country. Article I, section 9 of the Constitution makes it very clear that we—those of us in this Chamber and in the House Chamber across the hall—have a primary constitutional responsibility; that is, to authorize and appropriate. That is what article I, section 9 of the Constitution says we are supposed to be doing.

If you go back and study what Justice Joseph Story, back in 1833, talked about, he kind of made the interpretation of the intent of the Constitution so far as what our duties and the President's are. He said very clearly that we are doing this because if the President has the power to do the appropriating—or if you want to call it earmarks, you can call it earmarks—appropriating or authorization, that is too much power in the hands of one person. So he is very specific that our Founding Fathers wanted to make sure the President does not do this.

So what happens today? Today we get a budget from the President, which is taking place right now as we speak. I could talk about this, all the deficits in the budget and all that, but that is not my purpose for being here. My purpose for being here is to articulate how things are working today and how they have worked up until the moratorium language came into effect.

The President sends a budget to Congress. Then that is supposed to go to authorizing committees. I am on two authorizing committees—one is Environment and Public Works, one is the Senate Armed Services Committee. The Senate Armed Services Committee is staffed with experts in areas of missile defense, in areas of national defense, in areas of strike vehicles, in areas of lift capacity—all the areas that are in his budget in every area of national defense. But here is the thing: These are experts, so they advise us as we have our meetings and we are drafting in the Senate Armed Services Committee—SASC—the defense authorization bill, the NDAA, as we did just a few months ago. We come up with how we think we should be spending the money to defend America within the parameters of the President's budget.

I will give you an example. A couple years ago, before there was any discussion on the moratorium, the President had in his budget \$330 million to go to a launching system. It was called a bucket of rockets. It was a good system, something we need, something that would be very helpful to have. But with the limited resources we have and the fact that we were fighting a war on

two fronts at that time, we made a determination in the Senate Armed Services Committee that \$330 million would be better spent if we bought six new F-18E/F models. Those are strike vehicles. One of the reasons for that was the President in his budget did away with the only fifth-generation fighter we had, the F-22. That was back in his first budget, and he is talking about delaying the F-35, the Joint Strike Fighter, which is going to be necessary to have.

So we made that decision, and that was made by a majority of the members of the Senate Armed Services Committee. It had nothing to do with whose home State makes the F-18. None of that made any difference. It was just that we could do a lot more to defend America by having six new F-18s than we could by having the launching system called a bucket of rockets. Now, if you do that today, that is an earmark, to say: Well, no, that was not in the President's budget.

I have to remind everyone, it does not matter whether the President of the United States is a Democrat or Republican; the President is the guy who designs the budget. A lot of people do not know that. It is not the Democrats, not the Republicans, not the House, not the Senate. It is the President. When he designs this budget, he makes the determination as to how he thinks everything should be spent. If we say we cannot do authorization and appropriation, then that would be called an earmark, and there is a ban on earmarks.

The reason I have kind of walked around the barn a long way on this issue is that I have an amendment, the amendment I have just now brought up for consideration, amendment No. 1500. What that does is it merely defines an earmark as an appropriation that has not been authorized. I just described the authorization process. If we go through that, then there are not going to be any earmarks in the way most people think of earmarks, but we will be doing our duty.

I feel very confident we are going to be able to get this passed. Several of the individuals here very responsibly have talked about this issue. For example, Senator Toomey said yesterday on the floor that some earmarks "ought to be funded. But they ought to be funded in a transparent and honest way, subject to evaluation by an authorizing committee." So here is the author of the ban on earmarks agreeing that if we go through an authorization process, it is all right to fulfill our constitutional function of appropriating and authorizing.

Senator COBURN, my junior Senator, said:

It is not wrong to go through an authorization process where your colleagues can actually see it. It is wrong to hide something in a bill. . . .

Agreed. We all agree on that. That in what is best for the country, not was a year ago when he made that their financial interest. Members of statement.

Senator McCain—by the way, I introduced this amendment in bill form last year. He was my cosponsor. We introduced it together. That was merely changing the definition of an earmark to be an appropriation or spending that has not been authorized.

Senator McCAIN said:

Some of those earmarks are worthy. If they are worthy, then they should be authorized.

That is the whole issue. I can understand some Democrats wanting to do away with congressional earmarks because if they do that, it goes right back to Obama. If I were in a position where I felt President Obama or any other President could do a better job of appropriating money, that would be another motivation to do this. But for responsible conservatives who believe in what the Constitution says, this is a very easy solution to the problem.

The amendment will be brought up. I do not know when yet. I suppose I could find out just what our timing is going to be. But the amendment I have offered simply bans any congressional earmark that is not first authorized.

If we do this, instead of an outright ban, it will preserve our ability to keep the President's power in check. I would hope that many of my colleagues go back and read what our Founding Fathers had in mind when they talked about article I of the Constitution. I think they would find that they made it very clear we want to have a separation of those powers so we do not have either the House or the Senate or the Presidency doing everything. Instead, we should follow the Constitution.

So that is what my amendment is all about. I will be looking forward to bringing it up. I think it probably will be considered today. I look forward to that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, we have an incredibly important opportunity to do something so basic, so commonsense to begin restoring the faith and trust that the American people have in this institution. We have a responsibility to do it right, to show without question, without any ambiguity, that all Members of Congress, their staffs, and Federal employees play by the exact same rules as everyday Americans.

The American people deserve to know their lawmakers' only interest is

in what is best for the country, not their financial interest. Members of Congress, their families, their staffs, and Federal employees should not be able to gain any personal profit from information they have access to that ordinary Americans do not—whether it is trading stock or making inside real estate deals. It is simply not right. Nobody should be above the rules.

The commonsense bill before us would finally codify this principle into law, as it should be. Chairman LIEBER-MAN, Ranking Member Collins, Senator Brown of Massachusetts, and their committee members and staffs have crafted a very strong bipartisan bill with teeth that is narrowly tailored and targeted to ensure that we achieve this very common goal. Because of this bipartisan work, last night this Chamber came together in what has become nearly an unprecedented fashion these days and voted almost unanimously to begin debate on this sorely needed legislation. As we continue to debate, I urge my colleagues to focus on the specific task at hand. Let's show the American people we can come together and get this done to begin to restore their trust in us.

If there are ideas to make the bill stronger, let's debate them. But let's not get bogged down in the politics as usual, with nongermane side issues that will prevent us from swiftly moving on an up-or-down vote the American people expect of us. We are already starting in a strong position with our colleagues in the House.

This STOCK Act legislation is very similar to legislation introduced by my colleague in the New York delegation, Congresswoman LOUISE SLAUGHTER, and Congressman TIM WALZ. I thank them for their longstanding advocacy and focus and leadership on this important issue.

Our bill, which has received the support of at least seven good government groups, covers several very important principles. First, Members of Congress, their families, their staffs, and Federal employees should be barred from gaining any personal profit on the basis of knowledge gained through their congressional service or from using knowledge to tip off anyone else.

This bill will, for the first time, establish a clear fiduciary responsibility to the people we serve. This simple step removes any present doubts as to whether the SEC and the CFTC are empowered to investigate and prosecute cases involving insider trading of securities from using this nonpublic information. It also provides additional teeth. Such acts would also be in violation of Congress's own rules, to make it clear that this activity is inappropriate and subjects Members to additional disciplinary measures by this very body.

Second, Members should be required to disclose major transactions within 30 days to make this information available online for their constituents to see, providing dramatically improved oversight and accountability. We should be able to agree that these reports should be available in the light of day and not stored in some dusty back room.

The committee heard experts testifying during a Senate hearing that reducing this new reporting requirement to 90 days was not good enough. The committee listened to these experts carefully, and the bill has been strengthened and currently has a 30-day proposal, a sea change of improvement from the current reporting requirement of a yearly reporting requirement on a paper document.

Some critics say this bill is unnecessary and is already covered under current statutes. I have spoken with experts tasked in the past with investigations of this nature, and they strongly disagree. We must make it clear as day and unambiguous that this kind of behavior is illegal.

President Obama told us in the State of the Union to send him a bill, and he will sign it right away. We should not delay. This is the time to act. Let's show people who send us here that we can come together and do the right thing. Let's show them we know they deserve a government that is worthy of them. We have an opportunity to take a step toward restoring some of the faith that has been lost in Washington and in this institution. I urge my colleagues to seize this opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1489 TO AMENDMENT NO. 1470

 $\,$  Mrs. BOXER. I call up amendment No. 1489 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. ISAKSON, proposes an amendment numbered 1489 to amendment No. 1470:

At the end, add the following:

## SECTION 9. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by inserting after "spouse" the following:

", except that this exception shall not apply to a reporting individual described in section 101(f)(9)"

Mrs. BOXER, I am sure, listening to that, it is hard to understand exactly what this is all about, so let me take a moment.

I want to first thank Senators Lie-BERMAN and COLLINS for all their hard work and I want to thank Senator GILLIBRAND for writing the STOCK Act.

I come to the floor as the chairman the Ethics Committee with an amendment that we wrote together, Senator ISAKSON and I, who is the vice chair of the committee. So this is quite a bipartisan amendment and I don't think it should be controversial or troublesome in any way.

This amendment actually comes from a bill that Senator ISAKSON and I wrote together after the Countrywide fiasco. If you want to recollect that unhappy issue, it was a situation where Countrywide had set up a VIP program and they literally targeted Members of Congress of the House and Senate to put them into this program and never told the Members of Congress that there was this program, and yet it went forward. And because there is no rule that personal mortgages be shown on the disclosure form, this was quite a shock when it all came out. What we are saying is we want to improve the disclosure requirement on home mortgages.

Right now, if it is at your own personal home, you don't have to show the mortgage, and this would correct that. It would mean that you have to show the date the mortgage was entered, the balance, and a range, the interest rate, the terms, the name and address of the creditor. So it is an omission-but actually it is a pretty glaring omission in our financial disclosure requirements because, again, of the Countrywide example. We don't want to have a situation—because we are not allowed to get better treatment than anyone else. And the fact that we didn't disclose these mortgages—it was quite a story when it came to light that there was this special VIP program at Countrywide. So this legislation, this amendment, addresses this omission. It requires Members of Congress to make a full and complete disclosure of all the mortgages on their personal residences.

Again, right now this requirement is in place for mortgages that you may have on investment properties but not on your personal properties. It would include Members of Congress and their spouses as well.

In his State of the Union Address, the President spoke about the deficit of trust between Washington and the rest of the country. I don't know that this amendment is going to cure all those problems, but I do think it shows that we are ready to learn from a bad experience, which was the Countrywide experience. So I think the Boxer-Isakson amendment and the underlying bill are rently required to file an annual finansensible steps toward rebuilding our Nation's faith in government.

Again, the rules are already clear that we are not permitted to get any financial arrangements that are better than they are for any other constituent, so I think by this disclosure we are saying that even in our own personal mortgages we have to be aware of this. I think this listing is called for, and I urge my colleagues to support this amendment and the underlying legislation.

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

The PRESIDING OFFICER. clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I want to comment briefly on the amendment that has been proposed by the Senator from California to the legislation written by Senator Brown. Senator Gilli-BRAND has a similar bill as well, and I want to explain to our colleagues what the state of the current law is, which I think would be helpful.

Under the Ethics in Government Act of 1978, there is an exemption from disclosure for mortgages secured by real property that are the personal residence of the reporting individual or his spouse.

Under the liabilities section of that same report, which we now file annually, liabilities in excess of \$10,000 must be reported that are owed by the Member, the spouse, or the dependent child to any one creditor during any time during the reporting period. Credit card debts, for example, are reported. Other kinds of loans are reported. Mortgages held on investment properties—properties, for example, that are rented—are reported. The exemption only goes to the personal residence of the Member and/or the Member's spouse.

I am unclear, and need to get clarification from Senator Boxer and also Office of Government Ethics, whether her amendment would extend the new disclosure requirement that she is proposing to executive branch employees or whether it would only apply to the legislative branch. As I read her amendment, it looks as though it only applies to the legislative branch and perhaps only to Mem-

I would ask, through the Chair, if the Senator from California could clarify for me—this is truly an informational question—whether she is intending this new requirement to apply to congressional staff and whether she is intending this new requirement to apply to executive branch members who are curcial disclosure form.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I very much thank Senator Collins for that question.

Senator ISAKSON and I, as the chair and vice chair of the Ethics Committee, are applying this to the Members of Congress. That is because the scandal that took place with Countrywide involved the Members of Congress. We are not including staff in this. It also applies to more than one residence, because some of our Members have seven homes, six homes, four homes, two homes. If you have mortgages on any of those properties, you would now have to disclose those.

The PRESIDING OFFICER. The Senator from Maine

Ms. COLLINS. Mr. President, I thank the Senator from California for clarifying that issue and answering my question.

I guess my further question would be, why would we only apply it to Members of Congress and not apply it to members of the executive branch? For example, I would argue that if there are conflict of interest issues or allegations of a sweetheart deal for mortgages that might be revealed by this disclosure, that that would apply equally to, say, Treasury officials—in fact, even more so to Treasury officials or bank regulators—as it would Members of Congress.

I wonder if the Senator's intent is to make sure that Members are not getting sweetheart deals on their mortgages—which obviously no Member should be receiving a sweetheart deal on a mortgage—why that same logic would not apply to executive branch officials, particularly since arguably they have far more direct influence and jurisdiction and regulatory authority over financial institutions than do Members of Congress.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would be happy to go on as a cosponsor to Senator Collins if she wants to take on the additional burden of moving this idea forward. I don't have any problem with it.

The point is, I am here—and I have been very open about it because I know what I am talking about when it comes to Members of Congress, because as chair of the Ethics Committee, I don't oversee Treasury. This is not my role, this is not my expertise, and I am very humble about that. I did see what happened here, along with, I would say, every member of the Ethics Committee and Senator ISAKSON.

This is a bipartisan amendment and we know what we are talking about, and we are saying there was a problem and Members of Congress were courted by Countrywide. Did they court other people? I don't know. But if there is

some proof that they did and there is is not unique to the issue that has been need to go and cover them with a similar amendment, I would be happy to work with my colleague on that. But I am not going to change this particular piece of legislation, because I know what I am talking about here. I know how to fix this. I know we have made a big mistake, and I feel it is our job to clean up our own business. And our own business, when it comes to this, is not good.

Would I wish to look over at what the Bush administration did or what the Obama administration is doing or what other administrations will do? I am happy to do that. But I am here to address our house-our house. Clean it up. Act as a role model.

I do not have any problem with supporting another piece of legislation. Maybe there is a problem over there. I, frankly, do not know what their ethics rules are. I know what our ethics rules are, and I know we have made a glaring omission when Members may have three, four, five, six, seven houses; they may have two, three, four, five, six mortgages and they never have to show them. Let's clean it up.

If my friend believes there is need for another amendment, I am happy to look at it. But Senator ISAKSON and I are doing something we have long wanted to do. This is not something we just made up. We have had a bill for a long time doing exactly this. This is a moment we would like to get it done.

I vield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the reason I am raising this issue—I realize the Senator from California has not had the misfortune I have had, of being constantly on the floor listening to the debate on this bill—but a major issue we have been grappling with is parity in the rules. This issue has not just come up with regard to the amendment of the Senator from California, it has come up over and over.

I am not in any way singling out the Senator from California to raise this issue. This has come up on every single issue we have been tackling on the floor, which is, if we are going to have more disclosure for the legislative branch, should we not have the exact same or comparable disclosures for high-ranking executive branch officials?

The issue I raised, I wish to assure the Senator from California, is no means unique to her amendment. It has come up over and over and, indeed, the first amendment that we were supposed to have voted on last night was an amendment by Senator PAUL, making clear that this bill applied to the executive branch and then Senator SHELBY had an amendment to make sure there was online disclosure by the executive branch.

This is an issue that has permeated the entire debate on the STOCK Act. It raised by the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague for that because it was a little surprising. My understanding, and I hope to stand corrected by the Senator from Maine, if I am wrong, and the Senator from New York, that the whole idea behind the STOCK Act, the bill written by Senator GILLIBRAND and the bill written by Senator Brown, did not deal with the executive branch. I thought the whole notion behind this was for us to clean up our act. Clean up our act over here. That is the best way to proceed.

I have no problem if my colleague wants to write an amendment, she herself, on this particular issue. If she can make the case that it has been shown that VIP loans were given to members of the executive branch—whether under George Bush or Barack Obamaand I think in the years she is looking at it would have been under Bush, but those are the years the Countrywide scandal took place—if my friend has absolute information for me that shows that members of the Bush administration or the Obama administration got special treatment from the Countrywide scandal, I would like to know about it. I do not know anything about that at this time.

If my friend believes it would be a good thing to do, to offer a separate amendment covering certain members of the executive branch, I am happy to look at it. But it strikes me as bizarre that this has become an issue. It sounds like what is going on from the Republican side is all of a sudden they want to turn attention over to the executive branch rather than focus it on us-which I think is critical. But I am happy to look at any amendment that deals with abuses the Senator can show me were occurring over on the executive branch side during those years that Countrywide was doing its damage. I would be happy to support an amendment. But I think we should keep this amendment clean. I think this amendment should be clean because we are looking at a particular ethics rule and we are essentially cutting out a loophole which has allowed colleagues to not have to list their personal residences when, in fact, we know some of them got special treatment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me make the point to the Senator from California, I am a cosponsor of the STOCK Act. I cosponsored Senator Brown's bill, so it is not that I do not think legislation is needed in this area. I am a cosponsor on this bill and have commended him for his work. But the fact remains that in our committee markup the bill was changed.

I know the Senator was distracted when I answered that question. The bill was changed in committee to extend to the executive branch. It is in the bill that is before us now. The Senator was misinformed in that regard. The bill was changed to make very clear that the insider trading prohibition applied to the executive branch and that executive branch members have a duty to their agencies, to the government. We make that explicit. That was changed in committee.

The Senator is not correct that the bill that was brought to the floor only applied to Congress. It does not. It applies to the executive branch.

The second point I will make is this is not a partisan issue. We have bills on both sides of the aisle. We have amendments on both sides of the aisle. Indeed, we have disclosure amendments that apply to the executive branch coming from both sides of the aisle. Senator Wyden has a disclosure amendment that is similar to that of Senator Shelby's. We are working with both of those offices right now to try to work those out.

I do not know how this all of a sudden became a partisan debate or a debate about the Bush administration or anything. This is a debate about good government and how we can best assure the American people that, regardless of whether public officials are in the executive branch or the legislative branch, they are putting the public's interests ahead of their private interests and that they are not profiting from insider information, nonpublic information that is not available to the public which they are using inappropriately-if, in fact, that is even happening—for personal gain.

I did wish to clarify that the bill, as reported from committee, does apply to the executive branch as well as the legislative branch, that the statement made by the Senator was inaccurate in that regard, and that we have amendments on both sides of the aisle that we are working on right now to extend the disclosure requirements, the reporting requirements to the executive branch. Those are amendments coming from both Democrats and Republicans.

I would like to yield at this point to the Senator from Massachusetts.

Mrs. BOXER. Mr. President, if I can respond?

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mrs. BOXER. The Senator can't yield—I would like to have the floor now. She can't yield to another colleague except if it is for a question. I would like to have the floor since the Senator just said I was incorrect. I would like to correct her, if I might.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What I said was, when these bills were introduced, they were directed at the Congress. That is what I said. I talked about the bills. I did not talk about what went on amending them, et cetera. I will repeat what I said was accurate. Both Mr. Brown's bill and Mrs. GILLIBRAND's bill were, in fact, talking about the Congress.

What I would also like to say is if my colleague wants bipartisanship, she should be happy with this amendment since it is coming from Senators BOXER and ISAKSON, the chairman and the vice chairman of the Ethics Committee.

We did not investigate the executive branch and Countrywide's going after the people in the Bush administration and the Obama administration. We do not have that information. If she has information that shows there have been sweetheart deals over there. I certainly want to know about it. As I said, if my colleague wants to offer a firstdegree amendment that broadens this, I am happy to look at it. Because if it can be shown to me that there have been abuses over there, from the mortgage companies going after these folks over there, I am happy to agree to that. I would have to take it to Senator Isakson because he is, in fact, the coauthor. Also, I have to point out that this same amendment I offered was put forward in a bill by Senator CORNYN in 2008. So there is a lot of interest on this.

I am a person who likes to know what I am talking about. I try very hard. I do not know if there has been abuse from the mortgage companies over to the executive branch. But I know for sure there has been a big problem here with colleagues getting sweetheart deals. I want to put an end to it.

If my colleague wants to strengthen my amendment, she can offer a seconddegree amendment. If she can prove to me that there has been abuse and there has been a problem and there is not enough protection, I am happy to support it. But I guess I am a little taken aback as I come here in a bipartisan spirit to offer a bipartisan amendment, I have kind of been the subject of some weird sort of attack for not going far enough with my amendment. I find it bizarre, to be totally frank, and I will continue to stay on the floor until I understand what this is all about. Maybe I have nothing to do with it. If I said something wrong, I would like to know what it is. But I am offering, in good faith, a bipartisan amendment that is a no-brainer, that comes straight out of the Countrywide scandal that we studied in a bipartisan way, in Congress, and we are moving to correct the problems we know exist.

If there are more problems out there and if my friend has proof of that, if she can prove it to us, I am happy to support a first-degree amendment to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do not know why the Senator from California, first of all, is assuming I am somehow opposed to her amendment. I have not said that. What I raised was a very legitimate question of asking whether she had considered extending it to the executive branch.

Then her response seems to be an attack; that if I have information that there are problems and sweetheart deals in the executive branch, I should prove them.

I am not making allegations. I do not make unsubstantiated allegations against individuals. What I was trying to tell the Senator from California is that the issue of the scope and applicability of this bill has come up over and over. It came up in committee. We changed the bill in committee to make it clear that the prohibition against insider trading and a duty applied to the executive branch as well as to the legislative branch.

I have not criticized her amendment in any way. I asked a series of questions about the scope of her amendment because this issue has come up repeatedly, on both sides of the aisle. It came up in committee during our markup. It has come up on the Senate floor repeatedly as far as what the disclosure requirements should be and to whom they should apply.

I am the one who is baffled by the response of the Senator from California, since I have not indicated any opposition whatsoever to her amendment.

I have merely brought up the fact that the issue of the scope of this bill has come up repeatedly, so I was curious why she chose to have such a narrow bill rather than applying it to executive branch officials who filed the same kinds of disclosure.

The PRESIDING OFFICER. The Senator from California.

Ms. BOXER. Mr. President, we can go back and forth 100 ways to Sunday. I thought I explained exactly why Senator ISAKSON and I have a narrow bill. We are trying to fix a problem we know exists. We feel very strongly that for the good of the Senate, in particularbecause this is the body we serve in. We love it. We want to make it strong and appreciated and not derided. We had a scandal that touched this body and we had a thorough investigation. It took a long time to get to the bottom of it. We uncovered the fact that Countrywide had a sweetheart deal and they were aiming it at Members of Congress.

We have crafted this amendment to respond to what we know is a problem. I am not in the business of coming down here and legislating on things that I might guess are a problem or, gee, maybe I can throw out a fishing net and catch everybody in it. If there is a problem elsewhere, I am happy to support my colleague if she would like to broaden this. I am not against it. I am saying for me and Senator ISAKSON,

we have offered an amendment that cures a very simple problem; that ethics rules, as they are today, allow Senators and Members of Congress to avoid showing the mortgages they hold on personal residences. If the same thing exists in the executive branch, I don't know about that. I am dealing with an amendment here and so is Senator ISAKSON, that we know about.

If the Senator asks again why our amendment is narrow, let me again answer it in another way: We are curing a narrow problem but a problem that exists. We are not throwing out some big fishing net to catch everybody in it whom we don't know about. We think this will make the Congress a better place. We do. Because there are Members who have two, three, four, and five homes. They may have two, three, four, and five mortgages, and we think it is important for the public to know that.

But, again, I hope my colleague from Maine supports this. I don't know if she does.

She doesn't oppose it. That is a good start. I hope she supports it. If she feels she can make it stronger, she should offer a first-degree amendment, let me take a look at it, let me see whether it is necessary, and let me see whether there is reason to do it. I can surely tell her I am very open to broadening it, but the reason it is crafted the way it is is that it is dealing with a problem we are not guessing exists; we know it exists where there have been abuses before and we are trying to cure that problem.

I thank the Senator for her patience.
I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed that back and forth debate very much. I appreciate the spirit in which that amendment was offered. I wrote the original bill. It was my bill and Senator GILLIBRAND then filed a bill. We went through the committee process, and the original intent of the bill was to deal with insider trading. It applied to all Federal employees, not just congressional, so it is an insider trading bill.

The spirit of what we have been trying to do over the last day and a half is to address issues equally so as to eliminate all appearances of impropriety and for any branch of government to not play by the same rules as the American people would play by. So every single amendment that has come through this Chamber right now has not only been expanded to cover, obviously, those in the Senate and the House of Representatives but also equally to the executive branch.

So if this amendment is going to have any chance of passing, I can assure you I will not support it unless it specifically also applies to the executive branch. If she wants to amend it or

modify it to include that, then it will have a good chance of passing; if not, I will do my best to prohibit it because it needs to be applied to everybody. For us to come and say we need to come up with proof that somebody is doing something or not doing something-listen, it is no different than what we are trying to do on the insider trading bill. There is no one who has been brought to court and found criminally responsible. We are dealing on inference and reference and innuendo. That is why we are trying to reestablish the trust with the American people to do something that would not traditionally have been done but not for a 60-minute speech. So if we knew something was happening in the mortgage industry, great, let's let it apply across the board and not exclude a group of Federal employees for some particular political reason.

Once again, if she wants to amend it, great. If not, I am going to do my best to make it amended so we can have it apply equally if we are going to ultimately take it up.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Thank you, Mr. President. I also enjoyed this debate. I agree with Senator Brown. It is a form they already fill out now. We just have to add one other line. It is not complicated. I think it is a good idea. I will leave it at that.

I ask unanimous consent to speak in morning business about the STOP Act. The PRESIDING OFFICER. Without

objection, it is so ordered.

(The remarks of Mr. Begich pertaining to the introduction of S. 2054 are printed in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BEGICH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to thank the Senator from Alaska for his explanation of what has been going on as far as executive compensation with FHFA.

AMENDMENT NO. 1492 TO AMENDMENT NO. 1470  $\,$ 

Mr. TESTER. Mr. President, I would ask the Senate set aside the pending amendment and call up amendment No. 1492.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Montana [Mr. Tester] proposes amendment numbered 1492.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act)

At the end, insert the following:

## SEC. \_\_\_\_\_. SMALL COMPANY CAPITAL FORMATION ACT OF 2012.

- (a) SHORT TITLE.—This section may be cited as the "Small Company Capital Formation Act of 2012".
- (b) AUTHORITY TO EXEMPT CERTAIN SECURITIES.—
- (1) In general.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—
- (A) by striking "(b) The Commission" and inserting the following:
  - "(2) ADDITIONAL EXEMPTIONS.—
- "(A) SMALL ISSUES EXEMPTIVE AUTHORITY.— The Commission"; and

(B) by adding at the end the following:

- "(B) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:
- "(i) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed \$50,000,000.

"(ii) The securities may be offered and sold publicly.

"(iii) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

"(iv) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

"(v) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

"(vi) The Commission shall require the issuer to file audited financial statements with the Commission annually.

"(vii) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

"(I) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

"(II) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

"(C) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

"(D) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business oper-

ations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

"(E) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount."

(2) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(A) in subparagraph (C), by striking "; or" at the end and inserting a semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

"(d) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

"(I) offered or sold on a national securities exchange; or

"(II) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale."

(3) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking "section 3(b)" and inserting "section 3(b)(1)".

(c) STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as "Blue Sky laws") on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(A) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

AMENDMENT NO. 1503 TO AMENDMENT NO. 1470

Mr. TESTER. Mr. President, I ask that the amendment be set aside, and I ask unanimous consent to call up amendment No. 1503.

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

The clerk will report.

The legislative clerk read as follows: The Senator from Montana [Mr. Tester] proposes amendment numbered 1503.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require Senate candidates to file designations, statements, and reports in electronic form)

At the end, add the following:

## SEC. \_\_\_. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.".

Mr. TESTER. Mr. President, I also ask unanimous consent to be recognized to speak on this amendment for up to 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. TESTER. Mr. President, I am pleased to offer this amendment with Senator Cochran and ask unanimous consent that he be added as a cosponsor

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

Mr. TESTER. This is a straight-forward amendment. It simply requires candidates for the Senate, both challengers and incumbents, file their quarterly campaign finance reports electronically. Anyone seeking the Presidency or a spot in the U.S. House of Representatives is required to submit campaign finance records electronically right now, but Senators or would-be Senators are not. It makes no sense.

Right now, Senate candidates drop off a hard copy of their filing report with the Secretary of the Senate. Someone from the FEC comes over and then takes the reports over to the FEC to make copies, and then, finally, the copies are put online.

These documents often run hundreds of pages in length. The FEC estimates it wastes about \$250,000 of taxpayer money each year just to make those copies and put them online. Now, that might not sound like a lot of money in Washington, DC, but the idea of spending \$1/4 million on an outdated process represents what is wrong with Washington, DC.

Americans deserve to know how much money candidates raise and from whom, and they deserve to be able to access that information in real time.

It is not just the cost of the current process that folks should be angry about. The process of making copies and posting the documents online takes weeks. That is not just a waste of time, it is bad for the democratic process

Campaign finance data filed right before a general election is not available to the public until the following February, long after the election has already taken place.

Since the Citizens United ruling, folks aren't able to tell who is funding third-party advertisements. It is hard enough to know who is spending the money on third-party advertisements. The least we can do is to make sure that folks have better access to the information about who is giving to the candidates.

My bill from the last Congress had strong bipartisan support—14 Democrats, 6 Republicans, and 5 of the cosponsors are members of the Homeland Security Committee. I especially appreciate, and I wish to thank, the Republican manager of the STOCK Act, Senator COLLINS, for being a supporter of that original bill.

We have an opportunity to do something that cuts government spending and adds more transparency and accountability to the elections process. I urge all of my colleagues to support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, for the information of our colleagues, productive work is going on to try to reach a final list of amendments for the STOCK Act and to have an agreement which will come up for a vote, and to have that obviously by a bipartisan agreement. We are making progress. I hope we can continue to do that.

#### ORDER FOR RECESS

I ask unanimous consent that the Senate recess from 4 to 5 p.m. so that all Senators can attend a classified briefing.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do week after week, as a physician who practiced medicine in Wyoming for a quarter of a century to give a doctor's second opinion about the health care law.

I was thinking last week, while sitting in the House Chamber when the President was giving his State of the Union Address, about something he said. He said:

We will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits.

Repeating, he promised not to go back to an economy weakened by phony financial profits. That is why today, in the next hour or so, the House of Representatives will answer the President's call. They will agree. They will vote to repeal the CLASS Act—a program that is the perfect example of phony financial profits.

Let me explain further. President Obama's health care law established the CLASS Act—a brandnew Federal long-term care entitlement program. CLASS pays a stipend to individuals enrolled when they are unable to perform daily living activities, such as dressing, bathing, and eating. The issue is that to qualify for the CLASS benefit, an individual would have to pay a monthly premium for 5 years before the Federal Government starts to pay out any benefits. Well, that sounds great, but not so fast. It turns out that the math for the program doesn't add up and it will not work.

The worst part about it is that the administration has known from the very beginning that this CLASS Program—and the President's entire health care law—was built on phony financial profits. Specifically, the Obama administration hid behind a Congressional Budget Office estimate showing that this program would reduce the deficit by \$70 billion over a 10vear period. These savings are entirely mythical, and they come from premiums collected over the first 5 years. During that time, the program isn't required or even allowed to pay out individual benefits. Over its first 10 years, this program, the Congressional Budget Office estimated, would collect \$83 billion in premiums but would only pay out \$13 billion in benefits. But then instead of holding on to the \$70 billion in excess premiums collected to pay out future expenses, the Washington Democrats used it as an accounting gimmick, a budgetary trick to pay for the President's health care law. Adding insult to injury. Washington Democrats then tried to claim that the same \$70 billion could also be used to pay down the deficit. Talk about phony financial profits. This is the very practice used by the President that the President now objects to

The good news is that the administration finally admitted late last year that the CLASS Act was a complete failure and they could not make it work. The bad news is that the phony financial profits continue.

Just because the program won't go forward doesn't mean that the costs of the President's health care law don't go forward, because they do. Now the American people are stuck with the bill, and it is a much more expensive bill than the one they had been promised and the one they had expected. In fact, just yesterday, the nonpartisan Congressional Budget Office reported that the health care law is now likely to cost \$54 billion more than expected between 2012 and 2021.

As Politico says:

The big change that makes the law more expensive is the Obama administration's decision not to implement the CLASS Act,

which means the government will not collect \$76 billion in premiums over the next 10

I applaud the House for taking the lead and voting to repeal the CLASS Act. I call on President Obama and my colleagues in the Senate to do exactly the same. Senate majority leader HARRY REID should bring H.R. 1173, the Fiscal Responsibility and Retirement Security Act, to the Senate floor for a vote. This bill will repeal the CLASS Act so that the American people have a clear understanding of the cost of the President's health care law.

It is time to end the phony financial profits in the President's health care law that continue to burden our economy and our Nation. It is time to finally find out if the President truly does believe in fairness because if he does, he will repeal the CLASS Act and make it clear that he has the same accounting standards for Washington as he has for the private sector. Washington should not be able to cook the books and to make the President's health care law look more financially sound than it really is.

The American people are sick of phony financial profits, and they are demanding fairness in the public sector as well as the private sector. That is why I will continue to come to the floor and fight each and every day to repeal and replace the President's broken health care law-replace it with a patient-centered plan, a plan that allows Americans to get the care they need from a doctor they want at a price they can afford.

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

The PRESIDING OFFICER. clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

### RECESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate recess at this time under the previous order.

There being no objection, the Senate, at 3:59 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITE-HOUSE).

STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT-Continued

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

The PRESIDING OFFICER. clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, as we start Black History Month, I rise to discuss a national hero I have spoken about many times on the Senate floor. With this year's Black History Month focused on African-American women, it is all the more appropriate for me to talk about Maryland's Harriet Ross Tubman and her dedication to justice, equality, and service to this country.

In my career, I have spoken on the Senate floor, at events in Maryland, in meetings with constituents, and with my colleagues about Harriet Tubman's legacy. While I hope each opportunity I have taken to discuss the life of this remarkable woman helps raise the awareness about her importance to the history of our great Nation, my ultimate goal is to properly commemorate her life and her work by establishing the Harriet Tubman Underground Railroad National Historical Park on the eastern shore of Maryland, and, in working with my colleagues from New York, to establish the Harriet Tubman National Historical Park in Auburn.

A year ago this week, I reintroduced the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park Act with Senators SCHUMER, MI-KULSKI, and GILLIBRAND as original cosponsors. I am happy to say since that time the Senate Energy and Natural Resources Committees held a positive hearing on the bill, the Energy Committee favorably reported the bill, and it has been placed on the Senate calendar. I thank my colleagues on the committee for their support, particularly Chairman BINGAMAN and Ranking Member Murkowski, and the chairman of the National Park Subcommittee, Senator UDALL of Colorado.

The establishment of the Harriet Tubman Historical Park has been years in the making and is long overdue. The mission of the National Park Service has evolved over time, from preserving our natural wonders across the United States for recreational purposes to commemorating unique places of significance to historical events and extraordinary Americans who have shaped our Nation.

The woman who is known to us as Harriet Tubman was born in approximately 1822 in Dorchester County, MD, and given the name Araminta-Minty—Ross. She spent nearly 30 years of her life in slavery on Maryland's eastern shore. She worked on a number

Mr. CARDIN. Mr. President, I ask of different plantations on Maryland's eastern shore, and as a teenager she was trained to be a seamstress. As an adult, she took the first name Harriet, and when she was 25 years old she married John Tubman.

In her late twenties, Harriet Tubman escaped from slavery in 1849. She fled in the dead of night, navigating the maze of tidal streams and wetlands that to this day comprise the eastern shore's landscape. She did this alone, exercising incredible courage strength.

Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline Counties, where under the most adverse conditions she led away many family members and other slaves to freedom in the Northeastern United States.

She helped develop a complex network of safe houses and recruited abolitionist sympathizers residing along secret routes connecting the southern slave States and the northern free States. No one knows exactly how many people she led to freedom or the number of trips between the North and South she led, but the legend of her work was an inspiration to the multitude of slaves seeking freedom and to abolitionists fighting to end slavery.

Tubman became known as "the Moses of her people" by African Americans and White abolitionists alike. She is the most famous and the most important conductor of the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout, and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading slaves from those slave States to freedom during those years as well.

Following the Civil War and the emancipation of all Black slaves, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement and established one of the first incorporated African-American homes for the aged to care for the elderly. In 1903, she bequeathed the Tubman Home to the African Methodist Episcopal Zion Church in Auburn where it stands to this day. Harriet Tubman died in Auburn in 1913, and she is buried in Fort Hill Cemetery.

Fortunately, many of the structures and landmarks in New York remain intact and in relatively good condition. Only recently has the Park Service begun establishing units dedicated to the lives of African Americans. Places such as the Booker T. Washington National Monument on the campus of Tuskegee University in Alabama, the George Washington Carver National Monument in Missouri, the Buffalo Soldiers at Guadalupe Mountains National Park, the National Historical

Trail commemorating the march for voting rights from Selma to Montgomery, AL, and, most recently, the Martin Luther King Jr. Memorial on The National Mall.

These are all important monuments and places of historical significance that help tell the story of the African-

American experience.

As the National Park Service continues its important work to recognize and preserve African-American history by providing greater public access and information about the places and people that have shaped the African-American experience, there are very few units dedicated to the lives of African-American women, and there is no national historical park commemorating African-American women.

I cannot think of a more fitting hero than Harriet Tubman to be the first African-American woman to be memorialized with a national historical park that tells her story and her fight against institutions of slavery and the work on the Underground Railroad. I hope my colleagues will support my effort to honor Harriet Tubman and support the passage of my bill to authorize the creation of the Tubman National Historical Parks in New York and Maryland

Let me just point out that the landscapes in which she lived still exist today, and that will be an incredible part of the national park that can tell the story, particularly to young people, about the courage of this extraordinary woman. A number of structures exist in Auburn, NY, which complement her life as the conductor of the Underground Railroad, as well as her later life in helping to advance the rights of all people.

This is an incredible opportunity for us to honor her with this national park and to help future generations understand the history of America and the courage of this extraordinary leader and hero of our Nation, Harriet Tubman.

Mr. President, these parks will hopefully pave the way for the Park Service to develop more National Historical Park commemorating the lives of many other important African-American women in our history.

The vision for the Tubman National Historical Parks is to preserve the places significant to the life of Harriet Tubman and tell her story through interpretative activities and continue to discover aspects of her life and the experience of passage along the Underground Railroad through archaeological research and discovery.

The buildings and structures in Maryland have mostly disappeared. Slaves were forced to live in primitive buildings even though many slaves were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand.

As I mentioned, the landscapes of the Eastern Shore of Maryland, however, remain similar to the time Tubman lived there. Farm fields and forests dot the lowland landscape, which is also notable for the extensive network of tidal rivers and wetlands that Tubman, and the people she guided to freedom, would have traveled under the cover of night.

In particular, a number of properties—including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the master plan boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are currently protected by various conservation easements.

Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to freedom.

There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been exceedingly difficult.

The National Park Service determined that designating a Historical Park that would include two geographically separate units would be an appropriate tribute to the life of this extraordinary American.

The New York unit would include the tightly clustered Tubman buildings in the town of Auburn. The Maryland portion would include large sections of landscapes that are representive of Tubman's time and are historically relevant.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts but values she fought tirelessly for. She lived those principles and achieved freedom with hundreds of others. In doing so, she has earned the Nation's respect and honor.

Harriet Tubman is one of many great Americans who we honor and celebrate every February during Black History Month.

In schools across the country, American History curriculums teach our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our Nation during a contentious time in U.S. history. Now it is time to add to Tubman's legacy by preserving and commemorating the places representative of her extraordinary life.

Every year, millions of school children, as well as millions of adults, visit

our National Historical Parks and gain experiences and knowledge about our Nation's history that simply cannot be found in history books or on Wikipedia.

Our Nation's strength and character comes from the actions of the Americans who came before us and the significant events that shaped our Nation.

The National Park Service is engaged in the important work of preserving where American history has taken place and providing a tangible experience for all people to learn from.

It is one thing to learn about Harriet Tubman from a book, it is a completely different and fulfilling experience to explore, to see, to listen, and to feel the places where she worked as a slave, where she escaped from, and where she lived her days as a free American.

The National Park Service is uniquely suited to honoring and preserving these places of historical significance, and I urge my colleagues to join me in preserving and growing the legacy of Harriet Tubman by establishing the Harriet Tubman National Historical Parks in her honor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

REMEMBERING J. JOSEPH GARRAHY

Mr. REED. Mr. President, I rise today to join with my colleague and friend from Rhode Island to pay tribute to former Rhode Island Governor J. Joseph Garrahy, who passed away last week at the age of 81.

Joe Garrahy loved Rhode Island, and in turn the people of Rhode Island loved Joe Garrahy. His intelligence, his instinct, and his integrity led our State with compassion and courage. He believed in the people of Rhode Island and in the virtue of public service.

More than three decades after he left public office, Joe Garrahy remains one of our most respected and beloved leaders. A man of the people, the Governor of Rhode Island, Joe Garrahy, is a Rhode Island icon who will be held in high esteem for generations to come. Rhode Islanders lost a friend. We all lost a good friend.

John Joseph Garrahy was born in humble circumstances in Providence, Rhode Island, on November 26, 1930, the son of Irish immigrants. He graduated from La Salle Academy in Providence and attended the University of Buffalo and the University of Rhode Island.

The Governor began his political career in 1962 when he was elected to represent Smith Hill in the Rhode Island General Assembly. He served as Rhode Island's Lieutenant Governor from 1969 to 1976, and then was elected Governor and served from 1977 to 1985.

After his retirement from public life, Governor Garrahy was a business consultant who championed new economic development projects and helped existing businesses that have always been the backbone of our economy in Rhode Island. He never stopped looking for

beloved State of Rhode Island.

As Governor, Joe Garrahy had vision, initiative, and an incredibly strong work ethic. He possessed the unique ability to bring people together to address their needs at the most basic level while at the same time tackling the most pressing public policy issues of his time. He was also particularly gifted in bringing together opposing sides and would often invite diverse interests into the room to discuss issues and matters of conflict. Because of his integrity, his decency, and his sincerity, he was more than an honest broker; he was someone people trusted.

His leadership and his example led Rhode Island with special distinction. He brought people together because they innately trusted this kind and wise gentleman. They knew he always had the interests of the State at heart, not his personal ambition, not his personal progress, but the welfare of the people of Rhode Island. His list of achievements is long. His many good works have made a lasting impression on our State. He believed government could and must do all it can to improve the lives of its citizens.

He was elected Governor after the Navy decided to close Quonset Pointwhich was a premier naval air station in Rhode Island, a major employer and a major source of economic activityand reduced its presence in Newport. This was a shock to the economy of Rhode Island. In spite of double-digit unemployment and the challenging economy that was worsened by this departure, he set a new course to redirect resources and make government work for the people.

He fought for the rights of the disabled and led in the deinstitutionalization of the mentally disabled citizens of Rhode Island. He closed the Ladd School, which was our residential center, and he literally ended the practice of warehousing the disabled at the Institute of Mental Health. He reformed Rhode Island's prison system, which was plagued with unrest and violence. transforming it to a national model.

Following the energy crisis in the 1970s, the Governor provided resources to a much needed energy office to look for innovative ways to deal with a problem that still challenges the State and the Nation. He also forged creative partnerships with neighboring States throughout the Northeast and with leaders in Canada.

Governor Garrahy was a man of great passion, great decency, and he had a special affection for the elderly and the children of Rhode Island. Under his tenure he created the Department of Elderly Affairs and Children, Youth and Families, he said, to focus the attention of the State and make the delivery of services to these seniors and children more efficient and more effective. That was Joe Garrahy—thinking

and finding new ways to promote his not about himself but, in particular, thinking about the most vulnerable people in our society.

> He was always a great cheerleader for Rhode Island. He led the way for the Rhode Island Heritage Commission to flourish and to publicize and popularize our State's unique contributions to American history and its rich cultural heritage—a rich ethnic heritage which he was awfully proud of. He was always a staunch supporter of our tourism in-

> He also had a profound respect and regard for the environment and worked diligently to clean up pollution in Narragansett Bay and preserve our open spaces. He helped establish the Narragansett Bay Commission, which is one of the leading agencies in the State that treats our waste products and makes sure they are not discarded untreated into the bay. In fact, his efforts-with foresight years ago-paved the way for one of the largest projects ever completed in the State of Rhode Island, which now prevents sewage from flowing into our bay unabated. But this was just one of the extraordinary commitments he made to our environment.

> He was always looking to bring businesses to Rhode Island—high-tech businesses, along with businesses that would provide people the chance for employment, the chance to own a home, and the chance to provide for a better life for their children. He worked to revitalize, particularly, the downtown Providence area through his work with the Capital Center Commission, which did landmark work in literally reshaping the face of Providence, making it one of the most attractive and most compelling cities in our country.

> Throughout his administration, he always worked for public transportation facilities, and everything that would complement our economic growth. He did it with great passion, great diligence and, again and again and again, extraordinary decency.

> In his final days in office he launched The Greenhouse Compact, which was a bold economic revitalization plan. He proposed to create 60,000 high-paying jobs and lay the foundation to combat the dving manufacturing industries of the State of Rhode Island at that time. And although the compact was not approved by the voters—there were concerns about how it would be paid formany of its proposals have come to fruition; a tribute again to his foresight, to his vision, to his courageous leadership, and to his confidence, that bringing these issues to the people would eventually lead to their adoption. And they have.

> Joe Garrahy was the person you wanted leading you in difficult times. and there was no more difficult time than in 1978, when the great blizzard descended upon Rhode Island. Lit

erally, Rhode Island was paralyzed. You couldn't move. People were without communication, without electricity. But there was one constant beacon of hope and stability and strength, and that was Governor Joe Garrahy. He was the voice who quelled the anxiety—the fear, frankly—that this natural disaster would overwhelm us. In time of great turmoil, he was there. He assured us that help was on the way. And in what has become a famous historic relic in the State of Rhode Island, he did it all wearing the same plaid shirt, it seemed. That plaid shirt was a symbol of him: Nothing fancy: someone you could trust: someone you could depend upon; someone who rolled up his sleeves to get the job done for the people of Rhode Island to literally, in some cases, save people in a very demanding natural disaster through his leadership. He was, as I say again and again, one of the most decent individuals I have ever met. He was so kind to me, so understanding, so tolerant. And I am not alone.

I recall something that was said about another great American, Franklin D. Roosevelt. He was in his final position; the cortege was going down Pennsylvania Avenue. There was an individual by the side of the road who was weeping, literally. A reporter went up to him and said, Well, you must have known the President; you are so upset. And he said, No, no; I didn't know him, never met him. But he knew me.

Joe Garrahy knew the people of Rhode Island. He was a man of innate decency and goodness. He believed that every situation had some merit, a silver lining, something he could do to bring forth good out of bad, progress out of adversity. He was a man of deep faith, who worked hard, and remained optimistic and compassionate in every moment. He was a noble public servant. That word is used often, but no more accurately than with respect to Joe Garrahy, a man of nobility—a nobility born not of privilege or wealth but of character, conscience, and con-

He had an extraordinary winning personality. He was one of those people you wanted to bump into because he made you feel better. His warm, embracing personality, his humor, his friendliness, his caring, his sincerity, all those things transmitted this sense of knowing you and caring for you which was unique and will never, I think, in my mind, be replicated by any of us in Rhode Island.

Whenever you were with the Governor, you always felt a little bit better about where you were, about the future, and about the world. He was fond of people, and that fondness was repaid by a deep sense of gratitude for what he has done and profound respect for a wonderful man.

But above all this, he loved his family the most. He was a devoted husband, father and, as he was described by his grandchildren, their Poppy.

We remember him now, and we also remember his family because they have lost a great man. But he did so much for all of us to make us bigger and better that we can withstand this great loss.

I want to join with my fellow Rhode Islanders in offering my heartfelt sympathy to his wonderful wife Margherite and his wonderful family, Colleen and Michael Mahoney, their children Ryan and Michaela; John and Barbara Cottam Garrahy, their daughters Katherine and Elizabeth; Maribeth and Robert Hardman and their son Wesley; Sheila and Gregory Mitchell and their children, CJ, Todd, and Chad; and Seana and Michael Edwards and their children Drew, Brayden, and Ellie Rose.

We will miss him. But his legacy and his personal example of kindness and good will continue to sustain and inspire us. Today, we celebrate his life, and in the days and weeks and years to come we will remember him fondly as one of Rhode Island's greatest Governors. We are all the better for having Joe Garrahy in our Biggest Little State.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to join my senior colleague, Senator REED, in tribute to the memory of a great public servant and a great friend, Jay Joseph Garrahy, former Governor of Rhode Island, who passed away last week at the age of 81.

At his funeral services this week, he was remembered by an enormous crowd for his warmth, for his kindness, and for his steady leadership of our State.

Joe Garrahy was born in Providence, RI to a blue-collar, Irish immigrant family. He worked his way through Catholic school, and he served in the Air National Guard and in the Air Force during the Korean war. He came back home from the war and went to work as a beer salesman for our Narragansett Brewery. He was what they fittingly called a Narragansett Goodwill Man. And, as Senator Reed has explained, Joe Garrahy brought good will wherever he went.

He turned to politics and to public service with the 1960 Presidential campaign of John F. Kennedy. Joe followed his path himself, ultimately, with election to the Rhode Island Senate, and then he was elected statewide as Lieutenant Governor, and then served two terms as Rhode Island's Governor—serving as Chief of State in the very statehouse where his mother had once cleaned floors. It was a beautiful American success story for him to rise to lead the statehouse that his mother had cleaned.

The story was told at his funeral that when he was Lieutenant Governor and she was still cleaning the statehouse, he said: Mom, don't you want to find something else to do now that I am here as Lieutenant Governor? She turned to him and said: Joe, I got here first.

In his public life, Joe Garrahy always made the effort to be what he once described as "probably one of the easiest guys in the State of Rhode Island to get along with." He sure was. I don't think anyone who has worked with him over the years would disagree with that. Joe was certainly always very kind and supportive to me as I embarked on my fledgling career in public service.

But Governor Garrahy's service to our State stands as a guidepost for today's political leaders. He saw Rhode Island through the difficult economic recession of the early 1980s. He was a staunch defender of Narragansett Bay, our environmental jewel, and of Rhode Island's open spaces; his efforts to attract high-tech industries to Rhode Island and to advance our economy; his work on behalf of children and senior citizens and those with disabilities all continues to inspire us.

Of course, all Rhode Islanders who are old enough remember the blizzard of 1978, which buried parts of our State under 3 feet of snow and brought our roads and businesses to a shuddering halt. People spent days in factories, in movie theaters, in department stores where they were snowed in. I still recall the scene of cars up and down 95 covered in snow, abandoned, the road closed. Rhode Islanders are filled with stories of where they were and what they did during the great blizzard of 1978 and how they struggled to get home to their loved ones.

Through all of that, Governor Garrahy marshaled resources from the Federal Government and from neighboring States and got Rhode Island back on its feet. In his frequent televised messages to Rhode Islanders during the crisis, his plaid flannel shirt became a trademark of his accessible, hard-working, easygoing style.

Governor Garrahy's righthand man throughout his political career was Bill Dugan, his chief of staff. As fate would have it, we are also mourning the loss of Bill, who passed away the day before we lost the Governor. It was often said that Governor Garrahy didn't know how to say no. He was too nice for that. Well, that job often fell to Bill Dugan.

Joe and Bill were lifelong friends, graduated in the same class at La Salle Academy, went into politics together, and made a memorable political team in Rhode Island history. Last Thursday, Joe Garrahy and his dear companion and political associate Bill Dugan were together one last time.

Bill's sons are friends of mine, David and Richard. At Bill's funeral I spoke to Richard, and I remarked on how extraordinary it was that this exceptional Rhode Island friendship and political alliance should end with these two men dying in the same week within virtually hours of each other.

Richard looked back at me and he said: SHELDON, you don't know the half of it. It was during my father's wake at Boyle's Funeral Home that the Governor was brought home from Florida, where he had been vacationing, by the State police to Rhode Island. And that night, the two old companions rested one last time, side by side, on Smith Hill at Boyle's Funeral Home.

On behalf of my wife Sandra and my family, I extend to the Garrahy family our deepest condolences. To Joe's loving wife Margherite, to their children Colleen, John, Maribeth, Sheila, Seana, and their 11 grandchildren and the entire Garrahy family, we have you in our hearts.

Joe Garrahy often spoke about the great joy his children and his 11 grand-children gave him, especially in the years after his retirement. Our thoughts and prayers are with them all today.

I am very pleased to have this opportunity to join with Senator REED and with so many Rhode Islanders who are still remembering, thinking of, praying for, and giving homage to Governor Garrahy. We will never forget his ready smile, his easy friendship, his distinguished service, his ability to remember every name, and his long and very loving marriage.

I join Senator REED in saluting his legendary service to our State.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Massachusetts

Mr. BROWN of Massachusetts. Mr. President, I know folks are riveted to their televisions. I wanted to give them an update as to where we are on the STOCK Act.

First of all, there have been a lot of good amendments back and forth. We have reviewed them. We worked obviously late into last night and have been working throughout today. We are gearing up for votes that hopefully will be forthcoming, if not today, then hopefully tomorrow.

But I do appreciate the process, and I wanted to publicly thank Leader Reid for his willingness to allow us to work through this process because it is sensitive for some people and it is new territory for others. But I will say, being the first time and having the ability to come down and co-manage the floor with Senator Collins and work with Senator LIEBERMAN and Senator GILLI-BRAND, the process has been open and fair. We are trying now to eliminate some of the amendments that may not be relevant. We have had some folks step back and say, yes, take this off or take that off, and that is good. And we

have been trying to combine other agreement and, hopefully, we can begin made a huge impact on the lives of amendments to try to solidify where we want to go.

But I did want to let folks know that we are working diligently with the staffs of all the concerned Members, and hopefully we will get some votes very shortly

Once again, I commend Leader REID and his staff, the chairman and his staff, Senator GILLIBRAND, and Senator COLLINS, for everyone working together trying to make this happen. I appreciate that, and I want to make that reference for folks who are paying attention.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

The PRESIDING OFFICER (Mr. BEN-NET). Without objection, it is so ordered

Mr. REID. Mr. President, I apologize to the Presiding Officer and staff and Senators, but we have not been able to reach an agreement yet on how to move forward on this simple bill. Remember, everybody loved the bill? We should have been able to finish it quickly. It has not worked out that way, but we are close. I hope in the morning we can do this and finish the bill tomorrow afternoon. That would be preferable. I hope we can do that.

Everyone has worked in good faith and there are a number of amendments we will vote on, and if that is the case. we can finish this hopefully tomorrow, late in the afternoon or early evening. We are not there yet, but we are very close.

The PRESIDING OFFICER (Mr. Begich). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, while the majority leader is here, I wished to thank him for the work he and his staff have continued to do to enable us to get to a vote on this bill, which most everybody in the Senate supports, to make it clear that Members of Congress and our staffs are covered by anti-insider trading laws. Senator GILLIBRAND, Senator COLLINS, and Senator Brown have all been working to bring this to an end and give Members on both sides the opportunity to introduce amendments. Senator Reid has been showing great forbearance in not moving to file a cloture motion. In some sense, this is a test of whether we can all apply to ourselves a rule of reasonableness so that there can be a pretty open amendment process, but one that does not stop the Senate from getting something accomplished.

I share the leader's optimism. There is only one obstacle now to having an voting tomorrow afternoon and get it done before we finish.

Mr. REID. Mr. President, it is Senator GILLIBRAND's fault we are in all of this trouble.

The PRESIDING OFFICER. The Senator from New York

Mrs. GILLIBRAND. I wish to commend the leader for his forbearance and patience in this very long and extended process. But we are making great efforts to come together to work in a bipartisan way to accomplish something good for the American people and to begin to restore faith and trust in this institution and in our government. So I thank our leader. We are so grateful for his patience. I also thank the chairman for his work in leading this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, to Senator LIEBERMAN, we did a lot more generalized work than the distinguished junior Senator from New York. She is an absolute expert in this area where we are dealing with corporate law, all the stuff we did with derivatives and all that, and I was certainly joking when I said she was the cause of trouble for this legislation. It was her idea. We appreciate her good work. Senator LIE-BERMAN and I have been through a number of battles together and this is one of the minor skirmishes.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mrs. GILLIBRAND, Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes

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

#### TRIBUTE TO PHYLLIS CAUSEY

Mr. McCONNELL. Mr. President. I rise to send my best wishes and gratitude to a good friend of mine and a loyal public servant to the people of Kentucky for many years, Ms. Phyllis Causey. After nearly 2 decades working for the Representative from Kentucky's 2nd Congressional Districtfirst Congressman Ron Lewis, then Congressman Brett Guthrie-she has chosen to embark on a well-earned retirement.

As a field representative for Congressmen GUTHRIE and Lewis, she has

countless Kentuckians. Her dedication and hard work has set a standard for all who enter public service. She made many friends across the Commonwealth in her 18 years as a House staffer, and I am proud to be one of them.

Phyllis graduated from Honkinsville Community College in 1970 and earned her bachelor's degree at Western Kentucky University in 1972. She also worked for Western Kentucky University for 23 years.

Before going to work for Kentucky's Second District, Phyllis was the vice chairwoman of the Warren County Republican Party. It was in that capacity she met Ron Lewis, who was exploring a run for Congress. A lot of people did not give Ron much of a chance at the time—after all, the previous holder of that district's Congressional seat, a Democrat, had held it for almost 40 years.

Well, Ron Lewis surprised a lot of people when he won that race. After winning, one of his first decisions—one of his best decisions—was to hire Phyllis Causey. And one of BRETT's best decisions was to retain her.

In her retirement, Phyllis has said she hopes to be able to spend more time with her husband, Larry, and also care for her mother. As so many people have stepped forward to wish her well upon the news of her retirement, Phyllis has humbly said, "All I can hope is that I have made a difference."

I certainly think it is safe to say she has. I value her friendship and wish her the best in her future endeavors. I know my colleagues in the U.S. Senate join me in honoring Ms. Phyllis Causey upon her retirement and thanking her for her many years spent in public service.

The Bowling Green, Kentucky-area publication The Daily News recently published an article highlighting Phyllis Causey's life and career. I ask unanimous consent that it be printed in the RECORD.

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

[From The Daily News, Jan. 14, 2012] CAUSEY IS HAILED AS PUBLIC SERVANT; GUTH-RIE AIDE RETIRING AT THE END OF JANUARY (By Andrew Robinson)

When U.S. Rep. Brett Guthrie, R-Bowling Green, was campaigning for Congress in 2008, he was frequently posed a question. But it wasn't about his views on taxes, federal spending or social issues.

"Are you going to keep Phyllis Causey?" people often asked Guthrie.

Guthrie did in fact keep Causey, who served as his field representative for the past three years. But Causey said goodbye Friday, retiring after 18 years of work with congressmen in Kentucky's 2nd Congressional Dis-

Causey, who worked for former U.S. Rep. Ron Lewis before joining Guthrie's office, officially retires at the end of January.

In a reception at the Warren County Justice Center, Causey thanked co-workers, the years.

'I have mixed emotions." Causey said. "I've been crying a lot, as a matter of fact. It's very nice that people are stopping by.

She said she'll remember the friends she has made.

"And, of course, working for a great guy like (Guthrie) and the previous congressman is a blessing," Causey said.

In December, Guthrie spoke for a few minutes about Causey's service on the floor of the U.S. House, a moment that was entered into the Congressional Record.

"She has been such an inspiration to me," Guthrie said on the floor. "She has always been devoted to the causes she believes inchurch, family and friends. Phyllis is an incredible wife, daughter, sister and mother. I know her family, especially her husband Larry, will be happy to have her around more often."

The moment caught Causey by surprise.

"I did not know that was happening until the day before," Causey said. "I'm overwhelmed and honored that he would want to do that."

Of course, Guthrie and Lewis had nothing but good things to say about Causey.

"I used to tell her, and she thought I was kidding, but I used to say, "Phyllis, don't run against me, you'll beat me hands down," Lewis said. "In the counties that Phyllis serves, the people love her. She's never met a stranger. Everywhere you go, they know Phyllis Causey."

Lewis met Causey in 1993. She was working as the vice chairwoman of the Warren County Republican Party and Lewis was trying to gauge his support in Warren County when he ran for Congress.

Lewis was invited by Causey to several events in Warren County.

"She became one of my first supporters in Warren County," Lewis said. "She told me all the key people to talk to.

Such stories are endless, Lewis said.

"A lot of people who are very political have trouble turning that into public service," Guthrie said. "And what's amazing about her, as hard-core of a Republican she is, she served everybody."

Causey plans to spend more time with her husband, as well as be a full-time caregiver for her mother. Mark Lord, who is serving as Guthrie's district director, will step up to serve Warren and Barren counties as field representative.

"She just has a great personality, loves people, loves her job-and talk about a true public servant," Lewis said. "Phyllis is a public servant. I'm sad she's retiring because people love her."

#### TRIBUTE TO KEN HARVEY

Mr. McCONNELL. Mr. President, today I wish to recognize a distinguished Kentuckian who has worked tirelessly and selflessly in public service for over 25 years. I am sad to report to my colleagues today that Mr. Ken Harvey, the longest serving tourism director for any county in the Commonwealth, is retiring today.

Ken has worked since 1986 as the executive director of the London-Laurel County Tourist Commission in southeastern Kentucky. During his tenure, tourism growth in the area has tripled, the number of motels in the area has more than doubled, and the number of

friends and families for their support over restaurants has doubled. Ken's coworkers, friends, and neighbors know that such a feat would not have been possible without Ken's endless energy and enthusiasm in his work.

> When Ken moved to London, KY, with his wife Cheryl many years ago, he was working for Kmart and was sent to Kentucky for a temporary assignment. But, in Ken's own words, London "just felt like home." It is to the rest of the town and county's benefit that Ken and Cheryl decided to put down roots and make London their home.

> In addition to his long tenure as executive director of the London-Laurel County Tourist Commission, Ken keeps busy with many other pursuits. He is a longtime board member of the Southern/Eastern Kentucky Tourism Development Association and has served as that organization's president. He has been a board member of the Kentuckv Tourism Council Federation and served that group for several terms as chairman or vice chairman. He has served with the Kentucky Festival Association and the Kentucky Main Street Board. Ken is also an avid historian who has volunteered for the Kentucky Civil War Trail and helped coordinate Civil War reenactments.

> Ken is also a member of the Optimist Club, the Laurel County Rotary Club. and a Leadership Tri-County graduate. He was named Laurel County Man of the Year by the News Leader in 1990. And I would certainly be remiss if I did not mention what many believe to be Ken's greatest achievement as tourism director—for many years he has been the driving force behind the World Chicken Festival.

> The World Chicken Festival brings over 200,000 visitors to Kentucky each vear for what has become one of the top 10 festivals in the Southeastern United States. It offers entertainment, talent shows, art exhibits, carnival rides, and of course food-particularly chicken. It has been noted for exhibiting the world's largest stainless steel skillet. Lasting 4 days, taking up 10 square blocks, and free to visitors, I am sure my colleagues will understand when I say that under Ken's leadership, the World Chicken Festival is one of Kentucky's most "egg-citing" events.

> Ken's retirement will be Kentucky's loss but certainly his family's gain. I understand he is looking forward to spending more time with his 6-year-old grandson. On behalf of the people of London, Laurel County, and all of Kentucky, I want to thank Mr. Ken Harvey for his many years of service. He will be missed, and I certainly wish him all the best in his well-earned retirement.

> Mr. President, a recent article printed in the Laurel County area publication the Sentinel Echo highlighted Mr. Ken Harvey's many achievements. I ask unanimous consent that said article be printed in the RECORD.

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

[From the Sentinel Echo, Nov. 28, 2011] HARVEY TO RETIRE

LONGEST-SERVING TOURISM DIRECTOR IN STATE

#### (By Nita Johnson)

LAUREL COUNTY, KY.-What began as a year's assignment in 1982 evolved into the longest-running term of a tourism commissioner in the state.

Ken Harvey, executive director of the London-Laurel Tourist Commission, announced his plans to retire on Feb. 1, after serving in that capacity for 26 years.

He has seen much growth during his tenure with the tourist commission, with his latest focus on developing the Heritage Hills property off Falls Street.

But the evolution of the World Chicken Festival, the Redbud Ride, various athletic events and a motel tax are just a few of the accomplishments that have brought revenue to the tourism commission during Harvey's term-accomplishments he credits to the board members with whom he has served.

Board members returned the compliment, with Tourism Commission Board President Caner Cornett describing Harvey as "one of a kind."

"He's a self-propelled man. Ken only knows one speed-full force," Cornett said. "He's the kind who can talk to someone on jail work release or the governor and show no partiality. He has that kind of personality.

Cornett said Harvey's exit as tourism director leaves "some big shoes to fill."

"He'll be hard to replace. His knowledge and experience is invaluable," he added.

Though coming to London from Ohio, Harvey said just a few months after settling here, he and wife Cheryl knew they wanted to stay in the area.

"It just felt like home," he said. "When we came here, there were 650 motel rooms. Now there are 1,300," he said. "Interstate 75 is an attraction in itself for travelers going north or south. We have a good cross-section of dining here and our board is made up of citizens whose home is here.'

Other attractions that have increased the tourism business are the annual Battle of Camp Wildcat, which Harvey considers "the best in the state," along with the location of the Harley-Davidson dealership.

Harvey has been honored several times for his diligence in promoting tourism in the London area and is proud that the London commission is highly respected across the state. While he readily admits he does not wish to retire, he realizes that his ongoing health problems and three recent back surgeries are limiting his ability to serve in the capacity that he wishes to continue.

'It's time. I hope they bring in someone with fresh ideas that can continue to develop the Heritage Hills property and give some new ideas for other developments," Harvey said. "Besides, I have a grandson who is six vears old and I'm looking forward to spending lots and lots of years with him.

#### REMEMBERING RAY REID

Mr. BOOZMAN. Mr. President, I rise today to honor the life of Ray Reid, a devoted champion of Arkansas and its citizens, affectionately known as Arkansas's 'fifth congressman.'

Ray dedicated his life to public service, serving more than 30 years in the Army including three wars—WWII, Korea and Vietnam—before retiring as a colonel and continuing his commitment to this country serving for more than 23 years as chief of staff for three of Arkansas's Third Congressional District Congressmen—John Paul Hammerschmidt, Tim Hutchinson and Asa Hutchinson.

As a loyal staffer, Ray was an ambassador of and to Arkansas, going above and beyond to help resolve issues constituents had with the Federal Government. Under his guidance, Congressman Hammerschmidt laid the groundwork for successful constituent service. Ray recognized that the key to good governing and good public service is that you treat everyone fairly and set political differences aside.

Congressman Hammerschmidt recently said of his former right-hand man that he was the best administrative assistant in the House during his service. Upon his retirement Congressman Asa Hutchinson said Ray was known to be one of the most knowledgeable men in Washington.

When I was elected to Congress in 2001, Ray went out of his way to help us get on the right track. His skills and experiences were vital to helping us build a strong foundation to serve the people of the Third District.

Despite working in the minority for much of his career, Ray managed to accomplish great things for Arkansas because of the long-lasting relationships he built. Certainly Ray saw many changes in the Third Congressional District during his years of service to Arkansas and many can be credited to his efforts. Ray had a hand on many infrastructure projects including Interstate 540 and the Northwest Arkansas Regional Airport.

In a recent interview, Congressman Hammerschmidt fondly recalled Ray's passion for the Natural State: "Ray really loved Arkansas," he said. Ray helped change the landscape of Arkansas. His impact is far reaching and his legacy is evident in the Third Congressional District.

The State of Arkansas has lost a true friend who went to great lengths to make it a better place.

#### ADDITIONAL STATEMENTS

## RECOGNIZING MONTH OF THE HAWAIIAN LANGUAGE

• Mr. AKAKA. Today I wish to speak to the celebration of the Hawaiian language. February is designated as the "Month of the Hawaiian Language" by the State of Hawaii. Speakers and students of the language use this time to foster and promote Hawaiian through festivals, spelling bees, and speech and debate competitions where the Hawaiian language is the primary medium.

Since the first official designation in 1994, February has been a celebration

of the Hawaiian language in Hawaii. However, this modern renaissance happened only after the Hawaiian language came close to extinction, and the people of Hawaii fought to preserve it.

In 1896, following the overthrow of the Kingdom of Hawai'i, English was named as the primary language of instruction in Hawai'i's schools. As a result, students who spoke Hawaiian were subject to physical punishment or public humiliation. As Native Hawaiian families struggled to assimilate with the increasing Western presence in Hawai'i, parents gave children non-Hawaiian first names. Families who carried Hawaiian family names adopted Western surnames to avoid a Hawaiian identity. Parents stopped teaching their children Hawaiian, and maintained English-only households. This was a sad chapter in Hawai'i's history, but fortunately, today, thanks to the effort of many Hawai'i residents, political and community leaders, and educators, the Hawaiian language is thriv-

In 1978, the Hawaiian language, also called 'Ōlelo Hawai'i by its speakers, was declared one of the two legal languages of the State of Hawai'i. In 1984, the first Hawaiian language preschool was established, 'Aha Pūnana Leo. Three years later, Hawaiian language immersion expanded to include kindergarten through grade 12, and today, students can study the Hawaiian language from preschool through their doctorate studies.

Use of the Hawaiian language is not limited to its fluent speakers. Those who live in and visit Hawai'i use Hawaiian words and phrases in their everyday vocabulary, whether they are Native Hawaiian or not. Towns, roadways, schools, and parks bear Hawaiian names. Island residents commonly give each other directions using the words mauka—meaning towards the mountains, or makai—meaning towards the ocean. A waitress might ask you if you are pau, or done, with your meal before she clears the table. You might tell her it was 'ono, or delicious.

Some of the more commonly used words, including aloha and mahalo, are known well beyond the shores of Hawai'i. I probably do not have to explain that mahalo means thank you, or that aloha is a greeting that conveys warmth, love, and affection and is used to both welcome someone and wish them well.

The Hawaiian language is thriving in our modern society and it remains relevant as technology evolves around us. The iPhone and Google's homepage are just two instances where the Hawaiian language can be selected as an option in language settings. Developers of the popular website, Wikipedia, borrowed the Hawaiian word wikiwiki, meaning speedy, for its name. Travelers through Honolulu International Airport are greeted every half hour with a public

announcement first in Hawaiian, followed by its English translation. Local television reporters and weather forecasters consult with language experts on Hawaiian pronunciation. One of the morning news shows features a segment produced entirely in the Hawaiian language. Cable subscribers receive a channel featuring Hawaiian language reporting.

The Hawaiian language is engrained in our daily lives in Hawai'i, and is important to all of Hawai'i's people. I am extremely grateful for the efforts made by kūpuna, our elders, as well as language and cultural educators, to preserve the Hawaiian language. According to the University of Hawai'i at Hilo, there are approximately 7,500 people learning the Hawaiian language today, from preschools, institutions of higher education, and community programs. Parents are again raising their children to speak Hawaiian. While there is an increasing interest in the Hawaijan language, this is still just a small percentage of the population of the State of Hawai'i. I applaud the State for designating February as the "Month of the Hawaiian Language" and bringing awareness to the need to perpetuate our language so that future generations may learn the language of their ancestors.

E ola mau ka 'Ōlelo Hawai'i! Long live the Hawaiian language.●

# RECOGNIZING NATIONAL GIRLS AND WOMEN IN SPORTS DAY

• Mr. BENNET. Mr. President, today, February 1, I wish to celebrate the 26th annual National Girls and Women in Sports Day, on which we praise the importance of sports participation and athletics in the lives of girls and women everywhere. This year's celebration has special meaning as it falls on the eve of the 40th anniversary of the passage of title IX of the Education Amendments of 1972. For over 40 years, this historic law has furthered gender equality in sports participation in schools so that young women, including my three daughters, Caroline, Halina and Anne who all play soccer, may enjoy the benefits that come along with sports participation.

Studies show that participation in sports has a positive influence on the intellectual, physical and psychological health of young girls. According to the National Federation of State High School Associations, by a 3-1 ratio, female athletes do better in school, do not drop out, and have a better chance to get through college. Additionally, a study from the Women's Sports Foundation showed that high school athletes are less likely to smoke cigarettes or use drugs than their nonathlete peers. Sports participation is also linked to lower rates of pregnancy in adolescent female athletes. With these statistics in mind, it is not surprising that a study from the Oppenheimer/MassMutual Financial Group shows that of 401 executive business women surveyed, 82 percent reported playing organized sports while growing up, including school teams, intramurals, and recreational leagues.

In my home State of Colorado, we are ahead of the curve with regard to the participation of girls and women in sports. The U.S. Olympic Training Center, located in Colorado Springs, was created by an act of Congress in 1978, just a few years after title IX was passed. It is encouraging to know that women like Gold Medal Winner Lindsey Vonn, now make up nearly half of all U.S. Olympians competing at the games, representing more than 48 percent of the 2008 team. Colorado also supports the success of Paralympians such as Sarah Will, who after a skiing accident that left her paralyzed from the waist down, went on to help found the Vail Monoski Camp and won 12 gold Paralympic medals from 1992 to 2002.

Colorado is also a vanguard in providing early education and sports opportunities for women. The flagship all girls school, GALS, Girls Athletic Leadership Schools, has opened its first public charter school in Denver, CO. The school practices active learning that engages students in health and wellness activities in the belief that these are key contributing factors in optimizing academic achievement and self-development. There are also groups such as the Colorado Women's Sports Fund Association that work towards increasing the number of girls and women who participate in athletics and reducing and eliminating barriers that prevent participation.

Despite the vast improvements with regard to sports participation for girls and women, inequalities and disparities still remain. According to the National Federation of State High School Associations, schools are still providing 1.3 million fewer chances for girls to play sports in high school than boys. These numbers have an even greater impact on Latinas and African-American young women. The Women's Sports Foundation shows that less than twothirds of these girls play sports while more than three-quarters of Caucasian girls do. And three-quarters of boys from immigrant families are involved in athletics, while less than half of girls from immigrant families are.

Mr. President, we have work to do. Part of our job is to promote the importance of this national effort to grow the rates of female athletes. Please join me in celebrating National Girls and Women in Sports Day by supporting efforts to expand equality in sports participation and education for women and girls around the country.

## TRIBUTE TO JACK KING

• Mrs. FEINSTEIN. Mr. President, on behalf of myself and Senator BOXER, I

join my colleagues in the House of Representatives, including Mr. Costa, Mr. LUNGREN, Mr. CARDOZA, Mr. FARR, Mr. DENHAM, Ms. RICHARDSON, Mr. BACA, Mr. HERGER, Mrs. CAPPS, Mr. FILNER, Ms. Lofgren, Ms. Matsui, Mr. Nunes, Mr. McNerney, Mr. Thompson, Mr. SCHIFF, Ms. LEE, Ms. LORETTA SAN-CHEZ, Ms. ESHOO, Ms. CHU, Ms. SPEIER, Ms. Linda Sánchez, Mr. Becerra, Ms. HAHN, Mr. SHERMAN, Mr. HONDA, Mr. McCLINTOCK, and Mr. CALVERT, to pay tribute to Mr. Jack King on the occasion of his retirement from the California Farm Bureau Federation. For more than 35 years, Jack King has worked on behalf of our Nation's farmers and ranchers to ensure that they have a voice in our Nation's capital. His passion for agriculture has made him a strong and effective advocate for the American Farm Bureau Federation and the California Farm Bureau Federation.

Growing up on a dairy farm in Wisconsin taught Jack the value of hard work, and the important role agriculture plays in America—specifically when it comes to feeding and clothing our families and supporting our economy. Upon graduating from the University of Wisconsin, Jack began his career in agriculture with the university's cooperative extension office. Jack then went on to work for the Wisconsin Council of Agricultural Cooperatives and the Wisconsin Council of Agriculture. In 1973, Jack ventured west and joined the California Farm Bureau Federation as assistant manager of the information division.

Jack expanded his work with the Farm Bureau, and in 1985, he became news services director for the American Farm Bureau Federation. Based in Illinois, Jack managed internal and external communications and often worked in conjunction with the Washington, D.C. office to ensure that legislators were connected with farmers and ranchers. In 1994, Jack returned to California to serve as manager of the California Farm Bureau Federation's National Affairs Division. He served as a direct link between farmers, ranchers, and Members of Congress.

Jack's tremendous contributions and dedication can be measured in a number of ways. Notably, Jack made approximately 200 trips to Washington, D.C. His deep commitment was based in his belief that legislators needed to hear directly from farmers and ranchers in order to understand their contributions and the difficulties they face. Specifically, Jack has been dedicated to working on comprehensive immigration reform, natural resource regulations, and renewable energy.

Of course none of these accomplishments would be possible without the love and support of Jack's wife, Mary Ann; their sons, Carl, David and Bryan; and two grandchildren.

We ask our colleagues to join us in recognizing Jack King's enthusiasm

and work ethic. His devotion and loyalty to our Nation's farmers and ranchers make him a source of pride for our community, State and Nation. We thank Jack for his work on behalf of farmers and ranchers in California and all across the country, and wish him well in retirement.

## RECOGNIZING BULL JAGGER BREWING COMPANY

• Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have heard time and again how difficult it is to start a business in our current economy. As the new year begins, I find it especially critical to honor those entrepreneurs, who in spite of these challenging times, are surmounting all obstacles to pursue the American dream of starting a small business. With this in mind, today I wish to commend and recognize the most recent addition to the renowned brewing family, the Bull Jagger Brewing Company of Portland, ME.

Bull Jagger opened in the fall of 2011 with two employees and a dream to produce high-quality lager. In a 1,500-square-foot space in Portland's Riverside Industrial Park, the two owners, Tom Bull and Allan Jagger, have begun producing the Portland Lager. In their small facility, they currently produce about eight barrels a week which makes approximately 1,800 bottles of the refreshing beverage. Their lager debuted at the Portland Harvest on the Harbor in October of 2011 to rave reviews.

This success is truly exceptional as only a few years ago, Tom Bull, a Bath native who has worked at local companies such as Gritty McDuff's and the former Stone Coast Brewing, was developing his own homemade beer and dreaming of opening a micro-lager business. Fortunately, after meeting through mutual friends and tasting Tom's homebrew, local businessman Allan Jagger was convinced that Tom's dream was worth pursuing. Together as partners, they decided to turn their aspirations into reality and venture into Maine's micro-brew market.

Across the State, both Tom and Allan found that Maine's micro-brew market lacked one particular beer variety—a micro-brew lager. While larger breweries all produce lagers, most micro-breweries shy away from lagers because of the increased length of brewing time in comparison to ales. Typically, lager has to sit in a cold cellar for several weeks to allow proper fermentation to occur. While this may have deterred other micro-breweries in the past, Bull Jagger believed their lager would be worth the wait, and they were certainly right. In true lager fashion, this small brewery allows their lager to ferment over 6 weeks. which is approximately a month longer

than traditional ales. This may have diminished the speed with which the product leaves the factory, but it certainly has not slowed down the consumption, as sales are continuing to grow.

As a new small business that has already distinguished itself in Maine's prominent micro-brew market, Bull Jagger is looking forward to producing additional varieties, including a Pilsner beer, in the near future. This small firm's attention to detail and initial success demonstrates the remarkable quality of their product. I am proud to extend my congratulations to Tom Bull and Allan Jagger for their tremendous efforts, and offer my best wishes for the continued success of Bull Jagger Brewing Company.

### TRIBUTE TO ERICA MARIE D'AQUIN

• Mr. VITTER. Mr. President, today I recognize Ms. Erica Marie d'Aquin, a bright and talented young Louisianian.

Each year since 1743, the carnival celebration known as Mardi Gras, French for Fat Tuesday, has been celebrated by the people of New Orleans. The season officially begins on January 6, the Twelfth Night of Christmas and the Feast of the Epiphany. Also recognized in many countries around the world with large Roman Catholic populations, Mardi Gras is the final blow out party prior to the ritual fasting of the Lenten Season, which begins on Ash Wednesday.

Over the many decades that New Orleanians have celebrated Mardi Gras, "krewes", or private Mardi Gras social organizations, have also contributed to the merriment and glee surrounding the festive season. In Greek mythology, Endymion was known for his everlasting youth and beauty. In 1966, the Krewe of Endymion was established and has annually paraded through the streets of New Orleans. Today. Endymion is known for being the largest parade in New Orleans, both for the number of members-2300-and also for the number of floats. This krewe has meant a lot to me since I had one of my first jobs as a high school student Endymion's floats-white painting primer only, as I wasn't trusted with colors.

During this. ofthe Krewe Endymion's 46th year, Ms. Erica Marie d'Aquin will reign as queen. Ms. d'Aquin is a senior at Archbishop Chapelle High School and is on the distinguished honor roll. She is a member of the National Art Honor Society, is a member of the pro-life club, has a fond love for art, and is very active in the Chapelle Animal Rescue Effort to promote the awareness of issues affecting animals. She is the daughter of Mr. and Mrs. Daryl d'Aquin and the granddaughter Mr. and Mrs. Edmond J. Muniz, the founder and captain of the Krewe of Endymion.

It is exciting for such an accomplished young person to have this honor and will be something she will cherish for a lifetime. She joins a long line of family members who have also had the honor of serving as queen of Endymion: her mother Mary in 1984, her aunt Michelle in 1986, and her aunt Margie in 1991.

As we celebrate the 2012 Mardi Gras season, it is my pleasure to honor Ms. Erica d'Aquin as the 46th queen of the Krewe of Endymion.●

#### REMEMBERING GAIL ACHTERMAN

• Mr. WYDEN. Mr. President, today I wish to recognize someone who may not be familiar to members of the Senate, but in my State is synonymous with what makes Oregon a place that values the environment, its natural resources and its scenery.

Gail Achterman of Portland passed away on January 28 of pancreatic cancer. Gail was a special friend for more than 40 years. When I arrived on the Stanford University campus in the summer of 1969, Gail and I were tour guides together, two Democrats at the conservative Hoover Institution of War, Revolution and Peace. We laughed about it then, and kept sharing jokes and stories for more than 40 years.

Gail leaves behind an impressive legacy of public service and dedication to environmental causes that will endure for years to come. Her professional resume is impressive: Lawyer, director of the Institute for Natural Resources at Oregon State University, chair of the Oregon Transportation Commission, natural resources advisor to a former governor and member of too many State councils, boards and commissions to list here.

Even more impressive, however, was her life-long commitment to those things that make Oregon great. For an example, look no further than the indispensable role she played in creation of the Columbia Gorge National Scenic Area in 1981. Anyone who has seen the majestic Columbia River Gorge knows it is one of the most beautiful places on earth—a crown jewel in a landscape filled with natural beauty. I was proud to be part of protecting The Gorge and proud of partnering with Gail in making that happen.

I want to extend my condolences to her husband Chuck and to her family and assure them that Oregon is a greater State thanks to my special friend Gail and the ideals she believed.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Nieman, one of his secretaries. EXECUTIVE MESSAGES REFERRED

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

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

### MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriates for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MICA, PETRI, DUNCAN of Tennessee, GRAVES of Missouri, SHUSTER, Mrs. SCHMIDT, Messrs. CRAVAACK, RAHALL, DEFAZIO, COSTELLO, BOSWELL, and CARNAHAN.

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference: Messrs. HALL, PALAZZO, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VII and XI of the Senate amendment, and modifications committed to conference: Messrs. CAMP, TIBERI and LEVIN.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4825. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Real-Time Public Reporting of Swap Transaction Data" (RIN3038-AD08) received in the Office of the President of the Senate on January 26, 2012;

to the Committee on Agriculture, Nutrition, and Forestry.

EC-4826. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Change in Reporting Requirements and New Information Collection" (Docket No. AMS-FV-11-0041; FV11-920-1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4827. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Dairy Promotion and Research Program; Amendments to the Order" (Docket No. AMS-FV-11-0047; FV11-930-1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma virens strain G-41; Exemption from the Requirement of a Tolerance" (FRL No. 9333-5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4829. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John D. Gardner, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4830. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Robert F. Willard, United States Navy, and his advancement to the grade of admiral on the retired list: to the Committee on Armed Services.

EC-4831. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4832. A joint communication from the Acting Under Secretary of Defense (Personnel and Readiness) and the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities of the Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries, and Amputations; to the Committee on Armed Services.

EC-4833. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act Implementation" (RIN2590-AA44) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4834. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Implementation" (RIN2590-AA46) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4835. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4836. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4837. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4838. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC-4839. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC-4840. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers" (RIN1904-AB92) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Energy and Natural Resources.

EC-4841. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, and Incandescent Reflector Lamps" (RIN1904-AC45) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Energy and Natural Resources.

EC-4842. A communication from the Assistant Administrator for Strategic Infrastructure, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Procedures for Implementing the National Environmental Policy Act" (RIN2700-AD71) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works

EC-4843. A communication from the Chief of the Aquatic Invasive Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Injurious Wildlife Species; Listing Three Python Species and One Anaconda Species as Injurious Reptiles" (RIN1018-AV68) received in the Office of the President of the Senate on January 26, 2012;

to the Committee on Environment and Public Works.

EC-4844. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision 1 to the Final Safety Evaluation of Electric Power Research Institute (EPRI) Report, Materials Reliability Program (MRP) Report 1016596 (MRP-227), Revision 0, 'Pressurized Water Reactor (PWR) Internals Inspection and Evaluation Guidelines' (TAC No. ME0680)" received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC-4845. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 8-hour Ozone Standards" (FRL No. 9624-6) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC-4846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-hour Ozone Standards" (FRL No. 9624-5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC-4847. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; Maryland; Determination of Nonattainment and Reclassification of the Baltimore 1997 8-hour Ozone Nonattainment Area" (FRL No. 9625-3) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC-4848. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze State Implementation Plan" (FRL No. 9625-5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC-4849. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Virginia's Regulation Regarding the Sulfur Dioxide National Ambient Air Quality Standard" (FRL No. 9625–8) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC-4850. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Nonconformance Penalties for Onhighway Heavy Heavy-Duty Diesel Engines" (FRL No. 9623-8) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC-4851. A communication from the Acting Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishment of Global Entry Program" (RIN1651-AA73) received in the Office of the President of the Senate on January 31, 2012: to the Committee on Finance.

EC-4852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: 2012 Prevailing State Assumed Interest Rates" (Rev. Rul. 2012-6) received in the Ofice of the President of the Senate on January 31, 2012; to the Committee on Finance.

EC-4853. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0001—2012-0011); to the Committee on Foreign Relations.

EC-4854. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4855. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits' (29 CFR Part 4044) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4856. A communication from the Chairman of the National Endowment of the Arts, transmitting, pursuant to law, the Endowment's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4857. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Agency's fiscal year 2011 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4858. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4859. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-272 "District Department of Transportation Omnibus Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4860. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-273 "Processing Sales Tax Clarification Second Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4861. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-274 "Green Building Compliance Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4862. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-275 "Retirement Distribution Withholding Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4863. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-276 "Board of Elections and Ethics Electoral Process Improvement Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4864. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-277 "Public Notice of Advisory Neighborhood Commissions Recommendations Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4865. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-278 "Captive Insurance Company Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-279 "Board of Medicine Membership and Licensing Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-280 "Southwest Duck Pond Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs

EC-4868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-281 "Commission on African-American Affairs Establishment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-282 "Paul Washington Way Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-283 "Glover Park Community Center Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-284 "Rev. Dr. Jerry A. Moore, Jr. Commemorative Plaza Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-285 "Military Parents' Child Custody and Visitation Rights Act of 2012";

to the Committee on Homeland Security and Governmental Affairs.

EC-4873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-286 "Long-Term Care Ombudsman Program Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-287 "Human Rights Service of Process Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-288 "Oak Hill Conservation Easement Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-289 "9/11 Memorial Grove Dedication Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-290 "District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs

EC-4878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-291 "Old Naval Hospital Real Property Tax Exemption Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-292 "Lillian A. Gordon Water Play Area and Park Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-4880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-293 "Willie Wood Way Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs

EC-4881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-297 "William O'Neal Lockridge Memorial Library at Bellevue Designation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENNET (for himself and Mr. WARNER):

S. 2053. A bill to encourage transit-oriented development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH (for himself, Mr. THUNE, Mr. TESTER, Mr. BLUNT, Mrs.

McCaskill, Mr. Grassley, Mr. HOEVEN, Mr. BROWN of Massachusetts, Mr. Baucus, Mr. Enzi, Mr. JOHANNS, Mr. CASEY, Mr. McCain, Mr. DEMINT, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. Burr, Mr. Risch, Mr. Toomey, Mr. Paul, Mr. Coburn, and Mrs. Shaheen):

S. 2054. A bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies: to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY (for himself, Mr.

CRAPO, and Mr. WICKER): S. 2055. A bill to amend the Federal Deposit Insurance Act with respect to the protection of certain information; to the Committee on Banking, Housing, and Urban Affairs.

> By Mr. HATCH (for himself and Mr. LEE):

S. 2056. A bill to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 2057. A bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs: to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. HELLER, Mrs. GILLI-BRAND, Mr. PORTMAN, Mr. BARRASSO, Mr. CORNYN, Mr. KYL, Mr. VITTER, Mr. Risch, Mr. Hoeven, Ms. Landrieu, Mr. Begich, Mr. Lugar, Mr. Bennet, Mr. Menendez, and Mr. CRAPO):

S. 2058. A bill to close loopholes, increase transparency, and improve the effectiveness of sanctions on Iranian trade in petroleum products; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself. Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SAND-ERS, Mr. SCHUMER, and Mr. REED):

S. 2059. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

> By Mr. KOHL (for himself and Mr. WYDEN):

S. 2060. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error; to the Committee on Armed Services.

By Mr. GRAHAM:

S. 2061. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

> By Mr. KERRY (for himself and Mr. Brown of Massachusetts):

S. Res. 365. A resolution honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON of Florida, and Mr. Casey):

S. Res. 366. A resolution honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 27

At the request of Mr. Kohl, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 27, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the mar-

S. 704

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 704, a bill to provide for dutyfree treatment of certain recreational performance outerwear, and for other purposes.

S. 720

At the request of Mr. Thune, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. McConnell) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1610

At the request of Mr. BARRASSO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1895

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. Franken) was withdrawn as a cosponsor of S. 1895, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes.

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1895, supra.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. Brown), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. Toomey, the name of the Senator from Massachusetts (Mr. Brown) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Founda-

S. 1947

At the request of Mr. Blumenthal, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1979

At the request of Mr. CONRAD, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Minnesota (Ms. Klobuchar) were added as cosponsors of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2003

At the request of Mrs. Feinstein, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.

2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2005

At the request of Mr. Brown of Massachusetts, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 2005, a bill to authorize the Secretary of State to issue up to 10,500 E-3 visas per year to Irish nationals

S. 2043

At the request of Mr. Rubio, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Arizona (Mr. McCain), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. Hutchison), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. WICKER), the Senator from Kentucky (Mr. McConnell), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Dakota (Mr. Thune), the Senator from Alabama (Mr. Sessions), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. COBURN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Maine (Ms. Collins) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2046

At the request of Ms. MIKULSKI, the names of the Senator from Missouri (Mr. Blunt), the Senator from Ohio (Mr. Brown), the Senator from Alaska (Mr. Begich), the Senator from Maryland (Mr. Cardin) and the Senator from Minnesota (Ms. Klobuchar) were added as cosponsors of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

AMENDMENT NO. 1470

At the request of Mr. Manchin, his name was added as a cosponsor of amendment No. 1470 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

## AMENDMENT NO. 1471

At the request of Mr. MANCHIN, his name was added as a cosponsor of amendment No. 1471 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1480

At the request of Mr. Heller, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of amendment No. 1480 intended to be proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

#### AMENDMENT NO. 1483

At the request of Mr. Leahy, the names of the Senator from Pennsylvania (Mr. Casey) and the Senator from Illinois (Mr. Kirk) were added as cosponsors of amendment No. 1483 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself, Mr. Thune, Mr. Tester, Mr. Blunt, Mrs. McCaskill, Mr. Grassley, Mr. Hoeven, Mr. Brown of Massachusetts, Mr. Baucus, Mr. Enzi, Mr. Johanns, Mr. Casey, Mr. McCain, Mr. Demint, Mr. Roberts, Mr. Johnson of Wisconsin, Mr. Burr, Mr. Risch, Mr. Toomey, Mr. Paul, Mr. Coburn, and Mrs. Shaheen):

S. 2054. A bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BEGICH. The STOP Act is the Stop the Outrageous Pay for Fannie and Freddie Act, the bill Senator THUNE and I introduced this morning. Our bill comes in the aftermath of a series of events that began last November when reports surfaced that the Federal Housing Finance Agency, FHFA, approved nearly \$13 million in bonuses for 10 executives, that enterprise that supervises Fannie Mae and Freddie Mac.

In response, Senator Thune and I spearheaded a bipartisan letter, signed by 58 other Senators to the FHFA, Acting Director Edward DeMarco and the Treasury Secretary, Timothy Geithner. We expressed outrage over these pay levels, and I believe our message was heard. Almost 3 months after our letter was sent, the pressure was clearly on. Government regulators were cutting the pay of the executives they hired to replace the departing heads of Fannie Mae and Freddie Mac.

Also, in response to our efforts, House Financial Services Committee

chairman Spencer Bachus introduced legislation suspending these bonuses and limiting future compensation packages for Fannie and Freddie employees. In November, his committee passed the bill by a vote of 52 to 4.

The Begich-Thune STOP Act is a commonsense approach to address the outrageous Wall Street-like bonuses and pay that have occurred at Fannie Mae and Freddie Mac for far too long and which continue to occur to this day, even after billions in taxpayer bailouts. I wish to make it clear, this bill will not change the life much for nonexecutives. The pay structure for the everyday, hard-working Americans at Fannie and Freddie will stav almost as it is today. They are not the target. However, it will change the life for executives such as Peter Federico, who earned \$2.5 million in 2010 and had a target compensation of \$2.6 million in 2011. This was at the same time he was gambling that struggling homeowners would be unable to refinance their high-interest mortgages to record-low interest rates. This is unacceptable. unethical, and I know this body will not tolerate it.

Here is how our legislation works: It simply places Fannie Mae and Freddie Mac employees on the same pay scale as the financial regulators at the FDIC and SEC, a pay scale long established in Federal law. It is a pay scale called the Financial Institutions Reform, Recovery, and Enforcement Act. This is the pay scale we are basing our legislation on.

Under our approach, Fannie Mae and Freddie Mac employees cannot be paid more than employees of other Federal financial regulatory agencies. Right now the highest paid person under this pay scale makes \$275,000 a year. This is our pay cap. While this is a lot of money, it is not any more than what the cops, as we call them, on the financial beat make to ensure that ordinary Americans are protected and get a fair shake.

Our legislation also stops any future bonus payments that go beyond the cap established in this legislation. Also, any bonuses that have been granted but have not yet been paid will be stopped. Any money in excess of the cap we have established will be used to pay down the national debt. Finally, our bill requires that Fannie and Freddie salaries be made available to Congress and the public through the Senate Banking Committee and the House Financial Services Committee.

I am aware of the criticism of this bill and I would like to address them. Senator McCain offered an amendment yesterday that freezes bonus pay. I support Senator McCain in his efforts. In fact, I cosponsored this very same amendment the last time it was offered. Many of my colleagues have asked me why our bill does not freeze bonus pay. Our bill is based on a broad-

based approach that looks at the entire pay structure within Fannie Mae and Freddie Mac.

While it tackles the huge bonuses and pay policies for executives at Fannie and Freddie, we believe the everyday employees earning modest salaries should be occasionally rewarded for outstanding work so it ensures they get the small bonuses that may be effective for them. But to clarify, these would be modest bonuses that would never exceed the pay cap established in this bill.

I have also heard the concern that Fannie and Freddie will not be able to attract the right kind of talent if they cannot pay people multimillion-dollar compensation packages. I hate to state the obvious: Fannie and Freddie have proven the opposite. They paid executives outrageous compensation and yet still failed by Alaskans and all Americans. They needed hundreds of billions of dollars in taxpayer bailouts and still ended up in conservatorship. This sends an unsettling message to millions of hard-working people who are struggling to make ends meet. They have taken Alaskans' tax dollars in the form of bailouts. Yet when my constituents in Anchorage or Kotzebue or Fairbanks or Juneau needed help to avoid foreclosure or refinance their loans, Fannie and Freddie often turned their backs.

Finally, I have this response to people who say Fannie and Freddie executives need to earn millions: Whatever happened to the concept of public service or to the notion that it is an honorable calling to work on behalf of your friends and your neighbors? There are lots of dedicated, hard-working professionals at Fannie and Freddie who believe in that notion, and they are doing their absolute best to help American families to afford the American dream of owning and keeping their homes.

The Begich-Thune bill makes sure this hard work continues and that their bosses at Fannie and Freddie come to work every day not with visions of dollar signs but instead with a clear eye of doing what is right for all Americans.

I urge all Members to support this commonsense bipartisan bill. Senators TESTER, MCCASKILL, BAUCUS, BLUNT, GRASSLEY, HOEVEN, ENZI, and SCOTT BROWN have already joined Senator THUNE and me as original cosponsors. I wish to thank them for their support.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, and Mr. REED):

S. 2059. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, we are in an age of tight budgets and tough choices, and I rise today to in-

troduce legislation that would address some loopholes in the Tax Code that provide ways for Americans with superhigh incomes to pay lower tax rates than are paid by regular hardworking, middle-class families. These middle-class families feel they are struggling to get by but then find that some people with extremely high incomes are actually paying a lower, allin federal tax rate than they are. To them, it defies common sense, and I think for all of us it defies common sense. Americans deserve a straight deal, and right now they are not getting one from our tax system.

To see the unfairness of our current tax system, we don't have to look much further than the national headlines. According to a Forbes magazine report last fall, billionaire Warren Buffet "paid just 11.06 percent of his adjusted gross income in Federal income taxes" in 2010. Mr. Buffet is the first to express his dismay at this circumstance and acknowledges that the rate he pays is lower than the tax rate paid by his own secretary. Mr. Buffet has called for a correction of this anomaly, and I agree with him. So does President Obama, who, in his State of the Union Address, said Washington should stop subsidizing millionaires. I

We should celebrate the success of people who are earning \$1 million and more a year, but we don't—particularly in this time of tight budgets and hard choices—need to subsidize that. The legislation I have introduced today, the Paying a Fair Share Act of 2012, would ensure that those with extremely high incomes pay at least a minimum Federal tax rate of 30 percent. I thank Senators AKAKA, BEGICH, LEAHY, HARKIN, BLUMENTHAL, and SANDERS for being initial cosponsors of this measure.

The structure of our bill is pretty simple. If your total income—capital gains included—is over \$1 million, you calculate your taxes under the regular system. If your effective tax rate turns out to be greater than 30 percent, you pay that rate. If, on the other hand, your effective tax rate is under 30 percent, like Warren Buffet's 11 percent, then you would pay the fair share tax rate

After collecting input from some of my colleagues, I have also included a provision to allow the fair share tax to be gradually phased in for taxpayers earning between \$1 million and \$2 million per year. Taxpavers earning less than \$1 million—which is 99.9 percent of all Americans-wouldn't be affected by this bill at all. Taxpayers earning over \$2 million would be subject to the 30 percent minimum Federal tax rate. and those in between \$1 million and \$2 million would pay, on a phased-in basis, a portion of the extra tax required to get up to the 30-percent effective tax rate. This way we make sure no taxpayer faces a tax cliff where

earning an additional \$1 of income increases his or her taxes by more than \$1.

In his State of the Union Address on Tuesday, President Obama called for legislation to ensure that the highest earning taxpayers pay at least a 30-percent tax rate. The Fair Share Act would do just that. To call our tax system fair, I believe the highest income Americans should pay a higher rate—not a lower one—than middle-income taxpayers. For more context, let's take a look again—because I have given this speech over and over on the floor—at how superhigh-income-tax payers fare under our current system.

This is the Helmsley Building in New York, as I have pointed out before. It is on Park Avenue, and it has a unique characteristic, which is that it is so big it has its own ZIP Code. Because the Internal Revenue Service publishes information about tax payment by ZIP Code, we can see what the tax payments are that come out of this building. What we find with the latest information that the IRS has published is that the average filer has an adjusted gross income of over \$1 million in the Helmsley Building, but the average tax payment out of that building is only 14.7 percent.

To provide a little context for that, if we look at what the average New York City janitor or the average New York City security guard pays in terms of an effective all-in Federal tax rate, it is 28.3 percent for the security guard and 24.9 percent for the janitor. So at this point it looks as if the people who are the very successful occupants of the Helmsley Building pay an actual lower Federal tax rate than the people who come in and clean the building, and that does not seem fair or sensible.

One might say, well, maybe it is just something about the Helmsley Building that causes it, but it is not. Despite Leona Helmsley's infamous line that it is only the little people who pay the taxes, it is a broader issue than that. Take a look at the income tax information about the 400 highest earning Americans.

In the same way that the IRS aggregates information by ZIP Code, it also takes the highest income earners and reports on them in aggregate. The 400 top incomes for 2008—which is the last year the IRS has assembled—had an average income each of \$270 million, which certainly is something to be proud of and to celebrate if one can achieve that kind of success. But the average tax rate paid by the 400 was only 18.2 percent, which is—apart from the discussions we have been having in the Senate—about what the top income tax rate should be.

We discuss often whether the top income tax rate should be 35 percent or should be 39.6 percent. It was 39.6 percent, for instance, during the booming Clinton economy. It is now 35 percent.

Depending on where the tax cut discussion goes, it may go back up again. But that is not what a large number of these very high income earners pay. In fact, the top 400 aren't anywhere near that. They are at half that, at 18.2 percent. We are supposed to have a progressively graduated Tax Code, with people who earn more paying a higher rate.

Let's see who else pays at the 18.2percent rate. We looked at Bureau of Labor Statistics information for a single filer earning \$39,350. That is where you hit an 18.2-percent tax rate, just like the 400 who made \$\frac{1}{4}\$ billion each. on average. They are in the same position as somebody who is earning a little less than 40,000 who pays 18.2 percent under our present system. If we look at the type of jobs that hit that area, according to the Bureau of Labor Statistics, in the Rhode Island labor market a truckdriver earns on average \$40,200. So we have a truckdriver paying the same rate of Federal tax as somebody earning \$1/4 billion in a year.

So I think there is plenty of room for correction and to bring our tax system in line to the principle that I think we all espouse theoretically, which is that it is a progressive tax system. The more you earn, the more you pay and indeed the higher rate you are supposed to pay. It is not supposed to be at the other way around where, at the other high extreme, you end up paying lower rates than regular Americans.

The Helmsley Building was one building that has a little story to tell all of us. Here is another building with a story to tell. This is a building that is called Ugland House, and it is in the tax haven Cayman Islands. It doesn't look like much, does it? I don't want to sav it is a crummy little building, but it certainly doesn't compare to a lot of other business buildings. But it does have something remarkable happening within it. It has 18,000 corporations that claim to be doing business out of this location—18,000 corporations in this little five-story building. It gives a new meaning to the phrase "small business."

As our budget chairman KENT CONRAD has pointed out, the only business going on in Ugland House is funny business with our Tax Code, shell companies that hide assets and dodge tax liabilities. It does not make sense that our tax system permits the highest income Americans to pay a lower tax rate than a truckdriver pays, and it doesn't make sense that we allow Americans and American companies by the thousands to hide income in off-shore tax havens.

If we look at the rates that are paid—Warren Buffet 11.6 percent, the occupants of the Helmsley Building on average 14.7 percent, and the 400 \$\frac{1}{4}\text{ billion-a-year earners on average 18.2 percent—and we look at the fact that we have multi-trillion-dollar budget defi-

cits, it means the taxes they are not paying at the nominal 35-percent rate are taxes that somebody else ends up having to pay either through deficit or through additional taxation.

This is why the Fair Share Act makes a lot of common sense, and I hope Senators on both sides of the aisle will take a look at it. This bill would do a lot of good. It would simplify taxes. There is no point chasing loopholes if someone knows they are going to have to pay the 30-percent minimum. It will simplify that. It would discourage the exotic tax dodges that allow people to go down to 14 percent or whatever tax rates because they know they are going to get caught at 30 percent, so why do the effort. The exotic tax dodges will be discouraged. It will reduce the deficit. We don't have a number yet from the Joint Committee on Taxation, but the public reporting so far has suggested it is going to be in the \$40 billion to \$50 billion range per year. Of course, it will bring fairness, as well as common sense, to our tax system. It makes no sense for somebody earning \$80,000 or \$100,000 or \$120,000 a year to be paying a substantially higher tax rate than somebody earning \$1/4 billion a year.

There are a lot of advantages that come with enormous income, and that is a great thing because America thrives on capitalism, and we all love success. We celebrate success in America. We provide an economy and a culture in which people can accomplish remarkable things and create enormous fortunes and become enormously successful. That is part of what is good and what is right with America. They do it through hard work, they do it through being smarter than other people, they do it with a lot of good personal characteristics. But with all the advantages that do come with an enormous income, paying a lower tax rate than regular working families should not be one of those advantages.

I hope we can get together to correct this, and I look forward to working with my colleagues on this issue.

By Mr. KOHL (for himself and Mr. Wyden):

S. 2060. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today to introduce the Fair Military Leave Act. This legislation fixes a problem that is preventing some of our brave servicemembers from using benefits that they earned after serving multiple or extended deployments overseas.

In 2007, the military established the Post-Deployment/Mobilization Respite Absence Program, or PDMRA, to assist men and women who are ordered to deploy beyond the established standards for troop rotation by providing extra paid leave when they return home. Unfortunately, a mistake during demobilization prevented some soldiers from receiving the paid leave they earned. The Army's records indicate that this problem affects 577 soldiers across the country, including 80 in Wisconsin.

These soldiers have since gotten their military records corrected to reflect the days of PDMRA leave they were supposed to receive. However, the only way for these soldiers to use this benefit is to take extra paid leave on a future deployment. For those soldiers who will not deploy again or who have left the military entirely, this remedy does not work.

Mistakes happen, but they need to be fixed. The Fair Military Leave Act gives troops the option of cashing out the leave they were incorrectly denied when they came home. This solution is modeled after legislation Congress passed in the National Defense Authorization Act for fiscal year 2010. As with that bill, the Fair Military Leave Act reimburses soldiers at a rate of \$200 per day of PDMRA that they were incorrectly denied.

I am pleased to have the senior Senator from Oregon join me as an original cosponsor of this legislation. My friend from Oregon led the effort to fix the earlier problem with PDMRA benefits in the 2010 defense authorization.

The men and women of our Armed Forces have done so much for our country, and we should not drag our feet in making this right. These troops earned their PDMRA benefit, and they should be allowed to use it.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 365—HON-ORING THE LIFE OF KEVIN HAGAN WHITE, THE MAYOR OF BOSTON, MASSACHUSETTS FROM 1968 TO 1984

Mr. KERRY (for himself and Mr. Brown of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. Res. 365

Whereas Kevin White was born in Boston on September 25, 1929;

Whereas his father, Joseph C. White, a legislator of the Commonwealth of Massachusetts; his maternal grandfather, Henry E. Hagan; and his father-in-law, William Galvin; each served as presidents of the Boston City Council;

Whereas Kevin White earned a bachelor's degree from Williams College in 1952, a law degree from Boston College in 1955, and also studied at the Harvard Graduate School of Public Administration, now the John F. Kennedy School of Government;

Whereas in 1956, Kevin White married Kathryn Galvin;

Whereas in 1960, at the age of 31, Kevin memory of former Boston Mayor Kevin his incarceration for participating in a White was elected Secretary of the Commonwealth of Massachusetts and was reelected 3 times, serving until 1967;

Whereas in January 1968, Kevin White became the 51st Mayor of the City of Boston, Massachusetts:

Whereas within months after taking office as Mayor of Boston, Kevin White was instrumental in helping guide the City of Boston after the assassination of Dr. Martin Luther King, Jr.;

Whereas on April 5, 1968, Mayor White asked that the James Brown concert at the Boston Garden be televised rather than be cancelled, as many suggested;

Whereas during the concert, Mayor White addressed the citizens to plead for calm and said, "Twenty four hours ago Dr. King died for all of us, black and white, that we may live together in harmony without violence, and in peace. I'm here to ask for your help and to ask you to stay with me as your mayor, and to make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.";

Whereas during his time as Mayor of Boston, Kevin White undertook a program of urban revitalization of the downtown areas of Boston that forever transformed Faneuil Hall and Quincy Market:

Whereas during his time as Mayor, Kevin White brought the residents of each neighborhood of Boston, from Mattapan to Charlestown, from South Boston to Brighton, from East Boston to West Roxbury, together through programs like Summerthing, Little City Halls, and jobs for at-risk youth;

Whereas in 1974, Judge W. Arthur Garrity Jr. of the United States District Court for the District of Massachusetts ordered Boston to begin busing children to integrate its schools;

Whereas during a difficult period of racial tension for the City of Boston, Mayor White urged the people of Boston to remember their common identity;

Whereas from 1984 to 2002, Kevin White was the director of the Institute for Political Communication at Boston University;

Whereas Mayor White valiantly fought against Alzheimer's disease after his diagnosis in 2003 and despite this debilitating challenge, he never stopped being an example of strength for the City of Boston and his

Whereas Kevin White is survived by his wife, Kathryn; a brother, Terrence, who managed his early campaigns; his sons, Mark and Chris; his daughters, Caitlin, Beth, and Patricia; his 7 grandchildren; and his sister, Maureen Mercier:

Whereas the most famous campaign slogan coined Kevin White, "A loner in love with the city": and

Whereas the irony of the slogan is that Kevin White was never lonely and that the people of Boston who he loved so much, loved him back: Now, therefore, be it

Resolved. That-

(1) the Senate—

(A) recognizes that Kevin White forever enriched the Boston political landscape and forged a new path for the City of Boston;

(B) pays tribute to the work by Kevin White to improve the lives of the residents of the City of Boston; and

(C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Kevin White;

(2) when the Senate adjourns today, it stand adjourned as a mark of respect to the Hagan White.

SENATE RESOLUTION 366-HON-ORING THE LIFE OF DISSIDENT AND DEMOCRACY ACTIVIST WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO RE-GIME FORTHE DEATH WILMAN VILLAR MENDOZA

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON of Florida, and Mr. CASEY) submitted the following resolution; which was considered and agreed

#### S. RES. 366

Whereas, on Thursday, January 19, 2012, 31year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights:

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, "Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.";

Whereas Amnesty International stated. "The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.":

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the 'Black Spring" crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike:

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011: and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be

Resolved, That the Senate-

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest peaceful protest and to highlight the plight of the Cuban people:

- (2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4.000 detentions and arrests of activists in 2011;
- (3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;
- extends condolences (4) to Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;
- (5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;
- (6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council:
- (7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and
- (8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

### AMENDMENTS SUBMITTED AND PROPOSED

SA 1496. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

SA 1497. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1498 Mr. BLUMENTHAL (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieberman. Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, supra.

SA 1499. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table

SA 1500. Mr. INHOFE (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1501. Mr. McCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1472 proposed by Mr. Toomey (for himself, Mrs. McCaskill, Mr. DeMint, Mr. Udall of Colorado, Mr. Rubio, Ms. Ayotte, Mr. Portman, Mr. Thune, and Mr. Johanns) to the amendment SA 1470 proposed by Mr. REID (for himself. Mr. Brown of Massachusetts. Mr. Lie-BERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. Franken) to the bill S. 2038, supra: which was ordered to lie on the table.

SA 1502. Mr. BENNET (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1503. Mr. TESTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, supra.

SA 1504. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1505. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1506. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1507. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1508. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1509. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1510. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 1496. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_. AMENDMENTS TO THE FEDERAL RESERVE ACT.

- (a) MAINTENANCE OF LONG RUN GROWTH; PRICE STABILITY AND LOW INFLATION.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—
- (1) by striking "maximum employment, stable prices," and inserting "long-term price stability, a low rate of inflation,"; and
- (2) by at the end the following: "The Board shall establish an explicit numerical definition of the term 'long-term price stability' and shall maintain monetary policy that effectively promotes such long-term price stability."
- (b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed as a limitation on the authority or responsibility of the Board of Governors of the Federal Reserve System—
- (1) to provide liquidity to markets in the event of a disruption that threatens the smooth functioning and stability of the financial sector; or
- (2) to serve as a lender of last resort under the Federal Reserve Act when the Board determines such action is necessary.
- (c) CONGRESSIONAL OVERSIGHT.—The Board of Governors of the Federal Reserve System shall, concurrent with each semiannual hearing to Congress, submit a written report to the Congress containing—
- (1) numerical measures to help Congress assess the extent to which the Board and the Federal Open Market Committee are achieving and maintaining a legitimate definition of the term long-term price stability, as such

term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section);

- (2) a description of the intermediate variables used by the Board to gauge the prospects for achieving the objective of long-term price stability; and
- (3) the definition, or any modifications thereto, of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section).

SA 1497. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

# TITLE II—RESIDENTIAL MORTGAGE MARKET PRIVATIZATION AND STANDARD-IZATION

### SEC. 201. SHORT TITLE.

This title may be cited as the "Residential Mortgage Market Privatization and Standardization Act of 2012".

#### SEC. 202. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

- (1) COVERED MORTGAGE LOAN.—
- (A) IN GENERAL.—The term "covered mortgage loan" means any residential mortgage loan, including any single-family and multifamily loan, that is originated, serviced, or subserviced, in whole or in part, owned directly or indirectly, including through any interest in a security that is backed in whole or in part by a mortgage loan, or securitized or resecuritized, by an entity or affiliate or subsidiary thereof that is regulated by any of the agencies listed in subparagraph (B).
- (B) AGENCIES.—The agencies listed in this subparagraph are—
- (i) the Board of Governors of the Federal Reserve System;
- (ii) the Department of Agriculture;
- (iii) the Department of Housing and Urban Development;
- (iv) the Federal Deposit Insurance Corporation;
- (v) the Federal Housing Finance Agency;
- (vi) the Farm Credit Administration;
- (vii) the Federal Trade Commission;
- (viii) the Office of the Comptroller of the Currency;
- (ix) the National Credit Union Administration; and
- (x) the Securities and Exchange Commission.
- (2) ENTERPRISES.—The term "enterprises" means, individually and collectively, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.
- (3) FHFA; DIRECTOR.—The terms "FHFA" and "Director" mean the Federal Housing Finance Agency and the Director thereof, respectively.
  - (4) MORTGAGE DATA.—
- (A) IN GENERAL.—The Director shall define mortgage data, by regulation, consistent with this paragraph.
- (B) SINGLE-FAMILY LOANS.—For single-family covered mortgage loans, the term "mortgage data" means, as of the date of origination—
- (i) the loan origination date and the loan maturity date:

- (ii) whether the loan is a purchase loan or a refinance, and for refinance loans—
- (I) the date on which the refinanced loan was originated;
- (II) the identity of the lender on the refinanced loan; and
- (III) the unpaid principal balance of the refinanced loan that was repaid by the new loan:
- (iii) the value of the collateral property on which the lender relied, and how the lender determined the value;
- (iv) the credit score or scores that the lender used or on which it relied, and the entity that supplied each:
  - (v) debt-to-income ratios, including—
- (I) the ratio of the total debt of the borrower and coborrowers, expressed as a monthly payment amount, to the total current and expected future income of the borrower and any coborrowers on which the lender relied, expressed as a monthly income amount; and
- (II) the ratio of the first scheduled payment on the loan, expressed as a monthly payment amount, to the total current and expected future income of the borrower and any coborrowers on which the lender relied, expressed as a monthly income amount;
- (vi) the total value of borrower assets, but not including the value of the collateral and not including income, on which the lender relied:
  - (vii) the principal amount of the loan:
  - (viii) the interest rate on the loan:
- (ix) if the interest rate may adjust under the loan terms, the terms and limits of any permissible adjustment, including the index and margin, if applicable, when the rate may adjust, and any caps or floors on any such adjustment;
- (x) if the principal may increase under the loan terms at origination, the terms and limits of any permissible increase, including when the increase or increases may occur, how the amount and timing of any increase is determined, and any caps on any such increases:
- (xi) if the payment amount may adjust, independently of a rate adjustment or of an increase in the principal amount, the terms and limits of any permissible adjustment, including when the adjustment may occur, how the amount and timing of any adjustment is determined, and any caps or floors on any such adjustments:
- (xii) whether, under the loan terms, the borrower may be required to pay any prepayment penalty, and if so, the potential amount and timing of any such penalty;
- (xiii) any permissible grace periods and late fees under the loan terms, including fee amounts permitted on the loan;
- (xiv) whether the borrower or any coborrower has stated an intent to reside in the property as a principal residence;
- (xv) whether the loan is assumable under the loan terms at origination and if so, the conditions on which any assumption may be denied:
- (xvi) whether the originating lender was or is aware of any subordinate or senior lien on the property at the time at which the loan was originated, and if so, the identity of all lenders or other lienholders of such other loans, the relative lien position of each, and the date of origination of each lien if it secures a mortgage loan;
- (xvii) the type of mortgage insurance relating to the loan, including who pays it, and the amount and scheduled payment dates of any premiums:
- (xviii) whether flood insurance is required in connection with the loan, and if so, the amount and timing of premiums;

- (xix) whether the loan has an escrow account and if so, the amount of the initial deposit into the escrow account and the amount of the monthly payments scheduled to be deposited into the escrow account:
- (xx) the amount of points, fees, and settlement charges paid to originate the loan, including the amount of any compensation paid to a mortgage broker, and who paid it:
- (xxi) whether the borrower or borrowers have any payment assistance at origination, such as government or private subsidies or buydowns, and if so, the amounts, terms, and timing of such assistance: and
- (xxii) the address of the real property securing the mortgage loan.
- (C) MULTIFAMILY LOANS.—For multifamily covered mortgage loans, the term "mortgage data" means, as of the date of origination—
- (i) the number of dwelling units in each property securing each loan;
- (ii) the rent on each dwelling unit, or, if more than 1 has the same rent, the number of units at each rent level:
- (iii) the occupancy status of each dwelling unit:
- (iv) whether the rent is subsidized by any government agency and, if so, in what amounts, under what terms and conditions, and for what period of time;
- (v) whether the rent on the units is current, and if not, how many days or months the rent for each unit is delinquent; and
- (vi) all of the information described in subparagraph (B), except as modified by the Director, by regulation, consistent with this title.
- (D) AFTER ORIGINATION.—For both single-family and multifamily covered mortgage loans, beginning the day after the date of origination of the loan, and reported not less frequently than monthly thereafter until the loan ceases to exist, the term "mortgage data" includes—
- (i) the amount and date of payments received each month, including—
- (I) whether each payment is received by the due date or within a grace period, and if a payment is received after the scheduled due date, how many days past due;
- (II) the amount of any payment deposited into an escrow account;
- (III) amounts paid for other loan charges, with an identification of the amount and type of such other charge; and
- (IV) the amount of any prepayments;
- (ii) for loans on which any payment or partial payment is overdue, the number of days since the loan was current;
- (iii) whether property taxes, hazard insurance premiums, and any flood insurance premiums required in connection with the loan are paid by the borrower or borrowers as required, and if any such item is not paid as required—
- (I) the number of days since the payment was required, and the amount of the missed payment;
- (II) whether the servicer or other party on behalf of the servicer paid property taxes on the property, and in what amount; and
- (III) whether the servicer or other party on behalf of the servicer force-placed hazard or flood insurance, and if so, the amount of the premium and the identity of the insurer;
- (iv) the amount of any interest paid to the borrower on any escrow;
- (v) the type and date of any actions taken by or on behalf of the servicer due to default, including nonpayment default, and the amount charged to the borrower or borrowers as a result of the action or actions; and
- (vi) if the servicer is aware of any damage to the property securing the loan, the type

- and extent of the damage and of any repairs, the amount of insurance proceeds paid, the amount of such proceeds disbursed or paid to the borrower, and the amount held by the servicer, and the date and results of any inspection done by or on behalf of the servicer.
- (E) ADJUSTMENTS CONSISTENT WITH THE PURPOSES OF THIS TITLE.—The Director may adjust the items that are included in or excluded from the definition of mortgage data consistent with this title, as appropriate to protect the privacy of individual consumers.
- (F) PRIVACY.—The regulations required by subparagraph (A) may require rounding off of the debt to income ratios required to be included as mortgage data to protect the privacy of the borrower, taking into consideration the information that is already available on the Internet or in other ways.

## SEC. 203. GSE WINDDOWN.

- (a) FANNIE MAE.—Section 304 of the National Housing Act (12 U.S.C. 1719) is amended by adding at the end the following:
  - "(h) Winddown of Enterprises.—
- "(1) ANNUAL GUARANTEE REDUCTIONS.—Not later than 180 days after the date of enactment of the Mortgage Market Privatization and Standardization Act of 2011, and annually thereafter, the Director shall begin reducing the percentage of the value of a trust certificate or other security that may be guaranteed by the corporation by not less than 10 percent per year.
- "(2) STRUCTURE.—The percentage of the bond guaranteed by the corporation can be structured on either a pro-rata or senior-subordinated basis, as determined by the Director. The Director shall pursue a strategy that allows for market signals to assist Congress and the Director to monitor and assess the price that private market participants are assigning to mortgage credit risk.
- "(3) MORTGAGE-BACKED SECURITIES.—The existing portfolio of mortgage-backed securities of the corporation shall be reduced by not less than 20 percent per year."
- (b) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following:
- "(d) WINDDOWN OF ENTERPRISES.—
- "(1) ANNUAL GUARANTEE REDUCTIONS.—Not later than 180 days after the date of enactment of the Mortgage Market Privatization and Standardization Act of 2011, and annually thereafter, the Director shall begin reducing the percentage of the value of a trust certificate or other security that may be guaranteed by the corporation by not less than 10 percent per year.
- "(2) STRUCTURE.—The percentage of the bond guaranteed by the corporation can be structured on either a pro-rata or senior-subordinated basis, as determined by the Director. The Director shall pursue a strategy that allows for market signals to assist Congress and the Director to monitor and assess the price that private market participants are assigning to mortgage credit risk.
- "(3) MORTGAGE-BACKED SECURITIES.—The existing portfolio of mortgage-backed securities of the corporation shall be reduced by not less than 20 percent per year.".

## SEC. 204. RESIDENTIAL MORTGAGE MARKET TRANSPARENCY.

- (a) IN GENERAL.—Mortgage data relating to all covered mortgage loans shall be put into the public domain in accordance with this section.
- (b) AGENCY ACTION.—Each agency named in section 202(1)(B) shall, not later than 1 year after the date of enactment of this Act, require, by regulation, that all entities regulated by such agency shall put mortgage

- data relating to covered mortgage loans into the public domain, in accordance with this title and the regulations issued under this title. Such regulations shall require that the data be reasonably accurate and complete.
- (c) MANNER AND FORM OF DATA.—Not later than 1 year after the date of enactment of this Act, the Director shall, by regulation—
- (1) establish the manner and form by which all mortgage data required to be put into the public domain by this section shall be put into the public domain; and
- (2) require that such mortgage data be made available in a uniform manner, in a form designed for uniformity of data definitions and forms, ease and speed of access, ease and speed of downloading, and ease and speed of use.
- (d) UPDATE.—All entities required to put mortgage data into the public domain under this title shall continuously update the mortgage data, not less frequently than monthly, as long as the entities exist, whether in conservatorship, receivership, or otherwise. All updates shall be reasonably accurate and complete.
- (e) RESPONSIBILITY OF REGULATED ENTITIES.—The mortgage data required to be put into the public domain in accordance with this title shall include all mortgage data related to all covered mortgage loans, to the extent practicable.
- (f) DUPLICATION OF EFFORT.—If 2 or more entities are required by this title to report the same mortgage data relating to the same mortgage loan, they may, by agreement, determine that only 1 of such entities will report the data. If 1 of such entities reports the required mortgage data, it shall not be a violation of this section for the other entities not to report the data.
- (g) DATE OF ACCESS TO DATA.—The Director shall establish, and cause to be published in the Federal Register, the initial date on which—
- (1) the public shall begin to have access to any data put into the public domain in accordance with this title; and
- (2) all mortgage data is required to be put into the public domain, in accordance with
- (h) COSTS TO FHFA.—The FHFA shall pay the cost of establishing the database of mortgage data that is put into the public domain under this section, and of providing public access to that database. If the FHFA ever ceases to exist without being replaced, and unless otherwise provided by Act of Congress, the cost of maintaining the database shall be borne by the remaining agencies named in section 202(1)(B), by agreement.

#### SEC. 205. ENCOURAGING A MARKET FOR HIGH QUALITY RESIDENTIAL MORTGAGE FUTURES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by adding at the end the following:

#### "SEC. 1327. ENCOURAGING A MARKET FOR HIGH QUALITY RESIDENTIAL MORTGAGE FUTURES.

- "(a) DEFINITIONS.—In this section, the following definitions shall apply:
- ``(1) Deliverable residential mort-gage.—
- "(A) IN GENERAL.—The terms 'deliverable residential mortgage' and 'DRM' have the meaning given those terms by rule of the Director, in consultation with participants in the TBA market, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

- "(i) documentation and verification of the financial resources relied upon to qualify the mortgagor."
  - "(ii) standards with respect to-
- "(I) the residual income of the mortgagor after all monthly obligations;
- "(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor; and
- "(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;
- "(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;
- "(iv) mortgage guarantee insurance or other types of insurance or credit enhancement obtained at the time of origination, to the extent such insurance or credit enhancement reduces the risk of default; and
- "(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.
- "(B) LIMITATION ON DEFINITION.—The Director, in defining the term 'deliverable residential mortgage', as required by subparagraph (B), shall define that term to be no broader than the definition of the term 'qualified mortgage', as provided under section 129C(c)(2) of the Truth in Lending Act and regulations adopted thereunder.
- "(2) Participant in the TBA market.—The term 'participant in the TBA market' means a private investor in or dealer of mortgage-backed securities, particularly mortgage-backed securities issued by the enterprises, that routinely enters into forward contracts for the sale of mortgage-backed securities that do not specify the particular mortgage-backed securities that will be delivered to the buyer.
- "(3) PROGRAM.—The term 'program' means the program established under subsection (b)
- "(4) DRM FUTURES MARKET.—The term 'DRM futures market' means a market for forward contracts for the sale of mortgage-backed securities collateralized exclusively by deliverable residential mortgages.
- "(5) TBA MARKET.—The term 'TBA market' means the market for forward contracts for the sale of mortgage-backed securities that do not specify the particular mortgage-backed securities that will be delivered to the buyer.
- "(b) PROGRAM ESTABLISHED.—The Director, in consultation with participants in the TBA market, shall establish a program to encourage the development of a DRM futures market that—
- "(1) compliments the TBA market;
- "(2) creates incentives for trading by participants in the TBA market; and
- "(3) has the potential to replace the TBA market.
- "(c) TECHNOLOGY AND INFRASTRUCTURE.— The Director shall consult with participants in the TBA market to develop the technology and infrastructure necessary to carry out the program established under this sec-
- "(d) ANNUAL REPORT.—The Director shall submit to Congress an annual report on the program established under this section.".
  - (b) SECURITIES LAWS EXEMPTIONS.—
- (1) SECURITIES ACT OF 1933.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:
- "(14) Any mortgage-backed security collateralized exclusively by deliverable residential mortgages, as such term is defined

- under section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".
- (2) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)) is amended—
- (A) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively; and
- (B) by inserting after clause (v) the following:
- "(vi) any mortgage-backed security collateralized exclusively by deliverable residential mortgages, as such term is defined under section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;".

#### SEC. 206. MONETIZATION OF BUSINESS VALUE.

Pursuant to the authority of the Director as conservator of the enterprises under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617), the Director shall—

- (1) identify any property of the enterprises that would be of value to nongovernmental entities, including—
- (A) historical databases containing information on prepayment, delinquency, and default rates:
  - (B) proprietary home price indices;
- (C) technology used in the securitization of mortgages; and
- (D) patents relating to the securitization of mortgages, automated underwriting systems, and other processes; and
- (2) sell any property identified under paragraph (1) to nongovernmental entities.

### SEC. 207. UNIFORM UNDERWRITING STANDARDS.

- (a) STANDARDS ESTABLISHED.—Notwith-standing any other provision of this title or any other provision of Federal, State, or local law, the Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), in consultation with the FHFA and the Secretary of Housing and Urban Development, shall jointly establish specific minimum standards for mortgage underwriting, including
- (1) a requirement that the mortgagee verify and document the income and assets relied upon to qualify the mortgagor on the residential mortgage, including the previous employment and credit history of the mortgagor and
- (2) a down payment requirement that-
- (A) is equal to not less than 5 percent of the purchase price of the property securing the residential mortgage;
- (B) in the case of a first lien residential mortgage loan with an initial loan to value ratio that is more than 80 percent and not more than 95 percent, includes a requirement for credit enhancements, as defined by the Federal banking agencies, until the loan to value ratio of the residential mortgage loan amortizes to a value that is less than 80 percent of the purchase price;
- (C) uses a method for determining the ability of the mortgagor to repay the residential mortgage that is based on factors including—
- (i) all terms of the residential mortgage, including principal payments that fully amortize the balance of the residential mortgage over the term of the residential mortgage; and
- (ii) the debt to income ratio of the mortgagor; and
- (D) any other specific standards that the Federal banking agencies jointly determine are appropriate to ensure prudent underwriting of residential mortgages.
- (b) UPDATES TO STANDARDS.—The Federal banking agencies, in consultation with the

- FHFA and the Secretary of Housing and Urban Development—
- (1) shall review the standards established under this section not less frequently than every 5 years; and
- (2) based on the review under paragraph (1), may revise the standards established under this section, as the Federal banking agencies, in consultation with the FHFA and the Secretary of Housing and Urban Development, determine to be necessary.
- (c) COMPLIANCE.—It shall be a violation of Federal law—  $\,$
- (1) for any mortgage loan originator to fail to comply with the minimum standards for mortgage underwriting established under subsection (a) in originating a residential mortgage loan:
- (2) for any company to maintain an extension of credit on a revolving basis to any person to fund a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan funded by such credit was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a): or
- (3) for any company to purchase, fund by assignment, or guarantee a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a).
  - (d) IMPLEMENTATION —
- (1) REGULATIONS REQUIRED.—The Federal banking agencies, in consultation with the FHFA, shall issue regulations to implement subsections (a) and (c), which shall take effect not later than 270 days after the date of enactment of this Act.
- (2) REPORT REQUIRED.—If the Federal banking agencies have not issued final regulations under subsections (a) and (c) before the date that is 270 days after the date of enactment of this Act, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—
- (A) explains why final regulations have not been issued under subsections (a) and (c); and
- (B) provides a timeline for the issuance of final regulations under subsections (a) and (c).
- (e) ENFORCEMENT.—Compliance with the rules issued under this section shall be enforced by—
- (1) the primary financial regulatory agency as that term is defined under section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301) of an entity, with respect to an entity subject to the jurisdiction of a primary financial regulatory agency, in accordance with the statutes governing the jurisdiction of the primary financial regulatory agency over the entity, and as if the action of the primary financial regulatory agency were taken under such statutes; and
- (2) the Bureau of Consumer Financial Protection, with respect to a company that is not subject to the jurisdiction of a primary financial regulatory agency.
- (f) EXEMPTIONS FOR CERTAIN NONPROFIT MORTGAGE LOAN ORIGINATORS.—
- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, may jointly issue rules to exempt from

the requirements under subsection (a)(2), mortgage loan originators that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

- (2) DETERMINING FACTORS.—The Federal banking agencies shall ensure that—
- (A) the lending activities of a mortgage loan originator that receives an exemption under this subsection do not threaten the safety and soundness of the banking system of the United States: and
- (B) a mortgage loan originator that receives an exemption under this subsection—
- (i) is not compensated based on the number or value of residential mortgage loan applications accepted, offered, or negotiated by the mortgage loan originator:
- (ii) does not offer residential mortgage loans that have an interest rate greater than zero percent:
- (iii) does not gain a monetary profit from any residential mortgage product or service provided:
- (iv) has the primary purpose of serving low income housing needs;
- (v) has not been specifically prohibited, by statute, from receiving Federal funding; and
- (vi) meets any other requirements that the Federal banking agencies jointly determine are appropriate for ensuring that a mortgage loan originator that receives an exemption under this subsection does not threaten the safety and soundness of the banking system of the United States.
- (3) REPORTS REQUIRED.—Before the issuance of final rules under subsection (a), and annually thereafter, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—
- (A) identifies the mortgage loan originators that receive an exemption under this subsection; and
- (B) for each mortgage loan originator identified under subparagraph (A), explains the rationale for providing an exemption.
- (4) UPDATES TO EXEMPTIONS.—The Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury—
- (A) shall review the exemptions established under this subsection, not less frequently than every 2 years; and
- (B) based on the review under subparagraph (A), may revise the standards established under this subsection, as the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, determine to be necessary.
- (g) RULES OF CONSTRUCTION.—Nothing in this section may be construed to permit—
- (1) the enterprises to make or guarantee a residential mortgage loan that does not meet the minimum underwriting standards established under this section; or
- (2) the Federal banking agencies to issue an exemption under subsection (f) that is not on a case-by-case basis.
- (h) DEFINITIONS.—In this section, the following definitions shall apply:
- (1) COMPANY.—The term "company"-
- (A) has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)); and
- (B) includes a sole proprietorship.
- (2) MORTGAGE LOAN ORIGINATOR.—The term "mortgage loan originator" means any company that takes residential mortgage loan applications and offers or negotiates terms of residential mortgage loans.
- (3) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan"—

- (A) means any extension of credit primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent security interest in a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling; and
- (B) does not include a mortgage loan for which mortgage insurance is provided by the Department of Veterans Affairs or the Rural Housing Administration.
- (4) EXTENSION OF CREDIT; DWELLING.—The terms "extension of credit" and "dwelling" have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).
- (i) REPEAL OF CREDIT RISK RETENTION AND QRM RULES.—Section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 780-11) is repealed, and any rule or regulation promulgated under that section shall have no force or effect, effective on the date of enactment of this Act.

## SEC. 208. RESIDENTIAL MORTGAGE SERVICING STANDARDS.

- (a) Uniform PSA.—
- (1) Development.—
- (A) IN GENERAL.—The Director, in consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, shall, not later than 1 year after the date of enactment of this Act, develop a uniform pooling and servicing agreement (in this section referred to as a "uniform PSA"). The Director shall work with industry groups, including servicers, originators, and mortgage investors to develop the uniform PSA.
- (B) CRITERIA.—The uniform PSA shall—
- (i) address all issues relating to the pool trustee, and shall be based on pooling and servicing agreements in use by the enterprises on the date of enactment of this Act; and
- (ii) create uniform loss mitigation standards, including standards for a single point of contact for troubled borrowers, an industry wide net-present-value model for determining when to conduct a loan modification rather than foreclosure, and national standards for the foreclosure process.
- (2) EFFECT OF UNIFORM PSA.—Beginning 1 year after the date of enactment of this Act, all mortgage backed securities issued by national or State chartered banks in the United States will be affected in accordance with the uniform PSA.
- (b) MERS 2.—The Director shall establish, by rule, a Mortgage Electronic Registration System (in this section referred to as "MERS2") based on the Mortgage Electronic Registration System in use on the date of enactment of this Act. MERS2 shall incorporate a single national database for all mortgage title transfers, to be maintained and operated by FHFA. The rules of the Director shall ensure that property title is transferred in accordance with all applicable provisions of law. All mortgage transfers shall take place according to national standards and shall be recorded in the MERS2 system.
- (c) UNIFORM REGULATORY PRACTICES.—The Comptroller of the Currency, Chairperson of the Federal Deposit Insurance Corporation, Director, Chairman of the Board of Governors of the Federal Reserve System, and Director of the Bureau of Consumer Financial Protection shall, jointly, under the direction of the Director, develop uniform regulatory practices for the mortgage market.

The enterprises are prohibited from initiating or engage in new lines of business on and after the date of enactment of this Act.

### SEC. 210. REPEAL OF CHARTER ACTS.

Effective on the date on which the enterprises have no outstanding obligations pursuant to the winddown required by section 304(h) of the National Housing Act (as added by this title) and in section 305(d) of the Federal Home Loan Mortgage Corporation Act (as added by this title), respectively—

- (1) the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is repealed, and the charter of the Federal National Mortgage Association is rescinded; and
- (2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is repealed, and the charter of the Federal Home Loan Mortgage Corporation is rescinded.
- SA 1498. Mr. BLUMENTHAL (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_. APPLICATION TO OTHER ELECTED OFFICIALS AND CRIMINAL OFFENSES.

- (a) APPLICATION TO OTHER ELECTED OFFICIALS.—
- (1) CIVIL SERVICE RETIREMENT SYSTEM.— Section 8332(o)(2)(A) of title 5, United States Code, is amended—
- (A) in clause (i), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"; and
- (B) in clause (ii), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member".
- (2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(1)(2) of title 5, United States Code, is amended—
- (A) in subparagraph (A), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member": and
- (B) in subparagraph (B), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member".
- (b) CRIMINAL OFFENSES.—Section 8332(0)(2) of title 5, United States Code, is amended—
- (1) in subparagraph (A), by striking clause (iii) and inserting the following:
- "(iii) The offense-
- "(I) is committed after the date of enactment of this subsection and—
- "(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or
- "(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or
- "(II) is committed after the date of enactment of the STOCK Act and—
- "(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xviii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii)."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

"(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

"(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

"(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the Unites States Court of Appeals for the Federal Circuit by Member of Congress).

"(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

"(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

"(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

"(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

"(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

"(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions)

``(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

"(xi) An offense under section 607 of title 18 (relating to place of solicitation).

"(xii) An offense under section 641 of title 18 (relating to public money, property or records).

"(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

"(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

"(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

"(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

"(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

"(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

"(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

"(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

"(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

"(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments). "(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

"(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

"(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

"(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

"(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities)

"(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

"(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iy), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xivi), (xv), (xvi), (xviii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

"(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

"(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xviii), (xviii), (xix), (xx), (xxi), (xxiii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

``(II) an offense under clause (xxix), to the extent provided in such clause.

"(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx)"

SA 1499. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_. AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 13(d)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(d)(1)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (J) as subparagraphs (A) through (I), respectively.

(b) TECHNICAL AND CONFORMING AMEND-MENTS.—Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) in subsection (c)(4), by striking "subsection (d)(1)(G)" and inserting "subsection (d)(1)(F)"; and

(2) in subsection (f)—

(Å) by striking "paragraph (d)(1)(G)" each place that term appears and inserting "subsection (d)(1)(F)"; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking "subsection (d)(1)(G)" and inserting "subsection (d)(1)(F)"; and

(ii) in clause (ii), by striking "subsection (d)(1)(G)(v)" and inserting "subsection (d)(1)(F)(v)".

SA 1500. Mr. INHOFE (for himself and Mrs. Hutchison) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end of the amendment, insert the following:

## SEC. \_\_\_. PROHIBITION ON UNAUTHORIZED EARMARKS.

- (a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.
  - (b) SUPERMAJORITY.—

(1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) EARMARK DEFINED.—In this resolution, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—

(1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction:

(2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

(3) is awarded through a statutory or administrative formula-driven or competitive award process.

SA 1501. Mr. McCAIN (for himself and Mr. Coburn) submitted an amendment intended to be proposed to amendment SA 1472 proposed by Mr. Toomey (for himself, Mrs. McCaskill, Mr. DeMint, Mr. Udall of Colorado, Mr. Rubio, Ms. Ayotte, Mr. Portman, Mr. Thune, and Mr. Johanns) to the amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress

from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 23, strike "two-thirds" and insert "a majority".

SA 1502. Mr. BENNET (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE \_\_\_\_CLOSE THE REVOLVING DOOR

ACT OF 2012

#### SEC. 1. SHORT TITLE.

This title may be cited as the "Close the Revolving Door Act of 2012".

## SEC. 2. LIFETIME BAN ON MEMBERS OF CONGRESS FROM LOBBYING.

- (a) IN GENERAL.—Section 207(e)(1) of title 18, United States Code, is amended to read as follows:
- "(1) MEMBERS OF CONGRESS.—Any person who is a Senator, a Member of the House of Representatives or an elected officer of the Senate or the House of Representatives and who after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator, Member, or elected official seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.".
- (b) Conforming Amendment.—Section 207(e)(2) of title 18, United States Code, is amended—  $\,$
- (1) in the caption, by striking "Officers and staff" and inserting "Staff"; and (2) by striking "an elected officer of the
- (2) by striking "an elected officer of the Senate, or".
- (c) EFFECTIVE DATE.—The amendments made by this section shall apply to Members of Congress serving in Congress on or after the date of enactment of this Act.

## SEC. 3. CONGRESSIONAL STAFF.

- (a) IN GENERAL.—section 207(e) of title 18, United States Code, is amended—
- (1) in paragraph (2), by inserting at the end the following: "A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the personal office or member of Congress that had employed the person.";
- (2) in paragraph (3), by inserting at the end the following: "A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the personal office or member of Congress that had employed the person.";
- (3) by striking paragraph (4) and inserting the following:
- "(4) Any person who is an employee of a committee of the House of Representatives or the Senate, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives or the Senate, to whom para-

graph (7)(A) applies and who, within 1 year after the termination of that person's employment on such committee or joint committee (as the case may be), knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or joint committee (as the case may be) or who was a Member of the committee or joint committee (as the case may be) in the year immediately prior to the termination of such person's employment by the committee or joint committee (as the case may be), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title. A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the majority or minority staff of that committee, the chairman or ranking member of the committee during that person's employment, or any personal office or Member of Congress that had been a member of that committee during the person's employment with the committee.": and

- (4) in paragraph (6)(A), by striking "1 year" and inserting "6 years".
- (b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals employed by Congress on or after the date of enactment of this Act.

## SEC. 4. IMPROVED REPORTING OF LOBBYISTS ACTIVITIES.

Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by inserting at the end the following:

"(c) JOINT WEB SITE.—The Secretary of the Senate and the Clerk of the House of Representatives shall maintain a joint lobbyist disclosure Internet database for information required to be publicly disclosed under this Act which shall be an easily searchable Web site called lobbyists.gov with a stated goal of simplicity of usage.".

## SEC. 5. LOBBYIST REVOLVING DOOR TO CONGRESS.

- (a) IN GENERAL.—Any person who is a registered lobbyist or an agent of a foreign principal may not within 6 years after that person leaves such position be hired by a Member or committee of either House of Congress with whom the registered lobbyist or an agent of a foreign principal has had substantial lobbying contact.
- (b) WAIVER.—This section may be waived in the Senate or the House of Representatives by the Committee on Ethics or the Committee on Standards of Official Conduct based on a compelling national need.
- (c) Substantial Lobbying Contact.—For purposes of this section, in determining whether a registered lobbyist or agent of a foreign principal has had substantial lobbying contact within the applicable period of time, the Member or committee of either House of Congress shall take into consideration whether the individual's lobbying contacts have pertained to pending legislative business, or related to solicitation of Federal funding, particularly if such contacts included the coordination of meetings with the Member or staff, involved presentations to staff, or participation in fundraising exceeding the mere giving of a personal contribution. Simple social contacts with the Member or committee of either House of Congress and staff, shall not by themselves constitute substantial lobbying contacts.

# SEC. 6. PAYMENT FOR CHARTER FLIGHTS BY CAMPAIGN FUNDS AND DISCLOSURE OF CERTAIN AIR TRAVEL WITH A LOBBYIST BY A SENATOR.

- (a) CLARIFICATION OF RULES ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON COMMERCIAL AIRCRAFT.—
- (1) IN GENERAL.—Paragraph (1) of section 313(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a(c)) is amended—
- (A) by striking "a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft" in the matter preceding subparagraph (A) and inserting "in the case of a candidate for election to Federal office (other than a candidate who is subject to paragraph (2)), no political committee may make any expenditure for travel by such a candidate, or for travel on behalf of such a candidate, by means of a flight on an aircraft (regardless of whether such travel is in connection with an election for Federal office)", and
- (B) by striking "candidate, the authorized committee, or other" in subparagraph (B).
- (2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to flights taken on or after the date of the enactment of this Act.
- (b) DISCLOSURE.—Paragraph 2(e)(1) of rule XXXV of the Standing Rules of the Senate is amended—
- (1) in subclause (C), by striking "and" after the semicolon:
- (2) by inserting after subclause (D) the following:
- "(E) the source will submit a list of the names of any registered lobbyist or an agent of a foreign principal on the trip not later than 30 days after the trip; and".

#### SEC. 7. BAN ON LOBBYISTS MAKING CASH CAM-PAIGN CONTRIBUTIONS.

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended

- (1) by striking "No person" and inserting the following:
- "(a) IN GENERAL.—Except as provided in subsection (b), no person"; and
- (2) inserting at the end the following:
- "(b) Lobbyist.—
- "(1) TOTAL BAN.—If the person described in subsection (a) is a lobbyist, the amount referred to in subsection (a) shall be zero.
- "(2) LOBBYIST.—In this subsection, the term 'lobbyist' shall have the same meaning given such term in section 3(10) of the Lobbying Disclosure Act of 1995.".

## SEC. 8. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by inserting after section 6 the following:

#### "SEC. 6A. REPORTING BY SUBSTANTIAL LOB-BYING ENTITIES.

- "(a) IN GENERAL.—A substantial lobbying entity shall file on an annual basis with the Clerk of the House of Representatives and the Secretary of the United States Senate a list of any employee, individual under contract, or individual who provides paid consulting services who is—
- "(1) a former United States Senator or a former Member of the United States House of Representatives; or
- $\lq\lq(2)$  a former congressional staff person who—
- "(A) made at least \$100,000 in any 1 year as a congressional staff person;
- "(B) worked for a total of 4 years or more as a congressional staff person; or
- "(C) had a job title at any time while employed as a congressional staff person that

contained any of the following terms: 'Chief SEC. \_\_\_. EXTENSION OF TEMPORARY OFFICE OF of Staff', 'Legislative Director', 'Staff Director', 'Counsel', 'Professional Staff Member', 'Communications Director', or 'Press Secretary'

"(b) CONTENTS OF FILING.—The filing required by this section shall contain a brief job description of each such employee, individual under contract, or individual who provides paid consulting services, and an explanation of their work experience under subsection (a) that requires this filing.

"(c) IMPROVED REPORTING OF SUBSTANTIAL LOBBYING ENTITIES.—The Joint Web site being maintained by the Secretary of the Senate and the Clerk of the House of Representatives, known as lobbyists.gov, shall include an easily searchable database entitled 'Substantial Lobbying Entities' that includes qualifying employees, individuals under contract, or individuals who provide paid consulting services, under subsection (a).

"(d) LAW ENFORCEMENT OVERSIGHT.—The Clerk of the House of Representatives and the Secretary of the Senate may provide a copy of the filings of substantial lobbying entities to the District of Columbia United States Attorney, to allow the District of Columbia United States Attorney to determine whether any such entities are underreporting the Federal lobbying activities of its employees, individuals under contract, or individuals who provide paid consulting serv-

"(e) SUBSTANTIAL LOBBYING ENTITY.—In this section, the term 'substantial lobbying entity' means an incorporated entity that employs more than 3 federally registered lobbyists during a filing period.".

### SEC. 9. ENHANCED PENALTIES.

Section 7(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606(a)) is amended by striking "\$200,000" and inserting "\$500,000".

SA 1503. Mr. TESTER (for himself and Mr. Cochran) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end, add the following:

#### . FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

'(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.".

SA 1504. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the fol-

## BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109-8.-

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The central district of California.

- (B) The eastern district of California.
- (C) The district of Delaware.
- (D) The southern district of Florida.
- (E) The southern district of Georgia.
- (F) The district of Maryland.
- (G) The eastern district of Michigan. (H) The district of New Jersey.
- (I) The northern district of New York.
- (J) The southern district of New York.
- (K) The eastern district of North Carolina.
- (L) The eastern district of Pennsylvania.
- (M) The middle district of Pennsylvania.
- (N) The district of Puerto Rico.
- (O) The district of South Carolina.
- (P) The western district of Tennessee.
- (Q) The eastern district of Virginia.
- (R) The district of Nevada.
- (2) VACANCIES -

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge for the central district of California-

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware-

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida-

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland-

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.-Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) Temporary Office of Bankruptcy JUDGES EXTENDED BY PUBLIC LAW 109-8.

(1) Extensions.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.-

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware-

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico-

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge.

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee-

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge.

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.— Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102-361 FOR THE MIDDLE DISTRICT OF NORTH CARO-LINA .-

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptey Judgeship Act of 1992 (28) U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina-

specified in paragraph (2) occurs.

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.— Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

(d) TEMPORARY JUDGESHIP PAYGO OFFSET.-(1) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking \$1,000 and inserting \$1.042.

- (2) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the United States Treasury, to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.
- (3) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this Act.

SA 1505. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, lines 23 and 24, strike "executive branch and legislative branch officials" and insert "an executive branch employee, a Member of Congress, or an employee of Congress".

SA 1506. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_. SHAREHOLDER REGISTRATION THRESHOLD.

- (a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)) is amended—
  - (1) in paragraph (1)—
- (A) by striking subparagraphs (A) and (B) and inserting the following:
- "(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841). 2000 persons or more; and
- "(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more,"; and
- (B) by striking "commerce shall" and inserting "commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding \$10,000,000 and a class of equity security (other than an exempted security) held of record by"; and
- (2) in paragraph (4), by striking "three hundred" and inserting "300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200".
- (b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 780(d)) is amended, in the third sentence, by striking "three hundred" and inserting "300 persons, or, in the case of bank, as such term is defined in section 3(a)(6), or a bank holding company, as such

- term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200"
- (c) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.
- SA 1507. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 11. ACCESS TO INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.

- (a) AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.—Section 2516(1) of title 18, United States Code, is amended—
- (1) in paragraph (r), by striking "or" at the end:
- (2) by redesignating paragraph (s) as paragraph (t); and
- (3) by inserting after paragraph (r) the following:
- "(s) any violation of section 1348 of this title (relating to securities fraud); or".
- (b) AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.—Section 2517 of title 18, United States Code, is amended—
- (1) in subsection (1), by inserting ", or to an officer of the Securities and Exchange Commission," after "to another investigative or law enforcement officer"; and
- (2) in subsection (2), by inserting ", or officer of the Securities and Exchange Commission," after "investigative or law enforcement officer".

## SEC. 12. INSIDER TRADING STATUTE OF LIMITATIONS.

Section 21A(d)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1(d)(5)) is amended to read as follows:

- $\lq\lq(5)$  STATUTE OF LIMITATIONS.—No action may be brought under this section after the later of—
- $\mbox{``(A)}\ 5$  years after the date of the subject purchase or sale; or
- "(B) 2 years after the date on which the Commission discovers the violative conduct.".

## SEC. 13. INSIDER TRADING PENALTIES.

- (a) INSIDER TRADING PENALTIES UNDER SECTION 21A(a)(1) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1(a)(1)) is amended—
- (1) in subparagraph (A), by striking "and" at the end;
- (2) in subparagraph (B), by striking the period at the end and inserting "; and"; and
- (3) adding at the end the following:
- "(C) may, in any action instituted pursuant to section 8A of the Securities Act of 1933, or section 21C of this title, impose a civil penalty to be paid by the person who committed such violation, or who, subject to subsection (b)(1) of this section, directly or indirectly controlled the person who committed such violation."
- (b) INSIDER TRADING PENALTIES WHERE NO PROFITS GAINED OR LOSSES AVOIDED.—

- (1) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—
- (A) in section 21(d)(3)(A) (15 U.S.C. 78u(d)(3)(A)), by inserting 'that resulted in profits gained or losses avoided' after "penalty pursuant to section 21A"; and
- (B) in section 21B(a)(2)(A) (15 U.S.C. 78u–2(a)(2)(A)), by inserting ", other than by committing a violation subject to a penalty pursuant to section 21A that resulted in profits gained or losses avoided" after "rule or regulation issued under this title".
- (2) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—
- (A) in section 8A(g)(1)(A)(i) (15 U.S.C. 77h–1(g)(1)(A)(i)), by inserting ", other than by committing a violation subject to a penalty pursuant to section 21A of the Securities Exchange Act of 1934 that resulted in profits gained or losses avoided" after "rule or regulation issued under this title"; and
- (B) in section 20(d)(1) of the (15 U.S.C. 77t(d)(1)), by inserting "that resulted in profits gained or losses avoided" after "penalty pursuant to section 21A of the Securities Exchange Act of 1934".

#### SEC. 14. EX PARTE FREEZE AUTHORITY FOR OFF-SHORE INSIDER TRADING PROFITS.

Section 21C(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-3(c)(3)) is amended—

- (1) in subparagraph (A), by striking "(A) IN GENERAL" and inserting "(A) TEMPORARY FREEZE OF EXTRAORDINARY PAYMENTS BY AN ISSUER".
- (2) by redesignating subparagraph (B) as subparagraph (C); and
- (3) by inserting after subparagraph (A) the following:
- "(B) TEMPORARY FREEZE IN INSIDER TRAD-ING INVESTIGATIONS.—
- "(i) ISSUANCE OF TEMPORARY ORDER.—If the Commission finds that there is reason to believe that a violation described in section 21A has occurred, and that the person engaging in the purchase or sale constituting the potential violation is located outside of the United States, the Commission may impose a temporary order requiring any registered broker or dealer to freeze the brokerage accounts of such person at such broker or dealer for a period not to exceed 30 days after the date of entry of the order.
- "(ii) STANDARD.—A temporary order may be entered under clause (i) without notice, unless the Commission determines that notice and hearing prior to entry of the order would be in the public interest.
- "(iii) EFFECTIVE PERIOD.—A temporary order issued under clause (i) shall—
  - "(I) become effective immediately;
- "(II) be served upon each registered broker or dealer maintaining accounts subject to the order; and
- "(III) unless set aside, limited, or suspended by the Commission or by a court of competent jurisdiction, remain effective and enforceable for the period specified in the order, but for not longer than 30 days after the date of entry of the order.
- "(iv) VIOLATION OF TEMPORARY ORDER.—A violation of a temporary order issued under clause (i) shall be deemed a violation of this title.".
- SA 1508. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other

purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 9. UPDATED CIVIL MONEY PENALTIES FOR SECURITIES LAW VIOLATIONS.

- (a) SECURITIES ACT OF 1933.—
- (1) Money penalties in administrative ac-TIONS —Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h-1(g)(2)) is amended-
  - (A) in subparagraph (A)-
- (i) by striking "\$7,500" and inserting "\$10,000"; and
- (ii) by striking "\$75,000" and inserting "\$100,000"
- (B) in subparagraph (B)—
- (i) by striking "\$75,000" and inserting "\$100.000"; and
- (ii) by striking "\$375,000" and inserting "\$500.000"; and
- (C) by amending subparagraph (C) to read as follows:
- "(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—
- "(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;
- (ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission: or
- '(iii) the amount of losses incurred by victims as a result of the act or omission, if-
- "(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and
- "(II) such act or omission directly or indirectly resulted in-
- "(aa) substantial losses or created a significant risk of substantial losses to other persons; or
- "(bb) substantial pecuniary gain to the person who committed the act or omission.".
- (2) Money penalties in civil actions. Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended-
  - (A) in subparagraph (A)-
- (i) by striking "\$10,000"; and "\$5,000" and inserting
- (ii) by striking "\$50,000" and inserting "\$100,000";
  - (B) in subparagraph (B)-
- (i) by striking "\$50,000" and inserting "\$100,000"; and
- (ii) by striking "\$250,000" and inserting "\$500,000"; and
- (C) in subparagraph (C), by striking "greater of (i) \$100,000 for a natural person or \$500.000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation" and inserting the following: "greater of-
- "(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;
- "(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or
- "(iii) the amount of losses incurred by victims as a result of the violation"
- (b) SECURITIES EXCHANGE ACT OF 1934.—
- (1) Money penalties in civil actions. Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended-
  - (A) in clause (i)—
- (i) by striking "\$5,000" and inserting "\$10,000"; and
- (ii) by striking "\$50,000" and inserting "\$100,000"
- (B) in clause (ii)-
- (i) by striking "\$50,000" and inserting "\$100,000"; and
- (ii) by striking "\$250,000" and inserting "\$500,000"; and

- (C) in clause (iii), by striking "greater of (I) \$100,000 for a natural person or \$500,000 for any other person, or (II) the gross amount of pecuniary gain to such defendant as a result of the violation" and inserting the following: 'greater of-
- "(I) \$1,000,000 for a natural person or \$10,000,000 for any other person;
- "(II) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or
- "(III) the amount of losses incurred by victims as a result of the violation".
- (2) Money penalties in administrative ac-TIONS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2(b)) is amended-
  - (A) in paragraph (1)-
- (i) by striking "\$10,000"; and "\$5,000" and inserting
- (ii) by striking "\$50,000" and inserting "\$100,000";
- (B) in paragraph (2)-
- (i) by striking "\$50,000" and inserting "\$100,000"; and
- (ii) by striking "\$250,000" and inserting "\$500,000"; and
- (C) by amending paragraph (3) to read as follows:
- '(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), the amount of penalty for each such act or omission shall not exceed the greater of-
- "(A) \$1,000,000 for a natural person or \$10,000,000 for any other person:
- (B) 3 times the gross amount of pecuniary gain to the person who committed the act or omission: or
- "(C) the amount of losses incurred by victims as a result of the act or omission, if—
- "(i) the act or omission described in subsection (a) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and
- "(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission."
- (c) INVESTMENT COMPANY ACT OF 1940.-
- (1) MONEY PENALTIES IN ADMINISTRATIVE AC-TIONS.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(d)(2)) is amended-
- (A) in subparagraph (A)-
- "\$5,000" and inserting (i) by striking '\$10,000''; and
- (ii) by striking "\$50,000" and inserting "\$100,000";
- (B) in subparagraph (B)-
- striking "\$50,000" and inserting (i) by '\$100,000''; and
- (ii) by striking "\$250,000" and inserting \$500,000"; and (C) by amending subparagraph (C) to read
- as follows:
- "(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of-
- "(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;
- "(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or
- "(iii) the amount of losses incurred by victims as a result of the act or omission, if-
- "(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and
- "(II) such act or omission directly or indirectly resulted in substantial losses or cre-

- ated a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission."
- (2) Money penalties in civil actions.— Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)(2)) is amended-
  - (A) in subparagraph (A)-
- "\$5,000" and inserting (i) by striking "\$10,000"; and
- (ii) by striking "\$50,000" and inserting "\$100,000";
- (B) in subparagraph (B)-
- (i) by striking "\$50,000" and inserting "\$100,000"; and
- (ii) by striking "\$250,000" and inserting "\$500,000"; and
- (C) in subparagraph (C), by striking "greater of (i) \$100,000 for a natural person or \$500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation" and inserting the following: "greater of-
- "(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;
- "(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or
- "(iii) the amount of losses incurred by victims as a result of the violation".
  - (d) INVESTMENT ADVISERS ACT OF 1940.
- (1) Money penalties in administrative ac-TIONS.—Section 203(i)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(i)(2)) is amended-
  - (A) in subparagraph (A)—
- (i) by striking "\$10,000"; and "\$5,000" and inserting
- (ii) by striking "\$50,000" and inserting "\$100,000";
  - (B) in subparagraph (B)-
- (i) by striking "\$50,000" and inserting "\$100,000"; and
- (ii) by striking "\$250,000" and inserting "\$500,000"; and
- (C) by amending subparagraph (C) to read as follows:
- "(C) THIRD TIER.-Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of-
- "(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;
- "(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or
- "(iii) the amount of losses incurred by victims as a result of the act or omission, if-
- "(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and
- "(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission."
- (2) Money penalties in civil actions.— Section 209(e)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(e)(2)) is amended-
  - (A) in subparagraph (A)-
- (i) by striking "\$5,000" and inserting "\$10,000"; and
- (ii) by striking "\$50,000" and inserting "\$100.000"
  - (B) in subparagraph (B)-
- (i) by striking "\$50,000" and inserting "\$100,000"; and
- (ii) by striking "\$250,000" and inserting "\$500,000"; and
- (C) in subparagraph (C), by striking "greater of (i) \$100.000 for a natural person or

\$500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation" and inserting the following: "greater of—

``(i) \$1,000,000 for a natural person or \$10,000,000 for any other person;

"(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

"(iii) the amount of losses incurred by victims as a result of the violation".

### SEC. 10. PENALTIES FOR RECIDIVISTS.

- (a) SECURITIES ACT OF 1933.-
- (1) CEASE-AND-DESIST PROCEEDINGS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h-1(g)(2)) is amended by adding at the end the following:
- "(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person."
- (2) Injunctions and prosecution of offenses.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended by adding at the end the following:
- "(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant."
- (b) SECURITIES EXCHANGE ACT OF 1934.—
- (1) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended by adding at the end the following:
- "(iv) FOURTH TIER.—Notwithstanding clauses (i), (ii), and (iii), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such clauses if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant."
- (2) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-2(b)) is amended by adding at the end the following:
- "(4) FOURTH TIER.—Notwithstanding paragraphs (1), (2), and (3), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such paragraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person."
- (c) INVESTMENT COMPANY ACT OF 1940.-
- (1) INELIGIBILITY OF CERTAIN UNDERWRITERS AND AFFILIATES.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(d)(2)) is amended by adding at the end the following:
- "(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum

- amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.".
- (2) ENFORCEMENT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)(2)) is amended by adding at the end the following:
- "(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant."
- (d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended—
- (1) in section 203(i)(2) (15 U.S.C. 80b-3(i)(2)), by adding at the end the following:
- "(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person."; and
- (2) in section 209(e)(2) (15 U.S.C. 80b-9(e)(2)) by adding at the end the following:
- "(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant."

## SEC. 11. VIOLATIONS OF INJUNCTIONS AND BARS.

- (a) SECURITIES ACT OF 1933.—Section 20(d) of the Securities Act of 1933 (15 U.S.C. 77t(d)) is amended—
- (1) in paragraph (1), by inserting after "the rules or regulations thereunder," the following: "a Federal court injunction or a bar obtained or entered by the Commission under this title,"; and
- (2) by amending paragraph (4) to read as follows:
- "(4) Special provisions relating to a violation of an injunction or certain orders.—
- "(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.
- "(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—
- "(i) a Federal court injunction obtained pursuant to this title;
- "(ii) an order entered or obtained by the Commission pursuant to this title that bars.

- suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or
- "(iii) a cease-and-desist order entered by the Commission pursuant to section 8A.".
- (b) SECURITIES EXCHANGE ACT OF 1934.— Section 21(d)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)) is amended—
- (1) in subparagraph (A), by inserting after "the rules or regulations thereunder," the following: "a Federal court injunction or a bar obtained or entered by the Commission under this title,"; and
- (2) by amending subparagraph (D) to read as follows:
- "(D) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—
- "(i) IN GENERAL.—Each separate violation of an injunction or order described in clause (ii) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.
- (ii) INJUNCTIONS AND ORDERS.—Clause (i) shall apply with respect to an action to enforce—
- "(I) a Federal court injunction obtained pursuant to this title;
- "(II) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or
- "(III) a cease-and-desist order entered by the Commission pursuant to section 21C.".
- (c) INVESTMENT COMPANY ACT OF 1940.—Section 42(e) of the Investment Company Act of 1940 (15 U.S.C. 80a-41(e)) is amended—
- (1) in paragraph (1), by inserting after "the rules or regulations thereunder," the following: "a Federal court injunction or a bar obtained or entered by the Commission under this title,"; and
- (2) by amending paragraph (4) to read as follows:
- $\lq\lq(4)$  Special provisions relating to a violation of an injunction or certain orders.—
- "(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to 
  comply with the injunction or order shall be 
  deemed a separate offense.
- "(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—
- $\lq\lq(i)$  a Federal court injunction obtained pursuant to this title;
- "(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or
- "(iii) a cease-and-desist order entered by the Commission pursuant to section 9(f).".
- (d) INVESTMENT ADVISERS ACT OF 1940.— Section 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9(e)) is amended—
- (1) in paragraph (1), by inserting after "the rules or regulations thereunder," the following: "a federal court injunction or a bar obtained or entered by the Commission under this title,"; and
- (2) by amending paragraph (4) to read as follows:
- ''(4) SPECIAL PROVISIONS RELATING TO A VIO-LATION OF AN INJUNCTION OR CERTAIN OR-DERS.—

"(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

"(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

"(i) a Federal court injunction obtained pursuant to this title;

"(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

"(iii) a cease-and-desist order entered by the Commission pursuant to section 203(k).".

SA 1509. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

# SEC. \_\_\_. BILL MAY NOT TAKE EFFECT BEFORE A BUDGET RESOLUTION IS IN EFFECT.

Notwithstanding any other provision of this Act, this Act shall not take effect before the date a concurrent resolution on the budget has been agreed to and is in effect for the fiscal year during which this Act was enacted.

SA 1510. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

## SEC. \_\_\_. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified; and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 1, 2012, at 2:30 p.m., to hold a European Affairs sub-committee hearing entitled, "Ukraine at a Crossroads: What's at Stake for the U.S. and Europe?"

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

 $\begin{array}{c} {\tt COMMITTEE~ON~SMALL~BUSINESS~AND}\\ {\tt ENTREPRENEURSHIP} \end{array}$ 

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 1, 2012, at 10 a.m. in room 432 Russell Senate Office building, to conduct a roundtable entitled "Developing and Strengthening High-Growth Entrepreneurship."

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on February 1, 2012, at 2:30 p.m., to conduct a hearing entitled, "Federal Retirement Processing: Ensuring Proper and Timely Payments."

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

## SAM D. HAMILTON NOXUBEE NATIONAL WILDLIFE REFUGE

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 588, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 588) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mrs. GILLIBRAND. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 588) was ordered to a third reading, was read the third time, and passed.

TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL BAR-RIER RESOURCES SYSTEM

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 304, S. 1296.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1296) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in the State of Rhode Island.

There being no objection, the Senate proceeded to consider the bill.

Mrs. GILLIBRAND. I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 1296) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1296

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

# SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

- (a) DEFINITION OF MAP.—In this section, the term "Map" means the map that—
- (1) is subtitled "Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, Hazards Beach Unit RI-07";
- (2) is included in the set of maps entitled "John H. Chafee Coastal Barrier Resources System" (referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) as the set of maps entitled "Coastal Barrier Resources System"); and
- (3) relates to certain John H. Chafee Coastal Barrier Resources System units in the State of Rhode Island.
- (b) REPLACEMENT.—The Map is replaced by the map entitled "John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07" and dated September 30, 2009.
- (c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

## HONORING THE LIFE OF KEVIN HAGAN WHITE

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 365, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 365) honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 365) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 365

Whereas Kevin White was born in Boston on September 25, 1929;

Whereas his father, Joseph C. White, a legislator of the Commonwealth of Massachusetts; his maternal grandfather, Henry E. Hagan; and his father-in-law, William Galvin; each served as presidents of the Boston City Council;

Whereas Kevin White earned a bachelor's degree from Williams College in 1952, a law degree from Boston College in 1955, and also studied at the Harvard Graduate School of Public Administration, now the John F. Kennedy School of Government;

Whereas in 1956, Kevin White married Kathryn Galvin;

Whereas in 1960, at the age of 31, Kevin White was elected Secretary of the Commonwealth of Massachusetts and was reelected 3 times, serving until 1967;

Whereas in January 1968, Kevin White became the 51st Mayor of the City of Boston, Massachusetts:

Whereas within months after taking office as Mayor of Boston, Kevin White was instrumental in helping guide the City of Boston after the assassination of Dr. Martin Luther King, Jr.:

Whereas on April 5, 1968, Mayor White asked that the James Brown concert at the Boston Garden be televised rather than be cancelled, as many suggested;

Whereas during the concert, Mayor White addressed the citizens to plead for calm and said, "Twenty four hours ago Dr. King died for all of us, black and white, that we may live together in harmony without violence, and in peace. I'm here to ask for your help and to ask you to stay with me as your mayor, and to make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.";

Whereas during his time as Mayor of Boston, Kevin White undertook a program of urban revitalization of the downtown areas of Boston that forever transformed Faneuil Hall and Quincy Market:

Whereas during his time as Mayor, Kevin White brought the residents of each neighborhood of Boston, from Mattapan to Charlestown, from South Boston to Brighton, from East Boston to West Roxbury, together through programs like Summerthing, Little City Halls, and jobs for at-risk youth;

Whereas in 1974, Judge W. Arthur Garrity Jr. of the United States District Court for the District of Massachusetts ordered Boston to begin busing children to integrate its schools:

Whereas during a difficult period of racial tension for the City of Boston, Mayor White urged the people of Boston to remember their common identity;

Whereas from 1984 to 2002, Kevin White was the director of the Institute for Political Communication at Boston University; Whereas Mayor White valiantly fought against Alzheimer's disease after his diagnosis in 2003 and despite this debilitating challenge, he never stopped being an example of strength for the City of Boston and his family;

Whereas Kevin White is survived by his wife, Kathryn; a brother, Terrence, who managed his early campaigns; his sons, Mark and Chris; his daughters, Caitlin, Beth, and Patricia; his 7 grandchildren; and his sister, Maureen Mercier;

Whereas the most famous campaign slogan coined Kevin White, "A loner in love with the city"; and

Whereas the irony of the slogan is that Kevin White was never lonely and that the people of Boston who he loved so much, loved him back: Now, therefore, be it

Resolved, That-

(1) the Senate—

- (A) recognizes that Kevin White forever enriched the Boston political landscape and forged a new path for the City of Boston;
- (B) pays tribute to the work by Kevin White to improve the lives of the residents of the City of Boston; and
- (C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Kevin White; and
- (2) when the Senate adjourns today, it stand adjourned as a mark of respect to the memory of former Boston Mayor Kevin Hagan White.

# HONORING THE LIFE OF WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 366, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 366) honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 366

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime:

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, "Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.":

Whereas Amnesty International stated, "The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.";

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the "Black Spring" crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

Resolved, That the Senate-

- (1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people:
- (2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011:
- (3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba:
- (4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;
- (5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;
- (6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;
- (7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and
- (8) calls on the governments of all democratic countries to insist on the release of all

political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

## ORDERS FOR THURSDAY, FEBRUARY 2, 2012

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m. on Thursday, February 2, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S. 2038, the Stop Trading on Congressional Knowledge Act.

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

## PROGRAM

Mrs. GILLIBRAND. The managers of the bill will continue to negotiate an agreement to complete action on the bill tomorrow. Senators will be notified when any agreement is reached.

Mr. President, I commend Leader REID and Chairman LIEBERMAN for their strong work, along with Senator COLLINS for her work in reaching bipartisan resolutions on this issue. We will continue to work through the night hoping to reach a resolution early in the day.

## $\begin{array}{c} {\rm ADJOURNMENT~UNTIL~9:30~A.M.} \\ {\rm TOMORROW} \end{array}$

Mrs. GILLIBRAND. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:56 p.m. adjourned until Thursday, February 2, 2012, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL A. BOTTICELLI, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE A. THOMAS MCLELLAN.

## DEPARTMENT OF THE TREASURY

CHRISTY L. ROMERO, OF VIRGINIA, TO BE SPECIAL IN-SPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM, VICE NEIL M. BAROFSKY, RESIGNED.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

#### To be captain

PATRICK K. ABOAGYE DAVID R. ALLEN WILLIAM F. CSISAR

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be admiral

VICE ADM. WILLIAM E. GORTNEY

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### To be major

OSCAR FONSECA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

## To be major

THOMAS G. DUFFETT THOMAS S. GARRIDO

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531(A) AND 716:

#### To be major

MICHAEL W. PAULUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE  $10, \mathrm{U.s.c.}$ , SECTION 624:

#### To be major

BENJAMIN G. HUGHES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10. U.S. C. SECTION 624:

### To be lieutenant colonel

MICHELLE S. FLORES

## To be major

MARK B. DUDLEY DENA L. ENGEL MOLLY F. GEORGE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

### To be major

AMORY S. BALUCATING KENNETH S. BODE JUSTIN J. CLARK CRISTALLE A. COX JARRAOD E. DUMPE MATTHEW C. GILL JEFFERY MEADE TYLER S. REYNOLDS CHRISTOPHER W. SNYDER CHUONG N. THAI HANS R. WATSON RAMOTHEA L. WEBSTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

## To be lieutenant colonel

DARRIN L. BARRITT
BLAINE H. BATEMEN
JOSEPH P. BECKER
WILLIAM W. BORDON
PATRICK T. BRODERICK
MICHAEL E. BROWN
MICHAEL E. EROWN
MICHAEL E. EVERTON
JAMES T. GOODWIN
BLAKE B. JESSEN
LANCE M. JOENSTON
DANIEL R. HAYNES
MARK A. KOENIG
JEFFREY J. KRIENKE
SCOTT J. LUBIN
BREENT E. MOORE
DAVID A. OMSTEAD
KENT E. PETERSON
RICHARD L. RICHARD
AMIN Y. SAID
RODNEY L. STAGGS
JACK F. II STUART
SEAN P. TIERNAN
MARK A. TWITCHELL

SCOTT A. WOOLWINE

#### To be major

PAMELA A. ALLEY
MATTHEW R. BASLER
WESLEY T. CHOATTE
BENJAMIN B. CHRISTEN
TROY D. CHINEVERE
WILLIAM S. FINLEY
WILLIAM D. GENTILE
LEWIS A. JACKSON
DANIEL F. LEICHSSENRING
CHRISTIAN F. LICHTER
ALAN L. MILLER
JOHN E. MOTLEY
JUSTIN A. RIDDLE
TODD J. ROSENQUIST
DANIEL G. SCHILLING
RALPH R. SHOUKRY
STEVEN J. SLATER
JOSHUA J. SMITH
ROBERT L. SOUTHERLAND
DANIEL W. STUPINSKI
KLIS T. ZANNIS

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

SCOTT W. MARLIN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be lieutenant colonel

RICHARD T. MULL

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINT-MENT TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531

#### To be major

KELLY E. CARLEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINT-MENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

### To be major

DAVID C. HATCH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PETER V. HUYNH

To be major

MAJWA AHMAD RICHARD A. DANIELS GARRETT T. HINES MICHAEL J. RAKOW

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

## $To\ be\ colonel$

MICHAEL A. ABELL ZACHARY F. DOSER BRIAN F. WERTZLER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10. U.S.C., SECTIONS 12203 AND 12211:

## To be colonel

CHARLES H. BUXTON GREGORY T. DAY KARL KONZELMAN THOMAS M. VICKERS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

### To be colonel

THOMAS AUBLE
ARMAND G. BEGUN
JOHN M. BERGEN
MICHELLE E. CRAWFORD
MICHAEL J. DEEGAN
WILLIAM B. DYER III
ANDREW C. EFAW
RANDALL FLUKE
STUART C. GAUFFREAU
MICHAEL P. MORAN
RICHARD M. MURPHY
NATHANIEL J. REITZ
CHRISTOPHER W. RYAN
PAMELA STEPHENS
RONDA SUTTON
BRIAN E. TOLAND

ALBERT R. VELDHUYZEN ALVIN P. WADSWORTH, JR. DAVID B. WALLACE CHRISTOPHER J. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### To be major

PAUL B. ALLEN, SR.
JOHN J. ALVITRE
SCOTT E. ANDERSON
CINDY T. ATKINS
TERRY D. BLACKWELL
WILLIE D. BOOKER
RAMON S. BRADSHAW
RONALD A BROCK RAMON S. BRADSHAW
RONALD A. BROCK
DAVID E. BROOKS
PETER J. CARROLL
LORI A. CLIARK
CHAD A. COLE
JOHN P. DAVINSON
SHAERN D. DENSON
COLIN M. DUNDERDALE
LOSE D. DURNN SHAREN D. DENSON
COLIN M. DUNDERDALE
JOSE D. DURBIN
MARK W. EPPS
SCOTT T. FESTA
SUSAN G. FISHER
ROSALYN V. FITZPATRICK
RAMON E. FRY II
EDWARD A. GAGE
FELIPE GALVAN
JEFFREY D. GARBERICH
JOHN B. GILLUM, JR.
EDWIN X. GUTTERREZ
MATTHEW B. HANNA
TODD A. HEINS
GREGORY A. HERSHEY
SCOTT R. HITTER
JOHN D. HUSE
CHARLES R. JENNINGS
DAVID A. JOHNSTON
JOHN E. KING
RANDOLPH W. KNOX
CHONG U. KO
EBNJAMIN K. KOCHER
CHRISTINE L. LANDRY BENJAMIN K. KOCHER
CHRISTINE I. LANDRY
RONALD A. LEACH
JONATHAN D. LESHER
JUSTIN F. LETOURNEAU
KNIGHT S. I. MANSARAY
ROBERT R. MCKIBBEN
ALDO M. MENDOZA
KRYSTAL MORRIS
ARNRAE U. MOULTRIE
CECILIA NAJERA
ANDREW R. OBANDO
MELISSA D. OGLE ANDREW R. OBANDO
MELISSA D. OGLE
STEVEN D. OWENS
DEREK J. PARKER
JOHN J. PENA
MARQUES T. RAPOSO
RETAUNDA M. RILEY
CORTES M. RIVERA
KENNETH P. RIVERA
HILIP J. ROYER
CHRISTOPHER M. SACHELI
RORY J. SALIGER
ROBERT A. SCAVELLI
SHERRILL F. SCHAAF
DENNISON S. SEGUI
ANGELA E. SLITZER DENNISON S. SEGUI
ANGELA E. SLITZER
TAMMY M. SMOAK
MICHAEL C. STACKHOUSE II
THOMAS S. STRAIN
ANGELA K. TAGUE
SEAN P. THERIEN
BRADLEY C. TIBBETTS
BRADLEY S. TRAGORD
MOHAMAD A IMAR MOHAMAD A. UMAR JOSEPH C. WHELCHEL ARNALDO F. ZELAYACASTRO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

## To be major

AATIE BARKY
JAMIE C. BROWN
SARAH A. COOPER
SHARON DAYE
CAROLYN B. DESHAIES
LEONORA J. DICKSON
SHAWN M. DUNN
JOSEPH EGGERS
CYNTHIA A. FACCIOLLA
AMY FIELD
STEPHANIE HALL
CORINN D. HARDY
DEAN N. LAVAALLE
SEAN MAJOY
JOLENE M. NORTH
LAUREN L. PECHER
KARI I. PROPER
JENNIFER L. SCRUGGS
JONATHAN SHEARER
SUZANNE C. SKERRETT
THOMAS R. TUCKER III

KATIE BARRY

TSELANE P. WARE KIMBERLY S. YORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 9064.

## To be major

CAROL H. ADAMS

JAMILIA M. ADAMSHENDERSON

EKERETTE U. AKPAN

NORMA R. ALANIZ

CLAUDIA A. ALLIS

JOSHUA S. ANDERSON

JORGE L. APONTE

PETER J. ATTILIO

NIKKI R. BAILEY

WILLETTE C. BALSAMO

BENJAMIN D. BANCHEK

SUSAN A. BARTRAM BENJAMIN D. BANCHEK SUSAN A. BARTRAM KARA T. BEATTIE ROSALIE C. BENNETT ROSEMARY E. BEYSIEGEL GEORGE V. BIGALBAL FRANCES E. BRADLEY FRIEDA R. BRADSHAW AMY B. BRAY CHRISTOPHER D. BRETT CHRISTOPHER D. BRETT
JOHN S. BRINKMAN
JOHN E. BUEN
BRIAN P. CAHILL
DEANN M. CALLANAN
ANNE C. CHIQUITUCTO
ANGELIKA W. CHIRI
DWIGHT M. CHRISTENSEN
JOYCELYN S. CONSTANTINO
ANTHONY W. COOPER
MELISA F. CURRY
JANICE N. DANIEL
REGINA G. DANIELS JANICE N. DANIEL
REGINA G. DANIELS
JACOB L. DEEDS
RENE DELAROSA
RICHELLE R. DEMOTICA
KELLY L. DOHERTY
ERNEST M. DOREMA
LINDSAY A. DRYSDALE
CHRISTINE A. DUNGY
JENNIFER L. EASLEY
SIMONE M. EDWARDS
DOUGLAS J. ERDLEY
ROBERT L. FLORES
CHANDRA A. FORD
ARLISA J. FORDBIBER
ALISON R. FRANSIOLI
TAMMY L. FUGERE
LISA L. GASKIN LISA L. GASKIN ANN E. GENN JENNIFER M. GOMES JERRY W. GOSTNELL MARI E. GROEBNER PARKER M. HAHN JAMES A. HALEY JAMES A. HALEY
GEORGE E. HANSEN
KONNI L. HANSEN
LEONARD C. HATCHER
SONIA R. HEARN
PAUL C. HECK
PACQUITA M. HILL
WILLIAM G. INMAN
VALERIE J. INSOGNA
PREATA L. JACKSON
DESIREE M. JONES
KADIJATU KAKAY
SUISAN M KEEGAN SUSAN M. KEEGAN JAMES A. KILBOURN PATRICIA L. KINDRED BLAIN A. KING ROBERT M. KOPCZYK LAURIE A. KWOLEK WENDY S. LAI WENDY S. LAI EMILY R. LEITER FERNANDO LOPEZ, JR. SHARON A. LYLES SABRINA M. MANWILLER SABRINA M. MANWILLER
RONALD T. MARPLE
MICHAEL S. MARQUEZ
MATTHEW K. MARSH
PATRICIA A. MARTINEZ
SAUNDRA D. MARTINEZ
KELLY A. MCKAY
NICOLE K. MCKENNA
CHRISTOPHER G. MCKENZIE
CHRISTOPHER M. MCPHINK
COREY A. MERRITT
JACQUELINE D. MONROE
GUISTAVO E. MORENO JACQUELINE D. MONROE GUSTAVO E. MORENO ALISON C. MURRAY JOHN P. MURRAY NHAN L. NGOANDERSON SHANE T. OBANION PEDRO N. OBLEA SCOTT M. OBRIEN SARAH N. OHM SARAH N. OHM
TINA N. ORTIZ
DAVID S. OUANO
DAHLIA L. PACHECO
JOLEEN G. PANGELINAN
ANTHONY N. PANSOY
MARCELLE J. PASION JOHN B. PERKO MARIA T. PESCATORE ALFREDA D. PETERSON

BRENDA C. PLOOF
JAVIER A. RAMIREZSMITH
CARLOS M. RAMOS
KENNETH T. RAY
MELISSA D. REECE
CHARLES E. REEDER
MELISA S. REEVES
MARY B. REINKIEWICZ
REGINA D. RIEGER
SEAN P. RILBY
ALFREDA B. RITTER
THOMAS ROBINSON
DANIELLE K. RODONDI
GRISELLE RODRIGUEZ
TRACEEZ J. ROSE
DIONICIA M. RUSSELL
JAMES E. RYALS
PEGGY S. SALINAS
MICHAELR. SCHELL
BENNY C. SCHULTEIS
ANGEL F. SEDASEDA
DEANNA R. SETTELMEYER
PRISCILLA N. SHAW
DEANNA M. SHEETS
DWAYNE C. SHEPHERD
RITA M. SIMS
CARMEN D. SMITH
MICHAELD. STEPP
RICHARD R. STEVENS
ROBERT C. STRICKLAND
CHRISTOPHER H. STUCKY
JASON A. SZAKEL
HEIDI M. TABAREZ
VALERIE TAYLOR
JOSE E. TIRADO
ASHONDA T. K. TRICE
JONPAUL T. TROSSI
KRISTINE M. TUTTLE
RANDY T. VIRAY
IRA L. WAITE
ENORA L. WALSH
IL GABRIELD WANDER
CHARLES W. WATSON II
MICHELLE D. WANDER
CHARLES W. WATSON III
MICHELLE D. WALLSH
MICHAELD A. WILLSON
DAISY A. WILSON
MONICA F. WYATT
DUANE J. ZARICOR
TOMASZ ZIELLINSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

### To be major

COREBRIANS A. ABRAHAM SEAN ALLEN SEAN ALLEN
VERONICA N. ALMEIDA
LAURA J. ANDRICK
DONALD P. APPLEMAN
CASEY ARRIAGA
THUYA AUNG
KAREN J. BAUMBRIDGE
JASON B. BAUMGARTNER
TERRI N. BAYNE
CYNTULIA BILL IE CYNTHIA BILLIE
JOSEPH P. BLAKENEY
ANTONIO D. BLUE
CRYSTAL L. BRIGANTTI LEXIE B. BUENAVENTURA TIMOTHY S. BURCH JOSEPH L. BURKS MARIE P CAREL CHRISTOPHER H. CALDWELL DAVID A. CARUSO ROBERT CASE MARISOL S. CASTANETO JONATHAN R. CATALANO LISA M. CHABOT DAVID E. CHAPPELI DAVID E. CHAPPELL
CHRISTOPHER E. CHEAGLE
LEANNE M. CLEVELAND
PARNELL COLEMAN
WALTER J. COUCH
ANDREA L. CREARY
MECREDI M. CRUDER
SULAS A DAVIDSON MECREDI M. CRUDER SILAS A. DAVIDSON JONATHAN P. DEETER II JOSHUA DEFREITAS SHAWN J. DEFRIES CICELY M. DENT SEMONE M. DILWORTH ERICA L. DORTCH MICHAEL DRULIS TYLER D. DUMARS
TRACY L. DURHAM
KENNON J. ETHERIDGE
JOHNATHAN J. EVANS RICHARD FOUCAULT BRICE D. FRANKLIN APRIL FRITCH RODEMIL R. FUENTES LOLITO GANAL ALBERT GARCIA PEDRO GARCIA, JR. RANDY J. GARCIA MATTHEW S. GARRIDO JAMES C. GEDDIE

## CONGRESSIONAL RECORD—SENATE, Vol. 158, Pt. 1

KATRINA A. GILL ANGELA M. GILLIE DAVID A. GLEN WILLIAM J. GOTTLICK SAMMY J. GRAHAM MICHAEL R. GREIFENSTEIN LAMISA S. GUY
JIN B. HA
RODNEY R. HANKINS, JR.
THOMAS M. HARDY
APRIL L. HARRIS
JAMES T. HARRIS, JR.
NANCY O. HEATH
DOUGLAS P. HERRMANN
REBECCA A. HICKS
THOMAS E. HICKS
DANIELLE HINES
ROGER O. HOSIER LAMISA S. GUY ROGER O. HOSIER
JASON W. HUGHES
MICHAEL J. INMAN
JUNJIE J. INOCENCIO
ANDREA M. JACKSON
JAMES A. JENKINS, JR.
MARIA F. JOHNSON
LATONYA R. JONES
EDGAR S. KANAPATHY
ANTHONY D. KANG
SAINT C. KANIAUPIO
EDWARD F. KEEN III
JOHN E. KENDZIE ROGER O. HOSIER JOHN E. KENDZIE ROBYN A. KENNEDY KENDAL M. KETTLE MICHELLE L. KLINE ARTHUR A. KNIGHT MARK C. KNIGHT LYLE J. KOLNIK ANNE M. KONSHAK KARL F. KORPAL JARED J. LAMPE LOUIE L. LE JARED J. LAMPE
LOUIE L. LE
IN A. LEE
IN A. LEE
PAUL B. LESTER
STEPHEN A. LEWANDOWSKI
BRADY M. LICARI
JERED D. LITTLE
JOHN M. LOPEZ
JORGE O. LOPEZ
CLAYTON T. MANNING
FRANCISCO MARCHESEGONZALEZ
JOHN P. MARSHALL
WILLIAM F. MCCALMONT
MORGAN D. MCDANIEL
HAROLD MCDONALD
JARROD A. MCGEE
LAURA L. MCGHEE
DWAYNE G. MCJUNKINS
VANESSA R. MELANSON
MARIANO T. MESNGON, JR.
JON MESSENGER
CRAIG W. MESTER CRAIG W. MESTER SHERON C. MIDDLETON JACOB T. MILLER JACOB'T. MILLIER
CHADWICK A. MILLIGAN
ANETRA S. MIRANDA
ANTHONY G. MIRANDA
TRACY M. MORNING
ELAINE Q. MORRISON
EDUARDO T. MOTEN
SERENA T. MUKAI
VENNIPTU S. MIEDAY KENNETH S. MURRAY TERESA D. MURRAY MARGARET MYERS ERIC A. NAVA CHRISTOPHER J. NORDIN JESSICA R. PARKER MATTHEW T. PERRY MATTHEW T. PERRY BRIAN J. PETERSON SARAH L. PIERSON CHRIS L. PITTS ULU E. PORTER SCOTT M. PREUSKER APARNA RAIZADA GAIL E. RAYMOND HEINS V. RECHEUNGEL HEINS V. RECHEUNGEL LISA M. REED TODD A. REEDER ADAM RESNICK SHANNA M. REYES MIGUEL A. ROQUE THOMAS J. SCHELL WAYNE A. SCHINTGEN STEPHEN K. SCHI POLET WATNE A. SCHINTGEN
STEPHEN K. SCHLEGEL
HENRY W. SCHNEDLER
JESSICA R. SCHULTZFISCHER
STEPHEN D. SCHWAB STEPHEN D. SCHWAB JAMES E. SILVERSTRIM DARCI R. SMITH VICTORIA K. SOMNUK RYAN M. SPILLANE ROBERT E. STILLWELL KENNETH W. STURTZ IV DEMETRIA V. SUTTON DEPTTE E SWIEDCZWESK DEMETRIA V. SUTION
BRETT E. SWIERCZEWSKI
SUSAN M. TALLMAN
DARREN R. TETERS
JOSHUA C. THOMPSON
ROCKY F. TORRES
JAVIER TREVINO
YUEN H. TSANG
HMMY, D. WADE

JIMMY D WADE

STEVEN H. WAKEFIELD MICHAEL A. WASHINGTON

PHILIP L. WEAVER VANESSA WHITE WILLIE C. WILLIAMS CONRAD R. WILMOSKI CHRISTOPHER R. WILSON THEODORE A. WILSON MICHAEL D. WOOD RICHARD E. WOOD SCOTT E. WOODARD SEO YANG CHARLES D. ZAMORA RENEE E. ZMIJSKI

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION

#### To be colonel

PAUL H. ATTERBURY JAMES G. BARTOLOTTO CHRISTOPHER M. BEVILACQUA CHERYL M. BLACKSTONE CHRISTOPHER J. BUSCH CHRISTOPHER J. BUSCH
NELSON S. CARDELLA
MARK L. CAVALIERO
FRANCIS W. CHARLONIS
DOUGLAS K. CLARK
MARK R. COAST
KEVIN J. CONWAY
JOE E. DAVIS, JR.
CHRISTIAN F. DEFRIES III
TREVOR D. DEVINE
JEFFREY B. DIXON
DAVID J. DOOLAN
CHRISTOPHER J. DOUGLAS DAVID J. DOOLAN
CHRISTOPHER J. DOUGLAS
OLIVER H. DUNHAM, JR.
EDWARD C. DURANT
ROBERT W. EGENOLF
CHARLES E. ELLIS
PETER J. FINAN
DONALD J. FRONING, JR.
MELY F. GABA, JR.
DOUGLAS W. GARDNER
MICHAEL T. GARRETT
JOHN M. GRELLA
CHRISTOPHER R. GUILPORI JOHN M. GRELLA CHRISTOPHER R. GUILFORD GREGORY M. HALLINAN RICHARD J. HARRIES III RICHARD J. HARRIES III
JOHN R. HARRIS, JR.
MARK A. HASHIMOTO
SABRINA J. HECHT
STUART B. HELGESON
WILLIAM H. HOLMES
EDUARDO JANY
KRISTI A. JOHNSON
LAWRENCE J. KAIFESH
JEFFERSON L. KASTER
JAMES A. KING
JONATHAN E. KIRKPATRICK
MICHAEL H. LEDBETTER MICHAEL H. LEDBETTER SCOTT M. MARCONDA MICHAEL S. MARTIN TIMOTHY S. MCCONNELL MICHAEL S. MARTIN
TIMOTHY S. MCCONNELL
MARK S. MINER, JR.
DAVID M. MONROE
KEVIN D. MOON
DAVID L. MORGAN II
CHRISTINA A. MURPHY
KENNETH B. NYHOLM
STEPHEN L. PETERS
ROBERT W. PRITCHARD
GREGORY C. REEDER
CHARLES R. RISIO
REESE S. ROGERS
MARIO O. ROMAN
CHARLES S. ROYER
THOMAS L. SARKO
BRADLEY A. SEAY
WILLIAM E. SMITH, JR.
JON E. SPAAR
PLAUCHE J. STROMAIN III
SEAN M. SULLIVAN
VINCENT J. SUMANG
GREGORY W. TAYLOR
KEVIN J. WATKINSON
DOUGLAS S. WEINMANN
THOMAS C. WEST
GERARD A. WYNN, JR.
TERRI R. ZIMMERMANN
RUSSELL T. ZIMK RUSSELL T. ZINK DONALD A. ZIOLKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

### To be lieutenant colonel

MARTIN L. ABREU CEASAR M. ACHICO DAVID M. ADAMIEC DAVID M. ADAMIEC ERIC J. ADAMS MICHELLE E. AKERS LOUIS M. ALBIERO, JR. PATRICK E. ALLEN TIMOTHY E. ANDERSON AARON A. ANGELL JUSTIN J. ANSEL, JR. JAMES F. ARMAGOST ADRIAN D. ARMOLD PHILLIP N. ASH

ENRIQUE A. AZENON ROZANNE BANICKI CASEY M. BARNES ERIK J. BARTELT FRANCIS A. BARTH III JOHN M. BASEEL THEODORE W. BATZEL, JR. THEODORE W. BATZEL, JR.
JOSEPH T. BEAALS
CHRISTOPHER D. BEASLEY
THOMAS M. BEDELL
BRIAN M. BELL
ERIN S. BENJAMIN
GARRETT L. BENSON
CHARLES H. BERCIER III
THEODORE C. BETHEA II
JOHN E. BILAS
EDUARDO C. BITANGA II
ROBERT J. BODISCH, JR.
CHARLES E. BODWELL
CHRISTOPHER L. BOPP
ELIKA S. BOWMER
KEVIN J. BOYCE
JONATHAN L. BRADLEY JONATHAN L. BRADLEY DEREK M. BRANNON FRANK J. BROGNA III ERIC C. BROWN MEREDITH E. BROWN SHANNON M. BROWN AARON J. BRUNK ALVIN L. BRYANT, JR. GREGORY S. BURGESS DOUGLAS W. BURKMAN ROBERT S. BURRELL JEFFREY D. CABANA DANIEL R. CAMPBELL DANIEL R. CAMPBELL RAFAEL A. CANDELARIO II MARK E. CARLTON MICHAEL R. CHALLGREN CHAD A. CHORZELEWSKI WILLIAM H. CHRONISTER WILLIAM H. CHRONIST JESUS M. CLAUDIO JOSHUA D. CLAYTON C R. CLIFT LLONIE A. COBB DANIEL E. COLVIN, JR. ADAM S. CONWAY ROBERT L. CORL STEPHEN L. COSBY HEATHER J. COTOIA BRADLEY S. COWLEY RYAN E. CRAIS RYAN E. CRAIS BRENT A. CREWS
CHRISTOPHER C. CURRAN
JON A. CUSTIS
CHRISTOPHER E. DEANTONI MICHAEL J. DEDDENS MANUEL J. DELAROSA GERALD DELIRA, JR. JOSEPH T. DELLOS CHARLES W. DELPIZZO III GREGORY P. DEMARCO ERIC C. DILL
FRANK DIORIO, JR.
ANDREW P. DIVINEY
ERIC L. DIXON
WILLIAM DOCTOR, JR.
DAVID A. DOUCETTE
STEVEN R. DOUGLAS
TROY M. DOWNING
MATTHEW J. DREIER
STEPHEN D. DRISKILL
CHRISTOPHER M. DUKE
JOSEPH R. DUMONT ERIC C. DILL CHRISTOPHER M. DUKE
JOSEPH R. DUMONT
PHILIP E. EILERTSON
JOHN M. ENNIS
MARK D. ERAMO
BRUCE J. ERHARDT, JR.
MICHAEL N. ESTES
MATTHEW S. FAHRINGER
JOSEPH A. FARLEY
MICHAEL M. FARRELL
KRISTOPHER L. FAUGHT
THOMAS P. FAVOR
WILLIAM A. FEEKS
SCOTT E. FERENCE
STEPHEN V. FISCUS
MICHAEL L. FITTS
CHARLES N. FITZPATRICK III
MICHAEL C. FLEMMING
CHARLES B. FLOURNOY
BRYAN J. FORNEY
MARK E. FRANKO JOSEPH R. DUMONT MARK E. FRANKO AARON T. FRAZIER IAN C. GALBRAITH JOSEPH E. GALVIN JER J. GARCIA SCOTT A. GEHRIS LESTER R. GERBER RATE I. GERMANO
PAUL M. GHIOZZI
PETER M. GIBBONS
TARRELL D. GIERSCH TARRELL D. GIERSCH
THOMAS H. GILLEY IV
JAMES R. GLADDEN III
JEFFREY D. GOODELL
CRAIG A. GRANT
BRANDON C. GREGOIRE
COLLEEN R. GRIMM
WILLIAM H. GRUBE
DOPPET I. GILICE ROBERT J GILICE REGINA M. GUSTAVSSON JOHN T. GUTIERREZ

MATTHEW B. HAKOLA
MARK E. HALVERSON
JEFFREY L. HAMMOND
ROBERT M. HANCOCK
DAVID W. HANDY
RICHARD D. HANSEN
ETHAN H. HARDING
ELIZABETH A. HARVEY
GEORGE D. HASSELTINE
HOWARD H. HATCH
BRENDAN G. HEATHERMAN
WILLIAM C. HENDRICKS IV
SEAN D. HENRICKSON WILLIAM C. HENDRICKS IV SEAN D. HENRICKSON MICHAEL E. HERNANDEZ ARTURO HERNANDEZLOPEZ LARRY J. HERRING RALPH HERSHFELT III BERNARD HESS DREW R. HESS MICHAEL D. HICKS DALE A. HIGHBERGER AARON P. HILL CRAIG P. HIMEL CHAD E. HOARE ROBERT E. HOFFLER, JR. ROBERT E. HOFFLER, JR. LUKE T. HOLIAN WILSON M. HOPKINS III BRYAN T. HORVATH DANE L. HOWELL RYAN M. HOYLE MICHAEL R. HUDSON PER D. HURST BENJAMIN K. HUTCHINS BRET M. HYLA BENJAMIN K. HUTCHI BRET M. HYLA CARLOS T. JACKSON ROB L. JAMES ROBERT E. JAMES JESSE A. JANAY JASON M. JANCZAK SAMUEL L. JOHNSON DERRICK L. JONES RONALD W. KEARSE RONALD W. KEARSE DOUGLAS K. KELLER TIMOTHY L. KELLY STEPHANIE D. KING STEPHANIE D. KING
THOMAS F. KISCH
JOSHUA KISSOON
MICHAEL C. KLINE
CURT R. KNOWLES
JOHN D. KNUTSON
LIA B. KOLOSKI
VINCE W. KOOPMANN
CONSTANTINE KOUTSOUKOS
GUALD ES B. KEDOLY CONSTANTINE KOUTS
CHARLES B. KROLL
JOSEPH B. LAGOSKI
PHILIP C. LAING
JUSTIN D. LAMORIE
DEREK E. LANE
SCOTT A. LAUZON
ANDREAS D. LAVATO
LOSEPH S. LEFE ANDREAS D. LAVATO
JOSEPH S. LEE
WILSON S. LEECH III
JOEL T. LEGGETT
JOHN G. LEHANE
JONATHAN B. LINDSEY
MARK R. LISTON
JOHN W. LITTON
JAMES W. LIVELY
SHANE M. LONG
BRENT A. LOOBY
CARL M. LOWE
JAMES T. LOWERY JAMES T. LOWERY CHARLES B. LYNN III WILLIAM M. MAPLES MICHAEL C. MARGOLIS CHARLES B. JANN III
WILLIAM M. MAPLES
MICHAEL C. MARGOLIS
CORY J. MARTIN
JAMES T. MARTIN
JAMES T. MARTIN
JUSTIN E. MARVEL
MICHAEL C. MCCARTHY
GARY A. MCCULLAR
BRIAN P. MCDERMOTT
MICHAEL S. MCFADDEN
RODRICK H. MCHATY
JEFFREY L. MEEKER
SAMUEL L. MEYER
CHRISTOPHER V. MEYERS
BRETT M. MILLER
KOLTER F. MILLER
DAVID H. MILLS
BRIAN M. MOLL
DAVID B. MOORE
BRUCE L. MORALES
DAVID M. MOREAU
STEPHEN H. MOUNT
SETH MUNSON
TANYA M. MURNOCK
STEVEN R. MURPHY
SEAN M. MURRAY
MICHAEL R. NAKONIECZNY
JOHN B. NAYLOR
ANTHONOL L. NEELY
NICHOLAS O. NEIMER
DAVID K. BEVERS
EDWARD T. NEVGLOSKI
ALEXANDRA K. NIELSEN
SIEBRAND H. NIEWENHOUS IV
WADE H. NORDBERG
WILLIAM E. OBRIEN
DANIEL M. OCONNOR

KEITH S. OKI JEFFREY W. OLESKO DONALD W. OLIVER, JR. BERNARD J. OLOUGHLIN BERNARD J. OLOUGHLI MARK A. PAOLICELLI RANDALI A. PAPE LARRY D. PARKER, JR. THOMAS W. PARKER, HENRY J. PARKISH ROSS A. PARRISH EDWARD J. PAVELKA ERIG J. PENROD NATHAN T. PERKKIO MATHEW J. PFEFFER TUANANH T. PHAM BRADLEY W. PHILLIPS DAVID W. PINION BRADLEY W. PHILLIPS
DAVID W. PINION
BENJAMIN T. PIPES
RICHARD H. PITCHFORD
CLAY A. PLUMMER
DENNIS R. POWERS
JAMES PRUDHOMME III
SEAN T. QUINLAN
CHRISTINE K. RABAJA
GRODER B. DAMSEY GEORGE P. RAMSEY
GUY W. RAVEY
HUNTER R. RAWLINGS IV
WILLIAM G. RAYNE
ANDREW P. REED
MATTHEW L. REGNER
ROBERT B. REHDER, JR.
ERIC A. REID
MARK R. REID
MARK R. REID
FETER O. REITMEYER
SHELTON RICHARDS
RICHARD J. RIGHTER
BENJAMIN S. RINGVELSKI
RANDALL C. RISHER
RAUL RIZZO GEORGE P. RAMSEY RAUL RIZZO
RICHARD C. ROBERTS
SEAN M. ROCHE
MARK W. RODGERS MARK W. RODGERS
CLAIBORNE H. ROGERS
AARON M. ROSE
RICHARD A. ROSENSTEIN, JR.
THOMAS M. ROSS
SAM L. ROY
MICHEAL D. RUSS
CHARLES W. RYAN
JOHN M. RUSN CHARLES W. RYAN
JOHN T. RYAN
RUSSELL C. RYBKA
CHRISTI L. SADDLER
DENNIS W. SAMPSON, JR.
MAURICE A. SANDERS
JOHN E. SARNO
JOHN S. SATTELY
JOEL F. SCHMIDT
ZACHARY T. SCHMIDT
WILLIAM M. SCHRADER
SEAN D. SCHROCK
CHARLES F. SCHWARM CHARLES F. SCHWARM DANIEL R. SCOTT ROBERT C. SELLERS MICHAEL P. SHAND ROBERT C. SELLERS
MICHAEL P. SHAND
BRIAN O. SHELLMAN
WILLIAM T. SIMMONS
LOUIS P. SIMON
MICHAEL D. SKAGGS
DANIEL J. SKUCE
SAMUEL L. SLAYDON
DAVID P. SMAY IV
ELLESBER R. SMITH
MICHAEL R. SMITH
MICHAEL R. SMITH
SEAN P. SMITH
MARK C. SMYDRA
KIRK M. SPANGENBERG
JARED A. SPURLOCK
JAMES F. STAFFORD
JAMES T. STAFFORD
JAMES T. STEDILE
KENRIC D. STEVENSON
MARK A. STIFFLER
JEFFREY D. STONE
RONALD D. STONER
GRAYSON T. STORY
DEAN T. STOUT
BRYAN G. SWENSON
MICHAEL N. SWIFT
TROY S. SYBESMA
ENIX C. SHELLER
TROY S. SYBESMA
ENIX C. MILLER
TROY S. SYBESMA
ENIX C. SHELLER
TROY S. SYBESMA
ENIX C. SALIDEN BRYAN G. SWEINSON
MICHAEL N. SWIFT
TROY S. SYBESMA
ERIK C. TAUREN
BARRON S. TAYLOR
BRIAN J. TAYLOR
BRIAN J. TAYLOR
BRADLEY J. TEEMLEY
THOMAS M. TENNANT
HAMARTRYA V. THARPE
GREGORY A. THIELE
WINSTON S. TIERNEY
VIRGIL E. TINKLE
EDMUND B. TOMLINSON
MATTHEW W. TRACY
SCOTT T. TRENT
JOSEPH M. TURGEON
JOSEPH B. TURKAL
HANORAH E. TYERWITEK
JOSEPH S. UCHYTIL
JAMES D. UTSLER
CHAD A. VAUGHN
ANDREW E. VELLENGA

BENJAMIN M. VENNING PAT P. VONGSAVANH PHILIP E. WAGGONER WALTER J. WALLACE WAYNE J. WALTRIP GREGORY J. WARDMAN, JR. ANTONIO H. WATERS ANTONIO H. WATERS
KEITH S. WEINSAFT
WILLIAM S. WEIS
VINCENT J. WELCH
SCOTT A. WESTERFIELD
JASON L. WHALEN
DANIEL M. WHITLEY
BRYAN D. WILSON
JEFFREY W. WITHEE
BRIAN E. WOBENSMITH
TOMMY R. WRIGHT
DANIEL R. ZAPPA
ROBERT C. ZYLA ROBERT C. ZYLA

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

### To be lieutenant commander

KENNETH B. HOCKYCKO

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINT-MENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

## To be lieutenant commander

#### JOHN A. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

### To be lieutenant commander

#### DAVID A. CZACHOROWSKI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINT-MENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

## To be commander

#### KELLY P. COFFEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

## To be commander

### PETER J. OLDMIXON

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION

### To be lieutenant commander

JASON A. ALTHOUSE COREY D. BARKSDALE NICOLAS T. BOGAARD JONATHAN J. BRENNAN JONATHAN J. BRENN RONALD W. BROOKS PHILIP J. CAREY STEVEN M. CARTER JAMES L. CLARK III TREVOR J. CONGER RYAN P. CONOLE BRIAN J. CUMMINGS BRIAN W. DANIEL BRIAN W. DANIEL
MICHAEL DAURO
JUSTIN P. DAVIS
STEVEN A. DAWLEY
TERREANCE L. ELLIS
JONATHAN R. GARNER
CULLEN M. GREENFIELD
JARED E. HENDERSON
DANIEL W. HOLLINGSHEA JARED E. HENDERSON DANIEL K. HOLLINGSHEAD MICHAEL G. KEATING CHRISTOPHER KELLEY GEORGE G. KULCZYCKI ADAM C. LAREAU MARCUS J. MACHART WILLIAM G. MANGAN ELIZABETH A. NELSON PAUL G. PAVELIN
ANDREW W. PITTMAN
JOHNNY M. QUILENDERINO
THOMAS G. RALSTON THOMAS G. RALSTON NOAH S. RICH JEFFREY R. ROBERTS, JR. TODD C. RONEK BRYAN D. SCULLIN BENJAMIN M. SMITH WILLIAM D. SMITH RANDY M. STACK NATHAN STIHLI MACHED NATHAN STUHLMACHER ERIK M. SWEET PAUL M. UNVERZAGT ANDREW VINCENT JOSHUA L. WRIGHT

## WITHDRAWALS

Executive Message transmitted by the President to the Senate on February 1, 2012 withdrawing from further Senate consideration the following nominations:

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMONT, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

this day.

## HOUSE OF REPRESENTATIVES—Wednesday, February 1, 2012

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

## $\begin{array}{c} {\tt DESIGNATION~OF~SPEAKER~PRO} \\ {\tt TEMPORE} \end{array}$

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

Washington, DC, February 1, 2012. I hereby appoint the Honorable CHIP CRAVAACK to act as Speaker pro tempore on

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

## MORNING-HOUR DEBATE

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

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

### GOVERNMENT PERSECUTION OF CATHOLIC CHRISTIANS IN AMER-ICA

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

Mr. POE of Texas. Mr. Speaker, we hear about religious persecution throughout the Third World, but there is an anti-religious movement right here in the United States. The Catholic Church is being persecuted by this government.

Our great country was founded on the principle of religious liberty. This right is in the First Amendment, and the provisions of the First Amendment are listed first because they are the most important. Yet, the administration is chipping away at this cornerstone of our society by violating the religious liberty of those who hold fast to certain positions of their faith, in particular, those of the Catholic Church.

The Department of Health and Human Services recently announced that religious organizations will be forced to provide their employees with medical insurance that covers free contraceptives and sterilizations.

While houses of worship are exempt, religiously affiliated organizations such as hospitals, universities, and charities are mandated to comply with this government edict. This goes against the basic tenets of the Catholic religion, as well as other faiths, Christian and non-Christian.

The administration believes that it's enough to give religious organizations 1 year's notice to comply with this government oppression. But there will never be enough time for the church to change its core principles.

Timothy Dolan, president of the United States Council of Catholic Bishops and New York archbishop, said it best: "In effect, the President is saying we have a year to figure out how to violate our consciences."

Mr. Speaker, religious principles are not negotiable. They are not to be subject to bullying by any government, especially ours. No government has the legal or moral right to target any religions and make them violate their religious conscience.

The administration is violating two provisions of the First Amendment: the free exercise of religion clause and the establishment of religion clause. The government is prohibiting the free exercise of religion because it is punishing Catholics for exercising their religious beliefs.

Government is also violating the establishment clause by establishing a government religion, statism, because government is establishing its own moral standard that must be complied with or else. Regardless of where Americans stand on the issues of contraception, sterilization, or the abortion pill, this government oppression should be alarming for those who believe the government should not punish religions or substitute a religious doctrine for citizens. The government should stay out of the business of persecuting religions.

This recent anti-religious mandate is completely unacceptable, but it is only one example in a long line of new government actions that disregard freedom of conscience and religious liberty. This comes on the heels of the administration's denial of a grant to the United States Council of Catholic Bishops to aid victims of human trafficking. Not only have they been awarded this grant in the past, but their application has received the highest quality score.

Mr. Speaker, this money is used to help victims from the scourge of human slavery. But the church was denied this grant because their religious convictions do not provide contraceptives or refer women to abortions. Apparently, under this administration, in order to aid victims, it is necessary for religious groups to violate their religious convictions.

These are only two of the most recent assaults by government, our government, on religious liberty and conscience. As soon as this administration came into office, a proposal was submitted to rescind conscience regulations for medical professionals. Protections for medical professionals who would not violate their conscience by distributing emergency contraceptives was rescinded. This was just a glimpse of what was to come in deliberate disregard for the First Amendment.

This administration's attack on religious liberty is a strike at the core principles of our Nation. Government is putting basic freedoms in jeopardy and bruising the U.S. Constitution. No government should force its citizens to violate their religious beliefs.

Who would have thought that this Nation, founded on religious liberty, would now be engaged in religious persecution against certain citizens and against certain churches?

This ought not to be. But that's just the way it is.

## AMERICANS KNOW CONGRESS IS BROKEN

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

Mr. BLUMENAUER. Mr. Speaker, Americans know that Congress is broken, paralyzed by hyperpartisanship, fierce ideology, and unwillingness to respond to widely understood problems with broadly supported solutions.

Why, at a time of growth and increasing diversity in America, does Congress not represent that change?

Well, part of the answer is that's not how we're elected. Increasingly, we come from districts that are not just red or blue, but the colors are brighter, the divisions deeper. How can this be?

The answer is to be found in hallways and back rooms of State capitals all all across America right now. After the census every 10 years, the great re-balancing occurs, to adjust legislative districts to changes in populations. Some States will win or lose congressional seats. Every district in the 43 States that have multi-Member districts will see some adjustment to balance out changes in population growth.

But not all voters are equal. Some are more, some are less inclined to support the party in power or to support a particular incumbent.

One thing that politicians can all agree upon is that their district should be safer, their party should be favored. The process of redistricting has been refined to a high art with the computer, very sophisticated survey research, a treasure trove of data on voter behavior. In short, the politicians are hard at work picking their voters in a way that will make it harder for voters, over the next 10 years, to pick their politicians.

Now, Exhibit A is a grotesque district that has been created in the State of North Carolina, District Four, currently represented by our colleague, Congressman DAVID PRICE, that looks like somebody had just taken an egg and thrown it at the blackboard. But this effort, where a 50/50 State that went for Obama, that has a Democratic Senator, a Democratic Governor, and a 7-6 advantage for Democrats in Congress now, has been at work with the Republicans and their legislature to try to turn it into a 10-3 advantage for Republicans going forward after the next election.

But I could have taken an example in Illinois, where there Democrats are sort of reverse engineering those districts to Democratic advantages.

There is a bright spot for years, and that has been Iowa, where the process has been driven by an independent agency that draws districts without partisan logrolling, and simply is referred to the legislature for an up-ordown vote.

This year, all four districts in Iowa are competitive. One even features two incumbent senior Members of Congress that are running against each other.

## □ 1010

There are other bright spots in California and Arizona where voters have determined that there will be independent commissions. There is even some hope in Florida where there are more constraints on the politicians in the redistricting. But make no mistake, it is not just one party losing when another party takes unfair advantage. In truth, everybody loses.

There is less representative behavior in Congress. We have districts drawn without integrity. It is hard to represent people. It is hard for people to understand who is representing them, and it shatters local interests.

Most damaging, I think, is it just reveals a naked power grab that further undermines people's confidence in the political process. We shouldn't have to wait decades for reform at the State level. We saw in Arizona where Governor Brewer tried to fire the head of the independent redistricting commission because the commission produced some districts that were fair and competitive, not tilted partisan.

These reforms can actually be sabotaged. I'm proposing H.R. 3846 to establish a national independent rediscommission headed Statespeople, if you will, people who are appointed by legislative leadership like retired judges or former Presidents. These people would oversee a professional agency like they have in Iowa to make sure that we have national uniform standards that are fair, maybe even some competitive districts, and stop the political log rolling, to prepare a national set of maps that would be subjected to an up-ordown vote by Congress.

A lot of this seems beyond our control in the political process. This bill is something we could do to make the process better 10 years from now. I urge my colleagues to look at House bill 3846.

## CHESTER A. "CHET" FOULKE

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

Mr. HECK. Mr. Speaker, I rise today to honor a great man, Chester A. "Chet" Foulke.

Chet was a member of the Greatest Generation, born on July 19, 1922, and God called him home on December 31, 2011.

Chet grew up in Quakertown, Pennsylvania, during the Great Depression of the 1930s. The hard times forced him to leave school after the 10th grade and to work in an aircraft plant near Philadelphia before the United States became involved in World War II.

He enlisted in the United States Marine Corps in September of 1943 and attended recruit training at Parris Island, South Carolina, and advanced training at Camp Pendleton, California, and Camp Tarawa, Hawaii, in preparation for one of the war's toughest battles, Iwo Jima.

As a demolition expert with Company C of the 5th Engineering Battalion, Chet fought on the front lines for 36 days. "It was an awful battle the way we got slaughtered," he said during a 2006 interview. "Some days you would make it 100 or 200 yards, some days 500 yards." Chet was at Mount Suribachi when the first U.S. flag went up. "I was standing there looking up when that flag went up and tears ran down my face," he said in another interview. "I was just so happy to see that flag that I knew they were not going to push us off or do away with us. I felt so happy.'

When the war ended, he was sent to Japan for 7 months of occupational duty before returning to the United States where he received his discharge from the Marine Corps in May of 1946 as a corporal.

He became a Nevadan when he moved to Las Vegas in 1972. In 1986, Chet helped found the Greater Nevada Detachment, No. 186, of the Marine Corps League where he served as commandant from 1992–1995 and then as chaplain for several years thereafter. He was greatly admired by members of the Marine Corps League for his bravery at Iwo Jima and his involvement in the Marine Corps League.

Mr. Foulke is survived by his wife of 29 years, Martha; his daughter, Mary; her husband, Ed; three stepsons, David, William and Jeffery; and several nieces and nephews. He will be greatly missed by all. Semper Fi.

### TENETS OF FAITH

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

Mr. RANGEL. Mr. Speaker, I came to this empty Chamber to discuss the issues of jobs and also the unemployment compensation extension, as well as taxes.

As I neared the well, I heard one of our esteemed Members condemning the President for persecuting religion in a very broad and general way and then later more specifically in talking about the Roman Catholic Church. It would seem to me in a place like the United States of America, which was actually formed on the basis of freedom of religion, that such a serious accusation against the President of these United States should not be to an empty Chamber.

This is such a serious allegation that it would seem to me that it requires and demands a bipartisan view to see exactly what the churches' or religious leaders' complaints are because I have one, too; and that is, at a time when this country is facing a fiscal, as well as moral, obligation to the most vulnerable people among us, I see the battle between the haves and the havenots, the 1 percent and the 99 percent.

I hear the disputes as to whether or not the capitalistic system is fair, but I always took the position that the capitalistic system is an invitation of how Americans and others can invest and make money; and the question of compassion, the question of taking care of your own, the question of illness and jobs and the social issues of today, that it was the Congress that had the responsibility to deal with that rather than to be condemning those who seek to get returns on their investments.

Having said that, let's take a look and see what issues are biblical, what issues are in the Mormon faith, the Muslim faith, the Buddhist faith, the Jewish faith, Protestant and Catholic. It seems to me that throughout every one of these texts, there are things that say that we have a responsibility as human beings and God-fearing people to protect the vulnerable. It is abundantly clear, even in the story about the Good Samaritan. It is also a

mandate that when someone is sick that we have a responsibility to assist them.

Certainly, when we talk about Jesus Christ in Matthew where these wealthy people are attempting to get into Heaven and Jesus tells them he was hungry, thirsty, unclothed, in jail, and they didn't do anything to assist him and they said that they don't remember Jesus ever coming asking for anything. Then of course the international world-famous biblical expression is that it wasn't how you treated Jesus, the Son of God, but it was how you treated the lesser of our brothers and sisters.

I think everyone would agree that whether you want to accuse the President of being the food-stamp President or saying he wants to bring socialism to the United States, all of that rhetoric doesn't hide the fact that the poorest of the poor now are suffering more than the people that caused this fiscal crisis.

If we are going to do something about the deficit, we just can't say we've got to cut spending, especially when that spending is exactly for the people that the spiritual leaders have made vows to protect.

### □ 1020

Oh, we don't call it the sick and the disabled and the uneducated, but we do call it Medicare; we do call it Social Security; we do call it education; and we do call it the ability to get a job so that a person can have not only the income for his family to be able to have the dignity and respect it deserves, but we also have to recognize that from an economic point of view, it is the people who are in the middle class who are slipping into poverty that makes the difference. I hope that people will give serious thought to the accusation.

CELEBRATING THE 100TH ANNI-VERSARY OF THE GIRL SCOUTS OF THE USA

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the Girl Scouts of the USA, which will be celebrating its 100th anniversary on March 12, 2012.

For 100 years, the Girl Scouts have fostered an environment that has created generations of women with sound character and strong leadership skills. Founded by Juliette Gordon Low in Savannah, Georgia, the first troop consisted of just 18 Girl Scouts. Today, there are more than 3.7 million Girl Scouts and more than 100 councils across our Nation. Since its start, more than 50 million women have been a part of this extraordinary organization.

The Girl Scouts of America teaches young women the importance of leader-

ship and of community service. This past Sunday, I proudly participated in Troop 21292's Girl Scout Gold Award ceremony in honoring seven young women from Bucks County, Pennsylvania. It pleases me to recognize these Girl Scouts for their exceptional accomplishment: Christine DiPierro. Catherine Silvernail, Charlotte Triebl, Emily Kraeck, Emily Nowalinski, Kimberly Wodzanowski, and Margaret Zelin. These young ladies exemplify courage, confidence, and character, and have made the world a better place, which has been the mission of the Girl Scouts of the USA for 100 years.

Mr. Speaker, on March 16, 1950, the United States Congress chartered the Girl Scouts of the USA. Today, as the Member of the United States Congress representing Pennsylvania's Eighth District, it is my privilege to congratulate the Girl Scouts of the USA as they commemorate 100 years of building girls of courage, confidence, and character who have truly made the world a better place. Best wishes for success in the next 100 years.

#### CATHOLIC SCHOOLS WEEK

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

Mr. LIPINSKI. Mr. Speaker, as a proud graduate of St. Symphorosa Grammar School and St. Ignatius College Prep, and as a strong supporter of Catholic education, I have again this year introduced a resolution in honor of Catholic Schools Week to highlight the contributions Catholic schools make, not only to the students who attend them, but to our entire Nation.

Since 1974, the National Catholic Educational Association and the United States Conference of Catholic Bishops have provided leadership in planning and organizing Catholic Schools Week. This year, it is celebrated from January 29 through February 5. The theme, "Faith, Academics, Service," celebrates the broad educational experience Catholic school students receive. Catholic school students are not only focused on academic excellence but also on enriching the spiritual character and moral development of young Americans.

America's Catholic schools produce graduates with the skills and integrity needed by our businesses, governments, and communities, emphasizing a wellrounded education and instilling the values of giving back to the community and helping others. Nearly every Catholic school has a community service program, and their students volunteer half-a-million hours every year to their parishes and communities. My own decision to pursue a career in teaching and then in public service was fostered in part by the dedicated teachers throughout my years in Catholic schools.

Today, over 2 million elementary and secondary students are enrolled in nearly 7,000 Catholic schools, where these students typically excel. They surpass their peers in math, science, reading, history, and geography in NAEP tests. The graduation rate for Catholic high school students is 99 percent, and 85 percent of the graduates of these schools attend a 4-year college. As we continue to hear disturbing reports about our national test scores, these statistics are truly remarkable and should be commended.

Notably, the success of Catholic schools does not depend on selectivity. These academic achievements are realized by students from all walks of life. Catholic schools accept 9 out of every 10 students who apply, and are highly effective in providing a quality education to students from every socioeconomic group, especially disadvantaged youths in underserved urban communities. Over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled, and today they constitute almost one-third of all Catholic school students. In times of economic hardship, Catholic schools provide an affordable alternative to other forms of private education.

In addition to producing well-rounded students, Catholic schools save tax-payers billions of dollars each year by lowering the number of students in already overburdened public schools. It is estimated that taxpayers save over \$1 billion from students attending Catholic schools in the Chicago area alone and approximately \$20 billion nation-wide. The importance of these savings is undeniable as we in Congress and as lawmakers across the country struggle with deficits.

I was born and raised and live in the Chicago Archdiocese, home to one of the most successful Catholic school systems in the Nation, and my parish school at St. John of the Cross has one of the best schools in the archdiocese. Right next-door, the Joliet Diocese also has a thriving Catholic school system. The focus of this year's Catholic Schools Week, "Faith, Academics, Service," reflects my own Catholic education. The knowledge, discipline, desire to serve, and love of learning it instilled in me enabled me to earn my doctorate and to become a teacher before being elected to Congress.

In recognizing Catholic Schools Week, we pay a special tribute to dedicated teachers and administrators who sacrifice so much, in most cases working for less than they could earn elsewhere. I have many fond memories of my teachers, including those of many nuns, who taught me the value of faith, learning, and service. Throughout the United States, millions of others have similar memories of dedicated sisters, priests, and lay teachers who gave their hearts and souls to their students.

This week, I had the honor of celebrating Catholic Schools Week at a number of schools, including St. Andrew School in Romeoville, Everest Academy in Lemont, St. Michael School in Orland Park, Cardinal Joseph Bernadine School in Orland Hills, and my alma mater, St. Symphorosa in Chicago. I also joined St. Linus School in Oak Lawn in celebrating, not only Catholic Schools Week, but also the school's prestigious Blue Ribbon award.

Mr. Speaker, I ask my colleagues to join me in supporting the outstanding education Catholic schools provide to Americans across the country as we celebrate Catholic Schools Week

## SUSAN G. KOMEN RACE FOR THE CURE

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

Ms. SPEIER. Mr. Speaker, today I rise quite saddened by the news that the Susan G. Komen Race for the Cure has made a political decision—a fine nonprofit that I have been associated with for years. I've run in the Susan G. Komen Race for the Cure. I've walked in the Race for the Cure. I have been the emcee of a number of events locally that they have held. So I have been a big booster of the Susan G. Komen organization. But not anymore.

Their announcement yesterday that they are no longer going to fund any organization that is being investigated by a Federal, State, or local body means that Planned Parenthood is no longer going to receive \$600,000 a year. Now, ironically, yesterday, the Komen organization also announced, and with great concern in a statement, that the dismal rate of breast cancer screening with women who do not have insurance is something like 38.2 percent.

## □ 1030

Last year, the Planned Parenthood organization was responsible for over 700,000—700,000—breast cancer screenings for women who are poor, for women who don't have insurance, for women who seek to get the health care they get through Planned Parenthood. So over the last 5 years, there have been 4 million breast cancer screenings by Planned Parenthood. Komen has funded about 170,000 of them through Planned Parenthood.

So what does this mean? Well, I guess it means that Susan G. Komen has decided to become a 501(c)(4), because no longer do they want to be providing nonprofits. They want to become a political advocacy group.

Last time I checked, we were all presumed innocent until proven guilty and we looked to investigations in the Federal judicial branch; we looked to investigations by the U.S. Attorney or the district attorney. Far be it from us

to rely on the House of Representatives holding a hearing as being emblematic of justice, because oftentimes it's a political sandbox.

Now, this ostensible investigation is one that has been called on by Mr. STEARNS, who is the subcommittee chair of Energy and Commerce on Oversight. The hearing has never been held. So why would Susan G. Komen take the remarkable step of saying they are no longer going to fund Planned Parenthood?

I suppose when we review NIH and bring them under some investigation that they will stop funding NIH to the tune of a million dollars, or I suppose that when we have a pharmaceutical company that we bring to the Hill to ask them questions about a particular activity that they will stop accepting sponsor money from that particular pharmaceutical company.

All of you across this country that feel that Susan G. Komen should stick to what it knows, and that is breast cancer research, breast cancer screening, and support and promote those activities by organizations that do the research and do the screening, I ask you to call them at 1–877–465–6636 and tell them that you want them to stick to what they know.

Let's not make this a race to the political bottom.

## POVERTY

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

Ms. LEE of California. Mr. Speaker, as the founder of the Congressional Out of Poverty Caucus, I rise today to continue talking about the tide of poverty sweeping across this country.

Americans who are struggling to find work cannot wait. Americans whose homes are underwater cannot wait, and the nearly 50 million Americans who are living in poverty cannot wait.

We must act, and we must act now to extend vital unemployment benefits and the temporary payroll tax reduction while our economy continues to recover. We should be coming together now to enact bold programs and policies that provide equal opportunity and equal access for every single American, no matter their race, no matter their employment status, and no matter their humble beginnings. Instead, Mr. Speaker, unfortunately, this Party-led Congress continues to do nothing but distract from the real issues and waste the American people's time.

The Republican caucus failed to pass a single jobs bill last year, and by the looks of this week's calendar, it looks like they might be committed to doing more of the same. This Nation cannot afford any more of this do-nothing Tea Party Republican House. Instead of passing a jobs bill, Republicans in the

to rely on the House of Representatives House today are attacking American holding a hearing as being emblematic families in need.

This bill that's coming up today, H.R. 3567, is really a distasteful and misleading bill that tries to make it seem to like every low-income family is somehow criminal. Nothing could be further from the truth. Very few people want to qualify for welfare. They don't want to be distressed enough to meet these qualifications. This is the Temporary Assistance for Needy Families Act which is being attacked today. That's what it's called today. Actually, it's called TANF.

TANF recipients are struggling through the most difficult time of their lives, and they want nothing more than a good job to support their families. This bill that's coming up again today is really a sad attempt to re-create the Ronald Reagan era about the Cadillac-driving welfare queen. It wasn't true then nor is it true today. TANF benefits did not pay for Cadillacs to fund lavish lifestyles.

Mr. Speaker, as a single young mother who once relied on food stamps and public assistance during a very difficult period, I'm really appalled to see Republican politicians attack these families just because they are facing hard times and need a helping hand. TANF benefits keep children in homes and in schools. They keep American families from suffering abject poverty.

What we should be doing is helping these families by creating jobs, by removing these obstacles and barriers, and we should be helping them to reignite the American Dream, not insulting them, which is what this bill does. This Congress should be working together to create more opportunity for the long-term unemployed and the millions of Americans suffering in poverty.

We should at least extend unemployment benefits for the chronically unemployed who have hit the 99-week limit, can't apply anymore because they are ineligible, and we should be voting, for example, for the bill, which Congressman SCOTT of Virginia and myself have written to help those looking for a job and who can't find a job. We have to remember now that there is only one job for every four individuals looking for a job.

But, unfortunately, instead of working together to make economic justice a reality for every American, this Republican Tea Party will waste another year without a jobs bill, without extending any help to the millions of Americans in need, and without helping American retirees.

So we should be putting our Nation before our party. Americans can't wait and neither should this Congress.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until noon today.

Accordingly (at 10 o'clock and 36 minutes a.m.), the House stood in recess

### □ 1200

#### AFTER RECESS

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

#### PRAYER

Reverend Karen Hallett, United States Army, New Windsor, New York, offered the following prayer:

Reading from the book of Exodus, Moses said to the Lord, "You have been telling me, 'Lead these people,' but You have not let me know whom You will send with me . . . If You are pleased with me, teach me Your ways so I may know You and continue to find favor with You. Remember that this nation is Your people."

The Lord replied, "My presence will go with you, and I will give you rest."

Then Moses said to him, "If Your presence does not go with us, do not send us up from here. How will anyone know that You are pleased with me and with Your people unless You go with us? What else will distinguish me and Your people from all the other people on the face of the Earth?"

And the Lord said to Moses, "I will do the very thing you ask because I am pleased with you and I know you by name."

Then Moses said, "Now show me Your glory."

And this, O Lord, is our prayer:

We do not come seeking Your blessing. Today, Lord, we come seeking You. We invite You to truly be present with us here today. Show us Your glory, Lord, that we might be changed and set apart upon the Earth once again as a people of faith, a Nation that knows You. Make Your face to shine upon us that we might reflect Your grace. And grant us Your peace we pray.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. BUCSHON led the Pledge of Allegiance as follows:

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

### WELCOMING REVEREND KAREN HALLETT

The SPEAKER. Without objection, the gentleman from New Jersey (Mr. GARRETT) is recognized for 1 minute.

There was no objection.

Mr. GARRETT. Mr. Speaker, I thank the words of the chaplain who says may we indeed know the Lord.

Mr. Speaker, I rise today to recognize Chaplain Karen Hallett on her selection as the 2012 Reserve Officers Association Chaplain of the Year. She is a resident of Vernon, New Jersey, which is a part of the Fifth Congressional District.

The chaplain enlisted in the Army in 1983 and completed basic combat training at Fort Dix, New Jersey. She went on from there to graduate from West Point and was commissioned as a second lieutenant in the United States Army Ordnance Corps in 1988.

After that and after fulfilling her enlistment obligations, she spent 18 years in the civilian sector, successfully managing businesses while remaining engaged in full-time ministry. In 2009, after completing her master's of divinity degree at Bethel Seminary, she returned to military service as a captain in the United States Army Reserves. She currently serves as a brigade chaplain for the 411th Engineer Brigade.

Throughout her more than 20 years of ministerial service and missionary work, and now through her military service to our country, she has dedicated herself to ministering to the spiritual needs of others. It is her selflessness and her service that exemplify the mandate to esteem others better than ourselves.

I thank her for her service. I congratulate her on receiving this recognition as Chaplain of the Year.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER. The Chair announces the Speaker's appointment pursuant to 10 U.S.C. 4355(a) and the order of the House of January 5, 2011, of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. SHIMKUS, Illinois Mr. WOMACK, Arkansas

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, January 27, 2012:

H.R. 3800, to amend the Internal Revenue Code of 1986 to extend the funding

and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes;

H.R. 3801, to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER

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

## PRESIDENT'S DEFENSE STRATEGY ENDANGERS NATIONAL DEFENSE

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

Mr. WILSON of South Carolina. Mr. Speaker, Baker Spring of the prestigious Heritage Foundation recently warned:

"It is clear that the fiscal year 2013 defense budget will not provide the U.S. military with the resources it needs. Even more problematic is that all reductions to the defense budget are front-loaded, and, therefore will have significant and immediate implication for readiness, modernization programs, and research and development."

Our servicemembers, their families, and veterans have dedicated their lives to this country. House Republicans understand that in order to keep American families safe, we must fight to stop these reductions. I look forward to working with House Armed Services Committee Chairman Buck McKeon to find ways to promote the proven path of peace through strength.

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

Welcome Episcopal Father Carroll McGee of West Columbia to Washington for the National Prayer Breakfast.

## ANNIVERSARY OF ARMENIAN POGROMS

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

Ms. CHU. Between 1988 and 1990, the Armenian population was the target of racially motivated pogroms in Azerbaijan. Hundreds of Armenians were murdered and more wounded during three violent attacks in Sumgait, Kirovabad. and Baku.

Though the ethnic cleansing programs occurred over 20 years ago, they were atrocious acts of cruelty. We cannot forget them.

I worry the sentiments that sparked this violence still remain in the

Nagorno-Karabakh. Just last month, Azerbaijan began buying up weapons to regain control of the region. The President of Azerbaijan declared this is, "not a frozen conflict, and it's not going to be one."

America must remain committed to a peaceful and democratic resolution to the Nagorno-Karabakh conflict, not one that relives the past.

#### □ 1210

### AUTO MANUFACTURING RETURNS TO INDIANA'S EIGHTH DISTRICT

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

Mr. BUCSHON. Madam Speaker, I rise today to commemorate some great news for manufacturing in Indiana's Eighth Congressional District, my home. On January 17, the 3 millionth vehicle rolled off the line at the Toyota Motor Manufacturing plant in Princeton, Indiana. Approximately 80 percent of the parts for these vehicles were made here in America within a 300-mile radius of the plant. These vehicles are then shipped and sold both across this country and around the world thanks to the free trade agreements that Congress passed this year.

This plant began operations in 1996 and employs 4,149 people. I had the pleasure of meeting many of the Princeton team members last February, and I want to commend each of these employees for their hard work and dedication. I congratulate them on a job well done. I have no doubts that it won't be long until we celebrate another millionth vehicle made right here in the U.S.A. in my district in Indiana.

## STOP PUTTING POLITICS OVER PEOPLE

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

Mr. CONNOLLY of Virginia. Madam Speaker, for those who believe in the Mayan end of days and the prophecy of the end of the world in 2012, the fact that our Republican friends have finally met a tax cut they don't like surely must be a sign of the apocalypse. Republicans fought tooth and nail opposing the middle class tax cut, only relenting at the 11th hour to a 2-month extension. But in the more than 40 days since then, they've ignored almost every attempt to enact a full-year extension. Why?

Perhaps because it's primarily a middle class tax cut, saving 160 million Americans almost an average of \$1,000 a year. Perhaps it's because President Obama proposed it, and in an election year, they'd rather defeat the President than, in fact, support initiatives designed to help the American people. Whatever the reason, Republican opposition, once again, threatens to raise taxes on millions of Americans, deny unemployment insurance to 2.3 million Americans, and risk Medicare access for 48 million Americans.

It's long past time the Republicans stopped putting politics over people and instead extend those tax cuts for 160 million fellow citizens without making Americans wait until judgment day.

## FEDERAL PAY FREEZE

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

Mr. CHAFFETZ. Madam Speaker, the numbers are in. Once again, the Federal Government is going to achieve an annual deficit of more than \$1 trillion.

Now, how much is \$1 trillion? Because we throw around that number far too often. If you spend \$1 million a day every day, it would take you almost 3,000 years to get to \$1 trillion, and our Federal Government is approaching \$16 trillion in debt. We're spending more than \$733 million a day as just interest on the debt.

We have to change the trajectory. We can no longer borrow and spend the kind of money that we are. Please, ladies and gentlemen, we have to have systemic changes; and one of those things that we're going to talk about today is putting a freeze on pay.

We have to understand that there are a lot of good Federal employees out there doing great, great work, but your Federal Government has more than 450,000 people earning a base pay of at least \$100,000. These are going to have to change.

## THE STOCK ACT

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

Mrs. CAPPS. Madam Speaker, I rise today to urge the Republican leadership of the House to bring the STOCK Act to the floor. This commonsense legislation would ensure that Members of Congress and their staffs are not able to profit from nonpublic information obtained through their official duties. President Obama has called on Congress to pass this bill, and it has even advanced in the Senate this week with 93 "yes" votes. Meanwhile, the House has not acted on the bill, and a markup on it in December was quashed by the Republican leadership.

Madam Speaker, Members of Congress need to play by the same rules as everyone else, and our constituents need to have confidence that is the case. Right now, they don't have a lot

of confidence in Congress on anything. Congressional approval ratings are at record lows, and reports that Members could possibly profit from nonpublic information is no doubt one more reason for that. Now we can take a step to address this gap by enacting the STOCK Act.

Madam Speaker, this is the people's House, and the American people deserve to know that the men and women they send here are working for them.

## VALENTINES FOR VETERANS

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

Mr. SAM JOHNSON of Texas. Every February, Americans across the country open their hearts to the country's hospitalized veterans by sending valentine cards to VA medical centers in conjunction with the National Salute to Hospitalized Veterans Week.

For several years, students in our Third District of Texas have participated in the annual Valentines for Veterans program as a creative way to thank our brave men and women in uniform for something we love so much—our freedom. Last year, 19 area schools in our district participated, and this year, I encourage all our schools, families, and businesses to take part in making this day special for our Nation's veterans.

Every year, I look forward to delivering these cards to the veterans at the Dallas VA Medical Center, showing them a Texas-size thank you from our schoolkids. You should see the look in their eyes when they read, our veterans, words of appreciation. After all, they are the true reason we remain the land of the free and the home of the brave.

## COMMEMORATING THE 100TH ANNI-VERSARY OF THE NEWPORT ART MUSEUM

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

Mr. CICILLINE. Madam Speaker, I rise to commemorate the 100th anniversary of the founding of the Newport Art Museum and Art Association.

Founded in 1912 for the purpose of promoting and exhibiting fine arts and fostering art education within the community, the Newport Art Museum continues to enhance community life as a shared place for the arts and culture.

One hundred years after its founding, the Newport Art Museum is, without question, one of our great museums. The museum has received full accreditation from the American Association of Museums, the highest national recognition of a museum's commitment to accountability, public service, professional museum standards, and excellence in education and stewardship.

This valuable community resource inspires passion for the arts in diverse audiences in Rhode Island and other localities through exhibitions and collections, arts education, historic preservation, and arts and cultural programming.

It's a true honor to recognize the 100th anniversary of the founding of the Newport Art Museum.

## MORE PROOF WE CAN'T TAX OUR WAY TO PROSPERITY

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

Mr. HULTGREN. Madam Speaker, a recent report from a respected Illinois think tank found that within 5 years the State of Illinois will have amassed an incredible \$34.8 billion in unpaid bills. This, of course, comes only 1 year after an allegedly temporary tax hike that they were told would help restore the State to fiscal health, but instead has made the State's economy much worse.

Yesterday, the CBO reported that, for the 4th consecutive year, the Federal budget deficit will once again exceed \$1 trillion. This is a mind-boggling number, and it underlines the need for serious fiscal reforms such as the Cut, Cap, and Balance Act that we passed last year.

But, Madam Speaker, I'd like everyone in this Chamber to learn a lesson from my home State of Illinois. We need to learn from the mistakes that they've made. Despite what some people here believe, we can never tax our way to prosperity. Let's heed the warning of the Land of Lincoln and make the tough decisions to break Washington's spending addiction.

## RESTORE UNEMPLOYMENT BENEFITS

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

Ms. EDWARDS. Madam Speaker, with another deadline approaching, we're reminded again of the debacle that was the end of the last session when Members on the other side stood in the way of extending tax cuts for 160 million Americans and unemployment benefits for millions more. This is really unacceptable.

Madam Speaker, I want to share with you the sentiments of Mary Hill of Maryland. I received a letter from her this week. She's a single mother. She's a construction worker, and she's a member of Laborers' Local 657. She writes to me that she's been out of work for most of the last 3 years. In her first year here, she writes:

I went through all my savings as well as my children's savings. I went from

visions of having my skills, education, vocation, certifications, and ethics embraced to receiving food stamps, a medical card, and watching my unemployment run out. I want to work. I need to work. I work every day as a volunteer organizer. My passion is for myself and others to achieve and live the American Dream. Hard work should be rewarded, and it is rewarding. Nevertheless, my rent is due. I owe credit cards and a student loan. I thought I would own a house by now.

Madam Speaker, we have to restore unemployment benefits for millions of Americans like Mary Hill.

### □ 1220

## TIME FOR THE SENATE TO GET TO WORK

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

Ms. FOXX. Madam Speaker, the American people are rightfully fed up. The Obama Presidency has meant only more power for Washington and more debt for our children and grand-children, while the Obama economy produces only less confidence for job creators and too few jobs for Americans.

When it comes to fostering job growth, the difference between House Republicans and Senate Democrats for more than a year now has been the difference between action and inaction. Following the House Republican Plan for America's Job Creators, the House has already passed more than 30 bipartisan jobs bills to restore the freedom and confidence of our Nation's job creators to do their job. Unfortunately, 27 of these bipartisan jobs bills are still being ignored or blocked in the donothing Democrat Senate.

It's time for Washington Democrats to join our fight to put Americans back to work and get to work enacting those jobs bills.

## CALLING ON GOVERNMENT OF VIETNAM TO RESPECT FREEDOM OF EXPRESSION

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, we can see that Vietnam's communist government's escalation of crackdowns has targeted the voices of the conscience such as Paulus Le Son and many other Vietnamese patriots for exercising their rights of free speech and expression.

Recently, I received disturbing reports that another youth activist and Vietnamese songwriter, Viet Khang Tri Minh Vo, was detained and imprisoned by the Vietnamese police and govern-

ment. Viet Khang's songs question the conscience of the Vietnam police, who have brutally assaulted and arrested demonstrators at peaceful gatherings. It is time for the Government of Vietnam to respect the freedom of expression through the arts and stop these arbitrary arrests and recognize the basic human rights of the individual.

I urge my colleagues to cosponsor House Resolution 484, calling on the Vietnamese Government to cease the abuse of vague national security provisions in the Vietnamese penal code, which are used to justify the detention and the abuse of their own citizens.

## MEDICAL AND CANCER RESEARCH

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

Mr. HIGGINS. Madam Speaker, earlier this week I had the opportunity to participate in a roundtable discussion in western New York on innovations in health care. Health and Human Services Deputy Secretary Bill Corr was in attendance, as were many innovation leaders from my community. My community of Buffalo and western New York has been a real leader in embracing health care innovations to promote the efficient and cost-effective delivery of quality health care services.

Buffalo was the Nation's largest recipient of the Federal Government's Beacon Grant for comprehensive integration of electronic medical records. Buffalo's Roswell Park Cancer Institute, the Nation's first comprehensive cancer center, was recently designated to conduct clinical trials for promising new therapies using vaccines to bolster the body's immune system to fight cancer. The successful result of this clinical trial could fundamentally change the science of cancer research and treatment.

Innovation in health care must be sustained by the Federal Government. Today, the National Institutes of Health rejects nine of 10 applications for promising research due to lack of funding. Ten years ago, 25 percent of the National Cancer Institute's research grants were funded; today, it's 8 percent. The only failure in cancer research is when you quit or you're forced to quit because of lack of funding.

Mr. Speaker, I urge my colleagues to support fully cancer funding.

### EXTEND THE AMERICAN DREAM

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

Ms. JACKSON LEE of Texas. Madam Speaker, I continue to wear a yellow ribbon to remind us of the wonderful troops who were able to come home finally from Iraq.

I want to congratulate the city of St. Louis that introduced and held the first Welcome Home the Troops from Iraq parade on January 28. I look forward to communities around this Nation raising up their voices to say thank you to those who worked and dedicated their lives and their commitment to the freedom of this country. That's why, Madam Speaker, it's so important that we do our work. Not a minute should we wait to pass the payroll tax extension, unemployment extension, and the ability of our seniors to see their doctors with the Medicare fix for our doctors.

What we say to our soldiers by welcoming them home is all in our acts and our deeds, how we treat their relatives, their friends, and extended family members and community. It's time for Congress to wait not one minute to extend the American Dream to all and provide this benefit to those who are in need.

### STOP CUTS IN PUBLIC SPENDING

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

Mr. MORAN. Madam Speaker, this is a wealthy country. Corporate profits are at record highs. By the end of last year, the private sector was expanding at a healthy 4.5 percent annualized pace. But why, then, wasn't economic growth in the most recent quarter even better than the 2.8 percent that the Commerce Department reported last week? As David Leonhardt of The New York Times explains, the answer is because the economy is the combination of the private and public sectors. The public sector has been shrinking for the last 1½ years because of cuts in State and local governments and some Federal cuts, especially to the militarv.

In the fourth-quarter government shrank at an annual rate of 4.5 percent. Over the last 2 years, the private sector grew at an average annual rate of 3.2 percent while the government shrank at an annual rate of 1.4, and the combined result was that economic growth was 2.3%. That's a lot of numbers. But the fact is economic growth and employment growth would have been significantly stronger over the last 2 years without those government cuts.

And that's why we shouldn't be continuing to discourage Federal employment by continuing to freeze their pay, as the majority wants to do today. And it's why we shouldn't be letting unemployment benefits expire for 6 million people. It's why we should let the Bush tax cuts expire. It's a far better alternative than cutting trillions of dollars more in public spending.

IS GOVERNMENT REALLY THE SOURCE OF ALL OUR PROBLEMS?

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

Mr. YARMUTH. You know, we've heard for many years now from the other side the notion that government is the source of all of our problems, government never does anything right, it ought to stop regulating and get out of the way of a very free and open society.

Well, the authors of a new book called "Gardens of Democracy" have a compelling and undeniable point to make. They write: "There is not a stable, prosperous society on Earth without activist government, extensive regulation, and high, progressive taxation. If less were always better, then the least regulated economies would be the most successful economies. The opposite is true. If minimalist government worked, Somalia would be rich, stable and secure, and Canada would be a hellhole; Afghanistan would be a coveted destination, and Denmark would be like a leper colony.'

Now, to be fair, the authors say that our government is often too slow to react, it has all the answers, and it needs to be more flexible and more effective. We all agree with that. What we need to do is find a way to create a government that is efficient, that sets the right direction for our country, and then lets the innovative spirit of this country take hold and find the answers to our problems.

## GETTING AMERICA BACK TO WORK

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

Mr. RANGEL. Recently, the President of the United States indicated that he will be sending legislation to the Congress in order to get America back to work. He also indicated that he would use the powers of the executive branch where there was no cooperation from the Congress in what he was trying to do. There's an old African saying, that is, when two elephants fight. only the grass gets hurt. I would certainly hope that the leadership in the House and the Senate take the President up on some of the offers that he has made to educate our young people, to make certain that those people that are about to lose their homes are able to keep them, and to see that we get the type of incentives from manufacturers to have jobs here rather than overseas.

I am certain that those people who watched the Republican debates were missing one thing, and that is jobs. America wants to get back to work. It wants its dignity, it wants its kids to be able to get an education, and it wants to restore the middle class.

CONFERENCE REPORT ON H.R. 658, FAA REAUTHORIZATION AND RE-FORM ACT OF 2012

Mr. MICA submitted the following conference report and statement on the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

### Conference Report (H. Rept. 112–381)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658), to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Modernization and Reform Act of 2012".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

 $Sec.\ 3.\ Effective\ date.$ 

## TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. FAA operations.

Sec. 104. Funding for aviation programs.

Sec. 105. Delineation of Next Generation Air Transportation System projects.

Subtitle B—Passenger Facility Charges

Sec. 111. Passenger facility charges.

Sec. 112. GAO study of alternative means of collecting PFCs.

Sec. 113. Qualifications-based selection.
Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.

Sec. 122. Registration fees.

 $Subtitle \ D-Airport \ Improvement \ Program \\ Modifications$ 

Sec. 131. Airport master plans.

Sec. 132. AIP definitions.

Sec. 133. Recycling plans for airports.

Sec. 134. Contents of competition plans.

Sec. 135. Grant assurances.

Sec. 136. Agreements granting through-thefence access to general aviation airports.

Sec. 137. Government share of project costs.

Sec. 138. Allowable project costs.

Sec. 139. Veterans' preference.

Sec. 140. Minority and disadvantaged business participation.

Sec. 141. Special apportionment rules.

- Sec. 142. United States territories minimum guarantee.
- Sec. 143. Reducing apportionments.
- Sec. 144. Marshall Islands, Micronesia, and Palau
- Sec. 145. Use of apportioned amounts.
- Sec. 146. Designating current and former military airports.
- Sec. 147. Contract tower program.
- Sec. 148. Resolution of disputes concerning airport fees.
- Sec. 149. Sale of private airports to public sponsors.
- Sec. 150. Repeal of certain limitations on Metropolitan Washington Airports Authoritu.
- Sec. 151. Midway Island Airport.
- Sec. 152. Miscellaneous amendments.
- Sec. 153. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 154. Priority review ofconstruction projects in cold weather States.
- Sec. 155. Study on national plan of integrated airport systems.
- Sec. 156. Airport privatization program.
- TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION
- Sec. 201. Definitions.
- Sec. 202. NextGen demonstrations and concepts.
- Sec. 203. Clarification of authority to enter into reimbursable agreements.
- Sec. 204. Chief NextGen Officer.
- Sec. 205. Definition of air navigation facility.
- Sec. 206. Clarification to acquisition reform authoritu.
- Sec. 207. Assistance to foreign aviation authorities.
- Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.
- Sec. 209. Next Generation Air Transportation Senior Policy Committee.
- Sec. 210. Improved management of property inventory.
- Sec. 211. Automatic dependent surveillancebroadcast services.
- Sec. 212. Expert review of enterprise architecture for NextGen.
- Sec. 213. Acceleration of NextGen technologies.
- Sec. 214. Performance metrics.
- Sec. 215. Certification standards and resources.
- Sec. 216. Surface systems acceleration.
- Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 218. Airspace redesign.
- Sec. 219. Study on feasibility of development of a public internet web-based resource on locations of potential  $aviation\ obstructions.$
- Sec. 220. NextGen research and development center of excellence.
- Sec. 221. Public-private partnerships.
- Sec. 222. Operational incentives.
- Sec. 223. Educational requirements.
- Sec. 224. Air traffic controller staffing initiatives and analysis.
- Sec. 225. Reports on status of greener skies project.

## TITLE III—SAFETY

### Subtitle A—General Provisions

- Sec. 301. Judicial review of denial of airman certificates.
- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 303. Design and production organization certificates.
- Sec. 304. Cabin crew communication.
- Sec. 305. Line check evaluations.
- Sec. 306. Safety of air ambulance operations.

- Sec. 307. Prohibition on personal use of electronic devices on flight deck.
- Sec. 308. Inspection of repair stations located outside the United States.
- Sec. 309. Enhanced training for flight attendants
- Sec. 310. Limitation on disclosure of safety information.
- Sec. 311. Prohibition against aiming a laser pointer at an aircraft. Sec. 312. Aircraft certification process review
- and reform. Sec. 313. Consistency of regulatory interpretation.
- Sec. 314. Runway safety.
- Sec. 315. Flight Standards Evaluation Program.
- Sec. 316. Cockpit smoke.
- Sec. 317. Off-airport, low-altitude aircraftweather observation technology.
- Sec. 318. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 319. Maintenance providers.
- Sec. 320. Study of air quality in aircraft cabins. Sec. 321. Improved pilot licenses.

#### Subtitle B-Unmanned Aircraft Systems

- Sec. 331. Definitions.
- Sec. 332. Integration of civil unmanned aircraft systems into national airspace system.
- Sec. 333. Special rules for certain unmanned aircraft systems.
- Sec. 334. Public unmanned aircraft systems.
- Sec. 335. Safety studies.
- Sec. 336. Special rule for model aircraft.
  - Subtitle C-Safety and Protections
- Sec. 341. Aviation Safety Whistleblower Investigation Office.
- Sec. 342. Postemployment restrictions for flight standards inspectors.
- Sec. 343. Review of air transportation oversight system database.
- Sec. 344. Improved voluntary disclosure reporting system.
- Sec. 345. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 346. Certain existing flight time limitations and rest requirements.
- Sec. 347. Emergency locator transmitters on general aviation aircraft.

## TITLE IV—AIR SERVICE IMPROVEMENTS

- Subtitle A—Passenger Air Service Improvements
- Sec. 401. Smoking prohibition.
- Sec. 402. Monthly air carrier reports.
- Sec. 403. Musical instruments.
- Sec. 404. Extension of competitive access reports.
- Sec. 405. Airfares for members of the Armed Forces.
- Sec. 406. Review of air carrier flight delays, cancellations, andassociated
- Sec. 407. Compensation for delayed baggage. Sec. 408. DOT airline consumer complaint in-
- vestigations. Sec. 409. Study of operators regulated under
- part 135. Sec. 410. Use of cell phones on passenger air-
- craft.Sec. 411. Establishment of advisory committee for aviation consumer protection.
- Sec. 412. Disclosure of seat dimensions to facilitate the use of child safety seats on aircraft.
- Sec. 413. Schedule reduction.
- Sec. 414. Ronald Reagan Washington National Airport slot exemptions.
- Sec. 415. Passenger air service improvements.

## Subtitle B—Essential Air Service

Sec. 421. Limitation on essential air service to locations that average fewer than 10 enplanements per day.

- Sec. 422. Essential air service eligibility.
- Sec. 423. Essential air service marketina.
- Sec. 424. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 425. Restoration of eligibility to a place determined to be ineligible for subsidized essential air service.
- Sec. 426. Adjustments to compensation for significantly increased costs.
- Sec. 427. Essential air service contract guidelines.
- Sec. 428. Essential air service reform.
- Sec. 429. Small community air service.
- Sec. 430. Repeal of essential air service local  $participation\ program.$
- Sec. 431. Extension of final order establishing mileage adjustment eligibility.

### TITLE V—ENVIRONMENTAL STREAMLINING

- Sec. 501. Overflights of national parks.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. Determination of fair market value of residential properties.
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 507. Aircraft departure queue management pilot program.
- Sec. 508. High performance, sustainable, and cost-effective air traffic control facilities.
- Sec. 509. Sense of Congress.
- Sec. 510. Aviation noise complaints.
- Sec. 511. Pilot program for zero-emission airport vehicles.
- Sec. 512. Increasing the energy efficiency of airport power sources.

### TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Presidential rank award program.
- Sec. 603. Collegiate training initiative study.
- Sec. 604. Frontline manager staffing.
- Sec. 605. FAA technical training and staffing. Sec. 606. Safety critical staffing.
- Sec. 607. Air traffic control specialist qualification training.
- Sec. 608. FAA air traffic controller staffing.
- Sec. 609. Air traffic controller training and scheduling.
- Sec. 610. FAA facility conditions.
- Sec. 611. Technical correction.

## TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit thirdparty liability of air carriers arising out of acts of terrorism.
- Sec. 703. Clarification of reinsurance authority.

## Sec. 704. Use of independent claims adjusters.

- TITLE VIII—MISCELLANEOUS Sec. 801. Disclosure of data to Federal agencies
- in interest of national security. Sec. 802. FAA authority to conduct criminal history record checks.
- Sec. 803. Civil penalties technical amendments.
- Sec. 804. Consolidation and realignment of FAA services and facilities.
- Sec. 805. Limiting access to flight decks of all $cargo\ aircraft.$
- Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 807. Prohibition on use of certain funds.
- Sec. 808. Study on aviation fuel prices.

- Sec. 809. Wind turbine lighting.
- Sec. 810. Air-rail code sharing study.
- Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.
- Sec. 812. FAA review and reform.
- Sec. 813. Use of mineral revenue at certain airports.
- Sec. 814. Contracting.
- Sec. 815. Flood planning.
- Sec. 816. Historical aircraft documents.
- Sec. 817. Release from restrictions.
- Sec. 818. Sense of Congress.
- Sec. 819. Human Intervention Motivation Study.
- Sec. 820. Study of aeronautical mobile telemetry.
- Sec. 821. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 822. Pilot program for redevelopment of airport properties.
- Sec. 823. Report on New York City and Newark air traffic control facilities.
- Sec. 824. Cylinders of compressed oxygen or other oxidizing gases.
- Sec. 825. Orphan aviation earmarks.
- Sec. 826. Privacy protections for air passenger screening with advanced imaging technology.
- Sec. 827. Commercial space launch license requirements.
- Sec. 828. Air transportation of lithium cells and batteries.
- Sec. 829. Clarification of memorandum of understanding with OSHA.
- Sec. 830. Approval of applications for the airport security screening opt-out program.

## $TITLE\ IX-FEDERAL\ AVIATION\ RESEARCH\\ AND\ DEVELOPMENT$

- Sec. 901. Authorization of appropriations.
- Sec. 902. Definitions.
- Sec. 903. Unmanned aircraft systems.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Airport cooperative research program.
- Sec. 907. Centers of excellence.
- Sec. 908. Center of excellence for aviation human resource research.
- Sec. 909. Interagency research on aviation and the environment.
- Sec. 910. Aviation fuel research and development program.
- Sec. 911. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 912. Review of FAA's energy-related and environment-related research programs.
- Sec. 913. Review of FAA's aviation safety-related research programs.
- Sec. 914. Production of clean coal fuel technology for civilian aircraft.
- Sec. 915. Wake turbulence, volcanic ash, and weather research.
- Sec. 916. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
- Sec. 917. Research and development of equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.
- Sec. 918. Expert review of enterprise architecture for NextGen.
- Sec. 919. Airport sustainability planning working group.

## TITLE X—NATIONAL MEDIATION BOARD

- Sec. 1001. Rulemaking authority.
- Sec. 1002. Runoff election rules.
- Sec. 1003. Bargaining representative certification.

Sec. 1004. Oversight.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES Sec. 1100. Amendment of 1986 code.

- Sec. 1101. Extension of taxes funding airport and airway trust fund.
- Sec. 1102. Extension of airport and airway trust fund expenditure authority.
- Sec. 1103. Treatment of fractional aircraft ownership programs.
- Sec. 1104. Transparency in passenger tax disclosures.
- Sec. 1105. Tax-exempt bond financing for fixedwing emergency medical aircraft. Sec. 1106. Rollover of amounts received in air-
- line carrier bankruptcy. Sec. 1107. Termination of exemption for small
- jet aircraft on nonestablished lines.
- Sec. 1108. Modification of control definition for purposes of section 249.

## TITLE XII—COMPLIANCE WITH

STATUTORY PAY-AS-YOU-GO-ACT OF 2010 Sec. 1201. Compliance provision.

## SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

#### SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

### TITLE I—AUTHORIZATIONS

## Subtitle A—Funding of FAA Programs

#### SEC. 101. AIRPORT PLANNING AND DEVELOP-MENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended to read as follows:

#### "§48103. Airport planning and development and noise compatibility planning and programs

- "(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) \$3,350,000,000 for each of fiscal years 2012 through 2015.
- "(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended."
- (b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking "After" and all the follows before "the Secretary" and inserting "After September 30, 2015,".

## SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

- (a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (8) and inserting the following:
  - "(1) \$2,731,000,000 for fiscal year 2012.
  - "(2) \$2,715,000,000 for fiscal year 2013.
- "(3) \$2,730,000,000 for fiscal year 2014. "(4) \$2,730,000,000 for fiscal year 2015."
- (b) SET-ASIDES.—Section 48101 is amended—
- (1) by striking subsections (c), (d), (e), (h), and (i): and
- (2) by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

### SEC. 103. FAA OPERATIONS.

- (a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (H) and inserting the following:
  - "(A) \$9,653,000,000 for fiscal year 2012;
  - "(B) \$9,539,000,000 for fiscal year 2013;
  - "(C) \$9,596,000,000 for fiscal year 2014; and
  - "(D) \$9,653,000,000 for fiscal year 2015.".

- (b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—
- (1) by striking subparagraphs (A), (B), (C), and (D);
- (2) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (A), (B), and (C), respectively; and
- (3) in subparagraphs (A), (B), and (C) (as so redesignated) by striking "2004 through 2007" and inserting "2012 through 2015".
- (c) AUTHORITY TO TRANSFER FUNDS.—Section 106(k) is amended by adding at the end the following:
- "(3) ADMINISTERING PROGRAM WITHIN AVAIL-ABLE FUNDING.—Notwithstanding any other provision of law, in each of fiscal years 2012 through 2015, if the Secretary determines that the funds appropriated under paragraph (1) are insufficient to meet the salary, operations, and maintenance expenses of the Federal Aviation Administration, as authorized by this section, the Secretary shall reduce nonsafety-related activities of the Administration as necessary to reduce such expenses to a level that can be met by the funding available under paragraph (1)."

### SEC. 104. FUNDING FOR AVIATION PROGRAMS.

- (a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:
- "(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year pursuant to sections 48101, 48102, 48103, and 106(k) shall—
- "(i) in fiscal year 2013, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and
- "(ii) in fiscal year 2014 and each fiscal year thereafter, be equal to the sum of—
- "(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and
- "(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.
- Such amounts may be used only for the aviation investment programs listed in subsection (b)(1).".
- (b) Technical Correction.—Section 48114(a)(1)(B) is amended by striking "subsection (b)" and inserting "subsection (b)(1)".
- (c) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking "2007" and inserting "2015".
- (d) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—
- (1) in the paragraph heading by striking "LEVEL" and inserting "ESTIMATED LEVEL"; and
- (2) by striking "level of receipts plus interest" and inserting "estimated level of receipts plus interest".
- (e) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking "2007" and inserting "2015".

# SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

- (1) in paragraph (3) by striking "and" after the semicolon;
- (2) in paragraph (4)(B) by striking "defense." and inserting "defense: and": and
  - (3) by adding at the end the following:
- "(5) a list of capital projects that are part of the Next Generation Air Transportation System and funded by amounts appropriated under section 48101(a)."

# Subtitle B—Passenger Facility Charges SEC. 111. PASSENGER FACILITY CHARGES.

- (a) PFC DEFINED.—Section 40117(a)(5) i amended to read as follows:
- "(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.".
- (b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117(l) is amended.—
  - (1) by striking paragraph (7); and
- (2) by redesignating paragraph (8) as paragraph (7).
  - (c) Correction of References.-
- (1) SECTION 40117.—Section 40117 is amended— (A) in the section heading by striking "fees" and inserting "charges";
- (B) in the heading for subsection (e) by striking "FEES" and inserting "CHARGES";
- (C) in the heading for subsection (l) by striking "FEE" and inserting "CHARGE";
- (D) in the heading for paragraph (5) of subsection (l) by striking "FEE" and inserting "CHARGE";
- (E) in the heading for subsection (m) by striking "FEES" and inserting "CHARGES";
- (F) in the heading for paragraph (1) of subsection (m) by striking "FEES" and inserting "CHARGES";
- (G) by striking "fee" each place it appears (other than the second sentence of subsection (g)(4)) and inserting "charge"; and
- (H) by striking "fees" each place it appears and inserting "charges".
  - (2) OTHER REFERENCES.—
- (A) Subtitle VII is amended by striking "fee" and inserting "charge" each place it appears in each of the following sections:
  - (i) Section 47106(f)(1).
  - (ii) Section 47110(e)(5).
  - (iii) Section 47114(f).
  - (iv) Section 47134(g)(1).
  - (v) Section 47139(b).
  - (vi) Section 47521.
  - (vii) Section 47524(e).
- (viii) Section 47526(2).
- (B) Section 47521(5) is amended by striking "fees" and inserting "charges".
- (3) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:
- "40117. Passenger facility charges.".

## SEC. 112. GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.

- (a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of alternative means of collecting passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In conducting the study, the Comptroller General shall consider, at a minimum—
- (1) collection options for arriving, connecting, and departing passengers at airports;
- (2) cost sharing or allocation methods based on passenger travel to address connecting traffic; and
- (3) examples of airport charges collected by domestic and international airports that are not included in ticket prices.
- (b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

### SEC. 113. QUALIFICATIONS-BASED SELECTION.

It is the sense of Congress that airports should consider the use of qualifications-based selection

in carrying out capital improvement projects funded using passenger facility charges collected under section 40117 of title 49, United States Code, with the goal of serving the needs of all stakeholders.

# Subtitle C—Fees for FAA Services SEC. 121. UPDATE ON OVERFLIGHTS.

- (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:
- "(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—
- "(1) IN GENERAL.—In establishing and adjusting fees under this section, the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered.
- "(2) Services for which costs may be recovered under this section include the costs of air traffic control, navigation, weather services, training, and emergency services that are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States.
- "(3) LIMITATIONS ON JUDICIAL REVIEW.—Notwithstanding section 702 of title 5 or any other provision of law, the following actions and other matters shall not be subject to judicial review."
- "(A) The establishment or adjustment of a fee by the Administrator under this section.
- "(B) The validity of a determination of costs by the Administrator under paragraph (1), and the processes and procedures applied by the Administrator when reaching such determination.
- "(C) An allocation of costs by the Administrator under paragraph (1) to services provided, and the processes and procedures applied by the Administrator when establishing such allocation.
- "(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.
- "(5) Costs defined.—In this subsection, the term 'costs' includes operation and maintenance costs, leasing costs, and overhead expenses associated with the services provided and the facilities and equipment used in providing such services."
- (b) ADJUSTMENT OF FEES.—Section 45301 is amended by adding at the end the following:
- "(e) ADJUSTMENT OF FEES.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section."

### SEC. 122. REGISTRATION FEES.

(a) In General.—Chapter 453 is amended by adding at the end the following:

#### "\$45305. Registration, certification, and related fees

- "(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish and collect a fee for each of the following services and activities of the Administration that does not exceed the estimated costs of the service or activity:
  - "(1) Registering an aircraft.
- "(2) Reregistering, replacing, or renewing an aircraft registration certificate.
- "(3) Issuing an original dealer's aircraft registration certificate.
- "(4) Issuing an additional dealer's aircraft registration certificate (other than the original).
- "(5) Issuing a special registration number.
  "(6) Issuing a renewal of a special registration
  number reservation.

- "(7) Recording a security interest in an aircraft or aircraft part.
  - "(8) Issuing an airman certificate.
  - "(9) Issuing a replacement airman certificate."
    (10) Issuing an airman medical certificate.
- "(11) Providing a legal opinion pertaining to
- aircraft registration or recordation.

  "(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities
- and services for which the fee is imposed is provided for in advance in an appropriations Act. "(c) FEES CREDITED AS OFFSETTING COLLEC-TIONS.—
- "(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—
- "(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;
- "(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting the fee; and
- "(C) remain available until expended.
- "(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.
- "(3) ADJUSTMENTS.—The Administrator shall adjust a fee established under subsection (a) for a service or activity if the Administrator determines that the actual cost of the service or activity is higher or lower than was indicated by the cost data used to establish such fee."
- (b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:
- "45305. Registration, certification, and related fees.".
- (c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—
- (1) by striking "A fee" and inserting the following:
  - "(1) IN GENERAL.—A fee"; and
  - (2) by adding at the end the following:
- "(2) EFFECT OF IMPOSITION OF OTHER FEES.— A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.".

## Subtitle D—Airport Improvement Program Modifications

## SEC. 131. AIRPORT MASTER PLANS.

- Section 47101(g)(2) is amended—
- (1) in subparagraph (B) by striking "and" at the end;
- (2) by redesignating subparagraph (C) as subparagraph (D); and
- (3) by inserting after subparagraph (B) the following:
- "(C) consider passenger convenience, airport ground access, and access to airport facilities; and".

### SEC. 132. AIP DEFINITIONS.

- (a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—
- (1) in subparagraph (B)(iv) by striking "20" and inserting "9";
- (2) in subparagraph (G) by inserting "and including acquiring glycol recovery vehicles," after "aircraft,"; and
  - (3) by adding at the end the following:
- "(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.
- "(N) terminal development under section 47119(a).

- "(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, nonexclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems."
- (b) AIRPORT PLANNING.—Section 47102(5) is amended to read as follows:
- "(5) 'airport planning' means planning as defined by regulations the Secretary prescribes and includes—
- "(A) integrated airport system planning;
- "(B) developing an environmental management system; and
- "(C) developing a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit."
- (c) General Aviation Airport.—Section 47102 is amended—
- (1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;
- (2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and
- (3) by inserting after paragraph (7) the following:
- "(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—
  - "(A) does not have scheduled service; or
- "(B) has scheduled service with less than 2,500 passenger boardings each year.".
- (d) REVENUE PRODUCING AERONAUTICAL SUP-PORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:
- "(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport."
- (e) TERMINAL DEVELOPMENT.—Section 47102 (as amended by subsection (c) of this section) is further amended by adding at the end the following:
  - "(28) 'terminal development' means—
- "(A) development of—
- "(i) an airport passenger terminal building, including terminal gates;
- "(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and
- "(iii) walkways that lead directly to or from an airport passenger terminal building; and
- "(B) the cost of a vehicle described in section 47119(a)(1)(B)."

### SEC. 133. RECYCLING PLANS FOR AIRPORTS.

- Section 47106(a) is amended—
- (1) in paragraph (4) by striking ''and'' at the end;
- (2) in paragraph (5) by striking "proposed." and inserting "proposed; and"; and
- (3) by adding at the end the following:
- "(6) if the project is for an airport that has an airport master plan, the master plan addresses issues relating to solid waste recycling at the airport, including—
- "(A) the feasibility of solid waste recycling at the airport;
- "(B) minimizing the generation of solid waste at the airport;
- "(C) operation and maintenance requirements;
- "(D) the review of waste management contracts: and

"(E) the potential for cost savings or the generation of revenue.".

### SEC. 134. CONTENTS OF COMPETITION PLANS.

- Section 47106(f)(2) is amended—
- (1) by striking "patterns of air service,";
- (2) by inserting "and" before "whether"; and (3) by striking ", and airfare levels" and all that follows before the period.

### SEC. 135. GRANT ASSURANCES.

- (a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: ", except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)".
- (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—
- (1) USE OF PROCEEDS.—Section 47107(c)(2) is amended—
- (A) in subparagraph (A)—
- (i) in the matter preceding clause (i) by striking "purpose—" and inserting "purpose (including land serving as a noise buffer either by being undeveloped or developed in a way that is compatible with using the land for noise buffering purposes)—";
- (ii) in clause (iii) by striking "paid to the Secretary" and all that follows before the semicolon and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)"; and
- (B) in subparagraph (B)(iii) by striking "reinvested, on application" and all that follows before the period at the end and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)".
- (2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:
- "(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(A)(iii) or (2)(B)(iii), the Secretary shall give preference, in descending order, to the following actions:
- "(A) Reinvestment in an approved noise compatibility project.
- "(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).
- "(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.
- "(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.
- "(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986
- "(5)(A) A lease at fair market value by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).
- "(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.
- "(C) The Secretary shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.
- "(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of enactment of this paragraph.".

#### SEC. 136. AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS.

- (a) IN GENERAL.—Section 47107 is amended by adding at the end the following:
- "(t) AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIR-PORTS.—

- "(1) IN GENERAL.—Subject to paragraph (2), a sponsor of a general aviation airport shall not be considered to be in violation of this subtitle, or to be in violation of a grant assurance made under this section or under any other provision of law as a condition for the receipt of Federal financial assistance for airport development, solely because the sponsor enters into an agreement that grants to a person that owns residential real property adjacent to or near the airport access to the airfield of the airport for the following:
  - "(A) Aircraft of the person.
  - $\lq\lq(B)$  Aircraft authorized by the person.
  - "(2) Through-the-fence agreements.-
- "(A) In GENERAL.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall be a written agreement that prescribes the rights, responsibilities, charges, duration, and other terms the airport sponsor determines are necessary to establish and manage the airport sponsor's relationship with the property owner.
- "(B) TERMS AND CONDITIONS.—An agreement described in paragraph (1) between an airport sponsor and a property owner (or an association representing such property owner) shall require the property owner, at minimum—
- "(i) to pay airport access charges that, as determined by the airport sponsor, are comparable to those charged to tenants and operators onairport making similar use of the airport;
- "(ii) to bear the cost of building and maintaining the infrastructure that, as determined by the airport sponsor, is necessary to provide aircraft located on the property adjacent to or near the airport access to the airfield of the airport:
- "(iii) to maintain the property for residential, noncommercial use for the duration of the agreement;
- "(iv) to prohibit access to the airport from other properties through the property of the property owner; and
- "(v) to prohibit any aircraft refueling from occurring on the property.".
- (b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an agreement between an airport sponsor and a property owner (or an association representing such property owner) entered into before, on, or after the date of enactment of this Act.

## SEC. 137. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

- (1) in subsection (a) by striking "provided in subsection (b) or subsection (c) of this section" and inserting "otherwise provided in this section": and
  - (2) by adding at the end the following:
- "(e) Special Rule for Transition From Small Hub to Medium Hub Status.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years after such change in hub status.
- "(f) Special Rule for Economically Dis-TRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—
- "(1) is receiving essential air service for which compensation was provided to an air carrier under subchapter II of chapter 417; and
- "(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce."

### SEC. 138. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

"(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if-

'(i) the cost was incurred before execution of the grant agreement because the girport has a shortened construction season due to climactic conditions in the vicinity of the airport:

'(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

'(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

'(iv) the sponsor has an alternative funding source available to fund the project; and

'(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;".

(b) Inclusion of Measures to Improve Effi-CIENCY OF AIRPORT BUILDINGS IN AIRPORT IM-PROVEMENT PROJECTS.—Section 47110(b) amended—

(1) in paragraph (5) by striking "; and" and insertina a semicolon:

(2) in paragraph (6) by striking the period at the end and inserting "; and"; and
(3) by adding at the end the following:

'(7) if the cost is incurred on a measure to improve the efficiency of an airport building (such as a measure designed to meet one or more of the criteria for being considered a high-performance green building as set forth under section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13))) and-

'(A) the measure is for a project for airport development:

'(B) the measure is for an airport building that is otherwise eligible for construction assistance under this subchapter; and

'(C) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.".

(c) RELOCATION OF AIRPORT-OWNED FACILI-TIES.—Section 47110(d) is amended to read as follows:

"(d) Relocation of Airport-Owned Facili-TIES.—The Secretary may determine that the costs of relocating or replacing an airportowned facility are allowable for an airport development project at an airport only if-

'(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

'(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

'(3) the Secretary determines that the change is beyond the control of the airport sponsor.'

(d) NONPRIMARY AIRPORTS.—Section 47110(h) is amended-

(1) by inserting "construction" before "costs of revenue producing"; and

(2) by striking ", including fuel farms and hangars.'

(e) BIRD-DETECTING RADAR SYSTEMS.—Section 47110 is amended by adding at the end the fol-

"(i) BIRD-DETECTING RADAR SYSTEMS.—The Administrator of the Federal Aviation Administration, upon the conclusion of all planned research by the Administration regarding avian radar systems, shall-

"(1) update Advisory Circular No. 150/5220–25 to specify which systems have been studied; and

(2) within 180 days after such research is concluded, issue a final report on the use of avian radar systems in the national airspace sustem.

### SEC. 139. VETERANS' PREFERENCE.

Section 47112(c) is amended-

(1) in paragraph (1)-

(A) in subparagraph (B) by striking "separated from" and inserting "discharged or released from active duty in"; and

(B) by adding at the end the following:

'(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn for more than 180 consecutive days, any part of which occurred after September 11, 2001, and before the date prescribed by presidential proclamation or by law as the last day of Operation Enduring Freedom, Operation Iragi Freedom, or Operation New Dawn (whichever is later), and who was discharged or released from active duty in the armed forces under honorable conditions.

"(D) 'Persian Gulf veteran' means an individual who served on active duty in the armed forces in the Southwest Asia theater of operations during the Persian Gulf War for more than 180 consecutive days, any part of which occurred after August 2, 1990, and before the date prescribed by presidential proclamation or by law, and who was discharged or released from active duty in the armed forces under honorable conditions."; and

(2) in paragraph (2) by striking "Vietnam-era veterans and disabled veterans" and inserting 'Vietnam-era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans"

#### SEC. 140. MINORITY AND DISADVANTAGED BUSI-NESS PARTICIPATION.

(a) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and genderneutral efforts alone are insufficient to address the problem.

(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airportrelated business in the public and private mar-

(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

(b) STANDARDIZING CERTIFICATION OF DIS-ADVANTAGED BUSINESS ENTERPRISES.—Section 47113 is amended by adding at the end the followina:

"(e) MANDATORY TRAINING PROGRAM.-

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) to provide streamlined training on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

'(2) Implementation.—The training program may be implemented by one or more private enti-

ties approved by the Secretary.

(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor-

"(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) of this section or section 47107(e)(1), as the case may be; or

'(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

(c) Inspector General Report on Partici-PATION IN FAA PROGRAMS BY DISADVANTAGED SMALL BUSINESS CONCERNS.

(1) IN GENERAL.—For each of fiscal years 2013 through 2015, the Inspector General of the Department of Transportation shall submit to Congress a report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this

(2) NEW SMALL BUSINESS CONCERNS.—For purposes of subsection (a), a new small business concern is a small business concern that did not participate in the programs and activities described in subsection (a) in a previous fiscal

(3) CONTENTS.—The report shall include—

(A) a list of the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the programs and activities funded using the amounts made available under this Act:

(B) the results of an assessment, to be conducted by the Inspector General, on the reasons why the top airports have been successful in providing such opportunities; and

(C) recommendations to the Administrator of

the Federal Aviation Administration and Congress on methods for other airports to achieve results similar to those of the top airports.

### SEC. 141. SPECIAL APPORTIONMENT RULES.

(a) Eligibility To Receive Primary Airport MINIMUM APPORTIONMENT AMOUNT.—Section 47114(d) is amended by adding at the end the following:

(7) Eligibility to receive primary airport MINIMUM APPORTIONMENT AMOUNT.—Notwithstanding any other provision of this subsection, the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available under subsection (c)(1)(B) if the Secretary finds that the airport—

(A) received scheduled or unscheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) in the calendar year used to calculate the apportionment; and

(B) had more than 10,000 boardings in the calendar year used to calculate the apportionment.".

- (b) Special Rule for Fiscal Years 2012 and 2013.—Section 47114(c)(1) is amended
- (1) by striking subparagraphs (F) and (G); and
- (2) by inserting after subparagraph (E) the following:

"(F) Special rule for fiscal years 2012 and 2013.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar year 2009 or 2010, or in both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in each of fiscal years 2012 and 2013 to the sponsor of such airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.

#### SEC. 142. UNITED STATES TERRITORIES MINIMUM GUARANTEE.

Section 47114 is amended by adding at the end the following:

"(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO RICO AND UNITED STATES TERRI-TORIES.—The Secretary shall apportion amounts for airports in Puerto Rico and all other United States territories in accordance with this section. This subsection does not prohibit the Secretary from making project grants for girports in Puerto Rico or other United States territories from the discretionary fund under section 47115."

#### SEC. 143. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended by striking subparagraphs (A) and (B) and inserting the fol-

'(A) in the case of a charge of \$3.00 or less— "(i) except as provided in clause (ii), 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section: or

'(ii) with respect to an airport in Hawaii, 50 percent of the projected revenues from the charge in the fiscal year but not by more than 50 percent of the excess of—

(I) the amount that otherwise would be ap-

portioned under this section; over

(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers; and

"(B) in the case of a charge of more than

"(i) except as provided in clause (ii), 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section; or

"(ii) with respect to an airport in Hawaii, 75 percent of the projected revenues from the charge in the fiscal year but not by more than 75 percent of the excess of-

f(I) the amount that otherwise would be ap-

portioned under this section; over

'(II) the amount equal to the amount specified in subclause (I) multiplied by the percentage of the total passenger boardings at the applicable airport that are comprised of interisland passengers."

#### SEC. 144. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking "For fiscal years" and all that follows before "the sponsors" and inserting "For fiscal years 2012 through 2015,'

## SEC. 145. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended-

- (1) by striking "35 percent" in the first sentence and inserting "35 percent, but not more than \$300,000,000,"
- (2) by striking "and" after "47141,"; (3) by striking "et seq.)." and inserting "et
- seq.), and for water quality mitigation projects

to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title."; and

(4) by striking "such 35 percent requirement is" in the second sentence and inserting "the requirements of the preceding sentence are'

#### SEC. 146. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

- Considerations.—Section 47118(c) is amended-
- (1) in paragraph (1) by striking "or" after the semicolon:
- (2) in paragraph (2) by striking "delays." and inserting "delays; or"; and

(3) by adding at the end the following:

(3) preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations-

"(A) within United States jurisdiction or control: and

"(B) where there is a demonstrable lack of diversionary airports within the distance or flighttime required by regulations governing transoceanic flights.'

(b) DESIGNATION OF GENERAL AVIATION AIR-PORTS.—Section 47118(g) is amended-

(1) in the subsection heading by striking "AIRPORT" and inserting "AIRPORTS"; and

(2) by striking "one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation" and inserting "3 of the airports bearing designations under subsection (a) may be general aviation airports that were former military installations".

(c) SAFETY-CRITICAL AIRPORTS.—Section 47118 is amended by adding at the end the following:

((h) SAFETY-CRITICAL AIRPORTS —Notwithstanding any other provision of this chapter, a grant under section 47117(e)(1)(B) may be made for a federally owned airport designated under subsection (a) if the grant is for a project that

"(1) to preserve or enhance minimum airfield infrastructure facilities described in subsection (c)(3); and

'(2) necessary to meet the minimum safety and emergency operational requirements established under part 139 of title 14, Code of Federal Regulations.

## SEC. 147. CONTRACT TOWER PROGRAM.

Cost-Benefit Requirement.—Section (a) 47124(b) is amended—

(1) in paragraph (1)—
(A) by striking "(1) The Secretary" and inserting the followina:

'(1) Contract tower program.—

"(A) CONTINUATION.—The Secretary" and (B) by adding at the end the following:

'(B) Special rule—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit-to-cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required

to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made. "(C) USE OF EXCESS FUNDS.—If the Secretary

finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).";

- (2) in paragraph (2) by striking "(2) The Secretary" and inserting the following:
  - "(2) GENERAL AUTHORITY.—The Secretary".
- (b) Funding; Use of Excess Funds.—Section 47124(b)(3) is amended by striking subparagraph (E) and inserting the following:

"(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k)(1), not more than \$10.350.000 for each of fiscal years 2012 through 2015 may be used to carry out this paragraph.

'(F) Use of excess funds.—If the Secretary finds that all or part of an amount made available under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking "\$1,500,000" and inserting "\$2,000,000°

(d) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

'(c) Safety Audits.—The Secretary shall establish uniform standards and requirements for regular safety assessments of air traffic control towers that receive funding under this section.".

## SEC. 148. RESOLUTION OF DISPUTES CERNING AIRPORT FEES.

(a) IN GENERAL.—Section 47129 is amended— (1) by striking the section heading and inserting the following:

#### "§ 47129. Resolution of disputes concerning airport fees":

- (2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection
- (3) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d)(2);
- (4) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier'
- (5) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's";
- (6) by striking "air carriers" and inserting "air carriers or foreign air carriers"; and
- (7) by striking "(as defined in section 40102 of this title)" in subsection (a) and inserting "(as those terms are defined in section 40102)"
- (b) Conforming Amendment.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

"47129. Resolution of disputes concerning airport fees."

#### SEC. 149. SALE OF PRIVATE AIRPORTS TO PUBLIC SPONSORS.

- (a) IN GENERAL.—Section 47133(b) is amended-
- (1) by striking "Subsection (a) shall not apply if" and inserting the following:
- "(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if"; and

(2) by adding at the end the following:

"(2) Sale of private airport to public SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if-

"(A) the sale is approved by the Secretary;

"(B) funding is provided under this subchapter for any portion of the public sponsor's acquisition of airport land; and

'(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private

"(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.'

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

#### SEC. 150. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIR-PORTS AUTHORITY.

Section 49108, and the item relating to section 49108 in the analysis for chapter 491, are repealed.

#### SEC. 151. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100-Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "for fiscal years" and all that follows before "from amounts" and inserting "for fiscal years 2012 through 2015"

#### SEC. 152. MISCELLANEOUS AMENDMENTS.

- (a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended-
- (1) in subsection (a)—
- (A) by striking "each airport to—" and inserting "the airport system to-
- (B) in paragraph (1) by striking "system in the particular area;" and inserting "system, including connection to the surface transportation network; and";
- (C) in paragraph (2) by striking "; and" and inserting a period; and
  - (D) by striking paragraph (3);
  - (2) in subsection (b)-
- (A) in paragraph (1) by striking the semicolon and inserting "; and";
- (B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and
- (C) in paragraph (2) (as so redesignated) by striking ", Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,"; and
- (3) in subsection (d) by striking "status of the'
- (b) Consolidation of Terminal Develop-MENT PROVISIONS.—Section 47119 is amended-
- (1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively;
- (2) by inserting before subsection (b) (as so redesignated) the following:
  - "(a) TERMINAL DEVELOPMENT PROJECTS.-
- "(1) IN GENERAL.—The Secretary of Transportation may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport-
- "(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has-
- '(i) all the safety equipment required for cer-
- tification of the airport under section 44706; "(ii) all the security equipment required by
- regulation; and '(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;
- "(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and
- "(C) under terms necessary to protect the interests of the Government.
- "(2) Project in revenue-producing areas AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenueproducing area and construction, reconstruction, repair, and improvement in a nonrevenueproducing parking lot if-
- "(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and
- "(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval."
- (3) in subsection (b)(4)(B) (as redesignated by paragraph (1) of this subsection) by striking

- "Secretary"
- (4) in subsections (b)(3) and (b)(4)(A) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d)" and inserting 'subsection (a)":
- (5) in subsection (b)(5) (as redesignated by paragraph (1) of this subsection) by striking 'subsection (b)(1) and (2)" and inserting "subsections (c)(1) and (c)(2)
- (6) in subsections (c)(1), (c)(2)(A), (c)(3), and (c)(4) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d) of this title" and inserting "subsection (a)"
- (7) in subsections (c)(2)(B) and (c)(5) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d)" and inserting 'subsection (a)"; and
- (8) by adding at the end the following:
- (f) LIMITATION ON DISCRETIONARY FUNDS.-The Secretary may distribute not more than \$20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).
- (c) ANNUAL REPORT.—Section 47131(a) is amended-
- (1) by striking "April 1" and inserting "June : and
- (2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:
- "(1) a summary of airport development and planning completed;
- '(2) a summary of individual grants issued:
- "(3) an accounting of discretionary and apportioned funds allocated;
- '(4) the allocation of appropriations; and"
- (d) CORRECTION TO EMISSION CREDITS PROVI-SION.—Section 47139 is amended-
- (1) in subsection "47102(3)(F),"; and striking
  - (2) in subsection (b)-
  - (A) by striking "47102(3)(F),"; and (B) by striking "47103(3)(F),".
- (e) Conforming Amendments.-
- (1) Section 40117(a)(3)(B) is amended by strik-"section 47110(d)" and inserting 47119(a)".
- (2) Section 47108(e)(3) is amended-
- (A) by striking "section 47110(d)(2)" and inserting "section 47119(a)"; and
- (B) by striking "section 47110(d)" and inserting "section 47119(a)".
- (f) Correction to Surplus Property Au-THORITY.—Section 47151(e) is amended by striking "(other than real property" and all that follows through "(10 U.S.C. 2687 note))".
  - (g) DEFINITIONS.
- (1) CONGESTED AIRPORT.—Section 47175(2) is amended by striking "2001" and inserting "2004 or any successor report".
- (2) JOINT USE AIRPORT.—Section 47175 is amended by adding at the end the following:
- "(7) Joint use airport.—The term "joint use airport' means an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield.".

#### SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING PROJECTS BY STATE LOCAL GOVERNMENTS.

Section 47141(f) is amended to read as follows: "(f) SUNSET.—This section shall not be in effect after September 30, 2015."

#### SEC. 154. PRIORITY REVIEW OF CONSTRUCTION PROJECTS INCOLD WEATHER STATES.

The Administrator of the Federal Aviation Administration, to the extent practicable, shall schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

### "Secretary of Transportation" and inserting SEC. 155. STUDY ON NATIONAL PLAN OF INTE-GRATED AIRPORT SYSTEMS.

- (a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall begin a study to evaluate the formulation of the national plan of integrated airport systems (in this section referred to as the "plan") under section 47103 of title 49, United States Code.
- (b) CONTENTS OF STUDY.—The study shall include a review of the following:
- (1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.
- (2) The changes in airport capital needs as shown in the 2005-2009 and 2007-2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010.
- (3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.
- (4) The effect of transfers of airport apportionments under title 49, United States Code.
- (5) An analysis on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year.
- (6) A documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold including whether such airports subsidize commercial flights to reach such threshold at every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent calendar years for which such data is available.
- (7) Any other matters pertaining to the plan that the Secretary determines appropriate.
  - (c) REPORT TO CONGRESS -
- (1) Submission.—Not later than 36 months after the date that the Secretary begins the study under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
  (2) CONTENTS.—The report shall include-
- (A) the findings of the Secretary on each of the issues described in subsection (b):
- (B) recommendations for any changes to policies and procedures for formulating the plan; and
- (C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

## SEC. 156. AIRPORT PRIVATIZATION PROGRAM.

Section 47134(b) is amended in the matter preceding paragraph (1) by striking "5 airports" and inserting "10 airports".

### II—NEXTGEN AIR TRANSPOR-TATION SYSTEM AND AIR TRAFFIC CON-TROL MODERNIZATION

### SEC. 201. DEFINITIONS.

- In this title, the following definitions apply:
- (1) NEXTGEN.—The term "NextGen" means the Next Generation Air Transportation System.
- (2) ADS-B.—The term "ADS-B" means automatic dependent surveillance-broadcast.
- (3) ADS-B OUT.—The term "ADS-B Out" means automatic dependent surveillance-broadcast with the ability to transmit information

from the aircraft to ground stations and to other equipped aircraft.

- (4) ADS-B IN.—The term "ADS-B In" means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft as well as the ability of the aircraft to receive information from other transmitting aircraft and the ground infrastructure.
- (5) RNAV.—The term "RNAV" means area navigation.
- (6) RNP.—The term "RNP" means required navigation performance.

## SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.

In allocating amounts appropriated pursuant to section 48101(a) of title 49, United States Code, the Secretary of Transportation shall give priority to the following NextGen activities:

- (1) Next Generation Transportation System— Demonstrations and Infrastructure Development.
- (2) Next Generation Transportation System— Trajectory Based Operations.
- (3) Next Generation Transportation System—Reduce Weather Impact.
- (4) Next Generation Transportation System— Arrivals/Departures at High Density Airports.
- (5) Next Generation Transportation System— Collaborative ATM.
- (6) Next Generation Transportation System— Flexible Terminals and Airports.
- (7) Next Generation Transportation System—Safety, Security, and Environment.
- (8) Next Generation Transportation System— Sustems Network Facilities.
- (9) Center for Advanced Aviation System Development.
- (10) Next Generation Transportation System— Sustem Development.
- (11) Data Communications in support of Next Generation Air Transportation System.
  - (12) ADS-B NAS-Wide Implementation.
  - (13) System-Wide Information Management.
- (14) Next Generation Transportation System— Facility Consolidation and Realignment.
- (15) En Route Modernization—D-Position Upgrade and System Enhancements.
- (16) National Airspace System Voice System.
- (17) Next Generation Network Enabled Weather.
- (18) NextGen Performance Based Navigation Metroplex Area Navigation/Required Navigation Performance.

#### SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREE-MENTS.

Section 106(m) is amended in the last sentence by inserting "with or" before "without reimbursement"

### SEC. 204. CHIEF NEXTGEN OFFICER.

Section 106 is amended by adding at the end the following:

- "(s) CHIEF NEXTGEN OFFICER.—
- "(1) IN GENERAL.—
- "(A) APPOINTMENT.—There shall be a Chief NextGen Officer appointed by the Administrator, with the approval of the Secretary. The Chief NextGen Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.
- "(B) QUALIFICATIONS.—The Chief NextGen Officer shall have a demonstrated ability in management and knowledge of or experience in aviation and systems engineering.
- "(C) TERM.—The Chief NextGen Officer shall be appointed for a term of 5 years.
- "(D) REMOVAL.—The Chief NextGen Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the implementation of NextGen.
- "(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief NextGen

Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

"(2) COMPENSATION.—

"(A) IN GENERAL.—The Chief NextGen Officer shall be paid at an annual rate of basic pay to be determined by the Administrator. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief NextGen Officer shall be subject to the postemployment provisions of section 207 of title 18 as if the position of Chief NextGen Officer were described in section 207(c)(2)(A)(i) of that title

"(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief NextGen Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief NextGen Officer's performance in relation to the performance goals set forth in the performance agreement described in paragraph (3).

"(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief NextGen Officer, in consultation with the Federal Aviation Management Advisory Council, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief NextGen Officer in key operational areas. The agreement shall be subject to review and reneavitation on an annual basis.

"(4) ANNUAL PERFORMANCE REPORT.—The Chief NextGen Officer shall prepare and transmit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an annual management report containing such information as may be prescribed by the Secretary.

"(5) RESPONSIBILITIES.—The responsibilities of the Chief NextGen Officer include the following:

- "(A) Implementing NextGen activities and budgets across all program offices of the Federal Aviation Administration.
- "(B) Coordinating the implementation of NextGen activities with the Office of Management and Budget.
- "(C) Reviewing and providing advice on the Administration's modernization programs, budget, and cost accounting system with respect to NextGen.
- "(D) With respect to the budget of the Administration—
- "(i) developing a budget request of the Administration related to the implementation of NextGen;
- "(ii) submitting such budget request to the Administrator; and
- "(iii) ensuring that the budget request supports the annual and long-range strategic plans of the Administration with respect to NextGen.
- "(E) Consulting with the Administrator on the Capital Investment Plan of the Administration prior to its submission to Congress.
- "(F) Developing an annual NextGen implementation plan.
- "(G) Ensuring that NextGen implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into NextGen in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation.
- "(H) Coordinating with the NextGen Joint Planning and Development Office with respect to facilitating cooperation among all Federal agencies whose operations and interests are affected by the implementation of NextGen.

"(6) EXCEPTION.—If the Administrator appoints as the Chief NextGen Officer, pursuant to paragraph (1)(A), an Executive Schedule employee covered by section 5315 of title 5, then paragraphs (1)(B), (1)(C), (2), and (3) of this subsection shall not apply to such employee.

"(7) NEXTGEN DEFINED.—For purposes of this subsection, the term 'NextGen' means the Next Generation Air Transportation System.".

#### SEC. 205. DEFINITION OF AIR NAVIGATION FACIL-ITY

Section 40102(a)(4) is amended—

- (1) by redesignating subparagraph (D) as subparagraph (E):
- (2) by striking subparagraphs (B) and (C); and
- (3) by inserting after subparagraph (A) the following:
- "(B) runway lighting and airport surface visual and other navigation aids;
- "(C) apparatus, equipment, software, or service for distributing aeronautical and meteorological information to air traffic control facilities or aircraft:
- "(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;":
- (4) in subparagraph (E) (as redesignated by paragraph (I) of this section)—
- (A) by striking "another structure" and inserting "any structure, equipment,"; and
- (B) by striking the period at the end and inserting ": and"; and
  - (5) by adding at the end the following:
- "(F) buildings, equipment, and systems dedicated to the national airspace system.".

#### SEC. 206. CLARIFICATION TO ACQUISITION RE-FORM AUTHORITY.

Section 40110(c) is amended—

- (1) by inserting "and" after the semicolon in paragraph (3):
  - (2) by striking paragraph (4); and
- (3) by redesignating paragraph (5) as paragraph (4).

## SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

- (A) by inserting "(whether public or private)" after "authorities"; and (B) by striking "safety." and inserting "safety."
- (B) by striking "safety." and inserting "safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with section 106(1)(6).";
- (2) in paragraph (2) by adding at the end the following: "The Administrator is authorized, notwithstanding any other provision of law or policy, to accept payments for services provided under this subsection in arrears."; and
- (3) by striking paragraph (3) and inserting the following:
- "(3) Crediting Appropriations.—Funds received by the Administrator pursuant to this section shall—
- "(A) be credited to the appropriation current when the amount is received:
- "(B) be merged with and available for the purposes of such appropriation; and

# "(C) remain available until expended.". SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING

- AND DEVELOPMENT OFFICE.
  (a) REDESIGNATION OF JPDO DIRECTOR TO ASSOCIATE ADMINISTRATOR.—
- (1) ASSOCIATE ADMINISTRATOR FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING, DEVELOPMENT, AND INTERAGENCY COORDINATION.—Section 709(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—
- (A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

- (B) by inserting after paragraph (1) the following:
  "(2) The head of the Office shall be the Asso-
- "(2) The head of the Office shall be the Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination, who shall be appointed by the Administrator of the Federal Aviation Administration, with the approval of the Secretary. The Administrator shall appoint the Associate Administrator after consulting with the Chairman of the Next Generation Senior Policy Committee and providing advanced notice to the other members of that Committee."
- (2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—
- (A) in subparagraph (G) by striking "; and" and inserting a semicolon:
- (B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and
- (C) by adding at the end the following: "(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System planning and development activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the extent practicable in establishing the environmental goals:
- "(J) working to ensure global interoperability of the Next Generation Air Transportation System:
- "(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;
- "(L) overseeing, with the Administrator and in consultation with the Chief NextGen Officer, the selection of products or outcomes of research and development activities that should be moved to a demonstration phase; and
- "(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation System enterprise architecture requirements."
- (3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—
- (A) by striking "(4)" and inserting "(4)(A)"; and
  - (B) by adding at the end the following:
- "(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—
- "(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5):
- "(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and
- "(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.
- "(C) The head of a Federal agency referred to in subparagraph (B) shall—
- "(i) ensure that the responsibilities of the agency relating to the Next Generation Air

- Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B);
- "(ii) ensure that the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation;
- "(iii) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and
- "(iv) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).
- "(D) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity."
- (4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:
- "(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified cross-agency program.
- "(B) The Director of the Office of Management and Budget, to the extent practicable, shall—
- "(i) ensure that—
- "(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and
- "(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;
- "(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System; and
- "(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.
- "(7) The Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall be a voting member of the Joint Resources Council of the Federal Aviation Administration."
- (b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—
- (1) in the matter preceding paragraph (1)—
- (A) by striking "meets air" and inserting "meets anticipated future air"; and
- (B) by striking "beyond those currently included in the Federal Aviation Administration's operational evolution plan";
- (2) at the end of paragraph (3) by striking "and";
- (3) at the end of paragraph (4) by striking the period and inserting "; and"; and
- (4) by adding at the end the following:
- "(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—
- "(A) an outline of the activities required to achieve the end-state architecture, as expressed

- in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline:
- "(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;
- "(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's endstate architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;
- "(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase:
- "(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;
- "(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system:
- "(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I): and
- "(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.".
- (c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:
- "(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall develop and publish annually the document known as the NextGen Implementation Plan, or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.".
- (d) Contingency Planning.—The Associate Administrator for Next Generation Air Transportation System Planning, Development, and Interagency Coordination shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

## SEC. 209. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

- (a) MEETINGS.—Section 710(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following "and shall meet at least twice each year".
- (b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:
  - "(e) Annual Report.—
- "(1) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the progress made in carrying out the integrated work plan required

by section 709(b)(5) and any changes in that plan.

- "(2) CONTENTS —The report shall include—
- "(A) a copy of the updated integrated work plan;
- "(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;
  - "(C) a detailed description of—
- "(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and
- "(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone:
- "(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and
- "(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request."

## SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a) is amended by striking paragraphs (2) and (3) and inserting the following: "(2) may construct and improve laboratories

and other test facilities; and

- "(3) may dispose of any interest in property for adequate compensation, and the amount so received shall—
- "(A) be credited to the appropriation current when the amount is received;
- "(B) be merged with and available for the purposes of such appropriation; and
- "(C) remain available until expended."

### SEC. 211. AUTOMATIC DEPENDENT SURVEIL-LANCE-BROADCAST SERVICES.

- (a) REVIEW BY DOT INSPECTOR GENERAL.—
- (1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contracts entered into by the Administration to provide ADS-B services for the national airspace system.
- (2) CONTENTS.—The review shall include, at a minimum—
- (A) an examination of how the Administration manages program risks;
- (B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the Administration's plans for implementation of advanced operational procedures and air-to-air applications, as well as the extent to which ground radar will be retained;
- (C) an assessment of the Administration's analysis of specific operational benefits, and benefit/costs analyses of planned operational benefits conducted by the Administration, for ADS-B In and ADS-B Out avionics equipage for airspace users:
- (D) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor:
- (E) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS-B services;
- (F) an assessment of how security issues are being addressed in the overall design and implementation of the ADS-B system;
- (G) identification of any potential operational or workforce changes resulting from deployment of ADS-B; and

- (H) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.
- (3) REPORTS TO CONGRESS.—The Inspector General shall submit, periodically (and on at least an annual basis), to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.
  - (b) RULEMAKING.-
- (1) ADS-B In.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to issue guidelines and regulations relating to ADS-B In technology that—
- (A) identify the ADS-B In technology that will be required under NextGen;
- (B) subject to paragraph (2), require all aircraft operating in capacity constrained airspace, at capacity constrained airports, or in any other airspace deemed appropriate by the Administrator to be equipped with ADS-B In technology by 2020; and
  - (C) identify-
- (i) the type of avionics required of aircraft for all classes of airspace;
- (ii) the expected costs associated with the avionics; and
- (iii) the expected uses and benefits of the avionics.
- (2) READINESS VERIFICATION.—Before the Administrator completes an ADS-B In equipage rulemaking proceeding or issues an interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—
- (A) the necessary ground infrastructure is installed and functioning properly;
- (B) certification standards have been approved; and
- (C) appropriate operational platforms interface safely and efficiently.
- (c) Use of ADS-B Technology.—
- (1) PLANS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee and industry groups, a plan for the use of ADS-B technology for surveillance and active air traffic control.
  - (2) CONTENTS.—The plan shall—
- (A) include provisions to test the use of ADS-B technology for surveillance and active air traffic control in specific regions of the United States with the most congested airspace;
- (B) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;
- (C) identify procedures, to be developed in consultation with appropriate employee and industry groups, to conduct air traffic management in mixed equipage environments; and
- (D) establish a policy in test regions referred to in subparagraph (A), in consultation with appropriate employee and industry groups, to provide incentives for equipage with ADS-B technology, including giving priority to aircraft equipped with such technology before the 2020 equipage deadline.

#### SEC. 212. EXPERT REVIEW OF ENTERPRISE AR-CHITECTURE FOR NEXTGEN.

- (a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the NextGen.
- (b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—
- (1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization

programs to the future system envisioned by the Joint Planning and Development Office of the Administration:

- (2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and
- (3) determine how risks with automation efforts for the NextGen can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.
- (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).

## SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.

- (a) Operational Evolution Partnership (OEP) Airport Procedures.—
- (1) OEP AIRPORTS REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as "qualified third parties") that includes the following:
- (A) RNP/RNAV OPERATIONS FOR OEP AIR-PORTS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the fuel efficiency and airspace capacity of NextGen commercial operations at each of the 35 operational evolution partnership airports identified by the Administration and any medium or small hub airport located within the same metroplex area considered appropriate by the Administrator. The Administrator shall, to the maximum extent practicable. avoid overlays of existing flight procedures, but if unavoidable, the Administrator shall clearly identify each required navigation performance and area navigation procedure that is an overlay of an existing instrument flight procedure and the reason why such an overlay was used.
- (B) COORDINATION AND IMPLEMENTATION ACTIVITIES FOR OEP AIRPORTS.—A description of the activities and operational changes and approvals required to coordinate and utilize the procedures at OEP airports.
- (C) IMPLEMENTATION PLAN FOR OEP AIR-PORTS.—A plan for implementing the procedures for OEP airports under subparagraph (A) that establishes—
- (i) clearly defined budget, schedule, project organization, and leadership requirements;
- (ii) specific implementation and transition steps;
- (iii) baseline and performance metrics for—
- (I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and
- (II) achieving measurable fuel burn and carbon dioxide emissions reductions compared to current performance;
- (iv) expedited environmental review procedures and processes for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics under clause (iii):

- (v) coordination and communication mechanisms with qualified third parties, if applicable:
- (vi) plans to address human factors, training, and other issues for air traffic controllers surrounding the adoption of RNP procedures in the en route and terminal environments, including in a mixed operational environment; and
- (vii) a lifecycle management strategy for RNP procedures to be developed by qualified third parties, if applicable.
- (D) ADDITIONAL PROCEDURES FOR OEP AIR-PORTS.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may provide operational benefits at OEP airports, and any medium or small hub airport located within the same metroplex area as the OEP airport, in the future.
- (2) IMPLEMENTATION SCHEDULE FOR OEP AIR-PORTS.—The Administrator shall certify, publish, and implement—
- (A) not later than 18 months after the date of enactment of this Act, 30 percent of the required procedures at OEP airports;
- (B) not later than 36 months after the date of enactment of this Act, 60 percent of the required procedures at OEP airports; and
- (C) before June 30, 2015, 100 percent of the required procedures at OEP airports.
  - (b) NON-OEP AIRPORTS.—
- (1) NON-OEP AIRPORTS REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as "qualified third parties") that includes the following:
- (A) RNP OPERATIONS FOR NON-OEP AIRPORTS.— A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the fuel efficiency and airspace capacity of NextGen commercial operations at 35 non-OEP small, medium, and large hub airports other than those referred to in subsection (a)(1). The Administrator shall choose such non-OEP airports considered appropriate by the Administrator to produce maximum operational benefits, including improved fuel efficiency and emissions reductions that do not have public RNP procedures that produce such benefits on the date of enactment of this Act. The Administrator shall, to the maximum extent practicable, avoid overlays of existing flight procedures, but if unavoidable, the Administrator shall clearly identifu each required navigation performance procedure that is an overlay of an existing instrument flight procedure and the reason why such an overlay was used.
- (B) COORDINATION AND IMPLEMENTATION ACTIVITIES FOR NON-OEP AIRPORTS.—A description of the activities and operational changes and approvals required to coordinate and to utilize the procedures required by subparagraph (A) at each of the airports described in such subparagraph.
- (C) IMPLEMENTATION PLAN FOR NON-OEP AIR-PORTS.—A plan for implementation of the procedures required by subparagraph (A) that establishes—
- (i) clearly defined budget, schedule, project organization, and leadership requirements;
- (ii) specific implementation and transition steps:
- (iii) coordination and communications mechanisms with qualified third parties;

- (iv) plans to address human factors, training, and other issues for air traffic controllers surrounding the adoption of RNP procedures in the en route and terminal environments, including in a mixed operational environment:
- (v) baseline and performance metrics for—
- (I) measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the national airspace system; and
- (II) achieving measurable fuel burn and carbon dioxide emissions reduction compared to current performance;
- (vi) expedited environmental review procedures and processes for timely environmental approval of area navigation and required navigation performance that offer significant efficiency improvements as determined by baseline and performance metrics established under clause (v):
- (vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration; and
- (viii) lifecycle management strategy for RNP procedures to be developed by qualified third parties, if applicable.
- (D) ADDITIONAL PROCEDURES FOR NON-OEP AIRPORTS.—A process for the identification, certification, and publication of additional required navigation performance procedures that may provide operational benefits at non-OEP airports in the future.
- (2) IMPLEMENTATION SCHEDULE FOR NON-OEP AIRPORTS.—The Administrator shall certify, publish, and implement—
- (A) not later than 18 months after the date of enactment of this Act, 25 percent of the required procedures for non-OEP airports;
- (B) not later than 36 months after the date of enactment of this Act, 50 percent of the required procedures for non-OEP airports; and
- (C) before June 30, 2016, 100 percent of the required procedures for non-OEP airports.
- (c) COORDINATED AND EXPEDITED REVIEW.—
- (1) IN GENERAL.—Navigation performance and area navigation procedures developed, certified, published, or implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.
- (2) NEXTGEN PROCEDURES.—Any navigation performance or other performance based navigation procedure developed, certified, published, or implemented that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace, shall be presumed to have no significant affect on the quality of the human environment and the Administrator shall issue and file a categorical exclusion for the new procedure.
- (d) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for implementation of a nationwide data communications system. The plan shall include—
- (1) clearly defined budget, schedule, project organization, and leadership requirements;

- (2) specific implementation and transition steps; and
- (3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.
  - (e) IMPROVED PERFORMANCE STANDARDS.
- (1) ASSESSMENT OF WORK BEING PERFORMED UNDER NEXTGEN IMPLEMENTATION PLAN.—The Administrator shall clearly outline in the NextGen Implementation Plan document of the Administration the work being performed under the plan to determine—
- (Å) whether utilization of ADS-B, RNP, and other technologies as part of NextGen implementation will display the position of aircraft more accurately and frequently to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions; and
- (B) the feasibility of reducing aircraft separation standards in a safe manner as a result of the implementation of such technologies.
- (2) AIRCRAFT SEPARATION STANDARDS.—If the Administrator determines that the standards referred to in paragraph (1)(B) can be reduced safely, the Administrator shall include in the NextGen Implementation Plan a timetable for implementation of such reduced standards.
- (f) THIRD-PARTY USAGE.—The Administration shall establish a program under which the Administrator is authorized to use qualified third parties in the development, testing, and maintenance of flight procedures.

#### SEC. 214. PERFORMANCE METRICS.

- (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish and begin tracking national airspace system performance metrics, including, at a minimum, metrics with respect to—
- (1) actual arrival and departure rates per hour measured against the currently published aircraft arrival rate and aircraft departure rate for the 35 operational evolution partnership airports;
  - (2) average gate-to-gate times;
  - (3) fuel burned between key city pairs;
- (4) operations using the advanced navigation procedures, including performance based navigation procedures;
- (5) the average distance flown between key city pairs;
- (6) the time between pushing back from the gate and taking off:
  - (7) continuous climb or descent;
- (8) average gate arrival delay for all arrivals; (9) flown versus filed flight times for key city
- (10) implementation of NextGen Implementation Plan, or any successor document, capabilities designed to reduce emissions and fuel consumption;
- (11) the Administration's unit cost of providing air traffic control services; and
- (12) runway safety, including runway incursions, operational errors, and loss of standard separation events.
- (b) BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify baselines for each of the metrics established under subsection (a) and appropriate methods to measure deviations from the
- (c) PUBLICATION.—The Administrator shall make data obtained under subsection (a) available to the public in a searchable, sortable, and downloadable format through the Web site of the Administration and other appropriate media.
- (d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—

- (1) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen capabilities and operational results:
- (2) information on any additional metrics developed; and
- (3) a process for holding the Administration accountable for meeting or exceeding the metrics baselines identified in subsection (b).

#### SEC. 215. CERTIFICATION STANDARDS AND RE-SOURCES.

- (a) PROCESS FOR CERTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—
- (1) establishment of updated project plans and timelines:
- (2) identification of the specific activities needed to certify NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training:
- (3) identification of staffing requirements for the Air Certification Service and the Flight Standards Service, taking into consideration the leveraging of assistance from third parties and designees:
- (4) establishment of a program under which the Administration will use third parties in the certification process; and
- (5) establishment of performance metrics to measure the Administration's progress.
- (b) CERTIFICATION INTEGRITY.—The Administrator shall ensure that equipment, systems, or services used in the national airspace system meet appropriate certification requirements regardless of whether the equipment, system, or service is publically or privately owned.

## SEC. 216. SURFACE SYSTEMS ACCELERATION.

- (a) IN GENERAL.—The Chief Operating Officer of the Air Traffic Organization shall—
- (1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative:
- (2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;
- (3) accelerate implementation of the program referred to in paragraph (1); and
- (4) carry out such additional duties as the Administrator of the Federal Aviation Administration may require.
- (b) Expedited Certification and Utilization.—The Administrator shall—
- (1) consider options for expediting the certification of Ground-Based Augmentation System technology; and
- (2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by December 31, 2012.

#### SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS

- (a) PROCESS FOR EMPLOYEE INCLUSION.—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration impacted by the air traffic control modernization process to serve in a collaborative and expert capacity in the planning and development of air traffic control modernization projects, including NextGen.
- (b) ADHERENCE TO DEADLINES.—Participants in these processes shall adhere, to the greatest extent possible, to all deadlines and milestones established pursuant to this title.

- (c) No CHANGE IN EMPLOYEE STATUS.—Participation in these processes by an employee shall not—
- (1) serve as a waiver of any bargaining obligations or rights:
- (2) entitle the employee to any additional compensation or benefits with the exception of a per diem, if appropriate: or
- (3) entitle the employee to prevent or unduly delay the exercise of management prerogatives.
- (d) Working Groups.—Except in extraordinary circumstances, the Administrator shall not pay overtime related to work group participation.
- (e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

### SEC. 218. AIRSPACE REDESIGN.

- (a) FINDINGS.—Congress finds the following:
- (1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.
- (2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the NextGen Implementation Plan.
- (3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.
- (4) New runways planned for the period of fiscal years 2011 and 2012 will not provide estimated capacity benefits without additional funds.
- (b) Noise Impacts of New York/New Jersey/ Philadelphia Metropolitan Area Airspace Redesign.—
- (1) MONITORING.—The Administrator of the Federal Aviation Administration, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport, shall monitor the noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
- (2) REPORT.—Not later than 1 year following the first day of completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to monitoring conducted under paragraph (1).

#### SEC. 219. STUDY ON FEASIBILITY OF DEVELOP-MENT OF A PUBLIC INTERNET WEB-BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUC-TIONS.

- (a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the height and latitudinal and longitudinal locations of guywire and free-standing tower obstructions.
- (b) Considerations.—In conducting the study, the Administrator shall consult with affected industries and appropriate Federal agencies.
- (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the appropriate committees of Congress on the results of the study.

#### SEC. 220. NEXTGEN RESEARCH AND DEVELOP-MENT CENTER OF EXCELLENCE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into an agreement, on a competitive basis, to assist in the establishment of a center of excellence for

the research and development of NextGen technologies.

- (b) FUNCTIONS.—The Administrator shall ensure that the center established under subsection (a)—
- (1) leverages resources and partnerships, including appropriate programs of the Administration, to enhance the research and development of NextGen technologies by academia and industry; and
- (2) provides educational, technical, and analytical assistance to the Administration and other Federal departments and agencies with responsibilities to research and develop NextGen technologies.

### SEC. 221. PUBLIC-PRIVATE PARTNERSHIPS.

- (a) In GENERAL.—The Secretary may establish an avionics equipage incentive program for the purpose of equipping general aviation and commercial aircraft with communications, surveillance, navigation, and other avionics equipment as determined by the Secretary to be in the interest of achieving NextGen capabilities for such aircraft.
- (b) NEXTGEN PUBLIC-PRIVATE PARTNER-SHIPS.—The incentive program established under subsection (a) shall, at a minimum—
- (1) be based on public-private partnership principles; and
- (2) leverage and maximize the use of private sector capital
- (c) FINANCIAL INSTRUMENTS.—Subject to the availability of appropriated funds, the Secretary may use financial instruments to facilitate public-private financing for the equipage of general aviation and commercial aircraft registered under section 44103 of title 49, United States Code. To the extent appropriations are not made available, the Secretary may establish the program, provided the costs are covered by the fees and premiums authorized by subsection (d)(2). For purposes of this section, the term "financial instruments" means loan guarantees and other credit assistance designed to leverage and maximize private sector capital.
  - (d) PROTECTION OF THE TAXPAYER.—
- (1) LIMITATION ON PRINCIPAL.—The amount of any guarantee under this program shall be limited to 90 percent of the principal amount of the underlying loan.
- (2) COLLATERAL, FEES, AND PREMIUMS.—The Secretary shall require applicants for the incentive program to post collateral and pay such fees and premiums if feasible, as determined by the Secretary, to offset costs to the Government of potential defaults, and agree to performance measures that the Secretary considers necessary and in the best interest of implementing the NextGen program.
- (3) USE OF FUNDS.—Applications for this program shall be limited to equipment that is installed on general aviation or commercial aircraft and is necessary for communications, surveillance, navigation, or other purposes determined by the Secretary to be in the interests of achieving NextGen capabilities for commercial and general aviation.
- (e) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue such financial instruments under this section shall terminate 5 years after the date of the establishment of the incentive program.

## SEC. 222. OPERATIONAL INCENTIVES.

- (a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue a report that—
- (1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;
- (2) identifies the costs and benefits of each option; and
- (3) includes input from industry stakeholders, including passenger and cargo air carriers,

aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of-

(1) the date that is 6 months after the date of enactment of this Act: or

(2) the date on which aircraft are required to be equipped with ADS-B technology pursuant to the rulemaking under section 211(b).

### SEC. 223. EDUCATIONAL REQUIREMENTS.

The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

#### SEC. 224. AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS.

As soon as practicable, and not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall-

(1) ensure, to the extent practicable, a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators to allow for an increase in the number of air traffic controllers at air traffic control facilities:

(2) distribute, to the extent practicable, the placement of certified professional air traffic controllers-in-training and developmental air traffic controllers at facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) initiate an analysis, to be conducted in consultation with the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of scheduling processes and practices, including overtime scheduling practices at those facilities;

(4) provide, to the extent practicable and where appropriate, priority to certified professional air traffic controllers-in-training when

filling staffing vacancies at facilities;

(5) assess training programs at air traffic control facilities with below-average success rates to determine if training is being carried out in accordance with Administration standards, and conduct exit interview analyses with all candidates to determine potential weaknesses in training protocols, or in the execution of such training protocols; and

(6) prioritize, to the extent practicable, such efforts to address the recommendations for the facilities identified in the Department of Transportation's Office of the Inspector General Report Number: AV-2009-047.

### SEC. 225. REPORTS ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) Subsequent Reports.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and annually thereafter until the pilot program terminates, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

## TITLE III—SAFETY

### Subtitle A—General Provisions

### SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIR-MAN CERTIFICATES.

(a) Judicial Review of NTSB Decisions .-Section 44703(d) is amended by adding at the end the following:

(3) A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.

(b) Conforming Amendment.—Section 1153(c) is amended by striking "section 44709 or" and inserting "section 44703(d), 44709, or"

#### SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND CERTIFI-SUPPLEMENTAL TYPE CATES.

Section 44704(a) is amended by adding at the end the following:

(5) Release of Data.

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request, to a person seeking to maintain the airworthiness or develop product improvements of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that-

'(i) the certificate containing the requested data has been inactive for 3 or more years, except that the Administrator may reduce this time if required to address an unsafe condition associated with the product:

'(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental type certificate: and

"(iii) making such data available will enhance

aviation safety.

(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for

the aircraft, engine, propeller, or appliance.
"(C) REQUIREMENT TO MAINTAIN DATA.—The Administrator shall maintain engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate that has been inactive for 3 or more years.'

#### SEC. 303. DESIGN AND PRODUCTION ORGANIZA-TION CERTIFICATES.

(a) IN GENERAL.—Section 44704(e) is amended to read as follows:

"(e) DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES .-

"(1) ISSUANCE.—Beginning January 1, 2013, the Administrator may issue a certificate to a design organization, production organization, or design and production organization to authorize the organization to certify compliance of aircraft, aircraft engines, propellers, and appliances with the requirements and minimum standards prescribed under section 44701(a). An organization holding a certificate issued under this subsection shall be known as a certified design and production organization (in this subsection referred to as a 'CDPO').

'(2) APPLICATIONS.—On receiving an application for a CDPO certificate, the Administrator shall examine and rate the organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the organization has adequate engineering, design, and production capabilities, standards, and safeguards to make certifications of compliance as described in para-

(3) Issuance of certificates based on CDPO FINDINGS.—The Administrator may rely on certifications of compliance by a CDPO when making determinations under this section.

(4) Public safety.—The Administrator shall include in a CDPO certificate terms required in the interest of safety.

(5) NO EFFECT ON POWER OF REVOCATION.— Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.

(b) APPLICABILITY.—Before January 1, 2013, the Administrator of the Federal Aviation Administration may continue to issue certificates under section 44704(e) of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—Chapter 447 is amended-

(1) in the heading for section 44704 by striking "and design organization certificates" and inserting ", and design and production organization certificates"; and

(2) in the analysis for such chapter by striking the item relating to section 44704 and inserting the following:

"44704. Type certificates, production certificates, airworthiness certificates, and design and production organization certificates.'

### SEC. 304. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended— (1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the followina:

'(f) MINIMUM LANGUAGE SKILLS.—

"(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to-

"(A) read material written in English and comprehend the information;

'(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

'(C) write incident reports and statements and log entries and statements; and

"(D) carry out written and oral instructions regarding the proper performance of their duties.

"(2) FOREIGN FLIGHTS—The requirements of paragraph (1) do not apply to a flight attendant serving solely between points outside the United States

(b) FACILITATION.—The Administrator of the Federal Aviation Administration shall work with air carriers to facilitate compliance with the requirements of section 44728(f) of title 49, United States Code (as amended by this section).

### SEC. 305. LINE CHECK EVALUATIONS.

Section 44729(h) is amended-

- (1) by striking paragraph (2); and
- (2) by redesignating paragraph (3) as paragraph (2).

## SEC. 306. SAFETY OF AIR AMBULANCE OPERATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

## "§ 44730. Helicopter air ambulance operations

- "(a) COMPLIANCE REGULATIONS.-
- "(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this section, a part 135 certificate holder providing air ambulance services shall comply, whenever medical personnel are onboard the aircraft, with regulations pertaining to weather minimums and flight and duty time under part 135.
- "(2) Exception.—If a certificate holder described in paragraph (1) is operating, or carrying out training, under instrument flight rules, the weather reporting requirement at the destination shall not apply if authorized by the Administrator of the Federal Aviation Administration.
- "(b) Final Rule.—Not later than June 1, 2012, the Administrator shall issue a final rule, with respect to the notice of proposed rule-making published in the Federal Register on October 12, 2010 (75 Fed. Reg. 62640), to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing air ambulance services under part 135.
- "(c) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (b), the Administrator shall address the following:
- "(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.
- "(2) Pilot training standards, including estab-
- lishment of training standards in—
  "(A) preventing controlled flight into terrain;
  and
- "(B) recovery from inadvertent flight into instrument meteorological conditions.
- "(3) Safety-enhancing technology and equipment, including—
- ``(A) helicopter terrain awareness and warning systems;
- "(B) radar altimeters; and
- "(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible.
- "(4) Such other matters as the Administrator considers appropriate.
- "(d) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (b), the Administrator, at a minimum, shall provide for the following:
- "(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—
- "(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto:
- "(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted: and
- "(C) requires the pilots of the certificate holder to use the checklist.
- "(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.
  - "(e) SUBSEQUENT RULEMAKING.—
- "(1) IN GENERAL.—Upon completion of the rulemaking required under subsection (b), the Administrator shall conduct a follow-on rulemaking to address the following:

- "(A) Pilot training standards, including—
- "(i) mandatory training requirements, including a minimum time for completing the training requirements:
- "(ii) training subject areas, such as communications procedures and appropriate technology use; and
- "(iii) establishment of training standards in—
  "(I) crew resource management;
- "(II) flight risk evaluation:
- "(III) operational control of the pilot in command: and
- "(IV) use of flight simulation training devices and line-oriented flight training.
- "(B) Use of safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.
- "(2) DEADLINES.—Not later than 180 days after the date of issuance of a final rule under subsection (b), the Administrator shall initiate the rulemaking under this subsection.
- "(3) LIMITATION ON CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to propose or finalize any rule that would derogate or supersede the rule required to be finalized under subsection (b).
- "(f) DEFINITIONS.—In this section, the following definitions apply:
- "(1) PART 135.—The term 'part 135' means part 135 of title 14 Code of Federal Regulations
- "(2) PART 135 CERTIFICATE HOLDER.—The term 'part 135 certificate holder' means a person holding an operating certificate issued under part 119 of title 14, Code of Federal Regulations, that is authorized to conduct civil helicopter air ambulance operations under part 135.

## "§44731. Collection of data on helicopter air ambulance operations

- "(a) In GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than 1 year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:
- "(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.
- "(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.
- "(3) The number of flight requests for a helicopter providing air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, interfacility transport, organ transport, or ferry or repositioning flight).
- "(4) The number of accidents, if any, involving helicopters operated by the certificate holder while providing air ambulance services and a description of the accidents.
- "(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing air ambulance services.
- "(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing air ambulance services.
- "(7) The number of incidents, if any, in which a helicopter was not directly dispatched and arrived to transport patients but was not utilized for patient transport.
- "(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

- "(c) DATABASE.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.
- "(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).
- "(e) DEFINITIONS.—In this section, the terms 'part 135' and 'part 135 certificate holder' have the meanings given such terms in section 44730.".
- (b) AUTHORIZED EXPENDITURES.—Section 106(k)(2)(C) (as redesignated by this Act) is amended by inserting before the period the following: "and the development and maintenance of helicopter approach procedures".
- (c) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:
- "44730. Helicopter air ambulance operations." "44731. Collection of data on helicopter air ambulance operations.".

#### SEC. 307. PROHIBITION ON PERSONAL USE OF ELECTRONIC DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

### "§ 44732. Prohibition on personal use of electronic devices on flight deck

- "(a) IN GENERAL.—It is unlawful for a flight crewmember of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the flight crewmember's duty station on the flight deck of such an aircraft while the aircraft is being operated.
- "(b) Exceptions.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier and the Administrator of the Federal Aviation Administration.
- "(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709 by amending, modifying, suspending, or revoking a certificate under this chapter.
- "(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—In this section, the term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted."
- (b) PENALTY.—Section 44711(a) is amended— (1) by striking "or" after the semicolon in
- paragraph (8);
  (2) by striking "title." in paragraph (9) and inserting "title; or"; and
  - (3) by adding at the end the following:
- "(10) violate section 44732 or any regulation issued thereunder.".
- (c) Conforming Amendment.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:
- "44732. Prohibition on personal use of electronic devices on flight deck.".

- (d) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking procedure for regulations to carry out section 44732 of title 49, United States Code (as added by this section), and shall issue a final rule thereunder not later than 2 years after the date of enactment of this Act
  - (e) STUDY.-
- (1) In GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—
- (A) to identify common sources of distraction for the flight crewmembers on the flight deck of a commercial aircraft; and
- (B) to determine the safety impacts of such distractions.
- (2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains—
- (A) the findings of the study conducted under paragraph (1); and
- (B) recommendations regarding how to reduce distractions for flight crewmembers on the flight deck of a commercial aircraft.

#### SEC. 308. INSPECTION OF REPAIR STATIONS LO-CATED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

## "§ 44733. Inspection of repair stations located outside the United States

- "(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—
- "(1) ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;
- "(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and
- "(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.
- "(b) NOTICE TO CONGRESS OF NEGOTIATIONS.— The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.
- "(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—
- "(1) describe in detail any improvements in the Administration's ability to identify and track where part 121 air carrier repair work is performed;
- "(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed:

- "(3) describe the training provided to inspectors: and
- "(4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.
- "(d) Alcohol and Controlled Substances Testing Program Requirements.—
- "(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.
- "(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.
- "(e) ANNUAL INSPECTIONS.—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements. The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.
- "(f) DEFINITIONS.—In this section, the following definitions apply:
- "(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.
- "(2) PART 145 REPAIR STATION.—The term part 145 repair station means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.".
- (b) CONFORMING AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:
- "44733. Inspection of repair stations located outside the United States.".

## SEC. 309. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.

(a) In General.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

### "§ 44734. Training of flight attendants

- "(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide to flight attendants employed or contracted by such air carrier initial and annual training regarding—
  - "(1) serving alcohol to passengers;
- "(2) recognizing intoxicated passengers; and "(3) dealing with disruptive passengers.
- "(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide to flight attendants situational training on the proper method for dealing with intoxicated passengers who act in a belligerent manner.
- "(c) DEFINITIONS.—In this section, the fol-
- lowing definitions apply: "(1) AIR CARRIER.—The term 'air carrier' means a person, including a commercial enterprise, that has been issued an air carrier operating certificate under section 44705.
- "(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given that term in section 44728(g).".

- (b) CLERICAL AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:
- "44734. Training of flight attendants.".

### SEC. 310. LIMITATION ON DISCLOSURE OF SAFE-TY INFORMATION.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

#### "\$ 44735. Limitation on disclosure of safety information

- "(a) IN GENERAL.—Except as provided by subsection (c), a report, data, or other information described in subsection (b) shall not be disclosed to the public by the Administrator of the Federal Aviation Administration pursuant to section 552(b)(3)(B) of title 5 if the report, data, or other information is submitted to the Federal Aviation Administration voluntarily and is not required to be submitted to the Administrator under any other provision of law.
- "(b) APPLICABILITY.—The limitation established by subsection (a) shall apply to the following:
- "(1) Reports, data, or other information developed under the Aviation Safety Action Program.
- "(2) Reports, data, or other information produced or collected under the Flight Operational Quality Assurance Program.
- "(3) Reports, data, or other information developed under the Line Operations Safety Audit Program.
- "(4) Reports, data, or other information produced or collected for purposes of developing and implementing a safety management system acceptable to the Administrator.
- "(5) Reports, analyses, and directed studies, based in whole or in part on reports, data, or other information described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program (or any successor program).
- "(c) EXCEPTION FOR DE-IDENTIFIED INFORMA-TION.—
- "(1) IN GENERAL.—The limitation established by subsection (a) shall not apply to a report, data, or other information if the information contained in the report, data, or other information has been de-identified.
- "(2) DE-IDENTIFIED DEFINED.—In this subsection, the term 'de-identified' means the process by which all information that is likely to establish the identity of the specific persons or entities submitting reports, data, or other information is removed from the reports, data, or other information"
- (b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:
- "44735. Limitation on disclosure of safety information.".
- (c) TECHNICAL CORRECTION.—Section 44703(i)(9)(B)(i) is amended by striking "section 552 of title 5" and inserting "section 552(b)(3)(B) of title 5".

## SEC. 311. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) Offense.—Chapter 2 of title 18, United States Code, is amended by inserting after section 39 the following:

### "§ 39A. Aiming a laser pointer at an aircraft

- "(a) OFFENSE.—Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.
- "(b) LASER POINTER DEFINED.—As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or

identify a specific position, place, item, or object.
"(c) EXCEPTIONS.—This section does not pro-

"(c) EXCEPTIONS.—This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

"(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

"(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training: or

"(3) by an individual using a laser emergency signaling device to send an emergency distress signal

'(d) AUTHORITY TO ESTABLISH ADDITIONAL Exceptions by Regulation.—The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.".

- (b) CLERICAL AMENDMENT.—The analysis for such chapter is amended—
- (1) by moving the item relating to section 39 after the item relating to section 38; and
- (2) by inserting after the item relating to section 39 the following:
- "39A. Aiming a laser pointer at an aircraft".

### SEC. 312. AIRCRAFT CERTIFICATION PROCESS RE-VIEW AND REFORM.

- (a) In GENERAL.—The Administrator of the Federal Aviation Administration, in consultation with representatives of the aviation industry, shall conduct an assessment of the certification and approval process under section 44704 of title 49, United States Code.
- (b) CONTENTS.—In conducting the assessment, the Administrator shall consider—
- (1) the expected number of applications for product certifications and approvals the Administrator will receive under section 44704 of such title in the 1-year, 5-year, and 10-year periods following the date of enactment of this Act:
- (2) process reforms and improvements necessary to allow the Administrator to review and approve the applications in a fair and timely fashion:
- (3) the status of recommendations made in previous reports on the Administration's certification process;
- (4) methods for enhancing the effective use of delegation systems, including organizational designation authorization;
- (5) methods for training the Administration's field office employees in the safety management system and auditing; and
- (6) the status of updating airworthiness requirements, including implementing recommendations in the Administration's report entitled "Part 23—Small Airplane Certification Process Study" (OK-09-3468, dated July 2009).
- (c) RECOMMENDATIONS.—In conducting the assessment, the Administrator shall make recommendations to improve efficiency and reduce costs through streamlining and reengineering the certification process under section 44704 of such title to ensure that the Administrator can conduct certifications and approvals under such section in a manner that supports and enables

the development of new products and technologies and the global competitiveness of the United States aviation industry.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment, together with an explanation of how the Administrator will implement recommendations made under subsection (c) and measure the effectiveness of the recommendations.

(e) IMPLEMENTATION OF RECOMMENDATIONS.— Not later than 1 year after the date of enactment of this Act, the Administrator shall begin to implement the recommendations made under subsection (c).

#### SEC. 313. CONSISTENCY OF REGULATORY INTER-PRETATION.

- (a) ESTABLISHMENT OF ADVISORY PANEL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish an advisory panel comprised of both Government and industry representatives to—
- (1) review the October 2010 report by the Government Accountability Office on certification and approval processes (GAO-11-14); and
- (2) develop recommendations to address the findings in the report and other concerns raised by interested parties, including representatives of the aviation industry.
- (b) MATTERS TO BE CONSIDERED.—The advisory panel shall—
- (1) determine the root causes of inconsistent interpretation of regulations by the Administration's Flight Standards Service and Aircraft Certification Service:
- (2) develop recommendations to improve the consistency of interpreting regulations by the Administration's Flight Standards Service and Aircraft Certification Service: and
- (3) develop recommendations to improve communications between the Administration's Flight Standards Service and Aircraft Certification Service and applicants and certificate and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.
- (c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the advisory panel, together with an explanation of how the Administrator will implement the recommendations of the advisory panel and measure the effectiveness of the recommendations.

### SEC. 314. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.-

- (1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.
- (2) CONTENTS OF PLAN.—The strategic runway safety plan—
  - (A) shall include, at a minimum—
- (i) goals to improve runway safety;
- (ii) near- and long-term actions designed to reduce the severity, number, and rate of runway incursions, losses of standard separation, and operational errors;
- (iii) time frames and resources needed for the actions described in clause (ii);
- (iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and
- (v) a review with respect to runway safety of every commercial service airport (as defined in

section 47102 of title 49, United States Code) in the United States and proposed action to improve airport lighting, provide better signs, and improve runway and taxiway markings at those airports: and

(B) shall address the increased runway safety risk associated with the expected increased vol-

ume of air traffic.

(b) PROCESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall develop a process for tracking and investigating operational errors, losses of standard separation, and runway incursions that includes procedures for—

(1) identifying who is responsible for tracking operational errors, losses of standard separation, and runway incursions, including a process for lower level employees to report to higher supervisory levels and for frontline managers to receive the information in a timely manner;

(2) conducting periodic random audits of the oversight process; and

(3) ensuring proper accountability.

(c) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than June 30, 2012, the Administrator shall submit to Congress a report containing a plan for the installation and deployment of systems to alert air traffic controllers or flight crewmembers, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan of the Administration or any successor document.

## SEC. 315. FLIGHT STANDARDS EVALUATION PROGRAM.

- (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the Flight Standards Evaluation Program—
- (1) to include periodic and random reviews as part of the Administration's oversight of air carriers; and
- (2) to prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual, at any time in the 5-year period preceding the date of the review or audit, had responsibility for inspecting, or overseeing the inspection of, the operations of that carrier.
- (b) Annual Report to Congress.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Flight Standards Evaluation Program, including the Administrator's findings and recommendations with respect to the program.
- (c) FLIGHT STANDARDS EVALUATION PROGRAM DEFINED.—In this section, the term "Flight Standards Evaluation Program" means the program established by the Federal Aviation Administration in FS 1100.1B CHG3, including any subsequent revisions thereto.

## SEC. 316. COCKPIT SMOKE.

- (a) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to the use of new technologies to prevent or mitigate the effects of dense, continuous smoke in the cockpit of a commercial aircraft.
- (b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

# SEC. 317. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

- (b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.
- (c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

#### SEC. 318. FEASIBILITY OF REQUIRING HELI-COPTER PILOTS TO USE NIGHT VI-SION GOGGLES.

- (a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.
- (b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.
- (c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

#### SEC. 319. MAINTENANCE PROVIDERS.

- (a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that covered work on an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by persons in accordance with subsection (b).
- (b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—
- (1) a part 121 air carrier;
- (2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or
- (3) subject to subsection (c), a person that—
- (A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and
- (B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.
- (c) TERMS AND CONDITIONS.—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:
- (1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.
- (2) The covered work shall be carried out in accordance with the part 121 air carrier's maintenance manual.
- (3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.
- (d) DEFINITIONS.—In this section, the following definitions apply:
- (1) COVERED WORK.—The term "covered work" means any of the following:
- (A) Essential maintenance that could result in a failure, malfunction, or defect endangering

the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

- (B) Regularly scheduled maintenance.
- (C) A required inspection item (as defined by the Administrator).
- (2) PART 121 AIR CARRIER.—The term "part 121 air carrier" means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.
- (3) PART 145 REPAIR STATION.—The term "part 145 repair station" means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.
- (4) PERSON.—The term "person" means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.

## SEC. 320. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

- (a) In General.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—
- (1) assess bleed air quality on the full range of commercial aircraft operating in the United States:
- (2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence, of those toxins through a comprehensive sampling program;
- (3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;
- (4) develop a systematic reporting standard for smoke and fume events in aircraft cabins; and
- (5) identify the potential health risks to individuals exposed to toxic fumes during flight.
- (b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

## SEC. 321. IMPROVED PILOT LICENSES.

- (a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue improved pilot licenses consistent with requirements under this section.
- (b) TIMING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall—
- (1) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—
- (A) a timeline for the phased issuance of improved pilot licenses under this section that ensures all pilots are issued such licenses not later than 2 years after the initial issuance of such licenses under paragraph (2); and
- (B) recommendations for the Federal installation of infrastructure necessary to take advantage of information contained on improved pilot licenses issued under this section, which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the infrastructure at airport sterile areas, and provide an estimate of the costs of the infrastructure; and
- (2) begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.
- (c) REQUIREMENTS.—Improved pilot licenses issued under this section shall—
- (1) be resistant to tampering, alteration, and counterfeiting:

- (2) include a photograph of the individual to whom the license is issued for identification purposes; and
  - (3) be smart cards that—
- (A) accommodate iris and fingerprint biometric identifiers; and
- (B) are compliant with Federal Information Processing Standards-201 (FIPS-201) or Personal Identity Verification-Interoperability Standards (PIV-I) for processing through security checkpoints into airport sterile areas.
- (d) TAMPERING.—To the extent practicable, the Administrator shall develop methods to determine or reveal whether any component or security feature of an improved pilot license issued under this section has been tampered with, altered, or counterfeited.
- (e) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent practicable in order to minimize the burdens on vilots.
  - (f) REPORT TO CONGRESS.—
- (1) In GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.
- (2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator has issued improved pilot licenses under this section to all pilots.

## Subtitle B—Unmanned Aircraft Systems SEC. 331. DEFINITIONS.

- In this subtitle, the following definitions apply:
- (1) ARCTIC.—The term "Arctic" means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.
- (2) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms "certificate of authorization" mean a Federal Aviation Administration grant of approval for a specific flight operation.
- (3) PERMANENT AREAS.—The term "permanent areas" means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.
- (4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term "public unmanned aircraft system" means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102 of title 49, United States Code).
- (5) SENSE AND AVOID CAPABILITY.—The term "sense and avoid capability" means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.
- (6) SMALL UNMANNED AIRCRAFT.—The term "small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds.
- (7) TEST RANGE.—The term "test range" means a defined geographic area where research and development are conducted.
- (8) UNMANNED AIRCRAFT.—The term "unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
- (9) UNMANNED AIRCRAFT SYSTEM.—The term "unmanned aircraft system" means an uncluding communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

#### SEC. 332. INTEGRATION OF CIVIL UNMANNED AIR-CRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM.

(a) REQUIRED PLANNING FOR INTEGRATION.—

- (1) COMPREHENSIVE PLAN.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.
- (2) CONTENTS OF PLAN.—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—
- (A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—
- (i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;
- (ii) ensure that any civil unmanned aircraft system includes a sense and avoid capability; and
- (iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;
- (B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace sustem:
- (C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system:
- (D) a timeline for the phased-in approach described under subparagraph (C);
  - (E) creation of a safe
- (F) airspace designation for cooperative manned and unmanned flight operations in the national airspace system;
- (G) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing:
- (H) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and
- (I) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.
- (3) DEADLINE.—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.
- (4) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan required under paragraph (1).
- (5) ROADMAP.—Not later than I year after the date of enactment of this Act, the Secretary shall approve and make available in print and on the Administration's Internet Web site a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update the roadmap annually.
- (b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—
- (1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 333 of this Act;

- (2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of nublication of the notice: and
- (3) an update to the Administration's most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA-2006-25714.
  - (c) PILOT PROJECTS.-
- (1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program to integrate unmanned aircraft systems into the national airspace system at 6 test ranges. The program shall terminate 5 years after the date of enactment of this Act.
- (2) PROGRAM REQUIREMENTS.—In establishing the program under paragraph (1), the Administrator shall—
- (A) safely designate airspace for integrated manned and unmanned flight operations in the national airspace system;
- (B) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;
- (C) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;
- (D) address both civil and public unmanned aircraft systems:
- (E) ensure that the program is coordinated with the Next Generation Air Transportation Sustem: and
- (F) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.
- (3) TEST RANGE LOCATIONS.—In determining the location of the 6 test ranges of the program under paragraph (1), the Administrator shall—
- (A) take into consideration geographic and climatic diversity;
- (B) take into consideration the location of ground infrastructure and research needs; and
- (C) consult with the National Aeronautics and Space Administration and the Department of Defense.
- (4) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established.
  - (5) Report to congress.—
- (A) In GENERAL.—Not later than 90 days after the date of the termination of the program under paragraph (1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report setting forth the Administrator's findings and conclusions concerning the projects.
- (B) ADDITIONAL CONTENTS.—The report under subparagraph (A) shall include a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense—
- (i) to develop detection techniques for small unmanned aircraft systems; and
- (ii) to validate the sense and avoid capability and operation of unmanned aircraft systems.
- (d) Expanding Use of Unmanned Aircraft Systems in Arctic.—
- (1) In GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes. The plan for operations in these permanent areas shall include the development of processes to facilitate the safe operation of unmanned air-

- craft beyond line of sight. Such areas shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites.
- (2) AGREEMENTS.—To implement the plan under paragraph (1), the Secretary may enter into an agreement with relevant national and international communities.
- (3) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this subsection, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft.

#### SEC. 333. SPECIAL RULES FOR CERTAIN UN-MANNED AIRCRAFT SYSTEMS.

- (a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 332 of this Act or the guidance required by section 334 of this Act.
- (b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—
- (1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and
- (2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).
- (c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

## SEC. 334. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

- (a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public unmanned aircraft systems to—
- (1) expedite the issuance of a certificate of authorization process;
- (2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;
- (3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and
- (4) provide guidance on a public entity's responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Administration.
- (b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Administrator shall develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system.

- (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—
- (1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into agreements with appropriate government agencies to simplify the process for issuing certificates of waiver or authorization to operate public unmanned aircraft systems in the national airspace system.
- (2) CONTENTS.—The agreements shall—
- (A) with respect to an application described in paragraph (1)—
- (i) provide for an expedited review of the application;
- (ii) require a decision by the Administrator on approval or disapproval within 60 business days of the date of submission of the application; and (iii) allow for an expedited appeal if the appli-
- cation is disapproved;
- (B) allow for a one-time approval of similar operations carried out during a fixed period of time; and
- (C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, if operated—
  - (i) within the line of sight of the operator:
  - (ii) less than 400 feet above the ground;
  - (iii) during daylight conditions;
- (iv) within Class G airspace; and
- (v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

### SEC. 335. SAFETY STUDIES.

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

### SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.

- (a) In General.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if—
- (1) the aircraft is flown strictly for hobby or recreational use;
- (2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- (3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
- (4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
- (5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).
- (b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.
- (c) Model Aircraft Defined.—In this section, the term "model aircraft" means an unmanned aircraft that is—
- (1) capable of sustained flight in the atmosphere;

- (2) flown within visual line of sight of the person operating the aircraft; and
- (3) flown for hobby or recreational purposes.

### Subtitle C—Safety and Protections SEC. 341. AVIATION SAFETY WHISTLEBLOWER IN-

# VESTIGATION OFFICE. Section 106 (as amended by this Act) is further

amended by adding at the end the following.

- "(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—
- "(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').
- "(2) DIRECTOR.
- "(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.
- "(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.
- "(C) TERM.—The Director shall be appointed for a term of 5 years.
- "(D) VACANCIES.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.
  - (3) Complaints and investigations.—
- "(A) AUTHORITY OF DIRECTOR.—The Director shall—
- "(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations (if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process) and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety;
- "(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred; and
- "(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator of the Agency, in writing, regarding further investigation or corrective actions
- "(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—
- "(i) the individual consents to the disclosure in writing; or
- "(ii) the Director determines, in the course of an investigation, that the disclosure is required by regulation, statute, or court order, or is otherwise unavoidable, in which case the Director shall provide the individual reasonable advanced notice of the disclosure.
- "(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.
- "(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material of the Agency necessary to determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety may have occurred.

- "(4) RESPONSES TO RECOMMENDATIONS.—Not later than 60 days after the date on which the Administrator receives a report with respect to an investigation, the Administrator shall respond to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.
- "(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.
- "(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.
- "(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—
- "(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;
  - "(B) summaries of those submissions;
- "(C) summaries of further investigations and corrective actions recommended in response to the submissions; and
- "(D) summaries of the responses of the Administrator to such recommendations.".

## SEC. 342. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

- (a) IN GENERAL.—Section 44711 is amended by adding at the end the following:
- "(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—
- "(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—
- "(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and
- "(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.
- "(2) WRITTEN AND ORAL COMMUNICATIONS.—
  For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration."
- (b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

## SEC. 343. REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by regional teams of employees of the Administration, including at least one employee on each team representing aviation safety inspectors, on a monthly basis to ensure that—

- identified: and
- (2) appropriate corrective actions are taken in accordance with Administration regulations, advisory directives, policies, and procedures.
  - (b) Monthly Team Reports.-
- (1) IN GENERAL.—A regional team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards Service a report each month on the results of the review.
- (2) CONTENTS.—A report submitted under paragraph (1) shall identify—
- (A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and
- (B) any corrective actions taken or proposed to be taken in response to the trends.
- (c) BIANNUAL REPORTS TO CONGRESS .-Administrator, on a biannual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

#### SEC. 344. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

- (a) Voluntary Disclosure Reporting Pro-GRAM DEFINED.—In this section, the term "Voluntary Disclosure Reporting Program" means the program established by the Federal Aviation Administration through Advisory Circular 00-58A, dated September 8, 2006, including any subsequent revisions thereto.
- (b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to-
- (1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and
- (2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.
- (c) Supervisory Review of Voluntary Self-DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.
- (d) Inspector General Study.—
- (1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.
- (2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration-
- (A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;
- (B) evaluates the effectiveness of corrective actions taken by air carriers: and
- (C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.
- (3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

## (1) any trends in regulatory compliance are SEC. 345. DUTY PERIODS AND FLIGHT TIME LIMI-TATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

- (a) RULEMAKING ON APPLICABILITY OF PART 121 Duty Periods and Flight Time Limita-TIONS TO PART 91 OPERATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to flu under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title
- (b) RULEMAKING ON APPLICABILITY OF PART 135 DUTY PERIODS AND FLIGHT TIME LIMITA-TIONS TO PART 91 OPERATIONS—Not later than 1 year after the date of enactment of this Act, the Administrator shall initiate a rulemaking proceeding to require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier con $ducting\ operations\ under\ part\ 121\ or\ 135\ of\ such$ title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.
- (c) Separate Rulemaking Proceedings Re-QUIRED.—The rulemaking proceeding required under subsection (b) shall be separate from the rulemaking proceeding required under subsection (a).

#### SEC. 346. CERTAIN EXISTING FLIGHT TIME LIMI-TATIONS AND REST REQUIREMENTS.

The Administrator of the Federal Aviation Administration may not finalize the interpretation proposed in Docket No. FAA-2010-1259, relating to rest requirements, and published in the Federal Register on December 23, 2010.

### SEC. 347. EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT.

- (a) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an "ELT") installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer's specifications.
- (b) MOUNTING AND RETENTION -
- (1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.
- (2) REVISION.—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs are properly retained in the event of an aircraft accident.
- (c) REPORT.—Upon the completion of any revisions under subsection (b)(2), the Adminis-

trator shall submit a report on the implementation of this section to-

- (1) the Committee on Commerce Science and Transportation of the Senate; and
- (2) the Committee on Transportation and Infrastructure of the House of Representatives.

### TITLE IV—AIR SERVICE IMPROVEMENTS Subtitle A—Passenger Air Service *Improvements*

### SEC. 401. SMOKING PROHIBITION.

- (a) IN GENERAL.—Section 41706 is amended-
- (1) in the section heading by striking "scheduled" and inserting "passenger"; and
- (2) by striking subsections (a) and (b) and inserting the following:
- "(a) Smoking Prohibition in Interstate and INTRASTATE AIR TRANSPORTATION.—An individual may not smoke-
- '(1) in an aircraft in scheduled passenger interstate or intrastate air transportation; or
- '(2) in an aircraft in nonscheduled passenger interstate or intrastate air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).
- '(b) Smoking Prohibition in Foreign Air Transportation.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking-
- '(1) in an aircraft in scheduled passenger foreign air transportation; and
- '(2) in an aircraft in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).
- (b) CLERICAL AMENDMENT—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the followina:

"41706. Prohibitions against smoking on passenger flights.".

### SEC. 402. MONTHLY AIR CARRIER REPORTS.

- (a) IN GENERAL.—Section 41708 is amended by adding at the end the following:
  - '(c) DIVERTED AND CANCELLED FLIGHTS.—
- "(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.
- '(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).
- '(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:
  - '(A) For a diverted flight-
  - '(i) the flight number of the diverted flight;
  - "(ii) the scheduled destination of the flight;
  - "(iii) the date and time of the flight;
- "(iv) the airport to which the flight was diverted:
  - "(v) wheels-on time at the diverted airport:
- '(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and
- "(vii) if the flight arrives at the scheduled destination airport-
- "(I) the gate-departure time at the diverted airport;
- "(II) the wheels-off time at the diverted air-
- "(III) the wheels-on time at the scheduled arrival airport; and
- "(IV) the gate-arrival time at the scheduled arrival airport.
- "(B) For flights cancelled after gate depar-

- "(i) the flight number of the cancelled flight; "(ii) the scheduled origin and destination airports of the cancelled flight:
- "(iii) the date and time of the cancelled flight; 
  "(iv) the gate-departure time of the cancelled flight: and
- "(v) the time the aircraft returned to the gate.
- "(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation."
- (b) EFFECTIVE DATE.—Beginning not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a).

#### SEC. 403. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

#### "§ 41724. Musical instruments

- "(a) IN GENERAL.-
- "(1) SMALL INSTRUMENTS AS CARRY-ON BAG-GAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin, without charging the passenger a fee in addition to any standard fee that carrier may require for comparable carry-on baggage, if—
- if—
  "(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and
- "(B) there is space for such stowage at the time the passenger boards the aircraft.
- "(2) LARGER INSTRUMENTS AS CARRY-ON BAG-GAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin, without charging the passenger a fee in addition to the cost of the additional ticket described in subparagraph (E), if—
- "(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;
- "(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft.
- "(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator:
- "(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and
- "(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.
- "(3) Large instruments as checked bag-Gage.—An air carrier shall transport as baggage a musical instrument that is the property of passenger traveling in air transportation that may not be carried in the aircraft cabin if—
- "(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;
- "(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and
- "(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.
- "(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the

Secretary shall issue final regulations to carry out subsection (a).

- "(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).".
- (b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"41724. Musical instruments.".

## SEC. 404. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended to read as follows:

#### "(3) SUNSET PROVISION.—This subsection shall cease to be effective beginning October 1, 2015.". SEC. 405. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

- (1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;
- (2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;
- (3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;
- (4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and
- (5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.
- (b) SENSE OF CONGRESS.—It is the sense of Congress that—
- (1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and
- (2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—
- (A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements.
- (B) seek to eliminate change fees or charges and any penalties;
- (C) seek to eliminate or reduce baggage and excess weight fees;
- (D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and
- (E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave or liberty.

#### SEC. 406. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND AS-SOCIATED CAUSES.

- (a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update the 2000 report numbered CR-2000-112 and titled "Audit of Air Carrier Flight Delays and Cancellations".
- (b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

- (1) the need for an update on delay and cancellation statistics, including with respect to the number of chronically delayed flights and taxiin and taxi-out times:
  - (2) air carriers' scheduling practices;
- (3) the need for a reexamination of capacity benchmarks at the Nation's busiest airports;
- (4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers:
- (5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes;
- (6) the effect of the rules and regulations of the Department of Transportation on the decisions of air carriers to delay or cancel flights; and
- (7) the impact of flight delays and cancellations on the airline industry.
- (c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

## SEC. 407. COMPENSATION FOR DELAYED BAGGAGE.

- (a) STUDY.—The Comptroller General of the United States shall conduct a study to—
- (1) examine delays in the delivery of checked baggage to passengers of air carriers; and
- (2) assess the options for and examine the impact of establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.
- (b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.
- (c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

## SEC. 408. DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

- The Secretary of Transportation may investigate consumer complaints regarding—
  - (1) flight cancellations;
- (2) compliance with Federal regulations concerning overbooking seats on flights;
- (3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures:
- (4) problems in obtaining refunds for unused or lost tickets or fare adjustments;
- (5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;
- (6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and (7) deceptive or misleading advertising.

## SEC. 409. STUDY OF OPERATORS REGULATED UNDER PART 135.

- (a) STUDY REQUIRED.—The Administrator of the Federal Aviation Administration, in consultation with interested parties, shall conduct a study of operators regulated under part 135 of title 14, Code of Federal Regulations.
- (b) CONTENTS.—In conducting the study under subsection (a), the Administrator shall analyze the part 135 fleet in the United States, which shall include analysis of—
  - (1) the size and type of aircraft in the fleet;
  - (2) the equipment utilized by the fleet;
  - (3) the hours flown each year by the fleet;
- (4) the utilization rates with respect to the fleet:

- (5) the safety record of various categories of use and aircraft types with respect to the fleet, through a review of the database of the National Transportation Safety Board;
- (6) the sales revenues of the fleet; and
- (7) the number of passengers and airports served by the fleet.
- (c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

#### SEC. 410. USE OF CELL PHONES ON PASSENGER AIRCRAFT.

- (a) CELL PHONE STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study on the impact of the use of cell phones for voice communications in an aircraft during a flight in scheduled passenger air transportation where currently permitted by foreign governments in foreign air transportation.
  - (b) CONTENTS.—The study shall include—
- (1) a review of foreign government and air carrier policies on the use of cell phones during flight;
- (2) a review of the extent to which passengers use cell phones for voice communications during flight; and
- (3) a summary of any impacts of cell phone use during flight on safety, the quality of the flight experience of passengers, and flight attendants.
- (c) COMMENT PERIOD.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the results of the study and allow 60 days for public comment.
- (a) CELL PHONE REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

#### SEC. 411. ESTABLISHMENT OF ADVISORY COM-MITTEE FOR AVIATION CONSUMER PROTECTION.

- (a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out activities relating to airline customer service improvements.
- (b) MEMBERSHIP.—The Secretary shall appoint the members of the advisory committee, which shall be comprised of one representative each of—
  - (1) air carriers;
- (2) airport operators;
- (3) State or local governments with expertise in consumer protection matters: and
- (4) nonprofit public interest groups with expertise in consumer protection matters.
- (c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.
- (d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.
- (e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.
- (f) DUTIES.—The duties of the advisory committee shall include—
- (1) evaluating existing aviation consumer protection programs and providing recommenda-

tions for the improvement of such programs, if needed; and

- (2) providing recommendations for establishing additional aviation consumer protection programs, if needed.
- (g) REPORT TO CONGRESS.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—
- (1) the recommendations made by the advisory committee during the preceding calendar year; and
- (2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.
- (h) TERMINATION.—The advisory committee established under this section shall terminate on September 30, 2015.

#### SEC. 412. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to require each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the Internet Web site of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

#### SEC. 413. SCHEDULE REDUCTION.

- (a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that—
- (1) the aircraft operations of air carriers during any hour at an airport exceed the hourly maximum departure and arrival rate established by the Administrator for such operations; and
- (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the safe and efficient use of navigable airspace.
- the Administrator shall convene a meeting of such carriers to reduce pursuant to section 41722 of title 49, United States Code, on a voluntary basis, the number of such operations so as not to exceed the maximum departure and arrival
- (b) No AGREEMENT.—If the air carriers participating in a meeting with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport so as not to exceed the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.
- (c) Subsequent Schedule Increases.—Subsequent to any reduction in operations under subsection (a) or (b) at an airport, if the Administrator determines that the hourly number of aircraft operations at that airport is less than the amount that can be handled safely and efficiently, the Administrator shall ensure that priority is given to United States air carriers in permitting additional aircraft operations with respect to that hour.

#### SEC. 414. RONALD REAGAN WASHINGTON NA-TIONAL AIRPORT SLOT EXEMP-TIONS.

- (a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end the following:
  - "(g) ADDITIONAL SLOT EXEMPTIONS.—
- "(1) INCREASE IN SLOT EXEMPTIONS.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Secretary shall grant, by order 16 exemptions from—

- "(A) the application of sections 49104(a)(5), 49109, and 41714 to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109: and
- "(B) the requirements of subparts K and S of part 93, Code of Federal Regulations.
- "(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the slot exemptions made available under paragraph (1), the Secretary shall make 8 available to limited incumbent air carriers or new entrant air carriers (as such terms are defined in section 41714(h)). Such exemptions shall be allocated pursuant to the application process established by the Secretary under subsection (d). The Secretary shall consider the extent to which the exemptions will—
- "(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;
  - $\lq\lq(B)$  increase competition in multiple markets;
- "(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109:
- "(D) not result in meaningfully increased travel delays;
- "(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;
- "(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions: or
- "(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.
- "(3) IMPROVED NETWORK SLOTS.—Of the slot exemptions made available under paragraph (1), the Secretary shall make 8 available to incumbent air carriers qualifying for status as a non-limited incumbent carrier at Ronald Reagan Washington National Airport as of the date of enactment of the FAA Modernization and Reform Act of 2012. Each such non-limited incumbent air carrier—
- "(A) may operate up to a maximum of 2 of the newly authorized slot exemptions;
- "(B) prior to exercising an exemption made available under paragraph (1), shall discontinue the use of a slot for service between Ronald Reagan Washington National Airport and a large hub airport within the perimeter as described in section 49109, and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109;
- "(C) shall be entitled to return of the slot by the Secretary if use of the exemption made available to the carrier under paragraph (1) is discontinued;
- "(D) shall have sole discretion concerning the use of an exemption made available under paragraph (1), including the initial or any subsequent beyond perimeter destinations to be served; and
- "(E) shall file a notice of intent with the Secretary and subsequent notices of intent, when appropriate, to inform the Secretary of any change in circumstances concerning the use of any exemption made available under paragraph (1).
- (1).
  "(4) NOTICES OF INTENT.—Notices of intent under paragraph (3)(E) shall specify the beyond perimeter destination to be served and the slots the carrier shall discontinue using to serve a large hub airport located within the perimeter.
- "(5) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

"(A) An air carrier may not operate a multiaisle or widebody aircraft in conducting such operations.

'(B) An air carrier granted an exemption under this subsection is prohibited from transferring the rights to its beyond-perimeter exemptions pursuant to section 41714(j).

"(h) SCHEDULING PRIORITY.-In administering this section, the Secretary shall-

"(1) afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109:

'(2) afford a scheduling priority to slot exemptions currently held by new entrant air carriers and limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service; and

(3) consider applications from foreign air carriers that are certificated by the government of Canada if such consideration is required by the bilateral aviation agreement between the United States and Canada and so long as the conditions and limitations under this section apply to such foreign air carriers.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended to read as follows:

'(2) General exemptions.-

"(A) HOURLY LIMITATION.—The exemptions granted-

"(i) under subsections (a) and (b) and departures authorized under subsection (g)(2) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m.; and

'(ii) under subsections (a), (b), and (g) may not increase the number of operations at Ronald Reagan Washington National Airport in any 1hour period during the hours between 7.00 a.m. and 9:59 p.m. by more than 5 operations.

'(B) USE OF EXISTING SLOTS.—A non-limited incumbent air carrier utilizing an exemption authorized under subsection (g)(3) for an arrival permitted between the hours of 10:01 p.m. and 11:00 p.m. under this section shall discontinue use of an existing slot during the same time period the arrival exemption is operated."

(c) LIMITED INCUMBENT DEFINITION .-

41714(h)(5) is amended-

(1) in subparagraph (A) by striking "20" and inserting "40";

(2) by amending subparagraph (B) to read as follows:

"(B) for purposes of such sections, the term 'slot' shall not include-

'(i) 'slot exemptions';

'(ii) slots operated by an air carrier under a fee-for-service arrangement for another air carrier, if the air carrier operating such slots does not sell flights in its own name, and is under common ownership with an air carrier that seeks to qualify as a limited incumbent and that sells flights in its own name; or '(iii) slots held under a sale and license-back

financing arrangement with another air carrier, where the slots are under the marketing control

of the other air carrier; and".

EXEMPTIONS.—Section TRANSFEROF41714(j) is amended by striking the period at the end and inserting ", except through an air carrier merger or acquisition.

(e) Definition of Airport Purposes.—Sec-

tion 49104(a)(2)(A) is amended-

(1) in clause (ii) by striking "or" at the end; (2) in clause (iii) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

(iv) a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary.".

## SEC. 415. PASSENGER AIR SERVICE IMPROVE-

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

### "CHAPTER 423—PASSENGER AIR SERVICE **IMPROVEMENTS**

'Sec

"42301. Emergency contingency plans.

"42302. Consumer complaints.

"42303. Use of insecticides in passenger aircraft.

### "§ 42301. Emergency contingency plans

'(a) Submission of Air Carrier and Air-PORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

"(1) An air carrier providing covered air transportation at a commercial airport.

'(2) An operator of a commercial airport.

"(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions. '(b) AIR CARRIER PLANS.

"(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for-

'(A) each airport at which the carrier provides covered air transportation; and

'(B) each airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

'(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

"(A) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft at the airport when the departure of a flight is delayed or the disembarkation of passengers is delayed:

'(B) share facilities and make gates available at the airport in an emergency; and

'(C) allow passengers to deplane following an excessive tarmac delay in accordance with paragraph(3).

"(3) Deplaning following an excessive TARMAC DELAY.—For purposes of paragraph (2)(C), an emergency contingency plan submitted by an air carrier under subsection (a) shall incorporate the following requirements:

'(A) A passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay

"(B) The option described in subparagraph (A) shall be offered to a passenger even if a flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport.

"(C) Notwithstanding the requirements described in subparagraphs (A) and (B), a passenger shall not have an option to deplane an aircraft and return to the airport terminal in the case of an excessive tarmac delay if-

"(i) an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or

"(ii) the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security.

"(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will-

"(1) provide for the deplanement of passengers following excessive tarmac delays;

"(2) provide for the sharing of facilities and make gates available at the airport in an emer-

"(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared United States Customs and Border Pro'(d) UPDATES.—

'(1) AIR CARRIERS.—An air carrier shall update each emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

"(2) AIRPORTS.—An airport operator shall update each emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

'(e) APPROVAL -

"(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

"(2) FAILURE TO APPROVE OR REQUIRE MODI-FICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe specified in that paragraph, the plan or update shall be deemed to be approved.

"(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator ap-

proved under this section.

"(f) MINIMUM STANDARDS.—The Secretary shall establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under

"(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

"(h) REPORTS.—Not later than 30 days after any flight experiences an excessive tarmac delay, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Division of the Department of Transportation.

'(i) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIRPORT.—The term 'commercial airport' means a large hub, medium hub, small hub, or nonhub airport.

"(2) COVERED AIR TRANSPORTATION.—The term 'covered air transportation' means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

'(3) TARMAC DELAY.—The term 'tarmac delay' means the period during which passengers are on board an aircraft on the tarmac-

'(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

"(B) awaiting deplaning after the aircraft has landed.

'(4) Excessive tarmac delay.—The term 'excessive tarmac delay' means a tarmac delay that lasts for a length of time, as determined by the Secretary

### "§ 42302. Consumer complaints

"(a) IN GENERAL.—The Secretary of Transportation shall establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation and shall take actions to notify the public of-

"(1) that telephone number; and

"(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

- "(b) Notice to Passengers on the Inter-NET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the Internet Web site of the car-
- "(1) the hotline telephone number established under subsection (a);
- '(2) the e-mail address, telephone number. and mailing address of the air carrier for the submission of complaints by passengers about air travel service problems: and

(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems

(c) Notice to Passengers on Boarding DOCUMENTATION.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include the hotline telephone number established under subsection (a) on-

'(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the air carrier operates: and

'(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the air carrier.

#### "§ 42303. Use of insecticides in passenger aircraft

"(a) Information to Be Provided on the INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

'(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.'

(b) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting

"chapter 423," after "chapter 421,"

(c) APPLICABILITY OF REQUIREMENTS.—Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

(d) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

"423. Passenger Air Service Improve-

## 

## Subtitle B-Essential Air Service

## SEC. 421. LIMITATION ON ESSENTIAL AIR SERV-ICE TO LOCATIONS THAT AVERAGE FEWER THAN 10 ENPLANEMENTS PER DAY.

Section 41731 is amended—

(1) in subsection (a)(1) by amending subparagraph (B) to read as follows:

(B) had an average of 10 enplanements per service day or more, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012;'

(2) by amending subsection (c) to read as fol-

"(c) Exception for Locations in Alaska AND HAWAII.—Subparagraphs (B), (C), and (D) of subsection (a)(1) shall not apply with respect to locations in the State of Alaska or the State of Hawaii.":

lows:

"(d) Exceptions for Locations More Than 175 DRIVING MILES FROM THE NEAREST LARGE OR MEDIUM HUB AIRPORT.—Subsection (a)(1)(B) shall not apply with respect to locations that are more than 175 driving miles from the nearest large or medium hub airport."; and (4) by adding at the end the following:

'(e) WAIVERS.—For fiscal year 2013 and each fiscal year thereafter, the Secretary may waive, on an annual basis, subsection (a)(1)(B) with respect to a location if the location demonstrates to the Secretary's satisfaction that the reason location averages fewer thanenplanements per day is due to a temporary decline in enplanements.

'(f) DEFINITION.—For purposes of subsection (a)(1)(B), the term 'enplanements' means the number of passengers enplaning, at an eligible place, on flights operated by the subsidized essential air service carrier."

## SEC. 422. ESSENTIAL AIR SERVICE ELIGIBILITY.

Section 41731(a)(1) is further amended-(1) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

'(D) is a community that, at any time during the period between September 30, 2010, and September 30, 2011, inclusive-

"(i) received essential air service for which compensation was provided to an air carrier under this subchapter; or

"(ii) received a 90-day notice of intent to terminate essential air service and the Secretary required the air carrier to continue to provide such service to the community."

### SEC. 423. ESSENTIAL AIR SERVICE MARKETING.

Section 41733(c)(1) is amended-

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by striking "and" at the end of subparagraph (D); and

(3) by inserting after subparagraph (D) the followina:

"(E) whether the air carrier has included a plan in its proposal to market its services to the community: and".

#### SEC. 424. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERV-ICE.

Section 41733 is amended by adding at the end the following:

"(f) Notice to Communities Prior to Ter-

MINATION OF ELIGIBILITY.-

"(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

"(2) PROCEDURES TO AVOID TERMINATION .-The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

"(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, information to each community notified under paragraph (1) regarding-

"(A) the procedures established pursuant to paragraph (2): and

"(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with basic essential air service and the subsidy cap.".

## (3) by amending subsection (d) to read as fol-ws: "(d) EXCEPTIONS FOR LOCATIONS MORE THAN SEC. 425. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED TO BE INELI-GIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is further amended by adding at the end the following:

'(g) PROPOSALS OF STATE AND LOCAL GOV-ERNMENTS TO RESTORE ELIGIBILITY .-

"(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap or that the place is no longer an eligible place pursuant to section 41731(a)(1)(B), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

'(2) Determination by Secretary.—The Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c) if-

(A) a State or local government submits to the Secretary a proposal under paragraph (1); and

(B) the Secretary determines that—

"(i) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap;

"(ii) the proposal is likely to result in an average number of enplanements per day that will satisfy the requirement in section 41731(a)(1)(B):

"(iii) the proposal is consistent with the legal and regulatory requirements of the essential air

service program.

'(h) SUBSIDY CAP DEFINED —In this section the term 'subsidy cap' means the subsidy-perpassenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-69; 113 Stat. 1022)."

#### SEC. 426. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

- (a) Emergency Across-the-Board Adjust-MENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.
- (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO Individual Contracts.
- (1) IN GENERAL —Section 41734(d) is amended by striking "continue to pay" and all that follows through "compensation sufficient—" and inserting "provide the carrier with compensation sufficient—'
- (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.
- (c) SUBSIDY CAP.—Subject to the availability of funds, the Secretary may waive, on a caseby-case basis, the subsidy-per-passenger cap established by section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-69; 113 Stat. 1022). A waiver issued under this subsection shall remain in effect for a limited period of time, as determined by the Secretary.

#### SEC. 427. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.

- COMPENSATION Guidelines.—Section (a) 41737(a)(1) is amended-
- (1) by striking "and" at the end of subparagraph (B);
- (2) in subparagraph (C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.

(b) Deadline for Issuance of Revised Guid-ANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 that incorporate the amendments made by this section.

(c) UPDATE.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an update of the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417.

### SEC. 428. ESSENTIAL AIR SERVICE REFORM.

- (a) AUTHORIZATION OF APPROPRIATIONS.tion 41742(a) is amended-
- (1) in paragraph (1)-
- (A) by inserting "for each fiscal year" before "is authorized"; and
- (B) by striking "under this subchapter for each fiscal year" and inserting "under this subchapter"; and
- (2) in paragraph (2) by striking "and \$54,699,454 for the period beginning on October 1, 2011, and ending on February 17, 2012," and inserting ", \$143,000,000 for fiscal year 2012, \$118,000,000 for fiscal year 2013, \$107,000,000 for fiscal year 2014, and \$93,000,000 for fiscal year
- (b) Distribution of Additional Funds.-Section 41742(b) is amended to read as follows:
- "(b) Distribution of Additional Funds.-Notwithstanding any other provision of law, in any fiscal year in which funds credited to the account established under section 45303, including the funds derived from fees imposed under the authority contained in section 45301(a), exceed the \$50,000,000 made available under subsection (a)(1), such funds shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter.
- (c) AVAILABILITY OF FUNDS.—Section 41742 is amended by adding at the end the following:
- (c) AVAILABILITY OF FUNDS.—The funds made available under this section shall remain available until expended.".

## SEC. 429. SMALL COMMUNITY AIR SERVICE.

- (a) PRIORITIES.—Section 41743(c)(5) is amend-
- (1) by striking "and" at the end of subparagraph (D);
- (2) in subparagraph (E) by striking "fashion." and inserting "fashion; and"; and
- (3) by adding at the end the following:
- (F) multiple communities cooperate to submit a regional or multistate application to consolidate air service into one regional airport.".

- (b) Extension of Authorization.—Section 41743(e)(2) is amended to read as follows:
- "(2) AUTHORIZATION OF APPROPRIATIONS. There is authorized to be appropriated to the Secretary \$6,000,000 for each of fiscal years 2012 through 2015 to carry out this section. Such sums shall remain available until expended."

#### SEC. 430. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

Section 41747, and the item relating to section 41747 in the analysis for chapter 417, are repealed.

#### SEC. 431. EXTENSION OF FINAL ORDER ESTAB-LISHING MILEAGE ADJUSTMENT ELI-GIBILITY.

Section 409(d) of the Vision 100-Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "February 17, and inserting "September 30, 2015."

## TITLE V—ENVIRONMENTAL STREAMLINING

### SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.

- REQUIREMENTS —Section GENERAL. 40128(a)(1)(C) is amended by inserting "or voluntary agreement under subsection (b)(7)" before "for the park".
- (b) Exemption for National Parks With 50 Fewer Flights Each Year.—Section 40128(a) is amended by adding at the end the followina.

"(5) Exemption for national parks with 50

OR FEWER FLIGHTS EACH YEAR .-

"(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour operations over the park each year shall be exempt from the requirements of this section, except as provided in subparagraph(B).

(B) WITHDRAWAL OF EXEMPTION—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

(C) LIST OF PARKS.-

"(i) IN GENERAL.—The Director and Administrator shall jointly publish a list each year of national parks that are covered by the exemption provided under this paragraph.

'(ii) NOTIFICATION OF WITHDRAWAL OF EXEMP-TION.—The Director shall inform the Administrator, in writing, of each determination to withdraw an exemption under subparagraph

- '(D) ANNUAL REPORT A commercial air tour operator conducting commercial air tour operations over a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director a report each year that includes the number of commercial air tour operations the operator conducted during the preceding 1-year period over such
- (c) AIR TOUR MANAGEMENT PLANS.—Section 40128(b) is amended-
- (1) in paragraph (1) by adding at the end the following:
- "(C) Exception.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences."; and
  - (2) by adding at the end the following:

(7) Voluntary agreements.

"(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant commercial air tour operator and an operator that has interim operating authority) that has applied to conduct commercial air tour operations over a national park to manage commercial air tour operations over such national park.

(B) PARK PROTECTION—A voluntary gareement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and

'(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph

(3);
"(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement: and

'(iii) provide for fees for such operations.

- "(C) PUBLIC REVIEW.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.
  - "(D) TERMINATION —
- "(i) IN GENERAL.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of-

'(I) the Director, if the Director determines that the agreement is not adequately protecting park resources or visitor experiences; or

- "(II) the Administrator, if the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation sustem.
- "(ii) Effect of termination.—If a voluntary agreement with respect to a national park is terminated under this subparagraph, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect."
- (d) Interim Operating Authority.—Section 40128(c) is amended—
- (1) by striking paragraph (2)(I) and inserting the following:
- "(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this subsection if-
- "(i) adequate information regarding the existing and proposed operations of the operator under the interim operating authority is provided to the Administrator and the Director;

"(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

"(iii) the Director agrees with the modification, based on the professional expertise of the Director regarding the protection of the resources, values, and visitor use and enjoyment of the park."; and

(2) in paragraph (3)(A) by striking "if the Administrator determines" and all that follows through the period at the end and inserting "without further environmental process beyond that described in this paragraph, if-

'(i) adequate information on the proposed operations of the operator is provided to the Administrator and the Director by the operator making the request;

the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

"(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoument.".

- (e) Operator Reports.—Section 40128 is amended.—
- (1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and
- (2) by inserting after subsection (c) the following:
- "(d) COMMERCIAL AIR TOUR OPERATOR RE-PORTS.—
- "(1) REPORT.—Each commercial air tour operator conducting a commercial air tour operation over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan or voluntary agreement under subsection (b) shall submit to the Administrator and the Director a report regarding the number of commercial air tour operations over each national park that are conducted by the operator and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.
- "(2) REPORT SUBMISSION.—Not later than 90 days after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator and the Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and the Director with a frequency and in a format prescribed by the Administrator and the Director."

### SEC. 502. STATE BLOCK GRANT PROGRAM.

- (a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—
- (1) in the first sentence by striking "prescribe regulations" and inserting "issue guidance"; and
- (2) in the second sentence by striking "regulations" and inserting "guidance".
  (b) APPLICATIONS AND SELECTION.—Section
- (b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: ", including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements".
- (c) Environmental Analysis and Coordination Requirements.—Section 47128 is amended by adding at the end the following:
- "(d) ENVIRONMENTAL ANALYSIS AND COORDI-NATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—
- "(1) coordinate and consult with the State;
- "(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and
- "(3) as necessary, consult with the State to describe the supplemental analysis the State must provide to meet applicable Federal requirements.".

## SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking "services of consultants in order to" and all that follows through the period at the end and inserting "services of consultants—

"(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

- "(2) to conduct special environmental studies related to an airport project funded with Federal funds;
- "(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations:
- <sup>3</sup>(4) to conduct special studies or reviews to support environmental mitigation in a record of

decision or finding of no significant impact by the Federal Aviation Administration; and

"(5) to facilitate the timely processing, review, and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures, such as required navigation performance procedures and area navigation procedures."

## SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

"(e) Grants for Assessment of Flight Procedures.—

"(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

"(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

"(3) RECEIPTS CREDITED AS OFFSETTING COL-LECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

"(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

"(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

the funds are accepted; and
"(C) shall remain available until expended.".

SEC. 505. DETERMINATION OF FAIR MARKET
VALUE OF RESIDENTIAL PROPERTIES

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

"(f) Determination of Fair Market Value of Residential Properties.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.".

#### SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

### "§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

"(a) Prohibition.—Except as otherwise provided by this section, after December 31, 2015, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) AIRCRAFT OPERATIONS OUTSIDE 48 CON-TIGUOUS STATES.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

- "(c) Temporary Operations.—The Secretary may allow temporary operation of an aircraft otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:
- "(1) To sell, lease, or use the aircraft outside the 48 contiguous States.
  - "(2) To scrap the aircraft.
- "(3) To obtain modifications to the aircraft to meet stage 3 noise levels.
- "(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.
- "(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.
- "(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).
- "(7) To provide transport of persons and goods in the relief of an emergency situation.
- "(8) To divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).
- "(d) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary for the implementation of this section.
  - "(e) STATUTORY CONSTRUCTION.-
- "(1) AIP GRANT ASSURANCES.—Noncompliance with subsection (a) shall not be construed as a violation of section 47107 or any regulations prescribed thereunder.
- "(2) PENDING APPLICATIONS.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section."
  - (b) Conforming Amendments.—
  - (1) PENALTIES.—Section 47531 is amended—
- (A) in the section heading by striking "for violating sections 47528-47530"; and
- (B) by striking "47529, or 47530" and inserting "47529, 47530, or 47534".
- (2) JUDICIAL REVIEW.—Section 47532 is amended by inserting "or 47534" after "47528–47531".
- (3) ANALYSIS.—The analysis for subchapter II of chapter 475 is amended—
- (A) by striking the item relating to section 47531 and inserting the following:
- "47531. Penalties."; and
- (B) by adding at the end the following:
- "47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.".

#### SEC. 507. AIRCRAFT DEPARTURE QUEUE MANAGE-MENT PILOT PROGRAM.

- (a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.
- (b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other

environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of \$2,500,000 may be expended under the pilot program at any single public-use airport.

#### SEC. 508. HIGH PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE AIR TRAFFIC CONTROL FACILITIES.

The Administrator of the Federal Aviation Administration may implement, to the extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption at, improve the environmental performance of, and reduce the cost of maintenance for such facilities.

#### SEC. 509. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the "ICAO") in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, completed in Chicago on December 7, 1944 (TIAS 1591; commonly known as the "Chicago Convention"), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation;

(2) the European Union and its member states should instead work with other contracting states of ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through ICAO; and

(3) officials of the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union's emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

## SEC. 510. AVIATION NOISE COMPLAINTS.

Not later than 90 days after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

## SEC. 511. PILOT PROGRAM FOR ZERO-EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47136 the following:

## "§47136a. Zero-emission airport vehicles and infrastructure

"(a) IN GENERAL.—The Secretary of Transportation may establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airport to carry out activities associated with the acquisition and operation of zero-emission vehicles (as defined in section 88.102-94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles.

"(b) LOCATION IN AIR QUALITY NONATTAIN-MENT AREAS.—

"(1) IN GENERAL.—A public-use airport may be eligible for participation in the program only if

the airport is located in a nonattainment area (as defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

"(2) SHORTAGE OF APPLICANTS.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, the Secretary may permit public-use airports that are not located in such areas to participate in the program.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

"(e) TECHNICAL ASSISTANCE.-

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

"(2) USE OF UNIVERSITY TRANSPORTATION CEN-TER.—Participants in the program may use a university transportation center receiving grants under section 5506 in the region of the airport to receive the technical assistance described in paragraph (1).

"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources."

(b) REPORT ON EFFECTIVENESS OF PROGRAM.— Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containin—

(1) an evaluation of the effectiveness of the program established by section 47136a of title 49, United States Code (as added by this section):

(2) the performance measures used to measure such effectiveness, such as the goals for the projects implemented and the amount of emissions reduction achieved through these projects;

(3) an assessment of the sufficiency of the data collected during the program to make a decision on whether or not to implement the program:

(4) an identification of all public-use airports that expressed an interest in participating in the program; and

(5) a description of the mechanisms used by the Secretary to ensure that the information and expertise gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 47136 the following: "47136a. Zero-emission airport vehicles and infrastructure."

(d) TECHNICAL AMENDMENT.—Section 47136(f)(2) is amended—

(1) in the paragraph heading by striking "EL-IGIBLE CONSORTIUM" and inserting "UNIVERSITY TRANSPORTATION CENTER"; and

(2) by striking "an eligible consortium" and inserting "a university transportation center".

## SEC. 512. INCREASING THE ENERGY EFFICIENCY OF AIRPORT POWER SOURCES.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47140 the following:

## "\$47140a. Increasing the energy efficiency of airport power sources

"(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary shall encourage the sponsor of each public-use airport to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to increase energy efficiency at the airport.

"(b) GRANTS.-

"(1) IN GENERAL.—The Secretary may make grants from amounts made available under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will increase energy efficiency at the airport.

"(2) APPLICATION.—To be eligible for a grant under paragraph (1), the sponsor of a public-use airport shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require."

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 47140 the following: "47140a. Increasing the energy efficiency of airport power sources.".

## TITLE VI—FAA EMPLOYEES AND ORGANIZATION

## SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a) is amended-

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking paragraph (2) and inserting the following:

"(2) DISPUTE RESOLUTION.—

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

"(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Modernization and Reform Act of 2012); or

"(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

"(B) MID-TERM BARGAINING.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a mid-term collective-bargaining agreement, the Federal Service Impasses

Panel shall assist the parties in resolving the impasse in accordance with section 7119 of title 5

``(C) Binding arbitration for term bargaining.—

"(i) ASSISTANCE FROM FEDERAL SERVICE IM-PASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to the resolution of issues in controversy arising from the negotiation of a term collective-bargaining agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 mem-

"(ii) APPOINTMENT OF ARBITRATION BOARD.— The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Not later than 10 days after receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list not later than 7 days after being selected. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person in 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

"(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

"(iv) Hearings.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

"(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

"(vi) MATTERS FOR CONSIDERATION.—The arbitration board shall take into consideration such factors as—

"(I) the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce;

"(II) the effect of its arbitration decisions on the Federal Aviation Administration's budget; and

"(III) any other factors whose consideration would assist the board in fashioning a fair and equitable award.

"(vii) COSTS.—The parties shall share costs of the arbitration equally.

the arbitration equally.

"(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(C), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and the final agreement shall be subject to approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C)."

### SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) in subparagraph (G) by striking "and" after the semicolon;

(2) in subparagraph (H) by striking "Board." and inserting "Board; and"; and

(3) by adding at the end the following:

"(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards) and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

"(i) for purposes of applying such provisions to the personnel management system—

"(I) the term 'agency' means the Department of Transportation;

"(II) the term 'senior executive' means a Federal Aviation Administration executive;

"(III) the term 'career appointee' means a Federal Aviation Administration career executive: and

"(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional; "(ii) receipt by a career appointee or a senior career employee of the rank of Meritorious Executive or Meritorious Senior Professional entitles the individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

"(iii) receipt by a career appointee or a senior career employee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan."

## SEC. 603. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on training options for graduates of the Collegiate Training Initiative program (in this section referred to as "CTI" programs) conducted under section 44506(c) of title 49. United States Code.

(b) CONTENTS.—The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Federal Aviation Administration a new air traffic controller orientation session at such Center for graduates of CTI programs followed by on-the-job training for such new air traffic controllers who are graduates of CTI programs and shall include an analysis of—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of CTI programs.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

### SEC. 604. FRONTLINE MANAGER STAFFING.

- (a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall commission an independent study on frontline manager staffing requirements in air traffic control facilities.
- (b) Considerations.—In conducting the study, the Administrator may take into consideration—
- (1) the managerial tasks expected to be performed by frontline managers, including employee development, management, and counseling:
- (2) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;
- (3) coverage requirements in relation to traffic demand:

(4) facility type;

- (5) complexity of traffic and managerial responsibilities;
- (6) proficiency and training requirements; and (7) such other factors as the Administrator considers appropriate.
- (c) Participation.—The Administrator shall ensure the participation of frontline managers who currently work in safety-related operational areas of the Administration.
- (d) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the heads of the appropriate lines of business within the Administration, including the Chief Operating Officer of the Air Traffic Organization.
- (e) REPORT.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Com-

merce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (d).

(f) DEFINITION.—In this section, the term "frontline manager" means first-level, operational supervisors and managers who work in safety-related operational areas of the Administration

#### SEC. 605. FAA TECHNICAL TRAINING AND STAFF-ING.

(a) STUDY.—

- (1) In GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of the Administrator's technical training strategy and improvement plan for airway transportation systems specialists (in this section referred to as "FAA systems specialists").
  - (2) CONTENTS.—The study shall include—
- (A) a review of the current technical training strategy and improvement plan for FAA systems specialists;
- (B) recommendations to improve the technical training strategy and improvement plan needed by FAA systems specialists to be proficient in the maintenance of the latest technologies;
- (C) a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies; and
- (D) a recommendation regarding the most cost-effective approach to provide training to FAA systems specialists.
- (3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
  - (b) Workload of Systems Specialists.—
- (1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.
- (2) CONSULTATION.—In conducting the study, the National Academy of Sciences shall—
- (A) consult with the exclusive bargaining representative certified under section 7111 of title 5, United States Code: and
- (B) include recommendations for objective staffing standards that maintain the safety of the national airspace system.
- (3) REPORT.—Not later than 1 year after the initiation of the arrangements under paragraph (1), the National Academy of Sciences shall submit to Congress a report on the results of the study.

## $SEC.\ 606.\ SAFETY\ CRITICAL\ STAFFING.$

- (a) IN GENERAL.—Not later than October 1, 2012, the Administrator of the Federal Aviation Administration shall implement, in as cost-effective a manner as possible, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled "Staffing Standards for Aviation Safety Inspectors". In doing so, the Administrator shall consult with interested persons, including the exclusive bargaining representative for aviation safety inspectors certified under section 7111 of title 5, United States Code.
- (b) REPORT.—Not later than January 1 of each year beginning after September 30, 2012, the Administrator shall submit to the Committee

on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model described in subsection (a).

## SEC. 607. AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.

Section 44506 is amended-

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:
- "(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING.—
- "(1) APPOINTMENT OF AIR TRAFFIC CONTROL SPECIALISTS.—The Administrator is authorized to appoint a qualified air traffic control specialist candidate for placement in an airport traffic control facility if the candidate has—
- "(A) received a control tower operator certification (referred to in this subsection as a 'CTO' certificate); and
- "(B) satisfied all other applicable qualification requirements for an air traffic control specialist position, including successful completion of orientation training at the Federal Aviation Administration Academy.
- "(2) COMPENSATION AND BENEFITS.—An individual appointed under paragraph (1) shall receive the same compensation and benefits, and be treated in the same manner as, any other individual appointed as a developmental air traffic controller.
- "(3) REPORT.—Not later than 2 years after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall submit to Congress a report that evaluates the effectiveness of the air traffic control specialist qualification training provided pursuant to this section, including the graduation rates of candidates who received a CTO certificate and are working in airport traffic control facilities.
- "(4) ADDITIONAL APPOINTMENTS.—If the Administrator determines that air traffic control specialists appointed pursuant to this subsection are more successful in carrying out the duties of an air traffic controller than air traffic control specialists hired from the general public without any such certification, the Administrator shall increase, to the maximum extent practicable, the number of appointments of candidates who possess such certification.
- "(5) REIMBURSEMENT FOR TRAVEL EXPENSES ASSOCIATED WITH CERTIFICATIONS.—
- "(A) IN GENERAL.—Subject to subparagraph (B), the Administrator may accept reimbursement from an educational entity that provides training to an air traffic control specialist candidate to cover reasonable travel expenses of the Administrator associated with issuing certifications to such candidates.
- "(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—
- "(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;
- "(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and
- "(iii) remain available until expended."

#### SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFF-ING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this

- section referred to as the "FAA") to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.
- (b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, and other interested parties, including Government and industry representatives.
- (c) Contents.—The study shall include—
- (1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;
- (2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and
- (3) consideration of the Administration's current and estimated budgets and the most cost-effective staffing model to best leverage available funding.
- (d) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

  SEC. 609. AIR TRAFFIC CONTROLLER TRAINING AND SCHEDULING.
- (a) Training Strategy and Improvement Plan.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator's technical training strategy and improvement plan for air traffic controllers.
- (1) CONTENTS.—The study shall include—
- (A) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;
- (B) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;
- (C) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;
- (D) an analysis of various training approaches available to satisfy the air traffic controller competencies identified under subparagraphs (B) and (C);
- (E) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and
- (F) the most cost-effective approach to provide training to air traffic controllers.
- (2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
- (b) FACILITY TRAINING PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a comprehensive review and evaluation of its Academy and facility training efforts. The Administrator shall—
- (1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;
- (2) communicate information concerning that responsibility to facility managers; and
- (3) establish standards to identify the number of developmental air traffic controllers that can be accommodated at each facility, based on—

- (A) the number of available on-the-job training instructors:
  - (B) available classroom space;
  - (C) the number of available simulators;
  - (D) training requirements; and
- (E) the number of recently placed new personnel already in training.
- (c) AIR TRAFFIC CONTROLLER SCHEDULING.— Not later than 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the Federal Aviation Administration's air traffic controller scheduling practices.
- (1) CONTENTS.—The assessment shall include, at a minimum—
- (A) an analysis of how air traffic controller schedules are determined;
- (B) an evaluation of how safety is taken into consideration when schedules are being developed and adopted;
- (C) an evaluation of scheduling practices that are cost effective to the Government;
- (D) an examination of how scheduling practices impact air traffic controller performance; and
- (E) any recommendations the Inspector General may have related to air traffic controller scheduling practices.
- (2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment conducted under this subsection.

### SEC. 610. FAA FACILITY CONDITIONS.

- (a) STUDY.—The Comptroller General of the United States shall conduct a study of and review—
- (1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;
- (2) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation, and facility-related hazards in facilities of the Administration:
- (3) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;
- (4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;
- (5) whether employees of the Administration who report facility-related illnesses are treated appropriately;
- (6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and
- (7) resources allocated to facility maintenance and renovation by the Administration.
- (b) FACILITY CONDITION INDICES.—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).
- (c) RECOMMENDATIONS.—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary—
- (1) to prioritize those facilities needing the most immediate attention based on risks to employee health and safety;
- (2) to ensure that the Administration is using scientifically approved remediation techniques in all facilities; and
- (3) to assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results of the study, including the recommendations under subsection (c).

#### SEC. 611. TECHNICAL CORRECTION.

Section 40122(a)(3) is amended by adding at the end the following: "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.'

### TITLE VII—AVIATION INSURANCE

### SEC. 701. GENERAL AUTHORITY.

Section 44302(f)(1) is amended by striking "shall extend through" and all that follows through "the termination date" and inserting "shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date".

#### SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-PARTY LIABILITY OF AIR CAR RIERS ARISING OUT OF ACTS OF TERRORISM.

The first sentence of section 44303(b) is amended by striking "ending on" and all that follows through "the Secretary may certify" and inserting "ending on December 31, 2013, the Secretary may certify"

#### SEC. 703. CLARIFICATION OF REINSURANCE AU-THORITY.

The second sentence of section 44304 is amended by striking "the carrier" and inserting "any insurance carrier"

#### SEC. 704. USE OF INDEPENDENT CLAIMS ADJUST-ERS.

The second sentence of section 44308(c)(1) is amended by striking "agent" and inserting "agent, or a claims adjuster who is independent of the underwriting agent,".

### TITLE VIII—MISCELLANEOUS

## SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NA-TIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

"(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.".

## SEC. 802. FAA AUTHORITY TO CONDUCT CRIMI-NAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

### "§ 40130. FAA authority to conduct criminal history record checks

- "(a) CRIMINAL HISTORY BACKGROUND CHECKS.-
- "(1) ACCESS TO INFORMATION.—The Administrator of the Federal Aviation Administration. for certification purposes of the Administration only, is authorized-
- "(A) to conduct, in accordance with the established request process, a criminal history backaround check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and
- "(B) to receive relevant criminal history record information regarding the airman checked.

"(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

'(3) Limitation.—The Administrator may not use the authority under paragraph (1) to con-

duct criminal investigations.

"(4) Reimbursement — The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

- "(b) Designated Employees.—The Administrator shall designate, by order, employees of the Administration who may carry out the authority described in subsection (a).
- (b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:
- "40130. FAA authority to conduct criminal history record checks.".

#### SEC. 803. CIVIL PENALTIES TECHNICAL AMEND-MENTS.

Section 46301 of title 49, United States Code, is amended-

(1) in subsection (a)(1)(A) by inserting "chapter 451," before "section 47107(b)";

(2) in subsection (a)(5)(A)(i)

- (A) by striking "or chapter 449" and inserting 'chapter 449"; and
- (B) by inserting after "44909" the following: or chapter 451";
- (3) in subsection (d)(2)-
- (A) in the first sentence-
- (i) by striking "44723) or" and inserting the following: "44723), chapter 451,";
- (ii) by striking "46302" and inserting "section
- (iii) by striking "46318, or 47107(b)" and inserting "section 46318, section 46319, or section 47107(b)''; and

(B) in the second sentence-

- (i) by striking "46302" and inserting "section 46302"
- (ii) by striking "46303," and inserting "or section 46303 of this title"; and
- (iii) by striking "such chapter 449" and inserting "any of those provisions"; and

(4) in subsection (f)(1)(A)(i)

- (A) by striking "or chapter 449" and inserting 'chapter 449''; and
- (B) by inserting after "44909" the following: ", or chapter 451"

#### SEC. 804. CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES.

- (a) NATIONAL FACILITIES REALIGNMENT AND CONSOLIDATION REPORT.—
- (1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall develop a report, to be known as the National Facilities Realignment and Consolidation Report, in accordance with the requirements of this subsection.
- (2) PURPOSE.—The purpose of the report shall
- (A) to support the transition to the Next Generation Air Transportation System; and
- (B) to reduce capital, operating, maintenance, and administrative costs of the FAA where such cost reductions can be implemented without adversely affecting safety.
- (3) CONTENTS.—The report shall include-
- (A) recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA;
- (B) for each of the recommendations, a description of-
- (i) the Administrator's justification;
- (ii) the projected costs and savings; and

- (iii) the proposed timing for implementation.(4) INPUT.—The report shall be developed by the Administrator (or the Administrator's designee)-
- (A) in coordination with the Chief NextGen Officer and the Chief Operating Officer of the Air Traffic Organization of the FAA; and

(B) with the participation of-

(i) representatives of labor organizations representing operations and maintenance employees of the air traffic control system; and

(ii) industry stakeholders.

- (5) Submission to congress.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit the report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.
- (6) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report in the Federal Register and allow 45 days for the submission of public comments.
- (b) REPORT TO CONGRESS CONTAINING REC-OMMENDATIONS OF ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (a)(6), the Administrator shall submit to the committees specified in subsection (a)(5)-
- (1) a report containing the recommendations of the Administrator on realignment and consolidation of services and facilities (including regional offices) of the FAA; and

(2) copies of any public comments received by

the Administrator under subsection (a)(6).
(c) REALIGNMENT AND CONSOLIDATION OF FAA SERVICES AND FACILITIES.—Except as provided in subsection (d), the Administrator shall realign and consolidate the services and facilities of the FAA in accordance with the recommendations included in the report submitted under subsection (b).

(d) CONGRESSIONAL DISAPPROVAL.

- (1) IN GENERAL.—The Administrator may not carry out a recommendation for realignment or consolidation of services or facilities of the FAA that is included in the report submitted under subsection (b) if a joint resolution of disapproval is enacted disapproving such recommendation before the earlier of-
- (A) the last day of the 30-day period beginning on the date of submission of the report; or

(B) the adjournment of Congress sine die for the session during which the report is trans-

- (2) COMPUTATION OF 30-DAY PERIOD.—For purposes of paragraph (1)(A), the days on which either house of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in computation of the 30-day period.
- (e) Definitions.—In this section, the following definitions apply:
  (1) FAA.—The term "FAA" means the Federal
- Aviation Administration.

(2) REALIGNMENT; CONSOLIDATION.

- (A) IN GENERAL.—The terms "realignment" and "consolidation" include any action that—
- (i) relocates functions, services, or personnel positions: (ii) discontinues or severs existing facility
- functions or services: or (iii) combines the results described in clauses
- (i) and (ii).
- (B) EXCLUSION.—The terms do not include a reduction in personnel resulting from workload adjustments.

### SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to

prohibit individuals other than authorized flight crewmembers from accessing the flight deck of an all-cargo aircraft.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

#### SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHER-WISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

- (a) CONSOLIDATION OR ELIMINATION OF REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—
- (1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and
- (2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.
- (b) USE OF ELECTRONIC MEDIA FOR RE-PORTS.—
- (1) IN GENERAL.—Notwithstanding any other provision of law, the Administration—
- (A) may not publish any report required or authorized by law in a printed format; and
- (B) shall publish any such report by posting it on the Administration's Internet Web site in an easily accessible and downloadable electronic format
- (2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—
- (A) its publication in a printed format is essential to the mission of the Administration; or
- (B) its publication in accordance with the requirements of paragraph (1) would disclose mat-
- (i) described in section 552(b) of title 5, United States Code; or
- (ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

## SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary of Transportation may not use any funds made available pursuant to this Act (including any amendment made by this Act) to name, rename, designate, or redesignate any project or program authorized by this Act (including any amendment made by this Act) for an individual then serving in Congress as a Member, Delegate, Resident Commissioner, or Senator.

### SEC. 808. STUDY ON AVIATION FUEL PRICES.

- (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general.
- (b) CONTENTS.—The study shall include an assessment of the impact of increases in aviation fuel prices on—
  - (1) general aviation;
  - (2) commercial passenger aviation;
  - (3) piston aircraft purchase and use;
- (4) the aviation services industry, including repair and maintenance services;
  - (5) aviation manufacturing;
  - (6) aviation exports; and
- (7) the use of small airport installations.

(c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 809. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

- (1) The aviation safety issues associated with alternative lighting strategies, technologies, and regulations.
- (2) The feasibility of implementing alternative lighting strategies or technologies to improve aviation safety.
- (3) Any other issue relating to wind turbine lighting.
- (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

### SEC. 810. AIR-RAIL CODE SHARING STUDY.

- (a) CODE SHARE STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a study regarding—
- (1) existing airline and intercity passenger rail code sharing arrangements; and
- (2) the feasibility, costs to taxpayers and other parties, and benefits of increasing the intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.
- (b) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider—
- (1) the potential costs to taxpayers and other parties and benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through code sharing arrangements;
- (2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities and stations;
- (3) the experience of other countries with respect to airport and intercity passenger rail connectivity; and
- (4) such other issues the Comptroller General considers appropriate.
- (c) REPORT.—Not later than 1 year after initiating the study required by subsection (a), the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any conclusions of the Comptroller General resulting from the study.

## SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA.

- (a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with the Secretary of Homeland Security and the Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the D.C. Metropolitan Area Special Flight Rules Area.
- (b) CONTENTS OF PLAN.—The plan shall outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

### SEC. 812. FAA REVIEW AND REFORM.

- (a) AGENCY REVIEW.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall undertake a thorough review of each program, office, and organization within the Administration, including the Air Traffic Organization, to identify—
- (1) duplicative positions, programs, roles, or offices;
  - (2) wasteful practices;
- (3) redundant, obsolete, or unnecessary functions;
  - (4) inefficient processes; and
  - (5) ineffectual or outdated policies.
- (b) ACTIONS TO STREAMLINE AND REFORM FAA.—Not later than 120 days after the date of enactment of this Act, the Administrator shall undertake such actions as may be necessary to address the Administrator's findings under subsection (a), including—
- (1) consolidating, phasing-out, or eliminating duplicative positions, programs, roles, or offices;
- (2) eliminating or streamlining wasteful practices:
- (3) eliminating or phasing-out redundant, obsolete, or unnecessary functions;
- (4) reforming and streamlining inefficient processes so that the activities of the Administration are completed in an expedited and efficient manner: and
- (5) reforming or eliminating ineffectual or out-dated policies.
- (c) AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall have the authority to undertake the actions required under subsection (b).
- (d) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the actions taken by the Administrator under this section, including any recommendations for leaislative or administrative actions.

## SEC. 813. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

- (a) In General.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may declare certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Administration.
- (b) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (c) may allocate revenue identified by the Administrator under subsection (a) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.
- (c) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (a) unless the airport sponsor—
- (1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—
- (A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Administration; and
- (B) appropriately adjusts such costs to account for inflation;
  - (2) agrees in writing—
- (A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

- (B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and
- (C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and
- (3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act.
- (d) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.
- (e) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.
- (f) GENERAL AVIATION AIRPORT DEFINED.—In this section, the term "general aviation airport" has the meaning given that term in section 47102 of title 49, United States Code, as amended by this Act.

### SEC. 814. CONTRACTING.

When drafting contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration, the Administrator of the Federal Aviation Administration shall ensure—

- (1) the proposal is drafted so that all parties can fairly compete: and
- (2) the proposal takes into consideration the most cost-effective location, accessibility, and services options.

## SEC. 815. FLOOD PLANNING.

- (a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the state of preparedness and response capability for airports located in flood plains to respond to and seek assistance in rebuilding after catastrophic flooding.
- (b) ELIGIBILITY OF DEMOLITION AND REBUILD-ING OF PROPERTIES.—Section 1366(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)) is amended by adding at the end the following:
- "(6) ELIGIBILITY OF DEMOLITION AND REBUILD-ING OF PROPERTIES.—The Director shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood levels or higher, if required by the Director or if required by any State or local ordinance, and in accordance with project implementation criteria established by the Director."

### SEC. 816. HISTORICAL AIRCRAFT DOCUMENTS.

- (a) Preservation of Documents.—
- (1) In GENERAL.—The Administrator of the Federal Aviation Administration shall take such actions as the Administrator determines necessary to preserve original aircraft type certificate engineering and technical data in the possession of the Federal Aviation Administration related to—
- (A) approved aircraft type certificate numbers ATC 1 through ATC 713; and
- (B) Group-2 approved aircraft type certificate numbers 2–1 through 2–544.
- (2) REVISION OF ORDER.—Not later than 3 years after the date of enactment of this Act, the Administrator shall revise FAA Order

- 1350.15C, Item Number 8110. Such revision shall prohibit the destruction of the historical aircraft documents identified in paragraph (1).
- (3) CONSULTATION.—The Administrator may carry out paragraph (1) in consultation with the Archivist of the United States and the Administrator of General Services.
- (b) AVAILABILITY OF DOCUMENTS.—
- (1) FREEDOM OF INFORMATION ACT RE-QUESTS.—The Administrator shall make the documents to be preserved under subsection (a)(1) available to a person—
- (A) upon receipt of a request made by the person pursuant to section 552 of title 5, United States Code; and
- (B) subject to a prohibition on use of the documents for commercial purposes.
- (2) Trade secrets, commercial, and financial information.—Section 552(b)(4) of such title shall not apply to requests for documents to be made available pursuant to paragraph (1).
  - (c) Holder of Type Certificate.—
- (1) RIGHTS OF HOLDER.—Nothing in this section shall affect the rights of a holder or owner of a type certificate identified in subsection (a)(1), nor require the holder or owner to provide, surrender, or preserve any original or duplicate engineering or technical data to or for the Federal Aviation Administration, a person, or the public.
- (2) LIABILITY.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, a holder of a type certificate, its authorized representative, its agents, or its employees, or any firm, person, corporation, or insurer related to the type certificate data and documents identified in subsection (a)(1).
- (3) AIRWORTHINESS.—Notwithstanding any other provision of law, the holder of a type certificate identified in subsection (a)(1) shall only be responsible for Federal Aviation Administration regulation requirements related to type certificate data and documents identified in subsection (a)(1) for aircraft having a standard airworthiness certificate issued prior to the date the documents are released to a person by the Federal Aviation Administration under subsection (b)(1).

### SEC. 817. RELEASE FROM RESTRICTIONS.

- (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation is authorized to grant to an airport, city, or county a release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real property for airport purposes pursuant to section 16 of the Federal Airport Act (60 Stat. 179) or section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232).
- (b) CONDITION.—Any release granted by the Secretary pursuant to subsection (a) shall be subject to the following conditions:
- (1) The applicable airport, city, or county shall agree that in conveying any interest in the real property which the United States conveyed to the airport, city, or county, the airport, city, or county will receive consideration for such interest that is equal to its fair market value.
- (2) Any consideration received by the airport, city, or county under paragraph (1) shall be used exclusively for the development, improvement, operation, or maintenance of a public airport by the airport, city, or county.
- (3) Any other conditions required by the Secretary.

## SEC. 818. SENSE OF CONGRESS.

- It is the sense of Congress that Los Angeles World Airports, the operator of Los Angeles International Airport (LAX)—
- (1) should consult on a regular basis with representatives of the community surrounding the airport regarding—

- (A) the ongoing operations of LAX; and
- (B) plans to expand, modify, or realign LAX facilities; and
- (2) should include in such consultations any organization, the membership of which includes at least 100 individuals who reside within 10 miles of the airport, that notifies Los Angeles World Airports of its desire to be included in such consultations.

## SEC. 819. HUMAN INTERVENTION MOTIVATION STUDY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Motivation Study program for cabin crew members employed by commercial air carriers in the United States.

#### SEC. 820. STUDY OF AERONAUTICAL MOBILE TE-LEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives a report that identifies—

- (1) the current and anticipated, with respect to the next decade, need by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and
- (2) the potential impact to the aerospace industry of the introduction of a new radio service that operates in the same spectrum allocated to the aeronautical mobile telemetry service.

#### SEC. 821. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPER-ATING CHARITABLE MEDICAL FLIGHTS.

- (a) REIMBURSEMENT OF FUEL COSTS.—Notwithstanding any other law or regulation, in administering section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation), the Administrator of the Federal Aviation Administration shall allow an aircraft owner or operator to accept reimbursement from a volunteer pilot organization for the fuel costs associated with a flight operation to provide transportation for an individual or organ for medical purposes (and for other associated individuals), if the aircraft owner or operator has—
- (1) volunteered to provide such transportation; and
- (2) notified any individual that will be on the flight, at the time of inquiry about the flight, that the flight operation is for charitable purposes and is not subject to the same requirements as a commercial flight.
- (b) CONDITIONS TO ENSURE SAFETY.—The Administrator may impose minimum standards with respect to training and flight hours for single-engine, multi-engine, and turbine-engine operations conducted by an aircraft owner or operator that is being reimbursed for fuel costs by a volunteer pilot organization, including mandating that the pilot in command of such aircraft hold an instrument rating and be current and qualified for the aircraft being flown to ensure the safety of flight operations described in subsection (a).
- (c) VOLUNTEER PILOT ORGANIZATION.—In this section, the term "volunteer pilot organization" means an organization that—
- (1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code; and
- (2) is organized for the primary purpose of providing, arranging, or otherwise fostering charitable medical transportation.

## SEC. 822. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program under which operators of up to 4 public-use airports may receive grants for activities related to the redevelopment of airport properties in accordance with the requirements of this section.

- (b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available for grants under section 47117(e)(1)(A) of title 49, United States Code, to an airport operator for a project—
- (1) to support joint planning, engineering, design, and environmental permitting of projects, including the assembly and redevelopment of property purchased with noise mitigation funds made available under section 48103 of such title or passenger facility revenue collected under section 40117 of such title; and
- (2) to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.
- (c) ELIGIBILITY.—An airport operator shall be eligible to participate in the pilot program if—
  (1) the operator has received approval for a
- noise compatibility program under section 47504 of such title; and
- (2) the operator demonstrates, as determined by the Administrator—
- (A) a readiness to implement cooperative land use management and redevelopment plans with neighboring local jurisdictions: and
- (B) the probability of a clear economic benefit to neighboring local jurisdictions and financial return to the airport through the implementation of those plans.
- (d) DISTRIBUTION.—The Administrator shall seek to award grants under the pilot program to airport operators representing different geographic areas of the United States.
- (e) Partnership With Neighboring Local Jurisdictions.—An airport operator shall use grant funds made available under the pilot program only in partnership with neighboring local jurisdictions.
- (f) GRANT REQUIREMENTS.—The Administrator may not make a grant to an airport operator under the pilot program unless the grant is—
- (1) made to enable the airport operator and local jurisdictions undertaking community redevelopment efforts to expedite those efforts;
- (2) subject to a requirement that the local jurisdiction governing the property interests subject to the redevelopment efforts has adopted and will continue in effect zoning regulations that permit airport-compatible redevelopment; and
- (3) subject to a requirement that, in determining the part of the proceeds from disposing of land that is subject to repayment and reinvestment requirements under section 47107(c)(2)(A) of such title, the total amount of a grant issued under the pilot program that is attributable to the redevelopment of such land shall be added to other amounts that must be repaid or reinvested under that section upon disposal of such land by the airport operator.
- (g) EXCEPTIONS TO REPAYMENT AND REINVEST-MENT REQUIREMENTS.—Amounts paid to the Secretary of Transportation under subsection (f)(3)—
- (1) shall be available to the Secretary for, giving preference to the actions in descending
- (A) reinvestment in an approved noise compatibility project at the applicable airport;
- (B) reinvestment in another approved project at the airport that is eligible for funding under section 47117(e) of such title;
- (C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title:
- (D) transfer to an operator of another public airport to be reinvested in an approved noise compatibility project at such airport; and

- (E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)
- (2) shall be available in addition to amounts authorized under section 48103 of such title:
- (3) shall not be subject to any limitation on grant obligations for any fiscal year; and
  - (4) shall remain available until expended.
- (h) FEDERAL SHARE.-
- (1) In GENERAL.—Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.
- (2) ALLOWABLE COSTS.—In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (b) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.
- (i) MAXIMUM AMOUNT.—Not more than \$5,000,000 of the funds made available for grants under section 47117(e)(1)(A) of such title may be expended under the pilot program for any single public-use airport.
- (j) USE OF PASSENGER REVENUE.—An airport operator participating in the pilot program may use passenger facility revenue collected under section 40117 of such title to pay any project cost described in subsection (b) that is not financed by a grant under the pilot program.
- (k) SUNSET.—This section shall not be in effect after September 30, 2015.

#### SEC. 823. REPORT ON NEW YORK CITY AND NEW-ARK AIR TRAFFIC CONTROL FACILI-TIES.

Under previous agreements, the Federal Aviation Administration negotiated staffing levels at the air traffic control facilities in the Newark and New York City areas. Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Federal Aviation Administration's staffing and scheduling plans for air traffic control facilities in the New York City and Newark Region for the 1-year period beginning on such date of enactment.

## SEC. 824. CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES.

- (a) IN GENERAL.—Subject to subsections (b) and (c), entities transporting, in the State of Alaska, cylinders of compressed oxygen or other oxidizing gases aboard aircraft shall be exempt from compliance with the regulations described in subsection (d), to the extent that the regulations require that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration resistance test and the thermal resistance test, without regard to the end use of the cylinders.
- (b) APPLICABILITY OF EXEMPTION.—The exemption provided under subsection (a) shall apply only if—
- (1) transportation of the cylinders by a ground-based or water-based mode of transportation is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination:
- (2) each cylinder is fully covered with a fireor flame-resistant blanket that is secured in place: and
- (3) the operator of the aircraft complies with the applicable notification procedures under section 175.33 of title 49, Code of Federal Regulations.
- (c) AIRCRAFT RESTRICTION.—The exemption provided under subsection (a) shall apply only to the following types of aircraft:

- (1) Cargo-only aircraft transporting the cylinders to a delivery destination that receives cargo-only service at least once a week.
- (2) Passenger and cargo-only aircraft transporting the cylinders to a delivery destination that does not receive cargo-only service at least once a week.
- (d) DESCRIPTION OF REGULATORY REQUIRE-MENTS.—The regulations described in this subsection are the regulations of the Pipeline and Hazardous Materials Safety Administration contained in sections 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(f)(3), 173.304(f)(4), and 173.304(f)(5) of title 49, Code of Federal Regulations.

### SEC. 825. ORPHAN AVIATION EARMARKS.

- (a) EARMARK DEFINED.—In this section, the term "earmark" means a statutory provision or report language included primarily at the request of a Senator or a Member, Delegate, or Resident Commissioner of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, or other expenditure with or to an entity or a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.
- (b) RESCISSION.—If any earmark relating to the Federal Aviation Administration has more than 90 percent of applicable appropriated amounts remaining available for obligation at the end of the 9th fiscal year beginning after the fiscal year in which those amounts were appropriated, the unobligated portion of those amounts is rescinded effective at the end of that 9th fiscal year, except that the Administrator of the Federal Aviation Administration may delay any such rescission if the Administrator determines that an obligation with respect to those amounts is likely to occur during the 12-month period beginning on the last day of that 9th fiscal year.
  - (c) IDENTIFICATION AND REPORT.—
- (1) AGENCY IDENTIFICATION.—At the end of each fiscal year, the Administrator shall identify and report to the Director of the Office of Management and Budget every earmark related to the Administration and with respect to which there is an unobligated balance of appropriated amounts.
- (2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall submit to Congress and make available to the public on the Internet Web site of the Office a report that includes—
- (A) a listing of each earmark related to the Administration and with respect to which there is an unobligated balance of appropriated amounts, which shall include the amount of the original earmark, the amount of the unobligated balance related to that earmark, and the date on which the funding expires, if applicable;
- (B) the number of rescissions under subsection (b) and the savings resulting from those rescissions for the previous fiscal year; and
- (C) a listing of earmarks related to the Administration with amounts scheduled for rescission at the end of the current fiscal year.

#### SEC. 826. PRIVACY PROTECTIONS FOR AIR PAS-SENGER SCREENING WITH AD-VANCED IMAGING TECHNOLOGY.

Section 44901 is amended by adding at the end the following:

- "(1) LIMITATIONS ON USE OF ADVANCED IMAG-ING TECHNOLOGY FOR SCREENING PASSENGERS.—
- "(1) DEFINITIONS.—In this subsection, the following definitions apply:
- "(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

- "(i) means a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and
- '(ii) may include devices using backscatter xrays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning machines'.
- '(B) APPROPRIATE CONGRESSIONAL COMMIT-TEES.—The term 'appropriate congressional committees' means—
- "(i) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and
- "(ii) the Committee on Homeland Security of the House of Representatives.
- "(C) AUTOMATIC TARGET RECOGNITION SOFT-WARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.
- "(2) USE OF ADVANCED IMAGING TECH-NOLOGY.—Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that any advanced imaging technology used for the screening of passengers under this section-
- '(A) is equipped with and employs automatic target recognition software; and
- '(B) complies with such other requirements as the Assistant Secretary determines necessary to address privacy considerations.
  - '(3) EXTENSION.-
- "(A) IN GENERAL.—The Assistant Secretary may extend the deadline specified in paragraph (2), if the Assistant Secretary determines that—
- (i) an advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as an advanced imaging technology without such software: or
- "(ii) additional testing of such software is necessaru.
- "(B) DURATION OF EXTENSIONS.—The Assistant Secretary may issue one or more extensions under subparagraph (A). The duration of each extension may not exceed one year.
- '(4) REPORTS.—
- "(A) IN GENERAL.—Not later than 60 days after the deadline specified in paragraph (2), and not later than 60 days after the date on which the Assistant Secretary issues any extension under paragraph (3), the Assistant Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection.
- "(B) ELEMENTS.—A report submitted under subparagraph (A) shall include the following:
- "(i) A description of all matters the Assistant Secretary considers relevant to the implementation of the requirements of this subsection.
- "(ii) The status of compliance by the Transportation Security Administration with such requirements.
- "(iii) If the Administration is not in full compliance with such requirements-
- '(I) the reasons for the noncompliance; and
- "(II) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.
- '(C) SECURITY CLASSIFICATION.—To the greatest extent practicable, a report prepared under subparagraph (A) shall be submitted in an unclassified format. If necessary, the report may include a classified annex."

#### SEC. 827. COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS.

Section 50905(c)(3) of title 51, United States Code, is amended by striking "Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2015."

#### SEC. 828. AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES.

- (a) IN GENERAL.—The Secretary of Transportation, including a designee of the Secretary, may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, whether transported separately or packed with or contained in equipment, if the requirement is more stringent than the requirements of the ICAO Technical Instructions.
  - (b) EXCEPTIONS -
- (1) Passenger Carrying aircraft.—Notwithstanding subsection (a), the Secretary may enforce the prohibition on transporting primary (non-rechargeable) lithium batteries and cells aboard passenger carrying aircraft set forth in under provision A100 special section 172.102(c)(2) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).
- (2) CREDIBLE REPORTS.—Notwithstanding subsection (a), if the Secretary obtains a credible report with respect to a safety incident from a national or international governmental regulatory or investigating body that demonstrates that the presence of lithium metal cells or batteries or lithium ion cells or batteries on an aircraft, whether transported separately or packed with or contained in equipment, in accordance with the requirements of the ICAO Technical Instructions, has substantially contributed to the initiation or propagation of an onboard fire, the Secretary-
- (A) may issue and enforce an emergency regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if that regulation-
- (i) addresses solely deficiencies referenced in the report; and
- (ii) is effective for not more than 1 year; and (B) may adopt and enforce a permanent regulation, more stringent than the requirements of the ICAO Technical Instructions, that governs the transportation by aircraft of such cells or batteries, if-
- (i) the Secretary bases the regulation upon substantial credible evidence that the otherwise permissible presence of such cells or batteries would substantially contribute to the initiation or propagation of an onboard fire;
- (ii) the regulation addresses solely the deficiencies in existing regulations; and
- (iii) the regulation imposes the least disruptive and least expensive variation from existing requirements while adequately addressing identified deficiencies.
- (c) ICAO TECHNICAL INSTRUCTIONS DE-FINED .- In this section, the term "ICAO Technical Instructions" means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (as amended, including amendments adopted after the date of enactment of this Act). SEC. 829. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

#### Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall-

- (1) establish milestones, in consultation with the Occupational Safety and Health Administration, in a report to Congress-
- (A) for the completion of work begun under the August 2000 memorandum of understanding between the Administrations; and
- (B) to address issues that need further action, as set forth in the December 2000 joint report of the Administrations: and
- (2) initiate development of a policy statement to set forth the circumstances in which require-

2004," and inserting "Beginning on October 1, ments of the Occupational Safety and Health Administration may be applied to crewmembers while working in an aircraft.

#### SEC. 830. APPROVAL OF APPLICATIONS FOR THE AIRPORT SECURITY SCREENING OPT-OUT PROGRAM.

- (a) IN GENERAL.—Section 44920(b) is amended to read as follows:
- (b) APPROVAL OF APPLICATIONS.—
- "(1) IN GENERAL.—Not later than 120 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Under Secretary shall approve or deny the application.
- (2) STANDARDS.—The Under Secretary shall approve an application submitted by an airport operator under subsection (a) if the Under Secretary determines that the approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport.
- (3) REPORTS ON DENIALS OF APPLICATIONS. "(A) IN GENERAL.—If the Under Secretary denies an application submitted by an airport operator under subsection (a), the Under Secretary shall provide to the airport operator, not later than 60 days following the date of the denial, a written report that sets forth—
- "(i) the findings that served as the basis for the denial:
- "(ii) the results of any cost or security analysis conducted in considering the application;
- "(iii) recommendations on how the airport operator can address the reasons for the denial.
- "(B) SUBMISSION TO CONGRESS.—The Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph(A)."
- (b) WAIVERS.—Section 44920(d) is amended-(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the subparagraphs 2 ems to the right;
- (2) by striking "The Under Secretary" and in-
- serting the following:
  "(1) IN GENERAL.—The Under Secretary"; and (3) by adding at the end the following:
- '(2) WAIVERS.—The Under Secretary may waive the requirement of paragraph (1)(B) for any company that is a United States subsidiary with a parent company that has implemented a foreign ownership, control, or influence mitigation plan that has been approved by the Defense Security Service of the Department of Defense prior to the submission of the application. The Under Secretary has complete discretion to reject any application from a private screening company to provide screening services at an airport that requires a waiver under this para-
- (c) RECOMMENDATIONS OF AIRPORT OPER-ATOR.—Section 44920 is amended by adding at the end the following:
- "(h) RECOMMENDATIONS OF AIRPORT OPER-ATOR.—As part of any submission of an application for a private screening company to provide screening services at an airport, the airport operator shall provide to the Under Secretary a recommendation as to which company would best serve the security screening and passenger needs of the airport, along with a statement explaining the basis of the operator's recommenda-
- (d) RECONSIDERATION OF APPLICATIONS PEND-ING AS OF JANUARY 1, 2011.-
- (1) IN GENERAL.—Upon the request of an airport operator, the Secretary of Homeland Security shall reconsider any application for the screening of passengers and property that-
- (A) was submitted by the operator of an airport pursuant to section 44920(a) of title 49, United States Code;

- (B) was pending for final decision by the Secretary on any day between January 1, 2011, and February 3, 2011, and was resubmitted by the applicant in accordance with new guidelines provided by the Secretary after February 3, 2011; and
- (C) has not been approved by the Secretary on or before the date of enactment of this Act.
- (2) Notice to airport operators.—In reconsidering an application submitted under paragraph (1), the Secretary shall—
- (A) notify the airport operator that submitted the application that the Secretary will reconsider the application;
- (B) if the application was initially denied, advise the operator of the findings that served as the basis for the denial; and
- (C) request the operator to provide the Secretary with such additional information as the Secretary determines necessary to reconsider the application.
- (3) Deadline; standards.—The Secretary shall approve or deny an application to be reconsidered under paragraph (1) not later than the 120th day following the date of the request for reconsideration from the airport operator. The Secretary shall apply the standards set forth in section 44920(b) of title 49, United States Code (as amended by this section), in approving and denying such application.
  - (4) REPORTS ON DENIALS OF APPLICATIONS.-
- (A) IN GENERAL.—If the Secretary denies an application of an airport operator following reconsideration under this subsection, the Secretary shall provide to the airport operator a written report that sets forth-
- (i) the findings that served as the basis for the denial: and
- (ii) the results of any cost or security analysis conducted in considering the application.
- (B) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph(A).

### TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

### SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

- (a) IN GENERAL.—Section 48102(a) is amended-
- (1) in the matter before paragraph (1) by striking "of this title" and inserting "of this title and, for each of fiscal years 2012 through 2015, under subsection (g)";
  - (2) by striking paragraphs (1) through (8);
- (3) by redesignating paragraphs (9) through (15) as paragraphs (1) through (7), respectively;
- (4) in paragraph (3) (as so redesignated)-(A) in subparagraph (K) by adding "and" at
- the end; and
- (B) in subparagraph (L) by striking "and" at the end; and
- (5) by striking paragraph (16) and inserting the following:
- '(8) \$168,000,000 for each of fiscal years 2012 through 2015.
- (b) Specific Program Limitations.—Section 48102 is amended by inserting after subsection (f) the following:
- "(g) Specific Authorizations.—The following programs described in the research, engineering, and development account of the national aviation research plan required under section 44501(c) are authorized:
  - "(1) Fire Research and Safety
  - "(2) Propulsion and Fuel Systems.
  - "(3) Advanced Materials/Structural Safety.
- "(4) Atmospheric Hazards—Aircraft Icing/Digital System Safety.
  - "(5) Continued Airworthiness.
- "(6) Aircraft Catastrophic Failure Prevention

- "(7) Flightdeck/Maintenance/System Integration Human Factors.
- "(8) System Safety Management.
- "(9) Air Traffic Control/Technical Operations Human Factors
  - "(10) Aeromedical Research.
- "(11) Weather Program.
- '(12) Unmanned Aircraft Systems Research.
- "(13) NextGen—Alternative Fuels for General Aviation
- "(14) Joint Planning and Development Office. ''(15) NextGen—Wake Turbulence Research.
- "(16) NextGen—Air Ground Integration Human Factors
- "(17) NextGen—Self Separation Human Fac-
- "(18) NextGen—Weather Technology in the
- Cockpit. "(19) Environment and Energy Research.
- "(20) NextGen Environmental Research—Aircraft Technologies, Fuels, and Metrics.
- "(21) System Planning and Resource Management.

''(22) The William J. Hughes Technical Center Laboratory Facility.'

- (c) PROGRAM AUTHORIZATIONS.—From the other accounts described in the national aviation research plan required under section 44501(c) of title 49. United States Code, the following research and development activities are authorized:
  - (1) Runway Incursion Reduction.
- (2) System Capacity, Planning, and Improve-
- (3) Operations Concept Validation.
- (4) NAS Weather Requirements.
- (5) Airspace Management Program.
- (6) NextGen—Air Traffic Control/Technical Operations Human Factors.
- (7) NextGen-Environment and Energy-Environmental Management System and Advanced Noise and Emissions Reduction.
- (8) NextGen—New Air Traffic Management Requirements.
- (9) NextGen—Operations Concept Valida-Validation Modeling.
- NextGen—System Safety Management Transformation.
- NextGen-Wake Turbulence—Recat-(11)egorization.
- (12) NextGen—Operational Assessments.
- (13) NextGen—Staffed NextGen Towers.
- (14) Center for Advanced Aviation System Development.
- (15) Airports Technology Research Program— Capacitu.
- (16) Airports Technology Research Program— Safety.
- (17) Airports Technology Research Program-Environment.
- (18) Airport Cooperative Research—Capacity.
- (19) Airport Cooperative Research—Environment
- (20) Airport Cooperative Research—Safety.

### SEC. 902. DEFINITIONS.

- In this title, the following definitions apply: (1) Administrator.—The term
- trator" means the Administrator of the FAA. (2) FAA.—The term "FAA" means the Federal Aviation Administration.
- (3) Institution of higher education.—The "institution of higher education" has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C.
- (4) NASA.—The term "NASA" means the National Aeronautics and Space Administration.
- (5) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration. SEC. 903. UNMANNED AIRCRAFT SYSTEMS.

- (a) RESEARCH INITIATIVE.—Section 44504(b) is amended-
- (1) in paragraph (6) by striking "and" after the semicolon:

- (2) in paragraph (7) by striking the period at the end and inserting "; and"; and
- (3) by adding at the end the following:
- '(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products. parts, and processes for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.'
- (b) Systems, Procedures, Facilities, and DEVICES.—Section 44505(b) is amended-
- (1) in paragraph (4) by striking "and" after the semicolon:
- (2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and
  - (3) by adding at the end the following:
- '(6) to develop a better understanding of the relationship between human factors and unmanned aircraft system safety; and
- '(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users."

### SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall continue to carry out a research program under which the Administrator may make grants to and enter into cooperative agreements with institutions of higher education and pavement research organizations for research and technology demonstrations related

- (1) the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements; and
- (2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

## SEC. 905. RESEARCH ON DESIGN FOR CERTIFI-

CATION. Section 44505 is amended-

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:
- "(d) RESEARCH ON DESIGN FOR CERTIFI-CATION.
- "(1) RESEARCH.—Not later than 1 year after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall conduct research on methods and procedures to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.
- "(2) Research plan.—Not later than months after the date of enactment of the FAA Modernization and Reform Act of 2012, the Administrator shall develop a plan for the research under paragraph (1) that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.
- "(3) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council to conduct an independent review of the plan developed under paragraph (2) and shall provide the results of that review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of the FAA Modernization and Reform Act of 2012."

#### SEC. 906. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking "establish a 4year pilot" and inserting "maintain an"; and

- (2) in paragraph (4)—
- (A) by striking "Not later than 6 months after the expiration of the program under this subsection," and inserting "Not later than September 30, 2012,"; and
- (B) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program" and inserting "program".

### SEC. 907. CENTERS OF EXCELLENCE.

- (a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:
- "(f) Government's Share of Costs.—The United States Government's share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for a fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds."
- (b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:
- "(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—
- "(1) the research projects that have been initiated by each center in the preceding year;
- "(2) the amount of funding for each research project and the funding source;
- "(3) the institutions participating in each research project and their shares of the overall funding for each research project; and
- "(4) the level of cost-sharing for each research project.".

## SEC. 908. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.

- (a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—
- (1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and
- (2) any other aviation human resource issue pertinent to developing and maintaining a safe and efficient air transportation system.
- (b) ACTIVITIES.—Activities conducted under this section may include the following:
- (1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.
- (2) Research and development of best practices for recruitment of individuals into the aviation field for mission critical positions.
- (3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.
- (4) Research and the development of a comprehensive assessment of the airframe and power plant technician certification process and its effect on employment trends.
- (5) Evaluation of aviation maintenance technician school environments.
- (6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

## SEC. 909. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.

(a) IN GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other

relevant agencies, may maintain a research program to assess the potential effect of aviation activities on the environment and, if warranted, to evaluate approaches to address any such effect.

(b) Research Plan.—

- (1) In GENERAL.—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).
- (2) CONTENTS.—The plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.
  - (3) REQUIREMENTS.—The plan—
- (A) shall be completed not later than 1 year after the date of enactment of this Act;
- (B) shall be submitted to Congress for review; and
- (C) shall be updated, as appropriate, every 3 years after the initial submission.

#### SEC. 910. AVIATION FUEL RESEARCH AND DEVEL-OPMENT PROGRAM.

- (a) In General.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with the Administrator of NASA, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.
- (b) Requirements.—In carrying out the program under subsection (a), the Administrator shall at a minimum—
- (1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives:
- (2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;
- (3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and
- (4) develop recommendations for appropriate policies and guidelines to facilitate a transition to unleaded aviation fuel for piston engine aircraft.
- (c) COLLABORATION.—In carrying out the program under subsection (a), the Administrator shall collaborate with—
- (1) industry groups representing aviation consumers, manufacturers, and fuel producers and distributors: and
  - (2) other appropriate Federal agencies.
- (d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the plan, information obtained, and policies and guidelines developed pursuant to subsection (b).

#### SEC. 911. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

- (a) In GENERAL.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall establish a research program to assist in the development and qualification of jet fuel from alternative sources (such as natural gas, biomass, ethanol, butanol, and hydrogen) and other renewable sources.
- (b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through

the use of grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

- (c) PARTICIPATION IN PROGRAM.—
- (1) PARTICIPATION OF EDUCATIONAL AND RESEARCH INSTITUTIONS.—In carrying out the program, the Administrator shall include participation bu—
- (A) educational and research institutions that have existing facilities and leverage private sector partnerships; and
- (B) consortia with experience across the supply chain, including with research, feedstock development and production, small-scale development, testing, and technology evaluation related to the creation, processing, production, and transportation of alternative aviation fuel.
- (2) USE OF NASA FACILITIES.—In carrying out the program, the Administrator shall consider utilizing the existing capacity in aeronautics research at Langley Research Center, Glenn Research Center, and other appropriate facilities of NASA.
- (d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—
- (1) In GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator may designate an institution described in subsection (c)(1)(A) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft.
- (2) EFFECT OF DESIGNATION.—The center designated under paragraph (1) shall become, upon its designation—
- (A) a member of the Consortium for Continuous Low Energy, Emissions, and Noise of the FAA: and
- (B) part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excel-

# SEC. 912. REVIEW OF FAA'S ENERGY-RELATED AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

- (a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall enter into an arrangement for an independent external review of FAA energy-related and environment-related research programs. The review shall assess whether—
- (1) the programs have well-defined, prioritized, and appropriate research objectives;
- (2) the programs are properly coordinated with the energy-related and environment-related research programs at NASA, NOAA, and other relevant agencies;
- (3) the programs have allocated appropriate resources to each of the research objectives; and
- (4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.
- (b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate containing the results of the review.

#### SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RE-LATED RESEARCH PROGRAMS.

- (a) REVIEW.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall enter into an arrangement for an independent external review of the FAA's aviation safety-related research programs. The review shall assess whether—
- (1) the programs have well-defined, prioritized, and appropriate research objectives;
- (2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;
- (3) the programs have allocated appropriate resources to each of the research objectives;

- (4) the programs should include a determination about whether a survey of participants across the air transportation system is an appropriate way to study safety risks within such system; and
- (5) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.
- (b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:
- (1) Air traffic control/technical operations human factors.
  - (2) Runway incursion reduction.
- (3) Flightdeck/maintenance system integration human factors.
- (4) Airports technology research—safety.(5) Airport Cooperative Research Program-
- (5) Airport Cooperative Research Program safety.
- (6) Weather Program.
- (7) Atmospheric hazards/digital system safety.
- (8) Fire research and safety.
- (9) Propulsion and fuel systems.
- (10) Advanced materials/structural safety.
- (11) Aging aircraft.
- (12) Aircraft catastrophic failure prevention research.
  - (13) Aeromedical research.
  - (14) Aviation safety risk analysis.
  - (15) Unmanned aircraft systems research.
- (c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

# SEC. 914. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIR-

- (a) ESTABLISHMENT OF RESEARCH PROGRAM.— Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator shall establish a research program related to developing jet fuel from clean coal.
- (b) AUTHORITY TO MAKE GRANTS.—The Administrator shall carry out the program through grants or other measures authorized under section 106(1)(6) of such title, including reimbursable agreements with other Federal agencies.
- (c) PARTICIPATION IN PROGRAM.—În carrying out the program, the Administrator shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal into aviation fuel.
- (d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act, the Administrator may designate an institution described in subsection (c) as a Center of Excellence for Coal-to-Jet-Fuel Research.

## SEC. 915. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Not later than 60 days after the date of enactment of this Act, the Administrator shall—

- (1) initiate an evaluation of proposals related to research on the nature of wake vortexes that would increase national airspace system capacity by reducing existing spacing requirements between aircraft of all sizes;
- (2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation: and
- (3) coordinate with NOAA, NASA, and other appropriate Federal agencies to conduct research to reduce the hazards presented to commercial aviation related to—

- (A) ground de-icing and anti-icing, ice pellets, and freezing drizzle;
- (B) oceanic weather, including convective weather:
- (C) en route turbulence prediction and detection; and
- (D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available.

#### SEC. 916. REAUTHORIZATION OF CENTER OF EX-CELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF AD-VANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking "for fiscal year 2004" and inserting "for each of fiscal years 2012 through 2015".

#### SEC. 917. RESEARCH AND DEVELOPMENT OF EQUIPMENT TO CLEAN AND MON-ITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

- (a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator, to the extent practicable, shall implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.
- (b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) shall have the capacity, at a minimum—
- (1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and
- (2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air
- (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report on the results of the research and development work carried out under this section.

#### SEC. 918. EXPERT REVIEW OF ENTERPRISE AR-CHITECTURE FOR NEXTGEN.

- (a) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of the enterprise architecture for the Next Generation Air Transportation System.
- (b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—
- (1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the FAA;
- (2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and
- (3) determine how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.
- (c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Com-

merce, Science, and Transportation of the Senate a report containing the results of the review conducted pursuant to subsection (a).

#### SEC. 919. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

- (a) In General.—Not later than 90 days after the date of enactment of this Act, the Administrator shall prepare and submit a problem statement to the Transportation Research Board for the purpose of initiating a study under the Airport Cooperative Research Program on airport sustainability practices.
- (b) FUNCTIONS.—The purpose of the study shall be—
- (1) to examine and develop best airport practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport;
- (2) to examine potential standards for a rating system based on the best sustainable practices and metrics;
- (3) to examine potential standards for a voluntary airport rating process based on the best sustainable practices, metrics, and ratings; and
- (4) to examine and develop recommendations for future actions with regard to sustainability.
- (c) REPORT.—Not later than 18 months after the date of initiation of the study, a report on the study shall be submitted to the Administrator and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

## TITLE X—NATIONAL MEDIATION BOARD

### SEC. 1001. RULEMAKING AUTHORITY.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by inserting after section 10 the following:

### "SEC. 10A. RULES AND REGULATIONS.

"(a) IN GENERAL.—The Mediation Board shall have the authority from time to time to make, amend, and rescind, in the manner prescribed by section 553 of title 5, United States Code, and after opportunity for a public hearing, such rules and regulations as may be necessary to carry out the provisions of this Act.

"(b) APPLICATION.—The requirements of subsection (a) shall not apply to any rule or proposed rule to which the third sentence of section 553(b) of title 5, United States Code, applies."

## SEC. 1002. RUNOFF ELECTION RULES.

Paragraph Ninth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by inserting after the fourth sentence the following: "In any such election for which there are 3 or more options (including the option of not being represented by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the options receiving the largest and the second largest number of votes.".

## SEC. 1003. BARGAINING REPRESENTATIVE CERTIFICATION.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by adding at the end the following:

"Twelfth. Showing of interest for representation elections. The Mediation Board, upon receipt of an application requesting that an organization or individual be certified as the representative of any craft or class of employees, shall not direct an election or use any other method to determine who shall be the representative of such craft or class unless the Mediation Board determines that the application is supported by a showing of interest from not less than 50 percent of the employees in the craft or class."

### SEC. 1004. OVERSIGHT.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:

## "SEC. 15. EVALUATION AND AUDIT OF MEDIATION BOARD.

"(α) EVALUATION AND AUDIT OF MEDIATION BOARD.—

"(1) IN GENERAL.—In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted not less frequently than every 2 years, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

"(2) RESPONSIBILITY OF COMPTROLLER GEN-ERAL.—In carrying out the evaluation and audit required under paragraph (1), the Comptroller General shall evaluate and audit the programs, operations, and activities of the Mediation Board, including, at a minimum—

"(A) information management and security, including privacy protection of personally identifiable information;

"(B) resource management;

"(C) workforce development;

"(D) procurement and contracting planning, practices, and policies;

"(E) the extent to which the Mediation Board follows leading practices in selected management areas: and

"(F) the processes the Mediation Board follows to address challenges in—

"(i) initial investigations of applications requesting that an organization or individual be certified as the representative of any craft or class of employees;

"(ii) determining and certifying representatives of employees; and

"(iii) ensuring that the process occurs without interference, influence, or coercion.

- "(b) IMMEDIATE REVIEW OF CERTIFICATION PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Comptival troller General shall review the processes applied by the Mediation Board to certify or decertify representation of employees by a labor organization and make recommendations to the Board and appropriate congressional committees regarding actions that may be taken by the Board or Congress to ensure that the processes are fair and reasonable for all parties. Such review shall be conducted separately from any evaluation and audit under subsection (a) and shall include, at a minimum—
- "(1) an evaluation of the existing processes and changes to such processes that have occurred since the establishment of the Mediation Board and whether those changes are consistent with congressional intent: and
- "(2) a description of the extent to which such processes are consistent with similar processes applied to other Federal or State agencies with jurisdiction over labor relations, and an evaluation of any justifications for any discrepancies between the processes of the Mediation Board and such similar Federal or State processes.
- "(c) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate."

### TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES SEC. 1100. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### SEC. 1101. EXTENSION OF TAXES FUNDING AIR-PORT AND AIRWAY TRUST FUND.

- (a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking "February 17, 2012" and inserting "September 30, 2015".
  - (b) TICKET TAXES.—
- (1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking "February 17, 2012" and inserting "September 30, 2015".
- (2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking "February 17, 2012" and inserting "September 30, 2015".
- (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 18, 2012

# SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

- (a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—
- (1) by striking "February 18, 2012" in the matter preceding subparagraph (A) and inserting "October 1, 2015", and
- (2) by striking the semicolon at the end of subparagraph (A) and inserting "or the FAA Modernization and Reform Act of 2012;".
- (b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking "February 18, 2012" and inserting "October 1, 2015".
- (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 18, 2012

## SEC. 1103. TREATMENT OF FRACTIONAL AIR-CRAFT OWNERSHIP PROGRAMS.

- (a) FUEL SURTAX.—
- (1) In GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

#### "SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

"(a) IN GENERAL.—There is hereby imposed a tax on any liquid used (during any calendar quarter by any person) in a fractional program aircraft as fuel—

"(1) for the transportation of a qualified fractional owner with respect to the fractional ownership aircraft program of which such aircraft is a part, or

"(2) with respect to the use of such aircraft on account of such a qualified fractional owner, including use in deadhead service.

"(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.
"(c) Definitions and Special Pules—For

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) FRACTIONAL PROGRAM AIRCRAFT.—The term 'fractional program aircraft' means, with respect to any fractional ownership aircraft program, any aircraft which—

"(A) is listed as a fractional program aircraft in the management specifications issued to the manager of such program by the Federal Aviation Administration under subpart K of part 91 of title 14, Code of Federal Regulations, and

"(B) is registered in the United States.

"(2) FRACTIONAL OWNERSHIP AIRCRAFT PRO-GRAM.—The term 'fractional ownership aircraft program' means a program under which—

"(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners.

- "(B) there are 1 or more fractional owners per fractional program aircraft, with at least 1 fractional program aircraft having more than 1 owner,
- "(C) with respect to at least 2 fractional program aircraft, none of the ownership interests in such aircraft are—
- "(i) less than the minimum fractional ownership interest, or
- (ii) held by the program manager referred to in subparagraph (A),

- "(D) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and
- "(E) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.
- "(3) DEFINITIONS RELATED TO FRACTIONAL OWNERSHIP INTERESTS.—
- "(A) QUALIFIED FRACTIONAL OWNER.—The term 'qualified fractional owner' means any fractional owner which has a minimum fractional ownership interest in at least one fractional program aircraft.

"(B) MINIMUM FRACTIONAL OWNERSHIP INTER-EST.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

"(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing, or powered lift aircraft, or

"(ii) a fractional ownership interest equal to or greater than 1/32 of at least 1 rotorcraft aircraft.

'(C) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

"(i) the ownership of an interest in a fractional program aircraft,

"(ii) the holding of a multi-year leasehold interest in a fractional program aircraft, or

"(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a fractional program aircraft.

"(D) FRACTIONAL OWNER.—The term 'fractional owner' means any person owning any interest (including the entire interest) in a fractional program aircraft.

"(4) DRY-LEASE AIRCRAFT EXCHANGE.—The term 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the fractional program aircraft are available, on an as needed basis without crew, to each fractional owner.

"(5) SPECIAL RULE RELATING TO USE OF FRAC-TIONAL PROGRAM AIRCRAFT FOR FLIGHT DEM-ONSTRATION, MAINTENANCE, OR TRAINING.—For purposes of subsection (a), a fractional program aircraft shall not be considered to be used for the transportation of a qualified fractional owner, or on account of such qualified fractional owner, when it is used for flight demonstration, maintenance, or crew training.

"(6) SPECIAL RULE RELATING TO DEADHEAD SERVICE.—A fractional program aircraft shall not be considered to be used on account of a qualified fractional owner when it is used in deadhead service and a person other than a qualified fractional owner is separately charged for such service.

"(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2021.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting "(other than kerosene with respect to which tax is imposed under section 4043)" after "In the case of kerosene".

(3) Transfer of revenues to airport and airway trust fund.—Paragraph (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),".

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

"Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.".

(b) Fractional Ownership Programs Treated as Non-commercial Aviation.—Subsection

- (b) of section 4083 is amended by adding at the end the following new sentence: "Such term shall not include the use of any aircraft before October 1, 2015, if tax is imposed under section 4043 with respect to the fuel consumed in such use or if no tax is imposed on such use under section 4043 by reason of subsection (c)(5) thereof".
- (c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:
- "(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation if tax is imposed under section 4043 with respect to the fuel used in such transportation. This subsection shall not apply after September 30, 2015."
  - (d) EFFECTIVE DATES.—
- (1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2012.
- (2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2012.
- (3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2012.

# SEC. 1104. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

- (a) IN GENERAL.—Section 7275 is amended—
- (1) by redesignating subsection (c) as subsection (d),
- (2) by striking "subsection (a) or (b)" in subsection (d), as so redesignated, and inserting "subsection (a), (b), or (c)", and
- (3) by inserting after subsection (b) the following new subsection:
- "(c) Non-tax Charges.—
- "(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.
- "(2) INCLUSION IN TRANSPORTATION COST.— Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes."
- (b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2012.

# SEC. 1105. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

- (a) In General.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of section 4261(g)(2)).".
- (b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

# SEC. 1106. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

- (a) General Rules.-
- (1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—
  If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so

- transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier
- (2) Transfer of amounts attributable to AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made
- (3) EXTENSION OF TIME TO FILE CLAIM FOR RE-FUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) of such Code (or, if later, April 15, 2013).
- (4) Overall limitation on amounts transferred to traditional iras.—
- (A) IN GENERAL.—The aggregate amount of airline payment amounts which may be transferred to 1 or more traditional IRAs under paragraphs (1) and (2) with respect to any qualified employee for any taxable year shall not exceed the excess (if any) of—
- (i) 90 percent of the aggregate airline payment amounts received by the qualified airline employee during the taxable year and all preceding taxable years, over
- (ii) the aggregate amount of such transfers to which paragraphs (1) and (2) applied for all preceding taxable years.
- (B) SPECIAL RULES.—For purposes of applying the limitation under subparagraph (A)—
- (i) any airline payment amount received by the surviving spouse of any qualified employee, and any amount transferred to a traditional IRA by such spouse under subsection (d), shall be treated as an amount received or transferred by the qualified employee, and
- (ii) any amount transferred to a traditional IRA which is attributable to net income described in paragraph (2) shall not be taken into account.
- (5) COVERED EXECUTIVES NOT ELIGIBLE TO MAKE TRANSFERS.—Paragraphs (1) and (2) shall not apply to any transfer by a qualified airline employee (or any transfer authorized under subsection (d) by a surviving spouse of the qualified airline employee) if at any time during the taxable year of the transfer or any preceding taxable year the qualified airline employee held a position described in subparagraph (A) or (B) of section 162(m)(3) with the commercial passenger airline carrier from whom the airline payment amount was received.

- (b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is gross income under subsection (a).
- (c) Definitions and Special Rules.—For purposes of this section—
  - (1) AIRLINE PAYMENT AMOUNT.—
- (A) In GENERAL.—The term "airline payment amount" means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—
- (i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and
- (ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.
- The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) of the Internal Revenue Code of 1986 and 3402(a) of such Code.
- (B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.
- (2) QUALIFIED AIRLINE EMPLOYEE.—The term "qualified airline employee" means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—
- (A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and
- (B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.
- (3) Traditional Ira.—The term "traditional IRA" means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.
- (4) ROTH IRA.—The term "Roth IRA" has the meaning given such term by section 408A(b) of such Code
- (d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.
- (e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

# SEC. 1107. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

- (a) IN GENERAL.—The first sentence of section 4281 is amended by inserting "or when such aircraft is a jet aircraft" after "an established line".
- (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2012.

#### SEC. 1108. MODIFICATION OF CONTROL DEFINI-TION FOR PURPOSES OF SECTION 249.

- (a) IN GENERAL.—Section 249(a) is amended by striking ", or a corporation in control of, or controlled by," and inserting ", or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as"
- (b) Conforming Amendment.—Section 249(b) is amended-
- (1) by striking all that precedes "is the issue price" and inserting:
- '(b) ADJUSTED ISSUE PRICE.—For purposes of subsection (a), the adjusted issue price", and
- (2) by striking paragraph (2). (c) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

# TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010 SEC. 1201. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

And the Senate agree to the same. From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JOHN L. MICA, THOMAS E. PETRI, JOHN J. DUNCAN, Jr., SAM GRAVES, BILL SHUSTER, JEAN SCHMIDT, CHIP CRAVAACK, NICK J. RAHALL II, PETER A. DEFAZIO, JERRY F. COSTELLO, LEONARD L. BOSWELL, RUSS CARNAHAN,

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X, and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL. STEVEN M. PALAZZO. EDDIE BERNICE JOHNSON.

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VIII and XI of the Senate amendment, and modifications committed to conference:

DAVE CAMP, PATRICK J. TIBERI, SANDER M. LEVIN, Managers on the Part of the House.

> JOHN D. ROCKEFELLER IV, BARBARA BOXER, BILL NELSON. MARIA CANTWELL. KAY BAILEY HUTCHISON. JOHNNY ISAKSON.

From the Committee on Finance: MAX BAHCHS.

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the dis-

agreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658), to amend title 49. United States Code. to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system. and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The committee of conference met on January 31, 2012 (the Senate chairing), and resolved their differences. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

#### TITLE

House Bill

"FAA Reauthorization and Reform Act of 2011".

Senate Bill

"FAA Air Transportation, Modernization, and Safety Improvement Act".

Conference Substitute

"FAA Modernization and Reform Act of 2012"

AMENDMENTS TO TITLE 49, UNITED STATES CODE

# TERM

House Bill

2011 through 2014.

Senate Bill

2010 through 2011.

Conference Substitute

2012 through 2015.

# TITLE I—AUTHORIZATIONS

AUTHORIZATION LEVELS (\$ IN BILLIONS)

H101(a),102,103/S101,102,103,104

House bill

Section 101(a) authorizes the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP) account at: \$3.176 billion for Fiscal Year (FY) 2011; \$3 billion for FY 2012; and \$3 billion for FY 2013; and \$3 billion for FY 2014. It prohibits the use of AIP funds for carrying out the Airport Cooperative Research Program or the Airports Technology Research Program and extends the obligational authority to September 30, 2014. It makes funds obligated in subsection (a) available until they are spent.

Section 102 authorizes the FAA's Facilities and Equipment (F&E) account at: \$2.7 billion for FY 2011 and \$2.6 billion for FYs 2012 through FY 2014. It removes references to the following accounts: enhanced safety and security for aircraft operations in the Gulf of Mexico; operational benefits of wake vortex advisory system; ground based precision navigational aids; ground based precision navigation; standby power efficiency program; and a pilot program to provide incentives for development of new technologies.

Section 103 authorizes the FAA's Operations account at: \$9.403 billion for FY 2011 and \$9.168 billion for FYs 2012 through FY 2014. It authorizes expenditures necessary for: the Air Traffic Control Collegiate Training Initiative; completion of Alaska aviation safety project regarding 3-D mapping of main aviation corridors; and carrying out the Aviation Safety Reporting System. The FAA's expenditure authority is also extended through 2014. The Secretary of Transportation is permitted to transfer funds from non-safety related programs if appropriated funds are insufficient to meet salary, operations, and maintenance expenses.

Senate hill

Section 101 authorizes the FAA's Operations account at \$9.336 billion in FY 2010 and \$9.62 billion in FY 2011.

Section 102 authorizes the FAA's Facilities and Equipment account at \$3.5 billion in FY 2010, of which \$500 million would be derived from the newly-created Air Traffic System Modernization Account (ATSMA); and \$3.6 billion in FY 2011, of which \$500 million would be derived from the new account established by this section.

Section 103 authorizes the FAA's Research, Engineering and Development (R,E,&D) account at \$200 million in FY 2010 and \$206 million in FY 2011. It replaces current statutory language in-§48102(a) (which has a breakdown of how the money should be allotted) with the authorization levels only and strikes several paragraphs for the R,E,&D account. It requires the FAA to establish a grant program to promote aviation research at undergraduate and technical colleges, including schools serving Historically Black Colleges and Universities (HBCU) students, Hispanic, Native Alaskan and Hawaiian pop-

Section 104 authorizes the FAA's AIP account at \$4.0 billion for FY 2010 and \$4.1 billion in FY 2011.

Conference Substitute

The conference committee agreed to the following funding levels:

Section 101 authorizes the FAA's Airport Improvement Program (AIP) account at \$3.35 billion for FY 2012 through FY 2015.

Section 102 authorizes the FAA's Facilities and Equipment (F&E) account at: \$2.731 billion for FY 2012, \$2.715 for FY 2013, \$2.730 billion for FY 2014 and FY 2015.

Section 103 authorizes the FAA's Operations account at: \$9.653 billion for FY 2012, \$9.539 billion for FY 2013, \$9.596 billion for FY 2014, and \$9.653 billion for FY 2015.

Section 901 authorizes the FAA's Research Engineering and Development (R,E,&D) account at \$168 million annually for FY 2012 through 2015.

FUNDING OF AVIATION PROGRAMS

H104/S105

House bill

Section 104 modifies the formula that determines the amount made available from the Airport and Airways Trust Fund (Trust Fund) each year to fund the FAA. The section requires the Trust Fund support for aviation programs in FY 2011 be equal to 90 percent of the estimated Trust Fund revenue (taxes plus interest). In FY 2012, FY 2013 and FY 2014, the Trust Fund appropriation should equal the sum of 90 percent of the estimated Trust Fund revenue, plus the difference between actual revenue and the Trust Fund appropriation in the second preceding fiscal year. It extends the authorization of appropriations for the general fund to 2014 and makes technical corrections by striking "level" and inserting "estimated level" and by striking "level of receipts plus

interest" and replacing it with "estimated level of receipts plus interest." Lastly, it amends enforcement of guarantees by inserting 2014 in place of 2007.

Senate bill

Section 105 extends the budgetary treatment for the FAA's accounts through FY

Conference Substitute

House bill modified by moving the dates in the bill forward by one year.

DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEMS

H105/S106 House bill

Section 105 requires the list of capital projects that are part of the Next Generation Air Transportation System (NextGen) system be included in the Airway Capital Investment Plan.

Senate bill

Section 106 is a similar provision.

Conference Substitute

House bill.

FUNDING FOR ADMINISTRATION EXPENSES FOR AIRPORT IMPROVEMENT PROGRAM

H106/S107(a)(b)

House hill

Section 106 authorizes funds for the Airport Improvement Program (AIP) administrative expenses (i.e., AIP approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, and airport-related environmental activities).

Senate bill

Section 107(a)(b) authorizes the administrative expenses for the FAA's airports program through FY 2011.

Conference Substitute

No provision.

PASSENGER FACILITY CHARGES

H111/S201(b)

House bill

Section 111 defines Passenger Facility Charge (PFC), makes permanent a pilot program that allows the collection of PFCs at non-hub airports, and makes a technical correction changing references of PFCs from "fees" to "charges."

Senate bill

Section 201(b) makes a technical correction changing references of PFC from "fees' to "charges"

Conference Substitute

House bill.

AIRPORT ACCESS FLEXIBILITY PROGRAM

H112/S201(a)

House bill

Section 112 establishes a pilot program, at no more than five airports, for off-airport intermodal ground access projects related to movement of airport passengers/property, subject to certain conditions.

Senate bill

Section 201(a) streamlines the administrative requirements associated with PFCs, while retaining audit controls and FAA project and expenditure oversight. It provides requirements on any airport authority wishing to increase its PFC, or wishing to impose a PFC to finance an intermodal ground facility.

Conference Substitute

No provision.

GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PECS

H114(a),113/S202

House bill

Section 114(a) defines "qualifications-based selection" (QBS) as a competitive procurement process under which firms compete for capital improvement projects on the basis of qualifications, past experience, and specific expertise.

Section 113 instructs the U.S. Government Accountability Office (GAO) to conduct a study of alternative means of PFC collection to allow such charges be collected without being included in the ticket price.

Section 202 requires a pilot program for direct collection of PFCs via the internet or other means, except through air carriers, under which there would be no cap on the PFC. The GAO is directed to conduct a study of potential alternative means of PFC collec-

Conference Substitute

House bill modified by dropping definition of QBS.

QUALIFICATIONS-BASED SELECTION

H114(b)/S-

House hill

Section 114(b) expresses the sense of Congress that airports should consider the use of qualifications-based selection in carrying out capital improvement projects using PFCs collected with the goal of serving the needs of all stakeholders.

Senate bill

No similar provision.

Conference Substitute

House bill.

REFORM AND STREAMLINING OF PFC AUTHORITY AND COLLECTION

H-/S201(a)

House bill

No similar provision.

Senate bill

Section 201(a) eliminates the existing statutory requirement that PFC funding may only be used for airport capital projects that preserve or enhance airport capacity, safety, or security, or reduce noise. It expedites the PFC application process by directing collection to begin upon filing of annual reports containing required information and after consultation with carriers and public notice requirements instead of waiting for FAA approval of each PFC application. This section establishes a process for filing objections to a PFC project, and allows the Secretary of Transportation to investigate excessive PFC collections or for revenue not being used per law. It provides exceptions to new processes used for intermodal ground access projects and for an increase in PFC, both of which require prior FAA approval before collection.

Conference Substitute

House bill.

TECHNICAL AMENDMENTS AND PFC PILOT PROGRAM AT NON-HUB AIRPORTS

H111(b)/S201(a)

House bill

Section 111(b) makes the pilot program for collecting PFCs at non-hub airports permanent.

Senate bill

Section 201(a) is a similar provision with minor technical differences.

Conference Substitute

House bill.

PFC ELIGIBILITY FOR BICYCLE STORAGE FACILITIES

H-/S207(b)

House bill.

No provision.

Senate bill

Section 207(b) prohibits PFCs from being used to construct bicycle storage facilities. Conference Substitute

House bill.

UPDATE ON OVERFLIGHTS

H121/S706

House bill

Section 121 requires the FAA to guarantee existing overflight fees are reasonably related to agency costs for providing air traffic services, and requires the FAA to adjust the fees and begin collection of the appropriate amount. The FAA is authorized to periodically modify the fee based on the cost of providing such service.

Senate bill 7

Section 706 is similar to the House provision, but it directs the FAA to establish an Aviation Rulemaking Committee (ARC) to review overflight fees which the FAA must consult with before making any adjustments to the fees or collection is made.

Conference Substitute

House bill modified by removing language creating a special rule for FYs 2011 through 2015 which specified that "in each of fiscal years 2011 through 2015, section 45303(c) shall not apply to any increase in fees collected pursuant to a final rule described in paragraph (4)" and by removing language to issue a final rule with respect to the NPRM published in the Federal Register on September 28. 2010

# REGISTRATION FEES

H122/S-

House bill

Section 122 requires the FAA to establish fees for registration, certification and related services. It specifies amounts for such fees in the provision for eleven services, and requires the FAA to periodically adjust the fees when cost data reveal that the cost of providing the service changes. Lastly, it specifies that fees should be treated as offsetting collections subject to appropriations. Senate bill

No similar provision.

Conference Substitute

House bill, but with no amounts specified for the fees.

AIRPORT MASTER PLANS

H131/S-

House bill

Section 131 requires that airport master plans and systems include in their goals a requirement to consider passenger convenience, airport ground access, and access to airport facilities.

Senate bill

No similar provision.

Conference Substitute

House bill.

AEROTROPOLIS TRANSPORTATION SYSTEMS H132/S3-

House bill

Section 132 directs the Secretary of Transportation to encourage development of aerotropolis transportation systems, which are planned and coordinated multimodal freight and passenger transportation networks that provide efficient, cost-effective,

sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport, as determined by the Secretary.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

AIRPORT IMPROVEMENT PROGRAM (AIP) DEFINITIONS

H133/S208(j),215,714(a)

House bill

Section 133(a)(1) broadens eligibility for AIP spending to include firefighting and revenue equipment at an airport that serves scheduled passenger operations of air carrier aircraft designed for more than nine passengers instead of the current limit of 20.

Section 133(a)(2) allows AIP funds to be used for glycol recovery vehicles.

Section 133(a)(3) permits AIP funds to be used for mobile refueler parking within a fuel farm at a non-primary airport, if required by an Environmental Protection Agency (EPA) rule, terminal development costs, air conditioning/heating/electricity from terminal facilities, and equipment for parked aircraft to reduce energy consump-

Section 133(b) amends the definition of airport planning to include an environmental management system and recycling.

Section 133(c) defines "general aviation

Section 133(d) defines "revenue producing aeronautical support facilities," which allows non-primary airports to use their entitlements to build or rehabilitate new facilities that can help generate revenue.

Section 133(e) redefines "terminal development" to include development of an airport passenger terminal building, including gates and access roads and walkways.

Senate bill

Section 208(j) is the same provision as House section 133(a)(3).

Section 215 is the same provision as House section 133(a)(2).

No similar provision.

No similar provision.

Section 714(a) is the same provision as House section 133(b).

No similar provision.

No similar provision.

Conference Substitute

House bill.

RECYCLING PLANS FOR AIRPORTS

H134/S714(b)

House bill

Section 134 requires airport master plans to: address the feasibility of solid waste recycling at an airport, minimizing the generation of waste, operation and maintenance requirements, the review of waste management contracts, and the potential for cost savings or the generation of revenue.

Senate hill

Section 714(b) is a similar provision, but includes additional requirements for master

Conference Substitute

House bill.

CONTENTS OF COMPETITION PLANS

H135/S-

House bill

Section 135 removes requirements for "patterns of air services" and "airfare levels (as compiled by DOT) compared to other large airports" from the requirements of a competition plan for PFC charges.

Senate bill

No similar provision. Conference Substitute

House bill.

GRANT ASSURANCES

H136/S203

House bill

Section 136(a),(b) permits the Secretary of Transportation to allow grants to be used for relocating or replacing existing airport facilities.

Section 136(b)(1) revises requirements on acquiring lands to permit an airport to keep any funds obtained from the sale of lands acquired for noise compatibility purposes and reinvest those funds in the airport or transfer those funds to another airport consistent with the statute. It removes a requirement to return the proportion equal to the government share in acquiring the land to the Sec-

Section 136(b)(2) sets the priorities which apply to the Secretary's decision to approve reinvestment or transfer of proceeds from the sale of land acquired for noise compatibility. Priorities are: 1) reinvestments in an approved noise compatibility project; 2) reinvestment in an approved project that is eligible for funding; 3) reinvestment in an approved airport development project that is eligible for funding under §47114, 47115, or 47117; 4) transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project; and 5) deposit into the Airport and Airway Trust Fund.

Section 136(c) makes a technical correction to 47107(e)(2)(iii) by deleting "the Fund" and inserting "the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986."

Section 136(d) makes the Competition Disclosure Requirement pilot program permanent. No similar provision.

Senate hill

Section 203 is a similar provision.

Section 203 is similar, but allows airports that receive improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Section 203 adds that a lease by an airport owner or operator of land acquired for a noise compatibility purpose using an improvement grant will not be considered a disposal, and allows revenues from the lease to be used for ongoing airport operational and capital purposes.

No similar provision. No similar provision.

Section 203 adds the phrase "serving as noise buffer land" to clarify that such land is one of the land acquisitions subject to disposal at the earliest practicable time after it is no longer needed for the intended noise compatibility purpose.

Conference Substitute

House bill with the language from the Senate bill section 203 related to "serving as noise buffer land" added.

AGREEMENTS GRANTING THROUGH-THE-FENCE ACCESS TO GENERAL AVIATION AIRPORTS

H137/S-House bill

Section 137 requires that the sponsor of a general aviation airport will not be in violation of a grant assurance as a condition for the receipt of federal funds solely because the sponsor entered into an agreement to allow a person, who owns residential real property adjacent to the airport, access to the airfield of the airport.

No similar provision.

Conference Substitute

House bill modified to include language in the agreement between an airport sponsor and a property owner prohibiting any aircraft refueling from occurring on that property, and includes a definition of "general aviation airport".

GOVERNMENT SHARE OF PROJECT COSTS

H138/S204,207

House bill

Section 138 adds a special rule for transition from small hub to medium hub which limits the government share of funding to 90 percent for the first two years following the change in status. The government share is set at 95 percent for a project at an airport that is receiving subsidized air service and is located in an area that meets one or more of the criteria for economically depressed communities established by the Secretary of Commerce.

Senate bill

Section 204(a) establishes a special rule to allow for small hub airports that have increased operations and therefore are being reclassified as medium hub airports to retain their eligibility for two years at up to a 95 percent government share of projects costs.

Section 204(b) extends the project cost for transitioning Airport Improvement Project (AIP) projects through FY 2011.

Section 207 sets the government share at 95 percent for certain projects at small airports if it is funded by a grant issued to, and administered, by a State under the State block grant program or for any project at an airport other than a primary airport having at least 0.25 percent of the total number of passenger boardings at all commercial service airports.

 $Conference\ Substitute$ 

House bill.

ALLOWABLE PROJECT COSTS

H139/S214,205

House bill

Section 139(a) amends allowable AIP project costs to include costs for airport development incurred prior to the execution of the grant agreement if: 1) the cost is incurred in the same fiscal year as the execution of the grant agreement; 2) the cost was incurred before execution due to a short construction season in the vicinity of the airport; 3) the cost is in accordance with the approved airport layout plan; 4) the sponsor notifies the Secretary of Transportation before commencing work; 5) the sponsor has an alternative funding source available to fund the project; and/or 6) the sponsor's decision to proceed with the work does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds

Section 139(b) amends allowable AIP project costs to include costs incurred to improve the efficiency of an airport building (i.e., a measure designed to meet one or more of the criteria for being considered a highperformance green building as set forth under the Energy Independence and Security Act of 2007), and: 1) the measure is for a project for airport development; 2) the measure is for an airport building that is otherwise eligible for construction assistance; and/or 3) if the measure results in an increase in initial project costs, the increase is justified by expected savings over the life cycle of the project.

Section 139(c) provides the Secretary discretion in determining that the costs of relocating or replacing and airport-owned facility are allowable, to those instances in which: 1) the Government's share will be paid with funds apportioned to the airport sponsor; 2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and 3) the Secretary determines the change is beyond the control of the sponsor.

Section 139(d) clarifies that the Secretary may determine that the cost of constructing revenue-producing aeronautical support facilities at non-primary airports is allowable.

No similar provision.

Senate bill

Section 214 is a similar provision to House section 142(a), but requires the Secretary to consider the short construction season in some areas when selecting projects for AIP discretionary funding.

No similar provision.

Section 205 is a similar provision to House section 139(c).

No similar provision.

Section 205 includes a requirement for the Administrator to analyze the conclusions of ongoing studies with commercially available bird radar systems within 180 days of enactment and, if it is determined that the systems have no negative impact on existing navigational aids and that the expenditure is appropriate, shall allow purchase of bird-detecting radar systems as an allowable airport development project cost. If the Administrator concludes that such radar systems will not improve or will negatively impact airport safety, the Administrator shall issue a report explaining that determination.

Conference Substitute

House bill with the inclusion of Senate language on bird radar systems and short construction season.

VETERANS' PREFERENCE

H140/S208(b)

House bill

Section 140 amends the definition of "Vietnam-era veteran" and adds veterans from the Afghanistan/Iraq conflict and Persian Gulf War to the definition of those veterans eligible for employment preference on Airport Improvement Program (AIP) projects. It adds a provision requiring that a contract involving labor for carrying out an airport development project under a grant agreement include a preference for the use of small business concerns owned and controlled by disabled veterans.

Senate bill

Section 208(b) is a similar provision.

 $Conference\ Substitute$ 

House bill.

 $\begin{array}{c} \text{MINORITY AND DISADVANTAGED BUSINESS} \\ \text{PARTICIPATION} \end{array}$ 

H141,822/S715,703

House bill

Section 141 requires the Secretary to establish, within a year of enactment, a mandatory training program for certain airport agents or officials on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under the Disadvantaged Business Enterprise (DBE) Program.

Section 822 requires the Inspector General of the Department of Transportation (DOT IG) to report on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, including those owned by veterans, that participated in the programs and activities funded using the amounts made available under this Act.

No similar provision.

No similar provision.

Senate bill

Section 715(c) is a similar provision to House section 141.

Section 703 authorizes the appointment of three staff to implement the training program.

Section 715(a), (b), (d), (e), (f) adjusts the personal net worth cap for individuals participating in the DBE program.

Section 715(g) directs the Secretary to create a program to eliminate barriers to small business participation in contract and issue a final rule within one year of enactment.

 $Conference\ Substitute$ 

The conference committee agreed to a modified and merged version of House and Senate bills, including findings of the Senate bill, with clarifications, recounting evidence of discrimination and concluding that a compelling need exists for continuation of the airport disadvantaged business enterprise (DBE) program and the airport concessions DBE program.

SPECIAL APPORTIONMENT RULES

H142/S208(i), (h)

House bill

Section 142(a) gives the Secretary of Transportation authority to apportion to an airport sponsor in a fiscal year an amount equal to the minimum apportionment available to the airport sponsor in the previous fiscal year, if the airport received scheduled or unscheduled air service from a large certificated carrier in the calendar year used to calculate the apportionment, and the airport had more than 10,000 passenger boardings in the calendar year used to calculate the apportionment.

Section 142(b) continues a special apportionment for airports that remain affected by the decrease in passengers following the terrorist attacks of September 11, 2001, through 2012.

No similar provision.

Senate bill

Section 208(i) is a similar provision to House section 142(a) and (b).

Section 208(h) amends the special apportionment categories by change the special apportionment from "thirty five percent" to a fixed amount of "\$300 million" annually for grants for various airport noise, compatible land use, and Clean Air Act compliance projects. It adds certain water quality mitigation projects to those on which such funds may be expended.

Conference Substitute

House Bill, section 142 with modified dates changed from "2011 and 2012" to "2012 and 2013", and Senate section 208(h) modified with the substitution of "35 percent, but not more than \$300 million".

UNITED STATES TERRITORIES MINIMUM GUARANTEE

H143/S-

House bill

Section 143 directs the Secretary of Transportation to apportion AIP amounts for airports in Puerto Rico, does not prohibit the Secretary from making project grants for airports in Puerto Rico from discretionary funds.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include language that addresses Puerto Rico and other U.S. territories.

APPORTIONMENT

H144/S-

House bill

Section 144 resets the apportionment trigger from \$3.2 billion to \$3 billion.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

REDUCING APPORTIONMENTS

H145/S—

House hill

Section 145 addresses inequitable application of apportionment fees charged to passengers in the state of Hawaii.

Senate bill

No similar provision.

Conference Substitute

House bill.

MARSHALL ISLANDS, MICRONESIA, AND PALAU H146/S704(a)

House bill

Section 146 makes the Marshall Islands, Micronesia and Palau eligible for AIP discretionary grants and funding from the Small Airport Fund.

Senate bill

Section 704(a) is a similar provision.

Conference Substitute

House bill.

DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS

H147/S220, 212

House bill

Current law allows the Secretary of Transportation to designate current or former military airports eligible for grants under the Military Airport Program (MAP). Section 147(a) adds to the items that must be considered to approve a grant the requirement that it preserves or enhances minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights in locations in U.S. jurisdiction or control, and where there is a lack of airports within the distance required by regulations.

Section 147(b) allows up to three general aviation airports to participate in the FAA's Military Airport Program.

Section 147(c) makes current or former military airports eligible to be considered for AIP funding if that airport is found to be critical to the safety of trans-oceanic air traffic.

 $Senate\ bill$ 

No similar provision.

Section 220 is a similar provision to House section 147(b) and, however it allows a total of three general aviation airports to participate in the Military Airport Program.

Section 212 is a similar provision to House section 147(c).

 $Conference\ Substitute$ 

House bill modified.

CONTRACT TOWER PROGRAM

H148/S432

 $House\ bill$ 

Section 148(a) directs the Secretary of Transportation to extend the low activity (Visual Flight Rules) level I air traffic control tower (ATC) contract program to other low-activity towers meeting the requirements set forth by the Secretary of Transportation where the airport operator has requested to participate in the program.

Section 148(a) also adds a special rule which alleviates the responsibility of the airport sponsor or State or local government to paying the portion of the costs that exceed the benefits for a period of 18 months after the Secretary determines that a level I tower operating under this program has a benefit to cost ratio of less than 1.0.

Section 148(b) caps the maximum allowable cost share for an airport with fewer than 50,000 annual passenger enplanements at 20 percent of the cost of operating an ATC tower under the contract tower program, and sunsets this requirement on September 30,

Section 148(b) also permits the Secretary to use excess funds from the contract tower program intended for level I towers to fund activities for non-approach contract towers.

Section 148(c) increases the maximum amount of funds that can be expended in carrying out the Contract Tower Program for non-approach contract towers at not more than \$8.5 million for each of FYs 2011 through 2014.

Section 148(d) increases the limitation on the amount of the federal share of the cost of construction of a non-approach control tower from \$1.5 million to \$2 million.

Section 148(e) requires the establishment of uniform safety standards and requirements for safety assessments of ATC towers that receive funding.

Senate bill

Section 432(b) is the same provision as House section 148(b) but caps the maximum allowable local share at 20 percent.

Section 432(a) is the same provision as House section 148(a).

Section 432(c) is a similar provision to House section 148(c), but it specifies that not more than \$9.5 million in FY 2010 and not more than \$10 million in FY 2011 can be used.

Section 432(d) is the same provision as House section 148(d)

Section 432(e) is the same provision as House section 148(e).

Conference Substitute

House bill modified by adjusting the authorization levels, and by deleting: (1) language capping the local cost share at 20 percent: and (2) provisions requiring the Secretary of Transportation to expand the Contract Tower Program. Under the agreement (in the modified section), the Secretary retains the authority to expand the program.

RESOLUTION OF DISPUTES CONCERNING AIRPORT

H149/S431

House bill

Section 149 updates current law that addresses the resolution of disputes concerning airport fees by the Secretary of Transportation to include foreign air carriers in payment by airports under protest.

Senate bill

Section 431 is the same provision.

Conference Substitute

House bill.

SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR H150/S206

House bill

Section 150(a) exempts funds from the sale of an airport to a public sponsor from use restrictions. This exemption applies where the Secretary of Transportation approves the

sale, federal grants are provided for any portion of the public sponsor's acquisition of the airport, and certain amounts of remaining airport improvement grants are repaid to the Secretary.

Section 150(a) also specifies that recovery of grant funds are treated as recovery of prior year obligations

Section  $150(\bar{b})$  specifies that this section is applicable to grants issued on or after October 1, 1996.

Senate bill

Section 206 is a similar provision to House section 150(a), but it specifies that proceeds are repaid to the Airport and Airway Trust Fund for airport acquisitions.

No similar provision.

Section 206 is an identical provision to House section 150(b).

Conference Substitute

House bill.

REPEAL OF CERTAIN LIMITATIONS ON METRO-POLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

H151/S718

House bill

Section 151 repeals the limitations on Metropolitan Washington Aviation Authority to apply for Airport Improvement Program grants and collect Passenger Facility Charges.

Senate bill

Section 718 is a similar provision.

Conference Substitute

House bill.

MIDWAY ISLAND AIRPORT

H152/S704(b)

Section 152 provides a four-year extension for the Secretary of Transportation to enter into a reimbursable agreement with the Secretary of the Interior to provide AIP discretionary funds for airport development projects at Midway Island Airport through FY 2014.

Senate bill

Section 704(b) is a similar provision, but the extension would expire at the end of the term of the Senate bill in FY 2011.

Conference Substitute

House bill.

MISCELLANEOUS AMENDMENTS

H153/S208(a) (c) (e) (f) (g)

House bill

Section 153(a) makes a technical change to requirements for the National Plan of Integrated Airport Systems (NPIAS), which comprises all commercial service airports, all reliever airports, and selected general aviation airports

Section 153(b) permits the Secretary of Transportation to approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport if the sponsor certifies that the airport: (1) has all the safety equipment required and security equipment required by regulation; (2) provides access for passengers to the area of the airport boarding or exiting aircraft that are not air carrier aircraft; (3) costs are directly related to moving passengers and baggage in air commerce within the airport; and (4) meets the terms necessary to protect the interest of the govern-

Section 153(b) directs the Secretary to approve as allowable costs of terminal development (including multimodal terminal development) in a revenue-producing area and construction, reconstruction, repair and improvement in a non-revenue producing parking lot under certain circumstances.

Section 153(b) prohibits the Secretary from distributing more than \$20 million from discretionary funds for terminal development projects at a non-hub airport or a small hub airport that is eligible to receive discretionary funds.

Section 153(c) makes technical changes to the annual reporting requirements by moving the due date to June 1 of each year. Also, it removes the first four report requirements and replaces them with: (1) a summary of airport development and planning completed; (2) a summary of individual grants issued; (3) an accounting of discretionary and apportioned funds allocated; and (4) the allocation of appropriations.

Section 153(d) makes a technical correction to the emission credits provision.

Section 153(e) makes a technical correction to section §46301(d)(2).

Section 153(f) makes a conforming amendment to §40117(a)(3)(B) and 47108(e)(3).

Section 153(g) makes a technical correction to the surplus property authority sec-

Section 153(h) updates the definition of "Congested Airport" to include the FAA's Airport Capacity Benchmark Report of 2004 "or table 1 of the Federal Aviation Administration's most recent airport capability benchmark report, as well as the definition of "Joint Use Airport".

Senate hill

Section 208(a) is the same as House section 153(a).

No similar provision.

No similar provision.

No similar provision.

Section 208(c) is the same as House section 153(c).

Section 208(e) is the same as House section 153(d).

No similar provision.

Section 208(f) is a similar to House section 153(g).

Section 208(g) is a similar to House section 153(h), but changes definition for "Joint Use Airport".

Conference Substitute

House bill.

EXTENSION OF GRANT AUTHORITY FOR COMPAT-IBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS

H154/S-

House bill

Section 154 extends the grant authority for compatible land use planning and projects by State and local governments until September 30, 2014.

Senate bill

No similar provision.

Conference Substitute

House bill.

PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES

H155/S724

House bill

Section 155 instructs the Administrator to schedule reviews of construction projects that are prevented by weather from being carried out before May 1 of each year, or as early as possible.

Senate bill

Section 724 directs the Administrator to review, as early as possible, proposed airport projects in those states where, during a typical calendar year, construction could not begin until May 1.

Conference Substitute

House bill.

STUDY ON NATIONAL PLAN OF INTEGRATED
AIRPORT SYSTEMS (NPIAS)

H156/S-

House bill

Section 156 requires the Secretary of Transportation to study and evaluate the formulation of the National Plan of Integrated Airport Systems (NPIAS) and report to Congress on the findings and recommended changes for formulating NPIAS and methods to determining the amounts apportioned to airports. The study is to address the following: 1) criteria used for including airports in the plan; 2) changes in airport capital needs as shown in the 2005-2009 and 2007-2011 plans, compared with the amounts apportioned or otherwise made available to individual airports between 2005 and 2010; 3) a comparison of the amounts received by airports under the AIP in airport apportionments, State apportionments, and discretionary grants during fiscal years with capital needs as reported in the plan; 4) the effect of transfers of airport apportionments under title 49 United States Code (U.S.C.); 5) an analysis on the feasibility and advisability of apportioning amounts under 47114(c)(1) to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for FY 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; 6) a documentation and review of the methods used by airports to reach the 10,000 passenger enplanement threshold; and 7) any other matters pertaining to the plan that the Secretary determines appropriate.

Senate bill

No similar provision.

Conference Substitute

House bill.

TRANSFERS OF TERMINAL AREA AIR NAVIGATION EQUIPMENT TO AIRPORT SPONSORS

H157/S-

House bill

Section 157 establishes a pilot program to allow the Administrator to transfer terminal area air navigation equipment to airport sponsors at a specified number of airports. The airport sponsors must assure the Administrator that the sponsors will operate and maintain the equipment, permit inspections by the Administrator, and will replace equipment as needed. This transfer will include all rights, title and interests of the U.S. to the sponsor at no cost to the sponsor.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

AIRPORT PRIVATIZATION PROGRAM

H158/S—

House bill

Section 158(a) amends current law relating to specific provisions for issuance of exemptions in connection with a transfer of airport operation to a private owner. This section authorizes the Secretary of Transportation to expand the number of airports from five to ten airports. The Secretary is authorized to exempt the selling airport sponsor from

the revenue diversion prohibition after the Secretary has consulted the air carrier serving the primary airport, and in the case of non-primary airport, with at least 65 percent of owners of aircraft based at that airport (thereby eliminating the existing requirement that the selling airport sponsor obtain the approval of at least 65 percent of the air carriers serving the airport before the revenue diversion prohibition can be waived.)

Section 158(b) removes the requirement that the Secretary must ensure that the airport fee imposed on air carriers will not increase more than inflation; the percent increase on fees to general aviation will not exceed the percentage of fees imposed on air carriers; and collective bargaining agreements will not be abrogated by sale or lease. It prohibits an airport from imposing a fee on a domestic or foreign air carrier for a return on investment or recovery of principal with respect to consideration paid to public agency for the lease unless the air carriers approve.

Senate bill

No similar provision.

Conference Substitute

House bill modified by dropping all language except language on expansion of the airport privatization program from five to ten airports.

AIRPORT SECURITY PROGRAM

H--/S208(d)

House bill

No similar provision.

Senate bill

Section 208(d) sunsets the Airport Security Program.

Conference Substitute

House bill.

MINIMUM GUARANTEE

H—/S217

House bill

No similar provision.

Senate bill

Section 217 amends the Alaska minimum guarantee to permit the Secretary of Transportation to apportion to the local authority of a U.S. Territory the difference between the amount apportioned to the territory and 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d) of 47144.

 $Conference\ Substitute$ 

Senate bill provision incorporated in the section entitled "United States territories minimum guarantee".

RESEARCH IMPROVEMENT FOR AIRCRAFT H—/S216

House bill

No similar provision.

Senate bill

Section 216 expands the type of research that the Administrator may conduct or supervise to include research to support programs designed to reduce gases and particulates emitted by aircraft.

 $Conference\ Substitute$ 

House bill.

MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA H—/S218

House bill

No similar provision.

Senate bill

Section 218 modifies current federal restrictions at Merrill Field Airport in Anchor-

age, Alaska to facilitate airport and federal highway development.

Conference Substitute

Senate bill dropped due to the inclusion of language addressing this provision in the section entitled "Release from Restrictions".

INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS

H - /S222

House bill

No similar provision.

Senate bill

Section 222 specifies that AIP funds can be used for updating buildings to meet high-performance green building standards.

Conference Substitute

House bill.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

DEFINITIONS

H201/S327

House bill

Section 201 defines the terms: "NextGen," "Automatic Dependent Surveillance Broadcast (ADS-B)", "ADS-B In", "ADS-B Out," "Area Navigation (RNAV)", and "Required Navigation Performance (RNP)."

Senate bill

Section 327 sets out definitions for "Administration", "Administrator", "NextGen," and the "Secretary".

Conference Substitute

House bill.

NEXTGEN DEMONSTRATIONS AND CONCEPTS

H202/S—

House bill

Section 202 directs the Secretary of Transportation when allocating funds to give priority to NextGen-specific programs.

Senate bill

No similar provision.

Conference Substitute

House bill with minor modification.

CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS

H203/S304

House bill

Section 203 clarifies FAA's existing authority to perform work for other agencies with or without reimbursement.

Senate bill

Section 304 is a similar provision.

 $Conference\ Substitute$ 

House bill.

CHIEF NEXTGEN OFFICER

H204/S302,301

House bill

Section 204 establishes a new position within the FAA—the Chief NextGen Officer (CNO)—who would be responsible for the implementation of NextGen programs. The Chief NextGen Officer shall be answerable to the Administrator and appointed for a term of 5 years to serve at the pleasure of the Administrator. The section directs the CNO to coordinate NextGen implementation with the Office of Management and Budget and other federal agencies. It requires the CNO to prepare an annual NextGen implementation plan.

Senate bill

Section 302 is a similar provision, but with a technical difference and a requirement

that the CNO oversee the Joint Planning and Development Office's (JPDO) facilitation of cooperation among all federal agencies whose operations and interests are affected by NextGen implementation.

Section 301 replaces current Management Advisory Council and Air Traffic Services Committee with one governance body—the Air Traffic Control Modernization Oversight Board.

Conference Substitute

House bill.

DEFINITION OF AIR NAVIGATION FACILITY

H205/S310

House bill

Section 205 updates and broadens the definition of an air navigation facility to clarify that F&E funding may be used for many capital expenses directly related to the acquisition or improvement of buildings, equipment, and new systems related to the national airspace system and NextGen.

Senate bill

Section 310 is a similar provision.

 $Conference\ Substitute$ 

House bill.

CLARIFICATION TO ACQUISITION REFORM AUTHORITY

H206/S305

House bill

Section 206 repeals a provision with limits on "other than competitive procedures" that conflicts with the FAA's 1996 procurement reform.

Senate bill

Section 305 is a similar provision.

Conference Substitute

House bill.

ASSISTANCE TO FOREIGN AVIATION AUTHORITIES  $\rm H207/S306$ 

House bill

Section 207 clarifies the FAA's current authority to provide air traffic services abroad, whether or not the foreign entity is private or governmental, and that the FAA may participate in any competition to provide such services. It clarifies that the Administrator may allow foreign authorities to pay in arrears rather than in advance, and that any payment for such assistance may be credited to the current applicable appropriations account.

Senate bill

Section 306 is a similar provision.

Conference Substitute

House bill.

NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE

H208/S309(a)

House bill

Section 208(a) elevates the Director of the Joint Planning and Development Office (JPDO) to the level of Associate Administrator for NextGen, reporting directly to the Administrator. The responsibilities of the Director will include: 1) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of NextGen planning and development activities; 2) working to ensure global interoperability of NextGen; 3) working to ensure the use of weather information and space weather information in NextGen as soon as possible; 4) overseeing, with the Administrator and in consultation with the Chief NextGen Officer (CNO), the selection of products or outcomes of Research, Engineering and Development activities that should be moved to a demonstration phase; and 5) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy NextGen enterprise architecture requirements.

Section 208(a) directs the Associate Administrator for NextGen to also be a voting member on the Joint Resources Council.

Section 208(a) requires the JPDO to coordinate NextGen activities with OMB.

Section 208(a) requires the Department of Defense (DOD), Department of Homeland Security (DHS), Department of Commerce, and the National Aeronautics and Space Administration (NASA) to designate a senior official to work with the FAA on NextGen implementation.

Section 208(b) requires the JPDO to develop an Integrated Work Plan that will outline the activities required by partner agencies to achieve NextGen.

Section 208(c) directs FAA to annually publish a NextGen Implementation Plan.

Section 208(d) requires the head of JPDO to develop contingency plans for dealing with the degradation of the system in the event of a disaster or failure.

Senate bill

No similar provision.

No similar provision.

No similar provision.

Section 309(a) is a similar provision as House section 208(a), but creates a NextGen Implementation Office, which will be established by FAA, DOD, NASA, Commerce, DHS and other applicable agencies.

No similar provision.

No similar provision.

No similar provision.

 $Conference\ Substitute$ 

House bill.

NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE

H209/S309(b)

House bill

Section 209 requires each agency involved in implementing NextGen initiatives to participate in an Air Transportation Senior Policy Committee. This committee will meet biannually and will be responsible for producing an annual report summarizing the progress made in carrying out the NextGen integrated work plan. The Secretary of Transportation is directed to publish an annual report on the date of submission of the President's Budget, summarizing the progress made in carrying out the integrated work plan.

 $Senate\ bill$ 

Section 309(b) is a similar provision but with a requirement that the Senior Policy Committee meet once each quarter.

Conference Substitute

House bill.

IMPROVED MANAGEMENT OF PROPERTY INVENTORY

H210/S311

House bill

Section 210 clarifies FAA's current authority to purchase and sell property needed for airports and air navigation facilities, and includes the authority to retain funds associated with disposal of property.

Senate bill

Section 311 is a similar provision, but does not allow these funds to be used to offset costs of property disposal.

Conference Substitute

House bill.

AUTOMATIC DEPENDENT SURVEILLANCE BROADCAST SERVICES

H211/S315

House bill

Section 204 requires an annual audit by the DOT IG of the FAA's ADS-B program to assist Congress in creating FAA accountability for implementing the ADS-B program. It directs the Administrator to initiate a rulemaking proceeding within one year after the date of enactment to issue guidelines and regulations relating to ADS-B In technology. Requires the Chief NextGen Officer to verify that the necessary ground infrastructure is installed and functioning properly, certification standards have been approved, and appropriate operational platforms interface safely and efficiently before the date on which all aircraft are required to be equipped with ADS-B In technology. The Administrator is directed to develop, in consultation with employee and industry groups, plans for the use of ADS-B technology, including testing, controller training, and policy for early aircraft equipage.

Senate hill

Section 315 is a similar provision, but requires a defined budget and the identification of actual benefits to national airspace system (NAS) users including small and medium-sized airports and the general aviation community. It requires two rulemakings by the FAA: 1) to complete a rulemaking procedure within 45 days of enactment and mandate that all aircraft should be equipped with ADS-B Out technology by 2015; and 2) to initiate a rulemaking procedure on ADS-B In technology and require all aircraft to be equipped with ADS-B In by 2018. The FAA is required to create a plan for ADS-B technology use by air traffic control by 2015, including a test of ADS-B prior to 2015 within the plan. It sets conditional extensions of the deadline for equipping aircraft with ADS-B technology.

Conference Substitute

House bill modified to include an additional requirement in the DOT IG review to identify "any potential operational or workforce changes resulting from deployment of ADS-B".

ACCELERATION OF NEXTGEN TECHNOLOGIES  $\rm H213/S314,510$ 

House bill

Section 213(a) requires the Administrator to publish a report within six months (but after consultation with employee groups) that includes how FAA will develop: 1) Area Navigation and Required Navigation Performance (RNAV/RNP) procedures at 35 Operational Evolution Partnership (OEP) airports identified by FAA; 2) a description of requirements to implement them; 3) an implementation plan; 4) an assessment of the cost/benefit for using third parties to develop procedures; and 5) a process for creating future RNA/RNP procedures. (The FAA is directed to implement 30 percent of these procedures within 18 months, 60 percent within 36 months, and 100 percent by June 2015.

Section 213(b) establishes a charter with Performance Based Navigation ARC as necessary to establish priorities in navigation performance and area navigation procedures based on potential safety and efficiency benefits to the NAS, including small and medium hub airports. Section 213(c) states that performance and area navigation procedures under this section shall be presumed covered by categorical exclusion in Chapter 3 of FAA Order 1050.1E.

Section 213(d) directs the Administrator to submit a development plan in one year for nationwide data communications systems.

Section 213(e) instructs the Administrator to outline in the NextGen Implementation Plan what utilization of ADS-B, RNP and other technologies included as part of NextGen implementation will display position of aircraft more accurately, and the feasibility of reducing aircraft separation standards. Should it be deemed feasible to reduce aircraft separation standards, the Administrator shall produce a timetable for implementation of such standards.

Section 213(f) establishes a program in which the Administration will utilize third parties to develop air traffic procedures.

Senate bill

Section 314 directs the Administrator to publish a report within six months, after consultation with stakeholders, including the development of: 1) RNP/RNAV procedures at 137 airports; 2) a description of the activities required for their implementation; 3) an implementation plan that includes baseline and performance metrics; 4) assessment of the benefits/costs of using third parties to develop the procedures; and 5) a process for the creation of future RNP and RNAV procedures. The Administrator must implement 30 percent of the procedures within 18 months of enactment, 60 percent within 36 months of enactment, and 100 percent by 2014. The Administrator is directed to create a plan for the implementation of procedures at the remaining airports across the country. It would require 25 percent of the procedures at these airports to be implemented within 18 months after enactment, 50 percent within 30 months after enactment; 75 percent within 42 months after enactment, and 100 percent before 2016. The charter of the Performance Based Navigation ARC is extended and directs it to establish priorities for development of the RNP/RNAV procedures based on potential safety and congestion benefits. It would require that the process of the development of such procedures be subject to a previously established environmental review process. The FAA is directed to provide Congress with a deployment plan for the implementation of a nationwide data communications system to support NextGen air traffic control and a report evaluating the ability of NextGen technologies to facilitate improved performance standards for aircraft in the NAS.

# Conference Substitute

House bill modified to change language to separate OEP and non-OEP airports to establish separate timelines and milestones, to require the FAA to provide a categorical exclusion for RNP/RNAV procedures that would lead to a reduction in aircraft fuel consumption, emissions and noise on an average per flight basis, and to direct the Administrator to establish a program under which the Administrator is authorized to utilize the services of qualified third parties in the development, testing, and maintenance of flight procedures.

DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL APPROACH PROCEDURES BY THIRD PARTY

H-/S510(b)

House bill

No similar provision.

Senate bill

Section 510(b) directs the DOT IG review and report to Congress on FAA's oversight of third party development of flight procedures, the extent of new flight procedures developed by third parties, and whether FAA has the resources to develop these procedures without the use of third parties.

Conference Substitute

House bill.

PERFORMANCE METRICS

H214/S317

House bill

Section 214 requires the FAA, within 180 days after enactment, to establish and track NextGen related performance metrics within the national airspace system and to submit an annual report to Congress based on the results of the study.

Senate bill

Section 317 is a similar provision, but it has some different metrics including ones to demonstrate reduced fuel burn and emissions.

 $Conference\ Substitute$ 

House bill. The conference committee believes that performance metrics are the best way to evaluate the FAA's progress in implementing NextGen. With these metrics, Congress and the public will be able to determine the Administration's real progress in the delivery of NextGen benefits, which is the goal of the NextGen program.

CERTIFICATION STANDARDS AND RESOURCES

H215/S318

House bill

Section 215 requires the FAA to develop a plan to accelerate the certification of NextGen technologies.

Senate bill

Section 318 is a similar provision, but it prohibits the FAA from making any distinction between publicly and privately owned equipment when determining certification requirements.

Conference Substitute

House bill modified to include language prohibiting the FAA from making any distinction between publicly and privately owned equipment when determining certification requirements.

SURFACE SYSTEMS ACCELERATION

H216/S321

House bill

Section 216 directs the Chief Operation Officer of the Air Traffic Organization (ATO) to: 1) evaluate Airport Surface Detection Equipment-Model X (ASDE-X); 2) evaluate airport surveillance technologies; 3) accelerate implementation of ASDE-X; and 4) carry out additional duties as required by the Administrator. The Administrator is required to consider options for expediting the certification of Ground-Based Augmentation System (GBAS) technology, and develop plans to utilize such a system at the 35 OEP airports by September 30, 2012.

Senate bill

Section 321 is a similar provision, however it directs the FAA to consider expediting the certification of Ground Based Augmentation Systems (GBAS) technology and develop a plan to utilize it at the 35 OEP airports by September 30, 2012.

Conference Substitute

House bill.

INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS

H217/S322

House bill

Section 217 requires the Administrator to create a process for including union employees in the planning, development, and deployment of air traffic control projects. Within 180 days of enactment, the FAA must report to Congress on implementation of this provision.

Senate bill

Section 322 is a similar provision, but it provides travel and per diem expenses for the employees.

Conference Substitute

House bill modified, directing the Administrator to include qualified employees selected by each collective bargaining representative of employees affected by air traffic control modernization projects. Includes provision for employees to receive per diem reimbursement, if appropriate, however, the Administrator is prohibited from paying overtime expenses except in extraordinary circumstances. The provision also directs participants to adhere to deadlines and milestones to help keep NextGen on schedule.

AIRSPACE REDESIGN

H218/S—

House bill

Section 218 contains Findings of Congress that the FAA redesign efforts will play a critical role in enhancing capacity, reducing delays, and transitioning to more flexible routing. Additionally, the Findings state that funding cuts have led to delays and deferrals to critical capacity enhancing airspace redesign efforts, and several new runways planned for in FY 2011 and FY 2012 will not provide estimated capacity benefits without additional funds. It also requires the Administrator to work with the New York/ New Jersey Port Authority to monitor the noise impacts of the redesign and submit a report to Congress on those impacts in one vear

Senate bill

No similar provision.

Conference Substitute

House bill.

STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB BASED RESOURCE ON LOCATIONS OF POTENTIAL AVIATION OBSTRUCTIONS

H219/S-

House bill

Section 219 instructs the Administrator to carry out a study on the feasibility of developing publicly searchable web-based resources with information regarding height, latitudinal and longitudinal locations of guywire and free-standing tower obstructions.

Senate bill

No similar provision.  $\,$ 

 $Conference\ Substitute$ 

House bill.

NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE

H220/S-

House bill

Section 220 permits the Administrator to enter into an agreement on a competitive basis to assist the establishment of a Center of Excellence for the research and development of NextGen technologies.

 $Senate\ bill$ 

No similar provision.

 $Conference\ Substitute$ 

House bill.

PUBLIC-PRIVATE PARTNERSHIPS

H221/S-

House bill

Section 221 directs the Administrator to develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include language on NextGen public private partnership program. The language describes financial instruments which the Secretary may use to facilitate public-private financing. In addition, language establishing an avionics incentive program for facilitating the acquisition and installation of equipment that is deemed to be in the interest of achieving NextGen capabilities in commercial and general aviation aircraft. Language regarding limitation on principal is included with language regarding collateral, fees and premiums as well as use of funds.

Subject to the availability of funds, the Secretary, or his/her designee, may guarantee loans with deferred repayment schedprovided that in establishing the decisional criteria for the period of deferral, the Secretary or his designee shall consider the terms of the deferral established by other transportation loan guarantee programs and when equipment qualifying under subsection (A) of this section will be put to beneficial use in aircraft. The Secretary shall ensure that any such applications are reviewed under procedures similar to those established for the Railroad Rehabilitations and Improvement Financing program. The authority of the Secretary to issue credit assistance terminates 5 years after the date of establishment of the Incentive Program.

In reviewing and evaluating applications for loan guarantees, the Secretary or his/her designee shall reference similar provisions in Sections 821, 822, and 823 of the Railroad Rehabilitation and Improvement Financing program, 800 et seq. of Title 45, U.S.C. when considering the following: (a) the estimated cost to the federal government of providing the requested form and amount of assistance; (b) the estimated public and aviation system benefits to be derived from installing the required avionics in the most timely manner; (c) the amount of private sector funding that will be committed and the amount of private sector capital placed at risk; and (d) the likelihood of default by borrowers

FACILITATION OF NEXTGEN AIR TRAFFIC SERVICES

H---/S303

House bill

No similar provision.

Senate bill

Section 303 describes the factors that the FAA would consider in determining whether to accept the provision of air traffic services by non-governmental providers.

Conference Substitute

House bill.

OPERATIONAL INCENTIVES

 $H\!\!-\!\!/S316$ 

House bill

No similar provision.

Senate bill

Section 316 requires the FAA to issue a report to identify incentives to encourage the

equipping of aircraft with NextGen technologies—including a "best equipped, best served" approach.

Conference Substitute

Senate bill.

EDUCATIONAL REQUIREMENTS

 $H\!\!-\!\!/S312$ 

House bill

No similar provision.

Senate bill

Section 312 requires FAA to reimburse Department of Defense (DOD) for the cost of DOD-provided education of dependents of FAA employees stationed in Puerto Rico and Guam.

Conference Substitute

Senate bill.

STATE ADS—B EQUIPAGE BANK PILOT PROGRAM H—/S324

House bill

No similar provision.

Senate hill

Section 324 authorizes the Secretary of Transportation to enter into cooperative agreements with up to five states to establish ADS-B equipage banks for making loans and providing other assistance to public entities.

Conference Substitute

House bill.

REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY H—/S319

House bill

No similar provision.

Senate bill

Section 319 requires the FAA to report on:
1) a financing proposal to fund the development and implementation of NextGen technology; and 2) recommendations for operational benefits that could be provided to aircraft for early equipage with NextGen technologies.

Conference Substitute

House bill.

AIR TRAFFIC CONTROLLER STAFFING INITIATIVES AND ANALYSIS

H—/S325

House bill

No similar provision.

Senate bill

Section 325 directs the FAA to implement certain DOT IG recommendations with respect to the air traffic control tower at Los Angeles International Airport and the Southern California Terminal Radar Approach Control and Northern California Terminal Radar Approach Control facilities by, among other things, ensuring that classroom space, contract instructors, and simulators are sufficiently available to provide training to trainee air traffic controllers; evenly distributing new trainee controllers across the facilities over the calendar year; and commissioning an independent analysis, in consultation with the controllers' exclusive collective bargaining representative, of overtime scheduling practices.

Conference Substitute

Senate bill modified by removing language that would limit application of this section to only the facilities named above. In addition, directs the Administrator, as soon as practicable, to assess training programs at air traffic control facilities with below-average success rates and prioritize such efforts to address recommendations for the facili-

ties identified in Inspector General of the Department of Transportation Report Number AV-2009-047

SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT

H--/S326

House bill

No similar provision.

Senate bill

Section 326 requires the FAA to report to Congress on a strategy for accelerated implementation of the NextGen operational capabilities produced by the Greener Skies project. Follow-up reports are due 180 days after the first report is submitted and then every 180 days after that until September 30, 2011.

 $Conference\ Substitute$ 

Senate bill with modified language requiring the first report to be submitted six months after enactment, with follow up reports annually (instead of reports every 180 days) until the pilot program terminates.

FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE

H--/S328

House bill

No similar provision.

Senate bill

Section 328 authorizes the FAA Administrator to enter into agreements to fund the costs of equipping aircraft with avionics to enable NextGen technologies, including grants or other financial instruments.

Conference Substitute

Senate bill dropped, however House language on public-private partnerships was included

# TITLE III—SAFETY

JUDICIAL REVIEW OF DENIAL OF AIRMEN
CERTIFICATES

H301/S502

House hill

Section 301 allows a person to seek judicial review of a National Transportation Safety Board order in an appeal of a decision on an application for an airman certificate.

Senate bill

Section 328 is a similar provision with minor technical differences.

Conference Substitute

House bill.

RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES

H302/S503

House bill

Section 302 authorizes the Administrator to release certificate information without consent of the owner if: 1) the requested data has been inactive for three or more years; 2) the FAA cannot, after due diligence, find the owner of record, or the owner of record's heir; and 3) making the data available will enhance aviation safety. The Administrator shall maintain engineering data in possession of the FAA relating to a type certificate that has been inactive for three or more years.

Senate bill

Section 503 is a similar provision but with no language regarding the requirement to maintain data.

Conference Substitute

House bill.

DESIGN AND PRODUCTION ORGANIZATION CERTIFICATES

H303/S504

House bill

Section 303 directs the Administrator to issue Certified Design and Production Organization Certificates to aviation manufacturers in order to streamline the certification process and allow FAA to focus its safety resources on primary safety concerns. It clarifies that nothing in this section would affect the FAA's authority to revoke the Certified Design and Production Organization Certificates once issued. The Administrator is directed to start issuing such certificates by January 1, 2013.

Senate bill

Section 504 authorizes the Administrator to issue design organization certificates beginning on January 1, 2013.

Conference Substitute

House bill.

CABIN CREW COMMUNICATION

H - /S508

House bill

No similar provision.

Senate bill

Section 508 requires that flight attendants be able to read, speak and write English well enough to: 1) read and comprehend material; 2) provide direction to, and understand and answer questions from, English-speaking individuals; 3) write incident reports and statements, and log entries and statements; and 4) carry out written and oral instruction regarding the proper performance of their duties. This section does not apply to flight attendants serving solely between points outside the United States.

Conference Substitute

Senate bill, however the FAA shall work with air carriers to facilitate compliance through the flight attendant certification requirements of 49 U.S.C. 44728.

LINE CHECK EVALUATIONS

H316/S722

House bill

Section 316 requires the Administrator to sunset, one year after the date of enactment, the requirement for a second yearly line check evaluation for airline pilots over the age of 60, unless the Secretary of Transportation certifies that the additional line check is necessary to ensure safety.

Senate bill

Section 722 is a similar provision, but does not require DOT safety certification.

Conference Substitute

Senate bill.

SAFETY OF AIR AMBULANCE OPERATIONS H310/S507

House bill

Section 310 directs the FAA to issue a Notice of Proposed Rulemaking (NPRM) within 180 days to address air ambulance safety. It requires a follow up or rulemaking to address additional Helicopter Emergency Medical Services training. Operators are required to collect and report data to the Administrator on their operations, including the number of flights and hours flown and for the FAA to report on that data 24 months after enactment, and annually thereafter.

Senate bill

Section 507 is similar language, but includes fixed-wing ambulance operators within the NPRM and includes a deadline of 60

days. It does not require pilot training, radar altimeters, survivability equipment, or operational control centers to be addressed within the NPRM. It requires helicopter and fixed wing air ambulance operators to comply with regulations under 14 Code of Federal Regulations (C.F.R.) part 135 whenever there is medical personnel onboard, with certain exceptions. It also requires that terrain awareness and warning systems be onboard helicopter and fixed wing aircraft within one year. The FAA is directed to study and initiate a third rulemaking within one year of enactment to require devices similar to Cockpit Voice Recorders (CVR) and Flight Data Recorders (FDR).

Conference Substitute

House bill with modified language to change deadline for the first two rulemakings to June 1, 2012.

PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON THE FLIGHT DECK

H313/S558

House bill

Section 313 prohibits the use of laptops and other personal wireless devices by the flight crew on the flight deck while the aircraft is being operated except if the device is being used for a purpose related to the operation of the aircraft, emergencies or safety, or employment related communications. It authorizes civil penalties for violation of this provision and gives the Administrator the ability to amend, modify, suspend or revoke an operator's certificate for violation of this provision. The Secretary of Transportation is required to initiate a rulemaking within 90 days of enactment; and a final rule is due two years after date of enactment. It directs the Administrator to conduct a study and report to Congress on the sources of distraction for flight crewmembers.

Senate bill

Section 558 is a similar provision, except only civil penalties are authorized for violation of this provision. It directs FAA to initiate a rulemaking within 30 days of enactment, and issue a final rule within one year of enactment.

Conference Substitute

House bill.

INSPECTION OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES

H315/S521

House bill

Section 315 requires the Administrator to establish and implement a system for assessing the safety of foreign repair stations based on identified risks and consistent with U.S. requirements. The FAA is to initiate inspections as frequently as it determines is warranted by its safety assessment system. The Departments of Transportation and State are required to request members of the International Civil Aviation Organization to establish international standards for drug/alcohol testing of safety inspectors. The Administrator is directed to issue a proposed rule within one year of enactment requiring that all foreign repair station employees responsible for safety-sensitive maintenance functions are subject to an alcohol and controlled substances testing program that is determined acceptable by the FAA and is consistent with the applicable laws of the country in which the repair station is based. The FAA is to provide an annual report within one year of enactment, and annually thereafter, on the Administration's oversight of foreign repair stations and implementation of the foreign repair station safety assessment system. It instructs the Administrator to notify Congress within 30 days after initiating formal negotiations with a foreign aviation authority or other appropriate foreign government agency on a new maintenance implementation agreement.

Senate bill

Section 521 is a similar provision, but directs the FAA to inspect all repair stations, including those abroad, at least twice a year in a manner consistent with United States obligations under international agreements. The inspection results for foreign civil aviation authorities shall be considered if the foreign country has a maintenance safety agreement with the United States.

Conference Substitute

House and Senate bills merged and modified, removing language requiring that the report on part 145 repair stations be completed within 1 year of enactment and modified the annual inspections requirement from occurring "as frequently as determined warranted" to annually in a manner that is consistent with U.S. obligations under international agreements, with additional inspections authorized based on identified risks.

ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS

H-/S562

House bill

No similar provision.

Senate bill

Section 562 requires that flight attendants and gate agents receive training related to: serving alcohol to passengers; recognizing intoxicated passengers; and dealing with disruptive passengers.

Conference Substitute

Senate bill modified by removing references to gate agents from the provision.

LIMITATION ON DISCLOSURE OF SAFETY INFORMATION

H337/S554

House bill

Section 337 amends Chapter 447, by exempting the following reports and data from being subject to discovery or subpoena or admitted into evidence in a Federal or State court: an Aviation Safety Action Program (ASAP) report; data produced from a Flight Operational Quality Assurance (FOQA) Program; a Line Operations Safety Audit (LOSA) Program report; hazard identification, risk assessment risk control; safety data collected for purpose of assessing/improving aviation safety; and reports, analyses and directed studies based in whole or part on reports from the aforementioned programs including those under the Aviation Safety Information Analysis and Sharing (ASIAS) Programs. Any report or data that is voluntarily provided to the FAA shall be considered to be voluntarily submitted information within the meaning and shall not be disclosed to the public. The FAA may release documents to the public that include summaries, aggregations or statistical analyses based on reports or data described in this section, and the NTSB is not prevented from referring to relevant information. This exemption shall not apply to a report developed or data produced on behalf of a person if that person waives the privileges provided. Senate bill

Section 554 would limit the use of FOQA and ASAP and LOSA data in judicial proceedings. FOQA, ASAP or LOSA data would only be allowed in a judicial proceeding if

the judge finds that a party shows that the information is relevant, not otherwise known or available, and demonstrates a particularized need for the information that outweighs the intrusion upon the confidentiality of these programs. If this information is used in a judicial proceeding, the court would be required to protect it against further dissemination with a protective order and place the information under seal. This section would also prohibit disclosure of this data through the Freedom of Information Act. This section would not prevent the NTSB from referring to information provided under the FOQA, ASAP or LOSA programs.

Conference Substitute

House bill modified with technical edits. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT

H-/S733

House bill

No similar provision.

Senate bill

Section 733 amends title 18, United States Code, to add a new section 39A to make it a crime to knowingly aim the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States or at the flight path of such aircraft. An individual convicted of this crime is subject to criminal fines or imprisonment up to 5 years. This provision does not apply to: 1) individuals conducting research and development or flight test operations for an aircraft manufacturer or the Federal Aviation Administration; 2) Department of Defense (DOD) or Department of Homeland Security (DHS) personnel conducting research, development, operations, testing or training; or 3) an individual using a laser emergency signaling device to send a distress signal. Section 39A authorizes the Attorney General, in consultation with the Secretary of Transportation, to provide by regulation, after public notice and comment, additional exceptions to this provision as necessary and appropriate. The Attorney General must give written notice of any such proposed regulations to the House and Senate Committees on the Judiciary as well as other specified committees.

Conference Substitute

Senate bill with minor modifications. AIRCRAFT CERTIFICATION PROCESS REVIEW AND REFORM

H304/S-

House bill

Section 304 directs the Administrator to review the current practices for aircraft certification. It requires that in his/her assessment the Administrator must make recommendations to improve efficiency and reduce costs through streamlining and reengineering of certification process and issue a report within 180 days.

Senate bill

No similar provision.

Conference Substitute

House bill.

CONSISTENCY OF REGULATORY INTERPRETATION H305/S-

House bill

Section 305 directs the Administrator to convene an advisory panel to determine the root causes of inconsistent interpretation of regulations by the FAA Flight Standards Service and Aircraft Certification Service, develop recommendations to improve the consistency of interpreting the regulations,

and submit these recommendations to Con- Senate bill gress within six months.

Senate bill

No similar provision.

Conference Substitute

House bill with modification of six months to twelve months to submit recommendations to Congress.

RUNWAY SAFETY

H306/S501.517

House bill

Section 306 requires the Administrator within six months to create a Strategic Runway Safety Plan to address: 1) goals to improve safety; 2) near and long term actions, time frames and resources needed, continuous evaluative process for goals, and review of every commercial service airport; and 3) increased runway safety risks with the expected increased volume of air traffic. It requires a report to Congress by December 31, 2011 outlining a plan to install and deploy systems to alert controller and/or flight crews of potential runway incursions.

Senate bill

Section 328 is a similar provision.

Conference Substitute

House bill.

FLIGHT STANDARDS EVALUATION PROGRAM H308/S-

House bill

Section 308 directs the Administrator to modify the Flight Standards Evaluation Program to include periodic and random audits of air carriers in the agency's oversight, and prohibit an individual from participating in a review or audit of an office with responsibility for an air carrier under the program if the individual had responsibility for inspecting the operations of that carrier in the five year period preceding the date of the review. The Administrator is required to report to Congress within one year of enactment, and annually thereafter on the Flight Standards Evaluation Program.

Senate bill

No similar provision.

Conference Substitute

House bill.

COCKPIT SMOKE

H309/S-

Section 309 directs U.S. Government Accountability Office to conduct a study on the effectiveness of the FAA's oversight of the use of new technologies to prevent/mitigate effects of dense and continuous smoke in cockpit of aircraft, with a report to be submitted to Congress in one year.

Senate hill

No similar provision.

Conference Substitute

House bill with modified language changing the report deadline from one year to 18

OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY

H311/S-

House bill

Section 311 directs the Administrator to conduct a review of off-airport, low-altitude aircraft weather observation technologies, which will include an assessment of technical alternatives, investment analysis, and recommendations for improving weather reporting. A report is required to be submitted to Congress in one year.

No similar provision.

Conference Substitute

House bill.

FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES

H312/S-

House bill

Section 312 directs the FAA to conduct a study and report to Congress within one year of enactment on the feasibility and potential risks of requiring all pilots of helicopters providing air ambulance services to use night vision goggles during nighttime operations.

Senate bill

No similar provision. Conference Substitute

House bill.

MAINTENANCE PROVIDERS

H314/S522

House bill

Section 314 requires the Administrator to issue regulations within three years to mandate that maintenance work on aircraft be performed only by individuals employed by a part 121 air carrier, a part 145 repair station, or a company that provides contract workers to part 121 carriers or part 145 repair stations if the individual meets part 121/145 requirements, works under the supervision of a part 121/145 carrier/station, and carries out the work in accordance with part 121/145.

Senate bill

Section 522 is a similar provision.

Conference Substitute

Senate bill with modifications, including heading changed to "Maintenance Providers." This section directs the Administrator to require that essential maintenance.  $\label{eq:conditional} \textbf{regularly scheduled maintenance, and work}$ pursuant to required inspection items must be performed by part 121 carriers, part 145 repair stations, or contractors meeting the requirements of part 121 or 145 certificate holders. Covered work performed by a contractor meeting the requirements of par 121 or 145 certificate holders are subject to the following terms and conditions: 1) the part 121 carrier shall be directly in charge of work; 2) the work shall be carried out according to the part 121 carrier's maintenance manual; and 3) the work shall be performed under the part 121 carrier's supervision and control.

121 air carriers are responsible for ensuring that all maintenance, whether performed by the air carrier itself or performed by another entity under contract with the carrier, is conducted in accordance with the air carrier's maintenance program. When maintenance is performed by another entity, the air carrier continues to be responsible for the oversight of these maintenance providers, who are considered to be an extension of the air carrier's maintenance program. This provision will ensure that oversight responsibility for maintenance remain with the 121 air carrier recognizing supervision and oversight of individuals may be with a Part 145 repair station.

Responsibility for oversight by 121 carriers is not meant to change the permitted work of the Part 145 repair stations. In particular, 145 stations can continue to supervise and oversee the activities of individuals that perform contract maintenance when it is necessary to obtain technical expertise.

STUDY OF AIR QUALITY IN CABINS

H - /S564

House bill

No similar provision.

Senate bill

Section 517 requires the FAA to initiate a study of air quality in aircraft cabins. Additionally, the Administrator would be given the authority to require domestic carriers to allow monitoring of air quality on their aircraft while the study is conducted. The Administrator is required to initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft within 180 days of enact-

Conference Substitute

Senate bill modified by removing language requiring the FAA to determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit. The conference also agreed that the FAA's authority to monitor air quality may not impose significant costs to air carriers and may not interfere with the carrier's normal use of the aircraft.

IMPROVED PILOT LICENSES

H307/S-

House bill

Section 307 directs the Administrator to issue improved pilot licenses that are tamper-resistant, include a photograph of the individual, and are capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier. It instructs the Administrator to develop methods to determine or reveal if part of license issued has been tampered with.

Senate bill

No provision. Conference Substitute

House bill modified by adding new language: 1) directing the Administrator to pro-

vide the relevant House and Senate Committees with a timeline for the issuance of pilot licenses; 2) specifying that the new licenses should incorporate biometric identifiers: and 3) requiring that the licenses must comply with established aviation security checkpoint clearance standards. The conference committee recognizes that the federal government is responsible for the screening of all individuals prior to entry into airport sterile areas and expects that efforts to utilize improved pilot certificates will be carried out by the federal government.

STUDY OF HELICOPTER AND FIXED WING AIR AMBILIANCE SERVICES

H-/S717

House bill

No similar provision.

Senate bill

Section 717 requires the GAO to conduct a detailed study of the air ambulance industry and to make recommendations related to the interaction of state and federal regulations of air ambulances.

Conference Substitute

House bill, because the GAO has completed the required study.

PILOT FATIGUE

H - /S506

House bill

No similar provision.

Senate bill

Section 506 requires a study of pilot fatigue to be conducted by the National Academy of Sciences and for the FAA to consider the study's findings as part of its rulemaking proceeding on pilot flight time limitations and rest requirements.

Conference Substitute

Senate provision dropped because it is included in P.L. 111-216, the Airline Safety and Federal Aviation Administration Extension

OCCUPATIONAL SAFETY AND HEALTH STAND-ARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT

H-/S509

House bill

No similar provision.

Senate bill

Section 509 requires the Administrator to establish milestones and a policy statement for the completion of work with the Occupational Safety and Health Administration (OSHA) begun under the August 2000 Memorandum of Understanding (MOU) regarding the application of OSHA requirements to crewmembers while working in an aircraft.

Conference Substitute

Senate bill modified by dropping policy statement principles. The conference committee believes that in initiating development of a policy statement the FAA shall consider the establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations to examine the applicability of current and future Occupational Safety and Health Administration regulations; to recommend policies forfacilitating the training of Federal Aviation Administration inspectors; and to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments. Any standards adopted the Federal Aviation Administration shall set forth clearly the circumstances under which an employer is required to take action to address occupational safety and health hazards: the measures required of an employer under the standard; and the compliance obligations of an employer under the standard.

IMPROVED SAFETY INFORMATION

H-/S511 House bill

No similar provision.

Senate bill

Section 511 directs the Administrator to issue a final rule regarding re-registration and renewal of aircraft registration, which must include preparing for the expiration of aircraft registration certificates and periodic renewal process, and other measures to promote the accuracy of the Administration's aircraft registry.

Conference Substitute

House bill.

USE OF EXPLOSIVE PEST CONTROL DEVICES

H-/S523

House bill

No similar provision.

Senate bill

Section 523 requires the FAA to study the use of explosive pest control devices to prevent wildlife strikes to aircrafts and submit a report in six months.

Conference Substitute

House bill.

SUBTITLE B—UNMANNED AIRCRAFT SYSTEMS DEFINITIONS

H321/S-

House hill

Section 321 defines the terms: "certificate of waiver". "sense and avoid capability".

"public unmanned aircraft system", "small unmanned aircraft", "test range", manned aircraft", and "unmanned aircraft system (UAS).

Senate bill

No similar provision.

Conference Substitute

House and Senate bills merged to include all of House definitions and Senate definition of "Arctic".

INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM H322/S320, 607(a)(b)(d)(e)(f)

House bill

Section 322 requires the Secretary of Transportation to develop a plan, in consultation with aviation and Unmanned Aircraft Systems (UAS) industry representatives, within nine months of enactment, for the safe integration of civil UASs into the Nation Airspace (NAS). This plan must contain a review of technologies and research to assist in this goal, recommendations for a rulemaking on the definition of acceptable standards, ensure civil UAS have sense and avoid capability, develop standards and requirements for operator and pilots of UASs, and recommendations. The plan must include a realistic time frame for UAS integration into the NAS, but no later than September 30, 2015. The plan must be submitted to Congress within one year of enactment. The FAA is required to initiate a Notice of Proposed Rulemaking (NPRM) for site integration of UAS within 18 months of the date of enactment of the integration plan.

Senate bill

Section 320 requires the FAA to develop a plan within one year to accelerate the integration of UASs into the NAS. This plan must include: 1) a pilot project that includes the integration of UAS into six test sites, representing geographic and climate differences within the United States, by 2012; 2) development of certification, flight standards, and air traffic requirements for UAS: 3) the dedication of funding for research on UAS certification, flight standards, and air traffic control (ATC); 4) coordination of research between NASA and DOD: and 5) verification of the safety of UAS before their integration into the NAS. This section would allow the FAA Administrator to include testing at six test sites as part of the integration plan by 2012. The FAA is directed to work with DOD to certify and develop flight standards for military unmanned aerial systems and to integrate these systems into the NAS as part of the UAS integration plan. The FAA Administrator is required to submit a report describing and assessing the progress made in establishing special use airspace for DOD to develop detection techniques for small UASs.

Section 607 allows the FAA to conduct developmental research on UASs. It would direct the FAA and the National Academy of Sciences to create an assessment of UAS capabilities and would require the National Academy of Sciences to submit a report to Congress on the subject. It requires the FAA to issue a rule to update the most recent policy statement on UASs. The FAA is directed to identify permanent areas in the Arctic where UASs may operate 24 hours a day. The FAA is to take part in cost-share pilot projects designed to accelerate the safe integration of UASs into the NAS.

Conference Substitute

House and Senate bills merged. The conference committee directs the Secretary to develop a plan to accelerate the safe integration of unmanned aircraft systems (UAS) into the national airspace system. The Secretary is directed to develop the plan in consultation with the aviation industry, federal agencies using UASs, and the UAS industry as soon as practicable, but no later than September 30, 2015. Concurrent with the integration planning, the Secretary is directed to publish, and update annually, a five-year roadmap describing the activities of the FAA's Unmanned Aircraft Program Office, and its efforts to safely integrate UASs into the national airspace system. The conference committee also directs the Secretary to promulgate rules to allow for integration of small UASs into the national airspace system. The conference committee also directs the Administrator of the Federal Aviation Administration to establish six test ranges until September 30, 2020. Test range locations are not designated in the legislation. Instead, the Administrator is directed to coordinate with, and leverage resources from, the National Aeronautics and Space Administration and the Department of Defense to select the test ranges based on the criteria set forth in this section. This language is consistent with legislative direction in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). The intent of the committee is for the Administrator to establish a total of six test ranges under both laws, and not six ranges to be established under each law for a total of twelve. The conference committee directs the Secretary to develop a plan for the use of UASs in the arctic, as defined in this subtitle. Finally, the term "non-exclusionary airspace" was removed as the FAA does not recognize that term. The conference committee intends that when the FAA establishes the program to integrate UASs into the national airspace system at six test ranges, the Administrator shall safely designate airspace for integrated manned and unmanned flight operations in the national airspace system.

SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS

H323/S-House bill

Section 323 directs that within 180 days the Secretary of Transportation, prior to completing of the Commercial UAS integration plan, will determine if certain UAS may operate in the NAS. Assessment of the UASs will determine which types of UAS do not create hazard to users of NAS or national security, and whether a certificate of waiver or authorization of airworthiness is required. If the Secretary determines UAS may operate safely in the NAS, the Secretary shall establish requirements of the safe operation of such systems.

Senate bill

No similar provision.

Conference Substitute

House bill.

PUBLIC UNMANNED AIRCRAFT SYSTEMS

H324/S-

House bill

Section 324 directs that within 270 days the Secretary of Transportation will issue guidance on the operation of public UASs to expedite the certificate of authorization process, provide a collaborative process for expansion of access to the NAS, and provide guidance on public entities responsible when operating UASs. By December 31, 2015, the Secretary is required to implement operational and certification standards. The Secretary is directed to enter in agreements. within 90 days, with appropriate government agencies to simplify and expedite the process for issuing certificates of waiver or authorization regarding applications seeking authorization to operate public UAS in the NAS.

Senate hill

No similar provision.

Conference Substitute

House bill.

SAFETY STUDIES

H325/S-

House hill

Section 325 directs the Administrator to conduct all safety studies necessary to support integration of UAS into the NAS.

Senate bill

No similar provision.

Conference Substitute

House bill.

SPECIAL RULE FOR MODEL AIRCRAFT

H - /S607(g)

House hill

No similar provision.

Section 607(g) exempts most model airplanes used for recreational or academic use from any UAS regulations established by the

Conference Substitute

Senate bill with modifications, Language including model aircraft for the purposes of sports, competitions and academic purposes is removed and replaced with "hobby". The modified section includes language requiring that the model aircraft must be operated in a manner that does not interfere with and gives way, to all manned aircraft. In addition, language that requires that model aircraft flown within five miles of an airport will give prior notification to the airport and the air traffic control (ATC), and that model aircraft that are flown consistently within five miles of the ATC will do so under standing agreements with the airports and ATC. Lastly, language is added that will ensure that nothing in this provision will interfere with the Administrator's authority to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system. In this section the term "nationwide community-based organization" is intended to mean a membership based association that represents the aeromodeling community within the United States; provides its members a comprehensive set of safety guidelines that underscores safe aeromodeling operations within the National Airspace System and the protection and safety of the general public on the ground; develops and maintains mutually supportive programming with educational institutions, government entities and other aviation associations; and acts as a liaison with government agencies as an advocate for its members.

UNMANNED AIRCRAFT SYSTEMS TEST RANGE H326/S607(c)

House bill

Section 326 directs the Administrator no later than one year after enactment to establish a program to integrate UASs into the national airspace system at no fewer than four test ranges. The program will include safely designating nonexclusionary airspace for integrated unmanned flight operations, develop certification standards and air traffic requirements, coordinate and leverage the resources of National Air and Space Administration and Department of Defense, address both civil and public UAS, ensure the program is coordinated with NextGen, and provide for verification of safety of UASs. In determining test range locations the Administrator shall consider geographic and climate diversity and consult with NASA and the Air Force.

Senate bill

Section 607(c) is a similar provision, but it allows the Administrator to include testing at three test sites as part of the integration plan by 2012. It directs the FAA to work with DOD to certify and develop flight standards for military UASs and to integrate these systems into the NAS as part of the UAS integration plan. Section 320 establishes a test range pro-

gram for 10 sites.

Conference Substitute

House and Senate bills merged into language that is included in Section 332 "Integration of civil unmanned aircraft into the national airspace system".

SUBTITLE C—SAFETY AND PROTECTIONS AVIATION WHISTLEBLOWER INVESTIGATION OFFICE

H334/S518

House bill

Section 334 establishes an independent Whistleblower investigation office within the FAA. The Director of this office is to be appointed by the Secretary of Transportation for a five year term. The office is in charge of investigating reports of agency or carrier safety violations, and is to make recommendations to the Administrator. It specifies that the Director cannot be prohibited from initiating an assessment of a complaint and that any evidence of criminal violations must be reported to the Administrator and Inspector General of the Department of Transportation (DOT IG).

Senate bill

Section 518 is a similar provision, but it does not require the Secretary to exercise authority under title 5 for the prevention of prohibited personnel actions or require direct reporting by the Director to the Secretary.

Conference Substitute

House bill with modified language to authorize the Director of the office created under this section to receive and investigate disclosures from employees of the Administration as well as employees of persons holding certificates issued under title 14 of the Code of Federal Regulations (C.F.R.), if those certificate holders do not have similar inhouse reporting programs, relating to possible violation of an order, a regulation, or any other provision of federal law relating to aviation safety.

POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS

H331/S513

House bill

Section 331 establishes a two year postservice period for FAA inspectors or persons responsible for oversight of FAA inspectors before they can act as an agent or representative of a certificate holder that they previously had responsibility for while employed at the FAA.

Senate bill

Section 513 is a similar provision, but it has a three year post-service restriction. Conference Substitute

House bill.

REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE

H332/S520

House bill

Section 332 requires the FAA to create a process to review the Air Transportation Oversight System (ATOS) database by regional teams to ensure that trends in regulatory compliance are identified, and appropriate corrective actions are taken according to Administration regulations.

Senate bill

Section 520 is a similar provision.

Conference Substitute

House bill.

IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM

H333/S512

House bill

Section 333 requires FAA to modify the Voluntary Disclosure Reporting Program (VDRP) to require inspectors to verify that air carriers have implemented comprehensive solutions to correct underlying causes of voluntarily disclosed violations, and confirm, before approving a final report of a violation, that the violation has not been previously discovered by an inspector or self-disclosed by an air carrier. The DOT IG is directed to review the FAA's implementation of the VDRP program.

Senate bill

Section 512 is a similar provision.

Conference Substitute

House bill.

DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS

H335/S-

House bill

Section 335 directs the FAA to initiate a rulemaking within six months of enactment to require commercial pilots who accept additional flight assignments under part 91 of Title 14 Code of Federal Regulations to count the flying time under the additional flight assignments towards the commercial flight time limitations. It requires the Administrator to conduct two separate rulemakings for part 121 and part 135 flight time limitations (the latter rulemaking must be initiated within one year of enactment).

Senate bill

No similar provision.

Conference Substitute

House bill.

CERTAIN EXISTING FLIGHT TIME LIMITATIONS
AND REST REQUIREMENTS

H336/S-

House bill

Section 523 extends the sections 263 and 264 of part 135 of title 14 C.F.R. for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all cargo aircraft regarding certain flight times and rest periods shall remain in effect as they were in effect in January 1, 2011. It prohibits the Administrator from issuing, finalizing or implementing a rule as proposed in the FAA docket on "Interpretations of Rest Requirements" published in the register on December 23, 2010, or any similar rule regarding such sections for part 135 certificate holders providing air ambulance services and pilots and flight crewmembers of all cargo aircraft.

Senate bill

No similar provision.

Conference Substitute

House bill modified by removing language requiring a separate rulemaking and language referencing requirements in effect on January 1, 2011.

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

H—/S553

House bill

No similar provision.

Senate bill

Section 553(a), (b) directs the Administrator to submit an annual report to Congress regarding the recommendations issued by the NTSB consisting of the following: 1) whether the FAA plans to implement the recommendation of the NTSB: 2) if so, what actions the FAA plans to take to implement the recommendation: and 3) if the FAA chooses to not implement a NTSB recommendation, its reasoning for not doing so. This section would require the FAA to submit within 180 days to Congress the above information on all current NTSB recommendations not implemented so far.

Section 553(c) requires the FAA to implement NTSB recommendations relating to the proper installation of emergency locator transmitters (ELTs) on general aviation aircraft.

Conference Substitute

Senate bill modified to only keep the ELT language.

LIABILITY PROTECTION FOR PERSONS
IMPLEMENTING SAFETY MANAGEMENT SYSTEMS
H338/S—

House bill

Section 338 specifies that a person required by the FAA to implement a Safety Management System (SMS) may not be held liable for damages in connection with a claim filed in a State or Federal court relating to the person's preparation or implementation of the SMS. The section does not relieve a person from liability for damages resulting from the person's own willful or reckless omissions when acts ordemonstrated evidence. Notwithstanding any through other provision of law, a person employed by previously mentioned individuals and responsible for performing functions of an accountable executive, shall be deemed to be acting in the person's official capacity and may not be held liable for damages. A person performing the functions of an accountable executive is not relieved from personal liability for damages resulting from reckless acts or omissions.

Senate bill

No similar provision.  $\,$ 

Conference Substitute

Senate bill.

MODIFICATION OF CUSTOMER SERVICE INITIATIVE

H--/S519

House bill

No similar provision.

Senate bil

Section 519 directs the FAA to remove from their customer service initiative, mission statements, and vision statements, any reference to air carriers as "customers". This section instructs the agency to guarantee that these statements should emphasize safety as the agency's highest priority when considering the dissatisfaction of any regulated entity.

Conference Substitute

House bill.

INDEPENDENT REVIEW OF SAFETY ISSUES

H--/S514

House bill

No similar provision.

 $Senate\ bill$ 

Section 514 directs the U.S. Government Accountability Office (GAO) to initiate a review and investigation of air safety issues identified by FAA employees and reported to the Administrator. The GAO must report any findings to the Administrator and relevant Congressional Committees on an annual basis.

Conference Substitute

House bill.

NATIONAL REVIEW TEAM

H-/S515

House bill

No similar provision.

Senate bill

Section 517 requires the FAA to create a national review team to conduct unannounced, periodic, random reviews of the Administration's oversight of air carriers that will report to the Administrator and the relevant Congressional Committees. Members of the team may not review an air carrier that they previously had responsibility for overseeing. The section would also direct the DOT IG to provide progress reports on the review team's effectiveness to Congress.

Conference Substitute

House bill.

SAFETY INSPECTIONS OF REGIONAL CARRIERS H—/S559

House bill

No similar provision.

Senate bill

Section 559 instructs the Administrator to make random, on-site safety inspections of regional air carriers at least once a year.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of

OVERSIGHT OF PILOT FLIGHT TRAINING SCHOOLS H—/S561

 $House\ bill$ 

No similar provision.

Senate bill

Section 561 directs the Administrator to submit a plan to Congress detailing the FAA's plans to enforce oversight of Pilot Training Schools.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

FEDERAL AVIATION ADMINISTRATION PILOT RECORDS DATABASE

H—/S551

 $House\ bill$ 

No similar provision.

Senate bil

Section 551 requires that part 121 air carriers review a pilot's entire history before making hiring decisions. It would mandate that the FAA develop and maintain a comprehensive database of pilot records, including both FAA records and air carrier records. It contains provisions permitting pilots to review and correct their records.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of Aviation Administration Extension Act of Senate bill

AIR CARRIER SAFETY MANAGEMENT SYSTEMS

H - /S552House bill

No similar provision.

Senate hill

Section 552 directs the FAA to initiate a rulemaking requiring all part 121 air carriers to implement three safety programs as part of their Safety Management Systems (SMS) including: an Aviation Safety Action Program (ASAP), a Flight Operational Quality Assurance (FOQA) program, and a Line Operations Safety Audit LOSA program. It would require that the FAA implement employee protections for the ASAP and FOQA programs and mandate that the FAA Administrator consider the viability of integrating cockpit voice recorder data into safety oversight practices and guarantee that the agency enforce safety regulations in a consistent manner.

 $Conference\ Substitute$ 

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of

IMPROVED FLIGHT OPERATIONAL QUALITY AS-SURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS

H--/S554

House bill

No similar provision.

Senate bill

Section 554 would limit the use of FOQA and ASAP and LOSA data in judicial proceedings. FOQA, ASAP or LOSA data would only be allowed in a judicial proceeding if the judge finds that a party shows that the information is relevant, not otherwise known or available, and demonstrates a particularized need for the information that outweighs the intrusion upon the confidentiality of these programs. If this information is used in a judicial proceeding, the court would be required to protect it against further dissemination with a protective order and place the information under seal. This section would prevent disclosure of this data through the FOIA but would not prevent the NTSB from referring to information provided under the FOQA, ASAP or LOSA programs.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of

RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS

H - /S555

House bill

No similar provision.

Senate bill

Section 555 requires the Administrator to develop and implement a plan to reevaluate flight crew training procedures and would specify what types of training would be included in the review. It would require the Administrator to initiate a new rulemaking to reevaluate minimum requirements to become a commercial pilot, certificated captain, and when transitioning to a new type of aircraft.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal

FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP H - /S556

House bill

No similar provision.

Senate bill

Section 556 requires the FAA to establish an ARC to develop flight crew mentoring programs and establish or modify training existing programs to include leadership and command training.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of

> FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS

H--/S557

House bill

No similar provision.

Senate hill

Section 557 requires the FAA to issue a rule that ensures flight crew members have proper qualifications and experience, including a minimum of 800 hours of flight training, before serving as a flight crew member for a part 121 air carrier.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of

ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OP-ERATION OF AIRCRAFT BY PILOTS

H - /S560

House bill

No similar provision.

Section 560 requires the FAA to issue a final rule establishing training safety standards for pilots within 180 days after enactment of this Act.

Conference Substitute

Senate bill dropped because it is included in P.L. 111-216, the Airline Safety Federal Aviation Administration Extension Act of 2010.

DEFINITIONS

H--/S563

House bill

No similar provision.

Senate bill

Section 563 defines the terms: "Aviation Safety Action Program," "Administrator", "Air Carrier", "FAA", "Flight Operational Quality Assurance Program", "Line Operation Safety Audit Program", and "Part 121 Air Carrier".

Conference Substitute

House bill.

TITLE IV—AIR SERVICE IMPROVEMENTS

SUBTITLE B-ESSENTIAL AIR SERVICE

ESSENTIAL AIR SERVICE MARKETING

H401/S417

House bill

Section 401 specifies that when deciding where to award an Essential Air Service (EAS) contract, the Secretary of Transportation must consider, whether the air carrier has included a plan in its proposal to market its services to the community.

Section 417 similar provision, but it requires that all applications for EAS are to include a marketing plan to promote community involvement in their EAS service. Conference Substitute

House bill.

NOTICE TO EAS COMMUNITIES PRIOR TO TERMINATION OF EAS ELIGIBILITY

H402/S-

House bill

Section 402 requires the Secretary of Transportation to notify a community receiving EAS at least 45 days in advance of any final decision to end EAS payments to that community due to a determination by the Secretary that providing such service requires a subsidy in excess of the per passenger subsidy cap. The Secretary shall establish procedures by which each community that is notified of an impending loss of subsidy may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary that does not require a subsidy in excess of the per passenger subsidy cap.

Senate bill

No similar provision.

Conference Substitute

House bill.

RESTORATION OF ELIGIBILITY

H406/S418

House bill

Section 406 authorizes state and local governments to submit a proposal to restore essential air service to a location after that location's per passenger subsidy has been determined to be over the allowable dollar amount. To qualify for restoration of service, the Secretary must determine that the rate of subsidy per passenger under the proposal does not exceed the allowable amount and the proposal is consistent with the legal and regulatory requirements of the essential air service program.

Senate bill

Section 418 is a similar provision.

Conference Substitute

House and Senate bills modified to include proposals to restore essential air service to locations that have been determined to have fewer than 10 enplanements per day. To qualify for restoration of service, the Secretary must determine that the rate of subsidy per passenger under the proposal does not exceed the allowable amount, the proposal is likely to result in an average of at least 10 enplanements per day, and the proposal is consistent with the legal and regulatory requirements of the essential air service program.

ESSENTIAL AIR SERVICE CONTRACT GUIDELINES H403/S413

House bill

Section 403 authorizes DOT to provide incentive payments to communities for achieving performance goals, and to execute longterm EAS contracts. Requires DOT to issue revised guidelines incorporating changes within 18 months after the date of enactment. Requires DOT to report to Congress on the extent to which the revised guidelines have been implemented, and the impact such implementation has had, every two years after the guidelines are established.

Senate bill

Section 413 is a similar provision, but it does not contain language on issuing guidance or the report.

Conference Substitute

House bill modified to extend the deadline for issuance of revised guidelines to one year after date of enactment.

ESSENTIAL AIR SERVICE REFORM

#### H404/S415

House bill

Section 404 authorizes \$97.5 million for Essential Air Service (EAS) in FY 2011, \$60 million in FY 2012, and \$30 million in FY 2013. These amounts are in addition to the \$50 million per year the EAS program is authorized to receive under current law from overflight fees collected by the FAA. Beginning in FY 2014, section 404 limits the amount EAS would receive from overflight fees to the amount needed to provide EAS to eligible communities in Alaska and Hawaii. In addition, it directs the Secretary of Transportation to take such actions as may be necessary to administer the EAS program within the amount of funding made available for the program.

Senate hill

Section 415 authorizes \$150 million per year for EAS, plus \$50 million from overflight fees. It requires any overflight fees in excess of \$50 million to be obligated for various EAS programs, including the code sharing pilot program under section 406 of Vision 100 and the alternate air service pilot program under 8 41745

Conference Substitute

Authorizes \$143 million for EAS in FY 2012, \$118 million in FY 2013, \$107 million in FY 2014, and \$93 million in FY 2015. In addition, authorizes all overflight fees collected by the FAA to be made available, until expended, to carry out the essential air service program.

SMALL COMMUNITY AIR SERVICE

# H405/S416

House bill

Section 405 adds an additional factor that the Secretary of Transportation must consider in selecting communities for participation in the Small Community Air Service Development (SCASD) program. In addition to the existing criteria for participation in the program, the Secretary is required to give priority to multiple communities that cooperate to submit a regional or multistate application to improve air service. It eliminates the general fund authorization of appropriations for the SCASD program. funding it instead through overflight fee collections.

Senate bill

Section 413 extends the authorization for the SCASD program at its authorized funding level of \$35 million per year through FY

Conference Substitute

Requires the Secretary to give priority to multiple communities that cooperate to submit a regional or multistate application to consolidate air service into one regional airport. Authorizes the appropriation of \$6 million for the Small Community Air Service Development program for each of fiscal years 2012 through 2015.

> ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS

H406/S418(g)

House bill

Section 406 permits the Secretary of Transportation to increase the rates of compensation payable to air carriers under the EAS program to compensate carriers for increased aviation fuel costs, without regard

to any agreement, without requiring the negotiation of existing contracts, and without any notice requirement. It removes the 90 day period in which the Secretary may continue to pay the amount previous contracted for as EAS carrier who has given notice, but has been required to continuing operating. Senate bill

Section 418(g) is a similar provision.

Conference Substitute

House bill.

REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM

#### H407/S419

House bill

Section 407 eliminates an EAS pilot program in which communities assumed a portion of the cost of providing EAS to the community.

Senate bill

Section 419 is a similar provision with minor technical differences.

CONFERENCE SUBSTITUTE

House and Senate bills.

SUNSET OF ESSENTIAL AIR SERVICE PROGRAM H408/S420.421

House bill

Section 408 sunsets the EAS program evervwhere except Alaska and Hawaii as of October 1, 2013.

Section 420 imposes limits EAS to locations that average ten or more enplanements per day, with an exception for Alaska. It authorizes the Administrator to waive this limitation with respect to a location if the Administrator determines that the reason the averages fewer location enplanements per day is not because of inherent issues with the location.

Section 421 limits EAS to locations that are 90 or more miles away from the nearest medium or large hub airport. It authorizes the Secretary of Transportation to waive this limitation as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

Conference Substitute

Senate bill, except the requirement that locations be at least 90-miles away from the nearest large or medium hub airport is deleted; the requirement that locations have at least 10 enplanements per day only applies to locations that are within 175 miles of a large or medium hub airport; and an exception is added for locations in the State of Hawaii and Alaska. In addition, instead of sunsetting the program as proposed in the House bill, the conference substitute freezes the program at the communities currently participating. Specifically, except in Alaska and Hawaii, the conference agreement limits eligibility for EAS to those communities that, at any time from September 30, 2010, to September 30, 2011, either received subsidized EAS or were notified by the last carrier providing unsubsidized service to the community of the carrier's intent to terminate such service.

SUBTITLE A—PASSENGER AIR SERVICE IMPROVEMENTS

SMOKING PROHIBITION

H421/S-

 $House\ bill$ 

Section 421 prohibits smoking on aircraft in all intrastate, interstate, and foreign air transportation for scheduled passenger or nonscheduled passenger air transportation when a flight attendant is required.

Senate bill

No similar provision.

Conference Substitute

House bill.

MONTHLY AIR CARRIER REPORTS

H422/S402

House bill

Section 422 requires air carriers that file monthly service reports to also file a monthly report on each flight diverted and each flight that departs the gate but is cancelled before the flight takes off. It requires the Secretary of Transportation to compile the information in a single monthly report and publish it on a DOT website.

Senate bill

Section 402 requires air carriers to publish on their website, and update monthly, a list of chronically delayed flights operated by the air carrier. It requires air carriers and authorized entities to disclose the on-time performance for a chronically delayed flight when a customer books a flight on the carrier's website, prior to actual purchase of a

Conference Substitute

House bill.

MUSICAL INSTRUMENTS

H424/S713

House bill

Section 424 requires air carriers to permit passengers to carry a small musical instrument, such as a violin, guitar, onto the aircraft cabin if it if can be stowed safely in a suitable baggage compartment in the aircraft cabin or baggage or cargo storage compartment if the instrument can be stowed properly and there is space for such instruments. Air carriers are to permit passengers to bring a large instrument into the passenger compartment if the instrument can be stowed properly in a seat and the passenger has purchased a seat for the instrument. Air carriers must transport as checked baggage musical instruments that may not be carried on provided they meet certain weight and size limitations (i.e., if the sum of length, width, and height does not exceed 150 inches, weigh over 165 pounds, or exceed size and weight restrictions for that aircraft) and can be properly stowed. It directs, no later than two years after the date of enactment, the Secretary of Transportation to issue final regulations to carry out this section.

Senate bill

Section 713 is a similar provision, but it does not specify that passengers carrying musical instruments would be charged fees for that luggage. There is no deadline for the rulemaking to be completed by, but it includes a mandate to require carrier participation.

Conference Substitute

House bill modified to specify that passengers carrying musical instruments are subject to the same baggage fees assessed to all other types of carry-on baggage if a seat is not purchased for that instrument.

EXTENSION OF COMPETITIVE ACCESS REPORTS

H--/S705

House bill

No similar provision.

Senate bill

Section 705 makes the requirement for air carriers to file competitive access reports permanent by eliminating the current sunset provision. Current law requires large and medium hub airports to file semi-annual competition disclosure reports with DOT before receiving an AIP grant if the airport was unable to accommodate an airline request for facility access. The report must explain reason for the lack of accommodation and time frame for accommodation.

Conference Substitute

Senate bill modified to the length of the bill.

AIRFARES FOR MEMBERS OF THE ARMED SERVICES

H426/S433

House bill

Section 426 expresses the Sense of Congress that each domestic air carrier should seek to provide active duty members of the Armed Services who are traveling on leave or liberty at their own expense with: reduced air fares that are comparable to the lowest airfare for ticketed flights, and that eliminate to the maximum extent possible advanced purchase requirements; no baggage and excess weight fees, or reduced fees; flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and proactive measures to ensure that all airline employees are trained in the policies pertaining to members of the Armed Forces who are on leave.

Senate bill

Section 433 is a similar provision with minor technical differences.

Conference Substitute

House bill.

REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES

H427/S—

House bill

Section 427 requires the Inspector General of the Department of Transportation (DOT IG) to conduct a review regarding air carrier flight delays, cancellations, and associated causes, to update its 2000 report, within one year of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

COMPENSATION FOR DELAYED BAGGAGE

H429/S-

House bill

Section 429 directs the U.S. Government Accountability Office to study delays in the delivery of checked baggage to passengers, assess options and examine: the impact of establishing minimum standards to compensate a passenger in the case of unreasonable delays; take into consideration the additional fees for checked baggage that are imposed by many air carriers; and how the additional fees should improve a carrier's baggage performance. The report must be submitted within 180 days of the date of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS

H431/S403

House bill

Section 431 directs the Secretary of Transportation to investigate consumer com-

plaints regarding: 1) flight cancelations; 2) overbooking flights; 3) lost or damaged baggage; 4) problems obtaining refunds; 5) incorrect information regarding fares; 6) frequent flyer programs; and 7) deceptive or misleading advertising.

Senate bill

Section 403 is a similar provision, but with language requiring a budget needs report.

 $Conference\ Substitute$ 

House bill.

STUDY OF OPERATORS REGULATED UNDER PART 135

H432/S-

House bill

Section 432 requires the Administrator, along with interested parties, to conduct a study of part 135 operators within 18 months of enactment, and an update within three years, and every two years thereafter.

Senate bill

No similar provision.

Conference Substitute

House bill with modification removing the requirement for follow up reports every two years.

USE OF CELL PHONES ON PASSENGER AIRCRAFT H433/S—

House bill

Section 433 directs the Administrator to conduct a study within four months of enactment on the impact of the use of cell phones for voice communications in scheduled flights where currently permitted by foreign governments in foreign air transportation. The results of the study must be published and open to public comment, and a final report must be submitted to Congress within nine months of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION

H--/S404

House bill

No similar provision.

Senate bill

Section 404 requires the establishment of an advisory committee for the Secretary of Transportation regarding aviation consumer protection. Membership would consist of one representative each from an air carrier, airport operator, and a state or local government with expertise with consumer protection matters, and one nonprofit group with expertise in consumer protection matters. It directs the advisory committee to report annually on its recommendations on February 1 of each of the first two calendar years of enactment.

Conference Substitute

Senate bill modified to make the provision last the length of the bill and removes travel per diem for members of the advisory committee.

DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT

H--/S408

House bill

No similar provision.

Senate bill

Section 408 directs the Administrator to prescribe regulations, within six months of

enactment, to facilitate the use of child safety seats on aircraft. The regulations must require part 121 air carriers to post on their websites the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

Conference Substitute

Senate bill with modified language changing the deadline for the regulations from six months to twelve months. The conference committee also believes that passengers should be made fully aware of the location of final assembly of the aircraft on which they fly. Therefore, the committee believes the Secretary should require air carriers to position the "location of final assembly" notification immediately below the aircraft model number on the front page of the information placard.

SCHEDULE REDUCTION

H430/S-

House bill

Section 430 directs the FAA to convene a conference of air carriers to voluntarily reduce aircraft operations if the FAA determines that operations of those carriers are exceeding the hourly maximum departure and arrival rates, and the excess operations are likely to have a significant adverse effect on the NAS. It authorizes FAA to take action as necessary if there is no voluntary agreement to reduce schedules.

Senate hill

No similar provision.

Conference Substitute

House bill modified by adding new section specifying that the Administrator shall give priority to United States-flagged air carriers in permitting additional operations subsequent to any voluntary or non-voluntary reduction in operations.

FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT

H423/S737

House bill

Section 423 directs the Secretary of Transportation to grant an additional ten beyondperimeter exemptions (from 24 under current law to 34) at Washington Reagan National Airport (DCA). It increases the number of operations by which exemptions may increase operations during any one-hour period between 7:00 AM and 9:59 PM, from three to five. The Administrator is required to reduce the hourly air carrier slot quota at DCA by ten slots in order to grant the additional exemptions provided. These reductions are required to be taken in the 6:00 AM, 10:00 PM or 11:00 PM hours. Scheduling priority is to be given to new entrant air carriers and limited incumbent air carriers over operations conducted by air carrier grant exemptions. The highest scheduling priority is given to beyond-perimeter operations conducted by new entrant air carrier and limited incumbent air carriers.

Senate bill

Section 737 creates additional beyond perimeter commercial flights at DCA with 24 beyond-perimeter round trip flights (10 to limited incumbents or new entrants and 14 to incumbents) would be permitted, and an additional eight could be added later if the Secretary of Transportation determines that the first 24 did not negatively impact the airport. It specifies that if an incumbent carrier that uses a slot for service to a large hub airport within the perimeter receives one or

more the 24 additional beyond-perimeter round trip flights authorized by this provision, it must discontinue the use of that slot for within-perimeter service and, in place of that service, operate beyond-perimeter service. It prohibits the Secretary from granting any more than two slot exemptions to an air carrier with respect to the same airport, except in the case of an airport serving an area with a population of more than 1 million. Any carrier receiving an exemption for bevond-perimeter service is prohibited from using multi-aisle or wide body aircraft, and from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through a merger or acquisition, and must use the slot within 60 days of receiving the exemption. If an incumbent carrier that uses a slot for service to a large hub airport within the perimeter receives one or more of the eight additional exemptions authorized by this provision, it must discontinue the use of that slot for within-perimeter service and, in place of that service, operate beyond-perimeter service. It authorizes Metropolitan Washington Aviation Authority (MWAA) to use revenues derived at either DCA or Washington Dulles International Airport (IAD) for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.

#### Conference Substitute

House and Senate bills merged to direct the Secretary of Transportation to grant 16 exemptions for additional beyond perimeter commercial flights at Ronald Reagan Washington National Airport (DCA). Of the 16 exemptions created, the Secretary shall make eight available to limited incumbent air carriers and new entrant air carriers. When allocating such exemptions, the Secretary shall consider the extent to which the exemptions will provide air transportation with domestic network benefits in areas beyond the perimeter; increase competition in multiple markets; not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter; not result in meaningfully increased travel delays; enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions; have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; or produce public benefits. including the likelihood that the service to airports located beyond the perimeter will result in lower fares, higher capacity, and a variety of service options.

The Secretary shall also make available eight slot exemptions for other incumbent air carriers qualifying for status as a nonlimited incumbent carrier at DCA. Each such non-limited incumbent air carrier may operate up to a maximum of two of the newly authorized slot exemptions. Each such non-limited incumbent air carrier, prior to exercising an exemption made available shall discontinue the use of a slot for service between DCA and a large hub airport within the perimeter, and operate, in place of such service, service between DCA and an airport located beyond the perimeter. Each such non-limited incumbent air carrier shall be entitled to return of the slot by the Secretary if use of the exemption made available is discontinued; shall have sole discretion concerning the use of an exemption including the initial or any subsequent beyond perimeter destinations to be served; and shall file a notice of intent with the Secretary and subsequent notices of intent,

when appropriate, to inform the Secretary of any change in circumstances concerning the use of any exemption. Such notices of intent shall specify the beyond perimeter destination to be served and the slots the carrier shall discontinue using to serve a large hub airport located within the perimeter. Each such non-limited incumbent air carrier operating an exemption may not operate a multiaisle or widebody aircraft in conducting such operations and shall be prohibited from transferring the rights to its beyond-perimeter exemptions.

The Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions; a scheduling priority to slot exemptions currently held by new entrant air carriers and limited incumbent air carriers for service to airports located beyond the perimeter to the extent necessary to protect viability of such service; and consider applications from foreign air carriers that are certificated by the government of Canada if such consideration is required by the bilateral aviation agreement between the U.S. and Canada.

The exemptions granted by the Secretary may not be for operations between the hours of 10:00 p.m. and 7:00 a.m.; and may not increase the number of operations at DCA in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than five operations. A non-limited incumbent air carrier utilizing an exemption for an arrival after 10:01 p.m. must discontinue use of an existing slot during the same time period the arrival exemption is operated.

In determining a limited incumbent, the Secretary shall consider any air carrier operating 40 or fewer slots at DCA. The term 'slot' shall not include slot exemptions; slots operated by an air carrier under a fee-forservice arrangement for another air carrier, if the air carrier operating such slots does not sell flights in its own name, and is under common ownership with an air carrier that seeks to qualify as a limited incumbent and that sells flights in its own name; or slots held under a sale and license-back financing arrangement with another air carrier, where the slots are under the marketing control of the other air carrier. The Secretary shall prohibit the transfer of exemptions except through an air carrier merger or acquisition. The definition of airport purposes at the Metropolitan Washington Aviation Authority (MWAA) shall include a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary.

 $\begin{array}{l} {\tt PASSENGER~AIR~SERVICE~IMPROVEMENTS} \\ {\tt H425/S401} \end{array}$ 

House bill

Section 425 requires that within 90 days of enactment, air carriers and each operator of a medium- or large-hub airport, file emergency contingency plans with the Secretary of Transportation for review and approval. Air carriers are required to update their plans every three years and airports must update every five years. The Secretary is also directed to establish a toll-free consumer complaints hotline telephone number for use of passengers. The Secretary is instructed to take action to notify the public of the DOT's consumer complaints hotline telephone number and related website. Air carriers providing scheduled air service are required to include on their website consumer complaints hotline information for DOT and the air carrier as well as a hotline telephone number on carrier signs displayed at airport ticket counters, and on any electronic confirmation of the purchase of a passenger ticket. It directs the Secretary to establish a website that contains a listing of the countries that may require a U.S. or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight to that country, or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers. Air carriers are required to update their emergency contingency plans every three years, and airport operators every five years.

Senate bill

Section 401 requires air carriers and airport operators to develop contingency plans to address situations in which the departure of a flight is substantially delayed while passengers are confined to an aircraft. Each plan would have to be submitted to the DOT for review and approval by the Secretary of Transportation, and would be required to address minimum standards established by the Department. At a minimum, the plans for air carriers must outline how the airline will guarantee that the passengers are provided: a) adequate food, potable water, and restroom facilities: b) cabin ventilation and comfortable cabin temperatures, and; c) access to necessary medical treatment. It specifies that airlines must allow passengers to deplane if three hours have elapsed since the doors have closed and the aircraft has not departed, or the aircraft has been landed for three hours but passengers have been unable to deplane. Exceptions to the deplane requirements would exist only when a pilot reasonably believes that the aircraft will depart within 30 minutes, or if the pilot believes that deplaning the passengers would jeopardize passenger security or safety. Airport operators would also be required to submit a plan to the DOT for approval that provides for the deplanement of passengers following extended tarmac delays. The Secretary would also be required to perform periodic reviews of the air carrier and airport operator plans, and would be authorized to impose civil penalties on air carriers or airport operators that fail to meet the requirements of such plans. It directs the DOT to create a consumer complaint hotline telephone number.

Conference Substitute

House and Senate bills merged and modified. The modified section includes House language requiring emergency contingency plans by air carriers and modified to include large, medium, small, and non-hub airports. Included in the section is modified language that would give passengers the option to deplane and return to airport terminal when there is an excessive tarmac delay, except if there is a safety, security or disruption of airport operations causes that would result from deplanement. The Secretary of Transportation is to determine the length of a tarmac delay that would be deemed "excessive". Lastly, the section includes House language on consumer complaints and use of pesticides in a passenger aircraft.

DENIED BOARDING COMPENSATION

H428/S-

House bill

Section 428 requires the Secretary of Transportation to evaluate, within six months of enactment and every two years thereafter, the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

Senate bill

No similar provision.

Conference Substitute

Senate bill. The Department of Transportation is already conducting a rulemaking on this subject.

DISCLOSURE OF PASSENGER FEES

H-/S405

House bill

No similar provision.

Senate bill

Section 405 directs the Secretary of Transportation to complete a rulemaking that requires air carriers to provide the public a list of charges, besides airfare (e.g., baggage fees and meal fees), that the air carrier may be imposing on passengers. The Secretary would be authorized to require an air carrier to make the list of fees public, and the list must be updated every 90 days unless there is no increase in the amount or type of fees being imposed.

Conference Substitute

House bill.

DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-PORTATION

H-/S406

House bill

No similar provision.

Senate bill

Section 406 requires the Office of Aviation Consumer Protection in DOT to establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including taxes and fees. This section requires taxes and fees be disclosed on the website prior to the purchaser providing personal information and makes failure to disclose an "unfair and deceptive practice."

 $Conference\ Substitute$ 

Senate provision dropped because it is included in P.L. 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010.

NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS

H—/S407

House bill

No similar provision.

Senate bill

Section 407 requires the Office of Aviation Consumer Protection and Enforcement within the DOT to establish rules to clarify what must be disclosed in an aviation fare quote in order for consumers to easily and fairly compare airfares and charges among carriers. It directs the Secretary of Transportation, in consultation with the FAA, to prescribe such regulations as may be necessary. Conference Substitute

House bill.

EAS CONNECTIVITY PROGRAM

H--/S411

House bill

No similar provision.

Senate bill

Section 411 directs the Secretary of Transportation to establish a program under which the DOT shall require, in up to ten communities, that air carriers participating in Essential Air Service (EAS), and major air carriers serving large hub airports, participate in code-share arrangements, consistent

with normal industry practice, whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services.

Conference Substitute

No provision.

EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY

H-/S412

House bill

No similar provision.

Senate bill

Section 412 extends a provision that specifies that the most commonly used route between an eligible place and the nearest medium hub airport or large hub airport is to be used to measure the highway mileage considered in reviewing any action to eliminate compensation for EAS to such place, or terminate the location's compensation eligibility for such service. It would further terminate any such final order on September 30, 2011

Conference Substitute

Extends to September 30, 2015, the date on which the final order issued under section 409 of Vision 100 shall terminate.

CONVERSION OF FORMER EAS AIRPORTS

H—/S414

House bill

No similar provision.

Senate bill

Section 414 requires the Secretary of Transportation to establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify as eligible places for EAS subsidies.

Conference Substitute

No provision.

USE OF CERTAIN LANDS AT LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT

H--/S434

House bill

No similar provision.

Senate bill

Section 434 authorizes Clark County, Nevada, to permit the use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities. This provision prohibits the construction of facilities that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

Conference Substitute

House bill.

TITLE V—ENVIRONMENTAL STREAMLINING AND STEWARDSHIP

OVERFLIGHTS OF NATIONAL PARKS

H501/S709

House bill

Section 501 exempts operators in parks with 50 or fewer annual air tour flights from the statutory permitting requirement, with a provision for the National Park Service (NPS) director to withdraw an exemption on a park-specific basis if necessary to protect park resources or visitor experiences. It allows NPS and FAA to enter into a voluntary agreement with a commercial air tour operator as an alternative to creation of an air tour management plan. FAA and NPS must solicit public comments and must consult with occupants of affected tribal lands before

entering into a voluntary agreement. It provides that a voluntary agreement may require payment of overflight fees. The FAA and NPS are permitted to terminate a voluntary agreement if: 1) NPS finds the agreement no longer protects park resources; or 2) FAA determines operations under the agreement adversely affect safety or the national aviation system. It permits modifications to interim operating authority, and allows a grant of interim authority to a new entrant operator, if: 1) the operator provides adequate information to NPS and FAA; 2) FAA determines modification would not adversely affect safety or the national aviation system; and 3) NPS determines modification would not adversely affect park resources. Commercial air tour operators must report the number of commercial air tours over parks.

Senate bill

Section 709 allows air tour overflights over a national park when a voluntary agreement has been reached between the operator and the appropriate representative of the national park. This section provides a waiver from the general rule prohibiting tour operations over national parks for national parks that have 100 or fewer air tour overflights each year. The Secretary of the Interior is instructed to assess a fee on commercial air tour operators operating over a national park to be used to fund the development of air tour management plans. It prescribes penalties for operators that do not pay this fee. This section provides the Director of NPS with flexibility in determining how to manage air tours at Crater Lake National Park.

Conference Substitute

House bill modified to include language on flexibility for Crater Lake National Park.

STATE BLOCK GRANT PROGRAM

H502/S209

House bill

Section 502 requires the issuance of guidance for carrying out the AIP State Block Grant Program (SBGP) rather than regulations. It adds to required standards a State must agree to meet in order to be eligible for a grant under the program with: National Environmental Policy Act (NEPA) of 1969 standards, state and local environmental policy acts, executive orders, agency regulations and guidance, and other federal environmental requirements. Furthermore, it adds a provision that requires any federal agency, except the FAA, that is responsible for issuing an approval, license or permit to ensure compliance with a federal environmental requirement applicable to a project to be carried out by a State using funds from a block grant must: 1) coordinate and consult with the State; 2) use the environmental analysis prepared by the State for the project; and 3) supplement such analysis as necessary.

Senate bill

Section 209 codifies current practice that State participants in the State Block Grant Program have responsibility and authority to comply with applicable environmental requirements for projects at non-commercial service airports within the purview of the SBGP. The FAA administers the SBGP by authorizing participating states once a year to receive a block of funds for any eligible non-primary airport project. This section would make a minor change to 49 U.S.C. section 47128(a) by replacing the term "regulations" with "guidance" because the FAA has issued guidance in the form of the AIP Handbook, 5100.38, to implement its airport improvement program. It establishes a pilot

program for up to three States that are currently not in the program to participate in the program.

Conference Substitute

House bill.

AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS

H503/S210

House bill

Section 503 authorizes the FAA to accept funds from airport sponsors to conduct: 1) special environmental studies for ongoing federally-funded airport projects; 2) special studies to support approved airport noise compatibility measures or environmental mitigation commitments in an agency record of decision or a finding of no significant impact; and 3) a review and completion of environmental activities associated with new or amended flight procedures, including performance-based navigation procedures and area navigation procedures.

Senate bill

Section 210 is a similar provision.

Conference Substitute

House bill.

GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT
PROCEDURES

H506/S211

House bill

Section 506 authorizes grants to airport operators to assist in completing environmental review and assessment activities for proposes to implement flight procedures that have been approved for airport noise compatibility planning purposes. It permits the Administrator to accept funds from an airport sponsor, including funds provided in noise compatibility planning grants, to hire additional staff or consultants to facilitate timely review and competition of environmental activities associated with the proposed changes in flight procedures. Funds received under this section shall be credited as offsetting collections to the account that finance the activities and services for which the funds are accepted; shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and shall remain available until expended.

Senate bill

Section 211 is a similar provision, but it specifies that funds received under this authority are exempt from the procedures applicable to gifts received by the Administrator.

Conference Substitute

House bill.

DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES

H507/S-

House bill

Section 507 requires the Secretary of Transportation to ensure that an appraisal for fair market value of any property to be acquired disregards any decrease or increase in the value caused by the project for which the property is being acquired or by the likelihood that the property would be acquired. It directs that physical deterioration within reasonable control of the owner should be considered.

Senate bill

No similar provision.

 $Conference\ Substitute$ 

House bill.

PROHIBITION ON OPERATING CERTAIN AIRCRAFT
WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS

H508/S710

House bill

Section 508 requires that all civil subsonic jet aircraft under 75,000 pounds must meet Stage 3 noise levels within the 48 contiguous states by December 31, 2016, with some exceptions for the following types of temporary operations: 1) to sell, lease or use the aircraft outside the 48 contiguous States: 2) to scrap the aircraft; 3) to obtain modifications to the aircraft to meet Stage 3 noise levels; 4) to perform scheduled heavy maintenance or significant modifications at an overseas maintenance facility; 5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor; 6) to prepare, park, or store aircraft in anticipation of above activities; 7) to provide transport of persons or goods in an emergency situation; and 8) to divert the aircraft to an alternative airport on account of weather, or safety reasons. It authorizes the Secretary of Transportation to prescribe regulations as necessary.

Senate bill

Section 710 is a similar provision with minor technical differences, including a different deadline set at December 31, 2014. Airports are allowed to opt-out of this prohibition, at which time the Secretary of Transportation will post notices on its website or another place easily accessible to the public. Conference Substitute

House bill modified, moving the deadline to December 31, 2015.

AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM

H509/S-

House bill

Section 509 directs the Secretary of Transportation to carry out a pilot program at up to five public-use airports to design, develop, and test new air traffic flow management technology to better manage the flow of aircraft on the ground and reduce ground holds and idling times for aircraft. In selecting participating airports, the Secretary must give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits. No more than \$2.5 million may be expended at any single public-use airport.

Senate bill

No similar provision.

Conference Substitute

House bill.

HIGH-PERFORMANCE, SUSTAINABLE, AND COST-EFFECTIVE ATC FACILITIES

H510/S-

House bill

Section 510 requires the implementation of sustainable practices for the incorporation of energy-efficient design, equipment, systems and other measures in the construction and major renovation of air traffic control facilities to the maximum extent practicable.

Senate bill

No similar provision. Conference Substitute

House bill.

SENSE OF CONGRESS

H511/S---

House bill

Section 511 expresses Sense of Congress that the European Union (EU) should not extend its emissions trading proposal to international civil aviation operations without working through International Civil Aviation Organization (ICAO) and other relevant air services agreements, and that the EU should work with ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions. It expresses the Sense of Congress that the U.S. Government should use all political, diplomatic, and legal tools at their disposal to ensure that the EU's emission trading scheme is not applied to aircraft registered by the U.S. or the operators of those aircraft, including the mandates that U.S. carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the EU Member states.

Senate bill

No similar provision.

Conference Substitute

House bill.

AVIATION NOISE COMPLAINTS

H512/S-

House bill

Section 512 requires owners or operators of a large hub airport to publish a telephone number to receive noise complaints on the airport's website within 90 days of enactment. Any owner or operator who receives 25 or more complaints per year will be required to submit an annual report to the FAA regarding the number of complaints and a summary of the nature of the complaints, which the Administrator must make available to the public electronically.

Senate bill

No similar provision.

Conference Substitute

House bill modified to remove the annual reporting requirement.

NEXTGEN ENVIRONMENTAL EFFICIENCY PROJECTS STREAMLINING

H503/S-

House bill

Section 503 incorporates NextGen environmental efficiency projects into projects that are subject to streamlined environmental review and given high priority in environmental review. These include: 1) an airport capacity enhancement project at a congested airport; and 2) a NextGen environmental efficiency project at the 35 largest airports (i.e., OEP airports) or any congested airports. It also clarifies the jurisdictional agencies and the lead agency responsibility for these projects. Defines "NextGen environmental efficiency project" as a NextGen project that develops and certifies performance-based navigation procedures; or develops other environmental mitigation projects the Secretary of Transportation may designate as facilitating a reduction in noise, fuel consumption, or emissions from air traffic operations.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

NOISE COMPATIBILITY PROGRAMS

H505/S—

House bill

Section 505 requires operators applying for noise compatibility programs to state the

measures they have taken or propose to take to reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area. It adds as one of the measures, conducting comprehensive land use planning jointly with neighboring local jurisdictions for community redevelopment in an area in which land or other property interests have been acquired by the operator, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM

H-/S213

House bill

No similar provision.

Senate bill

Section 213 authorizes the Secretary of Transportation to carry out up to six environmental mitigation projects at public-use airports and make grants under special apportionment funding for these demonstrations. To be eligible for the pilot program, an airport would be required to be open to the public, with priority consideration given to projects that would achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts. The federal government would be limited to providing 50 percent of the cost for the projects and limited to a total amount per project of \$2.5 mil-

Conference Substitute

House bill.

PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES

H-/S609

House hill

No similar provision.

Senate bill

Section 609 requires the Secretary of Transportation to establish a pilot program to foster the acquisition and use of zero emission vehicles on airports. Priority is given to those airports in non-attainment areas and where the greatest air quality benefits will be achieved. In 18 months, the Secretary of Transportation shall report to Congress on the effectiveness of the pilot program.

Conference Substitute

Senate bill modified to: change "shall" to when directing the Secretary of Transportation to establish a pilot program; allowing public-use airports to be eligible in the pilot program; permitting the Secretary of Transportation to consider applications from public-use airports not in the prescribed areas if there is a shortage of applicants; and allowing participants to use university transportation centers. New language is added that: establishes performance measures; creates assessments of the data collected used in the program; and makes a technical change.

INCREASING THE ENERGY EFFICIENCY OF AIRPORT POWER SOURCES

H-/S610

House bill

No similar provision.

Senate hill

Section 610 requires the Secretary of Transportation to establish a program to encourage airport operators to assess their energy requirements and identify ways to reduce emissions and increase energy efficiency. The Secretary of Transportation may make grants to eligible airports to acquire or construct equipment and infrastructure to reduce emissions and improve energy efficiency.

Conference Substitute

Senate bill modified by removing references to "reducing harmful emissions" and makes minor technical corrections.

# TITLE VI-EMPLOYEES AND ORGANIZATION

FAA PERSONNEL MANAGEMENT SYSTEM

H601/S313

House bill

Section 601 reforms the process by which the FAA resolves labor disputes with employee unions arising in the collective bargaining process. It requires the FAA and employee representatives to use the services of the Federal Mediation and Conciliation Service (FMCS). If they are unable to come to an agreement on labor issues, or, by mutual agreement, they may adopt alternate procedures to resolve disputes. If the mediation is unsuccessful, the parties must submit their issues to the Federal Service Impasses Panel (FSIP) that will assist the parties in resolving the dispute by asserting jurisdiction and ordering binding arbitration by a private arbitration board of three members. The board will result from Executive Director of the FSIP will request a list of 15 names from the Director of the FMCS, the parties will select one arbitrator each from the list, and the two arbitrators selected with then choose the third. The arbitration board must render a decision within 90 days after the date of its appointment, and take into account the following factors: 1) the effect of its decision on the FAA's ability to attract and retain a qualified workforce; 2) the effect of its decision on the FAA budget; 3) the effect of its decision on other FAA employees; and 4) any other factors that would assist the board in reaching a fair resolution. Upon reaching a voluntary agreement or at the conclusion of the binding arbitration, the final agreement will be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative. The final agreement must also be approved by the head of the agency.

Senate bill

Section 313 is a similar provision, but it specifies that jurisdiction over enforcement claims is limited to the U.S. District Court for the District of Columbia.

Conference Substitute

House bill modified by deleting language directing the board to take into consideration "the effect of its arbitration decisions on other Federal Aviation Administration employees" in making decisions.

PRESIDENTIAL RANK AWARD PROGRAM H602/S307

House bill

In 1996, the FAA reformed its personnel system under special authority provided by Congress (now codified under 49 U.S.C. section 40122), which exempted the FAA from many requirements of the federal government's personnel system, including the Presidential Rank Award Program. Section 602 would change the exemption and, through an amendment to 49 U.S.C. section 40122, allow the FAA's executives and senior professionals to participate in the program.

Section 307 is the same provision.

Conference Substitute

House bill.

COLLEGIATE TRAINING INITIATIVE STUDY H608/S-

House bill.

Section 608 requires the U.S. Government Accountability Office to conduct a study on training options for graduates of the Collegiate Training Initiative, and submit the study to Congress within six months of enactment

Senate bill

No similar provision.

Conference Substitute

House bill.

FRONT LINE MANAGER STAFFING

H610/S716

House bill

Section 610 requires the Administrator to commission an independent study on frontline manager staffing requirements in air traffic control facilities, and submit the final report to Congress within nine months of enactment. Some considerations to take into account are: managerial tasks; number of supervisory positions; coverage requirements in relation to traffic demands; facility type; complexity of traffic and managerial responsibilities; and proficiency and training requirements.

Senate bill

Section 716 requires the Administrator within 45 days after enactment to study air traffic control front line manager staffing requirements and submit any determinations made as a result of the study to the Congress within six months after enactment.

Conference Substitute

House bill.

FAA TECHNICAL TRAINING AND STAFFING H603/S708(a),(b)

House bill

Section 603 requires the Administrator to conduct a study on the adequacy of FAA's technical training strategy and improvement plan for FAA transportation systems specialists. The plan must include: recommendations to improve technical training strategy and improvement planning; a description of actions having been undertaken; and recommendations regarding cost-effective approaches to training. The FAA is to report to Congress within one year of enactment. It directs the Administrator to contract with the National Academy of Sciences within 90 days of enactment to conduct a study on the assumptions and methods FAA uses to estimate staffing needs for FAA transportation systems specialists and to ensure propermaintenance and certification in the most cost-effective manner. The Academy must submit its report to Congress one year after contracted.

Senate bill

Section 708(a) and (b) similar provisions but it requires the U.S. Government Accountability Office (GAO) to study FAA Air-Transportation Systems Specialists training and report to Congress within a year of enactment. It includes air traffic controllers and engineers as part of the study; and, the Academy must report to Congress on its study 24 months after the date of execution of the contract for the study.

Conference Substitute

House bill modified removing language requiring the study to be done in the most cost effective manner. The modified provision directs the National Academy of Sciences, when conducting the study on the assumptions and methods used by FAA to estimate staffing needs for FAA systems specialists, to consult with the exclusive bargaining representative of systems specialists. Additionally, language was added requiring the National Academy of Sciences to "include recommendations for objective staffing standards that maintain the safety of the national airspace.'

#### SAFETY CRITICAL STAFFING

H604/S708(c),(d)

House bill

Section 604 requires the Administrator to implement, to the extent practicable and in the most cost-effective manner, the staffing model for aviation safety inspectors by October 1, 2011, following the recommendations outlined in the "Staffing Standards for Aviation Inspectors" report issued by the National Academy of Sciences in 2007. The FAA is required to consult with interested parties, including aviation safety inspectors, and submit the staffing model to Congress on an annual basis.

Senate bill

Section 708(c) and (d) directs the FAA to increase inspector staffing to levels in its staffing model. The Administrator is required to develop a staffing model for aviation safety inspectors, but differs from the House in that it allows 12 months from the date of enactment, development of a staffing model, but does not require the Administrator to follow the Academy's recommendations, and requires inspector staffing levels to be at least at the levels indicated in the staffing model. It specifies that no later than 180 days after enactment, the Administrator shall submit a report to Congress on the future of flight service stations in Alaska. The report will include: 1) an analysis of the number of flight service specials needed; 2) training needed and need for formal training and hiring program; 3) a schedule for necessary inspections, 4) upgrades and modernization of stations and equipment; and 5) a description of interaction between flight service stations operated by FAA and those operated by contractors.

Conference Substitute

House bill modified to require the FAA to consult with the exclusive bargaining representative for aviation safety inspectors when implementing the staffing model. Additionally, the date of the report was changed from October 1 of each year to January 1 of each year.

AIR TRAFFIC CONTROL SPECIALIST QUALIFICATION TRAINING AND SCHEDULING H606/S-

House bill

Section 606 authorizes the Administrator to appoint qualified air traffic control (ATC) specialist candidates for placement directly in ATC facilities. ATC specialists will receive the same benefits and compensation as any other developmental controller. Within 18 months after enactment, the FAA will submit to Congress a report that evaluates the effectiveness of the ATC specialist qualification training. If the Administrator determines that ATC specialists are more qualified in carrying out duties than ATC specialists hired from general public, the Administrator shall increase the number of appointments of candidates with such certification. It includes reimbursement for travel expenses associated with certifications from education entity that provided the training. Senate bill

No similar provision.

Conference Substitute

House modified to change the due date of the required report from 18 months after enactment to two years after enactment.

FAA AIR TRAFFIC CONTROLLER STAFFING H605/S708

House bill

Section 605 directs the FAA to enter into an arrangement, within 90 days, with the National Academy of Sciences to conduct a study of the air traffic controller standard used by the FAA to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the NAS in the most costeffective manner. The study must include examination of representative information on productivity, human factors, traffic activity, and improved technology on ATC, as well as an examination of recent Academy reviews of models from MITRE, and consideration of Administration's current and estimated budgets. The Academy is required to consult employee groups and industry representative in conducting the study. The Academy must transmit the study to Congress within two years of enactment.

Senate bill

Section 708 is a similar provision, but it includes Airway Transportation Systems Specialists and engineers as part of the study. Conference Substitute

House bill modified to require the National Academy of Sciences to consult with the exclusive bargaining representative of air traffic controllers in conducting the study.

ASSESSMENT OF FAA AIR TRAFFIC CONTROLLER TRAINING PROGRAMS

H607/S516

House hill

Section 607 requires the Administrator to conduct a study to assess the adequacy of training programs for air traffic controllers. including the FAA's technical training strategy and improvement plan, and submit the study to Congress within six months of enactment. The study will include a review of current training systems, an analysis of competencies required of air traffic control for successful performance, an analysis of competence projected to be required in NextGen, an analysis of various training approaches, recommendations to improve current training system, and the most cost effective approach.

Senate bill

Section 516 requires FAA to conduct a comprehensive review of its Academy and facility training efforts, and establish standards to identify the number of developmental controllers that can be accommodated by each facility.

Conference Substitute

House and Senate bills modified and merged. This section includes Senate and House language, with language added requiring the Inspector General of the Department of Transportation to conduct an assessment of FAA's air traffic controller scheduling practices

FAA FACILITY CONDITIONS

H609/S323

House bill

Section 609 requires the U.S. Government Accountability Office to conduct a study of the conditions of a sampling of FAA facilities across the U.S., including towers, centers, offices and Terminal Radar Approach

Control Facilities (TRACONs), as well as reports from employees relating to health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in FAA facilities; conditions of facilities that could interfere with employee's ability to perform their duties; the ability of managers and supervisors to promptly document and seek remediation for unsafe facility conditions; whether employees of the Administration who report facility-related illness are treated appropriately; and utilization of scientific remediation techniques to mitigate hazardous conditions. Its findings must be submitted to the FAA and Congress. Based on the results of the GAO study, the GAO is directed to make recommendations on which facilities are in need of immediate attention, and assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels. The GAO is required to submit its report to Congress within one year of enactment.

Senate bill

Section 323 directs the FAA to create a task force on air traffic control (ATC) facility conditions. This task force must be composed of 11 members (7 appointed by the Administrator and four appointed by employees' unions). Four members are required to have expertise in hazardous building conditions and two members must have expertise in rehabilitation of aging buildings. This task force will have the power to obtain official data. The task force's duties would include studying: 1) the conditions of all ATC facilities; 2) reports from employees; 3) whether employees who reported illness were treated fairly; 4) utilization of remediation techniques; and 5) resources allocated to facility maintenance and renovation. Also, the task force would be required to make recommendations necessary to ensure that: 1) facilities needing the most immediate attention are prioritized; 2) the Administration is using scientifically approved remediation techniques; and 3) ATC facilities do not deteriorate to unsafe levels. The task force also must submit a report to Congress and the Administrator regarding its recommendations and activities within 60 days. The Administrator would be required to submit a plan and timeline to implement the task force's recommendations within 30 days after receiving the task force's report.

Conference Substitute

House bill.

TECHNICAL CORRECTION

H - /S707House bill

No similar provision.

Senate bill

Section 707 provides technical corrections to guarantee that the Merit Systems Protection Board has jurisdiction to investigate claims made against FAA, and has the enforcement ability at the agency that it does for all other federal employees.

Conference Substitute

Senate bill.

BACK PAY

H—/S707(4)(J)

House bill

No similar provision.

Senate bill

Section 707(4) (J) restores application of the Back Pay Act to FAA employees prospectively (i.e., does not have retroactive application to previously decided MSPB cases).

 $Conference\ Substitute$ 

House bill.

FAMILY MEDICAL LEAVE ACT

H-/S707(4)(K)

House bill

No similar provision.

Senate bill

Section 707(4)(K) restores protections of Title II of the Family and Medical Leave Act (FMLA) for FAA employees. In contrast with Title I, there is no individual right of action and employee makes determination as to start of FMLA leave.

Conference Substitute

House bill.

# TITLE VII—AVIATION INSURANCE

GENERAL AUTHORITY

H701/S701(c)

House bill

Section 701 requires the Secretary of Transportation to extend the current aviation war risk insurance policies until September 30, 2013, and authorizes the Secretary to extend them until December 31, 2013. After December 31, 2021, coverage for the risks provided by the extended policies shall be provided in an airline industry sponsored risksharing arrangement approved by the Secretary. Premiums collected by the Secretary from the airline industry after September 22, 2001, through December 31, 2021, for any policy under this subsection, plus interest and less paid or pending claims, must be transferred to risk-sharing arrangement approved by the Secretary.

Senate bill

Section 701(c) is a similar provision, but it does not authorize a follow-on industry shared-risk program.

Conference Substitute

House bill modified to remove language creating a successor program.

EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY

H702/S701(a)

House bill

Section 702 extends for air carriers the current limitation of liability to third parties for losses arising out of acts of terrorism to December 31, 2013. Current law (section 44303(b)) allows the Secretary of Transportation to limit an airline's third-party liability to \$100 million and also prohibits punitive damages against either an airline or the Government for any cause resulting from a terrorist event. A principal objective of the limitation was to encourage commercial insurance companies to provide a reasonably priced amount of third party war risk insurance by defining the maximum third party liability exposure of the airline for a single event. The provision was later expanded by Congress at the request of aircraft manufacturers and aircraft engine manufacturers to permit DOT to similarly limit third-party liability for these parties.

Senate bill

Section 701(a) is the same provision.

Conference Substitute

House bill.

CLARIFICATION OF REINSURANCE AUTHORITY H703/S—

House hill

Section 703 amends the reinsurance section in title 49 U.S.C. to clarify that the DOT may, as a risk mitigation technique, purchase reinsurance from commercial rein-

surers to supplement payment of claims from the aviation insurance revolving fund.

Senate bill

No similar provision.

Conference Substitute

House bill.

USE OF INDEPENDENT CLAIMS ADJUSTERS

H704/S-

House bill

Section 704 authorizes the FAA to use commercial insurance carriers to underwrite insurance and adjust claims, and to use claims adjusters independent of an insurance underwriting agent. This permits expedited claims in the U.S. and foreign jurisdictions.

Senate hill

No similar provision.

Conference Substitute

House bill.

TITLE VIII-MISCELLANEOUS

DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY

H801/S-

House bill

Section 801 clarifies that the FAA has limited authority to release data and reports that are pulled from the FAA's record systems, which are subject to the Privacy Act, to other federal agencies in the interest of national security.

Senate bill

No similar provision.

Conference Substitute

House bill.

FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS

H802/S505

House bill

Section 702 provides legal authority for the FAA to continue to access the National Crime Information Center and related State criminal history databases for certification purposes only to conduct a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting fingerprint based repository in compliance with the National Crime Prevention and Privacy Compact Act, and to receive relevant criminal history record regarding airman check. In accessing repository information, the FAA shall be subject to procedures established by the Departments of Justice or State as appropriate. The Administrator may not use authority to conduct criminal investigations. The Administrator shall receive reimbursement to process the fingerprint based checks in providing these services. The Administrator shall designate employees of the FAA to carry out these ac-

Senate bill

Section 505 is a similar provision.

Conference Substitute

House bill.

CIVIL PENALTIES TECHNICAL AMENDMENTS H803/S—

House bill

Section 803 applies civil penalties to violations of chapter 451 on Alcohol and Controlled Substance Testing.

Senate bill

No similar provision.  $\,$ 

Conference Substitute

House bill.

CONSOLIDATION AND REALIGNMENT OF FAA SERVICES AND FACILITIES

H804/S308

House bill

Section 804 directs the Administrator to develop proposed criteria for use in making recommendations for the realignment and consolidation of FAA services and facilities, and publish the proposed criteria within 30 days of enactment. The proposed criteria would be open to public comment for 30 days, and the FAA must publish final criteria within 90 days of enactment. It requires the Administrator to make recommendations for the realignment and consolidation of FAA services based on the final criteria and a justification for each recommendation. This information will be published and transmitted to Congress within 120 days of enactment. The Administrator is directed to submit the recommendations to a new Aviation Facilities and Services Board (not subject to the Federal Advisory Committee Act), consisting of: the Secretary of Transportation (DOT) or designee: two private sector members appointed by the DOT Secretary; and a U.S. Government Accountability Organization (GAO) representative (to be a non-voting member). Members would serve for three year terms. The Board will hold public hearings and develop a final report (with GAO input if requested by the Board) containing the Board's findings and conclusions based on public comments. The Board must publish the report and transmit a copy to Congress. The Administrator is prohibited from carrying out a Board recommendation if Congress passes a joint resolution of disapproval within 30 days of issuance of the Board's report. It authorizes the Administrator to make additional recommendations every two years. It specifies that Members of the Board will not receive compensation except for work injuries or travel expenses. The Administrator shall make available to the Board such staff, information and administrative services as may be required enabling the Board to carry out its responsibilities. In order for the Board to carry out its duties, the Administrator is authorized to appropriate for each of FYs 2011 through 2014, \$200,000 to carry out this section. Senate bill

Section 308 creates a specific process for the FAA to complete a comprehensive study and analysis of the how the agency might realign its services and facilities to help reduce capital, operating, maintenance, and administrative costs on an agency-wide basis with no adverse effect on safety. The FAA would be required to develop criteria for realignment within nine months of passage and make any recommendations for action within nine months of the publication of the criteria. The Air Traffic Control Modernization Oversight Board would then be required to study the FAA's recommendations, provide opportunity for public comment, and report the Board's recommendations to Congress. The Administrator would be prohibited from consolidating additional approach control facilities into the Southern California TRACON, the Northern California TRACON, the Miami TRACON, or the Mem-TRACON until the Board's ommendations are completed.

 $Conference\ Substitute$ 

House and Senate bills merged and modified. The language now requires the Administrator to develop, in conjunction with the Chief NextGen Officer and Chief Operating Officer of the Air Transportation Organization, a National Facilities Realignment and

Consolidation Report within 120 days of enactment and allow 45 days for the submission of public comments on that report. The report shall be developed with the participation of: 1) representatives of labor organizations representing operations and maintenance employees of the air traffic control system; and 2) industry stakeholders. The purpose of this report is to support the transition to NextGen and to reduce capitol, opmaintenance, and administrative costs of the FAA without adversely affective The report shall include ommendations with justification and project costs and savings. It instructs the Administrator to submit a report to Congress within 60 days after the last day of the public comment period on the Administrator's recommendations on realignment and consolidation of services and facilities of the FAA and it directs the Administrator to follow this report during the realignment process. It maintains the House language on Congressional Disapproval which prohibits the Administrator for carrying out recommendation in the report should a joint resolution of disapproval be enacted within 30 days of submission of the report to Congress.

LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT

H805/S-

House bill

Section 805 requires the FAA, within 180 days of enactment, to assess the feasibility of developing a physical means, or a combination of physical and procedural means, to prohibit individuals, other than authorized flight crewmembers, from accessing the flight decks of all-cargo aircraft. It requires a report within one year of enactment.

Senate bill

No similar provision.

 $Conference\ Substitute$ 

House bill.

CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA

H806/S721

House bill

Section 806 requires the Administrator to issue a report containing a list of obsolete, redundant, or otherwise unnecessary reports that the FAA is required by law to submit to the Congress or publish. It requires an estimate of the cost savings that would result from the elimination or consolidation of those reports.

Senate bill

Section 721 is an identical provision.

Conference Substitute

House and Senate bills.

PROHIBITION ON USE OF CERTAIN FUNDS

H807/S-

House bill

Section 807 prohibits the Secretary of Transportation from using funds available in this act to name, rename, designate or redesignate any authorized project or program after an individual who is currently serving in Congress.

Senate bill

No similar provision.

 $Conference\ Substitute$ 

House bill.

STUDY ON AVIATION FUEL PRICES

H808/S727

House bill

Section 808 requires the U.S. Government Accountability Office (GAO) to conduct a

study and report to Congress within 180 days of enactment on the impact of aviation fuel price increases on the Airport and Airway Trust Fund and the aviation industry in general.

Senate bill

Section 727 is an identical provision. Conference Substitute

Senate bill.

WIND TURBINE LIGHTING

H809/S611 House bill

Section 809 directs the Administrator to conduct a study, make recommendations, and report to Congress on wind turbine lighting systems within one year of the date of enactment. The study and recommendations must include the effect of wind turbine lighting on residential areas, the safety associated with alternative lighting strategies, the potential energy savings, and the feasibility of implementing alternative lighting strategies.

Senate bill

Section 611 requires the Administrator to survey and assess the leases for critical FAA facility sites and determine how close these facilities are to wind farms or areas suitable for the construction of wind farms. Following the assessment, the FAA would be required to report to Congress and the U.S. Government Accountability Office (GAO) on its findings and recommendations. It would require the GAO to assess the potential impact wind farms have on the FAA's navigational aids and would require an assessment on methods and restrictions to mitigate the effects of wind farms on navigational aids. Upon receiving the GAO report, the FAA would be directed to issue guidelines for the construction of wind farms near critical FAA facilities.

Conference Substitute

House bill.

AIR-RAIL CODE SHARING STUDY

H810/S725

Section 810 directs the U.S. Government Accountability Office (GAO) to conduct a study regarding existing airline and intercity passenger rail code-sharing arrangements, and the feasibility of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel, and submit the study to Congress within six months of enactment. The GAO is directed to consider: 1) the potential costs to taxpayers and other parties, and the benefits of the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers; 2) airport and intercity passenger rail operations that can improve connectivity between airports and intercity passenger rail facilities; 3) the experience of other countries with airport and intercity passenger rail connectivity; and 4) other issues the GAO deems appropriate.

Senate bill

Section 725 is a similar provision, but the GAO considerations are not as extensive. It requires the report to be completed within one year.

 $Conference\ Substitute$ 

House bill.

D.C. METROPOLITAN AREA SPECIAL FLIGHT RULES AREA

H811/S—

House bill

Section 811 requires the Administrator to work with the Secretaries of Defense and

Homeland Security on a plan to decrease the operational impacts and improve general aviation access to the Washington, D.C. region impacted by the D.C. Metropolitan Area Special Flight Rules Area, and submit the plan to Congress within six months of enactment. The plan must outline specific changes to the D.C. Metropolitan Area Special Flight Rules Area that will decrease operational impacts and improve general aviation access to airports in the Washington, D.C. region that are currently impacted by the zone.

Senate bill

No similar provision.

Conference Substitute

House bill.

FAA REVIEW AND REFORM

H812/S-

House bill

Section 812 requires the Administrator to undertake a thorough review of each program, office, and organization within the FAA, including the Air Traffic Organization, to identify: 1) duplicative positions, programs, roles or offices; 2) wasteful practices; 3) redundant, obsolete, or unnecessary functions; 4) inefficient processes; and 5) ineffectual or outdated policies. Directs the Administrator to undertake such actions as may be necessary to address the findings of the review, streamline and reform FAA functions, and submit a report to Congress within 150 days of enactment.

Senate bill

No similar provision.

Conference Substitute

House bill.

USE OF MINERAL REVENUE AT CERTAIN AIRPORTS

H815/S224

House bill

Section 815 specifies that the FAA may declare certain revenue derived from, or generated by mineral extraction at a general aviation airport to be revenue greater than the long term projects, operation, maintenance, planning and capacity needs of the airport. If the Administrator issues a declaration, the airport sponsor may allocate to itself or governing body within limits of the airport's locality the revenue identified in declaration for use in carrying out a Federal, State or local transportation infrastructure project. In generating revenue from mineral rights the airport sponsor shall not charge less than fair market value. The airport sponsor and Administrator shall agree on a 20 year capital improvement program that includes projected costs, charges and fees. Furthermore, the airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds, and operate as a public-use airport until the Administrator grants a request to allow airport to close. The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments and mitigation plans. The Administrator shall conduct review and issue a determination within 90 days following receipt of an airport sponsor's application and requisite documentation.

Senate bill

Section 224 is a similar provision, but it contains a five year capital improvement program.

Conference Substitute

Senate bill.

CONTRACTING

H818/S-

House bill

Section 818 permits the Administrator to conduct a review, and submit to relevant Committees, a report describing how FAA weighs economic vitality of a region when considering contract proposals for training facilities.

Senate bill

No similar provision.

Conference Substitute

House bill modified by removing language on "economic vitality" and inserting language that requires: 1) the proposal is drafted so that all parties can fairly compete; and 2) the proposal takes into consideration the most cost-effective location, accessibility, and services options.

FLOOD PLANNING

H819/S-

House bill

Section 819 permits the Administrator, in consultation with the Federal Emergency Management Administration, to conduct a review and submit to relevant committees a report on the state of preparedness and response capability for airports located in flood plans to respond to and seek assistance in rebuilding after catastrophic flooding.

Senate hill

No similar provision.

Conference Substitute

House bill modified to include a direction to the Federal Emergency Management Agency (FEMA) to consider as an eligible activity for purposes of the National Flood Insurance Act of 1968, "the demolition and rebuilding of properties to at least base flood levels or higher".

HISTORICAL AIRCRAFT DOCUMENTS

H823/S-

House bill

Section 823 directs the Administrator to take actions, as seen necessary, to preserve original aircraft type certificate engineering and technical data in possession of the FAA. No later than one year after date of enactment, the Administrator shall revise an executive order to prohibit destruction of historical aircraft documents. The Administrator shall consult with Archivist of the U.S. and Administrator of General Services on the best methods to preserve these documents. The Administrator shall make these documents available under Freedom of Information Act. This provision does not affect the rights of the holder or owner of a type certificate identified above, or require holders or owners to provide, surrender or preserve any original or duplicate engineering data to FAA. Notwithstanding any other provision of the law, the holder of a type certificate identified in this section shall not be responsible for any continued airworthiness or FAA regulatory requirements.

Senate bill

No similar provision.

Conference Substitute

House bill modified by changing the date from one year to three years for the revision of order. The language specifying that holders of type certificates shall not be responsible for any continued airworthiness is deleted. New language is added narrowing the definition of applicability to this section to those "having a standard airworthiness certificate issued prior to the date the documents are released to a person by the FAA under subsection (b) (1).

RELEASE FROM RESTRICTIONS

H824/S219

House bill

Section 824 authorizes the Secretary of Transportation to grant an airport, city or county a release from any of the terms, conditions, reservations or restrictions contained in a deed in which the U.S. conveyed to the airport, city or county property for airport purposes pursuant to section 16 of Federal Airport Act or section 23 of the Airport and Airway Development Act. Any release granted by the Secretary shall be subject to the following conditions: 1) the applicable airport, city or country shall agree in conveying interest in the proper which U.S. conveyed to the airport and 2) the city or county will receive an amount for such interest equal to fair market value. Lastly, any amount received must be used exclusively for development, improvement, operation. or maintenance of public airport.

Senate hill

Section 219 is a similar provision, but it specifies airports in St. George, Utah, and Dona Ana County, New Mexico, for release in order to facilitate the development of a replacement airport.

Conference Substitute

House bill modified

AIR TRANSPORTATION OF LITHIUM CELLS AND BATTERIES

H814/S-

House bill

Section 814 requires the Administrator to not issue or enforce any regulation regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, if the requirement is more stringent than the requirements of International Civil Aviation Organization.

Senate bill

No similar provision.

Conference Substitute

House bill modified to require that, in almost all circumstances, regulations governing the air transportation of lithium metal or lithium ion cells or batteries be consistent with the provisions of the International Civil Aviation Organization Technical Instructions for the Safe Transportation of Dangerous Goods by Air (commonly known as the ICAO Technical Instructions), as in effect at the time the regulations were adopted. The only exceptions to this directive would be (a) to allow the retention of an existing U.S. prohibition on transportation of lithium metal batteries and cells on passenger aircraft, even if it is not embodied in the ICAO Technical Instructions, and (b) to allow adoption and enforcement of a targeted rule more stringent than the ICAO Technical Instructions in the event that an authoritative national or international governmental body provides a formal report finding that the presence of lithium metal or lithium ion batteries on an aircraft in compliance with the ICAO Technical Instructions was a substantial contributing factor to the initiation or promulgation of an onboard fire.

Where the conditions set forth in this section are met, the Secretary may issue a targeted emergency regulation that addresses solely the deficiencies identified in the report that triggered the regulation. That regulation may remain in effect for up to one year and is not subject to renewal. Either alternatively or consecutively, the Secretary may undertake a rulemaking in accordance with the Administrative Procedure Act to adopt a permanent regulation. That permanent regulation must be based on substantial credible evidence that the cells or batteries of the type at issue could be expected to substantially contribute or propagate an onboard fire even if they were shipped in accordance with applicable ICAO Technical Regulations; be narrowly tailored to avoid disruption of the shipping of other cells, batteries or products; and employ the least expensive approach while addressing the identified safety concern.

LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATION

H816/S1211-1213

House bill

Section 816 amends the Volunteer Protection Act of 1997 (VPA) to include volunteer pilots and volunteer pilot organizations within the scope of its protections. Under present law, nonprofit volunteer pilot organizations and their pilots that provide lifesaving medical flights without compensation are vulnerable to costly and often frivolous litigation that undermines the ability of these organizations to provide critical volunteer flight services in a timely manner. In addition, institutions that refer patients to volunteer pilot organizations are presently subject to legal jeopardy. Section 816 protects and promotes the important work of volunteer pilot organizations by creating limited protection against liability to volunteer pilot organizations and pilots so that they are able to procure necessary insurance and continue their important operations.

Senate hill

Sections 1221-1213 of the Senate bill contain a similar, but more limited, volunteer pilot provision. The Senate provision only includes volunteer pilots within the scope of its protections. Although the Senate provision does not provide protections to volunteer pilot organizations, it does protect and promote the important work of volunteer pilots.

Conference Substitute

No provision.

AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY H817/S-

House bill

Section 817 specifies that Congress finds that the federal government's dissemination to the public of information relating to noncommercial flight does not serve a public policy objective. Upon request of private owner or operator the Federal Government should not disseminate to the public information relating to non-commercial flights carried out by that owner or operator as the information should be private and confidential. The FAA shall block the display of the owner or operator's aircraft registration number in aircraft situation display data upon the private owner or operator request, except when the FAA provides such data to a government agency.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

SENSE OF CONGRESS

H825/S-House bill

Section 825 states that it is the Sense of Congress that Los Angeles World Airports should consult on regular basis with representatives of the community surrounding

the airport regarding ongoing operations, plans to expand, modify or realign the Los Angeles International Airport (LAX) facility, and include consultations with any organization which has at least 20 or more individuals.

Senate bill

No similar provision.

Conference Substitute

House bill modified to include consultation with any organization which has at least 100 or more individuals.

HUMAN INTERVENTION MOTIVATION STUDY

H—/S702

House bill

No similar provision.

Senate bill

Section 702 within six months of enactment the FAA shall develop a Human Intervention Motivation Study program for cabin crews employed by commercial air carriers in the United States.

Conference Substitute

Senate bill.

STUDY OF AERONAUTICAL MOBILE TELEMETRY

 $H\!\!-\!\!/S719$ 

House bill

No similar provision.

Senate bill

Section 719 requires the Administrator to report to Congress in 180 days on the aeronautical telemetry needs of civil aviation over the next decade and the potential impact of the introduction of a new radio service operating at the same spectrum as aeronautical mobile telemetry service.

Conference Substitute

Senate bill.

CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS

H-/S729

House bill

No similar provision.

Senate bill

Section 729 clarifies that an aircraft owner or aircraft operator can accept reimbursement for all or part of the fuel costs associated with operating a volunteer flight for medical purposes.

Conference Substitute

Senate bill modified by including original language, "not withstanding any other law or regulation" for the administering of section 61.113(c) of 14 C.F.R. Furthermore, language is added to allow pilot to accept reimbursement from volunteer pilot organization for fuel costs association with flight operation for medical purpose, and add "organ" as a transported item in subsection (a) Language is added that in order for an owner or operator to be eligible for the referenced reimbursement, the aircraft owner or operator must have volunteered and notified any individual on the flight that the flight operation is for charitable purposes and is not subject to the same requirements as commercial flight. Lastly, language was added that allows the Administrator to impose minimum standards with respect to training and flight hours for single-engine, multi-engine and turbine engine operations that is being reimbursed for fuel costs in the above mentioned event, including the authority to mandate that pilot in command of aircraft hold an instrument rating and be current and qualified for the aircraft being flown to ensure safety of flight operations.

PILOT PROGRAM FOR A REDEVELOPMENT OF

H—/S712

House bill

No similar provision.

Senate bill

Section 702 directs the FAA to create a pilot program fostering the collaboration between airports who have submitted a noise compatibility program and the surrounding neighboring local jurisdictions to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community. The FAA would also have the authority to issue grants for this program.

Conference Substitute

Senate bill.

REPORT ON NEW YORK CITY AND NEWARK AIR TRAFFIC CONTROL FACILITIES

H-/S723

House bill

No similar provision.

Senate bill

Section 723 requires the Administrator within 90 days to report to Congress on FAA's plan to staff Newark Liberty Airport's air traffic control tower at negotiated staffing levels within one year.

Conference Substitute

Senate bill modified to direct FAA to submit a report to Congress on the FAA's staffing and scheduling plans for air traffic control facilities in the New York and Newark Region for the one year period after the date of enactment.

CYLINDERS OF COMPRESSED OXYGEN OR OTHER OXIDIZING GASES

H813/S730

House bill

Section 813 directs that the transportation within the State of Alaska of cylinders of compressed oxygen or other oxidizing gases aboard aircraft is exempt from compliance from regulations that require such gases to be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders. The exemption is to be applied in circumstances in which transportation of the cylinders by ground or vessel is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination.

Senate bill

Section 730 is a similar provision, but provides an exemption only for certain cylinders.

 $Conference\ Substitute$ 

House bill modified to include new language that: 1) specifies that each cylinder is fully covered with fire or flame resistant blanket; 2) requires that the operator complies with the applicable notification procedures under 49 C.F.R. 175.33.; and 3) specifies that the exemption applies to cargo-only aircraft if the destination has cargo-only service at least once a week and passenger and cargo-only aircraft if the destination does not receive cargo-only service at least once a week

ORPHAN EARMARKS ACT

H - /S738

 $House\ bill$ 

No similar provision.

Senate bill

Section 738 requires all federal agencies to rescind amounts designated as earmarks

back to the Treasury if they are nine years or older.

Conference Substitute

Senate bill modified.

PRIVACY PROTECTIONS FOR AIRCRAFT PAS-SENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY

H-/S739

House bill

No similar provision.

Senate bill

Section 739 directs the Transportation Security Administration (TSA) Administrator to ensure that advanced imaging technology used for the screening of passengers is equipped with automatic target recognition software (which would produce a generic image of the individual being screened) beginning on January 1, 2012.

Conference Substitute

Senate bill modified to include language allowing the TSA Administrator to extend the deadline that requires the TSA Administrator to ensure that Advanced Imaging Technology machines meet requirements as specified in this section, if the resulting technology would perform inadequately or additional testing is necessary. In addition, the beginning date for implementation of automatic target recognition software is changed from January 1, 2012 to June 1, 2012.

TERMINATION OF CERTAIN RESTRICTIONS FOR BURKE LAKEFRONT AIRPORT

H820/S-

House bill

Section 820 states that any restriction in FAA Flight Data Center Notice to Airmen, the Administrator may not prohibit or impose airspace restrictions with respect to an air show or other aerial event located at the Burke Lakefront Airport in Cleveland, Ohio, due to a stadium event or event at other venues occurring at the same time. The Administrator may prohibit aircraft from flying directly over applicable stadiums or venues

 $Senate\ bill$ 

No similar provision.

Conference Substitute
Senate bill.

SANTA MONICA AIRPORT, CA.

H821/S—

House bill

Section 821 specifies that Congress finds that the Administrator should enter into good faith discussions with city of Santa Monica, California, to achieve a runway safety area solution consistent with FAA design guidelines.

Senate bill

No similar provision.

 $Conference\ Substitute$ 

Senate bill.

INSPECTOR GENERAL REPORT ON PARTICIPATION
IN FAA PROGRAMS BY DISADVANTAGED SMALL
BUSINESS CONCERNS

H822/S-

House bill

Section 822 directs the DOT IG to submit a report to Congress on the number of new small business concerns owned and controlled by socially and economically disadvantaged individuals, such as veterans, that participate in airport programs. The report shall list the top 25 and bottom 25 large and medium hub airports in terms of providing opportunities for such small businesses and provide results of the assessments

and recommendations to the FAA and Congress on methods for other airports to achieve results similar to those of the top airports.

Senate bill

No similar provision.

Conference Substitute

House bill.

ISSUING REGULATIONS

H826/S-

House bill

Section 826 requires that when proposing or issuing regulation the Administrator shall analyze the different industry segments and tailor any regulation to characteristics of each separate segment, taking into account that U.S. aviation industry is composed of different segments. The Administrator shall analyze for each industry segment: alternative forms of regulation, assess the costs and benefits, ensure proposed regulation is based on best reasonably obtainable scientific, technical and other information, and assess any adverse effects on efficient function of the economy, private markets together with quantification of such costs.

Senate bill

No similar provision.

Conference Substitute

Senate bill.

WEIGHT RESTRICTIONS AT TETERBORO AIRPORT H—/S711

House bill

No similar provision.

Senate bill

Section 711 prohibits the Administrator from taking action designed to challenge or influence the weight restrictions at Teterboro Airport, except in an emergency.

Conference Substitute

House bill.

FLIGHT CREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES

H-/S720

House bill

No similar provision.

Senate bill

Section 720 requires the Administrator to conduct a study and issue a report on aviation industry best practices with regard to flight crew member pairing, crew resource management techniques, and pilot commuting.

Conference Substitute

House bill because the Senate provision is included in P.L. 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010.

ONGOING MONITORING OF AIRSPACE REDESIGN

H--/S726

House bill

No similar provision.

Senate bill

Section 726 directs the Administrator to work with the New York and New Jersey Port Authority to monitor the noise impacts of the redesign and submit reports to Congress on those impacts within 270 days, and every 180 days thereafter until the New York, New Jersey and Philadelphia airspace redesign is completed.

Conference Substitute

House bill.

LAND CONVEYANCE FOR SOUTHERN NEVADA

H—/S728

House bill

No similar provision.

Senate bill

Section 728 adds language to Title VII to allow certain lands in Clark County, Nevada, to be used for the development of a flood mitigation infrastructure project once the Administrator has: (1) approved an airport layout plan for an airport in Ivanpah Valley, Nevada; and (2) issued a record of decision after the preparation of an environmental impact statement or similar analysis document on the construction and operation for the airport in Ivanpah Valley, Nevada.

Conference Substitute

House bill.

TECHNICAL CORRECTION

H—/S731

House bill

No similar provision.

Senate bill

Section 731 amends the Consolidated Appropriations Act of 2010, to require inspections of rail containers containing firearms or ammunition and permits the temporary suspension of firearm carriage if credible intelligence information indicates that a threat related to the national rail system, specific routes, or trains is identified.

Conference Substitute

House bill.

SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS

H - /S732

House bill

No similar provision.

Senate bill

Section 732 requires the Secretary of Transportation and the Secretary of Commerce to develop a plan to allow federal agencies to fly weather forecasting instruments on commercial flights within 270 days of enactment.

Conference Substitute

House bill.

CONTROLLING HELICOPTER NOISE IN RESIDENTIAL AREAS

H—/S740

House bill

No similar provision.

Senate bill

Section 740 directs the FAA to prescribe standards to measure helicopter noise and regulations to control helicopter noise in residential areas. This section would mandate that within one year, the FAA finalize regulations with respect to helicopters operating over Long Island.

 $Conference\ Substitute$ 

House bill.

CRIMINAL PENALTY FOR UNAUTHORIZED RE-CORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES

H—/S734

House bill

No similar provision.

Senate bill

Section 734 establishes criminal penalties for unauthorized recording or distribution of security screening images. Includes images from backscatter x-rays or millimeter waves and devices. It provides an exception for certain law enforcement or intelligence purposes

Conference Substitute

House bill.

APPROVAL OF APPLICATIONS FOR THE SECURITY
SCREENING OPT-OUT PROGRAM

H—/5130

 $House\ bill$ 

No similar provision.

Sonato hill

Section 735 requires the Transportation Security Administration (TSA) Administrator to consider approving applications to participate in the Screening Partnership Program (SPP), which uses private screeners instead of TSA employees, for all airports with pending applications. This section requires the TSA Administrator to reconsider rejected applications for the SPP for a limited number of airports. If the TSA Administrator decides again to deny an application, they must report to Congress on the reason for the denial.

Conference Substitute

Senate bill modified to require the TSA Administrator to approve or deny, within 120 days, an application received by an airport to participate in the SPP. The Administrator is required to approve the application unless a determination is made that such approval would compromise security or have a detrimental effect on the on the cost-efficiency or effectiveness of security screening at that airport. The Administrator must provide a more in-depth explanation in a report to Congress if an SPP application is denied. This explanation must include: (1) the findings that served as a basis for the denial; (2) results of any cost or security analysis conducted in the reconsideration; and (3) recommendations on how the airport operator can address the reasons for the denial. This report has to be issued with 60 days of the denial. Airport Operators who apply for the SPP must also provide TSA a recommendation as to which company would best serve the airport along with an explanation for that choice. The modified provision also requires the reconsideration of SPP applications pending between January 1, 2011, and February 3, 2011, and outlines specific timelines to be followed in issuing decisions regarding SPP reapplications. The provision includes modifications to existing requirements which provide the Administrator with more flexibility in determining what companies can bid for SPP contracts.

The conference committee believes that in determining the cost efficiency and effectiveness of an applicant's screening services, the TSA Administrator shall compare the annual costs to the Federal government and related effectiveness measures associated with screening services at commercial airports using private-sector screeners with comparable costs associated with screening services by Federal screeners, applying the relevant cost and performance metrics equally to the private and Federal screening programs.

CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA

H-/S736

House bill

No similar provision.

 $Senate\ bill$ 

Section 736 directs the Secretary of the Interior to convey to the City of Mesquite, NV, without consideration, all right, title and interests of the U.S. in a land parcel at Mesquite Airport.

 $Conference\ Substitute$ 

House bill.

TITLE IX—NATIONAL MEDIATION BOARD

AUTHORITY OF THE DOT INSPECTOR GENERAL H901/S—  $\,$ 

House bill

Section 901 gives the DOT IG specific authority to conduct audits and evaluate the

National Mediation Board's (NMB) financial management, property management, and business operations. In carrying out this authority, the Inspector General of the Department of Transportation (DOT IG) is to keep the Chairman of the Mediation Board and Congress fully and currently informed, issue findings and recommendations and report periodically to Congress. The Secretary of Transportation may only appropriate for use by the DOT IG no more than \$125,000 for each of FYs 2011 through 2014.

Senate bill

No similar provision.

Conference Action

No provision.

EVALUATION AND AUDIT OF THE NATIONAL MEDIATION BOARD

H902/S-

House bill

Section 902 directs the GAO to conduct audits and evaluate the NMB's programs, operations and activities, including: 1) information management and security; 2) resource management; 3) workforce development; 4) procurement and contracting policies; and 5) NMB processes for conducting investigations of representation applications, determining and certifying representation of employees, and ensuring that the process occurs without interference

Senate bill

No similar provision.

Conference Action

House provision modified. The conference committee agreed to the following modifications. The conference committee agreed to amend the Railway Labor Act by requiring an evaluation and audit of the Mediation Board by the Comptroller General. The Comptroller General of the U.S. shall evaluate and audit the programs and expenditures of the Mediation Board at least every two years, however it may be conducted as determined necessary by the Comptroller or appropriate congressional committees. In conducting the evaluation and audit of the Mediation Board, the Conference Committee sets forth the minimum programs, operations and activities of the Board that shall be included. No later than 180 days after the date of enactment, the Comptroller General shall review the Mediation Board's processes to certify and decertify representation of employees by a labor organization and make recommendations to the Board and appropriate congressional committees regarding actions that may be taken by the Board to ensure the processes are fair and reasonable for all parties.

REPEAL OF RULE

H903/S-

House hill

Section 903 repeals the rule prescribed by the NMB on May 11, 2010, effective January 1, 2011. In May 2010, the NMB changed standing rules for union elections at airlines and railroads, which counted abstentions as votes "against" unionizing, to the current rule which counts only no votes as "against" unionizing, abstentions do not count either way.

Senate bill

No similar provision.

 $Conference\ Action$ 

This provision was not agreed to by the Conference, and is not included in the final bill. The conference committee agreed to the following provisions.

Rule Makina

The conference committee agreed to amend title I of the Railway Labor Act by inserting after section 10 that the Mediation Board has authority from time to time to make, amend, and rescind, in the manner prescribed by section 553 of title 5, United States Code and after opportunity for a public hearing, such rules and regulations as may be necessary to carry out the provisions of this Act.

Runoff Elections

The conference committee agreed to amend Paragraph Nine of section 2 of the Railway Labor Act to require that in any runoff election for which there are 3 or more options (including the option of not being represented by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the options receiving the largest and the second largest number of votes.

Showing of Interest

The conference committee agreed to amend section 2 of the Railway Labor Act by raising the showing of interest threshold for elections to not less than fifty percent of the employees in the craft or class.

TITLE X—SCIENCE COMMITTEE, RE-SEARCH, ENGINEERING AND DEVELOP-MENT (R,E&D)

SHORT TITLE

H1001/S-

House bill

Section 1001 titles the section the "Federal Aviation Research and Development Reauthorization Act of 2011".

Senate bill

No similar provision.

Conference Substitute

Senate bill.

AUTHORIZATION OF APPROPRIATIONS

(\$ IN MILLIONS)

H1003(a)/S103

House bill

Section 1003(a) authorizes the Federal Aviation Administration's Research, Engineering and Development (R,E&D) account at \$165.2 million in FY 2011, and \$146.83 million in FY 2012, FY 2013, and FY 2014.

Senate bill

Section 103 authorizes the Federal Aviation Administration's Research, Engineering and Development account at \$200 million in FY 2010 and \$206 million in FY 2011.

 $Conference\ Substitute$ 

House and Senate bills merged to provide \$168 million for Federal Aviation Administration's Research, Engineering and Development account in FYs 2012 through FY 2015.

DEFINITIONS

H1002/S-

House bill

Section 1001 defines the terms Administrator", "FAA", "Institution of Higher Education", "NASA", National Research Council", "NOAA", and "Secretary".

Senate bill

No similar provision.

Conference Substitute

House bill.

PROGRAMS AUTHORIZED

H1003(b), (c)/S103

House bill

Section 1003(b), (c) authorizes Research and Development activities listed in the National Aviation Research Plan. Senate bill

Section 103 requires the FAA to establish a grant program to promote aviation research at undergraduate and technical colleges including schools serving Historically Black Colleges and Universities, Hispanic, Native Alaskan & Hawaiian populations.

Conference Substitute

House bill.

UNMANNED AIRCRAFT SYSTEMS

H1004/S607(a)

House bill

Section 1004 requires the Administrator in conjunction with other appropriate federal agencies to develop technologies and methods to assess the risk and prevent defects, failures, and malfunctions of products, parts and processes for use in all classes of Unmanned Aircraft Systems (UAS) that could result in catastrophic failure of UAS or endanger other aircraft in the NAS. The Administrator is required to supervise research which will develop better understanding of the relationship between human factors and UAS safety and develop simulation models for integration of all UASs into the NAS without degrading safety for current users.

Senate bill

Section 607(a) permits the FAA to conduct developmental research on UASs. It authorizes the FAA, in conjunction with other federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.

Conference Substitute

House bill.

RESEARCH PROGRAM ON RUNWAYS

H1005/S605

House bill

Section 1005 directs that when researching how to develop and maintain a safe and efficient NAS, the Administrator will include improved runway surfaces and engineered material restraining systems for runways at general aviation and commercial airports.

 $Senate\ bill$ 

Section 605 allows the FAA to continue a program that authorizes awards to nonprofit research foundations to improve the construction and durability of pavement for runways.

Conference Substitute

House and Senate bills merged. The provision contains modified Senate language in subsection (a) that will allow the Administrator to maintain a program that will make awards to carry out a research program under which the Administrator may make grants to and enter into cooperative agreements with institutions of higher education and nonprofit pavement research organization. The conference agreement includes House language to cover research that relates to engineered material restraining systems for runways at both general aviation and commercial airports. The conference agreement also includes Senate language on use of grants or cooperative agreements.

RESEARCH ON DESIGN FOR CERTIFICATION

H1006/S-

House bill

Section 1006 requires the Administrator to conduct research on methods and procedures to improve confidence in and the timeliness of certification of new technologies for introduction into the NAS within one year. It

specifies that not later than six months after enactment, the FAA will develop a plan for the research that contains objectives, proposed tasks, milestones and a five year budget profile. The Administrator will enter into an arrangement with the National Research Council to conduct an independent review of the plan not later than 18 months after the date of enactment, with results of the review provided to Congress.

Senate bill

No similar provision.

Conference Substitute

House bill.

AIRPORT COOPERATIVE RESEARCH PROGRAM H1007/S601

111001/1500

House bill

Section 1007 makes the Airport Cooperative Research Program permanent and requires a report on the program no later than September 30, 2012.

Senate bill

Section 601 is a similar provision, but it specifies that a maximum of \$15 million of aviation research grant funds may go to the Airport Cooperative Research Program. It directs that at least \$5 million of the Airport Cooperative Research Program funds must go to environmental research.

Conference Substitute

House bill.

CENTERS OF EXCELLENCE

H1008/S608

House bill

Section 1008 changes the current Government share of costs for the Centers of Excellence so that the government's share of cost will not exceed 50 percent, with the exception that the Administrator may increase the share to a maximum of 75 percent for a fiscal year if the Administrator determines a center would be unable to carry out authorized activities without additional funds. An annual report is required listing the research projects initiated at each Center of Excellence, the amount of funding and funding source for each project, institutions participating, their shares of funding, and level of cost-sharing for the project.

Senate bill

Section 608 authorizes \$1 million per year for each of fiscal years 2008 through 2012 for a Center of Excellence in applied research and training in the use of advanced materials in transport category aircraft.

Conference Substitute

House bill.

CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH

H1009/S-

House bill

Section 1009 permits the Administrator to establish a Center of Excellence to conduct research on human performance in the air transportation environment, and any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system. Activities conducted under this section may include research and development and evaluation of training programs, best practices for recruitment, development of a baseline of general aviation employment statistics, research and development of the airframe and power plant technician certification process, evaluation of aviation maintenance technician school environment, and transitioning mechanics into the aviation field.

Senate bill

No similar provision.

Conference Substitute

House bill.

INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT

H1010/S—

House bill

Section 1010 directs that the Administrator, in coordination with National Air and Space Administration (NASA), may maintain a research program to assess the potential effect of aviation on the environment. The research plan will be developed by the Administrator with NASA and other relevant agencies, and will contain an inventory of current interagency research, future research objectives, proposed tasks, milestones and a five year budgetary profile. The plan shall be completed within one year, and shall be updated as appropriate every three years after initial submission.

Senate bill

No similar provision.

 $Conference\ Substitute$ 

House bill.

AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM

H1011/S-

House bill

Section 1011 specifies that, using Research, Engineering and Development (R,E&D) funds, the Administrator, in coordination with NASA Administrator, will continue R,E&D activities into the qualification of unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft. It directs that the Administrator, not later than 270 days after enactment, will provide Congress with a report on a plan, policies, and guidelines on how this will be accomplished.

 $Senate\ bill$ 

No similar provision.

Conference Substitute

House bill.

RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT

H1012/S603

House bill

Section 1012 directs the Secretary of Transportation to conduct a research program related to developing and qualifying jet fuel from alternative sources through grants and other measures. The program will allow for participation of industry and educational and research institutions that have existing facilities and experience in the research and development of technology for alternative jet fuels. The Secretary may collaborate with existing interagency programs, including the Commercial Aviation Alternative Fuels Initiative (CAAFI).

Senate bill

Section 603 requires the DOT to establish a research program to develop jet fuel from natural gas, biomass, and other renewable sources. It directs that the FAA, within 180 days, designate a Center of Excellence for Alternative Jet-Fuel Research for Civil Aircraft.

 $Conference\ Substitute$ 

Senate bill modified to add language permitting facilities to participate in the program that "leverage private sector partnerships and consortia with experience across the supply chain" and changing "shall" to "may" in directing the Administrator to

designate an institution to carry out this section.

REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS

H1013/S-

House bill

Section 1013 directs the Administrator to review FAA energy-related and environment-related research programs. It initiates a report to be submitted on the agency's review to Congress no later than 18 months after enactment.

Senate bill

No similar provision.

Conference Substitute

House bill modified to direct the FAA to "enter into an arrangement for an independent external review" to conduct the review, rather than the Administrator.

REVIEW OF FAA'S AVIATION SAFETY-RELATED
RESEARCH PROGRAMS

H1014/S-

House bill

Section 1014 directs the Administrator to review FAA's aviation safety-related research programs. It initiates a report to be submitted on the agency's review to Congress no later than 14 months after enactment.

Senate bill

No similar provision.

Conference Substitute

House bill modified to direct the FAA to "enter into an arrangement for an independent external review" to conduct the review, rather than the Administrator.

RESEARCH GRANTS FOR UNDERGRADUATES

H - /S103

House bill

No similar provision.

Senate bill

Section 103 authorizes \$5 million for research grants program for undergraduate colleges, including those that are Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled institutions and Alaska Native and Native Hawaiian institutions.

 $Conference\ Substitute$ 

House bill.

PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT

H - /S604

 $House\ bill$ 

No similar provision.

 $Senate\ bill$ 

Section 604 requires the Secretary of Transportation to establish a Center of Excellence for a research program related to developing jet fuel from clean coal through grants or other measures, with a requirement to include educational and research institutions in the initiative.

 $Conference\ Substitute$ 

Senate bill modified by changing "shall" to "may" in directing the Administrator to establish a Center of Excellence to carry out this section.

WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH

H-/S606

House bill

No similar provision.

Senate bill

Section 606 directs the Administrator to initiate an evaluation of proposals that

would: increase capacity throughout the NAS by reducing spacing requirements between aircraft through research of wake turbulence; begin implementation of a system to avoid volcanic ash; and establish weather research projects, including on ground deicing.

#### Conference Substitute

Senate bill modified to include research on the nature of wake vortexes and to direct the Administrator to coordinate with National Oceanic and Atmospheric Administration (NOAA), National Air and Space Administration (NASA), and other appropriate federal agencies to conduct research.

REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT

#### H - /S608

House bill

No similar provision.

Senate hill

Section 608 authorizes \$1 million per year for FYs 2008 through 2012 for a Center of Excellence in applied research and training in the use of advanced materials in transport category aircraft.

Conference Substitute

Senate bill with modification removing authorization amounts.

RESEARCH AND DEVELOPMENT OF EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIR-CRAFT

H-/S612

House bill

No similar provision.

Senate bill

Section 612 requires the FAA to conduct a research program for the identification or development of effective air cleaning technology and sensors technology for the engine and auxiliary power unit bleed air supplied to passenger cabins and flight decks of all pressurized aircraft. It would require the FAA submit a report to Congress within one

Conference Substitute

Senate bill.

EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXTGEN

# H212/S314

Section 212 directs the Administrator to enter into an arrangement with the National Research Council to review the enterprise architecture for NextGen. Also, the Administrator must report to Congress within one year on the results of this review.

Senate hill

Section 314 directs the Administrator to publish a report within six months, after consultation with stakeholders, including the development of: 1) RNP/RNAV procedures at 137 airports; 2) a description of the activities required for their implementation; 3) an implementation plan that includes baseline and performance metrics; 4) assessment of the benefits/costs of using third parties to develop the procedures; and 5) a process for the creation of future RNP and RNAV procedures. The Administrator must implement 30 percent of the procedures within 18 months of enactment, 60 percent within 36 months of enactment, and 100 percent by 2014. The Administrator is directed to create a plan for the implementation of procedures

at the remaining airports across the country. It would require 25 percent of the procedures at these airports to be implemented within 18 months after enactment, 50 percent within 30 months after enactment; 75 percent within 42 months after enactment, and 100 percent before 2016. The charter of the Performance Based Navigation ARC is extended and directs it to establish priorities for development of RNP/RNAV procedures based on potential safety and congestion benefits. It would require that the process of the development of such procedures be subject to a previously established environmental review process. The FAA is directed to provide Congress with a deployment plan for the implementation of a nationwide data communications system to support NextGen ATC, and a report evaluating the ability of NextGen technologies to facilitate improved performance standards for aircraft in the NAS.

Conference Substitute

House bill modified to direct the FAA to "enter into an arrangement for an independent external review" to conduct the review, rather than the Administrator.

AIRPORT SUSTAINABILITY PLANNING WORKING GROUP

H-/S221

House hill

No similar provision.

Senate bill

Section 221 establishes an airport sustainability working group within the FAA that would submit a report on their findings to the Administrator within one year of enactment. The working group would be comprised of 15 members including the Administrator and industry representatives.

Conference Substitute

Senate bill with minor modifications. TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES A. Extension of Taxes Funding the Airport and Airway Trust Fund (sec. 1103 of the House bill, sec. 801 of the Senate amendment, sec. 1101 of the conference agreement, and secs. 4261, 4271, and 4081 of the Code)

# PRESENT LAW

Overview

Excise taxes are imposed on amounts paid for commercial air passenger and freight transportation and on fuels used in commercial aviation and noncommercial aviation (i.e., transportation that is not "for hire") to fund the Airport and Airway Trust Fund. The present aviation excise taxes are as fol-

Tax (and Code section)	Tax Rates
Domestic air passengers (sec. 4261)	7.5 percent of fare, plus \$3.80 (2012) per domestic flight seg-
International travel facilities tax	ment generally <sup>1</sup> \$16.70 (2012) per arrival or depar-

International travel facilities tax

Amounts paid for right to award free or reduced rate passenger air transportation (sec. 4261).

Air cargo (freight) transportation (sec. 4271).

6.25 percent of amount charged for domestic transportation; no tax on international cargo transpor-

7.5 percent of amount paid

<sup>1</sup>The domestic flight segment portion of the tax is adjusted annually (effective each January 1) for inflation (adjustments based on the changes in the consumer price index (the "CPI")).

tation

<sup>2</sup>The international travel facilities tax rate is adjusted annually for inflation (measured by changes in the CPI).

<sup>3</sup>Like most other taxable motor fuels, aviation fuels are subject to an additional 0.1-cent-per-gallon excise tax to fund the Leaking Underground Storage Tank Trust Fund.

Tax (and Code section)	Tax Rates
Aviation fuels (sec. 4081): 3 1. Commercial aviation	4.3 cents per gallon
Aviation gasoline Jet fuel	19.3 cents per gallon 21.8 cents per gallon

All Airport and Airway Trust Fund excise taxes, except for 4.3 cents per gallon of the taxes on aviation fuels, are scheduled to expire after February 17, 2012. The 4.3-centsper-gallon fuels tax rate is permanent. Taxes on transportation of persons by air

Domestic air passenger excise tax

Domestic air passenger transportation generally is subject to a two-part excise tax. The first component is an ad valorem tax imposed at the rate of 7.5 percent of the amount paid for the transportation. The second component is a flight segment tax. For 2012, the flight segment tax rate is \$3.80.4 A flight segment is defined as transportation involving a single take-off and a single landing. For example, travel from New York to San Francisco, with an intermediate stop in Chicago, consists of two flight segments (without regard to whether the passenger changes aircraft in Chicago).

The flight segment component of the tax does not apply to segments to or from qualified "rural airports." For any calendar year, a rural airport is defined as an airport that in the second preceding calendar year had fewer than 100,000 commercial passenger departures, and meets one of the following three additional requirements: (1) the airport is not located within 75 miles of another airport that had more than 100,000 such departures in that year; (2) the airport is receiving payments under the Federal "essential air service" program; or (3) the airport is not connected by paved roads to another air-

The domestic air passenger excise tax applies to "taxable transportation." Taxable transportation means transportation by air that begins in the United States or in the portion of Canada or Mexico that is not more than 225 miles from the nearest point in the continental United States and ends in the United States or in such 225-mile zone. If the domestic transportation is paid for outside of the United States, it is taxable only if it begins and ends in the United States.

For purposes of the domestic air passenger excise tax, taxable transportation does not include "uninterrupted international air transportation." Uninterrupted international air transportation is any transportation that does not both begin and end in the United States or within the 225-mile zone and does not have a layover time of more than 12 hours. The tax on international air passenger transportation is discussed below.

International travel facilities tax

For 2012, international air passenger transportation is subject to a tax of \$16.70 per arrival or departure in lieu of the taxes imposed on domestic air passenger transportation if the transportation begins or ends in

<sup>&</sup>lt;sup>4</sup>Sec. 4261(b)(1) and 4261(d)(4). Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the "Code"). The Code provides for a \$3 tax indexed annually for inflation, effective each January 1, resulting in the current rate of \$3.80.

<sup>&</sup>lt;sup>5</sup> In the case of an airport qualifying as "rural" because it is not connected by paved roads to another airport, only departures for flight segments of 100 miles or more are considered in calculating whether the airport has fewer than 100,000 commercial passenger departures. The Department of Transportation has published a list of airports that meet the definition of rural airports. See Rev. Proc. 2005-45.

the United States.6 The definition of international transportation includes certain purely domestic transportation that is associated with an international journey. Under these rules, a passenger traveling on separate domestic segments integral to international travel is exempt from the domestic passenger taxes on those segments if the stopover time at any point within the United States does not exceed 12 hours.

In the case of a domestic segment beginning or ending in Alaska or Hawaii, the tax applies to departures only and is \$8.40 for calendar year 2012.

"Free" travel

Both the domestic air passenger tax and the use of international air facilities tax apply only to transportation for which an amount is paid. Thus, free travel, such as that awarded in "frequent flyer" programs and nonrevenue travel by airline industry employees, is not subject to tax. However, amounts paid to air carriers (in cash or in kind) for the right to award free or reducedfare transportation are treated as amounts paid for taxable air transportation and are subject to the 7.5 percent ad valorem tax (but not the flight segment tax or the use of international air facilities tax). Examples of such payments are purchases of miles by credit card companies and affiliates (including airline affiliates) for use as "rewards" to cardholders.

Disclosure of air passenger transportation taxes on tickets and in advertising

Transportation providers are subject to special penalties relating to the disclosure of the amount of the passenger taxes on tickets and in advertising. The ticket is required to show the total amount paid for such transportation and the tax. The same requirements apply to advertisements. In addition, if the advertising separately states the amount to be paid for the transportation or the amount of taxes, the total shall be stated at least as prominently as the more prominently stated of the tax or the amount paid for transportation. Failure to satisfy these disclosure requirements is a misdemeanor, upon conviction of which the guilty party is fined not more than \$100 per violation.

Tax on transportation of property (cargo) by air

Amounts equivalent to the taxes received from the transportation of property by air are transferred to the Airport and Airway Trust Fund. Domestic air cargo transportation is subject to a 6.25 percent ad valorem excise tax on the amount paid for the transportation.8 The tax applies only to transportation that both begins and ends in the United States. There is no disclosure requirement for the air cargo tax.

Aviation fuel taxes

The Code imposes excise taxes on gasoline used in commercial aviation (4.3 cents per gallon) and noncommercial aviation (19.3) cents per gallon), and on jet fuel (kerosene) and other aviation fuels used in commercial aviation (4.3 cents per gallon) and noncommercial aviation (21.8 cents per gallon).9

Amounts equivalent to these taxes are transferred to the Airport and Airway Trust Fund.

#### HOUSE BILL

The provision extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2014.

Effective date.—The provision takes effect on the date of enactment.

#### SENATE AMENDMENT

The provision extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2013.

Effective date.—The provision takes effect on April 1, 2011.

#### CONFERENCE AGREEMENT

The conference agreement extends the present-law Airport and Airway Trust Fund excise taxes through September 30, 2015.

Effective date.—The provision takes effect on February 18, 2012.

B. Extension of Airport and Airway Trust Fund Expenditure Authority (sec. 1102 of the House bill, sec. 802 of the Senate amendment, sec. 1102 of the conference agreement, and sec. 9502 of the Code)

#### PRESENT LAW

In general

The Airport and Airway Trust Fund was created in 1970 to finance a major portion of Federal expenditures on national aviation programs. Operation of the Airport and Airway Trust Fund is governed by the Internal Revenue Code (the "Code") 10 and authorizing statutes. The Code provisions govern deposit of revenues into the trust fund and approve the use of trust fund money (as provided by appropriation acts) for expenditure purposes in authorizing statutes as in effect on the date of enactment of the latest authorizing Act. The authorizing acts provide specific trust fund expenditure programs and purposes.

Authorized expenditures from the Airport and Airway Trust Fund include the following principal programs:

- 1. Airport Improvement Program (airport planning, construction, noise compatibility programs, and safety projects):
- 2. Facilities and Equipment program (costs of acquiring, establishing, and improving the air traffic control facilities):
- 3. Research, Engineering, and Development program (Federal Aviation Administration "FAA") research and development activities);
- 4 FAA Operations and Maintenance ("O&M") programs; and
- 5. Certain other aviation-related programs specified in authorizing acts.

Part of the O&M programs is financed from General Fund monies as well.11

Limits on Airport and Airway Trust Fund expenditures

No expenditures are currently permitted to be made from the Airport and Airway Trust Fund after February 17, 2012. Because the purposes for which Airport and Airway Trust Fund monies are permitted to be expended are fixed as of the date of enactment of the Airport and Airway Extension Act of 2012, the Code must be amended to authorize new Airport and Airway Trust Fund expenditure purposes. In addition, the Code contains a specific enforcement provision to prevent expenditure of Airport and Airway Trust Fund monies for purposes not authorized under section 9502. Should such unapproved expenditures occur, no further aviation excise tax receipts will be transferred to the Airport and Airway Trust Fund. Rather, the aviation taxes would continue to be imposed, but the receipts would be retained in the General

#### HOUSE BILL

The provision authorizes expenditures from the Airport and Airway Trust Fund through September 30, 2014, and revises the purposes for which money from the Airport and Airway Trust Fund funds are permitted to be expended to include those obligations authorized under the reauthorization legislation of 2011 (i.e., the "FAA Reauthorization and Reform Act of 2011." which sets forth aviation program expenditure purposes through September 30, 2014).

Effective date.—The provision takes effect on date of enactment.

#### SENATE AMENDMENT

The provision authorizes expenditures from the Airport and Airway Trust Fund through September 30, 2013. The provision also amends the list of authorizing statutes to include the "FAA Air Transportation Modernization and Safety Improvement Act," which sets forth aviation program expenditure purposes through September 30, 2013.

Effective date.—The provision takes effect on April 1, 2011.

# CONFERENCE AGREEMENT

The conference agreement authorizes expenditures from the Airport and Airway Trust Fund through September 30, 2015. The provision also amends the list of authorizing statutes to include the "FAA Modernization and Reform Act of 2012," which sets forth aviation program expenditure through September 30, 2015.

Effective date.—The provision takes effect on February 18, 2012.

C. Modification of Excise Tax on Kerosene Used in Aviation (sec. 803 of the Senate amendment)

# PRESENT LAW

In general

Under section 4081, an excise tax is imposed upon (1) the removal of any taxable fuel from a refinery or terminal, 12 (2) the entry of any taxable fuel into the United States, or (3) the sale of any taxable fuel to any person who is not registered with the Internal Revenue Service ("IRS") to receive untaxed fuel, unless there was a prior taxable removal or entry.13 The tax does not apply to any removal or entry of taxable fuel transferred in bulk by pipeline or vessel to a terminal or refinery if the person removing or entering the taxable fuel, the operator of such pipeline or vessel (excluding deep draft

<sup>&</sup>lt;sup>6</sup>Secs. 4261(c) and 4261(d)(4). The international air facilities tax rate of \$12 is indexed annually for inflation, effective each January 1, resulting in the current rate of \$16.70.

<sup>&</sup>lt;sup>7</sup>Sec. 7275.

<sup>8</sup> Sec. 4271.

<sup>&</sup>lt;sup>9</sup>These fuels are also subject to an additional 0.1 cent per gallon for the Leaking Underground Storage Tank Trust Fund. If there was not a taxable sale of the fuel pursuant to section 4081 of the Code, a backup tax exists under section 4041(c) for such fuel that is subsequently sold or used in aviation

 $<sup>^{10}\,\</sup>mathrm{Unless}$  otherwise stated, all section references are to the Internal Revenue Code of 1986, as amend-

<sup>&</sup>lt;sup>11</sup> According to the Government Accountability Office, for FY 2000 through FY 2010 the contribution of general revenues has increased to cover a larger share of the FAA's operation expenditures. United States Government Accountability Office, Airport and Airway Trust Fund: Declining Balance Raises Concerns Over Ability to Meet Future Demands, Statement of Gerald Dillingham, Director Physical Infrastructure Before the Committee on Finance, U.S. Senate (GAO-11-358T), February 3, 2011, p. 5, Fig. 2. Congressional Budget Office, Financing Federal Aviation Programs: Statement of Robert A. Sunshine before the House Committee on Ways and Means, May 7, 2009, p. 3.

<sup>12</sup> A "terminal" is a taxable fuel storage and distribution facility that is supplied by pipeline or vessel and from which taxable fuel may be removed at a rack. A "rack" is a mechanism capable of delivering taxable fuel into a means of transport other than a pipeline or vessel. A terminal can be located at an airport, or fuel may be delivered to the airport from a terminal located off the airport grounds.

<sup>13</sup> Sec. 4081(a)(1).

vessels), and the operator of such terminal or refinery are registered with the Secretary. <sup>14</sup> If the bulk transfer exception applies, tax is not imposed until the fuel "breaks bulk," i.e., when it is removed from the terminal, typically by rail car or truck, for delivery to a smaller wholesale facility or retail outlet, or removed directly from the terminal into the fuel tank of an aircraft. <sup>15</sup>

The term "taxable fuel" means gasoline, diesel fuel (including any liquid, other than gasoline, that is suitable for use as a fuel in a diesel-powered highway vehicle or train), and kerosene. The term includes kerosene used in aviation (jet fuel) as well as aviation gasoline.

Section 4041(c) provides a back-up tax for liquids (other than aviation gasoline) that are sold for use as a fuel in aircraft and that have not been previously taxed under section 4081

Kerosene for use in aviation

In general

Present law generally imposes a total tax of 24.4 cents per gallon on kerosene. However, reduced rates apply for kerosene removed directly from a terminal into the fuel tank of an aircraft.17 For kerosene removed directly from a terminal into the fuel tank of an aircraft for use in commercial aviation, the tax rate is 4.4 cents per gallon.18 For kerosene removed directly from a terminal into the fuel tank of an aircraft for use in noncommercial aviation, the tax rate is 21.9 cents per gallon. All of these tax rates include 0.1 cent per gallon for the Leaking Underground Storage Tank Trust Fund. For kerosene removed directly from a terminal into the fuel tank of an aircraft for an exempt use (such as for the exclusive use of a State or local government), generally only

<sup>18</sup>Tax is imposed at this rate if the commercial aircraft operator is registered with the IRS, and the fuel terminal is located within a secured area of an airport. The IRS has identified airports with secured areas in which a terminal is located. See Notice 2005-4, 2005-1 C.B. 289, at sec. 4(d)(2)(ii) (2005) and Notice 2005-80, 2005-2 C.B. 953, at sec. 3(c)(2) (2005). If the fuel terminal is located at an unsecured airport, the fuel is taxed at 21.9 cents per gallon if the fuel is removed directly from the terminal into the fuel tank of an aircraft.

the Leaking Underground Storage Tank Trust Fund tax of 0.1 cent per gallon applies. "Commercial aviation" generally means

generally means any use of an aircraft in the business of transporting by air persons or property for compensation or hire. 19 Commercial aviation does not include transportation exempt from the ticket taxes and air cargo taxes by reason of sections 4281 or 4282 or by reason of section 4261(h) or 4261(i). Thus, small aircraft operating on nonestablished lines (sec. 4281), air transportation for affiliated group members (sec. 4282), air transportation for skydiving (sec. 4261(h)), and certain air transportation by seaplane (sec. 4261(i)) are excluded from the definition of commercial aviation. and accordingly are subject to the tax regime applicable to noncommercial aviation.

Refunds and credits to obtain the appropriate aviation  $tax\ rate$ 

If the kerosene is not removed directly into the fuel tank of an aircraft, the fuel is taxed at 24.4 cents per gallon, the rate applied to diesel fuel and kerosene used in highway vehicles. A claim for credit or payment may be made for the difference between the tax paid and the appropriate aviation rate (21.9 cents per gallon for noncommercial aviation, 4.4 cents per gallon for commercial aviation, and 0.1 cent per gallon for an exempt use).<sup>20</sup>

For noncommercial aviation, other than for exempt use, only the registered ultimate vendor may make the claim for the 2.5-cent-per-gallon difference between the 24.4 cents per gallon rate and the noncommercial aviation rate of 21.9 cents per gallon.<sup>21</sup> For commercial aviation and exempt use (other than State and local government use), the ultimate purchaser may make a claim for the difference in tax rates, or the ultimate purchaser may waive the right to make the claim for payment to the ultimate vendor.<sup>22</sup> For State and local government use, the registered ultimate vendor is the proper claimant.<sup>23</sup>

Commercial aviation claimants are permitted to credit their fuel tax claims against their other excise tax liabilities, thereby reducing the amount of excise tax to be paid with the excise tax return.

Transfers between the Highway Trust Fund and the Airport and Airway Trust Fund to account for aviation use

Kerosene that is not removed directly from the terminal into an airplane (e.g., the jet fuel is transferred from the terminal by highway vehicle to the airport) is taxed at the highway fuel rate of 24.4 cents per gallon. The Highway Trust Fund is credited with 24.3 cents per gallon of the 24.4 cents per gallon imposed. The remaining 0.1 cent is credited to the Leaking Underground Storage Tank Trust Fund. If a claim for payment is later made indicating that the fuel was used in aviation, the Secretary then transfers to the Airport and Airway Trust Fund 4.3 cents per gallon for commercial aviation use and 21.8 cents per gallon for noncommercial aviation use. These transfers initially are based on estimates, and proper adjustments are made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred. Thus, to the extent claims for credit or payment are not made for the difference between the highway rate and the aviation rate, the Airport and Airway Trust Fund will not be credited for fuel used in aviation that was taxed at the 24.4 cents per gallon rate.

 $A viation\ gasoline$ 

The tax on aviation gasoline is 19.4 cents per gallon (including a 0.1 cent per gallon Leaking Underground Storage Tank Trust Fund component). If aviation gasoline is used in commercial aviation, the ultimate purchaser may obtain a credit or payment in the amount of 15 cents per gallon, such that the tax rate on such gasoline is 4.4 cents per gallon.<sup>24</sup> If aviation gasoline is sold for an exempt use, a credit or refund is allowable for all but the Leaking Underground Storage Tank Trust Fund tax (0.1 cent per gallon).<sup>25</sup>

HOUSE BILL

No provision.

#### SENATE AMENDMENT

The provision creates a separate category of kerosene for tax purposes: aviation-grade kerosene. Aviation-grade kerosene is taxed at 35.9 cents per gallon plus 0.1 cent per gallon for the Leaking Underground Storage Tank Trust Fund. Under the provision, aviation-grade kerosene used in noncommercial aviation will be taxed at the full rate. The rate of tax for aviation-grade kerosene used in commercial aviation and exempt use remains unchanged. 27

Because the tax on aviation-grade kerosene used in noncommercial aviation is equal to the full rate of tax collected, the provision repeals the ultimate vendor refund provisions for noncommercial aviation. In addition, the provision eliminates the interfund transfers from the Highway Trust Fund to the Airport and Airway Trust Fund for kerosene used in aviation. Instead, the taxes imposed on aviation-grade kerosene will be credited to the Airport and Airway Trust Fund only.<sup>28</sup> The provision also provides a refund mechanism for aviation-grade kerosene used for a taxable purpose other than in an aircraft.

In the case of aviation-grade kerosene held on April 1, 2011, by any person, a floor stocks tax is imposed equal to the tax that would have been imposed if the increased rates had been in effect before such date less the tax actually imposed on such fuel. The tax is to be paid at such time and in such manner as the Secretary shall prescribe.

The floor stocks tax does not apply to fuel held exclusively for any use to the extent a refund or credit of tax is allowable under the Code. The floor stocks tax does not apply if the amount of fuel held by a person does not exceed 2.000 gallons.

For purposes of the floor stocks tax, a controlled group is treated as one person. "Controlled group" for these purposes means a parent-subsidiary, brother-sister, or combined corporate group with more than 50-percent ownership with respect to either combined voting power or total value. Under regulations, similar principles may apply to a

<sup>&</sup>lt;sup>14</sup> Sec. 4081(a)(1)(B).

<sup>&</sup>lt;sup>15</sup>In general, the party liable for payment of the taxes when the fuel breaks bulk at the terminal is the "position holder," the person shown on the records of the terminal facility as holding the inventory position in the fuel. However, when fuel is removed directly into the fuel tank of an aircraft for use in commercial aviation, the person who uses the fuel is liable for the tax. The fuel is treated as used when such fuel is removed into the fuel tank. Sec. 4081(a)(4).

<sup>&</sup>lt;sup>16</sup> Sec. 4083(a).

<sup>17</sup> If certain conditions are met, present law permits the removal of kerosene from a refueler truck. tanker, or tank wagon to be treated as a removal from a terminal for purposes of determining whether kerosene is removed directly into the fuel tank of an aircraft. A refueler truck, tanker, or tank wagon is treated as part of a terminal if: (1) the terminal is located within an airport; (2) any kerosene which is loaded in such truck, tanker, or tank wagon at such terminal is for delivery only into aircraft at the airport in which such terminal is located; and (3) no vehicle licensed for highway use is loaded with kerosene at such terminal, except in exigent circumstances identified by the Secretary in regulations. To qualify for the special rule, a refueler truck, tanker, or tank wagon must: (1) have storage tanks, hose, and coupling equipment designed and used for the purposes of fueling aircraft; (2) not be registered for highway use; and (3) be operated by the terminal operator (who operates the terminal rack from which the fuel is unloaded) or by a person that makes a daily accounting to such terminal operator of each delivery of fuel from such truck. tanker, or tank wagon. Sec. 4081(a)(3).

<sup>&</sup>lt;sup>19</sup> Sec. 4083(b).

<sup>&</sup>lt;sup>20</sup> Sec. 6427(1)(4).

<sup>&</sup>lt;sup>21</sup> Sec. 6427(1)(4)(C)(ii). <sup>22</sup> Sec. 6427(1)(4)(C)(i).

<sup>&</sup>lt;sup>23</sup> See sec. 6427(1)(5). Special rules apply if the kerosene is purchased with a credit card issued to a State or local government.

<sup>&</sup>lt;sup>24</sup> Sec. 6421(f)(2).

<sup>&</sup>lt;sup>25</sup>Sec. 6416(a); sec. 6420 (farming purposes); sec. 6421(c); and sec. 6430.

<sup>&</sup>lt;sup>26</sup> Aviation-grade kerosene means, as defined by the IRS, kerosene-type jet fuel covered by ASTM specification D1655, or military specification MIL-DTL-5624 (Grade JP-5), or MIL-DTL-83133E (Grade JP-8). See section 4(b) of Notice 2005-4.

 $<sup>^{27}\</sup>mathrm{Accordingly},$  commercial aviation use will continue to be subject to a tax of 4.4 cents per gallon and exempt use will be subject to 0.1 cent per gallon.

<sup>&</sup>lt;sup>28</sup>The 0.1 cent per gallon will continue to be transferred to the Leaking Underground Storage Tank Trust Fund.

group of persons under common control where one or more persons are not a corporation

All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 also apply to the floor stocks taxes to the extent not inconsistent with the provisions of the provision. For purposes of determining receipts to the Airport and Airway Trust Fund, the floor stocks tax is treated as if it were a tax listed in section 9502(b)(1) (governing transfers of tax receipts to the Airport and Airway Trust Fund).

Effective date.—The provision is generally effective for fuel removed, entered, or sold after March 31, 2011. The floor stocks tax is effective April 1, 2011.

#### CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

D. Air Traffic Control System Modernization Account (sec. 804 of the Senate amendment)

Under present law, there is no special sub-account of the Airport and Airway Trust Fund to which funds are dedicated for air traffic control system modernization.

HOUSE BILL

No provision.

#### SENATE AMENDMENT

The provision creates an Air Traffic Control System Modernization Account ("Modernization sub-account") within the Airport and Airway Trust Fund to ensure sufficient funding is provided for modernization of the air traffic control system. The Modernization sub-account is supported through annual transfers of \$400 million from the Airport and Airway Trust Fund that are attributable to the taxes on aviation-grade kerosene. The funds are available, subject to appropriation, for expenditures relating to the modernization of the air traffic control system. Use of the funds also may include facility and equipment account expenditures.

Effective date.—The provision is effective on the date of enactment.

# CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

E. Treatment of Fractional Ownership Aircraft Program Flights (sec. 805 of the Senate amendment, sec. 1103 of the conference agreement, and new sec. 4043 of the Code)

# PRESENT LAW

For excise tax purposes, fractional ownership aircraft flights are treated as commercial aviation. As commercial aviation, for 2012, such flights are subject to the ad valorem tax of 7.5 percent of the amount paid for the transportation, a \$3.80 segment tax, and tax of 4.4 cents per gallon on fuel. For international flights, fractional ownership flights pay the \$16.70 international travel facilities tax.

For purposes of the FAA safety regulations, fractional ownership aircraft programs are treated as a special category of general aviation. Winder those FAA regulations, a "fractional ownership program" is defined as any system of aircraft ownership and exchange that consists of all of the following elements: (i) the provision for fractional ownership program management services by a single fractional ownership program manager on behalf of the fractional owners; (ii) two or more airworthy aircraft; (iii) one or more fractional owners per program aircraft, with at least one program aircraft having

more than one owner; (iv) possession of at least a minimum fractional ownership interest in one or more program aircraft by each fractional owner; (v) a dry-lease aircraft exchange arrangement among all of the fractional owners; and (vi) multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

HOUSE BILL No provision.

#### SENATE AMENDMENT

Under the provision, transportation as part of a fractional ownership aircraft program is not classified as commercial aviation for Federal excise tax purposes. Instead, such flights would be subject to the increased Airport and Airway Trust Fund fuel tax rate for noncommercial aviation and an additional fuel surtax of 14.1 cents per gallon. For this purpose, a "fractional ownership aircraft program" is defined as a program in which:

- A single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners:
- Two or more airworthy aircraft are part of the program:
- There are one or more fractional owners per program aircraft, with at least one program aircraft having more than one owner:
- Each fractional owner possesses at least a minimum fractional ownership interest in one or more program aircraft;<sup>30</sup>
- There exists a dry-lease aircraft exchange arrangement among all of the fractional owners;<sup>31</sup> and
- There are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

The fuel taxes are dedicated to the Airport and Airway Trust Fund. Consistent with the general extension of the taxes dedicated to the Airport and Airway Trust Fund, the provision sunsets September 30, 2013.

Effective date.—The provision is effective for taxable transportation provided after, and fuel used after, March 31, 2011.

# CONFERENCE AGREEMENT

The conference agreement provides an exemption, through September 30, 2015, from the commercial aviation taxes (secs. 4261, 4271 and the 4.4 cents-per-gallon tax on fuel) for certain fractional aircraft program flights. In place of the commercial aviation taxes, the conference agreement applies a fuel surtax to certain flights made as part of a fractional ownership program.

a fractional ownership program.

Through September 30, 2015, these flights are treated as noncommercial aviation, subject to the fuel surtax and the base fuel tax for fuel used in noncommercial aviation.<sup>32</sup>

Specifically, the additional fuel surtax of 14.1 cents per gallon will apply to fuel used in a fractional program aircraft (1) for the transportation of a qualified fractional owner with respect to the fractional aircraft program of which such aircraft is a part, and (2) with respect to the use of such aircraft on the account of such a qualified owner. Such use includes positioning flights (flights in deadhead service).33 Through September 30, 2015, the commercial aviation taxes do not apply to fractional program aircraft uses subject to the fuel surtax. Under the conference agreement, flight demonstration, maintenance, and crew training flights by a fractional program aircraft are excluded from the fuel surtax and are subject to the noncommercial aviation fuel tax only.34 The fuel surtax of 14.1 cents per gallon sunsets September 30, 2021.

A "fractional program aircraft" means, with respect to any fractional ownership aircraft program, any aircraft which is listed as a fractional program aircraft in the management specifications issued to the manager of such program by the Federal Aviation Administration under subpart K of part 91 of title 14, Code of Federal Regulations and is registered in the United States.

A "fractional ownership aircraft program" is a program under which:

- A single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners:
- There are one or more fractional owners per program aircraft, with at least one program aircraft having more than one owner:
- With respect to at least two fractional program aircraft, none of the ownership interests in such aircraft can be less than the minimum fractional ownership interest, or held by the program manager;
- There exists a dry-lease aircraft exchange arrangement among all of the fractional owners; and
- There are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

"qualified fractional owner" The term means any fractional owner that has a minimum fractional ownership interest in at least one fractional program aircraft. A "minimum fractional ownership interest" means: (1) A fractional ownership interest equal to or greater than one-sixteenth (1/16) of at least one subsonic, fixed wing or powered lift program aircraft; or (2) a fractional ownership interest equal to or greater than one-thirty-second (1/32) of at least one rotorcraft program aircraft. A "fractional ownership interest" is (1) the ownership interest in a program aircraft; (2) the holding of a multi-year leasehold interest in a program aircraft: or (3) the holding or a multi-year leasehold interest that is convertible into an ownership interest in a program aircraft. A "fractional owner" means a person owning anv interest (including the entire interest) in a fractional program aircraft.

 $<sup>^{29}\,14</sup>$  CFR Part 91, subpart k.

<sup>&</sup>lt;sup>30</sup>A "minimum fractional ownership interest" means: (1) A fractional ownership interest equal to or greater than one-sixteenth (1/16) of at least one subsonic, fixed wing or powered lift program aircraft; or (2) a fractional ownership interest equal to or greater than one-thirty-second (1/32) of at least one rotorcraft program aircraft. A "fractional ownership interest" is (1) the ownership interest in a program aircraft; (2) the holding of a multi-year leasehold interest in a program aircraft; or (3) the holding or a multi-year leasehold interest that is convertible into an ownership interest in a program aircraft.

<sup>&</sup>lt;sup>31</sup>A "dry-lease aircraft exchange" means an arrangement, documented by the written program agreements, under which the program aircraft are available, on an as-needed basis without crew, to each fractional owner.

<sup>32</sup> No inference is intended as to the treatment of these flights as noncommercial aviation under present law.

<sup>&</sup>lt;sup>33</sup>A flight in deadhead service is presumed subject to the fuel surtax unless the costs for such flight are separately billed to a person other than a qualified owner. For example, if the costs associated with a positioning flight of a fractional program aircraft are separately billed to a person chartering the aircraft, that positioning flight is treated as commercial aviation.

<sup>&</sup>lt;sup>34</sup>It is the understanding of the conferees that a prospective purchaser does not pay any amount for transportation by demonstration flights, and that if an amount were paid for the flight, the flight would be subject to the commercial aviation taxes and not treated as noncommercial aviation.

Amounts equivalent to the revenues from the fuel surtax are dedicated to the Airport and Airway Trust Fund.

Effective date.—The provision is effective for taxable transportation provided after, uses of aircraft after, and fuel used after, March 31, 2012.

Termination of Exemption For Small Jet Aircraft on Nonestablished Lines (sec. 806 of the Senate amendment, sec. 1107 of the conference agreement and sec. 4281 of the Code)

#### PRESENT LAW

Under present law, transportation by aircraft with a certificated maximum takeoff weight of 6,000 pounds or less is exempt from the excise taxes imposed on the transportation of persons by air and the transportation of cargo by air when operating on a nonestablished line. Similarly, when such aircraft are operating on a flight for the sole purpose of sightseeing, the taxes imposed on the transportation or persons or cargo by air do not apply.

#### HOUSE BILL

No provision.

#### SENATE AMENDMENT

The provision repeals the exemption as it applies to turbine engine powered aircraft (jet aircraft).

Effective date.—The provision is effective for transportation provided after March 31, 2011.

#### CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment provision, repealing the exemption as it applies to jet aircraft, effective for transportation provided after March 31, 2012

F. Transparency in Passenger Tax Disclosures (sec. 807 of the Senate amendment, sec. 1104 of the conference agreement, and sec. 7275 of the Code)

# PRESENT LAW

Transportation providers are subject to special penalties relating to the disclosure of the amount of the passenger taxes on tickets and in advertising. The ticket is required to show the total amount paid for such transportation and the tax. The same requirements apply to advertisements. In addition, advertising separately states the amount to be paid for the transportation or the amount of taxes, the total shall be stated at least as prominently as the more prominently stated of the tax or the amount paid for transportation. Failure to satisfy these disclosure requirements is a misdemeanor, upon conviction of which the guilty party is fined not more than \$100 per violation.35

There is no prohibition against airlines including other charges in the required passenger taxes disclosure (e.g., fuel surcharges retained by the commercial airline). In practice, some but not all airlines include such other charges in the required passenger taxes disclosure.

# HOUSE BILL

No provision.

# SENATE AMENDMENT

The provision prohibits all transportation providers from including amounts other than the passenger taxes imposed by section 4261 in the required disclosure of passenger taxes on tickets and in advertising when the amount of such tax is separately stated. Disclosure elsewhere on tickets and in advertising (e.g., as an amount paid for transportation) of non-tax charges is allowed.

<sup>35</sup> Sec. 7275.

Effective date.—The provision is effective for transportation provided after March 31, 2011.

#### CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except the Effective date is for transportation provided after March 31, 2012

G. Tax-Exempt Private Activity Bond Financing for Fixed-Wing Emergency Medical Aircraft (sec. 808 of the Senate amendment, sec. 1105 of the conference agreement, and sec. 147(e) of the Code)

#### PRESENT LAW

Interest on bonds issued by State and local governments generally is excluded from gross income for Federal income tax purposes.36 Bonds issued by State and local governments may be classified as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. In general, private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals).37 The exclusion from income for State and local bonds does not apply to private activity bonds, unless the bonds are issued for certain permitted purposes ("qualified bonds") and other Code requirements are met.38

Section 147(e) of the Code provides, in part, that a private activity bond is not a qualified bond if issued as part of an issue and any portion of the proceeds of such issue is used for airplanes.<sup>39</sup> The IRS has ruled that a helicopter is not an "airplane" for purposes of section 147(e).<sup>40</sup>

A fixed-wing aircraft providing air transportation for emergency medical services and that is equipped for, and exclusively dedicated on that flight to, acute care emergency medical services is exempt from the air transportation excise taxes imposed by sections 4261 and 4271.41

# HOUSE BILL

No provision.

# SENATE AMENDMENT

The provision amends section 147(e) so that the prohibition on the use of proceeds for airplanes does not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to, providing acute care emergency medical services (within the meaning of section 4261(g)(2)).

Effective date.—The provision is effective for obligations issued after the date of enactment.

# CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

H. Protection of Airport and Airway Trust Fund Solvency (sec. 809 of the Senate amendment)

# PRESENT LAW

The uncommitted cash balance in the Airport and Airway Trust Fund has declined significantly in recent years. At the end of Fis-

cal Year 2001, the uncommitted cash balance was \$7.3 billion. At the end of Fiscal Year 2010, the balance was approximately \$770 million.  $^{42}$ 

The current statutory formula requires that estimated Airport and Airway Trust Fund receipts each year must equal trust fund expenditures. However, amounts appropriated from the Airport and Airway Trust Fund are based on revenue receipt projections and have exceeded the amounts actually deposited into the Airport and Airway Trust Fund, resulting in declines in the uncommitted cash balance.

#### HOUSE BILL

No provision.

#### SENATE AMENDMENT

The provision amends section 9502 to limit the budgetary resources initially made available each fiscal year from the Airport and Airway Trust Fund to 90 percent, rather than 100 percent, of forecasted revenues for that year.

Effective date.—The provision is effective for fiscal years 2012 and 2013.

#### CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision, but this matter is addressed by section 104 of Title I of the conference agreement.

J. Rollover of Amounts Received in Airline Carrier Bankruptcy (sec. 810 of the Senate amendment and sec. 1106 of the conference agreement)

#### PRESENT LAW

The Code provides for two types of individual retirement arrangements ("IRAs"): traditional IRAs and Roth IRAs.43 In general. contributions (other than a rollover contribution) to a traditional IRA may be deductible from gross income, and distributions from a traditional IRA are includible in gross income to the extent not attributable to a return of nondeductible contributions. In contrast, contributions to a Roth IRA are not deductible, and qualified distributions from a Roth IRA are excludable from gross income. Distributions from a Roth IRA that are not qualified distributions are includible in gross income to the extent attributable to earnings. In general, a qualified distribution is a distribution that (1) is made after the five taxable year period beginning with the first taxable year for which the individual first made a contribution to a Roth IRA, and (2) is made on or after the individual attains age 591/2, death, or disability or which is a qualified special purpose distribution

The total amount that an individual may contribute to one or more IRAs for a year is generally limited to the lesser of: (1) a dollar amount (\$5,000 for 2012); or (2) the amount of the individual's compensation that is includible in gross income for the year. 44 As under the rules relating to traditional IRAs, a contribution of up to the dollar limit for each spouse may be made to a Roth IRA provided the combined compensation of the spouses is at least equal to the contributed amount.

If an individual makes a contribution to an IRA (traditional or Roth) for a taxable year, the individual is permitted to recharacterize (in a trustee-to-trustee transfer) the amount

<sup>&</sup>lt;sup>36</sup> Sec. 103(a).

<sup>&</sup>lt;sup>37</sup> See sec. 141 defining "private activity bond."

<sup>&</sup>lt;sup>38</sup> See sec. 103(b) and sec. 141(e).

<sup>&</sup>lt;sup>39</sup>Other prohibited facilities include any skybox, or other private luxury box, health club facility, facility primarily used for gambling, or store the principal business of which is the sale of alcoholic beverages for consumption off premises. Sec. 147(e).

<sup>&</sup>lt;sup>40</sup>Rev. Rul. 2003–116, 2003–46 I.R.B. 1083, 2003–2 C.B. 1083, November 17, 2003, (released: October 29, 2003).

<sup>&</sup>lt;sup>41</sup> Sec. 4261(g)(2).

<sup>&</sup>lt;sup>42</sup>Government Accountability Office, Airport and Airway Trust Fund: Declining Balance Raises Concerns Over Ability to Meet Future Demands, February 3, 2011. p. 5.

<sup>&</sup>lt;sup>43</sup>Traditional IRAs are described in section 408, and Roth IRAs are described in section 408A.

<sup>&</sup>lt;sup>44</sup>The maximum contribution amount is increased for individuals 50 years of age or older.

of that contribution as a contribution to the other type of IRA (traditional or Roth) before the due date for the individual's income tax return for that year. 45 In the case of a recharacterization, the contribution will be treated as having been made to the transferee plan. The amount transferred must be accompanied by any net income allocable to the contribution and no deduction is allowed with respect to the contribution to the transferor plan. Both regular contributions and conversion contributions to a Roth IRA can be recharacterized as having been made to a traditional IRA. However, Treasury reg-ulations limit the number of times a contribution for a taxable year may be recharacterized.46

Taxpayers generally may convert a traditional IRA into a Roth IRA.<sup>47</sup> The amount converted is includible in income as if a withdrawal had been made, except that the early distribution tax (discussed below) does not apply. However, the early distribution tax is applied if the taxpayer withdraws the amount within five years of the conversion.

If certain requirements are satisfied, a participant in an employer-sponsored qualified plan (which includes a tax-qualified retirement plan described in section 401(a), an employee retirement annuity described in section 403(a), a tax-sheltered annuity described in section 403(b), and a governmental section 457(b) plan) or a traditional IRA may roll over distributions from the plan, annuity or IRA into another plan, annuity or IRA. For distributions after December 31, 2007, certain taxpayers also are permitted to make rollover contributions into a Roth IRA (subject to inclusion in gross income of any amount that would be includible were it not part of the rollover contribution).

Under section 125 of the Worker, Retiree. Employer Recovery Act of 2008 and ("WRERA"),<sup>48</sup> a "qualified airline employee" may contribute any portion of an "airline payment amount" to a Roth IRA within 180 days of receipt of such amount (or, if later, within 180 days of enactment of the provision). Such a contribution is treated as a qualified rollover contribution to the Roth IRA. Thus, the portion of the airline payment amount contributed to the Roth IRA is includible in gross income to the extent that such payment would be includible were it not part of the rollover contribution.

A qualified airline employee is an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which: (1) is qualified under section 401(a); and (2) was terminated or became subject to the benefit accrual and other restrictions applicable to plans maintained by commercial passenger airlines pursuant to section 402(b) of the Pension Protection Act of 2006 ("PPA").

An airline payment amount is any payment of any money or other property payable by a commercial passenger airline to a qualified airline employee: (1) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and (2) in respect

of the qualified airline employee's interest in a bankruptcy claim against the airline carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount. An airline payment amount does not include any amount payable on the basis of the carrier's future earnings or profits. The amount that may be contributed to a Roth IRA is the gross amount of the payment; any reduction in the airline payment amount on account of employment tax withholding is disregarded.

#### HOUSE BILL

No provision.

#### SENATE AMENDMENT

The amendment expands the choices for recipients of airline payment amounts by allowing qualified airline employees to contribute airline payment amounts to a traditional IRA as a rollover contribution. An individual making such a rollover contribution may exclude the contributed airline payment amount from gross income in the taxable year in which the airline payment amount was paid.

Qualified airline employees who made a qualified rollover contribution of an airline payment amount to a Roth IRA pursuant to WRERA are permitted to recharacterize all or a portion of the qualified rollover contribution as a rollover contribution to a traditional IRA by transferring, in a trustee-totrustee transfer, the contribution (or a portion thereof) plus attributable earnings (or losses) from the Roth IRA. As in the case of a recharacterization under present law, the airline payment amount so transferred (with attributable earnings) is deemed to have been contributed to the traditional IRA at the time of the initial rollover contribution into the Roth IRA. The trustee-to-trustee transfer to a traditional IRA must be made within 180 days of the amendment's enact-

If an amount contributed to a Roth IRA as a rollover contribution is recharacterized as a rollover contribution to a traditional IRA, the amount so recharacterized may not be contributed to a Roth IRA as a qualified rollover contribution (i.e., reconverted to a Roth IRA) during the five taxable years immediately following the taxable year in which the transfer to the traditional IRA was made.

Qualified airline employees who were eligible to make a qualified rollover to a Roth IRA under WRERA, but declined to do so, are now permitted to roll over the airline payment amount to a traditional IRA within 180 days of the receipt of the amount (or, if later, within 180 days of enactment of the amendment). As mentioned above, any portion of an airline payment amount recharacterized as a rollover contribution to a traditional IRA pursuant to the amendment is excluded from gross income in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. Individuals recharacterizing such contributions may file a claim for a refund until the later of: (1) the period of limitations under section 6511(a) (generally, three years from the time the return was filed or two years from the time the tax was paid, whichever period expires later); or (2) April 15, 2012.

An airline payment amount does not fail to be treated as wages for purposes of Social Security and Medicare taxes under the Federal Insurance Contributions Act 49 and section 209 of the Social Security Act, merely because the amount is excluded from gross income because it is rolled over into a traditional IRA pursuant to the amendment.

Surviving spouses of qualified airline employees are granted the same rights as qualified airline employees under section 125 of WRERA and under the amendment.

Effective date.—Effective for all transfers (made after date of enactment) of qualified airline payment amounts received before, on, or after date of enactment.

#### CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with three modifications. First, a qualified airline employee is not permitted to contribute (using either a rollover or recharacterization) an airline payment amount to a traditional IRA for a taxable year if, before the end of the taxable year, the employee was at any time a covered employee, as defined in section 162(m)(3),50 of the commercial passenger airline carrier making the qualified airline payment. Second, a qualified airline employee who was not at any time a covered employee may only roll over, or recharacterize, into a traditional IRA 90 percent of the aggregate amount of airline payment amounts received before the end of the taxable year. Third, individuals recharacterizing their contributions may file a claim for a refund until the later of: (1) the period of limitations under section 6511(a) (generally, three years from the time the return was filed or two years from the time the tax was paid, whichever period expires later); or (2) April 15, 2013.

K. Application of Levy to Payments to Federal Vendors Relating to Property (sec. 811 of the Senate amendment)

# PRESENT LAW

In general

Levy is the IRS's administrative authority to seize a taxpayer's property, or rights to property, to pay the taxpayer's tax liability.<sup>51</sup> Generally, the IRS is entitled to seize a taxpayer's property by levy if a Federal tax lien has attached to such property,<sup>52</sup> and the IRS has provided both notice of intention to levy<sup>53</sup> and notice of the right to an administrative hearing (the notice is referred to as a "collections due process notice" or "CDP notice" and the hearing is referred to as the "CDP hearing")<sup>54</sup> at least 30 days before the levy is made. A Federal tax lien arises automatically when: (1) a tax assessment has been made; (2) the taxpayer has

<sup>45</sup> Sec. 408A(d)(6).

<sup>&</sup>lt;sup>46</sup> Treas. Reg. sec. 1.408A-5.

<sup>&</sup>lt;sup>47</sup> For taxable years beginning prior to January 1, 2010, taxpayers with modified AGI in excess of \$100,000, and married taxpayers filing separate returns, were generally not permitted to convert a traditional IRA into a Roth IRA. Under the Tax Increase Prevention and Reconciliation Act of 2005, Pub. L. No. 109–222, these limits on conversion are repealed for taxable years beginning after December 31, 2009.

<sup>&</sup>lt;sup>48</sup> Pub. L. No. 110–455.

 $<sup>^{\</sup>rm 49}$  Chapter 21 of the Code.

<sup>&</sup>lt;sup>50</sup> Section 162(m) defines a covered employee as (1) the chief executive officer of the corporation (or an individual acting in such capacity) as of the close of the taxable year and (2) the four most highly compensated officers for the taxable year (other the chief executive officer). Treas. Reg. sec. 1.162-27(c)(2) provides that whether an employee is the chief executive officer or among the four most highly compensated officers should be determined pursuant to the executive compensation disclosure rules promulgated under the Securities Exchange Act of 1934. Notice 2007-49, 2007-25 I.R.B. 1429 provides that "covered employee" means any employee who is (1) the principal executive officer (or an individual acting in such capacity) defined in reference to the Exchange Act, or (2) among the three most highly compensated officers for the taxable year (other than the principal executive officer) to reflect the 2006 change by the Securities and Exchange Commission to its rules

<sup>&</sup>lt;sup>51</sup> Sec. 6331(a). Levy specifically refers to the legal process by which the IRS orders a third party to turn over property in its possession that belongs to the delinquent taxpayer named in a notice of levy.

<sup>&</sup>lt;sup>53</sup> Sec. 6331(d).

 $<sup>^{54}\,\</sup>mathrm{Sec.}$  6330. The notice and the hearing are referred to collectively as the CDP requirements.

been given notice of the assessment stating the amount and demanding payment; and (3) the taxpayer has failed to pay the amount assessed within 10 days after the notice and demand. $^{55}$ 

The notice of intent to levy is not required if the Secretary finds that collection would be jeopardized by delay. The standard for determining whether jeopardy exists is similar to the standard applicable when determining whether assessment of tax without following the normal deficiency procedures is permitted.<sup>56</sup>

The CDP notice (and pre-levy CDP hearing) is not required if the Secretary finds that collection would be jeopardized by delay or the Secretary has served a levy on a State to collect a Federal tax liability from a State tax refund. In addition, a levy issued to collect Federal employment taxes is excepted from the CDP notice and the pre-levy CDP hearing requirement if the taxpayer subject to the levy requested a CDP hearing with respect to unpaid employment taxes arising in the two-year period before the beginning of the taxable period with respect to which the employment tax levy is served. In each of these three cases, however, the taxpayer is provided an opportunity for a hearing within a reasonable period of time after the levy.57 Federal payment levy program

To help the IRS collect taxes more effectively, the Taxpayer Relief Act of 199758 authorized the establishment of the Federal Payment Levy Program ("FPLP"), which allows the IRS to continuously levy up to 15 percent of certain "specified payments," such as government payments to Federal contractors (including vendors) that are delinguent on their tax obligations. With respect to Federal payments to vendors of goods, services, or property, the continuous levy may be up to 100 percent of each payment.59 The levy (either up to 15 percent or up to 100 percent) generally continues in effect until the liability is paid or the IRS releases the levy.

Under FPLP, the IRS matches its accounts receivable records with Federal payment records maintained by the Department of the Treasury's Financial Management Service ("FMS"), such as certain Social Security benefit and Federal wage records. When these records match, the delinquent taxpayer is provided both the notice of intention to levy and the CDP notice. If the taxpayer does not respond after 30 days, the IRS can instruct FMS to levy the taxpayer's Federal payments. Subsequent payments are continuously levied until such time that the tax debt is paid or IRS releases the levy.

# HOUSE BILL

No provision.

# SENATE AMENDMENT

The provision amends section 6331(h)(3) to add "property" to "goods or services" to allow the IRS to levy 100 percent of any payment due to a Federal vendor with unpaid Federal tax liabilities, including payments made for the sale or lease of real estate and other types of property not considered "goods or services."

Effective date.—The provision is effective for levies issued after the date of enactment.

### CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision. Section 6331(h)(3) was amended to add "property" to "goods or services" to allow the IRS to levy 100 percent of any payment due to a Federal vendor with unpaid Federal tax liabilities in section 301 of the "3% Withholding Repeal and Job Creation Act," Pub. L. No. 112–56.

L. Modification of Control Definition for Purposes of Section 249 (sec. 812 of the Senate amendment, sec. 1108 of the conference agreement, and sec. 249 of the Code)

# PRESENT LAW

In general, where a corporation repurchases its indebtedness for a price in excess of the adjusted issue price, the excess of the repurchase price over the adjusted issue price (the "repurchase premium") is deductible as interest. 60 However, in the case of indebtedness that is convertible into the stock of (1) the issuing corporation, (2) a corporation in control of the issuing corporation, or (3) a corporation controlled by the issuing corporation, section 249 provides that any repurchase premium is not deductible to the extent it exceeds "a normal call premium on bonds or other evidences of indebtedness which are not convertible." 61

For purposes of section 249, the term "control" has the meaning assigned to such term by section 368(c). Section 368(c) defines "control" as "ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation." Thus, section 249 can apply to debt convertible into the stock of the issuer, the parent of the issuer, or a first-tier subsidiary of the issuer.

# HOUSE BILL

No provision.

# SENATE AMENDMENT

The provision modifies the definition of control" in section 249(b)(2) to incorporate indirect control relationships of the nature described in section 1563(a)(1). Section 1563(a)(1) defines a parent-subsidiary controlled group as one or more chains of corporations connected through stock ownership with a common parent corporation if (1) stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of each of the corporations, except the common parent corporation, is owned (within the meaning of subsection (d)(1)) by one or more of the other corporations; and (2) the common parent corporation owns (within the meaning of subsection (d)(1)) stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of at least one of the other corporations, excluding, in computing such voting power or value, stock owned directly by such other corporations.

Effective date.—The provision is effective for repurchases after the date of enactment.

### CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment provision.

M. Repeal of Expansion of Information Reporting Requirements (sec. 1101 of the Senate amendment)

### PRESENT LAW

A variety of information reporting requirements apply under present law.62 These requirements are intended to assist taxpayers in preparing their income tax returns and to help the IRS determine whether such returns are correct and complete. The primary provision governing information reporting by payors requires an information return by every person engaged in a trade or business who makes payments for services or determinable gains to any one payee aggregating \$600 or more in any taxable year in the course of that payor's trade or business.63 Payments subject to reporting include fixed or determinable income or compensation, but do not include payments for goods or certain enumerated types of payments that are subject to other specific reporting requirements.64 The payor is required to provide the recipient of the payment with an annual statement showing the aggregate payments made and contact information for the payor.65 The regulations generally provide exceptions from reporting of payments

<sup>&</sup>lt;sup>55</sup> Sec. 6321.

<sup>&</sup>lt;sup>56</sup> Secs. 6331(d)(3), 6861. <sup>57</sup> Sec. 6330(f).

<sup>&</sup>lt;sup>58</sup> Pub. L. No. 105–34.

<sup>59</sup> Sec. 6331(n)(3). The word "property" was added to "goods or services" in section 301 of the "3% Withholding Repeal and Job Creation Act," Pub. L.

<sup>&</sup>lt;sup>60</sup> See Treas. Reg. sec. 1.163–7(c).

<sup>61</sup> Regulations under section 249 provide that "[f]or convertible obligation repurchased on or after March 2, 1998, a call premium specified in dollars under the terms of the obligation is considered to be a normal call premium on a nonconvertible obligation if the call premium applicable when the obligation is repurchased does not exceed an amount equal to the interest (including original issue discount) that otherwise would be deductible for the taxable year of repurchase (determined as if the obligation were not repurchased)." Treas. Reg. sec. 1.249-1(d)(2). Where a repurchase premium exceeds a normal call premium, the repurchase premium is still deductible to the extent that it is attributable to the cost of borrowing (e.g., a change in prevailing yields or the issuer's creditworthiness) and not attributable to the conversion feature. See Treas. Reg. sec. 1.249-

<sup>62</sup> Secs. 6031 through 6060.

<sup>63</sup> Sec. 6041(a). Information returns are generally submitted electronically on Forms 1096 and Forms 1099, although certain payments to beneficiaries or employees may require use of Forms W093 and W092, respectively. Treas. Reg. sec. 1.6041091(a)(2). The requirement that businesses report certain payments is generally not applicable to payments by persons engaged in a passive investment activity. However, for a brief period starting in 2011, the recipients of rental income from real estate were generally subject to the same information reporting requirements as taxpayers engaged in a trade or business such that recipients of rental income making payments of \$600 or more to a service provider (such as a plumber, painter, or accountant) in the course of earning rental income were required to provide an information return to the IRS and to the service provider. Small Business Jobs Act of 2010, Pub. L. No. 111-240, sec. 2101, September 27, 2010. This rule was repealed in the Comprehensive 1099 Taxpaver Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112-9, sec. 3, April 14, 2011.

<sup>&</sup>lt;sup>64</sup>Sec. 6041(a) requires reporting as to "other fixed or determinable gains, profits, and income (other than payments to which section 6042(a)(1), 6044(a)(1), 6047(c), 6049(a) or 6050N(a) applies and other than payments with respect to which a statement is required under authority of section 6042(a), 6044(a)(2) or 6045)[.]" The payments thus excepted include most interest, royalties, and dividends.

<sup>65</sup> Sec. 6041(d).

to corporations, 66 exempt organizations, governmental entities, international organizations, or retirement plans.67 However, the following types of payments to corporations must be reported: Medical and health care payments; 68 fish purchases for cash; 69 attornev's fees; 70 gross proceeds paid to an attorney; 71 substitute payments in lieu of dividends or tax-exempt interest; 72 and payments by a Federal executive agency for services.73

Detailed rules are provided for the reporting of various types of investment income, including interest, dividends, and gross proceeds from brokered transactions (such as a sale of stock).<sup>74</sup> In general, the requirement to file Form 1099 applies with respect to amounts paid to U.S. persons and is linked to the backup withholding rules of section 3406. Thus, a payor of interest, dividends or gross proceeds generally must request that a U.S. payee (other than certain exempt recipients) furnish a Form W-9 providing that person's name and taxpayer identification number.<sup>75</sup> That information is then used to complete the Form 1099.

Failure to comply with the information reporting requirements results in penalties, which may include a penalty for failure to file the information return, 76 and a penalty for failure to furnish payee statements,77 or failure to comply with other various reporting requirements.78

66 The regulatory carveout for payments to corporations was expressly overridden for payments made after December 31, 2011 in the Patient Protection and Affordable Care Act ("PPACA"), Pub. L. No. 11109148, sec. 9006 March 23, 2010, which expanded the class of payments subject to reporting to include payments to corporations and payments of gross proceeds paid in consideration for any type of property. However, these rules were repealed in the Com-prehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112-9, sec. 2, April 14, 2011.

67 Treas. Reg. sec. 1.6041093(p). Certain for-profit health provider corporations are not covered by this general exception, including those organizations providing billing services for such companies.

68 Sec. 6050T.

69 Sec. 6050R.

70 Sec. 6045(f)(1) and (2); Treas. Reg. secs. 1.6041091(d)(2) and 1.6045095(d)(5).

71 Thid

<sup>72</sup> Sec. 6045(d).

73 Sec. 6041A(d)(3). In addition, section 6050M provides that the head of every Federal executive agency that enters into certain contracts must file an information return reporting the contractor's name, address TIN date of contract action amount to be paid to the contractor, and any other information required by Forms 8596 (Information Return for Federal Contracts) and 8596A (Quarterly Transmittal of Information Returns for Federal Contracts).

74 Secs. 6042 (dividends), 6045 (broker reporting) and 6049 (interest), as well as the Treasury regulations thereunder.

<sup>75</sup> See Treas. Reg. sec. 31.3406(h)–3.

<sup>76</sup> Sec. 6721. The penalty for failure to file an information return generally is \$100 for each return for which such failure occurs. The total penalty imposed on a person for all failures during a calendar year cannot exceed \$1,500,000. Additionally, special rules apply to reduce the per-failure and maximum penalties where the failure is corrected within a specified period. Small Business Jobs Act of 2010, Pub. L. No. 111-240, sec. 2102, September 27, 2010.

77 Sec. 6722. The penalty for failure to provide a correct payee statement is \$100 for each statement with respect to which such failure occurs, with the total penalty for a calendar year not to exceed \$1,500,000. Special rules apply that increase the perstatement and total penalties where there is intentional disregard of the requirement to furnish a payee statement. Small Business Jobs Act of 2010, Pub. L. No. 111-240, sec. 2102, September 27, 2010.

<sup>78</sup> Sec. 6723. The penalty for failure to timely comply with a specified information reporting requirement is \$50 per failure, not to exceed \$100,000 for a calendar vear.

HOUSE BILL

No provision.

### SENATE AMENDMENT

The provisions repeals section 9006 of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, which expanded the class of payments subject to reporting to include payments made to corporations and payments of gross proceeds paid in consideration for any type of property.

Effective date.—The provision is effective on the date of enactment.

### CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision. The expanded information reporting requirements for payments made to corporations and for payments of gross proceeds paid in consideration for any type of property were repealed in section 2 of the "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112-9.

### N. Tax Complexity Analysis

Section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (the "IRS Reform Act") requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code (the "Code") and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that have "widespread applicability" to individuals or small busi-

# TITLE XII-COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

COMPLIANCE PROVISION

H1201/S901

House bill

Section 1201 specifies that the budgetary effects of this Act, in complying with the Statutory Pay-As-You-Go act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects PAYGO Legislation" for this Act.

Senate bill

Section 901 provides that the budgetary effects of the amendment, for purposes of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the "Budgetary Effects" statement of the House and Senate Budget Committee Chairmen provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

Conference Substitute

Senate bill.

TITLE XIII—COMMERCIAL SPACE COMMERCIAL SPACE LAUNCH LICENSE REQUIREMENTS

H1301/S-

House bill

Section 1301would extend the original eight year learning period passed in the Commercial Space Launch Amendments Act of 2004, which expires in 2012.

Current law includes an eight-year regulatory "waiting period," starting with the first FAA-licensed launch of a "spaceflight participant" (a person who pays to experience spaceflight), during which commercial spaceflight providers would not be subject to any FAA regulation, barring any perceived or realized endangerment of public safety. Senate bill

No similar provision.

Conference Substitute

House bill modified to prohibit proposing regulations until October 1, 2015. Nothing in this provision is intended to prohibit the FAA and industry stakeholders from entering into discussions intended to prepare the FAA for its role in appropriately regulating the commercial space flight industry when this provision expires.

SENATE TITLE X-RESCISSION OF UN-USED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIRE-MENTS

DEFINITIONS

H-/S1001

House bill

No similar provision.

Senate hill

Section 1001 defines the term "earmark" as a congressionally directed spending item as defined by Senate rules or a congressional earmark as defined by the rules of the House. Conference Substitute

House bill.

RESCISSION

H-/S1002

House bill

No similar provision.

Senate hill

Section 1002 rescinds DOT earmark funds with more than 90 percent of the amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available for obligation. Also, it provides an exception if the Secretary of Transportation determines that additional obligation of the earmark is likely to occur during the following 12 month period.

Conference Substitute

House bill.

AGENCY WIDE IDENTIFICATION AND REPORTS

H--/S1003

House bill

No similar provision.

Senate bill

Section 1003 requires each federal agency to identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of the Office of Management and Budget (OMB). Also, it requires the Director of OMB to submit an annual report on these earmarks to Congress and publically post the report on the OMB website.

Conference Substitute

House bill.

SENATE TITLE XI-REPEAL OF EXPAN-SION OF INFORMATION REPORTING RE-QUIREMENTS

REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

H-/S1101

House bill

No similar provision.

Senate bill

Section 1101 repeals a section of the Patient Protection and Affordable Care Act which required businesses to report purchases of \$600 or more to the Internal Revenue Service (IRS).

Conference Substitute

Senate bill dropped because the language was used to create P.L. 112-9, The Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011.

TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT

DALE LONG EMERGENCY MEDICAL SERVICES PROVIDERS PROTECTION ACT

H—/S1201,1211,1212,1213

House bill

No similar provision.

Senate bill

Section 1201 provides liability protection for volunteer pilots that fly for public benefit, including transportation at no cost to financially needy medical patients for medical treatment, evaluation and diagnosis; flights for humanitarian and charitable purposes; and other flights of compassion.

Section 1211 provides a title for the subtitle, the "Volunteer Pilot Protection Act of 2011."

Section 1212 states findings of Congress on the necessity of protections for pilots who volunteer their services.

Section 1213 allows pilots who operate volunteer flights for most charitable institutions to receive reimbursement form those institutions for some operations costs including fuel.

Conference Substitute

No provision.

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, no provision in this conference report or joint explanatory statement includes a congressional earmark, limited tax benefit, or limited tariff benefit.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JOHN L. MICA,
THOMAS E. PETRI,
JOHN J. DUNCAN, Jr.,
SAM GRAVES,
BILL SHUSTER,
JEAN SCHMIDT,
CHIP CRAVAACK,
NICK J. RAHALL II,
PETER A. DEFAZIO,
JERRY F. COSTELLO,
LEONARD L. BOSWELL,
RUSS CARNAHAN,

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X, and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL, STEVEN M. PALAZZO, EDDIE BERNICE JOHNSON,

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VIII and XI of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
PATRICK J. TIBERI,
SANDER M. LEVIN,
Managers on the Part of the House.
JOHN D. ROCKEFELLER IV,
BARBARA BOXER,
BILL NELSON,

MARIA CANTWELL, KAY BAILEY HUTCHISON, JOHNNY ISAKSON,

From the Committee on Finance:

MAX BAUCUS.

Managers on the Part of the Senate.

### $\sqcap$ 1230

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

# TO EXTEND THE PAY LIMITATION FOR MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES

Mr. ROSS of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3835) to extend the pay limitation for Members of Congress and Federal employees.

The Clerk read the title of the bill. The text of the bill is as follows:

### H.R. 3835

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

# SECTION 1. EXTENSION OF PAY LIMITATION.

- (a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note), as added by section 1(a) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 124 Stat. 3518), is amended—
- (1) in subsection (b)(1), by striking "December 31, 2012" and inserting "December 31, 2013"; and
- (2) in subsection (c), by striking "December 31, 2012" and inserting "December 31, 2013".
- (b) APPLICATION TO LEGISLATIVE BRANCH.—
- (1) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by subsection (a), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).
- (2) OTHER LEGISLATIVE BRANCH EMPLOY-EES.—
- (A) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.
- (B) DEFINITION.—In this paragraph, the term "legislative branch employee" means—
- (i) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and
- (ii) an employee of any office of the legislative branch who is not described in clause (i).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida (Mr. Ross) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

# GENERAL LEAVE

Mr. ROSS of Florida. Madam Speaker, I yield myself such time as I may consume, and I ask unanimous consent that the Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. ROSS of Florida. Madam Speaker, I rise today in strong support of H.R. 3835, to extend the pay limitation for Members of Congress and Federal employees. Our Federal employees provide an essential work function for the Federal Government. They're good people. They do good work. And they do good work so long as it's essential government functions. We appreciate their service, and believe Federal employees should be compensated fairly.

Yet, current Federal salaries and benefits are not in line with the marketplace when compared to the private workforce. Federal civilian workers receive generous benefits, pay, and job security. In fact, there is a four times greater chance of losing your job in the private sector than there is with the Federal workforce.

Our Federal workforce performs essential functions. We appreciate their service, and believe Federal employees should be compensated fully.

On Monday, the Congressional Budget Office released a study which found that total compensation for Federal employees was 16 percent greater than for private sector workers. When they looked at the benefits of hardworking taxpayers, they take home 72 percent less in benefits than their government counterparts.

To top it off, these hardworking private sector taxpayers, with a high school diploma or some college, make 32 to 36 percent less than Federal employees with the same education level. Those who work the hardest to pay taxes are the ones bearing the burden of a bloated Federal government.

The contrast between the Federal Government and private sector is troubling. With 13 million Americans unemployed, why would we allow automatic raises to occur for a group of workers whose average compensation exceeds \$100,000, and for the Members of Congress, whose compensation is \$174,000?

The reality is that the Federal Government has no incentive or no obligation to reduce salaries in order to be competitive to stay in business. We simply raise taxes, or we go into more debt. And our government continues to

borrow. Just yesterday, for example, the CBO released a report that our Federal budget deficit will top another \$1 trillion for a fourth straight year in a row. This is unprecedented. It is unsustainable.

The President's fiscal commission, a bipartisan commission, the Simpson-Bowles Commission, a commission which not only the President but this Congress should consider, has recommended a 3-year freeze on civilian payroll and Member pay. In its report, the Commissioners reminded us that "in time of budget shortfalls, all levels of government must trim back." Following this advice, the President, to his credit, did recommend, and this Congress did freeze Federal employee pay through 2012. This measure alone saved the Federal Government \$60 billion

As Americans continue to sacrifice, we must lead by example. H.R. 3835 continues the temporary freeze on across-the-board annual salary adjustments for Federal civilian workers.

Federal employees will continue to receive salary increases under the step program. Now, this has been going on, even despite the Federal pay freeze, a step increase, 3 percent every year. 99.9 percent of all Federal employees eligible for a step increase received it. Where else can a pay freeze equal a 3 percent increase a year but in Washington, DC?

Office of Personnel Management Director Berry said that there should be no place in the Federal Government for non-performers to hide. This chart proves that we continue to fund government at a rate well in excess of that given to the private sector.

If we want to look for ways to cut, maybe we should look in some of the Federal office buildings, because 6 out of every 1,000 employees do not receive a 3 percent increase, despite a pay freeze. These step increases which continue under this bill, if passed, will result in a \$1,303 average annual salary increase per Federal employee.

The bill before us today builds on the President's fiscal commission. It follows the President's request to freeze Federal pay for Federal employees. It is consistent with the House resolution, and mirrors the provisions of the Middle Class Tax Relief and Job Creation Act of 2011 passed by this House last December.

Opponents of this bill will argue that Federal employees have already done more with less for the last 2 years. They will claim that supporters of this bill view Federal employees as a cost to cut, and that we want to cut the budget on the backs of Federal employees. I disagree with that.

We have been fortunate, very fortunate throughout the years to have a very good Federal workforce, to have talented and hardworking individuals who have chosen public service. How-

ever, our appreciation for their service does not bring a mandate to pay them above market rates, with little regard to their individual performance.

In its March 2011 report to the President, the Pay Agent—and let's go over who the Pay Agent is. The Pay Agent makes up the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management, all appointed by the President, all approved by a Democratic-controlled Senate. This is what they say. They express serious concern about a process that requires a single percentage adjustment in the pay of all white collar civilian Federal employees in each locality area. Adding to their comments: We believe the underlying model and methodology for estimating pay gaps should be reexamined to ensure that the private sector and Federal sector pay comparisons are as accurate as possible.

There is a reason why the Federal pay law has never been implemented as originally enacted. It is based on an outdated, one-size-fits-all model. In testimony before the Federal Workforce Subcommittee, Director Berry agreed that the Federal pay system could use a reexamination, and it "does not reflect the complexity of the world we live in."

Study after study has shown that, when compared to the private sector, the Federal Government, on average, pays more than required to recruit and retain a skilled workforce. Paying across-the-board wages that are higher than market rate with no measure of individual performance means less money available to meet the salary required of highly skilled workers such as scientists and professionals, as this graph accurately demonstrates.

We need to bring these high-level professionals in the Federal Government in parity with the others, and this bill will allow us to do that. It shows where we are out of whack from the private sector.

Madam Speaker, I ask Members and Federal employees to share in the sacrifice necessary to help millions of Americans suffering under the Obama economy, and urge support of H.R. 3835.

I reserve the balance of my time.

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

I stand in strong opposition to this legislation, but I want to yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

# □ 1240

Mr. HOYER. Madam Speaker, I listened to the gentleman's comments. The gentleman is new to the Congress and probably doesn't have the background in terms of how this developed as to how we pay Federal employees.

As the sponsor of the Federal Employee Pay Comparability Act in 1990,

signed by George Bush who worked with President Bush's OMB and OPM on this legislation, obviously one of the things we did was to say if the private sector doesn't get an increase, the public sector won't get an increase. We keyed the increases to the economic cost index, which is all to say that we need to tighten our belts when the private sector tightens their belts.

Which is why, as I think I caught the gentleman's reference, that over the last 2 years, Federal employees have in fact received cuts to existing law which will result in a \$60 billion savings. I think the gentleman said that, but it bears repeating. It's not as if the Federal employees haven't tightened their belts. They have. In point of fact, the pay council to which he referred believes on average that Federal employees are in fact behind, not ahead.

Now, I'm aware of the CBO report that was just issued. Mr. CUMMINGS has responded to that. Clearly, what they said is there is a disparity. Those on the lower end of the scale are doing better. Those on the upper end of the scale aren't doing so well. None of them are getting paid as much as the gentleman is who made this speech or that I'm getting. None of them are making as much as we are.

Now, what we have here is a very clever political effort to have Members vote either for their pay or against their pay being adjusted by a cost-of-living adjustment.

I'm going to vote against this bill. I am for bringing a bill to this floor which will freeze our salaries, and I would hope that a unanimous consent to do so would not be objected to on your side of the aisle. I've been for that for the last 2 years, and I have worked in a bipartisan way over the years not to demagogue Members and have Members get cost-of-living adjustment. The sponsor of this bill, as a matter of fact, is quoted as saying how much difficulty he's having supporting his family on his salary.

Now, the fact of the matter is we ought to put a bill on this floor and freeze our salaries. Federal employees have already contributed \$60 billion of benefits to which they otherwise would have been entitled because we, for the last 2 years, with my support, have frozen their salaries at the cost-of-living adjustment.

Now, ladies and gentlemen, I would hope that the bill that is sponsored by Mr. VAN HOLLEN, that there would not be an objection to a unanimous consent request to bring that bill to the floor so that Members could express that, yes, we're prepared to tighten our belts one more notch.

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

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. HOYER. But what we should not do is pretend that we're going to balance the budget by undermining middle class workers, middle class workers who work for, in my opinion, the finest country on Earth and who give excellent service, extraordinary service to the people of this country, and who, per capita, are fewer than they were 20 years ago per capita.

The fact of the matter is that we ought to have a bill, we ought to pass Mr. VAN HOLLEN'S bill, we ought to take the politics out of this.

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

Mr. CUMMINGS. I yield the gentleman an additional 10 seconds.

Mr. HOYER. Then I tell my friends what we ought to do is we ought to pass a big deal. We ought to pass a \$4 trillion to \$5 trillion to \$6 trillion big deal to get the fiscal house of the United States of America in order. It ought to include all things on the table including Federal employee pay and benefits, including the military pay and benefits and expenditures, and domestic expenditures, as well as entitlements. I've said that. That's what we ought to do. We ought not to piecemeal it as this bill reflects.

I hope that we'll support Mr. VAN HOLLEN's bill.

Mr. ROSS of Florida. I yield 3 minutes to my colleague from the great State of North Carolina (Ms. Foxx).

Ms. FOXX. Madam Speaker, I thank Mr. DUFFY for introducing this bill.

As a consistent opponent of automatic pay increases for Members of Congress, I am pleased to support the bill before us today which would extend the pay freeze for Federal employees and Members of Congress for another year through December 31, 2013.

With the record-shattering budget deficits racked up under the Obama administration, immediate action is needed to restrain runaway government increases and do no more harm to hardworking American taxpayers.

President Obama's liberal Democrat enablers in Congress attempt to ignore the true solution by suggesting endless tax increases, which never have and never will represent the long-term solution to our budget problem.

Excessive pay is part and parcel of a Federal Government that's too large and over budget. While the Federal Government will never be subject to market forces the way the private sector is, fundamental reform of the Federal compensation system is needed.

The simple truth also is that Federal employees are more highly unionized than their counterparts in the private sector. According to a CBO report issued last month: "The Federal Government and the private sector also differ in the extent to which their workers are represented by unions, which can influence employees' compensation. About 21 percent of Federal workers are members of unions, compared to only 8 percent of private sector workers."

As a result, the Federal Government pays comparatively higher compensation and provides more generous benefits and job security than private employers.

It's offensive to those unemployed Americans struggling to find a job to see unionized Federal employees continue to enjoy comparatively high compensation which is used to pay dues to government unions which spend heavily to elect politicians who promise them concessions.

According to the Heritage Foundation: "Government unions were the top political spenders outside the two major parties in the 2010 election cycle."

That's why I'm pleased Mr. DUFFY is offering H.R. 3835, which is a modest bill estimated to save taxpayers \$26.2 billion. This bill also freezes the pay of Members of Congress, which so many taxpayers believe is important in demonstrating our shared commitment to reining in the spiraling Federal ledger. I urge my colleagues to support this bill.

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

I stand in strong opposition to this bill. Federal workers, Madam Speaker, are literally the backbone of our government. They support our troops on the battlefield, and they take care of our veterans when they return home. They protect our borders, safeguard our food supply, ensure that seniors receive their Social Security checks, and hunt down terrorists like Osama bin Laden. They carry out each and every Federal program, service, and initiative Congress has created.

Despite the critical nature of the services that Federal workers provide, the majority believes that their pay should be frozen for yet another year, that their retirement benefits should be slashed, and that the size of the Federal workforce should be reduced sharply, even though it is smaller now than it was under Presidents Reagan and George H.W. Bush.

Federal workers have already made tremendous sacrifices to address our Nation's budget deficits. The 2-year pay freeze to which they are currently subject will save taxpayers \$60 billion. Further, Federal workers face the possibility of layoffs and furloughs in coming years as automatic spending reductions mandated by the Budget Control Act of 2011 reduce agency budgets for salaries.

The only workable solution to our country's budget deficit is a balanced one that includes shared sacrifice, including from the wealthiest among us. To date, however, our Republican majority has yet to bring before this House a single bill that will require millionaires and billionaires to contribute more toward deficit reduction. Instead, they are preoccupied with tak-

As a result, the Federal Government ing money out of the pockets of middle ays comparatively higher compensa-class public servants.

For these reasons, last week I led 17 Members in sending a letter to conferees working on extending the payroll tax cut urging them to reject any and all measures that would disproportionately harm Federal workers. I will continue to oppose any measure that would further cut Federal employee pay or benefits.

Madam Speaker, I'm disappointed but not surprised given the way the majority has run the House that we are now considering this bill under regular order. Instead, the majority introduced a bill on Friday in a pro forma session and is now rushing it to the House floor before any action by appropriate committees can be taken.

# □ 1250

I am also disappointed that this measure was placed on the suspension calendar, thereby blocking any amendments to the underlying legislation. Finally, I am disappointed that this bill unfairly links the pay of Federal employees to the pay of Members of Congress.

I strongly support Mr. VAN HOLLEN'S bill. The merits of pay increases for Federal workers should be debated separately from our consideration of the pay of Members of Congress. In short, this bill appears to be a disingenuous and disrespectful attack against Federal workers and the regular order of the House.

For these reasons, I strongly urge Members to oppose the bill, and I call on the House leadership to allow us to consider legislation through regular order that does not punish Federal workers in order to score political points.

I reserve the balance of my time.

Mr. ROSS of Florida. I yield 5 minutes to the sponsor of this bill, my distinguished colleague from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman from Florida for yielding.

I think it is important that we review the history of Federal employee pay freezes. In the last Congress, this came up under a Democrat-controlled House, a Democrat-controlled Senate, and a Democrat President. They voted for a 2-year payroll freeze for Federal employees. They rightly excluded our military, and I think everyone in this House agrees that our military should get a pay increase. But who they wrongly failed to include in the pay freeze were Members of Congress. They didn't include Members of Congress, but every other Federal worker they did include.

So now, today, I've brought a bill to the floor to extend the pay freeze for one more year. My bill is the exact same bill as the Democrats' bill from 2 years ago. The only difference is that I've carved in Members of Congress. Every Member in this House will have his pay frozen just like every other Federal worker's. That is the right thing to do. That's what should have been done 2 years ago but was not done.

I was here to listen to the gentleman from Maryland, the former majority leader, who is outraged that he doesn't have an opportunity to singly vote for a pay freeze for Members of Congress. Yet, as the majority leader, he had the opportunity to include Members of Congress in his bill. Republicans didn't have a say. It was a Democrat House, a Democrat Senate, a Democrat President, and Members of Congress were not included. Now to come here today and to be outraged and say that the Republicans are disingenuous because we have carved in Members of Congress doesn't hold water.

I think it is important to also look at the facts behind Federal employees as they are compared to the private sector. The Congressional Budget Office came out and said that Federal employees make 16 percent more on average than those in the private sector. At this point, what my friends across the aisle have come to the House floor to say is, in a very difficult economy, we want the private sector, which is really the American taxpayer—the ones who have been forced to make concessions with regard to pay, the ones who have been asked to work less hours to keep their jobs-my friends across the aisle come to the House floor and say what we want these American taxpayers to do is to not get a pay raise themselves, but to pay for a pay increase for Federal workers who already make 16 percent more than they do.

That doesn't make sense. I hear a lot of conversation from my friends across the aisle about fairness and parity. Well, I think you should start to use the term "fairness" today. There should be parity between the private sector and the public sector.

I come from central and northern Wisconsin, and we have a large manufacturing sector in the community in my district. Time and time again, there are rules, there are regulations, there is red tape, and there are taxes that attack our way of life that come from this town of Washington, that attack the way of life in Wisconsin. We bring it up. We talk about it. We complain about it. And guess what? My friends across the aisle turn a deaf ear to our complaints. But today we're going to do a 1-year extension of a Federal employee pay freeze, and they are outraged by that. They are listening, they are advocating, they are arguing for more Federal pay.

Come on. Use fairness today. Use the argument of parity today. This was your bill. This is a 1-year extension.

The final point: The President's debt commission, Simpson-Bowles, said we should have a 3-year freeze on Federal pay. That's what my bill does. I don't

want the argument to be that my friends across the aisle don't really care about the Federal employee pay freeze and that they only care about their own pay freeze, because that is the only difference. The only difference in my bill is that I've included Members of Congress.

This makes sense. Let's come together. The American people are sick of the partisan bickering. They would expect that there are issues on the left and that there are issues on the right that this House could and should fight about, but I think they're sick of commonsense issues that come down in the middle that we should agree on. Let's get together. Let's pass this bill. Let's freeze Federal employees' salaries for one more year.

Mr. CUMMINGS. I yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, I think the record should be clear that every year that the Congress has frozen Federal employee pay, we have also frozen congressional pay. What we have not done is try to hold Federal employee pay hostage to what we do on congressional pay. We should also be very clear that all of us on the Democratic side support freezing congressional pay in the year 2013.

Indeed, Mr. CUMMINGS and I, Mr. HOYER and others have introduced legislation to do just that. It's H.R. 3858. The Democratic leadership asked that we be able to bring that up on the suspension calendar today, and we were denied that opportunity.

So I now ask unanimous consent that, after we complete debate on this bill, we add to today's suspension calendar H.R. 3858 so that we can vote as a body on freezing congressional pay.

The SPEAKER pro tempore. Under the guidelines consistently issued by successive Speakers, as recorded on page 752 of the House Rules and Manual, the Chair is constrained not to entertain the gentleman's request unless it has been cleared by the bipartisan floor and committee leaderships.

Mr. VAN HOLLEN. This illustrates the point exactly.

As I said, Madam Speaker, we have been denied that opportunity by the Republican leadership, so I want to just be clear.

We were denied the opportunity today to have an up-or-down vote on freezing congressional pay. That's what we should do, and the refusal to allow us to do that demonstrates that what we're really seeing is an effort to use congressional pay as a political weapon to punish all Federal employees: to prevent any COLAs—cost-of-living adjustments—for Federal employees. Otherwise we would be able to bring up that bill separately.

Now, what we're seeing again is an effort to single out Federal employees as scapegoats for the economic prob-

lems that they had nothing to do with—they had nothing to do with the meltdown on Wall Street; they had nothing to do with the previous administration that helped bring our economy to this position. Yet what we're seeing today is what we're seeing in States, where we have Governors in Wisconsin, where we have Governors in Ohio, where we have other, mostly Republican, Governors scapegoating public servants in their States and singling them out as if they were the problem.

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

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

Mr. VAN HOLLEN. I thank the gentleman for yielding.

Federal employees have already seen a 2-year freeze, which saved \$60 billion, and Federal employees are willing to do their share. What we should not do is single them out. Now, the President has asked for a one-half percent cost-of-living adjustment. That still is short of the 1.7 percent cost-of-living that they will face.

So it's time that we stop saying to those folks who are out there every day helping keep our food safe, helping track down Osama bin Laden, other people who help protect our borders, and do other things that we're going to single them out for unfair treatment as part of the budget. Let's take it up as part of the full budget and not single them out the way we're doing here.

Congress of the United States, House of Representatives, Washington, DC, February 1, 2012. Hon. Eric I. Cantor,

Majority Leader,

House of Representatives.

REPRESENTATIVE CANTOR: We are writing to request that the bill, H.R. 3858 to extend the pay freeze on Members of Congress, be placed on the suspension calendar. Federal employees have seen no cost-of-living adjustment for two years and will lose \$60 billion in income over 10 years.

We believe that members should have the opportunity to vote to freeze the pay of members of Congress without cutting pay for all Federal employees.

Sincerely,

CHRIS VAN HOLLEN, Member of Congress. NANCY PELOSI, Member of Congress. STENY H. HOYER, Member of Congress.

Mr. ROSS of Florida. I yield 5 minutes to the distinguished gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I want to thank the gentleman from Wisconsin for bringing forward this important bill.

I want to refer to some facts here because we do have some good, hardworking Federal employees. Make no mistake about it: They're just as patriotic, if not more, than everybody else in our country. They work hard, and they deserve just compensation. But the compensation trajectory on which

we're going forward in this country, Madam Speaker, is neither sustainable nor fair

I was hoping that when the majority leader was addressing us that he would yield to the question, because one of the stats he threw out is that none of these people are earning as much as Members of Congress. Yet I would point out, for instance, that at the end of 2009 in the Department of Transportation, there was one person earning a salary of \$170,000.

# $\sqcap$ 1300

And yet 18 months later, there were 1,690 employees in the Department of Transportation earning at least \$170,000 in compensation.

I would also point out that since President Barack Obama took office, until now, there are an additional 144,700 civilian Federal employees. These are new people added to the payroll, more than 144,000 new people on the payroll.

In 2010, more than 50 percent of all General Schedule employees received a step increase or a promotion, hardly a pay freeze that President Obama would have led us to believe was happening. Also for 2010, 62.9 percent of all General Schedule employees received an award or bonus. Now, in these dire economic times and people trying to tighten their belts in the private sector, I think it's stunning that close to 63 percent of our General Schedule employees, Federal employees, got an award or a bonus.

Now, this new CBO study that came out this week right here, the average Federal benefits that exceeded the private sector levels by 48 percent, the benefits that are being given to the Federal employees exceed the private sector by 48 percent, according to the CBO. And the total average Federal compensation is 16 percent when you weigh that in with the other base pay. 16 percent above the private sector. Now, you can find an isolated case where maybe somebody is being undercompensated, but you can find a whole lot more people that are being overcompensated.

Now, most people, if you ask in your mind, how many Federal employees out there are earning at least \$100,000 in their base pay, Madam Speaker, that number is in excess of 450,000 people on our Federal payroll who are earning in excess of \$100,000.

In fact, if you go back and look at the payroll, the total Federal payroll for the Federal Government, in 2008 it was roughly \$400 billion; in 2011 it's projected to be \$452 billion. You should also look at one of the more stunning numbers that I saw, Madam Speaker, and that is from 2010 to 2011, there were 16,000 Federal employees that moved up to having at least a base pay of \$100,000.

So to suggest that there has been some sort of pay freeze in place, I

would argue, is wholeheartedly incorrect. It is a matter of fairness and balance.

I appreciate Mr. DUFFY for his fine work in bringing this bill forward because we should limit the pay of Members of Congress. We should also do so for the Federal civilian workforce.

Mr. CUMMINGS. Madam Speaker, I find it interesting that the other side constantly brings up the CBO report. The much better report is the Bureau of Labor Statistics report. They have more experience at this, and they show that Federal employees were paid 26 percent less than private sector employees.

I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Madam Speaker, Washington is the headquarters of the Congress. It is not the headquarters of Federal employees. Eighty-five percent of them live in other cities and in towns and suburbs.

Let's all agree that deficit reduction is a priority, and that it is appropriate to lead from the top. Nor should Federal employees be exempt from this leadership by example. But it starts at the top, not at the bottom of the Federal workforce.

These Federal employees live under often greatly differing costs of living, depending on where they live in the country. It is up to us to lead by example, not Federal employees, although they should not be exempt from this leadership role.

However, it is an unfair ruse to compare the most-favored Federal employees, Members of Congress, with the least favored, Federal employees across the board. Some are paid a great deal, some are paid very little, some come from high-cost areas of the country, some come from low-cost areas of the country.

Most of our constituents will understand who we were voting for and who we were voting against.

Democrats have a long history of respecting civil servants. Republicans have spent years deriding them in good times and bad. They know full well also that Congress would not dare take a raise now, and they know that Federal employees should not become, as they apparently have, the proverbial piggy bank for all-purpose deficit reduction.

We have had two freezes that were almost automatic on Federal employees. That's the very reason why this bill should be sent to committee to determine what is fair now in the third year after \$60 billion in cuts.

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

Mr. CUMMINGS. I yield the gentlelady an additional 30 seconds.

Ms. NORTON. Precisely because there have been two almost automatic

freezes with no hearings, it is time to send this bill to the committee to determine what is fair for Federal employees. Have they contributed enough or, using my standard, leadership by example, should they contribute more? If you want to lead by example, Members of Congress should stand up and ask for a freeze for themselves, by themselves, like men and women.

Mr. ROSS of Florida. Madam Speaker, at this time I have no further speakers, and I continue to reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, may I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Maryland has  $7\frac{1}{2}$  minutes remaining, and the gentleman from Florida has 3 minutes remaining.

Mr. CUMMINGS. I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman.

Madam Speaker, I rise in strong opposition to H.R. 3835, which would extend the current-year pay freeze for Federal workers for an additional year through 2013. This will be the third year of a pay freeze.

Similar to most of my colleagues who have spoken here today, I do support a freeze for Congress. I have voted six times to freeze Congress' pay.

While my good friend from Utah does point out that there are some high-end, high-salaried Federal employees, you have to remember that we have surgeons at the VA, very competent doctors at the VA that serve our veterans. We have scientists at NIH. We have very, very good attorneys at the SEC prosecuting very complex fraud cases. To attract those individuals, we do need to attract very competent and highly skilled individuals, and that's where those higher salaries are aggregated.

But we should be reminded that the vast majority of our Federal employees are middle-income earners. Oddly enough, we could have addressed this if this bill had gone through committee, through regular order. This bill has come to the floor without going through committee. It has not been subject to amendment.

We could have come up with a bill that said, okay, we are going to freeze the pay of high-income Federal employees. We didn't do that.

So you've got people out there making \$30,000, \$40,000 a year, secretaries and other staff, that their pay has been frozen for. If this goes through, it will be 3 years. So we could have done a better job if this bill had gone through the regular order and gone through committee.

I'm also concerned about the rationale behind this legislation. Similar to many of my colleagues today, while I support the freeze on congressional pay, we see a lot of legislation coming up in this Congress that attacks Federal employees, and I think this is one more example of that.

I totally oppose it.

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

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. LYNCH. I thank the gentleman. This is another in a series of legislative attacks that have targeted our Federal workers throughout the 112th Congress. It will further erode employee morale and diminish the Federal Government's ability to attract the best and brightest to perform the important jobs that we need to perform. Our dedicated civil servants play a vital role in such critical areas as law enforcement, national defense, public health, and the delivery of services to America's veterans, elderly, and the disabled. They should not bear a disproportionate burden when it comes to addressing our Nation's budget problems

So I urge my colleagues to join me in opposing any further efforts to balance the Nation's budget on the backs of our hardworking Federal employees by voting 'no' on H.R. 3835.

# □ 1310

Mr. ROSS of Florida. Madam Speaker, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Madam Speaker, earlier it was referenced that there was another study showing that the compensation was 26 percent lower than the private sector. I would point out that that did not include compensation for benefits. Certainly when you look at someone's total compensation plan, you have to look at the benefits they are achieving.

I would also point out that in the CBO study on pages 10 and 11, the total compensation is actually more askew for the lower-educated people. People who earned high school diplomas or less are getting 36 percent more than they would in the private sector. It's actually the higher end, people with professional degrees or doctorates who are actually being undercompensated, at least according to this study. And they only account for about 7 percent of our workforce.

So if you look at the bulk of our workforce, some roughly 93 percent, you're going to see a double digit percentage increase versus the private sector.

This is not an attack on our Federal workforce. Be grateful that you have a job. What we have to understand is that it's the taxpayers' money, and we have to be frugal with it.

Mr. CUMMINGS. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, I thank my very good friend, the distinguished ranking member of the committee, for yielding me this time to rise in strong opposition to an extension of the current pay freeze for Federal employees.

This legislation is a cynical attempt to tap into misguided resentment fostered by the far right against the Federal Government and the 2 million men and women who serve our Nation as civil servants.

Of those 2 million, let me point out to my colleagues that nearly two out of three civil servants work for the Department of Defense, the Department of Homeland Security, the Department of Veterans Affairs, and the Department of Justice. In other words, two out of three Federal employees work in jobs related to our national security at home and abroad or caring for our veterans. Every one of those employees now seems to be the target of this body's misguided anger, and that's just wrong.

Most of our Federal employees work for the Defense Department to enhance our security. Employees at the Department of Homeland Security work to ensure that nuclear materials aren't smuggled into our country by those who want to do us catastrophic harm. The Federal Bureau of Investigation works to investigate and prosecute cybercriminals that steal billions of dollars of intellectual property from our defense and civilian industrial base every year. This body claims to care about preventing nuclear terrorism and halting cyber crime, yet we want to punish those charged with carrying out that mission.

Last year, a constituent of mine was awarded a "Sammie" from the Partnership for Public Service for his work at the VA helping to address veterans struggling with the human toll of warfare. My constituent has devoted 30 years of his career building a national network of small, community-based centers where veterans traumatized by combat obtain counseling, job assistance, medical referrals, and other services. The Partnership rewarded him last year, but today the House wants to forfeit his pay raise for a third consecutive year.

This bill is the product of an ideologically extreme group of people who got elected by insisting that our government is broken. And now that they're elected, they want to try to prove that is the case. It's not the case. We ought to be proud of our government and reject this bill.

Mr. ROSS of Florida. Madam Speaker, I continue to reserve the balance of my time.

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

As I listen to the debate and as I listen to the other side—and I do want to associate myself with the words of my colleague, Mr. Moran, and the others who have spoken—over and over again we hear on the one side of the mouth coming from our Republican colleagues that they love our Federal employees so much and they do such a great job,

This legislation is a cynical attempt but on the other hand they say they tap into misguided resentment fos- want to freeze their pay.

One of the things that I have found so interesting, and we've heard the argument over and over, is when it came to taxes with regard to the millionaires and billionaires, they didn't want to tax them one penny more, not one dime. But yet, the person who works here in this building, the ones that work at Social Security and other places, the ones that Mr. Moran just talked about, the ones who are protecting the homeland, they say to them: We want to make sure we freeze your pay. There's something awfully wrong with that picture.

I believe very strongly that we all should share in the benefits, and we should share in the sacrifice, too. They didn't ask for one dime, not a dime more from the millionaires and the folks that are making all of the money. But yet still you've got people in the Federal system, according to the CBO report, if you want to go there, and that CBO report says those people with a master's degree or above, they are making 23 percent less. What about them? What about the people who day after day sacrifice and could possibly be making a lot more money in the private sector, what about them? Some of them, by the way, are on our staffs.

So I would just urge—and again, it's been implied that we on this side have a problem with a pay freeze for our Members of Congress. We don't have a problem with that. I will go on the record saying that. And these issues should be divided.

With that, Madam Speaker, I urge Members to vote against this very bad bill, and I yield back the balance of my time

Mr. ROSS of Florida. Madam Speaker, I yield myself such time as I may consume.

I'm new here. I'm one of those freshmen. I'm one of those freshmen who's been told you don't know how Washington works. I'm one of those freshmen who's been told you need to get in line, that's been told you need to get in line.

Well, if successive 4 years of trilliondollar deficits is the way Washington works, then I don't want it working that way. You see, I wasn't sent here to learn how Washington works; I was sent here to change the way Washington works.

And when we have a President proposing a military budget that cuts our military back to pre-World War II levels, and yet we continue to increase our Federal payroll while private sector payroll employment goes down, there's something wrong with the way Washington works.

Washington is broken, and I submit to you that we need to lead by example. We have done so already by reducing our MRAs, our Members' accounts, by 11 percent. We've done so already by reducing our committee budgets. But we need to go further if we're going to lead by example, because you see, leadership is not a title. Leadership is an act. And I submit to you, Madam Speaker, that today we lead by example, and I urge my colleagues to support the passage of H.R. 3835, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, once again the Republican leadership is attacking America's 2.3 million civilian Federal employees. In a brazen act of political opportunism, Speaker BOEHNER is using the public's well-founded dissatisfaction with Congress to bludgeon public servants. H.R. 3835, which we will vote on under suspension of the rules on Wednesday, will freeze pay for Members of Congress... and Federal employees.

Two million of the 2.3 million Federal emplovees-which is 86%-do NOT live in the Washington, DC metropolitan region. They live in what has been referred to fondly as the "real America." The region with the highest percentage (37 percent) of Federal employees is the South, home of such venerable institutions as the Oak Ridge research lab, Red Stone Arsenal, and the Tennessee Valley Authority. The majority of Federal employees work on defense and homeland security. They guard our borders, protect the safety of airline travel, fight forest fires, and track down online child predators. Would it be unreasonable to point out that passage of this bill could aid and abet terrorists, cross-border gun runners, and child pornographers?

We can all anticipate the anonymous PAC-funded television ads that will run against those of us who oppose this ignominious legislation: "Call and ask why Congressman X voted to raise his own pay." The other consequences of this bill, should it pass, are far worse. Freezing pay of a workforce that already receives 26 percent less than the private sector, according to the Bureau of Labor Statistics, will further degrade critical public services and weaken an already fragile economy.

Federal employees' pay has been frozen for the last two years. While private sector pay has grown, Federal pay has stagnated. By denigrating public service and dismantling Federal pay and benefits, we are crippling our ability to recruit and retain the next generation of top tier public servants. The victims of this assault on public employees are our constituents—the public we are supposed to serve—who rely on services provided by Federal employees every day in every American community.

İ respectfully request that we maintain whatever shreds of dignity this institution has left and reject H.R. 3835.

Mr. WAXMAN. Madam Speaker, I rise in strong opposition to this latest attack on Federal workers.

H.R. 3835 is not a balanced proposal.

Federal employees have already been asked to make significant sacrifices to help reduce our debt. So far, they have contributed \$60 billion through a two-year pay freeze and they face the prospect of furloughs and layoffs in the coming years as the Budget Control Act's automatic cuts reduce agency budgets. Despite this, House Republicans continue to

push for expanded concessions in compensation and benefits.

H.R. 3835 would require Federal workers to forego an additional \$26 billion in pay over the next decade even though Federal employees actually earn less than their private sector counterparts when factors such as skill and education level are taken into account.

H.R. 3835 is not a serious attempt to address the budget deficit. The \$26 billion it would raise over 10 years would cover only 2 percent of the projected budget deficit for FY 2012 alone. True deficit reduction will need to be balanced and sacrifice will need to be shared.

H.R. 3835 is also misguided policy.

The Federal government should not be an employer of last resort. Our citizens depend on our ability to recruit the most qualified individuals to treat our wounded veterans, inspect our food, oversee nuclear power plants, protect us from terrorism, and provide a broad range of other critical services. While H.R. 3835 would get us almost nowhere in tackling our long term debt, and shield the wealthiest individuals and corporations from making any kind of contribution, it would have a devastating long-term effect on the quality of government services and operations.

I urge my colleagues to vote against this legislation.

Mr. HOLT. Madam Speaker, I rise today in opposition to H.R. 3835. This bill is yet another example of the Republican majority's desire to play political games instead of promoting commonsense legislative solutions to our Nation's problems.

Madam Speaker, I believe this is exactly the wrong time to raise salaries for me and my colleagues in Congress. We shouldn't get it. But I do not believe that millions of hardworking Federal employees should be punished. They already gave \$5 billion with their salary freeze over the past two years.

One of my top priorities in Congress is protecting the rights of middle class families, which includes many millions of Federal workers. I have the utmost respect for the hard work and public service that Federal civilian employees perform each and every day, and I believe they deserve to be compensated fairly. Federal workers are not overpaid. Comparison studies show that for the educational level and job category, they are paid less than others. In fact, Federal workers with a professional or doctorate degree earn 23 percent less, on average, than their private sector counterparts. In order to attract the most talented men and women to Federal service, it is imperative that we offer competitive salaries and benefits. This legislation sends the wrong message to the millions of men and women who serve the American people. It tells them that we may value the work that they do on behalf of the American people, but not enough to compensate them fairly.

Madam Speaker, this bill is a game. It is not a serious attempt to address the deficit or debt. It is "gotcha" politics. Pay for Federal workers did not get us into a deficit—two unpaid wars, a prescription drug benefit, and several tax cuts for the rich blew a hole in the budget. But rather than address those root causes, the majority today is blaming hardworking Federal employees.

Madam Speaker, rather than this phony bill, I am a cosponsor of Ranking Member VAN HOLLEN's legislation to extend the pay freeze for Members of Congress through 2013 without affecting the salaries of the men and women of our Federal workforce. Members of Congress should not get a pay increase this year. This is something we all agree on, Mr. Speaker. When the legislation to forego a cost of living pay raise in 2011 came before this body in April 2010, it passed by a vote of 402 to 15. Bring this bill to freeze Members' aput hrough 2013 to the floor and I will support it. So would most of our colleagues. I believe.

Mr. MARINO. Madam Speaker, it is undeniable that our nation faces dire economic circumstances. This Congress must continue to cut spending and reduce the size and scope of Washington. I strongly support the efforts of House Republicans to make responsible and necessary cuts to the federal workforce. A responsible federal pay freeze is an important part of that equation, particularly for Members of Congress, the President, and political appointees.

However, I rise today to express concerns regarding H.R. 3835 which we are now considering. I believe that the current pay freeze and a continuation of it has a disproportionate impact on employees that face mandatory retirement age, such as many of our law enforcement officers. These employees put their lives at risk every single day to defend our safety and freedom.

I recently toured several federal prisons located in my district and it is unbelievable what these guards go through to ensure that some of the most violent criminals in America remain behind bars. Due to the physical and mental abuse that these guards go through during their careers, it is mandatory that they retire at 57. Unfortunately, the officers currently near the mandatory retirement age will not be able to make up any lost salary by working a few extra years.

Additionally, I am concerned about the effects a continued pay freeze will have on recruitment and retention of federal law enforcement officers. Prison officers already face a long and rigorous hiring process and deplorably low wages. The prospect of not seeing an increase in pay will add yet another barrier to recruiting the best and most fit to guard our prisons and protect our safety.

I will support this legislation because I believe that Members of Congress and political appointees should not see a pay increase and that a responsible pay freeze is needed. I ask the sponsor of this legislation, House and Senate leaders, and the administration to consider the lasting impacts of a pay freeze on the federal law enforcement officers who put their lives at risk every single day to ensure that our families are safe.

Mr. RAHALL. Madam Speaker, today, I voted in favor of extending the pay freeze on Members of Congress. While Members of Congress should not be getting raises during a recession, our federal employees who provide services to our military members and ensure senior citizens receive their checks on time do not deserve to bear the brunt of cost-cutting efforts. The federal employees who daily show up for work in a spirit of service to our country deserve our respect and support.

Federal employees deserve thanks for the work they do, often at lower pay than they could command in the private sector, out of a spirit of service to our country. These federal workers don't deserve to be the pawns in cynical political showdowns. Shared sacrifice is necessary from all Americans as we continue finding ways to balance budget and to preserve critical programs, targeting one group over another out of political spite is not the answer. Federal workers are hard working American and I thank them for their efforts on behalf of the American people.

Mr. REYES. Madam Speaker, tonight the U.S. House of Representatives will vote on a Republican bill that attacks federal employees and aims to balance the budget on the backs of hard-working federal civil servants for political points. Republicans claim this bill freezes the salaries of Members of Congress, but what they fail to mention is that this bill would also freeze the pay of federal employees, including 10,000 civil servants in El Paso.

Federal employees have already made significant sacrifices to help reduce the government's budget deficit. They are now enduring a two-year pay freeze that took effect in January 2011. Federal employees also face the possibility of layoffs and furloughs in coming years as automatic spending reductions mandated by the Budget Control Act of 2011 cut federal agency budgets.

Republicans need to stop attacking federal employees. This pointless legislation only serves to distract from the real issue: helping revitalize the economy and create jobs. I will continue to stand with federal employees and their families.

The Republican message is clear to our hard-working federal employees, over 12,000 in El Paso, who secure our border, care for our veterans, and protect our air and water—they would rather freeze the wages of middle class workers than raise taxes on the millionaires and billionaires. I want to reassure all federal employees in El Paso that I will continue to work hard against attacks that jeopardize their livelihood and ability to support their families.

Mr. WOLF. Madam Speaker, I do not believe that Members of Congress should receive a pay raise, and that is why I am voting for this bill. However, today's bill isn't just a vote on whether or not to freeze salaries for Members of Congress. The second part of this legislation extends the pay freeze for federal employees for a third consecutive year. This gives me serious pause. These issues should not be tied together. There should be one vote on Member salaries and a separate vote on extending the pay freeze for federal employees.

I am concerned that the language in this bill pertaining to federal employees' pay has not been considered through the normal process. I'm not arguing that freezing Members' salaries needs a hearing. That's obvious. Freezing our pay doesn't need to be vetted.

Federal employees are the issue. This bill has been rushed to the floor less than a week after being introduced. No hearings have been held. Only 40 minutes of debate are being allowed. No amendments are permitted.

Has anyone fully considered the impact that a three-year pay freeze will have on the CIA,

the NSA, the National Reconnaissance Office and the National Counter Terrorism Center?

Or the impact on the FBI, which has, since 9/11, disrupted scores of terrorist plots against our country?

Or the impact on our military, which is supported by federal employees every day on military bases across the Nation?

Or the impact on VA hospitals across the country, which are treating military veterans from World War II to today?

Or the impact on the Border Patrol?

Or the impact on NASA, its astronauts, engineers and scientists, especially on the nine-year anniversary of the tragic loss of the Columbia crew and a week after the 45th anniversary of the loss of the Apollo 1 crew?

Or the impact on NIH, and other federal researchers, scientists and doctors?

Clearly, federal employees don't just sit behind desks. They are members of our communities who are out in the field, often in harm's way, protecting our Nation. Just here in northern Virginia, residents recently mourned the loss of two federal employees who died in the line of duty—U.S. Park Police Sergeant Michael Andrew Boehm of Burke, and National Park Service Ranger Margaret Anderson, who previously worshipped in Lovettsville.

Their sacrifices remind us that many federal employees are often put in dangerous situations. Since 1992, nearly 3,000 federal employees have paid the ultimate price while serving their country, according to the Office of Personnel Management. The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent of mine from Manassas Park. I attended his funeral. Over 100,000 CIA, FBI, DEA agents, and State Department employees have served side-by-side with our military to carry out the War on Terror in locations such as Iraq and Afghanistan. Two years ago, I attended funerals for some of the seven CIA agents who were killed by a suicide bomber at Forward Operating Base Chapman near Khost on the Afghanistan-Pakistan bor-

And we should not forget that the CIA agents who planned and helped execute the raid that killed Osama Bin Laden are federal employees.

Every day, Border Patrol agents and ICE agents are working to stop the flow of illegal immigrants and drugs across our borders. Federal firefighters work to protect federal lands and mitigate the spread of deadly fires. Immediately following the December 2011 shooting at Virginia Tech, some of the first law enforcement officers on the scene were ATF agents. These are but a few examples of the vital jobs performed by federal employees.

Federal employees who are not in harm's way on a daily basis are also dedicated public servants. The medical researchers at the National Institutes of Health working to develop cures for cancer, diabetes, Alzheimer's and autism are all federal employees. Dr. Francis Collins, the physician who mapped the human genome and serves as director of the NIH, is a federal employee. The National Weather Service meteorologists who track tornadoes and hurricanes, as well as the FDA inspectors working to stop a salmonella outbreak, are federal employees.

It is cheap grace to claim that today's legislation will in any way address our Nation's fiscal obligations. The national debt is over \$15 trillion. It is projected to reach \$17 trillion next year and \$21 trillion in 2021. We have annual deficits of more than \$1 trillion. We have unfunded obligations and liabilities of \$65 trillion. This bill does not even direct the Congress to use the "savings" from today's bill to be used for deficit reduction or any other particular purpose.

I am concerned that this vote is merely an attempt to position the House to use federal employees as a "pay-for" to fund the further extension of the payroll "holiday" legislation that is currently before a conference committee.

This is wrong. And my vote today to freeze Members' salaries should not be construed in any way to indicate that I would support such a position from the conference committee. Let me be clear, the payroll "holiday" should expire on schedule at the end of this month. It does nothing more than steal from the Social Security Trust Fund, which is already going broke. And, according to recent polling reported by The Hill, most Americans haven't noticed any benefit from this "holiday."

Social Security is unique because it is paid for through a dedicated tax on workers who will receive future benefits. The money paid today funds benefits for existing retirees, and ensures future benefits. Because you pay now, a future worker will pay your benefits. That is why, until last year, this revenue stream was considered sacrosanct by both political parties.

Social Security is on an unsustainable path. Today's medical breakthroughs were simply not envisioned when the system was created in 1935. For example, in 1950, the average American lived for 68 years and 16 workers supported one retiree. Today, the average life expectancy is 78 and three workers support one retiree. Three and a half million people received Social Security in 1950; 55 million receive it today. Every day since January 1, 2011, over 10,000 baby-boomers turned 65. This trend will continue every day for the next 19 years. Do these numbers sound sustainable to anyone?

The Social Security Actuary has said that by 2036 the trust fund will be unable to pay full benefits. This means that everyone will receive an across-the-board cut of 22 percent, regardless of how much money they paid into the system.

After months of passionately debating the importance of reducing the deficit, the president and Congress are now continuing to advocate for a payroll "holiday" that's barely, if at all, improved our economic outlook and further contributes to our crushing debt burden.

And does it make sense that everyone, regardless of income, will get money from this "stimulus?" Does anyone think that Warren Buffet changed his buying habits as a result of this temporary suspension? Or did General Electric's CEO, Jeffery Immelt, the head of President Obama's Council on Jobs and Competitiveness who recently shipped GE's medical imaging division from Wisconsin to China, benefit from this "holiday?" Leadership from both parties have stated that extending this policy is paramount. I regret that time is being spent on a flawed policy instead of tackling the difficult choices to address our nation's unfunded spending obligations.

We all know what needs to be done to address the deficit and debt and that is why I have supported every serious effort to resolve this crisis, including the Bowles-Simpson recommendations, the Ryan Budget, the "Gang of Six," the "Cut, Cap and Balance" plan and the Budget Control Act.

I also was among the bipartisan group of 103 members of Congress who urged the supercommittee to "go big" and identify \$4 trillion in savings. I voted for the Balanced Budget Amendment to the Constitution, which would have established critical institutional reforms to ensure that the federal government lives within its means. In addition, since 2006, I have introduced my own bipartisan legislation, the SAFE Commission, multiple times.

While none of these solutions were perfect, they all took the necessary steps to rebuild and protect our economy. In order to solve this problem, everything must be on the table for consideration—all entitlement spending, all domestic discretionary spending, including defense spending, and tax reform, particularly changes to make the tax code more simple and fair and to end the practice of tax earmarks and loopholes that cost hundreds of billions of dollars annually.

Yet on the floor today, the Congress won't even, at a minimum, commit the savings from this bill towards deficit reduction. There is something fundamentally wrong with this scenario.

I've always had a policy where my staff in Washington, Herndon and Winchester were treated the same as federal employees. They work hard. But when federal employees faced furloughs, so did my staff. And because federal employees work under a pay freeze, my staff is working under a pay freeze. I have always felt that federal employees, and congressional staff, committee and leadership staff, should be treated equally. I feel that the moral choice has always been to treat everyone equally.

Above all, we should not let today's vote distract us from having the difficult conversations that are necessary to ensure that programs and services are reduced in a manner that responsibly lowers the deficit. There is never a convenient time to make hard decisions, but the longer we put off fixing the problem, the worse the medicine will be and the greater the number of Americans who will be hurt. America is living on borrowed dollars and borrowed time. We must stop leaving piles of debt to our children and grandchildren.

It was disappointing to hear the president deliver a campaign speech from the floor of this House during the State of the Union. It is disappointing that this House is now following his lead.

Federal employees live, work, pay taxes, liaise with contractors and businesses, and spend the money that is driving the private sector growth here in Virginia. We shouldn't use them as offsets for a failed policy that steals from Social Security.

Voting to freeze member pay is the easy thing to do. Let's be sure that today's actions don't distract us from the tough choices ahead. We should let the payroll "holiday" expire on schedule. We should put everything on the table—including discretionary spending, tax earmarks and loopholes, defense spend-

ing, and entitlements to address our nation's debt. We should be balancing our books to eliminate the need for sequestration. It's time to get to work.

Let's not continue to kick the can down the road as we wait for a better political moment. I stand ready to continue to work with my colleagues to find real, comprehensive reforms to our spending, tax, and entitlement systems to ensure that these programs exist. Our children and grandchildren deserve nothing less.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in opposition to H.R. 3835, which would extend the pay limits for federal employees through 2013. Nearly 2 million federal civilian workers stand to be affected by this pay freeze if it is enacted by Congress.

For the last two years, federal employees and their families have suffered the consequences of an across-the-board pay freeze. While the cost of vital goods such as food and gas, medical expenses, and rent continue to rise, H.R. 3835 seeks to prolong that burden on millions of families by extending this pay freeze for another year. Federal employees and their families are no less affected by downward trends in the economy than any others in the workforce, and it is unfair to ask that they continually make these sacrifices when Congress will not even ask the same sacrifice of millionaires, billionaires, and the largest corporations.

These kinds of pay freezes do more than just take precious disposable income away from working families. So many federal workers came to the federal government because they have excellent credentials and are committed to public service. By limiting the amount of money that the federal government can offer to prospective employees, Congress is effectively limiting its own ability to attract and retain highly-educated and highly-skilled workers to carry out important roles such as national security, maintaining critical transportation infrastructure, and caring for our veterans.

Madam Speaker, H.R. 3835 is simply another partisan attempt to hold working families hostage for petty political gain. Federal employees have already contributed \$60 billion toward reducing the deficit the past two years, and it is time to finally ask the wealthiest businesses and members of society to start paying their fair share. H.R. 3835 is sorely misguided and I will oppose this bill in any way that I can.

Mrs. MALONEY. Madam Speaker, I rise today in opposition to H.R. 3835 because of the negative cost it puts on the backs of our federal public servants. At a time when Congress must make tough budget choices, I fully support a freeze on the salary of Members of Congress. That is why I am a cosponsor of H.R. 3858, a clean bill that would freeze Congressional pay.

However, my colleagues on the other side of the aisle are playing politics with the federal workforce. It is shameful that some of my colleagues want to blame the federal workforce for our country's problems and to make them pay the cost for climbing out of the recession. These hard working men and women provide vital operational support to our military members; ensure our senior citizens receive their

Social Security checks; protect our borders; ensure the safety of our environment, food, and water; treat our wounded veterans; and research cures for cancer and other deadly diseases.

The Federal Government is our country's largest employer, providing jobs to about 2 million civilian employees. Roughly 85 percent of the federal workforce is located outside the metro Washington, DC area. These federal families are facing the same economic challenges as families across America. Federal workers already are subject to a two year pay freeze that will save more than \$60 billion over the next decade. An additional third year of pay freezes on federal employee salaries as proposed in today's legislation further undermines the federal government's ability to attract and retain the highest talent. It also threatens to close the pipeline of new talent moving up the federal civil service. A report from the Partnership for Public Service highlighted that employees with high-demand skills are those most likely to have alternative employment options.

Until we have the opportunity for a clean vote, I must urge a no vote on H.R. 3835, legislation that places too much cost on the federal workforce.

Mr. PIERLUISI. Madam Speaker, I rise in opposition to H.R. 3835, which would extend an existing pay freeze on federal employees for a third straight year, through December 2013.

Federal employees often forego private sector employment to serve our nation. They perform essential services, ensuring that our mail is delivered, that our Social Security checks are issued, and that our drinking water remains clean. Federal employees also investigate drug smuggling, issue patents, and provide health services and other benefits to our Island's veterans. These are only a few of the many functions that federal employees perform every day in their work for the American people.

Federal employees are willing to do their share to reduce the deficit. However, it is unfair to place the burden of reducing the deficit entirely on their backs. Federal employees have already contributed \$60 billion toward deficit reduction by accepting a two-year pay freeze. We should not ask this one particular group to make additional sacrifices when we are not asking other Americans to make similar sacrifices.

I urge my colleagues to reject this bill and to treat federal employees with the respect they deserve.

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.R. 3835, a bill to extend the pay limitation for Members of Congress and Federal employees. There is an attack on the idea that government has a role in the proper functioning of society. That battle has resulted in the privatization of government services, which leads to inefficiencies and higher bills for taxpayers. Across the country we are also seeing an attack on government workers who frequently work long hours in support of our great nation.

Federal employees have already sacrificed because of our shrinking budget. These men and women are members of the middle class, and they are already subject to an unwarranted two-year pay freeze in the form of a \$5

billion cut to their wages and benefits by the end of 2012. They also face the possibility of layoffs and furloughs in coming years as automatic spending reductions mandated by the Budget Control Act of 2011 reduce agency budgets for salaries.

Federal employees are public servants who do work that is essential to this country every day: they guard our borders, care for our wounded veterans, deliver our mail, ensure the safety of our food supply, and provide many other sometimes invisible, but important services.

This bill inappropriately groups the pay and benefits of Members of Congress with the men and women of our federal civil service. In so doing, it attempts to turn Federal employee pay into a political issue. I am not opposed to extending the pay freeze for Members of Congress. However, I stand with the workers. The merits of pay increases for Federal employees should be debated separately from our consideration of pay for Members of Congress.

I stand with the workers; that is why I voted against this bill.

Ms. McCOLLUM. Madam Speaker, I rise in opposition to H.R. 3835, a bill that represents more of a political stunt by Republicans than an honest way to address the shared sacrifice needed across the Federal Government in these difficult fiscal times. Members were not allowed to consider a bill offered by Representative CHRIS VAN HOLLEN, H.R. 3858, that would have prevented members of Congress from receiving an automatic pay raise in 2013. I would have voted in favor of that bill. With so many Americans still looking for work and struggling to pay their bills, it is only fair and right that members of Congress put their needs first. However, Republicans chose to tie our salary freeze with those of Federal employees. Previously, they had not been linked. I regret that House Republicans thought it was more important to score political points than showing the American people that Members of Congress on a bipartisan basis support the existing Congressional pay freeze. Such actions only serve to deepen the cynicism of Americans who have grown increasingly fed up with the polarization of Congress.

Mr. WITTMAN. Madam Speaker, I don't think there is anyone in this country who supports increasing pay for Members of Congress. I certainly don't, which is why I voted in favor of H.R. 3835 on Wednesday. Throughout my tenure in this body, I have continually voted to cut, freeze, and otherwise limit pay for Members. With so many folks across Virginia's First District and the nation struggling to feed their families or find a job, Congress has got to lead by example and show that it is serious about tackling this country's economic woes in a responsible manner.

An important part of being responsible, however, is the ability to be fair, and I fear that H.R. 3835 sets an unfair precedent by targeting a particular group of public servants who are already tasked to do so much for their country: federal employees. Government workers have been under a pay freeze since December of 2010, and this legislation would extend that freeze through 2013. These hardworking patriots serve our nation on a daily basis, whether it be keeping our skies safe for travelers with the FAA or supporting our

troops on the front lines of the war on terror with the CIA. From the lowest GS-1 to the highest GS-15, the federal workforce is full of dedicated and committed citizens who exemplify patriotism in everything they do. There is no question that changing the unsustainable trajectory of this nation will take sacrifice from us all, but continually singling out federal employees is an ineffective and unjustified response to the nation's fiscal struggles.

Although I have serious concerns with the federal employee pay freeze, I ultimately voted for this legislation because Congress must lead by example and freeze our own pay first. I would like to remind my colleagues that long after we are all gone, federal employees will continue to selflessly serve this nation, as they have since its inception. Repeatedly singling them out is no way to thank them for their dedicated contributions. I am hopeful that future deficit reduction efforts in this body will focus on more realistic methods of savings that truly address the drivers of our debt so that we can foster an environment of job creation and prosperity in this country.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Ross) that the House suspend the rules and pass the bill, H.R. 3835.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROSS of Florida. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

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

ADJUSTING EXPENSES OF CERTAIN HOUSE COMMITTEES IN 112TH CONGRESS

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 496) adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 496

Resolved,

SECTION 1. ADJUSTMENT OF AMOUNTS OF COM-MITTEE EXPENSES FOR THE ONE HUNDRED TWELFTH CONGRESS.

(a) AGGREGATE AMOUNT FOR CONGRESS.—Notwithstanding section 1(b) of House Resolution 147, the amount paid out of the applicable accounts of the House of Representatives with respect to the One Hundred Twelfth Congress for the expenses (including the expenses of all staff salaries) of each committee named in such section shall be as follows: Committee on Agriculture, \$11,848,132; Committee on Armed Services, \$14,900,023; Committee on the Budget, \$11,680,246; Committee on Education and the Workforce, \$16,158,348; Committee on Energy

and Commerce, \$21,678,149; Committee on Ethics, \$6,218,310; Committee on Financial Services, \$16.825.969; Committee on Foreign Affairs, \$17,331,982; Committee on Homeland Security, \$16,347,050; Committee on House Administration, \$10,118,345; Permanent Select Committee on Intelligence, \$9,977,660; Committee on the Judiciary, \$16,265,122; Committee on Natural Resources, \$15,235,867: Committee on Oversight and Government Reform, \$20,546,873; Committee on Rules, \$6,566,883; Committee on Science, Space, and Technology, \$12,671,660; Committee on Small Business, \$6,598,427; Committee on Transportation and Infrastructure, \$19,195,872; Committee on Veterans' Affairs, \$7,049,575; and Committee on Ways and Means, \$18,975,444.

(b) SECOND SESSION LIMITATIONS.—Notwithstanding section 3(b) of House Resolution 147, the amount provided for the expenses of each committee named in such section which shall be available for expenses incurred during the period beginning at noon on January 3, 2012, and ending immediately before noon on January 3, 2013 shall be not more than the following: Committee on Agriculture, \$5,658,638; Committee on Armed Services, Committee on the Budget, \$7,374,759; \$5,647,061; Committee on Education and the Workforce, \$7,812,094; Committee on Energy and Commerce, \$10,697,209; Committee on Ethics, \$3,393,775; Committee on Financial Services, \$8,384,705; Committee on Foreign Affairs, \$8,379,512; Committee on Homeland Security, \$7.903.326; Committee on House Administration, \$5,169,169; Permanent Select Committee on Intelligence, \$4,823,910; Committee on the Judiciary, \$7,863,716; Committee on Natural Resources, \$7,366,101; Committee on Oversight and Government Reform, \$9,933,819; Committee on Rules, \$3,174,898; Committee on Science, Space, and Technology, \$5,986,023; Committee on Small Business, \$3,383,536; Committee on Transportation and Infrastructure, \$9,280,649; Committee on Veterans' Affairs, \$3,446,830; and Committee on Ways and Means, \$9,174,079.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Pennsylvania (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

# GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 496.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 496. This resolution adjusts the amounts provided for the expenses of the select and standing committees of the House of Representatives in the 112th Congress.

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Last November, the Committee on House Administration held a full-day hearing at which we heard from our chairs and ranking members. At that hearing, we discussed how each committee absorbed the 5 percent budget reduction implemented at the beginning of the 112th Congress and how, as we continue to reduce government spending, they will manage additional reductions this year.

Madam Speaker, I know, as a committee chairman myself, that we face the difficult task of doing more with less. Yet I also know that my constituents, all of our constituents, need us to do more with less and to rein in government spending. Families have been required to tighten their belts, and they constantly ask us to do the very same thing. They do not suggest it is easy, because it has not been easy for them. But they ask of us that which they have asked of themselves. Today's economy has forced our constituents to sacrifice and, as I say, tighten their financial belts to make ends meet at home. Congress should not be and will not be immune.

While most committees are taking a 6.4 percent cut in line with the reduced funding levels of the 2012 legislative branch appropriation, certain committees faced with additional oversight responsibilities in 2012 were cut at a smaller percentage in order that they might be able to conduct their work.

Particularly daunting will be the Armed Services' charge of managing the automatic sequestration of \$600 billion in defense cuts triggered by the Budget Control Act. And I hasten to add that is in addition to, or on top of, the \$400 billion cut that is already being enforced by prior decisions by this Congress and the President.

In addition to Armed Services, the Ethics Committee, tasked with holding Members and staff to the highest ethical standards, has requested and will receive a reprieve from funding reductions.

To help offset these exceptions and match the reduced appropriations, we've identified and reduced authorizations of three committee budgets that we feel are able to absorb a slightly higher reduction in 2012. In addition to our committee, the Committee on House Administration, the Committee on Science, Space, and Technology, and the Committee on Small Business will receive a slightly higher reduction than the 6.4 percent applied to the remaining House committees.

Madam Speaker, as we've demonstrated over the past year, this House is committed to living within its means and leading by example by putting an end to excessive spending. Our committees do vitally important oversight of the executive branch and Federal agencies, and that ought to be underscored if we are, in fact, going to be successful in holding down and controlling spending in the executive branch. We, the legislative branch, are the ex-

tension of the people we represent in an oversight capacity, and that is an extremely important responsibility. Our committees, as I say, do vitally important oversight of the executive branch and our Federal agencies; and while these reductions in committee funding will require committees to allocate their resources more judiciously, I am confident, based on the hearing, that they are prudent and manageable.

Madam Speaker, these are extraordinary times. We face extraordinary debt, deficits, and unemployment. Trillion-dollar deficits year after year after year would be practically unheard of just a couple of years ago; yet, unfortunately, they have become commonplace. That is unacceptable. We haven't had an unemployment rate at the levels we have seen for such a sustained period of time since the Great Depression. Those are not facts that I like to recite on this floor, but those are the real facts that face our constituents every single day.

Unfortunately, my area, over the last several years, we have had a higher unemployment rate than that which has prevailed in this country. California has had an unemployment rate, I believe, that has been the third worst in the entire country. We are not immune from what is being felt by the rest of the country. And when I am home, as I am sure other Members have found in their districts when they are home, we constantly hear the refrain, Where are the jobs? And following that, we hear the refrain, Why don't you get your House in order, referring to the entire Federal Government. Why don't you bring spending under control, because we believe it has a specific and direct and immediate drag on our ability to create jobs in this country. That ought to be, along with national defense, homeland security, our greatest objective.

And so this is just a small part of our effort to be responsible. Through the adoption of this resolution and the 5 percent cut during our first session of the 112th Congress, this House is doing its job to step up to the plate and reduce spending and find cost savings wherever possible. We are taking bold steps to demonstrate our commitment to reduced spending and tighter budgets

This is not easy. I don't suggest it is. It is not easy to say that we are going to bring our budgets down and that our employees are not going to have increased salaries along with Members of Congress, but it is at least what we ought to do.

Combined, I would say these measures—that is, last year and this year—represent the largest percentage cut to committee budgets since the 104th Congress, when the House then adopted a resolution with an amendment by then-House Administration Committee

Member JOHN BOEHNER to reduce committee funding by 30 percent.

Madam Speaker, H. Res. 496 was reported out of the committee in December, and I now look forward to its passage by the House. I support H. Res. 496 and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I rise in opposition to House Resolution 496, and I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to House Resolution 496, which would reduce spending in most of the committees of the House by an average of 6.4 percent below the level provided in House Resolution 147, which was adopted last March. That resolution, which passed the House unanimously, cut committee funding 5 percent lower than the levels for the 111th Congress.

I've been pleased to work in a bipartisan fashion with my friend and my chair, Mr. LUNGREN, to find ways to reduce the cost of running Congress. We have worked together in finding cuts in printing, subscription, and technology services, and we have worked together opposing cuts to the Capitol Police and in providing for the safety of our visitors and our staff. But this deeper cut to committees is the wrong cut at the wrong time.

In reality, we have no idea what effect these new cuts will actually have on committee operations. Testimony at our committee's oversight hearing last November by both chairs and ranking members confirmed that additional budget cuts could undermine our ability to conduct legislative and oversight operations.

I am fearful that further cuts to committees could continue to handicap our ability to effectively oversee the executive branch. We are cutting deeply into committees who oversee billions of dollars of Federal spending. We may not agree on this resolution, but we certainly agree that Congress is the first watchdog on executive power and executive spending. We need the necessary tools, and they need the necessary tools, to do that work.

I urge my colleagues to defeat this resolution. I urge a "no" vote, and I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. At this time, Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. HARPER), the chairman of the Subcommittee on Elections on House Administration.

Mr. HARPER. Madam Speaker, as a member of the Committee on House Administration, I rise in support of H. Res. 496, the 2012 committee funding resolution, with full knowledge of the impact the reduced funding levels contained in this measure will have on the committee system.

For example, the chairman of the Energy and Commerce Committee, on which I also serve, stated during the

day-long hearing on this resolution that his committee would not be able to hold valuable field hearings during 2012 and would have to restrict other committee activities. More severe still, more than one ranking member stated that committee staff would have to be laid off as a result of the funding reductions contained in the resolution. This is unfortunate, but many American families have faced reduced activities and layoffs as a result of the current economic times, and Congress cannot exempt itself from such pain.

This resolution will roll back committee funding to pre-2007 levels and is, I think, a necessary action as we cut spending throughout the Federal budget. The committee went to considerable lengths to be fair both to all the chairmen but also to the minority with no change made to the traditional funding split between the majority and minority. This resolution will mean that the current Congress will spend almost 10 percent less than the previous Congress did. It requires every Member of this body, in a nonpartisan manner, to participate in the austerity that the American people and the rest of their government are experiencing.

I commend Chairman LUNGREN for his work on this resolution, and I urge a "yes" vote on the resolution.

### □ 1330

Mr. BRADY of Pennsylvania. I continue to reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentleman from Georgia, Dr. GINGREY, who is chairman of the Subcommittee on Oversight on the House Administration Committee.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong support of H. Res. 496, offered by my good friend, the chairman of the House Administration Committee, Mr. LUNGREN.

With all due respect to the ranking member, Mr. Brady from Pennsylvania, I have to agree with the chairman that this runaway spending that we have seen occur over the last 4 to 6 years has got to stop. And the American people clearly, Madam Speaker, are looking to Members of Congress to tighten their own belt. And that's why I think it's very important that we give them the message that we're willing to cut our own salaries, we're really willing to cut our own benefit package. And we have done that; we have voted to do that.

And these cuts, as painful as they are in regard to our House committees—indeed, 9.5 percent when we include this cut over all of the committees, although we do cut the House Committee on Armed Services by a lesser amount, and we plus-up the House Ethics Committee, and we think that's very important.

It is so crucial that we bite the same bullet that everybody else has to bite. And this bloated spending, this runaway spending that occurred during the previous majority in this House has got to stop. Spending \$850 billion on a failed stimulus program, increasing the deficit—doubling it, in fact—having over \$1 trillion worth of deficit spending for now 4 years in a row when we anticipate the President's next budget, this has got to stop.

So we have to put our money where our mouth is, we have to walk the same walk as everybody else, and we have to tighten our belt. So, Madam Speaker, that's why I stand here today as a member of the Committee on House Administration and one of the subcommittee chairs in strongly endorsing and supporting these necessary, painful cuts in H. Res. 496. I hope we will have support on both sides of the aisle. I'm confident we will.

I respect, as I say, the ranking member. He's a great Member, he works in a bipartisan way, and that's what this is all about.

Mr. BRADY of Pennsylvania. I continue to reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. NUGENT), a distinguished member of the House Administration Committee and the Rules Committee.

Mr. NUGENT. Madam Speaker, I rise today in support of this resolution. This is an important resolution because it brings us back to the greatest cut since the 104th Congress.

You know, in tough times like today where the American people are pinching pennies to get by, shouldn't they have the same expectation of those that serve them in this great House? I believe they should.

You know, when talking to people in my district, they ask and say, what are you doing to get your house in order? By supporting this piece of legislation, this truly talks about cutting the spending in D.C. While it's a small amount comparative to the whole budget, it is the right step in the right direction. It is about doing more with less. The American people are doing that today. So why shouldn't this government do the same thing? I appreciate where the chairman, Mr. Lun-GREN, has brought us in regards to this important piece of legislation. It really moves us in the right direction.

Cuts across the board are tough; and if you notice what this committee did is it didn't cover everybody the same, didn't treat everybody the same. Under Chairman LUNGREN's leadership, and also the ranking member, they did it, I believe, in a bipartisan way, that didn't take away from the minority in regards to funding as it relates, nor differently than it did from the majority.

So, Madam Speaker, I strongly support this resolution as we move forward to cut the budget of committees in this House, just like the American people have had to cut their budgets in their house.

Mr. BRADY of Pennsylvania. Madam Speaker, I continue to reserve.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I'm prepared to close out the debate. I have no other speakers. So if the gentleman would finish his time, I would be happy to as well.

Mr. BRADY of Pennsylvania. I thank the gentleman again.

I urge my colleagues to defeat this resolution, and I urge a "no" vote.

I yield back the balance of my time. Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would just say that this is an effort on our part to give an example to the rest of the government. This will be a culmination of about a 10 percent cut overall to the committees of this House. We have had combined cuts in terms of our own MRAs, that is, the amount that each Member has for his budget. And I think as we go forward and having to make some very difficult decisions with respect to future controls of spending on the Federal establishment in its entirety, it will serve us well that we have shown the way, that we can make difficult decisions in this regard, and that this is an appropriate, responsible action to take.

With that, I would urge my colleagues to vote for H. Res. 496.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and agree to the resolution, H. Res. 496.

The question was taken; and (twothirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF THE 25TH EDITION OF THE POCK-ET VERSION OF THE UNITED STATES CONSTITUTION

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 90) authorizing the printing of the 25th edition of the pocket version of the United States Constitution, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 90

Resolved by the House of Representatives (the Senate concurring),

# SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

- (a) IN GENERAL.—The 25th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.
- (b) Additional Copies.—In addition to the usual number, there shall be printed the lesser of—  ${\rm cop}$
- (1) 235,500 copies of the document, of which 220,500 copies shall be for the use of the House of Representatives, 10,000 copies shall be for the use of the Senate, and 5,000 copies shall be for the use of the Joint Committee on Printing; or
- (2) such number of copies of the document as does not exceed a total production and printing cost of \$114,849, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.
- (c) DISTRIBUTION.—The copies of the document printed for the use of the House and the Senate under subsection (a) shall be distributed in accordance with—
- (1) a distribution plan approved by the chair and ranking minority member of the Committee on House Administration of the House of Representatives, in the case of the copies printed for the use of the House; and
- (2) a distribution plan approved by the chair and ranking minority member of the Committee on Rules and Administration of the Senate, in the case of the copies printed for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

# GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on House Concurrent Resolution 90.

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

There was no objection.

PERMISSION TO PRINT STAND-ARDS FOR ELECTRONIC POSTING OF HOUSE AND COMMITTEE DOC-UMENTS AND DATA

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that the Standards for the Electronic Posting of House and Committee Documents and Data, which were adopted by the Committee on House Administration on December 16, 2011, be printed in the CONGRESSIONAL RECORD.

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

There was no objection.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unani-

mous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the Standards for the Electronic Posting of House and Committee Documents and Data.

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

There was no objection.

# WELFARE INTEGRITY NOW FOR CHILDREN AND FAMILIES ACT OF 2011

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3567) to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

# H.R. 3567

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Integrity Now for Children and Families Act of 2011" or the "WIN for Children and Families Act".

# SEC. 2. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

- (a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following new paragraph:
- "(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—
- "(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in—
- "(i) any liquor store;
- $\lq\lq$ (ii) any casino, gambling casino, or gaming establishment; or
- "(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.
- "(B) DEFINITIONS.—For purposes of subparagraph (A)—
- "(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).
- "(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.
- "(iii) ELECTRONIC BENEFIT TRANSFER TRANS-ACTION.—The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an

online system for the withdrawal of funds or the processing of a payment for merchandise or a service.".

- (b) PENALTY.—Section 409(a) of the Social Security Act (42 U.S.C. 609(a)) is amended by adding at the end the following new paragraph:
- "(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES —
- "(A) IN GENERAL.—If, within 2 years after the date of the enactment of the WIN for Children and Families Act, any State has not reported to the Secretary on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines, based on the information provided in State reports, that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—
- "(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and
- "(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.
- "(B) REDUCTION OF APPLICABLE PENALTY.— The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.
- "(C) STATE NOT RESPONSIBLE FOR INDI-VIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A)."
- (c) CONFORMING AMENDMENT.—Section 409(c)(4) of the Social Security Act (42 U.S.C. 609(c)(4)) is amended by striking "or (13)" and inserting "(13), or (16)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

# □ 1340

# GENERAL LEAVE

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

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

There was no objection.

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

I rise today, Madam Speaker, in support of H.R. 3567, a bill to ensure tax-payer dollars in the Temporary Assistance for Needy Families program are used as intended, and that is to provide support for low-income families and children and to help them move from welfare to work.

The TANF program was created in 1996, replacing the prior welfare program with one focused on work, providing short-term help, child care, and

other work supports to get people back on their feet and earning a paycheck. In the years following, TANF was lauded as one of the most effective reforms in our social welfare system in American history. Employment rates of those on welfare surged, caseloads plummeted, child poverty rates fell, and taxpayers were confident they were actually helping poor families, knowing that they were providing them with a hand up and not a handout.

Unfortunately, Madam Speaker, an issue has arisen in TANF that is eroding public confidence in the program. This is the issue of TANF funds, money meant to help poor children and their families, being accessed and used in liquor stores, strip clubs, and casinos. What started less than 2 years ago as research by one reporter in Los Angeles has grown into dozens of investigations across the country, with each new investigation adding to the story of how millions of dollars in TANF funds have been accessed in these locations.

Let me just mention some of what has been uncovered:

An Arizona investigation found welfare funds were accessed in liquor stores over 100 times in just 3 months;

A California reporter uncovered that welfare recipients cashed out over \$4.8 million in TANF funds in casinos over a 3-year period;

A Colorado news organization found cash was being withdrawn in strip clubs, casinos, and liquor stores, despite a State law on the books prohibiting such transactions;

An investigative report in Georgia revealed \$150,000 in TANF money was withdrawn in liquor stores, bars, and nightclubs:

KING 5 News in Seattle found 13,000 TANF recipients who had collectively withdrawn approximately \$2 million from casinos in 2010.

Madam Speaker, this is unacceptable. This is unacceptable to the American people.

When the L.A. Times revealed their shocking statistics on the millions in welfare that had been accessed in casinos, liquor stores, and strip clubs, the Governor of California took action to block these transactions immediately. Washington and New Mexico have prohibited access to welfare benefits in casinos. Texas prohibits the use of welfare benefit cards in liquor stores and casinos as well.

The legislation before us today would ensure that taxpayer dollars in the TANF program are being used as intended, and that is to assist poor families with their basic needs and to support them in their efforts to become self-sufficient. Under this bill, States would be required to block welfare benefit card transactions in casinos, liquor stores, and strip clubs and would be penalized if they do not implement such

policies within 2 years of this bill becoming law. company ends up having to settle for \$158 million in my home State of Texas

This bill will also help restore the public's trust in the integrity of the program while ensuring families across the country continue to receive the assistance they need to move from government dependence to independence.

The bill we're considering today simply consists of one of the TANF provisions in H.R. 3659, the Welfare Integrity and Data Improvement Act that was unanimously passed in the House in December. A provision closing what has been called the "strip club loophole" was also included in the Middle Class Tax Relief and Job Creation Act that also passed the House in December and is now in conference with the Senate.

With the exception of several technical changes suggested by the Department of Health and Human Services, it is also identical to bipartisan legislation introduced in the Senate last year by Senator HATCH and cosponsored by Senator BAUCUS, the ranking member and chairman of the Senate Finance Committee, respectively. I thank them for their hard work on this bill as well.

Passing this bill today will send three clear messages:

First, the House is serious about this bipartisan, bicameral reform becoming law, ensuring welfare funds are spent on families and children as intended;

Second, conferees on the yearlong payroll tax, UI and TANF extenders bill, should include this bipartisan provision in their conference agreement;

Third, if those conference discussions break down, the Senate will be able to join us in quickly passing this important bipartisan reform and getting it to the President's desk.

I urge all my colleagues to support this important legislation.

I reserve the balance of my time.

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

Madam Speaker, I'm against fraud. I think everyone here is against it. I'm for what's in this bill. That's why I voted for it back in December, and I'll vote for it next month, too, if that will make for more cooperation here in the House. I think, in a way, this is this election year's "welfare Cadillac." And I was against welfare Cadillacs, if there ever were any of those, too.

This year, we have the "strip club loophole" that has been defined as a political term to suggest that we have a lot of problems with poor people abusing their benefits. And to the extent that any poor person abuses even a dollar of these benefits and keeps those benefits out of the mouths of hungry children, providing the clothes those kids need to go to school, I'm against that, and I plan to vote against it today.

I favor comprehensive legislation against fraud in public assistance. It concerns me when a pharmaceutical company ends up having to settle for \$158 million in my home State of Texas because they allegedly lied about drug safety and bribed officials. It concerns me when a pharmaceutical company in the State of Texas has an \$84 million Medicaid fraud case brought against it. I think we need to be concerned about fraud in all of its aspects.

I'd feel better about this bill, however—because I think repassing it will accomplish practically nothing, I'd feel much better about this legislative effort if there were just an ounce of the concern that is voiced about the very few people who abuse these benefits, if the same level of concern were expressed about the many who are there who are counting on the safety net, as flawed and frayed as it is, who were concerned about them and their families and their struggle to share in the American Dream and were doing something to get that approved.

Yes, we approved this piece of legislation as part of a broader extension of the Temporary Assistance to Needy Families program in December. And why hasn't that become law?

It is separate legislation pending in the Senate. It is also part of the broader legislation extending the provisions on unemployment, on payroll tax relief. It ought to become law because we need to be concerned about those families that are playing by the rules as well as the very few who are not playing by the rules.

Now, the gentleman has said that in some States action has already been taken—California, notably—to deal with the few who might be cashing their benefits at a casino or a liquor store or whatever. Texas, my home State, was cited as one of those States that has already taken action. I think that's great. There's not anything to keep the States from taking action on this already, if this is a serious problem.

Now, some of them have not acted, not because of a lack of concern about fraud but because the mechanics of correcting these electronic benefit cards may actually be more expensive than the cost that is being experienced by the small number of people that might abuse the card.

You take Arizona, for example. Governor Brewer has plenty of time to shake her finger in the face of the President of the United States, to support legislation to discriminate against Hispanic families, who have been in that State for longer than she and her family have been in the State. If she thinks this is a serious problem, why doesn't she act at the State level, as Texas and California and some other States have done, to address this problem?

I would submit, while I don't object to this legislation in and of itself, that the bigger problem that we face is that the number of poor American families has surged over the last 4 years, up 27 percent. Ten million people are below what is officially agreed on as being the poverty line. And this Temporary Assistance to Needy Families program provides a few of those families a little bit of assistance, to have a chance to turn their lives around until they can find longer term employment to provide for their families.

# □ 1350

How much money are we talking about that might be abused or wasted at one of these facilities, which might just happen to be the maintenance crew at the casino that use their benefits there. Or it might just happen to be the only store convenient in a poor neighborhood is one that's mostly selling alcoholic beverages, that they choose to do that. How much might they be abusing?

Let me tell you in my home State of Texas the median benefit for a single parent with two children is \$244 for an entire month to take care of those two children, 16 percent of the poverty level

I want to be concerned, yes, about a dollar that is wasted. These are hard-earned tax dollars that go into these programs. We need to be concerned about every cent of abuse. But we also need to be concerned about the many who stand to benefit, who stand to have hope taken away if they don't see these benefits extended.

My concern about that is not merely academic because of what happened last year, the bipartisan agreement that had extended through many years called the supplemental program, which was really a survival program for Temporary Assistance for Needy Families in poorer States like Texas. The Republicans chose to discontinue that program even though it had enjoyed bipartisan support and had received support letters from a number of Republican officials in our area. They chose to not continue that, and that has severely weakened the safety net in our State. That's not being contin-

Whether they intend to abandon the entire Temporary Assistance for Needy Families program or cut it back substantially, it's hard to tell, given the fact that they're going only with the very modest provisions of this bill and not pushing to provide assistance to all of those who need that help.

I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I am very pleased to yield such time as he may consume to the distinguished chairman of the Subcommittee on Human Resources on the House Ways and Means Committee, the gentleman GEOFF DAVIS from the great State of Kentucky, the author of the TANF reauthorization, who cares deeply about the integrity of this program.

Mr. DAVIS of Kentucky. Madam Speaker, I would like to take a moment before speaking on this measure to respond to the gentleman's remark, my friend, the distinguished gentleman from Texas and ranking member on the subcommittee.

We've worked very hard over the last year on the issue of data standardization, correcting flaws in the system, got the first data standardization language in the history of the country, an act that would begin to address issues like this. I beg to respectfully disagree with the position that the ranking member took on this, talking about the idea of convenience with the casino or adult establishments.

As somebody who grew up in interesting circumstances and has done a lot of volunteer work over the last 30 years with folks with challenges, the first question that I would ask if somebody is in need of assistance is, what in the world are they doing using a card to get cash inside of a casino. I'm not impugning anybody's integrity, but as somebody who can look across the river from where I live where there are several casinos, there are more than enough establishments, and I think the deeper question that we have to address is how our funds are going to be used when we help those who are in need. There are legitimate needs that these people have, and we've got to make sure that this program is tight, that it has the integrity to function so that every dollar is going to meeting those basic needs. I think it's a very small thing to bring this type of integrity to the program.

I rise in support of H.R. 3567, the Welfare Integrity Now for Children and Families Act of 2011, introduced by my close friend from Louisiana, Congressman CHARLES BOUSTANY.

Temporary Assistance for Needy Families, or TANF, is a program that provides support for low-income families and children that helps them to move from welfare to work. It was a successful reform since it replaced the New Deal-era welfare programs in 1996, and TANF has been successful at cutting welfare dependence by 57 percent.

Are there opportunities to improve the program, to strengthen the program? Absolutely. There are a variety of issues and core processes that need to be addressed to bring more private sector practices into the management and administration of the program, like the data standardization that I talked about earlier, to allow us to understand how funds are being used and how better to serve those who are being helped by providing information to those on the front line.

Even more importantly, though, by promoting work among single parents, who are the most common welfare recipients, it helps significantly reduce child poverty in female-headed families over time. Even at today's elevated unemployment rates, TANF continues to promote more work and earnings and less poverty.

Despite this overall progress, TANF can and should be strengthened. Recently, concern has been raised about TANF benefits being withdrawn and used at strip clubs, liquor stores, and casinos. This is inappropriate as a use of taxpayer dollars and an outright abuse of taxpayer trust. Indeed, as my colleague from Louisiana highlighted, many local news investigations and exposés have verified this unfortunate abuse of a well-intended program.

One of the most shocking reports to me was from King 5 News in Seattle, Washington. They discovered through an investigation that 13,000 TANF recipients withdrew approximately \$2 million at casinos just in 2010.

I think it's very reasonable from an oversight position to ask the question, why are they in the casino in the first place? The use of these dollars can't possibly be meeting basic grocery needs and things like that in an establishment like that or any other type of adult establishment.

Luckily, some States like Washington, New Mexico, and Texas have begun to take action on a local basis, but I believe this is one issue that we need to address at the Federal level, at the core, first by stopping this problem as a symptom and then dealing with the deeper systemic and process issues that we can establish through data standardization and simple controls so these cards will not even work in such an establishment.

H.R. 3567 would close the so-called "strip club" loophole within 2 years of enactment. The States would be required to block welfare benefit card transactions in casinos, liquor stores, and strip clubs. In plain language, welfare benefits could no longer be accessed at any of these facilities.

The same provision was included in H.R. 3630, the Middle Class Tax Relief and Job Creation Act, as well as H.R. 3659, a standalone TANF extension bill introduced by Congressman ERIK PAULSEN, both of which passed the House in December. This bipartisan, bicameral program integrity provision will safeguard taxpayer funds from abuse and ensure that TANF benefits will continue to provide a helping hand to families that are in need.

I urge my colleagues to support H.R. 3567

Mr. DOGGETT. Madam Speaker, I commend the gentleman for his service as our subcommittee chair and on the data issue that will be important in reducing any kind of abuse of public assistance.

I now yield 2 minutes to my colleague from the Budget Committee and someone who's very knowledgeable about this, Ms. Moore from Wisconsin.

Ms. MOORE. Madam Speaker, I rise in strident opposition to the underlying bill. I think that it's fairly cynical in these tough economic times when half of all Americans are either in poverty or at the precipice of poverty the Republicans want to impose even more barriers on families trying to access much-needed benefits.

I really don't think that this bill adds to self-sufficiency of families but rather is just more mean-spirited berating of low-income people who are eligible for these benefits, much like the mythical welfare queen or even the food stamp President.

This bill that includes the provision that blocks EBT cards from being used at liquor stores, strip clubs, and casinos, the proponents of this argue that there is no reason to use EBT cards in places like this. But I say it is an issue of universal access. I mean, if you want to stop to buy gas for your automobile and you live in Nevada and you work at one of the clubs or hotels, or you're living in a food desert in Chicago where the closest ATM is a liquor store, what stops people from going to Whole Foods and using the ATM card there and then going to a casino? It is just another effort to berate those people who are in the lower class.

My colleague has already mentioned the additional burden that this imposes on States and financial institutions who will have to reconfigure thousands of ATMs.

My friends on the right side love to use the term "class warfare." And they love to say that we're just trying to pick on the 1 percent of this country.

The SPEAKER pro tempore. The time of the gentlewoman has expired. Mr. DOGGETT. I yield the gentlelady

1 additional minute.

Ms. MOORE. But I say who's really working for the least of these?

Instead of hindering the American people, we need to be helping them, to provide greater access. Instead of passing these unproductive, symbolic, mean-spirited pieces of legislation, we need to create jobs and opportunities. I hope that the American people, Madam Speaker, can see the difference.

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Mr. BOUSTANY. I want to thank the gentlewoman for raising the concern about ensuring that TANF recipients have adequate access to their benefits in a variety of locations. That's a very important consideration.

This bill requires States to block access to welfare benefits in casinos, liquor stores, and strip clubs. However, we know some grocery stores, convenience stores, and local markets may sell groceries but also sell alcohol and that some States may have gambling machines there as well. Because of this, the bill allows States to make accommodations for such stores so that they would not have to block transactions in places that sell groceries but that also sell alcohol. If a grocery store happens to have a gaming machine or if it's located in the same building or complex as a casino, there are provisions made in this.

So I thank the gentlewoman for raising this issue, but I'm glad that we can ensure the integrity of this program. I would submit the most important thing we can do is to ensure the integrity of the program so that it is there for the children and families that need it. Yet we want to ensure that there is not an overt abuse of these funds in strip clubs, casinos, and liquor stores while allowing for reasonable exceptions.

Also, I thank the gentlelady and the ranking member from Texas for raising the concern as to the issue of implementation cost, and I want to address that as well.

Some States have expressed that we have a loophole that could potentially be too costly or too difficult to close. However, I want to point out that these difficulties have been overstated. Washington State said the same thing when it was told \$2 million in TANF funds were being withdrawn in casinos in 1 year.

Madam Speaker, I submit for the RECORD an article from KING 5 News in Seattle, Washington, that speaks directly to this issue. It talks about the surprising number of TANF withdrawals in casinos in the State, and it reports the State said the same things that we're hearing today in that it may be hard to close this loophole or that it would be too expensive to stop.

This article goes on to read:

"It turns out the fix wasn't difficult or expensive. For the Iron Horse Casino, it took about 4 minutes on the phone. Kealy." the casino owner. "says, in minutes and at no cost, his ATM vendor blocked EBT cards . . . Kealy and many other casino owners didn't wait for orders from the State. They already reprogrammed their ATMs . . . He's a board member of the Washington Restaurant Association. which he says is preparing to ask bars and taverns—businesses that are more alcohol than food oriented—to block EBT access to their cash machines. Kealy says that would mean another 2,000 ATMs couldn't be accessed for welfare cash benefits."

So I appreciate the concerns about the cost, but I believe closing this loophole simply won't be as difficult as some are making it out to be.

[From KING5.com, Sept. 23, 2010]
MORE BUSINESSES MAY PULL PLUG ON
WELFARE CASH CARDS
(By Chris Ingalls)

Many casinos in the state have taken steps to cut off the flow of cash to welfare recipients. This follows a KING 5 Investigation that showed millions of tax dollars being dispensed through casino cash machines.

Now we've learned thousands more ATMs could be blocked at other businesses where welfare dollars may not belong. Bars and taverns in Washington may follow the lead of casinos, which have already started reprogramming their ATMs so they won't dispense cash from EBT cards that are distributed to welfare recipients.

State records show the two ATMs at the Iron Horse Casino in Auburn dispensed \$780 in welfare in the month of July alone.

"Whew! It's unbelievable," said Iron Horse customer Louie Vaccaro. "We have so many problems in this state. To hear something like that is mind boggling."

"I was surprised by that," says the casino's owner Chris Kealy. "I did not know those cards could be used at these machines."

Kealy saw our stories last week that showed more than \$2 million in welfare cash withdrawn from ATMs in and around casinos in the last year. Initially the Department of Social and Health Services, DSHS, said putting a stop to those questionable withdrawals might be too difficult or costly.

"If we find that this is a small incidence that's happening, it might not justify the expense that it would try to prevent that activity," said Deputy DSHS secretary Troy Hutson in a story we aired last week.

It turns out the fix wasn't difficult or expensive. For the Iron Horse Casino, it took about four minutes on the phone. Kealy says in minutes, and at no cost, his ATM vendor blocked EBT cards—debit-type cards which DSHS uses to distribute cash benefits to 68,000 of the state's most needy residents.

Organizations representing both tribal and non-tribal gambling establishments in Washington pledged their full support when DSHS's secretary made an announcement two days after KING 5 Investigation aired.

"I want to shut down every ATM in gambling establishments that has EBT access," said Susan N. Drevfus.

Kealy and many other casino owners didn't wait for orders from the state. They already re-programmed their ATMs. And Kealy isn't stopping with his own casino. He's a board member of the Washington Restaurant Association, which he says is preparing to ask bars and taverns—businesses that are more alcohol than food oriented—to block EBT access to their cash machines. Kealy says that would mean another 2,000 ATMs couldn't be accessed for welfare cash benefits.

"The taxes you are paying are supposed to help fund basic needs, human services," Kealy says. "We're all in this together. I'm supportive of that. But I'm not supportive of those dollars being used in facilities like this."

Gambling is one of the few restrictions on the use of welfare cash. It is illegal. Welfare cheats can still get their money at other ATMs, but casinos hope to stack the deck against them and send the message that welfare dollars aren't welcome on gaming floors.

Madam Speaker, I reserve the balance of my time.

Mr. DOGGETT. I yield myself 30 seconds to place into the RECORD a letter from the National Conference of State Legislatures as well as a letter from the American Public Human Services Association and the National Association of State TANF Administrators.

The gentleman may be right. He clearly lacks confidence in States' rights in these areas. The letter from the National Conference of State Legislatures points out that there is a financial burden that would be imposed on the States and that "the States have existing contracts with vendors that may have to be changed at a significant cost to the States." Let us hope that does not happen.

They come out firmly in opposition to this bill. I do not share that opposition, but I think they raise a legitimate concern about the added cost as well as the lack of confidence of my Republican colleagues in the ability of the States to police their own programs.

NATIONAL CONFERENCE OF STATE LEGISLATURES, January~30,~2012.

Hon. John Boehner, Speaker of the House, Washington, DC. Hon. NANCY PELOSI, Minority Leader, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the National Conference of State Legislatures (NCSL), we write in opposition to H.R. 3567, the "Welfare Integrity for Children and Families Act of 2011," which is scheduled for a vote on the Floor under Suspension of the Rules on Wednesday, February 1. States share your concern about the inappropriate use of Temporary Assistance for Needy Families (TANF) benefits; however, NCSL strongly believes that these decisions are appropriately made at the state level.

When Welfare Reform was enacted in 1996 (P.L. 104-193), state and federal policymakers agreed to forgo the open-ended entitlement of AFDC for the flexibility afforded in the fixed TANF block grant. In this agreement, policy decision making authority was left up to the states including state legislatures. Mandating states to limit Electronic Benefit Transfer (EBT) transactions preempts state authority over the TANF block grant and undermines the strong state-federal partnership undertaken in 1996. Additionally, NCSL is concerned about the financial burden this mandate would impose on states, many of whose fiscal situation is still perilous. States have existing contracts with EBT vendors that might need to be changed at significant cost to the state if this bill becomes law.

States are addressing the issues raised in H.R. 3567. To date, California and Washington have limited the use of EBT cards and addressed the complex implementation process of limiting EBT card usage. Many additional states are looking at similar EBT limitations and other ways to combat fraud and abuse in their current sessions.

If you have any questions regarding what states are doing to address the concerns of H.R. 3567 or to discuss the bill, please do not hesitate to contact Sheri Steisel (sheri.steisel@ncsl.org) or Emily Wengrovius (emily.wengrovius@ncsl.org).

Sincerely,

THE HONORABLE TOM
HANSEN,
South Dakota Senate,
Chair NCSL Human
Services & Welfare
Committee.
THE HONORABLE BARBARA
W. BALLARD,
Kansas House of Representatives, Chair
NCSL Human Services & Welfare Com-

mittee.

AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION AND NATIONAL ASSO-CIATION OF STATE TANF ADMINIS-TRATORS.

Washington, DC, December 12, 2011.

Hon, MAX BAUCUS. Senator, U.S. Senate, Washington, DC. Hon. DAVID CAMP. Representative, Washington, DC. Hon. LLOYD DOGGETT, Representative, Washington, DC. Hon. ORRIN G. HATCH, Senator, U.S. Senate, Washington, DC. Hon. GEOFFREY DAVIS, Representative, Washington, DC Hon. SANDER M. LEVIN, Representative. Washington, DC.

DEAR SENATOR BAUCUS, SENATOR HATCH, REPRESENTATIVE CAMP, REPRESENTATIVE LEVIN, REPRESENTATIVE DAVIS, AND REPRESENTATIVE DOGGETT: We are writing today to share our comments on provisions included in the Middle Class Tax Relief and Job Creation Act of 2011.

The American Public Human Services Association (APHSA) and the National Association of State TANF Administrators (NASTA) represent the state health and human services commissioners and the state TANF administrators, respectively. Both APHSA and its TANF affiliate, NASTA, appreciate the need for a fair and flexible block grant program that also ensures accountability for the use of precious federal funds.

Therefore, on behalf of the state health and human service commissioners and the state TANF administrators, we would like to thank you for including proposed legislation that would guarantee funding security for state TANF programs for the remainder of the federal fiscal year. This is greatly appreciated as states continue to work with families dealing with the impacts of the recession. APHSA is also encouraged to see continued interest in improving the interoperability of data systems by establishing uniform, nonproprietary data elements. However, there is one provision of this language that our members find troubling.

Our members are concerned about the proposed mandate (Section 2304) included in this bill which would require states to develop and implement policies and procedures for state EBT cards, blocking their use at casinos, liquor stores and strip clubs. We believe that, at this moment, there is not enough known about the issue of potential EBT card abuse at these establishments to justify a federal mandate such as the one being proposed; furthermore, if a need does indeed exist for such legislation, we believe that it would be more appropriate for the issue to be addressed in a more thorough five-year reauthorization of the TANF program.

Currently, the Government Accountability Office is conducting an audit of ten states to determine what policies and practices are already in place to track and prohibit the use of EBT cards in specific circumstances or at certain venues. While some states have moved forward with implementation of policy that bars the use of EBT cards at certain types of businesses, not every state has seen the implementation of such a policy necessary, desirable, or cost-effective.

While blocking access to EBT cards at specific ATMs might be possible with existing technology, it is neither easy nor free of cost

for the state. Most states do not have access to ATM addresses, only numeric codes, Shutting down ATMs requires considerable time (including on-site visits) to determine which codes are connected to ATMs in questionable locations, followed by constant monitoring to ensure that they remain inactive. Additionally, at this point it seems certain that some states will have more difficulty than others implementing this mandate due to differences in vendors or how their benefits system is set up. Finally, it is important to note that blocking ATM and/or POS device access at these locations will not prevent someone who is determined to patronize these businesses from making a withdrawal at a bank and spending that cash to purchase goods anywhere he or she wants.

APHSA and NASTA have cooperated fully with GAO in its work and we are very much looking forward to the results of the report. That being said, we hope that Congress appreciates that the passage of any legislation mandating policy changes, such as the one proposed in the Middle Class Tax Relief and Job Creation Act, ought to happen only after GAO completes the work commissioned by Congress. The results of the GAO study will provide the necessary information to help determine how states have addressed this issue already and whether or not this is indeed an issue that requires new statutory language.

Again, the state commissioners and the state TANF administrators appreciate the stability provided by this bill for FY 2012 and look forward to the opportunity to discuss the TANF program, as well as the larger issue of integrated human services administration, in the year to come as Congress prepares for a thorough reauthorization of the TANF block grant. If you have any questions please contact Ron Smith or Robert Ek.

Sincerely,

TRACY L. WAREING,
Executive Director, APHSA.
PAUL LEFKOWITZ,
Chair, NASTA.

With that, Madam Speaker, I would yield 2 minutes to a former member of the House Ways and Means Committee, who is very familiar with these issues, and I hope a soon-to-return member of the House Ways and Means Committee, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the chairman very much for yielding.

As I listen to the debate and the discussion and as I listen to my colleague from Wisconsin talk about universal access, I am reminded of something that I read relative to the period of not just dissent but a takeover of Germany. I remember something that a rabbi said: They came for the Comunists. I was not a Communist. They came for the Socialists. I was not a Socialist. Then they came for me, and nobody was left.

It seems to me that, when we go after those individuals who are the most vulnerable people in our society and when we categorize and stereotype and make believe that if they get a card that they're going to be at the casino and that they're going to be at the strip joint, well, I can tell you that the people I know who get cards as TANF recipients are not usually found at a casino, and they're not found at a strip

joint. As a matter of fact, if I thought that this legislation would provide one iota—one scintilla—of help for TANF recipients, I would be the first in line to support it. The reality is I don't believe it provides any help and that it does not provide any assistance, and I will certainly not be voting for it.

All lawmakers agree that we should limit waste, fraud and abuse of taxpayer dollars. We all agree that government assistance should be used for basic necessities, such as shelter and food. Unfortunately, the Republican bill is not a good faith effort to limit waste, fraud and abuse; in contrast, it fans the flames of prejudice with stereotypes portraying our Nation's poor as abusing government support. Simply put, this bill is a stereotype to rally the cry of the right wing that the poor in our country do not deserve government help.

Rather than proposing programs to spur the economy or get Americans working, this Republican leadership simply takes cheap political shots. There is no evidence of rampant abuse of federal assistance to fuel lewd and lascivious lifestyles. In the state of California that represents one third of the Nation's TANF caseload, over a 3 year period, only .04 percent of Electronic Benefit Transactions occurred at gaming establishments and only .001 percent at adult entertainment establishments. In Florida, over a two year period, only .03 percent of Electronic Benefit Transactions occurred at stores with liquor licenses and .06 percent at casinos or pari-mutuel betting locations. This is not widespread fraud and abuse, as the Republican bill will have you believe.

This bill is a false solution in search of a non-existent problem that serves to portray the poor as undeserving and fraudulent. The TANF extension is under consideration within the Payroll Tax Extension Conference. So, why is this provision on the Floor of the House this week moving separately? Solely to denigrate the poor and impugn their character to make the poor appear undeserving of government assistance.

If the Republican Leadership was serious about trying to address any potential fraud, they would have addressed this issue systematically in the context of reauthorization.

If the Republican Leadership was truly serious about addressing misuse of TANF dollars, they could have required States to detail how they are protecting against abuse while simultaneously ensuring that the state's response does not deny TANF recipients access to adequate access points and while ensuring that TANF recipients have Electronic Benefit access with minimal fees and surcharges.

If the Republican Leadership was truly serious about addressing possible misuse of TANF dollars effectively, they would have addressed the States' concerns about inability to regulate these transactions and the costly burden such government over-regulation would inflict. Indeed, the American Public Human Services Association and the National Association of State TANF Administrators have raised concern about whether there is truly a need for such legislation and about the costs of such policies.

If the Republican Leadership was truly serious about the use of TANF cards at certain establishments, they would have considered

why low-income people may need to use ATMs located in these venues—mainly lack of access to a financial institution. In Illinois, an estimated 304,000 households have access to no bank, with an additional 773,000 households having only limited access to financial institutions. This is true in rural and urban areas. So, rather than trying to understand why a small percentage of low-income people use TANF cards in adult locations, the Republican Leadership declares, asserts, and decries these citizens are de-frauding the government.

I-along with all my colleagues-staunchly oppose waste, fraud and abuse of government dollars. However, the purpose of this bill is not to curb abuse; simply put, H.R. 3567 seeks to discredit the poor. Rather than suggesting ways to help the unemployed access well-paying jobs, rather than advancing ways to cut taxes for the middle-class, rather than proposing ways to help our elderly maintain affordable health care, and rather than identifying ways to stop using taxpayer dollars to subsidize billions of dollars in profits of the oil industry or the private airplanes and tax shelters of the ultra-wealthy, the Republican Leadership again targets the poor-characterizing them as cheats and frauds.

Unfortunately, I know that this smear campaign against Americans who are struggling will continue. I am sure we will soon see bills denigrating the unemployed, those needing food stamps, the homeless, people who have historically struggled with substance abuse, and people who have gone to jail and are trying to get their lives back on track.

Mr. BOUSTANY. Madam Speaker, I am pleased to yield such time as he may consume to the chairman of the Human Resources Subcommittee, Mr. DAVIS.

Mr. DAVIS of Kentucky. I do feel compelled to respond since Martin Niemoller—the famous German Christian pastor who was quoted after World War II when talking about inaction—was dealing with the issue of the Holocaust, the scale of which was so unbelievably beyond the pale of a small technical fix that we're talking about here that, I believe, the gentleman diminished the value of whatever argument he was making by even quoting him.

If I seem to recall my history correctly when I was running a business in 1996, during the welfare debate, Martin Niemoller was resurrected from the dead again, using the same quote that somehow, if we just touch anything that will provide integrity to our programs with which we want to help the poor, that, in fact, this is the march down the slippery slope to the complete takeover and removal of civil rights.

Come on, folks. This is a technical business discussion. If we were running a business together—and I believe the government should be run that way—I think we'd be sitting around a table in the operations room while planning ways to legitimately cut costs to more efficiently help our customers and to eliminate waste.

In using the gentleman's own argument that he brought up, this is the question again: If the vast majority—and I happen to agree with him—don't go in those places in the first place, why would we not want to put in a simple program control for that small percentage that does to prevent them from wasting taxpayer dollars?

From the casinos that we have across the river, from some of the economic hardship that comes from that and from my constituents who have families who have been damaged by this, I know, in walking inside any number of the casinos on the Ohio River, that I'm not seeing grocery stores, that I'm not seeing provisions for food. What I'm seeing are ATMs and access to free chips and for gambling—not to eat.

I think this begs the deeper question: To the average man or woman on the street, if we ask the question "Is it reasonable?" absolutely.

I want to bring us back to the central point here as to what this does. First is the idea that it costs too much, and I'll speak for my other life as a systems professional. The gentleman from Louisiana rightly pointed out that the fixing of the system is actually an easy thing to do, and we will find ready participation and cooperation from those who are involved because they understand the stakes in this. The goal of their businesses is not a further recvcling of poverty. The goal of their businesses is to make sure, to some degree. that money is not used in a manner that reflects poor stewardship. I think, ultimately, this is a backstop to assure that money that belongs to the United States taxpaver that's being given to them as assistance is going to be used in a proper manner.

At the end of the day, that refutes the baseline of these arguments—again, going back to the great success that our staffs have had and that the gentleman from Texas and I have had over the course of the last year to really begin to move serious, nonpartisan process reforms that will help to fix deficiencies in the system which are not Democrat or Republican at their root but are addressing real questions of broken processes.

If we were sitting there among ourselves in a business together that we were running or if we were sitting with our families and if we noticed that there were an issue, hey, we could put a stop to that and we could fix that. Why don't we do the same thing here? It's not an unreasonable request to look at that.

Again, some of the speakers are not on our subcommittee, and I think we've had great success in keeping the tone of the debate focused on the core process problems, not on extremely energetic and emotional rhetoric that really doesn't address this root issue. That would be my request as we move forward. This is a good fix. It is a cheap

way to save taxpayer money to legitimately help those in need.

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Mr. DOGGETT. I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker and Members, I came to the floor to address this issue. Despite the fact that I understand that it's kind of a good political issue in an election year where many people will use this to say I'm saving the government money and I'm keeping those folks on welfare who don't deserve government support anyway from using this money or this EBT card to have access in ways that will allow them to be in and take advantage of casinos and strip joints, et cetera, and it's a very sexy argument and it looks good and you'll get a lot of play off of it, so I understand that coming to the floor to protect the poor and the most vulnerable is not popular, but think about it, just think about it.

Many of you come from districts where there are liquor stores. These are small businesses, and most of these liquor stores now serve more other products than they do liquor. They have milk; they have juice; they have bread; they have meats. They have the kinds of things that many of these poor families need and they buy at liquor stores.

Why do they buy them at liquor stores? Because they're in these food deserts that you have heard the First Lady talk about, areas all over this country, whether it is rural or whether it is urban, where they don't have grocery stores. They don't have the big chains. All they have are these small business that are liquor stores who carry all of the products that a family could use to feed their family, not just liquor.

And so I would ask you to take a real close look at this and at least exclude the liquor stores. These small businesses are very important all over this country. Yes, they sell liquor. Many of us don't like the idea that even in some of these places there are problems, but the folks who go there don't have to buy liquor. If there are problems at any of these liquor stores, local law enforcement should do its job.

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

Mr. DOGGETT. I yield the gentlelady 1 additional minute.

Ms. WATERS. And so when you include liquor stores, all you're doing is attacking some small businesses who are providing foodstuffs—not just liquor, but foodstuffs; not only in inner cities, but in rural communities—that families need. So this is punishment, this is being very harsh on the most vulnerable people in our society to include liquor stores in this group of stores that you would not like to have the welfare recipients use.

Again, I could go along with strip joints; I could go along with casinos. But as I travel across the country, I cannot go along with excluding liquor stores from being able to provide food that's needed to these poor families that live in these food deserts where there are no grocery stores, no chains, no other place for them. And when they have transportation problems, it really does wreak havoc on them trying to get even to a place where they could buy food.

So if you would understand that and work to try to make sure that this doesn't stay in here, I would appreciate it.

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

Mr. DOGGETT. I yield the gentlelady an additional 30 seconds.

 $\operatorname{Mr.}$  STARK. Would the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. STARK. Isn't it true that in most of the liquor stores and other establishments of that type they charge no fees for cashing the checks because they want people to get the cash to gamble? In many of our districts in California they don't have to go to these payday loan places and pay exorbitant fees to get a check cashed and so that it really, in many ways, it is helpful in our communities.

Ms. WATERS. It is very helpful. With the liquor stores, they help to stimulate the economy. They sell all of these foodstuffs. They hire a few people. Some families have three and four family members.

So, yes, I would ask that you exclude liquor stores from this consideration.

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

I thought I made it clear, and I think Chairman Davis did also, earlier, that there are provisions to allow for exceptions as long as the facility serves food. We're talking about stores that purely sell liquor. So I think the gentlelady's concerns are addressed with the bill as written.

Furthermore, I would just say that on this side of the aisle, we care very deeply about this program. There's broad agreement it's a valuable program. It's worked.

If you care about children and you care about needy families in this country, then you should care about ensuring the integrity of the program and making sure that the dollars that taxpayers put forth for these needy families, these needy children, actually go to those families and not buying liquor and patronizing strip clubs and going to casinos.

That's what this bill intends to address. That's what it does address. It creates the proper flexibilities for the concern that the gentlelady has and

others on the other side of the aisle have about access. If food is sold, access will not be denied.

I reserve the balance of my time.

Mr. DOGGETT. Well, I couldn't agree with the gentleman more about the importance of preserving, in his words, "the integrity of this program." That means that none of the public funds are wasted or used in an improper way, but it also means that the program's integrity is preserved to deliver the assistance that is needed for the many, many families that are playing by the rules and need a helping hand. And that's the only area we have difference in this regard as far as I personally am concerned.

The House has already spoken on this electronic benefits issue. I don't see any harm in the House speaking again this week or next week or next month—I don't see a great deal of gain from repassing it, but why not? But what I do see harm in is if the many, many people that are playing by the rules and need this assistance see their safety net shredded the way these same folks shredded the safety net last year when they did not renew the bipartisan TANF supplemental program that has been so important in poor States with large populations of poor people, like Texas.

There are families there, there are State programs there that are harmed by the unjustified refusal to extend that program. At least with what's left in the Temporary Assistance for Needy Families program, which we passed here as a freestanding bill in December with this provision in it, let's pass that entire bill. Hopefully, this message says little more than say that the House still feels today the same way that it felt 6 weeks ago.

That's fine, but let's get this entire Temporary Assistance for Needy Families program approved and in place so the States and the families that depend upon it will have it there.

I yield 30 seconds to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. There's some confusion about what is excluded or included. As I understand it, a liquor store that just sells just juice or milk would not be considered a store that sells food.

Is that correct? Is that your understanding?

I yield to the gentleman from Louisiana.

Mr. BOUSTANY. If food products are sold at a store?

Ms. WATERS. Milk.

Mr. BOUSTANY. If any type of food product, including milk, is sold at a store, States can except those from the provisions in this bill.

Ms. WATERS. Reclaiming my time, that is not my understanding, and I would hope we could work together.

Mr. BOUSTANY. Would the gentle-woman yield?

tleman from Louisiana.

Mr. BOUSTANY. The definition is staple foods, which include milk.

Ms. WATERS. Milk is included in the

Mr. BOUSTANY. Madam Speaker, I would ask if the gentleman has vielded back all of his time?

Mr. DOGGETT. I yield back the balance of my time.

Mr. BOUSTANY. I am pleased to yield the remaining time to the gentleman from Kentucky (Mr. DAVIS), the chairman of the subcommittee, a gentleman who has diligently worked in good faith with the ranking member to reauthorize a TANF program with integrity that ensures that children and needy families get the assistance that they need.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for the balance of the time which is 3 minutes.

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Mr. DAVIS of Kentucky. Madam Speaker, again I remind all of my colleagues that when we talk about such matters, it's helpful to focus on tone. The one thing I'm going to respond to. when the comment was made "that you people shredded," I would have to remind all Members in the Chamber and the Speaker that, in fact, that was passed in a Democratic House when the Speaker was Ms. Pelosi and the leader of the Senate was Senator REID.

We have worked in good faith through this process. And what I would remind folks about the fundamental question as we look at this, the real issue here—and I grew up in a dysfunctional family. I know what it means to see dysfunctional alcoholism with a stepfather leaving and spending the money in places that were inappropriate; and I think it's a fair question, as someone who has lived that as a little boy, to say, wait a minute, if Dad wants to run off with the EBT card and go to one of the boats over in Indiana, we as a body have a responsibility. Democrat and Republican, who care very deeply for this country and for our citizens, to say wait a minute, that's not an appropriate use.

The businesses themselves will cooperate. There's a contextual issue to allow the States to deal with the specific uniqueness of providers of foodstuffs. But at the same time, I think that if an EBT card is being used in a place that may have a drink rack inside of it and pole dancers on the other end, that is not, under any standard of morality, a place where the EBT card should be used.

I can think of no mother who would want the money spent there. I can think of no circumstance that would justify it. And, frankly, having my own stepfather come home drunk and beat up me and my mother after running

Ms. WATERS. I yield to the gen- around out in town with what money she basically earned, I would say in this case it's unacceptable.

> Let's come back to the real world, and I'm not going to yield my time. Let's come back to the real world and look at the reality of this. What is being asked is a procedural and a process change to give better stewardship to a program on which we agree about the fundamentals, specifically, the data standardization and control. There's virtually no cost to this.

> I understand we have honest differences of opinion here; but I would appreciate that the rhetoric be toned down and we focus on the reality of this. If we ask any mom or dad or recipient or taxpayer out on the street this fundamental question, I think overwhelmingly, when they heard it in the context of reality and not sometimes the things that happen in the Chamber here, they would look at it from a different perspective. That's what we're asking.

> With that, I ask all Members to support this very reasonable, very measured, very balanced way to fix a flaw in a program that can be made better as a result of that, be better stewards of our taxpayer dollars. And with that, I urge passage.

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

> This bill closes a loophole that, if left uncorrected, would continue to allow millions in welfare funds to be distributed in liquor stores, casinos, and strip clubs.

> Now that this issue has been highlighted by news organizations across the country, we must stop this abuse of taxpayer funds and ensure this money is used as it should beto help poor children and families make ends

> A number of States have already closed this loophole, but this bill will help restore the public's confidence in the program and ensure that States work together to end this abuse once and for all.

> I strongly encourage my colleagues to support this measure, as they have done previously, so that we can ensure taxpayer dollars are used as they should be.

> Ms. LEE of California. Madam Speaker, as the Co-Founder of the Congressional Out of Poverty Caucus, I rise in strong opposition to this shameful bill, H.R. 3567.

> This is a distasteful and misleading bill that tries to make it seem like every American in poverty is somehow immoral or criminal.

> Nothing could be further from the truth. The vast majority of TANF recipients want nothing more than a good job to support their families and build a bridge to reach their American Dream.

> Now, no one wants TANF dollars to be spent in casinos or in adult entertainment venues, but this bill does nothing to actually prevent that. Shutting down ATM's in those locations doesn't stop the money being spent there. In addition, this bill would force states to certify nearly every small business as a nonliquor store and how are the standards to be established and maintained?

This bill would create an entire nation wide bureaucracy to address a problem that affects less than 4 one hundredths of one percent (.04%) of all TANF funds and would completely fail to save any money at all.

Instead of passing a jobs bill, Republicans are once again just looking to distract from the real issues, this time by attacking American families in need.

This bill is just a sad attempt to divide our nation by mimicking the Ronald Reagan myth about the Cadillac driving welfare queen. It was untrue then and it is still untrue today.

As a single mother who once relied on food stamps and assistance to get by during a very difficult period in my life, I am appalled to see Republican politicians attack struggling American families just because they need a helping hand. TANF benefits keep children in homes and in school. TANF benefits keep American families from suffering abject poverty.

What we should be doing is helping these families reignite their American Dreams. not making blanket accusations against every low

income family in America.

Mr. PAULSEN. Madam Speaker, thank you and thank you Dr. BOUSTANY for introducing this legislation.

I rise today as a co-sponsor of H.R. 3567. the Welfare Integrity Now for Children and Families Act because at a time when millions of Americans are still out of work, and our economy is struggling to recover, we must take every step available to safeguard taxpayer dollars.

Madam Speaker, between January of 2007 and June of 2010 nearly \$5 million in stateissued benefits were withdrawn from ATMs in California casinos alone.

We need to correct this problem, and H.R. 3567 does just that.

This provision requires all states to take steps to end this abusive practice, safeguarding taxpayer funds from abuse by ensuring that welfare funds are not accessed in strip clubs, liquor stores, and casinos-a practice which has been highlighted in news stories across the country.

This bill ensures all states take action to

close this loophole. I note that this policy is the same as that introduced by Senators HATCH and BAUCUS, the Ranking Member and Chairman, respectively, of the Senate Finance Committee, so it has strong support in the other body as well.

Let's continue the momentum, pass this legislation, and prove to the American people that we are here to get things done in 2012.

Mr. HOLT. Madam Speaker, last week I voted against the so called "Welfare Integrity Now for Children and Families Act of 2011. H.R. 3567.

H.R. 3567 would require states to prevent the use of Temporary Assistance for Needy Families (TANF) program benefits in a liquor store, casino, or strip club.

This bill is being disguised as one that would ensure taxpayer dollars are being appropriately spent. In reality, this bill is being brought to the floor to demean individuals who rely on TANF benefits and to imply that they are immoral.

It is ludicrous to suggest that there is a national problem necessitating that Congress stop TANF recipients from spending their money at strip clubs.

TANF is a long-standing program, previously known as Aid for Families of Dependent Children, that is one of the most important parts of our national safety net and that keeps almost 2 million families from the brink of starvation.

What is missing from this bill is any discussion that in many underserved neighborhoods, the closest ATM is located in one of these establishments. Preventing the use of TANF cards at these establishments could result in TANF beneficiaries not being able to access their benefits. Instead of debating how Congress could pass laws that would help with economic redevelopment in underserved communities, we are spending our time vilifying individuals receiving benefits and then sanctimoniously taking credit for preventing any misseek to demean the President by calling him the food stamp President.

Further, this bill would cost money—not save it. In New Jersey, it is estimated that this bill would cost \$100,000 to implement and Governor Christie's office wrote to express their concerns about the bill.

For a bill that is supposed to be ensuring that taxpayer dollars are being well spent, this bill would hinder individuals from obtaining their legitimate benefits and cost states more money. Every Member of Congress should have opposed this bill which was more offensive than silly.

H.R. 1173 is another attempt by the Republicans to embarrass individuals who are on hard economic times instead of helping them find a job.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3567, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

in the affirmative, the ayes have it.
Mr. BOUSTANY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FISCAL RESPONSIBILITY AND RETREMENT SECURITY ACT OF 2011

Mr. GINGREY of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1173 and insert any extraneous material on the bill.

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

There was no objection.

The SPEAKER pro tempore (Mr. BOUSTANY). Pursuant to House Resolution 522 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1173.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1173) to repeal the CLASS program, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill. The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Georgia (Mr. GINGREY) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes. The gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from California (Mr. STARK) each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, it has been more than 2 years since the CLASS Act was first debated as part of the President's health care takeover debate. We knew then that the program was flawed and unworkable; yet the Democratic-controlled Congress ignored these concerns and instead rushed the CLASS program through as part of the President's health care law.

Now, 2 years and more than \$800 billion later, we have finally heard from the President and his administration that while they have wasted taxpayer dollars, this program is in fact not implementable. Surprised? Well, you shouldn't be.

The truth is that unbiased analysts such as the American Academy of Actuaries had raised concerns with the program as early as July of 2009, some 5 months before the President's plan was even considered on the Senate floor. Members from both sides of the aisle also raised concerns about the program's long-term sustainability during this debate. Most disturbing is what we came to find in a bicameral investigation last year that revealed concerns from within HHS were rampant during PPACA debate, but they were never brought to light by the Democratic leadership or the Obama administration. Yet the program was rushed through so that we can, as then-Speaker Pelosi noted, "find out what's in it.'

On October 14, 2011, Secretary Sebelius announced what honest accounting told us was inevitable: the Obama administration finally admitted there was no viable path forward and, therefore, was halting any further efforts of implementing the CLASS program.

The failure of Health and Human Services to implement the CLASS program certainly is not a surprise. However, it is a catastrophic consequence of what happens when Congress rushes to enact costly policies and dismisses warnings from independent experts. Most troubling are the budget gimmicks used to sell the CLASS program and, indeed, the entire law.

The Congressional Budget Office, CBO, estimated the CLASS program would save money by collecting premiums from enrollees, premiums that will now never be collected in light of a failed implementation.

We knew, Madam Chair, the savings estimates for the President's health care plan were wrong. It defied common sense that such a massive spending expansion would have no cost. Now the President will have to explain to the American people why the health care law—ObamaCare, PPACA, Patient Protection, Affordable Care Act, Unaffordable Care Act—he'll now have to explain to the American people why this health care law will cost them \$80-plus billion more than what they were told

□ 1430

That is more than \$80 billion on top of the trillions the President has added to the books since he took office in January of 2009.

Today, we will have the opportunity to start over on long-term care reform, an issue that's important to all of us as we hear from constituents regularly about the growing cost of long-term care services. The market has not even been penetrated 10 percent, Madam Chair. We will now begin that process. But first, we must take this section out of the health care bill known as CLASS. We must take it off the books.

I urge my colleagues to support just what this bill does, remove CLASS from the statute, H.R. 1173, repeal the failed CLASS program so that we can now move forward with reforms that do work.

With that, Madam Chairman, I reserve the balance of my time.

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

Madam Chair, there are millions of Americans currently in need of a longterm care program and many more that will require these services in the future. Despite the great achievements of our country, the U.S. lacks an affordable and ethical system of financing long-term care services. CLASS program is a significant step towards finding a realistic solution to this problem. However, many of my Republican colleagues have taken a stance against CLASS without proposing any real solutions for long-term care access in America, and I strongly oppose H.R. 1173 and consider it to be a

blatant disregard of a growing crisis in sumers while saving Medicaid dollars. this country.

American families have too few long-

Madam Chair, Republicans continue to propose repeal of various aspects of the Affordable Care Act. We heard my colleague from Georgia today. And how many other times how many on the other side have said, well, let's just repeal the Affordable Care Act, let's repeal pieces of the Affordable Care Act? But they never come up with any meaningful alternatives. And the same is true today. They're talking about outright repeal of CLASS without any meaningful suggestion of an alternative.

My message to my colleagues on the other side of the aisle is that we should mend the CLASS Act and not end it. This country is already facing a longterm care crisis, but the problem is only going to get worse. As our population continues to age, an estimated 15 million people are expected to need some sort of long-term care support by 2020. If we don't solve the need for affordable long-term care in this country soon, we will also jeopardize our entitlement programs. Currently, Medicaid pays 50 percent of the cost of long-term services, and that price tag is quickly rising every year. The CLASS program was designed to allow people to stay at home and prevent the cost of nursing home care that burdened Medicaid.

Now, I want to correct one thing. I know in the Rules Committee some of my colleagues talk about the administration's position on this bill. The administration made it quite clear in a hearing that we had on this bill that they're opposed to repeal of the CLASS Act. They acknowledge that there are workable solutions under the CLASS program, but didn't feel that they have the legal authority—I stress legal authority—to implement them. So the Department of Health and Human Services has more work to do, and I have suggested on numerous occasions that the CLASS Advisory Council, which is organized under the legislation, be convened in order to offer their expertise.

The CLASS program is a framework that will facilitate a solution to our long-term care crisis. However, all I continue to hear from my colleagues on the other side of the aisle is that Congress can't do anything. It's this negative attitude, the idea that Congress can't address any problem. And I just sincerely hope that my colleagues, when they come to the table, come up with a workable solution. Don't just tell me we have to repeal things, we can't do anything, and the government can't do anything. Cowardly running away from the problem through repeal is simply not the answer.

Overall, the CLASS Act promotes personal responsibility and independence. Those are the values that you talk about a lot. It allows the government to put choice in the hands of consumers while saving Medicaid dollars. American families have too few long-term care options, and they need our help. Rather than repeal CLASS, we need to continue the dialog in the development of a viable plan forward.

Again, let's mend it, not end it. Moving forward with H.R. 1173 shuts the door on a problem that simply cannot be ignored.

I reserve the balance of my time.

Mr. PITTS. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. Lance), a very valued member of the Subcommittee on Health.

Mr. LANCE. Madam Chair, I rise today in support of repealing the CLASS Act.

In hearings before the Energy and Commerce Committee, my colleagues and I learned that the CLASS program was a ticking time bomb fiscally, a new entitlement program that Health and Human Services Secretary Kathleen Sebelius has said is "totally unsustainable" financially. Richard Foster, chief actuary of the Centers for Medicare and Medicaid Services, wrote in 2009: "Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue." And Senate Budget Committee Chairman Kent Conrad has called the CLASS program "a Ponzi scheme of the first order." To her credit. Secretary Sebelius in October called for an end of the CLASS program, adding that there was not "a viable path forward for CLASS implementation at this time."

Madam Chair, we have a serious longterm care problem that is driving patients into bankruptcy and weighing down an overburdened Medicaid program. But before we can develop bipartisan solutions to address this important issue, we must first repeal the misguided CLASS program. Only then can we begin anew and properly address the long-term health care problem

Mr. PALLONE. Madam Chair, I yield such time as he may consume to the ranking member of the full committee, Mr. WAXMAN.

Mr. WAXMAN. Thank you for yielding that time to me, Mr. PALLONE.

Madam Chair, I rise today in strong opposition to H.R. 1173. This bill is another Republican attempt to tear down and dismantle programs that provide health care in the United States. Now we have Medicare, and the Republican alternative to Medicare is to just shift more costs on to seniors, give them a voucher and let them pay more if they want more than that voucher will provide, and that voucher is not going to provide much over time.

On Medicaid, they just want to shift the costs on to the States so the States can tell a lot of very poor people, I'm sorry, we don't have enough money to take care of you, but we're not required to under Federal law. They said that they didn't want the Affordable Care Act; they wanted to repeal it. But they haven't told us what they want to put in its place. They said that this was going to be repeal and replace. They have proposed a repeal, but we have no proposal to replace it.

Republicans now want to take a part of the Affordable Care Act, the CLASS program, that is the one and only significant new initiative to put in place to deal with our country's long-term care crisis. Those who are supporting this bill say that the CLASS Act is not the right solution to our long-term care problem. Well, I don't think it's perfect, either. But the solution is to amend the program, to make it work, not just repeal it and leave nothing in its place.

If we leave nothing in its place, we have the status quo. And what does the status quo mean? The status quo means that for some who are on Medicare, they will have a minimal amount of coverage for their long-term care services. And to get any other help, people will have to go through the indignity of impoverishing themselves. A system that is in place for the very poor would be called upon then, the Medicaid system, to cover their longterm care needs, especially if they had to go to a nursing home. Well, many elderly and disabled individuals will be forced to leave their families and community of friends for institutionalization because that's all that some States will cover.

Families will have to do what they call "spend down." They have to spend their money until they're in poverty. So they lose their dignity along the way in order to qualify for Medicaid assistance. The CLASS Act was trying to take some of the burden off Medicaid, some of the indignity away from seniors. Medicaid expenditures for the most part are paying for long-term care, and that will escalate even further. In 2010 alone, Medicaid spending for these services cost some \$120 billion.

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And we have a baby boomer population that is continuing to age. The number of Americans in need of long-term care assistance will grow, compounding each of these problems.

So what is the Republican answer to this problem? Nothing. Just repeal the program that attempts to give some effort to deal with these costs for people who need long-term care.

Let's not lose this incremental piece. Let's figure out how to add on to it, how to change it, but don't repeal it.

I urge my colleagues to reject H.R. 1173

Mr. PITTS. Madam Chair, I just want to remind everyone that under the CLASS Act there's not one person in the United States who would receive long-term care benefits under that act because it doesn't work.

At this time I yield 2 minutes to the gentleman from West Virginia (Mr. McKinley).

Mr. McKINLEY. Madam Chair, I rise today in favor of H.R. 1173. This bill would save hardworking taxpayer dollars and eliminate a costly and flawed ObamaCare provision known as the CLASS Act.

This program was sold as a self-sustaining program, one that would reduce Federal spending. However, the program was problematic from the start. The President and the Democrat leadership in the Congress knew this fact over  $2\frac{1}{2}$  years ago and still included the CLASS program in the health care bill.

During an investigation, it was revealed that Obama administration officials and Senate Democrats were very much aware that this was not going to work and that Department officials warned for a year before passage that the CLASS program would be a fiscal disaster. As far back as May of 2009, the CMS Chief Actuary sent an email that warned officials that the program doesn't look workable. These 200 pages of exhibits from the investigation show that Department officials were voicing concern to Senate leadership all the way up until passage in December of 2009. This was all concealed from Congress and the American public.

After enactment, the concerns continued. On February of 2011, Secretary Sebelius testified before the Senate Finance Committee that the CLASS program is totally unsustainable in its present form. And finally, this past October, the Department announced that the program was still not financially feasible. What we are seeing now is that, as well intended as it is, the CLASS program is unworkable.

The objective of providing long-term health care is laudable and should be a priority of Congress. Therefore, we must identify a long-term, commonsense solution for our health care. That is why last week I asked GAO to conduct a study of the Medicaid Long-Term Care Partnership Program and survey States on how to improve the partnership program so that more Americans can properly plan for their long-term care needs.

This public-private partnership between States and long-term care insurance plans was designed to reduce Medicaid expenditures by lessening the need for some people to rely on Medicaid to pay for long-term health care services.

The partnership program is not the only solution to our long-term health care, but it is a helpful tool to help Americans plan for their health care long-term needs, unlike the unsustainable and costly CLASS Act embedded in ObamaCare.

The repeal of the CLASS Act marks a small victory. Let's not try to force this costly program on the backs of hardworking American taxpayers without fully investigating how we can improve existing programs or how we can create an affordable, sustainable, long-term care program.

I urge my colleagues to vote "yes" on H.R. 1173.

Mr. PALLONE. Madam Chair, I yield 2 minutes to the champion for senior citizens, the gentlewoman from Illinois (Ms. Schakowsky).

Ms. SCHAKOWSKY. I thank the gentleman.

You know, there's a lot of areas of agreement. We all agree that we're in the midst of a long-term care crisis. We agree that today there are 10 million Americans in need of long-term care services and support. By 2020, that number will grow to 15 million, and by 2050, the number of seniors who need long-term care will reach 26 million.

The costs associated with long-term care are high. We agree on that. Nursing homes can cost over \$70,000 a year, and 20 hours a week of home care can cost nearly \$20,000. But repealing the CLASS Act does nothing to address the glaring need for adequate coverage of long-term care services and support. The CLASS Act addressed a number of critical needs, including providing a way for persons with disabilities to remain independent in their community and bringing private dollars into the long-term services system to reduce reliance on Medicaid without impoverishing individuals and families. We agree that the CLASS Act is far from perfect, but it does provide a framework to begin to deal with the problem.

So it seems to me if we all agree on the need, not only the need for long-term care but the need to do better, then instead of repealing the CLASS Act and passing H.R. 1173 with no effective alternative, we could, right now today, sit down and work together to repair this program. Ignoring it or even postponing this long-term care crisis simply is not going to make it go

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

Madam Chair, I'd like to speak to H.R. 1173, the Fiscal Responsibility and Retirement Security Act of 2011, which repeals the CLASS program which was rushed into law in the President's health reform bill.

Last February, HHS Secretary Kathleen Sebelius publicly admitted that the more than \$80 billion CLASS Act was "totally unsustainable." But it was not until 8 months later, on October 14, that the Department of Health and Human Services announced it was not moving forward with the implementation of the CLASS program "at this time."

On October 26, 2011, Assistant Secretary Kathy Greenlee testified before

our subcommittee that the Department had spent \$5 million in 2010 and 2011 trying to implement the program. The Secretary's conclusion that the CLASS program could not meet the law's 75year solvency requirement and was not sustainable was not a surprise to anyone who had been following the issue. Even before its inclusion in the President's health care law, PPACA, in March of 2010, we were warned by the administration's own actuary, the American Academy of Actuaries; Members of Congress from both parties; and outside experts that the program would not be fiscally sustainable. On July 9, 2009, approximately 8 months before PPACA was signed into law, CMS's own actuary, Richard Foster, wrote "36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.'

I support the intent behind the CLASS program to help Americans purchase long-term care policies that most of us will end up needing at some point, but only about 9 million Americans actually purchase. Long-term care costs are frighteningly high, and many Americans face bankruptcy or ending up on Medicaid, or both, in order to get the care they need.

But while the goals of the program were worthy, good intentions do not make up for fundamentally flawed, actuarially unsound policies designed to show the illusion of savings. The President has left us with a budget hole of more than \$80 billion. The irresponsible nature of the CLASS program's inclusion in the health care law is just a sample of the budget gimmicks used to pass the health care law in the dark of the night nearly 2 years ago. The President will have to explain why, years later, the taxpayers are left with a failed program that will cost this Nation at least \$80 billion. That is more than 150 Solyndra scandals.

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Shelving this failed program is not enough. As long as it is on the books, it will continue to create substantial uncertainty in the private sector about what the government's role in long-term care insurance will be. Let's repeal the CLASS program, not try to tinker around the edges of a fundamentally flawed model, and take up real solutions to this problem instead.

I urge my colleagues to support H.R. 1173, to repeal the failed CLASS program so that we can move forward with reforms that work.

And with that, I reserve the balance of my time.

Mr. PALLONE. I yield, Madam Chair, 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from New Jersey for yielding.

Madam Chair, I rise today in opposition to this bill. We all know that we

have a long-term care crisis in this country. What we have now is an unsustainable patchwork approach, with wealthy people having access to private plans, while almost everyone else finds the costs incredibly prohibi-

These are the folks who fall through the cracks every day, spending down all their assets until there's nothing left, and then relying on our strained Medicaid program for care. This is what the CLASS program tries to avoid. It should provide a modest, but meaningful, benefit to individuals who need support to stay out of costly nursing homes, benefits they've already paid into.

We can all agree that the CLASS program, as currently written in the statute, is not perfect, but few things are. We can use it as a framework upon which to fix and implement this program, one that would be amended, improved and made sustainable, rather than destroyed.

Repealing the CLASS Act does not remove the Nation's need for long-term care. Rather, it makes the path to sustainable solutions much more difficult. Moreover, in the majority's rush to repeal, they have overlooked a vital component that will also be affected by this bill, the National Clearinghouse for Long Term Care.

The clearinghouse, which was established with close-to-unanimous Republican support, is the only dedicated place for individuals to learn about their long-term care options. However, a vote for this bill is a vote to strip funding from this vital public resource. In fact, the original bill abolished the program altogether until I fought to save it in our committee.

And while the authorization has been saved, we all know that a program without any funding is not much of a program. So the result is yet one more obstacle for American families trying to care for their loved ones. These are the people who will lose out, and definitely lose out by this repeal.

So I strongly urge my colleagues to vote against this bill.

Mr. PITTS. Madam Chair. I vield 1 minute to the gentleman from Illinois (Mr. Lipinski).

Mr. LIPINSKI. I rise today in support of fiscal responsibility and in support of H.R. 1173. The CLASS program was created with a good intention, relieving the crushing burden of long-term care. But we have known from the beginning that this program would not be able to sustain itself without a massive bailout from taxpayers. The CBO said so. Medicare's Chief Actuary said so; and, more recently, Secretary Sebelius concluded the CLASS Act was totally unsustainable and decided not to implement it; and for this, I give her cred-

But the program is still in law. And given the trillion-dollar deficits that we face, the only option right now is to knowledged the program is unworkable make sure that the taxpayers are not left with an unsustainable program in a big bill.

This debate should not be about the health care law in general. It should be about this program. It should be about doing what is fiscally responsible, and that is eliminating the CLASS program and getting to work right now in a bipartisan manner on a solution to long-term care.

Mr. PALLONE. Madam Chair. can I inquire how much time remains on each side.

The Acting CHAIR (Mrs. EMERSON). The gentleman from New Jersey has 9 minutes remaining. The gentleman from Pennsylvania has 7½ minutes re-

Mr. PALLONE. Madam Chair, at this time I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois, I thank the gentleman from New Jersey for yield-

H.R. 1173 would eliminate the potential for many of our citizens to be able to afford long-term care that provides services and other supports. This effort to remove support services is not the solution, but instead a faulty and irresponsible policy initiative which would burden people in our health systems. Regardless of when individuals may need these services, there is a lack of financing options to help them pay for the services they need to maintain their health, independence, and dignity when they lose the capacity to perform basic daily activities without assist-

Medicare does provide limited pay for long-term care services. Medicaid does cover, but pays only for services for people with very limited means. Many private long-term care insurance plans are costly and difficult to acquire. I say that the real answer is to retain services that we are currently poised to provide

I oppose H.R. 1173.

Mr. PITTS. Madam Chair, I yield 1 minute to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

I rise today in support of H.R. 1173, to repeal the CLASS Act established in the Patient Protection Affordable Care

The CLASS Act was unsustainable and unworkable from the time it was enacted. Even at the time the health care bill was passed, it was evident that the health care program was completely unworkable. The CLASS Act is such an egregious budget gimmick that even Health and Human Services Secretary Kathleen Sebelius has admitted the program is unsustainable.

Repeal of the CLASS Act isn't as scary as those on the other side would have you think it would be. In fact, the Obama administration has already acin its current form and has halted efforts to establish the program. However, the CLASS Act remains on the books.

I strongly support ensuring Americans have access to long-term care. In order to move forward with a new plan, we need to get the CLASS Act off the books.

I urge my colleagues to support this bill.

Mr. PALLONE. Madam Chair, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. Delauro).

Ms. DELAURO. I rise in strong opposition to the repeal of the CLASS Act.

We are at another start of another session of the Congress, and this majority is following the same playbook as last year. The American people are waiting for this institution to do something—anything—to create jobs and restore our economic prosperity instead of putting forward ideological bills that have nothing to do with jobs and that are intended to roll back health care and senior care in America. Right now, less than 10 percent of Americans over 50 have long-term health care insurance, even though a large percentage of individuals will need long-term care services at some point.

Some studies indicate that up to twothirds of Americans that live beyond 65 will need long-term care. The CLASS Act, a bipartisan addition to the 2010 health reform, seeks to help provide access to quality, affordable insurance for long-term care. The program must be actuarially sound and legally solid.

Why would we repeal this bill? It is time for the majority to stop playing games and to get serious about fixing the economy. America needs more jobs, not less health care.

I urge my colleagues to stand up for seniors and oppose this repeal.

Mr. PITTS. I reserve the balance of my time.

Mr. PALLONE. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. Doggett).

Mr. DOGGETT. Is it just too much to ask that seniors that are struggling in a nursing home after a lifetime of work get a little economic security, that they get a little dignity? Is it too much to bring just a little peace of mind to a family that is burdened with a parent that is suffering from Alzheimer's or some other debilitating condition? Sadly, this does appear to be too much to ask from some here.

One year ago, the House Republican majority's first major action, once they gained control of Congress, was to repeal health insurance reform. At the time they did that, they said they were for "repeal and replace." But the only replacement they offered for their repeal was a little flimsy 1½-page bill that I call "the 12 platitudes."

They proved to be only platitudes because during the intervening months, health care or any other kind of health care for the American people.

Today, they continue to deny Americans actual solutions to health care problems, and once again, they have a flimsy 1½ page bill. They don't have "repeal and replace," they have "repeal and deny." They're in a state of denial that there is a problem with long-term care, and they continue to deny meaningful relief to families that are struggling with health care bills, and particularly, long-term health care bills.

There is a 75 percent chance that some American who reaches age 65 will find themselves in need of long-term care. Paying for that care can bankrupt a family and the children of a parent who needs that kind of care. An average cost for nursing home services, for example, of \$70,000 can surely and quickly sink a lifetime of savings.

The CLASS Act is far from perfect. It needs to be changed. But instead of repealing it, we ought to be focusing on necessary changes. Where is the commitment to doing something about long-term care? There haven't even been hearings on how to resolve this problem.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman

another 30 seconds. Mr. DOGGETT. There was a leg-

endary Texas House Speaker of this body, Sam Rayburn, who said that it takes a master carpenter to build a barn but any mule, I think he said, can tear one down.

Well, it's time that we get together to build a solution for long-term health care, not just tear it down.

Mr. PITTS. It is unconscionable to promise something to people when you know it won't be there.

Your own administration admits the CLASS Act doesn't work. Zero people will be enrolled in the CLASS Act. They have a program that does not work, a program they know that does not work. That is building a false sense of security in people instead of working on the real policy.

I yield 2 minutes at this time to the gentleman from Texas (Mr. HEN-SARLING), our conference chair.

Mr. HENSARLING. Madam Chair, it is clear that the President's policies have failed. One in seven now have to rely on food stamps. Half of America now is either classified as low income or in poverty, and millions remain unemployed.

Yesterday, the Congressional Budget Office announced one more of the President's failures, and that is, he is on track to deliver his fourth trillion dollar-plus deficit in a row.

Somebody needs to tell the President we've got to quit spending money we don't have for jobs we never get.

One more failure, Madam Chair, is the President's health care program. from hardworking, small business people in the Fifth District of Texas.

I heard from a furniture businessman in Garland, Texas, who told me: I could start two companies and hire multiple people, but based on this administration and the lack of facts with ObamaCare. I'll continue to sit and wait.

I heard from a gentleman who ran a music business in Palestine, Texas: Our business is hampered by the uncertainty of tax policy, regulations, and ObamaCare.

I had one in Dallas, Texas, after having to lay off 24 people in the last 2 years, who wrote to me and said: You know what? We're going to have to terminate one more in February due almost entirely to the impact on my business of the health care reform we have. We are stymied.

There is no doubt that the President's health care plan is killing jobs. House Republicans have repealed it in its totality. It has been blocked by the President, by Democrats. So if we can't do it in its totality, we'll do it piecemeal

We need to start out by repealing the CLASS Act, which Secretary Sebelius has said is totally unsustainable. Democrat Senate Budget Committee Chairman KENT CONRAD called it a Ponzi scheme of the first order.

The President's policies have failed. It's time to enact the House Republican Plan for America's Job Creators. It's time to repeal the CLASS Act.

Mr. PALLONE. Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Madam Chair, I'm tired of hearing the President is a failure. I'm tired. You can smirk all you want. There's no perfection on this floor. There's no perfection down the street. You didn't give these speeches in 2008 when we were losing 500, 600, 700,000 jobs a month. Not one of you came to the floor. Shame on you.

Now what we want to do, we want to turn our backs on those 10 million Americans currently who need longterm care. We have no alternative.

We all agree that there needs to be change in the present system that has yet to work. We have to find a way to make long-term care both accessible and affordable. These problems will not simply disappear. They're not going to go away.

This bill certainly does not fix these problems. The bill does not even provide an alternative. All it does is attack the progress made in the Affordable Care Act. You've tried to wean it down. You've tried to bevel it. You've tried to covet. You tried to take all the money away that's going into it in order to have a system in this country that was not sustainable in the first place.

Sixty-two percent of small businesses over the last 5 years went under be-

they've done nothing about long-term Not a week goes by that I don't hear cause they couldn't pay their health care bills, and you stand there with no alternative whatsoever. Whatever happened to the "replace" part of the "repeal and replace?" Remember that? That nonsense we heard last year?

Without the CLASS Act or an alternative, people who struggle the most with daily tasks due to illness will be the ones to suffer. You know that. You know there are millions of people out there suffering, yet we have not come up with an alternative plan. Yet you condemn this, yet you accuse everybody of failing, but you don't have a plan yourself.

Where is your heart for the middle class? Have you no heart?

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members should remember that all remarks must be addressed to the Chair and not to one another in the second person.

Mr. PITTS. I continue to reserve the balance of my time.

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining. The gentleman from Pennsylvania has 4 minutes remaining.

Mr. PALLONE. I suggest that you go next because I only have myself, and then we're going to move to Ways and Means.

Mr. PITTS. Madam Chair, I believe we have the right to close, and we have just one speaker.

I reserve the balance of my time.

Mr. PALLONE. I yield myself the balance of the time.

Madam Chair, I just want to stress again, you know, I hear from the other side of the aisle over the years how people should take personal responsibility. The idea of the CLASS Act is that people pay into the trust fund, and then when they become disabled, they take the money out to pay for services so that they can stay in their home and don't have to go to a nursing home.

Now, when they do that, they save the government money because this is their own money that is being spent to keep them in their home, to keep them in the community so they don't have to spend down and then eventually become a ward of the State, essentially, because Medicaid ends up paying for their nursing home care.

So this is a solution to a long-term care problem. Not a complete solution, but certainly a partial solution.

I agree with Mr. PASCRELL, which is that when I listen to the other side of the aisle, the gentleman from Texas was quite clear: Let's repeal the entire Affordable Care Act. If we can't repeal the whole thing, then we'll repeal it piecemeal piece by piece, which is what's going on here today. Well, again, it's not a very responsible position unless you come up with an alternative.

We're in the Energy and Commerce Committee. We've had hearings on this. I've yet to hear anyone come up on the Republican side with an alternative. All they keep saying is let's just repeal this and we'll figure something out down the line.

The problem with that is that Mr. PASCRELL said there are 10 million Americans who need long-term care. Soon it will be 15 or eventually 20 million. So every day that goes by there is not a solution for these people, and the disabled community and the senior citizen community are crying out for some kind of relief.

So all I say to my colleagues on the other side of the aisle is, don't just keep talking about repeal. I'll use the term "mend it, don't end it." Let's not end today the effort to try to find long-term care solutions for America's seniors and for the disabled.

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It simply isn't fair to come here on the floor repeatedly and say "repeal, repeal, repeal" and not have an answer. At any time, I am more than willing to sit down with the chairman of the subcommittee or with any other Member and come up with a bipartisan solution, but I haven't heard it yet.

The Acting CHAIR. The gentleman's time has expired.

Mr. PITTS. Madam Chair, to close on our side, I yield such time as he may consume to a distinguished member of the Health Subcommittee, the gentleman from Georgia, Dr. GINGREY.

The Acting CHAIR. The gentleman from Georgia is recognized for 4 minutes.

Mr. GINGREY of Georgia. Madam Chairman, as the co-lead sponsor of this bill, I rise in strong support of H.R. 1173. I commend Dr. BOUSTANY and Chairman PITTS for their leadership on this issue, and I thank Mr. LIPINSKI on the Democratic side.

In response to a question I put to him in March of last year, CBO Director Douglas Elmendorf wrote: "The Secretary of Health and Human Services has now concluded that the CLASS program cannot be operated without mandatory participation so as to ensure its solvency." HHS Secretary Kathleen Sebelius called the program insolvent, and Democratic Senator Kent Conrad, chairman of the Senate Budget Committee, called the program in 2009 a Ponzi scheme. In fact, he went on to say that it would make Bernie Madoff proud.

Madam Chair, during its consideration in 2009, CMS Actuary Richard Foster told the Obama administration staff: "Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue." He was ignored. In fact, he was eventually cut out of the email loop. The Health Committee on the Senate side and the staff of Senator Kennedy didn't want to hear any more from him.

Subsequently, in December of 2010, the President's fiscal commission recommended Congress reform or repeal—not amend—the CLASS Act. The commission report stated: "Absent reform, the CLASS program is . . . likely to require large general revenue transfers or else collapse under its own weight. The commission advises the CLASS Act be reformed in a way that makes it credibly sustainable over the long term. To the extent this is not possible, we advise it be repealed."

In February of 2011, Secretary Sebelius testified before a Senate Finance Committee hearing that the CLASS program was "totally insolvent" as structured and needed to be reformed in order to work. Then, in October of 2011, the Secretary released a report on the CLASS Act that essentially found the Obama administration could not make the program actuarially sound or credibly sustainable, to quote the President's fiscal commission, over a 75-year period.

Thank God for Senator Judd Gregg for putting that amendment in on the Senate side that called for fiscal sustainability and the certification by the Secretary over a 75-year period of time or it could not go forward, and that's exactly what happened.

Based on the evidence the CLASS program is not simply flawed—it is broken. As currently written, it poses a clear danger to the fiscal health of our budget and to the American taxpayer. In defending this broken program, some of my colleagues have told me that there is no need to repeal CLASS because the Secretary has already abandoned it. Yet every day that we delay in repealing CLASS, we prevent Congress from passing meaningful, true long-term care reform. All sides admit that CLASS does not work, so the prudent step is to repeal it.

In closing, I urge all of my colleagues to support this legislation so that we can get to the meaningful reform of long-term care and have the market-place work its magic in regard to this so that the penetration is greater than the current penetration, which is less than 10 percent.

With that, Madam Chairman, I would urge all of my colleagues to support the repeal of a broken, failed program, the CLASS Act.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BOUSTANY. Madam Chair, I yield myself such time as I may con-

As a physician, I know firsthand of this really dire need to solve the problem for many families across this country who are struggling with their long-term care needs. I am the oldest of 10 children, and my father was a physician. He died 3 years ago from a lengthy illness, and required a lot of care at home. He did not have long-term care, but we gladly bore that bur-

den and were able to provide for him even though it was somewhat of a strain.

This is a serious problem facing every single family in this country. Yet what we've seen now is a program that was created in ObamaCare, a program that is clearly unsustainable by the administration's own admission. After almost a year now of wrangling about this, they've finally come to the conclusion that we knew before the bill passed: that this even was unsustainable, that it was unworkable, that it was fatally flawed.

As a physician, I know the worst thing you can do for someone is to create false hope, and that's what this has done. As long as this stays on the books, on the statute books, we're not going to get anything done on this. We're not going to solve it. Now, there are many good ideas on both sides of the aisle, and we've discussed some of them in the Ways and Means Committee. There are bills on both sides of the aisle on which I believe we could work together in a true bipartisan fashion to solve this problem—but the CLASS program is clearly not the answer.

Washington should learn three lessons from this debacle, ObamaCare's failed government-run program:

First, don't ignore reality. Democrats ignored the expert actuarial warnings when they used CLASS as a budget gimmick in ObamaCare. President Obama cannot create a self-funded sustainable program that prohibits underwriting unless he intends to force healthy Americans to participate. What does that mean? Madam Chair, that means an individual mandate, another individual mandate.

Many constitutional scholars think that this is unconstitutional. We don't need another individual mandate. In fact, Senator HARKIN said that the problem with CLASS is that it's voluntary. I think he basically put the cards on the table and showed that what they want to do to fix CLASS is to give us another individual mandate. Most enrollees in CLASS will be highrisk, causing premiums to skyrocket under the current program, making CLASS even less appealing to average American families. The premiums will be unsustainable, and it will require subsidies from the taxpayer.

So, the first lesson: Don't ignore reality.

The second lesson: Don't break the law.

The administration planned to break the law by excluding Americans made eligible by the statute. When the Congressional Research Service attorneys warned of lawsuits, I sent letters to Secretary Sebelius for her legal authority to make this change. She then subsequently suspended the program, but this doesn't correct the bad law. Unless we repeal CLASS, the Department of Health and Human Services

will break the law when it misses the deadline in October and again in 2014. That's not a very good example to set for the American people to have the administration breaking the law.

So, first, don't ignore reality. Second, don't break the law.

Third, don't compound our Nation's long-term fiscal problems.

A Democrat under the Clinton administration, former Congressional Budget Office Director Alice Rivlin, wrote: Since the CLASS program is a new unfunded entitlement, it should be repealed because it will increase the deficit over the long term. In fact, the President's own deficit commission agrees that our grandchildren simply cannot afford a new budget-busting entitlement.

We can do better than this, Madam Chair, and we can work together to solve this problem. I urge my colleagues on both sides of the aisle to support this CLASS repeal, to support H.R. 1173. Beyond this, we will have the impetus to actually do some real work to create a real program that works for the American people. We can make it easier for disabled Americans to save for future needs; we can expand access to affordable, private long-term care coverage; and we can better educate Americans on the need for retirement planning.

CONGRESS OF THE UNITED STATES, Washington, DC, January 31, 2012. Hon. KATHLEEN SEBELIUS,

U.S. Department of Health & Human Services, Independence Ave., SW., Washington, DC.

DEAR SECRETARY SEBELIUS: We write this as a follow up to our unanswered November 2011 letter to President Obama regarding the failed CLASS program. In the letter, we asked whether the Administration has a legal obligation to implement the program.

Last year, you announced you could not find "a viable path forward for CLASS implementation at this time." Legal experts at the Congressional Research Service (CRS) say you do "not appear to have discretion to decide whether or not to designate a plan by October 1, 2012." If the deadline expires, they say you will be "committing a facial violation" of the 2010 health law. Finally, "the CLASS Act does not preclude judicial review" and "a failure by the Secretary to designate a CLASS benefit plan by October 1, 2012 . . . would appear to be a final agency action from which 'legal consequences will flow.'"

In light of the findings by the CRS, does the Obama Administration intend to openly violate the law as the 2012 and 2014 deadlines for CLASS expire? If not, when do you intend to resume implementation of CLASS? What justifications can the Administration provide to Congress and the American people in the event that the Secretary's failure to adhere to the law results in a costly court battle, effectively delaying meaningful long-term care reform in the process? Please expedite a written response to these questions.

Democrat and former Congressional Budget Office Director Alice Rivlin wrote: "Since the CLASS program is a new unfunded entitlement, it should be repealed because it will increase the deficit over the long term."

Our grandchildren simply cannot afford a new budget-busting entitlement. We urge

you to join us in support of CLASS repeal, and to support bipartisan efforts to expand access to affordable private long-term care coverage.

We appreciate your attention to this matter.

Sincerely,

CHARLES W. BOUSTANY, JR., MD, Member of Congress. PHIL GINGREY, MD, Member of Congress.

I reserve the balance of my time.

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

I'd like to point out that the last time I watched television, they told me that we still have troops in Afghanistan who should be brought home. And we've not addressed the Medicare physician payment cuts, the payroll tax cut extension, unemployment insurance extension. Roads, bridges, and public transit systems are falling apart, and Congress hasn't brought forth legislation to invest in the infrastructure to repair those vital structures. And we continue to have an imbalanced Tax Code that lets Members of Congress get richer at the expense of working families, and we've done nothing to change that.

Yet rather than tackle any serious problems, the Republicans are using the very little time that they permit Congress to be in session to debate repealing the law that the President has already made clear will not be implemented. In other words, we should repeal a law that isn't going to happen. Now, that's a vital use of our time. He's clearly stated, the President has, that the CLASS Act, as part of the Affordable Care Act, can't meet the tests put in the statute.

Now, remember that Republicans probably would like to repeal all of ObamaCare, and I'm not sure exactly which part they want mostly to repeal. In other words, I assume that the 2.5 million youngsters who now get health insurance, the Republicans would like to kick them off the rolls and let them go to work or earn their own way to health insurance.

It's lowered prescription drug costs, ObamaCare has, for millions of seniors, for a bill that the Republicans wrote that was too costly. I presume the Republicans would like to raise the cost of pharmaceuticals for seniors. Republicans generally like to do anything that the pharmaceutical obviously asks them to do, and I'm surprised they haven't brought that up yet.

I understand that my good friend, Dr. BOUSTANY, actually has the makings of a bill that would help long-term care. And I also understand that the only reason he hasn't introduced it—I'd be glad to make it an amendment if it's ready to go right now—is that the health insurance industry doesn't like it. Well, if the health insurance indus-

try doesn't like it, it must be spectacular, and I hope we'll see it. Maybe you'll tell us a little bit about it, and I'd like to applaud it because he has done some great work in this area, and we need to do this.

The fully implemented ObamaCare, health care, whatever you want to call it, by 2014 will extend affordable, quality medical care to 32 million uninsured Americans. That's a plan. Maybe we could change it. Maybe we could make it quicker. Maybe we would extend it to more people. Maybe we could save some money. But that has to come from the other the other side of the aisle.

We oppose this, and I'd like to think that our Republican friends would work with us to improve it and move us in that direction.

I'd like to highlight a letter of opposition to repealing the CLASS Act that is signed by more than 70 organizations representing millions of senior citizens, people with disabilities, and people suffering from various diseases. These groups include: AARP, the Autism National Committee, the AFLCIO, and Easter Seals, and United Cerebral Palsy.

They urge Congress to "reject H.R. 1173, and instead focus on a constructive path forward."

I ask that this letter be inserted into the Congressional Record as part of this debate.

JANUARY 31, 2012

Hon. John Boehner,

Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,

Democratic Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND DEMOCRATIC LEADER PELOSI: The undersigned organizations write to oppose legislation, H.R. 1173, to repeal the Community Living Assistance Services and Supports (CLASS) program and respectfully urge members to reject such legislation.

In 2008, 21 million people had a condition that caused them to need help with their health and personal care. Medicare does not cover long-term services and supports (LTSS), yet about 70 percent of people over age 65 will require some type of LTSS at some point during their lifetime. As our population ages, the need for these services will only grow. In addition, about 40 percent of the individuals who need LTSS are under age 65 and LTSS can enable individuals to work and be productive citizens.

Regardless of when individuals may need these services, there is a lack of financing options to help them plan and pay for the services they need to help them live independently in their homes and communities where they want to be. Family caregivers are on the frontlines. They provided care valued at \$450 billion in 2009—more than the total spending on Medicaid that year. Private long-term care insurance helps some people pay for the cost of services, but it is not affordable for most, and some people are not even able to qualify for it. Too often, the cost of services wipes out personal and retirement savings and assets that are often already insufficient—as a result, formerly middle class individuals are forced to rely on

Medicaid to pay for the costs of LTSS. There are few options for individuals to help them pay for the services they need that could help them delay or prevent their need to rely on Medicaid, the largest paver of LTSS.

That's why we support the CLASS program—to give millions of working Americans a new option to take personal responsibility and help plan and pay for these essential services. CLASS could also take some financial pressure off Medicaid at the state and federal levels-paid for by voluntary premiums, not taxpayer funds. For us, this is about the financially devastating impact that the need for LTSS has on families across this country every day and the essential, compelling and urgent need to address this issue. Every American family faces the reality that an accident or illness requiring long-term care could devastate them financially. This issue affects the constituents of every U.S. Representative. CLASS is an effort to be part of the solution. The CLASS actuarial report established that CLASS can still be designed to be a "value proposition," although development work was still needed. The actuarial report also noted that federal actuaries ". . . agreed that certain plans, designed to mitigate the adverse selection risk can be actuarially sound and attractive to the consumers." Rather than repeal CLASS, we urgecontinued dialogue and development of a viable path forward. The need to address LTSS and how these services will be paid for in a way that is affordable to individuals and society as a whole will not go

Families will continue to need a workable LTSS option to protect themselves; and a path forward is essential because the need for these services will only continue to grow. We appreciate your consideration of our views that are based on the experiences of millions of families across this country. We urge you to reject H.R. 1173, and instead focus on a constructive path forward.

Sincerely, PD; AARP; ACCSES: AAPD: AFL-CIO: AFSCME; Alliance for Retired Americans; Alzheimer's Foundation of America: American Association on Health and Disability: American Counseling Association: American Dance Therapy Association: American Geriatrics Society; American Music Therapy Association: American Network of Community Options and Resources; American Society on Aging; The Arc of the United States; Association of Assistive Technology Act Programs; Association of University Centers on Disabilities (AUCD); Autism National Committee; Autistic Self Advocacy Network; Bazelon Center for Mental Health Law; Brain Injury Association of America (BIAA).

California Foundation for Independent Living Centers; Cape Organization for Rights of the Disabled (CORD); Center for Independence of Individuals with Disabilities; Center for Independent Living of South Florida; Inc.; Children and Adults with Attention-Deficit/Hyperactivity Disorder (CHADD); Coalition of Geriatric Nursing Organizations; Council for Exceptional Children; The Council on Social Work Education; Direct Care Alliance; Disability Rights Education & Defense Fund; Easter Seals; Epilepsy Foundation; Health & Disability Advocates; Inter-National Association of Business; Industry and Rehabilitation; LeadingAge; Lutheran Services in America; Mental Health America; The National Alliance for Caregiving; National Alliance on Mental Illness (NAMI); National Association of Area Agencies on Aging (n4a).

National Association of County Behavioral Health and Developmental Disability Direc-

tors (NACBHDD); National Association of the Deaf: National Association for Geriatric Education (NAGE): National Association for Home Care & Hospice; National Association of Councils on Developmental Disabilities: National Association of Nutrition and Aging Services Programs (NANASP): National Association of Professional Geriatric Care Managers; National Association of Social Workers: National Association of State Directors of Special Education (NASDE): National Association of State Head Injury Administrators: National Center on Caregiving: Family Caregiver Alliance; The National Center for Learning Disabilities; National Committee to Preserve Social Security and Medicare; The National Consumer Voice for Quality Long-Term Care(formerly NCCNHR); National Council on Aging; National Council for Community Behavioral Healthcare; National Council on Independent Living; National Disability Rights Network; National Down Syndrome Congress.

National Multiple Sclerosis Society; The National Rehabilitation Association; National Respite Coalition NISH; Paralyzed Veterans of America; PHI-Quality Care through Quality Jobs; Physician-Parent Caregivers SEIU; Self-Reliance; Inc.; Services and Advocacy for GLBT Elders (SAGE); Social Work Leadership Institute/The New York Academy of Medicine; United Cerebral Palsy; United Spinal Association; Volunteers

of America.

# LEADERSHIP COUNCIL OF AGING ORGANIZATIONS, January 30, 2012.

DEAR MEMBER OF CONGRESS: The Leadership Council of Aging Organizations, (LCAO) strongly opposes H.R. 1173, legislation to repeal the Community Living Assistance Services and Supports (CLASS) program. Please do not support this bill when it comes to the House floor this week.

The Leadership Council of Aging Organizations (LCAO) is a coalition of 66 national nonprofit organizations concerned with the well-being of America's older population and committed to representing their interests in

the policy-making arena.

We support the CLASS program as a promising means of effectively financing the longterm services and supports that thousands of Americans come to need as they age or develop a disability. Every family faces these potential costs. CLASS gives families a framework for responsibly planning for their own long-term services and supports needs.

Our currently fragmented system of paying for long-term services and supports is in danger of crumbling under the weight of the baby boom generation. Already an estimated 10 million Americans need long-term services and supports, and this number is projected to increase to 26 million by 2050. Acknowledging the growing demand for services, the law also created the Personal Care Attendants Workforce Advisory Panel, work which must move forward if we are to build the strong workforce that America needs to provide personal care services.

CLASS was developed to provide a coordinated, national public-private system for delivering long-term services and supports. Nearly half of all funding for these services is now provided through Medicaid, which is a growing burden on states and requires individuals to become and remain poor to receive the help they need. There is also an institutional bias in Medicaid whereby approximately two-thirds of all spending is directed towards nursing homes and other institutions instead of preferred communitybased services and supports.

CLASS is a promising approach to effectively meeting the costs of long-term services and supports. Thousands of Americans do not qualify for private long-term care insurance due to underwriting practices, and this kind of insurance is unaffordable for many more. Reverse mortgages assume home ownership with substantial equity, which excludes thousands more individuals and fami-

There is no effective and affordable alternative to CLASS at this time. We urge you to vote against H.R. 1173 when it comes to a vote this week in the House.

Sincerely,

WILLIAM L. MINNIX, Jr., President and CEO, Chair, LCAO.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOY-EES, AFL-CIO.

Washington, DC, January 24, 2012.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I write to urge you to oppose H.R. 1173, the misnamed Fiscal Responsibility and Retirement Security Act of 2011. The bill repeals the Community Living Assistance Services and Supports (CLASS) program, which was designed to be a voluntary insurance program to help American workers pay for long-term care services and supports that they may need in the future.

The need for the CLASS program is huge and growing. Nearly 70% of people turning 65 today will need, at some point in their lives, help with basic daily living activities, such as bathing, feeding and dressing. Repealing the CLASS program and replacing it with absolutely nothing offers no help to millions of Americans who want to maintain their health, independence, and dignity when they lose the capacity to perform basic daily activities without assistance.

Medicare does not cover long-term care services. Medicaid does cover long-term care but Medicaid pays only for services for people with very limited financial means. Private long-term care insurance can be costly and difficult to purchase, especially if an individual has a pre-existing condition. Indeed, only about one-in-ten Americans age 55 and older has long-term care insurance.

The CLASS program is not perfect and may need modifications, but now is not the time to accept the status quo for the financing of long-term services and supports, which relies by default almost exclusively on Medicaid. Repealing the CLASS program is not a solution and promotes a fiscal default policy of increasing Medicaid costs and requiring middle-class Americans to impoverish themselves in order to obtain long-term care. We urge you to oppose H.R. 1173.

Sincerely.

CHARLES M. LOVELESS.  $Director\ of\ Legislation.$ 

LEADINGAGE,

Washington, DC, January 17, 2012. DEAR WAYS AND MEANS COMMITTEE MEM-

BER: I understand that the Ways and Means Committee will vote January 18 on H.R. 1173, legislation to repeal the Community Living Assistance Services and Supports (CLASS) program.

I strongly urge you oppose this bill. American families need the CLASS program to effectively plan for the costs of long-term services and supports.

These costs now are covered primarily by Medicaid, an entitlement program that is a growing and unsustainable burden on both federal and state budgets. Currently Medicaid covers 49% of the total cost of paid long-term services and supports, making it the predominant source of financing in this field.

These costs will not disappear if the CLASS program is repealed, and there is no effective alternative to cover them. All but the wealthiest Americans have insufficient income and savings to cover the cost of long-term nursing home care or even extensive services provided in a home- and community-based setting. Private long-term care insurance, for which there already are tax incentives, covers only a small fraction of long-term services and supports. Reverse mortgages are becoming less useful as a source of long-term services and supports financing due to the current state of the real estate market.

Without CLASS, people who need help with the most basic activities of daily living will continue to be thrown onto the Medicaid rolls. The federal and state governments will have to continue paying for needed long-term services and supports, but without the revenues that the CLASS program would generate.

Over the last several decades, policy-makers, health economists and other experts have given much thought and debate to the issue of financing long-term services and supports. CLASS developed out of all of this deliberation as the proposal with the most promise for establishing a healthy, ethical and affordable system of financing these costs. This program can give families an affordable means of planning for their futures and for the long-term services and supports needs that inevitably arise.

I hope you and members of your family will never come to need the kinds of services for which CLASS was designed to pay. But if you ever do, you will understand fully why the CLASS program has attracted such broad support.

Repealing CLASS would undo years of work toward an effective means of financing long-term services and supports needed and used by thousands of Americans and their families. What other option addresses these needs?

Please oppose H.R. 1173 when it comes before the Ways and Means Committee. Sincerely,

WILLIAM L. MINNIX, JR.,

President and CEO.

Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 7½ minutes remaining.

Mr. STARK. I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend from California for yielding me this time.

Madam Chair, I rise in support of the resolution. I do so because I believed at the time when the CLASS Act was inserted in the Affordable Care Act it wasn't a sustainable program. And sure enough, when Secretary Sebelius and those at the Department of Health and Human Services had a chance to analyze it and try to implement it, they reached the same conclusion.

I just hope that today my Republican colleagues don't take too much glee or delight over the fact that this resolution will pass and it repeals yet another small section of the Affordable Care Act, because just by repealing it without replacing it doesn't solve the problem with the rising long-term health care costs that our Nation faces.

I know my friend Dr. BOUSTANY shares his interest in trying to find a fix to this situation, and I hope that the parties are able to come together and address one of the paramount challenges that we're still facing in health care: How do you incent young, healthy people to invest in their long-term health care needs? It's difficult to do.

And I appreciate the work by those who supported CLASS, recognizing the challenge that we faced and trying to come up with a solution. This just wasn't the answer.

And to my Democratic colleagues, I never believed that passage of the Affordable Care Act-which I did support—was the end-all, be-all for health care reform. In fact, the great potential of the Affordable Care Act was the vast experimentation that needs to take place in reforming the health care delivery system and the payment system to learn what's working and what isn't working and then drive the system to greater efficiency, better quality outcomes, and a better bang for our buck. That, to me, is what health care reform is going to look like in the years to come. It's going to be an ongoing effort trying to determine what is working and what isn't. The CLASS Act, clearly, the way it was structured, was something that wasn't going to work.

So I agree with the resolution today that we should repeal it. It's the same conclusion the administration, having a chance to look at it, reached themselves. But it doesn't leave us off the hook of trying to find a solution to one of the great challenges of long-term health care in this country.

So I would encourage my Republican colleagues—and I know many of them share this sentiment, that this does not end the work that has to go on. We've got to figure out a way to start talking to each other, listening, trusting each other to come up with some solutions. This isn't that solution today.

Mr. BOUSTANY. Madam Chair, I yield 2 minutes to the gentleman from California (Mr. HERGER), the distinguished chairman of the Health Subcommittee on the House Ways and Means Committee.

Mr. HERGER. Madam Chair, I rise in strong support of H.R. 1173, the Fiscal Responsibility and Retirement Security Act.

It's now clear that long before the Democrats' health care overhaul was passed, the Obama administration knew that the CLASS Act was a seriously flawed program that could not be implemented. For example, Medicare actuary Rick Foster said way back in June of 2009: "Thirty-six years of actu-

arial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue."

Yet these warnings went unheeded and the CLASS Act remained in the health care bill 9 months later because it created an illusion of budget savings, an illusion based entirely on the fact that it was designed to collect premiums for a full 5 years before it would have to start paying benefits. Yesterday the Congressional Budget Office estimated that the cost of Federal health care entitlement programs will more than double over the next decade.

Madam Chairman, for the sake of our Nation's future, we must get these costs under control. The CLASS Act is an unsustainable program that, if it ever begins operating, would inevitably need a major taxpayer bailout. By repealing it today, Congress can send a clear message that we are going to start finding solutions to rising health care costs instead of making the problem worse.

Mr. STARK. I reserve the balance of my time.

Mr. BOUSTANY. Madam Chair, may I ask how much time remains?

The Acting CHAIR. The gentleman from Louisiana has  $3\frac{1}{2}$  minutes remaining, and the gentleman from California has  $5\frac{1}{2}$  minutes remaining.

Mr. BOUSTANY. I yield 1½ minutes to the gentlewoman from Kansas (Ms. Jenkins), a member of the House Ways and Means Committee.

□ 1530

Ms. JENKINS. I thank the gentleman for yielding.

There aren't many areas where the former Kansas Governor and current Secretary of Health and Human Services, Kathleen Sebelius, and I agree, but one thing that we do agree on is that the CLASS Act portion of the President's health care package is completely unviable and needs to be stopped.

That's why I was glad to hear the Secretary backtrack on her prior support and pull the plug on the program, and it's why I support a statutory repeal of the CLASS Act today. This act was designed as a new national entitlement for purchasing community-living assistance services, and it was used by this administration as a pay for to substantiate their faulty claim that ObamaCare was going to reduce the deficit.

However, as I and many others pointed out at the time, the deficit reduction claim was bogus and based on budget gimmicks that proved false when HHS began implementation. You see, the CBO can only project the cost of bills in a 10-year budget window, so the Obama administration used a budget trick by setting up the CLASS Act to begin collecting premiums in 2012 but not paying out benefits until 2017.

Great for years 1 through 10, but very bad for years 5 through 15 or later.

This gimmick led CBO to report that the program would reduce the deficit, but it certainly doesn't take a CPA to realize that these initial savings can't be sustained over time. While we anxiously await the Supreme Court's decision on the constitutionality of ObamaCare's individual mandate, I urge my colleagues to support the repeal of this failed portion of the bill today so we can get this budget gimmick off the government's books.

Mr. STARK. I reserve the balance of my time.

Mr. BOUSTANY. Madam Chair, I'm pleased to yield 1 minute to the gentle-woman from Tennessee (Mrs. Black), a member of the Ways and Means Committee.

Mrs. BLACK. I thank the gentleman for yielding.

Madam Chair, I rise today in support of my colleague from Louisiana's legislation repealing this unsustainable budget gimmick created to make the health care law look less expensive.

The CLASS Act was a long-term entitlement that was plagued with problems from the very beginning. From day one, concerns were raised about the CLASS program's unsustainable cost structure, and the administration ignored it.

I have a chart that was presented to us in our Ways and Means Committee in the markup of this bill, and from the very beginning there were six different occasions, and up until March 20 when it was passed, of experts who said this was unsustainable, and they've already been referenced by prior speakers.

Since that time of passage there were four others, including Secretary Sebelius in October of 2011, who also said: "I do not see a viable path forward for the CLASS implementation."

This program, again, has been unsustainable from the very beginning. I think what is so sad is we continue to put our head in the sand and make the American people believe that this program is somehow workable. This needs to be removed from our law so we can start again. This is a nonpartisan issue, and we all need to work together in a bipartisan way. As a nurse for over 40 years working with the elderly, I recognize the need for long-term care.

The Acting CHAIR. The gentleman from Louisiana has 1 minute remaining and the right to close. The gentleman from California has 5½ minutes remaining.

Mr. STARK. Madam Chair, in closing, I repeat that there are real problems in this country of much more urgency than trying to repeal a bill that doesn't do anything, that won't work, that the President has said won't be effective. I urge my colleagues to join me in voting "no" on this Republican agenda to tear down our health system. It's mugwumpish. It just sticks your

head in the sand and says let's repeal things and let's not go about fixing it.

As I said before, I'm sure Dr. BOU-STANY has a great bill, and I'm hoping that he'll bring it to us and we can proceed to deal with the problem of longterm care for our senior citizens.

I have seven children who would like to see that done very quickly and get me off their hands, thank you very much. And so anything we can do together, I look forward to working with the distinguished gentleman.

With that, I yield back the balance of

Mr. BOUSTANY. Madam Chair, I'm pleased to yield my remaining time to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

The Acting CHAIR. The gentleman from Minnesota is recognized for 1 minute.

Mr. PAULSEN, Madam Chairman, I also want to rise in strong support of repealing this misguided CLASS Act. We knew from the start that the CLASS Act was fiscally unsustainable. But the President and those who supported the new health care law used this and inserted it as a budget gimmick to help pass the law. This new program was an illusion, an illusion that was crafted so government would start collecting funds long before it would pay anything out, making it seem as if it would raise revenue and save money. But in the long run it was obvious and it was clear the program would have disastrous effects.

The CMS Chief Actuary himself said that if implemented, the program would collapse. And after months of failed attempts, even the administration has finally admitted that the program was unworkable.

Madam Chair, Minnesota families and small businesses are tired of the smoke and mirrors coming out of Washington. Let's do the right thing today and repeal this terrible program, and let's focus on what's really important: putting Americans back to work. I want to thank my colleague on the Ways and Means Committee from Louisiana. He's a doctor, he's a physician, he's a leader in health care. Let's do the right thing and repeal this legislation

Mr. STEARNS. Madam Chair, we need to repeal this bad legislation. As Chairman of the Oversight and Investigations Subcommittee, we looked into the CLASS Act and the actions of HHS. We issued a bicameral report on the failures of this fiscally reckless program.

Some Senate Democrats expressed that they "had grave concerns that the real effect of the [CLASS Act] would be to create a new federal entitlement with large, long-term spending increase that far exceed revenues."

Perhaps the most damning indictment came from the Senate Budget Chairman who characterized CLASS Act as "a ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of."

This legislation is so fiscally unsound that even the Secretary of HHS has announced that she does "not see a viable path forward for CLASS implementation at this time." This despite all her statements in support of CLASS when the Democrats were ramming Obamacare down our throat.

Under CBO rules, the CLASS failure will cost American taxpayers \$86 billion—the most recent CBO project of the supposed savings from the CLASS Act. However, if CLASS had gone into effect, it would have increased our deficit by the third decade.

We need to repeal this fiscally unsound entitlement. We need to stop wasteful spending. We need to bring our country back to the path of fiscal responsibility and repealing CLASS is an important first step.

Ms. JACKSON LEE of Texas. Madam Chair, I rise in opposition to H.R. 1173, "The Fiscal Responsibility and Retirement Security Act of 2011." This bill would repeal title VIII of the Patient Protection and Affordable Care Act and Supports, CLASS, Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information, clearing house. H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

The CLASS Act was designed to provide an affordable long-term care option for the 10 million Americans in need of long-term care now and the projected 15 million Americans that will need long-term care by 2020.

The CLASS program would allow the disabled to be treated with respect and class. Yet, once again, instead of focusing on creating jobs, instead of finding means to reduce our deficit, instead of addressing the most pressing needs of our nation today, my Republican colleagues have put forth a measure that targets the aging and the disabled. They are supporting a measure that literally lacks class. This measure is a blatant attempt to repeal the Affordable Health Care Act one title at a time

Like many Members of this body, I am disappointed that the Department of Health and Human Services, DHHS, has not been able to implement the CLASS provision of the Affordable Health Care Act. Although the CLASS program is not perfect, I cannot in good conscience support repealing it at a time when we have no viable alternative for affordable long-term care.

We have a growing aging population some of whom will require long-term care. CLASS provides the aging and the disabled with a solution that is self-sustaining, at no cost to tax payers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly, Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

With each generation, Americans have been fortunate to live longer lives; we continue to plan on how to meet the needs of the aging and the disabled. It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care. Estimates suggest that in the upcoming years the

number of disabled elderly who cannot perform basic activities of daily living without assistance may be double today's level.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

In 2000, spending from public and private sources associated on long-term care amounted to an estimated \$137 billion, for persons of all ages. By 2005, this number has risen to \$206.6 billion.

Unless we act now, the costs associated with long-term care will continue to rise. As it stands, families are bearing the brunt of these costs. Less than a decade ago those who needed long-term care spent nearly \$37.4 billion in out-of-pocket expenses. This is not sustainable for the majority of families; less than a decade ago we were not recovering from a recession.

The issue before us today is how we intend to treat our aging and disabled at a time when they are in need of assistance that will have a direct impact on their quality of life.

CLASS comes into effect when a person is at his most vulnerable. For example, when individuals are unable to clothe or bathe themselves. CLASS would allow some individuals to remain in their home. It gives the aging, the disabled and their families a viable option. Long-term care encompasses a wide range of services for people who need regular assistance because of chronic illness or physical or mental disabilities.

Although long-term care might include some skilled nursing care it consists primarily of help with basic activities of daily living, such as bathing, eating, and dressing, and with tasks necessary for independent living such as shopping, cooking, and housework, in essence helping people who need help.

Traditionally, most long-term care is provided informally by family members and friends. Some people with disabilities receive assistance at home from paid helpers, including skilled nurses and home care aides. Nursing homes are increasingly viewed as a last resort for people who are too disabled to live in the community, due to a number of factors, cost being one.

Madam Chair, I believe that we must leave the framework that exists in place and work with seniors, families, industry, HHS and others to find a way to make the CLASS Act or an alternative long-term care program work. We cannot and we must not allow Medicaid to continue to be the only affordable long-term care service available to Americans. American families should not have to spend down their savings or assets to access long-term care. We must not forget that this is an issue we must address. As of January 1, 2011, baby boomers will begin to celebrate their 65th birthdays for that day on 10,000 people will turn 65 every day and this will continue for the next 20 years

My career in Congress has been dedicated to expanding access to affordable, quality health care for the residents of the state of Texas, Houstonians, and all Americans, and the CLASS Act furthers that goal. It is clear that the CLASS Act is not perfect, and almost no piece of legislation can ever be, but that's

why we rely on the professionals in federal agencies to work on implementation of the law.

I strongly believe that we can find a way to make this program work and I hope my colleagues on the other side of the aisle will work with me to ensure that affordable long-term care is available for anyone who needs it.

American families spend almost twice as much on health care through premiums, paycheck deductions, and out-of-pocket expenses as families in any other countries. In exchange, we receive quality specialty care in many areas that is the envy of many. Yet, they do not receive significantly better care than countries that spend far less.

Considering the amount that we spend on health care, it is surprising that Americans do not live as long as people in Canada, Japan, and most of Western Europe. Our health care system was in need of an overhaul. The landmark bill signed by President Obama in 2010 is designed to provide coverage to millions of people who currently lack it.

Under the Affordable Health Care law more than 32 million additional Americans are expected to get insurance, either through an extension of Medicaid or through exchanges where low and moderate income individuals and families will be able to purchase private insurance with federal subsidies.

A key part of the new health law also encourages the development of "accountable care organizations" that would allow doctors to team up with each other and with hospitals, in new ways, to provide medical services. There are dozens of good provisions in the Act that will ultimately benefit the public, if they are not repealed one title at a time. The CLASS Act is a good provision too—I stand by that notion—but just improperly designed.

At this stage, any change is difficult and change especially during a recession is extremely difficult. It is not possible to change a system as large and as hugely flawed, as ours without some disruptions. We are using fresh thinking and innovation to make sure everyone benefits—our citizens, our health care providers, small businesses, large corporations. It hink the public is starting to slowly accept it. Over the course of several years and as more beneficial provisions take effect, this law will be more accepted, popular and possibly expanded.

Unfortunately, some in this Congress seems intent on not just undoing the CLASS Act, but the entire Affordable Health Care law. Everyone should have equal access to affordable health care and affordable health care service. Repealing a program that is intended to assist the aging and the disabled is not where this Congress should be spending its energy. We should be focused on legislation, like the one I proposed that would reduce the deficit, boast our nation's energy production, and create jobs. It appears as though my Republican colleagues seem more focused on putting forth bills that would cut taxes, cut services to the aging and disabled, and cut discretionary spending. Our priority should be to focus on legislation that will create jobs.

Mr. VAN HOLLEN. Madam Chair, H.R. 1173 exemplifies the GOP agenda in the 112th Congress: to reject constructive Democratic ideas, and fail to introduce any practical solutions to our nation's problems.

I think we are all in agreement that the Community Living Assistance Services and Supports, CLASS, Program-in its current form—needs work. However, simply repealing it conveniently ignores that we have a longterm care crisis in this country. Private longterm care insurance is too costly for most Americans and the alternative, spending down their assets in order to qualify for Medicaid, is financially devastating. Medicaid now accounts for nearly half of all long-term care spending, and as the nation's baby boomers age, federal and state budgets will face further strain. The CLASS program is intended to lessen the burden, providing working families a national, voluntary, and premium-financed insurance program that enables them to responsibly plan for long-term care.

Secretary Sebelius made the right decision to delay implementation of program because, under existing parameters, it could not be done in a financially solvent way. The Congressional Budget Office, CBO, estimated that the program would run surpluses through approximately 2029 but would begin adding to the budget deficit after that. We need to fix that. But let's try to mend it, not end it. Let's exhaust all of our options, confer with experts and beneficiaries, and see if we can find a viable path forward for the CLASS program. We must make every effort to make it solvent before we leave seniors and disabled individuals to the status quo for the foreseeable future.

Mr. CONNOLLY of Virginia. Madam Chair, we are not prepared, either as families or as a society, to pay for the long-term care supports and services most of us will need before we die.

Today 10 million Americans require some level of long-term assisted care, and that number is on pace to triple as the Baby Boom generation ages. Annual costs top more than \$200 billion, and that doesn't count the time and energy of family caregivers. The growing demand and costs for long term care cannot be ignored, yet that is precisely what this legislation does.

Not only does this legislation repeal the voluntary, self-supporting long-term care insurance program created by the Affordable Care Act, but it also repeals funding for the national clearinghouse of information on long-term care services that helps seniors, their families and caregivers navigate the maze of options.

HHS said it could not implement the CLASS Act as written. It did not say such a program should not be implemented at all. In fact, HHS said that 15 million Americans will require some form of long-term care in 2020, yet fewer than 3 percent will have long-term insurance coverage. It went on to say that allowing that to persist will only increase the burden on taxpayers at a time when we're working to reduce such federal health care costs.

Madam Chair, this is nothing more than an ideologically-driven attempt to undermine the President's signature initiative and score political points at the expense of our seniors. I urge my colleagues to reject this bill, so we can pursue a workable solution to this mounting challenge that threatens the safety and security of our seniors and our economy.

Mr. HOLT. Madam Chair, I rise today in opposition to the so called "Fiscal Responsibility and Retirement Security Act of 2011", H.R. 1173.

H.R. 1173 would repeal the Community Living Assistance Services and Supports (CLASS) Act, which was included in health reform

The CLASS Act would make it easier for people to save for long-term care services. This program would give working adults the opportunity to plan for long-term care needs by providing cash benefits that can be used to purchase non-medical services and supports like home health care. The Congressional Budget Office estimates that the CLASS Act would reduce the federal deficit and Medicaid spending.

Our nation is facing a long-term care crisis and repealing the CLASS Act does not help. Over ninety percent of Americans do not have long-term health insurance coverage. This crisis becomes more serious over the next two decades, when the number of Americans 65 and older will be 71 million—making up around 20 percent of the U.S. population. Long-term care is expensive: nursing homes can costs over \$70,000 a year and home health care costs hundreds of dollars a day.

Instead of debating how to help Americans pay for long-term care, we are spending our time repealing the only program that is trying to help.

I oppose H.R. 1173 and urge my colleagues to vote no on this piece of legislation.

Mr. DINGELL. Madam Chair, I rise today in opposition of H.R. 1173. This bill is yet another in a long list of efforts by the Republicans to dismantle and repeal the Affordable Care Act piece by piece. Despite the fact that my colleagues on the other side of the aisle st in Committee hearing rooms and profess to support addressing our long term care crisis, one of their first pieces of legislation on the floor this session is a bill that will repeal one option to address this crisis.

H.R. 1173 does nothing to protect the security of our country's retirees. Repealing the CLASS Act does not protect the 70 percent of today's 65 year olds who will need some sort of health or personal care in the future. Nor does repealing the CLASS Act do anything for the 40 percent of long term care users between the ages of 18–64.

While I recognize that the CLASS Act is not fiscally feasible in its current form, I also recognize that a lack of a long term care initiative is not financially feasible for Americans. The average cost of a nursing home is currently a staggering \$78,000 per year while in-home long term care averages \$21,600 per year. We must continue to try and solve the problem of our nation's lack of adequate long term care options, and I call on my Republican friends to come to the table and work with us to do so.

Instead of wasting valuable floor time, my Republican friends should take this opportunity to work with Democrats as well as the Department of Health and Human Services to find a solution to this critical issue. We all must continue to champion the effort to create a safe and secure future for our nation's citizens.

It is my concern that if the CLASS Act is repealed, the impetus to implement a crucial long term care act will fall by the wayside. If my friends across the aisle wish to repeal this provision, it is vital they work expeditiously to implement a substitute for CLASS.

In 2008, 21 million Americans utilized some form of long term care. That number is only going to continue to increase, and it is our duty to protect the quality of life of our fellow Americans. I urge my colleagues to vote against H.R. 1173 until we have a viable long term care program to replace the CLASS Act.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I rise today in opposition of H.R. 1173, legislation to repeal the Community Living Assistance Services and Supports program. America has a long-term care crisis, and it is only getting worse. Currently, there are over 10 million Americans who require long-term care, and this number is expected to grow to 15 million by 2020.

Long-term care places a huge burden on family budgets. CLASS makes long-term care more affordable and accessible by providing a national, voluntary, self-sustaining insurance program for the purchase of long-term care services and supports.

While CLASS may need to be tweaked, it should not be repealed without the existence of a viable alternative. Rather than repeal this bill today, Republicans and Democrats need to work together to identify ways to strengthen CLASS so that it becomes a sustainable long-term care program. Our nation's seniors are counting on us, and we must not let them down.

As our population ages, the need for long-term care services will only grow. Repealing the CLASS Act, without providing a viable alternative, will result in millions of seniors exhausting their retirement savings and personal assets. I cannot support H.R. 1173, as it undermines the personal dignity of our seniors.

Mr. GOODLATTE. Madam Chair, today I rise in strong support of the Fiscal Responsibility and Retirement Security Act. This important legislation repeals the failed government-run long-term care insurance program, known as the CLASS Act, which was included in the President's Health Care Law, PPACA.

Nearly two years ago, with total disregard for the will of the American people, Congress passed and President Obama signed the health care reform overhaul into law. This law, which I voted against, is defined by federal regulations, mandates, a myriad of new big government programs, and a significant increase in federal spending and debt at a cost to our country too high to bear.

The CLASS program is a prime example of the inherent problems with this new law. In fact, the Obama Administration announced in October that they would halt implementation of the CLASS program, recognizing that the program was unsustainable despite claims that it would save as much as \$80 billion over 10 years.

Today the House has an opportunity to pass the Fiscal Responsibility and Retirement Security Act, which is an important piece to dismantling the President's Health Care Law and allows Congress to consider new long-term care reform proposals that work for the American people without busting the federal budget.

Madam Chair, I intend to continue working to repeal and defund the new health care law that kills jobs, raises taxes, threatens seniors' access to care, will cause millions of people to lose the coverage they have and like, and increases the cost of health care coverage.

While we can all agree that our current health care system needs to be reformed, the new health care law was not the right way to do it. Instead we must focus on a positive, patient-centered strategy that puts patients, families and doctors, not Washington bureaucrats, in control of personal health care decisions.

Ms. WASSERMAN SCHULTZ. Madam Chair, I rise today in firm opposition to this legislation that would repeal the Community Living Assistance Services and Supports Act, the CLASS Act.

As part of the Affordable Care Act, the CLASS Act is our nation's first real attempt to provide voluntary, fiscally-responsible, long-term care for the more than 70 percent of Americans who will need such support at some point in their lifetimes.

As the Representative to thousands of seniors in Florida's 20th district, I know too well how hard our families strive to plan and pay for the long term care services that most of them so desperately need.

By repealing the CLASS Act, this Congress abandons millions of middle class seniors, Americans with disabilities, and all families struggling to provide long term care for loved ones.

Of course, we are willing to admit that this program isn't perfect. But that is no excuse for the Republicans' "repeal and abandon" approach to legislation—and our nation's seniors

Rather than pull the rug out from under our seniors and loved ones—I urge my colleagues to work to fix this vital program.

Mr. PAYNE. Madam Chair, I rise today in opposition to H.R. 1173. While my Republican colleagues see H.R. 1173 as a solution to the Department of Health and Human Services' letter to Congress about the CLASS Act, I strongly contend that repeal is not the answer. According to the Department's announcement, there is no viable way forward to implement the CLASS Act at this time but families impacted by accidents and illnesses are also without a viable way forward to meet longterm care needs. The cost of long-term care can be extremely taxing. In 2010, the privatepay rate for a semiprivate room in a nursing home averaged \$205 per day, or about \$75,000 per year. In comparison, the median total household income for elderly Social Security beneficiaries in 2008 was \$20,000 per year. The CLASS Act was established as part of the Affordable Care Act in response to the growing number of citizens with long-term health care needs and the repeal of this act would only impose enormous financial, emotional and physical burdens on these citizens. This is an issue that affects every American family. No one regardless of class, race or creed is exempt from a potential accident or illness requiring long-term care. It is estimated that 15 million Americans will need some kind of long-term care by 2020, but fewer than three percent have a long-term care policy. We should not abandon this effort, rather Congress should come together to find a sustainable solution to address this challenge.

Ms. RICHARDSON. Madam Chair, I rise in strong opposition to H.R. 1173, a bill that would repeal the Community Living Assistance Services and Supports program (CLASS). Instead of repealing the CLASS Act and leaving

millions of Americans in need of long-term care with the status quo, Congress should be working together to improve the program.

Madam Chair, the CLASS program was designed to provide Americans with a voluntary long-term care insurance program that would make long-term care more affordable and accessible. Statistics show that there are currently over 10 million Americans in need of long-term care; by 2020, that number is expected to grow to 15 million. We have an obligation to ensure that those in need of longterm care have affordable options available to them.

The United States is facing a long-term care crisis. With the Nation's baby boomers nearing retirement, we can expect to see the number of seniors in need of long-term continue to rise in the coming years. Due to the high costs of obtaining long-term support services, it is estimated that there are 52 million unpaid caregivers-mostly relatives of those in need-providing long-term care in the home.

In my district, there are over 115,000 seniors and 12,557 residents collecting Social Security disability insurance-most of whom will most likely need long-term care services at some point in their lifetime. In addition, there are 85,444 of my constituents who are nearing retirement age and would benefit from the peace of mind of having insurance coverage for long-term care.

Each year, families pay more than \$50 billion out-of-pocket to provide long-term support services to loved ones. Many of these families are already hard-pressed financially, but do not have any other options available to them. Working to fix the CLASS program will provide working adults a national, voluntary, and premium-financed insurance program for the purchase of long-term care services and supports. Instead of working to fix the CLASS Act, the Republican majority is trying to repeal this important program in its entirety.

Madam Chair, it is estimated that about 70 percent of people over 65 will require lonaterm care services at some point during their lifetime. Medicare covers only minimal longterm care services such as short-term skilled nursing care and limited home health services.

Medicaid now accounts for nearly 50 percent of all long-term care spending nationwide. Unfortunately, Americans wishing to utilize Medicaid for long-term care services must impoverish themselves in order to qualify. In many cases, families are left with no choice but Medicaid after they are forced to spend down their income and assets to pay for costly long-term care services.

Insurance policies in the private market which cover long-term care services are often too expensive for most Americans, and currently pay for only about 7 percent of spending on long-term care. Approximately only nine percent of Americans aged 50 or older have private insurance policies that cover long-term care services. The CLASS Act seeks to address the lack of available coverage by making long-term care services more accessible and affordable for working families.

The CLASS Act provides a framework with which to build a viable long-term care program. Repealing this much needed program brings us back to square one in our effort to provide working families with a national insurtheir long-term care needs.

Madam Chair, this is just another GOP attempt to dismantle the Affordable Care Act one piece at a time. The American people deserve better and Congress needs to work together to ensure that Americans of all income levels have access to long-term care services in the event that they become necessary.

Madam Chair. I urge my colleagues to vote against passage of this misguided legislation that simply ignores the need to address our Nation's long-term care crisis.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5minute rule for a period not to exceed 3 hours.

The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

# H.R. 1173

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

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility and Retirement Security Act of 2011"

# SEC. 2. REPEAL OF CLASS PROGRAM.

(a) REPEAL.—Title XXXII of the Public Health Service Act (42 U.S.C. 300ll et seq.; relating to the CLASS program) is repealed.

(b) Conforming Changes.—

(1)(A) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

- (B) The table of contents contained in section 1(b) of such Act is amended by striking the items relating to title VIII.
- (2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended-
- (A) by striking paragraphs (81) and (82);
- (B) in paragraph (80), by inserting "and" at the end: and
- (C) by redesignating paragraph (83) as paragraph (81).
- (3) Section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) is amended-(A) in paragraph (2)(A)(iv)—
- (i) by inserting "not" before "include"; and (ii) by striking "and information" and inserting "or information"; and
  - (B) in paragraph (3)—
- (i) in the heading, by striking "APPROPRIA-TION" and inserting "FUNDING";
- (ii) by striking "2015" and inserting "2012":

(iii) by adding at the end the following new sentence: "There is authorized to be appropriated to carry out this subsection \$3,000,000 for each of fiscal years 2013 through 2015.".

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the Congressional Record designated for that purpose in a daily issue dated January 31, 2012, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received

ance program that enables them to plan for may be offered only by the Member who causes it to be printed or a designee and shall be considered read if printed.

Are there any amendments to the bill?

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as fol-

Page 5, after line 19, add the following:

SEC. 3. STUDY ON THE IMPACT OF NOT HAVING LONG-TERM CARE INSURANCE ON THE FEDERAL, STATE, AND LOCAL GOVERNMENTS.

- (a) STUDIES.—Section 2 shall not take effect until-
- (1) the Director of the Congressional Budget Office completes a macroeconomic study and submits a report to the Congress on the impact on the Federal, State, and local governments of not having long-term care insurance; and
- (2) the Secretary of Health and Human Services completes a study and submits a report to the Congress on the best practices necessary to have a viable, financially secure, and solvent long-term care insurance program.
- (b) EXCEPTION.—Notwithstanding section (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Chair, first of all, let me say that I was on the floor yesterday regarding the CLASS Act and my approach to the CLASS Act. And I recognize that we have had some difficulty with putting together the right balance, the right financial structure for a very large program. But it does not mean that it does not have purpose.

The CLASS program deals with longterm care. In my readings I've determined that private families and loved ones have given in essence \$450 billion in private care, meaning that they have taken care of their loved ones on their own; \$101 billion has been spent by the Medicaid program. And I said yesterday that I've had the experience of taking care of a dear mother who I lost in 2010, and right now an aunt who I am taking care of in 2012. And I've seen a number of friends and others who need long-term care. And so the idea of disposing of it to me seems incomplete, without projecting back to Health and Human Services how can we get this done.

My amendment would not repeal the CLASS Act until the completion of a macroeconomic study.

# □ 1540

We must determine the cost of not having long-term care insurance on the Federal, State and local governments before we repeal any programs like CLASS that are self-sustaining. CLASS is not taxpayer funded. The lack of affordable care is a very serious problem

which, if not addressed, will only add to our growing national debt. H.R. 1173 would repeal the CLASS Act in its totality, and I believe that that is the wrong direction to go. And so I would be offering my amendment to help 26 million Americans who need long-term care services in the near future.

The CLASS Act is a positive intent, and it deals with the fact that we all must have balance of burden and benefit. We have to recognize that there are those whom we have to help. My amendment would ask for that study to be engaged and to ask for the Secretary to come back with an analysis of how devastating the impact would be and how high the deficit would grow. As the former executive director for the National Governors Association noted, failure to reform the underfunded, uncoordinated patchwork of long-term care supports and services is a failure to truly reforming health care.

Long-term care is not just for the elderly. It's for those who have had catastrophic illnesses, maybe the injured football player or the injured skier or a major accident when our loved ones need our attention. And, oh, how much can be done with long-term care. How do I know it? My mother went into a nursing home and could not walk—but she walked out.

Yes, there is value to helping people restore their lives. And baby boomers are already turning 65; 10,000 people will turn 65 every day as of January 1, 2011, over the next 25 years. And I'm grateful that because of health care and the Affordable Care Act, they will be living longer. Therefore, I'm asking that we not throw the baby out with the bath water. Allow the Secretary to do this study and to do this study that will be helpful to all of us. By 2050, the number of individuals using long-term care will increase.

I would like to reserve the balance of my time.

The Acting CHAIR. The gentlewoman may not reserve the balance of her time.

Ms. JACKSON LEE of Texas. Let me just say, Madam Chair, to my disappointment, I wanted to reserve to engage with my friend. But let me just say this: that care involves home residential care, skilled-nursing facilities, and it will likely double from the 10 million services in 2000 to, as I said earlier, 26 million people.

So it makes sense to accept my amendment that would allow this macroeconomic study to look closely at the benefit and the burden of not having long-term care. I can assure you that we will be better informed to be able to have those instructions, and I would ask my colleagues to support this amendment.

Madam Chair, I rise today in support of my amendment #2, to H.R. 1173, "The Fiscal Responsibility and Retirement Security Act of

2011." My amendment would delay the repeal of the CLASS program until the completion of a macroeconomic study. We must determine the costs of not having long-term care insurance on the federal, state, and local governments before we repeal programs, like CLASS, that are self sustaining. CLASS is not tax payer funded! The lack of affordable care is a very serious problem which, if not addressed, will only add to our growing national debt

H.R. 1173 would repeal Title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

I ask my colleagues to ensure that the 26 million Americans, who will need long term care services in the near future, will be able to purchase this care at reasonable prices.

The CLASS Act is a noble and notable attempt to legislate this issue but when the Administration realized that the legislation did not do what we thought it would they came forth and did the right thing and deemed it to be unsustainable.

Policy won out over politics because it would be easy to obfuscate and forge ahead with implementation even in the face of an obviously problematic bill. This indeed was a bold act of integrity for the Department of Health and Human Services.

The inclusion of the long term care infrastructure (CLASS) in health care reform was a signature issue for one of the foremost advocates in this bicameral body, the late Senator Ted Kennedy who worked tirelessly to achieve its enactment.

As Raymond Scheppach, former Executive Director for National Governors' Association noted, "failure to reform the under-funded, uncoordinated patchwork of long-term care supports and services is a failure to truly reforming health care." This failure defines the revolving door of our health care system.

An estimated 10 million Americans currently need long term care services, and that number is projected to reach 26 million by 2050. Nearly half of all funding for these services is now provided through Medicaid, which is an ever-growing and inexorable burden on states and requires individuals to "spend down" or, become and stay poor to receive the help they need.

This spend-down activity runs contrary to the American notion of putting something away for a rainy day, or to allow for passing on to your heirs so that they can see a better day than you.

Éstimates suggest that in the upcoming years the number of disabled elderly who cannot perform basic activities of daily living without assistance may double today's level. CLASS provides the aging and the disabled with a solution that is self sustaining, at no cost to tax payers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly,

Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

Baby boomers are already turning 65. As of January 1, 2011, 10,000 people will turn 65 every day and this will continue for the next 20 years. It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care.

In addition, individuals 85 years and older are one of the fastest growing segments of the population. In 2005, there are an estimated 5 million people 85+ in the United States; this figure is expected to increase to 19.4 million by 2050. This means that there could be an increase from 1.6 million to 6.2 million people age 85 or over with severe or moderate memory impairment in 2050.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

An estimated 10 million Americans needed long-term care in 2000. Most but not all persons in need of long-term care are elderly. Approximately 63% are persons aged 65 and older (6.3 million); the remaining 37% are 64 years of age and younger (3.7 million).

The lifetime probability of becoming disabled in at least two activities of daily living or of being cognitively impaired is 68% for people age 65 and older.

By 2050, the number of individuals using paid long-term care services in any setting (e.g., at home, residential care such as assisted living, or skilled nursing facilities) will likely double from the 10 million using services in 2000, to 26 million people. This estimate is influenced by growth in the population of older people in need of care.

Of the older population with long-term care needs in the community, about 30% (1.5 million persons) have substantial long-term care needs—three or more activities of daily living limitations. Of these, about 25% are 85 and older and 70% report they are in fair to poor health. 40% of the older population with long-term care needs are poor or near poor (with incomes below 150% of the federal poverty level).

Between 1984 and 1994, the number of older persons receiving long-term care remained about the same at 5.5 million people, while the prevalence of long-term care use declined from 19.7% to 16.7% of the 65+ population. In comparison, 2.1%, or over 3.3 million, of the population aged 18–64 received long-term care in the community in 1994.

Mr. PITTS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Chair, again, this amendment continues to ignore the reality around the CLASS program.

The CLASS program has been reviewed by outside analysts, by the HHS actuary and the Congressional Budget Office; and just last year the Obama administration finally admitted what so many already knew, the CLASS program is not workable. In fact, the Congressional Budget Office has certified

that not a single person would ever receive benefits from the CLASS program. Any effort to preserve a failed program on the books simply delays any real attempt to ensure every American has access to affordable long-term care coverage.

From the start, the CLASS program was a Big Government idea that independent analysts believed was flawed and unworkable. The American Academy of Actuaries, the Congressional Budget Office and even officials at the Department of Health and Human Services run by Secretary Sebelius had grave concerns about the workability of this program. It has been studied. It does not work. If you would have done this study before you passed it, we would not have wasted millions of taxpayer dollars on a program that was doomed from the start. Perhaps we should visit what the failed implementation of the CLASS program has done, rather than spend millions on a study of what its removal would do.

I begin by reminding my colleagues that the CLASS program has done nothing to help reduce Federal or State spending. In fact, the Department spent at least \$5 million to implement a failed program and an \$80 billion hole in the Federal budget. I would also remind my colleague that the CLASS program has done nothing for consumers who are left with a failed program that was overpromised to the public as part of the President's monstrous health care law.

We must move to take the CLASS program off the books so that we can move forward with solutions that work with the private market that are affordable for consumers and don't place additional strain on the Federal and State budgets.

Mr. PALLONE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman. Madam Chair, first of all, I want to make sure that my amendment is amendment No. 2 to H.R. 1173, and I have another amendment which is amendment No. 1.

But I do want to respond to the gentleman and just indicate that best practices have not been assessed. The point of my amendment is to get us focusing on what the numbers need to be to increase the viability of life and care for those needing long-term care, juxtaposed against the enormous debt and deficit that will occur if no one has long-term care or we continue to have to utilize Medicaid, which is at \$101 billion, private insurance is only at \$14.5 billion, and then the burden on family members, aging family members, their care. They have put in their pound of support at \$450 billion. We can at least pay attention to new numbers by asking for best practices to be assessed.

I believe if we do that, we will have the opportunity to do the right thing by the American people; and we will be, in essence, being productive. No one can deny the fact that having insurance that has people being eliminated from insurance for preexisting conditions is not good. No one can say that having children on your insurance to 26 is not good. No one can say that not being kicked out of a hospital bed because you have flat-lined on your insurance is not good. It is good.

We recognize that coming together in a bipartisan manner, we can, in fact, make this right, and we can find a way to help those families right now. Alzheimer's, where families are taking care of that loved one, they need support; and they need it in a structure that can help provide them with resources for long-term care.

I ask my colleagues to support a thoughtful amendment that deals with providing additional information. I thank the gentleman for his time. I ask my colleagues to support the Jackson Lee No. 2 amendment on a macroeconomic study on the benefits and burdens of repealing the CLASS Act.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

# SEC. 3. ENSURING MARKET PENETRATION FOR PRIVATE LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Section 2 shall not take effect until such date as the Secretary of Health and Human Services certifies to the Congress that at least 60 percent of individuals in the United States who are 25 years of age or older have private long-term care insurance.

(b) EXCEPTION.—Notwithstanding subsection (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Chair, I rise with great concern about H.R. 1173. And, again, I want to make it very clear that in all the course of traveling throughout my district when the Affordable Care Act was passed in

2010, there was a great deal of emotion and celebration. I take, for example, those senior citizens who were continuously falling through the hole on Medicare part D. This particular legislation helped close the doughnut hole where seniors' prescription drugs did not skyrocket, so they would not have to make a decision among their drug prescriptions or their rent or what they ate

#### □ 1550

This amendment is very clear. It simply states Congress resolves that health care is necessary for a healthy population, humane treatment of impoverished citizens, and to help reduce the budget deficit, and that long-term care insurance represents one-third of Federal and State spending on Medicaid. It's a simple statement of fact, Madam Chairwoman, and I would ask that this simple statement of fact be added to this legislation. I think it will be a positive statement. It will give us the connectedness to say that we have got to get back to the drawing boards and make sure that we have, in fact, the right kind of insurance for people in need.

I can't imagine why we would want to abandon those who need long-term care. As I've indicated, it may be a young person who faces a catastrophic illness or accident; it may be a child suffering from a chronic disease: it may be some of our friends who suffer from issues dealing with mental health. In my own community, just recently, one of our major hospitals with mental health beds was closed down, 148 beds. Who knows what will happen to those patients, some of whom actually stayed in that facility for a period of time. We know we don't have enough mental health beds and beds for those who need long-term care, suffering from conditions dealing with their mental health.

My amendment is recognition of the fact that the issue of long-term care services is not going away. The enormous cost of not providing the rainy-day umbrella, the cushion for families and those who are suffering from devastating disease just cannot happen. It cannot be swept under the rug. The cost curb is steep and growing, and we cannot continue to kick the can down the road. Long-term care, again, is fundamental. And so, this particular legislation acknowledges that.

Forty percent of long-term care users today are between the ages of 18 and 64, as I said. While most people who need long-term care are in their seventies and eighties, as I said, many younger people are facing the horror of disability or a disability without any way of paying for it, without giving relief to their family members. Long-term care is expensive and can quickly wipe out hardworking families' savings, which gives many families a Hobson's

choice: spend down and wipe out years of hardworking services to qualify for Medicaid.

For those of you who don't know how Medicaid works, because we want to be responsible with Federal tax dollars, you have to be down to zero—your house has to be sold, your car has to be sold, any assets have to be sold, and everything you have goes back into the system.

Well, I know there are people who believe that they want to pay part of this burden, but there are others who understand that, in addition to paying, why should they be made completely indigent? Why can't that person remain in their home, even with care—which is another part of long-term care. It gives the opportunity for families to be together and for that individual who is injured to be able to be taken care of inside their home with a loving family but yet having the long-term care providers.

This is a simple statement. I hope my colleagues will not oppose the idea that long-term care is important and that we have to respond to it by way of ensuring that we don't grow the deficit. The average lifetime long-term care spending for a 65-year-old is \$47,000; 16 percent will spend \$100,000 and 5 percent will spend \$250,000.

There's no doubt that we need relief. Nationwide, the median annual cost of a nursing home in 2010 was \$75,000, room and board, in an assisted living facility. This is a crisis that will impact the debt; and, therefore, I would argue that repealing the CLASS Act without a positive statement, Madam Chair, of how important it is is tragic.

I ask my colleagues to support the Jackson Lee amendment. Stand up and be counted for the value of long-term care support here in America.

Madam Chair, I rise today in support of my amendment #1 to H.R. 1173, "The Fiscal Responsibility and Retirement Security Act of 2011." My amendment states, "Congress resolves that health care is necessary for a healthy population, humane treatment of impoverished citizens, and to help reduce the budget deficit; and that long-term care insurance represents one-third of federal and state spending on Medicaid."

H.R. 1173 would repeal Title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports. Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information.

My amendment is recognition of the fact that the issue of long-term care services is not going away. It cannot be swept under the rug. The cost-curve is steep and growing. We cannot continue to kick the can down the road: long-term care is fundamental.

As our nation's population ages, there is an increasingly urgent need to find effective ways to help Americans prepare for their individual long-term care needs. Almost seven out of ten people turning age 65 today will need some help with their activities of daily living at some point in their remaining years.

Forty percent of long-term care users today are between the ages of 18 and 64. While most people who need long-term care are in their 70s and 80s, many younger people, particularly those living with a significant disability, also may need assistance.

Long-term care is expensive, and can quickly wipe out hardworking families' savings, which gives many families a Hobson's choice: spend-down and wipe out years of hardearned savings to qualify for Medicaid.

While costs for nursing home care can vary widely, they average about \$6,500 a month, or anywhere from \$70,000 to \$80,000 a year. And these costs are only becoming more expensive.

People who receive long-term care at home spend an average of \$1,800 a month. The average lifetime long-term care spending for a 65 year old is \$47,000; 16 percent will spend \$100,000 and 5 percent will spend \$250,000. And many of these people have other expenses as well.

Nationwide, the median annual cost of a nursing home in 2010 was \$75,000; room and board in an assisted living facility, with no additional help, was \$37,500; an attendant that provides home care and no medical tasks, like the dispensing of medication, is paid approximately \$19 an hour.

These expenses are left to America's seniors and people with disabilities (and their adult children) to pay for out of pocket until their pockets are all but empty. As this body knows well, Medicare only covers short-term and limited long-term care services, and the Medicaid safety net is only available to those who have depleted virtually all of their resources as a result of being frail or suffering from dementia. Many people are left in dire situations and are truly at society's mercy.

Today, there are many Americans with disabilities who want to and are able to work and thereby maintain independence and contribute financially to their families. However, if they depend upon an attendant to drive them to their job or help them shop, use the toilet, or bathe, they must have enough additional financial resources to pay for such assistance, or have low enough incomes to qualify for Medicaid.

Long-term care insurance is the most popular of the private options available, but less than 3-percent of the American people have long-term care insurance, meaning there is a wide gap and acute lack of awareness. The CLASS Act sought to bridge this gap and has come up a little short. However we cannot, as a Congress, pretend the problem is going away.

My amendment recognizes that long-term care must be addressed as millions of baby boomers have already begun turning 65. The aging population and the disabled need viable options for their care. Taking away a program that is intended to meet the future needs of our aging is the wrong approach. We should be focused on ways to boost our economy,

providing increased access to affordable care to seniors, low income, and the disabled, and job creation. We should not be eliminating programs that aim to sustain our aging population.

Mr. PITTS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Chair, this amendment continues to ignore the reality. The CLASS program is simply not workable. Keeping the CLASS program and pretending that it will ever work does absolutely nothing and offers no help to millions of Americans who want to maintain their health. Any effort to preserve a failed program on the books simply delays any real attempt to ensure every American has access to affordable, long-term care coverage.

From the start, the CLASS program was a Big Government idea that independent analysts believed was flawed and unworkable. In fact, the Obama administration officials pointed out serious concerns with the CLASS program as early as the beginning of 2009. While those concerns went ignored by the administration until earlier this fall, now is not the time to stall its repeal.

Yesterday, Senator HARKIN told reporters that the only way to make CLASS work is to make it mandatory. Are the supporters of the CLASS Act really advocating another mandate? Keeping CLASS on the books is a step in that direction.

Keeping the CLASS program on the books also further threatens the private market and the nearly 8 million Americans who have private long-term care insurance today. You cannot have a functioning long-term care insurance market if there is a continued threat of a government takeover of that market.

We need long-term care reform that builds on what the private market provides, not destroys it. I hope that those on the other side of the aisle have the courage to admit their mistake, repeal this law, and begin to work on a real, workable long-term care policy.

I urge Members to oppose this amendment.

Madam Chairman, I yield back the balance of my time.

Mrs. BLACKBURN. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Madam Chairman, I oppose the amendment, and I stand here today in support of repealing the CLASS Act.

You know, it's been almost 2 years since we sought passage of the ObamaCare bill in this Chamber, and it is something that we have worked since taking the majority to repeal this and get it off the books; and, indeed, what we are seeing is a need to get this CLASS Act off the books.

Despite the Federal Government's best efforts, there is no way to show that this is going to save money. Indeed, in a budget gimmick, as we were discussing this bill in committee a couple of years ago, what they did was to come in and say, Oh, this will save \$80 billion. Oh, let's add title 8 to the bill, let's add sections 8001 and 8002 to this legislation, and let's create this little pool here where we're going to have near-term expenses that are supposed to yield us some long-term savings. The problem is all the new math you wanted to put to work on this, Madam Chair, there was no way to show that it was ever going to save money. And, indeed, Secretary Sebelius, who is the Health and Human Services Secretary, was forced to admit last October that there was no path forward for this pro-

So what we need to do is to say this was a mistake. It doesn't save money. It is not going to address a problem. It is something that needs to come off the books. It is a way we can step forward and we can take a program off the books. And I encourage my colleagues to support ending the CLASS Act, getting it off the books.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### □ 1600

AMENDMENT NO. 4 OFFERED BY MR. DEUTCH

Mr. DEUTCH. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as fol-

At the end of the bill, add the following new section:

#### SEC. 3. PREVENTING AN INCREASE IN MEDICAID SPENDING.

Section 2 (other than subsection (b)(3)(B) of such section) shall not take effect until 90 days after the date on which the Comptroller General of the United States certifies to Congress that failure to implement the CLASS program established under title XXXII of the Public Health Service Act will not increase State and Federal spending for long-term care under the Medicaid program under title XIX of the Social Security Act.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. DEUTCH. Madam Chair, although I regret that this Congress is considering the full repeal of a promising effort to address the looming have to admit I'm not surprised. This is the action of a Congress deserving of America's low opinion of us.

We know the facts. A vote against this amendment is a vote for increased Medicaid spending.

No one is immune from becoming disabled or growing old, yet just 10 percent of Americans over age 50 can afford long-term care insurance. As a result, a staggering 90 percent of Americans rely on long-term care provided by Medicaid. It is no wonder that over a third of Medicaid spending is on longterm care, not on checkups for impoverished children, not on prenatal care for poor, expectant mothers. No. it is the expensive, institutionalized longterm care funded by Medicaid.

The goals of the CLASS program represented an alternative to this system on which we all could have agreed, a fully solvent, affordable, premium-financed, long-term care program. It empersonal phasizes responsibility, lessens the burden on taxpayers, and reduces unnecessary Medicaid spend-

Sometimes, as things happen here, Congress passes imperfect legislation. But rather than address these imperfections, the legislation before this House today gives up on our grappling with this long-term care crisis altogether.

We've overcome challenges like this before. In the early 1980s, Social Security faced a crisis. So what happened? Did my Republican friends, concerned about having an imperfect law on the books, castigate what they called "RooseveltCare" and bring to the floor a two-page bill to revoke the Social Security Act? That's not, thankfully, what happened. What did happen was that Democrats and Republicans worked together, with President Reagan, and strengthened Social Security. As a result, Social Security continues to keep millions out of poverty. ensuring against the universal risk of old age, disability, or death of a breadwinner

The amendment I offer today would prevent repeal of the CLASS Act from taking place if failure to implement the CLASS program would increase State and Federal Medicaid spending.

Greater reliance on the safety net has led many to conclude that Medicaid has become unaffordable. Instead of cutting basic health care for our most vulnerable—the elderly, the disabled, poor children—we ought to reduce Medicaid spending. We ought to put more Americans back to work. We ought to make private health insurance more affordable.

There are many prescriptions for reducing Medicaid spending; but let's be clear, repeal of the CLASS Act and upholding our long-term care crisis is not among them. The Congressional Budget Office estimates that even the im-

long-term care crisis in our country, I perfect CLASS bill that passed would reduce Medicaid spending by at least \$2 billion.

> If more older Americans had access to affordable long-term care insurance, middle class seniors could secure a less costly, more independent lifestyle in their own homes instead of spending down into poverty to receive expensive, institutionalized care.

> What message is Congress sending by repealing CLASS? We are proclaiming the current system, that which incentivizes elder poverty and forces seniors to blow through their life savings, is just fine. Save nothing. Pass what you do have on to your children before you get sick. Own little property, and don't purchase long-term care insurance. Follow this plan and you'll be eligible for expensive, institutionalized care through Medicaid. If CLASS is repealed, it is exactly the children and grandchildren that my friends on the other side say they worry about who will pay the cost.

> A premium-financed long-term care program would shift people from reliance on Medicaid. This should be our shared goal. We ought to work together to fix a program that represents the first real path toward making affordable long-term care available to middle class families who want to secure themselves against possible poverty.

> I respectfully ask my colleagues to support this amendment, because reducing Medicaid spending while improving the lives of seniors and persons with disabilities is a conversation worthy of this office.

And with that, I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. YODER). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Mr. Chairman, this amendment would simply ignore the millions of dollars that have been spent by this administration to reach the same conclusion that so many unbiased analysts had said for years: The CLASS program is unworkable, causing a liability for the potential beneficiary and the taxpayers alike.

This amendment would promote reckless governing that maintains a failed program for further meddling. The CLASS program has done nothing to decrease Medicaid spending, and its inclusion in the Patient Protection and Affordable Care Act was a budget gimmick, a budget gimmick that will cost the American taxpayers \$80 billion over the next 10 years.

Alternative policies, such as the Long-Term Care Partnership Program, which was signed into law by President Bush, have decreased Medicaid spending and deterred Americans from making Medicaid their primary payer of long-term care services. That program alone has done more for Medicaid spending than CLASS ever will.

We can and should do more to decrease Medicaid spending and ensure Americans have the access they need to affordable long-term care coverage, but government intrusion into the market is not the way to go. However, we cannot move forward in thinking about better long-term care policies with this failed program hanging over us.

Yesterday, Senator Harkin made it clear that the problem with the CLASS program was that it was voluntary. A vote in favor of this amendment is a vote in favor of another mandate on the American people.

Enough is enough. We must get this failed program off the books so that we can move forward in establishing long-term care policies that work for the American taxpayers, not those that further bankrupt this country.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEUTCH. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. DEUTCH

Mr. DEUTCH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

#### SEC. 3. CLASS PROGRAM FLEXIBILITY.

- (a) IN GENERAL.—Subject to subsection (b), section 2 (other than subsection (b)(3)(B) of such section) shall not take effect until such date on which each of the following has been satisfied:
- (1) The Secretary of Health and Human Services submits to Congress a report including a determination made by the Secretary on whether or not the Secretary has the authority to implement the CLASS program under title XXXII of the Public Health Service Act and develop and implement the benefit plans described in subsection (c).
- (2) In the case the Secretary determines the Secretary does not have the authority described in paragraph (1), the Secretary includes in the report described in such paragraph recommendations for statutory changes needed, and a recommended list of statutory provisions that would need to be waived, to provide the Secretary with such authority.
- (3) In the case the Secretary determines the Secretary does not have the authority described in paragraph (1), not later than 90 days after the submission of such report and recommendations, Congress has considered and rejected such recommendations.
- (b) Exceptions.—
- (1) Section 2 (other than subsection (b)(3)(B) of such section) shall not take effect

if the Secretary of Health and Human Services determines under subsection (a)(1) that the Secretary has the authority described in such subsection and the Secretary develops the 3 benefit plans described in subsection (c)

(2) In the case the Secretary determines under subsection (a)(1) that the Secretary does not have the authority described in such subsection and Congress has not considered and rejected the recommendations described in subsection (a)(2) by the deadline described in subsection (a)(3), section 2 (other than subsection (b)(3)(B) of such section) shall not take effect and the Secretary shall have the authority to waive the provisions recommended by the Secretary to be waived under the report described in subsection (a)(2).

(c) ACTUARIALLY SOUND BENEFIT PLANS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall develop 3 actuarially sound benefit plans as alternatives for consideration for designation as the CLASS Independence Benefit Plan described in section 3203 of the Public Health Service Act that address adverse selection and have market appeal, regardless of whether such plans satisfy the requirements described in subsection (a)(1) of such section.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. DEUTCH. Mr. Chairman, this amendment reads, "The Secretary shall develop three actuarially sound benefit plans."

This amendment's small fix gives the administration the ability to implement a program that enjoys the support of two-thirds of all Americans, including, I should add, over half of Republicans. The stipulation for moving forward, however, is that CLASS is implemented on an actuarially sound basis.

The distinguished gentleman from Louisiana and author of the underlying bill has expressed some opposition to my amendment, suggesting that it will waive the solvency requirement. I respect the gentleman's work and service, but I regret that the claim is simply untrue.

This amendment gives the Secretary waiver authority only after three requirements are met. The plan must be actuarially sound, must address adverse selection, and must have market appeal.

The deliberate obfuscation of this amendment's intention is a textbook example of why American's are fed up with Washington. I would work with anyone in any party to protect the financial security of middle class and near-retirees. But when attempts to improve the existing law in a fiscally responsible way are treated in this manner, it is no wonder why we can't get things done.

The bill's proponents say, Trust us. We'll replace this. Unfortunately, over a year ago they said the same thing about the Affordable Care Act. Instead we had repeal and replace, minus the replace.

As we all know, the CLASS program, as drafted, is facing challenges of implementation. Critics have focused on fiscal sustainability. The good news is that there is a fiscally sustainable path forward. With greater flexibility, a program could be designed that addresses adverse selection and improves market appeal.

#### □ 1610

We must remember that even with implementation, CLASS would only be a start addressing a very serious long-term care crisis.

Looking back on our history would serve us well today. In the infancy of Social Security, Senator William H. King, a Democrat from Utah, supported the Clark amendment which would have undercut the Social Security program. He was concerned that Social Security would crowd out private pensions and conditioned his support of Social Security upon a guarantee that the Clark amendment would later be taken up.

When Congress returned, Senator King was asked about the amendment. He said, You can forget about the amendment. The passage of the Social Security Act has got everybody talking about pension plans. You can forget it forever.

Americans ought to be talking about long-term care. We should all be lucky enough to grow older. We should all be lucky enough to retire in south Florida.

However, no one is immune from the frailty of old age, and no one is exempt from disability.

I can't help but think of a very impressive man from south Florida, a good friend named Alan Brown, who, on January 2, 1988, at the age of 20, was hit by a strong wave at the beach that caused a catastrophic spinal cord injury that leaves him a quadriplegic to this day.

Mr. Brown has an endless list of expenses from his wheelchair and medication, to disability through accessible transportation, and long-term care. Even while holding two jobs, he struggles to support his family in the face of rising health care costs.

As lawmakers, it is our responsibility to remember that those who are young and healthy may not always remain so and act on the fact that long-term care is out of reach for the majority of Americans. Any one of us could experience an unpredictable accident like Mr. Brown. If that is not compelling enough, the inevitability of aging should be.

What message is this Congress sending when our response to the long-term care crisis is "just say no"? Why should Americans be thinking about long-term care if their leaders in Congress answer a complicated and systemic problem with a politically charged two-page bill?

If the Secretary were given the flexibility in my amendment, the CLASS program would remain the furthest thing from an entitlement, as it would remain fully financed by premiums. This fix to CLASS is true fiscal responsibility, an individual retirement security; and I respectfully urge my colleagues to support it.

Mr. GINGREY of Georgia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Chairman, the amendment No. 5, or Deutch 2, is an amendment essentially that the Secretary of Health and Human Services has already looked at, some of these provisions, in eight different ways in trying to come up with some possibility of certifying the fiscal solvency of this CLASS Act within the 75-year budget window, the out-years.

Thank goodness, Mr. Chairman, for the wisdom of Senator Judd Gregg on the Senate side when that amendment was accepted in the health committee. I don't know whether it was unanimously accepted by the Democrats, but I think it was. Again, the prescience and the wisdom of Senator Gregg is something the American people should be, and I think will be, eternally grateful for.

The Secretary looked at the possibility of saying that we'll make this fiscally solvent if we eliminate eligibility for anybody with a preexisting condition. Then they said, Well, no, that's not going to work. So let's say, how about a 15-year waiting period for someone with preexisting conditions. Finally, ultimately, looked at the possibility of yet again making this part of ObamaCare, the CLASS program, a mandatory participation. How has that worked out for them thus far in regard to the exchange in young people being forced, under the ruse of the Constitution, of the commerce clause, to do that under the penalty of law, increase taxes or penalties, or whatever they want to call it? Well, the Supreme Court will ultimately make that decision.

Mr. Chair, the Secretary had every opportunity to look at this. We are talking about, I say to the gentleman from Florida, over an 18-month period of time, and they absolutely could not certify it.

You can delay and delay and delay, but what part of "no" does the gentleman not understand? No, this will not work. This amendment is unnecessary. We know that this program will not work.

My colleagues on the other side of the aisle, they want to leave the provision in the bill. They want to let it stand there so they can somehow maybe with the next administration or with the next chairman of the Energy and Commerce Committee or whomever on their side of the aisle might want to resurrect Freddy Krueger one more time on the backs of the American taxpayer. This is a fiscal train wreck.

Mr. Chairman, the bill actually calls for the provision of a plan at a date certain, October of 2012. I'm an OB/GYN physician. That's less than 9 months. That goes quickly. I know that about 9 months.

When you get there, folks that are looking and counting on the CLASS program long-term care insurance, they want to sign up for it. And the Federal Government says, I know it's on the books, I know it's still part of the law. I know we are obligated to have a program for you to choose from by October 1, 2012; but we decided not to go forward with it. What's to prevent them from suing the Federal Government? While these lawsuits are pending and going on and on and onas an attorney jobs bill, it would have some merit. In the meantime, the private market for long-term care insurance, they are not innovative. They are not going to do anything until the legality of that is cleared up.

We feel very strongly that this would be a bad amendment, and I strongly opnose it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEUTCH. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Ms. MOORE. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Here we are again, ladies and gentlemen. The lights are up, the music is playing and my Republican colleagues are doing the same old song and dance for the American people. The Republicans have spread out their sand, and they're doing their best soft-shoe routine, trying to convince the American people that the repeal of this bill is in their best interest. As the saying goes, if it ain't broke, don't fix it. Yet we find ourselves here debating the repeal of a law that would have sought to address the long-term crisis burgeoning in this country.

Mr. Chairman, to most people, finding a solution to the long-term care insurance crisis in this country seems like a good law. It must be if 56 national groups, including AARP and SEIU, are against repealing the CLASS Act.

Once again, my Republican colleagues are trying their best to distract the American people from their not seeking a solution with this repealthe-bill sideshow.

As we debate this repeal, I have heard so many of our colleagues refer to the President needing to come and apologize for introducing this provision in the Affordable Care Act. It occurs to me that the effort to embarrass the President, to harass him, to defy him, that that is more important than finding a solution to the growing challenge of the aging population. Indeed, it is an emerging burgeoning problem.

#### $\square$ 1620

Ten million Americans need long-term care. Over the next decade, another 5 million Americans will require this care, bringing the total to 15 million people. The problem is only becoming more challenging with estimates that nearly 70 percent of people—the baby boomers—will need some level of long-term care after turning 65. An additional issue is that this is a heavy burden on family budgets.

This law was seeking to provide a national, voluntary, and self-sustaining insurance program for assistance services to aid elderly and disabled people. It would allow individuals to live independently at home and in the community for as long as possible without impoverishing themselves.

It seems that my Republican colleagues are content to defer the dreams of millions of Americans to live with some sort of dignity as they age. As we enjoy this Black History Month, it reminds me of one of my favorite poets, an African American poet who would be 110 years old today, Langston Hughes:

What happens to a dream deferred? Does it dry up like a raisin in the Sun? Or fester like a sore—and then run? Does it stink like rotten meat? Or crust and sugar over—like a syrupy sweet? Maybe it just sags like a heavy load. Or does it explode?

Republicans want to put one man out of a job and would defer the dreams of millions of Americans. Yet, while they continue their song and dance, Mr. Chair, denying seniors the long-term care that they deserve and putting more and more Americans out of work, I hope the American people recognize who is really on their side before we see the American Dream of living and retiring in dignity explode.

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

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Let me first thank Congresswoman Gwen Moore for her very passionate and very clear statement. I thank both she and Congressman Ellison for their unwavering leadership and conviction on the real

As a former cochair of the Congressional Progressive Caucus and as a cofounder of the Congressional Out of Poverty Caucus, I rise in strong opposition to this bill.

Mr. Chairman, members of the Progressive Caucus are here because, once again, the Republican leadership would rather attack the President than help the millions of struggling seniors, people with disabilities and their families who are faced with a system that fails to meet their very basic needs. This should really be a nonpartisan issue, but we are here today because Republicans are more focused on ending Medicare and repealing a long-term care program than they are on creating jobs to put Americans back to work.

Last year, the Republicans' first order of business was to eliminate mind you, eliminate—the Medicare guarantee for America's seniors under the Ryan budget proposal. This year, it's the same old story. Instead of focusing on jobs or on extending middle class tax cuts, unemployment assistance, or fixing the Medicare physician pay rate, this Tea Party Congress continues to waste time on pointless bills just to score political points.

Repealing the CLASS program will do nothing-nothing-to address the long-term crisis for the 10 million Americans who need care now and the 5 million more who will require it over the next 10 years. Killing this program without offering any alternative is, frankly, irresponsible. The law may not be perfect, but repealing the bill does not make the problem go away. We should be doing everything we can to ensure that senior citizens and the disabled also have a shot at the American Dream. We should not destroy this for them just because of their ages or their disabilities. Why in the world would the Republican Tea Party want to throw them under the bus?

We should work to find a real solution that meets the needs of the millions of baby boomers who are retiring now, of the senior citizens and the disabled, and we should work to ensure that they get the long-term care over the next decade that they will need. Rather than repeal this bill today, we need to give experts time to identify changes that would make the CLASS program stronger, and Congress needs to focus on the real priorities of the day, which are jobs and the economy.

We have work to do, and we don't have a minute to waste. Let's not waste another year without a jobs bill and without extending vital unemployment benefits and payroll tax reductions to millions of Americans while our economy continues to recover. It is time for the Republican Tea Party to stop walking away from our senior citizens and the disabled and to work with us to continue middle class tax cuts,

issues facing the American people unemployment assistance, and to ensure that seniors can keep seeing their doctors.

> We need to come together now to enact bold programs and policies that provide equal opportunity and equal access for every single American no matter their race, no matter their employment status, no matter their humble beginnings, no matter their ages, no matter their disabilities. Americans can't wait. This Congress should not wait. We need to really figure out a way to do the right thing on behalf of our senior citizens and the disabled, but I have to say that today, unfortunately, this bill moves us in the wrong direction.

> I yield back the balance of my time. Ms. HAHN. I move to strike the last word

> The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

> Ms. HAHN. Mr. Chairman, I rise today in strong opposition to H.R. 1173, the Republican legislation to repeal the CLASS program.

CLASS was designed to be the first Federal voluntary long-term care program, making long-term care more accessible and affordable for millions of Americans. The idea behind the CLASS program is to provide Americans, especially our seniors, with peace of mind if they suffer from an unexpected longterm illness or injury.

We have a long-term care crisis in this country. According to Secretary Sebelius, "an estimated 15 million Americans will need some kind of longterm care, and fewer than 3 percent have a long-term care policy." Because Medicare and other existing programs do not cover these services, we must work together to find a solution. As my Republican friends know, however, the CLASS program as enacted will not be implemented. Secretary Sebelius informed Congress last October that she did not "see a viable path forward for CLASS implementation at this time." In other words, this legislation we are debating today is not needed.

Instead of legislation to create jobs and grow our economy, our Republican friends are focused on repealing a program that has already been suspended. I want to encourage my friends on the other side of the aisle to take a step back and focus on the things we could be doing together to make long-term care more affordable and accessible.

I have encountered in my own life the issue of providing long-term care. My dear, sweet mother, before she passed away last summer, received long-term care services for years, and I will always remember the warmth and affection her caregivers showed her and my family day in and day out. What we should be doing today is ensuring that the hardworking men and women who provide care for our seniors in their own homes earn a living wage, because these jobs are the jobs that make a difference and that bring happiness to those who need their help the most.

With robust job growth predicted in the health care sector over the next decade, it is imperative that we support long-term care services and those who provide those services. This is a win-win for the American economy. Not only do long-term care services provide jobs, but we know, if our seniors can be taken care of in their own homes, it can save Americans money in the long run. I fear, however, that this legislation is meant as a step towards dismantling the health care reform law that Congress passed and that the President signed, a law that will help millions of Americans obtain better and more affordable health care coverage over the next decade.

Thanks to the Affordable Care Act, insurance companies cannot deny coverage to people with preexisting conditions. Thanks to the Affordable Care Act, Americans now have access to free preventative care services. Thanks to the Affordable Care Act, small businesses can receive tax credits to provide their employees with health coverage. Thanks to the Affordable Care Act, children can stay on their parents' insurance until they're 26. We just hope they don't move back home.

To my colleagues on the other side, let's not work to strip these provisions, putting power back in the hands of forprofit insurance companies. We do not need this legislation. Instead of repealing a program that is not moving forward, why don't we work on replacing it with a better long-term care program. The Affordable Care Act is not a perfect law. That's why we should be working together to fix the problems, not just to repeal them. Those problems will remain even if we repeal this part of the law. Mr. Chairman, I urge my colleagues to stop this needless debate and legislation and get to work on the real issues at hand.

#### $\sqcap$ 1630

Mr. JOHNSON of Georgia. Mr. Chair. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to repealing the CLASS Act.

You know, we all get old, or hopefully we will all get old and reach an elderly status, and we will then perhaps become physically unable to get around a whole lot and we may need to have some long-term care. Tea Partiers will need it. Occupy Wall Streeters will need it. Mitt Romney and his group of 15 percent taxpayers will need it. The only question is whether or not the 99ers and the Tea Partiers will be able to afford it. That is the only question. We're in the same boat.

The CLASS Act was included in the health care law in order to help elderly and functionally disabled Americans purchase the services they need, which would enable them to continue living in their communities, as opposed to being forced into expensive private care which most of us can afford.

So I understand that HHS had determined that the CLASS Act cannot be implemented as written based on financial considerations; but, ladies and gentlemen, that's no reason to throw out or repeal this worthwhile initiative. We certainly need to improve it, but there's no need to repeal it.

No matter what side of the political aisle you sit on, you cannot ignore that we need to improve access to long-term care. Approximately 10 million Americans are in need of long-term care, and this number is expected to increase to 15 million over the next decade. America is aging.

In 2009, an estimated 62 million unpaid family caregivers provided \$450 billion in care. At what cost to their jobs, to their family life with their children?

In 2011, the average annual cost of a nursing home was \$70,000. Who can afford that?

The cost of long-term care is an unsustainable burden on family members who, while also holding a job and raising a family, struggled to provide their disabled or elderly relatives with the care that they need to continue living within their own communities.

The CLASS Act is a voluntary program. It's no mandate. Don't get it twisted. There is no mandate, individual mandate for the CLASS Act. It's a voluntary program that relies on free market principles of responsibility and competition that my colleagues in the Republican Party claim to revere. There's no mandate in this program. It would allow families of all means to plan for a secure future where a long life or a disability does not lead to financial ruin.

Take, for instance, one of my constituents, Linda Rawlins. Linda was the primary caregiver for her elderly mother until her recent passing. Linda told me that she supports the CLASS Act because millions of Americans just like her feel overwhelmed or face financial distress due to their roles as family caregivers who cannot receive any kind of assistance.

Although Linda's mother received long-term care through a local senior assistance program that enabled her to continue living at home, Linda knows that not everyone is so lucky. Having access to long-term care services enabled Linda's mother to live independently with grace and with dignity. It allowed Linda to keep her job and helped relieve the emotional and financial strains placed on her and her family as she oversaw her mother's care.

Linda and I feel like everyone should have that kind of support, and the CLASS Act is a good place to start. Repealing the CLASS Act without any attempt to improve it is a rash political move, and I urge my colleagues to oppose the bill.

I yield back the balance of my time. Mr. GINGREY of Georgia. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. My good friend, my very good friend from Georgia, the gentleman from DeKalb, made the statement about what is the reason; there is really no reason to strike this; why not leave it on the books. And I think that's the argument we have heard all afternoon in regard to the position of the Democratic side.

But let me just read a few passages from a report that we requested from the Congressional Research Service as to why, in response to my friend from DeKalb and my good colleague from Georgia:

Judicial review assumes that the Secretary takes no further action to comply with the CLASS Act's statutory mandate to designate a benefit plan by October 1, 2012.

The Secretary would appear to be committing a facial violation of the statutory requirement to designate such plan. Her failure to take such action conceivably could be challenged in court under the Administrative Procedure Act, APA, which defines agency action to include the failure to act.

They go on to say:

The CLASS Act does not preclude judicial review and the Secretary's designation of a benefit plan is a mandatory, as opposed to a discretionary requirement.

So judicial review does not appear to be precluded. Therefore, if the Secretary fails to perform the action required by the statute, that inaction would appear to be reviewable.

I continue:

A failure by the Secretary to designate a CLASS benefit plan by October 1, 2012, presumably predicated upon a determination by her—that is not possible to develop three actuarially sound benefit plans that meet all the requirements of the act—would appear to be a final agency action from which "legal consequences will flow."

Inaction by the Secretary in designating a plan by the deadline could be found by a reviewing court to constitute noncompliance with a statutory mandate. Thus, after October 1, 2012, the Secretary's failure to take an action legally required of her would appear to meet the standard for judicial review of agency inaction unlawfully withheld under the APA, Administrative Procedure Act, provision prescribing the scope of judicial review of agency action.

I asked one of my colleagues a few minutes ago, What part of "no" do you not understand?

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman.

Mr. JOHNSON of Georgia. Thank you, my friend from Georgia.

What you've just said is that it's essentially a failure to act, to publish regulations or to promulgate regulations that would lead to the enactment of this CLASS Act, becomes a final agency action. In other words, failure to act becomes a final agency action which then enables an appeal or judicial review, the review being for the purposes, I suppose, of failing to follow the law, which would, of course, be in support of the underlying legislation, the CLASS Act.

#### □ 1640

So I would argue that the regulation that you cite would actually enhance the ability of us to come to a reasonable way of financing this voluntary program.

Mr. GINGREY of Georgia. Reclaiming my time from the gentleman, look, Mr. Chairman, the gentleman is an attorney. I'm just an old country doctor. But, you know, this is plain language, and I'll be happy to provide his office with a copy of this Congressional Research Service report. I'm not going to get deep into the weeds of the legal argument back and forth, but this is about as plain as the nose on your face.

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

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes

Mr. ELLISON. Mr. Chairman, I tell you what's as plain as the nose on your face, what's as plain as the nose on your face is that the Republicans are getting rid of a plan for long-term care without offering any alternative plan in its place. They're just stripping what's there without saying here's what we're going to do.

But I have a memory, Mr. Chairman. What I remember is that for long stretches of time in the last decade, Republicans had both houses and the Presidency, didn't do anything on health care other than do a big giveaway to Big Pharma. When the Democrats get in, we do a plan. We pass the Affordable Care Act. Does it need tinkering? Probably so, like all bills do. But instead of trying to work with us and do something good for the American people, Republicans say we're just going to strip the Democratic plan for long-term care. And this is too bad, because it seems to me that long-term care, Mr. Chairman, is a legitimate issue for us to work together on. But we're not working together. One side passes a bill; the other side just tries to get rid of it. I think it is high time that we start trying to work together,

but we don't have a cooperative partner. Washington Republicans have proven once again that they would rather try to embarrass President Obama than help American seniors.

Last year, Republicans' first order of business was to eliminate the Medicare guarantee for America's seniors. This year it's the same old story, Mr. Chairman. No health care, no Medicare, no long-term care for millions of Americans.

Instead of a plan to create jobs or to extend middle class tax cuts or to address unemployment assistance or to fix the Medicare physician pay rate, Republicans are wasting time on divisive and pointless bills.

I do respect the gentleman's desire to have me yield, but I must very, very respectfully decline to yield because I have limited time. But if I have any extra time, I will be happy to yield to the gentleman, but it will have to be when I'm done.

Today, we could be dealing with the real issue—fixing the long-term care crisis. And I'm sure that everyone in this whole body, Republican and Democrat, ought to be concerned about it because all of us, no matter what our ideological beliefs may be, have people who need long-term care. So we've got to be about this business.

You know what, Mr. Chairman? Ten million Americans currently need long-term care, and the problem is only getting worse. The number of Americans 62 years and older is 20 percent higher than it was 10 years ago. Long-term care is a huge burden on families. An estimated 62 million—let me say that one more time, Mr. Chairman—62 million unpaid family caregivers provided care valued at \$450 billion in 2009, more than the total spending in Medicare that year.

But Republicans are offering no solution to the long-term care crisis. They may say anything that they want, but they're not coming here with a bill that we can debate. They're just attacking what has already been done, which is so easy to do. Way better to be a critic than to be someone who produces solutions.

So, Mr. Chairman, I want to tell you a little bit about somebody in my district, Mary. Mary says: My mother is 90 and seriously ill and now in a nursing home. Her bill is over \$6,500 a month. Mary goes on to say she will soon run out of money, referring to her mom. Why do people have to become indigent before they receive help?

That's a good question, I think. That's a question warranting our attention, but our Republican friends have no plan to protect families like Mary's. They're not here with a plan. They just want to strip and rip and take down what Democrats have already done. And people are in need of help.

So, Mr. Chairman, repealing the CLASS Act will not help Mary's fam-

ily. We need to make the CLASS program stronger, not get rid of it. We need to amend it, not end it. We need to improve it. And that's why 56 national groups wrote to Congress saying please don't repeal the CLASS Act, including AARP, SEIU, and the National Council on Aging, people who really know what they're talking about when it comes to long-term care.

So I urge our Republican friends on both sides of the aisle to come together with us to make a strong long-term program for seniors rather than just tearing down and stripping down. It's as plain as the nose on your face, Mr. Chairman: Americans need long-term care

I yield back the balance of my time. Mr. WELCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. We have a serious challenge here. We have people who need long-term care. We have very serious fiscal constraints. And the question before us really is, do we repeal the program altogether when there is a serious long-term program, as if by legislative magic a repeal suddenly makes the serious and acute problem vanish altogether. We know that doesn't happen. It may address a fiscal issue, but it doesn't solve the fiscal issue and enormous emotional pain that individuals who are trying to take care of their senior parents will face. So the problem doesn't go away if this legislation is passed. It simply means the pain will continue and probably intensify.

So the real challenge for Congress is that when there is a problem that we acknowledge is real and rising for the American people, and the folks who need long-term care are in red States and blue States, they're in your district and they're in mine, the real question is whether we address that as actively and as aggressively as we can, taking responsible steps to make certain that we can pay for what we promise

The worst thing that we can do in my view is pass legislation that has almost as its predicate the notion that by repealing the commitment that this Congress made 2 years ago, the problem doesn't exist. It does, and we all know that. You've heard the statistics-10 million Americans currently need longterm care. That is a tough challenge for those families. Over the next decade, that is going to rise to 15 million. It is a rising challenge, and the longer we defer, the more difficult it will be for us to address it. Sixty-two million Americans, good Americans, generous Americans, serve as unpaid caregivers to elderly family members. How long can that be sustained?

While nearly 70 percent of Americans will need some level of long-term care in their lifetime, only 8 percent are

able to buy long-term care insurance. That's where we do need a public policy program that's going to match the resources required with the need that's rising.

The CLASS Act was designed to make progress, giving older Americans and their families some sense of security. It's not perfect. The most vigorous proponents of that legislation acknowledge it's not perfect. But what that we pass on the Republican side or the Democratic side can any of us claim is perfect?

What we have to do together is try to make an imperfect bill better. But what we can't do is abandon the very serious challenge that those 10 million Americans in need of long-term care have.

I yield back the balance of my time.

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Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes

Ms. WATERS. Mr. Chairman and Members, this bill is just another attempt to dismantle health care reform. Last year, House Republicans passed H.R. 2 to repeal the entire Affordable Care Act. The landmark health care reform law that was enacted almost 2 years ago is what I'm referring to.

The Affordable Care Act has already made a difference in the lives of millions of Americans. Let me just recount for the Members of this House what the Affordable Care Act has done and is doing.

It prevents insurance companies from dropping people because they get sick. It prevents insurance companies from denying coverage to children with pre-existing conditions. It allows young adults to remain on their parents' health insurance until they turn 26. It provides free preventive care to seniors under Medicare. It is phasing out the "doughnut hole" and helping seniors obtain affordable prescription drugs. Finally, it provides tax credits to help small businesses purchase health insurance for their employees.

When H.R. 2 failed to move in the Senate, House Republicans began passing bills to dismantle the Affordable Care Act piece by piece and inch by inch. They passed H.R. 1213, which repeals funding for the organization of health benefit exchanges, marketplaces where American families will be able to choose an affordable health care plan. They passed H.R. 1214, which repeals funding for the construction of school-based health clinics. They passed H.R. 1216, which repeals funding for the training of primary care physicians.

Now they're trying to repeal the CLASS Act. The CLASS Act is the Community Living Assistance Services and Supports Act, and it establishes a

program to facilitate access to longterm health care services. Who can be against that? The CLASS Act is a voluntary program to provide participants with a cash benefit that can be used to purchase a variety of long-term care services, such as home modifications, accessible transportation, personal assistance services, homemaker services, respite care, home health aids, and nursing support. The program would be funded entirely by the premiums paid by those who choose to participate.

House Republicans' ČLASS Act repeal also repeals funding for the National Clearinghouse for Long-Term Health Information. The clearinghouse provides online information about long-term care costs and planning options

Our Nation is indeed facing a longterm health crisis. People are living longer. As a result, there's a growing need for long-term care for elderly and disabled Americans. There are 10 million people who need long-term care in the United States today. That number is expected to grow to 15 million in the year 2020. There are an estimated 52 million unpaid caregivers providing long-term care services in American homes today. American families are paying more than \$50 billion every year on out-of-pocket expenses for longterm care. These families need options, and they need our support.

The CLASS Act does not need to be repealed. If House Republicans believe this program should be fixed, then they should try to fix it. However, they have not even attempted to improve this program or develop other options to make long-term care services available to American families who need them.

It is long past due for House Republicans to stop trying to dismantle health care reform and start working with us in a constructive, bipartisan manner to improve our Nation's health system. I would urge my colleagues to oppose this bill and support solutions to America's long-term care crisis. Ladies and gentlemen, what we are discussing today is precisely what Occupy Wall Street was all about. It's about what are we going to do to deal with that 99 percent out there who simply need some safety nets that their government could easily assist with.

Health care is a problem in this country. Not everyone can afford it, and I would ask my colleagues to take the politics out of this issue. The American public needs this health care reform. And the Occupy Wall Street people who are out there simply sent a message to say, okay, America, stop being simply on the side of the 1 percent, look at the 99 percent. I would urge my colleagues to do that.

I yield back the balance of my time. Mr. NADLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I rise in opposition to this bill to repeal the CLASS Act. Last year, we watched as Republicans implemented a slash-and-burn offensive against almost every and any Federal program that helps people. No matter that the program helps women or children or seniors or sick people; let's get rid of it.

Apparently, this year is no different. With this bill, Republicans have set their eyes on the CLASS Act, which when implemented, will help provide some relief to aging Americans as well as to those who love and care for them. The CLASS program was designed to combat the rapidly increasing cost of long-term care, costs that currently account for nearly half of all health care spending in this country, by helping enrollees in this program to afford a variety of long-term care services, such as home modifications, assistive technology, accessible transportation, respite care, home health care aids and nursing support.

Currently, long-term care facilities cost on average \$70,000 per year, and home health care aides can cost \$25 per hour in some areas. How many middle class families can afford that?

I understand the concerns that my Republican colleagues have voiced. As currently structured, the Congressional Budget Office estimates that the program will not be solvent beyond about 2029, about 20 years from now. But what is the Republicans' knee-jerk solution to all budget issues? To trash a program, a necessary program, that will provide much-needed support for seniors today and in the future.

This is completely wrong-headed. We should not destroy this program and ignore the problem. People will still grow older, hopefully, and they will need assisted living, they will need home health care, and they will need accessible transportation. At some point, we are going to have to face this issue.

The current situation, where Medicaid will pay for this but only after the family has impoverished itself and eliminated all their assets, it's not a long-term solution, it's not a tolerable solution. Why should middle class families who have worked all their lives have to impoverish themselves if an elderly relative needs home health care or assisted living or a nursing home?

Our job here is to make people's lives better, to identify problems and to find solutions. We have certainly identified a problem. There is simply no denying that only the wealthiest among us can possibly afford to pay \$70,000 a year for a nursing home.

So let's do our jobs. Let's roll up our sleeves and work to make this program better. Let's work to make it solvent, not simply eliminate it. Let's not simply abandon middle class Americans who are scared to death that after working their entire lives and playing

by the rules, they will have to bankrupt their children and grandchildren just to have any sense of dignity as they grow older.

This is not the American Dream. We don't want to tell our old people, get lost, get out of sight, go into the poorhouses and the almshouses we had before Social Security. We don't want to tell our seniors, you can't have the health care, the home assisted living, the home health care aides that you need. We don't want to tell our families that you must impoverish yourselves, sell off all your assets because your mother or your grandmother is sick or can no longer live independently.

This is why we have government, to solve problems for all of us that we cannot solve for ourselves individually. That is the reason for government, to provide for the common welfare, as the Constitution says. We know we have this problem. We know as the population ages the problem is going to get worse and more intense, not better. We know the problem is not going to go away. So let's deal with it.

After many, many years, Congress in the Affordable Care Act finally passed the CLASS Act program to start dealing with this. There are problems with it. Yes, the financing that was brought into that program is only sufficient for about 20 years.

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That gives us only 20 years to fix the program.

Now, the sooner we fix it, the sooner we amend the financing, the easier it will be to do it. The longer we wait, the harder.

So what do the Republicans want to do? Kill the whole program, put our heads in the sand, ignore the problem, and to heck with the senior citizens and to heck with their children who worry about how they're going to have their parents live their last years in dignity. That is not the American Dream. It is not right.

I urge my Republican colleagues to rethink this. Withdraw this bill. This program is not being implemented immediately. Figure out how to finance it better. Figure out how to deal with this problem. Don't simply say let's ignore the problem and to hell with our senior citizens. That is not the American Dream. We simply must do better.

We've made a start. Let us continue that start. Let us build on it. Let us not destroy the beginnings that we have made.

I yield back the balance of my time. Mr. McDERMOTT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. McDERMOTT. Well, Mr. Chairman, tomorrow is Groundhog Day. We've been in session this year for 1 month. And this is the 1st day of the

days and haven't done one single thing for the working Americans in this

Now, this bill is the whole reason why the Occupy Wall Street movement is out there and why the opinion of the performance of the Congress is so low. This bill has absolutely nothing to do with creating jobs, training the unemployed, helping businesses grow, or moving the country forward. It is about the ninth time we've brought a piece of so-called ObamaCare—Obama does care, you know. They brought it out here, and they keep trying to repeal it, which is not what the people want us working on. Instead, the Republicans are giving us just a bunch of press releases. I can see them going out of the offices now to the Tea Party all over the country—rile up the base, rile up the base, oh, yeah, and nothing is being done for the people.

The second problem is that the Republicans aren't being straight with the American people. This bill does more than the Republicans are saying. The Republicans aren't just repealing the CLASS Act. The Republicans are trying to kill another important and inexpensive program that seniors and families depend on. They're defunding the National Clearinghouse for Long-Term Care Information, an important and useful government Web site that seniors and their families use to take an active role in understanding, planning, and financing their long-term needs. Remember, these are the most frail people in our society, and they rely on this information to plan for their futures.

Mr. Chairman, two-thirds of personal bankruptcies in this country are caused by medical bills, and a lot of those astronomical bills are caused by the debilitating costs of long-term care. And the Republicans aren't trying to solve the problem. Instead, the Republicans want to repeal the first ever Federal law creating a stand-alone long-term care program. Bill Frist, the Republican leader in the Senate some years ago said, Don't repeal it; fix it. But the Republicans can't figure out how to fix it because they don't care about seniors.

Granted, this CLASS Act needs to be fixed. It's not a perfect bill. We know that. And that's what we should be doing so that the country stops allowing long-term health care costs to bankrupt families. That the Republicans don't care enough to do anything about chronic bankruptcies caused by long-term care is bad enough, but the Republican wrecking ball goes even further. The Republicans are trying to get a scalp. They want to please their base by repealing a part of ObamaCare, that law that insures 31 million more Americans and saves taxpayers money—so-called ObamaCare. that law that already is driving down

2nd month, and we've had 2 legislative health care costs and getting Americans better service for less money.

In 40 years of legislating, I've seen State houses shift parties, Congress shift parties, but I've never, ever seen a legislative body that failed as badly as this one. This is the most unproductive Congress I've ever seen. And if you think this bill is going to go out of here and go over to the Senate, even the Republican leader, MITCH McCon-NELL, wouldn't want this brought up as the bill that we deal with.

The Republicans are running their demonize everything and do-nothing agenda, and it's having the predictable results. It gets the base whipped up and angry, but it accomplishes nothing for jobs, nothing for health care, nothing for the deficit, nothing for the economy. The American people need the CLASS Act fixed. They need to be able to continue to rely on the Clearinghouse for Long-Term Care Information.

As the Republicans put out their plan for wasting this entire year of 2012 not serving the American people, the voters should look very carefully at what they actually are doing. When they put out their platform, you know, it's going to say, What did you do? Well, I voted "no." I voted "no." I voted "no." I voted "no." They will have nothing positive to put on that agenda. What did you do? Well, I tried to get rid of the EPA. I didn't want clean air. I didn't want clean water. And I didn't want labor unions. And, and, "no," "no." "no."

This is a terrible piece of legislation. It should be fixed. There's none of us who would stand up here and say it's a perfect piece of legislation, but I urge my colleagues to vote "no."

The Acting CHAIR. The time of the gentleman has expired.

Mr. FINCHER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. FINCHER. I yield to my colleague from Georgia (Mr. GINGREY).

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

I appreciate the opportunity to respond to my good friend and the good doctor, my colleague from the State of Washington, who made reference to, I think, Groundhog Day.

Now, my name, Mr. Chairman, is PHIL GINGREY, but as I sat here over the last couple of hours listening to the argument on the other side of the aisle, I feel like Phil Connors, and that was the weatherman. Bill Murray, if you recall, played that role, the weatherman at Punxsutawney, Pennsylvania, covering Groundhog Day. And believe me, we have been listening to Groundhog Day from my colleagues on the other side over and over and over again, and it is indeed getting just a little bit tiring.

My friend also said, the gentleman, the doctor from the State of Washington, Mr. Chairman, and I quote him: "I've never seen a Congress that has failed as much as this one." Well. I'm going to tell you, I have never seen a provision of law in a bill that has failed as much as the CLASS Act. And they can beat this to death-and I think they have done that. Mr. Chairmanbut I have in my hand here a summary sheet of the HHS analysis of the CLASS Act over an 18-month period of time.

And they have tried to model eight different options to make this fiscally solvent, and required by the lawthank goodness, thank goodness for the amendment from the Senator from Rhode Island, the Honorable Judd Gregg, at the time chairman or ranking member of the Budget Committee. The eight options, none of them work. I mean, there are things like a work requirement. There are things like not allowing anybody with a preexisting condition to be in the program, allowing people with preexisting conditions to be in the program but only eligible for a benefit for 15 years, and on and on and on. Actually, the one option that's not on this printout, I guess, is option number nine, and that would be the option, Mr. Chairman, of requiring every individual to sign up for the long-term program under the CLASS Act.

Now, the question on all of these options was: Does the Secretary have legal authority? And in most of the eight: Not completely; HHS vulnerable to legal challenge. Not completely; vulnerable to legal challenge. Not completely-again, vulnerable. No authority. No authority. No authority. No authority.

Well, number nine, individual mandate, making everybody sign up for it, yes, got the authority to do that. She could have done that. But I'm sure that my colleagues and her advisors and the administration probably—and I state this rhetorically. Do you want another mandate to which the American people can rail against us in the next election? And she is smart enough to know that option number nine was not unacceptable.

So, again, we could go on and on. We could do this for another couple of hours and continue this Groundhog Day ruse, but, as I said earlier, Mr. Chairman, what part of "no" do they not understand?

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Now, look, when this amendment was added at the last moment back in 2009 by the chairman of the Subcommittee on Health, Mr. PALLONE, during the Energy and Commerce Committee debate on the CLASS Act. Chairman PALLONE stated, and I quote him: "I can't stress enough that we are not actually setting this up. We are simply suggesting." That was the end of the quote. In fact, Chairman PALLONE asserted that the program would not take effect until subsequent legislation was passed.

Well, Mr. Barton, who, at the time, was the ranking member of the overall Committee of Energy and Commerce, said this: "Well, reclaiming my time, I am going to support the Pallone amendment without binding anybody on my side to support it, with the understanding that if this moves forward, there will be a hearing on this in this committee, and there will be bipartisan efforts to flesh it out. Do I have that assurance from the chairman?" And Mr. Pallone responded, "You certainly have my assurance."

And then the chairman, HENRY WAX-MAN, overall chairman of the committee said, fine with me, but he is the subcommittee chairman.

We never had one hearing. We never had an opportunity to flesh it out.

Defeat this amendment.

The Acting CHAIR. The time of the gentleman from Tennessee has expired.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. My good friend from Georgia, some things bear repeating. I love February 2. It happens to be my daughter, Erica's, birthday. Some call it Groundhog Day. I call it a day of great celebration for a bit of joy that came into our lives.

So it's a day for many that is happy. It's a day that many humorously look forward to great weather. Some remember our good friend, Bill Murray, and it is a day that symbolizes repetition

Sometimes the pain of Americans deserves to be repeated over and over again. And I'd like to answer my good friend, not speaking for Mr. PALLONE, but, in actuality, we have the opportunity now to have bipartisan hearings. Nothing is precluded. Mr. PALLONE's statement was accurate. He was not writing the structure of long-term care. He was indicating that, for Americans, it was vital.

What is disappointing is that my friends on the other side of the aisle are willing to give up so easily. I don't understand that. Where's the American genius?

Of course, they will cite HHS; but they know that Congress directs HHS. They know that the repeal of this legislation for long-term care will simply kill the opportunity for Americans to find relief.

As we look to the future, we are just a month away until taxes go up on middle class families, and Americans looking for work lose their unemployment insurance, and seniors face losing access to their doctors. We could be working on that, move the conference committee a little faster. But we're now adding an extra burden. Let's repeal the CLASS Act.

It doesn't disturb me that HHS has made several tries, and in a time frame has not found a cure yet. But knowing research and knowing science and being near and in the community of the Texas Medical Center, I know how long it takes to get a good answer in health care.

But what I do want to stress to my friends, can they deny that 82 percent of Americans say that taking care of relatives who are aging or ill is demanding? Eighty-two percent of them say that; 72 percent indicate that taking care of them is overwhelming; 56 percent said that as they are taking care of their sick relatives, they are getting ill.

Yet we want to abandon the discussion on long-term care when I've already said on the floor of the House that \$450 billion of that long-term care is already in private hands. It's in families. It's through their labor. They are overwhelmed.

Only \$14 billion is in the private industry sector. See how much they're standing up to the bar, and \$101 billion in Medicaid.

We have to find a solution that balances benefit and burden. Listen to a constituent from Texas who took care of her son after he was seriously injured in a roadside bombing while patrolling in Iraq. She did not return home 7 years in order to be with her son.

Debbie initially took a leave of absence from her job, but ended up resigning to become a full-time caregiver for her son. Because she no longer had a paid job, and her husband was the only one working, they had to start using their retirement savings to survive. Her son is now better, great news, and active in the community. And she continues her work. But the catastrophic impact to the family continues on.

Rhonda has gone from a part-time, visiting caregiver to her elderly parents to a live-in, full-time caregiver. Even after the death of her own 23-year-old daughter in a car accident, and her only brother becoming disabled after an illness, before 2001 she was a full-time working mother of two.

Where is the relief for these humans, these individuals, these people in need? Where is it? It's in the amendment I offered that indicated that it is important to note that long-term care is important, and a study should engender to be able to determine that.

But more importantly, let's, again, look at this in a way that we take our time and look at the macroeconomics and take into consideration how we can best configure this. But let me tell you very clearly that if we repeal this CLASS Act, the burden will fall on local and State governments and the millions of caregivers who already, through their own effort and their own toil, with love, I will tell you with love,

expend \$450 billion that we don't compensate them for, lose their jobs, raise the deficit, add to the debt because they are not able to take care of themselves.

And as we see, some 76 million baby boomers, Mr. Chairman, going forward. Let me just say, don't repeal this bill. It bears repeating. Help those who need your help.

Mr. Chair, I move to strike the last word. Today, I am joined by Members of the Congressional Progressive Caucus, to call attention to the grievous threats posed by to H.R. 1173, "The Fiscal Responsibility and Retirement Security Act of 2011", to key provisions in the Affordable Health Care Act.

H.R. 1173 bill would repeal title VIII of the Patient Protection and Affordable Care Act and Supports (CLASS) Program—a national, voluntary long-term care insurance program for purchasing community living assistance services and supports.

This piece of legislation is yet another example of the Republican Majority failing to act on the top priorities of the American people. At a time when we should be focused on building our economy; advancing underserved and underrepresented communities, addressing the needs of our Nation's seniors; and focusing on the deficit, as well as, unemployment insurance. Instead of generating bold new ideas to help small businesses hire more Americans, to aid in the revitalization efforts of our manufacturing industry, to advance the cause for energy independence, to address the needs of families hurt the most by this economic down turn.

Instead, The Republicans have brought forward a bill to repeal a self sustaining program for the aging and the disabled. The CLASS program is meant to help someone who is unable to bath, cloth, or conduct basic life actives. We should not be attacking programs that are designed to address issues of long term care.

Title VIII also authorized and appropriated funding through 2015 for the National Clearinghouse for Long-Term Care Information (clearing house). H.R. 1173 would rescind any unobligated balances appropriated to the National Clearinghouse for Long-Term Care Information

The CLASS Act was designed to provide an affordable long-term care option for the 10 million Americans in need of long-term care now and the projected 15 million Americans that will need long-term care by 2020.

Individuals need long-term care when a chronic condition, trauma, or illness limits their ability to carry out basic self-care tasks, called activities of daily living (ADLs), (such as bathing, dressing or eating), or instrumental activities of daily living (IADLs) (such as household chores, meal preparation, or managing money).

Long-term care often involves the most intimate aspects of people's lives—what and when they eat, personal hygiene, getting dressed, using the bathroom. Other less severe long-term care needs may involve household tasks such as preparing meals or using the telephone.

Estimates suggest that in the upcoming years the number of disabled elderly who cannot perform basic activities of daily living without assistance may be double today's level.

CLASS provides the aging and the disabled with a solution that is self sustaining, at no cost to taxpavers.

As the estimated 76 million baby boomers born between 1946 and 1964 become elderly, Medicare, Medicaid, and Social Security will nearly double as a share of the economy by 2035.

Baby boomers are already turning 65. As of January 1, 2011, baby boomers have begun to celebrate their 65th birthdays for that day on 10,000 people will turn 65 every day and this will continue for the next 20 years.

It is reasonable to assume that over time the aging of baby boomers will increase the demand for long-term care.

Repealing the CLASS program does nothing to address the fact that private long-term care insurance options are limited and the costs are too high for many American families, including many in my Houston district, to afford.

In 2000, spending from public and private sources associated on long-term care amounted to an estimated \$137 billion (for persons of all ages). By 2005, this number has risen to \$206.6 billion.

Individuals 85 years and older, the oldest old, are one of the fastest growing segments of the population. In 2005, there are an estimated 5 million people 85+ in the United States. This figure is expected to increase to 19.4 million by 2050. This means that there could be an increase from 1.6 million to 6.2 million people age 85 or over with severe or moderate memory impairment in 2050.

An estimated 10 million Americans needed long-term care in 2000. Most but not all persons in need of long-term care are elderly. Approximately 63 percent are persons aged 65 and older (6.3 million); the remaining 37 percent are 64 years of age and younger (3.7 million)

The lifetime probability of becoming disabled in at least two activities of daily living or of being cognitively impaired is 68 percent for people age 65 and older.

By 2050, the number of individuals using paid long-term care services in any setting (e.g., at home, residential care such as assisted living, or skilled nursing facilities) will likely double from the 13 million using services in 2000, to 27 million people. This estimate is influenced by growth in the population of older people in need of care.

Of the older population with long-term care needs in the community, about 30 percent (1.5 million persons) have substantial long-term care needs—three or more activities of daily living limitations. Of these, about 25 percent are 85 and older and 70 percent report they are in fair to poor health.

Forty percent of the older population with long-term care needs are poor or near poor (with incomes below 150 percent of the Federal poverty level).

Between 1984 and 1994, the number of older persons receiving long-term care remained about the same at 5.5 million people, while the prevalence of long-term care use declined from 19.7 percent to 16.7 percent of the 65+ population. In comparison, 2.1 percent, or over 3.3 million, of the population aged 18–64 received long-term care in the community in 1994.

While there was a decline in the proportion (i.e., prevalence) of the older population re-

ceiving long-term care, the level of disability and cognitive impairment among those who received assistance with daily tasks rose sharply. The proportion receiving help with three to six ADLs increased from 35.4 percent to 42.9 percent between 1984 and 1994. The proportion of cognitive impairment among the 65+ population rose from 34 percent to 40 percent

#### INFORMAL CARE GIVERS AND FAMILY

Informal caregiver and family caregiver are terms used to refer to unpaid individuals such as family members, partners, friends and neighbors who provide care.

Informal caregivers and family can be primary or secondary caregivers, full time or part time, and can live with the person being cared for or live separately.

Estimates vary on the number of family and informal caregivers in the United States, depending on the definitions however:

52 million informal and family caregivers provide care to someone aged 20+ who is ill or disabled.

44.4 million caregivers (or one out of every five households) are involved in care giving to persons aged 18 or over.

34 million caregivers provide care for someone age 50+.

27.3 million family caregivers provide personal assistance to adults (aged 15+) with a disability or chronic illness.

5.8 to 7 million people (family, friends and neighbors) provide care to a person (65+) who needs assistance with everyday activities

8.9 million informal caregivers provide care to someone aged 50+ with dementia. By the year 2007, the number of care giving households in the U.S. for persons aged 50+ could reach 39 million.

Over three-quarters (78 percent) of adults living in the community and in need of long-term care depend on family and friends (i.e., informal caregivers) as their only source of help; 14 percent receive a combination of informal and formal care (i.e., paid help); only 8 percent used formal care or paid help only.

Even among the most severely disabled older persons living in the community, about two-thirds rely solely on family members and other informal help, often resulting in great strain for the family caregivers.

The use of informal care as the only type of assistance by older Americans aged 65 and over increased from 57 percent in 1994 to 66 percent in 1999. The growth in reliance upon informal care between 1994 and 1999 is accompanied by a decline in the use of a combination of informal and formal care from 36 percent in 1994 to 26 percent in 1999.

30 percent of persons caring for elderly long-term care users were themselves aged 65 or over; another 15 percent were between the age of 45–54.

For the family caregiver forced to give up work to care for a family member or friend, the cost in lost wages and benefits is estimated to be \$109 per day.

### HOME AND COMMUNITY-BASED CARE

Most people—nearly 79 percent—who need Long-Term Care live at home or in community settings, not in institutions.

More than 13.2 million adults (over half younger than 65) living in the community received an average of 31.4 hours of personal assistance per week in 1995.

Only 16 percent of the total hours were paid care (about \$32 billion), leaving 84 percent of hours to be provided (unpaid labor) by informal caregivers.

The trend towards community-based services as opposed to nursing home placement was formalized with the Olmstead Decision (July, 1999)—a court case in which the Supreme Court upheld the right of individuals to receive care in the community as opposed to an institution whenever possible.

The proportion of Americans aged 65 and over with disabilities who rely entirely on formal care for their personal assistance needs has increased to 9 percent in 1999 from 5 percent in 1984.

Between 2000 and 2002, the number of licensed assisted living and board and care facilities increased from 32,886 to 36,399 nationally, reflecting the trend towards community-based care as opposed to nursing homes. Most assisted living facilities, however, are unlicensed.

Most assisted living facilities (ALFs) discharge residents whose cognitive impairments become moderate or severe or who need help with transfers (e.g. moving from a wheelchair to a bed). This limits the ability of these populations to find appropriate services outside of nursing homes or other institutions.

#### NURSING HOME CARE

The risk of nursing home placement increases with age—31 percent of those who are severely impaired and between the ages of 65 and 70 receive care in a nursing home compared to 61 percent of those age 85 and older.

In 2002, there were 1,458,000 people in nursing homes nationally. Older individuals living in nursing homes require and receive greater levels of care and assistance. In 1999, over three-quarters of individuals in nursing homes received assistance with four to six ADLs. Of the population aged 65 and over in 1999, 52 percent of the nursing home population was aged 85 or older compared to 35 percent aged 75–84, and 13 percent aged 65–74. Between 1985 and 1999 the number of adults 65 and older living in nursing homes in creased from 1.3 million to 1.5 million. In 1999, almost three-quarters (1.1 million) of these older residents were women.

The issue before us today, is how we intend to treat our aging and disabled at a time when they are in need of assistance that will have a direct impact on their quality of life.

Traditionally, most long-term care is provided informally by family members and friends. Some people with disabilities receive assistance at home from paid helpers, including skilled nurses and home care aides.

Nursing homes are increasingly viewed as a last resort for people who are too disabled to live in the community, due to a number of factors, cost being one.

Mr. Chair, I believe that we must leave the framework that exists in place and work with seniors, families, industry, HHS and others to find a way to make the CLASS Act or an alternative long-term care program work.

We cannot and we must not allow Medicaid to continue to be the only affordable long-term care service available to Americans. American families should not have to spend down their savings or assets to access long-term care.

American families spend almost twice as much on health care through premiums, paycheck deductions, and out-of-pocket expenses as families in any other countries.

Considering the amount that we spend on health care, it is surprising that Americans do not live as long as people in Canada, Japan, and most of Western Europe. Our health care system was in need of an overhaul.

Under the Affordable Health Care Act, signed into law in 2010 more than 32 million additional Americans are expected to get insurance, either through an extension of Medicaid or through exchanges where low and moderate income individuals and families will be able to purchase private insurance with Federal subsidies.

A key part of the new health law also encourages the development of "accountable care organizations" that would allow doctors to team up with each other and with hospitals, in new ways, to provide medical services. There are dozens of good provisions in the Affordable Health Care Law that will ultimately benefit the public, if they are not repealed one title at a time. The CLASS Act is a good provision too—I stand by that notion—but just improperly designed.

While family caregiving can be a very satisfying job, those who become primary caretakers for their senior loved ones must understand that doing so will touch many aspects of their lives—including work, home and family. This data was developed from the responses of more than 8,000 family caregivers who visited the caregiverstress.com Web site since 2005. The results demonstrate the impact stress can have on family caregivers and they illustrate why it's important to tap into resources that can provide help or support.

I yield back the balance of my time.
Ms. WOOLSEY. Mr. Chairman, I
move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, across the United States, anguished families are sitting down at their kitchen table. They're reviewing their financial situation. Many are trying to figure out how in the world they're going to afford their personal long-term care needs or that of a loved one or another family member.

People who've worked hard their whole lives, who are already coping with a sluggish economy, are being crushed under the weight of long-term care costs, depleting their savings and sometimes spending themselves into bankruptcy.

As we know, Mr. Chairman, long-term care is not covered in most health care plans. If you're already old and sick, you probably can't qualify for a separate long-term care policy; and if you can, it's likely to be insanely expensive. Medicare pays only for the first 100 days of nursing-home care, and Medicaid is only available to the very poor. But you don't have to be poor to be overwhelmed by nursing-home costs that average \$72.000 a year.

We can't forget that we live in an aging society. As our largest genera-

tion, the baby boomers, move into their retirement years, and while advances in science and technology have, thankfully, allowed us to live longer, it means that many of us will require more extended, more expensive care. All this has created a perfect storm in which the long-term care crisis will get even worse, not better.

In the coming years, Mr. Chairman, we're going to find ourselves in turmoil over long-term care. So why aren't we putting our heads together on both sides of the aisle and coming up with ideas to solve this dilemma? After all, we're all going to be old.

Instead, we're here today because the majority appears to want to repeal the one modest attempt to help Americans cope with long-term care costs. If the program needs improvement, I ask them, then let's fix it. That's what taxpayers are paying us to do, not throw up our hands and walk away from this problem.

#### $\sqcap$ 1720

But my friends in the majority seem to have a different version and vision of public service. It seems that instead of providing service to the public, they view it as their job to dismantle and disembowel any government investment that improves the lives of regular people. Nothing seems to drive them to distraction like the commonsense reforms of the Affordable Care Act. They have no innovative health care ideas of their own. They're simply nostalgic for the cruel and unfair health care system that we have finally begun to leave behind us.

So we need to be building on health care reform. We do not need to be whittling away at it. Vote "no," my colleagues, on the repeal of the CLASS Act.

I yield back the balance of my time. Mrs. CHRISTENSEN. I move to strike the last word.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. As I come to the floor today to speak against this repeal, I cannot help but remember the faces of the individuals with disabilities, individuals with very serious long-term care needs, sitting through the long markup a couple months ago only to, at the end of the day, see the committee majority vote to repeal the CLASS Act. If an expression could convev a thousand words, theirs did that day. I know because I had the same expression, and I felt the exact same way: disappointed and frustrated, saddened at the very real possibility that they and our seniors would be left out in the cold when they are at their most vulnerable.

I'm sure that they and millions of other people with special needs and seniors are watching this now, and they, like all of us here now, know that repealing the CLASS Act will not make 10 million Americans' long-term care needs disappear, and it certainly will not make them suddenly affordable for the overwhelming majority of most families.

The Secretary did the responsible thing. She put the implementation on hold because the actuarial studies did not show that the program, as designed, was sustainable. None of us who supported and voted for the Affordable Care Act thought that everything in it was perfect. Much of it was well put together, well-planned, well-designed. But there were some that we thought might need to be tweaked or even revised in bigger ways, but we needed to take that first big important step in the right direction to make sure that the health care needs of our fellow Americans would be met.

The Secretary in her letter to the Speaker said that the report reflected "The development of information that will ultimately advance the cause of finding affordable and sustainable long-term care options."

So what we should be doing is looking at those options or charging an institute like the Institute of Medicine to look at them and recommend a way forward.

Everyone knows that we have a long-term care crisis in the United States. There are 10 million vulnerable men, women, and children who need this care, and we know that over the next decade that number will grow to 15 million. We also know that there are grave racial, ethnic, as well as geographic disparities that exist across the 10 million Americans with unmet long-term health care needs.

We also know that long-term health care burdens family budgets, as well as Medicaid programs in the States that administer them across our Nation. Only about 8 percent of Americans buy long-term care insurance because the premiums are too expensive in many cases for most individuals to afford.

Despite these facts, and these are indeed facts, and as we have seen time and time again, rather than identify and support a medically, economically, and socially responsible solution to this critically important problem, in their zeal to attack the Affordable Care Act and undermine the provisions that have already begun to help all of our constituents, our friends on the other side of the aisle would rather slam that door shut and not continue to work with us to find ways to meet this critical need.

We need to have a plan to ensure access to affordable long-term care, and repealing and dismantling the CLASS Act with no safeguard or stopgap in place first is definitely not the right way to go.

I, like everyone here, Republican and Democrat, have 10 million reasons to take a stand and to fight for those who cannot fight for themselves, to provide a voice for the voiceless and to remind our colleagues and those watching that this fight cannot be over and that we cannot stop until our long-term care crisis is addressed and those who need it, as many of us, Republican and Democrat will, address it in a manner that meets the high ideals of this country.

Mr. Chairman, I yield back the balance of my time.

Mr. AL GREEN of Texas. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, when it comes to health care and those who need it and can't afford it, I constantly remind myself that but for the grace of God, there go I. You don't believe in God? But for the grace of chance and circumstance, but for the goodness of luck, there go I.

The question we have to ask ourselves is what kind of country are we going to be? Are we going to be a country wherein health care becomes wealth care? Where only the wealthy can afford what is available? The technology's available. The pharmaceuticals are available. But only the wealthy can afford that which is available in the richest country in the world.

Are we going to be a country wherein pregnancy is a preexisting condition; if you are pregnant and you don't have insurance, you cannot get it? Is that the kind of country we are going to be? Are we going to be a country wherein senior citizens who are in need of pharmaceuticals cannot get them because they can't afford them, but if you're wealthy, you can. But for the grace of God, there go I.

No one deserves the status in life to which he or she is born. Born wealthy? You didn't earn it. Born poor? You don't deserve it.

The question is whether we will understand that it can happen to any one of us and that we are a country that can afford to make a difference in the lives of those who are sick and cannot take care of themselves.

So the issue today has not been whether we can afford it or whether we can do it. The question is, do we have the will? We can find the way.

I would yield to my colleague from Georgia, whom I have great respect for and for whom I hold no animus. I just would like to ask you, is it not true, my dear friend, that we can work this out and find a way to get it done? Is it not true? Can we not find a way to get this done?

Mr. GINGREY of Georgia. Well, here again, when Mr. Barton, the ranking member of the committee, asked very specifically, Mr. Chairman, when he asked very specifically in the markup on the House side back in 2009, if I vote "yes" for that, will we have hearings to—I think it was "to flesh this out."

He was assured, of course, by the chairman at the time of the Health Subcommittee, Mr. PALLONE, and also the chairman of the overall committee, Mr. WAXMAN of California, said, Hey, it's okay with me. No hearings were held.

So this business of can't we work this out, but yet we were reaching out, and it never happened.

I yield back to my friend.

Mr. AL GREEN of Texas. If I may reclaim my time.

I do welcome comments about the past, my dear friend.

But I'm asking you, given that you do have some degree of influence given that you're in the majority, why can we not do now what was not done? I'm not privy to all of what wasn't done and should have been done. But why can we not do now what wasn't done? Why can we not now work to mend, rather then end, something that can benefit persons who cannot help themselves? Why can we not do it now? What prevents us?

I yield to the gentleman.

Mr. GINGREY of Georgia. Mr. Chairman, the gentleman asked me a specific question, and I want to respond to my friend.

You know, the point I will make to him is that we can work together. We absolutely can.

Mr. Chairman, we have discussed this with Mr. Pallone. I have done so personally, as I know my physician colleague on Energy and Commerce, Mr. Burgess, has had a conversation with Mr. Pallone.

### □ 1730

We can work together, but we have to remove this failed program first because of that looming deadline of October 1, 2012, where we'll get sued if we don't have a program. So I'd be glad to work with the gentleman.

The Acting CHAIR. The time of the gentleman has expired.

Mr. AL GREEN of Texas. Mr. Chairman, I ask that I be extended the courtesy that the gentleman from Georgia received when he received an additional 5 minutes. I don't need an additional 5 minutes. I would just like to continue this dialogue that we have had, and he did receive an additional 5 minutes earlier.

The Acting CHAIR. Is the gentleman requesting unanimous consent for an additional 5 minutes?

Mr. AL GREEN of Texas. I ask unanimous consent to continue briefly this dialogue with the gentleman.

Mr. GINGREY of Georgia. Point of order, Mr. Chairman.

The Acting CHAIR. The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. In regard to you yielding an additional 5 minutes to me, in fact, that is not true.

Mr. Chairman, as you know, the gentleman from Tennessee, Representative

FINCHER, moved to strike the last word and was afforded the 5 minutes, as we all are, and he yielded to me.

I certainly would oppose the gentleman's unanimous consent request for you to—I don't think you have the authority to do that quite honestly.

The Acting CHAIR. Objection is heard.

Mr. AL GREEN of Texas. I would ask the Chair for a ruling first as to whether the Chair has the authority to do it. Then, if I am incorrect, let the record always reflect that I will extend an apology when I have made a mistake. So if I have made a mistake, I will do so; but I do ask that the Chair give a ruling as to whether or not we can have the unanimous consent request granted.

Ms. NORTON. Mr. Chairman, could I make a parliamentary inquiry?

The Acting CHAIR. The Chair will first respond to the inquiry of the gentleman from Texas.

The time of the gentleman may be extended in the Committee of the Whole only by unanimous consent.

Ms. NORTON. Mr. Chairman, could I make an inquiry at this time?

The Acting CHAIR. Does the gentleman have a futher inquiry?

Mr. AL GREEN of Texas. Before I leave the podium, if I may, I would like to prevail upon my friend whom I am having a colloquy with to show some sense of desire to continue this and reach some sort of—

The Acting CHAIR. The gentleman from Texas will suspend.

The time of the gentleman from Texas has expired.

Mr. AL GREEN of Texas. May I ask for the unanimous consent now, Mr. Chairman?

The Acting CHAIR. The gentleman has requested unanimous consent to extend his time. There has been an objection to that request.

Does the gentlewoman from the District of Columbia seek recognition?

Ms. NORTON. I ask the Chair: Is it true that there will be no more Members heard on this issue after 5:40?

Mr. GINGREY of Georgia. Mr. Speaker, I'm going to have to insist on regular order here.

The Acting CHAIR. In answer to the gentlewoman's parliamentary inquiry, there is a 3-hour time limit for consideration of amendments that has not yet been reached.

Ms. SCHAKOWSKY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Chairman, roughly 70 percent of us at some point are going to have difficulty taking care of ourselves independently, and we're going to need some sort of long-term care or support. So as the population ages, of course the need for these services only increases.

the substance, or at least as we identify the problem, there is an enormous amount of agreement. We all know that the costs associated with longterm care are very high, that nursing homes can cost over \$70,000 a year, and that just 20 hours a week of home care costs nearly \$20,000 a year. For working families, there are few practical options in order to plan and pay for longterm care and support services. Only about 3 percent have a private policy covering long-term care while the majority is forced to spend its way into poverty to qualify for the Medicare safety net coverage of those costs.

We know this. We all agree on this. What the CLASS Act did was to address a number of critical needs, including providing a way for persons with disabilities to remain independent and in their communities by bringing private dollars into the long-term care services system in order to reduce the reliance on Medicaid without impoverishing individuals and their families.

Mr. Chair, here is how: if a person must go into a nursing home—and those are the potential long-term people, Americans—if such Americans must go into a nursing home, first they spend down their resources, and then they go into a nursing home at a cost of about \$80,000 a year.

We all agree that the CLASS Act is far from perfect, but it provides a beginning framework to begin to deal with the problem.

I got a letter from Jonathan Lavin, CEO of AgeOptions in Oak Brook, Illinois, a service provider. He emailed me, actually, to say:

Please do not vote to repeal the CLASS Act. Such a vote will reverse the hope of millions of Americans that one day they may collectively insure themselves for the eventuality of a debilitating disability. When we see a young former Congresswoman gunned down and a healthy vibrant Illinois Senator struck by a stroke, we realize that any of us may suffer from a disability.

A broad-based, effective insurance program will assist those who face such life-altering challenges. We understand why the CLASS Act is delayed in implementation since the economic situation is so dire, but we cannot understand deliberately acting to eliminate the potential for such legislation to do so much good after the economy recovers.

Every American faces the reality that an accident or illness requiring long-term care could devastate them financially.

While this issue affects everyone, I want to focus on the importance of the CLASS Act for women in this country.

Long-term care is very much a women's health issue. Women live longer than men. Their life expectancy exceeds those of men by some 5 years. Because they live longer, women are at greater risk of needing long-term care services to help them when they become disabled or too sick or frail to care for themselves. Women tend to need more resources for long-term

care. Women tend to be ill for longer periods of time, and women are less likely to have a family member to care for them.

Over 70 percent of nursing home residents and nearly two-thirds of homecare users are women. Because women, far more than men, take on the role of caregiver, women are the ones who end up staying at home, sometimes giving up careers to provide care for a sick or disabled family member, adults and children alike. Indeed, women make up three-fourths of the home-care work-

CLASS would help make these challenges easier. It would help provide the care women may require if and when they need long-term care or supports for themselves. It would help provide relief or a break, if you will, for those women who spend all day every day at home taking care of others in need of long-term care.

To take away this program is to take away the first real opportunity that the women of this country have to deal with the long-term care challenges they face day in and day out both as patients and as caregivers. Like so many other Republican assaults on the Affordable Care Act, H.R. 1173 is, in fact, an attack on women and women's health.

Like all those other assaults, we should push back and reject this one. CLASS is just one of the many advancements for women's health that is included in the Affordable Care Act. As you have heard many times today, let's fix it, not repeal it, so it can work for women and all Americans as intended.

Instead of passing H.R. 1173 and repealing the CLASS Act with no effective alternative in place, we can and should work together to repair this program. Ignoring the long-term care crisis won't make it go away.

I yield back the balance of my time. Ms. NORTON. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, we have here one for the books. The Democrats offer a 100 percent private-sector solution to the most costly health care crisis affecting the American people, and Republicans want to repeal it. This is going to go down in history.

The Obama administration is a victim of its own honesty. It, in good faith, put the CLASS Act into the health care bill knowing that we can't do without it. Then the administration looked carefully at the cost factors, and it did the right thing. It informed the Congress that it was suspending implementation of the CLASS Act. It certainly did not repeal it or ask for its repeal, nor should we. Here is why: the Medicare crisis before us, as I speak, is dwarfed by the long-term care crisis. We know it because that crisis, the

I've been listening to this debate. On care. Women tend to be ill for longer CLASS crisis if you will, is already be substance, or at least as we iden-periods of time, and women are less here.

#### □ 1740

That crisis, my friends, is long-term care. Who pays for it? We pay for it. We, the taxpayers, because Medicaid pays for it. They're coming at an increasing clip because the fact is that the number of Americans who are living longer, who don't have the resources themselves, grows exponentially. Government is now paying 100 percent.

Let's look at the CLASS Act. That is a 100 percent privately financed plan. It means that we should all, not wait for long-term care to be needed when we would have to ask the government, through Medicaid, to pay for nursing home care. We should begin now to take care of our own long-term needs.

What are you going to do if we don't have the CLASS Act—pass off the elderly who are in the nursing homes? To where? To whom?

Clearly, the CLASS Act is the only solution, unless you want the Federal Government to continue to pick up the loss for those who need long-term care, and that is what people in nursing homes are there for. Only 8 percent of Americans buy long-term care insurance.

I bought long-term care insurance, and then I was a little concerned to read that people who have bought long-term care insurance find they are not going to get what they thought they paid for.

I think this House ought to be having hearings on what is out there now if we want to encourage people to buy their own long-term care insurance. We are doing none of that. We are not encouraging people to do what the CLASS Act would encourage them to do. Instead, we are saying repeal this private sector solution.

That makes no sense, because when the crisis comes, the elderly are going to come to us. They are going to say they have no long-term care; they want what the last generation had. You spend down your resources and then Medicaid picks it up. That's the solution on the table now. If you want a private solution, this is golden. It is in law.

We should grab it, keep it, have hearings on it. How can we make it feasible? Thank the administration for deciding not to implement it. They had an alternative. They could have allowed it to lie dormant, gone on with the rest of the health care bill. Instead, they told the truth.

Now we are here trying to repeal it, knowing full well that when the crisis is upon us, we will never be able to put forward a private, 100 percent private solution because it will be too late.

Take this for what it's worth. You have a bird in hand.

I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Mr. Chairman, to summarize briefly, first of all, there is no CLASS program. The gentlelady was right; this is a woman issue. Women have been promised something that they'll never get with the CLASS Act. Zero people will be enrolled in the CLASS Act. They have a program that doesn't work, they know it won't work, and it's a false sense of hope to say that it will.

HHS studied for 18 months eight different scenarios to fix the CLASS Act from \$391 a month premium to \$3,000 a month premium. They concluded the same result: The CLASS Act is not fixable. Short of a mandate, there's no way to fix the CLASS Act.

Now, our friends on the other side have had several opportunities to offer amendments to fix the CLASS Act. First of all, H.R. 1173 was marked up in the Energy and Commerce Health Subcommittee, and they didn't offer an amendment. At full committee, the Democrats didn't offer a comprehensive plan to fix the program. And now, with nearly 4 hours of debate, still no amendments to fix the program. Without a mandate, there's no way to fix it.

Mr. Chairman, we must get this program off the books and start over. It was wrong when it was passed. It's simply a liability in our budget, and the American taxpayers who would reject any further attempt by the Federal Government to require something upon them, that is another mandate.

I urge a vote for H.R. 1173 to repeal this CLASS Act. Let's start over again. I yield back the balance of my time. ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the Congressional Record on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. Jackson Lee of Texas.

Amendment No. 1 by Ms. Jackson Lee of Texas.

Amendment No. 4 by Mr. DEUTCH of Florida.

Amendment No. 5 by Mr. DEUTCH of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. Jackson LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

Adams

Akin

Amash Amodei

Austria

Bachus

Barrow

Bartlett

Bass (NH)

Benishek

Berkley

Biggert

Bilbray

Black

Bilirakis

Bishop (UT)

Blackburn

Berg

Barton (TX)

Barletta

Bachmann

Aderholt

Alexander

The vote was taken by electronic device. and there were—aves 161, noes 263, not voting 8, as follows:

# [Roll No. 13]

AYES—161					
Ackerman	Gutierrez	Pastor (AZ)			
Altmire	Hahn	Payne			
Andrews	Hanabusa	Pelosi			
Baca	Hastings (FL)	Peters			
Baldwin	Heinrich	Pingree (ME)			
Bass (CA)	Higgins	Polis			
Becerra	Hinojosa	Price (NC)			
Berman	Hirono	Quigley			
Bishop (GA)	Hochul	Rahall			
Bishop (NY)	Holden	Rangel			
Blumenauer	Holt	Reyes			
Boswell	Honda	Richardson			
Brady (PA)	Hoyer	Richmond			
Brown (FL)	Inslee	Rothman (NJ)			
Butterfield	Israel	Ruppersberger			
Capps	Jackson (IL)	Rush			
Capuano	Jackson Lee	Ryan (OH)			
Carnahan	(TX)	Sánchez, Linda			
Carney Chu	Johnson (GA)	T.			
	Johnson, E. B.	Sanchez, Loretta			
Cicilline	Kaptur	Sarbanes			
Clarke (MI)	Keating Kildee	Schakowsky			
Clarke (NY)	Kiissell	Schiff			
Clay		Schwartz			
Cleaver Clyburn	Kucinich	Scott (VA)			
Cohen	Langevin	Scott, David			
Connolly (VA)	Larsen (WA) Larson (CT)	Serrano			
Conyers (VA)	Lee (CA)	Sewell			
Cooper	Levin	Sherman			
Costello	Lewis (GA)	Sires			
Courtney	Loebsack	Slaughter			
Critz	Lowey	Smith (NJ)			
Crowley	Luján	Smith (WA)			
Cuellar	Lynch	Stark			
Cummings	Maloney	Sutton			
Davis (IL)	Markey	Thompson (CA)			
DeGette	Matsui	Thompson (MS)			
DeLauro	McCollum	Tierney			
Deutch	McDermott	Tonko			
Dicks	McGovern	Towns			
Dingell	McNerney	Tsongas			
Doggett	Meeks	Van Hollen			
Doyle	Michaud	Velázquez			
Edwards	Miller (NC)	Visclosky			
Ellison	Miller, George	Walz (MN)			
Engel	Moore	Wasserman			
Fattah	Moran	Schultz			
Frank (MA)	Nadler	Waters			
Fudge	Napolitano	Watt			
Garamendi	Neal	Waxman			
Gonzalez	Olver	Welch			
Green, Al	Owens	Wilson (FL)			
Green, Gene	Pallone	Woolsey			
Grijalva	Pascrell	Yarmuth			

NOE	S—263	
Bonner		Chabot
Bono Ma	ack	Chaffetz
Boren		Chandler
Boustan	y	Coble
Brady (	ΓX)	Coffman (CO)
Braley (	IA)	Cole
Brooks		Conaway
Broun (	GA)	Costa
Buchana	an	Cravaack
Bucshor	1	Crawford
Buerkle		Crenshaw
Burgess		Culberson
Burton	(IN)	Davis (CA)
Calvert		Davis (KY)
Camp		DeFazio
Campbe	11	Denham
Canseco		Dent
Cantor		DesJarlais
Capito		Diaz-Balart
Cardoza		Dold
Carter		Donnelly (IN)
Cassidy		Dreier
Castor (	FL)	Duffy

Ellmers Emerson Eshoo Lance Farenthold Farr Fincher Fitzpatrick Latta Flake Fleischmann Fleming Long Forbes Fortenberry Lucas Foxx Franks (AZ) Frelinghuysen Gallegly Gardner Garrett Gerlach Gibbs Gibson Gingrey (GA) Gohmert Goodlatte Gosar Gowdy Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Mica Guthrie Hall Hanna Harper Harris Hartzler Hastings (WA) Hayworth Noem Heck Hensarling Herger Nunes Herrera Beutler Himes Olson Huelskamp Huizenga (MI) Hultgren Hunter Pence Hurt. Issa. Jenkins Petri Johnson (II.) Pitts Johnson (OH) Platts Johnson, Sam Jones Jordan Posey Kelly Kind King (IA) Reed King (NY) Kingston

Kinzinger (IL) Renacci Kline Labrador Ribble Rigell Lamborn Rivera Roby Landry Roe (TN) Lankford Rogers (AL) Latham Rogers (KY) Rogers (MI) Lewis (CA) Rokita Lipinski Rooney LoBiondo Ros-Lehtinen Lofgren, Zoe Roskam Ross (AR) Ross (FL) Luetkemeyer Royce Lummis Runvan Lungren, Daniel Ryan (WI) Scalise Manzullo Marchant Schilling Schmidt Marino Schock Matheson McCarthy (CA) Schrader Schweikert McCarthy (NY) Scott (SC) McCaul McClintock Scott, Austin McCotter Sensenbrenner McHenry Sessions McIntvre Shimkus McKeon Shuler McKinley Shuster McMorris Simpson Rodgers Meehan Smith (NE) Smith (TX) Southerland Miller (FL) Speier Miller (MI) Stearns Miller, Gary Stivers Mulvanev Stutzman Murphy (CT) Sullivan Murphy (PA) Terry Myrick Thompson (PA) Neugebauer Thornberry Tiberi Nugent Tipton Turner (NY) Nunnelee Turner (OH) Upton Palazzo Walberg Paulsen Walden Pearce Walsh (IL) Webster Perlmutter West Peterson Westmoreland Whitfield Wilson (SC) Poe (TX) Wittman Wolf Pompeo Womack Price (GA) Woodall Yoder Quavle Young (AK) Rehberg Young (FL) Reichert Young (IN) NOT VOTING-8

Carson (IN) LaTourette Rohrabacher Filner Mack Roybal-Allard Hinchey

#### □ 1815

Messrs. POMPEO, LANDRY, POSEY, WILSON of South Carolina, MURPHY of Pennsylvania, CALVERT, ROKITA, BURGESS, Ms. BERKLEY, and Ms. SPEIER changed their vote from "aye" to "no."

Messrs. COOPER, CARNEY, OWENS, and Ms. HOCHUL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 13, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Stated against:

Gowdy

Granger

Graves (GA)

Graves (MO)

Green, Gene

Griffin (AR)

Grimm

Guinta

Guthrie

Hall

Hanna

Harper

Harris

Heck

Herger

Himes

Hochul

Hartzler

Hayworth

Hensarling

Huelskamp

Hultgren

Hunter

Jenkins

Hurt

Jones

Kelly

Kind

Jordan

King (IA)

King (NY)

Kinzinger (IL)

Kingston

Labrador

Lamborn

Kline

Lance

Landry

Huizenga (MI)

Johnson (IL)

Johnson (OH)

Johnson, Sam

Hastings (WA)

Herrera Beutler

Griffith (VA)

Nugent

Nunnelee

Olson

Owens

Palazzo

Paulsen

Pearce

Pence

Petri

Pitts

Platts

Poe (TX)

Price (GA)

Pompeo

Posey

Quayle

Rehberg

Reichert

Renacci

Ribble

Rigell

Rivera

Roe (TN)

Rogers (AL)

Rogers (KY)

Rogers (MI)

Rohrabacher

Ros-Lehtinen

Rokita

Rooney

Roskam

Ross (AR)

Ross (FL)

Ryan (WI)

Runvan

Scalise

Schilling

Schmidt

Schock

Schweikert

Scott (SC)

Sessions

Shimkus

Shuler

Shuster

Simpson

Smith (NE)

Smith (NJ)

Smith (TX)

Stearns

Stivers

Terry

Tiberi

Tipton

Upton

Walberg

Walden

Webster

Whitfield

Wittman

Womack

Woodall

Young (AK)

Young (FL)

Young (IN)

Frank (MA)

Garamendi

Fudge

Yoder

Wilson (SC)

West

Wolf

Walsh (IL)

Westmoreland

Stutzman

Thornberry

Turner (NY)

Turner (OH)

Thompson (PA)

Southerland

Scott, Austin

Sensenbrenner

Roby

Reed

Perlmutter

Peterson

Mr. SMITH of New Jersey. Mr. Chair, on rollcall No. 13, I inadvertently voted "yes" when I intended to vote "no."

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

Clerk will redesignate amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2minute vote.

The vote was taken by electronic device, and there were—aves 157, noes 264. not voting 11, as follows:

### [Roll No. 14]

#### AYES—157

AYES—157				
Ackerman	Hahn	Peters		
Andrews	Hanabusa	Pingree (ME)		
Baca	Hastings (FL)	Polis		
Baldwin	Heinrich	Price (NC)		
Bass (CA)	Higgins			
Becerra	Hinojosa	Quigley Rahall		
Berman	Hirono			
Bishop (GA)	Holden	Rangel		
Blumenauer	Holt	Reyes		
Boswell	Honda	Richardson		
Brady (PA)	Hoyer	Richmond		
Braley (IA)	Inslee	Rothman (NJ)		
Brown (FL)	Israel	Ruppersberger		
Butterfield	Jackson (IL)	Rush		
Capps	Jackson Lee	Ryan (OH)		
Capuano	(TX)	Sánchez, Linda		
Carnahan	Johnson (GA)	T.		
Carnanan Castor (FL)	Johnson, E. B.	Sanchez, Loretta		
Chu Chu	Kaptur	Sarbanes		
Cicilline	Keating	Schakowsky		
Clarke (MI)	Kildee	Schiff		
Clarke (NY)	Kissell	Schrader		
Clay	Kucinich	Schwartz		
Clyburn	Langevin	Scott (VA)		
Cohen	Larson (CT)	Scott, David		
Connolly (VA)	Lee (CA)	Serrano		
Convers	Levin	Sewell		
Costello	Lewis (GA)	Sherman		
Courtney	Loebsack	Sires		
Critz	Lofgren, Zoe	Slaughter		
Crowley	Lowey	Smith (WA)		
Cummings	Luján			
Davis (IL)	Maloney	Speier		
DeFazio	Markey	Stark		
DeGette	Matsui	Sutton		
DeLauro	McCarthy (NY)	Thompson (CA)		
Deutch	McCollum	Thompson (MS)		
Dicks	McDermott	Tierney		
Dingell	McGovern	Tonko		
Doggett	McNerney	Towns		
Doyle	Meeks	Tsongas		
Edwards	Michaud	Van Hollen		
Ellison	Miller (NC)	Velázquez		
Engel	Miller, George	Visclosky		
Eshoo	Moore	Walz (MN)		
Farr	Moran	Wasserman		
Fattah	Nadler	Schultz		
Frank (MA)	Napolitano	Waters		
Fudge	Neal	Watt		
Garamendi	Olver	Waxman		
Gonzalez	Pallone	Welch		
Green, Al	Pascrell	Wilson (FL)		
	D ( ( ) ( )	TT7 1		

NOES-264

Woolsev

Yarmuth

Altmire Adams Bachmann Aderholt Amash Bachus Barletta Akin Amodei Alexander Austria Barrow

Pastor (AZ)

Payne

Grijalva

Gutierrez

Bartlett Barton (TX) Bass (NH) Benishek Berg Berkley Biggert Bilbray Bilirakis Bishop (NY) Bishop (UT) Black Blackburn Bonner Bono Mack Boren Boustany Brady (TX) Brooks Broun (GA) Buchanan Bucshon Buerkle Burgess Burton (IN) Calvert Camp Campbell Canseco Cantor Capito Cardoza Carnev Carter Cassidy Chabot Chaffetz Chandler Cleaver Coble Coffman (CO) Cole Conaway Cooper Costa Cravaack Crawford Crenshaw Cuellar Culberson Davis (CA) Davis (KY) Denham Dent DesJarlais Diaz-Balart Dold Donnelly (IN) Dreier Duffv Duncan (SC) Duncan (TN) Ellmers Emerson Farenthold Fincher Fitzpatrick Flake

Fleming

Forbes

Foxx

Gallegly

Gardner

Garrett

Gerlach

Gibbs

Gibson

Gohmert

Goodlatte

Lankford Larsen (WA) Latham LaTourette Latta Lewis (CA) Lipinski LoBiondo Long Lucas Luetkemeyer Lummis Lungren, Daniel Lvnch Manzullo Marchant Marino Matheson McCarthy (CA) McCaul McClintock McCotter Fleischmann McHenry McIntyre McKeon Fortenberry McKinley McMorris Franks (AZ) Rodgers Frelinghuvsen Meehan Mica Miller (FL) Miller (MI) Miller, Gary Mulvanev Murphy (CT) Gingrey (GA) Murphy (PA) Myrick Neugebauer Noem

## NOT VOTING-11

Carson (IN) Issa Rovbal-Allard Filner Mack Rovce Paul Sullivan Hinchey Pelosi

ANNOUNCEMENT BY THE ACTING CHAIR The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1819

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 14, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. DEUTCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

Clerk will redesignate The amendment.

The Clerk redesignated the amend-

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2minute vote.

The vote was taken by electronic device, and there were—aves 164, noes 260, not voting 8, as follows:

#### [Roll No. 15] AYES-164

Ackerman Gonzalez Nadler Altmire Green, Al Napolitano Andrews Green, Gene Neal Baca Grijalva Olver Baldwin Gutierrez Pallone Bass (CA) Hahn Pascrell Becerra Hanabusa Pastor (AZ) Berman Hastings (FL) Pavne Bishop (GA) Heinrich Pelosi Blumenauer Higgins Perlmutter Boswell Hinojosa Peters Brady (PA) Hirono Pingree (ME) Braley (IA) Holden Polis Brown (FL) Holt Price (NC) Honda Butterfield Quigley Capps Hoyer Rahall Capuano Inslee Rangel Israel Cardoza Reves Carnahan Jackson (IL) Richardson Castor (FL) Jackson Lee Richmond Chu (TX) Rothman (NJ) Cicilline Johnson (GA) Ruppersberger Clarke (MI) Johnson, E. B. Rush Clarke (NY) Kaptur Ryan (OH) Clay Keating Sánchez, Linda Cleaver Kildee Clyburn Kissell Sanchez, Loretta Cohen Kucinich Sarbanes Connolly (VA) Langevin Schakowsky Conyers Larsen (WA) Schiff Costello Larson (CT) Schwartz Lee (CA) Courtney Scott (VA) CritzLevin Scott, David Lewis (GA) Crowley Serrano Cummings Loebsack Lofgren, Zoe Sewell Davis (CA) Sherman Davis (IL) Lowey Sires DeGette Luián Slaughter DeLauro Lynch Smith (WA) Deutch Maloney Dicks Markey Speier Dingell Matsui Stark Sutton McCarthy (NY) Doggett Thompson (CA) McCollum Doyle Edwards McDermott Thompson (MS) Ellison McGovern Tiernev Tonko Engel McNerney Meeks Michaud Eshoo Towns Tsongas Farr Fattah Van Hollen Miller (NC)

Miller, George

Moore

Velázquez

Visclosky

Walz (MN)

### February 1, 2012

100		CONGR	ESSIONAL I	TECOND—I	IOOSE, VOI.	170, Ft. 1	reoru	ary 1, 2012
Wasserman Schultz	Watt	Wilson (FL)		NOT VOTING-	-8	Sánchez, Linda T.	Slaughter Smith (WA)	Visclosky Walz (MN)
Waters	Waxman Welch	Woolsey Yarmuth	Carson (IN) Filner	Hinchey LaTourette	Paul Roybal-Allard	Sanchez, Loretta	Speier	Wasserman
	NOES-260		Franks (AZ)	Mack		Sarbanes Schakowsky	Stark Sutton	Schultz Waters
Adams	Gibbs	Nugent		□ 1824		Schiff Schwartz	Thompson (CA) Thompson (MS)	Watt
Aderholt	Gibson	Nunes	G			Scott (VA)	Tierney	Waxman Welch
Akin Alexander	Gingrey (GA) Gohmert	Nunnelee Olson		endment was	-	Scott, David	Tonko	Wilson (FL)
Amash	Goodlatte	Owens			as announced	Serrano Sewell	Towns Tsongas	Woolsey
Amodei	Gosar	Palazzo	as above rec Stated for:			Sherman	Van Hollen	Yarmuth
Austria Bachmann	Gowdy Granger	Paulsen Pearce			rollcall 15, I was	Sires	Velázquez	
Bachus	Graves (GA)	Pence			to prior commit-		NOES-264	
Barletta Barrow	Graves (MO) Griffin (AR)	Peterson	,		I I been present,	Adams	Foxx	McClintock
Bartlett	Griffith (VA)	Petri Pitts	I would have v	oted "aye."	• •	Aderholt	Franks (AZ)	McCotter
Barton (TX)	Grimm	Platts	Stated aga			Akin	Frelinghuysen	McHenry
Bass (NH) Benishek	Guinta Guthrie	Poe (TX)			r. Chair, on roll-	Alexander Amash	Gallegly Gardner	McIntyre McKeon
Berg	Hall	Pompeo Posey			y detained. Had	Amodei	Garrett	McKinley
Berkley	Hanna Harper	Price (GA)	•	, I would have v		Austria Bachmann	Gerlach Gibbs	McMorris Rodgers
Biggert Bilbray	Harris	Quayle		NO. 5 OFFERED I		Bachus	Gibson	Meehan
Bilirakis	Hartzler	Reed Rehberg		0	he unfinished	Barletta Barrow	Gingrey (GA) Gohmert	Mica Miller (FL)
Bishop (NY) Bishop (UT)	Hastings (WA) Hayworth	Reichert			for a recorded offered by the	Bartlett	Goodlatte	Miller (MI)
Black	Heck	Renacci			(Mr. DEUTCH)	Barton (TX)	Gosar	Miller, Gary
Blackburn	Hensarling	Ribble Rigell	-		eedings were	Bass (NH) Benishek	Gowdy Granger	Mulvaney Murphy (CT)
Bonner Bono Mack	Herger Herrera Beutler	Rivera			the noes pre-	Berg	Graves (GA)	Murphy (PA)
Boren	Himes	Roby	vailed by vo	ice vote.	-	Berkley Biggert	Graves (MO) Griffin (AR)	Myrick Neugebauer
Boustany Brady (TX)	Hochul Huelskamp	Roe (TN) Rogers (AL)	The Cler	k will red	esignate the	Bilbray	Griffith (VA)	Noem
Brooks	Huizenga (MI)	Rogers (KY)	amendment.			Bilirakis Bishop (UT)	Grimm Guinta	Nugent Nunes
Broun (GA)	Hultgren	Rogers (MI) Rohrabacher		redesignate	d the amend-	Black	Guinta	Nunnelee
Buchanan Bucshon	Hunter Hurt	Rokita	ment.			Blackburn	Hall	Olson
Buerkle	Issa	Rooney		RECORDED VOT		Bonner Bono Mack	Hanna Harper	Owens Palazzo
Burgess	Jenkins	Ros-Lehtinen Roskam		-	recorded vote	Boren	Harris	Paulsen
Burton (IN) Calvert	Johnson (IL) Johnson (OH)	Ross (AR)	has been den		anad	Boustany Brady (TX)	Hartzler Hastings (WA)	Pearce Pence
Camp	Johnson, Sam	Ross (FL)		l vote was ord	is will be a 2-	Brooks	Hayworth	Perlmutter
Campbell Canseco	Jones Jordan	Royce Runyan	minute vote	-	is will be a 2-	Broun (GA) Buchanan	Heck Hensarling	Peterson Petri
Cantor	Kelly	Ryan (WI)			electronic de-	Bucshon	Herger	Pitts
Capito	Kind	Scalise		-	s 160, noes 264,	Buerkle	Herrera Beutler	Platts
Carney Carter	King (IA) King (NY)	Schilling Schmidt	not voting 8,	, as follows:		Burgess Burton (IN)	Himes Hochul	Poe (TX) Pompeo
Cassidy	Kingston	Schock		[Roll No. 16]		Calvert	Hoyer	Posey
Chabot Chaffetz	Kinzinger (IL) Kline	Schrader		AYES-160		Camp Campbell	Huelskamp Huizenga (MI)	Price (GA) Quayle
Chandler	Labrador	Schweikert Scott (SC)	Ackerman	Dicks	Lewis (GA)	Canseco	Hultgren	Reed
Coble	Lamborn	Scott, Austin	Altmire Andrews	Dingell Doggett	Loebsack Lofgren, Zoe	Cantor Capito	Hunter Hurt	Rehberg Reichert
Coffman (CO) Cole	Lance Landry	Sensenbrenner Sessions	Baca	Doyle	Lowey	Carney	Issa	Renacci
Conaway	Lankford	Shimkus	Baldwin Bass (CA)	Edwards Ellison	Luján Maloney	Carter Cassidy	Jenkins Johnson (IL)	Ribble Rigell
Cooper Costa	Latham Latta	Shuler	Becerra	Engel	Markey	Chabot	Johnson (OH)	Rivera
Cravaack	Lewis (CA)	Shuster Simpson	Berman	Eshoo	Matsui	Chaffetz	Johnson, Sam	Roby
Crawford	Lipinski	Smith (NE)	Bishop (GA) Bishop (NY)	Farr Fattah	McCarthy (NY) McCollum	Chandler Coble	Jones Jordan	Roe (TN) Rogers (AL)
Crenshaw Cuellar	LoBiondo Long	Smith (NJ) Smith (TX)	Blumenauer	Frank (MA)	McDermott	Coffman (CO)	Kelly	Rogers (KY)
Culberson	Lucas	Southerland	Boswell Brady (PA)	Fudge Garamendi	McGovern McNerney	Cole Conaway	Kind King (IA)	Rogers (MI) Rohrabacher
Davis (KY) DeFazio	Luetkemeyer Lummis	Stearns	Braley (IA)	Green, Al	Meeks	Cooper	King (NY)	Rokita
Denham	Lungren, Daniel	Stivers Stutzman	Brown (FL) Butterfield	Green, Gene Grijalva	Michaud Miller (NC)	Costa Cravaack	Kingston Kinzinger (IL)	Rooney Ros-Lehtinen
Dent DesJarlais	E. Manzullo	Sullivan	Capps	Hahn	Miller, George	Crawford	Kline	Roskam
Diaz-Balart	Marchant	Terry Thompson (PA)	Capuano Cardoza	Hanabusa Hastings (FL)	Moore Moran	Crenshaw Culberson	Labrador Lamborn	Ross (AR) Ross (FL)
Dold	Marino	Thompson (FA) Thornberry	Carnahan	Heinrich	Nadler	Davis (KY)	Lance	Royce
Donnelly (IN) Dreier	Matheson McCarthy (CA)	Tiberi	Castor (FL)	Higgins	Napolitano	DeFazio	Landry	Runyan
Duffy	McCaul	Tipton Turner (NY)	Chu Cicilline	Hinojosa Hirono	Neal Olver	Denham Dent	Lankford Larsen (WA)	Ryan (WI) Scalise
Duncan (SC) Duncan (TN)	McClintock McCotter	Turner (OH)	Clarke (MI)	Holden	Pallone	DesJarlais	Latham	Schilling
Ellmers	McHenry	Upton	Clarke (NY) Clay	Holt Honda	Pascrell Pastor (AZ)	Diaz-Balart Dold	LaTourette Latta	Schmidt Schock
Emerson	McIntyre	Walberg Walden	Cleaver	Inslee	Payne	Donnelly (IN)	Lewis (CA)	Schrader
Farenthold Fincher	McKeon McKinley	Walsh (IL)	Clyburn Cohen	Israel Jackson (IL)	Pelosi Peters	Dreier Duffy	Lipinski LoBiondo	Schweikert Scott (SC)
Fitzpatrick	McMorris	Webster West	Connolly (VA)	Jackson Lee	Pingree (ME)	Duncan (SC)	Long	Scott, Austin
Flake Fleischmann	Rodgers Meehan	Westmoreland	Conyers Costello	(TX) Johnson (GA)	Polis Price (NC)	Duncan (TN) Ellmers	Lucas Luetkemeyer	Sensenbrenner Sessions
Fleming	Mica	Whitfield	Costello	Johnson (GA) Johnson, E. B.	Quigley	Emerson	Lummis	Shimkus
Flores Forbes	Miller (FL) Miller (MI)	Wilson (SC) Wittman	Critz	Kaptur	Rahall	Farenthold	Lungren, Daniel	Shuler
Fortenberry	Miller, Gary	Wolf	Crowley Cuellar	Keating Kildee	Rangel Reyes	Fincher Fitzpatrick	E. Lynch	Shuster Simpson
Foxx	Mulvaney	Womack	Cummings	Kissell	Richardson	Flake	Manzullo	Smith (NE)
Frelinghuysen Gallegly	Murphy (CT) Murphy (PA)	Woodall Yoder	Davis (CA) Davis (IL)	Kucinich Langevin	Richmond Rothman (NJ)	Fleischmann Fleming	Marchant Marino	Smith (NJ) Smith (TX)
Gardner	Myrick	Young (AK)	DeGette	Larson (CT)	Ruppersberger	Flores	Matheson	Southerland
Garrett Gerlach	Neugebauer Noem	Young (FL) Young (IN)	DeLauro Deutch	Lee (CA) Levin	Rush Ryan (OH)	Forbes Fortenberry	McCarthy (CA) McCaul	Stearns Stivers
		(***)			(011)			

Stutzman	Upton	Wittman
Sullivan	Walberg	Wolf
Terry	Walden	Womack
Thompson (PA)	Walsh (IL)	Woodall
Thornberry	Webster	Yoder
Tiberi	West	Young (AK)
Tipton	Westmoreland	Young (FL)
Turner (NY)	Whitfield	Young (IN)
Turner (OH)	Wilson (SC)	Touris (IIV)

#### NOT VOTING-8

Carson (IN)GutierrezPaulFilnerHincheyRoybal-AllardGonzalezMack

#### $\sqcap$ 1829

So the amendment was rejected. The result of the vote was announced

as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 16, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. DOLD). The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. DOLD, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1173) to repeal the CLASS Program, and, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

#### □ 1830

#### MOTION TO RECOMMIT

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GARAMENDI. I am in its present form.

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

The Clerk read as follows:

Mr. Garamendi moves to recommit the bill H.R. 1173 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following:

#### SEC. 3. ENSURING LONG-TERM CARE SERVICES FOR SENIORS WITH ALZHEIMER'S DISEASE AND OTHER DISABLED IN-DIVIDUALS.

(a) IN GENERAL.—Section 2 shall not take effect until such date as the Secretary of

Health and Human Services certifies that a national voluntary insurance program is in effect for purchasing community living assistance services and supports for individuals who—

(1) have-

- (A) Alzheimer's disease or other cognitive impairment;
- (B) chronic diabetes, heart disease, or advanced stages of cancer;
- (C) a disability or traumatic injury; or
- (D) any other serious disease or health condition; and
- (2) require assistance with two or more activities of daily living (such as eating, bathing, dressing, and toileting).
- (b) EXCEPTION.—Notwithstanding subsection (a), section 2(b)(3)(B) shall take effect upon the enactment of this Act.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, I want all Members to pause for a moment and think about your family, think about your community, and the people you represent. I want you to put in your mind Alzheimer's and the effect that it has on the individuals and families. Now are you envisioning the effect of Alzheimer's, not only on the individual but on the family?

I want you to put in your mind that terrible auto accident that left that young child totally disabled. I want you to put in your mind the diabetic, think about the diabetic, long-term diabetes, and the effect that it has.

Now, the point of my amendment is not to kill this bill but rather to amend it in such a way that it can be taken up on the floor with all of us supporting this.

Long-term care is a major challenge for families, for individuals, and for this Nation. Today 5.4 million Americans have Alzheimer's, and at the end of this decade, it's expected to double, more than 10 million.

Keep that vision of the Alzheimer's patient in mind. It may be someone in your family or in your circle. Twenty-four million Americans have diabetes, 26 million have heart disease. Think of that stroke victim. You know that person. They've been our colleagues, disabled, and in many cases, totally disabled.

What this amendment does is to deal with a profound problem in America. How do we care for those who are disabled, unable to care for themselves for a lengthy period of time? How do we do that? There is no effective way to do it today until that individual and family is flat broke.

There is no mechanism today to deal with this problem unless you have become totally bankrupt, no assets, and then you get to go on the Medicaid program, a burden on our general fund and on every State's general fund.

This amendment offers a solution. This amendment says that we will keep the CLASS Act in effect but seek a national voluntary insurance program. Now, I happen to know insurance, and

I happen to know that all of the longterm insurance programs out there have failed to work because they are narrow, because they've been unable to reach across the broad spectrum of America to provide a broad base of risk. You need a very, very large pool to deal with this very large and very expensive problem.

If my amendment is adopted, we will be able to go forward and to repair the CLASS Act into a voluntary insurance program that would involve the entire Nation and thereby provide a premium that is affordable. The present programs do not.

As we know from the CLASS Act itself and the work done by the Department of Health and Human Services, it too is flawed. But the problem remains. The problem has not disappeared. It is in fact in every one of our families and, quite possibly, with us as individuals.

We need a solution. Whether you're a Democrat or a Republican, we have to find a solution to this problem because now it falls back. When all other resources are gone for the individual and the family, it falls back onto the general fund of the State and the Federal Government. Not a good solution at all.

So I ask for your support on this. If you adopt this amendment, we will immediately vote on the CLASS Act itself, and it will be repealed, but not real. It will be maintained as we work forward towards a solution. That's our task here. That's our task as Members of Congress. Find solutions for the real problems that face every American.

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

Mr. GINGREY of Georgia. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, the gentleman from California in mentioning these categories of suffering seniors, people with Alzheimer's disease, chronic diabetes, heart disease, advanced stages of cancer, disability, or traumatic injury, I'd like to tell the gentleman and my colleagues on the other side of the aisle, Mr. Speaker, that we on this side of the aisle always have these victims in our mind, in our heart, in our prayers. But we have the compassion and the honesty not to promote and present a ruse and false hope. That's what this socalled CLASS Act non-program does to these suffering individuals that suffer from these chronic medical conditions and disabilities.

H.R. 1173 is an opportunity for this Congress to reverse one of the most costly coverups—yes, coverups—this administration has imposed upon the American taxpayer. The failure of this administration to implement the CLASS program came as no surprise to

the many of us who had actually listened to the concerns from the unbiased actuaries—even the administration's own chief health actuary, Richard Foster, from CMS-about the certain failure of the CLASS program.

The concerns, Mr. Speaker, were bipartisan during debate on the President's health care law, and even the President's own fiscal commission called for the program's repeal.

So today we have the opportunity to finally get this failed program off of the books. This administration has spent millions of dollars and, yes, eight ways of Sunday, here they are, colleagues, eight ways, short of having yet another mandate that all people have coverage.

#### □ 1840

They have tried to implement a program that never had a chance of being implemented, and today we're faced with an \$80 billion hole in the budget that this administration claims would be filled by the implementation of the CLASS program.

Listen, colleagues, key Senate Democrats, like Senator HARKIN, believe that there is still one last option worth considering: another unconstitutional mandate on every American. In fact, in comments to reporters yesterday, Senator HARKIN made the claim that the problem with the current CLASS program is that it is voluntary. In the opinion of the esteemed Senator, it needs to be mandatory.

The need for long-term care reform is an important issue, and I am confident that solutions can be accomplished and that we can do this in a bipartisan way as they have been done before on this issue. We cannot, however, continue to deny the fact that the CLASS program is an abject failure and that its repeal is necessary today.

I say to my Democrat colleagues, admit your failure. You rushed this provision into the health care law. I understand your compassion toward the late Senator Kennedy and your wanting this to be a legacy for him, but it was his staff that maybe misled the committee and the Democrat majority. Admit your failure. Get over it. Vote to repeal this failed CLASS Act, and live to fight another day.

I recommend that we vote down this motion to recommit and for the bill to be repealed.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

#### RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1173, if ordered, and motions to suspend the rules on H.R. 3835 and H.R. 3567.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 10, as follows:

### [Roll No. 17]

#### AYES-175

Ackerman Gonzalez Olver Altmire Green, Al Pallone Andrews Green, Gene Pascrell Baca Grijalva Pastor (AZ) Baldwin Gutirrez Payne Bass (CA) Hahn Pelosi Hanabusa Becerra Perlmutter Hastings (FL) Berkley Peters Berman Heinrich Peterson Bishop (GA) Higgins Pingree (ME) Bishop (NY) Himes Polis Blumenauer Hinoiosa Price (NC) Boswell Hirono Quigley Brady (PA) Holden Rahall Bralev (IA) Holt Rangel Brown (FL) Honda Reyes Butterfield Hoyer Richardson Capps Inslee Richmond Capuano Israel Rothman (NJ) Jackson (II.) Cardoza Ruppersberger Carnahan Jackson Lee (TX) Rush Carney Castor (FL) Ryan (OH) Johnson (GA) Sánchez, Linda Johnson, E. B. Chu Cicilline Kaptur Sanchez, Loretta Clarke (MI) Keating Clarke (NY) Kildee Sarbanes Kind Clay Schakowsky Kissell Cleaver Schiff Kucinich Clyburn Schwartz Cohen Langevin Scott (VA) Connolly (VA) Larsen (WA) Scott, David Larson (CT) Conyers Serrano Cooper Lee (CA) Sewell. Costa Levin Sherman Lewis (GA) Costello Sires Courtney Loebsack Slaughter Lofgren, Zoe Critz Smith (WA) Crowley Lowey Stark Cuellar Luián Sutton Cummings Lynch Thompson (CA) Malonev Thompson (MS) Davis (IL) Markey Tierney DeFazio Matsui Tonko DeGette McCarthy (NY) Towns DeLauro McCollum McDermott Tsongas Deutch Van Hollen McGovern Dicks Velázquez Dingell McIntyre Visclosky Doggett McNerney Walz (MN) Meeks Wasserman Edwards Michaud Ellison Miller (NC) Schultz Waters Engel Miller, George Watt Eshoo Moore Waxman Farr Moran Fattah Murphy (CT) Welch Wilson (FL) Frank (MA) Nadler Fudge Napolitano Woolsey Garamendi Yarmuth. Nea1

#### MODE 045

Adams

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Bachus

Barletta

Bartlett

Benishek

Berg

Biggert

Barton (TX) Bass (NH)

Barrow

Bachmann

Alexander

Akin

NOES—247	
Bilbray	Burton (IN)
Bilirakis	Calvert
Bishop (UT)	Camp
Black	Campbell
Blackburn	Canseco
Bonner	Cantor
Bono Mack	Capito
Boren	Carter
Boustany	Cassidy
Brady (TX)	Chabot
Brooks	Chaffetz
Broun (GA)	Chandler
Buchanan	Coble
Bucshon	Coffman (CO)
Buerkle	Cole
Burgess	Conaway

Johnson (IL) Johnson (OH) Crenshaw Johnson, Sam Culberson Jones Davis (KY) Jordan Denham Kellv King (IA) Dent Des.Iarlais King (NY) Diaz-Balart Kingston Kinzinger (IL) Dold Donnelly (IN) Kline Labrador Dreier Duffy Lamborn Duncan (SC) Lance Duncan (TN) Landry Ellmers Latham Emerson LaTourette Farenthold Latta Lewis (CA) Fincher Fitzpatrick Lipinski Flake LoBiondo Fleischmann Long Fleming Lucas Flores Luetkemeyer Forbes Lummis Lungren, Daniel Fortenberry Foxx E. Franks (AZ) Manzullo Frelinghuysen Marchant Gallegly Gardner Matheson McCarthy (CA) Garrett Gerlach McCaul McClintock McCotter Gibbs Gibson Gingrey (GA) McHenry Gohmert McKeon McKinley Goodlatte McMorris Gosar Gowdy Rodgers Meehan Granger Graves (GA) Mica Miller (FL) Graves (MO) Griffin (AR) Miller (MI) Griffith (VA) Miller, Garv Grimm Mulvaney Murphy (PA) Guinta Guthrie Myrick Neugebauer Hall Hanna Noem Harper Nugent Harris Nunes Hartzler Nunnelee Hastings (WA) Olson Havworth Owens Hensarling Paulsen Herger Pearce Herrera Beutler Pence Hochul Petri Huelskamp Pitts Huizenga (MI) Platts Poe (TX) Hultgren Hunter Pompeo

Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Roonev Ros-Lehtinen Roskam Ross (AR) Ross (FL) Royce Runyan Ryan (WI) Scalise Schilling Schmidt Schock Schrader Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuler Shuster Simpson Smith (NE) Smith (NJ) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan Terry Thompson (PA) Thornberry Tiberi Tipton Turner (NY) Turner (OH) Upton Walberg Walden Webster Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Yoder Posey Price (GA) Young (AK) Young (FL) Young (IN)

### NOT VOTING-10

Aderholt	Lankford	Speier
Carson (IN)	Mack	Walsh (IL)
Filner	Paul	
Hinchey	Roybal-Allard	

Quayle

#### □ 1859

So the motion to recommit was re-

The result of the vote was announced as above recorded.

#### Stated for:

Hurt

Jenkins

Tssa.

Mr. FILNER. Mr. Speaker, on rollcall 17, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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

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

#### RECORDED VOTE

Mr. PALLONE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 267, noes 159, not voting 6, as follows:

### [Roll No. 18]

#### AYES-267

Adams Forbes McCaul Aderholt Fortenberry McClintock Akin McCotter Foxx Franks (AZ) Alexander McHenry Amash Frelinghuysen McIntyre Amodei Gallegly McKeon Austria Gardner McKinley Bachmann Garrett McMorris Bachus Gerlach Rodgers Barletta Gibbs Meehan Barrow Gibson Mica Gingrey (GA) Miller (FL) Bartlett Barton (TX) Gohmert Miller (MI) Miller, Garv Bass (NH) Goodlatte Mulvaney Murphy (CT) Murphy (PA) Benishek Gosar Berg Berkley Gowdy Granger Graves (GA) Biggert Myrick Bilbray Graves (MO) Neugebauer Griffin (AR) Bilirakis Noem Bishop (NY) Griffith (VA) Nugent Bishop (UT) Grimm Nunes Nunnelee Black Guinta Blackburn Guthrie Olson Blumenauer Hall Owens Hanna Bonner Palazzo Bono Mack Paulsen Harper Boren Harris Pearce Boswell Hartzler Pence Boustany Hastings (WA) Perlmutter Brady (TX) Hayworth Peterson Brooks Heck Petri Pitts Broun (GA) Hensarling Buchanan Herger Platts Herrera Beutler Bucshon Poe (TX) Buerkle Higgins Pompeo Burgess Himes Posev Burton (IN) Hochul Price (GA) Calvert Huelskamp Quayle Huizenga (MI) Camp Reed Campbell Rehberg Hultgren Canseco Hunter Reichert Cantor Hurt Renacci Capito Ribble Carnev Jenkins Rigell Johnson (IL) Rivera Carter Roby Roe (TN) Cassidy Johnson (OH) Chabot Johnson, Sam Chaffetz Rogers (AL) Jones Rogers (KY) Chandler Jordan Coble Kellv Rogers (MI) Coffman (CO) Kind Rohrabacher Rokita Cole King (IA) Conaway King (NY) Roonev Ros-Lehtinen Kingston Cooper Cravaack Kinzinger (IL) Roskam Ross (AR) Crawford Kline Crenshaw Labrador Ross (FL) Cuellar Lamborn Royce Culberson Lance Runvan Davis (KY) Landry Ryan (WI) DeFazio Lankford Scalise Larsen (WA) Denham Schilling Dent Latham Schmidt DesJarlais LaTourette Schock Diaz-Balart Latta Schrader Dold Lewis (CA) Schweikert Donnelly (IN) Lipinski Scott (SC) Dreier LoBiondo Scott, Austin Duffy Loebsack Sensenbrenner Duncan (SC) Long Sessions Shimkus Duncan (TN) Lucas Ellmers Luetkemeyer Shuler Emerson Lummis Shuster Farenthold Lungren, Daniel Simpson Smith (NE) Fincher E. Manzullo Fitzpatrick Smith (NJ) Flake Marchant Smith (TX) Southerland Fleischmann Marino Matheson Fleming Stearns Flores McCarthy (CA)

Stutzman Wittman Upton Sullivan Walberg Wolf Terry Walden Womack Walsh (IL) Thompson (PA) Woodall Thornberry Webster Yoder Tiberi West Young (AK) Westmoreland Tipton Young (FL) Turner (NY) Whitfield Young (IN) Wilson (SC) Turner (OH)

#### NOES-159

Green, Gene Ackerman Pastor (AZ) Altmire Grijalva Payne Andrews Gutierrez Baca Hahn Hanabusa Peters Baldwin Pingree (ME) Bass (CA) Hastings (FL) Polis Price (NC) Becerra. Heinrich Berman Hinojosa Quigley Bishop (GA) Rahall Hirono Brady (PA) Holden Rangel Braley (IA) Reves Holt Brown (FL) Honda Richardson Butterfield Hoyer Richmond Rothman (NJ) Capps Inslee Capuano Israel Ruppersberger Jackson (IL) Cardoza. Rush Ryan (OH) Carnahan Jackson Lee Castor (FL) (TX) Sánchez, Linda Johnson (GA) Chu T. Sanchez, Loretta Cicilline Johnson, E. B. Clarke (MI) Kaptur Sarbanes Schakowsky Clarke (NY) Keating Kildee Clay Schiff Cleaver Kissell Schwartz Clyburn Kucinich Scott (VA) Scott, David Cohen Langevin Connolly (VA) Larson (CT) Serrano Convers Lee (CA) Sewell Costa Levin Sherman Lewis (GA) Costello Sires Slaughter Courtney Lofgren, Zoe Smith (WA) Critz Lowey Crowley Luián Speier Cummings Lynch Stark Davis (CA) Maloney Sutton Thompson (CA) Davis (IL) Markey Matsui Thompson (MS) DeGette DeLauro McCarthy (NY) Tierney Deutch McCollum Tonko Dicks McDermott Towns Dingell McGovern Tsongas Van Hollen Doggett McNernev Doyle Meeks Velázquez Edwards Michaud Visclosky Miller (NC) Ellison Walz (MN) Engel Miller, George Wasserman Eshoo Moore Schultz Waters Farr Moran Fattah Nadler Watt Frank (MA) Napolitano Waxman Fudge Neal Welch Garamendi Wilson (FL) Olver Gonzalez Pallone Woolsey Green, Al Pascrell Yarmuth

### NOT VOTING-6

Carson (IN) Hinchey Paul Filner Mack Roybal-Allard

#### □ 1906

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 18, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

#### TO EXTEND THE PAY LIMITATION FOR MEMBERS OF CONGRESS AND FEDERAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3835) to extend the pay limi-

tation for Members of Congress and Federal employees, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Ross) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 309, nays 117, not voting 6, as follows:

#### [Roll No. 19] YEAS—309

Adams Donnelly (IN) King (IA) Aderholt Dreier King (NY) Akin Duffy Kingston Alexander Duncan (SC) Kinzinger (IL) Kissell Altmire Duncan (TN) Amash Ellmers Kline Amodei Emerson Labrador Andrews Lamborn Engel Austria Eshoo Lance Farenthold Bachmann Landry Fincher Fitzpatrick Bachus Langevin Baldwin Lankford Barletta Flake Latham Barrow Fleischmann LaTourette Barton (TX) Fleming Latta Lewis (CA) Bass (NH) Benishek Forbes Lipinski Berg Fortenberry LoBiondo Berkley Foxx Loebsack Biggert Franks (AZ) Lofgren, Zoe Frelinghuysen Bilbray Long Bilirakis Lowey Gallegly Garamendi Bishop (GA) Lucas Luetkemeyer Bishop (NY) Gardner Bishop (UT) Garrett Luján Black Gerlach Lummis Blackburn Gibbs Lungren, Daniel Bonner Gibson E. Bono Mack Gingrev (GA) Manzullo Gohmert Boren Marchant Boswell Goodlatte Marino Matheson Boustany Gosar Gowdy McCarthy (CA) Brady (TX) Braley (IA) Granger McCaul Graves (GA) McClintock Brooks Broun (GA) Graves (MO) McCotter Buchanan Green, Gene McHenry Bucshon Griffin (AR) McIntyre Buerkle Griffith (VA) McKeon Burgess Grimm McKinley Burton (IN) Guinta McMorris Calvert Guthrie Rodgers Camp Hall McNernev Campbell Hanabusa Meehan Mica Hanna Canseco Cantor Harper Michaud Capito Miller (FL) Harris Capps Hartzler Miller (MI) Hastings (WA) Carnev Miller, Garv Carter Hayworth Mulvaney Murphy (CT) Cassidy Heck Castor (FL) Heinrich Murphy (PA) Chabot Hensarling Myrick Chaffetz Neugebauer Herger Herrera Beutler Chandler Noem Cicilline Higgins Nugent Nunes Coble Himes Coffman (CO) Hochul Nunnelee Cole Huelskamp Olson Huizenga (MI) Conaway Owens Palazzo Cooper Hultgren Costa Hunter Paulsen Costello Hurt Pearce Cravaack Pence Inslee Perlmutter Crawford Israel Crenshaw Issa. Peterson Jenkins Petri Critz Cuellar Johnson (IL) Pingree (ME) Culberson Johnson (OH) Pitts Davis (KY) Johnson, Sam Platts DeFazio Jones Poe (TX) Denham Jordan Polis Dent Kaptur Pompeo Posey Price (GA) DesJarlais Keating Diaz-Balart Kelly Quayle

Quigley Rahall Reed Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (AR) Ross (FL) Royce Runvan Ruppersberger Ryan (OH) Rvan (WI) Sanchez, Loretta Scalise

Ackerman

Bartlett

Becerra

Berman

Blumenauer

Brady (PA)

Brown (FL)

Butterfield

Capuano

Cardoza

Chu

Clay

Cleaver

Clyburn

Convers

Courtney

Crowley

Cummings

Davis (CA)

Davis (IL)

DeGette

DeLauro

Deutch

Dingell

Doggett

Edwards

Ellison

Fattah

Fudge

Frank (MA)

Farr

Doyle

Dicks

Cohen

Carnahan

Clarke (MI)

Clarke (NY)

Connolly (VA)

Bass (CA)

Baca

Schilling Thornberry Schmidt Schock Tiernev Schrader Tipton Schwartz Tonko Schweikert Scott (SC) Scott, Austin Scott, David Sensenbrenner Sessions Shimkus Shuler Shuster Simpson Slaughter Smith (NE)

Gonzalez

Green, Al

Gutierrez

Hinojosa

Hirono

Holden

Honda

Hover

Holt

Hastings (FL)

Jackson (IL)

Jackson Lee

Johnson (GA)

Johnson, E. B.

(TX)

Kildee

Kucinich

Lee (CA)

Levin

Lynch

Maloney

Markey

Matsui

McCollum

McGovern

Meeks

Moore

Moran

Nadler

McDermott

Miller (NC)

Napolitano

Miller, George

McCarthy (NY)

Larsen (WA)

Larson (CT)

Lewis (GA)

Grijalya.

Hahn

Tsongas Turner (NY) Turner (OH) Upton Walberg Walden Walsh (IL) Walz (MN) Wasserman Schultz Webster West Smith (NJ) Westmoreland Smith (TX) Whitfield Wilson (SC) Southerland Speier Wittman Stearns Wolf Stivers Womack Stutzman Woodall Sullivan Yarmuth Sutton Yoder Young (FL) Terry Thompson (PA) Young (IN) NAYS-117

Olver

Pallone

Pascrell

Payne

Pelosi

Peters

Rangel

Reyes

Rush

Price (NC)

Richardson

Richmond

Sarbanes

Schiff

Serrano

Sherman

Smith (WA)

Van Hollen

Velázquez

Visclosky

Waters

Waxman

Wilson (FL)

Young (AK)

Carnev

Carter

Welch

Woolsey

Watt

Thompson (CA)

Thompson (MS)

Sewell

Sires

Stark

Towns

Schakowsky

Scott (VA)

Rothman (NJ)

Sánchez, Linda

Pastor (AZ)

### WELFARE INTEGRITY NOW FOR CHILDREN AND FAMILIES OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3567) to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 27, not voting 10, as follows:

#### [Boll No. 20] YEAS-395

Ackerman Cassidy Fortenberry Castor (FL) Chabot Adams Foxx Franks (AZ) Aderholt Akin Chaffetz Frelinghuysen Alexander Chandler Fudge Gallegly Altmire Chu Amodei Cicilline Garamendi Clarke (MI) Andrews Gardner Austria Cleaver Garrett Baca Clyburn Gerlach Bachmann Coble Gibbs Coffman (CO) Gibson Bachus Baldwin Cohen Gingrey (GA) Barletta Cole Gohmert Barrow Conaway Gonzalez Bartlett Connolly (VA) Goodlatte Barton (TX) Cooper Gosar Bass (NH) Costa Gowdy Becerra. Costello Granger Graves (GA) Benishek Courtney Graves (MO) Cravaack Berg Berkley Crawford Green, Al Crenshaw Green, Gene Berman Biggert Critz Griffin (AR) Bilbray Crowley Griffith (VA) Bilirakis Cuellar Grimm Bishop (GA) Culberson Guinta Bishop (NY) Cummings Guthrie Bishop (UT) Gutírrez Davis (CA) Davis (KY) Hahn Black Blackburn DeFazio Hall Blumenauer DeGette Hanabusa Bonner DeLauro Hanna Bono Mack Denham Harper Boren Dent Harris DesJarlais Boswell Hartzler Hastings (FL) Boustany Deutch Diaz-Balart Brady (PA) Hastings (WA) Brady (TX) Dingell Hayworth Bralev (IA) Doggett Heck Heinrich Brooks Dold Broun (GA) Donnelly (IN) Hensarling Herrera Beutler Brown (FL) Dovle Buchanan Dreier Higgins Bucshon Duffy Himes Duncan (SC) Hinoiosa Buerkle Burgess Duncan (TN) Hirono Burton (IN) Ellmers Hochul Butterfield Emerson Holden Calvert Engel Hoyer Huelskamp Camp Eshoo Farenthold Campbell Huizenga (MI) Canseco Farr Hultgren Fattah Cantor Hunter Capito Fincher Hurt Capps Fitzpatrick Inslee Capuano Flake Israel Fleischmann Cardoza Issa Carnahan Fleming Jackson (IL)

Flores

Jenkins

Johnson (GA)

Moran Johnson (OH) Mulvaney Murphy (CT) Johnson, E. B. Johnson, Sam Murphy (PA) Myrick Jones Jordan Napolitano Kaptur Neal Keating Neugebauer Kellv Noem Kildee Nugent Kind Nunes King (IA) Nunnelee King (NY) Kingston Owens Kinzinger (IL) Palazzo Kissell Pallone Kline Pascrell Kucinich Pastor (AZ) Paulsen Labrador Lamborn Pearce Pelosi Lance Landry Pence Perlmutter Langevin Lankford Peters Larsen (WA) Peterson Larson (CT) Petri Latham Pingree (ME) LaTourette Pitts Latta Platts Poe (TX) Levin Lewis (CA) Polis Lewis (GA) Pompeo Lipinski Posey Price (GA) LoBiondo Loebsack Price (NC) Lofgren, Zoe Quavle Long Quigley Rahall Lowey Lucas Rangel Luetkemever Reed Rehberg Luján Lummis Reichert Lungren, Daniel Renacci E. Reves Lynch Ribble Maloney Richardson Manzullo Richmond Marchant Rigell Marino Rivera. Roby Roe (TN) Matheson Matsui McCarthy (CA) Rogers (AL) McCarthy (NY) Rogers (KY) McCaul Rogers (MI) McClintock Rohrabacher McCollum Rokita McCotter Rooney Ros-Lehtinen McDermott McHenry Roskam McIntvre Ross (AR.) McKeon Ross (FL) McKinley Rothman (NJ) McNerney Rovce Runyan Meehan Meeks Ruppersberger Mica. Rvan (OH) Michaud Ryan (WI) Miller (FL) Miller (MI) Sarbanes Miller (NC) Scalise Miller, Gary Schiff Miller, George Schilling NAYS-27

Schmidt Schock Schrader Schwartz Schweikert Scott (SC) Scott, Austin Scott, David Sensenbrenner Serrano Sessions Sewell Sherman Shimkus Shuler Shuster Simpson Sires Slaughter Smith (NE) Smith (NJ) Smith (TX) Smith (WA) Southerland Speier Stearns Stivers Stutzman Sullivan Sutton Terry Thompson (CA) Thompson (MS) Thompson (PA) Thornberry Tiberi Tierney Tipton Tonko Towns Tsongas Turner (NY) Turner (OH) Upton Van Hollen Velázquez Visclosky Walberg Walden Walsh (IL) Walz (MN) Wasserman Schultz Watt Waxman Webster Welch West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Sanchez, Loretta Yarmuth Yoder Young (AK) Young (FL) Young (IN) Amash Holt Rush Bass (CA) Honda.

### NOT VOTING-

Carson (IN) Hinchev Roybal-Allard Filner Mack

#### □ 1913

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 19, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Sánchez Linda Clarke (NY) Jackson Lee T. (TX) Lee (CA) Clay Schakowsky Convers Scott (VA) Davis (IL) Markev Stark Edwards McGovern Waters Nadler Ellison Wilson (FL) Frank (MA) Olver Woolsey Grijalva Payne

### NOT VOTING-

Carson (IN) Hinchey Moore Dicks Mack Paul McMorris Roybal-Allard Filner Rodgers

#### □ 1920

Mr. PAYNE changed his vote from "yea" to "nay."

"nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 20, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

#### PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, on February 1, 2012, I missed rollcall votes 13, 14, 15, 16, 17, 18, 19, and 20 because of district business. Had I been present, I would have voted "yes" on rollcall 13, "yes" on rollcall 14. "ves" on rollcall 15. "ves" on rollcall 16, "yes" on rollcall 17, "no" on rollcall 18, "yes" on rollcall 19, and "yes" on rollcall 20.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3784

Ms. FUDGE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 3784.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

REPORT ON RESOLUTION PRO-VIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 658, FAA MODERNIZATION AND REFORM ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-382) on the resolution (H. Res. 533) providing for consideration of the conference report to accompany the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PRO-VIDING FOR CONSIDERATION OF H.R. 3578, BASELINE REFORM ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 3582, PRO-GROWTH BUDGETING ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-383) on the resolution (H. Res. 534) providing for consideration of the bill (H.R. 3578) to amend the Bal-

Ms. BERKLEY changed her vote from anced Budget and Emergency Deficit tections and standards that now apply Control Act of 1985 to reform the budget baseline, and providing for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, which was referred to the House Calendar and ordered to be printed.

> MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAY-ROLL TAX CUT CONTINUATION ACT OF 2011

> Mr. MICHAUD, Mr. Speaker, I have a motion to instruct conferees at the

> The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Michaud moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to recede from section 2123 of the House bill, relating to allowing a waiver of requirements under section 3304(a)(4) of the Internal Revenue Code of 1986, including a requirement that all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maine (Mr. MICHAUD) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Maine.

Mr. MICHAUD. Mr. Speaker, at this time, I would like to yield 4 minutes to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank my esteemed colleague, Congressman MIKE MICHAUD of Maine, for allowing me this time to join him and to rise in support of his motion to instruct conferees on a payroll tax cut extension bill that strikes a section that undermines the normal procedures of unemployment compensation to people who are out of work as it diverts those funds to other

Here we have the hardest of hearts that exist in this House, the majority on the other side of the aisle, who allowed the market to crash in 2008, putting millions of people out of work and then throwing millions more out of their homes and turning a cold eye toward them. And then proposed to cut heating assistance to those who are struggling across this country, and then a majority on the other side voting to not extend unemployment benefits to the victims. I didn't see any enthusiasm over there for prosecuting the big banks on Wall Street and those who had committed the fraud that got us into this mess in the first place. No, they want to cut it out of the hearts of the victims.

Now, the House Republican proposal in H.R. 3630 would allow States to apply for waivers to bypass basic pro-

to the permanent unemployment extension program. States already have ample flexibility to determine eligibility for unemployment insurance benefits and to set the amount of those benefits, but they must now operate under a basic set of rules. For example, States are required to spend unemployment insurance funds solely on unemployment benefits. They must pay benefits when due, and they may not condition eligibility on issues beyond the fact and cause a person's unemployment. The Republican bill would circumvent these basic protections.

Under the proposed waiver policy, States could divert unemployment funds to other purposes, which seems particularly ill-timed when over half of the States' unemployment trust funds are insolvent because there's so many people still out of work. This diversion policy could lead to jobless individuals being denied weekly unemployment benefits and instead being offered less useful benefits. Furthermore, a waiver could allow new requirements to be imposed on unemployment insurance recipients, including a requirement that they perform a community service job to be eligible for benefits.

Unemployment insurance is an earned benefit for people who have worked hard. It's insurance. Effectively they have paid into those insurance funds and have lost their jobs through no fault of their own. These individuals must actively search for work to be eligible. I have people in my district that have sent out 400 resumes, knocked on hundreds and hundreds of doors. They want to work. And many receive services through the Federally funded onestop employment centers. Regrettably, House Republicans that have consistently targeted this system for steep cuts in services at a time when they are needed most again have a proposal

You know, I really wonder why they don't focus as much attention on prosecution of the Wall Street perpetrators who got us into this mess in the first place. I think you've got the telescope turned around in the wrong direction. You ought to be caring for those who have an ethic of work and who have earned these benefits. And we need to recoup money to balance the budget and to meet our societal needs by making sure that prosecution occurs for those who took the Republic to the cleaners and are still fat and happy sitting in the same chairs that they were in back in 2008 up there on Wall Street.

So I would say to the gentleman I rise in strong support of your effort to instruct the conferees and to protect the earned benefits of those in our society who build this country forward through thick and thin no matter what. They have earned the right to their unemployment benefits.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I think there is bipartisan agreement—Republicans and Democrats—on extending unemployment benefits for a full year.

Clearly, we're in tough economic times. But here we are 2½ years after the recession officially ended, and yet we have 27 million people who can't find a full-time job. We have a lower unemployment rate principally because so many Americans have simply given up looking for work. What we know is the current unemployment system is not working.

I think we can all agree that an unemployment check is no substitute for a paycheck. We know the longer a person stays unemployed, the harder it is for them to get back in the workforce. Most studies show that after 2 years, the chances of you getting back in the workforce becomes very, very slim, yet the government today subsidizes that unemployment for almost that full 2 years.

There's agreement that the sooner we get people back to work the better it is for them, and the better it is for our economy. But what the Federal Government is doing today, it isn't working. We have a system from the 1930s. We need an unemployment system for the 21st century, for today's economy. Commonsense reforms are in order, but the Democrat motion to instruct that we just heard about destroys those reforms to put people back to work.

Under the House bill, we allow States, those who know the economies better, who know their workers best, to put together innovative programs to get people off unemployment and back into the workforce where they belong. Under the House bill, for example, we require workers to actually look aggressively for a job. You would think that's common sense, but under Federal law today a person can go 1½ years receiving unemployment benefits and not be looking for a job. In some States, you don't have to look for a job at all. Well, that's not acceptable. And those without a GED or a high school diploma, those whose chances of getting a job are the slimmest, those who are laid off first and hired last, they struggle. But under the House bill, we allow States to put together the programs that actually get those workers that education.

#### □ 1930

For example, if you're 40 years old and don't have a GED, the truth of the matter is you still have a quarter of a century left in the workforce. We want to help you get that education, to be a better applicant, to get a better job, to have a brighter future. But this bill denies States the ability to help get that education for their workers.

We give States the ability to tailor job training programs to get people, again, back to work. This is what the President talked about when he cited Georgia Works and other issues on job creation. The Democrat motion stops States who know their local economies best from putting, again, these job trainings in place for their workers.

And finally, in the House bill, we recognize and believe it's time to stop subsidizing drug use through Federal benefits. Now, I wonder how many people this morning went to work in the dark; how many single moms struggled to get their kids to school before they went to work; how many people are driving home right now, are going to miss their kid's practice, they were at work; how many told their Boy Scout they couldn't be at the campout this weekend because they had to work on Saturday; how many people working one, two, three jobs that Washington takes money from their paycheck to help people who are unemployed.

And all the House bill does is to ensure that States are allowed to help people get that education, get that job training, end subsidizing drug use, so they're better applicants with a brighter future. We don't require States to do this. We allow States to have waivers, to be innovative to do that.

At the end of the day, the truth of the matter is we have so many companies who tell us they want to hire good workers with good salaries, but these workers can't pass even a basic drug test. Look, if you've got a casual drug habit or a more serious problem, finance it on your own. You're not going to take tax dollars from your neighbor who's working one or two or three jobs to finance your drug habit. In fact, your future is dimmed because of it. And if States decide not to implement a drug screening program, it's their decision; it's not Washington's.

The Democrat motion makes sense only if you work in Washington and think the current status quo is working. It is not. So I respectfully oppose the motion, support the proposed waiver authority, as well as its other provisions.

I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman from Maine for his everpresent leadership on the issue of unemployment insurance and also for fighting for jobs for Americans, because we're really here looking at two problems. One is the problem of making sure that those who are on unemployment are going to get benefits so they can survive, and the other one is the massive unemployment that we have in America. I mean, obviously, these matters are interrelated.

Let me speak first to Mr. MICHAUD's motion to instruct conferees.

This provision to remove Section 2123 from H.R. 3610, this section severely undermines the unemployment insurance system that nearly 8 million Americans rely on. It allows States to apply for waivers that would change how unemployment insurance funds are allocated, and it does this under the guise of strengthening reemployment programs. In reality, these proposed waivers would allow States to use unemployment insurance funds for purposes other than paying out benefits.

Think about this. If people are on unemployment insurance, they need those benefits. They need full benefits. You don't want the State to find an excuse to siphon those benefits to some other purpose. And by allowing the use of unemployment insurance funds for purposes other than providing unemployment benefits to those who rely on them, we would be weakening a system that has provided assistance to unemployed Americans for decades.

The rationale for the reallocation is deceptively camouflaged. It's being described as fulfilling additional benefits to the unemployed, such as bolstering job training programs and reemployment programs. Yet, in reality, diverting funds from the unemployment insurance fund to other equally important programs is not a viable solution and will, ultimately, undermine the unemployment insurance system that millions rely on.

The truth of this matter is that this Congress has been shirking its responsibility to independently and to adequately fund these programs.

Section 2123 of this legislation also gives the States the ability to create their own eligibility requirements, which could impede otherwise eligible recipients from collecting their benefits. The waivers permitted under Section 2123 would give States the opportunity to impose new eligibility requirements on unemployment insurance recipients that are unrelated to their employment history and current unemployment status. This includes giving the States the right to require a high school diploma or GED as a prerequisite for receiving unemployment benefits.

Now, think about that. You have so many people who, because of family situations, have not been able to finish high school, and they're working to support their families. They get laid off, and then they're told, Well, wait a minute. Because you don't have a high school diploma, you can't get any benefits. This is a double punishment for people.

What we should be doing is enabling people who are unemployed to be able to get a college education paid for while they're unemployed, so that when they're graduated or better educated, that when they come back into the workforce they can help make a greater contribution to our country.

Frivolous requirements like giving States the right to require a high school diploma or GED as a prerequisite for receiving unemployment benefits will do nothing but prevent benefits from reaching those who need them the most.

In my home State of Ohio, the unemployment rate is still above 8 percent. Just last week, more than 20,000 Ohioans were on the brink of losing their extended benefits. The men and women of this country should not have the added stress of monitoring the government's attempt to deny or delay their unemployment benefits. We have to protect the integrity of the unemployment insurance program and those that rely it.

And while we're at it, we also have to start thinking about creating jobs in this country. We have at least 13 million people who are unemployed and another 6 million who are underemployed. It's time we got America back to work, then we wouldn't be having this debate about unemployment insurance.

While people are unemployed, they should get the benefits, and they should be full benefits. But we should also be creating jobs, and that's not what we're doing. We need new mechanisms to create jobs. We shouldn't tell people, Well, the government doesn't have any money.

Well, we're borrowing money from China, South Korea, and Japan. Why don't we start—spend the money into circulation. Look at what the Federal Reserve does. The Federal Reserve creates money out of nothing, gives it to banks. The banks park the money at the Fed. They gain interest. Our businesses are starved for lack of capital.

What if we, the government, took back the constitutional right that we have under article I, section 8, to spend or create money, coin money, spend it into circulation, create millions of jobs, put our country back to work, rebuild our infrastructure? More money for education, more money for health

America's best days are ahead of it if we start to think about the mechanisms we have to create jobs in this country. In the meantime, we sure better protect those people who are unemployed.

The mechanism I talked about, it's called the NEED Act, National Employment Emergency Defense Act. We have a means of getting people back to work. In the meantime, if they're not working, let's make sure we don't curtail their unemployment benefits.

Support the Michaud amendment.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), one of the leaders of getting this economy and America back on track and people back into good-paying jobs.

Mr. WALDEN. Mr. Speaker, let me make a couple of points about this motion to instruct, which I oppose.

Section 2123, which is the issue here, allows up to 10 States per year to apply for waivers to test innovative ideas to help people get a job, to help people get back to work, so it's only up to 10 States. And waiver programs would have to be cost neutral, rigorously evaluated, and then we could understand the policies.

Look, I think the folks at home in my great State of Oregon are just as compassionate, if not more so, than what happens here in Washington. I think they can be creative, too, in helping.

And, in fact, in 2011, Oregon launched its version under a waiver of the National Career Readiness Certificate program. Now, what that did was certify 10,760 work-ready individuals in the State that they have the appropriate math, reading, and other skills necessary to get back and contribute to the workforce.

#### □ 1940

Now, that hiring tool brought nearly 400 businesses, communities, and workers together and then simplified the job-search hiring process. These are the kinds of innovative ideas that we could use to actually help people get a job.

This is a horrible economy. We've had 11 recessions since World War II. This is the worst one in terms of coming out of it. So the policies that have been in place the last couple of years haven't worked.

The American people were promised if we spent a trillion dollars we don't have, including interest on the stimulus, unemployment wouldn't go above 8 percent; and yet here we are, record unemployment, record deficits. Trillion-dollar year after year after year deficits under the Obama administration, and people still out of work, highest poverty level since the great antipoverty campaigns began. This has to change. We have to get people back to work

One of the issues that we're going to deal with in the conference committee, I hope, you want to do something about jobs, then let's stop this Boiler MACT rule from going into place. The EPA Boiler MACT rule threatens to cripple American manufacturers. We've lost more jobs there since back to, I think, World War II; and this rule by EPA would cut another 200,000 jobs.

So let's roll back the job-killing regulations. Let's get Americans back to work, and let's leave creativity to the States to help us find better ways to take care of those who are unemployed.

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

The reason why I offered this motion is to protect unemployment insurance for the millions of jobless Americans that qualify for it.

At the end of the last session, the House considered H.R. 3630, a bill that would extend the payroll tax cuts as

well as the unemployment insurance. Unfortunately, the bill also included provisions that would undermine the unemployment insurance program as we know it today.

While I disagree with many of these provisions, my motion to instruct focuses on one particular provision: the provision would roll back a requirement that States must spend all unemployment funds solely on unemployment benefits.

Now, I know that there might be some who disagree with the size of the unemployment program and how many weeks individuals should be able to get their unemployment benefits. But I think we can all agree that money intended to help the unemployed make ends meet while they're looking for work should not be used for something else.

There are several reasons why maintaining the integrity of the unemployment program makes sense.

First, there are still more than 13 million Americans out of work as a result of the worst economic downturn since the Great Depression. These Americans rely on unemployment benefits to feed their families and pay the rent until they can find another job.

To allow States to use these funds intended to support these families for programs could result in those who have lost their jobs to receive a benefit that does not help them make ends meet and would be useless.

Some might argue that this provision will give States more flexibility to implement the unemployment program. I strongly support giving States the flexibility to implement national policies in a way that makes sense to some of the States, but there's already a great flexibility in the unemployment insurance program.

States already choose and adjust employers' tax rates, benefit levels, and duration and eligibility criteria. This provision goes too far and jeopardizes unemployment benefits themselves, and it won't help the millions of unemployed Americans get back to work.

Second, unemployment benefits help individuals find other jobs. According to CBO, extension of unemployment insurance benefits in the past few years increased both employment and participation in the labor force over what they would have been otherwise.

Recent research from the Brookings Institute concluded that unemployment insurance does not increase the time that people remain unemployed. They found that unemployment benefits may actually keep more people in the labor force through its requirement that beneficiaries seek work.

The fact is unemployment benefits remain a crucial resource for American workers who lost their jobs as a result of the Great Recession and not because of their job performance. ing for any purpose other than unemployment benefits for struggling families simply makes no sense.

Third, unemployment benefits stimulate the economy. CBO identified increasing aid to the unemployed as one of the policies that would have the largest effect on output in employment and therefore trigger economic growth. That's because individuals who receive unemployment benefits don't put it in their savings account. They spend that money on things like putting food on the table for their families.

If we divert money from the unemployment program, this economic stimulus effort will be lost, and our economic recovery will be even slower than it is now.

I think it is important to remind ourselves that the unemployment benefits are given to eligible individuals who have previously had a job but have lost it for reasons out of their control.

During the Great Recession, millions of Americans were given pink slips. Even now, our economy has started to show small signs of recovery, but there are certain areas in Maine's labor market where the unemployment rate is more than 20 percent. These families aren't going on vacations or buying luxury cars. They're spending all of their money in their savings accounts, emptying their 401(k)s and simply doing without. They need unemployment benefits to help them stay afloat and to help them find a job.

My motion simply instructs conferees to take out this harmful provision so that we can ensure that the unemployment funding is spent on unemployment benefits.

In this environment of reining in government spending and making sure taxpayers' dollars are used effectively, I think it makes sense to make sure that the unemployment benefits cannot be spent on some other program that won't help families or the economy like the unemployment insurance.

So I urge my colleagues to support this motion to ensure that the unemployment benefits continue to go to Americans who lost their jobs and are trying to get back on their feet.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota (Mr. BERG), one of the new freshman members of the Ways and Means Committee who has taken a leadership role, who understands it's not an unemployment check the workers are seeking, it's a paycheck.

Mr. BERG. I thank the gentleman from Texas who understands the best solutions come from those people that are closest to the problem.

Mr. Speaker, I rise today in strong opposition to the Democrats' motion to instruct. With section 2123 of House bill 3630, we give States the waiver author-

Using unemployment insurance fund- ity for unemployment insurance to test and expedite re-employment on individuals who are receiving unemployment benefits. We are empowering the States, who know their workers best. to be creative, to be innovative and to do more for workers to get them back to work

> In my home State of North Dakota where the unemployment rate is the lowest in the Nation, we have tremendous re-employment programs that are operated through job service. The participants in these re-employment programs have even said, I would make this program a permanent feature so that all people who are unemployed have a chance to utilize it. And others who said, You will learn something you never thought about before. No one goes away without something.

> Instead of continuing the same Washington business-as-usual, inflexible approach to unemployment insurance, it's critical that we make commonsense reforms now.

> To me it's obvious: States know their workers best. Let's empower them. It's time for Washington to learn from the States, give them the flexibility they need.

> With that, I urge my colleagues to oppose the Democrat motion to instruct and support the underlying bill.

#### □ 1950

Mr. MICHAUD, I vield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise this evening in support of Congressman MICHAUD'S motion to instruct conferees.

Every single one of us in this Chamber woke up this morning and came to work. We're lucky to have jobs, jobs that are a source of dignity and selffulfillment. But, Mr. Speaker, 13 million Americans woke up this morning with no jobs to go to, with no salaries to help support their families. These 13 million Americans are jobless, not because there is something wrong with them, but because something is wrong with the U.S. economy and with the policies designed to keep 1 percent of the population comfortable at the expense of the remaining 99 percent. The recession happened to the American people. They didn't bring it on them-

My colleagues on the other side of the aisle see it differently. Instead of willingly extending jobless Americans the hand up they're entitled to, the majority insists on punishing jobless Americans for their predicament. They want to manipulate the unemployment insurance program that everyone pays into, that everyone deserves to access when they fall on hard times. They want to give States the permission to use unemployment insurance funds for something other than unemployment insurance.

How convenient. I'd like to propose that we use war spending for something other than war spending.

States already have plenty of flexibility in designing their unemployment insurance systems, so this Republican proposal just appears to be an attempt to divert money away from unemployment, to erect more barriers to accessing these benefits at the very moment they're needed the most.

Here is an idea: Instead of undermining jobless benefits, why doesn't the Republican majority put its energy into a real strategy to create jobs for these unemployed workers.

This morning in the Education and the Workforce Committee, we heard from a Republican Governor who spoke positively about the imperative of job creation and of the importance of Federal investments in infrastructure, workforce and career training.

I hope my friends in the majority will listen to this fellow Republican. I hope they will stop playing games with unemployment insurance. I hope they will remove this provision that allows States to take the unemployment insurance money away from unemployed peoples and, instead, pass a big, bold jobs plan. That will remove workers from the unemployment ranks.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. RENACCI), a small business owner, himself, who has helped create 1,500 new jobs in the United States.

Mr. RENACCI. I want to thank the gentleman from Texas for yielding.

Mr. Speaker, I rise today in opposition to the Democratic motion to instruct and in support of an initiative in this bill that I believe will have a positive impact on our Nation's staggering unemployment rate.

In these uncertain economic times, we must allow States the ability to pursue innovative, pro-work strategies, and we must grant them the flexibility to build effective employment programs. Every day, I hear from businesses in my district in Ohio that are ready to hire but that cannot find the right person. Most of those currently collecting unemployment insurance want to return to work as soon as possible.

We must implement measures and expedite reemployment without adding to the deficit. A concept for granting States the flexibility to redirect a portion of unemployment benefits to an employer was included in the original bill. In exchange, the employer would hire a qualified unemployed worker at a higher rate than that individual would have received on unemployment.

This commonsense legislation is a win for the unemployed, for employers, and for taxpayers. I urge Members to support the underlying bill and to oppose any effort to limit this initiative.

Mr. MICHAUD. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. Holt).

from Maine for yielding.

Mr. Speaker, this is a simple motion. We want to ensure that unemployment funds are used for those who are unemployed. We want to make sure that unemployment funds, as promised, are given to those who are unemployed. It shouldn't be a partisan issue. There are unemployed Republicans. There are unemployed Democrats. There are unemployed Independents. Our motion says to them. We're not turning away from you, but evidently, it seems to be a partisan issue.

Let me repeat in clear English what this means when they talk about waivers. In clear English, it means that this bill, the House Republican bill, would allow States to divert unemployment funds for other purposes. States already have ample flexibility. They say they need flexibility, but "flexibility" really is a euphemism for denying benefits. It's an invitation to deny benefits. Right now, States are required to spend unemployment insurance funds solely on unemployment benefits. They must pay the benefits when they're due. They may not condition eligibility on issues beyond the fact of unemployment and cause a person's unemployment. Unless we accomplish what the gentleman from Maine is trying to accomplish here, this legislation would circumvent these basic protections.

Of course, it's fine for States to innovate and to pursue innovative ideas to help people get jobs; but for heaven's sake, don't experiment with the livelihoods of people who have lost their jobs. It's called unemployment insurance. No, it's not taking money from hardworking Americans. I couldn't believe my ears when I heard that here on the floor. Insurance is for those people who never expected they would be unemployed. I'll show you thousands of people in New Jersey-and I'm sure my friend here could show you thousands in Maine—who never thought they'd be unemployed for a week or a month or 6 months or 99 weeks. There are more people who have been unemployed for 99 weeks in the past year than at any time since the Great Depression.

Taking money away from hardworking Americans, I couldn't believe it. I never thought I would hear this on the floor.

Unemployment insurance is not welfare. It is provided to people who have worked hard. In effect, they've paid into an insurance fund. They've lost their jobs through no fault of their own, and they have to actively seek work to be eligible. Unemployment insurance also helps the public at large, the economy at large. It's not just helping those families—and it certainly does help those families: those spouses, those children. As my friend from Maine pointed out, the unemployment insurance money isn't stashed under a mattress. The family spends

Mr. HOLT. I thank the gentleman that money, and it helps the economy at large.

Even with the minuscule improvements in the economy recently, longterm unemployment remains up around record levels. There are millions of fewer jobs in the economy today than before the recession start-

Jeffrey from Plainsboro, New Jersey, wrote me:

I was wondering if the extension for unemployment benefits will be extended. My wife has been unemployed for close to 2 years, and despite trying to get a job, we see her 99week deadline fast approaching. I am a car salesman who works on commission, so you can imagine, business is down. Please let me know if there is a light at the end of the tunnel Thanks

The SPEAKER pro tempore (Mr. TIP-TON). The time of the gentleman has expired.

Mr. MICHAUD. I yield the gentleman an additional minute.

Mr. HOLT. Now, I think he would be outraged if he knew that somebody here on the floor was associating his wife with drug abusers, who shouldn't get the unemployment insurance benefits that she deserves.

Robert from Somerset wrote to me to

I am an unemployed Vietnam vet who received my last unemployment check last week. What can I do about this? If you have any suggestions, I would appreciate it. Why is it so hard for you and the other Members of Congress, our Representatives, to help us by voting for the extension of unemployment benefits? Banks do not have to beg, but we do. I don't recall any of the bank management risking their lives for our country.

If they're interested in experimentation for how to do things better, why don't they experiment with maybe denying the banks and investment banks some of the benefits they've gotten? I think this veteran would be outraged for somebody to tell him that the government is subsidizing his unemployment and destroying his motivation to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore. Members are reminded not to traffic the well while another Member is under recognition.

### □ 2000

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REED), one of the new leaders, a freshman Member of the House Ways and Means Committees, a gentleman who with his brother has run a successful business for 15 years and understands the system we have today simply isn't working.

Mr. REED. I thank the gentleman. my colleague, for yielding.

Mr. Speaker, as my colleague indicated, I am a small business owner. I am proud of the business that we started up in Corning, New York, and the many people that we have employed in that business, Mr. Speaker.

I also know that during times when people are in trouble or businesses are in trouble, they have to make the hard decision of laying some people off, and I can empathize and understand when those individuals are in that situation.

But what we're talking about here tonight, ladies and gentlemen, is just some commonsense reforms to allow the States to have the flexibility to do what is best for them in their local jurisdictions to try to empower the men and women from their districts so that they have the opportunity to go back to work. I wholeheartedly disagree with the concept that my colleagues on the other side of the aisle are arguing for tonight to strip that language that would give States the flexibility to do commonsense reforms in unemployment, not taking away the unemployment program—no one is talking about doing that.

What we're talking about, ladies and gentlemen, is implementing the ability for States to have people get an education, or require people to get a GED, to give them tools so that when they go into the marketplace they have the ability to get a paycheck again rather than an unemployment check. That should be a goal that we in Washington, D.C., share across both aisles, and we should send the message to America, You know what? We get it in Washington. We don't necessarily have all the answers here. We should defer to the people closer to the people back in our States and in our local communities.

This is what our proposal is about. That is where these commonsense reforms are coming from, and, again, no one is talking about taking out the net that's associated with unemployment insurance. We're talking about commonsense reforms that will give people the tools to get back to work and take care of themselves.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. Jackson Lee).

Ms. JACKSON LEE of Texas. I would like to thank the gentleman from Maine for providing an opportunity for civility and dialogue on the true grit of the American constituency.

I am amazed, I'm shocked, that we would be here on floor of the House denigrating an institution that has been accepted as a rainy day umbrella, I have said it often, for individuals who've toiled in the hot sun and skyscrapers on building infrastructure, on driving buses and trains, or however they may have provided for their families, and they have now lost their jobs.

They dutifully paid into the insurance pool called unemployment insurance. They followed the laws of their State. Some of them may be veterans who are now in the civilian workforce, and they are chagrined that they find themselves unemployed. Now we have those who would say idle hands are the

devil's workshop and who want to insist that these are drug addicts, that they're uneducated, that they need a GED, and that they have all kinds of baggage that will not allow them to be gainfully employed.

Mr. Speaker, I'm very sorry to say that is not true. I know in my own community we are more fortunate than others regarding the amount of unem-

ployed individuals.

But I know in the devastated communities people want to work. I have had individuals come to my office over and over again. I have seen people line up in the hot sun across this Nation this past summer attempting to get jobs. So I simply want to join with the gentleman's motion to instruct.

I want this to be the motion to instruct for dignity. I want to thank you for insisting that workers who have lost their jobs through no fault of their own are not, in essence, drug addicts. That means conspicuous drug addicts because sometimes people need counseling. Rather than stigmatizing, why don't we have a component that says you have job skill training, if you need counseling, you get counseling.

Let's not denigrate the unemployed. Pass the unemployment insurance.

Let's call for dignity.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Look, if you think what's working is fine, we don't need to change anything. You think 27 million people trying to find a full-time job, many of them who have been out of work for 6 months or more, if you think that's great, the status quo is perfect, then this motion to instruct is what you want.

But I believe, and many people believe on both sides of the aisle, that we can do better; that those who are unemployed and looking for a job truly want a paycheck. They don't long for that unemployment check every 2 weeks or each month. They long for a job every day.

And what we want to do is to turn loose those who know their community and economy best to put together the innovative program, to put people back to work sooner rather than later, because we know the longer you stay out of work, the harder it is to find that job. The less education you have, the harder it is to find that job and to keep that job.

And so the question at hand here is, should we allow our local communities, our local States, to work with businesses, to work with workers, design programs to get people back to work sooner rather than later? It's worked before in other areas.

We've given States the waivers to put together innovative programs on welfare, again to help educate people and train them and link them up with workers so they have a real life, a real career, not a dependency on a Federal check.

And as a result of that, with five Democrat and Republican Governors working with Democrat and Republican White Houses, we have succeeded in putting people back to work, getting them off the welfare rolls as productive citizens. It's worked before. So why don't we apply this same type of innovation to a system that has been in place since the 1930s?

Frankly, we need a 21st century solution. Washington in this case, these tired old ways that are failing workers, why are we sticking with them? Why don't we allow States, not direct them, not mandate them, why don't we simply allow them to put together programs for job training so you can match people's skills or give them skills to get a job.

Why don't we require that from the first day you get an unemployment check to the last day that you're actively searching for work each day, not going through the motions, as some do. but that every person getting that help is searching aggressively every day to do their best. Why don't those who don't have a high school education with years left in the workforce, why don't we allow States to put together the program to get them that GED so that they actually have a chance for a better life because they, again, first to be laid off, hardest to find a job, why don't we give them some hope and a high school equivalent degree while they're on unemployment. Why don't we ensure that those who are getting help for unemployment are ready and available to work.

Too often, in all sizes of towns across this country, we're finding workers who can't pass a simple drug test. More jobs these days require that drug test. Why don't we allow States to put programs together to screen those early on and put programs together so that that applicant is a clean applicant who's ready and willing to work who actually has a bright future for themselves and their children.

So at the end of the day this is a simple question: Do we stick with the status quo that we know isn't working? Do we allow States and local communities to be innovative to get people back to work sooner rather than later? These are the commonsense reforms we think this country and, more importantly, these workers deserve.

I oppose this motion to instruct because I think it's rooted in years and decades past, and we deserve better for our workers in America today.

I yield back the balance of my time.

#### □ 2010

Mr. MICHAUD. Mr. Speaker, I agree with part of the comments that the gentleman made. People do not want to sit home and collect a paycheck. They want to go to work. Some people definitely have to be trained for jobs. There is nothing in my motion that

prevents States from offering training programs. Nothing in my motion will prevent States from encouraging people to get their GED. States have the flexibility to establish these programs on their own. My motion to instruct simply says that the benefits that were collected by the employers for unemployment benefits will have to be used for unemployment benefits. They cannot be used for training programs. They cannot be used to help subsidize businesses to pay for these employees. They have to be used for unemployment benefits.

This motion to instruct is important because if you look at my home State of Maine, there are more than 48,000 Mainers out of work. And I want to read a letter from one of my constituents whose story illustrates why its critical that unemployment benefits go to those who need them, not for some alternative program. The other alternative programs that I heard about earlier this evening, States can do that on their own. The only difference is they cannot use unemployment benefits.

I would like to read this letter from my constituent: "I just became a ninety-niner, as those of us who have exhausted our unemployment benefits are called. Though some in Congress and the media think we comprise the bottom-feeders that the business creators needed to shed, this is not always the case.

"I have worked hard ever since I was a kid in East Millinocket doing odd jobs for my father, peddling newspapers. I went into the Army and benefited from the Vietnam-era GI Bill, and since have been glad to give back in the form of higher taxes for many years.

"In 2009, my former company moved to California and laid me and hundreds of others off, despite my having earned superior performance reviews for most of my years with them. To their credit, we were given outplacement service and a decent severance package.

"Nonetheless, I have since tried to find employment in my field, but find myself being screened out by junior human resource people who find me overqualified, too senior and/or too highly compensated for the job at hand. I am certain that some of this is ageism, which, though illegal, is still quietly sanctioned in this society. And now we face companies brazenly telling us that we need not apply if we have been out of work for more than 6 months.

"Please show some compassion for those of us who become unemployed through no fault of our own and who still hope to join the tax-paying ranks once again."

This constituent of mine relies on unemployment benefits not because he wants to or because he's lazy, but because he can't find a job. As I mentioned, some labor markets in the State of Maine have over 20 percent unemployment. He is the reason I'm offering this motion to instruct today to ensure that the unemployment insurance program is preserved for Americans like him.

It requires that unemployment benefits will be used for those unemployed The States have the flexibility to determine eligibility, the length, and the amount. They have that flexibility. So I urge my colleagues to vote for this motion to instruct and protect unemployment benefits for what they were intended for-for those who are unemployed—and not to help subsidize other programs that States might decide to create.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Mr. MICHAUD. Mr. Speaker, on that I demand the year and nays.

The yeas and nays were ordered.

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

#### KEYSTONE XL PIPELINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARDNER. Mr. Speaker, I thank you for the opportunity to address the Chamber tonight to discuss a very important issue, the issue of job creation, the issue of energy independence, and what we are doing in the 112th Congress, the Republican majority, to make sure that we're creating jobs and opportunities for the American people.

According to the Canadian government, Mr. Speaker, over 143,000 jobs in Colorado depend on our trade relationship with Canada. And whether people want to admit it or not, crude petroleum is Colorado's top import from Canada. But we're not unique in that aspect. Colorado is by no means unique. Many of our jobs and much of our energy depends on our good relationship with our friendly neighbor to the north. When it comes to the Keystone pipeline, though, it's been 3 years since an application was first filed. America knows the Keystone pipeline, a 1,700-mile energy project from our neighbors to the north to the Gulf of Mexico, one that could create as many as 20,000 direct jobs and 100,000 indirect jobs. The United States as a whole would benefit both economically and this country were to be able to move forward with the Keystone pipeline.

And tonight, we have Members of Congress from across this country, and Members from the East and the West, the North and the South who will talk about the importance of energy security and the importance of creating jobs.

So many of the debates we have heard on the Chamber floor, not only today but in the past few months, have been revolving around the notion of creating jobs and what we're going to do to get this economy turned around, an economy that already has over 14 million Americans unemployed and 46 million Americans living in poverty, a chance to get people to work and a chance to create jobs.

I will frame this debate tonight with some information that we've just received. People across this country want the Keystone pipeline to be built. If you look at the numbers we have here, supporters of the Keystone pipeline, you can see the support. It's not just Republicans. It's not just the majority of Democrats. Every sector that we have talked about in this poll supports the Keystone pipeline overwhelmingly, 64 percent when you take into account the opinions of Republicans and Democrats. They know that this project will create opportunity, opportunity that hasn't existed for far too long.

For over 36 months now, we've seen the unemployment rate in this Nation exceed 8 percent. It's unacceptable. And the fact that this administration has decided to punt on jobs is shameful. It's been said before, a year ago, 2 years ago when the President was talking about shovel-ready projects, well now apparently the only thing that the President is willing to use his shovel for is to bury jobs. And that's why tonight I'm excited for the discussion we will have with the American people.

So at this time I would like to yield to some of my colleagues who have joined me on the floor for their take and perspective on the Keystone pipeline, beginning with my good friend from Alabama, MARTHA ROBY.

Mrs. ROBY. I very much thank the gentleman from Colorado. I appreciate you holding this very important leadership hour tonight. And, of course, Mr. Speaker, I rise today to express my extreme disappointment over President Obama's decision to block the Keystone pipeline by rejecting an application to build and operate the oil pipeline across the U.S. and Canada border.

#### $\square$ 2020

I think every American should be aware of the consequences. More than 100,000 jobs could be created over the life of the project, including an estimated 20,000 immediate American jobs in construction and manufacturing.

Oil accounts for 37 percent of U.S. energy demand with 71 percent directed

from a national security standpoint if to fuels used in transportation. That is equally true of a mother who drives her children to school as it is the businessowner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans hurt. And the price of gasoline increased 81 cents per gallon in 2011 alone.

> I support an all-of-the-above approach to energy, which includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear power.

> In his State of the Union address, the President stated, "This country needs an all out, all-of-the-above strategy that develops every available source of American energy, a strategy that's cleaner, cheaper and full of new jobs." In my opinion, his decision on the Keystone pipeline is blatantly inconsistent with this very statement.

> The door is now open for this Canadian oil to go to China. Canada's Prime Minister announced his "profound disappointment with the news." While the Chinese Government has ensured its future supply of oil and other energy resources, the United States has rejected a new source of energy that was laid at our doorstep. Mr. Speaker, I ask, how does the fact that China could receive this energy supply not serve our national interests? Mr. Speaker, I consider President Obama's decision a grave mistake. And on behalf of the American people who want secure oil and new manufacturing jobs, I hope that the Congress will continue to push him to reconsider this error in judg-

> Again, thank you to my friend from Colorado for holding this important hour tonight on this very important topic to the American people for job creation.

Mr. GARDNER. I thank the gentlelady for being here tonight and discussing the impact on her district with the Keystone pipeline. She brings up a good point when it comes to the price of gas. Reports that we have say that the discovery of the Canadian oil sands has the potential to change the current gas-price dynamic. Bringing a massive amount of oil to market from a politically and economically secure source can restore market confidence and bring down gas prices.

With that, I would recognize the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I thank my colleague for yielding, and it's great to be here with so many of them who also believe in not only the Keystone pipeline but that America can attain energy independence and security.

When the President came into office. gasoline at the pumps was about \$1.68 a gallon. Today, it's approaching \$3.40, and in some places even higher than that. We face a dichotomy of leadership here in Washington, D.C. You just heard our colleague from Alabama talk Union address, and he talked about an all-of-the-above approach to energy. Well, the administration's actions and their words simply don't match.

And there's no more striking example of this than the President's rejection of the Keystone pipeline, a project that would have created 20,000 immediate jobs, bipartisan support, even the unions are supportive of that project, upwards of 100,000 jobs as it trickled down through the life cycle of that project; and yet the President rejected Hardworking taxpayers across America, particularly those in my district along eastern and southeastern Ohio, are very tired of Washington taking more and giving less. They want real leadership, they want real solutions, and they want a return to American exceptionalism.

I remember, and I know many of you do, a time when we grasped the concept of American exceptionalism. President Kennedy told us back in the '60s, he said, We're going to go to the Moon in 10 years. We didn't make it in 10 years; we made it in 7 because he engaged every fabric of our society—academia, our industrial base, our economic base, our political will, and even our military was behind this idea of getting to the Moon. We saw industries crop up around space exploration. We saw millions of jobs created. We saw young people lining up to get into institutions where they could major in disciplines that would prepare them for careers in space exploration.

Think about what would happen if we really had an all-of-the-above approach to energy similar to that. Think about what would happen if America had an energy policy that said, starting today, we're going to draw a line in the sand. and over the next decade, we're going to set a goal to become energy independent and secure in the United States. We're no longer going to sit on the sidelines. We're going to go after the 3 trillion barrels of oil that we already own. We're going to go after the natural gas we own because we're sitting on the world's largest deposits of it. We're going to continue to mine coal; and because we're going to invest in it, we're going to learn how to use it more environmentally soundly.

We're going to expand our nuclear footprint because guess what? It's the cleanest, safest form of energy on the planet. We're even going to look at wind and solar and find out where they fit into the energy profile. We know they can't solve all the problems, but they have a niche where they can. But we're not going to sit idly by and do nothing, and we're going to start by telling our regulatory agencies to become partners in progress with American businesses, to become rather than the department of "no," the department of "let's move the ball forward" and get over throwing up arbitrary bar-

about the President's State of the riers that are keeping America from the-above energy policy, one that puts going after its own natural resources.

> I submit to you, Mr. Speaker, that if we had that kind of all-of-the-above energy policy that had action behind the words, you would again see America believe in American exceptionalism. You would see young people lining up to get into institutions to major in disciplines to prepare them for advances in energy production, distribution, and even usage. And at the end of the day, we would see and we would find out that we would learn how to produce, store, and use energy in ways that we've never even imagined.

> Do you know why? Because I do believe in American exceptionalism, and I know that my colleagues believe in American exceptionalism. I just don't think that our leaders in Washington and in the White House and in this administration believe in American exceptionalism.

> It was a striking example back last March, last spring, when the Prime Minister of Australia stood in this very Chamber and gave a presentation. We were all here. She related a story, and she said, I remember being a young girl sitting in front of my television and watching Neil Armstrong and Buzz Aldrin land on the Moon thinking to myself, wow, Americans can do anything

> She went on to talk about the history of America and Australia and how we worked together to address the world's problems and how America had stood by Australia during World War II. She gave many examples. At the end of her speech, she said, I'm not that young girl today. I'm the Prime Minister of our country, and I've got a lot more experience under my belt, but I still believe that Americans can do anything.

> I was sitting right over there, and I remember I could feel a cleansing breath take place in the House Chamber. You could have heard a pin drop in here. We heard something from a leader of another nation that we so desperately want to hear from our own leaders.

> Mr. Speaker, America is the exception. We are gifted with the ability to innovate, compete, and solve the world's problems; and we've been doing it for over 230 years.

#### □ 2030

We can become energy independent and secure in this country. We can return the idea of American exceptionalism to this country. We can put the American Dream back into play to the over 14 million Americans that are out of work and the 40-plus million Americans that are underemployed.

I ask the President and the Senate today to begin to work with us in the House of Representatives to advance the idea of a real, no-kidding, all-ofAmerica first above politics and above campaigning.

I want to thank my colleagues for being here again tonight. Thanks for giving me an opportunity to share.

Mr. GARDNER. I thank the gentleman from Ohio.

And I'm sure you'd be interested to know this-and I'm sure you already know this, in fact—that according to testimony that was given before the Energy and Commerce Committee hearing last year on energy issues, the impact of Alberta oil sands development on the U.S. State economy, in your great State of Ohio, 13,200 new jobs could be created between 2011 and 2015 as the development of the Alberta oil sands moves forward. And the Keystone pipeline is an important part of that. So, as I know there are many visits going on to Ohio by this President, perhaps he can explain to the people who may be unemployed in your district, 13,200 new jobs good to be created by the development of the Alberta oil sands, why the Keystone pipeline was vetoed.

So I thank the gentleman for being here today.

And with that, I would yield to the gentleman from Arizona for his perspective.

Mr. QUAYLE. I thank the gentleman, my good friend from Colorado, for yielding.

Back home in Phoenix, Arizona, in my home district, one of the big things that we worry about is the cost of gasoline. I went to the pump the other day and it was about \$3.60. It's about twice as much as it would cost back before President Obama was elected. And if you look at the statistics, in 2011, the average American household spent a record \$4,155 at the pump. This is equal to 8.4 percent of the median family income. So this is a huge issue, that we need to continue to find stable sources of oil so that we can have a secure source of oil and we can make sure that we have more supply of oil so that we can start to bring the prices down for gas at the pump.

Back before the President made his decision, I would go around and talk to people around my district and I would say, What if I told you that with the swipe of a pen the President and his administration could create 20,000 immediate jobs and over 100,000 jobs over the long term and there wouldn't be any taxpayer dollars put at risk or expended; what do you think we should do? Every single one of the people that I talked to said this President should sign that as soon as possible and let's get to work making sure that the Keystone pipeline gets put into effect and get people back to work.

And then something funny happened. The administration decided to placate the radical fringe element of their party, and the President punted to

2013—didn't even make the decision whether a yes or no, just pushed it down the road. But House Republicans decided that we were going to give the President a second chance, a second opportunity to do the right thing, an opportunity to realize that the State Department had already done an environmental impact study that showed that there was very little chance for any environmental damage to some of the sensitive areas where the pipeline would be going. Maybe we could have the President realize that this is not the time to play politics; this is the time to get American people back to work. And that's exactly what the Keystone pipeline would do. And yet, once again, the President punted.

Now, we can't give him too many more chances. We've already given two chances for this one already. But when we all sat here at the State of the Union and we heard him say that we were going to adopt the all-of-the-above approach, as some of my colleagues mentioned earlier, we actually realized that that's not really the case, because it seems as if there are only favored sectors that actually get some attention from this administration. You have companies like Solyndra.

Solyndra received a \$535 million loan guarantee from the government as well as nearly \$15 million in severance money for its employees when that company went bankrupt. A total of nearly 550 million taxpayer dollars were squandered. This is a risk that the American taxpayer should never have taken. And there is very little chance we're going to get any of that back because our rights were actually put lower than people who were giving loans after the American taxpayers.

Now, then, we have another company, Enerl, received \$118.5 million in stimulus grants before going belly up just a few moments ago.

According to The Washington Post, Obama's \$38.6 billion green job loan guarantee program has created just 3,545 permanent jobs. That's a cost of \$5 million per job, \$5 million per job in a favored sector. You know how many taxpayer dollars would be spent to create hundreds of thousands of jobs for the Keystone pipeline? Zero. And yet the President couldn't sign a simple sheet of paper to get this done. This is a no-brainer, as many people have said.

So I hope that the President will reconsider. I hope that the House Republicans will continue to push this issue because this is something that we can do right away. It is shovel ready, to borrow a phrase, and this is something that will make sure that we are looking towards the future for our energy security.

And I thank the gentleman from Colorado for addressing this important issue and for starting this conversation tonight.

Mr. GARDNER. The gentleman from Arizona brings up a great point about Solyndra and the Keystone pipeline. And I think there is a real question about what kind of an economy we want in this country. Do we have a Solyndra economy that relies on government funding, government financing, and then rips off the American taxpayers? Or do we rely on a Keystone economy that creates private sector jobs, 100,000 private sector jobs?

The Arizona Republic said in an article, an editorial that they wrote on January 20 of this year, just a couple days ago:

A lack of urgency regarding energy independence is only one of the reasons President Obama is being shellacked this week by Republicans and Democrats alike for his disappointing decision regarding the Keystone XL transcontinental oil pipeline. The foot-dragging runs counter to the recommendations of the President's own Council on Jobs and Competitiveness. President Obama's choice is a bad one. He needs to reconsider.

That was an editorial, again, from The Arizona Republic.

And with that, I would yield to my colleague and good friend from the State of New York (Mr. REED), somebody who has been very active in natural gas production and certainly a leader in the Ways and Means Committee.

Mr. REED. Well, I thank my colleague from Colorado for hosting this Special Order tonight and for truly engaging in a conversation we need to have with America.

And I would like to associate myself with the words of the gentleman from Ohio, when Mr. JOHNSON spoke soeloquently about the need for a comprehensive energy policy, an all-of-theabove approach to getting us off of foreign sources of energy once and for all. I think Mr. JOHNSON really hit the nail on the head with his description of the American Dream, or exceptionalism, and the ability that in America we develop a plan; when we have a vision, we can accomplish anything.

And I don't know if you noticed. Mr. GARDNER, I'm over here on the other side of the Chamber tonight. You know, I'm an individual who is proud to be a member of the Republican Party, and many of the times I'm standing on that side of the Chamber. But I am willing to come over on this side of the Chamber to speak tonight to say to my fellow colleagues across the aisle that my hand is open for us to join together on this issue and many issues that face Americans back at home, and this issue in particular because it impacts all of us, all 300 million people across America; because when we can commit ourselves, as the President did at the State of the Union, to developing a comprehensive energy policy of all of the above, I am confident that we can achieve that energy independence.

And tonight's discussion on the Keystone pipeline is an example of an administration and of folks engaging in old-school politics rather than focusing on good, sound policy that is going to achieve that dream of energy independence because, as my colleagues have articulated, this project has been fully vetted, years of environmental studies and reviews. The primary agency, FERC, who had the responsibility to oversee the project, came to the conclusion that there were no significant environmental impacts that were associated with this project.

#### $\square$ 2040

And it was on the verge of approval at the Department of State whose, if I remember correctly, primary mission is to deal with diplomatic issues. Because this pipe crosses an international border, the President used the final act from an agency who is focused on diplomatic issues to reach in and, for political purposes, say no.

I applaud the gentleman from Arizona, and I associate myself with his words, that we have given another chance to the President to do what is right in our and my opinion. This is a project that is ready to go. It will put 20,000 people back to work, and that's what we've been talking about here for months is improving this economy: jobs, jobs, jobs. And with the stroke of a pen, the President said no to 20,000 jobs and 100,000 jobs on top of that. And he put an obstacle in the barrier of his own State of the Union message that we are going to accomplish energy independence with an all-of-the-above approach by taking action a week before and saying, for political purposes, we're not going to be able to achieve that goal.

That has to stop, ladies and gentlemen. I'm proud to be part of this freshman class that has come in November 2010, and I fundamentally believe that we are changing the conversation in Washington to focusing on policy over politics. And this is an example, under this pipeline project, that is going to be directly related to that change in conversation in Washington because it's a commonsense type of approach to the job.

It's about focusing on people, getting them back to work, committing ourselves to a vision of energy independence, which is so critical to our future, and also so critical to our future in the manufacturing sector, because if we can get energy from domestic supplies here, and we can secure those energy sources long term, we're going to have lower utility rates, manufacturers are going to invest in America again, and we're going to start building things again. That has to be the cornerstone of what we're talking about. And the Keystone pipeline is but an example of that.

One last point I would like to address. We here in Washington can impact people every day, and this is an example of that impact in a positive way, because if we put the Keystone pipeline online, every time an American goes to the pump to fill up his gas tank or her gas tank, you will see the immediate results of it in a lower price, unless we continue down the policy that the President has committed us to in not constructing this pipeline. Every penny counts in this economy.

So I'm proud to be down here on the floor tonight to talk about this key issue and also the bigger issue of making sure that we stay focused on the American Dream of energy independence.

And with that, I wholeheartedly join my colleagues tonight.

Mr. GARDNER. I thank the gentleman from New York and, again, thank you for your constant leadership on our national energy security. And we do harken back to the time just a few weeks ago when the President gave his State of the Union address, addressed this Chamber, the joint session of Congress. And it reminded me when he said. I'm for an all-of-the-above energy policy, and then vetoed, basically with the stroke of a pen, as you said, the Keystone pipeline. It reminded me of something that Yogi Berra might sav. Yogi Berra might say, I'm for allof-the-above energy as long as it's not all of the above. That seems to be what we're hearing. And with the killing, with one single signing, of 100,000 jobs, I think it shows where the real intent in terms of job creation some people would have this Chamber try to follow.

You mentioned the Department of State. A week ago, last week, we had Kerri-Ann Jones, Assistant Secretary of State from the Department of State, testify before the Energy and Commerce Committee and admitted that when it comes to the EIS, the no-pipeline alternative, there was an alternative considered under the EIS, the Environmental Impact Statement. One of the options they considered was no pipeline, no pipeline at all. In testimony before the Energy and Commerce Committee, it was admitted that that was not the preferable alternative. That was not the preferable alternative under the Environmental Impact Statement. So even the Department of State admits that the EIS on the pipeline envisions the construction of a pipeline. And yet the President said no.

And so I thank the gentleman from New York and the thousands of people that could be employed by the development of the Alberta oil sands. And I know the next gentleman, Mr. Con-AWAY from Texas, that will be addressing the Chamber, I don't know if he has this statistic right in front of him, but according to testimony, again, before committee, 170 firms supply the Canadian oil sands from Texas, 170 firms that supply the Canadian old sands.

from Texas.

Mr. CONAWAY. I thank the gentleman from Colorado for allowing me to join in; and although I'm not a part of the freshman class, I hope they won't toss me out of the Chamber as a result of that indiscretion.

I wanted to walk us through kind of the process by which TransCanada has gone through trying to laboriously apply and comply with all of the rules, regulations, and hoops that anybody who tries to do a project of this scope has to go through.

They began in September of 2008 when they filed their application for a permit to build this pipeline. As has been mentioned, the State Department would not be involved in this at all except for the fact that this pipeline crosses an international border. If this were just within the United States, the State Department and the President would be out of the loop in this instance. But because this is an international problem, then the State Department gets a whack at this deal.

In April 2010, the State Department issued their draft Environmental Impact Study. Then, a couple of months later, in June of 2010, EPA weighed in with the results of their technical review and said that the draft Environmental Impact Study was deficient and didn'tprovide the scope and the detail, if necessary, for decision-makers to make their mind up. Bureaucratic nonsense for stopping things from going forward, so that it allows one group of folks in the administration to brag on how hard we're pushing on this issue, while all the time they've got a backstop at the EPA that knows that they're not going to move anything forward.

And then October 2010, State Department issued a supplemental draft Environmental Impact Study. Only in America can you come up with these kinds of titles to simply laying a pipeline across this country. Again the EPA weighed in and said, no, no, no, this supplemental one is deficient, and you've got to continue to give us information; although, when asked a little later on that month, Secretary of State Clinton was asked at a press conference, kind of where are we with respect to the pipeline approval process, she commented that we're inclined to say "yes" to the pipeline.

And then in April 2011, the EPA again said in a filing that the supplemental draft Environmental Impact Study was deficient.

Finally, by August of 2011, the State Department issued its final Environmental Impact Study, allowing for a 30-day public comment and a 90-day agency comment. And of course it was during this agency comment period that the State Department decided that a new route was necessary, that the original route that was planned

With that, I yield to the gentleman and the alternatives going across the Ogallala, the 13 alternatives that were assessed, that this one really was the best, that somehow a new route was necessary and that gave rise to the charade that we saw played out where the President decided he was going to wait until after the election, and then Congress weighed in and said, no, you need to make that decision sooner.

The State Department's decision to go or no go on it has to be based on a finding that the pipeline is not in our national interest. Transporting this oil of almost 1.4 million barrels of crude and bitunium across this country to U.S. refineries would have to not be in the United States' best interest. And, in fact, that's what the State Department found. After we passed the law requiring the President to make a decision, the State Department suddenly decided that building this pipeline was no longer in the national interest and allowed the President then to say what he said. The President's wrongheadedness on this issue couldn't be more selfevident on its face.

I want to talk real quickly about the safety issue. You hear a lot about that. I come from west Texas—Midland, Odessa, San Angelo. There are thousands and thousands of miles of pipeline crisscrossing my part of the State. In fact, there are three oil pipelines that run through the front yards of the people who live across the street from me. And we've lived there for almost 15 years now, not a bit of trouble with the pipelines. And they're inspected all the time, both inside and out and observed from the air, and this type of stuff. So pipeline safety is not an issue.

#### □ 2050

Drilling safety, by the way, I just wanted to pitch this in real quickly. When I left my home yesterday morning at 5:45 to come here, as I was closing the garage door, I could see the lights on the crown of a drilling rig less than a half mile from my house that's in operation. It's been in operation for about 4 or 5 months now drilling wells that are actually that close to my house, and it's being drilled inside the city limits of Midland, Texas.

So when we talk about not in my backyard or all of the other kinds of reasons why people don't want oil and gas production around them. I come from a part of the State where it's a badge of honor, and, in fact, it's helpful on the 20th of the month each month when the royalty checks show up. So this industry has a great record of being able to operate soundly not only in the drilling and exploration phases, but also in the production and transportation issues across.

Let me give you one quick thing, and I'll close. The Wall Street Journal, on the 19th, had made a pretty good statement. It said:

The central conflict of the Obama Presidency has been between the jobs and growth crisis he inherited and the President's hell-for-leather pursuit of his larger social policy ambitions. The tragedy is that the economic recovery has been so lackluster because the second impulse keeps winning. Yesterday came proof positive with the White House's repudiation of the Keystone XL pipeline, TransCanada's \$7 billion shovel-ready project that will support tens of thousands of jobs if only it could get the requisite U.S. permits. Those jobs, apparently, can wait.

And a couple of paragraphs later, very succinctly, said, "This is, to put it politely, a crock."

Mr. GARDNER. I thank the gentleman from Texas.

I will show a map. Mr. Conaway, the gentleman from Texas, referred to a pipeline. The only reason we had the Department of State involved is because it crosses a national boundary. So you can see the pipeline right here where it extends. I already have some pipelines, and I know the gentleman, Peter Olson from Texas, will be addressing the Chamber shortly and share even more about this route and the different pipelines that we're dealing with.

But again, here it is. Right here. That's the only reason the State Department is involved. The only reason that they had a hook to get involved, and, as you can see, the hook was yanked and jobs were killed.

I would like to follow up as well with an editorial from The Detroit News, The Detroit News on the 20th of January. Detroit, Michigan, particularly hard hit by economic tough times over the past several years. This is the editorial:

President Barack Obama is willing to wait and wait and wait for 20,000 desperately needed jobs. For someone whose operating slogan is "We can't wait," it's curious that President Obama is willing to wait and wait and wait for the Keystone XL pipeline project and the 20,000 desperately needed jobs it promises. If the "can't wait" President keeps dragging his feet, he will hand the Chinese yet one more competitive advantage over the United States.

That's the Detroit News, January 20. Again, just a couple weeks ago.

I know the gentleman from Texas (Mr. Olson) has been very involved in the Energy and Commerce Committee. He's been standing up for his State, energy security jobs that would be created. And I'm sure he knew this already, but in Texas alone, the development of the Alberta oil sands could create as many as 27,000 jobs over the next 4 years.

With that, I would yield to the gentleman from Texas.

Mr. OLSON. I thank my colleague from Colorado and my brother on the Energy and Commerce Committee. They say that imitation is the sincerest form of flattery. I've got the same chart that you have.

I want to focus my discussion tonight on national security. I want to make sure that the American public understands the truth. I mean, there's been many, many, many misstatements from the administration about the safety, national security implications, jobs of the Keystone XL pipeline.

While every American can have their own opinion, no American can have their own version of the facts. That's why we're here tonight, to give the American people the facts.

This is the Keystone pipeline, as my colleague alluded to. There are actually two Keystone pipelines. The first one, the little orange line here, that's the Keystone pipeline, the plain Keystone pipeline. Actually, oil is flowing through that pipeline right now, the Steel City, Kansas-Nebraska border into St. Louis and into Patoka, Illinois. That is happening right now as we speak today.

The thing that's been controversial is the dotted line, the Keystone XL pipeline, which follows a similar path, ends up in the Gulf States, in my home area of Houston, Texas, the Port of Houston, and the Port of Beaumont and the Port of Port Arthur.

The real problem, as I follow my colleagues, I want to point out three points:

Little slivers right there, no one knows what it is. It's just an imaginary line. Those two cross these points. Those pipelines cross from Canada into the United States. That's the only reason why the State Department is involved in this process. Some imaginary line between our two countries, and the State Department has the approval authority.

Again, I talked about the two ports down there in the gulf coast in Texas. Those refineries on those ports are the safest, most advanced, most efficient refineries in the entire world. That oil will be processed quickly, efficiently, in an environmentally friendly manner. We've just got to get it there.

This part right here, the State of Nebraska is the problem. I will go into that a little bit further.

As the American people can see, this is a map of the central part of the United States where the Keystone pipeline comes through; and just to get you oriented here, the yellow line that's hard to see, that's the Keystone pipeline, the one that's existing right now, the one that actually oil is flowing to Illinois as we speak.

The dark green line here is a proposed path for the Keystone XL pipeline. And the reason the administration has given for not approving this pipeline is because of this big pink area, and that's the Ogallala Aquifer that runs through most of Nebraska and, as you can see, goes into my home State of Texas.

All of these other lines here, all of these little arteries, all of these little spinoffs, these dark lines, you know what those are? Those are pipelines, pipelines that go in all through that aquifer.

The Keystone XL pipeline is designed to be the safest pipeline in the entire world, much safer than all of these other pipelines that may have been there for 50 years. The Keystone XL pipeline is going to be put in deeper so it doesn't have the risk of some of the things most pipelines have where the integrity gets compromised because somebody on the surface drills into it. They're putting the pipeline down deeper to avoid that. It's got all of these modern systems that monitor the pipeline's status at a fixed interval so if there is some sort of problem on it, it will shut down almost automatically and prevent further spills into the Nebraska aquifer.

All of these pipelines are there. Keystone is the safest one, and yet the administration didn't approve it.

We all know the numbers: 20,000 shovel-ready jobs right now; 830,000 barrels of oil flowing a day down the port in the southeast Texas ports; energy security, national security.

Now I'm going to turn to focus a little bit on national security.

As the American people know, the Middle East is as unstable as it has been in most of our lifetime. Egypt, Libya, Tunisia all have new governments. Syria is on the verge of collapse; Yemen, as well. On top of all of that, we have Iran. Iran that is actively pursuing a nuclear weapon.

The world seems to be growing in its appreciation of the threat that a nuclear power in Iran has to our whole world security. We in Congress here passed a bill imposing sanctions on the Iran national bank. The European Union passed sanctions on Iran just this past week preventing them from purchasing any oil from Iran. But the Iranians responded in just the way we thought—with lots of swagger, with lots of bravado. What'd they do? They talked about shutting down the Strait of Hormuz.

#### □ 2100

The Iranians shut down this waterway. This choke point is a very real threat to our world's economic stability and growth.

I may be the only Member of Congress who has flown missions as a pilot in the United States Navy, as a naval aviator, through the Strait of Hormuz. It's narrow. It's about 25 miles at its narrowest point. In my hometown, that's basically the distance between Houston and Galveston. It's shallow, 200 feet. A football field is longer than the Strait of Hormuz is deep.

As you can see, the sea links, where the tankers all cruise through, are very close to Iran. They're not out in the middle of the strait. This little island over here, Abu Musa, is an Iranian island, so all of the traffic going through that strait has to pass basically through Iran on one side and Iran on the other side.

I'm not worried about my Navy having access through those straits. They can handle any situation the Iranians throw up. What I fear and am concerned about is all the tanker traffic that is currently going through those straits. Thirty percent of the world's oil goes through those straits to Europe, to our country, to Asia. If those straits are shut down for any given period of time, our world will go into an economic collapse.

We've seen this in the past. When I was a young man and started driving in the late seventies—16 years old—it was this country, again, that was the problem. The Shah of Iran fell. The Mullahs, who are in power right now, took over. We supported the Shah, and all the Arab nations involved in OPEC put an embargo on the United States. Overnight, we lost all this oil flowing through the strait.

What happened?

My colleague from Colorado talked about gas prices going up. They doubled in about a week's period. I mean, I remember because my job as the new guy with a license—and I loved doing it because I was driving, man—was to get in the car and go down. It depended on what the last digit was on your license plate. If it were an odd or even day, you could go get in the gas line. On some days it was 30 minutes, and on some days an hour and a half. But my job was to get in that line and sit there and wait until I got up there and could pump gas in the car.

Again, gas prices went from 25 cents a gallon, which we can't imagine today, to 50 cents overnight. If those straits were to shut down tomorrow with gas prices going up as they are right now, which is approaching \$4 all the way across the country, we could see almost \$10 a gallon overnight—\$10 a gallon. So we can't diminish this threat that the straits will shut down.

How do we fix this? How do we address it?

It's simple. We develop energy sources right here in North America. The administration and State Department have proven in the past that they will approve a pipeline based on the considerations I talked about. Let me give you an example of that.

There are lots of pipelines coming from Canada to our country. Just to get the listeners oriented again, the dark blue line here is the Keystone XL pipeline. Well, actually, the dotted line is the Keystone XL coming down here. The blue line is the Keystone XL pipeline. The pipeline I want to talk about is the Alberta Clipper pipeline. The Alberta Clipper pipeline is the yellow one coming here, right here to the point there, which I believe is Lake Superior, but it's right there in the northern part of Minnesota. When that was approved a couple of years ago, here is what the State Department said. This is their Record of Decision and National Interest Determination:

The Department of State has determined, through a review of the Alberta Clipper project application, that the Alberta Clipper project would serve the national interests in a time of considerable political tension in other major oil-producing regions and countries by providing additional access to an approximate, stable, secure supply of crude oil with minimum transportation requirements from a reliable ally and trading partner of the United States with which we have free trade agreements and further augments the security of this energy supply.

If that were true 3 years ago for this pipeline, isn't it more true today for the Keystone XL pipeline? Why doesn't the President approve the pipeline immediately and give our country energy security and more national security?

I know why the President did it. It's very clear. I mean, when it first started coming out, all the wings of the administration were saying, Well, we can't make a decision until sometime in 2013. The American people know what happens between now and 2013. There is a Presidential election. The American people need a leader. They need someone who will step up and do what's right for the country and do what's right for our security.

I would like to close by using a quote from the Father of the United States Navy—my Navy—Admiral John Paul Jones. He was in a battle with the British ship Superior, with more speed, more guns. His ship was getting blown up pretty good.

The British captain, the guy with those little megaphones, yelled over to Admiral John Paul Jones and asked, "Sir, will you surrender?"

Admiral John Paul Jones said those immortal words that every sailor knows. He yelled back, "Sir, I have not yet begun to fight."

The American people should know that House Republicans have not yet begun to fight for the Keystone XL pipeline.

Mr. GARDNER. I thank the gentleman for his leadership tonight.

Before he leaves the Chamber and before I yield to the gentleman from South Carolina, I think it's, again, important to talk about something that you mentioned in the very beginning of your comments. The only reason the State Department was involved is that it crossed the border. The only reason they were allowed to kill 100,000 American jobs is because it crossed the border.

If the pipeline were built from Fargo, North Dakota, to Houston, Texas, would they have been involved?

Mr. OLSON. No. sir.

Mr. GARDNER. Again, to the American people, we've heard asked often by Members of this body: Where are the jobs? I think we need to start asking: Why not these jobs?

I thank the gentleman from Texas.

With that, I yield to the gentleman from South Carolina, who has been very active in the fight for jobs in his home State and across this country.

Mr. DUNCAN of South Carolina. I appreciate the gentleman from Colorado for allowing me to have a little time to talk about this.

Canada is our largest and best trading partner. A good friend of mine was an ambassador to Canada, and I had the opportunity up there to talk with him about this issue and why it's important to the United States. Why Keystone XL pipeline? How about the refining capacity we've got in the gulf? How about the refining jobs that would be provided in a very hard-hit, post-Horizon gulf State economy?

The gentleman from Texas was very clear. They understand in Texas, as they do in North Dakota, that energy is a segue to job creation. If you look at the unemployment rate in Texas or in North Dakota, North Dakota has 3 percent unemployment. If you're looking for a job in this country, America, go to North Dakota. There are goodpaying energy jobs right there today, and if we can get Keystone XL pipeline to be a reality, we'll have good-paying long-term jobs in the refineries in Louisiana, Texas, Mississippi, Oklahoma, and in all the places that we're going.

What I would like to talk about are the President's own words. He said in his statement—and this is from the White House's Web site—that the rushed and arbitrary deadline insisted on by congressional Republicans prevented a full assessment of the pipeline's impact.

Now, how long has this been going on that they've been doing the environmental impact assessment that you talked so brilliantly about? I came to Congress last year. This was going on well before I came here. A rushed assessment? Under the Obama administration, with an \$800 billion stimulus package and an unprecedented growth in government, don't you think that we had the personnel in the Department of Energy to deal with this and to do the assessment in a timely manner in order to approve a pipeline that would provide, not only American energy independence, but North American energy independence? This would be buying oil and natural gas from our largest and best trading partner, our friends in Canada, and providing good-paying jobs in America.

I want America to listen to what the President also said in his own statement. He said that he was disappointed that Republicans focused on this decision. We should focus on this decision. This is about American energy independence, and it's about jobs. Yet he goes on to say, But it does not change my mind, and this administration's commitment to American-made energy that creates jobs—and listen closely—and reduces our dependence on oil. Period. It's not reducing our dependence

on foreign oil; it's not reducing our dependence on Middle Eastern oil and on oil from countries that oftentimes don't like us very much. It's the lessening of our dependence on oil. Period.

That is the dynamic that is driving this administration's policies, and America needs to know that. These resources don't belong to President Obama. They belong to the American people, and it's time we step up to the plate and we use energy as a segue to job creation in this country. We trade with trading partners that like us, friendly trading partners within our own hemisphere. It's North American energy independence, and the Keystone XL pipeline is the answer to putting Americans back to work.

#### □ 2110

Mr. GARDNER. Thank you, the gentleman from South Carolina, getting to the passion which so many Members have tonight throughout this fight to create American jobs.

I yield to the gentleman from Virginia (Mr. GRIFFITH) who has also been a leader when it comes to energy security and American energy production.

Mr. GRIFFITH of Virginia. Thank you very much. I appreciate these few minutes to speak.

You know, I have been sitting here listening to everybody speak, and very, very good points have been made by so many of the speakers. And it does come down to a couple, simple things. It was a tough decision for the President, not because he didn't have the ability to make that decision, and not because he didn't have the ability and the materials to make that decision. As you know, in our hearing last week Congressman LEE TERRY brought in stacks and stacks of studies that have been done on this pipeline.

But I think of it in terms of my daughter, Abby, who's a sixth-grader back home. Abby doesn't like to do her homework. She would much rather be talking to her friends or watching TV.

President Obama apparently doesn't like to do his homework either. He would much rather be speaking to friends that tell him how great he is or being on TV.

The bottom line is the same: I have to tell Abby from time to time, Abby, go do your homework. Read your materials.

The American people need to tell President Obama on Keystone pipeline, why can't you read the materials? It's all there for you. Quit making speeches about jobs and take action after you have done your homework. Do it and do it now, and bring us the jobs you keep talking about. Get off the telephone, get off the speaking circuit, and put your nose to the grindstone and get the job done.

Mr. GARDNER. I thank the gentleman for his time tonight, and again, as we wrap up our discussion, we will

just highlight the support the Keystone pipeline has across this country. Again, you can see the people who believe that job creation, American energy security matters. It matters because we can create jobs now. We have an opportunity to develop our North American resources, to reduce our reliance on overseas oil.

The question that these supporters ought to be asking tonight is whether or not they want to give up this project to China. I don't think they want China to win. And yet that's the decision this administration has made—100,000 jobs, American energy security.

With that, Mr. Speaker, I yield back the balance of my time.

# HONORING LIEUTENANT GENERAL WILLIAM G. BOYKIN

The SPEAKER pro tempore (Mr. Turner of New York). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. Gohmert) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, it's an honor to be here before you tonight. There's so much going on in this country, so many threats to our national security, and energy is one of them.

I am so proud to be a Member of Congress with the freshmen that I have heard here tonight. They make the rest of us look good, and I'm so grateful for their discussion about energy.

It doesn't make any sense to have more energy overall than any country in the world and then to pay billions, and hundreds of billions of dollars, to people, many who don't like us. They want to bring down this Nation, and yet we're enriching them, actually engorging them on our money.

And then we have a solution. One little part of this solution is the Keystone pipeline, more oil coming from our friends in Canada, who actually are friends. They don't want to see this country taken down. They don't want to see this country attacked again like it was on 9/11. Then we had a hearing today on energy in our Natural Resources Committee, and we're trying, we were trying to pass legislation out of committee that would allow us to provide more of our own energy.

But the wrong-headed approach of this administration and some people on the other side of the aisle that is forcing us to pay billions of dollars to companies that have no good plan for producing energy, but a great plan for bilking, sucking the money out of this administration, ready to throw it on any whim that they can say somehow is a green job. Well, it seems to be more brown in color from where I come from.

But anyway we voted today in Natural Resources to once again allow drilling in this tiny area out of the Arctic National Wildlife Refuge in Alaska. I know that there are some people, even from this body, who have been taken up by so-called environmental groups and taken to areas of ANWR that are beautiful and are certainly worth keeping pristine, not taken within 100 miles of the little area that we passed today to allow drilling in.

It's a tiny part of the area that Jimmy Carter as President set aside back in the 1970s to allow drilling because there's nothing there. There's not a tree, a bush, anything that's living in that area in the way of wildlife. They can't stay because there's nothing to sustain them. They have to go out of there and go to the pristine areas. That's why Jimmy Carter set it aside as someplace we could drill.

Yet the wrong-headed approach of this administration is to continue to put off limits our own natural resources. But that's only one aspect of things that are going wrong in this country with this administration.

#### LIEUTENANT GENERAL WILLIAM G. BOYKIN

So tonight I want to pay tribute to a great American hero who has been demeaned, a man who has spent most of his life as an American hero fighting for Americans to have freedom of speech, and yet being condemned and disallowed the opportunity to have the freedom of speech he repeatedly, over and over, laid down his life or was willing to lay down his life to provide for the rest of us, that is Lieutenant General William G. Boykin, retired.

He's a former commander of the United States Army, Special Forces. He was a founding member of the Delta Force. He's also known for his devotion to the Christian faith, which at one time in this country, in fact, for 99.9 percent of this country's history, it was considered a good thing to be a person of faith and devoted particularly to a Christian faith.

Jerry Boykin, Lieutenant General Boykin, graduated from Virginia Tech in 1971 and received his Army commission. By 1980, he was the Delta Force operations officer on the April 24–25 Iranian hostage rescue attempt.

Now, I talked to General Boykin about that before and consider him to be a friend. Something that I had heard back during my days in the service was something that General Boykin said was above his grade back then, 1979-1980. It would be interesting to hear someone from the Carter administration actually provide documentation of the actual decision to reduce the number of helicopters that would be utilized to go into Iran to a staging area hundreds of miles inside Iran, meet up with C-130s—other equipment, rather, that was there in the staging area, and then from there stage the rescue effort that would go into Tehran and get our hostages.

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The story I would love to see documentation on, the thing that I heard as a member of the U.S. Army years ago, was that the original plan had at least 12 helicopters that were going to be utilized to go into the staging area, but the Carter administration believed that it might look too much like an invasion. So the word was back then that we heard, the Carter administration ordered the 12 helicopters reduced to eight so it wouldn't look like an invasion, and that there were those who were engaged in the planning who said, you know what, we need 12 because the mission must have six helicopters to go forward from the staging area. These turbine engines will cross hundreds of miles of sand, and we have to count on perhaps a 50 percent loss of helicopters coming to the staging area. Since we know we need six, we want to start out with 12 so we have a better chance of getting six to the staging area.

We knew where the hostages were, and yet people in the administration, ultimate responsibility resting with the President, decided let's take more of a chance with the people we are putting at risk, sending in as the Delta Force. Let's put them even more at risk making them go in with fewer helicopters.

And as though Delta Force at the time knew, all they knew apparently was they get to the staging area, if they don't have six helicopters, then the mission will be aborted, and they'll have to turn around and go back. And since they were ordered to come in with eight instead of 12 or more, they got to the staging area with five. These American heroes who were not given adequate resources to go in and rescue our hostages in Iran by an administration you would have thought understood and appreciated the military, but apparently did not adequately. Even though President Carter had been in the military, you would have thought he understood. They get to the staging area, there are five helicopters, and the mission is aborted.

One explanation was when one helicopter pilot was trying to lift off, once they knew it was aborted, everyone was anxious to get out. A helicopter started up. Obviously, the sand swirls and it's easy to get vertigo and lose sense of direction, and the helicopter went sideways, cut into a C-130, and we left heroic Americans on the desert floor in Iran, a terrible embarrassment. And to this former soldier, I didn't think it was an embarrassment to the Delta Force that was sent in. They were ready to fight and die, but their orders were to go in. They were sent in without adequate helicopters; and when the mission did not go forward, people lost their lives.

But as we know from the old poem: Theirs was not to reason why Theirs was but to do and die. Some of them did.

I would have hoped over the years the lesson learned from Vietnam would have been not that that was not a winnable war, as our colleague here, SAM JOHNSON, could tell. After 2 weeks of carpet bombing after North Vietnam had left the negotiation table, 2 weeks of carpet bombing, they came back. And as the Hanoi Hilton prisoners were taken away, SAM said the meanest, one of the meanest officers, at the Hanoi Hilton was laughing and said: You stupid Americans. If you'd bombed us for one more week, we would have had to surrender unconditionally.

Instead of being done in the seventies, that could have been done early in the sixties. The lesson of Vietnam should have been we don't send our military, men and women, anywhere in the world on our behalf unless we give them the equipment to do the job, unless we give them the order to go win whatever it costs. Win and come home. That should have been the lesson, but it wasn't learned in Vietnam.

And it apparently wasn't learned during the failed rescue attempt under the Carter administration. But these were American heroes who put their lives at risk for an administration that didn't fully appreciate what was involved.

General Boykin, in February 2003, had two stars as an Army general. He was commander of the John F. Kennedy Special Warfare Center at Fort Bragg and was about to interview with Secretary Rumsfeld for his third star nomination.

He had received two Purple Hearts: one for Grenada in 1983, the other for Mogadishu, Somalia, in 1993. He was involved as a commander in the Black Hawk Down scenario.

From 1978 to 1993, General Boykin was assigned in various capacities to Delta Force. With Delta Force, he oversaw the rescue of CIA operative Kurt Muse from a Panamanian prison and the capture also of Manuel Noriega, the brutal dictator who put Kurt Muse in that prison.

In Colombia, our hero, Jerry Boykin, helped hunt down the drug lord Pablo Escobar. He also hunted war criminals in Bosnia. He helped rescue hostage missionaries in Sudan. He tracked kidnappers in El Salvador. He spent 13 years with Delta Force. And as I mentioned before, he was not only a founding member of Delta Force but also was later its commanding officer.

In October of 1983, Major Boykin worked as an operations officer during Operation Urgent Fury in Grenada. During a dawn assault to free some Grenada government officials held by the Marxist People's Revolutionary Army, Boykin was shot in the arm with a .50 caliber round, splitting the bone completely in two. He was told he would never use it again, but almost miraculously his arm healed, which Boykin again believed was a God thing.

In October 1993, Colonel Boykin was in command of the Delta Force tracking down militia leader Mohamed Farrah Aidid in Somalia, during which time the infamous battle of Mogadishu took place. Some might recognize that as the Black Hawk Down scenario. That was the event.

But April 1998 to February of 2000, Jerry Boykin served as the commanding general of the U.S. Army Special Forces Command Airborne at Fort Bragg, North Carolina.

From March 2000 to 2003, he was the commanding general, United States Army John F. Kennedy Special Warfare Center, Fort Bragg, North Carolina.

In June of 2003, General Boykin was appointed deputy Under Secretary of Defense for Intelligence under Dr. Stephen Cambone, Under Secretary of Defense for Intelligence.

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Lieutenant Boykin retired on August 1, 2007 and currently teaches at Hampden-Sydney College. General Boykin is the author of "Never Surrender: A Soldier's Journey to the Crossroads of Faith and Freedom" and also "Danger Close: A Novel" as well as "Kiloton Threat." a novel.

General Boykin attended the United States Armed Forces Staff College, Army War College, Shippensburg University where he received a master's degree. His badges include the Master Parachutist Badge, Military Freefall Badge, Ranger Tab, Special Forces Tabs. Medals include the Distinguished Service Medal, the Defense Superior Service Medal with three oak leaf clusters, and the Legion of Merit with an oak leaf cluster. This is a real hero. He also received the Bronze Star, Air Medal, Purple Heart with an oak leaf cluster.

This is an American hero, ready repeatedly to lay down his life for our right to free speech, to the freedoms we know and love; and yet he was not so well treated. People thought it was inappropriate that a general would say, basically, the same things that Franklin Roosevelt did, things like Franklin Roosevelt said in his prayer on D-Day as he prayed on the radio, national radio broadcast.

And during that radio broadcast, Franklin Roosevelt prayed for our troops against those forces of evil. I believe he used the word "crusade" in there. And yet Franklin Roosevelt was never excoriated or crucified for the language he used in the prayer because people knew he cared about our troops. People knew that he cared about Americans having freedom. So they never went after Franklin Roosevelt the way they have come after Jerry Boykin.

General Boykin was invited to speak at West Point this year. My understanding is he was going to be speaking to West Point cadets at our U.S. military academy, cadets who were Christians, about how a Christian in the service of the United States reconciles his faith, his commitment to God, and his commitment to country. I would imagine most of us who are Christians who served in the United States military had those inner questions. Some of us found answers in Scripture, found answers in wise counsel, and found a peace afforded through prayer.

Wise counsel is what I get anytime I talk to General Boykin. This incredible man, this American hero, who should be an American icon, was told he really should withdraw his acceptance of the invitation to come and speak because West Point, our U.S. military academy—not the military—but the people that this administration put in place, were too embarrassed to have this American hero come speak to Christian cadets at the United States military academy where we also have a politically correct czar who monitors such things and makes sure we don't offend the people who want to kill us and destroy our way of life.

So pressure was put, gee, the military academy, those in power allowed to be there by this administration, with the political correctness in full display, didn't want to withdraw the invitation. They thought it would be better if he backed out of coming. This American hero will do anything his Nation needs him to do, and he did something that I'm not sure I would have done. He said, sure, you don't want me to come, I withdraw my acceptance, I won't come. He canceled.

This American hero who has repeatedly put himself between America and harm is not afforded freedom of speech. United States military academy cadets, because of this administration's approach, surely must feel that, gee, it's not a good thing to be a Christian in America if you're going to really live your faith. It's not appropriate to wrestle with religious issues unless, of course, you're a Muslim like Major Hasan, because if you want to speak freely, in Major Hasan's case, of course, and the private who was ready to kill people in the service with him as Major Hasan did, this military with this administration's overblown political correctness would not even deal with the private who did the same kind of interview as Major Hasan, that's made the same kind of statement that Major Hasan did

He was on the Internet basically saying if they make me deploy, I'll have to kill troops to avoid having to go face Muslims and possibly kill Muslims for one of the reasons that we're not allowed to kill other Muslims. I'll have to kill Americans.

What's wrong with this picture? It certainly wasn't a problem for the greatest American general, the greatest American leader in the history of the world, a general named George Washington. He believed so fervently in the same things that Jerry Boykin be-

lieved in. At one point, he issued an order that you couldn't take God's name in vain. His approach was, how can we ask God for blessings and protection with the same mouth that is taking His name in vain? I can assure you when I was in the Army, that was not a standing order.

George Washington is the only person in the history of the world—just down the Hall he is depicted in a painting resigning. He did the unthinkable. King George couldn't believe it. He led a military in a revolution, won the revolution as head of the military, tendered his resignation, gave back all the power and went home.

Recently, I stopped for refueling in the Maldives Islands. One of the leaders during a luncheon, we were talking, said, we have to constantly worry about the possibility of a military coup. This man on the other side of the world said, see, because we never had a George Washington who set the proper pattern here.

George Washington was a man of faith. Anyone who doubts that can read Peter Lillback's book "George Washington's Sacred Fire." Well, there's an article yesterday, from Todd Starnes:

The U.S. Military Academy pressured a retired U.S. lieutenant general to withdraw from speaking at a West Point prayer breakfast after Muslims and atheists complained. Fox News has learned. Retired Lieutenant General William Boykin was scheduled to deliver a speech at West Point on February 8, but late Monday the military academy released a statement saying he had decided to withdraw from speaking and would be replaced by another speaker. However, a source close to the controversy told Fox News & Commentary that Boykin was pressured to withdraw. "It was very clear they wanted General Boykin to withdraw," said the source who asked not to be identified.

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And after you see what they've done to an American icon like General Boykin, you certainly understand why.

"He asked them to rescind the invitation, but they were reluctant to do that. So he said he would take them off the hook.

Theresa Brinkerhoff, a spokesperson for West Point, told Fox News & Commentary that the U.S. Military Academy "did not decide this for him."

Nothing is worse than political correctness and mistreatment of military heroes than dishonesty in doing so.

"After a conversation with our chaplain, Lieutenant General Boykin decided to withdraw," Brinkerhoff wrote in an email.

Boykin, a former senior military intelligence officer, had been criticized for speeches he made at evangelical Christian churches where he said that America's enemy is Satan, that God had put President Bush in the White House, and that a Muslim Somali warlord was an idol worshiper.

That was enough to decide to try to destroy an American hero.

Army Times has an article, "Retired 3-Star's West Point Invite Draws Protest," all about the controversy. New York Times, "General Withdraws from West Point Talk."

The message is coming loud and clear to our military: If you're a Christian, if you're a person of faith, as demonstrated through George Washington's life and times, you better keep your mouth shut or this administration and those who are in charge of political correctness will see to it that you regret being so.

There's another article by Rebecca Leung, "The Holy Warrior," it's entitled, another interesting article. This goes right along with this administration's zeal to avoid recognizing the enemy against us.

I, along with DANA ROHRABACHER, STEVE KING, LORETTA SANCHEZ, we met with Northern Alliance leaders, including General Dostum, the hero in fighting the Taliban. Now, these are Muslims. Some try to paint us as xenophobes, Islamophobes.

Isn't it interesting, that term came as a strategy to try to scare off, embarrass, humiliate people who stood up for what was right against Muslim terrorists who want to destroy us, trying to intimidate us into not using the word "Muslim." For heaven's sake, we know. They're our Muslim friends. The Northern Alliance, they're our allies. They're Muslims. We talked about it. We met with some Baluks from southern Pakistan, their leaders there. They're Muslim. They're our friends. They don't want to destroy us. They want to support us, and some of us want to support them.

And yet this administration has such a wrongheaded approach to those who want to destroy our way of life. It can best be illustrated in this chart illustrating political correctness run amok.

The 9/11 Commission report was prepared in a bipartisan fashion before people knew that the Organization of Islamic States, the Islamic Society of North America, CAIR would make such attacks on those who dare to point out that even though it's not the mass Muslim population who are our enemy, there are those small groups within the Muslim community who want to destroy our way of life. How can you understand and anticipate your enemy's actions, the enemy that has sworn to destroy you, unless you study what they believe and you understand what their approach is and you understand that people like Ahmadinejad—I'm running out of time.

Well, let me conclude by just pointing to this chart. In the commission report, 322 times Islam is mentioned; jihad is mentioned 126 times. And now it is inappropriate, under this administration, to mention jihad. It's inappropriate for our Justice, Intelligence, State to talk about jihad. It doesn't mention al Qaeda. It doesn't mention Hezbollah, Hamas, sharia.

This administration has run aground, and they have brought their ship right on top of real American heroes.

With that, Mr. Speaker, I yield back the balance of my time.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Carson of Indiana (at the request of Ms. Pelosi) for today and the balance of the week on account of business in the district.

### PUBLICATION OF COMMITTEE MATERIALS

STANDARDS FOR THE ELECTRONIC POSTING OF HOUSE AND COMMITTEE DOCUMENTS & DATA

COMMITTEE ON HOUSE ADMINISTRATION

COMMITTEE RESOLUTION 112-Adopted on December , 2011

STANDARDS FOR THE ELECTRONIC POSTING OF HOUSE AND COMMITTEE DOCUMENTS & DATA

Resolved, That the following regulations, collectively referred to as the "Standards for the Electronic Posting of House and Committee Documents & Data", are hereby adopted, as follows:

#### XML STANDARDS

Committees are encouraged to post documents in XML when possible and should expect XML formats to become mandatory in the future. The Office of the Clerk will update XML standards as required to support these documents. The XML standards will be publically available at http://xml.house.gov.

#### FILE NAMING STANDARDS

The Office of the Clerk will publish and maintain naming standards for each document to be posted. These standards will facilitate automated searching and uploading of such documents. Files will be posted using permanent URL links. These links will facilitate outside and committee usage of these files. In addition, permanent URL links will allow each archived committee website to maintain functionality.

### COMMITTEE DOCUMENTS

The Committee on House Administration further directs that the Clerk provide additional functionality on the centralized website for House documents to support committee documents; until the completion of such functionality, House committees are

responsible for posting committee documents in a searchable PDF format in an appropriate location on the committee majority's website. XML versions of documents. when available, should be posted at the same location

### VIDEO REQUIREMENTS

Committee video of hearings and markups will be stored by the House to meet requirements for archiving, access, searchability, and authenticity.

### ADDITIONAL REVIEW AND REISSUANCE

To ensure documents are made available in user-friendly formats that preserve their integrity, these standards will be subject to periodic review and reissuance by the Committee on House Administration. It is the intent of the Committee to implement standards that require documents to be electronically published in open data formats that are machine readable to enable transparency and public review.

In accordance with the Speaker's initiative to increase transparency of House and committee operations, the Committee on House Administration, as directed by House Rules, has established the following standards for posting House and committee documents and data electronically. These standards will be phased in and subject to periodic review and reissuance. The standards are intended to ensure that Members and the public have easy, advance access to legislation considered by the House and its committees.

DOCUMENTS AND DATA COVERED BY STANDARDS

The following House and committee documents and data files are covered under these standards:

House Documents:

Bills to be considered by the House; Resolutions to be considered by the House; Amendments to be considered by the House; Conference Reports to be considered by the House.

Committee Documents:

Committee rules; Bills to be considered by the committees; Resolutions to be considered by committees; Prints or other legislative text intended to serve as the base text for further amendment; Meeting Notices; Witness Lists; Witness testimony; Truth in Testimony disclosure forms; Public notices; Amendments adopted by committees; Committee record votes.

Although not required by House rules. committees are encouraged to post additional committee documents online, including oversight plans, committee transcripts, committee prints, and committee activity reports.

#### HOUSE DOCUMENTS

The Committee on House Administration directs the Clerk of the House to establish a centralized website where Members and the public can access all House documents in a downloadable, open format within the time frames established by House Rules. This centralized location shall be established for House Documents no later than January 1, 2012.

### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3800. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49. United States Code, to extend authorizations for the airport improvement program, and for other purposes

H.R. 3801. An act to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the adjourned until House tomorrow. Thursday, February 2, 2012, at 10 a.m. for morning-hour debate.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2011 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per diem 1		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

<sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON, FRANK D. LUCAS, Chairman, Jan. 23, 2012.

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	0	Date		Per diem <sup>1</sup>		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER, Chairman, Jan. 5, 2012.

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

Name of Member or employee	[	Date		Per d	iem <sup>1</sup>	Transp	ortation	Other p	urposes	Tota	al
	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Michael McCaul	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		111.09		(3)				111.09
Hon. Jeff Duncan	11/5	11/6	Turkey		406.00		(3)				406.00
Tion. Juli Bullouii	11/6	11/6	Afghanistan				(3)				400.00
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dules!		502.19		(3)				502.19
	11/10	11/10	Irag				(3)				
	11/11	11/11	Germany		111.09		(3)				111.09
Hon. Henry Cuellar	11/5	11/6	Turkey		406.00		(3)				406.00
non. nenry Guenar	11/6	11/6	Afghanistan				(3)				
	11/7	11/0			598.46		(3)				598.46
	11//	11/9	Pakistan		502.19		(3)				502.19
	11/10	11/10	Dubai		302.13		(3)				302.13
			Iraq		111.00		(3)				111.00
NO L D L C	11/11	11/11	Germany		111.09		(3)				111.09
Nick Palarino	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		116.87		(3)				116.87
Charles Snyder	11/5	11/6	Turkey		406.00		(3)				406.00
	11/6	11/6	Afghanistan				(3)				
	11/7	11/9	Pakistan		598.46		(3)				598.46
	11/9	11/10	Dubai		502.19		(3)				502.19
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		116.87		(3)				116.87
Committee total					8,100.26						8,100.26

HON. PETER T. KING, Chairman, Jan. 18, 2012.

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	Date		Per d	iem <sup>1</sup>	Transpo	ortation	Other p	urposes	Tota	1
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. David Dreier	11/20	11/22	Poland		570.00		(3)				570.00
Brad Smith	11/20	11/22	Poland		570.00		(3)				570.00
Rachael Leman	11/20	11/22	Poland		570.00		(3)				570.00
Hon. David Dreier	11/22	11/24	Georgia		594.00		(3)				594.00
Brad Smith	11/22	11/24	Georgia		594.00		(3)				594.00
Rachael Leman	11/22	11/24	Georgia		594.00		(3)				594.00
Hon. David Dreier	11/24	11/25	Lithuania		243.00		(3)				243.00
Brad Smith	11/24	11/25	Lithuania		243.00		(3)				243.00
Rachael Leman	11/24	11/25	Lithuania		243.00		(3)				243.00
Hon. David Dreier	11/25	11/30	Egypt		1,330.00		7,689.00				9,019.00
Brad Smith	11/25	11/29	Egypt		1,064.00		(3)				1,064.00
Rachael Leman	11/25	11/30	Egypt		1,330.00		7,689.00				9,019.00
Committee total					7,945.00		15,378.00				23,323.00

HON. DAVID DREIER, Chairman, Jan. 12, 2012.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

			Per diem <sup>1</sup> Transportation Other purpo		urposes	es Total					
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
hairman John L. Mica	10/20	10/23	Canada		362.00		689.60				1,051.60
on. Tom Petri	10/20	10/22	Canada		234.00		1,147.37				1,381.37
on. Corrine Brown	10/20	10/23	Canada		351.00		975.50				1,326.50
on. Tim Holden	10/20	10/23	Canada		362.00		689.60				1,051.60
on. Bill Shuster	10/20	10/22	Canada		234.00		938.69				1,172.69
on. Billy Long	10/20	10/23	Canada		362.00		739.00				1,101.00
on. Raymond Cravaack	10/20	10/23	Canada		362.00		787.43				1,149.43
mmy Miller	10/20	10/23	Canada		362.00		689.60				1,051.60
olly Woodruff Lyons	10/20	10/23	Canada		362.00		749.80				1,111.80
iles Giovinazzi	10/20	10/23	Canada		362.00		689.60				1,051.60
ailey Edwards	10/20	10/23	Canada		362.00		689.60				1,051.60
icholas Martinelli	10/20	10/23	Canada		351.00		975.50				1,326.50

 $<sup>^1\</sup>mathrm{Per}$  diem constitutes lodging and meals.  $^2\mathrm{lf}$  foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

# $\begin{array}{c} {\tt EXECUTIVE} \ \ {\tt COMMUNICATIONS}, \\ {\tt ETC}. \end{array}$

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4763. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions [Doc. No.: AMS-FV-11-0027; FV11-953-1 FR] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4764. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services

4765. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4766. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule—Community Reinvestment Act Regulations [Docket ID: OCC-2011-0027] (RIN: 1557-AD60) received January 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4767. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4768. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-293, "Willie Wood Way Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4769. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-297, "William O'Neal Lockridge Memorial Library at Bellevue Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4770. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-288, "Oak Hill Conservation Easement Act of 2012"; to the Committee on Oversight and Government Reform

4771. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-289, "9/11 Memorial Grove Dedication Act of 2012"; to the Committee on Oversight and Government Reform.

4772. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-291, "Old Naval Hospital Real Property Exemption Act of 2012"; to the Committee on Oversight and Government Reform.

4773. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-292, "Lillian A. Gordon Water Play Area and Park Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4774. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-290, "District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4775. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 19-281, "Commission on African-American Affairs Establishment Act of 2012"; to the Committee on Oversight and Government Reform.

4776. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-280, "Southwest Duck Pond Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4777. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-279, "Board of Medicine Membership and Licensing Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4778. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-285, "Military Parents' Child Custody and Visitation Rights Act of 2012"; to the Committee on Oversight and Government Reform.

4779. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-286, "Long-Term Care Ombudsman Program Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4780. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-287, "Human Rights Service of Process Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4781. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-278, "Captive Insurance Company Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4782. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-277, "Public Notice of Advisory Neighborhood Commissions Recommendations Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4783. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-276, "Board of Elections and Ethics Electoral Process Improvement Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4784. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-275, "Retirement Distribution Withholding Temporary Act of 2012"; to the Committee on Oversight and Government Reform.

4785. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-274, "Green Building Compliance Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4786. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-273, "Processing Sales Tax Clarification Second Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4787. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-272, "District Department of Transportation Omnibus Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

4788. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-284, "Rev. Dr. Jerry A. Moore, Jr. Commemorative Plaza Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4789. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-283, "Glover Park Community Center Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4790. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-282, "Paul Wash-

ington Way Designation Act of 2012"; to the Committee on Oversight and Government Reform.

4791. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revising the Listing of the Gray Wolf (Canis lupus) in the Western Great Lakes [Docket No.: FWS-R3-ES-2011-0029] (RIN: 1018-AX57) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

mittee on Natural Resources.

4792. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Eastern Pacific Ocean; Pelagic Fisheries; Vessel Identification Requirements [Docket No.: 110218143-1606-02] (RIN: 0648-BA49) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4793. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Adjustments to the Atlantic Bluefin Tuna General and Harpoon Category Regulations [Docket No.: 090508897-1635-03] (RIN: 0648-AX85) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4794. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; Closure of the Hawaii Shallow-Set Pelagic Longline Fishery Due To Reaching the Annual Limit on Sea Turtle Interactions [Docket No.: 080225267-91393-03] (RIN: 0648-XA370) recedy January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4795. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration; final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other Flatfish" in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA834) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4796. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning (PSP) [Docket No.: 050613158-5262-03] (RIN: 0648-BB59) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4797. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribean, Gulf of Mexico, and South Atlantic; Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 10 [Docket No.: 100305126-1576-04] (RIN: 0648-AY72) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4798. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 11 [Docket No.: 0808041037-1687-03] (RIN: 0648-AX05) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4799. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; [Docket No.: 101228634-1149-02] (RIN: 0648-XA825) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4800. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Amendment 13 to the Coastal Pelagic Species Fishery Management Plan; Annual Catch Limits [Docket No.: 110606318-1655-02] (RIN: 0648-BA68) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee of Conference. Conference report on H.R. 658. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 112–381). Ordered to be printed.

Mr. WEBSTER: Committee on Rules. H. Res. 533. A resolution providing for consideration of the conference report to accompany the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 112–382). Referred to the House Calendar.

Mr. WOODALL: Committee on Rules. H. Res. 534. A resolution providing for consideration of the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline, and providing for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macro-economic analysis of the impact of legislation (Rept. 112–383). Referred to the House Calendar

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1734. A bill to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes; with an amendment (Rept. 112–384 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on Oversight and Government Reform and Rules discharged from further consideration. H.R. 1734 referred to the Committee of the Whole House on the state of the Union.

# TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 2586. Referral to the Committee on Agriculture extended for a period ending not later than February 8, 2012.

H.R. 2682. Referral to the Committee on Agriculture extended for a period ending not later than February 8, 2012.

H.R. 2779. Referral to the Committee on Agriculture extended for a period ending not later than February 8, 2012.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. McMORRIS RODGERS (for herself, Mr. Thompson of California, and Mr. KIND):

H.R. 3859. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARAMENDI (for himself and Mr. RUSH):

H.R. 3860. A bill to amend title 38, United States Code, to clarify the responsibilities of small businesses with respect to the employment and reemployment rights of veterans; to the Committee on Veterans' Affairs.

By Mr. BENISHEK:

H.R. 3861. A bill to name the front circle drive on the north side of the Oscar G. Johnson Department of Veterans Affairs Medical Facility in Iron Mountain, Michigan, as the "Sergeant First Class James D. Priestap Drive"; to the Committee on Veterans' Affairs.

By Mr. QUAYLE (for himself, Mr. Coble, and Mr. Ross of Florida):

H.R. 3862. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary

By Mr. KIND (for himself and Mr. Petri):

H.R. 3863. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of non-participation due to Government error; to the Committee on Armed Services.

By Mr. CAMP:

H.R. 3864. A bill to amend the Internal Revenue Code of 1986 to extend authorities relating to the Highway Trust Fund, to provide revenues for highway programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to extend the American Opportunity Tax Credit; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. Fil-NER, Ms. JACKSON LEE of Texas, Ms. MOORE, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. ISRAEL, Mr. RUSH, Mr. ELLISON, Ms. SEWELL, Mr. CARSON of Mr.McGovern, Indiana. FALEOMAVAEGA, Ms. CHU, Mr. JACK-SON OF Illinois, Ms. NORTON, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON OF Texas, Mrs. Christensen, Mr. Payne. Ms. SLAUGHTER, Mr. PASTOR of Arizona, Mr. BISHOP of New York, Mr. YARMUTH, Mr. COURTNEY, Mr. CARNA-HAN, Mr. WELCH, Mr. PERLMUTTER, Mr. HONDA, Mr. THOMPSON of Mississippi, Mr. CAPUANO, Mr. DOYLE, Ms. Woolsey, Mr. Tonko, Mr. Clay, Ms. RICHARDSON, Mr. BRALEY of Iowa, Mr. HOLDEN, Ms. HAHN, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. GRIJALVA, Ms. CLARKE of New York, Mr. JOHNSON of Georgia, Mr. FATTAH, and Mr. DAVID SCOTT of Georgia):

H.R. 3866. A bill to award a Congressional Gold Medal in honor of the pioneers and participants of the Civil Rights movement; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Georgia (for himself, Mr. Paul, Mr. Westmoreland, Mr. Mulvaney, Mr. Garrett, Mr. Poe of Texas, Mr. Marchant, Mr. Roe of Tennessee, Mr. Wilson of South Carolina, Mr. Stutzman, Mr. Quayle, Mr. Schweikert, Mr. Walsh of Illinois, Mr. Culberson, Mr. Posey, Mr. Woodall, Mr. Price of Georgia, Mr. King of Iowa, Mr. Ribble, and Mr. Gingrey of Georgia;

H.R. 3867. A bill to amend title 49, United States Code, to require certain air carriers and their agents and ticket agents to disclose certain costs and fees; to the Committee on Transportation and Infrastructure.

By Mr. RUSH:

H.R. 3868. A bill to grant the congressional gold medal to John H. Johnson in recognition of his outstanding contributions to the United States; to the Committee on Financial Services.

By Mr. GRIFFIN of Arkansas (for himself, Mr. Ross of Arkansas, Mr. CRAWFORD, and Mr. WOMACK):

H.R. 3869. A bill to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GRIFFIN of Arkansas (for himself, Mr. Ross of Arkansas, Mr. Crawford, and Mr. Womack):

H.R. 3870. A bill to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office"; to the Committee on Oversight and Government Reform.

By Mr. HUIZENGA of Michigan (for himself, Mr. Bachus, and Mrs. Cap-

H.R. 3871. A bill to amend the Consumer Financial Protection Act of 2010 to preserve privilege for information submitted to the Bureau of Consumer Financial Protection; to the Committee on Financial Services.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3872. A bill to provide a prize to the first manufacturer of highly-efficient mid-

sized automobiles powered by gasoline; to the Committee on Energy and Commerce.

By Ms. MOORE:

H.R. 3873. A bill to provide funds to State courts for the provision of legal representation to parents and legal guardians with respect to child welfare cases; to the Committee on Ways and Means.

By Mrs. NOEM:

H.R. 3874. A bill to provide for the conveyance of eight cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota: to the Committee on Natural Resources.

By Mr. PETERS (for himself, Mr. McNerney, and Mr. Bishop of New York):

H.R. 3875. A bill to amend the Securities Exchange Act of 1934 to require the disclosure of the total number of a company's domestic and foreign employees; to the Committee on Financial Services.

By Mr. RIVERA:

H.R. 3876. A bill to prohibit the Secretary of the Interior from leasing Federal lands to any person who has violated the Trading with the Enemy Act or who conducts business with a state sponsor of terrorism, and for other purposes: to the Committee on Natural Resources.

> By Mr. SCHOCK (for himself and Mr. SCHILLING):

H.R. 3877. A bill to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that taxpayers reconcile amounts with respect to reportable payment transactions to amounts related to gross receipts and sales: to the Committee on Ways and Means.

By Mr. SCHRADER:

H.R. 3878. A bill to authorize the Secretary of the Interior to hold in trust for the benefit of the nine federally recognized Indian tribes in Oregon the Chemawa Indian School land and improvements, and for other purposes; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 3879. A bill to provide for streamlining the process of Federal approval for construction or expansion of petroleum refineries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself, Mr. WESTMORELAND, Mr. COLE, Mrs. BLACKBURN, Mr. CANSECO, Mr. BOU-STANY, Mrs. Adams, Mr. Grimm, Mr. Brooks, Mr.FARENTHOLD. FINCHER, Mr. STUTZMAN, Mr. RIBBLE, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. Olson, Mr. Mr. Marchant, GOHMERT, POMPEO, and Mr. YODER):

H. Res. 532. A resolution expressing the sense of the House of Representatives that the President of the United States should appoint a special counsel to investigate Operation Fast and Furious and the Attorney General's knowledge and management of Operation Fast and Furious: to the Committee on the Judiciary.

> By Mr. LEWIS of Georgia (for himself, Ms. Moore, Ms. McCollum, Ms. Nor-TON, Mr. SABLAN, and Mr. CONYERS):

H. Res. 535. A resolution expressing support for designation of the month of February 2011 as "National Teen Dating Violence Awareness and Prevention Month"; to the Committee on the Judiciary.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. McMorris rodgers: H.R. 3859.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I. Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. GARAMENDI:

H.R. 3860.

Congress has the power to enact this legislation pursuant to the following:

Article 1—The Legislative Branch

Section 8—Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes:

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States:

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures:

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States:

To establish Post Offices and Post Roads:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations:

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water:

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy:

To make Rules for the Government and Regulation of the land and naval Forces:

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions:

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State

in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings: And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BENISHEK:

H.R. 3861.

Congress has the power to enact this legislation pursuant to the following:

Article IV. Section 3. Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. QUAYLE:

H.R. 3862.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 of the United States Constitution, Article I, Section 8 of the United States Constitution, including, but not limited to, Clauses 1, 3 and 18, and Article III of the United States Constitution, Section 2.

By Mr. KIND:

H.R. 3863.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 18. By Mr. CAMP:

H.R. 3864.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 3865.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. COHEN:

H.R. 3866.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 12-14, and Clause 18 of the United States Constitution.

By Mr. GRAVES of Georgia:

H.R. 3867.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1;

Article I, Section 8, Clause 18;

1st Amendment

By Mr. RUSH:

H.R. 3868.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;"
Article I, Section 8, Clause 5: "To coin

money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;"

Article I, Section 8, Clause 8: "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:"

By Mr. GRIFFIN of Arkansas: H.R. 3869.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8. Clause 7

The Congress shall have Power to establish Post Offices and post roads.

By Mr. GRIFFIN of Arkansas:

H.R. 3870.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

The Congress shall have Power to establish Post Offices and post roads.

By Mr. HUIZENGA of Michigan: H.R. 3871.

Congress has the power to enact this legislation pursuant to the following:

In keeping with the Rules of the House of Representatives, Amendment X is cited as delegating to the states or to the people all "powers not delegated to the United States by the Constitution.'

By Mr. DANIEL E. LUNGREN of California:

H.R. 3872.

Congress has the power to enact this legislation pursuant to the following:

The Excellence in Energy Efficiency Act (E-PRIZE) is authorized by Article 1 Section 8 under the Commerce Clause.

By Ms. MOORE:

H.R. 3873.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mrs. NOEM:

H.R. 3874

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. PETERS:

H.R. 3875.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RIVERA:

H.R. 3876.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution, the Commerce Clause.

By Mr. SCHOCK:

H.R. 3877.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. SCHRADER:

H.R. 3878

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 3879.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

# ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 177: Mr. RIBBLE.

H.R. 205: Mr. BACA, Mr. INSLEE, and Ms. McCollim.

H.R. 265: Mr. FILNER.

 $H.R.\ 266:\ Mr.\ FILNER.$ 

H.R. 267: Mr. FILNER.

H.R. 284: Mr. Luján.

H.R. 374: Mr. Southerland, Mr. Rogers of Kentucky, and Mr. Schweikert.

H.R. 436: Mr. KINGSTON.

H.R. 452: Mr. AMODEI.

H.R. 516: Mr. Schilling.

H.R. 575: Mr. Gosar.

H.R. 593: Mr. SAM JOHNSON of Texas.

H.R. 631: Mr. CLARKE of Michigan and Mr. WAXMAN.

H.R. 689: Mr. WELCH and Mr. CARSON of Indiana.

H.R. 724: Ms. HIRONO.

H.R. 812: Mr. RIBBLE.

H.R. 831: Mr. QUIGLEY.

H.R. 860: Mr. FLEMING.

H.R. 933: Mrs. MALONEY and Ms. WOOLSEY.

H.R. 941: Mr. LEWIS of Georgia.

H.R. 1031: Mr. LARSON of Connecticut.

H.R. 1058: Mrs. CAPITO.

H.R. 1113: Mr. CLAY.

H.R. 1142: Mr. KING of New York.

H.R. 1148: Mr. PAYNE, Ms. MOORE, Mr. WAX-MAN, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Ms. JACKSON LEE of Texas, Ms. Roybal-Allard, Ms. Bass of California, Ms. Wilson of Florida, Mr. Clyburn, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, and Mr. Akin.

H.R. 1179: Mr. SMITH of Texas, Mr. ADER-HOLT, Mr. DANIEL E. LUNGREN of California, Mr. Stutzman, Mr. Sam Johnson of Texas, and Mr. Austria.

H.R. 1195: Ms. Berkley.

H.R. 1206: Mr. REICHERT and Mr. AMODEI.

H.R. 1274: Mr. Gosar.

H.R. 1283: Mr. BARLETTA.

H.R. 1288: Mr. MURPHY of Connecticut.

H.R. 1328: Mr. Schiff.

H.R. 1381: Ms. Moore.

H.R. 1404: Ms. CHU, Mr. BACA, and Mr. VAN HOLLEN.

H.R. 1433: Mr. McClintock.

H.R. 1457: Mr. DOGGETT.

H.R. 1463: Mr. WAXMAN.

H.R. 1479: Mr. Schiff and Mr. Towns.

H.R. 1483: Mr. Ackerman.

H.R. 1501: Mr. DUNCAN of South Carolina.

H.R. 1511: Mr. CARTER and Mr. OLSON.

H.R. 1533: Mr. Peters and Mr. Renacci.

H.R. 1558: Mr. PAULSEN.

H.R. 1580: Mr. Coffman of Colorado, Mr. Ross of Florida, and Mr. LATOURETTE.

H.R. 1639: Mr. PALAZZO.

H.R. 1653: Mr. WOMACK.

H.R. 1697: Mr. CRAVAACK and Mr. DUNCAN of Tennessee.

H.R. 1739: Mr. ROHRABACHER.

H.R. 1744: Mr. ROHRABACHER.

H.R. 1867: Mr. McNerney. H.R. 1873: Mr. McGovern.

H.R. 1912: Ms. Kaptur, Mr. Hastings of Florida, Mr. Brady of Pennsylvania, and Mr.

ROYCE. H.R. 1953: Mr. BOREN.

H.R. 1955: Mr. Ross of Arkansas.

H.R. 1997: Mr. Austin Scott of Georgia.

H.R. 2010: Mr. Thornberry.

H.R. 2012: Mr. Stark, Ms. Richardson, Ms. MOORE, Mr. MARKEY, Mr. RANGEL, Ms. WIL-SON of Florida, and Ms. NORTON.

H.R. 2028: Mr. McNerney.

H.R. 2145: Mr. STUTZMAN, Mr. WILSON of South Carolina, and Mr. GOHMERT.

H.R. 2168: Ms. Lee of California.

H.R. 2179: Mr. WITTMAN.

H.R. 2227: Mr. SULLIVAN.

H.R. 2234: Mr. Reyes, Ms. Waters, Ms. Mr. SPEIER, Mr. HONDA, Mrs. MALONEY, MCDERMOTT, Mr. CARSON of Indiana, and Mr. STARK.

H.R. 2310: Ms. SUTTON.

H.R. 2313: Mr. Webster.

H.R. 2364: Ms. Baldwin.

H.R. 2366: Mr. MURPHY of Pennsylvania.

H.R. 2394: Mr. PRICE of North Carolina.

H.R. 2412: Mr. LYNCH.

H.R. 2418: Mr. PENCE, Mr. GRAVES of Missouri, and Mr. NUNES.

H.R. 2429: Mr. Conaway.

H.R. 2499: Mr. Luján.

H.R. 2505: Ms. Zoe Lofgren of California.

H.R. 2529: Mr. BROUN of Georgia.

H.R. 2541: Mr. Petri.

H.R. 2554: Mr. CLAY.

H.R. 2741: Mr. STARK.

H.R. 2746: Ms. CHU, Mr. ACKERMAN, and Mr. KING of New York.

H.R. 2787: Mr. RAHALL, Mr. OLVER, and Mr. MCCOTTER.

H.R. 2809: Mr. CICILLINE.

H.R. 2810: Mr. Duncan of South Carolina.

H.R. 2938: Mr. BACA.

H.R. 2945: Mr. RIBBLE.

H.R. 3059: Ms. Granger, Mr. Loebsack, and Mr. AMODEI

H.R. 3065: Mr. PALAZZO, Mr. COLE, and Mr. COBLE.

H.R. 3156: Mr. ROHRABACHER.

H.R. 3187: Mr. Ackerman, Ms. Moore, Ms. LEE of California, Ms. RICHARDSON, Mr. CON-YERS, Mr. JACKSON of Illinois, Mr. GENE GREEN of Texas, Mr. FATTAH, Mr. RANGEL, and Mr. Burgess.

H.R. 3200: Ms. ROYBAL-ALLARD and Mr. CRITZ.

H.R. 3203: Mr. MATHESON.

H.R. 3236: Mr. Luján.

H.R. 3252: Ms. HOCHUL H.R. 3269: Mr. CANSECO and Mr. BOSWELL.

H.R. 3313: Mr. BACA, Ms. WOOLSEY, Mr. HOLDEN, and Mr. MORAN.

H.R. 3324: Ms. Bass of California.

H.R. 3395: Mr. Luetkemeyer. H.R. 3410: Mr. Duncan of South Carolina.

H.R. 3414: Mr. AUSTIN SCOTT of Georgia and Ms. Hayworth.

H.R. 3422: Mr. Olson, Mr. Wilson of South Carolina, Mr. RIBBLE, Mr. QUAYLE, Mr. SCHWEIKERT, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, Mr. Posey, Mr. Chabot, Mr. KING of Iowa, and Mr. GOHMERT.

H.R. 3423: Mr. PAYNE and Ms. McCollum. H.R. 3435: Mr. DEUTCH, Mr. COSTA, and Mr.

SARBANES. H.R. 3483: Mr. JOHNSON of Georgia, Mr. COBLE, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. BISHOP of Georgia, Ms. Bass of California, Mr. Watt, Mr. Scott of Virginia, Mr. Ellison, Mr. David Scott of Georgia, Ms. Waters, Ms. Jackson Lee of Texas, Mr. Lewis of Georgia, Ms. Eddie Ber-NICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. DOYLE, Mr. CUMMINGS, Ms. EDWARDS, and Mr.

CONVERS H.R. 3485: Mr. TIERNEY, Ms. SUTTON, and

Mr. BISHOP of New York.

H.R. 3511: Mr. LARSON of Connecticut. H.R. 3523: Mr. COLE and Mr. TURNER of

Ohio. H.R. 3541: Mrs. Ellmers.

H.R. 3559: Mrs. BIGGERT.

H.R. 3577: Mr. STIVERS and Mr. GERLACH.

H.R. 3587: Mr. BERMAN.

H.R. 3589: Mr. McCotter.

H.R. 3596: Mr. SERRANO, Mr. LUJÁN, Ms. KAPTUR, Mr. DOYLE, Mr. KILDEE, Mrs. MALO-NEY, Mr. GRIJALVA, Ms. WOOLSEY, Mr. CLAY, Ms. Sutton, Mr. Holden, Mr. McDermott, and Mr. CRITZ.

H.R. 3612: Mr. HANNA, Mr. TURNER of New York, Ms. Eddie Bernice Johnson of Texas, Mr. Meehan, and Mr. King of New York.

H.R. 3614: Mr. Polls.

H.R. 3627: Mrs. NOEM.

H.R. 3639: Mr. WOODALL.

H.R. 3643: Mr. Schilling and Mr. Benishek. H.R. 3662: Mr. King of New York, Ms. Granger, and Mr. Thompson of Pennsyl-

H.R. 3681: Mr. Wilson of South Carolina, Mrs. Lummis, Mr. Posey, Mr. Marchant, and Mr. Gingrey of Georgia.

H.R. 3698: Mr. KLINE.

H.R. 3702: Mr. WAXMAN.

H.R. 3704: Mr. STARK and Ms. WOOLSEY.

H.R. 3762: Mr. McNerney.

H.R. 3767: Mr. WILSON of South Carolina, Mr. HASTINGS of Florida, Ms. BUERKLE, and Mr. BOSWELL.

H.R. 3776: Mr. Conyers.

H.R. 3778: Mr. PEARCE and Mr. WILSON of South Carolina.

H.R. 3795: Ms. NORTON.

H.R. 3796: Mr. KLINE.

H.R. 3803: Mr. Schilling, Mr. Latta, Mr. Wilson of South Carolina, Mr. Cole, Mr. Kline, Mr. Peterson, and Mr. Broun of Georgia.

H.R. 3805: Mr. ALEXANDER, Mrs. Adams, Mrs. Ellmers, Ms. Ros-Lehtinen, Mr. Goodlatte, and Mr. Chabot.

H. R. 3806: Mr. Posey.

H. R. 3811: Mr. KING of New York, Mr. Duncan of South Carolina, Mrs. Ellmers, Mr. Womack, Mrs. Miller of Michigan, Mr. Manzullo, Mr. Wilson of South Carolina, Mr. Ribble, Mr. Stutzman, Mr. Quayle, Mr. Schweikert, Mr. Walsh of Illinois, Mr. Chabot, Mr. King of Iowa, and Mr. Aderholt.

H.R. 3814: Mr. Gosar and Mr. McCotter.

H.R. 3828: Mr. LANDRY, Mr. GINGREY of Georgia, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. STUTZMAN, Mr. GOHMERT and Mr. WALBERG

Mr. Gohmert, and Mr. Walberg. H.R. 3842: Mr. Duncan of South Carolina, Mr. Kline, and Mr. Price of Georgia.

H.R. 3855: Mr. Towns, Mr. Schock, and Mr.

ACKERMAN.

H.R. 3858: Ms. Speier, Mr. Filner, Mr. Smith of Washington, Mr. Peters, Ms. Hahn, Mr. Polis, Mr. Cicilline, Mr. Levin, Mr. Grijalva, Mr. Courtney, Mr. Holt, Ms. Hirono, Mr. Hoyer, Mrs. Christensen, Ms. Castor of Florida, Mr. Conyers, Mr. Welch, Mr. Ruppersberger, Mr. Stark, Mr. Kind, Mr. Schrader, Mr. Cohen, and Mr. Heinrich.

H.J. Res. 88: Mr. TIERNEY.

H.J. Res. 90: Mr. TIERNEY.

H.J. Res. 99: Mrs. Lummis, Mr. Posey, Mr. Mulvaney, Mr. Walberg, Mr. Marchant, Mr. Wilson of South Carolina, and Mr. Stutzman.

H. Con. Res. 98: Mr. Brooks and Mr. Marchant.

H. Res. 134: Mr. Bass of New Hampshire.

H. Res. 374: Mr. DIAZ-BALART.

H. Res. 460: Mr. Benishek, Ms. Loretta Sanchez of California, Ms. Sewell, Ms. Clarke of New York, Ms. Baldwin, Ms. Berkley, Mrs. Capps, Ms. Moore, Ms. Schakowsky, and Mr. Smith of Washington.

H. Res. 524: Mr. CRITZ.

H. Res. 528: Mr. LATTA and Mr. DANIEL E. LUNGREN of California.

H. Res. 531: Mr. BISHOP of New York, Ms. SLAUGHTER, and Mr. McGOVERN.

# DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3784: Ms. Fudge.

# **EXTENSIONS OF REMARKS**

THANKING REPRESENTATIVE HINCHEY FOR HIS SERVICE TO NEW YORK STATE AND AMERICA

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today to recognize the service of my colleague and fellow New Yorker, Congressman MAURICE HINCHEY, who will not be seeking reelection. As members of the New York Congressional Delegation, I have seen firsthand the contributions MAURICE has made to the people of the 22nd Congressional District, New York State and our entire nation.

A veteran of the U.S. Navy, Congressman HINCHEY rose from humble beginnings to serve in both the New York State Assembly and the House of Representatives. As an important member of the Appropriations Committee, Congressman HINCHEY has created good paying jobs, invested in New York and America's infrastructure, protected middleclass families, championed for local farmers and has been a great protector of our environment.

I wholeheartedly thank Congressman HINCHEY for his service, leadership and friendship. He has shown inspiring strength and resolve in battling cancer while upholding the highest level of commitment to his constituents and country. I wish Congressman HINCHEY both health and happiness during the next chapter in his life

RECOGNIZING WILL TRAVIS

# HON. GEORGE MILLER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 1, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with my colleagues, Congressman PETE STARK, Congresswoman LYNN WOOLSEY, Congresswoman ANNA ESHOO, Congresswoman ZOE LOFGREN, Congresswoman BARBARA LEE, Congressman MIKE THOMPSON, Congressman MIKE HONDA, Congressman JERRY MCNERNEY, Congresswoman JACKIE SPEIER, and Congressman JOHN GARAMENDI to recognize Will Travis, Executive Director of the San Francisco Bay Conservation and Development Commission (BCDC) of 17 years, as he retires after 42 years of public service.

Will "Tray" Travis, holds a Bachelor of Architecture and a Master of Regional Planning degree from Pennsylvania State University. From 1970 to 1972 he served as BCDC's first Bay Development Design Analyst, after which he spent 12 years with the California Coastal Commission, holding a number of positions,

including heading the agency's offshore oil drilling permit staff, directing its public access program, and overseeing its budget and administrative functions. He returned to BCDC in 1985 as Deputy Director and was later appointed Executive Director in 1995.

Travis has written many articles on coastal issues, has provided advice on coastal matters to other states and nations, and has been a university lecturer throughout North America. He was appointed Chairman of the Shell Oil Spill Litigation Settlement Trustee Committee, which administered a multimillion dollar settlement fund to settle claims resulting from a 1988 oil spill. In that capacity, he spearheaded the public acquisition of 10,000 acres of privately owned salt ponds along the northern shoreline of the San Francisco Bay in one of the largest coastal wetland restoration projects in California's history.

Over the years Travis has been a tremendous leader in protecting San Francisco Bay while balancing the difficult roles of conservation and development. He has established himself as a leading advocate for a regional strategy to address climate change and sea level rise in the Bay Area. My colleagues and I, as well as over 7 million residents in the Bay Area, owe him a great debt of gratitude for protecting our quality of life.

Travis was the 2009 recipient of the Jean Auer Environmental Award and is a member of the National Research Council Roundtable on Climate Change Education. He also serves on the Board of Trustees of the Bay Area Council Economic Institute, the Board of Directors of the San Francisco Planning and Urban Research Association, the EcoAdapt Climate Change Adaptation Innovation Center, the Executive Management Committee of a Joint Policy Committee of four regional agencies, the Community Advisory Board of KB Home Corporation and Friends of One Bay Area. Furthermore, Travis is a member of Lambda Alpha, the honorary society for the advancement of land economics, he has chaired a special committee established by the City of Berkeley to work with the University of California to develop a new plan for downtown Berkeley, and has served on the project team of "Saving the Bay," a public television documentary film.

Mr. Speaker, we invite this chamber to join us in honoring Will Travis for his tireless and dedicated service to the people of California and the San Francisco Bay Area. We also join his family, colleagues, and friends in congratulating him on a successful and fulfilling career at BCDC and wishing him well on his new initiative as a senior policy advisor for the Bay Area's Joint Policy Committee.

SECOND TIME AS SWEET AS FIRST FOR NORTHERN GUILFORD

# HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. COBLE. Mr. Speaker, for the second consecutive year, a high school located in the Sixth District of North Carolina has captured a Class 3-AA state championship. The Northern Guilford Nighthawks won the North Carolina High School Athletic Association state championship, defeating Boiling Springs Crest, 31-7, on December 3, 2011.

Northern Guilford scored first but only had a six point lead going into the second half. Nineteen unanswered points, in the third quarter was too substantial for Boiling Springs Crest to overcome. "I know I get credit," Northern Guilford Coach Johnny Roscoe told the Greensboro News & Record, "But it's the assistant coaches and the players. They're the ones who really do it, and I can't say enough about them."

The Northern Guilford Nighthawks finished their season with a 14-1 record and went undefeated, 7-0, in league play. The NCHSAA offensive and defensive players of the game were Nighthawks Daniel Downing and Scooter Mooney. T.J. Logan received the game's Most Valuable Player award with a five touchdown performance. None of these accolades would have been obtained without the hard work and determination from teammates Tre Purcell, Cameron Harris, Brett Welch, Austin Hoke, John McBeth, Ryan Dirks, Nick Jones, Austin Coltrane, Mark Mitchell, Avery Cooper, Fields, Burney Sindab, Justin Shaquille Timmons, Chris Ripberger, Malik Parker, Robert Willcox, Rory Bergen, Bernard Sindab, T.J. Ruff, Trip Dunn, Trevon Cooper, Frankie Lollis, Ryan Johnston, Trevor McKee, Austin Simmons, Max Klietsch, Tripp West, Blaine Jones, Eric Hong, Josh Steele, Kamen Smith, Chris Forlano, Trevor Beck, Rashad Martin, Sam Parker, Andrew Keen, Bryan Iddings, Taylor Rumley, Molick Scott, Josh Moore, Alex Hasler, and Carlos Williams.

The Nighthawks could not have achieved the state championship without the leadership of Head Coach Johnny Roscoe and his outstanding staff, including J.R. Troutman, Brian Thomas, Lee Meekins, Ben Hepler, Justin Davis, Todd Sharp, Tim Bagamary, Richard Burton, and Chris Shaffer. In addition, those aiding the title hunt were Stacy (Cheerleading), Ed Kimbrough (Band Director), Ashlyn Thomas and Jenna Livingston (Video), Britt Thomas (ball boy), Kirstin Shepperson (Team Physician), Justin Ollis (Trainer), Kalyn Wadsworth and K.T. Song (UNCG Athletic Training Interns), Mercedes Wiglesworth, Sydney Monroe and Taylor Phillips (Student Trainers), Perry Johnson (Manager) and a special thanks to Mrs. Jane Roscoe.

Congratulations are also deserved for those who supported the football program at Northern Guilford throughout its successful season including Principal Will Laine, Assistant Principals Doug Foutty, Kris Vecchione, and Travis Ward, as well as Athletic Director Brian Thomas.

Once more, on behalf of the citizens of the Sixth District of North Carolina, we congratulate the Northern Guilford High School football team, along with the faculty, staff and students for their championship season. While everyone remembers the first time they achieved a major accomplishment, the Nighthawks proved that the second time is as sweet as the first.

### PERSONAL EXPLANATION

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. VISCLOSKY. Mr. Speaker, on January 31, 2012, I was absent from the House and missed rollcall vote 12.

Had I been present for rollcall 12, on agreeing to H. Res. 522, providing for consideration of H.R. 1173, a measure to repeal the CLASS program, I would have voted "no."

# CONGRATULATING MARION GRAY

# HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. STIVERS. Mr. Speaker, I rise today to congratulate Marion Gray on being named Knight of the Legion of Honor by France. In the course of his service in World War II Marion Gray became the first Franklin County man to be wounded on the beaches of Normandy on D-day.

Throughout our nation's history, courageous men and women have selflessly fought time and again to secure our liberty. Marion Gray is one of those courageous men.

A true patriot, Sergeant Gray enlisted one day after the attack on Pearl Harbor. Gray then was sent to Camp Roberts to learn Combat Intelligence. He later transferred into the Medical Corps which allowed him to serve his country with the education in pharmacology and pre-medicine that he gained at The Ohio State University.

As a combat medic, Sergeant Gray travelled as part of the 29th Division of the 116th Regiment to the beaches of Normandy, where he was part of the first wave to land on D-day.

Sergeant Gray's regiment was one of the hardest hit and during the course of that day Gray was injured twice. Thankfully, he survived but had to spend 30 days recovering in a hospital in South Hampton, England before being returned to his original company. He later went on to help liberate St. Lo, France, and served admirably until the end of the war in Europe.

It is because of the sacrifices made by Marion Gray and those he served with, that we continue to enjoy the freedoms that we do today. I am deeply thankful for Sergeant Marion Gray's heroism and sacrifice, and I congratulate him on earning the Knight of the Legion of Honor.

### HONORING MORTIMER SULLIVAN

# HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Ms. HOCHUL. Mr. Speaker, I submit the following proclamation.

Whereas: Mortimer Sullivan is a resident of Erie County and is married to Maryanne Calella. They are the proud parents of two children, Mark and Michael; and

Whereas: In 1954, Mortimer graduated from the University of Buffalo where he earned a degree in Psychology and completed Western New York's first college-accredited certificategranting law enforcement training program. He also was the first commander of the University's Air Force ROTC Corps of Cadets; and

Whereas: After graduating from College he reported to active duty in the Air Force, and later served in the Air Force Office of Special Investigations Mobilization Reserve Program from which he retired in 1987; and

Whereas: Colonel Mortimer Sullivan earned the Legion of Merit, Meritorious Service Medal, Army and Air Force Commendation medals, and the New York State Conspicuous Service Cross during his service; and

Whereas: Mr. Sullivan was admitted to the New York State Bar in 1964; and

Whereas: Rising to the rank of Lieutenant, Mortimer is a founding charter member of the Erie County Sheriffs Scientific Reserve with 40 years of service; and

Whereas: For 25 years, Mortimer Sullivan chaired the Episcopal Diocese of Western New York Committee on Constitutions and Cannons and received the Bishop's Award for Ministry of the Laity; and be it further

Resolved, That we pause in our deliberations to honor Mortimer Sullivan for his dedication and service to the Erie County Sheriff's Department and our community.

HONORING THE LIFE OF FORMER PENNSYLVANIA STATE REP. TERRY VAN HORNE

# HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES  $Wednesday,\ February\ 1,\ 2012$ 

Mr. CRITZ. Mr. Speaker, I rise to celebrate the life of a selfless community leader, accomplished lawmaker and skilled statesman. Former Pennsylvania state representative Terry Van Horne died on Monday, January 30, 2012, at the age of 65. Terry was a gentleman who used his talents as a legislator to enhance the lives of the people of the Allegheny-Kiski Valley. He was known as an independent-minded public servant who never allowed partisan politics to stand in the way of doing what was best for his constituents. Terry's unwillingness to compromise his core con-

victions for the sake of political expediency gained him the love of his constituents and the respect of his colleagues on both sides of the aisle.

Terry began his principled and distinguished career in public service on the Arnold City Council in the late 1970's. From there, he went on to represent Pennsylvania's 54th House District for nearly 20 years. By all accounts, he was a dynamic, yet congenial legislator who could defuse even the bitterest of political scuffles with his quick wit and radiant smile. After leaving office in 2000, he worked as a consultant and practiced law before returning to public service in 2007 to serve as municipal manager for Penn Hills, Pennsylvania, a position he held until February of 2009. Just this past December, Terry was hired by the Arnold Council to be its new city clerk.

While tragedy cut his life short, Terry will be remembered not for how he died, but for how he lived—as a steadfast champion of the people

Mr. Speaker, who can explain why great men like Terry are taken from us prematurely? The reality that Terry will no longer be able to pursue his life's passion of public service is truly a tragedy for everyone who calls the Alle-Kiski Valley home. I hope that his wife, Jacqueline, and all of his family and friends find comfort in knowing that Terry's legacy will continue to inspire generations of public servants to come.

IN CELEBRATION OF MARY CLARE HIGGINS

# HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. NEAL. Mr. Speaker, I rise today to acknowledge the accomplishments of former Mayor of Northampton, Massachusetts, Mary Clare Higgins. Born in Pittsburgh, Pennsylvania, and raised in Brooklyn, New York, Mary Clare Higgins was the eldest girl among her six siblings. Mayor Higgins later settled in Northampton in the late 1970s where she followed in the footsteps of her father and became involved in local politics.

Ms. Higgins' first involvement in local government came in 1990 when she was appointed by the Commonwealth of Massachusetts to the Massachusetts Housing Authority. Distinguishing herself through her various roles in municipal government, Ms. Higgins was first elected to the Northampton City Council in 1994 and later as president of the council in 1998. Since her election as mayor in 2000, Ms. Higgins has dually served as President of the Massachusetts Mayors' Association and was a member of the Municipal Finance Task Force of Metro Mayors Coalition.

During her tenure as mayor, Ms. Higgins has served as an advocate for the preservation and expansion of Northampton in the twenty-first century. With her initiative for growth within the community, Mayor Higgins saw promise in the development of Hospital Hill and the ongoing preservation of open space throughout the city. Her accomplishments as mayor have been recognized by a

number of local, statewide, and nationwide organizations for her distinguished service.

Mary Clare Higgins has been an important part of the history and the further advancement of Northampton in the years to come. She in her role as a civil servant has placed her responsibility as a municipal leader first. Her contributions to the well-being of those whom she had the privilege to represent for over a decade is a testimony of the quality of leadership Mayor Higgins has displayed. I am honored to have known Mary Clare Higgins and I offer her my warmest regards and wishes for her future endeavors.

HONORING THE 13 RECIPIENTS OF THE CAMDEN COUNTY, NJ, FREE-DOM MEDALS

# HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor the 13 recipients of the Camden County Freedom Medal. In 2001, this high honor was created to pay tribute to those who reflect the ideals and beliefs held by Dr. Martin Luther King, Jr. The honorees of this esteemed award are exemplary citizens who have made momentous contributions to their community in a variety of ways. These individuals have not only dedicated themselves to bettering their community, but have also worked selflessly to bring together people of different backgrounds, cultures, and creeds.

This award is unique in that it does not honor people only in one area of service, but rather highlights individuals who have made significant contributions to society, each in their own way. Recipients of this year's award have done everything from establishing a college preparatory program for minority students, to founding an environmental program, to creating a 5K race in honor of a fellow Marine killed in action, to providing free health and education classes, among many other accomplishments.

Mr. Speaker, it is with great pride that I congratulate all of the recipients of this year's Freedom Medal: Atnre Alleyne, Nasim Badat, Roger W. Barker, Lori Braunstein, Sister Helen Cole, Hardon H. Durrani, James E. Hannold, Linda Holscher, Melinda Kane, Mary Lamielle, Thelma Lenore Long, Robert Morrell, and Larry and Trudy Painter. I join the county in paying tribute to these 13 individuals and I thank them for helping carry out Dr. King's legacy with tireless dedication.

HONORING THE 40TH ANNIVER-SARY OF THE MAINE ORGANIC FARMERS AND GARDENERS AS-SOCIATION

# HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate the Maine Organic Farmers and

Gardeners Association MOFGA on their 40 year anniversary.

Committed to the Maine tradition of local, family owned agricultural businesses which produce some of the healthiest agricultural goods available, Abby McMillen began organizing membership for what would become MOFGA in 1971. The organization initially served as a forum where organic growers could learn from each other and perfect their trade. By 1972, MOFGA was certifying organic farms using standards laid out by Rodale Organic Garden. Today, the association has grown to include 6,000 members and nearly 350 certified farms.

MOFGA is also one of the most active groups in the state. The association runs numerous educational, apprenticeship, and charitable programs that connect Maine's organic growers with each other and communities around the world. Their quarterly published news paper, The Maine Organic Farmer & Gardener, is one of the nation's leading information sources on organic agriculture and sustainable living practices. What's more, the annual Common Ground County Fair hosted by MOFGA has become one of the state's most anticipated events each year. Thousands of people are drawn to the town of Unity from all over the country to enjoy live entertainment and meet with local farmers, vendors and arti-

MOFGA has demonstrated itself to be an invaluable resource for Maine growers and consumers who are interested in learning about healthy food and environmentally friendly farming methods. These agricultural practices are beneficial to public health, the environment and Maine's economy. Additionally, the association annually reviews farms and food processors to ensure that food labeled as organic truly lives up to that standard.

I wish MOFGA continued success in working with farmers, gardeners and families all across Maine to promote healthier and more nutritious eating options.

Mr. Speaker, please join me in congratulating the Maine Organic Farmers and Gardeners Association on the 40th anniversary of its founding.

RECOGNIZING THE SERVICE OF RICHMOND TOWNSHIP SUPER-VISOR GORDON FUERSTENAU

# HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege today to recognize an extraordinary individual from Michigan's 10th Congressional District. On February 17, 2012, family, friends and neighbors of Mr. Gordon Fuerstenau will gather at the Richmond Township Hall to celebrate his dedicated and honorable record of public service. In total, Gordon has served the Township of Richmond located in northern Macomb County for an impressive 27 years, having first been elected as the Clerk in 1984 and then appointed to the position of Supervisor in 2003 which he held until 2011.

As a former township supervisor myself, I can personally attest to the hard work, long hours and steadfast commitment it takes to efficiently operate and manage the day-to-day business of a township. The job can be difficult at times, but the rewards far outweigh any roadblocks faced along the way. There is nothing quite like the satisfaction of seeing the work you have accomplished to improve the community in which you live. Ultimately, you know you are making a positive difference and enhancing the quality of life for the generations to follow.

Gordon's resume includes a long list of accomplishments demonstrating his leadership skills and impeccable integrity. He has served on the City of Richmond's Wellhead Protection Team which helped protect drinking water utilized by area residents. He also was a key player in fostering the amicable relationship with the City of Richmond through his work with the Richmond Volunteer Fire Department, and triumphing key environmental issues to help maintain the rural setting that is especially unique to Richmond Township.

Mr. Speaker, I am grateful for this opportunity to properly acknowledge Gordon Fuerstenau's strong record of outstanding and invaluable public service to Richmond Township. I commend him on this very special occasion and offer my best wishes on many more successes in the future.

RECOGNIZING MR. JACK SCAROLA ON HIS DEDICATION TO HELPING END HOMELESSNESS

# HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 1, 2012

Mr. HASTINGS of Florida. Mr. Speaker, it heartened me to learn that Jack Scarola was recognized by the Lord's Place for his work in the fight against homelessness in the West Palm Beach area of Florida. Jack is a partner in a prestigious West Palm Beach law firm who has supported homeless persons in the community since he moved to the area over 30 years ago. He was a founding member of the Lord's Place, an organization I am proud to represent in my Congressional district that is dedicated to breaking the cycle of homelessness through engagement, housing, education, and employment programs. He still is active with the Lord's Place, just having finished serving as chairman of their Board of Directors and having served on the Board for more than 20 consecutive years. I appreciate the work that he has done, and I would like to extend my deepest gratitude for his commitment to serving the community.

The Lord's Place recently honored Jack with the Ending Homelessness Award. During the award ceremony, a 1983 radio broadcast featuring the organization's efforts was played. Although the clip was a distant memory, Jack instantly remembered giving the interview. It was early in the movement to help the homeless, and he and some other volunteers were collecting donations on the steps of a local church. Jack was surprised at the community's support for their cause. Since that time, he

has worked to turn this support into a community-wide effort to help other people.

For over 30 years, he has helped to make the Lord's Place fight against homelessness in Palm Beach County. In 2010, the Lord's Place supported over 500 homeless men, women, and children. Jack played a critical role in building this organization.

Mr. Speaker, I would like to congratulate Mr. Jack Scarola for receiving the Ending Homelessness Award from the Lord's Place. He is truly a selfless individual that has dedicated his life to helping those in their greatest time of need.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL DAY OF HUMAN RIGHTS

# HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, it is with great enthusiasm that I rise in recognition of the historic International Day of Human Rights and the 60th Anniversary of the Universal Declaration of Human Rights that passed on December 10, 2011. It was a day that recognized the momentous efforts made in 1948 by the United Nations General Assembly which declared that the citizens of the world have basic and essential human rights. This effort was in reaction to the immediate aftermath of the crimes against humanity in World War II. This noble accomplishment made by the international community established the fundamental freedoms of humankind and worked not only to cultivate, but also continuously protect international peace.

The adoption of the Universal Declaration of Human Rights signified an international commitment to preserving and building the foundation of human rights, which serves as an enduring resolve for advocates around the world. 2011 was a historic year that recognized the momentous actions of global protestors trying to rid themselves of tyranny and move towards democracy. Met with forceful and dangerous opposition, these protestors stayed the course and fought for what they believed in.

In June of 2011, I met with Iran180, a multicultural and multi-faith organization established with the goal of addressing the human rights violations and aggressive pursuit of nuclear weapon development. I, alongside several members of the New York delegation presented an award to Mr. Ahmad Batebi, a student who was involved in the July 1999 protests against the Iranian government at Tehran University. He was arrested, tried in closed-door proceedings, was sentenced to death and spent eight years being tortured in prison until his escape in 2008. Since then, Batebi serves as the chairman of Cyber Dissidents where he continues to advocate for human rights and democracy.

Mr. Batebi is an inspiration to all people, especially to those living under oppressive circumstances. We have to stand up and fight

for what we believe in order to achieve freedom and liberty without living in repressive conditions.

The uphill struggles to promote and protect human rights have been expanding in my beloved district, from the efforts of the NAACP, Amnesty International, the American Citil Liberties. Union, the Human Rights Campaign, Alianza Dominicana, and several other outstanding organizations that continue to be a cornerstone in my Harlem community for people who would otherwise not have the essential civil liberties of participating in the political process.

Mr. Speaker, I ask that you and my colleagues join me in expressing the utmost gratitude towards the work of the Universal Declaration of Human Rights and the numerous organizations that fight diligently for to preserve our fundamental principles of humanity. We must work tirelessly to ensure that all Americans and around the world exercise the same basic human rights.

HONORING NOVELEAN "MOTHER" HARRIS

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today and invite my colleagues to join me in honoring Novelean "Mother" Harris of Richmond, California, who passed on January 11, 2012 at the age of 95. Mother Harris was a deeply religious and caring woman who fed and clothed the unfortunate and those in need, and a pioneering business owner in her community.

Mother was the second child born to the late Charlie and Lillie Turner on Thursday, June 15, 1916 in Bernice, Louisiana. She came to know Christ at an early age when her family moved to El Dorado, Arkansas, and joined the New Bethel Baptist Church. Later, Novelean married the love of her life, the late George H. Harris, and had two sons, James and George, and a daughter, Carolyn.

George moved his family to Richmond, California, in 1943 to seek better opportunities. Soon afterwards. George and Mother joined North Richmond Missionary Baptist Church, under the late Reverend F.W. Watkins, where they were active participants in their church and their community. George opened one of the first successful insurance businesses in Richmond. He was also one of the first African Americans to serve on the Contra Costa County Grand Jury. With the goal in mind to also own a business, Novelean enrolled at the Charm Beauty School in Oakland, obtained her state cosmetology license, and opened the first African American owned beauty salon in North Richmond She later established Novelean's Beauty Salon on the Southside of the city where she mentored and trained other women to become licensed cosmetologists. At the time of her death, Mother Harris held one of the oldest business licenses in the City of Richmond.

Mother Harris served in many capacities at North Richmond Missionary Baptist Church,

but she will be most remembered for running the church's Soup Kitchen. Mother Harris never turned away a hungry person. She and her volunteer staff provided nutritious meals to countless people and ensured that the needy received a bag of groceries and clothes. She ministered to the homeless who came to eat. Each day at noon, Mother Harris would stop whatever she was doing to lead a prayer. Her passion for feeding the hungry extended beyond her service in the church. Mother Harris often prepared large pots of soup in her own kitchen and delivered meals to the homes of seniors and the disabled.

Mother Harris was a strong pillar in her city. She encouraged others in the community to vote and supported the campaigns of many who sought elected office by giving advice, raising contributions, and feeding candidates in local, state, and national elections.

The City of Richmond declared May 5, 2007, "Mother Harris Day" in honor of her contributions to the community. A bench was dedicated to her outside of North Richmond Missionary Baptist Church. Mother Harris was a life member of the Richmond Branch NAACP and was a founding member of the Cosmetology Organization of the Greater Bay Area.

Simply stated by Mother Harris, "God gave me a vision early in my life to reach out and help those in need." She leaves a legacy for us all to follow.

I ask my colleagues to join with me in offering sincere condolences to her children, family, and friends.

# WORTH THE WAIT FOR PAGE PIRATES FANS

# HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 1, 2012

Mr. COBLE. Mr. Speaker, the saying that good things come to those who wait can be applied to the fans of the Walter H. Page High School football team. Page fans have been waiting since 1985 for their football team to capture a state championship. The Pirates completed a 15–0 perfect season with the title win, on December 3, 2011. I would like to take this time to recognize Page High School's football team, located in the Sixth District of North Carolina, for winning the Class 4–AA state championship. The Page Pirates defeated Garner High, 35–21, in front of more than 10,000 fans at BB&T Field in Winston Salem

The Pirates took the lead in the second quarter and never looked back. "Our kids believed they were supposed to be here, and I believe they not only deserve to be here, but to win it, and we did," Page Coach Kevin Gillespie told the (Greensboro) News & Record. The program's undefeated 15–0 record solidifies both his and the player's beliefs.

Garner High began to gain momentum and cut the lead to seven points in the third quarter, but Pirates quarterback, James Summers answered with a 54-yard touchdown on the very next play. This display of athleticism and determination earned him the game's Most

Valuable Player award. All members of the Page football team contributed to the perfect season, including Jalen Gavin, Carter Stanley, Jonathan Lynch, Kysung Young, Brian Spain, Jarvis Small, Orlando Hatfield, Blake Hickman, Carter Greene, Jordan Putnam, Thomas Little, Christian Cranford, Marcus Demery, Ed Britt, Rvan Jackson, William Henry, Savon Wall, Shedrick Pate, Drew Rogers, Devonta Hooker, Kahlil Wilson, Evan Roer, A.J. Capel, Shaun Workinger, Grant Brewer, Eric Kelly, Justin Smith, Tim Wharton, Lorenzo Featherston, DeAnthony Brooks, Chance Maness, Ventura Anthony, Jacob Green, Anthony Hope, Chris Hamrick, Arrius McCain, David Jennings, Jaxon Cummings, Jonathan Smith, Kemp Young, Andrew Lamore, Dishon Stewart, Isaiah Towns, Rasheen Wall, Lewis Jones, Alex Alverez, Matt Mayfield, Tevin Morrison, Chris Mosley, and Tommy Laughon.

Credit must be given to Head Coach Kevin Gillespie and his staff including Norman Weeks, Gordon Hagen, Todd Halkyer, Cody Page, Wilson Helms, Chris Ferguson, Kevin Harris, Earl Sams, Jesse Britt, Malcolm Parker, Mark Raynor and Russell Mills, for the success and growth these young men accomplished this season.

Additionally deserving credit is Principal Marilyn Foley, Athletic Director Rusty Lee, Nikki Kennedy (Trainer), and Jeremy Godwin (Statistician).

They may have waited 27 years, but winning with a perfect record was worth the wait. Again, on behalf of the Sixth District of North Carolina, we congratulate the Page High School football program, along with the faulty, staff, students and supportive community for their championship season.

RECOGNIZING THE ROTARY CLUB OF COLUMBUS

# HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. STIVERS. Mr. Speaker, I rise today to recognize the Rotary Club of Columbus for its centennial year of providing exceptional, "Service Above Self," and for truly living up to its motto throughout these past 100 years.

The Rotary Club of Columbus was chartered on March 5, 1912, as the 38th club in Rotary International. Ever since that time, Columbus Rotary has contributed a great amount to the Columbus area. In 1919, the Rotary helped to organize the Ohio Society for Crippled Children, now known as Easter Seals. The Rotary established Camp Enterprise in 1967 to teach the Free Enterprise system to teenagers, and the program went on to become a model for Clubs across the country. In 2003, the Rotary was especially instrumental in establishing the Rafiki Orphanage in Nairobi, Kenya. Columbus Rotary projects continue today and include important programs and initiatives like Adopt-A-School, Homeless Family Foundation, and annual scholarships to local students.

Without the hard work and selfless contributions of Columbus Rotary and its members our great city would not have the vibrancy and sense of community that it does today. I offer my congratulations to Columbus Rotary on its 100 years, and I look forward to many more years to come.

RECOGNIZING THE 100 YEAR ANNI-VERSARY OF THE GIRL SCOUTS OF AMERICA

# HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Ms. HOCHUL. Mr. Speaker, it is my honor to recognize the one hundred year anniversary of the Girl Scouts of America. Founded in 1912 by Juliette Gordon Low, this organization has cultivated courage, confidence, and character in young women and girls across the Nation. It is the largest organization for girls in the world and includes 3.2 million scouts today. Through volunteering, community service, adventures, and, of course, cookie sales, these young women have become the emerging leaders of our world today.

Girl Scouts participate in a wide variety of services and projects, from science and technology based activities to programs focused on financial literacy and understanding. Campaigns launched by the Girl Scouts in the past have included action against bullying and awareness of eating disorders. The highest achieving scouts even get the opportunity to apply for a Capitol Hill internship.

The organization is undeniably an American institution committed to developing women leaders, and thus the hundred year mark comes with much celebration. In honor of this century of service, 2012 has been designated "The Year of the Girl," and the projects we will see are ambitious, eclectic, and simply inspiring. As a Nation, let us recognize the astounding efforts of the organization and continue to support the Girl Scouts of America.

IN MEMORY OF ALEX BLEVINS

# HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor and memory of Alex Blevins, a devoted father and husband, and the Executive Director of the Kentucky Court Appointed Special Advocate or CASA organization.

Alex leaves behind his wife Alice and their two beautiful children, Harper and Charlie. Their father was a man who spent years working as a determined advocate for children in need, particularly those who were abused and neglected. On behalf of my wife Pat and myself, I want to extend our deepest sympathies to the Blevins family.

Alex dedicated much of his professional career to Kentucky CASA's mission of providing leadership and support for local CASA organizations that recruit and train volunteers to serve abused and neglected children as court appointed special advocates. Through statewide advocacy of the CASA mission and the

provision of training, support and resources, Kentucky CASA partners with National CASA, local programs and others to serve as a powerful voice in a child's life.

Alex had an unbridled compassion for abused and neglected children. He worked diligently on their behalf as part of Kentucky CASA for nearly eight years. He assisted local chapters and worked to increase the number of counties in the Commonwealth with CASA volunteers to ensure more children benefit from this important service.

Alex graduated from Centre College in 2003. He served on the Kentucky Court of Justice's Improvement Project Advisory Board and National CASA's Inclusion and Diversity Committee, as well as Public Policy Co-Chairman for Kentucky's Blue Ribbon Panel on Adoption and Safety.

Mr. Speaker, I ask my colleagues to join me in honoring and remembering my friend, Alex Blevins. Kentucky is a better place because of Alex and his outstanding contributions to the Commonwealth. His leadership and compassionate advocacy on behalf of children will be sorely missed.

HONORING MR. OFIELD DUKES

# HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES  $Wednesday,\ February\ 1,\ 2012$ 

Ms. LEE of California. Mr. Speaker, I rise today with Chairman EMANUEL CLEAVER II and my colleagues in the Congressional Black Caucus, CBC, to honor the extraordinary life of Mr. Ofield Dukes. A trailblazing public relations titan known far beyond the communications world, Ofield Dukes will be remembered as a civil rights champion, an inspiring educator, a skilled mentor, and a trusted advisor to the world's most prominent leaders. With his passing on December 7, 2011, we look to Mr. Ofield Dukes' political legacy and the outstanding quality of his life's work.

Born in Rutledge, Alabama, Mr. Dukes graduated with a degree in journalism from Wayne State University after having been a journalist while serving in the United States Army during the Korean War. He soon made a name for himself as an award-winning writer for the Michigan Chronicle and, in 1964, Mr. Dukes was hired as Deputy Director of Information for President Lyndon Johnson's Committee on Equal Employment Opportunity. Within two vears, he had become communications adviser to Vice President Hubert Humphrey. In 1969, Dukes founded Ofield Dukes and Associates (ODA), one of the most enduring and successful public relations firms in the country, specializing in minority, African-American, African, and political affairs. ODA elevated the profiles of artists, business people, students, Civil Rights heroes, Members of Congress and Presidents, alike.

During an era still marred by the scourge of racism and segregation, Mr. Dukes utilized brilliant public relations strategies to galvanize support for the Civil Rights movement and to get out the vote in the African-American community after the Voting Rights Act of 1965. Moreover, without his tireless work, the CBC

would not be "the conscience of the Congress" it is today. He was the organizer of the first CBC dinner, and a CBC Foundation Board member for 14 years. His vast political experience and guidance helped expand the CBC from its original 13 Members of Congress in 1971 to 43 Members today.

Mr. Dukes also orchestrated the 1981 national march on Washington, D.C. to make the birth date of Dr. Martin Luther King, Jr. a national holiday.

Furthermore, Mr. Dukes brought the wealth of his experience to the classroom, spending over twenty years as a professor at Howard University and nearly a decade at American University. It was there that he instilled young minds with the powerful public relations tools necessary to create new generations of social justice. Renowned for his professionalism, teaching prowess and strong sense of loyalty, Ofield Dukes encouraged hundreds of African-American students to enter the field of public relations. He was a gatekeeper for African-American reporters needing access to the White House for every Democratic administration since the 1960s, a founding member of the Black Public Relations Society of Washington, D.C., and the first African American to receive the Public Relations Society of America's Gold Anvil, the industry's highest honor.

For over four decades, Ofield Dukes' career and influence spanned CBC milestones ranging from their boycott of President Nixon's State of the Union address to demand White House recognition in 1971 to his articles celebrating the CBC's 40th anniversary in 2011, under the historic leadership of President Barack Obama. He was a friend to the CBC every step of the way, and the Congressional Black Caucus could not have asked for better guidance and company.

Therefore, the Congressional Black Caucus salutes and honors the life of this outstanding man, while mourning the loss of an incredible partner in the pursuit of justice and equality. The great Ofield Dukes and his masterful contributions to the success of progressive and talented leaders throughout the world have helped to change the course of history. His legacy and light will forever live on, and he will be deeply missed.

THE 37TH ANNUAL COMMUNITY LABOR AWARDS RECEPTION

# HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most devoted and proficient workers in Northwest Indiana. The Northwest Indiana Federation of Labor, American Federation of Labor—Congress of Industrial Organizations, recognized several individuals for their dedication during the 37th Annual Community Labor Awards Reception, which was held at Wicker Memorial Park in Highland, Indiana, on January 31, 2012. These individuals, in addition to the other Northwest Indiana Federation of Labor members who have served Northwest Indiana so diligently for such a long period of time, are

the epitome of the ideal American worker: loyal, dedicated, and hardworking.

At this year's event, several individuals and organizations received special recognition. Ray Kasmark, Business Manager, International Brotherhood of Electrical Workers Local 697, was this year's recipient of the President's Award. Mr. Kasmark was honored for his many years of service and his exceptional contributions to the well-being of workers throughout Northwest Indiana.

The Democratic Members of the Indiana House and Senate received the Service to Labor Award for their tireless efforts to assist organized labor with improving the quality of life for workers in Northwest Indiana.

Randy Palmateer, Business Manager, Northwestern Indiana Building and Construction Trades Council, was presented with this year's Union Label Award for his unselfish devotion to the Labor Movement through social, civic, educational, and political endeavors.

United Steelworkers Local 6787 accepted the Community Services Award for its members' exemplary service to the community and the enhancement of the quality of life for people in Northwest Indiana, as demonstrated by their countless hours of volunteerism and charity work.

For his outstanding leadership skills and dedication to assist working Americans through trying times, Rich Trumka, President, American Federation of Labor—Congress of Industrial Organizations, received the Leadership Award.

Roger Jachna, Jr., of International Brother-hood of Electrical Workers Local 697, and William Beck, of Pipefitters Local 597, received the George Meany Award, an honor bestowed upon them by the Boy Scouts of America.

Mike Summers, former Business Manager of Ironworkers Local 395 and former President of the Northwestern Indiana Building and Construction Trades Council, was honored with the Lifetime Achievement Award. The exceptional service he has so generously provided to the community deserves our admiration and respect. His dedication and commitment are representative of the values we cherish in Northwest Indiana.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These individuals are all outstanding examples of these qualities. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and exemplary citizens, as well as all of the hardworking union men and women in America. They have shown commitment and courage toward their pursuits, and I am proud to represent them in Washington, DC.

RECOGNIZING CECIL NOBLES

# HON, JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 1, 2012

Mr. KINGSTON. Mr. Speaker, I rise today to recognize the life and accomplishments of

Cecil Nobles, the much celebrated Sheriff of Long County, GA, and a pillar of his community.

Čecil Nobles was born on February 21, 1935 in Long County, GA, to Raymond Elliott and Minnie Baxter Nobles. Raised in Long County, he was educated in Long County schools and graduated from Ludowici High School in 1953. After high school, Mr. Nobles earned a Bachelor's degree in Business and a Master's degree in Education from Georgia Southern University.

Soon after graduation, Cecil Nobles began teaching in the Long County school system from 1959 until 1969. During that time, he also served as an Assistant Principal and as the elected Coroner of Long County from 1962 through 1968. Mr. Nobles made a remarkable impact within the realm of education when he taught one of the first integrated classes in Southeastern Georgia.

Forever dedicated to Long County and public service, Cecil Nobles rose to become the longest serving Sheriff in the State of Georgia and the second longest serving Sheriff in the United States. During his eleven terms as Sheriff and two terms as Coroner, Mr. Nobles was always known for his tireless dedication to public service, his commitment to law enforcement, and his love of his family and friends throughout Long County and beyond.

Sheriff Nobles was part of a vanishing tradition in Georgia of long serving, old school sheriffs. In many ways he ran Long County. If you wanted something done with one phone call, you dialed his number and his influence did not end at the county line. Using his extensive Rolodex, which may have not been a rolodex, but it certainly was not an email list, of elected officials, and agency heads, he always knew just who to call. He fought for everything as if it was the last chance between Long County's survival and its bankruptcy. He secured funding for countless projects and his legacy in South Georgia will be long lasting. Most importantly he never forgot a friend and frequently used two words that have become rare in politics: 'thank you.' In turn today we thank him for his service. I was proud to call him a friend.

RECOGNIZING THE FOURTH GRADE CLASS AT WHITE OAKS ELEMENTARY SCHOOL IN BURKE, VIRGINIA

# HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. CANTOR. Mr. Speaker, I rise today to recognize the fourth grade class at White Oaks Elementary School in Burke, Virginia for their foresight, charity, and patriotism. Recently, these students collected seventy-six dollars and donated it to the United States Treasury to go towards paying down our nation's skyrocketing debt.

At a time when our national debt is over \$15 trillion, these fourth graders have realized we must manage down our debt and get our fiscal house in order. Their selfless contribution towards tackling this problem is a promising sign

that the future leaders of our country realize that Washington's out of control spending is growing at an unsustainable rate. Just as any family or business must do, Washington must live within its means so that future generations have the same opportunity to earn success that has always made America so great. I only hope that Americans—young and old—can follow the example set by this remarkable group of young students.

Mr. Speaker, I ask that you join me today in applauding the fourth graders at White Oaks Elementary School for their selfless contribution towards managing down our national debt.

### REMEMBERING BING WELCH

# HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to honor the passing of Mr. Bing Welch, city councilman and community leader from Richmond, Indiana.

Bing Welch was born in Tennessee and later attended the University of Tennessee. After serving in the 40th Armor Division in Korea for more than two years, Bing settled in Richmond. There he was employed by ALCOA as a tool designer, but later transferred to North Carolina and Kentucky before settling in Richmond once again in 1969.

His 37-year tenure at ALCOA was marked by several notable accomplishments and opportunities, such as product development of plastic soft drink bottles and pull-tabs on cans. By the time he retired, he was a member of the 25-Year Club and had traveled across the country representing ALCOA in product liability lawsuits.

In the mid 1970s, Bing decided to become more active in the community which he loved so well, and he was appointed to fill a vacant At-Large position on the Richmond Common Council. He would go on to serve on the council, including time spent as president, for an astonishing and admirable 22 years. Bing's legacy of leadership also includes service on the boards for the Richmond Sanitary District, the Parks and Recreation Department and Richmond Power and Light, where he spent time as chairman. Additionally, Bing was a member of the Corridor North Commission that planned the development of U.S. 27 North.

The Richmond community remembers Bing as a man of character who loved God, his family, his community, and his country. He was known for his incredible leadership, honesty, commitment, and integrity. Bing's focus was always on the interests of the people he served, and during his long career in public service and in business, he made Richmond a better place. He and his wife founded the Concerned Citizen coalition, and he also helped start the Jerry Lawrence Memorial Golf Outing.

I offer my deepest condolences to his wife of 57 years, Patricia; as well as his daughter Kristi; son Brian; grandchildren Morgan, Blaine, Jessica, and Nathan; and his many nieces, nephews, and other extended family. May God comfort Patricia and Bing's entire family with the assurance of His grace and with the assurance of the gratitude of the people of Richmond whom he served and loved.

"WHAT'S THE REAL DEFENSE BUDGET?" BY MALLORY FACTOR

# HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. SCOTT of South Carolina. Mr. Speaker, I submit an article on behalf of Mallory Factor expressing his opinion regarding the need for transparency with respect to the different roles of our military.

"WHAT'S THE REAL DEFENSE BUDGET?"
[By Mallory Factor]

The new Congress won the election by promising to cut spending, and unsurprisingly the defense budget is on the table for the first time in more than a decade.

Secretary of Defense Robert Gates recently announced \$78 billion in defense spending cuts over the next five years, including reductions in troop levels for the Army and Marine Corps. These types of cuts suggest that the military is working to become leaner and more efficient. Still, many Americans and congressmen are calling for deeper cuts.

Not counting the cost of the wars in Afghanistan and Iraq, the Defense budget is expected to be \$553 billion in 2012, up from \$549 billion in 2011. That outlay currently represents 19% of the entire federal budget and over 50% of U.S. discretionary spending; cutting it would go a long way toward reining in government spending. But before further slicing the military budget, Congress must reconsider the military's mission and what activities it should undertake.

The purpose of a large standing army is to provide for our national defense. In essence, the defense budget is an insurance policy that protects the U.S. against threats from other nations and groups. But in recent years a growing percentage of that budget has been spent on activities that don't involve traditional national defense. These include nation-building, policing foreign nations, humanitarian missions and ferrying executive- and legislative-branch leaders and their attendants around the globe. While these activities may be tangentially related to our standing in the world, they do not enhance our war-fighting capabilities: rather they relate more to the success of our foreign policy than to our national defense.

This increase in nondefense missions has been accompanied by a dramatic shift from war-fighting to nation-building. The official White House website now describes the function of the Department of Defense as to "protect national interests through war-fighting, providing humanitarian aid and performing peacekeeping and disaster relief services." Is war-fighting just one among the many functions we want our military to perform?

Rightly or wrongly, we give our military these various assignments because we don't want to pay someone else to do them, and other government entities currently can't. Yet just because our military can do these jobs doesn't mean that it should. Indeed, these assignments shift focus away from the

military's core missions: keeping America safe and winning wars.

Right now it is difficult for Congress to determine how much money is spent on protecting the U.S. The "military" budget gives an exaggerated impression of the cost of our national defense. When Congress adds burdens to the military, direct costs like fuel, food and relief supplies may be calculated and expressed in the budget.

But these items are just a small part of these missions, and the larger costs get buried. These hidden costs include recruiting and training extra troops, purchasing and servicing additional equipment, additional layers of bureaucracy, and maintaining and enlarging bases, none of which are separated out in the budget as relating to nondefense missions.

The military's nondefense activities may or may not be warranted, but their total costs must be transparent. If Congress does not consider these costs separately, traditional defense missions and essential equipment upgrades will be crowded out.

America is a compassionate nation and would surely engage in humanitarian activities even if their true costs were known. But why charge these costs to the defense budget and then hide them? Only by demanding that the military budget be limited to legitimate defense activities can Americans know how many dollars we are actually devoting to our national security.

Some military leaders have privately estimated that if these nondefense-related activities were eliminated or given a separate budget, defense spending could be substantially reduced and at the same time the military's war-fighting capabilities increased. Given this uncertainty, before any additional cuts are made to military spending, Congress must demand transparency with respect to the different roles of our military.

# PERSONAL EXPLANATION

# HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. WELCH. Mr. Speaker, during rollcall vote No. 12 on H. Res. 522, I mistakenly recorded my vote as "yes" when I should have voted "no."

A TRIBUTE TO THE SERVICE OF JACK KING

# HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. COSTA. Mr. Speaker, I rise today with my California delegation colleagues Mr. Lungren, Mr. Cardoza, Mr. Farr, Mr. Denham, Ms. Richardson, Mr. Baca, Mr. Herger, Mrs. Capps, Mr. Filner, Ms. Lofgren, Ms. Matsui, Mr. Nunes, Mr. McNerney, Mr. Thompson, Mr. Schiff, Ms. Lee, Ms. Loretta Sanchez, Ms. Eshoo, Ms. Chu, Ms. Speier, Ms. Linda Sánchez, Mr. Becerra, Ms. Hahn, Mr. Sherman, Mr. Honda, Mr. McClintock, Mr. Calvert and Senator Feinstein, to pay tribute to Mr. Jack King on the occasion of his retirement from the California Farm Bureau Federation. For more than 35 years, Jack King has

worked on behalf of our nation's farmers and ranchers to ensure that they have a voice in our nation's capital. His passion for agriculture has made him a strong and effective advocate for the American Farm Bureau Federation and the California Farm Bureau Federation.

Growing up on a dairy farm in Wisconsin taught Jack the value of hard work, and the important role agriculture plays in America—specifically when it comes to feeding and clothing our families and supporting our economy. Upon graduating from the University of Wisconsin, Jack began his career in agriculture with the university's cooperative extension office. Jack then went on to work for the Wisconsin Council of Agricultural Cooperatives and the Wisconsin Council of Agricultural Coperatives and the Wisconsin Council of Agriculture. In 1973, Jack ventured west and joined the California Farm Bureau Federation as assistant manager of the information division.

Jack expanded his work with the Farm Bureau, and in 1985, he became news services director for the American Farm Bureau Federation. Based in Illinois, Jack managed internal and external communications and often worked in conjunction with the Washington, DC office to ensure that legislators were connected with farmers and ranchers. In 1994, Jack returned to California to serve as manager of the California Farm Bureau Federation's National Affairs Division. He served as a direct link between farmers, ranchers, and Members of Congress.

Jack's tremendous contributions and dedication can be measured in a number of ways. Notably, Jack made approximately 200 trips to Washington, DC. His deep commitment was based in his belief that legislators needed to hear directly from farmers and ranchers in order to understand their contributions and the difficulties they face. Specifically, Jack has been dedicated to working on comprehensive immigration reform, natural resource regulations, and renewable energy.

Of course none of these accomplishments would be possible without the love and support of Jack's wife, Mary Ann; their sons, Carl, David and Bryan; and two grandchildren.

Mr. Speaker, we ask our colleagues to join us in recognizing Jack King's enthusiasm and work ethic. His devotion and loyalty to our nation's farmers and ranchers make him a source of pride for our community, state and nation. We thank Jack for his work on behalf of farmers and ranchers in California and all across the country, and wish him well in retirement.

### REMEMBERING THE NAGORNO-KARABAKH CONFLICT

# HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. WOLF. Mr. Speaker, in 1994 I was part of a delegation, organized by Christian Solidarity International, that visited Nagorno-Karabakh, Armenia, and Azerbaijan.

In Nagorno-Karabakh, I saw horrible conditions: doctors operating without anesthesia using only a stiff dose of cognac; land mines planted by the retreating Azeri army which re-

sulted in injury and amputation of limbs of women and children as well as soldiers and people living in hazardous partially bombed-out apartment buildings in the cities and in lean-tos among the debris of demolished villages.

Upon my return, I urged Congress not to forget the long-suffering people of Nagorno-Karabakh. And I rise today to do the same.

In 1921, Joseph Stalin, then the comissar for nationality affairs in the Transcaucasia Bureau of the Communist Party, declared Nagorno-Karabakh to be an autonomous region controlled by Azerbaijan as part of his divide and rule strategy. Historically, the majority of the population in Nagorno-Karabakh has been Armenian and the people have always had close ethnic, religious and familial ties with Armenia.

In the years leading to the breakup of the Soviet Union, the Karabakh Armenians petitioned in 1987 for inclusion of Nagorno-Karabakh in the state of Armenia. In 1991, they petitioned for independent state status. To date, the situation remains unresolved.

Shortly after the break-up of the Soviet Union, Armenians in Azerbaijan and Nagorno-Karabakh endured great hardship, including pogroms in Sumgait (February 1998), in Kirovabad (November 1988) and in Baku (January 1990).

A January 19, 1990, New York Times article described the Baku pogrom as a "massacre." That same article also pointed to the violence in 1988, when, "armed Azerbaijanis rampaged through the town of Sumgait and slaughtered 32 people, mostly Armenians."

These horrific acts of targeted violence are as deplorable today as they were more than two decades ago. Tragically, tensions remain high in the region. A January 16 Bloomberg article reported that, "Azerbaijan is buying up modern weaponry to be able to regain control of the breakaway Nagorno-Karabakh region quickly and with few losses should peace talks with neighboring Armenia fail, President Ilham Aliyev said."

Such acts of aggression would have a devastating impact. It is critical that the U.S. works toward a lasting, peaceful and democratic solution to the Nagorno-Karabakh conflict.

TRIBUTE TO THE LIFE ON ERNEST SALGADO, SR.

# HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. BACA. Mr. Speaker, I stand here today to pay tribute to a great leader and role model Ernest Salgado, Sr. Ernest, the eldest member of the Soboba Band of Luiseño Indians passed away on January 23, 2012 at the age of ninety-one.

Ernest was born on the Soboba Indian Reservation, in Riverside County, California. He attended high school at Sherman Indian High School, where he was an outstanding athlete and played on the championship baseball team

When Indians became citizens in 1924, Ernest was the first of his tribe to fill out the U.S.

census form. Ernest served his country honorably as a soldier in the Army, where he had an expert shot, having picked up the skill from deer hunting with his grandfather. During World War II, Ernest participated in the landing at D-Day in 1944 and would later pass on the value of service to ones country to his son. Richard who served in the Vietnam War.

After serving his country, Ernest served his tribal community by working at Sherman Indian School and by serving on the Soboba tribal council during the 1970s. During his time on the Soboba tribal council, Ernest provided great leadership in rebuilding his tribal community and has fostered understanding and respect for Native People in everything that he did. His son Robert Salgado, Sr., would later serve on the Soboba tribal council as Chairman of the tribe. As a young man, I have the privilege of knowing Robert and meeting the Soboba Tribe during baseball games on reservations. In my time spent with them, the Soboba Tribe always welcomed me and treated me like family.

Ernest is survived by his children, Ernie Salgado, Jr., Robert Salgado, Sr., Richard Salgado, Sr., Lorraine "Raina" Maciel, Francie Diaz and Rose Salgado; his brothers and sisters, Nella Salgado Heredia, Frances Bentiste Arres, Alice Bentiste Helms, Henry "Sonny" Bentiste and William "Billy" Bentiste, as well as a loving family of grandchildren and greatgrandchildren.

My thoughts and prayers, along with those of my wife, Barbara, and my children, Rialto City Councilman Joe Baca, Jr., Jeremy, Natalie, and Jennifer and are with Ernest's family at this time. Mr. Speaker, I ask my colleagues to pay tribute to Ernest Salgado, Sr.

# HONORING PFC JUAN MEZA

# HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to honor the commitment and sacrifice of PFC Juan Meza. Mr. Meza served in Company B 399th Infantry Unit during World War II from October 1944 until March 1946 and demonstrated great bravery and dedication as a soldier for the United States Army.

Mr. Meza was born December 15, 1925 in Laredo, Texas. Upon graduating from high school, he enlisted in the Army and was deployed to Europe. During his service, he was wounded twice in combat and remained incountry until 1946 after a cease fire was declared. By March 1946, Mr. Meza was honorably discharged. When Mr. Meza returned to Laredo, Texas, he married Antonia Galvan and together they raised six children. After serving in the Army, he dedicated more than 35 years of service to U.S. Customs and Border Protection and retired happily in Laredo.

Mr. Meza is very proud of his time and experiences while serving in the military. Experiences that are only unique to an American hero and veteran are those that he can recall as if it were yesterday. One specific memory beckons Mr. Meza to a cold New Year's Eve day in 1944, when he outwitted a band of German soldiers at a listening post in France and

his actions led to saving the lives of several Americans and Allied troops. Every scent he smelled, every sound he heard and every color he saw that day is imprinted in his memory. At 86 years of age, he tells the story with passion and no details are left out when he was triumphant against the enemy for the lives of his prothers and freedom of the nation.

During Mr. Meza's time in the Army he showed great courage and by using his intelligence, knowledge and common sense he not only survived a tremendous war, he also helped young soldiers like himself return home to their families and loved ones. He is a highly decorated veteran. His awards include the World War II Victory Ribbon, Army Good Conduct Medal, EAME Theater Ribbon and Two Bronze Service Stars, Purple Heart, One Bronze Oak Leaf Cluster, and a Distinguished Unit Badge. He was also nominated for the Distinguished Service Cross, the second highest military honor that can be awarded to a member of the United States Army for extreme gallantry and risk of life in actual combat with an armed enemy force.

Mr. Speaker, I am honored to have had the opportunity to recognize Mr. Meza's accomplishments and faithful service to our country. His hard work and valor have truly impacted many lives and our community. Thank you.

# APPLAUDING THE FORTUNE SOCIETY

# HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today to recognize the Fortune Society on their continued success. I recently had the honor to support the Fortune Society's partnership with City University of New York's John Jay College of Criminal Justice in their effort to provide technical assistance and training to other reentry services organizations. Thanks to their hard work, countless more inmates will transition back into my community with the prospect of a better life.

Under the excellent leadership and vision of Chairperson Ms. Betty P. Rauch, the Fortune Society is doing far more than providing those who have dealt with the harsh realities of incarceration. Their advocacy inspires them and gives them the means to live a positive life in which they can become valuable and contributing members of our society. Furthermore, I would also like to congratulate the Fortune Society on the numerous grants they were recently awarded.

For over 40 years the Fortune Society has been working with people with criminal records. Today they serve approximately 3,000 men and women annually at three primary New York City-area locations including West Harlem in my Manhattan Congressional District. Thanks to their dedicated and experienced staff of professionals, the Fortune Society is able to successfully offer: Alternatives to Incarceration (ATI), drop-in services, employment services, education, family services, health services, housing services, substance abuse treatment, transitional services such as

the Rikers Island Discharge Enhancement (R.I.D.E.) program, recreation, and lifetime aftercare.

I look forward to seeing all that the Fortune Society accomplishes in the coming year. I will continue to serve them proudly and support them in their great cause.

OUR UNCONSCIONABLE NATIONAL DEBT

# HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,356,140,493,616.06. We've added \$10,554,735,318,321.78 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING JOHN S. CZYSCON FOR HIS SERVICE IN THE U.S. ARMY DURING WORLD WAR II

# HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. HANNA. Mr. Speaker, I rise today to acknowledge and honor a very special veteran for his service to our nation during World War

Mr. John S. Czyscon was a member of the United States Army and served in the Pacific Theater. Mr. Czyscon was in harm's way numerous times and involved in serious combat. His heroism and bravery were recognized through his awards: the Bronze Star Medal, Combat Infantryman Badge, and the Asiatic-Pacific Campaign Medal with three bronze battle stars and arrowhead attachments.

Mr. Czyscon served as a Technician Fifth Grade, with the Second Battalion 188th Glider Infantry during his service to the Army. He joined the Army in 1943 and was honorably discharged in 1946 after providing honest and faithful service to this country.

Mr. Czyscon will turn 92 this spring and he lives in New York Mills, New York. It is a privilege and an honor to have veterans like Mr. Czyscon residing in the 24th Congressional District. His service to our country should always be a great source of pride. To serve one's nation is among the most noble and selfless acts available to man, particularly during times of war. Thank you, Mr. Czyscon. I ask my colleagues to join me today in honoring Technician Fifth Grade John S. Czyscon, United States Army, for his service and sacrifice during World War II on behalf of the United States of America.

HONORING THE LIFE OF CHRIS TURNEY

# HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to remember a lifelong educator and political activist. Chris Turney passed away in December at the age of 60. Chris dedicated her life to the education of children. Chris was a music teacher for 34 years, and spent the last 20 years of her career teaching at Lincoln Junior High School in Skokie, Illinois. Ms. Turney, as she was known by her students, shared her passion and love for music with many students over the years. She played a variety of musical instruments including the piano, flute, piccolo and guitar. She frequently used these instruments in her classroom. Most importantly, Ms. Turney inspired hundreds of children to follow their dreams. Ms. Turney encouraged all her students to believe in themselves and their own unique skills and abilities as they moved through life.

Outside of the classroom, Chris was a political activist fighting for a better education system. Chris was a lifelong Democrat and very active in the National Education Association (NEA). She was president of the Skokie-Morton Grove Education Association, was the Region 36 Chair of the Illinois Education Association, and eventually became an NEA State Director. As a State Director, Chris was frequently on Capitol Hill meeting with members of Congress. Some of Chris's favorite moments in her life were shaking hands with President Clinton and then Senator Barack Obama. After retiring from her teaching career, Chris continued to be politically active. She served as the President of the DuPage Chapter of the Illinois Retired Teachers Association, a position she held until her death. She was an advocate for public education and for better schools for our children.

Chris will be missed dearly by her former students, colleagues, friends and family. She is survived by her life partner of 30 years, James C. Keating, her sisters Judy Goldsmith and Linda Turney, and three nephews. She encouraged all three of her nephews to follow their dreams which they have done. Her oldest nephew Rob Goldsmith is currently an education and labor staffer for Congressman BRUCE BRALEY, Jeff Goldsmith is a very successful musician who has written and recorded numerous songs and albums. Mark Goldsmith, the youngest nephew, is currently an engineering student and baseball player at the Colorado School of Mines. Her memory and influence lives on through them.

Chris's memory will live on through the people whom she inspired for years to come. She was an agent of change to many. If you knew Chris well, she changed your life. Her uplifting, energetic, and positive attitude will be missed and she will not be forgotten.

WARREN BUFFETT'S SECRETARY NOT SYMBOL OF ECONOMIC IN-JUSTICE

# HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. SMITH of Texas. Mr. Speaker, billionaire Warren Buffett's longtime secretary has become a symbol in the current Administration's fight over the tax code and economic fairness. While she was the President's chief stage prop in a show of the alleged unfairness of our tax system, this is hardly the truth.

The national media have painted this as a case of the little person paying a higher tax rate than her billionaire boss. Thankfully, Forbes and a few media outlets have researched the facts. By reviewing the Internal Revenue Service's own detailed tax tables by income level, Forbes has determined she likely makes between \$200,000 and \$500,000.

The national media have not done their homework on Mr. Buffett's longtime secretary. They have misled the American people on the important issue of income taxes and capital gains investments that help create jobs. We need to remind the national media of their obligation to provide the American people with the facts.

DENNIS KELLY—COMMUNITY BANKER, COMMUNITY LEADER

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important leaders in the economy of southeastern Massachusetts is about to retire.

E. Dennis Kelly, Jr. joined Bristol County Savings Bank in 1977 as Operations Manager and held various titles before being named the President and CEO in 1993. Mr. Kelly has held this position for the past 18 years, but will retire as the 12th President of Bristol County Savings on March 13, 2012. During his tenure, Mr. Kelly was instrumental in creating the Bristol County Savings Charitable Foundation in 1996, first serving as President and currently as Chairman.

Mr. Kelly has been a community leader and has made a difference in the lives of many organizations, families and individuals throughout the regions where Bristol County Savings Bank operates. Under his leadership, the Bristol County Savings Bank and the Bristol County Savings Charitable Foundation awarded \$1.1 million in grants last year and more than \$8.0 million in total to area organizations since 1996. In addition to the significant financial support provided by the Bristol County Savings Charitable Foundation, he has personally invested his time and expertise to help develop solutions that addressed community needs. In this role, he currently holds leadership positions in various organizations including Chairman of the Depositors Insurance Fund; former President and current member of the Board of Directors of Annawon Council of Boys Scouts of America; Trustee of the Augat Foundation: member of the Board of Directors of the Attleboro YMCA and Capital Campaign Chairman: Immediate Past Chairman and Current member of the Board of Trustees of Bridgewater State University Foundation; member of the Board of Directors of the Taunton Development Corporation; member of the Board of Directors of the Sturdy Memorial Hospital Foundation; member of the Board of Directors of the Old Colony Historical Society; Incorporator of the United Way of Greater Attleboro Taunton; Board Member of FAIR, Friends of Attleboro Interested in Revitalization; Incorporator of the Hockomock YMCA; and Incorporator of Memorial Hospital of Rhode Island.

Over the years, Mr. Kelly has contributed his time and talent to many other organizations as well and has held leadership positions in various banking and professional associations including Chairman of the Massachusetts Bankers Association; Chairman of the Massachusetts Bankers Charitable Foundation: former Regional Chairman of the New England School of Banking; President of the Heart of Taunton; President of the Route 44 Businessman's Association; Treasurer of the Southeastern Massachusetts Manufacturing Partnership and President of the Taunton Kiwanis Club. In addition he has also served as Chairman of the Board & Campaign Chairman of the United Way of Greater Attleboro-Taunton; Trustee of Morton Hospital & Medical Center; member of the Rotary Club of Taunton; member of the President's Advisory Council for Bishop Feehan High School and Chairman of the St. Marv's Education Fund Dinner.

Mr. Kelly earned a BA in History Education from Providence College in 1969 and was a graduate of the National School of Banking at Fairfield University.

Mr. Kelly resides in Attleboro with his wife, Michelle. They have two sons Thomas and Robert and three grandchildren, Madison, Chace and Landon.

"OCCUPY WALL STREET . . . NEXT STOP, ATHENS?" BY MALLORY FACTOR

# HON. TIM SCOTT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

Mr. SCOTT of South Carolina. Mr. Speaker, I submit an article on behalf of Mallory Factor expressing his opinion regarding the need for significant reforms and spending cuts in spite of the social unrest they may cause.

"OCCUPY WALL STREET . . . NEXT STOP, ATHENS?"  $^{\prime\prime}$ 

[By Mallory Factor]

In the past few weeks Americans have watched with interest, bemusement and anger as protests and sit-ins on Wall Street have sparked similar demonstrations around the country. With vague goals of combating corporate greed and calls to rectify all manner of social and economic inequality, this movement seems, to the press at least, to

capture a mood of deep discontent among the American people.

But if you think a thousand protesters on Wall Street is a trouble sign for our nation, wait until you see the civil unrest that follows the reforms and cuts to government programs needed to bring our national debt under control. Just look at Greece, where government is being reformed, drastic cuts are being made—and the society is unraveling. In Greece a series of severe austerity measures has been imposed as conditions for recent bailouts by the International Monetary Fund and the other members of the single European currency, the euro. Yet the economy continues to spiral downward.

And with each new round of reforms in Greece, misery and unrest are on the rise. Strikes and angry street protests are a daily occurrence, as unions fight decreases in pay and benefits for their workers, students protest the lack of opportunity and ordinary citizens resist reforms and tax increases. The confrontation with authorities is impeding business and destroying tourism, deepening the crisis further.

Some of that struggle is for naught. The Greek government couldn't reduce austerity measures if it wanted to. Fiscal policy is now out of its hands and likely to remain so for decades, perhaps generations.

And while most Greeks agree the bloated state must be streamlined, they're stiffening their resistance to reform. That's why many in the euro zone believe Greece must default in order to rebuild a more efficient government.

America isn't in that predicament—yet. But there are cautionary lessons to be lifted from the outraged streets of Athens. As the Greek example shows, government largesse is easy to expand but difficult to cut back without inflaming people.

For years our politicians have framed increases to government benefits as compassionate and obligatory. Now all that overspending must be pared back and government programs reformed to curb the federal deficit. But each round of needed cuts and reforms will likely cause misery—in an amount substantially greater than the happiness generated by spending increases.

Behavioral economics, which uses social and psychological factors to predict a population's decision-making behavior, captures this paradox in two fundamental principles.

First, the principle of "loss aversion" explains that people hate to lose something more than they value receiving something. So, even if many Americans don't value existing government programs and spending very highly, they will likely be very unhappy about the loss of those same goods and services.

Second, even if you streamline our government and make programs more efficient, the "endowment effect" predicts that people will still oppose changes to the benefits they receive. This is because people tend to value the goods and services they have more than they do equivalent replacement goods and services. The endowment effect makes it very difficult to exchange existing benefits for new ones and thus to "reform" government programs.

Whether we cut spending and make reforms now or later, course correction will be difficult and even potentially dangerous to our nation's stability. Just look at the resistance of public employees in Wisconsin, Indiana and elsewhere to relatively minor cuts to see how people will contest vigorously any decreases to their benefits and programs.

Behavioral economics teaches us that any time we make changes and reduce government benefits and programs, we can expect people to be very upset about those decisions—and likely resist them. Still, we need significant reforms and deep cuts to put the U.S. on track toward a balanced budget.

Paring back government will undoubtedly cause misery and social dislocation. However, "death" by a thousand small cuts will intensify civil unrest and may produce revolutionary fervor unlike anything we've seen in America in our lifetime. Our nation will be better off by reforming our system radically, in a single dramatic turn, rather than piecemeal—or face something very like the furious streets of Athens.

RECOGNIZING THE 2011-2012 RECIPIENTS OF THE "IN HOPE FREEDOM RINGS FOUNDATION" SCHOLARSHIPS RECIPIENTS

# HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 1, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the recipients of the 2011–2012 "In Hope Freedom Rings Foundation" Scholarships.

Founded in 2005 by local businesswoman and former teacher Margo Friedman, the In Hope Freedom Rings Foundation (IHFR) provides 2 scholarships, each in the amount of \$10,000, to deserving Fairfax County Public Schools seniors. The scholarships are awarded based on academic excellence, financial need, extracurricular activities, and community service. Due to the generosity of its sponsors, IHFR has awarded \$130,000 to Fairfax County students in just 6 years.

I extend congratulations to the following recipients of the 2011–2012 In Hope Freedom Rings Foundation Scholarships:

Elizabeth Knippler, Chantilly High School Hanan Awel, Robert E. Lee High School

Fairfax County often is ranked as one of the best places in the country in which to live, work, and raise a family. Our exceptional public school system is a significant factor in this ranking and the success of public-private partnerships like IHFR between our local business community and our schools serves to enhance and strengthen not only the educational opportunities for our children but also our community as a whole.

Mr. Speaker, I ask that my colleagues join me in congratulating the 2011–2012 Scholarship awardees Elizabeth Knippler and Hanan Awel for their accomplishments and in thanking the In Hope Freedom Rings Foundation and their sponsors who have made these grants possible.

RECOGNIZING GLAUCOMA AWARENESS MONTH

# HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Mr. RANGEL. Mr. Speaker, I rise today as a founding Member of the Congressional

Glaucoma Caucus to recognize the importance of promoting awareness for the sight-stealing disease known as glaucoma. Glaucoma is the leading cause of preventable blindness in the United States, which currently afflicts 2.2 million Americans and over 60 million people worldwide. In addition to affecting the elderly who are commonly at risk, glaucoma is especially prevalent in black and Hispanic communities. Blacks are 17 times more likely to go blind from glaucoma, compared to whites of similar age.

Glaucoma, one of many eye diseases that can lead to blindness, is caused by damage to the optic nerve that sends images to the brain. The scariest aspect of this condition is that there are no perceivable symptoms or physical signs—hence referred to as the "silent thief of sight." Unfortunately, there is no cure for glaucoma yet

Fortunately, glaucoma can be treated early before it worsens by attending regular eyescreenings to detect symptoms. That is why the Congressional Glaucoma Caucus, a bipartisan coalition since its founding in 2000, is dedicated to advocating awareness and treatment across America. Thanks to the subsequent creation of our active partner in the field, the Friends of the Congressional Glaucoma Caucus Foundation, 10,000 free annual treatments are conducted nationwide with a percentage referred to follow-up specialists. The Foundation was originally funded by private sector grants, but its success now garners funding from government agencies like the Centers for Disease Control and Prevention.

I encourage my fellow Americans to take advantage of free screenings provided by the Foundation across this great nation. In Congress, I will continue to fight potential budget cuts that would obstruct advances in medical research directed at finding a cure for glaucoma.

H.R. 1148—STOCK ACT

# HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 1, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge our House leadership to schedule a vote on the Stop Trading on Congressional Knowledge Act, or "STOCK Act," filed by my friend and colleague Congressman WALZ of Minnesota. I am proud to be a cosponsor of this common-sense legislation, which would prohibit Members of Congress from profiting from the nonpublic information to which we are often privy

which we are often privy.

It is just plain common sense that we, as Members of Congress, should be held to the same standard as the American people we represent when it comes to insider trading. It is not right when a company executive does it, and it's not right when a Member of Congress

The fact that action has not been taken sooner to clearly prohibit a Member of Congress from acting for personal gain on such information is frankly shocking.

Over the past several months, the American people have been increasingly vocal that

enough is enough. It is high time for the Congress to come together to pass this bill and send a strong message that Congress should, and will, play by the same rules as everyone else.

Just as we have passed Wall Street reform in the 111th Congress; we must act now to ensure that the law is crystal clear when it comes to the activities of our own colleagues. Personal financial gain from non-public information cannot be tolerated.

In this very chamber last week, President Obama made special mention of his support for the STOCK Act, calling on Congress to "send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow."

Like many of my colleagues on both sides of the aisle, I have received countless calls and emails from my constituents urging the Congress to answer the President's call and bring debate of the STOCK Act to the House floor for a vote.

Congress must waste no time in coming together to pass this bill in a strong bipartisan fashion, and by doing so, restore the American people's trust in the integrity of the system, the democratic process, and their elected officials.

I urge our leadership in the House to respond to the President's call to action by following the Senate's lead in bringing the STOCK Act to the Floor for debate, and to schedule a vote on this sensible and responsible legislation.

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 2, 2012 may be found in the Daily Digest of today's RECORD.

# MEETINGS SCHEDULED FEBRUARY 3

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for January 2012.

210, Cannon Building

#### FEBRUARY 7

10 a.m.

Budget

To hold hearings to examine the outlook for United States monetary and fiscal policy.

SD-608

Foreign Relations

To hold hearings to examine the nominations of Larry Leon Palmer, of Georgia, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Phyllis Marie Powers, of Virginia, to be Ambassador to Republic of Nicaragua, Jonathan Don Farrar, of California, to be Ambassador to the Republic of Panama, and Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, all of the Department of State.

SD-419

Joint Economic Committee

To hold hearings to examine bolstering the economy, focusing on helping American families by reauthorizing the payroll tax cut and unemployment insurance (UI) benefits.

SH-216

2:30 p.m.

Foreign Relations

To hold hearings to examine the nomination of Nancy J. Powell, of Iowa, to be Ambassador to India, Department of State.

SD-419

Health, Education, Labor, and Pensions To hold hearings to examine accessible technology, focusing on challenges and opportunities.

SD-G50

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

### FEBRUARY 9

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Admiral Samuel J. Locklear III, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, and Lieutenant General Thomas Bostick, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers, and Commanding General, United States Army Corps of Engineers, both of the Department of Defense.

SD-G50

Energy and Natural Resources

To hold hearings to examine H.R. 1904, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and the Southeast Arizona Land Exchange and Conservation Act of 2009. SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Department of Justice's opinion on internet gaming, focusing on what's at stake for tribes. SD-628

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

### FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Pro-

SD-G50

### FEBRUARY 15

Time to be announced

Agriculture, Nutrition, and Forestry To hold hearings to examine energy and economic growth for rural America.

Room to be announced

### FEBRUARY 16

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States: with the possibility of a closed session in SVC-217 following the open session. SD-G50

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of En-

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country. SD-628

### FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345, Cannon Building

### FEBRUARY 29

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine strengthening conservation through the 2012 farm bill.

Room to be announced

10 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs.

SR-418

### MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

#### MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

### MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

SD-G50

### MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-106

### MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-G50

### MARCH 14

Time to be announced

Agriculture, Nutrition, and Forestry
To hold hearings to examine healthy food initiatives, local production, and nutrition

Room to be announced

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR-418

### MARCH 15

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

### MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

### MARCH 21

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine risk management and commodities in the 2012 farm bill.

Room to be announced

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

# MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Para-

lyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

### MARCH 28

10 a.m

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims

SR-418

# SENATE—Thursday, February 2, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable Tom UDALL, a Senator from the State of New Mexico.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Joseph Vought, senior pastor of Community Lutheran Church in Sterling. VA.

The guest Chaplain offered the following prayer:

Let us pray.

God of grace and glory, in whom all righteousness, peace, and goodness are found, You have created us in Your image, given us a world of good gifts and the blessing of this land we call home.

Send Your spirit of wisdom, discernment, and grace to these elected servants. Take away any fear or prejudice that may keep them from civil discourse, good will, and mutual endeavor. Remind them of their calling to serve, and inspire them to make decisions which promote the common good, ensure justice and liberty for all, and make this Nation a beacon of hope for the world.

In Your holy Name we pray. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable Tom UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11 a.m. this morning. The majority will control the first half and the Republicans the second half. Following morning business, the Senate will resume consideration of the STOCK Act. We worked very hard until late in the evening last night to try to come up with an agreement to complete action on this bill. We will notify Senators when those votes are scheduled. We hope that can be done.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

### AMERICAN BUSINESSES

Mr. DURBIN. Mr. President, over the last several months, I put my staff on a little mission. I asked them to identify manufacturing companies in my home State of Illinois that have not only weathered this recession but are doing well and are hiring. I wanted to meet with these companies and find out why the recession has treated them differently, particularly when it comes to manufacturing jobs. I have been

pleasantly surprised at how many businesses I have found to be in that condition in my State. Not to understate our unemployment rate or the impact of the recession on many businesses, the fact is there are some that have not only weathered the storm but are doing quite well, and they represent a variety of different goods that they manufacture.

The heartening and encouraging news is that we are hearing more often that companies have decided to resource their jobs back to the United States. In his State of the Union Address, the President spoke of one such company, Master Lock, located in Milwaukee, WI, which he noted has now announced that they think America is the best place to make products and do business. That is a good trend we want to encourage.

We know we have lost a goodly share of manufacturing jobs over the last several years. In the year 2000, more than 17 million Americans were employed in manufacturing. Ten years later, the number had fallen to 11.5 million—from 17 million to 11.5 million. More than 300 of those jobs were lost in my home State of Illinois in that decade, from 2000 to 2010.

But American manufacturing is growing again. One of the real good news stories is Chrysler. I am sure the Presiding Officer remembers the controversy when General Motors and Chrysler faced bankruptcy and the possibility of literally going out of business. In my lifetime, other car manufacturers have gone out of business. The President decided—and rightly so—that we could not afford to lose those jobs. So we engineered a loan with General Motors and Chrysler, premised on their changing the way they did business.

Many critics said that was the wrong thing to do, the capitalist purists who were saying: No, no, these things happen. Companies go away, and new companies emerge; General Motors and Chrysler should be allowed to go gently into the night.

President Obama disagreed. Many of us disagreed. And he put a downpayment on the future of the American automobile industry which has paid off handsomely. Just this last week, the major auto manufacturers—Ford, Chrysler—announced recordbreaking profits. They have restructured. They are selling a better product, they are doing it in a better way, and they are now competitive. The American people are buying their products. General Motors has come back strong.

Just by way of comparison, I recently read that if you look at the

total number of employees in certain companies, it gives you an idea of why some have more value overall to the economy than others. We all know Facebook. We hear about it all the time. When somebody asks to take my picture, I laughingly say: Do you promise you will put it on Facebook? And they laugh out loud because that is exactly what they are going to do, instantaneously. Facebook has about 3,000 employees in America. We all know Google. We use it every day—I do-to find information and to access different sites. Google has about 30.000 employees in the United States. How many employees are there in General Motors' direct employment? A hundred thousand.

When the President said that we need to invest in the automobile industry, it was a decision based on the need for good-paying jobs right here in America. Well, I can tell you, when it comes to Chrysler, it was an investment that paid off for my home State of Illinois. This week, Chrysler is announcing that it will be adding 1,600 manufacturing jobs at its plant in Belvidere, IL. I was encouraged when I met with the CEO of Chrysler and he said it is one of the most efficient and cost-productive plants in all of Chrysler Corporation, and it should be expanded.

In November, Caterpillar, the largest exporter in my State, the largest manufacturer, announced a \$600 million investment in its plants in Decatur and Peoria, IL, and they are going to bring back hundreds of jobs to our area.

American companies are beginning to realize that manufacturing products right here in the United States can be profitable again. That is good news for Illinois and good news for America. Manufacturing was the backbone of the American economy for decades. We may never see it return to its heyday, but we should take steps to strengthen it.

In the State of the Union Address, President Obama laid out a number of key steps to boost manufacturing and ensure that more products have these three key words: "Made in America."

The President's proposal builds on legislation that I introduced personally in 2010 to reduce the tax benefits that companies can claim when they close factories here in the United States. Hard as it may be to believe, the Tax Code rewards and compensates those companies that decide to close down manufacturing in the United States and move it overseas. The Tax Code currently allows companies moving operations overseas to deduct their moving expenses and reduce their taxes in the United States as a result. It is a direct subsidy to move a job overseas. It is just common sense that taxpayers should not be helping companies cover the cost of outsourcing jobs.

The President is also taking important steps to encourage insourcing—

when companies close operations overseas and move jobs back to the United States. Specifically, the President is calling for a 20-percent income tax credit for the expenses of moving operations back into the United States to help companies bring jobs home.

He also proposed a new credit for investments that help finance projects in communities that have suffered a major job loss event, and every one of our States has one. It might be the steel mill in Hennepin, IL, the tool manufacturers in Sterling-Rock Falls, the appliance factory in Galesburg, or the farm equipment factory in Canton, IL. Too many communities have suffered dramatic layoffs when plants have shut down over the last several decades. We have all seen the stories. We have all met the people who have seen their lives changed dramatically because of those decisions. Without new investment, many of these communities will continue to struggle.

The tide is starting to turn for American manufacturing, but we can do more to make growth in that sector stronger and faster. We may never return to the forties and fifties, but there are some things we can do. One of the things I found interesting as I visited these plants that were trying to hire people in manufacturing was the obstacles they were running into.

We have a State with a lot of unemployment, over 8 percent. In some parts of the State, it is over 10 percent. You wonder how in the world with so many people out of work there would be good-paying jobs unfilled. It turns out, I found, as I traveled around the State, those in manufacturing who want to hire new employees run into three obstacles

The first obstacle is that people applying for a job don't have the skills necessary to work in manufacturing today. Those who have not seen it personally may not know what manufacturing looks like today. It is much different than the image of 30, 40 years ago. The plants themselves are much cleaner operations, and most of them are computer driven. Unlike the old days of steam and dirt in every direction, those aren't the manufacturing plants of today, in many instances, across America.

What they are looking for in applicants for industrial maintenance, for example, which is a major area of need as baby boomers age out and retire—industrial maintenance requires that the applicant have more than a passing knowledge of mathematics and computers. If they don't, frankly, they are walking into an environment where they cannot be of much help.

In some areas—in Danville, for example—a local manufacturer is teaming up with the Danville Community College to take those who don't possess the right math and computer skills and train them at the expense of the com-

pany so they can go to work. The same is true in my State over and over again. The community college links up with the manufacturing concern and starts training employees so they will be ready to fill the jobs, at the expense of the company.

The second obstacle is a psychological one which I hadn't thought about. It turns out that many parents, when the son says they are hiring at such-and-such a business, will say: Wait a minute. I didn't want you to grow up working in a factory like your dad. I wanted you to have a job where you wear a coat and tie. Didn't you go to community college? You ought to do better than that. It turns out there is a prejudice against working in factories, even though, as I said, they are much different and the compensation is much better than some other alternatives. They are having open houses at many factories in Illinois so families and high school counselors can see what they look like and see that they are not the image they might have in their mind

The third obstacle is one that is very practical. Before an employer would put an employee in charge of a multimillion-dollar, computer-driven manufacturing process, they would want to make sure the employee is not only skilled but sober. That means drug tests. Many of these would-be applicants for manufacturing jobs fail drug tests time and again. Why? They have grown up in a generation that says marijuana doesn't count, and they are wrong. Or they are engaged in other drugs. They just cannot expect to be taken seriously as a job applicant if they cannot pass a drug test. They will not get through the front door.

Those three things—basic skill and training, attitudes of families toward jobs in manufacturing, and the drug tests—have turned out to be the three obstacles that have been raised time and again all across Illinois. But we can overcome each one of them, and we should. We can fill these jobs, good American jobs, with skilled set people who can produce for this country for many years to come.

### CITIZENS UNITED

Mr. DURBIN. Mr. President, this year's political campaigns are different than just 2 years ago. There is a dramatic infusion of money from so-called super PACs. Now we are starting to learn the identity of those who were behind it. Just yesterday there were disclosures about some of the contributors. Many of the names are familiarthe same very wealthy people who have, time and again, been engaged in our political process. The new approach, of course, is that there is no limitation in what they can spend. In addition, there is little disclosure on a timely basis.

There are a lot of reasons for that. One of them is the Supreme Court decision in Citizens United. It may be as flawed a decision as that Court has ever made: to equate corporations and special interest groups with average Americans when it comes to our political process and say speech is money, money is speech, and say, basically, there are no rules or limits in terms of what a special interest group or a corporation can spend in our political process.

I cannot think of a more corrupting influence. We know politics and campaigns have become more expensive in this country every year. Those of us who are engaged in this business have. over our political lifetimes, seen a dramatic evolution in terms of how money is raised and spent. I can recall, in my first race in 1982 for the U.S. House of Representatives, raising and spending what was then almost a record amount in a House race against an incumbent Congressman of \$800,000. It was a huge amount of money then, as I said, one of the most expensive congressional races to date. I waited anxiously for a \$25,000 check from the Democratic National Campaign Committee they had promised, but it never showed up. But \$25,000 was a big deal.

Look where we are today. It is not unusual for candidates for Congress and the Senate to spend millions of dollars routinely in electing and reelecting Members of the House of Representatives. On our side of the Rotunda just dramatically increase those numbers, and you will see the basic political field we play on in political campaigns.

The Citizens United decision was a step in the wrong direction. It wasn't that long ago when two of our own—a Republican, JOHN MCCAIN, and a Democrat, Russ Feingold of Wisconsin—teamed up to end soft money in politics and to try to bring down the infusion of money from outside interests. They took years to reach their goal. Finally, when they did, after being challenged in court, they were picked away at over the years, and now with Citizens United, they have been toppled completely. Now the field is wide open.

Whether we are talking about the need to reduce the deficit, reform the Tax Code, create jobs, most everybody knows different parties have different ideas. What many people don't know is that there are special interest groups that have their own agenda and ideas on these and so many other issues. It is just hard for Presidential candidates and Members of Congress to navigate through or around the special interests that have now become such an integral part of campaigns. The major donors in the Citizen United decision are a major force in American politics.

I believe the overwhelming majority of people serving in the House and Senate in both parties are honest and hard-working people. I believe they are guided by good intentions. We are nonetheless stuck in a terrible, corrupting campaign financing system. That decision by the Supreme Court 2 years ago made our system so much worse that I think the only thing that can save it—literally save it so our democracy is protected—is a dramatic change.

After Citizens United, corporations and unions can spend as much money as they want to influence the Presidential race, as well as congressional elections, and the Federal and State and local elections as well. In 2010, for the first time ever, spending on House and Senate races exceeded \$1.6 billion. Outside groups spent 335 percent more on congressional campaigns than just 4 vears earlier. Those numbers are still like a drop in the bucket compared to this year, this election cycle. The super PAC money is being used, as we have seen in the Republican Presidential primary, to fund negative, deceptive ads in support of candidates who are loosely, albeit not officially or formally, connected to those running super PACs.

I think of the situation with former Speaker of the House Gingrich. One man and his wife have literally financed Gingrich's campaign in two States, with \$5 million contributions in each of those States, as I understand it. That, to me, is a corruption of the process. You can bet that big business isn't going to be shy about engaging in the Citizens United strategy of spending money to influence the outcome of elections, and you can bet it will impact those of us who serve in the Senate and House. We know every single day as we vote, there is the potential for some special interest group out there deciding that is the breaking point: that from that point forward they will do everything in their power to defeat us, and they can spend as much as they want to get the job done. It is a humbling, sobering reality from the Citizens United decision.

Well, there is an alternative. One is a resolution that has been offered by the Presiding Officer, which I am cosponsoring. That is a constitutional amendment that would reverse Citizens United. We all know how uphill that struggle will be, but at least we have staked out a position to say we have to overturn this decision; we have to go back to the days of accountability and manageability when it comes to financing campaigns. I applaud the Presiding Officer, the Senator from New Mexico, for his leadership on that issue.

There is another issue too, one that I think we should continue to bring up and discuss. It is called Fair Elections Now. The Fair Elections Now Act is a bill that I have introduced in many Congresses. It would dramatically change the way congressional cam-

paigns are funded. It would make super PACs irrelevant. The bill would allow candidates to focus on the needs of the people they represent regardless of whether those people are wealthy or whether they donate to a super PAC, attend a fundraiser, or try to find special access to a candidate.

Candidates in the fair election system would not need a penny from special interest lobbyists or corporations to run their campaigns. Under this system, qualified candidates for Congress-and to qualify, they would need to raise small contributions in volume in the State they are running in—those qualified candidates would receive grants, matching funds, and television broadcasting vouchers from the fair elections fund to help them run competitive campaigns. In return, candidates who voluntarily participate in the fair election system would agree to only accept campaign donations from small-dollar donors in their States.

We pay for the fund by asking businesses that earn more than \$10 million a year in Federal contracts to pay a fee of one-half of 1 percent, with a maximum amount of \$500,000 per year. That would fund it, and it would make certain that under the fair election system we would have public financing and we would put it into this money chase that I believe is not only corrupting our campaign system but could someday corrupt the very government we are proud of and represent as elected officials.

It is time to reform our system. I am afraid, as I said in one gathering recently, if you are a student of history, it takes a massive scandal or crisis to create a massive reform. I hope that doesn't happen. I hope we have the good sense to move toward reform without that happening. In the meantime, what is happening to our political system is not in the best interest of democracy.

If the average person who is not wealthy cannot even consider the possibility of being a candidate for Congress without the backing of huge special interest groups or without their own personal wealth, then we have lost something. A lot of us who got engaged in public life many years ago might never have considered it under today's rules because it is so expensive and overwhelming. Any person who now steps up and says they are ready to run for Congress or the Senate is introduced quickly to what is known as the "Power Hour"—dialing for dollars. We sit them down in a chair and they get on the phone and call this list and beg every person they can reach for at least \$2.300, \$2.500. And they keep calling until the Sun goes down, and they start again the next day.

There was a time when many of these candidates would not be sitting talking to the wealthiest givers in America but would be out in their States and districts talking to the people whose

needs they ought to appreciate. That time has changed. We can change it back. We need to have the support of the American public and the political will in both political parties to achieve it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I ask the President to notify me when I have used 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

### RECESS APPOINTMENTS

Mr. ALEXANDER. Mr. President, last week we Republican Senators had an extraordinary experience that millions of Americans have had and will have in the future: We spent a day at Mount Vernon, George Washington's home, which is not more than about 40 minutes from the Nation's Capital.

Even in the middle of winter, it is a beautiful, historic setting. It is hard to imagine why George Washington and Martha Washington would ever want to leave the place.

Touring the rooms, we could imagine what life must have been like then. There are many things that impress any of us when we visit there.

One thing that especially impressed me was the fact that, despite the beauty of the place and Washington's love for farming, he was gone from Mount Vernon for 8½ years during the Revolutionary War. He never went home; he was always in the war. Even when he was President of the United States for 8 years, he was only at Mount Vernon 10 times during those 8 years; and after the Presidency, of course, he soon died. So he gave up quite a bit to be President of the United States.

There were other things that impressed me about our visit to Mount Vernon. One was the reminder that our Revolution was a revolution against a King. George Washington, as commander in chief of the Continental Army, led a fight for independence from a King whom the signers of the Declaration of Independence stated, had a "History of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States."

Those were our Revolutionary Founders talking. As President of the Philadelphia Convention, George Washington presided over the writing of the U.S. Constitution which emphasizes, if it emphasizes any one word, the idea of

"liberty" in creating the system of government we enjoy today.

Then there was another aspect to George Washington of which we were reminded which would be good for us to think about today and that was his modesty and restraint.

George Washington must have had remarkable presence. He never had to say very much, apparently, to command the attention and respect of his countrymen. He likely could have been general of the Army as long as he wished and President of the United States as long as he wished, but he chose not to do that.

It was he who first asked to be called simply Mr. President, rather than some grand title. It was Washington who gave up his commission when the war was over, and it was Washington who stepped down after two terms and went home to Mount Vernon. In fact, that aspect of his character was imprinted upon the American character, that modesty and restraint on the part of the executive branch and a recognition that our system depends absolutely on checks and balances.

I am struck by that attitude and the different attitude I see in the administration of President Obama, which has shown disregard for those checks and balances and the limits on Presidential power that our Founders and George Washington felt were so important.

This administration, over 3 years, has been arrogating more power to the executive branch of government and upsetting the delicate balance, which the Founders created for the purpose of—what? For the purpose of guaranteeing to each of us as individuals the maximum amount of liberty.

I remember Senator Byrd saying time and time again that the purpose of the Senate, more than anything else, was a restraint upon the tyranny of the executive branch of government. That is our purpose as a Senate.

This President's Executive excesses were first illustrated by the creation of more czars than the Romanovs had.

We have always had some so-called czars in the White House—the drug czar, for example. But now we have approximately three dozen of them. These czars duplicate and dilute the responsibilities of Cabinet members; they make it harder for the Congress, us, to have a supervisory role over exactly what they are doing. It is not only antidemocratic, it is a poor way to manage the government.

Equally disturbing to me has been this administration's use of regulation and litigation to bypass the Congress and the will of the people when the Congress has a different point of view.

For example, this was the case with the National Labor Relations Board and their decision in the Boeing case; which has now been apparently resolved but which was an enormous—an enormous abuse of power, in my opinion. Then the President is taking to blaming almost everyone for the problems we see in our lives today: First, it was President Bush, then it was the banks, then it was business, then it was the insurance companies, then it was Wall Street, then it was 1 percent of us, and now it is the Congress, which of course is in a government that is primarily run by the President's own political party.

The President has taken to saying in his campaign speeches and his State of the Union Address the other day, "If Congress won't act, I will," and he has begun to show that is no idle threat.

Because now, on top of these other abuses, with his recent appointments to the National Labor Relations Board and the Director of the Consumer Financial Protection Bureau to head a new and unaccountable agency, the president has undermined the checks and balances that were placed in our Constitution and that George Washington so respected.

This Senate has always been the place—whether it was a Democratic Senate arguing about the appropriateness of President Bush using war powers, this Senate has always been the place that has insisted upon checks and balances and the liberty of the people as guaranteed by those checks and balances.

The President's recent actions have shown disregard for possibly the best known and possibly most important role of the Senate and that is its power of advice and consent of executive and judicial nominations as outlined in Article II, Section 2 of the Constitution.

These actions, four appointments during a period of time when the Senate, in my opinion, was in session, fly in the face of the principle of separation of powers and the concepts of checks and balances against an imperial President.

Let's look for a moment at the history and precedents of recess appointments. The exact length required for a recess is not defined in the Constitution, but according to the Congressional Research Service "it appears that no President, at least in the modern era, has made an intra-session recess appointment during a recess of less than 10 days."

Both parties have relied upon the adjournment clause in Article I of the Constitution to argue that the absolute minimum recess period would conceivably be 3 days.

We can also look at the number of recess appointments made by recent Presidents. As of January 23 of this year, President Obama had made 32 recess appointments, all to full-time positions. At the same point in time in his first term, President Clinton had made nine recess appointments to full-time positions. President Bush, at about the same time, had made 35.

So they all made recess appointments—appointments while the Senate

was in recess. That is provided for specifically in the Constitution as something the President could do. But President Clinton never did it when Congress was in session for less than 10 days. President Bush never did it when Congress was in recess for shorter than 11 days. Now, unfortunately, President Obama has broken that precedent and made 4 appointments when we were in a period of less than 3 days.

Why is that important? In 2007, the current majority leader of the Senate, HARRY REID, decided the Senate did not want President Bush making recess appointments; that is, making appointments while the Senate wasn't in session. So the Senate refused at that time to enter into prolonged recesses. They invented the idea of pro forma recesses every 3 days. President Bush strenuously objected to that, but he respected that. He respected the constitutional authority of the Senate under article I, section 5 to determine when the Senate is in session.

On November 16, 2007, Senator REID said: "With the Thanksgiving break looming, the administration has informed me that they would make several recess appointments."

Senator REID didn't like the idea of recess appointments any more than we do. So he said: "As a result, I am keeping the Senate in pro forma to prevent recess appointments until we get back on track."

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. ALEXANDER. I thank the Chair and ask to be notified when I have consumed 3 minutes more.

On November 16, 2007, Senator Reid said:

As a result, I am keeping the Senate in proforma to prevent recess appointments until we get this process back on track."

And on July, 28, 2008 he said: "We don't need a vote to recess. We will just be in pro forma session. We will tell the House to do the same thing."

The President is restricted, as Senator REID indicated, by article I section 5 of the Constitution, which states that "neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting."

Last December when the House and Senate agreed to adjourn, the Speaker—a Republican—and the majority leader here—a Democrat—agreed the two Chambers would hold pro forma sessions for the express purpose of not going into recess. Yet the President went ahead and made his appointments. This is a dangerous trend. It is a dangerous trend.

The major issue before our country is the Obama economy. That is what we will be talking about more than anything else in an election year. But liberty is the defining aspect of our American character. If the President's current actions were to stand as a precedent, the Senate may very well find that when it takes a break for lunch, when it comes back, the country has a new Supreme Court Justice.

Because we believe in the importance of that constitutional system, all of us on the Republican side insist on a full and complete debate on this issue. We intend to take this issue to the American people. We will file amicus curiae briefs in all of the appropriate courts and we will take this issue to the most important court in the land and that is the court of the American people on election day.

I do not suggest that the President will find, or even should find, his relationship with Congress to be easy or simple. George Washington did not. President Washington once came up here to discuss a treaty with Senators and became so angry that he said, and this is Washington's word, he'd be "damned" if he ever went there again.

The separation of powers does not mean an easy distribution of powers but it is essential to the American character. We should remember that. A short trip to Mount Vernon would remind us of that. The President's recess appointments not only show disregard for the Constitution, they show disregard for every individual American who chooses liberty over tyranny, President over King.

I yield the floor.

# REPEAL THE CLASS ACT

Mr. THUNE. Mr. President, I come to the floor today to laud the actions of the House of Representatives which voted to repeal the CLASS long-term care entitlement program that was created by the health care law. The vote yesterday in the House of Representatives was 267 in favor of repeal. It was a bipartisan vote. It was a clear, I think, message that this is a piece of legislation that needs to be taken off the books.

It was a disaster in the making from the very beginning. Many of us tried to predict that ultimately this program was destined to fail. The vote in the House of Representatives yesterday to repeal this insolvent program I hope will pave the way for the Senate to follow suit. My fear has been all along that if we do not get this program off the books, at some point there will be an attempt to resurrect it. That would be the absolute worst outcome and worst scenario for the American taxpayer because this is a program that, even before it was voted on and added to the health care bill, was predicted would fail.

The Congressional Budget Office said it would run deficits in the outyears. The Actuary at the Health and Human Services Department predicted that this was a program that actuarially was unsound, could not be viable in the long run. It was here in the last few months that finally the Secretary of Health and Human Services, Kathleen Sebelius, came out and said, "I do not see a viable path forward for CLASS implementation."

That was a statement she made back in the middle of October. So even the person who was tasked with implementing this program has now said there is no viable path forward for CLASS.

We ought to get this off the books. It was, in fact, a pay-for in the health care bill. It was designed to help understate the cost of the health care bill. It front-end-loaded premiums, got revenue in the door early, knowing full well that when the demands for payments came later on that it was going to be upside down, and it was clearly a program that I think, by any account, all who observed this process closely knew just flat out this would not work. But what was done—it obscured the cost of the health care bill and helped it to sort of balance out because it was front-end loaded, saw revenues come in in the early years before payments would have to go out in the outyears.

I am hopeful the Senate will take the action that was taken by the House of Representatives and end this once and for all. We have people on both sides of the aisle who have come to that conclusion. There was a lot of debate, even in the runup, the lead-up to the health care bill, about how this would not work. I offered an amendment during the health care debate to strip it. We had 10 Democrats at the time who voted with me on that amendment. Many of them made statements regarding this legislation and the implications if it were to pass. In fact, the Senator from North Dakota, the chairman of the Senate Budget Committee, said at the time that this is "a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of."

He vowed to block its inclusion in the Senate bill. It ended up in the Senate bill and ended up in the overall bill, so to this day it is still a part of the health care legislation but a part that needs to be stripped out if we are going to do what is in the best interests of the American taxpayer and not put yet another unfunded liability on the backs of our children and grand-children.

We have a lot of bipartisan support for repealing it. There are a lot of people who have weighed in against this, who know it will not work. We have an awful lot of outside interests as well who have observed, now, that this is not something that is sustainable over time. In fact, a lot of editorial pages around the country, newspapers have weighed in on this. The Washington Post:

to pretend the health reform is fully paid for.

That is something they said back when this was being debated.

The Wall Street Journal:

Known by the acronym CLASS, the longterm care insurance program for nursing homes and the like was grafted onto the health-care bill mostly to hide that bill's true costs.

It has been described as "a budgetary time bomb.'

It seems to make perfect sense to me, and I hope to many of my colleagues, that we take the steps necessary to get this program off the books once and for all. In trying to justify this, there are people who say we ought to keep it on the books in case we figure out a way to go forward with it, to implement it. It does not work. It cannot work. That has been known from the very outset.

I want to mention something else the Actuary, Rick Foster, said prior to it being voted on. He said:

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

I want to repeat that. This is from the person who studies the trends and makes sure, or tries to make sure. these programs are actuarially sound.

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

That was the warning that was issued way before the vote ever occurred on the CLASS Act.

He described it as "... a classic 'assessment spiral' or 'insurance death spiral.'" Those are words he used to de-

The program is intended to be "actuarially" sound but at first glance this goal may be impossible.

These were all statements made by the Actuary.

Those of us who were here at the time and were concerned about this being included in the health care bill came to the floor and, as I said, I offered an amendment to strip it. It came close to getting the necessary votes but unfortunately came short. It had broad bipartisan support but we recognized at the time this thing was destined to fail. Now we have all this, the studies that have been done since, that validate that by the objective thirdparty validators, if you will, by the HHS Actuary.

It seems to me at least that the American taxpayers, the American people deserve to know where their elected officials stand on the CLASS Act. Are they for keeping this unviable, insolvent, actuarially unsound provision in the health care bill, which now even those who are tasked with implementing it—the Health and Human Services Secretary, Kathleen Sebelius—have said there is no viable path forward for its implementation?

... a new gimmick that has been designed. Are we going to continue to keep this know why a venture capitalist who around? Or are we going to have a vote here in the Senate to put an end to this once and for all?

I hope the majority leader. Senator REID, will allow us to get this up for a vote. It has been passed in the House of Representatives. It is very clear based on not only all the actuarial evidence but all those who have looked at it who are tasked with trying to put it into practice that it is not going to work. I hope before this goes any further we will get a vote here in the Senate that will echo what happened in the House of Representatives and that we will do the right thing by the American taxpayer and get rid of a program that, if it ever is resurrected, if it ever is reincarnated in some form, would be a terrible drain on American taxpayers, not only today but well into the future. and represent yet another unfunded liability that we will put on the backs of our children and grandchildren. It is time to end the CLASS Act once and for all.

I am going to continue to press for a vote on this and I hope Majority Leader Reid will allow us to get a vote on repeal of the CLASS Act so the American people do know exactly where their elected officials stand and whether they are going to stand on the side of the taxpayer, stand on the side of common sense, or stand on the side of using this budgetary gimmick to understate the cost of the health care bill and perhaps at some point in the future put a plan in place that literally is not going to work, is only going to continue to lead us on the pathway to bankruptcy.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

# RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### THE STOCK ACT

Mr. McCONNELL. Mr. President, I think it is pretty clear at this point that there is broad bipartisan support for legislation that provides greater transparency in Congress. The more important question at this point is whether the executive branch is willing to play by the same rules. I mean, I think a lot of people out there want to raised hundreds of thousands of dollars for the President, only to end up overseeing the administration's green energy loan program, should not be held to the same high standard as others. Shouldn't the President's Chief of Staff be held to the same standard as a legislative director to a freshman Senator?

Let's be honest, people are equally, if not more, concerned about the kind of cronyism they keep reading about over at the White House and within the executive branch agencies such as the Department of Energy that it controls. There is no question that Congress should be held to a high standard, but if we are going to pass new standards here, the same standards should apply to the White House and to the executive agencies that spend hundreds of billions of dollars of taxpayer money at the President's direction.

That leads to a larger point, which is this: As long as the White House and the agencies it controls continue to play favorites, this economy will never fully recover and the playing field won't ever be level. As long as Washington has this much say over the direction of the economy, people won't ever feel they are getting a fair shake. So, yes, let's hold Congress to a high standard, but the White House must be held to the very same standard.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. GRAHAM. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Please let me know when 5 minutes elapses. I will try to keep my comments short.

### CLASS ACT REPEAL

Mr. GRAHAM. Mr. President. the topic I wish to address is the CLASS Act repeal being taken up by the House. I understand the HHS Secretary has indicated that from her point of view the CLASS Act will not work, and this is music to my ears.

During the Obama health care debate, one of the revenue raisers was the CLASS Act wherein the Federal Government would be in the long-term health care insurance business and, supposedly, would collect premiums over a decade that would allow something like \$80 billion in revenue that would help pay for Obama health care. However, eventually we would have to honor the payments due to the people on the program.

Senator Conrad from North Dakota called the CLASS Act a Ponzi scheme of the first order because what we would be doing under the program is collecting premiums for an insurance product and using the money to help pay for Obama health care. So when people are ready to get the services they have paid for, there would be no money in the program to pay them because it was used to offset Obama health care costs. It is just not a practical idea. The costs would explode over time. There would be adverse selection. So it was an ill-conceived idea.

The House is going to repeal it. The HHS Secretary said they would not implement the program. I hope the Senate will allow repeal so we can take it off the table and it is a reason for the Congress to revisit the Affordable Health Care Act, Obama health care, because one of the components of the legislation relied upon the revenue to be collected by the CLASS Act to offset the cost of Obama health care, trying to make it deficit neutral. That is no longer a viable option. The money to be collected by the CLASS Act is never going to happen. So that money cannot be used to make the legislation deficit neutral.

This is a chance for the Senate, working with the House, to repeal the program. I think it would be wise for us all to sit down and try to reevaluate what does this mean in terms of the viability of the Affordable Health Care Act because the assumptions made by the CLASS Act are never going to come true.

I have been working with Senator Thune for a very long time to keep this program from coming about. I would like to say this is a bipartisan moment, where we have stopped a program that would have a devastating effect long term on the country's finances and would do very little to improve health care.

I wish to, one, congratulate the HHS Secretary for understanding this program is unsound. I would like to make sure it is repealed, and I think Congress should be the body to do that. But this is good news for the taxpayer. It is good news for the country as a whole that we are not going to allow a program to be created that is unsustainable, that is going to add to the debt and do very little to take care of our health care needs. It was a Ponzi scheme. It is a Ponzi scheme that needs to be buried politically, as soon as possible.

I look forward to taking up the House-passed legislation. I hope we can get bipartisan support in the Senate to make sure what HHS Secretary Sebelius said never happens, that the CLASS Act never becomes reality because it is an unsound, unwise, poorly constructed program, and this is a chance for the Senate to come together and do something about it with our House colleagues.

With that, I yield the floor and suggest the absence of a quorum.

of the Senate, to take action without delay, to work with our colleagues in

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I note the presence on the floor of the distinguished Senator from Delaware, to whom I am pleased to yield.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I thank Senator LIEBERMAN.

I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

# REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. COONS. Mr. President, I rise to speak on behalf of tens of thousands of Delawareans affected by domestic violence each year, as well as their families, their friends, and their allies across our State and our country.

Just a few minutes ago, my colleagues on the Senate Judiciary Committee took up the reauthorization of the Violence Against Women Act. It has earned strong bipartisan support through the nearly two decades since its original passage, and it was voted out earlier today.

Law enforcement agencies across this country are counting on us to move forward with the Violence Against Women Act reauthorization, depending on the training and the resources to advocate for victims and to provide critical and lifesaving interventions that it funds.

As I asked for input from Delawareans in the last few weeks, one of the hundreds who took the time to write or call my office in strong support of the reauthorization of VAWA was a former New Castle County police officer. He e-mailed me to tell me he had seen firsthand that dedicated resources and innovative policing methods made possible by VAWA made a real difference in combating these types of crimes and improving the lives of victims.

The Violence Against Women Act has been extraordinarily effective, with the annual incidence of domestic violence falling by more than 50 percent since it was first passed. Yet we still have so fonte on

Just this week, I heard from hundreds of constituents in Delaware for whom this legislation has a deep and resounding importance. From young women in their twenties to senior citizens, Delawareans from all walks of life have reached out to ask us, as Members

of the Senate, to take action without delay, to work with our colleagues in the House, and to reauthorize this most important bill.

Paul from Yorklyn, DE, wrote to say that as a father of two young daughters, he worries that if the Violence Against Women Act is not reauthorized, then victims of sexual assault will once again be subject to two traumas—first, horrific attacks and, second, trying to pursue justice against their attackers.

Linda from New Castle, DE, had the courage to write me personally and say:

First of all, I am a victim and I am not ashamed to say that [today].

Linda's willingness to lift the cloud of fear and shame that for so long enveloped victims of domestic and dating violence is brave and important in that she was able and willing to do that, but she also highlights the ongoing challenges we face. She described her hesitation to discuss abuse out loud and stressed the importance of talking about these crimes in the open in order to break what she called the generational curse.

As a son, as a husband, as a father, I too am deeply concerned about this curse that has moved from generation to generation and has affected families all throughout this country's history.

Evils such as domestic violence thrive in darkness. The Violence Against Women Act is a spotlight, and it deserves to be strengthened and sustained by this Senate today and this year.

The Violence Against Women Act requires reauthorization every 5 years. This signifies a belief that protecting victims of domestic and dating violence is so important that we must revisit it to make sure we are getting it right.

Each time we go through the process of reauthorizing this bill, we learn more about what is needed. This time around, that process, I believe, has resulted in several critical enhancements; first, by bolstering the tools available to law enforcement. Along with my friend and colleague Senator BLUNT, I cochair the Senate Law Enforcement Caucus. I am determined to ensure local agencies have the tools they need to support victims and to prosecute abusers. This reauthorization will do just that.

Second, our review made clear that perpetrators find their victims throughout our society without regard for sexual orientation or gender identity. So the reauthorization that was passed out of the Judiciary Committee just earlier today addresses that challenge by making this the very first Federal grant program to explicitly state that grant recipients cannot discriminate on the basis of a victim's status. Whether they are or are not a member of the LGBT community

should be irrelevant to whether they are able to access the vital services funded by the VAWA.

Finally, this reauthorization recognizes our current difficult fiscal situation as a country and promotes accountability to make sure these dollars are well spent. It reduces authorization levels while protecting the programs which have been most successful. This VAWA reauthorization merges 13 existing programs into 4 streamlined and consolidated programs. This will prevent wasted time and effort and make the application and administrative processes more efficient.

I am honored to be joined today by an old and dear friend, a former countywide-elected official, Paulette Moore, now vice president of public policy for the National Network to End Domestic Violence. I am grateful to my dear friend Carol Post, who leads the Delaware Coalition Against Domestic Violence, and my friend Amy Barasch, a tireless advocate in the ongoing efforts to bring to light the challenges of domestic violence in the State of New York.

There are folks all across this country who turn to this task week in and week out. It is long and tiring and difficult work, but it is uplifting because it is part of making this a more just, more safe, and more secure nation.

It is important for me to note that. unfortunately, some of my colleagues on the other side of the aisle see the enhancements I just referred to in this reauthorization as a reason to abandon their long-term support for it, even though they have been strong backers of VAWA in the past. In fact, the vote we just took in the Judiciary Committee was 10 to 8. It only narrowly passed. I hope our friends on the other side of the aisle will review the details of these changes one more time and see their way clear to join us in this effort to strengthen and sustain the Violence Against Women Act. It is and should remain a bipartisan bill and a bipartisan effort.

My predecessor in this seat, our great Vice President, Joe Biden of Delaware, took an absolutely central leadership role in writing and passing the first Violence Against Women Act in one of the most enduring legacies of his 36-year Senate career, representing Delaware and advocating for women all over this country.

His efforts broke barriers and laid the groundwork for this current bill. But it is up to all of us to keep pushing tirelessly for Federal, State, and local governments to do more to save lives and to serve victims.

I urge my colleagues to come together and promptly pass the reauthorization of the Violence Against Women Act. Thank you to the men and women of this country who work so hard to end this terrible scourge of domestic violence in our country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS CONSENT AGREEMENT—S. 2038

Mr. REID. Mr. President, I ask unanimous consent that the following amendments listed below be the only amendments remaining in order to the bill before the Senate, S. 2038:

Lieberman No. 1482; Paul No. 1484; Paul No. 1487; Lieberman side-by-side to Shelby amendment No. 1491; Shelby No. 1491, as modified: Lieberman sideby-side to Paul No. 1485; Paul No. 1485, as modified; Collins side-by-side to Boxer No. 1489; Boxer-Isakson No. 1489; Portman No. 1505; Enzi No. 1510; Blumenthal No. 1498; Toomey-McCaskill No. 1472; Inhofe No. 1500; McCain No. 1471; Leahy-Cornyn No. 1483; Coburn No. 1473; DeMint No. 1488; Grassley No. 1493; Brown of Ohio No. 1481, as modified; that all other pending amendments be withdrawn, with the exception of the substitute amendment; that the time until 2 p.m. be for debate on the bill and amendments, with the time equally divided between the two leaders or their designees: that at 2 p.m., the Senate proceed to votes in relation to the amendments in the order listed: that there be no amendments or points of order to any of the amendments prior to the votes other than budget points of order; that the following be subject to a 60-vote affirmative threshold: Paul No. 1487; Collins side-by-side to Boxer No. 1489; Boxer No. 1489. as modified; Blumenthal No. 1498; Toomey-McCaskill No. 1472; Inhofe No. 1500; McCain No. 1471; Leahy No. 1483; DeMint No. 1488; Grassley No. 1493; and Brown No. 1481; further, that Coburn amendment No. 1473 be subject to a two-thirds affirmative vote threshold; that there be two minutes equally divided in between the votes; that all after the first vote be 10 minutes in duration; that upon disposition of the amendments listed, the substitute amendment, as amended, if amended, be agreed to, and the Senate then proceed to vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered

The amendment No. 1491, as modified, is as follows:

At the end of the amendment, insert the following:

#### SEC. 10. PROMPT REPORTING AND PUBLIC FIL-ING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

(a) TRANSACTION REPORTING.—Each agency or department of the Executive branch and

each independent agency shall comply with the provisions of sections 6 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.

(b) PUBLIC AVAILABILITY.—Not later than 2 years after the date of enactment of this Act, each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8, except that the provisions of section 8 shall not apply to a member of a uniformed service for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below.

Mr. REID. Mr. President, the mere fact that we now have the right to vote doesn't mean people have to have recorded votes. There are other ways of rejecting or approving amendments. I hope people will talk to Senators LIEBERMAN and COLLINS and find out if there needs to be a recorded vote on these matters. I appreciate the cooperation of both sides.

### STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2038, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

### Pending:

Reid amendment No. 1470, in the nature of a substitute.

Reid (for Lieberman) amendment No. 1482 (to Amendment No. 1470), to make a technical amendment to a reporting requirement.

Brown (OH) amendment No. 1478 (to amendment No. 1470), to change the reporting requirement to 10 days.

Brown (OH)/Merkley modified amendment No. 1481 (to amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff

Toomey amendment No. 1472 (to amendment No. 1470), to prohibit earmarks.

Thune amendment No. 1477 (to amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D

McCain amendment No. 1471 (to amendment No. 1470), to protect the American tax-payer by prohibiting bonuses for Senior Executives at Fannie Mae and Freddie Mac while they are in conservatorship.

Leahy/Cornyn amendment No. 1483 (to amendment No. 1470), to deter public corruption.

Coburn amendment No. 1473 (to amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs.

Coburn/McCain amendment No. 1474 (to amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House.

Coburn amendment No. 1476, in the nature of a substitute.

Paul amendment No. 1484 (to amendment No. 1470), to require Members of Congress to

certify that they are not trading using material, non-public information.

Paul amendment No. 1485 (to amendment No. 1470), to apply the reporting requirements to Federal employees and judicial officers.

Paul amendment No. 1487 (to amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rule-making, loan or grantmaking abilities over industries or companies in which they or their spouse have a significant financial interest.

DeMint amendment No. 1488 (to amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the numbers of terms a Member of Congress may serve.

Paul amendment No. 1490 (to amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities.

Blumenthal/Kirk amendment No. 1498 (to amendment No. 1470), to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses.

Shelby amendment No. 1491 (to amendment No. 1470), to extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies.

Inhofe/Hutchison amendment No. 1500 (to amendment No. 1470), to prohibit unauthorized earmarks.

Boxer/Isakson amendment No. 1489 (to amendment No. 1470), to require full and complete public disclosure of the terms of home mortgages held by Members of Congress

Tester/Toomey amendment No. 1492 (to amendment No. 1470), to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such each

class of securities from such act.
Tester/Cochran amendment No. 1503 (to amendment No. 1470), to require Senate candidates to file designations, statements, and reports in electronic form.

The PRESIDING OFFICER. The time until 2 p.m. is equally divided.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the majority leader. I thank Senator Collins, Senator Brown of Massachusetts, Senator Gillibrand, and a lot of others, who have worked to get us to this point where we can do two things. Most important to those of us who have worked on the STOCK Act is that we are now in a position this afternoon of adopting a clear statement that Members of Congress and our staffs are covered by anti-insider trading rules and that we can also provide for fuller disclosure by Members, making it accessible to the public online.

Instead of coming to a point where the system broke down again and Senator Reid being forced to file a cloture motion, we worked out an agreement here, people were reasonable, and there will be votes on a number of germane amendments—and some that are not, but we have agreed to a 60-vote threshold

This is the way I think the Senate is supposed to work. Some of these votes

will be controversial, some difficult. But that is why we are here. I thank everybody who was part of getting to this point.

I note the presence of the Senator from Massachusetts, Mr. Brown, and I vield to him.

Mr. BROWN of Massachusetts. Mr. President, I also stand and commend the majority leader for allowing this process to unfold in a thoughtful and fair manner, the way it should. We are starting the new year off correctly and allowing everybody to feel as if they are participating in the democratic process, not moving for cloture, shutting off debate, and filling the tree, but allowing us to stay late and work together in a bipartisan manner to work through the amendments, allowing me and Senator Collins, and on their side, Senators LIEBERMAN and GILLIBRAND, to call individual Members and say: You have four amendments up; which ones do you want? Is there a modification or can we combine them with other similar amendments? That is how it should work.

This is what I have been saying for the last 2 years and why I have continuously moved to work across the aisle: to allow that democratic process to work.

I am thankful we are here. These are some tough votes, but we are the Senate. We should be taking tough votes. That is why the people sent us here. I am thankful that we can send the message to the American people that we are trying to reestablish that trust that seems to have been lost with them by moving on the STOCK Act.

There are other issues we are taking up. I hope they are just as thoughtful and methodical and respectful. I hope we are going to do the postal bill next. It is something Senators LIEBERMAN, COLLINS, CARPER, and I have spearheaded. It is a solid bill and a good framework. If we allow it to move forward and everybody has their say and their day in the Sun, and we do as we have done today, we will have another good deed and, who knows, maybe we will be in double figures in terms of the approval rating pretty soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The bill clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

### AMENDMENT NO. 1472

Mr. INOUYE. Madam President, I rise today to speak against the Toomey amendment that would impose a permanent ban on congressional initiatives or earmarks.

The Constitution grants to the Congress the power of the purse. There is

no authority more vital to the separation of powers than the one that prevents the executive branch from directly spending the tax dollars collected from its citizens. Depriving the Congress of the ability to direct money to specific projects does not save money or reduce the deficit; it simply gives additional power to the President and weakens the legislative branch.

As I stated when I announced the initial moratorium on appropriations earmarks last February, I continue to support the constitutional right of Members of Congress to direct investments to their States and districts under the fiscally responsible and transparent earmarking process we have established.

Hawaii is a long way from the Capital City. It is simply not possible for a bureaucrat here in Washington to understand the needs of my home State as well as I do. And I believe such is the case with all 50 States. Each one is unique, each one has individual challenges, and each one has issues that cannot be fully understood by civil servants located thousands of miles away.

This amendment has nothing to do with lowering the deficit. Let me state that again. Eliminating earmarks will not save a single penny in spending. It will simply take decisions that were rightfully made by Congress and delegate them to the executive branch.

In truth, this is a political amendment meant to give cover to those who seek to mislead the American people into thinking earmarks are responsible for our current deficit, and that simply is not the case. Our deficit is driven by entitlement spending that is rising at a rate three times that of inflation, not by discretionary spending that is now capped at less than the rate of inflation. Our deficit is driven by the fact that revenues are at their lowest level in 50 years. A permanent ban on earmarks addresses neither of these matters

Madam President, finally, I note for my colleagues that the voluntary moratorium in appropriations bills for fiscal year 2012 was 100 percent successful, and the committee will continue the moratorium for fiscal year 2013. Prior to the moratorium taking effect, the Appropriations Committee had to put into place a series of reforms that ensured openness and transparency for earmark requests. Every earmark request was posted online. Every earmark that was approved was listed along with the sponsor's name in committee reports and posted online. There were no secrets and no backroom deals.

The reality is that without congressional earmarks, we find ourselves at the mercy of the bureaucrats to ensure that our local needs are fulfilled. If we approve this amendment, from now on earmarks will be at the sole discretion of the executive branch. Local needs

through deals made between our elected officials and the White House or unelected bureaucrats. No longer will we show the American people what earmarks we are funding and why. Instead, they will be part of a tradeoff between Members and bureaucrats—a bridge in return for support of a trade agreement.

By permanently banning earmarks, the spending decisions will move from the transparent process to discussions that are hidden from the public. So we face a choice between an open and transparent method for allocating targeted funding or one that will be done with phone calls, conversations, winks, and nods. One method allows for accountability and another leaves us all at the whim of unelected bureaucrats.

I urge my colleagues to vote against the Toomey amendment. This amendment will serve to deprive the Congress of essential congressional prerogatives. It has no impact on the debt, and it is simply designed to give political cover to those who refuse to address the core drivers of our fiscal imbalance—lack of revenues and ever-increasing entitlement spending.

I yield the floor, Madam President, and I suggest the absence of a quorum. The PRESIDING OFFICER. The

clerk will call the roll.

The bill clerk proceeded to call the

Mr. INOUYE, Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President. on behalf of the Leader, I ask unanimous consent that any time spent in quorum calls be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The bill clerk proceeded to call the

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER, Without objection, it is so ordered.

Mr. KYL. Madam President, I rise to speak on the pending Toomey amendment, an amendment that we will be voting on here after a little bit, amendment No. 1472, known as the Earmark Elimination Act.

I thank Senators Toomey and McCas-KILL for continuing this important discussion and commend them as well as numerous other Senators, including my colleague from Arizona, Senator McCain, and Senators Coburn and DEMINT, who have championed reforms to Washington's earmark culture. The concern, as noted by Senators Toomey

will either go unmet or will be included and McCaskill, is that the earmark process lacks transparency and scrutiny. I support their efforts to reform the process in a manner that reflects the principles of our Founders and the trust the American people instill in us to represent them.

I wish to confirm, however, that this effort does not restrict Congress's ability to protect the American taxpayer from unnecessary expenses and significant legal exposure. In certain situations, the United States is required to fulfill legal obligations. For example, the United States must resolve water rights claims that American Indian tribes assert against the United States and other water users within an affected State. In those instances, as is common in other litigation, it is in the interest of the United States and the American taxpayer to limit ongoing legal exposure by settling the tribe's water rights claims. Effectuating the terms of such a settlement requires congressional review and approval. Congress will undoubtedly employ the searching scrutiny required to understand whether the settlement is in the best interests of the American people. Such settlements, however, are not amenable to a formula-driven or competitive award process. Rather, the settlements must be addressed and negotiated if and when the claims are asserted against the United States.

Congressionally enacted Indian water rights settlements have not previously fallen within the earmark moratorium. In that vein, I want to confirm with my colleague from Pennsylvania that the Earmark Elimination Act does not restrict Congress's authority to protect taxpayers by limiting the exposure of the United States to similar legal chal-

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, the Senator from Arizona is absolutely correct. The Earmark Elimination Act is not intended to preclude Congress from effectuating legal settlements, such as Indian water rights settlements, that resolve claims against the United States. This body must maintain its ability to avoid costly litigation and to limit the legal exposure of the United States in a manner that ultimately benefits American taxpayers.

Mr. KYL. I thank my colleague from Pennsylvania. I concur with my colleague in expressing a commitment to ensuring that these positive efforts to reform the earmark process do not result in an unintended consequence whereby Congress's efforts to settle legal claims against the United States are subject to a point of order.

I thank my colleague from Pennsylvania for his efforts, and I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The bill clerk proceeded to call the

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that I be recognized for as much time as I consume and that at the conclusion of my remarks, the Senator from Ohio be recognized for such time as he consumes.

The PRESIDING OFFICER, Without objection, it is so ordered.

AMENDMENT NO. 1500

Mr. INHOFE. Madam President, we are going to have a number of votes on amendments this afternoon. I think it is important that we look at this in historic perspective. I am referring to the amendments and the meaning of the Toomev amendment, which I think is very significant.

As most people think about earmarks, yes, we want to do away with this. I am the first to admit that there has been a lot of abuse in the earmark process. I don't want to take sides between authorizers and appropriators, but I can remember several times here on the floor when appropriations bills are coming through, when people are legislating on appropriations bills, when they are swapping out deals. That is the kind of thing we want to stop. I think we have an opportunity to do that today.

I have an amendment. It is my understanding, the way the amendments are stacked up, there is going to be a vote on the Toomev amendment and then a vote on my amendment. Let me talk a little bit about how long we have been working on this issue.

Way back in 2007, I gave a talk to the Grover Norquist group. It was on July 25, 2007. I gave the Senate history of the 200-year fight between appropriators and authorizers.

In 1816 responsibilities between authorizing versus appropriating had been debated. In that year the Senate created the first 11 permanent standing committees.

I think most people understand that we in the Senate, each one of us is on at least two standing committees. Many of these are authorizing committees or appropriating committees. Mine happened to be authorizing committees. My two major committees I have been on since serving in the Senate are the Senate Armed Services Committee and the Environment and Public Works Committee. Both are authorizing committees.

What is significant about this is that there has always been a fight. This is not a new fight. People think this is just going on today. This has been going on literally since 1816.

In 1867 the Senate created the Appropriations Committee. The purpose of that was to have the tax writing put in the Finance Committee and then have

the appropriating committee as a separate committee—keeping those functions divided. Here it is now a couple of hundred years later and we are still trying to do the same thing. Today may be the day we can do it, and my amendment actually would do that.

In 1921—I am reading notes from the speech I made in 2007 at the Grover Norquist event—in 1921 the Senate passed the Budget and Accounting Act of 1921. The Senate tried to ensure that authorizing had to take place in a separate committee.

There we go. That is what we are talking about today. My amendment actually resolves the problem because it defines an earmark as an appropriation that hasn't been authorized. In a minute, I am going to talk about that because there is a lot of support for that currently that should be considered.

Let me use my committees as an example. If we were to do away with all earmarks as they are described in the House bill, the earmarks would actually be defined as any appropriation or authorization. That gets into the huge question we will talk about in a minute—what our Constitution says. It says we, the House and the Senate, should do the spending or the appropriating. This has been this way for a long time.

I am hoping Members will go back and read Joseph Story and some of the great people in the past who have talked about why it is necessary for all the authorizing and the spending to take place in this body, in the Senate and in the House. If that does not happen, we are going to be in a position where we are giving our function to the President. We are ceding our constitutional obligation to the President—in this case, President Obama.

Back in the time I was making this speech initially, I talked about such things. I mentioned this on the floor yesterday. A lot of people do not understand. The budget that comes to us is a budget from the President. It is not from Congress, not from the House, not from the Senate, not from the Democrats, not from the Republicans, it is from the President. The President is the guv who sends the budget down. I am so critical of this President because every one of these budgets now-we have just gotten the fourth budget has a deficit of over \$1 trillion. Unheard of. I can remember back in the days—1996 was the first \$1.5 trillion budget. That was during the Clinton administration. I remember coming down to the floor and saying: We cannot sustain this level of spending. That was \$1.5 trillion to run the entire United States of America. What President Obama has sent down is \$1 trillion to \$1.5 trillion in each of his budgets, just deficit alone. We can't continue to do that.

I am on the Armed Services Committee. It is an authorizing committee.

It is a committee staffed with experts in every area—missile defense, strike fighters—all of that having to do with defending America. Of course, when the budget comes down, historically—I am talking about historically from 100 years ago—we have taken that budget and analyzed that budget. The Chair is fully aware of this because she sits on that committee. We determine what is the best way to spend the given number of dollars that come down in the budget to best defend America.

The example I used yesterday was in one of the first budgets that came down. I think it was the first budget from President Obama. It had one item that was a \$330 million item that was for a launching system that was referred to as a box of rockets—a good system, I might add, but with the scarce dollars we made a determination in the Armed Services Committee that we could take that same \$300 million and instead of spending it on a launching system, spend it on six new F-18 strike fighter aircraft. And we did that. That is what we should be able to do. But if you have an earmark ban, then you would not be able to do that. It depends on how it is going to be interpreted, but the way I interpret it, it would mean we cannot change what the President sends down because that would be called a congressional earmark. Some might argue and say: No, it is that only if it happens to be in your district or something like that. That is not what it says, though. The way it is defined is anything that would be an authorization or an appropriation.

So we had the example there in the Armed Services Committee, and one of the unintended consequences would be—I will just use this as an example. I can remember back in the days, I am old enough to remember back when Reagan was President and nobody believed we would ever have a problem with people sending over a missile with some type of a weapon on it that would be very destructive to America, nor did they believe it would be possible, if a missile were coming in, that we could knock down that missile. Well, we have now settled that. Everyone knows you can hit a bullet with a bullet. We have done it before. We are doing a good job.

We also know after having gone through 9/11 that we should have at the very top of our concern as representatives of this country to defend America and to have an enhanced system. So we had a policy that we wanted to have a redundancy in all three phases of missile defense. In missile defense, you have three phases—a boost phase, a midcourse phase, and a terminal phase—and we want to have that. So when we are addressing that, if the President comes in with something that doesn't follow that redundancy, we could be in a position where we would not be able to do what is in the best interests of the country.

I am not the only one who believes that when we say we want an outright ban on all spending—and that is what we are saying, an outright ban on all spending—there is an article that I took out of the Hill Magazine—that would have been about 3 or 4 years ago—saying "Lobbyists Hitting Up Agencies As Earmark Rate Drops." In other words, as we quit spending here, it does not save a cent. That money goes back into the bureaucracy, and they are spending it at that point. So that puts us in the position of, admittedly, what they are talking about they are actually lobbying the bureaucrats as opposed to Members because that is where all the power is. In other words, we have ceded that power.

I can see a lot of the Democrats wanting to pass an all-out ban on congressional earmarks because they are supporting Obama. Obama wants to do the spending. They want him to do that. I understand that, and I heard from some of the Democrats who do not agree with that, and I appreciate their making that statement on the

floor.

But I think as we address this and go back to things that we did on the floor a year and a half ago—this was November 2010—we talked about the Constitution and how it restricts spending only to the legislative branch and specifically denies that honor to the President.

We take an oath of office—

I am reading now from a statement I made on the floor a year and a half

We take an oath of office to uphold the Constitution of the United States. That means that we take an oath of office to uphold article I section 9 of the Constitution.

What does that say? That says that the spending in our government should be confined to the legislative branch. That is us. If you go and look in the Federalist Papers, it talks about this. Over and over, judges without exception have reinforced this as the constitutional obligation we have.

Sometimes I miss Senator Bob Byrd more than other times, and this is one of the times I do. I can hear him standing on the floor saying: Why is it we are giving up our constitutional right? Remember he used to carry around the Constitution? He would hold it up. I wish he were here today so he could talk about article I, section 9 of the Constitution and how we are ceding that authority to the President.

I mentioned yesterday that one of the problems I have with a permanent moratorium without a definition of what an earmark is—one of the problems we have in giving the President, ceding our authority to him—and there is no better example—a lot of us got quite upset in this body when the President had his \$800 billion-or-so stimulus plan. Remember the stimulus plan that didn't stimulate and he spent

all this money? And when he signed it, he was talking about how this was going to stimulate. As it turned out, only 3 percent went into roads, highways, and so forth, and only 3 percent into defending America. When he signed it, President Obama said: What I am signing then is a balanced law with a mix of tax cuts and investments. It has been put together without earmarks or the usual porkbarrel spending. So, anyway, we had such examples of earmarks.

In fact, I remember on Sean Hannity's program, he had the 102 most egregious earmarks. In those earmarks was \$219,000 to study the hookup and behavior of female college co-eds in New York; \$1 million to do fossil research; \$1.2 million to build an underpass for deer crossing in Wyoming. There were 102 egregious earmarks and not one of them was a congressional earmark. They are all bureaucratic earmarks. We ceded that so the President, through our action, was able to do all those things he could not otherwise do.

I have a longer list that I ask to be made a part of the RECORD at this point in my presentation, which includes about 10 or 15 other egregious earmarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIFTEEN EARMARKS FROM HANNITY'S LIST OF  $102~\mathrm{Most}$  Egregious Earmarks

- 1. \$219,000 to a university to study the hookup behavior of female college coeds in New York.
- 2. \$8,408 to a university to study whether mice become disoriented when they consume alcohol
- 3. \$712,883 to develop "machine generated humor" in Illinois.
- 4. \$325,394 to study the mating decisions of Cactus bugs in Florida.
- 5. \$500,000 to Ohio to purchase recycling bins with microchips embedded inside of them.
- 6. \$800,000 to a company in Arizona to install motion sensor light switches.
- 7. \$25,000 for socially conscious puppet shows in Minnesota.
- 8. \$1 million to research fossils in Argentina.
- 9. \$500,000 to study the impact of global warming on wild flowers in a Colorado ghost town.
- 10. \$150,000 to develop the next generation football globes in Pennsylvania.
- $11.\ \$1.2$  million to build a deer underpass in Wyoming.
- 12. \$50,000 to resurface a tennis court in Montana.
- 13. \$15,000 for a storytelling festival in Utah.
- 14. \$14,675 for doormats at the Department of the Army in Texas.
- 15. \$10,000 for the Colorado Dragon Boat Festival.

Mr. INHOFE. As it turned out, the President was the one who did the earmarks of the \$800 billion stimulus program.

Again, getting back to article I, section 9:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

The law, that is us. We are the legislative branch of government. That is what we are supposed to do. I think everyone understands that. It is unintended, and I know a lot of people out there would say, well, we want to kill all earmarks, without stopping to think that that is all spending and that is our constitutional duty.

I would say if we continue on making permanent and current moratoriums on congressional earmarks, then we are limiting our ability to govern with the President. If all we are doing is handing the President pots of money and requiring that he have competitive grants to disburse the funds, then we are washing our hands of the outcome. There is no light or transparency inherent to the Federal grant-making process. So what we are doing is giving up our constitutional responsibility in ceding that to the President.

It could be that things are going to be refined, with further definitions, and I have no objection to that. But I am saying we have one very simple solution to it. When the votes come up today, I will announce right now, if we don't have a definition of earmark, then I would vote against a permanent moratorium on earmarks because that is our constitutional responsibility.

My amendment is a little bit different, because what I do is define what an earmark is, and an earmark is defined as an appropriation that has not been authorized. I was very proud—2 days ago Senator Toomey said that some earmarks ought to be funded, but they ought to be funded in a transparent and honest way subject to evaluation by an authorizing committee. That is exactly what my amendment does. I talked to Senator Toomey, and I appreciate the fact that he is very open about this. I will repeat that: Some things ought to be funded, but they should be funded in a transparent and honest way subject to evaluation by an authorization committee. That is my amendment. A definition of an earmark is spending or appropriating without authorizing.

Last year Senator Coburn said: "It is not wrong to go through an authorization process where your colleagues can actually see it. It is wrong to hide something in a bill . . . ." Amen. I agree with that. I said earlier, and I said yesterday, I can remember Democrats and Republicans on consideration of appropriations bills sitting on the floor, swapping out deals, making deals back and forth. That is what we want to do something about, and this is not a partisan thing. This is something that has been going on, and we have a way now of doing it.

Senator McCain was kind enough to endorse a freestanding bill I had that does the very thing of defining an earmark as an appropriation that has not been authorized. Senator McCain said: Some earmarks are worthy. If they are worthy, then they should be authorized. Authorized, there is the key, and Senator McCain is exactly right. If you authorize it, then that is the process we want. When an earmark is considered by an authorization committee before it is appropriated, real transparency is brought to the process.

In fact, I remember it was Senator COBURN who said on the floor—and this is about a year and a half ago—he agreed with me and said one good thing about requiring an authorization before an appropriation is that then if it is a bad one, we have two chances to kill it. Senator COBURN is right. We can kill it in the authorization phase or we can kill it in the appropriations phase.

The example I use is a good example in terms of what we and the Armed Services Committee should be doing and are not doing. But I would say to you that this afternoon when we have are going to have around 20 votes. A lot of these will be voice voted, I am sure. But the two votes I am concerned about are, No. 1, the vote on the Toomey bill, which I support, but I support it if you can define it and make real transparency set in by having the authorization process in place.

I would only say that we go back to the Constitution. As I mentioned, let's go back to the statements that were made by Senator Toomey, Senator McCain, and Senator Coburn, that we want transparency and we don't want to cede the power of our constitutional duty as Members of the Senate to the executive branch. I know some in here would probably want to do that. Some are stronger supporters of Obama than I am. I am very critical of what Obama has done in terms of the deficits, which we have already talked about, in terms of what he is doing to the military. Some trillion dollars over a period of 10 years would be taken out of our military. When you add his budget to the sequestration, that is something that should not happen.

With energy, right now the President is going around talking about how he is for developing energy in this country, and yet he is the obstacle to the development. He is the one who has in his budget the various things that make it very difficult, if not impossible, to get our resources that we have out there in oil and gas.

In fact, it is kind of humorous and very clever of the President. Last week during his State of the Union message the President was talking about wanting to exploit all of our natural gas when he slipped in a little phrase that hardly anyone heard. I know Senator BOXER heard it because she was next to me, and we disagree on this whole issue. He said: We want to go after this type of formation, all the shale that is

out there, but we don't want to poison the ground at the same time. Well, what he is talking about there is hydraulic fracturing. If you take away hydraulic fracturing, as he is trying to do, and put that in the hands of the Federal Government, then you might as well say goodbye to all these types of formations, oil and gas. We would not be able to do it. So I am critical of him in that respect.

In the fourth area, in addition to what he is doing to the military, the deficit spending, and energy in this country is regulations. I am the ranking member of the Environmental and Public Works Committee, with all of these MACT programs—that is MACT, maximum achievable control technology. He is trying to do away with emission requirements where there is no technology to get into that type of requirement. So it is very expensive.

The other thing he is trying to doand I know this is the most controversial issue among liberals and conservatives—and that is we were able to successfully stop this whole global warming cap-and-trade legislation that has been out there ever since we refused to ratify Kyoto. It was made very clear that there is one thing nobody argues with-we know it is true-if you were to have legislation for cap and trade, the cost would be between \$300 billion and \$400 billion a year. We know that is true. That has come from the MIT, it has come from the CRA, and it has come from the Wharton School. That is the range they talk about. However, now this President is trying to do by regulation what we have voted down in legislation

Right now in this body of 100 Senators, there are at the very most 25 Members of the Senate who would vote for cap and trade, and yet he is trying to do that through regulation. I have to say that would be the largest amount of money in terms-that would probably exceed the obligations we have to pay back even the deficits he has had. We will talk more about that later, but the issue right now is the two votes that are coming up.

I would encourage us to vote for my amendment, which would define an earmark as an appropriation that has not been authorized. I have read to you quotes from virtually everyone in here who would agree with that, except for those individuals who want to cede this power to the President of the United States.

I vield the floor, and I understand under unanimous consent that the Senator from Ohio would be the next speaker.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, at the conclusion of my remarks, I ask unanimous consent that the Senator from Iowa, Senator GRASSLEY, be recognized.

objection, it is so ordered.

Mr. BROWN of Ohio. I thank Senator INHOFE for the sensible nature of his words in terms of the difference between a Presidential and a congressional earmark. I think the Senator brought good sense to this, and I appreciate his words.

### AMENDMENT NO. 1481

Madam President, I rise in support of amendment No. 1481, cosponsored by Senator Merkley, our amendment to the STOCK Act. I thank Senator GILLI-BRAND for her good work on managing this legislation.

USA Today had an editorial from Tuesday that said:

If lawmakers were really concerned with ethics, they'd put their equity holdings in blind trusts, so they wouldn't have the obvious conflict of interest that comes from setting the rules for the companies they own.

Banking committee members wouldn't invest in financial institutions, Armed Services Committee members wouldn't invest in defense contracts, and energy committee members wouldn't invest in oil companies.

How simple is that? How straightforward is that? How right is that? These stories simply don't reflect well on the world's greatest deliberative body. Most of us think these investments don't affect our decisions here, and they probably don't, but isn't it time we held ourselves to a higher standard?

Senator Merkley and I are proposing the Putting the People's Interests First Act as an amendment to the STOCK Act. It would require Senators and their senior staff who are subject to financial disclosure—no more than two or three or four of our staff people in each office; the most well paid, those in the highest ranking decision-making position—to sell individual stocks that create conflicts or to put their investments in blind trusts or to invest in only widely held mutual funds.

No one is required to avoid equities. We could still invest in broad-based mutual funds or exchange-traded funds. You can keep your ownership interest in your family farm or small business. I will repeat that: In no way does this affect your ownership in your family farm or small business. If you are setting up a blind trust, you can instruct the trustee to hold onto your stock in your family company. This rule would be similar to steps that have already been taken to address financial conflicts of interest or at least the appearance of financial conflicts.

Senate Ethics rule 37.7 requires committee staff making more than \$25,000 per year-way more strict than our amendment in that wav—"to divest himself [or herself] of any substantial holdings which may be directly affected by the actions of the committee for which he works."

The Armed Services Committee requires staff and spouses and dependents to divest themselves of stock in compa-

The PRESIDING OFFICER. Without nies doing business with the Department of Defense and the Department of Energy. The committee does permit the use of blind trusts.

When asked about a requirement to divest, former Defense Secretary William Perry said:

That was very painful, but I do not disagree with the importance of doing this. The potential of corruption is very high. It keeps our government clean.

In the executive branch, Federal rules and Federal criminal law generally prohibit employees, their spouses, and their children from owning stock in companies they regulate. All Senator Merkley and I are saying is that Members of the Senate should hold themselves to the same standard we already require of much of our committee staff and executive branch employees. Our staff's requirements are more severe than ours, and we are the ones whose names are on the ballot, we are the ones who are sworn in to do the bidding of the American people. We are the 100 people in this so-called exclusive club and yet we are going to have different rules for us than we do for a \$30,000-a-year staff person? That hardly seems right.

Some argue that selling all of our stock will make us lose touch with the rest of society. That kind of thinking falls on deaf ears for most Americans. The ranking member of the House Financial Services Committee doesn't invest in stocks. Instead he invests in State and local bonds with a small amount directed into mutual funds. When asked, Congressman Frank of Massachusetts said: "I get a steady 4.5 percent, and I help my state in the process. I'm a patriot, and I'm making money too."

Why should Members of the Senate who own stock in oil companies vote on issues that affect the oil industry? Why should Members of the Senate who might own stock in a pharmaceutical company vote on issues that affect health care, on a generic drug bill or on a biologics bill or on Medicare or Medicaid? Appearances matter. Right now the American people don't trust that we are acting in the Nation's best interest far too many times. Investing in broadly held funds or a blind trust will keep us in touch with society. It is not a retreat from the U.S. economy. Instead it will keep us from picking winners and losers. It will show the public that our focus is on policies that will help grow the economy. Again, I am not accusing any of my colleagues, if they own an oil stock, of voting for more tax breaks for the oil industry. I am not saying they do that; I am saying there is the appearance that some of them might do it.

We need to remember that public service is a privilege. Folks around Washington are already paid well in these jobs. There is no reason they need to be buying and selling stocks in small or multimillion-dollar portfolios.

When asked about the fact that Senate Armed Services Committee conflict-of-interest rules apply only to staff and Department of Defense appointees—but not to Senators—again, when asked about the fact that the Senate Armed Services Committee conflict-of-interest rules apply to staff people—and, again, not necessarily highly paid staff—and Department of Defense appointees, President Bush's Deputy Secretary of Defense, Gordon England, said: "I think Congress should abide by the same rules we impose on other people."

No kidding. Really.

In a State of the Union Message, the President said: "Let's limit any elected official from owning stocks in industries they impact."

As we cast votes, we all—the 100 Members of the Senate—have an impact on all kinds of industries every day, on all our economies.

I agree with Under Secretary England. I agree with President Obama. I agree with Senator Merkley as we offer this amendment. It is simple and direct. The public should expect nothing less from us.

Thank you.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1493 TO AMENDMENT NO. 1470

Mr. GRASSLEY. Before I speak on the amendment, I ask unanimous consent that the pending amendment be set aside to call up my amendment No. 1493 and make that the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1493.

Mr. GRASSLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require disclosure of political intelligence activities under Lobbying Disclosure Act of 1995)

At the end of the amendment, insert the following:

#### SEC. \_\_\_. DISCLOSURE OF POLITICAL INTEL-LIGENCE ACTIVITIES UNDER LOB-BYING DISCLOSURE ACT.

- (a) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—
  - (1) in paragraph (2)—
- (A) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and (B) by inserting after "lobbyists" the fol-
- (B) by inserting after "lobbyists" the following: "or political intelligence consultants"; and
- (2) by adding at the end the following new paragraphs:
- "(17) POLITICAL INTELLIGENCE ACTIVITIES.— The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, re-

search, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

"(18) POLITICAL INTELLIGENCE CONTACT.—

"(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

"(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals):

"(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

"(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

"(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

"(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

"(20) POLITICAL INTELLIGENCE CONSULT-ANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts."

(b) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

- (1) in subsection (a)—
- (A) in paragraph (1)—
- (i) by inserting after "whichever is earlier," the following: "or a political intelligence consultant first makes a political intelligence contact,"; and
- (ii) by inserting after "such lobbyist" each place that term appears the following: "or consultant":
- (B) in paragraph (2), by inserting after "lobbyists" each place that term appears the following: "or political intelligence consultants"; and
- (C) in paragraph (3)(A)—
- (i) by inserting after "lobbying activities" each place that term appears the following: "and political intelligence activities"; and
- (ii) in clause (i), by inserting after "lobbying firm" the following: "or political intelligence firm";
- (2) in subsection (b)—
- (A) in paragraph (3), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities";
  - (B) in paragraph (4)—
- (i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities"; and
- (ii) in subparagraph (C), by inserting after "lobbying activity" the following: "or political intelligence activity";
- (C) in paragraph (5), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities";

- (D) in paragraph (6), by inserting after "lobbyist" each place that term appears the following: "or political intelligence consultant"; and
- (E) in the matter following paragraph (6), by inserting "or political intelligence activities" after "such lobbying activities";
  - (3) in subsection (c)-
- (A) in paragraph (1), by inserting after "lobbying contacts" the following: "or political intelligence contacts"; and
  - (B) in paragraph (2)-
- (i) by inserting after "lobbying contact" the following: "or political intelligence contact"; and
- (ii) by inserting after "lobbying contacts" the following: "and political intelligence contacts": and
- (4) in subsection (d), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities".
- (c) REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—
- (1) in subsection (a), by inserting after "lobbying activities" the following: "and political intelligence activities":
- (2) in subsection (b)—
- (A) in paragraph (2)—
- (i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities":
  - (ii) in subparagraph (A)—
- (I) by inserting after "lobbyist" the following: "or political intelligence consultant"; and
- (II) by inserting after "lobbying activities" the following: "or political intelligence activities":
- (iii) in subparagraph (B), by inserting after "lobbyists" the following: "and political intelligence consultants"; and
- (iv) in subparagraph (C), by inserting after "lobbyists" the following: "or political intelligence consultants";
  - (B) in paragraph (3)—
- (i) by inserting after "lobbying firm" the following: "or political intelligence firm"; and
- (ii) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and
- (C) in paragraph (4), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and
- (3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting "or a political intelligence consultant" after "a lobbyist".
- (d) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—
- (1) in paragraph (3)(A), by inserting after "lobbying firms" the following: ", political intelligence consultants, political intelligence firms,";
- (2) in paragraph (7), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm"; and
- (3) in paragraph (8), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm".
- (e) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking "or lobbying contacts" and inserting "lobbying contacts, political intelligence activities, or political intelligence contacts".

- (f) IDENTIFICATION OF CLIENTS AND COVERED Officials.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended-
- (1) in subsection (a)—
- (A) in the heading, by inserting "OR POLIT-ICAL INTELLIGENCE" after "LOBBYING":
- (B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and
- (C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity":
  - (2) in subsection (b)—
- (A) in the heading, by inserting "OR POLIT-
- ICAL INTELLIGENCE" after "LOBBYING";
  (B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and
- (C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity"; and
- (3) in subsection (c), by inserting "or political intelligence contact" after "lobbying contact".
- (g) Annual Audits and Reports by Comp-TROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended-
  - (1) in subsection (a)—
- (A) by inserting "political intelligence firms, political intelligence consultants,' after "lobbying firms"; and
- (B) by striking "lobbying registrations" and inserting "registrations";
- (2) in subsection (b)(1)(A), by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms";
- (3) in subsection (c), by inserting "or political intelligence consultant" after "a lob-

Mr. GRASSLEY. Madam President, the Wall Street Journal recently reported that political intelligence is an approximately \$100 million industry. The article also says that expert networks employ over 2,000 people to do political intelligence in Washington, DC.

We have to say approximately because no one truly knows how many people work in this industry. We don't know from whom they seek information, what happens to that information, and how much they get paid. This is a problem if one believes in transparency in government and if one believes in the purposes behind this legislation, as I do—the underlying legislation—that Members of the Senate and Congress should not benefit from insider trading information.

So we have people in this city or people who come into this city to get information on what Congress might do or what their regulators might do that might affect the stock in some company or something, and this political intelligence information is gathered and given to people who presumably profit from it or I guess these people wouldn't be employed in the first place. So there is a growing unregulated industry with no transparency. If a lobbyist has to register in order to advocate for a school or a church or a private corporation, shouldn't the same lobbyist have to register if he or she is seeking and getting inside information that ends up in making people a profit? This is especially true if that information would make millions for a hedge fund or a private equity firm.

We have current law. Under current law, this is not the case. We have no registration of these people and we don't know who they are. So we go back to amendment No. 1493. My amendment merely brings sunlight to this unregulated area. It defines what a political intelligence lobbyist is and requires that person or firm to register. In other words, it requires them to do what, under the 1995 law, every lobbyist has to do.

I understand some would say there have not been hearings on this subject and that it should be studied first. But there isn't much that is complicated about this amendment. It is pretty simple. If a person seeks information from Congress in order to make money, the American people have a right to know the name of that person and who that person is selling that information to. That is just pretty basic good government, isn't it? It is the same as if a person is a lobbyist for a piece of legislation under laws going back to 1946 and amended since then, they have to register. The public has a right to know who the lobbyist is, whom they are working for, and what they are lobbying for or against.

This amendment isn't just helpful to the American people, though. It isn't just helpful to make people responsible, because the more transparency we have the more accountability there is and the more openness we have in government the better off we are. So I make a case to help the American people, ves. But it is also going to help Members of Congress and our staff who are trying to decipher their duties under this proposed legislation.

Senators have raised the question: How will we know if the people we speak to trade on what we say? So to answer that question, we require the people doing it to be responsible. So we achieve more transparency in government, and we even help Members of Congress and our staff because these political intelligence people are pretty smart. They know where to get the information because they come to us and ask questions, but we might not know why they are asking the questions. So it is going to help Members of Congress and our staff as well. By requiring lobbyists who sell information to stock traders to register, Members and staff then have an easy way to track who these people are and to whom they would sell their information. This strengthens the bill, from my point of view, and helps Members and staff comply with its requirements.

So I hope we can pass this amendment soon and bring light and transparency to this growing industry and, when we are talking to someone, know who they are, what they seek, whom they are working for, et cetera.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER McCaskill). Without objection, it is so ordered.

### AMENDMENT NO. 1491

Mr. SHELBY. Madam President, I rise again today to speak on behalf of fairness. We have heard quite a bit from the President on the campaign trail about fairness. But it appears there is no interest in fairness when it comes to transparency for the executive branch.

The bill we are currently debating in the Senate will subject Congress to additional reporting requirements for certain financial transactions. The goal is to ensure that Members of Congress and congressional staff are not using their unique access to confidential information for personal gain. That goal is worthy.

I believe this is an appropriate goal, and one I fully support. I do not understand, however, why the additional reporting requirements do not extend to members of the executive branch who arguably have even greater access to such confidential information than Members of Congress and their staffs do.

It only seems fair that executive branch officials, who are already required to file annual financial reports. as we are, also be directed to meet the same additional reporting requirements being imposed on the legislative branch.

I have yet to hear a compelling argument against equity between the branches. Some people have argued that the executive branch has other ways to deal with insider trading. Think about it. But none of those will subject executive branch employees to the same public scrutiny as this legislation would. I believe what is good for the goose, it seems to me, should be good for the gander. We have heard that all of our life.

I understand there is a willingness on the other side to expand the reporting requirements, but it would fall far short of parity.

Some have said here it would cost too much. But if we are willing to expand the population of executive branch officials required to report publicly, then any further expansion will only present marginal additional costs.

Currently, less than 1 percent of the executive branch workforce is required to file financial disclosure statements. The other 99 percent are not. My parity amendment will not expand that universe. It will only require them to meet the same reporting standards that will apply to the Congress itself.

As I understand it, the Democratic alternative to my amendment would produce some bizarre results. For example, a Senate office administrator who meets the reporting threshold would be required to report publicly as directed in this bill, but the head of enforcement at the Securities and Exchange Commission would not. That is bizarre. A Senate scheduler may have to make additional public disclosures, but the General Counsel of the Federal Reserve would not. This is not fair, and I believe it is unacceptable.

My amendment simply says if you are an executive branch or independent agency official and you currently file financial disclosure reports, you will have to comply with the same public reporting requirements contained in this bill that we plan to impose on the Congress.

My amendment also contains the same military personnel exemption that the Democratic alternative does, as well as the same 2-year implementation provision.

My amendment is simple, fair, and deserves the support of every Member of this body. If my friends on the other side of the aisle believe in fairness, this would be a very good way to show it.

I vield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1489, AS MODIFIED, AND 1485, AS MODIFIED

Mrs. GILLIBRAND. Madam President, on behalf of Senator BOXER, I ask unanimous consent that the Boxer-Isakson amendment No. 1489 be modified with the changes that are at the desk; that the order for a Collins side-by-side amendment be vitiated; that the Paul amendment No. 1485 be modified with the changes that are at the desk; further, that the order for the Lieberman side-by-side amendment to the Paul amendment be vitiated.

The PRESIDING OFFICER. Without objection it is so ordered

The amendments, as modified, are as follows:

AMENDMENT NO. 1489, AS MODIFIED

(Purpose: To require full and complete public disclosure of the terms of home mortgages held by Members of Congress, the President, the Vice President, and executive branch officers nominated or appointed to a position by the President, by and with the advice and consent of the Senate)

At the end, add the following:

# SECTION 11. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "spouse; and" and inserting the following: "spouse, except that this ex-

ception shall not apply to a reporting individual—  $\,$ 

"(i) described in paragraph (1), (2), or (9) of section 101(f):

"(ii) described in section 101(b) who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of such section, other than—

"(I) an individual appointed to a position—"(aa) as a Foreign Service Officer below the rank of ambassador; or

"(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

"(II) a special government employee, as defined under section 202 of title 18, United States Code; or

"(iii) described in section 101(f) who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other than—

"(I) an individual appointed to a position—"(aa) as a Foreign Service Officer below the rank of ambassador; or

"(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

"(II) a special government employee, as defined under section 202 of title 18, United States Code: and"

#### AMENDMENT NO. 1485, AS MODIFIED

(Purpose: To extend the transaction reporting requirement to judicial officers and senior executive branch employees)

On page 7, strike lines 6 through 9, and insert the following:

"(j)(1) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress, a judicial officer, or a senior executive branch official shall file a report of the transaction.

"(2) In this subsection, the term 'senior executive branch official' means—

"(A) the President:

"(B) the Vice President; and

"(C) individuals serving in full-time, paid positions required to be appointed by the President with the advice and consent of the Senate but does not include members of the armed services, foreign service, public health service, or the officer corps of the National Oceanic and Atmospheric Administration.".

AMENDMENTS NOS. 1511 AND 1505 TO AMENDMENT NO. 1470

Mrs. GILLIBRAND. Madam President, I ask unanimous consent to set aside the pending amendment so that I may call up on behalf of Senator LIEBERMAN the side-by-side amendment to the Shelby amendment No. 1491 and on behalf of Senator PORTMAN his amendment No. 1505.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. GILLI-BRAND], for Mr. LIEBERMAN, proposes an amendment numbered 1511 to amendment No. 1470.

The Senator from New York [Mrs. GILLI-BRAND], for Mr. PORTMAN, proposes an amendment numbered 1505 to amendment No. 1470

The amendments are as follows:

#### AMENDMENT NO. 1511

(Purpose: To extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies)

On page 7, strike lines 6 through 9, insert the following:

"(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), the following persons, if required to file a report under any other subsection of this section subject to any waivers and exclusions, shall file a report of the transaction:

"(1) A Member of Congress.

"(2) An officer or employee of Congress required to file a report under this section.

"(3) The President.

"(4) The Vice President.

"(5) Each employee appointed to a position in the executive branch, the appointment to which requires advice and consent of the Senate, except for—

"(A) an individual appointed to a posi-

"(i) as a Foreign Service Officer below the rank of ambassador; or

"(ii) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

"(B) a special government employee, as defined under section 202 of title 18, United States Code.

"(6) Any employee in a position in the executive branch who is a noncareer appointee in the Senior Executive Service (as defined under section 3132(a)(7) of title 5. United States Code) or a similar personnel system for senior employees in the executive branch, such as the Senior Foreign Service. except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

"(7) The Director of the Office of Government Ethics.

"(8) Any civilian employee, not described in paragraph (5), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President.".

At the end insert the following:

#### SEC. . EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the President shall—

(1) ensure that financial disclosure forms filed by officers and employees referred to in section 101(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official websites of agencies of the executive branch; and

(2) develop systems to enable electronic filing and public access, as required by section 8(b), to the financial disclosure forms of such individuals.

### AMENDMENT NO. 1505

(Purpose: To clarify that political intelligence includes information gathered from executive branch employees, Congressional employees, and Members of Congress)

On page 8, lines 23 and 24, strike "executive branch and legislative branch officials" and insert "an executive branch employee, a Member of Congress, or an employee of Congress".

Mrs. GILLIBRAND. Madam President, we here in the Senate are so close

to doing something so basic, so common sense to begin restoring the faith and trust the American people have with this institution. I am encouraged that we have found more to agree on today than that which we disagree on, so we can bring this bill on the floor to a vote.

I thank Leader REID for his extraordinary perseverance and leadership on this issue. I also thank Chairman LIEBERMAN and Ranking Member COLLINS for their vision and their hard work in bringing this strong piece of legislation to the floor. I also thank Senator SCOTT BROWN and our other cosponsors who have worked so hard to do what is right for the American people. And, of course, I thank my colleagues on the other side of the aisle who have worked with us in good faith to bring this legislation to fruition.

We have tried to focus on the specific task at hand, and that is closing loopholes to ensure that Members of Congress play by the exact same rules as every other American. While there are some amendments today that will not meet that test, there are others that will make this bill stronger, and I believe the final product will have teeth.

This sorely needed bill would establish for the first time a clear fiduciary responsibility to the people we serve—removing any doubt that both the SEC and the CFTC are empowered to investigate and prosecute cases involving insider trading of securities from non-public information that we have access to when we do our jobs.

We are entrusted with a profound responsibility to the American people: to look out for their best interests, not to do what is in our financial interest. Let's show the people who have sent us here that we as a body can come together and do the right thing.

Today, we are taking a step forward to show them we are worthy of their trust. I encourage all of my colleagues to take this step with us today.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, in 6 or 7 minutes the Senate will begin a series of votes on the matter before us, the STOCK Act. I want to take a few moments to restate the underlying main purpose of the legislation, which is to respond to the public concern, informed by testimony before our committee from experts on securities law, that it is not totally clear that Members of Congress and our staffs are covered by anti-insider trading laws enforced by the SEC. The No. 1 accomplishment of this proposal will be to

make that crystal clear.

We are not exempt from that law; we should not be exempt. I presume most Members of Congress have assumed we have never been exempt. But this will make it clear if anybody crosses the line, they cannot defend themselves by saying that Members of Congress are not covered by the law.

We have also added in committee a couple of provisions which embrace the old but still important notion that sunshine is the best disinfectant in government by requiring that the annual financial disclosure reports we file will now be filed electronically and will therefore be available on the Internet. Right now, these are public documents. When they are filed in the Office of the Secretary of the Senate, people have to go there and make copies of them to see them. As Senator BEGICH, our colleague from Alaska, said: That is not easy if you are an Alaskan. This will bring that system up to date.

The third part—which I know is controversial for some, but I think it is sensible—is to require that within 30 days of any stock trades, disclosure forms must be filed with the Senate and also online. I can tell you that the Securities and Exchange Commission has made clear in testimony before the House committee and in discussions with our staff that that kind of periodic requirement for disclosure of trades in stock and securities will help them do the job we want them to do to make sure that insider trading laws are not being violated and, of course, will keep the public, our constituents, informed of what we are about.

A number of amendments are up. As Senator REID said, I hope we don't have rollcall votes on all of them. I think a number of them will receive unanimous support on both sides. I hope we can adopt them by voice.

There is one amendment, Senator SHELBY's amendment No. 1491, to which, as part of the agreement, I filed a side-by-side, as it were. I support the goal that Senator Shelby has of holding the executive branch accountable in ways similar to the way we are: that is, the amendment, generally speaking, would extend the 30-day reporting requirement, disclosure requirement, to a very large number of executive branch employees. That, to me, is the problem. It is too broad. It would create a cost and an unnecessary reporting system for many executive branch employees.

I want to point out here that when it comes to avoiding and preventing conflicts of interest, the executive branch is probably well ahead of the legislative branch. The ethics rules requirement and guidance put forward over the years by the Office of Government Ethics at the agencies are extensive and address a wide range of potential conflicts of interest and/or improprieties. They have teeth, criminal sanctions

For instance, high-level executive branch employees already file financial disclosure forms that face a very extensive system of agency review. These agency officials and career civil servants are often forced to divest themselves of their stock holdings if they seem to be in conflict with their responsibilities or to recuse themselves, not to be involved in matters in order to minimize potential conflicts of interest. That is a much different standard than we impose on ourselves, which is the standard of disclosure.

I have introduced a version of Senator Shelby's amendment, which I think achieves his goal in a significant way but not so broadly. Rather than the tens of thousands of people encompassed in the Shelby amendment, mine is targeted at policymakers most equivalent to those of us in Congress and those who work with us; that is, positions in our government that are Senate-confirmed and also certain high-level White House and agency staff who might not be Senate-confirmed but are policymakers. These individuals are public officials with visible high-profile roles, and the extra scrutiny that comes with increased reporting requirements seems to be more appropriate for this group—including the President, Vice President, appointees in the White House, the socalled policy czars, special assistants to the President, as well as members of the Federal Reserve Board.

I hope we can take this significant step to achieve what Senator SHELBY had in mind, but not, if I can put it this way, overdo it in a way that will actually, according to comments we have had from people in the executive branch, get in the way of the existing very tough ethics rules they live under now.

I vield the floor at this point.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, let me commend the chairman of our committee, Senator Lieberman. As always, it has been a great pleasure to work with him to produce this bill. I also wish to commend the author of the bill, Senator Scott Brown, who was the first to introduce this legislation in the Senate, and also praise the work of the Senator from New York, Mrs. Gillerand, for her contributions.

The STOCK Act is intended to affirm that Members of Congress are not exempt from our laws prohibiting insider trading. There are disputes among the experts about whether this legislation is necessary, but we feel we should send a very strong message to the American public that we understand Members of Congress are not exempt from insider trading laws, and that is exactly what this bill does.

We need to reassure a skeptical public that we understand elective office is a place for public service, not for private gain. Underscoring that important

message is clearly the purpose of this bill, and that is why I support it.

I thank the Chair.

AMENDMENTS NOS. 1478, 1477, 1474, 1476, 1490, 1492, AND 1503 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the following amendments are withdrawn:

Amendment No. 1478, amendment No. 1477, amendment No. 1474, amendment No. 1476, amendment No. 1490, amendment No. 1492, and amendment No. 1503.

#### AMENDMENT NO. 1482

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 1482, offered by the Senator from Connecticut, Mr. LIEBER-

Mr. LIEBERMAN. Madam President, this is a highly technical amendment. It simply says the GAO report, required by the underlying bill on the question of political intelligence, be sent not only to the Committee on Government Oversight in the House but also to the Judiciary Committee.

If there is no objection, I urge the adoption of the amendment. I don't believe there is any opposition and, therefore, no need for a rollcall vote.

The PRESIDING OFFICER (Mr. SANDERS). Is there further debate?

If not, the question is on agreeing to amendment No. 1482.

The amendment was agreed to.

### AMENDMENT NO. 1484

The PRESIDING OFFICER. question is on the Paul amendment, No. 1484. There is 2 minutes of debate, equally divided, on this amendment.

The Senator from Kentucky. Mr. PAUL. Mr. President, I rise in support of this amendment. This amendment would strike the underlying bill and would replace it with an affirmation that we are not exempt from insider trading and that each Senator would sign a statement each year affirming they did not participate in insider trading.

I think this is the way to go. I think the American people want to be sure we are not exempt. I think this is a good way to do it without creating a bureaucracy and a nightmare that may well have many unintended consequences.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I respectfully oppose the amendment. It would, as the Senator from Kentucky, with his characteristic directness said, strike the entire bill. The affirmation by Members they have not violated insider trading laws is, in my opinion, not enough. In the opinion of the SEC, it is not enough because it doesn't establish the duty of trust this underlying bill does that is required to guarantee charges against a Member of Congress or staff on insider trading will not be successfully defended against on the argument that Members are not covered.

friend from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I too am opposed to the amendment offered by Senator PAUL. I do think the idea of a certification is a good one, but, unfortunately, Senator PAUL's amendment would strike the provisions of the bill that affirm the duty we have to the American people and that scholars who testified before the committee said was necessary

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37. nays 61, as follows:

#### [Rollcall Vote No. 4 Leg.]

#### YEAS-37

Alexander Ayotte Barrasso Begich Blunt Burr Chambliss Coats	Crapo DeMint Enzi Graham Hatch Hoeven Johnson (SD) Johnson (WI)	Moran Nelson (NE) Paul Risch Roberts Shelby Thune
Burr Chambliss	Hoeven Johnson (SD)	Shelby
Corker Cornyn	Lugar McConnell	MICZEL

#### NAYS-61

# NOT VOTING-2

Sessions

The amendment (No. 1484) was re-

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Ms. COLLINS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 1487

The PRESIDING OFFICER. Under the previous order, there is 2 minutes

I yield the rest of my time to my of debate equally divided prior to a vote in relation to amendment No. 1487, offered by the Senator from Kentucky, Mr. PAUL. This amendment is subject to a 60-vote threshold.

The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, this amendment would say that those in the executive branch who decide loans and grants, if they have a self-interest in the company or if their family has a self-interest in the company, they should not be making decisions awarding grants and awarding loans. I think the idea that you should not make money off of government is an important one, but it is not just Congress that this should apply to; this should apply to the executive branch. We should not have hundreds of millions of dollars in loans-even billions of dollars in loans—dispensed by people who used to work for that company or whose family still works for the company.

I yield my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. This is one of a series of amendments in which our colleagues are applying ethics rules to the executive branch although the bill, of course, is focused on Members of Congress. In this case, this applies probably the harshest penalty that has ever been applied to members of the executive branch. The fact is, executive branch employees are already subject to an effective, in some ways broader ethics regime than we face now. It is backed up by criminal sanctions. As an example, executive branch employees file financial disclosure forms. Agency ethics officials who examine them can compel divestiture of holdings. They can require the individual to recuse himself from certain matters and, if recusal is not sufficient, the agency can reassign the individual.

In this case, Senator PAUL would say that an executive branch employee is forbidden from holding a position in which they or their family have any financial interest of \$5,000 or more, so I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amend-

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. Kirk).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

DeMint

## [Rollcall Vote No. 5 Leg.] YEAS—48

#### Enzi McConnell Alexander Ayotte Graham Menendez Barrasso Grasslev Moran Nelson (NE) Blunt Hatch Boozman Heller Nelson (FL) Hutchison Burr Paul Cantwell Inhofe Risch Carper Isakson Roberts Johnson (WI) Rubio Casev Chambliss Klobuchar Sessions Coats Kyl Shelby Coburn Lee Snowe Levin Corker Stabenow Cornyn Lugar Thune McCain Toomey Crapo

#### NAYS-51

Vitter

McCaskill

Akaka	Gillibrand	Murray
Baucus	Hagan	Portman
Begich	Harkin	Pryor
Bennet	Hoeven	Reed
Bingaman	Inouye	Reid
Blumenthal	Johanns	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Kohl	Shaheen
Cardin	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Lieberman	Warner
Coons	Manchin	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Murkowski	Wyden

# NOT VOTING—1

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mrs. COLLINS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1511

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1511 offered by the Senator from Connecticut, Mr. LIEBERMAN.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is a side-by-side with an amendment offered by my friend from Alabama. The question is, How many employees of the executive branch of government should be required to electronically file their disclosure statements? I believe, respectfully, Senator SHELBY's amendment requires maybe more than 300,000 Federal employees, including many who filed confidential disclosure statements.

This amendment would include people in the Federal executive branch who hold positions equivalent to those of us in Congress who are policymakers, and that includes the President, the Vice President, appointees in the White House, members of the Federal Reserve Board, and Senior Executive Service. It is the difference between applying this requirement to 2,000 executive employees or more than 300,000 Federal employees.

I yield the remainder of my time.

The PRESIDING OFFICER (Mrs. SHAHEEN). There is no time remaining. The Senator from Alabama.

Mr. SHELBY. Madam President, the Lieberman amendment is a side-by-side with the Shelby amendment. This Lieberman amendment would create loopholes, disparity, and it undermines the true transparency. I encourage my colleagues to oppose it.

On the other hand, my amendment would be a side-by-side, and it creates parity, fairness, and true transparency. Without transparency the American people will be left in the dark. Also, the Senator from Connecticut is talking about who would have to file these. It will be the same people who have to file disclosures now. Why should they be exempt? My amendment would make it a level playing field. It makes a lot of sense. It is fair, it is honest, and the executive branch should not be excluded for any reason I can think of.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The year and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

# [Rollcall Vote No. 6 Leg.]

# YEAS-81

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Ayotte	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Blumenthal	Heller	Paul
Boozman	Hoeven	Pryor
Boxer	Hutchison	Reed
Brown (MA)	Inhofe	Reid
Brown (OH)	Inouye	Risch
Burr	Isakson	Roberts
Cantwell	Johanns	Rockefeller
Cardin	Johnson (SD)	Rubio
Carper	Kerry	Sanders
Casey	Klobuchar	Schumer
Coats	Kohl	Shaheen
Cochran	Kyl	Snowe
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Tester
Coons	Leahy	Thune
Corker	Levin	Udall (CO)
Cornyn	Lieberman	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCain	Webb
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wyden

# NAYS—18

arrasso	Coburn	Lee
ingaman	DeMint	Lugar
lunt	Enzi	McConnell
hambliss	Johnson (WI)	Moran

Portman Shelby Vitter Sessions Toomey Wicker NOT VOTING—1

Kirk

The amendment was agreed to. Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1491

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1491, as modified, offered by the Senator from Alabama, Mr. Shelby.

The Senator from Maine.

Ms. COLLINS. Madam President, first, I wish to commend Senator PAUL and Senator SHELBY for raising the issue of extending these requirements to the executive branch. I agree with them. I supported the amendment offered by Senator LIEBERMAN, but I also encourage my colleagues to support the amendment offered by Senator SHELBY. It would take in the independent regulatory agencies, and it goes a little bit deeper into the executive branch. So I think both principles are correct—that the kind of disclosures we are going to be required to make should also apply to high-level executive branch employees.

I thank both the Senator from Kentucky and the Senator from Alabama

for their leadership.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I appreciate the remarks of the Senator from Maine. She is urging people to vote yea on the Shelby amendment. I appreciate that. It is a good amendment, and I will do the same thing: Vote yea.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I respectfully ask for a "no" vote.

As I indicated in support of the sideby-side I offered, executive branch employees are now under very tough ethics regulations requiring, in many cases, divestiture or recusal, and this adds a good requirement which is for some of them to file electronically the disclosure statements they have to make. But the amendment we just passed-mine-would add that requirement to 2,000 of the top-level policymakers in our Federal Government. Senator Shelby's amendment would extend that to more than 300,000 Federal employees, including some, by our count in the Office of Government Ethics, drivers and secretaries.

In addition to the burden it would place on them unduly, we are asking agencies to stretch personnel and resources to fulfill a totally new requirement when, in fact, we want them to spend more money.

I respectfully ask my colleagues to vote no.

The PRESIDING OFFICER. question is on agreeing to the Shelby amendment No. 1491, as modified.

Mr. SHELBY. I ask for the yeas and

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. Kirk).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—veas 58. nays 41, as follows:

#### [Rollcall Vote No. 7 Leg.]

#### YEAS-58

Alexander Ayotte Barrasso Blunt Boozman Brown (MA) Burr Cantwell Chambliss	Hatch Heller Hoeven Hutchison Inhofe Isakson Johanns Johnson (WI)	Nelson (NE) Nelson (FL) Paul Portman Pryor Risch Roberts Rubio
Coats	Klobuchar	Sessions Shaheen
Coburn Cochran	Kyl Lee	Shelby
Collins	Lugar	Snowe Stabenow
Corker Cornyn	Manchin McCain	Thune
Crapo	McCaskill	Toomey
DeMint	McConnell	Vitter
Enzi	Merkley	Wicker
Graham	Moran	Wyden
Grassley	Murkowski	

### NAYS-41

A ka ka	Feinstein	Mikulski
11110110		MIKUISKI
Baucus	Franken	Murray
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Blumenthal	Inouye	Sanders
Boxer	Johnson (SD)	Schumer
Brown (OH)	Kohl	Tester
Cardin	Landrieu	Udall (CO)
Carper	Lautenberg	. ,
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Coons	Lieberman	Webb
Durbin	Menendez	Whitehouse

### NOT VOTING-1

Kirk

The amendment (No. 1491), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1485 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1485, offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Madam President, I think the issue has already been addressed by

save money and not figure out ways to previous amendments. I thank the chairman and the minority ranking member for their addressing this prob-

> I ask unanimous consent that the amendment, as modified, be withdrawn.

> The PRESIDING OFFICER. Without objection, it is so ordered.

> Mr. LIEBERMAN. Madam President, I thank the Senator from Kentucky. I would urge others with amendments listed here to think of following that example. But certainly as I look at the next four amendments, I think they are all noncontroversial. I would urge their sponsors to have the 2 minutes of debate, and, hopefully, let's have a voice vote so we can proceed.

> The PRESIDING OFFICER. The Senator from California.

#### AMENDMENT NO. 1489

Mrs. BOXER. Madam President, I believe my amendment is next.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Boxer amendment No. 1489.

Mrs. BOXER. Madam President, I would be delighted to take a voice vote on this amendment, which I am proud to say was written by myself and Senator ISAKSON. I am very pleased Senator Collins suggested the modification.

All this amendment does is broaden the mortgage disclosure requirements on all of us-Members of Congress-and it does the same thing for the President, the Vice President, and the executive branch employees who are subject to the advice and consent of the Congress.

I think it is fair. I think it is wise. and I think we have had issues that require this to be done.

With that, I yield back my time to Senator Collins.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased the Senator from California has agreed to modify her amendment to apply it to the executive branch. I thank her very much for her cooperation, and I would suggest the amendment be adopted, as modified, by a voice vote.

Mrs. BOXER. Madam President, I ask for a voice vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent to vitiate the 60-vote requirement on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1489), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1505

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, the next amendment is one from Senator PORTMAN. It is No. 1505. It is truly a technical amendment. I do not believe it needs a rollcall vote. I would suggest, with the concurrence of the chairman, that we vitiate the yeas and nays and adopt it by a voice vote.

Mr. LIEBERMAN. Madam President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1505) was agreed

Mr. PORTMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1510 TO AMENDMENT NO. 1470

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Enzi amendment No. 1510.

Ms. COLLINS, Madam President, this is a very good amendment that Senator ENZI has offered. It recognizes the fact that we do not control trades that happen within mutual funds. Thus, there is not a need for reporting every 30 days; rather, we should keep the annual reporting requirement.

It has been cleared by both sides. I do not believe it requires a rollcall vote. I would suggest that we vitiate any rollcall vote that was suggested and adopt it by a voice vote, with the concurrence of the chairman of the com-

Mr. LIEBERMAN. Madam President, this is a good amendment. I support it.

Ms. COLLINS. Madam President, on behalf of Senator ENZI, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Maine [Ms. Collins], for Mr. Enzi, proposes an amendment numbered 1510 to amendment No. 1470.

The amendment is as follows:

(Purpose: To clarify that the transaction reporting requirement is not intended to apply to widely held investment funds)

At the end of the amendment, insert the following:

#### SEC. TRANSACTION REPORTING REQUIRE-MENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund),

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified: and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1510) was agreed

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1498

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Blumenthal amendment No. 1498.

The Senator from Massachusetts.

BROWN of Massachusetts. Madam President, I would like to take moment to commend Senator BLUMENTHAL and Senator KIRK. As you all know, Senator KIRK is battling to come back with us. As a gesture and also because it is a good-government measure, this particular amendment, No. 1498, extends the number and types of felonies for which Members of Congress and executive branch employees or an elected State or local government official can lose his or her pension. This is a good-government amendment and an appropriate way to honor our colleague, Senator KIRK, whom we wish a speedy recovery.

I ask to have the yeas and nays by voice vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I wish to join in acknowledging Senator Kirk's contribution to this amendment. The reason I have offered it is very simply to send a message and have the effect that no corrupt elected official, no official convicted of a felony in connection with his official duties as a Member of Congress should receive one dime of taxpayer money. And that breach of law should have consequences.

I join in asking for a voice vote.

BROWN of Massachusetts. Madam President, I ask unanimous consent to vitiate the 60-vote threshold on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1498) was agreed

Mr. BROWN of Massachusetts. Madam President, I move to reconsider the vote.

Mr. LIEBERMAN. Madam President, I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1472

The PRESIDING OFFICER. There will now be 2 minutes of debate equally

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise in support of my amendment. I wish to thank Senator McCaskill for cosponsoring this amendment and for her support on this ban on earmarks.

What this amendment does is it would codify the current moratorium that is in place. I commend the majority Senators for extending that moratorium, but let's just codify this now, put this in place, and end this process that lacks any transparency. This is a surgical point of order that would not be held against the entire bill but, rather, just the specific earmark.

Unlike the next amendment, which would allow earmarks on authorization bills and would permit, for instance, earmarking of the "bridge to nowhere" and would only forbid earmarks on appropriations bills, this would be a ban on earmarks of all kinds.

Some suggest that we would be ceding our constitutional control of the purse strings. This is clearly not true. Most of all government spending is not earmarked. Most discretionary spending is not earmarked. That doesn't mean we have ceded our authority to the executive branch. The fact is, we define the terms and the rules under which the spending can occur. That is appropriate, but it ought to happen under scrutiny and should be subject to full review.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Hawaii.

Mr. INOUYE. Madam President, this amendment does not save any money. It does not reduce the deficit. It simply gives additional power to the President and thereby weakens the legislative branch.

The reality is that without these earmarks, we find ourselves at the mercy of bureaucrats to ensure that our local needs are fulfilled. No one in this Chamber believes that a bureaucrat here in Washington knows better or understands the needs of their home State as well as they do.

So I say again, Madam President, the voluntary moratorium is now 100 percent successful. It will continue in fiscal year 2013.

I urge my colleagues to vote against the Toomey amendment.

Mr. McCAIN. Mr. President, I come to the floor today to speak in support of Senator Toomey's amendment to permanently ban the use of earmarks in Congress. The underlying bill, the STOCK Act, was designed to end a corrupt practice in Congress. I fully support that goal. But if we are serious about ending corruption in Congress, then we must begin by permanently banning earmarks. It is my belief that these two issues go hand and hand.

One of the most blatant examples of the corruption that stems from ear-

divided on the Toomey amendment No. marking is the case of former U.S. Representative Randy Cunningham who now sits in a Federal penitentiary today for selling earmarks. Among the \$2.4 million in bribes Cunningham admitted receiving were the sale of his house at an inflated price, the free use of a yacht, a used Rolls-Royce, antique furniture, Persian rugs, jewelry, and a \$2,000 contribution for his daughter's college graduation party. In return, he earmarked untold millions of dollars and pressured the Department of Defense to award contracts to his co-conspirators.

Year after year I have been coming to the Senate floor to speak out against the corrupt practice of Congressional earmarking and I have been joined by many of my colleagues such as Senators COBURN and McCASKILL. Even President Obama called for a ban on earmarks in last year's State of the Union speech. The time has come to end this practice once and for all, permanently.

Let me be clear, both Republicans and Democrats have been guilty of wasting valuable taxpayer dollars on these pet projects. And as the moratorium on earmarking expires at the end of this year, we must move forward with a permanent ban to protect the American taxpayer.

Let me remind my colleagues about our current fiscal situation. Our National debt now stands at over \$15 trillion and our deficit stands at \$1.3 trillion. In fact, this is the fourth year in a row with deficits over a trillion dollars. Unemployment in our country stands at 8.5 percent and according to CBO, unemployment is expected to remain above 8 percent until 2015. Given these dismal economic numbers, are we prepared to tell the American people that we want to go back to the corrupt practice of earmarking and spend their hard-earned tax dollars on pork barrel projects that have little purpose other than to improve the re-election prospects of their authors?

Some of my colleagues are "happy" with their earmarking pasts and have justified carrying on the practice by saying that they only account for a small percentage of our annual budget. That may be the case—but is that really reason enough to continue a practice that breeds corruption? I am very aware that earmarks consume a very small percentage of a budget measured in the trillions. But given the serious problems confronting American families, many of whom wake up every morning wondering if they will lose their job or their house, it is appalling that Congress will not stir itself to relinguish any of its self-serving prerogatives in solidarity with the people we serve, who have had to tighten their own budgets, change their spending habits and restrain their ambitions. It is all the more offensive given that we have had in recent times all the evidence we should require to understand

that earmarks are so closely tied to of what most people think of as an earacts of official corruption.

of what most people think of as an earacts of official corruption.

mark. The problem is this: You can

In a report titled "Why Earmarks Matter" The Heritage Foundation wrote:

They Invite Corruption: Congress does have a proper role in determining the rules, eligibility and benefit criteria for federal grant programs. However, allowing law-makers to select exactly who receives government grants invites corruption. Instead of entering a competitive application process within a federal agency, grant-seekers now often have to hire a lobbyist to win the earmark auction. Encouraged by lobbyists who saw a growth industry in the making, local governments have become hooked on the earmark process for funding improvement projects.

They Encourage Spending: While there may not be a causal relationship between the two, the number of earmarks approved each year tracks closely with growth in Federal spending.

They Distort Priorities: Many earmarks do not add new spending by themselves, but instead redirect funds already slated to be spent through competitive grant programs or by states into specific projects favored by an individual member. So, for example, if a member of the Nevada delegation succeeded in getting a \$2 million earmark to build a bicycle trail in Elko in 2005, then that \$2 million would be taken out of the \$254 million allocated to the Nevada Department of Transportation (DOT) for that year. So if Nevada had wanted to spend that money fixing a highway in rapidly expanding Las Vegas, thanks to the earmark, they would now be out of luck

If we want to show the American public that we are really serious about preventing corruption in Congress than we owe it to the American people to completely ban all earmarks in Congress. Senator TooMEY's amendment proposes to do just that and I encourage my colleagues to support his amendment.

Mr. TOOMEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I wanted to inquire, is there any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized for 1 minute.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. DURBIN. Reserving the right to object. I withdraw that reservation.

Mr. TOOMEY. Madam President, reserving the right to object, if the Senator will grant 1 minute on his amendment, then I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, I appreciate the opportunity to be heard.

I agree with what the author, Senator Toomey, is trying to do in terms

of what most people think of as an earmark. The problem is this: You can vote for this if you are voting for and are against all earmarks as it is defined. It depends on how you do it. In the House, it is defined, under their rules, and it has been defined here as any type of appropriation or authorization. I would suggest to you, if you get the Constitution and look up article I, section 9, it says that is what we are supposed to be doing here.

So if I knew that my next amendment would pass, which defines an earmark as an appropriation that has not been authorized, which I know Senator TOOMEY and several others agree would be a good idea, then I would be wholeheartedly in support of this. So obviously we should have had that vote first. So I would vote against this even though I agree with what they are trying to do. But my next amendment is going to be the one that is necessary.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. This amendment has a 60-vote threshold.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

# [Rollcall Vote No. 8 Leg.]

# YEAS-40

Ayotte	Graham	Nelson (FL)
Barrasso	Grassley	Paul
Bennet	Hagan	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Rubio
Burr	Isakson	Snowe
Chambliss	Johanns	Stabenow
Coats	Johnson (WI)	Thune
Coburn	Kyl	Toomey
Corker	Lee	Udall (CO)
Cornyn	McCain	
Crapo	McCaskill	Vitter
DeMint	McConnell	Warner
Enzi	Moran	

# NAYS-59

# NOT VOTING-1

Kirk

The PRESIDING OFFICER. Under the previous order, requiring 60 votes

for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1500

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided, with 1 minute controlled by the Senator from Pennsylvania, Mr. TOOMEY, on amendment No. 1500, offered by the Senator from Oklahoma, Mr. INHOFE. This amendment is also subject to a 60-vote threshold.

Mr. INHOFE. Madam President, I have the utmost respect for Senator TOOMEY and what he is trying to do. To me, this amendment is compatible with what he is trying to do. It merely defines an earmark as an appropriation that has not been authorized.

My junior Senator said on the Senate floor a year ago that, in a way that is good, because if a bad earmark comes up, we have two shots at it—one on authorization and one on appropriation. Senator TOOMEY, Senator McCAIN, and others have been supportive of the idea that we should go back to authorizing.

We have been fighting this battle since 1816, and it is time we end it. This is a way of doing it, merely defining it as an earmark that hasn't been authorized. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I point out that the Constitution doesn't make a distinction between an authorizing committee and an appropriating committee. I don't think we ought to be having the discussion and argument over who gets the earmark and who doesn't. It is the process that is flawed. It is the process that doesn't have the kind of scrutiny and the transparency and is not subject to competition the way it ought to be before taxpayer dollars are spent. So my objection is to this process wherever this occurs in the Senate or the House.

While I respect the intentions of my colleague from Oklahoma, I disagree with him. I suggest a "no" vote.

Mr. INHOFE. Madam President, I further say that after the stimulus bill, all of the 102 most egregious votes last year—or earmarks, not one was a congressional earmark. They were all bureaucratic earmarks. If we don't do our constitutional job under article I, section 9 of the Constitution, the President will be doing our job.

The PRESIDING OFFICER. The Senator's time has expired. The question is on agreeing to the amendment.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

#### [Rollcall Vote No. 9 Leg.] YEAS—26

Alexander	Corker	Portman
Begich	Graham	Roberts
Blunt	Hutchison	Sessions
Boxer	Inhofe	Shelby
Brown (MA)	Isakson	Snowe
Casey	Kohl	Stabenow
Chambliss	Kyl	Thune
Cochran	Murkowski	Wicker
Collins	Nelson (FL)	WICKCI
	NAYS-73	
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Akaka	Grassley	Mikulski
Ayotte	Hagan	Moran
Barrasso	Harkin	Murray
Baucus	Hatch	Nelson (NE)
Bennet	Heller	Paul
Bingaman	Hoeven	Pryor
Blumenthal	Inouye	Reed
Boozman	Johanns	Reid
Brown (OH)	Johnson (SD)	Risch
Burr	Johnson (WI)	
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Rubio
Carper	Landrieu	Sanders
Coats	Lautenberg	Schumer
Coburn	Leahy	Shaheen
Conrad	Lee	Tester
Coons	Levin	Toomey
Cornyn	Lieberman	Udall (CO)
Crapo	Lugar	Udall (NM)
DeMint	Manchin	Vitter
Durbin	McCain	Warner
Enzi	McCaskill	Webb
Feinstein	McConnell	Whitehouse
Franken	Menendez	Wyden
Gillibrand	Merkley	, 4011

# NOT VOTING—1

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent to vitiate the 60-vote requirement threshold on amendment No. 1471 and amendment No. 1483.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN of Massachusetts. I would also ask unanimous consent to have the yeas and nays by voice vote on amendment No. 1471 and amendment No. 1483 as well.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### AMENDMENT NO. 1471

Mr. BROWN of Massachusetts. Mr. President, further, before I yield to Senator McCain, I would like to briefly set up amendment No. 1471.

Fannie and Freddie have cost the American taxpayers billions of dollars. This year, they paid exorbitant bonuses to their executives.

I wish to commend Senator McCain for his work on this very important issue and his leadership, and I encourage everybody to vote yes on it.

I now yield to Senator McCain.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I don't have anything more to say. On behalf of myself and Senator Rockefeller, I offer this amendment.

I vield the floor.

Mr. LIEBERMAN. Through the Chair, I was going to ask my friend from Arizona if he is feeling all right. The PRESIDING OFFICER. The Sen-

ator looks just fine.

Mr. LIEBERMAN. He does.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1471) was agreed to

Mr. BROWN of Massachusetts. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

#### AMENDMENT NO. 1483

Mr. LEAHY. Mr. President, am I correct that amendment No. 1483, the Leahy-Cornyn amendment, is next?

The PRESIDING OFFICER. The amendment is now pending.

# SECTIONS 205 AND 211

Mr. LEVIN. Mr. President, Senator Leahy and Senator Cornyn have introduced a rather substantial amendment to the STOCK Act that would strengthen the tools that prosecutors and investigators use to detect and prosecute corruption by public officials. I would like to ask my colleagues a few clarifying questions about how their amendment achieves this laudable goal.

Mr. LEAHY. We would be happy to answer the Senator's questions.

Mr. LEVIN. My first question refers to section 205 of your amendment, covering bribery and graft. What is the purpose of including the phrase "former public official"? How is it possible to bribe a former public official?

Mr. LEAHY. You cannot bribe a former public official, at least not under the terms of this amendment. Section 205 does ensure that when a public official accepts a bribe in return for taking an official act, the official cannot escape liability by leaving public service before the bribe is received or discovered.

Mr. LEVIN. Under section 205, an "official act" can refer to any matter which may "at any time be pending." What prevents this definition from being overbroad and covering matters that a former public official, for example, never anticipated would be pending?

Mr. LEAHY. The former public official must accept the bribe or gratuity "for or because of" the official act. If the public official does not know that a matter is pending, the public official cannot accept a bribe "for or because" of it.

Mr. LEVIN. Section 205 also refers to an official's "place of trust and profit." What is a "place of trust and profit"?

Mr. LEAHY. This phrase is in the current bribery and gratuities statute and has been part of the law for decades. Our amendment does not change its definition or the scope of its use. It appears in section 205 because of the way that the amendment is drafted, and it is interpreted consistent with the extensive body of case law on corruption.

Mr. LEVIN. I thank my colleague. Turning to section 211 of your amendment, the "Prohibition on Undisclosed Self-Dealing By Public Officials," what is purpose of codifying this prohibition?

Mr. LEAHY. Without this codification, there is no Federal law prohibiting certain public officials from acting in their own financial interest, at the expense of the public, and in violation of existing State and local law.

Mr. LEVIN. Why is it necessary to make it a Federal crime for a local official to engage in undisclosed self-dealing?

Mr. LEAHY. This is an area where there is a particular Federal interest because if the corrupt official is in State or local law enforcement, there may be no other way to ferret out the corruption. In fact, in Skilling v. United States, the Supreme Court invited Congress to criminalize undisclosed self-dealing in the specific and narrowly tailored way we do today.

Mr. LEVIN. Does this amendment create the potential for arbitrary or politically motivated prosecutions of local officials?

Mr. LEAHY. No, it does not. Criminal liability only attaches when the public official acts with fraudulent intent and does so in knowing violation of existing rules and regulations.

Mr. LEVIN. Why isn't there a magnitude requirement for the financial interest underlying undisclosed self-dealing? If one just reads this section, it appears as though even a trivial, attenuated financial benefit could lead to a violation.

Mr. LEAHY. A trivial, attenuated financial benefit could not lead to this violation because the public official must still act knowingly and with fraudulent intent to receive the benefit, and they must do so in violation of existing law. For example, if State ethics rules do not require disclosure of financial interests below a certain threshold, then undisclosed self-dealing—even with fraudulent intent—below that threshold could not be charged under this statute. Moreover,

ficial to act for the purpose of benefiting a financial interest.

Mr. LEVIN. Suppose a local official has not disclosed, as required by a local ordinance, that he owns a home in a targeted improvement district in his county. Then this official votes to install street lights in his town, which lowers crime, improves commerce, and consequently increases the value of his and other homes. Has he committed a Federal offense?

Mr. LEAHY. No, the local official has not committed a Federal offense in the hypothetical you describe. Criminal liability under Federal law only exists if the official knowingly fails to disclose the interest and further intentionally acts to benefit that financial interest and does so with the fraudulent intent required of the mail and wire fraud statute. In the hypothetical you describe, there is no fraud and therefore no criminal activity.

Mr. LEVIN. I thank my colleague for his helpful explanation. There is one more issue I would like to discuss. Section 211 of your amendment includes a definition of "material information." I want to be absolutely clear that this definition is specific to section 211 and is in no way intended to provide any meaning to the phrase "material information" as used elsewhere in the STOCK Act or anywhere else in law.

Mr. LEAHY. Senator CORNYN and I worked hard to ensure that our amendment addresses the issue of undisclosed self-dealing in a narrow and precise manner. To make sure there are no ambiguities in the updated honest services statute our amendment creates, we carefully defined the term "material information" and made sure we did so in such a way that our definition would apply only to the precise section of the Criminal Code where the new undisclosed self-dealing provision will appear.

Mr. LEVIN. One question that has arisen is whether the definition of "material information" in the new Criminal Code section your amendment creates is intended to or could affect other parts of the STOCK Act since the same term also appears in a very different context in other parts of the bill

Mr. LEAHY. Our definition will have no effect on the term "material information" as it appears in other parts of the STOCK Act because it is drafted to apply only to the new Criminal Code provision and not to other criminal laws or the Federal securities laws. On page 12, line 11 of amendment 1483, it says "definitions—as used in this section:" and then provides a set of definitions which includes "material information." That provision very clearly applies the definition only to that new Criminal Code section, not to the rest of title 18, to the remainder of the STOCK Act, or to Federal securities

the amendment requires the public of- law. In fact, this language was drawn from S. 401, the Leahy-Cornyn Public Corruption Prosecutions Improvement Act, and it is the legislative history of that bill and not that of the STOCK Act, that will apply when our amendment is interpreted.

> Mr. LEVIN. I thank the Senator for that clarification. In addition to the precise wording of amendment 1483 and clear congressional intent that the phrase used in the new Criminal Code section not be imported to Federal securities law, the definition actually used in your amendment has no applicability or relevance to the materiality considerations that arise in insider trading cases.

> I ask Senator CORNYN, does he agree with Senator LEAHY regarding our discussion of the amendment?

Mr. CORNYN. I agree.

Mr. LEVIN. I thank both of my colleagues for working with me to address my questions about the Leahy-Cornyn amendment.

Mr. COBURN. Mr. President, I rise to express my concerns about amendment No. 1483 to the STOCK Act. While we all oppose public corruption and recognize the need for tough laws in this area. I believe this amendment may blur the line between innocent behavior and criminal public corruption offenses. This amendment expands the Federal criminal gratuities statute to cover the gift of anything of value, over \$1,000, that is given to a public official simply because of their status as a public official. A unanimous Supreme Court in United States v. Sun-Diamond Growers of California interpreted the honest services law to require the government to actually prove a link between the thing of value given and the specific act. The Court said the thing of value must be given "for or because of" an official act. I am concerned that expanding the crime to include items given merely on the basis of the public official's status goes too far and criminalizes some legitimate conduct.

However, my primary concern with this amendment is the section that gives the Federal Government the authority to interpret, prosecute, and enforce State and local laws. I believe this provision violates the basic principles of federalism embodied in our Constitution, Amendment No. 1483 expands the definition of "scheme or artifice to defraud" in Federal criminal law to include the "undisclosed selfdealing" of an "officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or a subdivision of a State, or any department, agency or branch of government." The amendment defines "undisclosed self-dealing" as an official act that furthers or benefits a financial interest of the official or certain family members and associates of the official. Undisclosed selfdealing also occurs when the official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter or the knowing failure to disclose material information in a manner that is required by a Federal, State, or local statute, rule, regulation, or charter. Thus, this provision makes it a Federal crime for a State or local official to fail to comply with a State or local law, including the mere filing requirements of State or locality. This provision gives the Federal Government the power to enforce State and local laws.

I do not believe our Founders intended for Federal prosecutors to be able to bring Federal criminal cases against State or local officials based on that official allegedly breaking or failing to comply with a State or local law, and the Founders did not intend for Federal judges and Federal courts to be interpreting the State or local laws, expect in limited circumstances. Corruption of State and local officials is a serious problem, but it is not the Federal Government's problem to solve. For these other reasons, I oppose this amendment in its current form.

Mr. LEAHY. Mr. President, the Leahy-Cornyn amendment is drawn from our Public Corruption Prosecution Improvements Act. Our bill has been supported by the United States Department of Justice in a March 2009 letter, and this amendment is supported by the National Taxpayers Union, the FBI Agents Association, the National Association of Assistant United States Attorneys, the nonpartisan Campaign Legal Center, the League of Women Voters, Citizens for Responsibility and Ethics in Washington, Common Cause, and Democracy 21. I am working with Senator CORNYN, the lead Republican cosponsor of our bill and this amendment. We thank Senators CASEY and KIRK for cosponsoring this amendment.

This amendment will provide investigators and prosecutors with the tools they need to hold officials at all levels of government accountable when they act corruptly by closing legal loopholes. This amendment, which reflects a bipartisan, bicameral agreement, will strengthen and clarify key aspects of Federal criminal law and help investigators and prosecutors attack public corruption nationwide. The Senate Judiciary Committee has now reported this bill with bipartisan support in three successive Congresses. The House Judiciary Committee recently reported a companion bill unanimously. It is time for Congress to act to pass serious anti-corruption legislation.

Importantly, the amendment includes a fix to reverse a major step backward in the fight against fraud and corruption. In Skilling v. United States, the Supreme Court sided with a former executive from Enron and

greatly narrowed the honest services fraud statute, a law that has been used for decades as a crucial weapon to combat public corruption and self-dealing. The Court's decision leaves corrupt conduct unchecked. Most notably, the Court's decision would leave open the opportunity for state and Federal public officials to secretly act in their own financial self-interest, rather than in the interest of the public. This amendment closes this gaping hole in our anti-corruption laws.

The amendment includes several other provisions designed to tighten existing law. It fixes the gratuities statute to make clear that public officials must not be bought. It reaffirms that public officials may not accept anything worth more than \$1,000, other than what is permitted by existing rules and regulations, given to them because of their official position. It strengthens key sentences and gives prosecutors and investigators time to make complex and difficult cases.

As a former State prosecutor, I am sensitive to the dangers of creating too many Federal crimes. In the area of public corruption, however, sometimes it is only the Federal government that can effectively pursue complex corruption matters. Conflicts and relationships can make it difficult for State and local law enforcement, and these matters can require extensive resources that cannot be diverted from hard-pressed local budgets. This Federal law stands as a backstop to help ensure against public corruption.

I also know how important it is that our criminal laws be fair and precise, giving sufficient notice to those who may break the law. It is in that spirit that Senator Cornyn and I, working with Congressmen Sensenberenner and QUIGLEY, have refined this legislation. We have made it careful and precise and built in important safeguards. This amendment will only target corrupt conduct.

Right now, a mayor who takes a \$1,000 payment to award a contract to a specific company can be prosecuted for corruption, but a mayor who conceals his interest in a company, awards a contract, and secretly makes \$1 million out of the deal likely cannot be prosecuted. A contracting officer who accepts thousands of dollars in gifts from a frequent bidder hoping for favorable treatment on some unspecified future contract likely cannot be prosecuted. The Department of Justice has been dismissing counts and cases because of these gaps in the law. It is time to fix them.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed in recent years in highprofile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools they need to enforce our laws. Public corruption erodes the

faith the American people have in those who are given the privilege of public service. This amendment will help us to take real steps to restore confidence in government by rooting out criminal corruption.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I hope our colleagues will support this amendment that Senator Leahy and I have worked on. This is an expansion of our Public Corruption and Prosecution Improvements Act which passed the Judiciary Committee last year.

Mr. President, I am proud to co-sponsor this important amendment with Senator PATRICK LEAHY, the distinguished chairman of the Judiciary Committee.

Our amendment is drawn from bipartisan, bicameral legislation—including our Public Corruption Prosecution Improvements Act, which passed the Judiciary Committee last year.

Public corruption is not a Republican or Democratic problem. It is a Washington, DC, problem. And it is a problem in statehouses and city halls across this country. Our citizens deserve to be governed by the rule of law, not the rule of man. Unfortunately, human nature being what it is, a few rotten apples have a tendency to spoil the bunch.

The amendment we will vote on today will strengthen the enforcement of U.S. Federal laws aimed at combating betrayals of public dollars and the public trust. Our amendment does this by making clarifications to public corruption laws and by giving prosecutors precise tools to use in their battle against corrupt officials.

Our amendment increases the maximum punishments on several offenses, including theft and embezzlement of federal funds, bribery, and a number of corrupt campaign contribution practices. For example, it cracks down on theft or bribery related to entities that receive Federal funds, by increasing the maximum sentence for a conviction from 10 to 15 years and lowering the threshold that prosecutors must prove, from \$5,000 to \$1,000.

It also clarifies the law in response to several court decisions narrowly interpreting the public corruption statutes. For example, the bill revises the definitions of "illegal gratuities" and "official acts," clarifying that an entire "course of conduct" can be the result of bribery.

Federal investigators who seek to root out corrupt officials will benefit from new tools provided in this legislation. The bill would extend the statute of limitations on certain serious public corruption offenses, giving prosecutors more time to investigate and build a case.

And it expands the criminal venue provisions, allowing prosecutors to bring the case against corrupt officials in any district where some part of the corruption occurred. The bill similarly expands the venue for perjury and obstruction of justice.

I would like to take a minute or two to address concerns that I have heard, including from some on my side of the aisle.

One criticism I have heard is that this legislation ignores federalism principles.

This concern is directed at a portion of the amendment clarifying that the mail and wire fraud statute applies to any public official who uses the interstate mails or wires to advance a fraudulent scheme involving illegally undisclosed self-dealing.

The Supreme Court has interpreted the mail and wire fraud statutes more narrowly—asking that Congress clarify the definition of illegally undisclosed self-dealing.

Under this amendment, the Federal government would only be able to prosecute State officials where they can show, beyond a reasonable doubt, that the State official in question had knowingly or intentionally violated relevant State laws concerning the disclosure of material financial interests.

In other words, this legislation expressly defers to the States to determine what financial disclosures their public officials should be required to make.

Additionally, this provision would require the Federal government to show that the State official in question had engaged in an official act for the material purpose of benefitting the illegally concealed financial interest that they knowingly or intentionally failed to disclose.

Finally, the Federal government would have to show that the course of conduct included a constitutionally-sufficient federal nexus via use of the interstate mails or wires to perpetrate the fraud.

As for federalism principles generally, it is important to note that, under current law, the Federal government still has the authority to prosecute corrupt State officials for bribery and kickback schemes under the mail and wire fraud statutes.

This amendment simply updates and clarifies the honest services fraud statute to reach corrupt conduct—i.e., undisclosed self-dealing—that Congress intended to be part of the criminal law.

Some opponents of this amendment believe that we should repeal portions of current law so that the Federal government has no role whatsoever in rooting out public corruption at the State and local level. I fundamentally disagree.

Consider the all-too-common case of a corrupt State governor or State judge that local prosecutors are loathe to indict—or even investigate—for fear of reprisal.

Finally, I have heard some ask: Would this legislation criminalize the giving of baseball caps, jerseys, or other ceremonial gifts to Members of Congress?

The answer is very simple: No, it would not.

First, the amendment would only apply to status gratuities worth more than \$1,000. Second, the amendment would also require prosecutors to prove that the government official in question knowingly accepted the illegal gratuity in violation of the relevant ethics rules or regulations governing their conduct.

I urge my colleagues to support the amendment. I look forward to engaging with any of my colleagues who have concerns or questions.

I thank Chairman LEAHY for his leadership on this and other legislation we have crafted together. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to briefly thank the Senators from Vermont and Texas for this amendment. It strengthens the bill, as does the preceding amendment offered by Senator McCain, and I urge its adoption.

The PRESIDING OFFICER. The question is agreeing to the amendment. The amendment (No. 1483) was agreed to.

#### AMENDMENT NO. 1473

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Coburn amendment.

The Senator from Oklahoma.

Mr. COBURN. This is a simple, bipartisan amendment, and we have voted on an identical amendment before, 63 yeas, 33 nays. My colleague, the Senator from Colorado, has been gracious enough to support this amendment. This is straightforward. We just need to know what we are doing when we do it. It requires the CRS to show us if we have duplicated anything before a bill comes before the Senate.

I yield to my colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise in support of amendment No. 1473. Senator Coburn and I have introduced this critical amendment to curb Congressional temptations to create more programs, laws and regulations, without first analyzing what already exists. Senator HATCH and I have also introduced legislation to create an official "Unauthorizing Committee" that would reinstitute a committee in Congress to rid our government of outdated and ineffective laws.

In the next few weeks, the GAO will release a report showing the extent of the wasteful and duplicative programs in the federal government. It shows that too often Congress focuses on creating new programs and regulations while neglecting our important role of overseeing and reforming existing laws.

Our amendment would require that any new bill that is reported from committee contain an analysis from the Congressional Research Service determining if the bill creates any new federal program, office, or initiative that would overlap existing programs. Opponents worry that this amendment will slow the legislative process, but I believe that we must first pursue informed legislating and efficient government.

Senator COBURN and I don't always agree on the reach of government and the investments we ought to make, but we agree that our government ought to be smart, it ought to be efficient, and we shouldn't have duplication. This amendment would see us to that goal. Sixty-three of us voted for this amendment last year. Let's get 63 votes and more.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I respectfully oppose the amendment put in by my two friends. This would amend the Senate rules to make it out of order for the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has posted on its Web site a CRS analysis of whether the bill would create a new program, office, or initiative that duplicates or overlaps an existing one. So it sounds pretty good on the surface, but there are two problems. One is that CRS tells us it would be hard-pressed to carry out this responsibility, certainly in a timely manner. The second results from the first, which is that this would be another way to slow legislation because it did not yet have the CRS analysis.

A final point is this: The committees of jurisdiction ought to be making their own judgment and probably know better than CRS whether they are creating a new program that duplicates or overlaps an existing one.

So, respectfully, I would urge a "no"

Mr. COBURN. Mr. President, I ask unanimous consent for an additional 30 seconds

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I have the greatest respect for my chairman on homeland security. I love him dearly.

GAO has already told us we are not doing our job. The first study of the Federal Government showed \$100 billion worth of duplication. The second study is coming. CRS will have this easy because GAO will have already shown them where all the duplication is

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

This amendment does require a twothirds threshold.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 60, nays 39, as follows:

# [Rollcall Vote No. 10 Leg.]

#### YEAS-60

Alexander	Graham	Murkowski
Ayotte	Grassley	Nelson (NE)
Barrasso	Hatch	Nelson (FL)
Begich	Heller	Paul
Bennet	Hoeven	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Brown (MA)	Isakson	Roberts
Burr	Johanns	Rubio
Casey	Johnson (WI)	Sessions
Chambliss	Klobuchar	Shelby
Coats	Kyl	Snowe
Coburn	Lee	Stabenow
Cochran	Lugar	Tester
Collins	Manchin	Thune
Corker	McCain	Toomey
Cornyn	McCaskill	Udall (CO)
Crapo	McConnell	Vitter
DeMint	Merkley	Warner
Enzi	Moran	Wicker

#### NAYS-39

	MA15-55	
Akaka	Franken	Menendez
Baucus	Gillibrand	Mikulski
Bingaman	Hagan	Murray
Blumenthal	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Conrad	Lautenberg	Udall (NM)
Coons	Leahy	Webb
Durbin	Levin	Whitehouse
Feinstein	Lieberman	Wyden

### NOT VOTING-1

Kirk

The PRESIDING OFFICER. On this vote the yeas are 60, the nays are 39. Two thirds of the Senators voting not having voted in the affirmative, the amendment is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1488

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1488, offered by the Senator from South Carolina, Mr. DEMINT. This amendment is subject to a 60-vote threshold.

Mr. DEMINT. Mr. President, it is unfortunate that the actions of a few make it necessary for us to create more rules for the many honest people who serve in Congress, but we must reassure Americans that we are here to serve them and not ourselves. Congressmen and Senators have lots of power and we know that power corrupts. The longer we stay in office the more power we have. Unfortunately, we have seen that power, over a period of

time, creates more opportunity and temptation for us to benefit ourselves rather than our constituents.

All of the cases of corruption and bribery I have seen unfortunately come from more senior Members. No offense to my senior Members, please. But this is one of many reasons why we should have term limits in Congress.

My amendment is not a statute. It is a sense of the Senate that says we should have some form of constitutional limit on our terms in office. We are not specific in the number of years, the number of terms. It is a sense of the Senate that we should have some limit on the amount of time we serve. I encourage my colleagues to at least support this and get the debate started.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for some Members of Congress, 2 years in office is too long. For some Members of Congress, 20 years in office is not long enough. Who should make that decision? The Constitution in its wisdom says the voters of America make that decision. Let's stand by that Constitution and its language and defeat this sense-of-the-Senate resolution.

The PRESIDING OFFICER. question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, navs 75, as follows:

# [Rollcall Vote No. 11 Leg.]

# YEAS-24

Ayotte	Grassley	Moran
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hutchison	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Thune
DeMint	Lee	Toomey
Graham	Manchin	Vitter

	NAYS—75	
Akaka	Collins	Klobuchar
Alexander	Conrad	Kohl
Barrasso	Coons	Kyl
Baucus	Cornyn	Landrieu
Begich	Crapo	Lautenberg
Bennet	Durbin	Leahy
Bingaman	Enzi	Levin
Blumenthal	Feinstein	Lieberman
Boxer	Franken	Lugar
Brown (OH)	Gillibrand	McCain
Burr	Hagan	McCaskill
Cantwell	Harkin	McConnell
Cardin	Hoeven	Menendez
Carper	Inhofe	Merkley
Casey	Inouye	Mikulski
Chambliss	Isakson	Murkowski
Coats	Johnson (SD)	Murray
Cochran	Kerry	Nelson (NE)

Nelson (FL)	Sanders	Udall (CO)
Pryor	Schumer	Udall (NM)
Reed	Shaheen	Warner
Reid	Shelby	Webb
Risch	Snowe	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Tester	Wyden

# NOT VOTING-1

THE PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 1493

Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1493 offered by the Senator from Iowa. This amendment is subject to a 60-vote threshold

The Senator from Iowa.

Mr. GRASSLEY. This is a good government amendment. Similar to the underlying piece of legislation, it is a good government amendment. The manager is going to tell you it ought to be studied a little bit longer. We have gone for far too long not having enough transparency in government. What my amendment does is it takes these people whom you call political intelligence professionals and has them register just like every lobbyist registers, so it is totally transparent when these people come around to get information from you that they sell to hedge funds. You will know who they are. You don't know that now, and transparency in government is very important if you want accountability.

For the Senators and their staffs who have to abide by these laws, they want to make sure they are not doing anything unethical. They have to know who these people are. They can come around and ask us questions. I don't know how many times each of us has maybe been caught up in this. You give them information, and they have information that people don't have on Wall Street and they sell it. We ought to know what we are being used for, and this gives identity to these people. So I want these people registered like lobbyists.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, there may be a problem.

Mr. GRASSLEY. There is a problem. Mr. LIEBERMAN. But this amendment doesn't fix it. In the bill before the committee, there was a provision to bring so-called political intelligence under the Lobbying Disclosure Act. Political intelligence is defined as information which is intended for use in analyzing securities or commodity markets or information investment decisions, but what does that mean? Does it apply to a retailer who wants to open new stores and calls the Armed Services Committee to see whether there is a base that is going to be built in a particular neighborhood? Some

would say yes; some would say no. Violation of the Lobbying Disclosure Act carries civil and criminal penalties. We just felt we wanted to get the anti-insider trading provision out quickly and study this more. The bill calls for a GAO study.

Senator Collins and I announced we are going to hold a hearing on this question. We need a little more time to do it thoughtfully. We are ultimately dealing with first-amendment rights, and we ought not to legislate until we are prepared to do so in a reasonable way.

I ask my colleagues to oppose this amendment.

Mr. GRASSLEY. Do I have time to tell the Senators not to vote for Wall Street, vote for my amendment?

The PRESIDING OFFICER. There is no time. The question is on agreeing to the amendment.

Mr. GRASSLEY. I ask for the yeas and navs.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

# [Rollcall Vote No. 12 Leg.]

# YEAS-60

A a + + a	Graham	Moran
Ayotte		
Barrasso	Grassley	Murkowski
Begich	Hatch	Murray
Bennet	Heller	Nelson (FL)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (OH)	Inhofe	Reed
Cantwell	Isakson	Roberts
Cardin	Johnson (WI)	Rubio
Carper	Kerry	Sanders
Casey	Klobuchar	Sessions
Chambliss	Kohl	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Corker	Lugar	Tester
DeMint	Manchin	Thune
Enzi	McCain	Udall (CO)
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden

### NAYS-39

Crapo	Mikulski
Durbin	Nelson (NE)
Hagan	Pryor
Harkin	Reid
Inouye	Risch
Johanns	Rockefeller
Johnson (SD)	Schumer
Kyl	Shaheen
Landrieu	Toomey
Lee	Udall (NM)
Levin	Vitter
Lieberman	Warner
McConnell	Webb
	Durbin Hagan Harkin Inouye Johanns Johnson (SD) Kyl Landrieu Lee Levin Lieberman

# NOT VOTING-1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 1481

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1481, as modified, offered by the Senator from Ohio, Mr. BROWN. This amendment is subject to a 60-vote threshold.

The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, the amendment Senator MERKLEY and I have proposed would require all Senators and their senior staff to sell individual stocks that create conflicts or to place their investments in blind trusts. You can still invest in broadbased mutual funds. You can keep your ownership interest in your family farm or small business.

If you are setting up a blind trust, you can instruct the trustee to hold on to your stock in your family company.

Current Senate ethics rules require committee staff making more than \$25,000 a year to "divest [themselves] of any substantial holdings which may be directly affected by the actions of the committee for which [they work]."

All Senator Merkley and I are saying is, Members of the Senate should hold ourselves to the same standard we already require of our committee staff and executive branch employees.

As Senator Merkley said, baseball players cannot bet on their games. We should not be able to hold stock in individual companies and then vote on issues that affect our holdings.

I ask for a "yes" vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I yield half of the time in opposition to Senator Toomey.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I thank the Senator from Maine.

I disagree with the fundamental premise of this amendment. I do not think we should all be forced to divest ourselves of all of our holdings. But I think it is worse than it was characterized by my friend from Ohio-worse in the sense that, as I read the definition of the securities that would be covered and as the securities attorneys have advised us on this-we would be required to divest ourselves even of our investment in a small family-owned business, a business that, perhaps, has absolutely no market whatsoever for the equity, and we would, nevertheless, be forced to sell that where there is no buver.

I think that is a very unreasonable standard, so I would urge a "no" vote on this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment. This amendment would take Congress from where we have always been and are

going to be after this law passes. In pursuit of disclosure and transparency, sunshine is the best guarantee of integrity. This would be the first time I am aware of that in the legislative branch we would require divestment of personal holdings. For that reason, I oppose the amendment.

Remember, in the underlying bill we have increased the public's access to information about our holdings and our transactions. Ultimately, that knowledge ought to be enough to guarantee the public or to energize the public to make sure we are following the highest ethical norms. Divestment, in my opinion, is a step too far.

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient sec-

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

#### [Rollcall Vote No. 13 Leg.] YEAS—26

#### Klobuchar Blumenthal Sanders Brown (MA) Levin Shaheen Brown (OH) Manchin Snowe McCaskill Carper Stabenow Casey Menendez Hdall (CO) Franken Merkley Udall (NM) Murkowski Heller Whitehouse

Pryor

Reed

Hutchison

Kerry

#### NAYS-73

Wyden

	NA15-13	
Akaka Alexander Ayotte Barrasso Baucus Begich Bennet Bingaman Blunt Boozman Boxer Burr Cantwell Cardin Chambliss Coats Coburn Cochran Collins Conrad Coons Corker Cornyn Crapo	Durbin Enzi Feinstein Gillibrand Graham Grassley Hagan Harkin Hatch Hoeven Inhofe Inouye Isakson Johanns Johnson (SD) Johnson (WI) Kohl Kyl Landrieu Lautenberg Leahy Lee Lieberman Lugar	McConnell Mikulski Moran Murray Nelson (NE) Nelson (FL) Paul Portman Reid Risch Roberts Rockefeller Rubio Schumer Sessions Shelby Tester Thune Toomey Vitter Warner Webb Wicker
DeMint	McCain	M TOTAGE

# NOT VOTING-1

#### Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is rejected.

Under the previous order, the substitute amendment, as amended, is agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on passage.

Mr. LIEBERMAN. Mr. President, this has been a good, open process. We had a good bill that came in. We made it better. I yield back the remainder of my time.

Ms. COLLINS. Mr. President, I am pleased to have joined Chairman LIE-BERMAN in helping bring this important bill to passage today.

I would also like to single out Senator Scott Brown of Massachusetts, who was the first Member of this body to introduce legislation on this topic. His leadership in tirelessly moving this bill forward has been indispensable.

Today, we confirm that Members of Congress are not exempt from the country's insider trading laws. We have sent a strong message to the American people that we affirm that we come to Washington for public service, and not for private gain.

We have added several amendments today which I believe strengthened the bill's focus on transparency. We have also extended several of its provisions to encompass all branches of the Federal Government.

Again, I thank my colleagues for their hard work on the bill. And my thanks to our hard-working staff.

The PRESIDING OFFICER. The question is on passage of the bill, as amended

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

### [Rollcall Vote No. 14 Leg.]

# YEAS-96

Akaka	Collins	Inhofe
Alexander	Conrad	Inouye
Ayotte	Coons	Isakson
Barrasso	Corker	Johanns
Baucus	Cornyn	Johnson (SD
Begich	Crapo	Johnson (WI
Bennet	DeMint	Kerry
Blumenthal	Durbin	Klobuchar
Blunt	Enzi	Kohl
Boozman	Feinstein	Kyl
Boxer	Franken	Landrieu
Brown (MA)	Gillibrand	Lautenberg
Brown (OH)	Graham	Leahy
Cantwell	Grassley	Lee
Cardin	Hagan	Levin
Carper	Harkin	Lieberman
Casey	Hatch	Lugar
Chambliss	Heller	Manchin
Coats	Hoeven	McCain
Cochran	Hutchison	McCaskill

McConnell Stabenow Reed Menendez Reid Merklev Risch Thune Mikulski Roberts Toomey Moran Rockefeller Udall (CO) Murkowski Udall (NM) Rubio Murray Sanders Vitter Nelson (NE) Schumer Warner Nelson (FL) Sessions Webb Whitehouse Paul Shaheen Portman Shelby Wicker Wyden Prvor Snowe

# NAYS—3

Bingaman Burr Coburn

# NOT VOTING-1

Kirk

The bill (S. 2038), as amended, was passed, as follows:

#### S. 2038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Trading on Congressional Knowledge Act of 2012" or the "STOCK Act".

#### SEC. 2. DEFINITIONS.

In this Act:

- (1) MEMBER OF CONGRESS.—The term "Member of Congress" means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.
- (2) EMPLOYEE OF CONGRESS.—The term "employee of Congress" means—
- (A) an employee of the Senate; or
- (B) an employee of the House of Representatives.
- (3) EXECUTIVE BRANCH EMPLOYEE.—The term "executive branch employee"—
- (A) has the meaning given the term "employee" under section 2105 of title 5, United States Code; and
  - (B) includes
  - (i) the President;
  - (ii) the Vice President; and
- (iii) an employee of the United States Postal Service or the Postal Regulatory Commission.
- (4) JUDICIAL OFFICER.—The term "judicial officer" has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.

# SEC. 3. PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROF-

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities as a means for making a private profit.

### SEC. 4. PROHIBITION OF INSIDER TRADING.

- (a) AFFIRMATION OF NON-EXEMPTION.—Members of Congress and employees of Congress are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.
- (b) DUTY.—
- (1) PURPOSE.—The purpose of the amendment made by this subsection is to affirm a duty arising from a relationship of trust and confidence owed by each Member of Congress and each employee of Congress.

- (2) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1) is amended by adding at the end the following:
- "(g) DUTY OF MEMBERS AND EMPLOYEES OF CONGRESS —
- "(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b) and Rule 10b-5 thereunder, each Member of Congress or employee of Congress owes a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to material, nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities.
  - "(2) Definitions.—In this subsection—
- "(A) the term 'Member of Congress' means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico; and
- "(B) the term 'employee of Congress' means—
- "(i) an employee of the Senate; or
- "(ii) an employee of the House of Representatives
- "(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions."

#### SEC. 5. CONFORMING CHANGES TO THE COM-MODITY EXCHANGE ACT.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended—

- (1) in paragraph (3), in the matter preceding subparagraph (A)—
- (A) by inserting "or any Member of Congress or employee of Congress (defined in this subsection as those terms are defined in section 2 of the Stop Trading on Congressional Knowledge Act of 2012)" after "Federal Government," the first place it appears;
- (B) by inserting "Member," after "position of the"; and
- (C) by inserting "or by Congress" before "in a manner"; and
- (2) in paragraph (4)—
- (A) in subparagraph (A), in the matter preceding clause (i)—
- (i) by inserting "or any Member of Congress or employee of Congress" after "Federal Government," the first place it appears; (ii) by inserting "Member," after "position
- of the"; and
  (iii) by inserting "or by Congress" before
  "in a manner";
- (B) in subparagraph (B), in the matter preceding clause (i), by inserting "or any Member of Congress or employee of Congress" after "Federal Government,"; and
- (C) in subparagraph (C)—
- (i) in the matter preceding clause (i), by inserting "or by Congress"—
  - (I) before "that may affect"; and
- (II) before "in a manner"; and
- (ii) in clause (iii), by inserting "to Congress, or any Member of Congress or employee of Congress" after "Federal Government".

# SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

- (a) REPORTING REQUIREMENT.—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:
- "(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), the following persons, if required to file a report under any other subsection of

this section subject to any waivers and exclusions, shall file a report of the transaction:

- "(1) A Member of Congress.
- "(2) An officer or employee of Congress required to file a report under this section.
  - "(3) The President.
  - "(4) The Vice President.
- "(5) Each employee appointed to a position in the executive branch, the appointment to which requires advice and consent of the Senate, except for—
- "(A) an individual appointed to a position—
- "(i) as a Foreign Service Officer below the rank of ambassador; or
- "(ii) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or
- "(B) a special government employee, as defined under section 202 of title 18, United States Code.
- "(6) Any employee in a position in the executive branch who is a noncareer appointee in the Senior Executive Service (as defined under section 3132(a)(7) of title 5, United States Code) or a similar personnel system for senior employees in the executive branch, such as the Senior Foreign Service, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.
- "(7) The Director of the Office of Government Ethics.
- "(8) Any civilian employee, not described in paragraph (5), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President."
- (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

# SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

- (a) Report.
- (1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Congressional Research Service, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on the Judiciary of the House of Representatives a report on the role of political intelligence in the financial markets.
- (2) CONTENTS.—The report required by this section shall include a discussion of—
- (A) what is known about the prevalence of the sale of political intelligence and the extent to which investors rely on such information:
- (B) what is known about the effect that the sale of political intelligence may have on the financial markets;
- (C) the extent to which information which is being sold would be considered non-public information;
- (D) the legal and ethical issues that may be raised by the sale of political intelligence;
- (E) any benefits from imposing disclosure requirements on those who engage in political intelligence activities; and

- (F) any legal and practical issues that may be raised by the imposition of disclosure requirements on those who engage in political intelligence activities.
- (b) DEFINITION.—For purposes of this section, the term "political intelligence" shall mean information that is—
- (1) derived by a person from direct communications with an executive branch employee, a Member of Congress, or an employee of Congress; and
- (2) provided in exchange for financial compensation to a client who intends, and who is known to intend, to use the information to inform investment decisions.

# SEC. 8. PUBLIC FILING AND DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.

- (a) Public, On-line Disclosure of Financial Disclosure Forms of Members of Congress and Congressional Staff.—
- (1) IN GENERAL.—Not later than August 31, 2012, or 90 days after the date of enactment of this Act, whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, officers of the House and Senate, candidates for Congress, and employees of the Senate and the House of Representatives in calendar year 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made available to the public on the respective official websites of the Senate and the House of Representatives not later than 30 days after such forms are filed.
- (2) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures shall be retained. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, such disclosures shall be filed not later than 30 days after the transaction. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.
- (4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).
- (b) ELECTRONIC FILING AND ON-LINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS, OFFICERS OF THE HOUSE AND SENATE, AND CONGRESSIONAL STAFF.—
- (1) IN GENERAL.—Subject to paragraph (6) and not later than 18 months after the date of enactment of this Act, the Secretary of the Senate and the Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall develop systems to enable—
- (A) electronic filing of reports received by them pursuant to section 103(h)(1)(A) of title I of the Ethics in Government Act of 1978; and
- (B) public access to financial disclosure reports filed by Members of Congress, Officers of the House and Senate, candidates for Congress, and employees of the Senate and House of Representatives, as well as reports of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, notices of extensions, amendments and blind trusts, pursuant to title I of the Ethics in Government Act of 1978 through databases that—

- (i) are maintained on the official websites of the House of Representatives and the Senate; and
- (ii) allow the public to search, sort and download data contained in the reports.
- (2) LOGIN.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login protocol with the name of the user shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 does not apply.
- (3) PUBLIC AVAILABILITY.—Pursuant to section 105(b)(1) of title I of the Ethics in Government Act of 1978, electronic availability on the official websites of the Senate and the House of Representatives under this subsection shall be deemed to have met the public availability requirement.
- (4) FILERS COVERED.—Individuals required under the Ethics in Government Act of 1978 or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House shall file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House.
- (5) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures shall be retained for purposes of this subsection. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Secretary of the Senate or the Clerk of the House identify in writing to relevant congressional committees an additional amount of time needed.
- (c) Recordkeeping.—Section 105(d) of the Ethics in Government Act of 1978 is amended to read as follows:
- "(d)(1) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be.
- "(2) Such report shall be made available to the public—
- "(A) in the case of a Member of Congress until a date that is 6 years from the date the individual ceases to be a Member of Congress; and
- "(B) in the case of all other reports filed pursuant to this title, for a period of six years after receipt of the report.
- "(3) After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed 1 year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry.".

#### SEC. 9. OTHER FEDERAL OFFICIALS.

- (a) Prohibition of the Use of Nonpublic Information for Private Profit.—
- (1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such

- interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of nonpublic information, as necessary to clarify that no executive branch employee may use non-public information derived from such person's position as an executive branch employee or gained from the performance of such person's official responsibilities as a means for making a private profit.
- (2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use non-public information derived from such person's position as a judicial officer or gained from the performance of such person's official responsibilities as a means for making a private profit.
- (b) APPLICATION OF INSIDER TRADING LAWS.—
- (1) AFFIRMATION OF NON-EXEMPTION.—Executive branch employees and judicial officers are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.
  - (2) DUTY.—
- (A) PURPOSE.—The purpose of the amendment made by this paragraph is to affirm a duty arising from a relationship of trust and confidence owed by each executive branch employee and judicial officer.
- (B) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1), as amended by this Act, is amended by adding at the end the following:
  - "(h) DUTY OF OTHER FEDERAL OFFICIALS.—
- "(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b), and Rule 10b–5 thereunder, each executive branch employee and each judicial officer owes a duty arising from a relationship of trust and confidence to the United States Government and the citizens of the United States with respect to material, nonpublic information derived from such person's position as an executive branch employee or judicial officer or gained from the performance of such person's official responsibilities.
- "(2) DEFINITIONS.—In this subsection—
- "(A) the term 'executive branch employee'—
- "(i) has the meaning given the term 'employee' under section 2105 of title 5, United States Code:
  - "(ii) includes—
  - "(I) the President;
  - "(II) the Vice President; and
- "(III) an employee of the United States Postal Service or the Postal Regulatory Commission: and
- "(B) the term 'judicial officer' has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.
- "(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions."

### SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act, the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9 of this Act, shall be construed to—

(1) impair or limit the construction of the antifraud provisions of the securities laws or

the Commodities Exchange Act or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions;

(2) be in derogation of the obligations, duties and functions of a Member of Congress, an employee of Congress, an executive branch employee or a judicial officer, arising from such person's official position; or

(3) be in derogation of existing laws, regulations or ethical obligations governing Members of Congress, employees of Congress, executive branch employees or judicial officers.

#### SEC. 11. EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the President shall—

(1) ensure that financial disclosure forms filed by officers and employees referred to in section 101(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official websites of agencies of the executive branch; and

(2) develop systems to enable electronic filing and public access, as required by section 8(b), to the financial disclosure forms of such individuals.

#### SEC. 12. PROMPT REPORTING AND PUBLIC FIL-ING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

(a) Transaction Reporting.—Each agency or department of the Executive branch and each independent agency shall comply with the provisions of sections 6 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.

(b) PUBLIC AVAILABILITY.—Not later than 2 years after the date of enactment of this Act, each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8, except that the provisions of section 8 shall not apply to a member of a uniformed service for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below

## SEC. 13. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "spouse; and" and inserting the following: "spouse, except that this exception shall not apply to a reporting individual—

''(i) described in paragraph (1), (2), or (9) of section 101(f);

"(ii) described in section 101(b) who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of such section, other than—

"(I) an individual appointed to a position—
"(aa) as a Foreign Service Officer below
the rank of ambassador; or

"(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

"(II) a special government employee, as defined under section 202 of title 18, United States Code; or

"(iii) described in section 101(f) who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other than—

"(I) an individual appointed to a position—"(aa) as a Foreign Service Officer below the rank of ambassador; or

"(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; "(II) a special government employee, as defined under section 202 of title 18, United States Code: and".

# SEC. 14. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified; and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

#### SEC. 15. APPLICATION TO OTHER ELECTED OFFI-CIALS AND CRIMINAL OFFENSES.

(a) APPLICATION TO OTHER ELECTED OFFICIALS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.— Section 8332(o)(2)(A) of title 5, United States Code, is amended—

(A) in clause (i), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"; and

(B) in clause (ii), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member".

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(1)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"; and

(B) in subparagraph (B), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"

(b) CRIMINAL OFFENSES.—Section 8332(0)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

"(iii) The offense—

"(I) is committed after the date of enactment of this subsection and—

"(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

``(II) is committed after the date of enactment of the STOCK Act and—

"(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xviii), (xxi), (xxi), (xxii), (xxv), (xxvii), or (xxviii)."; and

 $\left(2\right)$  by striking subparagraph  $\left(B\right)$  and inserting the following:

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

"(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

"(ii) An offense under section 203 of title 18 (relating to compensation to Member of Con-

gress, officers, and others in matters affecting the Government).

"(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Member of Congress).

"(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

"(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

"(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

"(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

"(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

"(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

"(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

"(xi) An offense under section 607 of title 18 (relating to place of solicitation).

"(xii) An offense under section 641 of title 18 (relating to public money, property or records).

"(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

"(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

"(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

"(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

"(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

"(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

"(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

"(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

"(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

"(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

"(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

"(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

"(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

"(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

"(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

"(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes-

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

'(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

'(xxx) Periury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes-

'(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

"(II) an offense under clause (xxix), to the extent provided in such clause.

'(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).''.

#### SEC. 16. LIMITATION ON BONUSES TO EXECU-TIVES OF FANNIE MAE AND FREDDIE MAC.

Notwithstanding any other provision in law, senior executives at the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are prohibited from receiving bonuses during any period of conservatorship for those entities on or after the date of enactment of this Act. SEC. 17. DISCLOSURE OF POLITICAL INTEL-

# LIGENCE ACTIVITIES UNDER LOB-BYING DISCLOSURE ACT.

(a) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended-

(1) in paragraph (2)—

- (A) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and
- (B) by inserting after "lobbyists" the following: "or political intelligence consultants": and
- (2) by adding at the end the following new paragraphs:
- "(17) POLITICAL INTELLIGENCE ACTIVITIES.— The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

(18) Political intelligence contact.

- "(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to-
- "(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);
- "(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

- "(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).
- "(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

"(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or en-

POLITICAL INTELLIGENCE CONSULT-(20) ANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.

(b) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended-

(1) in subsection (a)-

(A) in paragraph (1)—

- (i) by inserting after "whichever is ear-' the following: "or a political intelligence consultant first makes a political intelligence contact,"; and
- (ii) by inserting after "such lobbyist" each place that term appears the following: "or consultant";
- (B) in paragraph (2), by inserting after "lobbyists" each place that term appears the following: "or political intelligence consultants"; and

(C) in paragraph (3)(A)-

- (i) by inserting after "lobbying activities" each place that term appears the following: 'and political intelligence activities"; and
- (ii) in clause (i), by inserting after "lobbying firm" the following: "or political intelligence firm";

(2) in subsection (b)—

- (A) in paragraph (3), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"
  - (B) in paragraph (4)—
- (i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities": and
- (ii) in subparagraph (C), by inserting after 'lobbying activity' the following: "or political intelligence activity";
- (C) in paragraph (5), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"
- (D) in paragraph (6), by inserting after "lobbyist" each place that term appears the following: "or political intelligence consultant": and
- (E) in the matter following paragraph (6), by inserting "or political intelligence activities" after "such lobbying activities";

(3) in subsection (c)-

- (A) in paragraph (1), by inserting after "lobbying contacts" the following: "or political intelligence contacts"; and
  - (B) in paragraph (2)-
- (i) by inserting after "lobbying contact" the following: "or political intelligence contact"; and
- (ii) by inserting after "lobbying contacts" the following: "and political intelligence contacts"; and
- (4) in subsection (d), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities".

- (c) Reports by Registered Political In-TELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—
- (1) in subsection (a), by inserting after "lobbying activities" the following: "and political intelligence activities";

(2) in subsection (b)-

(A) in paragraph (2)—

- (i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities";
  - (ii) in subparagraph (A)-
- (I) by inserting after "lobbyist" the following: "or political intelligence consult-
- (II) by inserting after "lobbying activities" the following: "or political intelligence activities":
- (iii) in subparagraph (B), by inserting after "lobbyists" the following: "and political intelligence consultants"; and
- (iv) in subparagraph (C), by inserting after "lobbyists" the following: "or political intelligence consultants";

(B) in paragraph (3)—

- (i) by inserting after "lobbying firm" the following: "or political intelligence firm";
- (ii) by inserting after "lobbying activities" each place that term appears the following: 'or political intelligence activities'": and
- (C) in paragraph (4), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and
- (3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting "or a political intelligence consultant" after "a lobbyist'
- (d) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended-
- (1) in paragraph (3)(A), by inserting after "lobbying firms" the following: ", political intelligence consultants, political intelligence firms,";
- (2) in paragraph (7), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm"; and
- (3) in paragraph (8), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm"
- (e) Rules of Construction.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking "or lobbying contacts" and inserting "lobbying contacts, political intelligence activities, or political intelligence contacts"
- (f) IDENTIFICATION OF CLIENTS AND COVERED Officials.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended-
  - (1) in subsection (a)—
- (A) in the heading, by inserting "OR POLIT-ICAL INTELLIGENCE" after "LOBBYING"
- (B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and
- (C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity":
  - (2) in subsection (b)-
- (A) in the heading, by inserting "OR POLIT-ICAL INTELLIGENCE" after "LOBBYING";
- (B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and
- (C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity"; and

- (3) in subsection (c), by inserting "or political intelligence contact" after "lobbying contact"
- (g) ANNUAL AUDITS AND REPORTS BY COMP-TROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended-
- (1) in subsection (a)—
  (A) by inserting "political intelligence firms, political intelligence consultants, after "lobbying firms"; and
- (B) by striking "lobbying registrations" and inserting "registrations"
- (2) in subsection (b)(1)(A), by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms";
- (3) in subsection (c), by inserting "or political intelligence consultant" after "a lob-

#### TITLE II—PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS

#### SEC. 201. SHORT TITLE.

This title may be cited as the "Public Corruption Prosecution Improvements Act of

#### SEC. 202. VENUE FOR FEDERAL OFFENSES.

- (a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18. United States Code, is amended by adding before the period at the end the following: "or in any district in which an act in furtherance of the offense is committed'
- (b) SECTION HEADING.—The heading for section 3237 of title 18. United States Code, is amended to read as follows:

#### "SEC. 3237. OFFENSE TAKING PLACE IN MORE THAN ONE DISTRICT.".

(c) Table of Sections.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"Sec. 3237. Offense taking place in more than one district.".

#### SEC. 203. THEFT OR BRIBERY CONCERNING PRO-GRAMS RECEIVING FEDERAL FINAN-CIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended-

- (1) by striking "10 years" and inserting "20 vears":
- (2) by striking "\$5,000" the second place and the third place it appears and inserting "\$1.000":
- (3) by striking "anything of value" each place it appears and inserting "any thing or things of value"; and
- (4) in paragraph (1)(B), by inserting after "anything" the following: "or things":

# SEC. 204. PENALTY FOR SECTION 641 VIOLA-

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years"

# SEC. 205. BRIBERY AND GRAFT; CLARIFICATION OF DEFINITION OF "OFFICIAL ACT"; CLARIFICATION OF THE CRIME OF ILLEGAL GRATUITIES.

- (a) Definition.—Section 201(a) of title 18, United States Code, is amended-
- (1) in paragraph (2), by striking "and" at the end;
- (2) by amending paragraph (3) to read as follows:
  - "(3) the term 'official act'—
- "(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and

- "(B) may be a single act, more than 1 act, or a course of conduct; and"; and
- (3) by adding at the end the following:
- '(4) the term 'rule or regulation' means a Federal regulation or a rule of the House of Representatives or the Senate, including those rules and regulations governing the acceptance of gifts and campaign contributions?
- CLARIFICATION.—Section 201(c)(1) title 18, United States Code, is amended to read as follows:
- "(1) otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation-
- "(A) directly or indirectly gives, offers, or promises any thing or things of value to any public official, former public official, or person selected to be a public official for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official;
- "(B) directly or indirectly, knowingly gives, offers, or promises any thing or things of value with an aggregate value of not less than \$1000 to any public official, former public official, or person selected to be a public official for or because of the official's or person's official position;
- "(C) being a public official, former public official, or person selected to be a public official, directly or indirectly, knowingly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value with an aggregate value of not less than \$1000 for or because of the official's or person's official position; or
- '(D) being a public official. former public official, or person selected to be a public official, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value for or because of any official act performed or to be performed by such official or person:

#### SEC. 206. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

- (a) DIRECTIVE TO SENTENCING COMMISSION.-Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 201, 641, 1346A, or 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties meet the requirements in subsection (b) of this section.
- (b) REQUIREMENTS.—In carrying out this subsection, the Commission shall-
- (1) ensure that the sentencing guidelines and policy statements reflect Congress's intent that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;
- (2) consider the extent to which the guidelines may or may not appropriately account
- (A) the potential and actual harm to the public and the amount of any loss resulting from the offense:
- (B) the level of sophistication and planning involved in the offense;
- (C) whether the offense was committed for purposes of commercial advantage or private financial benefit;
- (D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

- (E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and
- (F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death:
- (3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;
- (4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;
- necessary conforming (5) make any changes to the sentencing guidelines; and
- (6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States

#### SEC. 207. EXTENSION OF STATUTE OF LIMITA-TIONS FOR SERIOUS PUBLIC COR-RUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

#### "§ 3302. Corruption offenses

- "Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in-
  - "(1) section 201 or 666;
- "(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;
- "(3) section 1951, if the offense involves extortion under color of official right;
- "(4) section 1952, to the extent that the unlawful activity involves bribery; or
- "(5) section 1962, to the extent that the activity involves bribery racketeering chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343. when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right."
- (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item: "3302. Corruption offenses."
- (c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

# SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

- (a) SOLICITATION OF POLITICAL CONTRIBU-TIONS.—Section 602(a)(4) of title 18, United States Code, is amended by striking "3 years" and inserting "5 years".
- (b) Promise of Employment for Political ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "3 years".
- (c) Deprivation of Employment for Po-LITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "3 years".
- (d) Intimidation To Secure Political Con-TRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "5 years".

- (e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "5 years"
- (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "5 years".

#### SEC. 209. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended—

- (1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 224 (bribery in sporting contests),"; and
- (2) by inserting "section 1031 (relating to major fraud against the United States)" after "section 1014 (relating to loans and credit applications generally; renewals and discounts).".

#### SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PRO-CEEDINGS

- (a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:
- "(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected."
- (b) Perjury.—
- (1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

### "§ 1624. Venue

- "A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement."
- (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

#### "1624. Venue.".

#### SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following new section:

# "§ 1346A. Undisclosed self-dealing by public officials

- "(a) Undisclosed Self-dealing by Public Officials.—For purposes of this chapter, the term 'scheme or artifice to defraud' also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.
- "(1) OFFICIAL ACT.—The term official act—
- "(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such
- "(B) may be a single act, more than one act, or a course of conduct.

official's place of trust or profit; and

"(2) PUBLIC OFFICIAL.—The term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on be half of the United States, a

- State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.
- "(3) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.
- "(4) UNDISCLOSED SELF-DEALING.—The term undisclosed self-dealing means that—
- "(A) a public official performs an official act for the purpose, in whole or in material part, of furthering or benefitting a financial interest, of which the public official has knowledge, of—
  - "(i) the public official;
- "(ii) the spouse or minor child of a public official;
- "(iii) a general business partner of the public official;
- "(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;
- "(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or
- "(vi) an individual, business, or organization from whom the public official has received any thing or things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and
- "(B) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or the knowing failure of the public official to disclose material information in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.
- "(5) MATERIAL INFORMATION.—The term 'material information' means information—
- "(A) regarding a financial interest of a person described in clauses (i) through (iv) paragraph (4)(A); and
- "(B) regarding the association, connection, or dealings by a public official with an individual, business, or organization as described in clauses (iii) through (vi) of paragraph (4)(A)."
- (b) CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1346 the following new item:
- "1346A. Undisclosed self-dealing by public officials.".
- (c) APPLICABILITY.—The amendments made by this section apply to acts engaged in on or after the date of the enactment of this Act.

# SEC. 212. DISCLOSURE OF INFORMATION IN COMPLAINTS AGAINST JUDGES.

Section 360(a) of title 28, United States Code, is amended—

- (1) in paragraph (2) by striking "or";
- (2) in paragraph (3), by striking the period at the end, and inserting "; or"; and
- (3) by inserting after paragraph (3) the following:
- "(4) such disclosure of information regarding a potential criminal offense is made to the Attorney General, a Federal, State, or local grand jury, or a Federal, State, or local law enforcement agency."

# SEC. 213. CLARIFICATION OF EXEMPTION IN CERTAIN BRIBERY OFFENSES.

Section 666(c) of title 18, United States Code, is amended—

- (1) by striking "This section does not apply to"; and
- (2) by inserting "The term 'anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include," before "bona fide salary".

# SEC. 214. CERTIFICATIONS REGARDING APPEALS BY UNITED STATES.

Section 3731 of title 18, United States Code, is amended by inserting after "United States attorney" the following: ", Deputy Attorney General, Assistant Attorney General, or the Attorney General".

The PRESIDING OFFICER. The Senator from Utah.

#### MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to deliver my full speech regardless of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS APPOINTMENTS

Mr. HATCH. Madam President, our Nation faces grave challenges. We are looking at our fourth straight \$1 trillion deficit, our credit rating has been downgraded, and public spending is out of control. The Nation demands leadership.

At some moments in our Nation's history—at moments of crisis—leaders have emerged, put partisanship aside, and worked to solve our greatest challenges. Although our current President has compared himself to both Franklin Roosevelt and Abraham Lincoln, his leadership is falling well short of their examples. Instead of taking the reins and making tough choices when presented with our current fiscal crisis, he has decided to put politics first. He always puts politics first.

Just this morning, at the National Prayer Breakfast, the President took what has always been a nonpartisan opportunity for national unity and used it to promote his political agenda. He suggested to the attendees that Jesus would have supported his latest tax-the-rich scheme. With due respect to the President, he ought to stick to public policy. I think most Americans would agree the Gospels are concerned with weightier matters than effective tax rates.

As long as the President has decided to assume the role of theologian-inchief, he would do well to put tax policy aside and consider the impact of one of his latest ObamaCare mandates. Secretary Sebelius's decision to force religious institutions—over the strong

objections of churches and universities representing millions and millions of Americans—to provide insurance coverage for abortifacient drugs and contraceptives to their employees will require these groups to violate their deepest held religious beliefs.

The President's comments this morning share more of a political strategy than they do the religious beliefs of most Americans. In 2008, the President declared his nomination was the world historical moment when the rise of the oceans began to slow and our planet began to heal. Someone needs to remind the President there was only one person who walked on water, and he did not occupy the Oval Office.

This drive to politicize every aspect of our institutions and public discourse took a serious and dangerous turn last month with the President's appointments to the Consumer Financial Protection Bureau—the CFPB—and to the National Labor Relations Board—the NLRB. Last week, in his State of the Union Address, President Obama said Americans deserve a government that plays by the rules. Yet his appointments of January 4, just 1 day into a 3day Senate recess, failed to meet his own standard.

Those unlawful appointments are the latest example of how he is willing even to undermine the Constitution and weaken our government institutions to get what he wants. They are a deeply cynical political ploy that puts his own ideological wants and electoral needs above our Constitution and rule of law.

The Constitution, not the President's political agenda or reelection strategy, sets the rules we must live by and play by. In the regular order of the appointment process, the President nominates. but the Senate must consent for him to appoint. The President may not get his way every time, but this is one of many checks and balances in our system to make sure one part of the government does not gather too much power.

The Constitution also allows the President temporarily to fill "vacancies that may happen during the recess of the Senate." These so-called recess appointments do not require Senate consent. However, they are supposed to be an exception to the confirmation rule. The most obvious requirement for a recess appointment is that there actually be a real recess. Needless to say, if the President alone can define a recess, he can make recess appointments during every weekend or lunch break. The exception would swallow the rule and the President could issue the Senate out of the process all together.

Our Constitution refers to the recess of the Senate, not to a recess of the President's imagination or his lawyers' creation. Under the Constitution, the Senate has the authority to determine its own procedural rules, including the what, when, and how long of Senate re- cess of less than 30 days, the Senate ex-

I will not go into all the twists and turns of recess appointment history. However, for decades, the standard has been that a recess must be longer than 3 days for the President to make a recess appointment. The Constitution. for example, requires the consent of the House or Senate for the other body to adjourn for more than 3 days. The Congressional Directory, which is the official directory of Congress, defines a recess as "a break in House or Senate proceedings of three or more days, excluding Sundays." The Senate's own Web site has the same definition.

The Clinton administration argued in 1993 that a recess must be longer than 3 days. The Clinton administration took that position. In 2010, the Obama administration's own Deputy Solicitor General said this to Chief Justice John Roberts when arguing before the Supreme Court: "Our office has opined the recess has to be longer than three da.vs.'

Let me repeat that. The Obama administration told the Supreme Court a recess must be longer than 3 days for the President to make a recess appointment.

The Democratic majority in this body has endorsed this same standard. On November 16, 2007, the majority leader said: "The Senate will be coming in for pro forma situations during the Thanksgiving holiday to prevent recess appointments."

The four brief sessions he scheduled chopped the Thanksgiving break into recesses of-you guessed it-3 days or less and so did the five sessions he scheduled during the Christmas break. This new tactic worked, and President Bush did not make another recess appointment for the rest of his Presi-

There is no record that then-Senator Barack Obama objected to this tactic in any way. He did not criticize it as a gimmick. He did not opine that the President could still make recess appointments despite these pro forma sessions. He did not even suggest that pro forma sessions did anything other than create new, shorter recesses. That is, after all, the only way the pro forma sessions can block recess appoint-

As far as I can tell, Senator Obama fully supported his party using pro forma sessions to block recess appointments

Finally, consider this, Our rule XXXI requires that pending nominations be sent back to the President whenever the Senate "shall adjourn or take a recess for more than 30 days." Pursuing his strategy to prevent appointments during the August 2008 recess, the Democratic majority leader scheduled no less than 10 pro forma sessions during that period. As a result, because each pro forma session began a new re-

ecutive clerk did not return any pending nominations to the President.

The standard here is clear: Pro forma sessions create new recesses. Read the CONGRESSIONAL RECORD. Each pro forma session begins with the words "The Senate met" and ends with the statement that "The Senate stands in recess" until a specific date and time. I don't know how much clearer it could possibly be. The Senate must adjourn for more than 3 days for a President to make a recess appointment. The Senate has endorsed this standard. The Democratic majority has endorsed this standard, Senator Barack Obama endorsed this standard, and President Barack Obama's administration has endorsed this standard. A new recess begins when a Senate session, even a pro forma session, ends.

But that was then; this is now. The Senate met on January 3, 2012, as the Constitution requires, to convene the second session of the 112th Congress. The Congressional Record states that the Senate adjourned at 12:02 until January 6, at 11 a.m. I know we see some fuzzy math here in Washington from time to time, but this is pretty simple. That was a 3-day recess, which was not long enough to allow a recess appointment.

The very next day, however, President Obama installed Richard Cordray as head of the Consumer Financial Protection Bureau and he also installed three members of the National Labor Relations Board. These appointments were clearly unlawful because a sufficient recess did not exist. These appointments violated the standard President Obama himself endorsed when he served in this body, and they violated the standard his own administration endorsed before the Supreme Court.

Senate Democrats routinely attacked President George W. Bush for supposedly creating what they called an imperial Presidency. That criticism was bogus for a host of reasons, but I can only imagine how the majority would have howled had President Bush made recess appointments the day after those pro forma sessions in 2007 and 2008. They would have denounced him for defying the Senate, for an unprecedented power grab, and for destroving the checks and balances that are so important in our form of government. They would have taken swift and firm measures in retaliation. Who knows, but they might even have gone to the Court over it. But President Bush respected the Senate and, whether he liked it or not, declined to make recess appointments when there was no legitimate recess.

President Obama apparently has no such regard for this body—one of which he was honored to be a Member. And to be clear, that means he has no such regard for the Constitution and its system of checks and balances. He only

wants his way. His political mantra last fall, that he can't wait for Congress to enact his agenda, has now resulted in these politicized appointments that violate our deepest constitutional principles.

No doubt some on the other side of the aisle will respond that the Office of Legal Counsel at the Department of Justice has issued a memo justifying these recess appointments. Well, as Paul Harvey used to say, Here is the rest of the story. That memo was issued on January 6—2 days after President Obama made these unlawful recess appointments. I had understood OLC's rule as giving objective advice before decisions were made. Doing this after the fact looks as if it is a method of trying to justify, rather than inform, this controversial decision, especially when the memo admits that it addresses a novel issue with "substantial arguments on each side."

The most egregious flaw in the OLC memo is that it addresses the wrong question. The question OLC should have answered is why a pro forma session, like any other session, does not start a new recess. That is the real question here. OLC simply ignored that question entirely. And I am not at all surprised. The obvious answer is that a pro forma session does begin a new recess, and then OLC would have had to justify the President making a recess appointment during an unprecedented 3-day recess.

Rather than address that necessary question, the OLC memo instead addressed whether the President may make recess appointments during a longer recess that is "punctuated by periodic pro forma sessions." I wish to know who made up this characterization of pro forma sessions as merely procedural punctuation marks, but a cliche like that is no substitute for a real legal argument.

If that is the most egregious flaw in the OLC memo, its most egregious omission might be failing even to mention, let alone explain away, the Obama administration's endorsement of the 3-day standard before the Supreme Court.

In 1996, the Clinton Office of Legal Counsel advised that making appointments during a 10-day recess would "pose significant litigation risks." In this new memo, the Obama OLC admits that these appointments during only a 3-day recess "creates some litigation risks." They admit that. The memo of course does not attempt to explain how appointments during an even shorter recess somehow pose less litigation risks. Either way, litigation may be where this controversy is headed. And I certainly hope so.

Just as our Democratic colleagues accused President Bush of creating an imperial Presidency, they accused his administration's Office of Legal Counsel of helping him to do it. They at-

tacked OLC for being his advocate rather than an objective neutral adviser. Well, nothing OLC did for President Bush looked anything like what we see today. This memo reads like a brief by the President's personal lawyer. We all know Justice Department lawyers are not the President's personal lawyers.

When President Obama decided to make these appointments, the person who should have been the most outraged was the Senate majority leader. After all, as the highest ranking officer in the Chamber, he should have been particularly defensive of the rights and prerogatives of the Senate, and should have opposed any effort on the part of the Executive to undermine the Senate's role in the confirmation process.

Unfortunately, that is not what happened. Since the time the appointments were made, the Senate majority leader has, on multiple occasions, publicly endorsed the President's decision to ignore precedent and bypass the Senate. He did so on television in mid-January and again this week here on this floor. The majority leader's decision to support and, indeed, applaud the President in this case is troubling, given that, as I mentioned a few minutes ago, it was under his leadership that the Senate began to use pro forma sessions for the specific purpose of preventing President Bush from making recess appointments.

The majority leader has acknowledged this to some extent, but his explanation as to why he is taking these apparently contradictory positions is unclear and somewhat hard to follow. We need a better explanation from the majority leader, because from the vantage point of many here in the Chamber it appears that his position on the efficacy of pro forma sessions and the constitutionality of recess appointments varies depending upon who is occupying the White House. No leader in this body should ignore this question. And, frankly, our leaders should be standing for the Senate against the White House on this matter.

Well, I hope that it isn't true that the constitutionality of recess appointments varies depending on who is occupying the White House. I hope I have simply misinterpreted what appears to be plain statements, both past and present, on the part of the majority leader. That is why I, along with 33 of my colleagues, have submitted a letter to the majority leader asking him to clarify his position on these appointments. Specifically, the letter asks him to state whether he believes the pro forma sessions have any impact on the President's recess appointment power.

It also asks him to clarify whether he believes President Bush had the constitutional authority to make recess appointments like the ones recently made by President Obama and why, if he believes these recent appointments are constitutional, he instituted the practice of using pro forma sessions in the first place. Why did he do that?

Finally, the letter asks the majority leader to state specifically whether he agrees with the President's legal argument that the Senate was unavailable to perform its advice and consent functions during the recent adjournment period.

I ask unanimous consent to have printed in the RECORD a copy of the letter, signed by 33 Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

J.S. SENATE,

Washington, DC, February 2, 2012.

Hon. HARRY REID, Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID: In light of President Obama's recent decision to break with precedent regarding the use of recess appointments, we are writing to inquire about your views on the matter so as to clear up what appear to be serious inconsistencies on your part. We hope you will provide a complete and candid response.

On January 4, 2012, the President announced his intent to recess appoint Richard Griffin, Sharon Block, and Terence Flvnn to serve on the National Labor Relations Board (NLRB) and Richard Cordray to serve as head of the Consumer Financial Protection Bureau (CFPB). Pursuant to a Unanimous Consent agreement, the Senate was to go into pro forma session every three days between December 17, 2011 and January 23, 2012. However, the President, in a controversial turn of events, determined that the Senate's use of periodic pro forma sessions was insufficient to prevent him from exercising his recess appointment power under Article II of the Constitution.

As you are surely aware, it was under your leadership that the Senate first began to use pro forma sessions in order to prevent President George W. Bush from making recess appointments beginning in November 2007. With very few exceptions, this became the standard practice for the Senate during the rest of President Bush's term in office, during which time no recess appointments were made. And, though you discontinued this practice when President Obama first took office, the procedure was reinstituted last year.

Furthermore, in deciding whether to make these appointments, the President reportedly relied on the opinion of the Office of Legal Counsel which argued that, because no business was to be conducted during the scheduled pro forma sessions, the President could consider the Senate unavailable to provide advice and consent and exercise his power to make recess appointments. Yet. on December 23, 2011, one of the days scheduled for a pro forma session, you, yourself, went to the floor and conducted business to provide for the Senate passage of the Temporary Payroll Tax Cut Continuation Act of 2011 (H.R. 3765), clearly undermining any claim that the Senate is unavailable to perform its duties during a pro forma session.

However, despite the fact that you were indisputably the author of what became the routine use pro forma sessions to prevent recess appointments and even though you are obviously well aware that the Senate is able to conduct significant business during a

scheduled pro forma session, you have, on party should undermine the constitutional multiple occasions, publicly expressed your support for President Obama's efforts to bypass the Senate with regard to these nominations. For example, while appearing on the January 15, 2012 edition of "Meet the Press," you stated unequivocally that the President "did the right thing" in making these appointments. And, while you did acknowledge in the interview that it was you who established the procedure of using pro forma sessions, you also stated that "President Bush didn't have to worry about recess appointments because [you] were working with him," and that "[you] believed then, [you] believe now, that a president has a right to make appointments." You made similar arguments this week on the Senate floor.

This purported explanation directly contradicts remarks you made on the Senate floor during the Bush Administration wherein you explicitly indicated that the purpose of the pro forma sessions was to prevent President Bush from making recess appointments. On November 16, 2007, you stated that "the Senate would be coming in for pro forma sessions during the Thanksgiving Holiday to prevent recess appointments,' and that you had made the decision to do so because "the administration informed [you] that they would make several recess appointments." On December 19, 2007, you stated that "we are going into pro forma sessions so the President cannot appoint people we think are objectionable. . . " After reading these statements, it is clear that, under the Bush Administration, you believed that the use of pro forma sessions was sufficient to prevent the President from making recess appointments and that the practice was undertaken specifically because you were unable to reach an agreement with the President regarding specific nominees.

This apparent shift in your position raises a number of concerns. Most specifically, it appears that you believe the importance of preserving Senate's constitutional role in the nomination and appointment process varies depending on the political party of the President. Because we hope that this is not the case and because we hope that you, as the Senate Majority Leader, have taken seriously your responsibility to protect and defend the rights of this chamber, we hope you will answer the following clarifying questions:

1. In your view, what specific limitations does the Senate's use of pro forma sessions place on the President's power to make recess appointments under the Constitution?

2. Would it have been constitutional, in your view, for President Bush to have made recess appointments during the time the Senate, under your leadership, was using pro forma sessions? If so, for what purpose did you establish the practice of using pro forma sessions in the first place? If not, why do you now believe it is constitutional for President Obama to make recess appointments under similar circumstances?

3. In your view, did the Senate's passage of the Temporary Payroll Tax Cut Continuation Act of 2011 comply with the constitutional requirements for the passage of legislation?

If so, do you disagree with the President's argument that the Senate was "unavailable" to perform its advice and consent duties during the recent adjournment?

Needless to say, these are very serious matters. While there are many issues that divide the two parties in the Senate, including the very appointments at issue here, we hope that you share our view that neither authority of the Senate in order to serve a political objective.

Thank you for your attention regarding this matter.

Sincerely.

Orrin Hatch, Jim DeMint, Ron Johnson, Mike Johanns, John Cornyn, Marco Rubio, Rand Paul, Mike Lee, Michael B. Enzi, John Boozman, Pat Roberts, Chuck Grassley, John Hoeven, Roger Wicker, Pat Toomey, Dan Coats. Rob Portman, Mike Crapo, Scott Brown, Jeff Sessions, Dick Lugar, Lindsey Graham, Jerry Moran, Kelly Ayotte, James Risch, David Vitter, Saxby Chambliss, John Thune, John McCain, John Barrasso, Richard Burr, Thad Cochran, Roy Blunt, Johnny Isakson.

Mr. HATCH. These so-called recess appointments were unlawful because there was no legitimate recess in which they could be made.

There are many disagreements about policy and political issues. That is to be expected. But the integrity of our system of government requires that even the President must, as he said in the State of the Union Address, play by the rules. President Obama broke the rules in order to install the individuals he wanted. That action weakened the Constitution, our system of checks and balances, as well as both the Senate and the Presidency.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The bill clerk proceeded to call the

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EGYPT

Mr. LEAHY. Madam President, I would like to draw the Senate's attention to recent developments in Egypt, and I begin by referring to the outburst of violence yesterday by rival soccer fans after a match in that country in which 73 people were reportedly killed and hundreds injured.

This is a shocking tragedy, and I want to express my condolences to the Egyptian people and the families of the victims.

Last week tens of thousands of Egyptians gathered in Tahrir Square in Cairo to celebrate the 1 year anniversary of the popular revolution that overthrew former President Hosni Mubarak. That courageous and largely peaceful expression of popular will was inspirational to people everywhere, including millions of Americans.

The United States and Egypt share a long history of friendship and cooperation. Thousands of Americans travel and study in Egypt, and over the years we have provided tens of billions of dollars in economic and military aid to Egypt. Our countries share many interests, and it is critically important that we remain friends and allies in that strategically important part of the world during this period of political, economic, and social transition.

During the past 12 months, Egypt has been governed by a group of senior military officers, each of whom held positions of leadership and privilege in the repressive and corrupt Mubarak government. To their credit, for the most part they did not attempt to put down the revolution by force, and they pledged to support the people's demand for a democratically elected civilian government that protects fundamental freedoms.

The transition process is a work in progress. On the positive side, two democratic elections have been held and a new Parliament has been seated. On the negative side, civilian protesters have been arrested and prosecuted in military courts that do not protect due process, and in December Egyptian police raided the offices of seven nongovernmental organizations, including four U.S.-based groups whose work for democracy and human rights has for years been hindered by laws and practices that restrict freedom of expression and association. Files and computers were confiscated, and some of their employees have been interrogated.

There are also reports that as many as 400 Egyptian nongovernmental organizations are under investigation, allegedly for accepting foreign donations. Apparently, to the thinking of Egypt's military rulers, there is nothing wrong with the Egyptian Government receiving billions of dollars from U.S. taxpayers, but private Egyptian groups that work for a more democratic, free society on behalf of the Egyptian people and that cannot survive without outside help do so at their peril

Despite repeated assurances from Egyptian authorities that the property seized from these organizations would be promptly returned, that has not happened. To the contrary, the situation has gotten worse as several of their American employees have been ordered to remain in Egypt. Some of them have obtained protection at the U.S. Embassy. With each passing day there are growing concerns that these groups could face criminal charges for operating in the country without permission.

This is a spurious charge, since registration applications were submitted and deemed complete by the government years ago, because the organizations regularly reported to officials on their activities, and since, while registration was pending, they were permitted to operate. Ironically, while the previous regime did not seek to expel them for their prodemocracy work, Egypt's current authorities, whose responsibility it is to defend and support

the democratic tradition, are attempting to do just that.

human rights, our two countries have worked together in pursuit of common

There is abundant misinformation about the work of the American-based organizations, with some Egyptian officials accusing them—without offering any evidence—of trying to subvert Egypt's political process. Without belaboring the point, their work was no secret as they had nothing to hide. They were helping to build the capacity of Egyptian organizations engaged in peaceful work for democracy and human rights, supporting the development of political parties, and working with Egyptian groups to provide non-partisan voter education.

The military argues that since these groups were not registered, they were in violation of Egyptian law, but this is a transparently specious excuse for shutting them down. Their repeated applications for registration were neither granted nor denied. The government simply chose to ignore them.

Egyptian officials also insist that this is simply a matter of upholding the rule of law, but the complaint against these organizations was issued by a Minister with no direct authority over legal matters, and a negative propaganda campaign was unleashed in the state-controlled media. The conduct of the raids, seizure of the files and computers, interrogation of the employees, and the no-fly order have not been conducted consistent with legal standards but instead seem to be politically motivated. No warrants have been issued, no charging documents made public, and no inventory of seized property made available.

Many suspect that the force behind this crackdown is Minister of International Cooperation Faiza Aboul Naga, who was described in a Washington Post editorial this week as "a civilian holdover from the Mubarak regime" and "an ambitious demagogue [who] is pursuing a well-worn path in Egyptian politics—whipping up nationalist sentiment against the United States as a way of attacking liberal opponents at home." Given Minister Aboul Naga's recent statements, I strongly believe that no future U.S. Government funds should be provided to or through that ministry as long as she is in charge. As the chair of the Appropriations Committee's committee on the State Department and Foreign Operations, I am confident there is strong support in Congress for this position.

A related issue is the Egyptian military's continued use of vaguely worded emergency laws to silence dissent. While it is encouraging that the head of the military, General Tantawi, announced plans to lift the 30-year state of emergency, that is only a first step.

As I have mentioned, for decades the United States and Egypt have been friends and allies. While we have differed over issues of democracy and human rights, our two countries have worked together in pursuit of common goals. Our partnership needs to be strengthened and broadened to respond to the interests and aspirations of the Egyptian people themselves. Our long-standing legacy of cooperation with the Egyptian Government is now in jeopardy, and it is in the interests of both countries that this crisis is promptly and satisfactorily resolved and that we focus instead on moving forward to build an even stronger and enduring relationship.

In December, President Obama signed into law the Consolidated Appropriations Act for 2012. Section 7041(a)(1) of division I of that act provides that prior to the obligation of \$1.3 billion in fiscal year 2012 U.S. military aid for Egypt, the Secretary of State shall certify that "the Government of Egypt is supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law."

These unprecedented requirements, which I wrote, were included for two reasons. First, we want to send a clear message to the Egyptian people that we support their demand for democracy and fundamental freedoms. Second, we want to send a clear message to the Egyptian military that the days of blank checks are over. We value the relationship and will provide substantial amounts of aid, but not unconditionally. They must do their part to support the transition to civilian government. If the assault against international and Egyptian nongovernmental organizations continues, several of the requirements for certification could not be met.

Egypt has an extraordinary history dating back thousands of years. Anyone who has stood at the base of the pyramids cannot help but be in awe of what that society accomplished centuries before Columbus arrived in America. It is a destination for thousands of American tourists and students each year. It has the potential to be a strong force for democratic change and moderation in the Middle East and north Africa.

I hope the Egyptian authorities fully appreciate the seriousness of this situation and what is at stake. They need to permit these organizations to reopen their offices, return the confiscated property, end investigations of their activities and the activities of Egyptian groups, and register them without conditions so they can continue to support the democratic transition.

I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 31, 2012] EGYPT'S WITCH HUNT THREATENS A RUPTURE WITH THE U.S.

(Editorial)

There is a grotesque incongruity in the tour around Washington this week of an Egyptian military delegation even as seven Americans who work for congressionally funded pro-democracy groups are prevented from leaving Cairo and threatened with criminal prosecution. What makes it worse is that the ruling military council refuses to recognize the seriousness of the crisis it has created in the U.S.-Egyptian alliance.

The persecution of the Americans, which has been escalating since their offices were raided Dec. 29, is an extraordinary provocation by the generals who succeeded Hosni Mubarak. Despite repeated appeals, including by President Obama, military council chief Field Marshal Mohammed Hussein Tantawi has failed to deliver on promises to call off the witch hunt and return confiscated funds and property. Over the weekend, three of the Americans, including the son of Transportation Secretary Ray LaHood, moved into the U.S. Embassy compound in Cairo out of fear for their safety.

Meanwhile the Egyptian military delegation, headed by Fouad Abdelhalim, defense minister for arms affairs, is here on a business-as-usual mission to discuss security cooperation—including the weapons purchases Egypt makes with the \$1.3 billion in U.S. military aid it receives each year. The generals regard this funding as an entitlement, linked to the country's peace treaty with Israel. They appear to believe that Washington will not dare to cut them off, even if Americans seeking to promote democracy in Egypt are made the object of xenophobic slanders and threatened with imprisonment.

Preserving the alliance with Egypt, and maintaining good relations with its military, is an important U.S. interest. But the Obama administration must be prepared to take an uncompromising stand. If the campaign against U.S., European and Egyptian NGOs is not ended, military aid must be suspended.

Administration officials say Gen. Tantawi has been warned repeatedly that the aid money is at risk. But they tend to blame Congress, which attached conditions to the 2012 military funding over the administration's objections. Before aid is disbursed, the administration is required to certify to Congress that Egypt is holding free elections and protecting freedom of expression and association. Officials acknowledge that no certification will be possible while the prosecutions continue, and that funding could run out in March. But the legislation provides for the certification to be waived by the State Department on grounds of national security. That course must be ruled out.

The campaign against the International Republican Institute, National Democratic Institute and Freedom House, along with a half-dozen Egyptian and European groups, is being led by Minister of International Cooperation Faiza Aboul Naga, a civilian holdover from the Mubarak regime. Ms. Aboul Naga, an ambitious demagogue, is pursuing a well-worn path in Egyptian politics-whipping up nationalist sentiment against the United States as a way of attacking liberal opponents at home. The regime's calculation has always been that it can get away with such outrages because U.S. policymakers will conclude they can't afford a rupture in relations with Egypt. But if such a break is to be avoided, the generals must be disabused of the notion that U.S. military aid is inviolate.

PAYING A FAIR SHARE ACT OF

Mr. SCHUMER. Madam President, I rise today in support of the Paying a Fair Share Act, also known as the Buffett rule. This legislation, introduced yesterday by my good friend from Rhode Island, highlights an important conversation about fairness and tax policy in this country.

Now, some of my friends across the aisle have some interesting ways of discussing the principle that millionaires and billionaires should pay the same percent of their income taxes as middle-class families. They call it class warfare; they call it a political stunt. But in reality it is neither of those things. The Paying a Fair Share Act is common sense—the principle that everyone has a right to earn as much money as they can in America, as long as they are contributing their fair share.

We must have a sincere discussion about the distribution of tax burdens in this country. I am proud to be an original cosponsor of the Paying a Fair Share Act, because it addresses this issue head on.

New York is a large, diverse State full of very different people with very different views—a fact of which I am extremely proud. But all across the State people agree on the basic principle that a Tax Code which allows the most privileged of our society, people making tens and hundreds of millions of dollars a year, to pay less than 14 percent in taxes—significantly less than the average middle-class family—is broken.

With the introduction of the Paying a Fair Share Act, we now have before us legislation that can significantly reduce our debt and deficit without also breaking the backs of middle-class Americans. By ensuring that millionaires and billionaires pay at least 30 percent of their income in taxes—a rate similar to many average Americans—we can reinstitute tax fairness in this country, a principle that our Tax Code has sadly lacked since the Bush tax cuts ballooned our debt by cutting taxes for the ultra wealthy.

I invite my colleagues on both sides of the aisle to take part in this conversation. I consider the Paying a Fair Share Act as the beginning of a conversation, not the end of it. As the cochair of the Senate Philanthropy Caucus, I was pleased to see that my colleague from Rhode Island included language that ensures we continue to promote charitable giving and I would have liked to have seen a similar provision for State and local income taxes. Regardless. I know we will have the opportunity to build upon this proposal as it moves through consideration in the Senate and I look forward to working with my colleagues to improve it.

The issues of institutional unfairness in our Tax Code and our debt are not going away—not until we act. I hope my colleagues on both sides of the aisle can take the Paying a Fair Share Act as the beginning of a new chapter in the national debate, one that ends with a fairer Tax Code, deficit reduction, and a message to the American people that their government will not rest until we have created a stronger, more prosperous, and fairer American economy.

#### ADDITIONAL STATEMENTS

RECOGNIZING THE ARKANSAS LIGHTHOUSE FOR THE BLIND AND THE ABILITYONE PROGRAM

• Mr. BOOZMAN. Madam President, today I wish to recognize Arkansas Lighthouse for the Blind and the AbilityOne program, two important partners in our efforts to help blind Americans and those with other severe disabilities find meaningful employment.

The AbilityOne Program, formerly Javits-Wagner-O'Day, helps more than 47,000 people who are blind or have other severe disabilities put their skills and talents to work. It is the largest source of employment for people who are blind or have other severe disabilities in the country.

There are more than 600 nonprofit agencies throughout the United States, including Arkansas Lighthouse for the Blind, who participate in AbilityOne. These agencies produce over \$2.3 billion in products and services purchased by the Federal Government.

Before entering public service, I practiced optometry in Rogers, AK. Assisting people with vision problems was more than a career for me, it was, and remains, a commitment. It led me to help establish a low vision program at the Arkansas School for the Blind in Little Rock and to offer my services as a volunteer optometrist at an area clinic that provides medical services to low-income families. I see a tremendous amount of passion and commitment in those who give their time and services to Arkansas Lighthouse to the Blind.

Having visited the Arkansas Lighthouse for the Blind, and seeing first-hand the folks who work there and the products they make, I could not be more proud of the work done by these men and women.

I applaud any organization that helps people who are blind or severely disabled find employment. The same job that a colleague or I might take for granted is a lifeline for those living with a disability. The products and services produced through Arkansas Lighthouse for the Blind and other organizations across the country also prove that someone with a disability can lead a productive life and make major contributions within their com-

munity. They provide a valuable service and I offer my continued support for their efforts. ullet

#### TRIBUTE TO JEAN PACE

• Mr. PRYOR. Madam President, it is my great pleasure today to recognize an Arkansan and a dedicated public servant on her approaching 75th birthday. Jean Pace, the longtime mayor of Mammoth Spring, AR, will celebrate her birthday on February 11, 2012. Family and friends will gather to celebrate not only Jean's birthday but also her tireless public service that has spanned 37 years.

Prior to her time in public office, Jean was drawn to Mammoth Spring for a teaching job. Needless to say, she fell in love with the town and its people and still lives there today. She spent 15 years teaching in the school district and played a significant role in developing the school's gifted and talented program as well as the music and band programs. Jean's love of music extended beyond the classroom as she also taught hundreds of children and adults piano lessons in her free time.

Though Jean loved inspiring her students each day in the classroom, she ultimately decided to pursue a greater role in the community and ran for mayor. Jean has now served 22 years in the mayor's office, and the city and surrounding area have seen substantial improvements with her at the helm. Mayor Pace has a reputation for being relentless in her pursuit of grant monies and in her efforts to improve the quality of life for the residents of Mammoth Spring. Her time and efforts have paved the way for such things as a new fire truck for the fire department, funding for the Aquatic Conservation and Education Center at Mammoth Spring National Fish Hatchery, and various improvements at the State Park. Her tenure as mayor also saw Ozarka College open a new location in Mammoth Spring, which has provided additional educational opportunities to Mammoth Spring residents.

While her work on behalf of the city is how most people know Mayor Pace, I would be remiss not to mention possibly the toughest and most rewarding job Jean has held. That is the job of mother and grandmother to her wonderful family. Jean's family includes her kids, Suzanne Pace Kimes and George Spencer Pace; their spouses, Curt Kimes and Ellen Pace; and two grandkids, George Sheffield Pace and Dalton Christine Pace. I know they will all enjoy being together to celebrate Jean's 75th birthday next week.

Mr. President, I ask all my colleagues to join me in wishing Jean a happy 75th birthday and thank her for her 37 years of public service to Mammoth Spring.

## REMEMBERING EVELYN LAUDER

• Mr. LAUTENBERG. Madam President, late last year we lost Evelyn H. Lauder, a business leader, women's health advocate, refugee of nazism—and a friend.

Evelyn was born in Vienna, Austria, in 1936, the only daughter of Ernest and Mimi Hausner. Two years later, after Nazi troops invaded Austria, the Hausners fled to England, where Evelyn's mother was sent to an internment camp on the Isle of Man.

In 1940, after Mrs. Hausner's release, the family sailed to the United States. They settled in New York, where Evelyn attended public schools and Hunter College. She then married Leonard Lauder; had two sons, William and Gary; and for a while worked as a schoolteacher in New York.

When Evelyn's mother-in-law Estée Lauder invited her to join the family's cosmetics company in 1959, it was a small business with a handful of employees. Evelyn helped build it into an empire. She created the Clinique brand and held a number of positions at the company, including senior corporate vice president. Today, the Estée Lauder Companies employ more than 32,000 people around the world.

Although Evelyn was a talented businesswoman, she arguably made her biggest impact outside the business world. In 1989, Evelyn was diagnosed with breast cancer. Instead of allowing her illness to be a setback, Evelyn made it a cause. She helped create the pink ribbon campaign to raise awareness of breast cancer and also founded the Breast Cancer Research Foundation, which has raised more than \$350 million and supports more than 180 scientists based in 13 countries. The Breast Center at the Memorial Sloan-Kettering Cancer Center bears her

In a New York Times profile in 1995, Evelyn stated, "I feel it's important to make a mark somewhere."

Madam President, I believe Evelyn achieved this goal. Her leadership in business and philanthropy, along with her passionate advocacy for women's health issues, is virtually unmatched. We are thankful for her and the enduring legacy she left us.

I ask to have printed in the RECORD a copy of the obituary the New York Times published at the time of her passing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Nov. 12, 2011] EVELYN H. LAUDER, CHAMPION OF BREAST CANCER RESEARCH, DIES AT 75

# (By Cathy Horyn)

Evelyn H. Lauder, a refugee of Nazi-occupied Europe who married into an illustrious family in the beauty business and became an ardent advocate for breast cancer awareness, raising millions for research, died on Saturday at her home in Manhattan. She was 75.

The cause was nongenetic ovarian cancer said Alexandra Trower, a spokeswoman for the Estée Lauder Companies.

As the wife of Leonard A. Lauder, the chairman emeritus of the Estée Lauder Companies, and as the daughter-in-law of the company's formidable matriarch, Estée Lauder, Evelyn Lauder had to establish her own place in a family as complex as it was competitive.

Mrs. Lauder frequently told the story of how, early in her marriage, she returned to the couple's apartment to find that Estée had rearranged the furniture more to her liking. When Evelyn and Leonard were dating—it was only their second date—Estée implored her to stay and be the hostess for a birthday party she was giving her son.

"So I stayed," Mrs. Lauder said in an interview in 2008. "What could I do? She was like a steamroller."

Yet it was clear that Estée was crazy about the young woman, and soon after Evelyn's marriage, in 1959, she joined the family cosmetics company, then a small enterprise, pitching in wherever she was needed.

"I was very strong," she said. "Having had a childhood like the one I had, I was much more tough than a lot of people. I was one of the few people who spoke my mind to Estée."

Mrs. Lauder learned she had breast cancer in 1989 and soon became a strong voice on behalf of women's health, though she was always reluctant to discuss her own condition. "My situation doesn't really matter," she told a reporter in 1995.

She was a creator of the Pink Ribbon campaign, a worldwide symbol of breast health, and in 1993 she founded the Breast Cancer Research Foundation, which has raised more than \$350 million

In 2007 she received a diagnosis of ovarian cancer, which developed independently of her breast cancer, Ms. Trower said.

Evelyn Hausner was born on Aug. 12, 1936, in Vienna, the only child of Ernest and Mimi Hausner. Her father, a dapper man who lived in Poland and Berlin before marrying the daughter of a Viennese lumber supplier, owned a lingerie shop. In 1938, with Hitler's annexation of Austria, the family left Vienna, taking a few belongings, including household silver, which Ernest Hausner used to obtain visas to Belgium.

The family eventually reached England, where Evelyn's mother was immediately sent to an internment camp on the Isle of Man. "The separation was very traumatic for me," Mrs. Lauder said. Her father placed her in a nursery until her mother could be released and he could raise money. In 1940, the family set sail for New York, where her father worked as a diamond cutter during the war.

In 1947, he and his wife bought a dress shop in Manhattan called Lamay. Over time they expanded it to a chain of five shops.

Mrs. Lauder grew up on West 86th Street and attended Public School 9. During her freshman year at Hunter College, she met Leonard Lauder on a blind date. Already graduated from college and training to be a naval officer, Mr. Lauder had grown up on West 76th Street, though in a sense it was a world apart. "He was the first person who took me out to dinner in a restaurant," she recalled. They married four years later at the Plaza Hotel.

Though always at home by 4 p.m. when her two children were little, Mrs. Lauder said she never considered being a stay-at-home mom, in spite of the family's growing wealth. "I couldn't bear it," she said. "I grew

up with a working mother." Mrs. Lauder was also a public school teacher for several years.

She held many roles at Estée Lauder, including creator of training programs and director of new products and marketing. In 1989, the year of her breast cancer diagnosis, she became the senior corporate vice president and head of fragrance development worldwide.

Mrs. Lauder is survived by her husband; her sons, William and Gary; and five grand-children.

Though Mrs. Lauder, an avid photographer, had a home in Colorado and a penthouse on Fifth Avenue lined with modern art, she and her husband liked to retreat to a plain cabin in Putnam County, N.Y., where Mrs. Lauder might serve guests German food she had prepared.

Asked once how she felt about working with her husband in the early days, she replied, "Working with Leonard was a riot." Indeed, she joked that he had such a sense of business, without family favoritism, that getting an appointment with him was sometimes tough. "It would take me much longer to get a date with him," she said, "than someone who didn't have his name."

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

# EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.

### MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1173. An act to repeal the CLASS program.

H.R. 3567. An act to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores.

H.R. 3835. An act to extend the pay limitation for Members of Congress and Federal employees.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution.

The message further announced that pursuant to 10 U.S.C. 4355(a), and the

order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. SHIMKUS of Illinois and Mr. Womack of Arkansas.

#### ENROLLED BILL SIGNED

At 6:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3567. An act to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Finance.

H.R. 3835. An act to extend the pay limitation for Members of Congress and Federal employees; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution: to the Committee on Rules and Administration.

### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2064. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4882. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments and Corrections to DEA Regulations" (Docket No. DEA-356) received in the Office of the President of the Senate on January 31, 2012; to the Committee on the Judiciary.

EC-4883. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report relative to grants made under the Paul Coverdell National Forensic Science Improvement Grants Program; to the Committee on the Judiciary.

EC-4884. A communication from the Chief Human Capital Officer, Small Business Administration, transmitting, pursuant to law, a report relative to a vacancy in the position the Office of the President of the Senate on January 30, 2012: to the Committee on Small Business and Entrepreneurship.

EC-4885. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dental Conditions" (RIN2900-AN28) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Veterans' Affairs.

EC-4886. A communication from the Director of the Regulation Policy and Management Office, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Tribal Veterans Cemetery Grants" (RIN2900-AN90) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Veterans' Affairs.

EC-4887. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 3" (Docket No. AMS-FV-11-0051; FV11-948-1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4888. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Electric Engineering, Architectural Services, Design Policies and Construction Standards" (7 CFR Parts 1724 and 1726) received in the Office of the President of the Senate on January 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4889. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts-III"; to the Committee on Commerce, Science, and Transportation.

EC-4890. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC-4891. A communication from the Chair of the Aerospace Safety Advisory Panel, National Aeronautics and Space Administration, transmitting, pursuant to law, the Panel's annual report for 2011: to the Committee on Commerce, Science, and Transportation.

EC-4892. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Transportation for Individuals With Disabilities at Intercity, Commuter, and High Speed Passenger Railroad Station Platforms: Miscellaneous Amendments' (RIN2105-AD54) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce. Science. and Transportation.

EC-4893. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-81, V-89, and V-169 in the Vicinity Nebraska'' ((RIN2120-AA66) Chadron, (Docket No. FAA-2010-1016)) received in the

of Chief Counsel for Advocacy, received in Office of the President of the Senate on January 26, 2012; to the Committee on Commerce. Science, and Transportation.

> EC-4894. A communication from the Senior Program Analyst, Federal Aviation Adminis-Department of Transportation, tration. transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Areas R-210A, B, C, D and E; Huntsville, AL' ((RIN2120-AA66) (Docket No. FAA-2010-0693))received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

> EC-4895. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Establishment of Compulsory Reporting Point; Alaska" ((RIN2120-AA66) (Docket No. FAA-2011-1238)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

> EC-4896. A communication from the Senior Program Analyst, Federal Aviation Adminis-Department of Transportation, tration. transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-320 and V-440; Alaska" ((RIN2120-AA66) (Docket No. FAA-2011-1014)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

> EC-4897. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to and Establishment of Restricted Areas; Warren Grove, NJ" ((RIN2120-AA66) (Docket No. FAA-2011-0104)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

> EC-4898. A communication from the Senior Program Analyst, Federal Aviation Adminis-Department of Transportation, tration. transmitting, pursuant to law, the report of a rule entitled "Amendment of Federal Airways; Alaska" ((RIN2120-AA66) (Docket No. FAA-2011-0010)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

> EC-4899. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0494)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation

> EC-4900. A communication from the Senior Program Analyst, Federal Aviation Adminis-Department of Transportation, tration. transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0911)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

> EC-4901. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lycoming Engines, Fuel Injected Reciprocating Engines" ((RIN2120-AA64) (Docket No.

FAA-2007-0218)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce. Science. and Transportation.

EC-4902 A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0649)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4903. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E North Philadelphia, Airspace: ((RIN2120-AA66) (Docket No. FAA-2011-0625)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4904. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Model 407 and 427 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1035)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary Paul J. Watford, of California, to be United

States Circuit Judge for the Ninth Circuit

Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2011.

Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2014.

Dennis J. Erby, of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PAUL (for himself, Mr. DEMINT, Mr. Lee, Mr. Risch, and Mr. Coburn):

S. 2062. A bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WEBB:

S. 2063. A bill to prohibit the transfer of technology developed using funding provided by the United States Government to entities of certain countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LEE):

S. 2064. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate; read the first time.

> By Mr. KYL (for himself, Mr. McCAIN, Mr. Cornyn, Mr. Graham, Mr. Rubio, Ms. AYOTTE, and Mr. THUNE):

S. 2065. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees; to the Committee on the Budget.

By Ms. MURKOWSKI (for herself and Mr. Manchin):

S. 2066. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities; to the Committee on Energy and Natural Re-

> By Mr. CASEY (for himself and Mr. McCain):

S. 2067. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device regulation, and for other purposes: to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. ISAKSON, Mr. NELSON of Nebraska, and Ms. Murkowski):

S. 2068. A bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers; to the Committee on Health, Education, Labor, and Pensions.

> By Ms. MIKULSKI (for herself, Mr. Kerry. Ms. COLLINS. BLUMENTHAL, and Mr. WARNER):

S. 2069. A bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers; to the Committee on Health, Education, Labor, and Pensions.

# SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

> By Ms. LANDRIEU (for herself, Mr. McCain, and Mr. Kerry):

S. Res. 367. A resolution designating January 2012 as "National Mentoring Month"; considered and agreed to.

# ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the

By Mr. DEMINT (for himself and Mr. prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. Whitehouse) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other pur-

S. 1269

At the request of Ms. Snowe, the names of the Senator from California (Mrs. Boxer) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1982

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1982, a bill to amend the Older Americans Act of 1965 to develop and test an expanded and advanced role for direct care workers who provide long-term services and supports to older individuals in efforts to coordinate care and improve the efficiency of service delivery.

AMENDMENT NO. 1471

At the request of Mr. HOEVEN, his name was added as a cosponsor of amendment No. 1471 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

At the request of Mr. McCain, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of amendment No. 1471 proposed to S. 2038, supra.

#### AMENDMENT NO. 1473

At the request of Mr. COBURN, the names of the Senator from South Carolina (Mr. Graham) and the Senator from Wyoming (Mr. Enzi) were added as cosponsors of amendment No. 1473 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

#### AMENDMENT NO. 1474

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1474 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. McCain, Mr. Cornyn, Mr. Graham, Mr. Rubio, Ms. Ayotte, and Mr. Thune):

S. 2065. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees; to the Committee on the Budget.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

# S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Down Payment to Protect National Security Act of 2012".

# SEC. 2. REDUCTION IN THE NUMBER OF FEDERAL EMPLOYEES.

- (a) DEFINITION.—In this section, the term "agency" has the meaning given the term "Executive agency" under section 105 of title 5, United States Code.
- (b) DETERMINATION OF NUMBER OF EMPLOY-EES.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall determine the number of full-time employees employed in each agency. The head of each agency shall cooperate with the Director of the Office of Management and Budget in making the determinations.
  - (c) REPLACEMENT HIRE RATE.—
- (1) IN GENERAL.—During the period described under paragraph (2), the head of each agency may hire no more than 2 employees in that agency for every 3 employees who leave employment in that agency.

- (2) PERIOD OF REPLACEMENT HIRE RATE.—Paragraph (1) shall apply to each agency during the period beginning 60 days after the date of enactment of this Act through the date on which the Director of the Office of Management and Budget makes a determination that the number of full-time employees employed in that agency is 5 percent less than the number of full-time employees employed in that agency determined under subsection (a).
- (d) WAIVERS.—This section may be waived upon a determination by the President that—
- (1) the existence of a state of war or other national security concern so requires; or
- (2) the existence of an extraordinary emergency threatening life, health, public safety, property, or the environment so requires.

# SEC. 3. EXTENSION OF PAY FREEZE FOR FEDERAL EMPLOYEES.

- (a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note) is amended—
- (1) in subsection (b)(1), by striking "December 31, 2012" and inserting "June 30, 2014"; and
- (2) in subsection (c), by striking "December 31, 2012" and inserting "June 30, 2014".
- (b) CLARIFICATION THAT FREEZE APPLIES TO MEMBERS OF CONGRESS.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during the period beginning on the first day of the first pay period beginning on or after February 1, 2013 and ending on June 30, 2014.

# SEC. 4. REDUCTION OF REVISED DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

Paragraph (2) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended to read as follows:

- "(2) REVISED DISCRETIONARY SPENDING LIM-ITS.—The discretionary spending limits for fiscal years 2013 through 2021 under section 251(c) shall be replaced with the following:
- "(A) For fiscal year 2013—
- "(i) for the revised security category, \$546,000,000,000 in budget authority; and
- "(ii) for the revised nonsecurity category, \$501,000,000,000 in budget authority.
- "(B) For fiscal year 2014—
- "(i) for the revised security category, \$551,000.000,000 in budget authority; and
- "(ii) for the revised nonsecurity category, \$500,000,000,000 in budget authority.
- "(C) For fiscal year 2015—
- "(i) for the revised security category, \$560,000,000,000 in budget authority; and
- "(ii) for the revised nonsecurity category, \$510,000,000,000 in budget authority.
- "(D) For fiscal year 2016—
- $\lq\lq(i)$  for the revised security category, \$571,000,000,000 in budget authority; and
- "(ii) for the revised nonsecurity category, \$520,000,000,000 in budget authority.
- "(E) For fiscal year 2017—
- "(i) for the revised security category, \$584,000,000,000 in budget authority; and
- ''(ii) for the revised nonsecurity category, \$531,000,000,000 in budget authority.
- "(F) For fiscal year 2018—
- "(i) for the revised security category, \$598,000,000,000 in budget authority; and
- ''(ii) for the revised nonsecurity category, \$543,000,000,000 in budget authority.
  - "(G) For fiscal year 2019—
- "(i) for the revised security category, \$610,000,000,000 in budget authority; and

- "(ii) for the revised nonsecurity category, \$556.000,000,000 in budget authority.
  - "(H) For fiscal year 2020-
- "(i) for the revised security category, \$624,000,000,000 in budget authority; and
- "(ii) for the revised nonsecurity category, \$568,000,000,000 in budget authority.
  - "(I) For fiscal year 2021-
- "(i) for the revised security category, \$638,000,000,000 in budget authority; and
- "(ii) for the revised nonsecurity category, \$579,000,000,000 in budget authority.".

# SEC. 5. CALCULATION OF TOTAL DEFICIT REDUCTION.

Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended—

- (1) in paragraph (3)—
- (A) in subparagraph (A), by striking "\$1,200,000,000,000" and inserting "\$1,073,000,000,000"; and
- (B) in subparagraph (D), by striking "by 9" and inserting "by 8";
- (2) in paragraph (4), by striking "On January 2, 2013, for fiscal year 2013, and in" and inserting "In";
- (3) in paragraphs (5) and (6), by striking "2013" each place it appears and inserting "2014"; and
- (4) in paragraph (7)—
- (A) by striking "REDUCTIONS.—" and all that follows through "FISCAL YEARS 2014-2021.—On the date" and inserting "REDUCTIONS.—On the date"; and
- (B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the margin accordingly.

# By Ms. MIKULSKI (for herself, Mr. KERRY, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNER):

S. 2069. A bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I am proud to introduce the Spending Re-Through Innovations Therapies Agenda Act with my good friends and colleagues, Senators CoL-LINS, KERRY, BLUMENTHAL, and WAR-NER. This is a bi-partisan and bi-cameral bill that I have worked on with Representatives Markey and Smith and community organizations and leaders such as George and Trish Vradenburg's U.S. Against Alzheimer's. This legislation will help us sprint to the finish line by getting innovative therapies from bench to bedside more quickly for chronic diseases like Alzheimer's. It spurs innovation in advanced research and drug, device, and diagnostics development for chronic health conditions that are leading causes of death as well as the most costly to taxpayers and families.

The act puts the focus where it needs to be. It tackles the health problems we are challenged with today and will be faced with in the future if there is inaction. We must conquer these complex health conditions and plug the drain that draws money from our nation's economy and patients, families, and taxpayers checkbooks.

It is been over 10 years since a new Alzheimer's drug entered the U.S. market. Eleven industry sponsored clinical trials have failed in recent years. It takes 10 to 15 years to develop a drug and get the FDA gold seal of approval. Each drug that successfully enters the market, costs over \$1 billion to develop. This is because of the high failure rates in the "Valley of Death."

Currently, 5 million Americans have Alzheimer's and 15 million Americans are caring for a loved one with Alzheimer's. There are no drugs on the market today to delay-onset, prevent, or cure Alzheimer's. Medicare spending for Alzheimer's patients is 3 times higher than Medicare patients without Alzheimer's. Medicaid spending for Alzheimer's patients age 65 and older is 9 times higher. This is unsustainable. Families are left bewildered, bereft, and broke.

I know what this is like. My own dear father was one of the 5 million Americans with Alzheimer's. I remember when I would go to visit him. It didn't matter that I was a United States Senator or the Senator who represents the National Institutes of Health. It didn't matter that I could get Nobel Prize winners on the phone. The information that would have made his life easier just wasn't there. My family and I knew about the long goodbye. We lived the 36-hour day. It was devastating for him, heart-breaking to my mother, and heart-wrenching for my sisters and me. What was difficult was not only the disease but that we also felt powerless. All we could do was make my father comfortable. There was no cure. There was no safety net for our family.

I vowed to do everything I could. Not just to support research and development in Alzheimer's but also to create a safety net for families. I know it is gut-wrenching to wonder how you'll be able to care for a parent. I have always believed Honor thy mother and father' is a good commandment to live by and a good policy to govern by. We need innovative strategies like the SPRINT program to make sure your brain span lasts your life span.

SPRINT speeds the development of drugs and therapies to combat the most deadly and costly chronic diseases. It compresses the product development timeline and increases the volume of drugs in the development pipeline so that priority is given to the most promising drugs. This bill expedites the Food and Drug Administration review process. It helps get more drugs out of the labs and into patient's hands more quickly.

This act establishes a new program—the SPRINT Program. SPRINT will develop new therapies to reduce federal health care spending on chronic health conditions like Alzheimer's, diabetes,

heart disease and cancer that are the leading causes of death identified by the Centers for Disease Control and Prevention. In fact, some researchers are already working hard to see if diabetes or heart disease are associated with Alzheimer's. I have seen first-hand that many Alzheimer's patients have multiple chronic conditions.

SPRINT directs the Secretary of Health and Human Services to work collaboratively with non-profit investors to identify public and private organizations with expertise in developing therapies for these conditions like a biotech company or an academic health center such as University of Maryland or Johns Hopkins. Prize payments, contracts, grants, or cooperative agreements will be awarded to accelerate development of therapies that have potential to prevent or diagnose, delay onset or cure, and aid recovery or improve health outcomes for Alzheimer's disease and other high-cost conditions.

This bill is built on a public-private partnership. We will make a \$50 million Federal investment and leverage private capital by raising \$2 in private investment for every Federal dollar to combat this problem together. For this small investment we will get huge returns in lives saved and new cures. By making a small investment today we will save billions in future health care spending and long-term care costs. Alzheimer's Association estimates that Alzheimer's alone costs our federal health programs, Medicare and Medicaid, over \$183 billion annually.

SPRINT is a job creator. Manufacturers in Maryland and other states are on the frontier of discovering new drugs and biologics. By helping patients find new treatments we can also make targeted investments in our innovation economy. Biotech companies are an economic engine in Maryland's economy. SPRINT helps America remain number one in biomedical innovation and job creation.

I have a saying, "each of us can make a difference and together we can make change". I will keep fighting for a cure for Alzheimer's. I will keep fighting to support our innovative industries in their quest for new therapies and treatments that will help patients globally and create jobs domestically. And I will keep fighting to help families living with Alzheimer's. We are working together because a Congress that works together works the best. We will get this done. Some people want to go to Mars but I want to be in the United States of America when they say "we found a cure for Alzheimer's.'

Ms. COLLINS. Mr. President, today I wish to, with my colleague from Maryland, introduce the Spending Reductions through Innovations in Therapies agenda, or SPRINT, Act, a bipartisan, bicameral bill to accelerate the development of treatments and therapies for

high-cost diseases such as Alzheimer's, diabetes, cancer, and heart disease.

Alzheimer's and other chronic conditions take a tremendous personal and economic toll on millions of Americans and their families. Moreover, in addition to the human suffering they cause, they pose significant challenges to the fiscal health of our Nation.

Alzheimer's disease alone costs the United States \$183 billion a year, a figure that will only increase exponentially as the baby-boom generation ages. If nothing is done to slow or stop the disease, Alzheimer's will cost the United States \$20 trillion over the next 40 years.

At a time of mounting deficits, the increasing incidence of diseases such as diabetes and Alzheimer's also has dire implications for our Federal budget. For example, it is estimated that spending on diabetes accounts for one out of three Medicare dollars. The average annual Medicare payment for an individual with Alzheimer's is three times higher than for those without the condition. For Medicaid, average payments for someone with Alzheimer's are nine times higher.

The Federal Government is currently spending hundreds of billions of dollars a year caring for patients suffering from Alzheimer's disease, diabetes, cancer, heart disease, and other conditions. This pricetag will only increase as our population ages. Left unchecked, these devastating diseases threaten not only to destroy our Nation's health, but also to bankrupt our finances.

The SPRINT Act, which we are introducing today, is intended to speed the development of therapies to significantly modify, cure, or prevent these high-cost, chronic conditions. Among other provisions, the bill authorizes \$50 million for a public-private SPRINT program and fund within the Department of Health and Human Services to support advanced research into promising therapies that are most likely to improve health outcomes and reduce health care costs

Modeled after the successful Defense Advance Research Project Agency, DARPA, the SPRINT program and fund will complement the basic research done by the National Institutes of Health. It will work through public-private partnerships to provide modest resources to research institutions and other innovators conducting advanced research into therapies and treatments for Alzheimer's and other high-cost chronic conditions.

Funding provided under the bill will be targeted to chronic conditions designated by the Centers for Disease Control and Prevention as being among the top 10 causes of death and focused on those that account for high current and projected costs to Federal health programs; reduce a victim's ability to carry out activities of daily living;

have a death rate that has increased and is projected to increase significantly in future years; and lack existing therapies to prevent, control, or cure the condition or delay cognitive decline.

Each Federal dollar awarded under the program must be matched by at least \$2 in private funding, and the Secretary may modify or terminate funding for projects that fail to meet milestones. Finally, the legislation will expedite review by the Food and Drug Administration of the therapies developed through the program so they can be delivered to patients as quickly as possible.

Chronic diseases such as Alzheimer's, heart disease, diabetes, and cancer cause great suffering and financial hardship for millions of Americans and their families. Given their increasing prevalence as our population ages, they also threaten to bankrupt critically important programs like Medicare and Medicaid.

The SPRINT Act will leverage a relatively small Federal investment to speed the development of therapies that have the potential to prevent, delay, cure, and improve outcomes for these terrible diseases. It also offers us an opportunity to control the costs associated with these devastating conditions. I urge my colleagues to join us in cosponsoring this important legislation. I ask unanimous consent that a letter from the Alzheimer's Association endorsing our legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALZHEIMER'S ASSOCIATION,
PUBLIC POLICY OFFICE,
Washington, DC, January 31, 2012.

Hon. Susan Collins,

U.S. Senate, Washington. DC.

DEAR SENATOR COLLINS: On behalf of the Alzheimer's Association, thank you for your leadership on issues important to Americans with Alzheimer's disease and their caregivers. As the co-chair of the Congressional Alzheimer's Task Force you are well-aware of the national and global epidemic that is Alzheimer's disease. This devastating disease is the ultimate thief—a thief of memories. thief of independence, thief of control, thief of time and ultimately, a thief of life. The Alzheimer's Association is pleased to support your bill, the Spending Reductions through Innovations in Therapies Agenda Act of 2012 (SPRINT Act), which would create a novel mechanism to target research investments that development of new treatments and reduce overall spending by Federal health care programs for high-cost chronic conditions, including Alzheimer's disease.

The Alzheimer's Association is the world's leading voluntary health organization in Alzheimer's care, support and research. Our mission is to eliminate Alzheimer's disease and other dementias through the advancement of research, to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. Our vision is a world without Alzheimer's.

In 2011, the cost of caring for those with Alzheimer's to American society will total an estimated \$183 billion, according to Alzheimer's Association's 2011 Alzheimer's Disease Facts and Figures report. This is an \$11 billion increase over last year—a rate of increase more than four times inflation. According to the Alzheimer's Association report. Changing the Trajectory of Alzheimer's Disease: A National Imperative, unless a treatment is found that can prevent, cure, or even slow the progression, by 2050, as many as 16 million Americans will have Alzheimer's disease and the cost of care will surpass \$1 trillion annually (in today's dollars). This will create an enormous strain on the health care system, families and the federal budget.

The SPRINT Act aims to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, which includes Alzheimer's disease. The legislation highlights the growing need for research and the importance of finding innovative ways to find a cure for Alzheimer's on behalf of the estimated 5.4 million Americans currently living with the disease.

The Alzheimer's Association appreciates your continued leadership on Alzheimer's disease. If you have any questions, please contact Rachel Conant, Director of Federal Affairs, at Rachel.Conant@alz.org or 202-638-7121

Sincerely,

ROBERT EGGE, Vice President, Public Policy.

# SUBMITTED RESOLUTIONS

SENATE RESOLUTION 367—DESIGNATING JANUARY 2012 AS "NATIONAL MENTORING MONTH"

Ms. LANDRIEU (for herself, Mr. McCain, and Mr. Kerry) submitted the following resolution; which was considered and agreed to:

# S. RES. 367

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement to facilitate the social, emotional, and cognitive development of a young person;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for the people who serve as mentors:

Whereas more than 5,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees:

Whereas approximately 3,000,000 young people in the United States are in formal mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the United States;

Whereas, in spite of the progress made in increasing mentoring, the United States has

a serious "mentoring gap", with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States:

Whereas the designation of January 2012 as "National Mentoring Month" will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas, most significantly, National Mentoring Month—

(1) will build awareness of mentoring; and (2) will encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

Resolved. That the Senate-

- (1) designates the month of January 2012 as "National Mentoring Month";
- (2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and
- (3) encourages more adults and students to volunteer as mentors.

# $\begin{array}{c} {\rm AMENDMENTS} \ {\rm SUBMITTED} \ {\rm AND} \\ {\rm PROPOSED} \end{array}$

SA 1511. Mrs. GILLIBRAND (for Mr. LIEBERMAN) proposed an amendment to amendment SA 1470 proposed by Mr. Reid (for himself, Mr. Brown of Massachusetts, Mr. Lieberman, Ms. Collins, Mrs. Gillibrand, Mr. Levin, and Mr. Franken) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

SĀ 1512. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

# TEXT OF AMENDMENTS

SA 1511. Mrs. GILLIBRAND (for Mr. LIEBERMAN) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

On page 7, strike lines 6 through 9, insert the following:

"(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), the following persons, if required to file a report under any other subsection of this section subject to any waivers and exclusions, shall file a report of the transaction:

``(1) A Member of Congress.

"(2) An officer or employee of Congress required to file a report under this section.

- "(3) The President.
- "(4) The Vice President.
- "(5) Each employee appointed to a position in the executive branch, the appointment to which requires advice and consent of the Senate, except for—
- ``(A) an individual appointed to a position—
- "(i) as a Foreign Service Officer below the rank of ambassador; or
- "(ii) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or
- "(B) a special government employee, as defined under section 202 of title 18, United States Code.
- "(6) Any employee in a position in the executive branch who is a noncareer appointee in the Senior Executive Service (as defined under section 3132(a)(7) of title 5, United States Code) or a similar personnel system for senior employees in the executive branch, such as the Senior Foreign Service, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.
- "(7) The Director of the Office of Government Ethics.
- "(8) Any civilian employee, not described in paragraph (5), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President."

#### At the end insert the following:

#### SEC. \_\_\_. EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the President shall—

(1) ensure that financial disclosure forms filed by officers and employees referred to in section 101(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official websites of agencies of the executive branch; and

(2) develop systems to enable electronic filing and public access, as required by section 8(b), to the financial disclosure forms of such individuals.

SA 1512. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 113, line 11, strike "service before" and all that follows through line 20 and insert the following: "service before October 1, 2014, voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee"

On page 114, strike line 10 and all that follows through page 116, line 10.

On page 116, line 11, strike "103" and insert "102".

On page 117, line 16, strike "104" and insert "103".

On page 117, line 17, strike "104" and insert "103".

On page 121, line 4, strike "105" and insert "104".

On page 140, lines 19 and 20, strike "sections 101, 102, 103, 205, and 209 of this Act" and insert "sections 101, 102, 205, and 209 of this Act".

# AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, on February 2, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 2, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled "Innovations in College Affordability" on February 2, 2012, at 10:20 a.m., in room 430 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

# COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate, on February 2, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 2, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

# SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate, on February 2, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

# REPORTING AUTHORITY

Mr. REID. I ask unanimous consent notwithstanding adjournment of the

Senate, the Committee on Environment and Public Works be authorized to report legislation tomorrow, February 3, from 12 noon to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

# UNANIMOUS CONSENT AGREEMENT—H.R. 658

Mr. REID. Madam President, I now ask unanimous consent that at 3 p.m., Monday, February 6, the Chair lay before the body the conference report to accompany H.R. 658, the FAA Reauthorization Reform Act; that there be up to 2½ hours of debate on the conference report, equally divided between the conferees or their designees, prior to the vote on adoption of the conference report; that the vote on adoption be subject to a 60-vote threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

# NATIONAL MENTORING MONTH

Mr. REID. I ask unanimous consent we now proceed to S. Res. 367.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 367) designating January 2012 as "National Mentoring Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 367

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement of facilitate the social, emotional, and cognitive development of a young person;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for the people who serve as mentors;

Whereas more than 5,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees:

Whereas approximately 3,000,000 young people in the United States are in formal mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the United States;

Whereas, in spite of the progress made in increasing mentoring, the United States has a serious "mentoring gap", with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States:

Whereas the designation of January 2012 as "National Mentoring Month" will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas, most significantly, National Mentoring Month-

- (1) will build awareness of mentoring: and
- (2) will encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

Resolved. That the Senate-

- (1) designates the month of January 2012 as "National Mentoring Month"
- (2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors: and
- (3) encourages more adults and students to volunteer as mentors.

### MEASURE READ THE FIRST TIME—S. 2064

Mr. REID. I now ask that we have the first reading of a bill which is at the desk.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2064) to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Mr. REID. I ask for a second reading in order to place this bill on the calendar, but I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative

# ORDERS FOR MONDAY, FEBRUARY

Mr. REID. Madam President, I ask unanimous consent that the Senate adjourn until 2 p.m., on Monday, February 6, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any

leader remarks, the Senate be in a period of morning business until 3 p.m., with Senators permitted to speak up to 10 minutes each; and that following morning business, the Senate proceed to consideration of the conference report to accompany H.R. 658, the FAA Reauthorization Act. under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Madam President, I appreciate the cooperation of Senators this week. This important piece of legislation is something the American people believe is extremely important for the Congress to not put itself above the law. There was a dispute as to whether we were above the law. After this passage, there will be no dispute whatso-

I appreciate the fact that we will now move to the FAA bill, which is going to be completed in the form of a conference report. It is very hard to do. People worked extremely hard. Is it a perfect piece of legislation? No, it is not. But we have not had an FAA bill since 2003. We have had 23 temporary extensions. During this period of time the FAA basically shut down because we could not agree on what should move forward.

I repeat, this bill is not perfect, but it is something that is extremely important for job creation and for making our airports safer.

There will be a rollcall vote at 5:30 p.m. on the adoption of the FAA conference report.

## ADJOURNMENT UNTIL MONDAY. FEBRUARY 6, 2012 AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Monday, February 6, 2012, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

MICHAEL P. SHEA, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CON-NECTICUT, VICE CHRISTOPHER DRONEY, ELEVATED. STEPHANIE MARIE ROSE, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE ROBERT W. PRATT, RETIRING.

# DEPARTMENT OF JUSTICE

LOUISE W. KELTON, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF TEN-NESSEE FOR THE TERM OF FOUR YEARS, VICE DENNY WADE KING, TERM EXPIRED.

JAMIE A. HAINSWORTH, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE

ISLAND FOR THE TERM OF FOUR YEARS, VICE STEVEN GERARD O'DONNELL, RESIGNED.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLO-MATIC SERVICE OF THE UNITED STATES OF AMERICA:

OLGA FORD OF VIRGINIA EDWARD W. KOENIG, OF FLORIDA JOEL REYNOSO, OF NEW YORK MARGARET SHU TEASDALE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SEN-IOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,

CLASS OF CAREER MINISTER:

WILLIAM M. ZARIT, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE. CLASS OF MINISTER-COUNSELOR:

JOHN D. BREIDENSTINE, OF PENNSYLVANIA DALE N. TASHARSKI, OF VIRGINIA GREGORY M. WONG, OF NEVADA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

NASIR ABBASI, OF MARYLAND CYNTHIA GRIFFIN, OF CONNECTICUT EDWIN KEITH KIRKHAM, OF MAINE ELLEN D. LENNY-PESSAGNO, OF KANSAS MICHAEL J. RICHARDSON, OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE DEPART-MENT OF STATE FOR APPOINTMENT AS FOREIGN SERV-ICE OFFICERS OF THE CLASSES STATED:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

#### TERRY L. MURPHREE, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SOREN GRAHAM ANDERSEN, OF COLORADO BETH M. ANDONOV, OF NEVADA JONATHAN BAAS, OF ARIZONA SARAH S. BANERJEE, OF WASHINGTON TYLER BEEBOUT, OF COLORADO TIMOTHY P. BLAKENEY, OF VIRGINIA SARAH SHEA CARMACK, OF VIRGINIA ALICE CARUSO, OF CALIFORNIA JOYCE A. CATALANO, OF VIRGINIA SCOTT MARTIN CEREMUGA, OF VIRGINIA IAN CRAWFORD, OF OREGON RYAN ELIZABETH CROWLEY, OF MARYLAND CINDY MARIE DIOUF, OF IOWA DANIEL B. DOLAN, OF PENNSYLVANIA STEPHEN EKLUND DREIKORN, OF VIRGINIA AMY ELIZABETH EICHENBERG, OF PENNSYLVANIA MARTHA C. FARNSWORTH, OF CONNECTICUT ADAM EDWIN FOX. OF IOWA BROCK DAVID FOX, OF VIRGINIA RICHARD SAMUEL GREENE IV, OF THE DISTRICT OF CO-LUMBIA KATHERINE GROSSMAN, OF THE DISTRICT OF COLUMBIA JOSE ANJEL GUTIERREZ, OF VIRGINIA BARBARA HALL, OF THE DISTRICT OF COLUMBIA JAMES NOEL HAMILTON, OF WASHINGTON DENISE E. HARRELL, OF VIRGINIA BRYAN J. HESS, OF VIRGINIA KARI L. JAKSA, OF MICHIGAN LESLIE L. JOHNSON, OF PENNSYLVANIA MEGAN E. JOHNSON, OF TEXAS

RISHI KAPOOR, OF VIRGINIA GEOFFREY L. KEOGH, OF THE DISTRICT OF COLUMBIA VALERIE KNOBELSDORF, OF VIRGINIA DARRIN J. KOWITZ, OF NEW MEXICO

ARIANA KROSHINSKY, OF NEW YORK CHANANYA KUNVATANAGARN, OF PENNSYLVANIA MICHAEL W. LACYK, OF THE DISTRICT OF COLUMBIA THOMAS M. LARKIN, OF VIRGINIA DALE HAN YOUNG LIM, OF CALIFFORNIA JOSHUA HOWARD LUSTIG, OF MARYLAND

MARK M. METTI, OF MICHIGAN SETH ADAM MILLER, OF THE DISTRICT OF COLUMBIA PATRICK M. MONIZ, OF HAWAII CHRISTINE C. MOXLEY, OF THE DISTRICT OF COLUMBIA

KRISTIN J. MURRAY, OF THE DISTRICT OF COLUMBIA ALI J. NADIR, OF NEW YORK MARK GEORGE OSWALD, OF OREGON BRENTON T. PARKER, OF TEXAS MEGAN MCCRORY PEILER, OF VIRGINIA

LEONARD THOMAS PERRY, OF SOUTH CAROLINA MICHELLE RAMIREZ, OF VIRGINIA EMILY ANNE RUPPEL, OF MINNESOTA DONALD SALVAGGIO, OF VIRGINIA GEORGE A. SCHAAL, OF MARYLAND CHRISTOPHER SCHIRM, OF COLORADO

MONICA M. SENDOR, OF MICHIGAN SHEILA TAYLOR SHAMBER, OF FLORIDA SANDY A. SWITZER, OF CALIFORNIA TINA K. TAKAGI, OF CALIFORNIA MATT THOMPSON, OF WASHINGTON OLGA TUNGA, OF TEXAS JAMES TURK, OF VIRGINIA

VICTORIA VALERGA, OF TEXAS PERSIA WALKER, OF NEW YORK ANDREW J. WYLIE, OF FLORIDA NATIONAL OCEANIC AND ATMOSPHERIC  ${\bf ADMINISTRATION}$ 

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE

GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

GERD F. GLANG

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE

To be rear admiral

MICHAEL S. DEVANY

# HOUSE OF REPRESENTATIVES—February 2, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PoE of Texas).

# $\begin{array}{c} {\tt DESIGNATION~OF~SPEAKER~PRO} \\ {\tt TEMPORE} \end{array}$

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, February 2, 2012. I hereby appoint the Honorable Ted Poe to act as Speaker pro tempore on this day. John A. Boehner, Speaker of the House of Representatives.

# MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

# NEW MARKETS TAX CREDIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. NEAL) for 5 minutes.

Mr. NEAL. I rise today to speak about the New Markets Tax Credit program and the positive impact it has had on western Massachusetts.

I've been a leader of New Markets since its enactment in 2000 because it's a cost-effective way to create jobs and drive investment in low-income communities. Today, I want to highlight a few New Market Tax Credit initiatives in my State.

New Markets Tax Credit is designed to stimulate investment and economic growth in areas that are traditionally overlooked by conventional capital markets. This program attracts capital to low-income communities by providing private investors with a 39 percent Federal tax credit for investments made in businesses or economic developments located in those areas.

In 2010, New Markets generated \$9.5 billion in capital for projects and businesses in low-income communities. This capital resulted in the development of 15 million square feet of manufacturing, retail, and community-related space throughout the country.

Last year, New Markets Tax Credits investments resulted in the creation or retention of 70,000 jobs, including 38,000 construction jobs.

Unfortunately, New Markets is a temporary program that expired on December 31. I am now and have been the lead Democratic sponsor of this legislation to extend the program for a predictable 5 years. I've now been calling on our colleagues to extend this initiative. So let me share with you a few successes from back home and explain why I think New Markets works so well.

Hot Mama's Foods in Springfield, Massachusetts, my hometown—it's a great success story. The company was created in the 1980s, and they manufacture and package fresh and frozen gourmet salsa and other spreads that are all natural and, indeed, organic. Hot Mama's was originally located in Northampton, but thanks to New Markets, they were able to purchase a larger USDA-certified food production facility on Avocado Street in Springfield. It has added 10 new jobs and retained 50 jobs in the current workforce.

Another success story is the River Valley Market in Northampton, Massachusetts, which moved into a former granite quarry. No one wanted this space because it was prohibitively expensive to renovate; but through New Markets and other financial support, they opened a food cooperative that features local farmers and employs neighborhood residents.

Finally, let me highlight a more recent New Markets project that's currently under construction, the Massachusetts Green High Performance Computing Center in Holyoke, Massachusetts. Holyoke is a city in western Massachusetts with a population of about 40,000 people. From the late 19th century until the mid-20th century, Holyoke was known as the world's biggest paper manufacturer.

The High Performance Computing Center is a \$168 million technology hub that is being built at the former Mastex Industries site on Bigelow Street in the heart of Holyoke. Construction of the center began in the fall of 2010; and the two-story, 90,000 square foot complex is expected to be completed next year.

This facility will be New England's first high performance computing center. It will feature computers with high speed and the capacity to process extraordinary amounts of data. When it's complete, it will be among the 500 most powerful computer centers in the world.

The Holyoke Center is a partnership between local universities—University of Massachusetts, Harvard, MIT, Boston University, Northeastern University—and two private sector companies: the EMC Corporation, based in Hopkinton, and Cisco Systems.

The center also received a \$14.5 million New Market Tax Credit allocation, which is the critical component to financing this important project.

I believe the Holyoke Center will be a catalyst for economic development in Holyoke and in western Massachusetts. It will employ 13 permanent jobs and 130 research positions at various universities. It is expected to create 600 construction jobs.

Without New Markets and the leader-ship that I've tried to offer in this program, Hot Mama's Foods, River Valley Market, and the Green High Performance Computing Center probably would not have been possible. New Markets is a good example of how public and private investment can be used to spur community and economic revitalization.

I hope that we will stop wasting time, and with the other tax extenders that have to get taken care of, we will include an extension of the New Markets Tax Credit program as quickly as possible.

# WHO CARES FOR THE POOR?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. MCCOTTER) for 5 minutes.

Mr. McCOTTER. Mr. Speaker, today we endure much discussion about who most cares for our poor. Some measure their compassion by spending their own money; some measure their compassion by spending other people's money. Yet compassion for the poor's true measure is premised upon this fact: You cannot empower a person by making them dependent, be it upon charity or be it upon bureaucracy.

Thus, let us strive to emancipate our poor from dependency's nightmare so that our suffering brothers and sisters may rise in self-reliance and awaken to the American Dream.

# HOW MANY MORE GROUNDHOG DAYS IN AFGHANISTAN?

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it's Groundhog Day. Phil saw his shadow

more weeks.

But what comes to mind for me is that old Bill Murray movie called "Groundhog Day," where he wakes up and the same thing happens day after day after day. We're living our own version of "Groundhog Day" right now, because every morning, for the last 3,700-plus mornings, the American people have woken to a Nation at war.

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Every morning, we've woken up to the same scenario-thousands and thousands of our fellow Americans in harm's way, occupying a foreign nation as part of a reckless policy that is costing us at least \$10 billion a month.

There was some encouraging news, however, just yesterday as Secretary of Defense Panetta said that our combat role in Afghanistan would be over as soon as the middle of next year, which is a year earlier than we've been talking about. That would be a long overdue but welcome development, a belated recognition that this war is doing more harm than good in every way we're involved.

I'll believe it when I see it, though. The goalposts have been moved too many times to put much confidence in a single statement. What I've heard so far is a little too vague to take to the bank, especially since Secretary Panetta maintains that some troops would still remain through 2014 in an advisory role and that the commander on the ground, just this morning, is reported on the news as sounding less than enthusiastic in his response.

What I'd like to hear, perhaps in conjunction with Secretary Clinton and the head of USAID, is that, as our military role recedes, we will use all the civilian tools at our disposal to improve the lives of the Afghan people, because the real challenge and the best way to advance our national security interests is to eliminate the crushing poverty and to address the overwhelming humanitarian need in Afghanistan.

That is what's at the heart of my SMART Security proposal. Instead of military force, instead of unmanned, amoral drones that don't know the difference between killing an insurgent and killing a child, how about we send American compassion to Afghanistan? How about we send our very best experts in education, health care, energy, agriculture, legal reform, government transparency, and whatever else we have to offer that they may want to learn from?

Even if Secretary Panetta sticks to this timetable, under the best case scenario, we have another 500 or so mornings and perhaps another Groundhog Day ahead of us, at least 500 more days of the same old, same old-Americans dying on a mission that is not making America safer or Afghanistan freer.

The time has come. In fact, it came a long time ago. Let's make tomorrow

this morning, and winter will last 6 different from the thousands of days that preceded it. Let's end the war in Afghanistan now and finally bring our troops home.

### USMC PRIVATE FIRST CLASS VICTOR DEW

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. McClintock) for 5 minutes.

McCLINTOCK. Mr. Speaker, today I have introduced a bill to name the United States Post Office in Granite Bay, California, in honor of United States Marine Corps Private First Class Victor Dew.

This young man was only 20 years old when he left his family and friends in late September of 2010 for Helmand Province, Afghanistan. Just 3 weeks later, on October 13, Private Dew was killed in action when his convoy was ambushed.

Victor grew up dreaming of becoming a marine. He loved military history. He was fully aware of the mortal dangers he would face. Yet, when he was offered a posting to a ceremonial position stateside, he turned it down. He believed his duty and destiny was to keep the fight away from our shores, away from his family and his country, and so he chose combat even when he had been offered safe and honorable service at home

What did he sacrifice in order to give our country a little more security and to give another country a fleeting chance at redemption?

He had everything in the world to live for. He was engaged to be married to a devoted young lady named Courtney Gold. Courtney said, "We had life in the grasp of our hands, and we were ready to take on the world." They would have. She had already picked out her wedding dress. There is a picture of her wearing that dress. It's in Victor's casket.

Victor was one of those sunny personalities who lifted the spirits of evervone around him. That's the recurring theme in all of the recollections of everyone who knew him. They'd be feeling down, and Victor would lift them up. I didn't know him, but I think I caught a glimpse of him in his little brother, Kyle. At the funeral reception last year, I found Kyle sitting at a table with his friends. When I went to offer my condolences, one of his friends said, "You know, we came to cheer him up, and instead, he's been cheering us

Victor lives on in the lives of those he touched, and he touched quite a few. He is remembered in his community as a faithful friend and as an inspiring teacher. Before he'd enlisted, he'd already become a popular martial arts instructor at a local dojo. Some of his students-and some of them a lot older than he—came to his service that day.

It has now been over a year since he returned to Granite Bay. In that year, he would have celebrated his 21st birthday. He would have returned safely home with his unit. He would have been married. And as Courtney said, he would have taken on the world. Instead, he rests in an honored grave. His family does what every Gold Star family does—they cope with their grief with a mixture of fond memories and faith but, most of all, of pride for the life of their son.

There are many graves in that cemetery that are etched with lifetimes much longer than the 20 years recorded on Victor's, but none of them comes close to his in this most important respect: what they did with those years. The most iconic work of art on the Titanic was a great carving that depicted Honor and Glory crowning Time. Victor Dew's time may have been short in this world, but he crowned that time with honor and glory that the rest of us can only marvel at.

Every morning since he was 12 years old. Victor Dew awoke under a Marine Corps banner over his bed that was emblazoned with the words "Semper Fidelis." In his life, we can see the full measure of those words. Every day in this majestic Capitol, we walk in the footsteps of the giants of our Nation's history. The oratory of Henry Clay and Daniel Webster still echoes through these Halls. At arm's reach of where I stand right now once spoke Franklin Roosevelt and Ronald Reagan, Douglas MacArthur and Winston Churchill. Yet. in their long and illustrious lives, not one could claim to have sacrificed more for his country than these young men like Victor Dew.

Lincoln was right that no meager words of ours can add or detract from their deeds. But Shakespeare was also right that their story should the good man teach his son.

For that reason, I am proud to join a unanimous delegation from California in proposing that the post office in the town where Victor Dew lived and loved and returned as a fallen hero be named in his honor.

## IN HONOR OF GAIL ACHTERMAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. Blumenauer) for 5 min-

Mr. BLUMENAUER. Oregon lost an amazing pioneer with the death of Gail Achterman last weekend. At the moment Gail was drawing her last breath, this remarkable woman's husband, Chuck McGinnis, was telling me the story of how she had won his heart as he listened to her give a lecture on the Taylor Grazing Act.

That tells you all you need to know, actually, about both of them: that her lecture on an obscure Federal law could spark a whirlwind romance and a

marriage of over 30 years. That is part of what made Gail such a remarkable woman. A three-sport letterwoman at Stanford University—in basketball, track, and swimming. An accomplished lawyer, public policy analyst, civic volunteer par excellence, and more.

Each of the many roles she played during her too-short life but stellar four-decade career were characterized by her insight, drive, comprehensive view of the world, and commitment to excellence. She was a pioneer in every sense of the word—from big-time women's athletics to being the first woman to chair Oregon's transportation commission. She was not just breaking ground for women but being a leader and a role model for anyone who wanted to both excel and make a difference.

Oregon was fortunate to have her as one of America's finest natural resources lawyers, practicing in Portland at one of the State's largest law firms, Stoel Rives. She rose to become a partner in the firm, leaving for 4 years to become the Governor's senior adviser on natural resources and helping to navigate some of Oregon's most difficult challenges in the 1980s.

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What for most people would have been at the very height of her career, she left the law firm to retire to lead the Deschutes River Conservancy in central Oregon and then in 2003 to become director of the Institute of Natural Resources at Oregon State University.

During all of this time, she was involved in civic affairs and professional activities too numerous to mention, giving speeches, lectures, consulting with people throughout her beloved Pacific Northwest and around America.

During the last 10 years, she served on Oregon's transportation commission, the last term as its chair where she guided some of the most innovative approaches in the Nation to our transportation infrastructure challenges. Her work and leadership helped spark Oregon's economy and community revitalization.

She also won environmental and civic awards. The last I witnessed was a few months ago from the pedestrian community because of her leadership and understanding of a transportation system that worked for everybody: truckers, railroad, bikes, and pedestrians.

She was part of our celebration last summer of the 25th anniversary of the Columbia River Gorge National Scenic Act in recognition of the role she helped play in drafting Senator Mark Hatfield's legislation that led to the protection of this priceless national treasure.

At the time of her passing, Gail had been focusing her attention on the future of the Willamette River Valley and the need for a comprehensive approach to its needs and opportunities.

Even in her last month, Gail's vision and commitment and insight were focused on the big picture. But everything about Gail seemed to be big picture and larger than life, whether rowing on the river, cross-country skiing, in the gym exercising, or presiding over a public hearing. Passion, focus, commitment, and the joy of getting a job done well were her signature characteristics. It was always part of that bigger picture, especially of land use and transportation, and water for our future.

She epitomized the strength of Oregon public policy, understanding how the pieces fit together and then translating that knowledge to others in a very understated, but powerful, way and ultimately helping find its way into public policy and action.

She was an extraordinary daughter of Oregon. She will be missed by all who knew her and appreciated her for the difference she made for generations to come.

#### AFGHANISTAN

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, today I've heard Ms. Woolsey and Mr. McClintock talk about the war in Afghanistan, and it kind of reminds me this morning about 8 o'clock I did a call-in show down in my district, Jacksonville, North Carolina, the home of Camp Lejeune Marine base.

The topic of the call-in show was proposed budget cuts to our military. The emcee of the show said to me: I'm coming around to your thinking. It is time to get out of Afghanistan. We are spending \$10 billion a month in Afghanistan. Let's say that we start bringing them home this year in 2012, at least start the process of bringing them home. The host said: I guess if we did that, we would save at least probably \$240 billion in a 2-year period of time. If they are proposing cuts of \$490 billion in next year's budget for the Department of Defense and we save \$240 billion, then we are almost cutting in half what we are going to require of the military. I said, You're exactly right.

Not only did I hear this from a talkshow host, but I hear it throughout the eastern part of the State that I have the privilege to represent.

I hope that Mr. Panetta, who I have a lot of respect for, will keep to that 2013 timeframe. I share with Ms. Woolsey that I don't trust it, and it has nothing to do with the person. I want to make that clear. He is an honorable man, but there are too many factors that are planned into this issue of staying in Afghanistan. There are too many people that sadly are making money on war. I won't get into that because I don't have enough time.

As the host said to me today, if we would just spend money on the defense of America instead of building empires around the world, we probably would save a lot of money and we would have a strong defense, which we need.

That brings me to this poster. I have a book called "The Three Trillion Dollar War" that was written by a Nobel Prize winner in economics named Dr. Joe Stiglitz. His coauthor Linda Bilmes is an economics professor at Harvard. They testified a year ago before the Veterans Health Committee. I do not serve on that committee, but Mr. Filner at the time was chairman. Now Mr. Miller is chairman because Republicans are in the majority.

As they finished their discussion, they were saying that if they wrote the book today—this was written 5 years ago—the title would go from the "The Three Trillion Dollar War" to "The Five Trillion Dollar War." That is what it is going to cost to take care of our young men and women.

The poster to my left is a young Army sergeant, who has lost both legs and an arm, with his wife going into a new apartment. I have seen four young men at Walter Reed that have no parts below their waist and they are living. God bless them, and I hope they have a good life. I don't know. I cannot make that judgment. I know one thing: Uncle Sam, you're going to have to spend a lot of money to take care of those young men because they earned it. They earned it because of our failed policies in Iraq and Afghanistan.

It is my hope that sometime this spring, in a bipartisan way, we will have an amendment on the floor that the House will pass and it will say: you need to start bringing our troops home beginning the end of 2012 because the process will take a long time.

In closing, as I always do, I have signed over 10,000 letters to families who have lost loved ones in Afghanistan and Iraq because I was not strong enough to vote my conscience on the request by the Bush administration to go into Iraq. I have asked God to forgive me by signing these letters, and I think He has forgiven me.

God, please continue to bless our men and women in uniform. God, continue to bless the families of our men and women in uniform. God, in Your loving arms hold the families who have given a child dying for freedom in Afghanistan and Iraq. God, please bless the House and Senate, that we will do what is right in Your eyes for this country. God, please continue to bless the leader of our country. Let him know that he is doing what is right in Your eyes. Three times I ask God, please, God, please, God, please, God, please continue to bless America.

FAST AND FURIOUS AND JUSTICE DEPARTMENT STONEWALLING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, when most people think of smuggling, they envision outlaws recklessly sneaking guns, contraband, and money to other outlaws.

Most people would never imagine that the government of the greatest Nation in the world would be engaged in helping a criminal smuggling operation by sending guns and money to narcoterrorists south of our border.

No, this isn't a Hollywood movie. Unfortunately, this has become a reality in Washington, D.C.

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The Justice Department, with the aid of the ATF, facilitated the smuggling of over 2,000 weapons to the drug cartels south of the border—the national enemy in Mexico. Reports indicate those weapons were used to kill at least 200 Mexican nationals and two U.S. law enforcement agents.

The Justice Department appears to have gone wild. Instead of enforcing the law, rogue operatives in the Department of Justice seemed to be recklessly encouraging violations of law. Who's responsible for this conduct?

Over a year has gone by since the murder of Brian Terry, border agent, and we still don't know who was in charge. Brian Terry was murdered by one of those Fast and Furious guns. The Attorney General said he was unaware of Fast and Furious. He claims that he either didn't get the memo, or maybe he didn't read the memo.

Well, according to the latest of group of emails sent over to Congress, he did get the email. According to emails sent to Congress Friday night, Arizona U.S. Attorney Dennis Burke notified Eric Holder's deputy chief of staff—via email—about Brian Terry's murder hours after it happened. Later that day, he notified the Department of Justice that the murder weapon was from Fast and Furious. Imagine that. Holder's staff member implied that he alerted the Attorney General.

So who knew what and when? The Attorney General apparently knew not days or months but hours after that murder occurred. Did he, the Attorney General, know about this operation? Did he approve it? In any event, the Attorney General should resign because it all happened under his watch. He is the one in charge of the Justice Department.

When he appeared before the House Judiciary Committee in December, the Attorney General also told me that he did not know who in his department was responsible for making the decision of Operation Fast and Furious. So is the Attorney General now claiming there is a rogue operation of moles in

the Department of Justice that authorized and carried out these smuggling missions? We want to find out.

To coin a phrase from then Senator Hillary Clinton on another subject, the fact that he did not know about this massive operation requires a "willing suspension of disbelief."

The Attorney General is the chief lawyer and law enforcement officer in the country. Whoever did know about this and approved it may have violated U.S. or international law. They need to be held accountable even if it means somebody goes to jail. But that is not the case.

The rogue criminals responsible for carrying out Fast and Furious still work in the Justice Department. These individuals have not been fired or criminally prosecuted for their reckless actions. Some have actually been promoted or transferred. It all looks like an organized, deceitful attempt to hide the stench of Fast and Furious from the American people.

Apparently, the Department of Justice believes in order to catch a criminal, you have to be like a criminal. We need an independent special counsel appointed by the President to investigate the Justice Department and the ATF.

The Department of Justice cannot be trusted to investigate themselves because the agency has lost credibility on this issue. The DOJ has stonewalled providing information to Congress. If the DOJ has nothing to hide, why do they keep hiding information from us? The Justice Department has to be removed from investigating Fast and Furious. Otherwise, Mr. Speaker, this would look like a bunch of burglars sitting on a jury trying a burglary case. That would sort of look bad; wouldn't it?

People died in this reckless, misguided operation. We owe it to the American people and the people of Mexico to get to the bottom of this.

In many States when a person commits an offense, if he recklessly causes the death of an individual, the definition of that offense is called manslaughter. Even Washington insiders responsible for Fast and Furious cannot hide from the long arm of American justice because, Mr. Speaker, justice is what we do in this country.

And that's just the way it is.

# RELIGIOUS FREEDOMS UNDER ATTACK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SCHILLING) for 5 minutes.

Mr. SCHILLING. As we all know, Mr. Speaker, last week was the March for Life here in Washington. Now, as a father of 10, life is a big issue in my house. It's a big issue in other homes and businesses throughout the United States. Thousands of Americans, in-

cluding some residents of my district, traveled from all corners of the country last week to express their support for the right to life for each human being, to express the desire and passion they have for the born and the unborn.

Just a couple of days later, on Sunday morning, once we had all returned to Illinois, my family and I headed off to church, as we normally do. We sat in the pew and listened to the priest's homily. He read us a letter written by the Bishop of the Diocese of Peoria:

"In the history of the United States, Friday, January 20, 2012, will certainly stand out as a moment of enormous peril for religious liberty," the letter reads, referring to the date the Department of Health and Human Services announced that religious organizations will be forced to provide employees with insurance programs that provide abortifacients, contraceptive services, and sterilization.

The letter continues:

"If these regulations are put into effect, they could close down every Catholic school, hospital, and other public ministries of our church, which is perhaps their underlying intention. What is perfectly clear is that this is a bigoted and blatant attack on the First Amendment rights of every Catholic believer. Under no circumstances, however, will our church ever abandon our unshakable commitment to the gospel of life."

I later learned that this was one of more than 120 letters that bishops had read from the pulpit at masses across the United States.

The letter written by the Bishop of Marquette reads:

"The Federal Government, which claims to be 'of, by, and for the people,' has just dealt a heavy blow to almost a quarter of those people—the Catholic population—and to the millions more who are served by the Catholic faithful."

It later says:

"Our parents and grandparents did not come to these shores to help build America's cities and towns, its infrastructure and institutions, its enterprise and culture only to have their posterity stripped of their God-given rights."

Like many of my Catholic brothers and sisters, I do not believe it is the government's business to target religion and require that its believers violate their conscience and their religious beliefs—or suffer the consequences. I do not believe it is the role of government to persecute religions.

I am proudly and passionately prolife. But regardless of what your views may be on abortion or contraception, I imagine most Americans would be alarmed to learn of our government chipping away at the First Amendment, mandating its citizens disregard their liberty, convictions, and conscience—or else. This is totally unacceptable. No government should force

its citizens to violate their religious beliefs.

I recently joined with a number of my colleagues in urging that the administration reconsider this unprecedented government overreach and violation. But I would go further and encourage the administration to abandon this rule. Abandon this rule and continue to allow these Americans who oppose these services for either moral or religious reasons to live their lives in the way that they see fit and without the fear of punishment.

Bishop Jenky of the Diocese of Peoria concludes his letter by saying:

"This country once fought a revolution to guarantee the freedom, but the time has clearly arrived to strongly assert our fundamental human rights."

Our religious freedoms are under attack. I was sent here to uphold, protect, and defend the United States Constitution, and I intend to do so.

#### TRIBUTE TO JOCK MICHAEL SMITH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Ms. SEWELL) for 5 minutes.

Ms. SEWELL. Mr. Speaker, today I rise to recognize and pay tribute to one of our Nation's most distinguished trial lawyers, an avid sports collector, historian, author, and family man, Attorney Jock Michael Smith.

Attorney Smith was a well-respected member of the Alabama bar, and he was known nationally throughout the legal community for his exceptional legal abilities, his legendary courtroom style, civic activism, and passion for equal justice for all. Sadly, Attorney Smith passed away at his home in Montgomery, Alabama, on January 8 at the age of 63.

The story of Jock Michael Smith is not just one of a notable and accomplished attorney. His story is one of hope, beating the odds, and the fearless pursuit of one's dreams. The life and legacy of Jock Smith is an inspiration to us all.

Despite losing his father tragically at a young age and despite being told in high school that he could not be anything more than a sanitary worker, he did not let that deter him. This young boy, son of a widow, single mother of two, was determined to chart his own course.

Inspired by the memory of his father, Jock developed his oratorical and academic gifts. He graduated with honors from Tuskegee University and then matriculated to the University of Notre Dame School of Law on an academic scholarship.

# □ 1040

As a first year law student, Jock founded the Black American Law Students' Association chapter at Notre Dame. He earned his law degree in 1973.

In 1996, Attorney Smith cofounded a partnership with the late renowned at-

torney, Johnny Cochran. The Cochran Law Firm, as it is known, is actually the law firm of Cochran, Cherry, Givens & Smith. It has 22 offices across this country and continues to be one of the most well-known criminal defense and civil plaintiff law firms in the Nation.

Attorney Smith's remarkable legal career was filled with many record-setting verdicts and settlements. A landmark \$1.6 billion verdict against Southwestern Life Insurance was one of the largest in America's history in 2004. He represented the legacy estates of both Rosa Parks and Martin Luther King, Jr., and he represented the Negro League Players and civil rights activist Rev. Fred Shuttlesworth.

During his illustrious career, Attorney Smith's hard work and leadership was acknowledged by numerous awards. He was recognized by the Alabama Trial Lawyers Association for his tireless dedication and unwavering commitment. As an author, Jock Smith shared his amazing life story in an autobiography entitled "Climbing Jacob's Ladder: A Trial Lawyer's Journey on Behalf of 'the Least of These.'"

Media personality and author Tavis Smiley best summed up the gift he gave us by writing down his memoirs: Jock Smith's story is part of America's story. It's part history lesson and part sermon and 100 percent fascinating. He and lawyers like his late partner, Johnny Cochran, are modern-day knights, using their skills to protect both the poor and defenseless. On a personal level, "Climbing Jacob's Ladder," his book, shows how faith and hard work can bring great success.

Jock Smith was a member of Alpha Phi Alpha Fraternity, Incorporated, and he was the first African American to serve on the board of the President's Advisory Council of the National Wildlife Federation.

Jock Smith was amazing. I know as a young lawyer his life stands as a personal tribute, to me. I am grateful to have known him. I know that I walk in a path that he blazed, and for that, I am eternally grateful to his family. Some of his family members are here with us today in the gallery. He is forever remembered as a remarkable and amazing man. He is survived by his wife of 45 years, Ms. Yvette Smiley-Smith; and his daughter, Janay Smith, who is with us today.

I want to say, in closing, that his life is truly a testament to what is possible with opportunity—when you take opportunity—and with so many resources. Jock lived life by his favorite quote that he always would say: "Service is the price we pay for the space that we occupy."

It is with tremendous pride, privilege, and great honor that today I get to recognize the life and legacy of Attorney Jock Smith on the floor of the United States Congress so that all of us

can remember that we must pay our fair share for the space that we occupy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to make reference to occupants in the gallery.

### CONGRESS IS NOT A CAREER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 5 minutes.

Mr. NUGENT. Mr. Speaker, we in the House of Representatives need to start restoring the trust that the American people gave when they elected us to this office. Last night, 100 Members voted to give themselves a pay raise. Is that what we're all about? It's not about us enriching ourselves, because I don't believe that's what our Founding Fathers thought.

When I first came to Congress last year, I found out that I had an option to either take the health insurance plan that the Federal Government offered or to go out on my own and do my own thing. And I took the option, even though it cost myself and my family over \$10,000 more. But then we started to look at options with regards to the Federal Employee Retirement System that all Members of Congress are required to be in, and also the Thrift Savings Plan that all Members of Congress are part of, whether they want to be or not-even though it's different for the Senate. The House of Representatives back in the 104th Congress decided that they wanted to take that option away. I think that's wrong. I believe that America is about choices.

I also believe that Congress is not a career. And so when those Members of Congress don't have an option to remove themselves from the Federal Employee Retirement System, as I wanted to, or those Members of Congress that wanted to participate in the Thrift Savings Plan but are told that you, the taxpayers, are going to give us an additional 5 percent of our salary because you like us so much, I asked if I could exempt myself from that. And guess what? We were told we couldn't because those prior to us had made a decision for us now that we couldn't do that, we couldn't do what we think is right for this body.

Ladies and gentlemen, Mr. Speaker, it is about doing the right thing. It is about looking back at what our Founding Fathers envisioned for this country. It's about service to this country, not about enriching ourselves on the backs of our fellow countrymen.

On the "60 Minutes" program we saw the insider trading issue that has gone across this Congress. It brings to mind that it is about doing the right thing. And unfortunately, there are those among us that really believe that it's about enriching ourselves on the backs of those that we're supposed to serve. There has been a number of bills put forth in regards to stopping insider trading, and so we have put forth a bill to do the same thing. It's very simple. It just requires that Members of Congress, the President, and the Vice President put their holdings into a qualified blind trust, which means no matter what information they may have they can't enrich themselves with it because within 30 days of their taking office, they must put it within a blind trust. It takes away all the issues in regards to how do you enforce some of the issues that were talked about in the STOCK Act.

These are noble intentions, but when you make it more difficult to enforce, what you do is you give people loopholes to get around it and skirt around the issue. If you put it into a blind trust, it takes away the ability to skirt around the issue.

Ladies and gentlemen, it's not about creating more loopholes. It's about making it simpler to do the right thing here in Congress. When we have the lowest approval rating, I'm shocked. I'm not shocked because we don't deserve it. I'm shocked because we don't want to do anything to improve it. As sheriff, I had a 73 percent approval rating. I come to Congress, and I find out that we're not as respected as we should be. But it's because of our own hand that we're not. It's nobody else's fault. Its not the press' fault. It's not anybody's fault. It's what we do within these Halls. What we do sets the tone for what the American people believe in or what we are supposed to be providing to the American people, and that is a level of trust.

So in two things: A bill that was called Congress is Not a Career Act is sitting out there and also one in regards to blind trusts. Mr. Speaker, I ask that we think about those issues and move forward.

# GETTING TO THE TRUTH OF FAST AND FURIOUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. QUAYLE) for 5 minutes.

Mr. QUAYLE. Mr. Speaker, it has been more than 1 year since the tragic death of U.S. Border Patrol Agent Brian Terry, who was killed using weapons that were purposely walked to deadly drug cartels in Mexico as part of Operation Fast and Furious. Since Agent Terry's death, the responsible Federal Department, the Justice Department, and its leader, Attorney General Eric Holder, have obfuscated every attempt to get to the bottom of what went wrong with this disastrous operation.

Despite the best efforts of the Justice Department to hide the facts, we now know many disturbing things about Fast and Furious. This ill-conceived operation began in November of 2009. Since that time, the ATF has sanctioned the sale of thousands of weapons to straw purchasers who transported these weapons across the United States' southern border and into the hands of Mexican criminals.

#### $\Box$ 1050

The ATF lost track of these weapons until they began turning up at crime scenes in the United States and Mexico. As a result of Justice Department incompetence, the United States actively armed dangerous cartels that have wreaked havoc in Mexico and put our own Federal agents directly in harm's way. Our hard-won trust and the relationships we've built with the Mexican Government as both countries seek to combat the cartels has been severely strained, which has harmed our efforts to get drug-running under control.

Operation Fast and Furious hasn't just been a failure; it's been a tragic failure. It is believed that hundreds of Mexicans have lost their lives through the use of these weapons, and at least one U.S. Federal Agent, Brian Terry, has lost his life.

When an operation goes so horribly wrong, it is important to find out why and who was responsible. The Congress has acted on its oversight responsibility; and in doing so, we've asked Attorney General Holder directly about the operation. On May 3, 2011, Attorney General Holder testified before the House Judiciary Committee. When asked when he first knew about Operation Fast and Furious, he stated, "I'm not sure of the exact date, but I probably heard about Fast and Furious for the first time over the last few weeks." However, we now know that weekly memos addressed to the Attorney General, which included briefings on Operation Fast and Furious, began crossing his desk nearly a year before that.

When it became clear that his May 3 testimony was untrue, the Attorney General later revised the timeline in which he claimed to have knowledge of the operation. On November 8, 2011, Attorney General Holder claimed that he had in fact first learned about the operation at the beginning of 2011, which, again, is belied by the fact that he was receiving memos about the operation much earlier than that.

But we now know that even that revised and extended time frame is incorrect. Just days ago, the Justice Department finally released documents, which included a December 14, 2010, email exchange between the Attorney General's chief of staff and the U.S. Attorney for the District of Arizona, stating that the Attorney General had been alerted of the shooting and death of Agent Terry on the day of the shooting.

A troubling picture has emerged of the Holder Justice Department. From the Attorney General's own testimony, it would appear that he is either frighteningly unaware of major operations taking place in his own Department or that he did know about Fast and Furious, did nothing to stop it, and refused to take responsibility when it failed.

It has been more than a year since the death of Agent Terry, Mr. Speaker, and we still don't have the answers the American people deserve and Agent Terry's family deserves. We know we won't get these answers from a proper internal investigation from the Justice Department. Far from the Department investigating itself, it has covered up for itself.

A year of delay, denial, and obfuscation is enough. A year of nighttime document dumps full of blacked-out pages and redacted information is enough. A year of senior Justice Department officials pleading the Fifth is enough. It's time that we get to the bottom of why Fast and Furious happened and restore accountability to the Department of Justice. That's why I introduced H. Res. 532, which calls on the President to appoint a special prosecutor to investigate Operation Fast and Furious as well as the Attorney General's role in it.

Without a special prosecutor, the only other way to get to the truth is through impeachment proceedings and the investigations that come with those proceedings. With all of the vital work before this House, it would be far better to avoid the distraction and the cost that impeachment proceedings would bring. I hope the President agrees.

I urge my House colleagues to support this resolution so that we can finally get to the truth and ensure no more innocent lives are lost due to this Attorney General's failure.

# REMEMBERING AMBASSADOR CHARLES PRICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, "Pray Silence." Pray Silence is the very British expression that was used regularly by Ambassador Charles Price when he would stand up after dinner to offer thoughtful, insightful, and humorous remarks. He did it most often at the wonderful home—Sunnylands—of Ambassador Walter and Mrs. Annenberg, and he was one who provided a great deal of inspiration and leadership. I'm very saddened to have had the news, Mr. Speaker, of his passing, but I have to say that he lived a very, very full and active 80 years.

Ambassador Price and I shared a hometown and many mutual friends in Kansas City, and we also shared a great love of California. Mr. Price was someone who was very big physically, he was very big intellectually, and he had a great big heart. I always felt comforted around him because he had that

wonderful embrace when he would bring you in. And with me, for the past several decades, he's offered very thoughtful political insight and advice and counsel on a wide range of issues.

He served as Ambassador to the Court of St. James after having served as Ambassador to Belgium under President Reagan during the 1980s. He was the first American to go to the site in Lockerbie, Scotland, where Pan Am Flight 103 went down. He was on the cutting edge of many very, very important decisions that were made with our very important ally, Margaret Thatcher. And I have to say that Ambassador Price was someone who had that very unique ability, Mr. Speaker, to, as Rudyard Kipling said, "walk with kings and keep the common touch."

He was known for his great sense of humor, and he was known for having a great desire to spend time with working men and women. And to listen to people, he would often go to pubs in England, and I suspect that Charlie Price might have enjoyed a Guinness or two at the same time.

But, Mr. Speaker, he was also a great business leader and a great philanthropist. I remember that, as the leading diplomat that he was, our great former Secretary of State, George Shultz, once said to me, in describing Charlie Price, that when the Secretary would arrive in London and he would get into the car with Charlie Price, there was no ambassador who could provide him with more cogent, thoughtful insight into the circumstances that existed on the ground as they were.

Mr. Speaker, in the spirit of Winston Churchill, I read in my original hometown paper—and Charlie Price's as well—the Kansas City Star, that he had just, not long ago, written a note to a grandson of his to lift his spirits. In that note he said: "Never, never give up. You will always succeed if you accept that you will not succeed every time. But never accept losing as anything other than a learning experience to drive you to be a champion in all walks of life."

Mr. Speaker, my thoughts and prayers go to Carol Price and to the wonderful family. I have to say that, as we look to next week's—a week from this Sunday—dedication of the great new operation at Sunnylands in southern California, I know that Carol will be there, but Charlie Price will be greatly missed.

# AMERICANS DESERVE HONESTY IN GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Mrs. ROBY) for 5 minutes.

Mrs. ROBY. Mr. Speaker, Americans deserve a genuine and predictable government that shoots straight. As Thomas Jefferson wrote: "The whole

art of government consists in the art of being honest." How can the people hold their Representative accountable when Congress and the President distort the basic facts?

Many of my colleagues and I are dismayed by the dysfunction in the process. We have seen firsthand the insider tricks and schemes to distort the budget and hide new spending. We've learned that these loopholes are deeply ingrained in the rules of Congress—they are institutionalized—and both Republicans and Democrats are guilty of exploiting them.

The American people have a right to expect accountability, honesty, and transparency from their government. But every year Washington relies on a series of budget gimmicks and accounting tricks to conceal or enable deficit spending. With our Nation's debt nearing \$16 trillion, Washington must drop the budget games and commit to honest budget practices.

Many of us believe we were sent here to Washington to do things differently and to insist on an honest and transparent government.

#### □ 1100

That's why I, earlier this week, along with 28 of my colleagues, introduced the Honest Budget Act of 2012, an important step to change the way Washington works and instill integrity into the budget process. This legislation is designed to root out the budget gimmicks most commonly used by politicians to hide the truth, confuse the public, and run up the national debt.

Last year, Senator JEFF SESSIONS from Alabama introduced in the Senate similar legislation to strengthen the Senate's rules against budget trickery. Numerous conservative groups have endorsed SESSIONS' bill, including the Heritage Foundation, Americans for Tax Reform, and Citizens Against Government Waste.

This legislation introduced in the House expands the Senate bill with similar rules for the House of Representatives to address nine specific budget gimmicks that, since 2005, have cost taxpayers more than \$350 billion and have consistently added to our deficit and our debt.

For example, the legislation makes it more difficult to pass appropriation bills without first approving a budget. What a novel idea. The legislation also tightens rules regarding emergency designations and disaster designations to justify off-budget spending. It reveals both real costs and the real commitment on what the Federal Government is spending.

The bill also prevents Congress from relying on phony rescissions, or claiming savings that are not savings unless they are real and genuine. That's common sense. Common sense dictates that you cannot account as savings money that was never going to be spent in the first place.

A budget is a plan for this Nation's future. Americans deserve the truth. Mr. Speaker, given what I have witnessed over the last year, the only way to guarantee truth is to specifically root out and end the gimmicks.

We're all keenly aware that the number 1 issue facing America today is jobs. We must continue to do all that we can here in Washington to create an environment that fosters job growth, and we will continue to do that. But we cannot overlook the fact that Washington spends money it does not have. Certainly, this reckless spending spree has contributed greatly towards our downward economy.

The Honest Budget Act does not fix all of our problems, but it is a step in the right direction. In many respects, the Honest Budget Act of 2012 embodies the spirit of transparency and accountability that unites many in my freshman class. The bill is a rallying point for those who truly want to put an end to tricks, gimmicks, and empty promises, and for all who believe that the American people deserve a government that they can trust.

I look forward to working with my colleagues to see this proposed legislation become law.

### PROMOTING STEM EDUCATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, during the President's State of the Union address in this Chamber just last week, he spoke of the importance of science, technology, engineering, and mathematics education, also known as STEM education helps support U.S. manufacturing jobs, and it is something that I am a strong proponent of.

The 10th District of Illinois, the district that I represent, is one of the largest manufacturing districts in our Nation. As I travel back home, I hear time and time again from manufacturers that they can't find qualified people able to step up and take the jobs that they have open right now at their manufacturing facilities.

One way we can help put people back to work is by promoting STEM education. Those trained in the STEM field have the opportunity to gain good-paying jobs right here in our local communities. From high schools training our future workers to community colleges helping to train and retrain unemployed individuals, STEM education helps put people back to work and allows U.S. manufacturers to hire American workers.

One example of a successful STEM education program back home is at Wheeling High School. Wheeling High School's Principal, Dr. Laz Lopez, took the initiative to start a STEM education program in order to empower

his students to graduate and have a competitive edge against other students seeking employment. Just yesterday, Wheeling High School announced that they are now looking to expand that education to include a curriculum that has nanotechnology. This type of curriculum will give Wheeling High School students a greater competitive advantage when applying for jobs and pursuing degrees in science and technology.

Preparing our students for the 21st century workforce, I would argue, is absolutely critical. But it is also essential that we empower the unemployed to be retrained to pursue careers in the STEM field right back at home and across our country.

Back home, I'm working with the College of Lake County, which is working hard to provide STEM education to adults who are interested in preparing themselves for new careers. The College of Lake County will be hosting a STEM education day on Saturday, February 25. This is to motivate our young people about the importance of STEM education, and to especially focus on young women to learn more about careers in the fields of science and technology.

I am impressed with the work that the College of Lake County and other community colleges are doing to bridge the gap between industry and education. By teaming up with local employers, the College of Lake County is putting in place programs that can train the workforce and also help local manufacturers in need.

In the weeks to come, I'll be hosting a manufacturing and education summit at ETA/Cuisenaire in Vernon Hills. The goal of this summit is to find ways in which local industry can invest in local education so that our region has the resources and trained workforce it needs to expand and to invest in the manufacturing sector of our economy.

I will continue to work with Republicans, with Democrats on promoting this critical initiative of STEM education. This will not only help put people back to work, but will enable manufacturers to hire workers right here at home so that they can continue to grow and expand in our local communities

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 7 minutes a.m.), the House stood in recess.

### □ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER.

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: We give You thanks, O God, for giving us another day.

There have been many prayers this day rising to You from those engaged in the political discourse of this Nation. We give You thanks for those who were able to gather at the National Prayer Breakfast and those across this land who joined their prayer intentions with the many who attended.

Bless the Members of this people's House now as they gather to do the legislative work they are called to do. May their prayers this day be authentic and heard by You, the living God.

May their work be fruitful and beneficial to those whom You favor, the poor. And may all they do be done in humility and charity, knowing that they are all earthen vessels through whom Your spirit might shine forth.

And finally, may all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. ELLISON) come forward and lead the House in the Pledge of Allegiance.

Mr. ELLISON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

# YUCCA MOUNTAIN MUST RECEIVE PERMIT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the President's Blue Ribbon Commission, which was tasked with making recommendations for dealing with our country's nuclear waste, recently issued their findings. After conducting a 2-year study, the commission discovered that measures must be taken to deal with nuclear waste currently and interim storage at 121 sites

across the country. The editorial response by the Aiken Standard to this anemic obvious conclusion is summarized by one word: "Duh."

We have known for decades that this waste must be properly dealt with and discarded in the proper setting. The scientific community has determined that Yucca Mountain is the ideal location for a safe national repository.

The President and the liberal-controlled Senate must quit playing political games and allow the Nuclear Regulatory Commission to finish analyzing the license permit. It's time to let science dictate policy, not politics.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

# WILLIAM STREET POSTAL FACILITY

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Mr. Speaker, I stand with my good colleague from western New York, Congressman BRIAN HIGGINS, united in opposition to the proposed elimination of the postal processing and distribution center in Buffalo and the 700 jobs of people that are currently employed there.

I understand the Postal Service has gone through some tough times. They need to make some hard decisions. Up in our neck of the woods, 700 jobs is a very big deal. That is 700 families making mortgage payments, 700 families making their car payments, and 700 families that haven't been able to make their tuition payments.

In addition to these individuals, businesses, seniors, and rural communities we represent would be adversely affected if this were to end. This would end the overnight delivery of first-class mail in the Buffalo region, impacting all the businesses that depend on this service. It would probably slow commerce, delay the delivery of medication to our seniors, and impair communications for rural families who don't have Internet access.

At a time when the Postal Service is struggling to retain business, they need to be creative and find new ways to garner more customers.

# STOP ATTACKING COAL JOBS

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, President Obama's activist EPA is at it again. This destructive agency, in advancing the administration's war on coal, is forcing the closure of six coalfired power plants in three States. Just a few weeks ago, it was announced that the Muskingum River Power Plant in

my district would have to close and eliminate over 100 jobs because of burdensome EPA regulations.

President Obama's war on coal is nothing new. With just one proposed rewrite of one rule, President Obama is putting tens of thousands of direct and indirect coal-related jobs at risk. Just over a week ago, the President stood in this Chamber and told Americans that he wants to create jobs and grow the economy, but his policies do the exact opposite.

Hardworking taxpayers across America deserve better. They deserve effective leadership that moves us forward rather than holding us back. With over 14 million Americans out of work, we can't afford more of the same failed policies from this administration. They are hurting America.

#### PAYROLL TAX CUT EXTENSION

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, we are now in the month of February. In less than 4 weeks, the 2-week payroll tax cut extension, which House Republicans begrudgingly agreed to, will expire.

To avoid the same dramatic standoff that threatened a \$1,400 tax increase for the average Massachusetts family, we must work together and adopt a yearlong extension of this vital tax credit rather than waiting till the last minute yet again.

Failure to extend the payroll tax cut to the end of the year would not only severely impact already overstretched households around the country, but would also dramatically undermine our still fragile economic recovery.

Families have already made their budgets for this year. They are counting on this extension to pay their bills, heat their homes, and meet other needs. Let's not let them down.

# PBGC SHOULD RESTORE DELPHI SALARIED RETIREES PENSIONS

(Mr. TURNER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER of Ohio. Mr. Speaker, today our colleagues at the Education and Workforce Committee held a subcommittee hearing looking into the challenges facing the Pension Benefit Guaranty Corporation.

Perhaps one of the greatest challenges facing the PBGC is transparency. The PBGC will not release even the most basic documents explaining the denial of the full earned pension benefits of the Delphi salaried retirees. Perhaps it is because of the many conflicts of interest that existed between the Treasury Department and the PBGC.

When these pensions were turned over to the PBGC, approximately 20,000 current and future salaried retirees were subjected to benefit cuts of up to 70 percent. The hardworking taxpayers whose tax dollars were used to pay for the auto bailouts deserve to know who made these decisions to cut these pensions and why they are made.

#### NFL BLACKOUT UNACCEPTABLE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, on Sunday, tens of millions of Americans will gather with family and friends to watch the Super Bowl. Many from my western New York community will be among them. Unfortunately, western New York families do not always have the opportunity to watch their hometown team, the Buffalo Bills.

The NFL's blackout rule prohibits the broadcast of a game in a team's home market if the game has not been sold out within 72 hours of the kickoff. In Buffalo, this meant that this past season almost half of the Bills games were blacked out. This is unacceptable. We have a strong and enthusiastic fan base; but with one of the largest football stadiums in the National Football League, Buffalo must sell 6,000 more tickets than the league's average to avoid a blackout.

I have sent a letter to NFL Commissioner Goodell, along with my colleagues Congresswoman KATHY HOCHUL, Congressman Ross, and Congresswoman BROWN, asking for an end to this unfair policy. It is time for the league to update this regulation, taking into account factors like stadium and media market size and, most importantly, the tough financial situation millions of families across the Nation find themselves in.

#### □ 1210

#### STOCK ACT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, Washington is failing the American people. Our leaders need to be held to the highest standard, and that means obeying the same laws that everyone else has to live under.

I'm pleased to report progress on an important bill that I cosponsored; it's called the STOCK Act. It would prohibit inside trading by any Member of Congress.

This bill is now starting to move in the Senate, and I intend to fight to ensure its swift passage. No one in government should profit from private information obtained through their position. Serving the people is a privilege and it's an honor, not an opportunity for personal gain.

SUSAN G. KOMEN HALTS PART-NERSHIP WITH PLANNED PAR-ENTHOOD

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, today is a sad day. In an effort to strip women of the right to choose, anti-choice groups have blocked access to life-saving cancer screenings.

The Nation's leading breast cancer charity, Susan G. Komen, announced it will no longer partner with Planned Parenthood, the Nation's leading women's health care provider. This fight has pitted two of our Nation's premier and important women's health care groups wrongly against each other.

We on either side of the Capitol and in these Chambers must remember that rhetoric has real-world consequences. For the health of all women across America, this issue must be resolved quickly and the collaborative relationship between these two great institutions restored. Until then, lives are at stake, sadly, for political gain.

#### CONSCIENCE RIGHTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, institutions across the country are facing an impossible choice: Do they continue in their mission to provide for their employees, or do they violate their conscience?

When the Affordable Care Act passed, there was no thought in the minds of many Catholics that the law would eventually force them into such a terrible choice. In fact, my former colleague from Pennsylvania, Kathy Dahlkemper, recently came out and said, I would have never voted for the final version of the bill if I expected the Obama administration to force Catholic hospitals and Catholic colleges and universities to pay for contraception.

I might add, this rule that will go into effect on August 12 includes not only contraceptives, but abortifacients, drugs like Ella and Plan B, as well as sterilization services.

Catholic and other religious organizations have cared for the sick and educated Americans of all religions since the founding of our Republic, and they've done this because their conscience compels them to show their love to all mankind. Never before has the Federal Government compelled them to violate their conscience in such a terrible way. There are fundamental questions about life and morality that the government has no business forcing on organizations and individuals. To force them to violate their conscience is wrong.

# PROMPT SHORT SALE DECISION ACT

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNerney. Mr. Speaker, I rise to advocate an aggressive response to the housing crisis.

Last year, 30 percent of California homeowners with mortgages were underwater. That's one of the highest rates in the country. To improve our economy, we must fix the broken housing market. Large banks simply wait out short-sale offers, which kills the process.

Back home, I hear from people who are trying to secure short sales and have to wait for months or longer to get a decision from their lender. That's absolutely unacceptable. Banks need to treat people fairly, which is why I'm a cosponsor of H.R. 1498, the Prompt Decision for Qualification of Short Sale Act. This is a bipartisan bill that requires lenders to make a decision within 45 days to approve or disapprove a short sale. This bill simply makes sure that prospective homeowners receive a decision from their banks in time to be useable.

I ask my colleagues to join me in supporting this legislation so we can break up the housing market logjam.

#### LET'S GET TO WORK ON CREATING JOBS AND STRENGTHENING MID-DLE CLASS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, if Congress does not act soon, 160 million Americans will see a tax increase at the end of the month. Working families in my district rely on the payroll tax cut to make their mortgage payments or put food on the table. We need to get to work right now on extending the payroll tax cut and unemployment insurance for a full year.

Fourteen million Americans are without jobs. Families need our help; they are hurting. But instead of working together to create jobs, Republicans continue to push a partisan agenda that further divides us.

This week, we have yet another bill to repeal the health care reform. Let's stop these misguided bills. Let's get to work on the agenda that creates jobs and strengthens the middle class. We must work together.

#### AN AMERICA BUILT TO LAST

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, last week we were in this Chamber listening to the President deliver a State of the Union address, the blueprint for an America built to last. We took away different points from that speech. Many will speak to his initiatives which address American manufacturing, a new and innovative energy source, educating and creating a more skillful workforce. I took away that this blueprint for an America built to last will be successful because of its foundation, the foundation which is the people of this great Nation.

The President is putting his faith in the people. He is putting his faith in their values, uniquely American values. He is putting his faith in those values which created and motivated the creation of the middle class, the middle class which is the backbone of this great Nation. That is why we will have an America built to last.

#### CRYSTAL SUGAR LOCK-OUT

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, 1,300 Minnesota workers have been denied their basic and most fundamental right to work and support their families. That's right, yesterday marked the 6-month anniversary of workers at the American Crystal Sugar factory in Moorhead being locked out. Many of these people have worked for the factory their whole lives. Their parents worked there, Mr. Speaker, and their grandparents worked there, too.

These workers have gone to work and have gone to bat for the company. These workers. Mr. Speaker, stood shoulder to shoulder with the company to fight for a better sugar program in the farm bill just because that's how dedicated they are. But what have they got in return? They've gotten locked out. They're not on strike. They're locked out because they will not accept an unfair take-it-or-leave-it contract. These workers even vowed not to strike because they know how important their work is, but they have been locked out even though they have agreed to a no-strike guarantee.

It's wrong, Mr. Speaker. These 1,300 folks deserve better from this company, and I think the time is now for the company to negotiate.

# WORST TRANSPORTATION BILL IN HISTORY OF CONGRESS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, at this moment, the House Transportation and Infrastructure Committee is working on what is arguably the worst transportation bill in the history of Congress—just when we need the best. It's not just wrong sized with too few resources from the wrong sources. It fails to protect the integrity of the

trust fund, inviting opposition from budget hawks.

It reverses 20 years of transportation reform by attacking the cheapest way to develop highway capacity in most communities, transit and cycling. It even eliminates the Safe Routes to School program for our children.

I hope my staff heard wrong that the committee chair will deny participation to anybody who asks for a vote on a provision, not just in committee, but will not even be able to offer an amendment on the floor. Let's get back to the bipartisan tradition to have infrastructure that America needs.

#### NO-JOBS REPUBLICAN AGENDA

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to ask this Tea Party Republican majority to do something to create jobs.

Last week, the President presented a positive plan to create jobs, but all the American people hear from the Tea Party Republican Party is the same old no-jobs agenda from this no-show Republican Congress.

The economy is improving, but there are still 14 million Americans without jobs. Yet the Republican Congress hardly even shows up for work. Congress met only 6 days of the month of January—6 days in 1 month.

We need to come to work and pass President Obama's jobs plan, level the playing field, force the rich to pay their fair share of our Nation's debt, and put an end to rewarding businesses that ship jobs overseas.

#### □ 1220

# $\begin{array}{c} \text{MAKING LAWS THAT MAKE LIVES} \\ \text{BETTER} \end{array}$

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, for my constituents and I, the work here in Congress is about making laws that make lives better. Last week, our President came to this Chamber and laid out a blueprint to build an America that lasts. That blueprint focuses on manufacturing, education, worker training, clean energy, and ensuring that every American plays by the same set of rules and pays their fair share. By building from the ground up, by focusing on working people, we can build an economy that lasts.

My friends on the other side offer a different path. It's a top-down approach with big tax breaks for the wealthy and subsidies for Big Oil at the expense of new technology and innovators. But we know what happens when you use all of your resources and

materials at the top of the building. It topples over.

# FRANK BUCKLES WORLD WAR I MEMORIAL ACT

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, I rise today to honor the brave men and women who served and sacrificed in World War I. 2014 will be the centennial anniversary of the Great War, and it's my hope that a grateful Nation will come together to pay tribute to the heroes who fought for liberty and freedom almost 100 years ago.

I urge my colleagues to support the Frank Buckles World War I Memorial Act, which would establish a commission to ensure a proper national observance of this historic occasion. Kansas City, which has a long tradition dating back to 1921 of honoring World War I and its legacy, is home to the outstanding National World War I Museum. I ask my colleagues to join in our support of designating this museum the National World War I Memorial.

It's my hope that over the next 2 years, we can come together and recognize the ideals and values that our country's bravest so exemplified in the First World War, and that we continue to uphold today.

# BRINGING MARRIAGE EQUALITY TO MAINE

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, in my State of Maine, there are thousands of couples in loving, committed relationships. They share homes and they raise children together. They remain committed to each other through the ups and downs of life, but because they are same-sex couples, they are denied the right to honor their love and commitment to each other through marriage.

This fall, Maine will have a chance to change that and to join a growing list of States around the country that are setting aside discrimination and granting all couples the same right to get married.

We've made progress here in Congress on ending discriminatory practices like "Don't Ask, Don't Tell," but it will be up to us in Maine to bring marriage equality to our State. This is an issue of basic human rights and equal treatment under the law, and I am confident we'll do the right thing.

# DRUG SHORTAGE PREVENTION ACT

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, I rise today to talk about the prescription drug shortage crisis we have today in America. Across the country, patients are being forced to go without the critical medication they need to battle diseases and stay healthy. This crisis is hitting cancer patients especially hard, with serious shortages of chemotherapy drugs.

That's why this week I introduced the Drug Shortage Prevention Act with Representative LARRY BUCSHON, my Republican colleague from Indiana. Our bill helps FDA work with drug producers and distributors to fix some of the regulatory problems that are causing these shortages. It also improves communication so doctors and patients have the information they need to make smart treatment decisions.

This is not a partisan issue. Drug shortages affect all of us, and so I urge my colleagues to quickly pass this bipartisan legislation. When a family gets hit with a diagnosis like cancer, they have enough things to worry about. Running out of chemo drugs should not be one of those things.

#### SUPPORT THE STOCK ACT

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, I rise this morning to offer my support for the STOCK Act, a bill that would make it illegal for Members of Congress to trade securities on inside information, a restriction that applies to pretty much everybody else. I'm a proud cosponsor of that act, but only partly proud. I'm, frankly, embarrassed that legislation is necessary to prohibit insider trading by all of us.

I urge the Republican leadership to bring that bill to the floor now. Don't make us go through petitions and this and that and the other thing. Let's bring it to the floor now. And I urge the other body, the United States Senate, to move it now. My understanding is that Senators are attaching constitutional amendments and other irrelevant provisions to a bill that should be a "no-brainer."

If we can't get this done, we will have earned the scorn of the American people.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. McCLINTOCK) laid before the House the following communication from the Clerk of the House of Representatives:

Office of the Clerk, House of Representatives, Washington, DC, February 2, 2012.

Hon. John A. Boehner, The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 2, 2012 at 9:40 a.m.:

That the Senate passed S. 1296.

That the Senate passed without amendment H.R. 588.

With best wishes, I am Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 3578, BASELINE REFORM ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 3582, PRO-GROWTH BUDGETING ACT OF 2012

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 534

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-9 dated January 25, 2012, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget; (2) the further amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Jackson Lee of Texas or her designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, it shall be in order to consider as an original

bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-10 dated January 25, 2012. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report. may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

### □ 1230

Mr. WOODALL. Mr. Speaker, I'm happy to be down here with you today, and for the purpose of debate only I yield the customary 30 minutes to my good friend from Florida (Mr. HASTINGS).

#### GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent, Mr. Speaker, that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 534, this rule before us today, brings the first of two Budget Committee reform bills to the floor. As the Speaker is very familiar, the Budget Committee has been working very hard, not just this year but last year as well, to put together an agenda to make the budget more accessible to the American people, to make budgeting in Washington, DC, look more like budgeting back home around the kitchen table. We have the first of those two reform bills coming to the floor today with the passage of this rule.

This rule is a structured rule, Mr. Speaker, that brings H.R. 3578, the Baseline Reform Act, and H.R. 3582, the Pro-Growth Budgeting Act, to the floor.

We all know it's been over a thousand days since the Senate has pro-

duced a budget. But here in the House, not only did we produce a budget last year on time, we will produce a budget this year on time, and we will produce another budget, as we did last year, that the American people can be proud of. Knowing that it's a given the American people are going to be proud of that work product, Mr. Speaker, because you and I will ensure it, the question is, will folks be able to understand it. I confess, as a freshman member on the Budget Committee, Mr. Speaker, it's not always easy to do.

The President is going to submit his budget to us in a couple of weeks. I think it was going to be next week. I think he's put it off for another week. I'm looking forward to seeing it when it finally arrives. But my recollection and expectation is going to be it's going to be more than 12 inches tall. Not because the President's doing anything wrong, but because that's the level of detail and sophistication it takes to produce a budget for the United States of America.

So what can we do to make this budget easier to understand? What can we do to make this budget more like the budgeting that goes on around the kitchen table?

The Baseline Reform Act, the first bill that this rule would bring to the floor, does this, Mr. Speaker. It eliminates the assumption that CBO makes today that every Congress is going to spend more next year than the previous Congress. Now, there are, as a function of law, Mr. Speaker, some areas of the budget that do in fact go up.

We know, for example, that 10,000 new Americans every day apply for Social Security and Medicare. 10,000 new baby boomers every day apply for Social Security and Medicare. We calculate that in the law. It exists in statute today to say let's go ahead and raise that spending level based on those new folks accessing the system.

But there's over a trillion dollars in spending, Mr. Speaker, for which there is no law that says it's going to go up next year and the year after that and the year after that. And yet, the Congressional Budget Office today, when they chart out the budget for the United States of America, assumes that that increase is going to take place.

Well, I'm tremendously proud, Mr. Speaker, that at least in my short time here I've seen just the opposite. Every single bill that this body has brought to the floor and sent to the President has reduced spending. Spending was \$1.91 trillion in 2010. We reduced it to \$1.50 trillion in 2011. We reduced it again to \$1.43 trillion for 2012. That's the trend that my constituents want back home, Mr. Speaker, and I think the trend that America deserves.

But more importantly, we've all been involved in those conversations back home where folks say, when is a cut not really a cut? When is an increase not really an increase? Only here in Washington, Mr. Speaker, can we spend \$10 last year and \$12 next year and call that a budget cut. Only here. The Baseline Reform Act eliminates that.

The Pro-Growth Budgeting Act, the second bill that this rule would bring to the floor, adds a new bit of information to the Congressional Budget Office baseline. It's the same information that President Obama asked for in his stimulus bill, to say, when we spend this \$800 billion, what impact is that going to have. We know it's going to be \$800 billion out the door. We know we're never going to get that money back. We know that's going to be money that we have to borrow from foreign lands. But what do we get for that \$800 billion?

We asked the Congressional Budget Office to score it that way and they did.

What the Pro-Growth Budgeting Act says is let's add that feature for every future bill on the tax side of the ledger.

What happens, Mr. Speaker, when we cut taxes? We know that means less revenue comes in from that one tax, but what does it mean for the economy as a whole? We see it over and over again when we have taxes at their highest. Sometimes our tax receipts are at their lowest. When we have tax rates at their lowest, sometimes our tax receipts are at their highest. The Congressional Budget Office can give us that information, and this bill makes it possible for them to do that.

So, Mr. Speaker, I'm tremendously proud and tremendously enthusiastic about not only the rule but the two underlying bills, and I look forward to that discussion not just on the rule with my friend, Mr. HASTINGS, but with the Budget Committee later on this afternoon

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank my good friend from Georgia for yielding me the time to go forward with discussion of this particular rule.

The rule provides for consideration of both H.R. 3578, which is referred to as the Baseline Reform Act, and H.R. 3582, the Pro-Growth Budgeting Act. Both of these bills, in my opinion, impose convoluted new rules on an already complicated budget process, an attempt to enshrine the majority's ideology into what is supposed to be an objective analysis.

What my friends on the Republican side are presenting as commonsense reforms are actually, in my opinion, nonsense reforms. These budget process changes are mere gimmicks to defend the elimination of spending on essential government services and to dress up tax cuts for those in our society who are well-off in the phony disguise of benefiting average Americans.

These changes tie Congress and the Congressional Budget Office up in knots in an effort to prove that conservatives' ideology about taxes and spending is going to grow our Nation's economy—not creating more jobs, not stimulating demand, not investing in infrastructure or education, or any of the many endeavors that are critical to improving the lives of all Americans.

Rather, what my friends, the Republicans, are trying to do is, in my opinion, create a Frankenstein budget process: add a procedure here, add a little bit of a procedure, sever a rule over there, zap it with some electricity or hyperbole, and now you have a budget process that proves tax cuts for the wealthiest among us are the only way to grow our economy. But guess what? It still ain't human, and it certainly isn't humane.

For the Baseline Reform Act, Mr. Speaker, Republicans propose that the Congressional Budget Office not include annual inflation when making their budget estimates.

#### □ 1240

When I was a child—10 and 11 years old—we didn't get radio programs very much, but we got radio programs on Saturdays. One of the programs that I enjoyed listening to so much as a little boy, while sitting on the rug in the living room, was "Let's Pretend." I never did know then that I would be here in this august institution, sitting around with people who are pretending in the budget process that inflation doesn't exist when they're making budget estimates

I talked yesterday with one of my friends on the Rules Committee that I'd been down in Florida and that I'd had a major water issue at my home in Florida. For the last 2 or 3 months, my water bill had been exorbitant, and I couldn't figure out why. Ultimately, this morning, I learned for the first time that there is a substantial leak inside the house, so the plumbers are there, and I'm already out more than \$1.000.

Later on, I'm going to be voting about my salary. Yesterday, I voted about the cost of living for Federal employees. I think we do them a terrible disservice by disallowing them the kinds of increases that take into consideration the exact same kind of things that I and other Members of this House and other people around this Nation are experiencing when it comes to their personal undertakings. We've been without an increase here, and, yes, this Nation is in serious trouble. Yet the people that we tend to attack are the people who are at the lowest end of the scale and the middle class people—the police officers, the fireschoolteachers-who fighters. the make \$35,000, \$40,000. One or two of them, luckily, makes \$60,000 a year. What we wind up doing is taking them

to task. They have the same plumbing problems that I do. There is inflation, and you can't do a budget without contemplating it; but if you wish to pretend, then I guess that's what we will do is play Let's Pretend.

This seems like a rather mundane technical change, but it isn't. I would be pleased to support this, Mr. Speaker, because it means that, in making my own personal budget projections, I could just simply ignore the costs for everyday items, but I don't know a single thing that I've bought in the last 3 vears that has gone down in price. I could just simply ignore the fact that costs for everyday items and activities tend to go up every year, indeed, every month. Around this place, if you're looking at the local gas stations every day, every week, I can just assume that what I'm paying today, if I wanted to, I guess, I could keep paying 10 years from now and still expect the exact same numbers of goods and services.

But, of course, we all know that that isn't true. Simply wishing away or pretending inflation away won't make it so. Fuzzy math does not equal fiscal responsibility. By eliminating inflation adjustments from discretionary spending projections, my friends, the Republicans, are actually just reducing the funding for a Federal program. Since the dollar amount would stay the same every year, the number of services that could be covered would decrease.

This morning. I had the good fortune of having in the office a fine group of safety patrol students from Pleasant City Elementary School in Palm Beach County in West Palm Beach. I was talking with them about the fact that I would be here discussing the budget and how everything affects their lives as well as the lives of all American citizens around this country and that. if we were to allow this budget process to take place, all we will have is a continuing decrease over the long term of things that I may wish for those children at Pleasant City Elementary School or at Cove Elementary, whose counselor was also here. We were discussing the number of teachers who have been laid off and the number of music programs that no longer exist.

So let's just pretend that they don't cost but the same thing at one time, and you will find over the long haul that you'll get these decreases, which will result in massive decreases in essential services like fire services and police services and school teachers that millions, indeed all Americans, rely on.

This technical change then is actually a backdoor effort to slowly starve necessary government programs rather than to be up front about which programs Republicans want to eliminate. The celebrated conservative Grover Norquist made it very clear. H.R. 3578 says that, every year, every program and agency should be assumed to get smaller and smaller automatically. I refer to Mr. Norquist as an ideologue.

He said, "I'm not in favor of abolishing government. I just want to shrink it down to the size where we can drown it in the bathtub."

I somehow or another am at odds with that kind of thinking when we're about the business of helping more people, as I explained to the children, who are in the category of the neediest, and here we are protecting the greediest in our society.

This technical change then is actually a backdoor effort to slowly starve necessary government programs rather than to be up front about which programs Republicans want to eliminate. They would rather put sneaky rules into place to guarantee the outcome they want without having to have an open debate. That's the kind of budget process that only Igor, the Frankenstein monster, could love.

Through the Pro-Growth Budgeting Act, Mr. Speaker, Republicans want to introduce dynamic scoring into the CBO's projection process. Once again, this seems like a minor technical change; but when you look closely, you see that this is an effort to zap electricity into Igor-the-monster-budget, which in the final analysis is tax cuts for those of us in society who are better off and for the wealthier even among that class.

Under this bill, the CBO's analyses are tweaked so that tax cuts for the wealthy seem like they grow the economy while actual investments in the needs of everyday Americans do not. Republicans make it easier to cut taxes for those of us who are well off and for those of us who are rich than to build bridges and schools for the rest of us.

This bill specifically instructs the CBO to ignore the positive economic effects that would come about from investments in things like infrastructure and education, as if spending on things that Americans want and need won't boost the economy. They would have us pretend. The CBO has already projected that extending the Bush tax cuts for the wealthiest among us would actually reduce growth in the long run; but rather than face the facts, Republicans simply want to change the rules so that this analysis is turned upside down.

My friends on the Republican side have been so concerned about building actual bridges to nowhere that they've turned the budget process into its own kind of bridge to nowhere. Rather than using the budget process to lead this country into a new era of economic growth, my friends on the other side of the aisle want to cut taxes for very wealthy people, cut programs for evervone else, and then feel like they've set this country on the right track. This is no way to run an economy, no way to run a budget process, and no way to stick up for millions of struggling Americans who need us to focus on improving the economy.

Mr. Speaker, I reserve the balance of my time.

#### $\Box$ 1250

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to just really take a moment to think about the doublespeak here in Washington, D.C. That's been the biggest adjustment since having the great privilege of being a Member in this U.S. House of Representatives. What my friend from Florida I know very genuinely calls sneaky, I call common sense.

You know, today in the budget, Mr. Speaker, today in the budget, the CBO doesn't have to follow the law for about a quarter of all Federal Government spending. When they are scoring Medicare and Medicaid, they follow the law to say what's Medicare and Medicaid going to do over the next 10 years. When they're scoring discretionary spending, however, they just guess. They just guess. That's what the process is today: Just guess at what future Congresses are going to be. What are those future Congresses going to do?

Now, I tell you that's an exercise in folly, and you couldn't possibly get it right. That's what the CBO Director told us yesterday, that it's a challenge to put these numbers together. And the more they have to guess, the more inaccurate their result becomes.

So what are these two bills?

Mr. HASTINGS of Florida. Would the gentleman yield?

Mr. WOODALL. I yield to the gentleman

Mr. HASTINGS of Florida. Well, now guessing, then why are we mandating 40 years? How in the world are we going to guess and have them predict what 40 years are going to look like?

Mr. WOODALL. I thank my friend for asking.

Reclaiming my time, what those 40 years are are 40 years of congressionally mandated action.

But that's what's so different here, Mr. Speaker. There are things that Congress speaks to and things about which Congress is silent. And for reasons unbeknownst to me or the families back home in my district, what this Congress has said, this body that's been instilled with the power of all of our voters back home, we've said we advocate it. CBO just guess.

You know, when you and I were working together last summer on the Budget Control Act, we went exactly the opposite route. As you know, Mr. Speaker, in the Budget Control Act, we said don't guess about what's going to happen next year. We're putting a number in statute for spending. Don't guess about what's going to happen 2 years down the road for that. We're putting a number in statute. And don't guess about another year down the road for that, because we are putting a number in statute.

Look at that, Mr. Speaker. What we've chosen to do, instead of just guessing about the country's future, is to do what the American people sent us here to do, and that's legislate on the country's future. Only here can you spend \$10 this year, \$12 next year and call that a cut. I don't get it. I don't get it, and folks back home don't get it.

Far from being gimmickry, this is unifying the Federal budget process with what that budget process is for millions of families back home around the dinner table. And to be clear about the Pro-Growth Budgeting Act, Mr. Speaker, because I want to make sure that my friend from Florida and I are working on the same information, the Pro-Growth Budgeting Act does not change the CBO baseline process at all, not at all. The same score that CBO would have done for legislation yesterday, they're going to do that same score for legislation tomorrow if the Pro-Growth Budgeting Act becomes law. What will be different is-and I love this about the direction of this Congress, Mr. Speaker. The difference will be the American people will have a new piece of information to add to the old baseline, a new piece of information.

During the discussion yesterday with the Congressional Budget Office, we got the CBO baseline, but we also got additional information—what would happen if you extended tax cuts, what would happen if you did alternative things called the alternative baseline. The Pro-Growth Budgeting Act says let's build on that. Because, in these times, we can't afford to have any stone unturned for economic growth for this country; and we certainly can't afford to continue, as this town has done far too long if we're candid with ourselves, far too long, keeping the American people in the dark about Federal budgeting issues.

These two bills, again, these are just the first of 10 bills that will be coming to this floor, Mr. Speaker. But these two bills shine a spotlight on the Federal budget process in ways that we can all be proud, and I can discuss that even further later on.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey (Mr. Andrews).

Mr. ANDREWS. I thank my friend for vielding.

For a long time, Americans have believed if you work hard every day and play by the rules, you'll be able to earn enough to own a home and educate your children and retire with some dignity. It's the American Dream.

Precious numbers, or large numbers of people, rather, are now disbelieving in that because it's not really happening in their lives. They're working as hard as they can, but they seem to go backwards, not forward, and they work so hard.

You can't reignite the American Dream unless you reignite the middle class, and you can't reignite the middle class unless you reignite small business. Small businesses in this country create about two out of every three jobs created in the country. In the last 20 years, 80 percent of the new jobs have been created by businesses that are younger than a year old. So new small businesses are the key to getting things done.

Now, if you talk to small business people around the country, as we have in our districts, here's what they'll tell you: Their number one concern these days is they don't have enough customers. There's not enough people eating in their restaurants or buying goods in their stores or buying the manufactured goods that they do or buying the software code that they write. They need more customers.

So 147 days ago, 147 days ago, the President of the United States came to this Chamber and said we ought to do four things to stimulate customers for those small businesses and grow the middle class:

First, he said, we should repair our Nation's aging bridges and railroads and highways and put construction workers back to work, and building schools in the process. The Congress has never voted on that proposal.

The second thing the President said is, when a small business hires people, their taxes should be cut, so a tax cut for small businesses that hire Americans. The Congress has never voted on that proposal.

The third thing that he said is, because of the economic distress of our country, cities, counties, and States are laying off police officers, firefighters, teachers, which hurts public safety and hurts education. But it also hurts businesses, because police officers and firefighters and teachers, without a paycheck, aren't going to be buying things in the stores or eating in the restaurants or spending their money. The President said let's take some money and help States and localities rehire and put those teachers back in the classroom and put those firefighters back on the apparatus and put those cops back on the beat. We've never voted on that proposal.

And finally, the President said, look, we cut Social Security taxes, we cut the payroll tax for really all working Americans in 2010, at the end of 2010, and that tax cut is about to expire; and if we let it expire, it will be about a \$1,000 tax increase for middle class Americans, which will not only hurt those families, but it will hurt the economy by draining their purchasing power from the economy, so let's extend that Tax Code. We did manage to do that for 2 months, and that's about to expire, now, in 27 days. We'll be back at that by the end of the month.

Now, if that's the urgent agenda for the country, what are we doing today? What we're doing today is passing a change in budget rules that essentially says the following: If you're really optimistic about what a tax cut might do to the economy, you can assume that optimism for the purposes of keeping score in the budget. This is like a family sitting down and planning its budget at the beginning of the year and saying, I think we're both going to get a raise this year. You're a teacher. I'm a truck driver. I think we're both going to get about a 5 or 10 percent raise, so let's plan the family budget based on that. I think scarcely any of the constituents who send us here would ever draft their family budget in that way. If this rule goes through, that's the way we'll draft the Federal budget.

It has become an article of faith, religious orthodoxy on the Republican side that tax cuts produce higher revenues. At best, the evidence is ambiguous. Most of the time it doesn't. Maybe sometimes it does, but I don't think-I think we should respect the establishment clause of the Constitution and separate church and State. If the Republican religion is the tax cuts always produce more revenue, I don't think we should write that religion into the law of the country because it's not always right.

#### $\sqcap$ 1300

Now, beyond that, if we go home to our constituents, our middle class families, our businesses, and they ask: What did you do this week?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 1 minute.

Mr. ANDREWS. They ask: What did you do this week? Did you get any bills that would bring more customers in? Did you help me grow more jobs?

Now, here's what we did: We adjusted the CBO baseline for the consideration of future revenue policies of the United States.

This is a very interesting graduate school debate. Maybe some day if we're flush with cash again it would be a good policy debate. It is the wrong bill at the wrong time, and it shouldn't be on the House floor.

Let's at least put up for a vote the four specific ideas brought to this Chamber by the President of the United States to regrow the middle class and put Americans back to work. And when we've done the real job that we're sent here to do, then we can get to the graduate school seminar on congressional budgeting.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I always enjoy listening to my friend from New Jersey because inevitably I agree with about the first six things he says. All of the facts on which he bases his conclusions, I agree on. And I just clusions.

My friend said that one of the challenges we have in America is that folks think that they're working as hard as they can but they're going backwards instead of forwards. I get that in my district, too. I think the gentleman is absolutely right. Hope is so powerful in this country, when we lose that hope, we really get ourselves in a world of hurt. I think the gentleman is absolutely right.

The gentleman says we can't get the economy back on track unless we get our small businesses moving again. The gentleman is absolutely right. I know it to be true. I see it in my Chambers of Commerce, Mr. Speaker.

But what then? Agreeing that the American people are working as hard as they can, and they feel like they're going backwards. Agreeing that the small business community is working as hard as it can, but it can't find enough consumers. What's the answer?

My friend from New Jersey laid out, as my President did, four giant spending initiatives with borrowed money that he believes if only the Federal Government would get involved in, we could regenerate those two needy areas. And my constituents tell me exactly the opposite, Mr. Speaker.

My constituents say: Rob, if only the Federal Government were not involved in my life, if only the Federal Government were not borrowing all of this money, if only the Federal Government would leave us alone and let us succeed. The government is not the solution, they tell me; the government is the problem.

These two bills today, sadly, I again agree with my friend, do nothing to stop the government from being a problem. And in fairness, the Budget Committee is not in that business. The Budget Committee is in the planning of the financial future business. We need the authorizing committees to actually shrink the size and scope of govern-

But what these two bills do. and it troubles me, candidly, it troubles me that it's even an area of debate. What these two bills do is one thing and one thing only, and that's provide additional arrows in the quiver of information that we provide to the American people about the American fiscal situa-

And on days like today, Mr. Speaker, with challenges like we have today, the American people deserve the truth. It's not always easy to say it, but we owe it to them to say it, and these two bills move us in that direction.

Mr. ANDREWS. Would the gentleman vield?

Mr. WOODALL. I would be happy to yield to my friend.

Mr. ANDREWS. I thank the gentleman for his friendship and his compliment, and it's a pleasure to serve

reach a completely different set of con- with him. I would just ask him on the specifics: Do you favor a tax cut for small businesses that hire people?

Mr. WOODALL. Reclaiming my time, I absolutely believe that our small businesses are overtaxed today. As the gentleman knows, I've introduced the most cosponsored piece of fundamental tax reform legislation in this House, another version of which has been introduced in the Senate, and has more cosponsors than any other fundamental reform bill in the Senate. And what does that bill do-called the FAIR Tax, H.R. 25, Mr. Speaker, in the House—it abolishes small business taxes entirely. It recognizes the economic truth that businesses don't pay taxes, consumers pay taxes.

I absolutely agree, I don't want to just do a cut, I would say to my friend. I want to abolish those taxes altogether.

And what Congressman PRICE's Pro-Growth Budgeting Act would do is share with the American people, because we know that's going to lose money in year one because we're cutting taxes. The only way the government gets money is from taxes. You reduce taxes, that's a loss in year one. What that bill would do, Mr. Speaker, is provide the secondary impact, the tertiary impact, share with the American people.

Well, what happens in year two? It's like going to college, Mr. Speaker. When you go to college, you lose money. It's a drain on your bank account. And if you equate the drain on your bank account of going to college the same as the drain on your bank account of going to McDonald's, you're going to make some bad decisions. You've got to know the impact of those down the road.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I am happy to yield to my friend.

Mr. ANDREWS. I'm familiar with his FAIR Tax. I respectfully disagree because I think it imposes a national sales tax, which I don't support. But let me ask two further questions, and I thank him for his time.

Do you think that we should put up for a vote the idea of cutting taxes for small businesses that hire people, and if so, how would you vote on it?

Mr. WOODALL. Reclaiming my time, and seeing the ranking member of the Budget Committee sitting there to my friend's right. I look forward—and speaking candidly to the gentleman, if we bring a budget to this floor that doesn't allow us a vote on cutting exactly the kind of taxes you're talking about, not only will I be disappointed, I'll be voting "no." We're absolutely going to bring a budget to the floor that is going to cut those taxes, that is going to lower the burden on the American taxpayer so that we can get this economy going again.

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Again, these are issues that we agree on across the aisle, Mr. Speaker. It's important that we look at the same facts. When we look at the same facts, even as we are today, we can sometimes come to different conclusions. What these two bills do today is just make sure that we're looking at the same set of facts—not just us, but all of the American people.

I reserve the balance of my time.

Mr. HASTINGS from Florida. Mr. Speaker, I have the privilege of having our next speaker be the ranking member of the Budget Committee to discuss these budgetary matters that have been discussed by my friend on the other side of the aisle.

But, Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to ensure that the House votes on H.R. 3558, Mr. VAN HOLLEN's proposal to make sure that Members of Congress do not receive a cost-of-living adjustment to our pay in 2013

At this time, I'm pleased to yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), and more time, if needed.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, Mr. HASTINGS. Before I say a word about the legislation which Members of Congress would have an opportunity to vote on if we defeat the previous question, I just want to say a word about the bills that are the subject of the rule here today.

Mr. HOYER. Would my friend yield? Mr. VAN HOLLEN. I would be very happy to yield to Mr. HOYER.

Mr. HOYER. I thank Mr. VAN HOLLEN for yielding.

If Members in fact, not for political gamesmanship, want to vote to restrain and eliminate their COLA this year, they have an opportunity to do that segregated from any other issue on the previous question. I would urge Members, if they want to cap congressional salaries next year at current levels, they vote against the previous question when it is called.

Mr. VAN HOLLEN. I thank Mr. HOYER.

Reclaiming my time, with respect to the two bills that are the subject of this rule, we are going to have more time to debate them later. I would just say to my friend from Georgia (Mr. WOODALL) that the American people would love to be able to wish away inflation. I just came from a hearing in the Budget Committee. I'm sure the Chairman of the Federal Reserve would love to be able to wish away inflation.

What the gentleman is proposing is that we put together a budget that, unfortunately, would get more and more misleading over time, a baseline for our budget, because it would simply wish away inflation.

With respect to the other bill, as some of my colleagues, including the gentleman from Florida (Mr. HAS-

TINGS), have pointed out, what it does is create this mirage that somehow by providing tax breaks for folks at the very top, you're going to get the economy moving when in fact the most recent Congressional Budget Office analysis shows that at the end of the 10-year period, if you do that, because you add more to the deficit, you actually slow down economic growth. Unfortunately, the way they've got this framed, we don't get that analysis.

Now, Mr. Speaker, there's one thing that we can do to show families across the country that we get it, that we realize that they're struggling, and that is, every Member of Congress should set an example by voting for legislation that says in these tough times, we are not going to take for ourselves a cost-of-living increase. If Members vote to defeat the previous question, they'll have an opportunity to vote up or down on it.

Now, as Mr. Hoyer said, yesterday there was a piece of legislation on the floor that said we're only going to limit the COLA for Members of Congress if we also punish other Federal employees who have been serving this country, employees who have already contributed in the last 2 years \$60 billion to reducing the deficit, folks like people in the intelligence community who helped track down Osama bin Laden and folks who were helping protect the safety of the food supply.

#### □ 1310

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman 30 additional seconds.

Mr. VAN HOLLEN. I thank the gentleman.

I think we should be willing to stand up in front of the American people and just have a clean up-or-down vote, just have a clean up-or-down vote on making the statement that we Members of Congress understand how people are struggling and we're not going to take a cost-of-living increase this year. We haven't taken it for the last couple of years. The country is still struggling and people are still struggling.

My friend mentioned American families talking around the kitchen table looking at the budget. Let's show that we understand the reality that many of them are facing. Members of Congress can afford to lead by example, and I hope we will. It will be an important statement, I think, of where this Congress stands.

So, again, I thank Mr. Hastings for his leadership. I know at the appropriate time he's going to call for the previous question. If you want to vote to make sure that we pass legislation to not provide cost-of-living increase raises to Members of Congress, then you should vote to defeat the previous question. Vote "no" on the previous question.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Florida. I yield the gentleman 15 additional seconds.

Mr. VAN HOLLEN. The last point I would make is that it's very possible the Senate will not take up the piece of legislation that the House passed yesterday because many of them may not want to punish Federal employees. At the same time, this provision that we're offering, being a clean up-ordown vote, the Senate would have to make a judgment as to whether or not to vote up or down on the question of congressional pay.

So I hope all of our colleagues will vote to defeat the previous question so we can send this important message and make this statement.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to again find areas of agreement with my colleagues.

I, too, don't know what will happen with the very fine piece of legislation we sent to the Senate yesterday. If experience is any indicator, it will sit there and do nothing, as have all the other fine pieces of job-creation legislation that we've sent to the Senate. I take no pleasure in that, but I share the gentleman's frustration with fearing that fate.

I also share the gentleman's belief that we need to show the American people sitting around the dinner table that we get it. But when Congress sits around the committee table to budget, we say, okay, if rent is \$1,000 this year, let's just go ahead and plan to pay \$1,100 next year and then \$1,200 the year after that and \$1,300 the year after that. Let's just plan to do it. Let's just guess the money is going to be there.

But that's not what the American families get to do. American families have to say, if rent is \$1,000 this year and rent goes to \$1,100 next year, I've got to find something to cut. I'm not getting a pay raise. I don't see that increase coming through. The economy is not getting better for me. I've got to make those tough choices.

Mr. Speaker, if we're going to be honest with folks—and we have to be honest with folks—we've got to tell them there's no spigot of money running on Capitol Hill. If there were, it would be theirs. But there is no spigot of money on Capitol Hill.

And it makes me feel so good to be a freshman Member in this body—more importantly, while it might have been true for the last 50 years that Congress just assumed every year it would spend more than it did the last, not this Congress, not my colleagues and I working together, Mr. Speaker. What we've said is we know there are not unlimited funds. We know the American people don't have more to contribute. We know that the time for tough choices was before, but it was put off, it was

delayed and it was ignored, and the time for tough choices then falls to us. And we've been making them. It's not been easy. It's not areas that we always find agreement on, but we battle through it. When we get to the end of the day, we spent less in 2011 than we did in 2010 in our appropriations bills. We spent less in 2012 than we did in 2011, and I hope that's something that the American people will be proud of.

Mr. Speaker, with that, I would say to my friend, I don't have any other speakers. I am prepared to close if my friend is.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I'm prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, I genuinely enjoy working with my good friend from Georgia (Mr. WOODALL). He not only brings passion to the job, but an extraordinary intellect. We serve together there on the Rules Committee.

And I don't mean to make light of the fact of what he just got through saying about our telling the American public that we know that there are no large amounts of funds available because we-and I like the fact that he said "we"—put things off, but I can't ignore the fact that a large part of that putting things off came about by virtue of our being in Iraq and Afghanistan and spending \$1 trillion with borrowed money that we did not have and not going to the American people and asking that we sacrifice to pay for them. Seventy-five billion of it came from passing a Medicare prescription plan that we did not pay for. And there are other measures-and I can cite what the Democrats and Republicans are fond of saying and what my mother said to me, which was true. When she was alive, she said, well, if Clinton is going to blame Bush and Bush is going to blame Carter and Carter is going to blame Nixon, why don't you all just blame George Washington and get it all over with if you keep pointing back to somebody else.

But now the rubber has hit the road. With these two bills, Mr. Speaker, my friends on the other side want to drastically reduce essential government programs and, second, to enshrine tax cuts—and I don't like talking about the rich, as it were. My ultimate plan would call for all of us that are better off to try and do everything we can to help those who are vulnerable in our society and those who are the neediest in our society. But there are those who are in the super category that have not been paying the kind of taxes that many of us pay. You have to put this stuff in real terms.

Last year, I paid \$41,000 in income taxes. If people don't believe that, I'll bring my taxes down here and show it to them sometime. Now, I don't have investments. I don't have offshore bank accounts. I don't have any stock and

any bonds, but the simple fact of the matter is a lot of Americans are in the same category as myself. But they want to give tax cuts to those who are wealthy, who paid less than I did and less than people making \$50,000 did. And to my way of thinking, that's just not fair, and that's all that America is looking for is a level playing field, not one that gives the wealthiest more and the poor less.

If they achieve these changes, they'll succeed in creating a budget process that overwhelmingly favors tax cuts for those that are wealthier while creating near impossible hurdles for ordinary programs to keep pace with the rate of inflation and, thus, stay in business, while Republicans cry that it's still alive. Millions of other Americans will still be struggling to find jobs, to pay off their students loans, to access affordable health care and decent housing, and to survive in an economy that favors those who have the most rather than those who have the least, favors those who are the greediest rather than those who are the neediest.

Dr. Frankenstein was eventually repulsed by the monster that he created. These technical changes to the budget process are equally repulsive, for they add up to a system of government spending that is helpful to those who need it the least and harmful to those who need it the most.

Tying our hands in convoluted knots in order to advance a conservative ideology is not the way to run an honest, objective, transparent, and open budget process. I urge my colleagues to vote "no" against this rule.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question amendment in the RECORD along with the extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say I'm a few years younger than my friend from Florida. I didn't get the benefit of the "Let's Pretend" radio program that he had in his day, but I feel like I've had a little dose of "Let's Pretend" here on the floor today.

□ 1320

I feel a kinship with my friend and what that must have been like to hear that because what we have heard here on the floor is, let's pretend that there's not a serious crisis that we have to get our arms around. Let's pretend that we do have the money to spend more and more and more each

and every year. Let's pretend that if we give the American taxpayer more information with which to make informed decisions, that will somehow do us harm.

Mr. Speaker, these bills are about common sense. These bills are about ending the Washington double-speak that has been a frustration to folks back home for far, far too long.

I'm joined here on the floor by Sheriff RICH NUGENT from Florida, one of my freshman colleagues here in this body, Mr. Speaker. And as a sheriff, he told us in the Rules Committee yesterday he had some pretty serious responsibilities. There are no easy parts of being sheriff; it is all got-to-happen kind of business. But when he made his budget year after year after year, even though lives were literally hanging in the balance, he didn't get to assume he could spend more next year than he did the year before. He had to justify each and every dollar.

And that's important because the budget process is convoluted. We're doing our best to make it simpler, but folks might not understand exactly what's at the heart of these issues. And when it comes to this Baseline Reform Act, Mr. Speaker, what it's saying is, if the law of the land has a program, let's say we're buying flags to fly over the United States Capitol, if that program is slated to last for 10 years, the CBO will fund it for 10 years, they will estimate it for 10 years. If it's estimated to last for 5 years, CBO will estimate it for 5 years. And if it's supposed to last for 1 year, they'll do it for 1 year. What they won't do is say that just because the entire Congress is spending \$50 million, that next year the Congress will be able to spend \$60 million because of inflation. What it says is: don't guess.

If the Congress wants to speak to how much money should be spent, the Congress should speak. And in fact we do, day in and day out, mandatory spending, appropriation spending. But the CBO should not be asked to guess. If you want to know what the challenge is, Mr. Speaker, we heard it in the Budget Committee yesterday when the CBO Director came to testify. We talk so much about the Bush-Obama tax cuts expiring. If we kept them all, if we kept all of the tax cuts—in fact, if we went back to the tax cuts that expired in 2011 and we brought those back, too, reduced the American taxpayers' burden to the tune of every single tax cut that's on the books, America's tax burden would still be higher over the next decade than it has been historically over the last 50 years, if we kept them all.

What if you let them go away, Mr. Speaker? If you let all those tax cuts go away, America's tax burden would rise to the highest level in 50 years, the single highest level in 50 years. How much debt would we pay back if we raise the American tax burden that

high, Mr. Speaker? Not one penny. Not one penny. How much of our deficit would we get rid of? Would we be able to finally have at least 1 year of a balanced budget? No. We can raise the American tax burden, Mr. Speaker, to the highest level in the last 50 years, and we still wouldn't balance this budget.

Mr. Speaker, the challenge is not revenue. The challenge is spending. And these two bills make sure that both on the revenue side and the spending side the American taxpayer has access to absolutely every bit of information they need to make good decisions.

With that, Mr. Speaker, I again ask my colleagues for their strong support of this rule and their strong support for the two underlying pieces of legislation.

Mr. CONNOLLY of Virginia. Mr. Speaker, I urge my colleagues to oppose the previous question to allow us to bring up H.R. 3858, which would freeze salaries for Members of Congress for another year through 2013.

I have consistently supported and voted for freezing member salaries, yet I along with 116 other members—in bipartisan fashion—opposed a bill last night that the Republican Leadership mischaracterized as doing just that. In fact, that bill was nothing more than a Trojan Horse to allow House Republicans to once again use federal employees as a punching bag.

My Republican colleagues thought they were being clever by pairing a continued freeze on member pay with a continued freeze on federal employees. As one reporter correctly pointed out, it was nothing more than a cynical, political dare from House Republicans so they could run "gotcha" ads against those who opposed it.

Of course, the Republican leadership conveniently ignores the fact that our dedicated federal employees already have had their pay frozen for two years, contributing \$60 billion to our deficit reduction efforts.

Just 14 percent of our 2.3 million federal employees live within the National Capital region. The rest provide vital services in communities throughout America every day. They guard our borders, protect the safety of airline travel, fight forest fires, and track down online child predators. So following the cynical approach of House Republicans, one might argue that passage of last night's bill could aid and abet terrorists, cross-border gun runners, and child pornographers, right?

The public holds us responsible for getting our fiscal house in order, and it is appropriate that we continue the pay freeze on member salaries given the current situation. Continuing to go after our civilian workforce not only damages the public service profession, but it also puts at risk those services on which our public relies on a daily basis.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 534 OFFERED BY MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to

clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3858) to provide that Members of Congress shall not receive a cost of living adjustment in pay during 2013. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on House Administration and the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that 'the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Mr. Speaker, I yield back the balance of my time and move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and navs.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to instruct conferees on H.R. 3630.

The vote was taken by electronic device, and there were—yeas 238, nays 177, not voting 17, as follows:

[Roll No. 21]

YEAS—238

dams	Berg	Buchanan
kin	Biggert	Bucshon
lexander	Bilbray	Buerkle
mash	Bilirakis	Burgess
modei	Bishop (UT)	Burton (IN
ustria	Black	Calvert
achmann	Blackburn	Camp
achus	Bonner	Campbell
arletta	Bono Mack	Canseco
artlett	Boustany	Cantor
arton (TX)	Brady (TX)	Capito
ass (NH)	Brooks	Carter
enishek	Broun (GA)	Cassidy

Hunter

Jenkins

Johnson (IL)

Johnson (OH)

Johnson, Sam

Hurt

Jones

Jordan

King (IA)

King (NY)

Kingston

Labrador

Lamborn

Lankford

LaTourette

Lewis (CA)

Luetkemeyer

LoBiondo

Lummis

Manzullo

Marchant

Matheson

McCarthy (CA)

Marino

McCaul

McCotter

McHenry

McKeon

McKinley

McMorris

Meehan

Mica

Rodgers

Miller (FL)

Miller (MI)

Miller, Gary

Mulvaney Murphy (PA)

Neugebauer

Myrick

Nadler

Noem

Nugent

Nunes

Olson

Palazzo

Paulsen

Pearce

Pence

Petri

Pitts

Platts

Poe (TX)

Nunnelee

McClintock

E.

Latham

Latta

Long

Kinzinger (IL)

Kellv

Kline

Lance

Landry

Issa.

Herrera Beutler

# CONGRESSIONAL RECORD—HOUSE, Vol. 158, Pt. 1

Chabot Chaffetz Coble Coffman (CO) Cole Conaway Cravaack Crawford Crenshaw Culberson Davis (KY) Denham Dent DesJarlais Diaz-Balart Dold Dreier Duffy Duncan (SC) Duncan (TN) Ellmers Emerson Farenthold Fincher Fitzpatrick Flake Fleischmann Fleming Flores Forbes Fortenberry Foxx Franks (AZ) Frelinghuysen Gallegly Gardner Garrett Gerlach Gibbs Gibson Gingrey (GA) Gohmert Goodlatte Gosar Gowdy Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Guthrie Hall Hanna Harper Harris Hartzler Hastings (WA) Havworth Heck Hensarling Herger Herrera Beutler Huelskamp Huizenga (MI) Hultgren

Pompeo Posey Price (GA) Quayle Reed Rehberg Reichert Renacci Ribble Rigel1 Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (FL) Royce Runyan Ryan (WI) Scalise Schilling Schmidt Schock Lungren, Daniel Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (NE) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan Terry Thompson (PA) Thornberry Tiberi Tipton Turner (NY) Turner (OH) Upton Walberg Walden Walsh (IL) Webster West Westmoreland Whitfield Wilson (SC) Wittman Womack Woodall Yoder

### NAYS-177

Donnelly (IN)

Ackerman Altmire Andrews Baca Baldwin Barrow Bass (CA) Becerra Berkley Berman Bishop (GA) Bishop (NY) Blumenauer Boren Boswell Brady (PA) Brown (FL) Butterfield Capps Capuano Cardoza Carnahan Carney Castor (FL) Chandler

Cicilline Doyle Clarke (MI) Edwards Clarke (NY) Ellison Clay Engel Cleaver Eshoo Cohen Farr Connolly (VA) Fattah Frank (MA) Convers Cooper Fudge Garamendi Costa Costello Gonzalez Courtney Green, Al Critz Crowley Grijalva Cuellar Gutierrez Cummings Hahn Davis (CA) Hanabusa Davis (IL) DeFazio Heinrich DeGette Higgins DeLauro Himes Hinoiosa. Deutch Dicks Hirono Dingell Hochul Doggett Holden

Green, Gene Hastings (FL)

Young (AK)

Young (FL)

Young (IN)

Miller (NC) Hoyer Jackson (IL) Jackson Lee (TX) Johnson (GA) Johnson, E. B. Neal Keating Kildee Kind Kissell Kucinich Larsen (WA) Larson (CT) Lee (CA) Levin Lewis (GA) Lipinski Polis Loebsack Lofgren, Zoe Lowey Luján Lynch Maloney Markey Matsui McCarthy (NY) McCollum Rush McDermott McGovern McIntyre McNerney Meeks

Michaud

Miller, George Schrader Moore Schwartz Moran Scott (VA) Murphy (CT) Scott, David Napolitano Serrano Sewell Owens Sherman Pallone Shuler Slaughter Pascrell Pastor (AZ) Smith (WA) Pavne Speier Pelosi Stark Perlmutter Sutton Thompson (CA) Peters Thompson (MS) Peterson Pingree (ME) Tierney Tonko Price (NC) Towns Quigley Tsongas Van Hollen Rahall Rangel Velázquez Reves Visclosky Richardson Walz (MN) Richmond Wasserman Ross (AR) Schultz Ruppersberger Waters Watt Ryan (OH) Waxman Sánchez, Linda Welch Wilson (FL) T. Sanchez, Loretta Wolf Sarbanes Woolsev Schakowsky Yarmuth

Schiff

#### NOT VOTING-17

Aderholt Honda Paul Braley (IA) Israel Rothman (NJ) Carson (IN) Kaptur Roybal-Allard Clyburn Langevin Sires Filner Mack Smith (NJ) Olver Hinchey

# □ 1349

Ms. WASSERMAN SCHULTZ and Ms. RICHARDSON changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 21, I was away from the Capitol due to prior commitments to my constituents. Had I been present. I would have voted "nav."

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 21, I put my card in the machine and voted "nay," but my vote was not recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

# RECORDED VOTE

HASTINGS of Florida. Speaker, I demand a recorded vote. A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 179, not voting 15, as follows:

# [Roll No. 22]

# AYES-238

Bass (NH) Adams Boren Aderholt Benishek Boustany Alexander Brady (TX) Berg Biggert Amash Brooks Broun (GA) Amodei Bilbray Austria Bilirakis Buchanan Bishop (UT) Bachmann Bucshon Bachus Black Buerkle Blackburn Barletta Burgess Burton (IN) Bartlett Bonner Barton (TX) Bono Mack Calvert

Campbell Canseco Cantor Capito Carter Cassidy Chabot Chaffetz Coble Coffman (CO) Cole Conaway Cravaack Crawford Crenshaw Culberson Denham Dent DesJarlais Diaz-Balart Dold Dreier Duffv Duncan (SC) Duncan (TN) Ellmers Emerson Farenthold Fincher Fitzpatrick Flake Fleischmann Fleming Flores Forbes Fortenberry Foxx Franks (AZ) Frelinghuysen Gallegly Gardner Garrett Gerlach Gibbs Gibson Gingrey (GA) Gohmert Goodlatte Gosar Gowdy Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Guthrie Hall Hanna Harper Harris Hartzler Hastings (WA) Havworth Heck Hensarling Herger

Huelskamp Huizenga (MI) Hultgren Hunter Hurt Issa Jenkins Johnson (II.) Johnson (OH) Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston Kinzinger (IL) Kissell Kline Labrador Lamborn Lance Landry Lankford Latham Latta Lewis (CA) LoBiondo Long Lucas Luetkemever Lummis Lungren, Daniel E. Manzullo Marchant Marino Matheson McCarthy (CA) McCaul McClintock McCotter McHenry McKeon McKinley McMorris Rodgers Meehan Mica Miller (FL) Miller (MI) Miller, Gary Mulvanev Murphy (PA) Myrick Neugebauer Noem Nugent Nunes Nunnelee Olson Palazzo Paulsen Pearce Pence Pitts Platts

Poe (TX) Pompeo Posey Price (GA) Quayle Reed Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita. Rooney Ros-Lehtinen Roskam Ross (FL) Rovce Runyan Rvan (WI) Scalise Schilling Schmidt Schock Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (NE) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan Terry Thompson (PA) Thornberry Tiberi Tipton Turner (NY) Turner (OH) Upton Walberg Walden Walsh (IL) Webster West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Yoder Young (AK) Young (FL) Young (IN)

#### NOES-179

Ackerman Chandler Altmire Chu Cicilline Andrews Baca Clarke (MI) Baldwin Clarke (NY) Barrow Clav Bass (CA) Cleaver Becerra. Clyburn Berkley Cohen Berman Connolly (VA) Bishop (GA) Convers Bishop (NY) Cooper Blumenauer Costa Costello Boswell Brady (PA) Courtney Braley (IA) Critz Crowley Brown (FL) Butterfield Cuellar Capps Capuano Cummings Davis (CA) Cardoza Davis (IL) Carnahan DeFazio Carney DeGette Castor (FL)

Deutch Dicks Dingell Doggett Donnelly (IN) Dovle Edwards Ellison Engel Eshoo Farr Fattah Frank (MA) Fudge Garamendi Gonzalez Green, Al Green, Gene Grijalva Gutierrez Hahn Hanabusa

Hastings (FL)

Heinrich

Higgins Himes Hinojosa Hochul Holden Holt Honda Hoyer Inslee Jackson (IL) Jackson Lee (TX) Johnson, E. B. Keating Kildee Kind Kucinich Langevin Larsen (WA) Larsen (CT) Lee (CA) Levin Lewis (GA) Lipinski Loebsack Lofgren, Zoe Lowey Luján Lynch Maloney Markey Matsui McCarthy (NY) McCollum
McCarthy (NY) McCollum McDermott
McGovern

McIntyre Sanchez, Loretta McNerney Meeks Schakowsky Michaud Schiff Miller (NC) Schrader Miller, George Schwartz Moore Scott (VA) Moran Scott, David Murphy (CT) Serrano Nadler Sewell Napolitano Sherman Neal Shuler Olver Slaughter Owens Smith (WA) Pallone

Speier Stark Sutton Thompson (CA) Thompson (MS) Tierney Tonko Towns Tsongas Van Hollen Velázquez Visclosky Walz (MN) Wasserman Schultz Waters Watt Waxman Welch Wilson (FL)

Woolsev

Yarmuth

### NOT VOTING-15

Akin Hirono Carson (IN) Rothman (N.I) Israel Roybal-Allard Davis (KY) Kaptur LaTourette Smith (NJ) Hinchey Mack

Pascrell

Pavne

Pelosi

Peters

Polis

Peterson

Pastor (AZ)

Perlmutter

Pingree (ME)

Price (NC)

Richardson

Richmond

Ross (AR)

Ryan (OH)

Ruppersberger

Sánchez, Linda

Quigley

Rahall

Rangel

Reves

Rush

T.

### $\Box$ 1357

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 22, I was detained briefly for the vote. If I'd been in Chamber I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 22, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no.

Ms. HIRONO. Mr. Speaker, on rollcall No. 22, had I been present, I would have voted "no."

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAY-ROLL TAX CUT CONTINUATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 3630) offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays were ordered.

The Clerk will redesignate the mo-

The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 184, nays 236, not voting 12, as follows:

# [Roll No. 23]

Ackerman

Altmire

Andrews

Baldwin

Bartlett

Becerra

Berkley

Berman

Boren

Capps

Capuano

Cardoza

Carnahan

Chandler

Cicilline

Clarke (MI)

Clarke (NY)

Connolly (VA)

Chu

Clav

Cleaver

Cohen

Clyburn

Conyers

Costello

Courtney

Crowley

Cuellar

Cummings

Davis (CA)

Davis (IL)

DeFazio

DeGette

DeLauro

Deutch

Dingell

Doggett

Doyle

Edwards

Ellison

Engel

Eshoo

Fattah

Adams

Akin

Amash

Amodei

Austria

Bachus

Barletta

Bass (NH)

Benishek

Berg

Biggert

Bilbray

Bilirakis

Bishop (UT)

Black Blackburn

Bono Mack

Brady (TX)

Brooks Broun (GA)

Buchanan

Boustany

Bonner

Barton (TX)

Bachmann

Aderholt

Alexander

Frank (MA)

Farr

Donnelly (IN)

Dicks

Cooper

Costa

Critz

Carney Castor (FL)

Boswell

Bishop (GA)

Bishop (NY)

Blumenauer

Brady (PA)

Bralev (IA)

Brown (FL)

Butterfield

Bass (CA)

Barrow

Baca

YEAS-184 Fudge Olver Garamendi Owens Gonzalez Pallone Green, Al Pascrell. Green, Gene Pastor (AZ) Grijalya. Payne Gutierrez Pearce Hahn Pelosi Hall Perlmutter Hanabusa Peters Hastings (FL) Peterson Heinrich Pingree (ME) Higgins Polis Himes Price (NC) Hinojosa Quigley Hirono Rahall Hochul Holden Rangel Reves Holt Richardson Honda Richmond Hover Ruppersberger Inslee Jackson (IL) Rush Ryan (OH) Jackson Lee (TX) Sánchez, Linda Johnson (GA) Т. Johnson, E. B. Sanchez, Loretta Keating Sarbanes Kildee Schakowsky Kind Schiff Kissell Schrader Kucinich Schwartz Langevin Scott (VA) Larsen (WA) Scott, David Larson (CT) Serrano Lee (CA) Sewell Levin Lewis (GA) Sherman Shuler Lipinski Slaughter Loebsack Smith (WA) Lofgren, Zoe Speier Lowey Stark Luján Sutton Lynch Thompson (CA) Maloney Thompson (MS) Markey Tierney Matsui Tonko McCarthy (NY) Towns McCollum Van Hollen McDermott Velázquez McGovern Visclosky McIntyre Walz (MN) McNerney Meeks Wasserman Schultz Michaud Waters Miller (NC)

### NAYS-236

Miller, George

Murphy (CT)

Napolitano

Moore

Moran

Nadler

Nea1

Watt

Waxman

Woolsey

Yarmuth

Wilson (FL)

Young (AK)

Welch

Bucshon Dold Buerkle Dreier Burgess Duffv Burton (IN) Duncan (SC) Calvert Duncan (TN) Camp Ellmers Campbell Emerson Canseco Farenthold Fincher Cantor Capito Fitzpatrick Carter Flake Fleischmann Cassidy Chabot Fleming Chaffetz Forbes Fortenberry Coble Coffman (CO) Foxx Franks (AZ) Cole Conaway Frelinghuysen Cravaack Gallegly Crawford Gardner Crenshaw Garrett Culberson Gerlach Davis (KY) Gibbs Denham Gibson Dent DesJarlais Gingrey (GA) Gohmert Diaz-Balart Goodlatte

Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Guthrie Hanna Harper Harris Hartzler Hastings (WA) Hayworth Heck Hensarling Herger Herrera Beutler Huelskamp Huizenga (MI) Hultgren Hunter Hurt Issa. Johnson (IL) Johnson (OH) Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston Kinzinger (IL) Kline Labrador Lamborn Lance Landry Lankford Latham LaTourette Latta Lewis (CA) LoBiondo Long Lucas Luetkemeyer Lummis Lungren, Daniel

Manzullo Ros-Lehtinen Marchant Roskam Marino Ross (AR) Matheson Ross (FL) McCarthy (CA) Royce McCaul Runyan McClintock Ryan (WI) McCotter Scalise McHenry Schilling McKeon Schmidt McKinley Schock McMorris Schweikert Rodgers Scott (SC) Meehan Scott, Austin Mica Sensenbrenner Miller (FL) Sessions Miller (MI) Shimkus Miller, Gary Shuster Mulvaney Murphy (PA) Simpson Smith (NE) Myrick Neugebauer Smith (NJ) Smith (TX) Noem Nugent Southerland Nunes Stearns Nunnelee Stivers Olson Stutzman Palazzo Sullivan Paulsen Terry Pence Thompson (PA) Petri Thornberry Pitts Tiberi Platts Tipton Poe (TX) Tsongas Pompeo Turner (NY) Posey Turner (OH) Price (GA) Upton Quayle Walberg Reed Walden Rehberg Walsh (IL) Reichert Webster Renacci West Ribble Westmoreland Rigell Whitfield Rivera Wilson (SC) Roby Roe (TN) Wittman Wolf Rogers (AL) Womack Rogers (KY) Woodall Rogers (MI) Rohrabacher Yoder Young (FL) Rokita Rooney Young (IN) NOT VOTING-12

Carson (IN) Israel Paul Filner Jenkins Rothman (NJ) Flores Kaptur Roybal-Allard Hinchev Mack Sires

# □ 1406

Ms. LORETTA SANCHEZ of California changed her vote from "nay" to "yea."

So the motion to instruct was reiected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 23, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Ms. TSONGAS. Mr. Speaker, during rollcall vote No. 23 on the Michaud (Maine) motion to instruct, H.R. 3630, I mistakenly recorded my vote as "nay" when I should have voted "yea.

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3764

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 3764

objection to the request of the gentleman from Illinois?

There was no objection.

#### PRO-GROWTH BUDGETING ACT OF 2012

Mr. RYAN of Wisconsin, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3582.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 534 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3582.

#### □ 1406

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, with Mr. DOLD in the chair.

The Clerk read the title of the bill. The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it goes without saving but it unfortunately bears repeating, our budget process is broken.

Last year, the Senate didn't pass the budget. The year before that, the Senate didn't pass the budget. This year, they may not pass one again. The greatest threat to our economy now and our children's future is a fiscal threat, a debt threat, and yet we are on an unsustainable path; and one of the reasons, after the lack of political will among our colleagues, is the budget process. It has not been reformed substantially since 1974. As a result, many Members of this body have put years and hours of effort into fixing this broken process.

I want to say Mr. Dreier, chairman of the Rules Committee, and Mr. HEN-SARLING, our conference chairman, in particular have been two individuals who have put so much work into this. As a result, 10 bills are coming out of the Budget Committee. Ten members of the Budget Committee are putting together an effort to fix this broken Federal budget process to bring more accountability, more transparency, and problem.

This bill is authored by Dr. Price of Georgia, which simply says, while we consider large fiscal pieces of legislation, let's have the CBO add an analysis so we know what it does to the economy. That's not a lot to ask. A lot is happening, and we want to make sure that, as we judge large fiscal legislation, that we have the kind of an analysis we need to better judge what it does for our economy.

Mr. Chairman, I yield the remainder of my time to the author of this bill, Mr. Price.

The CHAIR. The gentleman will be recognized.

Mr. PRICE of Georgia. Mr. Chairman, I reserve the balance of my time.

Mr. VAN HOLLEN, Mr. Chairman, I yield myself such time as I may consume.

Let me start by saying to the chairman of the Budget Committee and all of the members of the Budget Committee that we appreciated the dialogue that we've had on the budget reform bills. There is one bill that I understand we'll take up next week where at least the chairman of the committee and myself were able to find some bipartisan consensus. That's the expedited procedure, legislative line item veto bill where you've got some Democrats and Republicans in favor of it, and some Democrats and Republicans against it.

But with respect to the two bills before us today. Mr. Chairman, I'm afraid they fall far short. In fact, I think they would take us in the wrong direction.

First of all, just to be clear, because we'll probably hear a lot of talk today about the importance of moving the economy forward and jobs: Neither of these bills will do one thing, not one thing to help get our economy moving again. They won't do one thing to create and help create jobs in this coun-

Now, with respect to this particular piece of legislation that we're dealing with now, which actually is a step toward requiring some kind of dynamic scoring by CBO and the Joint Tax Committee, it's very misleading. Here's the concern. If you look at the current House rules, current House rules already require that we have an economic analysis for major tax legislation.

What this particular piece of legislation does is say, yeah, we're going to ask for an economic analysis, but it tilts the playing field in favor of one kind of fiscal action. So, for example, it says we're going to consider whether or not tax policy affects the economy. But when it comes to major investments, for example, infrastructure, transportation, investments that we all know have historically helped this

The SPEAKER pro tempore. Is there better results so that we can fix this country grow, whether it was the highway system, whether it's been investments in other major infrastructure around this country, they've all had major economic growth benefits, but those are specifically excluded to the extent that they're involved in the appropriations process. So we're looking at only one-half of the equation, revenues, not important investments, at least to the extent that they through the appropriations process.

Now, a word on the revenue piece. What's very curious is the way this bill is drafted. We would not get an economic analysis on one of the most consequential tax changes this body could take in the remaining year. We all know that we face the question of what to do with the expiring tax cuts, the 2001 and 2003 tax cuts, both on middleincome Americans, but also the tax cuts that disproportionately benefited the folks at the very top, the top 2 percent.

Now, under current House rules, we get an analysis of any legislation that was designed to extend those tax cuts going forward. But the way this is designed, the statute, we're going to get an answer that says well, we're already assuming the tax cuts for the folks at the very top are going to go on forever. Now, the reason that's very curious is that the Congressional Budget Office has in fact already done analyses in the past of what might happen if we were to extend the tax cuts for the folks at the very top.

And if you look at their analyses, and they did one in September of 2010, you'll find at the end of the 10-year period, they find that those tax cuts will slow down economic growth. Why would that be? Because those tax cuts add to the deficit. That deficit crowds out private investment. That creates a drag on the economy. We had a similar conclusion from testimony that was given by the Joint Tax Committee in September of 2011, just last September. The same conclusion. At the end of the 10-year period, you'd actually have a slowdown in economic growth.

So it's a little perplexing to find out why we're drafting something that would not require a study of one of the most consequential decisions that this Congress might make.

And so for those reasons, Mr. Chairman-one, that we're not even counting the investment side of the equation with respect to the consequences for economic growth, and number two, the fact that this isn't even going to trigger an analysis of one of the biggest revenue decisions this body make—we have to oppose the bill.

I reserve the balance of my time. Mr. PRICE of Georgia. Mr. Chairman,

I yield myself such time as I may consume.

Let me first begin by thanking the chairman of the Budget Committee, Congressman RYAN, who has put in an

incredible amount of work, diligent law. It gives Members of Congress more work and commitment, in reforming our broken budget process. He and the entire committee staff have worked tirelessly to bring about more accountability and transparency to this process. I thank them for that. In fact, all Americans should thank them.

Budget reforms would also not be in the spotlight were it not for the work of a number of Members, but there's one Member I would like to acknowledge specifically, and that's our conference chairman, JEB HENSARLING, who has been steadfast for many years championing the Family Budget Protection Act of 2007 and the Spending Deficit and Debt Control Act of 2009 that focused on reforming our broken budget process.

Mr. Chairman, there is no question that our number one priority in this body must be enacting policies that help our economy create jobs. It is clear that the President's policies have failed and they are making the economy worse. Because the President clearly can't run on his record, he has denigrated into the process of division and envy politics in this country. Terribly distressing.

House Republicans have a plan. We have got a jobs plan. It is a plan to put the American people back to work, and so we are delighted to be able to have an opportunity today to talk about one part of that plan.

The economy is growing way too slowly, as you well know. Not nearly enough jobs are being created, which is one of the reasons that we introduced H.R. 3582, the Pro-Growth Budgeting Act, which as my colleague said, could be titled the dynamic scoring act.

As you well know, the current model for the CBO determines the cost of legislative proposals by a static method that doesn't take into account macroeconomic factors like increasing revenue, reducing the deficit, paying down the debt, things that have economic consequences in our society.

Economists from across the political spectrum agree that major legislation considered by Congress has significant effects on economic growth, and we ought to be looking at that consequence. While current law requires the Congressional Budget Office to provide Congress with information on the fiscal impact of all legislation that is reported from the committee, there is no requirement for analysis of the economic impact. This bill remedies that issue by requiring the Congressional Budget Office to provide macroeconomic analysis for all bills that have a budgetary impact—this is the threshold—a budgetary impact of more than 0.25 percent of the gross domestic product. That equals, Mr. Chairman, about \$39 billion in 2012.

This does not change the traditional CBO static scoring method at all. This analysis will be in addition to current

information around which they are able to then make appropriate decisions.

Mr. Chairman, it is important to remember that current policy is what has been utilized as a baseline for the administration for the Simpson-Bowles Commission, for Domenici-Rivlin. All of those used current policy. This notion that we ought not be using current policy as a baseline is simply

In 2011, only six bills met the 0.25 percent GDP threshold, which means that the CBO ought not be overworked by having this opportunity to provide greater information to Members of Congress.

Everybody knows that CBO scores in the past have been significantly inaccurate. The Medicare Modernization Act of 2003 is but one example. The CBO estimated that that would cost about \$206 billion. In fact, it was \$124 billion. Mr. Chairman, that is a huge difference.

Past CBO macroeconomic work has shown that Federal deficits and tax rates do, in fact, impact the economy. CBO itself has said:

"The reduction in Federal borrowing that would result from smaller deficits would induce greater national saving and investment and thereby increase output and income."

Mr. Chairman, more information from CBO will highlight the need to act positively on fiscal policy here in Congress. And maybe as importantly, this bill will also encourage pro-growth policy ideas from all of our colleagues that will help get our economy back on track, create jobs, and protect hardworking taxpayers.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

At the outset of his remarks, Mr. PRICE referenced the economy and the President's plan. I think it is important to remember that when the President came before this body for the first State of the Union address, the economy was in absolute free fall. In fact, we now know it was even worse than people realized at the time. We were losing GDP at a rate of more than 7 percent

# □ 1420

We were losing over 800,000 jobs in this country every month. And as a result of the passage of the recovery bill. the Congressional Budget Office, the same nonpartisan, independent office that this bill is asking for a report from, has told Congress that because of the recovery bill, we saved or created up to 3 million jobs in 2010. Those are the facts reported by the Congressional Budget Office, that we helped reduce

unemployment in this country in 2011 by over 1.4 percent.

When you're headed down fast. you've got to stop the slide, pick yourself up and begin to climb back up. And that's what the President and the earlier Congress did together.

Now, are we where we want to be? Of course not. That's why it's important that we begin to move forward on the jobs plan the President asked this Congress to take up last September, major new investment in infrastructure, stuff that will really help move the economy. We haven't voted on that. I hope we'll move forward on the payroll tax cut extension for 160 million Americans. We should do that quickly.

So let's remember that this economy was in tatters. It has at least gotten a little bit back up on its feet, but we have a whole, long way to go still. Unfortunately, this bill today won't do one thing—not a thing—to help it.

With that, I yield 2 minutes to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE. Thank you so much, and I just want to say at the outset what a pleasure it is to work with the chairman, the ranking member, and the members of the Budget Committee who, I believe, are sincerely committed to try to help deal with the deficit situation.

But what I find rather baffling, I'll have to admit, is that my colleagues in the majority continue to turn a blind eye to the power of investing so that we can create a major dynamic economy in human capital and in our infrastructure. Their only interest, almost to the point of a fetish, is to favor tax cuts as the only ways and means of growing our economy. And this Pro-Growth Budgeting Act. H.R. 3582, is just vet another example of that, Mr. Chairman.

This legislation would allow Republicans to really understate the effect of tax cuts on the deficit—hiding their impact, masking their real cost, and paving the way for extensions and new tax policies that favor tax cuts only. I mean, Republicans are trying to carve—I have to admire their persistence—they want to carve in supply-side economics and "trickle down," no matter how long it's failed, into our body politic forever. As my dad used to say, money doesn't grow on trees. And this is the "money grows on trees strategy."

I'm sorry, but my colleagues have such a strong bias against any investments that are not tax cuts; and it shows a lack of interest in the investments, I believe, that really have the power to dig us out of this hole we're in, investments like early childhood education. Why don't we do dynamic scoring on that? Health care, what about scoring the impact of what providing health care would do in terms of decreasing the costs to our companies?

The CHAIR. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlelady 30 additional seconds.

Ms. MOORE. I hear from all walks of life that a transportation budget, reauthorizing the transportation budget, would be such a boon to our economy, training people for the 21st-century skills. But yet here's another backdoor approach to include the Bush-era tax cuts into the baseline, and we already know that that's \$4 trillion worth of debt.

By only allowing for the dynamic effects of tax cuts—not the effect of investments in a better way of life for us all—the Republicans are showing their true colors again.

Mr. PRICE of Georgia. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), our conference chairman.

Mr. HENSARLING. I thank the gentleman for yielding. I thank him and I thank our Budget Committee chairman for their kind words and their great leadership for fiscal responsibility and job growth.

Mr. Chairman, indeed, on Monday, the American people were reminded, yet again, that this President's policies have failed. It was on Monday when the Congressional Budget Office announced that this President is on track to be the first President in American history to produce trillion-dollar deficits every single year that he's in office. Part of what has created these trillion-dollar deficits is the failed stimulus program, which my friends on the other side of the aisle still tout.

The gentleman from Georgia is right: Because the President can't run for reelection on his failed policies, he has, unfortunately, resorted to the politics of division and envy. But, Mr. Chairman, the American public isn't interested in a division; they're not interested in envy. They are interested in jobs. And in that respect, this President hasn't just failed; he has made our economy worse.

Almost 2 million more Americans have lost their jobs under this President's policies. We have the longest sustained period of high unemployment since the Great Depression. One in seven are on food stamps. That's the reason, Mr. Chairman, that House Republicans have a plan for America's job creators. Yesterday, we passed a bill trying to repeal a part of the job-killing health care plan of the President.

Well, today is a very modest step. It says, do you know what, before we pass another plan like the President's health care plan, wouldn't it be nice to get that report from CBO that estimated another million of our fellow countrymen might just lose their jobs. Shouldn't we empower Members of Congress with more information? Let's get the jobs that the American people so richly need and deserve. Let's em-

power Members of Congress to know how these pieces of legislation are going to impact jobs and economic growth.

Mr. Chairman, we must pass the Pro-Growth Budgeting Act.

Mr. VAN HOLLEN. Mr. Chairman, I hope if our Republican colleagues are going to keep asking CBO for these reports that they'll read those reports, because if you read the CBO's analysis of the impact of the Recovery Act, they've been very clear that in the year 2010, it helped save or create up to 3 million jobs. That's what CBO says. It also says in the year 2011, it helped reduce unemployment by over 1.4 percent. That's what the Congressional Budget Office says.

Now we're asking the Congressional Budget Office for a study here. I think we should take into account in some of our comments their findings that they've already delivered to us. With respect to the situation the President inherited, again, the economy was in total free fall.

Yes, it's kind of like when you're trying to run up an escalator that's going down really fast. When you first get on, you're going to go down until you stop it, until you stop it, and then you take action to try to run. You're trying to run in place through the actions you're taking. First you don't feel like you're moving up, but we're finally moving

The President inherited an economy like an escalator going down very fast. And we passed a recovery bill. It stopped the free fall and stabilized the economy. We need to take more steps; and I wish our colleagues, Republican colleagues, would bring to the floor some of the bills that will help it. But let's just remember that for the last 22 months, we've actually created up to 3 million jobs, in fact, over 3 million jobs in the economy. Are we where we want to be? No. But let's not go back. Let's not go back to the same policies that got us into this same mess to begin with.

With that, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE) who has been very focused on budget issues for a long time.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding and want to note that today we could be debating a jobs package. We could be debating a comprehensive effort to balance our budget. But instead, we're focusing on a bill to enshrine failed "trickle-down" policies in our already flawed budget process.

Now, let's be clear: this bill is designed to make it easier to pass large tax cuts without having to find real savings in our current budget. It relies on the thoroughly discredited notion that tax cuts do not add to the deficit, that they magically pay for themselves.

This is the height of fiscal recklessness and exemplifies the old adage that "insanity is doing the same thing over and over again and expecting different results."

After all, Congress experimented with this approach when it passed the Reagan tax cuts and again with the George W. Bush tax cuts.

#### □ 1430

And the results were soaring deficits. We now find ourselves in crippling debt, unable to pay for needed investments in our crumbling infrastructure, unable to pay for the education and retraining required to maintain American competitiveness in the ever changing global economy.

So I'll vote 'no' on this tried and failed approach. And I ask colleagues to return to the pay-as-you-go rules that helped lead us to the balanced budgets and the economic prosperity of the 1990s

Mr. PRICE of Georgia. It's curious to listen to my colleague talk about his concern about the debt when, in the last 4 years, the 4 years of this administration, we have the first 4 years in the history of this country where our debt has been greater than \$1 trillion—over \$5 trillion built up in debt by this administration.

I also want to point out to my friend from Maryland, who talks about the wonderful impact of the stimulus bill and how it has created all sorts of jobs and increased GDP, as you well know, Mr. Chairman, as our Members and colleagues know, the Congressional Budget Office periodically updates the information that they provide as it relates to the estimates about what has occurred in the economy from policy here in Washington. The most recent update shows an 8 percent increase in the real GDP growth from the stimulus billnow, that's down from 1.7 percent growth, and that is down from their estimate before—and a .4 percent reduction in the unemployment rate, which is down from a .8 percent reduction in the unemployment rate.

So, Mr. Chairman, if we wait another quarter or two, we're going to see that, in fact, the real information is out, and that is that the stimulus bill had no effect or a detrimental effect on the economy.

With that, I'm pleased to yield 2 minutes to my colleague from Georgia, Dr. Broun.

Mr. BROUN of Georgia. Mr. Chairman, it's absolutely critical that law-makers in Washington are informed and aware of how legislation that we introduce will impact our country's economic growth, so today I rise in strong support of the Pro-Growth Budgeting Act, which will basically give us that information.

If this legislation had already been passed, perhaps our economy wouldn't be saddled with the effects of the President's health care takeover, the stimulus bill, and other legislative nightmares all produced by my Democrat

businesses, bog down our job creators, and further bury our economy in massive Federal debt.

If we had any idea of how chilling the effects of these bills would be on jobs and our economy, maybe we would have done the smart thing, which would have been not to pass them and instead stayed within the boundaries of our budget. Except, well, I forgot. We still don't have a budget, thanks to the obstruction of Democratic Leader HARRY REID.

That's why I introduced my Budget or Bust Act just today. It would literally force the House and the Senate to pass a budget or else their salaries would be held hostage until Congress does its job. My bill would also restore the power of the purse to its rightful owner, which our Founding Fathers specifically gave to Congress, not to the President.

I urge my colleagues to support both the Pro-Growth Budgeting Act and my Budget or Bust Act so that we can truly understand how our legislation affects the economy, and so that Washington is finally forced to live within its means and Congress is held responsible and accountable, as hardworking taxpayers deserve.

Mr. VAN HOLLEN. I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from California McClintock).

Mr. McCLINTOCK. I thank the Member for yielding.

The simple question now before us is whether it's better for Congress to have more information or less information when it's deliberating on matters that directly affect the economy of our Nation. You'd think the answer would be self-evident, but apparently some Members of this House prefer blissful ignorance rather than going to all of the fuss and bother of actually assessing the full ramifications of the policies that they are enacting. That explains a lot about some of the decisions they've made around here in recent years.

The economy is a dynamic and fast changing thing, responding rapidly to every tax and regulation imposed by government and every dollar that changes hands in markets. Yet the rules under which the Congressional Budget Office operates severely constrain its ability to take this obvious reality into account in the information that it provides us.

This measure doesn't presume to tell the CBO how to do its job or what formula to use in its analysis. It doesn't even change the outmoded static modeling it uses to score the fiscal impact of measures coming before us. All that it says is: Give us the complete picture. If a proposal is going to affect the economy significantly, for good or ill, show us why you think so.

I think Patrick Henry summed up this bill perfectly when he said, "For my part, no matter what anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it."

Mr. VAN HOLLEN. Mr. Chairman, I agree with Mr. McClintock that more information is helpful. We just don't want to ask for the information in a way that we only get one side of the story.

I hope our colleagues are going to vote for the amendment a little later on the floor that says we should also try and figure out what the economic impact of major investments in infrastructure is through the appropriations process. They've removed that analysis from this bill.

In addition to the fact, it's very curious that when it comes to tax policy, they've written this in a way that when CBO does an analysis of, again, the major decision that would be made by this body in the next few years, whether or not to extend some or all of the 2001/2003 tax cuts, that will show no impact on economic growth because of the way they've written this legislation, when, in fact, we know, at least from earlier CBO reports, that in the out-years, 10 years out, it will actually be a drag on economic growth because it will increase the deficit when you allow the tax cuts for the folks at the top to go on and on and on.

So, yes, we want more information. Let's just not ask CBO for information that is designed to only extract one side of the story. And, unfortunately, that's what the bill does in its current form.

I reserve the balance of my time.

Mr. PRICE of Georgia. I'm a bit amused, Mr. Chairman, by the tack that the other side is taking on this as they talk about gaming the system, if you will, with this piece of legislation. I would simply call my colleague's attention to the bill itself.

The definition of macroeconomic impact analysis in the bill simply states: Estimate of changes of economic output, employment, capital stock, tax revenue, an estimate of revenue feedback expected as a result of the enactment of a proposal and the critical assumptions for how they got there.

There isn't any qualitative assessment assigned to this. It's simply, give us more information, as the gentleman from California said.

So it's a bit perplexing why, again, our colleagues on the other side don't want that additional information with which to make decisions, high-quality decisions here in Washington.

With that, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. I thank the gentleman. Mr. Chairman, although the Obama administration may tout signs that the

colleagues. These only tie up our small tell us, tell us what you think and economy is improving, we are still way below past economic recoveries. The reality is the economy is growing too slowly and not creating enough jobs.

Economists agree that legislation considered by Congress can have significant impacts on economic growth, both positive and negative. In fact, the Congressional Budget Office reported this week that we are on track to have our fourth \$1 trillion deficit in a row, despite President Obama's earlier campaign promise to cut the deficit in half by the end of his first term. At such a critical time, we should ensure that all lawmakers have as much information as possible about the effects of proposed legislation on economic growth and job creation.

The Pro-Growth Budgeting Act of 2012 would require CBO to provide lawmakers with a macroeconomic impact analysis for all major legislation reported by a House or Senate committee. The economic analysis would describe the potential economic impact of all major bills or major economic variables, including real gross domestic product, business investment, capital stock, employment, and labor. It would also describe the potential fiscal impacts of the bill, including any estimates of revenue increases or decreases resulting from changes in gross domestic product.

#### $\Box$ 1440

If the last Congress had had this type of real-world economic analysis, it would have never passed the job-killing Democrat takeover of our Nation's health care system in 2010.

In addition, if the last Democraticled Congress would have known this information when it passed its \$800 billion stimulus bill, it would have known that the elusive millions of jobs that it claimed to create were going to cost about \$400,000 per job. This \$400,000 is about the same amount as the total salaries of seven middle class Americans.

For these reasons, I urge my colleagues to support the Pro-Growth Budgeting Act of 2012, so that we may promote pro-growth policies that will help get our economy back on track. reduce the deficit, and protect hardworking taxpavers.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Again, I go back to the fact that you're asking CBO to only give one side of the story, and I would just refer Mr. PRICE, my friend, colleague, to page 3 of the bill, lines 12 through 16, where you say, the Congressional Budget Office shall, to the extent practicable, prepare for each major bill or resolution reported by any committee of the House of Representatives or Senate, in parentheses, except the Committee on Appropriations of each House.

I go back to the fact that every American knows that when we invest in our infrastructure, when the companies invest in their plants and equipment, when we invest in our roads and our bridges and our highways, that can have a positive economic impact. In fact, if this House of Representatives were to take up the President's jobs bill, which he asked us to pass in September, that would invest more in our infrastructure, that would help the economy.

Of course, you wouldn't want to know, apparently, about the positive impact on the economy of the President's jobs bill because that involves investment through the transportation process. So, it does tilt the field in a significant way when it comes to decisions we make here with resources.

I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), my colleague on the Budget Committee.

Mr. DOGGETT. This bill, like most that come out here from the Republicans, has a great name. It's a Pro-Growth Budgeting Act. It's not a progrowth budget—big difference—but a Pro-Growth Budgeting Act. And like so many of the pieces of legislation that they offer us, the substance of the bill does exactly the opposite of the title.

This would better be named the "Dig Deeper Now" legislation, or the "Mandate Voodoo Economics" legislation. It attempts to enshrine Republican dogma that even an elementary arithmetic student would have some question about. It's based on the theology that the best way to get more is to do less; that if you have less revenue coming in, you somehow will eventually get more revenue coming in. And it just hasn't worked that way.

Their approach is much like the alchemist of old, who, when faced with a problem that he could not convert straw into gold, simply responds, give me more straw. They can't get enough straw in the form of tax cuts to talk about at their political conventions. But when they apply them, we don't need dynamic scoring to know what the effect is. We have history, and that history is not very favorable to this whole concept that somehow less means more.

We have the "dynamic" Bush tax cuts to look at and what their effect has been. And the Congressional Budget Office tells us that the effect has been they cost \$1 trillion, \$1 trillion toward the budget deficit that we have, and if we extend the Bush tax cuts for those at the very top, again, it will cost another trillion dollars. That's trillion with a "t" in both cases, and it is a big impact in digging us into the hole that we're in, that we're trying to work our way out of with what should be a Pro-Growth Budget Act, a jobs act, instead of something that is a name that bears no resemblance to the substance of the bill.

How about the experience with economic growth? What American would not like to have the economic growth of the Clinton years, when the tax rates were actually higher than the experience of the Bush years, where the tax rates may have been lower, but so was the economic growth, almost 4 percent a year under President Clinton, and down to about 2 percent under President Bush from 2001 to 2008.

Likewise, with job growth, dynamic job growth under President Clinton, job losses under President Bush. That's the history, the experience that we have with this theory, this ideology that somehow less revenue means more revenue.

Only yesterday, in the Budget Committee, we heard the testimony of the Congressional Budget Office, objective testimony, that if we extend—

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman another minute.

Mr. DOGGETT. We heard objective testimony that if we extend all of the Bush tax cuts for the next decade, we will have less economic growth in this country, not more economic growth, as their theology maintains. And the testimony we're hearing is not limited to Democratic witnesses. Even the Republican witnesses who have come before our committees in the past have conceded that these Bush tax cuts did not pay for themselves.

We've seen the result of voodoo economics. We've seen the results of supply side and trickle down. It's time to take a more dynamic approach for the American economy, and that's a jobs bill that will meet the needs of working families across this country instead of playing games with the numbers and trying to show that the impossible is reality.

Mr. PRICE of Georgia. I yield myself such time as I may consume.

Mr. Chairman, it's kind of like "Alice in Wonderland" actually. I mean, if the gentleman truly wants to have the information that he is demanding, then he ought to be supporting the bill because what he's talking about is dynamism in the economy, and that's what we ought to be looking at, Mr. Chairman. As you know, we need the information to be able to provide us with the kind of data that will allow us to make the best decisions.

For example, this is a chart that shows the employment in this country, and the tax reductions of the last decade demonstrate that employment goes up and unemployment comes down. And then when the stimulus bill that the other side amazingly still wants to tout as the be all and the end all, when it's passed, what happens, Mr. Chairman? Employment plummets. Unemployment skyrockets.

So the gentleman can go back to the nineties, yes, but what we're living in

right now is 2012, and the policies aren't working. So what we need to do is be able to provide, hopefully, Members of Congress with more information so they're able to make wiser decisions.

I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Mr. Chairman, I rise in support of the Pro-Growth Budgeting Act. Just yesterday, the Budget Committee had the opportunity to question the CBO Director about the impact of the President's stimulus on the economy. A few months earlier, his office and mine had a very public debate about the impact of government spending on the economy. When asked to identify a single program, one single program that positively impacted the economy, the CBO could not identify one program.

Then, during the Budget Committee hearing, I asked the Director, is it fair to say that the massive spending of 2009 did not benefit the economy? He said, and I quote: "The extra government spending from the Recovery Act in 2009 boosted the economy in the short term, but we believe, unless there are offsetting changes, the economy will be worse off." From the CBO.

Legislation like the Pro-Growth Budgeting Act will require the CBO to undertake a full analysis of every major legislation, including impacts on the employment and labor supply. Had the previous Congress been able to review the long-term impacts and consequences of a \$1 trillion stimulus boondoggle, perhaps our economy would be better off today. Perhaps the more than 20 million Americans—that's right, 20 million Americans—who are unemployed or underemployed would actually have a job.

Those who care solely about the short-term concern themselves with political gain at the expense of the future. Today I ask my colleagues to support this legislation because they care about the long term, about the next generation, even if it means their short-term political gains cannot be realized.

Mr. VAN HOLLEN. I yield myself such time as I may consume.

Mr. Chairman, I'm glad the gentleman raised the question of the long term, and it begs the question about why this bill is written in a way such that we would not be requiring an economic analysis of the major change of law that we may be making with respect to tax policy, which would be to extend the 2001, 2003 tax cuts, all or some of them.

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Let's talk about the long term because, in fact, the Joint Committee on Taxation which, of course, is the entity that does the tax analysis for the Congressional Budget Office, has said that

at the end of that 10-year period, extending those tax cuts actually slows down the economy—page 6 of the testimony of the staff of the Joint Committee on Taxation before the House Committee on Ways and Means, September 21, 2011.

What they point out is that at the end of the 10-year period, you're losing GDP growth. Again, why? Because if you have big tax cuts that are financed by borrowing, as the Republican rules of the House were changed to allow, Hey, we can provide tax cuts for folks at the very top, put it on the credit card, no more pay-as-you-go, that increases the deficit. You increase the deficit, as the economy begins to recover, that's when it really begins to crowd out private investment.

So those tax cuts begin to slow down the economy in the end of the 10-year period, and they're not an efficient use—especially the tax breaks for the folks at the top 2 percent—it's not an efficient means to getting the economy moving again.

We saw in the 1990s under President Clinton we had a higher top marginal tax rate: 20 million jobs were created, booming economic times.

So I'm glad the previous gentlemen raised the issue of the long term. Again, we're all a little perplexed about why this bill is written in a way that the major change in law that we could make either this year or next year with respect to the full or partial extension of the tax cuts wouldn't even trigger this economic analysis. That is astounding.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I think it's important to point out the CBO Director, indeed, did say the long-term effects of the stimulus are actually depressing, potentially depressing, on the economy. So that's why we need the big picture. That's why we need a dynamic scoring model, an opportunity to look at the macroeconomic impact of legislation that's considered in this Congress in a responsible way.

I'm pleased to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Chairman, I rise in support of the Pro-Growth Budgeting Act of 2012.

This would require the CBO to provide lawmakers with macroeconomic impact analysis for major legislation defined by budgetary impact greater than 0.25 percent of annual GDP. Pretty simple.

Current law already requires CBO to provide Congress with the fiscal impact. This bill would require the CBO to give us the economic impact. Now, included in the analysis would be a statement of critical assumptions and also sources of data underlying its estimate, which would provide for maximum transparency.

So if there were questions, we would have the information in front of us so that we could ask additional questions and be sure that we had all of the information in order to make an informed decision.

This is just another tool in our toolkit, and this will help Congress create policy that affects our economy while creating a pro-job agenda, which is on all of our minds and should be our priority. The more information available to policymakers, the better decisions.

There is no panacea in the budget process, but this is one more step in reforming what is a broken process; and we're going to see more information and more bills in the next several weeks talking about this broken process. But this is one more piece to give us one more piece of information.

Mr. VAN HOLLEN. Mr. Chairman, I just have to emphasize again, I already read from the portion of the bill that says we want economic analyses of major pieces of legislation except from the Committee on Appropriations. Again, transportation and infrastructure investments over the history of our country have provided important economic growth.

The President asked this Congress to take up his infrastructure investment jobs bill last September. Congress hasn't taken it up, and now apparently we don't want to include in the study the positive economic impact that something like that would have.

I reserve the balance of my time.

Mr. PRICE of Georgia. What time remains, if I may ask?

The CHAIR. The gentleman from Georgia has 10 minutes remaining. The gentleman from Maryland has  $8\frac{1}{2}$  minutes remaining.

Mr. PRICE of Georgia, Mr. Chairman. I would respond to the gentleman, as he well knows, that current law, section 402 of the Congressional Budget Act of '74, requires that CBO produce cost estimates of legislation reported out of every committee except the Committee on Appropriations. To believe that a 1-year appropriations bill could have a CBO assessment of the economic impact 40 years out, which is their appropriate and usual window, it is just nonsensical. So current law simply states that CBO looks at committee action and not appropriations and for good reason.

I'm pleased to yield 2 minutes to my colleague from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Chairman, I very much thank my friend from Georgia for yielding. I just want to tell him how proud I am of him for bringing this legislation forward. I know he doesn't need my accolades; but this is the kind of commonsense material that I ran on and that, as a freshman in this body, makes me proud to be able to vote on.

I brought a copy of the legislation with me, Mr. Chairman. I think if you ask folks across the country, they sometimes wonder whether or not we read this legislation.

If folks go to www.thomas.gov, they can actually read the legislation themselves, Mr. Chairman. These things that we're arguing about, they wonder what the truth is. It's only five pages long in its substance.

Let me tell you what it says, Mr. Chairman, if you haven't seen it: The analysis prepared shall describe the potential economic impact of the applicable major bill of resolution on major economic variables, including real GDP, business investment, capital stock, employment, and labor supply. The analysis shall also talk about revenue increases or decreases that result. The analysis should also specify which models were used, what your sources of data were, and shall provide an explanation as necessary to make the models comprehensible to the public.

Mr. Chairman, this bill provides one more tool that the American people and this Congress can use to evaluate the very important legislation that is considered here on this floor.

I hope you will ask your constituents, Mr. Chairman, why is it that folks would oppose giving the American people these answers. You heard me read the bill. All this bill does is provide that information.

I will say to the sponsor of this legislation that information has been missing for far, far too long. I plan to lend my strong support to this legislation. I thank the gentleman for the time and for his courage in bringing this bill forward.

Mr. VAN HOLLEN. Mr. Chairman, the gentleman's mistaken. I mean, we do get analyses now with respect to the economic impact. There's a provision in the House rules that I referenced earlier that asked for that, and in fact, Joint Tax has done exactly that. The figures I was reading with respect to the negative impact on growth in the out-years were from a dynamic analysis the Joint Tax Committee has done pursuant to House rules.

Mr. WOODALL. Will the gentleman yield?

Mr. VAN HOLLEN. I will not on my time.

Mr. WOODALL. I'd be happy to be educated by the gentleman if he would yield.

The CHAIR. The gentleman from Maryland is recognized.

Mr. VAN HOLLEN. Mr. Chairman, I refer the gentleman to the bill, the piece of the document I've referenced several times already. This kind of work is done.

What you're asking for here is to, again, leave off part of the equation, for example, the recovery bill. The recovery bill was primarily an appropriations bill. Leave off part of the equation, but also when it comes to the revenue piece, skew the request.

I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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Mr. BLUMENAUER. I appreciate the gentleman's courtesy and his leadership

What we're talking about here this afternoon is one of a package of four budget proposals from our Republican friends on the Budget Committee that are, in toto, going to obscure the budgeting process, make it more complex, more expensive, and actually more confusing for the American public.

I agree with what my good friend said about the dynamic scoring. There are already vehicles available to be able to deal with some of these feedback effects but not elevating it to the level of some sort of official score. Frankly, we've seen when the CBO, the Congressional Budget Office, which is established as the impartial scorekeeper, puts out information, like we discussed here today in the Budget Committee, on how much impact the Recovery Act had on employment, on GDP enhancement, on job growth. People just simply refuse to accept the range, the calculations, things that all the independent experts agree upon, including our own official one. So we're going to make their job more confusing; we're going to make it more complex and give the American public a less clear picture.

Get ready folks. My good friend from Georgia wants to deal with freezing all baseline budgets, that are not otherwise specified in law, assuming that there will be no increase for population growth or inflation over 10 years. Everybody in Congress who looks at what has happened over the last 50 years understands there will be some adjustment—we may argue about how much—but if you're going to give the American public an estimate of what is the most likely outcome, having a modest inflation adjustment is the most accurate in terms of what is likely to happen. That would be swept away and an artificial figure estab-

lished by biennial budgeting.

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional minute.

Mr. BLUMENAUER. There is a reason why the number of States, almost all of which used to have biennial budgeting, have moved to annual budgets. It's because they're more accurate: they're less complex; they're less expensive; and it doesn't pose as much of a burden on both the legislative branch and the administration to try and fiddle around with things that we know are inaccurate. Then we're going to have the risk adjustment, which will take something which is already accurately portrayed in terms of the budget, and they're going to be adding and subtracting values that are going to only confuse.

The four of them are an example of why my friends on the other side of the

aisle don't want to get to work and deal with things that we might agree on, like reforming agriculture. Instead, we're playing games with procedures that are going to give the American public less information, and it's going to cost us more to confuse them.

Mr. PRICE of Georgia. I appreciate the gentleman talking about other pieces of legislation.

But what we're talking about here is more information, more information for our colleagues, Mr. Chairman; and for the life of me, I can't figure out why our Democratic friends on the other side of the aisle simply, I guess, want to keep our colleagues in the dark here so that we can continue to make the kinds of decisions that we've been making. It's just astounding.

Mr. Chairman, I am pleased to yield 2 minutes to my friend from Arizona, Dr. Gosar.

Mr. GOSAR. I thank the gentleman from Georgia for yielding to me.

Mr. Chairman, I rise today in support of the Pro-Growth Budgeting Act brought today by my friend and colleague Congressman Tom PRICE. This good piece of legislation is a commonsense solution to the growing debt and deficit causing concern among many Arizonans.

While I may be new to D.C. and the Halls of Congress, I am not new to the impacts of Federal regulations and the devastating effects of Congress' ability to live within its means. As a dentist and a small business owner for over 25 years, I faced the uncertainty of additional tax and regulatory burdens because the Federal Government failed to do long-term planning.

This bill states that the Congressional Budget Office provide Members of Congress an analysis of the real and long-term effects that a piece of legislation would have on the economy. This, my friends, should be a nobrainer. It is a necessary step towards taking and regaining fiscal sanity in this Nation. Making wise decisions starts by being properly informed on the facts and the information.

Again, I support this legislation, and I encourage the passage of this good bill today.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire about how much time remains on both sides?

The CHAIR. The gentleman from Maryland has  $4\frac{1}{2}$  minutes remaining. The gentleman from Georgia has  $6\frac{1}{4}$  minutes remaining.

Mr. VAN HOLLEN. I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman for yielding.

There is a reason that this institution of Congress is so discredited among the American people. The reason is quite simple. Instead of facing the problem, we come up with ways to avoid it. These two bills—dynamic

scoring, which basically has as a premise that any tax cut is going to increase revenues, and baseline reform, which essentially says that inflation is not a factor in depleting resources to meet a need, whether it's the Pentagon or it's health care—we think that somehow that is going to solve the problem with the debt, which is a serious problem in this country.

Do you know what? It's time for Congress to acknowledge the obvious, which is that the problem is the problem. These runaround reforms about the process avoids the direct, head-on confrontation that is the debt, and the debt is a function of too much spending and too little revenue.

Bottom line, if you are a household, if you're a local government, if you're someone who is responsible, when you have a debt problem, you're going to look at everything; you're going to put it all on the table. There are 100 Members of the House of Representatives who signed a letter and said, Hey, let's put everything on the table—revenues and spending. It's the only way we're going to get a solution.

This approach is avoiding that. It's locking down on the notion that any tax cut is going to increase revenues. It's locking down on the notion that revenues cannot be part of the solution, and it's locking down on this notion that if you wipe away inflation as a factor in what we need to do to maintain level funding that somehow we'll still meet the needs.

We had a war in Iraq and Afghanistan—two wars that weren't paid for, both on the credit card. We had the Medicare prescription drug program on the credit card. Whether you supported those as a Democrat or as a Republican—and we had people on both sides of the aisle who did—you've got to pay for it. We didn't pay for it. We're paying now the consequences of it.

As to the so-called "reforms" about the process, it's always legitimate to figure out the process—how can we do it better? How can we get better information?—but not when it means we avoid the problem.

Mr. PRICE of Georgia. Again, Mr. Chairman, I'm a little perplexed by the arguments being used in opposition on the other side

My friend from Vermont says that this assumes that there is a certain premise about tax cuts. Well, the bill doesn't even use the language "tax cuts." It uses "tax revenue." It could be a tax reduction. It could be a tax increase. Let's look. Let's find the information. Let's give our colleagues as much information as possible, which, again, is what my friend from Vermont says every family in this country does when they have a challenge. If they have a debt challenge, they get all of the information that they can. That's simply what we're asking here, which is to provide as much information as

possible for Members of Congress to make wiser decisions.

Mr. Chairman, I'm so pleased to yield 3 minutes to my colleague from South Carolina and a member of the committee, Mr. MULVANEY.

Mr. MULVANEY. I thank my colleague for yielding.

As we sit like good Congressmen and -women in our offices and as we watch these debates on television, sometimes we feel compelled to run over and participate in the debate. Certainly, that's what drove me over here today, and it's hard to know where to start. There is a long list of things that we could talk about here today.

Mr. Chairman, we could start, for example, with the gentleman from Marvland, who offered again today, as he did in the Budget Committee, the suggestion that perhaps the Recovery Act generated as many as 6 million jobs. If you actually listen very closely to what he says and read the documents that he cites, that's up to 6 million jobs saved or created. The truth of the matter is we could make just as easily the argument that the number is closer to 1.2 million jobs saved or created, and that's assuming that a job saved is a job created. We could have a discussion as to whether or not we should have been spending \$400,000 per job, but that's not the reason we're here.

So I would suggest to my friends across the aisle, if they really believed that the Recovery Act was so wonderful, bring it up again. Please offer us another one. In fact, bring us one twice the size, and look the American people in the eye and say that \$800 billion wasn't enough, that we want \$1.6 trillion worth of another stimulus bill. Please, bring that, and let the President defend that as we have this discussion between now and November.

You could also, Mr. Chairman, go into more detail about what the gentleman from North Carolina mentioned about the PAYGO rules, which is something I'm a little bit familiar with. My predecessor was a big supporter of the PAYGO rules. The PAYGO rules were in place when this government ran up its largest deficits in history. The rule was never designed to cut spending, and it was never designed to lower the deficit. It never accomplished what folks so fondly, in hindsight, believe that it did in the late 1990s. You could go back and look. Really, what drove the surpluses of the late 1990s was the reduction in the size of the Federal Government. But, again, it's not what we're here to talk about today.

# □ 1510

What the gentleman from Texas was talking about, however, is spot on, and he would come to the well, as so many folks on the other side will, and say that, well, it was those Bush tax cuts that really got us in the hole that we're in. I don't know why we call them the Bush tax cuts, by the way.

They were extended by a Democrat President and a Democrat Senate and a Democrat House at the end of 2010. I have always referred to them as the Bush-Obama tax cuts, but that doesn't seem to catch on.

But the assertion has always been that after those tax cuts, Mr. Chairman, went into place that revenues went down, that when we cut taxes revenue went down, because certainly that's what the CBO, under the current rules, would tell you would happen. Under the static models that are in place now, when we supposedly cut taxes, the CBO will tell you, well, if you lower the tax rates, revenues will go down.

Unequivocally, this is not what happened with the Bush tax cuts in 2000s. Revenues went up every year from 2003 to the beginning of the great recession.

That's why this bill is so important, Mr. Chairman. Washington does not know how to count. We count in this town in a fashion that only this town counts. The whole rest of the world doesn't understand how we count, and the CBO scoring is a big part of that problem.

Mr. Chairman, that's why I respectfully suggest that we need to pass this bill and send it over to the Senate.

Mr. VAN HOLLEN. Mr. Chairman, I would inquire of Mr. PRICE if he has any further speakers?

Mr. PRICE of Georgia. Mr. Chairman, I have no further speakers, and I am prepared to close.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume.

Look, I think everybody in this body understands that the more good information we get the better. That's why it's troubling that in this particular bill we're asking the question of CBO in a way that will only give us partial information. I already mentioned that we left out the impact, the economic impact from what we think should be included.

We think the appropriations investments in transportation should be included in any economic analysis. Clearly, important investments we make in science and research and innovation and our infrastructure have an economic impact, but this doesn't ask for any of that information. There'll be some amendments that say we should. Hopefully our colleagues will vote for them.

But what is very bizarre is the way this is structured so that it doesn't require a macroeconomic, dynamic analysis of the major change in law that we will make with respect to whether or not to extend all or some of the tax cuts, because the way it's written, it will assume those tax cuts are already in place.

Now, we've already had an analysis that was done by the Joint Committee on Taxation, a macroeconomic dynamic analysis. It does say at the end of that period it would actually have a drag on the economy because it increases the deficit.

So let's make sure that we get full information, and that's where I do want to end, by just pointing out that the most recent estimates from the Congressional Budget Office, in terms of the impact of the recovery bill, was in a document dated November of 2011, and there's a chart in there that shows a range. Obviously since the recovery bill is no longer in full effect in this current year, you don't continue to say the positive impacts.

But Dr. Elmendorf has testified numerous times before the Budget Committee and indicated that had it not been for the passage of the recovery bill, had it not been for actions of the Federal Reserve, economic growth today would be much slower. That would mean more people out of work.

We need to do better. We need to get things moving faster. That's why we should take up the President's jobs bill that has been sitting in this House since September. That's why I hope the conference committee on the payroll tax cut extension for 160 million people will get our job done quickly so that we can provide those opportunities to help the economy grow when it's in this very fragile state.

So, Mr. Chairman, I just close by saying we all want information. Let's just not ask for information in a selective way designed to get a preconceived answer

The CHAIR. The gentleman's time has expired.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman's comments, and I appreciate his perspective.

However, it's clear that every single revised report on the stimulus comes up and states that it is costing more. It's costing the economy more and that the jobs that are created, "created," decrease every time there is a new estimate. And so we're approaching zero jobs saved or created. In a short time I suspect we'll be at jobs lost from the stimulus.

In fact, the CBO Director yesterday, in committee, said, The extra government spending from the Recovery Act of 2009, unless there are offsetting changes made that pay off the extra debt that was incurred, the economy will be worse off. So it's interesting to see our colleagues on the other side continue to grab onto what they think is a lifeline of the stimulus bill that with time looks worse and worse. And maybe. Mr. Chairman, if we had only had this piece of legislation at the time of the adoption of the stimulus bill, socalled stimulus bill, maybe somebody would have thought differently. Maybe they would have recognized that, in fact, that it was going to have the real effect that it has, which is to decrease the vitality of the economy.

Mr. Chairman, it's pretty doggone simple. This bill is pretty simple. You want more information or you want less information.

This is remarkable common sense. I would suggest, Mr. Chairman, that it ought to be common ground upon which this House can stand. I urge my colleagues to adopt this piece of legislation.

I yield back the balance of my time. Mr. PASCRELL. Mr. Chair, while I am pleased that this Congress is looking at reforming the budget process, I do not believe this legislation is the solution. The biggest problem with the budget is that, while the game may not be perfect, the players are the reason it is not working. Even Jim Nussle, former Republican Chairman of the House Budget Committee and Director of the Office of Management and Budget for President G.W. Bush, testified that, "It may not be that the budget process is broken. It may not be, in other words, that the tools are broken, but it may be the fact that the tools are not being used.

It is no surprise that since Day One of this Tea Party Congress, the majority has pushed forward with an array of anti-worker, anti-environment, anti-oversight, and anti-growth agenda, that serves the politics of their caucus rather than the citizens of this great Nation. The Pro-Growth Budgeting Act of 2011 encompasses this perfectly.

As a Member of the Committee on Ways and Means, I'm very familiar with the "Dynamic Scoring" song and dance. Dynamic Scoring seeks to skirt the fundamentals of Economics 101: less revenue means less money and higher deficits. Instead, under this bill and its dynamic scoring, we will assume tax cuts produce fantasy levels of economic growth and pay for themselves.

The proof is in the pudding. We don't have to look far to see what happened with Bush tax cuts. They led to an explosion of our national debt, and as a new CBO report points out, we could decrease the deficit by almost half if we let the Bush tax cut expire.

We should not enshrine this dishonest, Enron style accounting into law when we have such clear evidence that it is inaccurate. If our goal is to reform the budget process so we can enact sound fiscal policy, then this legislation must be rejected.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee print 112–10 dated January 25, 2012. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pro-Growth Budgeting Act of 2012".

#### SEC. 2. MACROECONOMIC IMPACT ANALYSES.

(a) IN GENERAL.—Part A of title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

#### "MACROECONOMIC IMPACT ANALYSIS OF MAJOR LEGISLATION

"SEC. 407. (a) CONGRESSIONAL BUDGET OF-FICE.—The Congressional Budget Office shall, to the extent practicable, prepare for each major bill or resolution reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), as a supplement to estimates prepared under section 402 a macroeconomic impact analysis of the budgetary effects of such bill or resolution for the ten fiscal-year period beginning with the first fiscal year for which an estimate was prepared under section 402 and each of the next three ten fiscal-year periods. Such estimate shall be predicated upon the supplemental projection described in section 202(e)(4). The Director shall submit to such committee the macroeconomic impact analysis, together with the basis for the analysis. As a supplement to estimates prepared under section 402, all such information so submitted shall be included in the report accompanying such bill or resolution.

"(b) ECONOMIC IMPACT.—The analysis prepared under subsection (a) shall describe the potential economic impact of the applicable major bill or resolution on major economic variables, including real gross domestic product, business investment, the capital stock, employment, and labor supply. The analysis shall also describe the potential fiscal effects of the bill or resolution, including any estimates of revenue increases or decreases resulting from changes in gross domestic product. To the extent practicable, the analysis should use a variety of economic models in order to reflect the full range of possible economic outcomes resulting from the bill or resolution. The analysis (or a technical appendix to the analysis) shall specify the economic and econometric models used, sources of data, relevant data transformations, and shall include such explanation as is necessary to make the models comprehensible to academic and public policy analysts.

"(c) DEFINITIONS.—As used in this section—
"(1) the term 'macroeconomic impact analysis'
means—

"(A) an estimate of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal;

"(B) an estimate of revenue feedback expected to result from enactment of the proposal; and

"(C) a statement identifying the critical assumptions and the source of data underlying that estimate:

"(2) the term 'major bill or resolution' means any bill or resolution if the gross budgetary effects of such bill or resolution for any fiscal year in the period for which an estimate is prepared under section 402 is estimated to be greater than .25 percent of the current projected gross domestic product of the United States for any such fiscal year;

"(3) the term 'budgetary effect', when applied to a major bill or resolution, means the changes in revenues, outlays, deficits, and debt resulting from that measure; and

"(4) the term 'revenue feedback' means changes in revenue resulting from changes in economic growth as the result of the enactment of any major bill or resolution.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 406 the following new item:

"Sec. 407. Macroeconomic impact analysis of major legislation.".

# SEC. 3. ADDITIONAL CBO REPORT TO BUDGET COMMITTEES.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraphs:

"(4)(A) After the President's budget submission under section 1105(a) of title 31, United States Code, in addition to the baseline projections, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a supplemental projection assuming extension of current tax policy for the fiscal year commencing on October 1 of that year with a supplemental projection for the 10 fiscal-year period beginning with that fiscal year, assuming the extension of current tax policy.

"(B) For the purposes of this paragraph, the term 'current tax policy' means the tax policy in statute as of December 31 of the current year assuming—

"(i) the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

"(ii) the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

"(iii) the continued application of the alternative minimum tax as in effect for taxable years beginning in 2011 pursuant to title II of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, assuming that for taxable years beginning after 2011 the exemption amount shall equal—

"(I) the exemption amount for taxable years beginning in 2011, as indexed for inflation; or

"(II) if a subsequent law modifies the exemption amount for later taxable years, the modified exemption amount, as indexed for inflation; and

"(iv) the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

"(5) On or before July 1 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, the Long-Term Budget Outlook for the fiscal year commencing on October 1 of that year and at least the ensuing 40 fiscal years."

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 112–383. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. PETERS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112–383.

Mr. PETERS. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 1, after "SHORT TITLE" insert "; FINDINGS".

Page 1, line 2, insert "(a) SHORT TITLE.—" before "This Act".

Page 1, after line 3, insert the following new subsection:

- (b) FINDINGS.—Congress finds the following:
- (1) On January 8, 2003, White House Press Secretary Ari Fleischer said that President Bush believed that the tax cut package enacted in 2001 and expanded in 2003 would "create additional revenues for the Federal Government and pay for itself."
- (2) Before the tax cuts of 2001 and 2003 were enacted, the Congressional Budget Office projected gradually rising surpluses, from 2.7 percent of gross domestic product in 2001 to 5.3 percent of gross domestic product by 2011, with the Federal Government operating debt free by 2009.
- (3) The Congressional Budget Office estimates that the tax cuts of 2001 and 2003 have added over \$2 trillion to budget deficits from 2002–2011.
- (4) Despite signing the tax cuts of 2001 and 2003 into law, President George W. Bush's administration had, according to the Wall Street Journal, "the worst track record for job creation since the government began keeping records" in 1939.
- (5) From 2001 to 2009, gross domestic product grew at the slowest pace for any eight-year span since 1953.
- (6) Median household income declined during the Bush Administration for the first time since 1967, when this data began to be tracked

The CHAIR. Pursuant to House Resolution 534, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I rise today in support of the Peters amendment to H.R. 3582, the Pro-Growth Budgeting Act of 2012.

As we consider legislation that would mandate the Congressional Budget Office use dynamic scoring to evaluate the macroeconomic impact of large tax cuts, we literally cannot afford to ignore the lessons of the past decade.

My Republican colleagues want to enact a seemingly subtle change so that they can more easily advance their agenda of tax cuts for the rich while slashing critical programs that American families and workers rely on each and every day.

Dynamic scoring's supporters back this legislation in large part because it can mask the cost of tax cuts while ignoring the multiplier effects that investments in education, public health, and infrastructure can provide.

In order to evaluate these claims, we need only look at the claims made by those who supported the 2001 and 2003 tax cuts and see how they stacked up next to reality. Despite pledges from the Bush administration that the tax cuts of 2001 and 2003 would generate such significant economic activity that they would pay for themselves, we know that this is not the case.

This is why I have put forward an amendment that will simply add a fac-

tual findings section that details the impact of the tax cuts of 2001 and 2003 without altering the functional aspects of the bill.

These findings include:

1. On January 8, 2003, White House Press Secretary Ari Fleischer said that President Bush believed that the tax cut package enacted in 2001 and expanded in 2003 would "create additional revenues for the Federal Government and pay for itself."

#### □ 1520

Two, before the tax cuts of 2001 and '03 were enacted, the Congressional Budget Office projected gradually rising surpluses, from 2.7 percent of gross national product in 2001, to 5.3 of gross national product in 2011, with the Federal Government operating debt free by 2009

We know this, of course, did not happen. Instead, the Congressional Budget Office estimates that the tax cuts of 2001 and '03 have added over \$2 trillion to budget deficits from 2002 to '11. Despite signing tax cuts of 2001 and '03 into law, President Bush's administration had, according to The Wall Street Journal, "the worst track record for job creation since the government began keeping records in 1939."

From 2001 to 2009, gross domestic product grew at the slowest pace for any period since 1953; and median household income declined during the Bush administration for the first time since 1967 when this data was first tracked.

We have all lived through this past decade and have seen the damaging effects the Bush tax cuts have had on our Federal budget. I think it's safe to say that anyone who can possibly claim to belong to the "reality caucus" agrees that the Bush tax cuts not only contributed to taking our Nation from budget surpluses to massive deficits, but also contributed to unprecedented levels of income inequality.

If Congress cannot learn from past mistakes, we are destined to repeat them. I urge my colleagues to support my simple, factual amendment to show that Congress understands the true impacts of the Bush tax cuts and recognizes that, while tax cuts might stimulate additional economic activity, the tax cuts of 2001 and '03 certainly did not pay for themselves.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I rise to claim the time in opposition. The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, it is a little amusing, I guess, that our colleagues on the other side love to talk about the past. I'm not sure whether it's a desire for fantasy or misery, but talking about the past is interesting. But this amendment has absolutely nothing—nothing—to do with the legislation that's being considered.

We don't need to rehash the economic record of the last 10 years; we need to look forward. And that's what this bill does. It's a forward-looking piece of legislation.

And looking forward, as the CBO reported on Tuesday, if tax relief is allowed to expire at the end of this year, which seems to be what my colleagues on the other side are advocating, we would then have the largest tax increase in the history of our country. CBO says economic growth would be as much as 3 percent lower than it would be if that tax relief were extended.

So what we need is dynamic appropriate scoring, more information, more data for our colleagues to be able to have that kind of information so when they make decisions, they'll make, again, hopefully, wiser decisions.

This amendment truly makes no improvement whatsoever to our process, our budget process. I urge its defeat, and I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, while I find it interesting that the speaker from the other side believes that this is fantasy, these are facts. And he believes that facts should not be part of the debate, which is probably why we are in the trouble that we are in right now when the majority party believes that opinions should not be weighed down by the facts of the situation.

What I'm offering in this statement is simply factual statements that don't detract in any way from the intended impact of this legislation, but it's certainly important to having a full and honest debate that we need to have an understanding of what happened in the past. If we do not have that understanding of the past, if we don't step up to the reality of what actually occurred as a result of missteps in public policy in the past, we will repeat them once again.

What I'm hearing from the majority party is that they want to repeat the mistakes of the past, mistakes that led to uncontrollable deficits and also mistakes that gave huge windfalls to the wealthiest people in this country at the expense of middle class taxpayers.

As a Democrat, we are very proud to stand up for middle class families and want to make sure that tax benefits to middle class taxpayers continue to go to those families that are struggling each and every day. On the other hand, the wealthiest among us, those with the highest income that have reaped the most benefit, should be paying their fair share. And by having tax cuts, what we will do is cut into those middle class families. This is a factual statement. If we do not recognize the reality of the facts, we are doomed to repeat those mistakes.

I urge adoption of this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. Peters).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–383.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, lines 14 and 15, strike "(except the Committee on Appropriations of each House)".

Page 1, line 16, before the comma, insert "or as a standalone analysis in the case of the Committee on Appropriations of each House".

The CHAIR. Pursuant to House Resolution 534, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, this is a simple, yet important, amendment that will in fact deliver the actual transparency the proponents of this bill claim to be providing. My amendment will ensure the dynamic scoring called for in this legislation and will capture the broader economic effects of Federal spending as well as Federal tax cuts.

The way this bill is written, to exclude appropriations bills highlights the political intent of the authors of this bill to only take into account the effective tax cuts. Both spending Federal tax dollars and sending them back have economic consequences; we all know that. And looking at just one side of the ledger is nothing more than political gamesmanship.

Of course, my Republican friends have cleverly baked into the base a permanent extension of the Bush tax cuts which CBO already has said will create a drag on the economy in the long term. But I guess we don't want to let the facts or sound economic policy get in our way. That's why my amendment would include the appropriations, will fix that disparity, and provide us a clearer picture of the economic effects of all of our actions.

As my Republican friends seem to have forgotten, the Federal Government has had a long history of partnering with the private sector, and our Nation's universities in support of basic research are a great illustration.

These investments spur American innovation and provide measurable, tangible economic benefits.

For example, the Federal Government has invested \$12.8 billion in the Human Genome Project since it began in 1988. According to a recent report by the Battelle Technology Partnership Practice, the total economic investment of that one project and its return has exceeded \$780 billion. In 2010 alone, the field of genomics directly supported 51,000 jobs in this country and another 310,000 indirect jobs. It generated \$67 billion in economic activity last year and resulted in \$3.7 billion coming into the Federal Treasury. The economic return on that single Federal investment has been significant and bears consideration as my Republican colleagues are trying to retrench on such spending.

While not every appropriation will have a similar positive economic result like the Human Genome Project, the economic effect of each should nonetheless be considered by this Congress as it actually appropriates funds.

My amendment will simply correct that oversight and provide proper balance to the accountability and transparency the authors of the bill say they wish to achieve. I ask my colleagues to support this amendment. If Congress is serious about capturing the true impact of all of our actions in the economy, we ought to consider all of them, including spending and appropriations.

I reserve the balance of my time.

# □ 1530

Mr. PRICE of Georgia. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, this amendment is what professors of logic—now, I know that there's not a whole lot of logic around this town—but professors of logic would call a nullity. Adopting this amendment would not require CBO to prepare an analysis of bills reported from the Appropriations Committee, as my good friend from Virginia desires.

Section 407 of the Congressional Budget Act requires CBO to prepare a macroeconomic impact analysis of "major bills or resolutions," which is the term that's defined in section 2 of the bill. Section 2 of the bill uses cost estimates prepared by the CBO under section 402 of the Congressional Budget Act. Section 402 does not apply to bills reported from the Appropriations Committee. So this amendment accomplishes absolutely nothing.

Even if the amendment were properly drafted, it would be meaningless to require a 40-year macroeconomic impact analysis for a 1-year appropriations bill. Even the largest appropriations bill, the Defense appropriations bill, is only about 3 percent of the gross do-

mestic product in 1 year, or much less than 1 percent of the GDP over a 10year period of time. So the macroeconomic impact of 1-year legislation oftentimes approaches zero and then can be changed with the next succeeding appropriations bills in years 2, 3, and 4.

So the amendment is drafted in such a way that it has no effect whatsoever. Even if it were properly drafted, it's a bad idea without providing any new meaningful information for Congress.

I urge defeat of the amendment and yield back the balance of my time.

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time remains on this side.

The CHAIR. The gentleman has 2 minutes remaining.

Mr. CONNOLLY of Virginia. Mr. Chairman, I would simply point out that the same logic my friend from Georgia uses that a simple 1-year appropriation may not have much measurable impact on the economy could also apply to tax cuts, short-term tax cuts. I would further point out that his opposition to a simple improvement to this bill, I think, sheds light on the intent of the bill. It exposes what's really going on here: Let's try to find a facile way to guarantee the Bush tax cuts are extended and the tax cutting is even easier on the wealthier who ought to be paying their fair share.

And with that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–383.

Mr. WALZ of Minnesota. I have an amendment, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 14, insert "interest rates," after "employment,".

Page 3, line 7, insert "interest rates," after "employment,".

The CHAIR. Pursuant to House Resolution 534, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself as much time as I may consume.

First of all, I would like to thank the chairman and the ranking member for

granting me the opportunity to address this.

I rise today to offer what I think is a very commonsense amendment to the underlying bill. There's some of this debate that there's very little to debate about. Our national debt is nearly \$15 trillion. We're borrowing about 30 cents on every dollar. This represents, in my opinion, one of the biggest threats to our economic future, and I believe it needs to be a top priority.

But I also believe the first step in addressing our national debt is getting honest about how we calculate it and the impact of it. That means we have to take the right factors into account. and that includes the impact that higher deficits will have on our economy.

As you know, the main problem with deficits is they push up interest rates. Eventually, it will happen. Higher interest rates hurt the economy by making it more expensive to buy a home or a car. They make it harder for my constituents to afford college for their children, and they make it more difficult for local businesses to get credit they need to grow.

My amendment would simply ensure that the Congressional Budget Office and the Joint Committee on Taxation expressly include interest rates in the list of economic factors they consider in their studies. If we don't consider interest rates, the underlying bill would underestimate the impact unpaid government spending—or the un-offset tax cuts-would have on the economy and the deficit. Congress has to stop hiding behind the funny math that masks the true costs of our policies.

I'd like to stress that my amendment is nonpartisan and nonideological. It's completely neutral on whether the deficit is increased by unpaid-for spending or un-offset tax cuts. The effects are the same. It simply ensures that Congress, when we take a vote, takes into account whether it was done in a fiscally responsible manner. We must let facts drive our decision-making, not ideology. If the facts dispute our ideology, we need to change our ideology, not the other way around. As a high school teacher, one thing I know for sure is you need to start by getting the math right.

I reserve the balance of my time, Mr. Chairman

Mr. PRICE of Georgia. Mr. Chairman, I rise to claim the time in opposition, though I'm not opposed.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. PRICE of Georgia. Mr. Chair, I want to commend my colleague from Minnesota for recognizing the wisdom of the legislation and the importance of looking at the dynamism of the economy and effects that ought to be relayed to us from the Congressional Budget Office. The Congressional Budg-

making my amendment in order and et Office's macroeconomic analysis oftentimes already includes interest rates if the effects are relevant: however, we believe that this amendment helps clarify that, and we have no objection to the adoption of this amendment.

> I yield back the balance of my time. Mr. WALZ of Minnesota. Mr. Chairman, I thank the gentleman for having that opportunity and for allowing this to go forward.

> I vield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. FUDGE

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112-383.

Ms. FUDGE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as fol-

Page 2, line 14, strike "and" and on line 15, before the period, insert ", and income inequality'

Page 3, line 7, strike "and" and on line 8, insert ", and income inequality" after "tax revenues".

The CHAIR. Pursuant to House Resolution 534, the gentlewoman from Ohio (Ms. FUDGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. FUDGE. Mr. Chairman, I thank the Rules Committee and I thank the chairman for making this amendment in order.

Mr. Chairman, today I rise to offer an amendment to H.R. 3582, the Pro-Growth Budgeting Act of 2012.

The Pro-Growth Budgeting Act requires the Congressional Budget Office to provide an impact analysis, in addition to a score, when legislation would have a budgetary effect greater than one-quarter of 1 percent of GDP.

The bill requires certain variables to be considered to determine economic impact. As the bill is currently written, the variables considered include impact on real GDP, business investment, the capital stock, employment, and labor supply. The bill describes these variables as major economic variables.

One of the most important economic variables is missing from H.R. 3582. My amendment would insert income equality among the variables used to determine economic impact. It would also require an estimate of the change in income equality to be included in an impact analysis.

Income inequality is real in America. It is time we start making sure our laws strengthen the middle class, not weaken it.

America is indeed the land of opportunity. It is one of the principles upon

which our great Nation was founded. Yet in 2012, if you are born into a lowincome family, you will most likely grow up to be poor. Sixty-five percent of Americans born into families with earnings in the bottom fifth percentile stay in the bottom two-fifths, while 62 percent of those raised in families with earnings in the top fifth stay in the top two-fifths.

America has become a wealthier Nation, but the wealth has bypassed the middle class. Between 1979 and 2007. overall American household incomes grew by 62 percent. The top 1 percent of earners saw their incomes increase by 275 percent over the past 30 years. That means their incomes nearly quadrupled. In comparison, one-fifth of households with the lowest incomes only saw their incomes increase by 18 percent. Although the pie is growing larger, middle-class Americans are watching their slices get smaller. Even some of my Republican colleagues have acknowledged the problem of economic immobility and wealth disparity in this Nation.

Clearly, if impact analyses are going to be required of the CBO, the factors considered must include income inequality.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. MULVANEY. I claim time in opposition.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. MULVANEY. Mr. Chairman, I rise today to draw attention to the fact that this appears to be essentially where our colleagues across the aisle will probably be taking the national debate for the next 11 months. This is the politics of division. This is not the politics of unity. This is not the politics of trying to bring people together and seeing the country succeed. It's the politics of trying to break us down into different classes.

We hear a lot of talk and will hear a lot of talk this year about fairness, about the 1 percent. What we won't hear. Mr. Chairman, is that, for example, the top 1 percent of the wage earners in this country make 20 percent of the income but pay 40 percent of the taxes.

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You won't hear the other side define what is fair; they just want more and more and more. In fact, when you do ask them to talk about what they would specifically have us do-which is go back to the Clinton era tax rates on the top 1 percent—it would pay only 8 cents of every dollar of deficit in this Nation. It's not designed to solve any problems, Mr. Chairman, and neither is this amendment. It is designed to continue to try and define us.

You can look at this amendment and know that it is simply offered for political gain. It doesn't even attempt to

define income inequality in the amendment. It's simply designed to make a political point. Furthermore, you can get this information from Joint Tax if you simply ask for it. That tool is already available to us.

Mr. Chairman, Americans are not envious They are more interested in how they are doing than whether or not their neighbors are succeeding. They are not envious, and we should not pass an amendment that assumes that they

With that, I reserve the balance of my time.

Ms. FUDGE. Can the Chair tell me how much time I have remaining?

The CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. FUDGE. Mr. Chairman, let me just say for the record that I did not talk about class; my colleague did. Let me as well say to you that if you talk to the American people, they believe in fundamental fairness. I don't think that the American people do not believe in fairness. I further don't believe that the American people live in a Nation where they don't believe that they can ever accomplish the American Dream. I don't believe that the American people believe that they cannot climb the ladders to success. I do not believe that we live in a Nation where people do not believe that they can rise above their circumstances.

So let me just say to my colleague, it's not about class. It's about the Nation in which we live, the Nation where people come from all over the world wanting to see what it means to be great, what it means to realize the American Dream. That's the America that I'm talking about.

This is not frivolous, this is what is right. This is what the American people want, and I urge my colleagues to

I yield back the balance of my time. Mr. MULVANEY. Mr. Chairman, it's the 2nd of February. We have roughly 10 months between now and the next election. It's plenty of time for the folks across the aisle to let us know what they mean by fairness. Tell us, what does it mean? When you say that we want a fair Tax Code, we want people to pay their fair share, would you please just let us know what that means in terms of raw numbers. Give us a real proposal as to what that means, and give us a real proposal that actually solves the problem, because raising taxes on the top 1 percent simply will not accomplish what they say that it will. Again, it pays only 8 cents of every dollar worth of deficit. Let us know what fairness is, but I can assure you, Mr. Chairman, it is not this amendment. For that reason, I think we should defeat it.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. FUDGE).

Chair announced that the noes appeared to have it.

Ms. FUDGE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112-383.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as fol-

Page 2, line 18, after the period insert the following new sentence: "The analysis shall also include estimates of the potential impact, if any, on HUBZones (as such term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)))."

The CHAIR. Pursuant to House Resolution 534, the gentlewoman from Texas (Ms. Jackson Lee) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I, too, want to express my appreciation to the Rules Committee for allowing my amendment to come in. And I acknowledge the ranking member of our Budget Committee for his excellent service, Mr. VAN HOLLEN. I thank Dr. PRICE for his presence here today and engaging in this discussion.

In a few days, I will be meeting with a number of my clergy, along with my small business community, coming from all walks of life, and all of us have found in our hearts and our minds to recognize that small business is in fact the backbone of this country. So I would ask that, as we look at the issue of macroeconomic analysis of this legislation, that we include a well-defined concept to understand what the impact will be on HUBZone areas as defined by the Small Business Act.

H.R. 3582 would require the Congressional Budget Office to provide a macroeconomic impact analysis for bills that are estimated to have a large budgetary effect, and under this bill. there would be analysis that would come about on a number of issues that would, in fact, involve the gross domestic product.

The Small Business Administration administers several programs to support small businesses, including Historically Underused Business Zone empowerment contracting, better known as the HUBZone. The HUBZone program is an effective program. It's a small business Federal contracting assistance program that crosses the land. Wherever you live, you have the opportunity to participate in a HUB program, whose primary objective is job

The question was taken; and the creation and increasing capital investment in distressed communities, irrespective of your location and your background. It provides participating small businesses located in areas with low-income, high poverty rates, or high unemployment rates with contracting opportunities in the form of set-aside. sole-source awards and price evaluation preferences.

> Mr. Chairman, this could happen to any community. One moment you could be thriving, and a tornado could come to you in the next moment and you fall in the category of a HUBZone to revitalize small businesses. So I ask my colleagues to support an amendment that spreads across America, and to make the determination that the vitality of small businesses is important to all of us and an assessment should be made using the HUBZone and the impact such legislation would have.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. I thank the gentlelady from Texas for offering this amendment. But I would suggest that the macroeconomic impact analysis that's required already by the legislation will analyze the effect of job growth and capital formation and economic growth. To add an additional criteria in the analysis is unnecessary, and truly encourages focus on the interests in particular locations as opposed to the general welfare.

This is one of those areas that is rightly worked out in committee, the discussion of these issues in committee. So I would suggest to the gentlelady from Texas that this is not the appropriate opportunity to try to add items to the bill that actually continue to confound the information that would be provided to Members and focus on dividing things as opposed to general information.

If I may, Mr. Chairman, I just want to return to the bill itself and to discuss for just a moment the notion that there is some type of bias within the piece of legislation itself. We've heard our friends on the other side of the aisle talk about that it's biasing positive information as it relates to tax cuts or tax reductions.

Again, I would urge my colleagues who are listening to this and will be considering this piece of legislation in short order to read the legislation. The legislation says nothing about whether or not the dynamic scoring, the flexible scoring that ought to be available for Members, that kind of information is going to look at tax reductions or tax increases, whether it's going to look at how that affects the overall vitality of the economy. In fact, again, what this does is to provide much greater information for our colleagues here to be making decisions.

And, as so many of my friends on our side of the aisle have testified to during this discussion on this piece of legislation, what's needed around here is more information. We now have an administration that has been marching to the Treasury to spend more and more and more and more and more and more and more debt—\$1 trillion deficits for each of the 4 years of this current administration—\$1 trillion, Mr. Chairman. We've never been there before. And it's clearly having an incredible dragging effect on the economy.

Wouldn't it be wonderful to be able to have Members offer pieces of legislation and have the Congressional Budget Office be able to tell us, say look, if you're going to insist on continuing down this road of debt and doubt and despair, this is the consequence in the real economy; the consequence is that it will continue to have a drag on the economy, jobs will not be truly created? In spite of the guise from the administration that they talk about jobs being created or saved, jobs won't be created. There's a better way. There is a better way. And the American people know there's a better way.

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And they know there's a better way that we can be informed. They know that more information for their Member of Congress will allow their Member of Congress to make wiser decisions. So all this bill is about, the Pro-Growth Budget Act, all it is about is an attempt to give you, to give me, to provide for every single Member of this body not biased information, not information that's gaming the system, information that allows for us to make wiser decisions.

Wouldn't it have been wonderful. Mr. Chairman, if during some of the major legislation of the past couple of years, wouldn't it have been wonderful to have had an outside entity, hopefully objective entity, be able to weigh in and say, goodness gracious, if you spend \$1 trillion of money that we don't have, this is going to be the consequence in the economy; this is going to be one of the outcomes of it, which is you're going to increase the debt in this country; you're going to decrease the sense that businesses out there have any certainty in the economy; and, therefore, they're not going to be able to create the kind of jobs that all of us desire and all of us want?

That's the kind of information that we would have liked to have had. That's what we were saying at the time, and now it's beginning to play out, but it's playing out with incredible destruction in our communities across our great land, playing out in ways that makes it so that individuals are hurting and are harmed by the actions that were taken by the previous Congress and this administration.

Wouldn't it have been wonderful to have that information so that people could weigh the options?

I urge my colleagues to defeat this amendment and adopt the underlying bill

I yield back the balance of my time. Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

I thank the gentleman from Georgia for extending his analysis, but I am saddened by the fact that issues dealing with income inequality, where we're simply trying to acknowledge and overtake comments by Presidential candidate, Mitt Romney: I'm not concerned about the poor—my point about the poor is that you're rich today and poor tomorrow. Catastrophic illness, devastation through a natural disaster, man-made disaster, a terrorist act will put many of us in conditions that we would have never imagined.

What Dr. PRICE has failed to acknowledge, and our Republican friends, is that the dynamic scoring is rooted in anti-tax. It is clear that the bill's language and approach is designed to make it easy to enact deficit-increasing tax cuts.

Keeping the Bush tax cuts are not going to improve the economy. Small businesses will. And ensuring that we don't have revenue will definitely send this Nation down a periled road of no return.

Their own friend, former chairman of the Budget Committee, Jim Nussle, testified it may not be that the budget process is broken. It may not be, in other words, the tools are broken, but it may be that we're not using it. He, too, acknowledged the faultiness of dynamic scoring.

What I'm doing here today is to ask for this amendment to take into consideration hardworking small business owners, assess whether or not they will be impacted negatively.

We already know that agencies are going to have a difficult time in scoring this. We already know that this scoring will have no impact on improving the economy. But the increase in taxes that our colleagues want to do, with no balancing increase in revenues to be able to bring down the deficit, is the peril that they're sending us to.

They have had hearings, and there have been those who've acknowledged that dynamic scoring does little; but it may impact negatively those hardworking businesses that need to have the resources that would be provided to them by the Small Business Administration in their time of need or in their time of growth.

I ask my colleagues to add one more element of information that will give us guidance as to what dynamic scoring will ultimately mean. There is no doubt that an overwhelming number of Americans agree that we must do revenue, and certainly we must respond to the needs of the American people.

None of us are reckless with taxes or increasing taxes, Mr. Chairman. We want to be balanced in what we do. I believe my amendment is a balanced amendment. I ask my colleagues to support it.

Mr. Chair, I rise today in support of my amendment #5 to H.R. 3582, "The Pro-Growth Budget Act of 2011." My amendment requires the Congressional Budget Office to include as part of their macroeconomic analysis estimates of the potential impact, if any, on HUB ZONE areas as defined by the Small Business Act

H.R. 3582, would require the Congressional Budget Office to provide a macroeconomic impact analysis for bills that are estimated to have a large budgetary effect. Under this bill the CBO would be required to provide an analysis of the impact on the economy of any bill that would have an estimated budgetary effect of greater than 0.25 percent of gross domestic product, GDP, in any fiscal year.

CBO macroeconomic analysis would include the estimated effect on revenues and outlays of a change in GDP resulting from the legislation being evaluated. Those estimates would have to assume that certain tax policies not currently in CBO's baseline are extended. Furthermore, CBO would be required to publicly provide the assumptions and models underlying those analyses.

In all actuality, Mr. Chair, this bill could very well be entitled the, Revenge of Dynamic Scoring Champions Act, because that is in essence what is going on here.

Dynamic scoring is an attempt to measure the macroeconomic effects of policy changes before they happen, and continues to pop up everywhere; in fact, even in negotiations of the Joint Select Committee on Deficit Reduction, also known as the super committee.

Dynamic scoring finds its roots in the antitax movement. Dynamic scoring is problematic for the agencies that score and estimate the cost of legislation, and has been soundly rejected.

It is clear from the bill's language and approach that it is designed to make it easier to enact deficit-increasing tax cuts. The bill requires CBO to produce supplementary estimates of the economic impact of major bills using dynamic scoring, an approach that involves more uncertainty and subjectivity than current scoring rules.

None other than Former Republican Budget Committee Chairman Jim Nussle opposed moving to dynamic scoring, noting that CBO "generally have done a better job than some of the dynamic score-keeping. That has been part of the challenge of moving to something called dynamic scoring is that we have not found anything that was any more accurate than the current way."

Believers in dynamic scoring argue that tax cuts pay for themselves, generally by spurring so much economic growth, to the extent that revenues will actually increase. If I didn't know any better Mr. Chair, I'd think they were talking to us about trickle-down economics.

Mr. Chair, where have we heard that before? I recall that the Bush administration attempted to impose the use of dynamic scoring to estimate the cost of its tax cuts, asserting that tax cuts would increase revenue enough to pay for themselves, sort of a trickle-down form of budgeting.

Unfortunately Mr. Chair, the Bush tax cuts did no such thing, but instead caused our national debt to explode. My amendment only seeks to look at the affect, should this measure pass, on HUB Zones, as defined in the Small Business Act.

The Small Business Administration, SBA, administers several programs to support small businesses, including the Historically Underutilized Business Zone Empowerment Contracting, better known as the HUB Zone program. The HUB Zone program is a small business federal contracting assistance program "whose primary objective is job creation and increasing capital investment in distressed communities." It provides participating small businesses located in areas with low income, high poverty rates, or high unemployment rates with contracting opportunities in the form of "set-asides," sole-source awards, and price-evaluation preferences.

According to the Congressional Research Service, In FY2010, the federal government awarded contracts valued at \$12.7 billion to HUBZone certified businesses, with about \$3.6 billion of that amount awarded through the HUBZone program.

Mr. Chair, that's the gist of my amendment—job creation—because that's what we should be talking about on the House Floor today.

The Budget Committee has held two hearings on the general topic of budget process reform and the recommendations crossed party lines. Former Budget Committee Chairman Jim Nussle, a Republican witness, testified that "It may not be that the budget process is broken. It may not be, in other words, that tools are broken, but it may be the fact that the tools are not even being used."

Similarly, Dr. Philip Joyce, former Congressional Budget Office, CBO, staff member and a Democratic witness, testified that "My main message is that most of the tools that you need to solve the budget problems faced by the country are already in your toolbox. If the goal is to deal with the larger fiscal imbalance that faces us, the most important thing to do is to make use of them, not search for more tools."

And Mr. Chair, dynamic scoring is the wrong tool at the wrong time—though—In the interest of fairness to the small businesses in distressed communities, I ask my colleagues to support my amendment, even though I have serious reservations about dynamic scoring.

[From Center for American Progress, Nov. 23, 2011]

FIVE PROBLEMS WITH DYNAMIC SCORING
(By Sarah Ayres)

Dynamic scoring—an attempt to measure the macroeconomic effects of policy changes before they happen—continues to pop up everywhere, even in negotiations by the erstwhile Joint Select Committee on Deficit Reduction, better known as the super committee. Long a favorite tool of antitax zealots, dynamic scoring poses a number of problems that make it a poor tool for estimating the cost of proposed legislation, and the agencies tasked with making these estimates have rightly rejected it for years.

Among those who advocate this method, it is confined to revenue estimates, but it could

be applied to spending as well. Fans of dynamic scoring argue that tax cuts pay for themselves, generally by spurring so much economic growth that revenues will actually increase on net. In particular, the Bush administration lobbied for the use of dynamic scoring to estimate the cost of its tax cuts, asserting that tax cuts would increase revenue enough to pay for themselves. Of course the Bush tax cuts did no such thing, instead causing our national debt to explode.

Dynamic scoring was a bad idea then and it is still a bad idea today. Here are five reasons why we shouldn't use dynamic scoring. Conventional revenue estimates already include behavioral responses

While some proponents of dynamic scoring explain it as an alternative to "static" standard scoring estimates, the conventional cost estimates prepared by the Congressional Budget Office, or CBO, and the Joint Committee on Taxation, or JCT, are not actually static. In estimating the budgetary effects of proposed legislation, CBO and JCT both incorporate the microeconomic behavioral effects of policy changes into their estimates. For example, when they score a gas-tax increase, they account for the reduction in gas purchases that would result.

What they don't do is attempt to measure the macroeconomic effects—the effects a policy will have on the overall growth of the economy. As JCT explains, "estimates always take into account many likely behavioral responses by taxpayers to proposed changes in tax law . . [including] shifts in the timing of transactions and income recognition, shifts between business sectors and entity form, shifts in portfolio holdings, shifts in consumption, and tax planning and avoidance." The official JCT scores do assume that GDP will not change from the projected CBO baseline.

We cannot accurately measure the macroeconomic effects of tax changes

One problem with attempting to measure macroeconomic feedback is that estimates depend on a lot of assumptions. Broad economywide responses to tax policy changes are complex and often contradictory. This reflects the wide range of effects a tax change can have on different actors.

As an example, the Center on Budget and Policy Priorities, or CBPP, notes that reducing marginal tax rates can lead to two different behavioral responses. Increasing the after-tax compensation that a worker receives for an additional hour of work could incentivize the worker to take on additional work because the awards are greater. At the same time, increasing a worker's take-home pay for the same hours of work could also incentivize the worker to work a fewer number of hours for the same amount of money. Which of these two effects will be larger, and by how much? The empirical record simply does not offer us a clear-cut answer to that question. The same is true of myriad other questions that dynamic scoring implicitly or explicitly raises. There is no set of accepted rules that can be applied universally to all tax-policy changes occurring in a variety of economic environments.

Even if we had clear-cut answers, there are practical limits to the level of sophistication that the estimating agencies could bring to dynamic scoring. Former CBO director Rudolph Penner describes the problem: "Consistent dynamic scoring is logistically impossible given current technology. Scoring is a hectic process. The CBO and JCT produce hundreds of scores each year. Congress always wants scores instantaneously, and ana-

lysts often work through the night to keep them happy. Dynamic scoring would force analysts to make many more judgment calls than they do today. Quality control would be difficult, and that implies a high risk that ideological biases will pollute the analysis." Estimates require making assumptions about fu-

ture policies

Will a tax cut be paid for by spending cuts now or by taking on future debt? Macroeconomic responses may differ greatly depending on how policymakers choose to pay for the policy. Requiring budget analysts to guess how the policy will be paid for in order to score it opens up the possibility that their assumptions will influence the projected macroeconomic changes as much or even more than the policy itself. In testimony before the House Committee on Rules in 2002, CBO director Dan Crippen expressed concern that his office would be stepping into a political minefield by making these guesses: "CBO could make an assumption about what the next five Congresses and at least two presidents will do, but doing so would subject us and the results to a chorus of controversv.

Even if dynamic scoring worked as advertised, there is evidence the effects are quite small

In 2006 a CBPP analysis of cost estimates for President Bush's proposal to make the 2001 and 2003 tax cuts permanent found that the dynamic estimates did not differ greatly from conventional estimates. Two dynamic estimates prepared by the CBO differed by less than 4 percent from the conventional estimate. Even the Bush administration's own estimate found that macroeconomic feedback would offset less than 10 percent of the conventionally estimated cost. There is no evidence that we are missing out on large macroeconomic effects using conventional scoring methods.

Lawmakers can pass policies regardless of their score

If Congress and the president believe a policy will have positive macroeconomic effects, nothing about conventional scoring prevents them from passing it into law. The Bush tax cuts were enacted despite their score because policymakers believed they would be good for the economy. With conventional scoring, everyone generally knows what's included in the estimate and can make their own judgments based on that knowledge. Dynamic scoring would only introduce more obscurity to the process.

For these five reasons, CBO and JCT have rightly chosen not to include dynamic scoring in their official cost estimates. Switching to dynamic scoring would greatly reduce transparency in the revenue-estimating process. Macroeconomic forecasting is an imperfect science and the underlying evidence can be interpreted in many different ways. Using dynamic scoring would greatly pressure estimating agencies to make assumptions—assumptions that would be hard to pick out, difficult to evaluate, and likely very important at their extremes. CBO and JCT already incorporate behavioral responses into their cost estimates, and attempts to measure macroeconomic effects of the proposed policies will be fraught with inaccuracies and perceived as politically biased

We may be able to resolve some of these problems in the future but for now there are many reasons why it doesn't make sense to use dynamic scoring.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the and it's the best way to rein in out-of-Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. QUIGLEY

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112-383.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows.

Page 3, after line 2, insert the following:

"(c) TAXPAYER RECEIPT.—The Director shall create and maintain a permanent website with the domain TaxpayerReceipt.gov (or a similar name if that is unavailable) and that includes a calculator that allows taxpayers to enter their annual income and receive an estimate of the amount of their projected contribution to or receipt from any applicable major bill or resolution in the budget year and the succeeding nine years, assuming the taxpayer has a constant annual income.

Page 3, line 3, strike "(c)" and insert "(d)".

The CHAIR. Pursuant to House Resolution 534, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, my amendment would create a simple CBO-sponsored Web site where taxpayers could learn how much they would be contributing to major Federal spending programs under consideration by Congress. Similarly, it would allow taxpayers to learn how much their taxes would increase or decrease under any major tax legislation being consid-

ered by this Congress.

The fact is, we don't do a good enough job communicating with our constituents. There's too much misinformation out there, and good information isn't accessible enough to Americans without connections to Washington. Try digging through a government Web site, and you'll see the difficulty. My staff gets calls all the time from constituents who are having trouble finding good information about our budget and our Tax Code.

My amendment would take a significant and necessary step towards increasing transparency and accountability. If Congress wants to pass a major new spending program, the tax and the costs to the taxpayer should be made transparent. If the Congress wants to pass a tax increase, the costs to the taxpayer should be transparent. And if Congress wants to pass a tax cut, taxpayers should know exactly how they or someone in their tax bracket would benefit.

Transparency is the best way to hold lawmakers in Washington accountable, control deficits. Our constituents have a right to this information, and we shouldn't skimp when it comes to transparency.

I've been working on this taxpayer receipt idea since 2010, and 15 of my colleagues, from both sides of the aisle, have joined me in supporting similar legislation to this effect.

However, at this time, I understand the gentleman from Georgia is opposed to this amendment, which pretty much guarantees that it will go down in a blazing ball of martyrdom. And while I'm a Cubs fan and my team hasn't won a World Series since before manned flight, I am realistic. So I will offer to withdraw this amendment if the gentleman will commit to work with me to move this idea forward in a separate

I yield back the balance of my time. Mr. PRICE of Georgia. Mr. Chairman, I claim the time in opposition.

Am I to understand that the gentleman has withdrawn the amendment? The CHAIR. The amendment has not been withdrawn.

Mr. QUIGLEY. Not formally, if I could respond.

Mr. PRICE of Georgia. Has the gentleman yielded back?

The CHAIR. The gentleman has yielded back.

Mr. PRICE of Georgia. And the gentleman is able to withdraw the amendment after he has yielded back?

The CHAIR. Yes, by unanimous consent.

Mr. PRICE of Georgia. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I want to commend the gentleman from Illinois for his amendment. But as we have had our staffs discuss, the amendment would truly mark a significant departure from CBO's historical mission of providing information to policymakers on fiscal and economic implications of a legislation.

It would impose a significant new requirement on CBO to calculate the taxpayer benefit or the cost of major legislation, something that, candidly, Mr. Chairman, the CBO lacks both the expertise and experience to be able to provide. So though it's commendable, I don't think it has a thing to do with the underlying bill.

I do believe there are some private sector solutions out there and look forward to working with the gentleman from Illinois, given that he has agreed to withdraw his amendment in the future, as we move forward to, again, do something that I believe to be commendable, and that is to provide much more information for hardworking taxpavers as well.

And given that he has agreed to withdraw the amendment, I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I just wanted to give the gentleman an opportunity to explain his point. I thank him for his willingness to work on this issue together. I now withdraw the amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE The CHAIR. It is now in order to con-

sider amendment No. 7 printed in part B of House Report 112-383.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as fol-

Page 3, lines 20 through 22, strike ".25 percent of the current projected gross domestic product of the United States" and insert "\$5,000,000,000"

The CHAIR. Pursuant to House Resolution 534, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

#### $\sqcap$ 1600

Mr. FLAKE. Mr. Chairman, let me start by congratulating the Budget Committee and the gentleman from Georgia for bringing this bill to the floor. We need to have more honest budgeting, and this is a step in the right direction. I plan to support it. I have long supported the use of dynamic scoring in particular. I'm pleased to see this issue on the floor today.

It's necessary to ensure that Congress has the most reliable information possible. Not all tax cuts are created equal when it comes to the ability to actually generate tax revenue, and I think that we ought to recognize that, and that's what dynamic scoring is all about.

H.R. 3582 requires CBO to provide a supplemental dynamic analysis for a bill with a gross budgetary impact greater than a quarter percent of the U.S. gross domestic product in any fiscal year. Based on the current GDP, I believe the threshold would be somewhere in the neighborhood of \$40 billion, meaning the dynamic scores would be limited to bills with a gross impact of \$40 billion a year.

Unless I'm mistaken, I believe that setting a trigger for a supplemental macroeconomic analysis would have vielded dynamic scores for somewhere in the neighborhood of a couple dozen bills introduced last year, let alone the number that we considered. amendment that is ruled in order here would lower the threshold for requiring a supplemental dynamic score to any legislation that would have a budgetary impact greater than \$5 billion in a year.

Now, I understand that there are concerns with setting the trigger considerably lower than the quarter percent of GDP, including it would mean that CBO would have considerably more work to do. I am sensitive to that. But I do think that we ought to set the standard a little lower, or the trigger a little lower than \$40 billion a year.

CBO scores hundreds of bills a year. This is a lot more analysis that they would have to do, but I think it is important. But, as I mentioned, I'm sensitive to the concerns that have been raised that this would require too much work or too much additional work, which might require additional staffing and everything else at the CBO, so I'm prepared to withdraw this amendment. But I hope that, as this process moves forward, we can set a standard or a threshold a little lower than \$40 billion a year. I think that that would benefit lawmakers as we consider the impact of this legislation.

I'm prepared to withdraw the amendment, but I'm happy to yield to my friend from Georgia the time that he might need.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman for yielding

I want to thank the gentleman for his amendment. I want to commend him for his wonderful work throughout his congressional career on the fiscal responsibility appropriations process, having a more transparent and fiscally responsible governance and a more open budgeting process and more responsible budgeting process.

We both recognize the imperative of a greater dynamic analysis to the legislation that we have coming before us. What the appropriate threshold is, I think we're probably in the ballpark, but I'm happy to work with the gentleman as we move forward with this legislation to determine what that appropriate threshold is for legislation to be considered in a macroeconomic fashion from CBO.

And I appreciate the gentleman's amendment and also appreciate him working with me in the future.

Mr. FLAKE. Mr. Chairman, again, I want to say I support this legislation. It's good legislation. I look forward to working with the gentleman as we move ahead, and I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIR (Mr. BASS). Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112–383.

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jobs Score Act of 2012".

# SEC. 2. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.

Section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is amended—

- (1) in paragraph (2), by striking "and";
- (2) in paragraph (3), by striking the period and inserting "; and"; and
- (3) by inserting after paragraph (3) the following:

"(4) an estimate of the number of jobs which would be created, sustained, or lost in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate, and to the extent practicable, the analysis shall include regional and State-level estimates of jobs that would be created, sustained, or lost."

The Acting CHAIR. Pursuant to House Resolution 534, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, a little over a year ago when the Republican conference was meeting to discuss changes to the rules of the House for the 112th Congress, I offered a commonsense proposal. In a letter I sent to the chairman of the Rules Committee in January of 2011, I shared my belief that our priority in this Congress must be to enact legislation that will lead to job growth. I further stated that, given our priority of job creation, the new rules of the 112th Congress should require disclosure of the impact on job creation of any legislation being considered by the full House. That was 1 year ago, yet here we are today rehashing a seemingly age-old debate over trickle-down economics.

While we debate back and forth about whether H.R. 3582, the Pro-Growth Budgeting Act, is just another attempt to strengthen the case for passing large tax cuts while minimizing the actual costs, back home in my State, the State of Rhode Island, more than 60,000 men and women are without jobs. While we debate a bill with dim prospects of ever passing the Senate, more than 13 million Americans remain unemployed.

Just as many of you have seen in your own districts what I've seen firsthand in my district, the toll that this recession has taken on our families, our businesses, and our communities. My State was one of the first States in the Northeast to be hit by the recession, and like many other States, our recovery is slow; and with 10.8 percent unemployment, the toll continues. That's why, 1 year later, I'm still here expressing the same urgent need for Congress to understand, as we consider legislation, whether our legislative actions will result in job creation or job loss, and this is precisely what my amendment would do.

My amendment would strike the underlying language in H.R. 3582 and replace it with the text of the Job Score Act, which I introduced earlier in this session. This proposal would amend the Congressional Budget Act of 1974 to require that, in addition to cost estimates, the Congressional Budget Office also prepare an estimate of the number of jobs which would be created, sustained, or lost by enactment of the legislation reported by the committee, including regional and State-level estimates.

A companion to the Job Score Act has been introduced into the Senate with bipartisan support, Republicans and Democrats. A commonsense approach, there's no voodoo economics in this amendment. There's no controversial provisions requiring budget estimates that assume the extension of the Bush-era tax cuts for the wealthiest Americans. My amendment would not require the inclusion of subjective and uncertain macroeconomic feedback in revenue estimates. This amendment goes beyond reviewing only major legislation and requires a jobs impact assessment for every bill that requires a formal CBO score.

My amendment is simple, straightforward, and should be a proposal that any Member who's serious about focusing on jobs can support.

Given these challenging economic times and their profound impact on the lives of men, women, and families throughout America, we need to ensure that the policies deliberated in Congress include an evaluation of the impact on job creation. This amendment puts politics, partisanship, and controversial economic policy aside.

Americans deserve to know whether the actions taken in Washington are likely to result in job creation or job loss. My legislation will help provide Congress with this vitally important assessment. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. The gentleman from Rhode Island says that this is a simple proposition, and in that, he's correct. It's simply terrible.

What he does with this amendment is to take away the entire underlying bill, and then he has the audacity to say that the bill, itself, does not provide any constructive information for Members.

So I guess what the Member is saying is that an estimate of changes to economic output for legislation that we bring forward that is significant and has a huge effect on the gross domestic product, I guess that's not consequential. I guess that's not in order to be considered. I guess that means that the gentleman doesn't think that that affects unemployment.

Oh, yes, Mr. Chairman, employment, on page 4, line 24 of the legislation. I guess the gentleman thinks that that's not important, that the dynamic consequences of legislation that's brought forward here that has significant effect on GDP ought not be considered.

#### □ 1610

I guess the gentleman believes it is tax revenue, not tax cuts, as I have stated from this position all afternoon. Our friends on the other side seem to believe—in fact, the gentleman said—the bill would "assume the inclusion of tax cuts."

Mr. Chairman, there is nothing in this bill that assumes any inclusion of tax cuts or of tax reductions or tax increases. All that this says is, with legislation that has a significant effect on our gross domestic product of .25 percent, which is about \$40 billion, as has been talked about, that the CBO, the Congressional Budget Office—our arm of the Congress that is providing us with information and is able to give us the most information so that we can make the wisest decisions—ought to look at these things in a dynamic way and look at economic output, look at employment, look at tax revenues. Is it going to be positive or negative? Is it going to affect the economy positively or negatively? Would that we would have done that over the past number of years, Mr. Chairman, maybe we would have made some better decisions.

So it is important for Members to appreciate that this amendment strikes the entire bill and inserts in its place something that I believe to be, for the bill, redundant but incredibly and remarkably burdensome to the Congressional Budget Office. The macroeconomic analysis required by the base bill already requires an analysis of the effect of major legislation on employment and on labor supply.

The entire point of the bill is that Congress ought to consider and have better information on the economic impact of major legislation that's being considered. The extension of this jobs analysis to every bill reported out of a House committee will generate an incredible amount of work and burden.

For example, Mr. Chairman, we oftentimes get criticized for naming post offices. We're going to assign somebody at the Congressional Budget Office to determine the jobs impact of renaming a post office. That's right. You talk about a redundant and worthless activity of the Federal Government. This would be decreasing the efficiency of an already remarkably inefficient process at a time when we're appropriately decreasing spending at the Federal level, which—yes, Mr. Chairman—also includes the Congressional Budget Office. They're above where they were in the midportion of the last decade, but we're beginning to get that spending under control. This bill would indiscriminately add to the workload, and it would provide, really, no new information to Members of Congress.

My friend from Rhode Island is correct. This is a simple amendment. It is simply a terrible amendment, and it would completely end the underlying piece of legislation.

So I urge the defeat of this amendment, and I reserve the balance of my

Mr. CICILLINE. How much time remains, Mr. Chairman?

The Acting CHAIR. The gentleman from Rhode Island has  $1\frac{1}{2}$  minutes remaining.

Mr. CICILLINE. The amendment that I've offered does substitute the existing bill, and that's because, in fact, it is a terrible bill. And that's why I proposed this amendment—to substitute it—to avoid what the bill that is on the floor does.

It avoids the partisanship, the controversial economic policy for which there is so much disagreement and which we've heard about for the last hour. There is no hidden agenda as to high tax cuts while trying to use as a baseline the Bush tax cuts. It puts aside all of the disagreements about which we've just heard for 1 hour, and it uses common sense.

I certainly suggest to my friend, the gentleman from Georgia, that, in fact, the single most important analysis we should be doing on every single bill that the CBO does an analysis of is jobs. Will this bill create jobs if we pass it? Will it cause the loss of jobs? That is the most urgent responsibility we have in Congress right now. This bill simply says that the analysis that should be done on every bill that the CBO does is to ask: Will it create jobs? Will it cause the loss of jobs? We would do that statewide and regionally.

Why is that information valuable? Because we should be singularly focused on job creation. We should avoid the kind of partisanship in disputes about trickle-down economics, voodoo economics; about the tax policy and about using the Bush tax cuts as the baseline. We need a commonsense approach that simply says that Members of Congress should have the information and should know does this create jobs or does it not before making a decision.

I yield back the balance of my time. Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman has 45 seconds remaining.

Mr. PRICE of Georgia. Mr. Chairman, the gentleman uses the appropriate buzzwords: trickle-down, voodoo, partisanship, and all that. The fact of the matter is that none of that is in this bill. What is in this bill is an objective, commonsense, common ground attempt to provide greater information to Members of Congress, and his amendment strikes the entire underlying piece of legislation.

Again, at page 4, line 24, it calls on the CBO to address the issues of dynamism as it relates to macroeconomic factors when bills are coming to the floor—unemployment, unemployment, Mr. Chairman.

I urge my colleagues to defeat this amendment and to adopt the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CICILLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in Part B of House Report 112–383 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. Peters of Michigan.

Amendment No. 2 by Mr. CONNOLLY of Virginia.

Amendment No. 4 by Ms. FUDGE of Ohio.

Amendment No. 5 by Ms. Jackson Lee of Texas.

Amendment No. 8 by Mr. CICILLINE of Rhode Island.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 244, not voting 14, as follows:

### [Roll No. 24] AYES—174

ckerman	Bishop (NY)	Carney
ltmire	Blumenauer	Castor (FL)
ndrews	Boswell	Chandler
Baca	Brady (PA)	Chu
Baldwin	Braley (IA)	Cicilline
Bass (CA)	Brown (FL)	Clarke (MI)
Becerra	Butterfield	Clarke (NY
Berkley	Capps	Clay
Berman	Capuano	Cleaver
Bishop (GA)	Carnahan	Clyburn

Pence

Petri

Pitts

Platts

Poe (TX)

Pompeo

Posey Price (GA)

Peterson

Scott, Austin

Sessions

Shimkus

Shuster

Simpson

Stearns

Stivers

Stutzman

Sullivan

Thompson (PA)

Thornberry

Turner (NY)

Turner (OH)

Terry

Tiberi

Tipton

Upton

Walberg

Walden

Webster

Whitfield

Wittman

Womack

Woodall

Yoder

Wolf

Wilson (SC)

West

Walsh (IL)

Westmoreland

Smith (NE)

Smith (NJ)

Smith (TX)

Southerland

Sensenbrenner

Cohen Connolly (VA) Convers Cooper Costa Costello Courtney Critz Crowley Cummings Davis (CA) Davis (IL) DeFazio DeGette DeLauro Deutch Dicks Dingell Doggett Donnelly (IN) Doyle Edwards Ellison Engel Eshoo Farr Fattah Frank (MA) Fudge Garamendi Gonzalez Green, Al Green, Gene Grijalya. Gutierrez Hahn Hanabusa Hastings (FL) Heinrich Higgins Himes Hinoiosa Hirono Hochul Holden Holt Honda

Hover

Inslee

Pingree (ME) Israel Jackson (IL) Polis Price (NC) Jackson Lee Quigley (TX) Johnson (GA) Rahall Johnson, E. B. Rangel Keating Reyes Kildee Richardson Kind Richmond Kissell Rush Ryan (OH) Kucinich Langevin Sánchez, Linda Larsen (WA) T. Larson (CT) Sanchez, Loretta Lee (CA) Sarbanes Schakowsky Levin Lewis (GA) Schiff Lipinski Schrader Loebsack Schwartz Lofgren, Zoe Scott (VA) Scott, David Lowey

Serrano

Sherman

Slaughter

Smith (WA)

Thompson (CA)

Thompson (MS)

Sewell

Shuler

Speier

Stark

Sutton

Tierney

Tonko

Towns

Tsongas

Van Hollen

Velázquez

Visclosky

Walz (MN)

Wasserman

Schultz

Waters

Waxman

Watt

Welch

Luián Lynch Maloney Markey Matsui McCarthy (NY) McCollum McDermott McGovern McNerney Meeks Michaud Miller (NC) Miller, George Moore Moran Murphy (CT) Nadler Napolitano Neal Olver Owens Pallone Pastor (AZ) Pavne Pelosi

# NOES-244

Perlmutter

Peters

Adams Cole Conaway Aderholt Cravaack Akin Alexander Crawford Amash Crenshaw Cuellar Amodei Austria Culberson Bachmann Davis (KY) Bachus Denham Barletta Des Jarlais Barrow Bartlett Diaz-Balart Barton (TX) Dold Bass (NH) Dreier Benishek Duffy Biggert Duncan (SC) Bilbrav Duncan (TN) Bilirakis Ellmers Emerson Bishop (UT) Farenthold Black Blackburn Fincher Fitzpatrick Bonner Bono Mack Flake Fleischmann Boren Fleming Boustany Brady (TX) Flores Brooks Forbes Broun (GA) Fortenberry Foxx Buchanan Bucshon Franks (AZ) Buerkle Frelinghuysen Gallegly Burgess Burton (IN) Gardner Calvert Garrett Camp Gerlach Campbell Gibbs Canseco Gibson Cantor Gingrey (GA) Gohmert Capito Goodlatte Carter Chabot Gosar

Gowdy

Granger

Graves (GA)

Chaffetz

Coffman (CO)

Coble

Wilson (FL) Woolsey Yarmuth Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Guthrie Hall Hanna. Harper Harris Hartzler Hastings (WA) Hayworth Heck Hensarling Herger Herrera Beutler Huelskamp Huizenga (MI) Hultgren Hunter Hurt Issa Jenkins Johnson (IL) Johnson (OH) Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston Kinzinger (IL) Kline Labrador Lamborn Lance Landry Lankford Latham LaTourette Latta Lewis (CA)

LoBiondo Long Lucas Luetkemeyer Lummis Lungren, Daniel E. Manzullo Marchant Marino Matheson McCaul McClintock McCotter McHenry McIntyre McKeon McKinley McMorris Rodgers Meehan Mica. Miller (FL)

Rere

Cardoza

Cassidy

Filner

Carson (IN)

Quayle Reed McCarthy (CA) Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Miller (MI) Rooney Ros-Lehtinen Miller, Gary Mulvaney Roskam Murphy (PA) Ross (AR) Ross (FL) Myrick Neugebauer Royce Noem Runyan Ryan (WI) Nugent Nunes Scalise Nunnelee Schilling Olson Schmidt Palazzo Schock Paulsen Schweikert Pearce

Young (AK) Young (FL) Young (IN) Scott (SC) NOT VOTING-14 Hinchev Rothman (N.I) Kaptur Rovbal-Allard Ruppersberger Pascrel1 Paul

#### $\Box$ 1645

Messrs. GUINTA, GARY G. MILLER of California, CRAVAACK, SHUSTER and McINTYRE changed their vote from "aye" to "no."

CLEAVER Messrs. and COSTA changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall No. 24, I was away from the Capitol due to prior commitments to my constituents. Had I been present. I would have voted "ave."

Stated against:

Mr. CASSIDY. Mr. Chair, on rollcall No. 24, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. Con-NOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 237, not voting 18, as follows:

# [Roll No. 25]

#### AYES-177

Ackerman Gibson Napolitano Altmire Gonzalez Neal Andrews Green, Al Olver Baca Green, Gene Owens Baldwin Grijalva Pallone Pastor (AZ) Barrow Hahn Bass (CA) Hanabusa Payne Hastings (FL) Pelosi Berkley Heinrich Perlmutter Berman Higgins Peters Bishop (GA) Pingree (ME) Bishop (NY) Hinoiosa. Polis Price (NC) Blumenauer Hirono Boswell Hochul Quigley Brady (PA) Holden Rahall Braley (IA) Holt Rangel Brown (FL) Honda Reyes Richardson Butterfield Hover Capps Inslee Richmond Carney Israel Ross (AR) Castor (FL) Jackson (IL) Ruppersberger Chandler Jackson Lee Rush Chu Cicilline (TX) Johnson (GA) Ryan (OH) Sánchez, Linda Johnson (IL) Clarke (MI) T. Clarke (NY) Johnson, E. B. Sanchez, Loretta Clav Sarbanes Jones Cleaver Keating Schakowsky Clyburn Kildee Schiff Schrader Cohen Kind Connolly (VA) Kissell Schwartz Convers Kucinich Scott (VA) Scott, David Costa Langevin Costello Larsen (WA) Serrano Courtney Larson (CT) Sewell. Sherman Lee (CA) Critz Crowley Levin Slaughter Lewis (GA) Cuellar Smith (WA) Cummings Lipinski Speier Davis (CA) Loebsack Stark Davis (IL) Lofgren, Zoe Sutton Lowey Thompson (CA) DeGette Luján Thompson (MS) Tiernev DeLauro Lvnch Deutch Maloney Tonko Dicks Markey Towns Dingell Matsui Tsongas McCarthy (NY) Van Hollen Doggett Donnelly (IN) McCollum Velázquez McDermott Visclosky Dovle Edwards McGovern Walz (MN) Ellison McNerney Wasserman Engel Meeks Schultz Eshoo Michaud Waters Farr Miller (NC) Watt Fattah Miller, George Waxman Fitzpatrick Welch Moore Wilson (FL) Frank (MA) Moran Murphy (CT) Fudge Woolsev Garamendi Nadler Yarmuth

### NOES-237

Adams Broun (GA) Aderholt Buchanan Akin Bucshon Alexander Buerkle Amash Burgess Amodei Burton (IN) Austria Calvert Bachmann Camp Bachus Campbell Barletta Cantor Bartlett Capito Barton (TX) Carter Bass (NH) Cassidy Benishek Chabot Biggert Chaffetz Bilbray Coble Bilirakis Coffman (CO) Bishop (UT) Cole Conaway Black Blackburn Cooper Bonner Cravaack Bono Mack Crawford Crenshaw Boren Boustany Culberson Garrett Brady (TX) Davis (KY) Gerlach Denham

Dent DesJarlais Diaz-Balart Dold Dreier Duffy Duncan (SC) Duncan (TN) Ellmers Emerson Farenthold Fincher Flake Fleischmann Fleming Flores Forbes Fortenberry Foxx Franks (AZ) Frelinghuysen Gallegly Gardner

•		
Gingrey (GA)	Lungren, Daniel	Rogers (MI)
Gohmert	E.	Rohrabacher
Goodlatte	Manzullo	Rokita
Gosar	Marchant	Rooney
Gowdy	Marino	Ros-Lehtinen
Granger	Matheson	Roskam
Graves (GA)	McCarthy (CA)	Ross (FL)
Graves (MO)	McCaul	Royce
Griffin (AR)	McClintock	Runyan
Griffith (VA)	McCotter	Ryan (WI)
Grimm	McHenry	Scalise
Guinta	McIntyre	Schilling
Guthrie	McKeon	Schmidt
Hall	McKinley	Schweikert
Hanna	McMorris	Scott (SC)
Harper	Rodgers	Scott, Austin
Harris	Meehan	Sensenbrenner
Hartzler	Mica	Sessions
Hastings (WA)	Miller (FL)	Shimkus
Hayworth	Miller (MI)	Shuler
Heck	Miller, Gary	Shuster
Hensarling	Mulvaney	Simpson
Herger	Murphy (PA)	Smith (NE)
Herrera Beutler	Myrick	Smith (NJ)
Huelskamp	Neugebauer	Smith (TX)
Huizenga (MI)	Noem	Southerland
Hultgren	Nugent	Stearns
Hunter	Nunes	Stivers
Hurt	Nunnelee	Stutzman
Issa	Olson	Sullivan
Jenkins	Palazzo	Terry
Johnson (OH)	Paulsen Pearce	Thompson (PA
Johnson, Sam		Thornberry Tiberi
Jordan	Pence Peterson	Tipton
Kelly	Petri	Turner (NY)
King (IA)	Pitts	
King (NY)	Platts	Turner (OH) Upton
Kingston	Poe (TX)	Walberg
Kinzinger (IL)	Pompeo	Walden
Kline	Posey	Walsh (IL)
Labrador	Price (GA)	Webster
Lamborn	Quayle	West
Lance	Reed	Westmoreland
Landry	Rehberg	Whitfield
Lankford	Reichert	Wilson (SC)
Latham	Renacci	Wittman
Latta	Ribble	Wolf
Lewis (CA)	Rigell	Womack
LoBiondo	Rivera	Woodall
Long	Roby	Yoder
Lucas	Roe (TN)	Young (AK)
Luetkemeyer	Rogers (AL)	Young (FL)
	1008010 (1111)	1 3 ang (1 11)

#### NOT VOTING-18

Rogers (KY)

Berg	Filner	Pascrell
Canseco	Gutierrez	Paul
Capuano	Hinchey	Rothman (NJ)
Cardoza	Kaptur	Roybal-Allard
Carnahan	LaTourette	Schock
Carson (IN)	Mack	Sires

#### $\sqcap 1649$

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Lummis

Mr. FILNER. Mr. Chair, on rollcall 25, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MS. FUDGE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. FUDGE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate amendment.

The Clerk redesignated the amendment.

# RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 243, not voting 18, as follows:

# [Roll No. 26]

Gibson

Young (IN)

	[Roll No. 26]	
	AYES—171	
Ackerman	Gonzalez	Neal
Altmire	Green, Al	Olver
Andrews	Green, Gene	Pallone
Baca	Grijalva	Pastor (AZ)
Baldwin	Gutierrez	Payne
Barrow	Hahn	Pelosi
Bass (CA)	Hanabusa	Perlmutter
Becerra	Hastings (FL)	Peters
Berkley	Heinrich	Pingree (ME)
Berman	Higgins	Polis
Bishop (GA)	Himes	Price (NC)
Bishop (NY)	Hinojosa	Quigley
Blumenauer	Hirono	Rahall
Boswell	Hochul	Rangel
Brady (PA)	Holden	Reyes
Braley (IA)	Holt	Richardson
Brown (FL)	Honda	Richmond
Butterfield	Hoyer	Ross (AR)
Capps	Inslee	Ruppersberger
Capuano	Israel	Rush
Carnahan	Jackson (IL)	Ryan (OH)
Carney	Jackson Lee	Sánchez, Linda
Castor (FL)	(TX)	T.
Chandler	Johnson (GA)	Sanchez, Loretta
Chu	Johnson, E. B.	Sarbanes
Cicilline	Keating	Schakowsky
Clarke (MI)	Kildee	Schiff
Clarke (NY)	Kind	Schilling
Clay	Kissell	Schrader
Cleaver	Kucinich	Schwartz
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly (VA)	Larson (CT)	Serrano
Conyers	Lee (CA)	Sewell
Costello	Levin	Slaughter
Courtney	Lewis (GA)	Smith (WA)
Critz	Lipinski	Speier
Crowley	Loebsack	Stark
Cuellar	Lofgren, Zoe	Sutton
Cummings	Lowey	Thompson (CA)
Davis (CA)	Luján	Thompson (MS)
Davis (IL)	Lynch	Tierney
DeFazio	Maloney	Tonko
DeGette	Markey	Towns
DeLauro	Matsui	Tsongas
Deutch	McCarthy (NY)	Van Hollen
Dingell	McCollum	Velázquez
Doggett	McDermott	Visclosky
Doyle	McGovern	Walz (MN)
Edwards	McNerney	Wasserman
Ellison	Meeks	Schultz
Engel	Michaud	Waters
Eshoo	Miller, George	Watt
Farr	Moore	Waxman
Fattah	Moran	Welch
Frank (MA)	Murphy (CT)	Wilson (FL)
Fudge	Nadler	Woolsey

## Napolitano NOES-243

Yarmuth

	110120-240	
Adams	Broun (GA)	Denham
Aderholt	Buchanan	Dent
Akin	Bucshon	DesJarlais
Alexander	Buerkle	Diaz-Balart
Amash	Burgess	Dold
Amodei	Burton (IN)	Donnelly (IN)
Austria	Calvert	Dreier
Bachmann	Camp	Duffy
Bachus	Campbell	Duncan (SC)
Barletta	Cantor	Duncan (TN)
Bartlett	Capito	Ellmers
Barton (TX)	Carter	Emerson
Bass (NH)	Cassidy	Farenthold
Benishek	Chabot	Fincher
Biggert	Chaffetz	Fitzpatrick
Bilbray	Coble	Flake
Bilirakis	Coffman (CO)	Fleischmann
Bishop (UT)	Cole	Fleming
Black	Conaway	Flores
Blackburn	Cooper	Forbes
Bonner	Costa	Fortenberry
Bono Mack	Cravaack	Foxx
Boren	Crawford	Franks (AZ)
Boustany	Crenshaw	Frelinghuysen
Brady (TX)	Culberson	Gallegly
Brooks	Davis (KY)	Gardner

Rogers (AL) Lucas Luetkemeyer Rogers (KY) Gibbs Lummis Rogers (MI) Gingrey (GA) Lungren, Daniel Rohrabacher Gohmert E. Manzullo Rokita Goodlatte Rooney Gosar Marchant Ros-Lehtinen Gowdy Marino Roskam Matheson Granger Ross (FL) Graves (GA) McCarthy (CA) Royce Graves (MO) McCaul Runyan Griffin (AR) McClintock Ryan (WI) McCotter Griffith (VA) Scalise Grimm McHenry Schmidt Guinta McIntvre Schock Guthrie McKeon Schweikert Hall McKinley Scott (SC) Hanna McMorris Scott, Austin Rodgers Harper Sensenbrenner Harris Meehan Sessions Hartzler Mica Shimkus Hastings (WA) Miller (FL) Shuler Hayworth Miller (MI) Shuster Heck Miller, Gary Simpson Mulvaney Murphy (PA) Hensarling Smith (NE) Herger Smith (NJ) Herrera Beutler Myrick Smith (TX) Huelskamp Huizenga (MI) Neugebauer Southerland Noem Stearns Hultgren Nugent Stivers Hunter Nunes Stutzman Nunnelee Hurt Terry Issa Olson Thompson (PA) Jenkins Johnson (IL) Owens Thornberry Palazzo Tiberi Johnson (OH) Paulsen Tipton Johnson, Sam Pearce Turner (NY) Jones Pence Turner (OH) Jordan Peterson Upton Kelly King (IA) Petri Walberg Pitts Walden King (NY) Platts Walsh (IL) Kingston Kinzinger (IL) Poe (TX) Pompeo Webster West Kline Posey Price (GA) Westmoreland Labrador Lamborn Whitfield Quayle Wilson (SC) Lance Reed Wittman Rehberg Landry Lankford Wolf Reichert Latham Renacci Womack LaTourette Ribble Woodall Latta Rigell Yoder Lewis (CA) Rivera Young (AK) LoBiondo Young (FL) Roby Roe (TN) Long Young (IN)

# NOT VOTING-18

Berg	Garamendi	Paul
Canseco	Hinchey	Rothman (NJ)
Cardoza	Kaptur	Roybal-Allard
Carson (IN)	Mack	Sherman
Dicks	Miller (NC)	Sires
Filner	Pascrell	Sullivan

#### $\Box$ 1652

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for: Mr. FILNER. Mr. Chair, on rollcall 26, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have "ave."

Mr. SHERMÁN. Mr. Chair, on rollcall No. 26, had I been present, I would have voted "aye."

#### AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. Jackson LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate amendment.

The Clerk redesignated the amendment.

Rigell

Lamborn

Ellmers

Emerson

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 243, not voting 16, as follows:

# [Roll No. 27]

#### AYES-173

Garamendi Ackerman Nea1 Gonzalez Olver Altmire Andrews Green, Al Owens Ba.ca. Green Gene Pallone Baldwin Grijalva Pastor (AZ) Barletta Gutierrez Payne Barrow Hahn Pelosi Hanabusa Bartlett Perlmutter Bass (CA) Harris Peters Hastings (FL) Becerra Pingree (ME) Berkley Heinrich Polis Berman Higgins Price (NC) Bishop (GA) Himes Quiglev Hinojosa Bishop (NY) Rahall Blumenauer Hirono Rangel Boswell Hochul Reves Brady (PA) Holden Richardson Braley (IA) Holt Richmond Brown (FL) Honda Ross (AR) Butterfield Hoyer Ruppersberger Capps Inslee Rush Capuano Israel Rvan (OH) Jackson (IL) Carnahan Sánchez, Linda Castor (FL) Jackson Lee Chandler (TX) Sanchez, Loretta Chu Cicilline Johnson (GA) Sarbanes Johnson, E. B. Schakowsky Clarke (MI) Jones Schiff Clarke (NY) Keating Schilling Clay Kildee Kissell Schwartz Cleaver Scott (VA) Clyburn Kucinich Scott, David Cohen Langevin Serrano Connolly (VA) Larsen (WA) Sewell Larson (CT) Conyers Sherman Costello Lee (CA) Slaughter Courtney Levin Lewis (GA) Smith (WA) Critz Speier Crowley Loebsack Stark Cuellar Lofgren, Zoe Lowey Luján Sutton Cummings Thompson (CA) Davis (CA) Thompson (MS) Davis (IL) Lynch Tierney DeFazio Maloney Tonko DeGette Markey DeLauro Matsui Towns Tsongas McCarthy (NY) Deutch Van Hollen Dicks McCollum Dingell McDermott Velázquez Visclosky Doggett McGovern Walz (MN) Doyle McNerney Edwards Meeks Wasserman Schultz Michaud Ellison Engel Watt Miller (NC) Eshoo Miller, George Waxman Welch Farr Moore Fattah Moran Wilson (FL) Murphy (CT) Frank (MA) Woolsev

#### NOES-243

Nadler

Fudge

Yarmuth

Coffman (CO) Adams Boren Aderholt Boustany Cole Conaway Akin Brady (TX) Alexander Brooks Cooper Buchanan Amash Costa Cravaack Amodei Bucshon Austria Buerkle Crawford Bachmann Burgess Crenshaw Bachus Barton (TX) Burton (IN) Culberson Calvert Davis (KY) Bass (NH) Camp Denham Benishek Campbell Dent DesJarlais Biggert Cantor Bilbray Capito Diaz-Balart Bilirakis Carney Dold Bishop (UT) Donnelly (IN) Carter Black Cassidy Dreier Blackburn Chabot Duffy Duncan (SC) Bonner Chaffetz Bono Mack Duncan (TN)

Lance Landry Farenthold Roby Roe (TN) Fincher Lankford Fitzpatrick Latham Rogers (AL) LaTourette Flake Rogers (KY) Fleischmann Latta Rogers (MI) Lewis (CA) Fleming Rohrabacher Flores Lipinski Rokita Forbes LoBiondo Rooney Fortenberry Long Ros-Lehtinen Foxx Lucas Roskam Franks (AZ) Luetkemeyer Ross (FL) Frelinghuysen Lummis Royce Lungren, Daniel Gallegly Runyan Gardner Ryan (WI) Manzullo Garrett Scalise Gerlach Marchant Schmidt Marino Gibbs Schock Gibson Matheson Schrader Gingrey (GA) McCarthy (CA) Schweikert Gohmert McCaul Scott (SC) McClintock Goodlatte Scott, Austin Gosar McCotter Sensenbrenner Gowdy McHenry Sessions Granger McIntyre Shimkus Graves (GA) McKeon Shuler Graves (MO) McKinley Shuster McMorris Griffin (AR) Simpson Rodgers Griffith (VA) Smith (NE) Grimm Meehan Smith (NJ) Guinta Mica Smith (TX) Guthrie Miller (FL) Southerland Miller (MI) Miller, Gary Hall Stearns Hanna Stivers Harper Mulvanev Stutzman Hartzler Murphy (PA) Hastings (WA) Sullivan Myrick Terry Hayworth Neugebauer Thompson (PA) Heck Noem Thornberry Hensarling Nugent Tiberi Herger Nunes Tipton Herrera Beutler Nunnelee Turner (NY) Huelskamp Olson Turner (OH) Huizenga (MI) Palazzo Upton Hultgren Paulsen Hunter Walberg Pearce Walden Hurt Pence Walsh (IL) Issa. Peterson Jenkins Webster Petri West Johnson (IL) Pitts Westmoreland Johnson (OH) Platts Poe (TX) Whitfield Johnson, Sam Wilson (SC) Jordan Pompeo Wittman Kellv Posev Price (GA) Wolf Kind King (IA) Quavle Womack Woodall King (NY) Reed Kingston Rehberg Yoder Kinzinger (IL) Reichert Young (AK) Young (FL) Kline Renacci Labrador Ribble Young (IN)

#### NOT VOTING-

Hinchey Rothman (NJ) Berg Broun (GA) Kaptur Roybal-Allard Mack Canseco Sires Cardoza Napolitano Waters Carson (IN) Pascrel1 Paul Filner

# □ 1656

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 27, I was away from the Capitol due to prior commitments to my constituents. Had I been present,

I would have voted "aye."
Mr. BERG. Mr. Chair, on rollcall Nos. 24, 25, 26, and 27, had I been present, I would have voted "no."

AMENDMENT NO. 8 OFFERED BY MR. CICILLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. which further CICILLINE) on proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 245, not voting 13, as follows:

# [Roll No. 28]

AYES-174 Gonzalez Ackerman Napolitano Altmire Green, Al Neal Andrews Green Gene Olver Grijalva Baca Owens Baldwin Gutierrez Pallone Bass (CA) Hahn Pastor (AZ) Hanabusa Pelosi Becerra Berkley Hastings (FL) Perlmutter Berman Heinrich Peters Bishop (GA) Higgins Pingree (ME) Bishop (NY) Himes Polis Price (NC) Blumenauer Hinojosa Boswell Hirono Quigley Brady (PA) Hochul Rahall Bralev (IA) Holden Rangel Brown (FL) Holt Reyes Butterfield Honda Richardson Capps Hover Richmond Capuano Inslee Ross (AR) Carnahan Israel Ruppersberger Jackson (IL) Carney Rush Castor (FL) Jackson Lee Ryan (OH) Chandler (TX) Sánchez, Linda Chu Johnson (GA) т Cicilline Johnson, E. B. Sanchez, Loretta Clarke (MI) Keating Sarbanes Clarke (NY) Kildee Schakowsky Clay Kind Schiff Cleaver Kissell Schrader Clyburn Kucinich Schwartz Cohen Langevin Scott (VA) Connolly (VA) Larsen (WA) Scott David Larson (CT) Conyers Serrano Costello Lee (CA) Sewell Courtney Levin Sherman Lewis (GA) Critz Slaughter Crowley Lipinski Smith (WA) Cuellar Loebsack Speier Lofgren, Zoe Stark Cummings Lowey Davis (CA) Sutton Thompson (CA) Davis (IL) Luián DeFazio Lynch Thompson (MS) Tierney DeGette Maloney DeLauro Markey Tonko Deutch Matsui Towns McCarthy (NY) Dicks Tsongas Van Hollen Dingell McCollum McDermott Velázquez Doggett Donnelly (IN) McGovern Visclosky Walz (MN) McIntvre Dovle Edwards McNernev Wasserman Ellison Meeks Schultz Michaud Waters Engel Eshoo Miller (NC) Watt Farr Miller, George Waxman Fattah Moore Welch Wilson (FL) Frank (MA) Moran Murphy (CT) Fudge Woolsey Yarmuth Garamendi Nadler

#### NOES-245

Benishek Adams Broun (GA) Aderholt Berg Buchanan Biggert Akin Bucshon Alexander Bilbray Buerkle Bilirakis Amash Burgess Bishop (UT) Burton (IN) Amodei Austria Black Calvert Blackburn Bachmann Camp Bonner Bono Mack Bachus Campbell Barletta Canseco Barrow Boren Cantor Bartlett Boustany Capito Barton (TX) Brady (TX) Carter Bass (NH) Cassidy

Chabot Hunter Price (GA) Chaffetz Hurt Quayle Coble Issa Reed Coffman (CO) Jenkins Rehberg Cole Johnson (IL) Reichert Conaway Johnson (OH) Renacci Cooper Johnson, Sam Ribble Costa Jones Jordan Rigell Cravaack Rivera Kelly King (IA) Crawford Robv Crenshaw Roe (TN) King (NY) Culberson Rogers (AL) Davis (KY) Kingston Rogers (KY) Kinzinger (IL) Denham Rogers (MI) Kline Dent Rohrabacher DesJarlais Labrador Rokita Diaz-Balart Lamborn Rooney Dold Lance Roskam Dreier Landry Ross (FL) Duffv Lankford Rovce Duncan (SC) Latham Runyan Duncan (TN) LaTourette Rvan (WI) Ellmers Latta. Lewis (CA) Scalise Emerson Schilling Farenthold LoBiondo Schmidt Fincher Long Fitzpatrick Schock Lucas Schweikert Flake Fleischmann Luetkemeyer Scott (SC) Lummis Lungren, Daniel Scott, Austin Fleming Flores E. Manzullo Sensenbrenner Forbes Sessions Fortenberry Marchant Shimkus Foxx Marino Shuler Franks (AZ) Matheson Shuster Frelinghuysen McCarthy (CA) Simpson Gallegly McCaul Smith (NE) McClintock Gardner Smith (N.I) McCotter Garrett Smith (TX) Gerlach McHenry Southerland Gibbs McKeon Stearns Gibson McKinley Stivers Gingrey (GA) McMorris Stutzman Gohmert Rodgers Sullivan Goodlatte Meehan Terry Gosar Mica. Thompson (PA) Miller (FL) Gowdy Thornberry Granger Miller (MI) Tiberi Graves (GA) Miller, Gary Tipton Graves (MO) Mulvaney Turner (NY) Griffin (AR) Murphy (PA) Turner (OH) Griffith (VA) Myrick Upton Neugebauer Grimm Walberg Guinta. Noem Walden Nugent Guthrie Walsh (IL) Nunes Webster Hanna. Nunnelee West Harper Olson Westmoreland Palazzo Whitfield Hartzler Paulsen Wilson (SC) Hastings (WA) Pearce Hayworth Pence Wittman Wolf Heck Peterson Womack Hensarling Petri Woodall Herger Pitts Herrera Beutler Yoder Platts Huelskamp Poe (TX) Young (AK) Huizenga (MI) Pompeo Young (FL) Hultgren Posev Young (IN)

#### NOT VOTING-13

Cardoza Mack Rothman (NJ)
Carson (IN) Pascrell Roybal-Allard
Filner Paul Sires
Hinchey Payne
Kaptur Ros-Lehtinen

## □ 1701

So the amendment was rejected.
The result of the vote was announced

Stated for:

as above recorded.

Mr. FILNER. Mr. Chair, on rollcall No. 28, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. FLEISCHMANN). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Bass of New Hampshire) having assumed the chair, Mr. Fleischmann, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, and, pursuant to House Resolution 534, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the

gentleman opposed to the bill?

Mr. BOSWELL, Lam opposed to the

Mr BOSWELL. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boswell moves to recommit the bill H.R. 3582 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

After section 407(b) of the Congressional Budget Act of 1974 as added by section 2, insert the following new subsection (c) (and redesignate succeeding subsections accordingly):

'(c) Impacts on Medicare Benefits, Bene-FICIARIES, THE SOCIAL SECURITY AND MEDI-CARE TRUST FUNDS.—The Director of the Congressional Budget Office shall prepare for each major bill or resolution reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), as a supplement to estimates prepared under section 402, an impact analysis of the budgetary effects of such bill or resolution on Medicare benefits, beneficiaries, the Social Security and Medicare Trust Funds for the ten fiscal year period beginning with the first fiscal year for which an estimate was prepared under section 402 and each of the next three ten fiscalyear periods. The Director shall submit to such committee the impact analysis, together with the basis for the analysis. As a supplement to estimates prepared under section 402, all such information so submitted shall be included in the report accompanying such bill or resolution.".

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. Mr. Speaker, let me be clear. The passage of this amendment will add protections for America's seniors to the bill. It will not, I repeat, it will not prevent the passage of the underlying bill. If it's adopted, the amendment will be incorporated in the bill, and the bill will be immediately voted upon.

My motion to recommit will protect Medicare and Social Security beneficiaries and repair, yes, repair the trust between seniors and this body.

The Republican leadership has, for more than a year, promised that slashand-burn legislation would revitalize this Nation and empower employers. Well, we're still waiting on millionaire job creators to show us the jobs.

To date, we have seen nothing from the Republican Party that would encourage job growth, stabilize the American family, or help seniors pay for their Medicare. Instead, the policies we have seen attempt to take from hardworking Americans the assistance they have been promised and that they have paid into their entire working careers, throughout their lives.

Last year we were promised legislation that would fuel job growth. We ended up with a budget that would pay for a tax break for the wealthy by dismantling Medicare. Instead of providing the benefits these workers had earned, the Republican budget attempted to charge seniors higher premium costs for fewer benefits.

Seniors were let down when this plan had enough Republican support to pass the Chamber. Like me, again, seniors will be disheartened once more when the Republican budget on the floor next month again attempts to end Medicare.

Seniors have a right to know when their benefits are being cut or when their Social Security trust funds are being drained. They should not have to fear each day what this Chamber's leadership is going to do to their bene-

American seniors have the right to know. That is why we are offering this amendment today, to ensure that Iowa's 450,000-plus seniors know when legislation could tamper with their hard-earned benefits. This amendment will side with our seniors by requiring an assessment of each bill to show how it will affect the programs our seniors rely on.

Voting for this amendment will prove to the American seniors that you are on their side and that you care about the programs that made this country great. The greatest success of Medicare and Social Security is that, in a time of need, these programs brought Americans over the age of 60 out of poverty and ensured their access to care. These programs honor America's work ethic

and the communities that we build together.

This amendment would provide peace of mind by ensuring that any attempt to change Social Security, Medicare, and the Medicare trust fund will be reported to Congress and the public. Should a bill harm the solvency of the trust fund, lessen the benefits owed to American workers, or command seniors to pay more in premium costs, our seniors will know.

Americans who are enrolled in Social Security and Medicare have paid into these programs throughout their entire careers, and they have helped to make this country what it is today. It is our responsibility—our responsibility—to work together and preserve the structure of Medicare.

We must provide America's seniors with a viable safety net and insurance plan for their future. So I will fight to—continue to fight for proposals that strengthen Medicare and the benefits that American retirees have worked for throughout their lives.

I hope, again, I hope you will join me, and I urge all of my colleagues to vote "yes" on this amendment.

I yield back the balance of my time. Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I have good news, good news for my friend from Iowa. This isn't necessary. It's already done. The Congressional Budget Office already prepares these macroanalyses any time we consider legislation affecting these programs.

More to the point, Mr. Speaker, if you want to get the kind of detailed analysis on how policy changes affect Medicare and Social Security beneficiaries, that is done by the trustees, by the actuaries at CMS and HHS and at Social Security, SSA, not by the CBO. But the other part of the good news is they do that as well.

So what is good for us is that we do not need to pass this. It's unnecessary. It's already done. CBO already produces this kind of analysis, and the trustees at Medicare and Social Security produce it at the very level that the gentleman from Iowa is hoping for.

I would be more than happy, whenever legislation comes up to the House dealing with these issues, to provide that analysis and show it to my friend from Iowa.

With that, Mr. Speaker, I think we've said enough. I don't want to consume all the 5 minutes. There's no point in passing this.

I yield back the balance of my time.

# □ 1710

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. BOSWELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 183, noes 237, not voting 12, as follows:

# [Roll No. 29]

Garamendi

Ackerman

### AYES—183

Nadler

ACKCIIIIAII	Garamenui	Nautei
Altmire	Gonzalez	Napolitano
Andrews	Green, Al	Neal
Baca	Green, Gene	Olver
Baldwin	Grijalva	Owens
Barrow	Gutierrez	Pallone
Bass (CA)	Hahn	Pastor (AZ)
Becerra	Hanabusa	Payne
Berkley	Hastings (FL)	Pelosi
Berman	Heinrich	Perlmutter
Bishop (GA)	Higgins	Peters
Bishop (NY)	Himes	Peterson
Blumenauer	Hinojosa	Pingree (ME)
Boren	Hirono	Polis
Boswell	Hochul	Price (NC)
Brady (PA)	Holden	Quigley
Braley (IA)	Holt	Rahall
Brown (FL)	Honda	Rangel
Butterfield	Inslee	Reyes
Capps	Israel	Richardson
Capuano	Jackson (IL)	Richmond
Carnahan	Jackson Lee	Ross (AR)
Carney	(TX)	Ruppersberger
Carney Castor (FL)	Johnson (GA)	Rush
Chandler	Johnson, E. B.	Ryan (OH)
Chu	Jones	Sánchez, Linda
Cicilline	Kaptur	T.
Clarke (MI)	Kaptur Keating	Sanchez, Loretta
Clarke (NY)	Kildee	Sarbanes
Clarke (N1)	Kind	Schakowsky
Cleaver	Kind	Schiff
Clyburn	Kucinich	Schrader
Cohen	Langevin	Schwartz
Connolly (VA)	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Scott, David
Cooper	Latham	Serrano
Costa	Latham Lee (CA)	Sherman
Costello	Levin	Shuler
Courtney	Levin Lewis (GA)	Slaughter
Critz	Lipinski	Smith (WA)
Crowley	Loebsack	Speier
Cuellar	Lofgren, Zoe	Stark
		Sutton
Cummings Dorrig (CA)	Lowey	
Davis (CA)	Luján	Thompson (CA)
Davis (IL) DeFazio	Lynch Maloney	Thompson (MS) Tierney
DeGette	Markey	Tonko
	Matheson	
DeLauro Doutob		Towns
Deutch	Matsui	Tsongas
Dicks	McCarthy (NY) McCollum	Van Hollen
Dingell Doggott		Velázquez
Doggett	McDermott	Visclosky
Donnelly (IN)	McGovern	Walz (MN)
Doyle Edwards	McIntyre	Wasserman
Edwards	McNerney	Schultz
Ellison	Meeks	Waters
Engel	Millon (NC)	Watt
Eshoo	Miller (NC)	Waxman
Farr	Miller, George	Welch
Fattah	Moore	Wilson (FL)
Frank (MA)	Moran	Woolsey
Fudge	Murphy (CT)	Yarmuth
	NOES-237	

#### NOES-237

Adams Aderholt

Akin

Amash Amodei

Austria

Bachmann

Alexander

Barletta	Bishop (UT)
Bartlett	Black
Barton (TX)	Blackburn
Bass (NH)	Bonner
Benishek	Bono Mack
Berg	Boustany
Biggert	Brady (TX)
Bilbray	Brooks
Bilirakis	Broun (GA)

Hastings (WA) Poe (TX) Hayworth Pompeo Posey Buerkle Heck Hensarling Price (GA) Burgess Herger Herrera Beutler Burton (IN) Quayle Calvert Reed Camp Huelskamp Rehberg Huizenga (MI) Campbell Reichert Canseco Hultgren Renacci Cantor Ribble Capito Hurt Rigell Carter Issa Rivera Jenkins Cassidy Roby Johnson (IL) Chabot Roe (TN) Johnson (OH) Chaffetz Rogers (AL) Coble Johnson, Sam Rogers (KY) Coffman (CO) Jordan Rogers (MI) Kellv Cole Rohrabacher Conaway King (IA) Rokita. Cravaack King (NY) Rooney Crawford Kingston Ros-Lehtinen Crenshaw Kinzinger (IL) Roskam Ross (FL) Culberson Kline Labrador Davis (KY) Rovce Denham Lamborn Runyan Dent Lance Rvan (WI) DesJarlais Landry Scalise Diaz-Balart Lankford Schilling LaTourette Dold Schmidt Dreier Latta Schock Lewis (CA) LoBiondo Duffy Schweikert Duncan (SC) Scott (SC) Duncan (TN) Long Scott, Austin Ellmers Lucas Sensenbrenner Luetkemeyer Emerson Sessions Farenthold Lummis Shimkus Fincher Lungren, Daniel Shuster Fitzpatrick Ε. Simpson Flake Manzullo Smith (NE) Fleischmann Marchant Smith (NJ) Fleming Marino Smith (TX) Flores McCarthy (CA) Southerland Forbes McCaul Stearns Fortenberry McClintock Stivers Foxx McCotter Stutzman Franks (AZ) McHenry Sullivan Frelinghuysen McKeon Terry Gallegly McKinley Thompson (PA) Gardner McMorris Thornberry Garrett Rodgers Tiberi Gerlach Meehan Tipton Gibbs Mica. Turner (NY) Miller (FL) Gibson Turner (OH) Gingrey (GA) Miller (MI) Upton Miller, Gary Gohmert Mulvaney Murphy (PA) Walberg Goodlatte Walden Gosar Walsh (IL) Gowdy Myrick Granger Neugebauer Webster West Graves (GA) Noem Westmoreland Graves (MO) Nugent Griffin (AR) Nunes Whitfield Wilson (SC) Griffith (VA) Nunnelee Wittman Grimm Olson Guinta Palazzo Wolf Womack Guthrie Paulsen Hall Pearce Woodall Hanna Pence Yoder

# NOT VOTING—12

Young (AK) Young (FL)

Young (IN)

Cardoza	Hoyer	Rothman (NJ)
Carson (IN)	Mack	Roybal-Allard
Filner	Pascrell	Sewell
Hinchey	Paul	Sires

Petri

Pitts

Platts

#### □ 1727

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Harper

Harris

Hartzler

Mr. FILNER. Mr. Speaker, on rollcall 29, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 179, not voting 11, as follows:

# [Roll No. 30]

#### AYES-242

	A1E0-242	
Adams	Gardner	Meehan
Aderholt	Garrett	Mica
Akin	Gerlach	Miller (FL)
Alexander	Gibbs	Miller (MI)
Amash	Gibson	Miller, Gary
Amodei	Gingrey (GA)	Mulvaney
Austria	Gohmert	Murphy (PA)
Bachmann	Goodlatte	Myrick
Bachus	Gosar	Neugebauer
Barletta	Gowdy	Noem
Barrow	Granger	Nugent
Bartlett	Graves (GA)	Nunes
Barton (TX)	Graves (MO)	Nunnelee
Bass (NH)	Griffin (AR)	Olson
Benishek	Griffith (VA)	Palazzo
Berg	Grimm	Paulsen
Biggert	Guinta	Pearce
Bilbray	Guthrie	Pence
Bilirakis	Hall	Petri
Bishop (UT)	Hanna	Pitts
Black	Harper	Platts
Blackburn	Harris	Poe (TX)
Bonner	Hartzler	Pompeo
Bono Mack	Hastings (WA)	Posey
Boren	Hayworth	Price (GA)
Boustany	Heck	Quayle
Brady (TX)	Hensarling	Reed
Brooks	Herger	Rehberg
Broun (GA)	Herrera Beutler	Reichert
Buchanan	Huelskamp	Renacci
Bucshon	Huizenga (MI)	Ribble
Buerkle	Hultgren	Rigell
Burgess	Hunter	Rivera
Burton (IN)	Hurt	Roby
Calvert	Issa	Roe (TN)
Camp	Jenkins	Rogers (AL)
Campbell	Johnson (IL)	Rogers (KY)
Canseco	Johnson (OH)	Rogers (MI)
Cantor	Johnson, Sam	Rohrabacher
Capito	Jones	Rokita
Carter	Jordan	Rooney
Cassidy	Kelly	Ros-Lehtinen
Chabot	King (IA)	Roskam
Chaffetz	King (NY)	Ross (FL)
Coble Coffman (CO)	Kingston	Royce
Cole Cole	Kinzinger (IL) Kline	Runyan
Conaway	Labrador	Ryan (WI) Scalise
Cravaack	Lamborn	Schilling
Crawford	Lance	Schmidt
Crenshaw	Landry	Schock
Culberson	Lankford	Schweikert
Davis (KY)	Latham	Scott (SC)
Denham	LaTourette	Scott, Austin
Dent	Latta	Sensenbrenner
DesJarlais	Lewis (CA)	Sessions
Diaz-Balart	LoBiondo	Shimkus
Dold	Long	Shuster
Dreier	Lucas	Simpson
Duffy	Luetkemeyer	Smith (NE)
Duncan (SC)	Lummis	Smith (NJ)
Duncan (TN)	Lungren, Daniel	Smith (TX)
Ellmers	E.	Southerland
Emerson	Manzullo	Stearns
Farenthold	Marchant	Stivers
Fincher	Marino	Stutzman
Fitzpatrick	Matheson	Sullivan
Flake	McCarthy (CA)	Terry
Fleischmann	McCaul	Thompson (PA)
Fleming	McClintock	Thornberry
Flores	McCotter	Tiberi
Forbes	McHenry	Tipton
Fortenberry	McIntyre	Turner (NY)
Foxx	McKeon McKiploy	Turner (OH)
Franks (AZ) Frelinghuysen	McKinley McMorris	Upton Walberg
Gallegly	Rodgers	Walden
Guilogiy	11045015	** 614011

Walsh (IL) Wilson (SC) Young (AK)
Webster Wittman Young (FL)
West Wolf Young (IN)
Westmoreland Womack
Whitfield Woodall

#### NOES-179

Ackerman Gonzalez Olver Altmire Green, Al Owens Andrews Green, Gene Pallone Grijalva Pastor (AZ) Baldwin Gutierrez Payne Bass (CA) Hahn Pelosi Becerra Hanabusa Perlmutter Hastings (FL) Berkley Peters Berman Heinrich Peterson Bishop (GA) Higgins Pingree (ME) Bishop (NY) Blumenauer Himes Polis Hinojosa Price (NC) Boswell Brady (PA) Hirono Quigley Hochul Rahall Braley (IA) Holden Rangel Brown (FL) HoltReyes Honda Butterfield Richardson Capps Hoyer Richmond Capuano Inslee Ross (AR) Carnahan Israel Ruppersberger Carney Jackson (IL) Rush Castor (FL) Jackson Lee Ryan (OH) Chandler (TX) Sánchez, Linda T. Chu Johnson (GA) Cicilline Johnson, E. B. Sanchez, Loretta Clarke (MI) Kaptur Sarbanes Clarke (NY) Keating Schakowsky Clay Cleaver Kildee Schiff Kind Schrader Clyburn Kissell Schwartz Cohen Kucinich Scott (VA) Connolly (VA) Langevin Scott, David Conyers Larsen (WA) Serrano Cooper Larson (CT) Sewell Costa Lee (CA) Sherman Costello Levin Lewis (GA) Shuler Courtney Slaughter Critz Lipinski Smith (WA) Crowley Loebsack Speier Cuellar Lofgren, Zoe Stark Cummings Lowey Sutton Davis (CA) Luján Thompson (CA) Davis (IL) Lynch Maloney Thompson (MS) DeFazio Tierney DeGette Markey Tonko DeLauro Matsui Deutch McCarthy (NY) Towns Tsongas Dicks McCollum Van Hollen Dingell McDermott McGovern Velázquez Doggett Donnelly (IN) Visclosky McNerney Walz (MN) Dovle Meeks Edwards Michaud Wasserman Schultz Ellison Miller (NC) Waters Engel Miller, George Eshoo Watt Moore Farr Moran Waxman Murphy (CT) Welch Fattah Wilson (FL) Frank (MA) Nadler Fudge Napolitano Woolsey Garamendi Yarmuth Neal

#### NOT VOTING-11

Cardoza Mack Roybal-Allard Carson (IN) Pascrell Sires Filner Paul Yoder Hinchey Rothman (NJ)

# □ 1734

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 30, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

# PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, on February 2, 2012, I missed rollcall votes 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 because of district business. Had I been present, I

would have voted "no" on rollcall 21, "no" on rollcall 22, "yes" on rollcall 23, "yes" on rollcall 24, "yes" on rollcall 25, "yes" on rollcall 26, "yes" on rollcall 27, "yes" on rollcall 28, "yes" on rollcall 29, and "no" on rollcall 30.

#### PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I want to state for the RECORD that on February 2, 2012, I missed the last seven rollcall votes of the day.

Had I been present I would have voted: "yea" on rollcall vote No. 24, on the Peters Amendment; "yea" on rollcall vote No. 25, on the Connolly Amendment; "yea" on rollcall vote No. 26, on the Fudge Amendment; "yea" on rollcall vote No. 27, on the Jackson Lee Amendment; "yea" on rollcall vote No. 28, on the Cicilline Amendment; "yea" on rollcall vote No. 29, on the Motion to Recommit H.R. 3582; "nay" on rollcall vote No. 30, on H.R. 3582, the Pro-Growth Budgeting Act of 2011.

#### BASELINE REFORM ACT OF 2012

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 534, I call up the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 534, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget, printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-9 dated January 5, 2012, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### H.R. 3578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

# SECTION I. SHORT TITLE.

This Act may be cited as the "Baseline Reform Act of 2012".

#### SEC. 2. THE BASELINE.

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

#### "SEC. 257. THE BASELINE.

"(a) IN GENERAL.—(1) For any fiscal year, the baseline refers to a projection of current-year levels of new budget authority, outlays, or receipts and the surplus or deficit for the current year, the budget year, and the ensuing nine out-years based on laws enacted through the applicable date.

"(2) The baselines referred to in paragraph (1) shall be prepared annually.

"(b) DIRECT SPENDING AND RECEIPTS.—For the budget year and each outyear, estimates for direct spending in the baseline shall be calculated as follows:

"(1) In GENERAL.—Laws providing or creating direct spending and receipts are assumed to operate in the manner specified in those laws for each such year and funding for entitlement authority is assumed to be adequate to make all payments required by those laws.

"(2) EXCEPTIONS.—(A)(I) No program established by a law enacted on or before the date of

enactment of the Balanced Budget Act of 1997 with estimated current year outlays greater than \$50,000,000 shall be assumed to expire in the budget year or the outyears. The scoring of new programs with estimated outlays greater than \$50,000,000 a year shall be based on scoring by the Committees on the Budget or OMB, as applicable. OMB, CBO, and the Committees on the Budget shall consult on the scoring of such programs where there are differences between CBO and OMB.

"(ii) On the expiration of the suspension of a provision of law that is suspended under section 171 of Public Law 104–127 and that authorizes a program with estimated fiscal year outlays that are greater than \$50,000,000, for purposes of clause (i), the program shall be assumed to continue to operate in the same manner as the program operated immediately before the expiration of the suspension.

"(B) The increase for veterans' compensation for a fiscal year is assumed to be the same as that required by law for veterans' pensions unless otherwise provided by law enacted in that session.

"(C) Excise taxes dedicated to a trust fund, if expiring, are assumed to be extended at current rates.

"(D) If any law expires before the budget year or any outyear, then any program with estimated current year outlays greater than \$50,000,000 that operates under that law shall be assumed to continue to operate under that law as in effect immediately before its expiration.

"(3) HOSPITAL INSURANCE TRUST FUND.—Notwithstanding any other provision of law, the receipts and disbursements of the Hospital Insurance Trust Fund shall be included in all calculations required by this Act.

"(c) DISCRETIONARY SPENDING.—For the budget year and each of the nine ensuing outyears, the baseline shall be calculated using the following assumptions regarding all amounts other than those covered by subsection (b):

"(1) ESTIMATED APPROPRIATIONS.—Budgetary resources other than unobligated balances shall be at the level provided for the budget year in full-year appropriation Acts. If for any account a full-year appropriation has not yet been enacted, budgetary resources other than unobligated balances shall be at the level available in the current year.

"(2) CURRENT-YEAR APPROPRIATIONS.—If, for any account, a continuing appropriation is in effect for less than the entire current year, then the current-year amount shall be assumed to equal the amount that would be available if that continuing appropriation covered the entire fiscal year. If law permits the transfer of budget authority among budget accounts in the current year, the current-year level for an account shall refer transfers accomplished by the submission of, or assumed for the current year in, the President's original budget for the budget year.

"(d) UP-TO-DATE CONCEPTS.—In calculating the baseline for the budget year or each of the nine ensuing outyears, current-year amounts shall be calculated using the concepts and definitions that are required for that budget year.

"(e) ASSET SALES.—Amounts realized from the sale of an asset shall not be included in estimates under section 251, 251A, 252, or 253 of this part or section 5 of the Statutory-Pay-As-You Go Act of 2010 if that sale would result in a financial cost to the Government as determined pursuant to scorekeeping guidelines.".

# SEC. 3. ADDITIONAL CBO REPORT TO BUDGET COMMITTEES.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraphs:

"(4)(A) After the President's budget submission under section 1105(a) of title 31, United States Code, in addition to the baseline projec-

tions, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a supplemental projection assuming extension of current tax policy for the fiscal year commencing on October 1 of that year with a supplemental projection for the 10 fiscal-year period beginning with that fiscal year, assuming the extension of current tax policy.

"(B) For the purposes of this paragraph, the term 'current tax policy' means the tax policy in statute as of December 31 of the current year assuming—

"(i) the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

"(ii) the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

"(iii) the continued application of the alternative minimum tax as in effect for taxable years beginning in 2011 pursuant to title II of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, assuming that for taxable years beginning after 2011 the exemption amount shall equal—

"(I) the exemption amount for taxable years beginning in 2011, as indexed for inflation; or

"(II) if a subsequent law modifies the exemption amount for later taxable years, the modified exemption amount, as indexed for inflation; and

"(iv) the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

"(5) On or before July 1 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, the Long-Term Budget Outlook for the fiscal year commencing on October 1 of that year and at least the ensuing 40 fiscal years."

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part A of House Report 112–383, if offered by the gentlewoman from Texas (Ms. JACKSON LEE), or her designee, which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I first want to start off by thanking Mr. WOODALL and Mr. GOHMERT, two of the leaders on this policy. This is the second of 10 bills on fixing the broken budget process that we're bringing to the floor to try to bring back accountability, transparency and responsibility to our Federal budgeting process.

What this bill does is it removes the pro-spending bias that currently exists in the baseline we use as a starting point in Federal budgeting.

The baseline we currently use assumes automatic increases in spending in the discretionary budget. So, for instance, instead of basing next year's discretionary budget on what we spent this year, we don't do it that way. The way it works is we automatically assume spending increases. We automatically assume that government agencies can't live with what they had last year, can't be more efficient, can't be more productive, and we assume inflation in it already.

We think for honesty, for transparency, if we spent X dollars this year, that is the base on which we ought to consider next year's budget. And for all those programs where inflationary updates are already legislated. such as Medicare, Social Security, or the tax brackets to prevent inflation, this doesn't affect those. Those programs by law adjust for inflation and, therefore, so should their baselines. Discretionary spending, something Congress controls every year, does not have that because Congress legislates every year.

So what we're simply saying is let's err on the side of the taxpayer. Let's not err on the side of assuming every government agency automatically needs a spending increase one year to the next. If we think they need more money, then we should measure it on an honest basis and then legislate more money for those agencies.

With that, Mr. Speaker, I will turn over the rest of my time to Mr. WOODALL, the author of this legislation, and reserve the balance.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia will control the remaining time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Thank you, Mr. Speaker, and I thank the chairman for yielding to me.

I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

This is the second budget bill that we've had today. There's been a lot of talk about what we need to do to help move the economy forward, to help put people back to work.

Let's be clear: as was acknowledged earlier, these bills do none of that. This will not help create one job; this is not going to help grow the economy. We've got a lot of work that we should be doing, including taking up the President's jobs bill, which has been sitting in the House since last October.

The economy remains very fragile. Those infrastructure investments and helping rebuild and repair our roads, to good use right now.

With respect to this bill, the concern is that this creates actually a very misleading picture of what we can purchase in terms of goods and services with our dollars, and it gets more misleading over time. Why do I say that?

Every American knows that when you're comparing the amount something costs between different periods of time, you have got to take into account inflation. You know what, \$10 back 40 years ago bought a lot more than \$10 today. What this bill does is it tries to kind of wish away inflation and, in that sense, it creates, as I say, a misleading sense of what we can expect in terms of goods and services purchased for taxpayer dollars going forward.

I think every taxpayer would say that if we did not, we did not index their taxes for inflation, that would be a tax increase. That's why we index taxes. If we decided to pass a law saying no more indexation of taxes, it would be a hidden tax increase.

Now, here I want to give a very clear example.

#### □ 1740

In fiscal year 2013, we're going to spend \$61 billion to help support our veterans, to help support our veterans, provide for veterans health care and other services. This is part of the discretionary budget. We also provide help in some of the mandatory budget.

Now, this bill would have you believe that 10 years from now, that \$61 billion is somehow going to provide you the same amount of goods and services to take care of our veterans. We know that's not true. We know that \$61 billion 10 years from now is going to provide a lot less health care for people who served this country. And so let's not play make-believe, and that's what this bill does.

What the Congressional Budget Office does right now is they make the assumptions that reasonable forecasters would make. As the author of the bill has said, there's no law right now that tells CBO how to do it. We leave it to the independent, nonpartisan body, the Congressional Budget Office, to figure out what's the best way, what makes the most sense for budgeting purposes. And they say, you know what: we should do what every American does when they're comparing dollars spent in the past or in the future. We need to normalize that. We need to index that to get a real sense of what taxpayer dollars will be able to purchase; otherwise, it creates a misleading impression.

And so CBO, the independent group, said we need to take an account of inflation. What this bill does is says as a matter of law, ignore that. As a matter of law, we're not going to wish away inflation. We're going to pass a law that

into account. And as I say, it will create a very misleading picture of what it will take to support investments like veterans' health.

With that, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Texas (Mr. GOHMERT) who has been battling in the trenches over this idea for a number of years and whom I'm just as pleased as can be that his idea has come to fruition

Mr. GOHMERT. Mr. Speaker. I understand the concerns of my friend across the aisle, but I'm telling you, this is a great day for Congress, for America. Going back to 1974, the most liberal Congress in America until the time when Speaker Pelosi took the gavel, in 1974, rules for CBO were put in place making it difficult to ever make actual tax cuts to help the economy grow, as John F. Kennedy made clear and showed by his actions. But that was also a time when Congress thought it would be a good idea to create automatic increases of every discretionary department's budget in the Federal budget, automatic increases.

I mean, there are times when increases would be appropriate, and there are times when it would not be. But why should the government not have to deal with financial issues, like any responsible American, like any responsible family? There will be times when you should have to make cuts. There will be times when you should have to make increases. But what we saw through the 1990s, back during my days when I was a judge, I heard a guy named Rush Limbaugh bring up why do we have this automatic increase, because then when conservatives try to slightly decrease the amount of increase, they're said to be making draconian cuts. Well, I made a mental note

When I got to Congress in January of '05, I couldn't believe it, to find out that we still had those automatic increases every year. And then to be going through a troubled time like we are now when families across America are having to learn to do with less and make cuts across the board, Congress was still dealing with decreasing the amount of increase because we had these automatic increases.

We had a supercommittee that was formed last fall, and try as they might. they didn't even deal with the issue of the automatic increases. The committee's projections have had to be used because CBO, because of the same 1974 rules, ended up saying, well, gee, the formula can slightly change each year so there's no way to know exactly what it will be over 10 years. Well, one thing's pretty clear, it would have been enough to clear the \$1.2 trillion threshold in cuts, and all it would have been

our bridges, transit ways could be put says for these purposes, don't take it doing is decreasing the amount of increase.

> This is a great day for America when Congress, after all of these years, 37-38 years now, Congress is dealing with a financial issue that should have been dealt with long ago.

> I brought this up back in 2005 and 2006 when Republicans were in the majority, and I was told back then by the chairman of the Budget Committee that, well, the law is that we've got to do the automatic increases, so we're just going to do it.

> It is really thrilling to me to have a chairman of the Budget Committee who saw this as a real problem. This should have been low-hanging fruit, as people like to say. This should have been an easy no-brainer. Cut out the automatic increases. We have a chairman of the Budget right now who saw it as a problem. And it was also exciting to me to have a freshman like ROB WOODALL come in and see it as a problem and collaborate, discuss the matter. Because, really, to get a bill like this through, you need to have somebody that will shepherd it all the way through—subcommittee, committee— to get it to this point. So I'm very grateful to Chairman RYAN, and I'm very grateful to Mr. WOODALL. Amazing, as a freshman, he's done an outstanding job.

> And now here we are, about to do what could be the most responsible financial thing this Congress has done, this House has done in the whole last year. It could be \$1.4 trillion in cuts over the next 10 years, and all we're doing is just stopping the automatic increase.

> There's a lot to be said for finally coming around to responsibility. There's a lot to be said, if you need an increase, come justify it, don't get it automatically. And we now have responsible action being taken, and I urge adoption.

> Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

> I think it's important to underscore the point, and I think the author of the bill would agree, that this legislation didn't save the taxpayer one dime. That's not what we're talking about. This bill, when you pass it, doesn't save one penny. Every year, with respect to the discretionary budget, we have Appropriations Committees in the House and the Senate who go through the budgets, and they decide what's appropriate and what's necessary to be budgeted for those agencies and those accounts every year. They can cut them. They can increase them based on the needs that are perceived by Members of Congress who are acting on that. That's not the issue. We need to tighten our belts. In fact, back in August, we made some significant savings. We need to continue to find sav-

In fact, my view is, if we're really going to be serious about reducing the deficit and the debt, we've got to do this in a balanced way like bipartisan commissions have suggested. You've got Simpson-Bowles; you've got Rivlin-Domenici. All of them have said we've got to do a combination of cuts, and we also need to deal with the revenue. We can no longer afford to have tax breaks for the folks at the very top, that we can't keep all of these tax loopholes open that disproportionately benefit certain people over others, and tax breaks that actually encourage in some cases the export of American jobs when we want to be encouraging the export of American goods and American services.

So that's a very important debate that we should have, but that's not what this does. This just has to do with how we present the baseline as to what can be purchased in terms of goods and services for certain dollars. And moving to this will create a very misleading perception, everyone knows.

Let's say it took a certain amount of money to buy an aircraft carrier today and we wanted to know how much it was going to take to purchase an aircraft carrier 5 years from now. Let's assume over the next 5 years we're in the midst of rising inflation. What this would do is create the idea that since the number was the same this year as 5 years from now, hey, we can buy the same number of aircraft carriers. That's not true. You're going to get a quarter of an aircraft carrier, and that isn't going to do anybody any good.

So again, Americans know that when they're comparing dollars and the value of their dollars over time, you have to take into account inflation.

#### □ 1750

It happens every day in terms of financial transactions all over the country. So, again, this bill doesn't save a penny. This has to do with just how you present the budget in terms of a picture for the American people to look at and whether it's realistic in comparing what you can buy for a dollar today versus what you can buy for a dollar 5 or 10 years from now. And what we're saying is you should compare apples to apples so people know what the purchasing power of those dollars are in terms of goods and services. Then we, as the Congress, can decide whether we want to increase that amount or cut it, as we do every year. But this bill doesn't mandate any kind of cutting of that nature.

With that, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time, I'd like to yield 2 minutes to a real leader for fiscal responsibility on the Budget Committee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I rise in support of the legislation by my good

friend, Mr. WOODALL of Georgia. This legislation makes really significant reforms to the way the CBO develops baseline calculations for discretionary spending. Under current laws, we all know the CBO automatically budgets for inflation of discretionary spending in our baseline projects.

This process runs completely counter to what every American does with their own budget. No family sits down and assumes that they will automatically have an inflationary increase in their budget next year. No small business sits down and says, my sales or my revenue will automatically move up. As a matter of fact, using that approach actually is counterproductive because it actually discourages the search for savings and efficiencies.

I am an appropriator, and I can tell you this is the road to deficit spending. Getting rid of this will help us bring our fiscal house back in order. We should have done it a long time ago. The last time the Republicans were in the majority—and I'm very proud that Mr. WOODALL, Mr. RYAN, and other Members, and particularly this new freshman class, are pushing to do this. This will allow us to reduce the size of government, it will increase transparency, and we'll be able to put our house where we ought to put it.

Of course, the legislation is just one piece of a broader set of reforms. As Chairman RYAN indicated, we need to bring those up systematically. But this is the first step and the right step in the direction of getting our fiscal house in order. I commend my friend for bringing it to the floor. I look forward to its passage.

Mr. VAN HOLLEN. Mr. Chairman, I yield 3 minutes to the gentlelady from Connecticut (Ms. Delauro), also a member of the Appropriations Committee.

Ms. DELAURO. I rise in strong opposition to this legislation, which would remove consideration of inflation from congressional budget baselines. Instead of beginning this year by putting forward legislation to create jobs, spur growth, and address the economic challenges that we face, the majority is trying, yet again, to achieve their ideological goals, this time by playing an accounting trick on the American people.

At its heart, this bill is a backdoor attempt to enact the same radical cuts the majority attempted last year and to further reduce the spending caps agreed to in last August's Budget Control Act. By eliminating inflation from our official budget considerations, this bill represents a freeze on all discretionary programs that, over time, would become a devastating cut to critical programs.

Within 10 years, all discretionary programs would see their funding slashed by as much as 20 percent. Among the priorities that would be

gutted are scientific and medical research, financial aid for college students, assistance to elementary and secondary education, and investments in water and sewer systems. No discretionary program would be spared the axe. Disaster assistance, food safety, medical care for veterans, meals on wheels, community health centers, support for law enforcement and nutrition programs, all of these across the board would be slashed by leaving inflation out of the budget equation, and millions of middle class families would be harmed. Why don't we index tax brackets?

This dangerous cut aside, this legislation makes no sense from an accounting standpoint. Why don't we all put our heads in the sand, this bill argues, and just pretend that inflation does not exist? Now isn't that foolish? Then we can just pretend to be fulfilling our responsibilities to the American people.

Closing our eyes to inflation is not a solution. This is not a serious bill. It does nothing to cut the deficit. Do you want to try to cut the deficit? Let's look at the tax cuts for the oil and gas industry. Let's look at ending the subsidies to those multinational corporations that take their jobs overseas. Do you want to do something about the deficit? Then let's cut the Bush tax cuts for the richest 1 percent of the people in this Nation. This does nothing to cut the deficit. And like every other initiative from this majority, it does nothing to address the top priority of the American people, and that is jobs, growing the economy, and investing in the economy to put us on a glide path to economic sustainability in the future.

I urge my colleagues to oppose it.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say to my colleague who just spoke, I've introduced a bill in this House that not only repeals the Bush tax cuts, the Obama tax cuts, and every tax break for every multinational corporation and every special interest favor and every deduction and exemption and favor in the entire United States Tax Code, but it does so in a way that would actually bring in more revenues for those priorities that you mentioned. That's H.R. 25, the Fair Tax, and I would welcome the gentlelady's support.

With that, Mr. Speaker, I'd like to yield 2 minutes to one of the finest young leaders on the Budget Committee, my freshman colleague from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. Mr. Speaker, I rise today in support of H.R. 3578, the Baseline Reform Act, and to commend my hardworking colleague from Georgia (Mr. WOODALL) for leading in this effort.

Now this is straightforward legislation. It removes the pro-spending bias

that currently exists in the baseline that we use here in Congress as a starting point for our annual budgeting. The baseline should be a neutral starting point for considering fiscal policy. It shouldn't presume any spending by this body.

Now we've already heard from our colleagues on the other side of the aisle numerous examples of programs that they fear will be cut in the future as a result of this legislation. Well, this legislation just says that without the sanction of Congress, without a free and open debate about the merits of any given program, there will not be any automatic increases to that program.

Today, the baseline does assume an automatic increase for inflation each year in the discretionary budget. Instead of looking at what each agency actually needs each year to fulfill its mission, we simply assume that that agency needs more money than it had the previous year.

Well, these assumptions add up. In fact, they add up to approximately \$1.4 trillion in outlays over a 10-year period to last year's discretionary spending baseline. This bill would change that pro-spending bias by setting the baseline at the previous year's spending level—and not a cent more. The effect would be to put an end to the longstanding and confusing Washington practice of characterizing any effort to maintain the same level of funding as last year as somehow a "spending cut." It's time to bring Washington definitions of "spending cut" in line with America's definition of a spending cut, and that is an actual cut in spending. This bill does that, and I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, once again, instead of debating a bill that would create jobs and bring this economy back or a comprehensive effort to put our fiscal house in order, we're here on this floor tonight focusing on a so-called budget reform bill.

This bill will do nothing to spur economic growth, it will do nothing to bring us closer to a balanced budget, although it could greatly confuse and complicate the budget process.

We must be clear what this bill does, Mr. Chairman. The bill pretends that inflation doesn't occur. It's a pipe dream. By eliminating baseline calculations, it would make it far more difficult to estimate future budget needs. We need to know exactly what it would take to maintain the current level of effort and the current level of services in governmental programs. With that knowledge, we can make realistic decisions, knowing what result those increases or decreases would produce. But this bill would deny us

that knowledge. All too often, we'd be making budget decisions in the dark without knowing their full implications.

Efforts like this should find bipartisan opposition. Make no mistake. This bill would—or it could—not only lead to the slow starvation of funds for Democratic priorities like Head Start, clean energy research, and WIC, but it also could starve all programs, including the Border Patrol, military health and veterans' programs, and the FBI. At the very least, it would make budget decisions, both increases and decreases, less precise and less efficient.

I'm voting "no" on this bill. I urge my colleagues to do the same. Let's stop wasting time on so-called budget reform bills. Instead, we need to get to work on the real budget to hammer out a comprehensive agreement, to bring this economy to full strength, and to get our fiscal house in order.

#### □ 1800

Mr. WOODALL. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to my good friend from Texas (Mr. Culberson).

Mr. CULBERSON. Mr. Speaker, my hero. Thomas Jefferson, always said that if you apply core principle to any problem, no matter how difficult, the knot will always until itself. It was true then, and it's true today. If we would apply the core principles of the Constitution to the problems we face as a government, the knot will untie itself. And here just applying commonsense principles to our fiscal problems, the knot will untie itself. This is a remarkably simple and remarkably effective reform. We will no longer assume inflation into the beginning of our spending bills on the Appropriations Committee.

Now, unfortunately, we only control on the Appropriations Committee about 39 cents out of every dollar of spending the Federal Government does. But that 39 percent that we do control will no longer increase automatically year to year. These procedural institutional reforms that House conservatives are enacting into law will make a dramatic difference in changing the direction of our Nation from insolvency and bankruptcy to getting back on a path to a balanced budget.

I'm very proud to help our colleagues, my chairman, PAUL RYAN, Mr. WOODALL, and Mr. GOHMERT of Texas in enacting this fundamental, commonsense reform to put America back on track to a balanced budget. And Americans should take heart that constitutional conservatives in the House are doing the right thing for the right reasons for the country and redesigning the way we spend money in favor of taxpayers and not in favor of Washington bureaucrats.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may con-

Again, just for people who are trying to get educated about the budget process who may be watching, and among our colleagues, we put together a 10year projection of the budget in a lot of different categories. The appropriators on a year-to-year basis can decide how much or how little to give any program, and every Member of this body gets a chance to vote up or down on that. So that's not what this is about. This is not about saving money. I hope we will all save money and get the deficit down. This is about what information is presented in terms of giving an accurate picture of what the cost is of providing goods and services.

So I'm going to give the same example very clearly. Again, it's a very clear example. In fiscal year 2013, we're going to have \$61 billion in the budget for discretionary spending for veterans' programs. Now under the current procedure, the Congressional Budget Office tries to figure out 10 years from now, knowing what we do about inflation expectations—and everybody calculates those into their financial decisions—what would it take to provide the same services for our veterans?

Now what they're proposing is to put in \$61 billion in year 10. But that's misleading because you're not going to be able to provide the services to our veterans at the same level for that amount. In fact, that will represent a 23 percent cut. So I would ask my colleagues, what 23 percent cut are you proposing to make in veterans' programs as we go through this budget? And why do you want to build in what is misleading in a sense that it creates a false impression of what a dollar will purchase 10 years from now compared to what it will purchase today?

Mr. CULBERSON. Will the gentleman yield?

Mr. VAN HOLLEN. I'd be happy to yield.

Mr. CULBERSON. I chair the Veterans Administration and Military Construction Subcommittee in Appropriations, and I assure you we all work arm in arm together. My friend, Mr. BISHOP of Georgia, and I will make sure veterans are taken care of. We will still be able to with this reform, but in the light of day look at inflation, medical inflation, which is generally higher than regular inflation, we will build that in, I promise you, as we go through our hearing schedule. But we will do it in open public hearings. It won't be built in automatically. That's all this does is remove the automatic increase and lets the people's elected Representatives do it in the sunlight of day in an open hearing. And I assure you that veterans will be taken care of.

Mr. VAN HOLLEN. Well, thank you. And taking back my time, you really made my point, which is that if the purpose of a budget is to try and provide the most realistic projection of what services we're going to provide in

the future compared to today, you should take into account the cost of those increases.

The gentleman has just said that of course we're going to build in inflation with respect to veterans programs. In fact, we're going to do better than that. And I'm glad to hear that because we're going to take into account the fact that medical inflation runs higher than regular inflation. But the point is, if you put different numbers in year 10 that don't take into account inflation, you're going to give people a very misleading sense of what can be purchased for their tax dollars in terms of goods and services.

The same holds true with respect to DOD, in other words, the Defense Department. Why don't we want to present the American people with an accurate representation of what it will actually cost to maintain the current defense or current discretionary veterans programs? That's the whole purpose of this. The Appropriations Committee can do what it wants with respect to decisions in increases and in cuts.

I reserve the balance of my time, Mr. Speaker.

Mr. WOODALL. Mr. Speaker, at this time, just for the sake of clarity for the American people, I'd like to yield 2 minutes again to the gentleman from Texas (Mr. Culberson).

Mr. CULBERSON. Mr. Speaker, I want to reassure the gentleman from Maryland. And as we all recall, the Military Construction and VA Appropriations bill passed the House almost unanimously because all of us in this Congress are arm in arm in support of our veterans, in support of our military to ensure that they get the very best medical care possible, that we're providing every benefit that they have earned by their service to the Nation.

And the only thing this bill will do is remove the automatic blind increase in the starting point for our spending. And we in the Appropriations Subcommittee, in the full sunlight of day on C-SPAN and public hearings, will go through and build in that increase that has actually occurred in medical inflation and regular inflation to ensure that we have compensated our veterans for that increase that has already occurred. But we'll do it in a public hearing; we'll do it in the full light of day. We'll do it so the taxpayers can see what we're doing.

The game is rigged today against American taxpayers; and House conservatives, constitutional conservatives are following core principle. We're honoring the Constitution. We're looking for ways to restore the 10th Amendment and individual liberty, shrinking the government, getting control back in the hands of individual Americans and State and local governments.

And then when it comes to the budget, we're implementing commonsense reforms that every American understands. We don't get an automatic increase in pay. If you're working for a company, you've got to earn it every year. We on the Appropriations Committee are going to go through and analyze every one of these accounts and make sure that we have built in, but in an open public forum, any increase as a result of the increase in medical inflation or baseline inflation.

We will, on the subcommittee, I assure you, Mr. VAN HOLLEN, make sure that our veterans are fully compensated, as all of us take great pride in their service. And, truly, you see more unanimity on the Veterans' and Military Construction Appropriations bill than almost any other bill that we pass because we take such great pride in them.

So I urge my colleagues to please remove that argument from your repertoire, and let's focus on what's really going on here. The game is rigged today against taxpayers, and House Republicans are rigging the game today in favor of taxpayers in sunlight and transparency.

The SPEAKER pro tempore (Mr. Hurt). The time of the gentleman has expired.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I hear what you're saying with veterans. Absolutely true, on a bipartisan basis, we understand we're going to make sure we support the veterans and we're going to make sure they get the cost-of-living increase. And the reality is, you mentioned the defense budget. That's 50 percent of the discretionary budget right there.

#### □ 1810

Are we going to make sure that we provide increases to make sure that we can maintain the same national defense?

Mr. CULBERSON. Sure. BILL YOUNG'S going to do that. BILL YOUNG'S going to take care of it.

Mr. VAN HOLLEN. So here's the point. So you're going to create a document for the American people that says, hey, we're going to be spending this much in year 10 for veterans when we know that that's not true. We know right now, in fact, you've just said on the floor of this House, that number's going to be a lot bigger.

And my point is we can make it bigger, we can make it smaller. This bill doesn't save a dime in terms of what decisions we make. But why would we want to present the American people with a misleading sense of what it's going to cost in real dollars and cents?

I agree with the Member. Mr. CULBERSON. Will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Texas.

Mr. CULBERSON. Just for a friendly conversation.

Truly, there's nothing misleading. We're doing this in the light of day. What we're, through this reform, going to do, Mr. VAN HOLLEN, is have these hearings in public, in front of C-SPAN and the world, and talk about what actually has been the level of inflation this year, what actually do we need to do to increase funding this year for the veterans, for medical inflation, for regular inflation.

BILL YOUNG, the chairman of the Defense Subcommittee and a great leader from Florida who works in a bipartisan way with NORM DICKS, your leader on the Appropriations Committee, they're going to build in, they're going to analyze what inflation's been.

The difference here, truly, all we're doing is doing it in the light of day. We're removing the automatic increase. That's all. I want the pilot with his hand on the steering wheel of the airplane.

Mr. VAN HOLLEN. Reclaiming my time, but look, we're doing everything in the light of day. The issue isn't whether it's done in the light of day or not. Of course it's done in the light of day. It's what picture we're presenting to the American people in terms of the budget numbers on what their tax dollars will be able to purchase in terms of goods and services.

And in my view, it's misleading to say we're going to be spending the same nominal dollar amount for veterans 10 years from now in the budget when we know, according to your own testimony and according to what we know, that that's not going to be the case. That's why we try and put together a document that gives us the best representation of the information we have as to what it will cost; then we can make a decision to add or subtract.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time it pleases me to be able to yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD), one of my freshman colleagues, a leader on the committee.

Mr. LANKFORD. Mr. Speaker, one of the things about being a freshman in this body is walking in and trying to learn the numbers game. On the Budget Committee, there are a million different variations to the numbers, a million different options with the numbers. And it's amazing to me, in Washington, DC, when you try to say what's the number, you'll get five different numbers

So I think the best thing that we can do is clarify the system and say, give the numbers out there. We know what inflation's going to be, but give the numbers out there so the numbers are the numbers, and we can say to the American people when we talk about controlling spending, this is what it is. We're not cutting off what was the automatic increase and trying to have

two different sets of numbers and saying we really cut but we really increased. We're able to have a flat line number out there that everyone can see and that everyone can process through.

So while we're fighting to be able to manage the budget and to be able to work through the realities that are out there of inflation—and I understand fully the principle of inflation and how that fits into your buying power. But while we're fighting through those realities, we're not fighting against ourselves. We understand that the number that's been presented to us is not including some arbitrary number that's been invented that Congress did not come up with, but it's a number that we came up with, as Congress, and said this the projection and this is where we're headed.

So the best thing I think we can do is create a neutral budgeting process, and the way to do that is to have this kind of simple reform in baseline. Control the baseline spending by not having the automatic increases. Have the baseline be the baseline. Don't put something out in the future that was not passed by Congress and assume Congress is going to then follow the lead of CBO, but assume that Congress is going to pass the budget and that next year we're going to look at exactly what that's going to be.

Mr. VAN HOLLEN. Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Maryland, the distinguished Democratic whip, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank my friend, the ranking member of the Budget Committee, CHRIS VAN HOLLEN from Maryland, for yielding.

I, unfortunately, have not been able to listen to all of the debate, but I've listened to enough of it. This week we're playing let's pretend. We're playing the game of let's pretend that if we solve the process, we'll solve the problem.

There's an excellent article that I think everybody ought to read. Stan Collender, who is a real expert on the budget process and who has been involved in this budget process for a long, long period of time, quotes in an article that he wrote—that I hope most of you read—in Roll Call. He quotes Rudy Penner. Rudy Penner was the Director of CBO—not a partisan individual, in my view—that I've had the opportunity of dealing with for some period of time. And his quote is: A process, no matter how well designed, cannot make difficult problems easy.

I think my friend, PAUL RYAN, would agree with that. It's not the process that's the problem. The problem is we don't have the courage to make decisions which are clearly necessary for us to make, and no amount of jiggering around the edges is going to change that.

Now, as all of you know, I'm a strong supporter of a Bowles-Simpson ap-

proach to bringing our country to a fiscally sustainable path. Unlike many of you, I believe that revenues have to be part of that process and cuts have to be part of that process and restraints of entitlements have to be part of that process. I've been saying that for  $2\frac{1}{2}$  years now. It's somewhat controversial, but I have three children, three grandchildren, two great-grandchildren. If we don't do that, they're going to be hurting.

But, frankly, we ought not to pretend that the process is the problem. The problem is the problem, as Rudy Penner's said. The problem is the problem, and we ought to address it. And we ought to have the courage to tell the American people that it's not a question of process, not a question that we don't have the right process in place in Washington. The problem is we don't have the votes in Washington.

This Congress is dysfunctional. That doesn't mean we don't pass things. We do. But this week, frankly, what we're dealing with will not affect any of the significant problems that we have, whether it be jobs or fiscal responsibility.

So I'm opposed to this bill. Why? Because I think it's a let's pretend. It's a let's pretend that if you have \$100 to spend on defense this year, that you can get that same defense for \$100 next year. You can't.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional 2 minutes.

Mr. HOYER. You can't, and the American public knows that.

We talk about, well, we ought to operate like a family. Family understands that. They know their electricity bill goes up, and they know they can't get the same kind of heat this year or next year that they got last year because they know their electric bill has gone up, and they need to know what that is.

So what we said, the Congress said, we want a baseline budget. What does it cost to get that \$100 of value next year? And so we get that.

The previous speaker I heard speaking—I don't know who it was; I apologize for that—said, you know, we ought to have an honest budget. Well, you can argue it's honest both ways. Either it's honest that that's what we spent last year, 100 bucks, or it's honest that, in order to do next year what we did last year, you need \$101.50. Both of those are honest answers. Nobody ought to think that that's a dishonest answer.

The answer is: Do you want to know what you spent last year? Look at the budgets. Do you want to know what it would cost you to do the same thing? Then you get the baseline. So either one is honest. It's just a judgment.

But you're pretending that you're saving money by having that kind of

budget. Baloney. Baloney. The only way you're going to save money is to have the courage to vote to do so.

My friend, PAUL RYAN, is shaking his head. He and I have some significant disagreements, but very great respect, I hope, for one another. I know I have great respect for him.

#### □ 1820

I think we are advantageous as a country having Mr. VAN HOLLEN and Mr. RYAN, who are both very bright, able, committed people dealing with this. The trick is coming to agreement irrespective of process. It's substance that matters. The American public will be affected by the substantive judgments we make, not about whether we do it with a baseline budget or a static budget or dynamic scoring.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman 1 additional minute.

Mr. HOYER. I don't believe in dynamic scoring. I think dynamic scoring is a liberal, radical idea. Why? Because it pretends something you don't know.

George Bush said we had \$5.6 trillion we could rely on and therefore have very deep tax cuts. Didn't work out. I would much prefer to not use dynamic scoring and have more money than I thought I was going to have that I could apply either to reduction of the deficit or some other priority that I thought was important, rather than find out, oops, I was wrong on dynamic scoring, I have less money and I'm deeper in the hole. Now, you can differ on that, but that's my view.

I'd rather be conservative and say, Gee, I hope investing in infrastructure, cutting taxes, doing whatever you think is going to get better education is going to get you better results; I hope it does get better results. That's the purpose of investing in it. If it does, you're benefited if you didn't count on it because you have more than you thought you would. That's the place to be, not having less than you thought you would.

So I urge my colleagues to reject this bill, to adopt reality. It cost us to do this yesterday, and now it cost us to do it today. I think that's a responsible, smart way to budget.

I thank the gentleman for yielding this time. I thank you, Mr. Speaker, for your light touch.

Mr. WOODALL. Mr. Speaker, at this time it gives me great pride to yield 5 minutes to my chairman, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate Mr. WOODALL for his leadership.

I simply want to say I deeply respect the minority whip, and I agree with a lot of what he just said. First of all, he's totally correct when he's saying there's no substitute for discipline, meaning Congress has got to make decisions, and nothing can substitute for that. He's also half right when he says Congress is dysfunctional. Where he's half right, it's the other body over on the other side of the rotunda, the Senate, because last year in the majority they didn't pass a budget.

Mr. HOYER. Will the gentleman yield?

Mr. RYAN of Wisconsin. I would be happy to yield.

Mr. HOYER. I was just going to kid him that he's just now trying to get to things that we can all agree on.

Mr. RYAN of Wisconsin. That's right. Trying to get some consensus here.

The year before when they had a supermajority, no budget.

To budget is to decide. To budget is to make a decision. They haven't budgeted for over a thousand days.

The budget process we have here, which we've had in place since 1974, requires the House pass a budget by April 15, the Senate pass a budget; and they didn't do it for over a thousand days.

So when we look at the process, we see that it's not working the way it needs to. It's no substitute for personal discipline, for Members making decisions, for compromising; but in this particular case, we think the process is part of the problem. We think the process needs to be improved to make it more likely that we make these decisions, that we get to exercising that discipline.

On this particular bill, we are assuming \$1.4 trillion in automatic spending increases and discretionary spending over the next 10 years. We probably shouldn't do that because even though it happens—this is not a spending-cut bill. This is a measurement bill. But the way we measure it leads to a bias in more spending.

What I'm trying to say, Mr. Speaker, is in 2009 and 2010, domestic discretionary spending, including the stimulus, increased by 84 percent. So this category of government has grown very, very fast; and we're saying let's stop automatically assuming that it needs to grow every year. Let's put the taxpayer first and the government agencies second as far as who gets the money first.

What I'm trying to say is if we want to put a bias in favor of requiring agencies to do more with less, be more productive, more efficient, then we should not assume they automatically get a spending increase every year. That's how businesses do it. That's how families do it.

A lot of families don't get raises, but their expenses go up. Gas prices go up. Insurance costs go up. Grocery prices go up. But they don't get a raise, so they have to prioritize. We think government should do the same, and we shouldn't just assume they are going to get a raise.

This is not going to fix our budget problem, but we think this and the other bills we bring to the floor will improve the process to get us to what we need to do, which is come in here agreeing, compromising, and then deciding and having decisions made, which is budgeting, so we can save this country from a debt crisis.

Mr. HOYER. Will my friend yield? Mr. RYAN of Wisconsin. I yield to the gentleman from Maryland.

Mr. HOYER. I thank my friend for yielding

Frankly, this issue is of such importance, it is a shame we don't have a lot of time to discuss it because I think in many respects we do agree.

Where we disagree, however, is when you say that body that is dysfunctional—the gentleman just referred to that. I kidded about it. Both parties are dysfunctional to the extent that we are not making determinations to spend just the money we have. We haven't done that for some period of time

Mr. RYAN of Wisconsin. You're talking about deficit spending?

Mr. HOYER. Yes. Spending money we don't have.

From my perspective, we did that when we cut taxes. We didn't pay for that. It wasn't like we had a real surplus. We had a projected surplus. We banked on that; and as I said earlier, we lost on that proposition.

I suggest that whether or not, as I said, you use what you think is the bias towards not spending as opposed to a bias for spending, as someone who served on the Appropriations Committee for 23 years, we all know what will happen. The agency will come in and say this is what we are doing for \$100, and this year we need \$101.50 if you want us to continue to do that.

My point is the Congress has the authority to say, no, we want you to do less. It is the Congress' role to make priorities. I suggest to the gentleman it won't be easier for us to do it under either scenario because it is hard to do. I agree with the gentleman that we ought to do it.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. WOODALL. I yield the gentleman an additional minute.

Mr. HOYER. I simply don't think this bill or any other bill will get us to that end if we do not have the courage and, your word, "discipline," to effect that end.

Mr. RYAN of Wisconsin. Reclaiming my time, I agree with that. I think the gentleman is right about that. There is no substitute for courage. This bill in and of itself won't fix the problem.

What I would simply say is that this bill helps remove what I think is a bias in favor of not pressuring government to be more efficient, more lean because they will think they will automatically get a spending increase year after year after year. That is the point. There is no substitute for discipline. I completely concur with that.

This helps us get the system pointed in the right direction. That is why I encourage all Members to support this.

I thank Mr. WOODALL and Mr. GOHMERT for their leadership.

Mr. VAN HOLLEN. Mr. Speaker, I would inquire if my colleague from Georgia is prepared to close.

Mr. WOODALL. I am prepared to close.

Mr. VAN HOLLEN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 4 minutes.

Mr. VAN HOLLEN. Thank you, Mr. Speaker.

I think we have had a good debate. There have been a couple of themes. One is that this bill in and of itself, I think everyone acknowledges, won't save the taxpayer one penny. It doesn't do that.

In order to save the taxpayer money and reduce the deficit, we have to make the tough decisions that Mr. HOYER and Mr. RYAN mentioned. There are obviously disagreements as to how we go about doing that. We've talked about the importance of trying to make sure that as we go forward we have a budget that reflects the values and the priorities of the American people, and one where we are covering our costs. That means paying our bills.

A lot of us believe that in order to do that we've got to get rid of some of the tax breaks for the folks at the very top, that we need to close a lot of the special interest loopholes. That is a very important debate.

The question here is just how we put together an accurate reflection for the American people about our best guess of what I think should be a budget that shows what their taxpayer dollars will purchase in terms of goods and services.

# □ 1830

It is a question of measurement. How do you measure what you're going to be able to buy for the American people or buy for our veterans 10 years from now? When you put \$61 billion in the budget today, which is what we pay for veterans' health issues and for other veterans' programs in the discretionary budget—and as Mr. HOYER says, let's pretend we're going to put \$61 billion in for that program 10 years from now—that is a cut when you take into account inflation and what we know about the increases.

In fact, Mr. CULBERSON, from the Appropriations Committee, was here on the floor, and he's absolutely right. He says you can be sure that the appropriators are going to build in inflation. We're going to make sure we take care of that. In fact, we're going to do a little more than that because medical inflation runs higher. If we're trying to give an accurate measure to the American people about what the budget is

going to look like every 10 years, why would we put a number a member of the Appropriations Committee said is not going to be realistic and that we know, as we gather here, is not realistic?

If we are going to be serious about budgeting, we need to have the best and most accurate sense of what taxpayer dollars are going to buy in terms of goods and services. What this does, as Mr. Hoyer says, is to play let's pretend. Let's pretend that, for the same nominal amount, you're going to be able to get as much in terms of veterans' health care 10 years from now as you are today. If we do that, the real question to ask up front is: What veterans' services and benefits are we going to cut?

Now, the Appropriations Committee decides each year exactly how much to cut and how much to add. That's why, at the end of the day, this is all a question of the will of this body to make tough decisions; but let's make tough decisions off an accurate measure of what things will cost both now and in the future. In order to do that, we should maintain the existing practice, which shows us exactly what that is, and not create what I think will be a misleading sense that we can get more for our buck than we really can.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. WOODALL. I yield myself such time as I may consume.

I just want to begin by thanking the folks on the Budget Committee who made it possible to bring this bill to the floor tonight: Nicole Foltz, Jon Burks, Paul Restuccia, Jon Romito, and on my staff, Nick Myers.

This is a team effort, and it was led by the gentleman from Texas, Louie Gohmert, who has been working on this issue year after year after year, but he could not find a Budget Committee chairman who was willing to prioritize process—and process matters. I've learned in my 1 year here as a Congressman, Mr. Speaker, that we spend a lot of time arguing about process. If we could find that common ground on process, we could get on to the substance. This is one of those issues

I'd like to associate myself with the comments of the gentleman from Maryland. He says the question is: How do we put together an accurate picture of the budget process for the American people? That is exactly the right question to ask. When I ask that question of my constituents back home, they say, ROB, cut out those phony numbers of automatic increases every year.

We absolutely agree on the question, Mr. Speaker. It's how you answer the question that divides us.

As the minority whip said earlier, this isn't a bill that deals with our priorities for spending. Our appropriators are going to do that. This isn't a bill

that cuts one penny. This is a bill that changes the way we measure the pennies that get cut.

I will say to you, Mr. Speaker, I start getting nervous when I hear the Washington political class talk about changing the way we measure, because I just assume they're going to come up with some new phony way to make it happen. Yet in this case—and perhaps this case alone—what we're saying is, for far too long, we've had those conversations during town hall meetings when we spent \$1 million last year and when we'll spend \$1.1 million next year, and they call it a cut—"they" being the Washington measures

That's nonsense, nonsense.

Is there a cost of living issue? Absolutely. Do we have to spend more on health care next year than we do this year? Absolutely. Do we have an unlimited spigot of cash that we can turn on to meet those needs? The answer is no. The answer is no.

This isn't a little issue, Mr. Speaker. \$1.4 trillion over the 10-year window is what this automatic phony budgetary gimmick increases the budget to be. We're cutting that out. We're cutting that out.

We're saying, Congress, if you care about veterans as our veterans' committee chairman does and as our appropriating chairman does, stand up and put your money where your mouth isand I guarantee you we're going to do it. If you care about seniors, stand up and put your money where your mouth is—and I guarantee you we're going to do it. But, Mr. Speaker, if we gave folks \$500 last year to go out and buy their new iPhones, that iPhone has gone down. If we gave folks \$100 at the beginning of the Obama administration to buy gas, clearly, that \$100 is not enough to do it anymore because gas prices have doubled.

We already have a phony budget mechanism to project and bias towards increased spending. This is a bill—a simple bill—to which folks back home ask time and time again: Why hasn't it happened before? I don't have the answer, but it's not about blaming folks in the past for not getting it done, Mr. Speaker. It's about coming together, as we are tonight, to get it done.

This is a bill that has the support of the National Taxpayers Union. This is a bill that has the support of Citizens Against Government Waste. This is a bill that has the support of FreedomWorks. And this is a bill that has the support of the American people.

I would urge my colleagues to vote in favor of it, and let's move this bill on to the Senate.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The Chair understands that the gentlewoman from Texas will not be offering her amendment.

Pursuant to the rule, the previous question is ordered on the bill, as amended.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3578 is postponed.

# THE PROGRESSIVE CAUCUS: LIBERTY AND JUSTICE FOR ALL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Thank you, Mr. Speaker.

My name is KEITH ELLISON, and I am a cochair of the Progressive Caucus. The Progressive Caucus, for people just tuning in, Mr. Speaker, is a group of Members of Congress who believes that America is a place where the idea of liberty and justice for all must prevail.

It has got to be more than the words that we say in the Pledge of Allegiance. It has got to be something we actually live.

"Liberty and justice for all," that means everyone. That means we don't exclude people based on their religion, and we don't demonize them because of it. We embrace people in all their racial and ethnic diversities. We say that Americans born in America and that those who have come here are Americans all the same. Whether you're straight or gay or whether you're male or female, we believe in all America—one America—indivisible, with liberty and justice for all.

We believe in civil rights. We believe in human rights. We believe in the importance of economic opportunity being wedded to social inclusion. For the working people every day—Americans of all backgrounds—that means, if you work every day and if you work hard, you ought to be able to put food on the table for your families.

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You ought to be able to organize in a union on your job. You ought to be able to expect a good, decent retirement after a whole life's-long work. You ought to be able to expect that you can affordably put your kids through school. You ought to be able to expect that we will have a strong social safety net if you happen to hit hard times.

This is the Progressive Caucus, the caucus that believes that it's better to talk it out than to shoot it out. Diplomacy is better than war. We should try to work out our differences with other nations, and saber rattling and investing in warfare armaments and outside and above protecting the American people is a problem.

We should be talking about things like environmental protection. We should be protecting our natural world. We should be addressing the dangers of climate change, and we should be affecting that change to make sure that America is greener and cleaner and more sustainable.

That's the Progressive Caucus, Mr. Speaker. We're the ones who could be found standing up for the Constitution, standing up for the idea of freedom of expression, freedom of religion, freedom of the press. We will be found standing up for the idea the government must have the proper authorization and justification to violate people's right to be left alone.

We also want to stand up and say that we believe that the progressive motion in America is what has made America this great Nation. We recognize our wonderful Nation, our great Nation had a dream. From the very beginning we had a dream, but we also had a reality. The dream was liberty and justice for all, land of the free, home of the brave. The dream was that all Americans and all men will be created equal, endowed by their creator with certain inalienable rights, among them life, liberty and the pursuit of happiness. That was the dream. But the reality was America held slaves. The reality was women couldn't vote. The reality was the original people were relegated to an inferior status.

So people who believed in that dream, people like Martin Luther King, people like Harriet Tubman, people like Elizabeth Cady Stanton, and people like Susan B. Anthony, people like Eugene Debs, and people like Walter Reuther and other great Americans, they believed that that dream was worth fighting for and got out there, Mr. Speaker, and made the dream reality.

We weren't trying to conserve the old order and status quo; we were trying to progress toward a better America that really reflected that dream that I was just talking about. The dream was that all Americans are created equal. The reality was segregation.

But Americans who had a progressive vision said we're not going to stay, we're not going to conserve segregation. We're not going to conserve robber barons who controlled all the wealth in the 1890s. We're not going to conserve the abuse of our environment.

Rachel Carson said, we're not going to conserve that. We're not conservatives. We're trying to make America better. We believe in the greatness of this country, and we are not going to stop until we get it.

So people like Rachel Carson said we're going to have a clean environment, and she wrote about it and she fought for it. And people like Martin Luther King fought for civil rights, and people like Walter Reuther fought for the right to organize. And sometimes people who were in these movements gave their lives for the changes that they stood for, and other times they were able to survive.

But the fact is they were all united in one progressive vision of what America should be about, not trying to preserve racism, slavery, segregation, gender oppression. The progressive movement is what we stand for, not conservatism. That's not us, we're not them and don't want to be confused with them.

So tonight we're here for a progressive message, and we're going to be talking about jobs and unemployment, but I did want to take a moment, Mr. Speaker, just to let everybody know who the Progressive Caucus was, because we don't want anybody to think that we're something else than what we are, the people who embrace the American Dream and believe that America is such a great country we can overcome all the sins of the past and don't want to conserve any of them.

Mr. Speaker, we want to go into a few key points tonight. We won't be here the whole hour, but we want to be strong while we are. And so today we bring the people, Mr. Speaker, the progressive message to illustrate what's at stake in America today. What are the things that we're competing for? What are we contesting for? We come down, we watch the events on the House floor and all across the America, but what is the fight all about?

Working families are getting crushed and our middle class is shrinking every day. The working people of America are fighting to preserve a quality of life because a set of ideas has prevailed in America which basically says that any regulation is bad, and what we say is that regulations, if they're protecting life, protecting the environment, and they're helping the rules be fair and allowing Americans to succeed and have opportunity, they're not bad.

But there are some people who never saw a regulation that they liked. We believe protecting health and safety is a good thing. We believe that getting rid of bad regulation or old regulation is just fine, but these folks over here have an ideological commitment to any, to ending any regulation, and we recognize that this is exactly what has ruined our environment, exactly what has caused global climate change, and exactly what caused the financial disaster.

What's at stake in America?

Here in America some folks believe that if the economy is going really, really well, what they need to do is have a tax cut for the wealthy. If the economy is doing really, really bad, well, what they need is a tax cut.

If the economy is doing sort of good and sort of bad, what we need is a tax cut. In other words, the guys on the other side of the aisle, they don't believe in taxes. We in the Progressive Caucus believe that you shouldn't tax Americans any more than is necessary, but we believe that taxes are the dues that we pay to live in a civilized society.

We believe that if our taxes go so that there can be Head Start for our poor kids to be able to have a chance in life, that's all right. That if we have to pay taxes for police officers and firefighters and people who work on our roads to make them safe and make sure bridges are safe to cross, we're all right with that.

We're not these folks who believe that you want to cut, slash, and burn, and act like public workers and public employees are just, you know, not valuable. We recognize they are valuable, and I'm talking about people who work in parks and rec, the police, the firefighters, but also the people who make sure that our water is clean and our environment is safe. Also, people who make sure that our economic and financial system is safe, people who make sure that when people, that when some folks want to cut corners and just want to make a quick buck, that they're not going to be allowed to do

You need a cop on the beat, a financial cop on the beat to make sure that good actors are rewarded and bad ones are punished. So people who say, oh, we don't want any regulation because it would hurt jobs, we don't agree with that. We believe that jobs are going to come when we have middle class people having enough money to spend, and then the businesses of our country have enough customers so that they can then add new people.

Whereas our friends on the other side of the aisle believe that if you give people like Mitt Romney a lot of money, maybe, just maybe, it might trickle down to the rest of us. Something might land on our heads. Well, something has landed on our heads, but it's not rain or a good job; it's hard times economically.

Trickle-down economics, supply-side economics is a failed policy. It never worked. They always want to say Reagan, well, look at Reagan. Reagan raised taxes plenty of times, and so they even misappropriate his legacy. But the fact is the Progressive Caucus is here to talk about what's at stake in America today.

Now, if you want to know what's really going on, you could just look at this week. Here we are in Washington, supposed to be working hard on people's business. It's not like a lot of big things aren't going on. We've got a payroll tax that's about to expire.

Did we take that up on the House floor today? No.

Did we make sure that Americans don't end up with a thousand dollars extra to pay over the course of a year as the payroll tax deduction goes up? No.

Oh, this summer student loans are going to go up, are going to double if we don't extend the law that would allow them to stay lower. Did we work on that? No, didn't touch that. But

here's what we did do. This week in chance you're going to need some long-Congress the Republican majority didn't bring up a single bill to create jobs, none of that.

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They didn't bring up a single bill to help Americans stay in their homes as we are in the midst of this foreclosure crisis that seems to never end. They didn't bring up any bills to make sure that our air was clean and our water was safe to drink. Nor did they bring up any bills to rebuild our country. No, instead, they were busy playing politics while people are hurting.

Yesterday, they brought up a bill to repeal an effort to help seniors get health care called the CLASS Act. Now, the CLASS Act was a piece of the Affordable Care Act. Some good-faith people working in our government said, you know, there are some things that we need to fix with this bill before it works the way we want it to.

Anybody who has ever made anything knows that sometimes that happens. Sometimes you've got to mend the thing that you're working on. If you've ever cooked a meal, sometimes. you know, you've got to put a little more sugar or salt or add a little more water. Legislation is exactly the same way. You pass a law, you think it can do certain things, but when you get into the actual operation of it, sometimes it doesn't work like you thought.

With this long-term care bill, some good public servants said, you know, there are some kinks we've got to work out. But instead of working out those kinks, the Republican majority just decided to strip the whole thing away. So seniors who need long-term care, the Republican majority didn't say, You know what, here's our fix. They just said. Get rid of what was already done. We say build on what was done. They say strip it away. It's too bad that's the position that they took, but that's the position they took.

Let me tell a few things about longterm care and why we need to strengthen long-term care and not strip away what's already been passed. We have a long-term crisis in the United States today that the Republicans, who are in the majority in the House, are not dealing with.

Do you know, 10 million Americans, Mr. Speaker, need long-term care. Over the next decade, another 5 million Americans will require this care, bringing the total to about 15 million people, Mr. Speaker. The problem is only getting worse, and we've got to do something about it. I wish my friends on the Republican side would help us. But even though they are in the majority, they're not.

Nearly 70 percent of all people will need some level of long-term care after turning 65 years old, Mr. Speaker. That means anybody lucky enough to get to 65, there is approximately a seven in 10

term care assistance. The number of Americans 62 years and older is 20 percent higher than 10 years ago, so America is aging. And you know what, this is a good sign. We want Americans to be healthy. We want our seniors to be healthy, and we want them to be strong. And when they get into a health crisis, we want them to have the care that they need.

And, Mr. Speaker, it's also important to point out here that about 62 million unpaid family caregivers, about 62 million unpaid family caregivers, that's adult children of seniors, about 62 million of these families provide care which, if you put a dollar figure on it, would amount to \$450 billion in 2009, more than the total spending on Medicare that year. So families are stepping up, but families need a little help. I can tell you, Mr. Speaker, people are coming into my office every day. People my age, I'm 48, and they say, My mom is getting older. She needs help. Or she got sick, something's going on. We need a fix for the long-term care.

And so, Mr. Speaker, with all of these problems that we're facing, with 70 percent of people who will need some level of long-term care by the time they turn 65, with the number of Americans 62 years of age and older being 20 percent higher than 10 years ago, with all of these issues, Mr. Speaker, you would think that the Republican majority would step up and do something about it. They're in the majority.

But what has been their response? An attempt to score political points, not solutions. They haven't come with any solution. They haven't come with a proposal to fix long-term care. They just want to strip what President Ohama and the Democratic majority did, and I think that's too bad.

Now, that was what we did yesterday. We messed around. They tried to embarrass the President. It didn't work because Americans know that President Obama cares. In fact, I think Republicans know it, that's why they call it ObamaCare. Well, he does care, so they can say whatever they want.

But my point is today they were back up to their old tricks. Today, we in Congress voted on a budget gimmick bill—that's all you can really call it a bill to make it easier for Republicans to pass more tax giveaways to the top 1 percent. They call it the Pro-Growth Budgeting Act. And, Mr. Speaker, if I had a dime for every deceptively named piece of legislation during this 112th Congress, I think I'd be a wealthy man right now.

This legislation would rig the rules, play games with the rules, funny accounting, Mr. Speaker, to make it easier for the GOP budget priorities to pass, like the Ryan budget, which included deficit-busting tax cuts for the wealthy and cuts in job-creating investments like education, estimated to cost about 1.7 million jobs by 2014.

This bill, this funny-math bill, this bill requires the Congressional Budget Office to use what they call dynamic scoring—that's the word they like to use—as part of a macroeconomic impact analysis of tax provisions. That's a whole lot of long words, Mr. Speaker, which basically says that they want to score it in a way that makes them look good. That's what they're trying to do. And what they want to do is include calculating their effect on the economy like GDP-that's all of the goods and services in a year domestically, investments and employment—which past budget analysts have said are really not going to be an accurate reflection of what's going on when preparing supplemental cost estimates for major legislation.

Such an analysis is designed to hide the impact of tax cuts on the budget deficit, making tax cuts easier to enact or extending by masking their true costs. This bill, this funny-math bill, injects supply-side economics into the Congressional Budget Office scoring, which has been discredited time and time again. It has no place in the nonpartisan analysis provided to Congress. You see, Mr. Speaker, the CBO was set up so that neither the Republicans nor the Democrats, the conservatives or the progressives, none of us with our points of view could get in and mess around with the way the Congressional Budget Office scored a bill.

What it means to score a bill. Mr. Speaker, is to analyze the costs of the bill, or analyze the financial impact of the bill. So it might be how much taxes is this going to generate. The CBO, the Congressional Budget Office, would give us an estimate. Or how much is this program going to cost. The CBO tells us what are the budgetary implications of what we're doing. Historically, Republicans and Democrats have just had to live with the CBO score because it's a nonpartisan office, meaning neither party controls it. But now what the Republicans want to do is come up with this dynamic scoring thing to make their estimates look better. This is wrong. They shouldn't do it. They shouldn't do it.

The underlying assumption behind the bill is that tax cuts pay for themselves. This is obviously wrong. The reason we are in this monumental debt and deficit situation that Republicans like to talk about, they're always going on about we're leaving debt on our children and grandchildren. They always say it like that in a real dra-

matic way, Mr. Speaker.

The reason we're in this mess is because we got two unpaid-for wars under a Republican administration and huge tax cuts under a Republican administration. They cut taxes during a war. When you're really supposed to be raising taxes to pay for the war, they cut taxes during the war which exploded all this debt. That's the truth. If they

come down here and tell you the truth, that's what they would say. That two unpaid-for wars and the Bush tax cuts are what exploded the debt and the deficit. It's why we're in the situation that we're in.

They always want to say, oh, ObamaCare. That's not the cause of it. They want to say, oh, oh, the stimulus. That's not the cause of it because that was an expenditure in a short period of time that didn't have long, long tails like these tax cuts do or these wars.

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That's what has exploded the deficit. And now, instead of owning up to it and saying we need to tax Americans more fairly, not just take care of the rich people, but take care of everybody and make sure the burden is shared and not just the rich get to escape with not doing anything, or not doing much. Some folks running for President are worth hundreds of millions of dollars and only pay 13.9 percent on it; whereas if you make 50,000, 60,000, you're going to pay 25 percent, 28 percent or 35 percent, depending on exactly how much you make. It's unfair. What the Republicans want to do is instead of just owning up and saying, yeah, we were fiscally irresponsible, they just want to have dynamic scoring so it doesn't look so obvious.

Now, I talked about what we did yesterday, which is try to do nothing about long-term care except embarrass the President and strip the CLASS Act out. Today, we played games with the budget again with budget-counting measures trying to interfere with how the nonpartisan Congressional Budget Office does the scoring. Well, what are we going to do tomorrow, Mr. Speaker? Certainly, tomorrow must be better than the last 2 days, particularly given the fact that we got the payroll tax deduction running out and other things, important things, going on. Are we going to take up the payroll tax deduction issue tomorrow? No.

Tomorrow, we're going to do something else, another budgeting gimmick bill, this time called the Baseline Reform Act. This is another one to try to hide the reality. It requires the Congressional Budget Office—and, Mr. Speaker, you'll recall I explained that Congressional Budget Office is sometimes referred to as the CBO—it requires the CBO to unrealistically assume in its baseline that spending in the future will stay the same and not grow to keep pace with inflation, thereby facilitating cuts in real terms in job-creating investments.

This bill ignores the impact of inflation on the discretionary budget which gives an unrealistic picture of what it will take to maintain basic services. So, understand it this way, Mr. Speaker, if inflation is making everything cost more but you try to hold the line, then the cost of things will not be ac-

curately reflected if you don't account for inflation. But this is exactly what they don't want to do.

Republicans want to starve these programs, and they could lead to long backlogs for services and other types of problems such as the major issues at the Walter Reed Hospital during the last decade. Relative to the traditional baseline, a freeze would reduce investment for long-range programs such as rebuilding and educating America by over 20 percent and by the 10th year.

So there you have it, Mr. Speaker. Three days of not dealing with what we need to deal with, 3 days of playing games, 3 days of not dealing with the people's business, 3 days of not focusing on what America needs us to focus on.

So, Mr. Speaker, let's talk about the American people. They have rejected the Republican budget scheme that ends the Medicare guarantee to pay for tax breaks for Big Oil millionaires and corporations that ship jobs overseas. For the last year, if you're not a CEO or a wealthy special interest, the Republican Party of the 1 percent says you're on your own. I often wonder what they meant when they said the "ownership society." What they really mean is the "you're on your own society." They mean, hey, we got to cut cities and towns, and we got to cut States, and we can't be there for you anymore. You are on your own. We're going to lav off teachers, we're going to not give the cities enough to make sure there's enough police, water, fire, all that stuff. You're on your own.

But Mitt Romney is not on his own. If you need a bailout, you're not on your own. But if your house is underwater, don't look to the majority for help. If you're a father who lost your job through no fault of your own, a mother struggling to make ends meet, or a family kicked out of your home, the majority of the 1 percent says you're on your own. Turning their backs on ordinary Americans may pad the profits of corporate donors and hedge funds of billionaires bankrolling their campaigns, but it won't grow the middle class.

It used to be that working hard and playing by the rules meant you got a fair shot. We've got to restore that dream. We're not talking about an American fantasy where everybody is you see it on TV sometimes, Mr. Speaker, where you're going to be living in some lavish place and fancy this and fancy that and lifestyles of the rich and famous and all this kind of stuff. We're not talking about an American fantasy. We're talking about an American Dream, which is realistic because it's not too much to ask that if you're willing to work hard in this country that this country should work for von

But many Americans out there are under a lot of stress, and it's because from a policy standpoint, their elected leadership is catering to the people who have the most under the philosophy, Mr. Speaker, that if you give it all to the rich, they will invest in plants and equipment, and then it will trickle down to everybody else. That philosophy has failed, and it's time for them to admit it.

We need leaders who understand that when we all do better, we all do better. Americans have got to have a better shake. And we in the Progressive Caucus are standing up for hardworking taxpayers of the great American middle class and working class and poor. We in the Progressive Caucus are not ashamed to stand up for the poor, Mr. Speaker. We believe that poor people, low-income people, what you call poor people, are poor if they're too old to work or too sick to work or too young to work. Anyone else might be poor by circumstance, but they would love to join that great American middle class if they could just get a chance. And that means an education, that means job retraining, and that means an economy where we're literally trying to do something to protect the American worker from off-shoring by investing in our infrastructure, putting people back to work, and by doing things to make this economy strong.

The best way to get our economy going is to put America back to work. There's a lot of work to be done. The best way to cut spending is to cut spending on tax handouts to millionaires, billionaires, and corporate special interests, while we give \$4 billion to the oil industry while they're making the most money they ever made, and they still come down here and scream, oh, don't take away our subsidies.

The American people know that the best way to cut spending is to cut spending on big special interests like Wall Street and Big Oil. But instead, Republicans would rather make the rest of us pay for tax giveaways for millionaires and Republican corporate donors like big oil and pharmaceutical companies.

So we want an America where the burdens are shared and where the benefits are also shared. We want an America where there is true economic opportunity and inclusion. We want an America where it doesn't matter whether if you're born here or you came here, it doesn't matter what color you are, it doesn't matter what religion you are, it doesn't matter whether you're male or female or who you want to be married to, that all of us can have a good, prosperous life based on an economy that works for everybody.

And so I just want to say, Mr. Speaker, as I begin to wind up my remarks, that this Progressive Caucus is going to be here standing up for the American people. We will be there for the 99

percent. We will work to get money out of politics, as we're pushing constitutional amendments to do so. We will stand up to Citizens United. We believe that corporations are not people, money is not speech. And in America, democracy is not for sale.

We believe unemployment insurance should be there for people who have fallen on hard times. And we believe that the social safety net is something that's important so that when people need help, they can get back up on their feet.

Mr. Speaker, as I wind down, I just want to point out that, with nearly 14 million people unemployed today, they deserve an opportunity in an America that really works for them. They deserve leaders who care about their plight. They need leaders who care about their plight and are willing to stand up and push policy that will make the American Dream attainable for anybody who wants to work for it.

I just want to say, as I close out, America is a wonderful idea. And the American Dream should be in the grasp of every American. And great Americans have overcome some of the bad things in the past as they reached out to build the American Dream for all.

And when I say liberty and justice for all, Mr. Speaker, I mean it. And I just don't mean social equality, I mean economic opportunity too. And it's going to have to start with asking everybody to pay their fair share, recognizing that trickle down never worked and never will, and that we've got to invest in America, educate America, and protect America so we can get this economy working again.

With that, I yield back the balance of my time.

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### REPEALING OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Michigan (Mr. Benishek) is recognized for 60 minutes as the designee of the majority leader.

Mr. BENISHEK. Tonight, my colleagues and I have come to the floor, both as Members of Congress and physicians, to discuss the urgent need to repeal and replace the Patient Protection and Affordable Care Act.

Like many of my fellow Members here this evening, I've spent the last decades of my life as a physician, a surgeon. Unlike our President, I was on the front lines of medicine. I went to medical school in Detroit, Michigan. I did a family practice internship in Flint. I returned to Detroit to do a surgical residency, and then moved to the upper peninsula of Michigan, where for the last 28 years until I took this job, I was taking care of patients in a rural general surgical practice.

I know what it's like to be in a small town where people depend on their local physician, and it's 2 hours in an ambulance to get to the nearest hospital. And the Patient Protection and Affordable Care Act is affecting rural hospitals to such a degree that many of these hospitals are going to close. And I just want to bring to your attention, Mr. Speaker, the seriousness of this problem.

It's been a pleasure being a surgeon. It's a pleasure being here in Congress. As a matter of fact, sometimes patients of mine still call the congressional office inquiring about scheduling a case. One of the very reasons I ran for Congress was because I felt those with real health care experience needed to contribute to the national discussion on health care reform. Tonight, along with other members of the Doctors Caucus, I'd like to dispel some of the myths associated with the President's health care bill.

It's time to set the record straight. It isn't enough to just say this bill must be repealed, we must tell you why it has to be repealed, explain to you the really bad aspects of this bill. I'm proud to say that one of my first votes as a Member of Congress was to repeal it. Tonight, we're going to go through some of the provisions of the bill which make it so onerous.

While I disagree with the President's health care bill for a number of reasons, I'm particularly appalled at the recent regulation issued by the United States Department of Health and Human Services as a result of the bill, requiring all employers, even if they have a religious or moral objection, to offer health insurance that includes sterilization, abortion-inducing drugs, and contraception.

I offer for the RECORD an excerpt from a letter from Bishop Sample of the Catholic Diocese of Marquette, one of my constituents. Here is a quote from Bishop Sample's letter:

In so ruling, the Obama administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. And as a result, unless the rule is overturned, we Catholics will be compelled to either violate our conscience or drop health care coverage for our employees and suffer the penalties for doing so.

The Obama administration's sole concession was to give our institutions 1 year to comply. We cannot, we will not comply with this unjust law. People of faith cannot be made second-class citizens.

Mr. Speaker, as a fellow Catholic and a physician, I agree with Bishop Sample. It's my belief that the government has no right to mandate that employers purchase health insurance for their employees in thefirst place. But this law is made even worse by demanding that those who support life, regardless of their particular religion, provide coverage for abortion-inducing drugs.

Mr. Speaker, Federal conscience laws have existed since 1973 and have protected many health care providers from discrimination due to religious and moral values. Unfortunately, President Obama's health care bill contains no language protecting the conscience of health care providers.

I recently cosponsored H.R. 1179, the Respect for Rights of Conscience Act, which was introduced by my colleague, Mr. Fortenberry of Nebraska. If signed into law, this bill would amend the Affordable Care Act to permit a health plan to decline coverage of specific items and services that are contrary to the religious beliefs of the sponsor of the plan without suffering consequences. While I and other Members of Congress continue our efforts to repeal the President's health care plan in its entirety, bills such as H.R. 1179 are necessary while the Affordable Care Act is still law to ensure that the Federal Government does not mandate any American citizen to defy their own religious principles.

I certainly have many other issues with the President's health care bill, but I'd like to give some time to my other colleagues here tonight a chance to speak as well.

Mr. HARRIS. Will the gentleman yield for just a question?

Mr. BENISHEK. I yield to the gentleman from Maryland.

Mr. HARRIS. You know, the gentleman's been talking about the President's health care bill. I assume you don't mean President Reagan's health care bill, you don't mean President Bush's health care bill. You're talking about—because a lot of people at home might be a little confused, you're talking about ObamaCare, I take it?

Mr. BENISHEK. Right.

Mr. HARRIS. And when you talk about the conscience protection that has been infringed in the last week, is it correct that that is directly a result of the ObamaCare legislation?

Mr. BENISHEK. That's correct.

Mr. HARRIS. And in fact, as you well know, vou're a surgeon. I'm an anesthesiologist, as physicians, when we were trained, the whole idea behind that part of the law would treat pregnancy as a disease. Because in my understanding, isn't that correct, that part of the law dealt with preventing disease? And in some strange way, shape, or form, what a lot of Americans think about as a thing of wonder, pregnancy—you know the ability to bring a new life into the world—for the first time is treated as a disease to be prevented using taxpayer dollars to the point where, and correct me if I'm wrong, the Secretary of Health-because that's her title, the Secretary of Health and Human Services—is treating pregnancy as a disease. And not only saying that, but that it's so important to prevent this disease that every American employer should be

forced to pay every penny of the prevention. Is that what I understand the Secretary's decision to mean?

Mr. BENISHEK. That's correct, as I understand it.

Mr. HARRIS. Well, Mr. Speaker, as the doctor has said, this is a very strange path to go down, from a bill that was brought to the American public as a bill that will help the uninsured get insurance has now gone to the point of not dealing about whether someone has insurance, but whether every employee should pay what we call first dollar coverage—that is, no copay, no deductible—free treatment to treat what the Secretary of Health now I guess considers a disease, pregnancy. Now, if that's true, you know, I've got five children, I guess my wife was struck with that disease five

But I will tell you, as a physician who's treated patients, Mr. Speaker, as the other gentleman from Michigan has, with diseases, to put pregnancy in the same category as breast cancer, as colon cancer, as prostate cancer, as leukemia, as other diseases that have screens that can be done, where, yes, maybe to prevent those life-threatening diseases—because, doctor, if you can correct me, I don't think it says that this is only for life-threatening pregnancies. I think this dictate from the Secretary of Health and Human Services of the United States is to prevent and treat, in whatever fashion someone decides to treat this diseaseit doesn't have to be life-threatening; it's not a cancer, it's a pregnancy.

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To place that in the same category and to use our precious health care resources to treat disease and a pregnancy is a very different objective than to pass a bill to provide basic important health insurance. And I think the gentleman, as I say, you're being very generous and perhaps confusing to the American public, because I think they've come to understand this bill. It's ObamaCare.

I'll tell you what's interesting. Most of the time, when someone here has a piece of legislation, signature legislation that passes, they're thrilled if the legislation is referred to by their name. and there are plenty of examples. But interestingly enough, as the doctor may know, when we write a letter to our constituents and refer to the Affordable Care Act, we've actually been told we can't use the name that all Americans know this bill by. They call it ObamaCare. For some reason, someone's sensitive. I guess the President's too sensitive. Why wouldn't he wantif he is so proud of this bill, why, every time we refer to it by the name all America knows it by and, I might add, dislikes it by, is ObamaCare.

We know what the public polling says. A majority of Americans know it

was a mistake. Interestingly enough, a third of Americans don't realize it's still the law of the land. But they did get a rude awakening last week when, if you happened to be a member of a religion that doesn't believe that pregnancy ought to be treated as a disease, that doesn't believe that you ought to be forced to fund sterilizations with no copay or deductible as part of your insurance policy you provide to your employees, that that comes under the ObamaCare legislation that is still in effect.

Mr. Speaker, you know that if you travel through your district and you talk to the small business men and women in your district, you know how afraid they are of this bill being fully implemented. They understand that it will break the bank in their business, it'll break our bank here in Washington.

We have a \$15 trillion debt, and everyone knows, when you add 14 million new people to a government entitlement, as this bill did, all that you're going to do is make that situation worse. And our small business men and women realize this. They know that cost is going to be born to them.

We know what the unemployment rate is. It's not under 8 percent like the President had promised when that stimulus bill was passed in this very Chamber 2 years ago, I will say, when the other side was in charge. The unemployment rate's over 8 percent. The Congressional Budget Office, just this week, projected it will be 9 percent by the end of the year.

Times are tough. Gasoline is \$3.60 a gallon. And what is the President's administration doing? Going full steam ahead on implementing a bill, ObamaCare, that Americans don't want and can't afford.

So I'm going to thank the gentleman from Michigan for yielding the time to me and thank the gentleman for bringing this up to the American people once again, to remind them ObamaCare is with us. It may not be after the next election. We don't know. But we know that America agrees, this was a bad idea at a bad time, and due to what happened last week with the conscience protection that's always been present in Federal law being abridged by our Secretary of Health.

Mr. BENISHEK. Thank you, Dr. HARRIS, for being here tonight. We certainly appreciate your comments.

Let me add, at a town hall in New Hampshire in August of 2009, President Obama stated: If you like your health care plan, you can keep your health care plan. The President made this statement several times as he attempted to gain support for his health care overhaul.

After the last Congress passed the Affordable Care Act, the Obama administration began its job-killing regulatory

spree. Instead of allowing Americans to keep their health care plans if they're happy, this new law could cause as many as 87 million Americans, nearly a third of the population, to lose their coverage.

As a physician, I understand the importance of consumer choice when it comes to health care. Personally, I don't think government should be in the business of mandating the purchase of health care insurance at all. Why in the world would you pass a bill that mandates the purchase of health care insurance and then potentially kicks 28 percent of the population off their plans?

I can tell you from experience, this has nothing do with affordable care. Again, this is just not another reason to replace President Obama's Affordable Care Act with real health care reform.

I look forward to replacing this plan with a bill that expands health care choice, like H.R. 3000, a measure introduced by my colleague, Dr. PRICE, that I cosponsored. This bill expands health care access and availability, making provisions for selling insurance across State lines and addressing medical liability reform. This is a real step forward in health care reform, unlike the previous Congress's attempt.

With that, I'd like to introduce Dr. GINGREY of Georgia for his comments.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Michigan's First Congressional District for yielding the time, and I thank him for putting together this Special Order hour. And, indeed, I thank our leader-ship for making this the designated leadership hour for the Republican Conference this evening and all of my colleagues that are participating.

The gentleman spoke about some of the things in ObamaCare. As the gentleman from the eastern shore said, the name of the bill that the patients know it for—or dislike it for, I think is the way he put it. And certainly 60 percent or more still, 2 years after its passage—I guess when former Speaker Pelosi said they'll have to find out what's in it and I think they'll like it, well, they found out what's in it and they don't like it.

And one thing that was in it, still in it, unfortunately, that nobody really likes, yet our Democratic colleagues fought tooth and nail yesterday on the House floor to keep the CLASS Act in this ObamaCare, Affordable Care Act. We call it the "unaffordable care act." And the CLASS Act was a provision that was inserted, Mr. Speaker, on the Senate side in the latter stages just before, in fact, they voted on the Senate side to approve the bill.

In the CLASS Act is this so-called long-term care provision that former Senator, God rest his soul, Senator Kennedy had worked on for years, and this was something that his staff wanted to have in the bill as a legacy to his

memory. I understand that. But not only was it half-baked, I think it was about quarter-baked, and it was a bill, a section of the bill, 2,700 pages, so it was just one section, but one of the most egregious provisions in regard to what it's going to cost our poor, burdened American taxpayer, this CLASS Act, in regard to long-term care provisions

And thank goodness for our former Senator, Judd Gregg, who was chairman of the Budget Committee on the Senate side, is now retired. But he was on the Health Committee in the Senate and proffered an amendment that said you couldn't go forward. The Secretary would not be allowed to go forward with this CLASS Act provision on long-term care unless she could certify that it was fiscally solvent in the outyears.

And another Member, the current—in fact, the current Budget Committee chair on the Senate side, Democrat KENT CONRAD, said in 2009 that it was a Ponzi scheme of the highest order. In fact, he even said it would have made Bernie Madoff proud. I couldn't have said it any better than that, because what it called for, or what it calls for is something that absolutely is a Ponzi scheme. It requires people that sign up for this CLASS Act, long-term care insurance, to pay premiums for 6 years before they would be eligible to have a benefit if they were disabled and they needed care with daily living activities in their home.

#### □ 1930

So it looked like this part of the bill was going to generate \$80 billion in cost savings, and boy did they ever proffer that point. Eighteen months later, the secretary of Health and Human Services finally says we can't make this work, we have looked, turned it upside down, inside out, backwards, eight ways to Sunday.

In fact, they had a flowchart that had an algorithm of how they could possibly make this program work. It included things like saying that people with preexisting conditions had to wait 15 years before they were eligible for a benefit, that these preexisting exclusions would go away. Then they said, no. maybe we ought to eliminate anybody. Our colleagues on the other side of the aisle vesterday said you mean you're going to deny coverage to people with Alzheimer's and with metastatic cancer and with type 2 diabetes and renal failure, and all this stuff? These are the things that the Secretary wanted to say, We are going to have to not allow them to participate with these preexisting conditions; not us, not our side of the aisle.

In fact, let me make this point before I yield back to Dr. Benishek so he can yield to others that are here on the floor.

The only thing that they could come up with, Secretary Sebelius, that

would make this program work was the ninth thing, and that was to make it mandatory, say everybody has to sign up for long-term care insurance whether they want to or not.

I think they already know they have a little bit of a problem in regard to mandating health care in regard to the case that is before the Supreme Court now. They will have 5½ hours of testimony in March and a decision probably in June. I don't think they wanted to go down that road again, and so she threw up her hands and said, We are not going forward with it.

We voted on the House floor yester-day to strike that bill from the law, remove it from the books because, if we don't, here is the problem with the CLASS Act still being kind of inactive, sitting there in the statute, in law, even though the Democrats say you don't need to remove it because the Secretary says she is not going to go forward.

But the law says very specifically that she will have a program for people to participate in by October 1, 2012. That is less than 9 months from now, if my math is correct. Someone could simply say, You didn't provide this and the law requires it, and therefore I'm going to bring suit against the Federal Government. This could go on and on and on.

Then the people who are trying to develop a long-term care insurance policy so that folks could afford it and it would work, they are not going to work on that until they know that the Federal Government is not continuing to mess with the system and cause more and more delay. I wanted to mention that because I thought it was very important.

The vote yesterday to repeal had 26 of our colleagues on the Democratic side of the aisle. That is pretty darn good in this body in regard to bipartisanship.

We hope and pray, as this bill goes over to the other body and gets to the desk of the majority leader, Senator REID, that it won't just stack up like one more piece of cordwood as did the 30 bills that we've passed in the first session of the 112th Congress. Hope springs eternal. I think we did a good piece of work yesterday. I am proud to be here with my colleagues.

Mr. BENISHEK. Thank you very much. I really appreciate my colleague from Georgia's comments, Dr. GINGREY. Excellent.

The minority leader, then-Speaker NANCY PELOSI, once promised that the President's Affordable Care Act would create as many as 4 million jobs. Despite these promises, over 13 million Americans have been unemployed for the last 31 months. Instead of creating jobs, the President's health care plan is working against America's economic heartbeat—small business. According to a study by the National Federation

of Independent Business, new taxes created by the employer mandate provision in President Obama's health care bill may eliminate as many as 1.6 million additional jobs by 2014.

During his State of the Union address last week, President Obama stated:

Companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everybody knows it. So let's change it.

I couldn't agree more with the President on that statement.

One easy place to start would be the passage of H.R. 1370, a measure introduced by my colleague, Dr. BOUSTANY. This measure repeals the annual fee, meaning a tax, that the President's health care plan places on health care insurance providers. Instead of raising taxes by \$500 billion on the American taxpayers to pay for the Affordable Care Act, President Obama should follow his own advice and encourage the Senate to repeal his health care plan.

With that, I would like to introduce my colleague from Louisiana, the former Louisiana doctor of the year, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman, Dr. BENISHEK. That was an unexpected recognition there. I thank you, sir, for that.

I'm just going to give a brief toplevel overview of where we started with health care in this Nation and why we are here today.

I have to take you back to post-World War II, where we began to have the indication of a crisis protection form of insurance; that is, insurance that is there just to keep the family from going bankrupt over medical bills. That seemed to be well received.

Over time, it became obvious that there were other people, the people who were poor, people who were elderly, who could not get coverage in the normal marketplace of insurance. As a result, Congress in the mid-1960s, created Medicaid, health care coverage for the poor, and Medicare, health care coverage for those who are 65 and over.

That was all well and good; however, this was the first real foray of the government managing health care, that is, the financing of health care. The promises were great to the doctors to get them to go along with it. The promises were great to the patients. It has rocked along for a while pretty well.

People who receive Medicare benefits enjoy them. The problem is that we know in government that the cost has risen and risen and risen, and now what we have is a situation where Americans who are on Medicare enjoy very good health care benefits, but the explosion in cost and the pressure it is putting on the rest of the health care system is becoming unsustainable. In fact, if left alone, Medicare will totally displace all discretionary spending in the government today; therefore, something has to be done about it.

We got about halfway through government-run health care, and our friends on the other side of the aisle have had this vision for many years of having government totally control health care for everyone. They attempted to do that with the passage of ObamaCare, which took us, I would say, to about 95 percent complete government control of health care.

What was the promise? The promise was that your insurance rates would go down, your coverage would go up, that your choices would go up, and things would be fine and dandy.

What have we found thus far? And it hasn't even been nearly fully implemented. That is that the cost of insurance premiums have gone up.

We now have a board called IPAB, which is 15 bureaucrats who will be appointed by the President, not necessarily health care workers. Everything that may affect you in your life with regard to health care may well rest in the hands of this 15, even usurping Congress itself when it comes to decisions such as what doctors you can see, what it will cost you, and certainly what the health care system itself will be paid.

What I would submit to you tonight is that any time government runs a system of economy—which certainly it has done in education, and we see the failures in secondary and primary education there, and now in health care—that costs skyrocket. They become very inefficient and they become unsustainable.

Remember that when it comes to Medicare that, for every \$1 that a recipient puts into the system in the way of premiums, they get \$3 in benefits.

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That means that even the very wealthy—even the Warren Buffetts of the world—actually get subsidized health care. We just simply can't afford it. We'd love for our recipients—our voters—to get this, but we can't afford it. So now what do we have? We have ObamaCare, which is a fixed top of Medicare and Medicaid, and we have nearly a 100 percent government-run system.

You just heard my colleague from Georgia talk about the fact that one of the ways to fund it is by this CLASS Act, which is long-term health care. It's unsustainable. It will collapse. Actuaries tell us it's not going to work, so we're in the process of repealing it. We know that there is an amazing number of taxes that go with this—a tax on the sale of your home as an investment—and many other pieces. Another big piece toward funding it is by taking out a half a trillion dollars from Medicare, which only makes Medicare go out of business even faster. Right now, we're looking at about 10 years for that to happen; and our friends on the other side of the aisle, the Democrats, have no solution for that whatsoever.

So I would say, Mr. Speaker, that we have gone from the frying pan into the fire when it comes to health care by way of government. There are those who say, Well then, what is your solution? Mr. Speaker, our solution is very simple. Our solution is: Let's re-invoke the marketplace, the forces of the market—economic freedom and patient choice—back into the system, and let's get government out.

Government has a role. Government's role is to protect its citizens and to ensure there is an even playing field. Yet we know that no way will costs go down in any open economy, in any free economy, unless there is robust competition. But we do not have that today, not among insurance companies, not among large, vertically integrated governmental systems. It's not there—it never will be—and we will continue to have waste. No matter what any politician says that he's going to do to get rid of fraud, waste, and abuse in the system, he is incapable of doing that. Only a free market can do that.

I will refer you back to PAUL RYAN's budget, which actually gives Medicare recipients a free market choice, which is the same kind of choice that we in Congress have today. That is: We can go to a Web site or we can go to a book, and we can choose from one of hundreds of excellent health care systems out there by which we can be covered.

Why can't Medicare recipients and why can't Medicaid recipients have exactly the same thing? Why can't we tear down the State walls that exist that make, in most cases, one insurance company totally control the market in an entire State? Why can't we do this?

The answer is: This body right here has not allowed that to happen.

Mr. Speaker, that is what I submit to you this evening: Should we repeal ObamaCare?

I am convinced now that we will; that perhaps it will be H.R. 1 in 2013, the full repeal of ObamaCare; that we will quickly replace it with piecemeal pieces of legislation that do many things, including reforming liability insurance, re-invoking the free marketplace, patient choice; and that we will get on with making this a much more efficient system, one that is much more user friendly and one that we can all be proud of.

I thank the gentleman, and I thank my fellow physicians in the GOP Doctors Caucus. It is always an honor to serve with these ladies and gentlemen. It's not only physicians, but nurses and other types of health care workers. There are truly great things that are happening in this body.

Mr. BENISHEK. I appreciate that, Dr. Fleming. Thank you for your comments

I just thought I'd make a few comments of my own about your discussion of the IPAB board and make sure that the American people know what this is. The Independent Payment Advisory Board is a board of bureaucrats appointed by the President, without appeal, that will determine whether or not procedures, if they are overpriced, will be available to the American people.

I've talked to patients in many difficult situations, where I have had a very sick patient and have taken care of the patient myself and the patient's family, where difficult decisions are being made affecting the life or death of the patient. These decisions are not easy to make. You have to discuss the alternatives with the patient and with the patient's family; and usually, through the coordination of what the patient wants, with what the physician recommends and in discussion with the family, we come to a decision.

The Independent Payment Advisory Board may decide completely differently from what we decide. Certainly, some patients deserve different types of care: palliative care rather than aggressive care, comfort care measures versus complete major surgery. These are decisions that have to be made personally—on an individual basis—based on sound medicine, what the family needs, what the patient wants, and not with an unappealable bureaucratic decision made in Washington by someone who may or may not know the patient and who certainly may not be educated in medicine or compassion. From my eyes, it's really a scary thought for the American people, and I just wanted to put my perspective on your comments there.

Now we have my colleague here with us this evening, the gentlewoman from New York (Ms. BUERKLE), as a member of the Doctors Caucus. Ms. BUERKLE is actually a nurse, yet we have health professionals of all varieties here tonight, so I yield to the gentlewoman.

Ms. BUERKLE. I thank my colleague and friend from Michigan for yielding to me, and thank you so much for having this evening's Special Order regarding health care.

I think it is so important, Mr. Speaker, that the American people hear from health care professionals. There is such distrust of politicians in Washington, so for the American people to have the opportunity to hear from those who have invested their lives in health care and who really do care deeply about our health care system, I think it's so very important that we have this hour and this time together.

Mr. Speaker, I ran for Congress because I was so concerned with regard to the health care law. I thought that it was substantively flawed. I thought that it was procedurally flawed. It was passed in secrecy at all hours of the

night, and I thought that constitutionally it was flawed in that our government doesn't have the right to mandate our buying anything, let alone health care. So I ran on that. Now that time has unfolded—and we've been here a year now—what has come to light is how very flawed this health care law is. I speak to so many parts of it that are flawed, but I just want to focus on a couple of specific areas.

I am the daughter of a 90-year-old woman. My mother is alive and well and lives in a small town in Auburn. I know how much she cares about her Medicare coverage, and I know how important that is to her and for her. Then last April, when the Republicans put out a budget proposal, Mr. Speaker, we were demagogued; we were demagogued that we wanted to cut Medicare for seniors.

I am here tonight to reassure the American people, particularly our seniors, that this group—all the members of our caucus-and our conference understand and appreciate how important Medicare is to our seniors. We understand that. This budget proposal that was proposed last April and passed in the House is merely a proposal, a suggestion as to how we're going to save Medicare for those who are 54 years and younger. So I want to assure seniors that any changes we talk about with regard to Medicare have to do with only those who are 54 and younger. That's very important to empha-

What I do want to talk about briefly is that this health care law, which is the law of the land and which will go into effect in 2014, does cut Medicare. I've heard from many of the seniors in the country, and I've heard from the hospitals in my district, and I've heard from the physicians in my district. This health care law cuts Medicare by \$500 billion. Every senior is going to feel the impact of this health care law.

So I want to be here tonight with my colleagues and with members of the health care profession to assure our seniors that we are here to protect you. We want to keep Medicare intact, and we want to alert you that the law that was passed is flawed on so many levels. We voted to repeal it, but it's flawed primarily.

One of the biggest reasons is that it cuts Medicare, which will impact our seniors and the care they receive. We've heard about the IPAB, and you've heard about the CLASS Act; but this cut to seniors is something every senior should be concerned about, and they should be clamoring for the repeal of the law of this land because it will affect their care and their coverage.

I've heard from so many hospitals in my district, and I have a list here. I have five hospitals in my district. All of the Members have hospitals in their districts. There are cuts to our hospitals because of this health care law. Hospitals receive what's called a "disproportionate share" for services they give to folks who don't have insurance—who are uninsured—or who maybe get Medicare or Medicaid. So hospitals get what's called a "disproportionate share."

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Mr. Speaker, the health care law eliminates the disproportionate share. It's a problem for hospitals, and I've heard from my hospitals and I've had the privilege of representing my hospital for 13 years as a lawyer. I don't say that as much as I say that I'm a nurse.

The cuts to Medicare to our hospitals will really force them into a very bad situation. And I want to talk just briefly, and then I want to yield to my colleagues, how important our hospitals are to our districts. In my district alone it employs 18,000 people. So when we've enacted a law, this health care law in this country, it's going to impact our hospitals and how viable they are.

You can see the payroll and purchases from the hospitals. Just in my district, Mr. Speaker, over \$2.5 billion; and State and local tax and revenues, 105 million. So this health care law—and my hospitals have said to me, it's going to hurt us. One has said it will put us into bankruptcy because we can't afford to do business because of the health care law.

So a bill that was supposed to—a law that was supposed to increase access, decrease the cost of health care—as this bill and this law unfolds, we're seeing more and more that it's bad. It's bad for seniors, it's bad for hospitals, it's bad for our physicians. It's bad because it's the government telling the American people what they have to do.

I'm so proud to stand here with my colleagues who have voted to repeal this health care law, and we want to make sure that the American people understand. We do realize we need health care reform, but it needs to be market based, as my colleague mentioned, and it needs to be care that doesn't hurt our seniors, doesn't hurt our hospitals, doesn't hurt our physicians and really does increase access to health care.

Mr. BENISHEK. Thank you very much. I appreciate the gentlewoman's remarks, and thank you for taking the time to come up this evening.

We're nearing the end of our hour here, and I'd like to give the other Members that are here an opportunity to speak.

I yield to my friend from Arizona (Mr. GOSAR), who is a member of the dental profession. I'm looking forward to your comments.

Mr. GOSAR. Thank you, Dr. BENISHEK. Thank you for having this opportunity through these Special Orders.

I've got a unique perspective of looking at health care through a dentist's eyes, something that has stayed market based and stayed very inflationary neutral.

But before I do that, what I wanted to do is touch on my colleague, Ms. BUERKLE, in regards to hospitals.

I come from rural Arizona and more important aspects of hospital care is our rural hospitals and the solvency that we're seeing with them. They've taken an undue burden because we destroyed the patient-doctor relationship, the integral aspects of all the doctors with specialties and with the hospital.

Many of the hospitals that I've been working with are finding that it's going to be insolvent very, very quickly; and, therefore, our safety net is going to be gone.

We need to look no further to see government-run health care, particularly the longest-standing health care, and that's Native American health care. We see how detrimental it actually is. We have actually seen a group of people that are so despondent about the way government has taken care of their health care that they've invoked a clause called the self-determination act, in which they are taking back their health care needs within their communities, patient based, community based, preventive based.

These are some of the things that we as health care professionals really support and really tried to build upon. We can look no further than our Native American friends to see how we can actually start that capacity of rebuilding.

Second of all, we've talked about it briefly, and that is the modality of increased competition. This is a place that the Federal Government can actually help us and intercede. We all, as professionals, can work as collusive bodies, in unison, price fixing. But insurance companies certainly do that, and this is where we can actual level the playing field by our Federalist papers to allow open competition and vertical competition against each other across State lines.

This gives us the opportunity to have many more opportunities for the marketplace. That gives us the opportunity, consumer based, so that my needs may be different. For example, I'm allergic to wheat. I need to take care of myself. I need to be able to have an opportunity if I want wellness checks, if I want to see. I have different riders for lymphomas, all those different things I need to have the opportunity for. And that gives me the playing field on which I can play, particularly when there's more options out there. We're competing against each other and State lines.

Like my good friend from Louisiana talked about, State laws that almost give a monopoly to certain insurers

within a State. This is the opportunity to open those doors and start to bypass the ERISA laws, opening up the competition model so that we all have an opportunity. You know, there was a conversation that was taking place, but we've lost it. Instead of a single-payer, how about a single-pool?

Here's our opportunity to make sure that we've got great competition within the marketplace. Dentist, no, because we compete that way. You know, once upon a time insurance wanted to take over dentistry. There is an insurer called Delta Dental, and it was dentistry that was actually building insurers basically for the patients.

That's how we became the marketplace, opportunity. This gave us the opportunity that everybody got to choose and pick, and those are the things we have to look at.

Last but not least, all parts of this, this government-run health care, we need to really point at a vibrant economy. No closer do we have to look at this discussion than the withholding tax. Part of this money goes into the Social Security fund but also intoMedicare. When we don't have a vibrant economy, we don't have the money going into our health care portfolio.

This is why it's all integrated. This isn't one separate entity. It's all integrated into a Nation that has a vibrant economy; and that's where we have to poignantly look, establish a new playing field, open up the rules, even get tort reform.

And we can learn from our States. This is one where one size doesn't fit all, but we can work with a value: what happens in Texas, what would happen in California. How about mediation that all medical malpractice cases have to go to mediation before they can go to court.

Isn't that magical? That's exactly what happens in Oregon. These are opportunities to take the brightest pieces across this country and putting them together and working it on the basis for patient preference, allowing them to pick. There's nothing more dear to somebody than their health care.

I'd like to thank my good friend, Mr. BENISHEK, for putting this together.

Mr. HARRIS. Will the gentleman vield?

Mr. BENISHEK. I yield to the gentleman from Maryland.

Mr. HARRIS. Gentlemen, I appreciate the very passionate discussion that you had about the way physicians interact with patients, and patients kind of expect that their care is going to be a personal decision between their health care provider and themselves and their family.

My understanding, and the gentleman from Louisiana mentioned this, Independent Payment Advisory Board, are 15 bureaucrats appointed by the President. Do either of the gentlemen

know, correct me if I'm wrong, they are by law—cannot be a practicing physician.

You might want to check one of those 2,700 pages because I believe that the act by law says they cannot be a practicing physician.

Now, the gentleman from Michigan pointed out something that every senior in America ought to really care about, or those who take care of seniors or whose parent or grandparents are seniors. When your loved one is ill, do you really want the decision about whether they can receive care being made in an office in Washington by somebody who's got to find a way to pay for that ObamaCare bill?

Because, Mr. Speaker, that's the whole purpose of that Independent Payment Advisory Board. They've got to find \$500 billion to take out of that Medicare program. Who among us doesn't believe that when that bureaucrat sits down, they're not going to be thinking about what's best for your loved one?

They're not going to be thinking about what that physician or that health care provider's decision is about what the best care is. They're going to be thinking how they're going to make that budget work.

To the gentleman from Michigan, I will tell you, I think that's the way America thinks that decision is going to be made. They're going to believe that when government runs health care, it's going to be run just like government runs a whole lot of other things it runs.

Ask a senior in your district, doctor from Louisiana, the doctor from Michigan, the doctor from Arizona, the doctor from Georgia, ask the next Medicare patient you take care of how long they have to wait on the phone when they call Medicare.

#### □ 2000

To the gentlelady from New York, my mother is 88, God bless her. And I have to tell you, she has made the mistake a couple of times of calling Medicare on the phone. My poor 88-year-old mother spent 90 minutes one time on the phone to get an answer. That's the kind of care we're going to get from the Affordable Care Act. It's not affordable care. It's not good care.

I want to thank the gentleman from Michigan for yielding and giving us the opportunity to remind the American public, we repealed ObamaCare in this Chamber. That repeal bill is sitting over in the Senate.

Mr. BENISHEK. I thank my colleague from Maryland, and I appreciate your bringing up those great points.

The President's health care act was to allow people to get more access to medicine. And as we've seen from multiple discussions here this evening, with the closure of many small hospitals throughout America due to the decreased payments under the President's health care bill, many small hospitals are facing closure.

I know, like the gentlelady from New York mentioned, I have many small hospitals that are on the razor's edge of being in the black or in the red. Recently, a small hospital in my district was just on the verge of bankruptcy. How is closing five hospitals in the 200-mile area increasing access to care? It isn't. It's making access to care more difficult, more impersonal.

Physicians, like ourselves, we're concerned about what's going to happen here because I'm concerned about my patients. And I'm concerned about my colleagues who complain to me about their patients. I think it's folly to be able to regulate health care from above.

Health care needs reform. We have the best health care in the world. The problem is it costs a lot of money. It costs a lot of money because there's not enough market forces, as my friend from Louisiana mentioned. You know, once somebody pays their copay, they don't care what anything costs. I paid my copay, I don't care what it costs. It's all good. We need to have health insurance be more like car insurance. You can buy car insurance from multiple different companies, thousands of different companies. In Michigan, you can buy your car insurance from a company in Florida or Tennessee because there's a lot of open competition. And your car insurance doesn't pay for an oil change. It doesn't pay for new tires. It doesn't pay for the routine expenses. If your car insurance paid for your oil change and your new tires, it would be really expensive, just like our health insurance is today.

We need to have people understand that health care isn't free once they pay their deductible. I think the health savings account concept where people have to save money tax free in their health savings account, use that money for their routine medical care and have health insurance be what it should be, not complete coverage of everything medicine but insurance for catastrophic disease, for items that you choose to insure for, not to insure for things that the government makes you insure for, like, you know, abortions which you may not want, or pregnancy, which you may not-you know, if you've had a hysterectomy, why should you be paying insurance for a pregnancy? There should be choice in health insurance, to allow people to have a Cadillac plan if they want, if they can afford it, or a Chevrolet plan. Or a young person may have simply a catastrophic plan if they feel they will not have significant health issues.

That type of marketplace and that type of philosophy is what we need in the health insurance business in my view.

I want to ask my colleague from Louisiana if that view of medicine, a market-based insurance and then competition between physicians as well, is your view?

Mr. FLEMING. I thank the gentleman. I will just briefly respond to that.

The point I would like to make on that very question is that coverage is not the same thing as access. There are countries around the world that have 100 percent coverage, yet they have no access to care. And I'm not just talking about communist or socialist countries. Look at Canada today. It takes a year to get a CT scan; but yet everybody's covered. So that's the fine point that we need to understand and take away.

I will also add in response to the gentleman just a moment ago talking about the Independent Payment Advisory Board is that it will have more power than Congress itself. It will take a two-thirds vote from both bodies to overturn their decisions, and I don't think that Americans are ready to put all of that power in the hands of 15 bureaucrats who may or may not be physicians.

Mr. BENISHEK. Thank you. Let me ask my colleague from Georgia if he has any other comments he'd like to make?

Mr. GINGREY of Georgia. Well, I thank the gentleman from Michigan.

Mr. Speaker, I would like to comment before we close tonight. The members of the House GOP Doctors Caucus, along with the health care providers that caucus on the Senate side, in the other body, have just recently sent a letter to the American Association of Retired Persons, AARP, the executive director Mr. Barry Rand, asking them and the 35 million seniors that they represent in their advocacy, and of course the definition of a senior for them is anybody who has reached the age of 50, so certainly they can reach a whole lot more seniors, and I'm sure membership is important to them, so we have sent a letter to them reaching out to the organization and asking AARP to meet with the Doctor's Caucuses in the respective bodies in a very bipartisan way to try to save Medicare.

There are things that that organization, which I respect, indeed, I've been a member of, that we agree with, and there are things that we don't agree on. Now, AARP was opposed to what we had in the Republican budget last year. the so-called Paul Ryan budget in regard to how to strengthen, protect, preserve, the Medicare program, not just for our current seniors and recipients of that program, but for our children and grandchildren and greatgrandchildren, indeed. So we want to ask them to sit down with us and say what they do like. We know what they don't like. I guess they didn't like the mandate of premium support in our budget last year. But Chairman RYAN this year is working very closely in a bipartisan way with Senator WYDEN. the gentleman from Oregon, in regard to this same idea of premium support. But instead of mandating it—and of course it was only mandated for those younger than age 55; everyone else was held harmless—now the idea is to say, Look, let's let everyone choose and decide. It's their option. Do they want to stay on Medicare as we know it, the legacy program, or would they prefer to go to the doctor and the hospital of their choice with their own premium support?

So I just wanted to mention that, and I'm looking forward to having a dialogue with the AARP and the 35 million seniors that they represent.

Back in 2003, my colleagues weren't here then, but I was, and I had an opportunity to vote in favor, as a physician Member, of the Medicare part D, the Prescription Drug Act, and AARP supported that. And yet our Democratic colleagues on the other side of the aisle, many of them symbolically came to the well and tore up their membership card of the AARP. So we're going to work with them. I think it's very important.

Mr. BENISHEK. I thank the gentleman from Georgia and the gentlemen from Louisiana and Arizona, the gentlewoman from New York, and my colleague from Maryland as well for appearing with me tonight. We've been trying to explain to the Speaker and the American people some of the issues that we have with the President's health care bill that do not solve our problem with health care and why we want to repeal it.

### □ 2010

I encourage you all to look further into this issue and become educated so that you can inform yourself and your friends how serious this problem is.

With that, I yield back the remainder of my time.

#### ASSAULT ON RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, it's wonderful to hear so many of not just colleagues but friends here on the floor discussing what is so important to this Nation—responsibility. And if you want to talk fiscal responsibility, it would certainly seem that the first place to start is with the repeal of ObamaCare. If you want to talk about freedom individually, once again, the best place to start is with repeal of ObamaCare.

There are so many ways the Federal Government has been encroaching into individual liberties and individual freedoms. It begins to get quite scary that we are encroaching on the very things that our original Founders were willing to fight and die for to ensure that we had the freedoms to do, that we would have the freedoms to avoid doing damage to our conscience.

It's so ironic that so many came to this Nation in its earliest days, and then through its history, seeking relief from persecution as Christians. So many groups came here believing that this could be a place, a promised land of sorts, where freedom could be experienced greater than anywhere else in the world. And that dream has been realized.

For far too long in our Nation's history, it was not extended to all men and women. Race and gender were problems. There were problems for some because there was racial and gender bias. But no one in those days ever anticipated we would get to the point in America where we are today, where people of faith who believe with all their heart that certain practices are just wrong in God's eyes would be forced by their government to commit those acts of wrong.

We know that the President of Notre Dame University, back in 2009, endured a great deal of heat when he brought a man who had fought so hard in Illinois to allow late-term abortions, a man who had fought to prevent people of conscience from being allowed to be counseled on exactly what they would be doing. There were all kinds of efforts in Illinois to deal with the issue of abortion. And he's now President. So there were some that believed that bringing that individual to a Catholic university like Notre Dame and giving an honorary degree and bestowing this honor upon him was not a good idea. Yet the President took a great deal of

Sarah Palin points this out in an oped, little piece that she wrote Tuesday, when she said:

Consider Catholicism's most prominent academic leader, the Reverend John Jenkins, president of Notre Dame. Jenkins took a serious risk in sponsoring Obama's 2009 honorary degree and commencement address—which promised a "sensible" approach to the conscience clause. Jenkins now complains, "This is not the kind of 'sensible' approach the President had in mind when he spoke here"

As Sarah Palin notes, "Obama has made Jenkins—and other progressive Catholic allies—look easily duped," because this administration appears to want to wage war on Catholic Christian belief.

It's amazing that someone would take those kinds of positions that the administration currently is, basically a war on religious freedom for Christians.

There is an editorial posted by Mike Brownfield today, entitled, "Morning Bell: ObamaCare's Latest Victim is Religious Freedom." It says: It has not even been 2 years since ObamaCare was enacted, and already the President's health care law has taken another victim—the religious freedoms Americans hold dear, as reflected by the First Amendment.

The Obama administration recently reaffirmed a rule under ObamaCare that requires many religious employers to provide health care coverage for all FDA-approved contraceptive methods, sterilization procedures, and related education and counseling. On the grounds that certain FDA-approved contraceptive methods can sometimes "cause the demise of embryos both after and before uterine implantation," many groups also believe that the rule forces them to cover abortion.

As the article points out, it's not just Catholics affected by the rule. Leaders from other faith traditions have expressed their concern. This is deeply troubling.

Another article here from The Washington Post, entitled, "Obama Plays His Catholic Allies for Fools," by Michael Gerson, published January 30. He says:

In politics, the timing is often the message. On January 20—3 days before the annual March for Life—the Obama administration announced its final decision that Catholic universities, hospitals, and charities will be compelled to pay for health insurance that covers sterilization, contraceptives, and abortifacients.

It was bad enough that ObamaCare was going to take away individual freedoms regarding health care. We can take care of those who cannot take care of themselves. But we should not do, as a government, what has been done for far too long—provide incentives for people not to reach their potential, provide incentives for people, in effect, to take the life of an unborn, to make it easier to do that.

As so many have pointed out, if a government can order any individual, all individuals in the country, to purchase a particular product, including health care insurance, there really isn't anything the Federal Government cannot order them to do or to purchase.

# □ 2020

And we're seeing that play out now, not merely in the area of just health insurance, but going deeper than that, more problematic, even theological, that the Federal Government can order you not to follow your religious beliefs.

So it's really quite shocking how far we've come. Now, those of us that study the teachings of Jesus know that He told Christians you will suffer for My sake. I didn't deserve to be born in America. I go to places like Afghanistan and Iraq and places where there's so much heartache, places around the world where you see people—in Africa, the places that I've seen so much heartache, so much suffering. We didn't deserve to be born here, but by the grace of God we were. And though we were told by Jesus you will suffer for

My sake, for whatever reason we were allowed to grow up free, free from suffering on account of Christian beliefs.

This bubble in time and space that was allowed for generation after generation to be able to follow religious beliefs as Christians without persecution, that time has changed. Now it would seem that as people yell "haters" at Christians, throw things at Christians, fuss on the nightly news how Christians are haters and want everybody to go to hell if they don't believe just like them—what a terrible misinterpretation of Christian faith and beliefs.

An article from The Wall Street Journal talking about the contraception rule, talking about the discussions about it among the political candidates.

People need to understand the Christian faith is under assault, and this administration has stepped up the ante in that assault. And if people, whether they're Christians, Jews, Muslims, whatever faith—Hindu, Buddhists. Atheists-once you see a Federal Government telling Christians you cannot practice what you believe with your whole heart spiritually, you could be next. This ought to stir up not merely Christians. It ought to stir up people of all kinds of faith. Because, again, a Federal Government that can tell you to buy one product can tell you to buy any others if it has that much power. A Federal Government that tells Christians they cannot actually practice their religious beliefs can tell other religions the same thing.

We've just about come 360. This gift we've been given, we've been blessed with more freedoms in this country than any country in the history of the world. It doesn't take all that much study of world history to see that. It doesn't take all that much traveling around the world to see that. As I've traveled the world, going back to my days as an exchange student in 1973 to the Soviet Union, you develop a love for people all over the world. It's ironic when people call you a xenophobe and have no idea how many people you love with all your heart-Africa, Asia, Europe, around the world, different places.

And as one West African told me when I was visiting there, You have to understand, we were so excited when you elected a black President, but now we've seen America growing weak. And you must let the people in Washington know that unless America stays strong, we will suffer. You're our protectors. Without you staying strong, we don't have hope of having the freedoms we have right now. America's strength and America's standing for freedom and liberty don't just affect the people in America.

I jotted some notes inspired by a pastor's comments decades ago. It says: Start thinking about what we have

seen in this country. First they said you can't have prayer in school, but most people didn't speak out because they would just pray somewhere else. Then they said you couldn't publicly post the Ten Commandments because people might be tempted to read them; and if they read them, they might be tempted to follow them and live moral lives. But most people didn't speak out because they knew where to find the Ten Commandments if they decided they wanted to have that kind of moral code.

They said you couldn't use a cross for a headstone, even for soldiers who died in the Christian faith in Jesus Christ, believing what Jesus said that "greater love hath no one than this, that a man lay down his life for his friends." But not enough people have spoken out, because the soldiers are gone and they can't respond, so maybe it doesn't really matter

I had a judge tell students, recent history, they could not have the freedom of speech to say what was in their hearts if it included horrible verboten words like prayer, invocation, benediction, but worst of all, God, prayer, amen, bow our heads, join in prayer. And most people didn't speak out because that was somewhere else, a judge somewhere else, not ours. Some judges said you couldn't say God in the pledge in a public place. It seems more judges have said that in more recent history. Fortunately, it was struck down, but they're still saving it. And not enough people are speaking out because it's some other judge. Maybe an appellate court will strike it down. I hope so.

Now we're being told by some if you want to hire someone, unless you're hiring a minister, you can't hire someone with the same religious spiritual faith that you have. Not enough people speaking out because they think surely that won't apply to me, at least not for a while. We're being told if you know in your heart that killing the most innocent among us, the infant unborn, if you believe that's killing, it's murder, it's wrong, well, we're the Federal Government and you have to forget your religious beliefs. We're going to tell you what you can or can't believe and tell you what you can or can't do. You have to go ahead and pay, in tax money or in health insurance money, for someone else to kill an unborn child.

#### □ 2030

And we have hospitals, doctors, nurses, health care providers being told, you may know in your Christian heart that it's wrong personally to participate in the taking of an innocent life, like an infant unborn, but if you want to stay in the health care business you're probably going to have do it anyway. We're the Federal Government, and we'll dictate not only what you may believe or not believe, but what you may put into practice and not put into practice.

And there are some in our government telling military chaplains, even priests, preachers, you may believe in your spirit, in your heart, in your soul that marriage is between a man and a woman, that Nature's God intended the perfect biological fit to produce a combination of a sperm and an egg. And some want to tell them you've got to set aside your religious beliefs and do what we, the Federal Government tell you, and marry whoever we tell you to marry.

You believe Romans 1? Forget it. Tear it out of your Bible because we're the Federal Government. We have a right to tell you what you can or can't believe

Some say it's okay to force Catholics to violate their Christian consciences and their religious beliefs because our Federal Government has the power to tell them what to do. Not enough people are crying out. I guess they figure, well, I'm not really Catholic, or maybe I'm Catholic but surely they wouldn't try to tell me what to do in violation of my Christian spiritual beliefs.

But if the government can order, with the full power of Federal law enforcement, anyone to violate their Christian beliefs, we have come full circle. And the prayers of generations, the work of churches throughout our history—first, to even have a revolution based on freedom, based on the liberty that they knew God gave us, where over a third of the signers of the Declaration of Independence weren't just Christians, they were ordained Christian ministers. But they believed in freedom so strongly that they were willing to fight and die for the spiritual freedom of all people in this country.

And a Constitution was put together and followed by a Bill of Rights, and it said what it meant, but it took a long time for it to be applied across racial bounds. It should have been clear. It's not a living, breathing document, but it says what it means, and it means that all people should have those rights under the Bill of Rights, that we were all created equal in God's eyes. The Founders believed that.

The churches were the heart and soul of the abolitionist movement to do away with that horrible evil called slavery. People like John Quincy Adams, 16, 17 years down the hall, Statuary Hall, after he was defeated for a second term as President, beseeching, preaching against the evils of slavery, inspired by what he knew from William Wilberforce as a Christian in the United Kingdom doing the same thing before him.

Abraham Lincoln, inspired by that overlapping time with John Quincy Adams, down the hall, because of his Christian beliefs and faith. If anybody doubts his belief, what motivated that man, go read the second inaugural address on the inside of the north wall of the Lincoln Memorial, as he tried to

make sense, as a Christian, spiritually, about all the injustice and wrongs and death and suffering in America.

The movement for women's equality involved women of great faith. The civil rights movement, the greatest saint of the movement was a man who was an ordained Christian minister, who knew in his heart what Jesus had done for him, and he wanted all people to have liberty equally together, and be judged by the content of their character, not the color of their skin.

And now, it appears, war is being waged like never before on people of biblical Christian beliefs. You wonder what some of the Founders had to say. Samuel Adams was one of the strongest Christians alive during the Revolution. He was inspirational.

"How strangely will the tools of a tyrant pervert the plain meaning of words!" Samuel Adams, that devout, strong Christian said, his wonderful quote inspired by his faith.

And he said:

If you love wealth better than liberty, the tranquility of servitude than the animating contest of freedom, go from us in peace. We seek not your counsel nor your arms. Crouch down and lick the hands that feed you. May your chains sit lightly upon you, and may posterity forget that you were our countrymen

These are people of faith who believed in liberty that started this place. And to have courts saying you can't say the word "God" in invocation, benediction—we start every day with a prayer in this Chamber, and have for centuries.

But we go back and finish with this. The speech of Benjamin Franklin that we have from his own handwriting. So what he said, 1787, late June, 1787, when nearly 5 weeks had gone by and they'd accomplished virtually nothing, and he pointed out that they had accomplished virtually nothing, that they had more "nos" than "ayes" on virtually every vote.

And he went on to say:

In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room.

That was Independence Hall. This great, brilliant man, who most of us were taught was a Deist, went on to say:

Our prayers, Sir, were heard, and they were graciously answered.

That's not a Deist.

All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor.

I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men.

Now, the judges in this country, there are those who would say, he

shouldn't be able to give that speech. He just mentioned the "G" word. Yet, it was what inspired people, these kind of speeches.

He said:

And if a sparrow cannot fall to the ground without His notice, is it possible an empire could rise without His aid?

We have been assured, Sir, in the sacred writings, that "except the Lord build the House, they labour in vain that build it." I also firmly believe, without His concurring aid, we shall succeed in our political building no better than the Builders of Babel: We shall be confounded by our local partial interests and we ourselves shall become a byword down through the ages.

He went on to say he believed they should start every day with prayer.

He was followed by Randolph from Virginia, who basically pointed out that here we are at the end of June, we are about to celebrate our anniversary, let's all go to church together, hear a sermon together, which they did, the reformed Calvinist Lutheran Church. They all went to church and heard a sermon together. They came back in a new spirit, and gave us the Constitution, and gave us the Bill of Rights after that.

How in the world can a Federal Government that came from those roots begin to declare war on Christians, and Catholic Christians now? Beware, beware. The Federal Government that can declare war on Catholic Christian faith may be after your faith next.

With that, I yield back the balance of my time.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

#### ADJOURNMENT

 $\mbox{Mr.}$  GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Friday, February 3, 2012, at 9 a.m.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4801. A letter from the Acting Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Classes of Poultry [Docket No.: FSIS-2007-0048] (RIN: 0583-AC83) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4802. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Lists of Regions Classified With Respect to Certain Animal Diseases and States Approved To Receive Certain Imported Horses [Docket No.: APHIS-2009-0035] (RIN: 0579-AD05) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis strain CX-9060; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0104; FRL-9330-9] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4804. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4805. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Housing Goals: Mortgage Reporting Amendments (RIN: 2590-AA48) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4806. A letter from the Executive Secretary, National Labor Relations Board, transmitting the Board's final rule — Representation-Case Procedures (RIN: 3142-AA08) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4807. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Automatic Commercial Ice Makers [Docket No.: EERE-2010-BT-TP-0036] (RIN: 1904-AC38) received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4808. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Approval To Market a New Drug; Revison of Postmarketing Reporting Requirements-Discontinuance [Docket No.: FDA-2011-N-0898] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4809. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Rome; Fine Particulate Matter 2002 Base Year Emissions Inventory [EPA-R04-OAR-2011-0849-201153(a); FRL-9617-2] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4810. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Colorado: Smoke, Opacity and Sulfur Dioxide Rule Revisions; Regulation 1 [EPA-R08-OAR-2011-0588; FRL-9614-8] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — New Mexico: Final Authorization of State-initiated Changes and Incorporation-by-Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2011-0407; FRL-9613-6] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0789; FRL-9615-5] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 95 of the Commission's Rules to Provide Additional Spectrum for the Medical Device Radiocommunication Service in the 413-457 MHz band [ET Docket No.: 09-36] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4814. A letter from the Assistant Secretary, Department of Defense, transmitting a letter of justification for the implementation of Cooperative Threat Reduction; to the Committee on Foreign Affairs.

4815. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006; to the Committee on Foreign Affairs.

4816. A letter from the Honorary Secretary, Foundation of Japanese Honorary Debts, transmitting the 205th petition to the Prime Minister of Japan; to the Committee on Foreign Affairs.

4817. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report and Financial Statements for the years 2011 and 2010; to the Committee on Oversight and Government Reform.

4818. A letter from the Executive Analyst, Department of Health and Human Services, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4819. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting seven reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4820. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-55; Introduction [Docket: FAR 2001-0076; Sequence 7] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4821. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Abuse of Interagency Contracts [FAC 2005-55; FAR Case 2008-032; Item I; Docket 2010-0107, Sequence 1] (RIN: 9000-

AL69) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4822. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule

— Federal Acquisition Regulation; Transition to the System for Award Management (SAM) [FAC 2005-551 FAR Case 2011-021; Item II; Docket 2011-0021, Sequence 1] (RIN: 9000-AM14) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4823. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Declassification of National Security Information [FDMS NARA-11-0001] (RIN: 3095-AB64) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4824. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Extension of Statutory Period For Compensation For Certain Disabilities Due To Undiagnosed Illnesses and Medically Unexplained Chronic Multi-Symptom Illnesses (RIN: 2900-A009) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4825. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Revisions to Rules of Conduct and Standards of Responsibility for Representatives [Docket No.: SSA-2011-0016] (RIN: 0960-AH32) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; with an amendment (Rept. 112–364 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

# PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, and Mr. CHABOT):

H.R. 3880. A bill to require the imposition of sanctions on foreign financial institutions that are members of an entity that provides services relating to secure communications, electronic funds transfers, or cable transfers to the Central Bank of Iran or sanctioned financial institutions; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3881. A bill to amend the Immigration and Nationality Act to provide authority for

immigration judges to terminate proceedings or appoint counsel when necessary for aliens with mental disabilities, and for other purposes; to the Committee on the Judiciary.

By Mr. RIGELL (for himself, Mr. WITT-MAN, Mr. HURT, Mr. GOODLATTE, and Mr. Griffith of Virginia):

H.R. 3882. A bill to require inclusion of Lease Sale 220 in the proposed Outer Continental Shelf oil and gas leasing program for the 2012-2017 period, and for other purposes; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. Wilson of South Carolina, Mr. Chabot, Mr. Southerland, Mr. Flo-RES, and Mr. HARRIS):

H.R. 3883. A bill to amend title 31, United States Code, to eliminate the requirement that the President submit a budget to the Congress each year, and for other purposes; to the Committee on the Budget, and in addition to the Committees on House Administration, Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

> By Mrs. CAPPS (for herself and Mr. Young of Indiana):

H.R. 3884. A bill to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRAWFORD (for himself and Mr. Luetkemeyer):

H.R. 3885. A bill to amend the Internal Revenue Code of 1986 to authorize agricultural producers to establish and contribute to taxexempt farm risk management accounts; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. GRIMM, Mr. SCHRADER, Mr. GRIJALVA, Mr. MORAN, Ms. LEE of California, Mr. KUCINICH, Mr. COHEN, Mr. KISSELL, Ms. BORDALLO, and Ms. NORTON):

H.R. 3886. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

> By Mr. HOLT (for himself and Mr. COURTNEY):

H.R. 3887. A bill to provide increased funding for the reinsurance for early retirees program; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 3888. A bill to authorize microenterprise assistance for renewable energy projects in developing countries; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself and Ms. ZOE LOFGREN of California):

H.R. 3889. A bill to amend title 35, United States Code, to provide for an exception from infringement for certain component parts of motor vehicles; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. McCAR-THY of California):

H.R. 3890. A bill to provide for additional Federal district judgeships; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

3891. A bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers; to the Committee on Energy and Commerce.

> By Mr. McCLINTOCK (for himself, Mr. Schiff, Ms. Eshoo, Ms. Lee of California, Mr. FILNER, Mr. SHERMAN, Mr. BILBRAY, Mr. McKeon, Mr. Rohr-ABACHER, Mr. DANIEL E. LUNGREN of California, Mr. Dreier, Mr. Cardoza, Mr. Nunes, Ms. Matsui, Mr. Hunter, Mr. ROYCE, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLI-TANO, Mr. WAXMAN, Mr. BERMAN, Ms. SPEIER, Ms. HAHN, Mr. DENHAM, Mr. LEWIS of California, Mr. McNerney, Mr. Costa, Mr. Baca, Mr. Campbell. Mr. Garamendi, Ms. Chu, Ms. Bass of California, Mr. CALVERT, Mr. MCCAR-THY of California, Ms. RICHARDSON, Ms. Linda T. Sánchez of California. Mrs. Capps, Ms. Loretta Sanchez of California, Ms. Roybal-Allard, Ms. Woolsey, Mrs. Bono Mack, Ms WATERS, Mr. HONDA, Mr. THOMPSON of California, Ms. Pelosi, Mr. Stark, Mr. FARR. Mrs. DAVIS of California. Mr. HERGER, Mr. BECERRA, and Ms. ZOE LOFGREN of California):

H.R. 3892. A bill to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Private First Class Victor A. Dew Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MULVANEY: H.R. 3893. A bill to amend the Small Business Act with respect to subcontracting and insourcing, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART (for himself, Ms. Ros-Lehtinen, Mr. Sires, and Mr. RIVERA):

H. Res. 536. A resolution condemning the murder of Wilman Villar Mendoza and honoring his sacrifice in the cause of freedom for the Cuban people; to the Committee on Foreign Affairs.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

179. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 20 memorializing the Congress to enact legislation that classifies forestry management activities as nonpoint sources under the federal Clean Water Act; to the Committee on Transportation and Infrastructure.

180. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 21 urging the Congress and the United States Forest Service to take immediate and aggressive action to correct mismanagement of national forestlands; jointly to the Committees on national Agriculture and Natural Resources.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 3880.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. STARK:

H.R. 3881

Congress has the power to enact this legislation pursuant to the following:

\* Clause 4, Section 8 of Article I of the Constitution

By Mr. RIGELL:

H.R. 3882.

Congress has the power to enact this legislation pursuant to the following:

Article IV. section 3, clause 2

By Mr. BROUN of Georgia:

H.R. 3883.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 By Mrs. CAPPS:

H.R. 3884.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. CRAWFORD:

H.R. 3885.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to "regulate commerce...among the several States...

By Mr. HASTINGS of Florida:

H.R. 3886. Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution By Mr. HOLT:

H.R. 3887.

Congress has the power to enact this legis-

lation pursuant to the following:
Article I of the Constitution of the United States

By Mr. ISRAEL:

H.R. 3888.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8.

By Mr. ISSA:

H.R. 3889.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 8 of the Constitution

By Mr. DANIEL E. LUNGREN of California:

H.R. 3890.

Congress has the power to enact this legislation pursuant to the following:

The Emergency Judicial Relief Act of 2012 is authorized by Article 1 Section 8 to constitute Tribunals inferior to the Supreme

By Mr. MARKEY:

H.R. 3891.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3

By Mr. McCLINTOCK:

H.R. 3892.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the Constitution of the United States of America.

By Mr. MULVANEY:

H.R. 3893.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. CLAY.

H.R. 83: Mr. KUCINICH.

H.R. 104: Mr. STIVERS.

H.R. 192: Mr. GUTIERREZ, Mr. CONYERS, Ms. DEGETTE and Ms. HAHN.

H.R. 196: Mr. LOEBSACK and Ms. NORTON.

H.R. 420: Mr. ROKITA.

 $\rm H.R.~458;~Mr.~Heinrich,~Mr.~Clay,~Ms.$ SPEIER, Mr. DAVIS of Illinois, WASSERMAN SCHULTZ, and Mr. LANGEVIN.

H.R. 719: Mr. HURT.

H.R. 733: Ms. Chu, Ms. Loretta Sanchez of California, Ms. Waters, Mr. Baca, Mr. Becerra, Ms. Velázquez, Ms. Bass of California, Mr. George Miller of California, Ms. McCollum, and Ms. Schwartz.

H.R. 938: Mrs. SCHMIDT.

H.R. 997: Mr. HUELSKAMP and Mr. RAHALL.

H.R. 1009: Mr. STEARNS.

H.R. 1057: Mr. McGovern and Mr. Clay.

H.R. 1065: Mrs. Capito.

H.R. 1093: Mr. STIVERS.

H.R. 1148: Mr. Dicks, Mr. Neal, Mr. SABLAN, Mr. YODER, Mr. PITTS, Mr. FATTAH, and Mr. RIGELL.

H.R. 1179: Ms. Jenkins, Mr. Buchanan, Mr. MARINO, Mr. JORDAN, and Mr. WOLF.

H.R. 1244: Mr. Culberson.

H.R. 1267: Mr. HUNTER, Ms. HAHN, and Mr. SMITH of Washington.

H.R. 1278: Mr. HOLT.

H.R. 1354: Mr. RUSH.

H.R. 1477: Mr. RUSH.

H.R. 1489: Mrs. Davis of California.

H.R. 1568: Mr. Keating and Mr. Holt.

H.R. 1588: Mr. LATHAM.

H.R. 1672: Mr. McCotter, Mr. Huizenga of Michigan, Mr. Moran, Mr. Ross of Arkansas. Mr. Murphy of Connecticut, Mr. Frank of Massachusetts, and Mr. González.

H.R. 1738: Mr. Quigley.

H.R. 1739: Mr. SMITH of Washington.

H.R. 1777: Mr. AMODEI, Mr. BROUN of Georgia, Mr. Fleischmann, Mr. Gingrey of Georgia, Mr. Hultgren, Mrs. McMorris Rodgers, Mr. Poe of Texas, and Mr. Schweikert.

H.R. 1792: Mr. DOLD.

H.R. 1897: Mr. LATHAM. H.R. 1903: Mr. CLAY and Mr. McNerney.

H.R. 2086: Mr. WATT.

H.R. 2166: Mr. BUCHANAN.

H.R. 2168: Mr. Sensenbrenner.

H.R. 2182: Ms. TSONGAS.

H.R. 2238: Mr. HOLDEN and Mr. CRITZ.

H.R. 2284: Mr. Coffman of Colorado and Mr.

H.R. 2299: Mr. PEARCE. H.R. 2335: Mr. BENISHEK.

H.R. 2364: Mr. ROTHMAN of New Jersey.

H.R. 2429: Mr. Ромрео.

H.R. 2487: Ms. SLAUGHTER.

H.R. 2595: Mr. LEVIN.

H.R. 2639: Mr. Kucinich. H.R. 2697: Mr. Hastings of Florida.

H.R. 2741: Ms. McCollum.

H.R. 2758: Ms. Woolsey.

H.R. 2809: Mr. CLAY. H.R. 2966: Mr. GUTIERREZ.

H.R. 2978: Mr. CONAWAY.

H.R. 2980: Mr. BACA.

H.R. 2982: Mrs. CAPPS.

H.R. 3001: Mr. George Miller of California, Mr. Moran, Mr. Reyes, Mr. Lewis of Georgia, Mr. DAVIS of Illinois, Mr. CARNEY, Mr. HINOJOSA, Mrs. McCarthy of New York, Ms. Delauro, Mr. Towns, Mr. Rangel, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVID SCOTT of Georgia, Mr. CLEAVER, Ms. WILSON of Florida, Ms. SEWELL, Mr. BISHOP of Georgia, Ms. Fudge, Mr. Al Green of Texas, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. RICHMOND, Mr. TONKO, Mr. COHEN, Mr. CUELLAR, Mr. INSLEE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. BUTTERFIELD, Mr. ELLISON, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. EDWARDS, Ms. JACKSON LEE of Texas, Mr. FATTAH, Mr. HOLT, Mr. PERLMUTTER, Ms. Moore, Ms. Baldwin, Ms. Bass of California, Mr. Connolly of Virginia, Mr. Rothman of New Jersey, Mr. Rush, and Mr. Cummings.

H.R. 3053: Mr. CLAY.

H.R. 3059: Mr. CLAY.

H.R. 3066: Mr. Womack, Mrs. Noem, and Mr. LATHAM.

H.R. 3151: Mr. FILNER, Mr. KUCINICH, and Mr. CLAY.

H.R. 3200: Mr. Polis and Ms. Pingree of Maine.

H.R. 3216: Mr. HARRIS.

H.R. 3221: Mr. Luján and Mr. Tonko.

H.R. 3283: Mr. DOLD.

H.R. 3307: Mr. CICILLINE, Ms. LEE of California, Mr. PAYNE, and Mrs. NOEM.

H.R. 3322: Mr. KUCINICH.

H.R. 3323: Mr. THORNBERRY.

H.R. 3356: Mr. Poe of Texas and Mr. LATou-

H.R. 3359: Mr. CLAY and Ms. SCHAKOWSKY.

H.R. 3410: Mrs. NOEM.

H.R. 3422: Mrs. Blackburn.

H.R. 3440: Mr. McCotter.

H.R. 3458: Mr. Benishek.

H.R. 3462: Mr. OLVER and Mr. STARK.

H.R. 3486: Mr. FILNER, Ms. SCHAKOWSKY, Mr. Polis, Mr. Kucinich, Mr. Honda, and Mr. CLAY.

H.R. 3509: Mr. McGovern.

 $H.R.\ 3510:\ Mr.\ MILLER$  of Florida and Mr.

H.R. 3526: Mr. Himes, Mr. Baca, Ms. Moore, Ms. RICHARDSON, and Ms. McCollum.

H.R. 3545: Mr. WATT.

H.R. 3548: Mr. CONAWAY and Mr. CHABOT.

H.R. 3570: Ms. Slaughter.

H.R. 3573: Mr. KUCINICH.

H.R. 3594: Mr. Nugent, Mr. Forbes, Mr. LUETKEMEYER, Mr. STIVERS, and Mr. GOSAR.

H.R. 3596: Mr. HOLT, Mr. OLVER, Ms. HOCHUL, Mr. CLEAVER, Mr. TONKO, Mr. ENGEL, and Ms. HAHN.

H.R. 3599: Mr. THOMPSON of California.

H.R. 3606: Mr. Welch, Mr. Smith of Washington, and Ms. SEWELL.

H.R. 3612: Mr. OWENS and Mr. TONKO.

H.R. 3670: Mr. HUNTER and Mr. DANIEL E. LUNGREN of California.

H.R. 3676: Mrs. DAVIS of California, Mr. POLIS, Mr. SOUTHERLAND, and Mr. KUCINICH.

H.R. 3695: Ms. Speier, Mr. Kingston, and Mr. Daniel E. Lungren of California.

H.R. 3698: Mr. Duncan of South Carolina.

H.R. 3702: Mr. CLAY and Mr. ROHRABACHER.

H.R. 3728: Mr. Jones.

H.R. 3733: Mr. FILNER.

H.R. 3742: Mr. Young of Alaska, Mr. FRANKS of Arizona, and Mr. CARTER.

H.R. 3770: Mr. Culberson and Mr. Bonner.

H.R. 3771: Mr. Polis.

H.R. 3778: Mr. LATTA and Mr. KINZINGER of Illinois.

H.R. 3794: Mr. ROKITA.

H.R. 3795: Mr. CLAY.

H.R. 3803: Mr. Womack, Mr. Goodlatte, Mr. Fincher, Mr. Pompeo, Mr. McCotter, Mrs. Emerson, Mr. Chabot, Mr. Yoder, Mr. PALAZZO, Mr. QUAYLE, Ms. JENKINS, and Mr.

H.R. 3805: Mr. POMPEO and Mr. SCHILLING.

H.R. 3811: Mrs. Blackburn, Mr. Austin SCOTT of Georgia, and Mr. BERG.

H.R. 3821: Ms. WOOLSEY, Mr. CLAY, and Mr.

H.R. 3826: Mr. CLAY, Mr. LARSON of Connecticut, Mr. CICILLINE, Mr. KUCINICH, Mr. HINCHEY, Mr. LOEBSACK, Ms. WATERS, and Ms. Woolsey.

H.R. 3828: Mr. POMPEO and Mr. DUNCAN of South Carolina.

H.R. 3831: Mr. BARTLETT, Mr. BOSWELL, Mr. LOEBSACK, and Mr. LATHAM.

H.R. 3840: Mr. Conyers and Mr. Grijalva. H.R. 3842: Mr. Flores, Mr. Stutzman, Mr. KINGSTON, Mr. AUSTIN SCOTT of Georgia, Mr. Broun of Georgia, Mr. GINGREY of Georgia, Ms. Buerkle, Mrs. Hartzler, Mr. Gowdy, Mr. FLEISCHMANN, Mr. PEARCE, and Mr. Benishek.

H.R. 3844: Mr. QUAYLE.

H.R. 3848: Mr. DIAZ-BALART.

H.R. 3852: Mr. WELCH and Ms. CASTOR of Florida.

H.R. 3855: Mr. KUCINICH.

H.R. 3858: Mr. Shuler, Mr. Sherman, Mr. HASTINGS OF Florida, Mr. LARSON OF Connecticut, Mr. SCHIFF, Mr. COOPER, Ms. WIL-SON of Florida, Ms. SCHAKOWSKY, Mr. HONDA, Mrs. DAVIS of California, Mr. TONKO, Ms. DEGETTE, Mr. PASCRELL, Mr. RAHALL, Mr. Brady of Pennsylvania, Mrs. Capps, Mr. CLARKE of Michigan, Mrs. McCarthy of New York, Ms. Eshoo, Ms. Matsui, Ms. Chu, Mr. LYNCH, Mr. THOMPSON of California, Mr. CON-NOLLY of Virginia, Mr. BISHOP of New York, Mr. GUTIERREZ, Mr. DEFAZIO, Mr. NEAL, and

Mrs. Maloney. H.R. 3867: Mr. HARRIS and Mr. CONAWAY.

H.R. 3868: Mr. AL GREEN of Texas, Mr. HAS-TINGS of Florida, Ms. Lee of California, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Mr. RANGEL, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. DAVID SCOTT of Georgia, Mr. KUCINICH, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. CUMMINGS, Mr. Cleaver, Ms. Wilson of Florida, Mr. BUTTERFIELD, Mr. MEEKS, Ms. MOORE, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. Bass of California, Ms. Fudge, Ms. WATERS, Mr. WATT, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Ms. JACKSON LEE of Texas, Mr. Cohen, Ms. Sewell, and Ms. CLARKE of New York.

H.R. 3877: Mr. Lobiondo.

H. Con. Res. 98: Mr. POMPEO.

H. Res. 25: Mr. LUJÁN.

H. Res. 111: Mr. BISHOP of New York, Mr. HOLDEN, Mr. WITTMAN, Mr. DANIEL E. LUN-GREN of California, and Mr. KINZINGER of Illi-

H. Res. 137: Mrs. NOEM.

H. Res. 507: Mr. GRIFFIN of Arkansas.

H. Res. 526: Mrs. McCarthy of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3764: Mr. Jackson of Illinois.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

33. The SPEAKER presented a petition of Interstate Oil and Gas Compact Commission, New York, relative to Resolution 11.066 urging the repeal of section 526 of the Energy Independence and Security Act of 2007; to the Committee on Oversight and Government Reform.

34. Also, a petition of City of Lauderhill, Florida, relative to Resolution No. 11R-11-252 supporting S. 1836; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

35. Also, a petition of City of Lauderhill, Florida, relative to Resolution No. 11R-11-253 supporting H.R. 2914; jointly to the Committees on Education and the Workforce, Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, and Energy and Commerce.

# EXTENSIONS OF REMARKS

HONORING THE CONTRIBUTIONS OF JOAN AND GEORGE KESSEL

# HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Joan and George Kessel, two outstanding members of the South Florida community who have dedicated their lives to advancing the security of Israel, promoting Jewish values, and protecting the welfare of Jewish people across the globe.

Joan and George Kessel embody the spirit of adventure. They may spend a great deal of time in South Florida, but they truly are citizens of the world. While they have traveled the globe far and wide, it is their trips to Israel that have touched them most profoundly. During their many stays in Israel, Joan and George have learned firsthand the challenges faced by the Israeli people in a hostile, volatile region. These are the experiences they carry with them back to South Florida.

At home, the Kessels are known for their willingness to take on leadership roles in any endeavor that advances the security of Israel and strengthens the bond between our two nations. They generously support a wide range of Jewish organizations, yet their dedication to these causes extends far beyond philanthropy. By opening their home to visiting Israeli soldiers and dignitaries, they have fostered the kind of cultural exchange between Americans and Israelis that is the bedrock of the deep friendship between our two nations.

On January 8, 2012, Joan and George Kessel were honored by Friends of the Israel Defense Forces (FIDF) for their work on behalf of a safer and more secure Israel. I can think of no two individuals more deserving of this honor. I am humbled by their generosity and commitment, grateful for their friendship, and look forward to their continued leadership in the pro-Israel community for years to come.

HONORING MAYOR GERALD A. CALABRESE

# HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend and mentor, Mayor Gerald A. Calabrese of Cliffside Park, in honor of his 87th birthday. Mayor Calabrese is the longest-serving mayor in the state of New Jersey, having begun his 49th year in office in January.

After first being elected to the Cliffside Park Borough Council in 1955. Gerry was elected mayor in 1959, and has served continuously

as the Borough's chief executive since his reelection in 1965. During Gerry's time as mayor, Cliffside Park has enjoyed unprecedented growth, largely thanks to his leadership. He is well-known for gaining many federal, state, and county grants to help his community. Highlights from his tenure include the building of Cliffside Park's current Borough Hall, the public library, and a senior citizen housing development, which was one of the first of its kind in New Jersey to be built using federal grants.

Moreover, Gerry has proven his strong leadership by finding other innovative ways to improve his community while saving the taxpayers money. Under his guidance, Cliffside Park is about to embark on a major redevelopment program by building a joint DPW facility with neighboring Fairview. Cliffside Park and Fairview are the first communities in the state to combine their DPW facilities. Not only was a new facility desperately needed, but by vacating the property the DPW currently sits on, the town made valuable land available for development which will now go on the tax

In addition to his public service in Cliffside Park, Gerry served in the Navy and is a member of the American Legion Post 126 as well as the Veterans of Foreign Wars and the AmVets. He is also a former professional basketball player, having played for the Syracuse Nationals during the 1951 and 1952 seasons. Gerry was inducted into St. John's Athletic Hall of Fame for his years on the basketball

Mayor Gerald A. Calabrese is the pinnacle of integrity and effectiveness. It is no wonder that he received two standing ovations during his swearing-in ceremony in January of this year and has been called a "second father" and "iconic public servant" by so many respected public officials. Mayor Calabrese has been a role model for me, as he has been for so many others in New Jersey whom Gerry has helped during their careers.

Mr. Speaker, today I rise to celebrate the birthday of my constituent and dear friend. Mayor Gerald A. Calabrese. I join with the grateful residents of Cliffside Park in thanking him for his innumerable contributions to our community.

HONORING EVA MARIE BALDWIN WILBUR

# HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent. Ms. Eva Marie Baldwin Wilbur on the occasion of her 95th birthday.

Éva Marie Baldwin was born February 19. 1917, the first of eight children to Earl and Frances Baldwin, in Middletown Township, Susquehanna County. Eva attended Rush Schools in Susquehanna County, where her father, Earl, drove the school wagon.

On August 10, 1935, Eva married Clayton Wilbur in Stevensville.

For forty-one years, Eva worked as a tax collector for Pike Township. She is an active parishioner of Rushville Church, and is a member of the Bradford County Republican Women. Even at the age of 95, Eva remains a part of her community, still hosting a Friday night card game for family and friends.

Eva is the proud mother of three children: Shirley, Edna, and Arlyn, grandmother of four, great-grandmother of six, and great-greatgrandmother of three.

Mr. Speaker, I rise today to honor my constituent, Ms. Eva Marie Baldwin Wilbur, on the occasion of her 95th birthday, and ask my colleagues to join me in praising her commitment to country, community, and family.

RECOGNIZING MELANIE DRESSEL

# HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Melanie Dressel, President and C.E.O. of the Tacoma. Washington-based Columbia Bank, for being named a Community Banker of the Year by American Banker magazine.

Melanie joined Columbia Bank in 1993 and ten years later was named its Chief Executive Officer. Under Melanie's leadership, Columbia Bank acquired five other banks, increasing the bank's assets by fifty percent. These actions have helped Dressel transform Columbia Bank into a regional power.

Despite the bank's growth, Melanie has remained close to traditional community banking practices. Columbia Bank is committed to giving individuals and businesses in the Pacific Northwest a safe, secure, and customer-focused banking option.

Throughout her tenure. Columbia Bank has consistently been honored as one of the region's best places to work. The bank is reqularly featured on the Puget Sound Business Journal's "Washington's Best Workplaces" list and listed as "One of Washington's 100 Best Companies to Work For" by Seattle Magazine. Even during challenging economic times, it is encouraging to see Columbia Bank going the extra mile to ensure employee satisfaction.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in honoring Melanie Dressel. Her dedication to community banking has helped grow Columbia Bank to provide exemplary service its customers, employees, and our community.

RECOGNIZING SUSAN STECHNIJ

# HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I would like to take this opportunity to honor the work of Susan Stechnij in the Palm Beach area of Florida. Susan is one of the landlords at the Everglades Inn, a member of the Homeless and Housing Alliance of Palm Beach County. She shares my passion for helping the homeless in the community and in the fight to prevent and end homelessness.

Recently, Susan was honored with an award to denote her special contribution to the homeless people of West Palm Beach. The Lord's Place, a nonprofit organization focused on ending the cycle of homelessness in the area, honored Susan with the Unsung Heroine Award. She was awarded this honor for helping a dying homeless man find relief in the last few weeks of his life. Due to her hard work, the man was able to live comfortably in an apartment rather than facing the difficult conditions that the homeless are faced with on a daily basis.

Mr. Speaker, Susan deserves to be recognized for her heroic efforts. People like Susan serve an important role in communities across the state of Florida and the country. Her compassion and selflessness in helping those less fortunate is commendable, and I am proud to recognize her as a Hastings' Hero.

IN RECOGNITION OF NICK AND TRACY BROWN

# HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Nick Brown and Mrs. Tracy Brown for their immeasurable contributions to their community and the subsequent honor they have received during Prevention First's "Fly Me to the Moon" Gala on February 4, 2012. The Browns are valuable members of my district and assets to their communities and country. Their actions are truly worthy of this body's recognition.

Mrs. Tracy Brown has admirably served on numerous boards for various organizations throughout Monmouth County, New Jersey. She is a hardworking member of the Monmouth Medical Center Foundation Board and has dedicated countless hours to the Rannev School Annual Fund committee. Mrs. Brown has also co-chaired the Count Basie Gala. Prevention First Gala and the Visiting Nurses Association Show House Gala. Tracy is a member of the Prevention First Executive Committee and remains an integral part of its Board. Together, Tracy and Prevention First's continued efforts have had a resounding effect in preventing alcohol and other drug usage in young adults throughout the local community.

Nick Brown's generosity as a philanthropist and valued member of the community is evident through his service. Mr. Brown is the

Managing Director and head of Financial Product Brokerage, North and South America, at GFI Group. He is a partner of Jersey Partners, serves as a director of the Financial Markets Association and was formerly a member of the Federal Reserve Bank of New York's Foreign Exchange Steering Committee. In addition to his professional endeavors, Nick currently serves on the boards of the Center to Prevent Youth Violence and the Count Basie Theatre in Red Bank, New Jersey. He also served as a high profile board member for the Brady Campaign to Prevent Gun Violence for 12 years. Nick remains an active board member of HELP USA, a charitable organization dedicated to providing quality housing and on-site supportive services to guide individuals towards independence and self-sufficiency. Together, the Browns have been blessed with five beautiful children, Kristina age 24, Kelli age 22, Peter age 12, Laney age 6. and Lexi age 5.

Mr. Speaker, once again, please join me in congratulating Nick and Tracy Brown for receiving the honors bestowed by Prevention First. Mr. & Mrs. Brown's unending generosity and charitable activities have undoubtedly touched many lives and have helped countless people throughout New Jersey.

IN SUPPORT OF FAIR TRIALS AND ACCESS TO COUNSEL FOR THOSE WITH MENTAL DISABILITIES

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. STARK. Mr. Speaker, I rise to introduce the Ensuring Mental Competence in Immigration Proceedings Act. My legislation will make immigration proceedings more fair and humane for individuals with mental disabilities, and help prevent wrongful deportations and indefinite detentions. Specifically, this bill amends the Immigration and Nationality Act to ensure that immigration judges will have the authority to stop proceedings or appoint counsel when an individual is not competent enough to represent him or herself due to a mental disability.

The status quo isn't working. Judges who in good faith have terminated deportation cases because of a person's inability to participate based on mental disability have had their decisions overturned. Consequently, these cases end up in an ongoing loop that keeps these individuals in costly, inhumane detention or results in their unfair deportation.

Examples of immigrants and U.S. citizens with mental disabilities who have been unjustly detained or deported include:

An immigrant from Mexico with severe cognitive disabilities who was declared incompetent by an immigration judge in which he was unrepresented by counsel. His case was put on hold and the Department of Homeland Security allowed him to linger in detention for four and a half years, at a cost to taxpayers of about \$300,000;

A 50-year old legal permanent resident with schizophrenia who had lived in New York more than 30 years was ordered by a New

York court to serve 90 days in a mental institution for trespassing. Instead, he was transferred to a detention facility in Texas, where he received no medication for weeks. He then faced a proceeding without counsel, and was deported to the Dominican Republic so quickly that his family did not know what had happened to him until he was gone;

A citizen who had bipolar disorder and developmental disabilities was deported to Mexico, and subsequently to Honduras and Guatemala. It took four months to return him to the United States. ICE officials claim that he signed a statement indicating he was a Mexican national—he was not.

All of these events could have been avoided if immigration judges had the tools they need to properly adjudicate cases involving individuals with mental disabilities, and if these individuals had access to counsel. We cannot allow citizens and immigrants to be wrongly deported or remain in indefinite detention simply because they have a mental disability. By granting judges the ability to discontinue proceedings when an individual is mentally incompetent or to appoint counsel so that the individual receives a fair adjudication, this bill will reduce the costs of long detentions and delayed proceedings and make our immigration system more just.

The National Association of Immigration Judges has asked Congress for reform. Over fifty organizations including Human Rights Watch, the National Disability Rights Network, the American Civil Liberties Union and the American Immigration Lawyers Association endorse the Ensuring Mental Competence in Immigration Proceedings Act. This legislation is the right thing to do for mentally incompetent detainees, for our courts, and for tax-payers. I urge my colleagues to support this bill.

HONORING THE CONTRIBUTIONS OF PORT EVERGLADES DIREC-TOR PHILLIP C. ALLEN

# HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today to honor the contributions and celebrate the seven years of service that Phillip C. Allen has given to the South Florida community as Director of the Port Everglades. Under his leadership and guidance, Port Everglades has become an economic powerhouse for South Florida

Mr. Allen's commitment to creating jobs and fostering economic opportunity in our community is evident in his accomplishments. He helped craft a 20-year master plan for development of the port, and facilitated three critical expansions that are expected to create 7,000 new jobs in South Florida and 135,000 jobs statewide. Under his leadership, the port has grown substantially to accommodate our growing tourism industry, which has brought some of the world's largest cruise ships to Florida. Even more impressive is his plan to dredge the port in advance of the widening of the Panama Canal, which sets the stage for South

Florida to serve as a bustling center for international commerce upon its completion in 2014

Given his many contributions to our local economy, it should come as no surprise that on November 4, 2011, Mr. Allen was named South Florida Business Leader of the Year. I can think of no person more deserving of this honor than Mr. Allen, a leader who understands that building state-of-the-art infrastructure is imperative if we wish to give our businesses a competitive advance in the global marketplace. I commend Mr. Allen for his years of hard work and dedication, and pledge to him my continued support for the development and expansion of the Port Everglades in the years to come.

#### HONORING JACK DELEO

# HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Jack DeLeo, as he is recognized by UNICO National, Scranton Chapter, as "UNICAN of the Year."

Upon receiving this award, Mr. DeLeo has served as president of the Scranton Chapter and is currently sitting Chairman of the Board for the organization. Mr. DeLeo has exemplified the motto of UNICO, 'Service Above Self,' and has long put the needs of his community first.

Mr. DeLeo served his country with courage and dignity during the Vietnam War as a soldier in the U.S. Army. Mr. DeLeo has, more recently, dedicated himself to worthy associations including the Red Cross and the Salvation Army.

At home, Mr. DeLeo is an active parishioner of St. Lucy's Church. He previously served as president of the Lackawanna County Columbus Day Association and currently sits on its Board of Directors.

Mr. Speaker, I rise today to honor my constituent, Mr. Jack DeLeo, and ask my colleagues to join me in praising his commitment to his community and our Nation.

# $\begin{array}{c} \text{COMMENDATION OF DR. CHAD} \\ \text{AUDI} \end{array}$

# HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Dr. Chad Audi, CEO and President of the Detroit Rescue Mission Ministries (DRMM) in Detroit, Michigan. February 2012 marks Dr. Audi's 15th year serving Wayne County through his work at the DRMM.

Dr. Audi began working in the DRMM's finance department in 1997 and rose to become the Vice President of Finance and Administration. Later, he was appointed to the position of Chief Operating Officer. In 2005, Dr. Audi was selected to serve as the CEO/ President of the DRMM.

Dr. Audi is a well-respected member of the community who has formed strategic partner-ships with outside organizations, agencies, and individuals and found creative and cost-effective ways to serve DRMM's clients in a friendly, spiritually supportive environment.

The DRMM is the country's largest rescue mission and is committed to sharing the gospel of the love of Jesus Christ. The DRMM provides hope to the disadvantaged, abused, and homeless people in Wayne County.

Under the leadership of Dr. Audi, the DRMM serves one million meals to the homeless and hungry annually. The DRMM provides over 1,600 community members a day with shelter, food, substance abuse treatment, case management, transitional jobs, and spiritual mentoring.

The DRMM has also opened the Cornerstone Bistro in Highland Park, Michigan. The Cornerstone Bistro is a sit-down restaurant and "cornerstone" of a culinary apprenticeship program run by the DRMM and Wayne County Community College. This program helps DRMM clients receive on-the-job training and a culinary arts associate degree.

I commend Dr. Audi's tireless work improving the quality and range of services available to those in need in our community.

It is with great honor that I recognize Dr. Audi and his work at the DRMM creating a brighter future for Wayne County residents.

# HONORING BROOK HILL SCHOOL'S ATHLETIC ACHIEVEMENTS

# HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. GOHMERT. Mr. Speaker, the Brook Hill School is a vibrant non-denominational Christian school which opened its doors in the fall of 1997. A three-fold mission permeates every aspect of Brook Hill's existence: (1) to provide excellence in college preparatory education, (2) to affirm the gifts and challenge the potential of each student, and (3) to encourage students to honor God through Christ-like character.

It is with enormous pride that I recognize and congratulate the Brook Hill School in Bullard, Texas, on its incredible athletic achievements during recent school years in which they achieved several state championship titles. This past fall of 2011, the Brook Hill Guard reached the pinnacle of success by winning the Division III State Football Championship, after being state finalists two years in a row in 2009 and 2010.

The Brook Hill Guard also captured the state championship title in Baseball during 2010–2011, as well as the state championship title in Boys' Golf that school year. As if that were not impressive enough, Kirby Vinson won the individual State Champion title in the Girls Track & Field discus. Also, Austin Langemeier won the individual State Champion title in both the Boys Track & Field 800 Meter Run and the 1600 Meter Run.

The superb 2010-2011 school year was preceded in 2009-2010 by the Brook Hill Boys achieving the incredible feat of advancing to

the State final championship game in baseball, basketball, soccer, and football. That was topped off with the Girls' Golf team winning the State Championship outright that same year. It also must be noted that Courtney Thomas shown brightly by winning the State Champion title in the Shot Put event of Boys' Track & Field.

These achievements could not have been possible without the tireless preparation of each individual team member, and the commitment of the coaches to proper preparation themselves followed by the intense training, inspiring, and directing of the very talented players under their supervision. Such vast excellence in athletics in all of those sports at all levels requires the kind of community and school-wide support that Brook Hill students, parents, and community backers provided.

A key lesson that has obviously been instilled in the Brook Hill students is that uncompromising dedication and hard work ultimately yield great success.

Again, congratulations go out to the Brook Hill School students, coaching staff, faculty, and the entire community of support in and around Bullard, Texas, as their legacy is now recorded in the CONGRESSIONAL RECORD that will endure as long as there is a United States of America. Their excellence in so many areas and pursuits make it my great honor to be their servant in the United States House of Representatives.

# HONEST BUDGET ACT OF 2012

# HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mrs. ROBY. Mr. Speaker, Americans deserve a genuine and predictable government that shoots straight. As Thomas Jefferson wrote, "The whole art of government consists in the art of being honest." How can the people hold their representative accountable when Congress and their President distort the basic facts?

Many of my colleagues and I are dismayed by the dysfunction in the process. We've seen firsthand the insider tricks and schemes used to distort the budget and hide new spending. We've learned that these loopholes are deeply engrained in the rules of Congress, and that both Republicans and Democrats are guilty of exploiting them.

The American people have a right to expect accountability, honesty, and transparency from their government. But every year, Washington relies on a series of budget gimmicks and accounting tricks to conceal or enable deficit spending. With our nation's gross debt over \$15 trillion—as large as our entire economy—Washington must drop the budget games and commit to honest budget practices.

We—as the freshman class—were sent to DC to do things differently and to assist on honest and transparent government.

That's why earlier this week, I, along with 28 of my colleagues, introduced the Honest Budget Act of 2012—an important step to change the way Washington works and instill integrity to the budget process.

This legislation is designed to root out the budget gimmicks most commonly used by politicians to hide the truth, confuse the public, and run up the national debt.

Last year, Senator JEFF SESSIONS from Alabama introduced in the Senate similar legislation to strengthen the Senate's rules against budget trickery. Numerous conservative groups have endorsed Sessions' bill, including the Heritage Foundation, Americans for Tax Reform, and Citizens Against Government Waste.

The House legislation expands this bill with similar rules in the House of Representatives to addresses nine specific budget gimmicks that, since 2005, have cost taxpayers more than \$350 billion and have consistently added to the burgeoning national debt. For example, the legislation makes it more difficult to pass appropriation bills without first approving a budget. No longer will the Senate be allowed to operate without a budget as it has for more than 1000 days. It tightens rules about using "emergency designations" and "disaster designations" to justify off-budget spending. It reveals both the real cost and the real commitment on what the federal government is spending. The bill prevents Congress from relying on phony rescissions, or claiming savings unless the savings are real and genuine. Money that was never going to be spent cannot later be claimed as "savings". That's common sense.

A budget is a plan for the nation's future and an annual financial report to the stockholders of the company—in this case, the American people. We deserve the truth. Mr. Speaker, given what I have witnessed over the last year, the only way to guarantee the truth is to specifically root out and end the gimmicks that so often obscure it.

We are all keenly aware that the number one issue facing America today is jobs. We must continue to do all that we can here in Washington to create an environment that fosters job growth, and we will continue to do that. But we cannot overlook the fact that Washington spends money it does not have. Certainly, this reckless spending spree has contributed greatly towards our downward economy.

The American people deserve a budget system that is accountable, predictable, and real. Regardless of party, Congress and the Administration have not always been up-front with their numbers. It is important that we instill integrity back to our budget. The President is expected to present Congress with his budget for Fiscal Year 2013. We have a responsibility to our constituents to ensure that the final budget is accurate and any savings included are real savings.

In many respects, the Honest Budget Act of 2012 embodies the spirit of transparency and accountability that unites my freshman class. The bill is a rallying point for those who truly want to put an end to the tricks, gimmicks and empty promises, and for all who believe that the American people deserve a government that they can trust. I look forward to work with my colleagues to see this become reality.

RECOGNIZING WENDY FREITAG

## HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Wendy Freitag for being named a Champion of Change in recognition of her work to prepare Washington communities for unexpected events and developing innovative and creative approaches to emergency preparedness and response.

As the External Affairs Manager for the Washington State Military Department's Emergency Management Division, Wendy Freitag oversees statewide emergency management outreach programs. These programs focus on disaster preparedness public education, private-public partnerships and public information programs. She encourages all residents of Washington State to take preparedness steps in their households and communities before a disaster strikes.

Wendy and her team continue to work on designs for outreach campaigns and programs to empower individuals and organizations to proactively prepare for disasters. They know that in order to effectively respond and recover from disasters, work must be done at the community level. Her team uses a combination of reason and emotion to engage and inspire all community members to become more disaster resilient.

Wendy has tremendous experience in the public and private sectors developing innovative solutions for preparedness. Prior to joining the Emergency Management Division, Wendy worked for a decade on physical security, national crisis management and business continuity projects and teams at Microsoft and the former Washington Mutual Bank.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in recognizing the dedication of Wendy Freitag to helping all Washington residents be better prepared for disasters.

HONORING SURROGATE MICHAEL R. DRESSLER

# HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend, County Surrogate Michael Raymond Dressler, for his dedicated leadership and service to our community as the recently re-elected Judge of the Surrogate's Court of Bergen County. Surrogate Dressler has committed himself to a life of public service and I am pleased to recognize him as he continues his distinguished career.

Surrogate Dressler was first elected to be the Bergen County Surrogate Court Judge in 1996. Since then, the public has demonstrated their resounding approval for his work, reelecting him in 2001, 2006, and yet again in 2011. While in office, Judge Dressler has demonstrated his talent for combining innovative community service with reasoned fiscal responsibility. Among many other first's, he created the first Guardianship Monitoring Program in Bergen County, which utilizes volunteers to monitor the work of Court appointed guardians, ensuring they care for the frail and elderly as promised.

Surrogate Dressler also organized the creation of the Surrogate Court's Satellite Office Program in which the services of the Surrogate Court are brought directly to municipalities such as Fort Lee, Ridgewood, Wallington, Norwood and Park Ridge. Surrogate Court employees offer services such as probating of wills and administering estates to those who cannot make the trip to the Surrogate Court in Hackensack. These innovative programs are operated and maintained at no additional tax-payer cost.

Also, as a lifetime advocate for education, Judge Dressler spends a great deal of time promoting awareness of the probate process, the necessity of a Will and other documents, through his speaking tours, addressing numerous civic groups and service organizations. His publication of a comprehensive booklet entitled "How to Probate a Will in Bergen County," is available to all Bergen County residents in English, Spanish, and Korean. These initiatives are just a few of many examples that reflect how his hard work extends well beyond the walls of his office.

As Surrogate, Michael Dressler was elected by his peers and served as President of the Constitutional Officers of New Jersey. He presently serves as a member of the New Jersey Highlands Council. He was honored as the YMCA of Greater Bergen County's Person of the Year in 2009.

Mike Dressler was first elected to public office as Councilman of Cresskill in 1974. In 1983, the people of Cresskill elected him to serve as their Mayor, a position he held until 1991. That same year he was the youngest person ever appointed to the position of Counsel to the County of Bergen—New Jersey's most populous county. His extraordinary dedication to public service serves as an inspiration to us all.

Mr. Speaker, today I rise to congratulate my dear friend, Surrogate Michael Raymond Dressler, on another re-election. I join with the grateful residents of Bergen County in thanking him for his innumerable contributions to our community. I am confident that his leadership and dedication to service will continue to improve the lives of countless New Jerseyans.

RECOGNIZING PROSTATE CANCER AWARENESS OBSERVANCE DAY

# HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Ms. CLARKE of New York. Mr. Speaker, I rise today to recognize Prostate Cancer Awareness Observance Day, as recognized by the Brown Byrd Prostate Cancer Foundation in my district and numerous organizations and municipalities.

Affecting 1 in 6 men, prostate cancer is the most commonly diagnosed non-skin cancer

and the second cause of cancer-related deaths among males. A new case occurs every 2.7 minutes, and is the cause of death of an afflicted individual every 19 minutes. Though for reasons yet to be discovered, prostate cancer is especially prevalent within the African American community, which makes awareness of this disease especially important within communities like my Borough of Brooklyn, New York.

Despite these disparaging statistics, many forms of prostate cancer are readily treatable, and with increased early detection and treatment, current trends can be reversed. Education regarding prostate cancer and early detection strategies is crucial to saving lives and preserving our families; 200,000 men will be diagnosed and over 75,000 men will die from prostate cancer annually. At any age, deaths due to prostate cancer devastate families through loss of income, partnership, and support.

In recognition of this disease and the large number of families and communities it afflicts, I stand with those today that recognize February 2, 2012, as a day to remember those who lost the battle against prostate cancer, and to pray for the families and friends that have dealt with such a tragedy. As a community, we also remember those living with prostate cancer, celebrate the lives of survivors, and thank all the prostate cancer organizations and medical professionals throughout the entire country who aid in victories against this insidious disease.

One such organization I would like to recognize today is the Brown Byrd Prostate Cancer Foundation. Started by two young individuals in my own district, Kevin Byrd and Blossom Brown to honor their grandfathers who were both lost to prostate cancer, the foundation has done a good deal of work within New York and nationally to bring attention to Prostate Cancer and methods to combat its continued threat to the wellbeing of our communities. Thank you, Mr. Speaker, and may we all offer up our prayers today to every individual that has been affected by prostate cancer.

RECOGNIZING THE ACHIEVEMENTS OF THE UNIVERSITY OF SOUTH FLORIDA

## HON. RICHARD B. NUGENT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. NUGENT. Mr. Speaker, I rise today to recognize the significant achievements that the University of South Florida (USF) has made in the fields of innovation and technology.

In 2010, USF furthered their dedication to these fields by founding the National Academy of Inventors (NAI). Today, the NAI works to recognize inventors, enhance the visibility of university innovation, educate and mentor innovative students, and translate research and inventions of its members that may benefit society.

With this type of commitment to innovation, it is no surprise that a recent report issued by

the Intellectual Property Owners Association listed USF, along with 12 other American Universities, among the top 300 organizations to receive patents from the United States Patent and Trademark Office in 2010.

I am also proud that as USF continues to be a national leader in the field of innovation, the entire Tampa Bay area will significantly benefit. Researchers and inventors from USF will continue to work together with business and industry leaders in their respective fields to put their ideas and prototypes into action. These interactions will lead to a direct and positive impact on our local communities—communities desperately in need of high quality jobs and business opportunities.

I've always said that one of America's greatest strengths is the innovation of its citizens. Without innovation, this nation would not be what it is today. Unfortunately, many of these innovators in the past have not received the recognition for their achievements that they rightfully deserve.

That is why it is my honor to recognize and support the achievements of USF for their commitment to innovation and research.

With that, I ask my colleagues to join me in recognizing the achievements of the University of South Florida.

HONORING LARRY VEILLEUX OF LEWISTON, MAINE

# HON, MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the life and accomplishments of Laurent "Larry" Veilleux, a man who devoted his life to his family and to his community.

A veteran of World War II, Larry's lifelong commitment to public service was only beginning when he returned home from the war. After completing his assignment in the U.S. Navy, Larry worked to obtain an Associate's Degree in Criminal Justice and to enroll himself in the FBI Academy. The Lewiston Police department was fortunate enough to draw on Larry's courage and dedication to his community. By the time he retired as a Deputy Police Chief, he was a local fixture and beloved within the community.

Larry never stopped giving back to his friends, colleagues and neighbors. He found time to be an active member of the Retired Police Chief Association, the Knights of Columbus, the American Legion, the Lion's Club, and the Augusta Calumet Club. He was a former member of St. Joseph's Church and was most recently a member of Immaculate Heart of Mary Parish in Auburn. Larry valued his roots in the community and was particularly proud of his induction into the Lewiston-Auburn Sports Hall of Fame as a member of the 1942 Lewiston High School State Champion Hockey team.

It is truly remarkable that one man could have such a positive impact on the lives of so many people. Larry is survived by his wife, three children, five grandchildren, and two great grandchildren. Larry was born November 21, 1923 and passed on January 30, 2012. He was 88 years old.

Mr. Speaker, please join me in honoring Larry for his public service and allow me to extend my deepest condolences to Larry's family.

HONORING THE BROWARD COUNTY SHERIFF'S OFFICE ANTI-BUL-LYING INITIATIVE

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in honor of the Broward County Sheriff's Office Anti-Bullying Initiative, the efforts of which have undoubtedly helped make South Florida a safer and more tolerant community.

Bullying of young gay Americans has reached epidemic proportions in this country. In fact, more than 80 percent of LGBT students report suffering harassment, humiliation, and even violence at the hands of their peers in school. Even more tragic are the cases of children who take their own lives after being led to believe there is no hope for acceptance in their community. Despite these overwhelming statistics, many schools have shown an unwillingness or inability to openly address anti-gay bullying.

I commend the Broward County Sheriff's office and their many partners throughout South Florida for setting themselves apart by establishing an Anti-Bullying Initiative to address this issue head-on. Together, law enforcement officials and community leaders are acting on a shared belief that in America, no child should be afraid to go to school because he or she is different. On January 30, 2012, the Anti-Bullying initiative hosted an event at the Coral Springs Center for the Performing Arts, where they screened the film Bullied and discussed the impact of anti-gay bulling on our nation's youth. This event is one of many undertaken by the Broward County Sheriff's office to give students, teachers, and administrators the tools they need to effectively address bullying based on sexual orientation and gender identity.

The opportunity for every child to receive a quality public education is a cornerstone of our nation. To achieve their potential, our children need schools that provide safe, accepting, and abuse-free environments. I am honored to recognize the people of Broward County, whose efforts to stop bullying are helping ensure our schools are places where everyone, regardless of their sexual identity, has a safe place to learn and grow.

IN CELEBRATION OF EASTHAMP-TON HIGH SCHOOL'S SUCCESS IN THE "WE THE PEOPLE" COM-PETITION

# HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. NEAL. Mr. Speaker, I would like to acknowledge and celebrate the victory of the

Easthampton High School's AP United States History class in the statewide "We the People" academic competition held recently at Harvard University. The team skillfully answered a series of eighteen difficult questions relating to American government on their way to prevailing over a number of highly qualified competitors across Massachusetts. The team has now earned the distinction of representing the Commonwealth in the National Finals in April of this year.

Easthampton High School's team was led by teacher Kelley Brown, who has gone above and beyond the call as an academic instructor to be a skillful coach for her class in this competition. The outstanding knowledge of United States History displayed by her class is a testament to the value of quality teachers in the Massachusetts public school system. The victorious students included Taylor Dadmun, Trisru Koopman, Brianna LaRose, Zachary Lewis, Bayleigh Murphy, Michael Palaschak, Thomas Palaschak, Willow Ross, Felicia Therrien and Olivia Tones.

I am tremendously proud of Easthampton High School's academic achievements. Strong civic education is the foundation of our representative democracy and these students have exemplified the finest qualities of informed citizenship. I wish them the best of luck in the 25th Annual National "We the People" competition here in Washington DC this April.

# KEYSTONE XL PIPELINE

# HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mrs. ROBY. Mr. Speaker, I rise today to express my disappointment over President Obama's decision to block the Keystone XL Pipeline by rejecting an application to build and operate the oil pipeline across the U.S. and Canada border.

This is a major decision, and I think every American should be aware of the consequences. The Keystone Pipeline represents an opportunity to both increase supply of much-needed natural resources in our country and create tens-of-thousands of American jobs. Because the project crosses the U.S. border, a permit is required from President Obama's State Department.

Without that permit, we will not see the potential benefits—in terms of stabilized energy supplies or new jobs—that would result from the Pipeline.

The Keystone Pipeline project would have the capacity to deliver up to 900,000 barrels of crude oil per day and would include more than 1,700 miles of pipeline. Estimates from Trans-Canada, the company that applied to construct the pipeline, projects more than 100,000 jobs could be created over the life of the project, including an estimated 20,000 immediate American jobs in construction and manufacturing.

Mr. Speaker, our energy policy is vitally important to our national security and our economic security. Oil accounts for 37 percent of U.S. energy demand, with 71 percent directed

to fuels used in transportation. That is equally true of the mother who drives her children to school as it is of the business owner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans are hurt—and the price of gasoline increased 81 cents per gallon in 2011 alone.

That is why I support our "all of the above" approach to energy, which includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear power.

In his State of the Union address, the President stated that "this country needs an all-out, all of the above strategy that develops every available source of American energy—a strategy that's cleaner, cheaper, and full of new jobs." In my opinion, his decision on the Keystone Pipeline is inconsistent with that statement.

I believe the Keystone Pipeline project has the potential to strengthen America's economy, reduce our dependence on oil from potentially hostile regions of the world, and create jobs. I voted in favor of the North American-Made Energy Security Act (H.R. 1938), legislation directing the President to issue a final order granting or denying the Keystone Pipeline permit by November 1, 2011.

Additionally, Congress passed H.R. 3765, the Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112–78) that was enacted into law on December 23, 2011. This Act, signed by the President, required the State Department to grant a permit within 60 days unless the President determined that the pipeline would not serve the national interest. I also voted in favor of this legislation.

Unfortunately, President Ŏbama announced on January 17, 2011 that the administration will block the pipeline by denying the application permit. It has been more than three years since the application to build the Keystone XL pipeline was originally filed. The President had an opportunity to help create American jobs and reduce America's reliance on unstable foreign sources of oil, and he rejected it. The State Department announced that it did not have sufficient time to obtain the information necessary to determine if the project would serve the national interest. In truth, this project has been studied for many years. I ask, how does reducing reliance on Middle East oil while creating thousands of jobs not serve the national interest?

The door is now open for Canadian oil to go to China. Canada's Prime Minister, Stephen Harper, announced his "profound disappointment with the news." The Prime Minister expressed that he had hoped the project would continue, given the significant contribution it would make to the United States and Canada. While the Chinese government has ensured its future supply of oil and other energy resources, the United States has rejected a new source of energy that was laid at our doorstep. Mr. Speaker, I ask, how does the fact that China will receive this energy supply not serve our national interest?

Mr. Speaker, I consider President Obama's decision a grave mistake and on behalf of the American people who want secure oil and new manufacturing jobs, I hope that Congress will continue to push him to reconsider this error in judgment.

IN RECOGNITION OF THE UNIVERSITY OF SOUTH FLORIDA

### HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  $Thursday,\ February\ 2,\ 2012$ 

Mr. ROSS of Florida. Mr. Speaker, I rise to recognize the University of South Florida (USF). USF has become an academic powerhouse not only in the State of Florida, but nationally as well. Boasting an enrollment of approximately thirty-seven thousand graduate and undergraduate students, USF has attracted top quality students from all over the world, making it a true model of diversity. And more students will be coming.

USF states that it offers more than two hundred programs for its students to choose from and has a library system with two and a half million volumes and six facilities. In 2010, according to the Intellectual Property Owners Association, USF ranked ninth world-wide among fourteen universities ranked among three-hundred organizations that earned the most patents in 2010. In addition to its top flight academic programs, USF has emerged as an athletic powerhouse. Its student-athletes compete at the highest levels of collegiate athletics, with some continuing their playing careers professionally. In fact, USF alum Jason Pierre-Paul, a Pro Bowl defensive end with the New York Giants, will be playing for a Super Bowl championship this Sunday.

Aside from the accomplishments I have just stated, the National Academy of Inventors notes that it was founded at USF in 2010. According to the Academy, it encourages intellectual property innovation and development, which contributes greatly to societal advancement. History has shown us that creative minds, such as the ones at USF, are often responsible for breakthroughs that change how we live. From Thomas Edison's light bulb to the Wright brothers' airplane, we need to continue cultivating today's young minds to be as bold as their predecessors. I am proud to say that USF's National Academy of Inventors is leading this charge.

The National Academy of Inventors will soon be holding a conference in Tampa in the USF Research Park from February 16–17th. I salute the achievements of the Academy to date, and look forward to what the future holds for these innovators. As a whole, USF continues to produce tremendous results. It can no longer be said that USF is emerging, rather it has arrived and it will continue to make Floridians proud. I ask my colleagues to join me in recognizing USF's exceptional achievements

HONORING THE NATIONAL ACADEMY OF INVENTORS

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the National Academy of Inventors, which was founded at the University of South Florida in Tampa in 2010. Working in collaboration with the university, the mission of the National Academy of Inventors is to recognize and encourage inventors, add to the visibility of innovation and technology stemming from the university, and to educate and encourage innovative students to create and patent inventions that are beneficial to all of society.

I am certainly proud of the research under way in my backyard at the University of South Florida. More importantly, their efforts are training our nation's future researchers and innovators to keep the United States on the cutting edge, particularly in the health field. In fact, USF was among 14 universities listed in the top 300 organizations worldwide to receive patents from the United States Patent and Trade Office in 2010.

Though USF houses the National Academy of Inventors, universities and nonprofit research institutions throughout the nation and world are also invited to form local chapters, and inventors affiliated with the academic community supporting the local chapter, who have had a patent issued by the United States Patent and Trademark Office, are eligible to join. Thus far, 29 local chapters have formed.

I truly applaud the work of the National Academy of Inventors for encouraging teachers, faculty, and students to push their research efforts and find new and better technology and solutions. I look forward to watching them continue to expand and set a national climate favorable to the research and entrepreneurship community.

ON REINTRODUCING THE WILD-LIFE VETERINARIANS EMPLOY-MENT AND TRAINING ACT (WILD-LIFE VET ACT)

# HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to reintroduce the Wildlife Veterinarians Employment and Training Act (Wildlife VET Act). This legislation will develop affordable and well qualified opportunities for individuals who are seeking to become wildlife veterinarians, spur job growth, and promote robust public health policy.

Wildlife veterinarians are the primary source of essential health care for and management of wild animals in their natural habitat and in captivity. Not only do they preserve natural resources and animal lives, but they help protect human health by preventing, detecting, and responding to exotic and dangerous diseases.

With the intensification of globalization and climate change, along with a growing interface between humans, livestock, and wildlife, the threat posed by emerging infectious diseases to humans and wildlife keeps increasing. Controlling pandemic and large-scale outbreaks of disease has become more problematic.

Furthermore, wildlife veterinarians have the resources and expertise necessary to help respond to environmental disasters and address short-term and long-term impacts on wildlife and their habitats. Wildlife veterinarians have proven to be essential to the rescue and reha-

bilitation efforts in the Gulf of Mexico region following the Deepwater Horizon oil spill that began on April 20, 2010.

In spite of these threats to both wildlife and public health, the United States faces a shortage of positions for wildlife veterinarians. In addition, veterinarian graduates owe an average of \$130,000 in student loans, and salaries for wildlife professionals are relatively low compared to companion animal medicine. Lower salaries, combined with high educational debt and the small number of positions available, discourage students from becoming wildlife veterinarians. The number of practical trainings and formal educational programs specializing in wildlife and zoological veterinary medicine are also insufficient.

My bill will directly address these issues which dissuade veterinarians from practicing wildlife medicine. It will contribute to the national job creation effort by funding new positions for wildlife veterinarians and will ensure that veterinary students find jobs upon graduation. The bill will also limit the amount of educational debt for students while providing incentives to study and practice wildlife veterinary medicine through the establishment of scholarships and loan repayment programs. Lastly, my legislation will advance education by helping schools develop pilot curricula specializing in wildlife veterinary medicine and by expanding the number of practical training programs available to students.

Mr. Speaker, we have reached a point in our history when we cannot ignore the importance of protecting America's wildlife. Wild animals are a very important part of our commonly held natural resources and contribute to maintaining a balanced ecosystem. With an increasing number of endangered species, the introduction of invasive non-native species, and more infectious disease threats, wildlife veterinarians must be placed at the core of our efforts and be given the resources and recognition necessary to protect both animal and human lives.

I urge my colleagues to extend a helping hand to America's veterinarians by supporting this important piece of legislation.

HONORING THE CONTRIBUTIONS
OF ELAINE BERNSTEIN, NATIONAL PRESIDENT OF THE LADIES AUXILIARY AND JEWISH
WAR VETERANS OF THE UNITED
STATES OF AMERICA

## HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

 $Thursday,\,February\,\,2,\,2012$ 

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Elaine Bernstein, National President of the Ladies Auxiliary Department of the Jewish War Veterans of the United States of America (JWV), on the occasion of her official visit to the dedicated members of the Department of Florida Ladies Auxiliary. The gathering of these dedicated advocates for our nation's veterans is truly a cause for celebration.

Jewish Americans have a long, rich history of service in our Armed Forces. Over half a million Jewish Americans fought for the United

States in World War II, and 11,000 of them perished while fighting for this country. Jewish Americans have served in Korea, Vietnam, Operation Desert Storm, and countless other missions around the globe. They are among the brave young men and women who served in the aftermath of the September 11th attacks, and who are serving in Afghanistan as we speak. For the past 83 years, JW's mission has been to support for these heroes, strengthen the American values of liberty and equality, and to combat bigotry and anti-Semitism.

Elaine Bernstein has played a vital role in advancing JWV's mission across the country. She began her career of volunteerism at the tender age of four, when she became a mascot for her local Auxiliary junior division. After a lifetime of dedicated service, Elaine was elected President of JWV in August of 2011. I am humbled to welcome this accomplished leader to Florida's 19th district, which I am proud to say is home to one of our nation's largest chapters of the Jewish War Veterans of America.

It is a privilege to represent members of the Department of Florida Ladies Auxiliary, who share the belief that in America, no veteran should become a forgotten hero. Because of their work with the Jewish War Veterans of the United States of America, our people will continue to honor the contributions of the Jewish American men and women who for centuries have not only shaped our national culture, but defended our people in times of great challenge.

BIKERS AGAINST CHILD ABUSE

# HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. POE of Texas. Mr. Speaker, over 3 million cases of child abuse are reported every year in the United States; some reports involve multiple children. These children are 11 times more likely to be arrested for criminal behavior as juveniles, and they are 2.7 times more likely to be arrested for violent and criminal charges as an adult. One-third of these same children are likely to grow up to abuse or neglect their own children. Child abuse is an ugly reality in the fabric of our society, and abuse against children is among the most heinous crimes committed in our nation. I'd like to honor a group of individuals who are dedicated to establishing security for these children, while demonstrating a new standard of sacrificial giving.

Bikers Against Child Abuse, BACA was founded by John Paul Lily, a clinical sociologist. Mr. Lily wanted to bring an abused eight-year-old boy out of his shell and succeeded by bringing him into his circle of motorcycle friends. This group of unconventional child advocates allowed for this young boy to experience a second chance at an unhindered childhood. Soon, Mr. Lily was inspired to organize a ride to visit mistreated children and to welcome them into the biker "family." This inaugural ride had 27 riders, but word spread quickly and the movement evolved. Today,

this group is in full operation across the country and has chapters in 5 other countries.

Local chapters work largely through other child advocacy organizations to launch their "missions," which help children break the chains of abuse by moving beyond the limits of fear from past mistreatment.

A typical "mission" for these children's rights advocates begins with a dispatch from an established organization, with the prescreened verification in the BACA system. The first meeting is similar to the inaugural model in which local chapter members will ride over to welcome the child into the "family." These knights on shiny motorcycles become a much needed lifeline for these frightened children. There are two members of the group that are assigned to the child as consistent sources of stability. These pioneering bikers then become visible in any area that the child may need them ranging from day-to-day errands to court appearances. These children no longer have to live in fear of their abuser because they are empowered through the newly-formed camaraderie with their family at BACA.

The organization's creed is a great testament to the outstanding make up of these individuals. In this creed, they denounce the need for popularity or position, they refuse the right to be right, praised, or recognized. Instead they, "won't give up, shut up, let up, until they have stayed up, stored up, prayed up, paid up, and showed up for all wounded children. They must go until they drop, ride until they give out, and work till He stops me." These men and women are crusaders that provide attention to a much needed and too often forgotten cause. I commend the selfless action of this organization and celebrate the life changing difference that they've made in the lives of children.

And that's just the way it is.

# TRIBUTE TO JUDGE VIRGIL PITTMAN

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. BONNER. Mr. Speaker, I rise to add my voice with many across South Alabama who are mourning the loss of a remarkable jurist who left an indelible mark on our community. Judge Virgil Pittman recently passed away at the age of 95.

Born in 1916 in Coffee County in Southeast Alabama where he picked cotton as a young man, the future state and federal judge spent his life devoted to fairness for all.

Before he began his legal journey, Judge Pittman graduated from Enterprise High School, the University of Alabama and the University of Alabama Law School. Upon completion of his studies, he served as a special agent with the Federal Bureau of Investigation. After three years with the Bureau, he answered his nation's call to service in World War II, donning the uniform of a United States Navy Lieutenant Junior Grade.

Returning stateside after the war, Judge Pittman practiced law in Gadsden, Alabama, for six years before assuming the post of Judge of Alabama's Seventeenth Judicial Circuit, a position he held for 16 years. In 1966, Judge Pittman exchanged his State Circuit judgeship robe for one on the federal bench after he was appointed by President Lyndon Johnson. His career as a federal judge encompassed service in the Middle and Southern Districts of Alabama, spanning 40 years.

In 1971, Judge Pittman became the chief judge of the federal court in Mobile. He was never one to shy away from taking tough positions that he believed were right. This made him unpopular with those who opposed his strong stance against Mobile's then citywide commission form of government. Judge Pittman believed the old system was unfair to non-whites and those without political influence. He stood his ground and in the end prevailed.

There were times when Judge Pittman's rulings drew criticism from local politicians and the press, but his determination never wavered. The Mobile Press-Register recently editorialized that Pittman brought many changes to the city, noting he "changed Mobile for the better and forever."

If Judge Pittman was an outspoken advocate for civil rights and equal justice for our community he was also a man solely devoted to public service. In all, he sat on the bench for 55 years, taking great pride in his vocation and seeking little reward other than the knowledge that he did what was right.

On behalf of the people of South Alabama, I would like to extend my condolences to his wife, Lily Lea, their children, Karen, Lee, Joe, Walter, and Lea, and their many grandchildren and friends. You are all in our thoughts and prayers.

RECOGNIZING THE UNIVERSITY OF SOUTH FLORIDA FOR THEIR COMMITMENT TO INNOVATION

#### HON, C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  $Thursday, \ February \ 2, \ 2012$ 

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize the important contribution United States educational institutions have made to innovation and discovery and to congratulate the 13 American universities who were on the list of the top 300 organizations to receive patents from the U.S. Patent and Trademark Office in 2010.

I am honored to represent one of these universities, the University of South Florida, USF, whose researchers and students were awarded 83 patents that year. Founded in 1956, USF is currently comprised of four member institutions, located in Tampa, St. Petersburg, Sarasota-Manatee, and Lakeland, FL. One of Florida's leading academic institutions, USF is classified by the Carnegie Foundation for the Advancement of Teaching in the top tier of research universities, a distinction attained by only 2.2 percent of all universities.

The patents awarded to USF in 2010 cover a wide range of disciplines and could potentially lead to better health care, new fuel cell technologies, improved air purification systems and even future amusement park rides. USF also distinguishes itself as the second most efficient university in research expenditures per patent. This means that USF effectively uses their limited research funding in the development of new patentable products. The University's focus on quality research is a major component in the growth of new industries in the Tampa Bay area and I am glad that their important work is being recognized.

USF has shown a commitment to encouraging innovation not only on their campus, but also throughout the academic community and, in 2010, founded the National Academy of Inventors, NAI. Upon founding, 131 members joined as Charter Members and since then 24 affiliate chapters have been founded at higher learning institutions around the world, with over 500 individual members. The researchers at our colleges and universities often do not receive the attention they deserve and this non-profit organization works to recognize researchers at universities and their affiliated institutions who translate their findings into inventions that may benefit society.

Since the establishment of our Nation, the United States has recognized the important role that innovation plays in growth and development. Our Nation's Founders were wise enough to include protection for intellectual property rights in Article 1, Section 8 of the United States Constitution and every day new advances are being made throughout the country that may one day improve our quality of life, spur economic growth, and lead to new technologies. We must continue to support institutions like USF that promote and encourage advances in research, especially when it leads to the awarding of new patents.

I am privileged to represent the students, teachers, and faculty at USF and extend my congratulations to the University's current and future patent holders. I ask my colleagues to join with me today in recognizing their achievements and wish USF continued success in the future.

IN RECOGNITION OF JAMES BELL ON THE OCCASION OF HIS RETIREMENT

## HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. DAVIS of Illinois. Mr. Speaker. I am pleased to recognize one of my constituents from Chicago, James Bell, as he retires from The Boeing Company after 40 years of service to Boeing and its heritage companies. James is retiring as corporate president and chief financial officer of Chicago-based Boeing, the world's largest aerospace company and America's biggest manufacturing exporter. He is the highest-ranking African-American employee in the company's nearly 100 years of history. His legacy at Boeing transcends race and reflects a record of accomplishment, service, and leadership that came during a time of significant change. During Bell's career, Boeing expanded from being primarily a commercial airplane manufacturer to a company with a diverse portfolio of commercial, military, and civil products and businesses. Boeing's workforce,

which includes over 170,000 employees, also has become more diverse, and James helped to make it so. James played a critical role in shaping this diverse workforce, sharing his life experiences, modeling outstanding leadership and mentoring others to become the leaders of tomorrow.

James Bell grew up in south central Los Angeles, the youngest of four children of Clvde Bell, a postman, and Mamie, a county government clerk. During Bell's junior year at Jefferson High School in 1965, the Watts neighborhood erupted in rioting. Though sympathetic to the frustration and despair that sparked the rioting, James reacted to the sad destruction by committing himself to self improvement. He realized that education was the path to future success. In his senior year at Jefferson, Bell was elected student body president in part due to his interest in helping the school retain students and convincing them of the value of education. James studied hard and earned a partial scholarship to California State University at Los Angeles, where he majored in accounting.

James has come a long way since his childhood, but he has stayed close to his roots and to his extended, close-knit family. In his first management job, he learned that he would be supervising several women, all of whom were older than him, so he reached out to his mother for advice. "Always respect them as you would me, and you'll be all right," she counseled him. Following that advice served him well. Bell began his career as a staff accountant with Rockwell in 1972, after earning his bachelor's degree in accounting. He rose steadily, serving in positions of increasing responsibility including manager of accounting and, later, director of business management of the Space Station Electric Power System before becoming vice president in 1996, when Boeing acquired Rockwell's aerospace business. As vice president of contracts and pricing for Boeing Space and Communications, Bell oversaw policy direction, acquisition reform, new business opportunities and program performance, and he also served in business management roles for the International Space Station program.

James was named chief financial officer of Boeing in 2003, a position he held until his retirement. In addition to his CFO duties, he served as chief executive officer of the company for several months in 2005 following the resignation of Boeing's top leader. As the chief financial officer, James was responsible for overall financial management of the company. including oversight of business performance, financial reporting and transparency, and multiple corporate functions including for example Controller, Treasury, Investor Relations, Planning and Contracts and Pricing. Under James' watchful eye and steady hand, Boeing's annual revenues have grown to nearly \$70 billion. While his leadership will be missed, James will remain active in Chicago, serving on the board of directors of J. P. Morgan, Dow Chemical Company, and The Chicago Urban

I am honored to celebrate the achievements of Mr. Bell and am hopeful for a prosperous and active retirement.

OUR UNCONSCIONABLE NATIONAL DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,330,778,119,850.60. We've added \$10,529,372,944,556.32 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## PERSONAL EXPLANATION

## HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Ms. MOORE. Mr. Speaker, on Wednesday, February 1, I inadvertently missed the vote on rollcall 20 (H.R. 3567, the Welfare Integrity Now for Children and Families Act). If I had been present I would have voted "no."

#### PERSONAL EXPLANATION

## HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, on rollcall No. 20, had I been present, I would have voted "yea."

# CONGRATULATING THE HUMANE SOCIETY OF SOUTHERN ARIZONA

## HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize The Humane Society of Southern Arizona, which provides services in my district, and the American Society for the Prevention of Cruelty to Animals (ASPCA) for their efforts to help save the lives of shelter animals in the Tucson area. The ASPCA has awarded a \$10,000 grant to The Humane Society of Southern Arizona to support their hard work and innovation in finding homes for animals.

The Humane Society of Southern Arizona is one of 56 animal rescue organizations nation-wide that are receiving grant funding for the ASPCA's "Mega Match-a-thon" event, which will take place this spring. The ASPCA is granting nearly half a million dollars to support a host of large-scale adoption events nation-wide in an effort to save more lives of shelter animals.

Over its 145 year history, it has been a priority of the ASPCA to help create a nation of humane communities; places where homeless animals are not killed simply because of the lack of space or resources. The Humane Society of Southern Arizona shares this commitment to the humane treatment of animals and stands as an example for communities and shelters nationwide.

On behalf of the citizens and animals of Arizona, I am proud to congratulate both The Humane Society of Southern Arizona and the ASPCA for their continued commitment to protecting animals.

## CASE KEENUM—QUARTERBACK

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 2, 2012

Mr. POE of Texas. Mr. Speaker, there are entire professions devoted to analyzing football statistics. Yards after catch, passer rating, and value over replacement are just a few of the endless minutia studied at a scholar-like level. But at the end of the day, the only statistic that matters is winning. Today I am proud to pay tribute to one of the greatest winners in college football history, record-breaking quarterback Case Keenum from the University of Houston Cougars.

Case was born in Abilene, TX, with football in his blood. His father played for and would later go on to coach McMurry University in Abilene. Abilene is in the heart of west Texas—where football—especially high school football—is regarded by some as almost a religion. I attended Abilene Christian University and witnessed the local high school teams play hard on the gridiron during "Friday Night Lights."

Case Keenum won 31 games starting for Wylie High School, including the 2004 Class 3A Division 1 State Championship, Wylie's first and only time to win it all. He also earned varsity letters in baseball and track. After listening to other schools, he chose to attend the University of Houston.

Case was entangled in a competition for the starting position in 2007 after redshirting his freshman year. Keenum shared time and played in all 13 games that year, starting in 7. He won the starting position by the end of the season. It was his team now and he took the opportunity and ran. The 2008 season, Case's first full year as a starter, was a monumental one. He became the second quarterback in school history to pass for over 5,000 yards. The team beat two nationally ranked opponents and won its first bowl game in over 25 years. Case's star was on the rise and the University of Houston was back in the national conversation.

After all the success in 2008, the lights would be brighter on Case and the Cougars in 2009 than ever before, and they rose to the occasion. They defeated the then-#5 ranked Oklahoma State Cowboys, which propelled the team in the AP rankings for the first time in over 20 years, and also upset Texas Tech and Mississippi State. They finished 10–4 and as Conference USA Western Division Co-Champions. Case had another impressive year, finishing with over 5,800 yards of total offense and 48 touchdowns.

2010 was to be the year that Case broke numerous NCAA Division 1 passing records and put the Houston Cougars into the Bowl Championship Series picture. The team was nationally ranked in several preseason polls and Case was awarded the Conference USA Preseason Player of the Year. However, just three games into the season, Keenum tore his ACL. His season was done, and the team finished at 5–7. This was not the end that Case or Coach Kevin Sumlin and the Cougars envisioned.

Case was awarded a rare 6th year of eligibility for the 2011 season, allowing him to return to Houston and complete his college journev on his terms. No one could have predicted how successful Case and the team would be. The team once again started the season nationally ranked and would go on to finish 12-0 in the regular season. This was the first time in the 66-year history of the program that the team finished the regular season undefeated and untied. They closed out the year with a victory over the Penn State Nittany Lions in the TicketCity Bowl and a ranking of 18th in the AP Poll. The Houston Cougars led the nation with 8,387 yards of total offense while Case also led the nation with an impressive 5,631 yards of total pass-

Case's career numbers are staggering. He holds nearly every NCAA career passing record, including passing yardage, total offense, touchdown passes, total touchdowns, and completions. He won 41 of the 57 games that he participated. He won the Conference USA Most Valuable Player award twice, as he also did the Sammy Baugh Trophy, awarded to the nation's top college passer. This weekend he will be one of twelve players chosen to highlight their skills at the Super Bowl Sunday All Star Challenge in front of a worldwide audience.

Case's success was not limited to the gridiron. He was named to the Conference USA Academic All-Conference selection twice, thanks to his 3.8 GPA earned while working towards his graduate degree in Sports Administration. He was a five time Conference USA Commissioner's Honor Roll member. Every so often, a player comes around that redefines what it means to be a leader. Thanks to his internal fortitude, Case Keenum played an important role in the rebirth of the University of Houston Cougar football team. He has shown that hard work and perseverance can turn a pretender into a contender. I proudly congratulate Case on all of his accomplishments and wish him the best of luck in the future.

And that's just the way it is.

# TRIBUTE TO LIONEL WINSTON "RED" NOONAN

## HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to former Mobile County Probate Judge and former State Senator Lionel "Red" Noonan, a much beloved citizen of South Alabama, who recently passed away at the age of 86

When we think of a public servant, we often have a mental image of someone who dutifully performs their job over many years for the good of the people. While there are many public servants in our land, few can match the level of selfless dedication of Judge Red Noonan. He possessed an indomitable enthusiasm for life and for helping others. Always wearing a smile and always looking to make things better for our community, that is how he will be remembered.

A native of New Orleans, Judge Noonan soon made his way to Mobile where he attended Murphy High School. He distinguished himself early on as a gifted athlete, participating in an AAU tumbling competition at the 1934 Chicago World's Fair, and later stood out as a star player on the Murphy High football team. He was named to the All-City Team and Murphy's Hall of Fame.

Upon graduation in 1942, he joined the Navy, serving his country during World War II.

After returning home from the war, he attended the University of Alabama where once again he put his athletic talents to good use. He was selected as starting fullback for the Crimson Tide for four seasons, and played in both the 1946 Rose Bowl and the 1948 Sugar Bowl.

After earning his bachelor's degree in 1950, Judge Noonan also pursued and received a law degree from the University of Alabama. He accomplished this goal while also serving as the University's freshman football coach. He later earned a Masters in Economics at Alabama.

After completing his education, he worked from 1953 to 1980 at Merchant's National Bank in Mobile where he served as a Vice President and Trust Officer. He ran successfully for Alabama State Senate District 24, holding office from 1971 to 1978. In 1983, he was elected Probate Judge of Mobile County, serving until his retirement in 2001.

During his public service, Judge Noonan was instrumental in the creation of the University of South Alabama College of Medicine and the construction of the Theodore Industrial Canal and the Alabama State Docks Bulk Material Handling Plant.

He didn't stop there, however. He served on numerous local and state organizations, including as President of the Alabama Probate Judge's Association, President of the Trust Division of the Alabama Bankers Association, President of the Estate Planning Council of Mobile, Member of the Board of Directors of the Alabama Sports Hall of Fame, member of the Mobile Racing Commission and President of the University of Alabama "A" Club, to name but a few. He was named to the Mobile Sports Hall of Fame in 2001.

To say Mobile will miss Judge Noonan's tireless leadership and exuberance for community service is an understatement. On behalf of the people of South Alabama I wish to extend condolences to his beloved wife of 61 years, Ruby Noonan of Fairhope, their children, Ruth, Rusty, Kelly, and grandchildren and many friends. You are all in our prayers.

## HOUSE OF REPRESENTATIVES—Friday, February 3, 2012

The House met at 9 a.m. and was called to order by the Speaker.

#### PRAYER

Reverend Cal LeMon, First and Calvary Presbyterian Church, Springfield, Missouri, offered the following prayer:

God, as You know, these walls have echoed with Your name for centuries.

You see, God, we know Your name because we are Your Nation, Your people. To prove it, we've printed Your name on our dollar bills, chiseled Your name into our granite walls everywhere in this city, and regularly include Your name in prayers before Friday night high school football games.

Therefore, since You are our God, the Prince of Peace, I ask You to quell the need in this room to dominate, degrade, and even denigrate.

I ask You, God, the Healer, to rub the salve of Your Holy Spirit into our long-festering political wounds.

I ask You, God, the Creator, to whisper new words, new possibilities, and new solutions up and down these aisles.

Teach us, Lord, when we drop Your name, we must also be ready to drop to our knees again and again and learn from You how to be one nation under God, with liberty and justice for everyone.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma (Mr. LANKFORD) come forward and lead the House in the Pledge of Allegiance.

Mr. LANKFORD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# WELCOMING REVEREND CAL LEMON

The SPEAKER. Without objection, the gentleman from Missouri (Mr. Long) is recognized for 1 minute.

There was no objection.

Mr. LONG. Mr. Speaker, one of the privileges we have as Members of Con-

gress is to have the leader of a church back home deliver the opening prayer for the United States House of Representatives.

Today, I am proud to introduce America to a friend of mine, the Reverend Doctor Cal LeMon. Reverend LeMon is an ordained elder at First and Calvary Presbyterian Church in Springfield, Missouri, where he regularly preaches and teaches in a historic house of worship.

He is the president of Executive Enrichment, Inc., a corporate education and consulting firm, assisting organizations to become more productive through effective leadership. He is also a writer and regularly contributes to the Society for Human Resources magazine, Employment Relations Today, and the opinion page of USA Today.

Like many members of the clergy, the Reverend Cal LeMon is an important voice in our community. Reverend LeMon is and has been a tremendous spiritual influence on my family and me.

He has a heart for his country and for each and every one of us. I am honored to welcome him here to Congress.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will entertain up to five 1-minute speeches from either side of the aisle.

#### NATIONAL WEAR RED DAY

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, today, February 3, is the American Heart Association's National Wear Red Day, which encourages people to help raise awareness and join the fight against heart disease, which is the leading killer of women.

Now, I understand most men don't own a red suit unless, of course, you were keyboardist in an eighties hair band. But we all have shirts; we all have ties, accessories, and lapels by which we can show our support and "Go Red for Women."

As sons, husbands, fathers, and friends, we can do no less for the women we owe everything, for the women we love, for the women whose loss would empty our hearts.

Mr. Speaker, I encourage every American, Go Red.

HONORING 100 GREAT YEARS OF GIRL SCOUTS

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, 100 years ago, Juliette "Daisy" Gordon Low organized the first Girl Scout troop in Savannah, Georgia. Daisy began with 18 girls in one troop in Savannah, but her movement has grown to include over 50 million American women over the past 100 years, including 3.2 million active members today.

The Girl Scouts build character by engaging girls in community service, developing leadership skills, and preparing girls to take their place in the world. I know what I'm talking about because I have a twin sister, and she was a Girl Scout.

I'm proud of the hard work of the girls and women who've been a part of the Girl Scouts movement, but I'm even more grateful for the positive influence this institution has had on millions of girls throughout America and the world

So I congratulate the Girl Scouts on 100 great years, and I wish them every success for the next 100 years.

### EMPLOYMENT AND DEBT

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Our newest national unemployment numbers are in, 8.3 percent. It's progress, but it's 37 months above 8 percent.

It makes me grateful again to be from Oklahoma. We have the 10th lowest unemployment rate in the country at around 6 percent. Forbes Magazine listed my district as one of the happiest places to work in the country.

Oklahoma is the number one place to start a small business and number one in technology job growth. In the last 8 years, Oklahoma City has created more than 80,000 new jobs. These jobs include a thriving energy, aviation, and biomedical center.

Oklahomans work with private businesses, nonprofits, churches and religious organizations to feed the hungry, help families get back on their feet after disasters, and offer job training and education.

On this mission, we don't see Washington as our enemy. Sometimes we don't see Washington as our ally. What so many people back home tell me they

a plan to reduce our debt, simplify our Tax Code, and get rid of the red tape off their businesses. Then you'll really see our economy take off.

#### LILLY LEDBETTER AND PAYCHECK FAIRNESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. Delauro. Mr. Speaker, 3 years ago this week, the Lilly Ledbetter Fair Pay Act was signed into law. Named after a true hero who was shortchanged by her employer for decades and who fought back all the way to the Supreme Court, the Lilly Ledbetter Act ensured that women who are discriminated against have the right to sue as long as their unequal pay continues.

This was a good first step, but we have to do more to achieve real pay equity in America. Today, women are still only paid 77 cents on the dollar as compared to men for the very same job. They lose out on between \$400,000 and \$2 million over a lifetime. This is an injustice.

It is time to pass the Paycheck Fairness Act already passed twice by this body. It would give real teeth to the Equal Pay Act. It has been almost 50 years since Congress passed the Equal Pay Act. It is time to ensure that onehalf of America's workforce is paid as fairly as the other half.

#### □ 0910

#### MAKING AMERICA OPEN FOR BUSINESS

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, I am proud to go red today and to honor our Girl Scouts.

We have a wonderful woman in our beautiful Hudson Valley, Martha, who is from Wappingers Falls and who is a former computer programmer and a current substitute teacher. She wrote to me: It broke my heart to hear that Kodak filed for bankruptcy. What is being done to keep the companies that are producing made in the U.S.A. products here in the United States?

Martha, that's a great question. And here's what we can do and what we're doing in the House of Representatives. We're working to make our Tax Code flatter and fairer. We're working to remove burdensome and unnecessary regulations. And we're working to take less from hardworking Americans like you so that we can spend and save and invest right here in our communities and in our country. We've sent 30 bills to the Senate, 27 of which still sit unanswered

So this week in the House of Representatives, we're working further to

want from their Federal Government is shrink the Federal Government and to make our budget process have common sense the way you do in your own homes. I urge the Senate to join us to work together to revive our economy and make America open for business again.

#### UNEMPLOYMENT BENEFITS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise today in complete disgust of the Republican conferees' attempt to include an education requirement as a condition of receiving unemployment henefits

To require people who would otherwise be eligible for benefits to now either have a high school diploma or be enrolled in a GED program is discriminatory. It is despicable.

Adding conditions to receiving compensation does nothing to create jobs or address the real causes of unemployment. It is a difficult time, Mr. Speaker, to be unemployed in America, but Republicans seem determined to make it even more difficult by kicking the unemployed while they're down.

With less than a month to craft a long-term tax measure, I urge Republican conferees to stop obstructing the process by insisting on distracting proposals that are only meant to score political points.

I am opposed to any education requirement to receive unemployment benefits. I implore my colleagues to do the same.

#### LET GULF COAST GET BACK TO WORK

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY, "The gulf oil spill has been terrible for the Gulf Coast. But as bad as it has been, the Federal Government's moratorium on deepwater drilling can be worse."

Mr. Speaker, 18 months ago I had the honor to speak these words while offering a motion to immediately end President Obama's moratorium on deepwater drilling.

Although the moratorium has officially ended, there is still a two-thirds cut in new permitting and an overall slowdown in production that has caused nearly one-half of the Gulf Coast's oil and gas-focused businesses to reduce wages or lay off workers.

These aren't the major oil and gas companies. These are small businesses that cannot move overseas. Forty-one percent are not turning a profit. Seventy percent have had to draw from their savings accounts to meet operating expenses. The gulf oil spill is a tragedy, but for workers, the moratorium has made it worse.

For the sake of job creation, affordable domestic energy, and a stronger economy for all Americans, I call on the President to reverse these policies and let the Gulf Coast get back to work.

#### UNEMPLOYMENT RATE IS DOWN

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the reports have just come out a few minutes ago, and it's great news for America: 243.000 jobs were created in January, which is 150,000 more than were expected. The unemployment rate is down to 8.3 percent from 8.5 percent. So the programs are working. I congratulate President Obama, and urge my Republican colleagues to pass a jobs bill so we can continue to have a downslide on unemployment.

Now. I know Mitt Romney says he's not concerned about the very poor, but this is good news for all Americans, from the very poor to the middle class.

This Congress needs to work together with the President to pass a jobs bill and to make sure that unemployment keeps going down. This is great news for all America, great news for President Obama, and great news for all of

#### CBO REVEALS PRESIDENT'S FAILED POLICIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, throughout his campaign for the White House, the President made an empty promise to cut our deficit in half by the end of his first term. Earlier this week, the Congressional Budget Office announced its projection that the President's failed policies, sadly, have more than doubled the annual debt. Our debt has increased by almost \$5 trillion over the last 3 years. This statistic shows that throughout the Presidency of the current President, the President has recklessly spent the tax dollars of hardworking American families.

The Wall Street Journal stated: "To sum it all up, the CBO's facts plainly show that Mr. Obama has the worst fiscal record of any President in modern times. No one else even comes close." At a time when Americans are searching for jobs, the President must follow through with this promise to the American people and work with both Houses of Congress to stop Washington's out-of-control borrowing and spending.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## HONORING CENTENNIAL OF GIRL SCOUTS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to celebrate and honor the centennial of our Nation's Girl Scouts. For 100 years, the Girl Scout experience has enriched the lives of millions of girls and their families through innovative and progressive programming that embraces the rich diversity of communities across our country. A cornerstone of the Girl Scout movement, community service, allows girls to exercise their leadership skills on a variety of levels and at any age.

Each year, thousands of service hours are provided to communities. Cleaning parks, organizing food and toy drives, planting trees and clearing forest trails, tutoring young students in migrant camp summer schools, collecting basic essentials and backpacks for children entering foster care, sending school supplies to Third World schools, visiting the elderly, and helping deliver food to homebound citizens are just a few of the important activities that Girl Scouts do every day to make the world, our world, a better place. That is something from which each of us can and should learn.

I would like to personally honor the Girl Scouts of northeastern New York, which serves 12,000 girls and their families in a 15-county region. I look forward to dozens of these girls coming to visit Washington, D.C., in early June, where they will join others in song along the National Mall.

From their individual efforts to hosting the Women of Distinction Award, thank you to our Girl Scouts and their leaders, and a very happy and healthy centennial celebration.

#### CONFERENCE REPORT ON H.R. 658, FAA REAUTHORIZATION AND RE-FORM ACT OF 2012

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 533 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved. That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable. government subsidies, and establish a process to address outdated and obso-

#### $\Box 0920$

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for the purposes of debate only.

#### GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill. House Resolution 533 provides for a standard rule for consideration of the conference report for H.R. 658, the FAA Modernization and Reform Act of 2012.

According to the Federal Aviation Administration, the FAA, the United States aviation industry currently accounts for nearly 11 million jobs and contributes \$1.3 trillion to the Nation's gross domestic product.

Regrettably, since September 30, 2007, the FAA has operated under a series of short-term, stopgap extensions. In fact, there have been 23 extensions of the FAA programs since the last multiyear reauthorization was signed into law 8 years ago. I'm relieved that we have finally stopped playing politics with the safety of our airline passengers and appear to be on the verge of passing a necessary, meaningful, and long-term FAA reauthorization.

The FAA conference report provides responsible funding for FAA safety programs, air traffic control modernization efforts, known as NextGen, and operations through 2015. It holds spending at fiscal year 2011 levels while providing \$13.4 billion in projects that will create much needed construction jobs. The conference report contains no earmarks, and it does not raise taxes or passenger facility charges during this difficult economic time.

With the passage of the reauthorization, the deployment of NextGen technologies to replace our current, outdated, ground-based air traffic control system will begin. NextGen will bring an estimated net \$281 billion benefit to the overall U.S. economy through decreased flight delays, decreased fuel use, and job opportunities for new, high-tech companies.

The House-Senate agreement will also improve aviation safety for passengers, reform antiquated programs that have become overly reliant on government subsidies, and establish a process to address outdated and obsolete air traffic control facilities, thereby saving taxpayer dollars.

Because we are finally passing a 4-year authorization, the conference report will provide long-term certainty for the aviation industry and all who rely upon it. This certainty will produce an environment which allows for the creation of high-paying and sustainable jobs. Instead of wondering whether or not the next extension will squeeze by just before the expiration, employees and job creators can budget, plan, and grow with confidence that government will not pull the rug out from under them.

While I'm excited that we have finally embraced the benefits of certainty and stability when it comes to our aviation system, I can't help but state what many Americans probably feel is obvious: This is how the system is supposed to work.

Far too often, Congress jumps from crisis to crisis, many of which appear to this freshman Member to be self-created. Far too often, because of the unwillingness of some to cooperate, we have been forced to wait until we're up against some kind of deadline that if we don't act, something else looms on the other side. This is no way to legislate, and it's no way to govern. It certainly isn't the legislative process I learned in my 7th grade civics class. Instead, we should be striving to do our work as the Founding Fathers envisioned. They understood and anticipated that the House of Representatives and the Senate would not always walk in lockstep agreement on every issue.

On the second day of the first Congress, on April 7, 1789, there was a conference committee appointed by the House and Senate, and they worked out their differences. Since that time, the House and Senate have formulated positions, each of which may be somewhat different, and yet conferees would be appointed to manage that Chamber's position and to hash out differences and produce an agreement that both Chambers could agree on.

In my first year in Washington, however, it seemed that is the exception much more than the rule. Much more often, one side takes a position, and then on the other side they refuse to do the same, and there's a lack of any kind of compromise or cooperation. I'm not interested in assigning any blame on whom or why that has taken place or why the process is the way it is. I do believe, though, that cooperation takes a willing partner, and we can be that willing partner.

Today is a good day, but we have so much more work to do. Even though the process is not a headline-getting opportunity, the process is important. To me, the more we can push down the pyramid of power and spread out the

base and let every Member be a player, we'll have a process that both the House and the Senate can work on and work with each other on and cooperate and the better the policy will be. If the process is broken, sure enough, the product is broken. If the process is good, as this process has been, then I guarantee you, the unintended consequences that usually appear in bills that are pushed through in the dark of night are done away with. And we have an opportunity to do that today. So no one got everything they wanted, and yet this is a picture of how it ought to

So, Mr. Speaker, I rise in support of the rule and the underlying legislation, and encourage my colleagues to vote 'yes'' on both of those measures.

I reserve the balance of my time.

Ms. SLAUGHTER. I want to thank my friend from Florida for yielding me the customary time of 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, after 23 short-term extensions, I am glad that we have finally brought the long-term FAA authorization bill to the floor. Twentythree extensions are about 20 too long. Unfortunately, this legislation also contains unnecessary language that would inject politics into what should otherwise be a clean bill to make our skies safer.

Today's bill would change requirements for unionization that have existed for more than 75 years. This politically driven legislation is being done unilaterally without consulting unions and the workers whom it will impact.

During the 20th century, the rise of unions was quickly followed by the creation of the American middle classthe largest middle class on Earth; and thanks to their safety protections, fair pay and humane hours that were achieved by unionized labor for all the rest of us who labor, the American workers didn't just hear about the American Dream—they lived it. Meanwhile. American corporations, including airlines, were rewarded with the best workers that the world had to offer.

Over the years, a changing global economy and a deliberate effort to weaken unions has made life harder and harder for the middle class. In the aviation industry, airlines began to outsource repairs, often using counterfeit parts and even repairing airplanes in foreign countries, endangering our flying public. The unions fought these changes and tried to keep American workers in charge of protecting the American flying public; but over the objections of the unions, the airlines continued to outsource, sometimes resulting in very dangerous accidents.

Today, it's more challenging than ever for a middle class family to pay rising medical bills, to put food on the table, and to afford a college education not good enough for the inconvenience for the next generation. For so many families, the American Dream has now become nothing more than a memory of times past.

At a time when some of our Nation's airlines are reporting record profits and our Nation's workers are struggling to get by, I don't think we should be considering legislation that makes it harder for the middle class to survive. In State capitals and in the Halls of Congress, the American worker has been under a sustained political attack. These attacks must not go undefended. For that reason, I cannot support this bill and ask for a "no" vote on the rule and the bill.

I reserve the balance of my time.

Mr. WEBSTER. I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to my colleague from New York (Mr. ENGEL).

Mr. ENGEL. I thank my good friend. Ms. SLAUGHTER from New York, and I rise in strong opposition to the rule and to the bill.

I will continue to oppose all FAA reauthorizations because I strongly oppose the FAA's New York-New Jersey-Philadelphia airspace redesign plan, which includes the rerouting of at least 100 additional flights over Rockland County, the district which I represent.

□ 0930

While this bill will likely pass, I will not stop insisting that the FAA revise their ill-advised redesign plan for the airspace around New York, New Jersey, and Pennsylvania.

I have spoken to and written letters to the FAA and to Transportation Secretary Ray LaHood asking for the reconsideration of their redesign plan. I continue to be outraged at the decision to direct even more flights over my district. Talk about government arrogance. Talk about not even caring about the people they affect. Talk about not even having any kind of hearings within the affected areas, trying to sneak it through. Talk about having the person who approves it, overseeing the plan, is the original one who drew it. So he has a stake in it, and of course he's going to approve it. There are a number of alternatives to address flight delays without requiring the people of Rockland to bear the bur-

As my constituents have noted to me, the noise and air pollution in the area will increase. It is unknown how this increase in air pollution will affect the disproportionate rate of childhood asthma in my district. I believe it's clear that this airspace redesign will result in a decline in the quality of life for my constituents in suburban Rockland County. And what for? The expected result of this ill-advised plan is a paltry reduction of delays—an average of only 3 minutes per flight. That's

it's going to cause my constituents.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. While NextGen is important to upgrading our aviation system, it should not be exempt from environmental studies, which this bill makes it. I object to the provisions in this bill that grant such an exemption.

And, finally, I want to echo the words of the gentlewoman from New York (Ms. SLAUGHTER). I am also strongly opposed to the changes the bill makes to the National Mediation Board. While the middle class is suffering in this country, we should not be making it harder for workers to exercise their right to engage in collective bargaining. Unions are essential to improving the middle class and strengthening the wages and benefits of our workers.

So I will continue to oppose the FAA reauthorization until the FAA halts and revises their deeply flawed airspace redesign plan. And I urge my colleagues to vote against the rule and against the bill.

Mr. WEBSTER. Mr. Speaker, I just want to let the House know and the Speaker know that this conference report was signed by all the Republicans and Democrats. There are a few people against this, but not many. It's a bipartisan effort. All the Democrats in the Senate signed the conference report. So I believe this is a great bill

I reserve the balance of my time.

Ms. SLAUGHTER. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I want to thank the gentlelady from New York for her courtesies of extending time on a bill that we have been waiting for for a very long time. I was speaking, as I was coming to the floor, and thinking about whether or not we could work together in a bipartisan manner.

I represent a number of airports generally, and specifically I represent Bush Intercontinental Airport, which has a reputation for being one of the top airports around the Nation. A couple of months ago, we stood together with our airport director and workers in the community, asking for an FAA authorization bill.

We are in need of repairs, and we are in need of growth. And how exciting it is to know that this has been one of the best job-growth months in our time, 243,000 jobs. We're on the right track, Ms. SLAUGHTER, and this bill would have certainly been on the right track.

But why in the world do we put in this bill a poison pill that some say is a settlement, a resolve, that takes a

configuration of counting that is absurd? For those who want to come together as the First Amendment allows you to do, the right to assemble in unions and employee organizations which to date has not harmed our airport industry—for those who want to come together, an absurd configuration of retirees and people who are not there are counted when you have an election to become a union.

Just yesterday, the Governor of Indianapolis, Indiana, signed a right-towork. We have right-to-work States. We have recognized their existence. Whether we like them or not, they exist. Why can't unions have the right in a fair way to organize?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlewoman 2 minutes.

Ms. JACKSON LEE of Texas. I thank the gentlelady for her kindness.

If any Member, any Governor had to go to the polls and work to bring people to the polls to vote in an election in a democratic process and in that election they had to count the people who were home, asleep in their beds, some who did not desire to vote-that was their democratic choice, although we want everyone to vote-most people would say that is absurd, including my friends on the other side of the aisle. Why did this have to be the scourge in this particular legislation?

Let me also say that, as the ranking member on the Transportation Security Committee and as formerly the chairperson, I believe in working together. We had a pilot program dealing with privatization in some small airports of the Transportation Security Administration. But the gentlelady is from New York. And if I recall, we were privatized on that fateful date of 9/11. The idea is to make our TSOs at a level that is responsible across the Nation. And we had language in this bill that said that we may look at other requests or make decisions on other requests for using privatization. No, they go and change the language.

Now, "the Secretary shall." She has to. And there is no credible evidence that suggests that the privatization of TSOs or the Transportation Security Administration is going to make our Nation safer. Why do we mix infrastructure work—getting our airports safer and credible and ready to expand—with these kinds of poison pills in the box, in-your-eye initiatives?

So, Mr. Speaker, I came to the floor to say that I am shouting for the fact that we have finally come together in what could be a way forward; but, unfortunately, we have decided to use the poison pen strategy, divide but not conquer. We're going to fix this as we go forward.

I ask my colleagues to vote against the rule.

Mr. WEBSTER. Mr. Speaker, I have no further requests for time, so I would to close.

I reserve the balance of my time.

Ms. SLAUGHTER. Very briefly, in closing, politically driven additions to today's legislation mar what would have otherwise been a clean and commendable funding bill for the FAA, and I deeply regret it. I regret that some have opted to take this important legislation and inject politics where it does not belong.

I yield back the balance of my time. Mr. WEBSTER. I yield myself the balance of my time.

Mr. Speaker, I am glad that we're finally getting ready to provide certainty and stability to our aviation industry and to those who depend on it for their livelihoods and safe travel.

The agreement reached between the House and Senate conferees is far from perfect, and I doubt everyone got everything they wanted. But it promises to improve air travel for passengers, comfort and safety, while ensuring a more modern air traffic control system. It keeps spending flat, and it's free of earmarks, tax increases, or any increase in passenger facility charges. It provides funding for airport infrastructure projects that will spur much needed construction jobs for an industry that has been hit particularly hard by the economic downturn.

This conference report represents a step in the right direction. While long overdue, in this instance, the legislative process has finally worked, and Congress stands ready to work the people's will.

I ask my colleagues to join me in voting in favor of the rule and its passage along with the underlying bill and its passage.

I yield back the balance of my time, and I move the previous question on the resolution.

## □ 0940

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MICA. Mr. Speaker, pursuant to House Resolution 533, I call up the conference report on the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 533, the conference report is considered read.

(For conference report and statement, see proceedings of the House of February 1, 2012, at page 610.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) and

like to inform my colleague I am ready the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the conference report to accompany H.R. 658.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself as much time as I may consume.

Today, I am pleased to rise in support of the conference report for the FAA reauthorization. This is the FAA Reauthorization and Reform Act of

First, I want to take a moment to thank Ranking Member RAHALL, Chairman Petri, Ranking Member Cos-TELLO, as well as Chairman ROCKE-FELLER, Ranking Member HUTCHISON, and the conferees who worked on this conference report and the underlying bill so that we could reach an agreement on this conference report and this bipartisan bill. I also want to thank the gentleman from Texas (Mr. HALL), the Science, Space, and Technology Committee chairman, who is with us this morning, as well as Ranking Member LEVIN of the Ways and Means Committee, for their assistance, and I want to thank other committees in Congress that have played important parts and have provided assistance to our Transportation and Infrastructure Committee to get this bill done.

I must also thank the staff. If I look a little bedraggled this morning, our staff is probably even more bedraggled. Almost all of the members of the T&I Committee stayed through a markup that ended at 2:49 a.m. this morning, and they are here bright and chipper this morning. I appreciate all of the staff. I want to particularly thank Holly Woodruff Lyons, who is our staff director on the FAA subcommittee: Mr. Jim Coon, our staff director of the committee; Amy Steinmann Smith, who is our policy director; Bailey Edwards; and Suzanne Mullen.

I also have to give a special thanks to our legal counsel, who last night informed me she is resigning today. That was at about 2 a.m. in the morning, but it was with good plans for her, her family and her future. She has served the committee well. We'll miss her. It wasn't as a result of staying up all night and working on this bill, but I'm sure that provided some incentive.

People don't understand how staff works. On this measure, our staff worked over the holidays-and I'm talking about through Christmas last year and the New Year's holiday. They worked on weekends, and they worked late into the night, not unlike many

Americans. They did this for many Americans who want to work, and that's what this legislation is about.

This legislation deals with our entire American aviation industry. It sets all of the policy, all of the formulas. All of the major projects are outlined. This is the blueprint for the United States of America and, actually, for anywhere between 8 and 11 percent of our entire economic activity.

Aviation, we take for granted, but two-thirds of all the people who fly in the world fly in the United States. Aviation has provided a magic carpet where today, these Members are here, Mr. Speaker, and in a few hours or several flights later, they'll be home—across the continent, to the far reaches of the United States and our territories. That's the magic it provides us. It's the engine that drives business and the economy for the United States, and this Congress failed to provide a reauthorization.

I have only been the chair of this committee for a year now. I had the good fortune of being the chairman of the Subcommittee on Aviation in 2001, and we wrote the last authorization, a 4-year bill, in 2003 that expired in 2007 when the other side of the aisle had control. For 4 years, they had control of the House and the Senate, and for 2 years, they had total control—House, Senate, White House.

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They could not pass a bill, a blueprint for the aviation industry. They passed 17 extensions, and the former FAA Administrator said it's causing havoc. These extensions cost the taxpayer millions of dollars, and you can't run an agency that's responsible for so much of our economy with these hiccup extensions.

Now, we've done a total of 23, probably more extensions in the history of any other legislation that's come before this Congress for authorization of an activity within the government. Twenty-three. Seventeen. I had to do six.

I got a little testy, I got tough, but I said, enough is enough. I was tough, and I think I did get people to come to their senses and say that this isn't a Republican or a Democrat issue. This isn't a labor a business issue. This is an issue about putting people to work and defining Federal policy for one of the most important aspects of our economy. So although it's tough, I intend to be tough.

Last night, we stayed till 3 o'clock in the morning. We'll stay as long as it takes to get these measures done that are so important to drive the economic engine of America. With the transportation legislation last night, there were historic reforms, and we took 90 amendments, I believe, from the other side, in a very open process, and everyone had an opportunity to participate and vote on this FAA authorization and in the historic legislation that we passed at 2:49 a.m. this morning. So no one has been denied the opportunity to participate.

It's amazing, when you come together, what you can get done, and the American people want that. They're tired of the bickering and they're tired of the fighting. Yes, we may have some heated discussions—yes, we may have differences of opinion—but we got the job done. So today is an historic day on two counts with two major accomplishments to pass a transportation bill, working, again, with Members, and I appreciate their work.

Today, this historic conference report finally sets a blueprint for aviation industry and an important aspect of our economy. This sets the policy for also taking us into the next generation of air travel. It's called NextGen, next generation air traffic control, so our planes can fly safer in the skies, so we have the ability to save fuel, so that we can get from point to point and know where those aircraft are both in the air and on the ground. This legislation sets that blueprint.

So I am very pleased to be here. I am pleased for the American people because the Congress has done its work. They don't want excuses. They want results. And today is a day of results for one of the longest-term extended authorizations in the history of the United States Congress.

Mr. Speaker, it is important to document for the RECORD a clerical error in the message to the Senate regarding the House appointment of conferees on H.R. 658. On January 31, 2012, the Speaker appointed members of the Ways and Means committee to serve as conferees on, among other provisions, title VIII of the Senate amendment. The Journal, the House Calendar and the signature sheets on the conference report accurately depict this appointment. However, the message to the Senate provided that the appointment was for title VII of the Senate amendment. I want to assure Members that the House conferees acted in accordance with the Speaker's appointment.

With those few remarks—and I will have additional—I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I had hoped for legislation today that would be laser-focused on creating jobs, on creating jobs and making our aviation system safer, more efficient and more accessible for our flying public. Instead, much of the drama over the FAA reauthorization, for the last year—and there's been plenty of that drama—erupted over a provision of the House-passed bill that would have changed how the National Mediation Board, the NMB, counts votes in representation elections at airlines and railroads.

Now, let me be clear. As I stated in our perfunctory one single, only conference meeting on this issue, that provision had no place and these labor provisions before the National Mediation Board have no place in FAA reauthorization because it has nothing to do with improving safety or creating jobs. Instead, it was a salvo aimed by the majority in this House at our American workers.

Today, we have a conference report with a so-called compromise, but that compromise still changes how airline and railroad workers join unions. Now, some will say that this compromise is several degrees better than the original provision in the House bill. Nevertheless, I strongly oppose the inclusion of this NMB provision in the pending legislation.

On the other hand, I am pleased that the conference committee flat-out rejected the proposal of the original House-passed bill to sunset the Essential Air Service program. I was beginning to suspect that my Republican colleagues were confusing the EAS title of this bill with the ESA, which, in my mind, refers to the Endangered Species Act. The gentleman in the chair will know to which I refer.

But this conference report will not make EAS an endangered species, fortunately, and the program will be continued with modest reforms to ensure that it remains a worthy investment. For communities in my home State of West Virginia, these airports are a vital lifeline and engine of economic growth that will be preserved, and this is what I reference when I refer to creating jobs.

This legislation will improve safety, and it will improve efficiency. It will create some jobs, though not enough, in my view. While it does not slash FAA funding to 2008 levels, it could have authorized more investment in our Nation's aviation infrastructure.

On the journey to a 100 percent sustainable, efficient, accessible, and safe aviation system, this bill is just a waypoint. Much more work is still ahead, but at least this legislation will set a course for the Federal Aviation Administration to follow in investing for the future and in keeping the skies safe in the coming years.

I do not want to see the FAA countinue to limp along in the noman's land of serial extensions, to which the chairman has already referred—23 or 24 to this date—and I certainly do not want to see another shutdown of this agency, as we saw last August, with innocent individuals being laid off work.

But I will watch closely how the NMB provision affects workers' bargaining rights, and will be ready to act to correct any unfair imbalance if that becomes necessary.

I reserve the balance of my time, Mr. Speaker.

Mr. MICA. I yield 4 minutes to the gentleman from Wisconsin (Mr. Petri),

the chair of the Aviation Subcommittee.

Mr. PETRI. Thank you very much. Mr. Chairman, for yielding. As are you and our other colleagues, I am happy to see this process coming to a conclu-

The successful conference report that we're debating today domonstrates our ability to take on important issues and still reach bicameral, bipartisan agreement on how to move oru aviation industry forward, reform a critical government agency, and create jobs.

This legislation will, at long last, provide stable funding and policy direction for the FAA's safety programs, airport development grants, NextGen efforts, and operations for budget years 2012-2015. The legislation contains no earmarks and achieves savings for our taxpayers.

This legislation includes many important aviation-policy initiatives. I'm especially pleased with the reforms included in the legislation for the FAA's NextGen program. The conference report establishes timelines, performance metrics, and accountability for the NextGen program.

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The conference agreement also authorizes the FAA to streamline environmental reviews that often stall out efforts to increase the efficiency of our national airspace system. To be clear, the benefits of the NextGen program are not only felt by aviation users. A May 2011 Deloitte study showed a \$281 billion net benefit to the U.S. economy if the NextGen program is implemented on time. So I'm pleased to move this legislation that will help the FAA's efforts to implement the important NextGen modernization program.

By setting requirements and deadlines for FAA rules for the safe integration of unmanned aircraft systems, the conference report also unlocks the potential for private sector job creation here at home that has so far been stalled by government inaction.

Along with advancements in the NextGen program, this legislation enacts policies that will foster sustained, long-term job creation in our private sector, reaffirming the United States' leadership role in aerospace innovation and manufacturing.

In addition to policy changes that help spur job creation, the legislation makes over \$14 billion available for airport projects over the life of the bill. As the spring construction season nears, it's important to have the stable funding available for airport projects. This legislation gives airport managers the ability to plan and execute airport projects that will support thousands of construction jobs. This legislation also enacts protections to assure airline passengers are treated properly and fairly in the event of travel delays.

The bill makes reforms to the Essential Air Service program, eliminating

circumstances, as highlighted last vear.

Overall, the reforms included in the legislation will make the FAA work smarter, reduce its footprint, and deliver more.

The final product will provide the kind of stability and job creation for America's aviation infrastructure that this Congress and the American people have been looking for.

I strongly support this legislation, and before concluding would like to acknowledge the very hard work of Holly Lyons and our general counsel, Bailey Edwards, as well as Giles Giovinazzi and Alex Burkett, who have helped negotiate with the Senate and bring this project to a successful conclusion.

Mr. RAHALL. Mr. Speaker, at this point I am very honored, in a nostalgic way, to recognize the gentleman from Illinois, the former chairman of our subcommittee on aviation, the current ranking member, who is taking his expertise—and hopefully not his friendship—and going elsewhere after this year. He has been a very valued member of our committee, and his treasure chest of knowledge on this issue is boundless. I am just so happy and thankful that we've had JERRY Cos-TELLO to represent us on this issue for so many years.

I recognize him for as much time as he wants.

Mr. COSTELLO. Mr. Speaker, I thank the ranking member of the full committee, Mr. RAHALL. Let me thank him not only for his friendship and his kind words but for his leadership on the committee on so many issues.

As the chairman pointed out, we were in a markup until almost 3 a.m. this morning, and Mr. RAHALL led us on our side of the aisle in working together to try and come up with a better product than was presented to us last night. So I thank him.

Mr. Speaker, I rise in support of the conference report. I want to say from the outset that I'm deeply disappointed in the change to the Railway Labor Act that was added to the conference report during final negotiations on the National Mediation Board provision between Speaker Boehner and Majority Leader Reid. The NMB language had been dropped altogether, as RAHALL indicated in his statement. Congress should not be amending the Railway Labor Act in this bill. Importantly, there are several provisions in the conference report that help organized labor, and after working on this legislation for over 5 years, I believe it's necessary to move forward and enact a multiyear reauthorization of the Federal Aviation Administration.

However, I want to be clear: I join the ranking member, Mr. RAHALL, and many others, that if the Railway Labor Act change proves to have a significant impact—negative impact—on the right

Federal subsidies in the most egregious to organize, we must come back and revisit this issue.

> One of my highest priorities in the FAA reauthorization bill has been and is fair bargaining rights for employees at the FAA. After leading the fight for many years, I am pleased that the conference report establishes a process for mediation and binding arbitration of impasses between the FAA and its unions.

> As Chairman Petri indicated, the FAA Modernization and Reform Act provides \$63 billion dollars for FAA infrastructure programs, operations, and research over the 4-year period of the bill. I wanted to see higher funding levels and a passenger facility charge increase for job-creating airport infrastructure projects. However, the funding levels in this conference report are an improvement over the 2008 levels originally proposed in the House-passed bill. They are roughly level with the current year's appropriation.

> The conference report also includes a number of safety provisions in the FAA reauthorization bill that we had in previous Congresses, such as a stronger requirement for maintenance work performed on U.S. commercial airlines by outside contractors. It also requires the FAA to assess the appropriate staff levels for air traffic controllers, FAA managers, and aviation safety inspectors.

> In addition, the conference report takes important steps to advance the next generation air traffic control system that is desperately needed not only by the industry and for the flying public but by the country as a whole. We create a new chief NextGen officer who will serve as the primary point of contact for NextGen implementation at the FAA to provide accountability and stability, and require reporting metrics to ensure that NextGen is making progress.

> Further, it would require the FAA to work closely with affected unions in the planning, development, and deployment of NextGen. I wrote this provision in the bill 4 years ago, and I'm glad to see that it will be enacted into law in this conference report.

> Finally, Mr. Speaker, despite the flaws that we talked about in the bill, we desperately need a long-term FAA reauthorization bill, and that's why I'm supporting this bill.

> I thank the ranking member, Mr. RAHALL, Chairman MICA, Chairman PETRI, and other committee members for all of their hard work on this legislation, and I thank the staff on both sides of the aisle, who have worked very hard over the past 5 years to try and bring us to the point where we are today to get a bill on the President's desk.

> Mr. MICA. I yield myself 15 seconds to say how much Pat Mica and I have enjoyed our relationship with JERRY COSTELLO and his wife, Georgia. People

don't know a lot about Congress and how many friends there are across the aisle and how we can be privileged to have somebody like JERRY COSTELLO, both to chair an aviation subcommittee and to be a ranking member, a key player.

I now yield 3 minutes to the gentleman from Pennsylvania, one of the conferees, and a senior member of the Transportation and Infrastructure Committee, Mr. Shuster.

Mr. SHUSTER. I rise today in support of the conference report for the FAA Modernization Reform Act of 2012. This is a very good bipartisan, bicameral conference report.

I want to congratulate Chairman MICA, Ranking Member RAHALL, Chairman PETRI, and a special congratulations and thanks to Ranking Member Costello for years of service here. It's been a pleasure serving with you, and I wish you the best as you ride off into the sunset, but I'm sure you'll be doing great things in the future. So, again, thanks for all your hard work in your years here in Congress.

Mr. Speaker, the Modernization and Reform Act does not raise taxes or passenger facility charges. It holds spending levels through 2015 at \$63 billion over the 4 years, and it does not add to the deficit, which I'm very pleased to see.

It provides long-term stability for the FAA and the aviation industry, which is a certainty in that transportation sector that has sorely been missing in the economy. So we believe it's going to create and sustain goodpaying jobs.

It accelerates and requires accountability for the deployment of NextGen, the FAA's air traffic control modernization program, which we need in order to be able to more efficiently manage the skies above us.

### □ 1010

It provides for unprecedented reforms of the National Mediation Board.

While I'm disappointed that we were unable to include the European Union's Emissions Trading Scheme prohibition language, we will continue to pursue the passage of that bill. I think it's something we really need to focus on here in Congress before the taxes are starting to be collected and do great damage and harm to our aviation and airline industry.

This is a responsible and much-needed conference report. Therefore, I urge all Members to vote to pass the conference report for the FAA Modernization and Reform Act of 2012.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the conference committee as well.

Mr. DEFAZIO. I thank the gentleman for yielding.

I was named conferee. I have been on the aviation committee for 26 years. There was no legislative conference. The most contentious provision of the bill was a deal that was struck between HARRY REID, the majority leader of the Senate, and Speaker BOEHNER; and it was a take-it-or-leave-it deal.

Now, this bill is absolutely critical to the safety and security of the aviation system of the United States of America. It's critical for its modernization. It's critical for its competitiveness. These things are extraordinarily important to our country. Aviation constitutes, in aggregate, about 10 or 11 percent of our gross domestic product. It is not a sector that we can continue to ignore and underfund in terms of providing it with the tools it needs to be more fuel efficient and safer for the traveling public and more efficient for business transport and goods.

But those things should not be held hostage to the incredible anti-labor bias of the majority here in the House. The bill that passed our committee would have established a rule for the formation of a union that said anybody who was eligible to vote, who didn't vote, counts as a "no."

I went and reviewed the elections of every Member of Congress and, guess what, if we had that rule, if every person who was a potentially eligible voter would be counted as a "no" vote in your election, not one Member of Congress, even those who get 80 percent, would have been elected because you had more people who didn't vote than you got votes, not one Member of Congress; but that would be fair for the working people of America according to the Republicans here in the House. That was an incredibly egregious provision, outrageous.

So then we move to the Senate. Well, we go through this little thing last summer where we actually shut down the FAA. Now, I know you don't care about 4,000 Federal employees, that's fine. But you also put out of work 78,000 people who were working in the private sector on the modernization and updates of our aviation system at our airports—all over wanting and hating unions.

Now, I don't get it. I don't get why you hate unions and working people. I really don't understand that.

So here we come to the final product, and the final product will make it much easier for someone in the antilabor airline out there, perhaps, to deunionize in, say, a merger or even in an election because their furloughed employees would count in an election. You don't know who they are, where they are. They get to vote. And you have to have an election to have an election, and you have to win the election to have an election.

This is not a fair provision. We need the changes in this bill, but we do not need to attack the working people of the United States of America.

Mr. MICA. Mr. Speaker, I yield myself 30 seconds.

Let me just say that we did not change the provision of the law, that it still requires the same provisions that the NMB put in place that changed 70 years of labor law. Of anyone who shows up—if there are 1,000 people in the union and 200 show up—101 can have a vote and go into the union. We did change a requirement, and actually, I didn't negotiate it specifically.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICA. I yield myself 30 additional seconds.

That was negotiated by our Mr. BOEHNER, our Speaker, and the leadership controlled by the Democrats in the Senate. In fact, it is fair to labor because it does requires a certain number of people to sign up to have the election.

I think it's a good compromise. The House voted to do away with the provision that the gentleman spoke about. Republicans are concerned and want to help labor. In fact, the vice-chair of our subcommittee, Mr. CRAVAACK, is a card-carrying member of the union. So that's bogus.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. HALL), the chairman of the Science, Space, and Technology Committee.

Mr. HALL. Mr. Speaker, I rise, of course, in support of the conference report of H.R. 658.

To begin with, I think I recognized our chairman gave accolades to all those he worked with, and I think we owe accolades back to him and his fine staff.

The word "transportation" indicates travel, and he's traveled all over this country to bring this bill together. I don't think he's turned anybody down that's asked him to come down to help them with their area and given us due consideration.

The Committee on Science, Space, and Technology, in working with our Senate counterparts, helped write title IX, reauthorizing Federal Aviation, Research and Development. We also worked with our friends on the House Transportation and Infrastructure Committee to draft various sections relating to the FAA's NextGen Air Transportation System in title II, the section relating to Unmanned Aircraft Systems in title III, and the provision addressing commercial space-launch licenses.

I appreciated working with JERRY COSTELLO on that line. He has been a gentleman and we'll miss him.

The FAA underpins our Nation's economy and helps sustain a high quality of life, enabling people to travel safely, reliably, conveniently, and relatively inexpensively to virtually every corner of the Nation and the world. It's a 24–7 operation, staffed by highly trained and dedicated controllers and technicians who rely on evolving technologies to ensure mission success. A robust research and development program was fundamental to

FAA's role. The NextGen program, which is expected to cost well over \$20 billion when completed, will modernize our air traffic control system to accommodate ever-increasing numbers of flights, but doing so safely, efficiently, and with less fuel burn.

Even though FAA is a highly automated, technologically driven agency, one of the peculiar ironies is its low level of investment in R&D. For fiscal year 2012, FAA requested an R&D budget of \$386 million, which amounts to slightly less than 2.5 percent of the agency's total budget. That's a small level of investment for an agency that relies heavily on automation and is only made possible because of aeronautics-related R&D activities funded by the National Space Administration, which is carefully coordinated with the FAA and the industry.

Mr. Speaker, I'm pleased that Mr. MICA and his leadership were able to bring closure on this matter and on this important bill.

I urge all Members to support this legislation.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. Eddie Bernice Johnson), who is not only a member of our Transportation and Infrastructure Committee, but also our ranking Democrat on the Science, Space, and Technology Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the chairman and ranking member of the full committee of the Transportation and Infrastructure Committee, as well as the Science, Space, and Technology Committee.

I would simply say that, at the end of this year, I will have completed two decades on both of these committees. On committees is where you develop most of your friendships.

JERRY COSTELLO and his wife, Georgia, have been one of those true friendships that I have experienced, and I'll miss him greatly and I'll miss her greatly when he retires. I hope they'll visit often.

#### □ 1020

My role as a conferee on this conference committee was as ranking member of the Science, Space, and Technology Committee, and I would like to highlight some of the provisions in the bill that fall within the jurisdiction of this committee.

The NextGen modernization authorized in this bill will transform the National Airspace System. Through NextGen's satellite-based traffic management, we will be able to address increased congestion in our Nation's skies while improving safety and reducing the environmental footprint of our air transport. Transitioning to a GPS-based air traffic control system will allow airlines to reduce flight delays, save fuel, and cut the amount of harmful emissions from aircraft en-

gines. There is no doubt that the successful implementation of NextGen will boost our economy and enable the creation of more jobs.

The bill also authorizes the Secretary of Transportation to establish a Center for Excellence to develop innovations in jet fuel production, spurring the development of new and better energy technologies.

Through the conference committee, we were able to improve upon the version initially passed by the House of Representatives; but as with all legislation, there were many compromises, and there were several aspects of this legislation which I believe could further be improved, as with any piece of legislation. On balance, however, the conference report contains needed policy direction and authorizations that warrant Member support.

While the funding proposed for research and development is less than I believe we need to invest, the conference report represents an improvement over the funding levels in the House-passed bill.

I'm also disappointed that the commercial space transportation provision included in this conference report was done so without the benefit of a serious review of its impacts. I expect that Chairman HALL and I will be taking a serious look at these issues associated with commercial space transportation and this provision during the remainder of the session of this Congress.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlewoman 1 additional minute.

Ms. EDDIE BERNICE JOHNSON of Texas. I am, however, pleased that a number of policy provisions we worked on in the Science, Space, and Technology Committee have been included in this conference report. For example, the House mandates FAA research on methods and procedures to improve confidence in and the timeliness of certification of new technologies for introduction into the National Airspace System.

So, Mr. Speaker, there is much work to be done to keep our skies safe, but it is certainly time for Congress to act. This reauthorization is the culmination of years of work that has not been fair to the FAA and its employees who are trying to figure out whether they're going to exist or not with 23 extensions. So with the guidance to pursue its long-term initiatives, we will take our aviation system into the 21st century, and I urge my colleagues to support this imperfect bill. But let me say, Mr. Speaker, I have not yet experienced a perfect bill.

Mr. MICA. Mr. Speaker, I am pleased to yield 2½ minutes to the young, dynamic leader and chair of the Space and Aeronautics Subcommittee of the Science, Space, and Technology Committee, the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. I thank the chairman for the time.

Mr. Speaker, I rise in support of the conference report to H.R. 658, reauthorizing the Federal Aviation Administration through fiscal year 2015.

Early last year, the Space and Aeronautics Subcommittee held an oversight hearing on FAA's research and development programs. On March 9, 2011, Science Committee Chairman RALPH HALL introduced H.R. 970, the Federal Aviation Research and Development Act of 2011. A month later, it was reported out of the Science, Space, and Technology Committee. The bill was ultimately incorporated into H.R. 658, which is now before us.

FAA's Research, Engineering, and Development account funds a number of programs and projects that are essential to the agency's ongoing safety, capacity, and air traffic modernization efforts.

To give a few examples of its safety-related activities, FAA conducts research on the flammability of materials used in airplane cabins and on methods to improve fire suppression systems; research on mitigation of aircraft icing, on early detection of cracks and failure modes related to aging aircraft; and improving our understanding of human factors.

In the environmental arena, examples include research on fuel additives to replace lead in aviation gasoline that powers piston-engine aircraft and better characterizing aviation's impact on local air quality.

With regard to air traffic control, FAA is investing a considerable portion of its R&D funding on the NextGen modernization program to increase the capacity of air space, improve safety, and provide for more efficient routings.

Most of FAA's R&D is managed out of its technical center located at the Atlantic City, New Jersey, airport; but as many Members are aware, FAA also engages a large number of leading research universities using competitively selected cooperative research grants.

Mr. Speaker, this is a fiscally responsible R&D provision funding FAA's Research, Engineering, and Development account at its current spending level of \$168 million a year for each year through 2015. This is well below amounts proposed by the Senate during conference negotiations.

I support this conference report and urge Members to support it as well, and I thank Mr. MICA for all his hard work.

Mr. RAHALL. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California (Mr. MILLER), our ranking member on the House Education and the Workforce Committee. He is a true friend and leader of the interests of all working men and women in this country, especially our coal miners.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding me this time.

this conference report. This compromise stands as an example of why it is counterproductive to negotiate with hostage takers.

Initially, the Republicans insisted that to keep the FAA up and running we make union elections as unfair as possible. For instance, they said that in a union election we should count anyone who did not vote in that election as a "no" vote. Members of Congress immediately recognized that none of us would win those elections and none of us would be here today; and if it is unfair for us, it must also be unfair for the workers of this country. The Republicans gave up that demand thanks to the Democrats. The rule providing for fair elections is protected.

Instead of succeeding at making union elections unfair, this conference report makes these elections difficult. if not impossible, to hold at all. This report contains numerous statutory changes, not rules changes, but statutory changes, that will make it harder for workers to get an election and have a voice at work. A voice at work is a fundamental right granted to every worker in this Nation by the laws of this Nation. These changes will require an act of Congress to undo.

The compromise leads to absurdities. Under the election rule, which is safe for the time being, workers need a majority of actual votes to win in a union election, and that is fine. Under the conference report, to even hold an election, workers must first get a majority of all of the eligible workers to sign cards supporting the unions. These are nationwide units stretched across the country. You don't have access to all of those workers. You don't even know where many of them are. In the airlines, many of them may have been furloughed for a number of years.

Imagine if a congressional election were run this way. To get on the ballot, you first need a majority of all of the voters in your district to sign cards saying they supported you, but you didn't know who those voters were and you didn't know where they lived. None of us would be elected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman

an additional minute.

Mr. GEORGE MILLER of California. None of us would be elected under this requirement. In fact, there probably wouldn't even be an election.

Once again, we wouldn't run under these conditions. We wouldn't participate in an election under these conditions, and yet we are insisting that American workers have their elections rigged in this fashion. At this point, especially when you see how it might work in airline mergers, there again this rule works against the workers in trying to assemble the election unit.

Mr. Speaker, I cannot support this bill. It undermines the rights of Amer-

to satisfy the ideological demands of the Republicans and their special interest backers.

I urge my colleagues to join me in defeating this conference report.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, a senior member of the Science, Space, and Technology Committee, Mr. Rohrabacher.

Mr. ROHRABACHER. I thank the gentleman for yielding, and I rise in support of the conference report on H.R. 658.

This legislation goes a long way in addressing some concerns I have had regarding our Nation's aviation enterprise. Two of those provisions I would highlight this morning:

The first is an extension of a provision from legislation that I supported back in 2004 when I was chairman of the Space Subcommittee of the House Science Committee.

#### $\Box$ 1030

Let me note that these provisions inaccurately were just described as not having had hearings. There were lots of hearings on these provisions. The provisions relate to the FAA Office of Commercial Space Transportation and are designed to make certain the FAA does not limit the development of the commercial human spaceflight industry without specific data about what will increase safety. This extension will encourage continued research and development while building industrywide flight experience so these companies can best serve new and existing markets. This includes expanding the research portfolio for federally funded science in the upper atmosphere and in space.

The second provision provides a slight increase in the number of flights from Ronald Reagan Washington National Airport so that it can accommodate these flights to and from the west coast. This small increase will help my constituents in southern California and all Americans in the western States to meet their Representatives in Washington, DC, or visit the Smithsonian or perhaps enjoy the cherry blossoms in the spring. It will also enable those from the Washington area to visit California, California's beaches and California's sunshine and perhaps maybe want to join the Freedom Surf Team. This legislation takes us a step closer to removing the unnecessary and unfair restriction on flights to and from the west coast.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Florida, Ms. CORRINE Brown, who is our ranking member on the Railroads Subcommittee on Transportation and Infrastructure.

Ms. BROWN of Florida. Mr. Chairman, first of all, I want to thank Chairman MICA and Ranking Member

Mr. Speaker, I rise in opposition to ican workers for no purpose other than RAHALL for their work in bringing the FAA bill to the floor; but I particularly want to thank Mr. Costello because. without his leadership and working this bill through for many years, we would not have a bill on the floor. The public really owes you a great debt of gratitude, and I want to thank you.

I think the aviation community deserves a long-term aviation bill so they can plan for the future needs of the traveling public. We have had 23 extensions already, and it's really time to send a bill to the President, but this is not a perfect bill. And I don't support the labor compromises in this bill, and I don't believe it should have been in the aviation bill in the first place; but our airports, airlines, and passengers have waited too long for these important safety provisions.

My home State of Florida relies on air service to support our tourist-based economy. We have 20 primary airports, 22 reliever airports, and 57 general aviation airports, with our top three airports generating close to 45 million enplanements per year. These airports help create jobs and grow the economy.

And I've really got to say that if we don't pass this, there probably will not be any opportunities for people to work in transportation, because the piece that we passed at 3 o'clock this morning out of the Transportation Committee is the worst bill I have seen in the 30 years I've been elected. I've been in transportation 10 years in the Florida house and close to 20 here, and it was truly the worst bill I have ever seen.

When people from California went into the bill and took almost \$1 billion from the people from California, people from Houston took it, not only taking the safety of the public, I mean taking the transportation dollars and doing away with all of the regulations.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlelady 1 additional minute.

Ms. BROWN of Florida. It is truly a sad day for transportation, and this will probably be our only work product because Members come to the floor, and they rail about the Senate. Well, let me tell you something. The Senate doesn't have to take up our bad work. In fact, this bill, this transportation bill, should be dead on arrival when it gets to the Senate.

I will do all I can to continue to work to put people to work and work for making sure that we have a transportation and infrastructure bill that will really put people to work; because we know, for every billion dollars we spend, it generates 44,000 jobs.

This is truly the worst bill I've ever

Mr. MICA. I yield myself 30 seconds, Mr. Speaker.

I am pleased to hear the cooperative tone of the other side of the aisle, which had the opportunity, when it controlled the House, the Senate, and the White House, to pass a bill and failed to do so. But I'm really encouraged today by their willingness to come together in a bipartisan effort on behalf of the American people and to get one of the most important job creation infrastructure bills and pieces of legislation done, which is our responsibility.

I yield 1 minute to the chair of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank the chairman for yielding.

I would be remiss to see the discussion of this conference report conclude without expressing my admiration and appreciation of the service of our colleague, Jerry Costello, for whom I suspect this may be the last FAA reauthorization, although I know he will not be riding off into the sunset. He will be very much around in one capacity or another, continuing to play an important role in developing public policy and affairs.

Both as the ranking Republican and again as chairman, it has been a pleasure to work with him. I think he has always been open to comments and suggestions. It has been a team effort, especially through the leadership that he has taken in grabbing the bits and helping to establish focus at the FAA for the NextGen effort, which was floundering when he became chairman of the Aviation Subcommittee. It is a major contribution, I think, to an important sector of our economy.

The SPEAKER pro tempore. The gentleman from West Virginia has  $7\frac{1}{2}$  minutes remaining. The gentleman from Florida has 6 minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes at this time to the gentlelady from Texas, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE of Texas. I, too, want to rise today to acknowledge both the chairman and the ranking member. I know that this has not been an easy task. And I certainly want to express my appreciation to Mr. Costello for the work that he has done and the friendship he has shown to Members, but also the understanding that he has had for this industry.

For those of us who represent airports, I cannot deny that this is an important bill and legislative initiative. So let me thank you and thank you, as well, for the late hours that all of you who are on the Transportation Committee engaged in.

Might I, for a moment, before I speak of this bill, thank the ranking member and Congresswoman Brown and Congressman Johnson for saving Houston, again, in its light rail. This is something I've worked for for almost 20 years, and the amendment last evening that would have defunded Houston's rail, light rail, was absurd and, frankly, an outrage. I hope, as we proceed,

we'll find a way to recognize that Members' projects for their constituents for regional mobility should not be tampered with by those living miles away from their community. So I am just thankful for the recognition of the importance of rail and job creation.

As I indicated, I do rise in support of the infrastructure aspects of this bill. We cannot deny that I am grateful for the airport trust fund language dealing with how do you do the airport fees for the NextGen technology; but I serve as the ranking member on the Transportation Subcommittee, and there is language in there about TSO officers. Remember, we were privatized on 9/11.

Despite having never been debated by the Committee on Homeland Security—the committee of jurisdiction and having no Members being appointed conferees on behalf of the FAA conference committee, section 830 of the conference report for the FAA reauthorization has been tampered with.

#### □ 1040

It limits TSA's flexibility to approve or deny an application from an airport to opt out of using the Federal screening workforce for passenger and baggage screening. Let me remind you, the airports had privatized security on the day of 9/11. That's why we went to the transportation security officers.

It places an arbitrary time limitation of 120 days on TSA to determine whether approval of an airport's application would compromise security, affect cost efficiency or the effectiveness of screening capability.

It increases administrative burdens on TSA by requiring a tedious paperwork exercise each time an application is denied.

It provides a waiver for the existing law that requires private screening, and it says that we shall do it.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. I thank the gentleman.

It provides a waiver for the existing law that requires a private screening company contracted will be owned and controlled by a citizen of the United States, meaning that it waives the fact that you have to be a United States citizen to provide security for those who are traveling.

And it requires—it says you "must" privatize some of these airports. Did we learn from 9/11?

So besides the poison pill on labor, counting people who don't even show up to vote, now we have a situation where we are forcing our Nation's airports to privatize their security.

I ask my colleagues to reflect on this challenge.

Mr. Speaker, I rise today in opposition of H.R. 658, "the FAA Air Transportation Modernization and Safety Improvement Act." This

bill would authorize appropriations, mainly over the 2011–2014 period, for activities of the Federal Aviation Administration, FAA, and other federal programs related to aviation.

In addition, the measure contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act, UMRA, because it would impose new requirements on both public and private entities that own aircraft or airports. CB0 estimates that the aggregate cost of intergovernmental mandates in the bill would fall well below the annual threshold established in UMRA (\$71 million in 2011, adjusted annually for inflation).

It would impose additional private-sector mandates on operators of certain aircraft, entities registering or obtaining certification with the FAA, commercial air carriers, employees in air or rail industries, and unions.

As a Senior Member on the House Homeland Security Committee I have been one of the foremost proponents for the swift passage of the FAA Reauthorization Act. But in its current form I cannot vote for this measure. Our national air transportation system is fundamental for the future growth of our economy. However, Congress must ensure our safety and our national security is not at risk without a comprehensive, long-term reauthorization of the FAA Act and not with Homeland Security issues being decided. There are two provisions that have been placed in this bill which are poison pills and must be addressed prior to its passage.

Despite having never been debated by the Committee on Homeland Security, the Committee of jurisdiction, and no Members being appointed conferees on behalf of the Committee, section 830 of the Conference Report for the FAA Reauthorization deals with the Transportation Security Agency, TSA, which falls under the jurisdiction of the House Homeland Security committee which I sit on.

Under this Conference Report TSA will be limited in approving or denying an application from an airport to 'opt-out' of using the federal screening workforce for passenger and baggage screening. It also places an arbitrary time limitation of 120 days on TSA to determine whether approval of an airport's application would compromise security, affect cost-efficiency or the effectiveness of screening capabilities.

It also increases administrative burdens on TSA by requiring a tedious paperwork exercise each time an application is denied. And lastly it provides a waiver for the existing law that requires a private screening company contracted with be owned and controlled by a citizen of the United States.

As concerned as I am about the aviation security policy changes made in the bill, I am equally concerned about the process that got us to this point. The Committee on Homeland Security has sole jurisdiction over TSA. It has debated several aviation security bills during the 112th Congress, including a TSA Authorization bill

The language in the Conference Report to the FAA Reauthorization was never debated by the Committee and no hearings were held by the Committee to examine the merits of the changes. Indeed, the Committee's Subcommittee on Transportation Security is scheduled to have a hearing on the program addressed in this legislation next week with the Administrator of TSA set to testify. Unfortunately, it appears that hearing will come up "a day late and a dollar short."

Section 830 of the Conference Report for the FAA Reauthorization:

Limits TSA's flexibility to approve or deny an application from an airport to "opt-out" of using the federal screening workforce for passenger and bargage screening:

senger and baggage screening;
Places an arbitrary time limitation of 120 days on TSA to determine whether approval of an airport's application would compromise security, affect cost-efficiency or the effectiveness of screening capabilities;

Increases administrative burdens on TSA by requiring a tedious paperwork exercise each time an application is denied; and

Provides a waiver for the existing law that requires a private screening company contracted with be owned and controlled by a citizen of the United States.

As concerned as I am about the aviation security policy changes made in the bill, I am equally concerned about the process that got us to this point. The Committee on Homeland Security has sole jurisdiction over TSA. It has debated several aviation security bills during the 112th Congress including a TSA Authorization bill.

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The National Mediation Board, NMB, has ruled that in order to organize, aviation workers need to have a majority of the voting workers for that particular election. My Republican colleagues however overturned the NMB determination by requiring a majority of all workers, rather than a majority of all voting workers. This has significantly watered down the ruling by the NMB. I cannot stand by and witness the rights of workers being stripped away one piece at a time. If this is the standard that is going to be set for workers who wish to form a Union, then Members of Congress in our fine Democracy should also have the same standards. Rather than a majority of voting citizens, it should be a majority of citizens. If this is not a requirement upon which our democracy is based. It should not be the requirement for Unions.

I believe that aviation contributes over 1.2 trillion in economic activity and provides 11 million jobs annually. Indeed, the partial FAA shut down had a negative impact on the Airport and Airway Trust Fund, furloughed employees, and stop work order measures that have halted construction on key infrastructure projects, such as the \$25 million construction of Replacement TRACON in Houston. However, something must be done to address the privatization of airports—the impact on TSOs as well as the ability of workers to have a fair and democratic vote.

Mr. MICA. Mr. Speaker, may I inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Florida has 6 minutes remaining. The gentleman from West Virginia has 4 minutes remaining.

Mr. MICA. I would be pleased at this time to yield 1 minute to one of the most distinguished chairs of the Transportation Infrastructure Committee, a good friend, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding, and I want to congratulate you.

For those who condemn this bill, remember, we have not had a reauthorization FAA for many, many years. And I think this has been well thought out. This bill will do the job, and we should get it done for the American people.

This is a process of compromise. And we've done this with the Senate side, which is really the problem with most of these debates we have as far as conferences go. But it would be a sad day if we didn't pass this legislation, because the work has gone into it and it does solve lots of problems. It gives assurity for the FAA: they can plan ahead, make our airports safer, make our flyers safer, and have the navigations necessary.

So I congratulate the chairman and the ranking member getting this bill done. The negotiating part was very difficult, but they've done a good job.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlelady from California, Ms. MAXINE WATERS, ranking member on our House Financial Services Committee.

Ms. WATERS. As the Member of Congress who represents Los Angeles International Airport, also known as LAX, I know we need a multiyear FAA reauthorization.

LAX is the world's sixth busiest airport. LAX creates an estimated 59,000 jobs in or near the airport and has a total annual economic impact estimated at \$60 billion.

In 2008, 60 million passengers and 1.8 million tons of freight and mail passed through LAX. All of this economic activity depends upon the FAA and the work that it does every day to guarantee a safe and efficient air travel system. My district also includes the Western-Pacific Regional Office of the FAA in Hawthorne, California, where dedicated FAA engineers and program managers plan improvements of airport operations.

I'm extremely disappointed that this bill contains changes to labor laws affecting the dedicated workers at our Nation's airlines and railroads. This labor provision increases the percentage of employees who must express interest in having an election regarding union representation from 35 percent to 50 percent. This provision was included without consultation of the workers who will be affected and without a vote on the House floor. It is un-

fortunate and divisive, and there is no reason for it to be in this bill.

Last August, the FAA was forced to shut down many of its operations because the House of Representatives refused to pass a simple bill to extend its funding reauthorization. As a result, 4,000 FAA employees were placed on furlough. Those affected included many of the FAA's engineers, scientists, research analysts, administrative assistants, computer specialists, program managers, environmental protection specialists, and community planners. These government workers were being forced to live without pay for 13 days and were unable to do their jobs developing our air traffic infrastructure and serving the flying public.

I would like to support this bill, but this is problematic; and I reserve my comments further on this bill.

Mr. MICA. I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois (Mr. Costello). Once again, I cannot say how much we're going to miss his knowledge and his expertise on this and many other issues on our Transportation and Infrastructure Committee, but I yield him the balance of my time.

Mr. COSTELLO. Mr. Speaker, again, I thank the ranking member, Mr. RAHALL. We've worked very closely together on this legislation. And over the next 9 or 10 months of my service to complete my term, we're going to continue to work together.

I want to thank Chairman MICA. We do not always agree on every issue, but we work together in an open process. He has extended many courtesies to me, and I appreciate his friendship and his leadership. No one wanted to bring this bill to the floor more than he, and a number of us as well. But he has done his very best. He said when he took over as chairman that he was going to bring an FAA bill and a highway bill to the floor, and I think he has every intention to do that. And we're halfway there as of today.

And let me say, Mr. Petri, who, as chairman of the Aviation Subcommittee for 4 years, I could not have had a better ranking member. Now as ranking member, I could not have a better chair as far as a working relationship, and we've done things in a bipartisan manner. So I thank the chairman, and I thank the subcommittee chairman and the ranking member.

Let me conclude by saying that this is not a perfect bill. I have major concerns with the NMB. It should not be in this bill. And if in fact there are problems as a result of the provisions put in this bill, it is my intent, and the intent of many on our side, to come back and try and address that in an appropriate way.

There are many provisions in this bill that will enhance safety; and there

are a number of provisions in this bill that will protect workers and workers' rights over at the FAA and the unions that represent employees at the Federal Aviation Administration.

So I will be supporting the conference report.

 $\operatorname{Mr.}\ \operatorname{RA\bar{H}ALL}.$  I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida has 5 minutes remaining.

Mr. MICA. First, I'd like to insert in the RECORD a list of the staff who worked on H.R. 658.

Mr. Speaker, as I close today on this historic legislation, again, I can't thank enough folks like Mr. Costello, who will be leaving us; Mr. Rahall, our ranking member; the leader of the committee, Mr. Petri; and others who have been here helping and working on this

I think Mr. Costello and Mr. Young summed it up: this is the work of many people. It is not exactly what any one of us individually would offer. The important thing is this provides some certainty in an uncertain time. This process is very difficult; the Founding Fathers wanted it that way. But the American people want us to get the job done.

Now, just to be factual, the other side, again, had 4 years in which they controlled this body, the United States Senate, and 2 years in which they had significant majorities and the Presidency; and they could not get it done. They did 17 extensions. Let me praise Mr. DEFAZIO; I didn't see him here. He and I helped lead the effort to pass, in 2003, a 4-year bill that expired in 2007. That means for the past 5 years we have not had a revised and updated policy for our aviation system and for the FAA. And that hurts the system, it hurts the American people, it hurts looking for safety improvements in the process, and it hurts people looking for expanded opportunities to be ploved.

## □ 1050

Today, we heard some good news on employment, and the good news is that some of the policies that went amok, the spending that went amok, the new regulations that went amok, this small band of people who were sent here have called a lot of that to a halt. It wasn't productive.

This bill does not have tax increases in it. This bill does not have earmarks in it. This bill does not have any special plums or favors for anyone.

And contrary to what's been said here today, this bill does not adversely affect labor. It's a fairness issue. The House passed a measure that would have codified and changed what the NMB changed in 70 years of labor law, allowing whoever showed up to vote into a union. It set out a fair process, and it was done with a compromise.

And if you want to know what the delay was in the first 4 years, let's be frank: it was a labor issue that the Democrats couldn't resolve among themselves, and they controlled the whole process.

So I am here 1 year later as chair. I took some tough measures, and I will take tough measures to see that we get our job done. We stayed until 2:49 this morning to get the next piece of legislation marked up. We have done and passed, and the President has signed, an improvement to our pipeline safety which is so important for energy, expanding energy sources, but also making certain that that energy is coming to us in a safe and responsible manner.

Today, we will pass in the House the FAA Reauthorization and Reform Act, accounting for up to 11 percent, I'm told, of our gross domestic product, our economic activity for the country, \$1.3 trillion in business activity, thousands of jobs. And let me tell you too, we can't let labor—you can't let business—go astray. It's our responsibility to set a steady course.

Look, this is a very fragile industry. We just heard an announcement that American Airlines is going to cut more than 10,000, I think 13,000, jobs in bankruptcy. Boeing, we almost lost jobs in South Carolina. We can't play those games, labor and business. We've got to come together and get people working. The aviation industry—not only the passengers, for whom flying is so important—but aviation products, they are the core to our exports. So we can and we must get this done working together.

STAFF WHO WORKED ON H.R. 658, THE FAA REAUTHORIZATION BILL: FEBRUARY 3, 2012 SUBMITTED BY: CONGRESSMAN JOHN L. MICA

House Majority Staff:
Holly Woodruff Lyons
Bailey Edwards
Simone Perez
Andrew Rademaker
Jim Coon
Amy Smith
Suzanne Mullen
Sharon Barkeloo
Tracy Mosebey
Debbie Gebhardt

House Minority Staff: Giles Giovinazzi Alex Burkett Julia Rowe Jim Zoia Ward McCarragher Sarah Blackwood

Senate Majority Staff:
Gael Sullivan
Rich Swayze
Adam Duffy
Ellen Doneski
James Reed
John Williams
Senate Minority Staff:
Jarrod Thompson
Todd Bertoson

I am pleased to yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, today's vote is not an easy one. FAA Reauthorization

is long overdue, and I support many of the provisions in today's conference report. It makes a much-needed investment in our nation's air infrastructure and includes important new policies to strengthen safety and improve consumer protections.

But unfortunately, this is not a clean transportation bill. Inexplicably, it includes an extraneous, ill-conceived, and completely unnecessary labor provision that has no place in this legislation. Under this bill, it is much more difficult to organize a union for the workers who build the planes than it is for the workers who build the planes. How does this make sense? We don't know the answer to that, because we haven't had a single hearing on this issue.

Mr. Speaker, I want to vote for a clean, long-term FAA reauthorization and strengthens our national aviation system. This is not that hill

Mr. TURNER of Ohio. Mr. Speaker, I strongly support the conference report for H.R. 658, the FAA Modernization and Reform Act. This bipartisan, fiscally responsible, four-year authorization measure contains important provisions on air traffic control modernization, safety improvements, and job creation through technology and research.

In particular, the final bill includes important provisions which I co-authored to establish a program for Unmanned Aircraft System (UAS) test ranges. Unmanned aircraft are an evolving technology that will play an increasingly larger role in modem aviation. The importance of these systems to our national defense demonstrates their capability.

The uses of UAS have significantly increased, with strong projected growth. UAS are used not only for military applications, but also civilian and commercial purposes, such as border and coastal patrol and monitoring, homeland security, law enforcement, disaster operations, digital mapping and planning, search and rescue, fire detection and management, environmental research and air quality management, air traffic control support, agriculture and fisheries. However, lack of special use airspace to research UAS technologies and detection technique is a potential impediment to the nation's ability to develop this important tool.

Mr. Speaker, I have worked with my colleagues in the House Armed Services Committee to create more opportunities for UAS research and investment. Specifically, the FY12 National Defense Authorization Act requires the FAA to work with the Department of Defense and the Air Force to integrate UAS test ranges into the national airspace.

These combined provisions will ensure that the United States remains at the forefront of aerospace development. Ultimately, this is an endeavor that will help strengthen our national defense, spur development of innovative technologies, and most importantly, create jobs for hard-working Americans at a time of record unemployment.

Mr. KUCINICH. Mr. Speaker, the need to reauthorize the Federal Aviation Administration is urgent. A failure to do so could result in the loss of thousands of jobs and compromise flight safety. This Congress should pass a clean reauthorization without compromising the right of thousands of workers to collectively bargain. This bill does not do that.

Instead, it replaces over 70 years of labor law precedent in which major changes were agreed upon by both workers and management, with changes decided upon by a handful of negotiators in Congress. It will increase the percentage of employees who must petition to have an election about whether to be represented by a union, from 35 percent to 50 percent. The bill makes it even harder for workers to organize and bargain for better wages, working conditions and passenger safety. We must not undermine the workers who have borne the brunt of the great recession. We should stand behind them

Mr. BLUMENAUER. Mr. Speaker, today, I voted against the Conference Report for the FAA Air Transportation Modernization and Safety Improvement Act. While I appreciate the fact that after twenty six extensions we have finally come together in a bicameral, bipartisan fashion to reauthorize our airport system and help bring it into the 21st century, the language regarding union elections and mandating that the National Labor Relations Board change its decision is unacceptable. I am sadly forced to vote no.

This bill makes the dangerous precedent of interfering with the National Labor Relations Board. While I am very glad that it does not repeat the disastrous mistake in the original House legislation, I am concerned about the increased requirements to simply hold a union election. There is no reason for Congress to muddle with fair decisions made by the National Labor Relations Board, and I am disappointed that my Republican colleagues insist on doing so.

I appreciate the resolution reached on the National Airport slots issue, and the increased attention paid to airport modernization and NextGen funding. I also appreciate the work of my Senate colleagues in protecting Oregon's scenic spaces. There is much in this bill to support, and it saddens me that so much hard work and bipartisan cooperation is undone by a blatant attack on the rights of our workers to organize.

Mr. TIBERI. Mr. Speaker, I rise today to thank Chairman CAMP and Chairman MICA for their fine work on the FAA Modernization and Reform Act of 2012, and to explain the bill's treatment of the fractional ownership industry.

Fractional aviation has grown rapidly to change how business travels, but Washington doesn't always keep up with the pace of change in business, and fractional aviation was no exception. The Federal Aviation Administration recognized that fractional is noncommercial in 2003, but the Internal Revenue Service is still trying to tax it the same as a commercial airline ticket, despite the fact that fractional owners own their planes. Today we are clarifying and reaffirming that fractional aviation is non-commercial aviation. This bill clearly states that instead of being subject to the commercial ticket tax, as the IRS has asserted, fractional flights will pay the fuel tax used in noncommercial aviation, plus a fractional surtax

Ohio is the birthplace of aviation. This heritage of aeronautical innovation continues today with cutting edge fractional ownership aircraft programs. This bill will align fractional aviation's tax treatment with the longstanding FAA rules, and help the fractional aviation industry

in Ohio and across the country grow even more. I want to thank Chairman CAMP for making this clear.

Ms. RICHARDSON. Mr. Speaker, I rise to discuss the Conference Report for H.R. 658, the FAA Air Transportation Modernization and Safety Improvement Act. I want to thank Chairman MICA, Ranking Member RAHALL, the other conferees, and the leadership for finally bringing an FAA Reauthorization bill to the floor

Nearly five years has passed since the last FAA Reauthorization Act passed by the Congress and signed into law by the President expired. Instead of passing a new clean reauthorization bill five years ago, the reauthorization process was subverted by the desire of some members across the aisle to hijack the FAA reauthorization process as a to advance narrow ideological interests. This politicization of what had previously been a nonpartisan approach to developing aviation legislation was a great disservice to our nation, particularly in the economically challenged conditions of the past several years.

Every day thousands of men and women give their best to ensure that the American civil aviation industry remains the best in the world. And no group of persons suffered more from Congress' failure to pass a short-term clean FAA extension last August than the airline pilots, air traffic controllers, flight attendants, baggage handlers, mechanics, technicians, customer service representatives, security personnel, and others whose livelihood depends upon a functioning civil aviation sector.

This past August, House Republican leadership, giving in to the demands of its extremist Tea Party faction and ignoring the long-standing Congressional tradition of passing clean extensions of the FAA reauthorization bill, broke precedent and attached to the bill several controversial ideologically extreme policy riders to weaken unions and kill jobs, knowing full well it would never be approved by the Senate. Then it adjourned and left town for the August recess.

This abdication of responsibility resulted in the furlough of more than 4,000 FAA non-partisan career civil servants who in many cases had spent more than two decades working to provide the public with safe, modern and efficient air travel. This Republican-initiated FAA shutdown resulted in work stoppages on 217 construction projects worth more \$11 billion that had been undertaken to upgrade the nation's air traffic control and safety infrastructure.

This House majority's irresponsible action' more than 86,000 construction jobs at risks around the country and unconscionably jeopardized the ability of nearly 90,000 household to pay their rent or mortgages, educate their children, and put food on the table.

In addition to the havoc wreaked on the families of the employees involved, the Republicans' forced shutdown of the FAA cost the American taxpayer \$300 million in lost airport fees. To make matters worse, instead of passing the savings resulting from the lapsed airline ticket tax on to air travelers, almost every one of the airlines raised their ticket prices and pocketed the money.

By any measure the House Republicans political gambit was a colossal blunder and the

resulting public backlash led the chastened majority to drop the odious anti-labor provisions and pass a clean FAA extension thereby providing time for the parties to reconcile their differences and reach agreement on the long-term reauthorization measure before us today.

Turning to the merits of the bill before us, there is much in it that I approve and support.

First, the conference report maintains funding at current levels, authorizing a \$63.4 billion investment in our Nation's aviation system for fiscal years, FY, 2012–15. Of this amount, approximately \$13.4 billion is allocated for the Airport Improvement Program, AIP, \$38.3 billion for FAA Operations, \$672 million for Research, Engineering & Development, and \$10.9 billion for FAA's Facilities & Equipment.

Second, the bill provides about \$1 billion in funding authority for FAA's Next Generation, NextGen, air traffic modernization program, approximately the same as the past two years. When fully implemented, NextGen will complete the transformation of an antiquated air traffic control system based on World War IIera technology to one based on 21st Century GPS technology. Additionally, the bill accelerates the development of a NextGen satellitebased navigation system to provide pilots with more accurate information to track aircraft and weather. And to strengthen accountability for the progress on the NextGen program, the Conference Report sets a schedule for FAA and creates the new position of Chief NextGen Officer to oversee the effort.

Third, stripped from the Conference Report is the controversial House Republican provision that would have increased the percentage of employees who must vote in favor of a union before the National Mediation Board could certify the union as their representative. Had this provision not been dropped, it would have unfairly tilted the playing field against employees because a union could be certified only if it won the votes of a majority of all employees in a particular group, not just those who actually voted. It is clearly unfair to consider a vote not cast as a vote against. To put it another way: there is a gigantic difference between not voting and voting No! I am pleased that this anti-democratic provision has been dropped from the bill.

Fourth, the bill establishes a process for mediation and binding arbitration of impasses between the FAA and the collective-bargaining representatives of employees to help ensure that disputes are resolved fairly and efficiently without any disruption to the aviation system.

Fifth, the bill requires the FAA and OSHA to move forward with long-stalled rules to extend OSHA protections to flight attendants.

Sixth, the bill will help relieve congestion at many of the nation's interior hub airports by authorizing eight new round-trip flights between Reagan National Airport and airports located more than 1,250 miles away.

Finally, I am also pleased that H.R. 658 includes protections for passengers. For example, air travelers have greater assurance they will be treated fairly while traveling. Tarmac delays are something we have all experienced at some point while traveling and can become frustrating to passengers who have no information as to when they will begin their travel. Now, airlines and airports would be required to have emergency contingency plans to take

care of passengers who are involved in long uncomfortable tarmac delays. Passengers will no longer have to sit and wait on the tarmac wondering if they will ever move or be fed.

Mr. Speaker, as a member of the Transportation & Infrastructure Committee, and having served on its Aviation Subcommittee, I have worked tirelessly with my colleagues to secure passage of a clean FAA reauthorization bill. But I cannot support a reauthorization bill containing anti-labor provisions that undermine the rights of workers to bargain collectively over the terms and conditions of their employment. Regrettably, this bill does.

The bill contains statutory amendments to the Railway Labor Act which undermines 75 years of experience by the National Mediation Board's, NMB, in conducting representation elections in the air and rail industries. By removing the NMB's explicit statutory discretion in determining whether an election is mandated, this provision imposes new roadblocks for employees seeking union representation.

Another provision undermining the ability of employees to secure union representation is a proposed change in the way union run-off elections are handled. Under the proposed language, if Union A receives 40 percent of the votes and Union B receives 25 percent of the votes and the remaining 35 percent of the employees vote "no union," then the run-off will be between Union A and no union. This is true even though 65 percent of the employees indicated they wanted a union and soundly defeated the "no union" option.

Most problematic, however, is the provision in the bill relating to "showing of interest," requiring 50 percent of employees to sign up just to have an election. That is the same percentage of employees that would warrant union certification were the Employee Free Choice Act enacted into law.

This is the first time in history that Congress is legislating a showing of interest requirement in any federal labor law. Were this "showing of interest" provision to be applied in a merger setting, a larger employer that merges with a somewhat smaller airline will virtually guarantee there will be no unions on the merged property because where large numbers of employees are furloughed, it is virtually impossible for unions to meet the 50 percent threshold

Taken together, these provisions constitute impose an intolerable burden on the ability of working men and women to bargain collectively over the terms and conditions of employment. I cannot support a legislative proposal that includes such provisions.

As one who born and raised in the House of Labor, educated in the School of Business, and who spent 14 years working in the corporate world, I stand ready to continue working with my colleagues, the Administration, industry and labor to develop and pass legislation that is beneficial and in the best interests of management, labor, government, and the public.

I urge my colleagues to vote "no" on this bill and once again urge this House to come forth with a clean long-term FAA reauthorization that will not impede workers rights.

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased that H.R. 658, the FAA Air Transportation Modernization and Safety Improvement

Act, will fully fund the FAA through FY2015, particularly because it will include the NextGen Air Traffic Control Modernization Program. That program is important to my constituents who travel through O'Hare Airport. The program will ensure that air traffic congestion is lessened, noise and pollution mitigation efforts are continued, and air traffic control is improved according to best practices.

However, it is unconscionable that anti-labor provisions regarding the National Mediation Board were allowed to find their way into this bill. Organized labor has protected the rights and livelihood of American workers for decades. H.R. 658 changes the rules for holding elections, making it harder even to give workers the opportunity to have union representation. The bill makes it easier to strip union rights in the case of mergers between airlines or railways. It also allows election results to be challenged in person by employers, opening up union elections to voter intimidation. Those and other provisions will only undermine the ability of American laborers to be represented in their places of employment. They do not belong in the bill, and they will hurt rather than help workers and our national transportation system as a whole.

I agree that the FAA, and the NextGen program should be fully funded. I voted against H.R. 658 because it injected anti-labor provisions into a reauthorization that should have been devoid of partisan political stunts.

Ms. HAHN. Mr. Speaker, I rise to explain my excused absence from the House last week, and to discuss how I would have voted on H.R. 658, conference report for the "FAA Modernization and Reform Act," if I hadn't been pulled away by the funeral of my dear friend, Frank Herrera.

Frank was a World War II veteran, a titan in his community of Wilmington, and a good friend of mine. He will be sorely missed by his family and all who knew him.

While I was at his funeral, the House took action on the first long term FAA reauthorization since the last one expired in 2007. After the embarrassment of twenty-three short-term extensions, I was glad to see our Nation's aviation infrastructure finally given the certainty of long term funding. Finally, we will bring our aviation infrastructure into the 21st century with NextGen, and give long overdue certainty to modernization projects across the country.

However, I was appalled to see that this "compromise" was bought with the rights of hard working men and women. I agree with the Communications Workers of America, the Service Employees International Union, the International Brotherhood of Electrical Workers, the National Education Association, the Teamsters and other advocates of working people that the American people deserved a clean FAA reauthorization, not this attempt to interfere with a worker's right to chose to form a union.

Had I been here on Friday, I would have voted "no" on H.R. 658.

Mr. HOLT. Mr. Speaker, I rise today in opposition to H.R. 658, the FAA Air Transportation Modernization and Safety Improvement Act

Mr. Speaker, we are considering this multiyear authorization after twenty-three tem-

porary FAA extensions since 2007. The men and women who keep our skies safe deserve a long-term authorization. The American people deserve a long-term authorization. But I cannot support the long-term authorization that the conference committee has brought to us today.

There are good provisions included in this conference agreement. This agreement contains language I wrote to support service disabled veteran-owned small businesses in the Airport Improvement Program. I am also pleased that this agreement includes funding for Essential Air Service and Next Generation air traffic control systems, and that it requires airlines to implement emergency contingency plans for passengers who are subject to extended tarmac delays. It also ensures a fair collective bargaining process for our Nation's air traffic controllers.

However, the bill has a number of provisions that are serious problems, and thus I oppose the bill. For example, the bill fails to fundamentally address the transportation of lithium batteries on airplanes. Further, the bill attacks collective bargaining for other aviation employees. This conference agreement dramatically revises a 75-year-old statute that was crafted by labor-management cooperation and should not be changed without the agreement of both employer and employee representatives.

There is no reason for these provisions to be included in this bill other than the majority's desire to attack American workers' right to organize at every opportunity they get. This bill should not seek to change three-quarters of a century's worth of labor protections. The FAA reauthorization is not the place to rewrite federal labor law. And I urge my colleagues to join me in opposing it.

The SPEAKER pro tempore (Mr. WOMACK). All time for debate has expired.

Pursuant to House Resolution 533, the previous question is ordered.

The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be post-poned.

## BASELINE REFORM ACT OF 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline will now resume

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TIERNEY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 3578 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

In section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as added by section 2, strike "Budgetary" and insert "Except as provided in paragraph (3), budgetary" in paragraph (1) and after paragraph (2) add the following new paragraph:

"(3) Maintaining current funding levels IN REAL (INFLATION-ADJUSTED) TERMS FOR: PELL GRANTS AND EDUCATION PROGRAMS FOR STUDENTS; HEALTH AND ALL DISCRETIONARY SPENDING THAT PROVIDE BENEFITS FOR SEN-IORS; JOB, HEALTH, AND ALL DISCRETIONARY SPENDING THAT PROVIDE BENEFITS FOR VET-ERANS; AND HEALTH RESEARCH, INCLUDING NIH AND RESEARCH TO CURE CANCER.-The discretionary portions of budget functions 500 (Education, Training, Employment, and Social Services), 550 (Health), 570 (Medicare), 600 (Income Security), 650 (Social Security), and 700 (Veterans Benefits and Services), other than unobligated balances, shall be adjusted for inflation as follows:

"(A) The inflator used in paragraph (2) to adjust budgetary resources relating to personnel shall be the percent by which the average of the Bureau of Labor Statistics Employment Cost Index (wages and salaries, private industry workers) for that fiscal year differs from such index for the current year.

"(B) The inflator used in paragraph (2) to adjust all other budgetary resources shall be the percent by which the average of the estimated gross domestic product chain-type price index for that fiscal year differs from the average of such estimated index for the current year."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. TIERNEY. Mr. Speaker, this is the final amendment to this bill. It will not kill the bill, and it won't send it back to committee. If adopted, we will then vote on the passage of the bill, as amended.

When families in my district and across the country sit around the kitchen table to try to balance their budgets, they know that costs don't stay the same every year. They know the price of milk and gas and college and health care all go up. Yet H.R. 3578, left unamended, holds the budgetary baseline constant instead of allowing it to reflect increases in costs, making simple inflation adjustments look like increases in spending.

Ignoring increases in costs will dramatically lower program levels in the baseline. Translated, this means that the priorities we support to help sustain the middle class and those aspiring to it, the programs we pay our

taxes to support, will be cut as inflation eats into the accounts set in the budget.

The Republican majority argues that America's middle class must make even more sacrifices to address our debt. The majority's mantra is that austerity alone, spending cuts focused only on nondefense discretionary domestic spending with no additional revenue and without closing any special interest tax loopholes, is all they think should be done.

Never mind that it's largely their policies enforced under the last administration, aided and abetted by the then-Federal Reserve Board chairman, that were largely responsible for the debt situation. Never mind that Federal Reserve Chairman Alan Greenspan has since testified that this was wrong, that his "unconstrained free market" "winner-take-all" theory had never worked in his 80-plus-year life span. Never mind that in the 1970s, we used to spend 5 percent of our national income on discretionary domestic spending, like education, job training, health, research, veterans, and infrastructure; but more recently, we've already pared that back to 2.5 percent.

With this bill, the majority tries to balance the budget on the backs of workers, middle class families, small businesses, and society's most challenged. They refuse to consider a fair distribution of our tax obligations. They even refuse to close special interest tax loopholes.

This bill, if not amended, chooses shielding the extraordinarily well-off from any fair share of taxes over sustaining Pell Grants, student assistance promising opportunity to families. It chooses allowing hedge fund managers the benefit of especially low tax rates over Meals on Wheels for seniors. And it chooses special tax credits to the mature, extremely profitable oil and gas companies over providing the security of housing for homeless veterans returning from duty in Iraq and Afghanistan.

The austerity-only approach to addressing their largely self-induced debt is not the smart response to our economy's needs. We need to deal with our economic situation in a smart way, as attested by the majority of economists from all across the political divide. We need a gradual approach, balanced between spending cuts and revenue increases fairly distributed. Those need to be appropriately targeted in amount, share and time, not applied in bludgeon fashion like this bill on the floor today.

Choking off the middle class by cutting spending for education, health, jobs, job training, research, senior care, and our obligations to veterans is shortsighted. Studies and reports from international and national economists tell us that a vibrant middle class is essential for the well-being of our econ-

omy; imperative for businesses so they have customers for their goods and services; important to employers so they have the next generation of innovators, inventors, scientists, teachers, engineers, and a generally capable workforce; and important to families and individuals as they seek personal and economic security.

#### □ 1100

We shouldn't need to argue the moral imperative of meeting our obligations to those suffering from debilitating health conditions and the families that support them; to the care of our seniors, especially those aged, alone and poor; nor to our duty to our military forces, especially the wounded and disabled

Left as is, this bill is a step to undoing all the progress, however slow, so far made in moving from the near depression caused by the failed policies of 2001–2008. Simply cutting spending on the middle class, at the same time businesses and families have been forced to limit spending, and just as municipalities and the States are trimming back, just adds to the downward spiral of fewer customers for our businesses, less growth for our economy, more layoffs, and on and on in a repeating circle.

Make no mistake, this bill, if not amended, makes the dream of posthigh school certificates or degrees or acquired job skills more remote for many; makes the visit of a neighbor and delivery of perhaps the day's only warm meal for seniors less likely; means research on debilitating health conditions or diseases may be delayed, and the cure of cancers a more distant goal; and consigns our veterans to longer periods of homelessness and more difficulty getting the services they need to get a job.

This amendment would allow the effects of inflation to be factored into the budgetary baseline so as to avoid automatic cuts in purchasing power that would otherwise result from this bill. Passing this amendment allows us to at least start on a path to the kind of America most of us envision, or at least it lessens the obstacles to that America that are thrown up by this legislation in its current form.

Let's pass this amendment and start down a path that recalls what makes this country exceptional, the notion that everyone, no matter what economic or social condition one is born into, should have an equal opportunity to reach our goals; to an America reflecting that its people should shoulder and will shoulder any burden, suffer any sacrifice, if shared fairly.

Let's pass this amendment and add back at least a modest degree of balance and fairness.

Mr. Speaker, I would hope that for those who count on us to be fair and just, or to make smart, targeted, and balanced approaches to our complex challenges, we could at least do that.

I urge support of this amendment, and yield back the balance of my time. Mr. WOODALL. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. Mr. Speaker, this is another one of those commonsense reforms that I'm so proud that this Budget Committee has brought to the floor, time and time again, and will continue throughout the spring.

When I get back home, Mr. Speaker, folks say, Rob, why haven't you gotten this done already? And my friend from Massachusetts has just laid out exactly the reason why. These are politics of division, not of unity. These are politics of fear, not of hope.

And I tell my friend, as he knows very well, this bill does not cut one penny from any of the priorities that he mentioned. My friend knows it to be true. Mr. Speaker, you know it to be true, and I say it to the American people today, what this bill does is to shine sunshine on what has been a budget process cloaked in darkness for far too long. And both parties have been complicit in that, Mr. Speaker, and both parties are going to unite today to change that history.

Mr. Speaker, do folks back home want to see over 50 different duplicative job training programs plussed up year after year after year, without any regard to their efficacy? No, they don't.

Do folks back home want to see education programs that have failed our children time and time again plussed up, while those education programs that are successful go needy? No, they don't.

Mr. Speaker, do folks want to see those income security programs that are providing insecurity to folks back home plussed up at the expense of those programs that can be a hand up out of poverty? I tell you they do not.

This bill does one thing and one thing only: This bill provides honesty in our budget process. And if this motion to recommit passes, we will return to the days where confusion, rather than clarity, is the touchstone of this budget process.

Chairman RYAN has given us an opportunity, with this legislation, to bring the American people into this debate, to make the budgeting here in this body look like the budgeting around the dinner table back home.

Are expenses going up in this country? They are, Mr. Speaker. Are times tough in this country? Yes, they are. When we spend \$10 today and \$12 tomorrow, the American people know that we're spending more and not less.

We can continue to put lipstick on this budget pig, as this motion to recommit would have us do, Mr. Speaker, but I encourage my colleagues to vote "no" on this motion to recommit and unite to throw open the doors of this institution and bring in budget sunshine once again.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3578, if ordered, and adoption of the conference report to accompany H.R. 658.

The vote was taken by electronic device, and there were—yeas 177, nays 238, not voting 17, as follows:

## [Roll No. 31]

## YEAS—177

Ackerman Eshoo Altmire Farr Fattah Andrews Frank (MA) Baca Baldwin Fudge Bass (CA) Garamendi Becerra Gonzalez Berklev Green, Al Berman Green, Gene Bishop (GA) Grijalva Bishop (NY) Gutierrez Blumenauer Hanabusa Hastings (FL) Boren Boswell Higgins Brady (PA) Himes Hinojosa Braley (IA) Brown (FL) Hirono Butterfield Hochul Capps Holden Capuano Holt. Carnahan Honda Hoyer Castor (FL) Inslee Chandler Israel Jackson (IL) Cicilline Jackson Lee Clarke (MI) (TX) Clarke (NY) Johnson (GA) Clav Johnson, E. B. Cleaver Kaptur Clyburn Keating Cohen Kildee Connolly (VA) Kind Kissell Convers Kucinich Cooper Costa Langevin Costello Larsen (WA) Larson (CT) Courtney Critz Lee (CA) Crowley Levin Lewis (GA) Cuellar Cummings Lipinski Davis (CA) Loebsack Lofgren, Zoe Davis (IL) DeFazio Lowey DeGette Luián DeLauro Lynch Maloney Deutch Dicks Markey Matsui Dingell Doggett McCarthy (NY) Donnelly (IN) McCollum McDermott Dovle Edwards McGovern Ellison McIntyre

Meeks Michaud Miller (NC) Miller, George Moore Moran Murphy (CT) Nadler Napolitano Neal Olver Owens Pallone Pascrell Pastor (AZ) Payne Pelosi Perlmutter Pingree (ME) Price (NC) Quigley Rahall Rangel Reyes Richardson Richmond Ross (AR) Rothman (NJ) Roybal-Allard Rush Ryan (OH) Sánchez, Linda Sanchez, Loretta Sarbanes Schakowsky Schiff Schrader Schwartz Scott (VA) Scott, David Serrano Sewell Sherman Slaughter Smith (WA) Stark Sutton Thompson (CA) Thompson (MS) Tierney Tonko

Towns

McNernev

Tsongas

Van Hollen

Velázquez Visclosky Walz (MN) Wasserman Schultz Waters Watt Waxman Welch Wilson (FL) Woolsey Yarmuth

#### NAYS-238

Adams Gohmert Nunes Aderholt Goodlatte Nunnelee Akin Olson Gosar Alexander Gowdy Amash Granger Paulsen Amodei Graves (GA) Pearce Austria Graves (MO) Pence Bachmann Griffin (AR) Peterson Bachus Griffith (VA) Petri Barletta Grimm Pitts Barrow Guinta Platts Bartlett Guthrie Poe (TX) Barton (TX) Hall Pompeo Bass (NH) Hanna. Posey Price (GA) Benishek Harper Berg Harris Quayle Biggert Hartzler Reed Hastings (WA) Bilbray Rehberg Hayworth Bilirakis Reichert Bishop (UT) Heck Renacci Black Hensarling Blackburn Rigell Herger Herrera Beutler Bonner Rivera Bono Mack Huelskamp Roby Roe (TN) Boustany Huizenga (MI) Brady (TX) Rogers (AL) Hultgren Brooks Hunter Rogers (KY) Broun (GA) Hurt Rogers (MI) Jenkins Buchanan Rohrabacher Bucshon Johnson (IL) Rokita Rooney Ros-Lehtinen Buerkle Johnson (OH) Burgess Johnson, Sam Calvert Roskam Jones Camp Jordan Ross (FL) Campbell Kelly Royce King (IA) Runyan Canseco Cantor King (NY) Ryan (WI) Capito Kingston Scalise Carter Kinzinger (IL) Schilling Cassidy Kline Schmidt Labrador Schock Chabot Chaffetz Lamborn Schweikert Coble Lance Scott (SC) Coffman (CO) Landry Scott, Austin Cole Lankford Sensenbrenner Conaway Latham Sessions LaTourette Shimkus Cravaack Crawford Latta Shuster Lewis (CA) Crenshaw Simpson LoBiondo Smith (NE) Culberson Davis (KY) Long Smith (N.I) Denham Lucas Smith (TX) Luetkemeyer Southerland Dent Des Jarlais Lummis Stearns Diaz-Balart Lungren, Daniel Stivers Dold Stutzman Manzullo Dreier Sullivan Duffy Marchant Terry Duncan (SC) Thompson (PA) Marino Duncan (TN) Matheson Thornberry Ellmers McCarthy (CA) Tiberi Emerson McCaul Tipton Turner (NY) Farenthold McClintock Fincher McCotter Upton Fitzpatrick McHenry Walberg Walden Flake McKeon Fleischmann McKinley Walsh (IL) Fleming McMorris Webster Flores Rodgers West Forbes Meehan Westmoreland Foxx Mica Whitfield Franks (AZ) Miller (FL) Wilson (SC) Frelinghuysen Miller (MI) Wittman Gallegly Miller, Gary Wolf Womack Gardner Mulvanev Murphy (PA) Woodall Garrett Gerlach Myrick Yoder Neugebauer Gibbs Young (AK) Gibson Young (FL) Gingrey (GA) Nugent Young (IN)

#### NOT VOTING-17

Burton (IN) Heinrich Ruppersberger
Cardoza Hinchey Shuler
Carson (IN) Issa Sires
Filner Mack Speier
Fortenberry Paul Turner (OH)
Hahn Polis

 $\Box$  1129

COHEN. Mrs. MALONEY, Messrs. LEVIN, and CROWLEY changed their vote from "nay" to "yea."

So the motion to recommit was reiected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 31, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Speaker, on that I demand the year and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 177, not voting 20, as follows:

## [Roll No. 32]

#### YEAS-235

Adams Duncan (SC) Kingston Kinzinger (IL) Aderholt Duncan (TN) Ellmers Kline Akin Alexander Emerson Labrador Amash Farenthold Lamborn Amodei Fincher Lance Austria Fitzpatrick Landry Bachmann Flake Lankford Fleischmann Bachus Latham Barletta Fleming LaTourette Barrow Flores Latta Bartlett Forbes Lewis (CA) Barton (TX) Foxx LoBiondo Bass (NH) Frelinghuysen Long Benishek Gallegly Lucas Berg Gardner Luetkemeyer Biggert Garrett Lummis Gerlach Lungren, Daniel **Bilirakis** Gibbs  $\mathbf{E}$ Manzullo Bishop (UT) Gibson Gingrey (GA) Marchant Blackburn Gohmert Marino Goodlatte Matheson Bonner Bono Mack Gosar McCarthy (CA) Boustany Gowdy McCaul Brady (TX) McClintock Granger Graves (GA) Brooks McCotter Broun (GA) Green Gene McHenry Buchanan Griffin (AR) McIntyre Bucshon Griffith (VA) McKeon Buerkle Grimm McKinlev Guinta McMorris Burgess Burton (IN) Guthrie Rodgers Meehan Calvert Hall Hanna Camp Mica Miller (FL) Campbell Harper Miller (MI) Canseco Harris Hartzler Mulvaney Murphy (PA) Cantor Hastings (WA) Capito Cassidy Havworth Myrick Neugebauer Chabot Heck Hensarling Chaffetz Noem Nugent Coble Herger Coffman (CO) Herrera Beutler Nunes Nunnelee Cole Huelskamp Huizenga (MI) Conaway Olson Hultgren Palazzo Cravaack Crawford Hunter Paulsen Crenshaw Hurt Pearce Jenkins Culberson Pence Johnson (IL) Davis (KY) Petri Johnson (OH) Denham Pitts Dent DesJarlais Johnson, Sam Platts Poe (TX) Jones Jordan Diaz-Balart Pompeo Kelly Dold King (IA) Price (GA) Dreier Duffv King (NY) Quavle

Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (FL) Rovce Runvan Ryan (WI)

Ackerman

**Altmire** 

Andrews

Baldwin

Becerra Berkley

Berman

Boren

Capps

Capuano

Carnahan

Chandler

Cicilline

Castor (FL)

Clarke (MI)

Clarke (NY)

Carney

Chu

Clay

Cleaver

Clvburn

Convers

Cooper

Costello

Courtney

Crowley

Cuellar

Cummings

Davis (CA)

Davis (IL)

DeFazio

DeGette

DeLauro

Deutch

Dingell

Doggett

Doyle

Edwards

Ellison

Engel

Eshoo

Fattah

Fudge

Cardoza

Carter

Farr

Filner

Carson (IN)

Fortenberry

Franks (AZ)

Frank (MA)

Dicks

Costa

Critz

Cohen

Boswell

Bishop (GA)

Bishop (NY)

Blumenauer

Brady (PA)

Braley (IA)

Brown (FL)

Butterfield

Bass (CA)

Baca

Scalise Thornberry Schilling Tiberi Schmidt Tipton Turner (NY) Schock Schweikert Upton Scott (SC) Walberg Scott, Austin Walden Sensenbrenner Walsh (IL) Sessions Webster Shimkus West Shuster Westmoreland Whitfield Simpson Smith (NE) Wilson (SC) Smith (TX) Wittman Southerland Wolf Womack Stearns Stivers Woodall Stutzman Yoder Young (AK) Sullivan Terry Young (FL) Thompson (PA) Young (IN)

#### NAYS-177

Garamendi Owens Gonzalez Pallone Green, Al Pascrell Grijalva Pastor (AZ) Gutierrez Payne Hanabusa Pelosi Hastings (FL) Perlmutter Higgins Peters Himes Peterson Pingree (ME) Hinojosa Hirono Polis Price (NC) Hochul Quigley Holden Holt Rahall Honda Rangel Hoyer Reyes Inslee Richardson Richmond Israel Jackson (IL) Ross (AR) Rothman (NJ Jackson Lee (TX) Roybal-Allard Johnson (GA) Ruppersberger Johnson, E. B. Rush Kaptur Rvan (OH) Sánchez, Linda Keating Kildee Kind Sanchez, Loretta Kissell Sarbanes Kucinich Schakowsky Schiff Langevin Larsen (WA) Schrader Larson (CT) Schwartz Connolly (VA) Lee (CA) Scott (VA) Scott, David Levin Lewis (GA) Serrano Lipinski Sewell Loebsack Sherman Lofgren, Zoe Slaughter Smith (WA) Lowey Luján Stark Lynch Sutton Thompson (CA) Malonev Thompson (MS) Markey Matsui Tierney McCarthy (NY) Tonko McCollum Towns McDermott Tsongas McGovern Van Hollen McNerney Velázquez Meeks Visclosky Michaud Walz (MN) Donnelly (IN) Miller (NC) Wasserman Miller, George Schultz Waters Moore Moran Watt

## NOT VOTING-

Murphy (CT)

Napolitano

Nadler

Neal

Olver

Graves (MO) Paul Hahn Shuler Heinrich Sires Hinchev Smith (NJ) Speier Mack Turner (OH) Miller, Gary

Waxman

Woolsey

Yarmuth

Wilson (FL)

Welch

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during the vote). There are 2 minutes remain-

#### □ 1135

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRAVES of Missouri. Mr. Speaker, on rollcall No. 32 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 32 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 32, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

CONFERENCE REPORT ON H.R. 658, FAA REAUTHORIZATION AND RE-FORM ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 169, not voting 15, as follows:

## [Roll No. 33]

#### YEAS-248

Adams Brooks Davis (CA) Aderholt Buchanan Davis (KY) Akin Bucshon Denham Alexander Buerkle Dent DesJarlais Amodei Burgess Austria Burton (IN) Diaz-Balart Bachmann Calvert  $\operatorname{Dold}$ Bachus Dreier Camp Campbell Barletta Duffy Duncan (TN) Barrow Bartlett Canseco Cantor Ellmers Barton (TX) Capito Emerson Bass (NH) Benishek Carnahan Farenthold Fincher Carter Berg Berkley Cassidy Fitzpatrick Chabot Flake Fleischmann Biggert Chaffetz Fleming Bilbray Coble Coffman (CO) Bilirakis Flores Forbes Bishop (GA) Cole Bishop (UT) Conaway Foxx Frelinghuysen Black Cooper Blackburn Costa Gallegly Bonner Bono Mack Costello Gardner Cravaack Garrett Crawford Gerlach Boren Gibbs Boswell Crenshaw Gibson Boustany Cuellar Brady (TX) Gingrey (GA)

E. Manzullo

Marchant

Matheson

Marino

McCaul

McClintock

McCotter

McHenry

McIntyre

McKeon

McKinley

McMorris

Meehan

Mica

Rodgers

Miller (FL)

Miller (MI)

Miller, Gary

Neugebauer

Myrick

Noem

Olson

Palazzo

Paulsen

Pearce

Perlmutter

Pence

Petri

Pitts

Platts

Polis

Poe (TX)

Pompeo

Price (GA)

Posey

Quavle

Quigley

Rahall

Rehberg

Reichert

Renacci

Ribble

Rigell

Rivera

Roby Roe (TN)

DeLauro

Deutch

Dingell

Doggett

Edwards

Ellison

Engel

Eshoo

Fattah

Fudge

Frank (MA)

Franks (AZ)

Garamendi

Gohmert

Gonzalez

Green, Al

Grijalva

Higgins

Hinojosa

Hochul

Holden

Holt

Hoyer

Inslee

Israel

Jackson (IL)

Jackson Lee

Himes

Gutierrez

Green, Gene

Hastings (FL)

Gowdy

Farr

Donnelly (IN)

Duncan (SC)

Dicks

Doyle

Rogers (AL)

Reed

Nugent

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Goodlatte Gosar Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Guthrie Hall Hanabusa Hanna Harper Harris Hartzler Hastings (WA) Hayworth Heck Hensarling Herger Herrera Beutler Hirono Huelskamp Huizenga (MI) Hultgren Hunter Hurt Jenkins Johnson (IL) Johnson (OH) Johnson, E. B. Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston Kinzinger (IL) Kline Lance Landry Lankford Latham LaTourette Latta Lewis (CA) Lipinski LoBiondo Long Lucas Luetkemeyer

Rogers (KY) Lungren, Daniel Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen McCarthy (CA) Roskam Ross (AR) Ross (FL) Royce Runvan Ryan (WI) Scalise Schilling Schmidt Schock Schrader Schweikert Scott, Austin Scott, David Sessions Murphy (PA) Shimkus Shuster Simpson Smith (NE) Smith (NJ) Smith (TX) Southerland Stearns Stivers Sullivan Terry Thompson (PA) Thornberry Tiberi Tipton Turner (NY) Upton Walberg Walden Walsh (IL) Webster West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Yoder Young (AK)

Rush

#### NAYS-169

Ackerman Altmire Amash Andrews Ba.ca. Baldwin Bass (CA) Becerra. Berman Bishop (NY) Blumenauer Brady (PA) Braley (IA) Broun (GA) Brown (FL) Butterfield Capps Capuano Carney Castor (FL) Chandler Chu Cicilline Clarke (MI) Clarke (NY) Clay Cleaver Clyburn Cohen Connolly (VA) Convers Courtney Critz Crowley Cummings Davis (IL) DeFazio

DeGette

Lummis

Johnson (GA) Kaptur Keating Kildee Kind Kissell Kucinich Labrador Lamborn Langevin Larsen (WA) Larson (CT) Lee (CA) Levin Lewis (GA) Loebsack Lofgren, Zoe Lowey Luján Lvnch Maloney Markey Matsui McCarthy (NY) McCollum McDermott McGovern McNerney Meeks Michaud Miller (NC) Miller, George Moore Moran Mulvaney Murphy (CT) Nadler Napolitano

Young (FL)

Young (IN)

Ryan (OH) Thompson (MS) Olver Sánchez, Linda Tierney Owens T. Tonko Pallone Sanchez, Loretta Towns Pascrell Sarbanes Tsongas Pastor (AZ) Schakowsky Van Hollen Payne Schiff Velázquez Pelosi Schwartz Visclosky Peters Scott (SC) Walz (MN) Peterson Scott (VA) Wasserman Pingree (ME) Sensenbrenner Schultz Price (NC) Serrano Waters Rangel Sewell Watt Reyes Sherman Richardson Waxman Slaughter Welch Richmond Smith (WA) Wilson (FL) Rothman (NJ) Stark Rovbal-Allard Stutzman Woolsey Yarmuth Ruppersberger Sutton

## Thompson (CA) NOT VOTING-

Cardoza Heinrich Paul Carson (IN) Hinchey Shuler Filner Honda Fortenberry Speier Issa Turner (OH) Hahn Mack

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

#### $\sqcap$ 1142

Mr. STEARNS changed his vote from "nay" to "yea."

So the conference report was agreed

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 33, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

#### PERSONAL EXPLANATION

Mr. HONDA. Mr. Speaker, I was inadvertently not recorded on rollcall 33, on the Conference Report on H.R. 658, the FAA Reauthorization Act. I intended to vote "no" on the conference report because of the provisions it contains that would be devastating to workers' rights and labor relations. These provisions take away the right for a secret ballot and codify minority-rule elections, as well as allowing for wholesale decertification of a whole host of unions

I do not believe that a conference report on an aviation safety bill is the place to rewrite longstanding labor laws and impose unrelated and controversial labor provisions that will ultimately serve to harm both airline and railroad workers, and so I intended to vote "no" on rollcall 33.

REPORT ON RESOLUTION PRO-VIDING FOR CONSIDERATION OF H.R. 1734, CIVILIAN PROPERTY REALIGNMENT ACT

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-385) on the resolution (H. Res. 537) providing for consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, for the purpose of inquiring about the schedule for the week to come, I am pleased to vield to my friend from Virginia (Mr. CANTOR), the majority leader.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for vielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Thursday, the House will meet at 9 a.m. for legislative business. Last votes for the week are expected no later than 3 p.m. on Thursday.

Mr. Speaker, the House will consider a few bills under suspension of the rules, which will be announced by the close of business today.

Building upon our legislative agenda this week, the House will consider two more bills next week aimed at reforming the Federal budget process, including H.R. 3521, the Expedited Legislative Line-Item Veto and Rescissions Act, a bipartisan bill sponsored by Budget Committee Chairman PAUL RYAN and cosponsored by Ranking Member Chris VAN HOLLEN, as well as H.R. 3581, the Budget and Accounting Transparency Act, sponsored by Congressman Scott GARRETT.

In addition, the House will act on legislation passed in the Senate yesterday, commonly referred to as the STOCK Act.

Finally, the House may consider H.R. 1734, the Civilian Property Realignment Act. sponsored by Congressman JEFF DENHAM.

Mr. HOYER. I thank the gentleman for his information and would ask him on the timing.

The conference committee has met twice on the payroll tax cut, the unemployment insurance, and the so-called "doc fix," or to ensure the fact that doctors are compensated and will be available for Medicare patients. The conference committee, Mr. Leader, has met twice since December 23. We adopted a motion to instruct, overwhelmingly, through the House to make sure that they reported back by February 17.

#### $\Box$ 1150

I think you may have read my comments in the press that if we do not do it by the 17th, then we're off for a week and we will be back the 27th, 28th, and 29th, come back the night of the 27th,

and we'll be jammed at the end on Wednesday, the 29th. We only have 6 full days left before the February break. Now, that does not include our 6:30 start times.

House Democrats, Mr. Leader, stand ready to, frankly, I think, work through the weekend if that were necessary. But I'm very concerned that something that we all want to get done—and I've made the suggestion to my Democratic conferees, and they were equally amused as you are. I understand that.

I will tell you that I have great concerns that we're going to get to the 27th, 28th, and 29th and be in the same kind of confrontation and debacle that we found ourselves in in December. That's not good for your party. In my opinion, it's not good for our party. It's not good for the House and Senate; but it is certainly not good for the 160 million people who are going to be concerned about whether or not, in fact, their tax cut is going to continue, or the Medicare people who are going to be concerned about whether their doc is going to be available, or the unemployed who are going to be concerned.

Now, of course, for the unemployed, we had some very good news. You didn't mention it in your opening comments, but I'm sure you were as excited as I was about the 257,000 new private sector jobs that were created last month; showed real progress.

But I will tell you that I'm very concerned about the timing and would be delighted to hear the gentleman's thoughts on the success and the progress of the conference committee.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, what I would say is the Republicans on the House side, led by Chairman CAMP, have been and are ready to make sure we resolve the issue of the payroll tax holiday extension right now. The issue has been the reluctance on the gentleman's side of the aisle on the other side of the Capitol. So if I thought that working 7 days a week, through weekends and all hours of the day and night would make a difference, I would be all for that as well.

The fact of the matter is, Mr. Speaker, this House continues to act. This House passed a yearlong extension that also did not have the effect of raiding the Social Security trust fund, something that the gentleman and I both want to make sure happens, that we restore the integrity of that fund for the people who are counting on it.

But, Mr. Speaker, I would say the House also, this week, acted on several measures that, frankly, are very relevant to the work of the conference committee, but yet no action by the Senate. One of those things, as the gentleman knows, was passed out of the House this week. It was a measure calling for a pay freeze at the Federal level for Federal employees, including Mem-

bers of the House and Senate. This was a bipartisan vote; 309 Members voted for that. It allowed for about \$26 billion in savings that could be easily included in the conference committee deliberations, something that our side continues to want to include, but yet no answer from the Senate majority leader and his conferees.

So, again, I would tell the gentleman, please, we are as anxious as you are to try and resolve these issues.

We had another vote this week, Mr. Speaker, which garnered 400 votes in the House—a bipartisan bill—which called for some necessary reforms to the TANF program. These were reforms which preclude the use of the monies that beneficiaries receive for purchases of services at casinos and other types of establishments, that perhaps those monies could be better spent not in those places; but again, no response from the Senate.

And I would ask the gentleman if he could please direct his urgency towards the majority leader in the Senate to see if we can get this off the dime and resolve the issue of the payroll tax so we can, as the gentleman suggests, send a very certain signal to the people who are struggling out there, working day in and day out, that their taxes will not go up.

As for the gentleman's suggestion about the job numbers, I don't know if he saw my public statement this morning, but I said that was welcome news, that when you have job creation like that, welcome news, but I also think we can do a lot better

I was pleased to see that the President came out this week and said he now, too, wants to be a champion of small business; and we say we are happy to work with this White House so that we can provide the help to small businesses. We will be bringing to the floor, before tax day, a small business tax cut bill that goes right at the issue of helping small business people, allowing them more incentive to invest their capital so they can create jobs and we can see this economy really take off.

Mr. HOYER. I thank the gentleman for his comments.

Of course we have long been a supporter of small business. We believe small business is the engine of our economy. We believe we need to grow entrepreneurs. We need to expand, frankly, small business and the middle class.

It was interesting what the gentleman referred to in response to my question. Yes, we understand that cutting the pay of average working Americans—who happen to be Federal employees, but they're average working Americans—is the way you want to pay for what we do. We, of course, want to pay for it with some of the wealthiest people in our country just contributing a little bit more as opposed to average

working people who are struggling by. And, by the way, the sponsor of that piece of legislation to which you referred indicated he was having a tough time getting by supporting his family on the salary that he makes here in Congress.

Now, frankly, we offered, as you know, to have a vote on freezing Members of Congress' salary straight up—not hidden in another bill, but straight up—which I would have supported and my side would have supported overwhelmingly, I presume your side would have supported overwhelmingly. We, of course, didn't get that opportunity because, frankly, our priorities do, in fact, differ.

Average working people as opposed to the best off in America, that's the choice in this conference committee, apparently; because you want to pay for it with average working people taking a hit, and we want to pay for it by just asking just a little more from the wealthiest in America to help us through this tough patch that we're in.

Things are getting better. The gentleman—I haven't seen his release, but I will certainly look at his release. He says we ought to do better. I will tell the gentleman we're doing a lot better.

The gentleman knows that during the last 5 months of the Bush administration, we lost 3,192,000 jobs. The gentleman smiles because, oh, that's history. Well, it is history, and we ought to learn from it because we were following the economic policies the gentleman still continues to press upon the American people. We lost 3,192,000 jobs in 5 months. In the last 5 months, however, we have gained now over 1 million jobs. That's progress. In fact, over the last 22 months, we've gained over 3 million jobs so that we are making significant progress. Not enough. We dug a very, very deep hole and we're trying to get out of it, but the fact of the matter is losing 3 million jobs in 5 months and gaining 1 million jobs in 5 months is about a 4 million job difference.

So I tell my friend both in terms of who ought to pay for the investments that we have agreed we need to make. We don't want to raise taxes on these folks as the economy is still coming back, obviously showing great progress, but we don't want to pay for it with average working people having to pay the price.

## □ 1200

I will tell my friend, I was disappointed that we didn't have a separate vote so that Members of Congress could vote straight up on their being frozen. And I will tell my friend that I will work with him, perhaps towards that end.

Now having said that, I am sure the gentleman has been in conversations with the gentleman from Michigan (Mr. CAMP). Is the gentleman expecting

a relatively early report back from the conference committee, hopefully prior to the 18th of February when we might be voting on this?

Mr. CANTOR. Let me respond, if you will yield.

Mr. HOYER. I yield, certainly.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman, first of all, I do hope that we can act in an expeditious manner to accomplish the same goal that he's stated. That I agree with. We need to let the people of this country out there who are working so hard know that they are not going to have their taxes go up on them and that we should allow that certainty for a full year, the position this House has taken from the very beginning.

I would say to the gentleman about his assertions of our policies and those under the last President and perhaps their effect on job creation or job loss, the issue is right now—and my question to the gentleman is, as far as that's concerned: Doesn't he agree that we could be doing better?

And that's my point, Mr. Speaker: we can do better. We can do better by focusing on the private sector small businessmen and -women so that we can empower them to begin to invest and create jobs again. We can do better. That is what we intend to do straight up through policies that affect reduction of red tape in this town to make it easier for small businessmen and -women to operate; as I indicated before, a bill to be brought forward to provide for a 20 percent tax cut for small businesses.

And I hope if the gentleman says he's for small businesses that he'll join us in a bipartisan way to support a bill that provides for a 20 percent tax cut for small businesses.

Now, I would ask the gentleman as well, he continues to advocate higher taxes for people, higher taxes. That's what we hear: higher taxes on people who make a lot of money. Well, the fact is, the result of that is putting more money into this town, putting more money into the hands of Washington so that Washington can decide where people's money is spent.

We all know we've got a spending problem, and we all know that raising taxes does not dig us out of the hole. So I would just ask the gentleman, Does he think that's going to fix the problem? It's not as if we're saying we don't want to help the people who are out there struggling. That's what we're trying to do. So I'm looking forward to working with him in a bipartisan way to see if we can get resolution on these issues

Mr. HOYER. I thank the gentleman. And we all look forward to working together in a bipartisan way. We sure have found great difficulty doing it, however, because we have trouble having a meeting of the minds.

I will tell my friend that what I advocate over and over again is paying for what we buy. That's what I advocate. And if you don't want it, don't buy it.

You controlled this town for 8 years from an economic-policy standpoint. I know we were in charge of the Congress for the last 2 years. We couldn't pass anything over George Bush's veto. You and I both know that. So for 8 years, we didn't pay for what we bought; and we went from surplus to deficit. We went from a debt of \$5.6 trillion to a debt of almost \$11 trillion.

Have we added to the debt? Yes, we did. Why? Because we went into the deepest depression, starting in '07, that this country has been in in your lifetime and my lifetime; and I'm a lot older than you. So that's what I advocate: paying for what we buy and having the courage to make decisions on doing exactly that. And very frankly, on your side of the aisle, when you go and say, look, we need to pay for elections, who do you go to? You go to your Members, and you go to people who have some resources that they can contribute to an effort you think is very important.

I think America's efforts are very important. And I think those of us who have done better ought to pay a little more than those who are struggling, as the gentleman refers to. Yes, that's the difference. I believe it's the difference, and I will continue to advocate paying for what we buy. That's why I was for statutory PAYGO, which George Bush abandoned and which essentially is not being followed today, as I think all of us should do

So I will tell my friend that I think we ought to do better. I agree with him. And we did do better. We did do better under policies that I supported. We grew 22 million jobs in the nineties. We lost jobs in the 2000s. We went backwards. And the stock market went up 216 percent in the nineties. Under George Bush, it went down 26 percent. Yes, I think we can do better, and we ought to do better. And we ought to do better by investing.

Let me talk a little bit about the bill that the Speaker's talked about, you've talked about, it's been in the news: infrastructure and jobs. The Transportation and Infrastructure Committee marked up a controversial highway bill—the gentleman says we want to work together. I agree with that. He and I try to do that. We don't always succeed, but we try to do it. They marked up the bill yesterday for 17 hours and finished around 3 a.m.

I don't know whether the gentleman knows this, but at the start of that debate, the gentleman from West Virginia (Mr. RAHALL), the ranking member, asked all the members of the Transportation Committee, when the bill was put on, to raise their hand if they had read the bill. You know how many people raised their hand—that's a rhetorical question because I think

the gentleman probably hasn't inquired of this—none. On an 800-page bill, not one person raised their hand that they had read the bill. There was a lot of discussion about reading the bill.

There was, of course, as you know, a bipartisan "no" vote. One of the senior members voted against it. This is in stark contrast to the unanimous vote that occurred in the United States Senate on the bill.

The Committee on Natural Resources also completed a controversial markup on opening ANWR to drilling—as I understand it, you are going to put that in the infrastructure bill—with the clear knowledge that that is a very controversial item that will not pass the United States Senate. You may have the votes here. That is similar to what happened on the payroll tax cut just last December.

If you are going to work on a bipartisan basis, we ought to understand that we are going to have to not try to push on one party or the other things that are unacceptable and won't pass and don't have the votes.

The reason that George Bush signed so many bills that we passed in the Congress in '07 and '08 was because we worked with the administration, and we worked with the Senate. The Senate and the House were controlled by Democrats; President Bush was in office. He signed more than twice as many bills that we passed. Why? Because we worked with him. We would urge you to do the same.

Is the gentleman planning to bring up the infrastructure bill to the floor soon? And can he tell the Members if it will be considered under an open process? Furthermore, is the majority leader expecting there to be bipartisan cooperation on the infrastructure package so that we do not have to go up against another deadline? As the gentleman knows, on March 31 the highway authorization bill ends. We temporarily included it.

And let me end with this before you answer your question, because Ray LaHood was a leader in this Congress. Ray LaHood was a leader on your side of the aisle. Ray LaHood and I served together for a long time. I don't know whether you've seen his quote, but I think it bears consideration by your side of the aisle of a Republican from middle America—Peoria, Illinois—who your minority leader, Bob Michel, had as his chief of staff.

Here is what he said about the infrastructure bill that was marked up: "This is the most partisan transportation bill that I have ever seen, and it is also the most anti-safety bill I have ever seen." This is a direct quote from Ray LaHood, Republican, former Member of this House for many years, and former chief of staff to the minority leader Bob Michel. "It hollows out our number one priority, which is safety; and frankly, it hollows out the guts of

the transportation efforts that we've been about for the last 3 years. It's the worst transportation bill I've ever seen during 35 years in public service," Ray LaHood, Politico, February 3. That's today. He said it today, in realtime. This is real breaking news from the Transportation Secretary: the worst transportation bill he has seen in 35 years.

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That does not, I tell my friend, bode well for bipartisan cooperation on a piece of legislation that nobody in the committee had read. So I'd ask my friend, do we expect to bring that bill up under those conditions in the near term?

Mr. CANTOR. I thank the gentleman. Mr. Speaker, first of all, we expect to vote on the bill the week of the 13th. I think there will be adequate time for Members to review the bill and the text, to the gentleman's concern about Mr. RAHALL's inquiry last night in the committee. That is exactly why we are allowing for the time, so that Members can review such a big bill, a bill that means so many jobs to so many Americans.

I hope that the gentleman will be true to his nature, which is bipartisan, and to work with us, because this American Energy and Infrastructure Jobs Act is just that; it's a jobs bill. It is a bill that can provide some certainty to our contractors, some certainty to our communities so that we can start to grow again and see jobs proliferate.

But I find it ironic that the gentleman complains about paying for it, because he talks about our wanting to open up our resources, our resources offshore, our resources in ANWR as, number one, an attempt to allow America to develop finally a national energy policy, but to also promote jobs.

The gentleman knows, as I do, the energy sector provides an awful lot of jobs in plenty parts of this country, and can do a lot more, and is willing. Private capital, willing to deploy to create jobs.

But I find it also ironic, Mr. Speaker, that the gentleman complains that there's no bipartisanship because somehow we're not working with the administration. Well, the administration's been absent on all of this. They're not interested in working with us to create a product where we can see jobs created.

As you can see, the Secretary sits in his office and opines and attacks the bill, saying it is all the negative things that he said. Now, that's not a way to collaborate and work together. And the gentleman knows that as well. The gentleman knows that that is certainly not how things have worked in this town if you want to produce a result.

So the gentleman can claim the mantle of wanting to work together and that the administration is being trampled by some action here. He knows good and well, Mr. Speaker, that this administration has been absent in so many of the discussions on so many important issues. And the fact that we differ on policy, yes. But I think the gentleman also knows that reasonable people can disagree, but that doesn't mean that we can't work together to find some things that we agree on.

Certainly, we agree on jobs. The gentleman says we agree on small business. I'm looking for his support of that small business tax credit bill. And we agree on infrastructure spending being an important part of our economy. So I'm looking forward to the next week or so, as the bill works its way to the floor, to hopefully garner his support.

Mr. HOYER. I thank the gentleman.

Wonderful, wonderful logic. A Republican leader in this House is appointed to include bipartisan—and the Secretary of Transportation, who was a leader in this House, and the chief of staff of the minority leader of this House, says that the bill you have drafted, that your Members didn't read before they passed it out of committee—and the public, I'm sure, is glad that at least we're going to read it before we pass it. I hope that's the case. I've heard a lot of talk about reading the bills. Nobody read it before they passed it out of committee. And the Republican Secretary of Transportation, former chief of staff of the minority leader, says, my friend, it's the most partisan bill he has ever seen in 35 years.

And then you say, well, I know we passed the most partisan bill in 35 years, but, gee, the administration won't work with us. You don't accept that premise. I understand that. But it's ironic that you say the administration won't work with you.

You and I both know Ray LaHood happens to be one of the more bipartisan people with whom you and I have served. I've worked frequently with Congressman LaHood when he represented Peoria, as a Republican in the House of Representatives. He and I worked together on a lot of issues. Why? Because he wanted to get things done. He wasn't just simply interested in making political points.

Now, you bring up ANWR in terms of pay-for. I'm for paying this. You didn't hear me say anything about offshore drilling, this and that. I did about ANWR because you and I both know, in a bipartisan way, many of your Members have voted against opening up ANWR, and we have, as the gentleman knows, millions of acres, millions of acres currently available for drilling in Alaska right now as we speak.

So we want to have a bipartisan—but putting an 800-page bill on the table, no chance to read it, passing it in a 17-hour marathon session, and then hav-

ing clearly no—having not worked at all with Ray LaHood, and if you're telling me that Ray LaHood won't work with Republicans, I simply do not accept that premise. I think that's a disservice to Ray LaHood if that's what you are saying. He is the Secretary of Transportation. And there is no doubt in my mind, none, zero, that if Mr. MICA wants to work with Ray LaHood on a bipartisan bill, Ray LaHood will be here as many hours, days, and weeks as Mr. MICA needs him here, and I think you would, hopefully, agree with that proposition.

Ray LaHood is a Republican, but he is a bipartisan American who wants to get things done for our country and create those jobs of which you speak, which all of us want to do.

We have a jobs bill, by the way, that you have not brought to the floor. What's one of the aspects of that jobs bill? Infrastructure, investing in infrastructure. That bill has languished for 5 months now, not brought to the floor by the majority leader, who has the authority to bring it to the floor, and I've, of course, been urging him to do so.

Now, if he'd like to comment—I have another point, but if he wants to comment on what I have said, I yield.

Mr. CANTOR. Absolutely, Mr. Speaker. I join the gentleman in thinking Secretary LaHood is a fine gentleman, but all I can say is actions speak louder than words.

What I would say to the gentleman about his request for the President's jobs bill and whether we're bringing the whole bill up for a vote, I'd ask the gentleman, How many Members on his side of the aisle have actually sponsored that bill?

I think that there are certainly many elements of that bill that we can all agree on, and, in fact, we have voted on four separate elements, big elements, of the President's small business agenda that he announced this week that were part of that bill: crowd funding, many offerings to help small business access financing; a bill to provide for 100 percent depreciation; the provisions that will allow for more ability for small business to see money go to the bottom line so they can grow; and a bill that we passed out of this House to eliminate country caps for immigration for highly skilled workers. All these are part of the President's proposals. All these the House has passed, and they sit, and they sit on the other side of the Capitol.

So I would say to the gentleman, he knows, as well as I do, that more stimulus spending as a part of that, the President's proposal, is something we don't accept, but there's plenty in there that we can agree on.

Back to the notion of bipartisanship. Let's set aside differences and find where we can agree. These are areas that we can agree on. So I would say to the gentleman, please work with us. Please point the ire to the majority leader on the other side of the Capitol and say, bring these bills up. These are jobs bills. The President said so this week.

Mr. HOYER. The gentleman knows that a number of those proposals had bipartisan support in this House, I think have bipartisan support over in the Senate. But they need to be paid for, and that's where the contention comes, as the gentleman knows.

Let me ask you, on another subject, if I might, the STOCK Act.

Yet, before I do that, I appreciate the gentleman's observation with respect to those bills that the President has suggested we do that we have done.

Mr. CANTOR. If the gentleman could yield just for a correction. There's no need for pay-fors on these bills. These bills are something that were cleared out of the House in a revenue neutral way.

Mr. HOYER. The individual bills. You're right.

Mr. CANTOR. Right. So, again, the gentleman is correct in saying there is bipartisan support for these bills. The President supports them. Where's the problem? It's across the hallway here, and if we could actually get the majority there to help move these bills, we could make some progress.

Mr. HOYER. We could make some progress if, frankly, the majority leader could get 60 votes to enact the legislation and transact business on the floor of the Senate. Unfortunately, as the gentleman very well knows, the majority leader, HARRY REID, has had very great difficulty getting 60 votes to proceed with business on the floor of the House of the United States Senate. I think that's unfortunate.

But let me move on because the gentleman went from an infrastructure bill, which, as Secretary LaHood said, was the most partisan bill he's seen in 35 years, and shifted to the jobs, on which we agree. The fact of the matter is that I want to talk about another piece of legislation that the Senate has worked on. We have a bill here. We've asked that it be taken from the floor, from the desk and put on the floor, and that's the STOCK Act. The gentleman has expressed support for the STOCK Act. I'm hopeful that we can pass a House bill and then go to conference with the Senate on a bill in the near future.

Would the gentleman comment on that.

#### $\sqcap$ 1220

Mr. CANTOR. It has always been my intention to try and act with dispatch on this very important issue and to get the President a bill that he can sign as quickly as possible.

Again, the underlying notion is, as the gentleman believes, we need to make sure that the people that send us here know that we are acting and abiding by the trust that they place in us. That's what the STOCK Act is about. So what we're going to do next week, Mr. Speaker, as I indicated earlier, is we are going to act with dispatch. We are going to take up the Senate bill. We are currently reviewing the actions the Senate took on that bill, and we intend to strengthen that bill, again, to do so in a way that can get a bill to the President's desk as quickly as possible so that there is no misunderstanding on the part of the people that sent us here that they can have trust in this institution and the Members, and there is no perception whatsoever that anyone here misuses information that they gain in the performance of their duties for their own personal benefit.

Mr. HOYER. I thank the gentleman for his response, and he says the earliest day possible. I tell my friend that TIM WALZ of Minnesota has had a bill, as the gentleman probably knows, of the STOCK Act—also, Louise Slaughter, ranking member of the Rules Committee, has worked on for literally a decade or more—so we have legislation which is available to take, frankly, from the desk, pass that, and go immediately to conference with the Senate.

The gentleman indicates he wants to change the Senate bill. I think that that may be appropriate; but if he does, we're going to have to go to conference in any event. So my suggestion is you take TIM WALZ'S bill, act on that, a House bill, and we go to conference on that bill. That seems to me that's the most expeditious way to accomplish what the gentleman says he wants to accomplish in a very quick fashion.

I think TIM WALZ of Minnesota would be happy to hear that and available to work towards that end, along with LOUISE SLAUGHTER.

Mr. CANTOR. I say to the gentleman, first of all, I know the gentleman likes to talk about past Congresses. When he was House majority leader, he did not bring this STOCK Act to the floor, and it was a submitted bill. So let's set the record straight. This majority leader is going to bring a STOCK Act bill to the floor next week.

I would also say, Mr. Speaker, that Mr. Walz's bill actually would weaken the Senate bill; and it is our intention to pass and get to the President a workable, strong bill that makes sure that we're delivering on the promise that we made to the people that sent us here. I hope the gentleman—I know he wants to join me in the effort to reinstill the confidence of the public that we are abiding by that trust.

Mr. HOYER. Mr. Speaker, I think that all of us, hopefully, agree with what the leader has just said. We clearly want to make sure the American public has confidence and trust in the actions we take in that they are not driven by personal interests but by

public interests, by a concern for the welfare of the people we represent in our country.

With that, I yield back the balance of my time.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian E. Pate, one of his secretaries.

# ADJOURNMENT TO MONDAY, FEBRUARY 6, 2012

Mr. CANTOR. I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### ISRAEL'S RIGHT TO DEFEND ITSELF

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, Iran is rapidly building a nuclear weapon. Recent reports reveal that Israel may be preparing to attack Iran. Some critics, including the United States, say that Israel should not attack because it would derail the sanctions process; but sanctions are not fully accomplishing their objective. Russia, China, India, and even Japan all continue to buy Iranian oil.

For Israel, a nuclear-armed Iran threatens its very existence. Ahmadinejad, the little fellow from the desert, says he wants to wipe Israel off the map. Experts agree that Iran soon will have the power to do just that.

Israel has the right to defend itself, the right to be left alone, and the right to prevent its annihilation. Iran cannot get nuclear weapons.

Mr. Speaker, the greatest hope for the world is a regime change from within by the people of Iran. The United States should verbally support the good people of Iran in changing their dictator, but the world should be prepared for nuclear mischief by that tyrant.

And that's just the way it is.

#### BLACK HISTORY MONTH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Wednesday, the 1st of February, begins Black History Month; and on that day I introduced a proposal to have a Congressional Gold Medal issued to civil rights

workers—not to each one individually, but collectively.

Black History Month celebrates the history of African Americans in our Nation, and a Gold Medal for civil rights workers is so appropriate because the people who fought for civil rights had to fight their own government to get the rights that were embedded in the Constitution for others, which specifically said that they were three-fifths people and that slavery should exist in this country, and the Jim Crow laws that were passed and approved by this Congress and by the State legislatures continued that for another hundred years.

So the people like JOHN LEWIS and ROBERT FILNER, who serve in this House, the people who engaged in the sit-ins and the marches, that challenged our system and showed it to be wrong and forced it to change itself, not just Dr. King but the Julian Bonds and the farmers and the Ennises and the Belafontes, they deserve recognition. They should be recognized by this Congress for what they did because they took a wrong in America and they righted it, and they continued to serve and make this country greater for all people based on the principles of the United States Constitution and the Declaration of Independence, which don't really fulfill their destinies without the efforts of the civil rights workers who've made the work of Jefferson and our Founding Fathers true.

#### JOBS BILL

(Mr. DENHAM asked and was given permission to address the House for 1 minute.)

Mr. DENHAM. Mr. Speaker, I rise this afternoon to talk about a jobs bill that just passed out of the Rules Committee and will be on the House floor next week. H.R. 1734 is a bill that will address all of our civilian properties across the Nation, things we don't need, identifying property that can be redeveloped.

Let me just give you one example of something that is happening right here in the District of Columbia. The Old Post Office, which will be redeveloped, keeping it in its historic fashion, will create 150 jobs just in the construction phase of redevelopment and another 150 ongoing jobs.

If you want to be able to get the Republicans and Democrats to come together on a jobs bill, here is a fantastic opportunity, one that will bring in billions of dollars of new revenue from the sale of properties, will cut waste and get rid of a lot of the expense that we have in ongoing properties every year and, ultimately, get Americans back to work. It is truly a bipartisan proposal, something I'm looking forward to seeing on the floor next week.

□ 1230

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–84)

The SPEAKER pro tempore (Mr. Austin Scott of Georgia) laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2012.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. Since the inauguration of President Alassane Ouattara in May 2011, the Government of Côte d'Ivoire and its people have made significant advances in the promotion of democratic, social, and economic development. Although considerable progress has been made, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures under Executive Order 13396 of February 7, 2006, Blocking Property of Certain Persons Contributing to the Conflict in Côte

BARACK OBAMA. THE WHITE HOUSE, February 3, 2012.

## PRESIDENT'S PRAYER BREAKFAST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, well, this has been a good day legislatively in the United States House of Representatives, and there are a lot of good things to be said about what's happened today.

Yesterday, there was a wonderful event; it's called the President's Prayer Breakfast here in Washington, and the President was gracious enough—and I'm not being sarcastic. He was gracious enough to once again extend his presence with the First Lady, who is also extremely gracious and represents us well as the Nation's First Lady. It was a marvelous breakfast held north of the Capitol.

There were so many moving, touching things that were said and done, from having an 11-year-old girl that sings like an angel, bless us, and also having an amazing speaker, the author of a book "Amazing Grace," the William Wilberforce story, as well as "Bonhoeffer" from Germany. He was funny, he was inspirational, he was touching.

One of the things that's been such a blessing over the 7 years I've been in Congress has been on Thursday mornings, 8 o'clock to 9 o'clock, Members of Congress from both sides of the aisle come together for an hour of sharing breakfast, sharing our Christian faith, listening to prayer requests, praying, singing hymns of faith, and hearing on an alternating basis from Republican and Democrat.

I know people hear what goes on on the floor and assume that Members on one side of the aisle must absolutely hate Members of the other side of the aisle. Actually, there are many of us that get along quite well other than talking about politics. And that's why we protect that hour. We don't talk about politics during that time because those that gather together have something in common, our Christian faith, as well as a heart, wanting to do what's best for this country to ensure that we pass on a better country than we received as stewards.

For the first time in American history, surveys now indicate perhaps 70 percent or more of the American adults believe that we will pass on to our children a country with less opportunity, and our children will have it less well than we have it right now. I'm determined to do everything I can to try to keep that from happening.

But politics doesn't really get into the Thursday morning prayer breakfast where we have our little gathering. It doesn't get into our prayer time where voluntarily Members of Congress come together the first night votes are back. Republicans, Democrats, express personal needs for prayer, and we join hearts and minds together in prayer for those things of need, as well as those things that we prayed for that result in a rejoicing.

So those kinds of things go on, and I'm very sincere in being grateful to the President for continuing the tradition of appearing at the Presidential prayer breakfast. It is quite meaningful. There are people from over a hundred different countries, and I've talked to so many from so many different countries. I've developed good friends in other countries that they have started prayer breakfasts among their legislators and leaders, and it's wonderful to see that kind of thing going on.

Unfortunately, yesterday, one thing got entered into the prayer breakfast that we, I think, would be better off avoiding, and that is in such a breakfast having someone stand up and basically make it sound as though the programs I'm for are based on Christianity, the inference being, if you oppose me on this, apparently you're not a good Christian.

There's an article that Breeanne Howe posted, yesterday, Thursday, and she starts off with a quote from C.S. Lewis, one of my favorite authors, and the President started with a quote from one of my favorite authors, and the quote is: Christianity has not and does not profess to have a detailed political program. It's meant for all men at all times, and the particular program which suited one place or time would not suit another.

Her article says: This morning, in the middle of his National Prayer Breakfast speech, President Obama delighted those of us who love irony by quoting C.S. Lewis. It was an interesting moment in a speech that put forth the notion that taxing the wealthy is right along in line with the teachings of Jesus.

She says, I mean, Jesus did hang out with tax collectors, right? The idea that government welfare is somehow the fulfillment of Jesus' teaching on charity is a common misconception that many people make, Christians included; and it's the main reason that liberals believe conservatives are Christian hypocrites. Perhaps if the President visited church more often than only during campaign seasons, he might not be so confused.

See, not only do we spend time praising God in church; we also gain insight from pastors who've surely spent more time in the word of God than we have.

And let me insert parenthetically here, I don't hold the failure to attend church against any President because when you look at it, when a President comes to church, if they go to a graduation, they change the whole complexion. They force everyone else there to go through metal detectors and all of this just so one man can come and worship.

So at times it may even be admirable not to go to church and force people to do that. So I don't have a problem with that, although the article goes on and points out other difficulties.

It says: While Obama may have been correct in saying that government

mandated shared responsibility, it is equal to the Islamic belief that those of us who've been blessed have an obligation to use those blessings to help others. She says he's incorrect to group in Jesus' teachings "for unto whom much is given, much shall be required;" that is, aside from the fact that Jesus was discussing requirements from God, not the government, he was actually teaching his disciples that they were stewards of God's gift of revelation.

#### $\sqcap$ 1240

The requirement was to spread the good news of Jesus Christ. It's the crux of Christianity that Obama seems to miss. Jesus came because we were imperfect. We could never fulfill all the requirements that the pharisees loved to lord over the people. Jesus' coming ended the rule of law and began the acceptance that our only way to God was through him. Yes, Jesus very much emphasized the importance of giving to the poor but as a reaction and joy to what we'd been given, not because of a law. Giving out of obligation, she points out, is not truly giving; it's merely following the rules. Just ask anyone who's ever written a check to pay their taxes. I doubt you'll find them excited.

Ms. Howe goes on and says the Bible also teaches that everything we have, including money, belongs to God. We're called to be good stewards with his money. The government is the epitome of mismanaging money. If you truly want to help the poor, you should probably seek out charities, but that would require a bit of work on the part of a giver, and a great many find it easier to just let the government run every aspect of their lives.

So it is that welfare money ends up spitting out of strip club ATMs, and those same people who paid their charity to the government wonder why government hasn't solved this issue. Perhaps they should ask the 27 Democrats who voted against stopping welfare checks from being used at strip clubs, casinos, and liquor stores.

Another highlight in Obama's speech, Ms. Howe points out, was his proud proclamation that his administration has partnered with Catholic charities to help those in poverty. She says: I wonder if these charities are among the ones begging the Obama administration, to no avail, to change the recent Obama edict requiring them to cover both birth control costs in their health care even though it's against their religious beliefs to do so. Really, slapping them across the face would take less time and probably hurt less.

So I again applaud the President for appearing yesterday, and hope that in the future Presidents can avoid references that their agenda is based on Christ's teachings, which would clearly indicate belief that those of us who oppose some aspect of governmental tak-

ing and governmental running everything in our lives, that we're the ones who are being non-Christian or being hypocrites, because the fact is, you know, though Jesus did say render unto Caesar what is Caesar's, he also indicated, as his relationship with Zacchaeus would show, that you're supposed to be responsible as members of the government.

Zacchaeus was so excited about having Jesus come that apparently it showed in his life and his exuberance. And not only did his life completely change from having met Jesus, he actually, after Jesus came into his life, decided the appropriate thing for him as a governmental tax collector would be to cut taxes. Not only did he cut taxes, he actually gave a 4 to 1 rebate to those from whom he'd taken too much. So if our government is looking for an example to follow, perhaps doing what Zacchaeus did after he met Jesus would be a good way to go.

Government is supposed to be responsible. Those of us in government do have an obligation as stewards of this country to provide for the common defense and make sure that their own internal financial policies do not bring this Nation down, that we're stewards of this great country so that young people, some of them here, will have a country even better, with more freedoms and more opportunities. And every generation up until now has done that and provided the next generation with more opportunities than they had.

We have a lot of work to do. The reason that I feel so good about today is after 7 years of pushing a bill, a concept, that seems a surprise to Americans when they hear that we haven't dealt with this before, but it is stopping the automatic increases in every Federal department's budget every year. It began in 1974.

Now, I was going about my life. I served in the military for 4 years, practiced law for a number of years, was a judge for a number of years. And I was listening to Rush Limbaugh one day at lunch, and he was talking about the zero baseline budget. And as I listened, I was a person who was shocked. What? Our Federal Government can't balance its budget, and yet it has automatic increases every year in its budgets? That's a no-brainer—just stop the automatic increases. At that time, the Republicans were in the majority. Even though there was a Democratic President, Newt Gingrich and others here showed that if you are persistent and you send the President a balanced budget, he may veto it once, he may veto it twice, but you keep sending him back a balanced budget, eventually you may even get Bill Clinton to sign it because he sees the will of the American people is behind the Congress, not behind a President who's going to keep vetoing a balanced budget. So they finally got a balanced budget signed into

law. And they balanced the budget. But they never eliminated the automatic increases.

One of the things that got me to thinking about—probably the main thing that first started me to thinking about running for Congress was the need to change legislation through which this country since the sixties has provided incentives financially to prevent people from reaching their full potential. So that if a young girl gets bored with high school and she drops out of school and has a baby, instead of having financial incentives—because we know, having the gift of history behind us, we know that if she finishes high school, she will make more during her lifetime than those who don't finish high school. The statistics are so clear. So why wouldn't we want to give her incentives? Despite the hardship of trying to finish school with a child, give her incentives, help her get through high school so she can start reaching her God-given potential. Don't give her incentives to stay out of school and keep having child after child.

I had one woman who had had 15 children, didn't even know where they were, but she had been getting 15 checks. Our government gave her incentives to do that.

Now, it's one thing when people choose a way of lifethat keeps them from reaching their potential, but it's quite another when we as a Federal Government put in place incentives to keep them from reaching the potential that they have.

And one of the things that hurts so much during a downturn economy for any individual is when they have lost their job and they're used to working because there is fulfillment in working.

Even those of us who believe the Bible's account that there was an Adam and Eve know that before there was a fall from grace when things were perfect, they had a job, and it was to tend the garden. Each individual has the same responsibility. Maybe you're renting. Maybe you're living on somebody else's property. But wherever we are, we have a responsibility to tend that garden. And there's some fulfillment that's innate in mankind that if you have a job and you accomplish things, you have fulfillment, you have self-worth. From that you begin to notice, wow, as C.S. Lewis did, the man the President quoted.

C.S. Lewis noted in his book, "The Case For Christianity," incorporated in the book "Mere Christianity," he talks about how he enjoyed as a professor at Oxford goading Christians. How can there be a good God or a just God when there's so much injustice in the world? Eventually, he got around to realizing that if there were not some standard, unwavering, unequivocal standard of absolute right and wrong in the universe, then how would he know that there was injustice in the world?

 $\Box$  1250

In the same manner in which a person who is blind from birth sees nothing but blackness, how could they ever know that there was light and color and beauty with their own eyes? They can't see it.

Lewis explains that he began to realize there has to be something out there, there has to be some entity that has set up justice so I would know right from wrong, I would know injustice from justice.

Yet here we are in the United States Government as Members of Congress, and too often we begin to think not only should we provide for the common defense, not only should we ensure that this government doesn't go broke in providing for the common defense, but we have those who think we should tell everybody how they have to live as a judge in Texas did.

A student may voluntarily want to get up; she is given the right to stand up and give a valedictory address. It may be from her heart, and she wants to thank God; but if she mentions the word "God," "invocation," "benediction," "join in prayer," "bow our heads"—he had a whole list of things—then he will send her to jail because he is going to tell people what they can and cannot say.

During the revolution, one of the most quoted comments that is usually attributed to Voltaire is: "I disagree with what you say, but I will defend to the death your right to say it."

It is one of the reasons I was willing to take a scholarship from the United States Army at Texas A&M. It is because I looked forward to 4 years of service and being a part of our Nation's defense, to defend those rights that people are supposed to have—to practice religion, to believe as their heart leads them.

Coming to Congress was quite eye opening. In January of 2005, when I was sworn in, I was surprised with this issue of automatic increases in our Federal appropriation for every Department in the Federal Government automatically increasing. If anyone said let's slow down this rate of increase, then they were portrayed as wanting to hurt people or make draconian cuts when all they were doing was slowing the rate of automatic increase. There were no cuts.

As we have been going through these last 3 years, 4 years of recession, unlike any other recession in our Nation's history because the things that should have gone on have not gone on—I know most of us on this side of the aisle agree it is because the President has hijacked the economy with trillions of dollars in giveaway programs, including to groups like Solyndra. We keep hearing about those more and more. There are more and more hundreds of millions, billions of dollars given to folks because they are pursuing some

project that will never make money, but it is something the President wants to promote.

It makes no sense not to stop the automatic increases. I brought it up back in my first Congress as a freshman: Why haven't we stopped the automatic increases in every Department's budget? Make them come in and show us that it is justified to increase their budget. Don't give them an automatic increase and then only require them to come forward if they want an increase in the increase. Make them come in and justify the increase.

We are going to give our Nation's youth a bankrupted country, for Heaven's sake. Let's at least give them the chance to take over a country where they have freedom from government intrusion into their personal lives and where they have a government that is not bankrupt. We are already saddling them with 10, 20, 30, 40, \$50,000 of debt before they ever arrive in this world. For Heaven's sake, we should be more responsible than that.

What could have been an easier piece of low-hanging fruit to get us on the right track towards being responsible than to say every Federal Department, You come in and justify an increase in your budget, because otherwise you're not getting one; we're just starting where you were last year?

This should have been a no-brainer. It should have been an easy thing to do. I have been here for 7 years and it has not been done. Two of those years we were in the majority, 2005 and 2006. For a year now, we have been back in the majority.

I think most people who follow what happens in Congress know that I have not always been a big supporter of some of the things that our leadership has done. Since I believe in calling things as they are when our leadership has not stood firm and stood for what is right and stood for what we got elected to do, I owe an obligation to Speaker Boehner to say thank you. 2005 and 2006 when we were in the majority, neither the budget chairman nor the Speaker were interested in eliminating the automatic increases in every Federal Department's budget.

Speaker John Boehner assured me last summer that we would get this done. But he said since he is not the Budget Committee chairman, that will be up to Chairman Paul Ryan to get that done. Well, lucky me, because Paul Ryan, it turns out, back before I ever got to Congress, had, with our good friend Jeb Hensarling, been pushing an end to the automatic increases in every Federal Department's budget.

Yet even in a Republican majority, before I got to Congress, that bill did not get passed. The automatic increases continued even as people in the United States were struggling. Nobody else has an automatic increase in their family budget every year.

I have discussed this with Chairman PAUL RYAN. He has struggled with this over the years while he was not chairman of the Budget Committee. We should do more oversight over Federal Departments. How are you spending your money? But because we are required to have a budget every year, then the whole year seems to be taken up with getting that budget done and dealing with those budget issues.

He has a solution for that, and that is another bill that I understand will be forthcoming from the Budget Committee to go to a biennial, a 2-year budget. We will do a budget that will cover 2 years, and that will allow Congress to have hearings and do better oversight.

Before, when Departments wanted an increase in the increase, they had to come up and lobby people on the Hill, say, We need this; we need more money than the automatic increase, and there really wouldn't be time to do proper investigation to see exactly how they were spending their money. A 2-year budget that Chairman RYAN has indicated he would like to see, that would allow them to do the proper oversight.

There are some in the motion to recommit by the Democrats, some of those budgets that I can promise you will be part of some of those programs that virtually every Republican will want to increase. The better way to move forward is to have a budget, no automatic increases, and then have oversight.

### □ 1300

Then those Departments, where there will be some part of the Department where we'll want to see an increase, let's look at the areas that need decreasing. Well, when there's an automatic increase every year, then you don't have the opportunity to really go back and visit that; you're worried about doing the budget for the next year.

So I applaud the House for passing the zero-baseline budget bill; and I am very grateful to our leadership, to PAUL RYAN, and the freshman class that has come through that wanted to see this happen.

I filed this bill in each of the four Congresses I've been in. It really takes someone in a committee of jurisdiction shepherding that through. So my language was incorporated into a bill that our freshman Representative Woodall put together. As a member of the Budget Committee, he did an excellent job of marshaling that through, handling things here on the floor, and even dealing with the debates.

I think it's important to note we've had friends across the aisle stand up and argue against passage of a zero-baseline budget yesterday and today. One of the more articulate people in the House is Chris Van Hollen, and when we disagree, I still admire his

ability to put words together in such an adept fashion. I have his exact words in his argument against passage of a bill that ends the automatic increases every year. My friend across the aisle, Mr. VAN HOLLEN, said: "This bill, when you pass it, doesn't save one penny." He goes on to talk about how we can cut them if we really want to cut them, but he goes on and he says: "So, again, this bill doesn't save a penny." He finishes his comments in saying: "But this bill doesn't mandate any kind of cutting of that nature."

So I was interested when our colleague across the aisle, Representative DELAURO, came to the floor because she stated, in arguing against the zero-baseline budget, she said: "At its heart, this bill is a back-door attempt to enact the same radical cuts the majority attempted last year and to further reduce the spending caps agreed to in the last August Budget Control Act."

She said: "By eliminating inflation from our official budget considerations, this bill represents a freeze on all discretionary programs that over time would become a devastating cut to critical programs." She said: "Within 10 years, all discretionary programs would see their funding slashed by as much as 20 percent," and she references this dangerous cut.

So we have one of our very able colleagues across the aisle saying this doesn't save one penny, and another colleague across the aisle standing up and saying this represents radical cuts. Well, what it should do and what it does do is eliminate the automatic increases that no family in America, no business in America has. All of the surveys indicate Federal employees are being paid better than the private sector. Why shouldn't we take a better. closer look in each Congress as to which Department needs increase and which needs decrease, and what parts of each Department should be lowered and which should be raised. That is the responsible thing to do.

I think Chairman RYAN's proposal to a 2-year budget, though I had never thought about it before talking with him—2-year budgets are what we have in Texas so that you have some planning and you have something to count on. I think it also indicates for this country what we see over and over, the private sector says if you could give us some continuity where we know the same laws will be utilized for at least some period of time, then we've got something to count on and we'll invest our capital.

Whether they're Democrat or Republican business folks, or like on Wall Street where they're four-to-one Democrat over Republican, they still get it; and they will see, gee, we've got some continuity here so that we shouldn't be afraid to invest capital and get the economy going. But as the old saying goes, capital is a coward; it goes to

areas where it feels safest and it never feels safe when things are constantly in flux. This way there will be more continuity, and we'll know more of what to expect.

Last year, CBO—and that's the Congressional Budget Office. It has rather interesting rules. I think when you look at the history of CBO's projections of the costs of things and how revenue would go, it makes it pretty clear. If we were in the private sector, we would have gotten rid of CBO a long time ago and gotten somebody that is far more accurate at projections.

I know that CBO previously, when NANCY PELOSI was Speaker, HARRY REID is head of the Senate, they were pushing the ObamaCare bill. It was scored, and CBO scored it over \$1 trillion. Then the Director got called over to the White House for a little woodshedding, although Director Elmendorf has told me he wasn't woodshedded, that he just had a nice conversation with the President. But after whatever you want to call it, his visit to the White House, he went back and cut off a quarter of a trillion dollars from their estimate basically and said, well, it's more like around \$800 billion is the projected cost.

Well, some of us weren't terribly surprised after it passed that CBO then came back and said, even though the President said it would cost less than \$1 trillion and we had projected it would cost more than \$1 trillion, and then the President asked us to lower it and we took a new look and we lowered it to around \$800 billion, now that it has passed—after the President promised everybody it would cost less than \$1 trillion—now it's passed and we look at it and you know what, it's really over \$1 trillion that it will cost us.

So if we want to keep faith in CBO and really figure out how much we can trust them, then maybe that is a good indication, that any projection from CBO should be looked at with a factor of plus or minus 25 percent. They give us a projection, but they may be off by 25 percent too low, they may be off 25 percent too high. So really you have about a 50 percent chance of the CBO just really missing their mark.

If we were in the private sector trying to balance budgets, unless you get government bailouts, you wouldn't allow anything to get money, your hard-earned money, thatdoesn't come closer than a plus or minus 25 percent rate of failure. A plus or minus 25 percent margin of error for any government entity should require us to get rid of it and figure out new rules for scoring bills and develop an entity, even if it's in the private sector where they do a far better job-certain people, some are terrible and that's why they go broke, but some are quite good and a whole lot better than a 25 percent plus or minus margin of error.

Now, some have said, well, this is going nowhere in the Senate. We've cut

out the automatic increase in the House; but as everybody knows, it's got to pass the Senate, and then you've got to get the President to sign it. Well, this is an election year. It's amazing sometimes what people will do in an election year, because they know the people expect it, that they might not do in a non-election year. We're told there may be 20 or so Senate seats that could possibly go either way.

So I would hope that as my friends at FreedomWorks, Heritage Action, other places, as they start putting the heat on the Senate to be responsible—no more automatic increases in every Department's budget, by golly. You need to take a look at those budgets before you increase it one penny, see if it needs to be cut, see if it needs to be increased.

#### □ 1310

That pressure starts being brought to bear on the Senate. I would hope that the Republican leader would make clear in writing to the majority leader, HARRY REID, that we have at least 47 people ready to vote on this bill; and then the pressure goes on the Democrats who are in tough election cycles. Well, are you going to be supporting these automatic increases? And are you going to stand with HARRY REID and prevent this from coming to the floor of the Senate to make us more responsible as a government and force us to look at each Department and determine whether they needed an increase or not? Or are you just going to go along with the same old automatic extra spending every year, like no other American can do?

I have that hope that springs eternal in the human breast, and I hope I keep it until the day I die. But I believe we have a real opportunity to get it through the Senate, to have at least 60 Senators do the responsible thing in a bipartisan way, follow the lead of the House, which couldn't have been done without all these wonderful fresh faces, like Representative WOODALL. Follow the lead of the freshmen who have now, for the first time in all these years, said, you know what, no more automatic increases.

I think it's a harbinger of good things to come. I'm greatly encouraged as we start—at least early in this year-with such a great bill. And I don't know how long the wonderful people of east Texas, who I love with all my heart, and I want to live around all of my life—I don't know how long they'll allow me the honor of representing them here. But I think there is also a message here. It may take 7 years to keep pounding on an issue. But when it's the right thing to do, when people are struggling across America to pay their bills and they've had no automatic increases—in fact, I've talked to people and they indicate—they're Democrats—and they

say, Please help us. We're having such a tough time. We've just been cut in our pay. So could you cut us a little slack from Washington?

We owe it to those people to quit spending so much so they can have even a little more of their budget. And I would think, as the President has talked about, people paying their fair share, we should take him at his word and ram through a flat tax that says, if you're rich, you pay more because you're making more. And a flat tax does that. And if you are poor, you're not making as much as others, you pay less

And in the discussion with Steve Forbes, who ran for President on the idea of a flat tax, talking to Steve last week, I was asking him about some of the nuances of his plan. But he said under his flat tax proposal, if you were a family of four, he provided a \$46,000 exemption. So if you make less than that as a family of four, you don't pay any tax. So it's kind of hard to say that you're going after the poor in American society.

A flat tax would eliminate the games. It would allow everyone to pay according to what they receive. That way, to whom much is given, more would be required, as the President quoted yesterday. And for those who are given less, less is required. That would be the way to go.

Let's cut the automatic expenditures. Let's be more responsible as a Congress in supervising those things. As the Oversight Committee, oversight hearings progress, move forward, we'll show responsibility in doing that; and the American people will be the beneficiary. And I hope and pray that within the next few years, the polls and surveys will turn around that will show the American public we can get this thing back under control so that it can go on for another 200 years. We can do that. And then we'll see the surveys turn around so they don't say 70 percent of American adults don't think we're going to leave our children as good a country as we got it.

Mr. Speaker, I yield back the balance of my time.

#### OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. HARRIS) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. HARRIS. May I inquire of the Chair how much time remains.

The SPEAKER pro tempore. The gentleman from Maryland has 16 minutes remaining.

Mr. HARRIS. I want to thank the gentleman from Texas who spoke so eloquently about the condition of the country and the condition it's left in. I want to remind the American people

that one of the obstacles we still have to overcome is that we have a health care plan that was passed out of the last Congress that isn't in full effect yet, but we're starting to feel the problems with it.

What I'm referring to is, of course, what everyone else calls the ObamaCare legislation, passed 2½ years ago now, not fully implemented until after this next election, but influencing Americans in their daily lives. Now, the majority of Americans don't agree with the plan. A majority of Americans don't want the plan, but we still have it.

Interestingly, about a third of Americans think we don't have it anymore, that when the House passed their repeal last year in January—one of the very first actions we took in the new House—they thought we were done with it, that America could wash its hands of it. But, in fact, the repeal bill was sent to the Senate where, as many other bills coming out of the House last year, it suffered the same fate. It sits in the Senate without the Senate taking action to do what the American people want, which is to repeal ObamaCare.

America understands that that bill has many, many problems, some of which we'll talk about in the next few minutes, just to remind Americans this is still there. It's still causing problems.

The gentleman from Texas spoke about the problems with our economy. As I go through the district I represent, I talk to businessmen and -women every week; and they tell me the same thing: they're worried about the economy. They're worried about government regulation. They're worried about health care insurance for their employees because they're worried about what the effect of ObamaCare is. And as this shows, 74 percent of American businesses surveyed by the U.S. Chamber of Commerce say: The recent health care law-that's ObamaCaremakes it harder for their businesses to hire more employees.

The bottom line is they don't know what the rules are. The rules are changing. As we know, 1,700 businesses and unions have to get waivers from that bill in order to keep their health care going this year. And of course those waivers will disappear in a year, and businesses don't know what's going to happen once those waivers expire.

A real life example: a furniture business owner in the Fifth District of Texas, this is what he said: I could start two companies and hire multiple people; but based on this administration and the lack of facts with ObamaCare, I will continue to sit and wait.

Ladies and gentlemen, Mr. Speaker, America knows that you can't possibly make another empty government promise to ensure 14 million additional Americans while you are going to save money, increase access, and increase quality. Americans have figured this out a long time ago. You can't get all those things. And they know and they suspect what's going to happen is what will happen: the quality will go down, and the amount of money spent on other health care programs by the government will go down.

What's the other major health care program paid for by the government? Medicare. The ObamaCare bill takes \$500 billion out of Medicare over the next 10 years. Most worrisome is how it takes that \$500 billion out of Medicare. It sets up what's called the Independent Payment Advisory Board. Now, every American ought to be familiar with those terms because this is what's going to control your health care when you get old or your parent gets old or a loved one you know enters Medicare.

#### □ 1320

These 15 bureaucrats, chosen by the President, not accountable to anyone, with no appeal of their decision, will decide what gets covered and what doesn't get covered in Medicare when the government runs short of money.

Now, Mr. Speaker, you read the same headlines I do. The government's \$15.2 trillion short of money, with no end in sight. The President's last budget, submitted to Congress a year ago—we're waiting to see the budget he's supposed to submit next week, which we understand will be a week or two late—that budget never balanced.

Mr. Speaker, I don't have that luxury in my household. I actually have to make a budget balance. And Mr. Speaker, I would never make a financial move that I knew was passing along a debt to my children and my family. I wouldn't go out, buy a big house, buy a big car, take an expensive vacation, put it on a credit card that I knew my children are going to have to pay.

But, Mr. Speaker, that's exactly what the President's budget and ObamaCare does. It takes the big government credit card, which is already past its credit limit, \$15.2 trillion, runs it through the swiper one more time and says, we're going to insure 14 million more people. But don't worry, the cost will go down, the access will go up, and the quality will go up. Americans just don't believe it, and they have a right not to believe it.

This 15-member board, the Independent Payment Advisory Board, IPAB is what we call it around here. What you ought to call it is the Voucher Rationing Panel

Mr. Speaker, what they are are 15 bureaucrats, specifically excluding someone who practices medicine from participating in the decisions of what Medicare is going to cover and not cover if and when the government runs

out of money. But we know the government's going to run out of money. We know Medicare's going to exceed its budget. It does every year.

But if that were all that was bad in the bill, we might be able to just repeal that and move on. But it's not. We saw earlier there were provisions on small businesses called the 1099 provision, making small businesses do tens of billions of dollars worth of paperwork so that the government can collect a few billion dollars more in taxes, meanwhile, strangling small businesses. This Congress was smart enough to repeal that aspect.

Just last week we repealed another aspect of the bill. It was called, strangely enough, the CLASS Act. Now, what this act did is, this was long-term care insurance under the Medicare provisions that starts collecting the premiums now, but doesn't provide services until the future, meanwhile, spending those premiums on other expenses in the government.

Sound familiar? Sound like what's happening to your Social Security dollars and your Medicare employment taxes now, your payroll taxes? That's exactly what this was. Set up what even Democrats called, in the Senate, a Ponzi scheme that would make Bernie Madoff proud. So we repealed it.

But last week, in perhaps one of the worst parts of the bill, which really had nothing to do with money, was when the Secretary of Health held that religious institutions had to provide care under their insurance policies that was not consistent with their religious beliefs. That is, sterilization, contraception, and abortion. Full coverage, no deductible, zero deductible, putting it in the same category as breast cancer, prostate cancer, lung cancer, colon cancer, the other measures that were meant to be covered by that clause in ObamaCare, the preventive care clause.

Now, Mr. Speaker, that assumes, if you want to prevent illness, that pregnancy is a disease. Or pregnancy is an illness. What a long way we have come from when society felt that pregnancy was something to be celebrated, it was an extension of life, it was an extension of society, the next generation.

The Secretary of, and I put it in quotes, "Health" in this administration, has decided that pregnancy is a disease or illness that needs to be prevented. That's not a good recipe for the future of our society or this country. And worst of all, it's a stark violation of the First Amendment of the United States that the government shall not compel anyone to go against their religious principles.

They'll tell you there's an exemption, but there isn't. Yes, if you're a church, you're the church itself, you are. But God forbid that church goes into the community and runs a center for social justice, a center for adoption, a hospital. That religious institution

running that other entity would be forced to provide coverage for something that is antithetical to the religious beliefs of that religion.

Ladies and gentlemen, that is just wrong. It's bad policy, and it violates the First Amendment of the United States.

Mr. Speaker, if I might inquire, how much more time do I have remaining?

The SPEAKER pro tempore. The gentleman has approximately 7 minutes.

Mr. HARRIS. So let's walk through some of this.

Why do we need to repeal this bill?

The bottom line is there is so much wrong with this bill, a bill that not only will cut \$500 billion from current Medicare recipients, because you'll hear a lot of talk about, oh, that Ryan bill, it destroyed Medicare as we know it. Well, they forget to tell you that it doesn't touch Medicare for people over the age of 55. In fact, we restore that \$500 billion for people who are currently covered or for people who are 55 and older who will be entering Medicare in the next 10 years.

The little secret of ObamaCare is it takes current Medicare and cuts it by \$500 billion. Now, my mother's 88 years old. I don't want a board of bureaucrats in Washington making a life-or-death decision on whether she gets Medicare treatment paid for—by 15 bureaucrats sitting in Washington who never met her. I think that decision ought to be made by my mother and her health care providers. No government bureaucrat in the room, no appointed bureaucrat with no appeals process who can sayno, we don't really know your specific situation, but you know what? This is what it sounds like to us, and we think that shouldn't be covered, so you're not getting that care covered.

And ladies and gentleman, you know, with the cost of medical care, if the government says it's not covering it, it's not getting done. Is that the way we want health care delivered in the United States? Is that what we want?

Do we want a bill that says what kind of care you're going to receive, even if you're not on Medicare, that you have to go into specific health care plans, your employer is shoehorned into them? That promise—don't worry, if you like your plan, you'll keep it—had to have 1,700 waivers in the first year alone, 1,700 waivers. That's not the kind of health care we need. That's not the kind of health care plan we need.

Do we want a plan that can be taken to the extreme by the Secretary of Health to say that we're going to violate closely, deeply held religious principles in certain religions in the United States, and we're going to force those people to do things against their religion? Is that what we've come down to?

So, ladies and gentlemen, the cure is simple. We need to simply repeal ObamaCare. There is too much wrong

with it. We tried to fix it piece by piece. We tried to pull out the things that hurt small business. We tried to deal with why you need 1,700 waivers. We tried to deal with that long-term care coverage. I'm convinced that bill will go to the Senate and it will die. We'll have instituted yet another Ponzi scheme in the United States.

And those are not words from this side of the aisle. Those are the words of a Democrat Senator describing that long-term care plan that was part of ObamaCare, the one that takes your dollars, your dollars that you will put in it now, spends it now, with a promise, don't worry, when you get old and need it, there will be some money there.

Ladies and gentlemen, we've heard that before. That dog don't hunt anymore. We've heard it with Medicare. We've heard it with Social Security. Americans have realized this Congress has spent us into bankruptcy with promises like that in the past. If we have made those promises in the past, we have to keep the promises we've made.

But ladies and gentlemen, we have not implemented ObamaCare in its fullest, and now is the time to repeal it before we begin that. So, ladies and gentlemen, that's why over the next few weeks you'll hear, and Mr. Speaker, we'll see things come to the floor that deal with it, like we did last week and repealed that long-term care act that a Democrat Senator called a Ponzi scheme that Bernie Madoff would be proud of. A Ponzi scheme that Bernie Madoff would be proud of. That's why congressional approval rating is at 9 percent, because America watches as we come down to Washington and create Ponzi schemes.

It's just time to stop. It's time for common sense to prevail. Common sense is we have to stop spending more money than we have. We have to stop burdening the hardworking taxpayers of America. We have to balance our budget. We have to pass a balance budget amendment so that future Congresses can't create more Ponzi schemes.

#### □ 1330

We have to deal with the debt and the deficit. Are they hard decisions? They certainly are. Are they decisions the American public expects us to come together and make? They certainly do. Let's rise to the occasion. I join with the President, who, a week ago, says let's work together to solve these problems.

Mr. President, you don't solve these problems by impeding people's First Amendment rights to freedom of religion. You don't solve these problems by proposing \$300 billion new stimulus spending in your State of the Union speech. You don't solve these problems by going out and doubling down on

Solyndra. You don't solve these problems by denying the Keystone XL pipeline.

Mr. President, we're ready. Let's come together and solve America's problems.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr.

WEST). Members are reminded to address their remarks to the Chair.

#### JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Massachusetts (Mr. Frank) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANK of Massachusetts. Mr. Speaker, preliminarily, I'm here to discuss today's very encouraging jobs report.

I am struck. The previous speaker said he would never engage in expenditures on a credit card when we were already deeply in debt on behalf of his family. I note that he was not a Member of the Congress when this Congress voted to go to war in Iraq, for example, and also in Afghanistan. I voted for the war in Afghanistan. I thought the war in Iraq was a terrible mistake and still do.

All of us who voted to go to war in Afghanistan were voting to go into further debt. War is very expensive. We don't want to send our young people into battle—and some of our middle-aged people—without the best possible equipment. So I thought we had to go to war in Afghanistan in self-defense.

I thought the war in Iraq was a terrible error. The majority of my colleagues, including virtually every Republican, voted to do that.

So this principle that you don't vote to spend money when you don't have it is apparently, for some, a fairly flexible one. In fact, not only did the majority at that time under President Bush vote to go into two wars, they did it while voting for several large tax cuts. So they were exacerbating that very difficulty.

As I said, I voted to go to war in Afghanistan. I was prepared to vote for some revenues to pay for it.

Mostly, though, I want to talk today about the very encouraging report we got today about the economy.

We are in the early stages of recovery. It's not going nearly fast enough. What is now clear is that the recession that President Obama inherited from the previous administration in 2009 when he took office was deeper than people realized at the time. It was clearly the worst economic downturn since the Great Depression; and, in many ways, it was more disabling in the sense of the interconnections, although overall it was not.

President Obama and others underestimated the depths of that recession.

Many of us did. So the recovery has been slower than it should have been in the interests of the American people.

But the fact is, very clearly, it is underway. I want to talk about that, and I want to talk about what's retarding it.

One of the interesting things today was the jobs number: 257,000 private sector jobs created, a very significant number. Enough, if it is a pattern, that can continuously cut into the unemployment figure. But it was accompanied by a 14,000 job reduction in public sector employment; and that, unfortunately, is a pattern.

If you go back to the worst of the recession, the end of 2009—remember President Obama comes in in early 2009. We did pass an economic recovery package which clearly, by virtually every economist's acknowledgment, improved the situation. It didn't cure it. It didn't do as much to reduce the rate as had been hoped because the deficit in the economy was deeper.

But since that end of 2009 when things began to turn around after we had passed an economic recovery program that began to help, after a Federal Reserve under a Bush appointee, Ben Bernanke, reappointed by President Obama, continued its stimulative efforts, here's what happened basically since the last months of 2009 and the beginning of 2010:

We have had, in this economy, in the 2-year period, the creation in the private sector of 3.663 million jobs, approximately. You can't be exact. But over 3.6 million jobs. Unfortunately, during the same time period, a couple months earlier, public sector employment has declined by more than 550,000 jobs. In other words, if the public sector had simply been allowed to stay even, if there hadn't been firings of firefighters and people who shovel the snow and clean the streets and maintain the parks and teach young people and preserve law and order, if we hadn't fired police officers, public works employees, municipal engineers, teachers, sanitary workers, if we hadn't required them to be fired by a perverse set of Federal budget policies that had that negative impact on the municipalities, we would have had a half a million more jobs.

I'm not talking about the public sector increasing. If the public sector had simply been allowed to stay even, if this Congress had not sent money to build Afghanistan—futilely, in my judgment—if it hadn't wasted money on a war in Iraq that never should have begun and kept that money home and we could have had more police officers and firefighters and teachers and public works employees working here in our country, then the unemployment rate would be below 8 percent today.

This is exactly the opposite of what my Republican colleagues claim. Oh, the public sector, they say, is strangling the private sector. No. The truth is exactly the opposite. The private sector has increased, not yet at the rate we had hoped; although, if the private sector can continue to add 250,000-plus jobs a month, then we will. That's 3 million jobs a year. That will substantially reduce unemployment to the point which is where we should be, if we can persuade our Republican colleagues to stop forcing the cities and counties and States to lay off important public employees.

I got an anguished letter the other day from the mayor of the City of Fall River, Massachusetts, about a great addiction program, the Stanley Street treatment program, in his town. He wanted to know why they were cut off from the \$1.4 million they had gotten to deal with addiction. The answer is this Congress voted out the whole program. I couldn't be their advocate and say, look, this is a good program, give them money because I was told by the agency about, you know, we know it's a good program. You give us money. We can't give out money when you voted against it.

That money is in Kandahar. That money is in Basra. If it were doing any good over there, I would feel better about it. But we are spending money futilely overseas in wars, one of which shouldn't have started and one of which should have started—and, by the way, should end.

By the way, I heard my colleague, the previous speaker, talk about spending too much. In fact, one of the major criticisms the Republican Party now has, certainly their Presidential candidates and many here in the Congress, is not that the President is spending too much but that he is spending too little. They've criticized him for withdrawing our troops from Iraq, even though it was on a timetable President Bush had set forward. They want more troops in Iraq. Nothing is more expensive than keeping troops in a near combat situation; and that's right, because you don't send people into combat without doing everything you can to protect them.

There are people who are criticizing the decision of beginning to reduce the troops in Afghanistan. The wars in Iraq and Afghanistan at their height were costing \$150 billion a year over and above the regular military budget. I cannot think of anything less consistent than to argue that, a, we should be reducing the deficit and, b, we should be continuing to spend money not just on military activity but on nation building in Afghanistan and Iraq.

Let's go back to the job situation. There were 3.6 million private sector jobs created in 2 years.

By the way, that has been reflected in the economy.

□ 1340

On March 9, 2009, then-Speaker Pelosi, Mr. Speaker, convened a meet-

ing in which we talked about things we thought we should do for the financial sector. It was the beginning of our efforts to do financial reform.

I know the Republicans think that financial reform is a terrible idea; that, apparently, we should have derivatives unregulated. We shouldn't have an independent consumer bureau.

We should continue the practice whereby people can make loans to people who shouldn't get them and then sell those loans to other people so they had no interest in whether or not they were repaid. Because we began our financial reform efforts in March of 2009, and we were told it was terrible for the financial industry.

The Dow Jones Industrial Average on March 9 was 6,500. By March 9, now 3 years later, it will very likely be double what it was then. The Dow Jones Industrial Average will have doubled in the aftermath of the passage of the economic Recovery Act, the financial reform bill, even the health bill.

Maybe I don't claim that we did it, but we certainly didn't retard it. So in that time period, 3.6 million jobs were created. At the end of the Bush administration, of course, we were into very substantial job loss. In the very first months of the Obama administration and the last months of the Bush administration, job losses in the hundreds of thousands a month. Now we have begun to turn that around.

And again, let's stress if it hadn't been for Federal budget policies forced by this Congress and by others in the Congress who were reluctant to do the right thing, if States and cities had simply been allowed to keep their current level, in other words, if we had had increases in the private sector and held steady over a 3-year period in the public sector, we'd have half a million more jobs in America today and probably more because these things have some multiplier effect.

And clearly unemployment would be below 8 percent. It has dropped to 8.3. By the way, when unemployment went down to 8.9 and 8.7, the critics of the President said, oh, that's just because the labor force has dropped. Well, the labor force went up in this past month, according to the statistics.

More people were encouraged to look for jobs. And with more people looking for jobs, we still had a drop to 8.3 percent in the unemployment numbers.

Now, that is an example of the wrong-headedness of the very conservative approach of the economy. Yes, we have a deficit. It is a very large deficit, much of it incurred because of the policies of President Bush supported by Republican majorities in Congress. I'm told I didn't read it, but the bill we passed yesterday said that the tax cuts under George Bush did not add to the deficit.

That is Marxist reasoning, Chico Marxist reasoning. It reminds me of the time in one of the movies where Groucho caught Chico red-handed and Chico, denying that he had done it, said, Who are you going to believe, me or your own eyes?

Bills that passed cut government revenues by hundreds of billions of dollars, and it didn't add to the deficit. Of course it did and it added to the deficits at the same time we were incurring further deficits by going to war. I didn't vote for the war in Iraq. I voted for the war in Afghanistan, but I have for some time now thought we should withdraw entirely.

It is the Republicans at the Presidential level and in the Congress who are resisting that we spend more.

We have begun to reduce defense spending. The President made a very radical decision. He said that after the late forties when we sent troops to Western Europe and Central Europe to keep Joe Stalin, a vicious, brutal murderer from invading central and Western Europe—countries that had been left devastated by World War II—that having done that in 1948 and '49, it was time to withdraw them.

Well, according to my Republican friends, that's a terrible mistake. They want to keep those troops in Western Europe. That would be good for the economies of Europe, and they need them these days, but it's terrible for the United States. The heads of the military said, you know what, we can take these troops out of Europe and retire them.

That doesn't mean you fire them. I was glad to see General Odierno say we will not dismiss anyone who signed up to serve this country. We are grateful for them, and they should be allowed to serve out fully what they did and get the full veterans benefit that a grateful Nation owes them. But with the turnover in the military in ordinary circumstances, you can reach a reduction fairly soon by simply not hiring new people.

Now, I will add that there is another great inconsistency on my Republican colleagues' point. When I debate with them whether or not we should cut spending for firefighters or publicworks employees, whether we should provide money to build highways, whether we should do things where the Federal Government provides funds that I believe are job creating, they tell me you can look it up in all of the debates that we've had here, that government spending doesn't create jobs.

They deny that the government spending money can create jobs, with one wonderful exception. Apparently that doesn't apply to military spending because when it comes to reducing military spending, they have all become the most devoted followers of John Maynard Keynes. They sound like the New Dealers at their most urgent and ardent.

The military to them is the world's great public works project. Obviously,

it has other functions; but when we talk about reducing the military, all of a sudden government spending is a great fount of job creation. Well, the fact is that when you reduce military spending, you can cut back on jobs in the near term as you can in other areas

I do believe that cutting military spending can result in less job reduction than, for instance, cutting the right kind of medical spending. Yes, we should have comparisons of this, but I'm talking now just about the sheer hypocrisy of arguing that government spendingcannot create jobs and then turning around and invoking government spending as a part of the military.

In fact, as these numbers show, our having four States and cities to cut back—and by the way the reason States and cities have cut back is not simply that we haven't given them Federal funds, which I believe in a proper approach of this system we should. That was the radical program of revenue sharing, it was called, in Community Development Block Grants, which was first put forward by that—I never thought terribly radical—Richard Nixon in the seventies.

But the fact is that the national economic crisis has hit with particular impact on cities and States, especially since it manifests itself in low-housing prices. Of all the levels of government in this country—local, State and Federal—it's the local governments that rely most heavily on the property tax.

So when property is devalued, as it has been by factors far beyond the control of any city, the city's revenues suffer. And so it's a combination of their natural revenue base suffering as a national policy because of the denial of funding on programs that have existed since Richard Nixon, that they have had to lay off over half a million people.

And because they've laid off half a million people, instead of there being a net 3.6 million increase in jobs in the last couple of years, it's 3.1 million. And 550,000 jobs would be better than 3 percent on the unemployment figures. It would reduce unemployment. And here is, of course, the great mistake the conservative ideology makes and you're seeing it in Europe as well.

By the way, I don't think it's an accident that in America President Obama has resisted this notion that we should make even further and further cuts domestically. I do acknowledge that my colleagues are big spenders when it comes to Iraq, Afghanistan, bases in Europe and other military expenditures, much less useful, I think, for our economy.

But in Europe, they have been falling on recently the notion of austerity. As today's numbers make clear, we have a way to go in our economy, and we need to work to cooperate to keep this economic recovery going and get it more vigorous. Of all the major developed economies in the world, the American economy is doing the best. Obviously, the developing ones—India, China—starting from a lower base, they are doing better. But if you look at the major industrialized nation, we are doing better because we have resisted a sense of austerity.

Now, sometimes intelligence requires an ability to make distinctions that are beyond some people. Yes, we have a deficit, and we have to reduce the deficit. But at the same time, we have a serious unemployment problem which is getting less serious. It's still serious, but 8.3 percent is better than 8.9 percent or 9.1 percent. And 7.9 percent would have been even better if they hadn't forced cities and States to lay off cops and public-works employers and teachers and firefighters.

But what we need to be able to do is to work on both of these. In the near term, some stimulative activity to deal with the unemployment situation is a good thing. This is not a time to choke off this recovery. But precisely because we are in the early stages of recovery, we can, if we do the right thing in the near term, begin with the end of this current year, start cutting back on the deficit.

Now, it's interesting, by the way, that one of the ways you do that will be to continue to reduce military spending, along with other things. But what do my Republican colleagues say? Oh, no, you can't reduce another penny of military spending.

One of the things I've been told, by the way, is that we've hollowed out the military in past years. I wrote to Secretary of Defense Panetta who, to my surprise, claimed that after the end of the Cold War we had hollowed out the military. I was surprised because Leon Panetta was the Budget Director during that period after the Cold War under Clinton. So, apparently, this was a confession that he himself had hollowed out the military, but I don't think we did.

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And I have written him and I have asked others, would anyone please come forward and say on this floor of the House, or elsewhere, given the argument that we've hollowed out the military, can anyone show me one example of where, in the period after the demise of the Soviet Union, one of the great things that happened for human history, we needed to apply military force and didn't have it?

President Clinton didn't lack for the appropriate force in southern Yugoslavia to accomplish his goals. George Bush, in the immediate end of the Cold War, was able to do Iraq, the first President Bush. The second President Bush had too much military from my standpoint in terms of what he used in

going to war in Iraq and Afghanistan at the same time.

So this argument that we've hollowed out the military is nonsense. With the reductions that are planned, we will still be, by far, the strongest military in the world and well able to defend ourselves.

And yes, if we're going to reduce the deficit, we have to put cuts in a lot of places. We can cut the Social Security that goes to wealthy people. I receive Social Security. I'm prepared to vote to have it all taxed way. That's an effective way to means test it, not by a complicated process at the outset. For those of us who make a certain income and we're getting Social Security, give us a 95 percent tax. That will work very efficiently.

I'm prepared to put some constraints on spending domestically on programs I like. But exempting the military, as my Republican colleagues want, trying to scare the American people by saying that if we're only five times as strong as our nearest adversary we'll somehow be in danger, that isn't remotely the case. Continuing to maintain a full complement of weaponry to defeat the Soviet Union in a cold war when it has long since imploded, none of those make sense.

But here's the point. If we commit ourselves to longer-term deficit reduction, then we can, without in any way causing any loss of confidence, do the short-term spending that will help us. And, by the way, the other area where we should be working to reduce the deficit is in taxation.

One of the controversies we have now is our proposal that many of us support to put a surtax on income for people who earn more than \$1 million a year. It's called the millionaire's tax. That's a misleading name. You can have \$10 million in your estate, in your accounts, and still not be earning \$1 million a year. We're not talking about people who have a million or 2 or 3 or 4. We're talking about people who earn \$1 million a year in taxable income every year.

What we've said is every time you earn more than \$1 million a year, for every thousand in taxable income, after all of your deductions that you earned, we're going to tax you \$56; \$56 per thousand for people who are already earning \$1 million. It's nonsense to suggest that would in any way be disturbing to them or to their spending patterns; but it would help us reduce the deficit.

So yeah, I want to shore up Medicare. I was struck that the previous speaker had two complaints about the President: one, that he's spending too much money, and, two, that he's not spending enough. He complained about cuts in Medicare. In fact, those are not cuts that went to any beneficiary or even to the actual providers in the real sense.

They went to some insurance companies that were getting more than they needed.

But if we will include the military and put constraints elsewhere and ask the wealthiest people in this country to pay some taxes—and, by the way, this argument that tax increases kill the economy, the last time I heard it was when President Clinton asked Congress to raise taxes on incomes above \$150,000, a far lower figure than we're talking about today, even correcting for inflation. He said raise the tax on people making \$150,000, put the top rate from 36 to 39.6 percent, a fairly small increase I thought at the time. And we did it, over the objection of the rightwing economists, and they told us it would be the end of the economy. In fact, subsequent to that, in the many years after that, we had one of the best economic performances of American history, not necessarily because we raised taxes, but even though we did.

The fact is that people who thought these arguments, they greatly exaggerate the sensitivity of this vast, complex, strong American economy to fairly small changes in tax rates. But the point is that we have been told before that increasing by a fairly small amount of taxes on the very wealthy—and as I said, we were talking then about 150; we're talking about a much higher figure today—that's a way to help reduce the deficit.

Constraining the military helps reduce the deficit, and that brings me back to the point of these job numbers. Totally contrary to what the Republican Presidential candidates are saying when they take time out from saying terrible things about each otherbut I will give them credit, as I listen to the Republican candidates make the most devastating, negative, personal attacks on each other, I do have to concede that they are almost always right in what they say about each other. But when they lay off each other, they make extraordinarily negative, excessively denigrating comments about our country, talking about how this country is no longer respected in the world, directly contrary to all of the evidence, denigrating our economy when we are, today, the best performing major developed economy in the world. Still not good enough, but it would be better still if the Republicans would cooperate with us instead of trying to make things worse.

250,000 new private sector jobs, including increases in manufacturing. And, by the way, Mr. Speaker, a significant part of that was because the government intervened, over the objection of the Republicans now running for President and many in Congress, to help the automobile industry.

Let me read from yesterday's New York Times. The headline: In a Surprise, Car Sales Start New Year Strongly. And it says that American and other automobiledealers are doing services essential to the quality of life, very well. And then:

people who pave the streets and shovel

Chrysler ends quarter with \$225 million profit. The comeback from bankruptcy at Chrysler hit a milestone when the company reported its first full year of positive earnings since 2005.

And it says:

This was a company that just 3 years ago needed a government bailout and a trip through bankruptcy to survive.

The fact is that the intervention, initiated by President Obama and supported by this Congress, particularly our Democratic Members, with some Republicans but with most of them opposing it, rescued General Motors and Chrysler. General Motors is today the number one automobile company in the world. It wouldn't have been if we'd listened to the Republicans.

Manufacturing employment has begun to increase, partly because we've gotten these jobs back at Chrysler and General Motors.

And, by the way, among those that were strongly supportive of the intervention was Ford. Ford had been prudent, had borrowed some money or had mortgaged itself and had some cash. They didn't need a direct participation in the funds that came from the TARP. That hated TARP. But they strongly supported it because they knew if General Motors and Chrysler weren't able to continue to function, the supply chain in America would dry up. That would have cost more jobs, and it would have put Ford at a disadvantage.

So we have a thriving American automobile industry today that's on the upswing that we wouldn't have had if we listened to the Republican argument that government always is bad. Oh, I make an exception: Government is always bad unless it's the military. They impute to the military powers beyond what it has, it seems to me.

I would make the point that our military is a superb instrument, full of extraordinary people, and they are very good at doing what a military should do-stopping bad things from happening. It is not fair to them and unrealistic to expect them to be able to make good things happen. Yes, they can stop murderers. But the best armed, the most thoughtful young Americans ever assembled aren't going to be able to get the Shia and Sunni and the Kurds to like each other; or to bring to Afghanistan what it's never been able to get, sadly. I wish we could, but we don't do it with American fire-

But with the exception of the military, we hear only negatives about government. In fact, we have a private sector that has begun to connect. We are now at a pace to reduce unemployment to a reasonable level. If it hadn't been for the job reductions in the public sector, forced by many here, we would be even better off. And, by the way, we are talking about people who provide

services essential to the quality of life, people who pave the streets and shovel the snow and deal with the sewage and clean up the parks and police and fire. These are essential people. We have half a million less of these people. We're not talking about Federal bureaucrats here. These job losses are mostly at the State and local levels. We have half a million less of them.

We have, fortunately, 3.6 million more private employees in this period of recovery from the recession. If we had been able to maintain the public sector, we would be lower in unemployment. I hope, Mr. Speaker, that people will look at this, that they will stop this mindless, partisanly motivated trashing of America when we are doing better than any other developed economy of any size, even though we are held back to some extent by them, that they will instead join with us in saying, look, let's understand that we need spending constraints across the board. including the military; that the wealthiest people in this country, the people running hedge funds can afford to pay a regular tax and not get that carried interest boondoggle that is in no way an incentive to economic activity but simply makes them richer. I understand why they'd rather be richer; although, many of them are, I think, public spirited enough to say let's change this.

Let's put some spending constraints on across the board. Let's raise revenues in a way that will not have a negative effect on the economy or on the quality of lives of those people paying it, and let's lock in that so that in the near term we can stop forcing States and cities to lay people off. We can continue the kind of policies that will help put some people back to work in the construction industry, such as in highways. We can also, I hope, get the people at the Federal Housing Finance Administration to stop resisting the administration's effort to help with housing.

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If there is cooperation, and if we learn the lessons of the past, we can make this economy work.

I would include one final point, and I will be talking about this some more. One of the great successes we have seen in the past few years has been the policies under a Bush appointee, Benjamin Bernanke, George Bush's chief economic adviser, whom George Bush gave the most important economic post in America, Chairman of the Federal Reserve.

Chairman Bernanke has pushed hard to have the Federal Reserve be a constructive force in our economy. People on the right in particular were saying it is going to cause terrible inflation. Rarely in American history has a flat prediction been more wrong. The quantitative easing, and the intervention of

the Fed has produced no inflation. It has made money for the Federal Government. It hasn't cost us anything. It

has been very helpful.

In fact, the Fed has been setting a good example for Europe. One of the best things that has happened with regard to Europe lately, as perceived by the markets as well as others, is that people noted that the European Central Bank was beginning to take some of the lessons from the U.S. Federal Reserve and work more like them.

If we stop harassing the Federal Reserve about the reasonable pro-expansionary policies it has been following and we stop forcing State and local governments from firing people who perform useful services and are unfortunately added to the unemployment figure, if we will produce Federal funding not to try to mediate a dispute in Iraq but to build highways here and to clean up our water systems, and if we will ask the wealthiest people in America to give a little bit more, which they won't miss but which will help us, then the good day that we had today—it was a very good day in the economic news. I noticed even Fox News almost begrudgingly had to say, Wow, what a good economic report. I give Chris Wallace credit because he cut right through and said that when there was someone who wanted to carp.

There were 250,000 new private sector jobs today. If we can keep that up, then maybe the 250,000 private sector jobs will become 300,000, and maybe we will add 5,000 or 10,000 public sector jobs that were lost where we need cops and firefighters and people to keep our cities clean.

If this Congress, through an ideological rigidity that has been proven wrong by the facts, does not interfere, if we are supportive of the very sensible program that the President has laid out, independently supported by that Bush appointee Mr. Bernanke at the Federal Reserve, America will continue to have the best developed economy in the world, and we can get the kind of recovery that the American people deserve.

Mr. Speaker, I yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HAHN (at the request of Ms. Pelosi) for today on account of a funeral in the district.

Mr. Heinrich (at the request of Ms. Pelosi) for today.

Mr. TURNER of Ohio (at the request of Mr. Cantor) for today on account of business in the district.

#### ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, February 6, 2012, at noon for morning-hour debate.

#### RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRES-SIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of September 13, 2011, through January 3, 2012, shall be treated as though received on February 3, 2012. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant Congressional Record.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4826. A letter from the Program Analyst. Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2011-1317; Directorate Identifier 2011-NM-193-AD; Amendment 39-16893; AD 2011-26-03] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4827. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Airplanes [Docket No.: FAA-2011-0651; Directorate Identifier 2011-NM-041-AD; Amendment 39-16879; AD 2011-25-03] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4828. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines [Docket No.: FAA-2011-1298; Directorate Identifier 2011-NE-39-AD; Amendment 39-16888; AD 2011-25-12] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4829 A letter from the Program Analyst. Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines [Docket No.: FAA-2011-1341; Directorate Identifier 2011-NE-41-AD; Amendment 39-16891; AD 2011-25-51] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4830. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2011-0914; Directorate Identifier 2010-NM-166-AD; Amendment 39-16876; AD 2011-24-12] (RIN: 2120-AA64) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

4831. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BRP-Powertrain GmbH & Co. KG Reciprocating Engines [Docket No.: FAA-2011-1299; Directorate Identifier 2011-NE-40-AD; Amendment 39-16878; AD 2011-25-02] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C D, and D1; and AS355E, F, F1, F2, N, and NP Helicopters [Docket No.: FAA-2011-1158; Directorate Identifier 2010-SW-018-AD; Amendment 39-16847; AD 2011-22-05] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4833. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 120B Helicopters [Docket No.: FAA-2011-0448; Directorate Identifier 2007-SW-51-AD; Amendment 39-16841; AD 2011-21-18] (RIN: 2102-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4834. A letter from the Program Analyst. Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Quest Aircraft Design, LLC Airplanes [Docket No.: FAA-2011-1328; Directorate Identifier 2011-CE-037-AD; Amendment 39-16880; AD 2011-25-04] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4835. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1252; Directorate Identifier 2011-NM-036-AD; Amendment 39-16874; AD 2011-24-10] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transpor-

tation and Infrastructure.
4836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-0720; Directorate Identifier 2010-NM-252-AD; Amendment 39-16867; AD 2011-24-03] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700-710 Series Turbofan Engines [Docket No.: FAA-2011-0684; Directorate Identifier 2010-NE-27-AD; Amendment 39-16842; AD 2011-22-01] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
4838. A letter from the Program Analyst,

Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-16782; AD 2009-10-09 R2] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Airplanes [Docket No.:FAA-2010-1206; Directorate Identifier 2009-NM-216-AD; Amendment 39-16868; AD 2011-24-04] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace Corporation Model GV and GV-SP Airplanes [Docket No.: FAA-2011-0572; Directorate Identifier 2011-NM-009-AD; Amendment 39-16866; AD 2011-24-02] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney division (PW) PW4000 Series Turbofan Engines [Docket No.: FAA-2011-0733; Directorate Identifier 2010-NE-36-AD; Amendment 39-16885; AD 2011-25-09] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; The Dalles, OR [Docket No.: FAA-2011-0893; Airspace Docket No. 11-ANM-18] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piaggio Aero Industries S.p.A. Airplanes [Docket No.: FAA-2011-0954; Directorate Identifier 2011-CE-028-AD; Amendment 39-16865; AD 2011-24-01] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4844. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 400) Airplanes [Docket No.: FAA-2011-0648; Directorate Identifier 2010-NM-276-AD; Amendment 39-16859; AD 2011-23-08] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4845. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc. TPE331 Model Turboprop Engines [Docket No.: FAA-2011-0935; Directorate Identifier 2011-NE-28-AD; Amendment 39-16813; AD 2011-18-51R1] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4846. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PT6A-15AG, -27, -28, -34, -34AG, -34B, and -36 Series Turboprop Engines [Docket No.: FAA-2011-1038; Directorate Identifier 2011-NE-31-AD; Amendment 39-16834; AD 2011-20-51] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4847. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0255; Directorate Identifier 2010-NM-253-AD; Amendment 39-16844; AD 2010-22-02] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4848. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2011-0650; Directorate Identifier 2010-NM-257-AD; Amendment 39-16846; AD 2011-22-04] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4849. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, AS332L, AS322L1, and ASS332L2 Helicopters [Docket No.: FAA-2011-0939; Directorate Identifier 2010-SW-067-AD; Amendment 39-16798; AD 2011-18-16] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4850. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-215-1A10, CL-215-6B11 (CL-215T Variant), and CL-125-6B11 (CL-415 Variant) Airplanes [Docket No.: FAA-2011-1096; Directorate Identifier 2011-NM-185-AD; Amendment 39-16848; AD 2011-22-06] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4851. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model EC225LP Helicopters [Docket No.: FAA-2011-1033; Directorate Identifier 2009-SW-43-AD; Amendment 39-16815; AD 2011-20-05] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4852. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2011-0792; Directorate Identifier 2009-SW-19-AD; Amendment 39-16762; AD 2011-16-04] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model EC225LP Helicopters [Docket No.: FAA-2011-1074; Directorate Identifier 2010-SW-028-AD; Amendment 39-16834; AD 2011-21-11] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Erickson Air-Crane Incorporated Model S-64F Helicopters [Docket No.: FAA-2010-0909; Directorate Identifier 2010-SW-026-AD; Amendment 39-16835; AD 2011-21-12] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412CF, 412EP Helicopters [Docket No.: FAA-2011-1041; Directorate Identifier 2010-SW-109-AD; Amendment 39-16821; AD 2010-26-52] (RIN: 2120-AA64) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WEBSTER: Committee on Rules. House Resolution 537. Resolution providing for consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes (Rept. 112–385). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1864. A bill to limit the authority of States to tax certain income of employees for employment duties performed in other States; with an amendment (Rept. 112–386). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1162. A bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; with an amendment (Rept. 112–387). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

#### By Mr. JACKSON of Illinois:

H.R. 3894. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Pullman Historic Site in Chicago, Illinois, and for other purposes; to the Committee on Natural Resources.

By Mr. MILLER of Florida:

H.R. 3895. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to clarify that all veterans programs are exempt from sequestration; to the Committee on the Budget.

By Mr. HASTINGS of Washington:

H.R. 3896. A bill to amend section 8007 of the Elementary and Secondary Education Act of 1965 to extend eligibility for emergency and modernization grants to local educational agencies in which at least 10 percent of the property in each such agency is nontaxable due to the presence of the Federal Government, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CHABOT:

H.R. 3897. A bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations; to the Committee on Energy and Commerce.

By Mr. KING of Iowa:

H.R. 3898. A bill to amend the Ethics in Government Act of 1978 and the Rules of the House of Representatives to strengthen financial disclosures by Members, officers, and employees of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself and Mr. DAVIS of Kentucky):

H.R. 3899. A bill to provide for rollover treatment to traditional IRAs of amounts received in airline carrier bankruptcy; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. WAXMAN, Mr. COHEN, Mr. CONNOLLY of Virginia, and Mr. WELCH):

H.R. 3900. A bill to ensure that oil transported through the Keystone XL pipeline is used to reduce United States dependence on Middle Eastern oil; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself, Mr. RAN-GEL, Ms. LEE of California, Ms. LINDA T. SÁNCHEZ of California, Mr. CUM-MINGS, Mr. BOSWELL, Mr. CONNOLLY of Virginia, Ms. DeGette, Mr. Costa, Mr. PAYNE, Mr. LEVIN, Mr. McINTYRE, Mr. CICILLINE, Ms. SPEIER, Mr. FITZPATRICK, Ms. McCollum, Mr. Cooper, Mr. Grijalva, Mr. Higgins, Mr. Frank of Massachusetts, Mr. KISSELL, Mr. FALEOMAVAEGA, Mr. TURNER of New York, Mr. Polis, Mr. COHEN, and Ms. BORDALLO):

H. Res. 538. A resolution expressing support for designation of February 4, 2012, as National Cancer Prevention Day; to the Committee on Energy and Commerce.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. ROHRABACHER introduced a bill (H.R. 3901) for the relief of Dr. Shakeel Afridi; which was referred to the Committee on the Judiciary.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or ioint resolution.

By Mr. JACKSON of Illinois:

H.R. 3894.

Congress has the power to enact this legislation pursuant to the following:

13th Amendment 14th Amendment

Commerce clause

By Mr. MILLER of Florida: H.R. 3895.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. HASTINGS of Washington:

H.R. 3896.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the U.S. Constitution, which states that "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in

this Constitution shall be so construed as to Prejudice any Claims of the United States. or of any particular State.

Also, Clause 1 of Section 8 of Article I of the U.S. Constitution, which states that "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.'

By Mr. CHABOT:

H.R. 3897.

Congress has the power to enact this legislation pursuant to the following:

According to the First Amendment of the United States Constitution

By Mr. KING of Iowa:

HR. 3898.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 2 of Article 1, Section 5, collectively grant Congress the authority to determine the rules of its proceedings and the requirements it chooses to place upon its Members

By Mr. LEWIS of Georgia:

H.R. 3899.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. MARKEY:

H.R. 3900.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution

Mr. ROHRABACHER:

H.R. 3901.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

The Congress shall have Power \* \* \* To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. LORETTA SANCHEZ of California.

H.R. 32: Mr. CLAY.

H.R. 36: Mr. CLAY.

H.R. 85: Mr. CLAY.

H.R. 115: Mr. OWENS.

H.R. 192: Mr. CONNOLLY of Virginia, Mr. RANGEL, and Mr. JACKSON of Illinois.

H.R. 245: Mr. QUAYLE.

H.R. 361: Mr. PETERSON. H.R. 432: Ms. Zoe Lofgren of California.

H.R. 436: Mr. JORDAN.

H.R. 459: Mr. Poe of Texas and Mr. Quayle.

H.R. 494: Ms. HAHN.

H.R. 505: Ms. NORTON, Mr. GRIJALVA, Ms. Woolsey, Ms. DeGette, Ms. Jackson Lee of Texas, Mrs. Maloney, Mr. Cicilline, Mrs. McCarthy of New York, and Ms. CHU.

H.R. 601: Mr. DEFAZIO.

H.R. 797: Ms. Brown of Florida.

H.R. 798: Mr. MICHAUD.

H.R. 998: Mr. LARSEN of Washington.

H.R. 1116: Ms. LORETTA SANCHEZ of California and Mr. PERLMUTTER.

H.R. 1148: Mr. VISCLOSKY and Mrs. BACH-

H.R. 1163: Mr. PAYNE and Mr. RUSH.

H.R. 1168: Mr. Brooks.

H.B. 1179: Mr. SCHWEIKERT, Mr. GOSAR, and Mr. Hunter.

H.R. 1206: Mr. Pastor of Arizona, Mrs. ROBY, and Mr. GRAVES of Georgia.

H.R. 1340: Mr. CARNEY and Mr. BERG.

H.R. 1370: Mr. SMITH of Texas and Mr. GALLEGLY

H.R. 1380: Ms. Loretta Sanchez of California. H.R. 1385: Mr. THOMPSON of Pennsylvania

and Mr. Johnson of Ohio. H.R. 1568: Mr. Hastings of Florida.

H.R. 1581: Mr. MILLER of Florida.

H.R. 1588: Mr. WILSON of South Carolina.

H.R. 1648: Mr. TIERNEY.

H.R. 1681: Mr. TIERNEY.

H.R. 1697: Mr. CRAWFORD and Mr. HUNTER.

H.R. 1876: Mr. ROTHMAN of New Jersey.

H.R. 1895: Mr. KUCINICH.

H.R. 1960: Mr. MILLER of Florida.

H.R. 2108: Mr. MATHESON.

H.R. 2118: Mr. Duncan of South Carolina.

H.R. 2139: Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Ms. HAHN, and Mr. POSEY.

H.R. 2140: Ms. LORETTA SANCHEZ of California.

H.R. 2181: Mr. Frank of Massachusetts.

H.R. 2238: Mrs. NOEM.

H.R. 2268: Mr. CARTER.

H.R. 2299: Mr. HUNTER.

H.R. 2335: Mr. LANDRY.

H.R. 2364: Mr. TIERNEY.

H.R. 2429: Mr. JOHNSON of Ohio.

H.R. 2569: Ms. WILSON of Florida, Mr. CANSECO, Mr. HASTINGS of Florida, Mrs. McCarthy of New York, and Mr. Webster.

H.R. 2607: Mr. Baca, Ms. Moore, Mr. REYES, and Mr. KUCINICH.

H.R. 2697: Mr. CARTER and Mr. BOREN.

H.R. 2970: Ms. Hahn.

H.R. 2982: Mr. McGovern.

H.R. 3030: Mr. ROTHMAN of New Jersey.

H.R. 3042: Mrs. Ellmers.

H.R. 3059: Mr. GARRETT.

H.R. 3086: Ms. VELÁZQUEZ and Mr. OWENS.

H.R. 3221: Mr. VAN HOLLEN.

H.R. 3307: Mr. COLE.

H.R. 3313: Ms. Zoe Lofgren of California.

H.R. 3324: Mr. Heinrich.

H.R. 3339: Mr. Sam Johnson of Texas.

H.R. 3365: Mr. Coffman of Colorado.

H.R. 3423: Ms. Zoe Lofgren of California, Ms. WATERS, and Mr. LATHAM.

H.R. 3481: Mr. Posey.

H.R. 3483: Ms. NORTON.

H.R. 3532: Mr. COLE.

H.R. 3536: Mr. GRIJALVA.

H.R. 3541: Mr. GOODLATTE, Mr. AUSTRIA, Mr. Griffin of Arkansas, Mr. Flake, and Mr. HUNTER.

H.R. 3553: Mrs. Maloney, Mr. Clarke of Michigan, Mr. CICILLINE, and Ms. ZOE LOF-GREN of California.

H.R. 3599: Mr. Blumenauer.

H.R. 3608: Mr. GRAVES of Georgia.

H.R. 3612: Mr. BOREN.

H.R. 3634: Mr. COFFMAN of Colorado and Mr. JONES.

H.R. 3643: Mr. Shuler, Mr. Ross of Arkansas, Mr. Schrader, and Mr. Boren.

H.R. 3654: Mr. GRIJALVA and Ms. RICHARD-

H.R. 3663: Mr. GOODLATTE.

H.R. 3676: Mr. BISHOP of Utah.

H.R. 3702: Ms. Zoe Lofgren of California.

H.R. 3712: Mr. BUTTERFIELD and Ms. BERK-LEY

H.R. 3713: Mr. Hastings of Florida, Mr. PLATTS, Mr. SMITH of Texas, and Mrs.

H.R. 3767: Mr. Rehberg, Mr. Luetkemeyer, Mr. SMITH of Texas, and Mr. LAMBORN.

H.R. 3768: Mr. WESTMORELAND and Mr. AUSTIN SCOTT of Georgia.

H.R. 3783: Mr. Westmoreland, Mr. Ross of Florida, Mr. Womack, Mr. Schweikert, Mr. Wilson of South Carolina, Mr. Roe of Tennessee, Mr. Olson, Mr. Marchant, Mr. Walberg, Mr. Posey, Mr. Gohmert, Mr. Yoder, Mr. Gingrey of Georgia, Mr. Miller of Florida, Mr. Pompeo, Mr. Johnson of Ohio, Mr. Coffman of Colorado, Ms. Buerkle, and Mr. Turner of New York

H.R. 3802: Mr. Jones, Mr. RIBBLE, and Mr. LATTA.

H.R. 3803: Mr. Westmoreland, Mr. Burton of Indiana, Mr. Duffy, Mr. Buchanan, Mr. Cassidy, Mr. Brady of Texas, Mr. Graves of Georgia, Mr. Chaffetz, Mr. Hunter, Mr. Luetkemeyer, Mr. McHenry, and Mr. Cravaack

H.R. 3805: Mr. LUETKEMEYER and Mr. HUNTER

H.R. 3811: Mr. MILLER of Florida, Mr. CANSECO, Mrs. McMorris Rodgers, Mr. Johnson of Ohio, Mr. Bartlett, and Mr. Hunter.

H.R. 3814: Mr. LUETKEMEYER and Mr. Scott of South Carolina.

of South Carolina. H.R. 3826: Mr. HOLT, Ms. SUTTON, Mr. POLIS, and Mr. MURPHY of Connecticut.

H.R. 3828: Mr. BOUSTANY.

H.R. 3842: Mr. SULLIVAN and Mr. GRAVES of Missouri.

 $\rm H.R.~3867;~Mr.~RIGELL,~Mr.~LANDRY,~and~Mr.~DESJARLAIS.$ 

H.R. 3875: Mr. Andrews, Ms. Bass of California, Mr. Defazio, Mr. Farr, Mr. Garamendi, Ms. Hahn, Mr. George Miller of California, Mr. Honda, Mr. Jackson of Illinois, Ms. Lee of California, Mr. Levin, Mr. Thompson of California, Ms. Woolsey, and Ms. Sutton

H.R. 3877: Mr. GRAVES of Georgia.

H.R. 3886: Mr. JOHNSON of Illinois and Mrs. zalez, Brian Higgins, Tammy Baldwin, Leon-CHRISTENSEN. ard L. Boswell, James P. McGovern, Chellie

H. Res. 509: Mr. LUETKEMEYER.

H. Res. 532: Mr. SENSENBRENNER, Mr. WALBERG, and Mr. ROONEY.

#### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 3, February 1, 2012, by Mr. TIM-OTHY WALZ on H.R. 1148, was signed by the following Members: Timothy J. Walz, Louise McIntosh Slaughter, Al Green, Mark S. Critz, Kathleen C. Hochul, Alcee L. Hastings, Steve Cohen, Karen Bass, Doris O. Matsui, Marcia L. Fudge, Janice D. Schakowsky, David Loebsack, Barney Frank, Timothy H. Bishop, John A. Yarmuth, Ben Chandler, Peter A. DeFazio, Mike Thompson, William R. Keating, Sanford D. Bishop, Jr., Edolphus Colleen W. Towns. Martin Heinrich. Hanabusa, Laura Richardson, Brad Sherman, Jim Cooper, Dale E. Kildee, Debbie Wasserman Schultz, Joe Donnelly, Dan Boren, John C. Carney, Jr., Rosa L. DeLauro, John Lewis, Carolyn McCarthy, Donald M. Payne, Jackie Speier, Carolyn B. Maloney, Henry C. "Hank" Johnson, Jr., Yvette D. Clarke, Marcy Kaptur, David N. Cicilline, Lois Capps, Lloyd Doggett, William L. Owens, Betty McCollum, Gene Green, Henry A. Waxman, Adam B. Schiff, Robert E. Andrews, Henry Cuellar, Danny K. Davis, Sheila Jackson Lee, Jared Polis, Howard L. Berman, John Barrow, Nancy Pelosi, Rush D. Holt, Mike McIntyre, James R. Langevin, Lynn C. Woolsey, G. K. Butterfield, Christopher S. Murphy, Barbara Lee, Eddie Bernice Johnson, Frederica S. Wilson, Terri A. Sewell, Gary L. Ackerman, Charles A. Gon-

ard L. Boswell, James P. McGovern, Chellie Pingree, Niki Tsongas, Mike Quigley, Kathy Castor, Jim McDermott, Elijah E. Cummings, Jason Altmire, Mazie K. Hirono, Russ Carnahan, Ed Perlmutter, Rick Larsen, Gary C. Peters, Cedric L. Richmond, Joe Courtney, Wm. Lacy Clay, Keith Ellison, Frank Pallone, Jr., Brian P. Bilbray, Walter B. Jones, Gregory W. Meeks, Betty Sutton, Paul Tonko, Linda T. Sánchez, Donna F. Edwards, John Garamendi, Collin C. Peterson, Sander M. Levin, Xavier Becerra, John W. Olver, Chris Van Hollen, Steny H. Hoyer, Maxine Waters, Ron Kind, John B. Larson, Robert C. "Bobby" Scott, Joseph Crowley, Bill Pascrell, Jr., Jesse L. Jackson, Jr., Larry Kissell, Steven R. Rothman, Dennis A. Cardoza, Jim Costa, Corrine Brown, Judy Chu, Theodore E. Deutch, Zoe Lofgren, Adam Smith, Janice Hahn, David Scott, Bruce L. Braley, Peter Welch, John F. Tierney, Stephen F. Lynch, Raúl M. Grijalva, George Miller, James A. Himes, James E. Clyburn, Diana DeGette, Nita M. Lowey, John Conyers, Jr., Robert A. Brady, Emanuel Cleaver, Earl Blumenauer, Grace F. Napolitano, Sam Farr, Allyson Y. Schwartz, David E. Price, Richard E. Neal, Michael H. Michaud, Jerry F. Costello, Charles B. Rangel, Anna G. Eshoo, Tim Holden, Jerrold Nadler, Mike Ross, Bennie G. Thompson, Silvestre Reyes, José E. Serrano, Ed Pastor, Joe Baca, Norman D. Dicks, Gerald E. Connolly, Michael E. Capuano, Ben Ray Luján, Eliot L. Engel, Shelley Berkley, Nick J. Rahall II, Daniel Lipinski, Dennis J. Kucinich, Chaka Fattah, Brad Miller, Loretta Sanchez, Susan A. Davis, Jerry McNerney, Melvin L. Watt, Jay Inslee, and Nydia M. Velázquez.

# **EXTENSIONS OF REMARKS**

NATIONAL STALKING AWARENESS MONTH

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. POE of Texas. Mr. Speaker, in February 2010, 23 year old Alissa Blanton was shot and killed by her stalker.

He began harassing her two years earlier when she worked as a waitress.

The situation became so severe that Alissa had to quit her job in order to get away from this customer who would not leave her alone.

Even after changing jobs, moving twice, and getting married, she was still followed and sent threatening emails and letters.

She was murdered in front of her husband two weeks after being denied a protective order.

Sadly, this story of constant harassment and stalking is not infrequent in our society.

One in six women is stalked in her lifetime. If the perpetrator is not stopped, these situations can lead to murder.

January marked National Stalking Awareness Month.

We remember those affected and recognize the importance of becoming more aware of this crime in order to protect ourselves and those around us.

And that's just the way it is.

RECOGNIZING THE 50TH ANNIVER-SARY OF ONONDAGA COMMU-NITY COLLEGE

# HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to recognize Onondaga Community College for 50 years of service to the Central New York community.

In 1961, Onondaga Community College board of trustees met to plan the college's upcoming first academic year. Though board members had originally planned to enroll 450 students in the first year, nearly 1,300 students enrolled, indicating the need for accessible higher education in Central New York.

During its first years, Onondaga Community College was located in downtown Syracuse at Midtown Plaza. By 1973, the college had moved to Onondaga Hill, where a newly constructed campus would house over 5,000 students.

Over the years, Onondaga Community College has increased its size, growing 65 percent from 2000 to 2010 alone. The college now hosts over 12,000 students, 1,700 faculty, and nearly 50 associate degree and certificate programs.

The Onondaga Hill campus has grown to include several academic buildings, residence halls, and a newly constructed arena that will host sporting and entertainment events for the college, as well as the Central New York community.

Today, under the leadership of President Debbie Sydow, Onondaga Community College has become one of the Nation's fastest-growing community colleges, providing affordable, high quality education to thousands of students.

I thank Onondaga Community College for its dedicated service to the community and I am proud to honor the college upon the occasion of celebrating 50 years of excellence in higher education.

HONORING CHAMPAIGN COUNTY FARM BUREAU 100TH ANNIVER-SARY

## REP. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, today I rise to honor the 100th anniversary of an important community service organization in Champaign, Illinois.

The Champaign County Farm Bureau was founded in 1913 and has grown into a vital element of all Champaign County farmers. For the past 100 years, the Champaign County Farm Bureau, like farm bureaus everywhere, has brought together farmers across the county to discuss ways to band together to keep agriculture profitable. Not only are they teaching the importance of agriculture to the county but also the nation. I applaud the willingness of the Champaign County Farm Bureau for stepping forward and showing how modern agriculture is feeding the world today.

The Champaign County Farm Bureau provides critical information to its truly visionary farmers in the county and in the halls of government here in Washington and in our great State of Illinois. But their efforts don't stop there; they understand the importance of talking and discussing with consumers where their food comes from. They impress upon those they meet that United States' farmers produce the safest, most reliable, and most affordable food supply in the world!

I believe that the mission statement of the Champaign County Farm Bureau says it all: They will strive to assist families in agriculture by recognizing and responding to issues of concern while strengthening partnerships and improving farm family life for this and future generations.

I want to congratulate President Watson, Manager Uken and all the members of the Champaign County Farm Bureau, past and present, on celebrating their 100th anniversary. I want to join with the other Members of this House in wishing them continued success for another 100 years and beyond.

REINTRODUCTION OF THE KA'U COAST PRESERVATION ACT

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Ms. HIRONO. Mr. Speaker, I rise today to introduce the Ka'u Coast Preservation Act, a bill directing the National Park Service to assess the feasibility of designating coastal lands on the Ka'u Coast of the island of Hawaii between Kapao'o Point and Kahuku Point as a unit of the National Park System.

The National Park Service has issued a reconnaissance report that made a preliminary assessment of whether the Ka'u Coast would meet the National Park Service's demanding criteria as a resource of national significance.

The reconnaissance survey concluded that "based upon the significance of the resources in the study area, and the current integrity and intact condition of these resources, a preliminary finding of national significance and suitability can be concluded." The report goes on to recommend that Congress proceed with a full resource study of the area.

Although under significant development pressure, the coastline of Ka'u is still largely unspoiled. The study area contains significant natural, geological, and archeological features. The northern part of the study area is adjacent to Hawaii Volcanoes National Park and contains a number of noteworthy geological features, including an ancient lava tube known as the Great Crack, which the National Park Service has expressed interest in acquiring in the past.

The study area includes both black and green sand beaches as well as a significant number of endangered and threatened species, most notably the endangered hawksbill turtle (at least half of the Hawaiian population of this rare sea turtle nests within the study area), the threatened green sea turtle, the highly endangered Hawaiian monk seal, the endangered Hawaiian hawk, native bees, the endangered and very rare Hawaiian orangeblack damselfly (the largest population in the state), and a number of native endemic birds. Humpback whales and spinner dolphins also frequent the area. The Ka'u Coast also boasts some of the best remaining examples of native coastal vegetation in Hawaii.

The archeological resources related to ancient Hawaiian settlements within the study area are also very impressive. These include dwelling complexes, heiau (religious shrines), walls, fishing and canoe houses or sheds, burial sites, petroglyphs, water and salt collection

sites, caves, and trails. The Ala Kahakai National Historic Trail runs through the study

The Ka'u Coast is a truly remarkable area: its combination of natural, archeological, cultural, and recreational resources, as well as its spectacular viewscapes, are an important part of Hawaii's and our nation's natural and cultural heritage. I believe a full feasibility study, which was recommended in the reconnaisance survey, will confirm that the area meets the National Park Service's high standards as an area of national significance.

I urge my colleagues to join me in supporting this bill.

RECOGNIZING THE RETIREMENT OF GULF BREEZE POLICE CHIEF PETER PAULDING

# HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mr. Peter Paulding, Chief of Police of the City of Gulf Breeze, upon his retirement after forty years of honorable and decorated law enforcement service. For the past ten years, Police Chief Paulding has admirably served the citizens and community of the City of Gulf Breeze, Florida.

Our community owes a large debt of gratitude to Police Chief Paulding for his many accomplishments. During his tenure as Chief of Police, the City of Gulf Breeze maintained one of the lowest crime rates in the State of Florida, helping to make it one of the top rated communities in the country. Under Chief Paulding's leadership, the Gulf Breeze Police Department implemented many inventive and highly successful initiatives. Chief Paulding was responsible for implementing the Volunteers in Policing, VIP, program, creating the Traffic Safety Task Force, and also implementing the first red light traffic enforcement system in the state of Florida, a system that has now been endorsed by the Florida State Legislature.

During Chief Paulding's ten-year tenure, the Gulf Breeze Police Department was awarded the Rocky Pomerance Excellence in Policing Award eight times by the Florida Police Chiefs Association. Also recognizing the Department's community policing initiatives, the Department received the International Association of Chiefs of Police Community Policing Award in 2003 and 2010.

Under Chief Paulding's leadership, the Gulf Breeze Police Department was the first law enforcement agency in the Northwest Florida Panhandle to receive accreditation by the Commission for Florida Law Enforcement Accreditation. In 2011, the Gulf Breeze Police Department was a finalist for the Motorola Webber Seavey Award for Quality in Law Enforcement for implementing a coast-watch program as a community policing response to the Deepwater Horizon oil spill disaster. In 2008, as its Project Leader, Chief Paulding was responsible for the Gulf Breeze Police Department's recognition as a semi-finalist for the Webber Seavey Award for its Project Home-

coming, and in 2006 the Gulf Breeze Police Department was yet again recognized as a semi-finalist for the Webber Seavey Award for its Volunteers on Patrol program.

In addition to his role as Chief of Police, Paulding served his community in numerous roles, including President of the Florida Police Chiefs Association in 2010–2011. He will continue to serve the City of Gulf Breeze by overseeing the automated red light traffic enforcement program that he initiated.

It is my honor to recognize Police Chief Peter Paulding upon his retirement as Chief of Police of the City of Gulf Breeze after a distinguished forty-year law enforcement career. I take this opportunity to commend Chief Paulding for making the Gulf Breeze community a safer and more enjoyable place to live, and I thank him for his valuable years of public service. My wife Vicki and I wish Chief Paulding, his wife Ruth, and their children and grandchildren all the best.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

## HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. RICHARDSON. Mr. Speaker, today, I rise to recognize February as American Heart Month. This month is dedicated to raising awareness about heart disease and spreading knowledge in order to save lives. Heart disease is the gravest health risk for women in the United States and will take the lives of 420,000 women this year. During this month, I encourage all women to strive to be more proactive about our health and well-being.

Mr. Speaker, heart disease is a harsh reality in our nation and is the leading cause of death for women in the United States. Because information is the most powerful tool against fighting heart disease, let us advance women's heart health through advocacy and education. It is a fact that the chance of developing heart disease can be dramatically reduced by taking steps to prevent and control factors that put people at greater risk. Many, but not all, cases of heart diseases can be prevented. A healthy diet and lifestyle are the best weapons women have to fight heart disease. Women should be aware of risk factors that can lead to heart disease, including high blood pressure, high cholesterol, unhealthy diet, physical inactivity, tobacco use, and family history. By working together, we can help women live stronger and longer lives.

While heart disease affects women of every race and circumstance, African American women have a higher risk for cardiovascular disease than Caucasian women and are less aware of their cardiovascular risk factors. I urge all women in the United States to be more proactive about their heart health. It is never too early to take action to improve our heart health, and the Obama Administration is committed to helping Americans fight chronic illness such as cardiovascular disease.

Under the Affordable Care Act, all new individual and group health plans must now provide recommended preventative care and

services without a copayment, coinsurance or deductible. These potentially lifesaving screenings include blood pressure, cholesterol tests as well as counseling on losing weight and eating well.

In addition, the Affordable Care Act has administered over \$100 million in funding for up to 75 Community Transformation Grants, which are aimed at helping communities implement projects proven to reduce chronic diseases, such as heart disease. These grants will help improve health, reduce health disparities, and lower health care costs.

Therefore, Mr. Speaker, I rise today to recognize February as American Heart Month. This month let us rededicate ourselves to helping our sisters, mothers, daughters, friends and communities become more aware of the risks and symptoms of heart disease. February 3, 2012 is National Wear Red Day and I urge my friends, family and colleagues to wear red in support for the more than 42 million women are living with or are at risk for heart disease. Together, we can overcome this disease.

OBAMA ADMINISTRATION'S POL-ICY REQUIRING CATHOLIC HOS-PITALS AND UNIVERSITIES TO PROVIDE CONTRACEPTION IN EMPLOYEE HEALTH PLANS

## HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise to express my strong opposition to President Obama's administrative rule requiring religious institutions that provide health insurance policies to supply coverage for medicines and procedures that violate the tenets of their faith.

Freedom of religion is one of the foundations of our country. Famously, in the early days of the Republic, the Vatican requested permission of the Continental Congress to appoint a bishop. The Congress wisely declined the appointment, recognizing that there was no appropriate role for government in the regulation of church activities.

Now, over 200 years later, the Obama administration wants to roll back the clock and make decisions for religious institutions that should properly be left to those institutions. People freely associate themselves with churches and their affiliated organizations, such as hospitals and schools. In doing so, they accept that they will abide by the rules of those organizations. The Obama administration has uniformly usurped the autonomy of each institution to set those rules upon themselves.

This is a dangerous precedent. It is not difficult to see further encroachments by the "all powerful" federal government upon the rights and privileges of church communities. Will the Department of Education begin setting curriculum standards for private religious schools? Will the Department of Labor set standards of employment for Catholic health facilities? Will the Department of Health and Human Services begin requiring end of life counseling that violates the teachings of certain religions?

During the healthcare debate of 2010 and after, assurances were given to Members of Congress and to leaders of religious organizations that nothing in the bill would or could be used to violate the right of conscience of any faithful American. I voted against the Patient Protection and Affordable Care Act, in part, because I feared exactly this; it is being used as a lever to force values upon the American people that are contrary to their own beliefs.

Let us hope this and future Congresses will work to repeal President Obama's takeover of healthcare and, by extension, the conscience of individual. Further, let us implement true healthcare reform that improves our system, lower costs, and protects the rights of Americans to have healthcare coverage that conforms to their values.

RECOGNIZING THE ACHIEVEMENTS OF AFRICAN AMERICAN WOMEN

### HON. ELEANOR HOLMES NORTON

of the district of columbia IN the house of representatives  $Friday,\ February\ 3,\ 2012$ 

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the achievements of African American women throughout our nation's history.

The Association for the Study of African American Life and History, ASALH, selected the achievements of African American women as its theme for 2012. ASALH has issued a statement, which I bring to the Floor.

"African American women have played a myriad of critical roles in the making of our nation. Their labor and leadership, their motherhood and patriotism, and their intellect and artistic expression have all enriched both the African American community and the Nation at large. In slavery and freedom, their struggles have been at the heart of the human experience, and their triumphs over racism and sexism are a testimonial to our common human spirit."

"Many know of the accomplishments of a few prominent historic figures: Phillis Wheatley, the unlikely American patriot during the Revolutionary War, Harriet Tubman, the leader of the Underground Railroad from slavery, Ida B. Wells, the unyielding opponent of lynching, Rosa Parks, the mother of the modem Civil Rights Movement. Black women have been notable for standing against oppression. From Gwendolyn Brooks to Toni Morrison to Rita Dove, they have distinguished themselves in American letters, and in recent years they have been recognized as actors and recording artists with Academy Awards and Grammys."

"The accomplishments of these exceptional women are the expressions of a vibrant culture in which African American women play a singular role. The labors, struggles, organization, and sacrifices of common women have made possible the prominence of heralded individuals. In churches, community groups, literary societies, sororities, and advocacy organizations, African American women have been the core of organized black life, but here their strivings have often escaped the gaze of the public, and hence their history is too little known."

"Their story is unique in the annals of American history. Black women were held as slaves and middle-class black women labored while their counterparts were housewives. Subjected to a long history of stereotypes about their sexuality, morality, spirituality, and intellect, African American women have never succumbed to victimhood and have pressed forward to uplift themselves, their families, and their community."

"To gain an understanding of the history of African American women is to broaden our understanding of a people and the American Nation. The Association for the Study of African American Life and History dedicates the 2012 Annual Black History Theme to exploring African American women's roles in and contributions to the making of America."

Mr. Speaker, I ask the House of Representatives to join me in recognizing the work of African American women throughout our nation's history.

 $\begin{array}{c} \text{CONGRATULATING CAROL W.} \\ \text{FLEISHER} \end{array}$ 

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. LUETKEMEYER. Mr. Speaker, I rise today to congratulate Carol W. Fleisher, who recently was awarded the Outstanding Public Service Award from the Chairman of the Joint Chiefs of Staff, in appreciation for her great efforts in support of this Nation's veterans. The Outstanding Public Service Award is the second highest honor given by the Chairman to a public servant who "has rendered service or assistance to considerable personal sacrifice, motivated by patriotism, good citizenship and a sense of public responsibility."

Mrs. Fleisher is the daughter of a career United States Air Force pilot, as well as the great-granddaughter of Senator James E. Watson from Indiana and former Speaker of the House of Representatives.

She attended the University of Maryland and graduated with a bachelor's degree in international relations and political science and minors in sociology and history. She attends the University of Missouri, where she is working toward her master's degree in religion. Currently, Mrs. Fleisher is the Director of Missouri University Veterans Center.

As director, Mrs. Fleisher has helped to develop one of the Nation's premier on-campus veterans centers located at the University of Missouri, providing a "one-stop" resource center to those in need of assistance. The veterans center provides valuable assistance four military men and women who served this country with honor and distinction. Not only do they deserve our gratitude, but they also deserve our assistance for the sacrifices they made in defense of our great Nation.

In closing, Mr. Speaker, I ask my colleagues to join me in honoring Carol W. Fleisher for this well-deserved award.

HONORING THE HEROIC ACTIONS OF OFFICERS LAUREN KEILITZ AND MICHAEL DIBLASI

## HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. RUNYAN. Mr. Speaker, I rise today to recognize the heroic and selfless actions of Officer Lauren Keilitz and Officer Michael Diblasi of the Barnegat Township Police Department in New Jersey's Third Congressional District.

At 8:44 p.m. on January 30, 2012, the Barnegat Township Police Department was dispatched to a reported car fire on Biscayne Road. Officers Keilitz and Diblasi responded and arrived to find a single motor vehicle fully engulfed in flames.

Shortly after arriving on scene, Officers Keilitz and Diblasi determined that the driver of the vehicle, Mario Dischiavi, was incapacitated in the driver's seat. Dischiavi was discovered by Officer Keilitz who was able to open the rear passenger door of the vehicle and observe Dischiavi through the thick smoke in the passenger compartment.

Officer Diblasi attempted to open the driver's door and could not get the latch to release, at which time he ran to retrieve a window punch from his patrol car in order to break the window and gain access.

Officer Keilitz, despite overwhelming heat and flames, was able to get the driver's door open and pull Dischiavi from the vehicle and drag him out of harm's way.

If it were not for the brave actions of these officers, the successful outcome surely would have been different. Their choice to go above and beyond the call of duty, subjecting themselves to harm, to help a citizen in distress is the exemplary action that deserves this chamber's praise.

Mr. Speaker, I ask all of my colleagues to join me in honoring the heroic and courageous actions of Officers Lauren Keilitz and Michael Diblasi in their extraordinary lifesaving efforts.

RECOGNIZING JOSEPHINE ZAPPONE

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and honor Josephine Zappone, on the occasion of her 100th birthday. Mrs. Zappone has been a devoted wife and loving mother, grandmother, and greatgrandmother to her large family.

Born February 5, 1912 in Bronx, New York, to Pietro and Rosalie Nizzari, Mrs. Zappone née Nizzari was the fifth of six children in her family. In 1938, she married Frank Zappone, with whom she raised three children: Allen, June, and Francis.

Mrs. Zappone has become known for her beautiful knitting, a skill she learned from her mother as a child. During both World War I and World War II, young Josephine knitted

caps, scarves, and gloves for soldiers fighting overseas. Now, instead of outfitting Gls, Mrs. Zappone knits to keep her children, grand-children, and great-grandchildren warm.

Josephine and her late husband, Frank, made their home in the Bronx, where she has been an active member of Our Lady of Mount Cannel Church for 93 years. Since 1956, Josephine has summered in my hometown of Southampton, on the shores of Shinnecock Bay.

Mr. Speaker, I am pleased to honor and recognize Josephine Zappone, a woman who has seen enormous change and progress during her long life. I would like to send Mrs. Zappone and her family my warmest regards and best wishes for happy 100th birthday.

NATIONAL INFANTRY ASSOCIATION AWARDS LIEUTENANT COLONEL (RET.) DEWEY L. COLES THE ORDER OF ST. MAURICE

# HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. BOUSTANY. Mr. Speaker, I rise today to congratulate Lieutenant Colonel (Ret.) Dewey L. Coles as a winner of the National Infantry Association's most prestigious award, the Order of St. Maurice.

Lieutenant Colonel Coles, at 21 years old, was one of the first soldiers to arrive on the ground in Korea during the summer of 1950. First serving as an artillery forward observer with the 24th Infantry Division and later as an aerial observer, Lieutenant Colonel Coles flew behind enemy lines to coordinate artillery attacks on Communist forces. For his tenure, Lieutenant Colonel Coles earned two Bronze Stars for valor as well as two Air Medals for his courageous service.

The Order of St. Maurice is given to individuals who have demonstrated an exceptional degree of integrity, moral character, and professional competence during their service with the United States Army Infantry. I am so proud to announce this honor will be presented to Lieutenant Colonel Coles on February 9, 2012 by Brigadier General (Ret.) Robert J. LeBlanc in Breaux Bridge, Louisiana.

It is due to the character and sacrifice of individuals like Lieutenant Colonel Coles that we are able to enjoy the blessings of freedom and prosperity here in the United States of America. I thank Lieutenant Colonel Coles for his brave service to our country and congratulate him on this much deserved award from the National Infantry Association.

PERSONAL EXPLANATION

### HON. ANDRE CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. CARSON of Indiana. Mr. Speaker, on February 3, 2012, I missed rollcall votes 31, 32, and 33 because of district business. Had

I been present, I would have voted "yes" on rollcall 31 and "no" on rollcall 32. I would also have voted "yes" on rollcall 33, because it is critical to support aviation jobs and safety in our skies. However, I am strongly opposed to the inclusion of anti-labor provisions that will increase from 35 percent to 50 percent the required number of employees who must show interest in forming a union before the National Mediation Board can allow election procedures to begin. These provisions will make it more difficult for American workers to organize for the protection of their rights, pay and safety. I encourage my colleagues to immediately begin consideration of legislation to reverse these misguided provisions.

A TRIBUTE TO MR. GLENN ELLIS, SR.

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Mr. Glenn Ellis, Sr. Mr. Ellis is an internationally respected health educator, complementary medicine consultant and author.

A native of Birmingham, Alabama, Mr. Ellis attended the University of Pennsylvania more than three decades ago. It was just the first step in his lifelong commitment to ensuring the health and well-being of others. Mr. Ellis continued his studies at the International College of Bio-Dynamics and the Atlantic Academy of Classical Homeopathy.

He maintains a busy lecture schedule in the U.S. and abroad, where he highlights health disparities and medical ethics. Mr. Ellis speaks at churches and community centers and is a popular and well sought-after university guest lecturer. He has made scientific presentations in Belgium, Germany, Cuba, and The Netherlands.

For years, health-conscious Philadelphians have tuned into his weekly radio broadcasts and commentary, where Mr. Ellis can be relied upon to dispense practical medical information. Mr. Ellis' unique broadcasts are now heard in 53 U.S. markets and 53 countries around the world.

Mr. Ellis serves on the Institutional Review Board and the Ethics Committee of Mercy Health Systems in Philadelphia. In 2005, he became a member of the Institutional Review Board of Thomas Jefferson Health Systems. He was a part of the Black Media Delegation at the 2010 International AIDS Conference in Vienna, Austria, and presented recently presented on Inclusion and Retention of African Americans in Clinical Trials in Hayana.

In addition to serving on the Board of Universal Charter Schools and Communities in Schools Philadelphia, he was recently appointed to serve on the Blue Ribbon Commission on Youth Violence by the Mayor and School superintendent of Philadelphia.

Mr. Ellis was a Borough Councilman in Yeadon, Pennsylvania until 2001, serving as Chair of the Public Health and Safety Committee. Currently he is President of Strategies for Well-Being, LLC, a health education and consulting company headquartered in Philadelphia, where he consults with national corporate clients on promoting and providing health education for consumers and providers.

Mr. Speaker, I ask that you, and my other distinguished colleagues join me in recognizing Mr. Glenn Ellis, Sr. for his accomplishments and service.

HONORING THE LIFE OF DR. CLEVELAND DONALD, JR., CIVIL RIGHTS ACTIVIST AND EDUCATOR.

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the life of Dr. Cleveland Donald, Jr., a civil rights advocate, community activist and pioneering educator. Dr. Donald will be largely remembered as the second African-American student to graduate from the University of Mississippi, but he was also a reflection of all that we hope and expect our community leaders to be.

Born April 10, 1946, in Newton, Mississippi, Cleveland Donald, Jr. was the oldest of five children born to Rosia and Cleveland Donald, Sr. As a student at Brinkley High School, he excelled academically and enrolled in Tougaloo College when he was 17. After attending Tougaloo for one year, he enrolled at the University of Mississippi in 1964, and graduated in 1966 with a history degree. He would become the second African-American there to graduate and the last to enter under Federal Protection.

Dr. Donald was that rare individual who dedicated his entire life's work to education. He obtained multiple academic degrees from prestigious universities such as Ole Miss, Harvard, and Cornell; where he obtained his doctorate. As a college professor, he taught in universities across the country and worked in the private sector on projects related to higher education. He was an excellent role model for young adults, a leader to fellow faculty members and a shining example of perseverance in order to achieve your dreams and goals.

A man of deep conviction, Dr. Donald became involved in the civil rights movement while attending Tougaloo and was arrested multiple times for protesting the racial injustices of the era. He helped establish a Black studies program at the University of Mississippi in addition to working with former Governor William Winter on programs at the University of Mississippi for racial reconciliation.

Dr. Donald's legacy will be carried on through his son, Cleveland Donald III, and his daughters Krista Donald and Toyetta Donald. He has four brothers; Judge John Donald, Major General James Donald, Reverend Larry Donald, and Master Sergeant Howard Donald.

Mr. Speaker, I ask that my colleagues join me in honoring the life and legacy of Dr. Cleveland Donald, Jr., an educator and civil rights advocate who found his lifework in the work that he loved

IN RECOGNITION OF MR. KEVIN GUERIN

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Kevin Guerin of Atlantic Highlands, New Jersey. Mr. Guerin will be honored as the 2012 Irishman of the Year by the Ancient Order of Hibernians Volunteer Patrick Torphy Division 2 of Monmouth County. Mr. Guerin is an outstanding leader and member of the community whose contributions have continued to promote, preserve and uphold Irish heritage, as well as embodying the AOH motto of friendship, unity, and Christian charity. His actions and dedication are undoubtedly worthy of this body's recognition.

Mr. Kevin Guerin was born in Miltown Malbay in County Clare, Ireland, a region commonly known for its traditional Irish music. As the second youngest child of 11 siblings, Mr. Guerin attended St. Joseph's Vocational School in Miltown Malbay and received his certification in carpentry. In addition to his professional career, Mr. Guerin is an accomplished musician and earned the title of All Ireland Tin Whistle Champion. After immigrating to the United States in 1973, he continued to pursue his passion for music. Mr. Guerin began playing with several Irish bands throughout New York and New Jersey, ultimately starting his own band, "The Biddy Earlys," which was later named "Round The House."

Mr. Guerin has admirably served on numerous boards for various organizations throughout Monmouth County, New Jersey. He is a valued member of the Knights of Columbus Bayshore Council #2858 and continues to dedicate countless hours to the Irish Federation of Monmouth County and the Frank McGovern Association of Newark. Mr. Guerin is a hardworking member of the John F. Cryan Association of South Orange, the Irish American Society of Union and is committed to upholding the mission of the Joseph Nugent Association of Elizabeth and the Friendly Sons of St. Patrick of the Jersey Shore. Kevin is the founding member of the famous Hoboken St. Patrick's Day Parade and the Jersey Shore Irish Festival of which he served as Chairman in 1999. As a result of his impressive actions, Mr. Guerin was recognized by the Irish American Fenian Society in 1987, Jersey Shore INA in 1996, the Order of St. Brendan in 1999 and is the highly deserving recipient of the Patrick Torphy Award in 2008. Kevin and his wife Kathleen are the proud parents of Fiona, Delia. Mike and the late Siobhan. They are also grandparents to Quinn Morgan.

Mr. Speaker, I sincerely hope that my colleagues will join me in congratulating Mr. Kevin Guerin upon receiving the 2012 Irishman of the Year award and also for his leadership and service to the Irish American community.

HONORING LEANNA COSSMAN FOR HER DEDICATION TO CIVIC SERVICE

## HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to recognize Leanna Cossman of Urbana, Illinois. In February she will be making her sixth trip to assist people in Haiti, which has recently been devastated by natural disasters and disease.

Mrs. Cossman's first journey to Haiti occurred shortly after the terrible earthquake in 2010. She returned to the country for a second time not long after to continue providing care for the hundreds of thousands still struggling. When cholera began to spread among the refugees, Mrs. Cossman made another trip to help the sick and dying. She made two more trips in 2011, assisting relief workers with the nursing skills that she has practiced as a certified nurse for schools in Urbana.

I would be remiss if I did not thank Jewish Healthcare International for sponsoring Mrs. Cossman's upcoming trip, as well as many others. Their organization and the people who volunteer for them have made an incredible impact in the lives of thousands of people.

Mrs. Cossman's selflessness and dedication to providing help and care for others serves as an incredible example for people across our great Nation, and I am truly honored to serve as a representative for such a caring individual. I want to personally thank Mrs. Cossman and her family, and let them know that her story is an inspiration not only to myself, but to all the members of Congress.

U.S. POLICY TOWARD POST ELECTION DEMOCRATIC REPUBLIC OF THE CONGO

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, the Subcommittee on Africa, Global Health, and Human Rights, which I chair, examined U.S. policy options for dealing with the ongoing crisis in the Democratic Republic of the Congo, one of the priority countries in the United States' Africa policy as identified by the Administration and as confirmed by Congressional legislation and oversight over the past several years. This country is two-thirds the size of Western Europe and borders nine African countries. Its problems extend well beyond its borders.

Prior to yesterday, the subcommittee last examined the situation in the DRC in a hearing in March of last year, when the storm clouds were gathering in advance of the November elections. The DRC is now struggling with the aftermath of those elections. Opposition political parties and civil society, especially the Catholic Church, appear unwilling to accept the results of the presidential and legislative elections. Opposition leader Étienne

Tshisekedi received 32 percent of the votes, but he believes he was cheated out of votes that would have made him the winner in the elections. He has staged a presidential swearing-in ceremony and announced that he will form a government. He also has called on supporters to march with him to government headquarters. However, government armed forces have surrounded his home since the presidential results were announced on December 9, and even his aides have been prevented from meeting with him.

Suspicion persists that this election was manipulated in favor of incumbent President Joseph Kabila. The Carter Center, which observed the vote, as well as the United Nations Organization Stabilization Mission in the DRC (MONUSCO) and most of DRC's civil society, all cast serious doubt on the announced outcome of the election. According to the Carter Center, ballots were missing in some areas, while results for Kabila in other areas were deemed "unrealistic." Calls for new elections not only continue, but appear to be growing in intensity.

Perhaps government intimidation has minimized any uprising by a discontented population, or perhaps the Congolese have accepted that Kabila will do whatever it takes to ensure his victory. It could be that poverty and a lack of information among the population has restrained the widespread resort to protest. Still, there is significant instability throughout the country.

This calls into question the long-term stability of a country that is critical to U.S. interests, which includes the continued flow of strategic minerals. Congolese have reason to be skeptical that they will ever have a stable government that functions on their behalf. There has been one crisis after another since independence in 1960, caused by the selfish actions of predatory leadership. An estimated four million Congolese lost their lives in two wars from which they are still recovering.

Most Congolese remain poor, hungry and in danger of violence. Their government cannot provide the most basic necessities for their families. Public administration is virtually non-existent, with civil servants demanding payment from the public for even the most routine services. MONUSCO is handling security, and the World Health Organization is dealing with the country's public health issues. The challenge for the international community is to help build the capacity and political will of Congolese officials to assume the responsibility for caring for and protecting their citizens.

Since November, violence attributed to the Congolese military, the Rwandan rebel group the Democratic Forces for the Liberation of Rwanda (FDLR) and local militia has caused more than 100,000 Congolese to become internally displaced persons or refugees. Local vigilante groups have clashed with the Rwandan rebels in North Kivu province and displaced about 75,000 from 30 villages in North Kivu province. Similar clashes in Ituri and northern Katanga have had a serious impact in those areas as well. This raises serious concerns for a potential humanitarian crisis.

Women continue to be targeted for abuse in DRC. A study that recently appeared in the American Journal of Public Health concluded that an average of 48 women and girls are

raped every hour in this country. So before this hearing has ended, more than 100 females in DRC will have been raped.

However, there remains hope for DRC despite the current crisis. Even during the worst stages of the global financial crisis, the World Bank was predicting that DRC's economy would grow by seven percent annually over the next several years, making it one of the world's fastest growing economies. At the local level, Congolese reportedly have developed coping methods for an absent government. Women have developed rotating credit systems to compensate for an inaccessible banking system, and farmers have banded together to rent trucks to jointly take their produce to market.

According to the latest election results, the ruling party in DRC has lost 45 seats they previously held to opposition parties, with 17 other elections yet to be rerun after being annulled. This may help in establishing grounds for political reconciliation.

Since the early days of Congolese independence, the United States has been involved in the DRC and continues to play a significant role there. In FY2011, Economic Support Funds were targeted to support the Government of Congo's stabilization and recovery program through support to community recovery and reconciliation, conflict mitigation and resolution, and the extension of authority. International Military Education and Training funds focus on training Congolese officers on military justice, human rights and joint operations. The United States also provides significant humanitarian assistance to the DRC. The United States provided bilateral aid to DRC of more than \$205 million in FY2008, \$296 million in FY2009, \$282 million in FY2010, and \$215 million in FY2011. The Obama Administration requested more than \$262 million for FY2012.

# IN REMEMBRANCE OF REVEREND DWIGHT C. GRAVES

## HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. DAVID SCOTT of Georgia. Mr. Speaker, it is with a heavy heart that I stand before you today to recognize the passing of an inspirational leader. Reverend Dwight C. Graves was a compassionate, charismatic and considerate soul, who devoted his life to service. Born and raised in Freeman, West Virginia, the good Reverend served in the United States Air Force for over thirty years, worked as a postal worker and union steward, and acted as a friend to both delinquents and school children.

Reverend Graves felt a calling to the church and devoted much of his life to spreading the Lord's word. Before settling in Georgia, Rev. Graves pastored a church in Belgium and Illinois. He was an Associate Minister of Zion Baptist Church in Marietta and the Pastor of the Emmanuel Tabernacle Christian Church until his death.

The Reverend was a leader among leaders. He co-founded the Georgia State Unit of the Southern Christian Leadership Conference, served on the National SCLC board and was President of the Cobb County SCLC.

As I look back on Reverend Graves' life, I find myself honored to have known him. It is my sincerest hope that those of us whose lives he has touched will go on and pass on his influence to others in need. Reverend Dwight C. Graves was a strong man. He is survived by his wife, Rev. Dr. Cheryl D. Graves and their daughter, Diana Lynette. Mr. Speaker, my fellow colleagues, I hope you will join me today in extending my condolences to them during this difficult time.

EXPRESSING CONDOLENCES OVER THE DEATH OF RAUF DENKTAS

## HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. WHITFIELD. Mr. Speaker, I rise today as a co-chair of the Congressional Caucus on Turkey and Turkish Americans to speak on the recent death of Rauf Denktas, former leader of the Turkish Cypriots.

Mr. Denktas spent a great deal of his life advocating for a resolution to the separation between Greek Cypriots and Turkish Cypriots. Throughout his lifetime, Mr. Denktas witnessed the independence and divide of Cyprus, and went on to lead bilateral negotiations for a resolution to the Cyprus problem. For the Turkish and Greek people of Cyprus that have faced decades of turbulence, it is essential that a peaceful, unifying solution be found to this matter.

I send my sincere condolences to Mr. Denktas' family, friends, and the Turkish Cypriot community, and I am hopeful that the international community will move forward toward a lasting settlement in Cyprus that will be agreeable for both the Greek and Turkish communities, reflective of the longtime efforts of Rauf Denktas.

#### MILITARY ACADEMY NOMINATIONS FOR 2012

## HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbring-

ing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Many are veterans. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed over 50 applicants. Nominations included 9 to the Naval Academy, 10 to the Military Academy, 5 to the Merchant Marine Academy and 8 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. The recommendations are then forwarded to the academies by January 31,

where recruiters reviewed files and notified applicants and my office of their final decision on admission.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it is in Afghanistan or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2012, 11TH DISTRICT CONGRESSIONAL DISTRICT

AIR FORCE ACADEMY

Page Femia, Kinnelon, Villa Walsh Academy

Christian Longhi, Succasunna, Seton Hall Prep

Mathieu Gaydos, Randolph, Randolph H.S. Brian Moscioni, Mendham, Gill St. Bernard's School

Ryan Swift, Whippany, Morristown H.S. Brandon Sharp, Whippany, Seton Hall Prep MERCHANT MARINE ACADEMY

Alexander Rodgers, Lake Hopatcong, Jefferson H.S.

Bansi Patel, Livingston, Livingston H.S.
MILITARY ACADEMY

Gregory Horne, Denville, Morris Knolls H.S.

Michael Lami, Madison, Madison H.S./

Amos Lee, Bridgewater-Raritan, Bridgewater-Raritan H.S.

Timothy Lynch, Mendham, Pope John XIII H.S.

Jared Love, Florham Park, Episcopal H.S./

James Morsch, Morristown, West Morris Mendham H.S.

Thomas Rapp, Mendham, West Morris Mendham H.S.

Jonathan Richards, Mountain Lakes, Mountain Lakes H.S.

Ryan Richards, Basking Ridge, Ridge H.S. Joshua Thomlinson, Flanders, Pope John XIII H.S.

### NAVAL ACADEMY

Gianluca Borrelli, Dover, Dover H.S.

James Burke III, Chatham, Chatham H.S. Roger Castle, Bridgewater. Bridgewater-Raritan H.S.

Matthew Dilonno, Mountain Lakes, Mountain Lakes H.S.

Troy Dundas, Sparta, Norwich University/Blair Academy

Shane Gregoire, Kinnelon, Kinnelon H.S. Aaron Hanko, Montville, Trinity Christian School

Chad Heal, Hackettstown, Delbarton School

Caitlyn Hughes, Randolph, Randolph HS/ Stevens Institute

Gregory Keiser, East Hanover, Delbarton School

Joshua King, Short Hills, Pingry School Kevin Lenahan, Flanders, Pope John XIII H.S.

Anthony Malatesta, Chatham, Chatham H.S.

Thomas Mahala, Far Hills, Seton Hall Prep/Seton Hall University

Keegan McCoy, Basking Ridge, Ridge H.S. James McManus, Mendham, West Morris Mendham H.S. Thomas Morreale, Short Hills, Millburn H.S.

Steven Reidel, Boonton, Mountain Lakes  $\rm H.S.$ 

Conrad Womelsdorf, Caldwell, James Caldwell H.S.

Jinghong Yuan, Parsippany, Parsippany H.S.

# TRIBUTE TO THE LIFE OF KAYA TUNCER

#### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a committed community advocate, Kaya Tuncer. Kaya, an experienced Turkish-American entrepreneur and philanthropist from California, passed away on January 7, 2012, at the age of seventy-four.

Kaya was born and raised in Turkey, moving to the United States at age 19 with only 80 dollars in his pocket. He put himself through college, first at Santa Ana College, then gaining a degree in civil engineering from University of California Berkley and an MBA from University of Southern California. Kaya's strong determination to succeed in the United States paid off. Kaya continued to live in the Los Angeles area for 49 years.

Kaya began his successful business career as founder and chairman of the ESBAS Company, which was responsible for developing and operating the largest industrial park in Turkey, called the Aegean Free Zone. Kaya was a strong supporter of Turkish-American relations and devoted his life to creating a cultural understanding between peoples from both nations.

His success as a businessman propelled him to give back to his home country of Turkey by inaugurating Space Camp Turkey in June of 2000. Kaya also created a foundation called Global Friendship through Space Education. Kaya's generosity allowed 150 students and teachers to attend National Space Camp Week each year. Since Kaya began the foundation, over 5,300 students from 27 countries have been awarded scholarships. Kaya's foundation shows his dedication to improving the lives of young adults by expanding their experience and understanding of science.

Today, the Global Friendship through Education foundation has developed a yearlong educational program to connect students and teachers in America with their counterparts in Turkey. This program has helped to create friendships as well as foster cultural understanding. Due to his tireless philanthropic efforts, Kaya was awarded the "Advancement of Education in Turkey Award" in 2002 by the Turkish-American Scientists in Washington DC as well as the "Turkish-American of the Year" in 2003.

Kaya is survived by his wife, Mary Mills Tuncer, his two daughters; Deniz and Ayshe; as well as two granddaughters. He leaves with cherished memories of a loving family. My thoughts and prayers, along with those of my wife, Barbara, and my children, Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Kaya's family at this time. Mr. Speak-

er, I ask my colleagues to join me today in honoring a beloved community member and tireless advocate, Kaya Tuncer.

IN HONOR OF HARRY J. BURY

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Harry J. Bury, a long time proponent for peace who will be honored by the Government of Vietnam for his anti-war activities during the Vietnam War.

Harry Bury was born on January 26th, 1930 and grew up in St. Paul, Minnesota. Mr. Bury currently resides in Berea, Ohio. He is an Adjunct Professor of Systems Management at the Baldwin-Wallace College in Berea. In 1990, Mr. Bury won the Strosacker Award at Baldwin-Wallace for his excellence in teaching. He is also the Chair of the Doctorate Program in Business Administration at Burapha University in Bangkok, Thailand, and has taught Organizational Behavior at Assumption University in Bangkok. Mr. Bury received his Ph.D. in Organizational Behavior from Case Western Reserve University. He completed the Gestalt Institution of Cleveland's Postgraduate program in 1975.

During the Vietnam War, Mr. Bury chained himself to the gates of the U.S. Embassy in Saigon to protest the military actions in Vietnam. He is now being honored by the Government of Vietnam, as well as receiving an honorary citizenship.

In addition to his activism in Vietnam, Mr. Bury traveled to the Gaza Strip on a peace mission in 2005. He was abducted by a Palestinian gunman, but was later released unharmed.

Mr. Speaker and colleagues, please join me in honoring the many accomplishments of Mr. Harry J. Bury, as well as his lifelong commitment to promoting peace.

AMERICA'S FRIEND, DR. SHIKAL AFRIDI IS IN JAIL IN PAKISTAN

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. POE of Texas. Mr. Speaker, the day Osama bin Laden met his maker was a great day for America

But like most good things, this did not come

Pakistani Dr. Shikal Afridi worked with our CIA under the guise of running a hepatitis B vaccination program.

His hope was to get DNA evidence to confirm that bin Laden was hiding in Abbottabad before our Navy Seals went in for the kill.

He never got those samples, but according to Secretary Panetta, he was "very helpful" in the operation to find Osama bin Laden.

But Dr. Afridi is now sitting in a jail cell in Pakistan, being held for treason for helping the U.S.

That's right. Pakistan is now holding in custody a doctor that helped us get the number 1 terrorist in the world.

The man should be treated like a hero. Instead he's locked up and called a traitor. This ought not to be.

Pakistan is no friend of ours. The sooner we realize that the better off we'll be.

Until Pakistan becomes an ally—Americans should give no money to Pakistan.

And that's just the way it is.

INTRODUCTION OF LEGISLATION TO GRANT AMERICAN CITIZEN-SHIP TO DR. SHAKEEL AFRIDI

## HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. ROHRABACHER. Mr. Speaker, today I have introduced legislation to grant American citizenship to Dr. Shakeel Afridi, the Pakistan medical doctor who risked his life to identify Osama Bin Laden and help U.S. military forces bring him to justice. Pakistan's Inquiry Commission on the Abbottabad Operation, the U.S. mission which killed Bin Laden, has recommended that Dr. Afridi be tried for treason for helping the United States. If convicted, Dr. Afridi could be executed. My bill would grant him U.S. citizenship and send a direct and powerful message to those in the Pakistani government and military who protected the mastermind of 9/11 for all those years and who are now seeking retribution on those who helped to execute Bin Laden.

Before the May 2, 2011 raid which resulted in Bin Laden's death, Dr. Afridi used the cover of conducting a polio vaccination program in Abbottabad in an attempt to gain access to Bin Laden's compound and identify who was living there. Pakistan subsequently arrested Dr. Afridi at his home on May 22, 2011. He has been jailed for the past eight months and media reports state that his wife, an American citizen of Pakistani origin is currently missing and her whereabouts are unknown.

Recently, Secretary of Defense Leon Panetta said that Dr. Afridi "was an individual who in fact helped provide intelligence that was very helpful" to the operation which killed Bin Laden. Secretary Panetta is "very concerned" about his fate. This bill shows the world that America does not abandon its friends.

I have introduced this bill with the endorsement of Representatives Brad Sherman, Louie Gohmert, Jim Moran, Dan Lungren, Collin Peterson, Duncan Hunter, Joe Pitts, Jeff Duncan, Joe Wilson, Bill Posey, Ted Poe, Roscoe Bartlett, Doug Lamborn, Patrick McHenry, Sam Johnson, Mike Coffman, Adam Kinzinger, Tom Cole, Jeff Denham, David Rivera, and Jean Schmidt.

CONGRATULATIONS TO HENRY (HANK) SHAFT FOR HIS YEARS OF SERVICE

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Hank Shaft on his retirement from the Saginaw County Commission on Aging Board.

Hank began his work career in 1951 at the General Motors Parts Plant in Saginaw, Michigan. During his 33 year career he was active in his union, UAW Local 522, serving as committee man, union president, and bargaining committee chairman. Hank also had the distinction of being the last worker to close and lock the doors at the Saginaw General Motors Parts Plant when the plant was shut down.

After retirement from General Motors, he continued his advocacy role by participating in, and holding officer positions in: the Local 522 Retiree Chapter, UAW Area 5 Saginaw Retirees Council, Michigan Council of Senior Citizens, and UAW Region 1–D Retirees.

He has served on the Area Agency on Aging's Advisory Council since 1995, as well as a Board Member of the Saginaw County Commission on Aging Board. Mr. Shaft served as Board Chair for the past four years and was a delegate to the Michigan Senior Advocacy Council. He was also president of the Tri-County Area Senior Citizens Council.

In 1997 Hank earned the Saginaw County Senior of the Year award, and later that year, the Governor recognized him as Michigan's Senior Citizen of the Year. He was also honored in 2005 for his volunteering services and dedication to Michigan's older adults when he received the State's Claude Pepper Award. Hank dedicated his life to supporting labor, retirees, and our senior citizens and the community is a better place because of his work.

Mr. Speaker, I would like to congratulate Hank Shaft on his retirement. We are fortunate to have such a dedicated public servant in the Saginaw County Commission on Aging Board and I wish him well in his future endeavors.

HONORING ST. MARY'S HOSPITAL UPON RECEIVING MAGNET REDESIGNATION

## HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Ms. BALDWIN. Mr. Speaker, I rise today to honor St. Mary's Hospital in Madison, Wisconsin for attaining their third Magnet recognition from the American Nurses Credentialing Center, ANCC.

Since 1912, St. Mary's Hospital has provided exceptional health care for the people of our great community. With a wide array of health and wellness services, St. Mary's Hospital plays an essential role in providing quality health care and even offers free services and programs to individuals who cannot otherwise

afford care. Over the past century, St. Mary's has provided \$47.5 million in free or reduced health care programs and has received countless awards and recognitions for their efforts.

Magnet recognition is the gold standard for nursing. Each year, the ANCC bestows the designation upon hospitals that provide excellence in nursing. St. Mary's was first recognized as a Magnet hospital in 2002 and was redesignated in 2008 and again earlier this year. Magnet recognition not only acknowledges the high quality of care provided at St. Mary's, but also the excellence of the hospital's overall organization and leadership. The ANCC recognized the hospital as exemplary in five areas: transformation of leadership; structural empowerment; exemplary professional practice; new knowledge, innovations and improvements; and empirical outcomes. In addition, the ANCC praised St. Mary's for sustaining high patient satisfaction scores, empowering nursing staff, and building and maintaining strong community partnerships.

St. Mary's has truly distinguished itself by attaining its third Magnet recognition. The rigorous application and redesignation processes, complete with extensive written documentation and on-site visits, make it difficult to attain Magnet recognition just once, let alone three times. Only about 7% of hospitals nationwide attain Magnet recognition and less than 1% have ever achieved Magnet redesignation twice.

With a philosophy focused on providing personalized care for patients and their families, showing respect and compassion for all persons who come in contact with the hospital, and fostering internal and external community understanding and support, St. Mary's Hospital is yet another reason I am so proud to represent the Second Congressional District of Wisconsin. For the third time, I am honored to offer hearty congratulations to the nurses, doctors, staff, and volunteers that work to make St. Mary's Hospital a prestigious Magnet hospital.

HONORING UNITED STATES RE-SERVE LIEUTENANT COLONEL BRENNAN P. MAHONEY

## HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. HAYWORTH. Mr. Speaker, I rise today to recognize Brennan P. Mahoney of Carmel, New York for service to his nation as an engineer in the United States Army Reserve and for dedication to his role as a Veterans Service Officer for the New York State Division of Veterans' Affairs.

Mr. Mahoney, who holds a Bachelor of Science degree in Architecture and a Master of Science degree in Education and Training, joined the U.S. Army Reserve in 1982. The record of Mr. Mahoney's 29 years of service describes a distinguished career that begins with an assignment to West Germany as a Bridge Specialist in 1982, followed by mobilization for a 15 month tour in Iraq beginning in 2006. In addition, he distinguished himself as a New York State Veterans Service Officer

earning him the respect and gratitude of those he assisted. Mr. Mahoney has received numerous awards and honors for dedication.

Lieutenant Colonel Mahoney is currently holding orders for his third active-duty deployment. He is expected to leave his home and family later this month to serve in harm's way once again, this time in Afghanistan.

Mr. Speaker, it is an honor to recognize Lieutenant Colonel Brennan P. Mahoney. We are fortunate to have benefited from his dedication and service.

IN HONOR AND REMEMBRANCE OF WISLAWA SZYMBORSKA

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Ms. Wislawa Szymborska, a Nobel Prize winning Polish noet

Ms. Szymborska was born on July 2, 1923 in Brin, Poland. At the age of eight, in 1931, her family moved to Krakow, where she spent the rest of her life. During World War II, in order to avoid deportation to Germany, Ms. Szymborska worked as a railway clerk. Following the War, she attended Jagellonian University where she studied Polish literature and sociology. She began working for the literary magazine, "Zycie Literackie" in 1953. She served as a columnist and poetry editor until 1981.

In 1945, Ms. Szymborska published her first poem, "Szukam slowa" (I am Looking for a Word) in the Dziennik Polski newspaper. She published her first book of poetry, "Dlatego zyjemy" in 1952 and her last will be published posthumously. Ultimately, Ms. Szymborska will be credited with more than 21 volumes of poetry published, many in several languages.

Ms. Szymborska was recognized and honored numerous times throughout her illustrious career. She has been coined the "Mozart of Poetry" and the "Greta Garbo of World Poetry." Ms. Szymborska has been awarded the Geothe Prize, Herder Prize, Polish PEN Club prize and in 1996, and she was the recipient of the Nobel Prize for Literature. She also received an Honorary Doctor of Letters degree from Poznan University. In 2011 she was honored bv Polish President Bronislaw Komorowski with The Order of the White Eagle for her cultural contribution to Poland.

Mr. Speaker and colleagues, please join me in honoring the memory of Ms. Wislawa Szymborska. Her work and her memory will live on with all who were blessed by knowing of her.

 $\begin{array}{c} {\rm COMMEMORATING\ BLACK\ HISTORY} \\ {\rm MONTH} \end{array}$ 

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  $Friday,\ February\ 3,\ 2012$ 

Mr. RANGEL. Mr. Speaker, throughout February we recognize the lives and events of

black pioneers who have made our country a truer Nation of equality for all. Born in the midst of the Harlem Renaissance I am honored to come from and represent a congressional district that has such a rich black heritage. Through civic participation and urban culture Harlem has forever shaped our Nation's history. It has been home to intellectual luminaries such as Langston Hughes, W. E. B. DuBois, Booker T. Washington, and classic musical performers like Harry Belafonte, Billie Holiday, Marian Anderson, Lena Horne and Ella Fitzgerald. On the stage of the Apollo Theatre, legendary musicians like Louis Armstrong and Duke Ellington played their way into history. Spirited veterans like Tuskegee Airmen Lee Archer, Dabney Montgomery and Roscoe C. Brown, pilots during World War II, flew military aircraft with distinction.

This year we especially honor black women who have been trailblazers and leaders in the fight for racial equality and women's rights. Their leadership, patriotism, and artistic expression have enhanced and inspired countless lives. From leader of the Underground Railroad, Harriet Tubman, to American poet Revolutionary War patriot, Phillis Wheatley, journalist Ida B. Wells, the great educator and presidential advisor, Mary McLeod Bethune, and mother of the modern Civil Rights Movement, Rosa Parks-black women through protest and perseverance have stood as a symbol of strength and pride in the face of injustice.

I must also acknowledge women like Dr. Muriel Petioni and Dr. Barbara Ann Tier, visionaries known for their service and unwavering commitment to the health of our community.

I am a proud sponsor of the Shirley Chisholm Congressional Gold Medal Act to honor the life and legacy of my dear colleague and first black woman elected to Congress in 1969. I am also a sponsor of resolutions in Congress honoring notable figures such as Madam CJ Walker, Ron Brown, Constance Baker Motley, Percy Sutton and Ray Charles.

Black history month is a time to learn about the achievements and contributions of blacks in our great Nation's history. During February, many community organizations are combining their efforts to host several events and exhibits. I encourage all to participate. Let's show our gratitude for the great contributions that blacks have provided to create the freedoms and opportunities we have today in America.

H.R. 3582 AND H.R. 3578

## HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. HOLT. Mr. Speaker, I want to register my opposition to H.R. 3582, the so-called "Pro-Growth Budgeting Act of 2011," and H.R. 3578, the "Baseline Reform Act of 2011."

Once again we, Mr. Speaker, spend time on another set of partisan process bills that do nothing to help us reduce the deficit and pay down our national debt. Instead, they do quite the opposite—they make it more difficult.

Mr. Speaker, in the 1990s, Congress balanced the budget. Moreover, we had a budget surplus. It did not require a balanced budget amendment or an overhaul of our budgeting process. It required some sensible decisions by Members of Congress and the President to match our taxes and our expenditures. The rules aren't broken, Mr. Speaker—Congress has simply failed to follow the rules that we have. In his testimony before the Budget Committee, Former Budget Committee Chairman Jim Nussle, a Republican, said just that. "It may not be that the budget process is broken," he said. "It may not be . . . that tools are broken, but it may be the fact that the tools are not even being used."

Any plan for deficit reduction must be comprised of spending cuts and revenue increases, yet H.R. 3582 attempts to hide that fact. It is designed to obscure the impact of tax cuts on the deficit. The majority simply wants to help its case for passing large tax cuts while disguising the actual costs of those cuts. Despite the rhetoric that has been thrown around this body, tax cuts do not pay for themselves.

Mr. Speaker, H.R. 3578 is just as unnecessary and, frankly, misleading. The majority wants to change the calculation of the discretionary baseline. It wants to include the Bush tax cuts for the wealthiest in the permanent baseline for all federal budgeting. This also eliminates the budgetary tools currently in place which account for increased costs in future years, thus resulting in an effective cut of 20 percent from all programs, including military pay, without any thought about need or funding priorities.

Mr. Speaker, these bills constitute solutions for problems that do not exist, and will only serve to make things worse. They will not solve our debt and deficit problems and they will not create a single job. Moreover, the current system works—it has worked for us in the past, and it can work for us again now if we stop the political gamesmanship and come together to find commonsense solutions to get our fiscal house in order.

HONORING THE LIFE OF ALLEN WHITLEY MELVILLE

## HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the life and memory of Mrs. Allen Whitley Melville. Sadly, Allen passed away on the first of this year in Bloomfield, Connecticut.

Born in 1927 in Evanston, Illinois, Allen spent most of her childhood growing up in Grand Rapids, Michigan, before attending Sarah Lawrence College in New York. In 1947 Allen met a young Navy Corpsman named Frank Melville, who recently returned from serving in World War II. Allen and Frank would go on to marry, forming a life-long bond that would take them from New York to Connecticut and would see them raise four sons. Along the way, Allen and Frank would become pioneers and leaders in two great social causes of their time—treating mental illness and ending homelessness.

After Allen moved with her family from New Canaan to Norfolk, Connecticut, in 1980, she became deeply involved in working to bring equal opportunity and fair treatment to the state's mentally handicapped, eventually serving on the Board of the State Office of Protection and Advocacy for Persons with Disabilities. While there, she worked to raise awareness on the unfair abuse and neglect that is all too often experienced by those living with mental illness.

In her backyard of northwest Connecticut, Allen helped found one of the nation's leading "club houses" for people with mental illness, Prime Time House in Torrington; which has the mission to assist those suffering with mental illness to live independent and productive lives. Many Connecticut residents with mental illnesses have found their way to independence and success thanks to the education and employment opportunities afforded by the care of the organization of which Allen helped establish.

Allen also was an integral part—and board member—of the Melville Charitable Trust, which works to find and fight the causes of homelessness and was chaired by her husband for many years. Allen made sure that mental illness was a priority of the work of the Trust

In fact, it was the unyielding advocacy of Allen, Frank, and the Melville Charitable Trust, that led me to introduce the Frank Melville Supportive Housing Investment Act, which was signed into law in January 2011. The law triples the number of supportive housing units built across the country with federal dollars. The legacy of both Allen and her beloved husband, Frank, who unfortunately passed away in 2007, will be honored every day by this act and by the great works to come in the future by those who have been inspired by the advocacy of the Melvilles.

In reflection of the unfortunate loss of a lifelong champion for those most in need and all the work she has done for the community of Torrington and the State of Connecticut, I ask my colleagues to join me in recognizing and honoring the life of Allen Whitley Melville and the contributions she has made in bettering the lives of all those she touched.

2012 AL RADKA AWARD: JOHN AND DIANE CARBRAY

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. COSTA. Mr. Speaker, I rise today to acknowledge John and Diane Carbray for their dedication to the community of Fresno. John and Diane are the recipients of the 2012 Al Radka Award. The award is bestowed upon individuals who have made contributions to the Fresno community through the game of baseball. The Carbrays have been instrumental in bringing big time baseball back to Fresno and worked tirelessly to help build one of Fresno's crown jewels, Chukchansi Ballpark. As distinguished members of the Fresno community and devoted leaders, John and Diane are certainly deserving of this award.

It was John and Diane's love for sports that brought them together. They first met while working with the San Jose Earthquakes. In 1983, they founded Projects West Entertainment, a company that would go on to put on more than 400 concerts over 20 years throughout the country in different athletic venues.

The Carbrays were first introduced to Fresno by Mr. Bob Freitas, who at the time was working as a Minor League Baseball executive. He contacted them to see if they were interested in buying bleachers that were left from the departing Fresno Giants/Suns Baseball Team who moved to Salinas in 1988. Both John and Diane had no idea that this initial introduction to Fresno would eventually lead them down a road to bringing baseball back to Fresno.

It was 1991 when the Carbrays began working to bring a team back to Fresno. In seven years, after working on community support and building partnerships, John and Diane were able to introduce the Grizzlies to Fresno. Together with William Connolly, Jack Emerian, Dave Cates, and Tim Cullen they created the Fresno Diamond Group. They all invested their time, expertise and ultimately themselves into making what once was a dream a reality.

The 2012 season will be the Fresno Grizzlies 15th anniversary and their 11th playing downtown.

Mr. Speaker, I applaud John and Diane for their many years of work to help make Fresno a better community and congratulate them on this well-deserved recognition. I invite my colleagues to join me in applauding and expressing appreciation for John and Diane Carbray and their many contributions to California's San Joaquin Valley.

# HONORING ATTORNEY JOCK MICHAEL SMITH

#### HON, TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. SEWELL. Mr. Speaker, yesterday I rose to recognize and pay tribute to one of our Nation's most distinguished trial lawyers, an avid sports collector, historian, author, and family man, Attorney Jock Michael Smith. I wish to add this statement as an extension to my remarks. Attorney Smith was a well-respected member of the Alabama bar and he was known nationally throughout the legal community for his exceptional legal abilities, legendary courtroom skills, civic activism and passion for equal justice. Sadly, he passed away at his home in Montgomery, Alabama on January 8th at the age of 63.

The story of Jock Michael Smith is not just one of a notable and accomplished attorney, social justice advocate, author, and sports collector. His story is one of hope, beating the odds, and the fearless pursuit of one's dreams. The life and legacy of Jock Smith is an inspiration to us all.

Despite losing his father tragically at a young age, despite being told in high school that he should be a sanitation worker, he did not let others determine his future. This young

boy, son of a widowed single mother of two, was determined to chart his own course.

Attorney Jock Smith was born in New York City and graduated from Andrew Jackson High School. Later that year, he enrolled in the historic Tuskegee Institute where he majored in History. Jock was a member of the baseball and track teams, served as Vice President of Student Government, and was the recipient of the Tuskegee Institute Department of History Citation for achieving the major's highest grade point average. He was also the first student from Tuskegee Institute to be listed in the National Student Register.

Inspired by the memory of his father, Jock developed his oratorical and academic gifts. He graduated with honors from Tuskegee University and then matriculated to the University of Notre Dame School of Law on an academic scholarship. As a first year law student, Jock founded the Black American Law Students' Association (BALSA) chapter at Notre Dame. Jock went on to earn his law degree from Notre Dame in 1973.

Jock Smith began his career as a legal advisor for the NAACP in Broome County, New York and was a Professor of Afro American Studies at New York State University. He then served as an assistant attorney general for the state of Alabama and served as a political science professor at Tuskegee University. Later, he opened his own law office in Tuskegee and thereafter became a city municipal judge in Camp Hill, Alabama. Jock Smith then went on to serve as County Attorney for Macon County, Alabama, a position he held for 15 years.

In 1996, Attorney Jock Smith co-founded a partnership with the late renowned attorney Johnnie Cochran and attorneys Keith Givens and Samuel Cherry. The law firm of Cochran, Cherry, Givens and Smith has 22 offices across this country and continues to be one of the most well-known criminal defense and civil plaintiff law firms in this nation.

Attorney Jock Smith's remarkable legal career was filled with record-setting verdicts and settlements on behalf of his clients, including a landmark \$1.6 billion verdict against Southwestern Life insurance, which was the largest in America in 2004. According to the National Journal and Lawyers Weekly, the verdict remains the largest civil verdict obtained by an African American lawyer in the nation's history. He also successfully won landmark cases against Orkin Pest Control, Monsanto and others. He represented the legacy estates of both Rosa Parks, Martin Luther King, Jr. and he represented the Negro League Players, and civil rights leader Rev. Fred Shuttlesworth.

Attorney Smith also had a passion for sports memorabilia. Jock Smith has the distinction of owning one of the nation's largest collections of game-worn, sports memorabilia. He used his national sports collection as an instrumental tool to motivate teens and young adults to overcome challenges.

During his illustrious legal career, Attorney Smith's hard work and leadership was acknowledged by numerous awards. He was recognized by the Alabama Trial Lawyers Association for his tireless dedication and unwavering commitments. He received the inaugural Johnnie L. Cochran Jr. Journey to Justice Award in 2005 at the National Bar Association

Convention. And most recently, he was honored in the inaugural edition of Who's Who in Black Alabama and named a member of the Board of Trustees at Tuskegee University in 2011

As an author, Jock Smith shared his amazing life journey in an autobiography entitled "Climbing Jacob's Ladder: A Trial Lawyer's Journey on Behalf of 'the Least of These'."

Media personality and author Tavis Smiley provided an insightful view of Jock's writing debut that accurately surmises his life's journey:

"Jock Smith's story is part history lesson and part sermon and one hundred percent fascinating. He and lawyers like his partner Johnnie Cochran are modern-day knights, using their skills to protect both the poor and defenseless. On a personal level, Climbing Jacob's Ladder shows how faith and hard work can bring great success."

Jock Smith was a member of Alpha Phi Alpha Fraternity Incorporated and he was the first African American to serve on the board for the President's Advisory Council of the National Wildlife Federation (NWF). Attorney Smith also served as a member of the National Finance Committee and served on the President's Advisory Council for the Democratic National Convention (DNC).

Jock Smith is survived by his wife of 45 years, Yvette Smiley-Smith and his daughter, Janav Marriel Smith.

Our nation is eternally grateful for Attorney Jock Smith's contributions to the legal community and to this nation. His commitment to advocacy to fight for the rights of the disenfranchised is a great example for us all to follow. He left an indelible mark in Alabama and across this nation and his legacy will be remembered for generations to come.

On a personal note, I was so honored to know Attorney Jock Smith. I admired his great oratorical skill and legal brilliance. I was inspired by his tenacious spirit and passion for service to others. I know that he forged the path upon which I now walk, and for that I am eternally grateful.

Jock Smith lived out the meaning of his favorite quote: "Service is the price we pay for the space that we occupy."

It is with tremendous pride and a great privilege to honor on this day, February 2, 2012, the life and contributions of Attorney Jock Michael Smith with this tribute on the floor of the U.S. House of Representatives. On behalf of the State of Alabama and this nation, I ask my colleagues to join me in honoring the life and legacy of Attorney Jock Smith by paying our fair share for the space that we occupy.

IN RECOGNITION OF THE VIET-NAMESE NEW YEAR: TET, 2012— YEAR OF THE DRAGON

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Vietnamese New Year: Tet, 2012—Year of the Dragon. As the Vietnamese community in Greater Cleveland gathers to

celebrate, I join them in honoring their rich history and culture.

Tet is the time of the year to pay homage to ancestors, reconnect with friends and family and celebrate every hope and possibility rising with the new year. This year's gathering will once again honor community volunteers and leaders, showcasing many Vietnamese cultural treasures including Vietnamese cultural treasures including Vietnamese culinary cuisine, music and dance.

This year also marks thirty-seven years of service to the community by the Vietnamese Community in Greater Cleveland, Inc. This organization has been an invaluable resource for hundreds of Clevelanders of Vietnamese descent, linking them to needed resources and preserving the rich heritage of the Vietnamese people.

I would also like to take this opportunity to recognize Le Nguyen, President of the Vietnamese Community in Greater Cleveland, Inc., and every member, past and present, for their dedication to Vietnamese-Americans of Northeast Ohio.

Mr. Speaker and colleagues, please join me in celebration of the Vietnamese New Year: Tet, 2012—Year of the Dragon. May every American of Vietnamese heritage hold their cultural legacy forever in their hearts, and find peace and happiness within every new day of the rising new year.

## A TRIBUTE TO JACK O'DONNELL

## HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. LATHAM. Mr. Speaker, I rise to recognize the retirement of West Des Moines Police Chief Jack O'Donnell, and to express my appreciation for his dedication and commitment in his years of service in law enforcement.

Mr. O'Donnell's entire life has been one of service. During the Vietnam War, Jack served our country in the Army before returning home in 1969 to begin his law enforcement career. For the last 43 years, Jack has contributed his time and his talents to the betterment of communities both in Iowa and neighboring Nebraska.

For the last 13 years, Mr. O'Donnell has served West Des Moines honorably as Chief of Police. Under his leadership, the West Des Moines Police Department transitioned from a reactive department to a proactive one. Jack made it a point to get to know his residents and despite a boom in population over his tenure, West Des Moines crime rates have remained low under his watch.

Throughout his illustrious and lengthy career, Jack has never wavered in his commitment to justice and security. Mr. O'Donnell is a testament to the high quality character instilled in lowans, and the city of West Des Moines owes him a great debt of gratitude for his service. While Jack's leadership will be missed, he leaves behind a more secure community that will continue to benefit from his service for years to come.

Mr. Speaker, it is an honor to represent the people of West Des Moines in the United States Congress, and I wish Jack and his wife

Marilyn a long, happy and healthy retirement. Thank you.

A TRIBUTE TO MARVIN NEALS, CELEBRATED COACH, MENTOR, AND EDUCATION ADVOCATE

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to a remarkable coach, principal, and mentor to the young men and women in Missouri, Mr. Marvin Neals.

Marvin Neals has thirty years of coaching experience. In 1974 Marvin Neals started his epic career at Soldan High School, in St. Louis, Missouri, where he won a Class 4A state title. After 16 years, Marvin Neals left coaching to pursue a career in education administration. The Hall of Fame coach could not be kept away from his passion for long, and returned to coach at Cardinal Ritter College Prep High School in 2000. Marvin Neals has already recorded three Class 3 championships with Cardinal Ritter.

On January 25, 2012, Marvin Neals reached a coaching milestone winning his 600th game. Marvin Neals was praised by his current and former players after the momentous win. The players spoke of his great influence and impact he has had on their lives. Marvin Neals wants to keep coaching the game he loves as long as possible, with no thoughts of slowing down in the future.

Mr. Speaker, Marvin Neals has dedicated his life to bettering the lives of the young men and women of St. Louis. His commitment can be recognized by the admiration of his colleagues, present and former players and students, and the remarkable feat of 600 career wins. I urge my colleagues to join me in honoring his remarkable service to the United States, the State of Missouri, and the St. Louis community.

# OUR UNCONSCIONABLE NATIONAL DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,351,406,294,640.49. We've added \$10,550,001,119,346.21 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE 20TH ANNIVER-SARY OF THE GREATER ROCH-ESTER AREA PARTNERSHIP FOR THE ELDERLY

#### HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. BUERKLE. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Greater Rochester Area Partnership for the Elderly (GRAPE).

GRAPE works to provide networking, education, and advocacy on behalf of the elderly population and has been very successful. Today, GRAPE has 300 members from over 200 agencies and organizations throughout the greater Rochester area.

GRAPE is a non-profit organization that consists of professionals, students, and volunteers; citizens who are dedicated to caring for our elderly population. The group has not only personally assisted those in need, but has also produced a landmark health care publication: the Professionals Guide to Elder Services. This guide is the most current, accurate, and up-to-date listing of elder services in the greater Rochester area and has been of great assistance to healthcare professionals throughout upstate New York.

I thank everyone involved with the Greater Rochester Area Partnership of the Elderly for their committed service to the elderly community. GRAPE's success is due to their efforts and I applaud their dedication.

REINTRODUCTION OF THE NORTH MAUI COASTAL PRESERVATION ACT OF 2012

## HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. HIRONO. Mr. Speaker, I rise today to introduce the North Maui Coastal Preservation Act of 2012, a bill directing the National Park Service to study the suitability and feasibility of designating certain lands along the northern coast of Maui, between Sprecklesville and Paia, as a unit of the National Park System. I have previously introduced this bill in the 110th and 111th Congresses.

The citizens of Maui strongly support preservation of this coast, which provides important open space and public beach areas.

The beautiful coastline of North Maui is under significant development pressure. Its closeness to major population centers in Maui and its popularity with both visitors and residents makes protecting access a major priority.

Supporters of this park have asked that it be named after Congresswoman Patsy Takemoto Mink, a native of Maui who grew up in the Hamakua Poko/Paia area. While this bill, which authorizes a study, does not direct what the prospective national park would be named, I would certainly support naming it after Patsy Mink, whose commitment to the people of the island and state was without question.

I urge my colleagues to join me in supporting this bill.

RECOGNIZING GREG STRADER FOR RECEIVING THE CHAMPIONS OF CHANGE AWARD

## HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, I rise today to recognize Greg Strader, founder of Be Ready Alliance Coordinating for Emergencies (BRACE).

We have been reminded frequently that the threat of natural disasters is always imminent, and vigilance is crucial. Greg Strader has devoted his career to natural disaster emergency preparedness. In serving with the American Red Cross for more than 32 years, he has responded to natural disasters in various capacities; whether it is hurricanes, tornados, floods, fires, or plane crashes, Mr. Strader has always been willing to give of himself to assist others.

Following the devastation to the Gulf Coast caused by Hurricanes Ivan and Dennis, Mr. Strader saw a need for improved disaster response. His experience led him to found BRACE, whose mission is to minimize loss of life, injury, property damage, environmental impact, and economic damage caused by natural disasters. BRACE's response to the BP Deepwater Horizon oil spill cleanup is an excellent example of the organization's invaluable contribution. In less than 36 hours, Mr. Strader assembled more than 1,900 volunteers who contributed over ten thousand volunteer hours in efforts to minimize the disaster's adverse impact.

I commend Greg Strader and BRACE for their efforts in making the northwest Florida community safer, stronger, and better prepared to expeditiously address the devastation of natural disasters and congratulate them on receiving the Presidential "Champions of Change Award." My wife Vicki and I wish Mr. Strader, the staff of BRACE, and their families all the best for continued success.

CONGRATULATING DR. MILDRED GARCIA ON HER RECENT APPOINTMENT AS PRESIDENT OF CALIFORNIA STATE UNIVERSITY, FULLERTON

## HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to congratulate Dr. Mildred Garcia, President of California State University, Dominguez Hills, who was recently named the new president of California State University, Fullerton by the California State University Board of Trustees.

California State University, Dominguez Hills—located in my congressional district—has benefitted greatly from Dr. Garcia's lead-

ership. Dr. Garcia is the first Latina to ever hold the title of president at a university in the CSU system, and her track record of success at CSU Dominguez Hills offers a shining example to university presidents across the nation. Her hard work and commitment to public education has helped to raise the status of the university in our community and across the state of California.

Dr. Garcia, the daughter of Puerto Rican immigrants, grew up of humble means in Brooklyn, New York. The second youngest of seven children, Dr. Garcia worked as a secretary to put herself through college and understood that the key to opportunity and success is a good education. After receiving two masters degrees from NYU and Columbia, Dr. Garcia went on to obtain her Ed.D. from Columbia University, Teachers College.

Before coming to CSU Dominguez Hills, Dr. Garcia taught at Arizona State University and spent ten years as the president of Berkeley College in New York. Over the past four and a half years, Dr. Garcia has worked diligently to elevate the status of CSU Dominguez Hills. When she began her tenure at Dominguez Hills, the university was struggling to meet enrollment targets and had an incoming freshman class with an average high school GPA below 3.0.

Dr. Garcia has been able to raise enrollment levels to a record high of 15,000 students. In 2010–11 CSU Dominguez Hills received 27,036 student applications, an increase of 62 percent compared to 2006–07. CSU Dominguez Hills is also enjoying higher reternion and graduation rates, and is becoming a more popular option for students just graduating from high school. Dr. Garcia has also been successful at increasing alumni donor participation by 400 percent, and securing the university's first-ever endowed professorship.

During Dr. Garcia's tenure as President of CSU Dominguez Hills, her leadership and commitment helped to make the university a hub for higher education in the South Bay and greater Los Angeles. In 2008 CSU Dominguez Hills was awarded the highest possible evaluation from Western Association of Schools and Colleges, receiving a rare 10-year reaccreditation.

Upon Dr. Garcia's arrival, CSU Dominguez Hills faced a \$2.8 million structural deficit, with the state appropriation of \$71,489,966. Under her leadership, the university successfully eliminated its structural deficit in spite of the continued decrease in state appropriation, which today is \$59,766,882 (a 16 percent decrease).

Under Dr. Garcia's leadership, CSU Dominguez Hills has won federal grants to help expand online education access to students, improve the quality of teaching in highneed schools by creating model teacher preparation and teaching residency programs, and provide students the support they need to complete their studies and graduate. All of these initiatives have helped to make CSU Dominguez Hills graduates active players in our economic recovery by improving community spirit, inspiring local business growth and lowering the local unemployment rate.

Last summer, Dr. Garcia was chosen by President Barack Obama to serve on the President's Advisory Commission on Educational Excellence for Hispanics. As a member of this commission, Dr. Garcia has been tasked with advising the President and Education Secretary Duncan on ways to improve the success rates of Hispanic students across the country.

At the conclusion of this academic year, Dr. Garcia will take her talent for leadership to California State University, Fullerton, one of California's largest universities. Although CSU Dominguez Hills is sad to see Dr. Garcia leave its campus, the legacy of her work and her impact on the community will continue to have an influence the university for years to come.

I am proud to have worked closely with Dr. Garcia to help make CSU Dominguez Hills a model urban public university, and I am sure she will bring the same enthusiasm for success to CSU Fullerton. Although she will no longer be working in my district, I am positive that Dr. Garcia and I will continue our work together to ensure that every student in California has access to a quality and affordable college education.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Mildred Garcia for her appointment to become the next president of CSU Fullerton.

#### A TRIBUTE TO JOHN BACHMAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 3, 2012

Mr. LATHAM. Mr. Speaker, I rise to recognize the retirement of WHO-TV news anchor John Bachman, and to express my appreciation for his dedication and commitment in his years of service to the people of lowa.

John traveled a long and winding road before becoming a nightly guest in thousands of homes across lowa. He was born in Texas, raised in New York, attended college in Minnesota, and worked in Chicago and Cedar Rapids before appearing on Des Moines WHO-TV's airwaves in 1987. John aspired to be an anchor in a place where he could raise his family and be a part of welcoming community, and it seems John and I agree that there is no better place than the state of Iowa.

For the last 25 years, lowans have heard some of the biggest news stories through Mr. Bachman. From the Persian Gulf War, to the attacks of September 11, 2001, to the recent 2012 lowa Caucuses, John has narrated and helped us come to grips with events in our rapidly changing world.

Throughout his memorable career, John has never wavered in his commitment to the truth and journalistic integrity, and in doing so, has rightfully earned his viewers' trust. While John's evening broadcasts are sure to be missed across the state, his commitment to lowa and its people continues as strong as ever. I wish John and his wife Barb a long, happy and healthy retirement. Thank you.

RECOGNIZING WOODLAND CEMETERY

## HON. ELEANOR HOLMES NORTON

of the district of columbia
IN THE HOUSE OF REPRESENTATIVES
Fridau. February 3, 2012

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the historic Woodland Cemetery located in our nation's capital, one of the only remaining 19th century African American burial sites.

Woodland Cemetery was established as the successor to Graceland Cemetery, which decided to relocate due to the imminent expansion of the District of Columbia. Woodland cemetery initially interred the more than 6,000 African Americans who were buried at Graceland, but as time went on, the location became more desirable for prominent figures in the D.C. African American community. The cemetery is the final resting place for such notable individuals as, Blanche K. Bruce, the first African American U.S. Senator: Mercer Langston, the first African American President of Virginia State University and the first dean of Howard University Law School and also the first African American Member of Congress from the state of Virginia: and John Willis Menard, the first African American elected to Congress. There are also many other distinguished people, who made our country what it is today, buried on this hallowed site

Woodland Cemetery remained a highly desired location for African Americans to be interred until the 1970s. In the early 1990s Woodland earned the distinct honor of being placed on both the District of Columbia's Inventory of Historic Sites and the National Register of Historic Places. Today, the daily operations of the cemetery are entrusted to the Woodlawn Cemetery Perpetual Care Association, which is comprised of mostly volunteers who have loved ones buried there. The main focus of the association is to preserve the cemetery and to raise funds to renovate and restore prominence to this sacred site.

I ask the House to join me as we recognize the historic value of this hallowed place not only in the month of February but year round.

NATIONAL SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH

## HON. TED POE

 $\quad \text{OF TEXAS} \quad$ 

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. POE of Texas. Mr. Speaker, January marked National Slavery and Human Trafficking Prevention Month.

As a former judge and prosecutor in Texas and as co-chair of the Congressional Victims' Rights Caucus this issue is significant to me. Many believe that slavery is an issue of the

past, but sadly it is not.

Throughout the world humans are forced

Throughout the world humans are forced into human trafficking, modern-day slavery, whether this is sex trafficking, labor trafficking,

domestic servitude or some other form of slavery.

This is not just a problem other countries face, but one that is alive in the United States.

Houston, Texas, my hometown, is a hub for this awful crime.

Fortunately, Houston and the state of Texas have taken the bull by the horns and are working hard to prosecute traffickers and protect victims.

On the federal level, I am working with Members on both sides of the aisle to ensure traffickers are prosecuted to the fullest extent of the law and victims are treated as victims and given the support they need.

And that's just the way it is.

HONORING SGT. DANIEL E. SEWELL

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES Friday, February 3, 2012

Mr. LUETKEMEYER. Mr. Speaker, I rise today to congratulate Sgt. Daniel E. Sewell, who recently was awarded the Outstanding Public Service Award from the Chairman of the Joint Chiefs of Staff, in appreciation for his great efforts in support of this nation's veterans. The Outstanding Public Service Award is the second highest honor given by the Chairman to a public servant who "has rendered service or assistance to considerable personal sacrifice, motivated by patriotism, good citizenship and a sense of public responsibility."

Sgf. Sewell enlisted in the United States Air Force on January 23, 2003, and was assigned to Spangdahlem Airbase, Germany, as a Munitions Systems Inspector. During his service, he was deployed to Afghanistan with the 52nd Fighter Wing in support of the unit's A–10, which assisted in the first elections held in Afghanistan. He completed his military service in August of 2007 with the 509th Bomb Wing at Whitman Air Force Base, Missouri. Currently, Mr. Sewell is a Staff Sergeant with the Missouri Air National Guard with the 131st Bomb Wing in Whiteman Air Force Base.

Sat. Sewell received a bachelor's degree in Industrial and Systems Engineering at the University of Missouri. He's currently working toward the completion of his master's degree in Business Administration from the University of Missouri. Mr. Sewell was the president of the student veteran's group at the University of Missouri, and he led the organization in efforts to establish the first on-campus Veteran's Center in the country. The Veteran's Center provides a "one-stop" resource center for our veterans on campus, which assists the veteran with all student veteran needs. He continues to find ways to assist veterans by teaching a class called "Learning and Transition Strategies for Veterans." The goal is for veterans to have a successful transition from military life back to academic life.

Sgt. Sewell continues to find ways to help veterans by being an advocate. He was the advocate for the review of military transfer credits. This led to hundreds of veterans re-

military education and training. He manages toward their higher education on a national and coordinates with the Student Veteran Vollevel.

ceiving academic credit for their applicable unteer network, which helps veterans working

In closing, Mr. Speaker, I ask my colleagues to join me in honoring Sgt. Daniel E. Sewell for this well-deserved recognition.

# SENATE—Monday, February 6, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICH-ARD BLUMENTHAL, a Senator from the State of Connecticut.

#### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You are God. Heaven and Earth are filled with Your glory. Use our law-makers to hasten the day when acts of justice and compassion will mark our society and people will celebrate the common bonds they share. May this bond of justice, compassion, and unity first be seen in this Chamber, providing a model for our citizens to emulate. Where there is pain, Lord, send Your healing. Where there is despair, send Your hope. Where there is darkness, send Your light. Where there is conflict, send Your peace.

We pray in Your sacred Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

# RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 3 p.m. today. Following morning business, the Senate will begin consideration of the conference report on the FAA Reauthorization Act. At 5:30 p.m., there will be a rollcall vote on adoption of that conference report.

# MEASURE PLACED ON THE CALENDAR—S. 2064

Mr. REID. Mr. President, S. 2064 is at the desk and due for a second reading. The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows: A bill (S. 2064) to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Mr. REID. Mr. President, I object to further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the matter will be placed on the calendar.

# AVIATION AND PAYROLL TAX CONFERENCES

Mr. REID. Mr. President, today, I am pleased the Senate will pass the aviation jobs conference report. This measure is the first long-term reauthorization of the Federal Aviation Administration in almost 5 years. The FAA has worked under 23 short-term extensions since 2007. In fact, the FAA was shut down last year. That is right, workers were furloughed and construction at airports terminated.

The 4-year compromise we will pass this evening doesn't give everyone everything they want, but that is the way legislation is. It will, however, finally give the FAA the ability it needs to properly maintain a world-class air travel system.

The aviation jobs bill will also create thousands of jobs—about 300,000—and it will protect airline workers and improve safety for travelers. This legislation will create badly needed jobs and it will give the FAA the ability to finally upgrade the country's air traffic control system.

Today, America relies on World War II era technology to track aircraft and to guide them to safe landings. An upgrade to modern satellite technology is long overdue. The aviation jobs bill will finally make that critical investment possible. It will invest more than \$24 billion in airports and runways across the Nation and on modern air traffic control equipment.

I am very happy that Democrats and Republicans were finally able to reach this compromise. I wish the spirit of compromise would also extend to ongoing conference committee negotiations on a year-long payroll tax cut. I was dismayed to read this morning that rank-and-file Republicans in both Chambers are on the fence over whether we should extend this break for working families. More than 160 million Americans will benefit, with an average family savings this year of \$1,000. That is taxes they won't have to pay.

Republicans are questioning whether Americans need that extra cash, and they are once again playing politics and putting our economy at risk at a crucial time when we need to work out a compromise. Democrats have offered to meet them halfway—even more than halfway—but Republicans will not take yes for an answer. In exchange for extending this middle-class tax break, Republicans are insisting, among other things, that we pass an unrelated ideological piece of legislation that will make our water less safe to drink. This would allow mercury and other carcinogens to be put in our water supply.

That is a pretty stark compromise: We will give you a payroll tax cut for 160 million Americans if you will let us continue to put things such as arsenic and mercury in the water of the American people. That is not a very good deal.

Not only that but they are refusing to close tax loopholes, such as give-aways to oil companies making record profits. Instead, they insist on more handouts to millionaires and billionaires before they will do anything that will benefit the middle class.

The American people have spoken and spoken clearly. Working families need this money. They need this thousand dollars to put food on the table and gas in the car. And they won't tolerate Republicans holding their money hostage to extort a political payback.

They did this last December. In fact. I thought Republicans got the message in December when they took a beating for opposing this tax cut. I hope they won't pick this losing fight a second time. But time is running. If they do choose to fight, as we try to put more money back in the pockets of 160 million working Americans, the outcome will eventually be the same. Democrats will not give in when it comes to protecting the middle class. That is why we will prepare a fallback plan in case Republicans refuse to cooperate. Our legislation will prevent a tax hike on middle-class families, extend unemployment benefits, protect seniors on Medicare from losing their doctors, and extend expiring tax provisions. And it no coincidence it is the first freedom in will be free of unrelated ideological legislation designed to please the radical right.

Stopping a \$1,000 tax increase on virtually every American family is too important to be bogged down with sweeteners for the tea party. Senate Democrats will be prepared to act with or without Republican cooperation. Republicans must make a choice. They can force a thousand dollar tax increase on American families to strengthen the tea party or they can compromise to strengthen the middle class. The choice is theirs.

Mr. President, would the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

#### RELIGIOUS FREEDOM

Mr. JOHANNS. Mr. President, I come to the floor today to talk about an issue of paramount importance to our country—the issue of religious freedom. Our great Nation was founded on religious freedom. This liberty is at the very core of our government. It has been a significant part of our heritage since this land was first settled, and it is a freedom that sets us apart from many countries around the globe.

The Framers of our Constitution rightfully recognized an individual's religious liberty and conscience is above any regulation, any legislation. One of the chief authors of that guiding document, James Madison, declared:

Conscience is the most sacred of all propertv.

Thomas Jefferson said:

No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority.

These fundamental values are a part of the fabric of this great Nation. It is the Bill of Rights. It is a core value. It is an inalienable right. So that means, as public servants, it is our utmost duty to protect this American freedom.

When I was sworn in as a Senator, I as my colleagues did-took an oath to uphold the Constitution. We all believe strongly in that oath. I take seriously my commitment to uphold the values and the freedoms our forefathers fought to establish and that generations of heroes have died defending.

That is why today I am devastated to see this very freedom, the heart of our Constitution, being so completely ignored. The President has taken an unprecedented step in the wrong direction, grossly misusing authority to implement the new health care law. This administration has refused to exempt religious institutions that serve the public good from mandates of the law that go against their strong beliefs and their values, and the values of our Nation.

Last August, in an interim final rule, the Department of Health and Human Services announced what free preventive services all new health insurance plans would be required to provide under the law, and that those services must include contraceptives and controversial drugs, such as the so-called morning-after pill.

With that mandate, the agency included a supposed religious exemption but, upon reading that, it was clear that was simply unacceptable. It is so narrow that the vast majority of religious hospitals and universities, businesses, social services, and charities are still, very clearly, required by law to comply with the mandate.

Many of these organizations have strong faith-based missions and deeply held convictions. Yet they don't fall under the exemption. In other words, their government is compelling Americans to act against their constitutionally protected moral and religious convictions.

Since that announcement hundreds of religious organizations have raised their voices, and I have heard from countless Nebraskans. I held a roundtable back in Nebraska where this was the topic of discussion.

Twenty-six of my colleagues joined Senator HATCH and me in sending a letter to the administration condemning this sweeping mandate. We asked them to redraft the regulation so it is consistent with longstanding constitutional principles.

Despite these strong efforts, just recently we learned that our passionate concerns had been dismissed. Very disappointingly, the administration has announced that they will move forward with the August interim rule. Under the guise of compromise, they announced that religious organizations would have an additional year before the mandate was enforced: in other words, after election day.

The head of the Diocese of Lincoln, a man I have great admiration for, Bishop Fabian Bruskewitz, called the administration's extension an "act of mockery."

Americans are not fooled by this nonsensical extension. The issue is not that religious groups have time to comply. That is not the issue. It is that they are being forced to provide coverage that goes against their conscience, their religious beliefs, their moral beliefs.

Bishop Bruskewitz went on to warn "our American religious liberty is in grave jeopardy."

The bottom line is that by issuing this decision, this administration has ignored the most sacred of all American freedoms.

Just a week before this announcement, the Supreme Court unanimously affirmed the core constitutional principle of religious liberty in its Hosanna-Tabor decision. The court held that churches and other religious groups must be free to choose their leaders without government interference. Yet the administration has clearly come out on the other side of our Constitution.

During the health care debate, we heard something vastly different. The President repeatedly promised the opposite. He pledged that the new health care law would not weaken long-held life and conscience protections. In his public statements about the health overhaul, he vowed "Federal conscience laws would remain in place." He even issued an Executive order where he stated that "longstanding Federal laws to protect conscience will remain intact."

Many of us-myself included-during the health care debate warned that the Executive order was just window dressing to get votes and would do nothing to protect life in matters of conscience.

While supporters of the bill echoed the President's promise, I spoke on the Senate floor-once in November and again in March-warning Americans that they should not be fooled by hollow promises, and I urged my pro-life colleagues to join me in opposing this dangerous policy.

Two years after the law's passage, the truth behind the administration's priorities has been revealed. The President has, regrettably, punted the implementation of this controversial mandate until after the election. So now many religious organizations are forced to face two options: act against their convictions or drop health care coverage altogether. This decision comes from an administration that granted over 1,700 health plans with waivers from the law's major provisions, many of those to unions. A total of 4 million people, including select businesses and unions, have benefited from the waiver process. The administration has gone out of its way to guide

its friends around the onerous mandates of this flawed policy. Yet this same administration is unwilling to protect a fundamental constitutional freedom by simply crafting a reasonable exemption for religious organizations.

Would Presidents Thomas Jefferson or James Madison have forced vast swaths of society to take action against their conscience? The answer is a resounding and obvious no. This political posturing is obvious, and it is appalling. This political maneuvering comes at a heavy cost for many Americans; it is a breach of values and beliefs. It runs counter to the very core of our identity as Americans.

Never before has the Federal Government required that individuals provide a product that violates their con-

Many Americans are questioning what will come next. They recognize that other strongly held beliefs could also be compromised.

I am not alone in being deeply troubled by this administration's complete disregard of the liberties in our Constitution. It is these liberties that make our country great.

I am a cosponsor of the Respect for Rights of Conscience Act introduced by my colleague Senator BLUNT. This legislation would reverse the administration's massive overstep and ensure that all conscience rights are protected. I will do everything in my power to push this to a vote. We must act to right this wrong. We must ensure that America's values are not compromised. We must protect religious liberty. We all took an oath to do so. I am confident that, with prayer and persistence, we can reverse this course.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BOILER MACT

Mr. BOOZMAN. Mr. President, I come to the Senate floor to discuss an important action this Congress can take to protect manufacturing jobs and strengthen our economy.

Specifically, I encourage Senate conferees on the payroll tax bill to include projobs bipartisan language—such as H.R. 2250 or S. 1392—that would address the EPA's proposed rule on maximum achievable control technology standards for boilers, also known as boiler MACT.

Fixing boiler MACT is important because if the EPA gets it wrong, it will

cost tens of thousands of good-paying blue-collar manufacturing jobs. These regulations will be one more unnecessary weight dragging down our economy and making life harder for lowand middle-income families.

Fixing boiler MACT is important also because Congress should provide clarity and certainty to the rulemaking process. The process has been plagued complications, administrative stays, court orders, and numerous other stops and starts.

For example, employers spent hundreds of millions working to comply with the 2004 boiler MACT rules only to be told they must now spend billions more. The boiler MACT legislation should be included in the payroll tax relief legislation which is intended to provide some help to our sluggish economy by allowing Americans to keep a little more of the money they earn. By addressing boiler MACT on this bill, we can further protect jobs—especially manufacturing jobs-and prevent our country from having to absorb one more sudden regulatory punch in the

Fixing boiler MACT is important because our economy is weak and families are struggling. Last week, the nonpartisan Congressional Budget Office predicted a weak and perilous economic situation for the next couple years. We see continued high unemployment, including estimates that the unemployment rate will tick up to 8.9 percent this year and 9.2 percent next year. We see projections of \$1.2 trillion deficits. On top of all this, we have learned that the GDP growth slowed to iust 1.7 percent last year.

I hope these troubling projections are wrong, but given what we know, we should be focused on encouraging job growth and opportunity. American families are counting on us. We should not stifle businesses that want to expand and create jobs. One way to help is to provide some regulatory certainty and to allow employers the time they need to adjust to new, burdensome regulations.

The boiler MACT fix would provide the EPA an additional 15 months to prepare appropriate, justified, and achievable regulations for industrial boilers. Without this time, EPA will be forced to rush the rules out the door only a few weeks after they will receive hundreds of substantive comments and new data on boiler performance.

The boiler MACT fix would also give employers a little extra time to comply with the rules once they are finalized. This is vital because it will minimize job losses that would occur if employers had to rush to implement the new rules. The rules are very expensive and spreading the cost out over a couple extra years will make it less likely that employers will have to lay off employees.

In Arkansas alone, boiler MACT will cost over \$230 million and put 3,600 jobs at risk. These are real jobs and real people. I shake their hands and I hear their serious concerns when I visit communities such as Pine Bluff, AR, or Howard County, AR. In our State, the proposed boiler MACT rules will especially harm the employers with units that burn solid fuels such as biomass. The boiler MACT would help by stating that materials such as renewable biomass that have been used for fuel for decades should remain classified as fuel and not reclassified as solid waste.

We should be encouraging the use of renewable biomass, not discouraging it. Sending biomass to a landfill makes absolutely no sense when we can use it to power our industries and create jobs. The potential harm to renewable, carbon-neutral biomass is very bad for Arkansas. But it is not just our rural States with significant biomass that will be harmed; boiler MACT will hit all States, large and small, rural and urban.

For example, in Pennsylvania it will cost over \$751 million and put over 12,000 jobs at risk. In Montana it will cost \$32 million and put over 500 jobs at risk. In Maryland it will cost over \$195 million and put over 3,100 jobs at risk. In Rhode Island it will cost over \$19 million and put hundreds of jobs at risk. In Wyoming it will cost over \$155 million and put over 2,400 jobs at risk.

Some of the hardest hit States include North Carolina, Ohio, Michigan, Indiana, Pennsylvania, Louisiana, Wisconsin, Virginia, Illinois, and Minnesota. Several States will see more than 12,000 jobs put at risk. In Arkansas, the expense and uncertainty created by these rules will force some employers to scale back. Other employers may be able to keep existing jobs but decide that it does not make sense to hire new employees while they face these mounting regulatory costs. Given these serious concerns, the boiler MACT fix will provide clarity and give businesses a reasonable timeframe to comply. The boiler MACT legislation passed the other body with bipartisan support from 275 Congressmen. In the Senate this legislation has the support of a strong bipartisan majority.

Over the last four decades our country has cleaned our air by reducing emissions that cause serious threatsthreats to human health and to the environment. I strongly support appropriate, science-based protection for clean air, and we must continue to protect the environment.

The public will continue to support appropriate protections for clean air, especially if this Congress takes a reasonable approach and gives the EPA the time it needs to develop rules that are achievable and that can be implemented in a timeline that will protect manufacturing jobs important throughout our country. For these reasons I urge the Senate conferees on the payroll tax bill to include the boiler

MACT fix. I also ask my colleagues to let the conferees know how important this issue is. Together, we can help create opportunities and protect these important, high-paying manufacturing and other blue collar jobs.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE ECONOMY

Mr. KYL. Mr. President, the Bureau of Labor Statistics released a new employment report last week for the month of January with some good news: more jobs created in the private sector than had been projected and unemployment dropped to 8.3 percent. President Obama has been taking a victory lap and touted the jobs report as a sign that his economic policies are working. But it reminds me of the two fleas on the back of the chariot in Stephen Leacock's famous fable. They look behind them and say: My, what a fine cloud of dust we've kicked up.

It could be in the 2½ years since the great recession technically ended and the 3 years since the passage of the stimulus bill that the President promised would keep unemployment below 8 percent, that whatever recovery we have had is not necessarily the result of the President's policies. Why has unemployment remained above 8 percent for the last 35 months? Why are there more unemployed today than when President Obama took office? Is it more likely that some people are finding work in spite of and not because of President Obama's policies?

Today I would like to speak about that for a few minutes and try to put these numbers into perspective. The obvious point, of course, is that we still have a long way to go before anyone can claim that we have an economic success story.

Let's start with the recovery itself. The fact is, this has been the weakest recovery since the Great Depression. Consider this comparison: 31 months after the recession ended in June of 2009, payroll employment has increased by only 1.5 percent. During the Reagan Presidency 31 months after the end of the 1981–1982 recession, payroll employment had increased by 9.8 percent. So 1.5 under President Obama, 9.8 percent comparable timeframe with President Reagan.

At a comparable point in time during the Reagan recovery, payroll employment was 6.2 million jobs or 6.8 percent higher than the prerecession level. In contrast, today we have about 5 million fewer jobs since peak employment of 2007—not more but fewer—and more than 1.1 million jobs have been lost since President Obama took office.

How can that be? It takes a certain number of jobs just to keep up with the new entrants into the labor market. In fact, economists believe we need on average about 130,000 to 150,000 jobs per month just to hold even. So even though we have created more jobs-and the President's supporters say we have been creating now more jobs for the last 23 months. That is fine, but if it does not keep up with the number we need just to keep up with new entrants into the workforce; namely, 130,000 to 150,000, we are not making progress. In fact, we are regressing. If this recovery we are currently experiencing had duplicated the path of recovery from the 1981-1982 recession, there would be 14.9 million more payroll jobs than we have today—in other words, almost 15 million more jobs. That is a better measure of the success-or lack of it-in coming out of this recession.

Now, to make matters worse, much of the recent decline in the unemployment rate can be attributed to a decline in labor force participation—in other words, people who are still looking for work. Labor force participation dropped to 63.7 percent in January, meaning that many have simply stopped looking for jobs. This is the lowest labor force participation rate in nearly three decades. Labor force participation stood at 66 percent at the beginning of the recent recession. If the rate had remained at the prerecession level, the unemployment rate today would be approximately 11.4 percent. In other words, 3 percentage points more than it is today is accounted for by the fact that that many people have simply stopped looking for work. According to many economists, this is a better measure of the true employment situation in the country.

A commentator on one of the news shows that I heard yesterday gave this analogy: If we heard that fewer elderly people in America were sick, at least initially we would think that was really good news. But if the reason there were fewer sick people is that more of them had died, we wouldn't think that was a cause for celebration. And that is the problem here—too many people have just decided it is not possible for them to get a job and they are going to stop looking.

Finally, there is the underemployment and long-term unemployed situation. The plight of the folks who have been unemployed for a long period of time or those who are underemployed—they have a job but could be getting something that pays more—has really not changed. These are the Americans who want good jobs. In the latest report, the number of those who have been unemployed for 27 weeks or more

has hardly changed at 5.52 million people, accounting for almost 43 percent of the unemployed population. Those are the folks who are really hurting. The underemployment rate, which includes part-time workers who would like to have full-time work and those who want to work but have given up looking, has remained largely unchanged, dropping to 15.1 percent from 15.2 percent.

I say all of this not to pile on President Obama and certainly not to denigrate the fact that we finally have a little bit of good news coming out of the economic picture but, rather, to make the point that the employment numbers from 1 month—last month—hardly tell the whole story. We have to have better progrowth policies if we are really going to have a stronger economy, if we are going to create more jobs and, over the long term, improve the employment opportunities for all Americans who want work.

It was very disappointing for the President to have rejected the Keystone Pipeline. That is a project which would have created as many as 343,000 private sector jobs, according to the Congressional Research Service, and all of that without having cost the taxpayers a dime.

We also need to consider how the policies of the last 3 years, which include the exploding debt and the massive new taxes and regulations that are contained in ObamaCare and the socalled financial reform bill, have put a drag on the economy. It has increased uncertainty for job creators, and it has actually weakened the economic recovery. If President Obama wants to continue any jobs momentum. I believe he ought to reconsider his position on the tax hikes coming at the end of this year. They are automatic. If we don't do anything, taxes will go up on everyone next January 1st, the largest tax increase in the history of our country, over \$3.5 trillion. Will businesses want to expand and hire new workers in the face of a tax increase that size over the next 10 years? Will they want to create jobs if they are faced with an avalanche of new regulations? Will they be able to invest in growth if the government keeps crowding out private investment with massive borrowing and spending?

The bottom line is that there is a recipe for turning the economy around in a very strong way and providing the jobs people are going to need in order to get the work they can do and need in order to support their families. What the President has done has impeded and slowed down that growth. Of course, one can argue that he didn't create the problem, he inherited the problem, but that his policies have made it worse, not better; that we would have a stronger recovery had we not wasted that money on the stimulus program and had we not passed some of

the highly regulatory and depressing the conference report equally divided versations are not easy. Compromises legislation such as ObamaCare.

With the opportunity before us to support progrowth policies, I am convinced the private sector of this country is strong enough to rebound. We are beginning to see that in these employment numbers. If we work with businesses, understanding that they create the jobs, not the government—all we can do is to provide the best foundation for job creation—if we do that, then this eventually can be a strong economic recovery, and then we really will have something to brag about. It is my hope that in the remaining months of this year, before politics completely consumes Washington, DC, Republicans and Democrats, the House and the Senate, can work together with the President to create that kind of climate in which all Americans who want to can find economic opportunity and work.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### FAA MODERNIZATION ANDR.E. FORM ACT OF 2012—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 658, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658), to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same. Signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of February 1, 2012.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be up to 21/2 hours of debate on

and controlled between the two leaders or their designees.

The Senator from West Virginia. Mr. ROCKEFELLER. I thank the Chair.

The problem we face here is that most people are in the air coming in this direction. Most will land around 5 o'clock. So Senator HUTCHISON and myself don't feel any particular pressure. We can talk for long periods of time and talk about other issues.

Today we are considering the FAA conference report which has been the subject of negotiations—I shudder when I say that—between the House and the Senate for much of the past year, and actually we have been working on it for much longer than that. We have been through 23 extensions. We are now looking at the possibility of a bill that will, in fact, last for 4 years, which will be the best news that the airline industry ever had, that the people who work for the airline industry ever had, that the people who work to improve the safety of the airline people ever had, including those who are doing a new traffic control system. So I am very happy that, as we call it, the FAA Modernization Reform Act of 2012 will extend the authorities through 2015. As the Presiding Officer is aware, we have done this for 2 months, 3 months—time after time after time—and it makes it impossible to negotiate and it is terribly destabilizing for the aviation industry as well as the Federal Aviation Administration.

This agreement is going to provide a lot of stability to the FAA—they will be happy about that—and it will make certain there is adequate funding to support the agency's mission.

The bill takes concrete steps to modernize our air traffic control system. I am excited beyond words to be able to say that sentence because it will take us into a new era that will bring much more efficiency, more planes will be able to take off and land and, in so doing, do it much more safely, being watched from space rather than from radar, which is what we do now.

This bill is going to make the air transportation system safer than ever before and make certain that small communities have access to critical air service. I will speak more about that.

It will also make sure that the U.S. aviation industry remains competitive and remains strong. We are that way in the world. We do lead in exports on aviation and the Federal aviation industry continues to be the gold standard for safety. That is not to say we have not had problems, but we have been solving those problems.

This has been a long and sometimes arduous process. I think my colleague Senator HUTCHISON would agree with that. Many compromises were made to get us here. Compromises in the present atmosphere are not easy. Conare very difficult. While no one got everything they wanted, the bill will permit us-I believe Senator HUTCHISON would agree—to achieve our shared goals.

The agreement will allow us to pass a comprehensive, again, 4-year FAA reauthorization. The legislation we have before us now will move our aviation system forward. It will not be in neutral. People who run the system, the folks who take care of airplanes and who run the companies, will be absolutely thrilled if this bill passes, which I expect it to do.

In this era of very scarce resources, we still have managed to produce a bill that provides the FAA the money it needs to carry out its mission. Without going into too much detail, we had to make a compromise on that. But, frankly, that was a compromise that was agreed to and, I believed, was reasonable in terms of the other way of looking at things. So it is stability.

The funding authorized for the Airport Improvement Program, which is very important, and the facilities and equipment accounts, which are just gobbledygook to most people, will give much needed support to aviation infrastructure projects and planning across our Nation. It is a blueprint.

Over \$3 billion a year is provided through the Airport Improvement Program to provide airport grants that will make a real difference in the Nation's airspace system and the people who use it every day. We will create and we will sustain jobs in every State, and we will continue to make substantial investments in our Nation's airports. Based on Department of Transportation estimates, the Airport Improvement Program alone supports over 100,000 jobs annually. I will say later on in these remarks that there are about 10 million people who work because of something called aviation in this country—10 million people.

For communities in West Virginia, having up-to-date airports is absolutely critical to our future. The investments we make through the Airport Improvement Program will help the country greatly—not just West Virginia but the entire country.

With this bill, as I said, nearly \$3 billion will also be provided each year for the facilities and equipment account which basically funds the new air traffic control system. I have said this 10 times from this floor: Mongolia has that; we do not. They have globally positioned—very accurate reading—not only for weather but for aircraft on the ground and also in the air, so the spacing vertically and horizontally is extremely accurate and, therefore, much safer and much more efficient and uses much less fuel.

This effort on the air traffic control system is embarrassing, it is so needed. We are working on radar right now. We are working on radar. That is compared to a satellite-based aircraft surveillance system. I have spent, frankly, much of the last decade working to make sure the FAA has the resources and the ability to implement NextGen, the so-called new air traffic control system, the modernized, digitalized air traffic control system. It is so essential. It is so embarrassing we do not have it as a nation. It is such a burden on the air traffic control people themselves, trying to see through the fog, so to speak, of the world of radar.

This bill will move forward key aspects of the NextGen effort and make sure that modernization will proceed on schedule with clear timelines and a lot of oversight and requirements.

We push for near-term modernization benefits by requiring that precision navigation be implemented first—and this makes sense—in the 35 largest airports in the country—that does make sense—by the year 2015 and then in all airports by the year 2016. This will significantly improve airspace capacity and, by the way, the environment.

The bill also establishes a chief NextGen officer—not a bureaucracy but a person—to lead the modernization effort. It is very specific; it is a very calculated and precise instrument that has to be done correctly—and takes steps to improve coordination among relevant Federal agencies. One has to say that. It is sort of a boring statement, but it is kind of a necessary one if it happens to be true, which in this case I believe it is.

While modernization will provide the greatest safety benefits, the bill also requires the FAA to move forward on other imperative safety measures. The bill mandates stricter oversight of airlines and their compliance with airworthiness directives. It requires regular inspections of foreign repair stations—subject to controversy—and the implementation of drug and alcohol programs at those facilities—a subject, frankly, lacking in controversy.

Specific measures in the bill also focus on the safety of our air ambulance operations—that is a lot of activity in our country—and take steps to improve airport runway surveillance; that is, we have a problem now with literally airplanes running into each other on the tarmac because of fog or because of poor coordination or whatever—the kind of things that a NextGen modernized system would tend to make much less prevalent.

This bill will make significant strides for the airline industry through modernization. They crave it. They need it. Commercial aviation helps drive \$1.3 trillion in U.S. economic activity and, as I said before, more than 10 million U.S. jobs. So I think those who would consider not voting for this would have to at least start out on that rather alarming fact.

The aviation sector is critical to our place in the global marketplace. It con-

are working on radar. That is compared to a satellite-based aircraft surveillance system. I have spent, frankly, much of the last decade working to tributes \$75 billion to our trade balance and represents roughly 6 percent of the gross domestic product of the country. It is huge.

We must make certain all Americans reap the benefits of our national aviation system. To that end, this bill preserves and strengthens the Essential Air Service Program. I have to say that had been completely eliminated by the House—completely eliminated. That is life or death for West Virginia and for a lot of rural places. In general, almost all large States also have rural aspects, and they need this kind of help.

We provide vital access to the aviation system for small and rural communities. That gives access to the global marketplace. It means people come. CEOs do not tend to want to drive to Montana or to West Virginia to look over possible sites for building plants. It is very important for economic development.

It is interesting—and I am sure Senator HUTCHISON would agree with me—that communities thrive, particularly smaller communities, on how well their small airports are doing. They may have good runway space but not a lot of enplanements because it is not a hugely populated area. But we put very strict confinements on that in the essential air service. We disciplined it. We said there can be no new ones other than the ones currently existing.

We put other restrictions on it to make it palatable to the other body. We said, for example, communities that have per-passenger subsidies over \$1,000 are eliminated forthwith from the program. That makes sense. That much money going for a couple of passengers is just ridiculous. Communities that have fewer than 10 passengers per day-and there are in my State some very strong communities that have that situation. They just cannot work it out that they get people onto their airplanes or air service, and, as a result, obviously, the service begins to disappear. There is no reason the essential air service should allow any of that to proceed. So we say if they have fewer than 10 passengers per day—if you are an airport of that sort—and are within 175 miles of a large or mediumsized hub airport, you are to be eliminated immediately from this program. That is harsh for some. But it is what brought us a compromise for the maiority of us—all of us.

The program also caps future eligibility, as I have indicated, to those communities that are currently in this program.

Now, I am sure everyone has heard me say the essential air service is the lifeblood for so many communities. I believe this bill strikes a careful balance between the need to cut government spending, which this does, and preserving small community access to our national aviation system by making some of these prudent reforms.

It is important for me to take a moment to emphasize the consequences of not passing this bill. Aside from not achieving all the benefits this bill provides, we will find ourselves in a nasty fight with the House when the current FAA extension runs out in less than 2 weeks.

This is not just a bill that is floating around. This is a bill that is on a timetable, and the extension—the 23rd extension—of this bill we made runs out in several weeks. So, then, everything goes back to zero, and you remember we laid off a lot of people earlier.

The House has no patience left for short-term extensions—I cannot disagree with that—and they have shown this past August they are perfectly willing to send over an extension with policy riders, policy riders which they full well know are totally impossible for this body to accept or for the majority of this body to accept.

They also have shown their resolve in all of this. Not too long ago they shut down the FAA. It was not a question of what this is going to do to people's lives. They just shut it down for the principle of sticking by their guns, and they furloughed 4,000 government employees and did not seem to care that hundreds of millions in aviation trust fund revenues were lost forever. If we do not pass the FAA conference report, you can be sure the House will send over an FAA extension that is just as troublesome.

We have reached a compromise position under the magnificent watchful eye of Senator KAY BAILEY HUTCHISON. Again, nobody got everything they wanted, and there are some provisions that people have great difficulty accepting. I understand that. All of this has to be seen within the context of the greater bill, which is a huge piece of legislation, a magnificent piece of legislation, and very much a job-creating piece of legislation. But this is, in my judgment, a very good deal. It is a fair deal. If we do not pass it, I think we will all certainly regret it. I strongly encourage all of my fellow Members to support this bill.

Now, finally, before I conclude my remarks I want to thank my colleagues for all of their diligent work on this bill.

Let me be clear, we would not be here today were it not for the efforts of Senate majority leader HARRY REID and for his guidance and for his leadership. He and his team negotiated the most sensitive part of the bill. I personally want to thank Senator REID for his stalwart support throughout this process.

Right after him comes Senator KAY BAILEY HUTCHISON. Over the past 4 years, she has done more than anybody to get this bill passed into law—hopefully passed into law. Although she was fully engaged in every part of the development, most notably, her work on securing a slots agreement removed

one of the biggest hurdles in getting this legislation through the Senate. In fact, it was the biggest hurdle when we got this through the Senate. It was Senator KAY BAILEY HUTCHISON who worked out those compromises and deals in a harrowingly magnificent fashion

Her deep aviation expertise and negotiating skills are truly remarkable, and this bill is another significant part of her already very substantial legacy.

Finally, I thank Senator Maria Cantwell. A year ago, she assumed the chairmanship of the Aviation Subcommittee. She made substantial contributions to the entire bill but most notably on NextGen—the new air traffic control system, the modernized one, the GPS one, the digitalized one. She effectively balances very difficult issues and at the same time is incredibly committed to the interests of Washington State.

We should be proud of this compromise agreement that will enable our aviation system to move forward to meet the challenges of continuously improving safety, air traffic control modernization, airport development, and small community air service.

I thank the Acting President protempore.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wish to thank the distinguished chairman of the Commerce Committee for all that he said. I really appreciate working with him. Clearly, because of 23 extensions, you know this was a hard bill to pass.

Since 2007, we have been trying to reauthorize the FAA and particularly increase aviation safety and put our NextGen air traffic control system in place. That has been the primary moving force. But, as is often the case, it is other issues that have come to the forefront and caused the delay after delay after delay process in passing this bill. We did pass it through the Senate and now have come out with a conference report between the House and Senate.

So I really first have to say thank you for the leadership of Senator ROCKEFELLER, which has been quiet and effective and letting the different Members with different interests, of which there were many on this bill, have their say—and he was very calm throughout the process—because in the end we all know that none of us are dictators, none of us are the sole arbiters of what comes out of the Senate. We are a body of 100. We have colleagues on the other side who are 435. So obviously some people are going to have to give in certain areas. But what is good about the bill before us today is that the major principles have been addressed and the people who were most affected by those have been able to see the big picture that we needed to address in this bill, that we give our airports the ability to grow, expand, and repair with the aviation trust fund, which the passage of this bill will do. It will be in a stable environment because we have 4 years after this bill is passed.

I thank the chairman and all who have worked on this bill. As everyone knows, the repeated use of short-term extensions does not allow for the long-term planning that is needed on the big projects, such as NextGen, the air traffic control system that will be based on satellites or the airport improvements that are so important for our smooth aviation system to function.

So what we are doing today is asking the Senate to pass the conference report the House has already passed. When we pass it, which is my hope today, it will go to the President for signature, and it will provide that clear, stable way forward for our airports and the FAA to operate and make the sound fiscal investments in ensuring that we have a good and seamless system.

First, the bill does improve aviation safety, including the development of a plan to reduce runway incursions and operational errors, along with significant safety improvements for helicopter emergency medical service operators and their patients.

The bill modernizes our antiquated air traffic control system and moves us one step closer to a more efficient and effective use of our national air space. Specifically, it focuses on advancing the next-generation air transportation system that we call NextGen, and it improves the management practices and oversight of the agency in the modernization effort.

When fully implemented, NextGen will fundamentally transform air traffic control from a ground-based radar system to a satellite-based system that uses global positioning navigation and surveillance digital communications and more accurate weather services. It is our belief that most of the other countries in the world have NextGen already, but America has the biggest aviation transportation system in the world, and therefore, when we come up to speed, it will make the seamless air traffic control system globally better.

people Well. Some will sav: NextGen-what does it mean? Well, it is going to open more airspace for our airplanes' use, both scheduled and general aviation. It will reduce delays because we are going to have better scheduling. We are going to have more accurate capabilities to schedule, and therefore it will open more airspace for use by our general aviation as well as our scheduled carriers. As we know. our scheduled carriers will be growing in the future. They are restructuring and trying to accommodate us. But more and more people and bigger populations are going to produce more need for aviation traffic.

Special attention is given to the acceleration certification planning and implementation of critical NextGen technologies. We have established in the bill clear deadlines for the adoption of technology and navigational procedures which will allow for a more precise and fuel-efficient use of our national airspace.

This conference report also moves forward initiatives associated with the integration of the unmanned aircraft system—the UAS—into the national airspace. We are seeing now more and more applications of unmanned aircraft, and it is going to increase.

We are looking at border security using UAV research, law enforcement, firefighting, just to name a few. There are going to be more and more uses for unmanned aerial vehicles to be able to do the surveillance and photographing that have taken helicopter pilots and small general aviation and even large aircraft to do in the past. So our bilbegins to have a process for our air traffic control system to accommodate these UAVs.

Finally, the bill finds compromise in several difficult areas. Chairman ROCKEFELLER has mentioned several of those. The Ronald Reagan Washington National Perimeter Rule, the air carriage of lithium batteries, and small-community air service are among the compromises that were reached in this bill.

It is time that we finally create some stability in the aviation sector. This bill will do that. I encourage my colleagues to support its passage.

I would like to go ahead, since we do have time—actually, I do see someone waiting to speak. Since we will be on the floor until the vote, I will yield the floor at this time and finish the rest of my statement later.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I am down here to speak in favor of the FAA reauthorization conference report that the Senate will vote on shortly. I thank Chairman Rockefeller and Senator Hutchison for their great work on this piece of legislation—a long time coming. It has not been reauthorized since 2007, so it has been a long time coming. So I am very excited about this opportunity.

I think it is maybe a new trend for the year. Last week we passed the STOCK Act, and today hopefully we will pass the FAA bill. There has been a lot of work, a lot of compromise on these two pieces of legislation and this one particularly today.

The last time Congress actually passed a comprehensive FAA bill was in 2003. The bill expired in 2007. Since then, the FAA has been operating on 23 short-term extensions. These temporary extensions have been detrimental. They have prevented progress

on modernizing our air traffic control. not been used after 9 years. It saves I speak as someone who just literally flew in a couple of hours ago overnight from Alaska. We clearly understand air traffic. They did not give airports funding certainty for planning, runway, and safety improvements, and they resulted in a brief shutdown in which 4,000 FAA employees were furloughed for almost 2 weeks last summer. It is far past time that Congress pass a comprehensive FAA reauthorization bill.

While this bill is significant for the entire country, it is particularly important for my residents, the residents of aviation in Alaska, and residents overall. It is truly a lifeblood. When you think of aviation, it is our highway in the sky. Alaska has 6 times more pilots and 16 times more aircraft per capita than the rest of the United States. More than 80 percent of our communities are not on the road system. So aviation is the only reliable year-round means of transportation.

This conference report invests over \$13 billion in our airport infrastructure over the next 4 years. Let me underline that—\$13 billion in the next 4 years. This is about jobs. It is about improving airport safety. In an economy that is slowly recovering and on the right track, this will add to the needed jobs in the construction industry but also make sure that we put them to work in areas such as aviation which are critically needed. It will improve our runways, create more safety projects in our airports and our runway areas, yet safely accommodate the higher traffic levels while putting tens of thousands of Americans to work.

This bill invests in and accelerates the deployment of the NextGen modernization of our air traffic control system, as you have heard described already. We have been using a World War II-era radar technology for our air traffic control. Transition to more accurate satellite-based tracking will allow for more direct routes between destinations, reducing fuel use and saving airlines money.

The backbone of this technology, called ADS-B, was proven in Alaska as part of the capstone project. So we are excited that we were the incubator for such an important element of our aviation, and now to see it accelerated and moved throughout the whole industry will be a huge benefit to the consumer.

For Alaskans, it contains an amendment which I offered and was cosponsored by Senator Murkowski, providing relief for a one-size-fits-all rulemaking. That rule inadvertently prevented the shipment of compressed oxygen needed for medical and construction purposes in rural Alaska.

This legislation also contains a special provision that Senator COBURN from Oklahoma and I sponsored called the orphan earmarks provision. It repeals earmarks for aviation projects if less than 10 percent of the earmark has millions of dollars on stalled projects so that we can direct those limited resources where they can have the greatest bang for the dollar.

This conference report makes significant investments in the Essential Air Service Program—otherwise known as EAS—which serves rural and isolated areas. Forty-four communities in Alaska will continue to receive a minimal level of scheduled passenger service. There are sensible reforms that will exclude communities in the lower 48 with fewer than 10 passengers per day.

The House FAA bill proposed to make truly Draconian cuts to the EAS Program. I wish to thank Chair ROCKE-FELLER particularly for his effort to make sure that rural communities throughout America and Alaska continue to receive the access they need to airspace and travel from their small communities. For the general aviation community, this bill contains no new user fees. Let me repeat that—no new user fees for general aviation.

There is aviation community funding for research into an unleaded fuel substitute which one day may replace avgas. There are incentives for ADS-B equipment.

I will continue to work with my copartner on the general aviation caucus. Senator Johanns, to make sure that aviation policies are mindful of the significant role general aviation plays not only in my State of Alaska but throughout this country.

For our airline passengers, this conference report includes a passengers' bill of rights championed by Senators BOXER and SNOWE. It codifies commonsense approaches and changes, such as making sure passengers have adequate food and water and lavatory access if delayed on the tarmac and options to deplane if the flight has been excessively delayed.

It is not a perfect bill. I was disappointed that the conference report contains language pertaining to the National Mediation Board and the rules governing union organizing. It is not relevant to the underlying bill. It was not included in the bill the Senate passed last year. We understand this was a necessary compromise for the House leadership to allow this longstalled bill to move forward. Again, it is not an appropriate element to this bill, but recognizing that the overall bill is critical to the long-term health of our aviation industry and the passengers of this country, we can take comfort from the fact that we added over 30 provisions in this conference report that will improve conditions for aviation workers.

I firmly believe the controversial NMB language has no place in this bill. I also recognize it is time to move forward.

I wish to recognize again the leadership of Senator Rockefeller and Senator HUTCHISON of the Senate Commerce Committee and their tireless work. They never gave up. Their staffs continued to work and to push forward, to push everyone when it looked as if the differences between the House and Senate were impossible to resolve. The conference report before us is a testament to their tenacity and their bipartisanship.

This bill is a shining example of what Congress can accomplish when we put our differences aside and sit down to do the daily work of legislating. This is a very strong bill, a bipartisan bill. It is just unfortunate it has taken this long to get here.

I urge my colleagues to vote yes on this monumental conference report which will put Americans back to work, enhance our airport infrastructure, and will make the safest aviation system in the world even safer.

I yield the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President. we will be voting in an hour and a half, but I would like to take this opportunity to thank so many of the people who brought this bill together, which we hope will come to a good conclusion in about an hour and a half.

Obviously, I have talked about Chairman Rockefeller. This has been a long process, clearly—23 extensions and it has been since 2007 that we had the last authorization. I think the fact we are now going to have a 4-year authorization is one of the more important elements. Now our airports are going to be able to start their building projects. They are going to be able to increase their runway space or do repairs or whatever the priorities are that are decided by the FAA are the most important priorities for our Nation because the funding source from the highway trust fund will now be known for 4 years. I think that is a very important step in the right direction.

I wish to thank the House managers of this bill as well, the House Transportation and Infrastructure Chairman MICA and Ranking Member RAHALL and the respective Aviation Subcommittee chairs in the House, Representatives PETRI and COSTELLO. Their work and input on their bill was certainly critical, and the ability to come to conference and hammer it out was critical as well.

In the Senate. I wish to thank all our conferees, Senators HATCH, ISAKSON, and DEMINT on our side and additionally, Senators CANTWELL and THUNE,

the respective chair and ranking member of the Commerce Committee's Aviation Subcommittee, for their work on the bill.

The staff, of course, are the ones who work long hours, and though we never see them, they are there. Senator ROCKEFELLER and I were having telephone calls at 10 o'clock at night, then we would call our staffs and then call back to determine what was happening and what needed to be happening. So I thank the person who runs the Commerce Committee on the majority side, Ellen Doneski, who is wonderful to work with, James Reid, Gael Sullivan, Rich Swayze, and Adam Duffy, who worked on this bill and the negotiations for all these years that we have been trying to pass this; on Representative MICA's staff, Jim Coon, Holly Woodruff Lyons, Bailey Edwards, and Simone Perez; on Representative RAHALL'S staff, Jim Zoia, Ward McCarragher, Giles Giovinazzi, and Alex Burkett; and on my staff, the Commerce Committee minority side, Todd Bertoson, Richard Russell, and Jarrod Thompson.

I wish to especially mention Jarrod Thompson, who is the one I know the best, because he is the Aviation Subcommittee ranking member's staff leader. He knows the history of the aviation bills. He knows the subject matter. There was never a time when I would ask a specific or technical question that Jarrod didn't know the answer, and I so appreciate his being on our staff and helping us through this very important time.

With that, I yield the floor, and I thank all my colleagues and our House colleagues and staff for their work on this bill that I hope we will be able to pass when the vote comes at 5:30 this afternoon.

I vield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER, Mr. President, I am in the happy position of mimicking a lot of what my colleague Senator HUTCHISON has said but for a very good reason. Until one goes through an experience such as the one Senator HUTCHISON and I have been through for the last year, plus, plus, one has no understanding of how hard staff works.

That staff routinely work over the weekends is just a given. They work through the night. They will stay up all night frequently. They have to reach out in so many directions. There are not that many of them as compared to those who have requests of them, and so their work never stops.

Let me start, obviously, with Senator HUTCHISON. She did mention Todd Bertoson and Richard Russell, then Jarrod Thompson, the lead negotiator. That is a tough position. It is a very tough position because people and interest groups figure out whom to go to and whom to pester and whom to follow up with. I have that same situation, and Ellen Doneski is incredible. I called her at 11 last night and she was fine and well and then she got sick and now she is already back at work. Does that mean she is not sick any longer? I don't know. But they are driven to excel. They are driven to drive the product home in ways that are expir-

To my left sits James Reid, who is the No. 2 person on that committee who, as far as I can tell, knows everything about everything and certainly about any discussion that comes up in terms of the Commerce Committee. He is tireless. He has young children with the tension that creates, not in principle but just the idea that you have to occasionally show up at home and be a good father.

Gael Sullivan is our lead negotiator. and that is a very special position on a bill such as this. Rich Swayze and Adam Duffy; Rich Swayze and Gael worked so many things together, and Gael Sullivan and Adam Duffy.

Let me go to Representative Joe RAHALL. Obviously, he is a colleague of mine. I think he has been in the House for 36 years, and he represents the coal fields, in many ways the most volatile part of our State as its economics change rapidly. His chief negotiator is Giles Giovinazzi, and to him goes the same praise. House Members and the subcommittees and committees have so many fewer staff than in the Senate. so we have to praise them very much. Jim Zoia, who is his chief of staff-and has been, I swear, for all 36 years. If it is not the case, it doesn't matter—is a remarkable person; Ward McGarragher and Alex Burkett.

With JOHN MICA, I need to mention Jim Coon, Holly Woodruff Lyons, who was his lead negotiator, and Bailey Edwards and Simone Perez.

Let me end simply by saying Senator REID and his people were so heavily involved, particularly in this one aspect of the bill. But he has been driving this bill in our caucuses, as the Presiding Officer well knows, for over a year: Where is my FAA bill? Where is my FAA bill? He has been driving, pushing, pushing, pushing, pushing. His chief of staff is David Krone, who so many people don't know and it is their loss; Darrel Thompson, Bob Herbert, Bill Dauster, who keeps in touch with everybody and everything.

To the floor staff of the majority and the minority leaders, just simply to be grateful to them and to make sure we say that to them personally, we say it publicly, and we say it frequently.

I ask unanimous consent that, from this point forward, any time spent in quorum calls be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

Mr. ROCKEFELLER. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. COONS, Mr. President, I rise and ask unanimous consent to speak as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so or-

STARTUP AMERICA LEGISLATIVE AGENDA

Mr. COONS. Last week, President Obama unveiled his Startup America Legislative Agenda.

It marked the 1-year anniversary of his Startup America initiative, an ambitious, impressive, national energetic effort led by, among others, legendary innovator and entrepreneur Steve Case, the founder of AOL. It was a strategy that focused on how the Federal Government can best help young companies and, in particular, entrepreneurs all over this country get into the game of starting and growing businesses. It is smart and it is important.

Entrepreneurs are driving our economic recovery and will drive our economic recovery into the future. They are taking the risk personally to turn their ideas into startup companies in fields from biotech and clean energy to manufacturing. Among these innovators could be the next American giant, a General Electric or DuPont. But in order for these startup companies to grow, we have to support them in their critical early stages. Today, I take that as our challenge.

Whenever I visit a factory in Delaware or meet with the young owner of a company that he or she has just started. I ask the same question: How can we best help you to grow?

Small business, it is often said, is the engine of job creation in this country. In the 1990s and the early 2000s, small firms created more than 65 percent of the new jobs in this country. But I want us to particularly focus on those small businesses that have enormous potential, so-called gazelle startups, those that grow not from 5 to 10 or 5 to 20 employees but from 5 to 50 to 500 to 5,000, whether it is Facebook or other startups that have gone from literally bench top or dorm room to being employers of thousands or tens of thousands.

Our economy has grown dramatically because of these rapidly growing innovative startups. Typically, they are startups that focus on a disruptive technology or product, something that fundamentally changes a whole sector of our marketplace, and they have the most promising potential for job creation.

Between 1980 and 2005, most of the net new jobs in America were created by firms that were 5 years old or less. That is about 40 million jobs over those 25 years.

This summer. I hosted in Delaware a series of roundtables with business owners. The focus of these conversations was on how we can help their businesses to grow and grow quickly. A lot of these businesses were young and innovative companies. They have a great idea and a good start on their research. But I often found, particularly in this economy, they are struggling to capitalize on their innovations.

Innovation is the spark that drives and sustains entrepreneurship, particularly entrepreneurship in disruptive technologies. But it is research and development that drives that innovation, and government only has so many tools we can use to help promote innovation. Today, I wish to talk about a piece of the Tax Code that is one of the most powerful tools in our toolbox.

Thirty years ago, Congress created the Research and Development Tax Credit, the R&D Tax Credit, to help incentivize companies to invest in innovation, to invest in the people who are doing the research and the development that drives innovation. In fact. 70 percent of R&D-qualified expenses today are for wages. In many ways, it is an innovative jobs credit. It has helped tens of thousands of companies and has been extremely successful at getting companies to invest in innovation. But it has one key weakness: It expires. It expires all too often. It has. in fact, expired 8 times and been extended 13 times and it has most recently expired in December of last year.

The first bill I introduced as a Senator last April was entitled the "Job Creation Through Innovation Act." It did two things. First, and most important, it made the R&D tax credit permanent-important, in my view, to sustain and extend this successful program. But there is another issue we still need to address to make the tax credit relevant to these early stage, innovative, high-growth companies. Right now, the tax benefits of the R&D tax credit are available only to more established companies that are already turning a profit. We have to have a tax liability on their profits for that credit to be of any value to them. That is a roadblock in the way of success for startups and small businesses in Delaware and around the country and a place where I think we can and should come together across the aisle to address this gap in the R&D tax credit program because, in my view, it is the small early startups that most need a cash infusion to support their confidence, their stability, and their innovation. We can, and should, take this tax credit and retool it in a way that makes it more relevant and more effective. If entrepreneurs are the ones taking risks in this economy and creating jobs, they should be the ones we support in this tough economy through our Tax Code. As I said before, history shows it is those young companies that are creating the most jobs the most quickly and that have the best return on tax expenditures.

Here is what I have been working on. As I have met with innovative young businesses in Delaware, one of the ideas that has come to me more than once is to change the R&D tax credit so it is accessible not just by being permanent to big and profitable companies but by being tradable so smaller or startup companies that have no tax liability can take advantage of it.

How would that work? It allows startups to sell their tax credit to a larger company, giving them a much needed infusion of cash. Let me give an example.

Eleriton is a small but high promise, high potential Delaware company. It has patented strains of bacteria that are designed to consume duckweed—also called pond scum—and produce biobutanol, a promising drop-in alternative fuel. It has tremendous potential. Eleriton today is run by two Ph.D.s who have put together all the money they can raise, from family and friends and angel investors and early funds into research and development. But for them to grow, and grow quickly, they need access to more capital to fund more innovation.

Evozym Biologics also is a 2-year-old Delaware company trying to bring to market cutting-edge innovations in computing and in the development of proteins from the University of Delaware and the Desert Research Institute. They are doing incredible things there.

Both these companies need more funding to invest in R&D and to capitalize on their potential to grow rapidly and grow high-quality jobs. If they were already bigger, well-established, successful companies, they might well qualify for the existing R&D tax credit. But because they are so small and just getting started, our current tax credit doesn't help them at all.

Fortunately, Delaware is also home to a few great well-established companies. Since those companies turn a profit and pay taxes, they could actually utilize a tax credit. In this case, Elcriton or Evozym would sell their innovation credit to one of the larger established companies. The bigger company gets the tax credit. The newer company gets the infusion of cash it needs to sustain its innovation. It would be a win-win.

This is just one idea of a number that I have introduced, that I have proposed, and that I have discussed with Senator Baucus and others on Finance. I hope that in discussing it today, some of my colleagues on both sides of the aisle and leaders in the business and innovation communities will work with me to further refine it, focus it, and make it part of our greater conversation about tax reform and the economic recovery.

We can and should put our heads together to find commonsense solutions to the problems, challenges, and oppor-

tunities of innovation and competitiveness. We have to give American business the support they need to compete in an increasingly competitive global economy because, in my view, we are falling behind in the race for innovation.

In the 1980s, the United States was routinely ranked as having the best R&D tax incentives and overall support for innovation in the world, but today some studies have us ranked 17th in the world in supporting and sustaining innovation. I refuse to let American companies, American inventors, and American workers fall behind. With the right resources, American ingenuity will continue to outcompete any country on Earth every time. I know it is possible. I have seen it week in and week out as I have visited small and medium startup companies in Delaware

Just a few weeks ago in Bridgeville, DE, a town many from here have traveled as they have gone to the Delaware beaches, I stopped to visit a small company, Miller Metal, that is proving day in and day out that with investment, with innovation, with continuous improvement, they can go head to head with Chinese metal fabricators and win: manufactured in Delaware, competitive in the global marketplace.

Although we need a full overhaul of our corporate tax structure, making this one small tweak to the R&D tax credit to make it accessible to early stage innovative companies will, in my view, give us a running start into the headwinds of the global economy, and I think we have no more time to waste. It is small businesses and innovative strategies that will create the jobs we need to put our neighbors back to work and turn this economy around more quickly. Let's work together, let's help them, and let's make progress on this most important proposal to change the R&D tax credit, make it permanent, and make it accessible for early stage companies.

I am eager to hear what people think about this idea, and I hope they will connect with me and my office and let me know how to improve on it, how to execute on it, and how to deliver this as a new tool in the toolkit of American innovation.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Coons). Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today, as many of my colleagues have done, to speak in favor of the final passage of the conference report to accompany the FAA Air Transportation Modernization and Improvement Act. I

don't know what the acronym to that is. It is a long name but it is a very comprehensive bill, and a very good bill.

I especially want to thank Senator HUTCHISON and my good friend from West Virginia Senator ROCKEFELLER and their dedicated staff for the countless hours they have dedicated over the past 5 years to produce legislation that will provide the Federal Aviation Administration with the tools necessary to begin finally to support the 21st century national airspace system. It is not often you have a staff and two Members dedicated for 5 years to finally come up with a good bill. It has been tough sledding, but they have gotten it done.

The aviation industry remains one of the most important economic sectors in my home State of Kansas. Passage of this 4-year reauthorization is absolutely necessary for giving aviation companies necessary funding and the regulatory certainty to move forward with a number of important initiatives. It is not very often in today's world you talk about regulatory certainty. This bill will do that.

Specifically, the FAA Air Transportation Modernization and Safety Improvement Act includes provisions to implement a state-of-the-art satellite-based navigation system to provide operators and users of our national airspace the ability to seamlessly guide and locate traffic throughout our Nation and around the world.

It also authorizes critical funding for the Essential Air Service Program which provides Kansas and other rural States the ability to provide air service to smaller communities and the citizens and businesses whose livelihoods rely on the ability to travel longer distances in a short amount of time.

As a Member of the House—as a matter of fact, even prior to that as a staffer to a Member of the House—I was part of the effort that established the first Essential Air Service, so I have a long-time interest in this. I again thank Senators for doing their very best to preserve this program.

More important, this legislation reflects a bipartisan effort to ensure the continued health of the general aviation industry. This industry contributes over \$150 billion to the national economy each year. It has created over 1.3 million jobs—if anybody wants to hear about job creation, this is the outfit that does it—across a broad range of disciplines, and allows companies the ability to access facilities all across the globe.

This is where I want to particularly thank Chairman Rockefeller and Senator Hutchison as well as my colleagues on the Finance Committee who were tasked with finding the necessary funding streams to pay for the annual \$15.9 billion tag this legislation does authorize.

Notably, this legislation does not include language imposing disproportionate and onerous user fees on the general aviation industry. This is contrary to what has happened in the past. This has been a general agreement now. Rather, this legislation preserves the current fuel tax levels, an efficient and effective funding mechanism that accurately reflects general aviation's use of the system.

If anybody down at 1600 Pennsylvania Avenue is listening, I hope they would adopt the same attitude as we have been able to reach in a bipartisan way, and not pick on any particular industry—or use their name or acronym for their name about six or seven times in three paragraphs of recent speeches.

Last, this legislation would not undermine steps taken at the Department of Transportation to protect private citizens from having their movements tracked by anyone with easily accessible flight tracking technology.

I look forward to joining my colleagues later this afternoon in passing this important measure, a great, comprehensive bill that will support more than a million jobs and help spur further economic growth and development in our Nation's aviation sector.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise for a moment to echo, first of all, the words of the distinguished Senator from Kansas. He was right on target in every point he made. But I also rise to pay tribute to the chairman, Senator ROCKEFELLER, and ranking member KAY BAILEY HUTCHISON, Mr. Ray LaHood, and Chairman MICA in the House, all of whom did an outstanding job bringing this together.

I was thinking in the airplane coming up here—it was an appropriate place to think about it; we are all on airplanes quite a lot—I was thinking about the many bills I have been involved in here in my 13, almost 14 years in the Congress of the United States. I don't know if I ever remember a conference committee that was so far apart and so divided that finally came together in the best interests of the American people than this one. I want to pay tribute to Majority Leader HARRY REID, who played an instrumental role in finding common ground and coming to agreement. Speaker BOEHNER in the House of Representatives did the same. This was a team effort. The National Mediation Board decisions that were made in the final agreements were good and they were fair. As Senator ROBERTS has said, the treatment of general aviation and commercial aviation is fair and equitable. We now have a 4-year plan for the next generation. Everything that happened, happened for the best and it happened because of good leadership on the part of Chairman Rockefeller and Congressman Mica and Speaker Boehner, the Speaker of the House, and Senator REID. I thank all for the work they did, and I am very proud to have been a part of the solution that led to the reauthorization of the Federal Aviation Administration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I thank Senator ROBERTS from Kansas and Senator ISAKSON from the State of Georgia—State of Atlanta—for their very kind remarks. I really mean that. These are two good people with a lot of business experience, with aviation—is Hartsfield still the world's busiest airport?

Mr. ISAKSON. Busiest in the world.

Mr. ROCKEFELLER. And tremendous general aviation industry the Senator has in his State. That they come down and praise this bill means a lot to this Senator and I thank both of them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I rise today to express my concern about provisions of this bill that amend an unrelated labor law statute—the Railway Labor Act. As the chairman of the Committee on Health, Education, Labor, and Pensions, which has jurisdiction over this law and the agency that enforces it, the National Mediation Board, I am troubled by the inclusion of this language and the implication that it creates; namely, that this independent Federal agency and the hard-working Americans it protects are being punished for recent regulatory changes that protect workers' rights.

The National Mediation Board—or NMB as it is known—established in 1934, is an independent agency that administers labor relations in the air and rail industries. In 2009 this small, 51-person agency went through a careful process to change the voting rules governing the elections that it administers. Under the old antiquated election system, all nonvoters were automatically and arbitrarily treated as a "no" vote, or a vote against the union, regardless of whether they actually opposed forming a union. These rules were contrary to the election rules

used in National Labor Relations Board-supervised elections and different from the rules governing elections held throughout the entire United States, from school boards to U.S. Senators. Think about it—if you don't vote, you are counted as a "no" vote. What kind of sense does that make? It made no sense. Just as it would be unfair to arbitrarily assign an individual American a position, let's say, in the Presidential race because he or she chose not to vote, it was unjust to capriciously impose a position on rail and aviation workers who, for one reason or another, didn't vote in a representation election. That is why the National Mediation Board adopted the commonsense rule, the same rule that applies to industries all over America that are governed by the National Labor Relations Board. The rule was that in the future elections, a voter's decision not to vote would have no impact on the election's outcome. Only those voters who actually participate will determine the outcome of the election. A majority of those who vote determines who wins.

This basic system, as I said, of conducting elections works for school boards and for Congress. It works for all the businesses in America that are governed by the National Labor Relations Act, and it will work and has worked for rail and aviation workers. The only entity this new system apparently doesn't work for is the management of a few powerful airlines. These powerful companies don't want workers to have representation. They don't want to engage in collective bargaining with their workers. I guess they are deeply concerned about the remote chance that at some point in the future they just might have to put a few additional dollars into middle-class workers' pockets, so they waged an unprecedented attack campaign to kill this rule, the rule that says: If you don't vote, your vote is not counted as yes or no. The only votes that count are those that vote yes and those that vote no. In the past, if you didn't vote, it was counted automatically as a "no" vote. Finally, people said: This doesn't make sense. No other business in America has any kind of rule like that governed by the National Labor Relations Board.

These few powerful airlines waged an unprecedented attack campaign to kill the rule. First they found some friends in Congress and tried challenging the rule under the Congressional Review Act, a law that allows Congress to overturn a rule through a resolution of disapproval. They lost that fight on the Senate floor. Next, they went to court to challenge the legality of the rulemaking. They lost that fight in the district court, and then they appealed to the court of appeals and they lost there too. So then they waged a last-ditch effort to kill the rule on this FAA reauthorization bill, which has nothing to

do with it. Again, it was not in the Senate bill. The House put it on a totally unrelated provision dealing with the National Mediation Board that isn't even a part of the FAA and which isn't in the jurisdiction of the Senate Commerce committee.

The FAA reauthorization has historically been a bipartisan bill that is essential to the operation of our aviation system. As a pilot myself—I have been all my life—I can see why this bill was needed, believe me. The current bill not only extends a wide variety of provisions impacting aviation, it helps to create tens of thousands of jobs and to bring our aviation system into the 21st century. This important legislation has absolutely nothing to do with the National Mediation Board, whose sole job is to oversee labor relations. But last year House Republicans tried to turn this FAA reauthorization bill into a vehicle to attack workers' rights.

They added a provision to their bill repealing the National Mediation Board's election rule—the rule which said if a person does not vote, it is not counted. It is not counted as a "no" vote or "yes" vote; it is just not counted—a commonsense rule. Then, when the House and Senate bills were in conference last year, they refused to pass a clean extension of the FAA laws as had been done on more than 20 occasions prior. Since they didn't do that, they stopped the conference negotiations. Instead, the House forced a partial shutdown of the FAA.

That shutdown last summer left 4,000 FAA workers furloughed. It put many thousands more people out of work in airport construction. It cut off FAA reimbursement payments to small businesses across the country. It cost the government about \$25 million in tax revenues every single day just because the House was attacking workers' rights and they wanted to add this onerous provision to the FAA bill.

While frustrating, it has long been the norm here to keep agencies operating with short-term extensions while bills whose terms have not been worked out are negotiated. The House action was a rare break from that norm, and it caused real damage to thousands of real people.

Fortunately, there was a substantial public backlash against the House Republicans, and they had to back down. They let a short-term FAA extension pass, then they backed off on their demand to kill the rule. But the powerful corporations behind this effort still couldn't let the issue go. Despite the fact that the new rule had been in place for more than a year and has had absolutely no negative impact on any carrier-the union success rate in elections has remained roughly the same before and after the rule's implementation—these corporations were still bound and determined to attack the National Mediation Board and to attack America's rail and airline workers to punish them for having the audacity to stand up for what is fair and to have the audacity to stand up and say a vote that is not taken shouldn't be counted as a "no" vote or a "yes" vote; it shouldn't be counted at all, which I think most Americans would think makes sense.

So these corporations got their friends in the House Republican leadership to demand the addition of burdensome new changes to the Railway Labor Act in this unrelated FAA bill. The dramatic changes they initially demanded to this statute were absurd and would have been irresponsible to slip into a nonamendable conference report without any consideration by the committee of jurisdiction which happens to be the jurisdiction of the committee I chair in the Senate.

Fortunately, Senator Rockefeller. the chairman of the Commerce Committee, and Senator REID, through months of negotiations, were able to stave off the worst of the House Republican proposals and ultimately settle on a package of less detrimental changes. Under this new language, the agency retains discretion to determine when a union should be properly certified as a bargaining representative, and we have no intention of changing that process. I also think we have left a lot of room for the agency to make rules that govern special situations such as mergers.

But to be clear, I don't think any of us on this side of the aisle wanted to make these changes at all. We were forced to do this by a few powerful people who were willing to hold many thousands of American jobs hostage and hold hostage improvements to our airway system just to get this.

Some people might call this process a compromise, but I call it an abuse of our legislative process, and shouldn't let it happen. To be clear, as I have indicated, there is progress in this bill for the people of my State and the people of this great Nation. It will create jobs. It will move our country's aviation system into the 21st century. It shifts our air traffic control system to a GPS system where planes can fly far more efficiently, saving fuel and time. It provides a compromise that continues the Essential Air Service Program.

So, again, I thank Chairman Rocke-Feller for his diligence and his hard work for over 4 years trying to lead the House and others into moving our air transportation system, both for general aviation and for air transport and for the airlines, to be more efficient and to use less fuel so it is more benign to our environment. Believe me, there is a lot in here that is going to help general aviation also. So I thank Senator Rockefeller for his diligence and his hard work.

So my "no" vote today on this bill is not to suggest that there aren't many good things in this bill. Instead, my vote is to stand up against the notion that a Federal agency and the American workers it is charged to protect should be punished for doing what is right and what is fair, what is in their jurisdiction, and to stand up against a process that allows the few and the powerful to hijack this body and change the rules of the game in their favor. The American people deserve better than that.

#### RAILWAY LABOR ACT

Mr. HARKIN. Mr. President, I would like to ask a few questions of my friend the majority Leader and my friend Senator Rockefeller, Chairman of the Senate Commerce, Science, Transportation about the changes to the Railway Labor Act in the this bill. Because my committee has jurisdiction over this important act, I want to make sure that I fully understand the scope and impact of these changes.

Mr. ROCKEFELLER. I think a little context is helpful to understand the situation we were in. Republicans sought to use the FAA reauthorization bill to overturn a recent administrative rule by the National Mediation Board granting certification if a union won a majority of actual voters in a representation election. The Senate correctly rejected that provision of the House bill. The rule was fair and reasonable and I strongly support it.

Mr. REID. I agree, and reaffirm our strong support for National Mediation Board's decision in this matter. The Senate bill would, however, modify the Railway Labor Act in a few minor ways. One of these changes would modify the agency rules governing the showing of interest that is a precursor to a representation election for either a new certification or a change in certification. We modified that standard to require a 50 percent showing of interest for all elections. This percent was chosen to recognize the longstanding primary statutory goal of the Railway Labor Act, which is stability in labor relations through peaceful collective bargaining. A 50 percent showing of interest will ensure that elections only occur when there is a sufficient and substantial indication of employee support.

Mr. HARKIN. My understanding is that there has been longstanding deference to the National Mediation Board regarding the findings it makes in the representation context. As the Supreme Court stated in Switchmen's Union v. NMB, after a NMB's decision on whether a showing of interest has been made "the dispute [is] to reach its last terminal point when the administrative finding [i]s made. There [i]s to be no dragging out the controversy into other tribunals of law." Would these changes alter that longstanding deference in any way?

Mr. REID. Absolutely not. In considering the amendments, we relied on

and had no intention of disrupting the Supreme Court's decision in the Switchmen case. Codifying the standard in statute was not intended to alter the longstanding deference that must be accorded to the National Mediation Board as it makes factual findings in the representation context. In fact, the language was included in a new section of the Act, rather than incorporated into the existing Section 9, based on a consensus among all parties involved in the conference negotiations that the new showing of interest should not enable an employer to manipulate the election process by demanding court review of the showing of interest.

Mr. HARKIN. I would ask my friend, Senator ROCKEFELLER, if this was his understanding as well?

Mr. ROCKEFELLER. Certainly. We had no intention of changing the level of deference that is accorded to the agency in representation matters. The NMB's certification authority remains conclusive.

Mr. HARKIN. I thank my colleagues and am reassured by their response. I can think of a number of dangers that would arise if the sufficiency of a showing of interest were litigated in court. The sad reality is that employees are regularly retaliated against for supporting unionization—in ways that are legal and illegal. It would be very dangerous if employers could gain access to union authorization cards through litigation discovery. It is reassuring to hear that the sponsor of this bill does not intend that result by codifying the showing of interest.

Mr. REID. The purpose of the amendments was very limited. It was not intended to alter judicial review: in fact. there was agreement among Democrats and Republicans negotiating the agreement that there would be no expansion of judicial review. And I would also like to explain that it is not intended to apply to the unique situation in mergers. The text of the amendments apply to all applications for representation elections, but not to the entirely different circumstance where a labor organization or employees petition the National Mediation Board for a determination as to whether a merger or other transaction has altered an existing representational structure as a result of a creation of a single transportation system. In those cases, it is our intent that the National Mediation Board's existing merger procedures, as modified from time to time by the National Mediation Board, shall determine the percent of the craft or class to establish a showing of interest. Otherwise, employees could lose their representation simply by merging with a slightly larger unit without even having the opportunity to vote, which is unacceptable.

Mr. HARKIN. I thank the majority leader for that helpful clarification. I would like to raise two additional questions if I may, both related to whether usual rules of statutory interpretation are intended to apply here. First, am I correct that the showing of interest requirement set forth in this legislation should only apply prospectively and should not apply to any application for representation pending at the time of the effective date of the legislation?

Mr. ROCKEFELLER. Yes.

Mr. HARKIN. I thank the Senator. And second, in the amendments, Congress directed the Government Accountability Office to review certain NMB activities periodically, and in conducting these reviews, to consider whether the agency's actions are consistent with Congressional intent. I would presume that the relevant question for the GAO to consider is whether the agency's actions are consistent with the intent of the Congress that passed the provisions of the Act in question, the joint labor-management agreements which led to its adoption, and the subsequent judicial interpretation thereof?

Mr. ROCKEFELLER: That is correct, ves.

Mr. HARKIN. I thank my colleagues for joining me in this conversation.

Mr. LEVIN. Mr. President, I will vote in support of the conference report to accompany the FAA Reauthorization and Reform Act, H.R. 658. The last reauthorization bill expired at the end of fiscal year 2007 and since then we have passed 23 short-term extensions. We are long overdue to enact a long-term reauthorization of FAA's programs in order to provide important funding and program improvements that will enhance the safety and efficiency of our Nation's aviation system. I am pleased we are finally doing that today and in so doing we make key investments in our Nation's aviation infrastructure as well as create good jobs in the process.

One of the main issues holding up the bill for so long was a provision contained in the House bill, but not the Senate bill, to repeal the National Mediation Board—NMB—rule that ensures that only those votes cast in a union election are counted. I am glad to see that controversial provision has been removed, although I am disappointed language has been added to change Railway Labor Act rules and regulations governing union elections by raising the showing of interest threshold for holding an election from 35 percent to 50 percent of the employees in the craft or class. I do not believe the FAA reauthorization bill is the appropriate vehicle for this sort of change and I do not support its inclusion in this bill.

Providing a long-term 4-year reauthorization of our aviation programs is vitally important. Our global economy depends on the smooth and efficient movement of goods, services and people from city to city and across international borders. A safe and efficient

with a strong economy. We are fortunate to have one of the best aviation systems in the world and I am pleased that under this bill we continue to make the necessary investments and upgrades to retain that high standard. This FAA reauthorization bill addresses problems of capacity, congestion and delays to help ensure our aviation system can handle the projected growth in airlines passengers.

The FAA reauthorization bill will also create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. In Michigan alone the FAA is building two new air traffic control towers, at Kalamazoo and Traverse City. The FAA is also repaying numerous runways and taxiways, including at Detroit Metropolitan Wayne County Airport, Alpena County Regional Airport, Bishop International Airport, Sawyer International Airport and at other airports around the state. The FAA is also constructing new terminal buildings at Kalamazoo/ Battle Creek International Airport and at MBS International Airport in Freeland, MI. And FAA funds are paying for the design of a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are important upgrades to Michigan airports and funding of many more needed improvements will make flying into and around Michigan safer and easier.

H.R. 658 will move us closer toward modernizing our air traffic control system by building the Next Generation Air Transportation System— NextGen—of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar-based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carriers and good for the flying public.

I am very pleased the conference report adopted the Senate approach to the Essential Air Service Program— EAS—and preserves this important program rather than terminate it as the House bill would have done. The EAS provides rural communities with access to the national air transportation system and is very important to Michigan. We have 8 communities that rely on EAS subsidies to help provide them with daily commercial air service. This conference report maintains the EAS program at current funding levels with some minor modifications. I very strongly opposed attempts to deprive Michiganians living in the less populated areas of our State of commercial air service. For businesses in the affected communities, this service is an economic lifeline that connects

aviation system goes hand in hand them to the web of both national and international commerce. At a time when we are doing everything we can to compete globally and to increase the number of jobs, cutting off that access makes no sense and I am glad this conference report recognizes this.

> Mr. LEAHY. Today, nearly a year after the Senate passed the FAA Modernization and Reform Act, the Senate is being asked to adopt the conference report to accompany it.

> I am pleased that the conference report does retain bipartisan language that I worked on to protect the public's right to know under the Freedom of Information Act. The Freedom of Information Act is one of our Nation's premier open government laws. The language included is intended to allow the Government to protect sensitive aviation information while still ensuring that the American public has access to aviation-related health and safety information.

> I am very disappointed that the conference report does not contain the amendment that Senator Inhofe and I worked hard to pass when the bill was considered and passed by the Senate. Following passage of our amendment in the Senate, which contained important improvements to the Public Safety Officers Benefits Act-PSOB-and the Volunteer Protection Act, I worked with House Judiciary Committee Chairman LAMAR SMITH to revise the Senate language into a bipartisan set of PSOB reforms.

> Among these reforms, and the basis of my Senate amendment, was the Dale Long Emergency Medical Service Providers Protection Act. This measure was prompted by the tragic death of Dale Long, a decorated emergency medical technician from Bennington, VT, who spent his career helping his fellow Vermonters. Following Mr. Long's death, I became aware of a gap in PSOB coverage for emergency medical responders, and this amendment was designed to close that gap so that Mr. Long, and others who serve as medical responders for private, non-profit ambulance services, have the protection of the PSOB program.

> In addition to the Dale Long measure, the agreement that Chairman SMITH and I drafted included provisions to improve the administration and efficiency of the PSOB program. These reforms would have made the claims process faster, easier, and fairer for those disabled in the line of duty, and for the surviving family members of those who lose their lives during service. I regret very much that the Conference Committee decided to remove these improvements from the final version of the bill.

> Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I note that the time is just before 5 o'clock. My distinguished Republican colleague, Senator Hutchison, is not on the floor at the moment, but I do not know of nor have I heard of any other Members wanting to speak. I don't know that we need to do much except go ahead and vote. I don't have the power to command that. I see a whole lot of people up here who do, but I would just say if there is anybody at the last moment who wants to speak, that is fine.

We have set up the vote for 5:30. I think there are a lot of our colleagues who aren't going to get here until 5:30 because they are on airplanes that land at 5:00. So we have to take that into consideration.

So I stand here to say that I think this is a very good bill, and I think, as has been mentioned often, it is a 4-year product with hard work and with an unbelievable consultation with all of the stakeholders, which includes all of the Members of the Senate and their staffs and all of the people out in the world of aviation. We have spent endless hours with them, and rightly so and happily so.

I think there is general support in the aviation community for this bill. I could read a list of all of the people who do support it, the associations that support it, but it would take me a long time. I hope very much my colleagues will vote for this bill.

As I indicated, nobody got all they wanted, but that is the nature of compromise. Compromise in and of itself was particularly difficult in this negotiation, but we have done what we have done. It is well regarded. I urge my colleagues, when they do come, to vote for the bill

I thank the Presiding Officer, and I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, the Presiding Officer, my colleague from Delaware, has heard me say more than a few times that when I meet people who have been married a long time, I like to ask them: What is the secret to being married 50 or 60 or 70 years or more? I get some funny answers. I also get some very poignant answers. Sometimes I get very instructive answers. One of the best answers I have ever heard—in fact, I have heard it more than a few times over the years—is the key to a long marriage, a successful marriage is the two Cs—not Coons and CARPER, not COONS and CARNEY, not COONS and CASTLE but communicate and compromise.

The folks from Delaware who elect us—and people from the other 49 States—are wondering: why don't we do the two Cs more here? Because those two qualities—communicating and compromising—are actually not only needed for a successful marriage but also for democracy to succeed.

Today, as we prepare to vote on the conference report—a compromise—it is a product of a whole lot of communication from people all over the country: from businesses, from air traffic controllers, from labor unions, from people who use airlines, to folks who are involved in sometimes direct or indirect ways with this legislation, but they have been communicating with us what they think we should do.

As we work to bring our air traffic control system into the 21st century and as we seek to fund the modernization of our airports and our airways. we have had to raise some money. I was privileged to serve on the Commerce Committee for a while with our chairman Senator Rockefeller, and forever we were trying to work out a compromise between the airlines and the general aviation community on how do we pay for this tab so we do not run the deficit up even more. I take my hat off to the chairman and the others who worked on this with the key stakeholders to say: They are going to raise some revenues, they are actually going to pay some additional tax monevs to come up with the money we need to provide for better airports and, frankly, better air traffic control systems—safer air traffic control systems, more efficient air traffic control systems. Better results? Maybe not for less money but better results for a little bit more money. But it has been an ongoing communication for several years and an ongoing dialog that has actually led us today to a very good compromise.

We are often told in these jobs we talk with consultants who talk to us about messaging and how do we message or talk about certain things? One of the things they tell us is never use the word "infrastructure." Do not use it. Don't tell your constituents we are working on infrastructure. They do not know what you mean. Instead, we should talk about roads, highways, and bridges. We should talk about railroads. We should talk about canals or ports. We should talk about water or wastewater treatment systems. We should talk in our State about the dune system that protects our coastal beaches. We should talk about dredging a channel in a place such as the Delaware Bay or the Delaware River in an environmentally safe way. We should

talk about levees. We should talk about the deployment of broadband across our country. That is all infrastructure.

Do you know what else is infrastructure? Our airports, the airways, the air traffic control system that is used to dispatch planes and make sure they go where they are supposed to go and land where they are supposed to land and fly safely throughout the day and throughout the night.

In the State of Delaware, I say to the chairman—as our Presiding Officer knows-we have three counties. The largest county in Delaware is called Sussex County. It is the third largest county in America. The county seat of Sussex County is a place called Georgetown. Just on the outskirts of Georgetown—a town of several thousand people—we have an airport, an air park as we call it. There is an effort to try to expand the length of one of the runways. One of the runways is about 3,000 feet. The other is about 5,000 feet. The county, which sort of manages the air park in Georgetown, would like to expand the longest runway from 5,000 to 5,500 feet or 6,000 feet.

Why? Because by doing that, we provide a nurturing environment by improving that infrastructure—in this case, the length of the runway—and the navigational system, the lighting system that is associated with the airport. We make it an easier place, a safer place to fly in and out of, and we increase the likelihood it is going to be used.

By whom? It is going to be used by, among other things, not just 737 aircraft but 757s. There is a company there called PATS that works on airplanes, some very expensive executive jets, 737s and cargo planes and passenger planes. They help make sure they have larger fuel tanks so they can fly further safer. In some cases, they work on the insides of these very exclusive executive jets and tony them up and make some money doing that, and they fly all over the country, all over the world. That takes place right in Sussex County, DE, at the Georgetown Air Park.

They need to increase the length of the runways. This legislation will help make that possible over about a two-stage period over the next maybe 18 months or so. They need, at Georgetown, to be able to take out some hindrances to the safe travel of airplanes, including maybe trees in some parts of the runway—the approach or the take-off, departure side of the runway. They need to be able to put in some better navigational systems, better lighting to make sure the big planes can get in and out safely. If more work can be done by PATS, they can hire more people.

There is a guy from West Virginia whom the chairman knows well. We are both from West Virginia. I am a native West Virginian, and he has lived there and governed there and served as their Senator for a lot longer than I lived there as a kid. But there is a guy there named John Chambers, whom Senator ROCKEFELLER knows well, whose parents are, I think, still there. I think they taught maybe college, so I do not know if they taught at West Virginia Wesleyan when the Senator was their president. But John Chambers' parents, I think, both have been teachers, maybe professors.

John Chambers runs Cisco. He started Cisco, a big technology company. John Chambers is fond of saying the jobs in the 21st century are going to go to the States or the nations that do two things well: No. 1, create a world-class productive workforce. People can come to work, do a job, and do it in an efficient way using technology. The second thing he says is, the jobs of the 21st century will go to places where the infrastructure is world class.

With this legislation, we are going to make sure the Nation that started all this aviation with the Wright Brothers and actually got us not off on the right foot but off on the right wing all those years ago, that we are going to be in a position to reclaim that mantle and to again show the rest of the world how to do it right: to strengthen our infrastructure, bring our infrastructure into the 21st century, be able to fly planes safer out of airports that are better configured, better constructed, more wisely invested in communications, in navigational systems, in the right length and width of our runways, and to make sure the folks who are controlling our aircraft are doing a better job. using all the tools in the toolbox.

I had a chance to fly as a naval flight officer for about 23 years—5 years in a hot war and another 18 years in a cold war, until the end of the Cold War with the Soviets-and I have flown in and out of a lot of airports, naval bases, and other military bases with my crews on Active Duty and Reserve Duty, and I spent a little bit of time, as the chairman did, as Governor of my State and as the commander and chief of the Delaware National Guard. So these are issues I have actually thought about a whole lot, as somebody who has been in airplanes, a whole lot of airplanes, over the years.

I feel better about the men and women who are flying airplanes in uniform, in flight suits going forward. I feel better with this investment in this legislation about the folks who will be flying in commercial airlines, whether they are from the United States or some other country because of this legislation, this compromise, and I feel better about people flying in what I call those "teeny-weenies," whether they happen to be little Pipers or Cherokees or whatever or whether they happen to be some of these real exclusive executive jets we see zipping

around West Virginia and Delaware and other places.

So it will be a safer way to travel, and it is going to be an investment that is going to help create jobs, including in Georgetown, DE, including in West Virginia.

To everybody who has been a big part of bringing us to this point, to our friends over in the House who were able to communicate and compromise with us, to the chairman of the committee, and to our ranking Republican on the committee who is not on the floor right now, I take my hat off to you for getting us to this day. This is a good day. This is a happy day for us in this body. I think this is a happy day for the United States of America. We have shown we can actually get something done that has a good and positive impact on our States and on our Nation.

With that, I yield the floor. I do not know if there is anybody else who seeks recognition. If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. On behalf of the minority side, I yield back the remainder of our time.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the question is on agreeing to the conference report to accompany H.R. 658.

Mr. ROCKEFELLER, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. Con-RAD), is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, navs 20. as follows:

### [Rollcall Vote No. 15 Leg.]

#### YEAS-75

Alexander	Bennet	Boxer
Ayotte	Bingaman	Brown (MA)
Baucus	Blunt	Burr
Begich	Boozman	Cantwell

Carper	Johanns	Pryor
Chambliss	Johnson (SD)	Reed
Coats	Johnson (WI)	Reid
Coburn	Kerry	Roberts
Cochran	Kohl	Rockefeller
Collins	Kyl	Rubio
Coons	Landrieu	Schumer
Corker	Lautenberg	Sessions
Cornyn	Levin	Shaheen
Durbin	Lieberman	Shelby
Enzi	Lugar	Snowe
Feinstein	Manchin	Tester
Graham	McCain	Thune
Grassley	McConnell	Toomey
Hagan	Menendez	Udall (CO)
Heller	Moran	Udall (NM)
Hoeven	Murkowski	Warner
Hutchison	Murray	Webb
inhofe	Nelson (NE)	Whitehouse
inouye	Nelson (FL)	Wicker
sakson	Portman	Wyden
	NAYS—20	
Akaka	Franken	Merkley
Blumenthal	Gillibrand	Mikulski
Brown (OH)	Harkin	Paul

Akaka	Franken	Merkley
Blumenthal	Gillibrand	Mikulski
Brown (OH)	Harkin	Paul
Cardin	Klobuchar	Risch
Casey	Leahy	Sanders
Crapo	Lee	Stabenow
DeMint	McCaskill	

#### NOT VOTING-5

Barrasso Hatch Vitter Conrad Kirk

The conference report was agreed to. The PRESIDING OFFICER. The majority leader is recognized.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we now proceed to a period for morning business. with Senators permitted to speak therein for up to 10 minutes each. There will be no more votes tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

#### COMMEMORATING JOHN GLENN'S "FRIENDSHIP 7" SPACE FLIGHT

Mr. PORTMAN. Madam President. I would like to take the opportunity today to recognize the remarkable achievements of a former Senator from Ohio. The State of Ohio is known as the birthplace of aviation, it is the home of the Wright Brothers and the home to 24 astronauts. I have the privilege of calling two of these astronauts, Neil Armstrong and John Glenn, my friends. Today, I would like to take a few minutes to commemorate the tremendous achievement of one of these heroes by celebrating the upcoming 50th anniversary of the historic 1962 flight of NASA's Mercury Spacecraft, nicknamed Friendship 7.

Fifty years ago on February 20, 1962, Friendship 7, piloted by John Glenn, performed 3 successful orbits of the Earth at 17,400 miles per hour, and made John Glenn the first American to orbit the earth. While in orbit, John Glenn performed a series of breakthrough experiments to test human function ability to in the weightlessness of space. He then successfully piloted the spacecraft manually after a malfunction in the automatic flight controls, overcoming severe oscillation and a dwindling fuel supply during reentry, and completing the mission by landing the spacecraft safely in the Atlantic Ocean 4 hours, 55 minutes and 23 seconds after initial launch. He returned a national hero.

His historic flight inspired scientific curiosity and national enthusiasm for further space exploration, paving the way for America's continued dominance in space operations.

In 1998 Senator Glenn again demonstrated his tremendous courage and reentered space at the age of 77, aboard the Space Shuttle Discovery, to examine the effect of space flight on the elderly.

Space exploration is not, however, Senator Glenn's only remarkable achievement. He set the transcontinental speed record in 1957 for the first flight to average supersonic speed, flying at an average speed of 723 miles per hour, from Los Angeles to New York. Then in 1996 Senator Glenn set a new record, along with co-pilot Phillip Woodruff, of an average speed of 229 miles per hour in a 367-mile flight from Dayton, Ohio to Washington, DC.

In addition to these contributions to scientific exploration and NASA, John Glenn gave 23 years of service to the U.S. Marine Corps; is a veteran of two foreign wars; flew 149 combat missions; was awarded the Distinguished Flying Cross five times; and retired a colonel in 1965.

Ten years later he began a career in the U.S. Senate, contributing 24 years of service as a U.S. Senator from the State of Ohio from 1975 to 1999.

In 1998 the John Glenn Institute for Public Service and Public Policy at The Ohio State University was created and Senator Glenn became an adjunct professor in OSU's School of Public Policy and Management in the Department of Political Science.

Then, in 2006 the John Glenn Institute for Public Service and Public Policy merged with the School of Public Policy and Management to form the John Glenn School of Public Affairs at The Ohio State University, which prepares future generations of public servants. I myself have had the privilege of co-teaching four classes at the Glenn School and have the honor of serving on its board of advisors along with Senator Glenn and his incredible wife Annie. She has been a tremendous partner for Senator Glenn through all of these experiments we have been talking about tonight.

Senator Glenn's tremendous achievements have paved the way for future generations to follow in his footsteps by continuing to make the United States a global leader in science, technology, education, military service and public service. I once again commend Senator John Glenn on the success of his historic 1962 flight aboard NASA Spacecraft Friendship 7.

Madam President, I yield the floor.

#### REMEMBERING KENNY BAKER

Mr. McConnell. Madam President, today I rise to mourn the loss of a great American veteran and a musical legend in Kentucky's own signature genre, bluegrass.

Mr. Kenny Baker of Letcher County passed away in July of 2011. He was 85 years old. Although Mr. Baker is no longer with us, his monumental contribution to the musical world will remain for many years to come.

Mr. Baker was most widely known for his innovative style of fiddle playing that many have referred to as "long bow fiddling." He would use every inch of the bow, from tip to tip, to produce a sound unlike any other in the world of bluegrass music. Mr. Baker picked up the fiddle at the young age of 5 years old and went on to write an astonishing 92 musical numbers throughout his lifetime.

He enlisted in the U.S. Navy during World War II and was assigned to a destroyer escort ship in the Pacific theater. But once the Navy learned of his musical ability, he was quickly transferred from his station to entertain troops in the South Pacific. After honorable service to his country in the Armed Forces, Mr. Baker returned to Letcher County and found work in the coal industry of eastern Kentucky but his musical journey was far from over.

Kenny Baker started playing the fiddle professionally in 1953 and played in the company of musical greats such as Don Gibson, Bobby Osborne, Josh Graves, and famous bluegrass innovator Bill Monroe. After taking a few years to get acquainted with the world of the music industry, he finally settled down and found a permanent home in the band Monroe's Blue Grass Boys.

On Mr. Baker's extensive musical journey, he regularly played at the Grand Ole Opry, recorded hit albums, played numerous concerts, and even had the distinct honor to play the fiddle for President Jimmy Carter at the White House. However, his greatest achievement came when he was named to the International Bluegrass Music Hall of Honor in 1999.

Mr. Baker spent his final years teaching children the value and importance of music in their lives. His generosity and love for music and music education will be greatly missed, not only by his wife Audrey Baker; his sons, Johnny Lee and Kenneth Junior; and many other beloved family members and friends, but also by generations of fans and fans to come of bluegrass music, as well as the residents of the great Commonwealth of Kentucky.

So, Mr. President, I would like to ask that my Senate colleagues join me in honoring Mr. Kenny Baker not only for his service to our country but also for his great contributions to the creative field of music. The Lexington Herald-Leader recently published an article recognizing Mr. Baker's incredible life. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald-Leader, July 12, 2011]

#### KENNY BAKER

#### (By Jennifer Hewlett)

When Kenny Baker played the fiddle, the notes flowed out like honey pours from a jar—smooth, thick and wide, according to his friends.

"All your great fiddle players in Nashville, when they heard Kenny, they knew there was a lot more to be had with a fiddle, a lot more to learn." said Ronnie Eldridge, a close friend.

"He was the best at hoedowns. Nobody could touch him on the waltz. He was a singer's dream." Eldridge said.

Mr. Baker, 85, a Letcher County native who spent many years performing with legendary bluegrass musician Bill Monroe, penned 92 instrumentals and tutored many others in his "long bow" fiddling style, died Friday, just a few days after his last jam session. Mr. Baker, who lived near Gallatin, Tenn., died of complications from a stroke.

Mr. Baker first picked up a fiddle when he was 5, according to his son, Kenneth Baker Jr. of Columbus, Ohio. Mr. Baker's father had been an old-time fiddle player.

Mr. Baker later turned to the guitar, but he eventually went back to the fiddle. He grew up inspired by jazz, his son said.

After joining the Navy during World War II, Mr. Baker was soon transferred off a destroyer escort ship to entertain troops in the South Pacific. After military service, he returned home to Letcher County, got married, worked in coal mines and played at barn dances on weekends.

He started playing the fiddle professionally with country musician Don Gibson. In 1953, Mr. Baker went from playing Western swing and dance-band tunes to bluegrass music, performing with Monroe, who is known as the father of bluegrass music, beginning in 1957. After a few years, he went back to the coal mines in eastern Kentucky. He returned to Monroe's Blue Grass Boys band in 1968 and left again in 1984, but he was reunited with the band in 1994 at Monroe's Bean Blossom bluegrass festival.

Monroe's well-known "Uncle Pen" album features Mr. Baker on the fiddle.

"He was just absolutely the backbone of that band," Eldridge said.

"They were at the White House one time. Bill Monroe's group was invited by Jimmy Carter and Rosalynn Carter." Kenneth Baker Jr. said. "He liked to say when Rosalynn had a request, she came to Dad."

Many people went to bluegrass music festivals to hear Kenny Baker play the fiddle as much as they went to hear Bill Monroe sing, bluegrass music great Bobby Osborne said.

Many great fiddlers, past and present, are indebted to Baker, said Osborne, who performed with Mr. Baker and shared a dressing room with him at the Grand Ole Opry.

"I couldn't single him out as the top player of all time, but a lot of people would," Osborne said.

Mr. Baker's son said technique and a great memory made his father stand out.

"Dad would use the bow from tip to tip. That made his fiddling so smooth, and that was something different in the bluegrass world," Kenneth Baker Jr. said. "It was all by ear, and he had a tremendous ability to recall just about any song that people asked for—hundreds of songs."

Mr. Baker was particularly proud of the songs he wrote and recorded, his son said.

"At any of the major fiddle contests, probably a third of the tunes played will be Bill Baker tunes," Eldridge said.

Said Osborne: "The tunes that he wrote, they were so down to earth. The melodies that he put to his tunes were so easy to learn."

After 1984, Mr. Baker performed in many shows with dobro great Josh Graves.

In 1993, Mr. Baker received a National Heritage Fellowship from the National Endowment for the Arts. In 1999, he was named to the International Bluegrass Music Hall of Honor in Owensboro.

In addition to his son, Mr. Baker is survived by his wife, Audrey Baker; another son, Johnny Lee Baker of Nashville; two sisters; a brother; four grandchildren; and several great- and great-grandchildren.

Services will be at 2 p.m. Tuesday at Burdine Freewill Baptist Church in Letcher County. Carty Funeral Homes in Jenkins is handling arrangements.

#### BLACK HISTORY MONTH

Mr. UDALL of Colorado. Madam President, I rise to join my fellow Coloradans, my colleagues in the U.S. Congress and others across the Nation to celebrate Black History Month. I am honored to recognize the contributions of the African-American community in the United States and especially in my home State of Colorado.

I am particularly proud to reflect on the legacy of community involvement exemplified by Colorado's Black community, from Colorado's earliest days as a western territory to the present. There have been many community leaders, public officials, and entrepreneurs who have contributed immensely over the years to make our great State what it is today, from our historic and cultural institutions, to the farms and small businesses of our rural communities.

One gentleman named Beckwourth, whom I have recognized in previous years as a true frontiersmen, exemplifies the entrepreneurial spirit that led to the building of the economic foundations that supported the formation of our great State. He led expeditions into Colorado's Rocky Mountains in the 1820s and returned in the 1830s to serve at Fort Vasquez near Denver. In the 1840s, he co-founded a trading post and settlement named Fort Pueblo to serve as a trading hub for the Native Americans, Mexican settlers and other American frontiersmen along the Santa Fe Trail. This settlement eventually became the City of Pueblo and still serves as a commercial hub for Southeast Colorado.

Mr. Beckwourth exemplifies the entrepreneurship that continues to thrive in all of Colorado's African-American communities. Today, I would like to

specifically recognize the importance of the continuation of the entrepreneurial spirit in Black communities throughout Colorado and share how much it has strengthened Colorado's economy and will continue to help lead our country on the path to economic recovery.

The increase in the number of minority-owned businesses has been a bright spot in our economy. According to the Minority Business Development Agency (MBDA), operated by the Department of Commerce, minority-owned businesses contributed \$1 trillion to the economy last year and created 5.8 million jobs. Specifically, the total number of African-American owned businesses grew to 1.9 million firms between 2002 and 2007, an increase of 61 percent. This figure is particularly impressive when compared to the employment growth in the rest of the country during that same time period, which was less than 1 percent.

In Colorado, the total number of minority-owned firms increased by 19 percent between 1997 and 2002. By 2007, this figure had increased even further as there were over 59,000 firms, employing over 74,000 workers, and the numbers continue to grow. African-Americanowned businesses are an important part of this driving force in our State's economy. Along with all other minority-owned businesses, the increase in African-American owned businesses in Colorado has helped sustain our economy and stimulate job growth. The most recent data show there are more than 9.000 African-American-owned businesses in Colorado. These businesses are especially valued in Colorado because they not only provide jobs to Coloradans, they also provide essential services that meet the needs of both African-American and non-African-American communities. And as we know, successful businesses have a positive economic ripple throughout our communities.

In spite of the rising number of minority-owned businesses in Colorado, barriers to success still exist, and in some cases the challenges facing minority-owned businesses can be particularly difficult. This is why I was proud to welcome the creation of the Denver Minority Business Center last summer. The Denver Minority Business Center is an extension of the Minority Business Development Agency, and will further supplement our State's commitment to supporting minority owned businesses by providing the resources to develop technical skills and to access capital and contracting opportunities. Within the last 3 years alone the MBDA has helped create 11,000 new jobs nationally and helped save thousands of existing jobs at minority-owned firms by helping secure \$7 billion in contracts.

As we celebrate the diverse and profound contributions of African-Ameri-

cans to our State, I hope we will remember to appreciate the positive and sustaining impact of African-American owned businesses, and I hope we will continue to support the creation of new minority owned businesses in all corners of our State. I encourage all Coloradans to join me in reflecting on the invaluable contributions of African Americans to our State and throughout our great Nation—not only during Black History Month, but every month of the year.

Mr. BEGICH. Madam President, I wish to recognize February as Black History Month. Each February our Nation focuses on the contributions African Americans have made in shaping our Nation. This year, the Association for the Study of African American Life and History has declared the theme for 2012: "Black Women In American Culture and History."

Each year since 1976, the President issues an executive proclamation naming February as African American History Month. More than a half dozen Federal agencies, including the Library of Congress, conduct celebrations, programs, and activities relating to this rich history.

I join them in recognizing the importance of remembering the contributions made by such memorable figures as Rosa Parks, Shirley Chisholm, Sojourner Truth and Maya Angelou just to name a few, and our country's initial African-American First Lady, Michelle Obama.

Just as importantly, countless unsung African-American women have made a mark in their communities by caring for their families, teaching our youth, running successful businesses, serving their churches, and getting elected to public office.

Many African Americans spent their entire lives without getting the credit they deserved. By focusing on Black history in February, we can give overdue acknowledgement and perhaps inspire our young African Americans to continue to achieve greatness.

In Alaska, African Americans have worked to build our communities with their many contributions.

I urge all Alaskans and other Americans to examine and contemplate the significance of the contributions that African-American men and women have made in determining the course of these United States of America.

# RECOGNIZING KING ARTHUR FLOUR

Mr. LEAHY. Madam President, I would like to bring to the Senate's attention the recent accomplishments of King Arthur Flour of Norwich, VT.

Established in 1790, King Arthur Flour has stood the test of time as the oldest flour company in the United States. Over the years King Arthur Flour has continued to raise the bar as

an outstanding Vermont company. Most recently the company redesigned its website to allow for easier mobile phone and tablet use, placing it in the Hot 100 feature of Internet Retailer magazine. This continued focus on technology is propelling King Arthur Flour into the future as a cutting-edge company to watch.

As the company has continued to grow and succeed, it has managed to stay true to its Vermont roots. King Arthur Flour has flourished as an employee stock ownership company (ESOP), a model of business stewardship that highlights a strong commitment to the company's workforce and the local community. I also appreciate that King Arthur Flour has been a long-time participant in the annual Taste of Vermont event in Washington, where we bring the finest Vermont products to the Nation's capital.

I wish King Arthur Flour the best of luck as it continues to grow both its web presence with new technology and its physical presence with a major expansion project set to open this summer. I ask unanimous consent that a December 22, 2011, Burlington Free Press article highlighting the company's achievements be printed in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Dec. 22, 2011]

# A (WEB) RECIPE FOR SUCCESS (By Stephen Mills)

NORWICH.—King Arthur Flour is America's oldest flour company, established 1790, a year into George Washington's presidency.

So how does a company that makes flour and bread—an ancient art—win national awards and acclaim for its business practices in the 21st century?

Quite simply, the company has become the toast of the town among the technocrati of e-commerce.

With the economy flagging, many companies turned to enhanced e-retailing to capture more sales, offering free shipping and additional savings for shopping online. King Arthur Flour is no different, relying heavily on its website, kingarthurflour.com, to sell its products and services that can also be found at its "Norwich, Vermont bakery, school and store"—a sponsorship refrain often heard on Vermont Public Radio, which also calls it "home" for its company-sponsored studio there.

But to maximize online sales, King Arthur Flour redesigned its website to allow its offerings to be displayed on any-size screen, including phone, tablet or desktop. And it did so without having to write exotic or expensive software programs for each device.

Company online services director Halley Silver explains: "Our previous site used a template that was 780 pixels wide. We have moved to a template that adapts its layout from 320 pixels wide to 992 pixels wide. This is called a responsive website design. It's not a mobile application, but rather a mobile-friendly website.

"We have built a new website that works well across mobile devices and tablet computers, as well as desktops and laptops," Silver added. "We have seen strong growth in mobile and tablet traffic to our site, and also realize that having a usable site while shoppers use their phones in the supermarket and tablets in the kitchen is critical to our success online."

The result has been explosive mobile sales growth for the company by shoppers using hand-held smartphones and tablets, up 14 percent in September compared with just 2 percent for the comparable month last year. The sales spike was 5 percent from tablets such as iPads, and 9 percent from mobile phones.

The company's success compares favorably with online sales figures just out for all retailers showing a 15 percent increase over Thanksgiving, the nation's busiest shopping period, compared with last year, and even better than those for mobile devices, which increased 7.4 percent, according to data from IBM Benchmark.

Company CEO Steve Voigt said: "I have long been a big supporter of online efforts and it is very encouraging to see all the success which our customers and we enjoy by our efforts to-date. . . . Baking seems custom-made for the online community; a little online chat, then a little offline baking."

#### NET ROYALTY

Voigt is demur about the company's financial success, noting figures for the private company are "confidential." But according to the Internet Retailer Top 500 Guide, King Arthur Flour reported online sales of \$15.15 million in 2010. Voigt did say the company has \$96 million in annual revenues for the most recent fiscal year.

Internet Retailer magazine, a leading tracker of e-commerce, picked the company for its Hot 100 feature in the December issue. The Hot 100 are not ranked but represent the nation's the most interesting innovations in online retailing this year.

Under the article heading, "Mobile Drives Design," the publication notes: "Founded in 1790, baking ingredient and bakeware retailer King Arthur Flour is both the oldest brand in this year's Internet Retailer Hot 100 and one of the most forward-looking."

and one of the most forward-looking."
The article added, "King Arthur's 'mobile first' approach to Web design exemplifies an elegant solution to Web merchants" growing challenge of designing for multiple access devices."

Internet Retailer also has asked Silver to be a featured speaker at its annual Internet Retailer Web Design and Usability Conference 2012 in Orlando, Fla., in February. It refers to her as King Arthur's "secret ingredient" who "mixes common sense with tech know-how."

As Silver said she will explain in the session she'll call, "The Mobile-First Approach to Web Multi-Platform Design," one key element in the redesigned site is the use of a Web design language called CSS3 (cascading style sheets) that presents images and product information differently depending on the visitor's device and browser.

"For a small company, King Arthur Flour is a very innovative retailer," magazine editor Don Davis said in a phone interview. Of Silver, he said, "She is someone who is as innovative as anyone at Amazon for the cool stuff they're doing.

"One of the things that's so impressive is that she's extremely knowledgeable about the intricacies of e-commerce and Web technology, an area that's constantly changing, while at the same time has a grasp of her company's business goals," Davis said. "It's not that often you find someone fluent in the language of bits and bytes who also understands the overarching importance of the bottom line."

How does Silver feel about all the attention she's receiving?

"I still am somewhat amazed that a company selling flour and ingredients online can be seen as an inspiration and used as an example to other online retailers," she said.

#### BUILDING VISIBILITY

Other online innovations Silver has brought to the company include: two website redesigns.

a 55 percent increase in completed checkout sales after adding items to the cart by streamlining the process and offering further discounts for additional items.

tools that help website designers face the difficult challenge of displaying multiple fonts while sticking with a site's branded look.

the launch of the Bakers' Banter Blog.

This year, 32 videos were also posted to the website to help customers better appreciate the "farm-to-plate" relationship with mostly Midwestern farmers who supply much of the grain for King Arthur's flours.

Born in Cleveland and raised in New York City, London and San Francisco and eventually Vermont, Silver was a math major at Wesleyan University. She moved through a number of posts centered on Web technology, including the former Internet shopping search portal Excite@Home, and Internet security firm VeriSign. She also built and launched Hoofpicks.com, a free, Web-based, equestrian-event management service.

She joined King Arthur Flour in 2007 because of her passion for baking. "Cooking and baking have been a hobby of mine since a very early age," she said. "To be able to combine that passion with building for the Web has been a wonderful experience."

What else is in the offing for the company online?

"We hope to expand our presence in the mobile and tablet space, and continue to improve all of our offerings online," she said.

One new development is a Google ad about the company, filmed in October that began airing Nov. 27. A longer version of the ad is available only on YouTube at: http://www.youtube.com/watch&?v=nzjcA2a

 $WILo\&feature = channel\_video\_title.$ 

Collectively, Silver and the 255 workers at the employee-owned business have won a host of awards that include: the 2011 Vermont Governor's Award for Outstanding Workplace Safety in the Large Business category; the 2011 Magnus Opus Awards for its bi-monthly newsletter, The Baking Sheet; the 2007 Business Innovator of the Year Award from the Hanover Area Chamber of Commerce; the 2006 Outstanding Vermont Business Award; the 2006 Best Place to Work Award; and the 2006 Better Business Bureau Local Torch Award for Excellence.

The company is also one of the nation's few to attain B-Corporation status because of its beneficial balance between "people, planet and profit."

Some of the many ways it does so is through donating to local food shelves within a 100-mile radius; the Life Skills Bread Baking Program for 155,000-plus students nationwide, teaching them to bake bread themselves and for the hungry; a corporate volunteer program that provides paid time-off for employees as volunteers in the community (in 2010, 123 employees volunteered 1,075 hours); annual employee participation in Green Up Vermont Day; Winterbake, when employees bake bread for donation to local food pantries annually on the Martin Luther King, Jr. day of service; a food-diversion program that donates old baking products to local farmers for animal feed or composting; the use of eco-friendly certified cleaners in all company facilities and available to employees for home use at \$1 per bottle; and participation in the Bike/Walk to Work Day program.

#### LIVING HISTORY

The company has come a long way from its origins. King Arthur Flour began in 1790 as the Sands Taylor & Wood Co., a retailer of specialty flours and cookbooks and baked goods, based in Boston.

Founded by Henry Wood, primarily an importer and distributor of English-milled flour, the business grew quickly. A partner, Benjamin Franklin Sands, took over the company in 1870, and in 1886, the firm introduced a premium brand of flour.

At that time, a partner attended a performance of the musical "King Arthur and the Knights of the Round Table" that inspired the name of the new product, King Arthur Flour (and its current logo). The brand was introduced at the Boston Food Fair on Sept. 10, 1896, to great fanfare.

Subsequently, during ownership changes, retail flour sales declined, and the company expanded into commercial baking equipment in the 1960s, and other retail products, including a line of coffee and prepared pie fillings. In 1978, the company sold its other interests and returned to a core flour business, and moved to Norwich in 1984.

Today, new things are cooking at the company.

The Norwich site is undergoing massive changes, with the expansion of the bakery (to 3,400 square feet), baking education center (3,400 square feet), store (4,700 square feet), and cafe (2,200 square feet with seating for 75). The offsite administration offices and recipe-testing center will also be housed under the same roof, and continue to be affectionately known as Camelot. Also offsite nearby is the manufacturing center, known as Avalon. Begun in June, the work will be completed in July. Artist renderings of the new digs, work progress and historic detail about the company can be found at www.kingarthurflour.com/ourstore/renovations.html.

The company could certainly use the space, officials said. Business was booming one day a few weeks ago, with shoppers packed into the store all day long, looking for seasonal comestibles, while the cafe did a brisk trade in fresh pastries and coffee. "This is our peak season, with Thanksgiving, Hanukkah and Christmas," public relations coordinator Terri Rosenstock said.

Across the courtyard, bakers were busy making bread, pizza and croissants, and the baking school was fully booked for a pastry class.

"We have a lot of people with pie-crust and yeast anxiety right now," quipped the instructor.

## ADDITIONAL STATEMENTS

# TRIBUTE TO DR. PAUL TAYLOR

• Mr. BEGICH. Madam President, I would like to speak for a moment on the courageous and heroic actions of a fellow Alaskan. Dr. Paul Taylor of Fairbanks, AK, while serving as a member of the United States Army Special Forces in the Republic of Vietnam, risked his life on January 17, 1967, to save a wounded soldier and prevent the further demise of American forces.

While under heavy attack, Staff Sergeant Taylor and a fellow soldier led a direct charge on the enemy position and both sustained serious injuries. After dragging his wounded comrade to safety, Staff Sergeant Taylor continued to lead the attack on the enemy until the platoon could retreat to a secure helicopter landing zone.

Staff Sergeant Taylor's decorations from his service in Vietnam include a Bronze Star with "V" device, Silver Star, three Purple Hearts, and the Army Commendation medal.

It is with great honor and humility that I, along with the United States Army, on February 4, 2012 will recognize Dr. Taylor with the presentation of a Silver Star with a Single Bronze Oak Leaf Cluster for this action. Although this recognition is 45 years after the fact, Dr. Taylor's actions and sacrifice shall not be forgotten by Alaskans and all Americans as the memory is still alive with him. ●

#### RECOGNIZING COLEMAN DAIRY

• Mr. BOOZMAN. Madam President, it takes hard work, dedication, and great service for a business to thrive. In our changing world, companies are forced to adapt and modernize to compete for customers and maintain their success while continuing to grow.

In order for a company to withstand the test of time, it must achieve a commitment to quality products, customer satisfaction, and efficiency. Coleman Dairy is an excellent example of a homegrown business that continues its service and commitment to providing the best quality products that are just as important as the excellent people employed by the company.

Small businesses are the building blocks of our economy. They provide important services, products, and employment opportunities while sharing an identity with the community and the values of its employees. There is no better company that exemplifies being a leader on this front than Coleman Dairy.

Coleman Dairy has grown since Eleithet Coleman began the business in 1862. Through the generations the family has continued his vision, where hard work, honesty and customer service remain top priorities.

This year Coleman Dairy is celebrating 150 years of providing dairy products to Americans. As one of the 100 oldest family-run businesses in America, Coleman Dairy has a track record of success and I am confident will continue to provide high-quality products for customers who deserve the very best.

Thank you for providing us a quality product all these years. Congratulations on 150 years and best of luck on the next 150.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2012.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004. and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks international peacekeeping forces. Since the inauguration of President Alassane Ouattara in May 2011, the Government of Côte d'Ivoire and its people have made significant advances in the promotion of democratic, social, and economic development. Although considerable progress has been made, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures under Executive Order 13396 of February 7, 2006, Blocking Property of Certain Persons Contributing to the Conflict in Côte d'Ivoire.

BARACK OBAMA. THE WHITE HOUSE, February 3, 2012.

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 et seq.) (CISADA), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the

Secretary of State pursuant to ISA, as tion 1245 of the NDAA to the Secretary amended by CISADA. Finally, to take additional steps with respect to the threat posed by Iran, I issued Executive Order 13590 on November 20, 2011. to authorize the Secretary of State to impose sanctions on persons providing certain goods, services, technology, information, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions.

I have determined that additional sanctions are warranted, particularly in light of the deceptive practices of the Central Bank of Iran and other Iranian banks to conceal transactions of sanctioned parties, the deficiencies in Iran's anti-money laundering regime and the weaknesses in its implementation, and the continuing and unacceptable risk posed to the international financial system by Iran's activities.

The order also implements section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) (NDAA) by blocking the property and interests in property of Iranian financial institutions pursuant to IEEPA.

The order blocks the property and interests in property of the following:

The Government of Iran, including the Central Bank of Iran:

Any Iranian financial institution, including the Central Bank of Iran; and

Persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

The prohibitions of the order do not apply to property and interests in property of the Government of Iran that were blocked pursuant to Executive Order 12170 of November 14, 1979, and thereafter made subject to the transfer directives set forth in Executive Order 12281 of January 19, 1981, and implementing regulations thereunder. In addition, nothing in the order prohibits transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the blocking-related purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I have also delegated certain functions and authorities conferred by secof the Treasury and the Secretary of State in consultation with other appropriate agencies as specified in the order.

I am enclosing a copy of the Executive Order I have issued.

> BARACK ORAMA THE WHITE HOUSE, February 5, 2012.

## MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3578. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline.

H.R. 3582. An act to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to effistreamline programs, create ciencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3578. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline; to the Committee on the Budget.

H.R. 3582. An act to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget.

### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S 2064. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4906. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to all repairs

and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

EC-4907. A communication from the Under Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a semi-annual report relative to Reserve Component equipment delivery; to the Committee on Armed Services.

EC-4908. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes to the Schedule of Operations Regulations" (RIN0583-AD35) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4909. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Federal Housing Administration (FHA) Single Family Lender Insurance Process: Eligibility, Indemnification, and Termination" (RIN2502-AI58) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4910. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-4911. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to operation of the Exchange Stabilization Fund (ESF) for fiscal year 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4912. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Patent Compensa-tion Board Regulations" (RIN1990-AA33) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Energy and Natural Resources.

EC-4913. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "DOE Patent Licensing Regulations" (RIN1990-AA41) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Energy and Natural Resources.

EC-4914. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Storage Reporting Requirements of Interstate and Intrastate Natural Gas Companies" (RIN1902-AE25) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Energy and Natural Re-

EC-4915. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Procedures for Placement and Monitoring of Work with the U.S. Department of Energy (DOE)" (NRC Management Directive 11.7) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Energy and Natural Resources.

EC-4916. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the Uniform Resource Locator (URL) for a report entitled "OSRE: Special Accounts and Settlements with PRPs"; to the Committee on Environment and Public Works.

EC-4917. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Wildlife Refuge System, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Change of Addresses for Regional Offices, Addition of One New Address, and Correction of Names of House and Senate Committees We Must Notify" (RIN1018-AU89) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Environment and Public Works.

EC-4918. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2011"; to the Committee on the Judiciary.

EC-4919. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Parents Eligible for Burial" (RIN2900-AO12) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Veterans' Affairs.

EC-4920. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical Foster Homes" (RIN2900-AN80) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Veterans' Affairs.

EC-4921. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmiting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2011"; to the Committee on Veterans' Affairs.

EC-4922. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Jurisdictional Thresholds for Section 7A of the Clayton Act" received in the Office of the President of the Senate on February 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4923. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Designation of Critical Habitat for Cook Inlet Beluga Whale" (RIN0648-AX50) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4924. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and

Threatened Species: Final Rule to Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle' (RIN0648-AX06) received in the Office of the President of the Senate on February 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4925. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibity Act of 2010" (MB Docket No. 11–154, FCC-12–9) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Commerce, Science, and Transportation.

# PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-64. A joint memorial adopted by the Legislature of the State of Washington requesting the adoption of federal legislation relative to sellers, regardless of nexus, collecting states' sales tax; to the Committee on Finance.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009

To the Honorable Barack Obama, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as fol-

Whereas, The 1967 Bellas Hess and the 1992 Quill United States Supreme Court decisions denied states the authority to require the collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

Whereas, This puts local, in-state sellers, whether electronic or brick and mortar, at a competitive disadvantage in making sales, because they must collect the sales tax and most remote sellers do not collect sales tax; and

Whereas, The combined weight of the inability to collect sales and use taxes on remote sales through traditional carriers and the tax erosion due to electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments; and

Whereas, The following federal legislation has been introduced in the United States Congress to grant states the authority to require all sellers, regardless of nexus, to collect those states' sales and use taxes:

(1) The Main Street Fairness Act of 2011 (S. 1452 sponsored by Senators Richard Durbin, Daniel Akaka, Daniel Inouye, Tim Johnson, Jack Reed, and Sheldon Whitehouse; and H.R. 2701 sponsored by Representatives John Conyers, Jr., Michael Capuano, Jesse Jackson, Henry C. "Hank" Johnson, Jr., Heath Shuler, Adam Smith, and Peter Welch):

(2) The Marketplace Fairness Act of 2011 (S. 1832 sponsored by Senators Michael Enzi, Lamar Alexander, Roy Blunt, John Boozman, Bob Corker, Richard Durbin, Tim Johnson, Mark Pryor, Jack Reed, and Sheldon Whitehouse): and

(3) The Marketplace Equity Act of 2011 (H.R. 3179 sponsored by Steve Womack, Mi-

chael Capuano, Judy Chu, Eric A. "Rick" Crawford, Theodore E. Deutch, Mario Diaz-Balart, John J. Duncan Jr., Renee L. Ellmers, Gene Green, Carolyn B. Maloney, Betty McCollum, Brad Miller, Kristi L. Noem, Ted Poe, Dennis Ross, Heath Shuler, Jackie Speier, and Peter Welch); and

Whereas, It is estimated that Washington would realize up to \$170.3 million in state and local taxes in the 2011-2013 biennium, and \$483.0 million in state and local taxes in the 2013-2015 biennium, if it had the ability to require remote sellers to collect our state's sales and use taxes; and

Whereas, Since 1999, state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked to develop a Streamlined Sales and Use Tax Collection System for the 21st century; and

Whereas, On November 12, 2002, state delegates unanimously ratified the Streamlined Sales and Use Tax Agreement, which substantially simplifies state and local sales tax systems, removes the burdens to interstate commerce that were of concern to the Supreme Court, protects state sovereignty, and is consistent with the introduced federal legislation; and

Whereas, The Streamlined Sales and Use Tax Agreement provides the states with a blueprint to create a simplified and more uniform sales and use tax collection system that when implemented, allows justification for Congress to overturn the Bellas Hess and Quill decisions; and

Whereas, Washington State enacted legislation in 2007 to bring this state's sales and use tax statutes into compliance with the Streamlined Sales and Use Tax Agreement; and

Whereas, By November 30, 2011, 24 states: Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, representing over 40 percent of the total population of the United States enacted legislation to bring their state's sales and use tax statutes into compliance with the Agreement; and

Whereas, Over 1,700 businesses have voluntarily registered under the Streamlined Sales and Use Tax Agreement to collect and remit sales and use taxes; and

Whereas, The legislature of Washington and our colleagues in the other states have shown the resolve to acknowledge the complexities of the current sales and use tax collection system, have worked with the business community to formulate a truly simplified and streamlined collection system, and have shown the political will to enact the necessary changes to make the streamlined collection system the law and

Whereas, Until Congress and the President enact federal legislation, participation by remote sellers is only voluntary and thus states are unlikely to close the revenue gap between what is owed on remote transactions and what is collected; and

Whereas, Governors and state legislatures have made the difficult choices to reduce spending and where necessary to raise revenue during the recent "great" recession to close the \$417 billion cumulative budget gaps; and

Whereas, After closing \$417 billion in budget gaps for fiscal years 2009-2011, the estimated budget shortfall for states in fiscal year 2012 will be \$82 billion and for fiscal year 2013 will be \$67 billion; and

Whereas, Federal legislation would provide fiscal relief for the states by enabling collections of taxes that are already due:

Now, therefore, Your Memorialists respectfully pray that: The members of our congressional delegation join as cosponsors of the introduced federal legislation and support the Act's swift adoption by the Congress of the United States; and that President Barack Obama sign the legislation, upon its

passage by Congress. Be it Resolved. That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1408. A bill to require Federal agencies. and persons engaged in interstate commerce. in possession of data containing sensitive personally identifiable information, to disclose any breach of such information.

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S 1813 A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 2070. A bill to promote the domestic development and deployment of natural gas and clean energy technologies; to the Committee on Finance.

By Mr. WICKER (for himself and Mr. PRYOR):

S. 2071. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FRANKEN (for himself and Mr. BLUMENTHAL):

S. 2072. A bill to discourage disincentives to the housing missions of government sponsored enterprises and require consistent putback risks at the enterprises to assist homeowners; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself and

Mr. Begich): S. 2073. A bill to prohibit the permanent relocation of F-16 aircraft assigned to Eielson Air Force Base; to the Committee on Armed Services.

By Mr. CARDIN (for himself and Ms. SNOWE):

S. 2074. A bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself, Mr. Rubio, Mr. Kerry, Mrs. Gillibrand, Mr. Coons, Mr. Levin, Mr. Lautenberg, Ms. Landrieu, Mr. AKAKA, Mr. CARDIN, Mr. CORKER, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LUGAR, and Mr. NELSON of Nebraska):

S. Res. 368. A resolution recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti; considered and agreed to.

# ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Arkansas (Mr. Boozman) were added as cosponsors of S. 165, a bill to amend the Public Health Services Act to prohibit certain abortion-related discrimination in governmental activi-

S. 402

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 402, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 412

At the request of Mr. LEVIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Wisconsin (Mr. Johnson) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 807

At the request of Mr. ENZI, the name of the Senator from Nevada (Mr. HELL-ER) was added as a cosponsor of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 973

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. Blumenthal) were added as cosponsors of S. 973, a bill to create the National Endowment for the Oceans to promote the protection and conservation of the United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and

for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1099

At the request of Mr. BLUNT, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1099, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1316

At the request of Mr. ENZI, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Nebraska (Mr. Johanns) were added as cosponsors of S. 1316, a bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1335, a bill to amend title 49. United States Code, to provide rights for pilots, and for other purposes.

S. 1629

At the request of Mrs. GILLIBRAND, the names of the Senator from Pennsylvania (Mr. Casey) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1881

At the request of Mr. Whitehouse, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1881, a bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. 1882, a bill to amend the Federal

Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1947

At the request of Mr. Blumenthal, the name of the Senator from Oregon (Mr. Merkley) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1984

At the request of Mr. Kerry, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 1984, a bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

S. 2043

At the request of Mr. Rubio, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2059

At the request of Mr. WHITEHOUSE, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2059, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of selfgovernment and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 1470

At the request of Mr. REID, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1470 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 368—RECOGNIZING THE ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI ON JANUARY 12, 2010, HONORING THOSE WHO LOST THEIR LIVES IN THAT EARTHQUAKE, AND EXPRESSING CONTINUED SOLIDARITY WITH THE PEOPLE OF HAITI

Mr. NELSON of Florida (for himself, Mr. Rubio, Mr. Kerry, Mrs. Gillibrand, Mr. Coons, Mr. Levin, Mr. Lautenberg, Ms. Landrieu, Mr. Akaka, Mr. Cardin, Mr. Corker, Mrs. Feinstein, Mr. Durbin, Mr. Lugar, and Mr. Nelson of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 368

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti;

Whereas, according to the Government of Haiti, more than 220,000 people died as a result of the earthquake, and more than 300,000 people were injured;

Whereas, according to the United Nations and the International Organization for Migration an estimated 3,000,000 people, or nearly ½ of the population of Haiti were directly affected by the disaster, and an estimated 1,500,000 people were displaced from their homes:

Whereas a Post Disaster Needs Assessment conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimated that damage and economic losses totaled \$7,800,000,000, which amounted to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the response of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute:

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging;

Whereas the Haitian diaspora in the United States was integral to emergency relief efforts and continues to make significant financial contributions to Haiti and seeks opportunities to participate in the rebuilding of Haiti:

Whereas the International Organization for Migration estimates that approximately 550,000 people remain in spontaneous and organized camps in Haiti;

Whereas, at the time of the January 2010 earthquake, Haiti was the poorest, least developed country in the Western Hemisphere, and more than 70 percent of the population in Haiti lived on less than \$2 per day;

Whereas, before the earthquake, Haiti was making encouraging improvement in recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability:

Whereas, in January 21, 2010, the Senate adopted by unanimous consent Senate Resolution 392 (111th Congress), expressing its profound sympathy and unwavering support for the people of Haiti and urging all nations to commit to assisting the people of Haiti with their long-term needs;

Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti, which according to the Haitian Ministry of Public Health and Population had affected more than 500,000 people and caused the death of more than 6,700 people nationwide by November 30, 2011;

Whereas, as of December 2011, the United States Government had provided technical assistance and contributed more than \$73,000,000 in purified drinking water, soap, and oral rehydration salts to combat the spread of cholera in Haiti; and

Whereas, since the January 12, 2010, earthquake, the people of Haiti have demonstrated unwavering resilience, dignity, and courage: Now, therefore, be it

Resolved, That the Senate-

(1) mourns the loss of lives as a result of the tragic earthquake in Haiti on January 12. 2010:

(2) honors the service of United States personnel in the United States Embassy in Port-au-Prince, the United States Coast Guard, United States Armed Forces, and other United States Government agencies, and all members of international organizations who have persevered through adverse local conditions and continue to serve Haiti and the Haitian people;

(3) reaffirms its solidarity with the people of Haiti as they work to rebuild their country and livelihoods;

(4) reaffirms its commitment to support the people of Haiti, in partnership with the Government of Haiti and in coordination with other donors, in long-term reconstruction:

(5) urges the United States Government, international donors, and non-governmental organizations in Haiti to work in full partnership with authorities, civil society, and the private sector in Haiti and to prioritize sustainable projects with greater opportunity for capacity building; and

(6) encourages the United States Government, the Government of Haiti, and international donors—

(A) to give priority to policies that would enhance the ability of the Government of Haiti to attract private sector investment and meaningful diaspora participation, including judicial reform, civil registry, enterprise fund, and land tenure reform;

(B) to develop, improve, and scale-up communications and participatory mechanisms to more substantially involve civil society in Haiti at all stages of the cholera and postearthquake responses; and

(C) to give priority to programs that protect and involve vulnerable populations, including internally displaced persons, children, and persons with disabilities.

PRIVILEGES OF THE FLOOR unanimous that Nora. consent

Goebelbecker, a member of my staff, be The PRESIDING OFFICER. Without Mr. HARKIN. Mr. President, I ask granted floor privileges for the dura- objection, it is so ordered. tion of today's session.

### FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem	Transp	ortation	Miscell	aneous	Tota	al
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Teri Spoutz:									
Ünited Kingdom United States	PoundDollar		1,433.42		10,980.20				1,433.42 10,980.20
Erik Raven:	<b>D</b> 1		1 400 40						1 400 40
United Kingdom United States	Pound Dollar		1,433.42		10.980.20				1,433.42 10.980.20
Brian Potts:	Dullal				10,360.20				10,360.20
Lebanon	Pound		394.00						394.00
Tunisia	Dinar		693.00						693.00
United States	Dollar				11,011.20				11,011.20
Gary Reese:	D:		000.00						000.00
Tunisia	Dinar		693.00						693.00
Lebanon United States	Pound		394.00		11.011.20				394.00 11.011.20
United States	Dollar				11,011.20				11,011.20
Total			5,040.84		43,982.80				49,023.64

DANIEL INCLIYE Chairman, Committee on Appropriations, Jan. 17, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem	Transp	ortation	Miscel	laneous	To	tal
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dolla equivalen or U.S. currency
enator John McCain:									40.000
United States					10,308.30				10,308.
Jordan			96.00						96.
Qatar			37.50						37.
United Arab Emirates	Dollar		143.00						143.
enator Jack Reed: United States	Dollar				11.891.90				11.891.
			13.00		,				11,691.
Pakistan	Dollar		15.00						13.
arolyn Chuhta:	Dollar				11,856.90				11.856.
United States			5.00						11,000.
Afghanistan			15.00						15.
Pakistanaul C. Hutton IV:	Dollar		15.00						15
	Dollar				12.489.60				12.489.
United States	Dollar		149.82		,				12,469
Belgium			480.84						480.
Spain									480.
Italy			420.84 497.85						420 497
United Kingdom	Pound		497.60						497
aniel A. Lerner:	Deller				0.205.20				0.205
United States					9,295.20				9,295
Belgium			556.05						556.
Germany	Dollar		530.00						530
filliam K. Sutey:	D-II				10 275 10				10 275
United States					12,375.10				12,375.
Belgium			625.32						625
Spain			128.18						128
Italy			136.03						136 878
Englandason W. Maronev:	Pound		878.60						0/0
	Deller				12,375.10				12.375
United States			558.54						12,373
Belgium			175.18						175
Spain									
Italy England			155.48 871.60						155 871
enator Mark Udall:	Dollar		0/1.00						0/1
United States	Dollar				11.891.00				11.891
hristopher R. Howard:					11,031.00				11,031
United States	Deller				11.891.00				11.891
	Dollar				11,691.00				11,691
dam J. Barker:	Deller				9.235.80				9.235
United States	Dollar		1.237.00		9,233.60				1,237
Saudi Arabia			1,237.00						1,237
Yemen			736.00						
Bahrain	Dollar		/30.00						736
ichael J. Kuiken:	Deller				0.400.00				0.400
United States			1.141.00		9,406.00				9,406 1.141
Saudi Arabia									1,141
Yemen			174.00						
Bahrain	Dinar		619.00						619
ichael J. Noblet:	D-II		40.00		11 201 22				11 /01
United States			40.00		11,381.00				11,421
Yemen			87.00						87
Bahrain	Dinar		557.00						557

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011—Continued

		Per	diem	Transp	ortation	Miscell	laneous	Tot	tal
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dolla equivalent or U.S. currency
Senator Jeanne Shaheen:									
Canada	Dollar		95.76						95.7
United States	Dollar		1,402.08						1,402.0
Chad Kreikemeier:									
Canada	Dollar		114.37						114.3
Senator James Inhofe:									
Senegal			61.43						61.4
Ethiopia	Birr		39.44						39.4
United Arab Emirates	Dirham		62.48						62.4
United Kingdom			122.92						122.9
Mark Powers:									
Senegal	Franc		61.43						61.4
Ethiopia			16.86						16.8
United Arab Emirates	Dirham		151.94						151.9
United Kingdom			49.46						49.4
Anthony Lazarski:			10.10						
Senegal	Franc		61.43						61.4
Ethiopia			84.37						84.3
United Arab Emirates			118.23						118.2
			86.13						86.1
United Kingdom	Pound		00.13						00.1
Senator Mark Udall:	Deller		240.00						240.0
Canada	Dollar		340.00						340.0
Christopher R. Howard:	D-II		240.00						240.0
Canada	Dollar		340.00						340.0
Richard W. Fieldhouse:									
United States					9,405.00				9,405.0
Belgium			162.00				360.00		522.0
Germany	Euro		193.00				410.00		603.0
William G.P. Monahan:									
United States	Dollar				12,496.10				12,496.1
Belgium	Dollar		549.64						549.6
Spain	Dollar		125.18						125.1
Italy	Dollar		115.48						115.4
England	Dollar		885.93						885.9
Christian D. Brose:									
United States	Dollar		12,268.30						12.268.3
Jordan			149.00						149.0
Qatar			133.00						133.0
United Arab Emirates			177.00						177.0
Canada			340.00						340.0
Senator John McCain:			040.00						0-10.0
Canada	Dollar		152.80						152.8
Valiaua		····	132.00						132.0
Total			28.269.41		157.700.08		770.00		186.739.4

CARL LEVIN, Chairman, Committee on Armed Services, Dec. 22, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per o	liem	Transp	ortation	Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Senator John Boozman:									
Senegal	Franc		40.00						40.00
Ethiopia	Birr		25.00						25.00
United Arab Emirates	Dirham		26.88						26.88
United Kingdom	Pound		162.07						162.07
Total			253.95						253.95

JOHN D. ROCKEFELLER IV, Chairman, Committee on Commerce, Science, and Transportation, Jan. 24, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per o	diem	Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Tara Billingsley:									
United States	Dollar				1,902.60				1,902.60
Belgium	Euro		1,439.29						1,439.29
Kevin Rennert:									
United States	Dollar				5,170.40				5,170.40
South Africa	Rand		770.14						770.14
Total			2.209.43		7.073.00				9.282.43

JEFF BINGAMAN,

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Paul Ordal: United States	DollarRand		576.00		8,473.40				8,473.40 576.00
Total			576.00		8,473.40				9,049.40

BARBARA BOXER, Chairman, Committee on Environment & Public Works, Jan. 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem	Transp	ortation	Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Bruce Hirsh:									
Switzerland	Franc		2,329.97						2,329.97
United States	Dollar				1,852.15				1,852.15
Gregory Kalbaugh:	_								
Switzerland	Franc		2,315.98		1 000 40				2,315.98
United States	Dollar				1,868.40				1,868.40
Chelsea Thomas: Switzerland	Franc		1,800.06						1,800.06
United States	Dollar		1,000.00		1.951.30				1.951.30
Rebecca Nasca:	Donar				1,501.00				1,501.00
Switzerland	Franc		1,811.79						1,811.79
United States	Dollar				1,932.30				1,932.30
Delegation Expenses: 1									
United States	Dollar						3,963.32		3,963.32
Total			8,257.80		7,604.15		3,963.32		19,825.27

<sup>1</sup> Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

MAX BAUCUS, Chairman, Committee on Finance, Jan. 20, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem	Transp	ortation	Miscel	laneous	Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Senator John Barrasso: Germany	Dollar		336.69						336.69
United States	Dollar				11,028.80				11,028.80
Senator John Kerry:	Down d		205.75		15.00				410.75
Egypt United States	Pound Dollar		395.75		15.00 12.673.30	•••••			410.75 12.673.30
Perry Cammack:	Dollai				12,073.30				12,073.30
Egypt	Dollar		450.78		15.00				465.78
United States	Dollar				13,904.10				13,904.10
William Danvers:	Deller		374.80		15.00				389.80
Egypt	Dollar				15.00 10.441.40	•••••			10.441.40
Patrick Garvey:	Dollai				10,441.40				10,441.40
Jordan	Dollar		152.00						152.00
United States	Dollar				12,218.90				12,218.90
Andrew Imbrie:	•		1 000 07						1 000 07
Tajikistan	Somoni		1,369.37 345.00						1,369.37 345.00
Kazakhstan	Tenge		288.00						288.00
Uzbekistan Kyrgyzstan	Som		60.00						60.00
United States	Dollar		00.00		12.384.30				12,384.30
Robin Lerner:	Donar				12,004.00				12,004.00
Egypt	Pound		1,335.00						1,335.00
United States	Dollar				4,330.10				4,330.10
Thomas Moore:									
United Kingdom	Pound		2,088.44		1 001 10				2,088.44
United States	Dollar		700.00		1,381.10				1,381.10
Turkey	Lira		708.00 403.00						708.00 403.00
Romania Poland	LeiZloty		920.90						920.90
Belgium	Euro		1,488.00						1,488.00
United States	Dollar		1,400.00		11.742.60				11.742.60
Melanie Nakagawa:					,				,
South Africa	Rand		1,862.00						1,862.00
United States	Dollar				5,308.90				5,308.90
Panama	Dollar		965.00						965.00
United States	Dollar				795.10				795.10
Marik String:			700.00						700.00
Turkey	Lira		708.00						708.00
Romania Poland	Lei		403.00 735.40						403.00 735.40
Belgium	Zloty Euro		1.610.00						1.610.00
United States	Dollar		1,010.00		10,398.40				10,398.40
Fatema Sumar:					10,030.40				10,030.40
Tajikistan	Somoni		1,192.00						1,192.00
Kazakhstan	Tenge		335.00						335.00
Uzbekistan	Som		225.00						225.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011—Continued

		Per o	diem	Transportation		Miscellaneous		Tota	al
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Kyrgystan	Som Dollar		314.00		12,384.30				314.00 12,384.30
Egypt	Dollar		214.00		8,302.10				214.00 8,302.10
Germany	Euro Dollar		314.69		9,191.80				314.69 9,191.80
Total			19,593.82		136,530.20		0.00		156,124.02

JOHN KERRY, Chairman, Committee on Foreign Relations, Jan. 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem	Transp	oortation	Miscel	llaneous	To	tal
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Randall Bookout			2,506.00						2,506.00
Paul Matulic			2,471.00		8,977.80				8,977.80 2,471.00
Jennifer Barrett	Dollar		45.00		8,977.80				8,977.80 45.00
Senator Saxby Chambliss			143.00						143.00
Senator Richard Burr	Dollar		143.00		14,493.70				14,493.70 143.00
Senator Richard Burr	Dollar		143.00		14,493.70				143.00
Martha Scott Poindexter			429.00		10.450.70				429.00
Tyler Stephens	Dollar		429.00		13,459.70				13,459.70 429.00
	Dollar				13,459.70				13,459.70
James Smythers	Dollar		374.00		13.459.70				374.00 13.459.70
Jennifer Barrett			617.00						617.00
Richard Girven	Dollar		693.00		20,221.70				20,221.70 693.00
					20,221.70				20,221.70
Christian Cook	Dollar		713.00		20.186.70				713.00 20.186.70
Michael Pevzner			697.00						697.00
Jamal Ware	Dollar		757.00		11,088.60				11,088.60 757.00
Jalilai Wale	Dollar				11,123.60				11,123.60
Ryan Tully	Dollar		787.00		11.123.60				787.00 11.123.60
Tyler Stephens			743.00						743.00
Drian Miller	Dollar		863.00		14,026.40				14,026.40 863.00
Brian Miller	Dollar		803.00		14,026.40				14,026.40
Neal Higgins			613.00		14.010.40				613.00
Jennifer Barrett	Dollar		128.95		14,016.40				14,016.40 128.95
Paul Matulic			429.00						429.00
	Dollar	··			13,459.70				13,459.70
Total			13,580.95		236,816.90				250,397.85

DIANNE FEINSTEIN

Chairman, Committee on Intelligence, Jan. 3, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY & GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per o	diem	Transp	ortation	Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Senator Susan M. Collins: United States	Dollar				14,615.40				14,615.40
JordanRyan Kaldahl:			595.95						595.95
United States			677.00		14,892.40				14,892.40 677.00
Delegation Expenses: <sup>1</sup> Jordan							544.75		544.75
Total			1,272.95		29,507.80		544.75		32,278.20

<sup>1</sup>Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

JOSEPH I. LIEBERMAN,

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem	Transp	ortation	Miscell	aneous	Tota	al
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
David Johns:									
Austria	Euro		1,705.54		99.46				1,805.00
United States	Dollar				1,567.50				1,567.50
Senator Tom Harkin:									
Ghana									1,047.00
United States	Dollar				7,873.10				7,873.10
Thomas Buttry:									
Ghana	Cedi		977.68						977.68
United States	Dollar				7,873.10				7,873.10
Delegation Expenses: 1									
Ghana	Cedi				473.00		1,626.00		2,099.00
Total			3,730.22		17,886.16		1,626.00		23,242.38

<sup>1</sup> Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25,

TOM HARKIN, Chairman, Committee on Health, Education, Labor, and Pensions Jan. 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per	diem Tra		Transportation		Miscellaneous		al
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Senator Mary L. Landrieu:									
Israel	Dollar		1,402.00						1,402.00
United States	Dollar				7,971.95				7,971.95
David Gillers:									
Israel	Dollar								2,364.00
United States	Dollar				4,077.25				4,077.25
T. Bradley Keith:									
Israel									2,175.00
United States	Dollar				9,219.95				9,219.95
Delegation Expenses: 1									
Israel	Dollar						10,337.13		10,337.13
Total			5,941.00		21,269.15		10,337.13		37,547.28

<sup>&</sup>lt;sup>1</sup>Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

Chairman, Committee on Small Business and Entrepreneurship, Feb. 2, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE—ADDENDUM TO 3RD QUARTER 2011 FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country		Per diem		Transportation		Miscellaneous		Total	
	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Senator Roy Blunt	Dollar		616.00		4,326.05				616.00 4,326.05
Total			616.00		4,326.05		0.00		4,942.05

DIANNE FEINSTEIN,

Chairman, Committee on Intelligence, Jan. 3, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per o	diem	Transportatio		Miscellaneous		Tota	ıl
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Fred Turner:									
Croatia	Kuna		1,043.00						1,043.00
United States	Dollar				8,053.50				8,053.50
Lithuania	Litas		515.00						515.00
United States	Dollar				2,478.90				2,478.90
Total			1,558.00		10,532.40				12,090.40

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

	Name of currency	Per diem		Transportation		Miscellaneous		Tota	al
Name and country		Foreign currency	U.S. dollar equivalent or U.S. currency						
Thomas Ross:									
United States	Dollar				9,201.00				9,201.00
Saudi Arabia	Riyal		933.00						933.00
Yemen	Rial		239.00						239.00
Bahrain	Dinar		578.40						578.40
Christopher Miller:									
United States	Dollar						35.00		35.00
South Africa	Rand		418.67						418.67
Total			2,169.07		9,201.00		35.00		11,405.07

HARRY REID, Chairman, Majority Leader, Jan. 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2011

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency						
Thomas Hawkins: United States United Arab Emirates	Dollar Dirham		437.06		13,459.70				13,459.70 437.06
Total			437.06		13,459.70				13,896.76

MITCH McCONNELL, Chairman, Republican Leader, Dec. 21, 2011.

#### THE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the following items en bloc: Calendar No. 234, S. 1794, and Calendar No. 235, H.R. 347.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that the committee-reported amendments to each bill be agreed to en bloc; that both bills, as amended, be read a third time and passed en bloc; that the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements related to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

The Senate proceeded to consider the bill (S. 1794) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Restricted Buildings and Grounds Improvement Act of 2011"

#### SEC. 2. RESTRICTED BUILDING OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

#### "§ 1752. Restricted building or grounds

"(a) Whoever-

"(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so:

"(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions:

"(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

"(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;

or attempts or conspires to do so, shall be punished as provided in subsection (b). "(b) The punishment for a violation of sub-

section (a) is—
"(1) a fine under this title or imprisonment
for not more than 10 years, or both, if—

"(A) [any] the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

"(c) In this section—

"(1) the term 'restricted buildings or grounds' means any posted, cordoned off, or otherwise restricted area—

"(A) of the White House or its grounds, or the Vice President's official residence or its grounds;

"(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

"(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

[''(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.''.]

"'(2) the term 'other person protected by the

"(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title or by Presidential memorandum, when such person has not declined such protection.".

The committee-reported amendments were agreed to.

The bill (S. 1794), as amended, was engrossed for a third reading, was read the third time, and passed.

#### FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

The Senate proceeded to consider the bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Restricted Buildings and Grounds Improvement Act of 2011".

### SEC. 2. RESTRICTED BUILDING OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

#### "§ 1752. Restricted building or grounds

"(a) Whoever—

"(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

"(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

"(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(b) The punishment for a violation of subsection (a) is—

"(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other

"(c) In this section-

"(1) the term 'restricted buildings or grounds' means any posted, cordoned off, or otherwise restricted area—

"(A) of the White House or its grounds, or the Vice President's official residence or its grounds; "(B) of a building or grounds where the Presi-

"(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

"(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

"(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title or by Presidential memorandum, when such person has not declined such protection.".

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 347) was read the third time and passed.

# ANNIVERSARY OF THE TRAGIC EARTHQUAKE IN HAITI

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 368, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 368) recognizing the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives in that earthquake, and expressing continued solidarity with the people of Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table; that there be no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 368) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 368

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale struck the country of Haiti;

Whereas, according to the United States Geological Survey, the epicenter of the earthquake was located approximately 15 miles southwest of Port-au-Prince, the capital of Haiti:

Whereas, according to the Government of Haiti, more than 220,000 people died as a result of the earthquake, and more than 300,000 people were injured:

Whereas, according to the United Nations and the International Organization for Migration an estimated 3,000,000 people, or nearly ½ of the population of Haiti were directly affected by the disaster, and an estimated 1,500,000 people were displaced from their homes;

Whereas a Post Disaster Needs Assessment conducted by the Government of Haiti, the United Nations, the World Bank, the Inter-American Development Bank, and other experts, estimated that damage and economic losses totaled \$7,800,000,000, which amounted to approximately 120 percent of the gross domestic product of Haiti in 2009;

Whereas the response of the United States Government, led by the United States Agency for International Development and United States Southern Command, was swift and resolute;

Whereas individuals, businesses, and philanthropic organizations throughout the United States and the international community responded to the crisis by supporting Haiti and its people through innovative ways, such as fundraising through text messaging:

Whereas the Haitian diaspora in the United States was integral to emergency relief efforts and continues to make significant financial contributions to Haiti and seeks opportunities to participate in the rebuilding of Haiti:

Whereas the International Organization for Migration estimates that approximately 550,000 people remain in spontaneous and organized camps in Haiti;

Whereas, at the time of the January 2010 earthquake, Haiti was the poorest, least developed country in the Western Hemisphere, and more than 70 percent of the population in Haiti lived on less than \$2 per day;

Whereas, before the earthquake, Haiti was making encouraging improvement in recovering from a catastrophic series of hurricanes and tropical storms, food shortages, rising commodity prices, and political instability.

Whereas, in January 21, 2010, the Senate adopted by unanimous consent Senate Resolution 392 (111th Congress), expressing its profound sympathy and unwavering support

for the people of Haiti and urging all nations to commit to assisting the people of Haiti with their long-term needs:

with their long-term needs;
Whereas, on October 19, 2010, an outbreak of cholera was detected in the lower Artibonite region of Haiti, which according to the Haitian Ministry of Public Health and Population had affected more than 500,000 people and caused the death of more than 6,700 people nationwide by November 30, 2011;

Whereas, as of December 2011, the United States Government had provided technical assistance and contributed more than \$73,000,000 in purified drinking water, soap, and oral rehydration salts to combat the spread of cholera in Haiti; and

Whereas, since the January 12, 2010, earthquake, the people of Haiti have demonstrated unwavering resilience, dignity, and courage: Now, therefore, be it

Resolved. That the Senate-

(1) mourns the loss of lives as a result of the tragic earthquake in Haiti on January 12. 2010:

(2) honors the service of United States personnel in the United States Embassy in Port-au-Prince, the United States Coast Guard, United States Armed Forces, and other United States Government agencies, and all members of international organizations who have persevered through adverse local conditions and continue to serve Haiti and the Haitian people:

(3) reaffirms its solidarity with the people of Haiti as they work to rebuild their country and livelihoods;

(4) reaffirms its commitment to support the people of Haiti, in partnership with the Government of Haiti and in coordination with other donors, in long-term reconstruction:

(5) urges the United States Government, international donors, and non-governmental organizations in Haiti to work in full partnership with authorities, civil society, and the private sector in Haiti and to prioritize sustainable projects with greater opportunity for capacity building; and

(6) encourages the United States Government, the Government of Haiti, and international donors—

(A) to give priority to policies that would enhance the ability of the Government of Haiti to attract private sector investment and meaningful diaspora participation, including judicial reform, civil registry, enterprise fund, and land tenure reform;

(B) to develop, improve, and scale-up communications and participatory mechanisms to more substantially involve civil society in Haiti at all stages of the cholera and postearthquake responses; and

(C) to give priority to programs that protect and involve vulnerable populations, including internally displaced persons, children, and persons with disabilities.

# ORDERS FOR TUESDAY, FEBRUARY 7, 2012

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate adjourn until 10 a.m. on Tuesday, February 7, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak

therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. DURBIN. Madam President, we hope to begin consideration of the surface transportation bill tomorrow.

# ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate at 6:29 p.m., adjourned until Tuesday, February 7, 2012, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

FEDERAL DEPOSIT INSURANCE CORPORATION

JEREMIAH O'HEAR NORTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 15, 2013, VICE SHEILA C. BAIR, RESIGNED.

### FEDERAL ENERGY REGULATORY COMMISSION

JOHN ROBERT NORRIS, OF IOWA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2017. (REAPPOINTMENT)

#### DEPARTMENT OF THE INTERIOR

MARCILYNN A. BURKE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE WILMA A. LEWIS, RESIGNED.

## EXECUTIVE OFFICE OF THE PRESIDENT

JOSEPH G. JORDAN, OF MASSACHUSETTS, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE DANIEL I. GORDON.

#### DEPARTMENT OF JUSTICE

WILLIAM JOSEPH BAER, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE CHRISTINE ANNE VARNEY.

#### DEPARTMENT OF DEFENSE

HEIDI SHYU, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MALCOLM ROSS O'NEILL, RESIGNED.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

## To be general

LT. GEN. JANET C. WOLFENBARGER

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

## To be major general

BRIG. GEN. CRAIG A. BUGNO

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be major general

BRIG. GEN. TIMOTHY A. REISCH

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be major general

BRIG, GEN, GREGORY A. LUSK

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be brigadier general

COL. JOHN DINAPOLI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be brigadier general

COLONEL PATRICIA M. ANSLOW COLONEL JOSE R. ATENCIO III COLONEL WILLIAM E. BARTHELD COLONEL WILLIAM E. BARTHELD COLONEL JEFFREY M. BREOR COLONEL MICHAEL R. BRESNAHAN COLONEL JOHN A. BYRD COLONEL SYLVESTER CANNON COLONEL WILLIAM J. COFFIN COLONEL BENJAMIN J. CORELL COLONEL KURT S. CRYTZER COLONEL RONALD J. CZMOWSKI COLONEL REX E. DUNCAN COLONEL GERALD L. DUNLAP COLONEL JOHN M EPPERLY COLONEL JOHN M. EPPERLY COLONEL JAMES C. ERNST COLONEL JOHN A. GOODALE COLONEL TIMOTHY E. GOWEN COLONEL PAUL C. HASTINGS COLONEL PERCY G. HURTADO II COLONEL JON A. JENSEN COLONEL CRAIG D. JOHNSON COLONEL MARIA E. KELLY COLONEL ERIC D. KERSKA COLONEL KENNETH A. KOON COLONEL WILLIAM J. LIEDER COLONEL ROY V. MCCARTY COLONEL FRANKLIN C. MCCAULEY, JR. COLONEL DARLENE A. MCCURDY COLONEL DAVID J. MEDEIROS COLONEL WALTER L. MERCER COLONEL ALLEN L. MEYER COLONEL MARK J. MICHIE COLONEL RICHARD G. MILLER COLONEL ROBERT A. MOORE COLONEL JOHN R. MOSHER COLONEL DAVID W OSBORN COLONEL DAVID W. OSBORN COLONEL PHILLIP M. OWENS COLONEL GREGORY C. PORTER COLONEL VON C. PRESNELL COLONEL PHILIP T. PUGLIESE COLONEL JESSIE R. ROBINSON COLONEL PAUL F. RUSSELL COLONEL TRACY L. SETTLE COLONEL DAVID P. SHERIDAN COLONEL HOPPER T. SMITH COLONEL MICHAEL D. TURELLO COLONEL DANIEL VAZQUEZ-ROSA COLONEL TIMOTHY J. WOJTECKI COLONEL MICHAEL R. ZERBONIA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

## To be major general

BRIGADIER GENERAL ROBBIE L. ASHER
BRIGADIER GENERAL GLENN A. BRAMHALL
BRIGADIER GENERAL SCOTT E. CHAMBERS
BRIGADIER GENERAL SCOTT E. CHAMBERS
BRIGADIER GENERAL STEVEN W. DUFF
BRIGADIER GENERAL STEVEN W. DUFF
BRIGADIER GENERAL WILLIAM L. GLASGOW
BRIGADIER GENERAL WILLIAM L. GLASGOW
BRIGADIER GENERAL WILLIAM L. GLASGOW
BRIGADIER GENERAL WILTON S. GORSKE
BRIGADIER GENERAL LAWRENCE A. HASKINS
BRIGADIER GENERAL LAWRENCE A. HASKINS
BRIGADIER GENERAL THEODORDE D. JOHNSON
BRIGADIER GENERAL THEODORDE D. JOHNSON
BRIGADIER GENERAL HARRY E. MILLER, JR.
BRIGADIER GENERAL HARRY E. MILLER, JR.
BRIGADIER GENERAL JOSEPH M. RICHIE
BRIGADIER GENERAL JOSEPH M. RICHIE
BRIGADIER GENERAL STEPHEN G. SANDERS
BRIGADIER GENERAL STEPHEN G. SANDERS
BRIGADIER GENERAL STEPHEN G. SANDERS
BRIGADIER GENERAL SCOTT L. THOELE
BRIGADIER GENERAL SCOTT L. THOELE
BRIGADIER GENERAL JAMES H. TROGDON III

BRIGADIER GENERAL CHARLES W. WHITTINGTON, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be brigadier general

COLONEL JOHN C. HARRIS, JR. COLONEL GREGORY D. MASON COLONEL DANA L. MCDANIEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### To be major

KEITH J. ANDREWS MATTHEW D. ATKINS JEFFREY P. BARTELS MARK E. BEALS DONALD C. BICKEL GARLE BOWMEN JAMISON, JR. JAMES P. BRECKENRIDGE STEVEN D. BRYANT STEVEN D. BRYANT TERRELL L. BYRD MATTHEW A. CASSADY SIMON J. CHANG GREGORY J. CHENEY MARTIN S. CHO TIMOTHY G. CROSS RANDALL P. CURRY STEPHEN L. DICKS TIMOTHY E. FARY JAMES F. FISHER, JR. JOSHUA J. GILLIAM CHRISTIAN L. GOZA CHRISTIAN L. GOZA PAUL A. HALLADAY LEE G. HARMS KENNETH D. HARRIS RUSTON L. HILL CRAIG P. HONBARGER JOHN D. HUBBS DANIEL D. KANG JAMES N. KLINE FELIX K. KUMAI ERIC W. LEETCH JASON R. LORENZEN HERMES G. LOSBANES CRAIG R. LUDWIG JEFFERY MASENGALE MIJIKAI MASON BRANDON R. MOORE CLIFFORD F. NEUMAN CLIFFORD F. NEUMAI ANDREW J. NIX KURT A. ODONNELL GEORGE L. OKOTH ISAAC M. OPARA CARL W. OTIS JAY S. OUTEN SOHHWAN PARK WILLIAM D. PAYTON CARL M. PHILLIPS
JENNIFER J. ROGERS COOPER
JOHN M. SEDWICK
THOMAS R. STRONG KYLE A. TAYLOR BRIAN M. TUNG CHRISTOPHER W. WALLACE DOUGLAS W. WEAVER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

## To be colonel

WALLACE S. BONDS DAVID P. CHASE KEVIN M. EDWARDS JAMES H. TREECE

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### To be colonel

DANIEL P. BORDELON BRADLEY J. COX RHODA K. DANIEL JOHN M. FISHBURN BRENT A. JOHNSON MICHELLE M. ROSE

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

## To be lieutenant commander

JAMES GILFORD III

# HOUSE OF REPRESENTATIVES—Monday, February 6, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. Denham).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC. February 6, 2012.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER. Speaker of the House of Representatives.

#### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### HOUSE REPUBLICAN TRANSPORTATION BILL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. CAPPS) for 5 minutes.

Mrs. CAPPS. Mr. Speaker, there is an old saying that goes: when all you have is a hammer, every problem looks like a nail.

These days, it seems the Republican toolbox is down to just one tool. Because for all of the energy choices available to America, every Republican energy plan centers on one thing, drilling for more oil.

First it was simply: drill here, drill now. Well, we are. There is more drilling taking place in the U.S. lands and water now than during the Bush administration. Indeed, last year, we relied less on foreign oil than in any of the past 16 years. Clean, renewable energy usage is at an all-time high as well.

Then it was: drill for energy independence. It sounds great, but unfortunately we can't simply drill our way to energy independence. Even with all of the expanded drilling we are doing, the plain fact is that we use too much oil and have too few domestic reserves.

and put everyone back to work. That claim was based on borderline fictional numbers in a report bought and paid for—surprise—by the oil industry.

Now House Republicans have found a new problem that can only be solved by opening more of the country to risky and reckless drilling: filling the funding gap in the highway trust fund. Their latest proposal would combine three bills to open more of America's most sensitive lands and waters to drilling. Supposedly, this is how we are going to fund repairs to America's crumbling bridges and highways.

It shouldn't come as a surprise that again the numbers don't add up. Proponents of this approach now claim that we can make up the \$6 billion a year in the highway trust fund by mandating oil drilling just about everywhere. Yet according to the nonpartisan Congressional Budget Office, drilling for oil and gas in protected coastal waters, as they wish, at best would produce only about \$80 million per year of assets. That's a small fraction of the funds needed to repair and upgrade America's roads and bridges.

They also want to open up a pristine coastal plain of Alaska's Arctic National Wildlife Refuge—a special place I've visited—and speed up development of Federal oil shale deposits across the West. Any potential revenues from this drilling, however, will not come close to meeting the needs of the highway trust fund either. Whatever minimal funds do materialize would not be available for several years, maybe a decade. In other words, it is too little and it is too late.

Mr. Speaker, the only way to make progress in solving our current fiscal mess is not to create a new round of giveaways and favors to the oil industry. It would be better to start cutting some of the unnecessary tax breaks that the oil and gas industry now receives, and use that money to pay for the transportation bill. That's because they are unnecessary. Of the world's 12 most profitable corporations last year, fully half are oil companies. Repealing these tax breaks would save more than \$40 billion over 10 years, which would alone cover almost all the gap in the highway trust fund revenues. Americans are already squeezed at the pump. There is no reason why they should be handing over tax dollars to these wildly profitable companies.

Mr. Speaker, the Deepwater Horizon oil spill was the worst in history, crippling the gulf coast economy, destroy-

Next it was: drilling will create jobs ing livelihoods of fishermen and tour operators, and killing wildlife for hundreds of miles. It was eerily similar to the destructive oil spill of 1969. That's when Santa Barbara beaches were smothered with oil—that's where I come from-that killed thousands of birds, fish, and sea lions.

> Now House Republicans want to expose more of our coastal communities, including Santa Barbara and Ventura Counties, to the tender mercies of the oil and gas industry. They want to mandate new drilling off central coast beaches despite our community's longheld view that the current drilling should be ended, not extended.

> They want to gut the environmental laws of our State that our community has used to protect its coastline from the kinds of devastation that the 1969 oil spill brought to Santa Barbara. This might be good news for oil companies, but it is bad news for my constituents; and it is bad energy policy.

> Perhaps most ominously, Mr. Speaker, this proposal is bad news for the prospect of a new transportation bill. These new oil-drilling provisions are poison pills and could doom passage of this desperately needed jobs legisla-

> This is very reminiscent of the manufactured crisis we saw last year to keep the government funded, pay our bad debts, and continue the payroll tax. We all saw the chaos and gridlock those fights produced. We need to put aside this effort to use the transportation bill as a means to push forward the favored policies for an already-pampered industry.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess.

## □ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENHAM) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, through Whom we see what we could be and what we can become, thank You for giving us another Send Your spirit upon the Members of this people's House to encourage them in their official tasks. Be with them and all who labor here to serve this great Nation and its people.

Assure them that whatever their responsibilities, You provide the grace to enable them to be faithful to their duties and the wisdom to be conscious of their obligations and fulfill them with interrity.

Remind us all of the dignity of work, and teach us to use our talents and abilities in ways that are honorable and just and are of benefit to those we serve.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# UNEMPLOYMENT RATE IS ACTUALLY MUCH HIGHER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday, the National Bureau of Labor Statistics released its jobs report for the month of January and revealed that our Nation's unemployment rate continues to be above 8 percent, marking the 36th consecutive month of record high unemployment.

Dr. Peter Morici, a business school professor at the University of Maryland, recently stated on Fox News that, if you factor in part-time workers who would prefer full-time positions, that unemployment rate becomes 15.6 percent. Factoring in college graduates in low skill positions, like counter work at Starbucks, the unemployment rate is, sadly, closer to 20 percent.

These statistics provide further evidence that the President's policies are failing to provide job creation. I hope the President and the liberal-controlled Senate will work with the House Republicans on the 30 bills that we've already passed for job creation through private sector growth which are currently held in the Senate.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

# CELEBRATING THE LIFE OF PRESIDENT RONALD REAGAN

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. BURGESS. Mr. Speaker, 101 years ago today, the 40th President of the United States, Ronald Wilson Reagan, was born. It's a tribute to the man that there is bipartisan agreement to the greatness of Ronald Reagan as President. We hear from both sides of the aisle about his fortitude, his encouraging smile, his positive attitude. He handled the weight of the Presidency with such ease.

I remember, as a young physician in north Texas, watching as this individual led our country from the travails that were Vietnam, Watergate, stagflation, and not only gave us a reason to believe in ourselves, he said it was okay to believe in yourselves as Americans again, and we did. And, as a consequence, we reestablished America as a force in the world and we reestablished our prosperity.

Everyone has their favorite Ronald Reagan quotes. Mine is, as we watch some of the difficulties and arguments between conservatives during this Presidential year: Remember that if we agree with each other 80 percent of the time, we're on the same side; and if it's a 100 percent, one of us is suddenly unnecessary.

Mr. Speaker, I hope all Members of the House today will acknowledge the 101st anniversary of the birth of Ronald Reagan. The Nation is forever in his debt.

## LABOR NUMBERS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I think it is becoming increasingly clear to anybody that's paying attention that this President's policies have failed and are making the economy worse.

More Americans are out of work than when he took office. At that point, unemployment was 7.8 percent. America has witnessed the longest period of sustained high unemployment since the Great Depression, more than 8 percent for every month that he has been in office

When the President talks about the latest unemployment statistics, I think it's important that we look at more pressing issues, which is labor force participation. For the past 31 months, discouraged workers have been dropping out of the labor force in unprecedented numbers.

In June 2009, which they like to say was the end of the recession—it was 6 months into his term—the labor force participation rate was 65.7 percent. Today, it is down to 63.7 percent. The difference between those two numbers represents 4.8 million people who have given up looking for work. If the labor force participation rate had remained where it was when he took office, at 65.7 percent, the unemployment rate for January 2012 would have been 11 percent, rather than 8.3.

It is time for us to change policies. It is time for us to get America back to work. The American people continue to say, "Where are the jobs?"

# PASS THE PAYROLL TAX EXTENSION

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, last Friday the Department of Labor came out with job statistics which no one expected. The U.S. economy added 243,000 new jobs, and there was a revision upward for December and November across the board: manufacturing, service, leisure, service industries, health care.

The U.S. economy, which has suffered its biggest blow since the Depression because of the financial meltdown in 2008, is picking up strength. But as the President said, Congress must not muck it up.

We need to pass the payroll tax cut extension, which expires at the end of February, fix the doctors' fees, and do an unemployment compensation. If we don't do that, the markets are going to head south on us again, just like they did last December.

This Congress wasted the entire month of January with no conference committee to resolve this issue. It is time that we fix this and get it done right away, and we shouldn't go home this weekend until we pass a payroll tax cut extension.

### PASS H.R. 1734

(Mr. DENHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENHAM. Mr. Speaker, there is a lot that tends to divide this House. Tonight, in a rule, and tomorrow morning, in debate, we will address a bill, H.R. 1734, which can pull both parties together, something that can address the waste in government, getting rid of a lot of the expenses that we have in the ongoing maintenance of properties that we just don't need, getting rid of a waste of properties that we can sell off, and actually bringing in new revenue, not by raising taxes, but new revenue by selling off the properties that

are underutilized or excess or have yet to be declared excess properties. We can also bring in local tax revenue by putting private development back in these properties.

And most of all, if you really want to create jobs, not only do we have 30 jobs bills sitting over in the Senate right now, but here's yet one more, with bipartisan support, to sell off properties we don't need, reinvest in properties that we can redevelop, rein in the abuse by leasing authority from other agencies, and get government accountable again.

H.R. 1734 will be on the House floor, and we'll be looking forward to bipartisan support.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

> OFFICE OF THE CLERK, HOUSE OF REPRESENTATIVES, Washington, DC, February 6, 2012.

Hon. John A. Boehner,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2012 at 9:47 a.m.:

That the Senate passed S. 2038. With best wishes, I am Sincerely,

KAREN L. HAAS.

BLOCKING PROPERTY OF THE GOVERNMENT OF IRAN AND IRANIAN FINANCIAL INSTITUTIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–85)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995.

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threat-

en the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (22 U.S.C. 8501 et seq.) (CISADA), I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses. To take further additional steps with respect to the threat posed by Iran and to provide implementing authority for a number of the sanctions set forth in the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), as amended by CISADA, I issued Executive Order 13574 on May 23, 2011, to authorize the Secretary of the Treasury to implement certain sanctions imposed by the Secretary of State pursuant to ISA, as amended by CISADA. Finally, to take additional steps with respect to the threat posed by Iran, I issued Executive Order 13590 on November 20, 2011, to authorize the Secretary of State to impose sanctions on persons providing certain goods, services, technology, information, or support that contribute either to Iran's development of petroleum resources or to Iran's production of petrochemicals, and to authorize the Secretary of the Treasury to implement some of those sanctions.

I have determined that additional sanctions are warranted, particularly in light of the deceptive practices of the Central Bank of Iran and other Iranian banks to conceal transactions of sanctioned parties, the deficiencies in Iran's anti-money laundering regime and the weaknesses in its implementation, and the continuing and unacceptable risk posed to the international financial system by Iran's activities.

The order also implements section 1245(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) (NDAA) by blocking the property and interests in property of Iranian financial institutions pursuant to IEEPA.

The order blocks the property and interests in property of the following:

The Government of Iran, including the Central Bank of Iran:

Any Iranian financial institution, including the Central Bank of Iran; and

Persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

The prohibitions of the order do not apply to property and interests in property of the Government of Iran that were blocked pursuant to Executive Order 12170 of November 14, 1979, and thereafter made subject to the transfer directives set forth in Executive Order 12281 of January 19, 1981, and implementing regulations thereunder. In addition, nothing in the order prohibits transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the blocking-related purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I have also delegated certain functions and authorities conferred by section 1245 of the NDAA to the Secretary of the Treasury and the Secretary of State in consultation with other appropriate agencies as specified in the order.

I am enclosing a copy of the Executive Order I have issued.

 $\begin{array}{c} \text{Barack Obama.} \\ \text{The White House, } \textit{February 5, 2012.} \end{array}$ 

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess.

## □ 1634

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 34 minutes p.m.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

will be taken after 6:30 p.m. today.

#### COROLLA WILD HORSES PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 306) to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Corolla Wild Horses Protection Act".

# SEC. 2. WILD HORSES IN AND AROUND THE CURRITUCK NATIONAL WILDLIFE REFUGE.

- (a) AGREEMENT REQUIRED.—
- (1) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the Corolla Wild Horse Fund (a nonprofit corporation established under the laws of the State of North Carolina), the County of Currituck, North Carolina, and the State of North Carolina within 180 days after the date of enactment of this Act to provide for management of free-roaming wild horses in and around the Currituck National  $Wild life\ Refuge.$ 
  - (2) TERMS.—The agreement shall—
- (A) allow a herd of not less than 110 and not more than 130 free-roaming wild horses in and around such refuge, with a target population of between 120 and 130 free-roaming wild horses;
- (B) provide for cost-effective management of the horses while ensuring that natural resources within the refuge are not adversely impacted;
- (C) provide for introduction of a small number of free-roaming wild horses from the herd at Cape Lookout National Seashore as is necessary to maintain the genetic viability of the herd in and around the Currituck National Wildlife Refuge: and
- (D) specify that the Corolla Wild Horse Fund shall pay the costs associated with-
- (i) coordinating a periodic census and inspecting the health of the horses;
- (ii) maintaining records of the horses living in the wild and in confinement;
- (iii) coordinating the removal and placement of horses and monitoring of any horses removed from the Currituck County Outer Banks; and
- (iv) administering a viable population control plan for the horses including auctions, adoptions, contraceptive fertility methods, and other viable options.
- (b) CONDITIONS FOR EXCLUDING WILD HORSES FROM REFUGE.—The Secretary shall not exclude free-roaming wild horses from any portion of the Currituck National Wildlife Refuge unless—
- (1) the Secretary finds that the presence of free-roaming wild horses on a portion of the Refuge threatens the survival of an endangered species for which such land is designated as critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (2) such finding is based on a credible peer-reviewed scientific assessment; and
- (3) the Secretary provides a period of public notice and comment on that finding.
- (c) REQUIREMENTS FOR INTRODUCTION OF Horses From Cape Lookout National Sea-SHORE.—During the effective period of the

Record votes on postponed questions memorandum of understanding between the National Park Service and the Foundation for Shackleford Horses, Inc. (a non-profit corporation organized under the laws of and doing business in the State of North Carolina) signed in 2007, no horse may be removed from Cape Lookout National Seashore for introduction at Currituck National Wildlife Refuge except-

(1) with the approval of the Foundation; and (2) consistent with the terms of such memorandum (or any successor agreement) and the Management Plan for the Shackleford Banks Horse Herd signed in January 2006 (or any successor management plan).

(d) NO LIABILITY CREATED.—Nothing in this section shall be construed as creating liability for the United States for any damages caused by the free-roaming wild horses to any person or property located inside or outside the boundaries of the refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. Sablan) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

## GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Speaker, in 2007, the State of North Carolina, the U.S. Fish and Wildlife Service, the County of Currituck, and the Corolla Wild Horse Fund completed a Wild Horse Management Plan for the colonial Spanish Mustangs that live on the 7,544 acres of public and private lands in coastal North Carolina. This plan expires in April, and the Fish and Wildlife Service has indicated that they will not sign the 2012 plan.

H.R. 306, authored by my friend and classmate Congressman Walter Jones from North Carolina, requires the Secretary of the Interior to enter into a new agreement within 180 days of enactment.

It will also stabilize the number of horses to no more than 130, allow the introduction of a small number of Shackleford Banks horses to improve genetic diversity, and will ensure that the Corolla Wild Horse Fund will continue to pay for the costs of caring for and managing these horses.

Mr. Speaker, these horses are living symbols of our colonial history. H.R. 306 ensures that they will survive in the future at no cost to our taxpavers.

I want to thank my friend from North Carolina for his leadership on this matter, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may con-

Mr. Speaker, I rise in support of H.R. 306. H.R. 306, as amended, directs the Secretary of the Interior to enter into an agreement with the Corolla Wild Horse Fund, as well as local and State authorities, to provide for the management of the free-roaming wild horses in and around Currituck National Wildlife Refuge. The agreement will increase the cap on the herd size in and around the refuge to 130 horses and specifies that the privately funded Corolla Wild Horse Fund will cover the costs of managing the herd.

Catching a glimpse of these horses on the beach is an integral part of what draws thousands of visitors to the North Carolina coast each year. However, the Currituck refuge was established in 1984 to preserve and protect the native coastal barrier island ecosystem. The refuge provides essential habitat for migrating waterfowl and endangered species, such as piping ployer and sea turtles, which also draws visitors to these beaches.

It is unusual to protect a nonnative species in a wildlife refuge. Extra effort and resources are needed to ensure that the wild herd does not impair the ecosystem for the native animals and plants. The Fish and Wildlife Service needs additional funds to accomplish the conservation purposes of the Currituck National Wildlife Refuge. Additional resources would support staff salaries, since no staff is currently stationed at Currituck National Wildlife Refuge; corrals to keep the horses from trampling critical habitat; and research to study the potential impacts of these horses on the island's habitat.

As we move forward to consider the Fish and Wildlife Service budget later this month, we should examine the operations and maintenance backlog of the National Wildlife Refuge System, which has been chronically underfunded. We must provide the Fish and Wildlife Service adequate funding to preserve all the species in the home of these horses.

I thank Mr. Jones for his work in support of the Currituck National Wildlife Refuge and urge adoption of H.R. 306.

I reserve the balance of my time.

### □ 1640

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the author of this legislation, the gentleman from North Carolina (Mr. Jones).

Mr. JONES. Mr. Chairman, thank you very much for the time. To the ranking member, thank you for your comments as well.

As has already been stated, H.R. 306 would provide for a new public-private management plan for the free roaming Corolla wild horses of North Carolina's Outer Banks-at no cost to our taxpavers.

The Corolla wild horses are Colonial Spanish Mustangs that can be traced back to the Spanish explorers on the Outer Banks in the 16th century. They've survived in the wild for over 400 years and roam across 7,500 acres of public and private land in coastal Currituck County, North Carolina.

Under the existing management agreement between the Interior Department, the State of North Carolina, Currituck County, and the nonprofit Corolla Wild Horse Fund, the maximum number of horses allowed in the herd is 60. Equine genetic scientists believe the number of 60 threatens the herd's existence due to high levels of inbreeding and low levels of genetic diversity.

To address this issue, H.R. 306 would require a new management plan to allow a herd of no less than 110 horses and no more than 130 horses. 110 is the minimum number that leading equine genetic scientist Dr. Gus Cothran of Texas A&M University has found to be necessary to maintain the herd's genetic viability. It is important to note that these numbers are well within the carrying capacity of the land these horses call home. To improve the herd's genetics, the bill would allow for the limited introduction of wild horses from the related herd at Cape Lookout National Seashore.

I would like to emphasize that H.R. 306 requires the Corolla Wild Horse Fund, not the Federal Government, to pay for managing the horses. The fund is a thriving nonprofit with an annual budget of over \$400,000 that is growing each and every year. They already pay the costs of managing the horses, and they will continue to do so under this bill. Confirming this point, the CBO score on H.R. 306 found "the Federal Government would incur no significant additional costs to manage or mitigate the effects of horses on the refuge."

H.R. 306 is similar to another bipartisan bill that was made reference to a while ago that I authored to create a public-private partnership to save the wild horses of Shackleford Banks in Cape Lookout National Seashore. That legislation was passed by the Republican House in 1998 and was signed into law by President Bill Clinton. I want to, at this time, acknowledge for the record that his Chief of Staff, Erskine Bowles, was instrumental in that bill's becoming law.

Mr. Speaker, the Corolla wild horses are a key part of North Carolina's heritage and an important element of the Outer Banks' economy. In fact, they're the North Carolina State horse. H.R. 306 has broad bipartisan support, and I want to thank both parties for that support. Among others, it is supported by North Carolina Governor Bev Perdue, Currituck County and the local community, the Corolla Wild Horse Fund, the Humane Society, the American Society for Prevention of Cruelty

to Animals, the Animal Welfare Institute, and the Foundation for Shackleford Horses.

Mr. Speaker, in closing, I make reference to these posters. As you can well see, these horses have their own heritage. They are absolutely wonderful, beautiful animals, and many times on the coast of North Carolina, when these horses are standing in the ocean with their foal, you will see those tourists come right up to the horse and to the foal and pet them. These horses are part of our heritage, and I thank both parties for passing this bill as I hope that we will pass this bill today.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge the passage of this important piece of legislation for North Carolina, and I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I rise today in support of H.R. 306, the Corolla Wild Horses Protection Act. This bill is a responsible and well-studied solution to the on-going debate regarding wild horse populations. Generally, when we discuss wild horse populations we are trying to find answers on how to curb the rapidity of herd growth. Yet today we are here attempting to support the expansion of the dwindling Colonial Spanish Mustangs that roam on the Outer Banks of North Carolina.

These graceful and social wild animals have captured the hearts and minds of Americans for hundreds of years. They are stunning to watch as they roam free on public lands and remain an historical national treasure. It is imperative that we protect and ensure a viable future for the Corolla wild horse population.

Currently, the Corolla wild horses are at risk of being reduced to a herd of 60 horses. According to scientific research led by Texas A&M University's Dr. Gus Cothran, a herd of horses that small is unsustainable because it lacks sufficient genetic diversity. A healthy population for the herd would be in the range of 110 to 130 horses. H.R. 306 takes heed of this warning and ensures that steps to responsibly increase the herd population are taken without affecting the other endangered species and refuge lands in the Currituck National Wildlife Refuge.

In the past, I have advocated for significant changes to current herd management practices to ensure humane and responsible population management on public lands. Such concerns are shared by the public and Members of Congress alike. I support this bill and will continue to work to ensure that wild horse populations are protected.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 306, as amended.

The question was taken; and (twothirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEW YORK CITY NATURAL GAS SUPPLY ENHANCEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "New York City Natural Gas Supply Enhancement Act". SEC. 2. DEFINITIONS.

#### In this Act:

- (1) ENTITY.—The term "entity" means an entity holding a permit issued under this Act.
- (2) LEASE.—The term "lease" means an agreement that authorizes the occupancy and use of certain designated premises for facilities associated with the project, particularly a meter and regulating station.
- (3) NATURAL GAS PIPELINE FACILITIES.—The term "natural gas pipeline facilities" means pipeline and related equipment necessary for the transmission and distribution of natural gas, such as meters and heating and pressure-regulating devices used in the transportation of natural gas.
- (4) PERMIT.—The term "permit" means any permits, rights-of-way, or any other authorizations necessary for the Secretary to authorize the construction, operation, and maintenance of natural gas pipeline facilities in the Gateway National Recreation Area.
- (5) PROJECT.—The term "project" means the natural gas pipeline facilities within Gateway National Recreation Area, including the meter and regulating station to be located at Floyd Bennett Field, that are part of the Rockaway Delivery Lateral/Brooklyn Queens Interconnect Project, as further described in Federal Energy Regulatory Commission (FERC) Docket No. PF09–8, and including authorized revisions to the project.
- (6) RENT.—The term "rent" means any payment to the Secretary pursuant to a lease for occupancy and use of designated premises to be made in such a manner and at such intervals as determined by the Secretary.
- (7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

#### SEC. 3. PERMITTING INSTRUMENTS FOR NAT-URAL GAS PIPELINE FACILITIES.

- (a) IN GENERAL.—The Secretary may issue permits to authorize the construction, operation, and maintenance of natural gas pipeline facilities, as provided by the project, within Gateway National Recreation Area.
  - (b) TERMS AND CONDITIONS.—
- (1) Any rights-of-way or other permits issued for the natural gas pipeline facilities under this section shall be consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System.
- (2) Any permits issued under this section for the natural gas pipeline facilities shall be subject to such terms and conditions the Secretary deems appropriate.

(3) The Secretary shall charge a fee for any permits issued under this section. The fees shall be based on fair market value and shall also include costs incurred by the National Park Service in processing a request for a permit; issuing a permit, if appropriate; and monitoring the permitted activities.

(4) Any permits issued under this section shall be for a term of 10 years, subject to renewal with any changes to its terms and con-

ditions mutually agreed upon.

(c) ENFORCEMENT.—Failure to comply with, or a violation of, any term or condition of a permit may result in a citation, or fine, or the suspension or revocation of authorization to conduct the permitted activity.

#### SEC. 4. LEASE OF BUILDINGS.

The Secretary may enter into a non-competitive lease with any entity to allow the occupancy and use of buildings and associated properties on Floyd Bennett Field to house facilities associated with the project, particularly a meter and regulating station. Such lease shall—

(1) otherwise be subject to National Park Service leasing regulations:

- (2) provide for the restoration and maintenance of the buildings and associated properties in accordance with the Secretary of the Interior's Treatment Standards for Historic Property (36 CFR Part 68), section 106 of the National Historic Preservation Act (36 CFR 800), and any programmatic agreements:
- (3) provide for appropriate rent for occupancy and use of the property representing, at minimum but not limited to, fair market value; and
- (4) provide for monetary penalties for violations of the lease.

## SEC. 5. FEES AND RENT.

(a) FEES.—The Secretary shall retain the portion of any fee assessed under section 3(b)(3) that is equal to the costs incurred in processing and issuing the permit request and monitoring the permitted activities, and the balance of the fee shall be deposited in the Treasury of the United States.

(b) RENT.—Any rent collected pursuant to section 4 shall be deposited in a special accordance with reason of the United States in accordance with section 3(k)(5) of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)) and shall be available to the Secretary, without further appropriation and without fiscal year limitation, for infrastructure needs, resource protection, and visitor services at the Gateway National Recreation Area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

# GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2606, introduced by the gentleman from New York (Mr. GRIMM),

authorizes the construction of a lateral pipeline off the coast of New York City. The pipeline will pass under the Gateway National Recreation Area and will deliver natural gas to residents of Brooklyn and Queens. Under current law, the National Park Service does not have the authority to approve the pipeline. Therefore, Mr. GRIMM introduced H.R. 2606 to allow this project to move forward, benefiting not only New York residents but visitors to the Gateway National Recreation Area. Specifically, as part of the agreement reached with the National Park Service, historic aircraft hangars located at Flovd Bennett Field will be rehabilitated and put into use by the park. Of course, this project will also create much-needed jobs and promote job creation by providing reliable, affordable energy.

The City of New York has enthusiastically embraced this proposal and, in particular, has expressed support for the use of the horizontal directional drilling to safely install a 3-mile, 26-inch-diameter pipeline. H.R. 2606 has bipartisan support, and of course it is supported by the National Park Service. So I urge its adoption and reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

This legislation appears to be a good solution to a challenging problem. H.R. 2606 will allow for the delivery of natural gas into an underserved area while also providing a revenue stream that will allow the National Park Service to rehabilitate important historic structures at Gateway National Recreation

Representatives GRIMM and MEEKS, who represent Gateway, are to be commended for their hard work on this compromise bill.

In the past, some have raised concerns regarding whether it is appropriate for Congress to direct funding to specific projects such as this one. We are pleased to see that when a meritorious project such as this one is proposed, a project which will provide energy resources while also improving historic resources, it is allowed to proceed.

We support the passage of H.R. 2606, as amended, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the sponsor of this legislation, the gentleman from Staten Island, New York (Mr. GRIMM).

Mr. GRIMM. I appreciate the opportunity to speak in support of my bill, H.R. 2606, the New York City Natural Gas Supply Enhancement Act.

This bill, as was said, will authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the New York portion of the Gateway National Recreation Area. I would like to especially thank my colleague and cosponsor and friend, Congressman GREGORY MEEKS, for all of his efforts. It was a pleasure to work with him in a bipartisan manner, and we appreciate his staff as well.

We would like to thank Natural Resources Chairman HASTINGS, Ranking Member MARKEY, Subcommittee Chairman BISHOP, Ranking Member GRIJALVA, and their staffs for helping move our bill through the committee and on a bipartisan basis for their work with the National Park Service in strengthening the bill as it moved to the House floor.

The National Park Service deserves our appreciation as well for all of its efforts over the years for improving the Gateway National Recreation Area and, in particular, for reviving the historic Floyd Bennett Field for future generations.

This project will be the first bulk natural gas transmission project in Brooklyn, Staten Island, and Queens in more than 40 years. The 5.2 million people living in these three boroughs are demanding more and more natural gas. Natural gas, as we all know, is reliable; it's clean; it's domestic; and it's economical.

On September 15 of last year, New York City Deputy Mayor Cas Holloway testified before the National Parks Subcommittee and, in support of the Grimm-Meeks bill, explained why it was so important. I would like to thank Mr. Holloway, the deputy mayor, for his efforts, and I would like to draw special attention to some of his testimony.

#### □ 1650

Deputy Mayor Holloway stated: "Energy demand in New York City is increasing and will continue to grow," so getting this Gateway project done, as Deputy Mayor Holloway said, "is a major effort that includes the private sector, the city, State, and Federal Governments."

This pipeline will pass underneath both Gateway's beachfront Jacob Riis Park in Queens and Jamaica Bay to the meter station located at Floyd Bennett Field in Brooklyn where it will then interconnect into the local natural gas distribution system serving the communities in and around my district.

The pipeline project authorized in H.R. 2606 will help the Park Service in the face of severe fiscal constraints by authorizing the NPS to enter into a lease, which will allow the Gateway pipeline project to meter and regulate a station inside one of the hangar buildings. The meter station is basically a secure building inside a building with a hangar building's exterior being restored to its original condition coupled with a lease payment that we expect NPS to put towards the restoration of other hangar buildings for multipurpose park uses. More importantly,

however, is the fact that the Gateway pipeline project will generate approximately \$265 million in construction activity. That's almost 300 local jobs—300 construction jobs—and that's about \$8 million in annual local property taxes for New York City, providing a muchneeded short-term and long-term boost to our local economy.

When I came to Congress, I promised my constituents on Staten Island and in Brooklyn that I would find fiscally conservative ways to create jobs and get the country moving again. Mr. Speaker, this bill does exactly that. Not only will it create a unique public-private partnership to revitalize Floyd Bennett Field, but it also creates goodpaying jobs and increases the supply of inexpensive natural gas.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge the adoption of H.R. 2606, and I yield back the balance of my time.

Mr. MEEKS. Mr. Speaker, thank you for the opportunity to speak in support of the "New York City Natural Gas Supply Enhancement Act" (H.R. 2606). This bipartisan legislation will authorize the Secretary of Interior to allow the construction and operation of natural gas pipeline facilities in the New York portion of the Gateway National Recreation Area.

My southeastern Queens district includes part of the Gateway National Recreation Area near Kennedy Airport, including the Jamaica Bay Wildlife Refuge. I have long supported efforts to improve the environment in and around Gateway as well as to enhance Gateway's facilities.

I join with Congressman GRIMM and Congressman TURNER in thanking Resources Chairman HASTINGS, Ranking Member MARKEY, Subcommittee Chair BISHOP and Ranking Member GRIJALVA and their staffs for their help in moving our bill through their committee to the floor.

I also thank the National Park Service for its work to strengthen the legislation as well as for its efforts over the years to improve Gateway and its historic Floyd Bennett Field. Also deserving our appreciation are Governor Cuomo, New York Deputy Secretary for Energy Congdon, Mayor Bloomberg, Deputy Mayor Holloway, the Floyd Bennett Field Blue Ribbon Panel, the National Parks Conservation Association, the Regional Plan Association, and countless other individuals and organizations in New York for their work and collaboration in support of Gateway.

The natural gas pipeline system serving Queens, Brooklyn and Staten Island is 40 to 60 years old. While adequate for the demand at the time, the system no longer has the capacity for the approximately 5.2 million residents of these three boroughs. Simply put, we need new natural gas infrastructure to meet our existing and growing needs, and H.R. 2606 is necessary to get us there.

Robert Yaro, the President of the Regional Plan Association, summed it up in August 22, 2011 letter to me in support of our bill. He stated that H.R. 2606 will expand the supply of natural gas in New York City, help support economic development, improve public health

by increasing air quality, and provide needed financial support for restoration of one of Floyd Bennett Field's historically significant airplane hangers.

Mr. Speaker, H.R. 2606 is a win all around. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2606, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

# QUILEUTE TRIBE TSUNAMI PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1162) to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

#### H.R. 1162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

# SECTION 1. OLYMPIC NATIONAL PARK — QUILEUTE TRIBE.

- (a) DEFINITIONS.—In this section:
- (1) MAP.—The term "Map" means the map entitled "Olympic National Park and Quileute Reservation Boundary Adjustment Map", numbered 149/80,059, and dated June 2010.
- (2) PARK.—The term "Park" means the Olympic National Park, located in the State of Washington.
- (3) RESERVATION.—The term "Reservation" means the Quileute Indian Reservation, located on the Olympic Peninsula in the State of Washington.
- (4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
- (5) TRIBE.—The term "Tribe" means the Quileute Indian Tribe in the State of Washington
  - (b) FINDINGS AND PURPOSE.—
  - (1) FINDINGS.—Congress finds that—
- (A) the Reservation is located on the western coast of the Olympic Peninsula in the State of Washington, bordered by the Pacific Ocean to the west and the Park on the north, south, and east:
- (B) most of the Reservation village of La Push is located within the coastal flood plain, with the Tribe's administrative buildings, school, elder center, and housing all located in a tsunami zone;
- (C) for many decades, the Tribe and the Park have had a dispute over the Reservation boundaries along the Quillayute River;
- (D) in recent years, this dispute has intensified as the Tribe has faced an urgent need for additional lands for housing, schools, and other

Tribe purposes outside the tsunami and Quillayute River flood zones; and

(E) the lack of a settlement of this dispute threatens to adversely impact the public's existing and future recreational use of several attractions in the Park that are accessed by the public's use of Reservation lands.

(2) PURPOSES.—The purposes of this Act are—
(A) to resolve the longstanding dispute along portions of the northern boundary of the Quileute Indian Reservation;

(B) to clarify public use and access to Olympic National Park lands that are contiguous to the Reservation:

(C) to provide the Quileute Indian Tribe with approximately 275 acres of land currently located within the Park and approximately 510 acres of land along the Quillayute River, also within the Park;

(D) to adjust the wilderness boundaries to provide the Quileute Indian Tribe Tsunami and flood protection; and

(E) through the land conveyance, to grant the Tribe access to land outside of tsunami and Quillayute River flood zones, and link existing Reservation land with Tribe land to the east of the Park

(c) REDESIGNATION OF FEDERAL WILDERNESS LAND, OLYMPIC NATIONAL PARK CONVEYANCE.—

- (1) REDESIGNATION OF WILDERNESS.—Certain Federal land in the Park that was designated as part of the Olympic Wilderness under title I of the Washington Park Wilderness Act of 1988 (Public Law 100-668; 102 Stat. 3961; 16 U.S.C. 1132 note) and comprises approximately 222 acres, as generally depicted on the Map is hereby no longer designated as wilderness, and is no longer a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).
- (2) LANDS TO BE HELD IN TRUST.—All right, title, and interest of the United States in and to the approximately 510 acres generally depicted on the Map as "Northern Lands", and the approximately 275 acres generally depicted on the Map as "Southern Lands", are declared to be held in trust by the United States for the benefit of the Tribe without any further action by the Secretary.
- (3) BOUNDARY ADJUSTMENT; SURVEY.—The Secretary shall—
- (A) adjust the boundaries of Olympic Wilderness and the Park to reflect the change in status of Federal lands under paragraph (2); and
- (B) as soon as practicable after the date of enactment of this section, conduct a survey, defining the boundaries of the Reservation and Park, and of the Federal lands taken into and held in trust that are adjacent to the north and south bank of the Quillayute River as depicted on the Map as "Northern Lands".
- (4) LAW APPLICABLE TO CERTAIN LAND.—The land taken into trust under this subsection shall not be subject to any requirements for valuation, appraisal, or equalization under any Federal law.
- (d) Non-Federal Land Conveyance.—Upon completion and acceptance of an environmental hazard assessment, the Secretary shall take into trust for the benefit of the Tribe certain non-Federal land owned by the Tribe, consisting of approximately 184 acres, as depicted on the Map as "Eastern Lands", such non-Federal land shall be designated as part of the Reservation.
  - (e) MAP REQUIREMENTS.—
- (1) AVAILABILITY OF INITIAL MAP.—The Secretary shall make the Map available for public inspection in appropriate offices of the National Park Service. The Map shall also depict any non-Federal land currently owned by the Tribe which is being placed in trust under this section.
- (2) REVISED MAP.—Not later than one year after the date of the land transaction in subsections (d) and (e), the Secretary shall submit

- to the Committee on Energy and Natural Resources of the Senate and Committee on Natural Resources of the House of Representatives a revised man that denicts—
- (A) the Federal and non-Federal land taken into trust under this section and the Second Beach Trail; and
- (B) the actual boundaries of the Park as modified by the land conveyance.
- (f) JURISDICTION.—The land conveyed to the Tribe by this section shall be designated as part of the Quileute Reservation and placed in the following jurisdictions:
- (1) TRUST LAND.—The same Federal, State, and Tribe jurisdiction as on all other trust lands within the Reservation, so long as the exercise of such jurisdiction does not conflict with the terms of the easement described in subsection (g) below.
- (2) TRIBE JURISDICTION.—Park visitors shall remain subject to the jurisdiction of the Tribe while on the Second Beach parking lot, on those portions of the Second Beach Trail on the Reservation, and Rialto Spit, to the same extent that such visitors are subject to the Tribe's jurisdiction elsewhere on the Reservation.
- (g) Grant of Easement in Connection With Land Conveyance.—
- (1) EASEMENT REQUIRED.—The conveyances under subsection (c)(2) shall be subject to the conditions described in this subsection.
- (2) REQUIRED RIGHTS UNDER EASEMENT.—Any easement granted under this subsection must contain the following express terms:
- (A) NO IMPACT ON EXISTING RIGHTS.—An easement shall not limit the Tribe's treaty rights or other existing rights.
- (B) RETENTION OF RIGHTS.—The Tribe retains the right to enforce its rules against visitors for disorderly conduct, drug and alcohol use, use or possession of firearms, and other disruptive behaviors
- (C) MONITORING OF EASEMENT CONDITIONS.— The Park has the right, with prior notice to the Tribe, to access lands conveyed to the Tribe for purposes of monitoring compliance with any easement made under this subsection.
- (3) EXEMPTION FOR SUBSECTION (d) LAND.— The non-Federal land owned by the Tribe and being placed into trust by the Secretary in accordance with subsection (d) shall not be included in, or subject to, any easement or condition specified in this subsection.
- (4) REQUIRED TERMS AND CONDITIONS.—The following specified land areas shall be subject to the following easement conditions:
- (A) CONDITIONS ON NORTHERN LAND.—Certain land that will be added to the northern boundary of the Reservation by the land conveyance, from Rialto Beach to the east line of Section 23, shall be subject to an easement, which shall contain the following requirements:
- (i) The Tribe may lease or encumber the land, consistent with their status as trust lands, provided that the Tribe expressly subjects the conveyance or authorized use to the terms of the easement.
- (ii) The Tribe may place temporary, seasonal camps on the land, but shall not place or construct commercial residential, industrial, or other permanent buildings or structures.
- (iii) Roads on the land on the date of enactment of this Act may be maintained or improved, but no major improvements or road construction may occur, and any road improvements, temporary camps, or other uses of these lands shall not interfere with its use as a natural wildlife corridor.
- (iv) The Tribe may authorize Tribe members and third parties to engage in recreational, ceremonial, or treaty uses of the land provided that the Tribe adopts and enforces regulations permanently prohibiting the use of firearms in the Thunder Field area, and any areas south of the Quillayute River as depicted on the Map.

- (v) The Tribe may exercise its sovereign right to fish and gather along the Quillayute River in the Thunder Field area.
- (vi) The Tribe may, consistent with any applicable Federal law, engage in activities reasonably related to the restoration and protection of the Quillayute River and its tributaries and streams, weed control, fish and wildlife habitat improvement, Quillayute River or streambank stabilization, and flood control. The Tribe and the Park shall conduct joint planning and coordination for Quillayute River restoration projects, including streambank stabilization and flood control.
- (vii) Park officials and visitors shall have access to engage in activities along and in the Quillayute River and Dickey River that are consistent with past recreational uses, and the Tribe shall allow the public to use and access the Dickey River, and Quillayute River along the north bank, regardless of future changes in the Quillayute River or Dickey River alignment.
- (viii) Park officials and visitors shall have access to, and shall be allowed to engage in, activities on Tribal lands at Rialto Spit that are consistent with past recreational uses, and the Tribe shall have access to Park lands at Rialto Beach so that the Tribe may access and use the jetty at Rialto Beach.
- (B) CONDITIONS ON SECOND BEACH TRAIL AND ACCESS.—Certain Quileute Reservation land along the boundary between the Park and the southern portion of the Reservation, encompassing the Second Beach trailhead, parking area, and Second Beach Trail, shall be subject to a conservation and management easement, as well as any other necessary agreements, which shall implement the following provisions:
- (i) The Tribe shall allow Park officials and visitors to park motor vehicles at the Trail parking area existing on the date of enactment of this Act and to access the portion of the Trail located on Tribal lands, and the Park shall be responsible for the costs of maintaining existing parking access to the Trail.
- (ii) The Tribe shall grant Park officials and visitors the right to peacefully use and maintain the portion of the Trail that is on Tribal lands, and the Park shall be responsible for maintaining the Trail and shall seek advance written approval from the Tribe before undertaking any major Trail repairs.
- (iii) The Park officials and the Tribe shall conduct joint planning and coordination regarding any proposed relocation of the Second Beach trailhead, the parking lot, or other portions of the Trail.
- (iv) The Tribe shall avoid altering the forested landscape of the Tribe-owned headlands between First and Second Beach in a manner that would adversely impact or diminish the aesthetic and natural experience of users of the Trail.
- (v) The Tribe shall reserve the right to make improvements or undertake activities at the Second Beach headlands that are reasonably related to enhancing fish habitat, improving or maintaining the Tribe's hatchery program, or alterations that are reasonably related to the protection of the health and safety of Tribe members and the general public.
- (vi) The Park officials, after consultation with the Tribe, may remove hazardous or fallen trees on the Tribal-owned Second Beach headlands to the extent necessary to clear or safeguard the Trail, provided that such trees are not removed from Tribal lands.
- (vii) The Park officials and the Tribe shall negotiate an agreement for the design, location, construction, and maintenance of a gathering structure in the Second Beach headlands overlook for the benefit of Park visitors and the Tribe, if such a structure is proposed to be built.
- (C) SOUTHERN LANDS EXEMPT.—All other land conveyed to the Tribe along the southern

- boundary of the Reservation under this section shall not be subject to any easements or conditions, and the natural conditions of such land may be altered to allow for the relocation of Tribe members and structures outside the tsunami and Quillayute River flood zones.
- (D) PROTECTION OF INFRASTRUCTURE.—Nothing in this Act is intended to require the modification of the parklands and resources adjacent to the transferred Federal lands. The Tribe shall be responsible for developing its lands in a manner that reasonably protects its property and facilities from adjacent parklands by locating buildings and facilities an adequate distance from parklands to prevent damage to these facilities from such threats as hazardous trees and wildfire.
- (h) EFFECT OF LAND CONVEYANCE ON CLAIMS.—
- (1) CLAIMS EXTINGUISHED.—Upon the date of the land conveyances under subsections (d) and (e) and the placement of conveyed lands into trust for the benefit of the Tribe, any claims of the Tribe against the United States, the Secretary, or the Park relating to the Park's past or present ownership, entry, use, surveys, or other activities are deemed fully satisfied and extinguished upon a formal Tribal Council resolution, including claims related to the following:
- (A) LAND ALONG QUILLAYUTE RIVER.—The lands along the sections of the Quillayute River, starting east of the existing Rialto Beach parking lot to the east line of Section 22.
- (B) SECOND BEACH.—The portions of the Federal or Tribal lands near Second Beach.
- (C) SOUTHERN BOUNDARY PORTIONS.—Portions of the Federal or Tribal lands on the southern boundary of the Reservation.
- (2) RIALTO BEACH.—Nothing in this section shall create or extinguish claims of the Tribe relating to Rialto Beach.
- (i) GAMING PROHIBITION.—No land taken into trust for the benefit of the Tribe under this Act shall be considered Indian lands for the purpose of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seg.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The Quileute Indian Reservation is located along the coast of the Olympic Peninsula in my home State of Washington. It consists of approximately 880 acres and is home to about 375 residents. Most of the reservation is located within the flood zone, and much of the tribal infrastructure, including their school, elder center, and housing, is within the tsunami zone. Recent tsunamis in the Pacific clearly demonstrate the risk faced by the tribe and

the need to move housing and infrastructure inland.

For the safety of this small tribe. legislation is needed that would transfer a few hundred acres from the vast Olympic National Park to the tribe. This will allow them to move their school and other structures to safer land away from the threat of frequent flooding and tsunami risk.

There are no park-owned facilities or trails in the transferred land, and there are few opportunities in this transferred land for park visitors. To expedite the passage of the key objective of this bill and to allow it to move forward promptly, the Natural Resources Committee deleted a potentially controversial 4,000-acre wilderness designation that is of no benefit to the tribe. The committee also added language borrowing transferred land from being used for gaming purposes, and the tribe does not oppose this limita-

I believe these two changes have removed all potential obstacles that could threaten the timely passage of this needed legislation that has been offered by my friend and the ranking member of the Appropriations Committee, Mr. DICKS. I urge the adoption of H.R. 1162, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 1162, legislation sponsored by the esteemed ranking member of the Appropriations Committee, the gentleman from Washington (Mr. Dicks).

Events in Japan, Indonesia, and elsewhere have demonstrated the devastation that can be caused by tsunamis. The Quileute people live in a dangerous zone, and we fully support this legislation to allow the Quileute to move key facilities to higher ground.

I would note, however, that this version of H.R. 1162 is only half of the bill, as introduced. The Quileute, Mr. DICKS, the National Park Service, and other stakeholders had negotiated over many years a version of this legislation that not only provided safety for the Quileute but also sought to address the resource needs of Olympic National Park. The park portion of this bill was removed by the majority despite the fact that the bill represented a popular negotiated compromise. During consideration of this measure in the Natural Resources Committee, the chairman suggested that the park portion of the original bill be introduced as a second bill to be moved separately. Mr. DICKS has taken this advice, and we hope to see H.R. 3222 on the House floor in the very near future.

Mr. DICKS is to be commended for his diligent work on behalf of the Quileute people and Olympic National Park.

I urge adoption of H.R. 1162, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. DICKS), the esteemed ranking member of the Appropriations Committee

Mr. DICKS. I rise to urge passage of H.R. 1162, the Quileute Tribe tsunami and flood protection bill.

I also want to thank the House Natural Resources Committee for its work in shepherding this bill to the floor today. And I am pleased that my good friend and colleague from Washington, Doc Hastings, the chairman of the Natural Resources Committee, is on the floor here today to manage this bill as well as the gentleman from the Northern Mariana Islands. I appreciate their comments and their leadership on this, along with Mr. BISHOP and Mr. GRIJALVA.

The Quileutes are one of eight tribes living in the Washington State district that I represent here in Congress. Although the tribe's reservation at La Push is spectacularly beautiful, it also is a dangerous place to live. The threat of tsunamis is a harsh reality that the Quileute Tribe faces every day. The tribe lives on a one-square mile reservation along the Pacific coast of the Olympic Peninsula. Again, I cannot emphasize enough the breathtaking nature of their home.

The tribe has received much notice over the last few years due to the "Twilight" series of movies and novels. If you're not familiar with the "Twilight" phenomenon yourself, then I am sure that at least your children or grandchildren know about the Quileutes and their role in the "Twilight" world.

H.R. 1162 will provide land currently in Olympic National Park to the Quileute Tribe to enable the relocation of many facilities outside the tsunami zone. We need only look to the tragedy last year in Japan to see the loss of human life and horrific damage that tsunamis can cause.

Much of the Quileutes' infrastructure, including a day care center, the elder center, government offices, and Quileute tribal members' homes, are right in the path of a potential tsunami. This existential threat is compounded by damaging floods from the Quillayute River nearly every year.

The purpose of H.R. 1162 is to help the Quileutes move their buildings and people to safer land. The Olympic National Park would transfer land that is out of the tsunami zone to the tribe for the development of new infrastructure.

# □ 1700

Of the 275 acres the Park Service would provide the tribe for this safety purpose, 222 are currently designated as wilderness. The legislation would dedesignate those 222 acres.

The legislation also settles a longstanding dispute between the Olympic National Park and the tribe over the northern boundary of the reservation. The resolution of this dispute benefits the tribe, the Park Service, and the general public. The park would provide 510 acres to the tribe to settle the dis-

The bill would place into trust these two parcels as well as another piece of non-Federal land the tribe had acquired earlier. The bill also guarantees access for the public to some of the most. beautiful Washington State beaches.

I must note, however, that I am disappointed that a provision of H.R. 1162 was taken from the bill when the Natural Resources Committee passed it last October. The legislation as introduced mitigated the loss of wilderness designation for the 222 acres to be given to the tribe by designating other parcels already within Olympic National Park as wilderness. It was this provision designating new wilderness within the park that was removed. In response, I have introduced H.R. 3222 that would designate as wilderness those acres stripped from the underlying bill. The National Parks, Forest and Public Lands Subcommittee held a hearing on H.R. 3222 and other bills back in December, and I urge the committee to keep making progress on H.R. 3222.

In closing, I want to recognize the Quileute Tribe, its council and tribals chairs past and present, along with National Park Service Director Jon Jarvis and Olympic National Park Superintendent Karen Gustin for their hard work over many years to resolve this dispute and provide safer land for the tribe.

Again, I want to thank Congressman HASTINGS, the chairman of the Natural Resources Committee: and Todd Young and Todd Ungerecht of his staff. I want to thank National Parks, Forest and Public Lands Subcommittee Chairman ROB BISHOP and Jim Streeter of his staff. On the Democratic side, I want to thank ED MARKEY and the gentleman from the Northern Mariana Islands and their staff, Jeff Duncan and David Watkins, and Pete Modaff on my staff.

In closing, I urge the House to pass H.R. 1162 to provide the Quileute Tribe a safer home along the Pacific Coast in Washington State.

Mr. HASTINGS of Washington, Mr. Speaker, I advise my friend I have no more requests for speakers if he is prepared to yield back.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington, Mr. Speaker, I yield myself such time as I may consume.

I'm pleased that this legislation is moving forward. I know this has been something that has been worked on by my friend and colleague from Washington for some time, and I'm glad we

have finally gotten this far. And hopefully now that it's a clean bill that really deals with the safety of the Quileute Tribe, which is the important part and that's the reason for the bill, I hope it can move very fast through this House and obviously through the Senate

With that, I urge adoption of H.R. 1162, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1162, which authorizes the transfer of lands within and around the Olympic National Park in the state of Washington. H.R. 1162 would incorporate specified federal lands within the Olympic National Park and specified land owned by the Quileute Tribe into the Quileute Indian Reservation, held in trust by the federal government.

The Quileute people and their reservation are in danger. Most of the reservation is located within the flood zone and most of the tribal infrastructure, including their school, elder centers, and housing, is within the tsunami zone. This legislation will provide protection to the 375 residents of the Quileute Indian Reservation by transferring a few hundred acres from the vast Olympic National Park to the Tribe.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. This legislation will provide the Quileute Indian Tribe with approximately 275 acres of land currently located within the Olympic National Park and approximately 510 acres of land along the Quillayute River.

Mr. Speaker, the proposed land transfer will allow the people of Quileute Indian Tribe to relocate their schools and other structures to safer lands. Based on information from the Department of Interior, CB0 estimates that H.R. 1162 would have no significant impact on the federal budget.

California is home to over one hundred federally recognized tribes. Tribes from my state and from other states such as the Quileute Indian Tribe from the state of Washington need protection from natural disasters such as tsunamis and floods.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1162 and allow the Quileute Indian Tribe to relocate their people and reservation to safer land away from the frequent tsunami risk that threaten the Tribe.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1162, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered waived. At the conclusion of consideration of withdrawn.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess.

#### $\sqcap$ 1716

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 5 o'clock and 16 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1734, CIVILIAN PROPERTY REALIGNMENT ACT

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 537

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-11 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. For the purposes of debate only, I yield the customary 30 minutes to my colleague from Colorado (Mr. Polis), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### $\sqcap$ 1720

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill.

House Resolution 537 provides for a structured rule for consideration of H.R. 1734, the Civilian Property Realignment Act.

The rule makes six amendments in order. Of these, five are Democrat-sponsored amendments and one is a Republican-sponsored amendment. The only amendments not made in order were either because of a lack of germaneness and/or they were duplicative in nature or the subject of other amendments.

H.R. 1734 has come to the floor under regular order. The applicable subcommittee held two hearings specifically on this bill and held an additional six hearings on the subject of Federal property consolidation. The subcommittee held a markup and subsequently passed the bill out by voice vote. The full committee also held a markup during which several amendments were considered before the bill was reported out of committee. Further, H.R. 1734 enjoys a bipartisan list of cosponsors.

The Civilian Property Realignment Act enjoys bipartisan support because it tackles an inherently bipartisan issue: making government work more efficiently in order to better safeguard taxpayer dollars.

The Federal executive branch agencies hold an extensive real property portfolio that includes 429,000 buildings and over 1 million total properties. In fact, the Federal Government is the largest owner and manager of real estate in our country.

The Office of Management and Budget in 2007 estimated that the Federal

Government is holding \$18 billion in sums of money. The Government Acreal property that it does not need. If we sold all excess Federal properties, the resulting proceeds could approach \$15 billion, on top of the annual savings reaped from reduced maintenance and operating costs.

These properties have been accumulated by the agencies over time and in many cases these agencies' missions have evolved over that period. As missions change, so agencies' needs also change. As a result, many properties that were once crucial have become less useful, or in some cases unneeded altogether.

According to the Congressional Research Service, in fiscal year 2009—the most recent data available—the government held 10,327 unneeded buildings and spent \$134 million annually to maintain them. According to Office of Management and Budget testimony delivered before Congress, the Federal Government has approximately 55,000 properties classified as "underutilized." It costs taxpayers nearly \$1.7 billion annually to operate underutilized Federal buildings, according to the Government Accountability Office.

H.R. 1734 would establish an independent commission to make recommendations to Congress to better manage the inventory of Federal civilian real property. The commission, consisting of eight members appointed by the President, would report annually on its findings. Under the bill. within 6 months of enactment the commission would identify and recommend to the President and Congress the sale of at least five high-value Federal properties with an estimated fair market value of at least \$500 million. Both the President and Congress would have the opportunity to approve or disapprove of these recommendations. The President could transmit recommendations from the commission, with or without his approval, to Congress, where an up-or-down vote would take place under an expedited procedure.

H.R. 1734 is modeled after the base realignment and closure—BRAC—process and would require an examination of Federal civilian real properties across government, used and unused, and make decisions based on the best return to the taxpayer. Military installations, properties deemed essential for reasons of national security, and national parks are not subject to the commission's jurisdiction.

The cost-saving initiative would achieve a reduction in the size of the Federal Government real property inventory by selling or redeveloping underutilized properties, increasing the utilization rates of existing properties, and expediting the disposal of surplus properties.

Given the vast real estate holdings of the Federal Government, poor asset management and missed market opportunities cost the taxpayers significant

countability Office has placed real property management on its list of "high risk" governmental activities, citing excess and underutilization of real property, deteriorating and aging facilities, unreliable data, and overreliance on costly leasing.

H.R. 1734, the Civilian Property Realignment Act, seeks to reduce the Federal Government's footprint, increase efficiency, and ultimately enhance stewardship of hard-earned taxpayer dollars. It isn't just about closing buildings. It's about looking at the taxpayers' assets and deciding whether or not they are being efficiently utilized. Given the realities of the current economy, this is the same type of belttightening taking place all over our Nation right now. It's time for our government to start leading by example.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote "yes" on both the rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank my colleague from Florida for yielding me the customary 30 minutes, and I vield myself such time as I may consume.

I rise in opposition to the structured rule. While the unemployment numbers are now at their lowest point in 3 years, the American people know that our economy is still teetering. That's why it's important for Democrats and Republicans to come together around commonsense proposals.

This underlying bill, the Civilian Property Realignment Act, stemmed from President Obama's proposal in his FY 2012 budget, and I'm glad that Congress is beginning its deliberative process on this important issue.

Currently,  $\bar{t}he$  Federal Government owns and manages over 1 million Federal buildings and structures-including many in my home State of Colorado-which costs over \$20 billion a year annually to operate and maintain. This bill seeks to ensure our government is a better steward of taxpaver dollars by improved utilization and management of surplus properties and the elimination and monetization of unnecessary assets to reduce our deficit

Building on President Obama's proposal contained in his FY 2012 budget, this bill sets up a process to consolidate, sell, or exchange Federal Government assets it no longer needs. Sounds like common sense, but it hasn't been done yet. As the President identified, an estimated 14.000 buildings and structures are currently designated as excess properties. In essence, this legislation attempts to do with Federal Government property what the Department of Defense has successfully already done with its base closure and realignment program—BRAC—for military installations, an attempt to remove politics from the process so that effectively our Federal holdings can be streamlined and that money can be raised from properties that are no longer necessary for the operations of the Federal Government.

To accomplish this goal, this legislation sets up an independent Civilian Property Realignment Commission, which would recommend which Federal properties should be consolidated, sold, exchanged or redeveloped. The commission's downsizing recommendations would be subject to approval by the President and then by Congress before they could be implemented en masse.

The underlying legislation should be a strong bipartisan bill. Unfortunately, there are a number of last-minute considerations which are causing some contention between the two parties. And I understand that some language has been added, including contentious riders that were added without a hearing or a meeting of the Democratic side

The current language, therefore, includes some offensive provisions that will jeopardize support on my side of the aisle, including a measure that would change Federal law to eliminate the preference homeless shelters receive, as well as a provision that waives compliance with the National Environmental Policy Act, or NEPA, part of the ongoing Republican agenda to gut environmental protections, but in this case, a policy waiver that has nothing to do with trying to manage our Federal property.

The Federal public comment process needs to be in place when assets are transferred because they have important roles in communities. Whether it's urban, suburban, or rural, our comment process is a critical piece of ensuring that all stakeholders are taken into account. If there's a flaw with the NEPA comment process, or NEPA, fix it elsewhere, but not in the context of a bill that's supposed to streamline Federal Government holdings and allow us to sell off excess property.

Another problem with this bill is that the new programs funded under this bill are not funded. The nonpartisan Congressional Budget Office estimates that this bill would cost \$68 million over the next 5 years. Now, some on the other side might argue that \$68 million isn't much money, but as a matter of principle it should have an offset. This violates the CutGo protocols and is an example of the majority spending money without saying where it's going to come from. So to be clear, this bill in its current form would increase our deficit by \$68 million. I think it would be relatively easy, in a bipartisan manner, to figure out where we can find \$68 million elsewhere in the budget to offset this so it doesn't go directly to the deficit.

In addition, the rule before us restricts the number of amendments to be considered and limits debate. During the Rules Committee last week, Democrats asked for an open rule so that all Members could offer amendments. A majority on that committee rejected an open process in favor of this restrictive rule.

#### □ 1730

The ranking member of the House Oversight Committee, Representative CUMMINGS, offered an amendment to ensure provisions of the Homeless Assistance Act would continue to apply. This was a germane amendment that would be allowed on the floor if this were an open rule, and yet it is blocked by this restrictive process.

That's one example of an amendment that was actually brought to the Rules Committee and dismissed by the majority. But what if this debate inspires a Member to offer other practical, commonsense amendments, including offset ideas to ensure that this doesn't increase our deficit?

Under this process before us, that Member's amendment will not be allowed, no matter how good or how bipartisan or how universal the support is for that amendment. Therefore, I urge a "no" vote on the rule.

I reserve the balance of my time.

Mr. WEBSTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Speaker, I rise in support of H.R. 1734. This has been a bipartisan bill all the way through. It's something we've worked on for well over a year now, including having the President, OMB and the administration working directly with us on this bill. It is something that is important for the American taxpayer.

We have enough partisan divide here. To be able to find something that cuts waste, something that brings in revenue without raising taxes, and just a more efficient way of doing business is something that both Republicans and Democrats should agree on.

But certainly politics enters into many different situations. As of Friday, we had a bipartisan agreement. I was willing to accept all of the various amendments, including the amendment to NEPA, including the homeless amendment.

We've accepted the amendments on several different occasions. First, it was a \$2 million exemption for homeless to be able to grab a \$2 million piece of property. Then it was renegotiated to \$3 million, and then five million. Why the homeless would need a \$5 million piece of property is beyond me. But in the sense of bipartisanship, we were willing to agree to that.

So that amendment is still on the floor today. We still accept that amendment. We stand by our word. But the other side has decided to interject politics into this, and we will see how that works out in the future.

But the last issue I wanted to just touch on was clarifying an important point about the savings of this bill. This will generate significant savings, but I just wanted to touch on how CBO scores those savings.

First, the bill authorizes \$20 million for the commission itself, just to set up a commission, and \$62 million to fund relocation or cleanup costs that may be needed if one of these properties actually has some occupants in them. This \$82 million is subject to appropriations and requires Congress to approve a future appropriation.

Second, within the first 180 days the bill requires the commission to recommend at least five properties worth a minimum of \$500 million for sale.

When CBO scored this provision in the reported version of the bill, CBO said it would save at least \$160 million in the first 5 years. This requirement to sell at least \$500 million in property is still in the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBSTER. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. DENHAM. However, since the bill was modified to require the approval of Congress before it can be implemented, CBO now says the savings will be scored on the future approval resolution, and not in this bill before us today. The savings that will be generated by this commission still exist. This will be scored at a later date.

Only in Washington, DC can you get rid of properties, get rid of the cost of maintaining these properties, have billions of dollars in revenue, actually create jobs in the redevelopment and sale of the properties and still be able to argue against the savings.

Mr. POLIS. I would inquire if the gentleman from Florida has any remaining speakers.

Mr. WEBSTER. Mr. Speaker, we have no other presenters. We are ready to close.

Mr. POLIS. I will yield myself the balance of my time.

Mr. Speaker, I know that significant issues still remain with the Civilian Property Realignment Act in its current form. The gentleman discussed the potential savings from this bill.

To be clear, this is a transfer of items that are already in the asset column of the Federal Government. It's not the creation of new value or new money out of nothing. It simply turns assets into cash.

We need cash. We have a large deficit to cover. It makes sense to sell excess properties, but this money doesn't come from nowhere. Once those properties are sold, those will no longer be on the ledgers of the Federal Government.

Now, it does save significant operating capital and maintenance of these unnecessary properties; but, again, I

think common sense would indicate that if the commission costs \$20 million to set up, with the various people involved with this process, we should specify where that money is coming from in the bill. And I think that there would be a way to do that on a bipartisan basis.

Given all the concerns that remain with this bill regarding how it's paid for, the homeless situation, and the NEPA, the environmental review protections, we should be engaging in an open process, not one that limits and shuts down debate.

The American people are frustrated that this Congress refuses to consider bipartisan-supported balanced bills that would stimulate job growth in our country and restore fiscal responsibility.

We can only reignite the American Dream and reinvigorate our economy by strengthening the middle class and encouraging innovation. President Obama has introduced a package to spur small business growth and startups, which includes many of the proposals previously offered by Members on both sides of the aisle with bipartisan support. And yet, to the dismay on many on my side of the aisle, this Congress has yet to consider these measures that will strengthen the middle class and help small business grow.

I do applaud the majority for beginning to take up the process that President Obama has put forth in his fiscal year 2012 budget of selling off excess Federal property. There just remain a few I's to dot and a few T's to cross to ensure that this important piece of legislation can garner the support of the bipartisan majority in this body.

There remains much work to be done on the large issues, including enacting a comprehensive jobs plan, extending the payroll tax cuts and unemployment insurance, ensuring seniors have access to their doctors under Medicare, comprehensive tax reform, and putting our fiscal house in order by passing a bold and balanced plan to reduce the deficit.

Selling off excess Federal assets and making sure that the Federal Government doesn't own or have to maintain or operate more than we need to is a small, but critical, piece of the overall equation. This Congress has the opportunity to get it right through a deliberative process.

But because the majority has restricted debate on the underlying bill, I cannot support this rule, and I urge my colleagues to join me in voting "no" on the rule.

I yield back the balance of my time. Mr. WEBSTER. Mr. Speaker, I yield myself the balance of the time.

The cost of real property to the Federal Government—costs are significant, and most agencies do not have the incentives to minimize those costs. Properties sit vacant and woefully underutilized, not only costing taxpayers billions of dollars, but often are eyesores

in the local communities, and steal property away from the ad valorem revenues of local communities.

Even so, despite the current budget climate, many agencies continue to seek more space than is necessary, reducing efficiency and increasing cost. Better management of Federal property presents an opportunity to reduce expenditures and increase revenues.

H.R. 1734 is a bipartisan measure. It seeks to address a problem that has become a hallmark of our bloated, inefficient Federal bureaucracy. H.R. 1734 is intended to bring an independent process outside the bureaucratic red tape to management of real property owned by the Federal Government. It will reduce waste, increase efficiency Federal Government, the and of produce significant savings for the taxpayer.

With deficits over \$1 trillion in the Federal Government, we simply can't afford to sit on money-losing properties and empty Federal buildings any longer. I ask my colleagues to join me in voting in favor of the rule and passage of the underlying bill.

I vield back the balance of my time. and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The

question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the aves appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 38 minutes p.m.), the House stood in recess.

## □ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following

H. Res. 537, by the yeas and nays; Motion to suspend the rules on H.R. 1162, de novo.

Dreier

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

### PROVIDING FOR CONSIDERATION OF H.R. 1734, CIVILIAN PROPERTY REALIGNMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 537) providing for consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes, on which the yeas and nays were ordered

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 155, not voting 44, as follows:

#### [Roll No. 34]

YEAS-233 Duncan (SC) Adams Kellv Duncan (TN) Aderholt King (IA) King (NY) Akin Ellmers Alexander Emerson Kissell Amash Farenthold Kline Amodei Fincher Labrador Austria Fitzpatrick Lamborn Flake Bachmann Lance Bachus Fleischmann Landry Lankford Barletta Fleming Flores Bartlett Latham Barton (TX) Forbes LaTourette Fortenberry Bass (NH) Latta Lewis (CA) Benishek Foxx Franks (AZ) Berg LoBiondo Biggert Frelinghuysen Long Gallegly Lucas **Bilirakis** Gardner Luetkemever Bishop (UT) Garrett Lummis Lungren, Daniel Gerlach Blackburn Gibbs  $\mathbf{E}$ Manzullo Bono Mack Gibson Boren Gingrey (GA) Marino Boustany Gohmert. Matheson Brady (TX) Goodlatte McCarthy (CA) McCaul Brooks Gosar Broun (GA) McClintock Gowdy Buchanan Granger McCotter McHenry Bucshon Graves (GA) Burgess Graves (MO) McIntvre Burton (IN) Griffin (AR) McKeon Calvert Griffith (VA) McKinley Camp Grimm McMorris Canseco Guinta Rodgers Cantor Guthrie Meehan Hall Capito Mica Miller (FL) Carter Hanna Cassidy Harper Miller (MI) Miller, Gary Chabot Harris Mulvaney Murphy (CT) Chaffetz Hartzler Hastings (WA) Coble Coffman (CO) Havworth Murphy (PA) Cole Heck Myrick Hensarling Neugebauer Conaway Costa Noem Herger Cravaack Herrera Beutler Nugent Crawford Huelskamp Nunes Crenshaw Huizenga (MI) Nunnelee Hultgren Culberson Olson Davis (KY) Hunter Palazzo Denham Hurt Paulsen Dent Issa Pearce DesJarlais Jenkins Petri Johnson (OH) Diaz-Balart Pitts Johnson, Sam Platts Dold

Jones

Jordan

Pompeo

Posev

Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rokita Ros-Lehtinen Roskam Ross (AR) Ross (FL) Royce Runyan Ryan (WI) Scalise

Baca

Capps

Chu

Clay

Cohen

Dicks

Eshoo

Schilling Schmidt Schock Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (NE) Smith (NJ) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan Terry Thompson (PA) Thornberry

Tiberi Tipton Turner (NY) Turner (OH) Upton Walberg Walden Walsh (IL) Webster West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Yoder Young (FL) Young (IN)

#### NAYS-155

Ackerman Farr Altmire Fattah Andrews Frank (MA) Fudge Baldwin Garamendi Barrow Gonzalez Bass (CA) Green, Al Becerra Green, Gene Berkley Hahn Hanabusa Berman Bishop (GA) Hastings (FL) Bishop (NY) Heinrich Blumenauer Higgins Boswell Himes Brady (PA) Hinchey Braley (IA) Hinojosa Brown (FL) Hirono Butterfield Hochul Holden Capuano Holt. Honda Carnahan Carney Hoyer Carson (IN) Israel Jackson (IL) Castor (FL) Chandler Jackson Lee (TX) Cicilline Johnson (GA) Clarke (MI) Johnson, E. B. Clarke (NY) Kaptur Keating Cleaver Kildee Kind Connolly (VA) Kucinich Langevin Larsen (WA) Cooper Costello Courtney Larson (CT) Critz Crowley Lee (CA) Levin Cuellar Lewis (GA) Loebsack Lofgren, Zoe Cummings Davis (CA) Davis (IL) Luján DeFazio Malonev DeGette Markev DeLauro Matsui McCarthy (NY) Deutch McCollum Dingell McDermott McGovern Doggett Donnelly (IN) Michaud Doyle Miller, George Edwards Moore Napolitano

Olver Pallone Pastor (AZ) Pelosi Perlmutter Peters Peterson Pingree (ME) Polis Price (NC) Quigley Rahall Rangel Richardson Richmond Roybal-Allard Ruppersberger Rush Ryan (OH) Sánchez, Linda Sanchez Loretta Sarbanes Schakowsky Schiff Schrader Schwartz Scott (VA) Scott, David Serrano Sewell Sherman Slaughter Speier Stark Sutton Thompson (CA) Thompson (MS) Tierney Tonko Tsongas Velázquez Visclosky Walz (MN) Wasserman

## NOT VOTING-

Lipinski

Lowey

Lynch

Mack

Moran

Nadler

Nea1

Paul

Pavne

Owens

Pascrell

Bonner Buerkle Campbell Cardoza Clyburn Conyers Ellison Engel Filner Grijalva Gutierrez Inslee Johnson (IL) Kingston Kinzinger (IL)

Pence Poe (TX) Price (GA) Reves Marchant Rohrabacher McNerney Rooney Meeks Miller (NC) Rothman (NJ) Shuler Sires Smith (WA) Towns Van Hollen Yarmuth Young (AK)

Schultz

Waters

Waxman

Wilson (FL)

Watt

Welch

Woolsey

 $\sqcap$  1856

Mr. BISHOP of New York, Ms. WASSERMAN SCHULTZ, Mr. SHER-MAN, Ms. HAHN, Ms. HOCHUL, Messrs. RUPPERSBERGER and McDERMOTT changed their vote from "yea" to "nay."

Mr. BOREN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 34, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 658) "An Act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.".

## QUILEUTE TRIBE TSUNAMI PROTECTION ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1162) to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes, as amended

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and navs.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 7, not voting 44, as follows:

#### [Roll No. 35] YEAS—381

Ackerman

Adams

Akin

Aderholt

Alexander

Altmire

Amodei

Andrews

Austria

Bachus

Baldwin

Barletta

Barrow

Bartlett

Barton (TX)

Bass (CA)

Bass (NH)

Becerra.

Berkley

Berman

Biggert

Bilbray

Bilirakis

Bishop (GA)

Bishop (NY)

Bishop (UT)

Black Blackburn

Blumenauer

Bono Mack

Boren

Boswell

Boustany

Brady (PA)

Brady (TX)

Braley (IA)

Broun (GA)

Brown (FL)

Burton (IN)

Butterfield

Buchanan

Bucshon

Burgess

Calvert

Canseco

Cantor

Capito

Capps

Capuano

Carnahan

Carson (IN)

Castor (FL)

Carney

Carter

Cassidy

Chabot

Chaffetz

Chandler

Cicilline

Clarke (MI)

Clarke (NY)

Coffman (CO)

Connolly (VA)

Chu

Clav

Coble

Cohen

Conaway

Cooper

Costello

Courtney

Cravaack

Crawford

Crenshaw

Crowley

Cuellar

Culberson

Cummings

Davis (CA)

Davis (IL)

Davis (KY)

DeFazio

(TX)

Jenkins

Johnson (GA)

Johnson (OH)

Pitts

Platts

Pompeo

Polis

Critz

Costa

Cole

Cleaver

Camp

Brooks

Berg

Benishek

Bachmann

Baca

DeLauro Johnson, E. B. Denham Johnson, Sam Dent Jones DesJarlais Jordan Deutch Diaz-Balart Kaptur Keating Kelly Dicks Dingell Kildee Doggett Kind King (IA) Dold Donnelly (IN) King (NY) Dovle Kissell Dreier Kline Duffy Kucinich Duncan (SC) Labrador Lamborn Duncan (TN) Edwards Lance Landry Ellmers Emerson Langevin Eshoo Lankford Farenthold Larsen (WA) Larson (CT) Farr Fattah Latham LaTourette Fincher Latta Lee (CA) Fitzpatrick Flake Fleischmann Levin Lewis (CA) Fleming Flores Lewis (GA) Forbes LoBiondo Fortenberry Loebsack Lofgren, Zoe Foxx Frank (MA) Long Franks (AZ) Lucas Luetkemeyer Frelinghuysen Fudge Luján Gallegly Lummis Garamendi Lungren, Daniel Gardner Garrett Maloney Gerlach Manzullo Marino Gibbs Gibson Markey Gingrey (GA) Matheson Gohmert Matsui McCarthy (CA) Gonzalez Gosar McCarthy (NY) Gowdy McCaul McClintock Granger Graves (GA) McCollum Graves (MO) McCotter McDermott Green, Al Green, Gene McGovern Griffin (AR) McHenry Grimm McIntyre Guinta Guthrie McKinley Hahn McMorris Hall Rodgers Hanabusa. Meehan Hanna Mica Michaud Harper Harris Miller (FL) Hartzler Miller (MI) Hastings (FL) Miller, Gary Hastings (WA) Miller, George Hayworth Moore Mulvaney Heck Murphy (CT) Heinrich Murphy (PA) Hensarling Myrick Herger Herrera Beutler Napolitano Higgins Neugebauer Himes Noem Hinchev Nugent Hinojosa Nunes Hirono Nunnelee Olson Hochul Holden Olver Holt Honda Pastor (AZ) Hoyer Paulsen Huelskamp Pearce Pelosi Hultgren Perlmutter Hunter Israel Peters Issa Peterson Petri Jackson (IL) Pingree (ME) Jackson Lee

Scalise Price (GA) Schakowsky Price (NC) Schiff Quayle Schilling Quigley Schmidt Rahall Schock Rangel Schrader Reed Schwartz Rehberg Schweikert Reichert Scott (SC) Renacci Scott (VA) Ribble Richardson Richmond Rigell Serrano Rivera Sessions Roby Roe (TN) Sewell Sherman Shimkus Rogers (AL) Rogers (KY) Shuster Rogers (MI) Simpson Rokita Slaughter Ros-Lehtinen Smith (NE) Roskam Smith (NJ) Ross (AR) Smith (TX) Ross (FL) Southerland Royce Speier Runyan Stark Runnersberger Stearns Rush Stivers Ryan (OH) Stutzman Rvan (WI) Sullivan Sánchez, Linda Sutton T. Terry Sanchez, Loretta Sarbanes

Thompson (PA) Thornberry Tiberi Tierney Tipton Tonko Tsongas Turner (NY) Turner (OH) Upton Velázquez Scott, Austin Visclosky Scott, David Walberg Sensenbrenner Walden Walsh (IL) Walz (MN) Wasserman Schultz Waters Waxman Webster Welch West Westmoreland Whitfield Wilson (FL) Wilson (SC) Wittman Wolf Womack Woolsey Yoder Thompson (CA) Young (FL) Thompson (MS) Young (IN) NAYS-Huizenga (MI) Woodall

Amash Huizenga ( Goodlatte Hurt Griffith (VA) Palazzo

## NOT VOTING-44

Lipinski Bonner Pence Buerkle Lowey Poe (TX) Campbell Lvnch Reves Cardoza Mack Rohrabacher Clyburn Marchant Rooney Conyers McNerney Rothman (NJ) Ellison Meeks Miller (NC) Roybal-Allard Engel Shuler Filner Moran Sires Grijalva Nadler Smith (WA) Gutierrez Nea1 Towns Inslee Owens Van Hollen Johnson (IL) Pascrell Yarmuth Kingston Paul Young (AK) Kinzinger (IL) Pavne

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remain-

ing.

#### □ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 35, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

### PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Monday, February 6, 2012, I had a previously scheduled meeting with business leaders in Champaign County, Illinois. As a result, I am unable to attend votes this evening. Had I been present, I would have voted "aye" on H.R. 1162, the New York City Natural Gas Supply Enhancement Act; "aye" on H.R.

1162, to provide the Quileute Indian Tribe Tsunami and Flood Protection Act; and "aye" on the H. Res. 537, the Rule providing for consideration of H.R. 1734, the Civilian Property Realignment Act.

### PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I missed the two rollcall votes today.

Had I been present, I would have voted "nay" on rollcall vote No. 34, on H. Res. 537—Rule providing for consideration of H.R. 1734—Civilian Property Realignment Act. Additionally, had I been present, I would have voted "aye" on rollcall vote No. 35, on H.R. 1162-To provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other nurnoses.

REPORT ON RESOLUTION PRO-VIDING FOR CONSIDERATION OF H.R. 3581, BUDGET AND ACCOUNT-ING TRANSPARENCY ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-388) on the resolution (H. Res. 539) providing for consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes, which was referred to the House Calendar and ordered to be printed.

### CIVILIAN PROPERTY REALIGNMENT ACT

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1734.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 534 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1734.

### $\sqcap$ 1903

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, with Mr. WOODALL in the chair.

The Clerk read the title of the bill. The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. DENHAM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

from California.

Mr. DENHAM, Mr. Chairman, I vield myself such time as I may consume.

The purpose of H.R. 1734 is to shrink the Federal real property footprint and save billions of taxpayer dollars by selling what we don't need and better utilizing what we keep. In fiscal year 2009 alone, the Federal Government wasted more than \$1.7 billion in operating underused properties. Unfortunately, under existing law, solving this problem is not easy—the process is too cumbersome and congested with red tane.

The administration has tried but has realized it cannot achieve major savings without reform. As a result, H.R. 1734 includes a bipartisan solution to this problem—establishing a civilian BRAC-like process. However, unlike BRAC, the purpose of H.R. 1734 is to save money, and the commission would have to recommend actions that would result in net savings. The administration believes there are several billion dollars worth of high-value properties that could be sold quickly, and I agree with their assessment. Federal real property has been on GAO's high-risk list for nearly a decade now, and our committee, which oversees public buildings, has seen the waste firsthand.

The amended bill creates a ninemember commission that would review Federal properties and recommend specific actions to reduce the Federal building inventory and, more efficiently, house Federal employees. The commission could recommend property sales, consolidations, redevelopments, or other property actions. The bill does not apply to military bases, national parks and recreation areas, or a variety of other Federal properties. The administration would have 30 days to reject the recommendations or forward them to Congress for an up-or-down vote. If approved, agencies would be required to implement them.

In conclusion, let me say that both Republican and Democrat administrations have tried to work within the system to get rid of unneeded Federal property and have failed. Both parties know the process is broken and have proposed an independent BRAC-like commission to solve the problem. I believe this bill is a big step in the right direction, and I thank you for your consideration.

I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 1734, the Civilian Property Realignment Act.

Both Democrats and Republicans agree that we need a system to dispose of and consolidate excess Federal property. I have worked diligently with the chairman for such a bill for most of this year. However, the bill before us does not reflect the bipartisan compromise I agreed to. Moreover, I have

The Chair recognizes the gentleman just learned that the President also opposes the bill, and apparently, it does not even reflect a compromise among Republicans.

I opposed this bill in the Transportation and Infrastructure Committee, and it passed on a party-line vote. The bill before us today is essentially the same bill that I opposed at the Transportation and Infrastructure Committee markup. Shortly after that markup, the Oversight and Government Reform Committee, on which I also serve, approved a bipartisan alternative bill by voice vote, which I supported because it did not have the issues I have with the bill before us today.

Why was the Transportation and Infrastructure bill rushed to the Rules Committee on Friday and quickly brought to the floor today?

Why didn't we take the time to craft a bill that could pass the House with bipartisan support and that could stand a chance to pass in the Senate?

#### □ 1910

Most importantly, Mr. Chairman, why isn't the bipartisan bill that I agreed to before us on the floor this evening? When I testified before the Rules Committee on Friday, I indicated that I would support the bill if the protections in existing law for the environment and the homeless were included in the bill. These protections are not included in the bill.

The Rules Committee reported out a bill with no self-executing amendments. Instead, they made several amendments-including mine-in order for full consideration. I could have done that all along. There are no assurances whatsoever that my amendments would be adopted on this floor. The only way to ensure that my amendments were included in the bill would have been for the Rules Committee to have adopted a rule that made my amendments self-executing and, therefore, a part of the bill before us today.

I will not stand here today to support a bill I've consistently opposed at Transportation and Infrastructure Committee markups on a hope and prayer that my amendments would have been adopted on the floor. I will not offer, as amendments, provisions I had every reason to expect would have been a part of the bill reported out of the Rules Committee. To offer my amendments separately is to greatly risk their defeat while the bill before us, which I oppose, still passes. I will not be used to give bipartisan cover to this bill or to paper over a divide among Republicans.

The subcommittee that I serve on had two excellent hearings on the creation of the Civilian Property Realignment Commission. I support the original bipartisan idea of assembling a Civilian Property Realignment Commission, but there are several portions of H.R. 1734 before us on the floor right now that do not reflect a revised bipartisan bill. I have consistently attempted to make the needed changes to this bill, and they were unacceptable at the full committee markup and then at Rules, where my changes were not incorporated into the bill on this floor today.

As subcommittee ranking member, I was not informed that if I wanted the changes in the bill, I would have to offer my amendments separately on the floor. Who would have agreed to that as a bipartisan compromise?

I have been consistent in offering amendments to this bill to eliminate the waiver of the National Environmental Policy Act, or NEPA, and the inclusion of a review of excess Federal property for homeless service providers and other public benefit conveyances by the Civilian Property Realignment Commission that would have been created by this bill.

Curiously, the chairman now brings to the floor his own amendment concerning homeless providers which mirrors the homelessness section of the amendment assigned to me, but he does not include in his amendment the NEPA provision section of my amendment to which he and I agreed in order to reach a compromise.

The bill, as it stands, severely limits the review of Federal property for a possible transfer to homeless providers and other public benefit conveyances by the Civilian Property Realignment Commission. By bypassing McKinney-Vento in the disposal process, the bill unnecessarily reduces the pool of Federal properties available for transfer to homeless service providers. In these difficult times, extinguishing the right of first refusal for homeless providers would be a severe blow to a sector that has already had to contend with a huge downturn in charitable giving during the recent recession. The experience, moreover, with homeless service providers is that they take only the smallest properties. And I had already agreed to shorten the time period for providers to claim properties.

Secondly, the bill, as reported, would waive the application of the National Environmental Policy Act to some actions of the commission which I have always strongly opposed. Section 18(b) waives compliance with NEPA for the actions of the President, the commission, or any Federal agency when considering any of the commission's recommendations, except during the process of property disposal and during the process of relocating functions from a property being disposed of or realigned to another location.

It is important to carefully conduct the environmental review on any decision to close, relocate, or reconfigure a Federal facility in time for the commission to consider the full implications of its actions. The current language precludes a full review of the actions until after the decision to sell or dispose of a piece of Federal property has already been made. This problem could have easily been fixed by including language that required agencies to submit information about the environmental conditions of a building and any information that the agency might have had about the potential impacts to the environment if a property was disposed of, consolidated, or redeveloped. Therefore, I must oppose the bill before us, and I urge opposition until a bipartisan base bill reflecting the issues I have discussed is presented on the floor.

Mr. Chairman, I reserve the balance of my time.

Mr. DENHAM. Mr. Chairman, just to quickly respond, let me first say thank you to the ranking member of the subcommittee. We have worked on this bill for a year. We agreed on language. We accepted the administration's language and worked with OMB on making sure that this was a bill that not only passed with bipartisan support but was something that the Senate would welcome and the President would sign. So it's been a good year. We've worked very well together, I think, on the issue up until this point.

And I know that it became somewhat contentious in committee because we had several different properties listed in the bill to help pay for and make sure that this was a pay-as-you-go bill. We pulled those out in an effort to create bipartisanship and to make sure that those issues that the other side of the aisle wanted addressed were addressed, but we went a step further.

As the ranking member of the committee asked for several different amendments, we agreed to those amendments. The environmental issue, we agreed to her amendment. Even though OMB had suggested that they didn't want lawsuits to apply, we went ahead and, in a sense of bipartisanship, wanted to agree to the ranking member's amendment on this. As well, the homeless, we agreed to a \$2 million exemption to make sure the homeless were well taken care of. That was changed to \$3 million. We agreed to that. It was changed to \$5 million. We agreed to that as well, even though I can't imagine the homeless wanting to utilize a \$5 million piece of propertyit seems somewhat excessive—but in a true spirit of bipartisanship, we agreed.

I keep my word. I will continue to support the ranking member's amendment on the floor today. As well, I have included it in my amendment. I stand by my word, and I hope others on this floor would do the same.

At this time, Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Shuster), the former chairman of the subcommittee.

#### □ 1920

Mr. SHUSTER. I thank the gentleman from California for yielding.

I do stand here as the former chairman of the Economic Development, Public Buildings and Emergency Management Subcommittee who served alongside the distinguished delegate from the District of Columbia. For the years I was chairman, we worked very well together, and so it is a great disappointment that I come to the floor tonight when we thought we had an agreement. If fact, we did have an agreement. The chairman of the subcommittee and the chairman of the full committee were willing to accept the gentlelady's amendment and put it in the bill. But yet here we are today turning this into a partisan bill, which as I said is very disappointing. She said she couldn't come to the floor just on hope. She had more than hope; she had the word of the chairman of the subcommittee and the word of the chairman of the full committee.

So I am here tonight in strong support of the Civilian Property Realignment Act. There are immediate savings: a savings up to \$1 billion a year this year alone, and \$15 billion over the next 10 years. It reduces the size of government. The commission was tasked with literally reducing the Federal footprint.

And as we know, we have an example right down on Pennsylvania Avenue. The Old Post Office building is going to be put up for a long-term lease. We've got some of the premier hotel operators in the world that want to turn that into a first-rate premier hotel right on Pennsylvania Avenue. Whether it's the Waldorf Astoria or the Marriott or the Trump organization, they all want to take that and immediately turn it into a premier hotel. There will be construction jobs, jobs working in the hotel for the long term, so it's really unfortunate that this bill is going to be made partisan this evening.

The bill establishes a real property commission, a nine person Civilian Property Realignment Commission that will serve to consolidate the footprint, maximize the utilization rate of Federal buildings and facilities, reduce the reliance on costly leased space, sell or redevelop high-value assets that are underutilized—as we talked about, the old Post Office Building. It reduces the operating and maintenance costs of civilian real properties Federal through the realignment of other real properties. It reduces redundancy, overlap, and costs associated with field offices. It creates incentives for Federal agencies to achieve greater efficiency in the inventories of real property the Federal Government has. It facilitates and expedites the sale or disposal of unneeded civilian properties. And it assists Federal agencies in achieving the government's sustainability goals by reducing excess space, inventory, energy consumption, as well as by leveraging new technologies.

As the former chair of this committee, I held hearings about the Federal courthouses. We have overbuilt Federal courthouses in many places in this country for years. For years we've done that. This is going to take a step in reducing what we've been doing and consolidating and doing things that are appropriate and proper to save the tax-payers' money.

It takes the politics out of the process. It provides for expedited review and up-or-down consideration of the commission's recommendations, just like the BRAC process.

Congress would have the opportunity to disapprove of the committee's recommendations en bloc only, not in piecemeal, which is ensuring that politics will be removed from this process.

It provides for a one-time appropriation of \$82 million to fully offset from the GSA's building and acquisition amount, after which proceeds from the sale will be used to repay the Treasury.

The CHAIR. The time of the gentleman has expired.

Mr. DENHAM. I yield the gentleman another 1 minute.

Mr. SHUSTER. I thank the gentleman.

It deals exclusively with public properties—military installations, properties deemed essential for reasons of national security, and national parks are not subject to this jurisdiction.

Again, I come to the floor tonight with deep disappointment in the ranking member, who for so many years has worked in a bipartisan way on this subcommittee. Text was available since December, so it's no surprise. The subcommittee chairman and full committee chairman agreed to accept her amendment in its entirety, and most importantly, and something that's lacking in Washington today and lacking in Congress, is people not keeping their word, and the chairman of the subcommittee is keeping his word, which is extremely important in this whole process.

I urge all of my colleagues to support H.R. 1734, the Civilian Property Realignment Act.

 $\dot{M}s.$  NORTON. Mr. Speaker, I yield myself 2 minutes.

I hope the gentleman is not implying that I do not keep my word, and let me be clear what my word was. I gave my word that I would support a bipartisan bill, not that I would support the opportunity to offer amendments on the floor.

The gentleman knows quite well that the NEPA amendment is an amendment that his side generally does not support. Let me be plain. They generally don't support NEPA. The reason that the gentleman was willing to somehow come forward with what would appears to be a redundant amendment on homelessness—since mine already had homelessness in it—is because he wanted to separate him-

self from the NEPA amendment, and he knows full well that I would never support his bill without the NEPA provisions that I have spent months—months—changing.

This is a tragic collapse of what had been a bipartisan process until we went to the Rules Committee, when somebody made it clear, when somebody made it clear-and I don't know who it was—that this bill could be brought forward, the very bill I voted against, leaving it to this Member to take her chances that the other side of the aisle would support an amendment of the kind they have resolutely refused to support on the floor but that she believed that because a compromise had been worked out with the chairman, they might on this occasion support. I keep my word as well.

I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentlelady for yielding to me, Mr. Speaker, and I rise in opposition to H.R. 1734, the Civilian Property Realignment Act.

Although I support the efforts to improve the process used to dispose of Federal property, I believe in its current form this legislation inappropriately limits the access that service providers for the homeless have traditionally had to surplus Federal property.

Current law requires that all Federal surplus properties be considered for use by entities that provide assistance for the homeless. This legislation would create a BRAC-like commission to dispose of unused Federal property, and would require a majority vote of this commission before any specific property could be considered for homeless assistance.

This provision is misguided and should have been eliminated before this legislation reached the floor. I submitted to the Rules Committee a commonsense amendment that would have fixed this problem. My amendment would have ensured that section 501 of the McKinney-Vento Homeless Assistance Act, which provides for the discounted conveyance of surplus Federal property to homeless assistance providers, would continue to apply to all properties approved for disposal by the commission established by H.R. 1734.

Unfortunately, my amendment was not made in order. There is no evidence that the current process for reviewing properties for use by homeless assistance providers has slowed property disposals. Indeed, more than 14,000 properties have completed Title V reviews and remain on the government's books awaiting disposal.

According to the National Center on Family Homelessness, the number of homeless children in America increased by more than 448,000 from 2007 to 2010 due to the financial crisis. Approximately 1.6 million children—1 in

45 children—were homeless in 2010, a 38 percent increase over the level of child homelessness in 2007.

With access to surplus Federal properties, homeless assistance providers can provide housing, support services, and employment assistance to help the homeless get back on their feet. We should not make careless alterations to the McKinney-Vento program.

I understand the gentlelady from the District of Columbia plans to offer an amendment that would require the Secretary of the Department of Housing and Urban Development to apply section 501 of McKinney-Vento to the extent practicable. If she does, I would support that.

This is a step in the right direction, and I commend her efforts. But there should be no limitations on the size and value of the properties that should be subject to review for potential use by homeless assistance groups. For that reason, I cannot support this legislation so long as it contains provisions that would be harmful to the homeless and would reduce resources available to homeless assistance providers.

I urge Members to oppose H.R. 1734. Mr. DENHAM. Mr. Speaker, just to reiterate one more time, I support the gentlelady's amendment. I look forward to voting on it as long as she brings it up. We support the homeless in this bill. We agreed to it in Rules. We still support it today, and there will definitely be sufficient votes on this side of the aisle if she decides to bring it up. And you know what? If it doesn't pass, then vote against the bill. But if you believe in the homeless issue, then put your amendment up and let's have the votes on it.

### □ 1930

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), also a former subcommittee chairman.

Mr. DIAZ-BALART. It was a privilege for 2 years to be the ranking member of this subcommittee, and I will tell you that this subcommittee has never been a partisan subcommittee, and I commend Chairman DENHAM for keeping that tradition of focusing on the issues and working with both sides of the aisle to try to get good products without getting into this partisan melee. So I commend the chairman for continuing in that tradition. He's done so in a marvelous way.

And here's another example: he sat down with the ranking member, and they worked out all these issues. The chairman actually went to the Rules Committee, testified in the Rules Committee in favor of making these amendments, the ranking member's amendments, so that they would be in order. Lo and behold, the Rules Committee did what both of them, in a bipartisan way, asked for. They allowed for those amendments to be in order.

Now, I have the highest admiration and respect for the ranking member. I have worked very closely with her, but I'm a little bit, frankly, intrigued. So the ranking member now says, well, if her amendments that the chairman asked to be made in order, the amendments that he supported, that he continues to support, that he says that he supported, that he supported in the Rules Committee, she says if those amendments don't pass, well, then she would vote against the bill, so therefore she's not going to bring up the amendments. Excuse me?

What usually happens is, heck, you bring up amendments even if the ranking member or the chairman doesn't agree with you. But if you have the agreement of the chairman of the committee, he's here again stating it, who's worked with you the entire process, the chairman of the committee helped you get those amendments made in order in the Rules Committee. they come to the floor made in order. here they are ready to discuss, and then you say, no, now I'm not going to put up the amendments because if they don't pass, now I'll vote against the bill.

I agree with the chairman. Put the amendments up. If the amendments don't pass, even with the support of the chairman and the ranking member, then there's good reason for the ranking member to vote against it. But to withdraw an amendment when you have everybody's support, when you are pretty much guaranteed-

The CHAIR. The time of the gentleman has expired.

Mr. DENHAM. I yield the gentleman 1 additional minute.

Mr. DIAZ-BALART. You're pretty much guaranteed as much as you are in this process that they're going to pass because you have the ranking member of one party and the chairman who has worked with the ranking member, they both agree, they're noncontroversial, they're ready to go, and, all of a sudden, the ranking member pulls them back and says, for some reason, I'm going to pull them back if they don't pass, I'm going to vote against the bill, well, bring them up. If they don't pass, vote against the bill. But we won't know in the democratic process if an amendment is going to pass even if the chairman and the ranking member agree with it until you bring it up.

So I would respectfully suggest that the ranking member, whom I admire, just bring up the amendments. The chairman has supported them in the Rules Committee, and he's supporting them now. Bring them up. Let's hopefully work on getting the votes because he is working with you to try to get the votes. If they don't pass, vote against it. But the chances are they're going to pass. Let's let the democratic process go forward.

And, again, I commend the chairman for keeping up the tradition of not bog-

Chairman, you are to be commended for that. Thank you, sir.

Ms. NORTON. I will take such time as I may require.

I wish that the chairman—he and I have had a very cordial and an amicable relationship. I only wish that he could guarantee that my amendments would, in fact, pass. I'm afraid that, watching his caucus in operation for a full year when they could not even agree whether or not the United States Government should go into default, I can't blame him for not being able to guarantee they will pass. But let me say why taking my chances that they would pass, even given his good faith hoping they would pass, is not enough.

If he, in fact, wanted to make sure that the amendment passed, then he, of course, would be on the amendment. Instead, he does something curious indeed. He looks at my amendment, dissects it, takes the part of the amendment that he regards as less controversial—and on his side of the aisle—both parts will be controversial, but the least controversial part—and he says, I take this part, it's exactly like the homeless part of the so-called Norton amendment, but the other part that I testified to in Rules Committee he is not identified with that amendment on this floor.

Now, I ask Members, what would you think if the chairman had gone with you to Rules saying he supported the amendment, and then when we got to the floor was willing to stand upsorry—went to the trouble of pulling out one section of my amendment only to claim as his own? Why wouldn't he simply embrace my amendment?

Worse, why wouldn't he have made sure that this was a bipartisan bill so that I would not be put in this position? And this is important to understand. If I bring up my amendment separately and it goes down, what will be before the House is essentially the bill I voted against in the Transportation and Infrastructure Committee. Do I look like a fool?

I voted against the bill that is on the floor today. In all good faith, the chairman cannot guarantee that the full bill with the changes that he and I agreed to will be the bill that, in fact, emerges here this evening. In fact, let me be even more blunt. What is more likely to emerge here this evening is the original bill that I, in fact, opposed on the Transportation and Infrastructure Committee. The only way to make sure that my major objection, which was to NEPA, is included in the bill would have been for this bill to come forward with what I agreed to in the bill already. For me to have to come to the floor to beg that a part of this bill which was central to my agreement to support it now get a vote, especially from a side of this Chamber which has consistently voted against sections

ging down in partisan politics. Mr. like the section that is at issue here, is to defy-is not to understand how to put together a compromise.

> If you have a compromise and you come to the floor, you don't take out part of what the compromise was about, leaving the other part so that she can fend herself on the floor knowing full well that the chances of getting that part of the amendment passed are, based on past experience, are not very great.

> So the reason I oppose it is because I believe that perhaps, and I don't know if other amendments on the Democratic side would be accepted or not, but I believe that as it now stands, the bill will look essentially like the bill that I spent all year opposing because my major reasons for opposing it have not been incorporated in the bill that will be the final bill voted on. And if I were to depend only on an amendment on this floor to get this provision, which has always been controversial on their side in the bill, then I don't think there's anybody on that side would guarantee that on their side my amendment with the NEPA provision would, in fact, pass.

> In that event, what I would be left with is the very bill that I have voted against for an entire year, and that is why I object to the way in which this bill has been handled.

I reserve the balance of my time.

Mr. DENHAM. Mr. Chairman, we're talking a lot around this issue. The gentlelady wants a guarantee. Let me give her a guarantee. She can bring her amendment up right now; we'll do it on a voice vote. It will be in the text of the bill within 30 minutes, and that is exactly what we will be voting on tomorrow

It's very simple. We have the votes. We want the amendment. We want the Democrat support and want this to be a bipartisan bill. So all she has to do is bring up the amendment right now, we'll voice vote it, and it will be part of the bill. So now really the question is, do you or don't you want the bill?

Ms. NORTON. I want the bill you and I agreed upon, Mr. Chairman, and that was the bill that had NEPA in it and that had homeless in it.

And let me ask you, why did you come forward with an amendment that only has the homeless in it, that is the exact mirror image of the homeless section of my bill, but you did not include the NEPA section?

#### □ 1940

Mr. DENHAM. Reclaiming my time, I have a second amendment just in case, unfortunately, trust leaves this room. In the unfortunate case that somebody does not offer their amendment, I've got my own. But I am happy to withdraw my amendment and voice vote her amendment right here so it's in the bill and we have a bipartisan agreement.

I'm not sure what the concern is. You want a guarantee? Here is a guarantee, let's do it, bipartisan. Let's get unanimous support out of this House and show the American people we can agree on cutting waste, we can agree on creating jobs, we can agree on selling some of the things we just don't need.

PARLIAMENTARY INQUIRY

Mr. DIAZ-BALART. Parliamentary inquiry of the Chair, if I may.

The CHAIR. The gentleman from Florida will state his inquiry.

Mr. DIAZ-BALART. Mr. Chairman, is it not true that if this language would have been in the bill, that there's no guarantee that somebody would have not done an amendment in the Rules Committee to take it out, so that there is no more different guarantee if it was in than if it was out? Is that not true?

The CHAIR. The gentleman has not stated a proper parliamentary inquiry. That is a matter for debate.

Mr. DENHAM. At this time, Mr. Chairman, I'd like to yield 3 minutes to the gentleman from Pennsylvania (Mr. Kelly).

Mr. KELLY. I thank the gentleman from California.

I do stand in strong support of the Civilian Property Realignment Act, and I'll tell you why. I come from the private sector where sometimes assets become liabilities. An asset becomes a liability when it costs you so much to insure it, secure it, and maintain it that it no longer serves the purpose it was originally designed for.

When you look at this, I look at this as almost—there's a TV show. I haven't seen it, but they tell me it's called "Hoarders." This is where people hoard things that they have no use for, but it takes up all space in their house and it takes up their personal wealth.

We are looking at a situation right now in this country where we have to reduce the size of government and reduce the cost. Why? Because it's the hardworking American taxpaver that foots the bill for all these properties that are being unused or underused. Wouldn't it just make sense to take them from the liability side and put it on the asset side? It no longer will cost the American taxpayers money to secure, insure, and maintain. It would go into the private sector. It would create jobs. These people would convert these into a use that makes more sense for today, and they would start paying taxes on it. This is a win-win situation for the American taxpayer.

I would submit to you, if this were not a reelection year, we would not be going through gymnastics in this House of things that make absolutely no sense to the people who pay for them; that's the American taxpayer.

After sitting here for 1 year and watching this ridiculous tennis match and trying to figure out if we really came to reduce the size of government, if we really came to reduce the debt

that we have, if we really came to create jobs, if we really came for something that makes sense for America, why are we wasting America's time by debating issues that don't make sense for the people that pick up the tab, and that's the American taxpayer? It is not this House that pays for it. It is those homes around our district and in this country.

I have gotten to the point where I cannot stand listening to this garbage that comes out of here. It does nothing but create animosity. It does nothing to fix the situation. We have absolutely reached way past the midnight hour.

So I strongly support the gentleman's bill, the Civilian Property Realignment Act. Let's change these things from being liabilities into assets. Let's take the government's foot off the throat of the American taxpayers. Let's turn this country around and make it a useful situation.

I thank the gentleman. Please stand strong. We need to get these issues done.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair would remind all Members to direct their remarks to the Chair.

The Chair recognizes the gentlewoman from the District of Columbia. Ms. NORTON. Well, I don't agree that we're past the midnight hour, but I agree that we're past the point of no return.

The gentleman wanted to talk about cost. This bill costs \$68 million, a great deal more than another bill that I do support, the Oversight and Government Reform bill. I serve on that committee as well. I was willing, since this bill was coming to the floor first and since I had worked with the gentleman on this bill all along, to support this bill, but I don't think you can make the case that this bill is less costly than the Oversight and Government Reform bill. I would have thought that my colleagues on the other side would have gotten together to work that problem of two different bills out for themselves.

My chief regret is to have spent a lot of time and effort and conversation that I believed was getting somewhere. Perhaps it was all a big misunderstanding. But if it were, if that's what it was, we certainly informed the other side about my concern before we came. That concern remains.

I don't have any further speakers. I regretfully cannot support the bill before us.

Mr. Chairman, I yield back the balance of my time.

Mr. DENHAM. Mr. Chairman, once again, this is the amazing thing about politics. You can have an agreement and support completely the other side's opinion and still have a disagreement only in this House.

I support getting this country back in line with our fiscal responsibility.

We have a \$15 trillion debt, and we've got to do something about it. We have an opportunity to have a bipartisan agreement, one that the President is asking for, one he included in his State of the Union as something to get done. If he cannot get his own party, if he cannot get the Senate to come along with his ideas, how are we the obstructionists?

We want to sell properties. We want to sell the noncontroversial properties. Fourteen thousand properties have been identified as excess, underutilized properties that we could be moving immediately. We could be creating billions of dollars to pay down our debt. We could be redeveloping so many of these historic buildings that are sitting empty, creating jobs, getting these properties back on the tax rolls. This is a bipartisan solution that I'm amazed at some of the rhetoric tonight.

Again, if the ranking member wants a guarantee, we'll give her a guarantee tonight. Bring up the amendment. We will voice vote it right now and she will have a guarantee it's in the bill. But yet she doesn't want to do it. So I have a separate amendment. If we cannot get the other side of the aisle to present theirs, we will present ours.

Again, we've got to get rid of some of this waste, this additional expense—\$1.9 billion we pay just in operating costs of these properties we don't use today, properties that are sitting vacant. If Republicans and Democrats can't agree that an empty building that's not being used, that has no reason to be used in the future, cannot be eliminated to reduce our debt, the real question is: What can we agree on? This is the most simple of deficit reduction plans. This is one the President has asked for multiple times.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chair, while I agree that the federal government must find a way to dispose of unused federal government property properly, I voted against H.R. 1734, because this legislation turns the federal government into a worse partner than it already is.

There is a way to save federal government dollars and reduce our property holdings while working in cooperation with local governments and the local population. Rather than working with local governments and respecting the plans they have implemented, this legislation ignores plans that are already in place, and does not give community leaders a chance to participate in any part of the property realignment. Additionally, the legislation overrides important environmental regulation that has helped protect our communities for decades.

It is frustrating that my colleagues refused to work in a bipartisan fashion, or even to work with local governments, to develop a better way to dispose of excess federal property. I look forward to working with my colleagues to find a solution we can all agree on.

The CHAIR. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute recommended by

the Committee on Transportation and Infrastructure, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–11 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

#### H.R. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Property Realignment Act" or "CPRA".

#### SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to consolidate the footprint of Federal buildings and facilities;
- (2) to maximize the utilization rate of Federal buildings and facilities;
  - (3) to reduce the reliance on leased space;
- (4) to sell or redevelop high value assets that are underutilized to obtain the highest and best value for the taxpayer and maximize the return to the taxpayer;
- (5) to reduce the operating and maintenance costs of Federal civilian real properties through the realignment of real properties by consolidating, colocating, and reconfiguring space, and other operational efficiencies:
- (6) to reduce redundancy, overlap, and costs associated with field offices;
- (7) to create incentives for Federal agencies to achieve greater efficiency in their inventories of civilian real property;
- (8) to facilitate and expedite the sale or disposal of unneeded civilian properties; and
- (9) to assist Federal agencies in achieving the Government's sustainability goals by reducing excess space, inventory, and energy consumption, as well as by leveraging new technologies. SEC. 3. DEFINITIONS.
- In this Act, unless otherwise expressly stated, the following definitions apply:
- (1) FEDERAL CIVILIAN REAL PROPERTY AND CIVILIAN REAL PROPERTY.—
- (A) PROPERTY.—The terms "Federal civilian real property" and "civilian real property" refer to Federal real property assets, including public buildings as defined in section 3301 of title 40, United States Code, occupied and improved grounds, leased space, or other physical structures under the custody and control of Federal agency.
- (B) FURTHER EXCLUSIONS.—Subparagraph (A) shall not be construed as including any of the following types of property:
- (i) A base, camp, post station, yard, center, homeport facility for any ship, or any activity under the jurisdiction of the Department of Defense or Coast Guard.
- (ii) Properties that are excluded for reasons of national security by the Director of the Office of Management and Budget.
- (iii) Properties that are excepted from the definition of "property" under section 102(9) of title 40, United States Code.
- (iv) Indian and Native Alaskan properties including—
- (I) any property within the limits of any Indian reservation to which the United States owns title for the benefit of an Indian tribe; and
- (II) any property title which is held in trust by the United States for the benefit of any Indian tribe or individual or held by an Indian tribe or individual subject to restriction by the United States against alienation.
- (v) Properties operated and maintained by the Tennessee Valley Authority pursuant to the

Tennessee Valley Authority Act of 1933 (16 U.S.C. 831, et seg.

- (vi) Postal properties owned by the United States Postal Service.
- (vii) Properties used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection with the programs.
- (viii) Properties used in connection with river, harbor, flood control, reclamation, or power projects.
- (ix) Properties located outside the United States operated or maintained by the Department of State or the United States Agency for International Development.
- (2) FEDERAL AGENCY.—The term "Federal agency" means an executive department or independent establishment in the executive branch of theGovernment, and a wholly owned Government corporation.
- (3) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.
- (4) COMMISSION.—The term "Commission" means the Civilian Property Realignment Commission.
- (5) OMB.—The term "OMB" means the Office of Management and Budget.
- (6) FIELD OFFICE.—The term "field office" means any Federal office that is not the Head-quarters office location for the Federal agency. SEC. 4. COMMISSION.
- (a) ESTABLISHMENT.—There is established an independent commission to be known as the Civilian Property Realignment Commission, referred to in this Act as the "Commission".
- (b) DUTIES.—The Commission shall carry out the duties as specified in this Act.
- (c) Membership.—
- (1) IN GENERAL.—The Commission shall be composed of a Chairperson appointed by the President, by and with the advice and consent of the Senate, and 8 members appointed by the President.
- (2) APPOINTMENTS.—In selecting individuals for appointments to the Commission, the President shall consult with—
- (A) the Speaker of the House of Representatives concerning the appointment of 2 members;
  (B) the majority leader of the Senate con-
- cerning the appointment of 2 members;
  (C) the minority leader of the House of Rep-
- resentatives concerning the appointment of 1 member; and
- (D) the minority leader of the Senate concerning the appointment of 1 member.

  (3) TERMS.—The term for each member of the
- Commission shall be 6 years.
- (4) VACANCIES.—Vacancies shall be filled in the same manner as the original appointment.
- (5) QUALIFICATIONS—In selecting. individuals for appointment to the Commission, the President shall ensure the Commission contains individuals with expertise representative of the following:
  - $(A)\ Commercial\ real\ estate\ and\ redevelopment.$
- (B) Government management or operations.
  (C) Community development, including transportation and planning.
- (D) Historic preservation.

## SEC. 5. COMMISSION MEETINGS.

- (a) OPEN MEETINGS.—Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public. Any open meeting shall be announced in the Federal Register and the Federal website established by the Commission at least 14 calendar days in advance of a meeting. For all public meetings, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.
- (b) QUORUM AND MEETINGS.—Seven Commission members shall constitute a quorum for the purposes of conducting business and 3 or more

Commission members shall constitute a meeting of the Commission.

(c) Transparency of Information.—All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the Chairperson and the ranking minority party member, and their respective subcommittee Chairperson and ranking minority party member, of—

- (1) the Committee on Transportation and Infrastructure of the House of Representatives:
- (2) the Committee on Oversight and Government Reform of the House of Representatives;
- (3) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (4) the Committee on Environmental and Public Works of the Senate; and
- (5) the committees on Appropriations of the House of Representatives and the Senate.
- (d) GOVERNMENT ACCOUNTABILITY OFFICE.— All proceedings, information, and deliberations of the Commission shall be open, upon request, to the Comptroller General of the United States. SEC. 6. COMPENSATION AND TRAVEL EXPENSES.
  - (a) COMPENSATION.—
- (1) RATE OF PAY FOR MEMBERS.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.
- (2) RATE OF PAY FOR CHAIRPERSON.—Chairperson shall be paid for each day referred toin paragraph (1) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.
- (b) Travel.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

#### SEC. 7. EXECUTIVE DIRECTOR.

- (a) APPOINTMENT.—The Commission shall appoint an Executive Director and may disregard the provisions of title 5, United States Code, governing appointments in the competitive service.
- (b) RATE OF PAY FOR DIRECTOR.—The Executive Director shall be paid at the rate of basic pay payable or level IV of the Executive Schedule under section 5315 of title 5, United States Code.

#### SEC. 8. STAFF.

- (a) ADDITIONAL PERSONNEL.—Subject to subsection (b), the Executive Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.
- (b) DETAIL EMPLOYEES FROM OTHER AGENCIES.—Upon request of the Executive Director, the head of any Federal agency may detail any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this Act.
- (c) QUALIFICATIONS.—Appointments shall be made with consideration of a balance of expertise consistent with the qualifications of representatives described in section 4(c)(5).

# SEC. 9. CONTRACTING AUTHORITY.

- (a) EXPERTS AND CONSULTANTS.—The Commission, to the extent practicable and subject to appropriations made by law, shall use existing contracts entered into by the Administrator for services necessary to carry out the duties of the Commission.
- (b) SPACE.—The Administrator, in consultation with the Commission, shall identify suitable excess space within the Federal space inventory to house the operations of the Commission.
- (c) PERSONAL PROPERTY.—The Commission shall use personal property already in the custody and control of the Administrator.

(d) USE OF SMALL BUSINESSES.—In exercising its authorities under this section and section 12, the Commission shall use, to the greatest extent practicable, small businesses as defined by section 3 of the Small Business Act (15 U.S.C. 632). SEC. 10. TERMINATION.

The Commission shall cease operations and terminate 6 years after the date of enactment of this Act.

# SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE COMMISSION.

- (a) Submissions of Agency Information and Recommendations.—Not, later than 120 days after the date of enactment of this Act and 120 days after the beginning of each fiscal year thereafter, the head of each Federal agency shall submit to the Administrator and the Director of OMB the following:
- (1) CURRENT DATA.—Current, data of all Federal civilian real properties owned, leased, or controlled by the respective agency, including all relevant information prescribed by the Administrator and the Director of OMB, including data related to the age and condition of the property, operating costs, history of capital expenditures, sustainability metrics, number of Federal employees and functions housed in the respective property, and square footage (including gross, rentable, and usable).
- (2) AGENCY RECOMMENDATIONS.—Recommendations which shall include the following:
- (A) Federal civilian properties that can be sold for proceeds and otherwise disposed of, reported as excess, declared surplus, or otherwise no longer meeting the needs of the agency, excluding leasebacks or other such exchange agreements where the property continues to be used by the agency.
- (B) Federal civilian properties that can he transferred, exchanged, consolidated, co-located, reconfigured, or redeveloped, so as to reduce the civilian real property inventory, reduce the operating costs of the Government, and create the highest value and return for the tax-payer.
- (C) Operational efficiencies that the Government can realize in its operation and maintenance of Federal civilian real properties.
- (b) STANDARDS AND CRITERIA.—Not later than 60 days after the date specified in subsection (a), the Director of OMB, in consultation with the Administrator, shall review agency recommendations submitted pursuant to subsection (a), and develop consistent standards and criteria. against which agency recommendations will be reviewed. The Director of OMB and the Administrator shall develop recommendations to the Commission based on those standards and criteria. In developing the standards and criteria, the Director of OMB, in consultation with the Administrator, shall incorporate the following:
- (1) The extent to which the Federal building or facility could be sold (including property that is no longer meeting the needs of the Federal Government), redeveloped, or otherwise used to produce the highest and best value and return for the taxpayer.
- (2) The extent to which the operating and maintenance costs are reduced through consolidating, co-locating, and reconfiguring space, and through realizing other operational efficiencies.
- (3) The extent to which the utilization rate is being maximized and is consistent with non-governmental industry standards for the given function or operation.
- (4) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the proposed recommendation.
- (5) The extent to which reliance on leasing for long-term space needs is reduced.

- (6) The extent to which a Federal building or facility aligns with the current mission of the Federal agency.
- (7) The extent to which there are opportunities to consolidate similar operations across multiple agencies or within agencies.
- (8) The economic impact on existing communities in the vicinity of the Federal building or facility.
- (9) The extent to which energy consumption is reduced.
- (c) Special Rule for Utilization Rates.—Standards developed by the Director of OMB must incorporate and apply clear standard utilization rates consistent throughout each category of space and with non-government space utilization rates. To the extent the space utilization rates of a given agency fall below the utilization rates to be applied under this subsection, the Director may recommend realignment, co-location, consolidation, or other type of action to improve space utilization.
  - (d) Submission to the Commission .-
- (1) IN GENERAL.—The standards, criteria, and recommendations developed pursuant to subsection (b) shall be submitted to the Commission with all supporting information, data, analyses, and documentation.
- (2) PUBLICATION.—The standards, criteria, and recommendations shall be published in the Federal Register and transmitted to the committees designated in section 5(c) and to the Comptroller General of the United States.
- (3) ACCESS TO INFORMATION.—The Commission shall also have access to all information pertaining to the recommendations, including supporting information, data, analyses, and documentation submitted pursuant to subsection (a). Upon request, Federal agencies shall provide, the Commission any additional information pertaining to its properties.

### SEC. 12. COMMISSION DUTIES.

- (a) IDENTIFICATION OF PROPERTY REDUCTION OPPORTUNITIES.—The Commission shall identify opportunities for the Government to reduce significantly its inventory of civilian real property and reduce costs to the Government.
- (b) IDENTIFICATION OF HIGH VALUE ASSETS.—
  (1) IDENTIFICATION OF CERTAIN PROPERTIES.—
  Not later than 180 days after Commission members are appointed pursuant to section 4, the Commission shall identify not less than 5 Federal properties that are not on the list of surplus or excess as of such date with a total fair market value of not less than \$500,000,000 and transmit the list to the President and Congress as Commission recommendations and subject to the approval process described in sections 13 and 14.
- (2) INFORMATION AND DATA.—In order to meet the goal established under paragraph (1), Federal agencies shall provide, upon receipt, any and all information and data regarding its properties to the Commission. The Commission shall notify the committees listed under section 5(c) of any failure by any agency to comply with a request of the Commission.
- (c) ANALYSIS OF INVENTORY.—The Commission shall perform an independent analysis of the inventory of Federal civilian real property and the recommendations submitted pursuant to section 11. The Commission shall not be bound or limited by the recommendations submitted pursuant to section 11. If, in the opinion of the Commission, an agency fails to provide needed information, data, or adequate recommendations that meet the standards and criteria, the Commission shall develop such recommendations as it considers appropriate based on existing data contained in the Federal Real Property Profile or other relevant information.
- (d) RECEIPT OF INFORMATION AND PRO-POSALS.—Notwithstanding any other provision or law, the Commission may receive and consider proposals, information, and other data

- submitted by State and local officials and the private sector. Such information shall be made publicly available.
- (e) ACCOUNTING SYSTEM.—Not later than 120 days after the date of enactment of this Act, the Commission shall identify or develop and implement a system of accounting to be used to independently evaluate the costs of and returns on the recommendations. Such accounting system shall be applied in developing the Commission's recommendations and determining the highest return to the taxpayer. In applying the accounting system, the Commission shall set a standard performance period.
- (f) Public Hearings.—The Commission shall conduct public hearings. All testimony before the Commission at a public hearing under this paragraph shall be presented under oath.
- (g) REPORTING OF INFORMATION AND RECOMMENDATIONS.—
- (1) In GENERAL.—Not later than 120 days after the receipt of recommendations pursuant to section 11, and annually thereafter, the Commission shall transmit to the President, and publicly post on a Federal website maintained by the Commission a report containing the Commission's findings, conclusions, and recommendations for the consolidation, exchange, co-location, reconfiguration, lease reductions, sale, and redevelopment of Federal civilian real properties and for other operational efficiencies that can be realized in the Government's operation and maintenance or such properties.
- (2) RECOMMENDATIONS FOR SALE OR DISPOSAL OF PROPERTY.—To the extent the Commission recommendations include the sale or disposal of real property, these properties may be reported as excess, declared surplus, or determined as no longer meeting the needs of the Federal Government, excluding leasebacks or other such exchange agreements where the property continues to be used by the Federal Government.
- (3) CONSENSUS IN MAJORITY.—The Commission shall seek to develop consensus recommendations, but if a consensus cannot be obtained, the Commission may include in its report recommendations that are supported by a majority of the Commission.
- (h) FEDERAL WEBSITE.—The Commission shall establish and maintain a Federal website for the purposes of making relevant information publicly available
- (i) REVIEW BY GAO.—The Comptroller General of the United States shall transmit to the Congress and to the Commission a report containing a detailed analysis of the recommendations and selection process.

#### SEC. 13. REVIEW BY THE PRESIDENT.

- (a) REVIEW OF RECOMMENDATIONS.—Upon receipt of the Commission's recommendations, the President shall conduct a review of such recommendations.
- (b) REPORT TO COMMISSION AND CONGRESS.— Not later than 30 days after receipt of the Commission's recommendations, the President shall transmit to the Commission and Congress a report that sets forth the President's approval or disapproval of the Commission's recommendations.
- (c) APPROVAL OR DISAPPROVAL.—If the President—  $\,$
- (1) approves of the Commission's recommendations, the President shall transmit a copy of the recommendations to Congress, together with a certification of such approval;
- (2) disapproves of the Commission's recommendations, in whole or in part, the President shall also transmit to the Commission and Congress the reasons for such disapproval. The Commission shall then transmit to the President, not later than 30 days following the disapproval, a revised list of recommendations;
- (3) approves all of the revised recommendations of the Commission, the President shall

transmit a copy or such revised recommendations to Congress, together with a certification of such approval; or

(4) does not transmit to the Congress an approval and certification described in paragraphs (1) or (3) within 30 days of receipt of the Commission's recommendations or revised recommendations, as the case may be, the process shall terminate until the following year.

#### SEC. 14. CONGRESSIONAL CONSIDERATION OF THE RECOMMENDATIONS.

- (a) JOINT RESOLUTION OF APPROVAL.—If a House of Congress has not taken a vote on final passage of a joint resolution as described in subsection (c) within 45 days after the President's transmission to that House of the approved recommendations pursuant to section 13, then such vote shall be taken on the next day of session following the expiration of the 45-day period.
- (b) COMPUTATION OF TIME PERIOD.—For the purposes of this section, the days on which either House of Congress is not in session because of adjournment of more than three days shall be excluded in the computation of the period of time.
- (c) TERMS OF THE RESOLUTION.—For purposes of this section, the term "joint resolution" means only a joint resolution—
  - (1) which does not have a preamble:
- (2) the matter after the resolving clause of which is as follows: "That Congress approves the recommendations of the Civilian Property Realignment Commission as submitted by the President on and notwithstanding any other provision of law, the Federal agencies shall implement and carry out all of the Commission's recommendations pursuant to section 15 of the Civilian Property Realignment Act", the blank space being filled in with the appropriate date;
- (3) the title of which is as follows: "Joint resolution approving the recommendations of the Civilian Property Realignment Commission"; and
- (4) which is introduced pursuant to subsection (d).
- (d) INTRODUCTION.—After a House of Congress receives the President's transmission of approved recommendations pursuant to section 13, the majority leader of that House (or a designee) shall introduce (by request, if appropriate) a, joint resolution described in subsection (c)—
- (1) in the case of the House of Representatives, within three legislative days; and
- (2) in the case of the Senate, within three session days.
- (e) Consideration in the House of Representatives.—
- (1) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House without amendment not later than the tenth legislative day after the date of its introduction. If a committee fails to report the joint resolution within that period, it shall be in order to move that the House discharge the committee from further consideration of the joint resolution. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within three legislative days after the day on which the proponent, announces his intention to offer the motion. Notice may not be given on an anticipatory basis. Such a motion shall not be in order after the House has disposed of a motion to discharge a joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the joint resolution in accordance with paragraph (3). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

- (2) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a .joint resolution reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the joint resolution in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within three legislative days after the day on which the proponent announces his intention to offer the motion. Notice may not be given on an anticipatory basis. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that transmittal of recommendations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.
- (3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against a joint resolution and against its consideration are waived. The previous question shall be considered as ordered on a joint resolution to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the joint resolution. A motion to reconsider the vote on passage of the joint resolution shall not be in order.
- (4) POST SINE DIE.—If the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, a motion to discharge under paragraph (1) or a motion to proceed under subparagraph (2) shall be in order as applicable.
  - (f) Consideration in the Senate.—
- (g) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a joint resolution considered under this section shall be in order in either the Senate or the House of Representatives.
- (h) Consideration by Other House.—
- (1) In GENERAL.—If, before the passage by one House of a joint resolution of that House described in subsection (c), that House received from the other House a, joint resolution described in subsection (e), then the following procedures shall apply:
- (A) NO COMMITTEE REFERRAL.—The joint resolution or the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B).
- (B) JOINT RESOLUTION PROCEDURE.—With respect to a joint resolution described in subsection (c) of the House receiving the joint resolution the procedure in that House shall be the same as if no joint resolution had been received from the other House, but the vote on final pasage shall be on the joint resolution of the other House.
- (2) NO CONSIDERATION.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.
- (3) Exception.—This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.
- (i) RULES OF THE SENATE AND HOUSE—This section is enacted by Congress—
- (1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part or the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and
- (2) with full recognition of the constitutional right of either House to change the rules (so far

as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other ride of that House.

#### SEC. 15. IMPLEMENTATION OF COMMISSION REC-OMMENDATIONS.

- (a) CARRYING OUT RECOMMENDATIONS.—Upon the enactment of a joint resolution described in section 14(c), Federal agencies shall immediately begin preparation to carry out the Commission's recommendations and shall initiate all activities no later than 2 years after the date on which the President transmits the recommendations to Congress. Federal agencies shall complete all recommended actions no later than the end of the 6-year period beginning on the date on which the President transmits the Commission's recommendations to Congress. All actions shall be economically beneficial and be cost neutral or otherwise favorable to the Government. For actions that will take longer than the 6-year period due to extenuating circumstances, each Federal agency shall notify the President and Congress as soon as the extenuating circumstance presents itself with an estimated time to complete the relevant action.
- (b) ACTIONS OF FEDERAL AGENCIES.—In taking actions related to any Federal building or facility under this Act, Federal agencies may, pursuant to subsection (c), take all such necessary and proper actions, including—
- (1) acquiring land, constructing replacement facilities, performing such other activities, and conducting advance planning and design as may be required to transfer functions from a Federal asset or property to another Federal civilian property; and
- (2) reimbursing other Federal agencies for actions performed at the request of the Commission.
- (c) NECESSARY AND PROPER ACTIONS.—When acting on a recommendation of the Commission, a Federal agency shall continue to act within their existing legal authorities, whether such authority has been delegated by the Administrator, or must work in partnership with the Administrator to carry out such actions. The Administrator may take such necessary and proper actions, including the sale, conveyance, or exchange or civilian real property, as required to implement the Commission recommendations in the time period required under subsection (a).
- (d) DISCRETION OF ADMINISTRATOR REGARDING TRANSACTIONS.—For any transaction identified, recommended, or commenced as a result of this Act, any otherwise required legal priority given to, or requirement to enter into, a transaction to convey a Federal civilian real property for less than fair market value, for no consideration at all, or in a transaction that mandates the exclusion of other market participants, shall be at the discretion of the Administrator.

# SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

- (a) IN GENERAL.—There is authorized a onetime appropriation to carry out this Act in the following amounts:
- (1) \$20,000,000 for salaries and expenses of the Commission.
- (2) \$62,000,000 to be deposited into the Asset Proceeds and Space Management Fund for activities related to the implementation of the Commission recommendations.
- (b) FEDERAL BUILDINGS FUND.—There is authorized to be appropriated from the Federal Buildings Fund established under section 592 of title 40, United States Code, for construction and acquisition activities \$0 for fiscal year 2012. SEC. 17. FUNDING.
- (a) Creation of Salaries and Expenses Account.—
- (1) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the "Civilian Property Realignment Commission—Salaries and Expenses" account.

- (2) NECESSARY PAYMENTS.—There shall be deposited into the account such amounts, as are provided in appropriations Acts, for those necessary payments for salaries and expenses to accomplish the administrative needs of the Commission.
- (b) Creation of Asset Proceeds and Space Management Fund.—There is hereby established within the Federal Buildings Fund established under section 592 of title 40, United States Code, an account to be known as the "Civilian Property Realignment Commission—Asset Proceeds and Space Management Fund" which shall be used solely for the purposes of carrying out actions pursuant to the Commission recommendations approved under section 14. Notwithstanding section 3307 of title 40, United States Code, the following amounts shall be deposited into the account and made available for obligation or expenditure only as provided in advance in appropriations Acts for the purposes specified:
- (1) Such amounts as are provided in appropriations Acts, to remain available until expended, for the consolidation, co-location, exchange, redevelopment, re-configuration of space, disposal, and other actions recommended by the Commission for Federal agencies.
- (2) Amounts received from the sale of any civilian real property action taken pursuant to a recommendation or the Commission under section 15. As provided in appropriations Acts, such proceeds may be made available to cover necessary costs associated with implementing the recommendations pursuant to section 15, including costs associated with—
- (A) sales transactions;
- (B) acquiring land, construction, constructing replacement facilities, conducting advance planning and design as may be required to transfer functions from a Federal asset or property to another Federal civilian property;
- (C) co-location, redevelopment, disposal, and reconfiguration of space: and
- (D) other actions recommended by the Commission for Federal agencies.
- (c) Additional Requirement for Budget Contents.—The President's budget submitted pursuant to section 1105 of title 31, United States Code, shall include an estimate of proceeds that are the result of the Commission's recommendations and the obligations and expenditures needed to support such recommendations.

# $SEC.\ 18.\ DISPOSAL\ OF\ REAL\ PROPERTIES.$

- (a) Environmental Considerations.—
- (1) APPLICABILITY OF OTHER LAW.—Public Law 91–190, as amended, shall not apply to activities under section 11 of this Act.
- (2) CIVIL ACTION.—A civil action for judicial review, with respect to any requirement of Public Law 91–190, as amended, to the extent such public law is applicable to the actions under section 15 of this Act, of any act or failure to act by a Federal agency during the closing, realigning, or relocating of functions under this Act, may not be brought more than 60 days after the date of such act or failure to act.
- (3) Transfer of real property.—
- (A) IN GENERAL.—When implementing the recommended actions pursuant to section 15 for properties that have been identified in the Commission's recommendations and in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq), including section 120(h) thereof (42 U.S.C. 9620(h)), Federal agencies may enter into an agreement to transfer by deed real property with any person.
- (B) ADDITIONAL TERMS.—The head of the disposing agency may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the head of the disposing agency considers appropriate to

- protect the interests of the United States. Such additional terms and conditions shall not affect or diminish any rights or obligations of the Federal agencies under CERCLA section 120(h) (including, without limitation, the requirements CERCLA section 120(h)(3)(A) and CERCLA section 120(h)(3)(C)(iv)).
- (4) INFORMATION DISCLOSURE.—As part, of an agreement pursuant to this Act, the agency shall disclose to the person to whom the property or facilities will be transferred any information of the Federal agency regarding the environmental restoration, waste management, and environmental compliance activities described in this Act that relate to the property or facilities. The agency shall provide such information before entering into the agreement.
- (b) CONSTRUCITON OF CERTAIN ACTS.—Nothing in this section shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

### SEC. 19. CONGRESSIONAL APPROVAL OF PRO-POSED PROJECTS.

Section 3307(b) of title 40, United States Code is amended—

- (1) by striking "and" at the end of paragraph
- (2) by striking the period at the end of paragraph (7) and inserting "; and"; and
- (3) by adding at the end the following:
  "(8) a statement of how the proposed project
  is consistent with section 11(b) of the Civilian
  Property Realignment Act.".

# SEC. 20. LIMITATION OF CERTAIN LEASING AUTHORITIES.

(a) LIMITATION OF CERTAIN LEASING AUTHORITIES.—Chapter 33 of title 40, United States Code, is amended by adding at the end the following: "\$3317. Limitation on leasing authority of other agencies

- "(a) IN GENERAL.—Notwithstanding any other provision of law, no executive agency may lease space for the purposes of a public building as defined under section 3301, except as provided under section 585, and the provisions in this chapter.
- "(b) Public Building.—For the purposes of this section, the term 'public building' shall include leased space.
- "(c) FURTHER EXCLUSIONS.—This section shall not apply to—
- "(1) properties that are excluded for reasons of national security by the President; and
- "(2) properties of the Department of Veterans Affairs.
- "(d) CONSTRUCTION.—Nothing in this section shall be construed as creating new authority for executive agencies to enter into leases or limit the authority of the Administration under section 3314."
- (b) SMALL BUSINESSES.—When using commercial leasing services, the Administrator shall adhere to the requirements of the Small Business Act (15 U.S.C. et seq.).
- (c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end: "3317. Limitation on leasing authority of other agencies.".

### SEC. 21. IMPLEMENTATION REVIEW BY GAO.

Upon transmittal of the Commission's recommendations from the President to the Congress under section 13, the Comptroller General of the United States at least annually shall monitor, review the implementation activities of Federal agencies pursuant to section 15, and report to Congress any findings and recommendations.

The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 112–385. Each such further amend-

ment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chair understands amendment No. 1 will not be offered.

AMENDMENT NO. 2 OFFERED BY MR. DENHAM

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–385.

Mr. DENHAM. Mr. Chairman, am I to understand that the amendment before mine is not being brought up?

The CHAIR. The gentleman is correct.

Does the gentleman have an amendment at the desk?

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, after line 15, insert the following: (e) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT REVIEW.—Upon the enactment of a joint resolution described in section 14(c) and for not more than 90 days after such enactment, the Secretary of Housing and Urban Development shall apply section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) to the extent practicable, to any buildings identified for disposal in the approved recommendations that are not more than 25,000 square feet or valued at less than \$5,000,000.

The CHAIR. Pursuant to House Resolution 537, the gentleman from California (Mr. DENHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DENHAM. Mr. Chairman, this amendment reflects what was agreed to by the gentlewoman from the District of Columbia on the homeless issue. The amendment ensures that there is a reasonable review of properties for use by the homeless.

Under current law, the review process is covered by the McKinney-Vento Homeless Assistance Act. This amendment applies that law in a streamlined way to the civilian property realignment process created in H.R. 1734.

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The streamlined review process would set a clear timeframe and apply to the types of properties normally used for the homeless, those less than 25,000 square feet or not more than \$5 million in value.

Over the 25 years since McKinney-Vento was enacted, 82 properties have been conveyed for homeless use. In 25 years, just 82 properties have been conveyed, and we want to continue to extend that, seeing as there may be other opportunities.

Typically, these are small properties used for shelters and similar types of assistance. The larger properties tend to be warehouses for food banks. Given this, the amendment provides two triggers, one based on size, and another on value to ensure properties that may be appropriate are considered for homeless use.

This is a reasonable compromise to this issue. I worked closely with the ranking member of our subcommittee, and on Friday we had agreed to this solution. Despite reversing her decision, I'll move forward on the agreed-upon language.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DENHAM).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–385.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, line 15, insert after "the Administrator." the following: "The Administrator may also exclude property from any such transaction that the Administrator has determined is suitable for assignment to the Secretary of the Interior for transfer to a State, a political subdivision or instrumentality of a State, or a municipality for use as a public park or recreation area under section 550(e) of title 40, United States Code. In making such determination, the Administrator may consider the appraised value of the property and the highest and best use."

The CHAIR. Pursuant to House Resolution 537, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Both the Transportation and Infrastructure and the Oversight and Government Reform committees have marked up legislation to save money through the disposal of Federal property. We've identified bipartisan common ground on the subject in the past. I hope we can continue to do so with this bill.

In the Oversight and Government Reform Committee, Members and the staff have worked on a bipartisan basis to report legislation expediting the disposal of real Federal property. The bill we reported unanimously included, by voice vote, my amendment to protect the ability of local governments to work with the Federal Government on real property disposal. The amendment

before us today includes identical language to protect local planning prerogatives and to ensure that Federal decisions take cognizance of local circumstances. I reiterate, an amendment that had Republican support on the Oversight and Government Reform Committee.

I introduced this amendment because I have direct experience with successful real property disposal in my northern Virginia district. My predecessor, Republican Tom Davis of Virginia, worked with me and my colleagues in local government and with the GSA to sell the former Lorton prison site, which was under Federal control, to Fairfax County, Virginia.

The land transfer saved the Federal Government the cost of maintaining over 330 structures on the property and many historic buildings. In collaboration with the community, we created a new park with cultural and recreational attractions, and the project set off a development boom in the southern part of our community.

In short, this land transfer was a win/ win for the Federal Government, for the local government. Both benefited from the sale, and local residents who lacked adequate park land, and a win for the private sector which capitalized on residential and commercial redevelopment opportunities as a result.

Other communities across America ought to also be able to work with the Federal Government on mutually beneficial land disposal processes like those that turned Lorton prison into a vibrant new community in my county.

Mr. Denham and the T&I Committee have judiciously included stipulations that the BRAC-type commission for property disposal include individuals with historic preservation and community development expertise, and I appreciate that. However, these individuals cannot possibly know about the individual local circumstances in communities all across America.

For that expertise, we must return to the conservative principle that local people, not the Federal Government, know the most about their own local circumstances. To that end, my simple amendment would protect the ability of local governments to work with GSA to dispose of real property which would be suitable for park land.

This amendment would not interfere with the author's objective of liquidating high-value Federal buildings, nor would it compromise the BRAC-type commission. It simply would give local governments and local taxpayers a voice in the disposal of property in their back yards, if that property is suitable for park land.

As we learned in Oversight and Government Reform hearings on this topic, my amendment would save the Federal Government money because it would eliminate Federal maintenance expenses; and we know that maintenance

costs represent the largest and most achievable cost-savings opportunity in real-property disposal.

In summary, this amendment is based on local success we realized working with Congress, both Tom Davis and JIM MORAN, to preserve park land and save money for the Federal Government. Similar language was adopted unanimously in the Oversight and Government Reform Committee recently when we marked up similar legislation to H.R. 1734. It would protect local governments' and local citizens' roles in the land-disposal process, based on the conservative principle the Federal Government doesn't always know best.

I appreciate the time the T&I Committee staff took to try to work with us on this amendment. I also appreciate the support for this language from Democratic and Republican members of the Oversight and Government Reform Committee during our markup, and I urge our colleagues to support the amendment.

I reserve the balance of my time.

Mr. DENHAM. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DENHAM. Mr. Chairman, I yield myself such time as I may consume.

H.R. 1734 is drafted to ensure there is a streamlined process to sell or redevelop high-value assets.

H.R. 1734 preserves our parks and open spaces by explicitly exempting them from the process outlined in the bill. Despite this, the amendment by the gentleman from Virginia would give the General Services Administration extraordinary authority to take valuable properties off the table and set them aside. This amendment would give GSA veto authority over the President, over Congress by allowing GSA to remove properties after recommendations are approved.

The legislation includes opportunities for State and local governments to receive properties in the process, and the commission will include expertise in community development. Those considerations would be included in the recommendations submitted to the President and Congress.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I heard the eloquent cry for bipartisanship from the gentleman from California just a few minutes ago. Here's an amendment that passed unanimously, without objection on the Oversight and Government Reform Committee. It, by no means, grants the kind of authority just described to GSA. It is a simple protection for local governments to get in the process.

I regret very much that the fix is in, that we're not going to have bipartisan amendments adopted tonight to this bill, and little wonder then that your bill will have no support on this side of the aisle.

I yield back the balance of my time. Mr. DENHAM. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CONNOLLY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–385.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 35, after line 14, insert the following: SEC. 22. SENSE OF CONGRESS AND REPORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Civilian Property Realignment Commission, should take steps to provide assistance to small, minority, and womanowned businesses seeking to be awarded contracts to redevelop federal property:

(2) the Civilian Property Realignment Commission and other appropriate Federal officials should conduct a public information campaign to advise small, minority, and women-owned business firms with respect to contracts for the sale or redevelopment of Federal property; and

(3) firms that are awarded contracts pertaining to the redevelopment of Federal property should, to the maximum extent practicable, seek to award subcontracts for such contracts to small, minority, and women-owned business firms.

(b) PROGRESS REPORTS.—Every 6 months, the Civilian Property Realignment Commission shall submit to the appropriate committees of Congress and the President, a report regarding contracting. Each such report shall indicate, as of the date of the submission of such report, the size of all business firms awarded contracts by the Commission and the size of all business firms awarded subcontracts under such contracts

The CHAIR. Pursuant to House Resolution 537, the gentlewoman from Texas (Ms. Jackson Lee) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

As I understand this legislation, it is to establish a commission that deals with the civilian property realignment for this Nation. Some 340 million-plus square feet, I understand, is within the jurisdiction of the General Services Administration.

I want to acknowledge the leadership of the ranking member on many issues dealing with property around the Nation. Thank her for that leadership.

My amendment is a simple amendment that expresses that the commission, or other appropriate Federal agencies, should conduct a public-information campaign to advise small, minority, women-owned businesses of the available contracts under this particular commission and report to Congress

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Just this morning, before I flew to Washington, I had a room full of small, minority, and women-owned businesses clamoring to understand how to interact with the Federal Government. In fact, one particular women-owned business stood up and said that they had been certified for however long and never could get any information on how to access opportunities that could be utilized by their small business to create jobs.

This amendment is a sense of Congress that provides a public awareness campaign that would help to ensure that a broad swath of the small business community is reached. It is imperative that these businesses are aware of the existence of contracts. It is also imperative that the process for obtaining a Government contract is clear, which is why it is extremely important that the commission, along with other appropriate Federal agencies, implement an awareness campaign targeting small, minority, and women-owned businesses.

I further believe there should be accountability as to which firms are receiving these lucrative contracts, and a system of monitoring. Everyone has said on the floor of the House—bipartisan, Republicans and Democrats—we are for small businesses. So am I. I want them thriving, growing, surviving, and getting the information to do business with this huge Federal Government.

This amendment, which is a sense of Congress, I believe gives them an opportunity to play on an equal playing field.

We know what will happen with a commission: that those who have always known how to access the system will be at the front of the line. Let's give these small companies an opportunity to also achieve their dreams and aspiration for the American Dream.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. Chair, I rise to debate H.R. 1734, the "Civilian Property Realignment Act." I offered an amendment to this measure which acknowledges the challenges faced by small, minority, and women-owned businesses that participate in the government contracting process. However, I have several reservations about this bill. The failure to include language that

would require an environmental impact analysis of these properties does not make sense.

The original bill waived Title V of the of the McKinney-Vento Act, which provides for the free transfer of surplus federal properties to homeless providers, as well as, the National Environmental Policy Act (NEPA). Homeless providers have claimed less than 1 percent of the thousands of properties available to them because of the size of the properties. I was led to believe that an agreement had been reached to ensure that a provision that applied the McKinney-Vento requirements to properties of a certain size and value would be in this bill, it is unclear whether that will be the case.

In addition, the bill contains a second poisonous pill, as it waives the National Environmental Policy Act (NEPA) which requires a thorough public examination of the environmental impacts of a project or property transfer, to avoid an unintended adverse effect on a surrounding community and a harmful precedent of waiving appropriate environmental review on major infrastructure projects.

Many of these properties are decades old. These buildings may contain asbestos among other issues that may have a direct impact on those who renovate them, as well as, the surrounding communities in which they are located. Allowing those communities to express their concerns through a public comment period is reasonable. In addition, ensuring that the federal government does all that it can to remediate its own property prior to transfer or renovation is an example to all other sectors of the importance of adhering to environmental safety standards. If these concerns can be addressed this bill serves as a reasonable vehicle to help combat the deficit. If these concerns cannot be address this bill may be fatally flawed.

Would require federal agencies to compile environmental information about all property being considered for action and provide for a limited review of property by homeless service providers.

President Obama, first proposed this bipartisan measure in his budget last year as a means to decrease unnecessary government spending and reduce the deficit. It is my hope that the issues that have been raised can be addressed before we must vote on this measure.

H.R. 1734 establishes the Civilian Property Realignment Commission (CPRC) to better manage federal buildings and facilities. This measure would give the Commission broad new authorities to consolidate, dispose of, or sell some government properties. In addition, the Commission is required to sell at least five facilities that have a combined estimated fair market value of at least \$500 million.

I believe that if this legislation passes that the newly formed Civilian Property Realignment Commission (CPRC) should take steps to educate and assist small, women, and minority-owned businesses when awarding contracts related to the sale or redevelopment of federal property. However the bill does not address concerns raised related to the impact on the homeless and it removes a provision that requires an environmental impact study before the transfer of any federal land. These studies are a tool to determine the land, air, and water

quality of the property being transferred and the intended use of said property. I believe that it is not in the best interest of the government or local communities to remove this vital safety feature.

H.R. 1734 is similar to the Department of Defense Base Realignment Commission (BRAC) law, which allows the federal government to make the best use of surplus and underused properties under the jurisdiction of various federal agencies, and to dispose of properties the government does not need to help with debt reduction.

It is important to remember that the federal government owns a significant amount of property. The role of the CPRC is to present an accurate view of how that property is currently utilized and consolidate certain activities. For example, currently 30 different agencies have 30 different leasing methods; the CPRC would streamline the process by taking over leasing authority.

The General Services Administration (GSA) one of the largest real estate organizations in the world, with an inventory consisting of 8,920 assets with over 342 million square feet of rentable space across all 50 states, 6 U.S. Territories, and the District of Columbia. They serve approximately 1 million Federal employees at 59 different agencies. The GSA has a portfolio which consists primarily of office buildings, courthouses, laboratories, border stations, and warehouses.

GSA's current inventory consists of 8,932 assets totaling 387,841,174 gross square feet (gsf) nationwide. When these assets are separated between leased and owned, the portfolio consists of 1,884 owned assets totaling 218,983,699 gsf and 7,048 leased assets representing 168,857,475 gsf. The annual operating costs for FY2005 were \$1.5 billion, \$800 million for government owned and \$650 million for leased locations. The replacement value of the owned inventory is \$37.2 billion.

They have reduced the percentage of underutilized and non-performing assets from 42 percent to 26 percent;

Reduced vacant space from 9.2 percent to 6.8 percent, significantly below the 2005 industry average rate of 12.5 percent; and,

Reported excess 204 assets and demolished 50 buildings and, as a result, eliminated 3.1 million rentable square feet of vacant space and achieved a cost avoidance of \$400 million in capital reinvestment needs.

As of October 1, 2002, federal agencies reported a total of 927 vacant and underutilized real properties—including facilities and land—located throughout the United States and Puerto Rico in 294 cities.

The Veteran's Administration (VA) reported the most properties-577;

General Service Administration (GSA) reported 236 properties, and United States Postal Service (USPS) reported 114 properties.

Most of these properties—807 of 927—were facilities that represented about 32.1 million square feet and ranged from office buildings to hospitals to post offices.

Although VA reported the highest number of facilities, GSA facilities made up more than half of this square footage. The remaining 120 properties were vacant lands reported only by VA and USPS, most of which were 10 acres or less.

One-third or 125 of GSA's underutilized and unutilized assets have been reported excess and accepted for disposal. These assets account for almost 9 million gross square feet (gsf) and \$10.9 million in operating expenses that will be eliminated upon completion of the disposal action. Another 18 underutilized assets with approximately 1 million gross square feet (gsf) and \$1.5 million in operating costs are projected for disposal in the next five years pending customer relocation.

There were 89 leased facilities that were determined to be underutilized with operating costs totaling \$6.2 million in FY2005. GSA eliminates vacant leased space by backfilling space with other customers, terminating the lease or vacant portion thereof or buying out the remaining lease term whenever possible. At the end of FY2005, GSA's leased vacancy rate was at a record low level (below 1.5%).

With an aging inventory it is imperative that we reinvest in our federal facilities to maintain a quality workplace for our federal agencies. At any given time a significant portion of our vacant space is under renovation.

As of September 30, 2005, GSA had 21 assets vacated for major renovations accounting for almost 9 million gross square feet and \$39.6 million in operating expenses. As the current projects are completed, the space will be backfilled and these assets will once again become utilized.

At the same time, new projects will begin in different assets keeping the amount of assets that are underutilized due to major renovations fairly constant.

The Civilian Property Realignment Commission (CPRC) will review all federal properties and leases utilized for civilian use to determine an accurate number of properties that are either vacant or underutilized.

The independent Commission (CPRC), operating under the GSA, will transform how federal real estate is managed. The purpose of the Commission will be to convert real estate inefficiencies into reductions in the Federal deficit. By facilitating and expediting the sale and disposal of unneeded properties; reducing our reliance on costly leased space; and sell or redevelop high value assets that are underutilized.

I firmly believe this Commission should consider the impact of their decisions on the small business community. Specifically, small, minority, and women-owned businesses which face many challenges when trying to learn about the existence of government contracts for which they can apply, as well as, maneuvering through the complex government contracting process.

As the decisions of the Commission will impact local communities, revitalize neighborhoods, decrease government spending, and reduce the deficit. The Commission should recognize the important role that small businesses play in our economy.

My amendment simply expresses that the Commission or other appropriate federal agency should conduct a public information campaign to advise small, minority, women-owned businesses of the available contracts.

In order to ensure that a broad swath of the small business community is reached it is imperative that these businesses are aware of the existence of contracts. It is also imperative

that the process for attaining a government contract is clear; which is why it is extremely important that the Commission, along with all other appropriate federal agencies, implement an awareness campaign targeting small, minority, and women-owned businesses.

The only way to ensure a diverse representation of businesses is through targeted awareness campaigns followed by a clear process, along with adequate support.

Further, I believe there should be accountability as to which firms are receiving these lucrative contracts. The Commission should report to Congress and the President every 6 months. This report should include the amount of contracts awarded to business firms. The report should also include small, minority, and women-owned businesses, as well as, subcontracts awarded to these businesses.

Few would argue with the premise that small business is the backbone of our economy and the heartbeat of our nation. The small business owner reflects a valued principle in our nation's heritage. The belief that an individual or a group of individuals can come together to build a business from the ground up then employ their neighbors.

### SMALL BUSINESS

In government contracting it is important to ensure that everyone has equal access to this valued American dream. Every small business should have a fair chance to have an equal opportunity to attain a government contract that will impact their communities.

Ninety-nine percent of all independent companies and businesses in the United States are considered small businesses.

Small businesses are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. Enabling small businesses to gain access to these contracts would result in job growth in areas that were previously underutilized by the federal government.

Small businesses have always been a source of dynamism for the American economy.

In 2009, there were 27.5 million businesses in the United States. According to the U.S. Small Business Administration (SBA) these small enterprises account for 52 percent of all U.S. workers.

Some 19.6 million Americans work for companies employing fewer than 20 workers, 18.4 million work for firms employing between 20 and 99 workers, and 14.6 million work for firms with 100 to 499 workers. By contrast, 47.7 million Americans work for firms with 500 or more employees.

### MILITARY MUSEUM OF TEXAS

As a Senior Member on the House Homeland Security Committee, I have been one of the foremost proponents of finding ways to transform federal property from vacant space into property that can serve the community.

I introduced legislation that was signed into law that allowed the Military Museum of Texas to purchase land from the GSA. I realize the negative impact underutilized and vacant properties have on local communities. To be frank, if a property is not properly tended to it becomes blight upon the community and a needless expense for taxpayers.

The land upon which the Military Museum of Texas is located, 8611 Wallisville Road, Houston, Texas, was property of the General Services Administration. A bill I introduced last Congress, H.R. 6510, directed the General Services Administration (GSA) to convey at market value all right, title, and interest of the United States in and to over three acres of property located at 8611 Wallisville Road, in Houston, Texas to the Military Museum of Texas.

The conveyance was based upon an independent appraisal and any other costs associated will be paid for by the Military Museum.

The passage of H.R. 6510, allowed the Military Museum of Texas to remain at its current location in Houston, Texas and purchase the 3.6 acres from the General Services Administration that was previously vacant. In order for the GSA to sell this piece of land which was not being utilized required an Act of Congress.

With the establishment of the Civilian Realignment Commission it is my belief that more opportunities to revitalize communities, like the one afforded the Military Museum of Texas, can be found. These opportunities will benefit both businesses and the communities within which they are located.

The Military Museum of Texas was formed to create, maintain and operate an institution to honor and perpetuate the memories of all men and women who have served in the Armed Forces of the United States of America. The President of the Military Museum of Texas, Ed Farris, a former Marine sergeant, and a 22-year veteran of the Houston Police Department's motorcycle patrol and bomb squad, worked tirelessly to preserve the memories of the men and women of the armed forces.

The Military Museum is a pillar in the community, and a benefit to schools, veterans and military related groups. It provides educational programs, live reenactments from military personnel as well as interactive exhibits. Furthermore, the Military Museum provides internships in military history and preservation, and a research database available for education and historical institutions and the public. Instead of land being left vacant it can now be used by the community.

Clearly there are many vital and important provisions in this bill; however, I still have grave reservations about the repeal of an environmental impact study before the transference of any federal land.

Mr. DENHAM. Mr. Chairman, we have no objection to the amendment.

The CHAIR. Does any Member claim time in opposition?

The Chair recognizes the gentle-

woman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chair, let me just say that the evidence of how important this language is is by way of a group in Texas that was able to secure by legislation—with the gentlelady from the District of Columbia's excellent assistance—a military museum that was held by the General Services Administration. This group of veterans is making it a productive site and a productive part of our local community that evidences what we can secure with this language.

Again, I ask my colleagues to support this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. Jackson Lee). The amendment was agreed to.

The CHAIR. The Chair understands that amendment No. 5 will not be of-

AMENDMENT NO. 6 OFFERED BY MR. CARNAHAN

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-385.

Mr. CARNAHAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new sections:

#### SEC. 22. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.

Section 3305 of title 40, United States Code, is amended by adding at the end the following new subsection:

"(d) Consideration of Life-cycle Cost REQUIRED.—

"(1) REQUIREMENT.—The Administrator shall ensure that the life-cycle cost of a public building is considered in the construction or lease of a public building described in paragraph (2).

"(2) FEDERAL BUILDINGS SUBJECT TO RE-QUIREMENT.—A public building is subject to the requirement under paragraph (1) if—

"(A) construction or lease of the building begins after the date of the enactment of the Civilian Property Realignment Act:

"(B) the estimated construction costs of the building exceed \$1,000,000:

"(C) in the case of a lease, the square footage of the property is more than 25,000 square feet; and

"(D) Federal funding comprises more than 50 percent of the funding for the estimated construction or lease costs of the building.

"(3) DEFINITIONS.—In this subsection, the

following definitions apply:
"(A) LIFE-CYCLE COST.—The term 'lifecycle cost' means the sum of the following costs, as estimated for the lifetime of a building:

"(i) Investment costs.

"(ii) Capital costs.

"(iii) Installation costs.

"(iv) Energy costs.

"(v) Operating costs. "(vi) Maintenance costs.

"(vii) Replacement costs.

"(B) LIFETIME OF A BUILDING.—The term 'lifetime of a building' means, with respect to a building, the greater of-

'(i) the period of time during which the building is projected to be utilized; or

"(ii) 50 years.".

### SEC. 23. LONG-TERM SAVINGS THROUGH LIFE-CYCLE COST ANALYSIS.

Section 3307(b) of title 40, United States Code, as amended by section 19, is further amended\_

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, a statement by the Administrator describing the use of life-cycle cost analysis and any increased design, construction, or acquisition costs identified by such analysis that are offset by lower long-term costs."

The CHAIR. Pursuant to House Resolution 537, the gentleman from Missouri (Mr. CARNAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CARNAHAN. Thank you, Mr. Chairman.

I also want to add my voice to encouraging our chairman and ranking member to continue to work together to find that common ground. I know they have worked on this, but there obviously is more work to be done, and I want to encourage that. It is the only way we are going to get things done in this House.

I want to thank the chairman and the ranking member for their work on the committee and on this bill. I also want to thank the bipartisan High-Performance Building Caucus that I've worked with over the last several years that has helped bring focus on more efficient management and technology for our built environment.

The amendment that I offer here tonight will ensure that the Federal Government makes better decisions in the construction or leasing of Federal facilities, decisions that save taxpayer dollars. The U.S. Federal Government manages a large inventory of approximately 429,000 buildings, with a total square footage of 3.34 billion worldwide.

As we know, buildings are resource intensive, accounting for 40 percent of primary energy use in the U.S., 12 percent of water consumption, and 60 percent of nonindustrial waste. Federal facilities account for 0.4 percent of the Nation's energy usage. With such a large energy footprint and related costs, it is only common sense that the Federal Government fully understand both the short- and long-term cost of the construction and lease for a facility.

My amendment ensures that future construction and leased projects reflect the best use of Federal dollars and the greatest value for taxpayers. My amendment does this by requiring the use of life-cycle cost analysis in the design or lease of a Federal building where the project is receiving at least 50 percent Federal funding. Life-cycle cost analysis is the most accurate method for assessing the total cost of facility ownership. It takes into account all costs of acquiring, owning, and disposing of a building or building system. It is a whole picture assessment of a project instead of only looking at the immediate upfront costs.

This would provide valuable insight into the real long-term costs of a facility and encourage the construction or lease of the facilities that provide the best results for the lowest overall cost.

The process of life-cycle analysis makes for sound fiscal policy and increases transparency and accountability while allowing our building planners to account for the full longterm costs of projects.

Life-cycle budgeting ensures that we make the best decisions and get the most value when it comes to our infrastructure. We know that it can be marginally more expensive to construct an energy efficient facility, but over the long term, the same facility saves money in energy and water costs that actually make the building a better investment.

My amendment will ensure that Federal agencies have a complete picture and understand ongoing budgetary obligations when considering construction or leasing of a facility. Agencies should use this tool to consider the total cost of ownership of their buildings, including long-term operating life-cycle costs.

This amendment requires Federal agencies to use life-cycle cost analysis of the overall spending on design, construction, operation, and maintenance to reflect the best use of agency funds.

I thank my colleagues for recognizing the importance of this issue, and I reserve the balance of my time.

Mr. DENHAM. Mr. Chairman, I would like to claim the time in opposition even though I'm not opposed to the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. DENHAM. Mr. Chairman, I would like to thank the gentleman from Missouri for his work on this amendment. Just as we saw the other Democratic amendment pass through on a voice vote, I assume we're going to see this one pass through on a voice vote as well, making both amendments actually language in the bill.

That could've been done a couple of other times tonight. We want to make sure we have got a bipartisan bill, that both parties can agree that we want to get rid of waste, that we want to get rid of properties we just don't need, and that we actually run a more efficient government.

But specifically on this amendment, again I'd like to thank the gentleman from Missouri for his work on this. This amendment would ensure that the General Services Administration accounts for the total cost in the design or lease of a building.

Very often GSA makes decisions that bind the taxpayer to significant financial obligations when procuring space. And unfortunately, currently GSA's analyses do not take into account the total life-cycle cost of the taxpayer investment. This amendment would correct this. I support the adoption of this amendment as I've supported other adoptions tonight.

gentleman yield?

Mr. DENHAM. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman for yielding.

I rise in support of Mr. CARNAHAN's amendment, and he ran out of time. First of all, I see a lot of comity and collegiality on the floor tonight. I've known the gentlelady from the District of Columbia for a very long time. Mr. CARNAHAN said something that struck my conscience, and that is that we are able to master this legislative process that allows us to negotiate to the moment that we might get this on the floor, which I understand may be tomorrow.

I would encourage whatever it is possible to do, Mr. DENHAM. I've gotten to know you—whatever is possible for a bill as important as this. You mentioned the possibility of language, reconciliation. I cannot speak for the gentlelady from the District of Columbia, and I don't intend to do so. But I do know her as a person who keeps her word, who loves this Capitol, which she represents, and has a deep and abiding concern about the homeless and obviously this issue of the use of property.

### □ 2010

I only entreat you to see what is possible as you have debated on the floor this evening for Mr. CARNAHAN and my amendment. I would encourage that there be further discussions if you and the gentlelady can secure that opportunity. I think both would be able to hopefully have dialogue, but I do want to have on record my high esteem and respect for her leadership on these issues. You are very kind to have yielded to me.

Mr. DENHAM. In reclaiming my time, I support the amendment, and look forward to bipartisan support on the bill tomorrow morning. This is something that taxpayers need. This is something that will help us to reduce our debt in a way in which Republicans and Democrats can come together and work on something on a bipartisan level and actually give something back to the President that he is asking for.

I yield back the balance of my time. The CHAIR. The gentleman from Missouri has 1 minute remaining.

Mr. CARNAHAN. I want to thank the gentleman for his remarks.

The ranking member has asked to speak for the remaining time, so I would yield that 1 minute to our ranking member, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for vielding.

I support the Carnahan amendment, and I just want to indicate what the agreement was with the chairman.

In the base bill, we would have a bill that Democrats and Republicans would support. What we have here is a bill

Ms. JACKSON LEE of Texas. Will the that somehow Republicans are divided on and that Democrats are expected to somehow carry over the finish line. If, in fact, this bill had come as a base bill, I think you would have had Democrats in larger numbers supporting this bill. Whatever Republicans wanted to do with the fact that the base bill did not always conform exactly to what they would have wanted would have been made up for on our side.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. CARNAHAN).

The amendment was agreed to. Mr. DENHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. AMODEI) having assumed the chair, Mr. WOODALL, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee. having had under consideration the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, had come to no resolution thereon.

### CONGRESSIONAL BLACK CAUCUS: VOTER PROTECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. Christensen) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Thank you, Mr. Speaker.

This evening, the Congressional Black Caucus is pleased to have a few minutes of Special Order time to again come back to the issue of voter protection.

As we know, many States have either passed laws restricting voter participation in elections or are in the process of doing so. These attacks, as we said last week, have taken many forms. They've been expanding the ban that prevents felons from voting, cutting election administration budgets, curtailing early voting, and eliminating same-day registration.

Just in November, two members of the Congressional Black Caucus, Keith ELLISON and GWEN MOORE, introduced a bill, the Voter Access Protection Act, which would protect those rights and restore same-day voter registration. The bill would reverse both the laws that curtail early voting and that eliminate same-day registration. Some of these laws allow for the intimidation of voter registration groups. Some States are imposing strict ID requirements, creating barriers in getting the required ID and also putting up barriers to students who vote where they attend school.

Tonight, I am going to be joined by several Members, beginning with Congresswoman Sheila Jackson Lee from Texas, to again begin to raise the country's awareness of some of the voting restrictions that are being put in place across this country and to let the public know that the Congressional Black Caucus, just as we did last year, will go across the country to raise awareness of the need for jobs. We will have job fairs from which we have actually put people to work in several cities across this country. We've matched people who were out of work with jobs. We're still waiting for this Congress to pass jobs legislation, the American Jobs Act, and many of the other pieces of legislation that the CBC and other Members have put forth, but this time we're going to go across the country and focus on protecting the right of Americans to vote.

At this time, I would yield such time as she might consume to Congresswoman SHEILA JACKSON LEE of Texas.

Ms. JACKSON LEE of Texas. Let me thank Congresswoman Christensen for her leadership as well as thank our chairman, EMANUEL CLEAVER. We had the opportunity to host him in Houston this past weekend, and he raised the issue of the challenges of voter protection.

I see that we are joined by our colleague from Ohio. MARCY KAPTUR has been a champion on these issues as well, and, frankly, has seen her State be in the crosshairs of trying to protect all citizens' right to vote.

I just want to follow up and say the Voting Rights Act is an act that dignifies all voters because its premise is one person, one vote. The tenets and the premise of the Voting Rights Act as passed: No matter what your background in this Nation, you have an opportunity to vote. If we keep with the integrity of the Voting Rights Act, the gist of its message is don't block individuals from voting. That's simply what its message is.

This is more than appropriate for which to rise to the floor today because this is the month of the birth of Barbara Jordan, February 21. Last year was her 75th year, and we're still commemorating it in Houston. She was, again, part mother of the Voting Rights Act by adding language minorities. By doing that, she spread the coverage of the Voting Rights Act beyond the Deep South, which was the original core group of States that was signed into law in 1965.

So I say thank you to the Honorable Barbara Jordan, one of our colleagues and a member of the Congressional Black Caucus. I stand here today to reject any undermining of the legislative intent and the coming together of Republicans and Democrats who voted for that extension at the time she was in the United States Congress.

# □ 2020

Now we've come more than 30-some years later. When we reauthorized the

Voting Rights Act in 2007, there were a lot of rumors and thought that we were extinguishing the Voting Rights Act. In fact, I want to put all of our colleagues on notice that the Voting Rights Act is always, in essence, in the crosshairs or in jeopardy for people who believe wrongly about the Voting Rights Act.

The Voting Rights Act and protecting voters' rights, again, is to make sure that seniors, to make sure that the disabled, to make sure that those who face hardships—as we recall, there were enormous hardships during Hurricane Katrina, when the citizens of New Orleans were literally blocked from voting just because of the infrastructure collapse; and there were terrible conditions in Alabama and Missouri with tornadoes.

I recall the infrastructure of the 2004 election in Ohio when our dear, late colleague Stephanie Tubbs Jones, worked so hard, along with MARCY KAPTUR, to thwart the breakdown of machines. I remember it well. We came to the floor. We took issue with the election because how is it that, all of a sudden, you have a breakdown of voting machines, interestingly enough, in the minority community?

So this issue of voter protection is far-reaching. It is not necessarily as clear-cut as some would like to say, "It's for those people." It's not for "those people." In fact, it is for all Americans.

And right now, we have a dilemma. The dilemma is that we have an epidemic. Some 40 States have passed what we call voter ID. Texas happens to be one of those States. Ohio was one of those States—and I'm not going to give Ms. Kaptur's comments, but I do want to congratulate Ohio for the work that they did. And she will tell you, it was in the crosshairs. Again, I use that frequently. It was conflicted, but it has been resolved; and she will, I'm sure, address that.

But there are other States who now are subjected to the oppressive, depressive voter ID law. In the instance of the State of Texas, might I say, that State allows you to use your gun license to vote; but a student Stateissued ID cannot be used. Elderly people now have to travel miles, many of whom were born with midwives and missing birth certificates, as was my mother who held onto her voting card that she legitimately got until the end of her life. But she could not vote today because, try as we may, for Ivalita Jackson to find her birth certificate—we went halfway around the world and still were not able to secure a certified copy of her birth certificate. I knew she was born because she lived. And then I have had seniors in my own district in wheelchairs, where they went with their family members to the site where they are to get their voter ID, waiting long hours.

Right now in the State of Texas, we don't have an election date. We don't even know what to tell our constituents about getting a voter ID because—thank goodness, if I might say—we're now presently being reviewed by the Department of Justice whether to preclear or not to preclear this voter ID law. I hope that truth will prevail that it is depressive and oppressive.

So I am very grateful that the Congressional Black Caucus will be traveling to cities in a variety of regions of this Nation, including our Southwest region, to argue vigorously for voter protections and for ensuring the protection of all people's right to vote. I hope, as we experienced in 2010, that the King Street Patriots who plagued our inner city precincts—many of whom I saw—will not intimidate our voters. I hope that when this election comes—for poll watchers and others that come into our voting areas, minority and poor areas, people who have the right to vote—that we will be there protecting everyone's right to vote.

Let me be very clear: Poor is not a respective color. It impacts all. And poor people who have difficulty in going somewhere to get a voter ID, or in some States paying \$40, a new poll tax, or can't get off from work, that's voter protection. You can imagine there are people who work who are afraid to ask their bosses for the allotted time off for them to be able to vote.

The efforts of the Congressional Black Caucus, joining with our colleagues, will stand up for each and every American. I am glad that President Lyndon Baines Johnson, a Texan—I was just marveling at him today; and his daughter, Luci Baines Johnson, joined us when we honored Barbara Jordan's 75th birthday just a few months ago. We will continue that with additional commemoration.

But the key is loving the right to vote, protecting the right to vote; and supporting the Voting Rights Act is not solely with respect to color. We welcome everyone who will accept the fact that it is our birthright, as citizens, to be able to not be thwarted and stopped and blocked from going to a poll and expressing our right to democracy.

Finally, let me say, I had the privilege of working for the Southern Christian Leadership Conference; and I might say, it wasn't that long ago. It was some years ago, but it wasn't that long ago. And my friends, let me tell you, I traveled throughout Georgia, South Carolina, North Carolina, Alabama, Mississippi, the core States, among others, that started out with Dr. King's great march and great efforts to push the Congress and the President toward recognizing how many people were left out of the right to vote. As a worker for the Southern Christian Leadership Conference in the 1970s and beyond, I would go into

places where people of African American descent were frightened to vote, were not registered to vote, were share-croppers on plantations—and I venture to say that there are crises in communities like that even today. For us to go into those places was almost as if we were creating an overthrow of the government.

I remember very distinctly—and I will say it on this floor-going up to a leaning shanty building which was the place where these sharecroppers and others who lived in the area were supposed to be voting. The voting booth was, if you will, a ragged cloth covering an area that you allegedly were going to vote in. Sitting on the front porch of this tattered general store was a gentleman sitting with a rifle across his lap to suggest no one is welcome here. When I went up with my then rather young self, starry-eyed and trying to ask if this was the voting site, all I could hear my colleagues say is "Run; he has a gun." And the next thing I heard as we were bending down behind cars—something I had never heard that close to me-was shots ringing out. This is not a joke. This is not something we don't take seriously. I'll never forget that day for as long as I live, that someone would block anyone from coming to a sacred and somber place to cast a vote for a person of their choosing.

I want to thank the gentlelady for allowing me to participate, recognizing that this fight is a fight that we should never give up, and we should never categorize that voting rights is something about those minorities. Voting rights are American rights, and they're rights vested in the Declaration of Independence, which starts out by saying, wall are created equal, with certain unalienable rights of life, liberty, and the pursuit of happiness.

With that, I yield back to the gentlewoman, closing and saying, the right to vote is part of the pursuit of happiness.

Mr. Speaker, I rise today joined by my fellow Congressional Black Caucus Members to speak about a challenge facing millions of Americans. This challenge skews the Constitutional fabric of our American society. This fabric, woven together by liberty, justice, and equal rights, has endured tremendous odds throughout the history of this great nation.

During Black History Month, we celebrate the vast contributions of African Americans to our nation's history and identity. Throughout America's history, African American men and women have persevered through much hardship and prejudice to enrich our national life in innumerable ways.

There are new landmarks to celebrate as time marches forward. In November 2008, Americans elected the first African American to be President. In October 2011, the new Martin Luther King Jr. Memorial on the National Mall was dedicated. On February 22, there will be groundbreaking ceremony, on the National Mall near the Washington Monument,

for the National Museum of African American History and Culture, which Congress authorized in December 2003. It is expected to open in 2015.

The theme of Black History Month this year is "Black Women in American Culture and History." This gives all Americans the opportunity to pay tribute to the role African American women have played in shaping our nation—with African American women often serving as champions of social and political reforms.

Many African American families are still bearing the brunt of the worst economic downturn since the Great Depression. In September, President Obama sent to Congress the American Jobs Act, which would strengthen the economy and is estimated to create 1.9 million jobs. Over the last several months, Republican obstruction has been blocking this bill from moving forward.

"Jobs and the economy are the number-one issue for African American families, just as they are for all American families," commented Congresswoman SHEILA JACKSON LEE. "That is why my immediate focus is on fighting for a payroll tax cut for 20 million African American workers and to extend the lifeline of unemployment insurance for those who have lost a job through no fault of their own.

I will also continue to work for the enactment of other provisions of the President's American Jobs Act, that create jobs by helping small businesses hire and grow, putting construction workers back on the job rebuilding America, and preventing the layoff of teachers, firefighters and police officers. These steps are critical to helping improve the lives of African American families all across the country."

As we celebrate Black History Month let us pay tribute to the extraordinary contributions of past generations of African Americans and work to reignite the American Dream today and for the next generation. We must continue to work for an America that fully lives up to its ideals and allows all Americans to reach their full potential.

Today, Mr. Speaker, I rise to speak to this Body about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a right under the Constitution.

As we enter into Black History Month, it is important to recognize the legacy that the right to vote has placed upon our nation. Black History Month is a celebration of people who have gone before us and on whose shoulders we stand, of people who stand among us today transfixed on a goal to achieve even more. It is a time to pause and renew our commitment to realize the progress and achievements of our people and to go much further as we write our own chapter; a time to continue the legacy of African American History. Today, African Americans, as other minorities, know that we have not yet overcome the weight of not being treated as full citizens of this great nation.

During Black History Month, we recognize and celebrate the countless contributions of African American pioneers. These honorable men and women faced unimaginable hardships and refused to allow the racial inequalities and injustices of our past to inhibit their destiny. While we recognize these celebrated

American heroes, it is important to understand that Black History Month was also designed to highlight the extraordinary lives of ordinary people who have helped build our great nation. Let us celebrate the African Americans who made amazing sacrifices in the name of justice and equality in the past and let us recommit ourselves to continuing to work for an America that fully lives up to its ideals and ensures that every American has the tools and opportunity to pursue the American Dream. In the present era, our African American elected officials and the presidents of the various civil rights, fraternal, business and religious organizations continue to encourage our nation to keep its commitment to freedom and equality.

VOTING RIGHTS

Mr. Speaker, I am joined by my colleagues here today to call on all Americans to reject and denounce tactics and measures that have absolutely no place in this nation in 2012. We cannot turn the clock back on the progress made by African Americans, and other minorities, throughout the past century. We have made tremendous strides. Recent voter ID legislation in states has attempted to turn back the clock to disenfranchise millions of minorities in today's America.

During this Black History Month, we recognize the value that voting has placed upon our society. In 1869, Americans voted to elect the first African American to the U.S. Senate—Hiram Revels. Also in 1870, the right to vote allowed Joseph H. Rainey to become the first black member of the U.S. House of Representatives. In 1962, Americans elected Augustus Hawkins, the first African American from California, to this great Body.

American citizens cast their ballots in 1968 to elect Shirley Chisholm as the first African American woman in Congress, In 1972, American citizens exercised their right to vote and elected the distinguished Barbara Jordan, who represented the 18th Congressional District of Texas that I am now privileged to serve. In 2008. Americans cast their ballots for Barack Obama, and elected him to become the first African American President of the United States. President Obama's historical election has given hope to millions of African Americans across the country. In the face of great odds, the right to vote has given Americans the power to stand fast for justice and fairness, and yield to no one in the matter of defending the Constitution and upholding the most sacred principles of a democratic government.

As a Member of this body, I firmly believe that we must protect the rights of all eligible citizens to vote. Over the past decades, minorities in this country have witnessed a pattern of efforts to intimidate and harass minority voters through so-called "Voter ID" requirements. I am sad to report that as we are beginning 2012, these efforts continue.

African Americans have always believed in the principles set forth in the Declaration of Independence and the U.S. Constitution. I call on all Americans to band together to fight for these principles and against efforts to limit the right to vote for our elderly, African-Americans, Hispanic and Latino Americans, as well as Asian-American voters. Let us stand together for the voting rights that are granted to citizens of our nation by our laws and our Constitution.

I call on Americans to stand against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy. The most effective way to curb tactics of intimidation and harassment is to vote.

#### VOTING RIGHTS ACT

Never in the history of our nation, has the effect of one person, one vote, been more important. Our history has taught us that denying the right to vote based on race, gender or class is a blemish on the democratic principles that we all value. The Voting Rights Act (VRA) was a reaction to the actions of our past and a way to pave the road to a new future.

The VRA was adopted in 1965 and was extended in 1970, 1975, and 1982. This legislation is considered the most successful piece of civil rights legislation ever adopted by the United States Congress. The Act was due for reauthorization in the 2nd session of the 108th Congress. The 108th voted to continue to protect voting rights for all Americans in the fu-

Under the VRA, states with a long history of voting discrimination must obtain the approval of the Justice Department or the D.C. District Court to change their voting practices. In 2006, Congress passed legislation that continued to grant all Americans the right to vote. Four states with new voter identification mandates, including my home state of Texas, South Carolina, Mississippi, and Alabama, are required under the Voting Rights Act to have these voting changes pre-cleared by either the Department of Justice (DOJ) or a panel of federal judges. Before they may be implemented, DOJ must certify that these laws do not have the purpose or effect of restricting voting by racial or language minority groups.

No right is more fundamental than the right to vote. It is protected by more constitutional amendments than any other right we enjoy as Americans. Broad political participation ensures the preservation of all our other rights and freedoms. State laws that impose new restrictions on voting, however, undermine our democracy by impeding access to the polls and reducing the number of Americans who vote and whose votes are counted.

## CURRENT PRACTICES OF DISENERANCHISEMENT

There have been several restrictive voting bills considered and approved by states in the past several years. The most commonly advanced initiatives are laws that require voters to present photo identification when voting in person. Additionally, states have proposed or passed laws to require proof of citizenship when registering to vote; to eliminate the right to register to vote and to submit a change of address within the same state on Election Day; to shorten the time allowed for early voting: to make it more difficult for third-party organizations to conduct voter registration; and even to eliminate a mandate on poll workers to direct voters who go to the wrong precinct.

A new crop of GOP governors and state legislators has passed a series of seemingly disconnected measures that could prevent millions of students, minorities, immigrants, exconvicts and the elderly from casting ballots. Republicans have long tried to drive Democratic voters away from the polls. In a systematic campaign 38 states introduced legislation step of the electoral process.

A dozen states have approved new obstacles to voting. Kansas and Alabama now require would-be voters to provide proof of citizenship before registering. Florida and Texas made it harder for groups like the League of Women Voters to register new voters. Maine repealed Election Day voter registration, which had been on the books since 1973. Florida, Georgia, Ohio, Tennessee and West Virginia—cut short their early voting periods. Florida and Iowa barred all ex-felons from the polls, disenfranchising thousands of previously eligible voters. And 6 states controlled by Republican governors and legislatures-Alabama, Kansas, South Carolina, Tennessee, Texas and Wisconsin-will require voters to produce a government-issued ID before cast-

Furthermore, 6 states have introduced legislation to impose new restrictions on voter reqistration drives run by groups like Rock the Vote and the League of Women Voters. The Republican-controlled legislature in Florida passed a law requiring anyone who signs up new voters to hand in registration forms to the state board of elections within 48 hours of collecting them, and to comply with a bombardment of burdensome, bureaucratic requirements. Those found to have submitted late forms would face a \$1,000 fine, as well as possible felony prosecution. As a result, the law threatens to turn civic-minded volunteers into unintentional criminals.

Florida and Ohio-which now have conservative Republican governors—have shortened the time for early voting for 2012. Early voting will be cut from 14 to 8 days in Florida and from 35 to 11 days in Ohio, with limited hours on weekends. In addition, both states banned voting on the Sunday before the election-a day when black churches historically mobilize their constituents.

The biggest change in election rules for 2012 is the number of states requiring a government-issued photo ID. the most important tactic in the Republican war on voting. In Texas, under "emergency" legislation passed by the GOP-dominated legislature and signed by Gov. Rick Perry, a concealed-weapon permit is considered an acceptable ID but a student ID is not. Republicans in Wisconsin mandated that students can only vote if their IDs include a current address, birth date, signature and two-year expiration date-requirements that no college or university ID in the state currently meets. As a result, 242,000 students in Wisconsin may lack the documentation required to vote next year.

In South Carolina, the 178,000 South Carolinians who do not have a state-issued ID must pay for a passport or a birth certificate to obtain the free state-issued ID now required to vote. Under the new law, many elderly black residents-who were born at home in the segregated South and never had a birth certificate-must now go to family court to prove their identity.

### **PROPONENTS**

The proponents of voter identification legislation suggest that there is extensive voter fraud when Americans go to the polls. Mr. Speaker, I am here to lay that claim to rest. Laws requiring photo identification to vote are

this year designed to impede voters at every a "solution" in search of a problem. The fact is voter fraud in this United States is rare. There is no credible evidence that in-person impersonation voter fraud-the only type of fraud that photo IDs could prevent—is even a minor problem. Multiple studies have found that almost all cases of alleged in-person impersonation voter "fraud" are actually the result of a voter making an inadvertent mistake about their eligibility to vote, and that even these mistakes are extremely infrequent.

A major probe by the Justice Department between 2002 and 2007 failed to prosecute a single person for going to the polls and impersonating an eligible voter, which the anti-fraud laws are supposedly designed to stop. Out of the 300 million votes cast in that period, federal prosecutors convicted only 86 people for voter fraud—and many of the cases involved immigrants and former felons who were simply unaware of their ineligibility.

According to Barnard political scientist Lorraine Minnite, most instances of improper voting involve registration and eligibility, such as voters filling out registration forms incorrectly or a person with felony convictions attempting to register. Neither of those issues would be prevented by a state photo ID requirement. According to George Washington University law professor Spencer Overton, a former member of the Commission on Federal Election Reform, "a photo ID requirement would prevent over 1,000 legitimate votes (perhaps over 10,000 legitimate votes) for every single improper vote prevented."

There are people who believe that voter ID is required because perpetrators of voting fraud do not face serious legal consequences. Both federal and state laws include stiff fines and imprisonment for voter fraud. Under federal law, perpetrators face up to five years in prison and a fine of \$10,000 for each act of fraud. In Alabama, voter fraud is punishable by up to two years in prison and a \$2,000 fine. In Wisconsin, the punishment is up to 31/2 vears in prison and a \$10,000 fine. Missouri imposes a penalty of up to five years in prison and a \$10,000 fine. And in Texas, the maximum prison sentence is 10 years.

Mr. Speaker, proponents further suggest that requiring ID at the polls impact all voters equally. Well, Mr. Speaker, the truth is State photo ID restrictions disproportionately impact African Americans, Latinos, young voters, people over 65 and people with disabilities. The Advancement Project showed that 11 percent of eligible voters, or about 21 million people. don't have updated, state-issued photo IDs: 25 percent of which are African Americans, 15 percent of those earning less than \$35,000, 18 percent of citizens age 65 or older and 20 percent of voters age 18 to 29.

Mr. Speaker, those who wish to restrict the right of Americans to vote believe that new voter ID laws are cheap and easy for states and citizens. Voter ID laws deny the right to vote to thousands of registered voters who do not have, and, in many instances, cannot obtain the limited identification states accept for voting. Many of these Americans cannot afford to pay for the required documents needed to secure a government issued photo ID. As such, these laws impede access to the polls and are contrary to the fundamental right to vote.

The Advancement Project's report "What's Wrong With This Picture?" shows that tax-payers will bear the costs of these measures—more than \$20 million in North Carolina, for example, to educate voters and provide free IDs to those without them, as the state's law requires. For voters, even if an ID is free, getting the documents to obtain it can be expensive and difficult.

Many states require at least four original forms of identification to obtain a photo ID—documents such as a certified birth certificate, marriage or divorce record, adoption record, a Social Security card, or naturalization papers. A birth certificate in Texas costs \$22, a U.S. passport costs as much as \$145 and naturalization papers can run up to \$200. People born out of state who lack transportation, work multiple jobs, have disabilities, or are homebound or poor cannot access or afford these documents.

Now that many states have reduced hours and locations of motor vehicle departments and other agencies because of budget cutbacks, getting an ID can be a battle. In Wisconsin, 25 percent of DMV offices are open one day a month or less, and fewer than half are open at least 20 hours a week. What can prospective voters who have to work or care for their children during these limited hours do but go without?

Mr. Speaker, current voter ID laws are based on partisan politics. The push for photo ID laws and other restrictions is largely championed by Republicans and conservative groups. Record rates of voter registration and turnout among young and minority voters in 2008 affected federal races across the nation, as about two-thirds of new voters registered as Democrats in the 29 states that record party affiliation. The 2010 midterms put more conservatives in office who want to combat this trend. The right-wing American Legislative Exchange Council, for example, drafted and promoted photo ID legislation that was introduced in more than 30 states.

IMPACT OF REQUIRING VOTER ID

These recent changes are on top of the disfranchisement laws in states that deprive minorities of their political voice. In total, more than 21 million Americans of voting age lack documentation that would satisfy photo ID laws and a disproportionate number of these Americans are low-income, racial and ethnic minorities, and the elderly. Minority citizens are less likely to possess government-issued photo identification. African-American citizens also disproportionately lack photo identification. Nearly 25% of African-American votingage citizens have no current governmentissued photo ID, compared to 8% of white voting-age citizens. Using 2000 census figures, this amounts to more than 5.5 million adult African-American citizens without photo identification. Further, about 16% of Hispanic voting-age citizens have no current governmentissued photo ID.

It is important to focus on both expanding the franchise and ending practices which actually threaten the integrity of the elections, such as improper purges of voters, voter harassment, and distribution of false information about when and where to vote. None of these issues, however, are addressed or can be resolved with a photo ID requirement.

Furthermore, requiring voters to pay for an ID, as well as the background documents necessary to obtain an ID in order to vote is tantamount to a poll tax. Although some states issue IDs for free, the birth certificates, passports, or other documents that are required to secure a government-issued ID cost money, and many Americans simply cannot afford to pay for them. In addition, obtaining a government-issued photo ID is not an easy task for all members of the electorate.

According to the Brennan Center for Justice, citizens with comparatively low incomes are less likely to possess photo identification. Citizens earning less than \$35,000 per year are more than twice as likely to lack current government-issued photo identification as those earning more than \$35,000. At least 15 percent of voting-age American citizens earning less than \$35,000 per year do not have a valid government-issued photo ID. Low-income individuals who lack the funds to pay for documentation, people with disabilities with limited access to transportation, and elderly citizens are less likely to possess government-issued photo identification. Nearly 18% of American citizens age 65 and above do not have current government-issued photo ID. Using 2005 census estimates, this amounts to more than 6 million senior citizens.

Americans, who never had a birth certificate and cannot obtain alternate proof of their birth in the U.S., are among those who face significant or insurmountable obstacles to getting the photo ID needed to exercise their right to vote.

In addition, women who have changed their names due to marriage or divorce often experience difficulties with identity documentation, as did Andrea, who recently moved from Massachusetts to South Carolina and who, in the span of a month, spent more than 17 hours online and in person trying without success to get a South Carolina driver's license.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 reports of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote. However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

VOTER ID

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may "infiltrate" our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane Katrina were scattered across 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of nonprofits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know is occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses often change, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another 2 weeks (and a full day waiting in line) to get the new Social Security card, and finally 3–4 weeks to get the new driver's license. There is a significant possibility that this bill will also prohibit newlyweds from voting if they are married within 3 months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

Mrs. CHRISTENSEN. I thank you for coming and for making that very strong presentation and for sharing

that story with us which lets us know that, not so very long ago, people were really blocked from voting and took their lives in their hands just trying to exercise that simple right, the right to vote.

I would like to now yield to our colleague from Ohio, Congresswoman MARCY KAPTUR.

#### $\square$ 2030

Ms. KAPTUR. I want to thank Dr. Christensen for holding this very, very important Special Order as we begin Black History Month here in the United States and say how proud I am to serve with her, her path-breaking work in health care, leading us to coverage for all, to Congresswoman Sheilla Jackson Lee. I had not heard that story, what she personally has lived and helped push America forward to a new day. It is my distinct pleasure and honor to be here with them tonight.

I wanted to participate in this Special Order because of what we are going through in Texas and Ohio and Florida, and around this country with redistricting. It is true that Ohio, because the population hasn't grown, has to lose two seats. But we have seen a redistricting like none other. I wanted to put some of this on the record because I think scholars around the country and young people studying could really take a look at what has happened in this recent redistricting that I think has a subtle and very insidious agenda that isn't immediately apparent to the eve.

I had a woman come up to me yesterday in a church in Ohio. She happened to be an African American woman. She said: I want to ask you a question, Congresswoman. Why is my voting location changed all of the time? Why is my precinct flipped all the time?

I said: You know, ma'am, I know something is going on here that isn't good. Ohio was never technically a voting rights State, but there's something strange. And I thought I would put on the record some of what's strange about what's happening in Ohio.

Individuals like herself constantly have to go to a different precinct. She never moved her house. She lives in the same place. A lot of people maybe don't realize that their precinct has been changed, and some percent of people will not go to the other precinct. It may be a small percent. It may be 0.02 percent; but you add that up around a State that votes 50/50, and you begin to see a fall off in voting.

I can tell you this, and I wish to place this on the Nation's record tonight: for every Republican Congress Member from Ohio who sits here, and they have the majority, 13 out of 18, their home county was kept whole. Every single one. But for every Democrat—there are only five of us out of 18—their home county was crashed and broken up into parts.

Every urban county, if you look around at the five of us who are here: Cuyahoga has been split into four parts in a very strange way; Lucas County is missing its western half now; you go down to Akron, you look at that county, cities like Parma, Parma, Ohio, one of the largest cities in Ohio, sliced in half. What do those places all have in common? They all happen to be urban areas. They have mixed populations. They have diversity. They like people who aren't like themselves. They like the diversity of life. Those communities have been hacked apart in Ohio.

Our colleague. Congresswoman BETTY SUTTON, 42 percent of the precincts in her new district are broken. That means booth workers can make mistakes. More than one Member of Congress is running in that precinct. Sometimes as many as three are running in the same precinct. When that goes on the ballot, do you realize how much confusion, even if everybody has an IQ of a gazillion, somebody is going to go in the booth and put the wrong vote on the ballot because of the confusion with so many Members running in the same precinct.

Booth workers will make mistakes. And just like the woman I mentioned at the beginning whose precinct keeps changing although she hasn't moved, there is a certain percentage of error involved in that. And it's happening in the Democratic areas, not the Republican.

So I would say this: I would ask those who are listening tonight to think about really peeling apart the layers of this redistricting in places like Texas and Ohio and look at the subtle nature of the type of gerrymandering that's being done around the country. Communities are being hacked apart. Communities of interest are being hacked apart.

Doesn't Parma, Ohio, have the right to be its own city? It's hard enough to get things done across communities where needs are great. We have so many people losing their homes. There's all kinds of problems in this country with the unemployment, but we make it harder for communities to hold together. There seems to be something un-American about that. There seems to be something really ugly, something very insidious when it pulls people apart rather than holds them together.

We have one Congressman, actually a Republican from the other side of the aisle. Ohio has 88 counties. Do you know how many counties they put in his district, 20; 20 out of 88. That means 60 county commissioners. Can you imagine how many mayors? Unbelievable. This makes no sense. But it's what happened. And I am very concerned, as my colleagues are, about what happens to people who are elderly, who can't travel far, who sometimes have trouble seeing.

And as you start switching things around and you make it more difficult, even I notice the way they print the absentee ballots in Ohio—I'm glad to have them early—but you need a magnifying glass to see the letters when we know that the population in many of these urban areas are a high percentage of senior citizens.

There's something very un-American, something very unfriendly about what is going on here. It makes me think about the Voting Rights Act and maybe strengthening it and taking a particular look at urban areas that are being broken up in very, very strange ways. You can't even explain, the lines don't even make any sense where they are putting them in urban areas. It's like they are shattering communities of interest. There's something really wrong about that.

I wanted to say also to Congress-woman Christensen, in Ohio we've had a lot of great African Americans. I've had the opportunity to serve with some of them here, and I would like to place in the RECORD tonight the names of some of them in honor of Black History Month.

One of the individuals I would like to talk about is a great writer, Toni Morrison, a woman who was born in Lorain, Ohio, now part of the Ninth Congressional District. We know how important Black History Month is because it's the time of the year to reflect and be thankful for the countless contributions of African Americans like Ms. Morrison who have made enduring contributions to American life and to world history.

This year's Black History Month theme is "Black Women in American Culture and History." And I would say this Caucasian woman is very proud to join my colleagues of color and say that I'm glad it's all women down here tonight for the moment because, really, our voices need to be magnified, and certainly Ms. Morrison did that. In honoring women, we honor her. She is exactly the type of person we should be recognizing, given this Black History Month's theme, for her work in American literature.

She is a Pulitzer Prize-winning author and became the first black woman to win the Nobel Prize in literature. making her the 90th Nobel Laureate in literature. She came from Lorain. Ohio. She didn't come from the places that are known as the cultural meccas. She came from a tough place where people work hard for a living. She was born during the Great Depression in that working-class city. Ms. Morrison showed an interest in literature at an early age. Through hard work, she received degrees from Howard University here and Cornell. She subsequently taught at Texas Southern University, Howard University, Yale, and Princeton. Her contributions to American

history come from her six novels. During her Nobel Prize ceremony, the Permanent Secretary of the Academy said: "In her depictions of the world of the black people, in life as in legend, Toni Morrison has given the Afro-American people their history back, piece by piece."

Mr. Speaker let us take time to fully recognize the contributions of Toni Morrison and the many others during this year's Black History Month. While the United States is facing many challenges today, it is incumbent upon us to ensure that the work of leaders such as Tony Morrison do not go unnoticed.

I just wanted to mention, also, she penned a story about a girl from her childhood who prayed for blue eyes. I happen to have blue eyes. I never thought about that. She said this was the basis for her first novel, "The Bluest Eye," published in 1970. I have to say I admire the African American people because I always wanted curly hair, and I never really had it. So you see, we learn from one another and appreciate from one another.

In concluding tonight, let me say that I wish to place in the RECORD from the Cleveland Plain Dealer a wonderful story honoring the achievements of great African Americans who have come from our part of America. There are a few whose names I would like to read into the RECORD: Langston Hughes, playwright, poet and writer; our dear beloved colleague, Stephanie Tubbs Jones, the first black woman to be elected to Congress from Ohio. I miss her to this day. I have her picture in my office. Halle Berry, the first black woman to win an Academy Award as best actress. Think about that.

### □ 2040

Carl B. Stokes was the first black mayor—first black mayor—of a major American city, and it was Cleveland, Ohio—Cleveland, Ohio. We are so proud of that. And I was proud to serve with his bother, Louis Stokes, who was here for so many years, who preceded me on the Appropriations Committee.

I could go on, Mr. Speaker. There are others who wish to speak tonight. But I have to say, I'm proud to be an Ohioan, one of the States that was always a free State, home of the Underground Railroad as it came through, and people disembarked and escaped for their lives to places like Canada through northern Ohio, through the communities that I am privileged to represent now

I am very proud to stand with my colleague, Dr. CHRISTENSEN, here tonight, in honoring all Americans, certainly in this Black History Month, and what they have taught us over our centuries about full representation and the decent and fair treatment of people. What a legacy they have given and continue to create for our country. I

want to thank the gentlelady for yielding to me this evening.

[From Cleveland.com—The Plain Dealer, Feb. 2, 2012]

TONI MORRISON, AUTHOR, WON PULITZER, NOBEL PRIZES: BLACK HISTORY MONTH

### (By Ellen Kleinerman)

As part of Black History Month, we recognize Toni Morrison, a Pulitzer Prize-winning novelist and the first black woman to win a Nobel Prize in literature.

Morrison, born Chloe Anthony Wofford in 1931, grew up during the Great Depression in a working-class neighborhood in Lorain, where European immigrants, Mexicans and Southern blacks lived. As a child, Morrison listened intently to the stories her parents, Ramah and George Wofford, told of the traditions and struggles of blacks in the South.

Morrison earned a B.A. at Howard University in 1953 and an M.A. at Cornell University in 1955 in humanities. At Howard, she met Jamaican architect Harold Morrison. They married in 1958, had two sons and divorced six years later. For a temporary escape from her unhappy marriage, Morrison joined a small writer's group, where she penned a story about a girl from her childhood who prayed for blue eyes. This was the basis for her first novel "The Bluest Eye," published in 1970.

Morrison worked for Random House publishing and taught at several universities including Yale and Princeton.

Her novel "Beloved," about a captured slave woman who tried to kill her children rather than see them live as slaves, won the Pulitzer in 1988. She won the Nobel Prize in 1993

# $\begin{array}{c} \hbox{[From Cleveland.com} \rule{0mm}{.4ex} \hbox{[The Plain Dealer,} \\ \hbox{Feb. 2, 2012]} \end{array}$

### HONORING ACHIEVEMENTS

As part of Black History Month, The Plain Dealer will recognize accomplishments of the region's black community. The newspaper will profile important people, places and events daily through February.

This is the second year that the paper has published a monthlong series of profiles for Black History Month. Go to cleveland.com/specialreports to see profiles from last year.

Last year's list included:

Langston Hughes, playwright, poet and writer

Larry Doby, the first black player in the American League

Garrett A. Morgan, inventor of the gas mask and traffic signal

St. John's Episcopal Church, one of the stops on the Underground Railroad

Stephanie Tubbs Jones, first black woman elected to Congress in Ohio

Charlie Sifford, first black golfer on the PGA Tour

Frank Robinson, first black manager of a major-league baseball team

Jesse Owens, track gold medalist

The Rev. Otis Moss, Jr., civil rights leader Cleveland Buckeyes, Negro League Basehall team

Thomas Fleming, first black Cleveland councilman

 $\operatorname{Jim}$  Brown, Cleveland Browns fullback and NFL Hall of Famer

Bertha Josephine Blue, taught Italian immigrants English

John Patterson Green, first black state senator from the North

Halle Berry, first black woman to win an Academy Award as best actress

Harry Edward Davis, second black in the Ohio Senate

John O. Holly, Jr., civil rights leader

Mary B. Martin, the first black woman elected to the Cleveland Board of Education Eliza Bryant, created first facility for aging blacks

League Park, supported the Negro League during segregation

Carl B. Stokes, first black mayor of a major American city

Arsenio Hall, comedian, actor and latenight talk show host

Jane Edna Hunter, nurse, lawyer and social worker who founded the Phillis Wheatley Association

Harrison Dillard, Olympic gold medalist President Barack Obama's 2008 rally

Phillis Wheatley Association, helped black women who migrated from the South

Central High School, allowed black students to enroll before the Civil War

Karamu House, the longest-running black arts and theater center in the country

Chester Himes, first black mystery writer

Mrs. CHRISTENSEN. Well, thank you. We appreciate your joining us and pointing out some of the inconsistencies that are occurring in Ohio and also paying tribute to Toni Morrison.

We do have one of the gentlemen of the Congressional Black Caucus joining us tonight, and that is Congressman AL GREEN of Texas, a leader in his area in the NAACP for many years, and now a leader in the Congress and all the time a leader of our country.

Thank you for joining us, Congressman AL GREEN.

Mr. AL GREEN of Texas. Thank you very much for yielding to me. I greatly appreciate it. And, of course, I want to thank all of the members of the CBC for the stellar work that has been done in this area of publishing the history of Africans in the Americas, known as African Americans.

I'd like to, tonight, just address a very simple topic that has a lot of meaning, the whole notion that great people will always rise to the occasion. However, it also takes great people to make the occasion; and on occasions such as this, we often mention the great ones: the great Thurgood Marshall, the great litigator that he was, winning more than 29 cases, I believe, before the Supreme Court of the United States of America.

But in talking about the cases that he won, approximately 29 is what I recall, we also should remember that there were other persons who helped to make the occasion for the great Thurgood Marshall who went on to become a Justice on the Supreme Court of the United States of America. One such person would be Charles Hamilton Houston.

A great story about Charles Hamilton Houston, he was the person who produced the strategy that the Honorable Thurgood Marshall followed to help the NAACP litigate the cases that went before the Supreme Court, more specifically, the case of Brown v. Board of Education, which helped us to integrate society by way of desegregation.

There's a story about Thurgood that many people are not aware of. He applied to the University of Maryland Law School and he was denied access because of his color. And I'm not angry with the University of Maryland. As a matter of fact, it was because they rejected him that he went to Howard University, where he met the Honorable Charles Hamilton Houston. And it was there that their friendship blossomed such that Thurgood acquired this intelligence about the strategy to use the Constitution and litigation to bring about a more perfect Union.

The interesting story, however, is not complete unless we go on to talk about how Thurgood, who graduated at the top of his class, went on to practice law, and one of his first cases involved a person who was denied access to the University of Maryland. He won that lawsuit. So history has a way of causing persons who have been rejected to have the opportunity to make a difference in the lives of other persons who may be similarly situated.

I am so honored that Thurgood Marshall finished at Howard University and went to become chief litigator for the NAACP; but all of this was predicated upon his having a great relationship with another person who made headway, did not necessarily make the same kind of headlines, the honorable Charles Hamilton Houston.

We talk about the Honorable Rosa Parks and how she took a seat and ignited a spark that started the civil rights movement, but there was another person who took a seat before Rosa who was arrested, handcuffed, and taken to jail. She was a 15-year-old girl. Her name was Claudette Colvin. She, too, suffered the same fate as the Honorable Rosa Parks, but she didn't make the headlines. She did make headway such that when the Honorable Rosa Parks was arrested, it become more of a story. Of course, Rosa Parks had status in the community, and that was, in no small way, a contribution to her receiving the attention that she did.

And, by the way, Rosa Parks wasn't just tired. She was tired in the sense that she was tired of injustice, and she took a stand against injustice because she was tired of injustice.

The interesting thing about this story is that the bus boycott that took place didn't end because of the boycott alone. I think that had something to do with it because it probably helped to shape public opinion. But there were three other females who filed a lawsuit that made its way to the Supreme Court of the United States of America: Browder, McDonald, and Smith. It was that lawsuit that they won, they made headway. They didn't make the lasting headlines, but they made the difference in the Montgomery bus boycott.

And, of course, we always talk about Dr. King, and we should, because he paid the ultimate price. He made the ultimate sacrifice. But we should not forget that before Dr. King marched

from Selma to Montgomery, there were others who set out to march from Selma to Montgomery, and they did not make it across. Well, they made it across the Edmund Pettus Bridge, but that waswhere they met strong resistance from officers who had billy clubs, and they resisted the marchers. They didn't resist them; they actually took them on, and they beat them all the way back to the church where they started.

I enjoy hearing John Lewis tell the story not because of the suffering, but because he tells it in such a way as to cause me to have some degree of appreciation for what they went through on Bloody Sunday and how they paid a price. There were many people there on Bloody Sunday. The Honorable JOHN LEWIS was among them. They made headway and they made headlines, but their names have not been mentioned. And these are the people who made the occasion such that the Honorable Dr. Martin Luther King would come to Selma and proceed with the march that eventually took them from Selma to Montgomery. They made headway. They didn't always make headlines, but they made a great contribution.

And, of course, we know of the Honorable Barack Obama, the first African American President of the United States of America, who did not get there because of his color. He is President because he is capable, competent, and qualified. But before he ran, there was a woman who ran, the Honorable Shirley Chisholm. She was the first African American to run for President from a major political party. She didn't get the nomination of the party, but she did run from a major political party.

So we should remember that for every James Chaney, there were persons who were in the shadows who made a difference. John Lewis was one of them. For every Thurgood Marshall, there's a Charles Hamilton Houston who mentored, who made a difference in the life of a Thurgood Marshall such that he could go on to do the great things that he did. For every Rosa Parks, there is a person who is in the shadows, who made a difference, who helped to make the occasion such that Rosa Parks could rise to the occasion by taking a seat and igniting a spark that started the civil rights movement.

Let us remember not only the persons who made the great headlines that we continually recognize, but let's remember that there were other persons who made great headway who don't get the recognition today that they merit, but they were a part of this great movement for liberty and justice for African Americans across the length and breadth of this country.

# □ 2050

At some point, I shall talk about persons who were of many hues who also

participated in this great movement, because we didn't get here by ourselves. There were many persons of many colors who marched and protested. Many of them gave their lives to this movement as well-John Shillady comes to mind, who was beaten in Austin, Texas, and as a result of that beating lost his life. He was an NAACPer, he was Anglo. Of course we know about Goodman and Chaney and Schwerner. And two of them, of course, were not African Americans. Schwerner and Goodman.

So I think that on occasions like this we should always celebrate the great and noble African Americans who made great sacrifices, remember those who were in the shadows, and also remember that there were others of many hues, of many ethnicities and many religions who were right there with us to help us arrive at this point in our history.

And I thank you so much for this time to mention some of the great ones, and some of those who were great but did not receive the acclaim that they richly deserve. And I thank you again. God bless you, and God bless America.

Mrs. CHRISTENSEN. Thank you, Congressman GREEN. And thank you for reminding us of the many, many unsung heroes and heroines on whose shoulders we also stand here today.

This is Black History Month, and on many occasions throughout February the Congressional Black Caucus will be here on the floor to talk about the ones that we know and those that we don't hear much about. There is a lot of our history that of course we're very proud of—the Long March to Freedom, the march for the right to vote, and today, where we now have 43 members of the Congressional Black Caucus. But we also have history that we're not going back to; and SHEILA JACKSON LEE, when she was speaking earlier, reminded us of some of that history.

Going back to the other topic of our Special Order, the right to vote and protecting that right to vote, tomorrow the Congressional Black Caucus, led by our chairman, Reverend Congressman EMANUEL CLEAVER, will be submitting a House resolution condemning the passage of legislation that would unduly burden an American citizen's ability to vote, and opposing any State election law or proposed legislation that would have a disproportionate impact on vulnerable communities across this country.

When we introduce this, I think this is clearly a resolution that would signify the sense of Congress. It should be a resolution that every Member, Republican and Democrat, should support, supporting the right of every American citizen to vote freely and to have that vote counted. And we would invite all of the Members of the House to join us in that resolution, to become

ership to bring it to the floor for a

Again, it condemns the passage of legislation that would unduly burden an American citizen's ability to vote and opposes any of those State election laws or proposed laws that would have a disproportionate impact, because historically we know that people of color have been barred from voting.

The passage of these restrictive voting laws, the resolution reminds us, is reminiscent of the Jim Crow-era poll taxes and literacy tests that disenfranchised thousands of African Americans. It also reminds us that these laws do more to suppress the right to vote than protect our electoral system. There's a lot of talk about these laws being passed and proposed because of fraud in the election system, but there's no proof that there is any fraud. So these laws are really about suppressing the right to vote.

### GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I vield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak about the significance of February as Black History Month. Black History Month was first observed in 1976, and has become a successful effort to bring a greater understanding of African American history to all people in the U.S. Since the first observance of Black History Month, this country has seen increased recognition of the numerous contributions and sacrifices that African Americans have made throughout the United States.

From the pioneering inventions of Garrett A. Morgan, to the famous writings of Maya Angelou, African Americans have been responsible for many of the successes and innovations that have defined our Nation. Since Black History Month was first conceived, we recognized these ground-breaking accomplishments and celebrated them together as a country.

However, every great triumph is not without tribulation. Much of what Black History Month is about is the recognition of the suffering that African Americans have had to endure. After slavery was abolished, Black Americans still faced racial intolerance and inequality. We need only to look to history to reflect on a period when African Americans were denied the

Even with passage of the Fifteenth Amendment to the U.S. Constitution, many still chose to circumvent the law and disenfranchise voters. From literacy tests to poll taxes, these tactics were designed to keep U.S. citizens from exercising their right to vote, and to have a voice in a diverse democratic system. It was

cosponsors, and we would ask the lead- not until the Voting Rights Act of 1965 was ultimately enacted that these menacing policies were outlawed.

> Mr. Speaker, Black History Month goes further than just the recognition of African Americans and their distinct role in shaping U.S. history. Black History Month is very much about our struggle as a Nation to uphold our democratic principles of fairness and equality for all. The struggle and triumph that is honored during this important time has come to benefit every American-regardless of their gender, race, or creed-by furthering a culture of equality, fairness, and justice. These important lessons from our past are ones that we must never forget as we move triumphantly into the

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of attending a funeral.

Mr. Engel (at the request of Ms. Pelosi) for today on account of official husiness

Mr. Lynch (at the request of Ms. Pelosi) for today.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. VAN HOLLEN (at the request of Ms. Pelosi) for today.

Mr. Poe of Texas (at the request of Mr. Cantor) for today on account of official business.

Ms. Buerkle (at the request of Mr. CANTOR) for today on account of official business.

### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 6, 2012 she presented to the President of the United States, for his approval, the following bill.

H.R. 588. To redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

### ADJOURNMENT

Mrs. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 7, 2012, at 10 a.m. for morning-hour debate.

### EXECUTIVE COMMUNICATIONS. ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4856. A letter from the Congressional Re-Coordinator, Department of Agriculture, transmitting the Department's final rule — European Larch Canker; Expansion of Regulated Areas [Docket No.: APHIS-2011-0029] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4857. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: New Designated Country-Armenia (DFARS Case 2011-D057) [Docket No.: DARS-2011-0082-0002] (RIN: 0750-AH48) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4858. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Trade Agreements Thresholds (DFARS Case 2012-D005) (RIN: 0750-AH50) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4859. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Pilot Program for Acquisition of Military-Purpose Nondevelopmental Items (DFARS Case 2011-D034) received January 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4860. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4861. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Incorporation of Revised ASTM Standards that Provide Flexibility in the Use of Alternatives to Mercury-Containing Industrial Thermometers [EPA-HQ-OPPT-2010-0581; FRL-8880-4] (RIN: 2070-AJ51) received January 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4862. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District [EPA-R09-OAR-2011-0536; FRL-9618-2] received January 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4863. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule - Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Imperial County Air Pollution Control District [EPA-R09-OAR-2011-0987; FRL-9617-4] ceived January 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4864. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Milford, Utah) Station KCLS(FM), Pioche, Nevada; Station KPLD(FM), Kanab, Utah [MB Docket No.: 10-64] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4865. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures [MD Docket No.: 09-52] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4866. A letter from the Deputy Bureau Chief, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — Amending the Definition on Interconnected VoIP Service in Section 9.3 of the Commission's Rules; Wireless E911 Location Accuracy Requirements; E911 Requirements for IP-Enabled Service Providers [GN Docket No.: 11-117] [PS Docket No.: 07-114] [WC Docket No.: 05-196] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4867. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Brand-Name Specifications [FAC 2005-55; FAR Case 2005-037; Item III; Docket 2006-0020, Sequence 26] (RIN: 9000-AK55) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4868. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Time and-Materials and Labor-Hour Contracts for Commercial Items [FAC 2005-55; FAR Case 2009-43; Item IV; Docket 2010-0100, Sequence 1] (RIN: 9000-AL74) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform

4869. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Public Access to the Federal Awardee Performance and Integrity Information System [FAC 2005-55; FAR Case 2010-016; Item V; Docket 2010-0016, Sequence 1] (RIN: 9000-AL94) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4870. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Updated Financial Accounting Standards Board Accounting References [FAC 2005-55; FAR Case 2010-005; Item VI; Docket 2010-0005, Sequence 1] (RIN: 9000-AM00) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4871. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation; Implementation of Information Technology Security Provision [GSAR Amendment 2011-03; GSAR Case 2011-G503; (Change 52) Docket 2011-0012, Sequence 1] (RIN: 3090-AJI5) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4872. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-55; Item VII; Docket 2011-0078; Sequence 4] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform

4873. A letter from the Senior Program Manager, Department of Transportation,

transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30818; Amdt. No. 3457] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4874. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Harmonization of Airworthiness Standards for Transport Category Airplanes — Landing Gear Retracting Mechanisms and Pilot Compartment View [Docket No.: FAA-2010-1193; Amdt. No. 25-136] (RIN: 2120-AJ80) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4875. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Chemical Mixtures Containing Listed Forms of Phosphorus and Change in Application Process [Docket No.: DEA-228F] (RIN: 1117-AA66) received December 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 539. Resolution providing for consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes (Rept. 112–388). Referred to the House Calendar.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. NORTON:

H.R. 3902. A bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia; to the Committee on Oversight and Government Reform.

By Ms. BALDWIN:

H.R. 3903. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3904. A bill to modify the commencement date of the active force drawdown period used for the reimplementation of the temporary early retirement authority granted to the Secretary of Defense as an additional force management tool with which to effect the drawdown of military forces; to the Committee on Armed Services.

By Mr. BACA:

H.R. 3905. A bill to authorize the Secretary of Agriculture to award grants for the establishment of veterans gardens that are operated by veterans and designed to produce food that can be sold to individuals, schools, and restaurants; to the Committee on Agriculture.

By Mr. BISHOP of New York:

H.R. 3906. A bill to amend the Atlantic Striped Bass Conservation Act to allow rec-

reational fishing for Atlantic Striped Bass in the Block Island Sound transit zone; to the Committee on Natural Resources.

By Ms. HIRONO:

H.R. 3907. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating certain lands along the northern coast of Maui, Hawaii, as a unit of the National Park System; to the Committee on Natural Resources.

By Ms. HIRONO:

H.R. 3908. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Ka'u Coast on the island of Hawaii as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. MARINO:

H.R. 3909. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. GARAMENDI, Ms. ZOE LOFGREN of California, Ms. ESHOO, Ms. SPEIER, and Mr. STARK):

H.R. 3910. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Natural Resources.

By Mr. RIBBLE (for himself, Mr. RIGELL, and Mr. SCOTT of South Carolina):

H.J. Res. 101. A joint resolution proposing an amendment to the Constitution of the United States providing for Representatives to be chosen every four years, and limiting the number of times Senators and Representatives may be elected; to the Committee on the Judiciary.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. NORTON:

H.R. 3902.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution.

By Ms. BALDWIN:

H.R. 3903.

Congress has the power to enact this legislation pursuant to the following:

Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. REHBERG:

H.R. 3904.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3, the Commerce Clause.

By Mr. BACA:

H.R. 3905.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 12, 13, 14, and 18.

By Mr. BISHOP of New York: H.R. 3906.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8, Clause 3

By Ms. HIRONO:

H.R. 3907.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Ms. HIRONO:

H.R. 3908.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. MARINO:

H.R. 3909.

Congress has the power to enact this legislation pursuant to the following:

(1) Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States

(2) Article I, Section 9, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

> By Mr. GEORGE MILLER of California:

H.R. 3910.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. RIBBLE:

H.J. Res. 101.

Congress has the power to enact this legislation pursuant to the following:

The constitutional amendment authority and process set forth in Article V of the U.S. Constitution.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. HURT and Ms. EDDIE BERNICE Johnson of Texas.

H.R. 104: Mr. KELLY.

H.B. 126: Mr. CRAVAACK

H.R. 178: Ms. HAHN.

H.R. 191: Ms. HAHN.

H.R. 192: Mr. ROTHMAN of New Jersev and Mrs. Maloney.

H.R. 284: Ms. HAHN.

H.R. 287: Ms. HAHN.

H.R. 374: Mr. WILSON of South Carolina, Mr. Desjarlais, Mr. McHenry, and Mr. Werster.

H.R. 376: Mr. OWENS.

H.R. 476: Mr. BUCHANAN.

H.R. 494: Mr. DOYLE and Mr. Towns.

H.R. 511: Mr. HASTINGS of Florida and Ms. WILSON of Florida.

H.R. 615: Mr. Young of Indiana, Mr. GIBBS, and Mr. FORBES.

H.R. 718: Mr. Ellison.

H.R. 733: Mr. HALL and Mrs. Christensen.

H.R. 870: Mr. KUCINICH.

H.R. 876: Ms. ZOE LOFGREN of California

H.R. 890: Mr. GUTIERREZ.

H.R. 965: Ms. HAHN.

H.R. 1041: Mr. MEEHAN.

H.R. 1090: Mrs. Lowey.

H.R. FLEISCHMANN.

H.R. 1179: Mr. TURNER of New York, Mr. WHITFIELD, Mr. MEEHAN, Mr. POSEY, Mr. BRADY of Texas, Mrs. MILLER of Michigan, Mr. McHenry, Mr. Royce, Mr. Gingrey of Georgia, Mr. FINCHER, Mr. MICA, Mr. THOMP-SON of Pennsylvania, Mr. Boustany, Mr. ROGERS of Alabama, and Mr. Cole.

H.R. 1195: Ms. HAHN.

H.R. 1259: Mr. DIAZ-BALART, Mr. COLE, Mr. Gosar, and Mr. Forbes.

H.R. 1385: Mr. FORBES.

H.R. 1402: Ms. HAHN.

H.R. 1672: Mrs. DAVIS of California and Mr. LHETKEMEYER.

H.R. 1739: Mr. Lobiondo.

H.R. 1744: Mr. CALVERT.

H.R. 1777: Mr. FLAKE, Mr. LAMBORN, and Mr. Gowdy.

H.R. 1873: Mr. CLEAVER.

H.R. 1980: Mr. DUNCAN of South Carolina.

H.R. 1997: Mr. MICHAUD.

H.R. 2106: Mr. BONNER, Mr. SCHOCK, and Mr. TURNER of New York.

H.R. 2131: Mr. WILSON of South Carolina.

H.R. 2206: Mr. RIGELL and Mr. RIBBLE.

H.R. 2288: Ms. JENKINS.

H.R. 2295: Mr. UPTON. H.R. 2367: Mr. Coffman of Colorado.

H.R. 2376: Mr. ELLISON.

H.R. 2487: Mr. BROUN of Georgia.

H.R. 2492: Mr. FORBES.

H.R. 2499: Mr. Towns.

H.R. 2513: Ms. PINGREE of Maine.

H.R. 2529: Mr. Roe of Tennessee.

H.R. 2569: Mr. RIVERA.

H.R. 2595: Mr. CLAY.

H.R. 2600: Mr. CICILLINE.

H.R. 2621: Mr. HEINRICH.

H.R. 2679: Mr. DOYLE. H.R. 2738: Ms. Schakowsky.

H.R. 2746: Mrs. Capps and Mr. Moran.

H.R. 2772: Mrs. Adams.

H.R. 2853: Mr. Jones, Ms. Hahn, Mr. Con-YERS, Mr. GRIJALVA, Ms. LEE of California, Ms. RICHARDSON, Mr. BOSWELL, and Mr. CAR-SON of Indiana.

H.R. 2898: Mr. STIVERS and Mr. Ross of Florida.

H.R. 2955: Mr. KUCINICH and Mr. COBLE. H.R. 2969: Mr. MORAN and Mr. RIVERA.

H.R. 3053: Mr. Towns, Ms. Richardson, Mr. RUSH, and Mr. HONDA.

H.R. 3059: Mr. BRADY of Pennsylvania.

H.R. 3074: Mr. OWENS.

H.R. 3187: Mrs. NOEM, Mr. GRIFFIN of Arkansas, Mr. Whitfield, and Mrs. Capito.

H.R. 3200: Mr. REYES.

H.R. 3264: Mr. Ross of Florida.

H.R. 3269: Ms. HOCHUL and Mr. FORBES.

H.R. 3286: Mr. LIPINSKI.

H.R. 3313: Mr. FARR.

H.R. 3314: Ms. Schakowsky. H.R. 3324: Mr. DOYLE.

H.R. 3336: Mr. HOLDEN.

H.R. 3364: Ms. Zoe Lofgren of California.

H.R. 3425: Ms. Schakowsky.

H.R. 3441: Mr. WOODALL.

H.R. 3442: Mr. GRIJALVA and Mr. PASTOR of Arizona.

H.R. 3443: Mr. GINGREY of Georgia.

H.R. 3485: Mr. ROTHMAN of New Jersey.

H.R. 3489: Mr. PLATTS. H.R. 3497: Mr. Moran.

H.R. 3510: Mr. COBLE.

H.R. 3511: Mr. Roe of Tennessee.

H.R. 3526: Mr. Gerlach, Mr. Reyes, Ms. Brown of Florida, Ms. Speier, Mr. Ross of Arkansas, Mrs. Maloney, Ms. Norton, Mr. OLVER, Mr. MORAN, Mr. BOSWELL, Mr. ENGEL,

Mr. Clarke of Michigan, Ms. Hahn, Ms.

1148: Mr. Bartlett and Mr. Waters, Mr. Cummings, Mr. Markey, Mr. GONZALEZ, Ms. LINDA T. SÁNCHEZ OF California, Mr. JACKSON OF Illinois, and Ms. SLAUGHTER.

H.R. 3528: Mr. KUCINICH.

H.R. 3548: Mrs. MILLER of Michigan, Mr. BACHUS, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. HARPER, Mr. MACK, Mr. CAS-SIDY, Mrs. Bono Mack, Mr. Crenshaw, Mr. CHAFFETZ, Mr. NUNES, Mr. SIMPSON, Mr. GER-LACH, Mr. SENSENBRENNER, Mr. GRAVES of Missouri, Mr. Griffin of Arkansas, Mr. DENHAM, Mr. CRAWFORD, Mr. AUSTIN SCOTT of Georgia, Mr. McCaul, Mr. Lucas, Mr. BROOKS, Mr. HURT, Mr. JORDAN, Mr. ROKITA, Mr. Mulvaney, Mr. Gowdy and Mr. Yoder.

H.R. 3551: Mr. GRAVES of Georgia.

H.R. 3579: Mr. WESTMORELAND.

H.R. 3591: Mr. WELCH and Mr. FILNER.

H.R. 3596: Mr. FARR, Mr. LIPINSKI, and Mr. SCHIFF.

H.R. 3601: Mr. PEARCE.

H.R. 3606: Mr. HURT, Mr. WOMACK, and Mr. Ross of Arkansas.

H.R. 3612: Ms. HAHN and Mr. HINCHEY.

H.R. 3615: Mr. FARENTHOLD.

H.R. 3627: Mr. McGovern, Ms. Wasserman SCHULTZ, Ms. WOOLSEY, and Mr. DESJARLAIS.

H.R. 3637: Mr. SOUTHERLAND.

H.R. 3643: Mr. GRIFFIN of Arkansas and Mr. SOUTHERLAND.

H.R. 3676: Mr. TIPTON and Ms. JENKINS.

H.R. 3701: Mr. RANGEL, Ms. NORTON, Mr. COHEN, and Mr. CONYERS.

H.R. 3702: Ms. ESHOO.

H.R. 3704: Mrs. McCarthy of New York.

H.R. 3742: Mr. DANIEL E. LUNGREN of California.

H.R. 3767: Mr. CARTER.

H.R. 3803: Mr. STUTZMAN, Mr. BARTLETT, Mr. King of Iowa, Mr. Rahall, Mr. Schock, Mr. DUNCAN of South Carolina, Mr. BENISHEK, Mr. FORBES, and Mr. ALEXANDER.

H.R. 3811: Mr. COBLE, Mr. CALVERT, Mr. LANKFORD, and Mr. BONNER.

H.R. 3814: Mr. Forbes.

H.R. 3821: Mr. RANGEL.

H.R. 3827: Mr. KISSELL.

H.R. 3828: Mr. Pearce and Mr. Forbes.

H.R. 3842: Mr. Coble and Mr. Forbes.

H.R. 3855: Mr. HULTGREN.

H.R. 3858: Mr. PALLONE, Mr. HOLDEN, and Mr. ISRAEL.

H.R. 3859: Mr. Ross of Arkansas, and Mrs. EMERSON.

H.R. 3862: Mr. GALLEGLY.

H.R. 3867: Mr. ROKITA. H.R. 3877: Mr. BURTON of Indiana and Mr. RIBBLE

H.R. 3884: Ms. NORTON, Mr. JACKSON of Illinois, Ms. Speier, Mr. Hinchey, Mr. Filner, Mr. SARBANES, Mr. ENGEL, Mr. SMITH of Washington, Ms. Woolsey, Ms. Slaughter, Ms. CHU, Mr. AL GREEN of Texas, Mr. GARAMENDI, Mr. TOWNS, Ms. HAHN, Mr. CON-YERS, Mr. GRIJALVA, Ms. LEE of California, Ms. RICHARDSON, Mr. BOSWELL, and Mr. CAR-SON of Indiana.

H.R. 3895: Mr. BILIRAKIS.

H.J. Res. 47: Mrs. CAPPS.

H.J. Res. 81: Mr. LANGEVIN.

H Con Res 98: Mr ALEXANDER

H. Res. 111: Mr. OLSON.

H. Res. 494: Mr. Walsh of Illinois.

H. Res. 503: Mr. Austria.

H. Res. 509: Mr. Posey.

H. Res. 523: Ms. ROYBAL-ALLARD and Mr. Petri.

H. Res. 532: Mrs. HARTZLER, SCHWEIKERT, and Mrs. ELLMERS.

# EXTENSIONS OF REMARKS

AMBASSADOR SULEYMANOV OF THE REPUBLIC OF AZERBAIJAN

# HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. BOREN. Mr. Speaker, I rise today to congratulate and welcome to Washington, DC Ambassador Elin Suleymanov of the Republic of Azerbaijan. On January 18 Ambassador Suleymanov presented his credentials to President Obama.

Ambassador Suleymanov has a distinguished diplomatic career. Prior to his appointment as Ambassador, Mr. Suleymanov served as Azerbaijan's first Consul General in Los Angeles.

While Azerbaijan has a new Ambassador to the United States, I bring to my colleague's attention that once again Azerbaijan lacks an Ambassador from the United States. After over a year of vacancy, President Obama nominated Matthew Bryza as Ambassador. After a stalled confirmation process President Obama appointed Matthew Bryza to the position in 2010. Unfortunately he was not given the opportunity for a confirmation vote in the Senate and has recently returned to the U.S.

Azerbaijan is a key strategic partner to the U.S. by providing an important transportation route for supplies to our troops in Afghanistan and transit of Caspian oil and gas to the Mediterranean via the BTC pipeline. The relationship between the U.S. and Azerbaijan is too important not to have an Ambassador in place. As one of our few predominately Muslim allies we must do what is right.

I encourage my colleagues to urge the Administration to nominate a new Ambassador to Azerbaijan and ask the Senate to act in the best interest of our national security and have an expeditious confirmation vote.

A TRIBUTE TO NIALL O'SHEA AND THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

# HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. COURTNEY. Mr. Speaker, for decades the United States has worked closely with Australia on issues of great importance to our two nations. Australia has stood out among the international community as a friend of the United States and remains one of our closest allies today. Thirteen years ago, a program was launched to place Australian students in offices in our Nation's Capital. Since that time, the Uni-Capitol Washington Internship Program has delivered to the United States some of Australia's best and brightest to serve as in-

terns in a variety of federal agencies, congressional offices and committees.

When the opportunity arose again to participate in the Uni-Capitol Washington Internship Program, I immediately agreed to welcome another Australian "ambassador." This is my third time hosting an intern from the program, and once again my office and I have been pleased with the positive contributions of Niall O'Shea, who was placed in our office. He has attended meetings and briefings, assisted my staff with various research initiatives, and helped serve my constituents of the Second District of Connecticut. His impeccable and clipped Australian accent is a real treat for visitors and callers from Connecticut whom he has interacted with. Niall's participation in this program has provided him with new opportunities and experiences that only the Uni-Capitol Washington Internship Program could provide. While in the program Niall has attended events at the Australian Embassy and listened to speakers from the State Department. A well-rounded college student, Niall will be receiving a dual Bachelor degree in law and art when he graduates from the University of Western Australia.

Many of my colleagues have also been privileged to welcome students like Niall to their offices. This year, 12 students from all across Australia are serving in offices in Washington, helping foster a new generation of understanding and shared experiences between our two nations. Launched by former Congressional staffer Eric Federing, The Uni-Capitol Washington Internship program has now delivered 130 Australian student interns over the past 13 years.

Mr. Speaker, I would encourage all of my colleagues to open their doors to students from around the world so that they can share in our great democracy. Similarly, I would encourage American university students to seek established and creative ways to connect with their counterparts around the globe. I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Internship Program and to once more thank Niall O'Shea for his dedication and hard work.

HONORING JOSH UNDERWOOD

# HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. ADERHOLT. Mr. Speaker, it is my privilege to honor Mr. Josh Underwood, one of the twelve interns from the Uni-Capitol Washington Program, UCWIP who is currently interning in my office. The Uni-Capitol Washington Program has paired some of the brightest Australian students with various congressional offices for more than a decade and I am happy to have been a host.

Josh comes from University of Queensland and is studying law and philosophy. Over the past month, I have found him to be outstanding in his duties and going above and beyond our expectations. When complimenting Josh to Mr. Federing, the director agreed saying "Josh has been a standout among standouts in everything I've organized" and I agree wholeheartedly. He has attended committee hearings, drafted constituent correspondence, and assisted me as well as my staff with research. His Australian accent has garnered the attention of many of my constituents on tours and over the phone. Josh's commitment, hard work, and presence have been an asset to the office and he will be sorely missed by

The program has been in force for 13 years thanks to the vision of Eric Federing, its director and founder. The students who are selected come from a variety of academic disciplines, but all have a common interest: promoting the U.S.-Australia relationship. These student placements are enhanced by the formation of genuine friendships and the exchange of views and ideas between the Australian interns and their respective offices. We are grateful for these friendships and it is our hope that they strengthen the diplomatic ties of our great countries.

I would thank Eric Federing for the opportunity to host Josh over the past several weeks. To date, 130 interns have come through his program representing 8 different universities over the programs lifetime. It enhances opportunities for the individuals who come and enlighten those who they come to. After the internship, many receive jobs on the Hill or go to work with Federal or various State Parliaments in Australia. Other interns have gone onto work in the Australian Embassy or The World Bank. Simply put, this program selects incredibly talented individuals that are a pleasure to host and work with. It was an honor to have Josh in our office and would wish him the very best, but I sincerely doubt he needs it. Josh, thank you again for your hard work and dedication.

HONORING LIN BREHMER

# HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. QUIGLEY. Mr. Speaker, on January 24, 2012, longtime radio host Lin Brehmer received honors recognizing his 20th anniversary on Chicago's 93.1 WXRT FM, as the station also celebrated its 40th anniversary on the air.

Chicago is a city of many treasures.

From the architecture to the museums and cultural institutions, from the sports teams to our food, there are many, many reasons to celebrate The Windy City.

But with so much to do, see, and eat, some of our city's finest features do not make it onto most tourists' To Do Lists. But if you want to share with a visitor some of the true heart and soul of Chicago, drive down Lake Shore Drive with the Lake on one side, our beautiful skyline on the other, and 93 WXRT on the radio.

I have tried to explain to my children about the vast wasteland that was music radio in Chicago before XRT. Forty years ago, all you had was the same ten songs on AM radio. Then came XRT, with a rich, diverse playlist. With a passion and integrity unmatched even today.

No coincidence it became a 24 hour station in 1976, demonstrating our city's unique commitment to independent thinking, and an unbridled celebration of art and music.

Like many others, XRT linked me to a new

XRT encouraged me to leave my sterile environment and travel to the Earl of Old Town to listen to Steve Goodman—and my first concert at The Aragon Ball Room to see Mott the Hoople, the New York Dolls. Not to mention other famous haunts that played host to greats like Iggy Pop, David Bowie, Muddy Waters, Frank Zappa, Roxy Music, and the like.

Thank you XRT, for 40 great years. You made me a better person.

So tell your kids to turn their FM radio dial to 93.1, WXRT; they will find Lin Brehmer, "Your best friend in the whole wide world."

Lin has been the morning voice on XRT for the last 20 years, and is a Chicago institution unto himself. For 20 years, Lin has been there with us to celebrate all things Chicago; from commiserating another Cubs loss, to suggesting the perfect restaurant for a post-concert dinner.

He shares with us the best of the city and makes sure we better understand the world, with "Lin's Bin." He helps us discover new sounds, rediscover old favorites, and provides an unparalleled soundtrack to our days.

A celebrated fixture in radio, Lin has received a variety of honors throughout his illustrious career. In 1990 he was also honored as "Music Director of the Decade" by Hard Report.

Lin's musical sensibilities are nicely summed up by his motto, borrowed from the writing of Gerard Manley Hopkins, "Flesh fade and mortal trash fall to the residuary worm, you and I might as well Rock and Roll."

Dubbed the "Reverend of Rock and Roll"

Dubbed the "Reverend of Rock and Roll" early in his radio career, Lin sought to put together a radio program unlike any other. Now, more than 35 years since he first hosted a radio show in Albany, New York, Lin has succeeded in doing that, and so much more.

Radio isn't Lin's only passion; he is also quite the accomplished Foodie, never going anywhere without a Zagat guide in his car and his self-described "eating pants," an outfit with enough "give" to accommodate another Chicago meal at the Weiner's Circle.

His favorite restaurants in Chicago include a wide variety of cuisine, for an even broader array of occasions. His recommendations have included "Best Upscale Mexican For When You Want To Leave The Kids At Home" or the very specific "Best Late Night Steak Burrito."

I'm sure he also enjoys splitting a cinnamon roll with our friend and his colleague Teri

Hemmert, another Chicago jewel, at her favorite table at Ann Sather's Restaurant on the northside.

Lin Brehmer is a man who helps us to discover the best about Chicago, and in doing so, has become a Chicago treasure himself.

We appreciate and applaud his career as one of our city's finest radio personalities and most recognizable voices, and look forward to the music, experiences, and food he will help us discover in his next twenty years.

Thank you, Lin, for always reminding us why "It's great to be alive."

CELEBRATING DAVID MARVIN BLUMBERG'S 60TH BIRTHDAY

# HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the celebration of David Marvin Blumberg's 60th birthday.

David was born on December 26, 1951 in Jacksonville, Florida. He is the fourth of five children born to Marvin Bernard and Mary Louise Blumberg. David obtained his Masters Degree of Public Administration in 1994 from the University of North Florida.

He was honorably discharged from his service in the USAF in 1974 after having worked as an instrument mechanic on the Minute Man 1, 2, and 3 missiles at Vandenberg AFB, CA.

David worked alongside his father at Marvin Blumberg and Sons from 1974–1982. He was certified as an FAA Air Traffic Controller and worked in that capacity from 1982–2006.

Presently he is serving as an Air Traffic Safety Risk Management Facilitator and Instructor nationwide.

David is the proud father of Lauren, Will, Olivia, Nathan and Natalie. He has one grand-child, Walker Brooks Haas.

David plays the drums in a band comprised of other Air Traffic Controllers who raise money for charities and to date they have raised over \$650,000 for local and national charities.

David will be moving to Fort Worth, Texas to supplement the Federal Aviation Administration's Safety Risk Management staff.

His band Aire Traffic will be playing future benefit concerts to raise money for the Juvenile Diabetes Foundation and for the Joseph Sam's School for Special Needs Children in Fayetteville, GA.

Please join me in wishing David Blumberg a very happy 60th birthday.

IN RECOGNITION OF MR. MICHAEL RYAN

# HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Michael Ryan of East Keansburg, New Jersey. Mr. Ryan will be honored as the 2012 Hibernian of the Year by the

Ancient Order of Hibernians Volunteer Patrick Torphy Division 2 of Monmouth County. This prestigious honor is well-deserved in light of his tremendous contributions to the Irish American community. Mr. Ryan is known to his AOH brothers as someone who will always be there to support his community and those who are in need, and his charitable actions are undoubtedly worthy of this body's recognition.

Mr. Mike Ryan was born in Newark, New Jersey to Dick and Nancy Ryan. Together, the Ryan family moved to East Keansburg, New Jersey in 1955 and have continued to serve the residents of the Monmouth County community. Mr. Ryan joined the Ancient Order of Hibernians Volunteer Patrick Torphy Division 2 of Monmouth County in 1998, where he serves as the Division Marshall. Mr. Ryan serves as a core member of the organizing committee for the annual Irish Festival at the Jersey Shore. In upholding the AOH motto of friendship, unity, and Christian charity, Mr. Ryan tirelessly assists in raising funds for a multitude of causes, including Catholic school education, local food pantries and shelters, and the Wounded Warrior Program.

Mr. Ryan is also a proud member of the Knights of Columbus Council #2858. He is a graduate of Saint Catherine's School and a member of the Middletown High School class of 1974. Mr. Ryan is a 25-year employee of the United States Postal Service and currently resides in East Keansburg, New Jersey with his wife, Christina, and their three sons, Sean, Danny and Matthew.

Mr. Speaker, once again, please join me in congratulating Mr. Michael Ryan upon receiving the 2012 Hibernian of the Year award and thanking him for his service to the Irish American community.

TRIBUTE TO MAJOR GREG DASH

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES  $Monday, \ February \ 6, \ 2012$ 

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to my constituent, Major Greg Dash, for his distinguished service to our country as a member of the United States Air Force.

Major Dash, known to his fellow airmen as "Fez," was raised in Gaithersburg, Maryland. After graduating from Wootton High School, he received an appointment to the United States Air Force Academy, where he earned a degree in Electrical Engineering and graduated on the Commandant's List. He was commissioned in May 1998. After having served his country for 18 years, Major Dash will be medically retired this month.

Throughout his service in the Air Force, Dash excelled in both his tactical judgment and outstanding leadership capabilities. As an Air Battle Manager, he qualified in three separate weapons systems and was selected for graduation from the distinguished United States Weapons School. Major Dash earned a number of awards and decorations, including the 2012 Air Traffic Control Association Earl F. Ward Medallion.

Over the course of his career, Major Dash had several combat deployments. During his last deployment in Afghanistan, he collapsed and was medically evacuated from the country. Later, he was diagnosed with a rare and highly lethal form of cancer. But he was undeterred.

After a 1½-year-long battle with cancer, Major Dash has heroically defeated the disease with the same spirit and determination he brought to his years of military service. Although his cancer has cut short his Air Force career, his talents, personal qualities, record and achievements bode well for great accomplishments in the future. I know that he will continue to make our Nation proud.

Our country owes Major Dash a debt of gratitude for his service, impeccable character and model of selfless leadership. I urge my colleagues to join me in recognizing him and in thanking him for his service and sacrifice.

RECOGNIZING THE UCI PARA-CY-CLING TRACK WORLD CHAMPION-SHIPS AT THE HOME DEPOT CENTER IN CARSON, CALIFORNIA

# HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to discuss a particularly exciting event that will be held this weekend in my district. On February 10th–12th, The UCI Para-cycling Track World Championships will take place at the Home Depot Center Velodrome in Carson, California. The competition will welcome 230 athletes from 30 countries, including United States athletes: Allison Jones, Greta Neimanas, Clark Rachfal, Jennifer Schuble, Aaron Trent and California's very own, Anthony Zahn.

The UCI Para-cycling Track World Championships are the world championships for track cycling and is open to male and female athletes with physical disabilities such as amputation, visual impairment, spinal cord injury, wheelchair-users and cerebral palsy.

The UCI Para-cycling Track World Championships serves as the final qualifying event for U.S. athletes to be nominated to the 2012 U.S. Paralympic Cycling Team which will compete at the 2012 Paralympic Games in London this summer.

Mr. Speaker, the Paralympics are a major international multi-sport event, similar to the Olympics, for athletes with physical disabilities. Over 4,000 athletes from 146 countries compete in the games, which run in parallel with the Winter and Summer Olympic Games. The goal of the Paralympics is to empower persons with disabilities through sport.

Since its creation, the Paralympic games have been inspiring those with physical handicaps to realize their potential and strive to achieve their dreams. The Paralympics are making a difference in the lives of thousands of physically disabled people every day by focusing on participants' athletic achievements and ability rather than their limitations.

Mr. Speaker, I have always been a big supporter of the Paralympics and their goals and that is why I am pleased that this year, the UCI Para-cycling Track World Championships will be held at the Home Depot Center in the 37th Congressional District. This marks the first time that the Home Depot Center will host a Paralympic event in its facility's history and just the second time ever, that the UCI Paracycling Track World Championships will be held in the United States.

The Home Depot Center, home of Major League Soccer's Los Angeles Galaxy and Chivas USA, is designated as an "Official U.S. Olympic Training Site," and is the first and only permanent indoor track of international standard in North America. It is a state-of-theart facility that has brought much attention and prestige to my district.

In March 2011, I was able to join U.S. Secretary of Homeland Security Janet Napolitano in support of the "See Something, Say Something" campaign, which has since expanded to include The Home Depot Center. The campaign raises public awareness of indicators of terrorism and violent crime and encourages average citizens to identify and report indicators of terrorism, crime and other threats to the proper transportation and law enforcement authorities.

Mr. Speaker, I am proud that my district is able to host such an extraordinary event that continues to empower people with disabilities and in the process, inspire people around the world. I am sure that the people of California will embrace the spirit of the Games and will cheer on the athletes as they compete for the Paralympic games this summer.

OUR UNCONSCIONABLE NATIONAL DEBT

# HON. MIKE COFFMAN

 ${\tt OF~COLORADO}$ 

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, our 40th president, Ronald Wilson Reagan, was born on this date in 1911, making him 101 years old today. On President Reagan's 98th birthday, 17 days after President Obama took office, the national debt was \$10,717,280,371,345.89.

Today, it is \$15,335,108,283,338.57. We've added \$4,617,827,911,992.68 to our debt in 3 years. This is \$4.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

A TRIBUTE TO ANNE MARQUESS GARROTT

# HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Mrs. Anne Marquess Garrott and the Southwest Belmont Community Association.

The Southwest Belmont Community Association, SWBCA, was a result of the Colored Women's Christian Association which was or-

ganized in 1870 by Black women in South Philadelphia. The mission of the Colored Women's Christian Association was to provide residential living in a Christian environment for young, newly freed Black women coming from the rural south and seeking jobs in Philadelphia. In 1912, after more than 40 years of petitioning, it was accepted as a branch of the Philadelphia Young Women's Christian Association, YWCA.

The SWBCA was a hub of community activity and offered a variety of programs including poetry, music and dance. It housed an Olympic-sized swimming pool, a gymnasium and meeting rooms available for use by civic groups.

Ultimately the branch became an independent, non-profit organization. The SWBCA is well respected for its leadership in support of the advancement of Black women long before the desegregation of national women's organizations.

Mrs. Garrott was involved with the YWCA movement from an early age. As a child she took part in the many programs at the SVVBCA and as a teenager she taught swimming and tennis. She was later named Director of the Health and Physical Education Department. Throughout her decades long career, she served in many administrative capacities, not only at the SWBCA but also at YWCA's across the Nation. Today she is a revered matriarch who is nationally and internationally recognized for her contributions in support of the mission and goals of the YWCA and her beloved community.

Mr. Speaker, I ask that you, and my other distinguished colleagues join me in recognizing Mrs. Anne Marquess Garrott and the members of the Southwest Belmont Community Association for their many years of service.

RECOGNIZING JON TRAUB'S PUBLIC SERVICE

# HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. STARK. Mr. Speaker, I rise to compliment a staff member for years of service to the U.S. Congress.

Last week, Jon Traub ended his service as the Staff Director for the Majority Staff of the Committee on Ways and Means. He'd spent five years in this role working for both Chairman CAMP in the majority and Ranking Member McCrery in the good old days when Democrats controlled the House of Representatives.

Whether Democrat or Republican, I hope all Members of Congress recognize the important contributions our staffs make. In general, they work longer hours than we do, they get more into the details of policy-making, and we count on them to make us look good.

In his time at Ways and Means, I always found Jon to be a straight shooter. We didn't often agree on policy, but I always knew he'd give me a straight answer when I asked him a question and I always knew he had the confidence of the Chairman so I could count on his answer being correct.

I wish Jon the best in his future endeavors. I'm always sad to see good people leave Capitol Hill, but with a young child, I can certainly understand the desire to lead a more normal life. Again, I thank Jon for his service, wish him the best in his future, and hope to see him in public service again.

 $\begin{array}{c} \text{HONORING MRS. LAVERDA O.} \\ \text{ALLEN} \end{array}$ 

# HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Mondau, February 6, 2012

Ms. LEE of California. Mr. Speaker, I rise today to congratulate and honor Mrs. LaVerda O. Allen as she turns 80 years old. On behalf of our diverse Bay Area community, I would like to personally wish Mrs. Allen a very happy birthday surrounded by family, friends, colleagues and community leaders. Her efforts to advance equal education and work opportunities for women and people of color have spanned over 6 decades. Mrs. Allen is truly an icon in the African American community, and the broad reach of her influence continues to touch communities, both near and far.

A long-time Oakland and East Bay resident, Mrs. Allen moved to Oakland with her family in 1943. After graduating early, with honors, from Oakland Technical High School, she attended the University of California, Berkeley and San Francisco State University, where she received a B.A. in Social Work and an M.A. in Education Administration. During her early career as an educator, Mrs. Allen helped to develop curriculum throughout the Berkeley Unified School District and Peralta Community College District. She also assisted in developing the first financial aid program for state community colleges. Together with her husband and business partner, she ran Bay Cities Beauty Supplies, an entrepreneurial enterprise focused on hair care products for African Americans. Furthermore, her trailblazing experience as a woman and minority business owner led her to a path of advocacy that would pave the way for countless others to follow.

For more than 20 years, Mrs. Allen has been Owner and Principal of The Allen Group, LLC, (TAG) a project and construction management firm committed to advocating on behalf of minority businesses in the engineering-construction industry. She is a stalwart leader in the development of minority, woman-owned and disadvantaged business enterprise programs, and has been a consultant developing agendas to empower architects, engineers and construction contractors in this field since 1971. She and TAG have held management roles in large-scale, complex projects that have been critical to the future of sound Bay Area infrastructure.

Among her many accolades, LaVerda Allen has received an Honorary Doctorate Degree from the Graduate Theological Union in Berkeley. She is an active and prominent member of myriad organizations advocating for the rights of children and the mentally ill. She coauthored the Nation's first Affirmative Action program that called for minority participation

by craft, has served on the San Francisco Human Rights Advisory Committee, and was instrumental in the passage of the San Francisco Minority and Woman Owned Business ordinance in 1988. She was a cofounder of the National Association of Minority Contractors, served as the chair of the Berkeley chapter of the National Association for the Advancement of Colored People Education and Labor Committee during the civil rights movement, and was a board member of the Berkeley Chapter of the American Civil Liberties Union.

Therefore, on behalf of California's 9th Congressional District, Mrs. LaVerda O. Allen, I salute you for your amazing achievements and on this remarkable milestone. Thank you for your many continued contributions to equality, prosperity and justice in our communities. I wish you much more success, happiness and well-being in the coming years. And, once again. Happy Birthday.

PERSONAL EXPLANATION

# HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. CONYERS. Mr. Speaker, on December 17, 2010, I regret that I was not present to vote on H.R. 306, H.R. 1162, and H.R. 2606. Had I been present, I would have voted "yea" on all bills.

IN HONOR OF ROSA PARKS

# HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the late Rosa Parks, whose extraordinary deeds and achievements performed with great moral and physical courage and quiet determination, make her one of the most consequential persons of the 20th Century.

Rosa Parks, who was born 99 years ago today in Tuskegee, Alabama, ignited the modern civil rights movement in the United States in Montgomery, Alabama on December 1, 1955, when she refused to give up her seat on a bus to a white man. Rosa Parks stood up for justice and equality by this simple act of sitting down. And her quiet courage and dedication to the cause of justice and equality led her to join Dr. Martin Luther King, Jr. and others in launching the Montgomery Bus Boycott, an act of civil disobedience that changed America, and forever coined Ms. Parks as the first lady of civil rights.

Ms. Parks' act of quiet civil disobedience inspired similar protests, demonstrations, sit-ins, marches, and other non-violent direct action across the segregated south, including the "Little Rock Nine" in Little Rock, Arkansas in September 1957, where nine black students were blocked from entering the formerly all-white Central High School leading to government intervention; the famous "Greensboro

sit-in" on February 1, 1960 where four black students refused to leave a Greensboro, North Carolina Woolworth's lunch counter after being refused service; the Freedom Rides during the Spring and Summer of 1961 in which young black and white students, referred to as "freedom riders," began taking bus trips through the South to challenge Jim Crow practices banning integration in interstate transportation; and the 1965 "March from Selma to Montgomery" for voting rights, during which occurred "Bloody Sunday," the event that shocked and horrified the Nation and led directly to the passage of the landmark Voting Rights Act of 1965.

Ās a leading activist for civil rights and equality, Ms. Parks actively advocated for the passage of the Civil Rights Act of 1964 and was present at the signing into law of the Voting Rights Act of 1965 by President Johnson.

Ms. Parks continued her work for civil equality and rights and served on the staff of U.S. Representative JOHN CONYERS. Her strong belief in the constitutional principles of equality and freedom led her to establish the Rosa and Raymond Parks Institute for Self-Development in 1977. The institute strives to teach children throughout the U.S. about the history of their country and of the civil rights movement. Her efforts in the fight for civil rights earned her the Spingarn Medal from the NAACP, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999.

Upon her death in 2005, Rosa Parks was the first woman and second non-U.S. government official granted the posthumous honor of lying in honor at the Capitol Rotunda. Hundreds of thousands of mourners came to pay their final respects to the "First Lady of the Civil Rights Movement."

Now, a year before the anniversary of her 100th birthday, her work lives on as we continue to fight for justice and equality in this Nation. As Ms. Parks once said, "As long as there is unemployment, war, crime and all things that go to the infliction of man's inhumanity to man, regardless—there is much to be done, and people need to work together."

Mr. Speaker, I am proud to stand here in honor and remembrance of Rosa Parks, a heroine of courage and a pioneer for civil rights in the history of this Nation. I ask my colleagues to join me for a moment of silence in memory of the great Rosa Parks.

TRIBUTE TO MARY ALAMAR YOUNG OF SAN ANTONIO, TEXAS

# HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in honoring someone who has given 50 years of exceptional service to our country, Ms. Mary Alamar Young.

Ms. Young was born and raised in Devine, Texas just South of San Antonio, and she began her federal civil service career with the Air Force in 1960 as a clerk typist. Over the years, she rose to various positions of prominence due to her exemplary work ethic and her willingness to fight for the opportunities of

others. As Program Operations Manager for the Air Force Affirmative Employment Program, her work expanded the opportunities for the minority community to contribute to and excel in our nation's armed forces.

Mary Alamar Young recently retired on December 31, 2011 after 50 consecutive years as a Federal civilian employee. Her expertise and consistently high level of performance contributed immeasurably to the successful accomplishment of the United States Air Force mission. Throughout her career, Ms. Young set the standard by which our nation's military operates today. This is evidenced by the many awards she has received over the years, including the Air Force Distinguished EEO Award and the Texas Governor's Yellow Rose of Texas Award. Additionally through her advocacy, Ms. Young has been critical to empowering students in the Latino community and working to provide increased opportunities for the young leaders of tomorrow.

It is my proud honor to represent constituents like Ms. Mary Alamar Young in our Nation's Capital. Once again, I ask all of my colleagues to join with me in recognizing a true public servant.

 $\begin{array}{c} \text{HONORING CHANCELLOR DAVID J.} \\ \text{PRIOR} \end{array}$ 

# HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Chancellor David J. Prior, a devoted educator and gifted leader from Southwest Virginia. Chancellor Prior left us suddenly on February 2, 2012. At the time of his passing, Chancellor Prior was serving as the seventh chancellor of the University of Virginia's College at Wise.

Chancellor Prior was born in Anniston, Ala. on December 13, 1943. He earned a number of degrees, including an A.B. in biology from Olivet College in Michigan, a master's in animal physiology and biochemistry from Central Michigan University, and a Ph.D. in neurophysiology from the University of Virginia in 1972. He was also a post-doctoral fellow in neurobiology at Princeton University from 1972 to 1973.

He began his career in education at the University of Kentucky in 1973, where he eventually held dual full professorships in biological sciences and physiology and biophysics. In 1987, Chancellor Prior became chairman of the Department of Biology at Northern Arizona University and was later named dean of the College of Arts and Sciences in 1992. He also served as dean of the graduate school of Northern Michigan University and as a provost in the University of Wisconsin system. He came to the College at Wise in 2005, and was inaugurated on April 11, 2006, as its seventh chancellor. Chancellor Prior was also a prolific researcher having been published numerous times. He is survived by his wife, Merry Lu; daughter, Andrea and her husband, Tom Martin; and son, Christopher and his wife, Sarah.

During his time at the College at Wise, Chancellor Prior worked tirelessly to focus on the importance of education throughout Southwest Virginia. He also encouraged economic development in the region by promoting the College and a STEM initiative to encourage students to enter the science, technology, engineering and mathematics fields. While chancellor, he oversaw the construction of the Convocation Center and several buildings on campus, conducted a successful fundraising campaign, and increased student enrollment. He enjoyed interacting with students and impacted countless lives through his work as an educator and administrator.

Chancellor Prior was a dreamer who allowed the College to achieve beyond what it could have imagined. The growth and successes of the University of Virginia's College at Wise in recent years will long serve as a reminder of his legacy. I am honored to pay tribute to this great man's many contributions. Chancellor Prior will be missed, but never forgotten.

IN RECOGNITION OF THELMA POND

# HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Monday, February 6, 2012

Mr. McGOVERN. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Thelma Pond of Holliston, MA on her 100th birthday. Thelma has lived in Holliston since she was 4 years old. She attended Holliston High School and Framingham Normal School. After graduation, Thelma began her teaching career in Holliston at her beloved Wilder School. Thelma's passion for teaching continued long after retirement. She continued her service at Wilder School on a one-on-one basis volunteering for about twenty years—giving the students an extra boost with their reading.

Thelma has impacted the lives of countless families in Holliston. Her fondest memories growing up in Holliston include seeing a horse pulling the plow to clear sidewalks on snowy days, and the young man who would arrive at her house in his wagon to collect her mother's grocery list and would deliver them later that day. Thelma also proudly participated in the annual Maypole Dance each year.

Mr. Speaker, I rise to thank Thelma for her wonderful contributions to her community. Her commitment to education and passion for empowering young people is truly inspiring. I ask the House of Representatives to join me in celebrating the lifetime of contributions of Thelma Pond on her 100th birthday.

CONDEMNING CHINESE AND RUSSIAN SUPPORT FOR THE SYRIAN REGIME

# HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. PETERS. Mr. Speaker, I rise today to condemn the Chinese and Russian actions on

Saturday, February 4, 2012, that blocked the United Nations Security Council from endorsing the Arab League's plan for a cessation of violence and political transition in Syria.

The United States joined with people of many faiths from countries around the world to ask the Security Council to hold Syria accountable for the bloodshed it has already committed, and continues to commit, against its own people.

Unfortunately, the Chinese and Russian governments appear to place more value on weapons sales to President al-Assad's bloody regime than the lives and freedoms of the people of Syria, and together they vetoed a resolution that would have committed the international community to putting an end to the violence.

Since the beginning of the uprising, I have called on President Obama and Secretary Clinton to hold the al-Assad regime accountable for its despicable actions and to speak up for the rights of the Syrian people who are dying for expressing their own independent political voice.

It is not too late for President Bashar al-Assad to do the right thing—step down—for his sake and the sake of the Syrian people.

INTRODUCTION OF THE DISTRICT OF COLUMBIA SPECIAL ELECTION REFORM ACT

# HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Monday, February 6, 2012

Ms. NORTON, Mr. Speaker, I rise to introduce the District of Columbia Special Election Reform Act. I introduced similar legislation last Congress, which passed without objection by the House Committee on Oversight and Government Reform and the full House. Final enactment of the bill was prevented, however, by an anonymous hold in the Senate, which is no longer allowed in that Chamber. This bill is of great importance to the District of Columbia, particularly now as the District of Columbia Council is faced with the sort of vacancy that this bill is meant to address. The District has to hold a special election just one month after the primary election, which will cost the city an estimated \$318,000. Although this bill will not take effect before the upcoming special election, the bill will provide the District with the flexibility in the future to conduct fair elections without such redundancies and unnecessary costs. The District of Columbia Special Election Reform Act is of little concern to Congress, but the D.C. Council cannot amend the Home Rule Charter. All of the provisions in the bill have been passed or approved by the District of Columbia.

The District of Columbia Special Election Reform Act makes minor changes to the District's Home Rule Charter to provide the city greater flexibility to conduct special elections for vacancies in the office of mayor, attorney general, Council chairman and other members of the District of Columbia Council. Current law requires that a special election be held on the first Tuesday occurring more than 114 days after a vacancy. The bill would establish

a range during which a special election may be conducted, between 70 and 174 days, to reduce the gap in local representation, while also allowing the Board of Elections to take into account important factors when scheduling a special election, such as maximizing voter participation and avoiding conflicts with religious and culture observances.

I very much appreciate the opportunity to work closely with the House Committee on Oversight and Government Reform Chairman DARRELL ISSA to develop this bill, and look forward to the bill being signed into law.

TRIBUTE TO MS. LOYOLA ROSE TRUJILLO OF SAN ANTONIO, TEXAS

# HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in honoring a true asset to our country's armed forces, Ms. Loyola Rose

Ms. Trujillo is currently the Director of the Civilian Hispanic and American Indian/Alaska Native Programs for the Department of Defense's Office of Diversity Management and Equal Opportunity. Prior to this esteemed position, she has served in various posts within the Department of Defense and has worked in budget and contracting, civilian personnel, strategic planning and manpower. Throughout her career, Ms. Trujillo has been a model for public service and government effectiveness, and her dedicated efforts have ensured that our nation's military is an employer that operates at the highest level of civil rights compliance and protections for its employees. Additionally, her work to promote diversity has greatly increased opportunities for members of minority communities to serve proudly and exceptionally in our nation's armed forces.

She is the daughter of Elisa Dominguez and Antonio Simone Trujillo, who was the first Mexican-American policeman on the Kansas City, Missouri Police Department. She is married to LTC Randall Miller USMC (ret), and she considers her greatest accomplishments to be the raising of her wonderful family, including two daughters and seven outstanding grandchildren.

It is my proud honor to represent constituents like Ms. Loyola Rose Trujillo in our Nation's Capital. Once again, I ask all of my colleagues to join with me in recognizing a true public servant.

# SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee-of the time, place, and purpose

of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each

Meetings scheduled for Tuesday, February 7, 2012 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED FEBRUARY 8

11:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Ireland's leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on its future yearlong leadership of the 56-nation OSCE, based in Vienna, Austria, and its work in promoting democracy, human rights and the rule of law.

B318, Rayburn Building

### FEBRUARY 9

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Admiral Samuel J. Locklear III, USN, for reappointment to the grade of admiral and to be Commander. United States Pacific Command, and Lieutenant General Thomas P. Bostick, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers, and Commanding General, United States Army Corps of Engineers, both of the Department of Defense.

Energy and Natural Resources

To hold hearings to examine H.R. 1904, to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and the Southeast Arizona Land Exchange and Conservation Act of 2009. SD-366

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the housing market, focusing on removing barriers to economic recovery. SD-538

To hold hearings to examine assessing inequality, mobility, and opportunity. SD-608

Judiciary

Business meeting to consider S. 1945, to permit the televising of Supreme Court proceedings, and the nominations of John Z. Lee, and John J. Tharp, Jr., both to be a United States District Judge for the Northern District of Illinois, George Levi Russell, III, to be United States District Judge for the District of Maryland, and Kristine Gerhard Baker, to be United States District Judge for the Eastern District of Arkansas.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Department of Justice's opinion on internet gaming, focusing on what's at stake for tribes.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

### FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-G50

#### FEBRUARY 15

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine energy and economic growth for rural America.

Room to be announced

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Transportation.

SD-608

## FEBRUARY 16

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States: with the possibility of a closed session in SVC- $2\overline{17}$  following the open session. SD-G50

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Energy.

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country. SD-628

# FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior.

SD-366

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345, Cannon Building

### FEBRUARY 29

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine strengthening conservation through the 2012 farm bill.

Room to be announced

10 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs.

SR-418

#### MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

#### MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

### MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

### MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-106

### MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

#### MARCH 14

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine healthy food initiatives, local production, and nutrition.

Room to be announced

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five-year plan.

SR-418

### MARCH 15

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal vear 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

### MARCH 20

SD-G50 9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

### MARCH 21

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine risk management and commodities in the 2012 farm bill.

Room to be announced

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

#### MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345. Cannon Building

# MARCH 28

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

# SENATE—Tuesday, February 7, 2012

The Senate met at 10 a.m. and was called to order by the Honorable RICH-ARD BLUMENTHAL, a Senator from the State of Connecticut.

#### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, from whom comes every good and perfect gift, we turn our hearts to You, our refuge and strength. Lord, lead our Senators today in the ways of peace. Plant peace in their hearts, freeing them from self-ishness and enmity and strengthening them with generosity and kindness.

Bring peace to our world so the weapons of destruction will become tools of construction and people will experience a shared destiny of hope and prosperity. In a special way, bless the members of our Armed Forces and their families. Sustain them with Your everlasting arms.

We pray in Your merciful Name.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 2012.

 $To\ the\ Senate:$ 

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

# RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

# SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 p.m. Republicans will control the first 30 minutes, the majority the final 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. for our weekly caucus meetings.

We hope to begin consideration of a number of matters, including the surface transportation bill, during today's session.

#### FORECLOSURE CRISIS

Mr. REID. Mr. President, in this country, owning a home means more than a roof over your head. It is the centerpiece of the American Dream.

For many responsible Americans, the dream of home ownership has become a nightmare. When Wall Street greed collapsed the economy in 2008, the housing market also collapsed. That meant free-falling home prices and a staggering number of foreclosures.

No State in the Union was hit harder than Nevada, but California was hit extremely hard, Michigan, Arizona, and Florida. But for 5 consecutive years, Nevada has led the Nation in foreclosures. The foreclosure rate in Nevada is 400 percent of the national average

Behind those statistics are people. Whether it is Nevada, Arizona, Florida, Michigan, or anyplace else in the country, statistics are people—families who bought homes where they could raise their families and enjoy life. Many Nevadans, like other Americans who worked hard, saved money and shopped responsibly, are now so far under water they can't see a way out.

So who is responsible? There is plenty of blame to go around. Brokers sold loans that could never be repaid, buyers bought houses they couldn't afford, and banks bought bad loans to sell to investors. Regardless of who is at fault, millions of homeowners who did everything right are still on the hook for a financial crisis they didn't cause. Many of them have never missed a payment.

Unlike some Republicans, I don't believe the answer is to throw up our hands and do nothing. Homeowners who have watched their equity evaporate don't have time to watch the market hit rock bottom, as one Republican candidate suggested. The President and Congress have taken action to ease this crisis. Not everything we have done to ease the crisis has worked, but we need to continue programs that are working and fix the ones that aren't. I support

the President's efforts to reduce the hurdles to financing, and refinancing, for sure. Nearly 15 million Americans could benefit from refinancing their loans at today's historically low interest rates.

We must keep those who have lost their jobs from losing their homes as well. This proposal will help them reduce their monthly payments and save thousands of dollars every year. And for families who owe more than their house is worth, it will help them rebuild the equity they lost because of the collapse in the housing markets.

Redtape should no longer keep responsible homeowners from refinancing their loans and restoring their futures. Redtape, I repeat, should no longer keep responsible homeowners from refinancing their homes and restoring their futures.

There are some who advocate a donothing policy. There is nothing we can do to help. They couldn't be more wrong. Here is one example. My Nevada offices have posted several foreclosure workshops. More than 2,000 people have taken the opportunity to sit down and face their lenders—often for the first time. Several thousand more have gotten help from caseworkers in my office. Caseworkers and owners have worked together literally to save homes from the auction block. I am hosting another workshop in Las Vegas this Saturday.

We can't help everyone, but we must do more to help those we can. It is time for more Federal action. It is time to give homeowners in every State the tools they need to hold on to their homes and to hold on to the American Dream.

# RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PAYROLL TAX CUT

Mr. McCONNELL. Mr. President, I want to make a couple of observations

this morning about the bipartisan support that exists for extending a payroll tax holiday. I will start with the obvious: Republicans strongly support extending this tax cut for the rest of the year. Americans have suffered long enough as a result of this President's economic policies. They do not need to suffer more because of his failure to turn the economy around 3 years into his administration.

But the fact is any solution requires both sides to engage in good-faith negotiations. When my friend, the majority leader of the Senate, comes to the floor and says that Republicans in Congress are only willing to extend this tax cut if they are allowed to poison Americans' drinking water, then I think it is pretty safe to say it is time for fewer partisan attacks and more efforts to finish the job.

When a tax hike that has been rejected repeatedly by Members of both parties over the past year is the opening bid in a negotiation, I think it is safe to say that Democrats are more interested in scoring political points than in scoring a tax cut that millions of middle-class Americans are counting on.

When the majority leader of the Senate suddenly announces he is working on a proposal of his own to extend this tax cut, even as the conference committee is in the midst of negotiating a bipartisan solution that everybody can support, I think it is pretty obvious where the problem lies. It is with the Democratic majority and a President who we thought were elected to lead.

I think most Americans would expect that at a moment such as this, when a solution to a pressing problem is sought, the majority party bears the responsibility to find it. It is worth noting that in the House, the majority party did its work and passed a 1-year extension. Yet all we get from the Democratic majority in the Senate are exaggerated claims, ad hominem attacks, and false accusations aimed at delaying a solution rather than achieving one.

So I would remind my friend the majority leader that the particular piece of legislation he railed against yesterday as an effort to poison people has broad bipartisan support, including 12 Democratic cosponsors here in the Senate—and rightly so in the midst of a jobs crisis. We should seize every opportunity we have to help job creators at a time when more than 13 million Americans are looking for work and can't find it.

The only thing controversial about this proposal—the only thing controversial about this proposal—is the idea of opposing it.

I would also remind the majority leader that the Federal pay freeze received more than 300 votes in the House, and that he himself already agreed to spending cuts during negotiations this past fall that would cover the cost of extending this payroll tax cut for the remainder of the year.

So let us allow the conferees to finish their work and get this payroll tax cut extended for the rest of the year. That is what Republicans want. That is what the President says he wants. And there is no reason we shouldn't be able to get this done. The Democratic majority of the Senate should be leading that effort, not rooting for its failure.

I yield the floor.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont. Mr. LEAHY. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I see the distinguished Senator from Oklahoma and I know he is waiting to go and I appreciate his courtesy that I might go first. Let me speak in my capacity as chair of the Judiciary Committee.

Two weeks ago, when the Senate confirmed only 1 of the 19 judicial nominations on which votes were delayed from last year, I urged Senate Republicans to join with Democrats and take long overdue steps to remedy the serious vacancies crisis on Federal courts throughout the country. Nearly 1 out of every 10 Federal judgeships is vacant. Nonetheless, Senate Republicans refuse to consent to votes on consensus nominees who could fill many of those vacancies without further delay. These are well-qualified judicial nominees who were reported unanimously by the Judiciary Committee many months ago; there has been no explanation for the delay in their confirmation. During the last 2 months, Senate Republicans have consented to votes on only 2 of the 23 judicial nominees ready for final Senate action.

Of the 19 judicial nominations now awaiting a final vote by the Senate, 16 were reported by the Judiciary Committee with the support of every Senator on the Committee, Democratic and Republican. No Senator can or should have any reason to oppose these nominees in the Senate. But, month after month and year after year, Senate Republicans find new reasons and new tactics to delay confirmation of consensus judicial nominees for no good reason. I have never seen anything like this. These delays are a disservice to the American people. They prevent the Senate from fulfilling its constitutional duty. And they are damaging to the ability of our Federal courts to provide justice to Americans around the country.

Regrettably, the last 2 weeks evidences more of the same, a continuation of the delaying tactics we have seen for years, as Senate Republicans continue their across-the-board obstruction of President Obama's judicial nominations. For the second year in a row, Senate Republicans refused to consent to votes on judicial nominations before the end of the Senate's session in December. At the end of 2011, they again refused to follow Senate's traditional, longstanding practice of voting to confirm consensus nominations before the end of the Senate session, a practice followed by Democrats and Republicans with Presidents Reagan, George H.W. Bush, Clinton and George W. Bush.

Their tactics have worked, to the detriment of the Federal courts and the American people. By nearly any measure we are well behind where we should be. Three years into President Obama's first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. This is in stark contrast to the nearly 87 percent of President George W. Bush's nominees who were confirmed, nearly nine out of every 10 nominees he sent to the Senate.

We remain well behind the pace set by the Senate during President Bush's first term. By this date in President Bush's first term, the Senate had confirmed 170 Federal circuit and district court nominations on the way to 205, and had lowered judicial vacancies to 46. By the time Americans went to the polls in November 2004, we had reduced vacancies to 28 nationwide, the lowest level in the last 20 years. In contrast, the Senate has confirmed only 125 of President Obama's district and circuit nominees, and judicial vacancies remain over 85. The vacancy rate is double what it was at this point in the Bush administration.

I wonder when I hear some Republican Senators claim credit for

progress on nominations and point to what they like to call "positive action"—how they can ignore the 19 judicial nominations being blocked for no reason. I wonder how they can claim progress for the American people when judicial vacancies remain well above 80 more than 3 years into President Obama's first term. In this setting, after years of delay and lack of real progress, it is troubling to hear Senate Republicans already talking about how they plan to resort to the Thurmond Rule to shut down all judicial confirmations for the rest of the year. Their obstruction has already resulted in the Senate having confirmed 45 fewer judicial nominations after 3 years of the Obama administration than after 3 years of the Bush administration. We still have a long way to go to catch up and to lower judicial vacancies before anyone talks about a confirmation shutdown.

I wish Senate Republicans would abandon their rhetoric and do as Senate Democrats did when we worked to confirm 100 of President Bush's judicial nominees in 17 months. In fact, we continued to work to reduce judicial vacancies by considering and confirming President Bush's judicial nominations late into the Presidential election years of 2004 and 2008, reducing the vacancy rates in those years to their lowest levels in decades.

The cost of this across the board Republican obstruction is borne by the American people. More than half of all Americans, nearly 160 million, live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations that have been reported favorably by the Judiciary Committee. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should fill these numerous, extended judicial vacancies, not delay final action for no good reason.

The result of the Senate Republicans' inaction is that the people of New York, California, West Virginia, Florida, Nebraska, Missouri, Washington, Utah, the District of Columbia, Nevada, Louisiana, and Texas are without the judges they need. The result is that judicial emergency vacancies in Florida, Utah, California, Nevada and Texas remain unfilled.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who seek their day in Federal court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a

court to resolve their dispute. With one in 10 Federal judgeships currently vacant, the Senate should have come together to remedy the serious judicial vacancies crisis on Federal courts around the country.

This Republican obstruction began long before President Obama's recent recess appointment of a handful of Executive branch nominees needed for the Consumer Financial Protection Bureau and the National Labor Relations Board to function. Indeed, despite 3 years of delays and across the board obstruction of his judicial nominations. President Obama has not recess appointed a single judicial nominee. That is something President Bush did, not President Obama. Senate Democrats that year consented to consider noncontroversial judicial nominations. confirming a total of 205 circuit and district court nominations in President Bush's first term and lowering judicial vacancies dramatically. In fact, the Senate proceeded to an up or down vote and confirmed 1 of the judicial nominees President Bush had recess appointed, William Pryor to the Eleventh Circuit.

Senate Republicans have been blocking votes on 18 of the President's judicial nominees since last year. Eight of the judicial nominations Republicans are blocking were reported unanimously by the Judiciary Committee in September and October last year. Another 5 nominations were reported in November, and 4 in December, All of these judicial nominations could and should have been considered by the Senate last year. Indeed, when Republicans held up scores of nominees in December, including these judicial nominees, they did so to "punish" the administration for not assuring them that the President would not use his recess appointment power. That delay, now of more than 2 months, has already taken a measure of revenge. They continue to hurt the country by engaging in more obstruction and delay now to seek a double measure of retaliation.

Instead of exacerbating the conflict, Senate Republicans should reconsider their tactics and moderate their use of filibusters and stalling. This President has reached out to work with Senators from both parties with respect to judicial nominations. Every one of the 19 judicial nominations awaiting final Senate action has the support of his or her home State Senators, Republican as well as Democratic. There is no excuse for continued stalling of President Obama's consensus judicial nominees. The courts and the country cannot afford another year of across the board delays of President Obama's judicial nominations. I urge votes on Jesse Furman for the Southern District of New York, Cathy Bencivengo for the Southern District of California, Gina, Groh for the Northern District of West

Virginia, Margo Brodie for the Southern District of New York, Adalberto Jordan for the Eleventh Circuit, Beth Phillips for the Western District of Missouri. Thomas Rice for the Eastern District of Washington, David Nuffer for the District of Utah, Stephanie Thacker for the Fourth Circuit, Michael Fitzgerald for the Central District of California, Ronnie Abrams for the Southern District of New York, Rudolph Contreras for the District of Washington DC, Susie Morgan for the Eastern District of Louisiana, Jacqueline Nguyen for the Ninth Circuit, Gregg Costa for the Southern District of Texas. David Guaderrama for the Western District of Texas, and Brian Wimes for the Eastern and Western Districts of Missouri.

Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from Oklahoma.

### ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I see the junior Senator from Connecticut in the Chamber. If he wishes to speak, it is my understanding this is Democratic time now. If he wishes to go before me, that is perfectly all right. I ask unanimous consent that at the conclusion of his remarks I be recognized in morning business because I do want to talk about the transportation bill that is coming up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the distinguished Senator from Oklahoma for his courtesy and his leadership on so many issues.

Mr. President, I want to particularly say to my colleague from Vermont how much I appreciate his leadership on the Judiciary Committee, where I serve. Leadership is the mark of his work there. He brings together Members of both parties on so many issues, including this one involving the Federal judiciary. It is, as he has said so eloquently, one of the marvels of the world, one of the historic accomplishments of our republican democracy, that we have a truly independent judiciary that exemplifies the qualities of professionalism, scholarship, integrity, and, yes, independence.

We are here today because we have a crisis in our judiciary. It is a crisis not created by our judges but by this body. It is a judicial vacancy crisis because nearly 1 out of 10—I repeat, 1 out of 10—judgeships in this country are now vacant. The vacancies are double what they were at this point in President Bush's first term.

Every time I go back to Connecticut—as I am sure happens to the Presiding Officer in his State of West Virginia and to Senator INHOFE in Oklahoma—people ask me: Why can't you do better in Washington? Why

can't you bring both parties together and avoid the waste and the acrimony and rancor and the gridlock that is the reason for this judicial vacancy crisis? We need to come together and avoid the kind of paralysis that has such lasting and damaging effects on our judiciary.

The President has done his work in recommending qualified nominees to this body. The Judiciary Committee has done its work in reporting many of these judicial nominees to the floor, in many cases with unanimous support. Despite that unanimous support, those nominations languish here.

As we speak, 19 judicial nominations are still pending on the Senate's Executive Calendar. Mr. President, 16 of those nominations were reported unanimously to the floor and all but 2 of them are consensus nominees who received strong bipartisan support in the Judiciary Committee.

They have been blocked by the Republican minority. They have been blocked from up-or-down votes. They have been denied those up-or-down votes. That is unfair not only to them but to the American people. It is damaging to this country. It undermines the independence of the judiciary, its credibility and respect. It causes delays in the decisions on cases that vitally affect ordinary men and women who come to our Federal courts for justice. The old saying "justice delayed is justice denied" holds true whether it is the great historic cases of this country or the ordinary, mundane, routine cases that involve injuries to individual plaintiffs or defendants. And it discourages qualified people from permitting their names to be placed in nomination. The uncertainty of those delays, the need to put their lives on hold, when they are lawyers in private practice or judges serving on the bench now, causes a severe disincentive that deters qualified people from beginning this uncertain process.

Outside of Washington, there is a clear consensus that the Senate must do better. Outside of the Senate, there is a clear consensus that we need bipartisan cooperation. Not just among politically elected leaders, but the Chief Justice of the U.S. Supreme Court, members of the bar on both sides of the aisle all agree we must move these nominations. So I call on my colleagues, as the chairman of the Judiciary Committee has done, to do better. President Obama has nominated qualified members of the bar to serve on our district courts, including, most recently, Michael Shea of my State to replace Judge Droney, who has just been confirmed as a member of the court of appeals.

Judge Droney's nomination waited here on the Senate calendar for 130 days, despite the clear consensus in his favor. Eventually, he was confirmed by a vote of 88 to 0. That delay, in turn, caused a delay to the nomination of a the Environment and Public Works district court judge to replace him. Committee. I am now the second rank-

I am hopeful Michael Shea will be confirmed expeditiously.

We should never minimize the importance of careful vetting and scrutiny when it comes to these nominees. But once that process is complete in the Judiciary Committee, blocking these nominees can only be bad for the American people, as well as for the 160 million Americans who live in districts and circuits with vacancies whose nominees are sitting on the Senate calendar. They should not have their ability to access justice denied or delayed. We should reduce the burdens on our courts as quickly as possible so our system of justice will continue to beand justifiably—regarded as one of the great marvels in the history of democracy, of governance in this world, on this planet.

Our nominees deserve prompt and fair consideration by the full Senate, and I am hopeful the Senate will do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

### HIGHWAY REAUTHORIZATION

Mr. INHOFE. Mr. President, we are going to be considering today—and I think the rest of this week, and probably into next week—one of the most significant things we are supposed to be doing here.

I wish to start off by saying—in endorsing and encouraging a highway reauthorization bill—I want people to know this is coming from someone who is a conservative. I think there are a lot of conservative organizations out there that have mistakenly thought of this as being a big spending bill without realizing this has been, since its inception back during the Eisenhower administration, an approach to building roads, highways, infrastructure that is necessary in this country, and to have that as a top priority.

There are some problems that have come up with the highway trust fund, and I want to share that with my colleagues but, first of all, make sure everyone knows, who might be watching-and particularly some of the organizations that are conservative organizations—that these words are coming from me. I have probably been recognized as the most conservative Member of this body as much as anybody else has, maybe more. Yet, I have always said—even though I am a leading conservative—there are two areas where I am a big spender. One is in national defense and one is in our infrastructure.

For that reason, I say to the Presiding Officer, when I was first elected back in 1994, I selected two committees to be on. One was the Armed Services Committee, where I could try to keep a strong national defense. The other was

the Environment and Public Works Committee. I am now the second ranking member on the Armed Services Committee and the ranking member of the Environment and Public Works Committee. Back when the Republicans were a majority, I was actually the chairman of that committee. That is when we did our last bill.

Our last highway reauthorization bill was in 2005. It was one that went through the process and was very successful. Conservatives and liberals alike joined and said this is a major function of America. This is what we are supposed to be doing here.

A strong defense and our infrastructure system are not going to be done by anybody else. It is going to have to be done by us. If we want to make sure we maintain a strong national defense, which this President has not been doing with the cuts he has made—actually, we could have as much as \$1 trillion in cuts in our defense budget over the next 10 years, all due, quite frankly, to one person. That is President Obama. So he does not care that much about defending America in putting the resources there. Here is a President who, in his own budget, has proposed a deficit each year, for four budgets, of over \$1 trillion each year.

You would think, with these huge deficits, we would not be having a problem in defense spending, as well as in our roads and highways, in coming up with a bill that would be a transportation reauthorization bill. The transportation reauthorization bill for 2005 where I was the sponsor of it because I was chairman of the committee—was a \$286.4 billion bill. It was one that even at that time barely maintained what was out there already. Certainly I do not have to tell the occupier of the chair from West Virginia that I have been through his State and there is a lot of room for improvements in the road system, and I know he is a strong supporter of this. This is certainly true in my State of Oklahoma. It happens that my State of Oklahoma is tied, the last time I checked, with Missouri as being dead last in the quality of our bridges.

We have actually had deaths in Oklahoma. We had a lady not too long ago in Oklahoma City, the mother of three small children, who was driving and a chunk of concrete came off a bridge and killed her. This is serious stuff. This is what we are supposed to be doing here.

So we had this bill back in 2005. Since that time, we have been operating on extensions. We have done eight extensions. It is kind of complicated, but I want to explain how this works. The proceeds of the highway trust fund come from the gas tax. About 18 cents, when you buy gas at the pump, goes to maintenance of the highways and bridges in that program.

The problem has been that in recent years—it started about 10 years ago—

we had surpluses in the highway trust have long believed—and I served many fund, and with other people who wanted to get their deal in on the highway trust fund, we have things that have nothing to do with transportation that are there. That is one of the problems we have.

But the other problem we have is that through the efforts to encourage people to use electric cars and get better mileage and all that, we do not have the proceeds we had in years past. I think probably if we had been smart initially, we would have had the highway trust funded by a percentage as opposed to a "centage." If it is 18 cents, it does not make any difference, it is going to be 18 cents. But if the price of fuel goes up, if it had been a percentage, then we would not be faced with the situation we have today. So that is what we have.

I applaud, I thank Senator HARRY REID, the leader of the Senate, for wanting to give it the attention, the priority in getting it on the floor so we can talk about it. In a minute, I will also be very complimentary of Senator BOXER from California.

This is something that is kind of interesting that is unique in transportation only. Here I am ranked always as one of the top three most conservative Members. Senator BOXER from California is a very proud liberal. One thing: I do not mind people being liberals if they are proud liberals and admit it. Well, she does. She is a liberal. She feels the government should have greater control of some of the things we do. Consequently, she is doing essentially the same thing as the current chairman of the Environment and Public Works Committee as I would be doing if I had still been chairman of the Environment and Public Works Committee; that is, coming up with a highway bill.

Well, we are looking at it right now. I have to share with my colleagues on the right—the Republicans, the conservatives—what we are looking at. A lot of people do not realize the bill that is coming up is a bill of compromise. We actually passed this out of the committee unanimously. All the Republicans and all the Democrats voted for it. It is a bill where, I have to say, Senator Boxer worked very closely with us. We have reforms in here.

Going back to my comment about extensions, if we do not pass a bill, we have to operate on extending the current legislation, the current bill, the remnants, I might say, of the 2005 transportation reauthorization bill.

Now, if we do that, we do not get any reforms. So one of the things we did in this bill that gained the support of the Republicans on the committee, and most of the Republicans here, was the reforms we had.

For example, in this bill we gave the bill that is up for consideration now-more flexibility to the States. I years ago in the State legislature—the closer you get to home the more responsible government is. And I can tell you right now, giving the flexibility to the States to make these determinations—who are we to say that we, in our infinite wisdom and knowledge in Washington DC, are smarter than they are at the State level? We are not. Certainly, we do not know the needs like the States know the needs.

So we have the situation in this legislation where we are giving more flexibility to the States. We are reducing the number of programs. This is a big thing. I cannot tell you exactly how many programs there are because I do not have that in my notes. But I do know we have reduced the number by eliminating and consolidating programs that might be duplicative of each other by two-thirds. In other words, we only have one-third of the programs we had before. That is in this bill. That is a major improvement.

Now, looking, also, at the streamlining of project delivery, we have something called NEPA. NEPA looks after the environmental concerns when we are building roads and bridges. This bill expands the number of categorical exclusions available under NEPA and allows for steps within the lengthy NEPA process to be combined so we can get things done.

You have heard the stories-I am sure you have—of problems with everything from endangered species to other environmental concerns that cause these things to drag on and on and on. and the expense is so much greater. Well, we are eliminating a lot of those categorical exclusions. We are increasing the number so that we will be able to get that much more done.

Another thing in this law—this is very complicated—is called enhancements. I opposed it back years ago when they started putting enhancements on the highway bill. I have always said it is a moral issue. When people pay their 18.4 cents a gallon, and it goes into the highway trust fund, they are led to believe that money is going to be going to transportation, for improving the roads and the bridges. That is not quite true because other deals have kind of moved in so that they are involved with it. So they passed this thing called enhancements where 2 percent of the total highway funding would have to go to what they called transportation enhancements.

A lot of people say 10 percent. It is 10 percent of the States' surface transportation funding or 2 percent of the total highway funding. I would like to do away with the enhancement program altogether. Unfortunately, that means we could not get a highway bill.

Working with Senator BOXER and with the Democrats in the committee, we came up with the perfect solution. We do not have to eliminate enhancements because the solution under this bill will allow the States to make the determination as to how they are going to spend that 2 percent of their total highway funding. Instead of using it for museums and other things that have nothing to do with transportation, we are, under the provisions of this bill that we are talking about, able to use that money for any other requirements for unfunded mandates—and there are plenty of them there, such as endangered species mitigation, storm water runoff, wetlands mitigation. They are a part of every project. So we can take that 2 percent, and instead of applying it to enhancements, we can offset the requirements that are there.

So for all practical purposes, like in my State of Oklahoma, we are not going to have any of that 2 percent for enhancements. It is not there. We have solved the problem. But we put that in the hands of States. So there will be amendments that would want to do away with enhancements. I would say we do not have to do that now because we have reformed that process.

It is a little bit complicated because we are merely saying that we have a block of money which constitutes 2 percent of the total highway funding, and instead of that going to things that we hear about that have nothing to do with transportation, we do not have to do that anymore. That will be up to the States. However, some States may feel differently. If they do, that is not their problem; that is not my problem.

So that is the type of thing we are doing in this bill that has not been there before. If we do not do it, we would be cutting highway spending down to the highway trust fund receipts. That calculates into a 34-percent cut to the States' road and bridge funding. Right now-to put this into perspective so that people will, hopefully, understand and listen—we need, and we are in the process of getting, an additional \$7.2 billion in order to be able to fund this bill as we passed it-\$7.2 billion.

Stop and think about that. If we go back to the \$800 billion stimulus bill that President Obama had—I know Senator Boxer agreed with me-more of that should have gone to highway funding. Only 3 percent of it-3 percent—went to highway funding. So we are talking about \$800 billion which was spent. We are trying to come up with \$7.2 billion.

I have to say this and bring it up. We all remember the \$700 billion bailout. A lot of Republicans ended up voting for that, and right now we are down to the cost is probably going to be leveling out at \$130 billion. That is the bailout that was passed.

Well, \$130 billion, when all we are looking for now is \$7.2 billion, we cannot say it is not there. As I said when I opened, this President, in his budget. has had over \$1 trillion in deficit each

year for 4 years. Again, that is not the Democrats, not the Republicans, it is not the House, it is not the Senate. That is President Obama. That is his budget. That is the way it works.

mary functions of government. This is our opportunity to do it. I hope there will not be people on the outside looking at this and completely disregarding these hundreds of billions of dollars

I have often said when we look at the hundreds and hundreds of billions of dollars—and yet one of the prime functions we have is roads and highways, and we are just \$7.2 billion short. I think they have come up with it. I applaud the Finance Committee which has been working on this and recognized it in terms of priority that we ought to be able to do it.

They have come up with a package now that—again, this is not in my end of it; this is the Finance Committee. A lot of people think the highway bill is all in the Environment and Public Works Committee. It is not. We have the Commerce Committee, the Budget Committee, the Finance Committee, and our committee. But that end of it is in the Finance Committee. They have worked diligently. I appreciate the hard work that has came from the Democrats and the Republicans on that committee.

Now, in the event that we do not do this, we are going to go back—it will be our ninth extension. When we have an extension, none of these reforms I just talked about, none of them will end up being done. It will just be major cuts in programs.

I would only ask this: I would ask any Member of the Senate, before you draw yourself into a box where you are going to be opposed to this, what you need to do is call your State departments of transportation. Talk to them about it. Talk to the chambers. Talk to the labor unions back in your States. See what they think. This is one of the few issues where they are all in agreement—labor, chambers, all of them. They realize we have to have infrastructure in America.

I know my State is not the only State that has road problems. But I am more familiar with them because that is where I live and raise my 20 kids and grandkids. So I would hope that we look at the opportunities that we have in what is called MAP-21. That is the transportation reauthorization bill that we have under consideration at this time, and that we will do the responsible thing.

If we do rely, by the way, on extensions, our highway trust fund will be totally depleted by this next summer. Then we are going to have to do an extension or be forced to bail out the highway trust fund. We do not want that to happen. We can preclude that from happening. All we have to do is be responsible today.

Again, this is one of the few areas where back home organized labor as well as business is all for it. Here we have the extremes, such as Senator BOXER from California and myself. We both agree this is one of the two pri-

mary functions of government. This is our opportunity to do it. I hope there will not be people on the outside looking at this and completely disregarding these hundreds of billions of dollars that, in my opinion, have been wasted and not pay attention to one of the prime functions of government; that is, doing the infrastructure for the United States of America.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. Franken pertaining to the introduction on S. 2076 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

### EXTENSION OF MORNING BUSINESS

Mr. FRANKEN. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each with the Republicans controlling the time from 4 to 5 p.m. and the majority controlling the time from 5 to 6 p.m.; further, that the majority leader be recognized at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. I yield the floor. The PRESIDING OFFICER. The Senator from North Dakota.

# KEYSTONE XL PIPELINE

Mr. HOEVEN. Mr. President, I rise today to speak about jobs, energy independence, and good environmental stewardship for our country. I rise to speak about working with our strongest ally and trading partner, Canada. I rise to speak about moving forward on behalf of the American people and not delaying, not failing to act in their best interests.

Yesterday, Canadian Prime Minister Stephen Harper left for China. He left for China with five of his top Ministers, including his Minister of Trade and his Minister of Natural Resources. He also took along 40 leading businessmen from Canada, including many of their leading businessmen in the area of energy, oil, and gas. He left on a trade mission to China. And what is at the very top of his list? At the very top of his list in his trade mission to China is selling Canadian oil to China. Why is that?

The reason is because our current administration evidently would prefer

that we buy oil from the Middle East and from Venezuela rather than buying oil from our closest friend and our No. 1 trading partner, Canada.

That seems hard to believe but, if not, how else can we explain the administration turning down the Keystone XL Pipeline project after more than 3 years of study—not 60 days but more than 3 years of study. We recently passed legislation in this Chamber and in the House that was approved by the President, and in that legislation we said the President needs to make a decision on the Keystone XL Pipeline within 60 days of the date of that legislation, but that is after 3 years of study.

The administration came back and said: Well, it cannot make a decision in 60 days but forgot to mention they have been looking at it for over 3 years. In fact, let's go through that timeline. I think it is important that the American people understand the real timeline.

The real timeline has nothing to do with 60 days. The real timeline is more than 3 years that a project has been held in limbo. On September 19, 2008, TransCanada applied for a permit to build the Keystone XL Pipeline. That is more than 3 years ago. Both the Environmental Protection Agency and the State Department said they would have an answer on the project before the end of last year. They made it very clear that after going through the full NEPA process-including the full environmental impact statement, doing all of the due diligence, all the work over more than a 3-year period—they would have an answer before the end of the vear.

The administration then says: No, that is not enough time. We don't have enough time in more than 3 years to make a decision, so the decision is null. You ask: Why would that be? Is this such a unique project that we have never done this before; that after more than 3 years of study—not 60 days—this is so unique we cannot make a decision in that amount of time? So the administration says no.

On this chart we see this red line that runs from Hardisty, which is Alberta, Canada, all the way down to Patoka, IL, to refineries we have in this country. This is the Keystone Pipeline. That was approved in 2 years, roughly 2006 to 2008, and then constructed. It now moves almost 600,000 barrels of oil a day from the Canadian oil sands down to our refineries. So that project already exists. We are talking about building a sister pipeline, the Keystone XL Pipeline, that will bring it from the Calgary area, the Province of Alberta, Canada, down to Cushing, which is a major oil hub, and our refineries in the gulf.

So it is not a new concept; we are already doing it. This pipeline carries almost 600,000 barrels a day. The new

day.

It is not just about Canada. It is not just about moving Canadian crude to our refineries. My home State of North Dakota, and Montana, produce oil as well-light, sweet, Bakken crude-good stuff. We need to get that product to market as well; 100,000 barrels a day from North Dakota and Montana will go into this pipeline. Now, that is incredibly important to States such as North Dakota and Montana because right now we have to move that product by truck and by train. There is incredible wear and tear on our roads, and with the congestion on our roads, there are also traffic accidents and traffic fatalities.

Mr. President, 100,000 barrels a day represents 500 truck loads a day on some of our highways in western North Dakota and eastern Montana.

This pipeline would reduce the number of truck miles to move that product by 17 million truck miles a year. So it is not just about moving that product from Canada to our refineries, it is about moving our own crude, crude that we produce in this country to market. Our States need that vital infrastructure, and the government is not building this infrastructure—not one penny of tax money, not one penny of Federal Government spending. This is a \$7 billion-plus investment from the private sector to give us the infrastructure we need to get our oil to our refin-

So it is not a new project. It has been done before.

As a matter of fact, as my next chart shows, not only has this been done before, but the Obama administration has approved similar projects before.

In August of 2009 the current administration approved a 1,000-mile pipeline that moves 800,000 barrels of oil a day that is moving oil right now. They approved this project in August 2009. It came online in October 2010. It goes from the Province of Alberta down to refineries in Wisconsin. So they approved it in August 2009.

So what is going on here? Well, the issue they have talked about is that they have to delay this because of the western Sandhills region of Nebraska. The western Sandhills region of Nebraska includes something called the Ogallala Aquifer. The Ogallala Aquifer is obviously very important for water supply and irrigation. That is here in western Nebraska, so that concern has been raised. So we put forward legislation that addresses that issue.

We put forward legislation that follows the lead of the State of Nebraska and says: We will reroute the pipeline in Nebraska. For example, rerouting it over here where there is already the existing Keystone Pipeline. But in the legislation we put forward we say we will reroute the pipeline in Nebraska; that issue will be fully addressed, and

pipeline would carry 830,000 barrels a we do not set a timeline on doing it and we expressly provide that we work with the State of Nebraska to do it.

> Nebraska had a special session in November. After their special session where we all agreed to do the rerouting, the State of Nebraska—their legislature, their Governor, and their Senators—supported the project. They said: Yes, we need to move forward with the project.

> As you can see, there are many pipelines through there already. Nevertheless, we said: OK, the administration said that is an issue. We do the rerouting and we set no time limit to do it. So why aren't we proceeding with the project? What are we waiting for? And what are the ramifications of waiting? Look at all these pipelines. This is not a new concept.

> So I take a step back to what I mentioned earlier: What is going on here? Why is it that Prime Minister Harper. the Prime Minister of Canada in China today, is arranging to sell oil that they produce in Canada to China rather than to us in the United States when we need it so badly—not just for our economy, not just for the jobs, but for energy security at a time of incredible upheaval in the Middle East? Now this oil is going to go to China. What is going on here?

> Well, the only thing that I guess we can figure is that the administration has decided they don't want oil produced from the Canadian oil sands. They have decided they don't want oil that is produced in Canada in the oil sands. The argument is that somehow that oil will have higher greenhouse gas emissions, so we are not going to take it and somehow that is not going to be produced. So it is an environmental issue. The only problem with that is that it is going to be produced. It just won't come to us, it will go to China. And maybe an even bigger irony—although certainly not a bigger problem but a bigger irony—is that the environmental stewardship will then be worse, not better. So if that is the argument, it is going in the wrong direc-

> This oil, which will be produced up here—that is exactly the agreement Prime Minister Harper is now working on with China and, believe me, China wants the oil. There is no question about that. They have made it very clear. While we continue to put Canada on hold, China is working very hard to make sure that oil comes to them.

> Lets talk about the environmental aspect of that. Now, instead of bringing this oil in a pipeline down to our refineries—the best technology in the world in terms of refining, so we put it in a pipeline and we have lower emissions in the very best refineries in the world—we are going to put this oil in thousands and thousands of tankers that have to go across the ocean, producing greenhouse gases, and it is

going to be refined in China, where they have lower emission standards, meaning higher emissions. They don't have the same standards we do, so we end up with more greenhouse gas, and yet at the same time we continue to have tankers of oil coming in from the Middle East producing more greenhouse gas because we can't get the oil from Canada.

So if that is the argument, what are we doing? We are saying: OK, we are going to say no to the jobs and we are going to say no to the fact that we can be energy independent in terms of oil. Between the United States and Canada, we can be independent in our oil needs. We won't need to get oil from Venezuela and we won't need to get oil from the Middle East—a huge national security issue. Look at what is going on in Syria and look at what is going on in Egypt and look at what is going on in Iran. Look at what is going on with the price of gasoline. We can become oil independent with our best friend and ally, Canada, but we say no instead. After 3 years, we are going to say no to the project, so Canada sells it to China and we get worse environmental stewardship.

I hope the American people fully understand exactly what is going on here because it is time to act. Right now. Prime Minister Harper is talking to President Hu Jintao, the President of China and, believe me, China wants the oil. Prime Minister Harper and Canada, our closest ally in the world, have waited 3 years—3 years—to get a "no" answer from the administration. So we will see what kind of agreement he comes back with from China.

The reality is, it is time to act. Here are some of the pipelines that are moving crude oil and other product around our country. Do we really think that is a problem, particularly when we put in legislation—when we went specifically and found out what the administration's concern was and we solved it and we built it into the legislation? The time has come to act. I call on my colleagues to join me. We put forward legislation that addresses the concerns. But it is time to act for the good of the American people.

Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. Will the Senator rescind the suggestion, please. Mr. HOEVEN. I will.

### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m.. recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

call the roll.

Mr. DURBIN. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

Mr. DURBIN. Mr. President, the January jobs report shows that President Obama and many others have joined to help put our economy on the path to recovery. The economy added 257,000 private sector jobs in January. That is the 23rd month in a row that the economy has added private sector jobs, for a total of 3.7 million payroll jobs over that same period.

In January, the unemployment rate fell again from 8.5 to 8.3 percent. The unemployment rate has fallen .8 percent since August. That is the first time in almost 17 years that the unemployment rate has fallen for 5 consecutive months.

Job growth is occurring across many sectors of our economy. In Illinois, we are seeing manufacturing jobs return, some from overseas, and across the country last month the manufacturing sector added 50,000 new good-paying

Don't get me wrong, we still have a long way to go. We have to quickly agree on the extension of the payroll tax cut, which will expire in just a few days. We have to ensure that unemployment benefits for those looking for work are continued. We are on the right track, but we shouldn't rest in our efforts to foster an economy that is built to last.

I am not a deficit and debt denier. I understand the gravity of our fiscal challenge, and we need to work to resolve these problems. I hope my work on the President's fiscal commission and as part of the Gang of 6 shows a commitment to this issue. However, as Ben Bernanke, Chairman of the Federal Reserve, said last week:

Even as fiscal policymakers address the urgent issue of fiscal sustainability, they should take care not to necessarily impede the current economic recovery.

Fortunately, the two goals of achieving long-term fiscal sustainability and avoiding additional fiscal headwinds for the current recovery are fully compatible—indeed, they are mutually reinforcing.

On the one hand, a more robust recovery will lead to lower deficits and debt in coming years. On the other hand, a plan that clearly and credibly puts fiscal policy on a path to sustainability could help keep longer-term interest rates low and improve household and business confidence, thereby supporting improved economic performance today.

We can grow our economy and reduce the deficit. In fact, it is arguable that we can't balance our books or the budget with 14 million people out of work. We have to work to put this economy back on its feet, to put Amercomes, paying their fair share of taxes, and sustaining a growing economy.

A credible deficit reduction plan will include investments that look to the future. Not only can we be fiscally responsible and still invest in infrastructure, education, and innovation, we can only be fiscally responsible if we do make those investments. Failing to invest in the future is a recipe for more intractable fiscal problems in the years

Those who say just cut spending and ignore the consequences ignore the reality. There are those who say that government spending is holding our economy back. They say that if we cut government spending, somehow we are going to enliven and rejuvenate this economy. History tells us quite a different story. President Clinton presided over the strongest period of private sector growth in recent memory, and he did so while government spending grew every year from 1995 to 2000. In 3 of those years, President Clinton generated a balanced budget—the last balanced budget we have seen in Washington.

It is clear to me that we should be heartened by the recent positive economic data, but we can't mistake it for a signal to retreat. We have to continue working to build a strong and fiscally sound economy for the 21st century. A critical element in that is unemployment insurance. The January report, as I mentioned, says we are on the road to recovery, adding 257,000 private sector jobs, with the unemployment rate dipping from 8.5 to 8.3 percent. Even with these gains, more than 12½ million people are still unemployed and actively looking for work. Even more concerning is the number of longer term unemployed, which remains at about 5.5 million. The trouble finding work isn't due to lack of initiative. We need more jobs. And until there are more jobs available, we should maintain unemployment insurance benefits at current levels.

Maintaining the current level of Federal unemployment insurance has proven to be one of the best things Congress can do to breathe life into this economy. The Congressional Budget Office-respected and bipartisan-estimates that every dollar we put into unemployment insurance not only goes into the economy but is respent and is worth \$1.90 in economic activity. Late last year, the Economic Policy Institute estimated that extending Federal unemployment benefits for 1 additional year generates \$72 billion in economic growth, creating over 560,000 jobs over the course of the year.

An estimated 3.2 million people were kept out of poverty simply because of unemployment insurance checks. As of the end of last year, 200,000 individuals were collecting unemployment in Illinois, with 43 percent of those unem-

The legislative clerk proceeded to icans back to work earning good in-ployed people having children in their homes.

> I came to the floor today to reinforce for my colleagues and the conferees working on the payroll tax-unemployment insurance bill that this isn't just about numbers, it is about real lives.

> I received a letter from Laurel in December, who does a far better job of illustrating the role of unemployment benefits than anything I can say. Here is what Laurel wrote:

> Thank you for working late nights. I am from Evanston, IL. I graduated from Evanston Township High School. My position as Ethics and Compliance Manager in a large multi-national conglomerate was eliminated last December 2010.

> I am trained as a lawyer, and have worked in international law, economics and policy. In addition to a law degree, I have a Master of Science in International Relations from the London School of Economics. I wrote my thesis about US trade policy, the now expired Agreement on Textiles and Clothing, and international economics and labor at

> After working for a think tank in London on democracy and participation, I went to law school. During law school, I interned at the United Nations and later for the legal and regulatory group of a Wall Street research service.

> I was working in the legal department of Smiths Group on international compliance issues when I was laid off. While working for Smiths Group, I studied for an LLM in international comparative law in the evenings.

> After being laid off, I received severance from my previous employer and was able to get a short-term contract with the World Bank after only a few weeks of unemployment. However, since the end of that contract in July, I have not been able to find a job or get a contract.

> My first phase of unemployment ended in November. I have now been receiving unemployment insurance payments for 7 months, just beginning Phase II. If unemployment insurance extensions are not renewed, I understand I will no longer receive payments.

> I am a 38-year-old single female living alone. My parents are elderly, and my mother was just diagnosed with breast cancer. My dad has had two strokes in the last 6 years.

> I am paying \$402 a month in COBRA payments to keep my health insurance. I rent an apartment and unemployment just barely covers my rent. I have been living on savings since July. Without the help of unemployment, I will not be able to pay my rent, and Lam terrified

> I have had over 20 informational interviews and applied to 42 jobs since I first heard my job might be eliminated last November.

> The extension of unemployment insurance means something to me personally. I need more time. I believe at least with some of the applications I have submitted in both the private sector and government agencies, the companies have not hired anyone despite posting a job. I believe many companies are waiting to see what will happen with government contracts, and agencies are stalled due to the hiring freeze or funding. I know something has to come through soon . . . I support the efforts to support the extension of unemployment benefits.

> Is this an example of someone who is not trying, someone who is not trained and educated? Just the opposite. Here is a person who clearly has been driven

her entire life to develop skills, to challenge herself, to improve her ability to earn and learn, and here she is out of work and desperate. She doesn't know which way to turn. She is single. She may not be able to pay her rent. Are unemployment benefits important for her to keep her on the track of finding a job? Of course they are. The money we give her will be spent back into the economy to create a better economic climate.

I have received thousands of letters along these lines in the last 2 years. If Congress doesn't move quickly to maintain unemployment insurance benefits, millions of workers relying on this program will be left without a lifeline. The Joint Economic Committee estimates that 3.3 million workers will exhaust benefits by June if we fail to act—nearly 170,000 in Illinois. I am concerned about what this will do to our country and especially what it will do to these people—our neighbors, members of our families, friends, folks who just need a helping hand.

Prematurely ending unemployment insurance or the payroll tax cut would make our economic recovery more difficult. There may be some political strategists who would applaud that, saying: Well, a little bit of pain for a few months here and we can change that President into another person. Let someone else take the job.

I think that is very shortsighted. Of course, I support the President, make no mistake about it, but to sacrifice the well-being of this country and the growth of our economy for the sake of an election is just plain wrong.

Conferees in the Congress must act soon to maintain a robust unemployment insurance system for those still struggling to find work. Now is not the time to roll back unemployment insurance

### MARKETPLACE FAIRNESS ACT

Mr. President, there is one other issue I would like to raise at this point. and it is one I have worked on for some period of time with Senator MIKE ENZI. It relates to a phenomena all of us are aware of-Internet sales. There is hardly an American with access to a computer who doesn't buy something on the computer. I do, and lots of families do-some of the basics, in addition to some other things that may be just aspirational purchasing. But the interesting thing that has happened over the years is we have allowed the Internet retailer to have a different position when it comes to their tax liability.

I talked to a lot of local businesses in Illinois, small businesses, businesses on Main Street. Some of them think things are getting better and I do too. They sense the worst may be behind us and the future is looking brighter. But at the same time, they share with me the frustration they have currently now with customers coming into their shops and businesses looking for every-

thing from running shoes to sporting equipment—you name it—and then, just about the time when they have tried on the second or third pair of shoes, looked in the mirror, got everything squared away as to what they are going to buy, they sometimes pull out their phones, turn on an app, and take a picture of the barcode on the product.

You see, there is an app which allows a person to find out where they can buy that very same product cheapest on the Internet. So here is the local retailer doing their part to make a sale, and it turns out they get nothing from the experience.

What is the advantage that Internet sellers have over those who have businesses on streets and highways across America? One advantage relates to sales tax. In my home State of Illinois, the payment of sales tax on Internet purchases is voluntary and personal. If one does not declare it and pay it, it is not collected. We are supposed to pay it, but many people do not. So those selling on the Internet, subject to local sales tax, in fact are not collecting that sales tax. I think that can change and should

Becky Anderson owns Anderson Bookstores in Naperville, IL—a great little town. She described to me how she loses sales every day because consumers walk in, ask her questions, and then buy an item online from remote retailers because they do not collect sales tax.

Becky understands most customers do not realize they do owe the sales tax to the State of Illinois and local units of the government. They say:

This runaway train may undermine more than our bottom lines. It's not a stretch to say entire Main Street districts could disappear.

That is Becky's conclusion after having watched what happens with these Internet sales not collecting sales tax.

She talks about how a local shoestore in downtown Naperville was forced to close and lay off employees, strictly because of Internet sales. The local business owner, Michael Abt, president of Electronics, in Glenview, IL, described in detail how our current system results in a built-in price advantage for Internet retailers. Mike said:

Oftentimes with consumer electronics, the profit margin is 10 percent or less. Abt collects 9.25 percent sales tax. When an online competitor does not collect it and then offers free shipping, it is a huge advantage for [his] competition.

Local businesses will never be able to compete if we continue to provide a built-in price advantage for online retailers by exempting them from sales and use tax collection. There was a time, I guess—and I heard the argument here—that we did not consider the sales tax for online sales because, the argument was made, they may not survive; it is a fledgling industry.

That day is long gone. They are certainly not fledgling; they are in full flight.

Over the past decade, online retail has become an important part of American commerce. Online retail allows customers to compare prices, shop around right in the comfort of their living room. At the same time, local businesses such as Anderson Bookstores in Naperville compete with online retailers by trying to provide good service at the lowest prices they can. These local businesses also invest in our communities. They hire local workers. They pay local property taxes. They are involved in communities supporting baseball teams and charity efforts in their community. They are our neighbors and they deserve a fair shake.

Last year, Senator ENZI, LAMAR ALEXANDER of Tennessee, and I joined in introducing the Marketplace Fairness Act, with seven additional cosponsors—Senators TIM JOHNSON, BOOZMAN, JACK REED, BLUNT of Missouri, WHITE-HOUSE, CORKER and PRYOR. We recently added Senators Bennet and Cardin. This bipartisan group of Senators understands we have to do more to ensure a fair marketplace for American businesses. The bill will level the playing field for Main Street businesses and limit the current built-in price advantage given to online retailers. It allows States to treat brick and mortar retailers the same as online retailers by providing two streamlined approaches for States to require collection of both sales and use taxes.

The bill also includes a small seller exemption that will ensure small online retailers are exempt from the requirement to collect sales and use taxes. The notion is that if Grandma Franken has an apple butter recipe and makes a few cases each year to the delight of all her neighbors, she will not be burdened with this responsibility of selling it online and collecting sales tax.

Let me be clear. This bill does not impose any new taxes. This bill does not raise taxes, period. It does not amend the Internal Revenue Code at all. It simply is a collection issue that for too long has put local businesses at a disadvantage. The real job creators in America, many of them, are the small businesses in our communities that struggle to get by every day, and when they get better and they get well, America gets well. Now is the time to help these retailers.

It also is going to help State and local budgets, those that are trying to make ends meet in a tough economy. I hope we can get this done and done quickly.

One thing I would like to add. The largest online retailer in America, amazon.com, supports our legislation. We are not at war with online retailers. They have concluded it is best to have

a uniform, streamlined system that doubled down on its ruling by ignoring uses available software for collection from a retailer and distribution through the State departments of revenue. It is voluntary. We do not impose a mandate on any State to adopt this, although I think every one of them will, and this moves us finally in the direction of fairness—fairness not only for those who are doing the bricks and mortar sales but fairness for all customers and all retailers across Amer-

I commend this bill to all colleagues. If we truly believe, as many of us have spoken time and again, in the value of small business to economic recovery. most small businesspeople will tell you this is a critical element in their competitive edge and their ability to hire more people and be able to be profitable all across the Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered

# HHS CONTRACEPTION MANDATE

Mr. COATS. Madam President. I rise today to call upon the President of the United States to rescind one of the most radical and unconstitutional mandates ever issued, a mandate that requires faith-based organizations, hospitals, and educational institutions to provide and pay for health insurance coverage that violates the fundamental tenets of their faith.

Our Founding Fathers believed so deeply in the importance of religious freedom that they made it the very first American principle in the Bill of Rights. The first amendment to the Constitution reads, in part:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

On January 20, the Obama administration announced one of the greatest deviations from this constitutional guarantee of religious freedom in our Nation's history. This Federal rule is a blatant assault on the conscience rights of any organization or any individual who opposes abortion or the use of contraceptives.

While I am a pro-life Senator and believe that life begins at conception, I am not someone that supports banning contraception. But I do support the right of those who hold the belief that those tenets should be respected, and that Federal mandates, Federal regulations, and Federal laws should not be used to overturn that belief.

I do not believe this ruling was an oversight. The Obama administration

the numerous efforts by faith-based organizations to be granted an exemption. This issue is not a debate over whether the use of contraceptives is right or wrong. This is not a debate over whether the health care law is the right policy or the wrong policy. I do believe personally that the ObamaCare policy is the wrong policy for this Nation. But this is a debate over whether the Congress is going to sit idly by and watch the administration walk all over freedom of religion—and not just the Congress but the institutions of America and the people of America—a core American principle or will we stand and protect what our Founding Fathers put their lives on the line for and what millions of Americans practice each

Catholic institutions, whether they be social services or universities such as the University of Notre Dame in South Bend, will have one of two choices: they can either pay for health insurance that covers things such as sterilization or birth control, despite their deeply held religious objections, or they can refuse to offer any sort of health insurance to their employees, which will result in these organizations facing significant fines and penalties while their employees are forced to seek health insurance elsewhere.

In other words, the Obama administration is saying: Compromise your religious beliefs to comply with our massive Federal health care law or you and your employees will face a penalty.

While this decision will greatly impact many in the Catholic faith, it will also extend beyond a singular religious denomination. A wide variety of religious institutions and organizations across the country will resist providing insurance coverage for birth control. Cardinal-designate Timothy Dolan, president of the U.S. Conference on Catholic Bishops, said:

Never before has the Federal Government forced individuals and organizations to go out into the marketplace and buy a product that violates their conscience. This shouldn't happen in a land where free exercise of religion ranks first in the Bill of

Although a blatant violation of the first amendment, this ruling is a culmination of attacks on religious and faith-based organizations by this administration. I fear, as Washington Post columnist Michael Gerson noted in his article today, that such a trend will threaten the good work being done by faith-based groups-of any faithwhether it be Catholic, Protestant, Jewish or Muslim. Any group or nonprofit hospital or charity that is working to provide services to people in need now has to compromise their basic religious tenets in order to continue to provide that insurance coverage for their employees or pay a fine by not doing so.

There have been some bills introduced in the Senate to rescind this. I would hope that those in the administration who are listening to the people and listening to the protests that are being made against this almost unconscionable mandate will not stand by idly and wait to see whether Congress will act because we will act. We will act as soon as we can. I would hope that they would reconsider this sweeping unconstitutional ruling which is in direct violation of the first amendment.

George Washington once said:

Every man, conducting himself as a good citizen and being accountable to God alone for his religious opinions, ought to be protected in worshiping the Deity according to the dictates of his own conscience.

We must take a stand to protect this inalienable right, the right of conscience established by our Founding Fathers and sustained for over 200

Mr. President, you can undo this wrong by rescinding this mandate that has been imposed in violation of the most basic of human rights and principles of our Constitution. I am calling on you to do so.

I yield the floor.

Mr. BOOZMAN. Madam President, I ask that I be recognized to speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BOOZMAN. Madam President, I come to the floor today to add my voice in opposition to President Obama's unwillingness to respect the conscience rights of religious institutions.

On January 20, the Department of Health and Human Services issued a mandate requiring almost all private health insurance policies, including those issued by religious institutions, to cover free sterilizations and contraceptives at no cost to policyholders.

What this means, in simple terms, is that churches are exempt from the mandate, but institutions such as church-run universities, hospitals, and nonprofits must comply with the government regulation. Therefore, in order to continue to operate, these churchrun institutions must violate the very beliefs that inspire them to care for the least among us.

I would not be surprised to see many of these faith-based institutions disappear should this mandate move forward. Despite the President's contention this outcome is not what he intends, his mandate unfairly forces people to choose between their health and their moral or religious values.

Many parents, Christians and others. object to sterilization, agents that abort, and contraceptives. Americans should not have to pay for services or health care plans that conflict with their deeply held religious beliefs. This is purely a political decision on the part of the administration, and it shows that President Obama will do whatever necessary to appease his base and protect his own job, even if it means the blatant infringement on first amendment rights.

With this mandate, President Obama is not only trampling religious liberties, he is also confirming what many feared when this health care bill became law. Americans saw this massive expansion of government as a threat to individual rights. This mandate, one of the first based on the President's health care bill, does little to comfort those concerns. In fact, it comes across as confirmation the President intends to force on us his belief that he knows what is best for Americans when it comes to our health care choices.

In an effort to fight the administration's overreach, I have joined with several of my colleagues in supporting legislation to protect freedom of conscience and prohibit the government from imposing mandates on our religious employers. Religious institutions play a critical role in our communities. If Federal policies make it difficult for those institutions to continue important social services without going against their principles, it will hurt the least fortunate among us by threatening the much-needed assistance and outreach provided by religious groups across the Nation.

The seemingly endless number of regulations this administration has handed down to the American people needs to end. Let us force the President to govern in a manner that respects the values of the American people, not just his base. Protecting religious organizations from this overreaching mandate is certainly an excellent place to start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

### CHILD FARM LABOR RULES

Mr. MORAN. Madam President, I am here today to raise once again a topic about how we raise our children in rural America, and I want to talk for a few moments about the proposed Department of Labor child farm labor rules.

Last week, we had perhaps what would be considered a piece of good news. The Department of Labor announced it would withdraw and repropose the parental exemption portion of their proposed child labor rules. I am worried, however, despite this good news, there are still a lot of consequences that will occur as a result of the proposed rules that are not being withdrawn, and there is no suggestion they are going to be reproposed.

The thing I want to make clear to my colleagues is that while the Department of Labor announced they were going to withdraw a portion of the rules, unfortunately, the majority of what is going to be offensive, difficult, and a challenge for our way of life in certification and safety training from rural America remains. the Department of Labor—in doing

Last year, of their own volition—no direction by Congress—the Department of Labor proposed a set of rules to put restrictions in place upon a young person's ability to work on a farm, including their own family farm. What we are talking about here is youth less than 16 years of age. Those rules, as proposed, would actually restrict the ability of a son or daughter to work on their parents' farm.

The current rule is that if your parents own a substantial interest of that farming operation, you can work on your family's farm. The rules as proposed by the DOL are going to narrow that definition, as follows: If your family operates in a family farming corporation or a limited liability company, these new restrictions would apply. Fortunately, that portion of the proposed rules the Department of Labor has withdrawn, and I assume they will be reproposing what their definition of a family farm is.

The point I want to make is that so much of the proposed rules yet remain, and the remaining portions of the rules still threaten to fundamentally alter agriculture as we know it today. If the DOL rules, as now proposed, go forward, the education and training for the next generation of farmers and ranchers will be severely disrupted.

We have relied upon 4-H, FFA, and county extension programs to provide farm safety training and certification for a long time. The Department of Labor now says they no longer want those programs to qualify because they are too local. They want a national standard. They want to replace with a Department of Labor safety training program what has traditionally and very effectively occurred through 4-H, FFA, and county extension programs.

The Department has, in my view, ignored research that shows the programs we currently have in place with FFA and 4-H and county extension improve the safety habits of young people, and instead criticizes these training programs for being too locally driven and lacking Federal direction. Their solution is to nationalize these programs and have them run by the Department of Labor. In my view, local experts in our high schools, our FFA programs, and our 4-H clubs should be the ones conducting training programs and educating our young people. And parents and communities should be allowed to look after the best interests of their families and their communities and citizens.

The Department of Labor, in addition to attacking the programs that are in place, that are valuable to us in rural America, is also proposing to change the so-called agricultural hazard occupations. The proposed rules would prohibit a young person under the age of 16 from participating—even with the

certification and safety training from the Department of Labor—in doing such things as rounding up cattle on horseback or operating a tractor.

The proposed rules say you cannot be involved in production agriculture if you are more than 6 feet off the ground. In today's environment, in today's agriculture, tractors and combines are 6 feet off the ground.

You can't clean out a stall with a shovel and a wheelbarrow. Those are things I am sure the 15-year-old does not want to do, but they are important to a family's farming operation, they are important to agriculture and of value to a young person in their training and developing skills that are important to them for the rest of their life.

They can't work in a pen with a bull or mama cow. Here is one that really stands out to me: No engaging or assisting in animal husbandry practices that "inflict pain upon the animal," such as branding, breeding, dehorning vaccinating, castrating, and treating sick animals. The "inflicting pain" restriction sounds like something more than an interest—"inflicting pain" sounds like a different standard than really worrying about the young person's safety. These are important tasks that have to be done on a farm and that young people can safely do.

One additional example that stands out to me is that they are suggesting in the rules that they would limit a young person's exposure to direct sunlight if the temperature reaches a certain limit once you factor in wind velocity and humidity. How does that work in the practical world of agriculture and farming today? For someone in Washington, DC, to propose rules that restrict a young person's ability to work on a neighbor's farm because of the amount of sunlight, wind velocity, and humidity is something that again, in my view, demonstrates a lack of understanding about how things work in the real world.

One would assume the Department of Labor, before making such drastic changes to farm labor rules, would have identified reliable evidence and data to show the need for changes. In fact, the Department of Labor admits it lacks the data to justify many of its suggested changes.

Furthermore, according to the National Farm Medicine Center, youth-related injuries from farm accidents have declined nearly 60 percent from 1998 to 2009. I have no doubt that if you ask a farmer or a rancher about the importance of safety, they would tell you that safety is a top concern, especially when they are dealing with a young person. But they would also tell you that critical to a rural way of life is being able to train and encourage the next generation to safely and successfully pursue careers in agriculture.

chance to learn at a young age what it takes to operate a farm, we put at risk the future of agriculture in our Nation.

I have always had a strong interest in agriculture. The economy of my State of Kansas revolves in many ways around the success of farmers and ranchers. Communities across our State are dependent upon the success, the profitability of production agriculture. But I also have known and strongly believe there is something more than just economics to family farms. This is the way that historically, in our country, in our Nation's history, we have transmitted our character, our values, our integrity, our love of life, and our understanding of how things work from generation to generation. It has worked. It has been an important component of our country's history, who we are as American people.

Today, across Kansas, when I visit with business owners, they tell me they love to hire farm kids because they have a different characteristic, a different makeup, a standard that is different from other people. They learn something about reliability and that work does not get done if you do not show up, that it is not about punching the clock to check in and to check out, that a calf is born at times that are inconvenient to a farmer. There is just a different set of characteristics a young person develops by growing up and working on a family farm. If these changes go into effect—and the rule as proposed is being considered, and it is expected we will have an answer from the Department of Labor within several months as to what the final regulations will be-if these rules go into effect as they are written, not only will we see a shrinking rural workforce, but our Nation's youth will be deprived of valuable career-training opportunities and a certain way of life many of us highly value will disappear.

It is important to us as a country certainly to a State such as mine—that a young person experience the value of farming. I do not know how many times you talk to somebody who has determined what their career is going to be based on an experience they had as a young person and their ability to know what they want to do with their life is determined by the experiences they had as a young child. Our country cannot afford to lose the next generation of farmers and ranchers.

This rule should be withdrawn in its entirety. We know rural America's values are not always Washington values, and in the weeks ahead I ask my colleagues and Americans across the country to express their opposition to the Department of Labor for this destructive rule. Do not allow it to move forward so we can protect our values for the next generation of American farmers and make sure rural America raise a family.

I vield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

### TRIBUTE TO ELI MANNING AND THE NEW YORK GIANTS

Mr. COCHRAN. Madam President, I am pleased to rise in the Senate today to congratulate Eli Manning and the New York Giants football team for their great victory in the National Football League championship game. As most Senators probably know. Eli is a graduate of the University of Mississippi and he lives in Oxford, MS, during the off-season.

The Giants' 21-to-17 victory was the second NFL championship for this team in the last 4 years.

Eli Manning began the game by completing his first nine passes, which was a new Super Bowl record, and he was named the Most Valuable Player of the game. He became the fifth player in NFL history to win multiple Super Bowl Most Valuable Player awards. During the regular season, Manning threw for 4,933 yards and 29 touchdown passes, including a NFL record of 15 touchdown passes in fourth quarters. He also led six game-winning drives that allowed the Giants to overcome deficits in the final stage of their games.

Manning and his wife Abby have supported many worthy causes and have made a strong commitment to the health and education of young people in Mississippi. They have made a pledge to raise \$2.5 million for the Eli Manning Children's Clinic at the Hospital for Children in Jackson, MS, and they have also donated \$1 million to start the Ole Miss Opportunity Scholarship Program, which helps children in Mississippi with special financial needs to have the opportunity to attend college

Manning has served as a member of President Bush's Council on Physical Fitness and Sports and is active with many other organizations, such as the March of Dimes and the American Red Cross. His commitment to voluntarism and national service is very impressive and worthy of high praise.

I am very proud to congratulate Eli Manning and the New York Giants as Super Bowl champions.

The PRESIDING OFFICER. The Republican leader.

### HHS MANDATE

Mr. McCONNELL. Madam President, throughout my Senate career I have spent a lot of time defending the first amendment. Most of it I spent defending one particular clause of that amendment, the one relating to the right of free speech, but recent events have shown quite unexpectedly the ur-

If today's young person is not given the remains a great place to live, grow, and gent need to defend another clause in the first amendment. I am referring, of course, to the right of free exercise of religion.

Make no mistake, the Obama administration's decision to force religious hospitals, charities, and schools to comply with a mandate that violates their religious views is abhorrent to the foundational principles of our Nation. No one in the United States-no one—should ever be compelled by their government to choose between violating their religious beliefs and being penalized for refusing. Yet that is precisely what this mandate would do.

One out of six patients in America is treated at a Catholic hospital. Catholic Charities is the largest provider of social services to poor children, families, and individuals in America. The Catholic Church runs the largest network of private schools in this country. These institutions have thrived because they have been allowed to freely pursue their religious convictions in a country that, until now, respected their constitutional right to do so. But this ruling should send a chill up the spine of people of all religious faiths and even of those with no faith at all because if the state—in this case, the Federal Government—is allowed to violate the religious rights of one religion, then surely it can violate those of others. If the rights of some are not protected, the rights of all are in danger. Isn't that what history clearly teaches? Isn't that what the Constitution is all about?

The Obama administration crossed a dangerous line. The Founders knew that the right of religious belief is inviolable. They gave this God-given right the pride of place they knew it deserved, right there in the first amendment, so that Americans would never have to fear its loss. Unfortunately, because of the actions of this administration, Americans now do.

This is a huge mistake that I hope the administration is currently reconsidering, and if they do not, Congress will act. The first amendment rights of the American people must be protected. Those of us who recognize the fundamental importance of religious freedom to our Nation will see to it that it is respected by this government and restored in full.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Madam President, I want to talk about this recent HHS directive to faith-based organizations on

health care and suggest that it is exactly the kind of problem many of us were concerned would develop when the government said it was going to take a greater role in deciding what health care would be like and who would make health care decisions. In this case, what kind of insurance could an employer give its employees if it is a religious organization?

There are several pieces of legislation that might deal with this issue. My guess is there will be several more unless the administration deals with it quickly and withdraws the position they have taken, which is that faithbased institutions would have to offer health insurance policies that violated their faith principles. It is a fundamental first amendment right of Americans to have the ability to pursue their faith-based principles.

In the Religious Freedom Restoration Act of 1993, passed by a Congress with a Democratic majority in both the House and Senate and signed by President Clinton, it appears to be clear that this is an incursion that the law itself, as well as the Constitution, does not allow. One of the most objectionable issues about the White House position—the administration's position—is that we want you to change your principles, and we are going to give you a year to accommodate that change.

Principles based on faith cannot be accommodated in a year. In fact, they should not be accommodated in a lifetime. They are exactly that; they are principles based on faith. This is about institutions that run hospitals, schools, daycare centers, all sorts of things under the umbrella of the mission of who they are. This is about how their employees relate to them as providers of health care insurance and the kind of insurance they provide. This is not about just anybody you might run into: this is someone who has chosen to work for one of these institutions. This is someone who has chosen to affiliate themselves with one of these faithbased organizations.

Clearly, the Catholic bishops are outraged. I have a letter here from Bishop Carlson in St. Louis that was read in Missouri churches last week talking about this, and it says: In so ruling, the administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. As a result, unless the rule is overturned, we Catholics will be compelled either to violate our consciences or to drop health coverage for our emplovees and suffer the penalties for doing so. The administration's sole concession was to give nonprofit employers, like hospitals and universities, which do not currently provide such coverage—the coverage which the administration was demanding—one year in which to comply.

I have another report from the chief of the Catholic military chaplains who wanted to send a letter to be read and which the military initially said could not be read. The U.S. Army said that the letter written and sent by the archbishop in charge of Catholic military chaplains could not be read in services. And after a discussion with the Secretary of the Army, that was changed but apparently only if some of the letter would be taken out.

This is way over the line of where the government should be. Unfortunately, it is exactly the line that many of us feared would be crossed whenever the government begins to think that the government is the person to make health care decisions, whether that is a decision that you and your doctor should be making between the two of you or the kind of insurance you and your family choose to have or, in this case, the kind of insurance you and the institution you represent chooses to offer to the people who are working there. This is wrong. I think people know it is wrong. This is something that cannot be allowed to stand, and I wish to turn to my friend from New Hampshire to talk about this with me for a little bit.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I certainly share the concerns of my colleague from Missouri, and I share the concerns of my constituents in New Hampshire and citizens across this Nation who see the recent rule issued by the administration for what it is, an unprecedented, unnecessary affront to religious liberty in our country.

I wish to say at the outset that this issue is not limited to the Catholic Church. The administration's new health care mandates on religious institutions impact all religions. Religious freedom is a foundational American right enshrined in our Bill of Rights. The first amendment to our Constitution makes clear that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Unfortunately, I see the administration chipping away at these bedrock freedoms as it engages in a troubling pattern here with respect to this rule, and I think we saw that the President's new mandate on religious institutions highlights the deep flaws in the health care bill.

This unconstitutional law was moved through Congress and signed by the President 2 years ago without the type of due consideration, transparency, or accountability we would all expect, and we have been suffering the consequences since. It is highlighted with what we see with these recent mandates from Health and Human Services.

I wish to share some of the concerns my constituents have raised about these mandates that were recently issued by Health and Human Services. There is a letter I received this week from William Edmund Fahey, who is the president of Thomas More College in Merrimack, NH, and he says: To condition the availability of medical benefits upon a community's willingness to violate a cardinal teaching of its faith effectively prevents the full practice of its religion; and thus, again, violates the free exercise of a constitutional liberty.

He pleaded with our delegation, the New Hampshire congressional delegation, and he said: I hope you will see that the mandate undermines the Constitution, compromises the integrity of the government and abuses the foundational principle that free associations form an essential part of the social fabric of the United States.

We are fortunate in New Hampshire to have a number of very effective Catholic institutions and organizations. We have the Catholic Medical Center in Manchester which serves so many in the Manchester community and surrounding areas. The Catholic Medical Center has also expressed concerns about the mandate, saying: It would force us to offer services that were against our ethical and religious directive or force us not to offer insurance altogether.

They added: Neither are acceptable options.

The president of one of our great colleges in New Hampshire, Saint Anselm College, President Jonathan DeFelice, said: In a country and a State that values and respects individuals' rights to exercise their religious beliefs and live according to their conscience's best light, it is simply appalling to think that this mandate is anything other than an unprecedented incursion into freedom of conscience.

I have heard many concerns from my constituents, and I would hope that Health and Human Services would stop what it is doing right now, this mandate that places religious institutions in this impossible position, with this impossible choice of violating their core beliefs in order to comply with a mandate or dropping employee insurance coverage altogether. We should not be putting these organizations that do great work throughout this country in that position. And, again, this is not an issue that just applies to the Catholic Church; this applies to all religious institutions.

I would ask my colleague from the State of Missouri: As a result of our concerns about the actions of the administration, we have offered legislation to address this, and what does that legislation do in order to make sure that this mandate does not go forward?

Mr. BLUNT. That is a good point. I wish also to say that this is not about just about one set of religious beliefs. The current discussion is about specific items in a health care plan, but there

are lots of faith-based groups with different views of how you deliver health services that have been working on these issues for some time now, and I met with a lot of these groups. This is an issue of conscience, whether it is the Catholic Church, the Christian Science Church, the Seventh Day Adventist Church, the Baptist Church that I am a member of. There may be different views of this, but the views are not views that can be put forth by the government, and that becomes the government view.

There was a recent Supreme Court case, Hosanna Tabor Lutheran Evangelical Church and School v. Equal Employment Opportunity Commission, where the Court voted 9 to 0 that faithbased institutions have privileges that others do not have because that is what makes them faith-based institutions. The hiring decisions, the firing decisions, the workplace decisions are different because if they are not different, it is just another school or another hospital that might happen to have a theology department or might happen to have a chapel once a week. That is what it is.

Senator Ayotte, Senator Rubio, and I have worked on various ways to approach this. We offered a bill some weeks ago on these issues of conscience that would create a respect for rights of conscience. The Respect for Rights of Conscience Act, which was drafted early last year, has the full support of the major groups that are concerned about these conscience issues. The Christian Medical Association, the Becket Fund, and others have said that we need to be concerned about these issues, whether it is a hiring decision now or a health care decision, and what do we do to protect health care providers and insurers, including purchasers, from being forced to violate their own principles by buying a policy or offering a policy that provides things they don't believe in their faith group are the right things to offer.

I saw one of the President's advisers early this morning beginning to back away from this and say: Suddenly this one year has become—we are just seeking information during this year. That is not what they were doing at all. What they are doing is saying, you are going to comply with this rule and we are going to give you a year to figure out how to compromise your principles in a way that applies, and that is the wrong thing to do. Whether it is the Respect for Rights of Conscience Act or other legislation, if the administration doesn't take care of this administratively. I believe it will be taken care of legislatively.

When you have bishops, church leaders, and people who have spent their lives dedicated to hospitals, schools, and other institutions that reflect their faith principles, you cannot suddenly decide that those don't matter or

they can be changed in a year. They also will need to have some legal cause of action to pursue this, just like the Religious Freedom Act in 1993 created cause of action. One cannot go in and have an unreasonable incursion on the faith beliefs of people under the first amendment. No matter how good you think the cause might be, it is not good enough to violate that fundamental principle.

Senator Ayotte has had lots of contact—I think many of us have. If you were in a military service last week, you might have heard one of these letters read. I saw the line that had to be taken out of the letter apparently that the Army wouldn't otherwise—was standing in front of, but was read in the other services, which was the line that said: We cannot, we will not comply with this unjust law.

When the government begins to tell people to do things that violate their faith principles, the government has gone too far.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLUNT. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority controls the time until 6 p.m., and Senators are limited to speak for up to 10 minutes each.

# WOMEN'S HEALTH

Ms. MIKULSKI. Madam President, I claim 10 minutes of the Democratic majority time. I come to the floor to speak about women's health. I come to speak about the issue of prevention, and I want everybody to fundamentally remember what we debated and what we did in the health care bill.

For the first time in a long time, our Nation is talking about women's health. Am I glad to hear that. It has mostly been happening on the morning talk shows and on the front pages of our newspapers. But, unfortunately, too much of the conversation isn't about women's health; it is politics disguised as women's health.

What should we be talking about when it comes to women? We should be talking about the top killers of women: cancer—that dread "C" word—including breast cancer, cervical cancer, lung cancer. They are the highest killers of women: lung cancer, cervical cancer. and breast cancer. Then there are the silent killers of women: undetected diabetes as well as the consequences of heart and vascular disease. What did we talk about in the health care bill to deal with these issues? We talked about the fact that we needed preventive services, that we believed in early detection, that we believed in screening for early detection so we could identify those consequences that would negatively impact women in terms of their health care.

One of the things we know is that many women don't have health insurance at all. Seventeen million are uninsured. Women are most likely to neglect their treatment because of cost. Women of childbearing age are also even more at risk because they are performing jobs that tend to be starting out and they don't pay for health insurance.

We tackled a lot of this in the health care bill. I am so proud that one of the first things we did was end general discrimination in health care—the punitive practices of insurance companies discriminating against women by charging more for women of the same age and the same health status as men. But we came together, united, and passed it as part of the affordable health care act, and we ended gender discrimination.

Then we saw that simply being a woman meant being treated as a preexisting condition. I held a hearing about this that was bone-chilling, when we listened to how women were discriminated against and aspects that had happened to them were viewed as a preexisting condition. In eight States if a woman was a victim of domestic violence, she could not get health insurance.

In another bone-chilling story, which was breathtaking, a woman testified at our hearing that because she had a C-Section, her insurance company told her they would drop her from their insurance plan unless she got sterilized. That was in the hearing. She had a letter from her insurance company. We were aghast on both sides of the aisle, regardless of how one feels about some of these reproductive issues. Nobody felt that should happen in America. So the people on the committee, led by myself, said: We can't have that. So we have ended discrimination against women getting health care on the basis of preexisting conditions.

We wanted to go further, and one of the issues we looked at was that of prevention. This is a subject of great debate. The very first amendment on the Senate floor during the health care debate was one to add preventive health care benefits. I offered an amendment, and the Senator from Alaska, Ms. Mur-KOWSKI, offered a counteramendment. Her amendment was terrific. She had every preventive service that I would have ever loved. CBO, though, scored it at something such as \$50 million. The CBO's score sunk the Murkowski amendment, but the Mikulski amendment prevailed, in which we said we will leave it to the Institute of Medicine to determine what would be some of these amendments for women.

So guess what we have. In our preventive health amendment, which is now the subject of such debate, such controversy and, unfortunately, such

misinformation, our amendment said this: First of all, if a woman is over 50, she gets a free yearly mammogram, one of our highest risks. Second, if a woman is over 40, she gets an annual well woman preventive care visit. This then goes to the screenings that then go to the highest risk for the highest diseases we have.

We have early detection and early screening. For young women who are pregnant, we guarantee they can be screened for diabetes, but also in our prevention amendment we provided for maternity services. We provide for maternity services so these women can get proper prenatal care. Working with their doctor, we can ensure the health of the mother and survivability and the ability to carry her pregnancy to term. We looked out for those maternity benefits.

IOM also said that as part of prevention we should add contraceptive coverage. That was a recommendation not of Senator BARB and not of Senator JEANNE SHAHEEN; this was a recommendation of the Institute of Medicine. Why do they say that? First of all, there are over 15 or 20 percent of women who need to take birth control in order to deal with the medical issues associated with their menstrual cycles. This isn't the place to go into the biology of being a woman, but for many this is where people long before—young women and adolescents who were not sexually active were experiencing some significant hormonal problems. So it is not always about being sexually active.

So this whole thing about the preventive amendment being all about birth control is so exaggerated, so overblown, so out of context with what we wanted to do. I am shocked and—I am iust shocked.

We looked at our bill, in addition to my amendment, and we included preventive services for men and women, those services that affect both sexes, including colorectal screening for adults over 50. That also includes prostate screening for men. We have diabetes and high blood pressure screening. There is also the ability to do alcohol misuse screening which, in many instances, is an undetected and silent killer not only of lives but of families.

So one of our major thrusts was prevention. We won maternity benefits so a mother can be safe and well herself and be able to carry her pregnancy to term in a way that ensures the health of both the mother and the child, when the child is born. The fact that we had these other screenings, including mammograms, prostate cancer, diabetes the things that are killers of us allsome of these will close the health disparity gap because so many African-American men face terrible problems with high blood pressure that leads to the terrible consequences of stroke. Diabetes is rampant in our country but particularly rampant among people of color. So that is what we were doing.

I find it troubling that instead of focusing on our preventive health services, we are focusing on birth control. Birth control was never the focus of health care reform. It was a recommendation to be included in the benefit that came from the Institute of Medicine.

There is another bit of confusion out there about mandating churches to do something against their will. I wish to draw a distinction between what the bill does and mandating the provision of service and providing insurance coverage. The bill does include insurance coverage. But there is no place in the bill that mandates a religious organization provide something against their principle in providing a service. So if you are St. Mary's Hospital, you do not have to give out birth control in your women's health clinic. If you are Notre Dame University or Georgetown University or a Catholic women's college, you do not have to give out birth control in your student health clinic.

What the Obama-Sebelius regulations say is that there has to be insurance coverage available, particularly to those who are non-Catholic. For all of us who go to these wonderful institutes and have benefited from their services, they are nondiscriminatory. One does not have to be Catholic to teach at a Catholic college. One does not have to be Catholic to work at a Catholic hospital. One does not have to be Catholic. So these institutions hire people of a variety of religious preferences.

I don't want to get into a debate on the first amendment, but I do welcome a debate on what the health care bill did and what it intended.

The health care bill, I felt, was one of the greatest social justice initiatives I have participated in in the Senate. It was going to work and organize in an effective way to make sure we were on the road that every American had access to affordable care. Then we removed the barriers that were not only financial but often these discriminatory practices, these punitive practices that often were directed against women and preexisting conditions or in gender discrimination and the way they set their prices.

The best care is preventive care, and one of the tools well known in the public health field is these screenings tests that we worked to provide, and we turned to the eminent and distinguished people in learned societies, in this case the Institute of Medicine, to tell us not based on politics but to tell us based on science what the benefits should be, and they added contraceptive coverage.

That is the history. I hope it clears up the misinformation. But we did work to move our citizens to greater health care and remove the financial and other societal barriers to getting health care in our society, with a fantastic emphasis on prevention. We have

gotten off to the wrong debate and the wrong discussion. Let's get back to talking about how we improve the health care of women and how we can keep moving on our preventive aspects that not only help women but help the men who so love us and support us, and we want to return the favor by making sure they get their screenings too.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The senior Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to be able to join my colleague from Maryland to try and point out how this issue is being manipulated.

Almost 2 years ago, Congress—this institution—voted to end discrimination against women by health insurance plans. We voted to make it easier for women to seek referrals to see the health specialists they need, and we voted to give women greater access to affordable preventive health care services, including contraception.

These are important historic advances for women's health, and they should not fall victim to ideological policies.

Over the last several weeks, we have seen women all across this country stand in huge numbers to support women's health. That grassroots support will be needed again and again to stave off ideological attacks on women's health care.

Over the past year, House Republicans have repeatedly attempted to both eliminate funding for title X family planning and Planned Parenthood. Thankfully, we have been able to block these attempts in the Senate.

Ninety-seven percent of the reproductive health services provided by Planned Parenthood in New Hampshire and across the country is preventive care. As we all know, preventive health care lowers health care costs and saves lives.

We were reminded of the important role Planned Parenthood plays in preventive health when the Susan G. Komen Foundation decided to end its contracts with the provider. It is unfair to politicize women's health in the way we saw played out in the media last week. Women from across the country let their voices be heard. The 750,000 women who received breast cancer screenings at Planned Parenthood clinics with support from the Komen Foundation deserve better. They did not ask to be thrown into the political fire. They merely sought detection and treatment against a life-threatening disease

I am pleased Komen reversed that decision.

I also commend the President for standing for women's health and reaffirming the recommendation of the Institute of Medicine to protect access to affordable birth control for all women. The decision requiring health care plans to cover contraception with no copays or deductibles will improve the lives of millions of women and their families.

Birth control pills can cost up to \$600 a year. It can be a serious economic issue for some women. Studies have shown it costs employers as much as 17 percent more to exclude contraceptive coverage in employee health care plans than to provide such coverage.

Birth control is also a fundamental health care issue. Doctors and public health experts agree that increased access to birth control prevents unintended pregnancies. It is directly linked to declines in maternal and infant mortality and a reduction in the risk of ovarian cancer. It is linked to overall good health outcomes.

Permanent and temporary contraception is critical for family planning purposes, but many women—a full 14 percent—use birth control for medical and health reasons, including helping to reduce the risk of some cancers, treatment for endometriosis, serious infections, and cysts.

Let's be clear. In talking about the health benefits of birth control, I am not telling women they must use it. The decision on whether to pursue contraception is an individual choice that each woman must make for herself with her family. No part of the affordable care act or the President's ruling regarding insurance coverage forces any woman to use contraception.

However, birth control will now be affordable and accessible for any woman who, in consultation with her doctor, decides she needs or wants to use it. The policy represents one of the greatest advances for women's health in decades.

Sadly, there is an aggressive and misleading campaign to deny this benefit to women. A conscience clause exists that exempts religious institutions such as churches from having to carry insurance that covers contraception. Mr. President, 335,000 churches and their employees in this country are exempt. Many have argued that conscience clause should be expanded to include religiously affiliated hospitals and universities in the name of religious liberty.

The millions of women who work in a Catholic hospital or university—from the overnight nurse to the classroom aide or cafeteria worker—who choose to use birth control should have the same access as their counterparts at other institutions. That is their decision. It is not their employer's.

There are religions that believe divorce is a sin. Should these institutions be exempt from our labor laws and be allowed to discriminate based on marital status? Of course not, and this is no different.

A recent survey showed that 71 percent of American voters, including 77 percent of Catholic women voters, sup-

port the requirement to make birth control available to all. They understand that religious freedom means that all women—Catholic or non-Catholic—should have the opportunity to make their own decisions when it comes to birth control.

I applaud the President for his decision and for putting women's health above politics.

We know ideological attacks on women's health care will continue. But I thank my colleagues who are here today for speaking out against those who want to turn the clock back on women, who want to limit access and availability of women's health services. We are watching, and we are going to continue to be watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, last week, we saw something amazing happening in communities across the country. When the news got out that the Susan G. Komen Foundation had cut off funding for breast cancer screenings at Planned Parenthood, men and women across this country were just outraged. They did not understand the decision, they did not agree with it, and they did something about it.

They picked up their phones, they talked to their friends, they e-mailed, they tweeted, they called their elected officials, they made their voices heard loudly and clearly, and they got results.

On Friday of last week, Komen did the right thing and announced they had reversed their initial decision. I wish to commend them for that because their mission and their great work in the fight against breast cancer is just too important to get mixed up in partisan politics.

But although that reversal was a great victory for so many women and men across the country, let's be clear: Our fight for women's health care did not end there. There are still many who continue to push partisan politics ahead of women's health, and we need to make sure the grassroots support and energy that successfully came together to right this wrong last week continues to stand firm against each and every attack that comes our way, because we do know those attacks are coming. Republicans in the House of Representatives have been waging a war on women's health since the moment they came into power.

After campaigning across the country a year and a half ago on a platform of jobs and the economy, the first three bills they introduced were direct attacks on women's health in America.

The very first one, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. It included an amendment that would have completely defunded Planned Parenthood and cut off sup-

care plans to cover contraception with port the requirement to make birth port for the millions of women in this no copays or deductibles will improve control available to all. They under-country who count on it.

Another one of their opening round of bills would have permanently codified the Hyde amendment and the DC abortion ban. The original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we made for women in the health care reform bill.

Their bill would have removed the caps on out-of-pocket expenses that protect women from losing their homes or their life savings if they get sick.

It would have ended the ban on lifetime limits on coverage.

It would have allowed insurance companies to once again discriminate against women by charging them higher premiums or even denying women care because of the so-called pre-existing conditions—such as being pregnant.

It would have rolled back the guarantee that insurance companies cover contraceptives, which will save the overwhelming majority of women who use them hundreds and hundreds of dollars a year.

We know ensuring access to effective birth control is directly linked to declines in maternal and infant mortality, reduced risk of ovarian cancer, better overall health outcomes for women, and far fewer unintended pregnancies and abortions, which is a goal we all share.

Contraceptive coverage should not be a controversial issue. It is supported by the vast majority of Americans who understand how important it is for women and families.

I also wish to note that the affordable contraceptive policy we put in place preserves the freedoms of conscience and religion for every American. Churches and other religious institutions are exempt, and no doctor would ever have to dispense contraceptives if that is at odds with his or her religious views.

But it also protects the rights of the millions of Americans who do use contraceptives, who believe family planning is the right choice for them personally, and who do not deserve to have politics or an extreme minority's ideology prevent them from getting the coverage they deserve.

I am very glad, joining with all my colleagues, that we beat back that effort by the House Republicans, and I truly wish to commend President Obama for moving forward with this sound policy for women across America. Because that is what this is truly about. It is what it needs to be about: women and their health care needs, not partisan politics, not point scoring.

House Republicans and their allies have demonstrated they will stop at nothing to politicize this issue. Last down the Federal Government in a failed attempt to defund an organization that provides critical health care services for millions of women in this country. Now they are trying to cut off contraceptive coverage for women across America

They can keep trying to push their extreme agenda, but they should know we are going to fight back just as hard in the Senate, as we clearly saw this past week, with the voices of millions of people across America who feel very strongly that politics should never come between a woman and her health care-men and women who will be watching what is happening here in DC and who, I am confident, stand ready to act again.

I am proud to be here with my colleagues today. I am proud of the victory of last week, and I am determined to remain vigilant and keep up the fight for women, for men, and their families.

I vield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am also very proud to be here with my colleagues. I think Senator MURRAY was eloquent, along with Senator Shaheen and Senator Mikulski. I am here to put it in my own words; that is, here they go again. Sadly, politics has once again entered into women's health care. This time we see an attempt to deprive women of a critical benefit: access to contraception through their health insurance plans.

Just last week, what did we see? A move to punish women by taking away their free breast cancer screenings all because of rightwing politics.

Before that, as Senator Murray eloquently indicated, we saw a Republican move to defund family planning because of politics.

My Republican colleagues almost shut down the government over family planning, and now, if they have their way, millions of women could lose their contraceptive coverage, which could expose them to declining health outcomes and their babies to declining health outcomes and could cost them about \$600 a year.

Let's step back and look at where we

Some months ago, the Institute of Medicine, which is comprised of a number of leading scientific and health experts, made a decision.

They advised the Obama administration on what preventative benefits should be included for women—specifically for women-in new health insurance plans. That is what this whole todo is all about. This organization that has nothing to do with politics and everything to do with health care made a very clear recommendation to the Obama administration. They said there are a number of preventative benefits

year, they even threatened to shut that should be included for free for the women of this country: screening for gestational diabetes, HIV screening, cervical cancer prevention, annual well women visits, and access to contracep-

> Now, just as these women, our women of this Nation, are ready for these preventative services—services they need, services most of them want—my Republican friends, from Presidential candidates Romney to Newt Gingrich to the Senate and House Republican leaders—I heard Senator McConnell threaten legislation to take away these benefits-to Speaker BOEHNER to individual Republicans in both Houses, they are gearing up to repeal one of these benefits: access to birth control—access to birth control.

> Now I believe women in this country deserve respect. Some of them do not want access to birth control. They have a religion that dictates their views, and they have every right to make that decision. Others decide that they need to have access to birth control. So the Obama administration said to the women of this great Nation that they believe there ought to be access. But I think it is very important that the Institute of Medicine said: No exception. They think access to contraception is so important to women's health, they did not want any exception. But the Obama administration made an exception for churches and for religious institutions, and under the Obama administration's rule, 335,000 religious organizations will not have to offer birth control if they have a conscience reason not to do so. That is a compromise

> Remember, the health experts said: No exceptions. The Obama administration said: Well, I want to respect the religious institutions and so I will allow them, if their mission is religious, and the people they serve and the employees they hire are basically of one religion, they are a religious institution, they will not have to offer contraception in the health care benefits to their employees.

> But guess what. There is another part of this equation. Women. Women. They have to have their religious beliefs respected. That is why the President also said: If you run an organization that serves a diverse number of people from different religions, and so on, and different beliefs, let them have the right to make that decision if they want to obtain free birth control through their insurance.

> Now, here is the thing. This outcry is astonishing to me since 28 States already assure access to birth control. I have never heard any of my colleagues—maybe they did. Maybe they did come on the Senate floor and complain. But more than half of our women-over 28 States, more than half of women have similar access to birth control. So this is not some new ben

efit. This is just making sure all women, except that very narrow band that work for strictly religious institutions, have the right to have access to free birth control.

The outcry is unbelievable, a political outcry making this a political issue when it is a medical issue. The President compromised. He said: If you are strictly a religious institution, you do not have to do this if you do not want to.

Now, here is the other thing. All organizations that have any religious issue have an extra year to determine if they are going to offer this or how they can do it. They may be able to find a way in that year to get women access and at the same time not violate their consciences. They have an extra year to do that. But, oh, no, we are going to see legislation—I can assure you we are going to see legislation to overturn this, legislation that even goes further than this. And it is going to be a battle on the floor of the Senate. I am afraid.

I am not afraid of the fight; I welcome it because, let's be clear: Virtually all women have used birth control at some point in their lives. Let me repeat this. Virtually all women have used birth control at some point in their lives, including 98 percent of Catholic women. That is a fact. And 71 percent of American voters, including 77 percent of Catholic women voters, support the administration's policy.

So if my colleagues decide they are going to take this issue on in the face of overwhelming support for this policy by the American people, I say we are ready. We are ready to make the case.

Access to birth control is directly linked to maternal and infant health. This is not some theoretical right. It is a right that is necessary. Health experts tell us that women with unintended pregnancies are less likely to get prenatal care in the first trimester, and in some cases they never get it. If there is one thing that should unite us, it is healthy babies, healthy outcomes from healthy pregnancies. That is what we are talking about.

I want to talk about something else we do not hear enough of. I want to compliment Senator GILLIBRAND on this because she is the one who brought this issue to my attention.

A full 14 percent of women who use birth control pills—that is 1.5 million women—use them to treat serious medical conditions, not to prevent pregnancies. One of those conditions: Debilitating monthly pain, irregular cycles, conditions like endometriosis, serious conditions.

I just learned of a young woman at Georgetown University. Their insurance policy did not cover free birth control. Her doctor told her she had a serious medical condition and she needed to use birth control pills that had nothing to do with pregnancy or

anything else, or preventing pregnancy. It was a serious medical condition. The diagnosis was—I may not say it right—polycystic ovary syndrome.

Now, what happened is, she was told: You must go on birth control pills. But we at Georgetown, we will not pay for that benefit. She had to go out and get it. It was more than \$100 a month. She could not afford it. Within months she developed a large ovarian cyst that had to be removed surgically. In addition, she lost an ovary.

So please do not stand here and tell us that women do not need access to birth control pills or contraception because we have story after story after story.

Let me tell you something else some folks may not know; that is, on many occasions when a woman wants to become pregnant and has irregular cycles and cannot, she will be put on birth control pills. A British scientific study came out and showed that after 5 years on birth control pills, women who wanted to get pregnant had a decreased risk of delayed conception-so they were better able to become pregnant and become mothers. So this is not some simple pat statement. This is about making sure the women of this country-the young women, the middle-aged women of child-bearing age and older woman who have other conditions-get the medicine they needand, by the way, get them for free because \$600 a year for many middle-class or working poor women is just out of reach.

So I say to my Republican friends who came to the floor previous to our statements, do not punish women again. Do not try to. Under the administration's plan, churches are respected and women are respected. All sides are respected. No one is forced to use birth control; it is up to the women. In 28 States more than 50 percent of the women already have this benefit. Why are you bringing politics into this?

My Republican friends want to turn back the clock on birth control. Some of us remember the days when birth control was illegal. Well, I have news for them. This is the 21st century. Wake up. Look at your calendar. It is the 21st century, and women ought to be respected. Women ought to be trusted, and their families ought to be trusted and respected. We are not going quietly into the night on this one. We will be here. We will fight back. We will fight for women and their families and health care, and we will fight to keep politics out of the equation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I come to the floor now as a father and a grandfather. Bonnie and I have five daughters and are grandparents of eight granddaughters. Nothing in our family and nothing in families across

this country have anything more critical on their minds than the health of their children and their daughters and our families.

Women in this rich country have a right to expect affordable quality health care. But those rights are under attack, and the attack is coming from what I call the "maleogarchy".

Several years ago, I initiated the name "maleogarchy" right here on the Senate floor. A maleogarchy is made up of men in Congress who always decide what they want to do for women, even taking away their rights.

These days the maleogarchy has declared war on women's health. We saw it when the Republicans in the House tried to defund Planned Parenthood. Now we are seeing it again this week in the Republican efforts to take away affordable birth control, basic health care for women in our country.

Under a historic provision of the health care reform law, health insurance companies will be required to cover contraception with no additional copays or fees. This landmark requirement is scheduled to go into effect this summer. But as women cheer this new law, the maleogarchy is looking to take it away.

Here in the Senate, there is a Republican bill to get rid of these benefits for women. Imagine. This body, principally made up of males, wants to take away benefits for women.

The top Presidential candidate on the Republican side is Mitt Romney. He just said one of the first things he will do—I heard it, everybody heard it; it was loudly broadcast, it was vividly broadcast on television—he will do as the first thing, if elected, is overturn these new policies making birth control more affordable. Imagine. That is why he wants to be elected. I hope the American public is listening carefully to what is being said.

Affordable birth control shouldn't be controversial. I thought we put this question to rest long ago. Back in 1965, the Supreme Court overturned the State of Connecticut's ban on contraception. Today, 99 percent of women either use birth control or have used it at some point during their lives. It has become a critical component of health care for women in our country. But, as so many women know, birth control is also significantly expensive. One-third of all women have struggled to pay for it, and even if you have health insurance it is a struggle. Copays for birth control can be as much as \$50 a month, and \$50 a month adds up to \$600 a year. Yet now the other side wants to take this benefit away. President Obama and many of us in Congress believe that is fundamentally unfair.

Mr. President, everyone needs to speak against this attack on women's health, just as they did last week when the Komen Foundation—a foundation that was named after Susan Komen, a young woman who died of breast cancer-allowed a partisan agenda to cancel its mission to fight breast cancer. Imagine that—this organization named for a young woman who died, and now they want to cut out these examinations for women who wish to see whether breast cancer is ahead for them. Komen tried to cut funding to Planned Parenthood, a trusted provider of lifesaving breast cancer exams for hundreds of thousands of women in our country. Across America, women were offended, hurt, and angry, so they spoke up and spoke out against Komen's narrowminded decision. People were outraged and justifiably so.

I was proud to bring together more than two dozen of our Senate colleagues to join the fight. We persuaded Komen to see the error of their ways, and they reversed their decision a few days later. Now the Komen organization and Planned Parenthood are getting back to doing what they do best—protecting women's health.

Let's be clear. It would have been wrong to take away resources that could save their lives, just as it is wrong to deny women the right to affordable contraception. So I call on my Republican colleagues to disband the maleogarchy view. Join us and stand up for women in our country. Politics don't belong in our doctors' offices, examination rooms, or in our medical clinics. Politics should never be used to block women's rights to get the care they need for healthier lives. I ask my friends on the other side of the aisle to consider what they are doing before they vote to take away those rights.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to rise today after my distinguished colleagues have spoken on this issue so powerfully and eloquently, but I do so reluctantly because I rise in the face of a continuing assault on women's health care in this country—an assault on women's health care that is unworthy of our political system because these health care decisions involving women should be made by them. They are a matter of their conscience and their choice. Politics has no place in health care decisions.

This assault is waged by a group on the radical right. It is an ideologically based attack on personal health care decisions of women and their families, and they are wasting taxpayer dollars doing it. This ideologically based stand on women's health care over these years is nothing less than unconscionable and unbelievable.

I have only been in this body for a short time, but one of the first votes I cast was on H.R. 1, which wasn't about growing jobs or strengthening our economy, it was known best for completely eliminating the funding for responsible family planning programs.

The fact is family planning can prevent has decided to do. One of these unintended high-risk pregnancies, reduce abortion rates—reduce abortion rates—and they are cost-effective. They provide \$4 of return for every \$1 that is spent on family planning, invested in those programs. But there are some on the radical right who would rather have the people of our Nation pay \$11 billion a year in unplanned pregnancies rather than receive a nearly threefold return on investment for family planning services.

This debate is about more than dollars and cents, and it is about more than cost. It is about protecting the right of every woman to receive goodquality preventive care and equal access to preventive health care benefits from the provider they trust. And these decisions should be made between the provider a woman trusts and herself.

In 2010, Congress took a great step forward, as my colleague Senator MI-KULSKI has described so powerfully. A decision was made to require health care plans to cover a core packet of preventive health services, moving our country dramatically and historically toward a trend of overall lifetime health.

The Institute of Medicine—an unbiased scientific organization—was tasked with evaluating the most important preventive services to include in the best health outcomes for women, seeking those best health outcomes for every woman in America. This scientific organization named birth control as one of those core benefits-birth control. Let's be very clear. We are talking about birth control—the pill that 99 percent of women use as part of their daily preventive health care. At some point in their lives, 99 percent of women use it.

That very same benefit—coverage for it—is guaranteed by 28 States around the Nation. They already require health care plans to cover it. And more than half of the women of our Nation live in those States. Now the radical right would seek to take away that guarantee—that coverage, that basic health care outcome. They would take away that right—repeal it, restrict it. remove it as an option for women. That is unacceptable.

Women spend an average of \$500 per vear for birth control—a cost men will never have to incur. That is why the Institute of Medicine recommended that birth control be included as part of the package of preventive services without copays—because costs should not be a barrier to those 99 percent of women in the United States who use birth control. Yet the radical right has decided that the politics of taking birth control away from women is more important, and they have used every tool in their arsenal—creating misunderstandings—to try to take this right away from women, including misrepresenting what the administration mistruths they are spreading is that churches will be required to offer birth control. Not so. Another is that institutions affiliated with churches will be required to provide those services. Not true. What any institution is required to cover is, in fact, the coverage, not necessarily provide the service, and that is a key distinction.

The majority of Americans agree that employers should be required to provide their employees with health care plans that cover contraception and birth control at no cost. The majority of Americans believe that is true. Nearly two-thirds of young Americans of childbearing age agree that employer health care coverage should include birth control at no cost.

In short, this decision should be a matter of conscience, a matter of choice for individual women. Politicians should not be permitted to exploit it, as some are doing now. I stand for women making choices about their own health care, and I stand against politicians telling them what they should do. This issue before this body and this Nation is one of the critical issues of this time, and politics has no place in these health care decisions.

Mrs. FEINSTEIN. Mr. President, rise to discuss the continued attacks on the rights of women to control their own reproductive choices.

Women should have access to comprehensive reproductive care and should be able to decide for themselves how to use that care.

Here is the problem. The politics of women's health care has reached an extreme point, most recently with the decision of the Susan G. Komen Foundation to stop funding for breast cancer screenings at Planned Parenthood.

Following the outrage of millions of men and women around the country, the Foundation reversed its course, at least for this year.

A year ago, House Republicans passed a budget that would have eliminated the Title X Family Planning Program and defunded Planned Parent-

Annually, these programs serve almost 8 million Americans nationwide providing primary care, cancer screenings, well baby care, contraceptive services, education, annual exams, STD and HIV testing, and flu vaccines.

These programs provide critical health care services to many women who simply cannot afford to go anywhere else.

It is ironic to defund these programs because family planning education and access to contraception can save money. For example, title X supported family planning centers prevented 406,000 abortions and saved taxpayers \$3.4 billion in 2008 alone.

The same House-passed budget would have also eliminated the Teen Pregnancy Prevention Program. Teen pregnancy costs taxpayers billions of dollars annually.

Recently, the Obama administration announced its final policy on contraception coverage as part of the preventive health services recommended for women. The policy concluded employers are required to provide no-cost contraception or another option to their employees.

The administration included a very narrow exemption to this requirement, and allowed religious organizations. such as churches or synagogues that primarily employ people of their own faith, to opt-out.

This narrow religious exemption, which does not include hospitals, universities, or other organizations with religious affiliations, was the right decision. It ensures that millions of women of all faiths, including nurses, janitors, doctors, and college instructors, will access to good health care, including contraception, if they want

A nurse seeking employment should not have to choose between one employer who provides contraception coverage and one who doesn't.

Access to contraception is widely supported. Today, two new polls were released that showed the majority of catholic voters support coverage for prescription birth control.

Seventy-one percent of American voters, including 77 percent of Catholic women voters, support health plans covering birth control without co-pays.

Moreover, 28 States, including California, already require employer-provided health plans to include contraception coverage if the plan provides prescription drug coverage.

In 2004, the California Supreme Court held that Catholic Charities was no different from any other employer and therefore required to provide contraception coverage for their employees.

I agree.

Access to contraception can reduce rates of unintended pregnancy, help with certain health problems, and reduce the risks of some cancers. Expanding the exemption would have caused unacceptable harm to women.

The administration should keep this exemption narrow.

House Republicans insisted on including a ban on local funding for abortions in the District of Columbia in the fiscal year 2012 appropriations bill.

They have introduced and passed numerous bills that would significantly restrict a women's right to choose. This past October, the House passed a bill that would prohibit Federal funds from being used for any health plan that offers abortion coverage.

This would mean that any women receiving Federal subsidies to help them afford health insurance would effectively be prohibited from purchasing coverage that included abortion services.

Last May, the House passed a bill that falsely claimed to end public funding for abortion. There are already stringent Federal protections that prohibit Federal dollars from being used for abortions; this bill was not about that.

Instead this bill was an attempt to reopen a contentious debate and to impose unprecedented limitations on women using their own money for abortion services.

Even worse, this bill would have allowed hospitals to refuse to provide abortion care or refer a patient to a hospital that would provide it, even when a woman's life is in critical danger.

This attack on women's health must be defeated. All women deserve access to quality comprehensive health care, regardless of their income level or place of employment.

There is a balance between respecting America's democratic values and increasing access to important health services for women. In addition to being a health concern, for many women it is an economic concern as well.

Better health policies for women help them save on out of pockets costs. When women are healthy, communities are healthy. I will continue to stand for women's health and fight for equal access to care.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

# EXTENSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 7 p.m, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# FOOD AND PRODUCT SAFETY ENFORCEMENT

Mr. BROWN of Ohio. Mr. President, products that are labeled "Made in

China" can be found in our cars, in our closets, and in our cupboards. So too are the ingredients in the foods we eat often, the medicine we take, the candy our children enjoy, and the toys they play with. But how many times have we heard in the last few years of illness and death from contaminated foods or drugs or toys that were made in China? In Toledo, OH, patients died after taking contaminated Heparin to treat their heart conditions.

Drug manufacturers have acknowledged that they turn to countries such as China to buy ingredients to put into pharmaceuticals. U.S. companies often move production to China, buy ingredients there, put these drugs together, and sell them back into the United States with ingredients that may not pass some of the safety inspections they should. One company acknowledged that 17 percent of its active ingredients in manufacturing are outsourced, often to countries with weaker drug safety standards.

When high lead levels were discovered in toys several years ago, I urged stronger oversight to help keep our children safe. Four years ago, I asked Dr. Jeffrey Weidenhamer of Ashland University in north central Ohio to test lead levels. He had already begun testing with the students, and we asked him to do it again, to test the lead level in Halloween toys, including the cups and the buckets that Ohio children would be eating out of and decorations families would be using that children often put into their mouths during the holidays. He tested products in the fall of 2007 for Halloween and the spring of 2008 for Easter toys. He identified 12 of 97 products contaminated with high quantities—much higher than what is considered safe by our government—high lead contents in this lead-based paint on our toys: among them, candy buckets, drinking cups, fake teeth, and other Halloween props. At Easter, it was eggs and baskets and other things. It included products bought at leading national retailers.

At the same time, it was clear that our trading system, patterned in many ways and with businesses following this business plan of shutting down production in places such as Rhode Island, which the Presiding Officer represents, and Ohio, shutting down production in our country and moving it to China, manufacturing products there, and selling products back here, that trade system has failed basic consumer and public safety standards.

There is nothing free about trade that puts children in the hospital for playing with a toy or eating candy or brushing their teeth. That is why Congress passed the Consumer Product Safety Improvement Act. The act sent a simple message to the Consumer Product Safety Commission, which is charged with protecting consumers: Protect American children, protect

families, protect companies from unsafe and possibly fatal products.

That job has gotten a lot harder to protect the American public on food products, on toys, on pharmaceuticals, and on pet food, which I will discuss, because the business plan for so many companies has been to shut down production in Canton, OH, and move it to Guangzhou, China, shut down production in Toledo or Dayton, OH, and move it to Wuhan or Shiyan, China, in order to save money, in order to cut worker safety costs, in order to evade environmental and consumer regulations sometimes.

The new law that we passed meant that hundreds of thousands of toys and food and other imports from China and elsewhere can be recalled when they are unsafe. The key is inspection of these products, and the key is making the companies liable that outsource the jobs to China in order to save money. We don't want more court cases and more litigation, but if these companies are going to move production to China, they need to take responsibility for the toys if the toys have been painted with lead-based paint. They need to take responsibility for the pharmaceutical ingredientssometimes dangerous ingredients that somebody has somehow put in these pharmaceuticals when production comes from China. They need to be careful about food safety. They need to be careful about treats for pets that have been contaminated.

That act has been a success. Last year, Dr. Weidenhamer conducted another test and found no lead-based paint contamination in Halloween items.

But there is a gap in our trade system that threatens public health and public safety. We passed a law to close that gap. Public safety has benefited, and companies are still able to make and sell their products in this free market.

One year ago, Congress passed and the President signed into law the bipartisan Food Safety Modernization Act. The law provides the FDA with the tools needed to better protect our food supply, to recall tainted or adulterated food, and to respond more effectively to foodborne illness outbreaks. It empowered the FDA with new authority to establish traceability system; that is, when a product comes to your table, whether it is food in this case, a pharmaceutical, or whether it is a toy, the company that sells that product needs to be able to trace back all the ingredients, all the components, where they came from, how they were produced. and under what conditions they were produced. It is that type of public safety infrastructure that is so important.

Yet, as we have seen with food and toys and drugs imported from China, now we are seeing it with pet food. Yesterday I met with Kevin Thaxton of Cuyahoga County—the area-whose wife Candance wrote to me after one of their dogs, a 9-year-old pug, died from kidney failure. They thought it was the pug simply getting older. I had a pug once, and they don't usually live much beyond 10 years. Then, as they got another dog that got sick immediately, they figured out it was likely from eating Chinese-made chicken jerky treats. Until the second dog, they didn't make the connection between the pet food and the pet illness, when the second dog, the puppy, had a life-threatening illness.

Another Ohioan, Terry Safranek, joined us at our meeting 2 days ago. Terry lost her 9-year-old fox terrier earlier this year. She did not realize that tainted chicken jerky treats could be responsible for her dog's death until she saw the Thaxton's story on the evening news.

These two families, the Thaxtons and the Safraneks, and the 62 percent of U.S. households who own a pet shouldn't have to worry about the safety of the food they give their pets. It is an example again of a trade issue transforming into a safety issue.

To explain this, so many companies in the United States as part of their business plan decide—in order to save money, in order to evade consumer protection laws, food safety laws, worker safety laws, and environmental laws, or for whatever reason—to move their production to China, with significantly cheaper labor. They shut down in Columbus or Cincinnati, OH, and they move to China to manufacture these products they sell back into the United States.

Probably unprecedented in economic or world history is where companies shut down one place, move overseas, produce the same item, and then sell them back into the home market. We know that with that whole trade regimen, that whole construct of that business plan of shutting down production and moving overseas and selling back in, there are significant health and safety problems. Again, there are problems with lead-based paint and there are problems with the safety of other consumer items. There are problems with food safety, there are problems with pharmaceutical ingredients contamination, and now there are problems with pet foods.

The Food and Drug Administration has logged more than 350 reports of pet illnesses thought to be connected to chicken jerky treats made in China. Although the FDA has already issued a warning about illness, they have not yet for sure identified a contaminant. The treats remain on market shelves in stores across the country.

I would never on this Senate floor suggest people buy something or boycott something else. I would suggest, though, that people look at the product when they buy something for their pet and make the judgment based on that.

I am calling on the FDA to accelerate its investigation of imported pet food, especially food imported from China, where the possibility of food contamination is higher. That is the FDA's job

Earlier this week, I sent a letter to Dr. Hamburg, the FDA Commissioner, urging her agency to act swiftly to make sure that products found to be harmful are pulled from retail outlets. I have asked the FDA to improve its notification system so pet owners know about items under investigation for pet food safety breaches. The FDA should promptly pursue efforts to find the contaminant in these pet treats and ensure they are pulled from store shelves to prevent any unnecessary pet

Contaminated toys, hard-to-trace medical ingredients, and now pet food have all forced Americans to turn to the government to ensure the safety of the products we import. It is a problem with trade law that we have set this up to happen far too often.

It is an example of when government works when we stepped in on leadbased paint, kept those products off the market, and made sure that products coming in now are safer because we passed the consumer protection revision. It shows that government stepping in, in the right way, can make a difference in saving the lives of children, protecting people's pets, protecting pharmaceuticals—making sure that pharmaceutical safety is guaranteed as much as possible.

We have been down this road before. There is nothing free about trade that undermines basic health rules. There is nothing free about trade that weakens safety rules, the very rules that help keep food safe to eat and water and air safe to drink and to breathe. The FDA should take action now to protect American pet owners from tainted products that can harm the health of their pets.

It has been a longtime victory for the American people that the air we breathe, the water we drink, the food we take, the toys we buy for our children, the treats we buy for our petswe have done a good job in this country in the last several decades of the government partnering with businesses to make sure these products are generally safe for our families-for ourselves, for our children, and for our pets. Now, these holes in our trade laws—these trade laws that encourage companies to go overseas and produce products and sell them back here—clearly have undermined so much of what we have accomplished bipartisanly for so many years for the health and safety of the American public.

Thus the role of government can be important to show that we do know how to do this to protect our families.

Cleveland and that they look at where it is made I urge the FDA to step in here on this issue and help American families.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Iowa.

#### WOMEN'S PREVENTIVE HEALTH SERVICES

HARKIN. Mr. President, I watched many of the statements made by so many of our women Senators who came to the floor in the past hour to talk about this issue of women's preventive health services. I was unable to get to the floor at the time. I want to be here now because, unfortunately, there is a lot of confusion about what the Affordable Care Act does and does not do with respect to women's preventive health services.

As chairman of the Health, Education, Labor and Pensions Committee and as someone who is very much involved in crafting this legislation, especially the preventive services part of that legislation, I hope to explain the facts and debunk the myths and the misinformation that has recently arisen on this issue.

First, women—nurses, teachers, professors, homemakers, attorneys-everyone from all walks of life, all women in America now have the right to preventive health care services. Beginning this August, the Affordable Care Act guarantees that insured women will have access to expert recommended preventive health care services. These basic services include wellwomen visits, mammograms, prenatal care, cervical cancer screenings, and contraception.

These critical services will be offered without any out-of-pocket costs such as copays or deductibles. It is the latter, the ability of women to have a health insurance plan that covers contraceptives that has led to this recent controversy, this outpouring, this outburst of political accusations.

Here let me emphasize people of strong faith and good conscience have very different views when it comes to these matters. I understand that. I have great admiration for the many contributions that religious institutions make to our country. Catholic charities provide vital assistance to low-income Americans. Religious universities teach and prepare thousands of young people to be outstanding citizens and productive members of our society. In fact, I attended law school at Catholic University right up the street. I also attended Catholic elementary schools and Catholic high school.

Catholic hospitals are instrumental in providing first-class health care to so many of our fellow citizens. I have spoken many times about the care that Mercy Hospital in Des Moines, a Catholic hospital, gave to my father when he was elderly and in bad health because of black lung disease and he had no

money. They provided care for him at choose to use contraceptive services, no cost. So I have very deep feelings about the generosity and the care that these religious hospitals provide.

It is for this reason I would oppose any measure that threatens the fundamental religious liberties of these institutions. I believe, however, that the President properly balanced the essential health care needs of women with the rights of religious institutions. Let me clarify what this rule does, and most importantly does not do since folks, such as Governor Romney, are misleading the American people—perhaps intentionally distorting the facts—using the issue for demagoguery.

First, churches and other houses of worship are specifically exempt from the requirement that they carry insurance plans that provide contraception.

Second, no individual health care provider, neither religious nor secular, will be forced to prescribe contraception. The President and his administration have previously and continue to express strong support for existing conscience protections. Moreover, other religiously affiliated organizations that employ people of different faithssuch as Catholic colleges and hospitals—can qualify for a 1-year transition period as they prepare to comply with the new law.

Let me point out, no individual will be forced to buy or use contraception. No individual will be forced to buy or use contraception. Under this policy, women who want contraception will have access to it through their insurance without having to pay a copay or deductible, but no one will be forced to buy or to use contraception. Let's make that clear.

Drugs that cause abortion, such as RU486, the morning-after pill, are not covered by this policy. Let me repeat that. Drugs that cause abortion, such as RU486, the morning-after pill, are not covered by this policy and nothing about this policy changes the President's firm commitment to maintain strict limitations on Federal funding for abortions. No Federal tax dollars are used for elective abortions.

Let me quote what Governor Romney said in Colorado just yesterday:

Just this last week, this same administration said that in churches and the institutions they run, such as schools, and let's say adoption agencies, hospitals, that they have to provide for their employees, free of charge, contraceptives, morning-after pillsin other words abortive pills and the like at no cost.

Mr. Romney said.

Think what that does to people in faiths without sharing those views. This is a violation of conscience.

Mr. Romney, this does not cover morning-after pills. And the adoption agencies and the hospitals do not have to provide free of charge contraceptives. All they have to do is to make available, through the broad insurance coverage they have, for women who

that they can get those without any copays or deductibles. But this does not cover the morning-after pill. Yet I keep hearing it.

I was working out this morning while watching CNN, and somebody else came on talking about how the Catholic Church is opposed to abortions; they should not be forced to fund abortions. This has nothing to do with that. All it says is, if you have a broad-based insurance policy and you are not a religious institution or a church and you are, let's say a hospital, and you have insurance that covers a broad array of people, we have said that insurance must cover a broad variety of preventive services: mammograms, cervical cancer screening, well-women visitsall of that-and contraception-and contraception, a preventive service.

Mr. Romney is going around saying these things, but it is not true. It is simply not true. He is either misinformed or he is purposely trying to mislead the American people—neither of which is acceptable. As I said, churches and other houses of worship are specifically exempt from the requirement that they carry insurance plans that provide contraception.

Second, no individual health care provider, neither religious nor secular, will be forced to prescribe contraception. No individual will be forced to buy or use contraception against her own conscience. All the rules the President announced ensure that all women, no matter who their employer, have the opportunity to enjoy the same insurance and the same vital preventive services—every woman. In fact, there is nothing radical about such a policy. Fifty percent of Americans currently live in 28 States that require insurance companies to cover contraception. Imagine that.

Several of these States—such as Arizona, New York, Oregon, and California—have had this law in effect for years, saying if you have insurance coverage, you have to provide contraceptive services under that broad coverage of insurance, and these four States have identical religious employer exemptions as the rule the President announced.

Let me repeat, Arizona, New York, Oregon and California have identical religious employer exemptions, the same as the rule the President announced. I did not hear Mr. Romney going after the Governors of Arizona or of New York or Oregon or California. This has now become a political issue, and it should not be. It should not be.

Religious institutions continue to serve the public by providing exemplary health, education, and antipoverty services in these States, and I am hopeful that nothing will change in the rest of the country. Twenty-eight States, half the people who already live in those States that cover the same

The health of women in this Nation is far too important to become a sound bite on the evening news, a headline in the morning paper, or political rhetoric-again, to divide us. The President's policy and what we have done does not divide us. In fact, if anything it unifies the country. I do not think anyone thinks we should pass a law banning contraceptives. We did in the old days, you know. There was a Supreme Court case about that. As a matter of fact, I read it in law school when I was at Catholic University Law School: Griswold v. Connecticut, if I am not mistaken.

The Supreme Court said, no; the State has no interest, no vital interest in telling women they cannot use contraceptive services and devices. That is an old case. If someone is consciencebound and they say they don't want to—that is fine. No one is being forced to do anything against their consciences. No one is being forced to do anything we have not already done in this country in 28 States. But now it has become political rhetoric. How else do we explain Mr. Romney's total misinformation? To try to divide us as a country again.

It is time to put this aside. It is time to put aside these differences, these divisions, and focus on giving people access to the affordable health care they deserve. That is what the Affordable Care Act does, and we should not let political rhetoric, political gamesmanship, a political campaign again try to tear us apart, try to misinform people to inflame passions that somehow we have gone off on a different path; that we are doing something totally different than what we have done before. We are not. We are not. To include in this the inflammatory rhetoric of abortion and all that it entails is doing a disservice to the women of this coun-

I hope the truth will get out, that this misinformation will fall by the wayside, and people will see this for the political rhetoric it is, and that we will move forward with a health care system that does provide broad preventive services to every woman in America. That is what this is about.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 311, S. 1813.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes:

Barbara Boxer, Max Baucus, Mark L. Pryor, John D. Rockefeller IV, Benjamin L. Cardin, Al Franken, Jack Reed, Sheldon Whitehouse, Amy Klobuchar, Bernard Sanders, Patrick J. Leahy, Tom Udall, Frank R. Lautenberg, Richard Blumenthal, Jeff Merkley, Richard J. Durbin, Harry Reid

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived; further, that the cloture vote on the motion to proceed to S. 1813 occur at 2 p.m., Thursday, February 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

### FAA CONFERENCE REPORT

Mr. DURBIN. Mr. President, last night, the Senate adopted the final version of a long-term reauthorization of the Federal Aviation Administration. The process has been long and less than elegant as we worked through differences between the chambers, across parties and regional differences. I voted for the bill and am pleased that there is now more stable funding and policy to support our national aviation system. There are aspects of this bill that I do not agree with and would have done differently.

The FAA authorization expired in October of 2007. For more than 4 years, we have been operating on short-term extensions—23 total short term extensions. The FAA, airlines and flying public all deserve a long-term authorization to provide certainty to our national aviation system.

One reason I voted for this legislation is that it is a jobs bill. The FAA estimates commercial aviation is responsible for 5.2 percent of gross domestic product and generates \$1.2 trillion in economic activity. The aviation industry provides \$346 billion in earnings and 11 million jobs. And this bill will help grow those numbers.

The funding provided in this bill will support 280,000 jobs. The economist Mark Zandi said, "Aviation is the glue that keeps the global economy together." This bill will boost our economy now and keep the United States competitive in the global marketplace in the future.

As importantly, this bill will improve the safety of our aviation system. Improving runway safety is one of the National Transportation Safety Board's "Most Wanted" list. There were 988 runway incursions last year. This year there have already been 66 incidents. This bill will require FAA to review all commercial service airports in the United States and initiate action to improve lighting, signage, and runway and taxiway markings.

Another key component of this bill is NextGen, the term we use to describe our transition from radar-based air traffic control system to a GPS-driven system. NextGen will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky—to avoid problems, to monitor traffic, to move things more smoothly, safely and efficiently. The FAA has called for action on implementing NextGen.

Last year, U.S. airlines carried 704 million passengers. Soon, those numbers will increase significantly. The FAA reports that U.S. airlines will carry more than one billion passengers by 2023 and more than 1.2 billion passengers by 2030. Our outdated air traffic control systems cannot safely and reliably handle this increase in traffic. But with NextGen, we hope to triple the capacity of our national aviation system.

This technology will allow planes to fly the straightest, quickest route from point A to point B. And with more precise information and better communication between the ground and the cockpit, we can fit more planes safely in our airspace. Doing so will save airlines at least 3.3 billion gallons of fuel a year—or more than \$10 billion annually by 2025. NextGen should also reduce airport delays significantly.

Chicago's Midway Airport was ranked dead last over the past few months for on-time departures. Chicago's O'Hare airport has won that dubious distinction more than once. The main reason for these delays is the lack of capacity in our aviation system. Fully implementing NextGen could reduce those delays by half.

NextGen will also save more than 1.4 billion gallons of fuel and provide \$22 billion in savings to airlines and flyers. This is a great investment. This bill will help airports and air travelers in Illinois and nationwide save time and money.

In Illinois, we are in the middle of the largest airport expansion project in U.S. history at O'Hare airport. This \$6.6 billion project will completely reconfigure the runways at O'Hare to make sure we can move more traffic in and out of Chicago more efficiently. Moving this project along means a lot to the people of Chicago and Illinois.

O'Hare already generates 450,000 jobs and \$38 billion in economic activity for the Chicago region and the State of Illinois. The O'Hare modernization project will create 195,000 more jobs, and another \$18 billion in annual economic activity. This bill will allow O'Hare to keep moving forward by funding the airport improvement program at healthy levels. And it isn't just O'Hare. Airports in Illinois will benefits from more than \$3.3 billion per year for AIP projects.

Last year, airports in the Quad Cities, Rockford, Decatur and Springfield all used AIP program funds to make critical improvements to their airfields. Keeping this funding flowing will allow these airports to handle the traffic of today and the future increases of tomorrow.

The bill helps rural areas keep the commercial air service they have now and attract new service in the future. The Senate Conferees defeated an attempt to completely dismantle the essential air service program. This bill fully funds essential air service and puts in place important reforms so the Department of Transportation works with businesses, local communities and the airline industry to start and retain quality air service to rural communities.

Without a robust EAS program, many rural communities would have no commercial air service at all, and residents of smaller cities would have to travel significant distances for flights. This bill will ensure communities in Quincy, Marion and Decatur have scheduled commercial air service—an enormous tool for communities to retain and attract businesses. Scheduled air service as an important requirement for many businesses when they choose a headquarters or office.

While I voted for this bill for all the reasons I have already mentioned, I have very serious concerns about some of the labor provisions included in this bill. Several times, Republicans held up passage of a reauthorization bill on unrelated labor issues. And last year, these disagreements led to a lapse of authorization for several days before we were able to pass the latest short term extension. During that lapse, some 4,000 Federal aviation workers were furloughed, airline construction projects like the O'Hare Modernization Project were threatened, and it cost the Federal Government roughly \$25 million in tax revenue each day.

So, Senator REID made a tough decision—he negotiated with House Republicans for the removal of language overturning the National Mediation Board rule, but in exchange the bill now includes the current labor provision which could make it more difficult

for workers to organize and form a union. It is unfortunate that Republicans insisted on bringing Federal labor law into this legislation without hearings or adequate debate. But I could not allow Republicans to continue holding this bill hostage. It is too important to airline safety, the economy, my State, and the country as whole.

Ms. MIKULSKI. Mr. President, I support a clean extension of the FAA bill. But I cannot support the conference report that's before the Senate today because it includes a radical provision to undermine our rail and airline workers' right to organize.

The FAA bill is a jobs bill that keeps air safety employees and construction workers at airports on the job. According to the U.S. Department of Transportation, every dollar spent on transportation isn't just an investment in concrete and steel, it is an investment in our workers that creates jobs. Reauthorizing this bill keeps thousands of Federal employees and tens of thousands of construction workers on the job and not worrying about whether they will receive a paycheck.

A reauthorization of the FAA bill means 4 years of stability. It will modernize and upgrade our air traffic control system. And it will provide billions in investments to improve our airports with new runways, aprons, lighting, and land purchases. A clean FAA bill saves jobs, protects the flying public, and stimulates our economy.

But this FAA bill comes with a poison pill labor provision that was added in Conference. I cannot vote for such a radical provision that makes it more difficult for rail and airline workers to organize and sets a dangerous precedent of opening the Railway Labor Act up for hostile anti-worker amendments on unrelated must-do transportation bills.

This is just another example in a persistent pattern of attacking workers' rights. The Republicans have made it clear that the price of their support for a much-needed investment in our air infrastructure is to undermine our workers' right to organize and decide whether they want to be represented by a union.

During the Senate's debate of the FAA bill last year, the Republicans tried to strip hardworking Transportation Security Administration workers of their collective bargaining rights.

Last summer, the FAA shut down for 2 weeks because the House Republicans insisted on a provision to make it harder for rail and airline workers to form unions. Now, we are days away from the expiration of the latest of 23 short-term extensions to the FAA bill, and the conference report includes another attack on workers' rights. The Republicans need to get off of it with labor, and get on with the business of creating jobs.

Unions play a vital role in ensuring safe and fair working conditions. We encourage the right to organize around the world. We need to encourage it on our own FAA bill.

Our rail and airline workers are hard at work every day protecting Americans. They keep us safe and secure as we travel. In return, they deserve a decent wage and safe working conditions. They deserve to have their right to organize and negotiate protected. And they deserve our thanks and respect.

I support a reauthorization of the FAA bill, but I am not prepared to trade away our workers' rights to get it done. I cannot support this conference report.

Mr. LIEBERMAN. Mr. President. I rise today to voice my support to the Federal Aviation Administration Modernization and Reform Act conference report which was passed by the Senate last night, and will provide a greater sense of financial security than the Federal Aviation Administration, FAA. has seen in a long time. No agency should be subjected to the budget uncertainties that FAA has been forced to experience, nor strung along year after year unable to make long-term plans. For more than 4 years, the FAA has operated under more than 20 shortterm funding extensions. I think that is unprecedented in the history of agency funding. At any rate, it is no way to run a railroad or a national aviation system.

I also support the conference report because it would finally allow the FAA to move forward on the NextGen air navigation program, would give the passenger's bill of rights the force of law, and would provide billions of dollars to improve and develop public airports across the country. For these reasons, the legislation is long overdue and sorely needed.

The conference report, however, does contain a provision about aviation security and the Transportation Security Administration, TSA, that is deeply troubling to me and about which I feel duty bound to express my disapproval.

At stake is TSA's management of the Screening Partnership Program, SPP, which allows a limited number of airports around the country to replace Transportation Security Officers TSOs, with private contractors to screen passengers and their baggage. TSA has implemented this program at airports where, due to low-traffic volume, full-time, year-round Federal staff is unnecessary. A handful of larger airports take part in the program so TSA can measure and assess its performance and cost effectiveness against the private contractors. It is telling that TSA's assessment after comparing the two systems is that it can secure airports more economically than private screeners can.

Regrettably, some of my colleagues in the House and Senate are resolved to

undermine TSA—and therefore airport security itself—by advocating for the pre-9/11 system of screening by private contractors. My response to that is, how quickly we forget.

Mr. President, we have already tried an aviation security system run by private contractors. It very tragically did not work. The 9/11 attacks did not occur because of one, two, or three specific vulnerabilities. They occurred because a number of our defenses—including our system of airport screening—were simply inadequate.

I know everyone has vivid memories of the days after the 9/11 attacks, and it is hard to forget the dramatic loss of confidence the public felt for the aviation security system. Air travel dropped off precipitously in the weeks and months after 9/11, the aviation industry was shaken to its core, and our economy suffered because of it.

It became clear to many of us that aviation security was inseparable from national security, and we could not, and should not, rely on the private sector to do the job. The security of our skies would have to become a government responsibility. Americans need to be safe and secure wherever and whenever they travel. And while I would not want to cast blame or criticism on any one contractor, we have already witnessed the results of a system utilizing private security companies which were constantly pressured to focus on costs first and security second.

Less than 2 weeks after the 9/11 attacks, a bipartisan group of 21 Senators introduced the legislation that would create TSA and turn airport screening over to Federal officials. Barely a month after 9/11, the Senate passed that bill by a vote of 100 to 0. The bipartisanship of that vote was heartening and demonstrated a unity among Members that I wish we could experience more often. In the years since, we have had a few near misses, and our defenses have been penetrated more than once, but no hijackings or terrorist incidents have been successfully carried out. In large part, we have a dedicated corps of TSOs to thank for that.

I know it is fashionable in some quarters to criticize TSA. Understandably, people are unhappy with pat-downs, body scans, and invasions of privacy. But TSA establishes its policies for a reason. They are a direct response to real terrorist threats, and they have evolved as the threat has evolved. When a terrorist put explosives in his shoes and tried to light them afire midflight in 2001, TSA asked passengers to remove their shoes for screening. When a terrorist plot was uncovered in 2006 that involved lighting flammable liguids aboard several planes, liquids, except in small quantities, were prohibited. After the Christmas Day 2009 attempted attack with explosives hidden in a terrorist's clothing, better screening technology was developed. These are not hypothetical cases or academic scenarios. They are real incidents and the reason that TSA makes so many demands on the flying public. And we should not delude ourselves or the American people into thinking that adopting a contract workforce will eliminate the need for body scanners, pat-downs, or any other security procedure TSA determines is necessary to secure air travel. Regardless of whether a U.S. airport uses Federal screeners or private ones, the security procedures implemented are the same.

Yet a provision has been tucked into this bill that would make it more difficult for TSA to maintain its current system by lowering the burden of proof for admitting additional airports to the Screening Partnership Program. Right now, airports must demonstrate that a private screening workforce would be more effective, secure, and efficient, than the TSA. The standard tucked into this bill, however, would only require airports to demonstrate that using private screeners "would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of screening."

While the TSA Administrator would still have the authority to deny an application to the Screening Partnership Program, this lower standard would make it far more difficult for him to do so. TSA Administrator Pistole has said that the Screening Partnership Program should be used judiciously and that airport screening is and should remain a core mission for the Department of Homeland Security since 9/11, and I agree with him wholeheartedly.

Another provision in the bill strikes me as counterproductive. This provision would require TSA to provide recommendations to an airport that was denied its application to the SPP on how that airport can overcome the denial, if it decides to resubmit its application. If TSA believes that it can screen passengers and baggage better and with more cost efficiency than a private contractor, why would it provide tips on how an airport can escape that system?

Private screening could also limit TSA's ability to react nimbly to intelligence threats. If screeners are privately employed and managed airport by airport, TSA may not be able to respond effectively by shifting personnel to where it is most needed or modifying procedures if it cannot exert direct control over screeners.

Mr. President, private screening at airports could undermine not just public confidence in the aviation security system but in aviation security itself. We have been there and experienced the consequences of private screening. The American public must feel secure when it travels, and security is the first priority of TSA.

Ultimately, I voted for the Federal Aviation Administration Modernization and Reform Act. But I believe we should reconsider and revisit the language related to TSA's Screening Partnership Program. I would urge my colleagues to remember the lessons learned after 9/11 and work with me to ensure we won't make the same mistakes again.

Mr. WYDEN. Mr. President, the long-awaited passage of the long term FAA reauthorization conference report is a great achievement for Chairman ROCKEFELLER, Ranking Member HUTCHINSON, and the many other Senators and staff members who were involved in this legislation. I'm pleased with the important nationwide achievements in this bill—NextGen radar systems, improved passengers' rights, and airline ticket transparency, to name a few.

But I wanted to take a few moments to talk about the huge positive impact this legislation is going to have throughout almost every part of my home State of Oregon.

The big news for the Portland region is that the new slot exemptions at Washington National Airport will likely allow for the first direct flight from Portland International Airport to Washington National. This was not an easy victory for the northwest—many of my colleagues from both sides of the aisle had opinions on this issue and it seemed like we were not going to be able to come to an agreement. But I'm proud to say that both sides came to a compromise that will improve air service in the northwest and throughout the country.

One of the things I'm most proud of is that this bill permanently protects Crater Lake from the threat of noisy air tours. As most folks who have visited Crater Lake know, the quiet and peace of the park is just as important as its scenic beauty. This legislation says that Crater Lake is specifically off limits to any overflights that might threaten that tranquility.

This bill creates six new test areas for commercial use of unmanned aerial systems. In Central Oregon, folks are excited about the potential for using those test areas to advance the cutting edge aviation industry that already exists there. It's also an opportunity to monitor wildlife, do meteorological testing, and improve law enforcement in the vast acres of public lands now being co-opted by drug traffickers.

Perhaps the folks who are most directly helped by this legislation are in Independence, OR. Independence has a community of general aviation enthusiasts who live near Independence Airport and who keep their planes on their own property. The FAA recently decided to change the rules on them, putting their future in doubt. This legislation erases that doubt and allows those folks to continue an arrangement they've had for nearly 40 years with no significant safety issues and no significant noise complaints.

Finally, this legislation includes language to encourage recycling at airports, something I have been working on for nearly a half dozen years. I'm glad that it will provide important tools for airport recycling going forward.

I commend my colleagues for moving this legislation forward as a positive step for the country and for my home State.

### FLOOD PROTECTION

Mr. HOEVEN. Mr. President, I thank my colleagues for their help in passing S. 2039 by unanimous consent last month. This bill, which establishes a pilot program in North Dakota, will provide a great deal of help to citizens in my State.

I sponsored this legislation because Federal policy has stood in the way of flood protection measures necessary for communities in North Dakota. I want to highlight a couple of situations, one in Fargo and one in Minot, that illustrate the need for this bill.

First, Fargo, ND, has faced repeated flooding in the Red River, which runs through the heart of the city. The city has constructed a permanent levee to run along as much of the river as possible. However, over the years, some properties along the river bank were bought out using funds from FEMA's Hazard Mitigation Grant Program. HMGP guidelines prohibit the construction of any structure, including a levee, on land bought out under the program. So as a result. Fargo's levee stops every time it comes up to HMGP land. When the waters rise, the city builds a temporary extension of its levee that goes over the HMGP land and connects to the next section of the permanent levee, and when the waters recede, the city has to take down the temporary levee to remain in compliance with the HMGP no-construction policy. Year after year, Fargo has constructed and then removed several temporary levees at great expense and for no apparent reason other than the letter of the HMGP law.

Second, Minot, ND, is about to run into the same problem currently facing Fargo. As my colleagues know. Minot faced enormous flooding during the summer of 2011, losing thousands of homes and sustaining hundreds of millions in damages. In response, the city plans to build a major new flood protection system, including levees through the middle of town along the river. In order to build that system. Minot will have to buy out dozens of properties and create space for a levee. The Federal Government will make money available through the HMGP program for property buyouts, but we are unable to use it if spending it precludes construction of a levee on these properties.

In both cases, the solution is simply to permit levee construction on property purchased with HMGP funds. HMGP restrictions on construction were intended to ensure that the Federal Government would not be on the hook to pay for future flood damages on property it had bought out. For the most part, that makes sense. But when a community wants to add flood protection in the form of a levee, it should be allowed to do so. A levee across HMGP-purchased land does not create future liabilities for the Federal Government; instead, it increases flood protection for local residents-something that will save the government money in future flood situations.

The text of S. 2039 allows for levee construction on North Dakota land purchased through the Hazard Mitigation Grant Program. The legislation directs the FEMA Administrator to approve construction of a levee on HMGP land after the Administrator determines that the levee would provide better flood risk mitigation than maintaining the property as open space. The Administrator is also directed to ensure that the levee would comply with relevant levee construction and maintenance standards and would minimize future costs to the Federal Government.

And I would like to put particular emphasis on the subject of costs to the Federal Government. This legislation does not affect the amounts of money provided under the HMGP program. It does, however, allow communities like Minot to use HMGP dollars more efficiently by permitting property buyouts to be linked with new flood protection plans. The legislation eliminates the costs FEMA and the Army Corps of Engineers incur every time they are forced to build and then tear down temporary levees on HMGP properties. Finally, the legislation ensures that any costs associated with the process the FEMA Administrator and the Army Corps Chief of Engineers use to approve levee construction are borne by the State, local, or tribal government requesting the levee. Any Federal funds approved elsewhere of course remain available for levee construction and are not affected by this legislation.

S. 2039 has moved on to the House of Representatives where I hope it can be approved expeditiously and sent to the President. The bill will provide important benefits to the people of Fargo, Minot, Devils Lake, and other North Dakota communities facing repeated flood risks. I thank my colleagues for their support of this commonsense legislation, and I hope it can be an example of how to improve flood protection nationwide.

# REMEMBERING FOUR CHAPLAINS OF THE USAT "DORCHESTER"

Mr. NELSON of Florida. Mr. President, today I pay tribute to four Amer-

ican heroes who embody the spirit of what it means to serve your fellow man. Those heroes are the four Army chaplains who served on board the United States Transport Ship Dorchester in 1943—Methodist Minister Reverend George L. Fox, Rabbi Alexander D. Goode, Roman Catholic Priest John P. Washington, and Reformed Church in America minister Reverend Clark V. Poling.

On February 2, 1943, the Dorchester

On February 2, 1943, the *Dorchester* was making its way across the North Atlantic, carrying 904 service men, merchant seamen, and civilian workers. This area was under constant patrol by German submarines; it was a dangerous area for American vessels and several ships had already been sunk between Newfoundland and Greenland, the *Dorchester*'s intended destination. At 12:55 a.m. on February 3, a German U-boat spotted the *Dorchester* and fired 3 torpedoes at the American ship, delivering a fatal blow.

The *Dorchester* began to take on water and would sink beneath the freezing ocean in under 25 minutes. Many had been killed or injured in the initial blast, and panic set in as the passengers and crew attempted to find life vests and get into lifeboats. Many of the surviving passengers recall the calm disposition of the four chaplains who made their way to a storage locker and handed out lifejackets. When there were no more lifejackets, the chaplains removed their own and gave them to four passengers who were without. Rabbi Goode was seen giving away his only pair of gloves, and throughout the chaos and panic survivors could hear the chaplains preaching courage as the ship went down.

There were not enough rubber suits onboard to protect the passengers from the frigid North Atlantic waters. Of the 14 lifeboats aboard, only 2 were successfully used in abandoning ship. Of the 904 passengers, only 229 were saved by nearby vessels. 14 bodies were recovered, and 661, including the 4 Army chaplains, were missing and unreported.

In recognition of the extraordinary heroism displayed by the chaplains when they sacrificed their lives by giving up their life preservers to other men aboard the *Dorchester*, Congress authorized the Special Medal for Heroism which was awarded by President Eisenhower on January 18, 1961. No such medal has been awarded again in our Nation's history.

Millions of men and women have served bravely in our military. Many, like the chaplains onboard the *Dorchester*, have gone above and beyond the call of duty. The 4 chaplains on board, despite their differences in faith, came together to bring comfort to the 904 men on board the *Dorchester*. And they proved that it is possible to serve not only their country and their God but also their fellow man.

On February 14, a monument to the four chaplains of the *Dorchester* will be unveiled in Sebastian, FL. In January, I had a chance to meet Ernie Heaton, the last living survivor of the *Dorchester* sinking and a key leader in the push to get a monument put up in Sebastian. It was clear after meeting Ernie that witnessing the four chaplains' sacrifice first-hand made a lasting impact on him, just as their story continues to inspire all of us.

#### ADDITIONAL STATEMENTS

### TRIBUTE TO RACHEL BRISTOL

• Mr. MERKLEY. Mr. President, today I wish to thank Rachel Bristol for 29 years of service to Oregon's hungry and congratulate her on her very deserving retirement. Before joining the Oregon Food Bank, Rachel graduated with honors from the University of Oregon with a degree in community development and public administration and served as a VISTA volunteer at the Oregon Food Share in 1983. Her devotion to feeding the hungry soon led her to the job of Acting Executive Director at the OFS. In 1988, she was a key player in the merger with Interagency Food Bank to form the Oregon Food Bank. Just 2 years later, Bristol was named the executive director & CEO of the OFB

Rachel's legacy at the Oregon Food Bank is well-known and widespread. Under her leadership, the food bank expanded from a 10,000 square foot site to 4 facilities totaling more than 155,000 square feet. Rachel's devotion to improving the lives of hundreds of thousands of hungry children has garnered recognition from the University of Portland, the Paul G. Allen Foundation, Feeding America, and the Portland Business Journal, and thanks from the families whose lives have changed because of her hard work and dedication.

I will be sad to see Rachel Bristol go, but thank her for her 29 years of service.  $\bullet$ 

#### TRIBUTE TO MIKE KLUSE

• Mrs. MURRAY. Mr. President, today I congratulate one of my constituents, Mike Kluse, on being recognized as the 2012 Laboratory Director of the Year by the Federal Laboratory Consortium, FLC. Mike is the Director of the Pacific Northwest National Laboratory, PNNL, located in Richland, WA.

This award is a true honor and testament to Mike's leadership and efforts at PNNL. For the past 5 years he has guided the laboratory to many accolades. The laboratory has filed more than 1,000 invention disclosures, received more than 200 patents, and issued nearly 150 new licenses. PNNL has also earned 16 R&D 100 awards as

well as 12 FLC awards for excellence in technology transfer. PNNL has the newest and most modern physical infrastructure in the Department of Energy, DOE, system. And PNNL's overall performance has been judged by DOE and other Federal agencies it supports as outstanding under Mike's stewardship.

PNNL's research and development portfolio spans many missions of importance to our country: national security, homeland security, clean energy development, environmental remediation programs at the Hanford Site, and scientific research ranging from systems biology to supercomputing.

Under Mike's leadership, PNNL has been involved in the formation of Innovate Washington, a nonprofit organization that aims to accelerate technological innovation by bringing together universities, national labs, entrepreneurs, and others involved in technology transfer. Mike is also a frequent public advocate for the strategic alignment of research with technology transfer and strongly supported the streamlining of PNNL's technology transfer operations.

PNNL also deserves praise for the safety and excellent work environment it provides for its employees and the surrounding community. As director, Mike has sustained an exceptional record for PNNL and built upon its history to make it one of the region's strongest corporate citizens. He's also been a tireless supporter of community activities and programs. Furthermore, Mike's outstanding leadership led to DOE extending PNNL's contract in 2011.

Therefore, it is with great pride that today on behalf of the citizens of Washington State I thank Mike for all his work. With that said, we know that PNNL's great successes could not be achieved without the strong support from the PNNL family, so my thanks also extends to the extraordinary scientists, engineers, and personnel that continue to make a difference in our region and the Nation. ●

### TRIBUTE TO MARK HAMILL

• Mr. TESTER. Mr. President, today I wish to honor Mark Hamill, a native Montanan and a veteran of Operation Desert Shield and Desert Storm.

It is my honor to share the story of Mark's service during the first gulf war. Mark was in the Army Reserves as a helicopter crew chief. In the fall of 1990, he was assigned to a Medivac unit and deployed to Saudi Arabia.

As a helicopter crew chief, Mark was responsible for making sure the Medivac helicopters were ready to fly at a moment's notice. Two helicopters went to Bahrain and two were on standby to go north for Medivac calls.

When Mark returned to the United States, the maintenance platoon never

got their medals from the U.S. Army. The pilots and medics from the helicopters did but the men and women who were responsible for the safety of the helicopters were forgotten about.

Earlier this month, in the presence of Mark's wife, parents, and friends, it was my honor to correct this oversight and finally present Mark with the medals he earned nearly 20 years ago.

I presented to Mark the Southwest Asia Service Medal with Three Bronze Stars, and the Overseas Service Ribbon.

I also had the honor of presenting to Mark the Kuwait Liberation Medal— Saudi Arabia, and the Kuwait Liberation Medal—Kuwait.

These four decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.

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#### TRIBUTE TO PAUL WALBORN

• Mr. TESTER. Mr. President, today I wish to honor Paul Walborn, a veteran of Vietnam.

Paul, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

It is my honor to share the story of Paul Walborn's sacrifice in Vietnam, because no story of heroism should ever fall through the cracks.

Paul joined the Navy in December of 1963. He was an Electrician's Mate, based on a landing craft. From Coronado, CA, he flew to Japan. On May 5, 1965, one of Paul's first assignments was to be part of a convoy from Okinawa, Japan to Vietnam. Paul was part of the third wave that took Marine Corps artillery equipment to the Chu Lai beach. Intelligence reports were unclear whether Viet Cong forces would meet them on the beach.

From Chu Lai, Paul went to Da Nang where he unloaded Navy and Merchant Marine equipment. His boat then made several trips up the Perfume River to deliver equipment to support the war effort.

When Paul returned to America, he wanted to get back to normal life. His DD-214 form was correct but the Navy had no record of him serving in Vietnam, even though he unloaded cargo onto Vietnamese beaches.

He says there was just too much going on in 1967 for the Navy to worry about getting his paperwork processed correctly.

Earlier this month, in the presence of his family, it was my honor to finally present to Paul the National Defense Service Medal, and the Vietnam Service Medal with one Bronze Star.

I also presented to Paul the Meritorious Unit Commendation Ribbon, and the Vietnam Campaign Medal with the 1960 device.

These four decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.

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#### NATIONAL MARROW DONOR PROGRAM

• Mr. TOOMEY. Mr. President, today I wish to speak about an important health issue that impacts the lives of many people across the country. Each year, more than 18,000 Americans are diagnosed with a serious blood disease and require a bone marrow transplant. Unfortunately, only 30 percent of those patients in need will find a suitable match within their family. Although about 5,000 patients each year receive a marrow transplant, others will pass away while awaiting a match.

Since 1987, the National Marrow Donor Program, NMDP, now publically known as Be The Match, has undertaken a laudable effort to connect transplant patients with healthy, unrelated donors through the Be The Match Registry. Today, the registry includes more than 9.5 million registered donors. Despite their success in raising awareness and soliciting support, a small percentage of our population is registered. Patients from ethnic and minority communities face particular difficulty in finding matches due to limited diversity within the registry, further complicating the search for a viable genetic match. Deutsche Knochenmarkspenderdatei gGmbH, DKMS, currently the largest bone marrow donor center in the world, shares Be The Match's commitment to increasing donor recruitment and diversifying the marrow donor registry.

This year, marrow donor registry drives will take place in communities across America. One in particular, known as Simon's Saturday, will take place in Emmaus, PA. The bone marrow donor drive is named after Simon Ernst, an energetic 8-year-old from Upper Milford, who is bravely battling leukemia and awaiting a bone marrow transplant. Participation in the marrow donor registry is simple and safe. Interested participants must meet the age and health requirements, fill out a registration form, and provide a swab of cheek cells. I would like to encourage those interested to attend a bone marrow drive in their community or to join online by visiting the NDMP website at www.BeTheMatch.org or the DKMS website at www.getswabbed.org.

The bone marrow donor program is a cause close to my family's heart, which is why I intend to participate in a bone marrow registry drive on February 18, 2012. This issue is especially important to my wife Kris, who has been a registered donor through Be The Match for the last 16 years, and I look forward to joining her and the more than 9.5 million individuals who have already joined. Together we can help provide hope and save lives.

### TRIBUTE TO MICHAEL BECK

• Mr. RUBIO. Mr. President, today I recognize Michael Beck, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Michael is a senior at Brigham Young University majoring in political science. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Michael for all the fine work he has done and wish him continued success in the years to come.

#### TRIBUTE TO KATERINA ERBITI

• Mr. RUBIO. Mr. President, today I recognize Katerina Erbiti, a fall intern in my Washington, DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Katerina is a graduate of Our Lady of Lourdes Academy in Coral Gables, FL. Currently, she is a freshman at American University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katerina for all the fine work she has done and wish her continued success in the years to come.

### TRIBUTE TO TAYLOR FERGUSON

• Mr. RUBIO. Mr. President, today I recognize Taylor Ferguson, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Taylor is a graduate of Cardinal Newman High School in West Palm Beach, Florida and Florida Gulf Coast University, where he majored in political communications. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Taylor for all the fine work he has done and wish him continued success in the years to come.

#### TRIBUTE TO COURTNEY HOUSTON-CARTER.

• Mr. RUBIO. Mr. President, today I recognize Courtney Houston-Carter, a fall law extern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Courtney is a graduate of Tufts University, where he majored in political science. Last spring, he received his Juris Doctor from Suffolk University

gent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Courtney for all the fine work he has done and wish him continued success in the years to come.

# TRIBUTE TO TAYLOR KLOUSTIN

• Mr. RUBIO. Mr. President, today I recognize Taylor Kloustin, a fall intern in my Washington, DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Taylor is a junior at Elon University majoring in public administration and political science and minoring in business administration. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Taylor for all the fine work she has done and wish her continued success in the years to come.

#### TRIBUTE TO ART LINARES

• Mr. RUBIO. Mr. President, today I recognize Art Linares, a fall intern in my Washington, DC office for all of the hard work he has done for me my staff and the people of the State of Florida.

Art is a graduate of the University of Tampa, where he received a degree in entrepreneurship. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Art for all the fine work he has done and wish him continued success in the years to come.

### TRIBUTE TO KAREN MUSTIGA

• Mr. RUBIO. Mr. President, today I recognize Karen Mustiga, a fall intern in my Washington. DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Karen is a graduate of the University of Florida, where she majored in political science and economics. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Karen for all the fine work she has done and wish her continued success in the years to come.●

# TRIBUTE TO CHRIS WASSMAN

• Mr. RUBIO. Mr. President, today I recognize Chris Wassman, a fall press

Law School. He is a dedicated and dili- intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Chris is a sophomore pursuing a major in Political Science at The George Washington University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chris for all the fine work he has done and wish him continued success in the years to come.

#### TRIBUTE TO NICOLE MARTINEZ

• Mr. RUBIO. Mr. President, today I recognize Nicole Martinez, an intern in my Miami office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Nicole is a senior at Coral Reef Senior High School in Miami, FL. Next fall, she will be attending the Wharton Undergraduate School of Business at the University of Pennsylvania. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Nicole for all the fine work she has done and wish her continued success in the years to come.

### MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge.

H.R. 1162. An act to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUYE) announced that on February 3. 2012, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

### ENROLLED BILL SIGNED

At 5:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Energy and Natural Resources.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1108. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes (Rept. No. 112–144)

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1142. A bill to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes (Rept. No. 112–145).

S. 1149. A bill to expand geothermal production, and for other purposes (Rept. No. 112-146).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1160. A bill to improve the administration of the Department of Energy, and for other purposes (Rept. No. 112–147).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes (Rept. No. 112–148).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994.

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Mr. CONRAD):

S. 2075. A bill to close unjustified corporate tax loopholes, and for other purposes; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mr. BOOZMAN and Ms. KLOBUCHAR):

S. 2076. A bill to improve security at State and local courthouses; to the Committee on Homeland Security and Governmental Affairs

By Mr. BLUMENTHAL (for himself, Mr. Franken, Mr. Whitehouse, and Mr. Casey):

S. 2077. A bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2078. A bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees; read the first time.

# SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 369. A resolution congratulating the New York Giants for winning Super Bowl XLVI; considered and agreed to.

# ADDITIONAL COSPONSORS

S. 412

At the request of Mr. Levin, the name of the Senator from Florida (Mr. Rubio) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 418

At the request of Mr. Harkin, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 489

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 824

At the request of Mr. Brown of Ohio, the name of the Senator from New Jer-

sey (Mr. Menendez) was added as a cosponsor of S. 824, a bill to provide for enhanced mortgage-backed and assetbacked security investor protections, to prevent foreclosure fraud, and for other purposes.

S. 881

At the request of Ms. Landrieu, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1058

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1058, a bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1461

At the request of Mr. Nelson of Florida, the name of the Senator from Georgia (Mr. Chambliss) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1467

At the request of Mr. Blunt, the names of the Senator from Arizona (Mr. Kyl), the Senator from Iowa (Mr. Grassley) and the Senator from Tennessee (Mr. Corker) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1802

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1802, a bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors.

S. 1834

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of Chinese Communist Party to suppress S. 1834, a bill to restore and repair the United States mortgage markets by making them transparent, bringing in private capital, winding down the Government-sponsored enterprises, and for other purposes.

S. 1862

At the request of Mr. Lautenberg. the name of the Senator from Nebraska (Mr. Nelson) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1884

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Florida (Mr. Rubio) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 2043

At the request of Mr. Rubio, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2054

At the request of Mr. BEGICH, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 2054, a bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies.

S. 2064

At the request of Mr. DEMINT, the name of the Senator from Wisconsin (Mr. Johnson) was added as a cosponsor of S. 2064, a bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 310

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. Res. 310, supra.

S. RES. 356

At the request of Mrs. Feinstein. the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. Conrad):

S. 2075. A bill to close unjustified corporate tax loopholes, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today, along with Senator CONRAD and others. I am introducing S. 2075, the Cut Unjustified Tax Loopholes Act, or CUT Loopholes Act. This legislation will help us meet three important goals: Reducing the budget deficit, protecting important priorities, and restoring some of the fairness to our tax system.

Our legislation would reduce the deficit by \$155 billion. It would do so by closing tax loopholes that favor wealthy individuals and corporations while raising the tax burden that American families must carry. It would provide more than enough revenue to pay for a full-year extension of the payroll tax cut now in place, or put a significant dent in the deficit reduction we need to avoid draconian automatic cuts through sequestration.

It is clear to almost everyone that revenue must be a part of our deficit reduction strategy. Presidents from Reagan to Bush, Sr. to Clinton have used balanced strategies that included revenue as well as spending cuts.

I will continue to fight for a number of other revenue measures such as a surtax on millionaires and billionaires; eliminating tax subsidies for oil and gas companies; ending the Bush-era tax cuts for those earning more than \$250,000; and ending the carried interest loophole. We need to make those changes. But so far, they have run into an ideological brick wall, as many here in Congress refuse to consider reasonable revenue measures. But even that rigid ideological stance should allow

for ending the kinds of egregious loopholes we are discussing today.

First is offshore tax haven abuse. The Permanent Subcommittee on Investigations, which I chair, has spent years shedding light on how these abuses aid the wealthy and corporations. Based in part on S. 1346, the Stop Tax Haven Abuse Act, our bill would, in part: Give Treasury the authority to combat tax haven banks and jurisdictions that help U.S. clients hide assets and dodge U.S. taxes; crack down on offshore corporations that are managed from the U.S. from claiming foreign status to dodge taxes; eliminate tax incentives for moving U.S. jobs overseas or for transferring intellectual property offshore; and establish the presumption that, unless a taxpayer proves otherwise, a corporation formed by, receiving assets from, or benefiting a U.S. taxpayer is considered under that taxpayer's control for tax purposes.

These provisions and others would reduce the deficit by at least \$130 billion over 10 years.

Our bill's second focus is on a tax loophole that subsidizes corporations giving stock options to corporate executives. Today, corporations can take massive tax deductions for stock options, but usually show much lower expense on their books. Our subcommittee found that from 2005-2009, this loophole allowed excess tax deductions ranging from \$12 billion to as high as \$61 billion in a single year.

The CUT Loopholes Act would prevent corporate income tax deductions for stock options that exceed the expense shown on company books. It would preserve current tax treatment for individuals receiving options and for incentive stock options used by start-up companies.

According to the Joint Committee on Taxation, these measures would reduce the deficit by \$25 billion over 10 years.

The time for these measures is now. First, the math is inescapable. We can't reduce the deficit and do other important things—protect our country, care for our seniors, educate our voung—if tax revenue remains at its lowest level in decades, and if the effective corporate tax rate is at historic lows, thanks in part to these and other tax loopholes.

Second, there is a growing recognition among Americans that loopholes like these and many others leave the deck stacked against them and their families. Overwhelmingly Americans tell us: Close those loopholes down.

Third, this is not just a realization by Democrats. Strong majorities of Independents and Republicans say that we need balanced deficit reduction, and that closing loopholes is one way to do that. Just this week, a national poll showed that 90 percent of small business owners—a majority of them Republicans—believe big corporations use

loopholes to avoid taxes that small businesses still have to pay.

Reducing the deficit and protecting important programs is hard. We face many tough decisions and difficult fights in the months ahead.

But this decision should be easy. We should close these loopholes and make a bipartisan statement that we can reduce the deficit, serve important priorities, and restore fairness to the tax code.

By Mr. FRANKEN (for himself, Mr. BOOZMAN, and Ms. KLOBUCHAR):

S. 2076. A bill to improve security at State and local courthouses; to the Committee on Homeland Security and Governmental Affairs.

Mr. FRANKEN. Mr. President, Sue Lantto is an advocate of victims of domestic violence. She often visits a local courthouse in suburban Minneapolis to help her clients obtain protective orders. Last month, she wrote an editorial in which she acknowledged that "[m]ost of us who work at the courthouse have had moments when we were frightened" because cases sometimes "become volatile."

Patricia Buss handles family court matters in Dakota County, MN. She says she "personally think[s] of the risks every time [she] walk[s] into the courthouses."

John Baker is an attorney in Maplewood, MN. He is also a retired marine. He concurs with Sue and Patricia. He says:

I am not saying that we need to create fortresses in our courthouses, but basic security screening and training can go a long way. That is not being done.

The local courthouse is a workplace for many people, for secretaries, custodians, and clerks who clock in and clock out every day. It is also where justice is administered. It is where we report for jury duty and fight traffic tickets. It is where adoptions are processed, divorces are finalized. and misdemeanors are adjudicated. But as Sue, Patricia and John explained, local courthouses can be dangerous places—stakes are high, tempers flare, victims confront their assailants, defendants confront their accusers, prosecutors argue with defense lawyers. A rash of incidents in late 2011 raised concerns about security at local courthouses, especially in rural and suburban communities.

In September, a defendant opened fire in the Crawford County Courthouse in Arkansas, shooting a judge's secretary. Authorities reported the gunman entered the courthouse unopposed, wearing tactical gear, armed with semiautomatic weapons. The local newspaper later noted the shooting "highlighted the vulnerability of the state's many small, rural courthouses where the guards, armed police and metal detectors common in large cities are often too expensive."

Two days later, there was a shooting in the Adams County Superior Court in Indiana. According to media accounts, that courthouse did not have a metal detector either. A local judge observed that there were "a lot of security problems here that need to be corrected" and that the shooting "really drove home the point that things need to change."

Then, in December, a defendant retrieved a gun from his car and walked into the Cook County Courthouse in Grand Marais, MN. The courthouse did not have a metal detector and the gunman was not screened. He shot and wounded the prosecuting attorney and a witness. The bailiff also was injured during the encounter. After the shooting, a Minnesota judge wrote to his colleagues expressing concerns about courthouse security. He put the issue very well. He said: "I'm no longer willing to risk my life, the life of court staff, the life of the public who have no choice about going to court." He said he was worried about being "carried out in a body bag."

These are not isolated incidents. The Center for Judicial and Executive Security in St. Paul tracks court-targeted acts of violence across the Nation and estimates there were 23 such incidents at local courthouses in 2010 and 2011 or about 1 per month. This is not the first time we have confronted this issue in Minnesota. A few years ago, a man took hostages at the courthouse in Morrison County. After the shooting in Grand Marais, in December, a local sheriff recalled that "[t]here were a lot of heroes who really averted something much more serious.'

I am grateful for those heroes. Minnesota's sheriffs and law enforcement personnel across our Nation are among them. These brave men and women have many duties, including the daunting task of keeping our local courthouses safe. In fact, the National Sheriffs Association sent me a letter last week. I think it is worth noting, so let me read it.

Sheriffs are typically responsible for the safety and security of the local courthouses in their counties-along with performing traditional law enforcement duties and operating the local jails. Sadly, in recent years, there has been a spike in violent incidents in courthouses across the country. This violence places law enforcement, judicial personnel, and the general public in harm's way. As such, it is imperative that sheriffs have the resources, particularly in rural areas where resources are extremely limited, to ensure courthouses have the appropriate equipment and tools necessary to improve security, enabling for the protection of courthouses throughout the United States.

Our sheriffs need support, and we should not wait for the next courthouse shooting before we give it to them. That is why today I am introducing the bipartisan Local Courthouse Safety Act. It does three simple, commonsense things.

First, the bill cuts through bureaucratic redtape, giving local courts direct access to security equipment that Federal agencies no longer are using. This provision is modeled after a Defense Department program that allows the Pentagon to give its excess equipment to local police and firefighters. The Local Courthouse Safety Act would do the same thing for local courts. It would give them direct access to the Federal Government's excess metal detectors, wands, and baggage screening machines.

Second, the Local Courthouse Safety Act gives States the flexibility they need to make investments in courthouse security. It clarifies that States may use their Byrne Justice Assistance grants, the Byrne JAG grants, and State Homeland Security grants to improve safety at local courthouses. The bill does not require any new spending, and it does not impose any new mandates on anyone. It simply says that States can use existing Federal resources for courthouse security upgrades if they so choose.

Finally, the Local Courthouse Safety Act provides statutory authorization for the Justice Department's VALOR Initiative, which provides training and technical assistance to local law enforcement officers teaching them how to anticipate and survive violent encounters.

This is a bipartisan issue, and this should be legislation we can pass even in this divided Congress. I am proud to introduce this legislation with Senator BOOZMAN, my Republican colleague from Arkansas, and a champion for law enforcement personnel in his State and across the country. I encourage my colleagues from both sides of the aisle to join Senator BOOZMAN and me in advancing this bill. In doing so, they will join a long and growing list of groups who support it, including the National Sheriffs Association, the Conference of Chief Justices, and the Conference of State Court Administrators.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

#### S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Courthouse Safety Act of 2012".

# SEC. 2. PROVIDING LOCAL COURTHOUSES WITH SECURITY TRAINING AND ASSESSMENTS.

The Attorney General, as part of the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) of the Department of Justice, may provide safety training and technical assistance to local law enforcement agencies.

#### SEC. 3. IMPROVING FLEXIBILITY OF STATES TO USE GRANTS TO PROTECT COURT-HOUSES.

- (a) STATE HOMELAND SECURITY GRANT PRO-GRAM.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended-
- (1) in paragraph (12), by striking "and" at the end:
- (2) by redesignating paragraph (13) as paragraph (14); and
- (3) by inserting after paragraph (12) the following:
- "(13) improving security at courthouses of a State or local government; and".
- (b) BYRNE GRANTS.—Section 501(a)(1)(B) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)(B)) is amended by inserting ", including programs to improve security at courthouses" before the period.

#### SEC. 4. IMPROVING ACCESS OF LOCAL COURT-HOUSES TO EXCESS FEDERAL SECU-RITY EQUIPMENT.

(a) IN GENERAL —Subchapter II of chapter 5 of title 40, United States Code, is amended by adding after section 529 the following:

#### "§ 530. Excess security equipment

- "(a) DEFINITIONS.—In this section—
- "(1) the term 'excess security equipment' means excess property that is used to detect weapons, including metal detectors, wands, and baggage screening devices; and
- "(2) the term 'qualifying State or local courthouse' means a courthouse of a State or local government that has less security equipment than the security needs of the courthouse require.
- "(b) DISPOSAL OF EXCESS SECURITY EQUIP-MENT.—
- "(1) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Administrator of General Services shall ensure that a State or local government has an opportunity to request to receive excess security equipment for use at a qualifying State or local courthouse before the excess security equipment is made available to any other individual or entity under this subchapter.
  - (2) DISPOSAL.—
- "(A) IN GENERAL.—Subject to subparagraph (B), upon request by a State or local government for excess security equipment for use at a qualifying State or local courthouse, the excess security equipment shall be made available to the State or local government without cost, except for any costs of care and handling.
- "(B) MULTIPLE REQUESTS.—If more than 1 State or local government requests a particular piece of excess security equipment. the excess security equipment shall be distributed based on need, as determined by the Administrator of General Services, with priority given to a qualifying State or local courthouse that has no security equipment.".
- (b) TECHNICAL AND CONFORMING AMEND-MENT.—The table of sections for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following:
- "530. Excess security equipment.".

### SUBMITTED RESOLUTIONS

RESOLUTION SENATE 369—CON-GRATULATING THE NEW YORK GIANTS FOR WINNING SUPER BOWL XLVI

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

#### S. Res. 369

Whereas on February 5, 2012, the New York Giants achieved the improbable and upset the New England Patriots by a score of 21 to 17 to win Super Bowl XLVI;

Whereas during the 2012 postseason, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the New England Patriots; Whereas quarterback Elisha Nelson "Eli"

Manning, who went 30 for 40 for 296 yards, with 1 touchdown pass and zero interceptions, led a fourth-quarter touchdown drive, set a Super Bowl record by completing his first 9 pass attempts, and won his second Super Bowl Most Valuable Player Award;

Whereas punter Steve Weatherford set a Super Bowl record with 3 punts downed inside the 10-yard line;

Whereas in each round of the playoffs, when none of the experts thought the Giants had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas in 2008, Tom Coughlin, head coach of the Giants, led the Giants to victory in Super Bowl XLII;

Whereas this season, Tom Coughlin, in his eighth year as head coach of the Giants, with the help of Perry Fewell, defensive coordinator, Kevin Gilbride, offensive coordinator, and the entire Giants coaching staff, led the Giants to a victory in Super Bowl XLVI and brought the Vince Lombardi Trophy back to the Meadowlands:

Whereas the New York Giants organization is one of the most successful in National Football League history, boasting 18 Hall of Famers, appearing in 31 postseasons, winning more than 600 games and 8 championships. including remarkable title runs in 1987, 1991, 2008, and 2012 (Super Bowls XXI, XXV, XLII, and XLVI) that captivated New York and New Jersey:

Whereas the New York Giants are the first team to win the Super Bowl with a 9 and 7 regular-season record;

Whereas Giants co-owner and chief executive officer John Mara and chairman and executive vice president Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in East Rutherford, New Jersey since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community-outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, teamwork, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

Resolved, That the Senate congratulates the New York Giants for winning Super Bowl XLVI and completing one of the most impressive seasons in professional sports his-

#### NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor and Pensions will meet in open session on Tuesday, February 14, 2012, at 2:30 p.m. in room SD-430 to conduct a hearing entitled "Pain in America: Exploring Challenges to Relief."

For further information regarding this meeting, please contact the committee on (202) 224-7675.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN, Mr. President, I wish to announce that the Subcommittee on Employment and Workplace Safety of the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 16, 2012, at 10:00 a.m. in room SD-430 to conduct a hearing entitled "Addressing Workforce Needs at the Regional Level: Innovative Public and Private Partnerships.'

For further information regarding this meeting, please contact the subcommittee on (202) 228-1455.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 16, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an hearing entitled "Energy Development in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 7, 2012, at 3 p.m., in room 215 of the Dirksen Senate Office Building, to consider a Chairman's Mark entitled, "The Highway Investment, Job Creation and Economic Growth Act of 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 7, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 7, 2012, at 2:30 p.m.
The PRESIDING OFFICER. Without

objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Promise of Accessible Technology: Challenges and Opportunities" on February 7, 2012, at 2:30 p.m., in room G-50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 7, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nomination: Calendar No. 545; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general Colonel Bradley D. Spacy

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

# CONGRATULATING THE NEW YORK GIANTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 369.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 369) congratulating the New York Giants for winning Super Bowl XLVI.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. Res. 369

Whereas on February 5, 2012, the New York Giants achieved the improbable and upset the New England Patriots by a score of 21 to 17 to win Super Bowl XLVI;

Whereas during the 2012 postseason, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the New England Patriots:

Whereas quarterback Elisha Nelson "Eli" Manning, who went 30 for 40 for 296 yards, with 1 touchdown pass and zero interceptions, led a fourth-quarter touchdown drive, set a Super Bowl record by completing his first 9 pass attempts, and won his second Super Bowl Most Valuable Player Award;

Whereas punter Steve Weatherford set a Super Bowl record with 3 punts downed inside the 10-yard line;

Whereas in each round of the playoffs, when none of the experts thought the Giants had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas in 2008, Tom Coughlin, head coach of the Giants, led the Giants to victory in Super Bowl XLII:

Whereas this season, Tom Coughlin, in his eighth year as head coach of the Giants, with the help of Perry Fewell, defensive coordinator, Kevin Gilbride, offensive coordinator, and the entire Giants coaching staff, led the Giants to a victory in Super Bowl XLVI and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in National Football League history, boasting 18 Hall of Famers, appearing in 31 postseasons, winning more than 600 games and 8 championships, including remarkable title runs in 1987, 1991, 2008, and 2012 (Super Bowls XXI, XXV, XLII, and XLVI) that captivated New York and New Jersey;

Whereas the New York Giants are the first team to win the Super Bowl with a 9 and 7 regular-season record;

Whereas Giants co-owner and chief executive officer John Mara and chairman and executive vice president Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff:

Whereas the New York Giants have played all their home games in East Rutherford, New Jersey since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community-out-reach projects; and

Whereas the entire Giants franchise has become a model of professionalism, team-

work, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

Resolved, That the Senate congratulates the New York Giants for winning Super Bowl XLVI and completing one of the most impressive seasons in professional sports history.

# MEASURE READ THE FIRST TIME—S. 2079

Mr. REID. Mr. President, there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2079) to extend the pay limitation for Members of Congress and Federal Employees.

Mr. REID. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

#### ORDERS FOR THURSDAY, FEBRUARY 9, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m., on Thursday, February 9, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. REID. Mr. President, the next vote will be at 2 p.m. on Thursday.

# ADJOURNMENT UNTIL THURSDAY, FEBRUARY 9, 2012, AT 9:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Thursday, February 9, 2012, at 9:30 a.m.

# CONFIRMATION

Executive nomination confirmed by the Senate February 7, 2012:

IN THE AIR FORCE THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL BRADLEY D. SPACY

day.

# HOUSE OF REPRESENTATIVES—Tuesday, February 7, 2012

called to order by the Speaker pro tempore (Mr. Young of Indiana).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC. February 7, 2012. I hereby appoint the Honorable TODD C. Young to act as Speaker pro tempore on this

> JOHN A. BOEHNER. Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

#### THECELEBRATING OF CONGRESSMAN FORMER JIM LLOYD

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. Dreier) for 5 minutes.

Mr. DREIER. Mr. Speaker, it was very sad to get the news last Friday of the passing of our former colleague, Congressman Jim Lloyd. Jim Lloyd and I began as political adversaries in the late 1970s and early 1980s, and we ended up as great friends and allies on a wide range of issues.

Jim was a dedicated patriot. He was a public servant and had a very distinguished military record as well. Politically, he began as the mayor of West Covina, California, and many have said that he indicated right then that he wanted to have an opportunity to serve in the United States House of Representatives. He also had served as a Navy fighter pilot.

Mr. Speaker, I had a conversation with his son, Brian, last night and his grandson, Seth, and Jim was able to spend his last moments on this Earth with his grandson, who was following in his footsteps. His grandson, Seth, is a graduate of the U.S. Naval Academy

The House met at 10 a.m. and was at Annapolis, and is now training at is sometimes debated in the media, Pensacola, Florida. Jim had driven across the country and was visiting Seth, and had just been with him before he suffered a massive stroke and drove off the road, ending his life as a hero. His son, Brian, told me last night that there was a woman who was in the way of the car, and even though his foot had gone to the accelerator and he suffered a stroke, he was still a hero in that he was able to steer the car away from hitting this woman before it went into a ravine.

> Last summer, his wife of 63 years, Jackie, his great ally, passed away. Jim told me during a lengthy conversation following her passing that it was as if half of him was gone.

> So, Mr. Speaker, I have to say that Jim lived a very full 89 years. He was a very distinguished Member of this institution, serving on the Armed Services Committee and as a member of the Science and Technology Committee, where he chaired a subcommittee. He made a great mark on many very, very important questions that we faced.

> I have to say, it was a privilege for me, again, having begun as an adversarv of his, to have ended as a very close and dear friend and political ally. I have to say also that there are many people here in this Capitol who knew him and worked with him even though he left more than three decades ago. I have to say to Mary Klappa, who now works for our colleague JOHN MICA, who was the one who informed me of this sad news, and the many others who worked with Jim Lloyd, who was so dedicated to constituent service and provided an example and model for me. that our thoughts and prayers are with all of you.

### STOP STUDENT LOAN INTEREST RATES FROM DOUBLING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, 2011 marked an unfortunate milestone in our country's financial picture when, for the first time in American history, student loan debt actually exceeded credit card debt, which again by itself is just a huge statement in terms of the challenges that families, middle class families and working families, are facing today in terms of trying to deal with the cost of higher education.

The value of a higher education degree or post-high school degree, which still I believe is indisputable, and the statistics certainly demonstrate that. At a time when our national unemployment rate is 8.3 percent, if you drill down deeper you'll learn that for those with less than a high school degree, the unemployment rate is 16.5 percent. Those with a high school degree, it's 10.7 percent. Those with some college is 8.5 percent, and those with a bachelor's degree or higher is 4.5 percent.

So the stakes could not be higher for young people all across our country that we must deal with the mounting cost of higher education and provide mechanisms for them and their families to actually finance it and pay for

In 2007, the Democratic-controlled Congress passed the College Cost Reduction Act, which was a terrific measure that cut the interest rates for the Stafford Student Loan program, the federally subsidized student loan program which provided some stability and affordability for middle class families, from 6.8 percent down to 3.4 percent. In addition, we unfroze the Pell Grant program, which is the workhorse of paying for college education, all of it paid for by eliminating wasteful subsidies to banks. That measure has a sunset this July. The interest rate reduction of the College Cost Reduction Act will in fact expire on July 1 unless Congress acts.

President Obama in his State of the Union Address a few nights ago raised this issue before all of us in the House and Senate when he said: "When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July.'

Mr. Speaker, shortly after his address, myself and Congressman Peters from Michigan introduced H.R. 3826, which is a measure that would extend the 3.4 percent, the lower interest rates on the Stafford Student Loan program, and in just a few days we have accumulated 55 cosponsors to this measure.

Again, the math is crystal clear: If we do not act, if we do not maintain those interest rates at 3.4 percent, if Congress does nothing, the U.S. Public Interest Research Group has calculated that for those students who take out the maximum \$23,000 in subsidized student loans, their interest payments will increase by \$5,200 over a 10-year repayment period and \$11.300 over a 20year repayment period.

Now, if you told middle class families that if Congress doesn't act on a measure like this, your out-of-pocket costs are going to go up \$5,200 for taxes, there would be a huge hue and cry about the fact that Congress must not let that happen. Well, that's exactly the same situation we face today with the Stafford Student Loan program. Again, we know from the passage of the College Cost Reduction Act that this is something that this body is capable of doing.

This past weekend I was with a family whose son is now in his junior year, and as an undergraduate has almost a perfect 4.0 grade average, very motivated to go into the health care field, and he has already accumulated \$100,000 in student loan debt. We as a Nation must address this problem.

The National College Board, which tracks graduation rates internationally, reminds us that back in the 1980s, the U.S. was number one in the world in terms of graduation rates. We have fallen to number 12 according to the National College Board, and the biggest reason that students are not finishing college is because of affordability and cost. Again, the President laid out the challenge to the Congress in his State of the Union Address. We must not allow Stafford Student Loan interest rates to double on July 1.

#### □ 1010

We should pass H.R. 3826. We should get that to the President so that colleges and universities can help families plan their tuition payments for the upcoming year and not allow this country to go backwards in terms of making sure that we have the finest workforce in the world.

# THE SENATE MUST PASS A BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 5 minutes.

Mr. NUGENT. Mr. Speaker, I rise today to call upon the Senate majority leader, Democrat Harry Reid. He set no budget this year. The American people, I guess, don't deserve a budget. When the Senate, on the 24th of January, surpassed the 1,000th day that they've yet to put a budget forward, Harry Reid said, Guess what, American public? You really don't need one.

Even though this organization, this government, is running at a 40 percent deficit, the Senate majority leader, HARRY REID, says, Don't worry about it. We don't need a plan, and we don't need a budget, even though small businesses have a budget, county and State officials have a budget, and you and I at home have a budget that we have to depend upon to guide us as we move forward throughout our year.

We just can't wing it any longer, Mr. REID. The American people demand

more of us. The American people actually believe that the Senate should take action on bills that we, in the House, have passed. Now, American job creators, it's about what we are supposed to be doing here, not partisan politics.

Mr. Reid, this body—this body—has had more bipartisan support on bills that we've sent over to the Senate only to see them die, to see no action at all, bills that could create jobs in America—not hypothetical jobs, but real jobs by people that actually create jobs, those in our small businesses that create 70 percent of our new jobs in America. Mr. Reid, the American public demands more of us as an institution to reach across and do the right thing.

Mr. Speaker, all I can ask is that this body continue to put pressure upon the Senate, and particularly the Senate majority leader, Mr. REID, to do the right thing. It doesn't matter if you pass the bills that we send over to you, Mr. REID. It's about bringing them up on the Senate floor, debate them, and let the American people see where you stand on the issue. And at the end of the day, whether you vote for it or against it, at least the American people have seen you in action.

The other thing the Senate can do is they can always amend any measure that we send over there and send it back to us. It's not to say that we always have the best idea, but I believe that the Senate, our brothers and sisters in the Senate, could have some good ideas. Attach them back, amend our bill, and send it back to us for us to consider and even go to conference if necessary.

All we're asking is the United States Senate to take action on things that we, in the House, have passed, many in a very bipartisan way. If you remember back on January 24, on the 1,000th day, this body here—this body—voted 410–1 to vote on a resolution calling upon the Senate to pass a budget, that it's of national importance that we actually have a budget and that the Senate be a participant in the discussions, not just sitting on the sidelines expecting us to carry the water.

Mr. Speaker, we stand here today imploring our Members to do the right thing. Let's keep the pressure on the Senate to do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

#### HOUSING CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, it's over time for Wall Street megabanks, their CEOs, speculators, and sharpies to come and scrub the floors of homeless shelters across this country that are crammed with people who have lost their homes. Let's make those Wall Street bankers sign up to work with Habitat for Humanity to restore housing in neighborhoods across our Nation. Wouldn't that be sweet justice? Once they've paid back the billions that they owe the American people, whose homes they've raided of equity, let's put them to work.

Wouldn't it be great to see the CEO of Goldman Sachs, I think his name is Lloyd Blankfein, out there with buckets and scrub brushes? Come to Toledo; come to Cleveland; come to America, the part you've hurt so deeply. Wouldn't it be great? Let him be joined by Josh Bolten, who was there when the Bush administration handed the toxic mortgage paper to the people of the United States.

Well, come on down, Angelo Mozilo, from Countrywide. I think a little hard work would help you a whole lot. How about Bank of America? How about the CEO there? How about JPMorgan Chase? How about Jamie Dimon? I wonder when was the last time he scrubbed a floor. How about Jim Johnson, who headed up Fannie Mae, or Hank Paulson? Oh, I'd love to see this.

As I speak, coming to light are important developments in the much anticipated settlement between the individual State governments and the big Wall Street banks over the widespread use of fraudulent schemes and missing paperwork that fueled the foreclosure crisis. As the press has reported, we are seeing the possible imposition of \$25 billion in penalties against Wells Fargo, Bank of America, JPMorgan Chase, Ally Financial and Citigroup. Given the extent of the damage they caused, it's a small start. Just in Ohio, the financing gap was \$20 billion. That's what it would take to stabilize the housing market in just our State.

Most importantly, The New York Times is reporting that the deals will "preserve the right to investigate past misdeeds by the bank." Not one, not even the titans of Wall Street, should be able to buy legal immunity for their criminal acts as millions of families lose their homes.

It is important that we do not forget how systemic mortgage fraud has become. In an interview given by a former executive vice president of Countrywide Financial, a giant player in the U.S. mortgage business, this executive who was in charge of fraud investigations at the company related how "Countrywide loan officers were forging and manipulating borrowers' income and asset statements to help them get loans they weren't qualified for and couldn't afford." She went on to say that, whenever we looked through all of the recycle bins, they were full of signatures that they had

cut off of one document and put on another and then photocopied or faxed. According to her, the fraud was systemic, taking place in Boston, Chicago, Miami, Detroit, Las Vegas, Phoenix and, I can tell you, Cleveland, Parma, Lorain, Elyria, Toledo, and Sandusky.

What we cannot forget is that these stories are not isolated. The FBI testified before Congress as early as 2004 that they were seeing an epidemic in white collar financial crimes, and they did not have anywhere near enough agents to go after the wrongdoers. Wasn't that convenient? While the number of agents has increased due to congressional pressure, the FBI needs to have more special agents and forensic experts to properly investigate the level of accounting corruption that is believed to exist.

This is the most basic, bipartisan concept I can think of, that criminals cannot be allowed to get away with their crimes because our law enforcement agencies lack the manpower to stop them

I have a bill I hope my colleagues can support. It is H.R. 3050, the Financial Crisis Criminal Investigation Act, that would authorize an additional 1,000 FBI agents to take on the kinds of fraud that have destroyed the economic futures of countless American families and so gravely harmed our Republic. A good first step was the inclusion of more than 200 additional agents in the last appropriations cycle. This administration should use it to go after these Wall Street perpetrators.

The President announced during his State of the Union address a new working group to look into mortgage fraud. It will coordinate efforts between the FBI, the Justice Department, and various States to go after those on Wall Street who have perpetuated fraud in the markets, using mortgage-backed securities, collateralized debt obligations, and lots of other sophisticated financial tricks.

Given the seriousness of the fraud, the number of American families that have lost their homes and savings, and the drag that that foreclosure crisis continues to have on the economy means we need more vigilance and let's confront Wall Street, and put the perpetrators in jail. And let's have them scrub floors in this new year.

[From the New York Times, Feb. 5, 2012]
DEAL IS CLOSER FOR A U.S. PLAN ON
MORTGAGE RELIEF

(By Shaila DeWan and Nelson D. Schwartz)
With a deadline looming on Monday for state officials to sign onto a landmark multibillion-dollar settlement to address foreclosure abuses, the Obama administration is close to winning support from a crucial state that would significantly expand

the breadth of the deal.

The biggest remaining holdout, California, has returned to the negotiating table after a four-month absence, a change of heart that could increase the pot for mortgage relief nationwide to \$25 billion from \$19 billion.

Another important potential backer, Attorney General Eric T. Schneiderman of New York, has also signaled that he sees progress on provisions that prevented him from supporting it in the past.

The potential support from California and New York comes in exchange for tightening provisions of the settlement to preserve the right to investigate past misdeeds by banks, and stepping up oversight to ensure that the financial institutions live up to the deal and distribute the money to the hardest-hit homeowners.

The settlement would require banks to provide billions of dollars in aid to homeowners who have lost their homes to foreclosure or who are still at risk, after years of failed attempts by the White House and other government officials to alter the behavior of the biggest banks.

The banks—led by the five biggest mortgage servicers, Bank of America, JPMorgan Chase, Wells Fargo, Citigroup and Ally Financial—want to settle an investigation into abuses set off in 2010 by evidence that they foreclosed on borrowers with only a cursory examination of the relevant documents, a practice known as robo-signing. Four million families have lost their homes to foreclosure since the beginning of 2007.

As recently as two weeks ago, with federal officials hoping to complete a deal that President Obama could cite in his State of the Union address, California's attorney general, Kamala Harris, made it clear she was not on board, terming the plan inadequate. But in the last few days, differences have narrowed in negotiations that one participant described as round the clock, with California officials in direct communication with bank representatives for the first time in months

"For the past 13 months we have been working for a resolution that brings real relief to the hardest-hit homeowners, is transparent about who benefits, and will ensure accountability," Ms. Harris said in a statement. "We are closer now than we've been before but we're not there yet."

The settlement has been hamstrung by one delay after another over the last year. Winning California's support now would represent a major win for the White House in this election year.

"I am encouraged by the conversations we've had with many states in the last few days," said Shaun Donovan, the secretary of housing and urban development. "This will be one of the most significant steps in the recovery of homeowners, neighborhoods and the broader housing market from the worst collapse since the Depression."

"My fundamental point is that it's a first step," he added, citing measures like Mr. Obama's proposal last week to lower interest rates for homeowners who are still current on their mortgages.

Officials involved in the negotiations cautioned that broader state support could still be days away. And although the timing of any announcement is subject to last-minute maneuvering, as it stands now the deal would set aside up to \$17 billion specifically to pay for principal reductions and other relief for up to one minion borrowers who are behind on their payments but owe more than their houses are currently worth. The deal would also provide checks for about \$2,000 to roughly 750,000 who lost homes to foreclosure.

Those figures are contingent upon the number who respond to the offer, which is likely to go to people who lost their homes between Jan. 1, 2008, and Dec. 31, 2011. In ad-

dition, said Patrick Madigan, the Iowa assistant attorney general, homeowners who participate in the settlement will still have the right to sue the banks for improper behavior in the foreclosure process.

California has been focused on measures that would benefit individual homeowners, while New York has been most interested in preserving its ability to investigate the root causes of the financial collapse.

Another critical issue for California is narrowing the amnesty given to banks because under the state's False Claims Act, state officials and huge pension funds like Calpers would be able to collect sizable monetary damages from the banks if they could prove mortgages were improperly packaged into securities that later soured. What is more, California's participation would result in having more money available for many other states, including an estimated \$500 million in additional money for Florida.

But the agreement's terms do not guarantee minimum allocations of mortgage relief by state.

Mr. Donovan added that there had been numerous discussions with individual states that had specific concerns.

California officials and other veterans of the foreclosure crisis are haunted by the failure of past attempts to alter the behavior of the big banks, including a 2008 deal with Countrywide Financial, the subprime giant now owned by Bank of America, and a more recent agreement last April between federal regulators and the biggest mortgage servicers.

The backers of the latest deal insist their plan has more teeth, with a powerful outside monitor to oversee enforcement and heavy monetary penalties if banks fail to live up to commitments. While the past agreement with Countrywide gave banks credit even if their offers to modify the interest rate of the mortgage or write down principal were not accepted by borrowers, this deal counts only what banks actually do for homeowners.

If banks fall short of the multibillion-dollar benchmarks set out for principal reduction and other benefits for homeowners, they will have to pay the difference plus a penalty of up to 40 percent directly to the federal government, according to Mr. Madigan.

The depressed housing market continues to pose a drag on the halting economic recovery. RealtyTrac, which analyzes housing data, predicts two million more foreclosures over the next two years. Some 11 million families owe more on their houses than they are worth.

The settlement, if all states participate, will also include \$3 billion to lower the rates of mortgage holders who are current. Banks will get more credit for reducing principal owed and helping families keep their homes, and less for short sales or taking losses on loans that were likely to go bad, like those that were severely delinquent.

#### □ 1020

#### STREETCAR SUMMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this week, people from dozens of cities around America are gathering for the annual Streetcar Summit.

For the last 25 years, I've been working to reintroduce the modern streetcar to American communities. We started with a project in Portland, Oregon, over 20 years ago. It was a great pleasure for me to see this open in 2001 and watch how this streetcar investment anchored revitalization in the downtown, led to over \$3 billion of private and public investment along the right-of-way, encouraged over 22 million people to ride the streetcar, and developed into a signature project for our community.

More recently, when the new administration was sworn into office, I worked with the White House to implement legislation that I had in the last reauthorization that we called "Small Starts," which somehow had stalled. Within 4 months, the new administration was able to help us figure out how to move it forward. In October of 2009, we were able to sign an agreement with the Obama administration and start the project.

I'm pleased to report that this project—which has provided over 1,800 jobs, that is extending a 3½-mile line—will be open. In fact, we've invited President Obama to ride on the first official trip. He can ride this year on a project that started in the first year of his administration, now a completed project. As an added bonus, he would be able to ride the first American-built streetcar in 58 years.

While it's manufactured in Portland, Oregon—I say with some modest pride—it makes a difference for people around the country because it's going to be provided to other communities like Tucson, Arizona, in the project I worked on with our former colleague, Gabby Giffords. And subcontracting is occurring throughout the upper Midwest, where smaller manufacturers are helping construct this product made in America.

As a result of the administration's investment of \$419 million since October of 2009, we're watching projects take place in 10 cities across America in Detroit, Cincinnati, St. Louis, Salt Lake—that are moving forward with this vision. Indeed, the people in the conference that will be here this week represent operating systems that are now in Seattle, San Francisco, Galveston, Little Rock, Memphis, New Orleans, Lowell, Massachusetts, Kenosha, Wisconsin. There are communities all across America that have seized this vision and are moving forward. They are coming together to deal with how communities, large and small, can seize on this proven technology that was, after all, the cornerstone of urban development long about 1900. This was the technology that was driving American community development. Well, it still can drive community development, provide tens of thousands of jobs, be able to help focus the revitalization of, what in some areas, are troubled neighborhoods. It's an opportunity to bring people together on the streetscape, to be able to give a different environment for shopping, recreating, and, frankly, preventing pollution, congestion—in many cases a trip not taken.

I strongly urge my colleagues, when the opportunity arises this week, to meet some of the people in the vanguard of America's new streetcar renaissance. A simple, commonsense, proven technology that's cost-effective, that provides an anchor for development, giving people an opportunity to give another choice to the residents—empowering them, making their neighborhoods more livable, their families safer, healthier, and more economically secured.

This is what this Congress should be working on, coming together to take projects like this, a constructive Federal partnership, stretching dollars and making a success that we can all be proud of.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 24 minutes a.m.), the House stood in recess

#### □ 1200

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker protempore (Mr. Womack) at noon.

#### PRAYER

Rabbi Jeffrey Astrachan, Temple Beth Israel, York, Pennsylvania, offered the following prayer:

Almighty source of strength, peace and compassion, I stand humbly before You to ask Your blessing upon those who serve our great Nation, to all who dedicate themselves to its prosperity and security.

Grant to each Member of this House the wisdom and vision to look stead-fastly toward our future, to labor earnestly for the welfare of all, and to consider wholeheartedly the passion and sacrifice of those who came before us, who helped to preserve and foster the noblest ideals for which our Nation stands.

Today, especially, we consider the valor of those four Army chaplains whose selfless acts of heroism 69 years ago not only saved the lives of others, but inspire us to serve in our own day to continue our partnership in Your ever-unfolding acts of creation on Earth.

May the memories of the four chaplains and the ideals for which they lived ever remain a blessing.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. TURNER) come forward and lead the House in the Pledge of Allegiance.

Mr. TURNER of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING RABBI JEFFREY ASTRACHAN

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 1 minute.

There was no objection.

IN MEMORY OF THE "FOUR CHAPLAINS"

Mr. PLATTS. Mr. Speaker, I am honored to host our guest chaplain, Rabbi Jeffrey Astrachan, to give today's opening prayer. Rabbi Astrachan is here today to help honor the sacrifice of the four chaplains who gave their lives during the sinking of the troop ship *Dorchester* during World War II. This is especially significant because one of the four chaplains, Lieutenant Alexander D. Goode, was once a rabbi with the same congregation in York, Pennsylvania, my hometown that Rabbi Astrachan now serves.

Along with the rabbi, I am pleased to take this opportunity to recognize the courageous sacrifice made 69 years ago by the four chaplains. The *Dorchester* was torpedoed off the coast of Greenland. Only 230 of the over-900 men on board survived. The survivors recounted the story of the heroic actions of the four chaplains of different faiths: Lieutenant Goode; Lieutenant John Washington, a Catholic priest; and Lieutenants George Fox and Clark Poling, two protestant ministers.

These four servants of God spent their last 18 minutes in this life helping their fellow passengers to safety. When there were no more life jackets to hand out, the chaplains removed their own and gave them to shipmates. They were last seen on the hull of the ship, arm-in-arm in prayer as the ship sank into the jey waters.

Chaplains Hill at Arlington National Cemetery is home to several memorials to chaplains. Last year, the United States House of Representatives adopted legislation to include a memorial to the 14 Jewish chaplains who gave their lives in World War II and the Korean and Vietnam wars. Today, we honor

chester, but the sacrifices and selflessness made by military chaplains of all faiths.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

> OFFICE OF THE CLERK, House of Representatives, Washington, DC, February 7, 2012.

Hon. John A. Boehner,

The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 7, 2012 at 10:40 a.m.:

That the Senate passed with an amendment H.R. 347.

That the Senate passed S. 1794. With best wishes, I am Sincerely.

KAREN L. HAAS,

Clerk.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### NLRB APPOINTMENTS ARE UNCONSTITUTIONAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on January 4, the President abused executive authority and appointed three new members to the National Labor Relations Board claiming a recess appointment, but the Senate was not in recess. By making this decision, the President ignored the Senate's confirmation and vetting practice which is outlined in article I, section 5 of the United States Constitution. Earlier today, the House Education and Workforce Committee, ably led by Chairman JOHN KLINE, held a hearing on this unconstitutional conduct.

The President has used the National Labor Relations Board as a big labor bully to advance his political agenda and threaten the jobs of America's small businesses. Due to the legal uncertainty of the President's appointments, each decision reached by the board could allow for legal challenges, costing job creators and taxpayers more money. House Republicans will work to protect hardworking taxpayers from the administration's failed policies which are destroying jobs.

In conclusion, God bless our troops, and we will never forget the four chap-

not just the four chaplains of the Dor- lains and September the 11th in the global war on terrorism.

> THE CLOCK IS TICKING ON THE PAYROLL TAX CUT AND EXTEN-SION OF UNEMPLOYMENT BENE-

> (Ms. BASS of California asked and was given permission to address the House for 1 minute.)

> Ms. BASS of California. Mr. Speaker, the clock is ticking on extending the payroll tax cut and unemployment benefits for millions of Americans. In just three short weeks, people barely surviving on unemployment benefits will be out on the streets. In three short weeks, 160 million people who get paychecks would have to pay the government nearly \$1,000 more.

> Unfortunately, House Republican leadership insists on unrelated ideological legislation freezing the pay of middle class public servants for a third time in 3 years, slashing unemployment benefits by 40 weeks, and drug testing Americans who have lost their jobs through no fault of their own.

> I don't think my Republican colleagues understand the plight of Americans who have lost their jobs through no fault of their own. So I'm asking my constituents and people from around the country to go to my Web site, karenbass.house.gov, and send in stories about their efforts to look for work. I will share these stories with my Republican colleagues to help them understand in hopes they will do the right thing.

#### PAYING OUR RESPECTS TO CHAP-LAINS FOX. POLING. WASH-INGTON, AND RABBI GOODE

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, this year's tribute to our lost four chaplains, last seen on the decks of the USAT Dorchester offering comfort and their only chance for survival to others, is particularly poignant. For it was this past year that these men were reunited at this country's most hallowed grounds, Arlington National Cemetery.

With the recognition long overdue of Rabbi Alexander D. Goode, and all the Jewish war chaplains who have served this Nation in faith, the four chaplains stand watch once again over their flock from Chaplains Hill. Providence most definitely brought them together after history attempted to break their bond.

And so 69 years later, we reinforce the bonds of faith that no man can break and pay our respects to Chaplains Fox, Poling, Washington, and Rabbi Goode and honor their sacrifice to our great Nation.

### THIRD ANNIVERSARY OF CRASH OF FLIGHT 3407

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Three years ago this week, an unspeakable tragedy occurred when a plane full of people, those who were dearly loved by their families, crashed through a home in Clarence Center, in my district. The cause was pilot fatigue and inexperience, and the cruel irony that it occurred over Valentine's Day weekend was lost on no

Yet, out of those ashes arose an indomitable spirit among these families that united them in their grief and brought their quest right here to the Halls in Washington. They wanted to ensure that no other family had to endure having their hearts ripped out the way they all had. They never took "no" for an answer. They never gave up, and they inspired Congress to work in a bipartisan way to pass historic flight safety reform rules.

That's why I am joined by my colleagues from western New York to introduce a resolution to honor them, the victims of the crash, to thank the surviving families of Flight 3407, and to call on the administration to finish the work they started to implement these necessary FAA rules.

Until the will of Congress and of the families we serve is translated into new rules, we will not give up the fight, because the families are counting on us, and they've never given up the fight.

#### THE CLOSING OF THE SOUTH TEMPLE POST OFFICE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, over the past month. I've heard from many of my constituents about the closing of the contract post office in my district, the South Temple Post Office.

My constituents enjoy going to the South Temple Post Office because it is fast, efficient and the service is outstanding. However, the United States Postal Service recently announced it would be closing this office, along with 19 other contract postal units.

Why?

Because these contract post offices are not hiring enough union workers or are, allegedly, taking union jobs away from the main branches. In other words, even though the United States Postal Service was \$8.5 billion in the hole in 2010 and even though the owner of the South Temple Post Office sends a check of \$1 million every year to the postal service under their contract, they have decided to close it because of union dispute.

This is just plain wrong. My constituents should have a choice of what post office they want to use and to use the one that serves them the best. If the privately owned contract office is performing better, they should be able to use that privately owned contract office.

Rest assured, I will fight this nonsense and try to get this post office kept open.

#### THIRD ANNIVERSARY OF CRASH OF FLIGHT 3407

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I rise today, along with my colleague Congresswoman KATHY HOCHUL, to recognize the upcoming third anniversary of the tragic crash of Continental Connection Flight 3407 in my western New York community.

This tragedy, unfortunately, was preventable. The National Transportation Safety Board found that the chief cause of the crash was pilot error. In August of 2010, President Obama signed into law aviation safety legislation, which, among other things, required the Federal Aviation Administration to update flight and duty time rules and to set minimum rest requirements for pilots.

As the families know too well, the passage of time never really heals the tragic memory of that day, but they persevered. They became a true citizen army for aviation safety and achieved the most comprehensive aviation reform in 50 years. In their efforts, they were guided by their faith and by the light of those they loved and lost.

We recognize their extraordinary efforts on behalf of the western New York community, of the flying public, and of a grateful Nation.

# CONGRATULATING THE WORLD CHAMPION NEW YORK GIANTS

(Mr. TURNER of New York asked and was given permission to address the House for 1 minute.)

Mr. TURNER of New York. Mr. Speaker and my fellow colleagues, it is a distinct pleasure to stand before you right now, not only as a Representative but as a fan. I would like to take a few moments and acknowledge the New York Giants for defeating the New England Patriots on Sunday night, 21–17, in Super Bowl XLVI.

Some believed them to be underdogs, but our beloved G-Men didn't let people's lack of faith or doubt distract them from their end goal. Instead, they showed New York's resilience by fighting back to regain the lead in the fourth quarter, earning their second Super Bowl title in the last 5 years and their fourth Super Bowl title overall. The Giants have won eight world

championships and rank as one of the most successful football franchises of all time.

As Giants' head coach Tom Coughlin said after the game: All things are possible for those who believe, and these guys believed, and they came together and trusted each other and believed in one another.

I think this is a terrific message for everyone to think about, especially those of us holding the distinct honor of being Members of the House of Representatives. There is still a great deal of work to be done on behalf of the American people. We must come together for a joint purpose. We must give our constituents a reason to believe we can work together on their behalf. Just as the members of the Giants team played hard for the people of New York, we must work hard for our constituents.

Again, I would like to congratulate the New York Giants, Head Coach Tom Coughlin, Super Bowl XLVI MVP Eli Manning, and all the great fans in New York

# FOUR-YEAR ANNIVERSARY OF THE IMPERIAL SUGAR PLANT EXPLOSION

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, this day marks a sad anniversary for many of the folks I represent. Four years ago today, a combustible dust explosion destroyed the Imperial Sugar plant in Port Wentworth, Georgia, killing 14 people and injuring more than 40 others.

The sad truth is that this explosion didn't have to happen. Experts have known about the dangers of combustible dust for decades, and experts have developed industry standards that can prevent combustible dust explosions and fires. Unfortunately, these commonsense practices have not become the national standard despite preventable explosions and fires in Georgia and throughout America before and since.

Today, on the fourth anniversary of this tragedy, I ask my colleagues to support H.R. 522, the Worker Protection Against Combustible Dust Explosions and Fires Act of 2011, introduced by Mr. MILLER of California. This law would require the Secretary of Labor to promulgate standards for regulating combustible dust.

We shouldn't wait until another disaster strikes. We owe it to the dead and the wounded to take action today so that disasters like the Imperial Sugar Plant explosion will never happen again.

OBAMACARE STRIKES AT THE CORE OF RELIGIOUS LIBERTY OF THE U.S. CONSTITUTION

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Mr. Speaker, I rise today to speak about an issue that's deeply important to me, not as a Republican or Democrat, but as a Catholic American.

President Obama's Department of Health and Human Services announced it will require religious institutions like Catholic schools, Catholic hospitals, and Catholic charities to cover services that violate their core beliefs, like contraception, sterilization, and the morning-after pill. Catholic schools like Notre Dame will be forced to pay millions in penalties if they don't comply with the Federal Government mandate.

Now, this is about much more than just contraception. This is about Catholic schools and Catholic hospitals having to sacrifice conscience to comply with ObamaCare.

I believe that this is a clear violation of the Free Exercise Clause of the First Amendment of the Constitution. What's worse, I believe that this is a move by the Obama administration to establish secularism over religion. That would strike at the core of religious liberty of the Constitution and who we are as Americans. It's just one more reason why ObamaCare is bad law and needs to be repealed.

# AN ILLUSORY PLAN TO FUND TRANSIT AT CURRENT LEVELS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Ronald Reagan signed legislation that funded transit out of the highway trust fund. The new Republican majority is going to end transit's eligibility for highway trust fund dollars—but they've created an alternative transportation account that will be paid for out of the general fund. The only problem is that paying for transit at current levels under an alternative scenario would blow another \$40 billion hole in the budget.

But they have a plan.

They're going to require Federal employees to pay 6 percent of their salaries into a trust fund. That's about \$40 billion over 5 years. But they're not taxing Federal employees to pay for transit—don't worry about that—because that money can't be spent on transit. It will make it look like they're not spending more money. In reality, they will borrow \$40 billion to pay for transit instead of paying for it with your fees out of the highway trust fund, but they're going to pretend that they didn't add more money to the deficit. At the same time, they're going to

make Federal employees put 6 percent interest of Americans still trying to congregation in York, Pennsylvania, of their salaries into a trust fund for find jobs. this illusory offset.

Good work, guys.

#### $\sqcap$ 1220

### ENERGY SECURITY AND UNEMPLOYMENT

(Mr. RIGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGELL. Mr. Speaker, we have within our grasp the opportunity to boldly address two of America's greatest challenges: energy security and unemployment. These two issues are inextricably linked. We can no longer tolerate a stagnant, slow-growth economy that's saddled with historic unemployment rates and a dangerous dependence on foreign oil. A key solution to these problems is energy, specifically. American energy.

The President said in this House that we must have an all-of-the-above strategy to energy independence. I agree. That includes harvesting the energy in every corner of America, including the 3.8 billion barrels of oil and gas off the coast of Virginia.

Last week, I introduced the Mid-Atlantic Energy and Jobs Act of 2012 to free up Virginia's abundant offshore energy. This legislation will help us achieve energy independence and could produce more than 18,000 local jobs, and it requires a significant amount of the royalties produced by the exploration to go toward improving our environment. The time to act is now. This Congress, this President, we're Americans. Let's do this.

# AMERICAN JOBS

(Ms. FUDGE asked and was given permission to address the House for 1

Ms. FUDGE. Mr. Speaker, today I rise to address the need for jobs in this country. On Wednesday, we will have reached 400 days since the Republicans took control of the House without a jobs bill, even though my colleagues and I have been calling for and demanding action.

The President has set forth a jobs plan that would allow Americans to get to work and for us to invest in this great country by focusing on improving our infrastructure, fixing our roads, schools, and bridges; by providing incentives to hire veterans by giving small businesses the support they need to grow and expand; and by cutting payroll taxes for 160 million workers, leaving more money in the pockets of consumers.

The members of the Delta Sigma Theta sorority are on the Hill this week to be a voice for the jobless, to ask Congress to do what is in the best

Lurge all of my colleagues to join me in supporting job growth and investment in this Nation now.

### SCHOOL CHOICE

(Mr. HUIZENGA of Michigan asked and was given permission to address the House for 1 minute.)

Mr. HUIZENGA of Michigan. Mr. Speaker, today I rise in support of national school choice because we need to offer our children effective education opportunities. And in Michigan, despite spending just shy of \$10,000 annually to educate each child, we need to look at a couple of facts. One, only 31 percent of eighth-graders are actually considered proficient in math. The other element that is very disheartening to me is the fact that one child drops out of school in America every 26 seconds. We have an obligation to give parents the tools and resources to get their children out of bad educational environments and into better ones.

As a Member of Congress, I support school choice and allowing States to even opt out of the No Child Left Behind program and use educational resources in a way that will best meet their local needs, not the demands of Washington, D.C. It should be up to parents—not governments—to choose what's best for their children. Better traditional schools, public charter schools, private schools, virtual education, and homeschooling. I personally advocated for these opportunities when I sat on the board of a public charter school in Michigan. I served as the director of development at Zeeland Christian Schools, and most importantly, as a parent along with my wife, who homeschooled our children. Those of us in Congress must continue to encourage and champion school reform.

# FOUR CHAPLAINS

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor the incredible story of the USAT Dorchester's four chaplains. The brave "immortal chaplains," a Jewish rabbi, a Catholic priest, and two Protestant ministers, selflessly provided comfort and guidance to their interfaith community aboard the transport ship as it sunk into icy waters on February 3, 1943. These leaders of different faiths gave up their lifejackets and stood strong, singing prayers and hymns, sharing words of healing and peace as the ship went down.

We are so fortunate to have Rabbi Astrachan here with us today to help honor their sacred memory. Rabbi Astrachan currently serves the same

where Rabbi Goode, one of the four chaplains, once served, continuing to honor his legacy.

The four chaplains, Reverend George Fox, Rabbi Alexander Goode, Father John Washington, and Reverend Clark Poling, serve as inspirations in their military service and their sacrifice for our country. Their quintessentially American tale of faith and courage now has an ending we can proudly commemorate, as all four of these men are honored and memorialized together on Chaplain's Hill at Arlington National Cemetery.

For nearly 200 years, our Nation's breathtaking military cemetery has been a place to honor all of America's fallen soldiers, providing the sacred and majestic setting fitting to our Nation's heroes. Thanks to the dedication of many of my colleagues, we now have monuments at Chaplain's Hill to each of these faith groups, where we can honor their sacrifice together. This is a testament to the courage and commitment of all who have served our Nation in this way, and I am so honored to share in this observance with chaplains, members of the military, veterans, religious community advocates, family, and friends.

#### **IMMIGRATION**

(Mrs. BLACK asked and was given permission to address the House for 1 minute.)

Mrs. BLACK. Mr. Speaker, I am here today to talk about my bill, H.R. 3842, a bill that would prohibit the Obama administration from filing lawsuits against Arizona, South Carolina, Alabama, and other States over their immigration enforcement laws. In the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien populations in their States. And in response, the Department of Justice and Eric Holder have pursued unprecedented lawsuits against these States.

Mr. Speaker, there are over 10 million unauthorized aliens in this country. States must be able to enforce the law if the Federal Government refuses to, and States should not have to live in fear of Federal retribution for trying to keep their citizens safe.

My bill, H.R. 3842, would deny the Obama administration and Eric Holder the funding for these meritless lawsuits. Until the Supreme Court decides the case against Arizona's S.B. 1070, Congress must use our power of the purse to stop these political lawsuits and allow States to uphold the law.

# HALFTIME IN AMERICA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, everybody is talking about Chrysler's Super Bowl commercial "Halftime in America." It featured Clint Eastwood, relating the recovery of the American automobile industry. That inspirational ad has now gone viral as people share its positive message about our country and our workers.

Trust me, Mr. Speaker, in America's heartland, we know about hard times. Our people have been through a lot these last few years. But that commercial has it right: We took a punch, but we're still standing. President Obama made a bet on America's workers and companies, and it saved thousands of jobs. It saved our industry. "This country can't be knocked out with one punch," Clint Eastwood says. "We get right back up again. And when we do, the world is going to hear the roar of our engines."

You can already hear that roar in Toledo. We're building Jeeps day and night. You can hear it in Lorain too, and in Sandusky, Avon Lake, Brook Park, and Parma. We're going to win this competition. We're going to win it because we want it more. Gentlemen and gentleladies, start your engines.

# SMALL BUSINESS MENTOR-PROTEGE PROGRAM

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. I hear over and over from small businesses that the one thing they need in these tough times is customers. And who is the biggest customer? The Federal Government. Each year, the government spends \$500 billion on Federal contracts, but only 20 percent is going to small firms. Small businesses create two out of every three new jobs. So for us to grow the economy, we have to give small businesses a bigger slice of the Federal contracting pie.

Today I am introducing the Building Better Business Partnerships Act. This bill will help small firms break into Federal contracting by making it easier for them to join mentor-protege programs. These programs partner small businesses with companies already contracting with government. It gives small firms a foot in the door so they can navigate the Federal process, get experience on a contract, and eventually win a Federal job of their own. And that means more work and a new customer for small businesses everywhere.

## □ 1230

# SHARED FISCAL RESPONSIBILITY

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, I rise on behalf of the middle class workers in Wisconsin and across the country who have unfairly been paying a higher tax rate than millionaires and billionaires.

Middle class Americans deserve to know that our tax system has not been rigged against them. Powerful special interests have manipulated our Tax Code to ensure that the wealthiest Americans don't have to pay their fair share. These loopholes and special provisions have made it so that billionaire Warren Buffett's secretary pays a higher tax rate than he does. In fact, approximately a quarter of all millionaires pay lower effective tax rates than middle class families.

Yesterday, I introduced Paying a Fair Share Act, H.R. 3903, which would make the "Buffett rule" law and ensure that middle class workers do not pay higher tax rates than those earning more than \$1 million a year. I invite my colleagues to join me in taking this commonsense first step to strengthen middle class families and rebuild our economy with a commitment to shared responsibility.

### H.R. 25, THE FAIR TAX

(Mr. WOODALL asked and was given permission to address the House for 1 minute.)

Mr. WOODALL. Mr. Speaker, it's the Tax Code that brings me down to the House floor today. You know, if you care about special interest tax breaks in this town, there is only one bill in the U.S. House of Representatives that eliminates every single special interest tax break in the United States Code—every break, every exception, every exemption, every favor—and that's H.R. 25, the FAIR Tax, Mr. Speaker.

You know about the FAIR Tax. It's the most widely cosponsored, fundamental tax reform proposal in the entire U.S. House of Representatives. It's the most widely cosponsored, fundamental tax reform proposal in the entire United States Senate. And it is the only bill in Congress that solves every single special interest break. The only one. And it brings American manufacturing jobs back to America; puts the American manufacturing community on a level playing field with our foreign competitors, the only bill in Congress that gets that done.

Mr. Speaker, if you want to see more about it, you know you can see it at www.thomas.gov. You can see it at www.fairtax.org. It's H.R. 25, and it will save this American economy.

### PAYROLL TAX HOLIDAY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the party line from Republican leaders is that Republicans agree on a payroll tax cut holiday; they just need to find a way to pay for it. But Republican Members speak a different language. Georgia Republican PAUL BROUN told the press: "The payroll tax holiday is just a gimmick to get Obama re-elected."

That would be news to the average American family who will see its taxes increase by \$1,000 on March 1 without a payroll tax agreement.

The press reports a serious Republican split with only a 50/50 chance that Republicans can get their Members to agree on a payroll tax deal. Line that 50/50 Republican split up against their near-unanimous opposition to having wealthy and corporate taxpayers contribute one dime to deficit reduction.

I'll leave it to the Republican leadership to reconcile these issues and their caucus. Meanwhile, the clock ticks louder each day. Republicans have 22 days to make up their minds on whether every worker who draws a paycheck deserves a tax cut.

### WELCOMING DELTA SORORITY TO CAPITOL HILL

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Mr. Speaker, today Members of Congress and others will see a thousand women of color visiting all of our offices. They call themselves the Delta Sorority. Here the leadership is provided by Judge Fudge as they come close to celebrating their 100th anniversary.

They have a legislative agenda, a community agenda, a civic agenda; and one of the things that they like to point out is that today we recognize the terrible epidemic of AIDS and HIV problems we have with blood. We hope that we learn to educate more people about the danger of AIDS, that we provide better treatment, and even better than that, that we avoid it by having preventive measures so it doesn't happen at all.

Also on their agenda is making certain that the payroll deductions for working poor people are extended, as is unemployment compensation, which is not only fiscally, but morally, the right thing to do, and that we pay our debts, pay the doctors who serve the aged.

# DEMOCRATS READY TO WORK FOR

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today with my Democratic colleagues ready to work for all Americans. Unfortunately, this no-show Tea Party Republican Congress, which worked only 6 days during the entire month of January, is once again refusing to do its job. You see, at the end of

February, taxes will increase for 160 million middle class Americans unless the Mitt Romney Tea Party Republicans drop their incessant demands to cut taxes for millionaires and billionaires. I ask my Tea Party colleagues to stop holding the payroll tax cut hostage. We must protect unemployment insurance and fix the Medicare payment schedule so that seniors can see the doctor of their choice.

It's time for this Tea Party brinksmanship to come to an end, for Republicans to come to work, and for this Congress to go to work for the American people, not just the millionaires and billionaires.

# $\begin{array}{c} \text{MAKING HIGHER EDUCATION} \\ \text{MORE AFFORDABLE} \end{array}$

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, just recently President Obama offered a plan to reduce the high costs of higher education by putting pressure on colleges and universities to reduce tuition rates. Under the plan, colleges would be rewarded based on their ability to offer relatively lower tuition fees, provide value, and serve low-income students.

This plan also coincides with key proposals by President Obama to make higher education more affordable, including a strategy President Obama announced last fall to consolidate Federal student loans and lower interest rates to help college graduates pay off their debt.

The American Dream is all about providing Americans the opportunity to succeed if they work hard. Every American family should be able to afford higher education. Every young person should have a chance. I commend President Obama for his commitment to American families and for making higher education an economic imperative.

#### NATIONAL BLACK HIV/AIDS AWARENESS DAY

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, as the founding cochair of the Congressional HIV/AIDS Caucus, I rise to recognize National Black HIV/AIDS Awareness Day.

While I believe every day should be HIV awareness day, February 7 is an important day to recognize the effect this epidemic has on African Americans. Although only 14 percent of the U.S. population, African Americans account for almost half of those living and dying with HIV and AIDS in this country.

This year's theme is "I am My Brother's Keeper, I am My Sister's Keeper."

People of faith know it is unacceptable that a woman of color in the United States is 15 times more likely to be living with HIV than a white woman her age. People of faith know that it's unacceptable that our young men, particularly gay and bisexual men, are most affected in this country. We cannot allow this crisis to continue.

We have the tools we need to end the AIDS epidemic. I urge everyone to get tested and take steps to protect themselves from the virus.

I call on members of the faith community, the private sector, health organizations, community leaders, teachers, parents, and the media to come together like never before.

The story of African Americans is one of resilience. I have great hope and expectation that we can once again persevere and we can stamp HIV and AIDS from the face of the Earth.

#### $\sqcap$ 1240

PROVIDING FOR CONSIDERATION OF H.R. 3581, BUDGET AND AC-COUNTING TRANSPARENCY ACT OF 2012

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 539 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES 539

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill. it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-13. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without in-

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

#### GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. McGovern) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 539 provides a structured rule for the consideration of H.R. 3581, the Budget and Accounting Transparency Act. This is another bill in a series of 10 bills that the Budget Committee is sending forward, Mr. Speaker, to try to align the kind of accounting and budgeting that we do in Washington with the kind of accounting and budgeting that happens in the real world. We know transparency and sound accounting matter. We know that it matters on Wall Street; we know that it matters on Main Street: and it matters right here between Independence and Constitution Avenues. Mr. Speaker.

This bill has three primary provisions:

Number one, it provides transparency by bringing off-budget items on-budget. Now, for folks who don't follow this as closely as you and I do, Mr. Speaker, you know that when things are off-budget, their degree of scrutiny is changed. When things are off-budget, the impact they have on the American taxpayer is not always reflected. When we take those things from off-budget and bring them on-budget, we begin to show the American taxpayer the real cost of their risk and responsibility.

Number two, it reforms the accounting method that we use to calculate how at risk American taxpayers are under Federal credit programs, again, to bring us closer to private sector models. Mr. Speaker, as you well know, when a dollar goes out the door from

this United States Capitol, when a dollar goes out the door from the United States Treasury, if it is a loan program, there is no guarantee that dollar comes back. Are most folks faithful payers? Yes, they are. But does every dollar come back? No, it doesn't. Do we need to look further than Fannie and Freddie to see that model? For the first time, we'll begin to account for that risk so that the American taxpayer understands when the American government guarantees a loan what potential impact that has on their pocketbook at home.

Finally, Mr. Speaker, it requires all Federal agencies to post their budget justifications online in a timely manner. Now, you saw last week, Mr. Speaker, we were able to pass the Baseline Reform Act, which said no longer will we just assume every agency is going to spend more. For the first time, we say that every agency needs to justify any increases that they receive in their budget. What this provision does is go one step further to say, when you are producing that budget, post your justifications online. Let the American people in. Mr. Speaker, if we have nothing to hide in this institution, then continuing to publish more and more information so that the American people can come into this discussion process is only going to lead us in the right direction.

Taken together, these three reforms bring the kind of attention that we need to a budget process that has been long broken. We cannot make America's future brighter and more secure if we continue to escalate the debt that we pass on to our children and their grandchildren. Clearly, this body has struggled in years past to contain that debt on both sides of the aisle. Clearly, folks occupying 1600 Pennsylvania Avenue have struggled to contain that debt on both sides of the aisle.

Mr. Speaker, the folks who see these issues with clarity live back home in my Seventh District of Georgia. They understand what it means to do budgeting around the family dinner table. I know my colleague from Massachusetts has those same folks living in his district facing those same challenges in his district; and if we can bring those people into the discussion, Mr. Speaker, if we can just be honest with our constituents back home about the magnitude of the problem, we will have their support and their involvement to turn this page for America's financial future.

Mr. Speaker, we can't stick our heads in the sand. Next week, we're expecting the budget from the White House to arrive here on Capitol Hill. We were expecting it this week, and they've delayed it to next week. I'm excited about it. I say to my colleague from Massachusetts, Mr. Speaker, I believe we're going to have a serious budget discussion with the White House for

the first time in the 3 years of this administration. We're going to have a serious budget dropped on our doorstep, and then the Budget Committee is going to be involved in a serious discussion about how to bring the White House's priorities and the House's priorities in line with the American people's priorities. That process does not happen in a vacuum. That process happens in the sunshine, the bright daylight that is this U.S. House Chamber, Mr. Speaker. And with this reform combined with the other nine reforms coming out of the Budget Committee, we are taking steps forward to change forever the way this town does its budgeting business.

I'm very proud to sit on both the Rules Committee and the Budget Committee, to have had a hand both in the underlying legislation and this resolution today. I urge all of my colleagues to support this resolution, Mr. Speaker, so that we can bring up the underlying bill.

Yesterday, the Rules Committee filed House Report 112–388, a report to accompany House Resolution 539, a resolution providing for consideration of H.R 3581, the Budget and Accounting Transparency Act of 2011. The report inadvertently excluded an explanation of the waiver of all points of order contained in the resolution against the amendments printed in the report. The Committee on Rules is not aware of any points of order against any of the amendments printed in the Rules Committee report. The waiver of all points of order against the amendments printed in the report is prophylactic in nature.

With that, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, let me begin by urging a "no" vote on this rule, which is not open, and a "no" vote on the underlying bill. The bill before us does nothing to improve the quality of life for any American. It doesn't create a single job. Not one job is created by this bill we're talking about today. This bill is going nowhere in the United States Senate. I don't believe this is a serious effort and, in short, we're wasting our time.

Mr. Speaker, I cannot stress this enough. Congress must keep our focus on the most important priority facing the American people, and that is jobs—jobs, jobs, jobs. Democrats may sound like a broken record, but that's because we know that the core issue of our time is the economy and jobs. We need to do more to make sure that America's businesses get back on track and that the American people are in a position to succeed when these businesses start to hire.

Now, we had some good news last week. The unemployment rate decreased for the fifth month in a row, falling to 8.3 percent.

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At the same time, we've had 5 straight months of job creation, and we're in the 23rd consecutive month of private sector growth.

The economy looks like it's rebounding; and if this trend holds, that's a good thing. But while private sector employers added 257.000 jobs in January, there was a loss of 14,000 government jobs, including 11,000 local government jobs. Now, the reason for that, Mr. Speaker, quite frankly, is because the Federal Government is cutting away and State governments are cutting away and these so-called "government jobs" are being eliminated—the jobs that my friends on the other side of the aisle like to demonize. But what are these local government jobs? Mr. Speaker, these are cops, firefighters, teachers, librarians, and trash collectors. They're not faceless bureaucrats. They are people who make our lives safer, better, and cleaner every day. And they're our neighbors and our friends and our family members.

So despite the relatively good news about the improving economy, we are clearly not where we need to be. Payroll employment is still 5.6 million jobs short of where it was at the beginning of the Great Recession of December of 2007. There are four jobless workers for every job opening and long-term unemployment is still at historic high levels.

It is clear that this rebound, as slow and painstaking as it is, is taking place in spite of House Republicans and in spite of their policies, not because of them. In fact, I believe actions taken and policies voted on by this House have slowed down this economic recovery, have slowed down this economy, and have prevented a faster and more robust recovery.

For example, congressional Republicans should be doing all they can to prevent a tax increase on middle class Americans. Congressional Republicans should be doing all they can to extend unemployment insurance for people who are unemployed through no fault of their own. Yet, Mr. Speaker, they have continued to drag their feet on this legislation and, in fact, continue to bicker among themselves about the need to extend these programs. This should be a no-brainer. This should be something that both sides should come together and be able to improve immediately. Yet it has become this theater, this drama that plays out; and nobody quite knows how it's going to end.

Mr. Speaker, we're one week into February, more than 1 month into the new year, more than 13 months into this new Republican-controlled Congress; and we have yet to see one meaningful jobs bill. No wonder Congress' approval rating is at historic lows. And instead of bringing legislation to the floor that would help the economy—like a clean extension of the payroll

GOP would rather bring up misguided budget bills that simply attempt to rig the budget rules so they can score cheap political points.

House Republicans are simply trying to change the rules of the game to benefit their own point of view. This bill today, the so-called Budget and Accounting Transparency Act, is another sham bill in the Republican leadership's quest to change the rules of budgeting. This may seem like inside baseball to some, but it really is something quite extraordinary.

Simply, the Republicans, with this bill, are attempting to artificially inflate the cost of Federal credit programs. They do so by changing the way government credit programs are calculated. The Federal budget is supposed to count the amount of money that is spent and the revenue received. If there is more money coming in than going out, it's a surplus. The opposite is a deficit. What the Republican leadership is trying to do with this bill is to recalculate the way these credit programs are scored, or counted, in the budget process, automatically making them more expensive. They do so by treating government credit programs in a similar way to private credit programs, even though they are treated differently by the markets.

Now, on top of changing the way these credit programs are scored, it's important to point out that this bill doesn't apply to all Federal programs. In other words, we would have one set of scoring rules for one set of Federal programs and another one just for the Federal credit programs. That doesn't make any sense to me.

If some of these recent budget bills are any indication, the House Republican leadership cares more about rigging the budget process just to dismantle the Federal safety net instead of actually working to reduce the deficit and at the same time spur job creation.

Mr. Speaker, we should be talking about jobs. We should be acting on the President's jobs plan. Our committee work should be focused on how do we get this economy running again. What should be on the floor today is not a bill that's going nowhere, but a bill that will help put people back to work. You know, if we put more people back to work and this economy begins to recover more, then we can grow out of this deficit.

I would just, again, urge the Republican leadership to stop bringing stuff to the floor that really, I believe, is a waste of our time. Bring things to the floor that are meaningful, that will make a difference in the lives of the American people, that will improve the quality of lives for people in this coun-

I urge my colleagues to vote "no" on this rule and on the underlying bill and

tax and unemployment insurance—the to put our focus back where it belongs, creating a stronger economy for the American people.

> I reserve the balance of my time. Mr. WOODALL. Mr. Speaker, I yield

myself such time as I may consume to say to my colleague from Massachusetts. I always look for those areas of agreement because I know that we have some. I had a tough time finding those areas of agreement in that particular presentation, but when you got to your discussion about the theater that takes place on this House floor, I began to feel that personal bond, Mr. Speaker, because this feels like theater to me.

This is a rule that my friend is urging a "no" vote on that does one thing and one thing only: it brings to the floor a budget-changing provision that will shine more of a spotlight on what it is this Congress does when it comes to spending the American people's money. It does one thing and one thing only, and that is to give the American taxpayer more insight into what it is that my colleagues and I are doing with the money that we have taken from them.

Now, you might say, Mr. Speaker, well, what if I oppose that sunshine? What if I don't want daylight in the process? What if I have some things up here that I don't want folks to know I'm doing with their money? Fair enough. You can vote "no" on the underlying bill. But this rule. Mr. Speaker, this rule, which governs the debate on the House floor, has made in order every single Democratic amendment that was germane to the underlying legislation. Hear that. Hear that.

For folks who don't like the way the bill was crafted—of course we had a full hearing and markup in the Budget Committee—but for folks who don't like the way that bill came out, sometimes Congresses in the past would just shove a bill to the floor and say take it or leave it. But this bill, Mr. Speaker, is coming to the floor with a rule that said, tell me, colleagues, Republicans and Democrats, tell me how it is that we can make this bill better, and every single idea and suggestion that was germane to the underlying bill this rule makes in order.

So I ask you, Mr. Speaker, why vote 'no" on this rule? If you don't like the underlying legislation, vote "no" on the underlying legislation. But this rule is a rule that this entire House can be proud of, and I'm proud to be able to carry it for the Rules Committee today.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The reason why people should vote 'no" on this rule is because it's not an open rule, number one. The other reason why people should vote "no" on this rule is because it enables bad behavior, and the bad behavior is bringing up bills that are going nowhere that aren't very serious.

What we should be bringing to the floor right now is a clean extension of the payroll tax cut for middle class Americans and the extension of unemployment insurance. That's what we should be talking about. That's what should be on the floor right now. Instead, that measure, which would actually help people, is bogged down in conference because of ideological battles that my right-wing friends choose to wage. What we should be doing on this floor is putting the American people back to work and helping grow this economy through creating more jobs.

The bill before us does nothing to address the critical challenges facing America's families. It doesn't create a single job. It does nothing to address our serious budgetary challenges. This bill does not increase revenues or reduce spending. It does nothing to cut this deficit. We are sitting here talking about something that really, again, is going nowhere and that really doesn't matter in the scheme of things. We should be talking about jobs and how we get this economy moving again.

With that, Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from New Jersey (Mr. AN-

Mr. ANDREWS. I thank my friend for vielding the time.

The month the President took office. the U.S. economy was in the midst of a horrible collapse into oblivion for a lot of American families. The economy lost 700,000 jobs the month the President took office.

Last Friday, we had the news that the economy gained over a quarter of a million private sector jobs. This is welcome news, but we have a lot of work to do. This is not nearly sufficient to restore the American Dream to America's middle class and really fuel the kind of recovery that we need.

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Now, the President came to this floor 152 days ago with specific ideas that both parties had agreed to over the years, to try to fuel the small businesses and entrepreneurs who are the fuel of the American economy. And he came to the floor with four ideas. The first was to cut taxes for small businesses that hire people, something people on both sides say they're for. We've never taken a vote on that idea, never since then.

Second, he came to the floor with an idea that, as teachers are being laid off from the classroom, and firefighters are being laid off from our first responders, and police officers are being taken off the street, why don't we help the cities and towns and States to keep some of those people on the job, not only so they can do their job, but so they can spend money in the stores and the restaurants and help small businesses. We have never taken a vote on that idea in those 152 days.

The third thing the President said is, let's put construction workers back to work building libraries of the future for our schools, repairing the crumbling roads and bridges of the country, making sure rural America's wired for the Internet. And those construction workers would then become the customers of the small stores and the restaurants, the appliance stores that make America go. We have never taken a vote on that idea in the last 152 days.

And finally, the President said, let's avoid a massive tax increase on the middle class people of this country that was scheduled to go into effect on January 1 of this year. Well, we sort of took a vote on that and were able to dredge out of that process a 2-month extension to avoid that massive tax increase. That extension ends 22 days from today. In the 2 months since then, there's not been one proposal on the floor to fix that problem.

What we have on the floor today is a very interesting bill, and I, frankly, commend the seriousness of it. The bill essentially says we should re-examine the method by which we value guarantees issued by the Federal Government when we account for them in our budgets. In other words, if you cosign a note for someone, how should that show up on your balance sheet? That's essentially what this bill is about.

Now, this is a serious question. But I think the unemployed carpenter and the small business owner about to close her store and the police officer who got his pink slip last week thinks it's a pretty irrelevant question. And what they would rather have us do is vote "yes" or "no" on cutting taxes for small businesses that create jobs. We vote "yes."

"Yes" or "no" on putting police officers, firefighters, teachers back to work. We vote "yes."

"Yes" or "no" on helping the middle class by avoiding a massive tax increase on the American people. "Yes" or "no."

What we ought to be doing is bringing those questions to the floor, those questions to the floor, and having a debate. Instead, we're having a debate that's serious, but it really belongs at the American Society of CPAs, not the House of Representatives.

Let's get to work on the questions we're hearing at home, "yes" or "no." We say "yes" to fueling the middle class job creators, the small businesses of this country. The majority responds with silence.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say I agree with the gentleman. I agree with the gentleman that we must move jobs legislation out of this U.S. House of Representatives, on to the United States Senate and on to the White House

This is a budget reform bill that, as the gentleman accurately stated, is a serious bill to address a serious problem. We didn't do this in January of last year, our very first term in office. Then we were working on repealing the President's health care bill, which remains a national priority.

We didn't do this last April when we were focused on presenting the first serious budget that dealt seriously with the underlying debt drivers, those entitlement programs, for the first time since 1965. We didn't deal with these issues while we were trying to continue to fund this government through a regular appropriations process, a process that hadn't taken place in over three years.

We have brought this bill to the floor today. What were we doing in the intervening time, Mr. Speaker? We were working on jobs. We were working on jobs, because I agree with the gentleman, that is something we must focus on.

Reducing regulatory burdens sits with the Senate. Energy Tax Prevention Act sits with the Senate. Consumer Financial Protection and Soundness Improvement Act sits with the Senate. Small Company Capital Formation Act sits with the Senate. I could go on and on and on consuming all of our, time because the gentleman is right. Jobs are the priority. And this House and this leadership and this Congress has made it a priority. But to what end, Mr. Speaker? To what end?

Will we stop focusing on this national priority? Absolutely not. Will we continue bringing bill after bill after bill to this floor that speaks to the needs of American families? You'd better believe it.

But will we abdicate our responsibility? Mr. Speaker, I've got cards aplenty in my pocket. One of them's the United States Constitution. Do you know where the responsibility to budget comes from, Mr. Speaker?

This wasn't a power grab, like so many things that go on in this House where we're removing power from the American people. This is a constitutionally delineated responsibility of this House. And I will not apologize for being down here focusing on those things that the Constitution requires us to focus on.

Now, that said, it's a fair question to say, but ROB, this is a small bill. This is a small bill. You know what? A lot of folks might take that as an insult, Mr. Speaker. I'm flattered by it because, as I have watched this process, we have seen too many giant resolutions, 1,000-, 2,000-, 3,000-, 4,000-page resolutions come to this floor.

Is that practice gone forever? I suspect we'll see another monstrosity come our way. I hope not, but I suspect we will. But in the interim, we can do better.

On the Budget Committee, Mr. Speaker, we actually had that discussion. This is 10 separate pieces of legis-

lation. My colleague from New Jersey earlier was saying we want up-or-down votes on this floor. We want yes-or-no votes on this floor. I share his passion, and that's what we've done.

Instead of bringing a giant, omnibus budget reform bill that had lots of different things tied into it, Mr. Speaker, we've decided to bring one idea at a time, just one, one idea at a time, and allow this House, the people's House, to have that yes-or-no vote on whether or not this is an idea that has merit.

I appreciate my colleague's statement that this is a serious bill to confront a serious issue. And I will tell you, and it has developed more meaning to me, Mr. Speaker, since I have been a Member in this House for the last 12 months—it was Edmund Burke, he was a colleague of ours on the other side of the pond in the House of Commons, and a huge supporter of the American Revolution. And he said this: No one made a greater mistake than he who did nothing because he could only do a little. No one made a greater mistake than he who did nothing because he could only do a little.

I confess, Mr. Speaker, I was a little naive when I showed up here as a freshman last January. I thought I was going to be able to fix it. I thought my colleagues and I, you and I, my colleagues on the other side of the aisle and I, working together, I thought we were going to be able to fix it. It's taken a little longer than I thought. Those big bites at the apple have not been as successful as I hoped.

Have we passed them here? Yes. Has the Senate moved on them and sent them to the President? No.

So we changed gears, bringing the little ideas to the floor, those little ideas that, as my colleague from New Jersey mentioned, are serious reform proposals.

I'll say it again, Mr. Speaker. I'm proud of these underlying proposals, and I'm proud of this rule that makes them in order. To be clear, it's a little unheard of in this House, and it's happened on both sides of the aisle. Republicans and Democrats alike have used this floor for their own devices.

This rule makes in order every single idea and suggestion that's germane to the underlying bill that was brought by either Republicans or Democrats. What's better than that? What's fairer than that? What is more American than that?

I understand, I know the Rules Committee has some tough decisions to make up there, and occasionally a closed rule comes to this floor. I'm generally grimacing as much as anybody when that happens. I believe in the openness of this process.

But to say, send me all of your ideas and suggestions, Mr. Speaker, send them all to the Rules Committee, and for the Rules Committee to say, anything that's germane, we've made in order today, Mr. Speaker—this is not a resolution to vote "no" on. This is the rule, not just a rule, this is the rule to come to the House floor and cast a proud "yes" vote for today.

With that, I reserve the balance of my time.

Mr. McGOVERN. May I inquire of the gentleman how many more speakers he has?

Mr. WOODALL. We have no speakers remaining.

Mr. McGOVERN. Then I will close for our side.

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Mr. Speaker, I yield myself the balance of my time.

I will agree with my colleague on the Rules Committee that what is before us today is a small idea. The fact is that we have some big problems in this country and they require big and bold solutions, like extending the payroll tax cut for middle class Americans.

Mark Zandi, a Republican economist who worked for JOHN McCAIN, said that if we don't extend the payroll tax cut it might cost as many as 500,000 jobs in this country.

It is a little bit puzzling to me—and I think to the American people who are observing this—that rather than bringing that bill to the floor or rather than bringing bills to the floor that will help enact the President's jobs program or any kind of bill that will help put people back to work, we are dealing with this, which my friend on the other side of the aisle said is a small thing, a small idea.

I think we can do better. I think the American people are expecting us to do much better. We should be having a debate on our manufacturing agenda. We need to get a tax structure in place that encourages manufacturing investment here in this country. We should be eliminating tax incentives and loopholes that encourage financial speculation—rather than investment—and outsourcing and offshoring their production and enact tax incentives for companies that produce domestically. That is the kind of bill we should be having on the floor right now, a recommitment to investing in our infrastruc-

I was hoping that we would have a transportation bill that would be worth supporting; but by all accounts, the transportation bill has become such a monstrosity that people on both sides of the aisle are opposed to it.

The LA Times did an editorial saying that the House Republican leadership unveiled its version of the 5-year transportation bill. It isn't just that this bill is so thoroughly partisan that it has no chance of being approved by the Democrat controlled Senate; it is that it is less a serious policy document than a wish list for oil lobbyists, and its funding proposals are so radical that they have been decried even by

such conservative watchdogs as the Reason Foundation, the Competitive Enterprise Institute, and the Taxpayers for Common Sense. I guess next week and the week after we're going to be bringing that bill to the floor.

Again, I don't think anybody here thinks that that is going to see the light of day, which means that it's not going to create jobs; it's not going to put people back to work.

Mr. Speaker, I would like to insert in the RECORD the LA Times editorial and two editorials from The New York Times.

[From the Los Angeles Times, Feb. 3, 2012]
IN THE HOUSE, A TRANSPORTATION TRAIN
WRECK

After Congress pushed the nation to the verge of catastrophe last year by delaying a deal to raise the debt ceiling until the eleventh hour, our capacity to be surprised by that body's irresponsible gamesmanship was somewhat diminished. And yet, we still can't help but be awe-struck by the mess the House of Representatives is preparing to make of the federal transportation bill, a key legislative priority for both parties.

On Tuesday, the House Republican leadership unveiled its version of the five-year bill. It isn't just that this bill is so thoroughly partisan that it has no chance of being approved by the Democratic-controlled Senate; it's that it is less a serious policy document than a wish list for oil lobbyists, and its funding proposals are so radical that they have been decried even by such conservative watchdogs as the Reason Foundation, the Competitive Enterprise Institute and Taxpayers for Common Sense.

What's so bad about it? The bill slashes funding for inexpensive but worthwhile programs to improve biking and walking safety, cuts funding for Amtrak by 25% and runs roughshod over federal regulations aimed at protecting communities and the environment from the negative effects of transportation projects. But what's far worse is the GOP scheme for helping to fund the bill's \$260 billion worth of infrastructure improvements over the next five years: opening up vast swaths of currently protected land to oil drilling.

Logically and politically, this makes no sense. On the logic front, it can't work. Three bills under consideration in the House that are intended to fund the transportation bill would open the Arctic National Wildlife Refuge to drilling, mandate oil shale leasing on federal lands and expand offshore drilling in sensitive areas. Yet even if drilling were allowed in these places, it would be many years before significant revenues started rolling in to the government, and it's difficult to predict how much money would be generated, making advance construction planning impossible. Moreover, oil shale development is an unproven technology that may never generate a dime. And politically, drilling in such places as the Alaskan refuge is rightly a nonstarter.

If it weren't already abundantly clear that this bill is intended simply to pander to the GOP base during an election year, Speaker John A. Boehner (R-Ohio) seasoned the red meat by promising to attach a rider mandating approval of the controversial Keystone XL pipeline, the biggest political football this side of the Super Bowl and an issue utterly unrelated to the purposes of the transportation bill.

If this is how congressional Republicans think they're going to win the November

elections, they might want to check their approval ratings. Americans are thoroughly sick of a Congress that would rather play political games than solve our country's problems.

[From the New York Times, Feb. 6, 2012] THE PAYROLL TAX FIGHT

Republicans in Congress seem to have forgotten the embarrassment they suffered late last year for trying to block a payroll tax cut for millions of wage-earners. The two-month extension they reluctantly approved will run out in three weeks, yet, again, they are stalling a full-year's tax cut with extraneous issues and political ploys.

The need for the 2-percentage-point payroll tax break is as great now as it was in December. Without it, 160 million people who get paychecks would have to pay the government nearly \$1,000 more. The increase would severely reduce growth and derail the slow-moving economic recovery. Failure to agree on a tax cut would also cut off unemployment benefits for tens of thousands of workers in many of the hardest-hit states.

Politically, however, extending the tax break would represent a victory for President Obama, who has been championing it. That remains intolerable to many Republicans, particularly in the House. So they are insisting on several extraneous provisions that have nothing to do with a tax cut for the middle class, hoping either to achieve a few ideological victories for themselves or force negotiations with Democrats to a standstill.

At the behest of the manufacturing lobby, for example, Republican negotiators still want to delay an environmental regulation that would require industrial boilers and incinerators to release less mercury, lead and soot. What does that have to do with the payroll tax cut? Nothing, of course; Republicans are simply trying to get Democrats to pay a price for something they want.

They also want to require the jobless to be in G.E.D. programs and to undergo drug testing to get benefits, two punitive measures designed to stigmatize the desperate. And they still want a provision reviving the Keystone XL oil pipeline, hoping to fool voters into believing that Democrats who oppose it are somehow against jobs—even though the pipeline will create a very small number of long-term jobs. (The two sides have also failed to agree on how to prevent a cut in Medicare payments to doctors, which could drive many of them from the program.)

The biggest outstanding question, as it was last year, is how to pay for the tax cut for the next 10 months, which would cost about \$90\$ billion. The best idea was still the original Democratic proposal, rejected by Republicans, to impose a surcharge on taxpayers who make more than \$1 million a year. Democrats are now considering cutting corporate loopholes and using some savings from winding down the wars in Iraq and Afghanistan. There is no pressing need to offset the jobless benefits, which Republicans did not do when they held power in previous decades.

Republicans, on the other hand, are only interested in extending the tax benefits for working Americans if they can punish other groups. They want to extend the freeze on wages for federal workers to a third consecutive year, and appeal to their base by barring the use of welfare debit cards at casinos and strip clubs. This is hardly a national problem; a few states have allowed that, but most have cracked down on it.

Republicans seem no more serious about cutting the tax and stimulating the economy

than they were in December. They may be furious that President Obama is campaigning against a do-nothing Congress, but they don't seem as if they're planning to actually do something.

[From the New York Times, Feb. 3, 2012] JOB GAINS REFLECT HOPE A RECOVERY IS BLOOMING

#### (By Motoko Rich)

The front wheels have lifted off the runway. Now, Americans are waiting to see if the economy can truly get aloft.

With the government reporting that the unemployment rate and the number of jobless fell in January to the lowest levels since early 2009, the recovery seems finally to be reaching American workers.

The Labor Department's latest snapshot of the job market, released on Friday, makes clear that employers have been hiring more in recent months, with 243,000 net new jobs in January. The unemployment rate now stands at 8.3 percent, down from 8.5 percent a month earlier and from 9.1 percent as recently as last August.

Economists were encouraged, though they expect some fits and starts along the road to recovery.

'I do think we're at the point where we're in a self-sustaining, positive reinforcing picture," said Stuart G. Hoffman, chief economist for the PNC Financial Services Group.

Stocks rallied on the brightening outlook,

reaching multivear highs.

The report revealed job gains not just for the last month but for previous months. December job growth was revised to 203,000, from the original 200,000. The job gains for November, originally 100,000 jobs, were revised upward to 157,000, creating a picture of a job market that has been gathering steam.

The private sector remained the engine of growth. While federal agencies and local governments continued to lay off workers, businesses added 257,000 net new jobs in January. The biggest gains were in manufacturing, professional and business services, and leisure and hospitality.

Despite the promising numbers, various indicators create an ambiguous picture of the overall economic recovery.

Layoffs appear to be slowing as fewer people are filing claims for unemployment benefits, and factory orders have picked up.

Small businesses, though, are still not hiring much. And while sales of existing homes have started to rise, home prices continue to fall. Incomes are not growing and consumer spending is still restrained, and could come under further pressure with gas prices edging higher in recent months and as consumers revert to building up savings.

Seasonal factors may have inflated January hiring numbers in some industries, like restaurants or construction.

Steve Blitz, senior economist for ITG Investment Research, said the report nevertheless revealed strong increases in manufacturing and related job categories, like transportation and warehousing and wholesale trade. "You've got to give credit when things are moving in the right direction," said Mr. Blitz, who has been cautious in heralding a recovery. "This is not a process that is going to be done in a month or two months or a year. It could take five or 10 years to get

Others were unconvinced that the recent pace of job growth would be sustained, pointing to moderate consumer spending and mild economic growth, 1.7 percent last year.

"The problem is that there is this bifurcation here in the numbers," said Bernard Baumohl, chief global economist at the Economic Outlook Group, "On the one hand we see rather impressive job growth, but on the other hand we're also seeing other economic indicators that are telling us that the economy is fundamentally weak.'

Mr. Baumohl added, "We're going to have to really very carefully dig deep below the surface for these and a lot of other economic statistics to find a consistency of what is happening in the U.S. economy.'

The unemployment rate appeared to be falling because people were genuinely securing jobs rather than merely leaving the work force. The Labor Department adjusted its data to account for new population estimates from the 2010 Census.

Accounting for those adjustments, the labor force had a net gain of 250,000 people in January from a month earlier. Although the pool of unemployed people has been shrinking, the number remains high-12.8 millionabout equal to the population of Pennsylvania, and long-term unemployment is one of the most crushing legacies of this recent recession. For January, the Labor Department reported that 5.5 million people had been out of work for six months or more, about 43 percent of the jobless.

And according to an analysis of December's job numbers released this week by the Pew Fiscal Analysis Initiative, nearly a third of the jobless have been unemployed for a year or more.

Underemployment is another stubborn problem. The number of people working part time because they cannot find full-time work was 8.2 million in January. Including that group and the 1.1 million who stopped looking for work altogether, and the broader measure of unemployment was 15.1 percent.

"You have an interesting situation where you have some permanent part-time worksaid John Silvia, chief economist at Wells Fargo. "These people are in jobs and the jobs are not likely to become full time.'

Sandy Pochapin, a 54-year-old former marketing manager, was laid off for the second time last May from a small business in Newton, Mass. Just before the start of the year she picked up a part-time job as a media consultant at an advertising agency. Her husband, a real estate lawyer, has also experienced severe cutbacks in his income.

The couple, who are now paying three times what they were paying for health care before Ms. Pochapin lost her job, have cut back on dinners out, and she said that replacing her eight-year-old Toyota Highlander was "not in the cards." More painfully, the couple have dipped into their college-age son's educational fund to keep up with mortgage payments and other expenses.

Ms. Pochapin, a member of several networking groups, compiles job leads and recently sent out a list with more openings than she had ever seen. "I would say things are picking up," she said. "But where they're picking up is not where people who have been unemployed long term have skills." She noted many openings for jobs in mobile marketing and for digital media specialists.

Indeed, one of the perennial complaints of employers is that they cannot find qualified workers. Ancestry.com, a genealogy Web site in Provo, Utah, has openings for 150 engineers, data mining specialists and developers of mobile apps. "While we find a lot of people who are unemployed," said Eric Shoup, a senior vice president, "they are not the people who bring the skill sets we need for our

He said the company did virtually all its hiring away from other companies.

Economists are beginning to worry about the self-fulfilling nature of long-term unemployment. "It's almost starting to look like there are two job markets," said Cliff Waldman, the economist at the Manufacturers Alliance, a trade group. "Long-term un-employment is very sticky."

Mr. Speaker, we are beginning to see signs of hope in our economy. What we should be is the wind at the backs of businesses and workers in this country to try to enact policies that will help get this economy stronger, that will help create more jobs, that will help put people back to work. We're not doing that today.

I'm saying vote against the rule because it is not an open rule. I'm also saying vote against the rule to send a signal to the Republican leadership: Enough. Let's start bringing serious things to this floor, for example, the extension of the payroll tax cut for middle class families and the unemployment extension for those who are unemployed through no fault of their own. That's what we should be doing here, and we're not, so it's frustrating.

I guess we will waste the day doing this on a bill that goes nowhere, but I hope sooner rather than later that the Republican leadership will finally understand the American people want us to focus on jobs.

With that, I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to end where I began, and that is in agreement with my colleague. He says we should be the wind at the back of small business. Nothing could be truer. Nothing could be more true.

I don't believe that presiding over the largest regulatory expansion in the history of America is fulfilling the promise of being the wind at the back. That is wind in the face of American small businesses.

I don't believe that presiding over the largest tax increase in American history counts as being the wind at the back of U.S. small business. I think that's a wind in the face of those small businesses.

I do not believe that a new health care mandate is the wind at the back of small businesses. I believe that's a wind in the face of small businesses.

But I take great comfort in knowing that while there may be all of those issues that divide us, there are principles that unite us. We should, in fact, be the wind at the back of small businesses.

Mr. Speaker, this rule that makes in order every single idea to improve the underlying legislation, this budget reform rule is honest with the American people for the first time in my lifetime.

You know, we hear so much talk about the payroll tax, Mr. Speaker. I know you're familiar with the way that accounting works. When folks pay—and for those of us in Congress, for everybody back home, it's 15.3 percent of your paycheck. 15.3 percent out

of every paycheck-receiving American's pocket goes to the payroll tax, which goes to fund Social Security and Medicare.

Under the clever accounting rules that the Congress and the President have so eloquently crafted, when I pay my 15.3 percent out of my paycheck every month, when every American worker, Mr. Speaker, pays their 15.3 percent, with the expectation that Medicare will be there for them when they retire, with the expectation that Social Security will be there for them when they retire, when we all contribute, the clever accounting rules here on Capitol Hill call that a credit. That's a credit to the United States Government's Treasury. It does not account for it as a debit because now folks have promised to have Social Security and Medicare there for me when I turn 67. It counts as a credit. Mr. Speaker.

When we hire a new Federal employee, every new Federal employee we hire, Mr. Speaker, when they pay out of their monthly check to the Federal Employees Retirement System, that pension that's available to every Federal Government employee, that payment that they make into the pension program is counted as a credit. It's as if the more Federal employees we hire, the more money we'll make for America. No, because with every year of payment into that system, they get something very large out.

This is not news to any business owner in America, Mr. Speaker. This is not news to any business owner in America. They have to do this accounting every day. You want to talk about the crooks on Wall Street; if Wall Street accounted the way the Federal Government does its accounting, they would in fact be crooks and they would in fact all be in jail. It's unconscionable.

The wool that we pull—and we're all complicit in it, have been for years. The wool that we pull over the eyes of the American taxpayer—and kudos to this Budget Committee and, candidly, to this budget chairman. Chairman PAUL RYAN and the chairman of the Rules Committee, Chairman DAVID DREIER, have been working on fundamental budget reform for a decade. And why it is that neither party has had the courage to bring this forward until now I do not know, but I stand here with pride to be associated with it today.

Mr. Speaker, if you want to create jobs, call your Senator. Call your Senator from your home State, Mr. Speaker, and share with them the importance of moving the pro jobs agenda that is sitting on their doorstep. I understand, Mr. Speaker, and I wouldn't hold it against you if you can't remember all of the jobs bills we've passed, there have been so many, but you can see them. It's on the Web, jobs.gop.gov.

You can see it there, every single one, and you can see their status. Now, in fairness to the Senate, of the more than 30 bills we've passed, they've done a handful, and I mean literally a handful, but dozens more sit there waiting.

I want to say to you, Mr. Speaker, if the pitch from my colleague that we are abdicating our responsibility to focus on jobs took any root with you at all, let me say emphatically: Not true, not true. Our focus has always been on jobs. Our focus will continue to be on jobs. Our focus has always been the economy. Our focus will continue to be the economy.

#### □ 1320

But there is a trust deficit in this town. Everyone hears it when they head home. Everybody hears it from their constituencies: I don't believe you when you say it out of Washington, D.C.

I get it. I come up here. I read these budgets, Mr. Speaker. Some of them are hard to understand. We've got a whole team of staff here to help us sort through those numbers. I rely on that staff. I'll go and talk to them, and we'll go through it all line by line. It's hard to understand, and it doesn't need to be. It doesn't need to be D.C. doublespeak. It can be Georgia common sense that we bring to the budgeting process, and that is what the underlying resolution does today.

In 2001, when President Bush took office, the CBO projected a surplus of \$889 billion by 2011. That turned into a \$1.3 trillion deficit under two Presidentsfrom \$889 billion in surplus to \$1.3 trillion in deficits. I'll tell you that every single spending bill that left this body over those years—and I was not in this body, serving, but I saw it day in and day out—was done with the very best of intentions. Yet where does that leave our children and our grand-children? It leaves them \$15 trillion in debt.

You talk about being the wind at the backs of small businesses, Mr. Speaker. I tried to get my mind around what \$15 trillion—on its way to \$16 trillion—in debt means. Do you know, if you're a small business owner in America and if you'd started a business on the day that Jesus Christ was born and if you'd been so bad at it that you'd lost \$1 million a day, every day, 7 days a week, Mr. Speaker, from the day Jesus was born until today, you would have to continue to lose \$1 million a day every day, 7 days a week, for another 700 years to lose your first \$1 trillion?

As stewards of the American people's money, we've lost \$15 trillion, much of that just in the last 4 years. Anything that we can do—no matter how big or small—that incorporates the American people into this budget discussion, that gives them the best information that they can have, that provides to us the best information that we can have and

that does away with the funny math that has almost become a punch line across this country is a step in the right direction. There is a trust deficit in this country, and the underlying legislation today takes a very strong step towards correcting it.

Mr. Speaker, I want to say again how much I appreciate Chairman Paul Ryan and his work in leading the Budget Committee as well as how much I appreciate Chairman David Dreier and his work in leading the Rules Committee. These two gentlemen have been champions of honesty in the budget process. What we have today, both in the rule and in the underlying bill, is the realization of their tireless efforts.

I encourage my colleagues to vote "yes" on this rule. Vote "yes" on this rule that allows every single idea to improve the underlying legislation, and that's germane, to come to this House floor, and then vote your consciences. Vote your consciences on those amendments, and vote your consciences on the underlying bill. I wager, if this body votes its conscience on this underlying bill, it's going to pass this body and head to the United States Senate.

Mr. Speaker, with that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### CIVILIAN PROPERTY REALIGNMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 537 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1734.

# $\square$ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, with Mr. WOMACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Monday,

February 6, 2012, amendment No. 6 printed in House Report 112-385 offered by the gentleman from Missouri (Mr. CARNAHAN) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. CONNOLLY OF VIRGINIA

CHAIR. Pursuant to The Acting clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CON-NOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aves 191, noes 230. not voting 11, as follows:

# [Roll No. 36]

### AYES—191

Ackerman Farr McGovern Fattah Altmire McIntyre Andrews Filner McMorris Fitzpatrick Baca Rodgers Baldwin Meeks Frank (MA) Fudge Michaud Barrow Bass (CA) Miller (NC) Garamendi Bass (NH) Gerlach Miller, George Becerra Gonzalez Moore Berkley Green, Al Moran Murphy (CT) Berman Green, Gene Bishop (GA) Grijalva Nadler Bishop (NY) Blumenauer Napolitano Gutierrez Hahn Olver Boren Hanabusa Owens Hastings (FL) Boswell Pallone Brady (PA) Heinrich Pascrell Braley (IA) Higgins Pastor (AZ) Brown (FL) Pelosi Himes Butterfield Hinchey Perlmutter Capps Hinojosa Peters Capuano Pingree (ME) Hirono Cardoza Hochul Carnev Holden Polis Carson (IN) Price (NC) Holt Castor (FL) Honda Quigley Chaffetz Hover Rahall Chandler Rangel Inslee Chu Cicilline Israel Reyes Richardson Tssa. Clarke (MI) Jackson (IL) Richmond Ross (AR) Clarke (NY) Jackson Lee Rothman (NJ) Clav (TX) Cleaver Johnson (GA) Roybal-Allard Clyburn Johnson, E. B. Ruppersberger Cohen Jones Rush Connolly (VA) Kaptur Sánchez, Linda Conyers Keating Sanchez, Loretta Kildee Cooper Costa Kind Sarbanes Kissell Schakowsky Costello Kucinich Courtney Schiff Schrader CritzLangevin Crowlev Larsen (WA) Schwartz Cuellar Larson (CT) Scott (VA) Cummings Lee (CA) Scott, David Davis (CA) Levin Serrano Lewis (GA) Davis (IL) Sewell Loebsack Lofgren, Zoe DeFazio Sherman DeGette Shuler DeLauro Slaughter Lowey Deutch Luján Smith (WA) Dicks Lynch Speier Dingell Maloney Stark Doggett Marchant Sutton Thompson (CA) Dold Markey Thompson (MS) Doyle Matsui Tierney Edwards McCarthy (NY) Engel McCollum Tonko McDermott

Tsongas Van Hollen Velázquez Visclosky Walz (MN)

Adams

Akin

Amash

Amodei

Austria

Bachus

Barletta

Bartlett

Benishek

Berg

Biggert

Bilbray

Black

Bonner

Brooks

Bilirakis

Bishop (UT)

Blackburn

Bono Mack

Brady (TX)

Broun (GA)

Buchanan

Bucshon

Buerkle

Burgess

Calvert

Campbell

Canseco

Cantor

Capito

Carter

Cassidy

Chabot

Conaway

Cravaack

Crawford

Crenshaw

Culberson

Davis (KY)

DesJarlais

Diaz-Balart

Donnelly (IN)

Duncan (SC)

Duncan (TN)

Denham

Dent

Dreier

Duffv

Ellmers

Emerson

Fincher

Fleming

Flores

Forbes

Flake

Farenthold

Fleischmann

Fortenberry

Foxx Franks (AZ)

Gallegly

Gardner

Garrett

Gibbs

Gibson

Gohmert

Frelinghuysen

Gingrey (GA)

Coffman (CO)

Coble

Camp

Burton (IN)

Boustany

Barton (TX)

Bachmann

Aderholt

Alexander

Wasserman Schultz Waters Watt Waxman

Welch Wilson (FL) Wolf Woolsey Yarmuth

### NOES-230

Goodlatte Nunnelee  $\operatorname{Gosar}$ Olson Gowdy Palazzo Granger Paulsen Graves (GA) Pearce Pence Graves (MO) Griffin (AR) Peterson Petri Pitts Griffith (VA) Grimm Guinta Poe (TX) Guthrie Pompeo Hall Posey Hanna Price (GA) Harper Quavle Reed Harris Hartzler Rehberg Hastings (WA) Reichert Hayworth Renacci Heck Ribble Hensarling Rigell Herger Rivera Herrera Beutler Roby Roe (TN) Huelskamp Huizenga (MI) Rogers (AL) Hultgren Rogers (KY) Hunter Rogers (MI) Rohrabacher Hurt Jenkins. Rokita. Johnson (IL) Rooney Johnson (OH) Ros-Lehtinen Johnson, Sam Roskam Jordan Ross (FL) Kelly Royce King (IA) Runvan Ryan (WI) King (NY) Kingston Scalise Kinzinger (IL) Schilling Schmidt Kline Labrador Schock Lamborn Schweikert Scott (SC) Lance Landry Scott, Austin Lankford Sensenbrenner Latham Sessions LaTourette Shimkus Latta Shuster Lewis (CA) Simpson Smith (NE) LoBiondo Long Smith (NJ) Lucas Smith (TX) Luetkemever Southerland Lummis Stearns Lungren, Daniel Stivers Sullivan E. Mack Terrv Manzullo Thompson (PA) Marino Thornberry Tiberi Matheson McCarthy (CA) Tipton Turner (NY) McCaul McClintock Turner (OH) McCotter Upton McHenry Walberg McKeon Walden McKinley Walsh (IL) Meehan Webster Mica West Miller (FL) Westmoreland Miller (MI) Whitfield Miller, Gary Wilson (SC) Mulvaney Murphy (PA) Wittman Womack Myrick Woodall Neugebauer Yoder Young (AK) Noem Nugent Young (FL) Nunes Young (IN)

# NOT VOTING-11

Carnahan McNerney Ryan (OH) Cole Nea1 Sires Ellison Paul Stutzman Payne

# □ 1353

Mr. TIPTON and Mrs. NOEM changed their vote from "aye" to "no."

Ms. CLARKE of New York, Ms. VELÁZQUEZ, and Mr.NADLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COLE. Mr. Chair, on rollcall number 36, (the Connolly Amendment to H.R. 1734, the Civilian Property Realignment Act which provides for the General Services Administration (GSA) to override the congressionally-approved recommendations of the Commission and allow property to be given at no cost to create open space) had I been present, I would have voted "no."

The Acting CHAIR. There being no further amendments, under the rule,

the Committee rises.

Accordingly, the Committee rose: and the Speaker having assumed the chair, Mr. Womack, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes, and, pursuant to House Resolution 537, reported the bill, as amended by that resolution, back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time

The SPEAKER. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 1734 is postponed.

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK, House of Representatives, Washington, DC, February 1, 2012.

Hon. John Boehner,

The Speaker, House of Representatives,

Washington, DC.
DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Steve Trout, Director of Elections, Office of the Secretary of State, State of Oregon, indicating that, according to the unofficial returns of the Special Election held January 31, 2012, the Honorable Suzanne Bonamici was elected Representative to Congress for the First Congressional District, State of Oregon.

With best wishes, I am

Sincerely,

KAREN L. HAAS, Clerk. ELECTIONS DIVISION,
Salem, Oregon, February 1, 2012.
Re Representative in Congress, First Congressional District in Oregon.

Hon. Karen L. Haas, Clerk, House of Representatives,

The Capitol, Washington, DC.

DEAR MS. HAAS: This is to advise you the unofficial results of the Special Election held on Tuesday, January 31, 2012, for Representative in Congress from the First Congressional District of Oregon, show that Suzanne Bonamici received 111,570 or 53.82% of the total number of votes cast for that office

It would appear from these unofficial results that Suzanne Bonamici was elected as Representative in Congress from the First Congressional District in Oregon.

To the best of our knowledge and belief at this time, there is no contest to the election.

As soon as the official results are certified

As soon as the official results are certified on March 1, 2012, this office will provide you with an official Certificate of Election as required by law.

Sincerely,

STEVE TROUT, Director of Elections.

# SWEARING IN OF THE HONORABLE SUZANNE BONAMICI, OF OREGON, AS A MEMBER OF THE HOUSE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that the gentle-woman from Oregon, the Honorable SUZANNE BONAMICI, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. Will Representativeelect Bonamici and the members of the Oregon delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise her right hand.

Ms. BONAMICI appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 112th Congress.

# WELCOMING THE HONORABLE SUZANNE BONAMICI TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 1 minute.

There was no objection.

Mr. DEFAZIO. Mr. Speaker, on behalf of the entire Oregon congressional delegation, I'm pleased to introduce a fellow Oregon Duck, Italian American, and the newest member of our delegation, Congresswoman SUZANNE BONAMICI, from the First Congressional District of Oregon.

SUZANNE is a former Oregon State legislator, an attorney who has worked on consumer and small business issues with a distinguished record of accomplishments and service for the people of Oregon. I know she'll be a strong and effective addition to our delegation in the House of Representatives.

SUZANNE, welcome, and we look forward to working with you.

With that, I would yield to my colleague from Oregon.

Mr. WALDEN. Mr. Speaker, on behalf of the entire Republican delegation from Oregon, I extend a very warm welcome to the newest representative from the Beaver State, SUZANNE BONAMICI. She cuts a similar path to the people's House as the one I traveled, having served in Salem as a State representative and a State senator, and as my colleague from Eugene points out, is a fellow Duck, having also earned a journalism degree, as I did, from the University of Oregon.

She joins a congressional delegation that has a long history of embracing what we call the Oregon way, to set aside our differences and pursue solutions to take care of the State's most pressing priorities.

From Congressmen DEFAZIO, SCHRADER, and BLUMENAUER to Senators WYDEN and MERKLEY are on the floor today, we have mounted a number of bipartisan efforts in the Congress. So we are delighted to have you as part of this team. I think I can speak for the entire delegation in saying we look forward to working with you and continuing in the great service to the State of Oregon. Thank you, and welcome to the Congress.

The SPEAKER. The gentlewoman from Oregon is recognized.

# □ 1400

Ms. BONAMICI. Thank you, Mr. Speaker.

Speaker BOEHNER, Leader PELOSI, members of the Oregon delegation, new colleagues from across this great country, friends and family. This afternoon I'm honored to accept the responsibility and opportunity to represent the people of northwest Oregon in the United States Congress.

I want to start by thanking my family for your love, encouragement, patience, and sacrifice. My husband Michael Simon, and my children, Andrew and Sara, thank you. Thank you also to my mother, Marie Bonamici Woodcock, who's also here with us today, for giving me my first job in your small business and for instilling in me the values I hold today. And

Mr. DEFAZIO. Mr. Speaker, on behalf thank you to all the individuals and organization, I'm pleased to introduce a felow Oregon Duck, Italian American, months to help me reach this day.

Finally, and most importantly, to the people across the First Congressional District of Oregon, thank you

for giving me this honor.

It's great to be back in Washington, D.C. I started my legal career here more than 27 years ago as a consumer protection attorney at the Federal Trade Commission. A lot has changed in our world since then, but the importance of the work that happens here in the Capitol and the significance of the decisions that are made in this historic Chamber have not.

Oregon's First Congressional District is full of promise and potential. From the vineyards in Yamhill County to the Port of Astoria in Clatsop County, the family communities in Columbia County, the engines of industry in Washington County, and the arts and culture and business districts in Portland, it's a very diverse and dynamic part of the State. Yet there are too many families still struggling to make ends meet, and they want to know that their voices are heard in our deliberations.

Now, our economy and the Nation's confidence are both in need of rebuilding. As we work together, let us remember that the unparalleled prosperity and creativity of this great Nation over the last century can be traced to this promise—that if you work hard and play by the rules, you can succeed in America. That's the America my grandparents crossed the ocean for. That's the America too many people believe is slipping away. That's the America I want to work to rebuild.

I'm excited to begin. I'm humbled by the tremendous responsibility, and very appreciative of the trust that the people of northwest Oregon have placed in me.

# ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from Oregon (Ms. Bonamici), the whole number of the House is 434.

# CIVILIAN PROPERTY REALIGNMENT ACT

The SPEAKER. Pursuant to clause 1(c) of rule XIX, further consideration of the bill, (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. MICHAUD. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHAUD. I am in its current form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Michaud moves to recommit the bill H.R. 1734 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Page 4, after line 21, insert the following: (x) Properties owned by the Department of Veterans Affairs or other properties used in connection with providing services for veterans, including hospitals, clinics, and facilities that provide job training, post traumatic stress disorder treatment, housing assistance, homeless services, and rehabilitative care.

The SPEAKER. The gentleman from Maine is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, I am hoping today we will see a rare bipartisan moment here in the House when both sides can come together in support of our veterans.

The final amendment I'm offering here today will exempt certain VA facilities from the decommissioning process outlined in the legislation today. It will not kill this bill or even delay its passage. If it's adopted, my amendment will incorporate into the bill and the bill will be immediately voted upon.

I agree with my friends across the aisle that we need to address government waste, especially in this fiscal environment. I can understand why it makes sense to target the poor management and underutilization of government properties to reduce government waste, but I don't think our desire to address these issues should come at the expense of our veterans.

The underlying bill already includes plenty of exemptions to the CPRA process, namely for bases, camps, or stations under jurisdiction of DOD. It seems to me that if the bill already excludes buildings from the consolidation process because our troops rely on them, we should also exclude the buildings for our veterans because they rely on those buildings also.

As ranking member of the VA Health Subcommittee, I've heard testimony after testimony from veterans about the difficulties they face in accessing all the VA health services they need. The VA already provides health care to approximately 7.8 million veterans. As the wars in Iraq and Afghanistan wind down, more and more of the 2.3 million soldiers from those wars will start to seek care from the Veterans Administration.

DOD says that nearly 45,000 veterans from Iraq and Afghanistan have been wounded in action. Even this high number grossly underestimates the number of wounded soldiers who rely on the VA system for health care because of unseen wounds like PTSD,

TBI, etc. We can't consider shutting down VA facilities when the need to help our heroes is increasing.

In addition to health care needs, these soldiers will need help finding jobs. The veterans unemployment rate was more than 15 percent in January of 2011. It's great news that it fell 6 percent over the last year, but at 9 percent, it's still above the national average. That is why we have to ensure that the VA's ability to provide career services to returning soldiers isn't undermined.

We don't know exactly when, where, or how these veterans will try to access the system, or whether they will be able to access PTSD treatment or to find a job, but we should not jeopardize their ability to do so by subjecting the VA to the same consolidation process as other Federal agencies. If this bill exempts DOD facilities, it should also exempt VA facilities.

Even GAO, whose analysis was used to justify this underlying legislation, cites the unique needs of the VA given the increasing demands that our returning troops will put on the system. As a result of an aging veteran population and a growing number of younger veterans returning from the military operations in Afghanistan and Iraq, GAO found that, "budgeting for the VA's vital health care mission is inherently complex. It is based on current assumptions and imperfect information, not only about program needs, but also on future economic and policy actions that may affect demand and the cost of providing these services.' This means that a one-size-fits-all approach for consolidation of government property does not work for the VA.

There are a couple of other reasons why the VA should be exempt from this bill. First, the VA has already recognized that it needs to upgrade, modernize, and realign its property portfolio to provide accessible and cost-effective services. In fact, they've been working on that since 1999. In 2008, GAO said the Department has reduced its underutilized space over 4 years by nearly two-thirds.

# □ 1410

Second, GAO has found that 66 percent of VA's underutilized and vacant buildings are historic properties or eligible for historic designation and require more effort for disposal.

I applaud the other side for looking for ways to cut government spending; and there are, clearly, improvements to be made in the area of Federal properties. But we can't pursue the goal of reducing government spending at the expense of our veterans.

In Congress, we frequently mention how grateful we are for our troops, and we often talk about the need to make sure that no veteran is left behind. Well, I'm offering the final amendment on this bill to make sure that we leave no veteran behind. On behalf of our heroes, they deserve our commitment. I urge my colleagues to support the final amendment.

I yield back the balance of my time. Mr. DENHAM. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from California is recognized for 5 minutes

Mr. DENHAM. Madam Speaker, first of all, the President's Commission, in his BRAC, includes VA properties. As well, former VA Secretary Anthony Principi testified in front of our committee that we ought to be looking at all properties, including VA.

If we're going to do the best interest of American taxpayers, we've got to address waste in government overall, across the entire Nation, across every agency. If there's a property not being used today, then we ought to look at either redeveloping it or selling it off. And this gives us an opportunity to have Republicans and Democrats come together on something that the President included in his jobs bill to actually create American jobs.

The Old Post Office right here in Washington, DC is the perfect example of waste in government. We've had a property sitting well over a decade that costs us \$6.5 million in upkeep every single year. Now we've got redevelopment happening, where we've got different hotel companies coming in and not only bidding on it, creating 150 new jobs in construction, but an additional 150 jobs in ongoing jobs once the facility is redone; keeping it in its historic fashion and actually being able to utilize it once again: an opportunity to redevelop things that aren't being used today, but also selling off things that have been sitting for decades.

Our Federal Government has a horrible track record of selling properties that aren't being used. In fact, we've sold 82 properties in the last 25 years. We can do much better, and the American taxpayers demand that we do much better

Here's a bipartisan opportunity to get both parties to come together and just sell things that we don't need. If you want to bring in revenue to reduce our debt, here's an opportunity to get rid of the things we don't need, redevelop the things that aren't being used, and get rid of the waste in government. Almost \$2 billion we waste every year just in maintaining properties that, again, aren't needed in government.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the

Speaker pro tempore announced that the noes appeared to have it.

# RECORDED VOTE

Mr. MICHAUD. Madam Speaker, I demand a recorded vote.

Reed

Rehberg

Hunter

Cassidy

Chabot

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1734, if ordered, and adoption of House Resolution 539.

The vote was taken by electronic device, and there were—ayes 186, noes 238, not voting 9, as follows:

# [Roll No. 37]

### AYES-186

Nadler

Olver

Owens

Pelosi

Peters

Peterson

Pallone

Pascrell

Pastor (AZ)

Perlmutter

Pingree (ME)

Napolitano

Ackerman Fudge Garamendi Altmire Andrews Gonzalez Green, Al Baca Baldwin Green, Gene Barrow Grijalya. Bass (CA) Gutierrez Hahn Becerra Berkley Hanabusa. Hastings (FL) Berman Bishop (GA) Heinrich Bishop (NY) Higgins Blumenauer Himes Bonamici Hinchey Boren Hinojosa Boswell Hirono Brady (PA) Hochul Bralev (IA) Holden Holt Honda Butterfield Capps Hover Capuano Cardoza Israel Jackson (IL) Carnev Carson (IN) Jackson Lee Castor (FL) (TX) Chandler Johnson (GA) Chu Johnson, E. B. Cicilline Jones Clarke (MI) Kaptur Clarke (NY) Keating Clay Kildee Cleaver Kind Clyburn Kissell Kucinich Cohen Connolly (VA) Langevin Conyers Larsen (WA) Larson (CT) Cooper Costa Lee (CA) Costello Levin Lewis (GA) Courtney Lipinski Crowley Loebsack Lofgren, Zoe Cuellar Cumming Lowey Davis (CA) Luián Davis (IL) Lynch Maloney DeFazio DeGette Markey Matheson DeLauro Deutch Matsui McCarthy (NY) Dicks Dingell McCollum Doggett McDermott Donnelly (IN) McGovern Doyle McIntyre Edwards Meeks Michaud Engel Eshoo Miller (NC)

Farr

Fattah

Filner

Frank (MA)

Polis Price (NC) Quiglev Rahall Rangel Reves Richardson Richmond Ross (AR) Rothman (NJ) Roybal-Allard Ruppersberger Rush Ryan (OH) Sanchez, Loretta Sarbanes Schakowsky Schiff Schrader Schwartz Scott (VA) Scott, David Serrano Sewell Sherman Shuler Slaughter Smith (WA) Speier Stark Sutton Thompson (CA) Thompson (MS) Tierney Tonko Towns Tsongas Van Hollen Velázquez Visclosky Walz (MN) Wasserman Schultz Waters Watt Waxman Welch Wilson (FL) Woolsey Yarmuth

# NOES-238

Miller, George

Murphy (CT)

Moore

Moran

Adams Benishek Broun (GA) Buchanan Aderholt Berg Biggert Akin Bucshon Alexander Buerkle Bilbray Bilirakis Amash Burgess Burton (IN) Bishop (UT) Amodei Austria Black Calvert Bachmann Blackburn Camp Campbell Bachus Bonner Bono Mack Barletta Canseco Boustany Cantor Bartlett Barton (TX) Brady (TX) Capito Bass (NH)

Issa Jenkins Chaffetz Reichert Coble Johnson (IL) Renacci Coffman (CO) Johnson (OH) Ribble Cole Johnson, Sam Rigell Conaway Jordan Rivera Cravaack Kelly Roby King (IA) Crawford Roe (TN) Crenshaw King (NY) Rogers (AL) Culberson Kingston Rogers (KY) Kinzinger (IL) Davis (KY) Rogers (MI) Denham Kline Rohrabacher Dent Labrador Rokita DesJarlais Lamborn Rooney Diaz-Balart Lance Ros-Lehtinen Dold Landry Roskam Dreier Lankford Ross (FL) Duffy Latham Royce Duncan (SC) LaTourette Duncan (TN) Runvan Latta Ryan (WI) Ellmers Lewis (CA) Sánchez, Linda Emerson LoBiondo т Farenthold Long Scalise Fincher Lucas Schilling Fitzpatrick Luetkemever Schmidt Flake Lummis Fleischmann Lungren, Daniel Schock Schweikert Fleming E. Mack Flores Scott (SC) Forbes Manzullo Scott, Austin Fortenberry Marchant Sensenbrenner Foxx Marino Sessions McCarthy (CA) Franks (AZ) Shimkus McCaul Frelinghuysen Shuster McClintock Gallegly Simpson Gardner McCotter Smith (NE) McHenry Garrett Smith (NJ) Gerlach McKeon Smith (TX) Gibbs McKinley Southerland Gibson McMorris Stearns Gingrey (GA) Rodgers Stivers Gohmert Meehan Stutzman Goodlatte Mica Sullivan Gosar Miller (FL) Terry Gowdy Miller (MI) Thompson (PA) Miller, Gary Granger Thornberry Graves (GA) Mulvaney Tiberi Murphy (PA) Graves (MO) Tipton Griffin (AR) Myrick Turner (NY) Griffith (VA) Neugebauer Turner (OH) Grimm Noem Upton Nugent Guinta Walberg Guthrie Nunes Walden Nunnelee Hall Walsh (IL) Hanna Olson Webster Harper Palazzo West Paulsen Harris Westmoreland Hartzler Pearce Whitfield Hastings (WA) Pence Wilson (SC) Hayworth Petri Pitts Heck Wittman Wolf Hensarling Platts Womack Poe (TX) Herger Herrera Beutler Pompeo Yoder

# NOT VOTING-

Young (AK)

Young (FL)

Young (IN)

Flores

Marino

McNerney Carnahan Payne Ellison Neal Woodall Hurt. Pa.111

Posey Price (GA)

Quayle

# $\sqcap$ 1433

Messrs. CRAWFORD and SMITH of New Jersey changed their vote from "aye" to "no."

So the motion to recommit was reiected.

The result of the vote was announced as above recorded.

# Stated against:

Huelskamp

Hultgren

Huizenga (MI)

Mr. HURT. Madam Speaker, I was not present for rollcall vote No. 37, on the motion to recommit with instructions on H.R. 1734, the Civilian Property Realignment Act. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 164, not voting 10, as follows:

# [Roll No. 38]

AYES-259 Fortenberry McCarthy (CA) Adams Aderholt McCaul Foxx Akin Franks (AZ) McClintock Alexander Frelinghuysen McCotter Amash Gallegly McHenry Gardner Amodei McIntyre Austria Garrett McKeon Bachmann Gerlach McKinlev Gibbs Bachus McMorris Barletta Gibson Rodgers Gingrey (GA) Barrow Meehan Gohmert Goodlatte Mica Michaud Bartlett Barton (TX) Bass (NH) Gosar Miller (FL) Benishek Gowdy Miller (MI) Granger Miller, Gary Berg Berkley Graves (GA) Mulvaney Biggert Graves (MO) Murphy (PA) Griffin (AR) Bilbray Myrick Bilirakis Griffith (VA) Neugebauer Bishop (NY) Grimm Noem Nugent Bishop (UT) Guinta Black Guthrie Nunes Blackburn Hall Nunnelee Bonner Harper Olson Bono Mack Harris Owens Boren Hartzler Palazzo Hastings (WA) Boustany Paulsen Brady (TX) Hayworth Pearce Brooks Heck Pence Buchanan Hensarling Perlmutter Bucshon Herger Petri Buerkle Herrera Beutler Pitts Burgess Himes Platts Burton (IN) Hochul Poe (TX) Calvert Huelskamp Polis Huizenga (MI) Camp Pompeo Campbell Hultgren Posey Price (GA) Canseco Hunter Cantor Hurt Quayle Capito Tssa. Reed Jenkins Rehberg Cardoza Carter Johnson (IL) Reichert Cassidy Johnson (OH) Renacci Chabot Johnson, Sam Ribble Chaffetz Rigell Jones Jordan Coble Rivera. Roby Roe (TN) Coffman (CO) Kelly King (IA) Cole Conaway King (NY) Rogers (AL) Cooper Rogers (KY) Kingston Kinzinger (IL) Costa Rogers (MI) Cravaack Kissell Rohrabacher Crawford Kline Rokita Crenshaw Labrador Rooney Lamborn Ros-Lehtinen Culberson Davis (KY) Lance Roskam Denham Landry Ross (AR) Dent Lankford Ross (FL) DesJarlais Larsen (WA) Royce Diaz-Balart Latham Runyan LaTourette Ryan (WI) Dold Donnelly (IN) Latta Scalise Lewis (CA) Dreier Schilling Duffv LoBiondo Schmidt Duncan (SC) Long Schock Duncan (TN) Lucas Schrader Luetkemeyer Schweikert Ellmers Lummis Scott (SC) Emerson Lungren, Daniel Farenthold Scott. Austin Fincher E. Sensenbrenner Fitzpatrick Mack Sessions Maloney Shimkus Flake Fleischmann Manzullo Shuster Fleming Marchant Simpson

Smith (NE)

Smith (NJ)

# February 7, 2012

Tipton

Turner (NY)

Whitfield

Smith (TX)

# CONGRESSIONAL RECORD—HOUSE, Vol. 158, Pt. 1

Southerland	Turner (NY)	Wilson (SC)
Stearns	Turner (OH)	Wittman
Stivers	Upton	Wolf
Stutzman	Walberg	Womack
Sullivan	Walden	Woodall
Terry	Walsh (IL)	Yoder
Thompson (PA)	Webster	Young (AK)
Thornberry Tiberi	West	Young (FL)
Tiberi	Westmoreland	Young (IN)
NOES—164		
Ackerman	Garamendi	Pascrell
Altmire	Gonzalez Green, Al	Pastor (AZ)
Andrews Baca	Green, Gene	Pelosi Peters
Baldwin	Grijalva	Peterson
Becerra	Gutierrez	Pingree (ME)
Berman	Hahn	Price (NC)
Bishop (GA)	Hanabusa	Quigley
Blumenauer	Hastings (FL)	Rahall
Bonamici	Heinrich	Rangel
Boswell	Higgins	Reyes
Brady (PA)	Hinchey	Richardson
Braley (IA) Broun (GA)	Hinojosa Holden	Richmond
Brown (FL)	Holt	Rothman (NJ)
Butterfield	Honda	Roybal-Allard Ruppersberger
Capps	Hoyer	Rush
Capuano	Inslee	Ryan (OH)
Carney	Israel	Sánchez, Linda
Carson (IN)	Jackson (IL)	T.
Castor (FL)	Jackson Lee	Sanchez, Loretta
Chandler Chu	(TX) Johnson (GA)	Sarbanes
Cicilline	Johnson, E. B.	Schakowsky
Clarke (MI)	Kaptur	Schiff
Clarke (NY)	Keating	Schwartz
Clay	Kildee	Scott (VA) Scott, David
Cleaver	Kind	Serrano
Clyburn	Kucinich	Sewell
Cohen Connolly (VA)	Langevin Larson (CT)	Sherman
Conyers	Lee (CA)	Shuler
Costello	Levin	Slaughter
Courtney	Lewis (GA)	Smith (WA)
Critz	Lipinski	Speier
Crowley	Loebsack	Stark
Cuellar	Lofgren, Zoe	Sutton Thompson (CA)
Cummings	Lowey	Thompson (MS)
Davis (CA) Davis (IL)	Lujan Lynch	Tierney
DeFazio	Markey	Tonko
DeGette	Matsui	Towns
DeLauro	McCarthy (NY)	Tsongas
Deutch	McCollum	Van Hollen
Dicks	McDermott	Velázquez
Dingell	McGovern	Visclosky Walz (MN)
Doggett Doyle	Meeks Miller (NC)	Wasserman
Edwards	Miller, George	Schultz
Engel	Moore	Waters
Eshoo	Moran	Watt
Farr	Murphy (CT)	Waxman
Fattah	Nadler	Welch
Filner	Napolitano	Wilson (FL)
Frank (MA) Fudge	Olver Pallone	Woolsey Yarmuth
ruuge	ranone	rarmuun
NOT VOTING—10		
Bass (CA)	Hirono	Payne
Carnahan	McNerney	Sires
Ellison	Neal	
Hanna	Paul	
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE		
The SPEAKER pro tempore (during		
the note) There is 1 minute remaining		

the vote). There is 1 minute remaining.

# □ 1440

SCOTT of South Carolina changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3581, BUDGET AND AC-COUNTING TRANSPARENCY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 539) providing for consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 13, as follows:

# [Roll No. 39]

# YEAS-239

Adams Fitzpatrick Latta Flake Fleischmann Lewis (CA) LoBiondo Aderholt Akin Alexander Fleming Long Altmire Flores Lucas Luetkemeyer Forbes Amash Amodei Foxx Lummis Austria Lungren, Daniel Franks (AZ) Frelinghuysen Bachmann Ε. Bachus Gallegly Mack Barletta Gardner Manzullo Bartlett Garrett Marchant Marino Barton (TX) Gerlach Bass (NH) Gibbs Matheson Benishek Gibson McCarthy (CA) Berg Gingrey (GA) McCaul Biggert McClintock Gohmert Bilbray Goodlatte McCotter Bilirakis Gosar McHenry Bishop (UT) Gowdy McKeon Black Granger McKinley Blackburn Graves (GA) McMorris Bonner Graves (MO) Rodgers Bono Mack Griffin (AR) Meehan Mica Miller (FL) Boustany Griffith (VA) Brady (TX) Grimm Brooks Miller (MI) Broun (GA) Guthrie Miller, Garv Buchanan Hall Mulvaney Murphy (PA) Bucshon Hanna Buerkle Harper Myrick Burgess Neugebauer Harris Burton (IN) Hartzler Noem Hastings (WA) Calvert Nugent Camp Hayworth Nunes Campbell Heck Nunnelee Hensarling Canseco Olson Cantor Herger Palazzo Herrera Beutler Capito Paulsen Carter Huelskamp Pearce Huizenga (MI) Cassidy Pence Chabot Hultgren Petri Chaffetz Pitts Hunter Coble Hurt Platts Coffman (CO) Issa Poe (TX) Jenkins Cole Pompeo Conaway Johnson (IL) Posey Price (GA) Cravaack Johnson (OH) Crawford Johnson, Sam Reed Crenshaw Jones Rehberg Culberson Jordan Reichert Davis (KY) Kelly Renacci King (IA) Denham Ribble Dent King (NY) Rigell DesJarlais Rivera Kingston Diaz-Balart Kinzinger (IL) Roby Roe (TN) Dold Kline Dreier Labrador Rogers (AL) Duffy Lamborn Rogers (KY) Duncan (SC) Lance Rogers (MI) Duncan (TN) Landry Rohrabacher Emerson Lankford Rokita Farenthold Latham Rooney LaTourette Ros-Lehtinen

Rovce Runyan Ryan (WI) Scalise Schilling Schmidt Schock Schweikert Scott (SC) Scott, Austin Scott, David Sensenbrenner Sessions Shimkus Shuster

Simpson Smith (NJ) Smith (TX) Southerland Speier Stearns Stivers Stutzman Sullivan Terry Thompson (PA) Thornberry Tipton Turner (NY) Turner (OH) Upton

Walberg Walden Walsh (II.) Webster West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Yoder Young (FL) Young (IN)

#### NAYS-181

Ackerman Fudge Neal Garamendi Andrews Olver Gonzalez Baca Owens Baldwin Green, Al Green, Gene Pallone Barrow Pascrell Bass (CA) Grijalya Pastor (AZ) Becerra Gutierrez Pelosi Berkley Hahn Perlmutter Hanabusa Berman Peters Bishop (GA) Hastings (FL) Peterson Bishop (NY) Heinrich Pingree (ME) Blumenauer Higgins Polis Bonamici Himes Price (NC) Hinchey Boren Quigley Boswell Hinojosa Rahall Brady (PA) Hirono Rangel Bralev (IA) Hochul Reyes Brown (FL) Holden Richardson Butterfield Holt Honda Richmond Capps Capuano Ross (AR) Hoyer Rothman (NJ) Cardoza. Inslee Roybal-Allard Carnahan Israel Carney Jackson (IL) Ruppersberger Carson (IN) Jackson Lee Rush Ryan (OH) Castor (FL) (TX) Chandler Johnson (GA) Sánchez, Linda Chu Johnson, E. B. T. Cicilline Kaptur Sanchez, Loretta Keating Kildee Clarke (MI) Sarbanes Clarke (NY) Schakowsky Clay Kind Schiff Kissell Kucinich Cleaver Schrader Clyburn Schwartz Cohen Langevin Scott (VA) Convers Larsen (WA) Serrano Larson (CT) Cooper Sewell Costa Lee (CA) Sherman Costello Levin Shuler Lewis (GA) Courtney Slaughter  $\operatorname{Critz}$ Lipinski Smith (WA) Crowley Loebsack Stark Cuellar Lofgren, Zoe Thompson (CA) Cummings Lowey Thompson (MS) Davis (CA) Luián Tierney Davis (IL) Lynch Tonko DeFazio Maloney Towns DeGette Markey Tsongas DeLauro Matsui Van Hollen Deutch McCarthy (NY) Velázquez Dicks McCollum Visclosky Dingell McDermott Walz (MN) Doggett McGovern Wasserman Donnelly (IN) McIntyre Schultz Doyle Meeks Waters Edwards Michaud Miller (NC) Watt Engel Eshoo Miller, George Waxman Welch Farr Moore Fattah Wilson (FL) Moran Filner Nadle Woolsey Frank (MA) Yarmuth. Napolitano

# NOT VOTING-

Connolly (VA) Murphy (CT) Smith (NE) Ellison Paul Sutton Ellmers Payne Young (AK) Fortenberry Quayle McNernev Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

 $\Box$  1449

So the resolution was agreed to.

as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. QUAYLE. Mr. Speaker on rollcall No. 39, had I been present, I would have voted "yea."

# BUDGET AND ACCOUNTING TRANSPARENCY ACT OF 2012

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3581.

The SPEAKER pro tempore (Mr. HURT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 539 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill. H.R. 3581.

### $\Box$ 1449

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill. The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

# □ 1450

Mr. RYAN of Wisconsin. Madam Chair, I yield myself such time as I may consume.

I want to begin by thanking my colleagues who helped pass the Pro-Growth Budgeting Act and the Baseline Reform Act in the House last week. Today, we are here to continue that work, focused on changing Washington's culture of spending and ensuring policymakers serve as responsible stewards of hardworking American tax dollars.

I stand in strong support of the Budget and Accounting Transparency Act offered by the vice chairman of the Committee, Budget Congressman SCOTT GARRETT of New Jersey.

While it's well known that Washington has a spending problem, it is less well known that Washington isn't being fully honest about how much it is spending. This bill would increase transparency and accuracy in budgeting for Federal credit programs, the

The result of the vote was announced housing-related government-sponsored enterprises Fannie Mae and Freddie Mac, and the publication of budget justification materials.

First, it would require fair-value accounting, which recognizes the market risks that the government is incurring by issuing a loan or a loan guarantee for all Federal programs that make loan or loan guarantees. Market risk is already accounted for in several government programs like TARP and GSEs, and it's a very common practice in the private sector.

Second, this bill would bring Fannie Mae and Freddie Mac on budget. These enterprises rack up billions in liabilities hidden from the public income tax payers. Last June, the CBO testified that it puts the total cost of the mortgage commitments made by these two entities at \$291 billion and that that cost would ultimately rise even higher.

Third, this bill increases transparency for information contained in agency budget requests by requiring that they be made public on the Internet at the same time as they are provided to Congress. Government agencies have an obligation to taxpavers to justify every dollar spent in Washington.

Madam Chair, no budget process reform can substitute for political will when it comes to tackling our greatest fiscal and economic challenges. Getting America back on track will require a Senate and a President willing to get serious about the structural drivers of the debt and the continued impediments we have to economic growth. But being honest about the size and scope of our challenges, as this reform calls for, offers us a concrete step in the right direction.

At this time, Madam Chair, I would like to yield the remainder of our time for the purposes of managing the bill to the author of this bill, Mr. GARRETT, the vice chairman of the Budget Committee.

With that, we will reserve the balance of our time.

The CHAIR. The gentleman from New Jersey will be recognized.

Mr. VAN HOLLEN. Madam Chair. I yield myself such time as I may con-

Here we are on the floor of the House, another day when we haven't taken up the President's jobs bill that he presented right here before a joint session of Congress last September. We have had some good news in the economy, some numbers that show that we have a fragile recovery going on. It would be a huge mistake not to do everything we can to nurture that recovery. So I hope we will finally take up the President's proposal, and I hope that the ongoing conference committee on the payroll tax cut will complete its work in an expeditious manner.

Now, with respect to this particular bill that is before us, it raises some very serious and very complicated issues regarding budget accounting for credit programs, and I want to commend Mr. Garrett from New Jersey. I want to commend him for raising some legitimate issues as part of this conversation, issues that deserve our attention. But it is totally premature to bring this bill to the floor without having more hearings and more review.

In the Budget Committee, we've not had a single hearing on the comprehensive question of how we deal with all the credit programs and how to account for them. We had one hearing with respect to whether we apply this to the FHA, the Federal Housing Administration; but this bill goes way beyond that and would direct CBO to change its method of accounting for credit programs like student loan programs and for other programs throughout the U.S. Government.

It has very far-reaching sequences. This is a matter on which people who've spent their lives looking at the budget disagree, and so the Budget Committee at the very least could spend a few hours on a hearing to understand fully the consequences of doing this.

I just want to read from a letter that was sent to us from the former head of the nonpartisan, independent Congres-Budget Office. Reischauer. He says, I strongly oppose this change. He goes on to say: "The accounting convention used since the enactment of the Credit Reform Act of 1990 already reflects the risk that borrowers will default on their loan or loan guarantees." He goes on to say: "H.R. 3581 proposes to place an additional budgetary cost on top of the actual cash flows." And he goes on to explain what is a very complicated issue, a very complicated matter.

I would say to my colleagues, not that this isn't an appropriate question for the Budget Committee to take up, but it's totally inappropriate for the Congress to direct the Congressional Budget Office to take up a different accounting measure which is not ready for prime time and for which we have not had the time to fully review all of its consequences.

With that, I reserve the balance of my time.

> ROBERT D. REISCHAUER, Bethesda, MD, January 23, 2012.

Hon. Chris Van Hollen, Longworth H.O.B.,

Washington, DC.

DEAR REPRESENTATIVE VAN HOLLEN, I am writing in response to your request for my views on the desirability of adopting "fair value accounting" of federal direct loan and loan guarantee costs in the budget as proposed in H.R. 3581. I strongly oppose such a

The accounting convention used since enactment of the Credit Reform Act of 1990 already reflects the risk that borrowers will default on their loans or loan guarantees. Under Credit Reform, costs already are based on the expected actual cash flows from the

direct loans and guarantees (with an adjustment to account for the timing of the cash flows). H.R. 3581 proposes to place an additional budgetary cost on top of the actual cash flows. This additional cost is supposed to reflect a cost to society that stems from the fact that, even if the cash flows turn out to be exactly as estimated, the possibility that the credit programs would cost more (or less) than estimated imposes a cost on a risk-averse public. Under the proposal, this extra cost would be the difference between the currently estimated cost of direct loans and loan guarantees to the federal government and the cost of those loans and loan guarantees if the private market were providing them.

A society's aversion to risk may be an appropriate factor for policymakers to take into account in a cost-benefit assessment of any spending or tax proposal but adding a cost to the budget does not make sense. Nor is clear that the cost of societal risk aversion should be based on individual or institutional risk which is what the private market reflects. Inclusion of a risk aversion cost for credit programs would be inconsistent with the treatment of other programs in the budget (many of which have costs that are at least as uncertain as the costs of credit programs-for instance, many agriculture programs and Medicare—and would add a cost element from a traditional cost-benefit analysis without adding anything based on the corresponding benefit side of such an analysis. It would also make budget accounting less straightforward and transparent.

H.R. 3581 represents a misguided attempt to mold budget accounting to facilitate a cost-benefit analysis, with the result that neither the budget nor the cost-benefit analysis would serve their intended purposes well.

I would be glad to discuss these issues in more detail if you would like.

With best wishes.

Robert D. Reischauer.

Mr. GARRETT. Madam Chair, I yield myself such time as I may consume.

At the start, I would like to thank Chairman RYAN and the Budget Committee staff for their hard work with regard to H.R. 3581, the Budget and Accounting Transparency Act. Unless you've been living someplace else other than here for the last several years. you will not be surprised to hear that this country is broke. And it should not surprise you that the true extent of our country's debt crisis is a lot worse than anyone in Washington is letting on to. How much worse? Well, that's something that people really don't know, and we'll never know unless we reform the broken budget process here in Washington, D.C. Many have talked before about the fact that our process is broken. Simply put, we need to make the budget process more transparent and accountable.

Fortunately, today we are taking a step in the right direction with this bill. The bill before us today, the Budget and Accounting Transparency Act, is, as I say, a commonsense approach to introduce more sunshine and common sense into the budget-making process.

So what would the bill do? First of all, specifically, the bill recognizes the

budgetary impact of the GSEs, Fannie and Freddie, by bringing back onto budget and closes that black hole that's out there and brings them out of the shadow and into the light.

This bill also requires that the Federal Government apply the very same credit accounting standards as the private sector is doing right now when guaranteeing loans.

You know, back in September of 2008 as the country was reeling from the fallout of the financial collapse, the GSEs, Fannie and Freddie, were placed into conservatorship by the FHA. Under this agreement, FHA took control of the two companies and the Treasury Department risked literally hundreds of billions of dollars, taxpayer dollars, to bail them out. Today, the American taxpayer has sunk over \$183 billion and counting into those failed institutions. As if this weren't enough, they've added \$1.2 trillion in debt and \$5.3 trillion in mortgagebacked securities.

Because Fannie and Freddie have become the explicit financial responsibility of all of us via the Federal Government, it only makes sense, don't you think, that we treat them the same way that we'd treat any other obligation of the Federal Government, by formally bringing them onto the budget. The CBO even says this. They took a step several years ago by the Office of Management and Budget, but they resisted the change, preferring to obscure the total Federal exposure of Fannie and Freddie. It's time that the Obama administration does the same thing.

So bringing Fannie and Freddie exposes some of the ugly—and maybe we'll call them inconvenient—truths; but I know that the American people did not send us here to play a shell game, but did send us here to bring out the facts.

The combined debt obligation of Fannie and Freddie isn't the only black cloud hanging over us. There's inaccuracies and lack of transparency in budgeting for Federal credit programs across the field. We can talk about the Solyndra situation that makes the news. That fiasco was an example of a loan guarantee gone sour. Federal loan guarantees are contractual obligations between the taxpayer, the private creditor, and the borrower. In that case, it went south. But, unfortunately, under current law when the government issues a loan guarantee, the inherent risk is not reflected in the loan or loan guarantee cost. In fact, the CBO estimates that our current Federal obligations under these accounting rules today understate the cost of credit programs by some \$55 billion a year.

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Because the rules do not account for market risk, that is why we need to change it. And with that, Madam Chair, I reserve the balance of my time only to say that this does three important things: provides the clarity, the transparency, and the accountability that we are looking for in these and other aspects of the Federal Government programs.

Madam Chair, I would first like to thank Chairman RYAN and the Budget Committee staff for their hard work on H.R. 3581, the Budget and Accounting Transparency Act.

Unless you've been living on Mars the last year, it should not come as a surprise to hear that our country is broke. However, what should surprise you is that the true extent of our country's debt crisis is a lot worse than anyone in Washington is letting on.

How much worse? That's the thing, nobody knows; and we won't ever know until we reform the broken budget process in Washington, DC.

As many have talked about before, our budget process is broken. Simply put, we need to make the budget process more transparent.

Fortunately, today we are taking a step in the right direction with H.R. 3581, the Budget and Accounting Transparency Act of 2011. I introduced this bill in December, along with Chairman RYAN, as part of a comprehensive set of reforms to overhaul Washington's broken budget process.

The bill before the House today—the Budget and Accounting Transparency Act—is a common-sense attempt to introduce more "sunshine" and "common sense" into our budget process.

What would this legislation do?

Specifically, this bill recognizes the budgetary impact of government-sponsored enterprises Fannie Mae and Freddie Mac by bringing these black holes of debt out from the shadows into the sunshine and on-budget.

This bill also requires that the federal government apply the same credit accounting standards as the private sector when making or guaranteeing loans.

In September 2008, as the country was reeling from the fallout from the financial collapse, Fannie and Freddie were placed into conservatorship by the Federal Housing Finance Agency (FHFA).

Under this agreement, FHFA took control of the two companies and the Treasury Department risked hundreds of billions of taxpayer dollars to bail out the government-backed mortgage twins.

To date, the American taxpayers have sunk over \$183 billion and counting into these failed institutions. As if this weren't enough, Fannie and Freddie have also issued more than \$1.2 trillion in debt and hold or guarantee about \$5.3 trillion in mortgage-backed securities (MBS).

Because Fannie and Freddie have become the explicit financial responsibility of the federal government, it only makes sense that we treat them the same as we would any other obligation of the federal government by formally bringing them on-budget.

The non-partisan Congressional Budget Office took this step several years ago, but the Office of Management and Budget has resisted the change preferring to obscure the total federal exposure to Fannie Mae and Freddie Mac.

Bringing Fannie and Freddie on-budget exposes some ugly and inconvenient truths. But I know the American people did not send us here to play a shell game with taxpayer dol-

The combined debt obligation of Fannie and Freddie isn't the only black cloud hanging over us; inaccuracies and a lack of transparency in budgeting for federal credit programs also loom large.

Take the case of Solvndra, for example the poster child of government loans gone bad. As we saw with the Obama administration's \$527 million "investment" into the solar energy company, when Washington makes a bad bet, it's the American taxpayers left holding the bag.

Federal loan loan guarantees are contractual obligations between the taxpaver, private creditors and a borrower such as Solyndra.

Loan guarantees are a promise by the American taxpayer that they will cover the borrower's loan in the event that the borrower defaults. If the American taxpayer is on the hook for default, shouldn't we have a better idea of the cost of the loan in the first place?

Unfortunately, under current law, when the government issues a loan or loan guarantee, the inherent riskiness of that loan is not reflected in the loan or loan guarantee's cost.

In fact, the non-partisan Congressional Budget Office estimates that our current federal accounting rules understate the cost of credit programs by some \$55 billion a year, because the rules do not account for market risk.

Why shouldn't Washington play by the same rules that every American family and business must play by when taking out a loan?

The Budget and Accounting Transparency Act fixes this shortcoming by requiring market risk to be explicitly included in estimates of federal credit programs, bringing federal budgeting practices in line with what's long been standard practice in the private sector.

Specifically, it requires the executive branch and Congress to use "fair value" accounting in calculating the costs of federal credit programs that consider not only the borrowing costs of the federal government, but also the costs of the market risk the federal government is incurring by issuing a loan or loan guarantee.

Accounting for market risk is the key-your local banker does it every time you apply for a home or auto loan. The federal government should be doing the same.

In fact, during the House Budget Committee's consideration of this legislation, the director of the non-partisan Congressional Budget Office stated:

"We believe that the fair-value method of accounting for federal credit transactions provides a more comprehensive measure of a [program's] true cost."

While the Budget and Accounting Transparency Act won't prevent future presidents from making similarly risky bets, at least it will force them to be honest with the American people about the true upfront cost of their boondoggles.

Lastly, the legislation before us today increases the amount and timeliness of information on agency budget requests, requiring that

It's time the Obama administration did the these budget justifications be provided to the public when they are sent to Congress.

It's the people's money and they ought to know what agencies are planning to do with it.

These provisions would go a long way to fixing our broken budget process and bring much-needed transparency to the way Conaress functions.

For too many years, Washington has played by a "special" set of rules.

With mounting debt and lackluster job growth, it's time to force government to play by the same economic rules as every American family and business.

For too long, we have not been honest with the American people about the cost of government. If we truly are committed to reversing our country's race towards bankruptcy, as we say we are, we need to be honest with ourselves and the American people about the true cost of government.

Today, I say we put our words to action by bringing sunlight and transparency back into our budgeting process.

Mr. VAN HOLLEN. I yield 3 minutes to the gentleman from New Jersey, a member of the Budget Committee, Mr. PASCRELL.

Mr. PASCRELL. Madam Chair, with regard to the title of this legislation, the Budget and Accounting Transparency Act, maybe they should have stopped there, Madam Chair, because the rest of the bill is not transparency at all. We still want to deal in the mist, we still want to believe that if we don't pay our bills and if we don't pay the bills that we have, the Federal Government, that everything is going to be all right. The bond rating agencies don't think so, nor does anyone else. So when you put the country in jeopardy of not paying its own bills, here is who you hurt: you hurt the middle class, you hurt the working poor, and you hurt the poor.

This bill is nothing more than a backdoor method to politicize and eliminate important Federal investments. They've been trying to do that, Madam Chair, for 4 years. It hurts the middle class, hurts the working folks, and it hurts the economy.

The use of the fair value accounting is the ax that these extreme methods will take to spending on our education, our small businesses, and the next generation of clean technology. This bill that we are discussing right now requires that certain programs that make loans, whether they be student loans, Small Business Administration loans, or Department of Energy loans for clean energy projects, be scored to cost more than the government actually spends. And you don't even deny it.

short, fair value accounting doesn't call a nickel a nickel, it calls it 10 cents. Artificially inflating spending levels in loan payments, in loan programs, puts the squeeze on important Federal programs that families rely on, particularly in difficult times.

You can laugh all you want, Madam Chair, but this is the truth. Families are being squeezed out there. And I know that you know-you know-Madam Chair, that this is important to the daily living of folks that you represent and I represent. And I'm not getting personal. I'm saying that we, as representatives, have got to represent the people in our district whether they're hurting or not. And I understand that we've had many bills on the floor of this House in the past 3 years to squeeze the economy. And what has it resulted in? You squeezed the States. you squeezed the municipalities—

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman 1 additional minute.

Mr. PASCRELL. You squeezed them so they lay off police officers, they lay off teachers, and they lay off firefighters, and you're telling America, Madam Chair, don't worry about it, this will all be over, this is simply that we all have to have shared pain. Yeah, sure, shared.

This bill will jeopardize our economic recovery by putting the brakes on the housing market. It would bring us closer to another debt ceiling debate. Madam Chair. I think that's where we want to head, some of us: let's have another debate over the debt ceiling, let's have another debate as to whether we should pay our bills so we can shut down the place.

For you to preside over and get folks to believe that if you shut the government down, maybe that wouldn't be so bad either, not paying our debts wouldn't be so bad, I don't know what planet we're living on. This country needs pro-growth economic policies. We need to take action, and the action we should take is to vote down this transparency act.

Mr. GARRETT. Madam Chair, just as we recognize that the American taxpayer has already been squeezed by such expenditures as \$527 million for the failed loans to Solvndra, we recognize that they must put these on the record so we understand what they truly cost. And the gentleman who has been a leader in this regard from the very beginning in his time in Congress. a leader in the area of budget transparency and in fixing the American budget and here in Congress, is the gentleman from Texas (Mr. HEN-SARLING). I vield 2 minutes to the gentleman from Texas.

Mr. HENSARLING. I thank the gentleman for yielding. I appreciate his leadership, and certainly his leadership as one of the foremost budget hawks in the entire United States Congress.

Madam Chair, we just learned that the President will not be a day late and a dollar short with his budget. Instead, he will be a week late and a trillion dollars short on his budget. We also learned from the Congressional Budget Office this will not be his first year, his second year, his third year, but his short on his budget.

Now, Madam Chair, we received a little good news last month: 200,000 of our fellow citizens were able to find work. Unfortunately, 13 million—almost 13 million-remain unemployed, more people are on food stamps than ever before, and half of all Americans are either low-income or in poverty under the policies of this President. It is clear that this President's policies have failed. They have made our economy worse. And because he cannot run on his record, he has regrettably turned to the politics of division and envy.

To help the economy, to help create more jobs, Madam Chair, number one, we've got to quit spending money we don't have. And second of all, the American people and job creators have to be able to know that they have a fact-based budget, one that is as honest as the American people themselves.

We need fair value accounting. If you're a small business in the Fifth District of Texas and you don't have fair value accounting, you'll probably go broke. Well, the Federal Government doesn't use fair value accounting, and guess what? The Federal Government is broke. That's why we must pass the gentleman from New Jersey's bill, the Budget and Accounting Transparency Act. No more Fannie and Freddies, no more Solyndras. Let's ensure that we account for these costs as part of the Republican plan for America's job creators to give our job creators the confidence they need to hire and grow this economy.

Mr. VAN HOLLEN. Madam Chair, it's unfortunate that some of our Republican colleagues can't take just a moment away from politics to celebrate the fact that we did have some good economic news over the last month. Over 250,000 private sector jobs were created. That's good news. Is it enough? Of course not. Of course, we need to do more, which is why we'd like to see our Republican colleagues bring the President's jobs bill to the floor of the House. It's still sitting somewhere around here.

It includes a proposal to invest in our infrastructure, in our roads, in our bridges and broadband so that we can make sure that we have an economy that can compete and win with respect to our global competitors. So it would be great if we could take up that bill. In the past, investment in infrastructure has always been a bipartisan initiative, but the President's proposal is still languishing.

With that, I yield 2 minutes to the gentlelady from Wisconsin, a member of the Budget Committee, Ms. Moore.

Ms. MOORE. I thank the gentleman for yielding.

Madam Chair, I rise today to join my fellow Democratic members of the House Budget Committee to express

fourth year to be a trillion dollars my confusion and disbelief over our colleagues' decision to make a spectacle out of the so-called budget process reform bills rather than using our time to wisely address serious economic policy and make long-term, overdue process improvements.

> I admire my Republican colleagues for raising the issue of the need to have a better budgeting process. But these are just spectacles. This so-called Budget and Accounting Transparency Act is an example of that.

> H.R. 3581 would change the way we budget for government loans by requiring that estimates for these loans—examples are student loans, energy loans, housing, small business loans—be done on the so-called fair value basis.

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These estimates account for so-called "market-based" risk.

Now, experts argue that so-called fair-value estimates overstate the true cost of government credit programs because the estimates include a risk premium that never materializes in the government's cash flow.

It's also critical to note that in every single discussion of H.R. 3581 and fairvalue estimates, that if we applied this policy not just to credit products, but government-wide—like to Medicare or to ag programs, or some of the other favored programs of the majority—it would increase estimated subsidy costs to the government for all loan programs by more than \$50 billion. But you know what, that may in fact be consistent with what the authors and proponents of this bill want to see.

We heard, Madam Chair, our good friend, Mr. GARRETT, start his opening speech with how the country is broke. We heard Mr. Hensarling talk about the food stamp President.

The CHAIR. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlelady an additional minute.

Ms. MOORE. I've got to talk about the food stamp President a little bit and talking about how we ought to stop spending. Well, this in fact accomplishes that purpose. By overstating the budget risk, the accounting risk that's already accounted for in the Credit Reform Act of 1990, by overstating the cost of these programs, it in effect reduces the base for our budgets. And if that is their mission, it will be accomplished with passage of these bills.

It doesn't make any sense, Madam Chair, to try to put Freddie and Fannie on budget when right now in the Financial Services Committee, on which some of these Members sit. we are trying to make a major overhaul of Freddie and Fannie, and their fate has not been determined yet.

The OMB, the CBO, both of the institutions that we rely upon for budgeting, are not prepared to bring this online. This is not ready for prime time, and I would urge the body to reject these proposals that have not been vetted.

Mr. GARRETT. Madam Chair, I yield myself such time as I may consume.

I thank the lady for commending us for raising these issues. But actually, we're doing something more than just simply raising the issue. We're addressing it and solving this problem as well.

I appreciate the fact that the gentlelady raises the fact about a list of experts who have questions about this. Well, I have experts too, but I actually have the name. A former CBO Director, Doug Holtz-Eakin, now with American Action Forum, writes us here to express support of H.R. 3581.

The gentlelady may also know, since she serves on the committee, when it comes to this issue that we had this issue up in committee recently, and we asked the current CBO Director does he support with regard to moving towards fair value. And he said that is the more appropriate basis of evaluating the obligations of the Federal Government. So we have the experts.

> AMERICAN ACTION FORUM, January 30, 2012.

Hon. PAUL RYAN, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RYAN: I am writing to express my support for H.R. 3581, "The Budget and Accounting Transparency Act of 2011. in particular those provisions that would incorporate fair value accounting (FVA) into the federal budget process. As you are well aware, a core objective in federal budgeting is to accurately display the scale and timing of the expenditure of taxpayer resources. Since sovereign tax and borrowing powers should always be used judiciously, there is a premium on doing so as accurately as pos-

In some cases this is straightforward. Consider, for example, a discretionary appropriation. The scale of the overall commitment is clear and in some cases it is straightforward to budget the timing of the ultimate outlays as well. Federal credit programs, however, present particular difficulties. The timing of budgetary cash flows differs dramatically between direct loans and federal loan guarantees-even in cases when the ultimate economic impact is identical. The Federal Credit Reform Act of 1990 (FCRA) took an important step forward by equalizing the timing of their budgetary treatment Direct loans and loan guarantees are both recorded in the budget during the year in which the commitment is incurred, regardless of the duration and timing of the federal assistance.

This was an important step in the right direction. However, estimating the scale of required taxpayer resources remains problematic. In particular, the ability of loan recipients to make timely and complete repayments will be influenced by future individual, household, and economy-wide economic conditions. In the same way, the obligation of the federal government to undertake guarantee payments will be driven by similar forces.

While such future individual and economic conditions are uncertain, reliable techniques exist to estimate the likely size of the taxpayer obligation. Unfortunately, FCRA needlessly restricts the analyses to credit riskthe probability of failure to fully repay—while ignoring the fact that the timing of those failures matters enormously. As the past few years have starkly reminded every American, the need to tax, borrow and otherwise deprive the private sector of another dollar has far greater implications during the depths of economic distress than during periods of robust economic growth. Adoption Of FVA would rectify this oversight

I recognize that significant reform to budget procedures should not be undertaken lightly. However, my views are informed by the fact that during my tenure as director. the Congressional Budget Office undertook a number of studies of the implications of accounting fully for economic risks in the budgetary treatment of financial commitments like credit programs. In example after example (pension guarantees; deposit insurance; flood insurance; student loans; and assistance for Chrysler and America West Airlines), it becomes clear that an incomplete assessment of risks leads to misleading budget presentations and may engender poor policy decisions. FVA would be a significant step toward improving this informational

My views are echoed by a wide array of budget experts. In March 2010, CBO issued a new report recommending the use of FVA for federal student loan programs on the grounds that budget rules do "not include the costs to taxpayers that stem from certain risks involved in lending." In addition, the Pew-Peterson Commission on Budget Reform proposed "fair-value accounting" for credit programs and the President's National Commission on Fiscal Responsibility and Reform advocated for reform of budget concepts that would more accurately reflect costs.

In addition to these research views, there is a track record of success. FVA has already been used successfully for the budgetary treatment of the Temporary Asset Relief Program of 2008 (TARP) and the federal assistance to Fannie Mae and Freddie Mac.

Last but not least H.R. 3581 would also fix another shortcoming of FCRA; namely that the administrative costs associated with federal operations are not included in the budget cost and must be provided for elsewhere. H.R. 3581 would require that administrative costs (called "essential preservation services") to be accounted for up-front, thereby balancing the playing field.

In sum, I believe that the Congress should adopt fair value accounting and, in particular, pass H.R. 3581 in a timely fashion. I would be happy to discuss any aspect of this issue in greater detail.

Sincerely.

DOUGLAS HOLTZ-EAKIN.

With that, I yield 1 minute to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. I thank the gentleman for yielding.

Madam Chair, a family that excludes from its family budget the mortgage payments it knows it must make is deluding itself and it's sabotaging its finances. That's precisely what the Federal Government is doing right now with respect to billions of dollars of liabilities that arise from its ill-fated sponsorship of Fannie Mae and Freddie Mac.

This bill takes a small step toward restoring honest and accurate accounting to our government's finances by re-

quiring that the enormous liabilities incurred by Fannie and Freddie be accounted for in the Federal budget process, using exactly the same accounting standards for loans that we already insist upon with mortgage lenders.

I wish this bill abolished Fannie and Freddie outright. I wish it restored the days when banks and borrowers who made bad decisions took responsibility for them and didn't demand that their neighbors pay for their mistakes. But can't we at least agree that the public has a right to expect that the cost of this folly is honestly accounted for in our Nation's budget?

Mr. VAN HOLLEN. Madam Chair, I reserve the balance of my time.

Mr. GARRETT. I yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, I'm grateful that we're getting a chance to shine some light into the area of the credit costs and the credit issues. If you went to any bank in America, any community bank, any other bank you wanted to go to and talked to them about fair value, they would know exactly what we're talking about because we as the Federal Government require that of them. Now, this is another one of those instances that the Federal Government has exempted themselves from the rules that everyone else has to live under.

Fair value is not some radical, different proposal. It takes into effect the real risks that are sitting out there on the horizon and says those need to be taken into account. It's what we evaluate every single bank on dealing with their safety and soundness.

This bill addresses three real issues. Let me try to address those three. The real cost, that's number one. The real cost in Washington is incredibly difficult to find nowadays. You have all these different estimates, all these things that move around. If we want to know what is the real cost with the risk involved, this is the only way to be able to get it is in this fair-value estimate.

The second real—the real issue in the past couple of years is Fannie and Freddie. We all know it, we're all aware of it, and for the first time we're getting to the real issue and starting to deal with how do we handle Fannie and Freddie, where do we go from here.

So we're getting the real costs. We're beginning to deal with the real issue, which is Fannie and Freddie.

And, finally, we're finally getting real transparency. We should let every American see what's in our budget and how we're handling it and the costs that are out there. This puts it online and gets out there for every single American to be able to take a look at it and say, okay, what are the proposals? What is out there? What's the real cost? How are we going to handle this in real ways? And how do we get real transparencies?

Mr. VAN HOLLEN. Madam Chair, I yield myself such time as I may consume.

Look, if this legislation only dealt with Fannie and Freddie, that's something that I certainly would support. In fact, the Congressional Budget Office already puts Fannie and Freddie online. I know it's an easy catch phrase, but the reality is, behind the discussion of Fannie and Freddie is a whole other discussion about whether we want to apply these rules to things like student loans. And the reality is that if you apply this methodology to student loans, you will systematically overestimate the cost in the budget in terms of outlays.

I would just like, Madam Chair, to refer the body to a report that was written by two of the prime advocates for this. It's called "Reforming Credit Reform." Deborah Lucas was one of the coauthors. This was in "Public Budgeting & Finance," winter of 2008. Just let me read a portion because it says: Including a risk premium in subsidy cost produces a cost estimate that on average exceeds outlays for realized losses. That discrepancy between cash flows and subsidy costs must be reconciled in the budget so that over the life of a credit cohort, actual cash flows match budget costs in expecta-

Now, as I said, this is a complicated issue, and that sounds like a lot of complicated budgety gobbledygook. Bottom line is, what this bill does is systematically overestimate the costs in the budget on a cash-flow basis. And it's important that everybody understand this.

Right now, when the Federal Government budgets for credit risk, we take into account the default rate. In other words, whether it's student loans, whether it's clean energy loans, whether it's Fannie and Freddie, people make an assessment about what the likely default rate is. That is taken into account and then discounted for present value when you put together your budget.

Now, even the advocates of this legislation concede that. That's not a question; we already do that. And even the advocates of this legislation concede that it will, again, systematically, in the budget, have a higher cost number associated with outlays than reality will dictate.

What do I mean by that? It will say that student loans are actually more expensive on a cash basis than they really are. Let me repeat that. If you direct that the Congressional Budget Office move to this kind of accounting, the numbers that will appear in the budget on a cash basis will systematically exaggerate, inflate the costs of the credit program. What that means is if you're a Member of Congress and you're looking at a proposed student loan program and you're looking at the

numbers that are forecast, you're going to think that it's more expensive in cash terms to the taxpayer than it really is, on average, over time. Therefore, you're going to be less likely to make that investment, potentially.

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So I think it's important as we look at this that we recognize that in place of something that, as I said, the former head of CBO, Bob Reischauer, has said provides an accurate picture of the costs on a cash basis to replace that with something that systematically gives us a different picture, and one that systematically exaggerates the costs would be a mistake.

And again, I just end this portion here by saying we just don't think this is ready for prime time. We don't think that we've fully understood all the impacts. There are experts on both sides of this issue, but it seems to me the Budget Committee could at least devote one hearing to this general topic. Again, we had one hearing on applying this to FHA. If you want to apply it to Fannie Mae and Freddie Mac, CBO already does that, no problem. But this leaps from that to applying it throughout the budget, including student loan programs, and I don't think we've begun to understand what impact that would have on the affordability of going to college and the other impacts throughout the budget.

I reserve the balance of my time.

Mr. GARRETT. Madam Chairman, I yield myself such time as I may consume.

The gentleman from Maryland speaks of the report of Marvin Phaup from 2008, I guess that was, and also speaks in reference to the Center on Budget and Policy Priorities. In front of me, and I'll ask, under general leave to enter this into the RECORD as well. Just recently, just this week, I guess, he has now issued the final report, and this report says as follows:

"This comment responds to a recent release from the"—as the gentleman's referring to—"from the Center on Budget and Policy Priorities (CBPP)."

And what does he say?

"My view is that the CBPP misrepresents our work"—that you were referring to. They misrepresent his work—"and more fundamentally incorrectly characterizes the purposes and consequences of moving to a fair value approach to credit valuation in the budget."

One of his main points is the legislation before us would do what? It "would remove 'phantom' gains to the government from the budgetary treatment of direct lending and loan guarantee programs. These illusory gains mislead public policymakers about the costs of their policy decisions."

What does that mean? What that means is, in the numbers that the gentleman from Maryland was talking

about that are actually making more and, over time, exceeds outlay, Marvin Phaup is here saying, no, just the opposite, that this bill would address that. It would remove those gains and show it for the reality of what it is.

FAIR MARKET VALUES AND THE BUDGETARY TREATMENT OF FEDERAL CREDIT: COMMENT ON CBPP'S RELEASE ON H.R. 3581

### (By Marvin Phaup)

This Comment responds to a recent release from the Center on Budget and Policy Priorities (CBPP). The release asserts that the federal budget currently measures the cost of direct loans and loan guarantees comprehensively and that as a result the costs of cash and credit programs are directly comparable. CBPP asserts further that enacting H.R. 3581, which would require the use of fair market values in calculating the budget cost of federal loans and guarantees, would add a cost of risk that the government does not incur. Consequently, it claims, this would overstate federal costs and the budget deficit and create a bias against the use of credit programs. CBPP also refers critically to my earlier work with Deborah Lucas, showing that government credit activities are subject to the same market risk as private credit and exploring the implications of this finding for budgeting. My view is that CBPP misrepresents our work and more fundamentally incorrectly characterizes the purposes and consequences of moving to a fair value approach to credit valuation in the budget. In this note, I make the following points:

H.R. 3581 would remove "phantom" gains to the government from the budgetary treatment of direct lending and loan guarantee programs. Those illusory gains mislead policy makers about the costs of their policy decisions.

Illusory gains on federal credit also encourage budget gimmickry. For example, FCRA would permit the government to balance its budget immediately on paper by issuing large amounts of Treasury debt and using the proceeds to invest in an equally large portfolio of risky loans. This result would be absurd because in issuing a dollar of debt and buying a dollar of risky loans at market prices, the government's net financial position is unchanged.

If the current practice of using the prices of Treasury securities to value risky loans rather than the market value of the risky securities themselves were extended to other assets, then the government could—with the same logic—direct the Treasury to buy a ton of lead, value it at the price of gold, and record the gain as deficit reduction.

The cost of market risk should be a budget cost because it is a cost to government stakeholders and its absorption by some yields an unrecognized subsidy to others. CBPP would include this cost in cost-benefit analyses where the purpose is to decide if a federal activity produces a net gain but not in the budget. Budgeting without an evaluation function, however, is little more than a redundant projection of Treasury's borrowing requirements.

The cost of market risk should not be excluded from the budget on grounds that the money isn't paid out by the government. Both the Universal Service Fund and the United Mine Workers of America Benefit Funds are included in the budget, even though the money is untouched by federal hands.

PURPOSES OF BUDGETING, FAIR VALUE, AND COST COMPARISONS

Budgetary costs serve several purposes, but arguably the primary one is to measure

the value of public resources devoted to an activity by the government. For many activities, such as the purchase of goods and services, this purpose is well-served by a cash measurement focus and basis of accounting. The cash costs that appear in the budget for these activities are fair value costs because they are based on the market prices of the goods and services purchased (directly, or indirectly through the use of grants and transfers) by the government. When the government buys a fleet of trucks, the budgetary cost is based on the market price of the trucks.

Accounting for the cost of credit on a fair value basis would similarly identify the budgetary cost of credit with its market price, thereby putting credit and non-credit activities on a conceptually level playing field.

Under the Federal Credit Reform Act of 1990 (FCRA), the budget records the cost of direct loans and loan guarantees on an accrual basis. FCRA mandates that the budget record the estimated lifetime cost of a direct loan or loan guarantee when the loan is disbursed as the government's loss on the transaction. FCRA requires that for a direct loan, the government's loss is the difference between the value of the cash disbursed and the loan asset acquired, where the latter is valued as the present value of expected repayments of principal, interest and fees discounted at low-risk (Treasury) rates rather than rates applied in the market to risky cash flows. The loss on loan guarantees is calculated similarly in that the government's expected net payments to honor its commitment are also discounted as though they were Treasury bonds.

The use of Treasury interest rates to value risky future cash flows means that a risky loan is assigned an FCRA budget value greater than its market value. Thus the FCRA budget cost of a federal loan or guarantee is less than the cost incurred by private lenders or guarantors. This is because people are risk-averse and require compensation-in the form of higher expected investment returns—on investments that expose them to risks that cannot be avoided by holding a diversified portfolio or buying insurance. In particular, they are averse to "market risk," which is the risk that low investment returns will coincide with periods during which the overall economy is weak, and resources are the most valuable. The government effectively transfers to the public the market risk associated with its activities through the tax and transfer system. The CBPP example involving a coin toss does not illustrate this line of reasoning because it involves a risk that is easily diversifiable by both individuals and the government.

Market risk also affects the price of non-financial assets purchased by the government. and those costs are reflected in the budget. For example, the cash price of a navy ship includes a return to the capital used in its production. The expected return built into the ship's price depends on the risk premium associated with ship-building. From that perspective, the CBPP characterization that the proposal will "add a further amount to reflect private-sector risk aversion" is misleading. It is more accurate to say that incorporating a market risk premium into FCRA estimates would make them more comparable to cash estimates, which already reflect the full market price of the associated risk.

Fair value estimates of the value of federal direct loans and guarantees include the cost of market risk. Effectively, they use the

same estimates of uncertain future cash flows as FCRA estimates (assuming those projections are as accurate as possible), but they use market discount rates (or "risk-adjusted" discount rates) in place of Treasury rates for discounting. Risk-adjusted discount rates can be represented as the sum of a Treasury rate and a risk premium.

One implication of the meaning of fair value is that, contrary to CBPP's view, discounting expected cash flows (net of expected default losses) does not double count those losses. If the expected net losses are certain, then the expected cash flows are certain and the fair market value is obtained by discounting at risk-free rates. This is rare. Otherwise, net expected cash flows must be discounted at rates appropriate to the market risk of the cash flows to obtain fair market values.

"FLAWS" OF THE FAIR VALUE APPROACH

CBPP gives a list of reasons why the fair value proposal is thought to be flawed. The first is that government may be less risk averse than individuals. The authors offer several reasons why that might be the case, and point to the government's ability to borrow at low Treasury rates. Those arguments have several shortcomings:

The idea that low Treasury borrowing rates are a reason for the government to be less concerned about risk neglects that Treasury rates are only low because bondholders are protected from risk by taxpayers, who must absorb the market risk associated with the government's activities. For example, when a risky loan has insufficient returns to repay the Treasury debt that notionally is used to fund it, taxes must be raised or other spending cut. Under FCRA accounting, that risk to taxpayers is treated as being free to the government.

In fact, the government could be more risk averse than individuals rather than less risk averse. For example, the government may be more concerned about the risks of global warming than is reflected in market prices because it puts more weight on the welfare of future generations.

In practice, adjusting budgetary costs based on conjectures about the government's preferences would undermine the discipline and transparency of the budget process.

The second alleged flaw is that risk aversion is not a budgetary cost. As discussed already, a consistent basis for measuring budgetary cost is to use market prices, which are affected by risk aversion and by the preferences of people generally. Further, as noted, that government does not write checks for the market risk of direct loans and guarantees is not dispositive of the appropriate treatment of an activity.

A further criticism is that the proposal does not treat all programs the same. Specifically, it raises the concern that the change would make credit programs appear more expensive to Treasury than other programs. The opposite is generally true: cash basis estimates incorporate the price of the associated market risk because they are accounted for at market prices, whereas FCRA estimates are relatively downward biased. In any case, the examples given suggest a misunderstanding of the type of risks that would be incorporated into fair value estimates. For instance, the paper notes the uncertainty associated with the future costs of many programs, including Medicare, and points out that no adjustment is made for the cost of that uncertainty. However, the same type of uncertainty exists for credit programs, and the risk adjustment associated with a fair value approach does not address those sources of uncertainty:

First, future Medicare costs do not affect the current year budget deficit because those programs are budgeted for on a cash basis, not on an accrual basis. The budget enables policymakers to compare the cost of current-year spending on Medicare with the estimated lifetime cost of new current-year credit assistance. Measuring the cost of new current-year credit assistance on a fair value basis makes it more comparable to current-year Medicare expenditures, which reflect the market prices of doctor salaries, hospitals, and medical equipment.

Just as with future Medicare expenditures, the volume and cost of new future-year credit assistance from ongoing programs is uncertain. However, that dimension of uncertainty does not figure into fair value calculations (or into FCRA estimates).

To the contrary, a problem with FCRA accounting is that it treats different credit programs as too much the same. That is, some credit programs expose taxpayers to much more market risk than others, but FCRA accounting does not recognize those differential costs between credit programs.

CBPP both endorses FCRA accrual accounting and criticizes an accounting practice necessitated by the uses of accruals in a mostly cash-basis budget, described in the release as "phantom offsets." Under FCRA, direct loans cause the government's cash shortfall (and hence its need to issue additional debt) to be higher initially than the reported deficit in the year the loan is made. That is because the loan principal paid out (not included in the deficit) is generally much larger than the recorded subsidy cost (included in the deficit). Similarly recognizing the time value of money in federal credit transactions requires adjustments to the cash deficit. Loan guarantees also necessitate "phantom offsets" to reconcile the cash deficit with the expected cost of loan defaults which are included in the deficit when guaranteed loans are disbursed. Furthermore, accruals involve uncertain future cash flows, and subsequent adjustments (FCRA refers to them as "re-estimates") are always needed to reconcile accrual projections with cash realizations. However, there are multiple account structures that would achieve the comprehensive up front recognition of the lifetime cost of new credit assistance and reconcile those costs with Treasury's cash borrowing requirements.

In conclusion, there appears to be general agreement that the primary purposes of budgeting are better served if the budget is supported by an accounting process that measures the public resources devoted to an activity comprehensively, comparably across programs, and up-front at the time of decision. By that standard, the use of fair values for direct loans and loan guarantees in the budget would unambiguously improve federal budgetary accounting.

With that, I yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Madam Chairman, today I rise in support of H.R. 3581, the Budget and Accounting Transparency Act.

The first step in treating an addiction is admitting you have a problem. An addict has to be honest with himself before he can overcome his dependence. In that same vein, Washington needs to be honest about its addiction to overspending, and this bill will force Washington to do just that. It will

force Washington to be honest, not only with itself but, more importantly, with the American people.

By bringing Fannie and Freddie on budget, Washington will be honest that these expensive programs have become the financial responsibility of the Federal Government. By requiring risk to be assessed and accounted for in loans or loan guarantees, Washington will be honest about the gains or losses taxpayers can anticipate. And by requiring every agency to post their budget requests online, Washington will have to be honest with the American taxpayers about where their money goes.

A lot of honesty is needed now, Madam Chairman, but a little bit will go a long way in restoring the trust of the American people and the fiscal discipline of Washington.

Can we restore the trust of the American people? Yes, we can. Can we restore fiscal discipline in Washington? Yes, we can. Yes, we will, with passage of this bill.

Mr. VAN HOLLEN. Madam Chair, I yield myself such time as I may consume.

I was actually reading from the original document, "Reforming Credit Reform," by Marvin Phaup and Deborah Lucas, where they say straight-out here that including a risk premium in subsidy costs produces a cost estimate that, on average, exceeds outlays for realized losses.

Now, we can argue whether that's an appropriate methodology or not. But the reality is it will, as a budgetary matter, systematically inflate the cash outlays for different credit programs going forward.

I reserve the balance of my time.

Mr. GARRETT. I would advise my colleague from Maryland that we have no further speakers.

Mr. VAN HOLLEN. Madam Chair, again, I wish we were here debating the President's jobs plan. I wish we were focused on bringing to the floor the conference committee report so that we could provide relief to 160 million Americans through the payroll tax cut.

With respect to the budget bill before us, as I indicated, it's just not ready for prime time. You would think that before undertaking a change which seems small, is very complicated, and could have lots of unintended consequences, especially with respect to things like student loans—as I've said. if we were confining this debate and this bill to things like Fannie Mae and Freddie Mac, I have no problem. In fact, the Congressional Budget Office already applies this methodology to Fannie Mae and Freddie Mac. But the scope of this is much, much broader than that. It goes, as I said, to all credit programs, including student loan programs, and will, as a matter of accounting, show in the budget greater dollar outlays than will actually reflect the ongoing costs of things like

student loans, again, in a systematic stood and railed against, rightfully so, way.

as did I, whether it was the oil bailouts

The last point I want to make, Madam Chair, is one that was raised by one of my colleagues, which is: Where do you actually draw the line when it comes to moving in the direction of this other kind of accounting?

Now, this bill applies to all credit programs, but there are other programs funded by the Federal Government where the costs rise and fall based on what's happening in the market, based on what's happening in the economy. There are lots of ag programs that rise and fall based on what's happening in the economy. Medicaid is a program whose costs rise and fall based on the economy. And in talking to lots of people, it's not clear where you draw a bright line, and I certainly don't know where the argument ends with respect to moving toward this kind of accounting. Before we begin to move even further in this direction, I think we should have a debate on what exactly that would mean for our budget and for the American people.

Again, I commend the gentleman for raising an issue, especially as it's been in the context of Fannie Mae and Freddie Mac. I think this deserves a lot more attention before you expand it throughout all the credit programs of the United States Government. I'm particularly concerned the impact it would have on the affordability of going to college and student loans. And then, as I said, there's no clear demarcation between credit programs and the argument that's being applied here and to some of the other programs where the risk to the taxpayer also fluctuates based on market risk and the performance of the economy.

Madam Chair, I would urge my colleagues to oppose this legislation.

I yield back the balance of my time. Mr. GARRETT. I yield myself such time as I may consume.

And again, I'll say to the gentleman as well, as your colleague did as well, commended us for raising this important issue, and I do agree that it is an important issue. But I think the American public is tired of Washington simply raising important issues and discussing important issues and having committee hearings on important issues. I think the American public is looking for Washington, once and for all, to take some decisive action in the name of the American public, in the name of the hardworking taxpayers whose money it is that is on the line. It is the people's money that we are talking about in all of these bills. It is the people's money that has been put on the line when the Federal Government issues loans and loan guarantees.

And I want to remind the gentleman from Maryland of how much money we've been talking about in all these things. When we talk about all the bailouts that the American public stood and railed against, rightfully so, as did I, whether it was the oil bailouts or the bank bailouts or the Wall Street bailouts, they all pale in comparison to the bailouts that we're talking about here with the GSEs, \$186 billion and counting. The gentleman, Mr. RYAN, raised the issue before that, I believe, it was going to go up to \$280, \$290 billion and counting.

That's not Washington's money or the government's money or the gentleman from Maryland's money. That's the hardworking American taxpayers' money that was initially put at risk without any idea what the real risk was going to be for all these other loan programs and now is going out as outlays

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Now it is going out without any prospect whatsoever of being repaid. The gentleman says these exceed these estimates of fair value accounting, and they exceed outlays. Well, they exceed it until they don't. They exceed it until the loan fails. They exceed it until you're talking about a Solyndra situation where you guarantee over \$500 million, and then the company goes bust. That's what we're trying to address here, to make sure that you're actually properly grading and accounting for this. We're not asking for something extraordinary.

I know the gentleman from New Jersey came to the floor and he said this is extreme, what we are asking for here. Extreme? Why do we ask the private sector to use this same sort of accounting? Why do we ask the momand-pop shops, the big Wall Street firms, and everything in between to use this sort of accounting when they do so? When you ask for a student loan, a car loan, a house loan, whatever, we ask local banks to use this same form of accounting. If it is good enough for the rest of society, if it is good enough for all of my constituents and your constituents, if it is good enough for all of the businesses back at home, I think it's good enough for the Federal Government to play by the same rules. That's all we're asking for here.

He says, how far should we go? I think we should go as far as to say that the Federal Government should have to do the exact same thing, play by the exact same rules that our businesses back at home have to do. That's all this bill does. It shines the light of day on what we're spending, and if we are spending too much, then we have to do what we are elected to do: set priorities, decide where we want to spend it. on this program or that program, or maybe cut back on this program and expand someplace else. But we can't make those decisions until we actually have the information before us. We can't say this one is working and this one is not working, this one is worthwhile and this one is not worthwhile until we actually have that information before us. That's the long and short of it. That's all this bill does. It gives both sides of the aisle and the American public that information.

With that, I would call for support of this legislation of sunshine and accountability and transparency in the way the Federal Government runs their business.

I yield back the balance of my time.

Mr. DUNCAN of South Carolina. Madam Chair, I rise today to support H.R. 3581, which will bring better accountability and transparency to our budget process.

I would also note, Madam Chair, that many loan programs that are impacted by this legislation have an excellent history of loan repayment, most notably the Rural Utilities Service loans that electric co-ops like the ones in my district have used for years. Some of these loan programs have provided a positive return on the taxpayers investments, making more for the taxpayers than was at risk while allowing rural co-ops the ability to expand services in underserved areas. I hope that while we achieve much greater accountability and transparency for taxpayers as a result of this legislation, especially as it relates to Freddie and Fannie, we ensure that we don't throw the baby out with the bath water and hurt our rural utilities and their customers.

Mr. WILSON of South Carolina. Madam Chair, I voted in support of H.R. 3581, the "Budget and Accounting Transparency Act of 2011," which passed through the House of Representatives by a vote of 245–180 and now awaits further consideration in the Senate. H.R. 3581 is a quality piece of legislation which requires the Federal Government to revise its policy of accounting for direct loans and loan guarantees by scoring these loans utilizing the market-based fair value method.

As further consideration is given to this bill, I urge my fellow colleagues to ensure that programs, such as the United States Department of Agriculture's Rural Utility Service loans, are not adversely affected by the legislation.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the text of the amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

# H.R. 3581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Budget and Accounting Transparency Act of 2012".

### TITLE I—FAIR VALUE ESTIMATES

### SEC. 101. CREDIT REFORM.

(a) IN GENERAL.—Title V of the Congressional Budget Act of 1974 is amended to read as follows:

### "TITLE V—FAIR VALUE

# "SEC. 501. PURPOSES.

"The purposes of this title are to-

"(1) measure more accurately the costs of Federal credit programs by accounting for them on a fair value basis:

(2) place the cost of credit programs on a budgetary basis equivalent to other Federal spending;

"(3) encourage the delivery of benefits in the form most appropriate to the needs of beneficiaries: and

'(4) improve the allocation of resources among Federal programs.

### "SEC. 502. DEFINITIONS.

"For purposes of this title:

"(1) The term 'direct loan' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a Government asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims or the price support loans of the Commodity Credit Corporation.

(2) The term 'direct loan obligation' means a binding agreement by a Federal agency to make a direct loan when specified conditions are ful-

filled by the borrower.

- '(3) The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.
- '(4) The term 'loan guarantee commitment' means a binding agreement by a Federal agency to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

f'(5)(A) The term 'cost' means the sum of the Treasury discounting component and the risk component of a direct loan or loan guarantee, or

a modification thereof.

'(B) The Treasury discounting component shall be the estimated long-term cost to the Government of a direct loan or loan guarantee, or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlaus.

'(C) The risk component shall be an amount

equal to the difference between-

'(i) the estimated long-term cost to the Government of a direct loan or loan guarantee, or modification thereof, estimated on a fair value basis, applying the guidelines set forth by the Financial Accounting Standards Board in Financial Accounting Standards #157, or a successor thereto, excluding administrative costs and any incidental effects on governmental receipts or outlays: and

'(ii) the Treasury discounting component of such direct loan or loan guarantee, or modifica-

tion thereof.

'(D) The Treasury discounting component of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

(i) Loan disbursements.

"(ii) Repayments of principal.

"(iii) Essential preservation expenses, payments of interest and other payments by or to

the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries, including the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

'(E) The Treasury discounting component of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

'(i) Payments by the Government to cover defaults and delinauencies, interest subsidies, essential preservation expenses, or other payments

"(ii) Payments to the Government including origination and other fees, penalties, and recoveries, including the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan quarantee contract, or by the borrower of an option included in the guaranteed loan contract.

(F) The cost of a modification is the sum of-"(i) the difference between the current estimate of the Treasury discounting component of the remaining cash flows under the terms of a direct loan or loan guarantee and the current estimate of the Treasury discounting component of the remaining cash flows under the terms of the contract, as modified; and

(ii) the difference between the current estimate of the risk component of the remaining cash flows under the terms of a direct loan or loan guarantee and the current estimate of the risk component of the remaining cash flows under the terms of the contract as modified.

'(G) In estimating Treasury discounting components, the discount rate shall be the average interest rate on marketable Treasury securities of similar duration to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

"(H) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

"(6) The term 'program account' means the budget account into which an appropriation to cover the cost of a direct loan or loan guarantee program is made and from which such cost is disbursed to the financing account.

"(7) The term 'financing account' means the nonbudget account or accounts associated with each program account which holds balances, receives the cost payment from the program account, and also includes all other cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made on or after October 1, 1991.

'(8) The term 'liquidating account' means the budget account that includes all cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991. These accounts shall be shown in the budget on a cash basis.

(9) The term 'modification' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

"(10) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(11) The term 'Director' means the Director of the Office of Management and Budget.

'(12) The term 'administrative costs' means costs related to program management activities, but does not include essential preservation ex-

"(13) The term 'essential preservation expenses' means servicing and other costs that are essential to preserve the value of loan assets or collateral.

### "SEC. 503. OMB AND CBO ANALYSIS, COORDINA-TION, AND REVIEW.

"(a) IN GENERAL —For the executive branch the Director shall be responsible for coordinating the estimates required by this title. The Director shall consult with the agencies that administer direct loan or loan quarantee programs.

'(b) DELEGATION.—The Director may delegate to agencies authority to make estimates of costs. The delegation of authority shall be based upon written guidelines, regulations, or criteria consistent with the definitions in this title

(c) COORDINATION WITH THE CONGRESSIONAL BUDGET Office.—In developing estimation quidelines, regulations, or criteria to be used by Federal agencies, the Director shall consult with the Director of the Congressional Budget Office.

(d) IMPROVING COST ESTIMATES.—The Director and the Director of the Congressional Budget Office shall coordinate the development of more accurate data on historical performance and prospective risk of direct loan and loan guarantee programs. They shall annually review the performance of outstanding direct loans and loan guarantees to improve estimates of costs. The Office of Management and Budget and the Congressional Budget Office shall have access to all agency data that may facilitate the development and improvement of estimates of costs.

"(e) Historical Credit Programs Costs.— The Director shall review, to the extent possible, historical data and develop the best possible estimates of adjustments that would convert aggregate historical budget data to credit reform accounting.

# "SEC. 504. BUDGETARY TREATMENT.

that-

"(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 1992, the President's budget shall reflect the Treasury discounting component of direct loan and loan guarantee programs. Beginning with fiscal year 2015, the President's budget shall reflect the costs of direct loan and loan guarantee programs. The budget shall also include the planned level of new direct loan obligations or loan guarantee commitments associated with each appropriations request.

(b) APPROPRIATIONS REQUIRED.— Notwithstanding any other provision of law, new direct loan obligations may be incurred and new loan guarantee commitments may be made for fiscal year 1992 and thereafter only to the extent

"(1) new budget authority to cover their costs is provided in advance in an appropriation Act;

(2) a limitation on the use of funds otherwise available for the cost of a direct loan or loan guarantee program has been provided in advance in an appropriation Act; or

"(3) authority is otherwise provided in appropriation Acts.

'(c) Exemption for Direct Spending Pro-GRAMS.—Subsections (b) and (e) shall not apply

"(1) any direct loan or loan guarantee program that constitutes an entitlement (such as the guaranteed student loan program or the veteran's home loan guaranty program);

'(2) the credit programs of the Commodity Credit Corporation existing on the date of enactment of this title: or

(3) any direct loan (or direct loan obligation) or loan guarantee (or loan guarantee commitment) made by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) BUDGET ACCOUNTING.—

"(1) The authority to incur new direct loan obligations, make new loan guarantee commitments, or modify outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) shall constitute new budget authority in an amount equal to the cost of the direct loan or loan guarantee in the fiscal year in which definite authority becomes available or indefinite authority is used. Such budget authority shall constitute an obligation of the program account to pay to the financing account.

"(2) The outlays resulting from new budget authority for the cost of direct loans or loan guarantees described in paragraph (1) shall be paid from the program account into the financing account and recorded in the fiscal year in which the direct loan or the guaranteed loan is disbursed or its costs altered.

"(3) All collections and payments of the financing accounts shall be a means of financing.

"(e) MODIFICATIONS.—An outstanding direct loan (or direct loan obligation) or loan guarantee (or loan guarantee commitment) shall not be modified in a manner that increases its costs unless budget authority for the additional cost has been provided in advance in an appropriation Act.

"(f) REESTIMATES.—When the estimated cost for a group of direct loans or loan guarantees for a given program made in a single fiscal year is re-estimated in a subsequent year, the difference between the reestimated cost and the previous cost estimate shall be displayed as a distinct and separately identified subaccount in the program account as a change in program costs and a change in net interest. There is hereby provided permanent indefinite authority for these re-estimates.

"(g) ADMINISTRATIVE EXPENSES.—All funding for an agency's administrative costs associated with a direct loan or loan guarantee program shall be displayed as distinct and separately identified subaccounts within the same budget account as the program's cost.

# "SEC. 505. AUTHORIZATIONS.

"(a) AUTHORIZATION FOR FINANCING ACCOUNTS.—In order to implement the accounting required by this title, the President is authorized to establish such non-budgetary accounts as may be appropriate.

"(b) Treasury Transactions With the Financing Accounts.—

"(1) IN GENERAL.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay to the financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described in the preceding sentence, except that the rate of interest charged by the Secretary on lending to financing accounts (including amounts treated as lending to financing accounts by the Federal Financing Bank (hereinafter in this subsection referred to as the 'Bank') pursuant to section 405(b)) and the rate of interest paid to financing accounts on uninvested balances in financing accounts shall be the same as the rate determined pursuant to section 502(5)(G).

"(2) LOANS.—For guaranteed loans financed by the Bank and treated as direct loans by a Federal agency pursuant to section 406(b)(1), any fee or interest surcharge (the amount by which the interest rate charged exceeds the rate determined pursuant to section 502(5)(G) that the Bank charges to a private borrower pursuant to section 6(c) of the Federal Financing Bank Act of 1973 shall be considered a cash flow to the Government for the purposes of determining the cost of the direct loan pursuant to section 502(5). All such amounts shall be credited to the appropriate financing account.

"(3) REIMBURSEMENT.—The Bank is authorized to require reimbursement from a Federal agency to cover the administrative expenses of the Bank that are attributable to the direct loans financed for that agency. All such pay-

ments by an agency shall be considered administrative expenses subject to section 504(g). This subsection shall apply to transactions related to direct loan obligations or loan guarantee commitments made on or after October 1, 1991.

"(4) AUTHORITY.—The authorities provided in this subsection shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate a direct loan or loan guarantee program.

"(5) TITLE 31.—All of the transactions provided in the subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(6) TREATMENT OF CASH BALANCES.—Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds. The Secretary of the Treasury shall charge (or pay if the amount is negative) financing accounts an amount equal to the risk component for a direct loan or loan guarantee, or modification thereof. Such amount received by the Secretary of the Treasury shall be a means of financing and shall not be considered a cash flow of the Government for the purposes of section 502(5).

"(c) AUTHORIZATION FOR LIQUIDATING ACCOUNTS.—(1) Amounts in liquidating accounts shall be available only for payments resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991, for—

"(A) interest payments and principal repayments to the Treasury or the Federal Financing Bank for amounts borrowed;

"(B) disbursements of loans;

``(C) default and other guarantee claim payments;

"(D) interest supplement payments;

"(E) payments for the costs of foreclosing, managing, and selling collateral that are capitalized or routinely deducted from the proceeds of sales;

"(F) payments to financing accounts when required for modifications;

"(G) administrative costs and essential preservation expenses, if—

"(i) amounts credited to the liquidating account would have been available for administrative costs and essential preservation expenses under a provision of law in effect prior to October 1. 1991; and

"(ii) no direct loan obligation or loan guarantee commitment has been made, or any modification of a direct loan or loan guarantee has been made, since September 30, 1991; or

"(H) such other payments as are necessary for the liquidation of such direct loan obligations and loan guarantee commitments.

"(2) Amounts credited to liquidating accounts in any year shall be available only for payments required in that year. Any unobligated balances in liquidating accounts at the end of a fiscal year shall be transferred to miscellaneous receipts as soon as practicable after the end of the fiscal year.

"(3) If funds in liquidating accounts are insufficient to satisfy obligations and commitments of such accounts, there is hereby provided permanent, indefinite authority to make any payments required to be made on such obligations and commitments.

"(d) REINSURANCE.—Nothing in this title shall be construed as authorizing or requiring the purchase of insurance or reinsurance on a direct loan or loan guarantee from private insurers. If any such reinsurance for a direct loan or loan guarantee is authorized, the cost of such insurance and any recoveries to the Government shall be included in the calculation of the cost.

"(e) ELIGIBILITY AND ASSISTANCE.—Nothing in this title shall be construed to change the authority or the responsibility of a Federal agency to determine the terms and conditions of eligibility for, or the amount of assistance provided by a direct loan or a loan guarantee.

### "SEC. 506. TREATMENT OF DEPOSIT INSURANCE AND AGENCIES AND OTHER INSUR-ANCE PROGRAMS.

"This title shall not apply to the credit or insurance activities of the Federal Deposit Insurance Corporation, National Credit Union Administration, Resolution Trust Corporation, Pension Benefit Guaranty Corporation, National Flood Insurance, National Insurance Development Fund, Crop Insurance, or Tennessee Valley Authority.

### "SEC. 507. EFFECT ON OTHER LAWS.

"(a) EFFECT ON OTHER LAWS.—This title shall supersede, modify, or repeal any provision of law enacted prior to the date of enactment of this title to the extent such provision is inconsistent with this title. Nothing in this title shall be construed to establish a credit limitation on any Federal loan or loan guarantee program.

(b) CREDITING OF COLLECTIONS.—Collections resulting from direct loans obligated or loan guarantees committed prior to October 1, 1991, shall be credited to the liquidating accounts of Federal agencies. Amounts so credited shall be available, to the same extent that they were available prior to the date of enactment of this title, to liquidate obligations arising from such direct loans obligated or loan guarantees committed prior to October 1, 1991, including repayment of any obligations held by the Secretary of the Treasury or the Federal Financing Bank. The unobligated balances of such accounts that are in excess of current needs shall be transferred to the general fund of the Treasury. Such transfers shall be made from time to time but, at least once each year.'

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the items relating to title V and inserting the following:

# $``TITLE\ V \!\!-\!\! FAIR\ VALUE$

"Sec. 501. Purposes.

"Sec. 502. Definitions.

"Sec. 502. Definitions."
"Sec. 503. OMB and CBO analysis, coordination, and review.

"Sec. 504. Budgetary treatment.

"Sec. 505. Authorizations.

"Sec. 506. Treatment of deposit insurance and agencies and other insurance programs.

"Sec. 507. Effect on other laws.".

# SEC. 102. EFFECTIVE DATE.

The amendment made by section 101 shall take effect beginning with fiscal year 2014.

# SEC. 103. BUDGETARY ADJUSTMENT.

(a) IN GENERAL.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "A change in discretionary spending solely as a result of the amendment to title V of the Congressional Budget Act of 1974 made by the Budget and Accounting Transparency Act of 2012 shall be treated as a change of concept under this paragraph."

(b) REPORT.—Before adjusting the discretionary caps pursuant to the authority provided in subsection (a), the Office of Management and Budget shall report to the Committees on the Budget of the House of Representatives and the Senate on the amount of that adjustment, the methodology used in determining the size of that adjustment, and a program-by-program itemization of the components of that adjustment.

(c) SCHEDULE.—The Office of Management and Budget shall not make an adjustment pursuant to the authority provided in subsection (a) sooner than 60 days after providing the report required in subsection (b).

#### TITLE II—BUDGETARY TREATMENT

### SEC. 201. CBO AND OMB STUDIES RESPECTING BUDGETING FOR COSTS OF FEDERAL INSURANCE PROGRAMS.

Not later than one year after the date of enactment of this Act, the Directors of the Congressional Budget Office and of the Office of Management and Budget shall each prepare a study and make recommendations to the Committees on the Budget of the House of Representatives and the Senate as to the feasability of applying fair value concepts to budgeting for the costs of Federal insurance programs.

# SEC. 202. ON-BUDGET STATUS OF FANNIE MAE AND FREDDIE MAC.

Notwithstanding any other provision of law, the receipts and disbursements, including the administrative expenses, of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

- (1) the budget of the United States Government as submitted by the President;
- (2) the congressional budget; and
- (3) the Balanced Budget and Emergency Deficit Control Act of 1985.

#### SEC. 203. EFFECTIVE DATE.

Section 202 shall not apply with respect to an enterprise (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) after the date that all of the following have occurred:

- (1) The conservatorship for such enterprise under section 1367 of such Act (12 U.S.C. 4617) has been terminated.
- (2) The Director of the Federal Housing Finance Agency has certified in writing that such enterprise has repaid to the Federal Government the maximum amount consistent with minimizing total cost to the Federal Government of the financial assistance provided to the enterprise by the Federal Government pursuant to the amendments made by section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 122 Stat. 2683) or otherwise.
- (3) The charter for the enterprise has been revoked, annulled, or terminated and the authorizing statute (as such term is defined in such section 1303) with respect to the enterprise has been repealed.

# TITLE III—BUDGET REVIEW AND ANALYSIS

# SEC. 301. CBO AND OMB REVIEW AND RECOMMENDATIONS RESPECTING RECEIPTS AND COLLECTIONS.

Not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget shall prepare a study of the history of offsetting collections against expenditures and the amount of receipts collected annually, the historical application of the budgetary terms "revenue", "offsetting collec-tions", and "offsetting receipts", and review the application of those terms and make recommendations to the Committees on the Budget of the House of Representatives and the Senate of whether such usage should be continued or modified. The Director of the Congressional Budget Office shall review the history and recommendations prepared by the Director of the Office of Management and Budget and shall submit comments and recommendations to such Committees.

# SEC. 302. AGENCY BUDGET JUSTIFICATIONS.

Section 1108 of title 31, United States Code, is amended by inserting at the end the following new subsection:

"(h)(1) Whenever any agency prepares and submits written budget justification materials for any committee of the House of Representatives or the Senate, such agency shall post such budget justification on the same day of such submission on the 'open' page of the public website of the agency, and the Office of Management and Budget shall post such budget justification in a centralized location on its website, in the format developed under paragraph (2).

"(2) The Office of Management and Budget, in consultation with the Congressional Budget Office and the Government Accountability Office, shall develop and notify each agency of the format in which to post a budget justification under paragraph (1). Such format shall be designed to ensure that posted budget justifications for all agencies—

"(A) are searchable, sortable, and downloadable by the public;

"(B) are consistent with generally accepted standards and practices for machinediscoverability;

"(C) are organized uniformly, in a logical manner that makes clear the contents of a budget justification and relationships between data elements within the budget justification and among similar documents; and

"(D) use uniform identifiers, including for agencies, bureaus, programs, and projects.".

The CHAIR. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-388. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the ques-

The Chair understands that amendment No. 1 will not be offered.

AMENDMENT NO. 2 OFFERED BY MR. DOLD

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–388.

Mr. DOLD. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

# TITLE IV—PRESIDENT'S BUDGET SUBMISSION

# SEC. 401. PREPARATION OF THE BUDGET.

- (a) The President.—Section 1105(a) of title 31, United States Code, is amended—
- (1) by redesignating the second paragraph (37) as paragraph (39); and
- (2) by adding at the end the following new paragraph:
- "(40) A summary of how the use of accrual accounting procedures would affect the estimated expenditures, appropriations, and receipts of the Government in the fiscal year for which the budget is submitted.".
- (b) OFFICE OF MANAGEMENT AND BUDGET.— The Director of the Office of Management and Budget shall prepare all of the budgets submitted to the President according to both accrual accounting procedures and the cash basis accounting method.

The CHAIR. Pursuant to House Resolution 539, the gentleman from Illinois (Mr. DOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DOLD. Madam Chair, this is a bipartisan amendment, one that my colleague from Illinois (Mr. QUIGLEY) and I believe strongly about.

As part of this Congress' effort to increase transparency and promote sound accounting practices in the Federal Government, this amendment would reform accounting practices at the Office of Management and Budget. Specifically, it would require the OMB Director to prepare all budgets submitted to the President using accrual-based accounting standards, in addition to the currently used cash-basis GAAP accounting standards.

Americans have a right to expect accountability, honesty, and transparency from their government, and right now, the mistrust of Congress, I believe, is at an all-time high. The use of accrual-based accounting at the Office of Management and Budget would provide a more accurate reflection of our Nation's true fiscal state. For too long, the Federal Government has relied on unsound budgeting practices that understate the reality and distort important costs and liabilities held by the government.

As a small business owner, I know essentially how honest accounting is critical to financial decisionmaking, and in that respect, we should strive to make the Federal Government's practices more like what we demand of the private sector. In fact, the government itself, Madam Chairman, demands that publicly traded companies use the accrual-based accounting method because the accrual-based accounting method gives a more accurate depiction of the true liabilities that are out there. In the cash basis, you're able to distort reality and be able to manipulate things to make them look a little bit rosier.

The American people are looking for a fact-based budget, and they deserve no less. They deserve to know the truth about what our true liabilities are, and the truth is that the current practice of using only cash-basis accounting at the Office of Management and Budget paints an incomplete picture of our Nation's future long-term liabilities. For example, the promise of Social Security and Medicare only shows up as a cost to the American taxpayer when money is actually paid out. Accrual accounting more accurately reflects our Nation's obligations so that a promise today is immediately recognized and accounted for, whether or not any money has been disbursed at that point in time.

Madam Chairman, I am confident that the House Budget Committee recognizes the importance of honest accounting, of honest accounting practices that accurately reflect the true fiscal state of this country. As a small business owner, I understand that it's absolutely critical when making decisions that impact not only the business but the people that I work with that we have a more accurate reflection of our liabilities. The government should be no different.

With that, I would like to yield to the gentleman from New Jersey.

Mr. GARRETT. First of all, let me just begin by saying I appreciate the gentleman's effort with regard to this legislation. I appreciate also the bipartisan nature and intentions behind the amendment as well. There are unquestionably circumstances where accrual accounting is the best way, the most appropriate way to display the Federal Government's budgetary costs and obligations.

Now, as you know, the underlying bill does focus on one such area where accrual accounting has long been in use, and what it does then is to try to build upon those years of experience and try to study the application of that as applied to Federal credit programs.

The underlying bill, I should say as an aside, also includes a study of another area—because I know there's a question of how far are we going in these things—where it might be appropriate to extend this, and this is with regard to the Federal insurance programs. Why is that? Well, it's because we don't have as many studies on that.

I might just add to the point of the gentleman from Maryland before, there have been a number of references on an area that we're looking to. CBO has done some with regard to student loans, with regard to housing, with regard to SBA and energy. CBO has issued a number of reports with fair value accounting included, and that is why we included it in this bill.

Again, I appreciate the gentleman's work on this amendment. I oppose it as it stands now, however.

Mr. DOLD. Reclaiming my time, if the chairman would work with me to try to make sure we have a fact-based, more accurate, and honest accounting, I would be happy to withdraw the amendment.

Mr. GARRETT. Not only will I work with you, I believe the chairman of the full committee will be intentioned to work with you on this as well. The goal is the same by all of us here, and I think by the other side as well, to try to get as much information that is able to get out to come out, and we will be glad to work with you on this.

Mr. DOLD. With that, Madam Chairman, I ask unanimous consent to withdraw my bipartisan amendment in hopes that we can have some more accurate accounting in the future.

amendment is withdrawn.

There was no objection.

### $\Box$ 1540

AMENDMENT NO. 3 OFFERED BY MR. TONKO

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–388.

Mr. TONKO. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

# TITLE IV—EFFECTIVE DATE: ESTABLISHMENT OF COMMISSION

### SEC. 401. EFFECTIVE DATE; ESTABLISHMENT OF COMMISSION.

(a) EFFECTIVE DATE: ESTABLISHMENT.—The provisions of this Act are delayed until and may be superseded by the majority recommendations of a six member commission consisting of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and four additional non-congressional members each appointed by the Speaker and Minority Leader of the House and the Majority and Minority leaders of the Senate. Such additional four Members shall have expertise in budgeting and accounting.
(b) RECOMMENDATIONS.—The recommenda-

tions of the commission shall reflect the best measure to accurately account for the costs of Federal credit programs, including an analysis of the fair value, market-based risk estimates, and the discount rates mandated by the Federal Credit Reform Act of 1990.

(c) CONGRESSIONAL VOTE REQUIRED.—Such recommendations shall take effect upon their enactment into law. Congress shall vote on the recommendations set forth in subsection (b) not later than 45 days after the date of submission of such recommendations to the Congress.

The CHAIR. Pursuant to House Resolution 539, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Madam Chair, I rise today to offer an amendment to H.R. 3581, the Budget and Accounting Transparency Act.

My amendment restores a critical step that was skipped by my Republican colleagues. You see, we never once had a hearing in the Budget Committee devoted specifically to exploring the main proposal contained in this bill—the use of fair value estimates to determine the cost of Federal loans. If I could change that, I would, but my Republican colleagues have pushed this bill to the floor.

When so many at home look at Congress and shake their heads at the political gamesmanship that has come to dominate this institution, my amendment simply asks that we take a moment to be objectively smart rather than just politically savvy about a policy decision with major repercussions.

If this legislation took effect this year, CBO estimates that we would see

The CHAIR. Without objection, the the Federal deficit jump by \$55 billion. This is a bill that would impact things like housing loans, student loans, small business loans, and even our mortgage guarantee programs for vets. It would create the appearance that these loans and loan guarantees cost more with an accounting method that is relatively new and certainly under debate.

For a bill with "transparency" in its title, we're talking about using some pretty mirky math. My Republican colleagues will say that we need CBO estimates on loans to reflect the risk involved in Federal lending. That makes sense, which is why we already do it. The approach under current law already reflects the risk that borrowers will default on their loans or guarantees

The real difference here is whether we think estimates of Federal loans should be based on how the government borrows and lends or, alternately, on how the private sector borrows and lends. I understand my colleagues have a great esteem for private sector business practices, and as a former small business owner myself, I share that admiration; but we have to understand that the Federal Government of the most powerful country on Earth isn't a private actor.

No private lender is in the same position as the Federal Government with its ability to borrow at Treasury rates and its ability to spread risk across such a broad portfolio. So, understandably, there is significant debate as to whether and how fair value estimates could be applied to government loans. The bottom line is that it would involve a lot of guesswork.

At a time when our housing market has been devastated, when our workforce is struggling to attain the knowledge and skill set it needs in a difficult job market, when small businesses are fighting their way out of the worst recession since our Great Depression, and when our vets are facing a higher jobless rate than the rest of the country, why on Earth would we make a change of this magnitude without consulting with the best budget and accounting minds in our country? The impact of this legislation is too big to be treated more like an election year talking point than a major policy change with very real impacts on the people that we are here to represent.

That is why I am offering this modest proposal. My amendment simply proposes that we convene a commission of budget and accounting experts to provide recommendations to Congress regarding the best measure to accurately account for the costs of Federal credit programs. Congress will then have the opportunity to vote on the commission's recommendations, and if changes are deemed wise, we can move forward with the smartest course of action and with a policy that brings our

Federal loan and loan guarantee estimates into uniformity. After all, as we heard on this very floor, it's the people's money we're dealing with.

I urge my colleagues to look before we jump on this one, and I urge support of my amendment.

With that, I yield back the balance of my time.

Mr. GARRETT. I rise in opposition to the amendment.
The CHAIR. The gentleman from

New Jersey is recognized for 5 minutes.

Mr. GARRETT. Madam Chair, in essence, the amendment has the effect, as so many amendments often do that come to the floor, of basically gutting the entire bill.

The core reform made by this bill is to-what?-adopt for all Federal credit programs fair value accounting. Now, this is not a precipitous or rash decision that we're going to make here. The Budget Committee, both with the Republican and Democrat leadership, has, over time, studied and worked on the implications of moving to a fair value accounting for Federal credit programs.

The CBO, which we reference all the time, is an independent arbiter of what is right here and has studied these things, and other academics have conducted studies going back as far as the 1990s, if not earlier, on this question as well. In fact, there was a commission, a commission featuring 36 experts, including six former CBO Directors.

What did they recommend? They recommended moving to a fair value accounting in 2010.

Indeed, it was back in 2009 that this House, under Democrat leadership, voted to require the use of fair value accounting with respect to U.S. commitments made to the IMF, the International Monetary Fund. Additionally, the CBO has conducted analyses of dozens of Federal credit programs on a fair value basis.

So this bill is not precipitous. This bill is not rash. This bill is not extreme. This bill takes a cautious approach and applies fair value budgeting in those areas where we have the most experience while calling for a further study of those areas in which it makes sense to do study—Federal insurance programs.

So I urge my colleagues to oppose this amendment and to support the judicious and experience-based approach of the underlying bill.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Chair announced that the noes peared to have it.

Mr. TONKO. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 238, not voting 8, as follows:

[Roll No. 40]

AYES-187

Baca

Clay

Farr

Adams

Akin

Amash

Amodei

Austria

Bachus

Barrow

Bartlett

Barton (TX)

Bass (NH)

Benishek

Berg

Biggert

Bilbray

Bonner

Bilirakis

Bishop (UT)

Black Blackburn

Bono Mack

Brady (TX)

Boustany

Barletta

Bachmann

Aderholt

Alexander

Gibson Ackerman Owens Altmire Gonzalez Pallone Andrews Green Al Pascrell Green, Gene Pastor (AZ) Grijalva Baldwin Pelosi Bass (CA) Gutierrez Perlmutter Becerra Hahn Peters Hanabusa Berkley Petri Hastings (FL) Berman Pingree (ME) Bishop (GA) Heinrich Polis Bishop (NY) Higgins Price (NC) Blumenauer Himes Quigley Bonamici Hinchey Rahall Hinojosa Boren Rangel Boswell Hirono Reves Brady (PA) Hochul Richardson Braley (IA) Holden Richmond Brown (FL) Holt Ross (AR) Honda Butterfield Rothman (NJ) Capps Hoyer Roybal-Allard Capuano Inslee Ruppersberger Cardoza Israel Jackson (IL) Rush Carnahan Ryan (OH) Jackson Lee Carnev Carson (IN) (TX) Sánchez, Linda Johnson (GA) Castor (FL) Т. Sanchez, Loretta Chandler Johnson, E. B. Sarbanes Kaptur Cicilline Keating Schakowsky Clarke (MI) Kildee Schiff Clarke (NY) Kind Schrader Kissell Schwartz Cleaver Kucinich Scott (VA) Clyburn Langevin Larsen (WA) Scott, David Cohen Serrano Connolly (VA) Larson (CT) Sewell Conyers Lee (CA) Sherman Cooper Levin Shuler Costa Lewis (GA) Sires Costello Lipinski Slaughter Loebsack Courtney Smith (WA) Lofgren, Zoe Speier Lowey Crowley Stark Cuellar Luján Sutton Cummings Lynch Thompson (CA) Davis (CA) Maloney Thompson (MS) Davis (IL) Markey Tierney DeFazio Matheson Tonko DeGette Matsui Towns McCarthy (NY) DeLauro Tsongas McCollum Deutch Van Hollen Dicks McDermott Dingell Velázquez McGovern Visclosky McIntvre Doggett Walz (MN) Donnelly (IN) Meeks Michaud Wasserman Doyle Schultz Engel Miller (NC) Waters Eshoo Miller, George Watt Moore Waxman Fa.t.ta.h Moran Murphy (CT) Welch Filner Frank (MA) Nadler Wilson (FL) Napolitano Woolsey Fudge Garamendi Neal Yarmuth

NOES-238

Brooks Denham Broun (GA) Dent DesJarlais Buchanan Bucshon Diaz-Balart Dold Buerkle Burgess Dreier Burton (IN) Duffv Duncan (SC) Calvert Camp Duncan (TN) Campbell Ellmers Emerson Canseco Cantor Farenthold Capito Fincher Fitzpatrick Carter Cassidy Flake Fleischmann Chabot Chaffetz Fleming Coble Flores Coffman (CO) Forbes Cole Fortenberry Conaway Foxx Franks (AZ) Cravaack Crawford Frelinghuysen Crenshaw Gallegly Culberson Gardner Davis (KY) Garrett

Gingrev (GA) Gohmert Goodlatte Gosar Gowdy Granger Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grimm Guinta Guthrie Hall Hanna Harper Harris Hartzler Hastings (WA) Hayworth Heck Hensarling Herger Herrera Beutler Huelskamp Huizenga (MI) Hultgren Hunter Hurt Issa Jenkins Johnson (IL) Johnson (OH) Johnson, Sam Jones Jordan Kelly King (IA) King (NY) Kingston Kinzinger (IL)

Kline

Lance

Landry

Latta

Long

Labrador Lamborn Lankford Latham Lewis (CA) LoBiondo Rogers (KY)

Rogers (MI) Lucas Luetkemeyer Rohrabacher Lummis Rokita Lungren, Daniel Rooney E. Mack Ros-Lehtinen Roskam Manzullo Ross (FL) Marchant Royce Marino Runvan McCarthy (CA) Ryan (WI) McCaul Scalise McClintock Schilling McCotter Schmidt McHenry Schock Schweikert McKeon McKinley Scott (SC) McMorris Scott, Austin Rodgers Sensenbrenner Meehan Sessions Mica. Shimkus Miller (FL) Shuster Miller (MI) Simpson Miller, Gary Smith (NE) Murphy (PA) Smith (NJ) Myrick Smith (TX) Neugebauer Southerland Stearns Noem Nugent Stivers Nunes Stutzman Nunnelee Sullivan Olson Terry Thompson (PA) Palazzo Paulsen Thornberry Tiberi Tipton Pearce Pence Turner (NY) Peterson Pitts Turner (OH) Platts Upton Poe (TX) Walberg Pompeo Walden Walsh (IL) Posey Price (GA) Webster Quavle West Reed Westmoreland Rehberg Whitfield Reichert Wilson (SC) Wittman Renacci Ribble Wolf Womack Rigel1 Rivera Woodall Roby Roe (TN) Yoder Young (AK) Young (FL) Rogers (AL)

NOT VOTING-

Young (IN)

Edwards McNerney Paul Ellison Mulvanev Payne LaTourette Olver

 $\Box$  1612

Mr. GARY G. MILLER of California changed his vote from "aye" to "no."

Messrs. ALTMIRE, PETRI, COHEN and HINOJOSA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. KLINE). The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOLD) having assumed the chair, Mr. KLINE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes and, pursuant to House Resolution 539, reported the bill back to the

the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT

Mr. WALZ of Minnesota. I have a motion at the desk, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALZ of Minnesota. In its current form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walz of Minnesota moves to recommit the bill H.R. 3581 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 21, insert "(i)" after "(C)"

Page 3, line 23, strike "(i)" and insert "(I)".

Page 4, line 7, strike "(ii)" and insert "(II)".

Page 4, after line 9, insert the following: "(ii) For loans to students or veterans, the

risk component is zero.". Mr. WALZ of Minnesota (during the

reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, I would like to say that the goals of this legislation that the gentleman and his supporters have put before us are noble. The supporters have stressed it is to improve accuracy in how we account for loan programs. That's, indeed, a laudable goal. As stewards of the taxpayer dollars, we all believe it's our responsibility to keep a careful eye on every dollar spent. This includes using the most accurate accounting measures possible. Unfortunately, we have no assurances.

Mr. Speaker, the intentions of this bill are laudable. The problem we have is there's no assurance that the piece of legislation we're doing today will encode that into law. Instead, what we have are half-finished ideas whose merit is disputed by nonpartisan budgeting experts and whose effects are still unknown.

We've heard concerns today that enactment of this bill could result in us systematically overestimating the cost of Federal loan programs. This will not just be inaccurate accounting; it could

House with an amendment adopted in cause significant harm to millions of Americans who depend on these loans. As a school teacher and a 24-year veteran of the National Guard, I know that the two groups that depend on these loans more than any other are students and our veterans. That's why I have this motion at the desk to amend the bill to ensure that, at the very least, as this experiment plays out, we hold harmless students and veterans.

This amendment does not kill the bill, and it changes nothing in it. It simply ensures that until we know how this policy is going to work out, we won't insist that we make it any harder for an Iraq or Afghanistan veteran to get a home loan. At the same time, when economic hardships and rising tuition costs are making it harder for our best and brightest, those very students that we depend on to make this Nation profitable, we need to make sure that they're not harmed by this process.

My amendment would ensure that we hold them, the veterans and the students, harmless until we know how this unvetted, untested piece of legislation will work. I simply encourage my colleagues to join me. Protect the students and the veterans in this. Go ahead and pass the bill, if that's what vou want to do: but let's make sure there's a firewall between those that can least afford to have this go bad.

With that, I yield back the balance of my time, Mr. Speaker.

Mr. GARRETT. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Speaker, the prior amendment that this House just overwhelmingly voted down would have gutted the underlying bill entirely. This motion to recommit will now try to gut the bill by approximately one-third. I commend the other side of the aisle for at least going in the right direction. But, Mr. Speaker, I remind us all of the words of the President of the United States when he stood in that same position where he speaks of fairness and the agenda that he proposes, and he speaks of fairness to the American public.

Well, Mr. Speaker, we know that the budget process in this country is broken. We know that there is no fairness in that. This amendment will undercut the legislation before us, and the underlying bill will try to restore it.

We need fairness to the hardworking American taxpayer who, at the end of the day, will be the one who will have to foot the bill when the loans go sour like we saw in the situation with Solyndra. We need to bring fairness to the small business owner who is already compelled to comply with the exact same requirements that we have in this bill. Mr. Speaker, we need to

bring fairness to the American public who simply wants to know where their hardworking tax dollar is going.

Mr. Speaker, in conclusion, let me just say this: as we here in Washington travel through that great twilight which is that murky area of obscure accounting rules, let us commit ourselves to one thing—that we will bring clarity, that we will bring transparency, that we will bring sunshine, and, most importantly, that we will bring fairness to the American public as to the spending of their tax dollars.

I recommend that we vote "no" on this motion to recommit.

I vield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 238, not voting 5, as follows:

# [Roll No. 41] YEAS-190

Cummings Ackerman Johnson, E. B. Altmire Davis (CA) Jones Andrews Davis (IL) Kaptur Baca DeFazio Keating Baldwin Kildee DeGette Barrow DeLauro Kind Bass (CA) Kissell Deutch Becerra Dicks Kucinich Berkley Dingell Langevin Larsen (WA) Doggett Berman Bishop (GA) Donnelly (IN) Larson (CT) Bishop (NY) Dovle Lee (CA) Engel Blumenauer Levin Lewis (GA) Eshoo Bonamici Boren Farr Lininski Boswell Fattah Loebsack Filner Brady (PA) Lofgren, Zoe Frank (MA) Bralev (IA) Lowev Brown (FL) Fudge Luján Garamendi Butterfield Lynch Capps Gonzalez Malonev Capuano Green, Al Markey Cardoza Green, Gene Matheson Carnahan Grijalva Matsui McCarthy (NY) Carney Gutierrez Carson (IN) Hahn McCollum McDermottCastor (FL) Hanabusa Chandler Hastings (FL) McGovern Chu Heinrich McIntyre Cicilline McNernev Higgins Clarke (MI) Himes Meeks Clarke (NY) Hinchey Michaud Miller (NC) Clav Hinojosa Cleaver Hirono Miller, George Clyburn Hochul Moore Cohen Holden Moran Connolly (VA) Murphy (CT) Holt Honda. Convers Nadler Cooper Hoyer Napolitano Costa Inslee Neal Costello Israel Olver Jackson (IL) Courtney Owens Jackson Lee Pallone Critz Crowlev Pascrell (TX) Johnson (GA) Pastor (AZ)

Shimkus

Shuster

Simpson

# CONGRESSIONAL RECORD—HOUSE, Vol. 158, Pt. 1

Pelosi Perlmutter Peters Peterson Pingree (ME) Polis Price (NC) Quigley Rahall Rangel Reyes Richardson Richmond Ross (AR) Rothman (NJ) Roybal-Allard Ruppersberger Rush Rvan (OH)

Sánchez, Linda Sanchez, Loretta Sarbanes Schakowsky Schiff Schrader Schwartz Scott (VA) Scott David Serrano Sewell Sherman Shuler Sires Slaughter Smith (WA) Speier

### Thompson (CA) Thompson (MS) Tiernev Tonko Towns Tsongas Van Hollen Velázquez Visclosky Walz (MN) Wasserman Schultz Waters Watt Waxman Welch Wilson (FL) Woolsey Yarmuth

Alexander

Edwards

Adams

Akin

Amash

Amodei

Austria

Bachus

Barrow

Barletta

Bartlett

Bass (NH)

Benishek

Riggert.

Bilbray

Black

Bonner

Brooks

Bilirakis

Bishop (UT)

Blackburn

Bono Mack

Boustany Brady (TX)

Broun (GA)

Buchanan

Bucshon

Buerkle

Burgess

Calvert

Campbell

Canseco

Cantor

Capito

Carter

Cassidy

Chabot

Cole

Chaffetz

Conaway

Cooper

Coffman (CO)

Camp

Burton (IN)

Berg

Barton (TX)

Bachmann

Aderholt

Alexander

# NAYS-238

Stark

Sutton

Gallegly Adams Aderholt Gardner Akin Garrett Amash Gerlach Gibbs Amodei Austria Gibson Gingrey (GA) Bachmann Bachus Gohmert Barletta Goodlatte Bartlett Gosar Barton (TX) Gowdy Bass (NH) Granger Graves (GA) Benishek Berg Biggert Graves (MO) Griffin (AR) Bilbray Griffith (VA) Bilirakis Grimm Bishop (UT) Guinta Guthrie Black Blackburn Hall Bonner Hanna Bono Mack Harper Boustany Harris Brady (TX) Hartzler Hastings (WA) Brooks Broun (GA) Hayworth Buchanan Heck Bucshon Hensarling Buerkle Herger Burgess Huelskamp Huizenga (MI) Burton (IN) Calvert Camp Hultgren Campbell Hunter Canseco Hurt Cantor Capito Jenkins. Johnson (IL) Carter Cassidy Chabot Johnson, Sam Jordan Chaffetz Kelly Coble King (IA) Coffman (CO) Cole King (NY) Conaway Kingston Kinzinger (IL) Cravaack Crawford Kline Crenshaw Labrador Culberson Lamborn Davis (KY) Lance Denham Landry Lankford Dent DesJarlais Latham Diaz-Balart LaTourette Dold Latta Dreier Lewis (CA) Duffy LoBiondo Duncan (SC) Long Duncan (TN) Lucas Ellmers Luetkemeyer Emerson Lummis Lungren, Daniel Farenthold Fincher Mack Fitzpatrick Manzullo Flake Fleischmann Marchant Fleming Marino

Johnson (OH)

E.

McCaul

McClintock

McCotter

McHenry

McCarthy (CA)

Flores

Forbes

Foxx

Fortenberry

Franks (AZ)

Frelinghuvsen

McKinlev McMorris Rodgers Meehan Mulvaney Myrick Noem Nugent Nunes Nunnelee Olson Palazzo Paulsen Pearce Pence Petri Pitts Platts Poe (TX) Pompeo Posey Price (GA) Quavle Herrera Beutler Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rokita. Rooney Roskam Ross (FL) Royce Runvan Ryan (WI) Scalise Schilling

Mica Miller (FL) Miller (MI) Miller, Gary Murphy (PA) Neugebauer

Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Schmidt Schock Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (NE) Smith (NJ) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan Terry Thompson (PA)

Walsh (IL) Wolf Tipton Webster Womack Turner (NY) West Woodall Turner (OH) Westmoreland Yoder Upton Whitfield Young (AK) Wilson (SC) Walberg Young (FL) Walden Wittman Young (IN) NOT VOTING-5

Ellison

Paul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during the vote). There are 2 minutes remain-

Payne

#### $\Box$ 1637

Mr. McNERNEY changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

# RECORDED VOTE

Mr. VAN HOLLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 180, not voting 8, as follows:

# [Roll No. 42]

AYES-245 Cravaack Guinta Crawford Guthrie Crenshaw Hall Cuellar Hanna Culberson Harper Davis (KY) Harris DeFazio Hartzler Denham Hastings (WA) Dent Hayworth DesJarlais Heck Diaz-Balart Hensarling Dold Herger Dreier Herrera Beutler Duffy Huelskamp Duncan (SC) Huizenga (MI) Duncan (TN) Hultgren Ellmers Hunter Emerson Hurt Farenthold Issa Fincher Jenkins Fitzpatrick Johnson (IL) Flake Johnson (OH) Fleischmann Johnson, Sam Fleming Jones Flores Jordan Forbes Kelly Fortenberry King (IA) Foxx King (NY) Franks (AZ) Kingston Frelinghuysen Kinzinger (IL) Gallegly Gardner Kissell. Garrett Kline Labrador Gerlach Lamborn Gibbs Lance Gibson Gingrey (GA) Landry Lankford Gohmert Goodlatte Latham LaTourette Gosar Latta Gowdy Granger Graves (GA) Lewis (CA) LoBiondo Graves (MO) Long Griffin (AR) Lucas Luetkemever Griffith (VA) Lummis

Lungren, Daniel E. Mack Manzullo Marchant Marino McCarthy (CA) McCaul McClintock McCotter McHenry McKeon McKinley McMorris Rodgers Meehan Mica Miller (FL) Miller (MI) Miller, Gary Mulvaney Murphy (PA) Myrick Neugebauer Noem Nunes Nunnelee Olson Owens Palazzo Paulsen Pearce Pence Petri Pitts Platts

Ackerman

Altmire

Andrews

Baldwin

Becerra.

Berkley

Berman

Bishop (GA)

Bishop (NY)

Blumenauer

Bonamici

Brady (PA)

Braley (IA)

Brown (FL)

Butterfield

Boren

Capps

Capuano

Carnahan

Carson (IN)

Castor (FL)

Clarke (MI)

Clarke (NY)

Connolly (VA)

Chandler

Cicilline

Chu

Clay

Cleaver

Coble

Cohen

Costa

Critz

Clyburn

Conyers

Costello

Courtney

Crowley

Cummings

Davis (CA)

Davis (IL)

DeGette

DeLauro

Deutch

Dingell

Doggett

Doyle

Engel

Eshoo

Farr

Donnelly (IN)

Dicks

Cardoza

Carney

Boswell

Bass (CA)

Ba.ca.

Poe (TX) Pompeo Posey Price (GA) Quayle Quigley Reed Rehberg Reichert Renacci Ribble Rigell Rivera Roby Roe (TN) Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (FL) Royce Runvan Ryan (WI) Scalige Schilling Schmidt Schock Schweikert Scott (SC) Scott, Austin Sensenbrenner Sessions

Smith (NE) Smith (NJ) Smith (TX) Southerland Stearns Stivers Stutzman Sullivan  $\operatorname{Terry}$ Thompson (PA) Thornberry Tiberi Tipton Turner (NY) Turner (OH) Upton Walberg Walden Walsh (IL) Webster West Westmoreland Whitfield Wilson (SC) Wittman Wolf Womack Woodall Yoder Young (AK) Young (FL) Young (IN)

#### NOES-180

Fattah Filner Frank (MA) Fudge Garamendi Gonzalez Green, Al Green, Gene Grijalva Hahn Hanabusa Hastings (FL) Heinrich Higgins Himes Hinchev Hinojosa Hirono Hochul Holden Holt. Honda Hoyer Inslee Israel Jackson (IL) Jackson Lee (TX) Johnson (GA) Johnson, E. B. Kaptur Keating Kildee Kind Kucinich Langevin Larsen (WA) Larson (CT) Lee (CA) Levin Lewis (GA) Lipinski Loebsack Lofgren, Zoe Lowey Luján Lynch Maloney Markey Matheson Matsui McCarthy (NY) McCollum McDermott McGovern McIntyre

McNernev

Meeks Michaud Miller (NC) Miller, George Moore Moran Murphy (CT) Nadler Napolitano Nea1 Nugent Olver Pallone Pascrell Pastor (AZ) Pelosi Perlmutter Peters Peterson Pingree (ME) Polis Price (NC) Rahall Rangel Reves Richardson Richmond Ross (AR) Rothman (NJ) Rovbal-Allard Ruppersberger Rush Ryan (OH) Sánchez, Linda Sanchez, Loretta Sarbanes Schakowsky Schiff Schrader Schwartz Scott (VA) Scott, David Serrano Sewell Sherman Shuler Sires Slaughter Smith (WA) Speier Stark Sutton Thompson (CA) Tonko

Towns

Tsongas

Van Hollen Wasserman Waxman Welch Velázquez Schultz Visclosky Waters Woolsev Walz (MN) Yarmuth Watt

NOT VOTING-8

Edwards Paul Tierney Ellison Payne Wilson (FL) Gutierrez Thompson (MS)

### □ 1644

Ms. JACKSON LEE of Texas changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERSONAL EXPLANATION

Mr. ELLISON. Mr. Speaker, on February 7, 2012, I missed rollcall votes Nos. 36-42 due to commitments in my district. Had I been present I would have voted "yes" on rollcall votes 36, 37, 40, and 41 and "no" on rollcall votes 38, 39, and 42.

REPORT ON RESOLUTION PRO-VIDING FOR CONSIDERATION OF H.R. 3521, EXPEDITED LEGISLA-TIVE LINE-ITEM VETO AND RE-SCISSIONS ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-389) on the resolution (H. Res. 540) providing for consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NOTICE OF INTENTION TO OFFER MOTION INSTRUCT TO CON-FEREES ON H.R. 3630, TEM-PORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mr. BISHOP of New York, Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 3630, the conference report to extend the payroll tax, unemployment insurance, and SGR payments for doctors.

The form of the motion is as follows:

Mr. Bishop of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to file a conference report not later than February 17,

# NEW YORK CITY NATURAL GAS SUPPLY ENHANCEMENT ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and passing the bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeRecreation Area, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (twothirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE GOVERNMENT IS THE VIL-LAIN AGAINST RELIGIOUS BE-LIEFS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, religious civil liberty is the bedrock of a free people, but today we face an unprecedented and unconstitutional act of aggression against our religious liberty sponsored by the U.S. Government. The President's health care edict forces Catholic organizations to choose between either violating their religious faith or not furnishing their employees with health care coverage.

No government has the legal or moral right to harass any religion and make them violate their religious convictions, especially ours. After all, the Constitution prevents this type of government oppression against religion. That's why Catholics, Protestants, and Jews are united in their effort to stand up against this government act of tyranny.

People came to this country to flee religious persecution. Now our own government is a villain to religion. But people of faith will not submit to a government war against religion. The holy line has been drawn by a coalition of all religions.

The head of the Catholic League, Bill Donahue, said it best: "This is going to be fought out with lawsuits, with court decisions, and, dare I say it, maybe even in the streets.'

And that's just the way it is.

# RECOGNIZING LOUIS MOORE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Professor Louis Moore for his long and distinguished career in the field of agriculture. After more than half a century of service, Lew will be retiring this year from Penn State, where most recently he served as a professor of agricultural economics.

Lew has been at the forefront of promoting Pennsylvania agriculture. Most

line facilities in the Gateway National notably, Lew was instrumental in the implementation and expansion of the PSU Agriculture Cooperative Extension, which helps citizens learn and connect with the various agriculture research and services that Penn State's Department of Agriculture provides Commonwealth farmers.

> In 1955, Lew began work as a marketing agent for Cooperative Extension in northwestern Pennsylvania and later for the entire Commonwealth. In 1973, he joined Penn State as a professor of agricultural economics, where he also helped expand the Extension beyond Pennsylvania, working with foreign ministries of agriculture, farmers, universities, agribusinesses in countries across the world.

From his research and writings to his marketing and advocacy, Lew's contributions to the field of agriculture stand as a beacon to our State and our Nation.

Congratulations, Professor Moore, and we thank you for your service.

# □ 1650

# ACADEMY NOMINEES

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to recognize the nine students from Arkansas' First District whom I have the privilege to nominate to a U.S. service academy. All of these students have demonstrated exceptional skills in the classroom. Not only are these young men brilliant students, but they have also given much to their communities and deserve recognition.

Jordan Reed from Cabot is active in scouting, Future Farmers of America and Quiz Bowl.

Weston White from Blytheville was elected lieutenant governor at Boys State and is active in Future Business Leaders of America.

Sully Bigger from Walnut Ridge is on the track team and participates in cross-country racing.

Clayton Carpenter from West Memphis lettered in baseball and football where he was an academic All-Conference player.

Robert Raper from Colt is a cadet in the Naval Junior ROTC where he holds the position of cadet company commander

Andrew Morgan from Mountain Home is a two-time All-Conference Academic selection in football.

Sean Gavan from Cabot is a member of the Air Force Junior ROTC where he is a lieutenant colonel and a logistics commander.

Jack Baltz from Pocahontas is class president and is an active church member.

Daniel Kyle Payne from Violet Hill was selected for the American Christian Honor Society and serves on the student council.

These young men are proof that insisted that he was just a regular guy America's Greatest Generation is not just a story of our Nation's past. With each new generation of Americans, our national spirit is renewed. It is an honor to represent young men like these who embody the hope and purpose that define America.

# DEPARTMENT OF ENERGY'S LOAN GUARANTEE PROGRAM

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it's an interesting thing: there are programs around here that are completely out of control, and one is the Department of Energy's Loan Guarantee Program that our Energy and Commerce Committee has been investigating for the past year. I'll tell you, I was thinking about an old country song when we were talking about this program today, which is: when you're in a hole, stop digging. That is certainly what applies to the Department of Energy's Loan Guarantee Program, and that is what DOE needs to do.

We are seeking information to figure out exactly what has happened with taxpayer money. Now, everybody has heard about Solyndra. We all know how that has run off the rails. It went bankrupt; it wasted taxpayer money. Now we have Fisker, which is a company that received Federal loan guarantees. Right now, it's trying to renegotiate the terms of its initial loan. Guess what, now we find out that they're laving off employees-20 employees and 40 contractors.

Yet, again, another Department of Energy Loan Guarantee Program, under the watch of Secretary Chu, is having difficulty, and Federal taxpayer money is being wasted.

# HONORING THE LIFE OF ALF LARSON

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to honor the life of Alf Larson, a Minnesota World War II veteran who survived the infamous Bataan Death March. Alf passed away just last week, on January 30, at the age of 93.

Despite experiencing one of the worst aspects of war, Alf kept his faith in the Lord. During his 41 months in captivity as a prisoner, Alf would read the New Testament and the Book of Psalms, which he kept hidden.

After the war, Alf returned home, got married and then reenlisted in the Air Force in 1948. He left the Air Force 6 years later, and came back to Crystal, Minnesota, and raised a family-his three children. Like most heroes, Alf

who was doing his duty, saying, I'm not a hero. I was just doing my job.

Mr. Speaker, last week Minnesota and our Nation lost one of our greatest heroes.

To Alf and all the other veterans who serve our country admirably, I want to say thank you for your incredible sac-

NATIONAL BLACK HIV/AIDS DAY AND THE RELEASE OF AMER-ICAN CITIZENS IN EGYPT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I do want to acknowledge today the honoring, or the recognition. of National Black HIV/AIDS Day in acknowledging the work that many organizations have done to stop the devastation of HIV/AIDS in certain populations.

I will submit a statement into the record extensively acknowledging the work that has been accomplished; but I rise today to address a very important international issue that appears to be politicized by those running for President in the Republican primary.

First of all, we should all be concerned for Americans who are being held by ally Egypt, and we should be concerned for the safe passage of those Americans as quickly as possible. Yet it is ridiculous to associate this incident with the taking of hostages in Iran some decades ago. But, of course, where there is foolery, there is opportunity.

I call upon Egyptian Americans to work with this administration to stop the holding of American citizens and to have them released immediately, and I will continue pressing for this as the weeks and days go on.

# NATIONAL MARRIAGE WEEK

The SPEAKER pro tempore (Mr. YODER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Mississippi (Mr. NUNNELEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. NUNNELEE. Thank you. Mr. Speaker.

Today begins the observation of National Marriage Week. It is a week that begins today, February 7, and will go through Valentine's Day, February 14, next week. Around the Nation, in fact, indeed around the world, there are those organizations and individuals who will be conducting events around National Marriage Week.

So I think it's all too fitting and proper that we take this hour on the floor of the House of Representatives to recognize the importance of marriage and the importance of homes. Tonight, we will be having a series of speeches that will reflect the importance of marriage and the home, and we will also recognize National Marriage Week.

Mr. Speaker, for the first of those speeches, I would like to recognize my friend, my colleague from Mississippi (Mr HARPER)

Mr. HARPER. I thank the gentleman for the opportunity to speak on behalf of National Marriage Week. What a special time it is for us. I will also say what an inspiration you and your wife are to my wife and myself on the way that you live that marriage.

As we look and see how our society is today and as we see the prevalence of divorce and the breakdown of the family, I think it's very fitting that we talk for a moment about the importance of marriage and what it means in our lives. While it is not attainable for some family situations or some situations, it should always be our goal to keep that family unit together and to hold that bedrock of our society to-

My experience with marriage came from watching my mom and dad. My dad was a gunner in a B-17 in World War II. He came right after World War II to Columbus Air Force Base, which is in Congressman Nunnelee's district, and met my mother at a dance when she came down from Lackey, Mississippi, outside Aberdeen. From that point forward, my dad decided he would move his allegiance from Oklahoma to the State of Mississippi.

I watched that marriage through my life. While no marriage is always easy or trouble free, they stuck together through thick and thin. I know, for us-my dad, my late father, being a petroleum engineer—we transferred quite often from kindergarten through the 12th grade. I was in 10 different schools in four different States-and we actually spent another summer in a fifth State—but Mississippi was always home. That bond that we had was very special because, as long as Mom and Dad and my brother and I were together, there was that protection, that safety that came from that; and how I watched them as they handled things that came up in their life inspired me.

Then in that last move that we had from the State of California back to Mississippi, I wound up in a high school in the 10th grade with a great friend of mine whose conduct and behavior indirectly led me to accept Jesus Christ as my savior at the end of my 10th grade year. He got me going to his church, and it was there that I spotted this beautiful young lady; but I had to wait until she broke up with this boyfriend, and then I moved in for the kill.

# □ 1700

So I started dating my wife Sidney when she was 15 and I was 17. We dated 5½ years before we got married. We would have gotten married sooner but we were afraid to stay by ourselves, so we had to wait just a little while. But we've now been married 32 years. And I can tell you that I can't imagine not being married to Sidney.

As I look and we talk about National Marriage Week, and you look at the iovs and the troubles that you go through in life—and for us, part of that was having a son with special needs. Our son Livingston has Fragile X Syndrome, and the difficulty of going through that with him is something I could have never done without that bond of marriage and that strength that came not only from the Lord but from my relationship with my wife. We've been blessed with our son Livingston, what a wonderful son, and our daughter Maggie. And having that family together and them having us together, I think, helps us as we build our society and we move forward.

I want to commend the gentleman from Mississippi for having this event today where we can come and speak on that. And I want you to know that I'm a very smart husband too because I'm giving this speech, wearing the tie that my wife gave me for Valentine's Day last year. So hopefully that will score points.

But I want to say, as we look at this, let's try to encourage people that are going through difficulties in their marriage to stay together, to keep that family together. And this is something that we can build on that will benefit our society.

Mr. NUNNELEE. Thank you, Mr. HARPER

Now I would like to call on my friend Mr. LAMBORN, the gentleman from Colorado.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Mississippi for putting this time together. And I rise today in support of National Marriage Week.

In so many ways, from so many sources, marriage is under attack in America. When we consider the many social problems facing our country right now, the erosion of marriage and family is at the core of many of them. Scholar Michael Novak once famously referred to the family as the "original Department of Health, Education, and Welfare" because of its role in providing for the needs of all its members and, particularly, the next generation.

Study after study has shown the tremendous advantages for children and society as a whole when there is a sustained presence of mothers and fathers in the home. Families in which mothers and fathers strive to nurture their children together have advantages over every other family form that has been studied to date.

Today we are seeing that marriage is increasingly in trouble in America. High rates of divorce, nonmarital childbearing, and single parenthood were once problems primarily con-

centrated in poor communities. Now the American retreat from marriage is moving into the heart of the social order, the middle class. There is a widening gulf between the middle class, where a sharp decline in marriage is at work, and the most educated and affluent Americans, where marriage indicators are either stable or are even improving.

As unwed childbearing continues to climb, risking continued social breakdown and increased government dependency, national leaders should be encouraging stable family formation, not redefining marriage. I call upon Congress to recognize the intrinsic good that results to all of society when husbands and wives strive to uphold their marriage vows and raise children in loving and stable homes.

I again want to thank the gentleman from Mississippi for putting this time together on such an important issue.

Mr. NUNNELEE. Thank you, Mr. LAMBORN.

Mr. Speaker, I now recognize the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I thank the gentleman for hosting this time.

This is a conversation at the end of the day, after all the votes are over on the House floor and all the hustle and bustle and everything, and we get a chance just to shut down and be able to talk about issues like this week being National Marriage Week. Just for a moment, to be able to pause on an area that we really do agree on, as a Congress, and so many people can gather around to celebrate marriage, what marriage has meant in our own families. and what it means in our Nation.

Twenty years ago this May, I watched my bride walk in with her wedding dress, and I could never begin to explain the emotion of that. It's a moment I will never forget, seeing her smile and thinking, For the rest of my life, I'm going to get to spend it with that lady.

Love is an amazing thing. But marriage is not just love. It is commitment. It is the foundation of our culture. It is the very essence of what we call family. For me, as a follower of Jesus Christ, I also understand that marriage is one of the few things to survive the fall of man. Marriage existed in the Garden of Eden, and it still exists today.

I fully appreciate and understand the dynamics of single parenting—growing up in a single-parent home myself, I watched my mom dedicate her life to myself and my brother, and how hard she worked. But I can tell you, from her perspective and from no person I have ever met, have they picked up a newborn child and looked into that newborn's face and said, I hope this child grows, gets great grades, goes to a good college, gets married, and then gets divorced. No one does that be-

cause, as a culture, we understand the value of marriage. It's intrinsic within us that we get it, and we honor that. We see an elderly couple in the park and see them smiling at each other, and we wonder about how many decades they've spent together. And we honor them, as a culture, because they have strived for so many years and have been committed for so many years to each other. It is to be honored. And it's a good thing for us to stop for just a moment in the hustle of this day to honor marriage again.

And let me just say, as a government as well, marriage is a big deal to us because there's a direct correlation: The weaker our families are, the moregovernment has to stand up and provide services. The stronger our families are, the less there is a need for government. You'll see it in law enforcement. You'll see it in social services. You'll see it in food stamps. On and on and on, the stronger our families are, the less government we need. And as our families collapse, we have an acceleration of government to try to fill in the gaps. It is this uniting aspect of our culture-white, black, Latino, Asian, American Indian, every race, faith. Family is the key, and marriage is the essence of that.

A quick story. A few weeks ago at the Martin Luther Day festivities in Oklahoma City, Paco Balderrama, who works the gang unit within Oklahoma City's police department—he is a fantastic officer with a terrific reputation in our community-stood up, and he began to talk about marriage and about families. And he made a statement. He said, of all the gang arrests that they do and of all the gang interventions that they do in Oklahoma City, he said, 1 percent of the gang members that I pick up come from married, intact families, 1 percent. The more our families fall apart, the more government has to rise up.

In intact families, you have a lower use of drug use in those kids, of crime in those kids, of poverty, and passing on poverty to the next generation. They have safer homes with less abuse. They have less risk of early sexual activity, all because they have come from a family that is married and committed to each other. We should maintain that in our Federal policies, that in every way possible, we support marriage, not discourage marriage.

A great example of that is the marriage penalty that's in SSI right now. If you are on disability insurance and you are single, you get one payment. But if you are married, it's much lower. If you are single, you can have one amount, and you can have one amount of assets, but if you are married, it's less. So it basically is a disincentive for a person on SSI to be married.

I have personally interacted with people in Oklahoma City that have

been living together for years. And when I asked them about it, and said, Why don't you get married? Why don't you settle this commitment? His response to me was, I can't afford to do that. I'll lose part of my SSI benefits.

We, as a government, should do everything we can to make sure there are no marriage penalties in any of our social service programs because the best thing that can be done to pull families out of poverty is a stable, strong home. And when there's a stable, strong marriage, that will build up families. And the more we step in as a government and say, I know your family's falling apart, but we're just going to subsidize you. In fact, we'll subsidize you to a level that you don't have to get married. In fact, we discourage you from getting married. It's absurd on its face.

The cultural thing that pulls us all together—every race, every religion—is the marriage being the center of that home. And for every family that I have ever talked with, their hope for their children is that they get married, and they stay married.

#### □ 1710

It is still a core foundation of our culture. Many marriages have fallen apart, but we should as a Nation stand beside marriage. It's a great week. It is always a great week to celebrate National Marriage Week.

Mr. NUNNELEE. Mr. Speaker, it is my honor to participate in National Marriage Week, along with my bride of 30 years, Tori. In fact, it was February 13, 1980, that she and I went out for the first time. And on that night I found a friend, a friend that would be a life partner. A couple of years later we were married.

Now the purpose of National Marriage Week, as has been articulated here on the House floor tonight, is to recognize the benefits and the stability that strong marriages bring to society. Now, it's purpose is not to belittle those who have never been married. Neither is it's purpose to make those who may have previously been married feel like their value to America is somehow not important. I recognize tonight there are thousands of single parents struggling. They're struggling every day to make ends meet. They're trying to balance two tough full-time jobs—jobs being the sole breadwinner and provider to a family, and the fulltime job of being a parent. But it's also important that we not forget to recognize the importance of strong marriages in our society.

The home is the fundamental unit of society. The home is the system whereby values are transmitted from one generation to the next. Studies have shown that children raised in intact, married homes are more likely to attend college. They're physically and emotionally healthier. They're less likely to be physically or sexually

abused. They're less likely to use drugs or alcohol. They're less likely to be involved in a teenage pregnancy. The home was the first institution established on Earth. In fact, it's older than the institutions of religion, of government, of education. The home is the only institution we have on Earth that is exactly the same as it was before sin entered the Earth.

And today, we stand on the foundations of the homes created by our ancestors. And a strong America in the next century begins with strong homes today. Strong homes begin with strong marriages. I have known this to be true in my own life. While their story is not unique, in fact it's a story that is replicated throughout America.

Next week, there's a couple in Tupelo, Mississippi, who will celebrate their 55th wedding anniversary. They married as children in 1957. She was 17. He was an old man of 19. If their compatibility had been put into one of the matchmaking computer programs that's available today and all of their data had been input, those computers I'm convinced would have spit out a three-word message: Are you kidding?

He had lived all of his 19 years of life on a small and poor farm in Pontotoc County, Mississippi. He had rarely traveled from the place of his birth. On the other hand, she was born in Pittsburgh, Pennsylvania. She lived there until her family was transferred to Mississippi as she was to begin the 11th grade. The summer after she graduated from high school, they met. She canceled her plans to attend college because she had met what would be her life partner. While their backgrounds had very little in common, their families shared two very important values: a strong faith in God and a commitment to the family unit.

Their first night together, they got down on their knees and they committed their marriage to God, and they committed themselves to each other Over the ensuing 55 years, they've shared many good days: the birth or adoption of seven children: her graduation from college, an event that had been delayed by almost two decades; his becoming very successful in the life insurance business, including becoming the president of one of the State's largest and most successful life insurance companies: the birth of 14 grandchildren; seeing all seven of their children given the opportunity to attain a college education.

But just like in so many families, every day has not been a bright one. Trying to raise children while building a sales territory, there were a lot of times when there was not a lot of money left at the end of a long month.

They've held hospitalized children, some hospitalized with routine child-hood illnesses, others with life-threat-ening conditions, and they've had long nights in the hospital not knowing if

that child would make it to see the morning.

They ve had to console a grieving daughter as she was consoling a son, a grieving daughter who was far too young to be a widow. They leaned on each other as he was terminated from the company that he'd built. He was the casualty of a corporate merger.

Through the good days as well as the bad, the commitment they made to God, the commitment they made to each other, has endured. While the word "retirement" is not in their vocabulary, they are beginning their eighth decade on Earth, and they are beginning it each day with each other.

Their seven children are scattered from Knoxville to San Antonio, and each are contributing members of their communities. One of them lives in Mississippi, but works part-time in Washington, D.C., and tonight he's proud to stand on the floor of the United States House of Representatives and on behalf of their children, their grandchildren, and their great grandchildren, say thank you. Thank you for your commitment to each other, because your commitment to each other, your commitment to your family will not be measured by years, but rather, it will be measured by generations.

This story is not unique. In fact, it's representative of the millions of stories told by millions of families that have made America great. But as we stand here tonight, we need to be mindful that because of the value that strong marriages bring to society, the policies of government should support strong marriages and not oppose them.

# □ 1720

All too often, whether it's in tax policy, housing policy, or the policy of Federal benefits, the policies of government are stacked against families. If we truly believe that families are the foundation of a strong America, we need to make the policies of government support and enhance those families.

Mr. Speaker, let me now recognize the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you.

appreciate my friend, Mr. NUNNELEE's, effort in recognizing the role that America has had in fostering the greatest building block any society has ever known-marriage, plain and simple. I was blessed to have had two parents that loved each other, loved each other enough to fuss at each other when they didn't feel like the other was doing the right thing. But, as Mr. LANKFORD from Oklahoma pointed out, it's not all about love. It's also about commitment. And as anybody who has studied sociology and really wants to be honest about the history of the world knows, the greatest societies in the history of the world have had as their building block the marriage between a man and a woman.

Now, my wife was blessed to have been born and raised by a couple who loved her as her natural parents and loved each other, and the commitment was always there. Her dad passed away a few years ago, and her mother is still alive and blesses us. My dad remarried a year after my mother died in 1991, and they've been a blessing to both of us and to our children.

It was certainly a great blessing to me when I met Kathy, when I was in law school and she was an undergrad at Baylor. And somebody again this weekend said, Your wife is so cute; I had no idea. And I have to explain to people that's because she met me and married me while I had hair. I realize I couldn't get somebody cute nowadays if Kathy and I weren't together. But back then, I had hair, and I know it's hard to believe, but I actually looked okay when I had hair. But, anyway, she's stuck with me for 331/2 years now, and we have been truly enriched to have three wonderful daughters.

I've learned so much about the nature of God by being a father. I learned a little more by being a judge, but marriage just has been truly the enhancement, beyond my faith in Christ, the number two thing in my life as far as the blessings that I have received.

When we look at the laws regarding marriage, we know there's a great deal going on. The court, as I understand it, today struck down a law that said marriage is between a man and a woman. It's interesting that there are some courts in America where the judges have become so wise in their own eyes that they know better than nature or nature's God.

It was interesting seeing what happened in Iowa a year and a half ago, after an Iowa Supreme Court unanimously-well, they held en banc. Having been a chief justice of a court of appeals, sometimes that means that nobody wanted to be out there signing the decision by themselves so that perhaps behind the scenes they may have said, Hey, look I helped you on that by making that a full decision en banc and so help me out here by all agreeing to this. Well, three of them came up for an up-or-down vote, and for the first time in Iowa's history, the voters in Iowa voted to terminate the time as judge of three of the nine judges-or seven. Three of them were up, and they were terminated.

One of the things that I found interesting as I went on a bus trip across Iowa—I loved the Iowa folks. All I had to do was pull out the decision written by the Iowa court and read in that decision how those judges in Iowa had become so wise in their own eyes that they said that even though the State of Iowa raised as one of their issues that there was biological evidence that supported a marriage being between a man and a woman, that they, the Supreme Court, so wise beyond nature, so wise

beyond nature's God, they could not find any evidence whatsoever to support the notion of marriage being between a man and a woman. Iowa voters would often start laughing, and some would just gasp in shock that people that had so many years of education, at least 18, 19, 20 years of education, had studied and looked at the evidence and could not find any indication that nature or biology supported marriage between a man and a woman. Well, nature seemed to like the idea of an egg and a sperm coming together because of procreation. Apparently, they thought the sperm had far better use some other way biologically combining it with something else. But the voters of Iowa came back and said, Do you know what? If you're not smart enough to figure out actual plumbing, as my friend STEVE KING explained it, then perhaps we need new judges, and that's what they did.

Now, it is the Bible, the biblical statement that the two shall become one flesh, and the two become one. It's amazing. In fact, I wrote a song for my wedding in which I pointed out that we would use 10 senses from henceforth instead of five. And you do. You learn from the senses of your mate. You grow together.

A good example of this growth is there was a prosecutor who prosecuted in my court when I was a judge, and he had had a couple, both the man and the woman, the man and wife were on the same jury panel from which the jury of 12 was to be drawn; and he was asking the husband, sir, the laws of Texas require that you cannot be on a jury unless you can independently vote your own conscience. So I have to ask you, sir, you're under oath, will you be able, if you were on a jury with your wife, to vote your own conscience? And the man said, Yes, of course, I can vote my own conscience. I'll ask my wife what's my conscience and then I'll vote it. It won't be a problem.

We two usually grow to become one, as the Bible points out.

It broke my heart to hear testimony on sentencing of a gang leader in Tyler who had been convicted of murder who was being harassed about his gang membership. He had heard all the testimony about his gang, and he pointed out, Look, you keep saying all these bad things about gangs, but let me tell you, my mother was never around. I never knew my father. The gang—my gang is the only family I've ever known. They're my family. You're trash-mouthing my family. They cared about me. They supported me. We cared about each other. And it led to murder. It led to all kinds of crimes.

# □ 1730

There's a reason that the most important building block of a stable society is a marriage between a man and a woman.

I was in the Soviet Union as an exchange student in 1973 visiting a day care before anybody even heard of day care really in the United States. In Mount Pleasant, Texas, we had Momma Stark. And if my mother had to go somewhere when we were little bitty—when we were old enough to go to school, then mother went back to teaching; but before then, she'd drop us off at Momma Stark's. She'd take care of us. We didn't know it was called day care at the time.

At the time I went to the Soviet Union as an exchange student, I was appalled. It was actually shocking to the conscience to see a place where the government had dictated what every child should know about relationships, about the lack of religion—because they preached atheism. They taught the children what the government believed they should know about everything.

We were told that it was so important that each child be taught only what was permissible to the government that if it were ever learned that a parent was teaching or telling a child anything at home that was not in accordance with the teachings and dictates of the government, that the child was then removed from the home and the parents were not allowed to have any contact with what was deemed to be an asset of the government and nothing to do with the home. That was because in that society—before it failed, as it always would-they believed marriage was not that important. It was the government that was the be-all, end-all. It was the government that would teach and would raise the children, and they were only loaning them to parents until such time as they did something the government didn't like and then they took them away. It was not normally any type of sexual abuse. The worst offense, it seemed to be from what I heard from people I talked to there, was if you taught something that was not in keeping with what the government taught.

I thanked God that I lived in a country where my parents could teach me things that were true and things that were right, and not some government that would be wishy-washy and changed depending on who was in charge of the government, not some government that would perhaps take away the rights that were an endowment from our Creator. It was the parents that would train and teach out of love.

Then you find out, as I have over the years, our government, ever since I got back from the Soviet Union, year after year has moved as if it's an adversary of marriage. Yet as my colleagues before me who've pointed out, the studies Mr. Nunnellee has pointed out, of course we have some of our greatest citizens come from single-parent

homes. But if you want to play the odds, the odds are that a child is more appropriately adjusted if they come from a two-parent home, a loving mother and father playing two different roles.

And yet we find out, gee, for decades now there has been instituted what's called a marriage penalty, so that if a wife and a husband are married and they are both working, then they are going to pay extra in taxes. The message being, subconsciously, our government thinks you're better off not married, just live together.

As Mr. Lankford pointed out, with Social Security, we do the same thing. You talk to elderly people who would love to be married because they believe in marriage from a religious standpoint and a doctrinal standpoint, and yet if they get married, they lose government benefits, indication that the government thinks it's better to live together rather than be married.

Not only that, but we have seen it over and over since the mid-sixties, a Congress who simply wanted to help. When a deadbeat father wouldn't help with the financial raising of his children, Congress said, You know what? Let's help these single moms that are trying to make it. Let's give them a check any time they have a child out of wedlock. After over four decades, we've gotten what we paid for, where between 40 and 50 percent of all children born are being born to a single mom, despite the evidence that more children are better adjusted if they have a mother and father in a well-adjusted home.

So, I get to Congress as a result of my wife, Kathy, being a full partner. She taught for awhile. She has her master's in business administration, in accounting. She taught for awhile while I was running, but we saw, if this is really what we believed was appropriate for our marriage, for our lives, to try to get this country back on track, it was going to take a partnership. So she left teaching and came on board and was a full-time campaigner with me as my partner. We could hit two places at the same time. And I was never shocked to hear that people loved Kathy more than they loved me and they would just as soon have her over me. So that went on.

We cashed out every asset we had except our home. I practiced a little law when I could and made a few bucks, but at the same time we cashed out every asset, paying higher penalties, so we could live on that. I didn't see it was a big risk because I knew if I didn't get elected, I could go back and make more money than I ever would in Congress. I've done it before; I could do it again. But at the same time, this is what we believed we were supposed to do.

We were allowed to continue that partnership after I got elected because you can't avoid having a campaign office because you've got to keep raising money. It's part of getting reelected. You've got to keep campaigning basically for the whole 2-year period between each election. So we kept my wife on for the same thing she had been making at teaching.

After 2 years of a true partnership—I mean, we were true partners. I was fighting the battles here in Washington and she was taking care of things in our district, going to all events that I couldn't attend, as my partner. And then when Speaker Pelosi took the gavel, our friends across the aisle determined that we wouldn't allow things like that because there were some people who, in a corrupt manner, had overpaid family members todo nothing.

So, the message went back clearly that my wife could no longer be my partner and take care of the campaign issues. I could no longer pay her the same thing she got as a teacher, that she had to go back. And since we had cashed in all our assets, and since I did not want my children to be coming out of college completely encumbered with massive debt from loans, and since the money that we had tried to save for college had been expended, we still needed her to work. We've still got college loans to be paid even now. But she's no longer my partner as far as this enterprise because this Congress said, under Speaker Pelosi, we don't want wives working as the campaign partner of a Member of Congress. So it seems like, over and over, the message keeps coming back that Congress wants to be an enemy of marriage.

Then we get the President's Jobs Act last fall. And although the President said he was going after millionaires and billionaires, if you looked at the pages that concerned the increased taxes, the President revealed his true heart, and that was that he considered you to be a millionaire or a billionaire—and obviously you're not—if you make \$125,000 a year, because under the President's Jobs Act, if you make \$125,000 a year, you're going to get popped not merely with an alternative minimum tax, you're going to get popped with an extra tax on top of that.

# □ 1740

And that didn't matter if you were married, filing singly, or married filing jointly. Either way, a married person could only claim \$125,000 as income before he got popped with President Obama's extra tax. Not exactly a millionaire or billionaire; but, apparently, the President felt if you are going to have the inappropriate conduct such that you would get married, then you'd have to get taxed more than others.

How do you know that? Because in the President's same section, if you're not married and you are filing, you could claim either a \$200,000 exemption, or a \$250,000 exemption. Therefore, if you were single and lived together, then you could claim either a \$400,000 or \$500,000 exemption under the President's Jobs Act.

And I was always wondering, and I hope some day the President will make clear, why he had such animus toward marriage between a man and a woman. He seems to be happily married. He seems to have a wonderful wife. Why would he want to penalize others in the country simply because they are married?

I didn't understand it. I still don't understand it. And I'm hoping before this year is up that enough people across America will make their voices heard that, you know what, we've gotten away from it, but the studies keep making it impossible to avoid admitting marriage between a man and a woman is a good thing. It is the building block of a stable society.

And as those who took an oath to uphold our Constitution, in essence, do all we could for this country, we owe it to the country to do what we can for marriage. I do appreciate my friend, Mr. NUNNELEE, so much for taking the whole hour and for giving some of the rest of us a chance to come speak with him with one voice.

Mr. NUNNELEE. Thank you, Mr. GOHMERT

As we wrap up this hour, recognizing the importance of National Marriage Week, I want to conclude, recognizing, first of all, my own life's partner.

February 13 will mark the day, a little over three decades ago, that I thought I was going out to eat dinner for a blind date. What I was doing was being introduced to a friend, a lifelong friend. As we talked that night, we found out that the things we shared we wanted to share with one another.

And I've learned so much from my now bride of 30 years, Tori, but I think one of the things that I've learned from her that applies to National Marriage Week, I've heard her say, time and time again, love's not a feeling, it's an action. You can't help how you feel about something. You can help how you act.

There's another young family that I'm reminded of as we celebrate National Marriage Week, a young couple that, a little under 6 years ago, I sat at a church, watched their families smile with excitement, watched them exchange promises to one another. And here, in their early years of marriage, they've had words introduced to their vocabulary that they didn't think would be part of their everyday conversation, words like "biopsy," "radiation."

As I talked to that young bride over the Christmas holidays, I told her, I said, you didn't sign up for this, did you? She looked at me and smiled and she said, yes, sir, I did. But I committed for better or for worse, in sickness and in health. I did sign up for this. No, I wouldn't choose it, but I'm America when, in America, we've seen river at the business school, and at here, and I'm committed.

an enormous decline in the great every other business school in America.

So, Mr. Speaker, as we conclude our recognition of National Marriage Week, I'm reminded of the observation of old, the observation that God saw it was not good for man to live alone, so God put us in families. I thank God for those families.

I hope and I pray that the policies of this government will continue to support marriages and families so that we can have a strong America.

With that, Mr. Speaker, I yield back the balance of my time.

# MAKE IT IN AMERICA: MANUFACTURING MATTERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for the opportunity to share with those folks that are watching C-SPAN—and hopefully there are many—some of the issues that really confront America today.

We just heard an hour discussion on the fate of the American family, and it comes at that issue from one specific point of view and one specific section of the total problem, and that has to do with the issue of marriage and how we define marriage here in the United States.

But there's also another way to, and other very, very important issues that define the fate of the American family. And I'd like to take that issue up tonight in the context of the economy.

The American family is faced with many, many challenges. One of the most significant challenges is income, jobs. How can the American family make it in America today? What does it take for an American family to make it?

One of the most compelling charts that I've seen over these last several months is this one, which really describes the fate of the American family compared to the fate of the top 1 percent of Americans. We've seen an enormous shift in the income and the wealth in America over the last 30 years, largely because of governmental policies.

This blue line indicates how well the superwealthy are doing. They've seen nearly a 370 percent increase in their annual income. Their wealth would see a similar enormous increase.

Down here on the bottom are the rest of Americans, the other 99 percent. If you took all of this together, you would see that the bottom 50 percent have seen very, very little increase in their annual income; and most of that increase is due to both husbands and wives working simultaneously.

This is the challenge for the American family. How do they make it in

America when, in America, we've seen an enormous decline in the great American manufacturing sector, where the middle class really, really succeeded?

And so, tonight, what I'd like to talk about with my colleagues who will shortly be joining me is how we can make it in America by, once again, "Making it in America." We can do this. In America, manufacturing matters

American manufacturing has been in deep trouble for the last 20 years. That trouble has been caused by a variety of issues, some of which are beyond the control of anybody in this Nation, and certainly any Member of Congress or the Senate and the Presidency.

### □ 1750

But a far greater part of the American manufacturing issue has been governmental policy.

Let's see if we can lay the foundation for a discussion on what it takes to once again make it in America. This charts shows what has happened to American manufacturing since 1975. In the seventies, American manufacturing peaked out somewhere just under 20 million American jobs. Those were the good days. That's when the American middle class was at its peak, when more Americans were enjoying the greatest share of the wealth in this country. That was the time when America was at its ultimate strength, when we had the greatest economy anywhere in the world.

Beginning in that year in the midseventies, we've seen a steady decline of the American manufacturing base. We've seen that decline for a number of reasons. What we need to understand is that through the seventies and into the eighties, and even into the nineties, even though there was a slight decline from some 19 to 17 million manufacturing jobs, it was in the century of 2000–2010 that the great decline took place. We are now down to just over 11 million manufacturing jobs in this country. Why did this happen? Why did we see this great decline?

As we try to answer that question, we need to also understand that there was a great increase in one, two, and three sectors of the American economy, but it was not matched by the manufacturing sector. The manufacturing sector was headed downward from 19 million to just over 11 million jobs. At the same time, the American economy was on fire. The finance, insurance, and real estate economy took off in the United States.

I think all of us have heard the term "financial engineering." I am a graduate of Harvard Business School. Financial engineering was their schtick. That's what they wanted to do. It wasn't over at the engineering or the nuclear engineering or the chemical engineering schools, it was across the

river at the business school, and at every other business school in America. If you wanted to make it in America, you had to be a financial engineer.

We saw the economy grow in the areas of Wall Street finance, insurance, real estate. And throughout the nineties, it peaked out. The best and the brightest of America decided that they didn't want to be in manufacturing. After all, that was some sort of dirty, greasy job. They wanted to be financial engineers in real estate, insurance, and Wall Street finance. We know where that got us. What that did to us was get us into the great bubble of 2000-2007, and the great crash that occurred. Financial engineering turned out to be nothing but paper. We're not talking about dollars here; we are talking about worthless paper. That worthless paper nearly crashed the world economy. So there we have it. We became financial engineers rather than chemical engineers, manufacturing, and the rest. Where did our money go? Where did the American wealth go?

As we saw the decline of the jobs in manufacturing, we also saw the rise of imports. If you go back to the year 1976, you will see that we were running a very small trade deficit. We were importing and exporting approximately the same amount. What we were exporting was American-made equipment. We were exporting food that had been processed, food that had been grown. We were exporting machinery. machine tools, and airplanes. We were the great exporter of the world. Then Government policy began to shift, and we wound up here in 2008, the great exporters of American money, the great exporters of American wealth. We need to turn this around.

We've seen a slight improvement here in the most recent years, but all of this red is basically China. What's happened is that the United States has given up its manufacturing power to China, and to a few other countries. We can see this in certain industries, for example, the automobile industry. Thankfully, as a result of laws that were passed by the Democrats and signed by President Obama giving him the power, through the stimulus program, the American Recovery Act, to bail out the American automobile industry, he did. The President said, On my watch, I will not allow the American auto industry to die. And he took action. He bailed out General Motors and Chrysler. In so doing, he saved the American auto industry and the tens of thousands of small businesses that rely upon that industry for their jobs. However, that's only part of the story.

Here is the rest of the story. Other countries that are automotive manufacturers have been able to increase their supply chain. And while we still have an automobile manufacturing sector in the United States, we heavily depend upon imported parts for the assembly of automobiles here in the

United States. So other countries actually manufacture the parts, and assemble the autos. But not in the United States. We assemble, but we also import many of the parts.

We can change this, and here is what the Democrats want to do: We want to change the trend line. We want to rebuild the great American manufacturing sector. And we can, with good, wise, public policies. We say make it in America so that America and Americans can make it once again. Manufacturing matters.

As my colleagues begin to join me, I want to share with you some of the ways in which we can do that. Here are the policies that we want to put in place: We want to seek manufacturing within the United States. We want jobs and income within the United States. We are targeting specific industries, and we want to align the trade and tax policies in the United States so that we can once again reignite the American Dream. We're going to go into these in Dream. We're going to go into these in the United from New York (Mr. Tonko) takes over for a moment.

### □ 1800

Mr. TONKO. I'm always willing to help a sore throat get soothed.

Mr. GARAMENDI. Thank you.

Mr. TONKO. Representative GARAMENDI, thank you for bringing us together in a manner that allows us to look closely at the American economy, the American Dream, and the decline of manufacturing, which represents a serious concern for workers across the country and which represents a serious concern for communities as we engage in this effort to grow jobs and retain jobs. It's important to look at the statistics out there.

Where was the focus? Where was the emphasis on job creation and job retention? Could we do a better sort of stewardship, if you will, of our resources and our policies? I believe the answer is a resounding, yes, we can do better.

As was made mention by Representative Garamend, it is important for us to acknowledge that the work done here—the challenges, the crises that face us—can also be transformed into opportunities. The opportunity here for this great Nation—for the powerful force that we are in the global economy—is to reignite the American Dream, to reignite that dream with the underpinnings of support that come through three separate dynamics.

The first is engaging in a small business comeback, inspiring that comeback because small business, the pulse of American enterprise, is replete with a history of mom-and-pop operations, of ancestors that built their American Dreams into an ideas economy, into a service economy that enabled small business to become that very promising enterprise.

The second leg of the stool would be that of entrepreneurs—those movers

and shakers, those builders, the dreamers, if you will—in our society who constantly inspire us with job creation that is driven by ideas and by the moving of ideas into a product and enabling us to again create that engine of ingenuity and creativity.

Then, finally, there would be a thriving middle class.

These are the basic principles: a thriving middle class that is driven to have additional purchasing power simply by policy that is done so that there is tax fairness, tax justice, in our outcome. Reigniting the American Dream is driven by those principles of small business, entrepreneurship and of a thriving middle class.

It is a basic, simple approach that we have embraced as Democrats in the House, driven by a set of policies and goals that will enable us to look at all sectors of the economy and to understand that the manufacturing sector was grossly ignored. We focused primarily on service as a sector of the economy—ignored agriculture, ignored manufacturing. When the focus was on the service sector, it was primarily on financial services, which, when they were given free rein-when we turned our backs and said "do as you like"we found that that drove America's economy to its knees.

Now we look at the results. We look at the history of the last decade or two. The precipitous loss of manufacturing jobs from 1997 to 2009—a 12-year run—produced a loss of 6 million jobs in manufacturing alone, Representative GARAMENDI. What that meant—indicated, reflected, personified—was the largest such loss in world history. That is unacceptable.

So, when we talk about reigniting the American Dream, there is work to be done. There is work to be done, and it's time for us to engage in a set of policies, of resource advocacy and goals that are established to create those ladders of opportunity and to enable people to climb up the economic ladder as we had done from our humble beginnings as a Nation, where rags-toriches scenarios were commonplace and where immigrants saw this land as the promised land. That's history that ought to speak to us, and we can bring it back through the appropriate advocacy here—a climate that creates manufacturing jobs and makes us competitive in a global economy.

Mr. GARAMENDI. Mr. Tonko, thank you very much for joining me. I needed a break.

Mr. TONKO. Yes.

Mr. GARAMENDI. Beyond that, let's talk about the specific policies that we've been discussing here in the House—legislation that has been introduced—that will bring back the American manufacturing sector because, indeed, it was specific laws that were written here over the years that were largely, in my view, responsible for that outsourcing of jobs.

It's an interesting word, "outsourcing." Until December of 2010, an American corporation could receive a tax cut for every job it outsourced. That's largely over. There is a little bit more to be done, but most of those tax breaks have been eliminated by a law that was passed by the Democrats—not one Republican voted for it—eliminating the tax break for the outsourcing of American jobs.

The President said it so very well in his State of the Union. He said that we should not reward companies for sending jobs overseas; rather, we should reward them for bringing those jobs back to the United States. That can be done by some of the policies that we're talking about. The President signed a bill, authored by Democrats and voted on by all Democrats and a few Republicans, that actually encouraged that by giving companies a 100 percent immediate expensing of all capital equipment that they would invest in the United States.

Those are two examples. I know you've got some that you've been interested in, that you're actually authoring, and you may want to talk about those. Then we'll come back and talk about the specific things that we can do.

Mr. TONKO. Absolutely.

I think my response to some of those changes that you just shared is that it creates this sea change. It creates the U-turn in the road, if you will, and it gets everyone's attention. People understand that.

Now we're operating under a different set ofprinciples—you need to invest in America, invest in her workforce and in the job opportunities that will follow. That's what it basically says. When you look at machine tool operations and activity and when you look at it over the last, again, decade or so, you will find, in both categories, Representative GARAMENDI—of the consumption and production of machine tools—that we're not in the top three. That ought to be a flag that goes up that draws our attention, hopefully, expressing a dire sense of urgency. When you see Japan and China and Germany not only producing the machine tools but also consuming, it tells you where the activity is, and it is robust. That's all a matter of policy. Those are intentional outcomes that were driven by a very focused agenda in these nations, and America—the United States—needs to get back to that agenda.

I applaud the President for setting the tone in his recent State of the Union message. I applaud the leadership in this House, which is coming under the banner of the Democratic leadership, that has engaged in "Make It In America" as our mantra. Reigniting our American Dream is within our grasp if we begin to advocate a stand that brings back a robust quality

to manufacturing opportunities in this country.

Mr. GARAMENDI. I'll give you another example of how policy can change what has happened.

For a long, long time, we would send our tax dollars overseas to buy buses, railcars, light rail, ferryboats, and the like. Every one of us who buys gasoline or diesel fuel pays a Federal tax on that— $18\frac{1}{2}$  cents for gasoline and 25 cents for diesel fuel. That money is used to build transportation systems roads, bridges and the like.

And where does it go?

The Buy American laws were largely ignored. However, in the American Recovery Act, in the stimulus bill, money was provided for the additional purchase of railcars, buses, and ferryboats. Somehow, wisely, the Democrats, who authored the bill, put in a clause that said that that money could only be used—only be used—to buy Americanmade equipment. So what happened in Sacramento, California, is that Siemens, the large German manufacturing company, decided that they would like to have some of that stimulus money. They wanted to build streetcars, lightrail systems, so they opened and expanded their manufacturing plant in Sacramento to manufacture the streetcars for Austin, Texas, and San Diegomade in America because of a law that was passed. It is a prime example of what can be done when we pass the right law that says that our tax money must be used to buy American-made equipment.

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Mr. TONKO. I agree that those are great incentives. If we can provide for employment-linked investments R&D, in tax credits, that's a feather in the cap; that is a catalyst that draws a great response, a great reaction. Your indications here of procurement, with regard to Buy America, is very important as one of the cornerstones of our agenda. But also, I think we need to focus on the investments in infrastructure and energy and the investments in a different order of infrastructure, the human capital, the human infrastructure, making certain that we move forward with the training and retraining of the American worker, advancing higher education, certainly looking at pre-K through 12, and providing career path opportunities.

Now I mention that because the employment-linked investments in R&D bringing back R&D here because where research is, manufacturing follows. So I mention that. But I will use the reallife example of Wynn Kintz, and I have mentioned this before on the floor, but it's a recent example that is worth re-

peating.

Wynn Kintz of Kintz Plastics in Schoharie County in the 21st Congressional District in New York State-

Mr. GARAMENDI. Who represents that district? It is TONKO?

Tonko.

But I use that as an example because in order for Kintz Plastics to compete effectively in a global market, they needed to move to an automated portion of their assembly operations. They worked with the local higher ed infrastructure. And we have the partnerships in this country that have existed for a long time. There is this intellectual exchange of creative genius coming from campuses, working with the private sector, public sector. It happens. It happens to a great degree.

And while they developed this automated assembly process for his industry, they also needed to train the workers on this new equipment so that it brought with it an employment link. And it did that through one of the local community colleges, did an RPI automation design, and then did a Hudson Vallev Community College-driven training process so that you developed the workers you needed.

Now, these are the investments that then produce these very tangible results and very lucrative dividends that enable us to prosper. And that's just one small example, but I see it over and over again in the 21st Congressional District. We're a hub of innovation jobs that are coming: green collar, high-tech jobs, clean energy jobs. That's happening because there is a partnership with government, a partnership where government assumes some of the risk, as we do with ARPA-E, a Department of Energy program which has advanced research project moneys. They expedite some of the ideas, innovation concepts, move them along in much quicker stead so that we can develop the jobs associated with that.

So when you talk about the toolkit here, it's an investment in employment-linked R&D and tax credits; and it's an investment in procurement procedures that link themselves with Buy America; and then it's the work investing in infrastructure of a routine kind: wiring communities, wiring the businesses, making certain that our roads, bridges, and rail are state of the art; and then the human infrastructure: creating programs that train, retrain, and educate workers of the future. You need that in a cutting-edge fashion where we can maintain world leader-

It takes investment. Other nations have shown us that when they invested, they were able to be the giants in the machine operations, the machine tool operation. So it's possible. It's within our reach, and it's all about reigniting the American Dream.

Mr. GARAMENDI. Well, that reigniting of the American Dream will be dependent upon two factors, that is, the public, the small businesses, the entrepreneurs putting together their businesses. And at the same time, it's

Mr. TONKO. Oh, I think it's PAUL going to be dependent upon public poli-

You mentioned education. For the last 2 years, the Democrats have been proposing and pushing a series of pieces of legislation to enhance the ability of Americans to go to school. The Workforce Investment Board, very, very important. I suspect that that was one of the programs that your plastics company took advantage of in retraining. Our Republican friends last year, in the budget and in the appropriations, tried to reduce the workforce investment, but we wouldn't have that, and we've been able to at least maintain it.

We were able, on the Democratic side, to increase the Pell Grants so that kids can go to college. Now, I would hope they would go to college to be chemical engineers, process engineers, and not financial engineers, which I discussed early on. But I think that if we can just continue to support the educational system, including such things as vocational education—we used to do vocational education in America. We let itgo. And as it went, we saw more and more dropouts. So supporting the educational system.

You mentioned—and I think we need to drive this point home tonight—the research side of it. This is something, Mr. Tonko, that you know a great deal about. You headed up, as I recall, an organization in the State of New York that was specifically looking at how to enhance the research within the State. Share that and then also share about our policies, as Democrats, for enhancing research.

Mr. TONKO. Sure. Before my involvement here in the House of Representatives, I served as president and CEO of NYSERDA, the New York State Energy Research and Development Authority. And it was there that I got to see policy put into action. I had worked in the State assembly. I had represented the 105th Assembly District in the State of New York for nearly 25 years, the last 15 of which I served as Energy chair. So I got to see that energy policy put into action at NYSERDA where there were very meaningful partnerships with the private sector, where they would retrofit machine operations, manufacturing assembly lines with energy-efficiency outcomes.

Number one, we're the most gluttonous user of energy, as a commodity. It is so important for us to become more resourceful. That should be a social economic goal that is embraced by the Nation. But beyond that, it saves money when we enable these companies to embrace these new technologies in a way that creates a more competitive outcome for them, especially as we move more and more to a global marketplace that is the competing ground.

Also, in so doing, there were opportunities to invest in research. Now, not every story in research is a success story; but the wonderful outcomes,

when they are a success story, produce the sort of savings of the environment, savings of our energy supply, and savings of the green, the dollars. Those are quantifiable benefits that ought to be encouraged by policy. And here, what I see is us walking away.

We had a hearing the other day on ARPA-E, on the Energy Department's programs that model themselves after DARPA, with the Defense Department, that gave us a lot of strength for our military, that brought about the application of science and technology, high tech.

Mr. GARAMENDI. The Internet came directly from DARPA. DARPA is a defense research agency.

Mr. TONKO. Exactly. Right. And ARPA-E is the mimicking of that in an advanced research area of energy.

Now we're going to sit there and battle over—perhaps denying dollars to concepts like this when we found out at the hearing that it is expertly managed, very tight-fisted, very laser-sharp in its focus, and has outstanding results.

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We should produce additional resources for a program like that that enables us to stay ahead of the curve, and that ought to be government's mission. If we are going to reignite the American Dream, if we're going to do it through the support of small business, which is the economic engine of our recovery and our comeback scenarios, if we're going to do it by partnering with entrepreneurs, who are the dreamers who develop the ideas for the future that grow into job opportunities, if we're going to do it through a thriving middle class, that takes investment. It takes focus, it takes policv. and it's what we're asking to have done here—reignite the American Dream, create the ladders of opportunity, the ladders that build us to success. It happened in generations past. We saw it driven by groups that came here seeing this Nation as the land of opportunity, a promised land. Why not bring that pioneer spirit back into the front line of our thinking, front and center of our thinking so that what we witnessed in the 21st Congressional District in the humble beginnings of this Nation—my district was the donor area to the Erie Canal that inspired the birth of a necklace of communities called mill towns that became epicenters of invention and innovation. inspired a westward movement—that's what we can achieve here if we stay focused and we believe in reigniting the American Dream.

Mr. GARAMENDI. The reigniting of the American Dream is going to depend upon, once again, those small businesses out there, the entrepreneurs who are willing to take the risks, willing to take their concept and their idea and put it into a business.

Along the way, the history of America, as you well described it with the Erie Canal, we can look at all of the other great industrial advances that have been made. There has always been a partnership between the government and the individual companies and the entrepreneurs that are out there.

For example, the oil industry has enjoyed for more than a century over \$13 billion a year of tax subsidies to encourage the production of oil. And there is an incredibly successful partnership between the government, not only with tax subsidies but making the public lands available for the exploration and the extraction of oil over the last 100 years, creating the wealthiest industry in the world.

Now once an industry has matured, as has the oil industry, we should remove those subsidies and use those subsidies for the new industries that we need.

We've been discussing since Carter and the first oil embargo the need for American energy security. Most people now believe that American energy security is going to be based upon the continuation of the oil industry and the coal industry at some level, using the natural gas that we now find is more plentiful than we once thought as a bridge, let the oil and the coal industries wane while we build the renewable industry.

So if we took those tax subsidies that the oil and coal industry have enjoyed for a century, shifted them to the new industries, we could then see a blossoming of the green industries.

In California today, the solar and wind and biofuel industries employ some 320,000 people. It is a growing sector of the American policy. The policies that emanate from Washington, D.C., can either help or hinder that growth. That growth is not only new jobs here in the United States, but it's also energy independence.

The sun shines on the United States. Well, not at night, but it does shine during the day in most parts of the United States, So solar, The wind blows—and I'm not just talking about the wind in this Chamber, but across the Nation. Now, we have to couple that with public policies, and I want to speak to one specific policy, and that is shifting the subsidies that the oil industry has had for a century, shifting those subsidies over to the renewable side of it. Here again on the renewable side, this bill, H.R. 487, I happen to be the author, I'm kind of pleased with this piece of legislation. This bill would require that the subsidies be used to buy American-made solar and wind and other renewable energy equipment.

We should never use our tax dollars to buy a solar panel made in China. We should never use our tax dollars to buy a wind turbine manufactured in Germany. If somebody wants to go out and buy a solar panel using their own money, buy whatever you want. But if it's our tax dollars, buy American. Use our tax dollars to buy American-made equipment. Use that to reignite the American Dream, to build those machines, those solar panels, in the United States. Use our tax money to buy American-made equipment, whether it's a bus, a train, a plane, or a solar panel or a wind turbine. These are public policies that emanate from this House. We can change what's going on in the American manufacturing sector.

Mr. TONKO. Representative GARAMENDI, as you toss out pieces of the puzzle there, it conjures up all sorts of responses that I think we need to provide and share.

You talk about the intermittent nature of renewables. The sun not shining at night, the wind ceasing to blow, you name it. The hydro facilities perhaps if you have a dry season, whatever. We need to advance the notion of the battery as the linchpin to move forward aggressively with a sustainable agenda which renewables can provide. And so the advanced battery manufacturing that I see taking hold in the 21st Congressional District in Schenectady with the GE operation.

Mr. GARAMENDI. Mr. TONKO, why do we keep coming back to the 21st Congressional District?

Mr. TONKO. It seems to be the one that I know the best. But what I see happening there is, again, a great intellect being poured into design and the concepts of advanced batteries. Not only can these batteries move heavy freight, heavy equipment, they can also deal with storage of renewable, intermittent power. Once you do that, now you've solved the reliability issue, which is so important for our operations of energy.

But to your point, not only is it sustainable and not only does it create energy independence, it speaks toour policies from a national security perspective. We are purchasing from some of the most troubled spots in the world. If we're not doing that at the moment, we inspire, we cause the world market to do that, and a cartel controls our destiny. Is that smart? We are sending hundreds of billions of dollars into treasuries of unfriendly nations that can then use that to train troops against our own American forces. So it speaks eventually and very directly to our national security issues.

And beyond that, when you talk about job creation, when we go energy independent, when we become more resourceful, which we ought to pledge to do simply because no matter how it's generated, no matter what the mix of our supply of energy resources, we need to steward those resources in a very, very deliberate fashion, in a way that is resourceful and not wasteful. So we build alternative technologies, we build into a renewable market, and we

do the linchpin activity with the advanced battery design and manufacturing all in the U.S., and then we also provide for the training of the workforce.

When we at NYSERDA had invested in our annual conference on workforce development, green collar job development, in one seminar we had the presentation of how they were training plumbers in Germany in a solar hot water agenda where they were able to put together the training that enabled homes in a very aggressive fashion to use solar panels on their house simply for their hot water purposes. What that could do for a State like California or a State like New York, and en masse cumulatively for the Nation, is an incredible savings to our environment, to our job creation, and to energy costs. Absolutely important. Households will do well. Jobs will be created. The environment will be better addressed, and isn't that the goal of a think tank like the House of Representatives?

Instead, why did we ignore manufacturing for a decade and a half? Why did we avoid dealing with agriculture? Why did we not get into sound energy policy?

I ran for this seat simply driven primarily by the lack of a comprehensive energy plan for this Nation. How can a Nation as great as the United States with all of its small business, all of its manufacturing, its industrial sector, its households demanding a better outcome for energy, how could we not develop a comprehensive energy plan?

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It's what the President has asked us to do. He has challenged us, he's challenged us with fairness in the Tax Code, he has challenged us in a way that will inspire the reigniting of the American Dream driven by that notion of small business support, entrepreneur nurturing, and a thriving middle class. It's achievable, and what I would say, we have the format out there, we have the plan, we have work to do. Let's move forward.

Mr. GARAMENDI. There are so many pieces to this puzzle. You've talked about the research; you've talked about the support of new businesses, particularly in the clean energy sector. As we discuss those things, I keep thinking about what is happening, I think very unfortunately, in this debate. It's a political year, and we've got our elections. We have the election of the President and the Senate, all of those things are up, and so we take issues, and we may take a specific problem and drive that problem to the point of destroying other good programs that are under way.

This is happening right now. The Solyndra case, three times on the floor today I heard the word Solyndra come up. This was a problem, this was a company that was supported by a loan

guarantee, and it failed. It largely failed because of China's policy of dumping—dumping on to the American market underpriced solar cells. That's why the company failed.

Now we have the opportunity to deal with this; but before I get to how we can deal with that China problem, I want to just ask my Republican colleagues to be very, very careful as they drive this political issue because they may succeed in making this a big political issue for this country; but by doing so, they may cause America to turn its attention away from renewable energy—the very issue you raised, Mr. TONKO

We have to have energy security, and renewable energy of all kinds is going to be part of that. So we must be very careful. Whatever political advantage there may be to the Solyndra case, be aware, America, that underlying this is an extremely important policy in the United States to achieve energy independence, to free ourselves from the slavery of the oil barons and dictators around the world so that we can have a secure energy system in the United States.

It will, by necessity, involve renewable energy. Solyndra is a problem. Make it into a political problem, okay, but don't turn Americans' view and hopes away from the renewable, clean energy sector. It is vital, and we have to have policies in place to support that, just as we have supported the oil industry for more than a century.

Put that same support behind the batteries that you talked about, Mr. TONKO; put that same support behind the bio-fuel industry; put that same support behind the solar, wind, and also the smart grid. Right now, in my district, Lawrence Livermore Labs is looking at developing a research program on how to integrate these renewable and variable energy systems into the grid so that they all mesh and provide the energy that is needed by America as it changes hour by hour across the United States—a very, very important research project. All of these things come back to government policy and support. So we must be very careful about that.

I do want to take up the China currency issue and the dumping of, in this case, solar cells on the American market. Would you like to start that discussion, Mr. Tonko?

Mr. TONKO. Just on the grid thing, I would like to make a comment because sometimes it's like we're challenged so that we can walk away from the challenge of the moment, and it's not the best thing for us. In 2003, this Nation witnessed the blackout from Ohio right through southern Canada into the great Northeast, New England, New York and some of the eastern sea coast, all driven by failure in the grid system.

Now, never in that year that elapsed was there much discussion about public

policy, and that was a Presidential year that befell the Nation. And it just does not get talked up. Now, finally, amounts of investment historic through the Recovery Act were made in the grid system and challenging us to step it up, do what's required to use state-of-the-art opportunities for smart grid, smart thermostats, and smart meters enabling people to have more control, more destiny over their energy usage and over their energy bills, making certain that, again, we pour ourselves into an investment of a unique type, a historic investment that enables us to go forward with the sorts of responses that we need.

We need the arteries and veins: the transmission and distribution system to wheel the electrons to the workplace and the home place as it's required. And in New York, again, in our bordering of Canada, if we want to import hydropower from another nation and wheeling now, we've moved well beyond the monopoly setting where you had regional situations. Now you wheel from region to region, State to State and nation to nation. We needupgrades in the system just to transport the electrons that are required.

It's not if we're going to do it; it's when we're going to do it. And the chance that we have right now is to move us forward in a way that strengthens this economy, cuts energy costs, provides for more wise use of those energy supplies, enables us to produce the energy ideas if it's alternative technology or energy efficiency or what have you, but this Nation is replete with a history of invention that has come through very thoughtful application of what is needed out there by society.

For us to have walked away from those challenges is unacceptable. And that's what the grid is telling us right now. You can lay back and say, hey, you don't need an upgraded train system, you don't need an upgraded grid system, you don't need broadband, you don't need all this technology, and you don't need the investment in R&D. Well, that complacency or the contentment that people might feel with the status quo will get us nowhere. In fact, it will push us farther behind as nations bulk up, invest and stretch their opportunities simply by committing to a progressive agenda. And that's what we call for here, to reignite the American Dream.

Mr. GARAMENDI. Well, that American Dream is going to be held back by unfair trade policies that are seriously harming the American economy. Early on, I put this up. I don't know that you were here at the time. This is the American trade deficit. Much of this deficit is a deficit in trade with China. A lot of that deficit is caused by Chinese currency manipulation. The Chinese currency is undervalued somewhere around 20 to 25, maybe 27, percent, which gives their manufacturing

sector a 20, 25 percent advantage because of the currency manipulation.

Mr. TONKO. Representative GARAMENDI, would you yield to a point? I believe I saw earlier a chart that you had on manufacturing jobs. Could you just put that one up on the easel over that pattern there and point to the '97 to 2009 curve? And it's a startling mimicking; those two graphs absolutely mimic each other. I think you can draw a correlation there that deals with the loss of manufacturing jobs as it relates to the trade deficit. I think that is something that ought to guide our discussions, guide our policy development and actually address the sort of response we need in terms of job creation and job retention.

Mr. GARAMENDI. Thank you. I really hadn't noticed, but they almost parallel. One is right on top of the other. You can put that blue line, and it copies the red line that is the growth in the American trade deficit.

I want to just deal with this China thing quickly. We only have another 7 minutes here before we yield the floor. A year ago, this House, with both Republican and Democrat support, passed the China currency legislation that would require the Department of Commerce to put a countervailing tariff on imported Chinese goods if that currency manipulation were to continue.

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It went over to the Senate. It did not pass the Senate. This year—I should sav. this session, in 2011, the Senate passed a similar bill that would impose a countervailing tariff on Chinese goods as long as China maintained its currency manipulation. It came over to the House nearly 7 months ago. The Speaker and the Republicans have refused to take up that bill—the very same bill that a previous year we voted on bipartisan.

This is an important piece of legislation because it would deal with two issues: the loss of American manufacturing jobs and the extraordinary trade deficit, that is, the export of American money to China.

It is the policy behind many of the problems in the manufacturing sector. and it is policy changes that we have the power to put in place to reignite the American manufacturing sector, to rebuild it, and, simultaneously, put in place the ladders of success-education. research, entrepreneurship, support of the small businesses—all of those things that actually do reignite the American Dream.

Mr. Tonko, why don't you take the last 2 minutes and then we can wrap

Mr. TONKO. Right.

Well, what I hear here is that an election outcome is more important than the outcome for the American worker. And when political party benefit trumps the American worker or trumps

trumps hope into the future, that's a regrettable outcome.

What we need to focus on is the big picture. If there is upset and upheaval because we're coming back from what was a very long and deep and painful recession, if that's upsetting news to a political scene, then we have lost the spirit that is required right now to bring America back and to reignite the American Dream.

That reigniting of the American Dream I believe is what people want to see in action. They keep asking Washington to work together in a bipartisan, bicameral, spirited way, work in a way that will engage the policies and advocate for the resources that will build the hope back into the fabric of America's families, her individuals. And it's within our grasp.

These ladders of success, these rungs of opportunity, they are a very achievable goal. We saw what happened when you ignore manufacturing. We saw what happened when you avoid sound agriculture policy. We saw what happened when you didn't get aggressive about an innovative agenda for energy generation, energy alternatives, energy efficiency. These are the things that people are asking us to do as leaders. They say, We asked you to lead, not to sit content with the status quo, not to watch others pass us by.

Our best days lie ahead of us. I'm filled with optimism about reigniting that American Dream. I saw what happened in my district when there was a commitment. You know, the Erie Canal itself, that came about in response to tough economic times. The leadership then said, Let's do this. Let's wed the waters. Let's build a port on the coast out of New York. Let's wed it to the Great Lakes. Let's inspire progress

And look what happened. That response to troubling economic times drew upon the leadership. It produced the leadership. It gave it a face and it gave it a voice. The message was: We're going to build. We're not going to cut our way to prosperity, cut our way to opportunity, cut hope. We're going to build hope. We're going to build and invest in America, her workers.

Our best days lie ahead of us, Representative GARAMENDI. Thank you for the chance of joining you this evening. Mr. GARAMENDI. Thank you, Mr. Tonko.

I notice that we still have a minute. I see my Republican colleagues are going to take the floor in a few moments. If I recall last week when they did this, they said the answer lies in doing away with regulations. Clearly, regulations are a piece of the issue.

Mr. TONKO. Were those regulations the same regulations we wanted to take away from Wall Street?

Mr. GARAMENDI. I would hope that they don't want to eliminate the regu-

America's manufacturing base and lations that we put in place to bring Wall Street under control. But regulations are a small part of the overall problem.

There is a large number of other issues, some of which we've talked about today, others of which we will bring up as we discuss, for example, infrastructure, which will be our next piece. But those regulations that are in place today are there for the protection of key parts of the American economy-worker safety, the pollution regulations so that our streams and rivers are not polluted, our air is not polluted, so there's not mercury and other carcinogens in the air, and regulations dealing with the way in which business operates. Now, they can be modified; but be very, very careful if that is your only solution to the demise of the manufacturing sector, because it is but a small part of the overall issue.

We've discussed many of the other parts here today. We ought to be, all of us. Democrat and Republican, alike in dealing with the twin problems: the trade deficit, and the extraordinary and disastrous loss of manufacturing jobs. This is where the American middle class lost it when the American manufacturing sector declined. We can rebuild it with wise public policies. Wise public policies are what we ought to be doing, rebuilding the American manufacturing sector and reigniting the American Dream as we do that.

Mr. Speaker, I yield back the balance of my time.

# SOLUTIONS FOR AMERICA

The SPEAKER pro tempore (Mr. Young of Indiana). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker. it is my privilege and honor to be recognized by you to address you on the floor of the House of Representatives. It's also my privilege to be here to listen to the presentation of the gentlemen from essentially the east coast and the west coast present their version of solutions for the United States of America.

If I can just take that, Mr. Speaker, and roll it backwards from bottom to top rather than top to bottom. I hear their concern—and I share concerns about the loss of American manufacturing and the loss of American trade and the trade deficit that we do have. I hear the advice, which is we should have wise public policies that we should advance going forward that would be good for American manufacturing, good for American trade, that would bring about the refurbishment and the renewal of American manufacturing and bring about a balance in trade and perhaps a surplus in exports, which is good for this country because we would rather collect IOUs than issue IOUs.

I agree with the gentleman on both of those points, and I suspect we don't agree on how to get there to those points, Mr. Speaker. But I would make this point, that the United States has been a very strong, industrial Nation. In fact, at the end of World War II, we were the only industrialized nation in the world that had an established, globally competitive industry that had not been devastated by the war. We had a surplus of exports because here in the United States we could produce things, we could make things, we could export them to the rest of the world, and we did. We did it with military supplies. We did it with all kinds of industrial supplies. The United States of America was the industrial powerhouse of the world. Much of the rest of the industry had been destroyed, and we had built ours up in that period of time in order to supply the global World War II war effort. So the United States' industry was the preeminent industry in the world.

Why was it?

Because of the reasons I've said, plus we were competitive. We had a wage and a salary and a benefit package that was competitive. We had American workers that were more productive than any other workers in the world. We had a well-educated workforce. We had a work ethic. We had a work ethic where we took great pride in being able to go to work. If we punched the clock, we produced more per hour that we were out there on the floor of that factory than anybody else in the world because of a number of reasons: American ingenuity, American industriousness, and America's work ethic. We did those things, and we set the standard for the world. That carried us beyond World War II, through the fifties, through the sixties, through the seventies, into the eighties, and actually into the nineties.

Over a period of time, as the gentleman's charts show, America's industry began to lose its competitive advantage with the rest of the world, and the rest of the world began to catch up.

# □ 1850

I saw the signs of that. I saw the signs of it in the fifties, when we would get close to New Year's—and just think of Japan, Japan devastated in World War II. A lot of their production facilities were in homes, not in factories. And they had factories too. And they were bombed, and they were burned, and they were destroyed, and the tragedy, all that is part of history that I don't care to address here tonight, Mr. Speaker.

But in the aftermath they needed to start up something. They needed to produce goods and services that had a marketable value, both in Japan and abroad, and they did. And the things that showed up here were paper goods, little things like when it came time to celebrate New Year's, there would be a

little Japanese whistle that would blow out like the tongue of the dragon and roll back up again. That way we got those paper products coming from Japan because that's what they could do. They could make them. They could produce them. They could sell them. They could make a little money selling those things to Americans. And that would be in the fifties.

In the early sixties, what came along? Well, transistor radios. And there would be the Toshiba radio, Japanese-made, portable transistor radio that you could carry around with you out on the farm and listen to the radio. How about that? What an idea of an invention.

I didn't mean that that was a Japanese idea. It was a Japanese-produced idea that could compete with the American production. And so they sold radios, made in Japan, into the United States, and a lot of young American kids carried those Toshiba radios around, and other portable radios, in order to listen to rock music of the time. They didn't have talk shows at that time, not that I remember anyway.

And so slowly the Japanese began to ramp up their industry. They went from paper toys to radios, to optical equipment. Some of the best optical equipment in the world was produced in Japan. It still is, for that matter. And so they made binoculars and cameras, and they created a culture of people that love their cameras, and they evaluate those cameras made in Japan and how they compete with the rest of the world. And if you watch the Japanese tourists, they're here using their cameras on a regular basis.

Now, all the ways they've ramped up to be able to compete with the rest of the world, here we sat in the United States thinking that somehow or another this wave that we had caught would forever carry us, and our industry slowly began to lose its competitiveness.

And it reminds me of a study that was done by a Russian economist who was commissioned by Lenin back in the second decade of the 20th century, when Lenin decided that he wanted to find an economist who would prove that capitalism would eventually expire, that it was a self-defeating economy. So he hired an economist, or ordered him to produce a product, and his name was Kondratiev.

Well, the economist Kondratiev put together the theory that Lenin had directed him to produce, which is that capitalism would expire, that it was self-defeating, that even though it might have brief bursts of success, eventually that it would run out of energy and it would expire and diminish and, essentially, that would be the end of the wave of capitalism.

So Kondratiev sat down, and he chartered the free enterprise economy

going clear back to the 18th century and earlier, and he tracked unemployment, gross domestic product, the output of the nations, and followed the industries. And when he tracked this cycle of capitalism in the effort to prove his charge that had come from Lenin, it was this: That yes, capitalism does decline, that the capital investment and the unemployment and the GDP of the countries that have free enterprise economies does diminish, but it diminishes down to a point where it regenerates itself again.

And when looked at, and this was a study that was back in the dusty volumes at MIT University and much forgotten about until there was a computer study that was done, and some-body remembered that they had read Kondratiev's study that was back in the annals at MIT. Now, they went back and dusted it off and compared it to the modern computer analysis which now is a generation old, and they concluded that the computer analysis of the cycles of capitalism matched that of Kondratiev, whose theory was this: that we have a 52-year cycle.

Now, I don't stand on that it's 52 years or 75 or 25 or any year other than that. But the theory that he uses to explain his 52-year cycle is instructive to all of us, and that's this: That when you hit the bottom economically, when your GDP has bottomed out, when your unemployment rate is at the top, and when your capital investment is at the bottom, you look around, as a society, a culture, and economy, and you think we have to do something. What are we going to do?

And the psychology of that is that all of us sitting at the bottom of the economic cycle, with high unemployment, low GDP and low capital investment, we see that if we keep doing the same thing over and again, we're going to end up with the same result. And we don't like where we are. We don't want to be where we are in 4 or 5 or 10 or 20 years or a generation or two, so what will we do that's different?

And I've lived through this a time or two, especially during the farm crisis years of the eighties, when I saw that land values were spiraling downwards to perhaps as low as a third of what they were just a few years before, market prices going downwards the same way. We rely on rain. It couldn't rain. The markets didn't produce the value for the crops that could be raised, and the land values went down. Everything was spiraling downwards.

But what was going on was the manifestation of Kondratiev's theory springing up, and people who had no immediate hope economically began to put together a strategy for the long term so that we would have a successful economy. And it matched almost perfectly with Kondratiev's theory, the Russian economist's theory, which is that when your economic cycle reaches

thebottom, and everything is sitting down here with the low capital investment, high unemployment, low GDP, people are looking for a way to solve those problems. So their creativity kicks in and they begin to think and talk and dream and pray about what kind of ideas can come to fruition to reverse the cycle, the downward cycle that they are in.

And so they begin to come up with new inventions, and they come up with new efficiencies. They come up with new business models. And as these ideas are generated, the ideas have to catch the kind of energy that can attract capital.

Now, there's not as much capital in a low economy as there is in a high economy, but there's much more demand for it. And so you go out with your ideas and you market them, and you attract the capital to generate these ideas.

This is what we did at the beginning of the dot-com bubble. If you remember, we learned here the creativity of a bad economic cycle was a contributing factor to developing the microchip and the ability to store and transfer information more effectively and more efficiently than ever before. And thus was born the dot-com bubble, the creation of the boom of the dot-com.

And that was, once investors saw that ability to store and transfer information more effectively, more efficiently than ever before, they began to invest in it because they believed that transferring that information, storing and transferring it, turned into a profit share. So they invested their capital, and the profit share began to get injected into the dot-com, and the dot-com bubble was born.

Now, the mistake with the dot-com bubble was just an adjustment in investment. But what really happened was there was an overexuberance in investment during the dot-com bubble years, and those were the years that the middle of the nineties were the beneficiaries of. The overexuberance in investments reflected the understanding of the investment community, the attraction of capital to these dot-com ideas, these creative ideas, to store and transfer information more efficiently than ever before.

The creativeness of that was not regulated by this realization that storing and transferring information didn't necessarily translate into profit; that it had to create efficiencies in order to be translated into profit. So we had an overexuberance in investment. The dot-com bubble began to swell. And when, under the Clinton administration, the Justice Department filed a lawsuit against Microsoft, that was the lance that pierced the dot-com bubble. The dot-com bubble collapsed.

But the growth that came was the growth that came from the understanding that we had created an ability

to be more efficient than ever before, and the adjustments were in the aftermath.

that fits Well. exactly Kondratiev's theory. We had hit the bottom economically. The creative people were looking around for something that they could do to change that paradigm. And what they came up with was the microchip and the other tools of software that allowed us to store and transfer information more efficiently than ever before, and being able to do that caused people to invest more, start new businesses, to transfer efficiencies around the country, and to increase our efficiencies.

If you think for example, just in the trucking industry, the software packages that would allow truck dispatchers to click the mouse rather than make a judgment decision and send a truck to Portland that could drop a load off there and go to Seattle and circle back through Montana and drop off a load and come back to the warehouse in, say, Des Moines, for example. Many more efficiencies were created by software packages that made the decisions instead of fallible mortals that were using judgment calls while they were under stress on the fly.

### □ 1900

All of those things fit back to Kondratiev's theory, his theory that during hard economic times you would generate ideas. Some of those would be good ideas. The good ideas would attract capital. The capital would be invested. The invested capital would bring about new technology. The new technology would bring about increased efficiencies. Increased efficiencies increase productivity. Increase the GDP, the gross domestic product, increase GDP. Of course it was good for the wealth of the Nation. And once you reached the apex of growth in the GDP, you ended up with a sense of success, a sense of complacency where we have arrived, we have invested our capital. we have invented our new methods to produce more goods and services more efficiently than ever before, and we've translated that into profits. Now, let's just keep this ball rolling down the

As you keep the ball rolling down the road—you don't realize it at the time, but the complacency of the continued day-to-day success brings about that idea of let's just hold on. Let's not create new. Let's just ride this out. And societies, economies, cultures ride out the successes. When they ride out the successes—if competition doesn't catch you first from a foreign country-eventually those successes are riding on the capital investment of decades gone by, and the efficiencies diminish in proportion to the depreciation of these capital investments and also in proportion to the creativity of the competing economies. When that happens, you

don't know it, but you're going downhill.

I think of a poster that I saw in a friend of mine's house years and years ago. It is a picture of a little boy sitting on a tricycle, and he has his hands on the handlebars and his feet up off the pedals. He's got a big grin on his face, and his hair is blowing back behind his head. Underneath the poster picture, it says: If you're coasting, you're going downhill.

Mr. Speaker, there are many economies in the world throughout history that have reached the apex of their growth and they have decided they like where they are. They get complacent and they begin to coast. If they are coasting, they are going downhill. Each economy, each society, each culture gets to that point where they start to coast and they go downhill. The societies and cultures that see it a different way, that understand that you have to constantly be innovating, you have to constantly be creating, you have to constantly find a way to be more competitive, they are the ones that show up in the Super Bowl of the global economy.

When I listen to my colleagues from the east coast and the west coast talk about what's wrong and what we need to fix and we need manufacturing jobs and that we've exported these jobs overseas, I would say to them, you've been advocates for the policies that are protectionism. You tried to protect the union jobs in the United States. You've opposed the free trade agreements that we've negotiated with foreign countries, including South Korea, Panama, and Colombia. And just being the voices of the unions that you represent, you have insisted that we have trade protectionism and that the working conditions and the jobs and the benefits packages that are negotiated in places like Colombia or South Korea be similar to those that are negotiated here in the United States.

Mr. Speaker, we can't change the policy in South Korea; we can't change it in Colombia; we can't change it in Panama; and we can't change it in places like China or other places in the world. They are who they are, and they will compete within the limits of their ability to produce. If we have policies that diminish our ability to compete, then we are going to have a lower market share, and no amount of Congress posturing itself for the people that write campaign checks is going to change that competitiveness. We've got to be competitive.

What would I advocate? What is my solution for this? I could go down through the list. They talked about the American Dream and they talked about trade agreements, and they talked about manufacturing jobs and exporting our jobs overseas and the export of American manufacturing to China. They talked about trade protectionism and they want to reignite the

American Dream. So do I. I would like to think that it still burns. It burns based upon American liberty, American freedom, American opportunity. And what makes this country great would be a wonderful discussion to have between Democrats and Republicans here in the United States Congress. We seldom have any discussion like that.

What makes this country great? What are the underpinnings that has grown this country into the unchallenged greatest Nation in the world? Yes, we have our contemporary troubles. We remain the unchallenged greatest Nation in the world economically, culturally, militarily, politically. We're the unchallenged greatest Nation in the world.

Why?

I challenge my colleagues to embellish the things that I'm about to say, but I would say this: We have Godgiven rights, God-given liberty. This is not a manifestation of STEVE KING and the modern world in 2012 telling you something right now. This was a deep conviction of the American Founders that we have rights that come directly from God. We get our rights from God. We don't get them from man. We don't get them from government. If government gives us rights, then who are we, if government decides to take our rights away, who are we to complain? They are the all powerful. They are the omnipotent, the government.

Our rights come from God, and our Founding Fathers all knew it and they signed off on the Declaration of Independence. We're endowed by our Creator with certain unalienable rights. These are the rights that are the foundation of American vigor. Think about the breadth of what this means.

America has received immigrants from donor nations all over the world. I believe every nation in the world. Why do they come here? Because they are inspired by the American Dream, the image of the Statue of Libertynot necessarily the inscription, but the image of the Statue of Liberty. It says all of you who come here legally into the United States have an opportunity to access the American Dream. When you access the American Dream, you have an obligation to leave this country and this world a better place than it was when you came. And into that bargain is this: God-given rights.

We are the only country in the history of the world that has been founded upon that principle. Others might aspire to it, others might look across the ocean here to the United States and aspire to God-given liberty, but this is the only Nation in the world that is founded upon it. And the beacon that comes out of the Statue of Liberty, the beacon of that liberty, itself, is what attracts people here to the United States. When they get on that ship or on that plane, or whatever their meth-

od of transportation is to legally come into the United States, they come for the dream. They are attracted by the freedom of speech, the freedom of religion, freedom of press, the right to keep and bear arms, the protection against double jeopardy, to be tried by a jury of your peers, to have property rights.

There is a State's right component of this that devolves these powers down to the States so each State can be a laboratory; and the Federal Government is to be a hands-off minimalist government, not an all-powerful, omnipotent government.

Mr. Speaker, that vision, that attraction, that magnetism of American liberty brings people from all over the world here to the United States.

Who does it bring?

We have the visa lottery, and even that gets a better cross section of the global humanity than you would have if you just went out and did a random selection of 6-plus billion people on the planet and brought 50,000 in under the visa lottery. At least those that sign up for the visa lottery have a dream: They want to come to America.

And 50,000 a year get lucky and cash in on the visa lottery. I think it is a bad policy. And you add the visa lottery to the family reunification plan and a number of other plans that we have, and anywhere between 93 and 89 percent of the legal immigrants in America are not measured by their merit, not measured by their ability to contribute to the United States; they are measured simply by their ability, their desire to come here, or if they have a family member to come and join, or if they got lucky in the visa lottery, or if they happen to receive asylum as directed by the Secretary of State or some other method.

# □ 1910

But we only have between 7 and 11 percent of legal immigration where we actually set the criteria here in this country. The Constitution says that our job is and that Congress has an authority to establish a uniform form of immigration. Well, "uniform," to me, would mean a standard for everybody who comes into the United States, and I would set that policy to reward those people who could most contribute to the United States of America.

Why wouldn't you have an immigration policy designed to enhance the economic, social, and cultural wellbeing of the United States?

That's the logic and the rationale that we had when the Constitution was drafted and when it was ratified. It should be our logic and our rationale today, Mr. Speaker.

But what's good? There are many good things about our immigration policy, but what's good?

In particular, it is that it has attracted the cream of the crop of every

donor civilization on the planet. Every country that contributed immigrants to the United States has sent us their dreamers, their doers, their workers—those people who wanted to access the American liberty and develop out the American Dream.

So, when you think about America as being an appendage of England or Scotland or Ireland or Italy or Ethiopia or Colombia or any other nation on the planet, we're not an appendage of that. We're the country that set up the filter, that screened out those also-rans—those people who had only a mediocre dream—and let through that filter people who had the exceptional dream, the dream that gave them an exceptional energy, an exceptional vision, an exceptional desire to come here and add to American exceptionalism.

American exceptionalism is built upon those liberties, those rights—the freedom of speech, religion, the press, to keep and bear arms, the protection from double jeopardy, property rights, States' rights, to be tried by a jury of your peers. The list goes on. It's all of those things, and free enterprise capitalism is an essential component.

If you want to be naturalized into the United States and if you want to study for the naturalization test, then you can use the flashcards—the glossy flashcards put out by CIS, Citizen Immigration Services—to study in order to become a naturalized American citizen. They have these little flashcards. You look at them, and on one side, it will say a question such as: Who is the Father of our country? Snap it over and it says—we all know the answer, Mr. Speaker—George Washington. Then you pick up the next card, and it might say: Who emancipated the slaves? Snap it over: Abraham Lincoln. The next card: What is the economic system of the United States of America? The President might flunk this, but the answer is—snap it over—free enterprise capitalism.

Those are principles that give us American vigor. When you look at the American vigor and the component of that and at the American vigor that comes from a filter, the filter of the difficulty of legally coming into the United States that skimmed the alsorans out and skimmed the global vigor in and redirected them into the United States, we have this saving: The dreamers came to America. The doers came to America. We are an American vigorous civilization and society of people who came here because they wanted more opportunity than they had in the country that they left. There was only one place they could go that had the opportunity that matches that, and it was the United States of America. They came here to do, and they did. They came for religious freedom. They came to raise their families. They came to leave this country a better place than it was, and they succeeded in all of that.

Mr. Speaker, the United States of America is the unchallenged greatest Nation in the world because of the fundamental principles, the fundamental rights, the fundamental American liberty—that exercise by dreamers and doers who stood on principle, who came here for religious freedom, for economic freedom, for property rights, for all of the things that are listed and laid out in the Bill of Rights. They were not just a mediocre cross section of the global population. They were the dreamers, the doers. The vigor of the planet came to the United States of America, and this vigorous American character, culture, and personality is unsuitable for the nanny state. It's unsuitable for the nanny state. The nanny state cannot be used and should not be used to oppress a free people—a people of vigor, a people of personality, a people of can-do spirit.

Yet here we are with what happened in the last Congress. The ruling troika imposed upon us Dodd-Frank, ObamaCare, and they tried to impose upon us cap-and-tax. All of them should be rejected by a vigorous American people who will regulate themselves, who will moderate and control themselves, who will set their own moral standards, and who need to have those standards implemented and enforced at the closest level to the people as possible. That's the cities, the counties, and the States, not the Federal Government, Mr. Speaker.

So I think it's important for us to realize and recognize that the American people are a unique race of people, that we are not like anyone else on the planet. We may not look like anvone else, but underneath whatever those looks might be of your idea of what a cross section of Americans are is an American vigor, an American personality, an American culture, a common sense of history, a can-do spirit, people who are members of the society and the culture and the civilization of the unchallenged greatest Nation in the world. We derive our strength from free enterprise capitalism, Judeo-Christianity, Western civilization. That's the core of America, the vigor of America, and that's what we must continue to protect, regrow, and refurbish.

Mr. Speaker, I am aware that the clock is winding down, and whether there is another speaker who is about to arrive, I have more in me, but I would pause for a moment to receive my instruction from the Speaker.

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. KING of Iowa. In which case, Mr. Speaker, I would recap this with my gratitude to the American people: We are here. We are putting a mark in place for posterity, and posterity watches us today. They're inspired, and they're informed by the actions of this Congress and by the actions of the President.

As I watch what unfolds here in the continuing growth and dependency and in the growth of the regulatory class in society and as I think about the growth of the nanny state—the nanny state that seems to think that it can be the protectorate for all of us and that somehow we can't make decisions for ourselves and for our well-being—Mr. Speaker, yes, we can, to quote the President, but not in any foreign language like "si se puede."

Thank you, Mr. Speaker. I appreciate your attention and the opportunity to address you here on the floor of the House of Representatives.

I vield back the balance of my time.

### THE WORLD ACCORDING TO OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Thank you, Mr. Speaker.

Oil is about \$100 a barrel. We're in a recession. The United States, just a couple of years ago, used 22 million barrels of oil a day. Now we're using less than 19 million barrels of oil a day, and still oil is \$100 a barrel in the middle of a recession. We are also producing more oil in our country than we did last year for the first time since 1970. The production of oil has increased this last year. Every year before that, the production of oil was lower than it was the preceding year. Now, with Bakken oil, we're producing a bit more than we did last year.

So why, with increased oil production and decreased oil use in the middle of a recession, should oil still be \$100 a barrel?

This is really hurting our economy. It increases the cost of just about everything we use because, if you've got it, a truck probably brought it, and the increased fuel cost increases the cost of just about everything, therefore, that we have.

# □ 1920

I believe the most important speech given in the last century was given in 1956 on the 8th day of March in San Antonio, Texas, by an oil geologist known as M. King Hubbard. We need to put his speech in context. At that time, the United States was king of oil. We produced more oil. We used more oil. We exported more oil than any other country in the world.

On this 8th day of March in 1956, M. King Hubbard made an astounding prediction. He said that in just 14 years, the United States would reach its maximum oil production. He wasn't sure what that number would be. But he made the prediction that we would reach our maximum production in 1970, just 14 years later, and no matter what we did, it would continue to go down

after that. And from 1970 until about a year or so ago, that was true.

Here I have a chart that shows what has happened to oil production in our country. A whole lot of it comes from Texas, as you can see from the lower dark blue below, and the rest of the United States is the lighter blue above. The kind of orange here is natural gas liquids. That's not in your gas tanks. That's propane and butane and chemicals like that.

M. King Hubbard made his predictions using only the contiguous 48. He didn't include Alaska, and he didn't include the Gulf of Mexico in his predictions. He made that prediction in 1956, about here. In 1970, as you can see here, we reached our maximum production in the lower 48, and it went down pretty consistently after that. Then we found oil in Alaska, a lot of it. And there was a little blip on the way down when you add that to the oil to the rest of the United States and Texas. And then a little later were the fabled discoveries of oil in the Gulf of Mexico. And you can see what that did-you can hardly see the blip there. A lot of oil, but we use a lot of oil.

The world uses 1 billion barrels of oil every 12 days. It's pretty simple arithmetic: 84 million barrels a day by about 12; that's 1,000 million, which is 1 billion barrels of oil every 12 days.

Oh, by the way, the M. King Hubbard that predicted that the United States was going to peak in 1970—of course he became a legend in his own time because he lived well beyond that, and he was exactly right. Relegated to the lunatic fringe for maybe 15 years or so, he became a celebrity after his predictions came true.

And he predicted that what happened to the United States had to happen to the world. Oil is finite. One day, it will run out. One day, we will reach our maximum production, after which it will tail off in the world, just as it did in the United States.

Now if you think that, collectively, the world is brighter and cleverer, and so forth, than the United States, then you might think that that won't happen. I think that we are the most creative, innovative society in the world. And if we couldn't turn it around, I think it's unlikely the world is going to turn it around.

Well, here is a chart from just a few years ago: Peak oil, this is a plateau. The maximum production is called peak oil. And the question was asked, Are we there yet? Because you see, these curves have flattened out. These are from the two entities that do the best job of cataloging the production and use of oil, the EIA and the IEA. It's the same three letters of the alphabet turned a bit. One is a creature of the OECD, and the other is a part of our Department of Energy.

They both, as you see, had a plateau here. And look what happened to the

price of oil. Now this was a little bit this is projected production from fields before it peaked at \$147 a barrel and the economy collapsed, along with the housing market. That was kind of a double whammy, with both the housing market and the price of oil at \$147 a barrel. When the economy came tumbling down, oil dropped to something under \$40 a barrel, and it has steadily climbed since then up to now around \$100 a barrel, where it has been for several months now.

Are we there yet? Well, just recently we've had two charts produced by one of those entities, the IEA, the International Energy Agency. This is called the World Energy Outlook. The chart on top here is from 2008, and the one on the bottom is from 2010. Now if you look at their Web site, you're going to have trouble finding the chart from 2008. They have purged their Web site of that chart. And in a few moments, you will understand why they purged it.

Let's look at that chart. This dark blue is conventional oil. That's what we looked at before in the production of the United States. And it's been going up now for a very long time. If you started back here 150 years ago at zero, and then we pumped more and more and more. And now the total liguids-not all of it oil; some of it is natural gas liquids—are up to about 84 million barrels of oil a day.

Now they are predicting just exactly what M. King Hubbard predicted, and that is that there would be a peak, and after that peak, it would fall off. And you see, they are predicting a fairly dramatic falloff in the production of oil from the fields that we are now exploiting.

But predicting out to 2030, they believe that by then, we will have a total liquid fuels production of about 106 million barrels of oil a day that will be made up of increasing amounts of natural gas liquids. And that will happen. We have found a lot of natural gas, so those will increase.

The green here is nonconventional oil. That's going to also increase. That's oil like the tar sands of Alberta, Canada, that won't flow. You have to lift it with a 100-ton shovel and put it in a truck that hauls 400 tons. And then you cook it into what we call stranded natural gas. That is natural gas where there aren't very many people to use it. So it's kind of stranded, so its price is less. So you can afford to cook this oil with it. And that's going to grow too some.

And then they make two predictions here. That this light blue is production from fields that we've found but are too difficult to develop, like a field found in the Gulf of Mexico under 7,000 feet of water and 30,000 feetof rock. I heard a number. I have no idea how you get this precise. But it was said that when oil was \$111 a barrel, they could afford to develop this field. So that we have found but are, with the current price of oil, too difficult to develop, uneconomically feasible to develop.

And then the bright red here are fields yet to be discovered. The dark red here really belongs as a part of the oil down here. It's a little bit of additional conventional oil we've gotten by what we have called enhanced oil recovery. That's pumping some live steam down there or pumping some CO<sub>2</sub> down there or, in Saudi Arabia, pushing some seawater down there. And some of their wells now are producing seven times as much seawater as oil. but it's okay because they can separate the seawater from the oil.

Okay, two things about this chart: Note the falloff in production from conventional fields, and note that by 2030, 106 million barrels of oil a day projected—that's what the world is going to be producing. Just 2 years later, in 2010, reality is setting inthat's the lower chart down here-reality is setting in. Now they are up by 35, 5 years later, now they're up to only 96 million barrels of oil a day, not 106 million barrels of oil a day. This is 5 years later, when it really should have been higher.

#### □ 1930

These top two curves here have been reversed and the colors different, but they are exactly the same thing. This is unconventional oil and this is natural gas liquids. Notice the precipitous decline in production from our current fields. And this includes, by the way, the enhanced oil recovery. You see it is in this chart, but it doesn't exist in this one because they have now incorporated and included where it belongs, and it is part of the conventional fields where we are now pumping from.

Here they show two huge wedges. To keep this production going up slightly, they show two huge wedges here. Notice how considerably bigger they are than the ones they projected just 2 vears earlier.

I don't think that these two wedges are going to occur. They did not occur in the United States. Now today we have technologies that we didn't have there, like horizontal drilling and fracking. So we can get more out of a field than we could then, and we are going to go down and get some more oil out of fields that we thought were exhausted with this new technology.

When you find a field that produces 10 billion barrels of oil, that is a big field. We have not found very many fields that produce 10 billion barrels of oil. That will last the world 120 days. Every 12 days, we use a billion barrels of oil.

Now, I think you can see why you can no longer find this projection they made in 2008 in their Web site, because it is just not consistent with the reality that they are forced to use in projecting here just last year, in 2010.

I will be enormously surprised if these two wedges occur. There is little evidence that they should occur. They did not occur in our country. Unless you think the world is incredibly more capable than the United States, then you will have some doubts whether those two wedges will occur or not.

If they don't, this top curve is going to tip over for the world just exactly the way it did for the United States. We're not running out of oil. Many people who are disparaging, people who talk about peak oil will say that the peak oil people say we're running out of oil. We're not running out of oil. There is a lot of oil out there. There is more oil out there to be pumped than all of the oil that we have pumped in the last 150 years. What we're running out of is our ability to pump that oil as fast as we would like to use it.

This next chart is an interesting one. It kind of puts what we're talking about in perspective—the world according to oil. This is what the world would look like if the size of the country was relative to how much oil reserves it had.

You see here that Saudi Arabia kind of dominates the planet. They do for oil reserves. They have, we believe, maybe about 22 percent of all the reserves in all the world. Now, we aren't quite sure of that because a Wikipedia leak a few months ago indicated that they may have 40 percent less oil than they've said.

Let me explain what happened back when OPEC could produce more oil than the world needed and increased production would drive down prices. And so they had an agreement in the OPEC nations that you could pump a certain percentage of your reserves. So if you were a country that needed some more revenue, you simply had more reserves. And without finding any new oil, you can look back through history and see that some of them magically had maybe twice the reserves that they had. They didn't find any new fields: they just said they had twice the reserves in the fields they already had. Then you see, they could pump more oil. None of these OPEC nations will let our technical people in to look at their records so we really don't know how much oil they have, but we believe that it is relatively like this.

You see little Kuwait looms huge on the world scene in terms of how much oil they have. Iraq, Iran, huge amounts of oil. Venezuela really dominates our hemisphere, doesn't it. It's bigger than all of the rest of the countries put together in terms of oil reserves.

And here we are, the United States. We have 2 percent of the reserves of oil in the world, and we use 25 percent of the world's oil, a little less now because our cars get a little better mileage and our economy is down a little so

we're using a little less, but roughly 25 military power. We have got to do percent of the world's oil. something to capture the imagination

Our number one importer is Canada. They have less oil than we, but they don't have very many people up there to use it, so they can export it to us.

Until a couple of years ago, our number two importer of oil was Mexico. They also have less than us. Now, they have a lot of people, but their people are too poor to use the oil so they can export it. Just a few years ago, the second largest oil field in the world, the Cantarell oil field in Mexico, started in rapid decline, declining as much as 20 percent a year in production. So now Mexico is our number three importer and Saudi Arabia is now our number two. Mexico has been displaced by Saudi Arabia.

Look at China and India over there. Tiny. China with a 1.3 billion people, India with well over a billion people, with an economy in China that's growing-well, in a recession; they've slumped. They were 16 percent growth. and now I think they are something like 8 percent growth, and India is not far behind them. With a static oil production of 84 million barrels a day, and China last year used 6 percent more oil than they did the year before, where is it coming from? We used less. We used to be 22 million barrels a day; now we're less than 19 million barrels a day. And some of the poorer countries of the world just can't afford the oil so they are doing without.

This disparity between the people who are using the oil and the people who have the oil is going to set up some huge geopolitical tensions in the world. China last year sold more cars than we sold, and that curve is accelerating. China is now the number one polluter in the world. They just passed us. China is buying up oil all over the world. I wonder why.

We have only 2 percent of the oil in the world, and we use 25 percent of the oil in the world, and we're notbuying oil anywhere. We don't need to because all you need to do is go to the global oil auction and have enough money and be the high bidder or participate at the bid price, and you get all the oil that you need if there's enough to meet everybody's needs. So why is China buying oil? They aren't just buying oil; they're buying goodwill: you need a hospital, soccer field, roads.

Simultaneous with buying oil reserves all over the world, China is also aggressively building a blue-water navy. They soon will have more ships than we. They aren't our ships yet by a long shot, but this year they will graduate seven times as many engineers as we graduate, and about half of our engineering students are Chinese mostly and some India students.

We can't for long have that disparity between the graduates of engineers and our two countries and we continue to be the world's premier economic and military power. We have got to do something to capture the imagination of our people and encourage our young people to go into careers of science, math, and engineering.

Let me tell you what I think may happen; I hope it doesn't. Why would China buy oil while they're simultaneously very aggressively building a blue-water navy and building capabilities for denial. There is now—look it up—a Chinese anti-ship missile that we essentially have no defense against. It travels 1,200 miles. There's no reason they can't put it on a ship, which means you couldn't get within 1,200 miles of a Chinese ship that had this missile on it unless we developed some defense against that missile.

#### □ 1940

Let's hope the time does not come when China says, hey, guys, I'm sorry, but we have 1.3 billion people. We have 900 million people in rural areas that, through the miracle of communications, know the benefits of an industrialized society, and they're saying, hey, guys, what about us? And our empire may unravel if we don't meet the needs of those people, so we can't share our oil. It's ours, we bought it, we can't share it, and we've got to have it. That would plunge the rest of the world into a recession, and China then would have to look to their population as consumers for the goods that they produce. And 1.3 billion people could be a pretty big consuming population.

The tragedy is that your government has paid for four different studies, two of them issuing in '05 and two of them in '07, that said the same thing, the peaking of oil is either present or imminent with potentially devastating consequences. Your government chose to ignore those four studies because it was not politically expedient to admit that we had a problem of those proportions

Now, we should have known that those predictions were coming because a very wise man in what, I think, was the most insightful speech of the last century, M. King Hubbert, gave the most important speech. I think that Hyman Rickover, the father of our nuclear submarine, gave the most insightful speech just about a year later. I don't know if these two men knew each other, but on the 15th day of May in 1957 to a group of physicians in St. Paul, Minnesota, Hyman Rickover gave a speech that was lost until a few years ago, and now you can find it on the Internet. Just Google for "Rickover" and "energy speech" and it will come

He said some things there that should have been self-evident, and everyone should have been saying it; but it took Hyman Rickover to say the obvious. There is nothing man can do to rebuild exhausted fuel reserves. They are finite. The Moon is not made out of

green cheese; the Earth is not made out of oil. One day, it will be gone. They were created by solar energy 500 million years ago and took eons to grow to their present volume.

In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect: the longer they last, the more time do we have to invent ways to live off renewable energy—you've heard of renewable energy—or substitute energy sources and to adjust our economy to the vast changes that we can expect from such a shift.

Have you noticed we've been doing that? I haven't. I love this last quote here because I think it pretty well describes where we are and what we're doing.

Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

Drill, baby, drill. And the unspoken part of that mantra is the hell with our kids and our grandkids, let them shift for themselves.

I remember when the Vice President came and asked me if I would vote to drill in ANWR, and I said I would be happy to do that when you commit—this was Dick Cheney—that you're going to use all the revenues you get from ANWR to invest in alternatives, because we're way late in doing what Hyman Rickover said we needed to do in 1957.

I noted that we were going to leave our kids a huge debt. It's bigger now than I thought it would be then. I said, wouldn't it be nice to leave them a little oil?

Here is a quote from one of those studies. This was the first and the biggest of those studies, the so-called Hirsch, SAIC, big study: world oil peaking is going to happen, world production of conventional oil will reach a maximum and decline thereafter. That maximum was called the peak. A number of competent forecasters project peaking within a decade. It has happened. Others contend it will occur later. Prediction of the peaking is extremely difficult. He says that oil peaking presents a unique challenge. The world has never faced a problem like this. It is an unprecedented problem that the world faces.

I have a last chart here that I think kind of helps us to put this in perspective. And this shows the production of oil, and this chart is a few years old. We need to have it updated. But this is when oil was discovered, way back in the 40s, the 50s, the 60s, the 70s. This is the use of oil.

By the way, tonight when you do your prayers, thank the Islamic world

for the oil price spike hikes in the 70s. Look what it did. It woke us up. If they hadn't awakened us and this curve continued, we would be through the top of the chart by now. Up until the Carter years, it was a stunning statistic. Every 10 years we used as much oil as had been used in all of previous history. Now look at the slope of that curve. It is much lower than that.

Our time is running out, and I must yield back; but I will come to the floor again soon, and we'll spend quite some time looking at this chart. Because if you had only one chart to look at where you were going to predict what you thought might happen in the future, I think this would be the chart, because you look back through history and see what has happened, and then you'll make a judgment. Wow, are we going to find that much more oil in the future that we found back here even with our increased capability to find oil? Yeah, we're going to find more, and we're going to pump more, but I think there is little or no chance that we'll be able to produce that oil fast enough to meet the growing demands of the world.

I love challenges. This is a huge challenge. And I think that facing this challenge we can produce more jobs; we can be an exporter of the technologies for green energy. I just feel challenged by this, Mr. Speaker, and I hope Americans feel the same way.

Thank you, Mr. Speaker. I yield back the balance of my time.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

## ADJOURNMENT

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 8, 2012, at 10 a.m. for morning-hour debate.

# OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23)

Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

SUZANNE BONAMICI, Oregon First.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4876. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Real-Time Public Reporting of Swap Transaction Data (RIN: 3038-AD08) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4877. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus amyloliquefaciens strain D747; Exemption from the Requirement of a Tolerance; Technical Correction [EPA-HQ-OPP-2010-0944; FRL-9334-3] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4878. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1235] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4879. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Net Worth Standard for Accredited Investors [Release Nos.: 33-9287; IA-3341; IC-29891; File No.: S7-04-11] (RIN: 3235-AK90) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area [EPAR03-OAR-2011-0714; FRL-9620-3] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4881. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Missouri; Reasonably Available Control Technology (RACT) for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) [EPA-R07-OAR-2011-0859; FRL-9621-1] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Vehicles Program [EPA-R03-OAR-2011-0605; FRL-9620-2] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Great Lakes Steamship Repower Incentive Program [EPA-HQ-OAR-2011-0928; FRL-9618-9] (RIN: 2060-XXXX) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4804. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance for Fuel Cycle Facility Change Processes [Regulatory Guide 3.74] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4885. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors [Regulatory Guide 1.219] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4886. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on competitive sourcing efforts for fiscal year 2011; to the Committee on Oversight and Government Reform.

4887. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XA842) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4888. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Cod by Vessels Catching Pacific Cod for Processing By the Inshore Component of the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA886) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4889. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Ground Fish Fishery; Biennial; Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BB65) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4890. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2012 Specifications and Management Measures and Secretarial Amendment 1 [Docket No.: 110908575-1687-03] (RIN: 0648-BB27) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4891. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Technical Amendment [Docket No.: FAA-2006-26661; Amdt. No. 61-129] (RIN: 2120-AI86) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4892. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Authorization to Use Lower Than Standard Takeoff, Approach and Landing Minimums at Military and Foreign Airports [Docket No.: FAA-2012-0007; Amdt. No. 135-126] (RIN: 2120-AK20) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4893. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacles Departure Procedures; Miscellaneous Amendments [Docket No.: 30817; Amdt. No. 3456] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4894. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30811; Amdt. No. 3451] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4895. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Amendment of Class E Airspace; Los Angeles, CA [Docket No.: FAA-2011-0496; Airspace Docket No. 11-AWP-6] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4896. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Blythe, CA [Docket No.: FAA-2011-0585; Airspace Docket No. 11-AWP-9] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4897. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Umiat, AK [Docket No.: FAA-2011-0750; Airspace Docket No. 11-AAL-08] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4898. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Fayette, AL [Docket No.: FAA-2011-0559; Airspace Docket No. 11-ASO-23] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4899. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tatitlek, AK [Docket No.: FAA-2011-0757; Airspace Docket No. 11-

AAL-10] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4900. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class B Airspace; Seattle, WA [Docket No.: FAA-2011-0232; Airspace Docket No. 11-AWA-3] (RIN: 2120-AA66) received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure

4901. A letter from the Director, Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's "Major" final rule — Vocational Rehabilitation and Employment Program — Changes to Subsistence Allowance (RIN: 2900-AO10) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4902. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 93rd Annual National Convention of the American Legion, held in Minneapolis, Minnesota from August 26 — September 1, 2011, and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 112—86); to the Committee on Veterans' Affairs and ordered to be printed.

4903. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Mailing of Tickets Under the Ticket to Work Program [Docket No.: SSA-2011-0034] (RIN: 0960-AH34) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4904. A letter from the General Counsel, Department of Commerce, transmitting draft legislation, entitled "Port State Measures Agreement Act of 2011"; jointly to the Committees on Transportation and Infrastructure, Foreign Affairs, Natural Resources, the Judiciary, Ways and Means, and Armed Services.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 540. Resolution providing for consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes (Rept. 112–389). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MURPHY of Pennsylvania (for himself, Mr. DOYLE, Mr. ALTMIRE, Mr. CRITZ, Mr. KELLY, Mr. BARLETTA, Mr. PITTS, Mr. GERLACH, and Mr. SHUSTER):

H.R. 3911. A bill to prohibit the permanent relocation of C-130 aircraft assigned to Pittsburgh 911th Airlift Wing; to the Committee on Armed Services.

By Mr. BISHOP of New York (for himself, Mr. RANGEL, Mr. HANNA, Mr. ISRAEL, Mr. SERRANO, Mr. KING of New York, Mr. GRIMM, Mr. ENGEL, Mr. HIGGINS, Mr. TONKO, Mr. OWENS, Mrs. Lowey, Ms. Slaughter, Mr. ACKERMAN, Mrs. MALONEY, Mr Towns, Mr. Hinchey, Ms. Buerkle, Ms. HAYWORTH, Mrs. McCarthy of York, Mr. CROWLEY, VELÁZQUEZ, Mr. NADLER, Mr. GIBSON, Ms. HOCHUL, Ms. CLARKE of New York, Mr. Turner of New York, Mr. REED, and Mr. MEEKS):

H.R. 3912. A bill to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building"; to the Committee on Oversight and Government Reform.

#### By Mr. DEFAZIO:

H.R. 3913. A bill to amend the Natural Gas Act with respect to application of the right to exercise eminent domain in construction of pipelines for the exportation of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OWENS:

H.R. 3914. A bill to amend the Export Apple Act to permit the export of apples to Canada in bulk bins without certification by the Department of Agriculture; to the Committee on Agriculture.

By Mr. SCOTT of Virginia:

H.R. 3915. A bill to consolidate programs at the Department of Justice and enact the CAMPUS Safety Act of 2011; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 3916. A bill to reduce the operating costs of the United States Postal Service, to provide for continued postal services for certain areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WATT:

H.R. 3917. A bill to extend the temporary suspension of duty on Disperse Red 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3918. A bill to extend temporarily the suspension of duty on Disperse Yellow 64; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3919. A bill to extend temporarily the suspension of duty on Vat Blue 66; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3920. A bill to extend temporarily the suspension of duty on Acid Black 172; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3921. A bill to extend temporarily the suspension of duty on Reactive Blue 224; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3922. A bill to extend the temporary suspension of duty on Cuprate (4-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3923. A bill to suspend temporarily the duty on certain other made up articles; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3924. A bill to extend temporarily the suspension of duty on Reactive Yellow 27; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3925. A bill to extend temporarily the suspension of duty on Disperse Blue 77; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3926. A bill to suspend temporarily the duty on other knitted or crocheted fabrics.

of cotton, dyed, other, of single knit construction; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3927. A bill to extend temporarily the suspension of duty on Solvent Yellow 163; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3928. A bill to suspend temporarily the duty on 1H-Xantheno; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3929. A bill to extend temporarily the suspension of duty on Reactive Red 123; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3930. A bill to extend temporarily the suspension of duty on Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3931. A bill to suspend temporarily the duty on Disperse Blue 284; to the Committee on Ways and Means.

By Mr. WATT:

H.B. 3932. A bill to extend temporarily the suspension of duty on Reactive Red 198; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3933. A bill to extend temporarily the suspension of duty on Acid Blue 324; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3934. A bill to suspend temporarily the duty on Acid Yellow 151; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3935. A bill to extend temporarily the suspension of duty on Acid Blue 221; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3936. A bill to suspend temporarily the duty on Acid Yellow 137; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3937. A bill to extend temporarily the suspension of duty on Acid Yellow 230; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3938. A bill to extend temporarily the suspension of duty on Acid Red 414; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3939. A bill to suspend temporarily the duty on mixtures of Disperse Red 367; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3940. A bill to suspend temporarily the duty on Reduced Vat Blue 1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3941. A bill to suspend temporarily the duty on Acid Red 278; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3942. A bill to suspend temporarily the duty on Direct Red 84: to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3943. A bill to suspend temporarily the duty on Acetic acid; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3944. A bill to suspend temporarily the duty on Acid Yellow 79; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3945. A bill to suspend temporarily the duty on Acid Blue 171; to the Committee on Ways and Means.

By Mr. WATT: H.R. 3946. A bill to suspend temporarily the duty on Reactive Blue 19; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3947. A bill to suspend temporarily the duty on Disperse Yellow 184:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3948. A bill to suspend temporarily the duty on Acid Red 182; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3949. A bill to suspend temporarily the duty on mixtures of (3-Pyridinecarbonitrile, 5-[(2-cyano-4-nitrophenyl)diazenyl]-2-[[2-(2hydroxyethoxy) ethyl]amino]-4-methyl-6-(phenylamino)-) and (3-Pyridinecarbonitrile, 5-[(2-cyano-4-nitrophenyl)diazenyl]-6-[[2-(2ethyl]amino]-4-methyl-2hvdroxvethoxv) (phenylamino)-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3950. A bill to suspend temporarily the duty on Direct Green 91; to the Committee on Ways and Means.

 $\bar{\text{By}}$  Mr. WATT: H.R. 3951. A bill to suspend temporarily the duty on Disperse Red 159; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3952. A bill to suspend temporarily the duty on Reactive Red 122; to the Committee on Ways and Means.

By Mr. WATT: H.R. 3953. A bill to suspend temporarily the duty on mixtures of Cobaltate (2-) and Cobaltate (3-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3954. A bill to suspend temporarily the duty on Disperse Red 311; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3955. A bill to suspend temporarily the duty on Reactive Blue 187; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3956. A bill to suspend temporarily the duty on Disperse Yellow 71; to the Committee on Wavs and Means.

By Mr. WATT:

H.R. 3957. A bill to suspend temporarily the duty on mixtures of Acid Black 244, (Chromate(2-), (Cobaltate(1-), and (Chromate(1-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3958. A bill to suspend temporarily the duty on Acid Blue 284; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3959. A bill to suspend temporarily the duty on Basic Blue 94:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3960. A bill to suspend temporarily the duty on Disperse Orange 288; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3961. A bill to suspend temporarily the duty on Disperse Blue 284; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3962. A bill to suspend temporarily the duty on Disperse Blue 56; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3963. A bill to suspend temporarily the duty on Acid Blue 264: to the Committee on Ways and Means.

By Mr. WATT: H.R. 3964. A bill to suspend temporarily the duty on mixtures of (9,10-Anthracenedione, 1,5-diamino-4,8-dihydroxy(4-hydroxyphenyl)-) and (9,10-Anthracenedione, 1,5-diamino-4,8dihydroxy(4-methoxyphenyl)-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3965. A bill to suspend temporarily the duty on Acid Red 426; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3966. A bill to suspend temporarily the duty on mixtures of Reactive Blue 250 and

Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3967. A bill to suspend temporarily the duty on mixtures of Reactive Black 5, acid, Benzenesulfonic and 1-Naphthalenesulfonic acid; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3968. A bill to suspend temporarily the duty on mixtures of Disperse Red 367, Benzo. and Acetic acid; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3969. A bill to suspend temporarily the duty on mixtures of Disperse Blue 77; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3970. A bill to suspend temporarily the duty on mixtures of Reactive Red 198 and Reactive Red 239: to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3971. A bill to suspend temporarily the duty on mixtures of Reactive Blue 19; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3972. A bill to suspend temporarily the duty on certain woven fabrics of cotton; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3973. A bill to facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands, and for other purposes; to the Committee on Natural Resources.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or ioint resolution.

By Mr. MURPHY of Pennsylvania:

H.R. 3911

Congress has the power to enact this legislation pursuant to the following:

to "provide for the common defense." "raise and support armies," and "provide and maintain a navy," as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. BISHOP of New York:

H.R. 3912.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7.

By Mr. DEFAZIO:

Congress has the power to enact this legislation pursuant to the following:

The Fifth Amendment to the Constitution

By Mr. OWENS:

H.R. 3914.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8. of the United States Constitution.

By Mr. SCOTT of Virginia:

H.R. 3915.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution

Clause 18 of section 8 of article I of the Constitution

By Ms. WATERS:

H.R. 3916.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the Constitution of the United States.

By Mr. WATT:

H.R. 3917.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3918.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States..."

By Mr. WATT:

H.R. 3919.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3920

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States..."

By Mr. WATT:

H.R. 3921.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States..."

By Mr. WATT:

H.R. 3922.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3923.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3924.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3925.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3926.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3927.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States..."

By Mr. WATT:

H.R. 3928.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3929.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . .."

By Mr. WATT:

H.R. 3930.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States..."

By Mr. WATT:

H.R. 3931.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3932.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3933.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3934.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3935.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States..."

By Mr. WATT:

H.R. 3936.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3937.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

By Mr. WATT:

H.R. 3938.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3939.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3940.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3941.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3942.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises to pay the Debts and provide for the common Defence and general Welfare of The United States . . ."

By Mr. WATT:

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3944.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3945.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3946.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3947.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3948.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3949.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . . By Mr. WATT:

H.R. 3950.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3951.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3952.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . . By Mr. WATT:

H.R. 3953.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.

By Mr. WATT:

H.R. 3954.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .'

By Mr. WATT:

H.R. 3955.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3956.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .'

By Mr. WATT:

H.R. 3957.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States

By Mr. WATT:

H.R. 3958.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.

By Mr. WATT:

H.R. 3959.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3960.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . . By Mr. WATT:

H.R. 3961.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3962.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3963.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3964.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3965.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3967.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."

By Mr. WATT:

H.R. 3968.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3969.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3970.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3971.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. WATT:

H.R. 3972.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . .

By Mr. YOUNG of Alaska:

H.R. 3973.

Congress has the power to enact this legislation pursuant to the following: article 1 section 8 clause 3.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.B. 26: Mr. CLAY

H.R. 32: Ms. HIRONO and Mr. JOHNSON of Georgia.

H.R. 139: Mrs. Napolitano and Ms. Matsui. H.R. 178: Mr. SHIMKUS.

H.R. 192: Mr. QUIGLEY.

H.R. 210: Mr. PAUL.

H.R. 361: Mr. MULVANEY.

H.R. 365: Mr. CICILLINE.

H.R. 420: Mr. GIBBS.

H.R. 458: Ms. LINDA T. SÁNCHEZ of California.

H.R. 459: Mrs. SCHMIDT, Mr. BROOKS, and Mrs. Black.

H.R. 571: Mr. Sablan.

H.R. 593: Mr. PEARCE.

H.R. 769: Mr. ROTHMAN of New Jersey.

H.R. 870: Mr. DAVID SCOTT of Georgia, Ms. WATERS, Mr. COHEN, Mr. YARMUTH, Ms. FUDGE, and Mr. GUTIERREZ.

H.R. 890: Mr. BARTLETT and Mr. JACKSON of Illinois.

H.R. 931: Mr. Posey.

H.R. 975: Mr. SMITH of Washington and Mr. SHIMKUS.

H.R. 997: Mr. POE of Texas.

H.R. 1179: Mr. WESTMORELAND, Mr. BACHUS, Mrs. Black, Mr. Reed, Mr. Mulvaney, Mr. PRICE of Georgia, Mr. REHBERG, Mr. BARTON of Texas, Mrs. NOEM, Mr. YODER, and Mr. Young of Indiana.

H.R. 1206: Mr. Westmoreland.

H.R. 1288: Mr. SIRES, Mr. CARSON of Indiana, and Mr. RIGELL.

H.R. 1319: Mr. Keating and Mr. Capuano. H.R. 1340: Mrs. SCHMIDT.

H.R. 1370: Mr. PENCE.

H.R. 1385: Mr. HECK.

H.R. 1404: Ms. HAHN and Mr. CONNOLLY of Virginia.

H.R. 1418: Ms. Bonamici and Mr. Paul.

H.R. 1464: Mr. VAN HOLLEN.

H.R. 1558: Mr. STUTZMAN.

H.R. 1585: Mr. HUIZENGA of Michigan.

H.R. 1614: Mr. GARRETT.

H.R. 1639: Mr. ROGERS of Michigan.

H.R. 1668: Mr. HOLT.

H.R. 1675: Mr. MULVANEY and Ms. MOORE. H.R. 1744: Mr. Johnson of Illinois and Mr. GALLEGLY.

H.R. 2040: Mrs. Noem, Mr. Poe of Texas, and Mr. WALBERG.

H.R. 2086: Mr. Peterson.

H.R. 2106: Mr. RIBBLE, Mr. RYAN of Ohio, and Mr. WILSON of South Carolina.

H.R. 2140: Mr. DICKS and Mr. ROTHMAN of New Jersey.

H.R. 2161: Mrs. Lowey and Mrs. Capps.

H.R. 2182: Mr. MATHESON.

H.R. 2193: Mr. CARSON of Indiana.

H.R. 2245: Mrs. Capps.

H.R. 2280: Mr. Ellison.

H.R. 2299: Mr. MULVANEY.

H.R. 2310: Mr. TIERNEY.

H.R. 2353: Mr. Tonko.

H.R. 2429: Mr. STUTZMAN.

H.R. 2487: Mr. Polis.

H.R. 2492: Mr. Duffy.

H.R. 2569: Mr. BACA.

H.R. 2595: Mr. McGovern.

H.R. 2682: Mr. McIntyre.

H.R. 2874: Mr. Young of Indiana.

H.R. 2885: Mr. STEARNS.

H.R. 2978: Mr. PRICE of Georgia and Mr. POMPEO.

H.R. 2982: Mr. Polis.

H.R. 2985: Mr. Latta, Ms. Lee of California, Mr. Himes, Mr. Cole, Mr. Deutch, and Mr. Scott of South Carolina.

H.R. 3032: Mr. WITTMAN.

H.R. 3053: Mr. FILNER.

H.R. 3059: Mr. LATTA.

H.R. 3086: Mr. Frank of Massachusetts, Mr. BOREN, Mrs. LOWEY, and Mr. CHANDLER.

H.R. 3159: Mr. FARENTHOLD.

H.R. 3173: Ms. HAHN and Mr. YOUNG of Indi-

H.R. 3187: Mr. THOMPSON of California and Mr. CROWLEY.

H.R. 3199: Mrs. ADAMS and Mr. BROUN of Georgia.

H.R. 3200: Mr. SIMPSON.

H.R. 3276: Mr. MACK and Mr. SOUTHERLAND.

H.R. 3300: Mr. CARNAHAN.

H.R. 3336: Mr. McIntyre.

H.R. 3337: Mr. Filner, Mrs. Hartzler, Mr. TONKO, Mr. POSEY, and Mr. LIPINSKI.

H.R. 3341: Mr. FARR.

H.R. 3364: Mr. Roe of Tennessee.

H.R. 3393: Mr. Long.

H.R. 3405: Ms. Zoe Lofgren of California.

H.R. 3418: Mr. DOYLE.

H.R. 3435: Mr. Loebsack.

H.R. 3461: Mr. Pence, Mrs. Lowey, Mr. DENT, Mr. MARCHANT, Mr. CHANDLER, Ms. JENKINS, Mr. FORTENBERRY, Mr. COLE, Mrs. LUMMIS, Mr. STIVERS, Mr. WHITFIELD, Mr. FITZPATRICK, Mr. FORBES, Mrs. SCHMIDT, Mr. COBLE, and Mr. SCHILLING.

H.R. 3462: Mr. RUSH and Mr. RANGEL.

H.R. 3480: Mr. YODER.

H.R. 3481: Mr. ALEXANDER.

H.R. 3506: Mr. REICHERT.

H.R. 3523: Mr. Brooks, Mr. Huizenga of Michigan, Mr. CARTER, and Mrs. HARTZLER.

H.R. 3541: Mr. LANDRY.

H.R. 3548: Mr. HENSARLING and Mrs. CAP-

H.R. 3591: Mr. McDermott.

H.R. 3596: Mr. STARK.

H.R. 3606: Mr. Scott of South Carolina and Mr. Schock.

H.R. 3612: Ms. LEE of California and Mr. Polis.

H.R. 3635: Ms. HAHN and Mr. PETERS.

H.R. 3643: Mr. BARROW.

H.R. 3652: Mrs. Blackburn, Mrs. Noem, and Mr. Conaway.

- H.R. 3662: Mr. GINGREY of Georgia, Mr. COFFMAN of Colorado, Mr. Lewis of California, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. HERGER, and Mr. SAM JOHNSON of Texas.
- H.R. 3663: Mr. GRIFFITH of Virginia.
- H.R. 3666: Mr. Lipinski.
- H.R. 3676: Mr. FARENTHOLD.
- H.R. 3698: Mrs. Myrick.
- H.R. 3702: Mr. CLARKE of Michigan.
- H.R. 3767: Mr. GERLACH, Mrs. DAVIS of California, Mr. DEUTCH, and Mr. DEFAZIO.
- H.R. 3789: Mr. FILNER.
- H.R. 3798: Mr. Smith of Washington.
- H.R. 3803: Mr. CRAWFORD and Mr. PEARCE.
- H.R. 3805: Mr. HARRIS.
- H.R. 3811: Mr. DUFFY.
- H.R. 3816: Mr. POMPEO and Mrs. HARTZLER. H.R. 3819: Mr. PAUL and Mr. BURTON of In-
- H.R. 3824: Mr. Brady of Pennsylvania, Mr. BISHOP of New York, and Mr. McKINLEY.
  - H.R. 3842: Mr. SCHWEIKERT and Mr. HARRIS.
- H.R. 3848: Mr. Schock and Mrs. Blackburn.
- $\rm H.R.$  3852: Ms. Lee of California and Mr. Quigley.
- H.R. 3856: Mr. BILIRAKIS, and Ms. ROS-LEHTINEN
- H.R. 3866: Mr. SERRANO, Mr. CLEAVER, Mr. RANGEL, Mr. DINGELL, Mr. ALTMIRE, Mr. WALZ of Minnesota, Mr. COSTELLO, Mr. RAHALL, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. NADLER, and Mr. DEFAZIO.
  - H.R. 3875: Mr. WELCH and Mrs. CAPPS.
  - H.R. 3878: Mr. DEFAZIO.
  - H.R. 3895: Mr. Jones.
- H.R. 3903: Ms. SUTTON, Mr. WELCH, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. KAPTUR, Ms. MOORE, Mr. McGOVERN, Ms. LEE of California, Mr. HONDA, Mr. FILNER, and Mr. CICILLINE.
- H. Res. 298: Ms. ZOE LOFGREN of California. H. Res. 460: Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Mr. HOLT, Mr. CALVERT, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHN-SON of Texas. and Ms. ROYBAL-ALLARD.
- H. Res. 532: Mr. Nunnelee and Mr. Fitzpatrick.

### PETITIONS, ETC.

Under clause 3 of rule XII,

36. The SPEAKER presented a petition of the City of Lauderdale Lakes, Florida, relative to Resolution No. 2011–121 setting forth the City's 2012 Federal Legislative and Appropriations priorities; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, Homeland Security, the Judiciary, and Financial Services.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2038

OFFERED BY: MR. FLAKE

AMENDMENT No. 1: Add at the end the following new title:

## TITLE III—EARMARK ELIMINATION SEC. 301. SHORT TITLE.

This title may be cited as the "Earmark Elimination Act of 2012".

# Subtitle A—House of Representatives SEC. 311. PROHIBITING CONSIDERATION OF LEGISLATION CONTAINING FARMARS.

- (a) PROHIBITION.—
- (1) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, or con-

- ference report if the bill, joint resolution, amendment, or conference report, or any accompanying report or joint explanatory statement of managers, includes a congressional earmark, limited tax benefit, or limited tariff benefit.
- (2) PROCEDURE.—If a point of order is raised under paragraph (1) with respect to a congressional earmark, limited tax benefit, or limited tariff benefit and the point of order is sustained, the congressional earmark, limited tax benefit, or limited tariff benefit shall be deemed to be stricken from the measure involved.
- (3) SPECIAL PROCEDURE FOR CONFERENCE REPORT AND AMENDMENTS BETWEEN THE HOUSES.—
- (A) IN GENERAL.—If a point of order is raised and sustained under paragraph (1) with respect to a conference report or a motion that the House recede from its disagreement to a Senate amendment and concur therein, with or without amendment, then after disposition of all such points of order the conference report or motion, as the case may be, shall be considered as rejected and the matter remaining in disagreement shall be disposed of under subparagraph (B) or (C), as the case may be.
- (B) CONFERENCE REPORTS.—After the House has sustained one or more points of order under paragraph (1) with respect to a conference report—
- (i) if the conference report accompanied a House measure amended by the Senate, the pending question shall be whether the House shall recede and concur in the Senate amendment with an amendment consisting of so much of the conference report as was not rejected; and
- (ii) if the conference report accompanied a Senate measure amended by the House, the pending question shall be whether the House shall insist further on the House amendment.
- (C) Motions.—After the House has sustained one or more points of order under paragraph (1) with respect to a motion that the House recede and concur in a Senate amendment, with or without amendment, the following motions shall be privileged and shall have precedence in the order stated:
- (i) A motion that the House recede and concur in the Senate amendment with an amendment in writing then available on the floor.
- (ii) A motion that the House insist on its disagreement to the Senate amendment and request a further conference with the Senate.
- (iii) A motion that the House insist on its disagreement to the Senate amendment.
- (b) DETERMINATION BY HOUSE.—If a point of order is raised under this section and the Chair is unable to ascertain whether a provision constitutes a congressional earmark, limited tax benefit, or limited tariff benefit, the Chair shall put the question to the House and the question shall be decided without debate or intervening motion.
- (c) CONFORMING AMENDMENT.—Rule XXI of the Rules of the House of Representatives is amended by striking clause 9.

## SEC. 312. DEFINITIONS.

In this subtitle—

(1) the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other ex-

- penditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process:
  - (2) the term "limited tax benefit" means—
  - (A) any revenue-losing provision that—
- (i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and
- (ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or
- (B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and
- (3) the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

#### Subtitle B—Senate

#### SEC. 321. PROHIBITION ON EARMARKS.

- (a) BILLS AND JOINT RESOLUTIONS, AMENDMENTS, AMENDMENTS BETWEEN THE HOUSES, AND CONFERENCE REPORTS.—
- (1) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment, amendment between the Houses, or conference report that includes an earmark.
- (2) PROCEDURE.—Upon a point of order being made by any Senator pursuant to paragraph (1) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken
- (b) CONFERENCE REPORT AND AMENDMENT BETWEEN THE HOUSES PROCEDURE.—When the Senate is considering a conference report on, or an amendment between the Houses, upon a point of order being made by any Senator pursuant to subsection (a), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.
- (c) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.
  - (d) DEFINITIONS.—
- (1) EARMARK.—For the purpose of this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives as certified under paragraph 1(a)(1) of rule XLIV of the Standing Rules of the Senate—
- (A) providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process:

(B) that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or (C) modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to

the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(e) APPLICATION.—This section shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

## **EXTENSIONS OF REMARKS**

HONORING HERB J. WESSON, JR.

## HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, February 7, 2012

Ms. HAHN. Mr. Speaker, during Black History Month, I rise today to honor Los Angeles City Councilman Herb Wesson, Jr., who has built a ground breaking career of public service at the city, county, and state levels of government in the State of California.

Mr. Wesson made a significant contribution to contemporary Black History when he served as Chief of Staff in the office of Los Angeles County 2nd District Supervisor Yvonne Brathwaite Burke, the first—and only—African American female ever elected to the LA County Board of Supervisors.

His first elected office came in 1998, when he was elected to the California State Assembly and was re-elected in 2000 and 2002. His colleagues in the California State Assembly—by a unanimous vote—elected Mr. Wesson the second African American in the 162-year history of the State of California to serve as Speaker of the California State Assembly.

After he left the Assembly, he was elected to represent the 10th Council District in the City of Los Angeles in 2005, capturing over 80 percent of the vote. His City Council colleagues called him "a consummate bridge builder." Last year, he was elected by his City Council colleagues—once again unanimously—to serve as President of the Los Angeles City Council, becoming the first African American to do so since Los Angeles was incorporated in 1850.

On January 3, 2012, City Council President Wesson took office and presided over his inaugural meeting of the city council. My friend and former colleague, Herb, personifies the storied and triumphant history of the African American community not just in Los Angeles, but around our great Nation.

TRIBUTE TO MR. DICK MONTEITH

## HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved leader in the Stanislaus County community, Mr. Dick Monteith, on his 80th birthday.

Dick Monteith was born in Los Banos, California, spent his early years attending Merced and Stanislaus County public schools, and graduated from Turlock High School. He continued his education at Menlo College and Stanford University, where he graduated with a Bachelor of Arts Degree in Sociology.

Soon after graduation, Dick started a lifelong career in agri-business as a partner in Monteith Tractor/Truck Company. He subsequently served in the Marketing Department of Gallo Wines, and then as a Sales Representative for Weyerhaeuser Company. He retired as General Manager of Sales and Distribution for Middleton Packaging prior to seeking his first elective office.

He was elected to the California State Senate representing the 12th District in 1994 and then again in 1998. In 2006, Dick was elected to the Stanislaus County Board of Supervisors. During his time on the Board, he witnessed the collapse of the housing market, which caused a reduction in property taxes. The county was faced with the worst budget crisis since the Great Depression. Yet, even during the darkest days, the Board of Supervisors accomplished many projects, including the Crows Landing-West Park Project, Federally Qualified Healthcare Look Alike, New Residency Program, and the sale of the Behavioral Health Center to DMC.

Some of the Capital Projects that have been completed during his tenure include the completion of Gallo Center for the Arts, the Empire Pool Project, the Expansion of the West Modesto Clinic, a new Animal Shelter, the Salida Library Remodel Projects and the ground breaking for the Juvenile Commitment Facility. In addition, he has attended 189 Board meetings, considered 4,331 Resolutions and served as Chairman of the Board in 2011.

Dick and his wife Jeanine make their home in Modesto. He has two sons, three step-daughters, and four grandchildren.

Dick is a member of Christ Community Church and serves on the boards of Modesto Gospel Mission, Youth for Christ and Stanislaus County Prayer Breakfast.

Mr. Speaker, please join me in honoring Dick Monteith for his unwavering leadership and recognizing his accomplishments and contributions. Dick serves as an example of excellence to those in our community.

PERSONAL EXPLANATION

## HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. TURNER of Ohio. Mr. Speaker, on February 3, 2012, I was unable to vote on rollcall votes 31, 32 and 33. Had I been present I would have voted "no" on rollcall vote 31, on the motion to recommit with instructions for H.R. 3578, "yea" on rollcall vote 32, passage of H.R. 3578, and "yea" on rollcall vote 33, on agreeing to the conference report for H.R. 658.

RECOGNIZING NATIONAL MARRIAGE WEEK

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize National Marriage Week, which begins today and concludes on Valentine's Day. I am a strong supporter of traditional marriage, which is the basis of the American family. The purpose of National Marriage Week is to encourage spouses to rededicate themselves to each other and towards strengthening their marriages. Strong marriages allow children to flourish and provide a safe structured environment for emotional, spiritual, personal and professional development.

The family is the cornerstone of our society and I encourage all Americans to take this week to focus on their spouse and commit to strengthening their marriage.

PERSONAL EXPLANATION

#### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. ELLISON. Mr. Speaker, on February 6, 2012, I missed rollcall votes Nos. 34 and 35 due to commitments in my district. Had I been present I would have voted "no" on rollcall vote 34 and "yes" on rollcall vote 35.

RECOGNIZING FAMILY CENTRAL

## HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Tuesday, February 7, 2012

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the 40th anniversary of Family Central, Inc.

Since its founding in 1971, Family Central has played a pivotal role in the lives of South Florida families by providing quality, safe, and affordable child care. By working at the local level, Family Central serves as an essential community partner in improving the lives of the constituents of Florida's 20th Congresional district and beyond. Throughout our region, Family Central has served approximately one million children since its founding.

I applaud Family Central's work to ensure that families in Broward and Miami-Dade Counties have access to excellent child care. As a working mother, I understand the struggles that working families go through to provide and care for their children. With the number of parents working full time on the rise,

more and more families are fully engaged in the daily juggling act of making ends meet and caring for their children.

Family Central provides safe and affordable child care to over one hundred thousand South Florida children annually. The role they play is critical to ensuring families do not have to choose between being able to afford child care and being able to trust that their child is safe.

Family Central also provides training to childcare practitioners, giving them new skills to help them create a learning environment that supports a child's emotional, cognitive, and developmental needs. In the years since Family Central was created, research has reinforced that early learning is an integral part of successful child development and reducing achievement gaps in our educational systems.

This wonderful organization not only helps provide care for children when parents are working, but it also helps parents to become better and more effective caregivers for their children at home. They are one of only ten groups in the country identified as a Nurturing Parenting Affiliate. By helping parents to nurture their children, Family Central helps the families of South Florida become and remain strong, stable, and united.

The difficult economic conditions of the past few years have been especially tough for working families across the country, and particularly in South Florida. Now more than ever, the essential services provided by community partners like Family Central are critical to giving children in our community an environment in which to thrive.

Congratulations to Family Central on their 40th anniversary—and thank you to everyone who has made it possible. I commend their service to our great state, to South Florida and to the families and children of Florida's 20th Congressional District.

I look forward to more great achievements from Family Central as it continues its long tradition of providing quality, accessible and affordable services to South Florida's families.

HONORING THE HONOREES OF THE SEBASTICOOK VALLEY CHAMBER OF COMMERCE AWARDS

## HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES Tuesday, February 7, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the recipients of the 2012 Annual Sebasticook Valley Chamber of Commerce Awards. For years, the Chamber has been at the forefront of business networking and development across 12 towns in the Newport, Pittsfield and Dexter areas.

Each year, the Sebasticook Valley Chamber of Commerce honors local businesses, business leaders, and individuals who promote and advance a vital and healthy economic environment. These individuals and businesses are committed to strengthening opportunity and prosperity in Maine.

This year's award recipients include George and Linda Lougee for the Joyce Packard Community Spirit Award and C.M. Almy and

Sons Inc. for the Business of the Year for 2012. Since they first came to Newport in 1999, the Lougees have devoted themselves to helping the area flourish. Their efforts to arrange Sparkle, the Chamber's and the Region's largest fund raiser, have generated \$78,000 for local organizations over the last six years. Additionally, C.M. Almy and Sons Inc. has manufactured church vestments, furnishing, and accessories since 1892. This third-generation family owned business is being recognized for community support in the region.

These recipients are among the best that Maine has to offer. Through their leadership and incredible commitment to their communities and to Sebasticook Valley, Maine is a better place to live and to do business.

Mr. Speaker, please join me again in congratulating the Sebasticook Valley Chamber of Commerce and these individuals on their outstanding service and achievement.

HONORING ANDREW G. ROMAN

## HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. DOYLE. Mr. Speaker, I rise today to pay tribute to a great American and a proud son of Pittsburgh, Pennsylvania.

Andrew G. Roman, known as Andy, died peacefully January 4, 2012 at the age of 87.

Born to Greek immigrants on June 27, 1924, he was raised in Pittsburgh. By all accounts, Andy was a true patriot. During World War II, he served as a combat soldier in Italy with the 88th Infantry Division—Blue Devils, receiving two Purple Hearts and two Bronze Stars. After his honorable discharge, he returned to marry his childhood sweetheart Tresa and started his aerospace career working on the DC-6 and Harry Truman's Sacred Cow, with Douglas Aircraft.

Traveling extensively throughout the world during his time with McDonnell-Douglas, he worked on many programs critical to the security and technological pre-eminence of the United States, including the Thor, Delta, Nike Zeus (based on Kwajalein in the South Pacific), Apollo, and SkyLab programs. Andy completed his 35 year-career as the Director of Factory Operations for McDonnell Douglas in Titusville, Florida on the Dragon and Tomahawk missiles. Throughout his career, he was honored to work with many wonderful colleagues and friends who represented the McDonnell-Douglas family, an organization he truly revered.

Andy is survived by his loving wife of 65 years, Tresa, and an extensive family that includes four grandchildren and seven greatgrandchildren. I know that many of his family still reside in our great city of Pittsburgh.

Andy's family and all those who knew him are exceedingly proud of his fine career and service to our country. I want to join with them today by expressing my best wishes for Andy's family as we honor Andrew G. Roman—an American patriot.

PERSONAL EXPLANATION

#### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes the afternoon of February 3, 2012, which included rollcall votes 31, 32, and 33.

If I had been present, I would have voted in favor of rollcall vote 31, the Motion to Recommit Representative WOODALL'S (GA-07) H.R. 3578

If I had been present, I would have voted against rollcall vote 32, final passage of Representative WOODALL's (GA-07) H.R. 3578.

If I had been present, I would have voted against rollcall vote 33, the conference report for Representative MicA's (FL-07) H.R. 658.

RECOGNIZING MRS. GERTRUDE L. MALLETT FOR HER UNWAVERING COMMITMENT TO HORTICULTURE

## HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a valued member of our society, Mrs. Gertrude L. Mallett. Mrs. Mallett is a conservationist and agriculturalist from Hinds County, Mississippi. Her wisdom and sincere affection for everyone leaves everlasting impressions.

Born December 18, 1919, she is the widow of Frank Mallett and mother to their six children. Mr. and Mrs. Mallett believed in God, family, and hard work and raised their children to believe in such.

The Mallett family is proprietor of roughly 200 acres of land in Hinds County, Mississippi, where they raise and harvest cattle, corn and cotton.

Up until 1995, when Mrs. Mallet obtained her General Education Diploma from Hinds Community College in 1995 at the age of 75, she had only attained an 8th grade education.

Today, at 92 years of age, Mrs. Mallett remains active; she advises the day-to-day farm operations of their family farm in addition to maintaining her annual garden. Mrs. Mallett is an all around craftsman and self-taught ceramicist. She crafts quilts and crochets in addition to other handiworks.

Mrs. Mallett is a servant to God and faithful steward of Saint John's Missionary Baptist Church. She taught Sunday school for over 30 years, served as the church secretary for more than 50 years and still remains active in the church.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Gertrude L. Mallet for her unwavering commitment to horticulture.

OF CON-

DEFECT

IN CELEBRATION OF NATIONAL BLACK HISTORY MONTH RECOGNIZING THE LIFETIME ACHIEVEMENTS OF HAROLD GEORGE BELAFONTE, JR.

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. RANGEL. Mr. Speaker, today I rise in celebration of National Black History Month and to recognize the lifetime achievements of my good friend, Harold "Harry" George Belafonte, Jr., an American and International Hero. Black History Month is an appropriate time to pay homage to Harry Belafonte and his amazing, incredibly impressive, inspiring and historic renowned career, which began at the age of 19 in the United States Navy during World War II. After taking advantage of the G.I. Bill, his career soared as an actor, musician, singer, producer, and civil rights and humanitarian activist. Due to Harry Belafonte's lifetime achievements our nation and the world are far better.

After the Great War, Harry attended and graduated from The New School for Social Research in New York City. Harry began appearing in jazz clubs, cabarets, and soon began recording his wonderful pop, folk, and world music albums. His acting career took off after his 1953 film debut in Bright Road. Many movies and performances later, Harry Belafonte received a Tony Award nomination for his Broadway performance in John Murray Anderson's Almanac. Although he was acknowledged for his talent, it wasn't until he played a lead role in the film Carmen that he became a true star. Harry was able to use his new popularity to boost his album sales and create a need in the United States for Caribbean music that had lacked before. He then went on to win an Emmy for his special Tonight with Harry Belafonte, and was bestowed the honor of first African American producer.

With Paul Robeson as his inspiration, Harry took art and activism to new levels. During his 43 years of fame, Belafonte worked against social injustice. Throughout the civil rights movement, he advised and served as Reverend Dr. Martin Luther King, Jr.'s confidant and he worked to provide for King's family. His dedication led Harry to be blacklisted during the McCarthy era, like many other civil rights activists. He bailed King out of the Birmingham City Jail and raised thousands of dollars to release other civil rights protesters. Harry managed to mobilize the Hollywood community, finance Freedom Rides, support voter registration drives, and help to organize the March on Washington in 1963, where he delivered an inspiring speech. Harry went on to serve in President John Fitzgerald Kennedy's administration, as cultural advisor to the Peace Corps.

A true humanitarian Harry Belafonte is best known for his landmark music collaboration, "We Are the World," which joined many musicians—including songwriters and producers Michael Jackson, Lionel Richie, Quincy Jones and Michael Omartian—together. USA for Africa was able to use this song to help raise millions of dollars to help relieve famine in Ethi-

opia. Harry continued his work by becoming UNICEF's Goodwill Ambassador in 1986. Harry carries on his incredible work by supporting causes such as HIV/AIDS and cancer research and educating children.

Harry was an outspoken critic of apartheid in South Africa, and he and Arthur Ashe Cochaired Artists and Athletes Against Apartheid, which played a major role in international sports boycott against South Africa. In 1988, Harry released his first album of original material in over a decade, Paradise in Gazankulu. The album contains ten protest songs against the South African former Apartheid policy. He was the Master of Ceremonies at a reception honoring African National Congress President Oliver Tambo at Roosevelt House, Hunter College, in New York City. The reception was held by the American Committee on Africa, ACOA, and The Africa Fund. Today, Harry is a current board member of the TransAfrica Forum and the Institute for Policy Studies.

Following his appointment Harry traveled to Dakar, Senegal, where he served as chairman of the International Symposium of Artists and Intellectuals for African Children. He also helped to raise funds, alongside other artists in the largest concert ever held in sub-Saharan Africa. In 1994 he went on a mission to Rwanda and launched a media campaign to raise awareness of the needs of Rwandan children. In 2001 he went to South Africa to support the campaign against HIV/AIDS. In 2002, Africare awarded him the Bishop John T. Walker Distinguished Humanitarian Service Award for his efforts to assist Africa. In 2004 Harry went to Kenya to stress the importance of educating children in the region. Harry has also been involved in prostate cancer advocacy since 1996, when he was diagnosed and successfully treated for the disease.

On June 27, 2006, Harry was the recipient of the BET Humanitarian Award at the 2006 BET Awards. He was named one of nine 2006 Impact Award recipients by AARP The Magazine. On October 19, 2007, Harry represented UNICEF on Norwegian television to support the annual telethon—TV Aksjonen—in support of that charity and helped raise a world record of \$10 per inhabitant of Norway.

Harry is additionally known for his visit to Cuba which helped ensure hip-hop's place in Cuban society. According to Geoffrey Baker's article "Hip hop, Revolucion! Nationalizing Rap in Cuba." Harry, in 1999 met with representatives of the rap community immediately before meeting with Fidel Castro. This meeting resulted in Castro's personal approval of the incorporation of rap into his country's culture. In a 2003 interview Harry reflected upon this meeting's influence:

"When I went back to Havana a couple years later, the people in the hip-hop community came to see me and we hung out for a bit. They thanked me profusely and I said, 'Why?' and they said, 'Because your little conversation with Fidel and the Minister of Culture on hip-hop led to there being a special division within the ministry and we've got our own studio'."

On October 17, 2011, HBO Films released the documentary, Sing Your Song, which details a close look at the life of a patriot to the last and a champion for worldwide human rights. Told from Harry's point of view, the film

charts his life from a boy born in New York and raised in Jamaica, who returns to Harlem in his early teens where he discovers the American Negro Theater and the magic of performing. From Harlem to Mississippi to Africa and South Central Los Angeles, Sing Your Song takes us on a journey through Harry Belafonte's life, work and most of all, his conscience, as it inspires us all in a call to action.

Mr. Speaker, I ask you, my colleagues and a very grateful nation as we celebrate National Black History Month to recognize the achievements of the world's humanitarian, and Harlem's beloved, Harry Belafonte.

RAISING AWARENESS GENITAL HEART AWARENESS WEEK

## HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Tuesday, February 7, 2012

Mr. MARCHANT. Mr. Speaker, I rise to raise public knowledge of Congenital Heart Defect Awareness Week, which is February 7–14, 2012. This week encourages all citizens to increase their awareness, education, and services for Congenital Heart Defects, which each year affect thousands of babies in the State of Texas.

Congenital Heart Defects are the most frequently occurring birth defects and the leading cause of birth defect-related deaths worldwide. Over a million families across America are facing the challenges and hardships of raising children with Congenital Heart Defects. Every year, 40,000 babies are born in the United States with Congenital Heart Defects.

Some Congenital Heart Defects are not diagnosed until months or years after birth, and undiagnosed Congenital Heart conditions cause many cases of sudden cardiac death in young athletes. Despite these statistics, newborns and young athletes are not routinely screened for Congenital Heart Defects, and research on these heart conditions has only recently begun catching up to the problem—but more must be done.

Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone. Congenital Heart Defect Awareness Week also provides the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects. I ask all of my colleagues to join me in honoring February 7–14 as Congenital Heart Defect Awareness Week.

TRIBUTE TO VICTOR CRUZ AND THE NEW YORK GIANTS

## HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. PASCRELL. Mr. Speaker, I rise today to congratulate Victor Cruz and the New York Giants on their thrilling victory in Super Bowl

XLVI on Sunday night, in which they defeated the New England Patriots by a score of 21 to 17. As a fan, I am excited that the Giants have once again brought a Super Bowl championship and the Vince Lombardi Trophy back home to New Jersey. After last winning a championship in 2008, this is the second Giants Super Bowl victory in the past five seasons, for an impressive all-time total of four Super Bowl wins amongst their eight National Football League championships.

Leading the charge for the Giants was the pride of my hometown of Paterson, New Jersey, wide receiver Victor Cruz. Paterson, located just a few miles from the Giant's home field, is home to thousands of proud Giants fans. Victor Cruz was born in Paterson, attending Paterson Public School #21 and Paterson Catholic High School before playing football at the University of Massachusetts, where he remains fourth in all time receptions. He fought his way off the streets of Paterson, finding a path to a college education. Starting as an unknown just two years ago, Victor gained the attention of Giants scouts and now competes on the highest level. Victor serves as a true inspiration to the people of Paterson, who gave him an enthusiastic send-off when he revisited School #21 before the team departed for the Super Bowl in Indianapolis.

On Sunday night, Victor Cruz scored the first touchdown of the contest on a reception from the game's Most Valuable Player, Giants quarterback Eli Manning. With this touchdown, Victor had the opportunity to showcase his signature "Silk City Salsa" touchdown dance, a fan favorite. This move shows Victor's continued connection with his home town, since it is named for the city of Paterson, which was once the center of a thriving domestic textile industry.

Since being signed by the Giants, Victor already holds the franchise record for single season receiving yards after going undrafted in 2010. He has also tied the NFL record for longest touchdown reception of 99 yards. Now, he can add a Super Bowl title to the long list of accomplishments he has already attained in just two years of playing professional football. Victor Cruz's story so far proves that anyone can achieve greatness with hard work and perseverance. I hope that Victor enjoys a long career with continued successes.

The job of a United States Congressman involves much that is rewarding, yet I am especially honored today to recognize and commemorate the achievements of the New York Giants and Paterson's hometown hero, Victor Cruz.

Mr. Speaker, I ask that you join our colleagues, the citizens of New Jersey, and me in recognizing the Giants for their victory in Super Bowl XLVI, and in wishing continued success to Victor Cruz, Eli Manning, Coach Tom Coughlin, owners John Mara and Steve Tisch, and the rest of the team. I am sure that former Giants owner and my fellow Fordham University alumnus, Wellington Mara, who passed away in 2005 after 80 years with the team, was also watching from above with a smile on Super Bowl Sunday. Let's Go Giants!

PERSONAL EXPLANATION

### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday. February 7, 2012

Mr. OWENS. Mr. Speaker, on February 6, 2012, I missed a series of votes. If I had been present, I would have voted as follows:

On rollcall 34, On Agreeing to the Resolution providing for consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes, I would have voted "nay."

On rollcall 35, On Motion to Suspend the Rules and Pass, as amended, a bill to provide the Quileute Indian Tribe tsunami and flood protection, I would have voted "yea."

OUR UNCONSCIONABLE NATIONAL DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,337,881,657,918.14. We've added \$10,536,476,482,623.86 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

INTRODUCTION OF THE BILL TO CONSOLIDATE PROGRAMS AT THE DEPARTMENT OF JUSTICE AND ENACT THE CAMPUS SAFETY ACT OF 2011

## HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. SCOTT of Virginia. Mr. Speaker, today I am introducting a bill to consolidate programs at the Department of Justice in order to create an offset for the costs in another bill I previously introduced this Congress, the Center to Advance, Monitor and Preserve University Security, "CAMPUS," Safety Act. This consolidation bill is intended to allay the concerns some of my colleagues have expressed about the lack of an offset in the CAMPUS Safety Act. This bill will offset a majority of the costs of the the CAMPUS Safety Act, using the same offsets used in the Senate companion to the CAMPUS Safety Act. S. 1749. as introduced by Senator MARK WARNER. When the CAMPUS Safety Act is considered, we will merge the two bills together for consideration.

In order to alleviate a majority of the costs of the CAMPUS Safety Act, this bill requires

that the Office of Dispute Resolution of the Department of Justice and the jurisdiction and employees of that office be transferred to the Office of Legal Policy at the Department and funded through the general administration appropriation of the Office of Legal Policy. This was proposed in the President's 2012 budget and also by Senator COBURN in his "Back in Black" report. This bill also requires the Attorney General to implement policies that will result in at least \$1 million in savings through consolidating ineffective or duplicative programs.

This bill is important because it helps to pay for the CAMPUS Safety Act, which is vitally important to our Nation's institutions of higher education. The CAMPUS Safety Act will create a National Center of Campus Public Safe-"Center," which will be administered through the Department of Justice. The Center will train campus public safety agencies, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. By having this information in one central location, institutions of higher education will be able to easily obtain the best information available on ways to keep campuses safe and secure and how to respond in the event of a campus emergency. This bill was introduced in the House in the 110th and 111th Congresses and passed both times by voice vote.

As Ranking Member of the Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security and a Member of the Education and Workforce Committee, I strongly urge my colleagues to sign on to the CAMPUS Safety Act to help schools keep their campuses safe and free from violence.

HONORING CHERYL McCLENNEY-BROOKER AT THE OCCASION OF HER RETIREMENT

## HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. FATTAH. Mr. Speaker, the Philadelphia arts community is losing a highly talented administrator and dedicated advocate with the retirement in February of Cheryl McClenney-Brooker as Director of External Affairs for the Philadelphia Museum of Art after a remarkable 28 years of service.

Ms. McClenney-Brooker, born, raised, and educated in Chicago, has worked in the cultural field and the museum profession for more than 40 years. Her professional involvement with arts and culture began in New York City as Curatorial Coordinator at the Solomon R. Guggenheim Museum from 1970 to 1974, then two year stints as Assistant Director of the Museums Collaborative Cultural Voucher Program and Assistant Commissioner of the New York City Department of Cultural Affairs. She moved to Washington D.C. to serve for five years as Director of Humanities Projects in Museums and Historical Organizations at the National Endowment for the Humanities.

Then in 1983 Ms. McClenney-Brooker arrived on the scene of Philadelphia, the city of

Brotherly Love and Sisterly Affection, to begin this most notable stage of her career at the Philadelphia Museum of Art—and seemingly everywhere in the cultural community. She has shown a special gift for leadership and inspiration in African American and Multicultural arts and culture, both in Philadelphia and as a roving ambassador around the world.

Here's just a sampling: Ms. McClenney-Brooker is a member of the boards of directors of Citizens for the Arts in Pennsylvania, African American Museum in Philadelphia, Multicultural Affairs Congress of the Philadelphia Convention and Visitors Bureau, Philadelphia Commission on African and Caribbean Immigrant Affairs, and The Jonathan Phillip Ford Memorial Foundation for Bipolar Disorder Awareness. She was Co-Founder and, from 1990 to 2005, Chair of the City-wide Philadelphia World AIDS Day/Day Without Art observance. She has served on federal, State and municipal funding panels, corporate and foundation funding committees, and works with several national, State, and local professional and community groups.

Ms. McClenney-Brooker's honors include: a National Scholastic Art Magazine scholarship to the School of the Art Institute of Chicago; International Council of Museums' travel grant to Europe; Partners of the Americas' museum travel grant to Brazil; Leadership Pennsylvania Certificate; African American Women of Achievement Award from the African American Museum in Philadelphia; Individual Achievement Award for Arts Administration from the Pennsylvania Federation of Museums and Historical Organizations; and the Share the Heritage Award from the Multicultural Affairs Congress of the Philadelphia Convention and Visitors Bureau.

One thing we know for sure about this tireless and selfless lady: As she transitions to "official" retirement with her husband, artist and art professor Moe Brooker, with the love of daughters Misha and Musa Brooker, she will simply have more time and energy to devote to the arts and culture projects that have consumed her life. I ask my colleagues in this House to join me in wishing good health, good times, and a productive "retirement" to Cheryl McClenney-Brooker.

RECOGNIZING MR. JAMES P. FALCONE FOR HIS SERVICE TO THE INTERNAL REVENUE SERVICE

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Tuesday, February 7, 2012

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Mr. James P. Falcone of Centreville, Virginia, on the occasion of his retirement at the end of February after 38 years of public service with the Internal Revenue Service.

Throughout his tenure with the IRS, Mr. Falcone provided an example of model leader-ship through his work in both tax administration and later in support operations. He served in various roles such as Director of Facilities and Operations, Director of Real Estate and

Facilities Management, IRS Human Capital Officer, and the first acting Chief of Mission Assurance. During his career, Mr. Falcone assisted with many successful initiatives, including the reorganization of the IRS following the passage of the Restructuring and Reform Act of 1998. He also played a role in establishing the Mission Assurance organization following the September 11th terrorist attacks. That effort instituted new safeguards for the tax administration and assured the safety of its employees, facilities, and information systems. In addition, Mr. Falcone assisted in reducing the size of the IRS' real estate portfolio to realize operation efficiencies.

Mr. Speaker, I ask that my colleagues join me in recognizing Mr. Falcone for his lifelong service to our constituents. His distinguished career and accomplishments serve as a reminder of the great value of public service to our country, and I congratulate him on his retirement.

IN RECOGNITION OF DR. MARY ELLEN WEBER

## HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor a remarkable woman, Dr. Mary Ellen Weber. She is a veteran Astronaut, an instrument-rated pilot, a world-class skydiver, and Vice President of Government Affairs and Policy at the University of Texas Southwestern Medical Center at Dallas.

As a NASA Astronaut for ten years, Dr. Weber inspired and awed our nation by completing two Space Shuttle flights, 297 earth orbits, and traveling 7.8 million miles. Among the youngest Astronauts ever to venture into space, she served as a pioneer for space exploration by flying aboard the Atlantis on mission STS-101. The mission was a critical early construction project for the International Space Station, in which she spent over eighteen days in space. She helped launch \$200 million communications satellite into Earth orbit when she flew aboard Discovery in 1995 on mission STS-70. After holding prestigious positions relaying reports to NASA's highest directors, she was awarded the NASA Exceptional Service Medal.

Not only is she a veteran in space, but she is an avid skydiver and pilot. She shares a world record for the largest freefall formation with 300 skydivers. She has logged over 4,000 skydives, and received twelve silver and bronze medals from the U.S. National Skydiving Championships. In addition, she is an instrument-rated pilot with over 600 hours in NASA's jet aircraft.

Dr. Weber was destined to share her knowledge of science. She received an M.B.A. from Southern Methodist University, a Ph.D. in physical chemistry from the University of California at Berkeley, and a B.S. in chemical engineering from Purdue University. She published eight scientific papers and received one patent. In 2003, she became Vice President of Government Affairs and Policy at the University of Texas Southwestern Medical Center.

UT Southwestern Medical Center is one highest acclaimed medical school, research, and hospital complex in Dallas, Texas.

I was sworn in as a Member of Congress in 2003 and that is how I met Dr. Weber in her role with UT Southwestern Medical Center. With her support and leadership, we were able to create a Health Care Fellowship between my office and UT Southwestern Medical Center. This successful program has provided what has become a very well regarded opportunity for Medical Doctors to have a front row seat in Congress to participate in the health care policy process. We have also partnered with UT Southwestern Medical Center on several joint events on their campus in Dallas. The Fellowship and events could not have been successfully executed without the guidance provided by Dr. Weber and the leadership at UT Southwestern.

On February 8, 2012, Dr. Weber will be leaving UT Southwestern after nine years in government affairs. Her contribution to the NASA's space program and UT Southwestern Medical Center has been unprecedented and her departure will soon leave a void in many hearts. It is my great privilege to recognize Dr. Mary Ellen Weber for the ingenuity and commitment she has shown to the people of UT Southwestern, NASA, and our Nation.

TRIBUTE TO THE LIFE AND SERVICE OF OFFICER STEVEN DION GREEN, SR.

## HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES  $Tuesday,\ February\ 7,\ 2012$ 

Mr. BONNER. Mr. Speaker, it is with a heavy heart that I rise today to honor the service of a fallen hero, Officer Steven Green of the Mobile, Alabama Police Department, who recently gave his life in the line of duty.

On February 3, 2012, Officer Green, age 36, was fatally wounded while transporting a robbery suspect. Mobile feels the deep pain of the loss of this young, dedicated protector of the peace. His untimely death has deeply saddened our community and even moved others from around the nation to add their many voices to the long list of those offering condolences to his family.

Officer Green dutifully served the Mobile Police Department and the people of Mobile since May 2010. He was stationed to the Department in the First Precinct and was on assignment in the Fifth Precinct at the time of his death.

A native of Mobile, Officer Green was a graduate of Blount High School where he distinguished himself as an outstanding athlete and member of the Varsity Football team. After high school, he contributed his considerable athletic talents and love of sports to the service of young people by coaching Little League Football.

Mr. Speaker, there is a special calling for those who would lay down their lives to guarantee the safety of others. Those who answer this call to serve with courage and conviction often don't seek the limelight or reward . . . they do what they do because they know it is

right. Officer Steven Green was just such a

Officer Green is survived by a very large and loving family, including his dear wife, Valerie, and their lovely children, Jasmine. Tariyah, and Steven, Jr.

On behalf of the people of Mobile and South Alabama, I offer my deepest condolences to each of them and to all of Officer Green's many family, friends and fellow officers. You will never be far from our hearts as we all reflect upon the devoted service of Officer Green. May God bless you all.

#### SUPPORTING NATIONAL MARRIAGE WEEK

## HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. FORBES, Mr. Speaker, I rise today in support of National Marriage Week, which is observed each year from February 7th to 14th. During National Marriage Week, organizations and individuals across America collaborate on programs designed to strengthen marriages, reduce the divorce rate, and acknowledge the institution of marriage as a vital factor in promoting family and community stability. Although it is important that we devote ourselves to strengthening our marriages each day of the year, National Marriage Week provides an important opportunity for us collectively to pause and reflect on the crucial role that marriage plays as the foundation of a strong and healthy society. In so doing, it is my hope that we will be inspired to work even harder to protect this sacred institution.

Marriage is ordained by God and provides innumerable benefits to spouses and their children. Studies suggest that married men and women experience greater financial stability, longer life spans, and a decreased risk of depression—particularly among married mothers. Children in married families also reap a host of benefits, including increased physical health, lower rates of alcohol and substance abuse, and a reduced risk of physical, sexual, and emotional abuse.

I remain committed to the conviction that traditional marriage is worth protecting. The data demonstrates what many of us have long known: marriage between a man and a woman is one of the cornerstones of strength of our country, and is the foundation of families across America. I encourage you to join me in celebrating National Marriage Week by renewing your dedication to your spouse, and considering ways in which you can strengthen your commitment and devotion each day.

#### NATIONAL BLACK HIV/AIDS AWARENESS DAY

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Tuesday, February 7, 2012

Mr. TOWNS, Mr. Speaker, today is National Black HIV/AIDS Awareness Day and I rise to highlight the struggle of the African American HONORING MR. RICHARD L. COTTA community against this terrible disease. The theme for this year is "I am My Brother's/Sister's Keeper: Fight HIV/AIDS". HIV is a crisis in the Black Community and has been for thir-

African Americans are disproportionately affected by this disease. According to the CDC, an estimated 1 in 16 black men and 1 in 32 black women will be diagnosed with HIV infection at some point in their lifetimes; and an African American woman is 15 times more likely to be living with HIV than a white woman of the same age. The CDC also notes that in 2007, HIV was the ninth leading cause of death for all blacks and the third leading cause of death for black women and black men aged 35-44.

Today, the New York Health Department announced that new HIV data shows a 41% drop in deaths among black persons living with HIV/AIDS in New York between 2001 and 2010. Though this is promising new information, the black community is still disproportionately affected by this disease. More than 107.000 New Yorkers are living with HIV. but thousands more don't know they're infected. New York City's AIDS case rate is almost 3 times the U.S. national average. Brooklyn alone has the highest population of any borough in New York City and has one of the highest HIV infection rates among Black and Latina women in the country. According to a Brooklyn based research institution, in 2008 nearly 30% of people living with HIV/AIDS in New York City, who died, were Brooklyn resi-

African Americans are more likely to be diagnosed late in the course of HIV infection, less likely to be connected with care and less likely to be prescribed the necessary preventative and life preserving anti-retroviral medications. Blacks are also most likely to die from HIV-related causes.

These are sobering statistics, but they offer us the opportunity to spread awareness and take action to provide the community with the help they need. The Affordable Care Act, which I fully supported, is a fantastic opportunity to provide assistance to African Americans as well as others suffering from this disease. It stops providers from denying coverage to HIV positive children and adults as well as providing increased access to Medicaid and other prescription assistance programs. However, until this act is fully implemented, we must work hard and work together to educate and provide access to care for those who need it most.

We cannot let the black community continue to bear the most severe burden of all racial groups. We must stand together to support the community and take action against the stigma surrounding HIV/AIDS. We must ensure our youth receive comprehensive education about the disease to help prevent infections in future generations. Until we put an end to AIDS, we must remain united to achieve the common goal of prevention and treatment for all.

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mr. Richard L. Cotta on his retirement from the California Dairies. Inc., and to thank him for his dedication to the agriculture community.

Since 2007, Richard L. Cotta held the title of President and CEO of California Dairies, Inc. (CDI). He spent his entire career in the dairy industry in virtually all aspects of the dairy business-from the dairy farm to genetics, to dairy processing and dairy politics.

Cotta's career at CDI began in 1993, when he joined San Joaquin Valley Dairymen-a dairy processing and marketing cooperative as its General Manager.

In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. Cotta was named Senior Vice President of Producer Affairs and Government Relations at CDI, a role he held until he was named CEO in 2007. Under his leadership, CDI profits reached record levels.

From 1984 to 1993. Cotta served as the CEO of Western United Dairymen, the largest producer trade association in the state. From 1980 to 1984, he was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen.

Cotta testified before the U.S. Congress and the California Legislature on behalf of the dairy industry. At the request of the Secretary of Agriculture, he participated in world trade missions to open the U.S. dairy market overseas.

Previously, he worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America and a principle in Genetics, Inc. For several years, he was a dairy consultant with many successful dairies on feeding, breeding and management systems.

Cotta graduated with honors from California State Polytechnic University, San Luis Obispo, with a degree in Dairy Husbandry. He currently owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations.

Cotta currently sits on the following boards-U.C. Davis Deans Advisory Council, California State University Chancellors Agriculture Advisory Council, Sacred Heart School Foundation, and the Innovation Center for U.S. Dairy. In addition, he sits on the Globalization Operating Committee for the U.S. Dairy Export Council.

Past board seats include—California Creamery Operators Association (Chairman), Dairy Cares Board (Chairman) California Dairy Research Foundation, U.S. Dairy Export Council, National Holstein Foundation, DairyAmerica (Chairman) and Challenge Dairy Products.

Mr. Speaker, please join me in commending Richard L. Cotta for his hard work in the California Dairy Industry and in congratulating him upon his retirement from the California Dairies. Inc.

## HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2012

Mr. OWENS. Mr. Speaker, I rise today to honor the retirement of one of my constituents, Adore Flynn Kurtz, President and CEO of The Development Corporation in Clinton County, NY.

Receiving a bachelor's degree from the College of New Rochelle, along with a Master's of Public Administration from Ohio State Univer-

TRIBUTE TO ADORE FLYNN KURTZ sity, Ms. Kurtz has dedicated her life to economic development and the betterment of the community around her. Her work has spanned the course of twenty-eight years, with assignments in Connecticut, Ohio, and since 1995, Northern New York.

I have known Adore and her husband Perry since they moved to New York, and we have worked on many projects which brought much needed employment to our community. During her tenure as CEO, she has helped to increase TDC's net worth by 248 percent, and doubled the number of staff. She was among those who were instrumental in bringing manufacturers like Nova Bus and Bombardier to our community. At a time when our country faces a jobs crisis, Ms. Kurtz demonstrates a distinguished record in job creation and economic development.

While I am saddened to see such an exceptional individual and good friend retire today, I will be forever grateful for the work that she has done for my constituents and New York's 23rd district. As reflected in her accomplishments, her dedication and commitment to public service will continue to live on for many years to come. I trust much more of her time will be spent with her husband, children and grandchildren.

## HOUSE OF REPRESENTATIVES—Wednesday, February 8, 2012

called to order by the Speaker pro tempore (Mr. Webster).

#### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC. February 8, 2012. I hereby appoint the Honorable DANIEL Webster to act as Speaker pro tempore on this day.

> JOHN A. BOEHNER. Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

#### AFGHANISTAN: AMERICA NEEDS THE TRUTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. McGovern) for 5 minutes.

Mr. McGOVERN. Mr. Speaker, Congress and the American people need to hear the truth about Afghanistan. It is impossible for us to make thoughtful, rational decisions on policy if we do not receive straight, accurate information about the situation on the ground. And we have no right to keep our brave service men and women in harm's way day after day, week after week, based on a steady diet of rosy statements that tell us everything is going well. progress is being made, conditions are improving, and victory is at hand.

On January 18, I had the privilege of sitting down with U.S. Army Lieutenant Colonel Daniel Davis for a special briefing on his assessment of the situation on the ground in Afghanistan. He had recently submitted reports in both classified and unclassified versions to his superiors at the Pentagon. I was joined at that briefing by my colleagues Congressman Walter Jones and JOHN GARAMENDI, and we were not

The House met at 10 a.m. and was only impressed with Lieutenant Colo- lifetime the unseen scars of post-traunel Davis' character, but the information and analysis he shared with us. Simply put, the situation in Afghanistan does not reflect the optimistic statements we repeatedly hear from high military officials and commanders on a regular basis.

This week, a great deal of what Lieutenant Colonel Davis told us has appeared in the media in an article he wrote for the Armed Forces Journal, the Nation's oldest independent military magazine, and in The New York Times.

Lieutenant Colonel Davis talks about the difficulties of training the Afghan police and military, the challenges facing our own troops to establish sustainable security zones, the rampant corruption, and the great discrepancy between the military's positive public statements and the classified material that contradicts such claims.

The briefing with Danny Davis comes close on the heels of a number of articles that appeared toward the end of last year about the more pessimistic conclusions found in the most recent National Intelligence Estimate on Afghanistan.

According to the press, the current NIE on Afghanistan recognizes that U.S. policy has not achieved the objectives outlined by the President; that instead it casts doubt on official assertions of progress made by the U.S. Government and military leaders. No one likes to hear bad news, Mr. Speaker, but we do need to hear the unvarnished truth. We need accurate information in order to get a genuine understanding of what the situation is like on the ground in Afghanistan. We need to know the very real challenges faced by our troops and our diplomatic, development, and humanitarian workers every

As Lieutenant Colonel Davis asserts. the amount of unclassified information available to the American people, the media, and public officials continues to shrink. Ironically, one week before being briefed by Davis, Congressman WALTER JONES and I sent a letter on January 12 to the President asking him to declassify and release the 2011 NIE in Afghanistan. We are still waiting for a response to that request.

Mr. Speaker, the U.S. has spent hundreds of billions of dollars on military operations in Afghanistan. Over 5,500 Americans were wounded or killed in Afghanistan last year alone. Over the course of a decade, tens of thousands have come home. Many will carry for a matic stress or traumatic brain injury. Like soldiers everywhere, they face a callous and unsympathetic battlefield. They do what is expected of them, and they do it with courage and determination.

As my colleagues know, the majority of Americans want a safe and orderly withdrawal from Afghanistan as quickly as possible. I want every single one of our troops home and reunited with their families and loved ones as soon as humanly possible. I want them to be able to leave safely and in a manner that generates confidence in what the next day will bring for Afghanistan and the region.

On February 1, the administration announced that it will end U.S. combat operations in Afghanistan at the end of next year. This is welcome news. To ensure that timeline is met and to ensure that our policies and priorities pave the way for a successful transition, we need to know now what the real conditions are on the ground. We can only do that with a clear-eyed, hard-eyed assessment of what is going on in Afghanistan.

An unclassified version of Lieutenant Colonel Davis' report can be found at www.Afghanreport.com. I encourage all my House colleagues to read it. I encourage them to meet with Lieutenant Colonel Davis for a briefing. I urge my House colleagues to ask the President to declassify the 2011 NIE on Afghanistan. And I ask the Pentagon public affairs office to stop stalling and formally approve the release of Lieutenant Colonel Danny Davis' unclassified report.

Mr. Speaker, the Congress and the people of this country deserve more than a whitewash. Too often over the last decade we have been misled about the wars in Iraq and Afghanistan. Too often Congress has made decisions based on false information, and too many of our brave service men and women have lost their lives. This must change. America needs and deserves the truth.

> CONGRESS OF THE UNITED STATES, Washington, DC, January 12, 2012.

Hon. BARACK OBAMA, President of the United States,

The White House, Washington, DC.

DEAR MR. PRESIDENT: Recent media reports have detailed that the current National Intelligence Estimate (NIE) on Afghanistan recognizes that U.S. policy has not achieved the objectives you have stated for our nation in Afghanistan. Similar reports were published concerning the 2010 NIE. These reports reinforce outside, independent assessments of the Afghan war and

cast doubt on official assertions of progress by the U.S. government and military.

Outside of official public statements by U.S. officials, there seems to be near universal recognition that the situation in Afghanistan over the last several years has deteriorated significantly. We are conscious of and sympathetic to the timing of a debate on the Afghan War during an election year. However, as you are aware, the majority of Americans continue to favor an accelerated withdrawal of American troops from the midst of what they rightly recognize as a civil war internal to Afghanistan, one devoid of significant or meaningful al-Qaeda participation.

In order to facilitate an honest understanding of America's involvement in Afghanistan we request that you authorize the declassification and release of the 2011 National Intelligence Estimate on Afghanistan. There are historical precedents for the declassification and release of NIEs. Tragically, there are also historical precedents for inaccurate and misleading public assertions of progress in war by those opposed to bringing military actions to a close. It is haunting in the face of the enormous expenditure of American lives, limbs and resources that progress in Afghanistan may, in fact, be something other than is being represented by those who advocate continued involvement.

The American public and its elected representatives deserve to have a full understanding of the situation in and outlook for Afghanistan as understood by our government. Too many families of our service members are sacrificing too greatly to allow for anything else.

Respectfully.

JAMES P. McGovern, Member of Congress. Walter B. Jones, Member of Congress.

[From the Armed Forces Journal, Feb. 6, 2012]

TRUTH, LIES AND AFGHANISTAN
HOW MILITARY LEADERS HAVE LET US DOWN
(By Lt. Col. Daniel L. Davis)

I spent last year in Afghanistan, visiting and talking with U.S. troops and their Afghan partners. My duties with the Army's Rapid Equipping Force took me into every significant area where our soldiers engage the enemy. Over the course of 12 months, I covered more than 9,000 miles and talked, traveled and patrolled with troops in Kandahar, Kunar, Ghazni, Khost, Paktika, Kunduz, Balkh, Nangarhar and other provinces.

What I saw bore no resemblance to rosy official statements by U.S. military leaders about conditions on the ground.

Entering this deployment, I was sincerely hoping to learn that the claims were true: that conditions in Afghanistan were improving, that the local government and military were progressing toward self-sufficiency. I did not need to witness dramatic improvements to be reassured, but merely hoped to see evidence of positive trends, to see companies or battalions produce even minimal but sustainable progress.

Instead, I witnessed the absence of success on virtually every level.

My arrival in country in late 2010 marked the start of my fourth combat deployment, and my second in Afghanistan. A Regular Army officer in the Armor Branch, I served in Operation Desert Storm, in Afghanistan in 2005–06 and in Iraq in 2008–09. In the middle of my career, I spent eight years in the U.S.

Army Reserve and held a number of civilian jobs—among them, legislative correspondent for defense and foreign affairs for Sen. Kay Bailey Hutchison, R-Texas.

As a representative for the Rapid Equipping Force, I set out to talk to our troops about their needs and their circumstances. Along the way, I conducted mounted and dismounted combat patrols, spending time with conventional and Special Forces troops. I interviewed or had conversations with more than 250 soldiers in the field, from the lowest-ranking 19-year-old private to division commanders and staff members at every echelon. I spoke at length with Afghan security officials, Afghan civilians and a few village elders.

I saw the incredible difficulties any military force would have to pacify even a single area of any of those provinces; I heard many stories of how insurgents controlled virtually every piece of land beyond eyeshot of a U.S. or International Security Assistance Force (ISAF) base.

I saw little to no evidence the local governments were able to provide for the basic needs of the people. Some of the Afghan civilians I talked with said the people didn't want to be connected to a predatory or incapable local government.

From time to time, I observed Afghan Security forces collude with the insurgency.

#### FROM BAD TO ABYSMAL

Much of what I saw during my deployment, let alone read or wrote in official reports, I can't talk about; the information remains classified. But I can say that such reports—mine and others'—serve to illuminate the gulf between conditions on the ground and official statements of progress.

And I can relate a few representative experiences, of the kind that I observed all over the country.

In January 2011, I made my first trip into the mountains of Kunar province near the Pakistan border to visit the troops of 1st Squadron, 32nd Cavalry. On a patrol to the northernmost U.S. position in eastern Afghanistan, we arrived at an Afghan National Police (ANP) station that had reported being attacked by the Taliban 2½ hours earlier.

Through the interpreter, I asked the police captain where the attack had originated, and he pointed to the side of a nearby mountain.

"What are your normal procedures in situations like these?" I asked. "Do you form up a squad and go after them? Do you periodically send out harassing patrols? What do you do?"

As the interpreter conveyed my questions, the captain's head wheeled around, looking first at the interpreter and turning to me with an incredulous expression. Then he laughed.

"No! We don't go after them," he said. "That would be dangerous!"

According to the cavalry troopers, the Afghan policemen rarely leave the cover of the checkpoints. In that part of the province, the Taliban literally run free.

In June, I was in the Zharay district of Kandahar province, returning to a base from a dismounted patrol. Gunshots were audible as the Taliban attacked a U.S. checkpoint about one mile away.

As I entered the unit's command post, the commander and his staff were watching a live video feed of the battle. Two ANP vehicles were blocking the main road leading to the site of the attack. The fire was coming from behind a haystack. We watched as two Afghan men emerged, mounted a motorcycle and began moving toward the Afghan policemen in their vehicles.

The U.S. commander turned around and told the Afghan radio operator to make sure the policemen halted the men. The radio operator shouted into the radio repeatedly, but got no answer.

On the screen, we watched as the two men slowly motored past the ANP vehicles. The policemen neither got out to stop the two men nor answered the radio—until the motorcycle was out of sight.

To a man, the U.S. officers in that unit told me they had nothing but contempt for the Afghan troops in their area—and that was before the above incident occurred.

In August, I went on a dismounted patrol with troops in the Panjwai district of Kandahar province. Several troops from the unit had recently been killed in action, one of whom was a very popular and experienced soldier. One of the unit's senior officers rhetorically asked me, "How do I look these men in the eye and ask them to go out day after day on these missions? What's harder: How do I look [my soldier's] wife in the eye when I get back and tell her that her husband died for something meaningful? How do I do that?"

One of the senior enlisted leaders added, "Guys are saying, 'I hope I live so I can at least get home to R&R leave before I get it,' or 'I hope I only lose a foot.' Sometimes they even say which limb it might be: 'Maybe it'll only be my left foot.' They don't have a lot of confidence that the leadership two levels up really understands what they're living here, what the situation really is."

On Sept. 11, the 10th anniversary of the infamous attack on the U.S., I visited another unit in Kunar province, this one near the town of Asmar. I talked with the local official who served as the cultural adviser to the U.S. commander. Here's how the conversation went:

Davis: "Here you have many units of the Afghan National Security Forces [ANSF]. Will they be able to hold out against the Taliban when U.S. troops leave this area?"

Adviser: "No. They are definitely not capable. Already all across this region [many elements of] the security forces have made deals with the Taliban. [The ANSF] won't shoot at the Taliban, and the Taliban won't shoot them.

"Also, when a Taliban member is arrested, he is soon released with no action taken against him. So when the Taliban returns [when the Americans leave after 2014], so too go the jobs, especially for everyone like me who has worked with the coalition.

"Recently, I got a cellphone call from a Talib who had captured a friend of mine. While I could hear, he began to beat him, telling me I'd better quit working for the Americans. I could hear my friend crying out in pain. [The Talib] said the next time they would kidnap my sons and do the same to them. Because of the direct threats, I've had to take my children out of school just to keep them safe.

"And last night, right on that mountain there [he pointed to a ridge overlooking the U.S. base, about 700 meters distant], a member of the ANP was murdered. The Taliban came and called him out, kidnapped him in front of his parents, and took him away and murdered him. He was a member of the ANP from another province and had come back to visit his parents. He was only 27 years old. The people are not safe anywhere."

That murder took place within view of the U.S. base, a post nominally responsible for the security of an area of hundreds of square kilometers. Imagine how insecure the population is beyond visual range. And yet that

conversation was representative of what I leases and public statements, intended to saw in many regions of Afghanistan.

persuade Congress to fund the Army's pref-

In all of the places I visited, the tactical situation was bad to abysmal. If the events I have described—and many, many more I could mention—had been in the first year of war, or even the third or fourth, one might be willing to believe that Afghanistan was just a hard fight, and we should stick it out. Yet these incidents all happened in the 10th year of war.

As the numbers depicting casualties and enemy violence indicate the absence of progress, so too did my observations of the tactical situation all over Afghanistan.

#### CREDIBILITY GAP

I'm hardly the only one who has noted the discrepancy between official statements and the truth on the ground.

A January 2011 report by the Afghan NGO Security Office noted that public statements made by U.S. and ISAF leaders at the end of 2010 were "sharply divergent from IMF, [international military forces, NGO-speak for ISAF] 'strategic communication' messages suggesting improvements. We encourage [nongovernment organization personnel] to recognize that no matter how authoritative the source of any such claim, messages of the nature are solely intended to influence American and European public opinion ahead of the withdrawal, and are not intended to offer an accurate portrayal of the situation for those who live and work here."

The following month, Anthony Cordesman, on behalf of the Center for Strategic and International Studies, wrote that ISAF and the U.S. leadership failed to report accurately on the reality of the situation in Afghanistan.

"Since June 2010, the unclassified reporting the U.S. does provide has steadily shrunk in content, effectively 'spinning' the road to victory by eliminating content that illustrates the full scale of the challenges ahead," Cordesman wrote. "They also, however, were driven by political decisions to ignore or understate Taliban and insurgent gains from 2002 to 2009, to ignore the problems caused by weak and corrupt Afghan governance, to understate the risks posed by sanctuaries in Pakistan, and to 'spin' the value of tactical ISAF victories while ignoring the steady growth of Taliban influence and control."

How many more men must die in support of a mission that is not succeeding and behind an array of more than seven years of optimistic statements by U.S. senior leaders in Afghanistan? No one expects our leaders to always have a successful plan. But we do expect—and the men who do the living, fighting and dying deserve—to have our leaders tell us the truth about what's going on.

I first encountered senior-level equivocation during a 1997 division-level "experithat turned out to be far more setpiece than experiment. Over dinner at Fort Hood, Texas, Training and Doctrine Command leaders told me that the Advanced Warfighter Experiment (AWE) had shown that a "digital division" with fewer troops and more gear could be far more effective than current divisions. The next day, our congressional staff delegation observed the demonstration firsthand, and it didn't take long to realize there was little substance to the claims. Virtually no legitimate experimentation was actually conducted. All parameters were carefully scripted. All events had a preordained sequence and outcome. The AWE was simply an expensive show, couched in the language of scientific experimentation and presented in glowing press releases and public statements, intended to persuade Congress to fund the Army's preference. Citing the AWE's "results," Army leaders proceeded to eliminate one maneuver company per combat battalion. But the loss of fighting systems was never offset by a commensurate rise in killing capability.

A decade later, in the summer of 2007, I was assigned to the Future Combat Systems (FCS) organization at Fort Bliss, Texas. It didn't take long to discover that the same thing the Army had done with a single division at Fort Hood in 1997 was now being done on a significantly larger scale with FCS. Year after year, the congressionally mandated reports from the Government Accountability Office revealed significant problems and warned that the system was in danger of failing. Each year, the Army's senior leaders told members of Congress at hearings that GAO didn't really understand the full picture and that to the contrary, the program was on schedule, on budget, and headed for success. Ultimately, of course, the program was canceled, with little but spinoffs to show for \$18 billion spent.

If Americans were able to compare the public statements many of our leaders have made with classified data, this credibility gulf would be immediately observable. Naturally, I am not authorized to divulge classified material to the public. But I am legally able to share it with members of Congress. I have accordingly provided a much fuller accounting in a classified report to several members of Congress, both Democrats and Republicans, senators and House members.

A nonclassified version is available at www.afghanreport.com. [Editor's note: At press time, Army public affairs had not yet ruled on whether Davis could post this longer version.]

#### TELL THE TRUTH

When it comes to deciding what matters are worth plunging our nation into war and which are not, our senior leaders owe it to the nation and to the uniformed members to be candid—graphically, if necessary—in telling them what's at stake and how expensive potential success is likely to be. U.S. citizens and their elected representatives can decide if the risk to blood and treasure is worth it.

Likewise when having to decide whether to continue a war, alter its aims or to close off a campaign that cannot be won at an acceptable price, our senior leaders have an obligation to tell Congress and American people the unvarnished truth and let the people decide what course of action to choose. That is the very essence of civilian control of the military. The American people deserve better than what they've gotten from their senior uniformed leaders over the last number of years. Simply telling the truth would be a good start.

[From the Huffington Post, Feb. 6, 2012] LIEUTENANT COLONEL DAVIS, DEATH AND DECEPTION IN AFGHANISTAN

#### (By Matthew Hoh)

"God help this country when someone sits in this chair who doesn't know the military as well as I do."—President Dwight D. Eisenhower

In late December, Secretary of Defense Leon Panetta assured Representative Frank Wolf (R-VA) that the United States was "making undeniable progress" in its war in Afghanistan and that a congressionally mandated, independent assessment of the war was "not necessary." However, recent media reports of internal Department of Defense and Intelligence Community assessments of

the war contradict, again, claims of progress and illustrate instead that the war is stalemated with US policies over the last several years weakening the Karzai government and alienating the Afghan population, while strengthening the Afghan insurgency and ruining the US relationship with nuclear armed Pakistan. Independent studies of the conflict by non-government and international organizations corroborate these reports and assessments.

Today, the New York Times reports that an active duty Army officer, Lieutenant Colonel Daniel L. Davis, has submitted a classified report to members of Congress that documents the failings of US policy in Afghanistan. More importantly, LTC Davis attests that senior leaders of the Department of Defense, both uniformed and civilian, have intentionally and consistently misled the American people and Congress on the conduct and progress of the Afghan War. The 58-page classified report he prepared, briefed and submitted to senators, representatives and cleared staff members over the last few weeks utilizes nearly 50 historical and current classified sources and draws from 250 interviews he conducted with soldiers throughout Afghanistan during his most recent year-long combat deployment.

In addition to the classified report, LTC Davis has written an 86-page unclassified version, as well as an article, published today by the Armed Forces Journal, These reports depict a near institutionalizing of dishonesty and deception by senior DOD leadership towards the American public and Congress. LTC Davis documents, as well, examples from the Iraq war and major weapons procurement programs to illustrate the persistent duplicity of the Pentagon's senior ranks. Victory narratives, career ambitions and institutional protection fuel these deceits. Deceits that have only delivered the loss of thousands of lives, the waste of hundreds of billions of dollars and the failure to achieve American policy objectives.

LTC Davis has submitted his reports to the Department of the Army, his chain of command and the Department of Defense Inspector General. Hard copies of the classified reports are available for viewing by appropriately cleared members and staff of Congress. However, DOD has not publicly released the unclassified version, even with it being verified as not containing classified information. This is in spite of LTC Davis having provided the report for review to the Defense Department over two weeks ago (Defense Department regulations require only a 10 business day review). I am not surprised DOD is slow with its approval; his allegations are harsh and damning, although accurate and honest.

Danny Davis is a friend of mine: we have known each other since the fall of 2009. Bonding over coffees and lunches as rightful skeptics of the escalation of the Afghan war. we are now observing our worst concerns being realized. At a cost of over 11,000 killed and wounded Americans, the surge in Afghanistan is now being wound down without the achievement of its core objectives.\* However, accompanying such a failure, are triumphant claims of success and accomplishment from American generals and their civilian counterparts. For those that comprehend the true consequences of this war: the cold, waxen dead; the mutilated flesh and shattered bone; the fatherless children so very young and the new widows so alone and so heartbroken; such specious and unfounded claims of progress without fact in this war are reckless, dishonorable and injurious.

Over the last several months, at great risk to his career and personal life, LTC Davis has documented the deliberate misleading of the American people and Congress by the leaders of the Department of Defense.\*\* He has done his nation and the United States Army a tremendous service. Thus far the Army has taken no punitive action against LTC Davis, however, I have no doubt his character and motivations will ultimately be attacked and disparaged. I suspect elements of DOD leadership and their supporters will seek to discredit him and persecute him. I am afraid he will face significant, but spurious, investigations and prosecutions for his truth telling actions, such as Justice Department lawyer Thomas Tamm or National Security Agency employee Thomas Drake had to suffer, or that State Department officer Peter Van Buren is currently enduring.

Over 5,500 Americans were killed or wounded in Afghanistan in 2011. Tens of thousands who have come home will soldier a lifetime with the unseen scars of post-traumatic stress or traumatic brain injury. Our service members find themselves held to account on a callous and unsympathetic battlefield in a schizophrenic and absurd war. They do what is expected of them and hold themselves responsible to those who depend on them.

In contrast, for those in Washington charged with the decisions of war and peace, many of the participants seem to alternate between Pollyannas, chickenhawks and those who have lost sight of the difference between respect for and deference to the military. Any accounting for last year's 5,500 killed and wounded, if the discussants are even aware of the toll, is only a mathematical exercise, and an abstract one at

We expect our service members in Afghanistan to do the hard, brutal and savage fighting our policies ask of them without question. They do. Their expectation of those of us in Washington, those of us in our heated offices, wearing ties and high heels, who wake each day safe with our families, is that we ask hard questions, examine the reality of the conflict and not accept assertions of success without evidence.

The assumptions underlying the escalation of the Afghan war were incorrect. The Afghan surge, viewed by policy makers and some in the military as some form of social experiment to validate personal and institutional legacies and theories, rather than achieve US objectives worthy of bodily sacrifice, is failing. LTC Davis has demonstrated the courage to expose the deceptions that perpetuate this war, its failings and its deaths. It is now up to the American people and its Congress to hold those who were not just wrong, but mendacious, to account.

\*To be clear, however, continuation of the current war policy would simply be madness. Secretary Panetta's recent announcement to end US combat operations in 2013 is a wise decision (wiser if it had been made in 2009); particularly if this policy shift is coupled with a transition of the role of the US from belligerent in the conflict to mediator of an inclusive political process to settle the three decade plus Afghan war.

\*\*Myself and investigative journalist and historian Gareth Porter, and former intelligence officer and author Tony Shaffer, have provided moral support throughout this process.

### ODDS AND SODS

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Michigan (Mr. McCotter) for 5 min- is the unfortunate fruits of the logical extension of the cesspool of Jean-

Mr. McCOTTER. Mr. Speaker, odds and sods for brunch this morning.

We have recently seen an ad that played during the Super Bowl that is referred to as the halftime ad. It has caused much discussion in this country, much of it focusing on the political dimension of the attempt to sell cars that were made in my hometown of Detroit.

First I must admit that I disagree with the premise of the ad, that it is halftime in America. For logically, we would then have to conclude that the free Republic in which we inhabit will expire before its 500th birthday. I refuse to concede that a revolutionary experiment in human freedom has any timeline whatsoever. But what I do wholeheartedly concur with is the fact that American manufacturing, especially our auto industry, is starting to revive. As it does, it will continue to form a critical engine of any economic recovery we have and will form the basis of ensuring that our American economy leads the world. Yet despite this nascent recovery, we must continue to watch the horizon for any dangers that may loom to our industrial base here at home.

One of these is the attempt of our strong ally Japan to join the Trans-Pacific Partnership initiative. Currently the United States, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam are trying to ensure the free flow of goods, including automobiles, amongst our Nations. Japan wishes to enter into this partnership which was formed. Unfortunately, the time is not right. For Japan, like Communist China, continues to manipulate currency, continues to put up nontariff trade-entry barriers, and until Japan has restructured and reformed itself, their entry into this organization, to this initiative can only slow the progress and have a detrimental impact upon our manufacturing base.

I would encourage all to understand the importance—not just to those of us who were born and bred in what was once known as the arsenal of democracy—to understand the importance of manufacturing. I ask this administration and I ask all those involved in this initiative to ask Japan to do the right thing before they join us at the table and embark upon a greater period of prosperity for our nations.

#### □ 1010

Finally, Mr. Speaker, I would just like to point out, as I did when the ObamaCare legislation on health care was passed: So this is what change looks like.

As an Irish Catholic, I remind my coreligionists and all Americans that no government can come between you and your conscience and the central tenets of your creed. What we are seeing now

is the unfortunate fruits of the logical extension of the cesspool of Jean-Jacques Rousseau and his civil religion whereby your true religion was tolerated as long as it was subservient to the state. That is not what this Nation is about. It is a clear violation of your constitutional right to freely exercise your religion.

There is no debate. There is nothing to be worked out. This odious regulation must be withdrawn, lest this administration or those who support it go back on their word to protect and defend your rights under that said Constitution, and, as a practical matter, belie the left's myth that they will not enforce their morality on you.

#### END THE WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GARAMENDI) for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, I stand here today to speak about the Afghanistan war. I commend President Obama's administration for the steps it has taken to bring the longest war in our Nation's history to a close.

Last week, Defense Secretary Panetta said that by mid- or the latter part of 2013 we'll be able to make a transition from a combat role to a training, advice, and assistance role. I urge the administration to fulfill this aspiration and bring our troops home to their families. They have sacrificed enough.

The Afghanistan war began as a war of necessity. After the horrific September 11 attacks, we sent our troops to eliminate al Qaeda and their leaders and destroy their training camps to prevent a future terrorist attack. Our troops carried out this mission with extraordinary courage and dedication. Osama bin Laden was driven out of Afghanistan, and he is now dead.

Furthermore, the intelligence community affirms that al Qaeda is virtually extinguished from Afghanistan; yet the war continues. End this war now and focus like a laser on terrorists wherever they may be.

Our troops in Afghanistan are no longer fighting terrorists who pose a threat to the United States. They are now fighting domestic Afghanistan factions and defending a corrupt and inept Afghanistan Government. Our servicemembers are dying in another country's civil war. This has become a war of choice.

I recently met with Lieutenant Colonel Danny Davis, who described to me what a civil war looks like on the ground. He has served two combat deployments in Afghanistan and has traveled throughout the country talking to U.S. troops stationed all over. A recent evaluation of Colonel Davis reads: "His maturity, tenacity and judgment can be counted on in even

the hardest situations, and his devo- and my friend from Massachusetts who tion to mission accomplishment is unmatched by his peers."

Now, this is what Colonel Davis has described as to what he has observed: "What I saw bore no resemblance to the rosy official statements by U.S. military leaders about conditions on the ground. Entering this deployment, I was sincerely hoping to learn that the claims were true: that conditions in Afghanistan were improving. Instead, I witnessed the absence of success on virtually every level.

"I saw the incredible difficulties any military force would have to pacify even a single area of any of those provinces; I heard many stories of how insurgents controlled virtually every piece of land beyond eyeshot of a U.S. or International Security Assistance Force, ISAF, base. I saw little to no evidence the local governments were able to provide for the basic needs of the people. Some of the Afghan civilians I talked with said the people didn't want to be connected to a predatory or incapable local government. From time to time, I observed Afghan security forces collude with the insurgency.'

Colonel Davis' candid testimony reinforced my own conviction that there is no military solution to the conflict in Afghanistan, only the prospect of continued shedding of American blood in a war that is not ours to fight. Only through negotiated political settlement amongst the Afghan factions, not through an open-ended U.S. military presence, could Afghanistan become a stable and developing country.

America faces new threats now. More than \$1 trillion spent on two wars over the course of a decade undermines our financial stability and takes away much-needed funds for American jobs and investments at home. The Obama administration has shown courageous leadership in eliminating Osama bin Laden. They have also shown leadership in bringing the war in Iraq to an end and in planning to ensure that the U.S. military commitment in Afghanistan is not an open-ended one. As President Obama clearly stated in his speech on the drawdown plan last year, we need to focus on nation-building at home. I agree. I strongly support ending U.S. combat operations in Afghanistan and bringing our troops home by mid-2013, if not sooner. It's us, the 435 Members of this body, the United States Congress, that can choose when this war ends

#### BRING OUR TROOPS HOME FROM AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. Jones) for 5 min-

Mr. JONES. Mr. Speaker, I join my friend from California who just spoke, spoke before him, Mr. GARAMENDI and Mr. McGovern.

I joined in that meeting with Lieutenant Colonel Davis. He is a very brave man. In fact, if any of my colleagues would like to read the article in The New York Times on Monday, the title is: "In Afghan War, Officer Becomes a Whistle-Blower," with a subtitle of "A Solo Campaign to Tell the Truth." And as my two friends who have just spoken said, the truth does matter. Our Lord and Savior Jesus Christ spoke the truth, and it's time that we in Congress demand the truth on this war in Afghanistan.

I think Colonel Davis is doing this country a tremendous favor by trying to say: Congress, ask the right questions. Stop listening to those who keep telling you that training the Afghan soldiers and the Afghan to be policemen is going well. I'm on the Armed Services Committee, and I've been hearing that for 10 years. You can teach a monkey to ride a bicycle sooner than 10 years. How many more young men and women have to give their legs and their arms?

Last week, I had a Marine general in my office and a Navy admiral. After we talked about the issues impacting eastern North Carolina where we have three bases, we got into this war on Afghanistan. I was telling them that the broken bodies I've seen at Walter Reed and Bethesda—which now have been consolidated to Walter Reed at Bethesda, and I'll be there next Tuesday— I was telling them about seeing four young men that have no body parts below their waist. They're living. They would have died in Vietnam.

Medical technology has advanced to the point that a young man or young woman can live with half a body, nothing below their waist. The admiral told me of seeing a young man that he visited that has no arms or legs, no arms or legs and he's living. Uncle Sam, you've got a tremendous responsibility to take care of these heroes for the next 10, 15, 20, 25, 30 years; and this Congress can't even balance the budget. No veteran from these two wars should ever be told that your check did not come in this month because Uncle Sam cannot pay his bills.

Mr. Speaker, before closing, these two little girls beside me on this poster, their father, Sergeant Balduff from Camp Lejeune, was sent to Afghanistan with Colonel Palmer from Cherry Point Marine Air Station to train Afghans to be policemen. Sergeant Balduff emailed his wife, Amy, the night before he died and said, "I don't trust them. I don't trust them. I don't trust any of them." The next night, a trainee stood up at a dinner and shot and killed the colonel and the sergeant.

To my friends who have spoken and my friends who are speaking after me, we must demand that this Congress awaken from its sleep on Afghanistan.  $\Box$  1020

The American people are ready to bring our troops home. We don't need to wait till 2013, 2014, or 2015. We need to say to the President, Start the process this fall. It will take a year to bring them home. If you announce that you're going to bring them home this year, it will take a year before they come home.

These two little girls are standing at their father's grave at Arlington Cemetery. How many children have cried, and how many children have felt pain, and how many babies will never know their father or their mother?

To my colleagues on the other side and my colleagues on this side, let's come together. Let's end the war in Afghanistan. Karzai is a crook. Afghanistan's history said no great nation will ever conquer Afghanistan.

So, as I close, Mr. Speaker, as always. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who've given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate, that we will do what is right in the eyes of God for the American people. And I ask God to please bless the President, that he will do what is right in the eyes of God for the American people.

And I close by asking three times, God, please, God, please, God, please continue to bless America.

INCREASE FUNDING FOR RARE DISEASE RESEARCH AND DEVEL-OPMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. Towns) for 5 minutes.

Mr. TOWNS. Mr. Speaker, recently I met Jill Wood from my district in Brooklyn. I was very moved by this meeting as she described the struggles of her son, who is diagnosed with a rare genetic disease known as Sanfilippo syndrome.

Before we met, I was not familiar with this particular disease, but she touched my heart to hear about her child's courage. Every day he has to overcome physical disabilities that make it almost impossible for him to complete a very simple task that we complete with ease. I was inspired by the strength of their family and the bond that they share.

I have long been a strong advocate for rare disease research and development. In fact, this is why I am working with my colleague from Florida, Congressman STEARNS, on H.R. 3737, the ULTRA Act. This bill would codify the flexibility the FDA needs to encourage development of treatments for rare diseases like Sanfilippo syndrome.

It is our duty, as Members of the United States Congress, to come together and support measures that aid the rare disease community. Imagine being afflicted with a disease your physician has never heard of and has no idea as to how to treat it. Can you imagine the devastation this would cause to your family?

We must provide the National Institutes of Health with additional funding to support the important research for orphan and rare diseases. We must also give flexibility and support to the FDA to help the agency bring potential cures and treatments to the market much sooner.

How long must we wait and continue to suffer until lifesaving treatments are available?

Nearly 30 million Americans are affected by 7,000 rare diseases. We must do everything in our power to support education, advocacy, research, and patient assistance to bring this number down. Imagine the families out there watching their loved ones suffer because we have not yet provided enough support for this cause.

We are a great Nation of innovation, but that innovation and drive only goes so far without the proper support coming from the government. Our constituents need to know that we hear their needs and that, as their elected officials, we are determined to make available the resources that will support them.

The next time I speak to a family affected by rare diseases, I want to be able to look them in the eyes and tell them that we have helped, that we made available the means necessary to support lifesaving research and development, we care and we will do everything in our power to ensure that everyone has the chance to live full, healthy, and prosperous lives.

Thank you, Jill, for bringing this to my attention.

I urge my colleagues to support the ULTRA Act and increase funding for rare disease research and development. It is so important that we do everything possible to be able to bring the numbers down.

## OFFICER KEVIN BRENNAN, NEW YORK POLICE DEPARTMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, recently, in one of New York's neighborhoods, gunshots rang out. One of NYPD's finest, Police Officer Kevin Brennan, quickly responded to the call. When he arrived at the scene with his partners, they recognized a familiar face. It was outlaw Latin Kings gang member Luis "Baby" Ortiz. Brennan gave the suspect a chance to turn himself over to the police by yelling, "Stop. Police," but Ortiz took off running in the darkness of the night. The officers gave chase. Officer Brennan cornered Ortiz in a hallway, and rather

than give up, Ortiz shot Officer Brennan, point blank, in the head. Ortiz was trying to flee the scene of the shooting so fast that he ran out of one of his shoes and left it at the crime scene.

Police Commissioner Ray Kelly said Ortiz may have tried to fire off a second shot into Officer Brennan's head. Obviously, Ortiz has a total disrespect for human life.

When Police Officers Michael Burbridge and Christopher Mastoros arrived and found Officer Brennan, he was lying in a pool of his own blood, left to die. But Officer Brennan miraculously survived this attack.

The outlaw was captured. When "Baby" was brought to court, he made a mockery of the judicial system, waving at the cameras, asking them to take his photograph, while blowing kisses to his family. His family, too, showed disdain for the justice system and the police by yelling obscenities to the police and banging their hands and fists on a police cruiser that led Ortiz back to the jailhouse.

On Ortiz's second appearance in the court, the courtroom was packed with a sea of blue. NYPD had come to support their wounded fellow officer.

Disturbing, but not surprising, this would-be assassin has been arrested 14 times in his just 21 years of a lifetime of crime and lawless, worthless existence. His crimes have included drugs, assault, and armed robbery; yet he has walked free every time, beating the system.

One more detail worth noting. The weapon used to shoot Officer Brennan was the same one used in a New Year's Day murder in New York. Coincidence? Probably not.

Officer Brennan, a 6-year veteran of NYPD, is married and has a young baby daughter.

Mr. Speaker, in my other life, I was a prosecutor and a criminal court judge in Texas. I have been privileged to meet a lot of Texas peace officers and other officers in the United States. I've had the opportunity to meet many New York police officers when I go to New York to do presentations and training. After we get through the language barriers, I've found them to be a remarkable bunch of dedicated crime fighters.

Officer Brennan and thousands of his comrades throughout America wear the blue uniform of the law every day. They pin the shield and badge over their chest, over their heart, as a symbol of their duty to defend the people against outlaws like Ortiz. They are the last strand of wire in the fence between the fox and the chickens. They are all that separate the lawful citizens from the lawless bandits.

They go into dangerous areas of our city looking for drug dealers, child molesters, wife beaters, robbers, bandits and other street terrorists that would do the rest of us harm. They deserve our respect, our admiration, and our

appreciation. We thank the Good Lord for people like Officer Brennan and the others of NYPD blue.

As for "Baby," it's past time that "Baby" met the long arm of justice.

#### □ 1030

He's looking at doing 40 years behind bars in the "Do-Right" Hotel.

Our society cannot allow street trash like Ortiz to get away with their desire to wreak havoc in their neighborhoods and shoot peace officers. After all, Mr. Speaker, "We've got too many gangsters doing dirty deeds, too much corruption and crime in the streets. A man has to answer for the wicked things he's done because justice is the one thing you should always find." May it be swift and harsh, because justice is what we do in this country.

And that's just the way it is.

#### FOOD STAMP PRESIDENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I have to admit that when Newt Gingrich first used the phrase the "food stamp President," I was outraged, but then I started looking at the facts. I did my homework. I crunched the numbers, and I have to admit, food stamp President might be on target.

I think we have to be willing to understand the numbers and speak the truth even when that truth might hurt. So I've come to the floor today with some facts and figures—all sourced and backed up—because I know that Newt Gingrich wouldn't have it any other way. So let's learn about the food stamp President.

Here are the facts:

It clearly shows that the food stamp President increased spending on food stamps by more than \$19 billion. Let me repeat that: under the food stamp President, the U.S. increased its spending on food stamps by more than \$19 billion. That's a "b." The source? The U.S. Department of Agriculture.

Here's fact number two. Under the food stamp President, the number of people using the food stamp program increased by 11 million people. The source? The USDA.

Here's fact number three. Even the amount of the benefit has increased under the food stamp President. The amount per benefit increased \$27.38 per recipient. Not much you would say, \$27. Guess what? The \$27 increase per benefit is the largest increase that's occurred under any President in the last 30 years. Pretty dramatic, huh? What's the source of that? The USDA.

Now, let's just review for everybody again. Republicans and Democrats, let's all get together and review that the numbers don't lie. Under the food stamp President, spending increased by more than \$19 billion; the number of

people using the program increased by 11 million people; and the amount of the benefit increased by a historic amount not seen in the last 30 years.

We may not like the facts, but sometimes the truth just hurts.

Here we have him, the food stamp President of the United States. Yes, George W. Bush is the food stamp President of the United States. Under the food stamp President, George Bush, we spent more, had more recipients, and gave each recipient more money for food.

Now, I know that some of you are saying, Luis, you aren't being fair. Aren't there some other food stamp Presidents out there? Okay. You're right.

Yet, under another food stamp President, spending increased by more than \$9 billion, the number of recipients increased by 7 million, and the amount of the benefit increased by \$17. Yes, it's showing who it is. Here it is. George Herbert Walker Bush was also the food stamp President. See, it runs in the family. Food stamp President, senior, and food stamp President, junior. It's hereditary. A rampant family disease that makes them just want to feed hungry poor people.

Now, I have to confess and make a confession today. I support the food stamp program. I think that SNAPthe Supplemental Nutrition Assistance Program, to call it by its actual name and not something that Newt Gingrich thinks is politically punchy—serves an important purpose. The purpose is largely to prevent children and old people from going hungry. SNAP doesn't provide them with some fancy perk from some out-of-control free spending program. It provides kids and old people with food. You can't redeem food stamps at Tiffany, which might be another reason why Newt Gingrich thinks it's so bad.

But I think that Americans want their people not to go hungry. Just in case I'm wrong, if Newt Gingrich met a food stamp President other than the one named George Bush, I want to thank Barack Obama today because he's also invested in SNAP. He's invested in nutrition for America's most vulnerable.

Here's another fact, the last one I'll make today, Mr. Speaker, and this one is for Newt Gingrich. Just in case his food stamp President name-calling was designed to make a political point that he wasn't quite so willing to come right out and say of the recipients whose race we know, 22 percent of SNAP recipients are black, 34 percent are white, because hunger knows no race or religion or age or political party. Hunger is color-blind, Mr. Gingrich.

REGULATIONS PREVENT JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Mr. Speaker, a few weeks ago during a district work period, I had the privilege to catch up with many of my constituents back in Michigan's Seventh District.

Business owners graciously invited me into their facilities eager to talk about the economic climate as well as what can be done to promote growth. These conversations continued in coffeehouses and town halls across the district where citizens packed into rooms eager to exchange their ideas, triumphs, and concerns with me.

But whether I was being given a tour by the owner of a manufacturing plant or having a cup of coffee with an engineer, a similar theme kept cropping up: People are worried about excessive, Big Government regulations, in particular how they impose unreasonable costs on businesses, create uncertainty and, in turn, affect job growth.

This time, many of my constituents expressed outrage over a new youth agricultural labor rule program. The Department of Labor proposed regulations to restrict the types of activities young people can participate in. While the rule includes an exemption of children on nonincorporated farms owned by their parents, it could prevent kids from working on incorporated farms owned by their parents, grandparents, aunts, and uncles, and close neighbors.

Even on such extended family farms, children under the age of 16 may be banned from working with animals or in specified farm situations while those under the age of 18 would be prohibited from any job "involving farm product raw materials." That could come to mean any job involving grain elevators, grain bins, silos, feed lots, stockyards, livestock exchanges, and livestock auctions. If carried any further, the rule may end up barring kids from selling animals at their local 4-H fairs. This is nanny statism to the absurd.

My kids were all in 4-H, and some of the best memories we have together are these events. It was always a positive experience for my sons and daughter as well as every other child I know who got involved. Besides the life lessons learned—responsibility, hard work. and self-sufficiency—children often use the money from the sale of their animals for their college funds. This rule would not only hurt their ability to find a job now but also hurt their future.

In addition to participating in 4-H fairs, my kids also worked on farms where they were asked to drive tractors and run other farm machinery, all under the age of 16. The worst mishaps one of my kids ever had was running over a neighbor's mailbox with his duallies. But even through that experi-

ence, he learned responsibility. He not only had to pay for a new one out of his own pocket, but to replace it himself.

Farmers depend upon young people to take on these extra jobs so they can focus on the bigger picture. Parents depend upon their children to work on the family farm, not only to help out but instill a love of farming at a young age to keep their family farm going.

Lastly, young people, themselves, depend on these jobs as a source of income and a way to pay for college. There are often fewer job opportunities in rural areas, and if we impose more rules about what jobs young people can take, what have we gained?

I'll always stand behind regulations that genuinely protect the workers, especially when those workers are children. But when government bureaucrats are regulating in what capacity a young person can work on a farm, then it's clear they've overstepped their boundaries. It's time to fix the flawed and broken regulatory system that allows such rules to slip through the cracks.

Mr. Speaker, related, it's also the time to push back on Big Government's attack on our freedom to choose and our constitutional liberties. The recent assault on our religious rights of conscience and the separation of powers by this administration must be defeated. Kids on the farm and in the city deserve the rich future that our Constitution and Americans' exceptionalism can provide. This will then be a Nation that God can truly continue to bless.

#### □ 1040

CONGRATULATING THE CITY OF INDIANAPOLIS AS HOST OF SUPER BOWL XLVI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. CARSON) for 5 minutes.

Mr. CARSON of Indiana. Mr. Speaker, I rise to congratulate the great city of Indianapolis, my hometown, for doing an outstanding job as the host of Super Bowl XLVI.

On Sunday, two teams played an incredible game; but I believe that the events leading up to kickoff, organized by countless community organizations. good corporate citizens, committed public leaders, and thousands of volunteers, were as impressive as any play on the field. Over 1 million visitors enjoved the free festivities of Super Bowl Village, and a record 265,000 fans visited the NFL experience to test their passing and kicking skills and to meet their favorite players. So I was not surprised when Indianapolis received rave reviews for its accessibility, downtown amenities, civic commitment, and famed Hoosier hospitality.

Yet this success, Mr. Speaker, did not stop with the blocks surrounding Lucas Oil Stadium. With Commissioner Goodell and the NFL's assistance, I am ASSAULT ON OUR RELIGIOUS confident that the impact of this Super Bowl will last far longer than the memories of that final Hail Mary pass.

Indianapolis embarked on an unprecedented effort to rebuild one of its hardest-hit areas. Even before the rehit. Indianapolis' Near cession Eastside, a patchwork of neighborhoods just outside of downtown, led the Nation in foreclosures, and families were too often rattled by violent crime; but today, thanks to relentless efforts by community residents and with the Super Bowl as its springboard, Indianapolis' Near Eastside has been rejuvenated.

It has been given new life through housing developments like the St. Clair Senior Apartments, Commonwealth Apartments, and Building a Living Legacy housing initiative. These new housing options will help seniors and low-income families stay in the community they love and access the services they rely on, like the John Boner Community Center and People's Health and Dental Center. They will help the homeless find a new start and working men and women to locate near their employers.

On Super Bowl weekend, we also saw the grand opening of the Chase Near Eastside Legacy Center, which includes the area's only fitness center now offering low membership rates. This center will be home to the Youth Education Town. It is a facility that will provide classes to students of all ages through great national and local nonprofits.

While other host cities spend Super Bowl weekend breaking ground on projects, Indianapolis spent ours opening doors for these new facilities. Collectively, the Near Eastside redevelopment effort serves as a model, not only for what can be achieved throughout Indianapolis, but across this great Nation. Just a few years ago, the Near Eastside and all of Indianapolis were suffering the worst of the economic downturn. We had some of the Nation's highest unemployment, foreclosure and bankruptcy rates; but today our unemployment rate is near the national average and is getting better. Our critics counted us out many times, but this weekend showed that we are a modern city.

Mr. Speaker, this weekend, Indianapolis showcased why it is America's best-kept secret. It showed that we are a prime destination for conventions and big events and that we have some of the best sports facilities anywhere. It is with great pride that I ask my colleagues to join me in congratulating Indianapolis, Indiana, and all of those who worked so hard to make this event a huge success.

FREEDOM, THE FIRST AMEND-MENT, AND OUR FREEDOM OF CONSCIENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. CRAVAACK) for 5 min-

Mr. CRAVAACK. Mr. Speaker, I will be brief because my message is clear and concise.

I rise today out of grave concern for this most recent assault on our religious freedom, the First Amendment, and our freedom of conscience.

The U.S. Department of Health and Human Services' order requiring every Catholic institution larger than a single church—and even in some cases a single church—to pay for contraceptives, sterilization, and morning-after abortifacients for its employees is directly contrary to the principles of the Catholic faith.

Let us ensure we do not confuse the issue here.

This is a direct attack against religious liberty for all religions—but forcing Catholic schools, hospitals, Catholic charities to comply with a Federal mandate that violates the core moral commitment of protecting the lives of the unborn is unconscionable. This act threatens to sabotage the very foundations of our First Amendment rights and our religious liberties.

Continually chipping away at our basic constitutional freedoms that set the foundation of this great country sends us down a very slippery slope to further government overreach and intrusion into our individual lives.

This must stop, and we as Americans must stop it.

## AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. First, let me thank my colleagues Congressmen McGovern and Jones, Congresswomen WOOLSEY and WATERS, and Congressman HONDA for their efforts to bring the war in Afghanistan to a swift and safe end.

Mr. Speaker, I am here this morning to remind my colleagues that there is no military solution in Afghanistan. It is time to bring our troops home and to make sure that we leave no permanent military bases. While many, and a growing number, of my colleagues have come to this conclusion, there are still those who claim that Afghanistan is going well and that we should stay there indefinitely.

We are gathered here this morning to give some real and important insight into the reality that nothing could be further from the truth. We are here to discuss very important revelations brought to light by a brave Army officer, Colonel Daniel Davis.

Colonel Davis has honorably served this country for over a quarter century, and has received praise from his commanders for his maturity, determination, and judgment. He recently made the brave decision to release an unclassified account of the war in Afghanistan after witnessing the huge gap between what the American public was being told about the progress in Afghanistan and the dismal situation on the ground. Declassifying the National Intelligence Estimate on Afghanistan is a necessary step so that our policy is based on accurate infor-

In an article published this past Sunday in the Armed Forces Journal, Colonel Davis asks:

"How many more men must die in support of a mission that is not succeeding and behind an array of more than 7 years of optimistic statements by United States senior leaders in Afghanistan? No one expects our leaders to always have a successful plan, but we do expect-and the men," and women, I must add, "who do the living, fighting and dying deserve—to have our leaders tell us the truth about what's going on."

Mr. Speaker, the American people deserve to know the truth after spending the past decade on failed military strategies which have cost us over \$450 billion in direct funding. The costs, of course, have been even greater in injuries, lives lost, and in the trillions of dollars we will need to spend on longterm care for our veterans, including hospitals, clinics, job training, posttraumatic stress disorder treatment, housing assistance, and homeless services. But we must spend these resources for our veterans.

The American people, though, are sick and tired of these endless wars. Fully two-thirds of Americans support ending combat operations in Afghanistan in 2013, and three out of four Americans favor a speedy withdrawal of all United States troops out of Afghanistan. We are set to spend an additional \$88 billion, mind you, \$88 billion in Afghanistan over the next year while domestic cuts in education, health care, roads, bridges, and other essential priorities are sacrificed.

We cannot afford an indefinite stay in Afghanistan. We need to ask what we have to show for the past decade of war. Instead of a stable democracy, we have a broken state which is completely dependent on foreign countries for its budget, with rampant corruption and widespread violence. For the fifth straight year, civilian casualties rose in Afghanistan. In fact, 2011 was a record year for the number of Afghan civilians killed. There were 3,021 Afghan children, women, and men who were caught in the crossfire between an insurgency and the heavy presence of NATO troops.

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The reality on the ground in Afghanistan stands in stark contrast to the steady reports of progress we have been hearing from those who seek to maintain a military presence in Afghanistan in 2014 and beyond. It's time to bring our troops home from Afghanistan not in 2014, not next year, but right now.

Congress authorized the use of force in 2001, which I voted against because it gave the President—any President a blank check to use force anytime, anyplace, anywhere in the world for any period of time. We should have had a debate 10 years ago when Congress failed to consider the implications of giving the Pentagon a blank check in the rush to war.

Mr. Speaker, I want to thank Colonel Davis for his courage and risking his career to speak out to try to let the American people and their elected representatives understand the true risks we are taking in Afghanistan. To understand what is at stake in Afghanistan, I again call on the Pentagon to declassify the National Intelligence Estimate on Afghanistan so that we can have an informed discussion moving forward.

It is time to bring our young men and women home. They have performed valiantly, with incredible courage, and have done everything we have asked them to do.

> [From the Armed Forces Journal] TRUTH, LIES AND AFGHANISTAN (By Lt. Col. Daniel L. Davis)

I spent last year in Afghanistan, visiting and talking with U.S. troops and their Afghan partners. My duties with the Army's Rapid Equipping Force took me into every significant area where our soldiers engage the enemy. Over the course of 12 months, I covered more than 9,000 miles and talked, traveled and patrolled with troops in Kandahar, Kunar, Ghazni, Khost, Paktika, Kunduz, Balkh, Nangarhar and other provinces.

What I saw bore no resemblance to rosy official statements by U.S. military leaders about conditions on the ground.

Entering this deployment, I was sincerely hoping to learn that the claims were true: that conditions in Afghanistan were improving, that the local government and military were progressing toward self-sufficiency. I did not need to witness dramatic improvements to be reassured, but merely hoped to see evidence of positive trends, to see companies or battalions produce even minimal but sustainable progress.

Instead, I witnessed the absence of success on virtually every level.

My arrival in country in late 2010 marked the start of my fourth combat deployment, and my second in Afghanistan. A Regular Army officer in the Armor Branch. I served in Operation Desert Storm, in Afghanistan in 2005-06 and in Iraq in 2008-09. In the middle of my career, I spent eight years in the U.S. Army Reserve and held a number of civilian jobs—among them, legislative correspondent for defense and foreign affairs for Sen. Kay Bailey Hutchison, R-Texas.

As a representative for the Rapid Equipping Force, I set out to talk to our troops

about their needs and their circumstances. Along the way, I conducted mounted and dismounted combat patrols, spending time with conventional and Special Forces troops. I interviewed or had conversations with more than 250 soldiers in the field, from the lowest ranking 19-year-old private to division commanders and staff members at every echelon. I spoke at length with Afghan security officials, Afghan civilians and a few village elders.

I saw the incredible difficulties any military force would have to pacify even a single area of any of those provinces; I heard many stories of how insurgents controlled virtually every piece of land beyond eyeshot of a U.S. or International Security Assistance Force (ISAP) base.

I saw little to no evidence the local governments were able to provide for the basic needs of the people. Some of the Afghan civilians I talked with said the people didn't went to be connected to a predatory or incapable local government.

From time to time, I observed Afghan Security forces collude with the insurgency.

#### FROM BAD TO ABYSMAL

Much of what I saw during my deployment, let alone read or wrote in official reports. I can't talk about; the information remains classified. But I can say that such reportsmine and others'-serve to illuminate the gulf between conditions on the ground and official statements of progress.

And I can relate a few representative experiences, of the kind that I observed all over the country.

In January 2011, I made my first trip into the mountains of Kunar province near the Pakistan border to visit the troops of 1st Squadron, 32nd Cavalry. On a patrol to the northernmost U.S. position in eastern Afghanistan, we arrived at an Afghan National Police (ANP) station that had reported being attacked by the Taliban 2½ hours earlier.

Through the interpreter, I asked the police captain where the attack had originated, and he pointed to the side of a nearby mountain.

What are your normal procedures in situations like these?" I asked. "Do you form up a squad and go after them? Do you periodically send out harassing patrols? What do you do?"

As the interpreter conveyed my questions. the captain's head wheeled around, looking first at the interpreter and turning to me with an incredulous expression. Then he laughed.
"No! We don't go after them," he said.

"That would be dangerous!"

According to the cavalry troopers, the Afghan policemen rarely leave the cover of the checkpoints. In that part of the province, the Taliban literally run free.

In June, I was in the Zharay district of Kandahar province, returning to a base from a dismounted patrol. Gunshots were audible as the Taliban attacked a U.S. checkpoint about one mile away.

As I entered the unit's command post, the commander and his staff were watching a live video feed of the battle. Two ANP vehicles were blocking the main road leading to the site of the attack. The fire was coming from behind a haystack. We watched as two Afghan men emerged, mounted a motorcycle and began moving toward the Afghan policemen in their vehicles.

The U.S. commander turned around and told the Afghan radio operator to make sure the policemen halted the men. The radio operator shouted into the radio repeatedly, but got no answer.

On the screen, we watched as the two men slowly motored past the ANP vehicles. The policemen neither got out to stop the two men nor answered the radio—until the motorcycle was out of sight.

To a man, the U.S. officers in that unit told me they had nothing but contempt for the Afghan troops in their area—and that was before the above incident occurred.

In August I went on a dismounted patrol with troops in the Paniwai district of Kandahar province. Several troops from the unit had recently been killed in action, one of whom was a very popular and experienced soldier. One of the unit's senior officers rhetorically asked me, "How do I look these men in the eye and ask them to go out day after day on these missions? What's harder: How do I look [my soldier's] wife in the eye when I get back and tell her that her husband died for something meaningful? How do I do that?

One of the senior enlisted leaders added, "Guys are saying, 'I hope I live so I can at least get home to R&R leave before I get it,' or 'I hope I only lose a foot.' Sometimes they even say which limb it might be: 'Maybe it'll only be my left foot.' They don't have a lot of confidence that the leadership two levels up really understands what they're living here, what the situation really is.

On Sept. 11, the 10th anniversary of the infamous attack on the U.S., I visited another unit in Kunar province, this one near the town of Asmar. I talked with the local official who served as the cultural adviser to the U.S. commander. Here's how the conversation went:

Davis: "Here you have many units of the Afghan National Security Forces [ANSF]. Will they be able to hold out against the Taliban when U.S. troops leave this area?

Adviser: "No. They are definitely not capable. Already all across this region [many elements of] the security forces have made deals with the Taliban. [The ANSF] won't shoot at the Taliban, and the Taliban won't shoot them.

"Also, when a Taliban member is arrested, he is soon released with no action taken against him. So when the Taliban returns [when the Americans leave after 2014], so too go the jobs, especially for everyone like me who has worked with the coalition.

"Recently, I got a cellphone call from a Talib who had captured a friend of mine. While I could hear, he began to beat him, telling me I'd better quit working for the Americans. I could hear my friend crying out in pain. [The Talib] said the next time they would kidnap my sons and do the same to them. Because of the direct threats, I've had to take my children out of school just to keep them safe.

"And last night right on that mountain there [he pointed to a ridge overlooking the U.S. base, about 700 meters distant], a member of the ANP was murdered. The Taliban came and called him out, kidnapped him in front of his parents, and took him away and murdered him. He was a member of the ANP from another province and had come back to visit his parents. He was only 27 years old. The people are not safe anywhere.

That murder took place within view of the U.S. base, a post nominally responsible for the security of an area of hundreds of square kilometers. Imagine how insecure the population is beyond visual range. And yet that conversation was representative of what I saw in many regions of Afghanistan.

In all of the places I visited, the tactical situation was bad to abysmal. If the events I have described—and many, many more I could mention—had been in the first year of war, or even the third or fourth, one might

be wiling to believe that Afghanistan was just a hard fight, and we should stick it out. Yet these incidents all happened in the 10th year of war.

As the numbers depicting casualties and enemy violence indicate the absence of progress, so too did my observations of the tactical situation all over Afghanistan.

#### CREDIBILITY GAP

I'm hardly the only one who has noted the discrepancy between official statements and the truth on the ground.

A January 2011 report by the Afghan NGO Security Office noted that pubic statements made by U.S. and ISAF leaders at the end of 2010 were "sharply divergent from IMF, [international military forces, MGO-speak for ISAF] 'strategic communication' messages suggesting improvements. We encourage [nongovernment organization personnel] to recognize that no matter how authoritative the source of any such claim, messages of the nature are solely intended to influence American and European public opinion ahead of the withdrawal and are not intended to offer an accurate portrayal of the situation for those who live and work here."

The following month, Anthony Cordesman, on behalf of the Center for Strategic and International Studies, wrote that ISAF and the U.S. leadership failed to report accurately on the reality of the situation in Afghanistan

"Since June 2010, the unclassified reporting the U.S. does provide has steadily shrunk in content, effectively 'spinning' the road to victory by eliminating content that illustrates the full scale of the challenges ahead," Cordesmen wrote. "They also, however, were driven by political decisions to ignore or understate Taliban and insurgent gains from 2002 to 2009, to ignore the problems caused by weak and corrupt Afghan governance, to understate the risks posed by sanctuaries in Pakistan, and to 'spin' the value of tactical ISAF victories while ignoring the steady growth of Taliban influence and control."

How many more men must die in support of a mission that is not succeeding and behind an array of more than seven years of optimistic statements by U.S. senior leaders in Afghanistan? No one expects our leaders to always have a successful plan. But we do expect—and the men who do the living, fighting and dying deserve—to have our leaders tell us the truth about what's going on.

I first encountered senior-level equivo-cation during a 1997 division-level "experithat turned out to be far more setpiece than experiment. Over dinner at Fort Hood, Texas, Training and Doctrine Command leaders told me that the Advanced Warfighter Experiment (AWE) had shown that a "digital division" with fewer troops and more gear could be far more effective than current divisions. The next day, our congressional staff delegation observed the demonstration firsthand, and it didn't take long to realize there was little substance to the claims. Virtually no legitimate experimentation was actually conducted. All parameters were carefully scripted. All events had a preordained sequence and outcome. The AWE was simply an expensive show, couched in the language of scientific experimentation and presented in glowing press releases and pubic statements, intended to persuade Congress to fund the Army's preference. Citing the AWE's "results," Army leaders proceeded to eliminate one maneuver company per combat battalion. But the loss of fighting systems was never offset by a commensurate rise in killing capability.

A decade later, in the summer of 2007, I was assigned to the Future Combat Systems (FCS) organization at Fort Bliss, Texas, It didn't take long to discover that the same thing the Army had done with a single division at Fort Hood in 1997 was now being done on a significantly larger scale with FCS. Year after year, the congressionally mandated reports from the Government Accountability Office revealed significant problems and warned that the system was in danger of failing. Each year, the Army's senior leaders told members of Congress at hearings that GAO didn't really understand the full picture and that to the contrary, the program was on schedule, on budget and headed for success. Ultimately, of course, the program was canceled, with little but spinoffs to show for \$18 billion spent.

If Americans were able to compare the public statements many of our leaders have made with classified data, this credibility gulf would be immediately observable. Naturally, I am not authorized to divulge classified material to the public. But I am legally able to share it with members of Congress. I have accordingly provided a much fuller accounting in a classified report to several members of Congress, both Democrats and Republicans. Senators and House members.

A nonclassified version is available at www.afghanreport.com [Editor's note: At press time, Army public affairs had not yet ruled on whether Davis could post this longer version.]

#### TELL THE TRUTH

When it comes to deciding what matters are worth plunging our nation into war and which are not, our senior leaders owe it to the nation and to the uniformed members to be candid—graphically, if necessary—in telling them what's at stake and how expensive potential success is likely to be U.S. citizens and their elected representatives can decide if the risk to blood and treasure is worth it.

Likewise when having to decide whether to continue a war, alter its aims or to close off a campaign that cannot be won at an acceptable price, our senior leaders have an obligation to tell Congress and American people the unvarnished truth and let the people decide what course of action to choose. That is the very essence of civilian control of the military. The American people deserve better than what they've gotten from their senior uniformed leaders over the last number of years. Simply telling the truth would be a good start.

## OBAMACARE VIOLATES FIRST AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HARRIS) for 5 minutes.

Mr. HARRIS. Mr. Speaker, once again we are reminded why we need to repeal the President's Affordable Care Act, which most Americans know as ObamaCare. Mr. Speaker, a majority of Americans already understand how harmful ObamaCare will be to American health care, especially to the millions of seniors on Medicare who will have that program cut by \$500 billion if we don't repeal it.

But 2 weeks ago, the latest administration rule implementing ObamaCare was announced by the Secretary of Health, and that rule would impose the latest mandate, this time, a mandate

on all religious institutions to provide government-mandated coverage for drugs and surgery that is contrary to the beliefs of those religions.

The greatest uproar was from the Catholic Church over the rule that would force Catholic institutions to pay the full cost of all governmentmandated drugs and procedures, and that would include sterilization and abortion-causing drugs. That mandate would put those institutions in the position of either paying the full cost of those drugs and procedures that violate their beliefs or paying a government fine. I repeat: It would end up being a government-imposed fine to practice your religious beliefs, with the administration using the broad mandates of ObamaCare to impose those fines.

But the religious intimidation by the administration didn't stop there. When the Archbishop for the Military Services, Timothy Broglio, wrote a letter about this new mandate to his diocese to be read at Sunday services, the U.S. Army Chief of Chaplains, a recent Obama appointee, ordered his chaplain corps not to read the letter at those Sunday services. Mr. Speaker, you know that those services are attended not only by the military, but by family and DOD employees. And this order was a clear violation of the First Amendment guarantees not only of the freedom of religion but the freedom of speech.

Let me read from the letter, and you will see why the administration was so concerned:

Dear Brothers and Sisters in Christ: It is imperative that I call to your attention an alarming and serious matter that negatively impacts the church in the United States directly and that strikes at the fundamental right to religious liberty for all citizens of any faith. The Federal Government, which claims to be 'of, by, and for the people,' has just dealt a heavy blow to almost a quarter of those people—the Catholic population—and to the millions more who are served by the Catholic faithful. It is a blow to a freedom that you have fought to defend and for which you have seen your buddies fall in battle.

The U.S. Department of Health and Human Services announced that almost all employers, including Catholic employers, will be forced to offer their employees health coverage that includes sterilization, abortion-inducing drugs, and contraception. Almost all health insurers will be forced to include those immoral 'services' in the health policies they write. And almost all individuals will be forced to buy that coverage as part of their policies.

In so ruling, the administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. And as a result, unless the rule is overturned, we Catholics will be compelled to choose between violating our consciences or dropping health coverage for our employees.

We cannot—we will not—comply with this unjust law. People of faith cannot be made second-class citizens. We are already joined by our brothers and sisters of all faiths and

many others of good will in this important effort to regain our religious freedom. Our parents and grandparents did not come to these shores to help build America's cities and towns, its infrastructure and institutions, its enterprise and culture, only to have their posterity stripped of their Godgiven rights.

Mr. Speaker, after protest, the Chief of Chaplains finally allowed most of the letter to be read, but ordered that the line "We cannot—we will not—comply with this law" still not be read.

Mr. Speaker, now you can see why The Wall Street Journal—not usually a paper that comments on religious matters—found this issue so compelling that today's lead editorial deals with this under the headline, "ObamaCare's Great Awakening," with a highlight line, "HHS tells religious believers to go to hell. The public notices." Yes, Mr. Speaker, the public noticed.

Let me just read the opening of that editorial:

The political furor over President Obama's birth control mandate continues to grow, even among those for whom contraception poses no moral qualms, and one needn't be a theologian to understand why. The country is being exposed to the raw political control that is the core of the Obama health care plan, and Americans are seeing clearly for the first time how this will violate pluralism and liberty.

Mr. Speaker, in the last few days, a strategist in the President's campaign—not the Secretary herself or an administration official—has suggested that, well, maybe something can be done. Really, Mr. Speaker? Are we leaving dealing with First Amendment rights violations to campaign staff for resolution?

This latest controversy has given us another reason to repeal ObamaCare, a bill forced on America by the last Congress and this administration. Given the obvious willingness of regulators to force their value system on all Americans regardless of religious belief, the editorial comes to the right conclusion: "Religious liberty protected won't be until ObamaCare is repealed." Mr. Speaker. the time for repeal is now.

## PUTTING THE BRAKES ON RUNAWAY DEFENSE SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Federal Reserve Chair Ben Bernanke testified on Capitol Hill last week and warned us that deficit reduction "should be a top priority" and that current spending projections are unsustainable. In response, the gentleman from Wisconsin, who chairs the Budget Committee, said that we needed to get our fiscal house in order, otherwise, "it's going to get ugly pretty fast."

To him, I would say: It's already ugly. It's really ugly for 13 million

Americans who woke up this morning without a job to go to. And it would get uglier still if we embraced his vision of a shredded safety net and a voucher program that ends Medicare as we know it.

Here is what I find particularly distressing and disturbing: for my colleagues in the majority, every other sentence out of their mouths is about reducing Federal spending, and yet the programs they want to cut are the very ones that are keeping working families afloat. They never seem to aim their ax at the part of the budget that has shot through the roof the last 10 years and now eats up more than half of discretionary spending. I'm talking, of course, about the Pentagon budget.

It doesn't make any sense that the military industrial complex has gotten a virtually blank check while important domestic programs—and also important civilian international programs that promote national security—look for change in the couch in order to survive.

If we're in belt-tightening mode, then we should all be in belt-tightening mode. But if there are Federal dollars available—and there certainly are—I want to know why we can't make strong investments in the food stamps program, Head Start, or Pell Grants. If there's enough money to give the Pentagon a staggering \$700 billion-plus a year, I want to know why we can't make relatively modest, but meaningful, investments in paid family leave or early childhood education.

The good news is that the President of the United States gets it. With the support of the Joint Chiefs of Staff, he is taking a strong first step toward putting the brakes on runaway defense spending.

#### □ 1100

But I think that we need to do more and we need to be much bolder. When we spend more on defense than the next 10 nations combined, clearly our priorities are out of whack.

The Cold War has been over for 20 years, and yet we still have tens of thousands of troops stationed in Europe. This makes no sense at all. Something else that doesn't make sense: our presence in Afghanistan. And it's not just the peace and justice folks who are calling for the end of this misguided adventure. Lieutenant Colonel Daniel L. Davis, Army "brass," is asking, "How many more men must die in support of a mission that is not succeeding?"

He goes on to say, "You can spin all kinds of stuff, but you can't spin the fact that more men are getting blown up every year."

Mr. Speaker, what we need is a fundamental overhaul in the way that we think about protecting America. We need to be smarter about national security.

SMART Security means replacing weapons systems with humanitarian aid and development. It means a civilian surge instead of a military surge. It means peaceful diplomacy instead of military devastation. It means lifting up and empowering innocent Afghan people instead of occupying their country and perpetuating a war that has killed them by the thousands.

This SMART Security approach is not only the better way to protect our interests and keep our country safe, it comes at a fraction of the cost of what we are spending.

Mr. Speaker, for the sake of our national conscience, also for our national treasury, it's time to do the smart thing and bring our troops home. Don't ask me; ask Colonel Daniel Davis.

#### GETTING AMERICA BACK TO WORK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, small businesses are reluctant to expand today. With so much economic uncertainty, our local job creators don't know if they can afford the risk of hiring a new worker.

As a small business owner myself, I know the pressures of meeting a budget and a payroll. I employ 100 people, and for me that's 100 families. I have to make sure that I can ensure that we can provide health care insurance and other benefits before it is time to hire new workers.

Mr. Speaker, there are 29 million small businesses in our Nation. Here, in this body, I believe our goal has to be to create an environment that enables those small businesses to have the confidence to be able to grow and thrive, to be able to add that one new worker. And think about where we would be at that point in time, Mr. Speaker; 29 million businesses across the Nation all hiring just one worker, we'd have a different problem on our hands.

The partisan rhetoric and the lack of progress in Washington is hindering businesses from hiring more people. But I do believe we can come together and tackle some of these problems. Washington has to stop viewing legislation through a political lens and start viewing it through the eyes of the American people.

One area we can agree on is the payroll tax extension. The House voted at the end of the year to extend it for an additional year. The President has asked that we extend it for a year. The holdup is yet again in the United States Senate. Senator HARRY REID would rather play political games with this important measure, and now some Members are asking for a 2-month extension.

Mr. Speaker, I say enough is enough. We need to extend this tax holiday for the entire year. Small businesses don't have the luxury of hoping that we'll get it right. So let's come together today and pass the yearlong extension both the House and the Senate. Let's give hardworking American taxpayers the relief that they need.

Mr. Speaker, new regulations are also hindering small businesses from expanding. Hundreds of pages of new regulations in the President's health care law, hundreds of rules that have still yet to be written in Financial Services with regard to Dodd-Frank are hindering the financial services industry. Small businesses do not know what new rules are coming next; and, thus, they can't prepare for the future and job growth remains, at best, uncertain.

But we can and must find common ground on regulations. No one is arguing for the elimination of regulation, Mr. Speaker. What we need is smart regulations. It's vitally important we have clean water, safe working environments, and rules to protect families' investments. Even the President has called for smarter regulations and repealing burdensome regulations that are around this Nation. We can repeal burdensome regulations that are nothing more than red tape and barriers for job creators. We can replace them with smart regulations that truly make our country better and give job creators the certainty they need to grow and thrive

Finally, Mr. Speaker, we must stop the enormous deficit spending that's going on right here in Washington, DC. This next year, Mr. Speaker, we're faced with another trillion dollar deficit. If my business, my small business back in Illinois, ran the way the government runs. I'd be out of business inside of the month. It's time we in Washington rein in this out-of-control spending. We cannot ask hardworking American families all across the country to live within their means but then turned around and allow Washington to take their hard-earned money and spend it without regard to the future consequences of our children and grandchildren.

It's time we pass a budget that puts our country on a viable economic path forward. When we do this, it will signal to the rest of the world that we are serious about our economic health; and, thus, we'll be able to empower job creators to invest here at home and create jobs right here in our local communities.

Mr. Speaker, I am optimistic about the future. I'm optimistic that we can do this, that we can come together. Spurring our economy and talking about growth isn't a Republican idea or a Democratic idea, but it is certainly an American idea. It's time that we put people before politics and progress before partisanship. It's time for us to work together today for the future of

the entire year. Small businesses don't our country and get America back to worship. The purpose of these instituhave the luxury of hoping that we'll work.

## BIRTH CONTROL INSURANCE COVERAGE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. MOORE) for 5 minutes.

Ms. MOORE. Mr. Speaker, I'm here today to be a voice for the millions of women and men who are celebrating the recent decision by the Secretary of Health and Human Services regarding requiring all businesses and corporations to provide birth control insurance coverage, a lifesaving benefit for women, millions of women. Under this new rule, virtually all women would have access to birth control coverage without a copay through their employer health plan.

If you listen to the political pundits in this town, you will come to the conclusion that people do not support the Obama administration's decision and that people of faith are en route to the White House prepared to storm it because of this decision. But if you talk to the average American, you will realize that there is absolutely overwhelming support for the decision on the birth control benefit. This support crosses party lines as well as religious affiliation. In fact, a poll released just yesterday found that roughly 6 out of 10 Catholics support requiring employers to provide their employees with health care plans that cover contraceptives.

Let's be clear. This decision represents a respectful balance between religious persons and institutions and individual freedom. It is very important to clarify that the law contains an exemption for religious institutions. What that means is that approximately 335,000 churches or houses of worship can choose not to provide birth control coverage for their employees. So if you're the secretary at the church or if you are employed by the archdiocese. they do not have to provide birth control coverage for their employees. It was very important for Health and Human Services to carve out this exception with respect to separating church and State concerns.

#### $\square$ 1110

We are not requiring that Catholic churches go out and buy contraceptive coverage for all—in spite of what you have heard over TV. But this rule does require that religiously affiliated universities and hospitals—which are operating as large businesses and employ and serve a diverse array of people—would have to follow the same rules as other businesses. This is the part that keeps getting lost in the debate: the sole purpose of these institutions is not to offer people a place of refuge and worship. It is not a place for people of faith to go to gather in fellowship and

worship. The purpose of these institutions is to provide health care, is to provide an education, football teams for their clients or for their students.

No one is trying to take away religious freedom but, rather, this ruling preserves personal freedom. The concept of separation of church and state protects these 335,000 places of worship. But the concept of separation of church and state does not mean that a church can use their bully pulpit to separate millions of women from critical health care benefits. Just imagine that women, on average, spend 30 years attempting to prevent pregnancy. Just think about what it means for the health of a woman, the health of her family to give birth or die trying for 30 vears.

I understand that some people are worried and protective of their religious freedom in part because they're being misled by what this HHS ruling actually does; but I also worry that some people in the faith community are being exploited and used to create a diversion.

Another fact that people keep ignoring is that many religiously affiliated hospitals and universities already provide birth control to their employees through their insurance packages. I mean, it's standard at many of these workplaces. This is a nonissue for many Catholic and religiously affiliated colleges and universities already. And we're not talking about just a few workers. We're talking about millions of secretaries, janitorial staff, nurses aides, and lab techs of many different beliefs-some of no beliefs. So I would hope that we would not try to use religious bullying to deprive millions of women of critical, vital health care.

### ASSAULT ON RELIGIOUS FREEDOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. BARLETTA) for 5 minutes.

Mr. BARLETTA. Mr. Speaker, a few weeks ago, President Obama stood in this very Chamber and spoke about the need for fairness. Fairness, he said, is an American value. Yet the President and his administration are blatantly ignoring one of the most basic of American values—the freedom of religion. I'm referring to the decision by the Obama administration to force Catholic employers to provide insurance that includes coverage for sterilization, abortion-inducing drugs, and contracention.

Catholic employers who fail to provide that insurance coverage could be fined \$2,000 per employee per year. And the Obama administration will force Catholics to buy insurance coverage that includes coverage for services that many of them find morally wrong. For many Catholics, this requirement violates their core beliefs about the sanctity of life of the unborn.

The health care law that is forcing Catholics to put their government ahead of their God includes a "religious conscience" exemption. It allows people with certain religious objections to opt out, and some religious groups have been allowed to opt out. But Catholics have been denied an opt-out. Instead, the Obama administration is forcing Catholics to violate their religious conscience.

This is not the United States of America that I know. Religious tolerance has been a bedrock principle of the American Government for almost 240 years. It's one of the reasons why the United States came to exist in the first place. The First Amendment states that Americans have the right to religious freedom. Religious freedom isn't just the ability to believe and worship as we see fit. It's also our right to keep other beliefs from being imposed on us. The Federal Government has respected those rights by being sensitive, by creating tolerant policies regarding our military service, our tax policies and even our airport screenings.

American Catholics are not asking for special rights. We're asking for equal rights. I am proudly pro-life, and I will stand here to defend the rights of the unborn. But this isn't about abortion. This isn't a question of when life begins. This is about the fundamental rights of all Americans, as spelled out in our founding documents. And this decision by the Obama administration is a devastating blow against the freedom of religion.

It's one thing for the Federal Government to try to take over our health care system, and we can all debate the merits of such legislation. But I think we can all agree, no matter on what side of the aisle we stand, that the right to freely express our religious beliefs—and, more importantly, not have other beliefs forced upon us—is a core value of this country. It is nonnegotiable.

Good people of all faiths should be outraged by this decision. If this administration can trample on the beliefs and rights of the American Catholics, those of other religions should ask, are we next?

Yesterday, I read in The New York Times that legal scholars say the American Constitution is old and outdated, that it isn't relevant in the modern world. Now, as this administration ignores our most treasured values—not religious values, but American values—our Constitution could not be more relevant. The first words of the American Bill of Rights are: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

They're first, and they're first for a reason. The United States of America has long been a place of religious freedom. It's one of the things that sepa-

rates us from foreign countries. Just as the Federal Government should not endorse a religion, it should not punish a religion, either. All religions must be treated equally. They must be respected. That's the American way. Today, Catholics all across the United States feel like outsiders. They feel as if their government has betrayed them.

Catholic leaders, including three bishops that lead Catholics in my district, have clearly said they cannot and will not comply with this unjust decision by the Obama administration. No one should have to choose between their God and their government. And no one, especially a government founded on religious freedom, should force them to.

The decision by this administration to make Catholics violate their most basic principles is a violation of the most basic American principle. I strongly condemn the Obama administration for this outrageous overreach of Federal authority; and I strongly encourage the administration to rescind this unfair, un-American policy. If the Obama administration can take away this most basic American value for 80 million Catholics, who's next?

## H.R. 3548, THE NORTH AMERICAN ENERGY ACCESS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. HARPER) for 5 minutes.

Mr. HARPER. Mr. Speaker, yesterday, in an effort to create American jobs and move energy supply from a friendly trading partner to the United States gulf coast, the House Energy and Commerce Committee favorably reported H.R. 3548 to the full House. H.R. 3548, the North American Energy Access Act, would end a waiting game that has lasted for over 3 years by pushing forward approval of the Keystone XL pipeline.

In his State of the Union speech 2 weeks ago, the President promised to significantly expand production of oil and natural gas from offshore and onshore public lands.

#### □ 1120

Unfortunately, but not surprisingly, he never mentioned his decision to reject the Keystone XL pipeline.

While the President's comments about expanding oil and gas production in the U.S. were welcome news to many, I'm not sure how many people took his pledge seriously given his decision on Keystone XL. I am hopeful that the President will follow through on expanding production. I just wish he would have helped our country reduce our dependence on Middle Eastern oil while creating tens of thousands of jobs here in America by approving the pipeline application.

The President's excuse for not approving the pipeline application was

that he didn't have enough time. Radical environmentalists say that tar sands crude is the dirtiest of all, and they talk as if that's something foreign, something new. Mr. Speaker, I'd like to point your attention to a Friday, February 3, 2012 article on the front page of the National Journal, an article that I believe shows the fallacies in the arguments against the pipeline. The article states that "despite environmental opposition, the Obama administration has approved a controversial oil-sands pipeline."

The article refers to an oil-sands pipeline approved by the administration over 2 years ago. On August 20, 2009, Secretary of State Clinton approved a 1,000-mile pipeline with the capacity to carry 800,000 barrels of oil from Canada's oil sands to Wisconsin. Mr. Speaker, if a pipeline that closely mirrors that of the proposed Keystone XL was good enough for the President in August of 2009, why is the Keystone XL pipeline not good enough for him in an election year? If time and the environment were reasons to deny Keystone XL in January 2012, they should have had the same reasons to deny the Canada-Wisconsin pipeline in 2009.

Keystone XL is a shovel-ready construction project that doesn't need a stimulus bill to get it started. Estimates show that the project could create 20,000 construction jobs immediately and could transport more than 1 million barrels of oil per day from Canada and the Bakken shale formation in North Dakota and Montana to gulf coast refineries.

With the ability to transport that amount of friendly oil from our largest trading partner and neighbor to the north, Canada, as well as domestic oil, and with the ability to create an additional estimated 100,000 jobs over the lifetime of the pipeline, it's no wonder why the American public supports Keystone XL. At a time when unemployment and prices at the pump are high and new predictions say gasoline could top \$4 this year, it's no wonder that the American public was disappointed in the President's decision.

In a recent installment of the United Technologies/National Journal Congressional Connection poll, Americans surveyed were asked: Supporters of the pipeline say it will ease America's dependence on Mideast oil and create jobs. Opponents fear the environmental impact of building a pipeline. What about you—do you support or oppose building the Keystone XL pipeline? Sixty-four percent of the respondents favored the construction of Keystone XL and only 22 percent were opposed.

Mr. Speaker, Keystone XL makes sense. It means jobs, energy security, and satisfaction for the American public. The President made a political decision to pander to his extreme environmentalist supporters in a campaign year instead of listening to the majority of the American public, and that was unfortunate.

I think that House Republicans are making it well known that the fight for Keystone XL is not over. Support in the House to move the pipeline forward has been bipartisan, very public, and very well received by the American people. As of yesterday, that support has produced a bill to push Keystone XL forward. I look forward to continuing my commitment to jobs, energy security, and the building of the Keystone XL pipeline.

#### WE ARE OUR BROTHERS' AND SISTERS' KEEPER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. Jackson Lee) for 5 minutes.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Speaker, for giving us an opportunity to share some crucial human catastrophes that are occurring around the world.

I'm challenging all of my colleagues and those who would listen that sometimes we are, in fact, through peaceful means, our brothers' and sisters' keeper. First, as we have seen the ascending violence occur in Syria, a nation-state that I have visited, bloodshed that has included the loss of women and children, hearing news reports where citizens of Syria are begging for someone to do something, it is almost as if you came out of your house and stood by as your neighbor's house burned. We know in America many would try to get a garden hose, others call 911; but they do something because of the horror of what they're seeing.

Constantly, our media airwaves are being beat with the sounds of gunshots, smoke and devastation and a steadfast refusal of Dr. Assad to step down. His first representation was that these were al Qaeda and terrorists, and we need to listen to him. There is a general respect for the sovereignty of a nation. And I'm not one pushing the immediate attack by the United States. The American people have spoken on their cautiousness—our soldiers and their treasure are precious. But just as I was with a number of our men and women this past Saturday who had been to Iraq or Afghanistan or are prepared to go elsewhere, our soldiers are always prepared to defend the needs of people who cannot help themselves.

But I call upon today the recognition that the United Nations has to fix itself. For as a consensus was coming together for the right approach—possibly U.N. troops to maintain the peace, as was done in places on the continent of Africa-who raises their selfish voices? Two countries, China and Russia, veto the consensus of many to try and help these people who are in need—children and women dying in the streets, not able to live in peace.

idea need to go back to the Security Council. They need to make sure that we know that the U.N. is the entity that it was crafted to be in the late 1940s, the voice of reason, the ability to step in. They need to pressure these two, in essence, outlanders—those who want to stand out of the circle of care just because of selfish reasons of oilto get out of the way or be part of the team.

I believe it is important as well, as we look at Libya and its quietness now, working quietly to try and restructure. Many people fought against that. I was delighted to be with a number of my colleagues, the first Members of the United States Congress to go stand in front of the Libyan Embassy and say Qadhafi must go. Sometimes you have to step out of the circle of comfort.

I ask Syrian Americans to stand up and be heard. Go to the United Nations; ask that your countrymen be safe. Let us hear your voices. Likewise, I ask for Egyptian Americans—we have been allies with Egypt for a long time, and I am trying to understand the tension or confusion between governments. But my point is, this is a government-togovernment issue. Let my people go. Let the Americans go. You can find no basis that they have intently, with intent, done anything that deserves that they are, one, indicted and, two, cannot travel out of the Egyptian boundaries. I call upon Egyptian Americans to rise up and be heard, for our alliance is better than a few Americans.

I take great issue with Republican Presidential politics trying to claim this is the same thing as the hostages in Iran. Let us make no political statement about this. These are Americans. We want them out; we want them out now. But the idea is that there must be some responsible leadership in Egypt to recognize that spoiling or ending the alliance between Egypt and the United States is not worth this petty action.

So I ask for Syrian Americans, Mr. Speaker, and Egyptian Americans to go to my Web site, SHEILA JACKSON LEE—you can find it. Let me know what you want to do and how you're going to support the efforts of making peace or having peace in Syria and saving our fellow Americans in Egypt. Now is the time. It is no time for languishing in fear.

#### □ 1130

#### THE AMERICAN PEOPLE ARE LOOKING FOR MORE THAN TALK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. Thompson) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last month we heard some productive talk from the President during his State of the Union Address.

So I believe that those who had an His acknowledgement that we need increased domestic production of oil and natural gas was quite promising. Or, maybe his commitment "to fight obstruction with action." Those types of words are always welcome in this Chamber. Unfortunately, the President's action, or lack thereof, continues to fall short of the rhetoric.

> Mr. Speaker, there continues to be a great divide between the words in the speech the President delivers and his actual actions or leadership. Despite a pledged commitment to energy security, this administration has worked to counter attempts at making America's energy future more secure.

> The President's denial of the Keystone XL pipeline, which has the potential to create thousands of jobs and add to our energy security, is just the latest example. Between the energy resources that would be provided by a constructed, completed Keystone pipeline and the domestic natural gas fields in the United States that are in production right now, we could shut off the valve of dependency on Middle East

> In the House, we've advanced dozens of bills to expand domestic resource production and encourage new job creation, almost all of which have been denied consideration by the Senate.

> With any hope, the President will meet his commitment to fight obstruction with action by calling on the Senate to work with the House on these important initiatives. With almost 2 million more Americans out of work since taking office, the American people are looking for more than just talk.

> Mr. Speaker, the American people are looking for things that they've not seen in Washington: leadership by the President and action by the Senate.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 32 minutes a.m.), the House stood in re-

## □ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at

#### PRAYER.

Reverend Dr. David Anderson, Faith Baptist Church, Sarasota, Florida, offered the following prayer:

Our gracious Heavenly Father, we come before You with thanksgiving and praise for Your protection of and blessings on our Nation. We thank You for Your mercy, grace, and forgiveness trust You to lead us into righteousness.

We ask You to enable the men and women of the House of Representatives to faithfully carry out their duties and the purposes of Your will. Empower them with wisdom, courage, and compassion. Grant them the character to withstand the temptations of power and privilege, and bring them wise counselors and friends to help them do what is right. Give them wisdom and make them true statesmen.

We ask You to bless their families and shelter them from the political fallout of unpopular decisions. Fill their homes with love, hope, and faith.

Restore our Nation's historic faith that we might pray "God bless Amerwith integrity. We ask these things in the name of our Lord and Savior, Jesus Christ.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HIGGINS) come forward and lead the House in the Pledge of Allegiance.

Mr. HIGGINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND DR. DAVID ANDERSON

The SPEAKER. Without objection, the gentleman from Florida (Mr. BUCHANAN) is recognized for 1 minute.

There was no objection.

Mr. BUCHANAN. Mr. Speaker, it is my privilege this morning to welcome a very good friend to the Halls of Congress.

Pastor David Anderson, who gave the morning prayer, is a great spiritual leader in Sarasota, Florida. He has more than 35 years of pastoral experience as a Baptist minister, and for the past two decades, he has served the Faith Baptist Church of Sarasota, located in the heart of my district. That is where my wife, Sandy, and I first met the pastor 5 years ago. He is devoted to his family and to helping other people in our community. He has made himself a beloved member of our community.

I commend Pastor Anderson for his longstanding service to our community and to our Nation. It is my honor today to welcome him here to the House of Representatives.

#### of our national transgressions, and we ANNOUNCEMENT BY THE SPEAKER progressing from the Mississippi River PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

#### HOUSE WILL ACT TO REVERSE AD-MINISTRATION'S ATTACK ON RE-LIGIOUS FREEDOM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. My colleagues, in recent days, Americans of every faith and political persuasion have mobilized in objection to a rule put forward by the Obama administration that constitutes an unambiguous attack on religious freedom in our country.

This rule would require faith-based employers, including Catholic charities, schools, universities, and hospitals, to provide services they believe are immoral. Those services include sterilization, abortion-inducing drugs and devices, and contraception.

In imposing this requirement, the Federal Government has drifted dangerously beyond its constitutional boundaries, encroaching on religious freedom in a manner that affects millions of Americans and harms some of our Nation's most vital institutions.

If the President does not reverse the Department's attack on religious freedom, then the Congress, acting on behalf of the American people and the Constitution that we are sworn to uphold and defend, must.

The House will approach this matter fairly and deliberately through regular order and appropriate legislative channels. Because it has primary jurisdiction on the issues involved, the Energy and Commerce Committee is taking the lead on the legislative process that will be necessary to enact an effective and appropriate solution. Chairman UPTON convened a hearing late last year and began laving the groundwork for legislative action when this flawed rule was first proposed, and I welcome his efforts to consider all possible options as his committee proceeds with its efforts.

This attack by the Federal Government on religious freedom in our country must not stand and will not stand.

## ASIAN CARP

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, the Great Lakes are the largest source of freshwater in the world, and they support vital shipping and recreation jobs. The fishery alone accounts for \$7 billion in annual economic activity.

But the Great Lakes face a very real threat from the Asian carp, which are

to the Illinois River and are nearing Lake Michigan. If this invasive species enters the lakes, it could decimate Great Lakes fishing and recreation.

Last month, the Great Lakes Commission released a report recommending the construction of a barrier to separate the Mississippi River from Lake Michigan in order to protect the lakes from the Asian carp. I joined my colleagues from the Great Lakes Task Force in sending a letter to the Army Corps of Engineers asking them to consider this report as they study the best ways of keeping the Asian carp out of the Great Lakes Basin.

Madam Speaker, the Asian carp have not yet entered the lakes, but there are very real reasons for concern, as scientists say that the conditions of Lake Erie are perfect to support this species of fish. It is essential to our economy and our environment that we all work together to protect and restore this underappreciated asset.

#### THE ADMINISTRATION'S ATTACK ON THE FIRST AMENDMENT AND RELIGIOUS FREEDOM

(Mr. RIGELL asked and was given permission to address the House for 1 minute.)

Mr. RIGELL. Madam Speaker, I rise in strong objection to the President's decision requiring employers to provide insurance coverage for services which clearly violate their religious convictions. Many American employers are deeply offended and strenuously object to being forced by the administration to pay for contraceptives, sterilization and abortion-inducing drugs for their employees.

This is an egregious violation of the First Amendment, which protects religious freedom. Preventing government intrusion into the faith and religious convictions of Americans is precisely why our Founders embedded religious freedom into the First Amendment.

This is not a slight to the Constitution; it is an assault. The White House has said that adequate exemptions have been made, but this is simply not

I stand with my colleagues on both sides of the aisle and in both Houses of Congress in defending the right of conscience, our Constitution, and the right of all Americans to exercise their religious beliefs freely without intrusion from the Federal Government.

I call on the administration to reverse its decision today.

#### TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, it has been 400 days since the Republicans took control of the House of Representatives, and we still have no bills designed to create jobs in America. Now

the Republican political games are bringing us to the brink of yet another crisis.

If Congress does not act by the end of the month, 160 million Americans will see tax increases, millions more will lose their unemployment benefits, and seniors across the Nation will have access to their doctors put at risk by cuts to Medicare payments. The American people deserve better. Families need unemployment benefits and a payroll tax cut to put food on their tables and to keep roofs over their heads.

Let's do the right thing. Let's end tax breaks for millionaires and billionaires, and let's work to strengthen the middle class. We can't wait for another last-minute fix. Let's extend the payroll tax cut, unemployment benefits, and the Medicare doc fix today.

#### □ 1210

#### FIXING THE FEDERAL DEFICIT

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute.)

Ms. HAYWORTH. Madam Speaker, this past week, I had the pleasure to visit Fryer Machine Systems in Patterson. New York, in our beautiful Hudson Valley, Congressional District 19. They have spent 30 years in the Hudson Valley making the big machines that make components for manufacturers around the world. A local employer, loads of potential being held back by nearly every aspect of Federal policy. Trade, environment, education, financial services, and health care all are burdening this great local business. But the number one problem that Mr. Frver would like us to fix here in the Federal Government is the Federal def-

So as we approach our work this year, I will bear this vividly in mind. We must have sympathy, respect, and a sense of awe for our hardworking, hardpressed taxpayers and job creators. They are the true engine—not the Federal Government. They are the true engine of growth and the ultimate purchaser and securer of our liberties.

### STUDENT LOANS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Madam Speaker, last month I submitted comments to the Consumer Financial Protection Bureau about the rising problem of student loan debt.

I've heard from many people in my State—students, former students, and parents—who are struggling to pay back student loans. We are asking our students to take on more debt than ever, and in this weak economy, it's hard to make the rising monthly payments. There has to be a better way.

Private student loans are part of the problem. They are one of the riskiest ways to pay for college, often with uncapped variable interest rates that hit those who are least able to afford them the hardest.

But the Federal student loan system also needs reform. Currently, borrowers are paying an interest rate of up to 8 percent, while homeowners refinancing their mortgages are often paying less than half of that. There is no reason that students and their parents should pay so much more for something that is as basic and essential as an education.

Madam Speaker, an affordable education should be a right for every family in America.

#### CLASS ACT REPEAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last Wednesday, the House passed the Fiscal Responsibility and Retirement Security Act of 2011, a bill which repeals a new program in the government health care takeover bill. During the health care debate, the President and congressional liberals said that this program would save taxpayers \$80 billion. However, now internal evidence reveals that the administration was aware that the program was a "recipe for disaster."

The 2,700-page ObamaCare bill was rammed through Congress, just like Cash for Clunkers. The President and his liberal colleagues included unworkable programs into an unpopular bill to gain enough votes for passage. The CLASS program is yet another example of how this administration supports programs that are political gimmicks, identified by Bill Walker as being a free ticket but no show.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### UNEMPLOYMENT BENEFITS

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Unless Congress acts, emergency unemployment benefits will run out on February 23 for 3 million Americans. We simply can't let that happen.

Congress has never before allowed benefits to expire when unemployment was higher than 7.2 percent. And with more than three applicants for every job opening, we must not turn our backs on Americans who want to work, are trying to work, but simply can't find a job.

We shouldn't demean them either by asking them to jump through hurdles to get the unemployment insurance

benefits that they've already paid for, such as getting drug tested or going back to high school after decades in the workforce.

Our economy is improving, thanks to the policies of this administration, but we have more to do. We need to extend unemployment benefits. It's good for American families, and it's good for America. Every dollar spent on UI benefits increases economic activity by \$2. That increases gross domestic product and creates jobs and creates a stronger economy that works for everyone.

History has taught us and economists warn us about the dangers of prematurely pulling the plug on policies that work. Let's extend unemployment insurance benefits for a full year.

## BUDGET OR BUST

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, I rise today to urge my colleagues to support a bill that I recently introduced, H.R. 3883, the Budget or Bust Act. My legislation would force the House and the Senate to pass a budget or else their salaries would be held hostage until they do.

It has been 1,015 days since the Senate last passed a budget. That is 1,015 days that Congress has shirked one of its most basic responsibilities, and they shouldn't be getting paid for their irresponsibility.

Next week, we'll see the President roll out his budget for 2013, which is not part of his constitutional job description. The Budget or Bust Act would restore the power of the purse to its rightful owner, which the Founding Fathers specifically gave to Congress, not to the President. Congress should be deciding how to spend taxpayer dollars, and the President should simply be implementing the budget and policy that Congress puts forward.

I urge my colleagues to support my Budget or Bust Act so that Washington is finally forced to pass a budget and live within its means like the rest of America does.

## EXTEND UNEMPLOYMENT BENEFITS

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, the deadline, again, to pass an extension of unemployment benefits is fast approaching. Last week, the numbers came out that our economy is on the mend, but we do still have a long way to go.

Unemployment benefits put money into the economy and serve as a lifeline for the millions of Americans who, through no fault of their own, have lost their job and cannot find work. These are benefits, by the way, that have been earned through years of hard work. They aren't giveaways.

If my friends on the other side of the aisle don't extend these benefits, 2.8 million Americans—including 491,000 Californians—will lose their lifeline, throwing their families into further despair and hampering our economic recovery.

We can't let this happen. Let's work together and pass these extensions of unemployment benefits for one full year.

#### HOUSE GOP JOBS PLAN

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, the facts don't lie: President Obama's policies have failed the American people and are making the economy worse.

Since the President took office, unemployment has been above 8 percent for 36 months, gas prices have doubled, the number of Americans having to rely on food stamps has climbed to an all-time high, while the number of new business startups has dropped to a 17-year low. Our national debt has reached \$15 trillion, greater than our entire economy, and just last week, the CBO projected that 2012 will bring us our fourth trillion dollar deficit in a row.

Because the President cannot run on his record, he has, regrettably, turned to the politics of envy and division.

House Republicans have a plan for America's job creators to help turn this economy around. It's time for the President and Senate Democrats to stop blocking our jobs bills and help us put Americans back to work.

## CYBERBULLYING

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, this piece of paper will never be the same. No matter how much you try, you can't remove the marks that are left behind. The paper may not have ripped, but once the damage is done, the scars remain.

I saw this idea on the Web site of a new organization formed in Ridgefield, Connecticut, Students Against Internet Discrimination, or SAID. SAID formed in response to anonymous bulies at Ridgefield High School who were using Twitter to attack other kids from behind a wall of anonymity.

Cyberbullying, kids using the Internet to intimidate, defame, or attack other kids, is a growing problem.

Sophie Needleman, a senior at Ridgefield High, decided to create an outlet online for the legions of supportive, helpful, and decent students to speak out and speak up. With a few friends, she started a Facebook group for Ridgefield students to counter the actions of the bullies. Within 48 hours, it had 1,000 concerned students and adults who wanted to show that bullying has no place in our schools.

I commend the students behind Students Against Internet Discrimination and the entire community of support behind this growing movement.

For every bully out there, there are hundreds of adults and other students who will support this effort and offer help. Seek out a group like SAID and join the effort to stop the despicable practice of cyberbullying.

#### □ 1220

#### GRAND CANYON AIR TOURISM

(Mr. QUAYLE asked and was given permission to address the House for 1 minute.)

Mr. QUAYLE. Madam Speaker, a couple of weeks ago, the President was in Florida and announced new tourism initiatives with a particular focus on increasing visits to U.S. natural treasures. Unfortunately, once again, his rhetoric doesn't match his actions.

For example, the National Park Service is currently considering new regulations to be implemented by the FAA that would further restrict air tours above the Grand Canyon National Park in an attempt to reduce aviation noise. If implemented, these regulations would devastate the Grand Canyon air tourism industry that is responsible for \$104.3 million in economic activity. It would reduce the industry's employment by 10 percent. Flight operations would go down 14.7 percent, and passenger volume would drop nearly 12.8 percent.

The Grand Canyon is a national treasure to us all, but 70 percent of the park is already off limits to flights, and the industry has already invested millions in quiet technology. This is yet another example of the administration's consistently inconsistent policies

The administration must stop needless regulations that will destroy jobs.

#### ACTIONS HAVE CONSEQUENCES: COPS FUNDING CRISIS

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. HOLT. Madam Speaker, let's put this in the category of actions have consequences.

Last year the City of Trenton was forced to lay off nearly one-third of its uniformed law officers. My State's capital now has the same number of police officers on the rolls as it did in 1932.

The city had hoped to reduce the number of layoffs through a grant from

the Community Oriented Policing Services program, the COPS program. That grant would have allowed Trenton to hire back 18 officers. Unfortunately, because Congress failed to fund properly the COPS program, Trenton got no money to rehire laid-off officers.

In the last year, almost 150 people have been shot within the city of Trenton compared with only 60 the year before. Street robberies, aggravated assaults, and burglaries are up alarmingly. Trentonians tell me these trends are continuing. Clearly, we need more money to rehire police. We need it now before more Americans lose their lives and suffer injury and property loss.

#### BUDGET AND JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the first Monday in February every year is supposed to be the day the President releases his budget, but this year the budget was delayed a week. Last year the budget was delayed a week also. The release date for the budget has been the same for decades, yet this administration seems to be incapable of completing their work on time.

Back when I was a high school teacher, turning in your work a week or two late meant you failed. Now is no time to fail on budgetary matters, not when we are \$15 trillion in debt and have deficits every year of more than a trillion dollars.

The Senate hasn't passed a budget in more than 1,000 days. We need a realistic plan to get our country back on track. When the House put forward a plan last year, it was met with an attack that the nonpartisan PolitiFact called "the lie of the year."

The Federal budget affects every American, especially those who are looking for jobs. Right now, uncertainty abounds and employers wonder whether destructive taxes will hold back growth.

Let's get back on a sound fiscal track. Let's end the uncertainty. Let's pass a budget on time again this year.

## $\begin{array}{c} \text{HONORING CONTRIBUTIONS MADE} \\ \text{BY RAYTHEON} \end{array}$

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to honor and recognize the contributions made by the hardworking men and women at the Raytheon Company.

Every day, the innovators at Raytheon strive to develop new technologies to defend our country and ensure the safety of our men and women in uniform. Raytheon, a defense research firm, employs 75,000 employees

throughout our country and 1,300 in the taxes on the middle class because a town of Portsmouth in my home district in Rhode Island.

taxes on the middle class because a small but very loud minority in their conference wanted to prove a point.

Raytheon's accomplishments were honored during Aviation Week's Annual Program Excellence Awards ceremony for its work to develop combat system software and mission system equipment for the next generation of surface combat ships—the DDG-1000 Zumwalt class destroyer. Aviation Week awarded Raytheon top honors in the category of system level production.

Raytheon's employees should take pride in the contributions they are making to our local economy and to ensuring the continued strength of the United States Navy.

I congratulate Raytheon on their impressive achievements.

#### RIGHTS OF CONSCIENCE

(Mr. GRIMM asked and was given permission to address the House for 1 minute.)

Mr. GRIMM. Madam Speaker, I rise today as a pro-life Catholic and as an American deeply concerned with the administration's ruling as part of the health care law to require the Catholic Church, Christian and other religious-affiliated organizations to offer health insurance that covers contraceptives and sterilizations, even though it is clearly in violation of their beliefs and the fundamental teachings of the church.

I stand with Cardinal-designate Timothy Dolan, president of the U.S. Conference of Catholic Bishops, when he said, "In effect, the President is saying we have a year to figure out how to violate our consciences" and turn our backs on thousands of years of church teachings.

Religious liberty has been sewn into the fabric of our exceptional Nation. The ability to exercise our religious beliefs free of government interference was part of the very reason our Founders came to America and is the very first right mentioned in the Bill of Rights.

The current administration's efforts to challenge the conscience and reproductive rights of the Catholic Church, or any other religion, will not and should not be tolerated. I urge the President to reconsider this rule and restore the church's religious freedom.

#### PAYROLL TAX CUT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to urge my Republican colleagues to end the game and to give certainty back to the American people.

Right before the holidays, my Republican colleagues threatened to raise

taxes on the middle class because a small but very loud minority in their conference wanted to prove a point. Now we're back at it again. They want to prevent \$1,500 from being in the hands of the middle class.

My fellow Democrats and I want to keep money in the hands of hardworking Americans by supporting the extension of the payroll tax holiday. We cannot afford to take more risks with the income of 160 million working Americans. In fact, the no-jobs agenda of the Republican Conference has pushed to continue tax cuts for the wealthiest of Americans while not giving breaks to working Americans and the middle class.

I ask my colleagues on the other side of the aisle if they will please come to the table for a strong and working middle class of America.

#### MILLIONS OF AMERICANS FIGHTING MANDATE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, I think that there are millions of Americans today, many American Catholics, who listened intently to the debate that took place on the ObamaCare bill. They weren't really sure about it, but they kept hanging on to a couple of things: If you like what you have, you can keep it, is what the President said. They have found out that's not the way it turned out.

Well, when it came to all of the guidelines that were coming from HHS, don't worry about these. They'll never be mandates. They're just going to be guidelines. They're there for information and instruction.

Well, that didn't come about either, because what has happened, the Catholic organizations and schools and hospitals are being mandated by the Federal Government to violate their religious beliefs and to meet the Federal mandate of providing contraceptives, abortion services, and sterilization services, all in the name of a health care policy.

This is something that needs to be reversed. I stand with the millions of Americans who are fighting this mandate.

### EXTEND PAYROLL TAX HOLIDAY

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, our constituents are saying: Here they go again. Don't they get anything right?

What they're talking about is the fact that the payroll tax, the extension of unemployment, and the extension of the SGR, that's all coming up again.

Again. After the fiasco of last December, you would have thought we learned our lesson.

Look at what the payroll tax means—160 million will risk losing. They'll have about a \$1,500 tax increase. For those in Hawaii, 700,000 will suffer a \$1,120 a year reduction. What are we doing?

The SGR will increase the cost to our elderly, a 27-percent reduction to their doctor. We call it in Hawaii our kapunas, those who are very important to us. Look at what we are risking for them.

Instead, the focus seems to be: How do we keep money for the ultrarich, that 1 percent? Think about it. The middle class can use the \$1,120 in Hawaii. Let's do it right.

#### □ 1230

#### SPEAK UP, AMERICA

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Well, I think I have some good news. Most Americans believe that when the Congress does not do what they want to happen that they can wait until Election Day, and then they remind us that we let them down. Certainly, I remember when this unemployment compensation and the holiday for taxpayers, as well as the payment of our doctors, was coming up a couple years ago, and it was almost Christmastime. Democrats really thought that, because of the Republican majority, and because they just felt that unemployed people getting compensation meant that wouldn't look for work, or that they weren't paying enough taxes, or that they didn't want to deal with the question of the doctors—but still, after all of this battle, when the American people spoke up, they didn't wait until Election Day. They got on the phone. They called their House Members, Republicans and Democrats. They called everybody to say that they could not afford a sharp increase in their payroll deductions.

So, do it again, because it really works. You're going to get these extensions. All you have to do is call and demand that you get what you deserve.

THE SMARTER APPROACH TO NUCLEAR EXPENDITURES (SANE) ACT

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Madam Speaker, America's nuclear weapons budget is locked into a Cold War time machine. It doesn't reflect our 21st century security needs. It makes no sense. It is insane. It's insane to spend \$10 billion building new plants to make uranium and plutonium for new nuclear bombs when we're cutting our nuclear arsenal and the plants we have now work just fine. It's insane that we're going to spend \$84 billion for up to 14 new nuclear submarines when just one submarine with 96 nuclear bombs on board can blow up every major city in Iran, China, and North Korea.

It's an insane strategy, but it's America's current plan. And that's why we need a SANE approach to our nuclear weapons budget. Today, I am introducing the SANE Act—the Smarter Approach to Nuclear Expenditures Act—with 34 of my colleagues. The SANE Act cuts \$100 billion in spending over the next 10 years on outdated, wasteful nuclear weapons programs over the next 10 years.

Let's cut new nuclear weapons, not the poor, the sick, the children, and the elderly of our country. Support and cosponsor the SANE Act.

#### REPUBLICAN HYPOCRISY

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute.)

Ms. CLARKE of New York. Madam Speaker, today we find ourselves in the unfortunate and familiar position of running out the clock on the American people.

The Republican majority seems to have no problem moving Heaven and Earth to preserve tax cuts for the wealthiest Americans. However, they seem content to allow taxes to rise for the working poor and middle class. The majority's orthodoxy that tax cuts solve every problem seems not to extend to those that need it the most. This tax hypocrisy has not gone unnoticed by the American people.

Madam Speaker, the 112th Congress has not passed one job-creating bill in the face of this stubbornly high unemployment. And instead of addressing the jobs crisis, they are continuing their assault on the unemployed by threatening to cut off aid to those who would rather have a job in the first place.

I urge the majority to put aside election-year politics and pass a long-term payroll tax extension and extend unemployment benefits, especially in light of their failure to address the need for more job opportunity.

## REPUBLICANS PLAY POLITICS WHILE PEOPLE ARE HURTING

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Madam Chair, the clock is ticking, Republicans are playing games, and people are hurting. Republicans care more about their singular goal of defeating Obama in November than helping people that are

hurting and helping the middle class. This latest chapter on the extension of unemployment benefit adds to an already sordid and sad story.

Last December, Republicans threatened to lay off over 1 million Americans by refusing to extend unemployment benefits. House Republicans are now pushing a plan that would reduce unemployment benefits for 3 million Americans who lost their jobs through no fault of their own. This plan is wrong. It's wrong for the middle class, and it's wrong for people who are trying to find jobs.

It is time that the Republican majority brought a real jobs plan to this floor that will create real jobs and put the American people to work. When they're working, our economy is fine. When they're working, our small businesses are fine. Rather than acknowledge these facts and these realities, Republicans in Congress seem intent on blaming the unemployed for unemployment.

#### ASSAULT ON RELIGIOUS LIBERTY

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, just a couple of weeks ago, this administration announced a position that amounts to an assault on religious liberty in this country. Their narrow definition of what constitutes religious action, religious belief, and whether or not the Federal Government can cause you to take actions against your own conscience is a serious matter that ought not to be determined by the Friday release of a decision made by the Secretary of Health and Human Services.

This is an issue that goes beyond the Catholic Church and Catholic institution. It goes to the essence of the First Amendment protections contained in the Constitution with respect to religious freedom. We had better understand exactly how important this issue is, and we had better understand how it has to be addressed directly and cannot be compromised by saying we're not going to take away your religious liberty for a year. That is not a compromise. That is a form of political extortion.

## IRAN'S NUCLEAR AMBITIONS

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Madam Speaker, even as we stand here today, the centrifuges continue to spin in Iran, and their illicit nuclear weapons program forges ahead.

Yet, they are more isolated today than they have ever been. I commend President Obama for his Executive order freezing the assets of the Central Bank of Iran and making it impossible to do business both with Iran and with the United States. I thank our Asian allies for reducing purchases of crude oil and slashing trade with Iran, and I commend our European allies, as well, for banning the import of Iranian crude. The Iranian economy is in shambles. As a result of these international efforts, its currency is plummeting and inflation is skyrocketing.

I urge my colleagues, our friends across the way in the Senate, to pass tighter sanctions still to tighten the economic noose on the ayatollahs and to force them to give up their illicit nuclear ambitions. We must stand with the Iranian people even as their human rights are crushed by the Revolutionary Guard. In their quest for democracy, we stand with them. Our efforts are paying off, Madam Speaker, we cannot let up.

EXPEDITED LEGISLATIVE LINE-ITEM VETO AND RESCISSIONS ACT OF 2012

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 540 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 540

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on the Budget and Representative Simpson of Idaho or his designee. After general debate the bill shall be considered for amendment under the fiveminute rule. In lieu of the amendments recommended by the Committees on the Budget and Rules now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-12. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question

in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time on the legislative day of February 9, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing securities trading based on non-public information.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

### □ 1240

#### GENERAL LEAVE

Mr. WOODALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend from Colorado (Mr. Polis), pending which I yield myself such time as I may consume.

I'm pleased to be down here with you today, Madam Speaker, because what we have an opportunity to do with this rule is bring another in a series of 10 fundamental reforms to the congressional budgeting process.

Today, House Resolution 540 provides a structured rule for consideration of H.R. 3521, the Expedited Line-Item Veto and Rescissions Act. And yet again today, with this rule we have made in order every single amendment by either Republicans or Democrats that was germane to the underlying legislation to give us an opportunity to make this bill better.

Now, to be fair, Madam Speaker, H.R. 3521 is another example of bipartisanship in this House. It was introduced and sponsored by both the Republican chairman of the Budget Committee, PAUL RYAN, and the Democratic ranking member, Mr. VAN HOLLEN, another opportunity of things that we can do here in this new Congress to bring common sense to our budgeting process.

It's a bipartisan attempt, Madam Speaker, to provide both Congress and the President with all of the tools necessary to get our fiscal challenges under control. It exemplifies what can happen here in this body when we're willing to listen to folks back home and come together to try to make a difference here in Congress.

In the 111th Congress, Madam Speaker, nondefense discretionary spending was increased by almost 25 percent. This Congress, this body, working with the Senate, increased nondefense discretionary spending by almost 25 percent. Now, if your constituents are like mine, Madam Speaker, had they had that budget around their family dinner table, they could have found some items that they could have done without. In exchange for not putting their children and their grandchildren further and further and further in the hole, further and further and further under the mountain of debt that this country has run up, they could have found some things to cut.

Now, Congress in the past has tried to pass a line-item veto, line-item vetoes that I would have opposed had I been in Congress, Madam Speaker, because they transferred our authority, our authority here in the U.S. House of Representatives, to the executive branch, I'm opposed to that.

What we have today is not that process of days of old, not that process that has been tossed out by the Supreme Court as a violation of our House prerogatives; but what we have today is an expedited rescissions process that allows the President of the United States to go through those budget bills, those appropriation bills, those funding bills, to say, When I see this, it doesn't pass the smell test, let me give the Congress one more shot at it; send it back to Capitol Hill, where we accept it or reject it in its entirety.

I confess, Madam Speaker, I'm not thrilled about involving this President in budgeting decisions any more than is absolutely necessary. But given the nature of our challenges, it's not about this President or the previous President or the next President. It's about the American people. It's about what are we going to do to fulfill our responsibilities to keep America strong. This is one of those bills, Madam Speaker, that will provide another arrow in the quiver of fiscal responsibility to this Nation, and I believe it's one whose time has come.

Yesterday, we saw another bill in this budget reform process. Last week, we saw two other bills in this budget reform process. Each are coming to the floor, Madam Speaker, in as open and honest a process as we can bring the American people into this budget process, to make Congress' budget process as open and honest as it can be. As a proud member of the Rules Committee, Madam Speaker, and of the Budget Committee, I am here today in strong support of this rule and in strong support of the underlying resolution.

With that, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank my colleague from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume. I rise today in opposition to this structured rule. This is yet another example of this Congress' remarkable ability to take commonsense measures and churn them, through partisan posturing, into measures that not only put in jeopardy broad, bipartisan support from this body, but significantly weaken them and reduce the quality of the work product for the American people.

This rule that we're debating does two things. We'll have the opportunity in a moment to talk about the Expedited Line-Item Veto and Rescissions Act, an underlying bill that I strongly support, one that would empower the President of the United States to use the line-item veto on unnecessary expenditures to help reduce our deficit, subject to an en masse approval vote of the United States Congress. It fundamentally addresses some of the constitutional flaws with a broad line-item veto, which has been attempted in the past, that many Governors currently wield.

So it's, I think, a good-faith effort by both sides to come to something that the American people think is common sense. Congress should not be able to force the President to spend money in areas that are unnecessary, that are earmarks, that are special interest expenditures. The President can then highlight those, bring them back to Congress, subject to an up-or-down vote.

The bigger problem with this rule is the other component of this rule, which prevents Members from offering amendments that would strengthen the STOCK Act—a very significant piece of reform legislation offered by Mr. WALZ and my Rules Committee colleague and ranking member, LOUISE SLAUGHTER, which I proudly cosponsor.

This bill, the STOCK Act, has been subject to a lot of media attention of late. It would ban insider trading in Congress, again, a commonsense approach and something that I think has broad, if not universal, support on both sides of the aisle.

But a little bit of history of how we got here and why this particular rule many on our side and I myself see as an attempt to water down many of the critical provisions of the STOCK Act and make it less meaningful in responding to the public outrage about perceived behaviors that can occur, both among the Members and the staff in this body, as well as on the executive side of government.

This bill has been introduced, the STOCK Act, by Representative SLAUGHTER for 6 years now. I've been a cosponsor since last year. It has rapidly picked up cosponsors in the last year, including close to 100 cosponsors from the other side of the aisle. It's a strong bipartisan piece of legislation with strong support.

## □ 1250

First, this bill, the STOCK Act, was blocked by the majority leader. Now

it's being rewritten behind closed doors and without the input of Mr. WALZ or Ms. SLAUGHTER. We don't know what this so-called STOCK Act will contain. We have reason to believe it will water down a number of provisions of the STOCK Act.

It's my understanding that at least the version of the STOCK Act released last night removed the requirement that political intelligence firms register as lobbyists. Now, what are political intelligence firms? They are firms that are hired by those who do financial transactions and effectively bet on stocks going up or down. Hedge funds, et cetera, would hire these political information firms to try to figure out, using their connections, what Members of Congress and, just as importantly, committee staff and staff members are thinking, and timing, with regard to hearings and the introductions of bills.

Now, in an open system, obviously, discussion among people is certainly fine, but the issue is whether they have to register as lobbyists. Lobbyists have a registration process that critically includes who their clients are to provide visibility and transparency into who their clients are.

Political intelligence firms do not need to register under current law. They would be required to register under the STOCK Act. But under the version, the weakening of the STOCK Act that Leader CANTOR posted to the Web site, they would no longer be required to register. In fact, specifically, from the Web page of a political intelligence firm, it says that they, in fact, relish this ability to operate in secrecy. Quoting from their Web site it says: "providing the service for clients who do not want their interest in an issue publicly known."

So again, there is this, I think, commonsense loophole that the American people are outraged over that allows people to avoid registering as lobbyists who are in the business of developing relationships with Members and their staffs for the purpose of seeking inside information for financial gain. And I would strongly recommend that any serious STOCK Act include a registration requirement around political intelligence firms.

We also won't have the opportunity in the House, as the Senate did, to make the STOCK Act stronger and to strengthen the bill through the amendment process. Under this particular version of this rule that we're debating, there will be zero, zero amendments allowed—no amendments from Republicans and no amendments from Democrats to strengthen the STOCK

Now, even the Senate, which is hardly known for its legislative efficiency, was able to consider amendments and get the bill done and passed because of its bipartisan support. We should do so in the House under an open process, or

even a controlled process, 10, 15, 20 unable to produce, cleaner, leaner amendments. spending bills. And I think it can be a

I know Members across both sides of the aisle have ideas about how to reduce the perceived inequities and conflicts of interest that exist, both among Members and appointees, and on the executive side of government. We owe nothing less to the American people.

So I am terribly disappointed that this rule will not allow for any strengthening of the STOCK Act and, quite to the contrary, actually deals it a severe weakening blow by removing political intelligence.

Furthermore, we don't know, at this point, what exactly will be in this STOCK Act that potentially could be under consideration tomorrow. Contrary to the promise that the Republican majority made to the American people about having time to read bills, it's my understanding that an initial version was posted last night. It's my understanding that a subsequent version weakening the STOCK Act was posted just an hour ago, which I don't think any of us have had the opportunity to read.

We fear that this could be changed again; and, yet, under this rule, this Congress could be called on to act on this tomorrow, to vote on this tomorrow, with no opportunity to strengthen the bill, no opportunity to prevent the watering down of the bill by the majority leader of this body, which is occurring behind closed doors as we speak.

Now, again, while I cannot support the rule for those reasons, I want to also discuss one of the underlying bills that this rule will bring to the House, which is the Expedited Line-Item Veto and Rescissions Act. This act is an important step, albeit a small step, a small but constructive step, towards the cause of deficit reduction and eliminating the wasteful spending and earmarks that have too often been the hallmark of this Congress and past Congresses.

Now, Members on both sides of the aisle have disagreements about this bill. When you have a bill that impacts legislative prerogative, that's likely to be the case. I know some are concerned about constitutionality, generally, of line-item veto bills. I believe that this bill was carefully crafted to take into account those valid constitutional arguments about the separation of powers and the prerogative of the legislative branch.

This legislation strikes the correct balance between the Framers' intent to place the power of the purse in the hands of Congress, which retains, under this bill, the ability to approve or disapprove of any Presidential line-item veto, with the need to cut out wasteful spending that piggybacks on larger, must-pass legislation which, whether it's an omnibus or an appropriations bill, we know that this body has been

unable to produce, cleaner, leaner spending bills. And I think it can be a constructive step to enlist the help of the President of the United States in removing unnecessary and indefensible pork from spending bills.

I would also add that this bill is a welcome change for many of the other so-called budget-reform bills that have been brought forward by the House Budget Committee. The House Budget Committee has brought forward bills to pretend that inflation doesn't exist. They've brought forward bills to have funny scoring, trick scoring, dynamic scoring, rather than the usual objective process of the Congressional Budget Office.

But you can't pretend the deficit away. You can't pretend the deficit away by assuming there's no inflation. You can't pretend the deficit away by putting in wacky numbers that are whatever you feel like, based on your biases.

So this bill is really the first budget bill that is a constructive step towards actually controlling spending, something that I've often heard Members of both parties pay lip service to, but this body has done relatively little to address that notable goal of budgeting our budget.

However, there's a lot more to do. I've always maintained, as have many on my side of the aisle, that rather than talking about balancing the budget, rather than talking about what we want to do, and rather than trying to change the rules, let's balance the budget. The supercommittee had an opportunity to do that with a balanced approach.

The President of the United States has called for a balanced approach to balance the budget. The President of the United States has convened the Simpson-Bowles Commission to outline specific plans around ending our budget deficit and returning our Nation to fiscal responsibility. That bill, from the Simpson-Bowles Commission, there were no bills that have been taken up by this body that would fundamentally address the very real budget problems that we face.

And to be clear, we cannot simply pass this Expedited Line-Item Veto and Rescissions Act and say, problem solved, game over, let's go home. A constructive step towards balancing our budget, yes, but a small step, a baby step, a potential step in the right direction, but one that, by no means, should get Congress out of the responsibility of acting responsibly in a balanced manner to balance our budget, right our fiscal ship, ensure the long-term integrity of Social Security and Medicare, and balance our budget deficit.

We need to use a balanced approach to budget challenges. The approach needs to be comprehensive and bipartisan. I would like to maintain some hope and optimism that perhaps the Expedited Line-Item Veto and Rescissions Act would be a small first step towards a larger collaboration between the two parties to tackle the issues of the day.

While not, in and of itself, the real progress we need to actually solve the budget item, the Expedited Line-Item Veto and Rescissions Act will assist lawmakers in targeting wasteful government spending. Unlike previous attempts at a line-item veto that have been ruled unconstitutional, the Expedited Line-Item Veto and Rescissions Act respects the careful system of checks and balances that our Framers established.

Under this bill, the President can highlight unjustified government spending that's wasteful, and the President can then identify those items, but it has to come back to Congress to affirmatively approve, by majority, any cancellation of expenditures in those areas. Let them be debated and defended on their merits, rather than slipped in to thousand-page bills in the dark of night.

Further, the President's withholding authority is limited. The President can only hold back on spending for 45 days after the appropriations bill has been enacted.

I think this bill can be a step towards putting our Nation on a path towards fiscal discipline and a balanced budget. I am aware that there are those on both sides that, for constitutional or legislative prerogative reasons, feel differently than I do. But I think a "yes" vote on the underlying bill would be a small positive step towards combating the runaway spending that has characterized not only this Republican Congress, but prior Congresses controlled by both parties.

I reserve the balance of my time.

## □ 1300

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to thank the gentleman for his kind words about the underlying bill.

I say with the utmost sincerity that here in my freshman term in Congress, one of the Members I have enjoyed working with the most is Mr. Polis. You can always count on him in the Rules Committee to say something unexpected. You can't pigeonhole him as to where he's going to be on things because he's thoughtful about all of the issues. And I would hope that he would find that to be one of the highest compliments we can pay to a Member, to find a thoughtful Member here in this body, and it's certainly been my pleasure to work with him.

I agree with him that we can't pretend the deficit away. We can't use wacky numbers, I think was his word, to wish the deficit away, though we do have a difference of opinion about where that pretending comes from and where the wacky numbers come from.

As a member of the Budget Committee, I will tell you that the steps we're taking this year are changing a historical process of pretending the deficit away, bringing in real accounting, changing a historical process of generating wacky numbers and bringing in new, honest accounting.

But I also want to say this, Madam Speaker. As folks come to the floor to talk about whether or not we're actually saving any money today, whether we're cutting the budget today, whether we're creating jobs today, this is a Budget Committee bill.

As a member of the Budget Committee, I wish it were in my authority to cut spending and create jobs, because, by golly, I've got to tell you, I could do it, bring bills to the floor on a regular basis to promote those ideas. But it's not within the Budget Committee's authority.

What is in the Budget Committee's authority to do is craft the most honest numbers possible to share with the American people to describe what it is that we're doing with their tax dollars day in and day out. That's exactly what this legislation is designed to do. That's exactly what the other nine pieces of budget reform legislation the Budget Committee is moving, what they are designed to do.

It is really with great pride, again, as a new member to the Budget Committee, to have my colleague from Colorado say such nice things about this bipartisan work, about the hope that this presents for us moving forward, and I, too, hope we'll be able to build on that progress.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield myself such time as I might consume.

If we defeat the previous question, I will offer an amendment to the rule to ensure that the House votes on the political intelligence provisions that are included in the STOCK Act written by Ms. SLAUGHTER and Mr. WALZ as a standalone bill. This bill will help shine sunlight onto political intelligence firms and require that they register as lobbyists. This provision already has the support of a majority of the Members of this body—285 Members, including 99 Republicans.

The fact that the Republican leadership has weakened and watered down the STOCK Act by stripping out this provision we'll be considering this week is both shameful and wrong. It's clear that this House needs to act, and it will be my hope that we defeat the previous question and I'm able to offer this amendment.

I am honored to yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Rules Committee and the sponsor of the STOCK Act.

Ms. SLAUGHTER. Madam Speaker, I thank my friend, my colleague, for yielding to me.

This is terribly important to me. I've spent 6 years of my life on this bill, so bear with me if I get a little emotional.

Today, I urge my colleagues to defeat the previous question so that we can strengthen the STOCK Act bill that has been weakened by House Republican leadership behind closed doors and in the dark of night. When writing their own version of the STOCK Act, Majority Leader CANTOR and House Republican leadership did not consult the bipartisan coalition that has championed this bill and, over the week, neither I nor Mr. WALZ were asked to contribute to the final product, nor was our leader consulted in any way. Despite championing the bill for 6 years, I was left completely out.

As a matter of fact, the way the bill is structured, I won't even have an opportunity to offer an amendment to put back the political intelligence piece, which I think is really the heart of the bill. The bill was changed from a bill to a suspension, which means that the minority will have neither the right of a motion to recommit or an opportunity to amend this bill in any way. That contrasts completely with what happened over in the Senate when Members of the Senate were allowed to present amendments to this bill, and many of them did it successfully.

But what we got here was a flawed bill last night and a need to reintroduce revised legislation earlier today. As a matter of fact, the bill they put out last night has already been superceded by one about 45 minutes ago, which shows you that if you write something in the dark of night, you may not know what you wrote.

Despite their many changes, the bill is weaker, not stronger, than before. The simple truth is that the bill introduced by House Republicans waters down government reform, particularly when it comes to regulating the political intelligence industry.

Political intelligence is the latest scheme to profit from the Halls of Congress. The industry profits to the tune of \$400 million annually, and that's all we know. That grew considerably this week from the information that we had previously. We don't even know where it is, but this is at least almost half a billion dollars a year. They glean valuable information and they sell that information to high-paying Wall Street clients.

None of my constituents are able to do anything like that. They have no prior information, and they expect their Congress to be more decent and with more integrity than to be doing that.

But like the lobbyists before them, political intelligence operatives use a proximity to power to serve high-paying clients. Unlike the lobbyists, they are nameless. Under the current law, they're not required to identify themselves as they go about their work. They're completely unregulated.

America knows all too well what happens when Congress and K Street meet in the dark. From Jack Abramoff to Tom DeLay, corruption can spread through the highest reaches of Congress without the proper controls, and we know it. But with the STOCK Act, we have a chance to be proactive and simply require—no big whoop—the operatives to register as a lobbyist so we know who they are.

This is not a radical idea, but over the last week the outcry from K Street has been deafening. Soon after they rang the alarm, the House Republican leadership locked themselves behind closed doors where they reworked my original legislation and removed the language that regulated the political intelligence community. We're now set to consider a bill that commissions a study on political intelligence, hardly the type of action that will restore America's faith in this institution.

Did House Republican leadership return to their Abramoff-era ways and put the needs of K Street before Main Street? We will never know, because we don't know who they are and what they're doing, but we know that they're doing something.

What we do know is that the regulation of the political intelligence community was supported by 285 Members of Congress who were cosponsors of our original bill, including 99 Republicans, to whom we are extremely grateful, and a bipartisan supermajority in the Senate. The bill, as you know, passed over there 96–3. What we do know is that after emerging from behind the closed doors, the bill introduced by Mr. CANTOR does nothing to regulate the political intelligence community.

The House leadership should have allowed this bill to be finalized in an open and transparent manner. It's that important. America is watching. I have never seen the editorial support or the outpouring of support like we have had on this measure. People want us to be doing this. It is really beyond my ken that we are doing this in such a hidden and weak way. But this has been allowed to come to the floor.

I'm confident that my 285 colleagues who supported the original STOCK Act would have passed the tough regulations for the political intelligence community.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I would be happy to yield an additional minute to the gentlelady from New York

Ms. SLAUGHTER. I thank the gentleman.

Instead, the majority continued their "my way or the highway" approach and shut out their colleagues and made partisan changes to a bipartisan bill. As a result, a bipartisan coalition in the House is left with one option: to reintroduce our political intelligence regulations by defeating the previous

question. Putting Main Street before K knowledge received through the virtue Street starts here. knowledge received through the virtue of working in this office is flat out,

I urge my colleagues to defeat the previous question, reinsert language to regulate a growing K Street industry, and make the STOCK Act as strong as it was when I introduced it 6 years ago.

### □ 1310

Mr. WOODALL. Madam Speaker, I yield myself such time as I may consume to say that I appreciate the gentlelady's work. I know that her effort on the STOCK Act comes from the heart. I disagree with a lot of the underlying crafting of that bill, but I know that the effort is to solve a very real problem and to solve it in a very genuine way, and I am grateful to her for that.

At this time, Madam Speaker, I would like to yield such time as he may consume to the gentleman from Florida, Sheriff NUGENT, one of my freshman colleagues, who also comes to this issue with a pure heart and who has an alternative proposal here in the House to prevent insider trading, of which I am a strong supporter. He is also my colleague and seatmate in the Rules Committee.

Mr. NUGENT. I want to thank my very good friend from the great State of Georgia (Mr. WOODALL) for the time. As he mentioned, we both sit on the Rules Committee.

Madam Speaker, today I rise in support of H. Res. 540, and the issue we are talking about is whether or not the American people can trust us.

Today, Congress has a job approval rating of—what?—10, 11, 12 percent. The American people are pretty sick of us, and I don't blame them. Ms. SLAUGHTER has been working on the STOCK Act bill for over 6 years, which is commendable. Yet it's unfortunate that it never came to the Democratic Congress when it had control. That's very unfortunate that she was never able to move it forward. If anything, as we move forward here, I am amazed that 13 percent of folks actually approve of the work we're doing. I can't believe there is even 1 percent.

It was only about a year ago that I was one of those people who was disappointed in this body, but my parents always taught me that, if you're not part of the solution, then you're part of the problem. So, sure enough, I ran for Congress, and the people of Florida's Fifth Congressional District put their trust in me to represent them.

One thing I promised the folks back home is that I was never going to use my service in the House of Representatives to enrich myself, which is why I turned down the congressional health benefits. That's why I introduced my bill, H.R. 981, the Congress is Not a Career Act, so that I could turn down the congressional pension that I am legally required to take. That's why I think that trading on any kind of insider

knowledge received through the virtue of working in this office is flat out, downright wrong. Anybody who uses his office to get rich and game the markets should go to jail. It's that simple. I've put people in jail for doing things that were illegal.

Madam Speaker, sometimes I wonder if folks right here in this very Chamber forget about what we're talking about. We're talking about the United States Congress. We're talking about the institution that makes up the first branch of government. We're talking about the people's branch. We're talking about the institution where men like Madison, Monroe, John Quincy Adams, JFK, and George H.W. Bush all served at one point or another in their careers.

This is an institution that ought to be held to the highest standards, an institution that I, at least, expect more from, and we're failing—we're failing our constituents; we're failing ourselves; and we're just outright failing.

What we need to do now is take deliberate steps towards making things better. We need to prove to the American people that we hear them and that they're right and that we're going to do better. One major step in the right direction would be in showing our commitment to ethics reform and in ensuring that we aren't using Congress as a way to line our own pockets.

As the Tampa Bay Times wrote in an editorial just this morning, the United States Congress needs to "finally address the exploitation of public office for individual financial gain." H. Res. 540 lets us bring that discussion to the floor of the House of Representatives, which is where it belongs.

I've gotten up here, Madam Speaker, and have spent a lot of time talking about honesty and of doing better, so here is my opportunity to be honest with everyone here and with everybody watching us at home.

If it were up to me, we wouldn't be voting on this bill that we'll be voting on tomorrow. As I see it, the STOCK Act we'll be voting on tomorrow has some problems. Transparency and openness mean that we'll be able to look at all of these problems and really think about if the benefits outweigh the costs. It means that we will be able to have a full and knowledgeable discussion about the STOCK Act on the floor of this House tomorrow.

But I've got to tell you that the process that got us to where we are today and where we're going tomorrow is just wrong. Thirty-eight pages isn't a long bill in congressional speak, but it's 38 pages that never went through the normal legislative process, and it's 38 pages that we didn't get an opportunity to amend. Since I'm being honest, there are better alternatives out there than the STOCK Act, which is what we're going to be voting on tomorrow.

One of those options is my bill, H.R. 3639, the Prevent Insider Trading by

Elected Officials Act. My bill is only 1½ pages long. It's quick; it's easy and to the point, and all elected officials both in the legislative branch and in the executive branch are required to put their stocks, bonds, securitieswhatever you have—into a blind trust. It's just that simple. If you don't know what you have, you can't trade it based on insider knowledge. That's what a blind trust is all about. My bill is 1½ pages, and there is no room for loopholes. Legislation up here is written by attorneys that sometimes only attorneys can understand, and there are loopholes in all of this.

If I had my way, the discussion we'd be having on the floor tomorrow wouldn't be about honest services provisions, IPO sales, or registering searchable mortgages and disclosures and whatnot online, but that's not my call. So we're here today, and at least we've gotten this far. I wish we were doing more.

This is the United States Congress we're talking about. When I was growing up, it was supposed to mean something, and I'm hoping it still does. If it does, then we need to be holding ourselves to the highest of standards. The American people ought to know that they can have faith in the people who are serving them here in Washington.

Do I think this is the very best step? No, I do not. Do I think it's better than the bill the United States Senate sent to us through that rushed process—a bill that has conflicting provisions and at its core doesn't, in fact, address the problem that the American people want fixed? No doubt about it.

I wish the Senate hadn't rushed the STOCK Act. I suspect HARRY REID just really needed a shiny object he could wave and point to, hoping he could distract the American people long enough to forget that it has been over 1,000 days since the United States Senate passed a budget. He has already promised that they wouldn't even have one for this next year. If not for the rush, then we probably wouldn't be forced into acting on this at such breakneck speed

Do I think that this is a discussion we must have and need to have? Absolutely. That's why I'm going to support this rule.

I'm being honest. I wish we'd done it differently, but we're here to work the will of the people, and that's the most important thing right now.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, I have to say, after hearing my colleague from Florida, I'm a little bit confused about where he stands.

Certainly, his arguments were many of the same arguments that I and others have been making. In fact, Ranking Member SLAUGHTER proposed in committee yesterday to strike suspensions authority specifically so the gentleman from Florida could offer his bill as an amendment to the bill and so we could have a discussion about this blind trust issue. I think that would have been a better way to have brought it to the floor.

Yet the gentleman from Florida voted "no" yesterday to the provision that he is effectively trying to argue for on the floor today. He concluded his remarks by confirming that he plans to vote for a rule that fundamentally doesn't allow him to do what he thinks needs to be done to restore ethics and integrity to this body.

So I think that that is an example of the type of contradictions that we're hearing, but I would urge the gentleman to be convinced by his own arguments so that he might join me in opposing the previous question and in opposing the rule.

Madam Speaker, it is my honor to yield 2½ minutes to the gentleman from Minnesota, an original sponsor of the STOCK Act, Mr. WALZ.

Mr. WALZ of Minnesota. I thank the gentleman from Colorado for yielding.

As the American people watch us here, the previous gentleman from Florida was right in that the frustration levels are as high as they've been with this sacred institution, with this idea of self-governance. It would be a lot easier if we didn't have to go through all of this.

I hear some of my constituents sometimes say, We need to get rid of some of you Members of Congress. There are too many of you.

I say, Why think small? Get rid of all of us and name a king. Then we don't have to do a dang thing, do we? They can think for us.

## □ 1320

The idea is coming here together to self-govern ourselves. And the gentleman and all the speakers were right: It's about the integrity of this institution. It will be here, and it will stand when we are long gone and forgotten. Our children will inherit this place and the things that happen here. The integrity of this institution stands above all else. That's why when I walked through this door, coming out of a classroom in Mankato, Minnesota, after a career in the military and in teaching, I was approached by Louise SLAUGHTER who said, You were sent here to do things differently. It's about making this place work, and I've got a bill for you. And for 5 years, Louise and I and seven others have tried to make this case. So I am pleased today that it's here.

It's not perfect. As one of our former colleagues, Dave Obey, used to say, Of course it's not perfect. You'll get perfect in heaven. And this place is a lot closer than hell, so let's take a compromise. Let's get something done for the American public that restores their trust, and then lets move on to debate

the important issues of employment, of caring for our veterans, of educating our children, of securing our Nation.

LOUISE SLAUGHTER has been there every step of the way. This was not a twelfth-hour comeback to the right-eousness thing. LOUISE has lived this way. When she says this issue of political intelligence and gathering here is undermining our markets and our trust, she knows something about it.

We're going to make a compromise. We're going to move a piece of legislation forward that is a step on a journey, not a destination. It is a quest towards a more perfect union. This is one small step.

This is the only place in the world where doing something right lets us pat ourselves on the back. This is what Americans do every day. We need to assure them we're there.

But this offering of adding this piece is all part of the bigger puzzle. I am in full support. I am proud to serve with the gentlelady from New York. She has been a champion. And it's not about our political differences.

I thank all the Members here who spoke eloquently about restoring faith in this. The public wants us to come here and debate differences for the direction of our country. They don't want us to tear each other down, and they don't want us to game the system.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend for his kind comments. I know that Mr. WALZ and Ms. SLAUGHTER have been working for years and years on this proposal. And again, I have some issues with this proposal. I do believe that there are some better options out there. But I must speak up on behalf of the leadership in this House.

For Congress after Congress after Congress, Ms. SLAUGHTER labored to bring this bill to the floor, labored to bring this bill to the floor to no avail, to no avail, through 4 years of democratically controlled Congresses—folks who have the deepest respect and admiration for the gentlelady and her legislation—failed to bring this legislation to the floor. And the rule we have here today does. It does. It's not the only way to bring this legislation to the floor. It's not even a requirement that the legislation come to the floor in this way. But what this rule does is it provides the first opportunity that this Congress has had to vote on the STOCK Act. Madam Speaker, that's not a topic for the gnashing of teeth. That's a topic for the clapping of hands.

If you believe in this bill, if you believe, as Mr. WALZ said, that this may not be the end-all/be-all, but it's a step in that direction, if we can move a little today and a little tomorrow and a little beyond that to ultimately get to where we need to be, this is a step in the right direction.

As a member of the Budget Committee, Madam Speaker, it just happens to be my privilege that that opportunity was attached to the bottom of a budget rule because the truth is. the reason we are here today is not to talk about the STOCK Act and not to talk about ethics reform but to talk about budget process reform, budget process reform that was reported out of the Budget Committee in a bipartisan way, budget process reform that was sponsored by both the Republican chairman of the Budget Committee and the Democratic ranking member of the Budget Committee—budget process reform that makes sure that every little piece of the United States budget, every topic in an appropriations bill, doesn't just get examined in committee, doesn't just get examined on the House floor, doesn't just get examined at the White House, but gets examined one more time for those things that just don't pass the smell test, by coming back to this body for an up-ordown vote on that rescission.

I would inquire of my friend from Colorado if he hasany speakers remaining?

Mr. POLIS. Yes, I do. I have one further request for time.

Mr. WOODALL. I reserve the balance of my time.

Mr. POLIS. It's my honor to yield 2 minutes to the gentlewoman from

Texas (Ms. Jackson Lee). Ms. JACKSON LEE of Texas. I'm al-

ways in awe at the gentleman from the Rules Committee who has just spoken so eloquently about consensus and coming together. I've seen him in action in the Rules Committee. And certainly we thank the members of the Rules Committee for their service. We know that his history brings him here after being a staffer, so he knows this institution. He knows where all the bathrooms are. He knows about how much good we can do. I'm grateful for him acknowledging our friends, Congresswoman Slaughter and Mr. Walz, who have been working and, of course, who wanted to have their bill come forward in a way that would be transparent and to have the opportunity for all facets of this bill to be understood. So I thank the gentleman from Colorado (Mr. Polis) for his leadership. So it begs the question of how we have the cloak-and-dagger midnight legislation trick that really is not befitting of this carefully drawn initiative.

Let me share with my colleagues why I am so concerned about good work that should be presented as good work. At this moment, we are trying to make sure that no one has insider trading. And if we had a sledgehammer here, we would go around and make sure to stamp it out. But we are doing it through legislation, and you can't do it by legislation and half-fix it. We can't misrepresent to our colleagues and the American people.

Right now, the language that was in Ms. SLAUGHTER's bill dealing with political intelligence firms that have grown dramatically over the last few decades and are now a \$100 million industry and are sharing moneys and resources and information, intel, with Wall Street every single day, and investors who are unfairly profiting at the benefit or the loss of the American people-

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield a total of 1 additional minute to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Some single mother, some hardworking parents are being taken advantage of because they—our friends on the other side—have taken language out that would deal with the transferring of political intelligence by political insiders.

We need to be able to vote "no" on the previous question to allow this language to come up. And it's a closed rule, and it's by suspension. For those of you who know that, nobody gets a chance to do anything. It's a super majority. Then to add insult to injury, they've got an expedited veto bill in here that would take away the powers of the three branches of government, slam the Congress that should be here doing its work—that's what you asked us to come here to do-and allow this expedited veto to go forward and to undermine the give-and-take of the three branches of government, which is what the Constitution asks us to do.

I would ask us to vote "no" on turning the lights out and using dagger politics to keep the American people from knowing what is going on. I ask for a "no" on this vote.

Mr. WOODALL. Madam Speaker, I would inquire of my friend if he has any further requests for time.

Mr. POLIS. I am prepared to close.

Mr. WOODALL. I'm prepared to close as well.

The SPEAKER pro tempore. The gentleman from Colorado has 3½ minutes remaining.

Mr. POLIS. Madam Speaker, I yield myself the remainder of my time.

The Expedited Line-Item Veto and Rescissions Act is a fiscally sound way for both Congress and the President to reduce wasteful government spending and ensure that American taxpayer dollars are spent wisely. This legislation will help in a small way to address our budget crisis. Again, I want to be clear that the Expedited Line-Item Veto and Rescissions Act does not solve our deficit, does not restore fiscal discipline and fiscal integrity to our country, but is a step in the right direction that will produce savings that will all be applied to deficit reduction under this bill.

□ 1330

The bill is a balanced measure, and I know that there is some support and opposition from both sides of the aisle. I encourage my colleagues to seriously consider supporting this small, but important, step forward.

The country's budget situation is dire. The supercommittee's failure and the threat of sequestration underscores the need to address our fiscal policies head on. The worst possible outcome is that we pat ourselves on the back and say "job well done" while this country faces record deficits of trillions of dollars over the next 10 years.

We need a big and balanced budget compromise to reduce our Nation's debt. Passing the bipartisan Expedited Line-Item Veto and Rescissions Act will be a small step and keep us on track to help restore fiscal integrity to our country: but we need to remind ourselves that it is only a small first step toward addressing our budget problem.

I urge my colleagues on both sides of the aisle to extend the unemployment insurance and middle class tax cuts to reach a big, bold, and balanced solution to our Federal budget situation along the lines of the President's commission.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I urge my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WOODALL, Madam Speaker, I yield myself such time as I may consume.

It really is a source of pride for me as a Budget Committee member to be a part of this. This is an effort, much like the STOCK Act, that did not begin in this Congress. The Expedited Line-Item Veto is an effort that has been going on for almost two decades here in this body. And previous attempts, Madam Speaker, I would argue, were in fact an unconstitutional delegation of our responsibility here in the House to legislate delegating that responsibility to the President.

This underlying bill, however, looks less like a line-item veto and more like an expedited rescission, rescission authority that the President already has today, but ensures that when that rescission is presented, it actually gets a vote here on the House floor.

If these were wonderful economic times, Madam Speaker, I don't know if I would be as enthusiastic about this legislation, but these are dire economic times. Our budget challenges here have

grown exponentially in my life time. And I think we must pull out every single stop that we can to make the situation better. Whether a little or whether a lot, every single opportunity we must seize. And this is one of those. I so appreciate, again, the work of Chairman RYAN and Ranking Member VAN HOL-LEN in bringing this forward.

But I would be remiss, Madam Speaker, if given all of the talk about the STOCK Act today, I didn't speak up just a little on behalf of my colleagues. I have served now 13 months as a Member of Congress. I see good and decent, hardworking men and women trying to do the very best that they can for their Nation. I see men and women from different parts of the country whose constituencies have different hopes and dreams, and those Members coming here to advocate for those hopes and dreams as best as they can. And I see a population back home that has lost all faith in those good men and women here in this body. And I wonder what we do here in this body to perpetuate that stereotype.

You know, the STOCK Act, Madam Speaker, has been characterized colloquially as the prevent-insidertrading-by-Members-of-Congress as if, as if Members of Congress are allowed to participate in insider trading today. And they are not. Insider trading was against the law yesterday, it was against the law a week ago, it was against the law a year ago, and it will still be against the law tomorrow. Do not let your constituents, Madam Speaker, believe for a minute that you have a right to insider trade when they don't. The laws of the land apply to us as well, and we owe it to this institution and we owe it to our constituents back home to tell them they are not being represented by a bunch of thieves and scoundrels, but they are being represented by their neighbors. Can we do even more? Must we do even more? We must.

Thirty-eight pages in the STOCK Act of new criminal regulations, new sanctions. If you got bribed last week, you're going to go to prison for a number of years. If you get bribed next week, you're going to go to prison for more years. Folks, don't get bribed. It was wrong yesterday; it is wrong tomorrow. It's not more wrong because we're deciding this here today.

We have a responsibility to do the job we have been entrusted to do, and we must punish the bad actors in this body, but we cannot let our constituents back home believe that this body cannot be saved. We cannot let our constituents back home believe that this body is being operated by folks who breach the public trust. We do America a disservice, Madam Speaker, when we allow that contention to go unchallenged.

Are there bad apples here in this Congress? I don't know if they are here today. I know they have been here in years past. And we've sent those folks to prison. There are bad apples in my church; we've sent those folks to prison, too.

This body is only as good as the American voter back home. And I tell you, Madam Speaker, if your district is like my district, the American voter back home is spectacular. The American voter back home is a man or woman of integrity. The American voter back home is a person with hopes and dreams for a better America tomorrow than we have today. We can deliver that on their behalf. We are the voice of those hopes and dreams in this body.

The kind of bipartisan work that we've done on the Expedited Line-Item Veto and Rescissions Act, I say that is exemplary. My colleague who chuckles, Madam Speaker, has been here longer than I. He's been here longer than I. I don't believe he's beyond saving, though. I think we can convince him that it's not a laughable matter to work together, that it's actually something that folks do. And I'm optimistic to be the carrier of that message today and tomorrow.

With that, let me again urge strong support for the rule. The rule both allows the Expedited Line-Item Veto bill to come to the floor, as well as provides an opportunity for the very first time a vote on the STOCK Act here in this body. I rise in strong support of that rule and in strong support of the underlying provision.

The material previously referred to by Mr. Polis is as follows:

AN AMENDMENT TO H. RES. 540 OFFERED BY MR. POLIS OF COLORADO

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text specified in section 5, which will bear the title "to provide for disclosure of political intelligence activities under the Lobbying Disclosure Act". The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided between the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV,

resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4 Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

SEC. 5. The text referred to in section 3 is as follows:

#### SEC. 1. DISCLOSURE OF POLITICAL INTEL-LIGENCE ACTIVITIES UNDER LOB-BYING DISCLOSURE ACT.

(a) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended-

(1) in paragraph (2)—

- (A) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and
- (B) by inserting after "lobbyists" the following: "or political intelligence consultants": and
- (2) by adding at the end the following new paragraphs:
- (17) POLITICAL INTELLIGENCE ACTIVITIES.-The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, re-search, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

(18) POLITICAL INTELLIGENCE CONTACT.

- (A) DEFINITION —The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to-
- "(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);
- "(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or
- "(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or li-
- "(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.
- "(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entitv
- "(20) Political intelligence consult-ANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.
- (b) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended-
  - (1) in subsection (a)—
  - (A) in paragraph (1)—
- (i) by inserting after "whichever is earlier," the following: "or a political intelligence consultant first makes a political intelligence contact,"; and
- (ii) by inserting after "such lobbyist" each place that term appears the following: "or consultant":

- (B) in paragraph (2), by inserting after "lobbyists" each place that term appears the following: "or political intelligence consultants"; and
  - (C) in paragraph (3)(A)-
- (i) by inserting after "lobbying activities" each place that term appears the following: "and political intelligence activities"; and
- (ii) in clause (i), by inserting after "lobbying firm" the following: "or political intelligence firm":
  - (2) in subsection (b)—
- (A) in paragraph (3), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities";
  - (B) in paragraph (4)-
- (i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities"; and
- (ii) in subparagraph (C), by inserting after "lobbying activity" the following: "or political intelligence activity"
- (C) in paragraph (5), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities";
- (D) in paragraph (6), by inserting after "lobbyist" each place that term appears the following: "or political intelligence consultant": and
- (E) in the matter following paragraph (6), by inserting "or political intelligence activities" after "such lobbying activities";
- (3) in subsection (c)-
- (A) in paragraph (1), by inserting after "lobbying contacts" the following: "or political intelligence contacts"; and
  - (B) in paragraph (2)—
- (i) by inserting after "lobbying contact" the following: "or political intelligence contact"; and
- (ii) by inserting after "lobbying contacts" the following: "and political intelligence contacts"; and
- (4) in subsection (d), by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"
- (c) REPORTS BY REGISTERED POLITICAL IN-TELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—
- (1) in subsection (a), by inserting after "lobbying activities" the following: "and political intelligence activities";
  - (2) in subsection (b)—
  - (A) in paragraph (2)—
- (i) in the matter preceding subparagraph (A), by inserting after "lobbying activities" the following: "or political intelligence activities";
- (ii) in subparagraph (A)-
- (I) by inserting after "lobbyist" the following: "or political intelligence consultant"; and
- (II) by inserting after "lobbying activities" the following: "or political intelligence ac-
- (iii) in subparagraph (B), by inserting after "lobbyists" the following: "and political intelligence consultants"; and
- (iv) in subparagraph (C), by inserting after "lobbyists" the following: "or political intelligence consultants";
  - (B) in paragraph (3)—
- (i) by inserting after "lobbying firm" the following: "or political intelligence firm";
- (ii) by inserting after "lobbying activities" each place that term appears the following: "or political intelligence activities"; and
- (C) in paragraph (4), by inserting after "lobbying activities" each place that term

- ligence activities"; and
- (3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting "or a political intelligence consultant" after "a lobbvist".
- (d) DISCLOSURE AND ENFORCEMENT —Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—
- (1) in paragraph (3)(A), by inserting after 'lobbying firms'' the following: ", political intelligence consultants, political intelligence firms.":
- (2) in paragraph (7), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm"; and
- (3) in paragraph (8), by striking "or lobbying firm" and inserting "lobbying firm, political intelligence consultant, or political intelligence firm''
- (e) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking "or lobbying contacts" and inserting "lobbying contacts, political intelligence activities, or political intelligence contacts"
- (f) IDENTIFICATION OF CLIENTS AND COVERED Officials.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended-
  - (1) in subsection (a)-
- (A) in the heading, by inserting "or Political Intelligence" after "Lobbying":
- (B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears; and
- (C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity";
- (2) in subsection (b)—
- (A) in the heading, by inserting "or Political Intelligence" after "Lobbying";
- (B) by inserting "or political intelligence contact" after "lobbying contact" each place that term appears: and
- (C) in paragraph (2), by inserting "or political intelligence activity, as the case may be" after "lobbying activity"; and
- (3) in subsection (c), by inserting "or political intelligence contact" after "lobbying contact".
- (g) ANNUAL AUDITS AND REPORTS BY COMP-TROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended-
  - (1) in subsection (a)-
- (A) by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms"; and
- (B) by striking "lobbying registrations" and inserting "registrations";
- (2) in subsection (b)(1)(A), by inserting "political intelligence firms, political intelligence consultants," after "lobbying firms";
- (3) in subsection (c), by inserting "or political intelligence consultant" after "a lobbvist''.

## SEC 2 EFFECTIVE DATE

This Act and the amendments made by this Act shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

appears the following: "or political intelmerely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WOODALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 240, nays 184, not voting 9, as follows:

## [Roll No. 43] YEAS-240

	YEAS-240	
Adams	Franks (AZ)	Matheson
Aderholt	Frelinghuysen	McCarthy (CA)
Amash	Gallegly	McCaul
Amodei Austria	Gardner Garrett	McClintock McCotter
Bachmann	Gerlach	McHenry
Bachus	Gibbs	McKeon
Barletta	Gibson	McKinley
Bartlett	Gingrey (GA)	McMorris
Barton (TX)	Gohmert	Rodgers
Bass (NH)	Goodlatte	Meehan
Benishek Berg	Gosar Gowdy	Mica Miller (FL)
Biggert	Granger	Miller (MI)
Bilbray	Graves (GA)	Miller, Gary
Bilirakis	Graves (MO)	Mulvaney
Bishop (UT)	Griffin (AR)	Murphy (PA)
Black	Griffith (VA)	Myrick
Blackburn	Grimm Guinta	Neugebauer Noem
Bonner Bono Mack	Guinta	Nugent
Boren	Hall	Nunes
Boustany	Hanna	Nunnelee
Brady (TX)	Harper	Olson
Brooks	Harris	Palazzo
Broun (GA)	Hastings (WA)	Paulsen
Buchanan Bucshon	Hayworth Heck	Pence Peterson
Buerkle	Hensarling	Petri
Burgess	Herger	Pitts
Burton (IN)	Herrera Beutler	Platts
Calvert	Huelskamp	Poe (TX)
Camp	Huizenga (MI)	Pompeo
Campbell	Hultgren	Posey
Canseco Cantor	Hunter Hurt	Price (GA) Quayle
Capito	Issa	Reed
Carter	Jenkins	Rehberg
Chabot	Johnson (IL)	Reichert
Chaffetz	Johnson (OH)	Renacci
Coble	Johnson, Sam	Ribble
Coffman (CO) Cole	Jones Jordan	Rigell Rivera
Conaway	Kelly	Roe (TN)
Cravaack	Kind	Rogers (AL)
Crawford	King (IA)	Rogers (KY)
Crenshaw	King (NY)	Rogers (MI)
Culberson	Kingston	Rohrabacher
Davis (KY)	Kinzinger (IL) Kline	Rokita
Denham Dent	Labrador	Rooney Ros-Lehtinen
DesJarlais	Lamborn	Roskam
Diaz-Balart	Lance	Ross (AR)
Dold	Landry	Ross (FL)
Dreier	Lankford	Royce
Duffy	Latham	Runyan
Duncan (SC)	LaTourette	Ryan (WI)
Duncan (TN) Ellmers	Latta Lewis (CA)	Scalise Schilling
Emerson	LoBiondo	Schmidt
Farenthold	Long	Schock
Fincher	Lucas	Schweikert
Fitzpatrick	Luetkemeyer	Scott (SC)
Flake	Lummis	Scott, Austin
Fleischmann Fleming	Lungren, Daniel E.	Sensenbrenner Sessions
Flores	Mack	Shimkus
Forbes	Manzullo	Shuler
Fortenberry	Marchant	Shuster
Foxx	Marino	Simpson

Smith (NE) Whitfield Tiberi Smith (NJ) Tipton Wilson (SC) Turner (NY) Smith (TX) Wittman Southerland Turner (OH) Wolf Stearns Upton Womack Walberg Stivers Woodall Stutzman Walden Yoder Sullivan Walsh (IL) Young (AK) Terry Webster Young (FL) Thompson (PA) West Young (IN) Thornberry Westmoreland

## NAYS-184 Garamendi

Neal

Ackerman

Altmire GonzalezOlver Andrews Green, Al Owens Green, Gene Pallone Raldwin Grijalya Pascrell Barrow Gutierrez Pastor (AZ) Bass (CA) Hahn Pelosi Becerra. Hanabusa. Perlmutter Berkley Hartzler Peters Hastings (FL) Berman Pingree (ME) Bishop (GA) Heinrich Polis Bishop (NY) Higgins Price (NC) Bonamici Himes Quiglev Boswell 1 Hinchey Rahall Brady (PA) Hinojosa Rangel Braley (IA) Hirono Reves Brown (FL) Hochul Richardson Holden Butterfield Richmond Capps Holt Rothman (NJ) Capuano Honda Roybal-Allard Cardoza Hoyer Ruppersberger Carnahan Inslee Rush Carney Israel Carson (IN) Ryan (OH) Jackson (IL) Castor (FL) Jackson Lee Sánchez, Linda Chandler T. (TX) Johnson (GA) Sanchez, Loretta Cicilline Johnson, E. B. Sarbanes Clarke (MI) Schakowsky Kaptur Clarke (NY) Keating Schiff Clav Kildee Schrader Cleaver Kissell Schwartz Clyburn Kucinich Scott (VA) Cohen Langevin Scott, David Connolly (VA) Larsen (WA) Serrano Conyers Larson (CT) Sewell Cooper Lee (CA) Sherman Costa Levin Sires Lewis (GA) Costello Slaughter Courtney Lipinski Smith (WA) Critz Loebsack Speier Crowley Lofgren, Zoe Stark Cuellar Lowey Sutton Cummings Luján Thompson (CA) Davis (CA) Lynch Thompson (MS) Davis (IL) Malonev Tierney DeFazio Markey Tonko DeGette Matsui Towns DeLauro McCarthy (NY) Tsongas Deutch McCollum Van Hollen Dicks McDermott Velázquez Dingell McGovern Visclosky McIntyre Doggett Donnelly (IN) Walz (MN) McNerney Doyle Meeks Wasserman Schultz Edwards Michaud Waters Miller (NC) Ellison Watt Engel Miller, George Eshoo Moore Waxman Welch Farr Moran Wilson (FL) Filner Murphy (CT) Frank (MA) Nadler Woolsey Napolitano Yarmuth Fudge

## NOT VOTING-9

Pavne

Pearce

Blumenauer Paul Roby □ 1402

Cassidy

Fattah

Akin

Alexander

Messrs. HOYER, LANGEVIN, BOS-WELL, Ms. WATERS, and Mr. KUCI-NICH changed their vote from "yea" to "nay."

Mr. GRIMM changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 175, not voting 20, as follows:

# [Roll No. 44]

## YEAS-238

Adams Gibbs McMorris Aderholt Gibson Rodgers Alexander Gingrey (GA) Miller (FL) Amash Miller, Gary Gohmert Mulvaney Murphy (PA) Amodei Goodlatte Austria Gosar Bachmann Myrick Gowdy Bachus Neugebauer Granger Barletta Graves (GA) Noem Bartlett Nugent Graves (MO) Barton (TX) Griffin (AR) Nunnelee Olson Bass (NH) Griffith (VA) Benishek Palazzo Grimm Berg Paulsen Guinta Biggert Pearce Guthrie Bilbray Pence Hall Bilirakis Perlmutter Hanna Bishop (UT) Petri Harper Black Pitts Harris Blackburn Platts Hartzler Poe (TX) Bonner Hastings (WA) Bono Mack Pompeo Havworth Posey Price (GA) Boren Heck Boustany Hensarling Brady (TX) Quayle Herger Brooks Quigley Hochul Broun (GA) Reed Huelskamp Buchanan Rehberg Huizenga (MI) Bucshon Reichert Hultgren Buerkle Renacci Hunter Burgess Ribble Hurt Burton (IN) Rigell Issa. Calvert Rivera Jenkins Camp Roe (TN) Johnson (IL) Campbell Rogers (AL) Johnson (OH) Rogers (KY) Canseco Johnson, Sam Cantor Rogers (MI) Jones Rohrabacher Capito Jordan Carter Rokita Kelly Chabot Rooney Ros-Lehtinen Chaffetz King (IA) Coble Roskam King (NY) Coffman (CO) Ross (AR) Kingston Conaway Ross (FL) Kinzinger (IL) Cravaack Royce Kissell Crawford Runvan Kline Crenshaw Ryan (WI) Labrador Culberson Scalise Lamborn Davis (KY) Schilling Lance Denham Schmidt Landry Dent Schock Lankford DesJarlais Schweikert Latham Diaz-Balart Scott (SC) LaTourette Dold Scott, Austin Latta Donnelly (IN) Sensenbrenner Lewis (CA) Dreier Sessions LoBiondo Duffv Shimkus Long Duncan (SC) Shuster Lucas Duncan (TN) Simpson Luetkemeyer Ellmers Smith (NE) Emerson Lummis Smith (NJ) Lungren, Daniel Farenthold Smith (TX) Fincher E. Southerland Mack Fitzpatrick Stearns Manzullo Flake Stivers Marchant Fleischmann Sullivan Marino Terry Fleming Matheson Thompson (PA) Flores McCarthy (CA) Forbes Thornberry Tiberi Fortenberry McCaul Foxx McClintock Tipton Frelinghuysen Turner (NY) McCotter Gallegly McHenry Turner (OH) Gardner McIntyre Upton Garrett McKeon Walberg Gerlach Walden

Walsh (IL) Webster West Westmoreland Whitfield

Wilson (SC) Wittman Wolf Womack Woodall

Yoder Young (FL) Young (IN)

Olver

Owens

Pelosi

Peters

Rahall

Rangel

Reyes

Rush

Peterson

Price (NC)

Richardson

Rothman (NJ)

Roybal-Allard

Sánchez, Linda

Sanchez, Loretta

Richmond

Ryan (OH)

Sarbanes

Schiff

Schrader

Schwartz

Serrano

Sherman

Slaughter

Smith (WA)

Thompson (CA)

Thompson (MS)

Shuler

Sires

Stark

Sutton

Tiernev

Tonko

Towns

Tsongas

Van Hollen

Velázquez

Visclosky

Walz (MN)

Wasserman

Schultz

Wilson (FL)

Young (AK)

Waters

Waxman

Woolsey

Yarmuth

Watt

Welch

Scott (VA)

Scott, David

Schakowsky

Pingree (ME)

Pallone

Pascrell

Pastor (AZ)

## NAYS-175

Fudge Ackerman Altmire Garamendi Andrews Gonzalez Green, Al Ba.ca. Green, Gene Baldwin Barrow Grijalya Bass (CA) Gutierrez Becerra Hahn Berkley Hanabusa. Hastings (FL) Berman Bishop (GA) Heinrich Bishop (NY) Higgins Bonamici Himes Hinchey Boswell Brady (PA) Hinojosa Braley (IA) Hirono Brown (FL) Holden Capps Holt. Capuano Honda Cardoza Hoyer Carnahan Inslee Israel Carney Carson (IN) Jackson (IL) Castor (FL) Jackson Lee Chandler (TX) Cicilline Johnson (GA) Clarke (MI) Johnson, E. B. Clarke (NY) Kaptur Clay Keating Cleaver Kildee Kucinich Clyburn Cohen Langevin Connolly (VA) Larsen (WA) Convers Larson (CT) Cooper Lee (CA) Costa Levin Lewis (GA) Costello Courtney Lipinski  $\operatorname{Critz}$ Loebsack Crowley Lofgren, Zoe Cuellar Lowey Cummings Luján Lynch Davis (CA) Davis (IL) Maloney Markey DeFazio DeGette Matsui McCarthy (NY) DeLauro Deutch McCollum Dicks McDermott Dingel1 McGovern Doggett McNernev Meeks Michaud Doyle Edwards Miller (NC) Ellison Engel Moore Eshoo Moran

## NOT VOTING-

Akin Blumenauer Butterfield Cassidy Chu Franks (AZ)

Fattah

Filner

Frank (MA)

Herrera Beutler Meehan Miller (MI) Miller, George Paul

Murphy (CT)

Napolitano

Nadler

Neal

Payne Polis Roby Ruppersberger Sewell Stutzman

## □ 1408

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COLE. Madam Speaker, on rollcall 44, the question of agreeing to the resolution (H. Res. 540) which provides for the consideration of H.R. 3521, the Expedited Legislative Line-Item Veto and Rescissions Act, had I been present I would have voted "yes."

Mrs. MILLER of Michigan. Madam Speaker, on rollcall No. 44, I was unavoidably detained. Had I been present. I would have voted "vea."

Stated against:

Ms. SEWELL. Madam Speaker, on rollcall No. 44, had I been present, I would have voted "no."

Ms. CHU. Madam Speaker, on rollcall No. 44, had I been present, I would have voted "no."

#### PERSONAL EXPLANATION

Mrs. ROBY. Madam Speaker, on rollcall No. 43, 44, I was unavoidably detained. Had I been present, I would have voted "yes," on both

#### GENERAL LEAVE

Mr. RYAN of Wisconsin. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3521, the Expedited Legislative Line-Item Veto and Rescissions Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 540 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3521.

## □ 1409

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill. The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, and the gentleman from Idaho (Mr. SIMPSON).

The gentleman from Wisconsin (Mr. RYAN), the gentleman from Maryland (Mr. VAN HOLLEN), and the gentleman from Idaho (Mr. SIMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

I want to begin by thanking my friend, CHRIS VAN HOLLEN, the ranking member of the Budget Committee. This is a collaborative effort. This is a bipartisan effort. It's not that often that we have a chance to do this. Mr. Chairman, I want to first thank the gentleman from Maryland for this collaborative effort. We believe whenever we can find the opportunity to reach across the aisle and work in a bipartisan fashion to go after wasteful spending we should do that, and that's what this effort is all about.

I also want to thank the staffers who put a lot of work in this: Paul Restuccia, Nicole Foltz, and Jon Romito on the majority side. I want to thank Tom Kahn, Gail Millar, and Ellen Balis, for their hard work on the minority side; Chairman DREIER at the Rules Committee; Congressman HEN-SARLING, who has been one of the forefathers of this effort.

What this does is it is the expedited line-item veto and enhanced rescissions. This bill is constitutional, and I want to explain to Members why.

The 1996 line-item veto was ruled unconstitutional because it delegated legislative power to the executive branch. This does not do that. This is quite the opposite. This simply says, after an appropriations bill has been passed, within a short period of time, the President can send up a new rescissions proposal to the House and the Senate to consider rescinding spending from that bill, and we have to simply have the vote. We can't hide from the vote. We can't duck from the vote. We have to have the vote.

Here's why we're doing this, Mr. Chairman. Lots of bills from both parties over the years have had so many miscellaneous provisions stuffed into them without seeing the light of day, whether they even pass the House or Senate or not. The President has to sign the whole bill or nothing at all. This gives us the ability to pull those miscellaneous provisions out, send them back to Congress and have them vote on them on their individual mer-

We believe what this will do will make every Member of Congress think twice before trying to insert, sometimes we call them airdrops or earmarks or pork or whatever you want to call it. We ought to have Members of Congress think twice that they might have to justify this provision on the spending bill on the merits by a standalone vote by their own peers. We think that act of sunshine, that act of transparency, that act of accountability will help improve the integrity of the spending process here in Congress.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself 30 additional seconds to simply say this bill is bipartisan, it's constitutional, and it is yet one more tool in several that we are bringing to the floor to restore trust, accountability, and transparency to the way we spend hardworking taxpayer dollars.

With that, I reserve the balance of my time.

Mr. VAN HOLLEN, Mr. Chairman, I yield myself such time as I may consume.

Let me begin by thanking the chairman of the committee, PAUL RYAN, and our staffs for working together in a cooperative and bipartisan manner on what I think is a very important piece of legislation to bring before the House.

While we have deep disagreements in this House over many policy issues, I know that we all agree that we should be responsible and careful stewards of taxpayer dollars. That's what this bill before us is all about. It creates new mechanisms for greater transparency and greater accountability in spending taxpayer dollars. I believe that it will, over time, result in a better use of those taxpayer dollars, and savings identified through this process will go to deficit reduction.

For those of us who believe that government can play a positive role in people's lives by creating opportunities, like investing in education for our kids, like strengthening our economy through investments in infrastructure—our roads, our bridges. broadband—by making key investments in scientific research, for those of us who believe that, it is especially important that taxpayers have confidence that their tax dollars are being used wisely. To the extent they don't believe that, it makes it more difficult to invest in the common good. So we should take every opportunity in this body to make sure those taxpayer dollars are being well spent.

Let's be clear about what this bill does and what it does not do.

As the chairman indicated, it does not give the President unilateral lineitem authority. The Supreme Court ruled in 1996 that the line-item veto law that was passed by an earlier Congress was unconstitutional because it handed over that unilateral authority to the President of the United States. I think that was the right Court decision. I also think it was the right policy decision.

This approach is entirely different. It's different because it expressly requires congressional action before any savings, sometimes called rescissions, proposed by the President can take place. It simply requires Congress to consider and vote on the President's proposed savings. Congress, by a majority vote in each House, can support the President's recommended savings or reject those savings. In the end, Congress has the final say.

Now, I think everybody here knows we can do a better job in this Congress of scrutinizing spending bills. This bill provides a strong incentive to do that. Let's consider how the process worked just last December with the Consolidated Appropriations Act of 2012.

That bill was over 1,200 pages long and included over a trillion dollars in spending. In fact, Mr. Chairman, I've got that bill right here. It was submitted to this House at 10:47 p.m. on December 15, 2011, and was voted on less than 15 hours later. No one can say

they had an adequate opportunity to item veto would strengthen the Presiscrutinize that spending bill.

dent's ability to give preference to his

Let me mention a couple facts about that bill. It included in it nine separate appropriation bills rolled into one. Of those nine bills, four had not been reviewed or voted on by the full House. The House had never had a chance to look at them or vote on them. Two of them hadn't even had a vote in the Appropriations Committee. One of those two, the Labor-H bill, \$160 billion in taxpayer money, not voted on even in Appropriations Committee. The Foreign Ops bill, not voted in Appropriations Committee. Only one of those nine was voted on in the United States Senate before that last-minute deci-

I want to make this clear. This is not a criticism of the Appropriations Committee. This is a criticism of the process that we've had in this Congress whether you have Democratic Houses in control or Republicans in control. What this bill does is try and provide a small fix to that process so that we have a little more scrutiny.

Under current law, the President can already propose savings, but under current law, the Appropriations Committee can totally ignore it. All this does is say let's take up those recommended savings in the light of day. Let's have an up-or-down vote in the United States Congress and, you know what, if we agree the President's identified additional savings, that will help reduce the deficit.

This is a good bill. It's a bipartisan bill, and I urge my colleagues to support it.

I reserve the balance of my time.

## □ 1420

Mr. SIMPSON. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the full Appropriations Committee, an individual who is trying to do more to reform the appropriations process by bringing individual bills to the floor.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this bill.

In article I, section 9, clause 7, the U.S. Constitution bestows upon Congress what we now call the "power of the purse"—that the representatives of the people should distribute taxpayer dollars as warranted and needed. The line-item veto would weaken that power, shifting budgetary authority to the executive branch and giving the President a power that our Founding Fathers did not see fit to give to him. In fact, a previous effort to provide the President a line-item veto, as has been noted, was ruled unconstitutional by the Supreme Court in 1998.

Two weeks ago, during his State of the Union address, we heard how the President would choose to spend our precious taxpayer dollars. The lineitem veto would strengthen the President's ability to give preference to his spending priorities over those of the Congress and the constituents that you represent.

Our Founding Fathers had seen first-hand what an absolute authority could do when wielding too much influence, particularly over spending and taxation, and they drafted our Constitution accordingly, providing for checks and balances to prevent too much power from falling into the hands of one branch of government, the executive. The Framers would surely shake their heads at the idea of transferring this much authority to the executive branch.

So powerful was this defense of Congress' role that James Madison in Federalist Paper No. 58 stated:

The power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.

Not only does the line-item veto fly in the face of our Constitution and the Framers' protections, but budget experts also doubt its effectiveness as a spending reduction tool. Look back to Congress' experience with the line-item veto under President Clinton. He wielded this authority to little effect in saving taxpayer dollars. In fact, Congress declared that he "misused" that authority, and overturned nearly half of his cancellations. So, to summarize the line-item veto: It is a power likely to be abused and not likely to save money.

In an effort to better this flawed bill, to at least improve its chances at having a tangible effect on government spending, we offered an amendment in the Rules Committee that would have made the bill also apply to tax benefits and runaway entitlement spending. However, that amendment was ruled out of order. The amendment wouldn't have made this bill perfect nor would it have solved the constitutional problem, but it would have at least increased the potential for achieving actual budget savings.

Nearly 25 years ago, former CBO Director Rudolph G. Penner famously said in reference to our budget: "The problem isn't the process. The problem is the problem."

Mr. Chairman, today's problem isn't with whether or not the President can veto budget line items nor is it even with annual discretionary spending. On that front, we've saved more than \$95 billion over the last 2 years, thanks to the support of this House.

The CHAIR. The time of the gentleman has expired.

Mr. SIMPSON. I yield the gentleman an additional 1 minute.

Mr. ROGERS of Kentucky. The real problem today lies with exploding and

unsustainable mandatory and entitlement spending, which the Budget Committee should be addressing forthwith. Mandatory spending comprises twothirds of the Federal budget. We only deal with a third on discretionarymost of that military—and it continues to blow up the Nation's deficit and debt at these rapid rates, putting our economy and the stability of our Nation at risk.

I urge my colleagues to look beyond the opportunity for the easy press release in order to see that the line-item veto does more harm than good. We can't dismiss the fundamental tenets of the Constitution, and we can't pretend that it will have any positive effect on the Nation's financial predicament. We must put an end to these budgetary smoke screens to find more appropriate and effective ways to address our budget crisis and focus our efforts on mandatory entitlement spending, which is where the real problem is.

Mr. RYAN of Wisconsin. Mr. Chairman, I would simply say that 44 State governments have the line-item veto in their constitution, but we're not proposing that here. We're proposing to keep the power of the purse with the legislative branch and not grant that to the executive branch. This bill does that.

With that, I yield 1½ minutes to the gentleman from Arizona, a member of the Appropriations Committee, Mr.

FLAKE. Mr. FLAKE. I thank the gentleman for yielding, and I rise in strong support of this legislation. I appreciate that it's a bipartisan piece of legislation.

I lose no sleep at night over whether the President of my party or the other party can take action to send back some spending that we have done here and force Congress to reaffirm it. Had we had that over time, I think we would have saved considerable money. We've had the process here that the chairman of the Budget Committee has mentioned, the process of earmarking over the years. Tens of thousands of earmarks have been proposed by Members of this body unchecked. Oftentimes we would approve one bill with 6,300 earmarks in it. It would be wonderful to have somebody able to send one of those items back and at least force us to spend additional time on that item and to say, do we really want to spend that money or not? It provides some check on this process. We need more checks, not fewer.

Like I said. I think that this is constitutional. It doesn't cede our power of the purse. It simply reconfirms our commitment to control spending, something that we have not had much control of lately as evidenced by the massive deficits that we've run.

So I rise in support of that legislation.

Mr. VAN HOLLEN. Mr. Chairman, I yield 3 minutes to the gentlewoman Committee, Ms. CASTOR.

Ms. CASTOR of Florida. Mr. Chairman, I rise today in support of the bipartisan Expedited Legislative Line-Item Veto and Rescissions Act. As a member of the Budget Committee and a cosponsor, I would like to thank Chairman RYAN and Ranking Member VAN HOLLEN for their work and cooperation.

I support a line-item veto because congressional appropriations spending oversight is broken. They're broken. Almost every year appropriation bills are rolled into one massive package at the end of the year with little opportunity to review, debate, or amend the provisions. That means Members have little ability to eliminate a wasteful expenditure or program.

This past year was a perfect example. Despite the expressed desire of Speaker BOEHNER that we would have open debate and open amendments on every appropriations bill, that did not happen. Instead, the bills were rolled into one huge package in the eleventh hour. released with, as I think Ranking Member Van Hollen said, 15 hours to review, and then Members were asked to provide an up-or-down vote. We had little ability or no ability to amend the bill. That is not how it is supposed to work.

The Congress must endeavor to effectively exercise its responsibilities and scrutinize every appropriation and be able to debate and amend expenditures. The logrolling of appropriations bills that has become common practice undermines confidence in Government and permits wasteful spending squeak through.

Under this bipartisan line-item veto bill, we will establish a new layer of accountability in the budget process. The President, whether it is a Republican or a Democrat, will have a new critical look at a spending provision, a potential veto or veto of that provision, but then it will come back to the Congress, and then we can debate it and vote on it in the light of day up or down.

Mr. Chairman, so far this congressional session has been described as a particularly difficult one, and it was highlighted by difficult debates of last year, and then we ended the year with a big appropriations package we were asked to vote on at the last minute with no review practically and no ability to amend it. So I have to say that it is refreshing that we can bring a bipartisan bill to the floor of the House that we agree on. Reform with a lineitem veto bill today, hopefully the STOCK Act tomorrow.

I urge my colleagues to support the bipartisan line-item veto bill and demonstrate to the American public that the Congress can work again.

□ 1430

the gentleman from California (Mr.

from Florida, a member of the Budget LEWIS), the former chairman of the Appropriations Committee.

Mr. LEWIS of California. I very much appreciate my chairman yielding.

Mr. Chairman, while I am very hesitant to oppose my friend from the Budget Committee, he has been wrong in this subject area before. The lineitem veto that the Supreme Court essentially set aside was an illustration that we are on dangerous ground when we presume, as the legislative branch, the people's House, that we are going to do something worthwhile but, in the process, exceed our authority and constitutional responsibility to the administration, any administration, whether it be Democrat or Republican.

In the last go-around preceding the Court setting it aside, the administration had vetoed a number of items but, indeed, about 80 percent of them were sponsored on one side of the aisle versus the other. essentially partisanizing that piece of the appropriations process. One way or another, this body has got to get away from those partisan extremes. In this case, you are going to have a bureaucrat at a third level within the administration deciding, ah-ha, there's an item there that we don't agree with in our bureaucracy, so let's send it back for very special attention, taking up the time of the Congress and essentially undermining the work of the Congress.

Our responsibility within our committees on the Appropriations Committee and in the full House is to legislate. Theirs is to review that which we direct them to do, not to either set aside or to veto that work. So for that reason, I strongly oppose the proposal by the Budget Committee chairman.

Mr. RYAN of Wisconsin. I would simply say that the same majority that produces the appropriations bill can reject any rescission requests by the President in the same majority.

With that, I yield 1 minute to the gentleman from Wisconsin (Mr. RIBBLE), a member of the Budget Com-

Mr. RIBBLE. Mr. Chairman, I thank Chairman RYAN and Ranking Member VAN HOLLEN for bringing this very important piece of legislation.

Spending has run rampant in Washington, and it's because "no" is not a word that Congress is used to when it comes to spending. For too long, Members have been able to take advantage of the system and spend taxpayer money on projects that have proved to be unnecessary and frivolous. There are far too many examples of spending absurdity to share today; but the fact is that needless projects are squandering away millions of dollars at a time when our country is facing a record-breaking \$15 trillion debt.

It's time to start changing the way Congress budgets and spends taxpayer Mr. SIMPSON. I yield 2 minutes to money, and the line-item veto is a positive step. I would contend to you it's not that we have too much oversight. It may be that we have too little oversight. By allowing the President to target unjustified spending and send it back to Congress for a vote, we'll increase accountability and make Members think twice before they commit hardworking taxpayer dollars on some special interest project.

I am proud to be a cosponsor of this bipartisan legislation and the sponsor of my own biennial budgeting bill which will help fix Washington's broken budget process. The time for change is now because if we don't strive to fundamentally fix this problem—not just some pretend fix—then it will be our children and grandchildren who will pay the price. Mr. Chairman, I urge my friends and colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. Welch), who has spent a lot of time focusing on budget issues.

Mr. WELCH. I thank the gentleman from Maryland.

There are two constitutional principles; there is one practical problem; and there is one democratic ideal. The most important constitutional principle is the power of the purse that must be retained by Congress. No one could give a better affirmation of why that's important than the chairman of the Appropriations Committee, except for the author of the Federalist Papers who the gentleman quoted.

Does this violate Congress' power of the purse? It reserves to the Congress the right to overturn by majority vote a recommendation by the executive that focuses on a single item of spending. Now, that may make life somewhat more difficult for those of us in Congress. It may make it particularly more difficult for the appropriators who have to deal with the incredible complexities of the large and multifaceted Federal budget; but in my view, it does not in any way violate the constitutional right that this House has over the power of the purse.

The second constitutional provision is the right of the executive to exercise a veto. And that is part of the checks and balances where the executive, a Republican or Democratic President, is given the power to say "no." And then it imposes on us a burden of coming up with two-thirds votes in order to overcome it. A veto is not a practical tool. If the effect of that veto is a budget that keeps government going, that pays for our troops, that pays doctors who are providing Medicare services, that everything goes down with the ship, we're forcing the President to make what, in fact, is a radical decision to tear the whole thing down or to let some things go.

The practical problem we have is the budget. And again, Mr. ROGERS is right: process reform is not going to get us from where we are to where we need to

be. The problem is the problem. But this is one budget reform that can't help because what it does ultimately lead to is the application of that great democratic principle of transparency. What this means is that if you or I voted for a budget and the President highlighted a few items where the President said, Hey, what's going on, we would have to stand up here—you and I—and vote "yes" or "no," and then be able to defend that vote to the people who elected us.

One of the challenges that I think we all know we have is that the confidence that people have in this institution is very low. So anything we can do—and transparency is the way to do something quite effective—we should do.

So this simply means that at the end of the day, these budget bills that are complicated, that are big, that few Members really have an opportunity to review, when the President reviews them and identifies a few things that he wants to send back, we have to say "yes" or "no" in the full light of day.

Mr. SIMPSON. I yield 2 minutes to the gentlelady from Minnesota (Ms. McCollum), a member of the Appropriations Committee and the Budget Committee.

Ms. McCOLLUM. I thank the chairman

I respect the bipartisan efforts of my colleagues on the Budget Committee, but I oppose passage of H.R. 3521. This bill grants the executive branch more power, and it will do little to reduce our deficit. Make no mistake, this bill sacrifices congressional authority. If H.R. 3521 were a serious effort to reduce our deficit, it would address the hundreds of billions of dollars we currently spend through our Tax Code.

In fiscal year 2010, tax expenditures constituted a bigger part of our budget than Social Security, Medicare, Medicaid, and national defense. Tax expenditures were twice as large as all nondiscretionary spending combined. With the Federal budget on an unsustainable path, our country's fiscal problems need to be addressed in a way that is both effective and equitable. Scaling back and reforming tax expenditures must be an important part of the effort.

The bipartisan Simpson-Bowles report explained that the spending in the Tax Code costs over \$1 trillion every year. They call these tax earmarks. Why? Because they are special tax breaks granted to special taxpayers.

Tax expenditures are not periodically reviewed; and unlike the budgets of individual Federal Government Departments and agencies, which are set by Congress and annually reviewed through the appropriations process, special interest earmarks in law today contribute directly to deficit spending. A report by the Joint Committee on Taxation says tax expenditures "may be considered to be analogous to direct

be. The problem is the problem. But outlay programs, and the two can be this is one budget reform that can't considered as alternative means of achelp because what it does ultimately complishing similar budget policy oblead to is the application of that great jectives."

Very few Members know what's hidden in our Tax Code because it's not subject to annual scrutiny like the budget. Special interest spending in our Tax Code does not deserve more protection in the budget process than public interest appropriations that support our local communities, our police and fire departments, and our schools.

The CHAÎR. The time of the gentlewoman has expired.

Ms. McCOLLUM. With that, I would urge colleagues to vote this bill down. FEBRUARY 8TH, 2012, REMARKS BY BETTY MCCOLLUM—TAX EXPENDITURES AND BUDGET RESCISSION AUTHORITY

I respect the bipartisan efforts of my colleagues on the Budget Committee; I oppose passage of this H.R. 3521. This bill grants the Executive Branch more power and will do little to reduce our deficit

Make no mistake; this bill sacrifices Congressional authority, because we have failed to do our jobs by taking a balanced approach to deficit reduction.

If H.R. 3521 was a serious effort to reduce our deficit, it would address the hundreds of billions of dollars we currently spend through our tax code.

In fiscal year 2010, tax expenditures constituted a bigger part of our budget than Social Security, Medicare, Medicaid, or national defense. Tax expenditures were twice as large as all non-security discretionary spending combined.

With the federal budget on an unsustainable path, our country's fiscal problems need to be addressed in a way that is both effective and equitable. Scaling back and reforming "tax expenditures" must be an important part of that effort.

The bipartisan Simpson-Bowles report explained that spending in the tax code cost over \$1 trillion every year. They called these "tax earmarks." Why? Because they are special tax breaks granted to special taxpayers.

Tax expenditures are not periodically reviewed, unlike the budgets of individual federal government departments and agencies, which are set by Congress annually through the appropriations process.

A report by the Joint Committee on Taxation says: "Tax expenditures . . . may be considered to be analogous to direct outlay programs, and the two can be considered as alternative means of accomplishing similar budget policy objectives."

Very few Members know what is hidden in our tax code, because it is not subject to annual scrutiny like the budget.

The hundreds of billions of dollars we spend on these "tax earmarks" must be addressed if we are serious about putting our country on a sustainable fiscal path.

And without the opportunity to include tax expenditures, which are a larger part of our budget than Social Security, Medicare, Medicaid, or national defense, we will not get our fiscal house in order. Therefore, I will vote no on H.R. 3521.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 30 seconds to simply say that what we are trying to do

here is add another layer of transparency and accountability. When an appropriation bill comes to the floor—at least under this majority—it comes under an open rule, which means that any Member can open it up to amendment, and we can have those up-ordown votes on individual items under consideration in this bill.

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But what happens after that moment, after a bill has passed the House, after a bill has passed the Senate and then it's conferenced, a bill comes to the floor, up or down, take it or leave it. Lots of things go into those bills in those moments between House and Senate passage and final conference report passage.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 10 seconds to say that this simply gives us that extra layer of accountability so that we can still consider individual items. And all we have to do if we don't approve of them is not pass them. We decide.

With that, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I had the honor to be part of the Republican Congress that produced the first balanced budget in nearly 30 years. Part of that effort included providing the President line-item veto authority. Unfortunately, the Supreme Court ruled the line-item veto unconstitutional. After the dot-com and 9/11 recessions, the deficit reemerged. Again, Republicans were making progress towards eliminating the annual budget deficit, reducing it down to \$161 billion in 2007. But when the Democrats took over control of Congress, we now have a monthly deficit of over \$90 billion.

Since 2007, I've voted more than 700 times to cut over \$2.6 trillion in spending, over 150 times in 2011 alone. This bill represents another effort to rein in spending and get our fiscal house in order. It will withstand constitutional scrutiny, and I urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), a former member of the Budget Committee.

Mr. CONNOLLY of Virginia. Mr. Chairman, I thank my colleague from Maryland and I thank my colleague from Wisconsin for their bipartisan effort today.

I'm pleased to be an original cosponsor of the Expedited Legislative Line-Item Veto and Rescissions Act, and I urge my colleagues to support it.

I'm listening to the concerns from our friends on both sides of the aisle, especially those on the Appropriations Committee, and I'm not unsympathetic to the constitutional concerns raised about what does this do to the balance

of power. I believe our friend from Wisconsin, the chairman of the Budget Committee, very ably just explained how this framework takes cognizance of those concerns and guarantees that while we give the President an opportunity to take another look at the whole bill and make some excisions, it also gives us another crack, an up-ordown on whether we agree or we don't. I believe that we as an institution cannot have it both ways. We can't say that we are obsessed with the national debt, but when a statutory remedy is at hand to try to address it, we say "no" because of an argument about prerogatives.

The debt is so large and it isn't, I say to my friend from Illinois, a matter of Democrats or Republicans. No hands are clean when it comes to the national debt. But we have in front of us one more tool to add to PAYGO, to add to the sequestration process, and hopefully other debt-relief measures.

Here is a tool right in front of us, a statutory tool, not a constitutional amendment, that actually can make an efficacious difference. I believe we should do that. I believe it will make a difference, and I believe that it doesn't compromise the balance of power between the executive and the congressional used the way it's designed.

So I'm happy to rise in support of this legislation, and I urge my colleagues to think carefully before they vote about whether we say "yea" or "nay" to this tool in a kit bag.

Mr. Chair, I am pleased to be an original cosponsor of the Expedited Rescission Act, and I urge my colleagues to join us in supporting it

It is no secret that if left unchecked, our federal deficit will cause lasting damage to our economy and to American families. No one action, and no one party caused the fiscal challenges we face, but it will take bipartisan efforts like this bill to put us back on the right path.

Just as you cannot build a house with just a saw, there is no one panacea to correct the debt imbalance. The Expedited Rescission Act, however, is another tool in our toolbox for fixing the Nation's financial problems, and it builds upon our previous actions.

As my colleagues will recall, we re-instituted the Statutory Pay As You Go Act in the last Congress. PAYGO is a simple concept that some here in Washington often forget—if you have a nifty idea, you have to find a way to pay for it first. The original PAYGO was a bipartisan bill enacted under a Democratic Congress and a Republican President in 1990. A Republican Congress and a Democratic President then adhered to it throughout the 1990s, culminating in four straight surpluses starting in FY1998. Unfortunately, PAYGO was allowed to lapse in 2002 until we revived it in 2010.

More recently, we took another critical step in addressing our financial challenges when the bipartisan debt ceiling agreement was enacted into law last August, cutting \$2.1 trillion of debt over the next decade. Although a number of my colleagues recently have suggested we retrench on that agreement, it represents the largest debt reduction in our Nation's history. While more must be done, this was a significant step.

Today, Expedited Rescission presents us with another tool we can use. It gives the President and then Congress a second chance to review federal spending proposals and eliminate unneeded expenditures. Encouraging fiscal discipline and creating one more opportunity to cut unnecessary spending will help strengthen our Nation's financial foundation.

The Expedited Rescission Act is a bipartisan effort that will move us closer to reducing the federal debt and building a stronger and sustainable fiscal future, and I urge my colleagues to support it.

Mr. SIMPSON. I yield 2 minutes to the gentleman from California (Mr. CALVERT), a member of the Appropriations Committee and, more importantly, the Budget Committee.

Mr. CALVERT. Mr. Chairman, I rise in opposition to the Expedited Legislative Line-Item Veto and Rescissions Act. While I think today's debate is valid and relevant, I have serious concerns about ceding more legislative authority to the executive branch.

While I understand what my colleagues on the Budget Committee are trying to do, I fear we are tilting the constitutional separation of powers and giving even more authority to the executive branch that it will soon resemble a monarchy.

Every budget reform exercise we go through, going back to the Congressional Budget and Impoundment Control Act of 1974, seems to strengthen the executive branch and weaken the legislative branch

This process has morphed into a vearly exercise in which Congress receives a 10-pound, five-volume, shrinkwrapped budget that is simply the executive branch's earmarks. Congress rarely challenges the bulk of the President's budget and is left fighting over the margins—a very small percentage of the total budget. When we do question the President's budget, we get push back from the executive branch agencies on any changes we want to make. Now we want to let ourselves off the hook from writing good legislation and forcing the President to either accept what Congress passes or veto it.

If the point of this legislation is to reduce our overall spending by giving the President this power, then we are ignoring one of the biggest drivers of our debt, which is the Tax Code, which was mentioned earlier. Why leave out the loopholes and giveaways from Ways and Means which is permanent spending via the Tax Code?

It was mentioned by the chairman that the appropriations bills are brought up under an open rule. I wonder why this bill wasn't brought up under an open rule. Again, the point here is that Congress should be doing its duty, addressing Tax Code loopholes and writing thoughtful spending bills, not simply turning over the hard choices to the President.

We are inserting the President in the legislative process. Congress giving up its authority under the Constitution, this will not resolve our budget problem.

I urge my colleagues to preserve the constitutional right of Congress to appropriate and vote against this bill.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McCLINTOCK), a member of the Budget Committee.

Mr. McCLINTOCK. I thank the gentleman for yielding.

Mr. Chairman, this bill presents us with a very simple question: Is it just conceivably possible that the Congress has, from time to time, passed a spending bill or two that ought to have had greater scrutiny?

Now, the answer to that question may elude certain Members of this House, but I can assure them it is self-evident to everybody else. A country whose finances are as far out of control as ours suffers from not too many checks and balances on spending but from too few.

Now the opponents discuss this bill as if it were some new and radical idea. The fact is many States operate with a genuine line-item veto and have for generations. For those States, it's been a vital tool to control their spending, and those provisions are far more stringent than what is proposed here.

In conformance with our Constitution, this bill simply invites the President to call to Congress' attention those spending items that he recommends that we give additional thought to and puts a 6-week hold on those funds while we do so. In fact, from 1801 until 1974, the President had the recognized authority to impound excess spending indefinitely, a legitimate executive function first asserted by President Thomas Jefferson. The Budget Act of 1974 stripped the Executive of this vital check on congressional excess. I'd prefer to see us restore that fiscal safeguard; or, better still, amend the Constitution to provide the President with an actual lineitem veto.

But let's at least set up a process so the President can warn us when he believes that we have appropriated more money than he needs to execute the laws that we have passed. This bill is, frankly, a mouse when we need a lion. The fact that it has produced shrieks of horror from some quarters of the House is an exact measure of the extent and nature of our problem.

Mr. VAN HOLLEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 3521, the Expedited Line-Item Veto and Rescissions Act of 2011. This bipartisan legislation will cut wasteful spending and reduce the deficit by reestablishing the principal of a line-item veto.

It should come as no surprise to anyone that occasionally an unnecessary or wasteful expenditure makes its way into a spending bill. This bill increases accountability over those expenditures by giving the President the authority to identify specific wasteful spending and make Congress take an up-or-down vote on its merits.

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This legislation requires that all savings go directly toward deficit reduction. This legislation is a commonsense solution to cut wasteful spending and reduce our unsustainable deficit. I urge my colleagues to support this bill. It's a step toward getting our economy back on track and getting people back to work.

Mr. SIMPSON. I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), a member of the Appropriations Committee and the Budget Committee that marked this bill up.

Mr. COLE. I thank the gentleman for yielding.

Mr. Chairman, a lot of people have asked whether or not this bill is constitutional. Frankly, I think it is. I don't think there's much doubt about it. A lot of people have raised the point that it enhances the power of the Presidency. I don't think there is much question that it does do that.

A lot of people have argued it's substantive, and there I have to respectfully disagree. There's nothing substantive about this legislation at all. We already have gotten rid of earmarks, don't use them anymore, and the Appropriations Committee has already shown that on its own it can cut spending. It's done it in 2 budget years in a single calendar year.

The sad thing here is we had a chance to do something substantive. We had amendments offered by Ms. McCollum and myself that actually would have made tax expenditures in order to be reviewed, that actually would have looked at direct spending. Those amendments, unfortunately, were ruled out of order.

Pursuing bipartisanship and providing Members with political cover at the expense of substantive policy, frankly, is unworthy of the Congress, in my view, and certainly of this majority. Our budget problems are serious. They deserve serious solutions. The Ryan budget is a serious solution. The 2006 legislative line-item veto bill, which included provisions to cover the very items that this bill does not, was a serious solution. This legislation, sadly, is not serious and ought to be rejected. We ought to be serious about the budget deficit we face.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 10 seconds to simply say I agree with a lot of what the gentleman said. He's a good friend. We don't have all spending in this bill, but that doesn't mean don't go after some of the spending that's passed by Congress. This is the kind of spending Congress passes annually every year. I think it's a good step in the right direction.

With that, Mr. Chairman, I yield 3 minutes to the chairman of the House Republican Conference, the gentleman from Texas (Mr. HENSARLING), who is one of the fathers of this idea and of budget process reform.

Mr. HENSARLING. I thank the distinguished chairman of the Budget Committee for yielding and particularly for his leadership in being the number one budget hawk in the House.

Mr. Chairman, hopefully by now, all Americans know we have a spending-driven debt crisis. We are now looking at the fourth—fourth—trillion-dollar deficit in a row. Our debt-to-GDP ratio now exceeds the entire size of our economy for the first time since World War II. Again, we are in the midst of a crisis. We are mortgaging our children's future, we are bankrupting a great nation, and we are hindering jobs and economic growth in this country.

I've listened very carefully to friends—close friends—come to the House floor to argue against this bill, and I agree with much of what they say. This is one individual tool in a toolbox. They point out the absence of many more, and they are correct. And it is my hope and my aspiration that this House would take them up.

I want to also congratulate the gentleman from Maryland, the ranking member of the House Budget Committee. It's not always easy in these times to work on a bipartisan basis. We had an opportunity to work on the Joint Select Committee, to which he was a positive force. We often disagreed, but he has commanded my respect, and he commands my respect today for his bipartisan work.

I do want to congratulate the chairman of the Appropriations Committee and the entirety of his committee. For the first time in my lifetime, under his leadership, discretionary spending will decline 2 years in a row—an incredible achievement.

I also want to thank our Speaker, Speaker BOEHNER, for his leadership on the entire subject of earmarks. Earmarks are not necessarily inherently bad. But, Mr. Chairman, we all know that too often they represented the triumph of seniority over merit and the triumph of local and special interest over national interest.

Under the leadership of our Speaker, with a little help from the gentleman from Arizona (Mr. FLAKE), they are no more. But in a different time, a different era, they may return. This is at

least an insurance policy that the one individual who is elected to represent the entirety of the Nation, the President of the United States, can at least put a spotlight on that type of spending and just ask the United States Congress to take that up-or-down vote.

It's about transparency, it's about accountability, and it's about a modest tool in a time of debt crisis to help with jobs, economic growth, and the survival of a great nation.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself such time as I may consume

I thank the gentleman from Texas for his words. I just want to hark back to what the gentleman from Oklahoma (Mr. Cole) said, who's in opposition to the bill, but he did make clear that in his opinion this bill is constitutional. I really think we should put that question aside.

As the chairman of the committee has pointed out on several occasions, Congress gets the last word on this issue. Congress gets an up-or-down majority vote. We're simply requiring that Congress take a vote on savings that the President recommends for the taxpayer. We believe we should do that in the light of day. It's a small step.

It's a little curious to hear one of the solutions offered from some of the folks opposed to this bill is to give the President even more authority. On the one hand they say, well, we shouldn't do this because you're giving the President too much leverage. The amendment they mention, of course, would give the President even more leverage over tax expenditures and mandatory spending, so I'm a little puzzled there.

Where I do agree with them is that if we're going to get a hold on this deficit situation, we've got to deal with mandatory spending as well, and we've got to deal with the revenue side of the equation—tax expenditures. And the bipartisan commissions, Simpson-Bowles, Rivlin-Domenici, all of them presented a more bipartisan framework for doing that. While I don't agree with every one of their recommendations, I think the framework they presented was the right one.

I would agree with the chairman of the committee, Mr. RYAN, here: just because we're not able to tackle the whole thing as part of this reform effort doesn't mean we shouldn't try and tackle a piece of it. And I think this is a small piece, but I think it's an important piece. I think it will have a positive impact on how this body approaches the appropriations bills.

Again, the way this process is driven now, it's not a criticism of the Appropriations Committee. They do the best they can under the rules as they exist now. What this bill does is just say let's have one more opportunity, an opportunity to take an up-or-down vote on savings that the President believes we can make toward deficit reduction.

And it seems to me that's a positive step to take.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. SIMPSON. I yield 2 minutes to the gentleman from Washington, the ranking member of the Appropriations Committee. Mr. DICKS.

Mr. DICKS. I rise in strong opposition to this bill. It is my judgment that—and I listened to the statement made by the distinguished chairman of the Appropriations Committee, Mr. ROGERS from Kentucky, that this is unwarranted, especially now that Congress has decided, at least for the time being, that we're not going to do earmarks. This would get down to a situation where if, on the Defense Appropriations Subcommittee, we added money for additional predator ISR vehicles, the President can as I understand it, take it right back down to his budget request.

We've had a lot of experience, many Members of the Appropriations Committee, Mr. Young and I, have been here over 30 years and served on this committee over 30 years, and a lot of positive things have happened where Congress makes increases or decreases. Now, if you're going to give the President the authority to send up a bill undoing our work, especially after it's been voted on, the Appropriations Committee has gone through all these things. I just think it's wrong.

In fact, on the earmark issue, I frankly think the solution that the Democrats had when we were in the majority was appropriate where we said you can't have earmarks for private companies unless it's competitively awarded, and then we took that away, but you still can help your schools.

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You can still help your local governments. You can still help your universities, your NGOs that are doing work on meth for example—rather important issues. That would have been a better compromise, I think, than saying no earmarks under any circumstance.

It is clear to me that over the years there were too many earmarks, and that became a problem. But to go beyond that now and say that we're going to have a line-item veto and Congress has to vote on this, I think, is a serious mistake; and I join my colleagues on the Appropriations Committee in opposition.

I'll just say one final thing. I also think if you're going to do it, then you ought to do it for Ways and Means as well—that's where all the spending is—and not just pick on the Appropriations Committee. We've done our job. Ways and Means hasn't done their job.

Mr. RYAN of Wisconsin. Mr. Chairman, with that, I yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the gentleman for yielding.

I rise today in support of the Expedited Legislative Line-Item Veto and Rescissions Act, and I thank Chairman RYAN and Ranking Member VAN HOLLEN for their work on this important bipartisan legislation.

At a time when we are borrowing 40 cents on every dollar we spend, there's no more important time for Congress to have an honest conversation about balancing our Federal budget and cutting wasteful government spending.

It is clear that real reform is needed in our flawed Federal budget process. The real reforms that we have considered over the last 2 weeks seek to improve this flawed process by getting at the root of the Washington accounting gimmicks that have plagued Congress for years. These reforms will provide more Federal Government transparency and accountability and put an end to business as usual when it comes to out-of-control spending in Washington. That is why I support this lineitem veto legislation. This bill would give the President the ability to veto wasteful spending provisions as a part of the appropriations process.

This bill and the remaining budgetreform bills will give the American people an honest picture of how their hard-earned tax dollars are being spent and will move us one step closer to addressing the debt crisis that threatens the very future of this great Nation.

Mr. Chairman, we know that both sides of the aisle have been a part of the problem when it comes to Washington's reckless spending habit. What we have failed to recognize is that both sides must be a part of the solution.

I urge all of my colleagues to support this line-item veto bill and the rest of our budget-reform proposals, proposals that hold a promise of a balanced and honest Federal budget and a brighter future for our children and our grandchildren.

Mr. VAN HOLLEN. Mr. Chairman, I reserve the balance of my time.

Mr. SIMPSON. I yield 1 minute to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Chairman, fellow colleagues, when you first took this office, you held up your hand and swore to uphold the Constitution of America. I hope you read the Constitution. You say it's not relevant. It is. What we're doing here is transferring the power—and I've watched this for 40 years slowly creep into this body—transferring the power to the President's regulatory law. Now we're going to give him the power to lineitem veto. Shame on you. Shame on you. This is a Congress of the people. It's up to us to do the job, and the chairman has done the job this time.

I'm looking down the road. The idea that we're going to let this House give this power to this President or any other President in the future, you've lost the Constitution in America as we have today. Let's think about this, ladies and gentlemen. That's what you're doing. You're transferring it to a monarchy to control it by executive orders, and now control the purse strings of this great Nation to the Congress, saying you can't do it when we're the representative of the people.

You talk about the debt. The debt is terrible; it's awful. But it would be worse to have our body, in fact, transfer the power of this House, under the Constitution, to the President of the United States.

Mr. RYAN of Wisconsin. Mr. Chairman, after that, I'd like to yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. LANKFORD), a member of the Budget Committee.

Mr. LANKFORD. Mr. Chairman, you know, this bill is called the Expedited Legislative Line-Item Veto and Rescissions Act. I think it may be inappropriately named because it gives an illusion that this is a veto power as we're used to seeing a veto power in the Congress.

This is not handing over to the President and saying, cut wherever you want and we have to override you. Instead, this is a Presidential handing to him and just saying, okay, check this. If he sees anything he doesn't like, he sends it back and we have to agree with it. If either the House or the Senate says, no, that should be there, it stays. It's not an override. It's actually an agreement with the President on one thing or another.

Maybe this bill should have been called the "second opinion" bill, to be able to have what we put out of the House and out of the Senate and what we pass, pass onto the President. He takes a look at it and says, That all looks great, I'm signing off on it; or say, You know what, maybe we should take a look at this area.

Currently, our appropriations team that we have in the House is doing a fantastic job of holding the line on spending. I am not as confident 10 years from now that that may still exist. This is a check to that.

Currently, this body has banned earmarks. It's not a permanent ban; it's in the rules for us for this current session. Will that still exist years from now? I don't know. This is a way to be able to deal with that issue to say if that were ever to slip back in, we can get that in. Maybe this bill should be called the "trust but verify" bill.

I can tell you, even as a freshman House Member, there have been moments that I voted for something and then picked up the newspaper the next day only to read something that none of us were aware had slipped in. This provides that moment, that when we pick up the newspaper the next day after something has passed, to have another moment, to have that trust-but-

verify moment to be able to look at it and say, Why don't we see if we can take another look at that. And if that came back to us in an individual form, I bet we would vote that down. This is one more tool in the toolbox of reducing spending.

In a moment with \$15.3 trillion in debt, in a moment with a deficit all of us have great disdain for, let's take every opportunity we can possibly take to find moments and places where we can reduce spending, to allow the President to take a look at it and say, Take a second look at this, and allow this body and the body on the other side of the rotunda to say we agree or disagree. If we disagree, fine. We voted for it the first time; let's vote it the second time. We may come back at it and say, You know what, when that comes back out in the light of day, I agree with you. Let's pull that out and let's find one more spot to do deficit reduction.

Mr. VAN HOLLEN. Mr. Chairman, I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I would inquire—we're ready to close—how much time do I have remaining, Mr. Chairman?

The CHAIR. The gentleman from Idaho has 5 minutes remaining.

Mr. SIMPSON. Mr. Chairman, I yield myself the balance of my time.

I appreciate the fact that some of my good friends have a different opinion about this than I do, particularly Chairman RYAN and Mr. VAN HOLLEN. I appreciate the bipartisanship with which they have worked on this issue; but I will tell you, bipartisanship does not make something right which is fundamentally wrong, and this is fundamentally wrong.

I also feel a little bit like Custer at the Little Big Horn. I know this is probably going to pass without much doubt, but it's still wrong.

For 200 years, as the gentleman from Alaska said, Congress has been shifting more and more authority to the administrative branch of government. We are doing it again with this legislation.

I keep hearing people talk about earmarks and airdropped provisions in appropriation bills. I would remind the Members, in the 2011 appropriation bill there were no earmarks, there were no airdrops. In the 2012 appropriation bills there were no earmarks, there were no airdrops. We have changed the way we do business around here.

Now, you might have had an argument several years ago when there were thousands of earmarks in the appropriation bill. That doesn't happen anymore. For the first time, we're trying to bring appropriation bills—for the first time in 5 years—bring appropriation bills to the floor under an open rule. We didn't get it all done last year. We ended up with an omnibus, as Mr. VAN HOLLEN shows on his table. This year we are committed, given the

floor time, we're going to bring every appropriation bill to the floor under an open rule so that every Member that has a problem with any provision can offer an amendment to have that removed.

It's been said that this is constitutional. Mr. VAN HOLLEN said, so let's take that argument away. Not necessarily and not so quickly. In conversations with members of the third branch of government, the judiciary, they have concerns that this may be unconstitutional, because what's required now is that the President presents the judicial request for appropriations, but he can't change it. He just passes it on to Congress. This gives the President a say in lineiteming specific provisions in the judicial request, which may violate both U.S. Code and be unconstitutional.

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So that question is still out there about the constitutionality of this. But I will tell you, in times of extraordinary circumstances, as we currently have, with a \$15 trillion debt, and everyone wants to reduce that debt, nobody more than the members of the Appropriations Committee have reduced spending in the last 2 years. But in times of extraordinary circumstances, we often do unwise things in the name of trying to address that problem. Such is this bill.

Most Members have never negotiated an appropriation bill with the Senate. Let me tell you how it works. We would think that the President has no say in the appropriation process until we present him with a bill. When I was negotiating the Interior bill with the Senate, I was not negotiating with the Senate. I was negotiating with the White House. They did not approve anything that was not pre-approved by the administration.

And we made some deals, and we got some priorities of things that we, on the Republican side, think are important, and the President got some priorities that he thinks are important on his side. That's called legislating.

But now, what you are going to do is say, okay, you make those deals. You get an appropriation bill. There's going to be things in it I don't like. There's going to be things in it the administration doesn't like. There's going to be things in it that nobody in here likes.

But now you're going to give the President a second bite at the apple to break that deal. And do you think he's going to take those things that Democrats think are not their priorities and take them out of the bill? Of course not. He's going to take out Republican priorities and put them for a second vote. And a Republican President would do the same thing to the Democrats.

This is going to be partisan politics. And when you say it comes back for Congress to have a final say, once it comes back to overriding a veto or overriding a rescission, it then becomes political. You, on your side of the aisle, in this case, are going to say we have to support our President. That's what happens. That's the reality. We, on our side of the aisle, would say the same thing if it were a Republican President. That's just reality.

So what you're breaking down is that balance of power between the administrative branch of government and the legislative branch of government. This is, without a doubt, a step in the wrong direction.

Voting for this bill will not make you a budget hawk. And frankly, I don't think it will save any money. But it will make for some good press releases.

But don't go out and say that you've reduced Federal spending, and you've taken wasteful spending out of the Federal budget by passing this bill. You haven't. What you've done is said, I'm willing to sacrifice the legislative authority that was given to us in the Constitution and shift more power to the administrative branch of government.

Do you honestly believe that the Founding Fathers would recognize what they built in the Constitution? Do you really think that they would look at the administrative branch of government and say we wanted this kind of Presidency and a weak legislative branch? I don't think so.

This is a bad bill. I would vote it down if I were you.

I yield back the balance of my time. Mr. VAN HOLLEN. I yield myself such time as I may consume.

Mr. Chairman, this bill is an important, bipartisan measure. It has bipartisan support here in the House. It has strong bipartisan support in the Senate where it's introduced by Senator CARPER and Senator McCAIN and has strong bipartisan co-sponsorship. It's supported by the Obama administration.

But Mr. SIMPSON is absolutely right: it's not the bipartisanship that makes this bill the right thing to do. It's the fact that it calls for greater transparency and greater accountability in our process. Everybody in this body has to concede that we can improve our budget process. Yes, we should work on the tax expenditure component. Yes, we should work on mandatory spending. Of course we should. But this is a simple bipartisan measure we can take to provide more transparency when it comes to over \$1 trillion in discretionary spending.

And I go back to where I started. Just look at this bill, 1,200-plus pages. This House took less than 15 hours, less than 15 hours to review this bill. Now, given the fact that we didn't have adequate time to scrutinize this, I don't see anything wrong with saying that if the President of the United States, Re-

publican or Democrat, identifies some savings we can make for the taxpayer that go to deficit reduction, that this Congress should have to vote on that. You don't have to say yes. You just have to vote, up or down.

And for those who argue otherwise, I have to say that I don't think putting turf over the taxpayer is a winning argument when it comes to dealing with our budget issues because, make no mistake, this is constitutional. It's been designed to be constitutional.

Mr. Young said I said it wasn't relevant that it's constitutional. That's not what I said. It's totally relevant that it's constitutional. And it's designed that way; Congress has the final say. That's what makes this constitutional

Are we giving the President a little more power? Well, only if you say that it's more power to recommend to Congress some savings for the taxpayer and that we will then vote on them. It seems to me that's just basic responsibility. Well over a majority of Governors have total line-item authority. This is not line-item authority because it requires congressional vote and oversight.

So I would say that the process is broken. It's not broken because of the Appropriations Committee. They do incredible, hard work and put in lots of hours. But at the end of the day, we just saw last December, less than 15 hours to review 1,200 pages of appropriations bills. Who, in this body, can say that they looked at everything, they scrutinized everything, that we can't find any additional savings for the taxpayer for the purpose of deficit reduction?

So I ask my colleagues to support this bill, not because it's bipartisan, but it is; and I think that's an important reflection on the fact that people on both sides of the aisle, bringing their own independent judgment to bear on this, have concluded this would be in the best interest of the country.

But, in addition to that, because it does take one measured, responsible step toward improving a broken budget process, and my goodness, at the end of the day, that would be a good day's work in a bipartisan Congress if we could get that done.

I thank, again, the chairman of the committee, Mr. RYAN. I thank his staff and our staff, the Democratic staff on the committee, for working together.

And with that, Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the remainder of our time.

Let me, first of all, say the gentleman left the floor, I believe, but Mr. SIMPSON, I want to thank him for a civil and spirited debate. This is not an attempt to go after one committee, the Appropriations Committee. And I understand that this committee might

feel that way. This is an attempt to take one more step on behalf of the taxpayer to clean up the system on how we spend hardworking taxpayers' dollars.

Here's the issue, Mr. Chairman. When we pass large spending bills, we vote on things we're not even necessarily sure we're voting on. And I think the measure of success of this reform will not be measured by how many individual spending line items get voted out of spending by Congress, but how many items don't get put in these bills in the first place because this brings through to the final part of the process that extra level of transparency and accountability that has been lacking.

I'll take a provision authored by a Republican a few years ago as an example: \$40 million, I think that's the number, for a rainforest museum in Iowa in a spending bill for Labor and Health that didn't go through the House, didn't go through the Senate, but came at the last minute.

And, yes, this Congress, through the rules of this House, is banning earmarks and airdrops, but who's to say they won't return under our new management some day?

I think it would be helpful to the process to say, you know what, if we're going to put \$40 million for a rainforest museum without real consideration before the House and the Senate, we ought to think about that individually. Or, more importantly, if I'm a Member of Congress and I want to put something like this in a spending bill, I ought to think twice about whether or not I'm willing to defend this kind of spending in the light of day on an individual vote among my peers, because that could happen under this reform.

This is constitutional because the President signs this spending bill. He doesn't sign part of it. He doesn't rescind part of it. He signs it, and then this gives him the ability to create a new bill saying, vote on this piece of spending.

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We have expedited procedures so we have to take a vote. It's no different than how Presidents send us trade agreements to vote on under expedited procedures.

We're not saying the President can take a part of a bill and not sign it and then send us this. No. We're saying the President signs a big spending bill and then, if he wants, he can write a new bill within a tight time window saying cancel that spending. Then Congress makes the decision, the House and the Senate, by a simple majority vote, both Houses. They get to decide whether or not to reaffirm or to spend that money.

All this does is it puts the taxpayer in front of turf, as my friend from Maryland says, and it gives Members of Congress the ability to have that extra layer of accountability and transparency so that at the end of the day we are always thinking of the taxpayer first and special interests second in the way we spend taxpayer dollars.

Will this fix all of our problems? No. But this, along with many other reforms we seek to bring to the floor, will hopefully turn the process by which we spend taxpayer dollars into one that is more accountable, more transparent, and more responsible.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chair, I support H.R. 3521, the Expedited Line-Item Veto and Rescissions Act, which creates a process enabling the President to propose the elimination of certain individual spending items that he deems unnecessary and to submit those eliminations to Congress for an expedited vote. This may prove to be a useful tool to ensure that our government closely stewards important taxpayer dollars. It is disappointing, however, that such a tool should be necessary.

Our constitution vests Members of Congress with the responsibility to raise and spend revenue to provide for the general welfare of the United States. In other words, we are obligated to invest taxpayer dollars in ways that grow our economy, protect our environment and public health, defend our nation, educate our children, and build a strong infrastructure. In sum, Congress has the responsibility to keep America competitive in the 21st century.

It is my hope that the President will not need to use this new power. Unfortunately, Congress has too often shown that it is unable to make the hard choices necessary—on unnecessary weapons systems, on subsidizing big agribusiness, on the provision of expensive tax benefits to the oil industry—to eliminate wasteful spending.

I support H.R. 3521, but I remain hopeful that Congress finds the will to act responsibly and avoids use by the President of a line item veto.

Mr. HOLT. Mr. Chair, when this body last considered legislation to institute a "line-item veto" during the 109th Congress, I joined 171 of my colleagues in voting against it. Today, we again find ourselves considering a similar measure, and, once again, I rise in opposition to this latest attempt to abdicate our responsibilities, H.R. 3521, the Expedited Legislative Line-Item Veto and Rescissions Act of 2011.

This legislation alters dramatically the balance of power that the framers so delicately established. It is an abdication of our responsibilities as Members of Congress. The separation and balance of governmental powers must be kept. We have heard proponents of this measure come to the floor and speak about how this bill provides us with another tool to ensure that we are spending taxpayer funds sensibly. Why do we need another tool in our toolkit, Mr. Chair? I would argue that if we are seeking ways to cut the deficit, let's do it by sending appropriate spending bills to the President's desk. We are not missing a tool in our toolkit; we are missing the political will to come together as members of this body to produce spending bills that accomplish this goal without prompting from The White House. If indeed political will is missing, this "line item veto" will not be the way to find it.

Furthermore, this measure puts us in danger of losing funding for good programs in the midst of partisan bickering. Funding for International Family Planning, funding for public transportation's funding for the arts or any of countless valuable items in our country, could be jeopardized if this legislation is enacted and the political climate is such that the President has other ideological views.

There is no evidence and no good reason to believe that this will actually succeed in reducing wasteful spending. Again, I would urge my colleagues to work together and produce common sense legislation that terminates wasteful programs and evaluate both our revenues and our spending to put our budget back on the right track. We have done it in the past and I believe that it is possible for us to do it again. I urge my colleagues to oppose this measure.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments recommended by the Committees on the Budget and Rules, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee print 112–12. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

## H.R. 3521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Expedited Legislative Line-Item Veto and Rescissions Act of 2012".

#### SEC. 2. CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS AND DE-FERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITATIONS.

Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1015, 1016, and 1013, which are transferred and redesignated as sections 1017, 1018, and 1019, respectively) and part C and by inserting after part A the following:

"PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITA-TIONS

"CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS AND DEFERRALS OF BUDGET AU-THORITY AND OBLIGATION LIMITATIONS

"Sec. 1011. (a) Proposed Rescissions.—Within 45 days after the enactment of any bill or joint resolution providing any funding, the President may propose, in the manner provided in subsection (b), the rescission of all or part of any dollar amount of such funding.

"(b) SPECIAL MESSAGE.—If the President proposes that Congress rescind funding, the President shall transmit a special message to Congress containing the information specified in this subsection.

"(1) PACKAGING OF REQUESTED RESCISSIONS.— For each piece of legislation that provides funding, the President shall request at most 2 packages of rescissions and the rescissions in each package shall apply only to funding contained in that legislation. The President shall not include the same rescission in both packages.

"(2) Transmittal.—The President shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. The President shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.

"(3) CONTENTS OF SPECIAL MESSAGE.—For each request to rescind funding under this part, the transmittal message shall—

"(A) specify-

"(i) the dollar amount to be rescinded;

"(ii) the agency, bureau, and account from which the rescission shall occur;

"(iii) the program, project, or activity within the account (if applicable) from which the rescission shall occur;

"(iv) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted;

"(v) the reasons the President requests the rescission;

"(vi) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

"(vii) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to propose the rescission, and the estimated effect of the proposed rescission upon the objects, purposes, or programs; and

"(viii) if a second special message is transmitted pursuant to paragraph (2), a detailed explanation of why the proposed rescissions are not substantially similar to any other proposed rescission in such other message; and

"(B) designate each separate rescission request by number; and include proposed legislative text of an approval bill to accomplish the requested rescissions which may not include—

"(i) any changes in existing law, other than the rescission of funding: or

"(ii) any supplemental appropriations, transfers, or reprogrammings.

 $\begin{array}{c} \hbox{``GRANTS OF AND LIMITATIONS ON PRESIDENTIAL} \\ AUTHORITY \end{array}$ 

"Sec. 1012. (a) Presidential Authority To Withhold Funding—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, the President may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

"(b) WITHHOLDING AVAILABLE ONLY ONCE PER PROPOSED RESCISSION.—Except as provided in section 1019, the President may not invoke the authority to withhold funding granted by subsection (a) for any other purpose.

"(c) TIME LIMITS.—The President shall make available for obligation any funding withheld under subsection (a) on the earliest of—

"(1) the day on which the President determines that the continued withholding or reduction no longer advances the purpose of legislative consideration of the approval bill;

"(2) the 45th day following the date of enactment of the appropriations measure to which the approval bill relates; or

"(3) the last day that the President determines the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.

"(d) Deficit Reduction.—

"(1) IN GENERAL.—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.

"(2) Adjustment of levels in the concurrent resolution on the budget.—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the rescissions, and the Committees on Appropriations of the House of Representatives and the Senate shall report revised suballocations pursuant to section 302(b) of title III, as appropriate.

"(3) ADJUSTMENTS TO STATUTORY LIMITS.— After enactment of an approval bill provided under this section, the President shall revise downward by the amount of the rescissions applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985.

"PROCEDURES FOR EXPEDITED CONSIDERATION

"SEC. 1013. (a) EXPEDITED CONSIDERATION.

"(1) INTRODUCTION OF APPROVAL BILL.—The majority leader of each House or a designee shall (by request) introduce an approval bill as defined in section 1015 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b).

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES —

"(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the fifth legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

"(B) Proceeding to consideration.—Not later than 5 legislative days after the approval bill is reported or a committee has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces an intention to the House to offer the motion provided that such notice may not be given until the approval bill is reported or a committee has been discharged from further consideration thereof. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(C) Consideration.—If the motion to proceed is agreed to, the House shall immediately proceed to consider the approval bill in the House without intervening motion. The approval bill shall be considered as read. All points of order against the approval bill and against its consideration are waived. The previous question shall be considered as ordered on the approval bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the approval bill shall not be in order.

"(3) Consideration in the senate.—

"(A) REFERRAL.—The approval bill introduced in the Senate shall be referred to the committees having jurisdiction over the provisions of law contained in the approval bill.

"(B) COMMITTEE ACTION.—Each committee of referral of the Senate shall report without amendment the approval bill referred to it under this subsection not later than the fifth session

day after introduction. If a committee fails to report the approval bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, the Committee shall be automatically discharged from further consideration of the approval bill and it shall be placed on the appropriate calendar.

"(C) MOTION TO PROCEED.—Not later than 5 session days after the approval bill is reported in the Senate or committees have been discharged thereof, it shall be in order for any Senator to move to proceed to consider the approval bill in the Senate. The motion shall be decided without debate and the motion to reconsider shall be deemed to have been laid on the table. Such a motion shall not be in order after the Senate has disposed of a prior motion to proceed with respect to the amproval bill.

(D) CONSIDERATION.—If a motion to proceed to the consideration of the approval bill is agreed to, the Senate shall immediately proceed to consideration of the approval bill without intervening motion, order, or other business, and the approval bill shall remain the unfinished business of the Senate until disposed of. Consideration on the bill in the Senate under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. All points of order against the approval bill or its consideration are waived. Consideration in the Senate on any debatable motion or appeal in connection with the approval bill shall be limited to not more than 1 hour. A motion to postpone, or a motion to proceed to the consideration of other business or a motion to recommit the approval bill is not in order. A motion to reconsider the vote by which the approval bill is agreed to or disagreed to is not in

order. "(4) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, an approval bill considered under this section shall be in order in either the Senate or the House of Representatives.

 $\hat{\alpha}(5)$  Coordination with action by other house.—

"(A) IN GENERAL.—If, before passing the approval bill, one House receives from the other a

bill—
"(i) the approval bill of the other House shall
not be referred to a committee; and

"(ii) the procedure in the receiving House shall be the same as if no approval bill had been received from the other House until the vote on passage, when the bill received from the other House shall supplant the approval bill of the receiving House.

"(B) This paragraph shall not apply to the House of Representatives if the approval bill received from the Senate is a revenue measure or an appropriation measure.

"(b) LIMITATION.—Subsection (a) shall apply only to an approval bill introduced pursuant to subsection (a)(1).

"(c) CBO ESTIMATE.—Upon receipt of a special message under section 1101 proposing to rescind all or part of any dollar amount, CBO shall prepare and submit to the appropriate committees of the House of Representatives and the Senate an estimate of the reduction in budget authority which would result from the enactment of the proposed recisions.

## "TREATMENT OF RESCISSIONS

"SEC. 1014. Rescissions proposed by the President under this part shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law within 45 days from the enactment of the appropriation measure to which the approval bill relates, then the approval bill shall not be eligible for expedited consideration under the provisions of this Act.

"DEFINITIONS

"SEC. 1015. As used in this part:

"(1) APPROPRIATION MEASURE.—The term 'appropriation measure' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been enacted into law pursuant to article I, section 7, of the Constitution of the United States.

"(2) APPROVAL BILL.—The term 'approval bill' means a bill which only approves rescissions of funding in a special message transmitted by the

President under this part and—

"(A) the title of which is as follows: 'A bill approving the proposed rescissions transmitted by the President on \_\_\_\_', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates; and

"(B) which provides only the following after the enacting clause: 'That the Congress approves the proposed rescissions \_\_\_\_', the blank space being filled in with the list of the rescissions contained in the President's special message, 'as transmitted by the President in a special message on \_\_\_\_\_', the blank space being filled in with the appropriate date, 'regarding \_\_\_\_',' the blank space being filled in with the public law number to which the special message relates.

"(3) DAY.—Except as used in section 1013, the term 'day' means a standard 24-hour period beginning at midnight and a number of days shall be calculated by excluding Sundays, legal holidays, and any day during which neither chamber of Congress is in session.

"(4) RESCIND OR RESCISSION.—The terms 'rescind' or 'rescission' mean to permanently cancel or prevent budget authority or outlays available under an obligation limit from having legal force or effect.

"(5) CONGRESSIONAL BUDGET OFFICE.—The term 'CBO' means the Director of the Congressional Budget Office.

"(6) COMPTROLLER GENERAL.—The term 'Comptroller General' means the Comptroller General of the United States.

"(7) DEFERRAL OF BUDGET AUTHORITY.—The term 'deferral of budget authority' includes—

"(A) withholding or delaying the obligations or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

"(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law.

"(8) FUNDING.—(A) Except as provided in subparagraph (B), the term 'funding' means all or part of the dollar amount of budget authority or obligation limit—

"(i) specified in an appropriation measure, or the dollar amount of budget authority or obligation limit required to be allocated by a specific proviso in an appropriation measure for which a specific dollar figure was not included;

"(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law; or

"(iii) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation measure or included in the statement of managers or the governing committee report accompanying such law.

"(B) The term 'funding' does not include—

"(i) direct spending;

"(ii) budget authority in an appropriation measure which funds direct spending provided for in other law;

"(iii) any existing budget authority canceled in an appropriation measure; or

"(iv) any restriction or condition in an appropriation measure or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

'(9) WITHHOLD -The terms 'withhold' and 'withholding' apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

#### "EXPIRATION

"SEC. 1016. On December 15, 2015, the amendments made by the Expedited Legislative Line-Item Veto and Rescissions Act of 2012 shall be replaced by the provisions of part B of the Impoundment Control Act of 1974 as in effect immediately before the date of enactment of the Expedited Legislative Line-Item Veto and Rescissions Act of 2012.".

#### SEC. 3. TECHNICAL AND CONFORMING AMEND-MENTS.

- (a) Exercise of Rulemaking Powers.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended-
- (1) in subsection (a), by striking "1017" and inserting "1013"; and
- (2) in subsection (d), by striking "section 1017" and inserting "section 1013".
- (b) CLERICAL AMENDMENTS.—(1) The last sentence of section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows: "Sections 1011 through 1016 of part B of title X may be cited as the 'Expedited Legislative Line-Item Veto and Rescissions Act of 2012'.'
- (2) Section 1017 of such Act (as redesignated) is amended by striking "section 1012 or 1013" each place it appears and inserting "section 1011 or 1019" and section 1018 (as redesignated) is amended by striking "calendar" and "of continuous session
- (3) Section 1019(c) of such Act (as redesignated) is amended by striking "1012" and inserting "1011".
- (4) Table of Contents.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the items relating to parts B and C (including all of the items relating to the sections therein) of title X and inserting the following:
- "PART B-CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITA-
- "Sec. 1011. Congressional consideration of proposed rescissions and deferrals of budget authority and obligation limitations.
- "Sec. 1012. Grants of and limitations on presidential authority.
- "Sec. 1013. Procedures for Expedited Consideration.
- "Sec. 1014. Treatment of rescissions.
- "Sec. 1015. Definitions." "Sec. 1016. Expiration.".
- (c) EFFECTIVE DATE—The amendments made by this Act shall apply to funding as defined in section 1015(8) of the Congressional Budget Act and Impoundment Control of 1974 in any Act enacted after the date of enactment of this Act.

## SEC. 4. APPROVAL MEASURES CONSIDERED.

Section 314 of the Congressional Budget Act of 1974 is amended-

- (1) by redesignating subsections (b) through (e) as subsections (c) through (f) and by inserting after subsection (a) the following new sub-
- Adjustments for Rescissions.—(1) Whenever an approval bill passes the House of

Representatives, the Committee on the Budget shall immediately reduce the applicable allocations under section 302(a) by the total amount of reductions in budget authority and in outlays resulting from such approval bill.

'(2) As used in this subsection, the term 'approval bill' has the meaning given to such term in section 1015."; and

(2) in subsection (d) (as redesignated), by inserting "or (b)" after "subsection (a)".

The CHAIR. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-389. Each such amendment may be offered only in the order printed in the report. may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the ques-

AMENDMENT NO. 1 OFFERED BY MR. RYAN OF WISCONSIN

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–389.

Mr. RYAN of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 8, strike "45" and insert "10". Page 3, line 21, insert "and" after the semicolon.

Page 3, line 23, strike the semicolon and insert a period.

Page 3, strike line 24 and all that follows thereafter through page 4, line 16.

Page 5, line 21, strike "45th" and insert 60th''

Page 6, line 9, strike "5 days" and insert "3 days of session'

Page 6, line 20, strike "After" and insert "Not later than 3 days after".

Page 7, line 4, strike "fifth" and insert "third"

Page 7, line 14, strike "fifth" and insert "third".

Page 7, line 24, strike "5" and insert "3". Page 9, strike lines 9 through 12.

Page 9, line 13, strike "(B)" and insert

Page 9, lines 13 and 14, strike "Each committee of referral" and insert "The appropriate committee"

Page 9, lines 15 and 16, strike "referred to it under this subsection" and insert "as defined in section 1015(2)".

Page 9, lines 16 and 17, strike "fifth session day" and insert "third session day"

Page 10, line 1, strike "(C)" and insert

Page 10, line 2, strike "5" and insert "3". Page 10, line 3, strike "committees have"

and insert "the committee has" Page 10, line 12, strike "(D)" and insert "(C)"

Page 10, line 22, insert "equally divided in the usual form" before the period.

Page 12, line 4, strike "if" and all that follows thereafter through "measure" on line 6. Page 12, line 8, insert ", as such term is de-

fined in section 1015(2)," after "approval

Page 12, after line 8, insert the following: (c) Extended Time Period.—If Congress adjourns at the end of a Congress prior to the expiration of the periods described in sections 1012(c)(2) and 1014 and an approval bill was then pending in either House of Congress or a committee thereof, or an approval bill had not yet been introduced with respect to a special message, or before the applicable 10-day period specified in section 1011(a) has expired, then within the first 3 days of session, the President shall transmit to Congress an additional special message containing all of the information in the previous, pending special message and an approval bill may be introduced within the first five days of session of the next Congress and shall be treated as an approval bill under this part, and the time periods described in sections 1012(c)(2) and 1014 shall commence on the day of introduction of that approval

"(d) APPROVAL BILL PROCEDURE.—In order for an approval bill to be considered under the procedures set forth in this part, the bill must meet the definition of an approval bill and must be introduced no later than the third day of session following the beginning of the period described in section 1013(a)(1) or the fifth day in the case of paragraph (1).

Page 12, line 9, strike "(c)" "(e)"

Page 12, line 11, strike "dollar amount" and insert "funding".
Page 12, line 20, strike "45" and insert

Page 12, line 23, strike "Act" and insert "part"

Page 14, strike lines 5 through 10.

Page 14, line 11, strike "(4)" and insert ·(3)

Page 14, line 15, strike "(5)" and insert ··(4)

Page 14, line 18, strike "(6)" and insert

Page 14, line 21, strike "(7)" and insert "(6)" Page 15, line 9, strike "(8)" and insert

"(7)" Page 16, line 16, strike "(9)" and insert "(8)"

The CHAIR. Pursuant to House Resolution 540, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman. I don't think we need to spend a lot of time on this.

This amendment makes technical revisions to certain procedures and definitions. The time period was reduced from 5 legislative days to 3 legislative days for the introduction of an approval bill in the motion to proceed. The amendment clarifies that approval bills are described as discretionary bills only. Additionally, it includes a procedure that provides for the consideration of an approval bill should the previous Congress end before an up-ordown vote.

All this simply does, Mr. Chairman, is clarify concerns raised by the Rules Committee so that we have consistent procedures and concerns by the minority that this bill simply does what it says it does and that it circumscribe to discretionary spending.

With that, I really have no other things to say other than I'd be happy to yield such time as he may consume to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, I have nothing to add to that and would urge adoption of the amendment.

Mr. RYAN of Wisconsin. I yield back the balance of my time.

Mr. DREIER. Mr. Chair, since 1999, the Committee on Rules has worked to standardize the practices related to expedited consideration of legislation. In general, the Committee believes that expedited procedures are unnecessary, particularly in the House. However, when necessary, the Committee strives to ensure that these procedures are uniform in application and agnostic toward the content of any measure considered thereunder.

The circumstances surrounding consideration of H.R. 3521 are unique, and several changes are included in the manager's amendment that represent the uniqueness of this legislation. The procedures contained in the House-passed version of H.R. 3521 should not be viewed as a new standard for future expedited procedures the House may consider.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. ALEXANDER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–389.

Mr. ALEXANDER. Mr. Chairman, I have an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 24, add the following new subsection:

"(c) EXEMPTION FOR THE CORPS OF ENGINEERS.—The President may not propose the rescission under this part of all or part of any dollar amount of funding for the Corps of Engineers."

The CHAIR. Pursuant to House Resolution 540, the gentleman from Louisiana (Mr. ALEXANDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. ALEXANDER. Mr. Chairman, as we decide whether or not the President of the United States should have the authority to propose cuts to funding that Congress appropriates money to, I cannot help but be gravely concerned about how he may use those powers.

While I, as much as anyone here, agrees that our government must constrain and cut the unnecessary expenditures, I fear that giving the President certain powers to take away that which Congress has given would severely harm certain States and regions whose needs the President may not fully understand

Of particular concern to me, Mr. Chairman, is the importance of the water resources, the projects across this country that are vitally important to our national security and economy. With this in mind, I believe that a line

must be drawn when it comes to the President's authority to propose a rescission to the budget of the Army Corps of Engineers, an agency that's older than our Nation itself.

The Corps of Engineers helped General Washington win the Revolutionary War. The Corps of Engineers carries out water resource projects throughout the United States, including projects that protect citizens from flood hazards and keep commercial waterways navigable.

These projects are important. They are important to lawmakers on both sides of the aisle. The congressional appropriations for the Corps typically exceed what the President's requests have been. I believe that we must prevent any President, Republican or Democrat, from having the authority to reduce funding for critical water resource projects. It is just too important to this Nation.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I won't take all of my time.

The gentleman says the Army Corps clearly provides an extremely important function, a very valid Federal function to our government, to our country. I rise in opposition only that we shouldn't be carving out exceptions.

The idea that we'll carve out an exception from appropriation bills for expedited rescission consideration to one government agency versus all of the other government agencies out there, I don't think that's a good precedent to set. What's to say that other agencies shouldn't be exempt in consideration? If Congress feels that these are important projects, which they clearly do when they pass these bills, then clearly they will affirm that if another vote ever does arise.

For the sake of consistency, for the sake of treating all agencies equal, I would urge a rejection of this amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. ALEXANDER).

The question was taken; and the Chair announced that the noes appeared to have it.

## RECORDED VOTE

Mr. ALEXANDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 300, not voting 5, as follows:

## [Roll No. 45] AYES—128

Alexander Bachus Altmire Barletta Austria Barrow Bishop (GA) Bishop (NY) Boswell

Hinchey Holden Brown (FL) Jackson (IL) Butterfield Jackson Lee (TX) Calvert Johnson, E. B. Capps Capuano Jones Cardoza Keating Castor (FL) King (IA) Chu King (NY) Clvburn Kingston Coble Kucinich Cole Landry Costa Larson (CT) Latham Costello LaTourette Courtney Lewis (CA) Crawford Critz Lipinski Culberson LoBiondo Cummings Loebsack Davis (CA) Luján DeFazio Maloney DeLauro Markey Matsui Doyle McCarthy (NY) Emerson McGovern Fattah McNerney Fitzpatrick Meehan Miller, Gary Fortenberry Garamendi Gingrey (GA) Nadler Napolitano Gonzalez Granger Nunnelee Green, Al Palazzo Green, Gene Pallone Grimm Pascrell Gutierrez Pastor (AZ) Perlmutter Hanabusa Harper Peters Harris Peterson Herrera Beutler Price (NC)

Rahall Rehberg Reyes Richardson Richmond Rogers (AL) Rogers (KY) Rooney Ross (AR) Rothman (NJ) Roybal-Allard Runvan Ruppersberger Rush Ryan (OH) Sarbanes Scalise Schilling Schwartz Sewell Shimkus Shuster Sires Sutton Terry Thompson (CA) Tierney Tonko Turner (NY) Walz (MN) Wasserman Schultz Waters Watt West. Wilson (FL) Womack Woolsey Young (AK)

#### NOES-300

Ackerman Clarke (NY) Adams Clay Cleaver Aderholt Coffman (CO) Akin Amash Cohen Amodei Conaway Andrews Connolly (VA) Ba.ca. Convers Bachmann Cooper Baldwin Cravaack Bartlett Crenshaw Barton (TX) Crowley Bass (CA) Cuellar Davis (IL) Bass (NH) Davis (KY) Benishek DeGette Denham Berg Berkley Dent DesJarlais Berman Biggert Deutch Diaz-Balart Bilbray **Bilirakis** Dingell Bishop (UT) Doggett Black Dold Donnelly (IN) Blackburn Bonamici Dreier Bonner Duffy Duncan (SC) Bono Mack Boren Duncan (TN) Brady (TX) Edwards Ellison Bralev (IA) Brooks Ellmers Broun (GA) Engel Buchanan Eshoo Bucshon Farenthold Buerkle Farr Filner Burgess Burton (IN) Fincher Camp Flake Campbell Fleischmann Canseco Fleming Cantor Flores Capito Forbes Carnahan Foxx Frank (MA) Carney Carson (IN) Franks (AZ) Carter Frelinghuysen Chabot Fudge Gallegly Chaffetz Chandler Gardner Cicilline Garrett Clarke (MI)

Gibbs Gibson Gohmert Goodlatte Gosar Gowdy Graves (GA) Graves (MO) Griffin (AR) Griffith (VA) Grijalya. Guinta Guthrie Hahn Hanna. Hartzler Hastings (FL) Hastings (WA) Hayworth Heck Heinrich Hensarling Herger Higgins Himes Hinojosa Hirono Hochul Holt Honda Hoyer Huelskamp Huizenga (MI) Hultgren Hunter Hurt Inslee Israel Issa Jenkins Johnson (GA) Johnson (IL) Johnson (OH) Johnson, Sam Jordan Kaptur Kellv Kildee

Kind

Kinzinger (IL)

Rokita

Neugebauer Kline Labrador Lamborn Nugent Lance Nunes Langevin Olson Lankford Olver Larsen (WA) Owens Latta Lee (CA) Paulsen Pearce Levin Pelosi Lewis (GA) Pence Lofgren, Zoe Petri Pingree (ME) Long Lowey Pitts Platts Lucas Luetkemeyer Poe (TX) Lummis Polis Lungren, Daniel Pompeo Posey Price (GA) Lynch Mack Quayle Manzullo Quigley Marchant Rangel Reed Marino Matheson Reichert McCarthy (CA) Renacci McCaul Ribble McClintock Rigell McCollum Rivera McCotter Roby Roe (TN) McDermott Rogers (MI) McHenry McKeon Rohrabacher McKinley Rokita Ros-Lehtinen McMorris Rodgers Roskam Meeks Ross (FL) Mica Royce Michaud Ryan (WI) Miller (FL) Sánchez, Linda Miller (MI) Miller (NC) Sanchez, Loretta Miller, George Schakowsky Moran Schiff Mulvaney Schmidt Murphy (CT) Schock

Murphy (PA)

Myrick

Nea1

Scott (VA) Scott, Austin Scott, David Sensenbrenner Serrano Sessions Sherman Shuler Simpson Slaughter Smith (NE) Smith (NJ) Smith (TX) Smith (WA) Southerland Speier Stark Stearns Stivers Stutzman Sullivan Thompson (MS) Thompson (PA) Thornberry Tiberi Tipton Towns Tsongas Turner (OH) Upton Van Hollen Velázquez Visclosky Walberg

Waxman
Webster
Welch
a Westmoreland
Whitfield
tta Wilson (SC)
Wittman
Wolf
Woodall
Yarmuth

Walden

Walsh (IL)

Schock Farmuth
Schrader Yoder
Schweikert Young (FL)
Scott (SC) Young (IN)

## NOT VOTING-5

Blumenauer McIntyre Payne Cassidy Paul

## □ 1559

Messrs. GALLEGLY, McCOTTER, AMODEI, Mrs. NOEM, Messrs. OLSON, GRIFFIN of Arkansas, JORDAN, Mrs. MYRICK, Mr. CROWLEY, Ms. LEE of California, Messrs. LATTA, WOODALL, HIGGINS, BACA, BURGESS, GEORGE MILLER of California, LEWIS of Georgia, and KISSELL changed their vote from "aye" to "no."

Messrs. ROONEY, COLE, ALTMIRE. BRADY of Pennsylvania, Ms. EDDIE Texas, Ms. BERNICE JOHNSON of CALVERT. SCHWARTZ. Messrs. LEWIS of California, TIERNEY, HOL-DEN, Ms. DELAURO, Messrs. REYES, GONZALEZ, Ms. MOORE, Ms. SE-WELL, Messrs. LARSON Conof necticut, BUTTERFIELD, Ms. BROWN of Florida, Ms. WATERS, Mr. HARRIS, Ms. CASTOR of Florida, Mrs. NAPOLI-TANO, and Mrs. McCARTHY of New York changed their vote from "no" to "ave."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. FLEISCHMANN). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DENHAM) having assumed the chair, Mr. FLEISCHMANN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes, and, pursuant to House Resolution 540, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 173, not voting 6, as follows:

## [Roll No. 46]

## AYES—254

Adams Campbell Donnelly (IN) Akin Canseco Dreier Altmire Cantor Duffy Amodei Capito Duncan (TN) Andrews Capps Ellmers Cardoza Bachmann Eshoo Barletta Carnahan Farenthold Barrow Carnev Fincher Castor (FL) Bartlett Fitzpatrick Barton (TX) Chabot Flake Chaffetz Fleischmann Bass (CA) Bass (NH) Chandler Fleming Benishek Cicilline Flores Berg Forbes Coble Coffman (CO) Biggert Fortenberry Bilbray Conaway Foxx Bilirakis Connolly (VA) Franks (AZ) Bishop (NY) Cooper Frelinghuysen Bishop (UT) Costa Gallegly Costello Black Garamendi Cravaack Blackburn Gardner Bonamici Crawford Garrett Bono Mack Cuellar Gerlach Culberson Gibbs Boren Boswell 8 | Davis (KY) Gibson Brady (TX) DeFazio Gingrey (GA) Brooks Gohmert Denham Buchanan Goodlatte Dent DesJarlais Bucshon Gosar Diaz-Balart Gowdy Buerkle Graves (GA) Burgess Doggett Camp Graves (MO)

Guinta Guthrie Hall Hanna Harper Harris Hartzler Hastings (WA) Havworth Heck Heinrich Hensarling Herger Higgins Himes Hochul Huelskamp Huizenga (MI) Hultgren Hurt. Inslee Issa. Jenkins Johnson (IL) Johnson (OH) Johnson, Sam Jordan Kelly Kind King (NY) Kingston Kinzinger (IL) Kissell Kline Lamborn Lance Langevin Lankford Larsen (WA) Latham Latta LoBiondo Loebsack Lucas Luetkemever Lummis Lungren, Daniel  $\mathbf{E}$ Mack Manzullo Marchant

Matheson Ros-Lehtinen McCarthy (CA) Roskam McCarthy (NY) Ross (AR) McCaul Ross (FL) McClintock Royce McCotter Runyan McHenry Ruppersberger McKeon Ryan (WI) McKinley Scalise McMorris Schilling Rodgers Schmidt Meehan Schock Mica Schrader Michaud Schwartz Miller (FL) Schweikert Miller (MI) Scott (SC) Miller, Garv Sensenbrenner Miller, George Sessions Mulvaney Sherman Murphy (PA) Shimkus Myrick Shuler Neugebauer Smith (NE) Noem Smith (NJ) Nugent Smith (TX) Nunes Olson Smith (WA) Owens Southerland Stearns Paulsen Pearce Stivers Pelosi Stutzman Pence Sullivan Perlmutter Terry Peters Thornberry Petri Tiberi Pitts Tipton Platts Tsongas Poe (TX) Turner (NY) Polis Turner (OH) Pompeo Upton Posey Van Hollen Price (GA) Walberg Quavle Walden Quigley Webster Reed Welch Rehberg West Reichert Westmoreland Renacci Wilson (FL) Ribble Wilson (SC) Rigell Wittman Rivera. Roe (TN) Woodall Yoder Rogers (MI) Young (IN) Rohrabacher

Marino

## NOES—173

Davis (IL) Ackerman Aderholt DeGette Alexander DeLauro Amash Deutch Dicks Austria Ba.ca. Dingell Bachus Doyle Baldwin Duncan (SC) Becerra. Edwards Berkley Ellison Berman Emerson Bishop (GA) Engel Bonner Farr Boustany Fattah Brady (PA) Filner Braley (IA) Frank (MA) Broun (GA) Fudge Gonzalez Brown (FL) Burton (IN) Granger Butterfield Green, Al Calvert Green, Gene Capuano Griffith (VA) Carson (IN) Grijalya. Carter Gutierrez Chu Hahn Clarke (MI) Hanabusa. Hastings (FL) Clarke (NY) Clay Herrera Beutler Cleaver Hinchey Clyburn Hinojosa Cohen Hirono Cole Holden Conyers Holt Courtney Honda Crenshaw Hover Critz Hunter Crowley Jackson (IL) Cummings Jackson Lee

Davis (CA)

Johnson (GA) Johnson, E. B. Jones Kaptur Keating Kildee King (IA) Kucinich Labrador Landry Larson (CT) LaTourette Lee (CA) Levin Lewis (CA) Lewis (GA) Lipinski Lofgren, Zoe Lowey Luján Lvnch Maloney Markey Matsui McCollum McDermott McGovern McNerney Meeks Miller (NC) Moore Moran Murphy (CT) Nadler Napolitano Neal Nunnelee

Olver

Palazzo

Pallone Sánchez, Linda Thompson (PA) Pascrell Tierney Sanchez, Loretta Pastor (AZ) Tonko Sarbanes Towns Peterson Schakowsky Velázquez Pingree (ME) Price (NC) Schiff Visclosky Scott (VA) Walsh (IL) Rahall Scott, Austin Walz (MN) Rangel Scott, David Wasserman Reves Serrano Schultz Richardson Waters Sewell Richmond Shuster Watt Roby Simpson Waxman Rogers (AL) Sires Whitfield Rogers (KY) Slaughter Wolf Rooney Womack Speier Rothman (NJ) Stark Woolsey Roybal-Allard Yarmuth Sutton Rush Thompson (CA) Young (AK) Rvan (OH) Thompson (MS) Young (FL)

### NOT VOTING-

Blumenauer Cassidy

Long McIntvre Paul Pavne

## □ 1617

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 3521, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## HOUR OF MEETING ON TOMORROW

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAY-ROLL TAX CUT CONTINUATION ACT OF 2011

Mr. BISHOP of New York. Mr. Speaker. I offer a motion to instruct on H.R. 3630.

The SPEAKER pro tempore (Mr. RI-VERA). The Clerk will report the motion.

The Clerk read as follows:

Mr. Bishop of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to file a conference report not later than February 17,

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. BISHOP) and the gentleman from Oregon (Mr. WALDEN) each will control 30 minutes.

from New York.

Mr. BISHOP of New York, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct conferees is very simple and straightforward. It directs conferees negotiating extensions of the payroll tax cut, unemployment insurance, and the SGR to file their conference report by February 17, 2012.

Day in and day out, Members of this body come to the floor to speak about the level of uncertainty that is hindering the U.S. economy and stifling job growth. We have heard Speaker BOEHNER argue that the Bush tax cuts must be extended in perpetuity to relieve corporations of uncertainty. We have heard our Tea Party friends rally against the deficit in order to reduce uncertainty for job creators.

Time and time again, we've heard our Republican colleagues speak of the uncertainty that EPA regulations have created for expanding jobs. Yet, when we contemplate the uncertainty created for consumers, small businesses, doctors, and the unemployed driven by Congress' inability to address the payroll tax extension, the SGR fix, and unemployment benefits, our Republican friends are suddenly silent.

#### $\Box$ 1620

We all remember the debate in December when, after years of touting the benefits of tax cuts, our Republican colleagues suddenly changed their minds when a payroll tax cut was considered, a tax cut that will provide immediate relief for millions of Americans and will immediately benefit the economy.

As we've debated these issues for several months, we've seen the data and heard from economists who say extending the payroll tax cut and unemployment insurance is good for American families, businesses and economic growth. It isn't the silver bullet to solving all of our Nation's problems, but it's a step in the right direction, a step that can provide some relief to the unemployed and stimulate consumer spending, which is fundamental to improving the overall economy.

By extending the payroll tax cut through the end of the year, 160 million Americans would continue to take home more money in their paycheck. For a family earning \$50,000 a year, that's about \$80 a month, or about \$1,000 for the year.

Without the extension, that \$1,000 is unavailable to families for buying groceries or putting gas in their vehicles or buying their children new clothes for school which, when spent at local businesses, sparks economic activity. These facts are indisputable.

Moody's Analytics estimates that for every dollar spent on the payroll tax cut it produces \$1.27 in economic activ-

The Chair recognizes the gentleman ity. JP Morgan Chase economists also estimated that ending the payroll tax cut and halting an extension of unemployment would shave .75 percent off the GDP next year. Macroeconomic Advisers provided a similar analysis last year, stating that allowing the pay roll tax cut to lapse would reduce GDP growth by .5 percent and cost the economy 400,000 jobs. A job loss of that magnitude would destroy the improvements in employment we've seen since President Obama took office.

Last week, the Labor Department reported that 243,000 jobs were added to the economy in January, marking the 23rd consecutive month of private sector job growth. The unemployment rate also fell to 8.3 percent, the lowest point since February of '09. Now, we clearly still have a long, long way to go, but failure to extend these critical programs would stifle the progress we have seen thus far and thwart future growth.

But Americans don't know if they'll have that extra \$80 a month to spend come March 1, and businesses are equally uncertainly about whether or not their customers will have that extra income to spend.

Yesterday, Mark Zandi, the chief economist at Moody's Analytics, told the Joint Economic Committee that it is vital, vital to extend both the payroll tax cut and unemployment insurance, which together could add .9 percent to GDP if done for the whole year. He also said the failure to do so would deal "a significant blow to the economy, cutting growth by almost one full percentage point."

We must extend both the payroll tax cut and unemployment insurance. Unemployment insurance provides temporary relief to Americans who lose their jobs through no fault of their own. In a sense, it's a bridge to reemployment. The average weekly benefit in 2011 was \$300 a week. That's \$1,200 a month. Take that away and millions of unemployed Americans lose a lifeline to put gas in their tank to get to that job interview, or to hire a babysitter while they go out to look for a job. Every little bit helps to get them back on their feet, and that's all Americans want to do, get back to work.

In every recession since 1957, the Federal Government has stepped in to provide additional support for unemployed workers. Without an extension, 5 million people will exhaust their benefits by the end of 2012.

Furthermore, under the GOP proposal in December to adjust the unemployment program, 3.3 million people would lose their unemployment bene-

The Council of Economic Advisers estimates that if unemployment benefits are not extended, the economy can be expected to generate 478,000 fewer jobs. That's fewer jobs by the end of 2014, an estimate that is consistent with CBO

\$36 billion spent on unemployment insurance would raise GDP between \$14 billion and \$54 billion, or about .22 percent.

The Economic Policy Institute has also estimated that extending unemployment through next year would create \$70 billion in economic activity and a .4 percent increase in GDP. While these estimates differ somewhat, they all point to one thing, increased economic activity.

Yet, here we are, debating whether or not this vital lifeline should be extended for an additional 10 months. For struggling families, this is a frightening time to find our elected leaders squabbling about the Keystone pipeline and requiring drug testing for unemployment benefits.

As American families continue to struggle, so too do American businesses. A survey done in 2011 by the National Federation of Independent Businesses found that 53 percent of small businesses said lack of demand is an impediment to growth. Extending the payroll tax cut and unemployment will put additional money in the hands of Americans who will, in turn, spend that money on necessities like food, clothing, and travel.

When consumer spending represents roughly 70 percent of our economy, the policies that create the environment for growth will be the ones that get Americans spending again, and we can do that by putting more money back into the pockets of Americans struggling to make ends meet.

It's not just American workers and the unemployed facing uncertainty. Medicare doctors and patients are too. If we don't act, the SGR formula responsible for Medicare physician payments will cut reimbursement by 27.4 percent starting on March 1. A cut this large will force more doctors out of Medicare at a time when doctors find it difficult to treat Medicare patients, pay employees and keep their practices open.

A 2011 MEDPAC survey found that 2 percent of Medicare patients reported having big problems finding a physician. That may not sound like a lot, but previous surveys showed patients having relatively few, if any, problems.

In addition, a 2008 survey done by the Center for Studying Health System Change found that about 14 percent of physicians accepted no new Medicare patients, and a 2010 survey by the American Medical Association found that 17 percent of physicians were restricting the number of Medicare patients in their practice. If we fail to find a permanent solution to the SGR, these numbers will only rise, and Medicare patients will not receive the care they need or deserve.

Mr. Speaker, the Congress must act to end this uncertainty. I urge my colleagues to support this simple motion my time.

Mr. WALDEN. I vield myself such time as I may consume.

Mr. Speaker, we've seen this motion to instruct before; and it calls on the conferees, of which I'm a member, to act, and to do so by February 17. I believe is the date that's been suggested. We would like to act. In fact, we await an alternative from the Senate. The conference committee has met and, led by our very capable chairman, DAVE CAMP of Michigan, we've held, I believe, three or four open joint House-Republican-Democrat Senate conference discussions, meetings which hadn't happened around here. Certainly in the last Congress I don't think it ever happened. And we're doing it in the broad daylight, and we've had four of those, and our staffs are having some discussions.

But you've got to go back and understand that the House, under Republican leadership, actually passed a 1year extension of the unemployment benefits. The House, Republican led, passed a 2-year doc fix, which meant for seniors who are on Medicare that the physicians they rely so much on for their health care, those physicians would continue to be able to afford to see them and not face a 27.4 percent cut in the reimbursement rates.

Now, here's the deal. We passed that, and we funded it, and we did it for 2 years, not 2 months—2 years. We did the payroll tax, as it's called by my friends on the other side of the aisle, payroll tax, middle class tax, working-American tax cut for a full year.

Now, there's a debate about whether that should be offset or not, because our party has said, you know, when we reduce the tax burden on hardworking middle class Americans, families and job creators, we shouldn't have to go raise somebody else's taxes to do that.

Now, the difference on this, if we're talking about Social Security taxes. this is about reducing the amount of money that you and I, Mr. Speaker, you and I pay into Social Security and every working American that pays into Social Security. We're saying, you get to reduce how much you pay into Social Security by this 2 percent.

Now, those of us on this side of the aisle believe that the Social Security trust fund has been raided once too many times by both parties over time, but that should stop. And so if we're going to reduce how much goes into Social Security, we should offset that somehow so that the fund is not drained, and that can be done in a multitude of ways.

But it should be done because otherwise it's less money going into the Social Security trust fund. And I think we'd all have to admit, as the actuaries do, that at the end of the day, the Social Security trust fund is not the best funded trust fund on the planet, and we

projections. CBO also estimates that to instruct, and I reserve the balance of are going to need to do some work to secure the retirement of future generations in Social Security.

### □ 1630

So back to the point here, the House passed all of that. We did a 1-year payroll tax reduction so that hardworking middle class Americans would have tax relief. They'd have that extra money in the pocket, and Lord knows they need it, especially when you see what's happened under this President with energy

I think gasoline was \$1.86 a gallon when President Obama took office, and we now go to the pump and it's somewhere between \$3-something or \$4 and pushing over \$4 depending on where you are in America. You've got to have a little extra money just to try and keep up and take your kids to soccer and go to school and go to work. It's hard out there.

So we passed that, a year extension of that, and a full year extension of unemployment for those who have struggled in this horrible economy. There have been 11 recessions since World War II. This is the worst in terms of a recovery from a recession.

When Ronald Reagan was President. we had a horrible recession in the early eighties. We came out of that recession, and if it were at the same pace now as then, you'd create something like 15 million, 16 million new jobs. which means virtually everybody who's unemployed and still uncounted, because a lot of people who have fallen off the unemployment rolls aren't counted, all of them would have jobs if we were growing at the same pace we did when President Reagan was in office and we came out of that recession.

But we're not. The policies really haven't worked. The so-called stimulus that the American taxpayers were told if it would just pass, somehow unemployment would never get above 8 percent. Now, a trillion-plus dollars later with interest, payments that the next generation will get to pay back, we're somehow supposed to celebrate unemployment that's dropped to 8.3.

I'm glad to see the improvement. I'm glad to see the job gains in the private sector. For goodness sakes, my wife and I have been small business owners since 1986 in Oregon. I understand what it's like to sign the front of a payroll check and the back and to grow a business and to deal in good times and in had.

But the long and short of this is this is a horrible recession, so coming out of this we need that bridge. We put some reforms in unemployment to help people, to lift them up, to give them incentive when they're out there for a year, year and a half, 2 years that maybe we could help them get a better education. encourage that, allow States to encourage that, to help them get a GED, because all of the data

shows that if you have a high school diploma, if you have a GED, the odds of you getting hired are much higher.

Then we gave the States the opportunity to do drug screening.

I've heard from a lot of employers in my district out in rural Oregon that say, We do drug tests, and Congressman, you'd be shocked at how many people apply for the job and can't pass the drug test. Well, if you can't pass the drug test, then maybe you really aren't actively seeking work in a way that's legitimate because you can't get hired and yet you're on unemployment, so why don't we do some sort of screen, figure out that problem that you have, and help you then get treatment.

So we said to States, we're going to do away with a Federal decision that's, I don't know, 20, 30, 40 years old that said States don't have this authority. I think States could actually manage this pretty well. That was in the bill the House passed.

So we did all of these things: A 1-year reduction in the taxes people pay into Social Security, the payroll tax deduction, a 2-year fix for your physicians who treat our families on Medicare. Both of my parents, they're gone now, they were on Medicare. My wife's parents, who've also passed away, they were on Medicare. This is an incredibly valuable program. But we passed a 2-year fix for them.

The 1-year for unemployment and the 1-year for the middle class tax cut. All of that went over to the Senate. And this is probably something maybe we can agree on here. What we got back from the other Chamber was a 2-month extension of those things.

Now, some of us stayed around here when the House said, Really? A 2-month, when this is a 1-year and 2-year problem? Why don't you appoint some negotiators? So the Speaker of the House, Mr. BOEHNER, appointed the negotiators through the House side. We hoped that the Senate would appoint negotiators. They didn't. They didn't appoint anybody. In fact, they left

Eventually, when nobody showed up after we'd been here for a week, trying to see if we couldn't bring both sides, the House and the Senate together, Republicans and Democrats, work out something more than a 2-month deal, they wouldn't show. And we ended up passing a 2-month extension. Which by the way, Mr. Speaker, puts us right back where we are right now. Which is why we have this motion to instruct from my friends on the other side of the aisle calling on the conference committee to get its work done by the 17th.

So we have worked for that. In fact, the last time this was voted on here it was overwhelming. I think there were only 16 "no" votes in the House. So we want to get this done, too.

Now, the Republican conferees have met today, as we've done over the last week or two. The Democrat Senate conferees, by the way, they had a retreat today down at the Nationals ballpark in some meeting room. There was a planning retreat. Both parties have had these in the House. But it just sort of caused a pause in the effort because the Democrats were all off at a policy retreat today from the Senate, so we weren't able to accomplish much today.

But we hope to get something from the Senate because, you see, they go into the conference and they had this 2-month effort against our 1-year. So we can't negotiate against ourselves. So we're waiting for a proposal back from the Senate, which we hope to get soon. If we do, tomorrow we'll meet at 10 o'clock. Republicans, Democrats, House and Senate to try and work this through. We want to get this done. The American people deserve to have us get this done. We're working on a way to do that.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself 1 minute for a couple of quick comments.

We all have the same set of facts. The Senate conferees were appointed on December 23, the very same day that the provision that we're talking about passed the House by unanimous consent. The conference committee did not meet until the 27th of January for the first time. That's one.

Two, we talk about the Reagan recession. The Reagan recession was nowhere near as severe as the, let's call it the Bush recession. The GDP fourth quarter of 2008 declined at an annual decline of over 8 percent. Most severe recession we have had since the Great Depression. Jobs lost.

Last 14 months of the Bush administration, we lost jobs every single month, culminating in his last month in office, a job loss of 735,000 jobs. President Obama has been President for 36 months. We've had job growth, private sector job growth, in 23 of those months.

Drug testing, one comment: Over 400,000 Americans have lost their jobs in the last 3 years as a result of corporations outsourcing to other countries.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of New York. I yield myself another 30 seconds.

So these are people who lost their jobs, ready, willing, and able to do them, lost their jobs as a result of, really, corporations unrelentingly pursuing profits at the expense of middle class Americans. Do we really want to add insult to injury and tell them if they need unemployment, they're going to have to be drug tested?

I yield 3 minutes to my friend from Vermont (Mr. WELCH).

Mr. WELCH. The major reason why this motion to instruct is timely is the answer to this question. What will we know after February 17 that we don't know now? There is going to be no new information. So what would justify the delay?

What we know now, number one, is that Republican economists and Democratic economists say that this is a very fragile recovery, that we're all happy that the unemployment rate is going down, but we're all concerned that it's unacceptably too high. And when you have Republican and Democratic-aligned economists saving unanimously to take this money out of the economy at this time would stall the recovery, we all agree that we can't do that. So that's not going to change between now and February 17.

Secondly, we know that on the payfor, we have clear lines of division on this. If you have a pay-for that basically takes with one hand what was given in the other, in other words you cut spending on things that help middle class families in order to pay for a 2 percent reduction in their payroll tax, that zeroes out the stimulative effect.

So from a macroeconomic point of view, it does no good for the economy, when all of us assert that our goal is to help the economy.

The second question is political tactics, and the political tactic of this Congress has been brinksmanship. On December 10, when we just about turned the lights out on government, it was a last-minute agreement that finally kept them on. It included a tax provision that extended the high-income tax cuts, added \$800 billion to the deficit, and created some significant anxiety in the markets as to whether this institution could do its job.

## □ 1640

Fast-forward to August of 2011 and to the fiasco—that's the only word that can be used—of this House of Representatives actually having a debate about whether it was legitimate for the people of this country to not pay their bills. That caused enormous anxiety in the markets. By the way, that hurts the economy.

In December of last year, we were in the payroll tax fight, and this is where I think we get to the heart of the matter. There is a difference of opinion on the payroll tax. The Democratic side is essentially for it, and it was very clear the Republicans were against it, and there was kicking and dragging when the Speaker came back with the unanimous consent and overrode the action that had previously been taken.

So the reality of the situation we're in now is that the other side is saying, yes, yes, yes, they're for a payroll tax reduction; but their actions say, no way, no way, no way.

It's time to act.

Mr. WALDEN. Mr. Speaker, may I ask how much time remains on both sides

The SPEAKER pro tempore. The gentleman from Oregon has 21 minutes remaining. The gentleman from New York has 17½ minutes remaining.

Mr. WALDEN. I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I now yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I thank the gentleman for yielding.

Mr. Speaker, thankfully we're in a leap year, because we have 2 weeks to the day to come to an agreement to extend the payroll tax cut, the doc fix, and the important unemployment benefits.

We can't let taxes go up for the American people by \$100 billion. Let's get this clear what this costs. Yet the majority is willing to bail out certain banks, to protect billionaires from having their taxes go up by one dime, and the majority has to be dragged kicking and screaming to provide the middle class a little help.

The gentleman from New York was absolutely correct to compare what the Reagan administration faced—and I thought they did a good job in responding to the problem—to this almost catastrophe off the cliff, which is a stretch beyond one's imagination. It doesn't stand up to logic. So far this year, the economic indicators have shown some improvements, not what you would like, not what I would like, not what the gentleman from Long Island would like. Well, we're going in the right direction. I'm sorry if some folks on the other side don't like that, but that's what's happening.

We've had 23 months of private sector job growth and increases not since the mid-nineties in manufacturing. When the President raised his hand in January of 2009, we were losing 750,000 jobs a month. Now the unemployment rate dropped to 8.3 percent, which is nowhere either side wants it to be. However, the failure to pass a payroll tax cut would put the brakes on our economic growth by reducing our gross domestic product by \$28 billion off the bat. The recovery is still fragile. The States, including my home State of New Jersey, have an above average unemployment rate. Unfortunately, the failure to pass an extension would also hurt New Jersey more than almost every other State.

First, folks living in Bergen County, they lose \$1,400. Now, that may not seem like a lot if you're paying a tax rate of 13.9 percent—hint, hint—but it is a significant amount of money directly in the pockets of the middle class families in northern New Jersey. Nationwide, the failure to pass an extension would reduce employment by \$350,000.

We all agree, Mr. Speaker, that this payroll tax cut is a good thing, but we disagree profoundly as to how we're

going to pay for this. I know it's tough for you to come to the well to find places to pay for it since you didn't pay for anything.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of New York. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. In New Jersey, this means the construction industry would lose over \$100 billion in sales; manufacturing would lose \$285 million in sales; and real estate professionals would lose \$159 million in sales. Overall, there would be a reduction of over 11,000 jobs.

This is totally unacceptable. The answer to job creation and economic growth is in front of our faces. Help the middle class grow with tax relief and smart investments now. Put it in context.

Mr. WALDEN. I yield myself such time as I may consume.

I want to just address a couple of points.

First of all, my dear friend from New Jersey, when he talks about the Congress bailing out the banks, may want to talk to his colleague from New York since, I think, he voted for TARP in that process. Anyway, he may want to have that discussion right there.

You two are pretty close together. You can kind of work that deal out.

Mr. PASCRELL. Will the gentleman vield?

Mr. WALDEN. I yield to the gentleman from New Jersey.

Mr. PASCRELL. We were all in on this for good or for bad, and we could level the same criticisms about bailing out the auto industry. Some banks took advantage of it and played it straight; some did not.

Mr. WALDEN. In reclaiming my time, I don't disagree with that. I didn't support some of those bailouts either, although I did vote to make sure their financial system didn't collapse. My point is we faced some tough problems. We actually got over the hump in a bipartisan way, and we can do that here.

The interesting thing is that my colleagues on the other side of the aisle are the ones who, I believe, in most cases voted against the long-term payroll tax reduction the Republicans put forward; they voted against the 1-year extension of unemployment and the 2-year doc fix.

Mr. PASCRELL. May I respond?

Mr. WALDEN. Wait a minute. I've got a couple of other things I was going to share with you first.

So that's what the House passed; right?

What we got back from the Senate was the 2-month short-term that we're all upset about. Because I agree with you. Having been a small business owner, there were a couple of things that were bad about that 2-month extension, which we actually, in the end, tweaked and fixed. One is just doing

the payroll—trying to get the formulas, the calculations, the software in your payroll system. All that had to be changed for employers, and we actually got that fixed at the end, which is a good thing.

Going forward, we need long-term predictability and certainty, and that's what Republicans thought and Speaker BOEHNER thought in the beginning, which was, why don't we stop kicking these cans down the road on shortterms and get away from these problems that were such an issue last year that riled the markets, as one of our colleagues said earlier. Why were we forced into this mess with short-term continuing resolutions that time and again we came right up to the brink on? Why? Because, under Speaker Pelosi, my friends on the other side of the aisle did not produce a budget nor did they fund the agencies for the full fiscal year.

Mr. PASCRELL. Will the gentleman vield?

Mr. WALDEN. No, I won't, not at this moment. Don't leave. I'll get to vou.

I've got to finish this because this is the problem with the dysfunctional nature of what happened here in Congress 2 years ago, which then, when we took the majority in January of last year, we inherited—no budget—just like our colleagues on other side have not produced a budget in more than 1,000 days. They still haven't produced a budget. If you and I were on a board of directors of some nonprofit and if we didn't do a budget every year, they'd rightfully say that you're being malfeasant, that you're not doing your job.

So the House passed a budget. The House, under Speaker BOEHNER, also funded the government. That wasn't easy, but we only have a majority on a good day in a third of the process, so we had to work with our friends on the other side and with the President downtown. At the end of the day, though, we funded the government for the rest of the fiscal year.

You talk about anxiety in the markets and all that. By the way, in having brought some stability back to government, in having seriously said we have to pay for spending and cuts by cutting spending, the market now is at the highest level it has been since the crash in '08 or thereabouts. So it is coming back. Now, that doesn't help the average Joe out there on the street necessarily or people trying to find work, and there has been a lot of effort to try and deal with that, but we have a long way to go. I agree with my colleague that none of us is happy at 8.3. None of us was really happy at 10 or. in parts of my district, at 16 percent unemployment, so we have a long way to

I would yield just briefly.

□ 1650

Mr. PASCRELL. I would agree with much of what the gentleman is saying, and we need a bipartisan solution.

Mr. WALDEN. Yes, sir.

Mr. PASCRELL. The problem is, you've failed to mention that how you paid for this is what really caused the disagreement, whether it was August or even December. Even December, go back to December when we had another opportunity, and we did not rise to that occasion. If you are not willing to at least come together and compromise on how you pay for these things-I know it's a difficult thing, and I respect the integrity of your words and yourself when I say this through the Speaker. I say this wholeheartedly and full-heartedly. If we can't agree on how we're going to pay for the payroll tax cut because if you look at what you've suggested-you're suggesting that we go deeper into the general budget and cut things that are near and dear to not only yourself-

Mr. WALDEN. I'm going to reclaim my time because you actually have time, and you might want to get some

yielded on that.

The point is, the discussion we are having right now is on how to pay for it. That is the discussion we are having with the Senate, and there is disagreement. But there should be no misunderstanding that it was the Republican House that put forward the 1-year extension of the payroll tax cut for these same working-class folks. It was the Republican House that put forward a 2-year fix for the docs so they had certainty in their medical practices and could continue to see seniors on Medicare. And it was the House that passed the 1-year extension on unemployment. We just think the "spend it even when you don't have it' days are

This country's job outlook is affected because of this country's government's failure to cut spending. We don't have a revenue problem; we have a spending problem. There is nothing that has a longer chance of living in America than a government program created in Washington. We have got to do a better job. It's not easy. The hardest thing you can do in this job is to tell somebody "no." But you know what, for too many times, too many people in this Chamber over the years have only said "yes" to spending and creating new programs. That has to change.

So we did have a debate about increasing the debt ceiling. And for the first time we said, It's not going to be that automatic Democratic Dick Gephardt rule that said, when you pass a budget, you raise the debt ceiling automatically. We thought it was time to have the debate. As painful as it was, as difficult as it was to say, We have to offset this increase in deficit by cutting spending, I know, as a small business owner, our small business would

have been broke if it had been run as this government runs.

Now there are good times and bad times in government, and you can work around some level of borrowing and some level of deficit. But it isn't far from this porch out here to the debt crisis Greece has and Portugal has and the European countries have and are facing right now. We have time to fix that; and that's why we're saying rather than cut the funding going into Social Security and not replace it with something else is a mistake. That is what we're saying.

I reserve the balance of my time. Mr. BISHOP of New York. I yield my-

self 30 seconds.

The gentleman referenced my vote on TARP. I did, indeed, vote for TARP. I found myself in pretty good company. Mr. CANTOR voted for TARP. Mr. BOEHNER voted for TARP.

With that, I yield 3 minutes to the gentleman from New Jersey (Mr. An-

DREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for this op-

portunity.

We got some welcome economic news last Friday that companies added about 250,000 private sector jobs. It's long overdue, and we hope and pray that it continues for many, many months to come. The country is coming back, but we have a very long way to go.

I think one of the reasons why the country is coming back is because at the beginning of 2011, everybody who earned a wage in this country got a fairly substantial tax cut so that they would buy more in the stores and maybe eat a little bit in the restaurants and buy more goods and services. And I think that and some other things started to work.

The worst thing that we could do would be to interrupt that recovery by failing to extend this tax relief for middle class Americans. I'm willing to take at face value that I think almost everyone in this House agrees with that proposition. And I think everyone agrees with the proposition that it would do great harm to our economy

not to make this happen.

Here is what I think stands in the way of where we are and where we need to get to: in any negotiation, you can't succeed by negotiation through ultimatum. There are some things that I really think ought to happen. I, frankly, think the way to pay for this is a very small tax surcharge on the very wealthiest Americans. I think that those who make more than \$1 million a year, who have gotten, by the way, 90 percent of the pay increases in this country over the last decade. I think asking them to contribute to deficit reduction is a fair and reasonable thing to do. I think it's what we should do. But I don't think we should make it an ultimatum. And I don't think our party is making it an ultimatum.

The problem here, as I see it, is that the last time we went around in this 1year extension, we heard from the other side two very important matters that I think are rather extraneous to solving this problem. The first had the functional effect of a cut in unemployment benefits. Now, at a time when there are four unemployed Americans for every one open job. I think to presume that the unemployed are lazy or are not working hard to find a job is really just factually incorrect and, frankly, indefensible. So we don't agree with extending this recovery by cutting the unemployment benefits of people out there looking for work. We just don't think that's a good idea. Then the other ultimatum came on the issue of the pipeline. And there are all different views on the pipeline—some pro, some con—within both parties.

I hope that what we're able to do is to stop the negotiation by ultimatum and extend this for the rest of the year. And the purpose of Mr. BISHOP's amendment needs to be looked at. There is no good reason why this can't be done by the 17th of February. Frankly, it should have been done by the 17th of January. And we all made this decision at the end of December. There was no reason why this couldn't have been done in the month of January, but here we are.

When the American people have a dispute in their family, in their business, at the labor negotiations table, at their school board, no matter where they are, they do not negotiate by ultimatum. Neither should the Congress. And, frankly, when I heard from the other side in December that we must do the pipeline or no extension of the tax cut, you know, we must cut unemployment benefits or no extension of the tax cut, that's no way to run the country. And that's not what we ought to do

Mr. WALDEN. How much time remains on each side, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Oregon has 13½ minutes. The gentleman from New York has 10½ minutes.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

I would like to just point out a couple of things so we get on the same terms here. I was actually here until the 23rd day of December, as were the Republicans appointed to be conferees. I don't know that Leader Pelosi had appointed Democrat conferees at that point. I don't think in that process she had yet, although she did somewhere thereafter. Maybe on the 23rd, but not in between. The Senate wasn't here. And even though we tried to get them to appoint conferees prior to that, they did not. So on the 23rd is when we finally said, It's over. They weren't coming back, and we ended up agreeing to the 2-month extension, which leaves us here.

Now, my friend from New Jersey talked about this should have been done by January 17. Well, there's only one problem with that: the Senate didn't come back into session until the 24th of January. The conferees could have met during that period. In fact, we would have met during that period; but, frankly, there were Membersprobably from both parties and both Houses—who were not available to meet. And I know for sure in the Senate, some of the conferees were not available to meet because they weren't exactly in the country. So that wasn't going to happened until we were both in session.

I believe the State of the Union was Tuesday night, the 24th. I believe that's the day the Senate came back. I may be off by a day. But that's why this thing didn't start up. Which, by the way, is why in December we begged the Senate, Why don't we work this out December 23? Why don't we work this out December 22, 21, 19, 18, go on back. We were ready and we stayed, and they chose not to. They had a big vote and said, We're going to do 2 months. We'll see you at the end of January. So that is where we are.

### □ 1700

Mr. ANDREWS. Will the gentleman yield?

Mr. WALDEN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Is the gentleman asserting that the Senate was in recess until January 24?

Mr. WALDEN. I believe it was.

Mr. ANDREWS. That means that the gentleman must support President Obama's appointments to the Labor Board?

Mr. WALDEN. Reclaiming my time, that's cute and clever. You and I know that's not exactly the same issue. And I would assert that if a different President, a different party had done that, you might share the same concerns that some of us have. We were not officially in recess, but they were not in town, either. Both Chambers open and close every 3 days. That's how it's been done in the recent past.

I reserve the balance of my time.

Mr. BISHOP of New York. I yield myself 30 seconds so we all have the same set of facts.

It's my understanding that the chairman of the conference committee, Mr. CAMP, was on a codel to South America during the period of time that the gentleman from Oregon cites, and it is up to the chairman of the conference committee to call the conference.

I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank the gentleman from New York for the time.

Mr. Speaker, this matter of whether to extend the payroll tax for middle class Americans for 160 million Americans is a no-brainer for most Americans. It has to be done. 160 million Americans should get a tax increase because the Republicans don't want to share the sacrifice of cutting spending and balancing our budget? We have to pay for the sins of the Republican majority who want to balance the American budget on the backs of working class Americans, seniors, veterans, and the middle class? That makes no sense. It's not right.

Now, my colleague from the other side of the aisle says that the Democrats want to take money from Social Security to pay for this. That's not true, Mr. Speaker. In my opinion, that is obviously not true. This is from the party, Mr. Speaker, that wanted to privatize Social Security. The Republicans wanted to privatize Social Security, and everyone knows it.

I'm not going to yield.

The Republicans just voted last year to end Medicare.

So the American people are not fooled about whose side the Republicans are on and whose side the Democrats are on, Mr. Speaker. The Democrats are for working people, for the American middle class, for seniors, for veterans, for labor. So the Republicans say, Mr. Speaker, that they want 160 million Americans to have their payroll taxes go up. They want 50 million senior citizens in America to be threatened with the loss of health care because they are going to deny the doctors who treat the seniors full reimbursement for their treatments. And they want to cut unemployment benefits that put food on the table for tens of millions of Americans who are out there looking for work because the Republicans do not want to share the sacrifice. They want to cut spending on the backs of the middle class working Americans and seniors.

They voted to privatize Social Security. They voted to end Medicare. Who is anybody kidding when they say that this bill to extend unemployment benefits, to keep the payroll tax cut for 160 million Americans, and to keep seniors having doctors care for them because the doctors will still get full Medicare reimbursement has anything to do with seniors? The Democrats are for Social Security, Medicare, and seniors, and everyone knows it.

It's time for our Republican colleagues—I'm a Democrat who voted against TARP and for the car company bailout—to get their priorities straight.

Vote for this continuation of unemployment benefits, for unemployment insurance, and full payment to doctors who take care of our Nation's seniors.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume to set the record straight.

First of all, my colleague who just spoke, it was his party that raided Medicare as part of the President's health care legislation by \$500 billion. That's a fact.

Now, when he says that my party ended Medicare, that is not a fact. And, in fact, PolitiFact, the independent arbiter of what we all say here to see if it's truthful, said that the notion that that is true is the biggest untruth of the year. They gave it that award because they knew that it wasn't true. And I know it's not true.

Now, I'm trying to figure out what my friend, and he is my friend, means when he said that this isn't somehow raiding Social Security's trust fund because the payroll tax that is at issue here that is being reduced by 2 percent is the payment that, if it were made, would go into Social Security. That's the payroll tax.

I won't yield at this moment. You wouldn't yield to me. I'll let you use your folks' time.

Now that is being offset. And by the way, the offsets that we are talking about as part of this legislation almost in every case received bipartisan support in this House, and sometimes overwhelming bipartisan support. And many of those offsets were actually recommended by the President of the United States, Mr. Obama, as part of a different package as things that he thought made sense.

And so we said, you know what? Maybe there's some common ground here. The President recommended some of these offsets as ways to reduce government spending and pay for other things as part of the supercommittee process. And so if he thought it was okay there, maybe we can finally find some common ground, and we'll say you like that there, and so we'll use that here so we don't increase the deficit, don't hurt jobs, and don't leave our kids with an unimaginable debt.

So Republicans are the ones who've said, We're not going to let you raid Social Security. We'll reduce the payroll tax payment, the Social Security tax payment, but we're going to offset it so that the fund is not any further reduced. I think that's an important principle that I would hope we would all share.

And so I just say that it was the President's health care plan that took \$500 billion out of Medicare. I don't know, I'm a fan of Medicare. I've seen what it does for seniors. I saw what it did for my parents and my wife's parents. I want to make sure it's preserved for the future, just like I want to make sure Social Security is as well. That's why we shouldn't rob the fund.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself 30 seconds for two quick comments.

I don't know a single Democrat, not a single one, who believes that we should diminish the Social Security trust fund to handle this Social Security payroll tax reduction. We all believe that the Social Security trust fund should be held harmless.

Second, with respect to Medicare, the Affordable Care Act does indeed reduce the rate of growth of Medicare going forward by \$500 billion. I will point out that every single Republican in this Chamber voted for that very same reduction in the rate of growth when they voted for the Ryan budget.

I yield 2 minutes to the gentleman from Ohio (Mr. Kucinich).

Mr. KUCINICH. I thank my friend.

We are here as stewards of our Nation, and we must be here to care for the people of our Nation, to care for those who are working hard every day trying to survive, trying to pay their mortgages, trying to pay their car payments, get their kids in school. And all they're looking for, 160 million Americans, is a continuation of a tax cut. We should be for that.

Those millions who are unemployed are also looking for help. They're looking for recognition that they've earned these unemployment benefits. This isn't welfare. It is an earned benefit, unemployment insurance. We should make sure they get that benefit.

Now, why do they need it? It's pretty obvious. People have to pay their mortgages or their rent. They have to feed their family, and they have to put clothes on their kids' backs. They need this unemployment insurance.

I have trouble understanding, Mr. Speaker, this proposal that's before the Congress in this bill, H.R. 3630, that would discriminate against Americans who aren't employed, who don't have a high school diploma, by saying if you're going to get unemployment benefits, you have to go to school. Well, that sounds good, but then it doesn't give them any resources to do so. This sounds too much like urging people to pick themselves up by their bootstraps and then stealing their boots.

We should give people unemployment benefits, and if they have time to go to school because they don't have a job, we should be paying for that as well. That helps to uplift the knowledge level in America, and then when our economy comes back, we'll have a better-trained workforce.

Now, this other proposal which would allow States to subject all of those who apply for unemployment insurance to drug test needs to be looked at.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of New York. I yield the gentleman an additional 30 seconds.

Mr. KUCINICH. Has anybody in this Congress suggested that those who are getting a bailout should take a drug test? That those who have oil depletion allowances should take a drug test? That those who were the recipients of the Bush tax cuts in the top bracket should take a drug test? No. We say the poorest of the poor should be subject to drug tests. I mean, come on. Get real.

□ 1710

We need to create jobs in this economy, and there's one way to do it. We

could create 7 million jobs debt-free with what's called the NEED Act, the National Employment Emergency Defense Act. Government needs to create these jobs debt free. We don't have to have the unemployment level we have. We shouldn't be having this debate.

Mr. WALDEN. I yield myself such time as I may consume.

Mr. Speaker, what Americans really want is a job. I don't think there's any disagreement between us that that should be our goal. That's why as part of what the Republicans put in the bill that went to the Senate is a plan to auction off spectrum that would generate upwards of 700,000 jobs, according to some studies—700,000 jobs. It will spur innovation and spur technology. That's in this bill that we're fighting for because this is a sector that can grow good-paying, family jobs that can keep America in the lead on innovation and technology.

So the legislation, the American Jobs Act, which I authored, is in this legislation. It's a part of this bill. It would generate net \$16.7 billion to help pay for extending unemployment or to help pay the Social Security trust fund so that it doesn't have to be depleted.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REED).

Mr. REED. I thank my good friend from Oregon for yielding me this time.

Mr. Speaker, I have sat on this conference committee now for a bunch of months, and there's been a lot of money spent in Washington, DC, and elsewhere around this Nation saying that the Republican Party is the Party of No. Well, let me tell you as I sat in this conference committee what I heard, and yesterday was the best example of it.

I heard commonsense proposals in the House bill brought to the conference committee, brought to the Senate Democrats and said, Look, we have all supported this. Ninety percent of these pay-fors for the policy that we're trying to enact, the President—the Democratic President—supports. And what I heard repeatedly yesterday was, No, no, no. We are not going to accept these pay-fors. Even though our President said we'll accept them, even though we've supported them in the past, what I heard yesterday was, No, we're not going to pay for it.

So I think to the American people there is a clear division here. What we stand for in the House Republican side and in this Chamber is that we are going to pay for the decisions coming out of Washington, DC, going forward.

And I will have to say that my colleagues on the other side of the aisle, and my particular colleagues in the Senate on the Democratic side of the aisle, have tried to go back to the old politics of do you know what? Let's just call everything emergency spending and we don't have to pay for it.

That's old-school politics. That philosophy is done and over with because the hardworking American taxpayers back at home, Mr. Speaker, deserve for us to pay our bills, and that is what we're doing.

I am all for true dialogue. If the Senate is not going to accept the pay-fors that are in the House bill, then send over whatever proposals you have to cover this bill, especially when we're talking about Social Security taxes and when we're talking about payroll taxes that are the sole revenue to fund Social Security.

I've met so many constituents back at home, Mr. Speaker, that have repeatedly told me, Why are you cutting these taxes? Why are you jeopardizing Social Security? And what I have said to them is, I believe that you need to keep your money, not give it to Washington and let them waste it and spend it on policies that are out of here. But what we will do is I will stand and make sure that Social Security is made whole.

That's what I'm looking for in this dialogue is that we come together, recognize that the politics of old is done and we will pay for our decisions. And once that happens, I am confident we can come together and do what hardworking taxpayers in America want us to do, and that is extend the payroll, take care of the unemployment, and take care of our doctors so that physicians can see our seniors in America and that Medicare is preserved.

Mr. BISHOP of New York. I yield 2 minutes to my friend from Michigan (Mr. Peters).

Mr. PETERS. I thank the gentleman for yielding.

I rise today in support of Representative BISHOP's Democratic motion to instruct conferees.

If Congress doesn't act by the end of the month, Americans that have lost their jobs through no fault of their own will begin losing the unemployment benefits keeping their family afloat in these very difficult times. This is why I'm leading my colleagues in sending a letter to the conference committee urging them to preserve current levels of unemployment benefits. Families receiving unemployment benefits are already facing significant challenges, and pulling the rug out from underneath them would damage our economy and force these Americans into poverty.

Mr. Speaker, my Republican colleagues like to talk about uncertainty. When they're not pushing tax cuts for the rich as a cure-all for the economy, they're blaming uncertainty supposedly created by Wall Street reform or environmental protections for slow economic growth.

If my Republican colleagues want to know what real uncertainty is, I suggest they pick up the phone the next time one of their constituents who is staring down the expiration of their unemployment benefits calls. Real uncertainty is not knowing if you're able to pay for heat. Real uncertainty is not knowing if you're able to pay for groceries. Real uncertainty means spending a year or more looking for a job and barely scraping by with unemployment benefits while some in Washington want to play politics with the livelihood of these Americans. Uncertainty is exactly what Republicans are creating by their refusal to come to the table and pass a full extension of unemployment benefits and the payroll tax cut.

I support Representative BISHOP's motion to instruct conferees because it will direct conference committee members to stop the delay and issue their report next week. American families cannot afford to wait any longer.

Mr. WALDEN. How much time does each side have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Oregon has  $4\frac{1}{2}$  minutes remaining. The gentleman from New York has 2 minutes remaining.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

I think this has been a good, thoughtful, and lively debate because I think we've been able to show each other, through you, Mr. Speaker, the fact that the House did its work.

House Republicans put forward a proposal to extend unemployment benefits for a full year, and we paid for it. We put forward a proposal to give working middle class taxpayers a reduction in the amount they pay into Social Security, but we backfilled that money so that Social Security's trust fund was not depleted. And we said to our physicians out there who take care of our seniors that they would have certainty and not face a 27.4 percent cut in their reimbursement rates under Medicare and that they would have that certainty for 2 full years. So the facts are clear what the House passed.

We also included in this legislation to try and drive new job creation in the high-tech sector by auctioning off spectrum that would generate \$16.7 billion and upwards of 700,000 jobs. That's a high-end number, but let's say it's half that. There are estimates all over the place. But a few hundred thousand jobs would be a really great thing, especially in technology and innovation and everything that would come from that. That's in this bill.

What we got back from the Senate was 2 months—2 months—2 months—and a failure to even come to the table. So the Republican conferees from the House have been willing to meet anytime, anywhere. And, in fact, under Chairman CAMP's leadership, we have met in public with our counterparts.

Frankly, we've had some good discussions across the table. I want to make that clear, as well. Between the Repub-

licans and Democrats, House and Senate, those of us on the conference committee I think you would say, even though we may have disagreements, we've had good discussions. And now we need to get the work done.

In order to get the work done, we have to have some alternative proposals from the Senate, which hopefully we're going to get, maybe even tonight. I think that would be helpful because then we would know what their position is, because this is kind of a different sort of conference. We had a year bill; they had a 2-month bill, and most of that 2-month bill became law. So it's been kind of an awkward conference for the Senate to try and figure out how to do this, and the House has a full year or 2-year extension, depending upon the items at issue here.

So we'll meet again tomorrow at 10 o'clock, is my understanding, in conference, either in private or in public. I don't know. That will be up to the chairman. But in any case, I don't care when or where. I'm ready. Mr. REED from New York who spoke earlier is ready, and my other conferees are ready. We were ready in December to get this done, we really were, and we still are. And we're committed to the working American people and those who are trying and struggling to find jobs to make sure they have that unemployment insurance. They deserve that, they need that, and we're committed to providing that.

## □ 1720

So, Mr. Speaker, on that note, I don't think there will be any objection on this floor to approving the motion to instruct conferees to get their work done by the 17th. I'll certainly support it, as I have and nearly everyone in the House has

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of New York. In closing, let me just make it unmistakably clear: there is not a single Democrat that is advocating diminishing the Social Security trust fund. We all agree that the Social Security trust fund must be made whole. That is why we are fully accepting of the fact that this tax cut—unlike every other tax cut that's been passed in this Chamber in the last 10 years—should be fully paid for so that the Social Security trust fund is not diminished.

Secondly, I want to thank Mr. Walden and Mr. Reed for their service on the conference committee; it cannot be an easy conference. I would just ask that as you go forward, you be guided by what Leader Cantor has said. What Leader Cantor has said is that we should pass what we can agree on, and we should leave the issues on which we can't agree to another day. It certainly appears as if we agree that we need to extend the payroll tax deduction, we need to fix the SGR, and we need to pass unemployment insurance.

So, let's pass it. Let's leave to another day contentious issues like mercury emissions, like the Keystone pipeline, like drug testing. Let's pass what we can agree on. Let's debate those other issues—they're important, they deserve a full debate—but let's not let them stand in the way of a tax cut for 160 million Americans, access to Medicare physicians for 50 million Americans, and keeping millions of Americans at least with some lifeline with respect to unemployment insurance.

I urge my colleagues to support this motion to recommit, and I thank the gentleman from Oregon for a spirited debate.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## FRANK CUSHING

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, our Capitol Hill community has endured a great loss this week with the passing of our dear friend, Frank Cushing. Frank passed away early Monday morning after a year-long battle with cancer. He was 59 years old.

Frank Cushing left his mark on public policy through more than 30 years of public service in the House and the Senate.

For those people who understand just how important fine staff are to our ability in the House and the Senate to more effectively serve our public, I know of no public servant who has greater respect in this community, indeed, around the country, than Frank Cushing.

We will be holding a memorial service commemorating Frank's work on our behalf next Monday at 3 p.m. The details regarding that service will be in the CONGRESSIONAL RECORD. I urge all Members who know and love Frank Cushing to come together and focus upon his service.

## PRO-CHOICE CAUCUS

(Ms. WOOLSEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, there are few things more universal to the health and lives of women than birth control. It is basic health care. It's essential to women's economic independence and professional fulfillment. In fact, with the swearing-in of our new colleague from Oregon, we now have 94 women in Congress. My guess is there would be about half that number without the benefit of contraceptives. That all began 40 or 50 years ago.

So, when the Speaker said this morning that Congress must overturn the President's policy "acting on behalf of the American people," I'm not really sure what he's talking about because the President's decision is on the right side of common sense, sound science, and public opinion. It enjoys support from a majority of Americans and a majority of Catholics.

Let me add that many of my House colleagues who want to deny access to contraception are the same ones who want to cut programs that help women and families facing unwanted pregnancies.

I applaud the President for standing up to reactionary forces and standing up for women's health care and women's freedom.

## STOCK ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SLAUGHTER. Mr. Speaker, from Main Street to Wall Street, it is common knowledge that insider trading of stocks is a crime. In 2004, celebrity homemaker Martha Stewart was sentenced to 5 months in prison. In 2011, Wall Street titan Raj Rajaratnam was sentenced to 11 years in prison for profiting from stocks bought and sold on insider information.

Despite these headline-grabbing convictions, when it comes to Members of Congress, the law of the land clearly does not apply. In the Halls of Congress, there are no clear laws preventing Members of Congress from using their public office to obtain insider information and trade stocks for private enrichment. We thought last week when the Senate passed the STOCK Act 96-3 that the House would have a chance to follow and that we would be moving forward to remedy that wrong. We were unfortunately very much wrong. We had had a markup 2 months ago in December on the STOCK Act; and at the last moment, the bill was snatched away, the meeting was adjourned, and we heard no more.

After the Senate passed the bill, the House decided that they indeed would

pass one, any kind that was going to be strengthened and made better. We discovered yesterday that what was going to happen was that we would no longer have a freestanding bill, but instead we would have a suspension bill.

Let me take just a second to explain the difference between those two bills. We would have had an opportunity under a regular bill to be able to amend it, and we would have been given the right to recommit. Under suspension, we can do nothing but vote it up or down. This bill, which has the most support that I've seen in my 20 years in Congress, more editorial support all over this country and support in parts of Europe, is more than you can even imagine, and it was simply taken away. Was it made stronger? Absolutely not. We said yesterday that we were afraid the euphemism for making stronger meant that the bill would be gutted, and indeed it was.

The part called "political intelligence," which is an investment that people make in getting political intelligence from Members of Congress and their staff, yields \$402 million a year just simply from information traded from Members of Congress and sold to the clients of hedge fund dealers. We're pretty disappointed about that. It happened in the dark of night. We didn't even know it was going to be in the bill until 10:30.

I was really pleased today to hear from both Senator Grassley and Senator Leahy of their great disappointment regarding what the House had done, and we are demanding that we have a conference on these two bills so that we can have an opportunity to keep political intelligence in that bill because of its major importance. In fact, if we do nothing, this totally unregulated industry will simply continue to prosper in the shadows with no one watching.

In a way, the STOCK Act is a statement of how we view ourselves, and it certainly is the relationship to those that we serve. It's a reflection of our role as public citizens and knowledge that while we may receive the honors and power conferred by our service, we ourselves are equal in our rights and responsibilities just as every other single American citizen. No matter how powerful our position, no matter how hallowed the Halls we walk, no one here is above the law.

## □ 1730

With the passage of the STOCK Act, Congress could have moved one step closer to living up to the faith and trust bestowed upon us by the American people, citizens for whom we serve. Unfortunately, that has been snatched away from us at the 13th hour.

We are hoping either for a reconsideration by the leadership of this House or that we can, with the help of the Sen-

ators that I've mentioned, be able to demand a conference between the two Houses on the bill they passed and the travesty that we will be passing here.

I yield to the gentleman from Minnesota.

Mr. WALZ of Minnesota. I thank the gentlelady.

Mr. Speaker, the gentlelady from New York has a long history of service and was concerned about ethics before ethics were in vogue, and certainly before "60 Minutes" came on.

All of us here enjoying in this people's House the incredible honor and responsibility and privilege that we have been given by our neighbors, we gather in here as teachers and soldiers, as microbiologists, as new Members, attorneys who join us here, and were sent here from across this Nation, from the plains of Minnesota to the high rises of New York City to the beautiful areas of Oregon, Our newest Member is joining us tonight. And the responsibility of standing here and self-governing calls the responsibility of us to conduct ourselves in a manner not just equal to every other Member, every other citizen, but to a higher level.

And the absolute perception, whether real or not, the perception that Members of Congress or elected officials are somehow using their office to profit, or somehow tipping people to profit for themselves, is not only an affront to our neighbors who sent us here, it's a cancer on the democracy.

This institution and deliberative self-government will survive long before us. The giants who came before us and the words that we stand in front of, they will last into the future. This institution requires us to conduct ourselves in this manner.

So that's why, coming from the high school classroom as a teacher, one of the first people I met in this Chamber was the gentlewoman from New York, and she knew that I was sent here to try and do things differently; yes, to be passionate about how we see our political differences, to be passionate about how we educate our children, how we care for our veterans, how we build our highways, how we bring about a system of health care that's fair, and to respect our neighbors and to respect our colleagues on the other side of the aisle for their differences, but what's happened and what the American people have lost faith in is not the idea of democracy, but the idea that we all play by the rules.

So I think it's important, when the gentlelady from New York speaks and speaks about this idea of tightening the rules on insider trading, she's talking about protecting the democracy. She's talking about making sure no one gains access, so that when the teacher walks through the door, when the microbiologist walks through the door, when the attorney walks through the door and they're representing

650,000 people in their district, that those constituents know the decisions we make are based on what's best for the Nation, the things we talk about are not being used to enrich someone personally, because it's not only wrong—and now, after tomorrow, we're going to, hopefully, say illegal—it also is so undermining to the system.

So I think this debate, and this decision we have, the gentlewoman's point goes much deeper than what's possible politically; it's what's required of us. And what we're asking for, and what the gentlelady has so eloquently talked about, is just give us the opportunity to talk this through.

The genius of this system put us here. It put the Senators on the other side of this great Capitol, and it told us to get together. They passed a piece of legislation. We compromised over here with something. Let's bring them together.

And the argument being made on political intelligence and supporting the system is absolutely correct. I think today, and I want to be very clear, Mr. Speaker, none of us here are patting ourselves on the back and saying, Look, we passed the STOCK Act. The gentlelady's worked at it for 6 years. It feels like a sense of accomplishment not for her, for me, or our colleagues who have been stalwart supporters. It's an affirmation to the American public that the system works, and they owe us to do the best job we can before we move that forward.

So this isn't, Good job, we passed a bill to do the right thing. Americans live by this rule every day. What we did was we closed a loophole that existed, and we went further and talked about how could this be construed to enrich others and corrupt the democracy.

So you're hearing terms like "political intelligence." What we're saying is, do it in the light of day. Sunshine cures many ills.

And so I support the gentlelady's point. I support it because I know it didn't come about by a born-again ethics. It came about by years and a lifetime of not giving the sermon but living the sermon.

So I ask my colleagues, listen to what's being said here. Take this into consideration. Compromise. Get this to the Senate, and then let's give the American public a real unique gift in this political environment, a win on something important that makes them believe that things can be better. We owe that to them.

Ms. SLAUGHTER. I am pleased now to yield time to my good friend and fellow New Yorker, Mrs. MALONEY.

Mrs. MALONEY. I thank the gentlelady for yielding and for her hard work on this issue and many others.

Mr. Speaker, I am really very pleased that we are finally working to address the insider trading issue in this body and that it will finally be on the floor tomorrow. We should not have had to wait so long for a bill that has 270 cosponsors; and I am proud to be one of them, and I have been in past Congresses.

I want to thank my colleague from New York, LOUISE SLAUGHTER, who has worked on this legislation for 6 long years, and my colleague from Minnesota, Mr. WALZ, for their excellent leadership, perseverance on this issue.

Mr. Speaker, I have said it before: Elected officials must be like Caesar's wife in avoiding the appearance of impropriety. The need to expressly prohibit this activity in statute cannot be overstated. Insider trading is illegal on Wall Street and it should be illegal on Capitol Hill.

The STOCK Act is bipartisan, commonsense legislation to prohibit federally elected officials from profiting on nonpublic information they receive through their legislative duties. This is long-overdue reform of how Washington does business, and the American people deserve and expect us to pass it swiftly.

Regretfully, the bill introduced by the Republican majority does nothing to regulate the political intelligence community. In fact, when they wrote their version of the STOCK Act-and they did not go through regular order; it should have gone through the Financial Services Committee, on which I serve, and others—the Republican leadership did not consult with the bipartisan coalition that has championed this bill for years. They did not mention anything to Mr. WALZ or Ms. SLAUGHTER and, as a result, they introduced a flawed bill. This bill is weaker. not stronger, and it has been denounced by Senator Grassley and Senator LEAHY.

Like the lobbyists before them, political intelligence operatives use a proximity to power to serve high-paying clients. Unlike lobbyists, these operatives are nameless. Under current law, they are not required to identify themselves as they go about their work. And we know all too well what happens when Congress and K Street work in the dark.

I join my colleagues, Congresswoman SLAUGHTER and Congressman WALZ, in calling for a conference committee where Senators LEAHY and GRASSLEY, and also a bipartisan coalition here in the House, can work together to make sure that the political intelligence community is covered by this bill.

I thank my colleagues for their hard work, and I will join them in working to make this stronger, to really return it to the strong form that my colleagues drafted.

Ms. SLAUGHTER. Mr. Speaker, it is with great pleasure and absolute delight that I'm able to yield to the next speaker, who is a newly minted Member of Congress for just a little more

and that it will finally be on the floor than 24 hours, SUZANNE BONAMICI from tomorrow. We should not have had to Oregon.

### □ 1740

Ms. BONAMICI. Mr. Speaker, thank you for this opportunity. I want to thank the Congresswoman for yielding to me this evening about this important bill. Congressman WALZ' and Congresswoman SLAUGHTER's leadership on this issue has been remarkable. Thank you so much for your tireless efforts.

The idea behind the STOCK Act is simple. Members of Congress, their staff, and other government officials should not be using their access in Washington to enrich themselves on Wall Street.

I am already a proud cosponsor of H.R. 1148, a bill that rightfully enjoys broad, bipartisan support. The protection of the integrity of our government institutions is not a partisan issue. The STOCK Act is one critical act we can take to make it clear to our constituents back home that we, like them, will not tolerate the types of activities that we were all shocked to read about in the press.

The trust that my constituents have placed in me is something that I take very seriously. As public servants, we are here to work for the people, not outside firms looking to profit, and certainly not to make a quick buck for ourselves. When you hear about scandals like this, it's no wonder the public has so little confidence in our institutions of government.

If we want to restore citizens' faith and earn back their trust, we must make sure that everyone is playing by the rules.

As I mentioned yesterday in my remarks to this House during the incredibly warm welcome I received as its newest Member, we have a fundamental belief in this country that if you work hard and play by the rules, you can succeed.

The reports of past insider trading make clear that the rules, as they apply to Members of Congress and others in the public sphere with respect to their Wall Street dealings, are not sufficient.

The STOCK Act improves the rules to ensure not only that they are sufficient, but there are consequences for breaking those rules. I'm proud to join with my colleagues, both in support of the STOCK Act and in the recent effort to bring the bill forward for consideration by the House.

Now, it's my understanding that we're going to see an altered version on the floor before we conclude this week's business. Now, I'm surprised to learn as a new Member that no amendments will be allowed on such an important bill. Although the weakening or elimination of certain key provisions, such as the political intelligence language, is deeply disappointing, I remain committed to the effort of ensuring that all of us in public office play

by the same rules as the people who have entrusted us with the privilege of being their voice in Washington.

I look forward to continuing to work with my colleagues to restore our constituents' confidence in their representatives and in their government institutions.

Ms. SLAUGHTER. I am now pleased to yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentlelady, Ms. SLAUGHTER, and I thank her effort and the effort of Congressman WALZ as well for initially bringing this bill forward at a time when we had not heard about some things we heard on "60 Minutes," at a time when really nobody was paying attention to this issue. These two folks had the courage to bring this forward, and I want to thank them for that.

I was really proud to be the fourth cosponsor of this legislation back in May, at least the version we're talking about tonight, not the current version that's on the floor. I really think that it's absolutely urgent that we fix the current loophole that was already mentioned by so many of my colleagues, that allows Members of Congress to use information that they obtain in a nonpublic fashion for their own financial benefit.

This is something that on the face of it simply makes no sense that we should allow it to happen. Not in a democracy, not certainly in Congress, in this institution. It was mentioned that this institution is not much respected right now. In fact, the latest Gallup poll today showed Congress at 10 percent. It's not surprising given the stories that we've heard, given the problems that we've seen in this country, and especially when we have something like the STOCK Act in front of us, and there's bickering going on that this thing is not being passed as quickly as it should have been passed.

Now we find that my good friend and my colleague Senator GRASSLEY from Iowa is upset as well because as was mentioned, the political intelligence loophole is there at the moment as well. That's got to stop.

We've got to pass the bill here in the House. We've got to do what we can to have a conference committee that's going to have real teeth, that's going to take care of that loophole. Senator GRASSLEY is exactly right about that. We need to show the American people that we in Congress play by the same rules that they do, that we're not above the American people. So when we go home to our districts, as I do every week-every weekend I'm home, people have faith in us. They have confidence in the institution of Congress, and that they know, as we should, that we play by the same rules as they do.

I want to thank Congresswoman SLAUGHTER and Congressman WALZ for organizing this Special Order tonight.

I'm very, very proud. This is only the second time that I've done this since I've been in Congress. This is my sixth year. But I couldn't be more proud than to come up here and speak on this very important issue, and as I said, I do it because the people in Iowa, the people in my district, tell me this is the right thing to do.

Ms. SLAUGHTER. I yield back the balance of my time.

#### CONTRACEPTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Mrs. LOWEY) will control the remainder of the hour.

Mrs. LOWEY. Mr. Speaker, some decisions are just too important to be based on fear of political repercussions. That is why it is gratifying that President Obama heeded the advice of the Institute of Medicine and concluded that given its importance to women's health, contraception should be covered by health insurance as a free, preventative service for all American women.

To accommodate religious institutions, the administration appropriately exempted places of worship from requirements to cover contraceptives in their health plans. The rule strikes a delicate balance respecting the rights of both religions ideologically opposed to birth control and American women.

Let me be clear: No one will be required to use contraceptives. The rule simply allows women to exercise their own conscience when it comes to their health, and the vast majority of American women already do.

It would be a grave mistake to make it more difficult to access medically recommended services for the 99 percent of all women who have used contraception in their lifetime.

The administration was absolutely right to stand up for women's health by protecting access to contraception.

I yield to Congresswoman SLAUGHTER from New York.

Ms. SLAUGHTER. I thank the gentlelady for yielding.

Mr. Speaker, I want to commend President Obama and Health and Human Secretary Sebelius for including contraception as a preventive service that health insurance plans are required to cover at no cost.

This decision, based on the recommendation of the Institute of Medicine, is the right decision for women. It affirms the individual freedom of women to make choices about their health and their future.

Following the administration's decision, there has been an uproar from the religious community. While some claim it is in violation of First Amendment rights, the simple truth is that this decision upholds the First Amendment rights of millions of women to

not have their reproductive health managed by religiously affiliated organizations who may not share their own beliefs.

This decision stands up for women's freedom, as it is a woman's right to decide when and how she wants to have a family, whether or not she chooses to use birth control, as 98 percent of Catholics do. If she subscribes to a religion that teaches against the use of birth control, then she is free to choose not to use it either.

If she would rather use birth control for the many health protections and benefits that it provides, such as the fibroid tumors, migraine headaches, and bleeding that cannot be controlled, she should also be free to do so. Either way, the choice should belong to her and to her alone.

It is also important to note the details of the administration's decision.

We're not talking about churches or organizations that exist for the sole purpose of teaching their religion.

## □ 1750

These organizations are totally exempt from providing coverage for contraception.

What we are talking about is religiously affiliated organizations, such as hospitals, schools and universities. Millions of women are employed by these types of organizations, and those women do not necessarily share the beliefs of their employers. In fact, I think one of the most egregious things felt by many women is that whatever their own religions teach, they are not going to be allowed to go by that.

Catholic hospitals can and do—and we want them to—employ Baptists, Methodists, Protestants, Muslims, Jews, Buddhists, agnostics, and atheists. Teachers, cafeteria workers, administrative staff members at religious schools and universities are not necessarily members of that religion. Those employers should not have the right to decide whether or not the women on their insurance plans can access birth control. They still have separation of church and state.

Many religions that teach against the use of birth control also teach against divorce, but institutions affiliated with those religions are not allowed to discriminate against employees based on their marital status. They do not have an exemption from labor laws because of their religious beliefs. This is no different.

A recent decision by the administration shows that they are standing with women and supporting their freedom to make the choices that impact themselves and their families. Surveys have repeatedly shown that women and men across this country support providing access to contraception at no cost and that that support is equally strong among members of the very religious who are fighting this decision.

I applaud the President and Secretary Sebelius for supporting the health and freedom of women, and I support their decision to put women's personal health and freedom first.

I yield to the gentleman from Illi-

nois.

Mr. QUIGLEY. Mr. Speaker, when it comes to religious exemptions, a balance must be struck. The rights of religious followers must be protected while also respecting the beliefs of others who may be impacted by a religious exemption.

Take, for example, a Catholic university where Jews, Hindus, Muslims, and non-religious followers work. Should these individuals be denied access to contraception even though their faiths do not oppose it?

If we expand the religious exemption too far and allow religiously affiliated institutions to deny contraception to their employees regardless of their religious beliefs, we begin to see the beliefs and rights of those who support and require contraception infringed upon.

As policymakers, we have to stand up for the rights of all of our constituents regardless of their faiths. This means making policies that walk the line between protecting the rights of primarily religious institutions while also protecting the rights of individuals employed by religiously affiliated institutions. The administration's exemption strikes that balance

I yield to the gentlewoman from California.

Mrs. DAVIS of California. Mr. Speaker, I rise to applaud the final ruling issued by the Department of Health and Human Services to include birth control at no cost.

The pill changed the world. As some have said, it was one small pill, but one giant leap for womankind. It improved women's health. It reduced infant mortality. It increased a woman's earning potential. It empowered families to chart their own courses. Yet, currently, one in three American women struggles to afford birth control. A woman's right to decide when to start a family is meaningless if she does not have the means to make a choice. All of these benefits could be denied because of a relatively small amount of money, and that is simply unaccept-

I am pleased that we are living up to the promises made in the Affordable Care Act, and I urge my colleagues to join me in protecting and increasing access to health care for every woman in America.

I yield to the gentlewoman from New York.

Mrs. MALONEY. Thank you.

I rise in support of the President's action and Secretary Sebelius' action in the Department of Health and Human Services to allow the birth control benefit for working women across this country.

This birth control benefit increases access to preventative health care while respecting religious freedom. This is accepted practice in 28 States-28 States that require insurers that cover prescription drugs to provide coverage of the full range of FDA-approved contraception drugs.

Taking this benefit away would be devastating for millions of workers. Women's access to care is absolutely on the line, and they have turned it into a religious versus reproductive freedom debate. Birth control is medication prescribed for women's health, plain and simple. It is not radical. As I said, 28 States already supply it, and roughly 99 percent of women use birth control at some point in their lives; but the only way they can use it is if they can get it, so the right to choose is absolutely meaningless without the means and access to choice.

The President's thoughtful decision allows insurance companies to cover contraceptives. It does not in any way interfere with one's religious beliefs or the beliefs of the church. It does not force anyone to use them, and it certainly does not require anyone churches or anyone else—to cover them. Yet, if it is a university, if it is a major employer that is employing many people and not people of one faith but of many different faiths, then it is required to follow the law of this country.

So let's end this assault on women's health, and let's listen to the millions of Americans who rely on birth control each and every day. It's important for their health, and I applaud the President and Secretary Sebelius.

I yield to the great Congresswoman from the great State of California.

Ms. LEE of California. I want to thank the gentlelady for yielding and also for standing up for women's health, not only today and during these very difficult times, but each and every day of her life.

As a former devout practicing Catholic, I fully understand and respect the Church's doctrine on contraceptives. Even though I disagree with it, I fully respect it and I understand it. Also, I know that the separation of church and state is a fundamental principle that we must maintain

Mr. Speaker, the administration's decision to provide choices to access quality, affordable health care, family planning services, including contraceptives, are vital for women's health and well-being. This is really not about a mandate. The rule would not force anyone with a religious objection to use or prescribe FDA-approved contraception. The fact is that Catholic bishops know that the 335,000 religious institutions and organizations and churches and places of worship are exempt. In fact, no woman will be required to use contraceptives or to even access contraceptives if she does not want to do that. This ruling is about women making their own decisions as to whether to use contraceptives or not. It's about access.

Religion must not force discrimination and discriminatory policies against, for example, an employee who works in the cafeteria of a hospital who chooses to plan her family. She should not be denied this coverage because of where she works. Low-income women finally—finally—will have equal access to contraceptive services if they choose.

So we want to make sure tonight that the facts are presented appropriately. Yes, we've witnessed this war against women systematically come against women's health for the last year now, and it's about time we start really being truthful to the public and get the facts out there and not allow the misinformation to really put women, once again, in a position of not having access to contraceptive care.

### □ 1800

So I believe that this decision was right. I know that it allows for religious exemptions. And this rule should now allow for employees, for nurses, for health care workers to access contraception when they want to, and if they choose not to. They don't have to. But we should not allow discrimination to take place anymore.

I vield now to the gentlelady from California, Congresswoman Lois Capps.

Mrs. CAPPS. I thank my colleague, BARBARA LEE from California, for yielding to me. And I also want to thank our colleague from New York. NITA LOWEY, for her leadership in organizing this opportunity for us to speak, to speak with one voice, we who are Members of Congress, women Members of Congress. And speaking for myself, some of us are mothers, are grandmothers. And my career in public health greatly informs what I'm about to say.

Mr. Speaker, I rise today in support of the Obama administration's decision to include contraception in their very, very important list of preventive services which will make women's health care more affordable. Let us be clear: This was not a political decision on the part of the administration, on the part of our President, nor was it intended to attack any religious institution. It was a decision based on extensive science and the expert recommendations made by these scientists with the goal in mind of keeping women and their children healthy.

However, a great deal of misinformation has been spread about this rule, and some have decided to, again, use women's health as a political football. But the truth is that this issue is not as divisive as many would like it to be. Almost all women use a form of an FDA-approved birth control at one point or another in their lifetime. This

includes 98 percent of Catholic women as well. And most Americans, men and women, believe that women—not their bosses—that women should have the choice of which health care services they can and want to access.

But, you know, some would have us believe that the administration's rule is in some way radical. It is not. Twenty-eight States already require the coverage of contraception in their insurance plans, and the new Federal standard is based on the one that has worked in my home State of California for many years. It has done so without any religious hospitals dropping coverage or firing employees. It's worked perfectly well. The administration now has made the right call, and I speak on behalf of women in this country urging the administration to stay the course.

Now it is my honor and pleasure to yield to our colleague from Maryland, DONNA EDWARDS, a very appropriate person to speak on this topic.

Ms. EDWARDS. I thank the gentlelady for yielding.

Mr. Speaker, I just want to express my support for the administration's ruling that provides women and families across this country, no matter their faith, the opportunity to take control of their own reproductive health and to gain access to contraceptive services.

The opposition we are hearing—although very vocal, from very few voices—does not adequately reflect the voices of the millions of women across this country who rely on contraception.

Mr. Speaker, 99 percent of women in the United States and 98 percent of Catholic women already use birth control; and it's estimated that, on average, women use birth control for 30 years. Polls conducted across the country over the last week also have found that more than half of the United States population believes that employers should provide health care plans that cover contraception and birth control at no cost.

Unfortunately, over the last week. since the administration's ruling, I believe religious leaders have misinterpreted and misled the American people on the rule's implications. The exemption in the ruling actually very carefully protects the rights of churches and church associations. The administration justly limits the exemption of institutions whose main purpose is for spreading religion and employ and serve people of the same faith. Clearly, the opposition doesn't express this. Extending this exemption beyond these churches to other religious institutions would directly undermine the intent of the health care reform law for the more than 640,000 individuals employed, in particular, by Catholic hospitals.

And let's be clear: Contrary to what some have said, this ruling has abso-

lutely nothing to do with abortion. In fact, the ruling will save women up to \$600 per year and keep their employers from absorbing a 15 to 17 percent increase in health care costs simply not to provide women with contraceptive coverage.

Women and families across the country deserve the option to receive comprehensive contraception coverage if they desire. The rule doesn't prescribe contraception to women. If a woman chooses to exercise her faith and not use contraception, she's free to do so under this ruling. However, limiting access to contraception to any subset of the population would be a direct affront to the scientific and medical recommendations of the Institute of Medicine.

Catholic institutions are in an untenable position. After all, where is it that we would draw the line? Should those institutions exercise their role as employers rather than their role in their faith tradition? I would argue that of course this is about their role as an employer.

What, for example, would the government do if these institutions also believed that they should exempt themselves from paying payroll taxes because they believe that under their faith tradition people's responsibility is to tithe instead? Would we allow them to self-exempt from payroll taxes? I don't think so.

Contraception and maternal health is all a part of a woman's comprehensive health care, just like breast exams, screenings, and well-woman visits. Fifty percent of pregnancies in this country are unplanned, and it's widely understood that these unplanned pregnancies are not as healthy as planned pregnancies. This can cost taxpayers up to \$11 billion a year. And at a time when the other side is slashing budgets and proposing reforms to shift costs to States, this ruling is about as smart as we get for our health care system, for women and families, for babies, and for American taxpayers.

Making certain women and families have the opportunity to plan pregnancy is critical for our society. The administration's ruling protects women, families, and babies, eliminates discrimination of one group of women over another, and it's important for us. The ruling respects the religious beliefs and freedoms of all Americans and health care providers while it ensures that women have the full option to pursue contraception.

I stand with my colleagues in support of the administration's rule and look forward to working to expand health care coverage and women's health care coverage.

At this time, I would like to yield to my colleague from Connecticut, the Honorable ROSA DELAURO, who is a true leader for women's health care, and I appreciate her leadership.

Ms. Delauro. As both a Catholic and an advocate of women's health, I believe that these guidelines strike the necessary balance between increasing access to health care services for women while respecting the religious beliefs of all Americans.

These guidelines are based on recommendations from the Institute of Medicine, a nonprofit, independent organization that is grounded and rooted in science. They have recommended that women have access to a wide range of services, such as screening and counseling for domestic violence, that pregnant women have access to services such as a screening for gestational diabetes, that women have access to at least one well-woman preventive care visit a year, and that all women have access to a range of contraceptive services, counseling, and methods.

Let me be clear: The Catholic Church and its employees are exempt from these guidelines. They apply only to church institutions that serve the larger community, employ people of different faiths on a nonreligious basis, and do not meet the clear requirements for a religious exemption. There are thousands of non-Catholics who work in Catholic hospitals and in Catholic universities.

Improved access to birth control is directly linked to declines in maternal and infant mortality and helps to reduce unintended pregnancies.

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That is why 28 States, including Connecticut, already mandate the coverage of contraceptive service and why many private employers already cover these services.

I'm proud to support what I believe to be a moral decision by the administration and a well-drafted compromise that maintains the existing Federal conscience protections and at the same time allows women access to contraceptive service and other preventive health care services without mandating in terms of contraceptive services that one use it or be required to dispense it.

I would like now to yield to my colleague from Washington, DC, the Honorable ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentlelady for yielding. And I think, Mr. Speaker, in the next several days and weeks you're going to see people come forward to speak up for the silent majority in this controversy about contraception and what institutions should and should not provide. Whoever has been a silent majority, today it is the women of America, particularly women who may happen to work for Catholic hospitals, for a Catholic university as I did, for example, when as a Protestant I worked as a tenured professor of law at Georgetown University here in Washington, DC.

The Catholic Church has long accepted the laws against discrimination except as to the Church itself and the

Church's own activities. And so you'll find in a Catholic hospital or Catholic university you must hire people regardless of their race or religion and the like.

Now, the Church seems to be seeking a different rule on how you accommodate religion. We have accommodated the Catholic Church when it comes to hiring its own employees, for example. And the administration has accommodated the Catholic Church when it comes to the provision of contraceptives for its own church employees.

However, there are hundreds of thousands of women and men who work for hospitals, for universities, and other institutions that hold themselves out as nondiscriminatory and as accepting all people. For that reason the Church, of course, qualifies for Federal funds because it is accepted, as acting as a public institution in the place of a public institution.

We have a long and treasured history, Mr. Speaker, of religious accommodation. When I chaired the Equal Employment Opportunity Commission, I recall the many cases in which we tried to err on the side of religious accommodation, but the accommodation must never be so broad as to trample on the rights of others. To accommodate the institution and not accommodate the people whose conscience is being trampled, of course, is precisely what the Constitution does not allow.

A broad accommodation to the Church that would relieve it of offering a health care service that is essential would penalize the rights of thousands of non-Catholics. So whatever the right of the Church is, it does not have the right to trample on the rights of others. That's how accommodation works.

The administration's own exemption is patterned on identical religious exemptions that have been tested in the courts and found to be constitutional.

I think the administration was looking at two things when it fashioned a very, very generous exemption for the Church in the health care law. First, it was looking for what was necessary to do as vital to the health care of women, but it was also looking to what was constitutional.

Mr. Speaker, if I may say so, I believe the broad exemption which the Catholic Church seeks which would penalize the rights of thousands of women who work for catholic-affiliated institutions who are not Catholic who do not share their views, whether or not they are Catholic, on this issue, if such an exemption were to be granted, then the administration, it seems to me, would find itself engaging in an unconstitutional exemption.

The administration has accommodated the Church. It has fulfilled its obligation to see to it that women have a vital health care service, and it has prevented an unconstitutional violation

I am pleased to yield now to the gentleman from New York.

Mr. NADLER. I thank the gentlelady for yielding, and I thank her for her excellent exposition as to the law and the constitutionality, with which I am in full agreement.

As we all know, the administration recently announced that a popular and critically important component of the health care reform law would guarantee that most women have access to contraceptives paid for by their health insurance. This decision was based on the sound science of the impartial and independent Institute of Medicine, which recognized that contraceptives are an essential health service fundamental to improving the lives of women and their families.

This decision is a major victory for women. Eighty-nine percent of American women, including a similar percentage of Catholic women, use contraceptives at some point in their lives. Particularly at this time of economic uncertainty, women will have one less cost to worry about that can be a substantial cost. Make no mistake about it, freeing up \$600 or \$800 a year will have significant effects on working families.

The decision also recognizes and supports religious freedom by providing certain limited exemptions for places of worship, as well as for those organization that hire and predominantly care for those who share the same religious beliefs. They were protected against being required to violate their religious teachings.

I am proud to stand shoulder to shoulder with President Obama and his administration for helping to strike this important balance between religious rights and the rights of women to protect their health.

Yet to hear some people talk about this decision, you'd have no idea that the religious organizations and the religiously devout have their liberties protected. Amid all the hyperbole, the truth is that the administration's decision, while significant and important, is hardly new. This measured approach that balances religious rights on the one hand and the rights of women on the other is already the standard in 28 States, including my home State of New York.

Because it is not just employers and corporations that have rights at stake, hardworking people and their families also have rights.

Under the approach adopted by the administration, universities and hospitals which serve and employ people from a multitude of faiths and cultures are not exempt from the requirement that health insurance provide coverage for contraceptives, nor should they be. Women should not be denied a basic health service merely because they work or study at a university or hospital affiliated with a religious organization.

The difference here is that churches are and should be protected in their religious role, protected against having to violate their religious views, but they must not be protected in their role as employers. We permit a church, for example, to discriminate in religious practice. No one asks the Catholic Church how come you do not permit women priests? That's their business.

But we do not permit them to discriminate as employers. We do not permit a church-affiliated hospital or university to say we will not permit the hiring of female doctors or female professors or black doctors or nurses because that would impinge on liberty. If a church has a doctrine against hiring female priests, that's fine. But hiring female professors in the university, unless it was a solely ecclesiastical university, only for religious purposes, if it is a regular university, then they cannot be permitted to have that kind of discrimination.

We protect religious liberty, but we cannot permit a church to impose its views on others who may not share those views.

#### □ 1820

The church can preach its views, it can seek to persuade people, but it cannot coerce people who may work for a church-affiliated university or hospital that they cannot use contraceptives if they want to. The liberty here is the liberty of the employee that must be protected. The liberty of the church must be protected in its churchly function and in its function as a religious institution. In its function as an employer, the liberty belongs to the employees. And that is the distinction that is made here. It is the proper distinction.

Imagine if some other church that thinks that it is wrong to give transfusions to people, blood transfusions, ran a hospital. We would not permit them to let people die in that hospital for lack of transfusions because it's not up to them to decide medical practice by their religious doctrine. If the person wants to refuse treatment because his religious doctrine says, I don't want a transfusion, that's his liberty. But we must not confuse the religious liberty of the church to propagate its views and to conduct its religious affairs as it sees fit with the liberty of employees in a secular institution affiliated with the church to have the normal protections against discrimination and the normal rights that we afford all people.

That is why the administration's decision to say that contraceptives are scientifically a necessary health care service which must be provided by health insurance is right, and any attempt by a religious institution to say that they should be exempt from having employees allowed to get contraceptives paid for is wrong, and I applaud the administration for making

the proper distinction to protect the liberty of the employees and the religious liberty of the church both.

I yield to the distinguished gentleman from New Jersey.

Mr. HOLT. I thank my friend from New York.

This is an important subject. As previous speakers have made clear, birth control is fundamental to women's health, just like cholesterol testing and any number of other things. And decades of evidence show that planned births produce healthier babies and healthier mothers. Anyone who is working as a health care aide or a nurse or working in a religiously affiliated social service agency would want health care provided to them that is not discriminatory, and that includes the range of services that provide for good health.

Purely religious organizations would be, are, have been and will be exempt. But when an institution, even if affiliated with religion, chooses to provide public services and accept public money, they must follow public fair employment practices and not discriminate in hiring or salary or benefits. And now, under the Affordable Care Act, they also may not discriminate against women and women's services in providing health care benefits.

That's what we're talking about here. It's really quite straightforward. Expanding the religious exemption to religious institutions that employ people of all faiths would take preventive services away from millions of Americans, would result in substandard health care for far too many women in our country, and it would allow religious institutions to be able to discriminate against employees of different faiths.

It's only fair. It's only what has become recognized by the courts, by the public, and by general public mores as the right thing to do. And now under the health care act, it would be institutionalized for all agencies except purely religious agencies that hire only in one faith.

So, Mr. Speaker, I think there's been a lot of misinformation about this. I hope tonight's discussion has helped to clarify the matter.

With that, I am pleased to yield back to my friend from New York.

Mrs. LOWEY. I thank my colleague from New Jersey.

In conclusion, I want to emphasize, again, that the Institute of Medicine found that contraceptives save lives. There are numerous studies that have shown that contraceptives lower the risk of developing ovarian cancer, help prevent unintended pregnancies, improve outcomes for children, and reduce abortions. So, my friends, it's hard to believe that in the year 2012, we are having a debate about whether or not insurance plans should cover contraceptives.

Let's remember that for many women in this country, of the 98 percent of women that are using contraception at some point in their lives, let's remember that for many women, \$1,000 a year is money that they can't afford. So let's support the administrative position recommended by the Institute of Medicine.

Mr. Speaker, I yield back the balance of my time.

# HOUSE ENERGY ACTION TEAM HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARDNER. Thank you, Mr. Speaker, for the opportunity to address the House tonight on American energy. Tonight's gathering again brings together people from across the country to talk about energy policies, rising energy costs, and what it means not only to American families but what it means to the American economy.

Tonight's organization is brought to us by the House Energy Action Team. It's a group of people throughout the United States elected to Congress who are committed to doing everything that we can to solve our Nation's great energy crisis, to make sure that we are addressing the price of gas at the pump and to make sure that we are taking advantage of all of the great resources that this country has to offer, whether they are traditional energy resources, be it natural gas and coal, or whether it's renewable energy and the opportunities we have around this great country

This country faces a significant challenge. We all know the situation. Unemployment stands at over 8 percent, just as it has for the last 36 months in a row. Along with high unemployment, the American people have a new worry now: rising gas prices. The average price for a gallon of regular gasoline has risen to \$3.45. That's up from 11 cents from just 1 month ago, 33 cents from 1 year, and up a full \$1.66 since President Obama took office.

We cannot allow these high gas prices and energy prices to continue to stymie our economic recovery, and the American people cannot afford to continue to pay these unnecessary costs. Just yesterday, in fact, Federal Reserve Chairman Ben Bernanke testified in the Senate, "a major disruption that sent oil prices up very substantially could stop the recovery." This is a serious matter we're facing. The Federal Reserve chairman has recognized that if gas prices, if energy prices escalate, if they spike, that disruption that sent oil prices up very substantially could stop the recovery that this Nation so desperately needs.

The chairman went on to note that price spikes feed inflation and act as a tax on American consumers. The government can approach this problem in a very direct way. We can take steps to increase domestic oil production and refining. Unfortunately, fighting high gas prices doesn't seem to be a high priority for this administration. Offshore leasing has fallen behind previous projections. Other administration policies have also curtailed onshore production.

In 2007, the United States Energy Information Administration projected the total 2010 U.S. oil production on Federal lands to be 850 million barrels. Actual production was 16 percent beneath that. About a year ago, the Energy and Commerce Committee had an opportunity to hear from Secretary Chu, the Department of Energy secretary. As he was testifying before the House Energy and Commerce Committee, I asked a very simple question: What is the administration's plan to address the rising price of gasoline to help relieve the pain at the pump for millions of Americans who are trying to get to work and help their families make ends meet? After a lot of hemming and having the answer was, well. in 10 years from now—and I stopped him, I interrupted, and I said, the administration's plan to address high gasoline prices is something that we can count on in 10 years from now? As we have seen with gas prices that have already risen \$1.66 since the President took office, their plan is still not in ef-

# □ 1830

Permitting agencies across the Federal Government need to work to streamline, speed up, and improve the permitting process in order to close that production gap on Federal lands.

Energy exploration can lower energy costs while driving the economic recovery. Economic recovery and job creation is the number one priority of this Congress, and it is time that the President and our friends in the Senate get on board

Creating jobs and getting people back to work is not a partisan issue. It is past time that we get some wins in the fight against high unemployment and economic stagnation. For instance, it's been 3 years since the application was filed to build the Keystone XL pipeline, which would create a pipeline stretching from the oil sands in Alberta, Canada, to the gulf coast, bringing significant oil supplies to the United States.

The Alberta oil sands development would create 6,000 jobs in Colorado. It's estimated that it would create 6,000 jobs between 2011 and 2015. The Keystone pipeline is an important part of that development. These are good-paying, solid, reliable jobs—20,000 direct jobs, 100,000 indirect jobs—and yet this President has vetoed the Keystone XL

pipeline. He has said "no" to jobs, "no" to North American energy.

I'd just like to show a recent survey that was taken a couple of weeks ago. The American people support construction of the Keystone pipeline. You can see right here the number of Americans from across the political spectrum, Republicans and Democrats, a variety of income levels, a variety of age levels, all people, the majority of whom support the Keystone XL pipeline because they know in this economy we can't say "no" to jobs. We should be saying "yes" to jobs. They know that if we say "no" to the Keystone pipeline, we're saying "yes" to sending our jobs to China. Mr. Speaker, I don't think the American public wants China to win our energy race. I think they want to make sure that we are doing everything we can for energy security in our own backyards.

We need pro-growth solutions to create jobs, but there's only so much that Congress can do to directly create those jobs. Real job creation comes from the private sector, from small businesses and private employers. Unfortunately, our government has a regulatory climate that makes it incredibly hard for businesses around this country to do what they do best: to innovate, to excel, to expand, and to hire.

The EPA and other Federal agencies have been writing new job-killing regulations at record pace. These agencies are actively working against the number one priority of the American public, to create jobs—job creation.

At a hearing in the Energy and Commerce Committee in April of last year, an EPA assistant administrator, Matthew Stanislaus, admitted to me that the agency doesn't directly consider job losses when analyzing a new rule, when coming forward with an economic analysis. Not only is that just unacceptable, it's shameful that an agency would create rules, issue rules without taking into account the impact, in an economic analysis, that regulation would have on jobs.

Under this administration, the Obama EPA has proposed unnecessary and costly new rules on cement manufacturers, industrial boilers, farmers, power plants, energy providers, along with general ozone rules that will affect every sector to the economy with no thought as to what the consequence will be on the American job creator.

To be clear, the regulatory killing field is not the only problem. In the financial sector, Federal regulators are forcing banks to hoard capital, prohibiting community banks from effectively working with their borrowers. Businesses are struggling to operate in the face of damaging overregulation, and the financial sector is not there to support them because of even more damaging regulations. It's no wonder that unemployment is still above 8 percent. It's no wonder this is the longest

stretch of unemployment exceeding 8 percent since the Great Depression.

We have government agencies saying they don't care about jobs, and we have an administration and a Senate that aren't doing anything about it.

With that, I'm joined by my colleagues from around the country. I would yield to my good friend and colleague, somebody who has championed job creation, who has sponsored legislation to create jobs, the gentleman from South Carolina (Mr. Duncan).

Mr. DUNCAN of South Carolina. I want to thank the gentleman from Colorado for his leadership on this issue, not only on the Committee on Energy and Commerce, but also as a leader on the House Energy Action Team, someone that understands that there is no national security without energy security. It's been said many times by not only Members of Congress but by leaders from all across the administration, this administration and past, and so it's something I firmly believe in.

Let me remind the American people that just recently the President of the United States decided that he was going to kill the Keystone XL pipeline, a pipeline that would come from our friends to the north in Canada, where technology has allowed them to harvest the oil from the oil sands in Alberta and bring that crude oil down to refining capacity that we have here in this country. That's why the Keystone XL pipeline was so crucial. Not only would we be buying oil from a country that likes us, our largest and best trading partner, Canada, but we would also be bringing oil to the refineries in the Gulf States, the refineries in Oklahoma, the refineries in Mississippi, Alabama, Louisiana, and Texas that have the capacity due to the policy of this administration creating a moratorium on expanded offshore drilling in the United States and the moratorium and poor policies that have kept us from harvesting American resources to meet American energy needs.

I believe in American energy security and American energy independence and lessening our dependence on foreign sources of oil, lessening our dependence on Middle Eastern oil, a lot of times from countries that don't like us very much: but let me read you the President's own words when he decided that he was going to kill the Keystone XL pipeline, when he was going to kill the hundreds of thousands of jobs that would have been saved and createdtrue—not only shovel-ready jobs, Mr. Speaker, but jobs that exist today in the refineries in the Gulf Coast States; so not only kill those jobs, but hurt American energy independence.

Outside of having American energy independence, why not North American energy independence? Why not trade with Canada? But this is the President's own words. He said: I'm disappointed that Republicans in Congress

forced this decision, but it does not change my administration's commitment to American-made energy that creates jobs and reduces our dependence on oil. Not reduces our dependence on foreign oil, not reduces our dependence on Middle Eastern oil, but listen clearly, the President said: lessen our dependence on oil. That is the policy of this administration, to end our dependence on oil and promote green energy; to throw your tax dollars at companies like Solyndra instead of relying on the free market to pick the winners and the losers, allowing what works to work and what doesn't to fall by the wayside and allow American ingenuity and American entrepreneurism to chase the things that work and throw their investment dollars, personal investment dollars, into the technologies that they believe in, the free market, the investors believe in.

Instead of doing that, he took your tax dollars, America. He decided that he was going to pick winners for you and he was going to invest those dollars in companies like Solyndra and many others. As the weeks unfold, we'll realize that your tax dollars were invested in companies that you wouldn't have invested in yourselves because you would have made smart decisions. America can make smart decisions. That's what makes us great. But his own words said that he wants to reduce our dependence on oil.

I go back to Secretary Chu, the Secretary of the Department of Energy, in his own words, that he thinks we ought to be paying the same for gasoline as those in Europe are paying, \$8-, \$9-agallon gasoline. And trust me. we're headed there. Last month was the most expensive January ever for retail gasoline as prices averaged out at \$3.37 a gallon, according to the Oil Price Information Service in New Jersey. That's compared with the previous record average for the month of January that was \$3.09\\(^1\)2 cents a gallon, and that was set last year. In 2010, January gasoline prices averaged just \$2.71 a gallon.

It's the policies of this administration and its moratorium on us harvesting American resources. We're not talking just about offshore oil in the deep waters off the Gulf of Mexico or off the coast of Alaska. We're not talking about just ANWR and it being off limits. We're talking about the Bakken oil fields. We're talking about oil reserves on Federal lands that are currently off-limits from American energy development and American energy production.

But guess what? That same Bakken oil field spills over into North Dakota. That Bakken oil field is on Stateowned and private-owned property. And you know what? North Dakota has a 3 percent or less unemployment rate. It's an energy economy that is booming because it's on State and Federal

land. And they said, hey, come harvest here's what happens. It's not just Big our oil resources.

Oil and the oil companies that are pe-

#### $\Box$ 1840

North Dakota is thriving on an energy economy, and you'll hear from the gentleman from Texas momentarily. They will show you in Texas and Oklahoma and other States that had energy that you're seeing an energy economy thrive.

But that's not the policies of this administration. The policy of this administration is to chase green energy jobs, to chase wind power and solar power and promote it in areas that really it shouldn't be promoted. So, let me just say one other thing, that President Obama is definitely being misleading when he's talking about that 75 percent of our offshore resources are open. The real number should be in acres.

Listen to this: of the 1.76 billion acres on the U.S. Outer Continental Shelf, only 38 million acres, or a mere 2.16 percent, is actually leased for energy development. North America possesses 1.79 trillion barrels in recoverable resources, enough oil to fuel every passenger car in the United States for 430 years; more than six times approved reserves in Saudi Arabia. In the last 30 years we produced over 150 percent of our approved resources.

But let me talk just quickly about jobs, because when the attack from the administration is on Big Oil and on the oil industry and natural gas industry that's trying to help with American energy independence, the attack's just not on big oil companies that are harvesting and exploring and producing oil offshore in the western Gulf of Mexico. That image may be conjured up as we talk about that.

But it's the attack on the jobs. If you think about an oil platform that's out there drilling for oil, you're thinking about an oil production platform that's out there producing the oil after the oil well's drilled. And we put a moratorium in place, and we say we're not going to do anymore of that; we're going to cancel all the lease sales, and keep in mind, it takes years to plan the next lease sale.

I was on the 5-year planning subcommittee that dealt with that, and I know that it's a multi-year process before the first lease sale happens; and when that lease sale happens, oil companies have to drag those rigs out there. They've got to first figure out where that oil might be on that grid square that they just leased, and then they've got to bring the drilling platform out there and they've got to drill that well, ofttimes going many miles down into the Earth's surface to find the oil, and to decide whether it's recoverable, whether there's enough resources there for them to plant a platform and start producing that oil. That's a multi-vear process.

But set that aside a minute. When we have a moratorium on that process,

here's what happens. It's not just Big Oil and the oil companies that are penalized in that. It's the guys that work on those drilling rigs out there in the Gulf of Mexico. It's also the guys that take them supplies, their diesel fuel to run their generators, their food, to transfer the men back and forth that are doing the work from on shore out there to those facilities. It's the companies that manufacture the pipe and the casing that support that industry.

And as JEFF LANDRY will tell you, Louisiana's economy is hurting. It's hurting not because of Big Oil hurting; it's hurting because of the little guys back home that don't get to supply that pipe. They don't get to thread that pipe and fit that pipe. They don't get to weld, and they don't get to service that industry. They don't get the opportunity to go out there and work on those rigs. They don't get to take that drilling mud out there.

You know, it takes a lot of effort to go out into the Gulf of Mexico and actually start harvesting those natural resources. And it's the little guy back home that is now bankrupt because his small company that provided the welding necessary for the piping, he doesn't have that work now.

And so the Gulf Coast States, due to the President's moratorium out there, not only lost the revenue that they would get from the royalties of offshore drilling that other States would benefit from as well. As a side note, if we allowed more drilling on the Outer Continental Shelf on the eastern coast and off the coast of Alaska. But it's the little guy. Louisiana is not getting the revenue.

And then the guys that are being put out of work that are providing the welding and the pipe fitting and the pipe itself and the offshore industries, they're not able to work either. And so they're drawing unemployment benefits, which further cramps the strained budgets of the Gulf Coast States. So they're drawing unemployment benefits. They're not paying taxes, so the State revenues in Louisiana, Mississippi, Alabama, Texas are strained because they're not receiving those tax revenues.

They're not receiving the corporate revenues from thriving energy-based companies that are providing jobsand payroll and paying into unemployment and providing corporate tax returns. It is a tremendous trickle-down effect when we stop harvesting resources. It's a tremendous trickle-down effect to those gulf states' economies.

But I will tell you, in South Carolina, when my constituents have to pay more and more of their hard-earned dollars to put fuel in their vehicles, whether it's gasoline or diesel fuel in their vehicle to go to work, and they've got to think about that first hour that they're working just went to pay the gas that it took them to get there;

when they're digging deeper into that wallet to take out money to buy more and more gasoline just to go earn the money that they're going to turn around and use to buy the gasoline, it's a vicious cycle.

We've got the ability, gentleman from Colorado, we've got the ability to lower gas prices in this country. And I simply look at natural gas, and the prices have come down in natural gas because we found an abundance of it in this country. We found new technology that allows us to harvest those natural gas resources, as you'll hear from the gentleman from New York later, when he talks about the Marcellus gas shelf and harvesting natural gas in New York and Pennsylvania.

But we also talk about Oklahoma and natural gas there. We have an abundance of natural gas. We've seen the price go down. Even in an adverse regulatory climate, even in an adverse tax climate that we've got in this economy under this administration, natural gas prices have gone down because there's two factors that affect pricing of any commodity: supply and demand.

Now, world demand is down. World demand is down on a lot of things because we have a bad economy. But the number one driver for natural gas in this country is supply. The supply is going out the roof. We're an exporter of natural gas. America is sitting on the reserves to be energy independent and to provide other parts of the world with the natural resources that we've been blessed with here in this country.

So America needs to realize that the policies of this administration are keeping this country from harvesting its resources and being truly energy independent and providing the goodpaying, long-term energy-sector jobs.

And if you're looking for a job, America, I recommend you go to one of these energy-producing States, whether it's Oklahoma or Texas or even to North Dakota, where the unemployment rate is 3 percent or less, where you can earn up to \$70,000 a year driving a water truck, if that's any indication of the good-paying jobs that are out there.

Energy as a segue to job creation is the answer to get us out of this economy.

Mr. GARDNER. I thank the gentleman for his comments. And he touched on a great point, the fact that it's not just energy creation itself, energy development itself that creates the jobs that this country so desperately needs. But it's all the indirect benefits. It's the economic cycle of energy production.

If you have abundant, affordable, cheap energy, you're going to have a successful economy because people are able to afford their gas. They're able to use their natural gas in manufacturing at an affordable price.

But it's also the businesses that benefit from the production itself. Our

family, my dad owns a farm equipment dealership. I grew up working at the farm implement dealership, selling parts to farmers and ranchers. Over the past several years we've seen a boom in natural gas development. We see those same people coming in off the rigs into the dealership looking for hydraulic hose, looking for filters for their pickups, looking for work for their maintainers, the work they're doing on their road, the excavators, all of which benefits a rural economy, when they go into the car dealership, when they go into the restaurants. Talk about economic benefit and the ability to grow our economy. Energy production is kev.

Before I yield to the gentleman from Texas, just a couple of quotes to hear it directly from President Obama and directly from Energy Secretary Steven Chu. These are just two quotes. If you want to know where they stand on energy policy, I think these two quotes really define where they have been over the past several years.

President Obama in January of 2008: Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.

Energy Secretary Steven Chu, December of 2008, and I quote: Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

Now, that doesn't sound like a recipe for economic success to me. That sounds like a recipe for economic disaster.

With that, I yield to the gentleman from Texas (Mr. FLORES).

#### □ 1850

I would just let the Chamber know and our colleagues know that Mr. FLORES is someone who has great experience in job creation, putting people to work and certainly helping make America more energy secure.

Mr. FLORES. I thank my friend from Colorado, and you're exactly right. I do have extensive experience in the oil and gas business and also in the energy service business. So I know firsthand the impact on jobs and American energy security that having a robust supply of domestic oil and gas can have.

Mr. Speaker, I rise today to highlight another missed opportunity by the Obama administration to address rising gasoline prices, to promote American job creation, and to provide for American energy security. While the President may claim his administration supports an all-in approach to energy, the facts, however, tell a different story.

Here are four examples of rhetoric versus reality:

Example number one, last November, the Department of the Interior released a draft 5-year plan that fails to open any new areas to new energy production in the Outer Continental Shelf

through 2017. This proposal will send American jobs overseas, forfeit new revenue to the Federal Government, cause higher gasoline prices, and will deny access to American energy resources that would reduce our dependence on unstable and unfriendly Middle Eastern sources of oil.

Yesterday, I helped spearhead a joint bipartisan letter with 182 signatures from this House, which we sent to Interior Secretary Ken Salazar, expressing strong support in the House for the consideration of new and expanded access offshore for the production of oil and gas.

The vast offshore areas of the United States serve as a potential source of the Nation's energy supply containing significant quanties of valuable tax-payer-owned resources in yet-to-be discovered fields. Opening up access to new areas of the OCS will bring new jobs, new energy, and new revenues to the Federal treasury and all at a time when economists expect gas prices to soon skyrocket. Our country desperately needs these benefits now, not at some far-off date in the future.

In addition, new access to American resources will help reduce our reliance on unfriendly and unstable Middle Eastern sources of energy. For these reasons, it is vital that our country have in place a plan that maximizes the opportunity to assess all of these resources that we have available so that we can make informed decisions regarding the appropriate shape and scope of future domestic offshore activities.

Unfortunately, despite the overwhelming support of the American people for offshore drilling, the Obama administration's 5-year draft plan released last November severely limits the outstanding resource potential of America's offshore areas, and it neglects our Nation's vital energy needs. That is why the Obama administration should listen to the strong bipartisan message that the House has sent supporting increased access that would allow us to extend offshore energy production.

Example number two, the President buried the Keystone pipeline and the thousands of jobs and the energy security that it would have helped provide. In light of the fact that his administration approved a similar Canadian oil sands pipeline, the Clipper pipeline, in 2009, it is obvious to the American people that the Keystone XL pipeline was sacrificed solely for political gain.

Example number three, the Obama administration has directed numerous Federal agencies to attempt to regulate and reduce the use of hydraulic fracturing. This is the technology that makes our current abundant supply of cheap natural gas available to us today. Restricting fracking will reduce natural gas, hurt jobs, and hurt American energy security.

Example number four, this iPad costs about the same amount of money, \$600, as six barrels of oil. In terms of profit, however, Apple makes many more times the profit margin on this one iPad than the American oil and gas industry makes on that same six barrels of oil, yet the Obama administration wants to raise taxes on oil companies. This doesn't make sense. How can we expect American energy producers to produce more oil and gas at a lower cost when we raise the taxes on them?

The American people have more common sense than this. The American people know that if you raise the taxes on Apple computer, Apple can't make more of these available at a cheaper cost. Yet, for some reason, the President thinks that we're going to have more domestic energy if we go and attack the oil companies with higher taxes

Access to affordable energy will always be central to our Nation's prosperity. But with new technologies, today's strengthened environmental review, and updated safety standards, there's never been a better time todevelop energy responsibly. But without the option to even look, we deny ourselves an incredible opportunity for energy security and the promised economic benefits that domestic energy production entails to the American people.

The American people want us to get this right. They want Washington to get it right. And they overwhelmingly support an all-of-the-above energy approach for American energy, increased offshore drilling, and they approve overwhelmingly the Keystone XL pipeline.

This is important. Just yesterday, Federal Reserve Chairman Ben Bernanke warned: "A major disruption that sent foreign oil prices up substantially could stop the recovery."

Mr. Speaker, House Republicans have a plan to wean our economy away from unstable Middle Eastern oil. If we want an America built to last like the President referred to in his State of the Union address, then we must have access to safe and affordable American energy to build that economy, to build that America built to last, and to power that America that's built to last.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support and pass H.R. 7, the American Energy and Infrastructure Jobs Act, so we can work together to grow the economy, to create American jobs, to facilitate lower gasoline prices, and to provide energy security that this country needs, not only for our current generation, but for future generations of American children and grandchildren.

Mr. GARDNER. I thank the gentleman from Texas.

He talked a little bit about the Keystone pipeline. I would point out that

the development of the Alberta oil sands for the State of Texas—and this was a statement that was given to the Energy and Commerce Committee early last year by the Alberta representative in Washington. In the State of Texas, the development of the Alberta oil sands could mean as many as 27,000 jobs in 2011-2015, 27,000 jobs that could be created as a result of the development of the Alberta oil sands, and the Keystone Pipeline is a critical component of that. That's also not to mention the fact that there are numerous firms that do business with suppliers and the contractors that would be building the pipeline and the people who would be working throughout the Alberta oil sands as they develop it. So 170 firms in Texas would benefit from the development of the Alberta oil sands.

With that, I would yield to another gentleman from Texas who serves with me on the Energy and Commerce Committee, a great colleague, somebody who has championed energy development and certainly has been a strong advocate for American energy security, the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank my good friend from Colorado and my brother in arms on the Energy and Commerce Committee fighting for U.S. domestic production of energy.

I'm going to start my comments tonight by focusing on gas prices.

We all know that gas prices have risen dramatically under the current administration. This chart here shows exactly what's happens in America. Our President took office right here about February of 2009 and gas prices were just over about \$1.90 a gallon. You can see it spiked up to almost \$2.70 a gallon, and last summer almost \$4 a gallon. It's come back down. So it's over doubled in price since President Obama took office.

These gas prices are a hardship on American families and American small businesses, families that have to take the kids to school, families that have to drive the kids to practice, families who have to go to the grocery store, families that have to go to church. No one is immune to these price increases.

I'm privileged to represent part of the energy capital of the world, a suburb of Houston, Texas, and we're not immune to these price increases. These are articles from a local online paper over the past month. I'll read them to you, just selected portions of them.

#### □ 1900

On January 10, 2012, Fort Bend gas prices jumped more than 11 cents.

On January 17, 2012, one week later, gas prices in Fort Bend have risen another 2.2 cents in the past week.

One week later—there is a theme here—in Fort Bend County, Fort Bend's gas prices have risen another 8.3 cents in the past week.

That's 3 weeks with a 25-cent per gallon increase in prices in my home county of Fort Bend County. Again, families and small businesses are struggling to survive with these incredibly high gas prices. Why is this happening? Uncertainty. Uncertainty in one particular region of the world. The uncertainty is coming from one country, Iran, and its threats to disrupt traffic through the Strait of Hormuz.

I've had a unique opportunity here in Congress. I served in the United States Navy for 10 years. I was a naval aviator, not necessarily a naval pilot, but I've actually flown missions right through the Strait of Hormuz. Iran is threatening to shut down the straits because the United States and the European Union have put sanctions against Iran because of its threat to build a nuclear weapon, which is a direct threat to our security. Most importantly, it's a direct threat to the security of our best ally and friend in the world, the great country of Israel. We have to take Iran's threats very seriously.

Let me tell you a little bit about the Strait of Hormuz. As you can see, it's a very narrow body of water, about 30 miles wide. If you've been to southeast Texas, do you know where the Johnson Space Center is? Drive 30 miles south, and you'll be on Galveston Beach. It's a very, very narrow body of water. It's shallow—200 feet, two-thirds the length of a football field.

As you can see, the transit lanes for the ships are close to Iran. There are all sorts of little islands out here that they cannot maneuver through. They've got to go close to Iran, again posing a greater threat to them. Right here is Abu Musa. That is an Iranian base, a military base, so all the tanker traffic flowing through there—all our military ships—have to pass right through Iran, right through Abu Musa.

Let me tell you what Iran has there as a threat to the Strait of Hormuz. This is the Persian Gulf here. All along here, in Abu Musa, there are missiles—surface-to-ship missiles aimed at our ships and aimed at our tankers—going through every single day. I know this because when I flew my plane through there, we were tracked by Iranian fire control radar. That's just the way the business works there in that part of the world

They've also got mines, mines that can lay anywhere here throughout the straits—again, a very narrow body of water where ships have little room to maneuver. These mines, you don't have to run into them. They're modern mines. They can detect some sort of a change in pressure or some sort of sounds from an engine of a ship coming through and then blow up when the ship gets close. That's a big threat.

There is another big threat, too. This is the most lethal threat the Iranians have in the Strait of Hormuz and the

biggest reason for the uncertainty. This is the Iranian Kilo class submarine. It was sold to the Iranians by the Russians in the early 1990s. I actually flew over the second one. We caught it up on the surface just like that when I was deployed in the region in 1994. The reason this submarine is so lethal is that it's a diesel-powered boat, meaning, right now, it's on the surface and it's running on diesel engines, but when it submerges, because it can't get atmosphere necessary to run internal combustion engines, it runs on batteries, quiet, quiet batteries. It is the quietest submarine in the world, but it can't stay submerged forever. It has to recharge its batteries at specific intervals.

Look at all this traffic in the Persian Gulf, and that's just an example. There are all sorts of fishing boats all over there that have diesel engines. This little thing here is called a snorkel. This guy could come up, and he can push that up just above the surface of the water and get the air he needs to run his diesel engines to recharge his battery. While he does that in the mix of all of these boats with their diesel engines, it is very, very difficult to find him.

In fact, the only way you can find him is with your eyeballs. It's very much a challenge, and, actually, he can go down and sit on the bottom if he wants to while waiting for the proper traffic—whoever he wants to target—to come through. This is a very real threat. This creates uncertainty in the markets. This is why gasoline prices are spiking.

What's the solution? And House Republicans have one: It's the Keystone XL pipeline.

Very briefly, the orange line there is the Keystone pipeline, the singular Keystone pipeline. This pipeline is already up and running. As you can see, it's coming from Hardisty, Alberta, Canada, all the way down to the Midwest United States—Steele City, going to Cushing, Oklahoma, and going across Patoka, Illinois, to St. Louis. Oil is already flowing through that pipeline. The Keystone XL pipeline starts at the same place and comes down a little bit west of the Keystone line. It intersects at Steele City. Then it goes down to Cushing. As you can see, it goes right down to the energy capital of the world, where my district is, in the greater Houston area in Port Arthur, Texas.

As we know, the administration and our President have delayed or canceled the approval of the Keystone XL pipeline because radical environmentalists and Hollywood elites disapprove of the pipeline.

What has that done to our economy? There are 20,000 shovel-ready jobs that are in jeopardy. Over 800,000 barrels a day flowing from that pipeline to southeast Texas to these most up-to-

date, technologically advanced refineries in the entire world, that's not happening.

Energy security. National security. We don't have to worry about what's happening in the Persian Gulf. We don't have to worry about Hugo Chavez. Just this single pipeline with 800,000 barrels a day replaces what we're getting in from Venezuela right now.

What are the solutions? The Trans Alaska pipeline.

The American people may get confused. They hear about the Alaska National Wildlife Refuge and the Trans Alaska pipeline. Here is just an example of what it is just to show you. ANWR, the Alaska National Wildlife Refuge, is the light green area right here in the northeast corner of Alaska. As the listeners know, this is the great State of Alaska, and it's about half of the mainland of the United States. Basically all of Wyoming, almost to the Mississippi River, that's the size of Alaska. Do you see this little, little, tiny point up here? That is where the drilling to support the Trans Alaska pipeline is being done. It's one little spot. Do you see the point?

We have some problems. Just to let you know, let's talk a little bit about the Trans Alaska pipeline. It was designed to be built in 1973 right after the OPEC embargo on our country. OPEC shut the valves off for all of their oilagain, all that oil flowing through the Persian Gulf, through the Strait of Hormuz. Why? Because we sided with our good friend and ally, Israel, in the Yom Kippur War. Because of that, we realized that we needed to develop American sources of energy and that we should not be dependent upon the Middle East for our oil, and we built the Trans Alaska pipeline, with all the hoopla and all the conflicts with the environmental groups. It finally came online in the mid-seventies.

At the time before that, Alaska had the highest State income tax in the country—14.5 percent. Because of the Trans Alaska pipeline, Alaska now is the most tax-free State in America. With one pipeline, taxes go away. Here are the numbers: 2.1 million barrels a day were flowing through the pipeline in 1988. Today, 671,000 barrels a day are flowing through the pipeline. That's 17 percent of our U.S. domestic crude production.

As you can see, though, there has been almost a 75 percent decrease in the oil that's flowing through the pipeline, and that is a huge problem because if the pipeline doesn't have a minimum amount of oil flowing through it in that extreme environment, in the extreme cold, it is going to crack and break. It will not be able to be used again. But there is a solution for that, too, and it's happening in the Energy and Commerce Committee with the leadership of my good friend from Colorado.

I yield to him to talk about Shell Oil and the Chukchi Sea up there and all the reserves that we have available in that part of the country, offshore Alaska.

#### □ 1910

Mr. GARDNER. I thank the gentleman for his comments on our resources in Alaska and the little poster that you have there on drilling in ANWR. You can see that little tiny dot-it's almost difficult for me to see from here. It is just a little tiny pinpoint within the Arctic National Wildlife Refuge. I've heard it described many times as having a footprint similar to a postage stamp on a football field, and that's the area that you're talking about that would be used to help revitalize our energy resources with American-made. American-produced energy.

But you are exactly right. Earlier last year, the House Energy and Commerce Committee passed H.R. 2021, the Jobs and Energy Permitting Act. It would help do a great deal to spur development of areas that have already been approved for resource development, areas like the Beaufort and Chukchi Sea areas. This isn't opening up new areas. This is actually an area that's already been approved for leasing, and leases have been sold. They've already said, Hey, this is an area where we can have the energy production take place. So we're just trying to make sure that that energy doesn't get stopped and bogged down by bureaucratic and regulatory processes.

What we did in the Jobs and Energy Permitting Act is pass a bill which had great bipartisan support on the floor of the House. It has now been introduced in the Senate by a bipartisan group of Senators who say that, look, you can't use an Environmental Appeals Board that was bureaucratically created to hang up a permit for 5 years, as in the case with one particular project in the Beaufort and Chukchi Sea area of Alaska. The end result of this project could be as many as 1 million barrels of oil a day and nearly 50,000 jobs being created across the country. As witnesses said before the committee, it would help reduce the price at the pump. And I think when you are talking about energy prices that have risen \$1.66 since President Obama took office, we've got to do everything we can to lower the price of gasoline and help American families make ends meet.

I thank the gentleman from Texas for the opportunity and yield back to him for further comments.

Mr. OLSON. I will just follow up on my friend's comments: So 1 million barrels a day is the estimate, 50,000 jobs? Basically if we do the Keystone XL pipeline, we would get rid of Venezuela. This would get rid of Saudi Arabia?

Mr. GARDNER. Yes. We are taking nearly 1 million barrels of oil a day.

That's almost enough to replace our imports from Saudi Arabia. So between the two, the Keystone pipeline and the Beaufort Chukchi Sea development, I mean, we're talking significant—as much as 2 million barrels of oil a day, significant resources for this country, made in our own backyard.

Mr. OLSON. Yes, sir. And I thank my colleague again for his leadership in getting this bill through the House. Unfortunately, it's a jobs bill. That means it's over there sitting in the majority leader's inbox over on the other side of the Hill.

But also, tying this into the Trans Alaska Pipeline—I understand that the development plan also includes the construction of four offshore production platforms, offshore pipelines that go across the National Petroleum Reserve to Alaska and link it to the Trans Alaska system. So that oil that's in the Beaufort Sea, the Chukchi Sea is actually going to go on the Trans Alaska Pipeline, build up the mass flowing through there, and give that the heat, the integrity it needs to use it for another 10 years. Is that true?

Mr. GARDNER. That's true. And one of the biggest challenges we face, as you mentioned, is the possibility that we could lose out on one of this Nation's great works, the Trans Alaska Pipeline, if we don't properly take care of it and make sure that we are actually utilizing it to its fullest extent. So you are exactly correct.

Mr. OLSON. If my friend could confirm this, but for almost 4 years now, Shell has spent almost \$3.5 billion trying to get that permit to drill offshore, shallow water. As my colleague knows, they have a very limited opportunity to drill. It is a very tough environment, very cold. So they've waited. They've put in almost \$4 billion just to get these permits done because they want to give American sources of energy to our country.

Mr. GARDNER. And not only were you talking about millions and billions of dollars that were spent on trying to go forward to produce energy in an area that was already approved to produce energy, but they were blocked by the bureaucratic process.

They went around the world. The number is staggering. It's around 400 wells that they've drilled around the world in the amount of time that it's taken this administration to approve the one permit that they are trying to get. So 400 wells around the world, thousands of jobs created overseas, thousands of barrels of oil being produced around the world, but not a drop right here. So that's the shame of it all when it comes to the bureaucratic mess that we're in.

Mr. OLSON. Well, I thank my colleague for his leadership on this issue. The people of Colorado should be very proud. Leaders lead. My colleague from Colorado is a leader.

Mr. GARDNER. I thank the gentleman from Texas.

Mr. OLSON. One last chart to close. And this is a plea to our President. This is a pitch for the Trans Alaska Pipeline.

Unlike the Keystone XL pipeline, because of the difficulty building a pipeline in the ground, it's been built above the ground. And these are caribou, wild caribou that are hovering around the pipeline.

Mr. President, it's time to stop coddling the Hollywood elites and the radical environmental groups. It's time to listen to the American people. And the caribou enjoy the warmth of the Trans Alaska Pipeline, because if these caribou could speak, they would say respectfully, Mr. President, drill, baby, drill.

Mr. GARDNER. I thank our colleague on the Energy and Commerce Committee for his comments.

I know you were in the Chamber during the State of the Union address when you heard not too far from where you stand the President discuss his desire for an all-of-the-above energy policy. Just recently, though, when he talks about an all-of-the-above energy policy, he forgets to talk about the fact that he nixed the Keystone XL pipeline and so many other challenges that his administration has put forward when it comes to energy development and our Federal resources. Thank you for your leadership on the Energy and Commerce Committee, and I look forward to our further discussions.

Our colleague from Texas mentioned that there were a number of bills that the House of Representatives had passed that were stacking up in the United States Senate. We've got an incredible plan for America's job creators. There are 30-some odd bills that are awaiting action in the U.S. Senate.

And I'll just give you a few more bills than the ones you mentioned that are all related to energy in some way or another: The Regulations From the Executive in Need of Scrutiny that would take a look at regulations that impact our economy; take a look at the Coal Residuals Reuse and Management Act, H.R. 2273, something that, if it's not passed, we could lose a number of jobs throughout this country because of a regulatory process that has run amok. The EPA Regulatory Relief Act of 2011, H.R. 2250. The Transparency in Regulatory Analysis of Impacts on the Nation Act. This is something that takes a look at the impact of higher energy prices, rising energy prices, what will it mean to our Nation's manufacturers. and how much more it would cost our Nation's manufacturers. The North American-Made Energy Security Act; Reversing President Obama's Offshore Moratorium Act; Jobs and Energy Permitting Act; Putting the Gulf of Mexico Back to Work Act: Restarting American Offshore Leasing Now Act;

the Energy Tax Prevention Act. These are all bills that have been introduced in the House and have passed, many with very strong bipartisan support; and they're awaiting action in the Senate.

Somebody else in this Chamber, who has done a tremendous job of fighting for natural gas development, making sure that those jobs are created in his backyard, Mr. REED from New York, the gentleman from the Ways and Means Committee.

Mr. REED. I thank the gentleman from Colorado and the gentleman from Texas for coming down to the floor tonight. I am honored to join you tonight to have this conversation about developing a comprehensive American energy plan that will lead to energy independence for America, but in the short term, put many Americans back to work

We've all been talking about it for months now. This Congress is focused on jobs, jobs, jobs. And right here, right now, today, tonight, we have before us—be it the Keystone pipeline, 20,000 jobs. Here the gentleman from Colorado is talking about another project with 50,000 jobs immediately available to be put back into place. I just do not understand why we have not been able to come together and have a President that says, You know what, I'm not going to bow to the political pressure. I'm going to lead. But yet he bowed to the Hollywood elite, to the folks when it came to the Keystone pipeline, and rejected the Keystone pipeline, with 20,000 people, families, American families who are ready to go to work. And he said "no."

I appreciate the effort that you are putting together here because, as you know and as you have indicated—and in my area of the United States, up in upstate New York, we're dealing with the issue of natural gas development. In particular, Marcellus shale natural gas development.

I did listen to the President's State of the Union. I listened to it intently. And I heard his commitment to producing our natural gas, because he had come to the conclusion that natural gas is a safe, domestic source of energy for today, tomorrow, and for all of America. To me, I hope the President was sincere in that statement because I joined him in that sentiment in that we have, in our shale formations in America, an amount of natural gas equal to 100 years of supply for America.

#### □ 1920

People have described it as if we are the Saudi Arabia, the United States of America will be the Saudi Arabia of natural gas supply for the world.

That type of resource is a game changer. And we are talking about thousands of jobs. We are talking about the ability to create an energy plat-

form that allows our manufacturers to come back to America. That is one thing I think we have joined on both sides of the aisle to be committed to is to build things in America again.

And why does a natural gas platform of energy lead to building in America again?

It's simple. It's simple, and I know my colleagues know it. Because if you can drive down utility costs, if you can stabilize them in the long term, 40, 50 years, manufacturers will look at America and say: You know what? What we make up by going overseas to China because of the labor difference the wage difference that they achieve by going over there and tapping into those labor pools they will make up by coming back to America because the utility costs will be stable. They'll be cheaper, and they will be able to build things again in America because they want to build here, because the American worker is the best worker in the world. The quality of work and products that come from the American worker are the best by far. And the logistics that they don't have to deal with by having manufacturing items over in China and other areas of the world are gone because we're manufacturing in our backyard.

So this energy policy all relates to not only energy independence, but it relates to the manufacturing sector of America and bringing America back to the forefront of being the leading manufacturer in the world.

That is why I am so committed to the issue of developing natural gas. Now we have to do it safely. We have to do it responsibly. The President has conceded that point. Many scientists, the data and the information that is out there, have come to the conclusion we can do it safely and responsibly, but we need to lead and formulate a comprehensive approach to tapping that resource and bringing people back to work through the development of that resource in a responsible manner.

One last point I wanted to bring up, and I so appreciate all of the comments you've made here. Right today we have before us in this Chamber, or will soon have before us in this Chamber, the American Energy and Infrastructure Jobs Act, and what a commonsense piece of legislation that I think this bill represents.

What it is essentially saying is we're going to take our natural resources in America and we're going to use the dollars that come from developing those natural resources on our public lands to rebuild the infrastructure of America. That, to me, is commonsense policy coming from Washington, taking our natural resources from the ground and putting it into our bridges, our highways, our roads, so that generations of people will have the infrastructure in place with its water, sewer, roads, bridges, in order to have the

manufacturing of tomorrow, to have generations of people working.

With that, I have come here tonight to show my support to you on the issue of developing American energy. And I haven't even touched on the national security issues, and I haven't even touched on the final point that I will make.

My final point is that I have gone all over this Nation and I have gone all over my district and I've gone all over the northern tier of Pennsylvania where Marcellus Shale is being developed, and I have talked to so many people. We have spent so many taxpayer dollars here in Washington to try to educate people and bring them out of poverty.

You know, Mr. GARDNER, from my conversations with the people in the northern tier of Pennsylvania, I have heard repeatedly because of this resource development, this natural gas that we're developing in a safe and reliable manner, I'm able to put my kids through college. I'm able to maybe go out and venture into a business that otherwise I wouldn't be able to do because I didn't have the cash to do it. That is going to empower generations of American families for many generations to take them out of poverty and get them an education; and it's all being done on private capital, capital not coming from taxpayers but coming from good old-fashioned American business, coming out of the free enterprise system, utilizing those natural resources that are owned by those individuals that are empowering people for generations. And it's not being done on the taxpayer dollar.

To me, we should be joining hands and applauding that type of development of natural resource and commit ourselves to this comprehensive policy.

Mr. OLSON. If my friend from Pennsylvania would stay a minute longer, would you talk a little bit about the Marcellus Shale plate and how it has impacted your State?

Mr. REED. Well, I tell you, being from New York, being down in the northern tier of Pennsylvania, right now New York is in the process of finalizing its regulations to make sure that it can be done safely and responsibly, but I have the honor of representing the 29th Congressional District, which is right along the Pennsylvania border.

What we have seen is we have seen the spillover effect from the economic opportunities and economic development that is going on in the State of Pennsylvania from the development of the Marcellus Shale. One of the counties in my district, Chemung County, is leading the State in sales tax revenue numbers because of the economic impact coming across the border for our hotels, our restaurants, all of the activities we have talked about.

I've heard from retailers and I've heard from a dry cleaning outfit in my

hometown of Corning, New York, that was raising an additional \$6,000 a month by cleaning the overalls and the uniforms from the Marcellus Shale workers that are performing work in the State of Pennsylvania. Do you know what that means? That means he was able to give his employees a bonus for the first time in years. He was able to hire more people in our home area. I mean, this development touches so many lives and so many people, from the actual pulling of the natural gas out, and all of the indirect benefits and everything else that's out there.

Mr. OLSON. I thank my colleague from New York for those comments. As you know, shale formations do not know State boundaries.

Mr. REED. Amen.

Mr. OLSON. So the Marcellus plate runs from Pennsylvania all the way down through West Virginia.

Mr. GARDNER. I want to thank both of my colleagues from New York and Texas for joining us tonight. We are out of time, but I appreciate the opportunity to address the House with your expertise and your leadership and know that we are fighting for the American people, to do everything we can for American energy independence and American energy security.

With that, I yield back the balance of my time.

#### OUR FRIEND IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I come tonight deeply troubled about the situation in the Middle East, as so many people are, and also about the response of this country to our dear friend, Israel. It has been quite interesting to see as Iran comes ever closer to having nuclear weapons, just how much of a friend this administration has, at least from its viewpoint in Israel.

In recent days, we've seen the story, a number of news services provided one story, a reporter from The Washington Post, David Ignatius, traveling with Defense Secretary Leon Panetta, and this article from Fox News says:

Traveling with the Defense Secretary in Brussels to cover his meeting with NATO defense ministers, Ignatius writes, "Panetta believes there is a strong likelihood that Israel will strike Iran in April, May, or June."

That's awfully specific. There are some in Iran who have believed that we're a paper tiger and so is Israel, and we will prevent Israel from ever striking at all. And that if there were to be some kind of a strike, it would be much later in the year.

There's an article from last October about Defense Secretary Panetta. This one is from the AP, October 2 of last year:

Defense Secretary Leon Panetta warned Sunday that Israel is becoming increasingly isolated in the Middle East, and said Israeli leaders must restart negotiations with the Palestinians and work to restore relations with Egypt and Turkey.

#### □ 1930

It's really interesting because it was my impression that it was not Israel that had withdrawn from close relations, that it was Turkey that had actually allowed the flotilla to go challenge a legal and appropriate blockade of the Gaza Strip from which Israel was being bombarded on a constant basis. So they had a legal and legitimate interest in ensuring that more rockets did not flow into the Gaza Strip that would continue to be shot in an effort to kill Israelis.

The reason that the rockets were flying from the Gaza Strip was because the Israelis had had really a rather amazing group of towns there. People were making a living. There were beautiful homes and greenhouses, providing a way in which people could provide for themselves and to grow their own food. These were just well-run communities.

But the thought that the Israeli leaders had, apparently, was that if we will show this unilateral offer of goodwill to people who, in the last 40 years, have come to be called Palestinians—they obviously weren't for most of the history of mankind—but if they would do this amazingly gracious unilateral act, that it would be rewarded. And what Israel has found is that it has been rewarded with rockets flying into Israel in an effort to try to terrorize and kill Israelis.

Previously, years before that, Israel had made an offer and did provide land from which it had been attacked, which it had acquired in southern Lebanon. Lo and behold, they were rewarded by being attacked from southern Lebanon and having soldiers kidnapped from southern Lebanon. So it's interesting to hear this administration and people from this administration in the top positions talk about how Israel needs to restart negotiations, that Israel is becoming increasingly isolated, how Israel must reach out more, when it seems that each time Israel reaches out its hand, its hand gets shot at and efforts are made to chop it off.

This article from the AP from back in October quotes Secretary Panetta as saying:

"It's pretty clear that at this dramatic time in the Middle East, when there have been so many changes, that it is not a good situation for Israel to become increasingly isolated. And that's what's happening," he said.

Panetta said the most important thing now is for Israel and its neighbors "to try to develop better relationships so in the very least they can communicate with each other rather than taking these issues to the streets."

The Palestinians, meanwhile, have said they won't return to talks unless

accepts the pre-1967 war frontier as a baseline for talks.

This is somewhat akin to saving. well, if Mexico were to be launching rockets or doing things to terrorize American citizens, that if we'll just go back to where we were before the U.S.-Mexican War, then everything will be just fine. The United States went to war because of the same kind of unfairnesses that were seen by the Founders of this land. Dennis Miller put it this way: the Founders were willing to go to war when the British simply put a tax on their breakfast drink. So in all likelihood, they would be standing up firmly for a taking of liberties more so than we do sometimes

In fact, if we stood firmly on the liberties of the United States citizens and efforts by others in the world to destroy us, efforts by others in the world who have said they will destroy our way of life and they want to destroy our country, then perhaps we would be a little safer today.

I have a resolution that was filed-I've got lots of cosponsors—it was filed in May of last year, and I'm still in hopes that we can bring this to the floor because this is the response we should have to nations around the world trying to isolate Israel. We should let them know how we stand with them. We stand with people who are democratically elected, we stand with people who have the freedom of worship, we stand with people who will not terrorize Christians, terrorize Jews, or terrorize Muslims, where all will be allowed to practice their religion—any religion—and those ought to be our best friends.

Yet, to the contrary, this Nation seems to run to the aid of those-like in Afghanistan right now, we were advised last year that the last Christian church has now been closed, driven out of Afghanistan. This is the Afghanistan that American treasure and American lives were sacrificed to secure what we thought would be a democratic nation where they would choose peace. And, in fact, there has not been peace. The Taliban have actually increased in number dramatically since the days when we had them on the run, had basically defeated them in early 2002.

We come back to this resolution, H. Res. 271, and it says:

Expressing support for the State of Israel's right to defend Israeli sovereignty, to protect the lives and safety of the Israeli people, and to use all means necessary to confront and eliminate nuclear threats posed by the Islamic Republic of Iran, including the use of military force if no other peaceful solution can be found within a reasonable time to protect against such an immediate and existential threat to the State of Israel.

This is the solution when a dear ally of the United States is being isolated by people who want to destroy it. And I know that—I believe Secretary Pa-

Israel freezes settlement building and netta did a very good job at intelligence, and I hope he will do as well at defense. But we would encourage people in this administration, Mr. Speaker, to go look at what has really been said and who has actually done harm to whom.

> And what you find out is that Israel has not moved away from being a friend. In fact, Israel had a treaty with Egypt, and a leader named Mubarak, with whom this Nation had agreements, was doing all he could, apparently, it appeared, to keep that treaty, to keep Egypt's word with Israel. This administration, on the other hand, saw fit to encourage Mubarak to step down and to make way for what seems to be the military and the Muslim Brotherhood, who seemed to have made clear they're not going to honor the treaty with Israel. They're not going to honor what was brokered here in the United

> So, once again, we have a United States administration who seems to have been left with egg on their faces, as President Carter's administration was. I don't know if they ever realized it. but when President Carter thought the Ayatollah Khomeini was a man of peace and was coming back to Iran and that it was a good thing, we soon found otherwise.

# $\square$ 1940

By 1979, they were at war with America, it's just that we didn't recognize that there were radical Islamists at war with us until after the attack on 9/ 11. Not even the attack on the World Trade Center in 1993 was enough to convince us, not an attack on the USS Cole, not an attack on our embassy, not an attack on different U.S. properties around the world; it took 9/11 before we realized there are radical Islamists that are at war with us.

Even though this administration has seen to the changing of the FBI lexicon, where, in training FBI agents and others who are in charge with defending our Nation, it's no longer appropriate to use words in the FBI lexicon-they're not there-of al Qaeda, radical Islamist. We use "radical extremism" instead. And as some experts on radical extremism—in other words, radical Islamists—have said, unless you understand what your enemy believes, how in the world can you prepare against an attack from that enemy?

And as someone else had told me. this administration has been in the process of blinding those who are charged with trying to protect us; can't use the terms that were repeatedly used in the 9/11 bipartisan commission report at a time when they didn't know it was politically incorrect to accurately classify people who wanted to destroy your way of life.

So, in this resolution regarding Israel's right to defend itself, it seemed that there was no better thing to do than to go to quotes and to the actual history in the region that points out that:

Whereas archeological evidence exists confirming Israel's existence as a nation over 3.000 years ago in the area in which it currently exists, despite assertions of its opponents.

It's been amazing, having been over in Israel in November and seeing the results of excavations under what they now know is the City of David, in existence about 1,600 years before Muhammad was born. It's just amazing now all of the evidence that's being found archeologically that substantiates exactly what Israelis have been saying for years.

The resolution says:

Whereas with the dawn of modern Zionism, the national liberation movement of the Jewish people, some 150 years ago, the Jewish people determined to return to their homeland in the Land of Israel from the lands of their dispersion;

Whereas in 1922, the League of Nations mandated that the Jewish people were the legal sovereigns over the Land of Israel and that legal mandate has never been superseded:

Whereas in the aftermath of the Nazi-led Holocaust from 1933 to 1945, in which the Germans and their collaborators murdered 6,000,000 Jewish people in a premeditated act of genocide, the international community recognized that the Jewish state, built by Jewish pioneers must gain its independence from Great Britain:

Whereas the United States was the first nation to recognize Israel's independence in 1948, and the State of Israel has since proven herself to be a faithful ally of the United States in the Middle East;

Whereas the United States and Israel have a special friendship based on shared values, and together share the common goal of peace and security in the Middle East;

Whereas, on October 20, 2009, President Barack Obama rightly noted that the United States-Israel relationship is a "bond that is much more than a strategic alliance";

Whereas the national security of the United States, Israel, and allies in the Middle East face a clear and present danger from the Government of the Islamic Republic of Iran seeking nuclear weapons and the ballistic missile capability to deliver them;

Whereas Israel would face an existential threat from a nuclear weapons-armed Iran;

Whereas President Barack Obama has been firm and clear in declaring United States opposition to a nuclear-armed Iran, stating on November 7, 2008, "Let me state—repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon I believe is unacceptable"

Whereas, on October 26, 2005, at a conference in Tehran called "World Without Zionism," Iranian President Mahmoud Ahmadinejad stated, "God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism'';

Whereas The New York Times reported that during his October 26, 2005, speech, President Ahmadinejad called for "this occupying regime [Israel] to be wiped off the map'

Whereas, on April 14, 2006, Iranian President Ahmadinejad said, "Like it or not, the Zionist regime [Israel] is heading toward annihilation":

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "I must announce that the Zionist regime [Israel], with a 60-year record of genocide, plunder, invasion, and betrayal is about to die and will soon be erased from the geographical scene";

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, "Today, the time for the fall of the satanic power of the United States has come, and the countdown to the annihilation of the emperor of power and wealth has started":

Whereas, on May 20, 2009, Iran successfully tested a surface-to-surface long range missile with an approximate range of 1,200 miles.

And, parenthetically, they now say they hope to have a missile that would be able to deliver a nuclear weapon from Iran to the United States.

The resolution says:

Whereas Iran continues its pursuit of nuclear weapons;

Whereas Iran has been caught building three secret nuclear facilities since 2002:

Whereas Iran continues its support of international terrorism, has ordered its proxy Hezbollah to carry out catastrophic acts of international terrorism such as the bombing of the Jewish AMIA Center in Buenos Aires, Argentina, in 1994, and could give a nuclear weapon to a terrorist organization in the future;

Whereas Iran has refused to provide the International Atomic Energy Agency with full transparency and access to its nuclear program:

Whereas United Nations Security Council Resolution 1803 states that according to the International Atomic Energy Agency, "Iran has not established full and sustained suspension of all enrichment related and reprocessing activities and heavy-water-related projects as set out in resolution 1696 (2006), 1737 (2006) and 1747 (2007) nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006), 1737 (2006) and 1747 (2007)...";

Whereas at July 2009's G-8 Summit in Italy, Iran was given a September 2009 deadline to start negotiations over its nuclear programs and Iran offered a five-page document lamenting the "ungodly ways of thinking prevailing in global relations" and included various subjects, but left out any mention of Iran's own nuclear program which was the true issue in question;

Whereas the United States has been fully committed to finding a peaceful resolution to the Iranian nuclear threat, and has made boundless efforts seeking such a resolution and to determine if such a resolution is even possible;

Whereas the United States does not want or seek war with Iran, but it will continue to keep all options open to prevent Iran from obtaining nuclear weapons; and

Whereas Israeli Prime Minister Netanyahu said in January 2011 that a change of course in Iran will not be possible "without a credible military option that is put before them by the international community led by the United States."

# □ 1950

The resolution ultimately says that, in addition to condemning the government of the Islamic Republic of Iran for its threats of annihilation, it supports using all means of persuading the government of Iran to stop building

and acquiring nuclear weapons, reaffirms the United States bond with ers, without our AWACs, without our Israel. satellites, without our stealth tech-

But ultimately, No. 4 says that, in this resolution, we express our support for Israel's right to use all means necessary to confront and eliminate nuclear threats posed by Iran, defend Israeli sovereignty, and protect the lives and safety of the Israeli people, including the use of military force, if no other peaceful solution can be found within a reasonable time.

Now, we know that in May of last year, President Barack Obama addressed the American-Israeli PAC here in Washington, D.C. And one of the statements that has not been lost on Israel, and should not be lost on the people who elected President Obama, and it certainly hasn't been lost on Iran, the President made this statement: "Israel must be able to defend itself by itself."

This was made May 19, 2011. "Israel must be able to defend itself by itself."

Ever since the President made those statements, it certainly seems that Israel has taken the President's words to heart. And yet, instead of the United States doing, as had been promised on many occasions, standing by Israel, our great ally, instead, our Defense Secretary, knowing that he's talking to a Washington Post reporter, knowing that it's not on background, knows that it will likely be reported, basically uses the opportunity to alert the nation whose leaders say they want to wipe Israel off the map, annihilate Israel, annihilate the United States. basically, tells Iran, hey, heads up. Israel may be coming in the next few months. Look out. Israel may be coming in the next few months.

It's still a mystery why our Defense Secretary, and he's a very smart man, why he would make such a statement without authority, because he's not subject to the slips like outing SEAL Team Six as the ones who took out Osama Bin Laden, or outing the undisclosed location, as the Vice President has done. He's a man not subject normally to those kind of gaffes.

This Defense Secretary warns Iran, as if the pressure behind the scenes this administration's been putting on our dear friend Israel was not enough, so now we've got to alert Israel's enemy, Iran. I hope that the administration will come out and give a good and legitimate answer to how such a warning to Iran helps Israel.

And I would commend to anyone, Mr. Speaker, interested in going online and reading in The Jerusalem Post an article dated February 7, 2012, by my friend, Caroline Glick, titled, "Our World: Obama's rhetorical storm." I would commend that to everyone.

The truth is, we should stand by Israel. Iran, with nuclear weapons, is a threat to us, not merely to Israel. And this Nation should not leave it to

Israel, without our best bunker busters, without our AWACs, without our satellites, without our stealth technology. We should not put them in the position of having to defend us with lesser weapons capability.

And I hope and pray that this administration will look more carefully at who the real enemy is, look more carefully at which nation was willing to come back to the peace table, willing to freeze the development of new housing areas, and which one was not, and which one of the nations, which one of the groups of people, in this case, the people of the West Bank, the Palestinians, their complete refusal to even recognize Israel's right to exist, their continuing teaching of children in the Palestinian areas that the Israelis are occupiers of Palestinian land. It's throughout the teaching of the children in the Palestinian areas, and they're doing that with our money. We're sending them money to teach children to hate Israel so that there can't be peace. It's time to look more carefully at where we're spending our money.

With that, Mr. Speaker, I yield back the balance of my time.

# BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 8, 2012 she presented to the President of the United States, for his approval, the following bill

H.R. 658. To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 9, 2012, at 9 a.m.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4905. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Swap Data Recordkeeping and Reporting Requirements (RIN: 3038-AD19) received January 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4906. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final ruleNew Animal Drugs; Cephalosporin Drugs; Extralabel Animal Drug Use; Order of Prohibitation [Docket No.: FDA-2008-N-0326] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4907. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report on assistance provided for sporting events during calendar year 2011; to the Committee on Armed Services.

4908. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4909. A letter from the Acting Chief, Planning and Regulatory Affairs, Department of Agriculture, transmitting the Department's final rule — Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments [FNS-2007-0023] (RIN: 0584-AD54) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4910. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Ovarian Adnexal Mass Assessment Score Test System; Labeling; Black Box Restrictions [Docket No.: FDA-2011-D-0028] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4911. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Temperature-Indicating Devices; Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Correction [Docket No.: FDA-2007-N-0265] (formerly 2007N-2006) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4912. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Revisions to Labeling Requirements for Blood and Blood Components, Including Source Plasma [Docket No.: FDA-2003-N-0097] (Formerly 2003N-0211) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4913. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Participation in the Development and Use of Consensus Standards received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4914. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

4915. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-12, Benchmark Survey of Foreign Direct Invest-

ment in the United States [Docket No.: 110822526-1715-02] (RIN: 0691-AA80) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4916. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 20-11 informing of an intent to sign the Framework Memorandum of Understanding with Australia and Canada; to the Committee on Foreign Affairs.

4917. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Affairs.

4918. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 702 of the Foreign Relations Authorization Act for FY 2003 (Pub. L. 107-228), a report on the 2011 U.S.-Vietnam Human Rights Dialogue Meetings; to the Committee on Foreign Affairs.

4919. A letter from the Special Inspector General for Iraq Reconstruction, transmitting sixth lessons learned report entitled "Iraq Reconstruction: Lessons in Inspections of U.S.-funded Stabilization and Reconstruction Projects"; to the Committee on Foreign Affairs.

4920. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4921. A letter from the Secretary, Department of Commerce, transmitting the Department's Performance and Accountability Report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4922. A letter from the Director, Office of Congressional Affairs, Federal Election Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2011 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4923. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-55; Small Entity Compliance Guidance [Docket: FAR 2011-0077, Sequence 7] received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform

4924. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period of October 1, 2010 through March 31, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4925. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year ending September 30, 2010; to the Committee on Oversight and Government Reform.

4926. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Standards of Conduct [Notice 2011-16] (RIN: 3209-AA15) received December 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4927. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sculpins in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA857) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4928. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 101126521-0640-02] (RIN: 0648-XA858) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4929. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

4930. A letter from the Senior Program Analyst, Department of Transportation, transmitting Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30810; Amdt. No. 3450] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4931. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30814; Amdt. No. 497] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2006-2009, pursuant to Public Law 105-89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

4933. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — United States Savings Bonds, Series EE and I received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4934. A letter from the Commissioner, Social Security Administration, transmitting a draft bill to improve work incentive provisions; to the Committee on Ways and Means.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LUCAS: Committee on Agriculture. H.R. 2682. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes, with an amendment (Rept. 112–343, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. LUCAS: Committee on Agriculture. H.R. 2779. A bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act, with an amendment (Rept. 112–344, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. H.R. 2586. A bill to refine the definition of swap execution facility in the provisions regulating swap markets added by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, with an amendment (Rept. 112–345, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. H.R. 3336. A bill to ensure the exclusion of small lenders from certain regulations of the Dodd-Frank Act, with an amendment (Rept. 112–390). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. H.R. 3527. A bill to amend the Commodity Exchange Act to clarify the definition of swap dealer, with an amendment (Rept. 112–391). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY (for himself, Ms. LEE of California, Mr. CLARKE of Michigan, Mr. Jackson of Illinois, Mr. STARK, Ms. WOOLSEY, Mr. HOLT, Mr. FILNER, Ms. SLAUGHTER, Mr. NADLER, Mr. BRADY of Pennsylvania, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. GRIJALVA, Ms. NORTON, Mr. Braley of Iowa, Mr. Polis, Mr. HONDA, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Mr. Ellison, Mrs. MALONEY, Ms. KAPTUR, Mr. DEFAZIO, Mr. BISHOP of New York, Mr. McGov-ERN. Ms. RICHARDSON, Mr. OLVER, Mr. MCDERMOTT, Mr. PAYNE, Ms. ESHOO, Mrs. Christensen, Mr. Tierney, and Mr. FARR):

H.R. 3974. A bill to reduce the number of nuclear-armed submarines operated by the Navy, to prohibit the development of a new long-range penetrating bomber aircraft, to reduce the number of intercontinental ballistic missiles operated by the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ROGERS of Michigan (for himself and Mr. MARKEY):

self and Mr. Markey):
H.R. 3975. A bill to amend title V of the Federal Food, Drug, and Cosmetic Act to extend the provisions of the Pediatric Medical Device Safety and Improvement Act; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ:

H.R. 3976. A bill to provide exporting assistance to small business concerns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Small Business, Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

# By Mr. HONDA:

H.R. 3977. A bill to consolidate, improve, and reauthorize programs that support families and victims in the justice system affected by domestic violence; to the Committee on the Judiciary.

By Mr. CLEAVER:

H.R. 3978. A bill to amend title 18, United States Code, to prohibit the dissemination of

false information for the purpose of discouraging a student of an institution of higher education from registering to vote or voting in an election for Federal office, to require States which require individuals to present a photo identification as a condition of voting in elections for Federal office to accept a photo identification presented by a student which is issued by the school the student attends, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 3979. A bill to amend the Harmonized Tariff Schedule of the United States to extend to 2025 the production certificate program that allows refunds of duties on certain articles produced in United States insular possessions; to the Committee on Ways and Means

By Ms. HERRERA BEUTLER (for herself and Mr. Schrader):

H.R. 3980. A bill to amend the Small Business Act with respect to procurement center representatives and acquisition planning, and for other purposes; to the Committee on Small Business.

By Mr. KLINE (for himself, Mr. CRAVAACK, Mr. PAULSEN, Mr. WALZ of Minnesota and Mr. PETERSON):

Minnesota, and Mr. PETERSON): H.R. 3981. A bill to amend title 10, United States Code, to expand the authority of the Secretary of the Army to loan or donate excess small arms to certain eligible organizations for funeral and other ceremonial purposes: to the Committee on Armed Services.

By Mr. LUETKEMEYER:

H.R. 3982. A bill to prohibit the Secretary of Health and Human Services from implementing certain rules relating to the health insurance coverage of sterilization and contraceptives approved by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. OWENS (for himself, Mr. WELCH, Mr. GIBSON, Mr. MICHAUD, Mr. TONKO, and Mr. HINCHEY):

H.R. 3983. A bill to permit aliens who lawfully enter the United States on valid visas as nonimmigrant elementary and secondary school students to attend public schools in the United States for longer than 1 year if such aliens reimburse the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Ms. DELAURO):

H.R. 3904. A bill to limit the quantity of arsenic and lead in beverages containing fruit juice pursuant to tolerances under section 406 of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

By Mr. SCHILLING (for himself and Ms. Chu):

H.R. 3985. A bill to amend the Small Business Act with respect to mentor-protege programs, and for other purposes; to the Committee on Small Business.

By Mr. TONKO:

H.R. 3986. A bill to provide relief for the victims of Hurricane Irene and Tropical Storm Lee; to the Committee on Transportation and Infrastructure.

By Mr. WALSH of Illinois (for himself and Mr. CONNOLLY of Virginia):

H.R. 3987. A bill to amend the Small Business Act with respect to small business con-

cern size standards, and for other purposes; to the Committee on Small Business.

By Mr. MURPHY of Pennsylvania (for himself, Mr. PALLONE, Mr. PITTS, and Mr. WAXMAN):

H.R. 3988. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish user-fee programs for generic drugs and biosimilars; to the Committee on Energy and Commerce.

By Mr. POLIS:

H. Res. 541. A resolution amending the Rules of the House of Representatives to provide that the House may not consider major legislation unless it addresses one issue at a time: to the Committee on Rules.

By Mr. CLEAVER (for himself, Mr. CLARKE of Michigan, Ms. LEE of California, Ms. Fudge, Mr. Clay, Mr. Al GREEN of Texas, Ms. Moore, Mr. MEEKS, Ms. WATERS, Mr. JACKSON of Illinois, Ms. Mr. Butterfield, CLARKE of New York, Mr. RICHMOND, Mr. Rush, Mr. Bishop of Georgia, Mr. DAVIS of Illinois, Mr. Towns, Ms. WILSON of Florida, Ms. BROWN of Florida, Mr. PAYNE, Mr. RANGEL, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. Ellison, Mr. Conyers, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. Johnson of Georgia, Mr. FATTAH, Ms. BASS of California, Ms. SEWELL, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. Cummings, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Ms. EDWARDS, Mr. CLYBURN, Ms. RICHARDSON, and Mr. WATT):

H. Res. 542. A resolution condemning the passage of legislation that would unduly burden an American citizen's ability to vote and opposing any State election law or proposed legislation that would have a disproportionate impact on vulnerable communities across the country; to the Committee on the Judiciary.

By Ms. HOCHUL (for herself, Mr. HIGGINS, Ms. SLAUGHTER, and Mr. REED):
H. Res. 543. A resolution honoring and remembering the victims of the crash of Continental Connection Flight 3407 in Clarence Center, New York, on February 12, 2009; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN of New Jersey (for himself, Ms. Clarke of New York, Mr. Pierluisi, Mr. Nadler, Mr. Meeks, Mr. Cohen, Mr. Serrano, Mr. Owens, Mr. Israel, Mr. Towns, Mr. Sires, Mr. Bishop of New York, Mrs. Lowey, Mr. Engel, Mr. Ruppersberger, Mrs. Maloney, Mr. Pallone, Mr. Ackerman, Mr. Pascrell, Mr. Hinchey, Mr. Grimm, Mr. Hanna, Mrs. McCarthy of New York, Mr. Reed, Mr. Payne, Mr. Holt, and Mr. Murphy of Connecticut):

H. Res. 544. A resolution congratulating the National Football League champion New York Giants for winning Super Bowl XLVI; to the Committee on Oversight and Government Reform.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution. By Mr. MARKEY:

H.R. 3974.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution By Mr. ROGERS of Michigan:

H.R. 3975.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes"

By Ms. VELÁZQUEZ:

H.R. 3976.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. HONDA:

H.R. 3977.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and 18 of the United States Constitution

By Mr. CLEAVER:

H.R. 3978.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution.

By Mrs. CHRISTENSEN:

H B. 3979

Congress has the power to enact this legislation pursuant to the following:

"Article IV, Section 3 of the Constitution which provides: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of a particular State."

By Ms. HERRERA BEUTLER:

H.R. 3980.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. KLINE:

H.R. 3981.

Congress has the power to enact this legislation pursuant to the following:

This legislation ensures that the Secretary of the Army is provided the authority by the Congress to lend or donate excess small arms to eligible organizations in order for them to fulfill their mission of providing dignified burial honor services for veterans. Specific authority is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. LUETKEMEYER:

H.R. 3982.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Amendment I of the United States Constitution, which states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

Thus, Congress has the authority to protect the American people from discriminatory federal government mandates that infringe on an individual's religious beliefs and practices.

By Mr. OWENS:

H.R. 3983.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PALLONE:

H.R. 3984.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. SCHILLING:

H.R. 3985.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. TONKO:

H.R. 3986.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. WALSH of Illinois:

H.R. 3987.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. MURPHY of Pennsylvania: H.R. 3988.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. DAVIS of Kentucky.

H.R. 100: Mr. Stearns.

H.R. 104: Mr. McGovern and Mr. Sam Johnson of Texas.

H.R. 139: Mr. CARNAHAN.

H.R. 140: Mr. MURPHY of Pennsylvania.

 $\rm H.R.$  184: Mr. McCotter.

H.R. 190: Mr. CLAY. H.R. 192: Mr. HOLT

H.R. 192; Mr. HOLT.

 $\rm H.R.~300:~Mr.~REYES.$ 

H.R. 494: Ms. Eddie Bernice Johnson of Texas.

 $\rm H.R.~511;~Ms.~Ros\text{-}Lehtinen$  and Mr. Diaz-Balart.

H.R. 589: Mr. KEATING.

H.R. 665: Mr. MULVANEY.

H.R. 689: Mr. Ellison.

H.R. 726: Mr. BOREN.

H.R. 769: Mr. JOHNSON of Georgia and Mr. TIERNEY.

H.R. 809: Ms. Zoe Lofgren of California.

H.R. 864: Mr. KUCINICH.

H.R. 870: Mr. KILDEE, Mr. ANDREWS, Ms. BROWN of Florida, Mr. NADLER, Mr. PAS-

CRELL, Ms. SEWELL, Mr. Towns, and Mr. CLEAVER.

H.R. 1015: Ms. WILSON of Florida.

H.R. 1148: Ms. Bonamici.

H.R. 1149: Mr. GONZALEZ.

H.R. 1179: Mr. Renacci, Mr. Nugent, Mr. Shuster, Mr. Guinta, Mrs. Roby, Mr. Johnson of Illinois, Mr. Brooks, Mr. Lance, Mr. Labrador, Mr. Flores, Mr. Southerland, Mr. Gohmert, Mr. Gibbs, Mr. Rokita, Mr. Rivera, and Mr. Roe of Tennessee.

H.R. 1195: Mr. GUTHRIE.

H.R. 1340: Mr. BACHUS and Ms. JENKINS.

H.R. 1367: Ms. KAPTUR.

H.R. 1417: Mr. Polis.

H.R. 1536: Mr. SAM JOHNSON of Texas, Mr. CONAWAY, and Mr. SMITH of Texas.

H.R. 1564: Ms. RICHARDSON, Mrs. MALONEY, Mr. POLIS, and Mr. MORAN.

H.R. 1602: Mr. Polis.

H.R. 1621: Mr. AUSTRIA.

 $\rm H.R.$  1639: Mr. Coffman of Colorado and Mr. Rohrabacher.

H.R. 1697: Mr. KISSELL.

H.R. 1781: Ms. LEE of California.

H.R. 1842: Mr. WAXMAN, Mr. JOHNSON of Georgia, and Mr. MEEKS.

H.R. 1873: Mr. Gene Green of Texas.

H.R. 1895: Mr. BROOKS and Mr. ISRAEL.

H.R. 1903: Mr. PETERS.

H.R. 1912: Mr. HOLT.

H.R. 1956: Mrs. Black.

H.R. 2052: Mr. LATHAM. H.R. 2107: Mr. GRIJALVA.

H.R. 2152: Mr. LOEBSACK, Mr. CHANDLER, Mr. ROSKAM, Mr. ACKERMAN, Mr. YOUNG of

Alaska, and Ms. BERKLEY. H.R. 2168: Mr. ROHRABACHER.

H.R. 2367: Mr. ROE of Tennessee and Mr. LUETKEMEYER.

H.R. 2453: Mr. Altmire, Ms. Baldwin, Mr. BARROW, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CARDOZA, Mr. Carney, Mr. Carson of Indiana, Mr. Cly-BURN, Mr. DEUTCH, Mr. DICKS, Mr. DONNELLY of Indiana, Ms. HAHN, Mr. HINCHEY, Mr. HINO-JOSA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. Kaptur, Mr. Luján, Ms. McCol-LUM, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mrs. NAPOLITANO, Mr. PETERS, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. RAHALL, Mr. RICHMOND, Mr. RYAN of Ohio, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Mr. Stark, Mr. Thompson of Mississippi, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WILSON of Florida, and Mr. FARR.

H.R. 2464: Ms. PINGREE of Maine.

H.R. 2497: Mr. Gosar and Mr. Stearns.

H.R. 2517: Mr. GOSAR and Mr. STEARNS. H.R. 2517: Mr. Frank of Massachusetts.

H.R. 2529: Mr. GARDNER.

H.R. 2679: Mr. PAYNE.

 $\rm H.R.~2777;~Mr.~Holt$  and  $\rm Mr.~Rothman~of~New~Jersey.$ 

H.R. 2787: Mr. Towns and Mr. Burgess.

 $\ensuremath{\mathrm{H.R.}}$  2810: Mr. Flores, Mr. Rigell, and Mr. Hultgren.

H.R. 2913: Mr. YODER.

 $\rm H.R.\ 2921:\ Ms.\ CHU$  and  $\rm Mr.\ BISHOP$  of Georgia.

H.R. 2959: Mr. Peterson.

H.R. 3001: Ms. Schakowsky, Mr. Levin, Mr. Conyers, and Mrs. Miller of Michigan.

H.R. 3086: Mr. Gene Green of Texas, Mrs. MALONEY, Mr. NEAL, Mr. GUTIERREZ, and Mr. LARSEN of Washington.

 $\rm H.R.~3200;~Mr.~Rogers~of~Michigan~and~Mr.~Ryan~of~Ohio.$ 

H.R. 3207: Mr. STEARNS.

H.R. 3231: Mr. DENT and Mr. JOHNSON of Georgia.

H.R. 3264: Mr. WALBERG.

H.R. 3283: Mr. ROYCE.

- H.R. 3307: Mr. CRITZ. H.R. 3395: Mr. ROGERS of Michigan.
- H.R. 3435: Mr. DEFAZIO, Mr. SERRANO, and Mr. Perlmutter.
  - H.R. 3482: Ms. Wasserman Schultz.
  - H.R. 3504: Mr. COBLE.
  - H.R. 3506: Ms. HIRONO.
  - H.R. 3510: Ms. BUERKLE and Mr. NUNES.
  - H.R. 3528: Mr. FILNER and Mr. GRIJALVA.
- H.R. 3533: Mr. CLARKE of Michigan.
- H.R. 3541: Mr. Sensenbrenner and Mr. GALLEGLY.
  - H.R. 3559: Mr. HURT.
  - $H.R.\ 3585;\ Mr.\ Boswell\ and\ Mr.\ DeFazio.$
  - $H.R.\ 3596;\ Mr.\ Rush$  and  $Mr.\ Peters.$
  - H.R. 3606: Mr. CARNAHAN.
  - H.R. 3627: Mr. Burgess.
- H.R. 3643: Mr. COSTA and Mr. CUELLAR. H.R. 3670: Mr. KING of New York, and Mr.
- H.R. 3676: Mr. CHABOT, Mr. STEARNS, and Mr. FITZPATRICK.
- H.R. 3709: Mr. FORTENBERRY.

- H.R. 3744: Ms. SEWELL.
- H.R. 3747: Mrs. Capito, Mrs. Maloney, and Mr. HOLT.
  - H.R. 3760: Mr. PAYNE.
- H.R. 3767: Mr. Long, Mr. Olver, Mr. Kind, and Mr. CRITZ.
  - H.R. 3781: Mr. CLARKE of Michigan.
- H.R. 3798: Mr. WEST, Mr. MORAN, and Mr. BERMAN.
- H.R. 3803: Mr. Woodall, Mr. Terry, Mr. DUNCAN of Tennessee, FARENTHOLD, and Mr. MULVANEY
- H.R. 3811: Mr. Long, Mr. Guinta, and Mr. LUCAS.
- H.R. 3823: Mr. FILNER.
- H.R. 3826: Mr. DEFAZIO, Ms. BORDALLO, Ms. CHU, and Mr. LANGEVIN.
- H.R. 3828: Mrs. Ellmers.
- H.R. 3839: Ms. Hanabusa.
- H.R. 3852: Ms. Woolsey.
- H.R. 3855: Ms. VELÁZQUEZ.
- H.R. 3863: Ms. Moore and Mr. Duffy.
- H.R. 3865: Mr. COURTNEY.

- H.R. 3867: Mr. Burgess, Ms. Granger, Mr. Broun of Georgia, Mr. Benishek, Mrs. Lum-MIS. and Mr. SOUTHERLAND.
  - H.R. 3871: Mr. CANSECO.
- H.R. 3883: Mr. MULVANEY, Mr. BENISHEK, Mr. JORDAN, Mr. WALSH of Illinois, and Mrs. LUMMIS.
  - H.R. 3897: Mr. WEST and Mr. AUSTRIA.
  - H.R. 3910: Mr. HONDA.
- H.R. 3911: Mr. THOMPSON of Pennsylvania and Mr. McKinley.
  - H.J. Res. 71: Mr. RIBBLE.
  - H.J. Res. 88: Ms. HAHN.
  - H.J. Res. 90: Mr. BERMAN and Ms. HAHN.
  - H.J. Res. 93: Mr. RIBBLE.
- H. Con. Res. 98: Mr. BARTON of Texas, Mr. Mr. Nunnelee, and HUELSKAMP, STEARNS.
- H. Res. 134: Mr. AMODEI.
- H. Res. 282: Mr. GARAMENDI.
- H. Res. 526: Mr. DIAZ-BALART.

# EXTENSIONS OF REMARKS

UNEMPLOYMENT INSURANCE

# HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to talk about an irresponsible Republican bill that will soon come to this Floor. This measure is an attack on those who are unemployed at when they need the most assistance. I am not alone in my outrage, I am joined by Members of the Congressional Progressive Caucus, to call attention to this repeated attack on workers in this country who find themselves without a job at this time.

When the Great Depression was upon us Congress did not put forth education requirements in order for unemployed men and women to get potential future jobs, Congress along with the President worked together to create jobs. It is my hope that this Congress will work together with the President to put Americans back to work.

This bill proposed by my Republican colleagues is the latest chapter in the Republican scheme to sabotage our recovery. It is a known fact that when Americans have more money in their pockets, they spend it which enhances our economy. When Americans have more money in their pockets then small businesses can hire more workers which creates more American jobs. Unemployment Insurance pays for itself.

Last December, Republicans threatened to terminate the last bit of income received by over one million unemployed Americans by refusing to extend unemployment benefits. Now that our economy is on the road to recovery, Washington Republicans, once again, aim to take money out of the pockets of working Americans. Slashing unemployment benefits would cut off a lifeline that more than 1 million Americans depend on to put food on their tables.

This latest Republican scheme would hit hardest states with the most Americans looking for work. They intend to cut the length of unemployment benefits from 73 weeks to 33 weeks in 22 states.

Under the Republican plan more than 194,000 Texans would lose their Unemployment benefits. Even with the recent good news on job creation, long-term unemployment remains at near record levels.

This is primarily because our economy still has 5.5 million fewer jobs than before the recession, which makes returning to work particularly difficult right now. Rather than acknowledge these facts, Republicans in Congress seem intent on blaming the unemployed for their unemployment.

The Republican proposal on unemployment insurance would result in 40 fewer weeks being provided to many long-term unemployed workers, reducing benefits to nearly 3 million

workers compared to an extension of current law.

The draconian cut in the Republican bill is squarely focused on the States with the highest rates on unemployment—the same places where finding a new job is the hardest. Consider this fact: under the GOP bill, a worker in the State with the highest level of unemployment would lose nearly three times as many weeks of benefits as a worker in the State with the lowest unemployment.

In addition to drastically cutting Federal unemployment benefits, the House bill proposes a series of new barriers to unemployment benefits that would reduce access to UI for years to come. Many of these provisions are changes to permanent law, not to the temporary federal programs that were established in response to the worst recession since the great depression.

#### STATE WAIVER OPTION

Creating new barriers to unemployment insurance is not reform. Instead, it amounts to breaking the promise made nearly 80 years ago to help Americans struggling to find a new job. The House Republican bill would allow States to divert UI funds for other purposes if they get a waiver. This waiver authority could lead to jobless Americans being denied unemployment benefits, or to new roadblocks that hinder access to benefits.

### HIGH SCHOOL DIPLOMA REQUIREMENT

Another very disturbing feature of the House Republican bill is a provision that would require Unemployment Insurance (UI) recipients to have a high school degree or to be working toward one to be eligible for benefits. This means a fifty year old worker who has worked his or her entire life would have to go back to high school to get unemployment benefits. And you might ask who will pay for hundreds of thousands of people to get their GED. The Republican bill has no answer, even when we already have an estimated 160,000 people on waiting lists for adult education classes.

#### DRUG TESTING REQUIREMENT

A third objectionable provision in the Republican bill would allow States to subject all applicants for UI to drug tests. This provision seems part of a larger agenda to stigmatize unemployment insurance by suggesting that Americans are jobless because of their own failings, rather than because our economy still has over five million fewer jobs than when the recession started.

States already deny benefits to any individual who has been fired from their job because of a substance abuse problem, and States can disqualify a UI recipient if he or she is unwilling to take a drug test if required by a prospective employer.

We don't need to further target unemployment insurance recipients with drug tests. Congress should avoid policies like these that seek to blame the unemployed for unemployment, and instead work on commonsense policies that promote reemployment.

COMMENDATION OF DARRON McKINNEY

# HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Darron McKinney as a law enforcement officer and role model in Detroit, Michigan.

Officer McKinney caught the nation's attention when he gave a riveting performance of his original song, "A Call to Courage," at the National Law Enforcement Officers memorial candlelight vigil on May 13, 2001 in Washington D.C. The song pays tribute to slain police officers and their families.

After the attacks of September 11, 2001, the song became a symbol of American bravery and unity, and is now considered a tribute to the first responders who served in the 9/11 recovery efforts. Many local and national TV stations broadcast the footage of Officer McKinney's performance, and the performance is regularly televised on the Pentagon Network.

Ten years after the attacks on the World Trade Center and the Pentagon, Officer McKinney's song reminds us of the love and appreciation we have for our first responders and members of our military. When disaster strikes, first responders like Officer McKinney help keep our families, neighborhoods, and communities safe.

"A Call to Courage" is a fitting tribute to our men and women in uniform. It is with great honor that I recognize Officer McKinney's contributions.

#### A CALL TO COURAGE Officer Darron McKinnev

Life, the chance to live, the chance to learn, the chance to teach, the chance to give, test you made a choice, you took a stand, you took the oath, you found your voice.

You made the sacrifice, then you took God's advice, you heard your call to courage. Shield the public trust, protecting lives, respect and pride to serve and honor. Faith, your trust in God, that special path, you must be brave to guard our freedom.

When your life's on the line, in your heart and your mind you have a call to courage.

# PERSONAL EXPLANATION

# HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. MULVANEY. Mr. Speaker, on rollcall No. 40, I was unavoidably detained questioning witnesses at the Joint Economic Committee hearing entitled "Bolstering the Economy: Helping American Families by Reauthorizing the Payroll Tax Cut and UI Benefits." Had I been present, I would have voted, "no".

ANNIVERSARY OF TEMPLE BETH KODESH

# HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Temple Beth Kodesh of Boynton Beach, Florida, on the occasion of their 36th Double Chai Anniversary. Temple Beth Kodesh has become an integral part of our vibrant, diverse community in South Florida, and it is truly an honor to represent its congregants here in Washington.

Temple Beth Kodesh comes from humble beginnings. In 1976, a small group of Jewish residents in Boynton Beach began holding services in each other's apartments in Village Royale on the Green. Less than a decade later in 1983, with the help of generous donations from members of the community, construction of Congregation Beth Kodesh was completed.

The story of Temple Beth Kodesh is also one of perseverance in the face of hardship. In 2004, Hurricanes Frances and Jeanne destroyed the temple and much of the surrounding area. Although devastated by the loss, congregants worked tirelessly to restore and reopen the synagogue in time for the 2005 high holidays.

Temple Beth Kodesh has thrived due to the dedication and hard work of its living past Presidents Leo Birdie, George Brindis, Fred Brown, Mike Friedland, Roy Haas, Irwin Hochman and Bob Rosenthal. I am proud to represent constituents who have dedicated the last 36 years to bringing Jewish Americans together to worship. I commend their efforts, and it is my hope that Temple Beth Kodesh continues to serve the South Florida community for years to come.

IN COMMEMORATION OF BLACK HISTORY MONTH

# HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Ms. RICHARDSON. Mr. Speaker, this February we recognize and celebrate the 36th commemoration of Black History Month. This month we celebrate the contributions of African Americans to the history of our great Nation, and pay tribute to trailblazers, pioneers, heroes, and leaders like Rev. Dr. Martin Luther King, Jr., Supreme Court Justice Thurgood Marshall, U.S. Senator Blanche Kelso Bruce, U.S. Congresswoman Barbara Jordan, Astronauts Dr. Guion Stewart Bluford Jr. and Mae C. Jemison, Frederick Douglass. Booker T. Washington, James Baldwin, Harriet Tubman, Rosa Parks, Maya Angelou, Toni Morrison, and Gwendolyn Brooks just to name a few of the countless number of well-known and unsung heroes whose contributions have helped our Nation become a more perfect union. The history of the United States has been marked by the great contributions of Afriartists.

As a member of Congress, I know that I stand on the shoulders of giants whose struggles and triumphs made it possible for me to stand here today and continue the fight for equality, justice, and progress for all, regardless of race, religion, gender or sexual orienta-

Mr. Speaker, I particularly wish to acknowledge the contributions of African American women in shaping our Nation's history. As such, this Black History Month we honor groundbreaking "Black Women in American Culture and History" like U.S. Congresswoman Barbara Jordan; activists Harriet Tubman and Rosa Parks; astronaut Mae C. Jemison; authors Maya Angelou, Toni Morrison, and Gwendolyn Brooks; all of whom have each in their own way, whether through courageous activism, cultural contributions, or artistic creativity, forged social and political change, and forever changed our great Nation for the better.

As we celebrate Black History Month, let us pay tribute to those who have come before us, and pay forward to future generations by addressing what is the number one issue for African American families, and all American families today: preserving the American promise of economic opportunity for all. Our immediate focus must be job creation, and enacting legislation that will foster and lav the foundation for today's and tomorrow's generation of groundbreaking activists. leaders, scientists, writers and artists to continue contributing to the greatness of America. We must work to get Americans back to work. We must continue to preserve the American Dream for all.

Mr. Speaker, I am proud to stand here in celebration of the heroic and historic acts of African Americans and their indispensible contributions to this great Nation. It is through our work in creating possibilities for today and future generations that we best honor the accomplishments and legacy of our predecessors.

RECOGNIZING MR. JASON PIERRE-PAUL AS A SUPER BOWL CHAM-PION

# HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. HASTINGS of Florida, Mr Speaker, I rise today to recognize the achievements of Mr. Jason Pierre-Paul, a defensive end for the New York Giants. Known by his family, friends, and fans as JPP, Jason played a pivotal role in the 2011 season for the Giants and helped lead his team to victory over the New England Patriots at this year's Super Bowl.

JPP was born in Deerfield Beach, Florida and attended Deerfield Beach High School, which is located in Florida's 23rd congressional district. Originally a basketball star, after suffering a serious leg injury, he transitioned to football during his junior year of high school. Despite being new to the sport, he went on to play college football at the University of South Florida. After an impressive col-

HONORING THE 36TH DOUBLE CHAI can American activists, leaders, writers, and lege career, he was drafted by the Giants in the first round of the 2010 National Football League (NFL) Draft.

Without JPP leading the team with 16.5 sacks this season and being the steadiest defense player throughout the year, the Giants would not have been crowned Super Bowl champions. One of the lasting images of this game will undoubtedly be JPP's celebration with his father. When he was an infant, his father, Mr. Jean Pierre-Paul, lost his vision and therefore has never been able to watch his son play football. Super Bowl XLVI was the first NFL game that Jean had ever attended. Their celebratory embrace on the field after the game was truly an emotional event to see.

It is these kinds of moments that illustrate the strength and courage that our children admire in athletes. JPP's parents emigrated from Haiti in 1983, and overcame many obstacles to ensure that he had every chance to succeed in life. Learning from his father, JPP overcame injuries and a lack of experience to become a Super Bowl champion.

After his win, JPP said, "It was awesome to experience this in just my second year." "Man, it's a blessing. We just got to stay humble as a team and see what the future holds for us."

Mr. Speaker, Jason Pierre-Paul's personal story highlights the promise of our great Nation. People from all backgrounds have the opportunity to achieve tremendous success in life. It is my distinct honor to commend JPP on all of his accomplishments and for his Super Bowl win

PERSONAL EXPLANATION

# HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Ms. EDWARDS. Mr. Speaker, due to a previously scheduled doctor's appointment, I was absent from votes in the House yesterday afternoon (Tuesday, February 7th) and missed rollcall votes 40-42. Had I been present, I would have voted "aye" on rollcall votes 40 (the Tonko Amendment to H.R. 3581, the Budget and Accounting Transparency Act) and 41 (motion to recommit H.R. 3581), and "no" on rollcall vote 42 (final passage of H.R. 3581).

COMMENDATION OF ALESCIA MARABOUSHONTRELL HOLLOWELL

# HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I recognize Alescia today tο Maraboushontrell Hollowell for her scholastic achievement, community service, and being named Miss Black Michigan USA 2012.

Ms. Hollowell, a native Detroiter, served as class vice-president and graduated magna cum laude from Cass Technical High School in 2005. While a student at Michigan State University, Ms. Hollowell was a Ronald McNair

Scholar, peer mentor, and Dance Team member. Ms. Hollowell made the Dean's List and graduated with a Bachelor of Science in Interdisciplinary Studies in Social Science—Health Studies. Currently, Ms. Hollowell is a full-time graduate student at the University of Michigan's School of Public Health.

As Miss Black Michigan USA 2012, Ms. Hollowell works with girls to address issues of body image, self-esteem, and teenage obesity.

Ms. Hollowell's scholastic achievement and belief that education is the key to lifelong growth and empowerment is inspiring to young women in Metro Detroit and throughout our nation.

Ms. Hollowell's passion for public service is evident. It is with great honor that I recognize Ms. Hollowell and wish her the best in her career and at the Miss Black USA 2012 pageant.

IN HONOR OF HOLLY BORG

# HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. FARR. Mr. Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Holly Borg of Santa Cruz has just been named one of the top honorees in California by the 2012 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Borg is being recognized for founding her school's Interact Club and serving as the Governor of Interact's District Council. Under Holly's leadership, the district raised more than \$100,000 to support ShelterBox International, an organization that provides long-term shelter for families affected by disaster.

Given the challenges we face today, it is vital that we encourage and support the kind of selfless contributions that these young citizens have made. Youth volunteers like Ms. Borg are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 17 years, the program has become the nation's largest youth recognition effort based solely on community service, and more than 100,000 young volunteers at the local, state and national level.

Ms. Borg should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our commu-

nities, and that America's community spirit continues to hold tremendous promise for the future.

Mr. Speaker, I heartily applaud Ms. Borg for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others.

CELEBRATING THE MURRAY CITY LIBRARY CENTENNIAL

# HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 2012

Mr. MATHESON. Mr. Speaker, I rise today to recognize the Murray City Library, which is celebrating its centennial this year. As in many communities throughout the state of Utah, Murray City's library began as an effort of local volunteers wishing to promote the value of reading, literacy, education, and self-improvement to its residents.

For many years prior to 1912, the Murray City Women's Club operated a library and reading room available to the entire community. On May 7, 1912, the Murray City Mayor and Commission voted to accept the Women's Club donation of its book collection and to set aside a library fund to establish, operate, and maintain a free public library. The vision of these citizens and their elected officials created an institution that has served the community with distinction since 1912.

Over the course of the century that followed, the Murray Library continued to grow and promote its core values of providing friendly, responsive, accountable, respectful, and inclusive service to its community. It is now locally governed by a dedicated volunteer Board of Trustees that encourages everyone to celebrate the Library's past, present, and future. The Murray City Women's Club and the citizens' group Friends of the Library continue to support and promote a strong and independent library where the community can gather and share common interests and concerns.

The Murray City Library, like all of Utah's public libraries, plays a critical role in providing our citizens with the information they need to live, learn, and thrive in our society. I would therefore like to celebrate the one hundred years of community service provided by the Murray Library and look forward to another one hundred years of excellence.

TRIBUTE TO GARY WILLIAMS

# HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. BARTLETT. Mr. Speaker, as the representative of the Sixth District of Maryland and a proud graduate of the University of Maryland, I commend your attention to the University of Maryland's recently retired mens' basketball coach, Gary Williams.

Gary Williams started for three years and was team captain of the Terps during his sen-

ior year at the University of Maryland before he graduated in 1968. As a graduate student in 1969, he began his coaching career at the University of Maryland.

After great success as a coach at other colleges, Gary Williams leaped at the chance to be the Terp's head coach in 1989 though the team was battered by setbacks. Fighting back tears at his first news conference, Gary explained, "I never thought I'd have the opportunity to come back and coach at Maryland because . . . you very rarely get the opportunity to do that."

Only one other coach in history engineered a greater win-loss turnaround during his first year than Gary Williams at UMD. Gary is one of only seven college basketball coaches since 1980 to guide his alma mater to the Final Four and the first since 1974 to lead his alma mater to a national title—which he did in 2002. Gary Williams also led his teams to seven victories over top-ranked opponents—more than any other coach in history. Though retired as a coach, Gary Williams is continuing to work at the University of Maryland.

Gary Williams, thank you. Your loyalty to our beloved University of Maryland, your integrity, and your example of dedication to the pursuit of excellence on and off the basketball court sets an example that all Americans can be proud of and should emulate.

IN RECOGNITION OF THE 80TH BIRTHDAY OF EUGENE MCAVOY CHAMPION

#### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I would like to recognize the 80th birthday of Mr. Eugene Champion.

Mr. Champion was born on February 20, 1932, in Crenshaw County, Alabama to Leon and Carol Champion. The son of a farmer and teacher, Eugene finished high school and served in the Air Force during the Korean Conflict. He attended and graduated from the University of Alabama on the GI Bill.

Eugene was married to his high school sweetheart, Bobbie Royal, in 1951. They had five children, Cindy, Mac, Becky, Amy and Bob. In 1976, Bobbie passed away. In 1979, Eugene married Margaret Scott and added her three children, Duane, Emalyn, and Derek to the family.

Mr. Champion received his CPA and worked as an accountant for several businesses as well as the State of Alabama.

After retiring from the State, Mr. Champion opened his own accounting firm. Although now retired, he still helps out friends with their taxes each year.

Eugene and Margaret are very involved in the First Baptist Church of Prattville. He is also an active member of the Lion's Club. Eugene is a proud grandfather and great-grandfather, who enjoys spending time with his family.

On February 19, his friends and family will celebrate his birthday in Prattville, Alabama. Today I would like to wish Eugene Champion a very Happy 80th Birthday.

HONORING THORA JERVEY

# HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Thora Jervey, a beloved matriarch of the Radford community in Southwest Virginia. Mrs. Jervey left us on January 31, 2012.

Born in 1929, Thora spent much of her childhood in southern California. She graduated from Whittier College in 1951 and married her husband, Ed, the same year. Thora and Ed moved to Radford, VA, in 1961, where she quickly became an active member of the community. Thora founded "The Lamplighters" and led the campaign for a new library in Radford. Thora was also responsible for founding the Radford Clothing Bank in 1982. It now serves hundreds of needy individuals each year.

She taught at Dublin Elementary School for 26 years, impacting countless students. Thora volunteered throughout the community, including helping to start Radford Elf Shelf, Books for Babies, the Radford-Fairlawn Daily Bread program, and a nationally recognized newspaper recycling effort. Thora was also an active member of the Radford Women's Club and Grove United Methodist Church. Despite being confined to a wheelchair for many years, she never let her disability get in the way. Until the time of her death, Thora continued as a member of the Radford Clothing Bank board and wrote a column for the Radford News Journal.

Thora was an avid bridge player and loved to travel. Along with her husband Ed, Thora visited every continent, including Antarctica. Thora is survived by her husband of 60 years, Ed; three sons, David, Warren, and Tom; daughter-in-law, Jeanne Phillips Jervey; and three grandchildren, Katie, Brett, and Peyton.

Those who knew her well are heard to talk of her generosity, kindness, and determination, which have made the City of Radford a better place to live. I am honored to pay tribute to this great woman's many contributions. Her legacy and influence will be long remembered in the Radford community.

HONORING WISLAWA SZYMBORSKA

# HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. QUIGLEY. Mr. Speaker, my esteemed colleagues, please join me in honoring the late Wislawa Szymborska, Nobel Prize winning Polish poet and essayist, who passed away on February 1, 2012. Wislawa Szymborska was described as "the Mozart of poetry . . . with the furor of Beethoven." She received the Nobel Prize for Literature in 1996, propelling her to international fame.

Incredibly particular in what she deemed worthy of print, Ms. Szymborska published less than 400 poems over the span of six decades. First gaining notoriety in Poland, her po-

etry eventually became known worldwide. She was renowned for approaching serious subjects with humor and satire, as well as for deeply examining seemingly trivial everyday occurrences. A true artist, she was very much in tune with human nature, while seemingly transcendent above it all. She was also notoriously private, choosing to remain away from what she called the "fuss."

Wislawa Szymborska's poetry is so profoundly rooted in human reality and yet so far removed from it, that it will surely withstand the test of time for generations to come. Both she and her poetry will be truly missed.

IN HONOR OF MR. WILLIAM H. WILLOUGHBY, JR.

# HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. William H. Willoughby, Jr. who is being recognized by the Joint Veterans' Commission of Cuyahoga County as the 2011 Outstanding Veteran of the Year.

Born a true "military brat," Mr. Willoughby grew up around the world in places such as California, Japan and Washington, DC, He enlisted in the U.S. Army and attended the U.S. Military Academy Preparatory School before graduating from the U.S. Military Academy at West Point. He furthered his training at Infantry, Airborne, Ranger and Special Forces Qualifications Schools. Mr. Willoughby served his country valiantly during two tours in Vietnam during 1965-1966 and again in 1968. He was an A Team Leader with the 5th Special Forces Group on his first tour and a Battalion Operations Officer (S3) with the 2nd Battalion 2nd Infantry 1st Infantry Division during the second, during which he was wounded in combat. Mr. Willoughby was awarded with the Silver Star, Soldier's Medal, Bronze Star, Purple Heart, Army Commendation, Air Medal and Combat Infantryman's Badge for his brave service to his country. Due to medical reasons, he retired from the Army in 1971.

While recovering from his injury, Willoughby earned a Masters Degree in Business Administration from Tulane University. He used his education to obtain work in the manufacturing industry. Working his way up in the field, Mr. Willoughby became the president of Pettibone Ohio Corporation. In 1984, with only five employees, he established Cleveland Track Material, Inc. (CTM). CTM quickly became a thriving company and by 2007 emploved 260 people. It was named one of the "100 Best Places to Work in North East Ohio" for three consecutive years. It has received the Ohio Governor's Workforce Excellence Award, Blue Chip Enterprise Award and it was named the 1990 Ernest & Young Manufacturing Entrepreneur of the Year.

In addition to his military service and business success, Mr. Willoughby has been an outspoken supporter of the U.S. Military Academy and in 1979 was appointed the West Point Admissions Coordinator for Northeast Ohio. In 2010, he was named the coordinator for the entire state. Over the years William has

assisted more than 650 young people from the State of Ohio to gain admission to the prestigious military academy.

Since 1997, he has served as the Master of

Since 1997, he has served as the Master of Ceremonies for my 10th Congressional District's annual Service Academy Day and has provided invaluable assistance with the nomination process to my congressional staff. He has set the standard for a Service Academy representative, and is the recognized leader among West Point representatives. Everyone knows Bill! Always positive and professional, he leads by example, with a life history to illustrate the success of following the path of Duty, Honor and Country.

Mr. Willoughby has also brought four new Junior Reserve Officer Training Corps programs to Cleveland City Schools. Mr. Willoughby has been recognized as the Civilian Aide to the Secretary of the Army Emeritus in 2005, received the U.S. Army Outstanding Civilian Service Medal and was inducted into the Ohio Veterans Hall of Fame in 2008.

Mr. Speaker and colleagues, please join me in congratulating Mr. William Willoughby, Jr., Cuyahoga County's 2011 Outstanding Veteran of the Year.

RECOGNIZING CHRISTINE TAILLON

# HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. TIERNEY. Mr. Speaker, I rise today to recognize Christine Taillon for her 32 years of service at General Electric in Lynn, Massachusetts, and to congratulate her on her recent retirement.

Christine started as a temporary employee in 1979 but soon became a permanent member of the GE staff. While raising two sons, working full time, and completing a bachelor's degree at Salem State College and a master's degree in Management at Lesley College in Cambridge, Christine progressed in various roles throughout the Lynn Aircraft Engine unit and became one of the first women in the company to become a Six Sigma Black Belt—a team leader responsible for measuring, analyzing, improving and controlling key processes that influence customer satisfaction and productivity growth.

Christine completed her General Electric career at the end of 2011 as a Senior Tech Manager for Turbo Shaft & GE38 Marine & Commercial Programs. The GE38 engine is believed to be the most technologically advanced turbo shaft engine in its class, and its my understanding that the United States Marine Corps has selected it to power the Sikorsky CH53K Super Stallion helicopter.

General Electric has been in Lynn since 1892, and members of Christine's family have proudly worked there for most of that time. Christine's grandfather, Martin G. Higgins, entered the apprentice program at Lynn General Electric in 1904 and worked there for 34 years. Her father, John J. Higgins, worked at GE for 33 years, from 1943 to 1975. Christine's husband, Michael Taillon, also worked for 41 years at Lynn GE. In total, that is 140 years of service to General Electric in Lynn.

I congratulate Christine on her remarkable career and wish her all the best in her retirement.

#### HONORING JIMI YAMAICHI

# HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. HONDA. Mr. Speaker, I rise today with Representative ZOE LOFGREN to honor Mr. Jimi Yamaichi. On November 3, 2011, Mr. Yamaichi was awarded the Order of the Rising Sun, Gold and Silver Rays, from the Government of Japan. Mr. Yamaichi is being recognized for his contributions to Japan-U.S. relations arising from decades of community involvement. On February 24, 2012, the Consul General of Japan in San Francisco, Hiroshi Inomata, will present Mr. Yamaichi with this distinguished award.

Mr. Yamaichi grew up on his family owned farm in San Jose, California during the Great Depression era. As a young student, Mr. Yamaichi dreamed of becoming a carpenter. However, racism within the carpenter's union and the outbreak of World War II postponed that dream. With the signing of Executive Order 9066, Mr. Yamaichi and his family were forcibly removed from their home to the Pomona Assembly Center, then to the internment camps at Heart Mountain in Wvoming and at Tule Lake in California. While at Tule Lake, he oversaw building projects as the camp construction manager. After the war ended, Mr. Yamaichi doggedly pursued union membership, which he was finally granted.

With his experience in the internment camps and as a carpenter, Mr. Yamaichi has turned his attention towards memorializing the experiences of Japanese Americans. Over the years, he has served on a variety of boards and committees in San Jose's Japantown. Currently, he leads the effort to restore the Tule Lake Relocation Center in addition to leading biannual pilgrimages to the internment camp. Through the restoration and pilgrimages to Tule Lake. Mr. Yamaichi shares the harsh reality of life in internment. Driven by the desire to tell the story of Japanese Americans, Mr. Yamaichi became a charter member of the Japanese American Museum of San Jose. As the curator of the Japanese American Museum of San Jose, he has managed projects and played a key role in the construction of the new museum. One of the key exhibits is the replica of the camp barracks, complete with artifacts found at Tule Lake.

Mr. Yamaichi's lifelong work to preserve Japanese American history was recognized by the Government of Japan in the 2011 Conferment of Decoration. Mr. Yamaichi is receiving the Order of the Rising Sun, Gold and Silver Rays, for his work in Santa Clara County.

Mr. Speaker, we commend Mr. Jimi Yamaichi for his years of dedication and commitment to Santa Clara County and the Japanese American community. His contributions ensure that Japanese Americans' experiences of persecution will never be forgotten.

URGING PASSAGE OF THE STOCK ACT

# HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. MARCHANT. Mr. Speaker, I rise today in strong support of The STOCK Act. This bill will make government more transparent and accountable to its citizens.

It is unacceptable for any Member of Congress, federal official or their staff to use non-public information obtained during their work as a public servant for their own financial gain.

The STOCK Act will give our constituents peace of mind that no one will gain from insider trading. This legislation greatly improves the Senate-passed version by extending these requirements to include the Executive Branch. All public servants must be held to the same standards.

I urge my colleagues to support this responsible legislation.

U.S. COMBAT OPERATIONS IN AFGHANISTAN

# HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. GARAMENDI. Mr. Speaker, I commend President Obama's administration for the steps it is taking to bring the longest war in our nation's history to a close. Last week, Defense Secretary Panetta expressed the hope that "by mid- to the latter part of 2013 we'll be able to make a transition from a combat role to a training, advice and assist role." I urge the administration to fulfill this aspiration and bring our troops home to their families. They have sacrificed enough.

Afghanistan began as a war of necessity. After the horrific September 11th attacks, we sent troops to eliminate Al Qaeda, killing their leaders and destroying their training camps to prevent a future terrorist attack. Our troops carried out this mission with extraordinary courage and dedication. Osama Bin Laden was driven out of Afghanistan and he is now dead. Furthermore, our intelligence community affirms that Al Qaeda is virtually extinguished from Afghanistan, yet the war continues. End this war now and focus like a laser on terrorists whereever they may be.

Our troops in Afghanistan are no longer fighting terrorists who pose a threat to the United States. They are now fighting domestic Afghan factions and defending a corrupt and inept Afghan government. Our service-members are dying in another country's civil war. This has become a war of choice.

I recently met with Lt. Col. Danny Davis who described to me what that civil war looks like on the ground. He has served two combat deployments in Afghanistan, and has traveled throughout the country talking with US troops stationed all over. A recent evaluation of Col. Davis reads: "His maturity, tenacity and judgment can be counted on in even the hardest of situations, and his devotion to mission ac-

complishment is unmatched by his peers." This is how Col. Davis describes what he has observed:

What I saw bore no resemblance to rosy official statements by U.S. military leaders about conditions on the ground. Entering this deployment, I was sincerely hoping to learn that the claims were true: that conditions in Afghanistan were improving . . .

Instead, I witnessed the absence of success on virtually every level.

I saw the incredible difficulties any military force would have to pacify even a single area of any of those provinces; I heard many stories of how insurgents controlled virtually every piece of land beyond eyeshot of a U.S. or International Security Assistance Force (ISAF) base. I saw little to no evidence the local governments were able to provide for the basic needs of the people. Some of the Afghan civilians I talked with said the people didn't want to be connected to a predatory or incapable local government. From time to time, I observed Afghan Security forces collude with the insurgency. . .

Col. Davis's candid testimony reinforced my conviction that there is no military solution to the conflict in Afghanistan, only the prospect of continued shedding of American blood in a war that is not ours to fight. Only through a negotiated political settlement amongst the Afghan factions, not through an open-ended U.S. military presence, could Afghanistan become a stable, developing country.

America faces new threats now. The more than a trillion dollars spent on two wars over the course of a decade undermines our financial stability and takes away from much needed funds for American jobs and investments at home. The Obama administration has shown courageous leadership in eliminating Osama Bin Laden and other top Al Qaeda leaders. They have also shown leadership in bringing the war in Iraq to an end and in planning to ensure that the U.S. military commitment in Afghanistan is not an open-ended one. As President Obama clearly stated in his speech on the drawdown plan last year, we need to focus on nation-building at home. I agree, and I strongly support ending U.S. combat operations in Afghanistan and bringing our troops home by mid-2013, if not sooner. It is the people in this body, the United States Congress, that can choose when this war ends.

IN RECOGNITION OF MR. FRANK W. ANDERSON

# HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor and memory of Mr. Frank W. Anderson, a strong proponent of disabled veterans' rights in the state of Ohio, who is being honored by the Joint Veterans' Commission of Cuyahoga County with the Judge Felix T. Matia/Chester J. Koch Memorial Award.

Frank Anderson was born in Cleveland, Ohio in 1953 and attended East Tech High School. He attended Bowling Green State University, and then left in 1976 to enroll in the Ohio National Guard's 107th Armored Cavalry Regiment. Mr. Anderson was paralyzed in an

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accident while participating in an Ohio National Guard convoy in 1981. He was discharged as a sergeant in 1982.

Following this life altering experience, Frank became a strong advocate for disabled veterans' rights. He joined the Paralyzed Veterans' Buckeye Board in Ohio in 1985, and became the Advocacy Director in 1987. Mr. Anderson was also an active member of ADA Ohio Network, Greater Cleveland RTA Citizen's Advisory Board, Governor's Council on People with Disabilities, and was a trustee with the Soldiers and Sailors Monument. Frank was the 1st Vice President of the Joint Veterans Commission of Cuyahoga County and the Vice President of the Memorial Day Association of Greater Cleveland. Because of his tireless work he was awarded the Richard Fuller Outstanding Achievement in Government Relations Award in 2010.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. Frank W. Anderson and his tireless work on behalf of Ohio's disabled veterans.

#### HONORING SPECIAL AGENT DONALD WARE

# HON. JOSEPH J. HECK

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. HECK. Mr. Speaker, I rise today to honor the service and sacrifice of Drug Enforcement Administration Special Agent Donald Cleo Ware, a Nevadan who dedicated his life to protecting the public from the dangers and violence associated with illegal drugs.

Special Agent Ware began his career in law enforcement in 1967 with the Albuquerque Police Department in New Mexico. Soon after, he joined the Bureau of Narcotics and Dangerous Drugs, an agency which later merged to become the Drug Enforcement Administration. Special Agent Ware served twenty-five years with the DEA, protecting the American people and bravely fighting to eliminate the scourge of dangerous drugs.

On June 9, 1975, while conducting an investigation of a heroin trafficking organization in San Luis Rio Colorado, Mexico, Special Agent Ware and Special Agent Wilfred Stevenson were kidnapped on their way to a meeting with the drug traffickers. Both agents were badly beaten and searched for weapons, but the gangsters failed to discover a gun Special Agent Ware had hidden in his waist-

Knowing their captors intended to kill them, Special Agents Ware and Stevenson made a desperate attempt to escape using the gun the drug traffickers had failed to find. However. both agents were shot during the escape attempt and were left for dead by their attackers. Both agents survived this harrowing ordeal, but Special Agent Ware's injuries were so serious that he remained hospitalized for the next six months.

The shooting that nearly took his life never changed Special Agent Ware's trademark humility and dedication to his job. Though Special Agent Ware qualified for full medical retirement, he instead chose to continue working for the DEA until his retirement in 1995. For his service, Special Agent Ware was awarded the DEA Medal of Valor and the DEA Purple Heart Award.

Don Ware died on October 12, 2004, due to complications during a surgery directly related to his injuries received in the line of duty. To honor his service and sacrifice, Special Agent Ware was memorialized on the National Law Enforcement Officers Memorial on May 12, 2011, and the DEA Wall of Honor on May 13,

Mr. Speaker, it is my honor to recognize the life and service of Special Agent Don Ware, a great Nevadan, a devoted husband and father, and a dedicated officer of the law. His legacy stands as an excellent example for the entire law enforcement community, and his service and sacrifice should always be remembered.

### OUR UNCONSCIONABLE NATIONAL DEBT

# HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,343,504,866,785.66. We've added \$10,542,099,691,491.38 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### IN HONOR OF MARCIA GAMBRELL HOVICK

# HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Wednesday, February 8, 2012

Mr. FARR. Mr. Speaker, I rise today to honor the life of Marcia Gambrell Hovick, who passed away on January 31, 2012 at the age of 89. Marcia's long life was devoted to the theater. Born in Tulsa. Oklahoma in 1922. she began taking ballet lessons at the age of three, went on stage in children's theater at the age of four, and was playing piano when she was five. Right from the start, all who knew her recognized her talent.

Marcia graduated from Austin High School, in Austin, Texas. She earned her Bachelor of Arts in Speech and Drama at Mills College in Oakland, California, and married Jack Hovick, a medical student. Jack became an obstetrician, and in 1956 they settled their growing family in Monterey, California. Together they had four children: Christopher, Nicholas, Kirsten, and Gwyneth, who preceded her in death.

Marcia soon was organizing a children's theater group, The Children's Experimental Theatre. Marcia said, "Children's theatre . . . is a truly awesome, transformational experience. It gives to children a kind of confidence. a location of themselves in the world, an ability to really notice each other, a feeling of mutual dependence and satisfaction."

Marcia wrote most of the plays she used in these productions. Many scripts available for children at the time were what she called "patronizing, simple-minded, phony." "What children are interested in," she said, "is truth. We can't always provide the truth, but at least we can give them a stab at it." She carried this exploration of truth forward in the monologues she wrote and performed herself, giving meaning to those women's lives. She also created the Traveling Troupe that brought theater into schools, and founded Staff Repertory Players.

Mr. Speaker, Marcia Gambrell Hovick was a teacher, director, actor, monologist, and writer. She touched many lives in her community, including my own daughter's, and was devoted to nurturing children and exploring truth through her art. It is a privilege and a high honor on behalf of her beloved community to recognize her life. She will be missed and I know I speak for the whole House in honoring the life of this dedicated and talented woman.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest-designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week

Meetings scheduled for Thursday, February 9, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

FEBRUARY 14

9:30 a.m.

Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2013.

SD\_608

2:15 p.m.

Foreign Relations

Business meeting to consider S. 1023, to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, S. 414, to protect girls in developing countries through the prevention of child marriage, S. Res. 342, honoring the life and legacy of Laura Pollan, and the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary for Public Diplomacy. Anne Claire Richard, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic, all of the Department of State, and Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development, and lists in the Foreign Service.

S-116, Capitol

2:30 p.m.

Health, Education, Labor, and Pensions To hold hearings to examine pain in America, focusing on exploring challenges to relief.

Intelligence To hold closed hearings to examine certain intelligence matters.

SH-219

#### FEBRUARY 15

Time to be announced

Agriculture, Nutrition, and Forestry To hold hearings to examine energy and economic growth for rural America.

Room to be announced

10 a.m.

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Transportation.

SD-608

#### FEBRUARY 16

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SVC-217 following the open session. SD-G50

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Energy.

SD-366

10 a.m.

Health, Education, Labor, and Pensions Employment and Workplace Safety Subcommittee

To hold hearings to examine addressing workforce needs at the regional level, focusing on innovative public and private partnerships.

SD-430

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country. SD-628

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

### FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013

and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior.

SD-366

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345. Cannon Building

#### FEBRUARY 29

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine strengthening conservation through the 2012 farm bill.

Room to be announced

10 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs.

#### MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

# MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SH-216

#### MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

SD-G50

# MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-106

#### MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-G50

#### MARCH 14

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine healthy food initiatives, local production, and nutrition.

Room to be announced

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR-418

#### MARCH 15

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

#### MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

#### MARCH 21

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine risk management and commodities in the 2012 farm bill.

Room to be announced

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America, Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

### MARCH 22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

MARCH 28

10 a.m.

Veterans' Affairs

To hold hearings to examine the nomina-

tions of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United

States Court of Appeals for Veterans Claims.  $$\operatorname{SR-418}$$ 

# HOUSE OF REPRESENTATIVES—Thursday, February 9, 2012

called to order by the Speaker pro tempore (Mrs. Capito).

# DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC. February 9, 2012.

I hereby appoint the Honorable Shelley MOORE CAPITO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER. Speaker of the House of Representatives.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We thank You once again that we. Your creatures, can come before You and ask guidance for the men and women of this assembly.

Send Your spirit of wisdom as they enter into a long weekend for constituent visits. May their ears and hearts be open to listen to the hopes and needs of those whom they represent.

Please keep all the Members of this Congress and all who work for the people's House in good health, that they might faithfully fulfill the great responsibility given them by the people of this great Nation.

Bless us this day and every day. May all that is done here this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oklahoma (Mr. LANKFORD) come forward and lead the House in the Pledge of Allegiance.

Mr. LANKFORD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### The House met at 9 a.m. and was ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side.

#### CALLING ON CONFERENCE COMMITTEE TO ACT ON TAX RATE

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Madam Speaker, with less than 3 weeks to go before the payroll Social Security tax extension expires, it is time for the conference committee to make up their mind on the way forward and to bring their proposal to the full House and Senate. Long secret negotiations are unjustified.

The House passed a full-year extension of the payroll tax deduction, major reforms to the unemployment insurance, and a 2-year extension to the Medicare doc fix 8 weeks ago. Since that time, nothing has been done in the daylight to resolve this issue. Our delay will cause companies all over the country to work overtime this month to revise their payroll formula. We should help the people who create the jobs around the country, not give them even more consternation.

Chad Richison, the CEO of Paycom, wrote a terrific op-ed in The Hill this week. He doesn't care which tax rate we set, but he's truly frustrated when we delay our decisions and then dump all the last-minute work on them and thousands of other companies around the country.

If we expect American companies to pay their taxes on time, we should get the tax rate done on time.

### STOCK ACT

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, just a minute ago we heard our chaplain beseech us to be open to the hearts and minds of the people we represent. That is exactly why, today, we need to pass the STOCK Act to stop insider trading on congressional knowledge. This has waited too long, Madam Speaker.

My colleague from upstate New York, Louise Slaughter, has led the charge for this for 6 years. It is now time for us to take action—and not a watered-down version. We need to stop the insidious practice of insider trading, giving Members of this body an unfair advantage over Americans who sent us here to represent them. This practice must stop.

I'm calling on all of my colleagues and calling on the leadership to give us a bill we can support, put an end to this insidious practice, and let us begin the long process of restoring the faith of the American people in this institution.

#### CONGRATULATING GLENBROOK SOUTH HIGH SCHOOL ON ITS 50TH ANNIVERSARY

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Madam Speaker, this school year marks the 50th anniversary for Glenbrook South High School in Glenview, Illinois. I want to congratulate Glenbrook South on this impressive achievement.

Over the past five decades, over 27,000 students have graduated and are now proud alums. Glenbrook South has a rich tradition of preparing students to be future leaders, including two of my team members here in Washington, D.C

Glenbrook South has received many accolades over the years, and that is due in large part to the dynamic teachers, the families who support the school, and the talented students who work hard to excel in academics, sports, music, debate, and more.

I have had the privilege of visiting with the students at Glenbrook South and talking with them about how their government works. I am deeply impressed with the students' insights and their desire to get involved and make the world a better place.

Congratulations to Glenbrook South High School on your achievement. I know there will be many more to come. And that's just the way it is.

# STOCK ACT

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Madam Speaker, I rise to urge our colleagues to support the STOCK Act when it comes up later today.

The STOCK Act is the Stop Trading on Congressional Knowledge Act. It essentially bans Members of Congress from using their position and information that is not available to the general public for their own personal gain, such as purchasing stocks based upon information we learn from a briefing here on Capitol Hill.

Public office is a public trust, and rules that apply to our neighbors and Americans all across the country should equally apply to Members of Congress.

I'd like to congratulate my colleagues, Congresswoman LOUISE SLAUGHTER from New York and Congressman TIM WALZ from Minnesota, who have worked on this legislation year in and year out.

Colleagues, we should all vote in favor of the STOCK Act.

#### BUDGET AND ACCOUNTING TRANSPARENCY ACT

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to commend the House for passing the Budget and Accounting Transparency Act earlier this week. This much-needed reform will increase transparency and accuracy in budgeting for Federal credit programs like Fannie Mae and Freddie Mac. In addition, this reform will require fair value accounting for Federal programs that make direct loans or loan guarantees.

Earlier this year with the Solyndra debacle, we found out that when Washington makes a bet the American taxpayer is often left with the bill. The Federal Government should consider fair value and market risk before betting on companies like Solyndra.

Since the financial crisis began, Fannie Mae and Freddie Mac have become the financial responsibility of the Federal Government. However, the Ofice of Management and Budget has not accounted for the Fannie and Freddie burden. This bill will fix that mistake.

If we're going to get out of this financial mess, we have to be honest about how much we're really spending. This is a commonsense reform that will help lawmakers be better stewards of our hardworking constituents' tax dollars.

#### EXTEND PAYROLL TAX CUT

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today because I believe this Congress needs to stop playing blame games and start working together to reignite the American Dream by helping our Nation's small businesses and entrepreneurs and empowering a thriving middle class.

Small businesses are the pulse of the American enterprise and the creators of jobs and economic growth up and

down Main Streets across the United States of America. Entrepreneurs are the dreamers, movers, shakers, and builders that help take ideas and inventions and turn them into the manufacturing jobs of the future.

And a thriving middle class, well, that's the underpinning of support to make reigniting the American Dream even possible. A strong middle class leads to a strong America. The best functioning democracies around the world share one thing in common—a thriving middle class.

So, Mr. Speaker, I rise today to ask my colleagues to enact policies and legislation that achieve these ends: to reignite the American Dream by building up our small businesses, encouraging our entrepreneurs, and empowering our middle class. We can start by extending the payroll tax cut for the remainder of the year without delay and without games.

I look forward to continuing to work toward these ends throughout the year.

#### □ 0910

# AN ASSAULT ON THE FIRST AMENDMENT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, those who say that conservative opposition to the Obama administration's rules on forcing religious groups to provide birth control coverage in their insurance plans is an assault on women are wrong and shortsighted. That rule is an assault on all Americans and on the First Amendment of the Constitution.

It reminds me of a famous quote attributed to Pastor Martin Niemoller:

First they came for the Communists, and I didn't speak out because I wasn't a Communist.

Then they came for the trade unionists, and I didn't speak out because I wasn't a trade unionist.

Then they came for the Jews, and I didn't speak out because I wasn't a Jew.

Then they came for the Catholics, and I didn't speak out because I was a Protestant. Then they came for me, and there was no one left to speak out for me.

Mr. Speaker, we have to speak out on this issue. It is an assault on the First Amendment. It's an assault on the rights of all Americans.

# IT'S TIME TO GET TO WORK

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Members, when the U.S. economy is showing signs of progress, our House majority's threatening to take 2 percent of the gross national product out of our economy, killing the gains we've made, and doing it on the backs

of the people who need help the most, the middle class and the unemployed.

Even though we were able to extend the payroll tax cut, unemployment insurance, and also the Medicare physician payments for just 2 months, millions of Americans dodged an average of \$1,500 from a GOP tax hike. Now it's time to get to work and pass a yearlong extension of these three important programs.

We cannot afford to take more risks with the incomes of 160 million Americans the way the House majority did at the end of 2011.

#### SUPPORT THE STOCK ACT

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today in support of the STOCK Act, Stop Trading on Congressional Knowledge Act, which strengthens current House rules banning Members of Congress from profiting financially from their position. It is absolutely unacceptable for those in any branch of government—the legislative, the judiciary, or the executive branch—to profit from nonpublic information.

Insider trading is not only unethical; it is illegal no matter who you are. But if it takes a stronger, tougher bill to set the record straight, then so be it. The American people elected us in good faith to lead, and we must do everything in our power to protect that trust.

The bill enhances transparency, something we've continually strived for in this 112th Congress, and I am proud to support the bill. I hope my colleagues will join me in passing this into law.

#### STOP TRADING ON CONGRES-SIONAL KNOWLEDGE ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Strike out all after the enacting clause and insert:

#### S. 2038

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Trading on Congressional Knowledge Act of 2012" or the "STOCK Act".

# SEC. 2. DEFINITIONS.

In this Act:

(1) MEMBER OF CONGRESS.—The term "Member of Congress" means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

- (2) EMPLOYEE OF CONGRESS.—The term "employee of Congress" means—
- (A) any individual (other than a Member of Congress), whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and
- (B) any other officer or employee of the legislative branch (as defined in section 109(11) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(11))).
- (3) EXECUTIVE BRANCH EMPLOYEE.—The term "executive branch employee"—
- (A) has the meaning given the term "employee" under section 2105 of title 5, United States Code; and
  - (B) includes-
  - (i) the President;
  - (ii) the Vice President; and
- (iii) an employee of the United States Postal Service or the Postal Regulatory Commission.
- (4) JUDICIAL OFFICER.—The term "judicial officer" has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978 (U.S.C. App. 109(10)).
- (5) JUDICIAL EMPLOYEE.—The term "judicial employee" has the meaning given that term in section 109(8) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(8)).
- (6) SUPERVISING ETHICS OFFICE.—The term "supervising ethics office" has the meaning given that term in section 109(18) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(18)).

# SEC. 3. PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.

The Select Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities as a means for making a private profit.

#### SEC. 4. PROHIBITION OF INSIDER TRADING.

- (a) AFFIRMATION OF NONEXEMPTION.—Members of Congress and employees of Congress are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder.
- (b) DUTY.—
- (1) PURPOSE.—The purpose of the amendment made by this subsection is to affirm a duty arising from a relationship of trust and confidence owed by each Member of Congress and each employee of Congress.
- (2) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1) is amended by adding at the end the following:
- "(g) DUTY OF MEMBERS AND EMPLOYEES OF
- "(1) IN GENERAL.—Subject to the rule of construction under section 10 of the STOCK Act and solely for purposes of the insider trading prohibitions arising under this Act, including section 10(b) and Rule 10b-5 thereunder, each Member of Congress or employee of Congress owes a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to material, nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities.
- "(2) DEFINITIONS.—In this subsection—
- "(A) the term 'Member of Congress' means a member of the Senate or House of Representatives, a Delegate to the House of Representa-

- tives, and the Resident Commissioner from Puerto Rico; and
- "(B) the term 'employee of Congress' means—
  "(i) any individual (other than a Member of Congress), whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;
- "(ii) any other officer or employee of the legislative branch (as defined in section 109(11) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(11))).
- "(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions."

#### SEC. 5. CONFORMING CHANGES TO THE COM-MODITY EXCHANGE ACT.

- Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended—
- (1) in paragraph (3), in the matter preceding subparagraph (A)—
- (A) by inserting "or any Member of Congress or employee of Congress (as such terms are defined under section 2 of the STOCK Act) or any judicial officer or judicial employee (as such terms are defined, respectively, under section 2 of the STOCK Act)" after "Federal Government" the first place it appears;
- (B) by inserting "Member, officer," after "position of the"; and
- (C) by inserting "or by Congress or by the judiciary" before "in a manner"; and
- (2) in paragraph (4)-
- (A) in subparagraph (A), in the matter preceding clause (i)—
- (i) by inserting "or any Member of Congress or employee of Congress or any judicial officer or judicial employee" after "Federal Government" the first place it appears;
- (ii) by inserting "Member, officer," after "position of the"; and
- (iii) by inserting "or by Congress or by the judiciary" before "in a manner":
- (B) in subparagraph (B), in the matter preceding clause (i), by inserting "or any Member of Congress or employee of Congress or any judicial officer or judicial employee" after "Federal Government": and
- (C) in subparagraph (C)—
- (i) in the matter preceding clause (i), by inserting "or by Congress or by the judiciary"—
  - (I) before "that may affect"; and (II) before "in a manner"; and
- (ii) in clause (iii), by inserting "to Congress, any Member of Congress, any employee of Congress, any judicial officer, or any judicial em-

# ployee," after "Federal Government,". SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

- (a) REPORTING REQUIREMENT.—Section 103 of the Ethics in Government Act of 1978 (5 U.S.C. App. 103) is amended by adding at the end the following subsection:
- "(1) Not later than 30 days after receiving notification of any transaction required to be reported under section 102(a)(5)(B), but in no case later than 45 days after such transaction, the following persons, if required to file a report under any subsection of section 101, subject to any waivers and exclusions, shall file a report of the transaction:
  - "(1) The President.
  - "(2) The Vice President.
- "(3) Each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the

- General Schedule; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification.
- "(4) Each employee appointed pursuant to section 3105 of title 5, United States Code.
- "(5) Any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policy-making character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;
- "(6) The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Regulatory Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.
- "(7) The Director of the Office of Government Ethics and each designated agency ethics official.
- "(8) Any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President.
- "(9) A Member of Congress, as defined under section 109(12).
- "(10) An officer or employee of the Congress, as defined under section 109(13).".
- (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

# SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

- (a) REPORT.—
- (1) In GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Congressional Research Service, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on the Judiciary of the House of Representatives a report on the role of political intelligence in the financial markets.
- (2) CONTENTS.—The report required by this section shall include a discussion of—
- (A) what is known about the prevalence of the sale of political intelligence and the extent to which investors rely on such information:
- (B) what is known about the effect that the sale of political intelligence may have on the financial markets:
- (C) the extent to which information which is being sold would be considered nonpublic information:
- (D) the legal and ethical issues that may be raised by the sale of political intelligence;
- (E) any benefits from imposing disclosure requirements on those who engage in political intelligence activities; and
- (F) any legal and practical issues that may be raised by the imposition of disclosure requirements on those who engage in political intelligence activities.
- (b) DEFINITION.—For purposes of this section, the term "political intelligence" shall mean information that is—

- (1) derived by a person from direct communications with an executive branch employee, a Member of Congress, or an employee of Congress; and
- (2) provided in exchange for financial compensation to a client who intends, and who is known to intend, to use the information to inform investment decisions.

#### SEC. 8. PUBLIC FILING AND DISCLOSURE OF FI-NANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CON-GRESSIONAL STAFF.

- (a) Public, Online Disclosure of Financial Disclosure Forms of Members of Congress and Congressional Staff.—
- (1) In GENERAL.—Not later than August 31, 2012, or 90 days after the date of enactment of this Act, whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, candidates for Congress, and employees of Congress in calendar year 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made available to the public on the respective official websites of the Senate and the House of Representatives not later than 30 days after such forms are filed.
- (2) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 103(1) of the Ethics in Government Act of 1978, as added by this Act, such disclosure shall be filed not later than the date required by that section. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.
- (4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).
- (b) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS, OFFICERS OF THE HOUSE AND SENATE, AND CONGRESSIONAL STAFF.—
- (1) In GENERAL.—Subject to paragraph (6) and not later than 18 months after the date of enactment of this Act, the Secretary of the Senate and the Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall develop systems to enable—
- $(\hat{A})$  electronic filing of reports received by them pursuant to section 103(h)(1)(A) of title I of the Ethics in Government Act of 1978; and
- (B) public access to financial disclosure reports filed by Members of Congress, candidates for Congress, and employees of Congress, as well as reports of a transaction disclosure required by section 103(l) of the Ethics in Government Act of 1978, as added by this Act, notices of extensions, amendments, and blind trusts, pursuant to title I of the Ethics in Government Act of 1978, through databases that—
- (i) are maintained on the official websites of the House of Representatives and the Senate; and
- (ii) allow the public to search, sort, and download data contained in the reports.
- (2) LOGIN.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login protocol with the name of the user shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 does not apply.
- (3) PUBLIC AVAILABILITY.—Pursuant to section 105(b)(1) of the Ethics in Government Act of 1978, electronic availability on the official

- websites of the Senate and the House of Representatives under this subsection shall be deemed to have met the public availability requirement.
- (4) FILERS COVERED.—Individuals required under the Ethics in Government Act of 1978 or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House of Representatives shall file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives.
- (5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Secretary of the Senate or the Clerk of the House of Representatives identifies in writing to relevant congressional committees the additional time needed for such implementation.
- (c) RECORDKEEPING.—Section 105(d) of the Ethics in Government Act of 1978 (5 U.S.C. App. 105(d)) is amended to read as follows:
- "(d)(1) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.
- "(2) Such report shall be made available to the public—
- "(A) in the case of a Member of Congress until a date that is 6 years from the date the individual ceases to be a Member of Congress: and
- "(B) in the case of all other reports filed pursuant to this title, for a period of 6 years after receipt of the report.
- "(3) After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed 1 year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry."

### SEC. 9. OTHER FEDERAL OFFICIALS.

- (a) Prohibition of the USE of Nonpublic Information for Private Profit.—
- (1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of nonpublic information, as necessary to clarify that no executive branch employee may use nonpublic information derived from such person's position as an executive branch employee or gained from the performance of such person's official responsibilities as a means for making a private profit.
- (2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use nonpublic information derived from such person's position as a judicial officer or gained from the performance of such person's official responsibilities as a means for making a private profit.
- (3) JUDICIAL EMPLOYEES.—The Judicial Conference of the United States shall issue such in-

terpretive guidance of the relevant ethics rules applicable to judicial employees as necessary to clarify that no judicial employee may use nonpublic information derived from such person's position as a judicial employee or gained from the performance of such person's official responsibilities as a means for making a private profit.

(b) APPLICATION OF INSIDER TRADING LAWS.-

(1) Affirmation of Non-Exemption.—Executive branch employees, judicial officers, and judicial employees are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder.

(2) DUTY.—

(A) PURPOSE.—The purpose of the amendment made by this paragraph is to affirm a duty arising from a relationship of trust and confidence owed by each executive branch employee, judicial officer, and judicial employee.

(B) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1), as amended by this Act, is amended by adding at

the end the following:

- "(h) DUTY OF OTHER FEDERAL OFFICIALS.—
- "(1) In General.—Subject to the rule of construction under section 10 of the STOCK Act and solely for purposes of the insider trading prohibitions arising under this Act, including section 10(b), and Rule 10b-5 thereunder, each executive branch employee, each judicial officer, and each judicial employee owes a duty arising from a relationship of trust and confidence to the United States Government and the citizens of the United States with respect to material, nonpublic information derived from such person's position as an executive branch employee, judicial officer, or judicial employee or gained from the performance of such person's official responsibilities.
  - "(2) DEFINITIONS.—In this subsection—
- "(A) the term 'executive branch employee'—
  "(i) has the meaning given the term 'employee' under section 2105 of title 5, United
  States Code;
  - "(ii) includes—
  - "(I) the President;
  - "(II) the Vice President: and
- "(III) an employee of the United States Postal Service or the Postal Regulatory Commission
- "(B) the term 'judicial employee' has the meaning given that term in section 109(8) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(8)): and
- "(C) the term 'judicial officer' has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(10)).
- "(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions."

#### SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act, the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9 of this Act, shall be construed to—

- (1) impair or limit the construction of the antifraud provisions of the securities laws or the Commodity Exchange Act or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions:
- (2) be in derogation of the obligations, duties, and functions of a Member of Congress, an employee of Congress, an executive branch employee, a judicial officer, or a judicial employee, arising from such person's official position; or
- (3) be in derogation of existing laws, regulations, or ethical obligations governing Members of Congress, employees of Congress, executive branch employees, judicial officers, or judicial employees.

#### SEC. 11. EXECUTIVE BRANCH REPORTING.

- (a) Executive Branch Reporting.—
- (1) In GENERAL.—Not later than August 31, 2012, or 90 days after the date of enactment of this Act, whichever is later, the President shall ensure that financial disclosure forms filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.), in calendar year 2012 and in subsequent years, by executive branch employees specified in section 101 of that Act are made available to the public on the official websites of the respective executive branch agencies not later than 30 days after such forms
- (2) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically along with the related disclosure.
- (3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 103(l) of the Ethics in Government Act of 1978, as added by this Act, such disclosure shall be filed not later than the date required by that section. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.
- (4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).
- (b) ELECTRONIC FILING AND ONLINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF CERTAIN EXECUTIVE BRANCH EMPLOYEES.—
- (1) In GENERAL.—Subject to paragraph (6), and not later than 18 months after the date of enactment of this Act, the President, acting through the Director of the Office of Government Ethics, shall develop systems to enable—
- (A) electronic filing of reports required by section 103 of the Ethics in Government Act of 1978 (5 U.S.C. App. 103), other than subsection (h) of such section; and
- (B) public access to financial disclosure reports filed by executive branch employees required to file under section 101 of that Act (5 U.S.C. App. 101), as well as reports of a transaction disclosure required by section 103(1) of that Act, as added by this Act, notices of extensions, amendments, and blind trusts, pursuant to title I of that Act, through databases that—
- to title I of that Act, through databases that—
  (i) are maintained on the official website of
  the Office of Government Ethics; and
- (ii) allow the public to search, sort, and download data contained in the reports.
- (2) LOGIN.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login protocol with the name of the user shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 (5 U.S.C. App. 105(b)(2)) does not apply.
- (3) PUBLIC AVAILABILITY.—Pursuant to section 105(b)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App. 105(b)(1)), electronic availability on the official website of the Office of Government Ethics under this subsection shall be deemed to have met the public availability requirement.
- (4) FILERS COVERED.—Executive branch employees required under title I of the Ethics in Government Act of 1978 to file financial disclosure reports shall file the reports electronically with their supervising ethics office.
- (5) EXTENSIONS.—Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.
- (6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Director of the Office of Government Ethics, after consultation with the Clerk of the House of Representa-

tives and Secretary of the Senate, identifies in writing to relevant congressional committees the additional time needed for such implementation.

#### SEC. 12. PARTICIPATION IN INITIAL PUBLIC OF-FERINGS.

Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1), as amended by this Act, is further amended by adding at the end the following:

"(i) Participation in Initial Public Offer-INGS.—An individual described in section 101(f) of the Ethics in Government Act of 1978 may not purchase securities that are the subject of an initial public offering (within the meaning given such term in section 12(f)(1)(G)(i)) in any manner other than is available to members of the public generally."

#### SEC. 13. REQUIRING MORTGAGE DISCLOSURE.

(a) REQUIRING DISCLOSURE.—Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App. 102(a)(4)(A)) is amended by striking "spouse; and" and inserting the following: "spouse, except that this exception shall not apply to a reporting individual—

"(i) described in paragraph (1), (2), or (9) of section 101(f);

"(ii) described in section 101(b) who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of such section, other than—

"(I) an individual appointed to a position—
"(aa) as a Foreign Service Officer below the

"(aa) as a Foreign Service Officer below the rank of ambassador; or

"(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

"(II) a special government employee, as defined under section 202 of title 18, United States Code: or

"(iii) described in section 101(f) who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other

"(I) an individual appointed to a position—

"(aa) as a Foreign Service Officer below the rank of ambassador: or

"(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

"(II) a special government employee, as defined under section 202 of title 18, United States Code; and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports which are required to be filed under section 101 of the Ethics of Government Act of 1978 on or after the date of the enactment of this Act.

# SEC. 14. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 103(1) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified: and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

#### SEC. 15. APPLICATION TO OTHER ELECTED OFFI-CIALS AND CRIMINAL OFFENSES.

- (a) APPLICATION TO OTHER ELECTED OFFICIALS.—
- (1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(0)(2)(A) of title 5, United States Code, is amended—
- (A) in clause (i), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"; and

- (B) in clause (ii), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member".
- (2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(1)(2) of title 5, United States Code, is amended—
- (A) in subparagraph (A), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"; and
- (B) in subparagraph (B), by inserting ", the President, the Vice President, or an elected official of a State or local government" after "Member"
- (b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—
- (1) in subparagraph (A), by striking clause (iii) and inserting the following:

"(iii) The offense-

"(I) is committed after the date of enactment of this subsection and—

"(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

"(II) is committed after the date of enactment of the STOCK Act and—  $\,$ 

"(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

"(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xviii), (xxi), 
(2) by striking subparagraph (B) and inserting the following:

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

"(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

"(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

"(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Member of Congress).

"(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

"(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

"(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims)

"(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

"(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

- "(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).
- "(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).
- "(xi) An offense under section 607 of title 18 (relating to place of solicitation).
- "(xii) An offense under section 641 of title 18 (relating to public money, property or records).

"(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

"(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

"(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

"(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

"(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

"(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

"(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

"(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

"(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

"(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

"(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

"(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

"(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

"(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

"(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

"(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

"(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (vii), (ix), (x), (xi), (xii), (xiii), (xiii), (xvii), (xvii), (xvii), (xxi), (xx), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

"(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

"(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

"(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

"(II) an offense under clause (xxix), to the extent provided in such clause.

"(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).".

#### SEC. 16. LIMITATION ON BONUSES TO EXECU-TIVES OF FANNIE MAE AND FREDDIE MAC.

Notwithstanding any other provision in law, senior executives at the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are prohibited from receiving bonuses during any period of conservatorship for those entities on or after the date of enactment of this Act.

#### SEC. 17. POST-EMPLOYMENT NEGOTIATION RE-STRICTIONS.

(a) RESTRICTION EXTENDED TO EXECUTIVE AND JUDICIAL Branches.—Notwithstanding any other provision of law, an individual required to file a financial disclosure report under section 101 of the Ethics in Government Act of 1978 (5 U.S.C. App. 101) may not directly negotiate or have any agreement of future employment or compensation unless such individual, within 3 business days after the commencement of such negotiation or agreement of future employment or compensation, files with the individual's supervising ethics office a statement, signed by such individual, regarding such negotiations or agreement, including the name of the private entity or entities involved in such negotiations or agreement, and the date such negotiations or agreement commenced.

(b) RECUSAL.—An individual filing a statement under subsection (a) shall recuse himself or herself whenever there is a conflict of interest, or appearance of a conflict of interest, or appearance of a conflict of interest, for individual with respect to the subject matter of the statement, and shall notify the individual's supervising ethics office of such recusal. An individual making such recusal shall, upon such recusal, submit to the supervising ethics office the statement under subsection (a) with respect to which the recusal was made.

# SEC. 18. WRONGFULLY INFLUENCING PRIVATE ENTITIES EMPLOYMENT DECISIONS BY LEGISLATIVE AND EXECUTIVE BRANCH OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Section 227 of title 18, United States Code, is amended—

(1) in the heading of such section, by inserting after "Congress" the following: "or an officer or employee of the legislative or executive branch"; and

(2) by striking "Whoever" and inserting "(a) Whoever";

(3) by striking "a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress" and inserting "a covered government person": and

(4) by adding at the end the following:

"(b) In this section, the term 'covered government person' means—

"(1) a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress; "(2) an employee of either House of Congress;

"(3) the President, Vice President, an employee of the United States Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States Code)."

(b) CLERICAL AMENDMENT.—The table of contents for chapter 11 of title 18, United States Code, is amended by amending the item relating to section 227 to read as follows:

"227. Wrongfully influencing a private entity's employment decisions by a Member of Congress or an officer or employee of the legislative or executive branch.".

# SEC. 19. MISCELLANEOUS CONFORMING AMENDMENTS.

(a) Repeal of Transmission of Copies of Member and Candidate Reports to State Election Officials Upon Adoption of New Systems.—Section 103(i) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(i)) is amended—

(1) by striking "(i)" and inserting "(i)(1)"; and

(2) by adding at the end the following new paragraph:

"(2) The requirements of paragraph (1) do not apply to any report filed under this title which is filed electronically and for which there is online public access, in accordance with the systems developed by the Secretary and Sergeant at Arms of the Senate and the Clerk of the House of Representatives under section 8(b) of the Stop Trading on Congressional Knowledge Act of 2012."

(b) PERIOD OF RETENTION OF FINANCIAL DIS-CLOSURE STATEMENTS OF MEMBERS OF THE HOUSE.—

(1) IN GENERAL.—Section 304(c) of the Honest Leadership and Open Government Act of 2007 (2 U.S.C. 104e(c)) is amended by striking the period at the end and inserting the following: ", or, in the case of reports filed under section 103(h)(1) of the Ethics in Government Act of 1978, until the expiration of the 6-year period which begins on the date the individual is no longer a Member of Congress."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any report which is filed on or after the date on which the systems developed by the Secretary and Sergeant at Arms of the Senate and the Clerk of the House of Representatives under section 8(b) first take effect.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 2038, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, every Member of this House has sworn a solemn oath to support and defend the Constitution and to faithfully execute the office to which they have been entrusted by their constituents. The Stop Trading on Congressional Knowledge Act, or STOCK Act, goes to the heart of what it means to faithfully execute public office.

The government exists to promote the public good, not to enrich government officials and employees. Those who are entrusted with public office are called public servants because their work should always serve the public rather than themselves. No one should violate the sacred trust of government office by turning "public service" into "self-service."

The risk of government self-dealing is heightened by the huge growth in recent years of the Federal Government and its increasing entanglement with the private economy. The risk of self-dealing increases when the government

undertakes to spend nearly \$1 trillion can result in major profits for the well- Republic have a duty to hold ourselves in stimulus money on private companies like Solyndra, or when the government inserts itself into the one-fifth of our economy represented by health care and dictates the terms of private insurance policies.

The decisions made by Big Government can have big money consequences. Big Government can move markets. That's why we need strong rules to reassure the public that decisionmakers are not enriching themselves by investing based on insider knowledge of government policies.

This is the goal of the STOCK Act, and the House version of the STOCK Act achieves this goal. It strengthens the Senate proposal by expanding the scope of the bill to require more disclosure and prevent all office holders from profiting from insider information.

The House bill expands the legislation so that the ban on insider trading applies to all legislative, executive, and judicial branch officials and their staffs. The American people deserve to know that no one in any branch of government can profit from their office. All three branches should be held to the same standard because all three branches must be worthy of the public's trust.

And the bill ensures that Members of Congress who commit a crime do not receive a taxpayer-funded pension. The STOCK Act clarifies that Members of Congress and other government insiders have to play by the same rules against insider trading that have applied to the private sector for nearly 80 years.

Under the House bill, no Federal Government official may use nonpublic information which they learn about by virtue of their office for the purpose of making a profit in the commodities or stock markets.

The bill strengthens financial disclosure rules for public officials. Financial disclosure forms will be made publicly available in searchable, downloadable databases on government Web sites.

The bill requires prompt reporting of significant securities transactions by key legislative and executive branch officials. This will bring the financial dealings of public servants into the light of day.

The STOCK Act also strengthens disclosure of officials' mortgages so that public servants do not receive special rates and offers by virtue of their office.

The bill expands the list of crimes that result in a forfeiture of government pension rights, and it prevents Fannie Mae and Freddie Mac from paying lucrative bonuses to the executives who bear so much responsibility for the housing crisis.

The House bill adds a provision to prevent government officials from receiving special early access to the initial public offerings of stock, which connected.

The bill requires executive branch officials to disclose their negotiations for private sector jobs, just like legislative branch officials do under current law. And the bill makes it a crime for executive branch officials to pressure private businesses to hire employees of a certain political party, a government law that currently only applies to Con-

The STOCK Act increases disclosure and accountability for every branch of the Federal Government and ensures that public servants don't breach the trust of the American people.

Madam Speaker, for all the above reasons, I support this legislation and encourage my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. I yield myself such time as I may consume.

Madam Speaker, Members of the House, we come here this morning as the leaders of the Judiciary Committee, and I have to assume that the chairman of the Judiciary Committee, Mr. SMITH, like myself, is deeply disappointed that we're bringing a bill that we've never had a hearing on before the committee before the Congress for disposition.

#### □ 0920

Here was a bill referred to six committees: Financial Services, Agricultural, Judiciary, House Administration, Ethics, and the Rules Committee. Only one hearing was held in one of these committees on this measure. It's never been before Judiciary or any other committee, and so I want to begin by complimenting the author of this measure, the ranking member. former chairwoman of the Rules Committee, the gentlelady from New York, LOUISE SLAUGHTER, for a serious and important amendment that has never been treated fairly.

Now, I don't know what the explanation is. Maybe we can get to it during this proceeding. But I think that this is not the way that we want to move forward with a bill that was supposed to get to an insider trading ban that everybody wanted, because there's no reporting requirement in this bill.

So, I will reserve the balance of my time and look forward to the discussion.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Ross) who's an active member of the Judiciary Committee.

Mr. ROSS of Florida, Madam Speaker, I rise in support of the STOCK Act today and in support of extending its reach to the executive branch. All of us who have been honored by our fellow citizens with the enormous responsibility of protecting the liberties of this to the highest of standards.

You know, it's ironic that in 2012 we are here debating a bill that would prevent public officials from enriching themselves through our positions.

It's ironic because one of the great causes that impelled the separation from Great Britain was the common practice of public officials using their office to increase their personal wealth.

Madam Speaker, 236 years ago, those patriots said "enough." That spirit is in America's DNA, and we would do a disservice to all who came before us if we failed to act. I know that a vast majority of my friends on the other side of the aisle share this belief as well. A calling to service knows no party label.

Madam Speaker, I urge a "yes" on the bill.

Mr. CONYERS. Madam Speaker, I am pleased now to recognize the original author of this bill, and because of her deep concern about this matter, I am going to yield the gentlewoman from New York (Ms. SLAUGHTER) as much time as she may consume.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for his gen-

Try as they may, Majority Leader CANTOR and the House Republican leadership were unable to move forward with the STOCK Act without keeping at least some of the reforms that we included in this bill 6 years ago. However, when it comes to K Street, it appears that Republican leadership couldn't stomach the pressure from the political intelligence community.

After working behind closed doors, the majority removed the major provision that would have held political intelligence operatives to the same standards as lobbyists who come before the Congress.

I need to put into the RECORD that political intelligence is worth \$400 million a year. It is unregulated, unseen, and operates in the dark. Fortunately, Democrats and Republicans alike are fighting to keep political intelligence as part of the final bill.

Senator Grassley shares my outrage that Mr. Cantor would let the political intelligence community off the hook. Together with a supermajority, Democrats and Republicans in the Senate, Senator Grassley followed my lead and included the political intelligence requirement in the Senate version of this bill.

I think his statement yesterday tells you all you need to know about his desire to see this language inserted back into the STOCK Act before it reaches the President's desk.

I would like to read that into the RECORD if I may.

"It's astonishing and extremely disappointing," Senator GRASSLEY said, "that the House would fulfill Wall Street's wishes by killing this provision. The Senate clearly voted to try to

shed light on an industry that's behind the scenes. If the Senate language is too broad, as opponents say, why not propose a solution instead of scrapping the provision altogether? I hope to see a vehicle for meaningful transparency through a House-Senate conference or other means. If Congress delays action, the political intelligence industry will stay in the shadows, just the way Wall Street likes it."

And it's hard. The STOCK Act is a statement of how we in Congress view ourselves and our relationship with those who sent us here. No matter how powerful our position may be or we believe it is, nor how hallowed the Halls that we walk, none of us is above the law

With the passage of the STOCK Act, we can move one step closer to living up to the faith and trust bestowed upon us by the American people, the citizens whom we serve.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DOLD) who is also a member of the Financial Services Committee.

Mr. DOLD. Madam Speaker, I certainly want to thank the chairman for yielding, and thank you for your leadership. I also want to thank my colleagues on the other side of the aisle, Ms. SLAUGHTER, Mr. WALZ, for your leadership with regard to the STOCK Act.

Madam Speaker, the American public believes that Congress has the ability to profit from their position, and while this is illegal today in insider trading laws, I think that we've got an obligation to make it even stronger and even clearer to the American public and to everyone that we here in the United States Congress hold ourselves up to a higher standard. I think this is expected of us as public servants.

I am pleased to say that in the STOCK Act, in this legislation moving forward, is language from my bill, H.R. 2162, the No Pensions for Felons bill. This language will strengthen and expand the existing law to require that Federal lawmakers convicted of a public corruption felony forfeit their taxpayer-funded congressional pension.

I know this sounds like common sense, but actually today there are those that are collecting taxpayer-funded pensions that have been convicted of a public corruption charge while serving in public office.

This provision adds 21 new public corruption offenses to the current law, including violations for insider trading and others. Additionally, this will prohibit the former Members of Congress from receiving a congressional pension if they are convicted of a covered offense that occurred while they are subsequently serving in any other publicly elected office.

Sadly, we have seen this before, where former Members of this Cham-

ber, like one from my State, former Governor Rod Blagojevich, convicted of felony corruption charges and yet at age 62 he'll be eligible for a taxpayer-funded pension. Not only is this wrong, this is an insult to the American taxpayers. This provision will address such violations of the public trust in the future.

I want to thank the chairman for your leadership, and I want to urge my colleagues, not just on my side of the aisle, but across the aisle to support this important legislation.

Mr. CONYERS. Madam Speaker, I am pleased now to yield as much time as he may consume to the distinguished gentleman from Minnesota, TIM WALZ, who joined with the ranking member of the Rules Committee in introducing the original bill.

Mr. WALZ. I thank the gentleman from Michigan.

I'd also like to thank the chairman for his support of this bill and eloquent response on it.

It's been a long 6-year journey to pass this reform. It has taken hard work and a bipartisan effort. The American people expect and deserve that.

When I first came to Congress in 2006 after spending a lifetime of teaching social studies in the public school classroom, I was approached by the gentlewoman from New York (Ms. SLAUGHTER) and Brian Baird, our former Member from Washington State. He said, You were sent here to make a difference and do things differently. If you really believe in reform, take a look at this bill.

I got involved right after that, and Representative SLAUGHTER, I can say, has been a stalwart supporter of this bill. She understood this is far more than just about clarifying insider trading. This is about restoring faith to the institution.

# □ 0930

She was concerned about the ethics of this body before ethics seemed to be in vogue. It has been in vogue her whole lifetime. She has lived that sermon of ethics and of living by the rules instead of just giving it, and that I appreciate.

The integrity of this institution stands above all else. As the sacred holders of the privilege, the honor and the responsibility given to us by our neighbors to self-govern ourselves, we must make sure that this institution is never tarnished; and this bill goes a long way to doing that.

The perception is that Members of Congress are enriching themselves. That's not only an affront to our neighbors that we're not playing by the rules; it is a cancer that can destroy the democracy. Each Member of Congress has a responsibility to hold himself not just equal to his neighbors but to a higher standard. The public wants

us to come here and debate how we educate our children, how we serve our veterans, how we build our roads, how we protect this Nation, how we spend those taxpayer dollars. That's what makes us strong—all these differing ideas coming together for a compromise and moving forward. If there is a perception that someone is enriching himself, it undermines our ability to do those things.

We're not here today to pat ourselves on the back. This might be the only place where doing the right thing gets you kudos when it's expected of everyone else. So we're here to say that this is a victory, not for us, but it is one tiny step on a journey, which is about restoring the faith of the American people and the institution. They can believe with all their hearts that we are wrong. They cannot believe that we are corrupt. They will have us and we will pass and we will be dust, and this place—this building, this podium right here—will still stand.

That's what we're doing here today. So I implore folks, let's come together in a bipartisan manner.

I agree with the gentlelady: I'm disappointed the political intelligence piece isn't in here; but as I said, I believe this is a first step. We can't wait for the perfect to move something forward, so I think it's a good bipartisan compromise. I implore my colleagues to join us on this first step. Give this win to the American public, and then let's get back in here and start working on jobs. Let's get back in here and start working on the national debt. Let's get back in here and figure out how we're going to protect this Nation and educate our children into the future. This lets us do that and, I think, shows the American public we can come together. Let's get it passed, and let's have the President sign it. Then let's get on to real business.

With that, I would be remiss not to mention a person who was one of the original seven folks on this bill. WALTER JONES has been our Republican colleague, and has been a stalwart supporter of this. This is a truly bipartisan piece. Ethics crosses the aisle. Our folks in here are good people who are coming together for the good of their citizens, and for that I am grateful for today.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to my Texas colleague, Mr. CANSECO, who is a member of the Financial Services Committee.

Mr. CANSECO. I thank my colleague, Chairman SMITH, for yielding.

Madam Speaker, too often the American people feel that Members of Congress live by and benefit personally from a different set of rules than those by which ordinary Americans live.

To me, this lack of confidence is unacceptable. It is imperative that we rebuild the trust of the American people in their elected Representatives.

The STOCK Act will help do just that. It explicitly bans Members of Congress and congressional staff from using information obtained on the job and using it to profit from securities trading and gives the Securities and Exchange Commission the ability to investigate and prosecute them just like any other American.

The American people expect that those who serve in government do so with integrity. The STOCK Act will help ensure that those in government meet this expectation.

Mr. CONYERS. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Virginia, BOBBY SCOTT, the ranking member of the subcommittee to which this measure would have gone had we been able to hold hearings.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Madam Speaker, the bill we're considering today, the STOCK Act, would prohibit Members of Congress and other legislative branch employees, as well as executive and judicial branch employees, from using nonpublic information for personal benefit derived from an individual's position or gained from the performance of an individual's duties.

Today, we are amending the Senate-passed bill, S. 2038, with a substitute that makes some changes to the Senate text, such as regrettably eliminating the requirement that certain political intelligence activities be disclosed under the Lobbying Disclosure Act. These intelligence firms obtain inside information from Members of Congress and their staffs, and then they sell that information to investment firms. The public should be informed of these types of contacts.

With this bill, our goal is to hold Members of Congress, as well as other government officials, to the same standard as those in corporations who have the duty not to trade on information that is not available to the general public.

Most Members of Congress believed that this type of activity was wrong whether explicitly prohibited by criminal law or at least subject to Ethics Committee sanctions. Most of us assumed that a Food and Drug Administration official could not call a stockbroker shortly before a blockbuster drug were to be approved and profit off of that insider knowledge. We just assumed that that was wrong. So this bill codifies what most of us thought was already in the law.

This is not a complicated issue. This is the same standard that applies to those in the corporate context. It is wrong to trade on nonpublic information for our benefit and to the detriment of the public. The public has the right to expect that the public interest comes first, and people should not have to worry about what may be

motivating our actions as we make decisions that impact them.

COHEN, a member of the Judiciary Committee, one who has worked on

I want to acknowledge the work of my colleagues, the gentlelady from New York (Ms. SLAUGHTER) and the gentleman from Minnesota (Mr. WALZ), for their leadership in drafting and introducing the House version of the STOCK Act.

This legislation represents an appropriate acknowledgment of what most of us thought was already the law, that national government officials of all branches should not benefit financially from nonpublic information they learned by virtue of their positions, and so I urge my colleagues to vote in favor of the legislation.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY), who is a member of the Financial Services Committee.

Mr. DUFFY. I appreciate the gentleman for yielding.

I think we are all aware that this issue came out when Peter Schweizer wrote a book called "Throw Them All Out." After that, "60 Minutes" did a special story about how Members of Congress were benefiting by using insider information or information that the rest of the public wasn't privy to. In the succeeding several months, I think that story has created a deficit of trust between Members of Congress and the American constituents.

I introduced a version that would deal with this issue, I think, very simply. I thought what we should do is mandate that Members put their assets into a blind trust so there will be a bright line between information that they have as Members and their trading portfolios, and if they were to aggressively disclose every trade within 3 days.

Now, my bill is not on the floor today, but the version that we have here today, I think, is much improved from the original version that came out. We have an improved reporting requirement that goes, not from 3 days, but from 90 days to 30 days, which is much improved from the original legislation. We've included the executive branch, which I think is imperative; and we have language that uses the blind trust as a potential opt-out if you're not actually managing your funds.

As we gather around and debate and vote on this bill, I think it is important to know that this is the first step, a step in the right direction. Then as we come together and reevaluate what we've done here, I think there will be many more steps to take to ensure that Members of Congress don't profit from the information they come across as Members of this institution.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 2 minutes to the gentleman from Tennessee, STEVE

COHEN, a member of the Judiciary Committee, one who has worked on this matter even though we couldn't hold hearings.

#### $\square$ 0940

Mr. COHEN. I thank the gentleman from Michigan, Ranking Member Con-YERS.

Madam Speaker, this is a very important bill, and I appreciate the efforts put in it by Ms. SLAUGHTER and Mr. WALZ, who have championed this for over many, many, many years, and I appreciate the Republicans for coming in with a bipartisan effort.

The bill has, indeed, been improved by the Senate; and it was improved through the honest services statute that was added to it, which our committee debated and passed, I believe, in good fashion. I don't know if it was unanimous or not, but that was one of the most important aspects, in my opinion, of this bill.

There are public officials throughout this country who have abused their position of trust, and using their position for personal gain has hurt all of government. The honest services statute used to be a vehicle by which U.S. attornevs could go after them. The Supreme Court ruled that there was a defect in that law. That has been corrected in this bill, which means we have more effective ways to clean up folks who are using public service for their own benefit, and are able to restore public trust in public officials, from the courthouse to Congress. Further, it makes clear that nobody can use their inside information here to be making money in the stock market or in other places, all of which destroys the public trust which we hold.

This Congress is so, so, so, so much better than the ratings the public gives it. Some of it is because of a few bad apples, and some of it is because of a misunderstanding about what we do. This bill will go a long way toward cleaning up Congress and local officials and the appearance of impropriety, which is as important as impropriety. We need to be like Caesar's wife, beyond reproach, and this bill will do a lot towards it.

I take my hat off, again, to Ms. SLAUGHTER, the champion of this bill, and Mr. WALZ, who have done so much. And I am proud to be one of the original nine.

Mr. SMITH of Texas. Madam Speaker, I am very pleased to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader.

Mr. CANTOR. I thank the chairman, the gentleman from Texas.

Madam Speaker, our government was founded on a promise. This promise was built on a trust between the people and their elected officials. We all have a duty to honor the trust of the American people and to work faithfully on their behalf.

Madam Speaker, it is unacceptable for anyone, any elected official or their staff, to profit from information that is not available to the public. People in this country have a right to know and trust that officials at all levels of government are living under the same rules that they are. If there is even the slightest appearance of impropriety, we ought to go ahead and prevent that from taking place.

It is incumbent upon each of us to start restoring the trust between the people and their elected representatives. That's what the STOCK Act is all about.

Madam Speaker, Members from both sides of the aisle have worked hard on this issue. I would especially like to express my appreciation to Representatives TIM WALZ and LOUISE SLAUGHTER for their years of work on this effort. Congressman WALZ has been a leader on the STOCK Act since he took office at the start of the 110th Congress, and I particularly want to recognize his willingness to reach across the aisle and keep the lines of communication open as we worked to make clear that elected officials abide by the same rules as the American people.

This bill we are bringing to the floor today puts in place measures that both strengthen and expand the Senate's work on the STOCK Act, as well as removes provisions that would have made the bill unworkable or raised far more questions than they would have answered. We expanded the bill to ensure that executive branch officials and their employees are subject to the same reporting and disclosure requirements as those in Congress. We must all live under the same rules.

We also included a provision, championed by Representative ROBERT DOLD, to ensure that Members of Congress who are convicted of a crime do not receive a taxpayer-funded pension after the fact. And finally, Madam Speaker, we added a provision to prohibit Members of Congress, executive branch officials, and their staffs from receiving special access to initial public offerings due to their positions.

Madam Speaker, we intend to act quickly to send the President a strengthened, workable bill that delivers on our promise to uphold the trust of the American people. And I urge all my colleagues to support the STOCK Act.

Mr. CONYERS. I yield myself such time as I may consume.

May I ask the distinguished majority leader one question, why he took political intelligence out of this provision? I yield to the gentleman from Vir-

ginia.

Mr. CANTOR. Sure. I would respond to the gentleman, I think that is a provision that raises an awful lot of questions. I think there is a lot of discussion and debate about who and what would qualify and fall under the suggested language that came from the Senate. And that is why, in the STOCK Act, we are calling for a study of that issue, to ensure that the integrity of this process is maintained.

But I would remind the gentleman, the thrust of this bill is about making sure that none of us, in elected office or those in the executive branch, are able to profit from nonpublic information. The political intelligence piece is outside of this body, and we are talking about us and the perception that has gathered around our conduct.

Mr. CONYERS. Well, I thank the gentleman because there are some Members on the gentleman's side of the aisle that say, if Congress delays action on the political intelligence industry, we will stay in the shadows, just the way Wall Street likes it. So I think we ought to think about that. And I'm hoping that the leader will continue the examination of the political intelligence industry piece.

I am now pleased to yield 1 minute to the gentlewoman from California, NANCY PELOSI, the distinguished leader on our side of the aisle.

Ms. PELOSI. I thank the gentleman for yielding and thank him for giving us this opportunity to discuss an important matter—the integrity of Congress—on the floor of the House.

I, too, want to join the distinguished majority leader, Mr. CANTOR, in praising the leadership of Congresswoman LOUISE SLAUGHTER, our ranking member on the Rules Committee, and Congressman TIM WALZ for their extraordinary leadership over time, their persistence, the approach that they have taken to this to remove all doubt in the public's mind, if that is possible, that we are here to do the people's business and not to benefit personally from it.

I listened attentively to the distinguished majority leader, Mr. CANTOR's remarks about the STOCK Act and its importance. And it just raises a question to me as to, if it is so important, and it certainly is, why we could not have worked in a more bipartisan fashion either to accept the Senate bill which was developed in a bipartisan fashion and passed the Senate-what was it?—94-6. It's hard to get a result like 94-6 in Congress these days, but they were able to get the result because they worked together to develop their legislation.

We had two good options. One was to accept the Senate bill, or to take up the Slaughter-Walz legislation which has nearly 300 cosponsors. Almost 100 Republicans cosponsored the original STOCK Act. The discharge petition has been calling upon the leadership to bring that bill to the floor. What's important about that is that if we passed that bill, we could go to conference and take the best and strongest of both bills to get the job done.

Instead, secretly, the Republicans brought a much-diminished bill to the floor. It has some good features. So I urge our colleagues to vote for it to bring the process along. What's wrong with it, though, is that it makes serious omissions. And I want to associate myself with the remarks that had been made earlier; but I think they bear repetition, in any event.

Senator Grassley's remarks are stunning. It is really a stunning indictment of the House Republicans in terms of their action on this bill. And I know my colleague has read this into the RECORD already, but I will, too.

Senator GRASSLEY said: "It's astonishing and extremely disappointing that the House would fulfill Wall Street's wishes by killing this provision"-that would be the provision on political intelligence. "The Senate clearly voted to try to shed light on an industry that's behind the scenes. If the Senate language is too broad, as opponents say, why not propose a solution instead of scrapping the provision altogether? I hope to see a vehicle for meaningful transparency through a House-Senate conference or other means. If Congress delays action, the political intelligence industry will stay in the shadows, just the way Wall Street likes it."

#### □ 0950

Well, the Senator's statement is very widely covered. The Hill today has a big, full page, "Grassley: Republicans caved. Iowa Senator says House doing Wall Street's bidding."

I think it is important to note that on the Senate side there was interest in doing this study that is now in the House bill, and it was rejected by the Senate by a 60-39 vote, to include the political intelligence provision in the bill, rejecting the study. Now that that has already been rejected in the Senate, it's resurrected on the House side,

a weakening of the bill.

So whether it's the political intelligence piece proposed by Senator GRASSLEY or Senator LEAHY's piece about corruption, I think it is really important that those two elements be included in the bill. A good way to do that, to find a path to bipartisanship in the strongest possible bill, is to pass the bill today despite its serious shortcomings. And it is hard to understand why the shortcomings are there, but nonetheless they are. But pass the bill today and go to conference. To pass earlier or to accept the Senate bill, or to take the original STOCK Act, strong STOCK Act to the floor. Both of those were rejected. Pass this bill and go to conference. It is very important that the House and the Senate meet to discuss these very important issues. With all due respect to a study on political intelligence, that's really just a dodge. That is just a way to say we're not going to do the political intelligence piece.

So again, with serious reservations about the bill but thinking that the better course of action is to pass it, and I don't want anybody to interpret the strong vote for it to be a seal of approval of what it is, but just a way of pushing the process down the line so that we can move expeditiously to go to conference for the strongest possible bill

I want to close again by saluting Congresswoman Louise Slaughter and Congressman Tim Walz for their relentless persistence and dedication to this issue. Had they not had this discharge petition and the nearly 300 cosponsors, bipartisan, nearly 100 of them Republicans, I doubt that we would even be taking up this bill today. So congratulations and thank you.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN) who is a senior member of the Judiciary Committee and also chairman of the House Administration Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Madam Speaker, let me just point out a couple of things in response to what has been said on the floor about the bill before us. Had we adopted, had we accepted the Senate bill, we would have had 16 drafting errors not corrected; 16 misstatements in the Senate bill that drafted the wrong provisions of the ethics laws that already existed and would have ensured that what was said on the Senate floor and is being said here would not be enforced in law, number one.

Number two, if we had taken the Senate bill, the absolute prohibition about Members participating in IPOs would not be before us. That is an addition that we have in the House bill. That is an additional prohibition. That makes that an illegal act. It has not been in the past. The Senate bill did not even talk about that.

Third, with respect to the issue of political intelligence, I respect the Senator from Iowa very much, but I doubt he has ever prosecuted anybody and put them in prison for conflict of interest during their public service. I have.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. I understand when you do that, you have to deal with the very careful constitutional questions of people dealing with their right to apply before the government their grievances. That has become known now as lobbying. It is a constitutionally protected activity.

And the idea that we have a Congress committed to transparency means that we give out as much information as we possibly can. Those are difficult, conflicting interests that have to be carefully determined if we're going to deal with the question of political intelligence. It does us no good to pass a bill that will be rendered unconstitutional.

And it does us no good to not earefully consider this. As a matter of fact, on the Senate floor, it was Senator LIEBERMAN who asked his fellow colleagues to give them time on the Senate side to study the issue so that, precisely, they would not render the bill unconstitutional. I might add that Senator LIEBERMAN also served as Attorney General of his State, and knows whereof he speaks.

Mr. CONYERS. Madam Speaker, I yield myself 30 seconds.

I would just like to compliment the distinguished gentleman from California who was an Attorney General himself and is very sharp on these matters. Could you make available to us these 16 drafting errors of the Senate? I'd be delighted to get them from you.

I yield to the gentleman from Califormia

Mr. DANIEL E. LUNGREN of California. If the gentleman would send someone over here, you can make a copy of it right now.

Mr. CONYERS. I thank the gentleman very much.

I'm pleased now to yield 2 minutes to the distinguished gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Committee on Oversight and Government Reform.

Mr. CUMMINGS. Madam Speaker, I thank the gentleman for yielding, and I thank Congresswoman SLAUGHTER and Congressman WALZ for their tremendous work.

I stand here and urge our Members to support this bill, but certainly I have concerns. House Republicans stripped out of a bipartisan bill that passed the Senate overwhelmingly key provisions that were supported by Democrats and Republicans alike. Senator GRASSLEY, the Senator from Iowa who I work with quite a bit, was among the first to criticize their actions. And after they stripped out his provision to require greater transparency over socalled political intelligence, Senator GRASSLEY said, and it has been said again and again, but I think it needs to be in the DNA of every cell of our brains, that "It's astonishing"—and these are his words—"and extremely disappointing that the House would fulfill Wall Street's wishes by killing the provision."

That is an incredible indictment, and I share his disappointment that this bill does not go far enough to require the transparency that we need. Let me be clear: no Members of Congress should be able to benefit personally from information they gain by virtue of their service in the Congress. However, House Republicans have rushed to the floor weakened legislation that Members have not had a chance to read the way they should have had. Perhaps as a result of the rush, this bill also appears to have drafting problems that need to be corrected. For example, the Office of Government Ethics has indicated that the current bill could be interpreted as requiring that confidential financial disclosure forms filed by lowlevel employees, such as staff assistants in the executive branch, must be posted online.

Mr. Speaker, while I support the purpose of this legislation, while I will vote for this legislation, I have my deep concerns. But as Mr. CANTOR said, hopefully we'll be able to address these issues in the future and come out with a better bill.

Mr. SMITH of Texas. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has  $6\frac{1}{2}$  minutes remaining. The gentleman from Michigan has  $2\frac{1}{2}$  minutes remaining.

Mr. SMITH of Texas. Madam Speaker, we are prepared to close, so I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I'm prepared to close, and I do so by yielding the balance of my time to the distinguished gentlewoman from Texas (Ms. Jackson Lee).

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for  $2\frac{1}{2}$  minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, I thank the members of the Judiciary Committee, both the chairman and the ranking member, and, as all have applauded, Congresswoman SLAUGHTER and Congressman WALZ for their continued leadership. And I am very pleased to have been one of the, as they say, long-suffering cosponsors since, I believe, the 110th Congress.

It's important for our colleagues to understand that I think we all come here with the intent to serve this country, and to serve it well. And I believe that when we self-regulate, we only enhance this institutional body that has such enormous history because of the changing times.

I don't believe that Members of Congress are spending their time dwelling on information that they have and using it for self-purpose, but we now stand here united saying that Members of Congress, employees of Congress, and all Federal employees are prevented from using any nonpublic information derived from the individual's position as a Member of Congress or employee of Congress, or gain from performance of the individual's duties, for personal benefit.

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That is waving a flag to all of our constituents, to the Nation that says that we're here to stand united for you. I hope that helps us as we move forward on payroll tax relief and unemployment. But there is a challenge that I think we have missed, and I think Senator GRASSLEY has carefully analyzed why he is in essence offended, even with 16, if you will, drafting errors, which I hope that as we move to

conference—that we must do—will be tion on insider trading and the crimicorrected.

tion on insider trading and the criminal penalties associated with it are

Mr. CONYERS. Will the gentlelady yield to me just briefly?

Ms. JACKSON LEE of Texas. I will yield to the gentleman.

Mr. CONYERS. Because we've got the 16 from our distinguished Judiciary colleague Mr. LUNGREN. These are merely technical errors that are corrected by the enrolling resolution that surely he must have heard about. These aren't errors that would have gone into the bill.

I thank the gentlelady for yielding. Ms. JACKSON LEE of Texas. I thank the gentleman for clarifying it.

I still think that we should rush quickly to conference because what is missing from this—and we can't say it more often than over and over again, from the Abramoff matter that all of us knew of years ago and by "political intelligence" refers to information that is potentially market-moving, is nonpublic, or not easily accessible to the public, is gathered and analyzed. Therefore, we are missing a large gap by leaving out the provision on political intelligence, a \$100 million industry.

Yes, we're going to support this legislation, but we can't get to conference soon enough to make this bill comparable and ready for the American people. We must regulate ourselves because they have trusted us to lead this Nation.

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN), chairman of the House Administration Committee.

The SPEAKER pro tempore. The gentleman from California is recognized for  $6\frac{1}{2}$  minutes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman from Texas for yielding.

Madam Speaker, at the very outset, I would like to thank Members on both sides of the aisle for attempting to try and deal with a serious issue. I'd like to particularly point to staff who have worked over this last weekend, including four attorneys on my House Administration Committee, who spent a good portion of this last weekend going through the Senate bill and trying to come up with what we believe is a responsible bill, a tough bill that could pass this House, and frankly did not include the errors that we found in the bill on the Senate side.

Several months before the STOCK Act debuted in the Senate, questions were raised publicly about the application of existing laws relating to insider trading. Specifically, there were questions as to whether or not the current laws applied to Members of Congress or their staff. As chairman of the Committee on House Administration, I and my staff carefully reviewed current law, and we concluded that the prohibi-

tion on insider trading and the criminal penalties associated with it are very much applicable, and not just to Members of Congress and staff of the legislative branch.

Let me be clear. Let us disabuse anyone of the notion that somehow they could engage in insider trading between now and the time the bill gets on the President's desk and he signs it. It is already illegal. That is the advice I've given Members when I've been asked. That's the advice I've given to the press when they've asked. It's the advice that's been given by the Ethics Committee to Members of Congress and to staff. No one within the House of Representatives or the Senate or the executive branch or even the judicial branch, regardless of responsibility, title or salary, should be under the false impression that they are somehow exempt under these laws. They are

 $\operatorname{Mr.}$  CONYERS. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Thank you, sir.

Why are we passing this law if the conduct we are prohibiting is already illegal?

Mr. DANIEL E. LUNGREN of California. I would be very happy to respond to that, and I will a little bit later on in my statement. Thank you very much.

In addition to the Congress sometimes dedicated to redundancy, there is a question of clarification. The fact that we've had questions asked of us over the last several months as House Administration chairman, as the Ethics chairman has done, gives rise to the question that some have asked, and we have tried to disabuse them of that notion all along. Although we create and uphold the laws of the land, we are not above them. As their elected representatives, we owe our constituents the assurance that the decisions we make here in the people's House are, in fact, for the people and not ourselves. This assurance, Madam Speaker, must be government-wide. America not only needs to know that all of their government officials are subject to insider trading laws, but also need to know and need proof that they are adhering to them, which is exactly what the amended version of the S. 2038 accom-

In 2010, the Supreme Court issued a decision in Skilling v. United States that set out several specific questions that it said must be answered in criminal statutes on honest services. The Senate bill ignored the Supreme Court's guidance and failed to answer the questions it set out. The amendment does more than eliminate the Senate's defective provisions and numerous drafting errors.

Our bill before us also strengthens the previous House and Senate proposals by first clarifying the broad application of insider trading laws, making sure no one questions it. As I say, it is already against the law, and no Member ought to rush out now and attempt to use his insider trading information for insider trading thinking that he or she is not covered. They are already covered.

It expands the financial transaction disclosure requirements. We are going to be required now, in terms of actual financial transactions, to report within a 30-day period as opposed to doing it quarterly. We're also going to be required to disclose our mortgages, which are not required right now. So we are expanding the disclosure requirements. We extend the post-employment negotiation restrictions. We expand prohibitions on influencing private hiring decisions. This is an additional point.

I would say to my friend from Michigan, the former chairman of the Judiciary Committee, we end the preferential treatment of government officials by prohibiting them from accepting exclusive access to IPOs. That has not been against the law. There's been some suggestion that might have been carried on by some Members. I have no evidence whether it has or it has not; but that is an additional prohibition placed in this, which I believe was not in the Senate bill, is not under current law, but it does make it explicit. Members of Congress cannot participate in accepting exclusive access to IPOs.

Mr. CONYERS. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. Certainly.

Mr. CONYERS. I want to thank the gentleman for bringing us this information. I will take back to everybody on this side of the aisle not to rush out and try to do any last-minute deals because it is already illegal if you will do the same with the Members on your side.

Mr. DANIEL E. LUNGREN of California. I would be happy to if they don't know that already. But when you read the newspapers, you would think that somehow it is proper and appropriate.

I want to make it clear not only to our colleagues but to the American public, it is against the law now, it has been against the law. If anybody has evidence of this, they should report it to the proper authorities because it is against the law.

Madam Speaker, the amendment before us, when applied to the underlying bill, creates the clarity and accountability necessary to ensure that government officials—elected, appointed, and otherwise—adhere to Federal insider trading laws. It prohibits Members, officials, and employees of every branch of government from using nonpublic privileged information for personal gain, and it creates a disclosure

mechanism for finding out when they do so. Additionally, the bill denies pensions for Members convicted of crimes. That is an addition to current law. It eliminates bonuses for senior executives at Fannie Mae and Freddie Mac. That is an addition to current law. And it directs the GAO to utilize—

Mr. COHEN. Madam Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. With that, I would urge that all vote for this strong, strong STOCK Act.

Mr. COHEN. Madam Speaker, may I have unanimous consent to ask one brief question that's pertinent to this bill?

The SPEAKER pro tempore. Does the gentleman seek unanimous consent to extend the debate time?

 ${
m Mr.}$  COHEN. Yes, please. For 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee to extend the debate time?

Mr. SMITH of Texas. I am afraid I will have to object. The gentleman's time has expired.

The SPEAKER pro tempore. Objection is heard.

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in support of the Stop Trading on Congressional Knowledge Act, also known as the STOCK Act. As a sponsor of the original bill in 109th Congress, I am a firm believer that Members of Congress should receive no greater privilege than that of our own constituents. Although I am grateful for the passage of this bill today, it is reprehensible that it has taken six long years for this legislation to finally come to the Floor for consideration.

As President Lincoln stated, our government was intended to be a "government of the people, by the people, for the people." Sadly, we have fallen away from those founding principles. Today, many government officials live in Washington, secluded from their constituents, and out of touch with reality. They benefit from financial insight used to improve their own stock portfolios, enjoy luxury trips disguised as CODELs, and upon retirement, receive generous pensions despite their own actions while in office. Politicians come to Washington not to represent their constituencies, but for their own avail.

Vainglorious acts such as these, committed by our country's leaders, are simply unacceptable.

I have introduced several pieces of legislation intended to reduce government waste, hold Members accountable for their actions, and increase transparency within our federal government. For example, the STAY PUT Act would require the completion of a study on the costs of Congressional foreign travel claimed to meet criteria of "official business," by Members, officers, and employees of Congress. Another piece of legislation I have introduced, the Citizen Legislator Act, aims to cut the time spent in Washington, DC in half, cuts Congressional salaries and budgets in half, allows

Members to work jobs outside of public office, and increases the time Members spend in their districts with the people who elected them.

Madam Speaker, while many of us may attempt to project the appearance that our motives are truly altruistic, the time has come for real action. I applaud my colleagues for passing the STOCK Act today and encourage them to consider additional legislation bearing similar objectives, to listen to their constituents, and to spend more time in their districts. I remain optimistic that many of us still remember why we find ourselves here today: to serve the American people.

Mr. DINGELL. Madam Speaker, I rise in support of S. 2038, the STOCK Act. I have always stood for the strictest ethical standards for all government employees, and today is no different. Government employees cannot be allowed to profit privately in the performance of their official duties. Indeed, throughout my career, it has always been my understanding that the House Ethics Rules specifically prohibit this sort of behavior.

I will vote in favor of S. 2038. I am very pleased that the bill contains a rule of construction to preserve the Securities Exchange Commission's, SEC, existing anti-fraud enforcement authorities. Nevertheless, I have lingering concerns about the bill's practicability and other unintended consequences. I believe these matters might have been clarified if the bill had undergone regular order. Absent that, Members of the House should have been given a briefing about the bill prior to taking it up. In fact, I requested such a briefing in a February 7, 2012, letter to Speaker BOEHNER and Leader CANTOR, but that request appears to have fallen on deaf ears.

It is uncertain to me whether House Leadership will insist on convening a conference committee with our friends in the Senate to forge a compromise. If that is to occur, I strongly urge House conferees to consider and solve the rather ticklish problem of how the SEC and House Committee on Ethics will interact under the Act. Furthermore, I have deep, dark fears that influential members of the House, Senate, and associated political organizations might exert pressure on the Commission to open or never begin a congressional insider trading investigation for political gain. Such an incident would fly in the face of the STOCK Act's otherwise meritorious intent.

In closing, I can only stress that this matter would have been best addressed in the various committees of jurisdiction and according to regular order. Observance of this institution's rules and procedures has produced well-written laws which have endured for years. I observed regular order as chairman of the Committee on Energy and Commerce and held numerous hearings on securities fraud in the 1980s. These hearings produced P.L. 98–376, the "Insider Trading Sanctions Act of 1984," and P.L. 100–704, the "Insider Trading and Securities Fraud Enforcement Act of 1988," which are the only major insider trading laws on the books.

Madam Speaker, I am ashamed to say I was right in predicting that banks would become "too big to fail" when I opposed the Gramm-Leach-Bliley Act on the floor in 1999. I hope I am wrong in predicting that the

STOCK Act, if not subjected to serious scrutiny and amended, will produce an administrative morass and, worse, an enforcement tool subject to the perils of political manipulation.

That in mind, I ask my colleagues to vote in favor of S. 2038.

Mr. MICHAUD. Madam Speaker, I rise today in strong support of the STOCK Act. I regret having to miss a vote on this significant legislation, but I had to return to Maine to attend a family funeral. Had I been present, I would have voted for the House Amendment to S. 2038.

These commonsense rules will help ensure that no member of Congress profits from the nonpublic information they receive in their official capacity. The voters in our districts sent us here to work hard on their behalf. It is simply wrong that anyone would consider using insider information he or she gains while working for his or her constituents to make investment decisions.

Faith in Washington is at an all time low. Unfortunately, the STOCK Act is only a small step towards restoring the public's trust in their elected officials. However, it is an important step that will help hold every one of us more accountable.

I was proud to join two hundred eighty-four of my colleagues from both sides of the aisle as a cosponsor of the original House version of the STOCK Act. I am hopeful that this strong show of bipartisanship can continue on the other important issues that face our country.

Mr. LANGEVIN. Madam Speaker, I rise in support of the House amendment to S. 2038, the Stop Trading on Congressional Knowledge, STOCK, Act, but I must share my deep disappointment with the House Republican leadership's move to weaken this legislation.

As a cosponsor of the House version of the STOCK Act that has 285 bipartisan cosponsors, I strongly believe we need to restore trust in our public officials and those who work closely with them by clarifying that the same insider trading rules that everyone else must follow apply to all three branches of our government as well. The STOCK Act will prohibit Members of Congress and employees of Congress from profiting from nonpublic information they obtain via their official positions. It will also require Members of Congress to report on their stock sales.

The Senate version added a provision that would require firms specializing in "political intelligence," that may use information obtained from Congress to make financial transactions, to register with the House and Senate—just as lobbying firms are now required to do. House Republicans watered down this bill in the middle of the night by dropping this provision, even though it was unanimously approved by the House Judiciary Committee this past December.

The measure before us today is an important first step, but once it is passed, I call on my colleagues to conference with the Senate to strengthen this legislation. If we wish to restore confidence in our government, we must start by using fair and transparent legislative procedures.

Mr. QUIGLEY. Madam Speaker, I rise today as a cosponsor and strong supporter of the STOCK Act

The STOCK Act includes the Congressional Integrity and Pension Forfeiture Act, which Congressman DOLD and I introduced last year.

The Pension Forfeiture Act ensures that former Members of Congress forfeit their pensions if they are convicted of committing a public corruption crime while serving in elected public office.

Corrupt former legislators who continue to collect pensions on the taxpayer dime are taking advantage of the American people even after they have left office.

This législation will protect taxpayer dollars and end what could only be viewed as a reward for those who have abused the public's trust

In my home state of Illinois, we know all too well about the costs of corruption.

Two former governors of Illinois, George Ryan and Rod Blagojevich, are serving extensive prison time for corruption.

Blagojevich, who previously represented the Illinois 5th District, continues to claim his federal pension because of a loophole in existing law.

Congressman DOLD and I believe that this loophole should be closed.

I urge my colleagues to join me in supporting the STOCK Act and restoring transparency, accountability, and trust in government and public service.

Mr. FITZPATRICK. Madam Speaker, insider trading is and has been against the law no matter who you are. The bill we are debating is not about simply banning Members from insider trading, it is about holding Members of Congress and members of the administration to a higher standard as I think we should be. Confidence in Congress is at an all time low and restoring trust with the American people is paramount. While affirming the ban on insider trading the STOCK Act also significantly broadens prohibited activity and establishes a new reporting system that will allow for unprecedented transparency.

I urge my colleagues to support this bill because even the appearance of operating outside the law needs to be addressed forcefully. By shining the brightest light possible on the financial transactions of Members of Congress and the administration we can help ensure that no one is taking advantage of their positions. Madam Speaker, the American people have elected us to be their representatives and that means conducting ourselves with the highest of ethical standards. Anything less is a disservice to this office and to those who sent us here.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to debate the S. 2038-Stop Trading on Congressional Knowledge, STOCK, Act which would amend the Congressional Accountability Act of 1995 and the Ethics in Government Act. The legislation would require the Senate and the House of Representatives to implement an electronic filing system for financial disclosure forms and provide the public with on-line access to that information in a searchable database. S. 2038 also would make clear that Members of Congress, Congressional employees, and federal employees are prohibited from using nonpublic information for personal financial benefit. In addition, the legislation would require more timely reporting of information about financial transactions by Members and staff.

The STOCK ACT would prohibit Members of Congress, employees of Congress, and all federal employees from using "any nonpublic information derived from the individual's position as a Member of Congress or employee of Congress, or gained from performance of the individual's duties, for personal benefit."

The bill before us today is not the same measures that had received overwhelming bipartisan support in the Senate or the House. The measure before us today has been brought onto the Floor under the cover of darkness. There was zero transparency in the process and there is no opportunity to offer amendments.

I firmly and unequivocally believe that the American people deserve to know that their elected officials only have one interest in mind, which is doing what is best for the country rather than their own financial interests. This behavior is particularly disturbing at a time when so many Americans are struggling to make ends meet. Members of this body and any public servant should not have a financial edge because of information they have attained while serving the American people.

The issue before us today is not whether a insider trading law should exist for lawmakers. The issue before us today is one of fairness and transparency. As we attempt to shine a spotlight on those who may profit on insider knowledge, the Republican led majority in the House has closed out the possibility of improving this bill.

The night before last, the Rules Committee passed a rule on a straight party-line vote. The rule has allowed the Republican majority to bring up their own version of the STOCK Act under a suspension of the rules.

Let me be clear; Republican leadership has brought a bill onto the Floor under a suspension of the rules. They utilized the most restrictive process the House has to offer. In fact, this process is so restrictive that it is often reserved for noncontroversial items such as naming post offices, buildings, or even playgrounds.

For this bill, of all bills, to be brought up under suspension of the rules is unfathomable. The Republican-led majority has given Democrats no opportunity to offer their own amendments in order to improve the bill. In addition, there is no chance for the Democrats to offer our own alternative, under a Motion to Recommit.

As a Senior Member of the Judiciary Committee, I find the actions of the Republican-led House to be outrageous. It is a direct contradiction to the original bipartisan effort supported in this House by 285 Members of this body pushed by Ms. SLAUGHTER, a bill which was composed over the course of 6 years.

Further, considering the bipartisan support received for the initial Senate version of the STOCK Act and the significant bipartisan support received by the bill introduced by my dear colleague Ms. SLAUGHTER it is curious that the Republicans have chosen to put forward their own version of the STOCK Act which waters down government reform and leaves out a critical piece of the STOCK Act—namely, the registration of the political intelligence industry.

Registration of the political intelligence industry was included in the Senate passed bill, but stripped out of this watered down Republican version. Instead of requiring registration, my Republican colleagues only require a study of the industry.

It is as though the Majority wishes to ignore the fact that regulation of the political intelligence community was supported by 285 Members of Congress who were co-sponsors of the original Slaughter-Walz bill. Instead, what we now know is that after emerging from behind closed doors, the bill introduced by Republicans does nothing to regulate the political intelligence community.

Regulating the political intelligence industry is vital to this piece of legislation. A study will not have the same impact as a requirement that these firms register and come out from the shadows.

Political intelligence firms or people who have special relationships with government officials can obtain nonpublic legislative information or learn about pending legislative decisions by attending lobbying sessions, or communicating directly with lobbyists and law-makers

The term "political intelligence" refers to legislative information that is potentially market-moving, is nonpublic or not easily accessible to the public, and is gathered, analyzed, and sold to or shared with interested parties by firms or people with access to such information. Political intelligence is typically sold to independent companies or third parties whose business demands knowledge of upcoming market and industry affecting legislative decisions.

The political intelligence industry must be regulated. These firms have grown drastically over the last few decades, and are now a \$100 million a year industry. Every day these firms help hedge funds and Wall Street investors unfairly profit from nonpublic congressional information. These firms have no congressional oversight and can freely pass along information for investment purposes. In 2005, insiders profited from a last-minute government bailout of companies who were embroiled in asbestos litigation. We must prevent such windfalls from happening again.

The U.S. House of Representatives Ethics Manual states that its members should "never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit," and the Senate Ethics Manual states that its Conflict of Interest Rule 37(1) provides for "a broad prohibition against members, officers or employees deriving financial benefit, directly or indirectly, from the use of their official position[s]." No arrests or prosecutions, however, have ever been made against members of Congress for insider trading based on non-public congressional knowledge.

While Members of Congress are not exempt from federal securities laws, including insider trading prohibitions, it remains unclear whether a member of Congress has a fiduciary duty to the United States—misappropriating information gained through an employment relationship is illegal, but case law conflicts as to whether members of Congress actually constitute "employees" of the federal government—whether the information on which the Member trades is "material"—Is there "a substantial likelihood" that a reasonable investor

"would consider it important" in making an investment decision?—and whether the information on which the Member traded is "nonpublic.'

The bill before us today has utilized Senate language which clarifies federal ethics rules and establishes a fiduciary duty against insider trading by all three branches of government. This measure does give the Securities Exchange Commission, SEC, Department of Justice, DOJ, and Commodities Futures Trading Commission, CFTC, clear authority to prosecute insider trading cases throughout the federal government, as well as clarifying that 28,000 executive branch employees will be subject to the same online, public financial disclosure rules as will be applied to Congress. In addition it adds more specific disclosure restrictions on executive branch officials, and reguires that their disclosures be online within 30 days of submission.

Even so, this measure is still a watery version of Ms. SLAUGHTER'S bill. We have been denied the opportunity to amend the bill on the Floor today in a manner that would ensure bipartisan support.

Again, Republican-led House has gone too far. They not only not eliminated the political intelligence registration requirement and replaced it with a 12-month GAO study. They have also removed from this measure the anticorruption provision that restored criminal penalties in some public corruption cases. This provision had been unanimously approved by House Judiciary in December.

House Republican leadership should have allowed this bill to be finalized in an open and transparent manner. Instead, the Majority continued their "my-way-or-the-highway" proach. They shut out their colleagues, and made partisan changes to what was a bipartisan bill.

Mr. BLUMENAUER. Madam Speaker, I support the Stop Trading on Congressional Knowledge, STOCK, Act. This bill clarifies that Members of Congress, congressional staff, executive branch officials, and judicial officers are subject to the same insider trading rules as everyone else. It is common sense to ensure that taxpayers do not pay the salary of people who take advantage of privileged conversations to make a profit. I am pleased that the STOCK Act has such strong bipartisan support, but I am disappointed in the way that Republican leaders are ushering the bill through the House.

For a bill that ends insider trading and is supposed to bring transparency to the influence peddling industry in Washington, it is disappointing that-literally in the dark of night-Republican leaders listened to the complaints of lobbyists and changed the bill. Republicans removed two important provisions that shine light on the shadowy world of political intelligence and that empower federal investigators to bring criminal corruption charges against public officials.

The STOCK Act that I cosponsor, and that passed the Senate with 96 votes, requires that political intelligence consultants register their activities, similar to the manner of lobbyists. These consultants gather inside information from Members of Congress and staff and then sell that information to Wall Street, lobbvists and hedge funds. This is a \$400 million indusintelligence consultants work in anonymity.

Public officials are entrusted by the public to conduct their duties with integrity. Those who abuse this trust should be held accountable and prosecuted to the fullest extent of the law. That is why the original version of the STOCK Act gave prosecutors tools to identify, investigate, and prosecute criminal conduct by public officials. This is an important provision that holds public officials accountable for their actions and protects the integrity of government institutions

These two provisions should be reinstated when the House and Senate go to conference.

Despite its shortcomings, the STOCK Act offers much to support. In addition to the insider trading rules, this bill expands existing law that bans Congressional pensions for Members of Congress convicted of committing a felony. It also prohibits bonuses for Fannie Mae and Freddie Mac executives while the GSEs are still supported by taxpayer dollars.

It is important that Members of Congress be held to the same ethical standards as our constituents. The STOCK Act is a critical piece of legislation that is long overdue. I am pleased that it is moving forward with strong bipartisan support, but I hope that it is strengthened when the House and Senate go to conference.

Mr. VAN HOLLEN. Madam Speaker, as a cosponsor of the original House STOCK Act. H.R. 1148, I commend my colleagues TIM WALZ and LOUISE SLAUGHTER for their leadership on this issue and will support the version of the legislation we are being asked to vote on today so that we can send it to conference and finalize a stronger product for the American people

While there is broad, bipartisan agreement that Members of Congress, their staff and executive branch officials should not be profiting from non-public information, there are other steps we can and should take to promote transparency and protect the integrity of government. For example, the Senate-passed bill and the original House version of the STOCK Act would require public registration for the "political intelligence" industry. That requirement was stripped from today's legislation.

Madam Speaker, while I believe this particular version of the STOCK Act can clearly be strengthened, I will support it to move the process forward.

Mr. HOLT. Madam Speaker, I am one of 285 proud cosponsors of H.R. 1148, the original House version of the STOCK Act, which was introduced by my colleague from Minnesota, Mr. WALZ. It is a simple, commonsense bill that would reaffirm the restriction on insider trading by Members of Congress and our staffs, as well as officials within the executive branch. I also heard from dozens of my constituents from across Central New Jersey who support this bill as a necessary first step to restoring the American public's trust in its legislature and in our democracy as a whole.

Unfortunately, despite the overwhelming bipartisan support for this legislation, the majority has brought before us today a watereddown version of the bill that received nearly unanimous support in the United States Senate. While the basic premise of the bill remains intact, I regret that important provisions such as increased disclosure requirements for

try and yet we know very little about it; political so-called "political intelligence consultants" are not included in the bill before us today.

Though unrelated to insider trading, I do support the provision in this measure to prohibit the payment of bonuses to executives at Fannie Mae and Freddie Mac. Like many Americans, I was alarmed to learn last year that ten Fannie and Freddie executives were set to receive more than \$12 million in bonuses. It is inconceivable that the leadership of these organizations, who profited at the expense of millions of middle class Americans who lost their homes, be further rewarded.

While I support this measure. I remain hopeful that the stronger provisions included in the original House version, as well as the version that passed the Senate last week, can be incorporated as this bill continues to move forward.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 2038, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15minute vote on the motion to suspend will be followed by a 5-minute vote on the motion to instruct on H.R. 3630.

The vote was taken by electronic device, and there were—yeas 417, nays 2, not voting 14, as follows:

#### [Roll No. 47] YEAS-417

Ackerman Brooks Broun (GA) Adams Aderholt Brown (FL) Akin Buchanan Alexander Bucshon Altmire Buerkle Amash Burgess Amodei Butterfield Andrews Calvert. Austria Camp Baca Canseco Bachmann Cantor Bachus Capito Baldwin Capps Barletta Capuano Carnahan Barrow Bartlett Carson (IN) Barton (TX) Carter Bass (CA) Cassidy Castor (FL) Bass (NH) Chabot Becerra Chaffetz Benishek Berg Berkley Chandler Chu Cicilline Berman Clarke (MI) Biggert Bilbray Clarke (NY) Bilirakis Clay Cleaver Bishop (GA) Bishop (NY) Clyburn Bishop (UT) Coble Coffman (CO) Black Blackburn Cohen Bonamici Cole Conaway Bonner Connolly (VA) Bono Mack Boren Conyers Boswell Cooper Boustany Costa Brady (PA) Costello Brady (TX) Courtney

Bralev (IA)

Crawford Crenshaw Critz Crowley Cuellar Culberson Cummings Davis (CA) Davis (IL) Davis (KY) DeFazio DeGette DeLauro Denham Dent DesJarlais Deutch Diaz-Balart Dicks Dingell Doggett Dold Donnelly (IN) Dovle Dreier Duffy Duncan (SC) Duncan (TN) Ellison Ellmers Emerson Engel Eshoo Farenthold Farr Fattah Filner Fincher Fitzpatrick

Flake Fleischmann

Watt

Waxman

Webster

Whitfield

Wilson (FL)

Wilson (SC)

Welch

West

# CONGRESSIONAL RECORD—HOUSE, Vol. 158, Pt. 1

February	9, 2012
Flores	Latham
Forbes	LaTourette
Fortenberry	Latta
Foxx	Lee (CA)
Frank (MA)	Levin
Franks (AZ)	Lewis (CA)
Frelinghuysen	Lewis (GA)
Gallegly	Lipinski
Garamendi	LoBiondo
Gardner	Loebsack
Garrett	Lofgren, Zoe
Gerlach	Long
Gibbs	Lowey
Gibson	Lucas
Gingrey (GA)	Luetkemeyer
Gohmert	Lujan
Gonzalez	Lummis
Goodlatte	Lungren, Danie
Gosar	E.
Gowdy	Lynch
Granger	Mack
Graves (GA)	Maloney
Graves (MO)	Manzullo
Green, Al	Marchant
Green, Gene	Marino
Griffin (AR)	Markey
Griffith (VA)	Matheson
Grijalva	Matsui
Grimm	McCarthy (CA)
Guinta	McCarthy (NY)
Guthrie	McCaul
Gutierrez	McClintock
Hahn	McCollum
Hall	McCotter
Hanabusa	McDermott
Hanna	McGovern
Harper	McHenry
Harris	McIntyre
Hartzler	McKeon
Hastings (FL)	McKinley
Hastings (WA)	McMorris
Hayworth	Rodgers
Heck	McNerney
Heinrich	Meehan
Hensarling	Meeks
Herger	Mica
Herrera Beutler	Miller (FL)
Higgins	Miller (MI)
Himes	Miller (NC)
Hinchey	Miller, Gary
Hinojosa	Miller, George
Hirono	Moore
Hochul	Moran
Holden	Mulvaney
Holt	Murphy (CT)
Honda	Murphy (PA)
Hoyer	Myrick
Huelskamp	Nadler
Huizenga (MI)	Napolitano
Hultgren	Neal
Hunter	Neugebauer
Hurt	Noem
Inslee	Nugent
Israel	Nunes
Issa	Nunnelee
Jackson (IL)	Olson
Jackson Lee	Olver
(TX) Jenkins	Owens
Johnson (GA)	Palazzo Pallone
Johnson (IL)	Pascrell
Johnson (OH)	Pastor (AZ)
Johnson, E. B.	Paulsen
Johnson, Sam	Payne
Jones	Pearce
Jordan	Pelosi
Kaptur	Pence
Keating	Perlmutter
Kelly	Peters
Kildee	Peterson
Kind	Petri
King (IA)	Pingree (ME)
King (NY)	Pitts
Kingston	Poe (TX)
Kinzinger (IL)	Polis
Kissell	Pompeo
Kline	Posey
Kucinich	Price (GA)
Labrador	Price (NC)
Lamborn	Quayle
Lance	Quigley
Landry	Rahall
Langevin	Rangel
Lankford	Reed
Larsen (WA)	Rehberg
Larson (CT)	Reichert

Renacci Reyes Ribble Rigell Rivera Rokita Lungren, Daniel Royce Rush Scalise Schiff Schock Sewell Shuler Sires Speier Stark Stearns Stivers Sutton Terry Tiberi Tierney Tipton Tonko Towns Upton Walden Walsh (IL) Walz (MN) Wasserman Schultz Waters

Richardson Richmond Rogers (AL) Rogers (KY) Rohrabacher Roskam Ross (AR) Ross (FL) Rothman (NJ) Roybal-Allard Runyan Ruppersberger Ryan (OH) Rvan (WI) Sánchez, Linda Sarbanes Schakowsky Schilling Schmidt Schrader Schwartz Schweikert Scott (SC) Scott (VA) Scott, Austin Scott, David Sensenbrenner Serrano Sessions Sherman Shimkus Simpson Slaughter Smith (NE) Smith (NJ) Smith (TX) Smith (WA) Southerland Stutzman Sullivan Thompson (CA) Thompson (PA) Thornberry

Roby Roe (TN) Tsongas Turner (NY) Turner (OH) Van Hollen Velázquez Visclosky Walberg

Rooney Ros-Lehtinen Sanchez, Loretta

Wittman Woolsey Young (FL) Yarmuth Womack Yoder NAYS-2 Campbell Woodall

NOT VOTING-14 Blumenauer Fudge Shuster Burton (IN) Michaud Thompson (MS) Cardoza Paul Westmoreland Platts Carney Young (AK) Rogers (MI) Edwards

#### □ 1035

WALDEN, HINCHEY, and Messrs. HARPER changed their vote from "nav" to "vea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. WESTMORELAND, Madam Speaker, on rollcall No. 47, I was unavoidably detained. Had I been present, I would have voted "no."

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAY-ROLL TAX CUT CONTINUATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 3630) offered by the gentleman from New York (Mr. BISHOP) on which the yeas and nays were ordered.

The Clerk will redesignate the mo-

The Clerk redesignated the motion. The SPEAKER pro tempore. The question is on the motion to instruct. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 15, not voting 13, as follows:

# [Roll No. 48]

# YEAS-405

Ackerman Bonamici Chaffetz Adams Bonner Bono Mack Chandler Aderholt Chu Cicilline Akin Boren Alexander Boswell Clarke (MI) Clarke (NY) Altmire Boustany Brady (PA) Amodei Clay Andrews Brady (TX) Cleaver Bralev (IA) Clyburn Austria Baca Brooks Coble Broun (GA) Coffman (CO) Bachus Cohen Baldwin Brown (FL) Barletta Buchanan Cole Barrow Bucshon Conaway Bartlett Buerkle Connolly (VA) Barton (TX) Burgess Conyers Bass (CA) Butterfield Cooper Bass (NH) Calvert Costa Costello Becerra Camp Benishek Canseco Courtney Berg Cantor Cravaack Berkley Capito Crawford Berman Capps Crenshaw Biggert Capuano  $\operatorname{Critz}$ Carnahan Carson (IN) Bilbray Crowley Bilirakis Cuellar Bishop (GA) Carter Culberson Bishop (NY) Cassidy Cummings Castor (FL) Bishop (UT) Davis (CA) Chabot Davis (IL)

DeGette DeLauro Denham Dent DesJarlais Deutch Diaz-Balart Dicks Dingell Doggett Dold Donnelly (IN) Dovle Dreier Duffy Duncan (SC) Duncan (TN) Ellison Ellmers Emerson Engel Eshoo Farenthold Farr Fattah Filner Fincher Fitzpatrick Fleischmann Fleming Forbes Fortenberry Foxx Frank (MA) Franks (AZ) Frelinghuysen Gallegly Garamendi Gardner Garrett Gerlach Gibbs Gibson Gingrey (GA) Gohmert Gonzalez Goodlatte Gosar Gowdy Granger Graves (GA) Graves (MO) Green, Al Green, Gene Griffin (AR) Griffith (VA) Grijalva Grimm Guinta Guthrie Gutierrez Hahn Hall Hanabusa Hanna Harper Harris Hartzler Hastings (FL) Hastings (WA) Hayworth Heck Heinrich Hensarling Herger Herrera Beutler Higgins Himes Hinchey Hinojosa Hirono Hochul Holden Holt Honda Hover Huizenga (MI) Hultgren Hunter Hurt Inslee

Jackson (IL) Jackson Lee (TX) Jenkins Johnson (GA) Johnson (IL) Johnson (OH) Johnson, E. B. Johnson, Sam Jones Jordan Kaptur Keating Kelly Kildee Kind King (IA) King (NY) Kingston Kinzinger (IL) Kissell Kline Kucinich Labrador Lamborn Lance Landry Langevin Lankford Larsen (WA) Larson (CT) Latham LaTourette Latta Lee (CA) Levin Lewis (CA) Lewis (GA) Lipinski LoBiondo Loebsack Lofgren, Zoe Lowey Lucas Luetkemeyer Luián Lungren, Daniel E. Lynch Mack Malonev Manzullo Marchant Marino Markey Matheson Matsui McCarthy (CA) McCarthy (NY) McCaul McCollum McCotter McDermott McGovern McHenry McIntyre McKeon McKinley McMorris Rodgers McNerney Meehan Meeks Mica Miller (FL) Miller (MI) Miller (NC) Miller, Garv Miller, George Moore Moran Mulvaney Murphy (CT) Murphy (PA) Myrick Nadler Napolitano Neal Noem

Nugent

Nunes

Olson

Olver

Owens

Israel

Issa

Nunnelee

Tipton

Tonko

Pallone Pascrell Pastor (AZ) Paulsen Payne Pearce Pelosi Pence Perlmutter Peters Peterson Petri Pingree (ME) Pitts Poe (TX) Polis Pompeo Posey Price (GA) Price (NC) Quigley Rahall Rangel Reed Rehberg Reichert Renacci Reyes Richardson Richmond Rigell Rivera Roby Roe (TN) Rogers (KY) Rogers (MI) Rohrabacher Rokita Rooney Ros-Lehtinen Roskam Ross (AR) Ross (FL) Rothman (NJ) Roybal-Allard Royce Runyan Ruppersberger Rush Ryan (OH) Rvan (WI) Sánchez, Linda Sanchez, Loretta Sarbanes Scalise Schakowsky Schiff Schilling Schmidt Schock Schrader Schwartz Schweikert Scott (SC) Scott (VA) Scott, Austin Scott, David Sensenbrenner Serrano Sessions Sewell Sherman Shimkus Shuler Simpson Sires Slaughter Smith (NE) Smith (NJ) Smith (TX) Smith (WA) Southerland Speier Stark Stearns Stivers Sullivan Sutton Thompson (CA) Thompson (PA) Thornberry Tiberi Tierney

Walz (MN) Wilson (FL) Towns Tsongas Wilson (SC) Wasserman Turner (NY) Schultz Wittman Turner (OH) Waters Womack Upton Van Hollen Watt Woodall Waxman Woolsey Velázquez Webster Yarmuth Visclosky Welch Young (AK) Walberg West Young (FL) Walden Westmoreland Young (IN) Walsh (IL) Whitfield

#### NAYS-15

Amash Huelskamp Quayle
Bachmann Long Rogers (AL)
Blackburn Lummis Stutzman
Campbell McClintock Wolf
Flake Neugebauer Yoder

#### NOT VOTING-13

Blumenauer Fudge Shuster
Burton (IN) Michaud Terry
Cardoza Paul Thompson (MS)
Carney Platts
Edwards Ribble

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

#### □ 1044

Mr. ISSA changed his vote from "nay" to "yea."

Mr. QUAYLE changed his vote from "yea" to "nay."
So the motion to instruct was agreed

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. PLATTS. Madam Speaker, on rollcall Nos. 47 and 48, I missed both votes due to an automobile accident. Had I been present, I would have voted "aye" in both cases.

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO UNVEIL THE MARKER WHICH ACKNOWLEDGES THE ROLE THAT SLAVE LABOR PLAYED IN THE CONSTRUCTION OF THE UNITED STATES CAPITOL

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 99, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

### H. CON. RES. 99

Whereas enslaved African-Americans provided labor essential to the construction of the United States Capitol;

Whereas in 2005 Congress created the Slave Labor Task Force to study the role that enslaved African-Americans played in the construction of the Capitol and to make recommendations to Congress on how to commemorate their contribution;

Whereas the report of the Architect of the Capitol entitled "History of Slave Laborers in the Construction of the United States Capitol" documents the role of slave labor in the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia:

Whereas the Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting when all others failed;

Whereas the great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contribution of enslaved African- Americans can fully and accurately reflect its history;

Whereas recognition of the contributions of enslaved African-Americans brings to all Americans an understanding of the continuing evolution of our representative democracy:

Whereas in 2007 the Slave Labor Task Force recommended to Congress the creation of a marker commemorating the contributions of enslaved African-Americans in the construction of the Capitol; and

Whereas the marker dedicated to the enslaved African-Americans who helped to build the Capitol reflects the charge of the Capitol Visitor Center to teach visitors about Congress and its development: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring).

# SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO UNVEIL MARKER DEDICATED TO ENSLAVED AFRICAN-AMERICANS WHO HELPED BUILD THE CAPITOL.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on February 28, 2012, for a ceremony to unveil the marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Virginia, the majority leader, for the purpose of inquiring of the schedule for the week to come.

Mr. CANTOR. I thank the gentleman, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at 1 p.m. in pro forma session. No votes are expected. On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a few bills under suspension of the rules, a complete list of which will be announced by the close of business tomorrow. In addition, the House will consider H.R. 7, the American Energy and Infrastructure Jobs Act of 2012. The House may also consider legislation relating to H.R. 3630, the Temporary Payroll Tax Cut Continuation Act.

Mr. HOYER. I thank the gentleman for that information with respect to the two pieces of legislation and the suspension bills.

If I might inquire, Mr. Leader, of the timing. The conference committee has met, as all of us know, a few times since being appointed on December 23. They were supposed to have a meeting today, but apparently that meeting was cancelled. We adopted a motion to instruct conferees on January 18, with only 16 Republicans opposing and just a few Republicans opposing this time on a similar motion to instruct, urging the conferees to report back by February 17.

You know as well as anybody, we will be off for the President's week work period, and we will not be back until the night of the 27th, which only gives us the 2 days and that evening to pass this bill if we do not pass it before the 17th.

In December, we almost, as you well know, did not extend the payroll tax holiday or the unemployment or the SGR package. That would have resulted, as the gentleman knows, in 160 million Americans having a tax increase, benefits lost for many unemployed Americans—almost 2.3 over the next 3 months—and we only have 3 full days left before the February break. Of course, the gentleman, Mr. CAMP, the chairman of the Ways and Means Committee, chairs that conference.

Can the gentleman tell us whether or not there is a reasonable expectation that we will be able to act on this bill and have the conference committee report on the House floor? Mr. CANTOR. I will say to the gentleman, as I said before and as reflected by the vote that just occurred on the motion to instruct conferees, we, too, desire a resolution of this issue next week. I think the gentleman knows that we've been on this floor before in the same discussion where it is imperative for us to send a signal to the hardworking taxpayers of this country that they're not going to have their taxes go up. So it is my hope that we're going to see some productivity out of the conference committee.

I think the gentleman knows my position as to why there has been no productivity. Frankly, last week, I urged the gentleman to point his ire to the other side of the Capitol because it is that side of the Capitol and Leader REID who have been unwilling to come forward with a resolution to this issue.

#### □ 1050

As the gentleman knows, the House has taken its position. We believe we ought to extend the payroll tax holiday for a year and do so in a responsible manner so as not to raid the Social Security trust fund. But there's been no willingness on the part of Leader REID and his conferees to even offer a suggestion as to how to resolve this impasse.

So, again, I say to the gentleman, we are committed to making sure taxes don't go up on hardworking people in these economic times.

Mr. HOYER. I thank the gentleman for his comments. I am pleased to hear that

As the gentleman knows, Mark Zandi just a few days ago said that failure to extend the payroll tax and the unemployment insurance benefits "would deliver a significant blow" to our fragile economic recovery and could cost our economy 500,000 jobs and raise the unemployment rate by at least threetenths of a point and lower economic growth by seven-tenths of a point.

Now I'm pleased to hear what the majority leader has said, but of course we still have some concern. Representative PAUL BROUN, one of your Members from Georgia said, This payroll tax holiday is just a gimmick to try to get Obama reelected. This is bad policv. Representative Chaffetz from Utah, one of your colleagues, said, Tax holidays just are bad policy. A year is pretty short. The chairman of your campaign committee, Pete Sessions, was quoted in the L.A. Times. Representative Pete Sessions of Texas. who heads the House Republican campaign committee, called Obama's plan—that is, the extension of the payroll tax—"a horrible idea." He said GOP candidates would have no difficulty explaining to voters why they want to let the tax break expire. And then, of course, the chairman of the conference committee, my good friend, for whom I have a great deal of respect,

apparently does not agree with what the majority leader just said in wanting to extend this tax cut, because he said, I'm not in favor of that. I don't think that's a good idea.

Now that was, admittedly, back in August, so it was some months ago when he said that. But it gives us some concern that the leadership of the conference committee, Mr. CAMP and others, are in the position where they don't really think, as seemed to be reflected in the last year, that this tax cut ought to be extended. They do, however, believe—very strongly, as I understand it—that the tax cut for the wealthiest in America, the Bush tax cuts, ought to be extended, and thev ought to be extended without paying for it. And, in fact, you provided in your rule that you adopted in this Congress that they could be extended without paying for them.

I don't think that's your position, as I understand it, with respect to tax cuts for middle class Americans. Would the gentleman like to comment on those observations?

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I would just say, really it's not productive to engage in politics and division. We ought to be about multiplication here. We ought to be about growing the economy. We ought not be talking in the way that the gentleman suggests, that somehow we Republicans prefer one group of people over another. That's not true. We're here fighting for the hardworking taxpayers.

I just said, Mr. Speaker, to the gentleman, that we, as Republicans in this House, do not support taxes going up on anybody. We believe that Washington spends too much money. We don't believe you ought to tax anybody, especially the job creators, the small businessmen and women who we're relying on to create jobs and get this economy back to where it needs to be, in a growth mode.

So the gentleman knows very well my position, and it is the position of our conference. We do not want to see taxes going up on hardworking taxpayers. I said it before, and I will say it again: We hope that the conferees can produce something for us to vote on, but we are not in any way, shape, or form advocating for taxes to go up on hardworking people. No. We are for making sure that doesn't happen. So, Mr. Speaker, I don't know how many times I can say that to underscore our commitment.

Mr. HOYER. I thank the gentleman for his recommitment to that proposition.

Let me ask the gentleman, therefore, given the fact, am I correct that you do not believe the extension of the 2001 and 2003 tax cuts needs to be paid for? Is that still your position?

Mr. CANTOR. Mr. Speaker, again, the question has to do with the gen-

tleman and his side's and the President's insistence that somehow the math requires us to raise taxes on small businessmen and women. We don't believe that. We don't believe that we ought to let tax rates go up and create a tax hike on the small business people of this country because, number one, that exacerbates the challenge that we're already dealing with in trying to get this economy growing. And number two, it will put more money into the hands of Washington to begin spending that money without paying down the debt.

The gentleman knows very well our commitment to making sure we get the fiscal house in order. He knows very well that we believe you've got to fix the problem and not go in and ask the small businessmen and women to pay more taxes to dig a hole deeper. We believe you ought to fix the problem, stop taking small business money away from the men and women who make it. and let them continue to put it back into their enterprises and create jobs. That's what we're trying to do. And I look forward to working with the gentleman to make sure we accomplish that end.

Mr. HOYER. I appreciate the gentleman's answer. It doesn't surprise me, but he didn't answer my question.

My question was: you amended your rules in this House so that the extension of the 2001 and 2003 tax cuts did not have to be paid for. I'm asking, is that the gentleman's position now? It's a very simple question. Yes or no? It is, or it is not.

Mr. CANTOR. If I could, Mr. Speaker, I would ask the gentleman, does he think that the payroll tax holiday extension for the year needs to be paid for?

Mr. HOYER. I don't necessarily think it needs to be paid for for exactly the reason you pointed out. What you pointed out was, you don't want to depress—either by increasing the taxes on small business, as you point out—we're not for increasing taxes on small business. We are for asking those who have made the best in our society over the last 10 years, make the most, make \$1 million or more, we do believe, yes, a greater contribution is in order because our country has a challenged situation that we need to respond to.

Having said that, I believe that it ought to be consistent, in terms of your application of not paying for tax cuts, for it to be also applicable to middle income, hardworking Americans who find themselves in a real pinch in this present economy, that we would take a similar position.

All I'm asking the gentleman, is your position on the middle class tax cut, which we are talking about, and it is in conference, the same as it is on the Bush tax cuts of 2001 and 2003? That's all I'm asking.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I would ask in response to that, does he not agree that there is a difference between the nature of the tax relief in the payroll tax and the nature of existing tax rates on the marginal level as well as capital gains? And along those lines, would he not, then, be advocating a position that would say, it's okay to raid the Social Security trust fund if you're not going to pay for the extension of the payroll tax holiday?

Mr. HOYER. The gentleman goes off in about seven directions on that question, in my view. What I believe is that it ought to be a consistent policy, as it relates to keeping taxes down on hardworking Americans, that we apply to the wealthiest in America. Now whether they're temporary or permanent, it makes an economic difference to the people in question. And hardworking Americans—160 million of them—are hoping that their taxes will not go up on March 1. The only way they're going to not go up on March 1 is if we passas we had a great struggle doing in December—if we pass a conference report that will be reported out of the conference committee headed up by Mr. CAMP which in fact makes sure that those taxes don't increase.

You say you don't want them to increase. I say we don't want them to increase. We seem to have an agreement on that rhetorically, although I have quoted a number of your leaders who say they think it's a bad idea.

But having said that, my question to you is: is your position consistent with both the 2001 and 2003 tax cuts and these tax cuts? That's all I'm asking.

# □ 1100

Mr. CANTOR. Mr. Speaker, I respond to the gentleman, I was not in seven different directions. It's very simple. I asked the gentleman: Are you okay with raiding the Social Security trust fund? Because your response to my question indicated to me that it's fine for you and your side to say: Let's just raid the Social Security trust fund, extend the payroll tax holiday without any pay-fors; is that okay?

Mr. HOYER. Your President, who you supported very strongly, of course, as I recall, when he wanted to raid the Social Security trust fund said there was no trust fund. Now. I believe there is a trust fund, and I think we have a moral responsibility to make sure that that trust fund is kept whole. And, in fact, as you well know, we will keep it whole. We will sign the proper IOUs so that that trust fund is intact. There will be no reduction in the Social Security tax, and the gentleman knows it. The gentleman knows that that trust fund will be as secure tomorrow as it is today, and I presume that both of us have a commitment to that end. Yes, we will have to make whole the trust fund money that does not come in on the tax cut, just as we had to make money for the war, for the prescription

drug bill, and the Bush tax cuts whole by borrowing from somebody, usually China and other nations around the world.

We went from a \$5.6 trillion surplus to a \$10-plus trillion deficit. Why? Because we did things and didn't pay for them. So if the gentleman is asking me do I believe the Social Security trust fund ought to be kept whole, the answer is an emphatic, absolute yes.

Mr. CANTOR. Mr. Speaker, with all due respect, I'd say to the gentleman, he has answered the same question in two different ways. And he's also gone off not in seven different directions but nine or ten when he starts talking about the former President George Bush. George Bush has nothing to do with this debate, has nothing to do with the issue before it.

What I'm asking, Mr. Speaker, is, number one: Does he not agree that if we pay for the extension of the Federal tax holiday, we are making sure that we attempt to address the raid on the Social Security trust fund? And is that not different than talking about marginal rates on small businessmen and women? Is that not different than talking about keeping the capital gain rates the same on investors and entrepreneurs in America? We need to put investment capital back into the economy, the private economy. And so my point was not seven different directions, my point is just that.

Again, I would say to the gentleman that it bothers me to hear that the gentleman just wants to rely on an IOU. The public is tired of saying, yes, we'll owe it. We'll owe it. We'll pay it later. What we're saying is let's make sure that we don't dig the hole any deeper. Let's make sure we don't raid the Social Security trust fund. That's why we are saying let's pay for it.

But again, to the gentleman's point about trying to expedite things so we can have a result out of the conference committee, there has been no activity, no activity on the part of the Senate. They're not serious on wanting to address the issue—at least, they've not been thus far—and we're running out of time.

So again, I guess the gentleman's solution is go ahead and raid the Social Security trust fund and let's extend the payroll tax holiday. And if that's the gentleman's position, then we know the position I would imagine of the minority on this position.

Mr. HOYER. Well, the gentleman has talked a lot but hasn't answered my question. And the question was a simple one: Do you believe the same principle applies to the '01-'03 tax cuts as applied to the middle income working people's tax cut that we're talking about?

And I'll tell you this, my friend, if we were talking about the taxes that you're talking about, they would go through like greased lightning and

there would be no question but, oh, of course, we've got to continue those tax cuts. But when it comes to average working Americans, and the only way we can get them a tax cut—this is the first time we've really talked about real tax cuts for middle-income working Americans. It has got a logjam that has hit. It hit in December, and we came that close to not having that tax cut, and we're about to come that close again. I'm just telling the gentleman that if he applies the same principle, we could get this done.

Now I'm for paying for, frankly, the middle-income tax cut. I'm for paying for it, as the gentleman well knows, by a surtax on those who have done the best, not because I want to penalize them, but because all of us in this room, maybe not all of us, but most of us in this room, have done pretty well. There are some people in this country who haven't done pretty well. And as Clint Eastwood walked down that road that we saw during the Super Bowl, he said at half time, "We can do better." And I'll tell you what they said in the locker room: Every one of us, according to our ability to get it done, needs to get it done. That's what I'm saying to my friend.

I think the position you would be taking would be radically different and that that conference committee would have had a report out on this floor if we were talking about tax cuts for millionaires that would have passed like that. Absolutely, that's my position. I believe it. And, very frankly, I think the American people believe it.

I yield to my friend if he would like to comment on that, and then we will go to the infrastructure bill, which I know you'd like to talk about as well.

Mr. CANTOR. Mr. Speaker, I'll just wrap it up by saying I don't think there was anybody, any working American that did not benefit from the '01-'03 tax relief. So again, the gentleman's attempt to divide this country, saying that some benefit from this and others benefited from that, it's not the way that I think most Americans look at it. We're all in this together, okay.

So again, we're trying to make sure that taxes don't go up on anybody. We're trying to do it responsibly. And the gentleman does, and acknowledges, that the payroll tax holiday involves a tax that is dedicated to the viability of the Social Security trust fund. And the gentleman knows that if we pass that bill because of his insistence and the insistence of the leader on the Democratic side of the aisle in the Senate, the majority leader in the Senate, that if we have to go ahead and just do it unpaid for, then we have created more of a problem and raided the Social Security trust fund.

So again, if that's the choice, if the gentleman is saying that his side is not going to support an extension of the Federal tax holiday unless it's unpaid

for, then I guess we know where we stand, and the American people know where we stand, because they'll force a raid on the Social Security trust fund.

Mr. HOYER. I thank the gentleman for his comment.

The gentleman has a habit that, frankly, disturbs me, I'll tell my friend. I didn't say that at all. As a matter of fact, my last comment was I think it ought to be paid for. Now, let me explain what that means.

I think it ought to be paid for. I have been consistent on that position. Frankly, I was consistent on that position on all of the bills that we passed through this House, including your two tax bills of '01 and '03. I thought they ought to be paid. You thought they ought not be paid for. And the gentleman talks about looking at the past; they didn't work out so well. They were supposed to grow our economy. They were supposed to explode jobs. We lost jobs in the private sector. The only reason we had a plus 1 million over 8 years was because we grew in the public sector. We lost jobs in the private sector on that economic program. It didn't work, in my opinion. Paid for or not paid for, it did not work. But it did blow a hole in the deficit.

What I'm saying and will say again, yes, I think it ought to be paid for. What I think it ought not be paid for with is by taking it out of the hide of average working people in this country, which is part of the way you want to pay for it. I don't think that is good policy because I think that will further depress the economy and take dollars out of the hands of hardworking people.

Yes, I think it ought to be paid for, and paying for things is tough. And we didn't pay for things in the last decade, and that's why we dug this deep, deep hole we're in.

Now, if we want to go on to the infrastructure bill, I'd like to do that unless the gentleman wants to make an additional comment.

On the infrastructure bill, you indicate that it may come to the floor. Can you tell me under what kind of a rule that will come to the floor? Will it be an open rule, as has been projected?

I yield to my friend.

Mr. CANTOR. I'd say to the gentleman, the Rules Committee has announced that there is an amendment deadline for Members to get their amendments in by Monday morning, and it will then proceed in the normal process to vote on a rule to govern the debate on the American Energy Infrastructure Jobs Act.

Mr. HOYER. It's my understanding, Mr. Leader, this bill is over 1,000 pages long. It was marked up just shortly after it was introduced and finalized. Is the gentleman concerned by the length of that bill and the short time that Members have to review it? And the very short time that the public, which

will essentially have almost no opportunity to review it, is the gentleman concerned about that?

#### □ 1110

Mr. CANTOR. Mr. Speaker, maybe the gentleman is confusing this majority with the one he was the leader in, because we have now seen all the committees, Transportation and Infrastructure, Natural Resources, Ways and Means, Oversight and Government Reform, Energy and Commerce, mark up and consider amendments from both sides. H.R. 7, in its entirety, was posted at approximately noon yesterday, February 8. At noon yesterday, it was on line for everyone to see. The vote is scheduled for next Friday, February 17.

Given the process of all the committees and all of the markups and the willingness to entertain amendments from both sides and now posting yesterday, Wednesday, when the vote is next Friday, I think that we are providing and living up to the commitment we've made, that we're going to have a much more open process, that the public is going to be able to enjoy its right to know what we're doing, and Members and their staffs, as well, can do what they need to do to prepare for their amendments and their votes on this bill.

Mr. HOYER. What I was confusing was your rhetoric now and your rhetoric as it related to a bill that was longer in pages but had 10 times a greater period of time for debate and discussion, considered by an extraordinarily large number of committees in both the Senate and the House, town meetings all over this country about that bill. What I'm confusing is your rhetoric as it related to the Affordable Care Act and your rhetoric related to the transportation bill, which has had probably one-twentieth or one-thirtieth of the time to be considered by the public. I don't know that anybody has had a town meeting or had the opportunity for the public to have input on this bill as it is now written. Very frankly. I may be confusing it with the bill that we just adopted on suspension of the calendar without any opportunity to amend it, which was filed less than 24 hours ago.

Mr. CANTOR. Mr. Speaker, the gentleman knows where I'm going on that last comment, because I will just point out the fact that, when he was the majority leader, that bill, the STOCK Act, had sat dormant, and he refused as the majority leader to pick up the bill and bring it to the floor of the House.

Given the vote that we just saw, I think that there was probably legitimate work to improve and strengthen the bill, which indicated and was reflected in the vote that we just had on the STOCK Act. As for the gentleman's suggestion that somehow I'm confusing this bill with others and his reference to the Affordable Care Act, the public

doesn't like that bill; right? It doesn't. I'm thinking that perhaps the gentleman is confusing this bill with one that came up during his term as majority leader when the cap-and-trade bill was filed at 2 a.m. and then we were asked to vote on it at 10 o'clock the next morning.

Mr. Speaker, the gentleman knows that we have provided for over a week's time and then some for Members to take a look at the full version and to give Members time to prepare their amendments until next Monday so that we can have a full and robust debate on this bill.

Mr. HOYER. I thank the gentleman.

The gentleman says full time, but very frankly there wasn't participation by everybody in this full discussion. In fact, as I said last week and I will reiterate this week, because he hasn't changed his position, Ray LaHood, Republican, former chief of staff to the Republican leader in this House, former chairman of an appropriations subcommittee on the Republican side of the aisle, says:

This is the most partisan transportation bill I've ever seen, and it is almost the most antisafety bill I've ever seen. It hollows out our number one priority, which is safety; and, frankly, it hollows out the guts of the transportation efforts that we have been about for the last 3 years. It is the worst transportation bill I've ever seen during 35 years of public service.

Ray LaHood, Republican, Secretary of Transportation.

Whatever time the gentleman has spent that he thinks exposing this bill, he didn't expose it on our side and he apparently didn't expose it in a way that reached bipartisan agreement from the Secretary of Transportation.

I will tell you, I lament the fact, Mr. Leader, when I was the majority leader—the gentleman likes to refer to that—the transportation bill passed with an overwhelmingly bipartisan vote. Every transportation bill that I've seen in the 30 years I've been in the Congress of the United States has passed on an overwhelmingly bipartisan vote, and it came out of committee almost unanimously. This bill, as the gentleman knows, came out on a purely partisan vote. Actually, it was a bipartisan opposition because Mr. Petri, long-time member of the Transportation Committee, and, of course, Mr. LATOURETTE are not too happy with the bill either, as the gentleman knows, whois a senior Member on your side, one of your leaders on your side of the aisle. So I will tell my friend that unfortunately we have a situation where you're going to bring a bill up next week which clearly is a partisan bill, which does not enjoy bipartisan support, contrary to every transportation bill that I think we've passed in this House in the 30 years I've been

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I am just marveling at the fact that I don't understand what the gentleman is seeing here. The Washington Post has just done extensive coverage and a story on that transportation bill and the 5,000-plus earmarks that were involved in the bill that he is bragging about.

We're in a new day here. We're shining the light of day. We're saying no more earmarks. We're not doing things the way we used to do them, and that is exactly what the people want. They want a reformed Congress that belongs to them, that works for them, and not the other way around.

Mr. Speaker, I would say to the gentleman that I look forward to his amendments that he submits for Monday to be considered by the Rules Committee so that we can proceed, as we have on so many bills, in an open debate on the floor of this House, unlike we ever experienced in majorities past. I would say to the gentleman, let's really try and agree. We have to reform this system. We are standing up for reform, whether it be no more earmarks, whether it be continued positing of positions online so that Members have enough time to review, with an open announcement of how long the amendment deadline is, with a continued pattern of allowing for debate on amendments on both sides of the floor. We're trying to change this institution so it can actually live up to what the people are expecting and for us to be able to abide by their trust.

Mr. HOYER. I thank the gentleman for that comment.

I think the American people apparently don't think we're accomplishing that objective that you want to accomplish by virtue of their response to the polls about what they think of the job that we've done over the last year.

Let me say in addition to that, the bills I was referring to, my friend—yes, while I was the majority leader, we had the House and the Senate. I said 30 years. Of the 12 years that your party had the chairmanship of the Transportation Committee, we passed bills on a bipartisan basis, and we respected transparency.

As the gentleman knows on earmarks, you quadrupled the number of earmarks under your leadership—not your personal leadership, but under Republican control of the House of Representatives. When we came in, what we did was said they all had to be online. Members had to put them on their Web site, and committees had to identify where those came from. Now, personally, we made them very transparent. You've eliminated them temporarily. We'll see whether that holds.

But we will move on to the question of whether or not, when you say we're going to have open amendments, whether or not the amendments that are germane will be made in order so that, in fact, we can impact on the bill. The gentleman says he is interested in seeing my amendments. I think most of the amendments will come from our committee members. They are the ones that are struggling to find out exactly what this bill does. And we don't believe it is paid for, by the way, as I think the gentleman probably has seen in the CBO report.

Let me ask you this: do you believe this bill is a jobs bill?

Mr. CANTOR. I believe that what is needed, Mr. Speaker, is some certainty so that the agencies at the State level can operate with their plans going forward for infrastructure needs. I believe that the private sector that is heavily involved with the infrastructure industry can know how to plan so they can make investments necessary so that we can see the maintenance, repair, and expansion of our infrastructure system in this country.

We're about trying to say let's grow. Let's grow. Let's try and work together so we can grow this economy. The economy is dependent upon an infrastructure future that is certain.

#### $\sqcap 1120$

The gentleman also knows that we have in the bill a pay-for that is derived from the expansion of the ability to explore in the deep ocean off our coasts because it's an energy resource that we should be utilizing. That, as well, holds a potential for thousands of new jobs.

So, Mr. Speaker, we are all about job creation. And I hope that the gentleman can join us in what is titled the American Energy Infrastructure Jobs Act.

Mr. HOYER. I thank the gentleman for his comment.

Am I to take it, therefore, he disagrees with Speaker BOEHNER when Speaker BOEHNER said, just a few days ago, We're not making the claim that spending taxpayer money on transportation projects creates jobs. We don't make that claim.

So, this would not be a jobs bill from that standpoint: am I correct?

Mr. CANTOR. Again, the gentleman, if he wants to play gotcha—

Mr. HOYER. I'm not playing gotcha. I want to figure out whether this is a jobs bill. We haven't had a jobs bill in over 400 days.

I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, the gentleman just heard what I said: we can create jobs if we open up the ability for more energy exploration. We can create jobs if we provide some certainty to the industries and the State agencies—as well as the Federal agencies—that are involved in planning and charting the course for infrastructure maintenance, repair and expansion in this country.

Growth requires infrastructure that is at top notch, and we know we're a

far cry from that in this country. So the gentleman understands my point: growth comes from better infrastructure; growth comes from expanding the ability to explore our natural resources off our coast, something that, unfortunately, most Members on his side of the aisle have not been supportive of in terms of charting a more certain and responsible energy future.

Does the gentleman have any more scheduling questions?

Mr. HOYER. These are all scheduling questions. These are scheduling questions as to whether or not we're going to have legislation on the floor that can get us from where we are to where we want to be.

The gentleman knows that the Senate has passed a bipartisan bill out of committee with Senator Inhofe, a Republican, and Senator Boxer—not exactly ideological soul mates—coming together and agreeing on infrastructure. Why? Because they believe it creates jobs.

What I'm trying to figure out from you, you go from other aspects of the bill that create jobs, and you say infrastructure is necessary for growth. My reading of that is, as the President's pointed out, investing in infrastructure does, in fact, grow jobs.

To the extent that we can pass a bill, scheduling a bill that has bipartisan support here and bipartisan support there, and the support of the President of the United States, is what we ought to be doing. Doing it in a partisan fashion undercuts our scheduling of moving that forward. That's my point. I think the gentleman understands that point.

But I would hope that, as we work on this bill, we could do what the Senate's done, which they don't do very often, and come together in a bipartisan way, as we have historically done in this House on Transportation and Infrastructure bills, so important for the growth of our country and the creation of jobs and the moving forward—as you say, and I believe as well, we ought to come together and accomplish.

Unless the gentleman has anything further, I yield back the balance of my time, Mr. Speaker.

# ADJOURNMENT TO MONDAY, FEBRUARY 13, 2012

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Monday, February 13, 2012.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentleman from Virginia? There was no objection.

#### REMEMBERING KELSEY LOMISON

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Kelsey Lomison, 77, of Orviston, Pennsylvania, from the Pennsylvania Fifth Congressional District, died on Monday, February 6, of this week.

Centre and Clinton Counties lost a great friend. Kelsey Lomison lived his 77 years serving and making a difference in the lives of individuals, families, and communities. He was an extraordinary caring leader in many facets of life, from singing for area churches, organizing benefits for persons and families in need, and serving Curtin Township and his home community of Orviston.

As a community leader, Kelsey demonstrated a deep commitment to serving his neighbors. His leadership within the Howard Area Lions Club and the Clinton County Fair represents just two of the countless efforts he performed.

He touched many lives and provided an excellent example to all who knew him. His determination, bright outlook on life, and phenomenal voice will be remembered.

My thoughts and prayers are with his wife Barb, sons Wes and Dave, and their entire family.

Kelsey Lomison's kindness, professionalism, talent and unselfish service will be missed. Rest with the Lord, my friend.

#### STOCK ACT SOLD SHORT

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, what the public saw today in the House of Representatives was a STOCK Act sold short. Unfortunately, what could have been an outstanding bill was changed by the Republican leadership by taking the two most important aspects put in the Senate bill out. One was a public corruption provision that would have allowed prosecutors to prosecute, from the courthouse to the Capitol, public corruption. This was something Senator LEAHY had, and in the House it was Representative Sensenbrenner, a Republican, passed unanimously by the Judiciary Committee. But for some reason unbeknownst to me, it was stripped by the leadership of the Republican side out of the bill. Democrats didn't have an opportunity to participate in the drafting of the bill, and what was the work of Louise Slaugh-TER and TIM WALZ was hijacked from them.

Another important provision was the political intelligence provision. It was taken out by K Street lobbyists working with the leadership—late. That should not have been taken out.

The two best parts of the STOCK Act were sold short, and the American public should have had better today. We passed something, but not what we should have done.

#### LINE-ITEM VETO

(Mr. STIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STIVERS. Mr. Speaker, because government has spent money we don't have and borrowed money we can't pay back, our national debt now stands at \$15 trillion. My daughter, Sarah, who is 2 years old, now has \$50,000 as her share of the national debt.

Congress and the President have an obligation to make the tough decisions to reduce spending so we can provide a brighter future for our kids. That's why I was proud to support the Expedited Legislative Line-Item Veto and Rescissions Act this week. The bipartisan legislation provides a constitutional line-item veto solution and creates more checks and balances against runaway spending.

Alone it won't solve our problems; however, combined with a biennial budget and a balanced-budget amendment, it can deliver our children, like Sarah, from a future of debt to one of opportunity.

#### VISA WAIVER PROGRAM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, with the highest unemployment rate in the Nation, Nevadans are struggling. That's why we in Washington should be focusing on creating good-paying, middle class jobs. Unfortunately, Washington Republicans are focused on a divisive, ideological agenda.

Our jobs crisis cannot be fixed by restricting access to mammograms for women. It's not going to be fixed by killing Medicare, by turning it over to private insurance companies. And it cannot be fixed by protecting taxpayer giveaways to Big Oil companies.

Our jobs crisis can be fixed by getting real about job creation. We can do that right now by passing legislation expanding our Visa Waiver Program, which allows tourists from certain countries up to 90 days of visa-free travel in the U.S.

In 2010, nearly 18 million people visited our country due to this program. What will happen if we expand it? The answer for tourism-dependent States like Nevada is simple: it will put people back to work.

I urge my Republican colleagues in the House and the Senate to drop their ideological agenda and join me in making job creation our top priority.

#### CARDIAC ARREST SURVIVAL ACT AND SAVE A LIFE DAY

(Mr. OLSON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, February is Heart Month. I rise today to recognize Save a Life Community Heart Training Day. This is an effort by the American Red Cross, the Texas Arrhythmia Institute, and the Methodist DeBakey Heart and Vascular Center in Houston, Texas, to raise awareness about the importance of adult CPR and AED use.

Sudden cardiac arrest, also known as SCA, is the leading cause of death in the United States, with roughly 300,000 Americans dying from SCAs every year. Both of my grandfathers died of SCA before I was born. I always dreamed of what it would be like to go fishing with Grandpa.

The best chance for survival is defibrillation—delivery of an electric pulse shock to the heart. An SCA victim has a 50–75 percent chance of survival if a shock is administered to the heart within 5 minutes of collapse. Awareness and training are critical to saving and enhancing lives.

Mr. Speaker, as sponsor of legislation designed to encourage Good Samaritans to use AEDs to save lives, I'm proud to recognize Save a Life Day. Get trained, so a young boy can go fishing with Grandpa.

#### □ 1130

# SENDING UP A SIGNAL FLARE

(Mr. ROSKAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSKAM. Mr. Speaker, I rise today to send up a signal flare about a grievous concern that has foisted itself upon this Nation from the Obama administration, and that is this: the Obama administration is now going up to communities of faith and poking their chest and saying, either you will change the dictates of your conscience, or we will fine you. We will use the long arm of the Federal Government to manipulate you into our view of the world, not the view of the world that you think is bestowed upon you by God.

Mr. Speaker, that is a grievous error. That is a provocation that needs to be answered, and, in a nutshell, we have a foreshadowing of what happens when that isn't answered. It's a foreshadowing that comes in the form of a quote from Pastor Martin Niemoller, an anti-Nazi activist, who said:

First they came for the Jews, and I didn't speak out because I was not a Jew.

Then they came for the Communists, and I didn't speak out because I was not a Communist.

Then they came for the trade unionists, and I didn't speak out because I was not a trade unionist.

And then they came for me, and there was no one left to speak out for me.

Mr. Speaker, it's time for this country to rise and to speak out and to push back on this outrageous provocation from the Obama administration.

#### HIGH-LEVEL NUCLEAR WASTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Before my Pennsylvania friends get all freaked out, I appreciate you letting me come to the floor for 5 minutes to do what is now a weekly constitutional of mine and talk about high level nuclear waste in Yucca Mountain.

What I have been doing, to set the stage, is going around the country highlighting locations where there's nuclear waste throughout this country, and just making the statement that it is in the national interest, and actually it's national Federal law that this waste be consolidated in a centralized storage facility. And so with that, I'll begin.

Today we're headed to the great State of Minnesota, and we're looking at a nuclear power plant called Prairie Island. Now, Prairie Island has 725 million tons of uranium, of spent fuel, onsite. Prairie Island has waste stored above the ground in pools and dry casks.

Prairie Island is in the Mississippi River floodplain, as you can see from the photo here. And Prairie Island is 50 miles from the Twin Cities.

Now, where should this waste be? Well, this waste should be where an 1982 energy policy, the Waste Policy Act, and then the amendments in 1987 said, by Federal law, it should be, which is underneath a mountain in a desert. And where is that mountain? The mountain's called Yucca Mountain

Currently, after \$15 billion spent researching and preparing the site, we have zero nuclear waste onsite. If we were storing the nuclear waste there, it would be 1,000 feet underground. It would be 1,000 feet above the water table, and it would be 100 miles from the nearest body of water, which would be the Colorado River.

Now, look at the difference between Yucca Mountain, 100 miles from the Colorado River, versus nuclear waste right next to the Mississippi River, actually in the Mississippi River floodplain.

So, why aren't we doing what the law has dictated? Well, we have the majority leader of the Senate who's been blocking funding and stopping any movement to do the final scientific study. In fact, the will of the House was spoken last year when we voted, I think, 297 votes, bipartisan votes, to complete the funding and the study.

So let's look at the Senators from the region of where this nuclear power plant is. And it's very curious: The two Senators from Minnesota, Senator KLOBUCHAR and Senator FRANKEN, they're silent. They're silent on nuclear waste in their own State. It's very curious. Not only nuclear waste, but nuclear waste on the river.

And then you go to North Dakota. Senator CONRAD has voted "no." Senator HOEVEN supports it.

South Dakota, Senator JOHNSON voted "no." This is all in the region.

Senator Thune supports. Senator Nelson votes in support of Yucca Mountain. Senator Johnson votes in support of Yucca Mountain.

Now, Minnesota has two sites, three reactors; two of them are right in this location. So, as I've been coming down to the floor, if you add these new Senators to the total tally, right now we have 40 Senators who have expressed support for moving high-level nuclear waste. We have 12 who are curiously silent on nuclear waste in their State or in their region, and we have 10 who have stated a position of "no."

It's in the best interest of our country, for the safety and security of this country, that we consolidate in a centralized location, underneath a mountain, in a desert, in the defined spot by law, which is Yucca Mountain.

And again, I want to thank my colleagues and friends from Pennsylvania for allowing me to intrude upon their hour.

I yield back the balance of my time.

# COMMEMORATING ARIZONA'S CENTENNIAL ANNIVERSARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. Flake) is recognized for 56 minutes as the designee of the majority leader.

Mr. FLAKE. Mr. Speaker, I rise today to commemorate a milestone in Arizona's history, the centennial of our great State. After nearly 49 years as a U.S. Territory, Arizona became part of the United States on February 14, 1912.

Today Arizona is a bustling, contemporary oasis of more than 6 million people. Its natural wonders—the Grand Canyon, the Petrified Forest, the Red Rocks of Sedona, the Painted Desert, coupled with modern conveniences, most notably air-conditioning—draw millions of visitors from around the world every year. But it wasn't always so.

Early settlers, ranchers, farmers, and miners had to wonder what they'd gotten themselves into. Such was the case with my ancestors. Allow me to tell a sliver of their story because it tells a little about Arizona's history.

William Jordan Flake, my great-great-grandfather arrived in Arizona territory in 1878. When he bought a

ranch on the Silver Creek, he was warned by the previous owners not to invite any other families because the land and water would not sustain them. Fortunately, he didn't listen. Soon the town of Snowflake was born, becoming the hub of activity in what was then Arizona territory.

Not long after, William Jordan's son, James Madison Flake, was deputized, along with his brother, Charles Love Flake, to arrest an outlaw who had drifted into town. As they disarmed the outlaw, the outlaw reached into his boot, drew a weapon, and shot Charles in the neck, killing him instantly. James received a bullet in the left ear before returning fire, killing the outlaw

Just 3 years later, James Madison Flake sat at the bedside of his beloved wife as she passed away, leaving him with nine children. "Once again I must kiss the sod and face a cloudy future," he poignantly wrote in his journal.

#### □ 1140

But like so many other pioneers who settled Arizona, he not only faced the future, he shaped it. Along with raising these children and many others that would come later, James Madison Flake involved himself politically in the issues of the day. Notably, he tells in his journal of attending numerous meetings and conventions around Arizona and Colorado to promote the cause of women's suffrage. No doubt, he was proud when, just after Statehood in 1912. Arizona became the seventh State to approve the right of women to vote. Just a few years later. the Nation followed with the 19th amendment to the Constitution.

James Madison Flake would be proud to know that Arizona has many women legislators, has had a number of women Governors, and that the first woman appointed to the Supreme Court, Sandra Day O'Connor, is a proud Arizonan. He would surely be proud to know of Gabby Giffords, daughter of Arizona and one of this Nation's enduring symbols of hope, who served this Nation's House of Representatives so ably.

Over the past 100 years, Arizona has been home to a number of colorful and transformative figures: Carl Hayden, Barry Goldwater, Mo Udall, and JOHN McCAIN.

With so many unsuccessful Presidential candidates, it's often joked that Arizona is the only State where mothers don't tell their children, Some day you can grow up to be President. In fact, mothers get to tell their children something better: You have the privilege of being an Arizonan.

One thing is certain. Because of the hard work and sacrifice of those who have gone before, Arizona's next 100 years promise to be even better than the first because in Arizona, the beauty of the sunset in the evening is only eclipsed by the sunrise in the morning.

#### HONORING JOE PATERNO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. Thompson) is recognized for 52 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today with colleagues from Pennsylvania to recognize the accomplishments of Joe Paterno, the longtime Penn State football coach who passed away last month.

Paterno's accomplishments as a teacher and a coach rank him among the very best in the history of the country. His accomplishments were both on the field and on the campus.

I'm pleased today to be joined by a number of my colleagues from Pennsylvania and pleased to yield to the gentleman from Pennsylvania (Mr. Kelly).

Mr. KELLY. I'm glad to be here with my colleagues from Pennsylvania.

My thoughts of Coach Paterno go way back to the time when I was a really young guy in Butler, Pennsylvania, and Coach Paterno at that time was an assistant coach for Rip Engle. Coach Paterno would come into our high school, and he was very close friends with my high school coach, Art

But the thing I remember most about Coach Paterno, he had the ability to inspire you to do things that maybe you didn't think you could do. He had the ability to get you to go beyond being tired into being better. As a young guy growing up, he would come into our study halls and he would come into our halls, and I had the chance to go to Penn State many times to see him as an assistant coach, and always enjoyed the moments we had, and then go over to his house with Mrs. Paterno, and he would say to Mrs. Paterno, Hey, these guys are hungry. Can you get them a sandwich? Can you get them something to eat? They were always so nice to us, and the kids were small then.

So I can understand the sense of loss that not only the Paterno family has but the State of Pennsylvania, and in particular, Penn State University, because Coach Paterno was part of the fabric of that which is Penn State. He was the leaven that held Penn State together. He was the man that tran-

I yield back the balance of my time. scended not just football, because football was only a very small part of our life, but it was that game that taught us about life that was to come and the adversity that you would face and the problems that you would have to solve, and the idea that, yeah, well, you may not have done it real well on that last play. The only sin was not getting up off the deck and getting ready for the next play.

So I join my colleagues from Pennsylvania, and there's a deep sense of loss for all of us in Pennsylvania, and especially all of those folks at Penn State who have lost a true leader and a true icon—not just for college football and not just for athletics, but for the American life.

So I am deeply indebted to Coach Paterno for what he taught us. I also am grieving with the family and with the rest of the State of Pennsylvania for the loss of a truly great American, Joe Paterno.

Mr. THOMPSON of Pennsylvania. I thank the gentleman for his comments, for joining us and honoring and remembering a great individual in Joe Paterno.

It's now my honor to recognize Mr. GERLACH, another colleague that I've had the privilege and honor to serve with since coming to Congress.

I yield to Congressman GERLACH.

Mr. GERLACH. I appreciate this opportunity to join you here today.

Mr. Speaker, I'm joining my colleagues from Pennsylvania in recognizing Coach Joe Paterno and the legacy he forged during more than 60 years at Penn State University.

Most major college football programs measure success solely on what happens on a hundred-yard patch of grass on Saturday afternoons in the fall. If you measured a career only in wins and losses, what Coach Paterno achieved is historic: 409 times he walked off the field victorious, the most wins of any coach in Division I college football.

However, what set Coach Paterno apart was that he demanded excellence from his players every day of the week. Success with honor was what Coach Paterno expected, whether his players were performing in front of a hundred thousand fans in Beaver Stadium or taking an exam in a classroom.

As someone who played football through youth league all the way through college, I fully appreciate the special role that a football coach can play in the lives of his players. A coach is, above all, a teacher, and one who can build his players' character and instill the values of hard work, persistence, and teamwork—lessons that last a lifetime. Coach Paterno did just that.

Football was the means by which he molded players into leaders and forever transformed a university. He prepared his players to be winners in life, not just on Saturday afternoons.

That is why when Joe Paterno passed away on January 22, Pennsylvania lost a legendary football coach who graciously used the spotlight that he was given to help his players, Penn State University, and our great Commonwealth.

May he rest in peace.

Mr. THOMPSON of Pennsylvania. I thank the gentleman for participating today and this remembering and celebrating.

Mr. Speaker, in the times of my life I have had opportunity to reflect back on and think of as special times, there is one time in particular when I was a senior in high school. I grew up in Center County. I went to Penn State, I'm a proud Penn State alumni. I grew up in the shadow of the Nittany Lion and Joe Paterno. One of my most meaningful memories having played high school football was the day I got word that Coach Joe Paterno had asked for game films to look at me as a prospect for that great team. That was going well until he saw that as an offensive guard I was less than 200 pounds.

But today, I still treasure that, that he looked at my performance and at least saw something there.

Joe Paterno grew up in Brooklyn, the descendant of Albanian and Italian immigrants. He derived a toughness from that heritage, describing his father and Albania as a land of quiet, hardheaded people. His toughness was seasoned by a deep appreciation of the classics.

Virgil, which he read in the original Latin, was a key source of inspiration for Paterno. He wrote, "I'll never forget the majestic ring of the opening lines of 'The Aeneid': 'Arma virumque cano, Troiae qui primus ab oris,"" which he translated as "Of arms and the man I sing."

inspiration from Paterno drew Virgil's hero Aeneas. Of Aeneas he wrote. "He yearns to be free of his tormenting duty, but he knows that his duty is to others, to his men."

He attended Brown on a football scholarship, where he met and combated prejudice—prejudice from those who thought that football players lacked the intellectual firepower of other students, prejudice from those who thought birth gave status instead of personal excellence and hard work, prejudice based on religion.

As a player and later as coach, Paterno gave everything to his men, his players, and his team.

I'm now very proud to yield to my good friend from Pennsylvania, also a Penn State alumni Nittany Lion, Mr. DENT.

#### $\Box$ 1150

Mr. DENT. I thank the gentleman from Pennsylvania (Mr. THOMPSON) for organizing this Special Order hour in order to discuss the life of Joseph Vincent Paterno. As has been said, there have been many eulogies said about Joe Paterno, and he was an extraordinary man by anyone's measure.

As has been mentioned, he came to us via Brooklyn and Brown University. I believe he studied English literature. and he always took great inspiration from the books he read and the classics. In fact, he turned down a life in professional football in order to stay at Penn State and stay in this university, academic environment. He actually liked meeting with the faculty and enjoyed discussing English literature and other weighty matters. This man was quite complex. He was more than just football, although certainly that was such an important part of his life, and a big part of his life.

We should also note that some of us would always watch Joe Paterno over the years. My mom is a Penn State alumna and I'm a Penn State alumnus. Our family goes back many, many decades, so we have some acquaintance with Joe Paterno. Many people fondly remember him-the guy with the thick Coke-bottle lenses and the khaki pants—flood pants—with athletic shoes. That's how they'd see him out on the field, getting a little agitated from time to time with the officials, but he was much more complex than all that.

A few things: first, if there is a theme about Joe Paterno's life, it was that he was about setting clear standards, as one of his children had told me. He has five wonderful children and a wonderful devoted wife, Sue Paterno. He often said that Joe said things like this:

Take care of the little things, and the big things take care of themselves. You either get better or you get worse. You never stay the same. Most importantly, he said, Make an impact. That was the wisdom that his father passed on to him and that Joe passed on to his children—make an impact.

So when you think about it, Joe Paterno's life was about making an impact, and football was just a means to that greater end for him. He and his wife, Sue, would see a need, and they would meet it one small thing at a time until the big things, a legacy of philanthropy and caring, took care of themselves. They gave a lot of their own time as well as their own money.

His son said something to me, and I'm just going to read this. One of his children sent this to me. He said that, over the years, Joe attended hundreds of dinners and functions, raising billions of dollars for Penn State, for the Special Olympics—I know his wife, Sue, was particularly devoted to the Special Olympics—for the Catholic Church, and for education at all levels.

He said, I once asked him why he did it, why he smiled when he signed his 30th autograph while getting a paper, and he said with that twinkle in his eye, The moment they don't care about Penn State football, we can't do the things that matter.

He understood that, as a symbol and as a person, he had to let people own a piece of him to get them to buy in to the larger vision. They did, and the results were spectacular. From the Paterno Library to scholarships to what's called THON, the dance marathon where they raise so much money for children with cancer, he said, My dad helped them all. He made an impact.

That's really what it was about. It has often been stated, too, that Joe Paterno really wasn't supposed to go to Penn State at all. He was supposed to go from Brown University and become an attorney, as his father had expected. Basically, he told his dad at one point, No, I'm never going to be a lawyer. He was enjoying Penn State. He enjoyed the football program. He said his father took it all right, but closed with a mandate that drove him his whole life.

His dad said, It's not enough for you to be just a good football coach. You need to make an impact. So that was imparted from his father on to Joe.

There are a lot of people out there who played football for him. Some of these were young men who had a lot of talent in many cases, and some of them were maybe a little bit pampered, as some athletes are at the high school level who are quite good; and Joe could be a pretty strict disciplinarian for a lot of them. In fact, one of his former players, Kenny Jackson, who attended Penn State when I did, still calls him "teacher" first. Hundreds of players called him a surrogate father. The lessons they learned translated across the whole spectrum of their lives, creating a living legacy, and that will make an impact decades past his passing.

There are so many people who spoke of him. Since his death and just prior to his death, I spoke to some of his former players and friends who knew him well, and they often talk about the impact he made on their lives and how much they cared for him all these decades after playing for him. In fact, there was one story, too, that I want to

I remember back in the 1980s there was a player named Bob White. He became an All-American and was on the national championship team. I think he even played in the NFL for a while. I just remember how the Paternos took him under their wing. Apparently, he was a fairly marginal student. He had some trouble reading and, in fact, wasn't very good at it. So Sue Paterno would basically give him books, and he would have to read the books and then give her a book report. I mean, this is the coach's wife taking an interest in one player who was academically not very strong at the time. Today, he is quite successful and does quite well.

I just wanted to share that story. It's one of those stories you really don't hear about or about the anonymous contributions that have been made by him that have been discovered recently because people have spilled the beans,

so to speak. He didn't want people to know that he was helping them. He did all of these things without any recognition

He was an extraordinary man, and he will be deeply missed. All I can say is that he was a great Pennsylvanian even if he did spend the first few years of his life in Brooklyn. He was very proud of that by the way. I just wanted to say that I'll always have very fond memories of him. The university is a better place because of what he has done throughout his life, and I think we will always remember him.

Mr. THOMPSON of Pennsylvania. I thank the gentleman.

Winning was important for Joe Paterno, and he won a lot. Last fall, he achieved a record, becoming with 409 wins and 136 losses the winningest coach in Division I college football. His wins record surpassed legendary coaches, including Bear Bryant in 2001, Bobby Bowden in 2008, and Eddie Robinson in 2011. Penn State is one of just seven teams with more than 800 wins in its history, and Joe Paterno was active with the program for 704 of those games, over 61 seasons, with an amazing record of 514, 183 losses, seven ties—or 73 percent.

It is my pleasure and privilege now to yield to another great Pennsylvania Congressman, Congressman Lou BARLETTA.

Mr. BARLETTA. Mr. Speaker, it's easy to judge Joe Paterno's career by the numbers—409 career wins, which is a Division I coaching record; 37 bowl game appearances with 24 wins; five undefeated seasons; 62 years at one university, 46 of them as the head football coach.

Many of those numbers will never be equaled or passed, but those numbers weren't the most important things to Joe Paterno. JoePa coached the greatest players in Penn State football history—Franco Harris, Shane Conlan, LaVar Arrington, Curt Warner, John Cappelletti, Kerry Collins. More than 350 of his players signed NFL contracts—79 first-team All-Americans. Again, those numbers weren't the most important things to Joe Paterno. Here is what mattered to JoePa:

Forty-seven academic All-Americans, 37 of them first team; an 87 percent player graduation rate in 2011—20 points higher than the national average—and according to the New America Foundation, no achievement gap between its black and white players.

Joe Paterno loved coaching at the college level because he loved preparing young men to succeed in life. He turned down several offers of coaching in the NFL. He made far less than any other college football coach. During the memorial service for JoePa, a native son of my district, Jimmy Cefalo of Pittston, captured the essence of his coach.

Cefalo said, "He took the sons of the coal miners, and he took the sons of

steel mill workers and of farmers in rural Pennsylvania with the idea that we would come together and do it the right way, the Paterno way. Those thousands, literally thousands, of young men taken from generally small communities, looking for direction at a very young age, this is Joe Paterno's legacy."

#### □ 1200

That sums it up perfectly. Without Joe Paterno, thousands of young men from the smallest towns and townships of Pennsylvania might not have received a quality college education. He saw all of these young men as his sons, and he wanted the best for each and every one of them.

Outside of college football, JoePa lived a life as plain as Penn State's uniforms. He lived in the same simple ranch house for 45 years. His home phone number could have been found in the White Pages. For years, he drove a Ford Tempo. His trademark rolled-up pants were not a fashion statement but a practicality. He rolled up the cuffs to save on dry cleaning bills.

But when it came to the university he loved, the university that educated his five children and thousands of his players, Joe Paterno was exceedingly generous. Joe Paterno and his wife, Sue, and their five children announced a contribution of \$3.5 million to the university in 1998, bringing Paterno's lifetime giving total to more than \$4 million

Joe Paterno's personal life was humble, his humanitarian life was remarkable, and his professional life was legendary.

Mr. THOMPSON of Pennsylvania. I thank my good friend for sharing his thoughts on Coach Joe Paterno.

You know, among Joe Paterno's accolades in 46 years as head coach were two national championships, seven undefeated seasons, 23 finishes in the Top 10 rankings, and three Big Ten Conference championships since joining the conference in 1993. Joe Paterno had 24 bowl wins and 37 bowl game appearances, both of which are the most of any coach in history.

In his many decades as a coach at Penn State, Paterno built a team dedicated to excellence on the field and off the field, as you heard many of my colleagues refer to today. He saw football as important, but he kept even football in perspective. In his view, the players who have been most important to the success of Penn State teams have just naturally kept their priorities straight—football, a high second, but academics, an undisputed first, in his words.

Paterno said that he hounded his players to get involved. Don't let the world pass you by. Go after life. Attack it. Ten years from now, I want you to look back on college as a wonderful time of expanding yourself, not just 4

years of playing football. The purpose of college football is to serve education, not the other way around.

He understood that education required an effort by both students and teachers. Another of his quotes:

Even the most talented teacher can try what he or she thinks is teaching, but it won't really take unless the student takes charge of the most important job, learning.

Thus began Joe Paterno's grand experiment at Penn State, where players would not just be model athletes but model students and model citizens. His players responded, consistently ranking at or near among the top of the leading football programs in graduation rates.

Under his tenure, the Penn State football team had 16 Hall of Fame Scholar Athletes, 49 Academic All-Americans, and 18 NCAA Postgraduate Scholarship winners. Penn State had more Academic All-Americans than all other Big Ten schools and ranked number three among all 120 football bowl division schools.

In 2009, the graduation rate of Joe Paterno's players was 89 percent, and the graduation success rate was 85 percent, both of which were the greatest among all football programs in the final 2009 Associated Press Top 25 poll.

I am now pleased to yield back to my good friend, Mr. DENT.

Mr. DENT. I thank the gentleman.

And as we wind down this Special Order this hour, talking about Joe Paterno, we should also probably note one other thing, too.

Of course Joe Paterno was about success with honor, he was about making an impact, but he was also about family. And also, I just want to say, too, that many players over the years, their children would come to the school. In some cases, three generations have played with him. It's a remarkable story.

I think of a guy from my hometown, Mike Guman. Many of my colleagues from Alabama will remember Mike Guman for the famous goal-line stand, Penn State-Alabama Sugar Bowl, 1979. I wish the end result had been different. But nevertheless, Mike Guman was a running back. I had so many kind, wonderful things to say about him. And his son, too, Andy Guman, played at Penn State. That was the kind of program that I think Joe wanted. It was very family-oriented.

I also wanted to mention, too, that one of the eulogies about Joe that is probably worth sharing—I believe it was given by his son Jay. He often talked about his sense of humor and that of his wife. Joe and Sue were utterly devoted to each other, very independent-minded people, but very much dependent upon one another. I am going to read an excerpt from that eulogy:

Humor was a large part of my parents' marriage. My mom and dad, speaking to-

gether, was always entertaining. My mom would jump up with a smart comment when he was talking, and you'd get a glimpse of how the two of them interacted. Neither one of them took themselves too seriously.

And he says:

One of my favorite lines that they had was about how they stayed married so long. They had a deal—whoever leaves the marriage first had to take the children. So neither one of them ever left.

And that was sort of the sense of humor they had, but they were so utterly devoted to each other, to their five children, and to their many grand-children. That's something we don't speak much about Joe Paterno.

He didn't have a whole lot of hobbies either. He was devoted to family and his football program and his university. That's what he was about. So it really speaks volumes about him. He will be deeply missed.

At this time, I yield to the gentleman from Altoona, Pennsylvania (Mr. Shuster).

Mr. SHUSTER. I thank the gentleman from Allentown for yielding.

It's a great privilege for me to be here on the House floor today talking about someone whom I had the highest regard for, and over the years I was able to watch just what a tremendous thing he did at Penn State University. It's not just about winning football games. Of course he won 409 games in his 46 seasons, five undefeated teams, and led Penn State to two national championships. But he did more than that. He did more for the university.

And I know my colleagues have already talked about—it's the only Division I school in the country that has a wing of the library named after the head football coach. That's because of his and Sue's dedication and contributions to building not only that library but that institution. And a lot of that building came about because he built those football teams and brought national attention to Penn State.

But for me, on a personal level, probably one of the proudest moments I had was to stand on the House floor when-I believe it was when he surpassed Walter Camp's winning record of 309 victories, I think it was, about 10 years ago. And John Peterson, the Congressman from Pennsylvania who represented that part of the country at that time-G.T.'s predecessor-we had a Special Order on the floor. John Peterson started first, and then the great coach Tom Osborne-which I don't know if many people know, but Tom Osborne served in Congress in the early 2000s. So Tom Osborne then got up and spoke about Joe Paterno and his respect for him. So then I got to follow Tom Osborne. I'm following a legendary football coach talking about a legendary football coach, which really, even to this day, I'm getting goosebumps remembering that time because it was really an exciting moment that I will always remember.

But again, what Joe Paterno did, which stood him apart from many other coaches, was his dedication to education and academic excellence. Unlike many other schools with Division I programs, Paterno recruited players, speaking first about Penn State's academic excellence. And during that time in the early 2000s, when I served with Coach Tom Osborne, those were lean years for Penn State and for Joe Paterno. And when we would come to town on a Monday or a Tuesday night for votes, Coach Osborne would summon me over on the floor and talk to me about what was going on in central Pennsylvania, how was the media treating Joe; and there was a real concern that Coach Osborne had for Joe Paterno and a real respect came through.

So after several of these meetings. I finally asked Coach Osborne, I said, It's obvious you have this great respect for Joe Paterno. Is that because you thought he was a superior coach to you? And he said, Oh, no, absolutely not. I have a higher winning percentage than Paterno. But I do have a great respect for Joe because Joe could do something that nobody ever was able to achieve; and that is, year in and year out, Joe Paterno would graduate roughly 85 percent of his players, but always the highest graduation rate in Division I. And on top of that, he had quality football teams and he recruited quality players and he could compete at a national level. So, he said, that's something none of us could do.

Then Coach Osborne went on to tell me about how he would talk to Joe in the off-season and try to understand the programs and the discipline and the things he did, because he wanted to be able to get to that level with Joe. And Coach Osborne told me that, I believe, the highest he ever got was a 79 percent graduation rate.

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So that's from one of the great alltime coaches, the great respect he held for Joe Paterno. And again, it was not just about his football; it was about what he was, about building young men, about instilling in them the need to educate themselves and to be excellent when it came to their academic efforts.

He often said you have to start with the idea that a kid has to be a student first. Paterno said in a 1982 Gannett News Service interview: We preach there are three things in a student's life when it comes to Penn State: studies, academics, and social life, and you must keep them in that order and you can never back away from that.

So again, Joe Paterno's educationfirst mindset paid off for those thousands of young men that came to Penn State. I don't know if you watched the ceremony, the dedication to his life and his funeral, but you saw that come clear through, not just from superstars but from kids who couldn't even play after a couple of years because of injury, but Joe Paterno stuck with them and encouraged them and instilled in them the performance of academics in their life and making sure that they get that education. Because as we know full well, when kids play Division I sports, whether it's football, it's basketball, it's baseball, they don't always—99 percent of them never make it to the pro level. But they got an opportunity to go to college.

And places like Penn State and other universities, when you have coaches like Joe Paterno and coaches who aspire to be like Joe Paterno, they instill in those kids that those 99 percent who can't make it big in the pros, they still can get an education. They still can graduate from college and go out and get a good job and provide for their families and become productive citizens. Again, that's something that Joe Paterno always preached, to be productive, to be a good citizen, to give back to your community. He lived that life, and he will be sorely missed, not only in Pennsylvania, but I believe throughout the college ranks and throughout the Nation. He'll be one of those people you can look to and say: That's the kind of coach I want to be. That's the kind of program that I want to build. and those are the kind of kids that I want to turn into young, productive citizens of the United States of Amer-

So again, I'm pleased to be here with my colleagues from Allentown and—Bellefonte? Close to Bellefonte.

Mr. THOMPSON of Pennsylvania. Howard.

Mr. SHUSTER. That's even smaller. And I'm actually from Everett, CHARLIE. Altoona is a big city to me. I don't even know my way around Altoona.

But again, thanks a lot for you guys doing this. I appreciate it greatly.

Mr. DENT. I have to apologize for making that error. I knew you were from Everett, not from Altoona. But Blair County, the whole of Bedford, it's a wonderful area. We love it.

I wanted to say one other thing my friend, Mr. Shuster, just reminded me of: how Coach Paterno, Joe Paterno, recognized that most of his players were not going to become pros, and he celebrated the accomplishments of his players off the field. In fact, I remember one fellow who went to school with me, a guy named Stu McMunn, Stewart McMunn, I think he was captain of special teams. They won the national title the year after I graduated. He talked with pride about that young man. He's not going to be a pro, but he's all of this spirit, all this fight in him, he's a smart kid, and all that. And he became a dentist. He was very proud of the fact that was one of his players. That was kind of the way he was. He wanted to see his players succeed. He wasn't so

concerned about the next 5 years after graduation, but the next 15, you know, 20, 30, 50 years, to see what they're doing with their lives. So I think that's something they shouldn't lose sight of.

I did read from a eulogy given at the celebration of Joe's life by one of his children, and I submit it for the RECORD.

Again, I just want to conclude by saying that Joe Vincent Paterno, a great Pennsylvanian, a great American, a strong leader, a mentor to so many, a mentor even to many people who never met him, but he had an impact on their lives. So, Joe Paterno, you did in fact make an impact.

MOM AND DAD. I don't know much about Greek Mythology, so forgive me if I botch this reference. But in the past few months I've been reminded of some kind of Greek myth. Apparently, we were once one body with a male head and a female head and we were all happy. Some angry god, as punishment for some slight—sliced all of the happy two headed beings apart—forever dooming us to run around the world looking for our other half. Anyone who knows my parents also knows that they were among the lucky people who were able to find their other half: their soul mate, their best friend.

We've stated over these past days just how blessed and lucky my Dad was—and he knew it. One of the stories you won't hear from a former Letterman is the time that Coach Paterno became smitten with his girlfriend and didn't ask her out. No, sneaky Joe waited until Sue realized that this player was not for her and went in for the kill. After a courtship that involved reading Albert Camus, walking on the beach, and pretending that he had money, they married and soon started their family.

Over the years when my Dad would talk about retirement or getting older, he would remind me, "You know, your mother is a young woman." It almost became a joke. Whenever she was late coming back from a meeting or something, I'd say "Well you know, your mother is a young woman." He'd always chuckle. But he did worry about her and always wanted to make sure that she would be OK once he was gone.

They were absolutely devoted to their family: my Dad was comfortable letting my Mother handle the more traditional roles of diaper changing, but he loved to bounce us around on his knee, try to teach us table manners, have discussion-filled family dinners, and take us for walks; walks that would continue into our adulthood and would be one of his primary ways of sharing his wisdom and insights with us. I shared some of those walks in late November and I am forever grateful for having that opportunity.

Their relationship was unique in some ways. Two fiercely independent and strong people, yet two people utterly devoted and dependent on each other. Best friends who challenged each other to be better, who supported each other yet reminded the other when they might be mistaken, who knew each other so well that they knew what the other was thinking before they even said it. This was a relationship that started with respect and friendship and remained strong with faith, love, and commitment to each other. They made each other better.

Humor was a large part of my parents' marriage. My Mom and Dad speaking together was always entertaining—my Mom

would jump in with a smart comment when he was talking, and you'd get a glimpse of how the two of them interacted. Neither one of them took themselves too seriously. One of my favorite lines they had was about how they stayed married so long. They had a deal—whoever leaves the marriage first had to take the children, so neither one of them ever left.

But that was really not the reason. They were devoted to each other without fail. The compassion and love they showed for each other during these past few months was indescribable. Weaker marriages may have splintered at the incredible amount of pain they endured. Yet theirs only grew stronger.

My Mom's only concern these past few months was for my Dad, and my Dad's was only for my Mom. just a week ago, I was talking to him and I didn't want him to get discouraged. I said to him—Hey, you've got to keep fighting. For Mom. He barely had his voice then but he nodded and whispered back "fight, for Mom." And he was. And he did until the end when we assured him that we would take care of Mom.

Like my mother, we are all heartbroken at the days and years ahead when we continue our lives without being able to pop in on him for a quick visit, ask him for advice about our children. Or, in my case just to see him and be reminded of what a great father I've had. We have faith in God and his plan for all of us, and I can only be grateful that I was a witness to a beautiful marriage and that I had the best father and role model I could possibly ask for. I love you and will miss you Dad. And don't worry—we will take care of Mom. I do know that my mother is a young woman

Mr. THOMPSON of Pennsylvania. Mr. Speaker, Joe Paterno claimed that the long run success of his teams was in the contributions his players made to society after graduation. Joe Paterno decided not to accept lucrative NFL coaching offers because he loved being an educator as a college coach. He also criticized NFL teams that took too much of his players' time during their senior years. Paterno pushed the NCAA to adopt rules requiring higher levels of academic performance from college athletes, pushing higher standards for both high school and college graduates. Paterno's dedication to education extended far beyond the players he coached.

In the early 1980s, he pushed Penn State leadership to expand fundraising from alumni in order to advance academic programs. Paterno and his wife donated several million dollars to Penn State University, and he helped them raise many millions more.

Coach Paterno once said: When I'm gone, I hope they write that I made Penn State a better place, not just that I was a good football coach.

Well, Coach, that is what they're writing today.

He envisioned that increasing the resources available to the university through fundraising would help its students attain academic excellence. And the great things that Penn State has attained over the years are in part a testament to his vision and his dedication to that cause. Often universities

name athletic facilities after great coaches. Penn State named a new wing of its library after Paterno.

Paterno's contributions extend beyond Penn State. He was heavily involved, he and his wife, Sue, in the Special Olympics, and was also a national spokesperson for the Charcot-Marie-Tooth Association.

Mr. Speaker, just yesterday I had the opportunity to visit with one of the Special Olympic athletes, an ambassador for that program from Pittsburgh, Pennsylvania, Chris Jagielski. And the first thing Chris did in coming to my office was to express his sorrow for the loss of Coach Joe Paterno.

Paterno wrote that he had been strongly influenced by this line from St. Ignatius: "'Always work as though everything depended on you. Yet always pray knowing that everything depends on God.' Over the years, that dynamite thought has exploded to something larger and larger in my life. It means to me now, Never be afraid to accept your own limitations or the limitations of others. Accept that we're all pretty small potatoes. Yet always know how great each of us can be."

So the winningest coach in college football history was, I think, among the most humble of men based on those remarks that he made. The enormous positive impact that Joe Paterno has made on thousands of players, hundreds of thousands of students and millions of fans and admirers across central Pennsylvania and around the world cannot be understated. He was a man but his legend continues. For combining humility with a dedication to greatness, Joe Paterno stands as a model for all of us. With the passing of Joe Paterno, we're all Penn State, and we mourn his loss. Thank you. Joe Paterno.

With that, I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, as a Penn State graduate, I would like to add to this evening's special order on the career of Joe Paterno by sharing a column by Bill Kline that ran in newspapers across the country following Paterno's death.

[From the Tribune, Jan. 23, 2012] PATERNO BUILT PENN STATE ON, OFF THE FIELD

(By Bill Kline)

Every great man has a flaw.

Critics of Joe Paterno, who died Sunday at 85, will cite at least one flaw of the legendary Penn State football coach—what they will call his poor moral judgment in the Jerry Sandusky sex-abuse scandal involving the Second Mile charity and Penn State.

That assertion might be argued for decades, as JoePa's proponents will say that he did nothing wrong and did what he was supposed to do a decade ago when he received information about his former assistant coach Sandusky—Paterno told his superiors and asked them to look into it.

But whatever side of the argument you support, know this about Joseph Vincent Paterno: No one did more for Penn State University and, in turn, its hundreds of thousands of students—not just for the athletes—over the past six decades. And likely no one ever did more for Penn State in the 157-year history of the institution built on former farmland in rural central Pennsylvania.

You see, rightly or wrongly, Penn State had an image of an agricultural college when Paterno arrived on campus in 1950—and even to some degree when he became head coach in 1966.

Paterno not only raised the profile of the Penn State program, he raised the profile of the university itself. And it was not just wins on the football field that helped Penn State become the national university it is today.

Paterno helped in many other ways, too, most notably leading the charge to raise money for Penn State's library, its endowment, to pay for professors, to pay for academic scholarships, to pay for new buildings and just in general for academic purposes. And Joe and his wife Sue donated their own money, too, having given more than \$5 million to Penn State over the years.

JoePa's support of academics and the success of his team combined to make Penn State a desirable place for students—not just athletes. Penn State's enrollment has exploded over the years to 85,000, including those at its satellite campuses. Some years, 70,000 or more high school seniors apply for the 7,000 or so freshman-class openings at Penn State's University Park campus.

Penn State has become a strong academic institution—not just a strong football program—in large part because of Joe Paterno. For example:

Since 1966, when Paterno became head coach, Penn State's endowment has grown from practically nothing to \$1.67 billion as of 2007

Paterno's fund-raising efforts have resulted in about \$2 billion for Penn State.

The University Park campus has nearly doubled in size since 1966.

He probably was the most underpaid coach, relatively speaking, in the history of bigtime college football, last fall making less than all but one other coach in the Big Ten Conference.

He won the National Heritage Award of the Anti-Defamation League for his role as humanitarian and philanthropist.

Paterno was named Sportsman of the Year by Sports illustrated.

He has produced 74 Academic All-Americans, and Penn State football consistently is a national leader in the percentage of its players who graduate—and that includes high graduation rates for minorities, too.

He measured the success of his teams not in wins and losses, but how those players later influenced society as teachers and surgeons and engineers and leaders.

And through it all, Penn State remained a force on the football field and was doing just fine.

Two of Paterno's last three recruiting classes were ranked in the top 11 nationally, according to the recruiting site scout.com.

Since 2005 Penn State's winning percentage under Paterno was better than his all-time winning percentage.

He captured two Big Ten titles since then and was unbeaten in conference play and in first place in the Big Ten's Leaders Division when he was ousted in November because of the Sandusky scandal.

And Paterno, of course, set yet another record last fall with his 409th career victory. But victories and championships—and flaws—should not be how we remember Joe Paterno. He would not want that.

Joe Paterno should be remembered as an educator who truly placed academics before athletics.

He should be remembered for building 18year-old boys into men and productive members of society.

And he should be remembered for building a university that benefits all.

Mr. BARLETTA. Mr. Speaker, it is easy to judge Joe Paterno's career by the numbers.

409 career wins—a Division I coaching record

37 bowl game appearances, with 24 wins.

Five undefeated seasons. 62 years at one university. 46 of them as the head football coach.

Many of those numbers will never be equaled or passed. But those numbers weren't the most important things to Joe Paterno.

JoePa coached the greatest players in Penn State football history. Franco Harris. Shane Conlan. LaVar Arrington. Curt Warner. John Cappelletti. Kerry Collins. More than 350 of his players signed NFL contracts. 79 first-team All-Americans.

But again, those numbers weren't the most important things to Joe Paterno.

Here's what mattered to JoePa:

47 Academic All-Americans; 37 of them first-team.

An 87 percent player graduation rate in 2011–20 points higher than the national average.

And, according to the New America Foundation, no achievement gap between its black and white players.

Joe Paterno loved coaching at the college level because he loved preparing young men to succeed in life. He turned down several offers to coach in the NFL. He made far less than other college football coaches.

During the memorial service for JoePa, a native son of my district, Jimmy Cefalo of Pittston, captured the essence of his coach.

Cefalo said, quote, "He took the sons of the coal miners, and he took the sons of steel mill workers, and of farmers in rural Pennsylvania with the idea that we would come together and do it the right way. The Paterno way.

Those thousands, literally thousands, of young men taken from generally small communities looking for direction at a very young age . . . this is Joe Paterno's legacy." End quote.

That sums it up perfectly. Without Joe Paterno, thousands of young men from the smallest towns and townships of Pennsylvania might not have received a quality college education.

He saw all of these young men as his sons, and he wanted the best for each of them.

Outside of college football, JoePa lived a life as plain as Penn State's uniforms. He lived in the same simple ranch house for 45 years. His home phone number could have been found in the White Pages.

For years, he drove a Ford Tempo.

His trademark rolled-up pants were not a fashion statement but a practicality: he rolled up the cuffs to save on dry cleaning bills.

But when it came to the university he loved, the university that educated his five children and thousands of his players, Joe Paterno was exceedingly generous.

Joe Paterno, his wife, Sue, and their five children announced a contribution of \$3.5 mil-

lion to the University in 1998, bringing Paterno's lifetime giving total to more than \$4 million.

Joe Paterno's personal life was humble. His humanitarian life was remarkable. And his professional life was legendary.

#### THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, there are a lot of important issues facing the American people, none more important than their economic livelihood and viability. So we're going to be talking today during this Special Order about economic justice, economic opportunity, and the fight for the American middle class.

#### $\sqcap$ 1220

Mr. Speaker, I'm cochair of the Congressional Progressive Caucus. The Congressional Progressive Caucus is that caucus that comes to Congress to band together to stand up for the American Dream, the idea that all Americans, no matter which color they may be, whether they are disabled or not, whether they are straight or gay, or what their religion is, have a right to full participation and opportunity to grab that American Dream as one of our core beliefs. The Progressive Caucus believes in clean air and a clean environment, believes that all Americans, all people across the world have a right to clean air, clean water, and food free of pesticides and toxins.

The Progressive Caucus is the organization that is four square for civil rights for all people. We believe that it's a national disgrace that women are paid 80 cents for every dollar a man makes. We think it's a national disgrace to not be able to love whomever you love and want to be with. We think it's a national problem that people in our society, which was founded on the idea of religious tolerance, sometimes find themselves the target of religious hate in this area.

And we are four square dedicated to the idea that peace should be the guiding principle of our Nation and that diplomacy and development are good things, and that war is almost always a bad thing. Although sometimes it's necessary, diplomacy is always better. We don't send our people into harm's way. That's who the Progressive Caucus is. That is what we are about, and I'm going to offer time tonight, Mr. Speaker, for a progressive message.

So let me begin with that progressive message. We are here to talk about the progressive message; and tonight, we're going to address the issue of economic viability. Working American families are getting crushed, and our middle

class is shrinking every day. But here in Washington, our friends on the other side of the aisle, the Republican caucus, is in control of the House. And while millions of people are facing foreclosure and unemployment, sadly, we see Americans continuing to hurt, and their problems are not being addressed.

This week in Congress, if I could just talk about what we did this week, the Republican majority did not bring up a single jobs bill. We didn't talk about jobs this week. Here we are at the close of the week, and we're not talking about jobs. They did not bring up a bill to keep Americans in their homes and address foreclosure, nor did we talk about cleaning up our air and our water, or building our economy or our Nation's crumbling infrastructure. No, we weren't doing that. We were doing something else, and it had to do with scoring points in an election.

One of the things we did today, which I think was important, but it was an idea that came from the Democraticmajority Senate and originated with great Democrats TIM WALZ and LOUISE SLAUGHTER, is that we voted on a bill to stop trading on congressional knowledge, the STOCK Act. Today, we voted on a bill designed to stop Members of Congress from profiting on confidential information they receive while doing their jobs. You would think that this goes without saying. But, sadly, that is exactly what some politicians have been doing. We voted on the STOCK Act today, the Stop Trading on Congressional Knowledge Act, and I was happy to support this

Although my colleagues, LOUISE SLAUGHTER and TIM WALZ, are pushing a bill which I think was a better version, we voted on the Senate version today. But the price for getting that bill in front of us, the price for fighting to get that bill in front of us was a carve-out for a special interest, and that is too bad.

The bill came before us today, and I voted for it. But the public should know a few things about the legislation. Only after stripping out a provision to stop the so-called political intelligence would the majority even consider voting to stop Members from making bets on confidential information. We wonder why Congress has a 10 percent approval rate. After months of calls for action by House Democrats, House Republicans have finally relented; and the House took up the STOCK Act today, clarifying that Members of Congress and congressional staff, executive branch officials, and judicial officers are subject to the same insider trading rules as everyone else.

Unfortunately, leadership in the majority House caucus took transparency and accountability measures and rewrote them in secret in the dark of night. And the majority caucus, the Republican caucus, weakened the bill,

dropping a provision that will require those who peddle political intelligence for profit to register and report, and eliminating the anti-corrupting provision added by the Senate and unanimously approved by the House Judiciary Committee in December. Regarding the political-intelligence provisions, Senator GRASSLEY, Republican of Iowa, responded, It's astonishing and extremely disappointing that the House would fulfill Wall Street's wishes by killing this provision.

So Republican Senator GRASSLEY even had to admonish the House to say, why would we weaken the bill, dropping a provision that would require those who peddle political intelligence for money to register and report their activities? That's too bad. If Congress delays action, the political-intelligence industry will stay in the shadows—just the way Wall Street likes it.

It's time to act on this legislation and take a first step toward restoring trust in government. We must hold a swift House-Senate conference to strengthen this Republican-majority bill that passed through here that's a weakened piece of legislation.

Last week, the Senate bill passed a stronger measure by a vote of 96–3, and a stronger bipartisan House bill is cosponsored by 285 Members, including 99 Republicans. The so-called political-intelligence industry serves no one. All it does is really pad Wall Street profits off of a rigged game. This insider trading is nothing more than Wall Street insiders pumping Washington insiders for information so that they can place bets on stocks. Political-intelligence firms have grown drastically over the last few decades and are now a \$100 million industry.

Every day, these firms help hedge funds and Wall Street investors unfairly profit from nonpublic congressional information, and these firms have no oversight and can freely pass along information for investment purposes. A 2005 story on insiders profiting off of a last-minute government bailout of companies embroiled in asbestos litigation was a catalyst to the STOCK Act. A recent Wall Street story on the prevalence of the intelligence industry reinforces the need for this bill. Without the STOCK Act, enforcement officials are left in the dark on who is paying and playing in the political-intelligence industry.

This is why we need the whole STOCK Act. The Stop Trading on Congressional Knowledge Act, the STOCK Act, would shed necessary light on a lucrative industry that has been lurking in the shadows since the 70s. H.R. 1148 establishes regulations for the political-intelligence industry by amending the Lobbying Disclosure Act to apply the registration, reporting, and disclosure requirements to all political-intelligence activities just as they apply to lobbyists now. This is an im-

portant provision, and it's an essential piece to the STOCK Act's purpose of banning insider trading based on congressional knowledge.

Regarding support for the STOCK Act, the STOCK Act has a lot of support, Mr. Speaker. The STOCK Act has a broad base of support from organizations dedicated to government reform, including Public Citizen, Citizens for Responsibility and Ethics in Washington, Common Cause, Democracy 21, the League of Women Voters, Project on Government Oversight, the Sunlight Foundation and U.S. PIRG.

Here is a summary of the STOCK Act, and this is a bill authored by TIM WALZ and LOUISE SLAUGHTER, of which I'm an original co-sponsor. It's a stronger version than what came through here today, and it's what our country needs. The STOCK Act requires firms that specialize in political intelligence who use information obtained from Congress to advise financial transactions to register with the House and Senate, just like lobbying firms are required to do.

It prohibits Members, their staff, executive branch employees, and any other person from buying or selling security swaps or commodity futures based on congressional and executive branch nonpublic information. It requires a more timely disclosure of financial transactions above \$1,000 for those Members and staff that are already required to file annual financial disclosures.

# □ 1230

It amends the House ethics rules to prohibit Members and their employees from disclosing any nonpublic information about legislative action for investment purposes. My constituents don't have insider traders looking out for their bottom line.

Now, let me just talk a little bit more about the STOCK Act.

While the House voted this morning on the STOCK Act, making clear that rules against insider trading apply to Members of Congress, congressional staff, executive branch officials, and judicial officers and employees, the version brought to the floor by Leader Cantor was weakened by Republicans before it actually came to be voted on. The GOP rhetoric suggesting otherwise isn't fooling anybody.

The Associated Press weighed in on this issue, and they said:

The House passes Republican-written insider trading bill that has heavy Wall Street influence. The House has passed a bill to ban Members of Congress and executive branch officials from insider trading, but critics from both parties accuse House Republican leaders of caving in to investment firms by eliminating a proposal to regulate people who try to pry financial information from Congress.

The New York Times had something to say, too. Here's what they said in an editorial:

The House's Less Persuasive Ban on Insider Trading. House Republican leaders appear ready to bow to election-year pressure and pass a bill banning lawmakers from using nonpublic information they hear on the job to make financial investments. The House legislation, however, is missing two vital provisions that are in the Senate bill that won overwhelming approval last week. If the goal is to root out corruption and raise the public's low opinion of Congress, the House should approve the full range of reform in the Senate bill.

The Washington Post also had something to say about this, Mr. Speaker. What they had to say is:

The House should take the opportunity to help crack down on public corruption. The House of Representatives is expected to take up, Thursday, a useful measure to prohibit insider trading by Members of Congress and to beef up disclosure of lawmakers' financial transactions. Unfortunately, the version of the measure produced by the House majority leader, ERIC CANTOR, omits one of the most important parts of the bill passed by the Senate, a provision that would restore prosecutors' ability to go after official corruption.

So, Politico, which is one of our local papers that talks about Congress, took up this issue and writes, "Cantor under fire over STOCK Act." What the Politico writes is this, Mr. Speaker:

House Majority Leader Eric Cantor (R–Va.) has released his version of a congressional insider trading ban, and it strips a provision that would require so-called "political intelligence" consultants to disclose their activities, like lobbyists already do. It also scraps a proposal that empowers Federal prosecutors going after corruption by public officials. That stoked backlash from Democrats—yes, it did—and even some Republicans, who are furious at Cantor and are accusing the Virginia Republican of watering down the popular legislation that easily passed the Senate last week.

"It's astonishing"—this is a quote from the Politico article:

It's astonishing and extremely disappointing that the House would fulfill Wall Street's wishes by killing the provision. That's what Senator Chuck Grassley said in a statement. If Congress delays action, the political intelligence industry will stay in the shadows, just the way Wall Street likes it

Of course, Mr. Speaker, Roll Call had to weigh in on this issue as well. It sounds like there's a pretty strong consensus that the House version we passed was weakened and watered down and not what the public was expecting. Roll Call says:

Grassley, others rip House STOCK Act. Senator Chuck Grassley is ripping the House version of a major reform bill passed last Tuesday, calling it "astonishing" that House GOP leaders would drop a provision requiring political intelligence consultants to register as lobbyists. Senator Grassley joined a chorus of watchdog groups and Democrats criticizing the House version.

Melanie Sloan, President of Citizens for Responsibility and Ethics in Washington, said: "The Cantor provision is a sham and aimed at tricking Americans into thinking he's dealing with the issue." That was a quote.

So, whether you're talking about Politico, Washington Times, Washington Post, Associated Press, Roll Call, or whether you're just talking about members of the House Democratic Caucus or citizens across the Nation, we did pass a version of the STOCK Act today. It was aweakened version. It wasn't good enough. And, Mr. Speaker, if Americans across this country decided that they were going to demand that there be a conference committee in which the stronger provisions were adopted, I think that would be a very good thing.

Americans across this country, I think they agree with what's written in this Washington Post article. They write:

A scaled-back ethics bill headed toward likely passage in the House Thursday despite complaints from Senators that Republican leaders are jettisoning—that means getting rid of—several key provisions that won overwhelming support in the Senate last week.

Of course Think Progress probably echos the sentiments of the American people, too, Mr. Speaker, as they wrote in their blog, "House Republicans prepared to vote on watered-down congressional insider trading ban." Here's what they say:

Since a "60 Minutes" report showed that Representative Spencer Bachus (R-Al.) profited from information he obtained in a private economic briefing in 2008, Congress has moved quickly to pass a bill to ban insider trading by its Members. House Majority Leader Eric Cantor has made several changes to the legislation which appear intended to at least weaken the final product, if not kill it outright.

That is what they said at Think Progress.

Of course the New York Times, they're in this, too. This is an issue of serious public concern, and we would expect their editorial writers to weigh in. And what they said was this, Mr. Speaker:

With the House poised to take up a major ethics bill, Republican leaders have deleted a provision that would, for the first time, regulate the collection of political intelligence from political insiders for the use of hedge funds, mutual funds, and other investors.

Representative Louise Slaughter, Democrat of New York, said lawmakers and the public need to know more about the activities of these professionals, who she said "glean information from Members of Congress and staff and sell it to clients who make a lot of money off it."

You know, Mr. Speaker, I'm betting that a lot of people across America don't even know that this practice even takes place. I'm betting that a lot of people across America don't realize that there are people who sort of scurry around in the shadows, looking for tidbits of information which they could use to make an investment decision, and that this is a multimillion-dollar industry.

Let me also move back and just say that, Mr. Speaker, I doubt that the American people really realize that there is important information that can affect stock price that is thrown around around here. You would think that it would be just common sense, Mr. Speaker, that as we as Members of Congress are hired to pursue the public interest, that no one would ever use that information to advance their private commercial interests. There's nothing wrong with Members of Congress owning a business or something like that. I mean, this is America. But to say you're going to Congress to get information to try to trade stocks and then getting rich off that information seems, to me, a real problem.

Now, I don't know what the facts are. All I know is what I saw on "60 Minutes." But it was alleged that a Member of Congress was in a meeting, pursuing his responsibility to promote the public interest, left that meeting, and using information from that meeting, purchased stock options and basically made a bet that the economy would go down

So I ask you, Mr. Speaker, can a person, charged with a public duty to uphold the public interest simultaneously pursue their private interests? And what happens, Mr. Speaker, when those two things are at odds?

If your job is to keep the economy afloat, but it would make you money if the economy goes down because you have essentially bought stock options where you would financially gain from the loss of value, what is one to do? Well, if they're a public service employee, if they're a public official, they should pursue the public interest, and the law should forbid them from trying to pursue their private interests at the public's expense.

#### □ 1240

And yet, we do know that these things, that there's good evidence that these things may well have happened and that there needs to be accountability all around. And it is disappointing that when we finally, after these things finally get to the point where we're going to pass a bill, that we don't go all the way. We make carve-outs for the political intelligence industry. We make carve-outs for people here and there. This is not right.

The Senate version, which has accountability, which has prosecution authority, and which bans this political intelligence industry from just operating in the shadows, that is what we should be doing, not making carve-outs for them and sweetheart deals.

So I'm joined now by my good friend from the great State of Ohio, representing the northern Ohio area. There's really no one, Mr. Speaker, who has been a greater advocate for consumers than MARCY KAPTUR.

I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank my dear colleague from Minnesota, and thank you

for your leadership on so many issues here.

I listened with care to what you've been presenting today to give voice to the American people from coast to coast. And I want to thank you, in particular, for the work you've done on mortgage foreclosures, on holding Wall Street accountable, Congressman ELLISON. No one has fought harder. Minnesota's been affected, your home city of Detroit, all across northern Ohio, Toledo to Sandusky to Lorain to Cleveland to Parma, all these communities struck so hard by Wall Street's malfeasance.

And I wanted to join you today as you keep a focus on who the wrongdoers really have been, and how we help the Republic heal; to thank the Obama administration for the efforts they've made to date on a major settlement that's being announced during the same timeframe as we speak here, where individual States and five of the major Wall Street banks who are responsible, who used widespread fraudulent paperwork that precipitated the foreclosure crisis, that this settlement will actually bring some measure of justice.

And we ought to claim a great deal of credit because the Progressive Caucus has been working so hard on this, and housing and the mortgage foreclosure crisis has been at the top of our agenda

The settlement, the initial settlement will reportedly impose a \$26 billion penalty against Wells Fargo, Bank of America, JPMorgan Chase, Allied Financial, and Citigroup that were at the heart of the schemes that led to the securitization and collateralized debt obligation risk-taking. The total amount could grow to \$30 billion or \$45 billion if additional banks join the settlement. Given the extent of the damage they've caused, it's a start, and frankly, a very important one.

We can't forget that millions of America's families lost their homes, and countless more are still dealing with foreclosure. And our cities have empty hulks of neighborhoods that are struggling as a result.

If you come to places that I represent, as you've mentioned, in northern Ohio you can see the thousands of vacant structures that these banks left to decay. They didn't even manage them well once they possessed them. In neighborhood after neighborhood, the damage these banks inflicted is incalculable as they achieved the largest transfer of equity and wealth from Main Street to Wall Street. They've made every community more poor.

This agreement is the largest joint Federal/State settlement ever obtained and the result of unprecedented coordination between the various corners of our government and the States. And it needs to be a major settlement.

One in five American families with a mortgage today—this is an astounding

number—owe more than the house is actually worth by an average of over \$50,000. The collective negative equity across the Nation is over \$700 billion.

For years I've come to this floor urging Congress to do more, and one critical part of this agreement is that it does not provide blanket immunity to the banks for their misdeeds. While the ink is barely dry on this agreement, the press is reporting, and I quote, Officials will also be able to pursue any allegations of criminal wrongdoing.

And I know the congressman and I want to go down that road, and I wish to place in the RECORD an article from The New York Times this week that talks about how African American New Yorkers making more than \$68,000 are nearly five times as likely to hold high interest mortgages as Caucasians of similar income.

[From the New York Times, Feb. 7, 2012] THAT COMEBACK TRAIL FOR THE ECONOMY? HERE, IT'S LITTERED WITH FORECLOSURES

#### (By Michael Powell)

To walk 145th Street in South Jamaica, past red-brick homes with metal awnings and chain-link fences, is to find a storm of immense destructive power still raging.

Three years ago, when I wandered this block south of Linden Boulevard in Queens, banks had foreclosed on eight homes. In the years since, banks have filed notice against a half-dozen more owners. Some of those homes sit abandoned, plywood boards nailed across doors and windows, as if to guard against further spread of this plague.

We are accustomed to hearing politicians talk of a halting recovery from the recession. They detect heartbeats in the job market and flickers of life in house sales. New York and New Jersey, our governors proclaim, are on the comeback trail.

Not here.

A dozen miles from Midtown Manhattan. the foreclosure belt stretches across the heart of black homeownership in this city. from Canarsie and East New York in Brooklyn, to Springfield Gardens and St. Albans, Queens, where Fats Waller, Count Basie and Ella Fitzgerald once owned handsome Tudorstyle homes.

Black Americans came late to homeownership for reasons deeply rooted in our tragic racial history. Black New Yorkers making more than \$68,000 are nearly five times as likely to hold high-interest mortgages as whites of similar income, and their default rates are much higher. Now a generation watches as its housing wealth is vaporized.

Organizers with the Neighborhood Economic Development Advocacy Project pored over 2011 mortgage default data. They found that 345,000 city mortgages were in default or delinquent last year. In corners of southeast Queens, banks filed as many as 150 delinquency notes for every 1,000 housing units.

Attorney General Eric T. Schneiderman says that statewide the number of New Yorkers at risk of losing homes exceeds the population of Buffalo, Syracuse and Rochester combined.

In Jamaica, "for sale" signs sit two, three and four to a block. Real estate agents resemble fishermen who've kept lines in the water too long. Of late, matters have grown worse. The federal government has stopped paying counselors and lawyers for those at risk of foreclosure, and Gov. Andrew M. Cuomo, who takes pride in his reinvention as bill.

I stop Randy Ali, a Guyanese ironworker. as he tinkers with his SUV on 145th Street. Which is his house? He nods at a two-story brick home. "I paid \$360,000." He gives a mournful nod. "I just got a notice from the city that it's valued at \$215,000.

He looks embarrassed. How could be foresee a housing collapse this huge? "You have a family, you want a place to live." Pause. "Do I walk away?"

Say this much: New Yorkers are better off than those who live in the acres of foreclosed homes in the deserts around Phoenix and Las Vegas. Our politicians are not always an inspiring lot, but New York has a social democratic tradition, and they wove a safety net.

Banks must submit to months of mediation before foreclosing, and lawyers must attest that the bank can prove ownership. Judges here show waning patience for the three-card monte act of some banks.

Just a few weeks ago, the Appellate Division of State Supreme Court took the unusual step of ruling that Bank of America could not foreclose on an Orange County home of a New York City police officer. The judges upheld a lower court ruling that the bank's "conduct was nothing short of appalling."

Still, the fevers rage on.

On Friday, I stepped off the elevator in State Supreme Court in Queens. Shafts of sun poured across the marble floor, as dozens of men and women sat in shadow, awaiting mediation.

A computer list is taped to the wooden door frame. Every foreclosure case has been adjourned 4, 5, 10 times. More homeowners hold tight to their homes than a few years ago, but the cost is weeks of missed work and legal bills piled high.

Freeman N. Hawes Sr. walks into the mediation room. He's a husky, cheerful black man, from Rosedale. The bank agent nods pleasantly. She thinks the bank might grant him a mortgage modification. But she can't get the bank on the phone just now.

Perhaps next time?

The mediator sets a new date. Mr. Hawes walks to a bench and, from a brown plastic bag, pulls dog-eared letters from Nationstar Mortgage. Nationstar, the letters show, agreed that he had made his payments and promised to modify his mortgage in 2010, and again in July 2011: It broke both promises.

He has lived in Rosedale, a black middleclass neighborhood, for decades. He's edging toward 70 and holds two jobs with no plans of retiring.

"I'm not one to hold grudges," he says. "The Lord says I can live 125 years, so I'll keep paying the bank. But why can't I get to

That's a question that haunts thousands of homeowners.

Madam Speaker, a major settlement was just reached between the individual states and 5 of the major Wall Street banks whose widespread use of fraudulent paperwork fueled the foreclosure crisis.

This initial settlement will reportedly impose \$26 billion in penalties against Wells Fargo, Bank of America, JP Morgan Chase, Ally Financial and Citigroup. The total amount could grow to \$30 billion or \$45 billion if additional banks join the settlement. Given the extent of the damage that they caused, it's a start, and an important one.

We cannot forget that millions of American families lost their homes, and countless more

a fiscal conservative, has declined to foot the are still dealing with foreclosure. If you come to places I represent in Northern Ohio, you can see the thousands of vacant structures that these banks left to decay throughout individual neighborhoods. The damage these banks inflicted is incalculable.

This agreement is the largest joint federalstate settlement ever obtained, and it is the result of unprecedented coordination between various corners of the government. And, it needs to be. One in five American families with a mortgage owe more than the house is actually worth today, by an average of \$50,000. The collective negative equity across the nation is \$700 billion.

For years, I have come to this floor urging Congress to do more. One critical part of this agreement is that it does not provide blanket immunity to the banks for their misdeeds. While the ink is barely dry on this agreement, the press is reporting that "Officials will also be able to pursue any allegations of criminal wrong doing." And, this is very important. According to the Justice Department, "the agreement does not prevent any claims by any individual borrowers who wish to bring their own lawsuits."

Yes this is an important step, but we must remember the scope of the damage and the magnitude of fraud that was committed. Much work still needs to be done.

During the past decade, we as a country failed to take white collar crime seriously, and we as a country are still dealing with the damage that was done to our housing market. Already back during the Bush Administration, the FBI testified before Congress that they were seeing an epidemic in white collar crime and that we did not have anywhere near enough agents to deal with it. Well, history has shown that we never provided the FBI and other investigators and prosecutors with the full resources they needed. During the much smaller Savings and Loans crisis of the 1980s, we set up a series of strike forces based in 27 cities, staffed with 1,000 FBI agents and forensic experts and dozens of Federal prosecutors. We did not do that this time around.

I have a bill that I have been asking for my colleagues to support, week in and week out. It is H.R. 3050, "The Financial Crisis Criminal Investigation Act." This bill would authorize an additional 1,000 FBI agents, a sufficient number of forensic experts, and additional employees by the Attorney General to prosecute violations of the law in the financial markets.

Like today's announcement, we have seen some progress in getting more FBI agents, but more needs to be done. In last year's appropriation, Congress made a bipartisan decision to include funding for more than two hundred additional agents. It's good news, but we cannot be soft on this kind of crime. Families. neighborhoods, and whole communities were victims.

Earlier this week, the New York Times reported on what it described as a foreclosure belt that runs through the heart of African American homeownership in New York City. I want to include this article in the record, because it details a very important element of the foreclosure crisis. According to the Times, black New Yorkers making more than \$68,000 are nearly five times as likely to hold high-interest mortgages as whites of similar income,

and their default rates are much higher. Now Progressive Caucus, to look for legal a generation watches as its housing wealth is vaporized."

In Cleveland, we see neighborhoods struggling to survive as well. In Cuyahoga County alone, there now are an estimated 30,000 vacant structures. We see shocking pictures of homes stripped of everything from the siding to the kitchen sink, even the floor boards. We see homes that were once worth \$100,000 stripped of their entire value. We see whole communities that were victimized by the actions of Wall Street.

Just last month, the President announced during the State of the Union a new working group to look into mortgage fraud. It will coordinate efforts between the FBI, the Justice Department, and various states to go after those on Wall Street who have perpetuated fraud in the markets, using mortgage backed securities. Yet another good step, but we have a lot more work to do.

It is well past time for Wall Street to accept responsibility for its role in the housing crisis. Big Wall Street banks and the secondary markets made obscene profits during the 1990s up to the market crash in 2008. During that period, banks targeted communities, looking for individuals to take on mortgages the banks knew they could not afford. And then Wall Street went looking to make fast money on individual American dreams and local mortgage markets. Those responsible did not care what ultimately happened to families, communities, or whole cities. And when the market collapsed, the American taxpayer actually bailed them out. Today's settlement is big news, and it's well past time that Wall Street started to pay up. But, we cannot forget that this story is far from over, and our work is not over.

I think the civil rights aspect of what has gone on is extraordinarily important. I don't want to overstep my time boundaries here, Congressman Ellison. Do I have a couple of extra minutes in this period or not?

Mr. ELLISON. Well, yes you do. But may I ask a question before you continue on?

Ms. KAPTUR. Please.

Mr. ELLISON. We may see as many as 10 million homes go into foreclosure from the beginning of this crisis to the end. How important to the average home owner is this settlement? Is it going to help them?

I yield back to the gentlelady.

Ms. KAPTUR. I think what's going to happen with this is, even though over a million homeowners are likely to be helped and several hundred thousand get some recompense, maybe an average of \$2,000 per household, what's going to happen is it's going to precipitate more foreclosures as the system continues to progress. And that is a deep concern of mine because these banks have not been noted for treating customers well.

According to the Justice Department, however, the agreement does not prevent any claims by individual borrowers who wish to bring their own lawsuits. And I think it's incumbent upon lawyers across this country, our remedies to continue to gain sweet justice for those who have been so harmed.

Mr. ELLISON. Reclaiming my time, now here's the other thing. So we know that there may be 10 million people who lost their homes in foreclosure. Maybe a million will get help. That's good. I hope they get it.

But has anybody gone to prison for mortgage fraud schemes? I mean, here's why, I want you to address this question, but let me lay it out just a tad for you.

So what we have here, we know, is that people were drawn in with high pressure tactics to get in a mortgage that they didn't understand, and sometimes were even misstating the income. There are people who would say, look, I didn't borrow that much money. I have no idea where that amount came from.

And then was a bunch of signing stuff that happened that people were not aware of. And that sort of skirted the reality.

Ms. KAPTUR. If the gentleman would yield, the robo-signing.

Mr. ELLISON. The robo-signing. That's right.

And then another kind of amazing thing that happened was that people would underwrite mortgages, not based on the ability of the borrower to pay, but based on their ability to sell that mortgage into the secondary market. And then it would get repackaged into a mortgage-backed security which. somehow miraculously, you know, these things that were stated income, no income, no job loans, falsified income for these things, made it into a mortgage-backed security which then was rated as triple A in many cases.

There's got to be some fraud and misrepresentation there. And so it just seems like the system was full of misrepresentation, fraud and all that. Have we investigated this thing to the point where there are people to hold accountable before we're settling this case?

Ms. KAPTUR. Well, you know what's important to point out. You asked a critical question because this settlement does not deal with those that originated mortgages. It only deals with those mortgages that were held in the secondary market. And so it doesn't claw black to the perpetrators of the scheme, and that's why I'm saying this is an important first step.

We also need, in every city, as we had during the savings and loan crisis, strike forces of FBI agents. There were maybe 55 agents working on this. We tried to boost that number to 200. During the S&L crisis we had 1,000. We need accounting and forensic experts to piece together what happened in community after community.

Congressman, in my area there were liars loans that were targeted to senior citizens and the disabled.

Mr. ELLISON. Liar loans?

Ms. KAPTUR. Liars loans. They would go up to a senior citizen, a woman after she'd lost her husband and they would say, ma'am, you know, we feel very sorry for you, but we want you to know we have a deal. You'll never have to worry about your financial future again. And they got her to cash out her equity, and they put one of these balloon payments on there, so she ended up having to pay more than she could afford 10 years out.

This is what happened to people. There's so much crime inside of what was done in community after community. And what's been happening at the FBI is they have not been able to beef up their Financial Fraud Division, and they've been held—that's why you haven't had the people arrested.

Mr. ELLISON. Reclaiming my time, I want to ask you a question about that.

So over the course of the last several months, our friends on the Republican side of the aisle—I'm just being honest, and I don't think even they would disagree with this—have been trumpeting this idea, the government's too big. We've got to cut. We've got to cut. We just have to cut. Cut, cut, cut, cut, cut, just cut. Scale it back, shrink it down, make it smaller. Get rid of govern-

One iconic conservative figure said we've got to shrink government to the size where you can drown it in a bath-

### □ 1250

Now, if we were to shrink government to the size where we can drown it in a bathtub, where are we going to get these lawyers and investigators to investigate mortgage fraud?

Ms. KAPTUR. There will be no jus-

The Congressman has pointed out something that is extraordinarily important. There are those who seek to harm the American people, whether it's through financial crimes or those who are true enemies of our Republic; and we have to be strong on all fronts. In this arena of prosecution, we have been very weak.

Mr. ELLISON. Have we really investigated the extent of the wrongdoing before we settled the case? I mean, I'm glad there has been a settlement. I hope that it brings justice to everyone. I suspect it will bring justice to some people. I hope so. But my question is, Do we know the extent of the harm of the bad actors?

Here's the thing. The originators might not be part of this, but these secondary-market actors, in my view, are culpable, too, because they had to know if they read the mortgages, if they read the documentation, they had to say, Wait a minute, something's funny here. We've got a 72-year-old retired widow with a stated income of \$160,000 a year or \$500,000 a year. It just

doesn't make sense that there would be that many widows earning that kind of income. Now, there might be some who have that kind of wealth, but that kind of income when they're in their retirement years? There's got to be something fishy here.

Ms. KAPTUR. It reminds me of baseball. You've got some players who are out on the field. They're saying, Well, you've got to hold the shortstop accountable for a little bit of what he did when he's out there on the field. But you've got the team coach sitting in the dugout. Right? They haven't touched all the players yet, and they sure haven't seen the one who's calling all the plays.

So what they're dealing with here are some of the mortgages in the secondary market; they haven't touched the coaches. They haven't touched the originators on the mortgages in this particular settlement.

Now, in terms of you said how much does it help, the hole to our economy is several trillion dollars, counting unemployment and lost revenues and so forth. Overall, the TARP was \$700 billion. I didn't support it. This settlement is maybe \$25 billion. Ohio alone had a gap about that large. So when you look at the settlement, it's important, it's a victory. But we've got to take the next step. We've got to get the first baseman, the third baseman, the catcher, the batter, and then we've got to go after the coaches in the dugout.

Mr. ELLISON. You mentioned the S&L crisis. In the S&L crisis, we had a thousand Justice Department lawyers going after this thing. We've got 50,000 Justice Department lawyers going after this recent housing foreclosure crisis. Can we even compete with some of these titans who the Justice Department has to deal with with that small number?

Ms. KAPTUR. I'll tell you, Congressman, one thing we need to do is look at some of the people that sit over at the Justice Department and where they used to work before they got there, because I think one of the reasons that prosecution isn't occurring at the level that it should is there is some paralysis in some places because of those who are able to block a play. They're able to block prosecution.

We have a bill, H.R. 3050, the Financial Crisis Criminal Investigation Act, that would authorize an additional 1,000 FBI agents. That's just as many as we had during the S&L crisis, which is much smaller than what we have today.

But across our cities, across our regions, we don't have the agents in place to go after the crimes we've been talking about.

Mr. ELLISON. I would like to ask the gentlelady from Ohio, we've talked about who lost. Homeowners lost, even homeowners who never lost their home

in foreclosure and never missed a payment, their home value dropped; a lot of people lost. But did some people really make a lot of money off of this crisis?

Ms. KAPTUR. They made the highest salaries in the country, bonuses. We didn't take a penny away. I had a bill to take 100 percent of the bonuses away. Guess what? They never bring it on the floor. We couldn't even take the bonuses away, much less their yachts, their seven houses, all the fancy cars. They're living a great life, and they believe they are immune from prosecution.

Mr. ELLISON. So far they're right. Ms. KAPTUR. It's not a pretty pic-

Mr. ELLISON. Many, many people suffered in this foreclosure crisis It's also that cities suffered as cities were required—they used to have a taxpaying citizen in the home. Now, after the foreclosure with all of this stated income and the dishonesty and everything, they have no one living there, they have weeds growing, dead dogs there, they have an attractive nuisance where, you know, sometimes awful things happen in those abandoned houses. So cities have seen their coffers drained. They went from a plus-property taxpaying person to now an expense on the tax rolls.

We've seen a reduction in the overall property tax revenue of cities which they need to put on vital services for residents of cities, streets, cops, fire, all of that stuff.

Ms. KAPTUR. And the school districts, Congressman Ellison. When you look at the revenues that are bleeding away from school districts, the harm these big banks did—and they used to be speculation houses—and then they changed their name to banks. They got to be holding banks then.

But if you look at the harm that they caused across America, it's still not over; and they're not being held accountable. Actually, they got richer. As a result of this crisis, six banks now control two-thirds of the finances of this country.

Before the crisis, they controlled about 40 percent. So they just got bigger and more powerful while community after community has been struck with more homelessness, with declining revenues to school systems, declining revenues into coffers so they can't hire police. The drug trade has just locked down in some of these communities as people struggle to earn their way forward in the most unfortunate way.

You look at the harm this has caused around the country, it's profound.

I gave a Special Order the other day, and I said I think what we ought to do with these big bankers, places like Goldman Sachs and Citigroup, they ought to come to our homeless shelters and scrub the floors. Once we get them prosecuted, and I wait for that day, wouldn't it be great if the CEO of Goldman Sachs had to come to a homeless shelter in Minneapolis and scrub the floors and join Habitat for Humanity for a couple of years and go try to fix up some of these houses in these communities?

They haven't confronted their damage. They feel they're being held harmless, and you know what, they are.

Mr. ELLISON. What happens is they profit from this mortgage fraud. They make exorbitant monies as they securitize these bad mortgages. They make exorbitant money as they collected on these credit default swaps as these mortgage-backed securities went bad. Various people made gobs of money, bonuses that just boggle the mind how big they are.

But then, see, your point is interesting because they don't see the damage that they caused because they have—some of them even helicopter from their homes to their offices. Others of them are in limousines just flying down the highway back to their country villa from their downtown Manhattan skyscraper, so they don't see the damage. They don't drive through Cleveland and Detroit and Minneapolis and other places where whole neighborhoods have been sucked out because of the damaging behavior that they engaged in.

I think that it would be important after they served their jail time to come and be with the people who they harmed and have to explain the reason that we have created and exacerbated homelessness is because we just love money that much. Having two or three yachts and a couple of boats wasn't good enough. We needed more and more and more; and that's why we wrecked your city, damaged your neighborhood, and put you out of your home.

Ms. KAPTUR. What they have done are capital crimes. They have harmed our Republic so much with this massive transfer of wealth. I think the best thing the American people can do is if they are paying a mortgage loan or a car loan or a student loan to any one of these big institutions that harmed America, take it out, renegotiate that loan with a local institution, credit union, community bank that didn't do this harm to the Republic. That's something every American family can do.

Then when you think about it, what this group of bankers did—and I call them speculators because they really weren't prudent bankers.

Mr. ELLISON. Bankers collect deposits and loan money to the communities they represent and help people do what they need to do.

Ms. KAPTUR. What this group did was they actually have threatened the entire system of capital formation in this country because they have disrupted the measurement of value at

the local parcel level. So our normal system of recording deeds and value in Minnesota, in Ohio, was thrown out the window as they went to the MERS system, the electric registration system.

Mr. ELLISON. Right.

#### □ 1300

Ms. KAPTUR. They went over the heads of all of our local property recording offices, our titling offices. That is at the heart of capitalism, itself. You would think there would be a roar out of other economic interests in this country, saying, Hey, you fellows, you almost brought down capitalism. You almost brought down the whole market economy.

And they actually did if you see the damage still rippling through this country. Yet they're not being prosecuted? Think about that.

Mr. ELLISON. I'll tell you, it's all sort of an interlocking mess. I mean, we've been told since the days that Milton Friedman first hit the scene that regulations were a problem in our economy and that having rules to protect health and safety and fairness simply were disrupting the market and that we needed to get rid of these job-killing regulations—what our Republican friends called them all the time—rather than commonsense protections to protect people.

So we got rid of those things. We didn't enforce the laws that we already did have. We shrank government to the point where, because we didn't want to pay any taxes, government couldn't even afford itself, so we didn't have the people to make sure that consumers were being treated fairly, that mortgages were fair and that rules were being abided by. Then, as the technology and everything changed, we weren't able to change regulation so that it would keep up to date with the necessity of the market.

What I have in mind now is an heroic figure named Brooksley Born, who tried to tell them that this OPEC "insurance" market—I put "insurance" in quotes—this credit default swap market, needed to be regulated. Instead of regulating it, we actually passed a bill in 1999 that it would not be regulated. Then as a result, when the music stopped in 2008, we were at the mercy of—what?—\$54 trillion.

Ms. KAPTUR. When that bill was passed, I would venture to say 99 percent of the Members of Congress didn't even know it was in there because it was buried in an omnibus appropriations bill. Nobody even knew it was in there. So that was sort of the final straw that broke the camel's back. I wanted to say to the gentleman that I'm sure in Minnesota—and you can verify this for me—just like in Ohio, business after business tells me, MARCY, we can't get a loan.

Mr. ELLISON. Oh, yes. That's right. Ms. KAPTUR. The normal banking system isn't working, and what they're trying to do at the Federal level is to focus attention just on the secondary market activity rather than on the loan originators. So they're saying, Oh, the problem was at Fannie Mae and Freddie Mac.

Fannie Mae and Freddie Mac were the second in line.

Mr. ELLISON. Right.

Ms. KAPTUR. The first in line were the originators, the very institutions we're talking about here: Citicorp: Bank of America; Goldman Sachs is now involved in that; Wells Fargo; HSBC; UBS. It's all these institutions, and they originated through their intermediaries, Countrywide. like which was involved. When the bad loan was made, they then sold it to the secondary market. So now most of the prosecution has been of the secondary market activities, which really soured in about 2007, 2008, but the real perpetrators started well over a decade earlier. That's where we need to go-

Mr. ELLISON. Yes.

Ms. KAPTUR. Which is to the originators who created the schemes that allowed, as you say, the lid to be blown off the regulation of derivatives and of these fancy schemes

Right now, yes, we're trying to get ahold of the secondary market activity, but they only received the ball from the original passer—I call them the "coach"—the ones who were actually developing the game plan, and you have to go back a decade. That's why we need robust prosecution at the FBI.

Mr. ELLISON. Absolutely.
Does the gentlelady have any more news to report about the settlement?

Ms. KAPTUR. All I know is that it's big news and that we're receiving it well. It's an important first step. I think it's like somebody just hit a solid first base hit, and we've got some other bases to go around until we get to home plate.

I really want to thank the gentleman very much for allowing me time today as we try to repair the Republic. This is a very helpful step. I want to thank the Obama administration and wish them on to do even better. Let's get those agents hired. I hope the President's budget, when it comes up here, will allow us to hire 1,000 agents at the FBI in order to get this job done, not just in the secondary market, but to go after the originators.

Mr. ELLISON. If the gentlelady has just a few moreminutes, if I may, I would like to pose one more question.

Ms. KAPTUR. Please.

Mr. ELLISON. We've heard that we've had about 23 months of private sector job growth. In January, the job growth numbers were very good, and we're happy to receive those. Unemployment has ticked down to about 8.3 percent, so it looks like the trajectory of the economy is going in the right direction.

But, until we address this housing problem, will we still have a drag on the economy? Ms. KAPTUR. I am so happy the gentleman has asked that question.

I have served on the Housing committees for my entire career in Congress. There has been no modern recovery in our country that has not been led by housing development. If you talk to Realtors, if you talk to homebuilders, you'll see how poor that market is right now. We have to fix the housing sector.

On the part of the majority here, there haven't been any serious hearings on this. Have we gone out to the country? We used to go out to the country. When there is a crisis, you go out to the country. If Louisiana loses part of its southern edge, we go down there. We try to help. We try to figure out what's going on. On this housing problem, there has been such timid action, almost no action, by this Congress. We've just let it fester and hemorrhage across the country.

History will show this was one of the most irresponsible periods that damaged our housing stock from coast to coast, and we will be paying for it for years to come—in shattered lives, in shattered communities. If I chaired the committee, we'd be all over the country. We wouldn't be sitting here in Washington doing nothing. We would be going out to these communities.

Mr. ELLISON. Our Republican friends, who are in the majority, they tell us: Let laissez-faire capitalism take over. Let the housing market bottom out. Government shouldn't do anything. Just let all home value go down to nothing, and eventually somebody will buy those houses that are just sitting there, idle, after people have been unemployed and can't afford them and have to be foreclosed on. They tell us we should just be laissez-faire with that. They also tell us that we should not put any regulations in place and that we should cut taxes so that the government doesn't have enough revenue to protect the people.

To me, this crisis seems like the product of a philosophy—that the rich people don't have enough money and that the poor have too much. This seems like a culmination of a philosophy that for the people, through their democratic institutions to hold business accountable, to play fairly and by the rules, has seen its full manifestation. The full manifestation of this Ayn Rand-type philosophy has brought us to financial ruin, and they won't even admit that.

We haven't seen any hearings on how to address the foreclosure crisis, because they believe in just letting the market bottom out. I mean, even though there have been 23 months of private sector job growth, you never hear them say anything good about that; and while we're adding private sector jobs, they're trying to cut public sector jobs.

What is really going on here? Why isn't our majority addressing the jobs

crisis? Their jobs program seems to be to attack the EPA. They're basically making the case that Americans who want to breathe and drink clean water are the problem of our economy. What is this laissez-faire get the government out? no taxes for the rich? What has this philosophy brought us to?

Ms. KAPTUR. I would say to the gentleman that I think what it has brought us to is of only being for the 1 percent because, if you look at what is going on, they have the big banks confiscating private property. In other words, where people had equity, they took it away; right? People walked away from their homes. They didn't get legal advice. They had a leg to stand on, but they were so afraid that ordinary families just walked away from their homes, and many of them could still be in their homes. So they're confiscating private property. Then, at the Federal level, they want to take and cash out public property that belongs to the American people: in our parks-right?—and in our lands. Think about what they're talking about.

#### □ 1310

So a few want it all. And we're saying, that's not what America's about. America is about everyone—we, the people, all of us. Not just the few, but about the 99 percent, not just the 1 percent.

But when six banks control twothirds of the wealth of this country, that's something to be worried about because it's too much power in too few hands.

Mr. ELLISON. I thank the gentle-lady.

Madam Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Ms. BUERKLE). The gentleman from Minnesota has 7 minutes remaining.

Mr. ELLISON. Well, let me wrap up. All I would like to say, Madam Speaker, is that the Progressive Caucus looks at an America where the American Dream was of liberty and justice for all. And when those words were written, we had a society where only part of our society was legally allowed to fully participate. Women couldn't vote. Blacks couldn't vote. But people who believed in the dream of America wanted to make progress and fought to make sure that women and people of color could vote in this country. And people looked at that American Dream and said, You know what, we have a dream of a big middle class, broadly shared prosperity. And even though the society may not have quite been that way at that time, they worked to fulfill that promise, that dream, the American Dream, an idea that good Americans pursued and helped to bring into fruition.

We are trying to make progress on the dream, the progress of full inclusion, full employment, respecting our environment, believing in science. This is what the Progressive Caucus is all about. We're not trying to conserve the old way where only some people had privilege and opportunity. We're trying to make progress. So this is what the Progressive Caucus is all about.

The Progressive Caucus believes, of course, there should be a free market in America; but there also needs to be a public sector that will watch out for the health, safety, and fairness of our country. Yet some people in Congress are hostile to the idea of any government role, but we're not. We believe that government is how we come together in ways that we can't do it alone, for the best benefit of everybody.

And we urge the Republican majority—they've got the power; this is a winner-take-all-type system—to go out across American and do something and hear people about the issue of foreclosure, to get some jobs going. Pass the American Jobs Act. Pass the infrastructure bank bill. Do something to get this country together. Address the foreclosure crisis. Stop whipping up Americans versus Americans, using loaded terms like "food stamp President." which is racial code. Stop blaming the gay community for failures in people's marriages. It's not their fault. Stop heaping hate and scorn on new Americans, and stop trying to relegate women to second-class citizenship.

Let's embrace the fullness of what it means to be an American. Let's make progress on the American Dream. Let's embrace the progressive message.

And I just want to say, Madam Speaker, I yield back the balance of my time.

#### RECESS APPOINTMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 30 minutes.

Mr. WOODALL. Madam Speaker, I very much appreciate the time, and I appreciate being able to follow my colleagues from the Progressive Caucus.

There is not a lot that the Progressive Caucus works for in terms of their techniques that I agree with, but there is so much that the caucus works for in terms of its overall goals for America that I agree with. And I think that that is a story that does not get told as often as it should here in this House. We can very often have common goals but have very different ways that we seek to achieve those goals, Madam Speaker.

I think the way that we achieve those goals is important. It's important. As my colleague said when he was speaking on behalf of the Progressive Caucus, America voted in 2008. America voted in 2010. And in 2008, they elected

a President. In 2010, they elected a new Congress. And powers divided America. Powers divided America. We have Democrats controlling the White House. We have Democrats controlling the Senate. We have Republicans controlling the U.S. House of Representatives. And we have the American people who should be controlling all three of those things.

As we were coming into this new year, Madam Speaker, I was at home with my family back in Georgia, and I heard the news that the President of the United States had decided to appoint members to boards, to positions, to the Consumer Financial Protection Bureau, to the National Labor Relations Board, to appoint positions that require Senate confirmation, to name people to those positions without getting that Senate confirmation, saying that if I can't do it with the Senate, I'll just skip the Senate.

And I don't mind telling you, Madam Speaker, that really cast a damper on my Christmas season. We were coming into this new year—a new year where, as my friends from the Progressive Caucus have just laid out, we have challenge after challenge after challenge after challenge that we, as Americans, must face together, that we must come together in order to solve.

And we're coming into this new year, an opportunity to make that happen. And I had high hopes. I had high hopes that despite this being an election year—and I think that brings out a lot of what's worst about Washington, DC. Despite this being an election year, despite there being divided government in Washington, I thought, We are going to have an opportunity because the challenges are so great to come together on behalf of all of our constituencies to move this Nation forward.

And I wondered because, even though you are as new, as I am, Madam Speaker, we've seen in years past that the closer you get to election, the crazier things get in Congress. The closer you get to an election, sadly, the more folks stop worrying about doing the right thing and start worrying about getting reelected and doing whatever it takes to do that. And as a freshman, Madam Speaker, I know you likely agree with me.

I happen to think doing the right thing is the best thing for getting reelected. I think if more folks spent more time worrying about doing the right thing instead of getting reelected, their reelection campaigns would take care of themselves. But I had high hopes coming into this year that this would not be a wasted reelection year for the American people but that we would be able to work on serious issues together.

The rule book I use, Madam Speaker, I have up here on the board. This happens to be article II, section 2, clause 3 of the United States Constitution. But

the Constitution is the rule book I use. I carry mine with me. I don't want it to be far away because I believe that if we have the same rule book to operate from, Madam Speaker, then it gives us that context for trying to achieve the goals the American people sent us here to do

Here we have article II, section 2, clause 3 of the United States Constitution: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session." This is the recess appoint authority, Madam Speaker. You've heard it said the President has the power to make recess appointments. The President shall have the power to fill all vacancies that may happen during the recess of the Senate. Undisputed. Undisputed. Madam Speaker: article II, section 2, clause 3.

Article II, section 2, clause 2: The President shall have power by and with the advice and consent of the Senate to make treaties. And he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided.

The President shall have the power to make appointments if the Senate is in recess. But if the Senate is not, the President only has the power—the President shall, the Constitution says, nominate by and with the advice and consent of the United States Senate. That's the way our system works, Madam Speaker. That's the rule book that was left for us by our Founding Fathers. That's the rule book that has guided this country for 225 years. The President has the power to appoint nonelected leaders, unelected leaders to lead this Nation. But he can do so only with the advice and consent of the Senate

Now, back in the day, Madam Speaker—I know you are from the northern part of the east coast. I'm from the southern part of the east coast.

#### □ 1320

It used to take us a long time to get to Washington, DC. I'm 640 miles away from the Capital down in Georgia. If I had to get on my horse and ride to the United States Capital, it would take quite a few days to do it. And understanding that the business of the American people had to continue, our Founding Fathers looked ahead and said if the Senate cannot be reconvened, if the Senate is too far away to consult, and your first duty is to consult, but if you cannot, we want the country to go on.

Well, that's been the way it's been in this country, Madam Speaker, as you know, for hundreds upon hundreds of years. Until now. Until now, when for the very first time, when for the very first time this President of the United States said, I can't get my nominees through the Democratic Senate, so I'm going to go around the Senate. And he made appointments without the advice and consent of the Senate.

I have with me today, Madam Speaker, a page from the CONGRESSIONAL RECORD, a speech that was given on the Senate floor, and this is what it says: Mr. President, the Senate will be coming in for pro forma sessions during the Thanksgiving holiday to prevent recess appointments.

My hope is that this will prompt the President to see that it is in our mutual interests to get nominations back on track. With an election year looming, significant progress can still be made. But that progress can't be made if the President seeks controversial recess appointments and fails to make others

With the Thanksgiving break looming, the administration informed me that they would make several recess appointments. I indicated I would be willing to confirm various appointments if the administration would agree to move others, but they would not make that commitment. And as a result, I am keeping the Senate in proforma session to prevent recess appointments until we get this process back on track.

Do you hear those words from the United States Senate, Madam Speaker? Do you hear those words? This was the majority leader in the United States Senate speaking out, telling the President you cannot, you cannot, you cannot make appointments without the advice and consent of the Senate. You're trying to go around us; we will not allow it. We're afraid you're going to do it when we go home for Thanksgiving. So instead of going on recess, instead of recessing the Senate, we're going to stay in pro forma session not through Thanksgiving, but just through the Christmas holidays to make certain that the President seeks our advice and consent.

Sounds like a speech a Republican would have given, Madam Speaker, to make sure the President of the United States followed the Constitution, but it's not. It's not. This is actually a page from the Congressional Record November 16, 2007, Madam Speaker.

These are the words that then-Senate Majority Leader HARRY REID spoke to President Bush, telling President Bush the law of the land is you can't do it without us unless we're in recess. We're not going to go on recess. We're staying here in pro forma session. And, in fact, the majority leader and still now majority leader, HARRY REID in the United States Senate, kept the Senate in session, pro forma session every day until the end of President Bush's term and no recess appointments were ever

made. Why, Madam Speaker? Because the Senate never went on recess.

HARRY REID said: Mr. President, the Senate will be coming in for pro forma session during the Thanksgiving holiday to prevent recess appointments. That's how he opened his speech that day. He closed his speech that day be saying: As a result, I'm keeping the Senate in pro forma session to prevent recess appointments until we get this process back on track.

HARRY REID knew, Madam Speaker, that the President could not, could not under the laws that govern our plan, under the rule book that is the United States Constitution, that he could not make appointments if HARRY REID kept the Senate in pro forma session; 2007, then-Majority Leader HARRY REID talking to then-President George Bush.

Fast forward, Madam Speaker, to the holiday season 2011–2012, same majority leader sitting in the United States Senate, HARRY REID, same pro forma session continually through Thanksgiving and Christmas, the same pro forma session that HARRY REID said clearly would prevent constitutionally the President from making any appointments.

And what did this President do? He made four. For the first time in American history, he made four. And he said, you know what, it's been so hard to work with the Senate. This whole going around the Senate and skipping them all together is working so well, I may do it again. If I can't work with you, you, the delegates of the American people, you, the elected representatives to our Republic, if I can't work with you, I'm going to go around you. And it worked out so well this time, I might do it again.

Madam Speaker, while I disagree with my colleagues on the methods that we use, I share a common set of goals with them of what we want for America. When we lose that common fiber, when we lose what I would call that American Dream, that almost tangible spirit that unites us more than it divides us, that sense of who we are as a Nation that you can almost reach out and touch, that makes it clear that we will continue, no matter what our differences, toward a common end. I would tell you the Constitution of the United States, Madam Speaker, contains much of that spirit. The Constitution is clear.

And this President, for the first time, decided it just didn't matter. He had ends that he wanted to achieve, and he said the means, as unconstitutional as they may be, justify those ends.

Same circumstance, same Senate majority leader, same season on the calendar, same pending election year. In 2007, HARRY REID took to the floor of the United States Senate, spoke out on behalf of the American people and said, The Constitution matters, don't you dare.

The silence from the Senate this year and not a bullet was fired. The leaderis deafening. Deafening.

We only survive as a Republic, Madam Speaker, if the rules apply to everyone consistently. This is not a matter of party; this is a matter of country.

HARRY REID was right when he called out a Republican President and said, don't you dare. It's unconstitutional. And that Republican President, President George Bush, didn't because he knew also that the Constitution forbade it.

Where is the indignation today from the Senate, Madam Speaker, when that same thing is going on, but the only thing that is different is the President is of a different party? If we are ready to trade away those fundamental truths that unite us as a Nation, Madam Speaker, in the name of party, we have nothing. We have nothing.

This is not a Republican crisis. This is not a Democratic crisis. This is a constitutional crisis and one that every single American has to be on watch for.

#### $\sqcap$ 1330

Madam Speaker, I'm not proud of evervthing that happened when Republicans ran the House, Republicans ran the Senate, and Republicans ran the House. I'm certainly not proud of everything that happened when Democrats ran the House. Democrats ran the Senate, and Democrats ran the White House. The temptation to go along with party leaders is strong. But the requirement of the oath that we swear the day we come to this institution. Madam Speaker, is not to follow party leaders. It is to follow the United States Constitution and to defend it against enemies foreign and domestic. We cannot trade away these principles that have guided our Republic and have protected our freedom in the name of party.

When the President was elected, Madam Speaker, I think he believed that. I remember the spirit of the country in those days right after the President was elected. It was magical. I actually happened to be in town, Madam Speaker, when the inauguration was going on there in January of 2009. President Obama being sworn in as President of the United States, and there were men and women weeping in the streets—weeping in the streets because they had joy in their heart that their voice had been heard, their President had been elected and that better days were on the horizon for America. Men and women weeping in the streets.

President Obama was not my choice for President, but I love—I love—that while he and President Bush agreed on virtually nothing, President Bush took the keys to the White House and the suitcase full of nuclear launch codes, and he handed them to President Obama. Not a drop of blood was shed,

ship of the most powerful nation on the planet, the most deadly military the Earth has ever known, the beacon of freedom the likes of which this planet has never seen, the keys to that kingdom were handed from one leader to the next, leaders who disagreed on almost everything, handed from one to the next with no blood and no gunshots for one reason and one reason only: because the American people demanded it, because the election required it, because the freedoms that were laid out in the United States Constitution that said the only power in Washington is the power that we, the voters, give to it, lend to it, lease to it for a small period of time. That is the only power in this town. And when, We the People speak, Washington must listen. All under the rules, the rules of the United States Constitution.

President Obama knew that when he was elected. Here's what he said—this is from his election night victory speech in 2008 when President Obama said this: Resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for far too long. He was right when he said it. Resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for far too long. That was his victory night speech, Madam Speaker.

Before this Christmas season, when he decided he can't work with the Senate, he's going to go around the Senate; when he decided if he couldn't pass it with the people's representatives, he'd just skip the people's representatives, he said, I'm going to choose a new path.

But in December of last year, Madam Speaker, after 3 years as our President, when asked about the partisan tone that the rhetoric was taking, he said this: It was going to take more than a year to solve it. It was going to take more than 2 years. It was going to take more than one term, probably takes more than one President.

On victory night, Madam Speaker, he said deliverance is coming to America from the temptation of partisanship, pettiness, and immaturity. In December of 2011, he said that it was just going to be too hard, couldn't do it in a year, couldn't do it in 2 years, couldn't do it in a whole term, probably can't even do it in one presidency.

Madam Speaker, his sights are set too low. He can, if he has the courage to do it. August of 2008, right before the election, Madam Speaker, President Obama says this as he announces his vice presidential candidate: After decades of steady work across the aisle, I know that he'll—talking about Vice President BIDEN—be able to help me turn the page on the ugly partisanship in Washington so we can bring Democrats and Republicans together to pass

an agenda that works for the American people.

Madam Speaker, he knows, he knows in his heart what the right thing to do is. He knows. He wants to move past, turn the page, he says, on the ugly partisanship in Washington so that we can bring Democrats and Republicans together to pass an agenda that works for the American people. That was right before the election, Madam Speaker.

This year, he's decided for the first time in American history, if he can't get along with Democrats and Republicans in the Senate, he'll just go around them. It doesn't matter that the constitutional rule book says no. He has somewhere he wants to go. He wants people in power that he can appoint, and the fact that the Senate won't sign off on those folks, the fact that the voice of the American people as represented in those 100 men and women in the Senate won't sign off on those folks doesn't matter to him. He has an agenda, and he wants to go after it. What happened, Madam Speaker, to trying to turn the page?

November 2010, President Obama recognizes failure. When asked about that bitter partisanship, he said this: I neglected some things that matter to a lot of people, and rightly so that they matter, maintaining a bipartisan tone in Washington. He knew, November 2010, he knew he'd promised it, he knew that we, the American people, were hoping that he would deliver it, and we were praying that he would have the strength and conviction to deliver it. November of 2010, he said, I neglected it. But in November, 2010, he said, I'm going to redouble my efforts to make it happen. I know in my heart it should happen, he said. I'm going to redouble my efforts.

That was November, 2010, Madam Speaker, and here we are having the President go around the Constitution for the first time ever in American history because the Senate does not approve of his nominees. He cannot get Senate approval. Rather than nominating people with whom he could get Senate approval, he said, I want what I want. The will of the people as expressed by the Senate does not matter. If I can't work with them, I'm going to go around them, and it works so well, I'm likely to do it again.

Madam Speaker, I don't want this to sound like a partisan discussion, this that is happening with the Constitution today, this constitutional crisis that we're in with these non-recess "recess" appointments. It is wrong whether a Republican tries to do it or a Democrat tries to do it, and we know that to be true because we remember it from 2007. It wasn't but one President ago that we last confronted this circumstance. And what we concluded was, it's unconstitutional, you can't do it, and we're going to keep the Senate in pro forma session. And that prevented President Bush from making

any more appointments for the remainder of his presidency.

This is what President Obama said back when he was Senator Obama-Senator Obama: These are challenges we all want to meet, and problems we all want to solve, even if we don't agree on how to do it. But he says this. Madam Speaker: But if the right of free and open debate is taken away from the minority party and millions of Americans who asked them to be their voice, I fear that the already partisan atmosphere of Washington will be poisoned to the point where no one will be able to agree on anything. That doesn't serve anvone's best interest, he said, and it certainly isn't what the patriots who founded this democracy had in mind.

Madam Speaker, when President Obama was Senator Obama, and he sat in the Senate and the responsibility of representing the men and women of Illinois sat on his shoulders, he knew what the truth was.

#### $\sqcap$ 1340

If the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, I fear the already partisan atmosphere will be poisoned to the point where no one will be able to agree on anything.

He was right, Madam Speaker. He was right before the election, when he said he was going to fight partisanship. He was right after the election, when he said he wanted to bring openness back to Washington. He was right when he was a United States Senator and he said the people's voice needed to be heard. He was wrong when he ignored the United States Constitution less than 45 days ago and said, I can't work with the Senate. The people's Representatives have it all wrong. And if I can't work with them, I'm going to go around them. You can't make that choice, Madam Speaker. The rule book is right here. It's the United States Constitution.

Again, Senator Barack Obama: We need to rise above an ends-justify-themeans mentality because we are here to answer to the people—all of the people, not just the ones wearing our party label. This was April 13, 2005.

As a United States Senator, President Obama knew. He knew, when he had the burden of responsibility—the pleasure of responsibility—of representing the men and women of Illinois, he knew ends-justify-the-means mentality. We must rise above it, he said. We must answer to the American people, not just the ones wearing our party label.

He was right, Madam Speaker. He was right then. He was right before the election. He was right after the election. He is wrong today. What has happened? What has happened in 3 years of his Presidency that he knew where we

could go as a Nation, he knew where we should go as a Nation. He knew that the rule book that has been guiding us for over 200 years would get us through to better days tomorrow. He knew it, and he's forgotten it. And we're on the brink of a constitutional crisis.

Madam Speaker, I have here a quote from Senator CHUCK SCHUMER: You don't change the rules in the middle of the game just because you can't get your way. Our Constitution, our system of laws, is too hallowed, is too important to do that. Democratic Senator from New York, CHUCK SCHUMER.

Madam Speaker, I've said it as long as I've been here—and you and I have been here just over 1 year—truth does not have a Republican or Democratic label after it. Truth is truth, right is right, and wrong is wrong. The President knows what's wrong. He knew it as a Senator. He knows it as a President. His colleagues in the Senate know what's wrong. You don't change the rules in the middle of the game just because you can't get your way. Our Constitution, our system of laws, is too hallowed, is too important to do that.

CHUCK SCHUMER was right, Madam Speaker. There's no process in this Constitution for reining in that Executive that just throws the Constitution aside—short of impeachment. It's the only one. We can't sue him. We can't go down there. We can have a picket, but that doesn't make any difference.

He knew it. He knew it was wrong. He knew it as a candidate. He knew it once he was elected. He knew it when he was a Senator. And he did it anyway, because the ends justified his means.

Madam Speaker, all we are as a Nation comes from the very few words that make up this United States Constitution—Constitution on your bedside, Bible on your bedside, those important works of American history by your bedside, Madam Speaker. We have a national identity, and that national identity is defined by having one set of rules that apply to everybody equally.

Madam Speaker, I'm grateful to you for making this time available to me today. I encourage every American to look at these facts and judge for themselves what the next step is on our constitutional journey.

I yield back the balance of my time.

#### OIL CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Madam Speaker, I want to begin today with a chart that I usually use near the end of this presentation when I'm talking to an audience. I frequently don't have time to develop the chart as fully as one might, so I thought that today I would begin with this chart.

As I've said before, if you had only one chart that you could look at to get some idea as to where we are relative to the liquid fuel situation in the world, this would be the chart.

Let me first make a comment or two about energy in general. There's a lot of discussion of energy. Sometimes we talk about the various kinds of energy as if they were interchangeable. We will talk about electricity. We will talk about natural gas, and we will talk about oil. When we have a sudden increase supply of one—natural gas today—the assumption is made by some that, gee, we then don't have a problem with oil, do we, because we've had a problem with oil.

Now, for some uses these energy sources are fungible, they're exchangeable, and you can use one or the other. For instance, if you want to ride in a bus, we used to have buses that had a trolley on top and wires up there, and they were run with electricity. You see them run with natural gas, and most of them are run with a petroleum product that comes from oil. So with proper engineering, you can use any of these energy sources to run a bus. And streetcars, of course, were a bus on rails, and we've taken those out of most of our cities now.

But you will never run an airplane on anything but some product from oil. You cannot possibly get enough energy stored in a battery to do that. And natural gas, those molecules are very small and they don't like each other at all. They try to get as far apart as possible, so we squeeze on them to put them close together and under some considerable pressure, but we just can't get them to liquify so that we can get any concentrated energy source there. So for our airplanes, for instance, we're stuck with some product from oil.

For automobiles, we could certainly run them on electricity. We can certainly run them on natural gas. We now run most of them—about 97 percent of our transportation comes from oil. But to do that, we have to make a lot of changes in engineering and manufacturing, and it takes a long while to do that. The fleet out there runs about 16 to 18 years before you turn the fleet over, so it would be a long while before we could introduce a meaningful number of cars running on something other than some product of oil. Then we have to develop the infrastructure to support that.

We have been, now, 100 years in this country developing our current infrastructure. In this country, in the world, we are finding the oil. We are developing the fields for pumping the oil. We are transporting the oil. We're refining it. We're hauling it to the service stations. And there are millions of them around the country, wherever it's convenient and customers will come there and the owner can make a profit. One might note that government was hardly involved at all in any

of these activities. It was the marketplace that drove this. But today we're going to be talking about oil.

We face a special crisis in oil; and it's not there in natural gas, and it's not there in electricity. For those who would have you believe that, because we can put in more nuclear power plants and wind and solar and micro hydro and true geothermal for electricity, we don't need to worry about oil because we can do it with electricity or natural gas, we can do it with natural gas; but we cannot change that quickly to avoid a crisis with oil if, indeed, we can't find enough oil to meet our demands.

#### □ 1350

Well, this is the one chart that I told you that if we had only one chart this would be the one that would tell you the most about where we've come from and where we're going with oil. This is billions of barrels per year that have been discovered here. These are the years in which they have been discovered on the bottom, and the bars here indicate the volume of that discovery.

You can see that we started discovering it way back in the thirties a little bit, and then a bunch in the forties; and, wow, the fifties, the sixties, the seventies and even into the eighties we were discovering oil.

If you add up all of these bars here, you get the total amount of oil that the world has found, and the amount that we have used is represented by this heavy dark line here. The amount that we've used is the same as the amount that we've produced because we're not storing anywhere any meaningful quantities of oil. So the production rate and the consumption rate are essentially the same thing.

There are several interesting things about this chart. Notice that from about the 1970s on, we have found less and less and less oil. And that was while we had a greater and greater interest in finding oil because we had a greater and greater use for oil.

The dark line here shows our use rate, and you notice that it was increasing exponentially up through the early seventies. Had this curve continued, and you can extrapolate it, it would have come out through the top of this graph. But a very fortuitous thing happened. We didn't think it was fortuitous at the time. It was anything but that at the time, but it was the Arab oil embargo. And I can remember that you went on even, odd days, the last number on your license plate, and there were long lines at the service stations, and some disagreements occurred in those lines. It was a difficult time for America. But that woke us up.

By the way, this was only a temporary disruption of the supply of oil because they just decided because they did not like our friendship for Israel that they weren't going to ship us the oil. There was plenty of oil to ship us, and we knew it would be there after this temporary crisis.

But it did wake us up. It reminded us that, gee, we had better be somewhat more provident in our use of oil. And so we set about being more efficient in the way we use this energy. A lot of things are more efficient today than they were then, in both the use of oil and electricity. For instance, your air conditioner is probably three times as efficient today as it was then, so you're using less electricity, relatively, now than you were then.

We became more efficient in our use of oil. You notice there was a little recession produced by this Arab oil embargo in the eighties there, and now the growth rate is slower. That's very fortunate because now the reserves that we have will last longer.

Notice that at about 1900, we, for the first time, started using more oil than we found. But no matter, because we have a lot of reserves. You see, everything above this curve represents reserves. All that we have used is what is under the curve, so above the curve represents reserves that we can use. And we cannot find enough to meet today's use, and that's been the situation since these curves crossed back here in about the eighties.

And so now we have been dipping into these reserves back here to find the oil that is above the oil that we've found to meet our demands for it. And by and by, these reserves, of course, will be exhausted. And so this was a prognostication made—when was it made? In about 2004, this prognostication was made that we were going to reach our maximum oil production here in just about this time, isn't it? Just about this time we were going to reach the maximum oil production, and then production of oil would fall off after that.

Now, it's anybody's guess as to how much oil we will find, and we're finding some meaningful fields of oil. If you find a 1 billion field of oil, that's a pretty big field of oil. So where is that on this chart? Well, this is 10 billion here, so 1 billion is way down here, just barely gets off the baseline here.

A really, really big find of oil is 10 billion barrels of oil. That's here.

Well, you can see that the big discoveries that we're finding today are dwarfed by the discoveries that we found a number of years ago. One of these discoveries was the great Ghawar oil field, the granddaddy of all oil fields in Saudi Arabia. It's been pumping oil now for 50 years, and we don't know how many years yet before exhaustion in that field.

By the way, that 10 billion barrels of oil that you find will last our world just exactly 120 days because every 12 days we use a billion barrels of oil. This is about sixth grade arithmetic. We're using about 84 million barrels of

oil a day, and if you multiply that by 12, it's about 1,000, and 1,000 million is a billion. So about every 12 days we use a billion barrels of oil. That means that a huge oil discovery today will last the world 120 days.

Now, what happens in the future, you can draw that curve anyway you wish by what you postulate as to what we're going to find. You can actually have that curve going up, and some do, if you think that we're going to find enough oil to make that happen.

But this is the rate at which we've been finding—and remember that these ever-decreasing discoveries have occurred while we've had better and better technologies for finding oil. We had pretty poor technologies back here, but it was near the surface and readily available, so we found an awful lot of it. Now what we find is deep and hard to get at, and we have much better technologies for finding. So in spite of these improved technologies for finding oil, we have been finding less and less and less oil.

The next chart shows us what happened in our country and what is happening today in our country. I need to get a more recent one of these charts because it will show a little bit of a pick-up here at the end due to the Bakken oil. But this is the production of oil in our country.

Whenever I present this chart, I generally talk about the prognostications of the person I think gave the most important speech of the last century. It wasn't recognized then, and I think shortly now it will be recognized that the speech given by M. King Hubbert on the 8th day of March, 1956, was the most important speech in the last century. It was given to a group of oil people in San Antonio, Texas; and he made what was then an absolutely audacious prediction.

The speech was given in 1956, and here we are in 1956, and this is the amount of oil that we're producing. Oh, the orange on top here is natural gas liquids—that won't be in your gas tank; it is propane and butane and things like that—and oil from Texas and oil from the rest of the United States. But the total here is the line that we're interested in, and this is where we were in 1956.

You have to put this in context as to where we were as a country. The United States was king of oil. We were producing more oil, we were using more oil, we were exporting more oil than any other country in the world.

M. King Hubbert said that, in just about 14 years, right around 1970, the United States will reach its maximum oil production. From then on, no matter what you do, the production of oil will fall off. We don't have time today, but we may, at another time, go into how he made those predictions and why he was relatively certain that he was correct in making those predictions.

No one else had done that. And because we had always found huge amounts of oil, more than we were using, he was relegated to the lunatic fringe. And when in 1970 it happened, and when you were at 1980 and looked back, you really knew that it happened, didn't you, because you could look back and say, wow, 1970 was the peak, wasn't it? We're falling off the peak now, so M. King Hubbert was right.

Now, he did not include in his predictions oil from Alaska or the Gulf of Mexico because he looked at only the lower 48. You notice that that huge find in Alaska, we have a 4-foot pipeline up there, I've been up there where the pipeline begins, and we are producing about a fourth of all the oil in our country that flowed through that pipeline.

#### □ 1400

So it made a little blip here in the downhill slide. Then you remember not all that many years ago those fabled discoveries and production of oil in the Gulf of Mexico. You see it here. It's the little yellow here that made barely a ripple in the top line.

Well, this is the experience of the United States. Today we have drilled more oil wells than all the rest of the world put together. We're the most creative, innovative society in the world. We could not reverse this decline that M. King Hubbert said was going to happen.

He also predicted that at just about this time, the world would be reaching its maximum oil production.

Now, if the United States, if we, with all of our creativity and innovation, could not reverse this decline, when the world reaches this top point, which is called by most people peak oil, from which point you go down the other side, if we could not reverse that, what chances do you think there are that the world will do what we could not do? I think most people believe that we probably can do more, better than the rest of the world.

This is a chart of a couple or so years ago. These are the data from two entities that do the world's best job of tracking the production and consumption, which are essentially the same thing, of oil. This is the International Energy Association, a creature of the OECD in Europe, and the Energy Information Administration, a part of our own Department of Energy. These are their two curves here. You can see that they are very similar.

The caption up here says "Peak Oil: Are We There Yet?" Because they appeared to be leveling out. Now, this chart was drawn when oil was a bit under \$100 a barrel. You remember if we extended this out a little, it went to \$147 a barrel. These curves did not go up. We're roughly here at 84, 85 or so million barrels of oil a day or so.

That's where we've been for 5 years million barrels of oil a day, and that's now.

With increasing demand and no more supply, the price finally went up to \$147 a barrel, and the economy with some help by the housing crisis in our country, came crashing down and oil dropped down to I think a bit below \$40 a barrel. This has been a steady climb as the economy picked up from that time on, and oil, as you know now, is about \$100 a barrel.

The next chart here, and I want you to remember this one because you're not going to find it on the Internet when you go there. These both appeared on the Internet. It's where we got them. These are charts produced by the IEA, the International Energy Association. This was called the World Energy Outlook. This top one here they did in 2008. I want you to note some interesting things about this chart.

The dark blue here is the production of oil, what we call conventional oil. If we went back to the other side of the Chamber here and started 100 years ago, you'd start at zero and then it would come up and up and up, slowly up, always producing just the amount of oil that the world wanted to use because it was the era and we could produce it.

So, we always met the demands for the use of oil in the world. It was 10 cents a barrel when it started, and within fairly recent memory it was \$10 a barrel, really pretty cheap compared to \$100 a barrel, isn't it?

So, they're saying that now this conventional oil that we've been pumping is going to reach a peak here. We reached that peak in our country in 1970, remember. After we reach that peak, it's now going to fall off. It's now going to go down the other side.

We're now producing total liquid—we say it's oil but some of it is natural gas liquids—about 84 million barrels a day. The top orange here is natural gas liguids. The green here is unconventional oil. That's oil like the tar sands of Alberta. Canada. That is really sticky stuff. They have a shovel that lifts 100 tons, dumps it in a truck that holds 400 tons, and then they cook it with some what we call stranded natural gas. That's natural gas where there's not a lot of people so there's not a big demand for it. We say it's stranded so it's quite cheap. They use that for heating and softening this oil. Then they put some solvents in it so that it will remain a liquid so that they can pump it.

The dark little red one up here, now it really should be a part of the blue one down here because it's simply enhanced oil recovery. It's squeezing a little bit more out of conventional oil by pumping live steam down there or seawater, as they do in Saudi Arabia, or  $CO_2$  to get some more oil out of it.

They're prognosticating that by 2030 that we're going to be producing 106

million barrels of oil a day, and that's going to be possible in spite of this fall-off in the production from our conventional sources because there's going to be huge productions that come from the fields that we have now discovered, the light blue here, but too tough to develop, and the red ones, fields yet to be discovered.

These represent pretty big wedges, and I want you to look at the relative magnitude of these wedges to the amount of oil that they said we would be producing from our conventional wells by 2030.

Now, 2 years later in 2010, they produced the chart on the bottom. There are several interesting things about this. They reversed the two things on top. They're exactly the same things. They have different colors and they've reversed them. This is unconventional oil, and this is natural gas liquids. They've now incorporated the enhanced oil recovery up here where it should have been, and the conventional oil. Notice now they're showing even a more precipitous dropoff, and now they go out to 2035.

Reality is setting in because now 5 years later, 5 years beyond this, they are not producing 106 million barrels a day. They say now the production will only be 96 million barrels a day.

But to get to that 96 million barrels a day, you have to postulate huge wedges in here from developing fields that we've discovered now but are hard to develop, like one in the Gulf of Mexico under 7,000 feet of water and 30,000 feet of rock, and the darker blue here, fields yet to be discovered.

Now, we were at this tipping point in 1970, and there is nothing we did in our country that kept this top curve going up. I have a lot of trouble understanding why people believe that the world will be able to do what we could not do. Notice these huge wedges that are supposed to be produced by just 2035. That's not very long from now, is it? I think that there is little probability that these wedges will be produced.

I think what's going to happen is that the world will do what the United States did. That this will tip over and the total production of oil worldwide will decrease.

The next chart is a very recent chart from the Deutsche Bank, and this shows the growth in oil production capacity versus demand. This is not how much we're producing. This is the growth in how much we're producing.

They think this chart tells a grim story. I think it tells an even grimmer story because I don't think we're going to have any increase in production. I hope we do. But we have not for 5 years now. I think we're stuck at where we are. Even if we have this increase in production, this is the increase in demand, and they say that an increase in demand is going to fall 20 percent short of the production.

Notice where most of that demand is. Red. Red China. That's where most of the increase in demand is.

China last year used 6 percent more oil than it did the year before. Worldwide, there was no more oil than there was the year before. So where did China get that oil? Well, we use less. We used to use, what, 21 million barrels a day? Now we're at 18½ million barrels a day. We are driving less. We're driving more efficient cars. There are more people in the HOV lane.

Our military really has had a very aggressive and very successful program to be more energy efficient because energy is a huge part of their cost. If it goes up just a dollar a barrel, they have millions of dollars more cost in the military.

So for a lot of reasons, we've been more efficient in our country. Good news, because that meant that China could have more oil to use and the price didn't go above \$100 a barrel.

Let me show you the next chart here, and this one I think, is a very interesting chart that kind of puts this in a worldwide perspective. The world is going to seem to be turned upside down with this.

#### $\sqcap$ 1410

This is what the world would look like if the size of the country were relative to how much oil it had. We see some very interesting things here.

Wow, Saudi Arabia dominates the planet in oil, doesn't it?—and it does. About 22 percent of all of the known reserves of oil in the world are in Saudi Arabia.

Look at little Kuwait, a tiny, little thing that looked to Saddam Hussein like a province that ought to belong to Iraq, and he went down there to take it. You remember that war. Look at Iraq and how much oil is there. Then Iran. Iran is pretty big.

In our hemisphere, Venezuela dwarfs everything else. They have more oil than everybody else put together in our hemisphere.

Here we are, the United States. We have only 2 percent of the reserves of oil in the world, and we use 25 percent of the oil in the world. Guess who our No. 1 importer is. It's Canada.

Look at Canada. Canada has even less oil than we do, but they don't have very many people, so they can export the oil.

Until fairly recently, Mexico was our No. 2 importer. They also have less oil than we do. They have a lot of people, but they're too poor to use the oil, so they can export it to us. The second largest oil field in the world, the Cantarell oil field, was in Mexico. It is now in rapid decline by something like 20 percent a year, so now Mexico is our No. 3 importer, and Saudi Arabia is our No. 2 importer of oil.

I want you to look at Europe. Boy, you need a magnifying glass to find it

over here, don't you? This is Europe. It's bigger than we are in terms of an economy but with very little oil. It's really dependent on these huge supplies of oil from the Middle East.

Russia, spanning 11 time zones up there, is not all that big. They're the world's, I think, No. 1 producer of oil now because they're pumping really hard in their oil fields. They have a lot of oil, and it will last for a while but nowhere near as long as that of Saudi Arabia and Iraq and Iran.

By the way, as to Iran, if the current increase in use rate and if the current production rates remain the same, those curves will cross within less than a decade, and Iran will be an oil importer. That is also true of Mexico, by the way. They're going to be an oil importer within a decade. If you look at the rate of increase in the use of oil and in the production of oil, those curves will cross in less than a decade.

The real alarming picture occurs when you look at China and India over there. They're tiny, little countries in this world according to oil—China with 1.3 billion people, India with over 1 billion people and with very little oil. What is China doing about this? China is buying up oil all over the world. We use 25 percent of the world's oil. It's a bit less now since we slowed down a little, but it has been 25 percent of the world's oil, two-thirds or more of which we import, and we're not buying oil anywhere.

Why wouldn't the nation that uses the most oil and has, relative to its use, the least be buying oil somewhere else? Well, there is no need to buy the oil. It doesn't matter who owns it, because the person who gets it is the person who comes with the dollars and buys the oil—and let's hope it stays dollars at the global petroleum auction

So why isn't China content to just take their money—and they've got a lot of it. Why don't they just take their money and buy the oil? I think that they understand that there will be a shortage of oil in the future—and I hope I'm wrong in this prediction—and that China may one day say that they can't share that oil. This is going to create some huge geopolitical tensions in the world.

What does all of this mean?

This means that we have a huge challenge in our country. This is good news to me because I think that we can, once again, become an exporting country and that we can create millions of jobs with the green technology that produces the alternatives that inevitably will occur. One day, we will produce as much energy as we use in this country. Geology will assure that that happens.

I hope that we get there through a really winning economy when we recognize that we have to rise to this challenge. I think America with its creativity and innovation can create the technologies and the products it will sell worldwide to help us in this huge challenge that we face with a limited supply of oil and the ever-increasing growth in the need for oil.

Madam Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDWARDS (at the request of Ms. Pelosi) for today.

Mr. MICHAUD (at the request of Ms. Pelosi) for today on account of a funeral of a family member.

Mr. Burton of Indiana (at the request of Mr. Cantor) for today on account of medical reasons.

#### ADJOURNMENT

 $\mbox{Mr.}$  BARTLETT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, February 13, 2012, at 1 p.m.

# OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Mark E. Amodei, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Suzanne Bonamici, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco. Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana

DeGette, Rosa L. DeLauro, Jeff Denham. Charles W. Dent. Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords\*, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith. Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Gutierrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman\*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A. S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller\*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack

Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee\*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Luján, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck" McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNerney, Patrick Meehan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J.

Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. "Bobby" Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tipton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Robert L. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner\*, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu\*, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2011 pursuant to Public Law 95-384 are as follows:

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	Date		Per d	iem 1	Transp	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Betty McCollum	10/19	10/25	Tunisia		2.799.71						2,799,71
Misc. Transportation Costs							4 200.00 3,055.00				200.00 3,055.00
Susan Avcin	10/22	10/26	Republic of Singapore		1,960.00		12,041.90				1,960.00 12,041.90
Commercial airfareLisa Molyneux	10/22	10/26	Republic of Singapore		1,960.00		12,041.90				1,960.00
Commercial airfare	10/26	10/29	People's Republic of China		930.00		14,712.70				930.00 14,712.70
Hon. Jack Kingston	10/21	10/22	Qatar		225.76		83.77				225.76 83.77
Commercial airfare 5 Hon. Rodney Frelinghuysen	11/5	11/7	Oman		731.82						731.82
Tion: Nouncy Tromignation	11/7 11/9	11/9 11/10	Afghanistan		28.00 302.00						28.00 302.00
Determ of Herred Dee Diese	11/10	11/12	Great Britain		1,053.60						1,053.60
Return of Unused Per Diem Misc. Delegation Costs					(-150.00)		(3)		540.94		( — 150.00) 540.94
Hon. Kent Calvert	11/5 11/7	11/7 11/9	OmanAfghanistan		731.82 28.00						731.82 28.00
	11/9 11/10	11/10 11/12	Egypt Great Britain		302.00 1,053.60						302.00 1,053.60
Return of Unused Per Diem Misc. Delegation Costs					(-100.00)		(3)		540.94		(-100.00) 540.94
Hon. Jo Bonner	11/5	11/7	Oman		731.82						731.82
	11/7 11/9	11/9 11/10	Afghanistan Egypt		28.00 302.00						28.00 302.00
Misc. Delegation Costs	11/10	11/12	Great Britain		1,053.60		(3)		540.94		1,053.60 540.94
Hon. Adam Schiff	11/6 11/7	11/7 11/9	OmanAfghanistan		226.91 28.00						226.91 28.00

# February 9, 2012

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011—Continued

	[	Date		Per d	iem <sup>1</sup>	Transp	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
	11/9 11/10	11/10 11/12	Egypt Great Britain		302.00 1,053.60						302.00 1,053.60
Misc. Delegation Costs Commercial airfare							(3) 8.810.00		540.94		540.94 8,810.00
Tom McLemore	11/5 11/7	11/7 11/9	OmanAfghanistan		731.82 28.00						731.82 28.00
	11/9	11/10	Egypt		302.00						302.00
Return of Unused Per Diem	11/10	11/12	Great Britain		1,053.60 ( - 48.00)						1,053.60 ( - 48.00)
Misc. Delegation Costs	11/5	11/7	Oman		731.82		(3)		540.94		540.94 731.82
	11/7 11/9	11/9 11/10	Afghanistan Egypt		28.00 302.00						28.00 302.00
Misc. Delegation Costs	11/10	11/12	Great Britain		1,053.60		(3)		540.94		1,053.60 540.94
Adrienne Ramsay	11/5 11/7	11/7 11/9	Oman		731.82						731.82 28.00
	11/9	11/10	Afghanistan Egypt		28.00 302.00						302.00
Return of Unused Per Diem	11/10	11/12	Great Britain		1,053.60 ( — 60.75)						1,053.60 ( – 60.75)
Misc. Delegation Costs	11/19	11/20	Thailand		218.00		(3)		540.94		540.94 218.00
Misc. Staff Delegation Expsnses	11/20	11/26	Indonesia		138.00				181.60		138.00 181.60
Return of Unused Per Diem					(-270.00)		16,470.20				(-270.00) 16,470.20
Hon. Barbara Lee	12/10	12/12	Switzerland		1,217.65		1.890.20				1,217.65 1,890.20
Committee total			•		23,123.40		57,263.77		3,968.18		84,355.35

HON. HAROLD ROGERS, Chairman, Jan. 30, 2012.

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	ļ	Date		Per	diem <sup>1</sup>	Transpo	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
VISIT TO GERMANY, UNITED KINGDOM, PORTUGAL, AZORES, SPAIN, September 26-October 4, 2011:											
Cathy Garman	9/26	9/30	Italy		1,202.48						1,202.48
	9/30 10/1	10/1 10/2	Spain		183.00 269.28						183.00 269.28
	10/1	10/2	Portugal Azores		209.28 84.00						84.00
	10/3	10/4	Portugal		165.25						165.25
Commercial Transportation							4,562.60				4,562.60
Vickie Plunkett	9/26	9/30	Italy		1,052.48						1,052.48
	9/30	10/1	Spain		153.00						153.00
	10/1 10/2	10/2 10/3	Portugal Azores		261.28 84.00						261.28 84.00
	10/2	10/3	Portugal		157.25						157.25
Commercial Transportation							4,562.60				4,562.60
Jamie Lynch	9/26	9/27	Germany		275.00						275.00
	9/27	9/30	United Kingdom		873.35						873.35
	9/30 10/1	10/1 10/2	Spain Portugal		169.00 254.28						169.00 254.28
	10/1	10/2	Azores		74.00						74.00
	10/3	10/4	Portugal		153.25						153.25
Commercial Transportation						4,562.60				4,562.60	10
Ryan Crumpler	9/26	9/30	Italy		1,202.48						1,202.48
	9/30	10/1	Spain		183.00						183.00
	10/1 10/2	10/2 10/3	Portugal Azores		269.28 84.00						269.28 84.00
	10/3	10/4	Portugal		165.25						165.25
Commercial Transportation							9,800.90				9,800.90
Debra Wada	9/26	9/27	Germany		289.00						289.00
	9/27	9/30	United Kingdom		1,651.05						1,651.05
	9/30 10/1	10/1 10/2	Spain		183.00 269.28						183.00 269.28
	10/1	10/2	Portugal Azores		84.00						84.00
	10/3	10/4	Portugal		165.25						165.25
Commercial Transportation							5,279.50				5,279.50
Hon. K. Michael Conaway	10/15	10/15	United Arab Emirates								
	10/16	10/18	Afghanistan		5.00						5.00
Commercial Transportation	10/18	10/19	Kyrgyzstan				3,936.30				3,936.30
Hon. Joe Courtney	10/15	10/15	United Arab Emirates				3,330.30				3,330.30
non. 300 duriney	10/16	10/18	Afghanistan		28.00						28.00
	10/18	10/19		Kyrgyzstan		182.00					182.00
Commercial Transportation							3,936.30				3,936.30
Ryan Crumpler	10/15 10/16	10/15 10/18	United Arab Emirates		28.00						28.00
	10/16	10/18	Afghanistan Kyrgyzstan		28.00 182.00						28.00 182.00
Commercial Transportation	10/10	10/13	Nyigyzstali		102.00		3,936.30				3.936.30
Douglas Bush	10/15	10/15	United Arab Emirates				-,				
	10/16		Afghanistan		28.00						28.00

Per diem constitutes lodging and meals.
 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
 Military air transportation.
 Out of pocket not reimbursed.
 None—layover privately-sponsored travel.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011—Continued

		Date		Per	diem <sup>1</sup>	Transp	ortation	Other (	purposes	To	tal
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
	10/18	10/19	Kyrgyzstan		182.00						182.00
Commercial Transportation John Noonan	10/15	10/15	United Arab Emirates				3,941.30				3,941.30
	10/16 10/18	10/18 10/19	Afghanistan Kyrgyzstan		28.00 182.00						28.00 182.00
Commercial Transportation			ryigyzstaii		102.00		3,941.30				3,941.30
Visit to Kuwait, Iraq, November 5–11, 2011: Catherine McElroy	11/6	11/7	Kuwait								
	11/7	11/8	Iraq								1 100 41
Commercial Transportation	11/8	11/10	Kuwait		1,168.41		8,840.10				1,168.41 8,840.10
Paul Lewis	11/6 11/7	11/7 11/8	KuwaitIraq								
	11/8	11/10	Kuwait		1,298.41						1,298.41
Commercial Transportation Lynn Williams	11/6	11/7	Kuwait				8,840.10				8,840.10
Lynn minding	11/7	11/8	Iraq								
Commercial Transportation	11/8	11/10	Kuwait		1,168.41		8,840.10				1,168.41 8,840.10
Michael Casey	11/6	11/7	Kuwait								
	11/7 11/8	11/8 11/10	Iraq Kuwait		1,298.41						1,298.41
Commercial Transportation							8,840.10				8,840.10
Visit to Qatar, Bahrain, United Arab Emirates, Djibouti, November 6–13, 2012:											
David Sienicki	11/7 11/9	11/9 11/10	Qatar Bahrain		114.00 124.00						114.00 124.00
	11/10	11/11	United Arab Emirates		186.00						186.00
Commercial Transportation	11/11	11/12	Djibouti		107.00		6,576.42				107.00 6,576.42
Jamie Lynch	11/7	11/9	Qatar		97.00						97.00
	11/9 11/10	11/10 11/11	Bahrain United Arab Emirates		102.00 158.00						102.00 158.00
Commercial Transportation	11/11	11/12	Djibouti		89.00						89.00
Commercial Transportation Debra Wada	11/7	11/9	Qatar		114.00		6,327.92				6,327.92 114.00
	11/9	11/10	Bahrain		124.00						124.00
	11/10 11/11	11/11 11/12	United Arab Emirates Djibouti		186.00 107.00						186.00 107.00
Commercial Transportation Brian Garrett	11/7	11/9	Qatar		43.37		6,576.42				6,576.42 43.37
Situli delicti	11/9	11/10	Bahrain		25.81						25.81
	11/10 11/11	11/11 11/12	United Arab Emirates Djibouti		9.80 50.00						9.80 50.00
Commercial Transportation			-,				6,749.42				6,749.42
Visit to China, Vietnam, November 17–23, 2012: Craig Greene	11/18	11/20	China		126.67						126.67
Commercial Transportation	11/20	11/22	Vietnam		406.00		15,179.90				406.00 15,179.90
Debra Wada	11/18	11/20	China		126.67		13,173.30				126.67
Commercial Transportation	11/20	11/22	Vietnam		406.00		15,179.90				406.00 15,179.90
Nancy Warner	11/18	11/20	China		126.67						126.67
Commercial Transportation	11/20	11/22	Vietnam		406.00		15,179.90				406.00 15,179.90
Delegation Expenses	11/20	11/22	Vietnam						120.14		120.14
ates, November 18-23, 2011:											
Hon. Rob Wittman	11/19 11/20	11/20 11/21	United Arab Emirates Afghanistan		141.00 28.00						141.00 28.00
	11/22	11/23	Bahrain		124.00						124.00
Commercial Transportation Hon. Mike Coffman	11/19	11/20	United Arab Emirates				2,323.40				2,323.40
	11/20 11/22	11/21 11/23	AfghanistanBahrain		12.10						12.10
Commercial Transportation		11/23			12.10		2,323.40				2,323.40
Hon. Larry Kissell	11/19 11/20	11/20 11/21	United Arab Emirates Afghanistan								
	11/22	11/23	Bahrain		12.10						12.10
Commercial Transportation Michele Pearce	11/19	11/20	United Arab Emirates		141.00		2,323.40				2,323.40 141.00
	11/20	11/21	Afghanistan		28.00						28.00
Commercial Transportation	11/22	11/23	Bahrain		100.00		2,323.40				100.00 2,323.40
Mark Lewis	11/19 11/20	11/20 11/21	United Arab Emirates		141.00						141.00
	11/20	11/21	Afghanistan Bahrain		28.00 124.00						28.00 124.00
Commercial Transportation Michael Amato	11/19	11/20	United Arab Emirates		141.00		2,323.40				2,323.40 141.00
michael Amate	11/20	11/21	Afghanistan		28.00						28.00
Commercial Transportation	11/22	11/23	Bahrain		124.00		2,323.40				124.00 2,323.40
Visit to United Kingdom, November 19-23, 2011:		*****			1.030.00				•••••		
Hon. Michael Turner	11/19	11/23	United Kingdom		1,276.00						1,276.00
Committee total					21,406.22		169,530.38		120.14		191,056.74

 $<sup>^1\</sup>mathrm{Per}$  diem constitutes lodging and meals.  $^2\mathrm{lf}$  foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	)ate		Per d	iem 1	Transp	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Paul Ryan	12/09	12/09	United Arab Emirates								
,	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				12,828.40				12,828.40
Hon. John Carney	12/09	12/09	United Arab Emirates				,, , , , ,				, , , , , , , , , , , , , , , , , , , ,
	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				12,828.40				12,828.40
Hon. Jason Chaffetz	12/09	12/09	United Arab Emirates				,				
	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				12,828.40				12,828.40
Hon. Frank Guinta	12/09	12/09	United Arab Emirates								
	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				12,828.40				12,828.40
Hon. James Lankford	12/09	12/09	United Arab Emirates								
	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				12,828.40				12,828.40
Hon. Marlin Stuzman	12/09	12/09	United Arab Emirates								
	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				12,828.40				12,828.40
onathan Burks	12/09	12/09	United Arab Emirates								
	12/10	12/11	Afghanistan		28.00						28.00
	12/12	12/12	United Arab Emirates				13,657.40				13,657.40
Committee total					196.00		90.627.80				90,823.80

PAUL RYAN, Chairman, Jan. 27, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	Date		Per d	iem <sup>1</sup>	Transpo	rtation	Other p	urposes	Tota	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Felipe Mendoza	10/31	11/07	Mexico		4 1,086.26		778.18				1,864.44
Shannon Weinberg	10/31	11/4	Mexico		5 1,086.26		776.68				1,862.94
Brian McCollough	11/1	11/4	Mexico		6814.70		776.68				1,591.38
Hon. Gene Green	11/5	11/6	Turkey		406.00		(3)				
	11/6	11/6	Afghanistan				(3)				406.00
	11/7	11/9	Pakistan		758.00		(3)				758.00
	11/8	11/10	Dubai, UAE		502.00		(3)				502.00
	11/10	11/10	Iraq				(3)				
	11/11	11/11	Germany		7 106.00		(3)				106.00
Mary Neumayr	11/18	11/27	Indonesia		8 2,358.00		12,892.30				15,250.30
Rep. Ed Whitfield	11/20	11/22	Poland		598.60		(3)				598.60
	11/22	11/24	Georgia		587.22		(3)				587.22
	11/24	11/25	Lithuania		243.30		(3)				243.30
	11/25	11/29	Egypt		1,283.23		(3)				1,283.23
Kelley Greenman	12/5	12/11	South Africa		<sup>9</sup> 588.00		5,245.40				5,833.40
Committee total					10,417.57		20,469.24				30,886.81

HON. FRED UPTON, Chairman, Jan. 1, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	Date		Per d	iem <sup>1</sup>	Transpo	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Randy Neugebauer	9/27	9/28	Senegal		258.46		(3)				258.46
, ,	9/28	9/29	Ethiopia		319		(3)				319.00
	9/29	9/30	United Arab Emirates		400.61		(3)				400.61
	9/30	10/2	United Kingdom		718.91		(3)				718.91
Hon. Michael Fitzpatrick	11/5	11/6	Turkey		61.00		(3)				61.00
	11/6	11/6	Afghanistan		0.00		(3)				
	11/7	11/9	Pakistan		120.00		(3)				120.00
	11/9	11/10	United Arab Emirates		1,415.26		(3)				1,415.26
	11/10	11/10	Iraq		0.00		(3)				
	11/11	11/11	Germany		41.43		(3)				41.43
Hon. Carolyn McCarthy	11/19	11/23	United Kingdom		1,675.24		1,250.30				2,925.54
Hon. John Carney	12/9	12/11	Afghanistan		28.00		12,828.40				12,856.40
Committee total					5,037.91		14,078.70				19,116.61

 $<sup>^1\</sup>mathrm{Per}$  diem constitutes lodging and meals.  $^2\mathrm{lf}$  foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>Per diem constitutes lodging and meals.
If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
If foreign currency is used, enter u.S. dollar equivalent; if U.S. currency is used, enter amount expended.
If transportation.

Returned \$183.99 unused per diem.
Returned \$100.30 unused per diem.
Returned \$76.00 unused per diem.
Returned \$76.00 unused per diem.
Returned \$528.00 unused per diem.
Returned \$135.00 unused per diem.</sup> 

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. <sup>3</sup>Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	I	Date		Per d	iem <sup>1</sup>	Transp	ortation	Other p	urposes	Tot	tal
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Harold Rees	10/16 10/18	10/18 10/20	Philippines		456.53 732.47						456.53 732.47
	10/18	10/23	SingaporeIndia		1,089.00		410.010.00				1,089.00
William Hawkin	10/16	10/18	Philippines		399.00		4 12,818.80				12,818.80 399.00
	10/18 10/20	10/20 10/23	SingaporeIndia		909.14 1,117.00						909.14 1.117.00
Sarah Leiby	10/16	10/18			399.00		4 12,847.00				12,847.00 399.00
Salali Leiby	10/18	10/10	Philippines Singapore		704.00						704.00
	10/20	10/23	India		1,150.00		4 12,818.80				1,150.00 12.818.80
Janice Kaguyutan	10/16	10/18	Philippines		399.00		12,010.00				399.00
	10/18 10/20	10/20 10/23	SingaporeIndia		704.00 1,130.00						704.00 1.130.00
							4 12,818.80				12,818.80
Hon. Robert Turner	10/15 10/16	10/15 10/17	UAEAfghanistan		5.00		(3)				5.00
	10/17	10/19	Kyrgyzstan				4 3,941.30				3.941.30
Hon. Dan Burton	10/5	10/6	Croatia		350.67		(3)		5 13,910		14,260.67
	10/6 10/8	10/8 10/9	Serbia Kosovo		706.00 183.66		(3) (3)		5 10,442.00		11,148.00 183.66
	10/9	10/10	Bosnia		145.82		(3)				145.82
Hon. Dana Rohrabacher	10/5 10/6	10/6 10/8	Croatia Serbia		350.67 706.00		(3)				350.67 706.00
	10/8	10/9	Kosovo		183.66		(3)				183.66
Hon. Ted Poe	10/9 10/5	10/10 10/6	Bosnia Croatia		145.82 302.36		(3) (3)				145.82 302.36
	10/6 10/8	10/8 10/9	Serbia		665.43 152.89		(3)				665.43 152.89
	10/9	10/10	Kosovo Bosnia		166.50		(3)				166.50
Brian Wanko	10/5 10/6	10/6 10/8	Croatia Serbia		350.67 706.00		(3)				350.67 706.00
	10/8	10/9	Kosovo		163.37		(3)				163.37
J. Brandy Howell	10/9 10/5	10/10 10/6	Bosnia Croatia		194.62 350.67		(3)				194.62 350.67
<i>5.</i> 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5.	10/6	10/8	Serbia		706.00		(3)				706.00
	10/8 10/9	10/9 10/10	Kosovo Bosnia		163.37 194.62		(3) (3)				163.37 194.62
Jesper Pederson	10/5 10/6	10/6	Croatia		350.67		(3)				350.67
	10/8	10/8 10/9	Serbia Kosovo		706.00 163.37		(3)				706.00 163.37
Hon. Gus Bilirakis	10/9 11/19	10/10 11/23	Bosnia United KIngdom		194.62 1,197.79		(3)				194.62 1,197.79
							1,521.30				1,521.30
Hon. Donald Payne	11/20 11/22	11/22 11/24	Poland Georgia		570.00 594.00		(3) (3)				570.00 594.00
	11/24	11/25	Lithuania		243.00		(3)				243.00
	11/25 11/29	11/29 11/29	EgyptIreland		1,238.23		(3) (3)				2,238.23
Gregory McCarthy	12/5	12/8	Iraq								470.7
	12/8	12/9	Kuwait				3,066.60		5 476.74		476.74 3,066.60
							.,	***			.,

Per diem constitutes lodging and meals.
 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
 Military air transportation.
 Round trip airfare.
 Indicates delegation costs.

ILEANA ROS-LEHTINEN, Chairman, Jan. 30, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

		Date		Per o	liem <sup>1</sup>	Transp	ortation	Other p	ourposes	To	tal
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

DANIEL E. LUNGREN, Chairman, Dec. 21, 2011.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	Date		Per d	iem 1	Transpo	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. James Sensenbrenner	10/16	10/18	Thailand		627.19						
	10/18	10/20	Nepal		426.00						
	10/20	10/23	Bhutan		828.00		14,792.89				16,674.08
Bart Forsyth	10/16	10/18	Thailand		627.19						
	10/18	10/20	Nepal		426.00						
	10/20	10/23	Bhutan		828.00		14,792.89				16,674.08
CODEL Expenses											3,205.21

 $<sup>^1\</sup>mathrm{Per}$  diem constitutes lodging and meals.  $^2\mathrm{If}$  foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

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# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011—Continued

	[	Date		Per d	liem <sup>1</sup>	Transpo	ortation	Other p	urposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Gifts Thailand-State Dept. Bhutan-State Dept									299.45 198.29 2,707.47		
Committee total											36,553.37

February 9, 2012

LAMAR SMITH, Chairman, Jan. 26, 2012.

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per diem <sup>1</sup>		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

DOC HASTINGS, Chairman, Jan. 30, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per diem <sup>1</sup>		Transp	ortation	Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Scott DesJarlais	10/7	10/8	Turkey		121.47						121.47
	10/8	10/9	Afghanistan		21.51						21.52
	10/9	10/11	Germany		277.24						277.24
Hon. Peter Welch	11/5	11/7	Oman		731.82						731.82
	11/7	11/9	Afghanistan		28.00						28.00
	11/9	11/10	Egypt		302.00						302.00
	11/10	11/12	U.K		706.80						706.80
Hon. Mike Quigley	11/19	11/20	UAE		141.00						141.00
	11/20	11/21	Afghanistan		28.00						28.00
	11/22	11/23	Bahrain		124.00						124.00
Comm. transportation							5963.00				5963.40
Committee total					2481.85		5963.40				8445.25

DARRELL E. ISSA, Chairman, Jan. 31, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per d	iem <sup>1</sup>	Transpo	ortation	Other p	urposes	Tota	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Eddie Bernice Johnson	11/19	11/22	Belgium		322.65		10,828.90				11,151.55
Bess Caughran	11/19	11/22	Belgium		322.65		12,227.20				12,549.85
Harlan Watson	11/30	12/12	South Africa		452.94		9,033.90				9,486.84
Jetta Wong	12/2	12/11	South Africa		672.00		13,990.90				14,662.90
Committee totals					1,770.24		46,080.90				47.851.14

RALPH M. HALL, Chairman, Jan. 31, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL. COMMITTEE ON SMALL BUSINESS. HOUSE OF REPRESENTATIVES. EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per diem <sup>1</sup>		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals.
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals.
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals.
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals.
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup> Per diem constitutes lodging and meals.

<sup>&</sup>lt;sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	[	Date		Per d	iem <sup>1</sup>	Transpo	ortation	Other p	urposes	Tota	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Dolores Dunn	10/4	10/5	Turkey		15.00						15.00
Cathy Wiblemo	10/4	10/5	Turkey		15.00						15.00
Hon. Phil Roe	10/4	10/5	Turkey		15.00						15.00
Hon. IIm Walz	10/4	10/5	Turkey		15.00						15.00
Hon. Jeff Denham	10/4	10/5	Turkey		15.00						15.00
Hon. Dan Benishek	10/4	10/5	Turkey		15.00						15.00
Dolores Dunn	10/8	10/9	Afghanistan		28.00						28.00
Cathy Wiblemo	10/8	10/9	Afghanistan		28.00						28.00
Hon. Phil Roe	10/8	10/9	Afghanistan		28.00						28.00
Hon. Tim Walz	10/8	10/9	Afghanistan		28.00						28.00
Hon. Jeff Denham	10/8	10/9	Afghanistan		28.00						28.00
Hon. Dan Benishek	10/8	10/9	Afghanistan		28.00						28.00
Dolores Dunn	10/9	10/11			264.00						264.00
Cathy Wiblemo	10/9	10/11	Germany		264.00						264.00
Hon. Phil Roe	10/9	10/11	Germany		264.00						264.00
Hon. Tim Walz	10/9	10/11	Germany		264.00						264.00
Hon. Jeff Denham	10/9	10/11	Germany		264.00						264.00
Hon. Dan Benishek	10/9	10/11	Germany		264.00						264.00
Committee total					1,842.00						1,842.00

JEFF MILLER, Chairman, Jan. 19, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per d	rer diem 1 Transportation Other purposes		Total				
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Ellard, Angela Antell, Geoffey Kibria, Behnaz Kearns, Jason	12/14 12/14 12/14 12/14	12/18 12/18 12/18 12/18	Switzerland Switzerland Switzerland Switzerland		1285.00 1331.12 1375.00 1538.32		1951.00 1951.00 1932.00 1932.00		2571.07 <sup>3</sup>		5807.07 3282.12 3307.00 3470.32
Committee total					5529.44		7766.00		2571.07		15,866.51

DAVE CAMP, Chairman, Jan. 31, 2012.

# REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

		Date		Per o	liem <sup>1</sup>	Transp	portation	Other p	ourposes	Tot	al
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Frank LoBiondo		10/20	Africa		576.00						
O	10/20	10/21	Africa		707.50		14 000 40				10 105 00
Commercial Aircraft	10/14	10/15	Furene		234.74		14,882.42				16,165.92
Hon. Devin Nunes	10/14	10/15	Europe		193.91						
Commercial Aircraft		10/10	•				8,307.30				8,735.95
George Pappas		10/15	Europe		234.74						
devige i appas	10/14	10/13	Europe		193.91						
	10/10	10/10	Africa		876.00						
	10/10	10/21	Africa		707.50						
Commercial Aircraft		10/21	741104				16,001.61				18,013.77
Brooke Eisele	10/18	10/21	Africa		954.00						10,010.77
	10/21	10/23	Africa		322.00						
Commercial Aircraft							7.624.02				8.900.02
Darren Dick	10/16	10/18	S. America		300.00						
	10/18	10/20	S. America		764.00						
	10/20	10/21	S. America		234.00						
Commercial Aircraft							2,824.34				4,122.34
Chelsey Campbell	10/16	10/18	S. America		300.00						
	10/18	10/20	S. America		764.00						
0 :14: 0	10/20	10/21	S. America		234.00		0.004.04				4 100 04
Commercial Aircraft		10/10	0. 4		200.00		2,824.34				4,122.34
Katie Wheelbarger	10/16	10/18 10/20	S. America		300.00						
	10/18 10/20	10/20	S. America		764.00 234.00						
Commercial Aircraft		10/21	S. America				2.824.34				4.122.34
Hon. Mac Thornberry		11/6	Asia		515.00		,				4,122.34
TIOII. Mac Thornberry	11/6	11/8	Asia		827.72						
	11/8	11/10	Asia		829.72						
	11/10	11/11	Asia		271.72						
	11/11	11/12	Asia		413.86						
Commercial Air							11,250.88				14.108.90
Hon. Devin Nunes		11/6	Asia		515.00		,				,
	11/6	11/8	Asia		827.71						
	11/8	11/10	Asia		829.71						
	11/10	11/11	Asia		271.71						
	11/11	11/12	Asia		413.86						
Commercial Aircraft							11,250.88				14,108.87
George Pappas	11/5	11/6	Asia		515.00						
	11/6	11/8	Asia		827.71						
	11/8	11/10	Asia		829.71						

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

 <sup>1</sup> Per diem constitutes lodging and meals.
 2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
 3 For Local Transportation Vehicle.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011—Continued

	Date			Per diem <sup>1</sup>		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
	11/10	11/11	Asia		271.71						
	11/11	11/12	Asia		413.86						
Commercial Air							12,183.28				15,041.27
Linda Cohen	11/5	11/6	Asia		515.00						
	11/6	11/8	Asia		827.72						
	11/8	11/10	Asia		829.72						
	11/10	11/11	Asia		265.72						
	11/11	11/12	Asia		413.86						
Commercial Air							12,244.28				15,096.30
Committee total					20,320.32		102,217.70				122,538.02

MIKE ROGERS, Chairman, Jan. 31, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2011

	Date			Per diem 1		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>						
Hon. Christopher H. Smith	10/07	10/10	Croatia	Kuna	1,104.97						1,104.9
Hon, Robert Aderholt	10/07	10/10	Croatia	Kuna	1,420.50						1,420.50
Hon. Mike McIntyre	10/07	10/10	Croatia	Kuna	1,420.50						1,420.50
Robert Hand	10/06	10/10	Croatia	Kuna	1.155.50		2,528.30				3,683.80
Mark Milosch	10/07	10/10	Croatia	Kuna	1.164.96		_,				1.164.9
Marlene Kaufmann	10/20	10/25	Tunisia	Dinar	975.62		2,713.20				3,688.82
Mischa Thompson	10/02	10/08	Poland	Zloty	1.757.80		2,719.70				4.477.50
misona mompson	11/09	11/12	Austria	Euro	1,009.19		3.837.00				4,846.19
Shelly Han	10/16	10/20	Austria	Euro	1.303.26		1.508.60				2.811.80
Silcity Hall	10/25	11/01	Kyrgyzstan	Som	1,413.00		9,370.94				10,783.9
	11/01	11/06	Turkmenistan	Manat	226.00						226.00
Janice Helwig	09/25	10/08	Poland	Zolty	3,577.60		2,445.30				6,022.90
Janice Helwig	10/08	10/13	Aughria	Euro	1.686.58		2,443.30				1.686.5
	10/06	11/01		Som	1,653.00		8,309.53				9,962.5
		12/08	Kyrgyzstan		1,553.00		5.830.90				
Alex T. Johnson	12/02		Lithuania	Litas			5,850.90				7,398.62
Alex T. Johnson	10/01	12/16	Austria	Euro	20,764.01		000.54				20,764.0
	10/20	10/25	Tunisia	Dinar	1,155.00		323.54				1,478.5
	10/03	10/07	Poland	Zloty	1,100.80		1,466.65				2,567.4
	10/07	10/09	Croatia	Kuna	1,253.50						1,253.50
	10/09	10/12	Montenegro	Euro	1,143.00						1,143.00
	12/03	12/08	Lithuania	Litas	1,306.62		996.10				2,302.72
Erika Schlager	09/26	10/06	Poland	Zloty	2,713.40		2,717.20				5,430.60
(yle Parker	09/25	10/01	Poland	Zloty	1,609.20		1,443.20				3,052.40
Ámb. Cynthia Efird	09/26	10/07	Poland	Zlotý	2,787.46		2,825.20				5,612.60
•	11/30	12/05	Russia	Rublé	1,612.00		4,609.00				6,221.00
	12/05	12/08	Lithuania	Litas	785.23						785.23
Committee total			-		57,666.42		53.644.36				111,310.78

CHRISTOPHER H. SMITH, Chairman, Jan. 30, 2012.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4935. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule - Registration of Swap Dealers and Major Swap Participants (RIN: 3038-AC95) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

 $4936.\ A$  letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Definitions and Abbreviations (RIN: 0570-AA87) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4937. A letter from the Director, Credit, Travel and Grants Policy Division, Department of Agriculture, transmitting the Administration's final rule — Implementation of Office of Management and Budget Guidance on Drug-Free Workplace Requirements (RIN: 0505-AA14) received January 10, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4938. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final - Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Definitions; Disclosure to Shareholders; and Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System; Compensation, Retirement Programs, and Related Benefits (RIN: 3052-AC41) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4939. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Benjamin C. Freakley, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4940. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's FY 2011 report on Foreign Language Skill Proficiency Bonus; to the Committee on Armed Services.

4941. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Independent Research and Development Technical Descriptions (DFARS Case 2010-D011) (RIN: Number 0750-AG96) received January 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4942. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Community Reinvestment Act Regulations (RIN: 3064-AD90) received January 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4943. A letter from the Senior Vice President, Communications and Government Affairs, Corporation for Public Broadcasting, transmitting the Corporation's 2009 annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunication entities, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>&</sup>lt;sup>1</sup>Per diem constitutes lodging and meals. <sup>2</sup>If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

4944. A letter from the Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the September 30, 2011, status of loans and guarantees issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4945. A letter from the Secretary, Department of Commerce, transmitting the Department's report on Foreign Policy-Based Export Controls for 2012; to the Committee on Foreign Affairs.

4946. A letter from the Secretary, Department of Commerce, transmitting a report on Export and Reexport License Requirements for Certain Microwave and Millimeter Wave Electronic Components; to the Committee on Foreign Affairs.

4947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training FY 2011 Annual Report; to the Committee on Foreign Affairs.

4948. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

4949. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4950. A letter from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4951. A letter from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting the FY 2011 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

4952. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on Elderly and Family Reunification for Certain Non-Violent Offenders Pilot Program; to the Committee on the Judiciary.

4953. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2010 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

4954. A letter from the Immediate Past National President, Women's Army Corps Veterans' Association, transmitting the annual audit of the Association as of June 30, 2010, pursuant to 36 U.S.C. 1103 and 1101(64); to the Committee on the Judiciary.

4955. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Fundamental Properties of Asphalts and Modified Asphalts — III"; to the Committee on Transportation and Infrastructure.

4956. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2012-8) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4957. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [No-

tice 2012-10] received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Wavs and Means.

4958. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance on Informational Reporting to Employees of the Cost of Their Group Health Insurance Coverage [Notice 2012-9] received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4959. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2012-4) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4960. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Interest Expense [TD 9571] (RIN: 1545-BJ84) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4961. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2012-4) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4962. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs: Negotiated Pricing and Remaining Revisions; Prescription Drug Benefit Program: Payments to Sponsors of Retiree Prescription Drug Plans [CMS-4131-F2] (RIN: 0938-AP64) received January 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4963. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Implementation of the Methamphetamine Production Prevention Act of 2008 [Docket No.: DEA-328] (RIN: 1117-AB25) received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

4964. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy [Docket No.: SSA-2010-0033] (RIN: 0960-AH24) received February 9, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3408. A bill to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes; with an amendment (Rept. 112–392). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3407. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, to ensure secure energy supplies for the continental Pacific Coast of the United States, lower prices, and reduce imports, and for other purposes; with an amendment (Rept. 112-393). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3813. A bill to amend title 5, United States Code, to secure the annuities of Federal civilian employees, and for other purposes; with an amendment (Rept. 112–394, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Natural Resources discharged from further consideration. H.R. 2484 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KLINE (for himself, Mr. Hunter, Mr. Roe of Tennessee, Mr. Petri, Mr. Wilson of South Carolina, Mr. Thompson of Pennsylvania, Mr. Desjarlais, Mrs. Noem, Mrs. Roby, and Mr. Heck):

H.R. 3989. A bill to support State and local accountability for public education, inform parents of their schools' performance, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KLINE (for himself, Mr. Hunter, Mr. Roe of Tennessee, Mr. Petri, Mr. Wilson of South Carolina, Mr. Desjarlais, Mrs. Noem, Mrs. Roby, and Mr. Heck):

H.R. 3990. A bill to encourage effective teachers in the classrooms of the United States and innovative education programs in our Nation's schools; referred to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ADAMS (for herself, Mr. Ross of Florida, Mr. GOHMERT, Mr. BUR-GESS Mr WESTMORELAND Mr JONES. Mr. Broun of Georgia, Mr. Chaffetz, Mrs. Lummis, Mr. Gardner, Mr. Posey, Mr. Fleming, Mr. Huelskamp, Mrs. Blackburn, Mr. Webster, Mr. MULVANEY, Mr. SAM JOHNSON of Texas, Mr. Pitts, Mr. Cole, Mr. Roe of Tennessee, Mr. Walberg, Mr. Walsh of Illinois, Mrs. Schmidt, Mr. YODER, Mr. KING of Iowa, Mr. PEARCE, Mr. RIBBLE, Mr. HARRIS, Mr. PRICE of Georgia, Mr. BARTON of Texas, Mr. KINGSTON, Mr. RIVERA, Mr. CALVERT, and Mr. MACK):

H.R. 3991. A bill to prohibit the National Labor Relations Board from requiring that employers provide to the Board or to a labor organization the telephone number or email address of any employee; to the Committee on Education and the Workforce.

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN):

H.R. 3992. A bill to allow otherwise eligible Israeli nationals to receive E-2 non-immigrant visas if similarly situated United States nationals are eligible for similar non-immigrant status in Israel; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. SHERMAN, Mr. PAUL, Mr. MEEKS, Mr. KISSELL, and Mr. FILNER):

H.R. 3993. A bill to clarify the National Credit Union Administration authority to improve credit union safety and soundness; to the Committee on Financial Services.

By Mr. POMPEO (for himself, Mr. WESTMORELAND, Mr. KINZINGER of Illinois, and Mr. MILLER of Florida):

H.R. 3994. A bill to give States and localities the option to return unused Federal grant funds to the general fund of the Treasury for the purpose of deficit reduction; referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself and Mr. WAXMAN):

H.R. 3995. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AMODEI (for himself, Mr. HECK, and Ms. BERKLEY):

H.R. 3996. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye Counties, Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. BARROW:

H.R. 3997. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 3998. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 3999. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for mortgage insurance; to the Committee on Ways and Means.

By Mr. MACK (for himself, Mr. REH-BERG, Mr. BOREN, Mr. GRIFFIN of Arkansas, Mr. Kissell, Ms. Ros-LEHTINEN, Mr. ROKITA, Mrs. McMor-RIS RODGERS, Mr. SESSIONS, Mr. SCHOCK, Mr. LAMBORN, Mrs. NOEM. Mr. Flake, Mr. Poe of Texas, Mr. RI-VERA, Mr. BERG, Mr. DUNCAN of South Carolina, Mrs. Lummis, Mr. Bishop of Utah, Mr. HERGER, Mrs. SCHMIDT, Mr. CHABOT, Mr. MANZULLO, Mr. KING of New York, Mrs. Capito, Mr. McClin-TOCK, Mr. SAM JOHNSON of Texas, Mr. Burton of Indiana, Mr. Brooks, Mr. CARTER, Mr. WEST, Mr. COLE, Mr.

BILIRAKIS, Mr. CANSECO, Ms. BUERKLE, Mrs. ELLMERS, Mr. BROUN of Georgia, Mr. DIAZ-BALART, Mr. CHAFFETZ, Mr. MILLER of Florida, Mr. LUCAS, Mr. LANDRY, Mr. ROYCE, Mr. CULBERSON, Mrs. BONO MACK, Mr. HUIZENGA of Michigan, Mr. DUNCAN of Tennessee, Mr. MCCAUL, Mr. BOUSTANY, Mrs. MILLER of Michigan, Mr. FARENTHOLD, Mr. RIGELL, and Mr. GIBBS):

H.R. 4000. A bill to approve the Keystone XL pipeline project, and for other purposes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Natural Resources, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 4001. A bill to amend the Internal Revenue Code of 1986 to allow partnerships invested in infrastructure property to be treated as publicly traded partnerships, to reduce the depreciation recovery periods for such property, and for other purposes; to the Committee on Ways and Means.

By Mr. CASSIDY (for himself, Mr. DEUTCH, Mr. HARPER, Mr. DUNCAN of Tennessee, Mr. ALEXANDER, Mr. WEST, Mr. BOUSTANY, Mr. CULBERSON, Mr. MCCAUL, Mr. LANDRY, Mr. SESSIONS, Mr. GRIFFIN of Arkansas, and Mr. HASTINGS of Florida):

H.R. 4002. A bill to amend the Securities Investor Protection Act of 1970 to provide one-time payments from the SIPC Fund for customers during a pending lawsuit by the Securities and Exchange Commission against the Securities Investor Protection Corporation, and for other purposes; to the Committee on Financial Services.

By Mr. COHEN (for himself, Ms. Nor-TON, Mr. GRIJALVA, Ms. KAPTUR, Ms. SEWELL, Ms. McCOLLUM, Mr. GON-ZALEZ, and Mr. HASTINGS of Florida):

H.R. 4003. A bill to amend title 39, United States Code, to provide that the payment of a bill, invoice, or statement of account due, if made by mail, shall be considered to have been made on the date as of which the envelope which is used to transmit such payment is postmarked; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself, Mr. YODER, and Mr. CLAY):

H.R. 4004. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Oversight and Government Reform.

By Ms. HAHN:

H.R. 4005. A bill to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them; to the Committee on Homeland Security.

By Ms. HAHN:

H.R. 4006. A bill to require the submission of a plan to ensure the placement of sufficient U.S. Customs and Border Protection officers at each of the ten international airports in the United States with the largest volume of international travelers to effectively combat security threats and vulnerabilities, and for other purposes; to the Committee on Homeland Security.

By Mr. HARRIS (for himself, Mr. Hanna, Ms. Edwards, Mr. Bartlett, Mr. Cummings, Mr. Van Hollen, Mr.

RANGEL, Ms. SLAUGHTER, Mr. SERRANO, and Ms. RICHARDSON):

H.R. 4007. A bill to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. PEARCE):

H.R. 4008. A bill to establish the Cavernous Angioma CARE Center (Clinical Care, Awareness, Research and Education) of Excellence, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISSA:

H.R. 4009. A bill to prohibit Members of Congress, senior congressional staffers, and administration executives from making certain purchases or sales of registered securities, futures, swaps, security futures products, security-based swaps, and options, to prohibit bonus payments to executives at Fannie Mae and Freddie Mac, and for other purposes; referred to the Committee on Financial Services, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. Brady of Pennsylvania, Mr. Hoyer, Mr. Clyburn, Mr. George Miller of California, Mr.Conyers, Mr. BECERRA, Mr. WAXMAN, Mr. LEVIN, Ms. SLAUGHTER, Mr. ISRAEL, Mr. Markey, Mr. Thompson of California, Mr. PRICE of North Carolina, Mr. WELCH, Mr. DEUTCH, Mr. BISHOP of New York, Mr. PASCRELL, Mr. FARR, Mr. Gene Green of Texas, Mr. McGovern, Mrs. Capps, Mr. Johnson of Georgia, Mr. Holt, Mr. Sarbanes, Mr. Boswell, Mr. Andrews, Mr. SCHIFF, Mr. NADLER, Ms. ESHOO, Ms. SCHWARTZ, Mrs. CHRISTENSEN, Mr. TONKO, Ms. ZOE LOFGREN of California, Ms. Castor of Florida, Mr. Mr. Larson of LANGEVIN, necticut, Mr. CARNAHAN, Mrs. MALO-NEY, Mr. STARK, Ms. TSONGAS, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, Ms. Bonamici, Ms. Hahn, Ms. Matsui, Ms. Woolsey, Ms. Speier, Ms. Linda T. SÁNCHEZ of California, Ms. LORET-TA SANCHEZ of California, Mr. SMITH of Washington, Mr. Scott of McCollum, ginia, Ms. GARAMENDI, Ms. LEE of California, Mr. Jackson of Illinois, Ms. Waters, Mr. CUMMINGS, Mr. CLEAVER, Mr. POLIS, Mr. McNerney, Mr. Frank of Massachusetts, Mr. BERMAN, Mr. DICKS, Ms. VELÁZQUEZ, Mr. RUPPERS-BERGER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. Edwards, Mr. Loebsack, Mr. Lynch, Mr. Rush, Mr. SHERMAN, Mr. GONZALEZ, Mr. LARSEN of Washington, Mr. Costa, Mr. Ran-GEL, Ms. ROYBAL-ALLARD, Mr. FIL-NER, Mr. LEWIS of Georgia, Ms. DEGETTE, Mr. OLVER, Mr. HONDA, Mrs. Napolitano, Mr. Cohen, Mr. ELLISON, and Ms. BASS of California): H.R. 4010. A bill to amend the Federal Elec-

H.R. 4010. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, and other entities, and for other purposes; referred to the Committee on House Administration, and in addition to the Committee on the Judiciary.

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. SCOTT of Virginia, Mr. BLUMENAUER, Mr. CAPUANO, Mr. ELLISON, Mr. ENGEL, Mr. FILNER, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. KUCINICH, Mrs. MALONEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MORAN, Ms. NORTON, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. VAN HOLLEN, and Mr. WELCH):

H.R. 4011. A bill to modify certain provisions of law relating to torture; referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself, Mr. McGovern, and Ms. PINGREE of Maine):

H.R. 4012. A bill to amend the Food, Conservation, and Energy Act of 2008 to establish a community-supported agriculture promotion program; to the Committee on Agriculture.

By Mr. LEWIS of Georgia:

H. Con. Res. 99. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to unveil the marker which acknowledges the role that slave labor played in the construction of the United States Capitol; to the Committee on House Administration; considered and agreed to.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. KLINE:

H.R. 3989.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

Mr. KLINE:

H.R. 3990.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

Mrs. ADAMS:

H.R. 3991.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3:

The Congress shall have Power to . . . regulate Commerce with foreign Nations and among the several States. . .

Mr. BERMAN:

H.R. 3992.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of section 8 of article I of the Constitution

Mr. KING of New York:

H.R. 3993.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among

the several States, and with the Indian Tribes:

Mr. POMPEO:

H.R. 3994.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is Article I, Section 9, Clause 7 of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . "

Mr. RUSH:

H.R. 3995.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

"The Congress shall have Power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Mr. AMODEI:

H.R. 3996.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

Mr. BARROW:

H.R. 3997.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Clause 1 of Section 8 of Article I of the Constitution of the United States.

Mr. BARROW:

H.R. 3998.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Clause 1 of Section 8 of Article I of the Constitution of the United States.

Mr. BARROW:

H.R. 3999.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Clause 1 of Section 8 of Article I of the Constitution of the United States.

Mr. MACK:

 $\mathrm{H.R.}\ 4000.$ 

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Mr. CAMPBELL:

H.R. 4001.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

Mr. CASSIDY:

H.R. 4002.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article 1, Section 8, Clause 3 of the Constitution of the United States, which authorizes Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Mr. COHEN:

H.R. 4003.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 under the United States Constitution

Mr. DOYLE:

H.R. 4004.

Congress has the power to enact this legislation pursuant to the following:

Article 6—Clause 2

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Ms. HAHN:

H.R. 4005

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

Ms. HAHN:

H.R. 4006.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

Mr. HARRIS:

H.R. 4007.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution, relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress. Also this legislation can be enacted under the authority granted in Article 4, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Mr. HEINRICH:

H.R. 4008.

Congress has the power to enact this legislation pursuant to the following:

Article 3, Section 2 of the United States Constitution.

Mr. ISSA:

H.R. 4009.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Clause 3 of Section 8 of Article I, and Clause 2 of Section 5 of Article I of the United States Constitution

Mr. VAN HOLLEN:

H.R. 4010.

Congress has the power to enact this legislation pursuant to the following:

Art 1. Section 4.

Mr. NADLER:

H.R. 4011.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8. Clauses 11 and 18

Mr. WELCH:

H.R. 4012.

Congress has the power to enact this legislation pursuant to the following:

Clause 18. The Congress shall have Power \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Ms. Chu.

H.R. 157: Mr. SCHWEIKERT.

H.R. 505: Mr. DEUTCH and Mr. FILNER.

H.R. 592: Mr. DEUTCH.

H.R. 615: Mr. Posey.

H.R. 1148: Ms. CLARKE of New York.

H.R. 1179: Mr. Culberson, Mr. Bilirakis, Mrs. Ellmers, Mr. Diaz-Balart, Mr. Wilson of South Carolina, Mr. STIVERS, Mr. HERGER, and Mr. CAMPBELL.

H.R. 1236: Mr. Long.

H.R. 1265: Mr. PERLMUTTER, Mr. SMITH of Texas, Mr. Poe of Texas, Mr. Capuano, Mr. ROE of Tennessee, and Mr. FINCHER.

H.R. 1327: Mr. WOMACK.

H.R. 1418: Mr. ACKERMAN.

H.R. 1426: Mr. HIGGINS.

H.R. 1511: Mr. HINOJOSA.

H.R. 1515: Mr. LARSON of Connecticut.

H.R. 1533: Mr. STIVERS. H.R. 1546: Mr. MEEHAN.

H.R. 1564: Ms. HIRONO.

H.R. 1578: Mr. PAYNE.

H.R. 1648: Mr. CLARKE of Michigan and Mr. LARSEN of Washington.

H.R. 1697: Mr. CARTER.

H.R. 1744: Mr. Young of Florida.

H.R. 1777: Mrs. HARTZLER.

H.R. 1897: Mrs. CAPITO and Mr. PAYNE.

H.R. 1955: Mr. INSLEE and Mr. MORAN.

H.R. 1964: Mr. Griffin of Arkansas, Mr. PETRI, Mr. CRENSHAW, and Mr. ROGERS of Alabama.

H.R. 2019: Mr. CARNAHAN.

H.R. 2085: Mr. Rush and Mrs. Napolitano. H.R. 2139: Ms. Linda T. Sánchez of California, Mr. BILBRAY, Mr. MARINO, Ms. LORET-

TA SANCHEZ of California, Mr. GUTIERREZ, Mr. GOODLATTE, and Mr. COURTNEY.

H.R. 2187: Mr. GEORGE MILLER of California, Ms. HAHN, and Mr. BACA.

H.R. 2288: Mr. WALZ of Minnesota and Ms. LEE of California

H.R. 2299: Mr. Sam Johnson of Texas.

H.R. 2311: Ms. SPEIER.

H.R. 2412: Mr. KEATING.

H.R. 2418: Mr. CARTER.

H.R. 2505: Mr. CRENSHAW.

H.R. 2569: Ms. Ros-Lehtinen and Mrs. Mil-LER of Michigan.

H.R. 2595: Mr. McCotter.

H.R. 2643: Mr. MORAN. H.R. 2689: Mr. FILNER.

H.R. 2925: Mr. STEARNS.

H.R. 2969: Mr. Johnson of Georgia, Mr. FARR, Mr. CONNOLLY of Virginia, and Mr. FILNER.

H.R. 3003: Ms. HANABUSA and MCDERMOTT.

H.R. 3015: Ms. LEE of California and Mr. CARNAHAN.

H.R. 3059: Mr. BRALEY of Iowa and Mr. GRI-JALVA.

H.R. 3072: Mr. Burgess.

H.R. 3086: Mr. Braley of Iowa, Ms. McCol-LUM, and Ms. NORTON.

H.R. 3147: Mr. ACKERMAN.

H.R. 3200: Mr. HONDA and Mr. PIERLUISI.

H.R. 3266: Ms. Zoe Lofgren of California.

H.R. 3274: Mr. ROYCE.

H.R. 3306: Mr. BROUN of Georgia and Mrs. BLACKBURN.

H.R. 3307: Mr. DENT, Mr. DOYLE, and Ms. McCollum.

H.R. 3308: Mr. Franks of Arizona and Mr. WILSON of South Carolina.

H.R. 3395: Mr. FILNER.

H.R. 3425: Mr. CLARKE of Michigan.

H.R. 3510: Mr. ROGERS of Michigan and Mr. ANDREWS.

H.R. 3548: Mr. ROYCE, Mr. STIVERS, and Mrs. Bachmann.

H.R. 3576: Mr. Westmoreland.

H.R. 3585: Mr. VAN HOLLEN.

H.R. 3606: Mr. Luetkemeyer.

H.R. 3625: Mr. SCHILLING.

H.R. 3643: Mr. CRAWFORD.

H.R. 3656: Mr. TIBERI.

H.R. 3662: Mr. Frelinghuysen, Mr. Young of Alaska, Mr. Schilling, Mr. Desjarlais, Mrs. Adams, and Mr. RIVERA.

H.R. 3695: Ms. HAHN.

H.R. 3698: Mr. WESTMORELAND.

H.R. 3702: Mr. Kucinich and Ms. Tsongas.

H.R. 3712: Mr. FILNER and Mr. CRITZ.

H.R. 3713: Mr. Posey, Mr. Welch, and Mr. BILBRAY.

H.R. 3737: Mr. ROSKAM.

H.R. 3786: Ms. BORDALLO.

H.R. 3814: Mr. Labrador.

H.R. 3825: Mr. Andrews. H.R. 3828: Mr. NUGENT.

H.R. 3829: Mr. CLAY.

H.R. 3831: Ms. JENKINS.

H.R. 3839: Mr. HANNA. H.R. 3840: Mr. FILNER.

H.R. 3855: Mr. HECK and Ms. WASSERMAN SCHULTZ.

H.R. 3860: Mr. RYAN of Ohio, Mr. BRALEY of Iowa, and Mr. Towns.

H.R. 3877: Mr. Roskam.

H.R. 3897: Mr. MICHAUD, Mr. STIVERS, Mr. MCCOTTER, and Mr. JOHNSON of Illinois.

H.R. 3981: Mr. NUGENT.

H. Res. 111: Mr. AMODEI and Mr. RENACCI.

H. Res. 134: Ms. Zoe Lofgren of California.

H. Res. 220: Mr. CLAY.

H. Res. 298: Mr. McCotter and Mr. Hanna.

H. Res. 525: Mr. LANGEVIN, Mr. MICHAUD, and Mr. RANGEL.

H. Res. 532: Mr. GOODLATTE.

#### CONGRESSIONAL EARMARKS, LIM-ITED TAX BENEFITS, OR LIM-ITED TARIFF BENEFITS

Under clause 9 or rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative RYAN of Wisconsin to H.R. 3152, the Expedited Line-Item Veto and Rescissions Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### DISCHARGE PETITIONS-ADDITIONS OR DELETIONS

The following Members added their names to the following discharge peti-

Petition 3 by Mr. WALZ on H.R. 1148: Nydia M. Velázquez, Suzanne Bonamici, and Bob Filner

## SENATE—Thursday, February 9, 2012

called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

#### PRAYER.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of sea, land and sky, we worship You. Guide our lawmakers today in Your straight path. Inspire them with insight and courage that they may walk with integrity. Search their hearts and lead them away from all indirection, equivocation, and pretense that will keep them from arriving at Your desired destination. Open their eyes to see opportunities in adversities, as You empower them to carve tunnels of hope through mountains of despair. Fortify their desire to live with sincerity and self-effacement for the glory of Your kingdom on Earth.

We pray in Your holy Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

> U.S. SENATE. PRESIDENT PRO TEMPORE. Washington, DC, February 9, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Udall, a Senator from the State of New Mexico, to perform the duties of the Chair.

> DANIEL K. INOUYE, President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

The Senate met at 9:30 a.m. and was period of morning business until 11 a.m. The majority will control the first half of the time and the Republicans will control the final half. Following morning business, the Senate will resume consideration of S. 1813. At 2 p.m., there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 1813.

We have been in consultation with the Republican leader and his staff, and we may have another vote this afternoon. We are probably going to have more than one vote this afternoon.

#### MEASURE PLACED ON CALENDAR—S. 2079

Mr. REID. Mr. President, I understand that S. 2079 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2079) to extend the pay limitation for Members of Congress and Federal em-

Mr. REID. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Mr. President, I will have more to say about this later.

#### MORTGAGE FORECLOSURE SETTLEMENT

Mr. REID. Mr. President, I received a call from Secretary Donovan, the Secretary of Housing, indicating that Nevada was part of the settlement. It is in all the newspapers today. It appears Nevada will get about \$1½ billion to work out our foreclosure problems in Nevada. We have led the Nation for years in foreclosures. We are not proud of that, but it is a fact.

For many years, we were the economic driver of the States. No State did better economically than Nevada for two decades. If you want a good job. come to Nevada. If you want to invest in real estate, come to Nevada or if you wanted to start a small business, come to Nevada. The collapse on Wall Street has hurt our housing market. We have not yet recovered. I commend the attorney general of Nevada, Catherine Masto, who was a fine lawver before she became attorney general and has only become better with the work she has done. She negotiated this. I am very proud of her and confident the

work she did will bring dividends to the beleaguered housing industry in Nevada.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### HONORING OUR ARMED FORCES

FIRST LIEUTENANT ERIC YATES

Mr. McCONNELL. Mr. President, I have the sad duty today to share with my colleagues the story of one brave Kentuckian who sacrificed his life for his country. First Lieutenant Eric Yates, of Rineyville, KY, was killed on September 18, 2010, in Kandahar province, Afghanistan, after insurgents attacked his patrol with an improvised explosive device. He was 26 years old.

For his heroic service, Lieutenant Yates received several awards, medals, and decorations, including the Bronze Star Medal, the Purple Heart, the National Defense Service Medal, the Afghanistan Campaign Medal Bronze Service Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Action Badge, and the Overseas Service

On Veterans Day last year, Lieutenant Yates's alma mater, Western Kentucky University, honored him by inducting him into its ROTC Hall of Fame. A likeness of Lieutenant Yates, etched in granite, was unveiled and placed on the university's landmark Guthrie Bell Tower.

The history department at Western Kentucky University, working with the Yates family, also established the First Lieutenant Eric Yates Memorial Scholarship. "We have made it our mission to make it a scholarship that will be here forever, to keep Eric alive in our hearts," says Kathy Yates, Eric's mother. Thanks to fund raisers and generous donations, that scholarship fund now has over \$20,000 in it.

Eric was born on July 1, 1984, to Kathy and David Yates, and grew up on a farm in Rineyville. A typical little kid, he liked to play with toy tractors and watch cartoons. Batman and Power Rangers were his favorites. "He went through a phase where he wore a cape all the time so he would be ready for any impending danger," remembers Kathy. Eric attended Rineyville Elementary School, and played baseball.

On the farm, the Yates family grew hay and tobacco, and there was work to be done clearing weeds, topping plants, cutting the tobacco, and stripping it in the barn to get it ready for market. "I am so thankful for that time we spent together working and talking, as that's when you really get to know your children and the work ethic they develop," Kathy says.

One spring when Eric was about 10 and his little brother Nathan was about 6, David told his two sons they could each pick a newborn calf after their hard work stripping tobacco all winter. Nathan picked out the biggest bull he could find. He could not understand why his big brother Eric chose a little heifer calf. "I want the gift that's going to keep on giving," Eric said, and he went on to sell a calf from that cow every year for the next 13 years.

In high school Eric got his first job for Butternut Bread, filling the shelves in Wal-Mart, and was elected as treasurer of his school's chapter of Future Farmers of America.

During the summer of 2001, the Yates family took a vacation to our Nation's capital here in Washington, D.C. Eric was thrilled to visit the White House, the Smithsonian, Arlington Cemetery, the Korean Memorial, the Vietnam Memorial, Robert E. Lee's house, and the Tomb of the Unknown Soldier.

Kathy recalls how he practically taught the family a history lesson at every stop along the way. "He was amazed by all of it," she says.

Soon after that summer trip came the events of 9/11. A junior in high school, Eric read as much about the brutal terrorist attacks on this country as he could. "I had not seen anything that grabbed his attention like that fateful day," Kathy remembers. It was then that Eric began to think about a career in the U.S. Army.

After graduating from John Hardin High School in 2003, Eric started at Elizabethtown Community College. Then he transferred to Western Kentucky University and joined their ROTC program, with an eye toward a military career. He hoped to return to Hardin County one day after retiring from the Army, to teach and share his stories of military adventure.

Eric graduated from WKU in 2008. "We were so proud of him that weekend as David and I put on his gold bars at his commissioning ceremony," Kathy says. After graduation, he joined the 101st Airborne Division and was stationed at Fort Campbell, Kentucky, a point of pride for Eric as that was the same division his grandfather, Herbert L. Crabb, had served in

In May of 2010, Eric was deployed to Afghanistan with B Company, 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division. It would be his first and only deployment.

We are thinking of First Lieutenant Yates's loved ones today, Mr. President, as I recount his story for my colleagues in the Senate, including his parents, David and Kathy Yates; his brother, Nathan Yates; his grandfather, Herbert L. Crabb; and many other beloved family members and friends.

Eric's family learned after his tragic death that he had left behind a letter he wanted read at his funeral. His parents have gracefully shared that letter with me, and I would like to read it for my colleagues now. Eric writes as follows:

Hello to everyone in attendance.

I'm sorry that you all had to gather here today for this event—no, really I am. But since you are here I would like to take the chance to say a few things, try to impart some of my knowledge and wisdom that I have stored up over the past 26 years. I consider myself fairly cultured and worldly, so please pay attention; I have the following advice.

Number one, take a chance. Get out there and do something you wouldn't normally do. You will see and do some really cool stuff and meet some really fine and interesting people. Once an Army buddy and myself ate breakfast with a homeless man in Oklahoma City, and I must say he left an impression on me

Number two, watch the original Star Wars trilogy. It's an amazing story.

Number three, no matter how old you are, get off the couch and exercise. You will look and feel so much better, have more energy and be happier.

Number four, read a lot books, both fiction and non-fiction, newspapers, magazines, blogs, online stories, movie reviews—all these things will help you understand the world around you, your role in it, and why what happened to me happened where and when it did.

Number five, save your money. You don't own your things; your things own you.

Number six, liquor is better than beer.

Number seven, don't reject new ideas immediately

That seems to be all that I wanted to say, so thank you for coming. Please have a safe trip home and have a good life. Love, Eric Yates.

It is a great loss, Mr. President, that First Lieutenant Eric Yates will not have a long and happy life himself, with the opportunities to share those lessons—and many more—with the people that fill that life. But I am honored to be able to share them now with my colleagues in the United States Senate.

And I am honored to stand here today and recognize Lieutenant Yates's heroic service, and the solemn sacrifice he has made on behalf of a loving family, a proud Commonwealth, and a grateful Nation.

Mr. President, I yield the floor.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators

permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak for 15 minutes in morning business, and I ask the Chair to please notify me when I have 3 minutes remaining.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LOWERING TUITION COSTS

Mr. ALEXANDER. Mr. President, since his State of the Union Address, President Obama and Vice President BIDEN have been talking about their efforts to help students afford to go to college, which is something we are all in favor of.

The President's proposals include what he calls a higher education race to the top. It has a familiar sounding formula. Though, in this case, it will impose new rules and mandates and price controls on colleges and universities in States. Unfortunately, this race to the top is headed in the wrong direction

The President should turn around his higher education race to the top and head it in the direction of Washington, DC, to help the federal government compete for ways to stop adding mandates and costs on States that are soaking up dollars and driving college tuition through the roof.

Let me be specific and offer three examples of how a race to the top headed toward Washington, DC, could actually help students by saving them money on their tuition.

First, Washington could stop overcharging students on their student loans. They are doing that now by borrowing money at 2.8 percent, loaning it to students at 6.8 percent, and using the profit to help pay for the new health care law and other government programs.

Second, Washington could help students with lower tuition by repealing the new Medicaid mandates on States that take effect in 2014. These new Medicaid mandates will further reduce State funding for higher education and raise tuition at public colleges and universities, which is where approximately 75 percent of students go to college.

Third, Washington could stop prohibiting States from reducing spending on Medicaid at a time when State revenues and expenditures are going down. That forces States to spend money on health care that otherwise would be available for higher education.

Let me talk about each of those three ideas.

First, this business of overcharging on student loans. I think it would come as a big surprise to most students to know that Washington is borrowing money at 2.8 percent and loaning it to them at 6.8 percent, and using the profit to pay for the health care law and for other government programs. We have roughly 25 million students attending 6,000 colleges and universities in America today, and approximately 16 million of those have Federal loans that allow them to spend that money at the school of their choice. Approximately 70 percent of the Federal funding made available for our higher education last year—about \$116 billion went for those student loans. Under the new health care law, the Department of Education is going to be borrowing money from the Treasury at 2.8 percent and then loaning it to the students at 6.8 percent. So, the government is actually overcharging 16 million students and taking that profit and spending it on new government programs, including the new health care law.

According to the Congressional Budget Office, over the next 10 years, here is where the profit goes, approximately: \$8.7 billion goes to pay for the new health care law; \$10.3 billion goes to pay down the Federal debt; and \$36 billion goes to support other Pell grants. So if we really want to help students pay for tuition, why would we not use this profit to reduce the interest rate on student loans? CBO says we could have reduced the rate from 6.8 percent to 5.3 percent and let the students have the savings instead of letting the government have the savings. By reducing the interest on student loans that much, students would save an average of \$2,200 over 10 years. That is a lot of money for the average student borrower who has approximately \$25,000 in debt.

I have proposed the idea of legislation that puts a "truth in lending" label on every one of the 16 million student loans, saying this: Beware: Your government is overcharging you on your student loan to help pay for the health care law and other government programs.

Here is a second way Washington could help lower tuition rates. Washington could repeal the Medicaid mandates imposed on States that take effect in 2014 and will inevitably drive up tuition rates. This is how that works. The new health care law requires States to expand and help pay for Medicaid coverage. This in turn requires Governors who are making up budgets likely go for higher education and spend it instead on Medicaid.

According to the Congressional Budget Office, this new expansion of Medicaid will cost States an additional \$20 billion over 10 years and add 16 million more people to Medicaid programs. The CMS Chief Actuary says it may add 25 million to the Medicaid Program, costing States even more. We know this is going to happen because it has already happened. For years Medicaid mandates have been imposing huge costs on States, which in turn soaks up money for colleges, and in turn causes tuition to go up to replace that money.

According to the Kaiser Family Foundation, average State funding this year for Medicaid increased by 28.7 percent compared to the prior year. Where did the money come from? In Tennessee, which had a 15.8-percent increase in State spending on Medicaid last year, at the same time there was a 15-percent decrease in State spending for higher education. That is a real cut, not a Washington cut; that is 15 percent less money. That did what? There was a 7.3-percent increase in tuition at public universities and an 8.2-percent increase in tuition at community colleges to make up for the cuts.

In California, where the state enrolls 8.3 million Medicaid beneficiaries, they are expected to gain 2 million more when the new health care law is implemented in 2014. Just over the last year, there has been a 13.5-percent decrease in State support for higher education in California, along with a 21-percent increase in tuition and fees at State universities and a 37 percent increase in tuition at community colleges. Most of those students probably do not know that the principal reason their tuition is going up is because of the Federal health care mandates on the State.

From 2000 to 2006, spending by State governments on Medicaid increased by 62.6 percent. This has been going on long before President Obama came into office. I balanced it as Governor in the 1980s. Every year I tried to keep education funding at 50 percent of the State budgets. In those days the States paid for 70 percent of the cost of operating the University of Tennessee or the community college and tuition paid for 30 percent of the cost. We had an implicit deal with the students that if we raise tuition, we will raise State funding by about the same amount. Those days are long gone.

Medicaid costs on States are the most insoluble part of the budget dilemma we have here in Washington, I believe Medicaid either should be run 100 percent by the Federal Government or 100 percent by the States. I came to Washington and suggested that to President Reagan in the 1980s. He agreed, but many did not. So it is not new. We should not blame President Obama for the fact that this has gone

to take money that, otherwise, would on for 30 years, but we ought to hold him responsible for making it worse.

Here is how he has made it worse in a third way-by a so-called maintenance of effort requirement on States as a condition of continuing to receive Federal payments under Medicaid. The 2009 stimulus bill prohibited States from imposing new eligibility standards, methodologies, or procedures as a condition of receiving Federal Medicaid payments. The new health care law extends the maintenance of effort requirements through 2014. So for 5 years, throughout this recession, while State revenues are going down, the Federal Government in its wisdom has been imposing billions of new dollars in Medicaid mandates on States requiring them to spend more on Medicaid. And what happens? They must spend less on something else.

In 2010, New York Lieutenant Governor Richard Ravitch, a Democrat, eloquently talked about that problem. He said Medicaid is "the largest single driver of New York's growing expenditures," making up more than one-third of the State total budget. New York spends twice as much on Medicaid as California. He said this spending is expected to grow at an annual rate of 18 percent over the next 4 years but that the Federal stimulus and health care expansions have made it harder for States such as New York and California to cut expenditures because of the strings attached. He said:

These strings prevent States from substituting Federal money for State funds, require States to spend minimum amounts of their own funds, and prevent States from tightening eligibility standards for benefits.

So while the Federal Government is burdening the States with hundreds of billions of dollars in Medicaid liabilities, the President has made it worse by forbidding States from tightening their eligibility requirements as their economies shrink.

The administration and Congress have left Governors with little choice but to cut in other areas, and that usually turns out to be public higher education, where 75 percent of students go to school. So why is tuition going up? The biggest reason is us—Congress, Washington DC. Instead of pointing the finger at States and colleges, we ought to look in the mirror.

There is another problem with the President's proposals. His proposals are not likely to affect many students, and if they do they are more likely to hurt them than help them. Here is why that is true. Ninety-eight percent of all Federal money made available to college students goes directly to the students to spend at one of the 6,000 institutions of their choice.

The President's proposals would only affect three programs of campus-based aid that eventually affects about 2 percent of all students and impacts about 2 percent of all the federal money

available for higher education. What the President would propose doing includes putting price controls on colleges offering those programs and saying that students could not go to the institution if tuition goes up too much. So if a low-income student wants to go to the University of Tennessee or North Carolina or Michigan and tuition goes up more than the Federal Government says it should, mostly because of Federal policies, what happens? The student cannot go to the University of Michigan or the University of Tennessee or the University of North Carolina. Those schools have plenty of applicants. They are going to get their students anyway. So the effect will be to make it harder for a low-income student to go to the college of his or her choice.

What should we be doing? I think it is pretty obvious. The taxpayers already are generous with support for students going to college. The average tuition at a 4-year public institution is \$8,200. At a 2-year community college, it is \$3,000. At private institutions, it may be closer to \$28,000 or \$30,000 a year. To make it easier, there are 16 million student loans—\$116 billion in new student loans last year. There are 9 million Pell grants, supported by \$41 billion in taxpayers' dollars. So half our 25 million college students have a Federal grant or loan to help pay for college, and they spend it at one of 6.000 institutions of their choice.

Still, the rising cost of tuition is a real problem for American families. Tuition and fees have soared over the past 10 years above the rate of inflation by 5.6 percent a year at public 4-year institutions. This adds up to about a 113 percent increase in tuition over the decade.

Colleges and universities need to do their part to cut costs. I have suggested that well-prepared students ought to be offered 3-year degrees instead of 4. The president of George Washington University has suggested ways that colleges could be more efficient. He said he could run two complete colleges with two complete faculties in the facilities now used half the year for one. That is without cutting the length of student vacations, increasing class size, or requiring faculty to teach more. Requiring one mandatory summer session for every student every 4 years, as Dartmouth College does, would improve institutions' bottom line. The GW president said his institution's bottom line would improve by \$10 to \$15 million a year. Those are just two good ideas.

There is nothing wrong with President Obama's proposal to encourage ideas like that, even to give grants and put the spotlight on colleges that are trying those things. The Malcolm Baldrige Award for Quality Control years ago did a lot to improve quality in business and government without

spending very much. But mandates and price controls on 6,000 autonomous colleges and universities is not the right prescription. They are more likely to hurt students than help. They are more likely to drive up tuition than lower it. And they are more likely to diminish the quality of the best system of higher education in the world.

The reason we have the best system is, for one reason, because generally the Federal Government keeps its hands off those autonomous colleges, and the second reason is that students can choose among those 6,000 institutions with the money we make available to them in grants and loans.

Rather than creating new price controls, new mandates, and new regulations of the kind that have already pushed tuition higher, I suggest the President turn his race to the top around. Instead of heading it towards the States and colleges, head it towards Washington, DC. Stop overcharging students for their student loans, stop requiring States to spend more State dollars on health care at the expense of public colleges and universities, repeal the new Medicaid mandates that in 2014 will take already-high tuition and drive it even higher, and let the Federal agencies compete to see how they can stop adding costs that are the main reason college tuition is rising. That would be the real race to the top. That is the real way to help students afford col-

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. Heller pertaining to the introduction of S. 2080 are printed in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELLER. I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent to be permitted to speak and give my remarks in full.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

#### PREVENTIVE SERVICES MANDATE

Mr. HATCH. Mr. President, for some time now Americans have suspected that this administration has lost touch with the American people. John Meacham, the former editor of Newsweek and a fan of the President, explained this detachment by explaining that the President does not "particularly like people." That might be an overstatement, but he is on to something. This administration seems to take its cues from the far left, whether or not they represent the aspirations and hopes of ordinary Americans.

Nowhere is this disconnection from the American people on better display than with the hamfisted decision by Secretary Kathleen Sebelius and the Department of Health and Human Services to require that religious persons and institutions violate their most cherished beliefs or face the consequences.

Late last year, HHS ordered all employers, including religious institutions, to cover in their employer insurance plans such things as sterilization, contraception, and abortion-inducing drugs and devices. With very limited exceptions, religious hospitals, universities, and charitable institutions would face the choice of dropping coverage for their employees or violating their consciences.

The Nation's Catholic bishops and other religious institutions many pleaded with this administration to grant broader waivers to avoid jeopardizing these institutions' constitutional rights to freely exercise religion. But the administration, rather than side with millions of religious Americans who just want to be left alone to practice their own faith, decided to throw in with the most radical of proabortion advocates. They decided to subordinate our central constitutional commitment to religious liberty to a radical agenda that is overtly hostile to all of these people of faith.

The response has been overwhelming. At church this weekend millions of American Catholics were read a letter from their bishops. The message was simple, and it was powerful. This action is unjust and one with which they will not comply. They are right, and they shouldn't. The first amendment doubly protects religious liberty. It prohibits the government establishment of religion and explicitly protects the free exercise of religion, the first individual right listed in the Bill of Rights. That is how important religious liberty is to America.

In our system of government, such fundamental rights and principles are supposed to trump statutes, regulations, and political agendas. The Constitution and the liberties that it protects are supreme not the fleeting politically driven motivations of any particular administration. Yet the Obama administration, as it has always does, has turned these priorities upside down. In this administration, politics trumps absolutely everything else, even the Constitution and religious liberty. Instead of conforming their political agenda to the Constitution, they

distort the Constitution and even liberty itself to conform to their political agenda.

The politicians driving this mandate underestimated the American people who have in succession rejected the sorry efforts by the administration to defend its actions. The administration first hid behind the opinion of a purportedly objective medical group that birth control should be included in health insurance plans, but the American people knew who was ultimately responsible for this rule—not some board of so-called experts but the President and his officers. They tried to minimize this mandate's impact by arguing that many States already have similar requirements. But this was incredibly misleading since nearly all of those States have much broader religious protections. In fact, only three States have religious exemptions as narrow and limited as this new Federal mandate.

They tried to assuage the concerns of religious citizens by saying that the rule does not cover churches and houses of worship, but Americans will not accept only the remnant of our constitutional rights that the President chooses to recognize. Were we supposed to thank the Obama administration for letting us retain a few scraps of religious liberty? There are many religious institutions and organizations that do not fit into the Obama administration's artificial, narrow categories but that just as fully exercise their faith and religious missions. Religious liberty belongs to the Catholic hospital or the University of Notre Dame no less than it belongs to the Catholic Church.

Then, when this simmering controversy broke wide open a few weeks ago, Secretary Sebelius thought she could make it all go away by agreeing not to impose this mandate for another year. Like her boss the President she just plain doesn't get it. Religious liberty is not a bargaining chip or a deal sweetener like premium floor mats or an upgraded appliance. Did she think Americans would not mind losing this cherished liberty if they were allowed to spend just a little extra time with it?

The Obama administration's attitude toward religious liberty has become "enjoy it while it lasts." And to the administration's surprise, the American people have been less than enthusiastic about this cavalier attitude toward constitutional rights.

The President of the United States takes an oath to support and defend the Constitution, to stand for the fundamental liberty of all Americans. He and the officials responsible for this mandate have fallen far short of this oath.

The fight for religious liberty began before America was born, and it must be fought continually. We can all see that now. It is a part of our constitutional heritage. Our Founding Fathers pledged their lives, fortunes, and sacred honor to defend the principle that all people are created equal and endowed by God with certain unalienable rights. The right for persons and institutions to be free to practice their faith without undue interference by the government is among our most cherished rights and liberties.

There was a day when liberals and conservatives, Democrats and Republicans—everyone—joined to defend liberty. I should know. I was the principal Republican co-sponsor of the Religious Freedom Restoration Act brought together unprecedented grassroots and congressional coalitions to defend this first freedom. They knew that rights such as religious liberty rise and fall together, that religious liberty cannot be packaged, sliced, diced, and doled out in little pieces to please certain interest groups. We need that same unity today because religious liberty is just as important and, sadly, just as threatened as it was in

In addition to violating the first amendment right to freely exercise our religion, this mandate also appears to violate that landmark law, the Religious Freedom Restoration Act. It burdens the free exercise of religion and is clearly not, as the law requires, a narrow means of achieving a compelling purpose.

Last month the Supreme Court unanimously held that the right of religious organizations to decide who may further their religious mission trumps nondiscrimination statutes. The Obama administration argued that religious organizations are nothing special, that they should have no more freedom from Federal control than, say, a labor union or a social club. In other words, religious liberty is simply no big deal to the Obama administration

Writing for the entire Supreme Court, Chief Justice Roberts called this a remarkable view of religious liberty, one that is "hard to square with the text of the First Amendment itself, which gives special solicitude to the rights of religious organizations."

Soon the Supreme Court will have the opportunity to rule on the constitutionality of ObamaCare. What the preventive services mandate confirms beyond all doubt is that the constitutional defects in ObamaCare only begin with the insurance mandate that will be before the Supreme Court. There are some other issues there as well, and I hope the Court examines every one of them and overturns this law.

The very DNA of ObamaCare is unconstitutional. At its core, the law and its expansion of government are a threat to personal liberty. The decision to implement this law in a way that forces religious institutions to violate

their deepest principles is a vivid demonstration of what happens to personal liberty when the power of the state expands. As the state controls more and more of our lives to further a political agenda, our freedom is put in greater and greater jeopardy.

After 3 years of this administration, the American people seem to be saying enough is enough. Those responsible for this decision to force religious institutions to subsidize health coverage for abortifacient drugs need to be brought to account. The President needs to answer for this. Secretary Sebelius needs to answer for this. The Attorney General needs to answer for this. How could he let this happen?

Let me say, however, that getting answers is not enough. Congress needs to assert its authority as the representative of the American people, stand for the first amendment, and restore religious liberty by overturning this health care law.

For those who are on the front lines fighting this mandate: I applaud your courage, and please understand that you are not alone; you are Democrats, Independents, Republicans, and others. The Obama administration may not care about religious liberty, but the Constitution does, and I, along with many of my colleagues, will fight alongside you until we prevail over this unjust law. This new HHS mandate cannot be allowed to stand, and I am confident that if the will of the American people prevails, it will not stand.

I belong to a faith that has been persecuted and mischaracterized for many decades. We are the only church in the history of America that had a Governor issue an extermination order against its members. That is how bad it got in this greatest of all countries where religious liberty is without question our most valued right. We understand what it is like to be persecuted. I don't care whether one is liberal, conservative, independent, or what, and I don't care what religious beliefs folks out there all have. There is no excuse for this type of heavy-handed, hamhanded, overgovernmentalization of our religious freedom. We simply cannot allow this to stand.

Does President Obama have the guts to stand up for religious liberty? If he doesn't, he should not be President of this United States. If he does, I will be the first to compliment him for it. It comes right down to the Constitution itself and, in many respects, I believe the most important provision in the Constitution. Religious liberty is something that our early leaders risked their lives to obtain because they were persecuted because of their religious beliefs.

I call on the President of the United States to change this, to acknowledge that this is a mistake, and to understand that we are united—Democrats,

Republicans, Independents, and others—in the protection of this great liberty.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Brown of Ohio). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1813, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Well, Mr. President, this is a big day for those of us who believe strongly that we need to focus on job creation, a better business climate, a bill that will, in fact, not only protect jobs but create new jobs. That is the bill we are hoping will get the goahead at 2 o'clock, what we call MAP-21, the Moving Ahead for Progress in the 21st Century Act, S. 1813.

This has been—if I could use an analogy that fits—a long road to get to this point so we can, in fact, make sure we have an adequate road system, an adequate highway system, an adequate transit system, and that we make sure. as a world leader, our infrastructureour bridges, our roads-keep up with the demands put upon them. There are many demands put upon them because we are a great nation with commerce and heavy-duty vehicles on our roadways and railroads that cross over roadways that create potential problems, and, certainly, we have a robust transit system that needs to keep up with the times.

Last night, I received a letter from the U.S. Chamber of Commerce, and I was very pleased to see it because they support the bill Senator INHOFE and I, on a bipartisan basis, were able to get through our committee on a unanimous vote.

It is a rare moment in history, frankly, when the U.S. Chamber of Commerce and labor unions all come to-

gether, with everyone on the same page, to say: Let's move forward with a bill. In these days of controversy and debate—and, Lord knows, I am immersed in many of them—this is one where we have been able to carve out a very important consensus, not only in the Environment and Public Works Committee but in the Banking Committee—where Senators Johnson and Shelby work together—to get a piece of this bill done.

In the Finance Committee—where Senators there are led by Senator BAUCUS—they were able to hammer out a tough and important agreement to fund this bill because it has some shortfalls due to the fact that the highway trust fund has been going down because cars are getting better fuel economy—and that is a good thing—but the bad, unintended problem is the trust fund now has fewer dollars, so we run short of what we need to keep our bridges and highways and transit systems going.

So what a moment it was to see not only our committee but the Banking Committee, the Finance Committee, and the Commerce Committee, with a couple of exceptions on a couple of provisions—they did their job as well, and we are trying to work with them to resolve whatever matters remain in that portion of the bill.

But I want to quote from the letter from the Chamber of Commerce that I received last night. I want to share a couple lines with everyone. I am quoting:

The Chamber strongly supports this important legislation. Investment in transportation has proven to grow jobs, and the need for Congress to act on transportation infrastructure is clear.

Another quote:

Passing transportation reauthorization legislation is a specific action Congress and the Administration can take right now to support job growth and economic productivity without adding to the deficit.

Those two quotes I think show we have done our job well.

This is a bill that is paid for. This is a bill that, because of the way it was written, is a reform bill, which I will go into. But it also protects the jobs we currently have, which is 1.8 million jobs in the transportation area, and also, because of the way we have boosted a program called TIFIA—which I will talk about, which is a highly leveraged program—we have the capacity to add over a million new jobs. Mostly these jobs are in the private sector. That is where they are, and that is what we are focused on in this legislation.

I mentioned Senator INHOFE before, my ranking member on the Environment and Public Works Committee. I expect him to be in the Chamber shortly. I cannot tell you of the trusted partnership we were able to develop with him that went not only for his re-

lationship with me in working on this bill, but the staff-to-staff relationships which have blossomed into friendships and trust. I think what we have shown is that each of us can be a tough but fair partner. Our staffs understand where we are coming from. But we have a bigger goal in front of us than our differences; that is, our agreement that it is our responsibility to fix our aging roads and highways and bridgesour infrastructure—to put people back to work, to boost our economy, and, as Senator Inhofe has talked about very often, with examples that are in many ways heart breaking, we have problems with safety in our Nation. We have bridges that are crumbling. We have seen them with our own eyes. We cannot turn away from this because we may have disagreements on lots of other things.

It has been a long but a very worthwhile journey to get to this stage because the payoff here, if this bill eventually becomes law, is, as I said, protecting 1.8 million jobs and creating up to another million jobs.

Again, I want to mention the Commerce Committee. I did not thank Senators Rockefeller and Hutchison for their work on this as well. So we have four committees that are involved in writing this bill. Each committee has voted out their bills. If all goes right today, and we get a resounding goahead, I hope we begin with amendments on the EPW portion, and then move to add the different other bills to this bill, until we have added all fourall the committees together—and then I hope we will have a resounding vote and get to a conference committee. We have major differences with the other body, but I think we can work them out for the good of the people and the thousand organizations that back us in this bill, in this effort.

I also have to thank Senator HARRY REID, the majority leader. He brought this bill to the floor. He exerted the right kind of pressure on all of our committees. He encouraged us. He understands clearly that, as we try to get out of this recession—and we have seen beneficial results from our actions in a number of areas—this is going to mean a big boost for jobs.

I want to also say that within my committee we have what we call the big four: it is the chairman and the ranking member—myself and Senator INHOFE—and then it is the chairman of the Highway Subcommittee and the ranking member there; and that is Senator BAUCUS and Senator VITTER. So I honestly think if you look at the big four, and you look at our philosophies, and you look at where we are from and the differences we bring to the table, we cover the whole Senate in terms of the range of ideologies but are tied together by a belief that this is something that needs to get done. And Senators BAUCUS and VITTER were with

Senator Inhofe and me every step of percent. These are real people with the way, for which we are very grate-

I mentioned, I alluded to a thousand organizations that have been involved on the outside pushing us to get this done. My hat is off to them. They make up a broad coalition. I have spoken frequently with them to give them an update on how we are doing, and I have to tell you they truly represent America. Over the course of this debate, if I have the time—and in many ways I hope I do not have the time because I hope we can get this done and not spend a whole lot of time on it because I think the committees have done such a good job, but if we have excess time on the floor, I intend to read as many of those organizations into the RECORD as I possibly can because that coalition is remarkable in its reach.

They were led by the U.S. Chamber of Commerce. It is an unprecedented coalition. They came together regardless of ideology and differences. Every time I look at this list, I am reminded that essentially it is America. It is America: business, labor groups, State organizations, city organizations, and organizations from all 50 States.

We received a letter from these thousand organizations recently, and I am going to quote some of what they said. They said:

There are few federal efforts that rival the potential of critical transportation infrastructure investments for sustaining and creating jobs and economic activity....

#### They wrote:

In 2011, political leaders-Republican and Democrat, House, Senate and the Administration-stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action:

And this is what they asked us:

Make Transportation Job #1 and move legislation immediately in the House and Senate to invest in the roads, bridges, [and] transit systems that are the backbone of [our] economy, its businesses large and small, and communities of all sizes.

Again, it is important to note, our surface transportation bill creates or saves millions of jobs, benefiting millions of American families across the country. What a great signal it will send, as we struggle to get out of the slowdown and we begin to see the light at the end of the tunnel. This will be a very large light because there are very few other things we can do here that have the reach of a transportation bill.

Let's talk about the construction industry. According to the most recent unemployment figures, there are 1.5 million construction workers out of work, with the industry facing an unemployment rate of 17.7 percent. Construction workers are out of work.

I show you a chart I have in the Chamber. The national unemployment rate is 8.3 percent. We want to see that come down. But look at that construction industry unemployment rate: 17.7 pride in what they do. And we know the housing industry has had a horrible time. It has stalled out, and it is in a horrible trough.

So if we can take those construction workers and offer them an opportunity to build the roads, the bridges, the highways, the transit systems, it will put them to work and we will get that 17.7-percent rate down.

I do not know if we have a picture of that stadium. This is a picture of the Super Bowl stadium. From what I understand, it seats about 100,000. That is what we see here. If we had 15, 15 of these pictures, 15 Super Bowl stadiums' worth of people, that is how many people are unemployed in construction.

I use this not only because I watch the Super Bowl, although my Niners did not get in and it was upsetting, but because this is a picture, a visual. Imagine every one of those people unemployed times 15. It is a visual, I think it is important that we keep in mind we are talking about real people who have lost real jobs because of this recession and especially the housing downturn.

This is a chance to put them to work. There is an urgent need to get this legislation through the conference committee and onto the President's desk because the current transportation authorization extension expires on March 31. I wish to say to colleagues who may be watching or staff who may be watching: You may have a lot of amendments in your mind, in your heart, and everybody has a right, and I support your right. But please think very hard before you start bringing down amendments that will slow us up. Those thousand organizations know we need to keep our eye on the ball, and these organizations are in all our States. They represent millions and millions and millions of American families. So let's not add extraneous matters, please. Let's not have frivolous amendments, killer amendments. We all can offer these. I have several I could offer in a heartbeat. But this is not the place to have our ideological disputes. This is a bill that is a jobs bill. This is a bill that is good for our businesses. This is a bill that will save 1.8 million jobs and create up to 1 million more at a time when we must have that kind of wind at our back.

There is another reason. Not only does the highway bill expire in March, but we also know the trust fund is running out of money for projects already in the pipeline. So we have to find a reliable and stable source of funding. Senator BAUCUS and his Finance Committee have come up with a way to responsibly fill this shortfall. I cannot thank them enough, the Democrats and Republicans on that committee. Thank you. Because what you have done is to have come up with some very good ways to pay for the shortfall, and those ways do no harm.

We must push forward for another reason which I alluded to before. America's aging infrastructure is crumbling. Let me just tell America this: Some 70.000 of our Nation's bridges are structurally deficient-70,000 of our Nation's bridges are structurally deficient, 50 percent of our roads are not up to standard.

If you are in your home and you have little kids and someone who is an expert comes up to you, an engineer, and says your house could easily crumble, we all know what you would do. You would get out of there, fix it, and then move the family back in. This is no different. If somebody tells you your house is crumbling, you have to fix it. If somebody says to us, our Nation's bridges are structurally deficient and over 50 percent of our roads are not up to standard, we have to act.

My dear friend and colleague who is going to manage this bill with me has arrived. I will tell him, I am about 5 minutes away from finishing my opening statement and yielding to him. But he is more eloquent than anyone I have ever heard on two issues; one, what is the role of government. He makes the point, which I am not going to take away from him, as to how infrastructure fits into that.

He also is eloquent on the point of safety. Because he has seen with his own eyes what happens if we do not get our infrastructure sound and safe. We have a deteriorating part of our infrastructure, and it needs to be fixed.

We cannot be an economic leader if we cannot move people and goods. We cannot thrive as a nation if our people are trapped in traffic and our businesses are trying to move goods and they are trapped in traffic. We lose 4.8 billion hours from work and we pay the price for that in loss of productive time and in dirty air.

As to our bill that was passed out of the Environment and Public Works Committee. I wish to say to my ranking member who was not here and his staff was not here at the time that I started, I praised him to the sky—and staff-because regardless of our differences on many issues, we have been able to put this country first in this

I am so grateful for the spirit of cooperation we have brought to our work, which was captured in the Banking Committee where Senators JOHN-SON and SHELBY got together, and in the Finance Committee where many Republicans joined our Democratic friends to figure out a way to fund this responsibly, and in the Commerce Committee where we have one or two little hiccups, but I do believe we are going to resolve them. I am proud we were out there first showing we could do this.

People said all over the Senate: If BOXER and INHOFE can do this, anything is possible.

MAP-21 is a reform bill, and I am proud about that. It consolidates 90 programs into less than 30. It focuses on key national goals. It gives greater flexibility to the States to invest in their top priorities. It eliminates earmarks. It establishes performance measures to improve accountability. It accelerates project delivery, and it provides resources for a new national freight program.

This bill is responsible. It continues the current level of funding plus inflation which, as I said, protects 1.8 million jobs. The TIFIA Program, which Senator INHOFE and I agreed to increase, which stands for Transportation Infrastructure Finance and Innovation Act, is also embraced by Chairman MICA over on the House side.

So Republicans and Democrats agree that by making more funds available through TIFIA, we can mobilize up to \$30 billion more from the \$1 billion we have placed in that fund and create up to 1 million jobs.

I wish to thank the mayor of Los Angeles and the Chamber there and the workers there who brought the idea of leveraging to my attention. I wish to say that Tom Donahue, of the U.S. Chamber, president there, Richard Trumka, the president of the AFL and many business and labor groups throughout our Nation supported this TIFIA Program to stretch taxpayer dollars in a safe way.

Again, they have done that in the House bill as well, which is very good for us.

I am proud of this bill and the reforms in it. I am proud of working relationships we have established across party lines in our committee. I could say, very honestly, there are a lot of things this bill does not have that I am sorry about, that I wanted to see in there. I am not going to detail those. But I know Senator INHOFE feels the same way. But there were certain things that were lines in the sand for each of us, and it was a give and take that resulted in this compromise which is a good bill—a good solid bill.

We put those controversial issues aside for the good of the Nation. I will close with this. Ever since Dwight Eisenhower started us on a path to build the Interstate Highway System, transportation has been a bipartisan effort. I asked my staff to research some of the comments made by President Eisenhower in 1963 when he established the Federal Interstate Highway System

Actually, he wrote his autobiography in 1963. He established the System in 1956.

This is what he said:

More than any single action by the government since the end of the war, this one would change the face of America with straightaways, cloverleaf turns, bridges, and elongated parkways. Its impact on the American economy—the jobs it would produce in manufacturing and construction, the rural

MAP-21 is a reform bill, and I am areas it would open up—was beyond calcula- must invest in our aging transpor-

It is very important to note how bipartisan this is. Ronald Reagan in 1982, "More efficient roads mean lower transportation costs."

He said:

Lately driving is not as much fun as it used to be. Time and wear have taken their toll on America's roads and highways.

He said it well. So we have Democratic Presidents, Republican Presidents, Democratic Senators, Republican Senators all working in a bipartisan way. Votes on these bills have been overwhelming, 79 to 8; 372 in the House to 47—all of our President's signing these laws. Historically, major surface transportation legislation has received overwhelming bipartisan support.

In 1991, the Intermodal Surface Transportation and Equity Act, ISTEA, with a Senate Democratic majority, passed by a vote of 79 to 8. The House, with a Democratic majority, passed it by a vote of 372 to 47. President George H.W. Bush signed it into law. At the December 18, 1991, signing ceremony, President Bush said:

ISTEA is "the most important transportation bill since President Eisenhower started the Interstate System 35 years ago . . . this bill also means investment in America's economic future, for an efficient transportation system is absolutely essential for a productive and efficient economy."

In 1998, the Transportation Equity Act for the 21st Century, TEA-21, with a Senate Republican majority, passed by a vote of 88 to 5. The House with a Republican majority, passed it by a vote of 297 to 86. President Bill Clinton signed it into law.

In 2005, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, SAFETEALU, passed the Senate, with a Republican majority, by a vote of 91 to 4. The House, with a Republican majority, passed it by a vote of 412 to 8. President George W. Bush signed it into law.

Elected officials are not the only people who recognize the importance of maintaining our transportation systems. The American public also supports rebuilding the Nation through infrastructure investment.

According to a poll released last October by CNN, 72 percent of Americans—and 54 percent of Republicans—support "increasing federal spending to build and repair roads, bridges and schools."

Roads and bridges are neither Democratic nor Republican, and all elected officials need to leave partisanship on this issue at the door. Bipartisanship is the only way to get the job done, and Senator INHOFE's and my partnership in this effort is proof positive that it can be done.

Senator INHOFE and I do not agree on many issues, but we found common ground on this one. We agree that we must invest in our aging transportation systems, we must boost the economy, we must put people back to work, and we must pay for it in a way that is not divisive or partisan. Neither Senator INHOFE nor I got our wish list in this bill, but we do have a bill that both of us can support. At the end of the day, that is what matters.

The American people deserve to have their elected officials work together to solve our pressing problems, and that is what we did. The bill before us is thoroughly bipartisan, and therefore nobody will think it is perfect, but it is a very strong commitment to our transportation systems and to the health of our businesses, workers, and communities that depend on it.

I say today is a good day. I have tried to thank everyone I can think of who had anything to do with it. It is my privilege now to yield the floor and look forward to the comments of my ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I am not sure, I say to my good friend Senator BOXER, she is going to be too excited about some of the things because what I wish to do is establish what is unique about this bill.

There is a committee in the Senate. It is not like any committee in the House. In the House, they have two separate committees. It is called Environment and Public Works. So it is two almost unrelated committees. Our committee has more jurisdiction than any other committee in the Senate, but it handles things that are totally different.

I will sound a little partisan right now, but I am very concerned about President Obama and what he has done to this country in terms of the deficit. A lot of people do not realize that the budgets actually come from the President—not the Democrats, not the Republicans, not the House and the Senate. Those budgets have had deficits of around \$4½ trillion. I have been very upset about that.

I am upset about what the President is doing with the military right now. If we have to go through the sequestration as is planned, we are going to lose about \$1 trillion in defense spending over the next 10 years. The third area is in energy. We have the opportunity to be totally energy self-supporting just by developing our own resources, but the problem is a political problem. The fourth area is over regulation.

I say this because my good friend, the chairman of the Environment and Public Works Committee, would disagree with me in all those areas because we do not agree. I look at the regulations and the fact that, in my opinion, they are driving our manufacturing base overseas. I see the crown jewel of all regulations is cap and trade. They tried their best to do it.

They had the McCain-Lieberman bill in 2003 and again in 2005. We had the Boxer bill—several Boxer bills that Senator Boxer was involved in—certainly Waxman-Markey.

We defeated them all, and now what the President is trying to do is do through regulation what he could not do through legislation. I only say that because I am in agreement with the chairman of the committee, Senator BOXER, on most of what she just said because of the significance of this. I am going to repeat what I said yesterday, I guess it was, or the day before. When rankings come out, historically since I have been in the House and the Senate—I came to the Senate in 1994—I am always ranked among the most conservative Members.

My good friend Senator BOXER is ranked among the most liberal Members—progressive, liberal. But what I appreciate about her is that she is a sincere liberal.

She understands that. In her feelings, she believes government should be involved in more things than I do. I hasten to say this again, that while I have been historically considered the most conservative Member, I am a big spender in two areas. One area is national defense—I am very concerned about what is happening in national defense—the other area is infrastructure.

Way back when I was in the House and on the Transportation Infrastructure Committee, at that time we worked very hard for a robust bill, for reauthorizing the transportation system. We were successful. That was back in the good old days, I say to Senator BOXER, when we always had surpluses in the highway trust fund.

The highway trust fund probably goes down as the most popular tax in history because people know, since 1953, it has been a trust fund where people pay their 18 or so cents per gallon, and it goes to maintaining those roads they are driving on. So it is directly related to the gasoline purchased.

Then some things happened. First of all. I can remember when we had surpluses. So everybody who had their own deal wanted to get in on surpluses, and they started expanding the highway trust fund expenditures beyond just maintaining and building roads. That was one of the problems. Then along came a lot of the changes. When they talk about electric cars, whether one is for them or against them, and mandating gas mileage, that reduces the proceeds dramatically. In the beginning, I think they probably should have had the highway trust fund geared to a percentage instead of cents.

Now fast-forward to recent times and we have a deteriorating system. I was proud of the Environment and Public Works Committee I have been talking about. In 2006, prior to the last election, I was chairman because the Republicans were in the majority. At that

time, we did the 2005 highway reauthorization bill, and it was \$286.4 billion—a very robust bill. Yet we could pretty much document that we didn't do anything new in that bill. We just maintained what we had. It expired in 2009. Since then, we have been operating on extensions.

This is significant. Before I get on to operating on an extension, I will mention what we are talking about. Senator BOXER and I. Our Environment and Public Works Committee has the jurisdiction over the highway title of the bill. Some things are controversial. Not many. I don't know of anything controversial in the highway title. The Commerce Committee with Senator ROCKEFELLER as chairman and Senator HUTCHISON as ranking member, the Finance Committee with Senators BAU-CUS and HATCH, and the Banking Committee—that is TIM JOHNSON and RICH-ARD SHELBY from Alabama—have done their work now.

Ours is the highway title. In my State of Oklahoma, because of the condition of the bridges and highways—the last time I looked, I think Missouri and Oklahoma tied at dead last in the condition of our bridges—we had a young lady—and I have told this story many times; this is most compelling. This young lady—a mother of three small children in Oklahoma City—drove under one of our bridges and a chunk of concrete dropped off and killed them. These are serious matters. So bridges have dropped, just as one did in Minnesota and down in south Texas.

We have had so many times when crumbling infrastructure has given way. I remember when they considered Oklahoma—since we became a State in 1907, we are one of the newer States—people didn't think we had infrastructure problems. They thought that was just confined to California, New York, and the older parts of the country. That is not true anymore because in many of those older parts the infrastructure has been rebuilt while some of the newer States have been ignored. That is why in Oklahoma it is critical.

People say they don't want earmarks. Senator BOXER said: We don't have earmarks.

I would like to discuss that because I am a strong believer as opposed to the people who don't want us to do what we are supposed to be doing when we were sworn to uphold the Constitution, article I, section 9—we should be the ones, the House and Senate, to do the appropriating and the authorization. By saying we are not going to do it and defining earmarks as appropriations and authorization, I can see why Democrats lined up to do away with earmarks in a recent vote because that turns it over to President Obama, and he was very supportive of that.

Some Republicans are going to talk about that again. This is not something that is a problem with this bill.

In this bill, we have things that come from the needs of our States. We have a secretary of transportation in Oklahoma who has been before our committee numerous times because that secretary of transportation has been in that job for many years now. Before that, he was director of transportation for, I think, 30 years. There is nobody who is more knowledgeable on that issue.

So we checked—and I do—with the department of transportation in Oklahoma on their prioritizing of projects. We have a system—and I wish all States had this system. We have transportation districts and chairmen of the districts. They can use the same criteria throughout Oklahoma, and they determine what should be fixed and where the money should be spent. So it is not a political decision, a decision where we are doing what most people consider to be earmarks and trying to help our friends. That is not what we do in Oklahoma. This system, frankly, works very well.

So now we go back to the extensions. Here is the problem with extensions. Our 2005 bill expired in 2009. We have now gone through eight extensions. The problem we have with extensions is that we cannot do anything creative. We cannot change, reform the system. We just have to take the money that is available and try to use it as best we can. But we cannot not reform a system that needs to be reformed.

I have said some things that were not all that complimentary about my partner-in this case. Senator BOXER. We have served together for years in trying to overcome these obstacles. On the highway title of the transportation bill that we are going to be voting on, we have done a good job. When I think about the reforms—and I compliment Senator Boxer. She has been in a real tough position with some of the more liberal members of her party and in some of the things to which she has agreed. We sat down and worked out the differences in a lot of these problems

State flexibility, we have that in this bill, which we have never had before. I have always been a believer that we are the guys who are in the best position to determine the needs of the States.

I have often said I have served on the State level of government; I have been mayor of a major city. I believe the closer you get to the people, the more responsible government is. I believe that to be true. That is what we have done. We have done that in the flexibility that we have given the States in our program.

Senator BOXER mentioned that we cut down the number of programs by two-thirds. We are down to one-third in the number of programs we had before. That is major reform.

NEPA: We have done streamlining, which is something we have tried to do

for a long time. Let me mention the one area of reform that I want everybody to listen to because this is significant. We have had a friendly disagreement, Senator BOXER and I, on transportation enhancement. These are things we could argue do not affect transportation directly. I have always believed these things we spend money on that comes from the highway trust fund should go into transportation projects. But they have not. Two percent of the highway funding is required to go to enhancements. That equates to 10 percent of the surface transportation money.

So we can use 10 percent or 2 percent, depending on which one we are applying it to. If we take 2 percent of the total funding, that is a lot of money. Enhancements are things people criticize us for. I think that criticism is just.

How did we handle this situation and get a highway bill in the highway title portion? We sat down and worked out something right here on the floor of the Senate and said there has to be an answer. In Oklahoma, we don't even want enhancements. How can we handle this? We worked out an agreement that a State, at its own decision level, is able to use this 2 percent of the total highway funding that would go to enhancements in any way they want to do it, and primarily in taking care of some of the unfunded mandates, the requirements there, where the government is saying to people in Oklahoma that this is what they have to dosome endangered species stuff and those things, they can use it this way.

In my State, we cannot have any of the 2 percent going to enhancements. Other States feel differently. This is not one size fits all.

So we have the opportunity that they can do what they want. These are reforms. We never had reforms like those before. I am proud we are able to do it. I compliment the chairman of the committee for being willing to do this, for taking the time to talk to her colleagues and say: All right, the choice is not do we want a perfect bill for Democrats or do I want one for Republicans. I think we have a pretty near perfect bill for Republicans on the highway title. I am very proud of what we have come up with. Nonetheless, it has been heavy lifting. I applaud the chairman of the committee.

I want to go back to this extension. If we were to continue to operate on extensions, the amount of money we would be spending on highways would reduce by about 34 percent, about one-third. If we talk to Gary Ridley in Oklahoma as to what that would do in terms of our program that we already have online, we would have to default on some contracts. We would have to be in a situation where we are not able to do the things that are in our 5-year plan in Oklahoma. We think things out

for a long time. Let me mention the one area of reform that I want everybody to listen to because this is significant. We have had a friendly disagreement, Senator BOXER and I, on transportation enhancement. These are things we could argue do not affect transportation directly. I have always be a serious problem.

I suggest to every Member of the Senate, before they make final decisions on the bill, call their director of highways in their States and talk to them. Talk to your State legislators, Democrats and Republicans, conservatives and liberals alike. This is the one area where they will agree. In Oklahoma, they are in agreement. They want to have a highway bill. They look to constituents and say this is life threatening and we have to do a better job. This is a partnership thing. We are going to have more flexibility for State programs, streamlining, and are not going to be encumbered by mandatory enhancements. I don't know of one member of the Oklahoma House or Senate who doesn't want this.

What is wrong with doing what the people at home want? I used to work as mayor of the second largest city in Oklahoma. My phone rings off the hook about programs that need to be completed in our highway system in Oklahoma. I sometimes look at people who demagog the issue and talk about: Oh, no, we don't want to spend all this. There is one area where conservatives and liberals alike should be spending—two areas—national defense and infrastructure.

I remember when Congresswoman BACHMANN was talking around the country about the spending during the earmark argument. They got back to Minnesota and talked about the needs for transportation. She said, "I am not talking about transportation."

That is the point we need to get across. Of course, I throw in national defense, but that is not in this discussion. Transportation infrastructure is something we have to do. In Oklahoma, we are going to do our part, do everything we can to get with the bill. It is not going to change anything except for the fact that it is going to be able to handle that.

Oh, I didn't see—but I am managing the time.

By the way, I want to comment, Mr. President—

Mrs. BOXER. Wait a minute, the Senator is not managing.

Mr. INHOFE. Maybe I am not.

Mrs. BOXER. Well, we are both managing the time

Mr. INHOFE. We are both doing it. All right.

What I am saying is that shouldn't really be a Democrat-Republican management here because there are a lot of Democrats who agree with me and a lot of Republicans who agree with Senator BOXER. But we do have the junior Senator from Kentucky here who wants to be heard.

Mrs. BOXER. Well, I do have some remarks I would like to make.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

I think Senator INHOFE and I will have to talk about how we are going to yield back and forth, but at this point I had not finished my remarks and I wanted to respond to his.

We are here as partners on this bill. We are not partners on a lot of things. And I didn't say, when I opened my remarks, where we are not partners, but my friend did, so I am going to respond to his opening comments in which for some reason he wanted to open by saying that the one place we differ—and he is right on this—is that he blames President Obama for the deficit. Now, I want to put this on the record: I do not. Let me tell you why. When Bill Clinton was the President of these United States, he turned over a booming surplus of \$236 billion to George W. Bush, and it didn't take him but the blink of an eye to turn those surpluses as far as the eye could see into raging deficits, and he left President Obama a \$1.4 trillion deficit, for which my colleagues on the other side blame President Obama. Not only did George W. Bush leave him this kind of deficit, but he left him the worst recession since the Great Depression, a total collapse of Wall Street, bleeding jobs-800,000 a month. Yet we have turned it around. The President has shown magnificent leadership—saved Detroit.

My friend further said that another place we disagree—and he is right—is that President Obama is driving manufacturing overseas. No. The Tax Code, which the Republicans support, which rewards companies for moving overseas, is very much responsible for that.

So that proves the point. We get mad at each other. He is annoyed now that I am saying these things, and I was annoyed at him for saying what he said. But the great news today is that we are here to pass a bill.

My friend said I had a problem with liberal Members in my own party. I have to say there was concern, for sure. He is right. But once I explained to them that the ranking member and I have to work together, they were terrific about it. And I think some of my colleague's Republican friends said the same. They said: OK, we have to make this happen. So I congratulate all Members on both sides of the aisle who put aside these really tough differences we have, and you just saw a little bit of it.

I am not going to get into the climate change area because my friend believes it is the greatest hoax and I believe it is a scientific fact.

We could go on and on with these arguments. It would be interesting. It would be like "Crossfire." Do you remember that show where two people got up there and argued? Yes, we could

do that in every way. But in this bill we have decided to fight for what we believe in but at the end of the day get a bill we believe is fair.

Did my friend want me to yield?

Mr. INHOFE. No. I just wanted to say that this should be very visible to everyone. How could you and I agree and feel so strongly about infrastructure in America when we have such diverse opinions philosophically? My case rests.

Mrs. BOXER. You made the point. I was happy when you made the point because it gave me a chance to argue with you, and we both enjoy that, and we will continue. Our friendship is deep. We each know when we talk to each other that it is from the heart. But when it comes to this particular issue, we both agree we have to get a bill done. So much is dependent upon it.

I just received a letter from the Americans for Transportation Mobility. Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I am referring.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington, DC, February 8, 2012. TO THE MEMBERS OF THE UNITED STATES SENATE: The Americans for Transportation Mobility (ATM) Coalition is a nationwide group representing business, labor, highway and public transportation interests that advocate for improved and increased investment in the nation's aging and overburdened transportation system. The ATM strongly supports the motion to proceed to S. 1813, "Moving Ahead for Progress in the 21st Century" (MAP-21), and urges the Senate to pass a multi-year reauthorization of highway, public transportation and safety programs that both includes reforms to the federal programs and maintains, at minimum, FY 2011 investment levels adjusted for inflation before the expiration of the six-month extension of current law on March 31, 2012.

At a time of continuing economic stagnation in the construction sector, slow U.S. economic growth, and increasing competitive pressures, multi-year highway and transit reform and investment legislation is critical for boosting productivity, U.S. economic competitiveness and supporting jobs. A study released last week by the Associated Equipment Distributors found that over two years one dollar spent on infrastructure construction produces roughly double (\$1.92) the initial spending in direct and indirect economic output. The long-term impact is also significant, with a dollar in aggregate public infrastructure spending generating \$3.21 in economic output (GDP) over a 20year period.

We commend the Senate committees that helped craft S. 1813, a bi-partisan bill for stabilizing federal transportation funding mechanisms for the near-term and avoiding draconian cuts amounting to one-third of total federal investment in highway, transit and safety programs. Cuts of this magnitude would accelerate the deteriorating performance of the nation's surface transportation network, greatly undermine U.S. economic growth and competitiveness, and result in the real loss of hundreds of thousands of jobs across the country. This bill includes impor-

tant policy reforms that would improve the delivery of transportation improvements by consolidating programs, reducing red tape, and leveraging private sector resources.

The ATM Coalition will strongly oppose any amendments to reduce the funding levels established in this legislation, and remains committed to working with Congress to find reliable revenue streams sufficient to support the long-term growth and the fiscal sustainability of the Highway Trust Fund.

Without the certainty of a multi-year bill, current problems become harder to solve as highway and transit conditions worsen and land, labor, and materials get more expensive. Absent passage of a multi-year reauthorization, there would be continued uncertainty and erratic funding for critical infrastructure investments and the public and private sectors would continue to respond by delaying projects, withdrawing investment, and laying off employees.

We encourage you to support the motion to proceed to S. 1813. The ATM Coalition stands ready to bring together business, labor, highways and transit stakeholders to provide Congress the public support to pass an adequately funded multi-year surface transportation bill by March 31, 2012.

Sincerely,

AMERICANS FOR TRANSPORTATION MOBILITY.

Mrs. BOXER. I want to tell you who signed this letter. And my friend may not have seen it. The American Public Transportation Association, the American Road and Transportation Builders Association, the Associated Equipment Distributors, the Association of Equipment Manufacturers, the Associated General Contractors, the American Society of Civil Engineers, the International Union of Operating Engineers, the Laborers' International Union of North America, the National Asphalt Pavement Association, the National Stone, Sand, and Gravel Association, the United Brotherhood of Carpenters and Joiners of America, and the U.S. Chamber of Commerce.

Now, I have to say—

Mr. INHOFE. Will the Senator yield for a question.

Mrs. BOXER. Yes, but let me make one statement. This list I have just read represents America—Republicans, Democrats, and Independents.

Yes, I yield.

Mr. INHOFE. Even though we haven't ironed out how to handle time, we have a Senator who wanted to speak 20 minutes ago, and if we could, I would love to get back into the dialog.

Mrs. BOXER. I am finishing this, and then I will yield the floor and am happy to have him speak. I felt this was opening time for the chairman and the ranking member to lay down their case, and I am not about to let an attack on the President of the United States of America go unanswered. I am not going to do it. So if we are going to go down that road, we are going to have a give-and-take. If we are going down the road I hope we will go down, it is about getting this bill done.

So let me talk about this letter, and then I will yield the floor. And I say to my ranking member, we will decide how to divide the time, and we should. That is fine with me.

They say in this letter:

We commend the Senate committees that helped craft S. 1813, a bi-partisan bill for stabilizing federal transportation funding mechanisms for the near-term and avoiding draconian cuts amounting to one-third of total federal investment in highway, transit and safety programs.

They are talking about the fact that the highway trust fund is a third of where it should be. That is why we are so happy that the Finance Committee, on a bipartisan vote, is replacing these funds.

The letter goes on to talk about what would happen if we didn't do this bill:

Cuts of this magnitude would accelerate the deteriorating performance of the nation's surface transportation network, greatly undermine U.S. economic growth and competitiveness, and result in the real loss of hundreds of thousands of jobs across the country. This bill includes important policy reforms that would improve the delivery of transportation improvements by consolidating programs, reducing red tape, and leveraging private sector resources.

Additionally, this great coalition, which is comprised of the chamber of commerce, the unions, and business, says:

The ATM coalition will strongly oppose any amendments to reduce the funding levels established in this legislation, and remains committed to working with Congress to find reliable revenue streams sufficient to support the long-term growth and the fiscal sustainability of the Highway Trust Fund.

This next quote from their letter is so important:

Without the certainty of a multi-year bill, current problems become harder to solve as highway and transit conditions worsen and land, labor, and materials get more expensive. Absent passage of a multi-year reauthorization, there will be continued uncertainty and erratic funding for critical infrastructure investments and the public and the private sectors would continue to respond by delaying projects, withdrawing investment, and laying off employees

We encourage you to support the motion to proceed to S. 1813.

Of course, Mr. President, that is the motion we will be voting on today at 2 p.m.

They continue:

The ATM Coalition stands ready to bring together business, labor, highways and transit stakeholders to provide Congress the public support to pass an adequately funded multi-year surface transportation bill by March 31, 2012.

On the issue of the enhancements, we already had a vote on enhancements before, and we turned back proposals to do away with enhancements. So what we did in this bill is we said to the States: Guess what, you have much more flexibility.

I have to tell you—and I won't do it now, but perhaps Senator PAUL is going to speak about these enhancements—we know for sure that these enhancements—and I think that is the wrong name because they are really

safety projects—have saved lives because they fund things such as pedestrian paths and safe passageways for kids to get to school. So while my colleague and I may differ, I strongly believe Congress stands behind—I should say the Senate stands behind continuing to fund these safety projects. and we have given the States far more flexibility. So I hope we will defeat any amendment to remove the ability of our States to determine which of those safety projects they want because we have the facts behind us-13 percent of traffic fatalities involve pedestrians and bicyclists. I feel we give our States the opportunity, and if Oklahoma doesn't have any of these problems because it is a much more rural State than California, I am happy with that. But we have to understand that these are safety projects, and I hope we will defeat any amendment that tries to reduce the ability of the States to fund these projects.

I vield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the junior Senator from Kentucky be recognized for up to 7 minutes. He has been trying to get on for quite some time. I think that is agreeable with everyone.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kentucky. FOREIGN AID TO EGYPT

Mr. PAUL. Mr. President, I wish to commend the Senator from Oklahoma on being a leader in trying to repair and restore our infrastructure. I think the Senator from Oklahoma has shown that this is a bipartisan issue.

I rise today not only to support the bipartisan nature of rebuilding our infrastructure but also to address an urgent concern regarding what is happening in Egypt. I rise to introduce an amendment to suspend foreign aid to Egypt until they release our American citizens.

The situation in Egypt over the past year has been tumultuous, and their people and government stand at a moment where they will choose their future. Will they stand for freedom? Will they choose to stand with the United States? The choice is entirely theirs, of course, but their recent actions are troubling and should give us reason to reconsider our significant aid to the Government of Egypt.

What bothers critics of our foreign policy is the disconnect between hope and reality. Well-intentioned people vote to give aid to countries in hopes they will promote freedom, democracy, and the interests of the United States abroad. Too often, though, it does none of those things. Instead, it enriches dictators and emboldens governments that act against our interests.

Right now American citizens who work for prodemocracy organizations in Egypt are being held hostage. There really is no other way to put it. These innocent American citizens are not being allowed to leave Egypt and are facing trial by a military government.

This situation has been allowed to escalate by the Obama administration over the past several months as authorities in Egypt have accelerated a cynical war against these prodemocracy forces—these individuals who are American citizens—in an attempt to gain support from radicals who are convinced that NGOs represent a Western plot to undermine Egypt. These extremists seek to impose their own agenda in Egypt and are determined to prevent Egypt's democratic process as much as possible.

The Supreme Council of the Armed Forces in Egypt—the ones responsible for the transition—has demonstrated that they are not only willing but are in the process of using American citizens as scapegoats for the continual upheaval in Egypt. Their actions do not illustrate a significant democratic transition. In fact, they are encouraging and provoking distrust among the Egyptian people by making false allegations about the nature of these American citizens.

In the aftermath of the Arab revolution and the toppling of the authoritarian Mubarak government, Egypt finds itself in critical need of support in order to build a functioning democratic system. Yet, in late December. Egyptian authorities abruptly raided the offices of several nongovernmental organizations working toward democratic development, seizing their computers and documents. This past weekend Egyptian prosecutors filed criminal charges against these innocent American citizens. This must not be allowed to stand.

The American people should be concerned. We are subsidizing behavior, through U.S. taxpayer foreign aid to Egypt, that is leading to and allowing for the unjust detainment of American citizens in Egypt. Egypt is one of the largest recipients of foreign aid, totaling over \$70 billion over the last half century. Egypt's ruling military has itself received \$1.3 billion in foreign aid every year since 1987, and they have the gall to hold American citizens hostage. This must end.

Not everyone in this body agrees on foreign policy or on the role of U.S. foreign assistance. But the reckless actions of Egyptian authorities in this matter should bring us together to form one undeniable conclusion: American foreign assistance dollars should never be provided to any country that bullies our citizens, recklessly seeks to arrest them on imaginary charges or denies them access to their most basic rights.

Egypt must immediately stop the detainment and prosecution of these American citizens. If they fail to do so, then we have the moral obligation to immediately end their foreign aid. The time for action is now.

I will offer an amendment to suspend Egypt's foreign aid until our American citizens are released. It is our duty as our people's representatives to ensure no more American taxpayer dollars will flow to Egypt until they rescind the charges against innocent Americans and allow them to peacefully leave the country. The American people are behind this, and I advise the Senate to consider that we should no longer send foreign aid to a country that is illegally detaining our citizens.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Vermont.

Mr. LEAHY. Madam President, with the Senator from Kentucky still on the floor, I appreciate what he has said, and I am glad he has shown support for the Leahy amendment which passed in the last foreign aid bill.

There was a lot of pushback from a number of people, the administration and on the Senator's side of the aisle, initially, when I wrote into the law that said it would suspend any money— \$1.3 billion—for the military, unless there was a certification that they were upholding the moves necessary toward democracy.

As a result, all the money the Senator is concerned about is being held back because of the Leahy amendment—which is joined in by Senator GRAHAM, whom I see coming onto the floor-when we did the Foreign Operations bill.

I appreciate the words of the Senator from Kentucky. I can assure him, with the Leahy amendment, none of the foreign aid is going to Egypt as they conduct their operations the way they are.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011

Mr. President, I ask unanimous consent to have printed in the RECORD letters in support of the reauthorization of the bipartisan Violence Against Women Reauthorization Act report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TASK FORCE TO END SEX-UAL AND DOMESTIC VIOLENCE AGAINST WOMEN,

February 9, 2012.

DEAR REPRESENTATIVE: We, the undersigned organizations, represent millions of victims of domestic violence, dating violence, sexual assault and stalking, and the professionals who serve them, throughout the United States and territories. On behalf of the victims we represent, we ask that you support the Violence Against Women Act's (VAWA) reauthorization.

VAWA's programs support state, tribal and local efforts to address the pervasive and insidious crimes of domestic violence, dating violence, sexual assault and stalking. These programs have made great progress towards keeping victims safe and holding perpetrators accountable. This critical legislation must be reauthorized to ensure a continued response to these crimes.

Since its original passage in 1994, VAWA has dramatically enhanced our nation's response to violence against women. More victims report domestic violence to the police and the rate of non-fatal intimate partner violence against women has decreased by 53%. The sexual assault services program in VAWA helps rape crisis centers keep their doors open to provide the frontline response to victims of rape. VAWA provides for a coordinated community approach, improving collaboration between law enforcement and victim services providers to better meet the needs of victims. These comprehensive and cost-effective programs not only save lives, they also save money. In fact, VAWA saved nearly \$12.6 billion in net averted social costs in just its first six years.

VAWA has unquestionably improved the national response to these terrible crimes. We urge you to support VAWA's reauthorization to build upon its successes and continue to enhance our nation's ability to hold perpetrators accountable and keep victims and their children safe from future harm.

We look forward to working with you throughout the reauthorization process. If you have any questions, please feel free to contact Juley Fulcher with Break the Cycle at jfulcher@breakthecycle.org, Rob Valente with the National Council of Juvenile and Family Court Judges at robvalente@dvpolicy.com, or Terri Poore with the National Alliance to End Sexual Violence at tpoore@fcasy.org.

#### Sincerely,

9to5, National Association of Working Women; A CALL TO MEN; AAUW; Alianza-National Latino Alliance to End Domestic Violence: Alternatives to Family Violence: American Association of University Women; American Civil Liberties Union: American College of Nurse-Midwives; American Indian Housing Organization (AICHO); American Probation and Parole Association; American Psychiatric Association; Americans Overseas Domestic Crisis Center; ASHA for Women; Asian & Pacific Islander Institute on Domestic Violence; ASISTA Immigration Assistance; Association of Jewish Family and Children's Agencies: Association of Prosecuting Attorneys; Association of Reproductive Health Professionals; Black Women's Health Imperative; Break the Cycle.

Casa de Esperanza; Church of the Brethren; Coalition of Labor Union Women; Daughters of Penelope; Deaf Abused Women's Network; Disciples Justice Action Network; Disciples Women of the Christian Church (Disciples of Christ); Domestic Violence Report; Feminist Majority/Feminist Majority Foundation; Futures Without Violence (formerly the Family Violence Prevention Fund): General Federation of Women's Clubs: Hadassah, The Women's Zionist Organization of America, Inc.: Indian Law Resource Center; Institute on Domestic Violence in the African-American Community; International Association of Forensic Nurses; Japanese American Citizens League; Jewish Council for Public Affairs: Jewish Women International: Joyful Heart Foundation; Korean American Women In Need (KAN-WIN): Legal Momentum.

MANA—A National Latina Organization; Men Can Stop Rape; Men's Resources International; Mennonite Central Committee US; Methodist Federation for Social Action; National Alliance of Women Veterans, Inc; National Alliance to End Sexual Violence; National American Indian Court Judges Association; National Association of Counties; National Association of VOCA Assistance Administrators; National Center for Victims of Crime; National Center on Domestic and

Sexual Violence; National Clearinghouse on Abuse in Later Life; National Coalition Against Domestic Violence; National Coalition of Anti-Violence Programs; National Congress of American Indians Violence Against Women Task Force; National Council of Churches of Christ in the USA; National Council of Jewish Women; National Council of Jewish Women; National Council of Negro Women; National Council of Women's Organizations; National Council on Independent Living. National Dating Abuse Hotline; National

Domestic Violence Hotline; National Domestic Violence Registry; National Housing Law Project; National Institute of Crime Prevention; National Latina Institute for Reproductive Health; National Law Center on Homelessness and Poverty; National Legal Aid and Defender Association; National Network to End Domestic Violence; National Organization for Women; National Organization of Sisters of Color Ending Sexual Assault; National Resource Center on Domestic Violence; National Resource Sharing Project; National Women's Political Caucus; NET-WORK-A National Catholic Social Justice Nursing Network Lobby: on Against Women International; Planned Parenthood Federation of America; Praxis International; Range Women's Advocates; Rape Abuse and Incest National Network; Religious Coalition for Reproductive Choice.

Sargent Shriver National Center on Poverty Law; Security on Campus Inc.; Service Women's Action Network; Sexuality Information and Education Council of the United States; Sisters in Sync; The Joe Torre Safe at Home Foundation; Tribal Law and Policy Institute; Union for Reform Judaism; United Church of Christ; United Methodist Church (General Board of Church and Society); Veteran Feminists of America; Voices of Men; Witness Justice; Women of Color Network; Women's Information Network; Women's Law Project.

#### NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, Washington, DC, January 11, 2012.

DEAR MEMBERS OF CONGRESS: Since its passage in 1994, the Violence Against Women Act ("VAWA") has shined a bright light on domestic violence, bringing the issue out of the shadows and into the forefront of our efforts to protect women and families. VAWA transformed the response to domestic violence at the local, state and federal level. Its successes have been dramatic, with the annual incidence of domestic violence falling by more than 50 percent.

Even though the advancements made since in 1994 have been significant, a tremendous amount of work remains and we believe it is critical that the Congress reauthorize VAWA. Every day in this country, abusive husbands or partners kill three women, and for every victim killed, there are nine more who narrowly escape that fate. We see this realized in our home states every day. Earlier this year in Delaware, three childrenages 12, 21/2 and 11/2—watched their mother be beaten to death by her ex-boyfriend on a sidewalk. In Maine last summer, an abusive husband subject to a protective order murdered his wife and two young children before taking his own life.

Reauthorizing VAWA will send a clear message that this country does not tolerate violence against women and show Congress' commitment to reducing domestic violence, protecting women from sexual assault and securing justice for victims.

VAWA reauthorization will continue critical support for victim services and target

three key areas where data shows we must focus our efforts in order to have the greatest impact:

Domestic violence, dating violence, and sexual assault are most prevalent among young women aged 16-24, with studies showing that youth attitudes are still largely tolerant of violence, and that women abused in adolescence are more likely to be abused again as adults. VAWA reauthorization will help us break that cycle by consolidating and strengthening programs aimed at both prevention and intervention, with a particular emphasis on more effectively engaging men and local community-based resources in the process.

A woman who has been sexually assaulted can be subjected to further distress when the healthcare, law enforcement, and legal response to her attack is not coordinated and productive. Whether it is a first responder without adequate training, a rape kit that goes unprocessed for lack of funding, or a phone call between a crisis counselor and a prosecutor that never takes place, sexual assault victims deserve better. We must develop and implement best practices, training, and communication tools across disciplines in order to effectively prosecute and punish perpetrators, as well as help victims heal and rebuild their lives.

There is a growing consensus among practitioners and researchers that domestic violence homicides are predictable and, therefore, often preventable. We can save the lives of untold numbers of potential homicide victims with better training for advocates, law enforcement, and others who interact with victims to recognize the warning signs and react meaningfully.

The fight to protect women from violence is one that never ends. It is not a year-to-year issue, which is why we think it is critical that Congress reauthorize the Violence Against Women Act. We know a great deal more about domestic violence, dating violence, sexual assault and stalking than we did 17 years ago. Reauthorizing VAWA will allow us to build on those lessons and continue to make progress and save lives.

VAWA was last reauthorized in 2006 and time is of the essence for reauthorization of this important law. We urge Congress to take on this critical mission and reauthorize VAWA

NATIONAL SHERIFFS' ASSOCIATION, Alexandria, VA, February 1, 2012.

Hon. Patrick Leahy, U.S. Senate, Washington, DC. Hon. Mike Crapo, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY AND SENATOR CRAPO: On behalf of the National Sheriffs' Association (NSA) and 3,079 elected sheriffs nationwide, I am writing to express our support for the Violence Against Women Reauthorization Act (VAWA).

NSA and the nation's sheriffs recognizes the extreme seriousness that the crimes of domestic violence, sexual assault, dating violence, stalking, and sex trafficking have on law enforcement, victims, and communities across the nation. Originally established in 1994, VAWA works to increase officer and victim safety, while striving to prevent future abuse, by providing resources to law enforcement agencies to enhance their core programs and policies, as well as to reaffirm the commitment to reform systems, that affect victims of domestic violence, sexual assault, dating violence, stalking, and sex trafficking.

The reauthorization of VAWA would continue to enable law enforcement agencies across the country to adequately address domestic violence, sexual assault, dating violence, stalking, and sex trafficking crimes by expanding funding for programs that recognize the concerns and needs of victims. Furthermore, VAWA supports the key collaboration between the victims' services community; health care community; and law enforcement to ensure that all victims are receiving the critical treatment and services necessary after a crime has occurred.

However, we do have one point of concern regarding the VAWA reauthorization involving PREA (Prison Rape Elimination Act) standards as they apply to the Department of Homeland Security (DHS). NSA strongly believes that sexual violence and abuse have no place in our correctional facilities. As such, NSA has been working closely with the Department of Justice (DOJ) on PREA to ensure that the final standards take into consideration the vast differences between jails, which sheriffs largely operate, versus prisons; thus enabling for the efficient and effective implementation in jails nationwide.

Title X of the VAWA reauthorization would require DHS to establish and implement PREA standards for DHS detention facilities. As you may be aware, many sheriffs contract with DHS to house criminal aliens in their jails. As sheriffs will need to comply with PREA standards when finally established by the DOJ, NSA would ask that you, and the Senate Judiciary Committee, ensure that the VAWA reauthorization language clarifies that DHS PREA standards need to be consistent with DOJ PREA standards. This would ensure that there are not differing standards for jails based on the federal, state, or local detainees held, as well as help with the swift and successful implementation of final PREA standards.

While the law enforcement community, and society as a whole, has made great strides in combating such crimes as domestic violence, sexual assault, stalking, sex trafficking, and dating violence since the original enactment of VAWA, there is still more work that still needs to be done. The reauthorization of VAWA will enable the continued partnership among sheriffs and victims' advocates and service providers to protect victims and prevent future victimization throughout the United States

throughout the United States. Senator Leahy and Senator Crapo, the National Sheriffs' Association thanks you for your leadership on this important issue in the 112th Congress.

Sincerely,

Sheriff Paul H. Fitzgerald, President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION, Washington, DC, January 31, 2012.

Hon. Patrick Leahy, Chairman, Senate Judiciary Committee.

Hon. Charles Grassley,

Ranking Member, Senate Judiciary Committee.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the 26,000 members of the Federal Law Enforcement Officers Association (FLEOA), I am writing to express our full support for Senator Leahy's proposed reauthorization of the Violence Against Women Act (VAWA). FLEOA has supported the essential purpose of this legislation since it was first passed in 1994. According to the Centers for Disease Control and Prevention, one in four women will experience domestic violence in their lifetime. In our proud Land of the Free and Home of the Brave, this is unacceptable.

FLEOA fully supports the substitute amendment to S. 1925. The amendment properly calls for the U Visa cap to be raised to allow for the recapture of 5,000 unused U Visas. Current law authorizes an annual issuance of only 10,000 U Visas. Unfortunately, dangerous criminals remain undaunted by this cap and it only serves to discourage non-citizen battered women from cooperating with law enforcement.

The absolute priority for all law enforcement officers is the pursuit and capture of violent criminals. By limiting the number of U Visas law enforcement can request, Congress is effectively amputating the long arm of the law. Law enforcement officers and prosecutors don't hand out U Visas like cotton candy. U Visas are an essential tool carefully used by law enforcement and tempered with great scrutiny. Again, our unwavering priority is to do everything within our means to protect women who are victimized by violent criminals.

I respectfully ask that both parties rally behind this important legislation, and that we unite in recognition of the need to protect all battered women from dangerous criminals.

Respectfully submitted,

JON ADLER,
National President.

Mr. LEAHY. For almost 18 years, the Violence Against Women Act has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking.

Senator CRAPO and I introduced this bill, a moderate bill, which has now gone through the Senate Judiciary Committee and should be voted up or voted down. It saves money, but it also commits to those programs needed by our States.

At some point, if it is delayed much longer, I am going to come to the floor and recount some of the horrific crime scenes I went to of violence, sexual violence, domestic violence, the things that are being combated now, things that happened when we did not have the Violence Against Women Act.

Last Thursday, the Judiciary Committee approved the bipartisan Violence Against Women Reauthorization Act. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal government's commitment to combat domestic violence, dating violence, sexual assault, and stalking.

It has been extraordinarily effective, and the annual incidence of domestic violence has fallen by more than 50 percent since the landmark law was first passed.

As a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA, when too often people dismissed these serious crimes with a joke, and there were few, if any, services for victims.

We must not go back to those days. This law saves lives, and it must be reauthorized.

Senator CRAPO and I introduced a moderate bill that incorporates input

from survivors of domestic and sexual violence all around the country and the tireless professionals who serve them every day.

This legislation builds on the progress that has been made in reducing violence against women, and it makes vital improvements to respond to remaining, unmet needs.

Unfortunately, partisan politics threaten to stop this critical legislation from moving forward. We have seen this same pattern too often.

The Trafficking Victims Protection Reauthorization Act and the Second Chance Act, both laws originally championed by Republican Senators and supported by Republican Presidents, are now suddenly unacceptable.

This obstruction must stop. These programs are too important. They save lives. They make our communities safer

Nowhere is that more true than for the Violence Against Women Act. Certainly, helping survivors of domestic and sexual violence should be above politics.

The last two times VAWA was reauthorized, it was unanimously approved by the Senate. Now, this law, which has done more to stop domestic and sexual violence than any other legislation ever passed, faces Republican opposition. That is not right.

To those who suggest that this legislation creates too many new programs, I say that is simply not true. In fact, the bill reduces the scale of VAWA.

It consolidates 13 existing programs and reduces authorization levels by nearly 20 percent while providing for only one small additional program.

The improvements in this bill are important but modest when compared to previous reauthorizations, which created many new grant programs and raised authorization levels almost across the board.

I have heard some say that our bill protects too many victims. I find that disheartening. One thing I know from my time as a prosecutor, and I would hope it is something we can all agree on, is that every victim counts.

All victims deserve protection. That is a message we have heard loud and clear from our States and something I hope is common ground.

More than 200 national organizations and 500 State and local organizations have expressed their support for this bill.

Many of them have written strong letters urging swift passage of this legislation including the National Task Force to End Sexual and Domestic Violence, the National Association of Attorneys General, the National District Attorneys' Association, the National Sheriffs' Association, and the Federal Law Enforcement Officers Association.

This legislation has the support of five Republican Senators.

I thank Senators CRAPO, KIRK, MURKOWSKI, BROWN, and COLLINS for their

the reauthorization of this landmark legislation.

This is the Violence Against Women Act. It should not be a partisan matter. I hope that all Senators will support this bill and that we can move quickly to reauthorize this critical legislation.

It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

#### AIR NATIONAL GUARD AND RESERVES

Madam President, I am glad to see the senior Senator from South Carolina. For the first 50 or 60 years I was in the Senate—or it felt like that—it was a different senior Senator. But I am delighted to see the senior Senator from South Carolina, Mr. GRAHAM, who is joining me to address a matter of great importance to the Nation at a crucial moment in our history.

The U.S. Air Force last week offered a preliminary look into its budget for fiscal year 2013. While the President will formally submit his budget proposals on Monday, last week's briefing and information papers offered enough detail for the Senate to begin considering the overall strategic direction of the Air Force Future Years Defense Program. In Pentagon jargon, that is usually called FYDP.

I have to say I am deeply disappointed and very worried as I look at the first glance at that proposal.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I appreciate the opportunity to engage in this colloquy.

As cochairman of the Guard Caucus, which obviously has the Air National Guard Component, Senator LEAHY has been a real pleasure to work with.

The bottom line is, this effort to downsize the Air Force falls incredibly heavy on the Air National Guard. There will be 3,000 Active-Duty members lost regarding the plan he just mentioned, 5,000 coming from the Air National Guard. The airframes to be eliminated in the plans Senator LEAHY just mentioned fall disproportionately on the Air National Guard. In just a moment, we are going to talk about the bang for your buck in terms of the Reserve component called the Air National Guard, and we are going to challenge the Congress and the Department of Defense to reconsider this because, quite frankly, it makes no military or fiscal sense.

Mr. LEAHY. As an example of the approach to the budget cuts, one of the A-10 units slated for cutting, the 127th Wing from Michigan, just returned from fighting bravely in Afghanistan and as a welcome home: Great job. Sorry, we are going to disband you.

The approach to budget cuts the Air Force has decided to take is simply wrong. We have to have budget cuts. We know that. But there is a wide vari-

willingness to step forward and support ety of reasons why this makes not the sense it should. I draw the Senate's attention to a study produced by the Pentagon last year that was signed by the Vice Chairman of the Joint Chiefs and the Assistant Secretary of Defense for Reserve Affairs that demonstrated what we already knew: Even when mobilized, Reserve component units are far less expensive than their peer units in the Active component.

It has always been a foregone conclusion that the Air National Guard costs are far less than Active component costs when they are on base or in garrison. Personnel are not drawing the salaries their peer units are and so on. But the Pentagon report showed something more interesting. It showed the Guard and Reserve save taxpayers dollars even when mobilized. The Reserve component units are estimated to be about one-third as expensive as similar Active component units, and they can deploy nearly half as often. That adds up to lot of savings in dollars and cents, but it also reflects a very major component of our security, because in the wars we fought in the last decade, we could not have done it without these Guard and Reserve units.

Mr. GRAHAM. The Senator is absolutely right. When we look at the utilization of the Guard and Reserve since 9/11, it has been at World War II levels. When we go into the combat theater, we can't tell the difference between Guard, Reserve or Active-Duty member, which is a testament to all three.

But when we look at what the Air Force is doing—and I think it is proper to consider the other services—the Marine Corps is making no reduction to their Reserves. The Army is making very small cuts in the Guard and Reserves and substantial cuts to the Active Forces. The Army and Marine Corps plans support the new strategic concept of reversibility; that is, the part of the Department of Defense strategic guidance. We cannot be sure what contingencies might arise, and we cannot afford to make cuts that will leave us incapable of responding when nec-

Secretary Flournoy, during her last speech to the Defense for Policy, stated that "the Guard and the Reserves will play an extremely important role" in the reversibility concept because they give the military built-in adaptability and resourcefulness. This reversibility concept is what we are doing to reduce the defense infrastructure. If it were ever reversed or had to be reversed because of some contingency, we want to make sure that is possible. The Guard and Reserve is the most capable force to maintain and, in terms of the concept of reversibility, is our best bang for the buck.

So the Air Force is taking a different approach than the Army, Navy, and Marine Corps to their Reserve component, particularly their Air National Guard. I think Senator LEAHY and I are going to make sure that decision is examined in-depth.

Mr. LEAHY. I agree with my colleague on that, and that is why the bipartisan Guard Caucus will have some very strong statements.

We look at what the former Chief of Staff of the Air Force, GEN Ron Fogelman, said before these plans were announced. He argued for a larger Reserve component and a smaller Active-Duty Force. He did a guest column in DefenseNews. He said, among other things:

The big question is, how does the department reduce its budget and continue to provide a modern, balanced and ready defense when more than half of the budget is committed to personnel costs?

The answer to that question is right before us: We should return to our historic roots as a militia nation. So, what does that mean, exactly? Simply put, it means we should return to the constitutional construct for our military and the days when we maintained a smaller standing military and a robust mili-

To do that, leaders must put old parochial norms aside and be willing to actually shift forces and capabilities to the National Guard and Reserve.

He said "put old parochial norms aside." He goes on to say:

This would enable significant personnel reductions in the active components. It would also result in a larger reserve component. Most important, it would preserve capability and equipment that has cost the American taxpayer trillions of dollars, nest it in our mostly part-time Guard and Reserve, and have it available should it be needed.

This concept worked well for our country for the better part of two centuries. Unfortunately, several generations of leaders have come and gone, and most of today's leadership fails to recognize the true potential of the militia model.

We need our collective senior military and civilian leaders to recognize there is a way back to a smaller active military and a larger militia posture. The fiscal environment and emerging threats demand it.

Those aren't my words. Those are the words of a former Air Force Chief of Staff.

Mr. GRAHAM. Senator LEAHY is right. When we look at our Constitution itself, it talks about a militia. When we look at the history of the country, it is the citizen soldier who got this whole concept called America started.

We do need a standing Army, Navy, Air Force, and Marine Corps. But when we are looking at the budget problems we face and the fiscal concerns we have as a nation and we want to restructure the military, I will be talking in just a minute about why we should be looking for a greater role from the Guard and Reserve just from economics. But when it comes to military capability. I think we have the best of both worlds now: a very efficient, quite frankly, cheaper force to maintain with very similar, if not like, capabilities. We don't want to let that concept be eroded by a plan that I think doesn't appreciate the role of the militia and doesn't appreciate the cost-benefit analysis Guard pilots retire with an average of from a robust Reserve component.

Mr. LEAHY. In fact, Senator GRAHAM and I introduced a successful amendment in last year's Defense authorization bill that required the Pentagon and the GAO perform studies that should produce more conclusive analysis of the relative cost of similar units in the Active components and the Reserve components. We are also aware of at least two other third-party studies currently underway to address the questions. I think we are going to have three or four such studies that will conclusively answer the questions. Senator GRAHAM and I-and I think most of our colleagues in the Senateconsider these proposed Air Force cuts to be dangerously premature. Once we cut the Reserve components, once we send an aircraft to the boneyard at Davis-Monthan Air Force Base and these airmen and pilots go out to civilian life, we don't get them back. In fact, that is precisely why the Army and Marine Corps have taken a different approach of preserving their Reserve component force structure: They can mobilize Active component troops they place in the Reserve component. But once we cut that, they are gone forever. They are gone forever.

Mr. GRAHAM. What I am about to provide to the body, I think we need to absorb and be aware of.

This study that Senator LEAHY is talking about, an analysis of the effectiveness and cost, is an ongoing endeavor. I would like to know more about what the study yields before we make what I think are pretty Draconian cuts in the Air National Guard.

But this is what we know before the study. This information is already in: According to an Air Guard briefing, the Air National Guard, operating under today's deployment constraints, is still 53 percent of the cost of an equivalent Active-Duty major command. The Air National Guard costs \$2.25 billion less annually than a similarly sized Active Air Force command. That is \$6.2 million a day in savings.

After 20 years of service, our average enlisted airman costs nearly \$80,000 a year in total compensation. On the other hand, an identical Air National Guard enlisted airman costs about \$10,000 a year, about an 85-percent savings.

Over a 20-year career, an Air National Guard airman will save the country about \$1 million compared to an active-duty airman. At 22 years, an active-duty pilot will cost about \$150,000 in compensation. On the other hand, an Air National Guard pilot at 22 years costs the taxpayers about \$30,000 in total compensation. Over a 26-year career, an Air National Guard pilot will save the country nearly \$2 million compared to an active-duty pilot.

Active-duty pilots retire on average with 22 years of service. Air National

26 years of experience, giving the country a greater level of experience and ability for those final 4 years, at a much lower cost. These cost figures do not even account for other life cycle and infrastructure savings that a Reserve component-first model would yield.

These are stunning numbers without the study to fully be accomplished. We are going to do our best, I say to Senator LEAHY, to tell the story of capability and cost.

Mr. LEAHY. Madam President, clearly this approach, if we keep the Guard and Reserve, saves our country precious resources at a time we need to tighten our belts. There are a couple of things we agree on. Everybody in the Senate agrees that our military has to be kept strong and vigilant to threats from our enemies. But the source of our military strength has been and always will be our economic might. If we are to protect ourselves militarily while also marshaling our economic power, moving to the kind of constitutional defense model my colleague has discussed should be our first choice.

I think these Air Force proposals are ill-advised and premature at the very least. I think they are flat-out wrong, as has already been said here on the floor. When any of us who have visited the areas, especially in the last few years, where our military guard and our Reserves are deployed, you cannot tell the difference between their duties or the risks they put themselves inbetween the active-duty and Guard and Reserve components. The National Guard has been given a much greater role in our overall national defense more missions, greater responsibility, heavier burdens. They perform these missions superbly, with great skill and effectiveness. They have defended our interests, and many have lost their lives doing it, but they carried out the same missions as everybody else.

The Senate National Guard Caucus worked closely with all concerned to accommodate and facilitate these changes. But now we are going to take an active role in informing the Senate as these are being made. We are not going to sit by while any of the military services decimate their Reserve components. We will work together, Senator Graham and I. with the Senate Armed Services Committee on which he serves with distinction, and the Senate Appropriations Committee which we are both privileged to serve, but also the entire membership of the Senate, to produce a thoughtful, wellconceived strategy for military manpower that makes use of a cost-effective and accessible, fully operational, trained, and ready Reserve component.

Mr. GRAHAM. I look forward to working with Senator LEAHY and others to bring about what he indicated to make it a reality. The bottom line of this whole discussion is that the Cold War is over. We are very proud of our standing military, our Army, Navy, Air Force, Marine Corps, Coast Guardthey do a terrific job, the standing military. The militia component has been the heart and soul of this country since its founding and in a post-Cold War war on terrorism environment where you have to call on resources that the Guard and Reserve have that are unique—like civil affairs. When you are going into Afghanistan and Iraq, it is one thing to clear the village; you have to hold the village. You have to hold it. Agricultural specialists come from the Guard and Reserve, people from Vermont and South Carolina who have skills in their day job, who can do more in the war effort than dropping a bomb.

As we look at the threats we face, I think we need to understand the Reserve component is more valuable than ever. We are not defending the Fulda Gap against a massive Soviet Union tank invasion. We have to be nimble, we have to deploy quickly. The Reserve component, particularly the Air National Guard, has a great return on investment and, like any other part of the military, can be reformed. But this proposal doesn't reform it; it in many ways neuters the Air National Guard and at a time when that makes no sense. We will continue this endeavor, and I look forward to working with Senator LEAHY and others to create a rational approach to the Reserve and Guard

Mr. LEAHY. I thank my friend from South Carolina. We will from time to time report to the Senate on this issue It is extremely important. It comes down to the bottom line: Have the best defense at the least cost to the taxpayer. That is what we are both aiming

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The bill clerk proceeded to call the

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE

NOMINATION

Mr. REID. Madam President, I ask unanimous consent that today, February 9, at 1:30 p.m., the Senate proceed to executive session to consider Calendar No. 407; that there be 30 minutes divided in the usual form: that upon the use or yielding back of time the Senate proceed to vote with no intervening action or debate on Calendar No. 407; the motion to reconsider be considered made and laid upon the table with no intervening action or debate: that no further motions be in order; and that any statements related

to this matter be printed in the RECORD; that President Obama be immediately notified of the Senate's action; and the Senate proceed then to legislative session and the cloture vote on the motion to proceed to S. 1813, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. I ask permission to speak as in morning business for about 12 or 13 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPERATION FAST AND FURIOUS

Mr. GRASSLEY. Madam President, for over a year now I have been investigating Fast and Furious. That is an operation coming out of the Bureau of Alcohol, Tobacco, and Firearms.

This has been a very complicated investigation. It has been made even more difficult because of the Justice Department's lack of candor and transparency. Basically, the Justice Department is stonewalling, interfering with Congress's constitutional responsibility of oversight.

For example, the Justice Department's Office of Inspector General recently disclosed that it has received 80,000 pages of documents from the Department and over 100,000 e-mails.

Think of what the Inspector General gets from the Department: 80,000 pages and 100,000 e-mails. How much do you think they have given the Congress of the United States, which has the constitutional responsibility of oversight? It is only 6,000 pages that we have received.

Similarly, the inspector general has been allowed to conduct 70 witness interviews. How many has the Justice Department allowed the Congress, in our responsibility of oversight, to interview? Only 9 witnesses.

Last week, Attorney General Eric Holder testified before the House Committee On Oversight and Government Reform. The Justice Department did a document dump to Congress the Friday night before the hearing. That has become a very bad habit of the Department of Justice. In fact, without giving us any advance notice that it was coming, they actually put a CD under the door of our office, after business hours. What did they do for the press? They gave the same documents to the press 2 hours before they ever gave them to us. Yes, they managed to find time to leak the documents to the press during regular business hours. This is the kind of cooperation we get from the Justice Department in our constitutional responsibility of oversight.

What I am telling my colleagues here is that we have a terrible lack of cooperation from the Justice Department. The Justice Department is not only thumbing its nose at the Senate, they are doing it to the entire Congress of the United States, when we know

there are 80,000 pages of documents and they only give us 6,000 pages; when there are 100,000 e-mails and we get a handful of e-mails. Why would they be so mysterious by putting a disk under our door on a Friday night and giving it to the press 2 hours before? What sort of attitude is that of our Justice Department toward the cooperation you ought to have with our filling our constitutional role of oversight? So I guess I would say there is hardly any cooperation whatsoever from the Justice Department.

Even though we get a dribble here and a dribble there, even though we get a CD under the door, instead of very openly face to face receiving documents, what we got last Friday did reveal further facts about a previously unknown proposal to allow these guns to cross the border.

We have long known that in March of 2011, Deputy Attorney General James Cole had a conference call with all Southwest border U.S. agents. In a follow-up e-mail after the call, Mr. Cole wrote:

As I said on the call, to avoid any potential confusion, I want to reiterate the Department's policy: We should not design or conduct undercover operations which include guns crossing the border. If we have knowledge that guns are about to cross the border, we must take immediate action to stop the firearms from crossing the border, even if that prematurely terminates or otherwise jeopardizes an investigation.

Attorney General Holder himself told us in a hearing in May that Mr. Cole was simply reiterating an existing Justice policy in his e-mails, not communicating new policy. So imagine my surprise when I discovered in the document slid under my door late last Friday that while in Mexico Assistant Attorney General Lanny Breuer proposed letting guns cross the border. Mr. Breuer's proposal came at exactly the same time the Department was preparing to send its letter to me denying that the ATF ever does the very thing he was proposing.

In a February 4, 2011 e-mail, the Justice Department attache in Mexico City wrote to a number of officials at the Justice Department:

AAG Breuer proposed allowing straw purchasers to cross into Mexico so [the Secretariat of Public Safety] can attest and [the Attorney General of Mexico] can prosecute and convict. Such coordinated operations between the US and Mexico may send a strong message to arms traffickers.

We have people here in Washington saying the program doesn't exist at the same time we have people talking down in Mexico City of what we are trying to accomplish by the illegal sale of guns.

That e-mail I quoted, the recipient of it included Mr. Breuer's deputy, Jason Weinstein, who was helping to write the Justice Department letter to me that they would later withdraw for its inaccuracies. In other words, they

wrote a letter to me on February 4 of last year that in October they admitted they misled us. Mr. Weinstein was sending updates about the draft letter to Mr. Breuer in Mexico at the very same time so he cannot say he didn't know about it. Yet, during his testimony to the Senate Judiciary Committee, Mr. Breuer downplayed his involvement in reviewing the draft letter. It is outrageous to me that the head of the Justice Department's Criminal Division proposed exactly what his Department was denying to me was actually happening.

The Justice Department's letter to me clearly said:

ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

They said that at the very same time Mr. Breuer was advocating that a Justice Department operation allow weapons to be transported into Mexico. Further, what Mr. Breuer advocated directly contradicted what the Justice Department said its policy was.

Is it possible they can have it both ways? No, you cannot have it both ways. If they didn't have a policy against such operations, and if the left hand doesn't know what the right hand is doing, perhaps it is not a surprise that an operation like Fast and Furious sprang up. After all, as that same Justice Department attache wrote of a meeting a few days after his first email:

I raised the issue that there is an inherent risk in allowing weapons to pass from the US to Mexico; the possibility of the [Government of Mexico] not seizing the weapons; and the weapons being used to commit a crime in Mexico.

Well, the light bulb went on. If you are selling 2,000 guns illegally and they don't interdict them, well, yes, they end up murdering hundreds of people in Mexico and at least one person in the United States.

If the Justice Department did have a policy against such operations, this is a record of Mr. Breuer proposing to violate it. That is not just my conclusion, that is the Attorney General's conclusion as well.

At last week's hearing in the House of Representatives, the Attorney General was asked to explain the contradiction between his deputy's antigunwalking policy and the evidence of Mr. Breuer's proposed operation to let guns cross the border. He could not answer that question, but the Attorney General answered:

Well, clearly what was proposed in, I guess, February by Lanny Breuer was in contravention of the policy that I had the Deputy Attorney General make clear to everybody at Main Justice and to the field . . .

Perhaps this disconnect between Justice Department policy and Lanny Breuer's proposal explains Mr. Breuer's previous inaction to stop gunwalking. When he found out about gunwalking

2010, he failed to do anything to stop it or to hold anyone accountable. He simply had his deputy inform ATF leadershin.

Regardless, Mr. Breuer's contravention of Justice Department policy is yet another reason why it is long past time for Mr. Breuer to leave the Department of Justice.

Mr. Breuer misled Congress about whether he was aware of the Department's false letter to me. To this day he is still the highest ranking official in any administration that we know was aware of gunwalking in any Federal program, yet he took no action to stop gunwalking. He failed to alert the Attorney General or the inspector gen-

Mr. Breuer has failed the Justice Department, and he has failed the American people. This failure raises some important questions. When did Attorney General Holder determine that Mr. Breuer was proposing allowing straw purchasers to reach Mexico with traffic weapons? What has he done about it? Will Mr. Breuer be held accountable for hatching a plan to directly violate the Attorney General's anti-gunwalking policy? The Attorney General clearly testified that the proposal was in contravention of that policy. How does the Justice Department know other senior criminal division officials were not proposing operations similar to Fast and Furious? These are just a subset of some of the major questions remaining in our investigation of Fast and Furi-

It has now been 1 year since the Department sent me its false letter. How did the Justice Department move from its position of dismissing the complaints of whistleblowers to acknowledging that now those whistleblower complaints are true? What officials were internally dismissive of whistleblower complaints and who believes that they could have merit and should be taken seriously? To what extent did Justice Department officials seek to retaliate against whistleblowers? Exactly how and when did the Justice Department officials begin to learn the truth of what happened?

Former ATF Director Ken Melson has testified how and when he learned that guns had walked in Fast and Furious. What about Attorney General Holder? When and how did he learn guns had walked? What about Assistant Attorney General Lanny Breuer? A year after Operation Fast and Furious concluded, who will be held accountable? Why didn't top Justice officials see the clear connection between Fast and Furious and previously flawed operations that they have admitted they knew about? How has the Justice Department assessed the mistakes and culpability of these officials?

Finally, it is time for the Justice Department to stop stonewalling and

in Operation Wide Receiver in April of start providing answers. It is time for Holder to share with Congress the other 74,000 pages of documents they have turned over to the inspector general. It is time for Holder to give us access to the dozens of other people the inspector general has been allowed to interview.

> In short, it is time for Holder to come clean with the American people. The sooner he does it, and the Department does it, the sooner we can get to the bottom of what happened.

I vield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, as I do week after week, as a physician who practiced medicine in Casper, WY, taking care of families in the community and across the State for about a quarter of a century. I come as a doctor providing a second opinion about the health care law. Since this health care law was signed by the President almost 2 years ago, the public has been overwhelmingly opposed to it. The Democrats in Congress drafted this health care law. They did so quickly and behind closed doors. In spite of the President's promise that the discussions would be held on C-SPAN, no one saw what was happening.

Now the bill is law and, as NANCY PELOSI said, first you have to pass it before you get to find out what is in it. We have, as Americans, witnessed week after week the unintended consequences of the rush of the Democrats to score what they thought would be a political victory. So I continue to come to the floor with a second opinion because week after week there is another new finding of this monstrous law, and it is why week after week this health care law remains incredibly unpopular. The list of victims of this law continues to grow longer each week. Small business owners, families, people who get their coverage through their employers, and patients all across the country have already been impacted by this health care law.

But on January 20, the third anniversary of the President's inauguration, the President's health care law found a very new target, and that target amazingly is religious liberty. Now this administration is mandating that religious institutions provide services that undermine the beliefs of religious institutions across the country. In my opinion, and in the opinion of many across this Nation, this ruling tramples one of the amendments of the Constitution, I would say it is an easy amendment to find since it is the first one. It is the one which protects the rights to freedom of religion and freedom of expression. Reading from the Constitution, Amendment No. 1, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

If you take a look back at our Nation's history, the right to freedom of religion is one of the main reasons that many people came to America in the first place, and it is one of the reasons people have fought and have died for our Nation.

So what is someone to do? Well, Washington Archbishop Donald Wuerl has expressed the dilemma many institutions face, and he did it in a letter last week. The archbishop in Washington said the mandate will allow a Catholic school only one of three options: No. 1, to violate its beliefs by providing coverage for medications and procedures that Catholics believe are immoral; No. 2, to cease providing insurance coverage for all of its employees and then face ongoing and ultimately ruinous fines; or, No. 3, attempt to qualify for the exemptions by hiring and serving only Catholics, exclude evervone else.

Many Americans understand all three of those options are indefensible. Americans from across the political spectrum are speaking out against President Obama's big government power grab. One of my Democratic colleagues, Senator Joe Manchin, called this mandate un-American. Another, Senator Bob Casey, a Democrat from Pennsylvania, objected to forcing Catholic institutions to violate their religious beliefs. Then we have former Representative Kathy Dahlkemper, a Democrat from Pennsylvania, who voted for the health care law in the House of Representatives, who said she would never have voted for the final version of the health care law "if I expected the Obama administration to force Catholic hospitals and Catholic colleges and universities to pay for contraception."

Even liberal commentators such as E.J. Dionne and Mark Shields have criticized the administration for being unwilling to offer a broader conscience exemption to religious-affiliated institutions.

Now that the President's liberal allies are even opposed to this unprecedented power grab, the White House is trying to clean up the mess. It has signaled that it is willing to compromise on its decision. Instead of a mild compromise, the regulation—and the entire health care law—needs to be fully repealed. As the Wall Street Journal editorial board points out:

In any case HHS would revive this coercion whenever it is politically convenient sometime in Mr. Obama's second term. Religious liberty won't be protected from the entitlement state until Obamacare is repealed.

I think all Americans should be afraid of the course this White House is on with this regulation. This debate isn't about women's health; it is about power. Washington should not have the power to force religious people and religious institutions to take actions that contradict their beliefs.

What we are going to continue to see as the health care law and the mandates and the regulations continue to come out is a government and an administration that continue to expand the government reach in terms of its size, in terms of its scope, and in terms of its grab for power.

The health care law was supposed to be about people and health care—the care they need from the doctor they want at a cost they can afford. Instead we have a lot of IRS agents but no new doctors and nurses. I go to townhall meetings and ask: How many of you under this health care law who are hoping to get the care you need from a doctor you want at a price you can afford—how many of you believe the cost of your health care, because of this health care law, will increase, the costs to you will go up? All the hands went up. That is what the people believe when they hear more and more about this health care law.

Then I say: How many of you believe the quality and availability of your care will go down? Again, the hands went up.

These are the American people knowing everything they do about the health care law, which is very complicated and has not given them what they asked for: the care they need, from a doctor they want, at a cost they can afford. What they find and believe is that they are going to be actually paying more and getting less. That is not what the American people have been promised. It is not what they want. It is not what they are finding out they have received now that the law has passed.

So this clearly explains why Republicans in the Senate and in the House continue to be committed to repealing the President's health care law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio

Mr. BROWN of Ohio. I ask unanimous consent to address the Senate for up to 15 minutes as in morning business.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Reserving the right to object, if I could ask my friend through the Chair, would it be possible for me to have 2 minutes prior to his statement, and then following my remarks the floor will be the Senator's.

Mr. BROWN of Ohio. Sure.

Mrs. BOXER. Madam President, I wish to take 2 minutes to respond to Senator BARRASSO, who offered a second opinion. I hope my colleague will also talk about that.

I have to say it is stunning to see the assault on women's health that is taking place from the Republican Party day after day after day. First, they tried to stop women from getting breast screenings. Then they tried to stop us from getting cervical cancer

screenings. Now they are going after our ability to get birth control.

I have to say this: We know that for a full 15 percent of women, birth control is pure medicine. They suffer from debilitating monthly pain, endometriosis. We have stories of women who couldn't afford birth control pills and a cyst got out of hand resulting in the loss of an ovary. We know that birth control is used for a very serious skin condition. So if they want to stand here and say that women don't have a right to our medicine, that is their right but don't put it into the frame of religious freedom.

We know President Obama said he was going to do what 28 States have done; that is, to make sure women who work in this country have the ability to get access to birth control pills through their insurance. That is as simple as it gets. Twenty-eight States do it. I never heard a word out of them—never. And eight of those States had no exception when President Obama made an exception for 335,000 churches.

So let's not stand here and talk about the overreach of the Federal Government and the rest of it. The fact is our States have been doing this for years. More than 50 percent of women in this Nation have the ability to get contraception. It is about health. It is the Institute of Medicine that said it is critical. It will cut down on tens of thousands of abortions when families plan their families.

So as long as our colleagues on the other side want to make women a political football in this country, there are many of us here, women and men alike, who are going to stand sentry and say: You can't do this to the women of this Nation.

This is the 21st century, and we are arguing about birth control instead of how to get out of this economic malaise when we are finally seeing light at the end of the tunnel? Oh, no. I am hoping we go to a highway bill this afternoon, but we have to now have this diversion about an issue that was resolved, frankly, in the 1950s and in the 1960s.

So I thank my colleague for this opportunity. Senator BARRASSO has a right to a second opinion, but I think his opinion is off the mark.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the comments of the Senator from California. She is on the floor today with Senator Inhofe—unlikely peas in a pod, one pretty liberal, one pretty conservative, very different views—to talk about job creation, infrastructure, building highways and bridges and public transit, and job creation. As so often is the case, people on the other side want to change the subject.

In my State, the elections 1½, 2 years ago were all about lost jobs, about lost manufacturing jobs that, frankly, accelerated during the Bush years, and we finally turned that manufacturing job loss around. We have seen 20 straight months of job increases in manufacturing.

But the legislature in Columbus, my State capital, and the Governor, what are they doing? They are not fighting for job creation. They are going after workers' rights and women's rights—the heartbeat bill, pretty extreme—instead of focusing on job creation.

That is what I came to discuss on the Senate floor today too—not specifically on this bill but another infrastructure bill, which I will get to in a moment.

The comment I heard from Senator BARRASSO, only from the end of his discussion, was that he wants to repeal the health care law. How do they tell a 23-year-old who now is on her mother's insurance, who is without a job and doesn't have insurance, that she is going to lose her insurance she has through her mother's insurance? How are they going to explain it to the family who has a child with a preexisting condition who now can get insurance when the insurance company denied it before? How are they going to explain it to the Medicare retiree, the 72-yearold woman on Medicare who now has no copay, no deductible, free screenings for osteoporosis, or the man who gets prostate screenings—how are they going to explain that? They want to repeal that.

How are they going to explain the fact that they want to repeal stopping one of the most insidious insurance company practices, which is that if people get too sick and they are too expensive, insurance companies just cut them off? They want to repeal that prohibition. I guess it is because they want to do the insurance companies' bidding over and over. That is a big part of their game.

It just breaks my heart when I see the progress we have made for the millions of Americans who now will have health insurance. I know the Senator and my colleagues, everybody in this body has good health insurance. People in this body are generally pretty affluent. They have good government insurance. But they don't want millions of men and women in our country—people who have lost jobs, people who are working without insurance—they don't want them to have insurance, all for some political gain of repealing ObamaCare. It is too bad.

Madam President, now I wish to focus on job creation. I wish to make some remarks on legislation I introduced today that is not directly Senator BOXER's and Senator INHOFE's highway bill, but it is about water and sewer systems and infrastructure.

# WATER INFRASTRUCTURE IMPROVEMENTS

Mr. BROWN of Ohio. Mr. President, earlier today I was on a call with Tony Parrott, executive director of the Metropolitan Sewer District of Greater Cincinnati. We talked about how communities in Ohio are struggling to afford the necessary upgrades to improve sewer systems. In parts of the State with something called combined sewer systems, every time there are heavy rains waste and storm water overflows, the sewers overflow, and the water is dumped into our rivers and creeks and lakes.

The Environmental Protection Agency estimates that 800 billion gallons of untreated wastewater and storm water from these combined sewage overflows, these combined sewer systems, are released into our rivers, lakes, and streams each year. It poses a threat to public health and the environment, and it undermines the competitiveness of our businesses. So not only do building these water and sewer systems and upgrades create jobs, but we also know if we don't, local businesses aren't going to expand. If they are not certain they are going to have good, clean water available at a decent and reasonable cost, they are not going to expand their businesses, especially if it is manufacturing.

The cost of addressing these combined sewage overflow systems in Ohio is some \$6 billion according to the EPA, \$1 billion in northeast Ohio, and \$2 billion in the Cincinnati area.

So that is why today, because there are 81 Ohio communities requiring water infrastructure improvements, I am reintroducing the Clean Water Affordability Act. In previous Congresses I introduced this legislation with our Republican colleague from Ohio, Senator Voinovich. This bill will protect ratepayers, lead to cleaner water, and promote economic development. It would invest \$1.8 billion to be distributed over the next 5 years through a grant program for financially distressed communities administered by EPA Administrator Jackson. I have spoken to her conveying the concern of Ohio's CSO communities. The program provides a 75/25 cost share, similar to what we have done on highway issues in the past: 75 percent Federal Government cost, 25 percent local government cost.

It is estimated that every \$1 billion invested in infrastructure, similar to the highway bill that Senators INHOFE and BOXER are working on, will create—that for every \$1 billion invested, upwards of 20,000 jobs would be created.

It will promote green infrastructure. Cities such as Bucyrus or Steubenville should be encouraged to use green infrastructure if it costs less than traditional construction and produces the same environmental benefits.

I will continue to work with mayors such as Dave Berger of Lima and Bob Armstrong of Defiance, county commissioners, and others such as Tony Parrot, who explained to me how years of reduced infrastructure investments have eroded their water and sewer systems.

When we were kids in the 1950s and 1960s and 1970s and into the 1980s, the U.S. infrastructure was the envy of the world. Whether it was the interstate system, whether it was the Federal, State, local partnerships on water and sewer systems, whether it was the building of community colleges and the beginnings of technology and wiring for our telecommunications systems in the 1950s and 1960s, we were the envy of the world.

Today, because so many in this government think we need to cut spending at all costs on everything, we simply have not kept up with the infrastructure. That is why countries such as China that are investing so much money in infrastructure—we run the risk of them passing us by in manufacturing and all the things we care about that build a solid middle class.

This legislation is an economic development imperative. This legislation is an imperative for citizens of our country—having clean drinking water, safe drinking water, predictable access to water at a reasonable cost. It is important for our families. It is important for our communities. It is important for business development. It is important for a strong middle-class manufacturing country, which we still are.

I ask my colleagues to support this important legislation I am introducing today.

Mr. BROWN of Ohio. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to let us proceed on the reauthorization of the surface transportation act, S. 1813. This is a critically important bill, and I am proud to be on two committees that have had jurisdiction over this bill. One is the Environment and Public Works Committee, where Senator BOXER and Senator INHOFE have worked together to bring out a bill that received the unanimous support of our committee. I also serve on the Senate Finance Committee, where Senator BAUCUS and Senator HATCH have worked together so we have the sufficient revenues in order to be able to finance the reauthorization bill during its 2-year reauthorization.

This bill is so important to our country. First, it gives predictability to our

State and local governments. It gives predictability to the highway engineers. It gives predictability to contractors to know the funding will be there in order to advance our transportation programs. When we do these short-term extensions, it really does cause significant problems for planners. If you are trying to plan a transportation project, you need to know the funding is going to be there for more than just a few months. You need to have some degree of predictability. This legislation will allow us to give that predictability to those who are involved in the decisionmaking. It has been 2009 since we last reauthorized the surface transportation act. It is time for us to act.

This bill will also help us as far as American competitiveness is concerned. We need to have modern transportation infrastructure, whether it is our highways, our bridges, or our transit systems. We need to make sure we can meet the challenges to today's society.

I could talk about just in this region our needs in the transit area. We have one of the most congested communities in the Nation in Washington, DC. Many of my constituents who live in Maryland go to work every day in Washington, DC, working for the Federal Government, using the mass transit system. That system is aged and needs attention. We need to provide the financing nexus in this area in order to be as competitive as we can with transportation options for the people of this country.

This bill is important for jobs. You hear that over and over. In Maryland, the passage of this bill will preserve or expand 10,000 jobs for its people. I expect the Acting President pro tempore would have similar numbers in New Mexico. It is important in every State in this Nation.

It is also important for safety. I will give you one number in Maryland that really has me concerned. There are 359 bridges in the State of Maryland that have been rated structurally deficient and 4.6 million motorists travel over those bridges every day. The State of Maryland is taking steps to make sure the motorists are safe, but we need to fix those bridges in a more permanent way. The longer we wait, the more it costs. Deferred maintenance means we are not doing what we should to protect the future needs of our communities. This legislation puts a heavy priority on maintaining our transportation infrastructure so it is safe and we can move forward into the future.

The legislation is balanced between transit and highway. I know that in certain regions of this country, highways are the principal means of transportation, and their interest in transit is not quite as great as it is if you represent the people of New York or you represent the people of Maryland or

you represent the people in an urban center where public transit becomes a very important part of our transportation needs. This legislation is balanced to take care of the needs of our highways and the needs of our transit systems. I think it is a credit to that balance that in the Environment and Public Works Committee and in the Banking Committee—the two committees that have principal jurisdiction over the highway program and over the transit program—we had unanimous support on bringing this bill forward. That is how we should be proceeding to consider legislation. We have that type of bipartisan cooperation because this bill is properly balanced.

Let me also point out that we have received hundreds of letters from organizations that support the passage of the surface transportation reauthorization act. We have the U.S. Chamber of Commerce, we have the AFL-CIO, we have businesses, we have labor groups, we have local communities, we have national groups.

This bill has been put together in a way where we can get it done this year, and it would be very important for the people of this country and for our economy.

Let me talk a little bit about my State of Maryland and the Maryland department of transportation. They have given us a list of projects that will move forward if we can get this bill reauthorized, from the beltway around Baltimore, to critical roads in Montgomery and Prince George's Counties, to our rural areas. I could share some of those specific examples. But this will affect the ability of Maryland to move forward with critical roads and transit needs, and we need to get that done.

I want to talk a little bit about some of the specific issues that are in the bill that I want to highlight.

The Appalachian Development Highway System is one for which we have put a separate provision historically in the code because we recognize that in bringing economic opportunity to that part of our Nation, which includes West Virginia, Maryland, and Pennsylvania—and it also includes some of our Southern States that are in the Appalachia highway region—it is tough to get jobs there. I was just recently in the most western part of Maryland up in Garrett County, and I can tell you it is difficult to get companies to move into that region. One of the problems is that you have to go over the mountains. It is not easy to get over the mountains

We have a real opportunity around Cumberland, MD, to be able to expand dramatically the economic opportunities and jobs by completing the north-south highway that goes through Pennsylvania, Maryland, and West Virginia. Now there is reason to celebrate that in this bill that can become a reality.

There is an amendment I had offered that is included in this legislation that provides the toll credits so we can advance this project. It was a major issue needed, particularly in the Pennsylvania part of this north-south highway.

So we do have reason to celebrate that in this legislation we have a way of completing the Appalachian Development Highway System in my part of the country.

Senator ROCKEFELLER has been working very closely on this issue, and I really applaud his leadership. We are going to be looking to see whether we might be able to strengthen it more, through amendments to this bill, to make sure these projects get the priority to which they are entitled.

For the sake of flexibility, we have combined many of the specific programs into more general programs. That is part of the balance in this legislation—to give greater flexibility to local governments. That is important. But we also want to make sure the national priorities receive the attention they need, and the Appalachian Development Highway System is a national priority. We want to make sure that is, in fact, done.

I wear another hat as chair of the Water and Wildlife Subcommittee on the Environment and Public Works Committee, and I want to do everything we can to make sure the Federal Government, as a partner in developing highways and roads and transit systems, does what is important for clean water in our communities. A large part of the pollutants that enter into our waters comes from storm runoff. In the Chesapeake Bay region, the largest growth source of pollutants going into the Chesapeake Bay comes from storm runoff. Well, highway construction can help or hurt storm runoff. If you do it the right way, you actually can help keep pollutants out of our streams and rivers and bays. So I am hopeful that during the discussion of this bill on the floor of the Senate, we will look for ways we can make this bill helpful in the best practices being used in order to deal with storm runoff, as we deal with major transportation programs in this country.

One of the programs I have spent a lot of time on is the Transportation Enhancement Program, the TE Program. That has been used by local governments to do what is critically important to our communities. I could talk about bicycle paths. I could talk about paths that have connected communities, which has allowed us to take cars off the roads. This is a small amount of money, but it becomes very important for getting motorists off the roads. We have the use of the Transportation Enhancement Program so it is safe for motorists who want to pull off to the side of the road to see the vistas. We have used funds for that. That is a safety issue.

So transportation enhancements are important programs. We want to make sure the flexibility and funding opportunities remain. Chairman Boxer has been very careful to work out an arrangement so we can advance that, and I thank her for it. I have been working with Senator Cochran, and we are hoping to offer an amendment that will make it clear we need to work with the local governments as we look at how the transportation enhancement funds are being used.

Let me tell you about another opportunity I think we could have in the consideration of this bill, and that deals with our veterans.

There is a way we could use the training veterans receive while in military service to help when they come back here as far as truckdrivers are concerned. We are looking for an amendment in regard to that area where we could advance that issue.

There are many areas in this bill that we think are extremely important to advance our needs. It is a bipartisan bill. We have to get this done.

I know Senator BOXER is on the floor. Once again, I compliment her for her patience and leadership in working through each of these issues.

We are looking forward to a robust debate on the floor of the Senate. I hope Members who have amendments will allow us to proceed. Let's take a look at amendments, but let's proceed in the spirit in which the Environment and Public Works Committee, the Banking Committee, and the Finance Committee reported the bills to the Senate; that is, listen to each other, do not lose sight of the prize of getting this bill done, and be willing to compromise so that we can maintain the type of bipartisan cooperation we need in order to get this bill enacted. If we do that, we will be doing something so important to our country.

This bill will create jobs. This bill will help our economic recovery. This bill will help our future. I am proud to be part of the group that has brought this bill forward to the floor of the Senate.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

Mr. CARPER. Mr. President, I rise this afternoon to speak in favor of moving ahead for progress in the 21st century, something that most Americans—almost all Americans—have to be in favor of, and if a lot of them knew about this legislation, I think they would be in favor of it too.

It has been 862 days since SAFETEA-LU expired—862 days. That legislation was written in 2003, passed this body and signed into law in 2005. We have extended that legislation, SAFETEA-LU, eight times since it expired in 2009, brought it back from the dead eight times

John Chambers, who is the CEO of a big technology company called CISCO, likes to say that the key to global economic competitiveness is having the best workforce and the best infrastructure in the world. He has said that is where the jobs will go in the 21st century—best workforce, best infrastructure, you will get the jobs. We must continue to modernize—in the spirit of those words—modernize and maintain our infrastructure if it is to remain the best.

I wish to start today by congratulating Senators BOXER and INHOFE for pulling together—and their staffs and subcommittee staffs as well—I wish to start by congratulating them for pulling together a bipartisan Transportation bill that begins to address America's infrastructure needs. This comes on the heels of our passing earlier this week a conference report, a compromise on the FAA reauthorization to bring the air traffic control system of our country into the 21st century and to also begin rebuilding and improving our airports as well. This is a pretty good one-two punch in the period of 1 week

This legislation before us today makes key reforms to our Federal transportation policy that will help make the best use of our taxpayers' dollars. The legislation sets clear national goals for transportation investment. We do not just throw money at these problems; we actually strive to achieve a number of specific goals. And this bill asks State transportation departments to do their part to achieve those national goals. It accomplishes this by implementing new performance measures that will help to hold States accountable for the outcomes of the investments we are prepared to make. This will ensure that we are building the most effective multimodal transportation network we can by putting our dollars to the most productive use.

Passing this legislation is critically important to America's economic health at home and our competitiveness abroad. We have heard that here today, and we will hear it for the next several days. This legislation, if adopted and signed into law, will create or save several millions of jobs, in a day when we need every job we can save or create, in States such as New Mexico, States such as Delaware, and 48 other States as well.

In my State of Delaware, for example, we are planning significant new transportation investments. We already have a bunch of them underway, but new ones will contribute to our

State's productivity. Some of those will help to relieve the congestion along important corridors such as I-95. We have already done some good work in putting in highway-speed E-ZPass on I-95 through the toll plaza to expedite and move the flow of traffic. We are now working on a big intersection where I-95 intersects with State Route 1. a major north-south highway. That has been a big bottleneck for years. We have some good work going on with that. We want to be able to finish that. Other improvements will allow shippers to move freight more quickly and reliably down roads such as Route 301, which comes up through Maryland and the Delmarva Peninsula into Delaware on its way to I-95.

Each of my colleagues could no doubt talk about similar efforts in their State. Each of these projects is part of our national transportation system. Taken together, the system is greater than the sum of its parts. Having a world-class transportation system has helped to make America what it is today. This bill will ensure that we have a transportation system that allows America to return to prosperity and to grow that prosperity.

I am looking forward to debating this bill on the Senate floor. I appreciate the time to get started on that here today. As a Senator and as a recovering Governor, I know that everything I can do I can do better, and as good as this legislation is I think there is always room for improvement.

I have never introduced a perfect bill. My friend who is presiding over the Senate may have, but I am not sure. As good as this legislation is, there is room for improvement.

I plan to bring forward a couple amendments that I think will improve the bill. We talked about a few in the markup in the full committee. For example, I believe we need to do more on the issue of traffic congestion. I go back and forth on the train about every day and night, and in the morning I see traffic lined up for miles, trying to get from north to south and parallel to the Northeast corridor of Amtrak, as we zip along. This city is recognized as maybe the most congested city in America.

In 2010 I am told that drivers in the United States in the more urban and suburban areas wasted some 1.9 billion gallons of fuel due to traffic congestion. That is almost 2 billion gallons of fuel. Congestion is a major challenge in larger U.S. cities and increasingly even in smaller cities and towns too.

The burden and the cost of traffic congestion is felt by both travelers and freight shippers, diminishing our quality of life and costing us money. According to the Texas Transportation Institute—they come up with this study that is announced every year—the average commuter across the country spent 34 hours sitting in traffic—

not moving at 40, 30, 20, or 10 miles an hour but sitting in traffic. That is up from 14 hours in 1982. This burden lowers productivity and results in wasted fuel and cost Americans more than \$100 billion in 2010, or nearly \$750 wasted for every commuter. Traffic congestion is also increasingly hurting the reliability of the transportation system, which is particularly important to freight shippers, where the value each minute can be as much as \$5. It is about \$300 an hour. As America's economy continues to recover, we must make sure that traffic is not a drag on job growth. According to that same Texas Transportation Institute, by 2015—3 years from now—the cost of gridlock will rise from \$101 billion to something like \$133 billion.

That is the bad news. There is good news too. Fortunately, we have new tools to address congestion. For example, better management of accidents, improved timing of traffic signals, real-time traveler information, and managed toll lanes—and I will talk more about that next week—all provide low-cost congestion benefits. These are just a few of the strategies that have been helping passengers and freight shippers to better anticipate, avoid, and manage the impact of congestion. They are smart and are being successfully used on a smaller scale. They are ideas we want to replicate in cities and counties and States across the country. I will offer an amendment that would, in the States with the worst congestion, target funding for these cost-effective congestion-relief strategies. My amendment will help to give Americans some of their time and money back. It will help shippers grow their businesses too. I hope my colleagues will support it.

Second, I believe that anything worth having is worth paying for. If we will not raise user fees at the Federal level, we should at least stop prohibiting States from doing so if that makes sense. I will offer an amendment to give States more flexibility to use tolls and user fees on their roadways. An increasing number of States are looking at tolls and user fees as a source of funding, and the Federal Government should not stand in their way.

We have used tolls as a source of revenue in Delaware for years, and it has helped us to maintain and improve the critical I-95 corridor and to provide a north-south corridor that stretches from the northern part of the State past Dover, past Dover Air Force Base and the central part of Dover.

Toll revenue is also often a critical part of forming public-private partner-ships, which I know many of my colleagues support. I hope my colleagues will join me in supporting this amendment.

In closing, Congress needs to act on transportation legislation. The rest of the country is counting on us. The infrastructure of our country gets graded on an annual basis by, among others, the engineers of our Nation. They look at transportation more broadly than just highways and bridges. And it is not just railroads, bridges, and ports, they look at all of it. Last year, the grade they gave us was a D. That is not as in "delightful," and that is not as in "distinguished"—that is maybe more in the area of "derelict." We can do a whole lot better.

We have taken action this week with respect to our air traffic control systems. We have taken a step toward beginning to rebuild and improve our airports. The legislation will let us, in the next 24 months, make our roads, highways, and bridges safer, less congested, and something we can treasure as a real asset.

Lastly—and I have said this before and it bears repeating—the major job of government—not the only but a major job of government—is to provide a nurturing environment for job creation and job preservation. It is not the only job of government, but it is a big job of government. A big part of creating that environment for job creation and preservation is a road, highway, and bridge infrastructure that we can all be proud of in the 21st century. This legislation will help us go in that direction. It is important to follow on the heels of this legislation and not just waste 2 years but build on it to do smarter things in the years to come.

That having been said, while the chairman is here, I thank her for her leadership. People say: Why can't Congress get anything done? I think the way Senator Boxer and Senator INHOFE have worked together on this legislation, with the staffs, is a great model for the rest of us. We thank them for their leadership.

I vield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Delaware because he and the occupant of the chair are very important members of this great committee, the Environment and Public Works Committee. As one or our most senior Members, he has taken a tremendous interest in everything we do. I look to his leadership on a number of issues, including controlling mercury, which is dear to his heart and mine. He is a leader on nuclear plant safety and has been extremely helpful. I thank him for the good role he plays on that committee.

We will have a number of amendments. It is going to be delicate with the amendment process. That is fine. I encourage everybody, if they have an amendment, to go for it. But we have an agreement that the leadership on the committee—we are either all going to go for an amendment or not. We don't want to stymie this.

I appreciate the Senator alerting us that he is going to offer those two them to us so we can share them with Senator INHOFE.

We have received another letter of support, which I am proud to put in the RECORD. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 9, 2012.

DEAR SENATOR: The twenty nine national associations and construction trade unions that comprise the Transportation Construction Coalition (TCC) strongly urge all members of the Senate to vote for the motion to proceed on S. 1813, the "MAP-21" surface transportation reauthorization proposal. This legislation would provide critical investments and policy reforms needed to improve the nation's highway and bridge network

The federal highway and public transportation programs have been operating under a series of temporary extensions for more than two years. MAP-21 would end that dysfunctional cycle and restore stability to the federal surface transportation programs. In a very challenging budgetary environment, the legislation would authorize current (inflation-adjusted) levels of highway and public transportation investment. Furthermore, the Senate Finance Committee has developed a bipartisan plan to assure these investments do not add to the federal deficit.

The TCC has long supported reforming the federal highway and public transportation programs to focus on national goals and deliver transportation benefits faster and at lower cost. Specifically, we support steps to accelerate the transportation project environmental review and approval process through the use of deadlines, flexibility for state departments of transportation, expedited reviews for projects with no significant impact, and greater authority for the U.S. Department of Transportation with other federal agencies. The TCC also supports efforts to increase the involvement of the private sector resources to help meet the nation's transportation challenges.

We commend all senators involved in developing a comprehensive, bipartisan reauthorization proposal that would continue the strong tradition of federal leadership in the area of transportation policy. We urge all members of the Senate to vote to move the surface transportation reauthorization process forward by supporting the motion to proceed on S. 1813.

Sincerely.

TRANSPORTATION CONSTRUCTION COALITION.

Mrs. BOXER. It is from the Transportation Construction Coalition. They are urging all of us for an "aye" vote on the motion to proceed to the Transportation bill. They have said wonderful things about our bill-that they like the steps we have taken to accelerate all the reviews and flexibility for the States, greater authority for our States, and the fact that we did this in a comprehensive way and in a bipartisan way. I am very grateful.

What I would like to do is read the names of these organizations because it shows you the depth in America of the support for this bill: The American Road and Transportation Builders: Associated General Contractors; the

amendments. I urge the Senator to get American Coal Ash Association; the American Concrete Pavement Association: the American Concrete Pipe Association; the American Council of Engineering Companies; the American Subcontractors Association; American Iron and Steel Institute; American Society of Civil Engineers: American Traffic Safety Services Association; the Asphalt Emulsion Manufacturers Association; Asphalt Recycling and Re-Association; claiming Associated Equipment Distributors: Association of Equipment Manufacturers; Concrete Reinforcing Steel Institute; International Slurry Surfacing Association; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; International Union of Operating Engineers; Laborers-Employers Cooperation and Education Trust; Laborers' International Union of North America: National Asphalt Pavement Association; National Association of Surety Bond Producers; National Ready Mixed Concrete Association; National Stone, Sand & Gravel Association; National Utility Contractors Association; Portland Cement Association: Precase/Prestressed Concrete Institute; the Road Information Program; and the United Brotherhood of Carpenters and Joiners of America.

The reason I read these 29 organizations—there are 1,000 organizations behind our bill-I want colleagues to understand how people have come together from all sides of the aisleunion workers, nonunion workers, the businesses and union businesses. Evervbody has come together—Democrats, Republicans, and Independentson our committee. The reason is that we are coming out of a very tough and deep recession where housing was hurt deeply, and we are having a very tough time coming out of the housing recession. Construction workers have a 15percent or more unemployment rate, compared to an 8.3-percent unemployment rate in the rest of the workforce. If you put them into Super Bowl stadiums, they would fill 15 Super Bowl stadiums. Imagine that.

We have an obligation to come together on behalf of jobs and the aging infrastructure that needs to be fixed. We have bridges collapsing and roads that are not up to par. We have problems in this Nation, and we can stop them and solve them only if we come together.

I will end here because my colleague would like the floor, and that is fine. I think we will have an opportunity at around the 2:15 hour or so to come together united and give a great vote of confidence to this bill, to move it ahead with an overwhelming vote. Maybe I am dreaming, but I hope for well over 60 votes to go forward. Then let's get to the amendment process and let's not offer extraneous amendments that have to do with everything but transportation. Let's keep this focused.

Then we can get to conference and get a bill to the President.

In closing, if our bill is the law of the land, we would save 1.8 million jobs and be able to create up to another million jobs. There is a lot riding on this bill. I hope we will come together this afternoon.

Thank you for your indulgence. I yield the floor.

#### EXECUTIVE SESSION

NOMINATION OF CATHY ANN BENCIVENGO TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Cathy Ann Bencivengo, of California, to be United States District Judge for the Southern District of California.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate, equally divided, prior to a vote on the nomination, with the time already consumed counting toward the majority's portion.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to speak on behalf of the nomination of magistrate judge Cathy Ann Bencivengo to the position of district judge for the Southern District of California.

Judge Bencivengo will fill a judicial emergency vacancy in a judicial district along the southwest border that has one of the highest and most rapidly increasing criminal caseloads in the country.

The Southern District of California includes San Diego and Imperial Counties. It borders Mexico, and it consequently has a large immigration caseload. It ranks fourth in the country in terms of criminal case filings per authorized judgeship.

The district's former chief judge, Irma Gonzalez, wrote me a letter urging Judge Bencivengo's confirmation and highlighting the felony caseload crisis in the district. As Chief Judge Gonzalez explained, since 2008 criminal case filings in the district have increased by 42 percent and civil case filings by 25 percent. In the past fiscal year alone, criminal cases had risen 17 percent up to the time of her letter. It is, in fact, a judicial emergency.

The ACTING PRESIDENT pro tempore. The Senator is advised the previous allotted time has expired.

Mrs. FEINSTEIN. I ask unanimous consent to speak for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Let me tell everyone a little about Judge Bencivengo. She is a consensus nominee who was approved by the Judiciary Committee by a voice vote. That does not often happen. There was no objection from any colleague on any side of the aisle.

She was recommended to me by a bipartisan judicial selection committee which I have established in California to advise me in recommending judicial nominees to the President. This committee reviews judicial candidates based on their legal skill, reputation, experience, temperament, and overall commitment to excellence.

Judge Bencivengo has been a U.S. magistrate judge in San Diego for the last 6 years, and she has earned an outstanding reputation in that judicial role.

Throughout my advisory committee's process, Judge Bencivengo has actually set herself apart as a person who would be truly exceptional. She was born in New Jersey. She began her undergraduate career at Rutgers. She earned a bachelor's in journalism and political science and a master's from Rutgers as well.

She worked for a leading American corporation—Johnson & Johnson—in New Brunswick. She then attended the University of Michigan Law School, where she excelled, graduating magna cum laude, and was inducted into the Order of the Coif.

After law school, she joined the San Diego firm of Gray Cary, which later became part of a major international law firm. She became a founding member of the firm's patent litigation group. Her knowledge of patent law, which she honed in law school and in private practice, made her a valued resource for her colleagues and clients, so she quickly rose through the ranks at her firm. She was selected as the national cochair of her firm's patent litigation group, a role in which she managed 70 patent attorneys.

In 2005, she became a magistrate judge, a role in which she has served as a serious and thoughtful jurist. Since her appointment, she has published 180 opinions, over 190 reports and recommendations, over 1,800 orders on nondispositive motions, and roughly 800 of her orders involved felony criminal cases.

She has substantial expertise in patent law, which will be welcome in the district, which is part of a new Federal judicial program designed to assign more patent cases to judges who are experts in the field of patent law. So she will be helpful.

Judge Bencivengo has received high praise from any number of people. I know of no opposition to her confirmation. I think this advice and consent process will yield a very good, seasoned

San Diego magistrate judge for the district court, and I am very proud to recommend her and to have had unanimous consent of the Judiciary Committee for her confirmation.

I see Senator LEE on the floor. Perhaps I could ask unanimous consent that when Senator LEE concludes, and if there is time remaining, I be recognized to speak for a couple minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to speak for a period of up to 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator has that time.

Mr. LEE. Mr. President, I rise in opposition to this nomination. I do so not because of the qualifications of this particular nominee, but instead I do so in defense of the U.S. Constitution.

In opposing President Obama's appointments, I have repeatedly made clear this is a constitutional issue. Each time I have spoken—and I have done so on numerous occasions—I have set forth in detail the reasons why I believe on a legal basis, on a constitutional basis, why President Obama's recent purported recess appointments are unprecedented and unconstitutional. I have also made absolutely clear that my opposition to President Obama's appointments is not partisan and that I will hold a Republican President equally accountable whenever any Republican President makes a similarly unconstitutional claim of power.

This President has enjoyed my cooperation up to this point. I voted for many, if not most, of his nominees. That cooperation cannot continue—not in the same way he has enjoyed it up to this point. In light of the fact he has disrespected our authority within this body, he has disrespected the Constitution.

Unfortunately, many of my colleagues have refused to engage on the real substance of this issue. Instead, they have repeatedly changed the subject to partisan politics, the nominations process, and Richard Cordray's qualifications to head the CFPB. Even worse, and despite my repeatedly making clear I intend to hold any Republican President to the same standard to protect the institutional and constitutional prerogatives of the Senate rather than the interests of any political party—given those are at stake—the Democrats, including the President himself, have accused me of playing politics. I wish to be clear again: This is not the case. I am here to defend the constitutional prerogatives of the Senate and the separation of powers and the system of checks and balances that are at the heart of our constitutional system.

The Senate's advice-and-consent role is grounded in the Constitution's system of checks and balances. In Federalist 51, James Madison wrote:

. . . the great security against a gradual concentration of the several powers in the same [branch of government], consists in giving to those who administer each [branch] the necessary constitutional means and personal motives to resist encroachments of the

Among those constitutional means is the Senate's ability to withhold its consent for a nominee, forcing the President to work with Congress to address that body's concerns.

The key conclusion of the Department of Justice's Office of Legal Counsel memorandum, on which President Obama relied in making these recess appointments, is that the President may unilaterally decide and conclude that the Senate's pro forma sessions somehow do not constitute sessions of the Senate for purposes relevant to the recess appointments clause, in clause 3 of article II, section 2. If allowed to stand, this deeply flawed assertion would upend an important element of the Constitution's separation of powers. Under the procedures set forth by the Constitution, it is for the Senate. not for the President, to determine when the Senate is in session. Indeed, the Constitution expressly grants the Senate that prerogative, the power to "determine the Rules of its Proceedings."

Commenting on this very provision in his authoritative constitutional treatise, Joseph Story noted:

[t]he humblest assembly of men is understood to possess [the power to make its own rules,] and it would be absurd to deprive the councils of the nation of a like authority.

Yet this is precisely the result of President Obama's attempt to tell the Senate when it is or is not in recess.

I am saddened some of my colleagues in the Senate are not more jealous of this body's rightful constitutional, institutional prerogatives. As they well know, the Constitution's protections do not belong to any one party, and its structural separation of powers is meant to protect against the abuses of present and future Presidents of both parties. Acquiescing to the President in the moment may result in temporary political gain for the President's party, but relinquishing this important piece of the Senate's constitutional role has lasting consequences for Republicans and Democrats alike.

It is on this basis, and because of the oath I have taken to uphold the Constitution of the United States, that I find myself dutybound to oppose this nomination. I strongly urge my colleagues on both sides of the aisle to take seriously their obligation both to the Constitution and to the institutional prerogatives of the Senate and to do the same.

I yield the floor.

pore. The Senator from California.

 $\operatorname{Mrs.}$  FEINSTEIN. Mr. President, I would like to briefly respond to Senator LEE's comments.

I understand the reasons for which he is opposing this nominee. I would again point out that, in my opinion, based on what I heard the distinguished Senator say, it has nothing to do with the nominee. It has to do with a peripheral issue. I would hope a majority of the Senate would understand this is a totally noncontroversial, totally capable, totally qualified, and totally good nominee. To hold her confirmation hostage is something that doesn't redound well on this body.

This is a judicial emergency in the Southern District of California, and we need to get this judge approved. So while I appreciate the Senator's comments—I think most of us are well aware of the feelings on the other side—I think somehow, some way, we have to come together and prevent what is happening. And what is happening is, if I don't get my way on something, I am going to hold up appointments, I am going to hold up confirmations, and I am going to do whatever I can to show I have power to disrupt this body.

In essence, the body can be disrupted. We know that. There are very strong minority rights in the Senate rules of order. But at the same time, we have an obligation to see that qualified people who want to serve in this Government—in this case in the judicial arm, in the Federal Court system—have an opportunity to do so, and where there is real danger in terms of overly high caseloads, we can respond and get qualified nominees in place.

I appreciate what the Senator had to say. I understand it. But I appeal to this body: Please vote to approve Cathy Bencivengo to the Southern District of California.

Mr. LEAHY. Mr. President, today. the Senate will finally vote on the nomination of Judge Cathy Bencivengo to fill a vacancy on the the U.S. District Court for the Southern District of California, where she has served as a Magistrate Judge since 2005. An experienced judge and lawyer, with 17 years in private practice before becoming a Magistrate Judge, Judge Bencivengo received the highest possible rating from the ABA's Standing Committee on the Federal Judiciary, unanimously "well qualified." Her nomination. which has the strong support of her home State Senators, Senators Feinstein and Boxer, was reported unanimously by the Judiciary Committee on October 6. Yet, despite the support of every Member of the Judiciary Committee, Democratic and Republican, and despite vacancies across the country in nearly one out of every 10 Federal judgeships, it has taken over 4 months for Senate Republicans to con-

The ACTING PRESIDENT pro tem- sent to a vote on Judge Bencivengo's nomination.

> I thank the Majority Leader for securing today's vote. There is no reason or explanation why the Senate Republican leadership will not consent to vote on the other 18 judicial nominations waiting for final Senate action. All but three of them were reported by the Judiciary Committee without opposition, just like Judge Bencivengo's nomination.

> Earlier this week I urged Senate Republicans to join with Democrats and take long overdue steps to remedy the serious vacancies crisis on Federal courts throughout the country. Consenting to vote on a single judicial nomination, only the third such vote we have had this year, is not much in the way of progress.

> There is no reason or explanation for why Senate Republicans continue to block a vote on the nomination of Jesse Furman to fill a vacancy on the Southern District of New York. His nomination was voted out of the Judiciary Committee on September 15, nearly 5 months ago, without opposition from a single member of the Committee and a month before the nomination being considered today. Mr. Furman, an experienced Federal prosecutor who served as Counselor to Attorney General Michael Mukasey for 2 years during the Bush administration, is a nominee with an impressive background and bipartisan support. We should have voted on his nomination many months ago, and certainly before the end of the last session. Senate Republicans have now skipped over that nomination and stalled it for almost 5 months.

> Senate Republicans continue to block even judicial nominations with home State support from Republican Senators. Republican Senator MARCO RUBIO and Democratic Senator BILL NELSON of Florida both introduced Judge Adalberto Jordan of Florida to the Judiciary Committee when we held his confirmation hearing last September for his nomination to fill a judicial emergency vacancy on the Eleventh Circuit, and both strongly support his nomination.

> Judge Jordan is an experienced jurist who has served as a judge for the Southern District of Florida since 1999. If confirmed, Judge Jordan will be the first Cuban-born judge to serve on the Eleventh Circuit, which covers Florida. Georgia and Alabama. Born in Havana, Cuba, Judge Jordan immigrated to the United States at age 6, going on to graduate summa cum laude from the University of Miami law school. After law school, he clerked for Judge Thomas A. Clark on the Eleventh Circuit, the court to which he is now nominated, and for Justice Sandra Day O'Connor, a President Reagan appointee to the United States Supreme

Court. Judge Jordan has been a prosecutor in the Southern District of Florida, serving as Deputy Chief and then Chief of the Appellate Division. Judge Jordan has been a professor, since 1990 teaching at his alma mater, the University of Miami School of Law, as well as the Florida International University College of Law. It is no surprise that the ABA's Standing Committee on the Federal Judiciary unanimously rated Judge Jordan "well qualified" to serve on the Eleventh Circuit, the highest possible rating from its non-partisan peer review. It is also no surprise that his nomination was reported unanimously by the Judiciary Committee nearly 4 months ago. The surprise is that Senate Republicans continue to stall action on this nomination for no good reason.

Judge Jordan is the kind of consensus judicial nominee that should be welcomed as one of the many examples of President Obama reaching out to work with Republican and Democratic home State senators and the kind of superbly qualified nominee we should all encourage to serve on the distinguished bench of Federal appeals court judges. In the past the Senate would have voted on his nomination within days or weeks of its being reported unanimously by the Judiciary Committee. Yet Republicans refused to consent to a vote on Judge Jordan's nomination before the end of the last session and it has been stalled on the Senate Calendar for nearly 4 months. When we finally do vote on Judge Jordan's nomination I am certain he will be confirmed with broad bipartisan support, perhaps unanimously. There is no good reason the Senate is not voting to confirm Judge Jordan today.

If caseloads were really a concern of Republican Senators, as they contended when they filibustered the nomination last December of Caitlin Halligan to the D.C. Circuit, they would not continue to block us from voting on Judge Jordan's nomination to fill a judicial emergency vacancy on the Eleventh Circuit, one of the busier circuits in the country. They would not continue to block a vote on the nomination of Judge Jacqueline Nguyen, reported last December to fill a judicial emergency vacancy on the Ninth Circuit, the busiest Federal appeals court in the country. They would consent to vote on the nomination of Paul Watford, a well-qualified nominee to fill another judicial emergency on the Ninth Circuit. They would stop blocking us from voting on the nominations of David Nuffer to fill a judicial emergency vacancy on the District of Utah, Michael Fitzgerald to fill a judicial emergency vacancy on the Central District of California, Miranda Du to fill a judicial emergency vacancy on the District of Nevada, Gregg Costa to fill a judicial emergency vacancy on the Southern District of Texas, and David Guaderrama to fill a judicial emergency vacancy on the Western District of Texas.

Of the 19 judicial nominations now awaiting a final vote by the Senate, 16 were reported by the Judiciary Committee with the support of every Senator on the Committee, Democratic and Republican. Month after month and year after year, Senate Republicans find excuses to delay confirmation of consensus judicial nominees for no good reason. These delays are a disservice to the American people. They prevent the Senate from fulfilling its constitutional duty. And they are damaging to the ability of our Federal courts to provide justice to Americans around the country.

The cost of this across-the-board Republican obstruction is borne by the American people. More than half of all Americans, nearly 160 million, live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations that have been reported favorably by the Judiciary Committee. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should fill these numerous, extended judicial vacancies, not delay final action for no good reason.

By nearly any measure we are well behind where we should be. Three years into President Obama's first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. This is in stark contrast to the nearly 87 percent of President George W. Bush's nominees who were confirmed, nearly nine out of every 10 nominees he sent to the Senate.

We remain well behind the pace set by the Senate during President Bush's first term. By this date in President Bush's first term, the Senate had confirmed 170 Federal circuit and district court nominations on the way to 205. and had lowered judicial vacancies to 46. By the time Americans went to the polls in November 2004, we had reduced vacancies to 28 nationwide, the lowest level in the last 20 years. In contrast, the Senate has confirmed only 125 of President Obama's district and circuit nominees, and judicial vacancies remain over 85. The vacancy rate is double what it was at this point in the Bush administration.

I, again, urge Senate Republicans to abandon their obstructionist tactics and do as Senate Democrats did when we worked to confirm 100 of President Bush's judicial nominees in 17 months. I urge them to work to reduce judicial vacancies as we did by considering and confirming President Bush's judicial nominations late into the Presidential

election years of 2004 and 2008, reducing the vacancy rates in those years to their lowest levels in decades. That is the only way we have a chance to make up some of the ground we have lost and to address the serious and extended crisis in judicial vacancies.

I congratulate Judge Bencivengo on her confirmation today and hope that we can soon take up the rest of the 18 judicial nominations still awaiting a Senate vote.

Mr. GRASSLEY. Mr. President, today the Senate is considering the nomination of Cathy Ann Bencivengo to be U.S. district judge for the Southern District of California. I support this nomination which will fill the vacancy that has been created by Judge Jeffrey Miller taking senior status. I would also note that this vacancy has been designated as a judicial emergency.

After today, the Senate will have confirmed 126 nominees to our article III courts. I would note that even as we continue to reduce judicial vacancies, the majority of vacancies have no nominee. In fact, 46 of 86 vacancies have no nomination. Furthermore, 18 of the 33 seats designated judicial emergencies have no nominee. So when I hear comments about "unprecedented" vacancy rates, I would ask my colleagues and the other interested parties to look first to the White House. The fact is, the Senate is doing its job in providing advice and consent to the President's judicial nominees.

Judge Cathy Ann Bencivengo presently serves as a U.S. magistrate judge for the Southern District of California. She was appointed to that court in 2005.

She received a bachelor of arts from the Rutgers University in 1980, a masters from Rutgers in 1981, and her juris doctorate from University of Michigan Law School in 1988.

Upon graduating law school, Judge Bencivengo became an associate at the law firm DLA Piper. There, she worked as a civil litigator, primarily handling intellectual property cases. In 1996, she became a partner at DLA Piper. She also was the national cochair of patent litigation for DLA Piper from 1993 to 2005.

In 1994, Judge Bencivengo was appointed as a judge pro tem for the San Diego Small Claims Court. She served there until 2006, volunteering approximately six times a year and hearing judgments on about 100 cases.

Since becoming a magistrate judge in 2005, Judge Bencivengo has presided over two cases that have gone to final verdict.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Bencivengo with a unanimous "well-qualified" rating.

Mrs. BOXER. Mr. President, I am proud to vote for the confirmation of

Merkley

Magistrate Judge Cathy Ann Bencivengo to the U.S. District Court for the Southern District of California. Judge Bencivengo was recommended to the President by my colleague, Senator Feinstein, and will be a great addition to the Federal bench.

Judge Bencivengo will bring to the bench her broad experience as a skilled lawyer and a Federal magistrate. A graduate of Rutgers University and the University of Michigan Law School, Judge Bencivengo served as a partner and the National Co-Chair of Patent Litigation Group for the international law firm of DLA Piper. In 2005, she received an appointment to become a Magistrate Judge for the Southern District of California, where she has authored more than 170 opinions.

I congratulate Judge Bencivengo and her family on this important day, and urge my colleagues in the Senate to join in voting to confirm this highly qualified nominee to the Federal bench.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is, Shall the Senate advise and consent to the nomination of Cathy Ann Bencivengo, of California, to be United States District Judge for the Southern District of California.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.  $\,$ 

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 6, as follows:

#### [Rollcall Vote No. 16 Ex.]

#### YEAS-90

Inouye	McCain	Sanders
Isakson	McCaskill	Schumer
Johanns	McConnell	Sessions
Johnson (SD)	Menendez	Shaheen
Johnson (WI)	Merkley	Snowe
Kerry	Mikulski	Stabenow
Klobuchar	Murkowski	Tester
Kohl	Murray	Thune
Kyl	Nelson (NE)	Toomey
Landrieu	Nelson (FL)	Udall (CO)
Lautenberg	Portman	Udall (NM)
Leahy	Pryor	Vitter
Levin	Reed	Warner
Lieberman	Reid	Webb
Lugar	Rockefeller	Whitehouse
Manchin	Rubio	Wyden

#### NAYS-6

Crapo Lee Risch DeMint Paul Shelby

#### NOT VOTING-4

Kirk Roberts Moran Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as fol-

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes:

Barbara Boxer, Max Baucus, Mark L. Pryor, John D. Rockefeller IV, Benjamin L. Cardin, Al Franken, Jack Reed (RI), Sheldon Whitehouse, Amy Klobuchar, Bernard Sanders, Patrick J. Leahy, Tom Udall (NM), Frank R. Lautenberg, Richard Blumenthal, Jeff Merkley, Richard J. Durbin, Harry Reid.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. MORAN), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 11, as follows:

## [Rollcall Vote No. 17 Leg.]

# YEAS—85

Akaka

пкака	r cmstem	MEILIES
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Murray
Barrasso	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Bennet	Hagan	Portman
Bingaman	Harkin	Pryor
Blumenthal	Heller	Reed
Blunt	Hoeven	Reid
Boozman	Hutchison	Rockefeller
Boxer	Inhofe	Sanders
Brown (MA)	Inouye	
Brown (OH)	Isakson	Schumer
Burr	Johnson (SD)	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Webb
Crapo	McCaskill	Whitehouse
Durbin	McConnell	Wyden
Enzi	Menendez	wyuen

#### NAYS-11

Begich Johanns Paul Cantwell Johnson (WI) Risch DeMint Lee Rubio Hatch Murkowski

### NOT VOTING-4

Kirk Roberts Moran Wicker

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my colleagues. This is a tremendous vote here to move forward with one of the most important jobs bills we could do in this session, because we are talking about protecting 1.8 million jobs and the possibility of another 1 million jobs being created through an expanded TIFIA Program which leverages local funds at very little risk to the Federal Government. So this is a good vote.

I wish to take this opportunity now to thank colleagues on both sides of the aisle, but also to thank the over 1,000 groups out there—everyone ranging from left to right and everything in between; from workers organizations, to businesses, to the Chamber of Commerce, to the AFL-CIO. It is rare we can walk down the aisle together.

But now the true test comes. We have a lot of work to do to complete this legislation, to make it real, to give that certainty out there, get those jobs

going. We have a lot of work to do. We and VITTER and all the members of the have the Banking Committee which, under the able leadership of Senators JOHNSON and SHELBY, has a title we have to add. We have to add a title from the Finance Committee. We want to add the title from the Commerce Committee. Then we would have all four committees represented in this legislation. Then we can move to get a strong vote and get it to conference, and, I have to say, tell the House side that we have a truly bipartisan bill that deserves their consideration. But if we start seeing amendments that go to issues that are unrelated to thisthe hot-button issues of the day, the issues where we have the ideological divide—we are going to slow this down.

I guess I wish to say to my colleagues on the Democratic side and the Republican side: Please do not mess up this bill and load this bill with extraneous matters. Senator INHOFE and I are very happy to look at germane amendments. We are ready to look at those. We have made an agreement that if we don't agree, we are going to oppose it. We are working together. But extraneous matters don't belong on this bill unless they have overwhelming support and they are not controversial. I am very hopeful, but I have seen bills come to the floor and get loaded down and at the end of the day the American people lose. We cannot afford to lose this bill.

I want my colleagues to imagine 15 Super Bowl stadiums and imagine in your mind's eye what it looks like, and in all of those 15 Super Bowl stadiums every seat is filled, every seat is filled with a construction worker. That is how many construction workers are out of work—more than 1 million. So we cannot fail these workers. We cannot fail these businesses. These are good jobs. The housing crisis is not yet behind us. We have a long way to go. Construction has slowed down. So we need to make sure our construction workers are back on the job. We need to make sure we fix our bridges that are crumbling. We need to make sure we keep goods moving. This is a 21st century economy with an infrastructure that is not keeping up.

I want to take a moment to thank again the members of the Environment and Public Works Committee. Senator SANDERS, who is in the chair, is a very important member who is focused like a laser beam on jobs. He focuses on jobs, jobs, jobs. He knows, as I do, that we didn't get everything we wanted in this bill, not by a long shot. But we know there are times you have to put that aside for the good of the people so we get something done; and something done here is protecting 1.8 million jobs and creating up to 1 million new jobs with our expanded TIFIA.

So I thank the Presiding Officer for his hard work on getting us to this moment. I thank Senator INHOFE for his amazing cooperation; Senators BAUCUS committee; Senators Johnson and SHELBY of Banking; Senator ROCKE-FELLER, who worked so hard with Senator HUTCHISON, and we hope will resolve the outstanding issues in Commerce; Senator BAUCUS, who worked with Senator HATCH, and we did get a good Finance piece.

We are so ready to go. We are going to wait to see whether our colleagues on the other side will insist upon 30 hours going postcloture or whether they will yield back that time and allow us to get started on the amendment process.

So at this moment, I am going to put in a quorum call, note the absence of a quorum, and hope we can quickly move to amend this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

Mr. BEGICH. Madam President, I come to the floor with a simple message about our economy. I know we are in the process of our Transportation bill, and the chairman of the committee may come out momentarily, so I will yield when that moment happens so we keep that process going because that bill is about creating jobs and infrastructure investment. But I just wanted to comment on the fact that we have made incredible progress, and we continue to make incredible progress, when we think about where we were 3 years ago and where we are today.

I know some in Washington like to focus on scare tactics and talk how bad things are or how they could be worse if we continue on whatever path they think we are on. But the fact is we have to look at the recent notifications produced not by a bunch of politicians but by other people who are looking at the economy or investing in the economy or participating in the economy in a pretty direct way. One statistic is reflected on this incredible chart. When we look at it, it speaks for itself.

Just prior to 2009 and a little after, we had about 8 million jobs that were lost. This chart shows we have now had 22 months of consecutive growth, but actually we have had 23 months of consecutive growth. This number, which says we have had 3.2 million new jobs, is actually closer to 3.7 million new jobs in our economy since the great recession started in late 2008, early 2009.

I know people come down and say: Oh, it could be better. I don't know about you, but the way I see it, this was bad; this is better. Can we do better? We always strive to do better. That is the American way. We try to do better as we move on. But there is no question there is good news and job losses are diminishing and now gone with job gains. These are private sector job gains, which is important but, more important, the underlying issue of the job gains is small business.

If we watched the data this last month—when the unemployment rate was estimated to be a little higher, but it actually came out at 8.3, lower than almost every economist thought—all we had to do was look underneath the data point and it was very clear that small businesses were hiring. They are the backbone of this economy. If they are hiring in December and January, in months when people expect-in January especially—the economy will start slowing down, the reason they are hiring is because they see the future and they see increasing sales and the potential

Again, I know we hear people say: Oh, it is not as good as it could be. But 8.3 is better than what everybody figured it would be. Do I want it lower? Does the Presiding Officer want it lower? Of course, we do. But the trend lines are clear.

We also had a 4-year low in U.S. jobless claims, again boosting spending in our economy. An article in CNN in late December noted "consumer confidence shoots higher again." Why is that important? The more consumers are confident about the economy, the more they engage in the economy.

It is interesting to note how low refinancing rates are—3.75 percent, 3.875 percent, unbelievably low. Yet people are still hesitant. But when we start looking at the data points from the last few weeks—especially one that came out yesterday-more and more people are refinancing—a 21-percent increase last month in refinancing. Why is that important? Again, consumers feel confident. The rates are strong for them so they can get a better rate on their home. Net result: More money in their pocket for themselves to spend on their families, on whatever they want to buy—vacations, a new remodel job they want to do, the kitchen they have been holding off fixing up or that fence that is tipping over a little bit. Now they will hire a small contractor to fix it. So consumer confidence is on the rise.

Again, we will hear it is not good enough. Yes, but it doesn't mean we are done. We have a lot of work ahead of us, but we have done incredible things.

In an AP article on February 3, just last week or so, we saw the headline "Homebuilders See Stable Housing Market Ahead." Let me repeat that: stable housing market. Some people will say: It is not a growing housing market. No, but before it was diving, it was sinking, it was disappearing. So "stable" is good. Because when we go from stable and we move to the next level, that is growth.

The automobile industry—GM. I million, a 47-percent increase, and oneknow I talk about this one a lot. Three years ago, it was flat on its back. People said: It is not going to survive; let it go away. Today, GM, according to a January 19 article in Forbes—not a very liberal magazine—"GM is No. 1 in the World Again in Auto Sales." No. 1. Why is that important? Because they are hiring more people, at all ranges in salaries. Their secondary facilitator, the suppliers are hiring more people. People who ship those cars are hiring more people; again, moving forward.

In the Budget Committee a couple days ago, Fed Chairman Bernanke was surprised by this strong growth in manufacturing. Again, a few years ago, people said: Oh, manufacturing, we are never going to get back to the good old days. Again, we see growth. "Industrial Suppliers Power Up Sales," says a Wall Street Journal article from January 21.

Here is another headline—this one from CNBC on December 8: "US State Tax Revenues return to Pre-recession Levels." Why is this important? That shows subeconomies within States and within communities are growingagain, a stronger economy.

Back in my home State, we are making progress on the Chuckchi and Beaufort Seas, where we will see huge potential oil and gas development, with 26 billion barrels of known recoverable oil today. I think it is a lot higher, but that is what we know about. It could provide, once in production, 30,000 jobs and millions in payroll, not just throughout Alaska but throughout this country because that is U.S. oil for U.S. consumption and utilization or export, if we are in the business of selling it. But the point is, it is jobs for Alaskans, jobs for Americans.

This month, Shell got a final air permit for its drillship, putting them one step closer to exploration. There is no question in my mind we are going to make that happen. Three years ago, people were saying: We are never going to do anything in Federal waters. We will never develop our resources in Alaska because it is in Federal hands. and the laws, the rules, the regulations don't allow it. I stand here to say that after just 3 years, National Petroleum Reserve, Chuckchi and Beaufort, billions of barrels of oil are in exploration and/or development. That has happened in just 3 years.

People are right when they say in the last 30 years we have had a lot of sluggish opportunity in that field. But today it is moving forward. In 3 years, there is new activity. That is powerful for our country from a national security perspective but also from an economic security perspective.

We know ConocoPhillips—again, I already mentioned National Petroleum Reserve-Alaska—has now received its permit to move forward, and they hope to start developing in 2013.

In 2010, investments in Alaska's mining exploration totaled more than \$264

third of the total spent on mining exploration in the United States overall was in Alaska. There is a new gold rush in Alaska with continued increasing in gold prices. Placer mining applications, generally submitted by small family-run operations, rose from 350 in 2005 to over 581 this year. Alaska even has a reality show called "Gold Rush."

Exports to Alaska topped over \$5 billion in 2011, and China is now our No. 1 top trading partner. There are liquefied natural gas opportunities in the Asian market that we are exploring. I can assure you Alaska and Alaska companies have a strong interest in moving forward

The good news is spreading across this country. But as I say, our work is not done. We must continue to build on this progress and secure a long-term economic stability that will protect our middle-class American families and support our small businesses moving forward. We must address the deficit. Unemployment is still too high. It is better, but it is still too high, and our housing market is still a little weak. Europe's economic situation remains uncertain, and we continue to depend on unstable sources of foreign oil.

All of that is why we must move forward on an agenda that will continue to strengthen our economy, protect middle-class families, and support small businesses, including extending the payroll tax cuts and unemployment insurance, developing a true energy plan that includes domestic oil development, address tax reform to protect the middle class, rebuild this country's infrastructure, and strengthen our housing market.

We can and must improve our economy and address long-term fiscal challenges at the same time. Even with hard work ahead, there is a lot of reason for optimism. We are moving in the right direction. We are creating jobs, and we are turning this economy around.

I will end on this note. I spend time looking at every business publication and reading what is going on not just from a global perspective but from companies themselves, and I have been seeing headlines—again, from the Wall Street Journal—such as "Jobs Power Market Rebound: Unemployment Rate Dips to 8.3% on Broad Gains," "Dow at Highest Since May 2008."

Some people say: It is hard to gauge that based on the market. But if you are one of those people who put a little money aside for your retirement—in maybe a 401(k) or an IRA—or you have a little set-aside for the kids to go to college, then you know 2009 was a sad year. You were thinking you were going to have to work a lot longer just to make up some of that money. Today, the market is double what it was then. I would challenge people to take their 2009 March-April statements, if they have them—an education account for their kids or an IRA—and compare that to what it is today. It is better. Can it be even better than it is today? Absolutely. That is what we will continue to strive for.

Again, I am going to continue to come to the floor and talk about this great economic news. I know people want to see the worst in things sometimes, but I think what has made this country great is that, generally, we see the best in things. We see what the opportunities are and we take advantage of them. We risk a little bit—as we did with the auto bailout and the cash for clunkers. We took a little risk and walked the road alone.

Today, that is almost all paid off and, guess what. There is a thriving industry providing jobs all across the country. So we have a lot to be proud of and a lot to look forward to. We just have to keep on the path, take a little risk once in a while, push the envelope, and bank on the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll. The bill clerk proceeded to call the

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now ask unanimous consent that all postcloture time be yielded back and that the motion to proceed be agreed to: that the committee-reported amendments be agreed to and that the bill, as amended, be considered original text for the purposes of further amendment; further, that it be in order for Senator Boxer or designee, on behalf of Senators Johnson and Shelby, the chairman and ranking member of the Banking Committee, to call amendment No. 1515, which is at the desk; finally, that following the reporting of the amendment, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, postcloture time is yielded back and the motion to proceed is agreed to.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

The Senate proceeded to consider the bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes,

which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

#### S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) SHORT TITLE.—This Act may be cited as the "Moving Ahead for Progress in the 21st Century Act" or the "MAP-21".
- (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
- Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A-Authorizations and Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Definitions.
- Sec. 1104. National highway system.
- Sec. 1105. Apportionment.
- Sec. 1106. National highway performance program.
- Sec. 1107. Emergency relief.
- Sec. 1108. Transportation mobility program.
- Sec. 1109. Workforce development.
- Sec. 1110. Highway use tax evasion projects.
- Sec. 1111. National bridge and tunnel inventory and inspection standards.
- Sec. 1112. Highway safety improvement program.
- Sec. 1113. Congestion mitigation and air quality improvement program.
- Sec. 1114. Territorial and Puerto Rico highway program.
- Sec. 1115. National freight program.
- Sec. 1116. Federal lands and tribal transportation programs.
- Sec. 1117. Alaska Highway.
- Sec. 1118. Projects of national and regional significance.

### Subtitle B—Performance Management

- Sec. 1201. Metropolitan transportation planning.
- Sec. 1202. Statewide and nonmetropolitan transportation planning.
- Sec. 1203. National goals.
- Subtitle C-Acceleration of Project Delivery
- Sec. 1301. Project delivery initiative.
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- Sec. 1306. Application of categorical exclusions for multimodal projects.

  Sec. 1307. State assumption of responsibil-
- ities for categorical exclusions. Sec. 1308. Surface transportation project delivery program.
- Sec. 1309. Categorical exclusion for projects within the right-of-way.
- Sec. 1310. Programmatic agreements and additional categorical exclusions.
- Sec. 1311. Accelerated decisionmaking in environmental reviews.
- Sec. 1312. Memoranda of agency agreements for early coordination.
- Sec. 1313. Accelerated decisionmaking.
- Sec. 1314. Environmental procedures initiative.
- Sec. 1315. Alternative relocation payment demonstration program.

Sec. 1316. Review of Federal project and program delivery.

### Subtitle D—Highway Safety

- Sec. 1401. Jason's Law.
- Sec. 1402. Open container requirements.
- Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 1404. Adjustments to penalty provisions.
- Sec. 1405. Highway worker safety. Subtitle E—Miscellaneous
- Sec. 1501. Program efficiencies.
- Sec. 1502. Project approval and oversight.
- Sec. 1503. Standards.
- Sec. 1504. Construction.
- Sec. 1505. Maintenance.
- Sec. 1506. Federal share payable.
- Sec. 1507. Transferability of Federal-aid highway funds.
- Sec. 1508. Special permits during periods of national emergency.
- Sec. 1509. Electric vehicle charging stations.
- Sec. 1510. HOV facilities.
- Sec. 1511. Construction equipment and vehicles.
- Sec. 1512. Use of debris from demolished bridges and overpasses.
- Sec. 1513. Extension of public transit vehicle exemption from axle weight restrictions.
- Sec. 1514. Uniform Relocation Assistance Act amendments.
- Sec. 1515. Use of youth service and conservation corps.
- Sec. 1516. Consolidation of programs; repeal of obsolete provisions.
- Sec. 1517. Rescissions.
- Sec. 1518. State autonomy for culvert pipe selection.
- Sec. 1519. Effective and significant performance measures.
- Sec. 1520. Requirements for eligible bridge projects.

# TITLE II—RESEARCH AND EDUCATION Subtitle A—Funding

Sec. 2101. Authorization of appropriations.

## Subtitle B—Research, Technology, and Education

- Sec. 2201. Research, technology, and education.
- Sec. 2202. Surface transportation research, development, and technology.
- Sec. 2203. Research and technology development and deployment.
- Sec. 2204. Training and education.
- Sec. 2205. State planning and research.
- Sec. 2206. International highway transportation program.
- Sec. 2207. Surface transportation environmental cooperative research program.
- Sec. 2208. National cooperative freight research.
- Sec. 2209. University transportation centers program.
- Sec. 2210. Bureau of transportation statistics.
- Sec. 2211. Administrative authority.
- Sec. 2212. Transportation research and development strategic planning.
- Sec. 2213. National electronic vehicle corridors and recharging infrastructure network.

#### Subtitle C— [Funding] Intelligent Transportation Systems Research

- Sec. 2301. Use of funds for ITS activities.
- Sec. 2302. Goals and purposes.
- Sec. 2303. General authorities and requirements.
- Sec. 2304. Research and development.

- Sec. 2305. National architecture and standards.
- Sec. 2306. 5.9 GHz vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.

# TITLE III—AMERICA FAST FORWARD FINANCING INNOVATION

Sec. 3001. Short title.

- Sec. 3002. Transportation Infrastructure Finance and Innovation Act amendments.
- Sec. 3003. State infrastructure banks.

#### TITLE IV—HIGHWAY SPENDING CONTROLS

Sec. 4001. Highway spending controls.

#### SEC. 2. DEFINITIONS.

- In this Act, the following definitions apply:
  (1) DEPARTMENT.—The term "Department"
- means the Department of Transportation.

  (2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

# TITLE I—FEDERAL-AID HIGHWAYS Subtitle A—Authorizations and Programs

- SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

  (a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):
- (1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the transportation mobility program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national freight program under section 167 of that title, and to carry out section 134 of that title.
  - (A) \$39,143,000,000 for fiscal year 2012; and
  - (B) \$39,806,000,000 for fiscal year 2012.
- (2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, \$1,000,000,000 for each of fiscal years
- 2012 and 2013.
  (3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—
- (A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code, \$450,000,000 for each of fiscal years 2012 and 2013.
- (B) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, \$300,000,000 for each of fiscal years 2012 and 2013, of which \$260,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service and the United States Fish and Wildlife Service.
- (C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, \$250,000,000 for each of fiscal years 2012 and 2013.
- (4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, \$180,000,000 for each of fiscal years 2012 and 2013.
- (b) DISADVANTAGED BUSINESS ENTER-PRISES.—
- (1) DEFINITIONS.—In this subsection, the following definitions apply:
  - (A) SMALL BUSINESS CONCERN.—
- (i) IN GENERAL.—The term "small business concern" means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

- (ii) EXCLUSIONS.—The term "small business concern" does not include any concern or group of concerns controlled by the same so-cially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$22,410,000, as adjusted annually by the Secretary for inflation.
- (B) SOCIALLY AND ECONOMICALLY DISADVAN-TAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" means—
  - (i) women; and
- (ii) any other socially and economically disadvantaged individuals (as the term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant to that Act).
- (2) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, II, and III of this Act and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.
- (3) Annual listing of disadvantaged business enterprises.—Each State shall annually—
- (A) survey and compile a list of the small business concerns referred to in paragraph (2) in the State, including the location of the small business concerns in the State; and
- (B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—
  - (i) women;
- (ii) socially and economically disadvantaged individuals (other than women); and
- (iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.
  - (4) Uniform certification.—
- (A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.
- (B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—
  - (i) on-site visits;
  - (ii) personal interviews with personnel;
  - (iii) issuance or inspection of licenses;
  - (iv) analyses of stock ownership;
  - (v) listings of equipment;
  - (vi) analyses of bonding capacity;
  - (vii) listings of work completed;
- (viii) examination of the resumes of principal owners:
  - (ix) analyses of financial capacity; and
  - (x) analyses of the type of work preferred.
- (5) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—
- (A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and
- (B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.
- (6) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, and III of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with para-

graph (2) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (2) is unconstitutional.

#### SEC. 1102. OBLIGATION CEILING.

- (a) GENERAL LIMITATION.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—
  - (1) \$41,564,000,000 for fiscal year 2012; and
  - (2) \$42,227,000,000 for fiscal year 2013.
- (b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—
- (1) section 125 of title 23, United States Code:
- (2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);
- (3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
- (4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119):
- (5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
- (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
- (7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
- (8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, United States Code (but, for each of fiscal years 2005 through 2011, only in an amount equal to \$639,000,000 for each of those fiscal years);
- (11) section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and
- (12) section 119 of title 23, United States Code (but, for each of fiscal years 2012 through 2013, only in an amount equal to \$639.000.000 for each of those fiscal years).
- (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2012 through 2013, the Secretary—
- (1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—
- (A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and
- (B) amounts authorized for the Bureau of Transportation Statistics:
- (2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary;
  - (3) shall determine the proportion that—
- (A) the obligation authority provided by subsection (a) for the fiscal year, less the ag-

- gregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to
- (B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection:
- (4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than to programs to which paragraph (1) applies), by multiplying—
- (A) the proportion determined under paragraph (3); by
- (B) the amounts authorized to be appropriated for each such program for the fiscal year; and
- (5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12)) in the proportion that—
- (A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to
- (B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.
- (d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2012 through 2013—
- (1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and
- (2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of this Act) and 104 of title 23, United States Code.
- (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—
- (1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—
- (A) chapter 5 of title 23, United States Code; and
- (B) title II of this Act.
- (2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—
- (A) remain available for a period of 4 fiscal years; and

- (B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.
- (f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—
- (1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2012 through 2013, the Secretary shall distribute to the States any funds that—
- (A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and
- (B) the Secretary determines will not be allocated to the States, and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.
- (2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).
- (3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(c) of title 23, United States Code.

#### SEC. 1103. DEFINITIONS.

- (a) DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended—
- (1) by striking paragraphs (6), (7), (9), (12), (19), (20), (24), (25), (26), (28), (38), and (39);
- (2) by redesignating paragraphs (2), (3), (4), (5), (8), (13), (14), (15), (16), (17), (18), (21), (22), (23), (27), (29), (30), (31), (32), (33), (34), (35), (36), and (37) as paragraphs (3), (4), (5), (6), (9), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (28), (29), (33), and (34), respectively;
- (3) by inserting after paragraph (1) the following:
- "(2) ASSET MANAGEMENT.—The term 'asset management' means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.";
- (4) in paragraph (4) (as redesignated by paragraph (2))—
- (A) in the matter preceding subparagraph (A), by inserting "or any project eligible for assistance under this title" after "of a highway":
- (B) by striking subparagraph (A) and inserting the following:
- "(A) preliminary engineering, engineering, and design-related services directly relating to the construction of a highway project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services;";
  - (C) in subparagraph (B)—
- (i) by inserting "reconstruction," before "resurfacing"; and
- (ii) by striking "and rehabilitation" and inserting "rehabilitation, and preservation";
- (D) in subparagraph (E) by striking "railway" and inserting "railway-highway"; and
- (E) in subparagraph (F) by striking "obstacles" and inserting "hazards".
- (5) in paragraph (6) (as so redesignated)—
- (A) by inserting "public" before "highway eligible"; and

- (B) by inserting "functionally" before "classified":
- (6) by inserting after paragraph (6) (as so redesignated) the following:
- "(7) FEDERAL LANDS ACCESS TRANSPORTATION FACILITY.—The term 'Federal Lands access transportation facility' means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government.
- "(8) FEDERAL LANDS TRANSPORTATION FA-CILITY.—The term 'Federal lands transportation facility' means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government, and that appears on the national Federal lands transportation facility inventory described in section 203(c).":
- (7) in paragraph (11)(B) by inserting "including public roads on dams" after "drainage structure":
- (8) in paragraph (14) (as so redesignated)—
  (A) by striking "as a" and inserting "as an air quality"; and
- (B) by inserting "air quality" before "attainment area";
- (9) in paragraph (18) (as so redesignated) by striking "an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking"; and inserting "any undertaking";
- (10) in paragraph (19) (as so redesignated)-
- (A) by striking "the State transportation department and"; and
- (B) by inserting "and the recipient" after "Secretary";
- (11) by striking paragraph (23) (as so redesignated) and inserting the following:
- "(23) SAFETY IMPROVEMENT PROJECT.—The term 'safety improvement project' means a strategy, activity, or project on a public road that is consistent with the State strategic highway safety plan and corrects or improves a roadway feature that constitutes a hazard to road users or addresses a highway safety problem.";
- (12) by inserting after paragraph (26) (as so redesignated) the following:
- "(27) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term 'State strategic highway safety plan' has the same meaning given such term in section 148(a).";
- (13) by striking paragraph (29) (as so redesignated) and inserting the following:
- "(29) Transportation enhancement activity.—The term 'transportation enhancement activity' means any of the following activities when carried out as part of any program or project authorized or funded under this title, or as an independent program or project related to surface transportation:
- "(A) Provision of facilities for pedestrians and bicycles.
- "(B) Provision of safety and educational activities for pedestrians and bicyclists.
- "(C) Acquisition of scenic easements and scenic or historic sites.
- "(D) Scenic or historic highways and bridges.
- "(E) Vegetation management practices in transportation rights-of-way and other activities eligible under section 319.
- "(F) Historic preservation, rehabilitation, and operation of historic transportation buildings, structures, or facilities.
- "(G) Preservation of abandoned railway corridors, including the conversion and use of the corridors for pedestrian or bicycle trails.

- "(H) Inventory, control, and removal of outdoor advertising.
- "(I) Archaeological planning and research.
  "(J) Any environmental mitigation activ-
- (d) Any environmental integration activity, including pollution prevention and pollution abatement activities and mitigation to—
- "(i) [to] address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329; or
- "(ii) reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats."; and
- (14) by inserting after paragraph (29) (as so redesignated) the following:
- ``(30) Transportation systems management and operations.—
- "(A) IN GENERAL.—The term 'transportation systems management and operations' means integrated strategies to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.
- "(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—
- "(i) actions such as traffic detection and surveillance, corridor management, freeway management, arterial management, active transportation and demand management, work zone management, emergency management, traveler information services, congestion pricing, parking management, automated enforcement, traffic control, commercial vehicle operations, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations; and
- "(ii) coordination of the implementation of regional transportation system management and operations investments (such as traffic incident management, traveler information services, emergency management, roadway weather management, intelligent transportation systems, communication networks, and information sharing systems) requiring agreements, integration, and interoperability to achieve targeted system performance, reliability, safety, and customer service levels.
- "(31) TRIBAL TRANSPORTATION FACILITY.— The term 'tribal transportation facility' means a public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and appears on the national tribal transportation facility inventory described in section 202(b)(1).
- "(32) TRUCK STOP ELECTRIFICATION SYSTEM.—The term 'truck stop electrification system' means a system that delivers heat, air conditioning, electricity, or communications to a heavy-duty vehicle."
- (b) SENSE OF CONGRESS.—Section 101(c) of title 23, United States Code, is amended by striking "system" and inserting "highway".

#### SEC. 1104. NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 103 of title 23, United States Code, is amended to read as follows:

#### "§ 103. National highway system

- "(a) IN GENERAL.—For the purposes of this title, the Federal-aid system is the National Highway System, which includes the Interstate System.
  - "(b) NATIONAL HIGHWAY SYSTEM.—
- "(1) DESCRIPTION.—The National Highway System consists of the highway routes and

connections to transportation facilities that shall—

- "(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations:
- "(B) meet national defense requirements;
- "(C) serve interstate and interregional travel and commerce.
- "(2) COMPONENTS.—The National Highway System described in paragraph (1) consists of the following:
- "(A) The National Highway System depicted on the map submitted by the Secretary of Transportation to Congress with the report entitled 'Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals' and dated May 24, 1996, and modifications approved by the Secretary before the date of enactment of the MAP-21.
- "(B) Other urban and rural principal arterial routes, and border crossings on those routes, that were not included on the National Highway System before the date of enactment of the MAP-21.
- [''(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility that was not included on the National Highway System before the date of enactment of the MAP-21.
- "(C) Other connector highways (including toll facilities) that were not included in the National Highway System before the date of enactment of the MAP-21 but that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.
- "(D) A strategic highway network that—
- "(i) consists of a network of highways that are important to the United States strategic defense policy, that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime, and that were not included on the National Highway System before the date of enactment of the MAP-21;
- "(ii) may include highways on or off the Interstate System; and
- "(iii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.
- "(E) Major strategic highway network connectors that—
- "(i) consist of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network but were not included on the National Highway System before the date of enactment of the MAP-21; and
- "(ii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.
- "(3) Modifications to Nhs.—
- "(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State if the Secretary determines that the modification—
- "(i) meets the criteria established for the National Highway System under this title after the date of enactment of the MAP-21; and
- "(ii) enhances the national transportation characteristics of the National Highway System.

- "(B) COOPERATION.—
- "(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.
- "(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.
  - "(c) Interstate System.-
  - "(1) DESCRIPTION.—
- "(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.
  - "(B) DESIGN.—
- "(i) IN GENERAL.—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).
- "(ii) EXCEPTION.—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.
- "(C) LOCATION.—Highways on the Interstate System shall be located so as—
- "(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers:
- "(ii) to serve the national defense; and
- "(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.
- "(D) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.
- "(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).
- "(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.
- "(4) Interstate system designations.—
- "(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.
- ''(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—
- "(i) IN GENERAL.—Subject to clauses (ii) through (vi), if the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.
- "(ii) WRITTEN AGREEMENT.—A designation under clause (i) shall be made only upon the

- written agreement of each State described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by not later than the date that is 25 years after the date of the agreement.
- "(iii) Fallure to complete construc-TION.—If a State described in clause (i) has not substantially completed the construction of a highway designated under this subparagraph by the date specified in clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.
- "(iv) EFFECT OF REMOVAL.—Removal of the designation of a highway under clause (iii) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.
- "(v) RETROACTIVE EFFECT.—An agreement described in clause (ii) that is entered into before August 10, 2005, shall be deemed to include the 25-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.
- "(vi) REFERENCES.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, and no such highway shall be signed or marked, as a highway on the Interstate System, until such time as the highway—
- "(I) is constructed to the geometric and construction standards for the Interstate System; and
- "(II) has been designated as a route on the Interstate System.
- "(C) FINANCIAL RESPONSIBILITY.—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.
- "(5) EXEMPTION OF INTERSTATE SYSTEM.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.
- "(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C)—
- "(i) the Secretary shall determine, through the administrative process established for exempting the Interstate System from section 106 of the National Historic Preservation Act (16 U.S.C. 470f), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature): and
- "(ii) those elements shall be considered to be historic sites under section 303 of title 49 or section 138 of this title, as applicable.
- "(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.— Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, preservation, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f)."
- ["(d) OPERATION OF CONVENTIONAL COMBINATION VEHICLES ON THE NATIONAL HIGHWAY SYSTEM.—

- "(1) DEFINITION OF CONVENTIONAL COMBINA-TION VEHICLES.—In this subsection, the term 'conventional combination vehicles' means—
- "(A) truck-tractor or semi-trailer combinations with semi-trailers up to 53 feet in length and 102 inches in width;
- "(B) truck-tractor, semi-trailer, or trailer combinations with each semi-trailer and trailer up to 28.5 feet in length and 102 inches in width; and
- "(C) drive-away saddlemount combinations, not to exceed 97 feet in overall length, with up to 3 truck tractors, with or without a full mount, towed by a truck tractor.
- "(2) NATIONAL NETWORK.—The National Network designated under the Surface Transportation Assistance Act of 1982 (Public Law 97-424; 96 Stat. 2119) is repealed.
- "(3) OPERATION OF CONVENTIONAL COMBINATION VEHICLES.—
- "(A) REQUIREMENT.—Conventional combination vehicles shall be permitted to operate in all States on all segments of the National Highway System other than segments—
- "(i) that were open to traffic on the date of enactment of the MAP-21; and
- "(ii) on which all nonpassenger commercial motor vehicles are banned on the date of enactment of the MAP-21.
- "(B) RESTRICTIONS.—A State may request temporary or permanent restrictions on the operation of conventional combination vehicles, subject to approval by the Secretary, based on safety considerations, geometric constraints, work zones, weather, or traffic management requirements of special events or emergencies.
- "(C) REASONABLE ACCESS.—Conventional combination vehicles shall be given reasonable access, by the most reasonable, practicable, and safe route available, subject to review by the Secretary—
- "(i) between the National Highway System and facilities for food, fuel, and rest within 1 mile of the National Highway System; and
- "(ii) to terminal locations for the unloading and loading of cargo."
- (b) Conforming Amendments.—]
- (b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—
- (1) IN GENERAL.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 109 Stat. 597) is amended by striking "and subsections (c)(18) and (c)(20)" and inserting ", in subsections (c)(18) and (c)(20), and in subparagraphs (A)(iii) and (B) of subsection (c)(26)".
- (2) ROUTE DESIGNATION.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 109 Stat. 598) is amended by adding at the end the following: "The routes referred to subparagraphs (A)(iii) and (B)(i) of subsection (c)(26) are designated as Interstate Route I-II."
  - (c) CONFORMING AMENDMENTS.—
- (1) ANALYSIS.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:
- "103. National highway system.".
- (2) SECTION 113.—Section 113 of title 23, United States Code, is amended—
- (A) in subsection (a) by striking "the Federal-aid systems" and inserting "Federal-aid highways"; and
- (B) in subsection (b), in the first sentence, by striking "of the Federal-aid systems" and inserting "Federal-aid highway".
- (3) Section 123.—Section 123(a) of title 23, United States Code, is amended in the first sentence by striking "Federal-aid system" and inserting "Federal-aid highway".
- (4) SECTION 217.—Section 217(b) of title 23, United States Code, is amended in the sub-

- section heading by striking "NATIONAL HIGH-WAY SYSTEM" and inserting "NATIONAL HIGH-WAY PERFORMANCE PROGRAM".
- (5) SECTION 304.—Section 304 of title 23, United States Code, is amended in the first sentence by striking "the Federal-aid highway systems" and inserting "Federal-aid highways".
- (6) SECTION 317.—Section 317(d) of title 23, United States Code is amended by striking "system" and inserting "highway".

#### SEC. 1105. APPORTIONMENT.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended to read as follows:

#### "§ 104. Apportionment

- "(a) Administrative Expenses.—
- "(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration \$480,000,000 for each of fiscal years 2012 and 2013.
- "(2) PURPOSES.—The amounts authorized to be appropriated by this subsection shall be used—
- "(A) to administer the provisions of law to be funded from appropriations for the Federal-aid highway program and programs authorized under chapter 2:
- "(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system;
- "(C) to reimburse, as appropriate, the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31
- "(3) AVAILABILITY.—The amounts made available under paragraph (1) shall remain available until expended.
- "(b) DIVISION OF STATE APPORTIONMENTS AMONG PROGRAMS.—The Secretary shall distribute the amount apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the transportation mobility program, the highway safety improvement program, the congestion mitigation and air quality improvement program, and the national freight program, and to carry out section 134 as follows:
- "(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 58 percent of the amount remaining after distributing amounts under paragraphs (4) and (6).
- "(2) Transportation mobility program,— For the transportation mobility program, 29.3 percent of the amount remaining after distributing amounts under paragraphs (4)
- "(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 7 percent of the amount remaining after distributing amounts under paragraphs (4) and (6).
- "(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program, an amount determined by multiplying the amount determined for the State under subsection (c) by the proportion that—
- "(A) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2009, plus 10 percent of the amount apportioned to the State for the surface transportation program for that fiscal year; bears to

- "(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP-21.
- "(5) NATIONAL FREIGHT PROGRAM.—For the national freight program, 5.7 percent of the amount remaining after distributing amounts under paragraphs (4) and (6).
- "(6) METROPOLITAN PLANNING.—To carry out section 134, an amount determined by multiplying the amount determined for the State under subsection (c) by the proportion that—
- "(A) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to
- "(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP-21.
  - "(c) CALCULATION OF STATE AMOUNTS .-
- "(1) STATE SHARE.—The amount for each State of combined apportionments for the national highway performance program under section 119, the transportation mobility program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, and to carry out section 134 shall be determined as follows:
- "(A) INITIAL AMOUNT.—The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State which shall be equal to the proportion that—
- "(i) the amount of apportionments and allocations that the State received for fiscal years 2005 through 2009; bears to
- "(ii) the amount of those apportionments and allocations received by all States for those fiscal years.
- "(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available
- "(2) STATE APPORTIONMENT.—On October 1 of each fiscal year, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the transportation mobility program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national freight program under section 167, and to carry out section 134 in accordance with paragraph (1).
  - "(d) Metropolitan Planning.—
  - "(1) USE OF AMOUNTS.—
  - "(A) USE.—
- "(i) IN GENERAL.—Except as provided in clause (ii), the amounts apportioned to a State under subsection (b)(6) shall be made available by the State to the metropolitan planning organizations responsible for carrying out section 134 in the State.
- "(ii) STATES RECEIVING MINIMUM APPORTION-MENT.—A State that received the minimum apportionment for use in carrying out section 134 for fiscal year 2009 may, subject to

the approval of the Secretary, use the funds apportioned under subsection (b)(6) to fund transportation planning outside of urbanized areas

- "(B) UNUSED FUNDS.—Any funds that are not used to carry out section 134 may be made available by a metropolitan planning organization to the State to fund activities under section 135.
- ``(2) DISTRIBUTION OF AMOUNTS WITHIN STATES.—
- "(A) IN GENERAL.—The distribution within any State of the planning funds made available to organizations under paragraph (1) shall be in accordance with a formula that—
- "(i) is developed by each State and approved by the Secretary; and
- "(ii) takes into consideration, at a minimum, population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out section 134 and other applicable requirements of Federal law
- "(B) REIMBURSEMENT.—Not later than [10 days] 15 business days after the date of receipt by a State of a request for reimbursement of expenditures made by a metropolitan planning organization for carrying out section 134, the State shall reimburse, from amounts distributed under this paragraph to the metropolitan planning organization by the State, the metropolitan planning organization for those expenditures.
- "(3) DETERMINATION OF POPULATION FIG-URES.—For the purpose of determining population figures under this subsection, the Secretary shall use the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code.
  - "(e) CERTIFICATION OF APPORTIONMENTS.—
    "(1) IN GENERAL.—The Secretary shall—
- "(A) on October 1 of each fiscal year, certify to each of the State transportation departments the amount that has been apportioned to the State under this section for the

fiscal year; and
"(B) to permit the States to develop adequate plans for the use of amounts apportioned under this section, advise each State of the amount that will be apportioned to the State under this section for a fiscal year not later than 90 days before the beginning

of the fiscal year for which the sums to be apportioned are authorized.

- has not made an apportionment under this section for a fiscal year beginning after September 30, 1998, by not later than the date that is the twenty-first day of that fiscal year, the Secretary shall submit, by not later than that date, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a written statement of the reason for not making the apportionment in a timely manner.
- "(3) APPORTIONMENT CALCULATIONS.—
- "(A) IN GENERAL.—The calculation of official apportionments of funds to the States under this title is a primary responsibility of the Department and shall be carried out only by employees (and not contractors) of the Department.
- (i(B) Prohibition on use of funds to hire contractors.—None of the funds made available under this title shall be used to hire contractors to calculate the apportionments of funds to States.
- "(f) Transfer of Highway and Transit Funds.—
- "(1) Transfer of highway funds for transit projects.—

- "(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for transit projects or transportation planning under this title may be transferred to and administered by the Secretary in accordance with chapter 53 of title 49.
- "(B) NON-FEDERAL SHARE.—The provisions of this title relating to the non-Federal share shall apply to the amounts transferred under subparagraph (A).
- "(2) Transfer of transit funds for highway projects.—
- "(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for highway projects or transportation planning under chapter 53 of title 49 may be transferred to and administered by the Secretary in accordance with this title.
- "(B) NON-FEDERAL SHARE.—The provisions of chapter 53 of title 49 relating to the non-Federal share shall apply to amounts transferred under subparagraph (A).
- "(3) Transfer of funds among states or to federal highway administration.—
- "(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may, at the request of a State, transfer amounts apportioned or allocated under this title to the State to another State, or to the Federal Highway Administration, for the purpose of funding 1 or more projects that are eligible for assistance with amounts so apportioned or allocated.
- "(B) APPORTIONMENT.—The transfer shall have no effect on any apportionment of amounts to a State under this section.
- "(C) FUNDS SUBALLOCATED TO URBANIZED AREAS.—Amounts that are apportioned or allocated to a State under subsection (b)(3) (as in effect on the day before the date of enactment of the MAP-21) or subsection (b)(2) and attributed to an urbanized area of a State with a population of more than 200,000 individuals under section 133(d) may be transferred under this paragraph only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.
- "(4) Transfer of obligation authority.—Obligation authority for amounts transferred under this subsection shall be transferred in the same manner and amount as the amounts for the projects [that are transferred under this subsection.] that are transferred under this section."
- "(g) REPORT TO CONGRESS.—For each fiscal year, the Secretary shall make available to the public, in a user-friendly format via the Internet, a report that describes—
- "(1) the amount obligated, by each State, for Federal-aid highways and highway safety construction programs during the preceding fiscal year;
- "(2) the balance, as of the last day of the preceding fiscal year, of the unobligated apportionment of each State by fiscal year under this section:
- "(3) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year; and
- "(4) the rates of obligation of funds apportioned or set aside under this section, according to—
- $``(A)\ program;$
- "(B) funding category of subcategory;
- "(C) type of improvement;
- $``(D) \ State; \ and$
- "(E) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area.".
- (b) CONFORMING AMENDMENT.—Section 146(a) of title 23, United States Code, is amended by striking "sections 104(b)(1) and 104(b)(3)" and inserting "section 104(b)(2)".

### SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended to read as follows:

### "§ 119. National highway performance program

- "(a) ESTABLISHMENT.—The Secretary shall establish and implement a national highway performance program under this section.
- "(b) PURPOSES.—The purposes of the national highway performance program shall be—
- "(1) to provide support for the condition and performance of the National Highway System; and
- ["(2) to ensure that investments of Federal-aid funds in highway infrastructure are directed to achievement of established national performance goals for infrastructure condition and performance.]
- "(2) to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets for infrastructure condition and performance.
- "(c) ELIGIBLE FACILITIES.—Except as provided in subsection (d), to be eligible for funding apportioned under section 104(b)(1) to carry out this section, a facility shall be located on the National Highway System, as defined in section 103.
- "(d) ELIGIBLE PROJECTS.—Funds apportioned to a State to carry out the national highway performance program may be obligated only for a project on an eligible facility that is—
- "(1) a project, or is part of a program of projects, supporting progress toward the achievement of national performance goals for improving infrastructure condition, safety, mobility, or freight movement on the National Highway System and consistent with sections 134 and 135; and
- "(2) for 1 or more of the following purposes: "(A) Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvement of segments of the National Highway System.
- "(B) Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of bridges on the National Highway System.
- "(C) Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including impact protection measures, security countermeasures, and protection against extreme events) of tunnels on the National Highway System.
- "(D) Inspection and evaluation, as described in section 144, of bridges and tunnels on the National Highway System, and inspection and evaluation of other highway infrastructure assets on the National Highway System, including signs and sign structures, earth retaining walls, and drainage structures.
- "(E) Training of bridge and tunnel inspectors, as described in section 144.
- "(F) Construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities, including approaches, that connect road segments of the National Highway System.
- "(G) Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of

a transit project eligible for assistance under chapter 53 of title 49, if—

"(i) the highway project or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System:

"(ii) the construction or improvements will [enhance the level of service] reduce delays or produce travel time savings on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the fully access-controlled highway described in clause (i).

"(H) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(I) Highway safety improvements for segments of the National Highway System.

"(J) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs.

"(K) Development and implementation of a State asset management plan for the National Highway System in accordance with this section, including data collection, maintenance, and integration and the cost associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance-based management.

"(L) Infrastructure-based intelligent transportation systems capital improvements.

"(M) Environmental restoration and pollution abatement in accordance with section 328.

"(N) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

"(O) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetlands mitigation efforts relating to projects funded under this title, which may include participation in natural habitat and wetlands mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands, and development of statewide and regional natural habitat and wetlands conservation and mitigation plans, including any such banks, efforts, and plans developed in accordance with applicable Federal law (including regulations), on the conditions that-

``(i) contributions to those mitigation efforts may—

"(I) take place concurrent with or in advance of project construction; and

"(II) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes; and

"(ii) with respect to participation in a natural habitat or wetland mitigation effort relating to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference is given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with applicable Federal law (including regulations).

"(e) LIMITATION ON NEW CAPACITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the maximum amount that a State may obligate under this section for projects under subsection (d)(2)(G) and that

is attributable to the portion of the cost of any project undertaken to expand the capacity of eligible facilities on the National Highway System, in a case in which the new capacity consists of 1 or more new travel lanes that are not high-occupancy vehicle lanes, shall not, in total, exceed 40 percent of the combined apportionments of a State under section 104(b)(1) for the most recent 3 consecutive fiscal years.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a project for the construction of auxiliary lanes and turning lanes or widening of a bridge during rehabilitation or replacement to meet current geometric, construction, and structural standards for the types and volumes of projected traffic over the design life of the project.

"(f) STATE PERFORMANCE MANAGEMENT.—

"(1) IN GENERAL.—A State shall develop a risk-based asset management plan for the National Highway System [based on a process defined by the Secretary to guide effective investment decisions] to improve or preserve asset condition and system performance.

"(2) PERFORMANCE DRIVEN PLAN.—A State asset management plan shall include strategies leading to a program of projects that would make progress toward achievement of the State targets for asset condition and performance of the National Highway System in accordance with paragraph (5) [and, to the maximum extent practicable, reflect the] and supporting the progress toward the achievement of the national goals identified in section 150.

"(3) PLAN CONTENTS.—A State asset management plan shall, at a minimum, be in a form that the Secretary determines to be appropriate and include—

"(A) a summary listing of the [highway infrastructure] pavement and bridge assets on the National Highway System in the State, including a description of the condition of those assets;

"(B) asset management objectives and measures:

"(C) performance gap identification;

"(D) lifecycle cost and risk management analysis;

"(E) a financial plan; and

"(F) investment strategies.

["(4) STANDARDS AND MEASURES.—Not later than 18 months after the date of enactment of the MAP-21, the Secretary shall, by regulation and in consultation with State departments of transportation and other stakeholders, establish—

"(A) minimum standards for States to use in developing and operating pavement management systems and bridge management systems;

"(B) measures for States to use to assess-

``(i) the condition of pavements on the Interstate system;

"(ii) the condition of pavements on the National Highway System (excluding the Interstate):

"(iii) the condition of bridges on the National Highway System;

"(iv) the performance of the Interstate System; and

"(v) the performance of the National Highway System (excluding the Interstate System);

"(C) the data elements that are necessary to collect and maintain data, and a standardized process for collection and sharing of data with appropriate governmental entities at the Federal, State, and local levels (including metropolitan planning organizations), to carry out paragraph (5); and

"(D) minimum levels for—

"(i) the condition of pavement on the Interstate System; and

"(ii) the condition of bridges on the National Highway System.

"(4) STANDARDS AND MEASURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), not later than 18 months after the date of enactment of the MAP-21, the Secretary shall, in consultation with State departments of transportation and other stakeholders, establish—

"(i) minimum standards for States to use in developing and operating pavement management systems and bridge management systems;

"(ii) measures for States to use to assess—
"(I) the condition of pavements on the Interstate system;

"(II) the condition of pavements on the National Highway System (excluding the Interstate):

"(III) the condition of bridges on the National Highway System;

"(IV) the performance of the Interstate System and

"(V) the performance of the National Highway System (excluding the Interstate System):

"(iii) the data elements that are necessary to collect and maintain data, and a standardized process for collection and sharing of data with appropriate governmental entities at the Federal, State, and local levels (including metropolitan planning organizations), to carry out paragraph (5); and

'(iv) minimum levels for—

"(I) the condition of pavement on the Interstate System; and

"(II) the condition of bridges on the National Highway System.

"(B) STATE PARTICIPATION.—In carrying out subparagraph (A), the Secretary shall—

"(i) provide States not less than 90 days to comment on any regulation proposed by the Secretary under that subparagraph; and

"(ii) take into consideration any comments of the States relating to a proposed regulation received during that comment period.

"(5) STATE PERFORMANCE TARGETS.—

"(A) ESTABLISHMENT OF TARGETS.—Not later than 1 year after the date on which the Secretary promulgates final regulations under paragraph (4), each State, in consultation with metropolitan planning organizations, shall establish targets that address each of the performance measures identified in paragraph (4)(B).

"(B) PERIODIC UPDATES.—Each State shall periodically update the targets established under subparagraph (A).

"(6) REQUIREMENT FOR PLAN.—To obligate funding apportioned under section 104(b)(1), each State shall have in effect—

"(A) a risk-based asset management plan for the National Highway System in accordance with this section, developed through a process defined and approved by the Secretary; and

"(B) State targets that address the performance measures identified in paragraph (4)(B).

"(7) CERTIFICATION OF PLAN DEVELOPMENT PROCESS.—

"(A) IN GENERAL.—Not later than 90 days after the date on which a State submits a request for approval of the process used by the State to develop the State asset management plan for the National Highway System, the Secretary shall—

"(i) review the process; and

``(ii)(I) certify that the process meets the requirements established by the Secretary; or

"(II) deny certification and specify actions necessary for the State to take to correct deficiencies in the State process.

"(B) RECERTIFICATION.—Not less often than every 4 years, the Secretary shall review and

recertify that the process used by a State to develop and maintain the State asset management plan for the National Highway System meets the requirements for the process, as established by the Secretary.

"(C) OPPORTUNITY TO CURE.—If the Secretary denies certification under subparagraph (A), the Secretary shall provide the State with—

"(i) not less than 90 days to cure the deficiencies of the plan, during which time period all penalties and other legal impacts of a denial of certification shall be stayed; and

"(ii) a written statement of the specific actions the Secretary determines to be necessary for the State to cure the plan.

"(8) PERFORMANCE REPORTS —

"(A) IN GENERAL.—Not later than 4 years after the date of enactment of the MAP-21 and biennially thereafter, a State shall submit to the Secretary a report that describes—

"(i) the condition and performance of the National Highway System in the State;

"(ii) progress in achieving State targets for each of the performance measures for the National Highway System; and

"(iii) the effectiveness of the investment strategy documented in the State asset management plan for the National Highway System.

"(B) FAILURE TO ACHIEVE TARGETS.—A State that does not achieve or make significant progress toward achieving the targets of the State for performance measures described in subparagraph (A)(ii) for 2 consecutive reports submitted under this paragraph shall include in the next report submitted a description of the actions the State will undertake to achieve the targets.

"(9) PROCESS.—Not later than 18 months after the date of enactment of the MAP-21, the Secretary shall, by regulation and in consultation with State departments of transportation, establish the process to develop the State asset management plan described in paragraph (1) and establish the standards and measures described in paragraph (4).

"(g) INTERSTATE SYSTEM AND NHS BRIDGE

CONDITIONS.—

"(1) CONDITION OF INTERSTATE SYSTEM.—

"(A) PENALTY.—If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls below the minimum condition level established by the Secretary under subsection (f)(4)(D), the State shall be required, during the following fiscal year—

"(i) to obligate, from the amounts apportioned to the State under section 104(b)(1), an amount that is not less than the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purposes described in this section (as in effect on the day before the date of enactment of the MAP-21), [except that the amount reserved under this clause shall be increased by 2 percent over the amount reserved in the previous fiscal year for each year after fiscal year 2013; and except that for each year after fiscal year 2013, the amount required to be obligated under this clause shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year; and

"(ii) to transfer, from the amounts apportioned to the State under section 104(b)(2) to the apportionment of the State under section 104(b)(1), an amount equal to 10 percent of the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purposes described in this section (as in effect on the day before the date of enactment of the MAP-21).

"(B) RESTORATION.—The obligation requirement for the Interstate System in a State required by subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as the condition of the Interstate System in the State exceeds the minimum condition level established by the Secretary under subsection (f)(4)(D).

"(2) CONDITION OF NHS BRIDGES.—

"(A) PENALTY.—If, during 2 consecutive reporting periods, the condition of bridges on the National Highway System in a State falls below the minimum condition level established by the Secretary under subsection (f)(4)(D), the State shall be required, during the following fiscal year—

I''(i) to obligate, from the amounts apportioned to the State under section 104(b)(1), an amount for bridges on the National Highway System that is not less than 50 percent of the amount of funds apportioned to the State for fiscal year 2009 under the highway bridge program for the purposes described in section 144 (as in effect on the day before the date of enactment of the MAP-21), except that the amount reserved under this clause shall be increased by 2 percent over the amount reserved in the previous fiscal year for each year after fiscal year 2013; and

"(i) to obligate, from the amounts apportioned to the State under section 104(b)(1), an amount for bridges on the National Highway System that is not less than 50 percent of the amount of funds apportioned to the State for fiscal year 2009 under the highway bridge program for the purposes described in section 144 (as in effect on the day before the date of enactment of the MAP-21), except that for each year after fiscal year 2013, the amount required to be obligated under this clause shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year; and

"(ii) to transfer, from the amounts apportioned to the State under section 104(b)(2) to the apportionment of the State under section 104(b)(1), an amount equal to 10 percent of the amount of funds apportioned to the State for fiscal year 2009 under the highway bridge program for the purposes described in section 144 (as in effect on the day before the date of enactment of the MAP-21).

"(B) RESTORATION.—The obligation requirement for bridges on the National Highway System in a State required by subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as the condition of bridges on the National Highway System in the State exceeds the minimum condition level established by the Secretary under subsection (f)(4)(D)."

(b) Transition Period.—

(1) IN GENERAL.—Except as provided in paragraph (2), until such date as a State has in effect an approved asset management plan and has established performance targets as described in section 119 of title 23. United States Code, that will contribute to achieving the national goals for the condition and performance of the National Highway System, but not later than [15] 18 months after the date on which the Secretary promulgates final regulations required under section 119(f)(4) of that title, the Secretary shall approve obligations of funds apportioned to a State to carry out the national highway performance program under section 119 of that title, for projects that otherwise meet the requirements of that section.

(2) EXTENSION.—The Secretary may extend the transition period for a State under paragraph (1) if the Secretary determines that the State has made a good faith effort to establish an asset management plan and performance targets referred to in that paragraph.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

"119. National highway performance program.".

#### SEC. 1107. EMERGENCY RELIEF.

Section 125 of title 23, United States Code, is amended to read as follows:

#### "§ 125. Emergency relief

"(a) IN GENERAL.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any area of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) a natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) RESTRICTION ON ELIGIBILITY.—

"(1) DEFINITION OF CONSTRUCTION PHASE.— In this subsection, the term 'construction phase' means the phase of physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

"(2) RESTRICTION.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

"(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

"(B) if a construction phase of a replacement structure is included in the approved Statewide transportation improvement program at the time of an event described in subsection (a).

"(c) Funding.

"(1) In general.—Subject to the limitations described in paragraph (2), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to establish the fund authorized by this section and to replenish that fund on an annual basis.

''(2) LIMITATIONS.—The limitations referred to in paragraph (1) are that—

"(A) not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out this section, except that, if for any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated for the fiscal year, the unobligated balance of that amount shall—

"(i) remain available until expended; and

"(ii) be in addition to amounts otherwise available to carry out this section for each year; and

"(B)(i) pending such appropriation or replenishment, the Secretary may obligate from any funds appropriated at any time for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as are necessary for the immediate prosecution of the work herein authorized; and

"(ii) funds obligated under this subparagraph shall be reimbursed from the appropriation or replenishment.

"(d) ELIGIBILITY.—

- "(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter, except that—
- "(Ā) no funds shall be so expended unless an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and
- "(B) the Secretary has received an application from the State transportation department that includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.
  - "(2) Cost Limitation.—
- "(A) DEFINITION OF COMPARABLE FACILITY.—In this paragraph, the term 'comparable facility' means a facility that meets the current geometric and construction standards required for a facility of comparable capacity and character to the destroyed facility, except a bridge facility which may be constructed for the type and volume of traffic that the bridge will carry over its design life.
- "(B) LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility.
- "(3) DEBRIS REMOVAL.—The costs of debris removal shall be an eligible expense only for events not eligible for assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et
- "(4) TERRITORIES.—The total obligations for projects under this section for any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed \$20,000,000.
- "(5) SUBSTITUTE TRAFFIC.—Notwithstanding any other provision of this section, actual and necessary costs of maintenance and operation of ferryboats or additional transit service providing temporary substitute highway traffic service, less the amount of fares charged for comparable service, may be expended from the emergency fund authorized by this section for Federalaid highways.
- "(e) Tribal Transportation Facilities, Federal Lands Transportation Facilities, and Public Roads on Federal Lands.—
- "(1) DEFINITION OF OPEN TO PUBLIC TRAV-EL.—In this subsection, the term 'open to public travel' means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road is open to the general public for use with a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.
- "(2) EXPENDITURE OF FUNDS.—Notwithstanding subsection (d)(1), the Secretary may expend funds from the emergency fund authorized by this section, independently or in cooperation with any other branch of the Federal Government, a State agency, a tribal government, an organization, or a person, for the repair or reconstruction of tribal transportation facilities, Federal lands transportation facilities, and other federally owned roads that are open to public travel, whether or not those facilities are Federalaid highways.

- "(3) REIMBURSEMENT.—
- "(A) In general.—The Secretary may reimburse Federal and State agencies (including political subdivisions) for expenditures made for projects determined eligible under this section, including expenditures for emergency repairs made before a determination of eligibility.
- "(B) Transfers.—With respect to reimbursements described in subparagraph (A)—
- "(i) those reimbursements to Federal agencies and Indian tribal governments shall be transferred to the account from which the expenditure was made, or to a similar account that remains available for obligation; and
- "(ii) the budget authority associated with the expenditure shall be restored to the agency from which the authority was derived and shall be available for obligation until the end of the fiscal year following the year in which the transfer occurs.
- "(f) TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State."

#### SEC. 1108. TRANSPORTATION MOBILITY PRO-GRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended to read as follows:

#### "§ 133. Transportation mobility program

- "(a) ESTABLISHMENT.—The Secretary shall establish and implement a transportation mobility program under this section.
- "(b) PURPOSE.—The purpose of the transportation mobility program shall be to assist States and localities in improving the conditions and performance on Federal-aid highways and on bridges on any public road.
- "(c) ELIGIBLE PROJECTS.—Funds apportioned under section 104(b)(2) to carry out the transportation mobility program may be obligated for any of following purposes:
- "(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including construction of designated routes of the Appalachian development highway system.
- (2) Replacement (including replacement with fill material), rehabilitation, preservation, protection (including painting, scour countermeasures, seismic retrofits, impact protection measures. security countermeasures, and protection against extreme events) and application of calcium magnesium acetate, sodium acetate/formate, or environmentally acceptable, miniother mally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels on public roads of all functional classifications, including any such construction or reconstruction necessary to accommodate other transportation modes.
- "(3) Construction of a new bridge or tunnel on a new location on a highway, including any such construction necessary to accommodate other transportation modes.
- "(4) Inspection and evaluation (within the meaning of section 144) of bridges and tunnels on public roads of all functional classifications and inspection and evaluation of other highway infrastructure assets, including signs and sign structures, retaining walls, and drainage structures.
- "(5) Training of bridge and tunnel inspectors (within the meaning of section 144).
- "(6) Capital costs for transit projects eligible for assistance under chapter 53 of title 49.

- including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus.
- "(7) Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle infrastructure in accordance with section 137, bicycle transportation and pedestrian walkways in accordance with section 217, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- "(8) Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.
- "(9) Highway and transit research and development and technology transfer programs.
- "(10) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs, including truck stop electrification systems.
- "(11) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.
  - "(12) Surface transportation planning.
- ``(13) Transportation enhancement activities.
- "(14) Recreational trails projects eligible for funding under section 206.
- "(15) Construction of ferry boats and ferry terminal facilities eligible for funding under section 129(c).
- "(16) Border infrastructure projects eligible for funding under section 1303 of the SAFETEA-LU (Public Law 109-59).
- "(17) Projects associated with National Scenic Byways, All-American Roads, and America's Byways eligible for funding under section 162.
- "(18) Truck parking facilities eligible for funding under section 1401 of the MAP-21.
- "(19) Safe routes to school projects eligible for funding under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59).
- "(20) Transportation control measures described in section 108(f)(1)(A) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)), other than section 108(f)(1)(A)(xvi) of that Act.
- "(21) Development and implementation of a State asset management plan for the National Highway System in accordance with section 119, including data collection, maintenance, and integration and the costs associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance-based management, and for similar activities relating to the development and implementation of a performance-based management [system] program for other public roads.
- "(22) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetlands mitigation efforts relating to projects funded under this title, which may include participation in natural habitat and wetlands mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands, and development of statewide and regional natural habitat and wetlands conservation and mitigation plans, including any such banks, efforts, and plans developed in accordance with applicable Federal law (including regulations), on the conditions that—

- "(A) contributions to those mitigation efforts may—
- "(i) take place concurrent with or in advance of project construction; and
- "(ii) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes; and
- "(B) with respect to participation in a natural habitat or wetland mitigation effort relating to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference is given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with applicable Federal law (including regulations).
- "(23) Infrastructure-based intelligent transportation systems capital improvements.
- "(24) Environmental restoration and pollution abatement in accordance with section 328.
- "(25) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.
- "(26) Improvements to a freight railroad, marine highway, or intermodal facility, but only to the extent that the Secretary concurs with the State that—
- "(A) the project will make significant improvement to freight movements on the national freight network;
- "(B) the public benefit of the project exceeds the Federal investment; and
- "(C) the project provides a better return than a highway project on a segment of the primary freight network, except that a State may not obligate in excess of 5 percent of funds apportioned to the State under section 104(b)(2) to carry out this section for that purpose
- "(27) Maintenance of and improvements to all public roads, including non-State-owned public roads and roads on tribal land—
- "(A) that are located within 10 miles of the international border between the United States and Canada or Mexico: and
- "(B) on which federally owned vehicles comprise more than 50 percent of the traffic.
- "(28) Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, any public road if—
- "(A) the public road, and the highway project to be carried out with respect to the public road, are in the same corridor as, and in proximity to—
- "(i) a fully access-controlled highway designated as a part of the National Highway System; or
- "(ii) in areas with a population of less than 200,000, a federal-aid highway designated as part of the National Highway System;
- "(B) the construction or improvements will enhance the level of service on the highway described in subparagraph (A) and improve regional traffic flow, and
- "(C) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the highway described in subparagraph (A).
- "(d) Allocations of Apportioned Funds to Areas Based on Population.—
- "(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(2)—
- ``(A) 50 percent for a fiscal year shall be obligated under this section, in proportion to their relative shares of the population of the State—
- "(i) in urbanized areas of the State with an urbanized area population of over 200,000:

- $\lq\lq$ (ii) in areas of the State other than urban areas with a population greater than 5,000; and
  - "(iii) in other areas of the State; and
- "(B) 50 percent may be obligated in any area of the State.
- "(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under subparagraph (A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.
- "(3) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.
- "(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.
- "(e) LOCATION OF PROJECTS.—Except as provided in subsection (g) and for projects described in paragraphs (2), (4), (7), (8), (13), (14), and (19) of subsection (c), transportation mobility program projects may not be undertaken on roads functionally classified as local or rural minor collectors.
- "(f) APPLICABILITY OF PLANNING REQUIRE-MENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.
- "(g) Bridges Not on Federal-Aid High-Ways.—
- "(1) DEFINITION OF OFF-SYSTEM BRIDGE.— The term 'off-system bridge' means a highway bridge located on a public road, other than a bridge on a Federal-aid highway.
  - "(2) SPECIAL RULE.—
- ["(A) PENALTY.—If the total deck area of deficient off-system bridges in a State increases for the 2 most recent consecutive years, the State shall be required, during the following fiscal year, to obligate for the improvement of deficient off-system bridges from the amounts apportioned to the State under section 104(b)(2) an amount that is not less than 110 percent of the amount of funds required to be obligated by the State for offsystem bridges for fiscal year 2009 under section 144(f)(2), as in effect on the day before the date of enactment of the MAP-21, except that the amount reserved under this subparagraph shall be increased by 2 percent over the amount reserved in the previous fiscal year for each year after fiscal year 2013.
- "(A) PENALTY.—If the total deck area of deficient off-system bridges in a State increases for the 2 most recent consecutive years, the State shall be required, during the following fiscal year to obligate for the improvement of deficient off-system bridges from the amounts apportioned to the State under section 104(b)(2) an amount that is not less than 110 percent of the amount of funds required to be obligated by the State for off-system bridges for fiscal year 2009 under section 144(f)(2), as in effect on the day before the date of enactment of the MAP-21, except that for each year after fiscal year 2013, the amount required to be obligated under this subparagraph shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year.
- "(B) RESTORATION.—The obligation requirement for off-system bridges in a State required by subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as the total deck area of deficient off-system bridges in

- the State has decreased to the level it was in the State for the fiscal year prior to the establishment of the obligation requirement for the State under subparagraph (A).
- "(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—
- "(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and
- "(B) that crediting shall be conducted in accordance with procedures established by the [Secretary.] Secretary."
  - "(h) ADMINISTRATION.-
- "(1) Submission of project agreement.—For each fiscal year, each State shall submit a project agreement that—
- "(A) certifies that the State will meet all the requirements of this section; and
- "(B) notifies the Secretary of the amount of obligations needed to carry out the program under this section.
- "(2) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—Each State shall request from the Secretary such adjustments to the amount of obligations referred to in paragraph (1)(B) as the State determines to be necessary.
- "(3) EFFECT OF APPROVAL BY THE SEC-RETARY.—Approval by the Secretary of a project agreement under paragraph (1) shall be deemed a contractual obligation of the United States to pay transportation mobility program funds made available under this title."
- (b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:
- "133. Transportation mobility program.".

#### SEC. 1109. WORKFORCE DEVELOPMENT.

- (a) ON-THE-JOB TRAINING.—Section 140(b) of title 23, United States Code, is amended—
- (1) by striking "Whenever apportionments are made under section 104(b)(3)," and inserting "From administrative funds made available under section 104(a),"; and
- (2) by striking "the surface transportation program under section 104(b) and the bridge program under section 144" and inserting "the transportation mobility program under section 104(b)".
- (b) DISADVANTAGED BUSINESS ENTER-PRISE.—Section 140(c) of title 23, United States Code, is amended by striking "Whenever apportionments are made under section 104(b)(3)," and inserting "From administrative funds made available under section 104(a),".

### SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.

Section 143 of title 23, United States Code, is amended—

- (1) in subsection (b)—
- (A) by striking paragraph (2) and inserting the following:
- "(2) FUNDING.—
- "(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed \$10,000,000 for [each

fiscal year] each of fiscal years 2012 and 2013, to carry out this section.

- "(B) ALLOCATION OF FUNDS.—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary, except that of funds so made available for each fiscal year, \$2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training.": and
  - (B) in paragraph (8)—
- (i) in the paragraph heading by striking "SURFACE TRANSPORTATION PROGRAM" and inserting "TRANSPORTATION MOBILITY PROGRAM"; and
- (ii) by striking "section 104(b)(3)" and inserting "section 104(b)(2)"; and
- (2) in subsection (c)(3) by striking "for each of fiscal years 2005 through 2009," and inserting "for each fiscal year.".

#### SEC. 1111. NATIONAL BRIDGE AND TUNNEL IN-VENTORY AND INSPECTION STAND-ARDS.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended to read as follows:

#### "§ 144. National bridge and tunnel inventory and inspection standards

- "(a) FINDINGS AND DECLARATIONS.—
- ``(1) FINDINGS.—Congress finds that—
- "(A) the condition of the bridges of the United States has improved since the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 107), yet continued improvement to bridge conditions is essential to protect the safety of the traveling public and allow for the efficient movement of people and goods on which the economy of the United States relies: and
- "(B) the systematic preventative maintenance of bridges, and replacement and rehabilitation of deficient bridges, should be undertaken through an overall asset management approach to transportation investment.
- "(2) DECLARATIONS.—Congress declares that it is in the vital interest of the United States—
- "(A) to inventory, inspect, and improve the condition of the highway bridges and tunnels of the United States:
- "(B) to use a data-driven, risk-based approach and cost-effective strategy for systematic preventative maintenance, replacement, and rehabilitation of highway bridges and tunnels to ensure safety and extended service life:
- "(C) to use performance-based bridge management systems to assist States in making timely investments;
- "(D) to ensure accountability and link performance outcomes to investment decisions; and
- "(E) to ensure connectivity and access for residents of rural areas of the United States through strategic investments in National Highway System bridges and bridges on all public roads.
- "(b) NATIONAL BRIDGE AND TUNNEL INVEN-TORIES.—
- "(1) IN GENERAL.—The Secretary, in consultation with the States, shall—
- "(A) inventory all highway bridges on public roads that are bridges over waterways, other topographical barriers, other highways, and railroads;
- "(B) classify the bridges according to serviceability, safety, and essentiality for public use, including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished; and

- "(C) based on that classification, assign each a risk-based priority for systematic preventative maintenance, replacement, or rehabilitation.
- "(2) TRIBALLY OWNED AND FEDERALLY OWNED BRIDGES.—As part of the activities carried out under paragraph (1), the Secretary, in consultation with the Secretaries of appropriate Federal agencies, shall—
- "(A) inventory all tribally owned and Federally owned highway bridges that are open to the public, over waterways, other topographical barriers, other highways, and railroads:
- "(B) classify the bridges according to serviceability, safety, and essentiality for public use: and
- "(C) based on the classification, assign each a risk-based priority for systematic preventative maintenance, replacement, or rehabilitation.
- "(3) TUNNELS.—The Secretary shall establish a national inventory of highway tunnels reflecting the findings of the most recent highway tunnel inspections conducted by States under this section.
- "(c) GENERAL BRIDGE AUTHORITY.
- "(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to bridges authorized to be replaced, in whole or in part, by this title.
- "(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if the bridge is over waters that—
- "(A) are not used and are not susceptible to use in the natural condition of the bridge or by reasonable improvement as a means to transport interstate or foreign commerce; and
  - "(B) are—
- "(i) not tidal; or
- "(ii) if tidal, used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.
- "(d) INVENTORY UPDATES AND REPORTS.—
- "(1) IN GENERAL.—The Secretary shall—
  "(A) annually revise the inventories authorized by subsection (b); and
- "(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the inventories.
- "(2) INSPECTION REPORT.—Not later than 1 year after the date of enactment of the MAP-21, each State and appropriate Federal agency shall report element level data to the Secretary, as each bridge is inspected pursuant to this section, for all highway bridges on the National Highway System.
- "(3) GUIDANCE.—The Secretary shall provide guidance to States and Federal agencies for implementation of this subsection, while respecting the existing inspection schedule of each State.
- "(4) BRIDGES NOT ON NATIONAL HIGHWAY SYSTEM.—The Secretary shall—
- "(A) conduct a study on the benefits, costeffectiveness, and feasibility of requiring element-level data collection for bridges not on the National Highway System; and
- "(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.
- "(e) Bridges Without Taxing Powers.
- "(1) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is

- owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this title, but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system.
- "(2) Insufficient assets.—Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement or rehabilitation project.
- "(3) CREDITING OF NON-FEDERAL FUNDS.— Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.
- "(f) REPLACEMENT OF DESTROYED BRIDGES AND FERRY BOAT SERVICE.—
- "(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use the funds apportioned under section 104(b)(2) to construct any bridge that replaces—
- "(A) any low water crossing (regardless of the length of the low water crossing):
- "(B) any bridge that was destroyed prior to January 1, 1965;
- "(C) any ferry that was in existence on January 1, 1984; or
- "(D) any road bridge that is rendered obsolete as a result of a Corps of Engineers flood control or channelization project and is not rebuilt with funds from the Corps of Engineers.
- "(2) FEDERAL SHARE.—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of the construction.
  - "(g) HISTORIC BRIDGES.—
- "(1) DEFINITION OF HISTORIC BRIDGE.—In this subsection, the term 'historic bridge' means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.
- "(2) COORDINATION.—The Secretary shall, in cooperation with the States, encourage the retention, rehabilitation, adaptive reuse, and future study of historic bridges.
- "(3) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off Federal-aid highways to determine the historic significance of the bridges.
  - "(4) ELIGIBILITY.—
- "(A) IN GENERAL.—Subject to subparagraph (B), reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of a historic bridge shall be eligible as reimbursable project costs under section 133 if the load capacity and safety features of the historic bridge are adequate to serve the intended use for the life of the historic bridge.
- "(B) BRIDGES NOT USED FOR VEHICLE TRAF-FIC.—In the case of a historic bridge that is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this chapter shall not exceed the estimated cost of demolition of the historic bridge.
- "(5) PRESERVATION.—Any State that proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the historic bridge available for donation to a

State, locality, or responsible private entity if the State, locality, or responsible entity enters into an agreement—

- "(A) to maintain the bridge and the features that give the historic bridge its historic significance; and
- "(B) to assume all future legal and financial responsibility for the historic bridge, which may include an agreement to hold the State transportation department harmless in any liability action.
  - "(6) Costs incurred.—
- "(A) IN GENERAL.—Costs incurred by the State to preserve a historic bridge (including funds made available to the State, locality, or private entity to enable it to accept the bridge) shall be eligible as reimbursable project costs under this chapter in an amount not to exceed the cost of demolition.
- "(B) ADDITIONAL FUNDING.—Any bridge preserved pursuant to this paragraph shall not be eligible for any other funds authorized pursuant to this title.
- "(h) NATIONAL BRIDGE AND TUNNEL INSPECTION STANDARDS.—
  - "(1) REQUIREMENT.—
- "(A) IN GENERAL.—The Secretary shall establish and maintain inspection standards for the proper inspection and evaluation of all highway bridges and tunnels for safety and serviceability.
- "(B) UNIFORMITY.—The standards under this subsection shall be designed to ensure uniformity of the inspections and evaluations.
- "(2) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under paragraph (1) shall, at a minimum—
- "(A) specify, in detail, the method by which the inspections shall be carried out by the States, Federal agencies, and tribal governments:
- "(B) establish the maximum time period between inspections;
- "(C) establish the qualifications for those charged with carrying out the inspections;
- "(D) require each State, Federal agency, and tribal government to maintain and make available to the Secretary on request—
- "(i) written reports on the results of highway bridge and tunnel inspections and notations of any action taken pursuant to the findings of the inspections; and
- "(ii) current inventory data for all highway bridges and tunnels reflecting the findings of the most recent highway bridge and tunnel inspections conducted; and
- "(E) establish a procedure for national certification of highway bridge inspectors and tunnel inspectors.
- "(3) STATE COMPLIANCE WITH INSPECTION STANDARDS.—The Secretary shall, at a minimum—
- "(A) establish, in consultation with the States, and interested and knowledgeable private organizations and individuals, procedures to conduct reviews of State compliance with—
- "(i) the standards established under this subsection; and
- "(ii) the calculation or reevaluation of bridge load ratings; and
- "(B) establish, in consultation with the States, and interested and knowledgeable private organizations and individuals, procedures for States to follow in reporting to the Secretary—
- "(i) critical findings relating to structural or safety-related deficiencies of highway bridges; and
- "(ii) monitoring activities and corrective actions taken in response to a critical finding.
  - "(4) REVIEWS OF STATE COMPLIANCE.—

- "(A) IN GENERAL.—The Secretary shall annually review State compliance with the standards established under this section.
- "(B) NONCOMPLIANCE.—If an annual review in accordance with subparagraph (A) identifies noncompliance by a State, the Secretary shall—
- "(i) issue a report detailing the issues of the noncompliance by December 31 of the calendar year in which the review was made; and
- ``(ii) provide the State an opportunity to address the noncompliance by—
- "(I) developing a corrective action plan to remedy the noncompliance; or
- "(II) resolving the issues of noncompliance not later than 45 days after the date of notification
- "(5) PENALTY FOR NONCOMPLIANCE.—
- "(A) IN GENERAL.—If a State fails to satisfy the requirements of paragraph (4)(B) by August 1 of the calendar year following the year of a finding of noncompliance, the Secretary shall, on October 1 of that year, and each year thereafter as may be necessary, require the State to dedicate funds apportioned to the State under sections 119 and 133 after the date of enactment of the MAP-21 to correct the noncompliance with the minimum inspection standards established under this subsection.
- "(B) AMOUNT.—The amount of the funds to be directed to correcting noncompliance in accordance with subparagraph (A) shall—
- "(i) be determined by the State based on an analysis of the actions needed to address the noncompliance; and
- "(ii) require approval by the Secretary.
- "(6) UPDATE OF STANDARDS.—Not later than 3 years after the date of enactment of the MAP-21, the Secretary shall update inspection standards to cover—
- "(A) the methodology, training, and qualifications for inspectors; and
- "(B) the frequency of inspection.
- "(7) RISK-BASED APPROACH.—In carrying out the revisions required by paragraph (6), the Secretary shall consider a risk-based approach to determining the frequency of bridge inspections.
- "(i) Training Program for Bridge and Tunnel Inspectors.—
- "(1) IN GENERAL.—The Secretary, in cooperation with the State transportation departments, shall maintain a program designed to train appropriate personnel to carry out highway bridge and tunnel inspections.
- "(2) REVISIONS.—The training program shall be revised from time to time to take into account new and improved techniques.
- "(j) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available under sections 104(a), 119, 133, and 503.".
- (b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:
- "144. National bridge and tunnel inventory and inspection standards.".

### SEC. 1112. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

Section 148 of title 23, United States Code, is amended to read as follows:

#### "§ 148. Highway safety improvement program

- "(a) DEFINITIONS.—In this section, the following definitions apply:
- "(1) HIGH RISK RURAL ROAD.—The term high risk rural road' means any roadway functionally classified as a rural major or minor collector or a rural local road with significant safety risks, as defined by a State

in accordance with an updated State strategic highway safety plan.

- "(2) HIGHWAY BASEMAP.—The term 'highway basemap' means a representation of all public roads that can be used to geolocate attribute data on a roadway.
- "(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term 'highway safety improvement program' means projects, activities, plans, and reports carried out under this section.
- "(4) HIGHWAY SAFETY IMPROVEMENT PROJECT.—
- "(A) IN GENERAL.—The term 'highway safety improvement project' means strategies, activities, and projects on a public road that are consistent with a State strategic highway safety plan and—
- "(i) correct or improve a hazardous road location or feature: or
  - "(ii) address a highway safety problem.
- "(B) INCLUSIONS.—The term 'highway safety improvement project' includes, but is not limited to, a project for 1 or more of the following:
  - "(i) An intersection safety improvement.
- "(ii) Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).
- "(iii) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.
- "(iv) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.
- "(v) An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.
- "(vi) Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices.
- "(vii) The conduct of a model traffic enforcement activity at a railway-highway crossing.
- $\lq\lq$ (viii) Construction of a traffic calming feature.
  - "(ix) Elimination of a roadside hazard.
- "(x) Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.
- "(xi) Installation of a priority control system for emergency vehicles at signalized intersections.
- "(xii) Installation of a traffic control or other warning device at a location with high crash potential.
- "(xiii) Transportation safety planning.
- "(xiv) Collection, analysis, and improvement of safety data.
- "(xv) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.
- (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.
- "(xvii) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
- "(xviii) Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.
- "(xix) Construction and operational improvements on high risk rural roads.

- "(xx) Geometric improvements to a road for safety purposes that improve safety.
- "(xxi) A road safety audit.
- "(xxii) Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled 'Highway Design Handbook for Older Drivers and Pedestrians' (FHWA-RD-01-103), dated May 2001 or as subsequently revised and updated.
- "(xxiii) Truck parking facilities eligible for funding under section 1401 of the MAP-21. "(xxiv) Systemic safety improvements.
- "(5) MODEL INVENTORY OF ROADWAY ELE-MENTS.—The term 'model inventory of roadway elements' means the listing and standardized coding by the Federal Highway Administration of roadway and traffic data elements critical to safety management, analysis, and decisionmaking.
- "(6) PROJECT TO MAINTAIN MINIMUM LEVELS OF RETROREFLECTIVITY.—The term 'project to maintain minimum levels of retroreflectivity' means a project that is designed to maintain a highway sign or pavement marking retroreflectivity at or above the minimum levels prescribed in Federal or State regulations.
- "(7) ROAD SAFETY AUDIT.—The term 'road safety audit' means a formal safety performance examination of an existing or future road or intersection by an independent multidisciplinary audit team.
- "(8) ROAD USERS.—The term 'road user' means a motorist, passenger, public transportation operator or user, truck driver, bicyclist, motorcyclist, or pedestrian, including a person with disabilities.
  - "(9) SAFETY DATA.—
- "(A) IN GENERAL.—The term 'safety data' means crash, roadway, and traffic data on a public road.
- "(B) INCLUSION.—The term 'safety data' includes, in the case of a railway-highway grade crossing, the characteristics of highway and train traffic, licensing, and vehicle
- ``(10) Safety project under any other section.—
- "(A) IN GENERAL.—The term 'safety project under any other section' means a project carried out for the purpose of safety under any other section of this title.
- (B) INCLUSION.—The term 'safety project under any other section' includes—
- "(i) a project consistent with the State strategic highway safety plan that promotes the awareness of the public and educates the public concerning highway safety matters (including motorcycle safety);
- "(ii) a project to enforce highway safety laws; and
- "(iii) a project to provide infrastructure and infrastructure-related equipment to support emergency services.
- "(11) STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term 'State highway safety improvement program' means a program of highway safety improvement projects, activities, plans and reports carried out as part of the Statewide transportation improvement program under section 135(g).
- "(12) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term 'State strategic highway safety plan' means a comprehensive plan, based on safety data, developed by a State transportation department that—
- "(A) is developed after consultation with—
  "(i) a highway safety representative of the Governor of the State;
- "(ii) regional transportation planning organizations and metropolitan planning organizations, if any;

- "(iii) representatives of major modes of transportation;
- "(iv) State and local traffic enforcement officials;
- "(v) a highway-rail grade crossing safety representative of the Governor of the State;
- "(vi) representatives conducting a motor carrier safety program under section 31102, 31106, or 31309 of title 49:
- "(vii) motor vehicle administration agencies;
- "(viii) county transportation officials; and "(ix) other major Federal, State, tribal, and local safety stakeholders;
- "(B) analyzes and makes effective use of State, regional, local, or tribal safety data;
- "(C) addresses engineering, management, operation, education, enforcement, and emergency services elements (including integrated, interoperable emergency communications) of highway safety as key factors in evaluating highway projects:
- "(D) considers safety needs of, and high-fatality segments of, all public roads, including non-State-owned public roads and roads on tribal land:
- "(E) considers the results of State, regional, or local transportation and highway safety planning processes;
- "(F) describes a program of strategies to reduce or eliminate safety hazards;
- "(G) is approved by the Governor of the State or a responsible State agency;
- "(H) is consistent with section 135(g); and
- "(I) is updated and submitted to the Secretary for approval as required under subsection (d)(2).
- "(13) SYSTEMIC SAFETY IMPROVEMENT.—The term 'systemic safety improvement' means an improvement that is widely implemented based on high-risk roadway features that are correlated with particular crash types, rather than crash frequency.
- "(b) Program.—
- "(1) IN GENERAL.—The Secretary shall carry out a highway safety improvement program.
- "(2) PURPOSE.—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land.
  - "(c) ELIGIBILITY.—
- "(1) IN GENERAL.—To obligate funds apportioned under section 104(b)(3) to carry out this section, a State shall have in effect a State highway safety improvement program under which the State—
- "(A) develops, implements, and updates a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in subsections (a)(12) and (d):
- "(B) produces a program of projects or strategies to reduce identified safety problems; and
- "(C) evaluates the strategic highway safety plan on a regularly recurring basis in accordance with subsection (d)(1) to ensure the accuracy of the data and priority of proposed strategies.
- "(2) IDENTIFICATION AND ANALYSIS OF HIGH-WAY SAFETY PROBLEMS AND OPPORTUNITIES.— As part of the State highway safety improvement program, a State shall—
- "(A) have in place a [comprehensive] safety data system with the ability to perform safety problem identification and countermeasure analysis—
- "(i) to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data on all public roads, including non-State-owned public roads and roads on tribal land in the State;

- "(ii) to evaluate the effectiveness of data improvement efforts;
- "(iii) to link State data systems, including traffic records, with other data systems within the State;
- "(iv) to improve the compatibility and interoperability of safety data with other State transportation-related data systems and the compatibility and interoperability of State safety data systems with data systems of other States and national data systems;
- "(v) to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances; and
- "(vi) to improve the collection of data on nonmotorized crashes;
- "(B) based on the analysis required by subparagraph (A)—
- "(i) identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked or poorly marked roads) that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, and other highway users:
- "(ii) using such criteria as the State determines to be appropriate, establish the relative severity of those locations, in terms of crashes (including crash rates), fatalities, serious injuries, traffic volume levels, and other relevant data:
- "(iii) identify the number of fatalities and serious injuries on all public roads by location in the State:
- "(iv) identify highway safety improvement projects on the basis of crash experience, crash potential, *crash rate*, or other data-supported means; and
- "(v) consider which projects maximize opportunities to advance safety;
- "(C) adopt strategic and performancebased goals that—
- "(i) address traffic safety, including behavioral and infrastructure problems and opportunities on all public roads;
- "(ii) focus resources on areas of greatest need; and
- "(iii) are coordinated with other State highway safety programs;
- "(D) advance the capabilities of the State for safety data collection, analysis, and integration in a manner that—
- "(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49;
- "(ii) includes all public roads, including public non-State-owned roads and roads on tribal land;
- "(iii) identifies hazardous locations, sections, and elements on all public roads that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, persons with disabilities, and other highway users;
- "(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of [crashes,] crashes (including crash rate), serious injuries, fatalities, and traffic volume levels; and
- "(v) improves the ability of the State to identify the number of fatalities and serious injuries on all public roads in the State with a breakdown by functional classification and ownership in the State:
- "(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through safety data analysis;
- "(ii) identify opportunities for preventing the development of such hazardous conditions; and

- "(iii) establish and implement a schedule of highway safety improvement projects for hazard correction and hazard prevention; and
- "(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and
- "(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.
- "(d) UPDATES TO STRATEGIC HIGHWAY SAFE-TY PLANS.—
- "(1) ESTABLISHMENT OF REQUIREMENTS.—
- "(A) IN GENERAL.—Not later than 1 year after the date of enactment of the MAP-21, the Secretary shall establish requirements for regularly recurring State updates of strategic highway safety plans.
- "(B) CONTENTS OF UPDATED STRATEGIC HIGH-WAY SAFETY PLANS.—In establishing requirements under this subsection, the Secretary shall ensure that States take into consideration, with respect to updated strategic highway safety plans—
- "(i) the findings of road safety audits;
- "(ii) the locations of fatalities and serious injuries;
- "(iii) the locations that do not have an empirical history of fatalities and serious injuries, but possess risk factors for potential crashes:
- "(iv) rural roads, including all public roads, commensurate with fatality data;
- "(v) motor vehicle crashes that include fatalities or serious injuries to pedestrians and bicyclists;
- "(vi) the cost-effectiveness of improvements;
- "(vii) improvements to rail-highway grade crossings; and
- "(viii) safety on all public roads, including non-State-owned public roads and roads on tribal land.
- ''(2) APPROVAL OF UPDATED STRATEGIC HIGHWAY SAFETY PLANS.—
  - "(A) IN GENERAL.—Each State shall—
- "(i) update the strategic highway safety plans of the State in accordance with the requirements established by the Secretary under this subsection; and
- "(ii) submit the updated plans to the Secretary, along with a detailed description of the process used to update the plan.
- "(B) REQUIREMENTS FOR APPROVAL.—The Secretary shall not approve the process for an updated strategic highway safety plan unless—
- "(i) the updated strategic highway safety plan is consistent with the requirements of this subsection and subsection (a)(12); and
- "(ii) the process used is consistent with the requirements of this subsection.
- (3) PENALTY FOR FAILURE TO HAVE AN APPROVED UPDATED STRATEGIC HIGHWAY SAFETY PLAN.—If a State does not have an updated strategic highway safety plan with a process approved by the Secretary by August 1 of the fiscal year beginning after the date of establishment of the requirements under paragraph (1)—
- "(A) the State shall not be eligible to receive any additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for each succeeding fiscal year until the fiscal year during which the plan is approved; and
- "(B) the Secretary shall, on October 1 of each fiscal year thereafter, transfer from funds apportioned to the State under section 104(b)(2) an amount equal to 10 percent of the funds so apportioned for the fiscal year for

- use under the highway safety improvement program under this section to the apportionment of the State under section 104(b)(3) until the fiscal year in which the plan is approved.
  - "(e) ELIGIBLE PROJECTS.—
- "(1) IN GENERAL.—Funds apportioned to the State under section 104(b)(3) may be obligated to carry out—
- "(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or
- "(B) as provided in subsection (f), other safety projects.
- "(2) USE OF OTHER FUNDING FOR SAFETY.—
- "(A) EFFECT OF SECTION.—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.
- "(B) USE OF OTHER FUNDS.—States are encouraged to address the full scope of the safety needs and opportunities of the States by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).
- "(f) FLEXIBLE FUNDING FOR STATES WITH A STRATEGIC HIGHWAY SAFETY PLAN.—
- "(1) IN GENERAL.—To further the implementation of a State strategic highway safety plan, a State may use up to 10 percent of the amount of funds apportioned to the State under section 104(b)(3) for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan if the State certifies that—
- "(A) the State has met needs in the State relating to railway-highway crossings for the preceding fiscal year; and
- "(B) the funds are being used for the most effective projects to make progress toward achieving the safety performance targets of the State.
- "(2) OTHER TRANSPORTATION AND HIGHWAY SAFETY PLANS.—Nothing in this subsection requires a State to revise any State process, plan, or program in effect on the date of enactment of the MAP-21.
  - "(g) Data Improvement.—
- "(1) DEFINITION OF DATA IMPROVEMENT ACTIVITIES.—In this subsection:
- "(A) IN GENERAL.—The term 'data improvement activities' means a project or activity to further the capacity of a State to make more informed and effective safety infrastructure investment decisions.
- "(B) INCLUSIONS.—The term 'data improvement activities' includes a project or activity—
- "(i) to create, update, or enhance a highway basemap of all public roads in a State;
- "(ii) to collect safety data, including data identified as part of the model inventory of roadway elements, for creation of or use on a highway basemap of all public roads in a State:
- "(iii) to store and maintain safety data in an electronic manner;
- "(iv) to develop analytical processes for safety data elements;
- ``(v) to acquire and implement roadway safety analysis tools; and
- "(vi) to support the collection, maintenance, and sharing of safety data on all public roads and related systems associated with the analytical usage of that data.
- "(2) APPORTIONMENT.—Of the funds apportioned to a State under section 104(b)(3) for a fiscal year—
- "(A) not less than 8 percent of the funds apportioned for each of fiscal years 2012 through 2013 shall be available only for data improvement activities under this subsection; and

- "(B) not less than 4 percent of the funds apportioned for fiscal year 2014 and each fiscal year thereafter shall be available only for data improvement activities under this subsection.
- "(3) SPECIAL RULE.—A State may use funds apportioned to the State pursuant to this subsection for any project eligible under this section if the State demonstrates to the satisfaction of the Secretary that the State has met all of the State needs for data collection to support the State strategic highway safety plan and sufficiently addressed the data improvement activities described in paragraph (1).
- "(4) MODEL INVENTORY OF ROADWAY ELE-MENTS.—The Secretary shall—
- "(A) establish a subset of the model inventory of roadway elements that are useful for the inventory of roadway safety; and
- "(B) ensure that States adopt and use the subset to improve data collection.
- "(h) PERFORMANCE MEASURES AND TARGETS FOR STATE HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—
- "(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of the MAP-21, the Secretary shall issue guidance to States on the establishment, collection, and reporting of performance measures that reflect—
- "(A) serious injuries and fatalities per vehicle mile traveled;
- "(B) serious injuries and fatalities per capita; and
- "(C) the number of serious injuries and fatalities
- "(2) ESTABLISHMENT OF STATE PERFORMANCE TARGETS.—Not later than 1 year after the Secretary has issued guidance to States on the establishment, collection, and reporting of performance measures, each State shall set performance targets that reflect—
- "(A) serious injuries and fatalities per vehicle mile traveled;
- "(B) serious injuries and fatalities per capita; and
- "(C) the number of serious injuries and fatalities.
  - "(i) Special Rules.—
- "(1) HIGH-RISK RURAL ROAD SAFETY.—If the fatality rate on rural roads in a State increases over the most recent 2-year period for which data are available, that State shall be required to obligate in the next fiscal year for projects on high risk rural roads an amount equal to at least 200 percent of the amount of funds the State received for fiscal year 2009 for high risk rural roads under subsection (f) of this section, as in effect on the day before the date of enactment of the MAP-21.
- [''(2) RAIL-HIGHWAY GRADE CROSSINGS.—If the fatality rate at highway grade crossings in a State increases over the most recent 2-year period for which data are available, that State shall be required to obligate in the next fiscal year on rail-highway grade crossings an amount equal to 120 percent of the amount of funds the State received for fiscal year 2009 for rail-highway grade crossings under section 130(f) (as in effect on the day before the date of enactment of the MAP-21).]
- "(2) RAIL-HIGHWAY GRADE CROSSINGS.—If the average number of fatalities at rail-highway grade crossings in a State over the most recent 2-year period for which data are available increases over the average number of fatalities during the preceding 2-year period, that State shall be required to obligate in the next fiscal year for projects on rail-highway grade crossings an amount equal to 120 percent of the amount of funds the State received for fiscal

year 2009 for rail-highway grade crossings under section 130(f) (as in effect on the day before the date of enactment of the MAP-21).

"(j) Reports.—

"(1) IN GENERAL.—A State shall submit to the Secretary a report that—

"(A) describes the progress being made to achieve the performance targets established under subsection (h):

"(B) describes progress being made to implement highway safety improvement projects under this section;

"(C) assesses the effectiveness of those improvements; and

"(D) describes the extent to which the improvements funded under this section have contributed to reducing—

"(i) the number and rate of fatalities on all public roads with, to the maximum extent practicable, a breakdown by functional classification and ownership in the State;

"(ii) the number and rate of serious injuries on all public roads with, to the maximum extent practicable, a breakdown by functional classification and ownership in the State; and

"(iii) the occurrences of fatalities and serious injuries at railway-highway crossings.

"(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for the submission of the report under paragraph (1).

"(3) Transparency.—The Secretary shall make strategic highway safety plans submitted under subsection (d) and reports submitted under this subsection available to the public through—

"(A) the website of the Department; and

"(B) such other means as the Secretary determines to be appropriate.

"(4) DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION.—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose relating to this section, shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in the reports, surveys, schedules, lists, or other data.

"(k) STATE PERFORMANCE TARGETS.—If the Secretary determines that a State has not met or made significant progress toward meeting the performance targets of the State established under subsection (h) by the date that is 2 years after the date of the establishment of the performance targets, the State shall—

"(1) use obligation authority equal to the apportionment of the State for the prior year under section 104(b)(3) only for highway safety improvement projects under this section until the Secretary determines that the State has met or made significant progress toward meeting the performance targets of the State; and

"(2) submit annually to the Secretary, until the Secretary determines that the State has met or made significant progress toward meeting the performance targets of the State, an implementation plan that—

"(A) identifies roadway features that constitute a hazard to road users;

"(B) identifies highway safety improvement projects on the basis of crash experience, crash potential, or other data-supported means:

"(C) describes how highway safety improvement program funds will be allocated, including projects, activities, and strategies to be implemented:

"(D) describes how the proposed projects, activities, and strategies funded under the State highway safety improvement program will allow the State to make progress toward achieving the safety performance targets of the State; and

"(E) describes the actions the State will undertake to meet the performance targets of the State.

"(1) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement project carried out with funds apportioned to a State under section 104(b)(3) shall be 90 percent."

### SEC. 1113. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended to read as follows:

#### "§ 149. Congestion mitigation and air quality improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a congestion mitigation and air quality improvement program in accordance with this section.

"(b) Eligible Projects.—

"(1) IN GENERAL.—Except as provided in subsection (c), a State may obligate funds apportioned to the State for the congestion mitigation and air quality improvement program under section 104(b)(4) that are not reserved under subsection (1) only for a transportation project or program if the project or program is for an area in the State that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under section 107(d) of that Act after December 31, 1997, or is required to prepare, and file with the Administrator of the Environmental Protection Agency, maintenance plans under the Clean Air Act (42 U.S.C. 7401 et seq.); and

"(A)(i)(I) if the Secretary, after consultation with the Administrator determines, on the basis of information published by the Environmental Protection Agency pursuant to subparagraph (A) of section 108(f)(1) of the Clean Air Act (other than clause (xvi) of that subparagraph) (42 U.S.C. 7408(f)(1)) that the project or program is likely to contribute

``(aa) the attainment of a national ambient air quality standard; or

"(bb) the maintenance of a national ambient air quality standard in a maintenance area; and

"(II) there exists a high level of effectiveness in reducing air pollution, in cases of projects or programs where sufficient information is available in the database established pursuant to subsection (h) to determine the relative effectiveness of such projects or programs; or

"(ii) in any case in which such information is not available, if the Secretary, after such consultation, determines that the project or program is part of a program, method, or strategy described in such section 108(f)(1)(A);

"(B) if the project or program is included in a State implementation plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits:

"(C) to establish or operate a traffic monitoring, management, and control facility or program, including [advanced] truck stop electrification systems, if the Secretary,

after consultation with the Administrator, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard;

"(D) if the program or project improves traffic flow, including projects to improve signalization, construct high-occupancy vehicle lanes, improve intersections, add turning lanes, improve transportation systems management and operations that mitigate congestion and improve air quality, and implement intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of the MAP-21, including programs or projects to improve incident and emergency response or improve mobility, such as through real-time traffic, transit, and multimodal traveler information:

"(E) if the project or program involves the purchase of integrated, interoperable emergency communications equipment;

"(F) if the project or program is for-

"(i) the purchase of diesel retrofits that are—  $\,$ 

"(I) for motor vehicles (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550));

"(II) verified or certified technologies included in the list published pursuant to subsection (f)(2), as in effect on the day before the date of enactment of the MAP-21, for nonroad vehicles and nonroad engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) that are used in construction projects that are—

"(aa) located in nonattainment or maintenance areas for ozone,  $PM_{10}$ , or  $PM_{2.5}$  (as defined under the Clean Air Act (42 U.S.C. 7401 et seq.)); and

''(bb) funded, in whole or in part, under this title; or

"(ii) the conduct of outreach activities that are designed to provide information and technical assistance to the owners and operators of diesel equipment and vehicles regarding the purchase and installation of diesel retrofits;

"(G) if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing, alternative work hours, and pricing; or

"(H) if the Secretary, after consultation with the Administrator, determines that the project or program is likely to contribute to the attainment of a national ambient air quality standard, whether through reductions in vehicle miles traveled, fuel consumption, or through other factors.

"(2) LIMITATIONS.—Funds apportioned to a State under section 104(b)(4) and not reserved under subsection (1) may not be obligated for a project that will result in the construction of new capacity available to single-occupant vehicles unless the project consists of a high-occupancy vehicle facility available to single-occupant vehicles only at other than peak travel times or such use by single-occupant vehicles at peak travel times is subject to a toll.

"(c) STATES FLEXIBILITY.—

"(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone, carbon monoxide, or PM<sub>2.5</sub>, the State may use funds apportioned to the State under section 104(b)(4) (excluding the amount of funds reserved under subsection (1)) for any project in the State that—

- "(A) would otherwise be eligible under subsection (b) as if the project were carried out in a nonattainment or maintenance area; or "(B) is eligible under the transportation
- mobility program under section 133.
- '(2) STATES WITH A NONATTAINMENT AREA.— '(A) IN GENERAL.—If a State has a nonattainment area or maintenance area and received funds in fiscal year 2009 under section 104(b)(2)(D), as in effect on the day before the date of enactment of the MAP-21, above the amount of funds that the State would have received based on the nonattainment and maintenance area population of the State under subparagraphs (B) and (C) of section 104(b)(2), as in effect on the day before the date of enactment of the MAP-21, the State may use for any project that is eligible under the transportation mobility program under section 133 an amount of funds apportioned to such State under section 104(b)(4) (excluding the amount of funds reserved under subsection (1)) that is equal to the product obtained by multiplying-
- "(i) [the apportioned amount] the amount apportioned to such State under section 104(b)(4) (excluding the amount of funds reserved under subsection (1)); by
- "(ii) the ratio calculated under paragraph (B).
- "(B) RATIO.—For purposes of this paragraph, the ratio shall be calculated as—
- "(i) the amount for fiscal year 2009 such State was permitted by section 149(c)(2), as in effect on the day before the date of enactment of the MAP-21, to obligate in any area of the State for projects eligible under section 133, as in effect on the day before the date of enactment of the MAP-21: bears to
- "(ii) the total apportionment to such State for fiscal year 2009 under section 104(b)(2), as in effect on the day before the date of enactment of the MAP-21.
- "(3) CHANGES IN DESIGNATION.—If a new nonattainment area is designated or a previously designated nonattainment area is redesignated as an attainment area in a State under the Clean Air Act (42 U.S.C. 7401 et seq.), the Secretary shall modify the amount such State is permitted to obligate in any area of the State for projects eligible under section 133.
- "(d) APPLICABILITY OF PLANNING REQUIRE-MENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.
- "(e) Partnerships With Nongovern-MENTAL ENTITIES.—
- "(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out with funds apportioned under section 104(b)(4).
- "(2) FORMS OF PARTICIPATION BY ENTITIES.— Participation by an entity under paragraph (1) may consist of—
- "(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;
- "(B) cost sharing of any project expense;
- "(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project and
- "(D) any other form of participation approved by the Secretary.
- "(3) ALLOCATION TO ENTITIES.—A State may allocate funds apportioned under section

- 104(b)(4) to an entity described in paragraph (1).
- "(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—
- "(A) may include the costs of vehicle refueling infrastructure, including infrastructure that would support the development, production, and use of emerging technologies that reduce emissions of air pollutants from motor vehicles, and other capital investments associated with the project:
- "(B) shall include only the incremental cost of an alternative fueled vehicle, as compared to a conventionally fueled vehicle, that would otherwise be borne by a private party; and
- "(C) shall apply other governmental financial purchase contributions in the calculation of net incremental cost.
- "(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.
- "(f) PRIORITY CONSIDERATION.—States and metropolitan planning organizations shall give priority in areas designated as non-attainment or maintenance for PM<sub>2.5</sub> under the Clean Air Act (42 U.S.C. 7401 et seq.) in distributing funds received for congestion mitigation and air quality projects and programs from apportionments under section 104(b)(4) not required to be reserved under subsection (1) to projects that are proven to reduce PM<sub>2.5</sub>, including diesel retrofits.
- "(g) INTERAGENCY CONSULTATION.—The Secretary shall encourage States and metropolitan planning organizations to consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.
- "(h) EVALUATION AND ASSESSMENT OF PROJECTS.—
- "(1) Database.—
- "(A) In general.—Using appropriate assessments of projects funded under the congestion mitigation and air quality program and results from other research, the Secretary shall maintain and disseminate a cumulative database describing the impacts of the projects, including specific information about each project, such as the project name, location, sponsor, cost, and, to the extent already measured by the project sponsor, cost-effectiveness, based on reductions in congestion and emissions.
- "(B) AVAILABILITY.—The database shall be published or otherwise made readily available by the Secretary in electronically accessible format and means, such as the Internet, for public review.
  - "(2) Cost effectiveness.—
- "(A) In general.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate projects on a periodic basis and develop a table or other similar medium that illustrates the cost-effectiveness of a range of project types eligible for funding under this section as to how the projects mitigate congestion and improve air quality.
- "(B) CONTENTS.—The table described in subparagraph (A) shall show measures of cost-effectiveness, such as dollars per ton of emissions reduced, and assess those measures over a variety of timeframes to capture impacts on the planning timeframes outlined in section 134.

- "(C) USE OF TABLE.—States and metropolitan planning organizations shall consider the information in the table when selecting projects or developing performance plans under subsection (k).
- "(i) OPTIONAL PROGRAMMATIC ELIGIBILITY.—
- "(1) IN GENERAL.—At the discretion of a metropolitan planning organization, a technical assessment of a selected program of projects may be conducted through modeling or other means to demonstrate the emissions reduction projection required under this section.
- "(2) APPLICABILITY.—If an assessment described in paragraph (1) successfully demonstrates an emissions reduction, all projects included in such assessment shall be eligible for obligation under this section without further demonstration of emissions reduction of individual projects included in such assessment.
- "(j) Suballocation to Nonattainment and Maintenance Areas.—
- "(1) IN GENERAL.—An amount equal to 50 percent of the amount of funds apportioned to each State under section 104(b)(4) (excluding the amount of funds reserved under subsection (1)) shall be suballocated for projects within each area designated as nonattainment or maintenance for the pollutants described in subsection (b).
- "(2) DISTRIBUTION OF FUNDS.—The distribution within any State of funds required to be suballocated under paragraph (1) to each nonattainment or maintenance area shall be in accordance with a formula developed by each State and approved by the Secretary, which shall consider the population of each such nonattainment or maintenance area and shall be weighted by the severity of pollution in the manner described in paragraph (6)
- "(3) PROJECT SELECTION.—Projects under this subsection shall be selected by a State and shall be consistent with the requirements of sections 134 and 135
- "(4) PRIORITY FOR USE OF SUBALLOCATED FUNDS IN PM<sub>2.5</sub> AREAS.—
- "(A) IN GENERAL.—An amount equal to 50 percent of the funds suballocated under paragraph (1) for a nonattainment or maintenance area that are based all or in part on the weighted population of such area in fine particulate matter nonattainment shall be obligated to projects that reduce such fine particulate matter emissions in such area, including diesel retrofits.
- "(B) CONSTRUCTION EQUIPMENT.—An amount equal to 30 percent of the funds required to be set aside under subparagraph (A) shall be obligated to carry out the objectives of section 330.
  - "(C) OBLIGATION PROCESS.—[Each]
- "(i) IN GENERAL.—Each State or metropolitan planning organization required to obligate funds in accordance with this paragraph shall develop a process to provide funding directly to eligible entities (as defined under section 330) in order to achieve the objectives of such section.
- "(ii) OBLIGATION.—A State may obligate suballocated funds designated under this paragraph without regard to any process or other requirement established under this section.
- "(5) Funds not suballocated.—Except as provided in subsection (c), funds apportioned to a State under section 104(b)(4) (excluding the amount of funds reserved under subsection (1)) and not suballocated under paragraph (1) shall be made available to such State for programming in any nonattainment or maintenance area in the State.
- "(6) FACTORS FOR CALCULATION OF SUB ALLOCATION.—

- "(A) IN GENERAL.—For the purposes of paragraph (2), each State shall weight the population of each such nonattainment or maintenance area by a factor of—
- "(i) 1.0 if, at the time of the apportionment, the area is a maintenance area for ozone or carbon monoxide;
- "(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);
- "(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);
- "(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);
- "(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.):
- "(vi) 1.5 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);
- "(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area for ozone as described in section 149(b), but is designated under section 107 of the Clean Air Act (42 U.S.C. 7407) as a nonattainment area for carbon monoxide;
- "(viii) 1.0 if, at the time of the apportionment, the area is designated as nonattainment for ozone under section 107 of the Clean Air Act (42 U.S.C. 7407); or
- "(ix) 1.2 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is designated as a nonattainment or maintenance area for fine particulate matter, 2.5 micrometers or less, under section 107 of the Clean Air Act (42 U.S.C. 7407).
- "(B) OTHER FACTORS.—If, in addition to being designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also designated under section 107 of the Clean Air Act (42 U.S.C. 7407) as a nonattainment or maintenance area for carbon monoxide, or was designated under section 107 of the Clean Air Act (42 U.S.C. 7407) as a nonattainment or maintenance area for particulate matter, 2.5 micrometers or less, or both. the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vi), or clause (viii), of subparagraph (A), shall be further multiplied by a factor of 1.2, or a second further factor of 1.2 if the area is designated as a nonattainment or maintenance area for both carbon monoxide and particulate matter, 2.5 micrometers or less.
  - "(7) Exceptions for certain states.—
- "(A) A State without a nonattainment or maintenance area shall not be subject to the requirements of this subsection.
- "(B) The amount of funds required to be set aside under paragraph (1) in a State that received a minimum apportionment for fiscal year 2009 under section 104(b)(2)(D), as in effect on the day before the date of enactment of the MAP-21, shall be based on the amount of funds such State would otherwise have been apportioned under section 104(b)(4) (excluding the amount of funds reserved

- "(A) IN GENERAL.—For the purposes of under subsection (1)) but for the minimum ragraph (2), each State shall weight the apportionment in fiscal year 2009.
  - "(k) Performance Plan.-
  - "(1) IN GENERAL.—Each tier I metropolitan planning organization (as defined in section 134) representing a nonattainment or maintenance area shall develop a performance plan that—
  - "(A) includes an area baseline level for traffic congestion and on-road mobile source emissions for which the area is in nonattainment or maintenance;
  - "(B) identifies air quality and traffic congestion reduction target levels based on measures established by the Secretary; and
  - "(C) includes a description of projects identified for funding under this section and a description of how such projects will contribute to achieving emission and traffic congestion reduction targets.
    - "(2) UPDATED PLANS.—
  - "(A) IN GENERAL.—Performance plans shall be updated on the schedule required under paragraph (3).
  - "(B) CONTENTS.—An updated plan shall include a separate report that assesses the progress of the program of projects under the previous plan in achieving the air quality and traffic congestion targets of the previous plan.
  - "(3) RULEMAKING.—Not later than 18 months after the date of enactment of the MAP-21, the Secretary shall promulgate regulations to implement this subsection that identify performance measures for traffic congestion and on-road mobile source emissions, timelines for performance plans, and requirements under this section for assessing the implementation of projects carried out under this section.
    - "(1) ADDITIONAL ACTIVITIES.—
  - "(1) RESERVATION OF FUNDS.—Of the funds apportioned to a State under section 104(b)(4), a State shall reserve the amount of funds attributable to the inclusion of the 10 percent of surface transportation program funds apportioned to such State for fiscal year 2009 in the formula under section 104(b)(4) for projects under this subsection.
  - "(2) ELIGIBLE PROJECTS.—A State may obligate the funds reserved under this subsection for any of the following projects or activities:
  - "(A) Transportation enhancements, as defined in section 101.
  - $\lq\lq(B)$  The recreational trails program under section 206.
  - "(C) The safe routes to school program under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59).
  - [''(D) Planning, designing, or constructing boulevards, main streets, and other roadways.including—
  - "(i) redesign of an underused highway, particularly a highway that is no longer a principal route after construction of a bypass or Interstate System route, into a boulevard or main street that includes multiple forms of transportation."
  - "(ii) new street construction that enhances multimodal connectivity and includes public transportation, pedestrian walkways, or bicycle infrastructure;
  - "(iii) redesign of a street to enhance connectivity and increase the efficiency of network performance that includes public transportation, pedestrian walkways, or bicycle infrastructure;
  - "(iv) redesign of a highway to support public transportation, including transit-only lanes and priority signalization for transit; or
  - "(v) construction of high-occupancy vehicle lanes and congestion reduction activities

- that increase the efficiency of the existing road network.
- ``(E) Providing transportation choices, including—
- "(i) on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting, and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.):
- "(ii) the planning, design, and construction of infrastructure-related projects and systems that will provide safe routes for nondrivers, including children, older adults, and individuals with disabilities, to access daily needs:
- "(iii) activities for safety and education for pedestrians and bicyclists and to encourage walking and bicycling, including efforts to encourage walking and bicycling to school and community centers;
- "(iv) conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users: and
- "(v) carpool, vanpool, and car share projects.
- "(D) Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
- "(3) FLEXIBILITY OF EXCESS RESERVED FUND-ING.—Beginning in the second fiscal year after the date of enactment of the MAP-21, if on August 1 of that fiscal year the unobligated balance of available funds apportioned to a State under section 104(b)(4) and reserved by a State under this subsection exceeds 150 percent of such reserved amount in such fiscal year, the State may thereafter obligate the amount of excess funds for any activity—
- "(A) that is eligible to receive funding under this subsection; or
- "(B) for which the Secretary has approved the obligation of funds for any State under this section
- "(4) PROVISION OF ADEQUATE DATA, MOD-ELING, AND SUPPORT.—In any case in which a State requests reasonable technical support or otherwise requests data (including planning models and other modeling), clarification, or guidance regarding the content of any final rule or applicable regulation material to State actions under this section, the Secretary and any other agency shall provide that support, clarification, or guidance in a timely manner.
- "[(4)](5) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this subsection shall be treated as projects on a Federal-aid system under this chapter.".

# SEC. 1114. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

(a) IN GENERAL.—Section 165 of title 23, United States Code, is amended to read as follows:

# "§ 165. Territorial and Puerto Rico highway program

- "(a) DIVISION OF FUNDS.—Of funds made available in a fiscal year for the territorial and Puerto Rico highway program—
- "(1) 75 percent shall be for the Puerto Rico highway program under subsection (b); and
- "(2) 25 percent shall be for the territorial highway program under subsection (c).
  - "(b) PUERTO RICO HIGHWAY PROGRAM.—
- "(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to the Commonwealth of Puerto

Rico to carry out a highway program in the Commonwealth.

- "(2) TREATMENT OF FUNDS.—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:
  - "(A) APPORTIONMENT.—
- "(i) IN GENERAL.—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b) and 144 (as in effect for fiscal year 1997) for each program funded under those sections in an amount determined by multiplying—
- "(I) the aggregate of the amounts for the fiscal year; by
- "(II) the proportion that-
- "(aa) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to
- "(bb) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.
- "(ii) EXCEPTION.—Funds identified under clause (i) as having been apportioned for the national highway system, the surface transportation program, and the Interstate maintenance program shall be deemed to have been apportioned 50 percent for the national highway performance program and 50 percent for the transportation mobility program for purposes of imposing such penalties.
- "(B) PENALTY.—The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title or title 49.
- "(C) ELIGIBLE USES OF FUNDS.—Of amounts allocated to Puerto Rico for the Puerto Rico Highway Program for a fiscal year—
- "(i) at least 50 percent shall be available only for purposes eligible under section 119;
- "(ii) at least 25 percent shall be available only for purposes eligible under section 148;
- "(iii) any remaining funds may be obligated for activities eligible under chapter 1.
- "(3) EFFECT ON APPORTIONMENTS.—Except as otherwise specifically provided, Puerto Rico shall not be eligible to receive funds apportioned to States under this title.
  - "(c) TERRITORIAL HIGHWAY PROGRAM.—
- "(1) TERRITORY DEFINED.—In this subsection, the term 'territory' means any of the following territories of the United States:
  - "(A) American Samoa.
- "(B) The Commonwealth of the Northern Mariana Islands.
  - "(C) Guam.
  - "(D) The United States Virgin Islands.
- "(2) Program.—
- "(A) IN GENERAL.—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each government of a territory in the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors, that is—
- "(i) designated by the Governor or chief executive officer of each territory; and
- "(ii) approved by the Secretary.
- "(B) FEDERAL SHARE.—The Federal share of Federal financial assistance provided to territories under this subsection shall be in accordance with section 120(g).
  - "(3) TECHNICAL ASSISTANCE.-
- "(A) IN GENERAL.—To continue a longrange highway development program, the Secretary may provide technical assistance

- to the governments of the territories to enable the territories, on a continuing basis—
- "(i) to engage in highway planning;
  "(ii) to conduct environmental evaluations;
- ``(iii) to administer right-of-way acquisition and relocation assistance programs; and
- "(iv) to design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.
- "(B) FORM AND TERMS OF ASSISTANCE.— Technical assistance provided under subparagraph (A), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by paragraph (5).
- "(4) NONAPPLICABILITY OF CERTAIN PROVISIONS.—
- "(A) IN GENERAL.—Except to the extent that provisions of this chapter are determined by the Secretary to be inconsistent with the needs of the territories and the intent of this subsection, this chapter (other than provisions of this chapter relating to the apportionment and allocation of funds) shall apply to funds made available under this subsection.
- "(B) APPLICABLE PROVISIONS.—The agreement required by paragraph (5) for each territory shall identify the sections of this chapter that are applicable to that territory and the extent of the applicability of those sections.
  - "(5) AGREEMENT.—
- "(A) IN GENERAL.—Except as provided in subparagraph (D), none of the funds made available under this subsection shall be available for obligation or expenditure with respect to any territory until the chief executive officer of the territory has entered into an agreement (including an agreement entered into under section 215 as in effect on the day before the enactment of this section) with the Secretary providing that the government of the territory shall—
- "(i) implement the program in accordance with applicable provisions of this chapter and paragraph (4);
- "(ii) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with standards that are—
- "(I) appropriate for each territory; and
- "(II) approved by the Secretary;
- "(iii) provide for the maintenance of facilities constructed or operated under this subsection in a condition to adequately serve the needs of present and future traffic; and
- "(iv) implement standards for traffic operations and uniform traffic control devices that are approved by the Secretary.
- "(B) TECHNICAL ASSISTANCE.—The agreement required by subparagraph (A) shall—
- "(i) specify the kind of technical assistance to be provided under the program;
- "(ii) include appropriate provisions regarding information sharing among the territories; and
- "(iii) delineate the oversight role and responsibilities of the territories and the Secretary.
- "(C) REVIEW AND REVISION OF AGREEMENT.— The agreement entered into under subparagraph (A) shall be reevaluated and, as necessary, revised, at least every 2 years.
- "(D) EXISTING AGREEMENTS.—With respect to an agreement under this subsection or an agreement entered into under section 215 of this title as in effect on the day before the date of enactment of this subsection—
- "(i) the agreement shall continue in force until replaced by an agreement entered into in accordance with subparagraph (A); and

- "(ii) amounts made available under this subsection under the existing agreement shall be available for obligation or expenditure so long as the agreement, or the existing agreement entered into under subparagraph (A), is in effect.
  - "(6) Eligible uses of funds.—
- "(A) IN GENERAL.—Funds made available under this subsection may be used only for the following projects and activities carried out in a territory:
- "(i) Eligible transportation mobility program projects described in section 133(c).
- "(ii) Cost-effective, preventive maintenance consistent with section 116(d).
- "(iii) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.
- "(iv) Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.
- "(v) Studies of the economy, safety, and convenience of highway use.
- "(vi) The regulation and equitable taxation of highway use.
- "(vii) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.
- "(B) PROHIBITION ON USE OF FUNDS FOR ROUTINE MAINTENANCE.—None of the funds made available under this subsection shall be obligated or expended for routine maintenance.
- "(7) LOCATION OF PROJECTS.—Territorial highway program projects (other than those described in paragraphs (2), (4), (7), (8), (14), and (19) of section 133(c)) may not be undertaken on roads functionally classified as local."
  - (b) Conforming Amendments.—
- (1) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 165 and inserting the following:
- "165. Territorial and Puerto Rico highway program.".
- (2) Obsolete text.—Section 215 of that title, and the item relating to that section in the analysis for chapter 2, are repealed.

#### SEC. 1115. NATIONAL FREIGHT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

#### "§ 167. National freight program

- "(a) NATIONAL FREIGHT PROGRAM.—It is the policy of the United States to improve the condition and performance of the national freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).
- "(b) GoALS.—The goals of the national freight program are—
- "(1) to invest in infrastructure improvements and to implement operational improvements that—
- "(A) strengthen the contribution of the national freight network to the economic competitiveness of the United States;
  - "(B) reduce congestion; and
- "(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;
- "(2) to reduce the environmental impacts of freight movement on the national freight network;
- $\lq\lq(3)$  to improve the safety, security, and resilience of freight transportation;
- "(4) to improve the state of good repair of the national freight network;
- "(5) to use advanced technology to improve the safety and efficiency of the national freight network;

- "(6) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network; and
- "(7) to improve the economic efficiency of the national freight network.
- "(c) Establishment of Program.—
- "(1) IN GENERAL.—The Secretary shall establish and implement a national freight program in accordance with this section to strategically direct Federal resources toward improved system performance for efficient movement of freight on highways, including national highway system freight intermodal connectors and aerotropolis transportation systems.
- "(2) NETWORK COMPONENTS.—The national freight network shall consist of—
- "(A) the primary freight network, as designated by the Secretary under subsection (f) (referred to in this section as the 'primary freight network') as most critical to the movement of freight;
- "(B) the portions of the Interstate System not designated as part of the primary freight network; and
- "(C) critical rural freight corridors established under subsection (g).
- "(d) USE OF APPORTIONED FUNDS.—
- "(1) PROJECTS ON THE NATIONAL FREIGHT NETWORK.—At a minimum, following designation of the primary freight network under subsection (f), a State shall obligate funds apportioned under section 104(b)(5) to improve the movement of freight on the national freight network.
- "(2) LOCATION OF PROJECTS.—A project carried out using funds apportioned under paragraph (1) shall be located—
- "(A) on the primary freight network as described under subsection (f);
- "(B) on a portion of the Interstate System not designated as primary freight network;
- "(C) on roads off of the Interstate System or primary freight network, if that use of funds will provide—
- "(i) a more significant improvement to freight movement on the Interstate System or the primary freight network; [or]
- "(ii) critical freight access to the Interstate System or the primary freight network: or
- "(iii) mitigation of the congestion impacts from freight movement;
- "(D) on a national highway system freight intermodal connector;
- "(E) on critical rural freight corridors, as designated under subsection (g) (except that not more than 20 percent of the total anticipated apportionment of a State under section 104(b)(5) during fiscal years 2012 and 2013 may be used for projects on critical rural freight corridors); or
- "(F) within the boundaries of public and private intermodal facilities, but shall only include surface infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into and out of the facility.

  "(3) PRIMARY FREIGHT NETWORK FUNDING.—
- "(3) PRIMARY FREIGHT NETWORK FUNDING.— Beginning for each fiscal year after the Secretary designates the primary freight network, a State shall obligate from funds apportioned under section 104(b)(5) for the primary freight network the lesser of—
- ``(A) an amount equal to the product obtained by multiplying—
- ''(i) an amount equal to 110 percent of the apportionment of the State for the fiscal year under section 104(b)(5); and
- "(ii) the proportion that—
- "(I) the total designated primary freight network mileage of the State; bears to
- "(II) the sum of the designated primary freight network mileage of the State and the

- total Interstate system mileage of the State that is not designated as part of the primary freight network; or
- "(B) an amount equal to the total apportionment of the State under section 104(b)(5). "(e) ELIGIBILITY.—
- "(1) ELIGIBLE PROJECTS.—To be eligible for funding under this section, a project shall demonstrate the improvement made by the project to the efficient movement of freight on the national freight network.
- "(2) FREIGHT RAIL AND MARITIME PROJECTS.—
- "(A) IN GENERAL.—A State may obligate an amount equal to not more than 10 percent of the total apportionment to the State under section 104(b)(5) over the period of fiscal years 2012 and 2013 for public or private freight rail or maritime projects.
- "(B) ELIGIBILITY.—For a State to be eligible to obligate funds in the manner described in subparagraph (A), the Secretary shall concur with the State that—
- "(i) the project for which the State seeks to obligate funds under this paragraph would make freight rail improvements to enhance cross-border commerce within 5 miles of the international border between the United States and Canada or Mexico or make significant improvement to freight movements on the national freight network; and
  - "(ii) the public benefit of the project—
- "(I) exceeds the Federal investment; and "(II) provides a better return than a high-
- way project on a segment of the primary freight network.
- "(3) ELIGIBLE PROJECT COSTS.—A State may obligate funds apportioned to the State under section 104(b)(5) for the national freight program for any of the following costs of an eligible project:
- "(A) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
- "(B) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance, including but not limited to any segment of the primary freight network that falls below the minimum level established pursuant to section 119(f).
- "(C) Intelligent transportation systems and other technology to improve the flow of freight.
- "(D) Efforts to reduce the environmental impacts of freight movement on the national freight network.
  - "(E) Environmental mitigation.
- "(F) Railway-highway grade separation.
- "(G) Geometric improvements to interchanges and ramps.
  - "(H) Truck-only lanes.
- "(I) Climbing and runaway truck lanes.
- "(J) Adding or widening of shoulders.
- $\mbox{``(K)}$  Truck parking facilities eligible for funding under section 1401 of the MAP-21.
- "(L) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.
- "(M) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.
- "(N) Traffic signal optimization including synchronized and adaptive signals.
- "(O) Work zone management and information systems.
  - "(P) Highway ramp metering

- "(Q) Electronic cargo and border security technologies that improve truck freight movement.
- "(R) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.
- "(S) Any other activities to improve the flow of freight on the national freight network.
- "(4) OTHER ELIGIBLE COSTS.—In addition to eligible project costs, a State may use funds apportioned under section 104(b)(5) for the necessary costs of conducting analyses and data collection to comply with subsection (i) or diesel retrofits or alternative fuel projects defined under section 149 for class 8 vehicles.
- "(5) ELIGIBLE PROJECT COSTS PRIOR TO DESIGNATION OF THE PRIMARY FREIGHT NETWORK.—Prior to the date of designation of the primary freight network, a State may obligate funds apportioned to the State under section 104(b)(5) to improve freight movement on the Interstate System for—
- "(A) construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the Interstate System;
- "(B) operational improvements for segments of the Interstate System;
- "(C) construction of, and operational improvements for, a Federal-aid highway not on the Interstate System, and construction of a transit project eligible for assistance under chapter 53 of title 49, United States Code, if—
- "(i) the highway or transit project is in the same corridor as, and in proximity to a highway designated as a part of, the Interstate System:
- "(ii) the construction or improvements would improve the level of service on the Interstate System described in subparagraph (A) and improve freight traffic flow; and
- "(iii) the construction or improvements are more cost-effective for freight movement than an improvement to the Interstate System described in subparagraph (A);
- "(D) highway safety improvements for segments of the Interstate System;
- "(E) transportation planning in accordance with sections 134 and 135;
- "(F) the costs of conducting analysis and data collection to comply with this section; "(G) truck parking facilities eligible for funding under section 1401 of the MAP-21;
- "(H) infrastructure-based intelligent transportation systems capital improvements;
- "(I) environmental restoration and pollution abatement in accordance with section 328; and
- "(J) in accordance with all applicable Federal law (including regulations), participation in natural habitat and wetlands mitigation efforts relating to projects funded under this title, which may include participation in natural habitat and wetlands mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands, and development of statewide and regional natural habitat and wetlands conservation and mitigation plans, including any such banks, efforts, and plans developed in accordance with applicable Federal law (including regulations), on the conditions that-
- $\lq\lq$ (i) contributions to those mitigation efforts may—
- "(I) take place concurrent with or in advance of project construction; and
- "(II) occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes; and

- "(ii) with respect to participation in a natural habitat or wetland mitigation effort relating to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference is given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with applicable Federal law (including regulations).
- "(f) DESIGNATION OF PRIMARY FREIGHT NET-WORK.
- Initial designation of primary FREIGHT NETWORK.-
- "(A) DESIGNATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall designate a primary freight network-
- "(i) based on an inventory of national freight volume conducted by the Administrator of the Federal Highway Administration, in consultation with stakeholders, including system users [and transport providers], transport providers, and States; and
- '(ii) that shall be comprised of not more than 27,000 centerline miles of existing roadways that are most critical to the movement of freight.
- '(B) FACTORS FOR DESIGNATION.—In designating the primary freight network, the Secretary shall consider-
- (i) the origins and destinations of freight movement in the United States:
- "(ii) the total freight tonnage moved by all modes of transportation:
- "(iii) the percentage of annual average daily truck traffic in the annual average daily traffic on principal arterials;
- "(iv) the annual average daily truck traffic on principal arterials;
  - '(v) land and maritime ports of entry;
  - "(vi) population centers; and
  - "(vii) network connectivity.
- "(2) ADDITIONAL MILES ON PRIMARY FREIGHT NETWORK.—In addition to the miles initially designated under paragraph (1), the Secretary may increase the number of miles designated as part of the primary freight network by not more than 3,000 additional centerline miles of roadways (which may include existing or planned roads) critical to future efficient movement of goods on the primary freight network.
- "(3) REDESIGNATION OF PRIMARY FREIGHT NETWORK.—During calendar year 2015 and every 10 years thereafter, using the designation factors described in paragraph (1), the Secretary shall redesignate the primary freight network (including additional mileage described in subsection (f)(2).
- (g) CRITICAL RURAL FREIGHT CORRIDORS.— A State may designate a road within the borders of the State as a critical rural freight corridor if the road—
- '(1) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (FHWA vehicle class 8 to 13); or
- "(2) connects the primary freight Inetwork] network, a roadway described in paragraph (1), or Interstate System to facilities that handle more than-
- "(A) 50,000 20-foot equivalent units per year; or
- "(B) 500,000 tons per year of bulk commod-
- ities.
- "(h) NATIONAL FREIGHT STRATEGIC PLAN.— "(1) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall, in consultation with appropriate public and private trans-

- portation stakeholders, develop and post on the Department of Transportation public website a national freight strategic plan that shall include-
- "(A) an assessment of the condition and performance of the national freight network:
- "(B) an identification of highway bottlenecks on the national freight network that create significant freight congestion prob-
- "(C) forecasts of freight volumes for the 20year period beginning in the year during which the plan is issued;
- "(D) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;
- "(E) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);
- (F) best practices for improving the performance of the national freight network;
- "(G) best practices to mitigate the impacts of freight movement on communities;
- '(H) a process for addressing multistate projects and encouraging jurisdictions to collaborate: and
- '(I) strategies to improve maritime, freight rail. intermodal and freight connectivity.
- "(2) Updates to national freight stra-TEGIC PLAN.—Not later than 5 years after the date of completion of the first national freight strategic plan under paragraph (1), and every 5 years thereafter, the Secretary shall update and repost on the Department of Transportation public website a revised national freight strategic plan.
  - "(i) FREIGHT PERFORMANCE TARGETS
- "(1) RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Secretary, in consultation with State departments of transportation and other appropriate public and private transportation stakeholders, shall publish a rulemaking that establishes [quantifiable] performance measures for freight movement on the primary freight network.
- (2) STATE TARGETS AND REPORTING.—Not later than 1 year after the date on which the Secretary publishes the rulemaking under paragraph (1), each State shall-
- "(A) develop and periodically update State performance targets for freight movement on the primary freight network-
- "(i) in consultation with appropriate public and private stakeholders; and
- "(ii) using measures determined by the Secretary; and
- "(B) for every 2-year period, submit to the Secretary a report that contains a description of—
- "(i) the progress of the State toward meeting the targets; and
- '(ii) the ways in which the State is addressing congestion at freight bottlenecks within the State.
- "(3) Compliance.
- "(A) PERFORMANCE TARGETS.—To obligate funding apportioned under section 104(b)(5), each State shall develop performance targets in accordance with paragraph (2).
- "(B) DETERMINATION OF SECRETARY.—If the Secretary determines that a State has not met or made significant progress toward meeting the performance targets of the State by the date that is 2 years after the date of establishment of the performance targets, until the date on which the Sec-

- retary determines that the State has met (or has made significant progress towards meeting) the State performance targets, the State shall submit to the Secretary, on a biennial basis, a freight performance improvement plan that includes-
- "(i) an identification of significant freight system trends, needs, and issues within the State:
- "(ii) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State:
- "(iii) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating funds to improve those bottlenecks; and
- "(iv) a description of the actions the State will undertake to meet the performance targets of the State.
- "(j) FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of this section, and biennially thereafter, the Secretary shall prepare a report that contains a description of the conditions and performance of the national freight network in the United States.
- "(k) Transportation Investment Data AND PLANNING TOOLS.-
- "(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall-
- "(A) begin development of new tools and improvement of existing tools or improve existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including-
- "(i) methodologies for systematic analysis of benefits and costs;
- "(ii) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, environmental sustainability, and system condition in the project selection process; and
- "(iii) other elements to assist in effective transportation planning;
- "(B) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions: and
- "(C) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.
- "(2) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data in paragraph
- "(1) DEFINITION OF AEROTROPOLIS TRANS-PORTATION SYSTEM.—For the purposes of this section, the term 'aerotropolis transportation system' means a planned and coordinated multimodal freight and passenger transportation network that, as determined by the Secretary, provides efficient, cost-efsustainable, fective. and intermodal connectivity to a defined region of economic significance centered around a major airport.
- "(m) TREATMENT OF PROJECTS -Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid [system] highway under this chapter.".
- (b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code,

lowing:

"167. National freight program.".

#### SEC. 1116. FEDERAL LANDS AND TRIBAL TRANS-PORTATION PROGRAMS.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by striking sections 201 through 204 and inserting the following:

#### "§ 201. Federal lands and tribal transportation programs

"(a) PURPOSE.—Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies similar to the policies that apply to Federal-aid highways and other public transportation facilities, the Secretary of Transportation, in collaboration with the Secretaries of the appropriate Federal land management agencies, shall coordinate a uniform policy for all public Federal and tribal transportation facilities that shall apply to Federal lands transportation facilities, tribal transportation facilities, and Federal lands access transportation facilities.

"(b) AVAILABILITY OF FUNDS.—

- "(1) AVAILABILITY.-Funds authorized for the tribal transportation program, the Federal lands transportation program, and the Federal lands access program shall be available for contract upon apportionment, or on October 1 of the fiscal year for which the funds were authorized if no apportionment is required.
- (2) AMOUNT REMAINING—Any amount remaining unexpended for a period of 3 years after the close of the fiscal year for which the funds were authorized shall lapse.
- "(3) OBLIGATIONS.—The Secretary of the department responsible for the administration of funds under this subsection may incur obligations, approve projects, and enter into contracts under such authorizations, which shall be considered to be contractual obligations of the United States for the payment of the cost thereof, the funds of which shall be considered to have been expended when obligated.
  - '(4) Expenditure.-
- "(A) IN GENERAL.—Any funds authorized for any fiscal year after the date of enactment of this section under the Federal lands transportation program, the Federal lands access program, and the tribal transportation program shall be considered to have been expended if a sum equal to the total of the sums authorized for the fiscal year and previous fiscal years have been obligated.
- (B) CREDITED FUNDS.—Any funds described in subparagraph (A) that are released by payment of final voucher or modification of project authorizations shall be-
- (i) credited to the balance of unobligated authorizations: and
- "(ii) immediately available for expenditure.
- (5) APPLICABILITY.—This section shall not apply to funds authorized before the date of enactment of this paragraph.
- "(6) CONTRACTUAL OBLIGATION.-
- "(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the authorization by the Secretary, or the Secretary of the appropriate Federal land management agency if the agency is the contracting office, of engineering and related work for the development, design, and acquisition associated with a construction project, whether performed by contract or agreement authorized by law, or the approval by the Secretary of plans, specifications, and estimates for construction of a project, shall be considered to constitute a

is amended by adding at the end the fol- contractual obligation of the Federal Government to pay the total eligible cost of-

- "(i) any project funded under this title;
- "(ii) any project funded pursuant to agreements authorized by this title or any other
- "(B) EFFECT.—Nothing in this paragraph-"(i) affects the application of the Federal share associated with the project being undertaken under this section; or
- "(ii) modifies the point of obligation associated with Federal salaries and expenses.
- '(7) Federal Share.—
- "(A) TRIBAL AND FEDERAL LANDS TRANSPOR-TATION PROGRAM.—The Federal share of the cost of a project carried out under the Federal lands transportation program or the tribal transportation program shall be 100 percent.
- "(B) FEDERAL LANDS ACCESS PROGRAM.— The Federal share of the cost of a project carried out under the Federal lands access program shall be determined in accordance with section 120.
  - (c) Transportation Planning.—
- "(1) TRANSPORTATION PLANNING PROCE-DURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall implement transportation planning procedures for Federal lands and tribal transportation facilities that are consistent with the planning processes required under sections 134 and 135.
- "(2) APPROVAL OF TRANSPORTATION IM-PROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.
- "(3) INCLUSION IN OTHER PLANS.—Each regionally significant tribal transportation program. Federal lands transportation program, and Federal lands access program project shall be-
- "(A) developed in cooperation with State and metropolitan planning organizations;
- "(B) included in appropriate tribal transportation program plans, Federal lands transportation program plans, Federal lands access program plans, State and metropolitan plans, and transportation improvement programs.
- "(4) INCLUSION IN STATE PROGRAMS.—The approved tribal transportation program, Federal lands transportation program, and Federal lands access program transportation improvement programs shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.
- "(5) ASSET MANAGEMENT.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems for facilities funded under the tribal transportation program and the Federal lands transportation program in support of asset management.
  - "(6) Data collection.
- "(A) DATA COLLECTION.—The Secretaries of the appropriate Federal land management agencies shall collect and report data necessary to implement the Federal lands transportation program, the Federal lands access program, and the tribal transportation program, including-
- "(i) inventory and condition information on Federal lands transportation facilities and tribal transportation facilities; and

- "(ii) bridge inspection and inventory information on any Federal bridge open to the public.
- "(B) STANDARDS.—The Secretary, in coordination with the Secretaries of the appropriate Federal land management agencies. shall define the collection and reporting data standards
- "(7) ADMINISTRATIVE EXPENSES.—To implement the activities described in this subsection, including direct support of transportation planning activities among Federal land management agencies, the Secretary may use not more than 5 percent for each fiscal year of the funds authorized for programs under sections 203 and 204.
- "(d) REIMBURSABLE AGREEMENTS.—In carrying out work under reimbursable agreements with any State, local, or tribal government under this title, the Secretary-
- "(1) may, without regard to any other provision of law (including regulations), record obligations against accounts receivable from the entity: and
- "(2) shall credit amounts received from the entity to the appropriate account, which shall occur not later than 90 days after the date of the original request by the Secretary for payment.
  - "(e) Transfers —
- "(1) IN GENERAL.—To enable the efficient use of funds made available for the Federal lands transportation program and the Federal lands access program, the funds may be transferred by the Secretary within and between each program with the concurrence of. as appropriate-
  - "(A) the Secretary:
- "(B) the affected Secretaries of the respective Federal land management agencies;
- "(C) State departments of transportation;
  - "(D) local government agencies.
- "(2) CREDIT.—The funds described in paragraph (1) shall be credited back to the loaning entity with funds that are currently available for obligation at the time of the

#### "§ 202. Tribal transportation program

- "(a) USE OF FUNDS .-
- "(1) IN GENERAL.—Funds made available under the tribal transportation program shall be used by the Secretary of Transportation and the Secretary of the Interior to pay the costs of-
- '(A)(i) transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities;
- '(ii) adjacent vehicular parking areas;
- "(iii) interpretive signage;
- "(iv) acquisition of necessary scenic easements and scenic or historic sites:
- "(v) provisions for pedestrians and bicycles:
- "(vi) environmental mitigation in or adiacent to tribal land—
- "(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and
- "(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;
- "(vii) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
- "(viii) other appropriate public road facilities as determined by the Secretary;
- "(B) operation and maintenance of transit programs and facilities that are located on, or provide access to, tribal land, or are administered by a tribal government; and

- "(C) any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government.
- "(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the Interior may enter into a contract or other appropriate agreement with respect to the activity with-
- "(A) a State (including a political subdivision of a State): or
  - '(B) an Indian tribe.
- "(3) INDIAN LABOR.—Indian labor may be employed, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1).
- '(4) FEDERAL EMPLOYMENT.—No maximum limitation on Federal employment shall be applicable to the construction or improvement of tribal transportation facilities.
- '(5) FUNDS FOR CONSTRUCTION AND IMPROVE-MENT.—All funds made available for the construction and improvement of tribal transportation facilities shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the Interior.
  - (6) Administrative expenses.
- "(A) IN GENERAL.—Of the funds authorized to be appropriated for the tribal transportation program, not more than 6 percent may be used by the Secretary or the Secretary of the Interior for program management and oversight and project-related administrative expenses.
- (B) RESERVATION OF FUNDS.—The Secretary of the Interior may reserve amounts from administrative funds of the Bureau of Indian Affairs that are associated with the tribal transportation program to fund tribal technical assistance centers under section
  - "(7) MAINTENANCE.—
- "(A) USE OF FUNDS.—Notwithstanding any other provision of this title, of the amount of funds allocated to an Indian tribe from the tribal transportation program, for the purpose of maintenance (excluding road sealing, which shall not be subject to any limitation), the Secretary shall not use an amount more than the greater of-
  - (i) an amount equal to 25 percent; or
- "(ii) \$500,000.
- "(B) RESPONSIBILITY OF BUREAU OF INDIAN AFFAIRS AND SECRETARY OF THE INTERIOR.-
- "(i) BUREAU OF INDIAN AFFAIRS.—The Bureau of Indian Affairs shall retain primary responsibility, including annual funding request responsibility, for Bureau of Indian Affairs road maintenance programs on Indian
- "(ii) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that funding made available under this subsection for maintenance of tribal transportation facilities for each fiscal year is supplementary to, and not in lieu of, any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations.
- "(C) TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.-
- "(i) IN GENERAL.—An Indian tribe and a State may enter into a road maintenance agreement under which an Indian tribe shall assume the responsibility of the State for-
- "(I) tribal transportation facilities; and "(II) roads providing access to tribal trans-
- portation facilities.
- "(ii) REQUIREMENTS.—Agreements entered into under clause (i) shall-

- the Indian tribe; and
- "(II) not require the approval of the Secretary.
- "(8) COOPERATION.-
- "(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement
- "(B) Funds received.—Any funds received from a State, county, or local subdivision shall be credited to appropriations available for the tribal transportation program.
  - "(9) COMPETITIVE BIDDING.
- "(A) CONSTRUCTION.
- "(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.
- "(ii) EXCEPTION.—Clause (i) shall not apply if the Secretary or the Secretary of the Interior affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.
- "(B) APPLICABILITY.—Notwithstanding subparagraph (A), section 23 of the Act of June 25, 1910 (25 U.S.C. 47) and section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) shall apply to all funds administered by the Secretary of the Interior that are appropriated for the construction and improvement of tribal transportation facilities.
  - (b) Funds Distribution.—
- "(1) NATIONAL TRIBAL TRANSPORTATION FA-CILITY INVENTORY —
- "(A) IN GENERAL.—The Secretary of the Interior, in cooperation with the Secretary, shall maintain a comprehensive national inventory of tribal transportation facilities that are eligible for assistance under the tribal transportation program.
- "(B) TRANSPORTATION FACILITIES INCLUDED IN THE INVENTORY .- For purposes of identifying the tribal transportation system and determining the relative transportation needs among Indian tribes, the Secretary shall include, at a minimum, transportation facilities that are eligible for assistance under the tribal transportation program that an Indian tribe has requested, including facilities that-
- "(i) were included in the Bureau of Indian Affairs system inventory prior to October 1,
- "(ii) are owned by an Indian tribal government:
- "(iii) are owned by the Bureau of Indian Affairs:
- "(iv) were constructed or reconstructed with funds from the Highway Account of the Transportation Trust Fund under the Indian reservation roads program since 1983;
- '(v) are public roads or bridges within the exterior boundary of Indian reservations. Alaska Native villages, and other recognized Indian communities (including communities in former Indian reservations in the State of Oklahoma) in which the majority of residents are American Indians or Alaska Natives: [or]
- "(vi) are public roads within or providing access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian or Alaska Native villages, groups, or communities in which Indians and Alaska Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to In-
- "[(vi)](vii) are primary access routes proposed by tribal governments, including roads

- "(I) be negotiated between the State and between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development. and roads that provide access to intermodal terminals, such as airports, harbors, or boat landings.
  - "(C) LIMITATION ON PRIMARY ACCESS ROUTES .- For purposes of this paragraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.
  - "(D) ADDITIONAL FACILITIES.—Nothing in this paragraph precludes the Secretary from including additional transportation facilities that are eligible for funding under the tribal transportation program in the inventory used for the national funding allocation if such additional facilities are included in the inventory in a uniform and consistent manner nationally.
  - "(E) BRIDGES.—All bridges in the inventory shall be recorded in the national bridge inventory administered by the Secretary under section 144.
  - "(2) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall maintain any regulations governing the tribal transportation program.
    - (3) Basis for funding formula.—
    - "(A) BASIS.-
  - "(i) IN GENERAL.—After making the set asides authorized under subsections (a)(6). (c), (d), and (e) on October 1 of each fiscal year, the Secretary shall distribute the remainder authorized to be appropriated for the tribal transportation program under this section among Indian tribes as follows:
  - "(I) For fiscal year 2012-
  - ["(aa) 50 percent, equal to the ratio that the amount allocated to each tribe for fiscal year 2011 bears to the total amount allocated to all tribes for that fiscal year; and]
  - "(aa) 50 percent, equal to the ratio that the amount allocated to each tribe as a tribal share for fiscal year 2011 bears to the total tribal share amount allocated to all tribes for that fiscal uear: and
  - "(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).
  - "(II) For fiscal year 2013 and thereafter, using tribal shares as described in subparagraphs (B) and (C).
  - (ii) TRIBAL HIGH PRIORITY PROJECTS.—The High Priority Projects program as included in the Tribal Transportation Allocation Methodology of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21), shall not continue in effect.
  - "(B) TRIBAL SHARES.—Tribal shares under this program shall be determined using the national tribal transportation facility inventory as calculated for fiscal year 2012, and the most recent data on American Indian and Alaska Native population within each Indian tribe's American Indian/Alaska Native Reservation or Statistical Area, as computed under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), in the following manner:
  - "(i) 20 percent in the ratio that the total eligible lane mileage in each tribe bears to the total eligible lane mileage of all American Indians and Alaskan Natives. For the purposes of this calculation-
  - "(I) eligible lane mileage shall be computed based on the inventory described in paragraph (1), using only facilities included in the inventory described in clause (i), (ii), or (iii) of paragraph (1)(B); and
  - "(II) paved roads and gravel surfaced roads are deemed to equal 2 lane miles per mile of

inventory, and earth surfaced roads and unimproved roads shall be deemed to equal 1 lane mile per mile of inventory.

"(ii) 40 percent in the ratio that the total population in each tribe bears to the total population of all American Indians and Alaskan Natives.

"(iii) 40 percent shall be divided equally among each Bureau of Indian Affairs region for distribution of tribal shares as follows:

``(I)  $\frac{1}{4}$  of 1 percent shall be distributed equally among Indian tribes with populations of 1 to 25.

 $\lq\lq(II)$   $^{3}\!\!/_{2}$  of 1 percent shall be distributed equally among Indian tribes with populations of 26 to 100.

''(III)  $3\frac{3}{4}$  percent shall be distributed equally among Indian tribes with populations of 101 to 1,000.

"(IV) 20 percent shall be distributed equally among Indian tribes with populations of 1.001 to 10.000.

"(V) 74% percent shall be distributed equally among Indian tribes with populations of 10,001 to 60,000 where 3 or more Indian tribes occupy this category in a single Bureau of Indian Affairs region, and Bureau of Indian Affairs regions containing less than 3 Indian tribes in this category shall receive funding in accordance with subclause (IV) and clause (iv).

"(VI)  $\frac{1}{2}$  of 1 percent shall be distributed equally among Indian tribes with populations of 60.001 or more.

"(iv) For a Bureau of Indian Affairs region that has no Indian tribes meeting the population criteria under 1 or more of subclauses (I) through (VI) of clause (iii), the region shall redistribute any funds subject to such clause or clauses among any such clauses for which the region has Indian tribes meeting such criteria proportionally in accordance with the percentages listed in such clauses until such funds are completely distributed.

``(C) Tribal supplemental funding.—

"(i) TRIBAL SUPPLEMENTAL FUNDING AMOUNT.—Of funds made available for each fiscal year for the tribal transportation program, the Secretary shall set aside the following amount for a tribal supplemental program:

"(I) If the amount made available for the tribal transportation program is less than or equal to \$275,000,000, 10 percent of such amount.

''(II) If the amount made available for the tribal transportation program exceeds \$275,000,000-

"(aa) \$27,500,000; plus

"(bb) 12.5 percent of the amount made available for the tribal transportation program in excess of \$275,000,000.

"(ii) TRIBAL SUPPLEMENTAL ALLOCATION.— The Secretary shall distribute tribal supplemental funds as follows:

"(I) DISTRIBUTION AMONG REGIONS.—Of the amounts set aside under clause (i), the Secretary shall distribute to each region of the Bureau of Indian Affairs a share of tribal supplemental funds in proportion to the regional total of tribal shares based on the cumulative tribal shares of all Indian triba within such region under subparagraph (B).

"(II) DISTRIBUTION WITHIN A REGION.—Of the amount that a region receives under subclause (I), the Secretary shall distribute tribal supplemental funding among Indian tribes within such region as follows:

"(aa) Tribal Supplemental Amounts.— The Secretary shall determine—

"(AA) which such Indian tribes would be entitled under subparagraph (A) to receive in a fiscal year less funding than they would receive in fiscal year 2011 pursuant to the Trib-

al Transportation Allocation Methodology described in subpart C of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21); and

"(BB) the combined amount that such Indian tribes would be entitled to receive in fiscal year 2011 pursuant to such Tribal Transportation Allocation Methodology in excess of the amount that they would be entitled to receive in the fiscal year under subparagraph (B); and

"(bb) Subject to subclause (III), distribute to each Indian tribe that meets the criteria described in item (aa)(AA) a share of funding under this subparagraph in proportion to the share of the combined amount determined under item (aa)(BB) attributable to such Indian tribe.

"(III) CEILING.—An Indian tribe may not receive under subclause (II) and based on its tribal share under subparagraph (A) a combined amount that exceeds the amount that such Indian tribe would be entitled to receive in fiscal year 2011 pursuant to the Tribal Transportation Allocation Methodology described in subpart C of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21).

"(IV) OTHER AMOUNTS.—If the amount made available for a region under subclause (I) exceeds the amount distributed among Indian tribes within that region under subclause (II), the Secretary shall distribute the remainder of such region's funding under such subclause among all Indian tribes in that region in proportion to the combined amount that each such Indian tribe received under subparagraph (A) and subclauses (I), (II) and (III)

"(4) Transferred funds.—

"(A) In GENERAL.—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and made available for immediate use by, eligible Indian tribes, in accordance with the formula for distribution of funds under the tribal transportation program.

"(B) USE OF FUNDS.—Notwithstanding any other provision of this section, funds made available to Indian tribes for tribal transportation facilities shall be expended on projects identified in a transportation improvement program approved by the Secretary.

"(5) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribal government may approve plans, specifications, and estimates and commence road and bridge construction with funds made available from the tribal transportation program through a contract or agreement under Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), if the Indian tribal government—

"(A) provides assurances in the contract or agreement that the construction will meet or exceed applicable health and safety stand-

"(B) obtains the advance review of the plans and specifications from a State-licensed civil engineer that has certified that the plans and specifications meet or exceed the applicable health and safety standards;

"(C) provides a copy of the certification under subparagraph (A) to the Deputy Assistant Secretary for Tribal Government Affairs, Department of Transportation, or the Assistant Secretary for Indian Affairs, Department of the Interior, as appropriate.

"(6) CONTRACTS AND AGREEMENTS WITH IN-DIAN TRIBES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency

agreement, program guideline, manual, or policy directive, all funds made available through the Secretary of the Interior under this chapter and section 125(e) for tribal transportation facilities to pay for the costs of programs, services, functions, and activities, or portions of programs, services, functions, or activities, that are specifically or functionally related to the cost of planning, research, engineering, and construction of any tribal transportation facility shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(B) EXCLUSION OF AGENCY PARTICIPATION.—
All funds, including contract support costs, for programs, functions, services, or activities, or portions of programs, services, functions, or activities, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A), without regard to the organizational level at which the Department of the Interior has previously carried out such programs, functions, services, or activities.

"(7) CONTRACTS AND AGREEMENTS WITH IN-DIAN TRIBES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available through the Secretary of the Interior to an Indian tribal government under this chapter for a tribal transportation facility program or project shall be made available, on the request of the Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, design, engineering, construction, and maintenance relating to the program or project.

"(B) EXCLUSION OF AGENCY PARTICIPATION.—
In accordance with subparagraph (A), all funds, including contract support costs, for a program or project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the tribal transportation program, the programs, functions, services, or activities involved.

"(C) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or project to which this chapter applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

"(D) SECRETARY AS SIGNATORY.—Notwithstanding any other provision of law, the Secretary is authorized to enter into a funding agreement with an Indian tribal government to carry out a tribal transportation facility program or project under subparagraph (A) that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe.

"(E) FUNDING.—The amount an Indian tribal government receives for a program or project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the program or project in accordance with the funding formula established under this subsection and such additional amounts as the

Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

"(F) ELIGIBILITY.—

- "(i) IN GENERAL.—Subject to clause (ii) and the approval of the Secretary, funds may be made available under subparagraph (A) to an Indian tribal government for a program or project in a fiscal year only if the Indian tribal government requesting such funds demonstrates to the satisfaction of the Secretary financial stability and financial management capability during the 3 fiscal years immediately preceding the fiscal year for which the request is being made.
- "(ii) CONSIDERATIONS.—An Indian tribal government that had no uncorrected significant and material audit exceptions in the required annual audit of the contracts or self-governance funding agreements made by the Indian tribe with any Federal agency under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) during the 3-fiscal year period referred in clause (i) shall be conclusive evidence of the financial stability and financial management capability of the Indian tribe for purposes of clause (i).
- "(G) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a program or project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to a program or project under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).
- "(H) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a program or project shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such program or project under this section if the funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).
- "(I) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred to the Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolution and appeal procedures authorized by that Act, including regulations issued to carry out the Act.
- "(J) TERMINATION OF CONTRACT OR AGREE-MENT.—On the date of the termination of a contract or agreement under this section by an Indian tribal government, the Secretary shall transfer all funds that would have been allocated to the Indian tribal government under the contract or agreement to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.
  - "(c) PLANNING.—
- "(1) IN GENERAL.—For each fiscal year, not more than 2 percent of the funds made available for the tribal transportation program shall be allocated among Indian tribal governments that apply for transportation planning pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seg.).

- "(2) REQUIREMENT.—An Indian tribal government, in cooperation with the Secretary of the Interior and, as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with section 201(c).
- "(3) SELECTION AND APPROVAL OF PROJECTS.—A project funded under this section shall be—
- "(A) selected by the Indian tribal government from the transportation improvement program; and
- "(B) subject to the approval of the Secretary of the Interior and the Secretary.
- "(d) Tribal Transportation Facility Bridges.—
- "(1) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall maintain a nationwide priority program for improving deficient bridges eligible for the tribal transportation program.
- "(2) FUNDING.—Before making any distribution under subsection (b), the Secretary shall set aside not more than 2 percent of the funds made available under the tribal transportation program for each fiscal year to be allocated—
- "(A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of a project to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or
- "(B) to implement any countermeasure for deficient tribal transportation facility bridges, including multiple-pipe culverts.
- "(3) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in paragraph (1) shall—
- "(A) have an opening of not less than 20 feet:
- "(B) be classified as a tribal transportation facility; and
- "(C) be structurally deficient or functionally obsolete.
- "(4) APPROVAL REQUIREMENT.—The Secretary may make funds available under this subsection for preliminary engineering, construction, and construction engineering activities after approval of required documentation and verification of eligibility in accordance with this title.
  - "(e) SAFETY.—
- "(1) FUNDING.—Before making any distribution under subsection (b), the Secretary shall set aside not more than 2 percent of the funds made available under the tribal transportation program for each fiscal year to be allocated based on an identification and analysis of highway safety issues and opportunities on tribal land, as determined by the Secretary, on application of the Indian tribal governments for eligible projects described in section 148(a)(4).
- "(2) PROJECT SELECTION.—An Indian tribal government, in cooperation with the Secretary of the Interior and, as appropriate, with a State, local government, or metropolitan planning organization, shall select projects from the transportation improvement program, subject to the approval of the Secretary and the Secretary of the Interior.
- "(f) FEDERAL-AID ELIGIBLE PROJECTS.—Before approving as a project on a tribal transportation facility any project eligible for
  funds apportioned under section 104 in a
  State, the Secretary shall, for projects on
  tribal transportation facilities, determine
  that the obligation of funds for the project is
  supplementary to and not in lieu of the obligation of a fair and equitable share of funds
  apportioned to the State under section 104.

- "§ 203. Federal lands transportation program
  - "(a) USE OF FUNDS .-
- "(1) IN GENERAL.—Funds made available under the Federal lands transportation program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the costs of—
- ''(A) program administration, transportation planning, research, preventive maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of Federal lands transportation facilities, and—
  - "(i) adjacent vehicular parking areas;
- "(ii) acquisition of necessary scenic easements and scenic or historic sites;
- "(iii) provision for pedestrians and bicycles:
- "(iv) environmental mitigation in or adjacent to Federal land open to the public—
- "(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and
- "(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate:
- "(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities:
  - "(vi) congestion mitigation; and
- "(vii) other appropriate public road facilities, as determined by the Secretary;
- $\ensuremath{^{''}}(B)$  operation and maintenance of transit facilities; and
- "(C) any transportation project eligible for assistance under this title that is on a public road within or adjacent to, or that provides access to, Federal lands open to the public.
- "(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—
- "(A) a State (including a political subdivision of a State); or
  - "(B) an Indian tribe.
- "(3) ADMINISTRATION.—All appropriations for the construction and improvement of Federal lands transportation facilities shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land managing agency.
  - "(4) COOPERATION.—
- "(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.
- "(B) FUNDS RECEIVED.—Any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands transportation facilities to which the funds were contributed.
  - "(5) Competitive bidding.—
- "(A) IN GENERAL.—Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.
- "(B) EXCEPTION.—Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.
  - "(b) Agency Program Distributions.—
- "(1) IN GENERAL.—On October 1, 2011, and on October 1 of each fiscal year thereafter, the Secretary shall allocate the sums authorized to be appropriated for the fiscal year for the Federal lands transportation

program on the basis of applications of need, as determined by the Secretary—

- "(A) in consultation with the Secretaries of the applicable Federal land management agencies; and
- "(B) in coordination with the transportation plans required under section 201 of the respective transportation systems of—
  - "(i) the National Park Service:
  - "(ii) the Forest Service;
- "(iii) the United States Fish and Wildlife Service:
  - "(iv) the Corps of Engineers; and
  - "(v) the Bureau of Land Management.
  - "(2) APPLICATIONS.—
- "(A) REQUIREMENTS.—Each application submitted by a Federal land management agency shall include proposed programs at various potential funding levels, as defined by the Secretary following collaborative discussions with applicable Federal land management agencies.
- "(B) CONSIDERATION BY SECRETARY.—In evaluating an application submitted under subparagraph (A), the Secretary shall consider the extent to which the programs support—
  - "(i) the transportation goals of-
- "(I) a state of good repair of transportation facilities:
  - "(II) a reduction of bridge deficiencies, and "(III) an improvement of safety;
- "(ii) high-use Federal recreational sites or Federal economic generators; and
- "(iii) the resource and asset management goals of the Secretary of the respective Federal land management agency.
- "(C) PERMISSIVE CONTENTS.—Applications may include proposed programs the duration of which extend over a multiple-year period to support long-term transportation planning and resource management initiatives.
- "(c) NATIONAL FEDERAL LANDS TRANSPORTATION FACILITY INVENTORY.—
- "(1) IN GENERAL.—The Secretaries of the appropriate Federal land management agencies, in cooperation with the Secretary, shall maintain a comprehensive national inventory of public Federal lands transportation facilities.
- "(2) Transportation facilities included in the inventories.—To identify the Federal lands transportation system and determine the relative transportation needs among Federal land management agencies, the inventories shall include, at a minimum, facilities that—
- "(A) provide access to high-use Federal recreation sites or Federal economic generators, as determined by the Secretary in coordination with the respective Secretaries of the appropriate Federal land management agencies; and
- "(B) are owned by 1 of the following agencies:
- "(i) The National Park Service.
- "(ii) The Forest Service.
- ``(iii) The United States Fish and Wildlife Service.
  - "(iv) The Bureau of Land Management.
- "(v) The Corps of Engineers.
- "(3) AVAILABILITY.—The inventories shall be made available to the Secretary.
- "(4) UPDATES.—The Secretaries of the appropriate Federal land management agencies shall update the inventories of the appropriate Federal land management agencies, as determined by the Secretary after collaborative discussions with the Secretaries of the appropriate Federal land management agencies.
- "(5) REVIEW.—A decision to add or remove a facility from the inventory shall not be considered a Federal action for purposes of

review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(d) BICYCLE SAFETY.—The Secretary of the appropriate Federal land management agency shall prohibit the use of bicycles on each federally owned road that has a speed limit of 30 miles per hour or greater and an adjacent paved path for use by bicycles within 100 yards of the road.

#### "§ 204. Federal lands access program

- "(a) USE OF FUNDS .-
- "(1) IN GENERAL.—Funds made available under the Federal lands access program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the cost of—
- "(A) transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and—
  - "(i) adjacent vehicular parking areas;
- "(ii) acquisition of necessary scenic easements and scenic or historic sites;
- "(iii) provisions for pedestrians and bicycles
- "(iv) environmental mitigation in or adjacent to Federal land—
- "(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and
- "(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate:
- ``(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and
- "(vi) other appropriate public road facilities, as determined by the Secretary;
- $\lq\lq(B)$  operation and maintenance of transit facilities; and
- "(C) any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land.
- "(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—
- $\mbox{``(A)}$  a State (including a political subdivision of a State); or
- "(B) an Indian tribe.
- "(3) ADMINISTRATION.—All appropriations for the construction and improvement of Federal lands access transportation facilities shall be administered in conformity with regulations and agreements approved by the Secretary.
  - "(4) COOPERATION.—
- "(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.
- "(B) FUNDS RECEIVED.—Any funds received from a State, county, or local subdivision for a Federal lands access transportation facility project shall be credited to appropriations available under the Federal lands access program.
- "(5) COMPETITIVE BIDDING.—
- "(A) IN GENERAL.—Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive hidding
- "(B) EXCEPTION.—Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the

circumstances relating to the project, a different method is in the public interest.

- "(b) Program Distributions.—
- "(1) IN GENERAL.—Funding made available to carry out the Federal lands access program shall be allocated among those States that have Federal land, in accordance with the following formula:
- "(A) 80 percent of the available funding for use in those States that contain at least 1 ½ percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:
  - "(i) 30 percent in the ratio that-
- "(I) recreational visitation within each such State; bears to
- "(II) the recreational visitation within all such States.
- "(ii) 5 percent in the ratio that—
- "(I) the Federal land area within each such State; bears to
- "(II) the Federal land area in all such States.
  - "(iii) 55 percent in the ratio that-
- "(I) the Federal public road miles within each such State; bears to
- ``(II) the Federal public road miles in all such States.
  - "(iv) 10 percent in the ratio that-
- "(I) the number of Federal public bridges within each such State; bears to
- "(II) the number of Federal public bridges in all such States.
- "(B) 20 percent of the available funding for use in those States that do not contain at least 1 ½ percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:
  - "(i) 30 percent in the ratio that—
- ``(I) recreational visitation within each such State; bears to
- "(II) the recreational visitation within all such States.
  - "(ii) 5 percent in the ratio that—
- "(I) the Federal land area within each such State; bears to
- "(II) the Federal land area in all such States.
  - "(iii) 55 percent in the ratio that—
- "(I) the Federal public road miles within each such State; bears to
- $``(\Pi)$  the Federal public road miles in all such States.
  - $\lq\lq(iv)$  10 percent in the ratio that—
- $\lq\lq(I)$  the number of Federal public bridges within each such State; bears to
- $``(\Pi)$  the number of Federal public bridges in all such States.
- "(2) DATA SOURCE.—Data necessary to distribute funding under paragraph (1) shall be provided by the following Federal land management agencies:
  - "(A) The National Park Service.
  - "(B) The Forest Service.
- ``(C) The United States Fish and Wildlife Service.
  - "(D) The Bureau of Land Management.
  - "(E) The Corps of Engineers.
- "(c) Programming Decisions Committee.—
- "(1) IN GENERAL.—Programming decisions shall be made within each State by a committee comprised of—
- "(A) a representative of the Federal Highway Administration;
- "(B) a representative of the State Department of Transportation; and
- "(C) a representative of any appropriate political subdivision of the State.
- "(2) CONSULTATION REQUIREMENT.—The committee described in paragraph (1) shall consult with each applicable Federal agency in each State before any joint discussion or final programming decision.

- "(3) PROJECT PREFERENCE.—In making a programming decision under paragraph (1), the committee shall give preference to projects that provide access to, are adjacent to, or are located within high-use Federal recreation sites or Federal economic generators, as identified by the Secretaries of the appropriate Federal land management agencies."
- (b) Public Lands Development Roads and Trails.—Section 214 of title 23, United States Code, is repealed.
  - (c) Conforming Amendments.—
- (1) CHAPTER 2 ANALYSIS.—The analysis for chapter 2 of title 23, United States Code, is amended:
- (A) By striking the items relating to sections 201 through 204 and inserting the following:
- "201. Federal lands and tribal transportation programs.
- "202. Tribal transportation program.
- "203. Federal lands transportation program.
- "204. Federal lands access program.".
- (B) By striking the item relating to section 214.
- (2) DEFINITION.—Section 138(a) of title 23, United States Code, is amended in the third sentence by striking "park road or parkway under section 204 of this title" and inserting "Federal lands transportation facility".
- (3) RULES, REGULATIONS, AND RECOMMENDATIONS.—Section 315 of title 23, United States Code, is amended by striking "204(f)" and inserting "202(a)(5), 203(a)(3),".

#### SEC. 1117. ALASKA HIGHWAY.

Section 218 of title 23, United States Code, is amended to read as follows:

#### "§ 218. Alaska Highway

- "(a) DEFINITION OF ALASKA MARINE HIGHWAY SYSTEM.—In this section, the term 'Alaska Marine Highway System' includes each existing or planned transportation facility and equipment in the State of Alaska relating to the ferry system of the State, including the lease, purchase, or construction of vessels, terminals, docks, floats, ramps, staging areas, parking lots, bridges, and approaches thereto, and necessary roads.
- "(b) AUTHORIZATION OF SECRETARY.—
- "(1) IN GENERAL.—Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, the Secretary is authorized, upon agreement with the State of Alaska, to expend on such highway or the Alaska Marine Highway System any Federal-aid highway funds apportioned to the State of Alaska under this title to provide for necessary reconstruction of such highway.
- "(2) LIMITATION.—No expenditures shall be made for the construction of the portion of the highways that are in located in Canada until the date on which an agreement has been reached by the Government of Canada and the Government of the United States, which shall provide in part, that the Canadian Government—
- "(A) will provide, without participation of funds authorized under this title, all necessary right-of-way for the construction of the highways;
- "(B) will not impose any highway toll, or permit any toll to be charged for the use of the highways by vehicles or persons;
- "(C) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of the highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

- "(D) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and
- "(E) will maintain the highways after the date of completion of the highways in proper condition adequately to serve the needs of present and future traffic.
- "(c) SUPERVISION OF SECRETARY.—The survey and construction work undertaken in Canada pursuant to this section shall be under the general supervision of the Secretary."

### SEC. 1118. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

- (a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program in accordance with this section to provide grants for projects of national and regional significance
- (b) PURPOSE OF PROGRAM.—The purpose of the projects of national and regional significance program shall be to fund critical high-cost surface transportation infrastructure projects that are difficult to complete with existing Federal, State, local, and private funds and that will—
- (1) generate national and regional economic benefits and increase global economic competitiveness:
  - (2) reduce congestion and its impacts:
- (3) improve roadways vital to national energy security:
- (4) improve movement of freight and people; and
  - (5) improve transportation safety.
  - (c) Definitions.—In this section:
- (1) ELIGIBLE APPLICANT.—The term "eligible applicant" means a State department of transportation or a group of State departments of transportation, a local government, a tribal government or consortium of tribal governments, a transit agency, a port authority, a metropolitan planning organization, other political subdivisions of State or local governments, or a multi-State or multi-jurisdictional group of the aforementioned entities.
- (2) ELIGIBLE PROJECT.—The term "eligible project" means a surface transportation project or a program of integrated surface transportation projects closely related in the function they perform that—
  - (A) is a capital project or projects—
- (i) eligible for Federal financial assistance under title 23, United States Code, or under chapter 53 of title 49, United States Code; or
- (ii) for surface transportation infrastructure to facilitate intermodal interchange, transfer, and access into and out of intermodal facilities, including ports; and
- (B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—
  - (i) \$500,000,000;
- (ii) for a project located in a single State, [60] 30 percent of the amount of Federal-aid highway funds apportioned for the most recently completed fiscal year to the State; or
- (iii) for a project located in more than 1 State, 75 percent of the amount of Federal-aid highway funds apportioned for the most recently completed fiscal year to the State in which the project is located that has the largest apportionment.
- (3) ELIGIBLE PROJECT COSTS.—The term "eligible project costs" means the costs of—
- (A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities;
- (B) construction, reconstruction, rehabilitation, and acquisition of real property (in-

- cluding land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment directly related to improving system performance, and operational improvements; and
- (C) all financing costs, including subsidy costs under the Transportation Infrastructure Finance and Innovation Act program.
  - (d) SOLICITATIONS AND APPLICATIONS.—
- (1) GRANT SOLICITATIONS.—The Secretary shall establish criteria for project evaluation and conduct a transparent and competitive national solicitation process to select projects for funding to carry out the purposes of this section.
  - (2) Applications.—
- (A) In GENERAL.—An eligible applicant seeking a grant under this section for an eligible project shall submit an application to the Secretary in such form and in accordance with such requirements as the Secretary shall establish.
- (B) CONTENTS.—An application under this subsection shall, at a minimum, include data on current system performance and estimated system improvements that will result from completion of the eligible project, including projections for 2, 7, and 15 years after completion.
- (C) RESUBMISSION OF APPLICATIONS.—An eligible applicant whose project is not selected by the Secretary may resubmit an application in any subsequent solicitation.
- (e) Criteria for Project Evaluation and Selection.—
- (1) IN GENERAL.—The Secretary may select a project only if the Secretary determines that the project—
- (A) will significantly improve the performance of the national surface transportation network, nationally or regionally;
- (B) is based on the results of preliminary engineering;
- (C) cannot be readily and efficiently completed without Federal support from this program:
- (D) is justified based on the ability of the project—
- (i) to generate national economic benefits that reasonably exceed its costs, including increased access to jobs, labor, and other critical economic inputs;
- (ii) to reduce long-term congestion, including impacts in the State, region, and Nation, and increase speed, reliability, and accessibility of the movement of people or freight; and
- (iii) to improve transportation safety, including reducing transportation accidents, [injuries,] and serious injuries and fatalities; and
- (E) is supported by an acceptable degree of non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility.
- (2) ADDITIONAL CONSIDERATIONS.—In evaluating a project under this section, in addition to the criteria in paragraph (1), the Secretary shall consider the extent to which the project—
- (A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;
- (B) is able to begin construction within 18 months of being selected;
- (C) incorporates innovative project delivery and financing where practical;
- (D) stimulates collaboration between States and among State and local governments;
- (E) helps maintain or protect the environment:

- (F) improves roadways vital to national energy security:
- (G) uses innovative technologies, including intelligent transportation systems, that enhance the efficiency of the project; and
- (H) contributes to an equitable geographic distribution of funds *under this section* and an appropriate balance in addressing the needs of urban and rural communities.
  - (f) Grant Requirements.—
- (1) IN GENERAL.—A grant for a project under this section shall be subject to the following requirements:
- (A) A qualifying highway project eligible for funding under title 23, United States Code, or public transportation project eligible under chapter 53 of title 49, United States Code, shall comply with all applicable requirements of such title or chapter except that, if the project contains elements or activities that are not eligible for funding under such title or chapter but are eligible for funding under this section, the elements or activities shall comply with the requirements described in subparagraph (B).
- (B) A qualifying surface transportation project not eligible under title 23, United States Code, or chapter 53 of title 49, United States Code, shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code, [section 10a-d of title 41, United States Code], and such other terms, conditions, and requirements as the Secretary determines are necessary and appropriate for the type of project.
- (2) DETERMINATION OF APPLICABLE MODAL REQUIREMENTS.—In the event that a project has cross-modal components, the Secretary shall have the discretion to designate the requirements that shall apply to the project based on predominant components.
- (3) OTHER TERMS AND CONDITIONS.—The Secretary shall require that all grants under this section be subject to all terms, conditions, and requirements that the Secretary decides are necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.
- (g) FEDERAL SHARE OF PROJECT COST.— The Federal share of funds under this section for the project shall be up to 50 percent of the project cost. Other eligible Federal transportation funds may be used by the project sponsor up to an additional 30 percent of the project costs. If a project is to construct or improve a privately owned facility or would primarily benefit a private entity, the Federal share shall be the lesser of 50 percent of the total project cost or the quantified public benefit of the project. The Secretary may allow costs incurred prior to project approval to be used as a credit toward the non-Federal share of the cost of the project. Such costs must be adequately documented, necessary, reasonable and allocable to the current phase of the project and such costs may not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed project.
  - (g) FEDERAL SHARE OF PROJECT COST.—
- (1) IN GENERAL.—If a project funded under this section is to construct or improve a privately owned facility or would primarily benefit a private entity, the Federal share shall be the lesser of 50 percent of the total project cost or the quantified public benefit of the project. For all other projects funded under this section—
- (A) the Federal share of funds under this section shall be up to 50 percent of the project cost; and

- (B) the project sponsor may use other eligible Federal transportation funds to cover up to an additional 30 percent of the project costs.
- (2) PRE-APPROVAL COSTS.—The Secretary may allow costs incurred prior to project approval to be used as a credit toward the non-Federal share of the cost of the project. Such costs must be adequately documented, necessary, reasonable, and allocable to the current phase of the project and such costs may not be included as a cost or used to meet cost-sharing or matching requirements of any other federally-financed project.
- (h) REPORT TO THE SECRETARY.—For each project funded under this section, the project sponsor shall reassess system performance and report to the Secretary 2, 7, and 15 years after completion of the project to assess if the project outcomes have met pre-construction projections.
- (i) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated to carry out this section, to remain available until expended, \$1,000,000,000 for fiscal year 2013.
- (j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid [system] highway under chapter 1 of title 23, United States Code.

# Subtitle B—Performance Management SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended to read as follows:

#### "§ 134. Metropolitan transportation planning

- "(a) POLICY.—It is in the national interest—  $\,$
- "(1) to encourage and promote the safe, cost-effective, and efficient management, operation, and development of surface transportation systems that will serve efficiently the mobility needs of individuals and freight, reduce transportation-related fatalities and serious injuries, and foster economic growth and development within and between States and urbanized areas, while fitting the needs and complexity of individual communities, maximizing value for taxpayers, leveraging cooperative investments, and minimizing transportation-related fuel consumption and air pollution through the metropolitan and statewide transportation planning processes identified in this title:
- "(2) to encourage the continued improvement, evolution, and coordination of the metropolitan and statewide transportation planning processes by and among metropolitan planning organizations, State departments of transportation, regional planning organizations, interstate partnerships, and public transit and intercity service operators as guided by the planning factors identified in subsection (h) of this section and section 135(d):
- "(3) to encourage and promote transportation needs and decisions that are integrated with other planning needs and priorities; and
- "(4) to maximize the effectiveness of transportation investments.
- "(b) DEFINITIONS.—In this section and section 135, the following definitions apply:
- "(1) EXISTING MPO.—The term 'existing MPO' mens a metropolitan planning organization that was designated as a metropolitan planning organization on the day before the date of enactment of the MAP-21.
- "(2) LOCAL OFFICIAL.—The term 'local official' means any elected or appointed official of general purpose local government with responsibility for transportation in a designated area.

- "(3) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as an air quality nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an air quality attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).
- "(4) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means a geographical area determined by agreement between the metropolitan planning organization for the area and the applicable Governor under subsection (c).
- "(5) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the policy board of an organization established pursuant to subsection (c).
- "(6) METROPOLITAN TRANSPORTATION PLAN.—The term 'metropolitan transportation plan' means a plan developed by a metropolitan planning organization under subsection (i).
- "(7) NONATTAINMENT AREA.—The term 'nonattainment area' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).
  - "(8) NONMETROPOLITAN AREA.—
- "(A) IN GENERAL.—The term 'nonmetropolitan area' means a geographical area outside the boundaries of a designated metropolitan planning area.
- "(B) INCLUSIONS.—The term 'nonmetropolitan area' includes small urbanized and nonurbanized areas.
- [``(9)] Nonmetropolitan planning organization.—
- "(A) In general.—The term 'nonmetropolitan planning organization' means an organization designated by a State to enhance the planning, coordination, and implementation of statewide transportation plans and programs in a nonmetropolitan area, with an emphasis on addressing the needs of nonmetropolitan areas of the State.
- "(B) INCLUSION.—The term 'nonmetropolitan planning organization' includes a rural planning organization.]
- ''(9) NONMETROPOLITAN PLANNING ORGANIZA-TION.—The term 'nonmetropolitan planning organization' means an organization that—
- "(A) was designated as a metropolitan planning organization as of the day before the date of enactment of the MAP-21; and
- $\lq\lq(B)$  is not designated as a tier I or tier II metropolitan planning organization.
- "(10) REGIONALLY SIGNIFICANT.—The term 'regionally significant', with respect to a transportation project, program, service, or strategy, means a project, program, service, or strategy that—
- "(A) serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, and major planned developments); and
- "(B) would normally be included in the modeling of a transportation network of a metropolitan area.
- "(11) RURAL PLANNING ORGANIZATION.—The term 'rural planning organization' means an organization that—
- "(A) was designated as a metropolitan planning organization as of the day before the date of enactment of the MAP-21; and
- "(B) is not designated as a tier I or tier II metropolitan planning organization.
- "[(11)](12) STATEWIDE TRANSPORTATION IM-PROVEMENT PROGRAM.—The term 'statewide transportation improvement program' means a statewide transportation improvement program developed by a State under section 135(g).

"[(12)]*(13)* STATEWIDE TRANSPORTATION PLAN.—The term 'statewide transportation plan' means a plan developed by a State under section 135(f).

"[(13)](14) Transportation improvement PROGRAM.—The term 'transportation improvement program' means a program developed by a metropolitan planning organization under subsection (i).

'[(14)](15) URBANIZED AREA.—The term 'urbanized area' means a geographical area with a population of 50,000 or more individuals, as determined by the Bureau of the Census.

"(c) DESIGNATION OF METROPOLITAN PLAN-NING ORGANIZATIONS.-

"(1) IN GENERAL.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 200.000 individuals-

"(A) by agreement between the applicable Governor and local officials that, in the aggregate, represent at least 75 percent of the affected population (including the largest incorporated city (based on population), as determined by the Bureau of the Census); or

'(B) in accordance with procedures established by applicable State or local law.

(2) Small urbanized areas.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization may be designated for any urbanized area with a population of more than 50,000, but less than 200,000, individuals-

"(A) by agreement between the applicable Governor and local officials that, in the aggregate, represent at least 75 percent of the affected population (including the largest incorporated city (based on population), as determined by the Bureau of the Census); and

"(B) with the consent of the Secretary, based on a finding that the resulting metropolitan planning organization has met the minimum requirements under subsection

"(3) STRUCTURE.—Effective beginning on the date of designation or redesignation under this subsection, a metropolitan planning organization shall consist of-

"(A) elected local officials in the relevant metropolitan area;

'(B) officials of public agencies that administer or operate major modes of transportation in the relevant metropolitan area; and (C) appropriate State officials.

"(4) EFFECT OF SUBSECTION.—Nothing in

this subsection interferes with any authority under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities-

'(A) to develop the metropolitan transportation plans and transportation improvement programs for adoption by a metropolitan planning organization; or

"(B) to develop capital plans, coordinate transit services and projects, or carry out other activities pursuant to State law.

"(5) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law-

"(A) for an urbanized area with a population of 200,000 or more individuals shall remain in effect-

"(i) for the period during which the structure of the existing MPO complies with the requirements of paragraph (1); or

"(ii) until the date on which the existing MPO is redesignated under paragraph (7);

"(B) for an urbanized area with a population of less than 200,000 individuals, shall be terminated on the date that is 3 years after the date on which the Secretary promulgates a regulation pursuant to subsection (e)(4)(B)(i), unless reaffirmed by the existing MPO and the applicable Governor and approved by the Secretary, on the basis of meeting the minimum requirements established by the regulation.

"(6) Extension -

"(A) IN GENERAL.—If the applicable Governor, acting on behalf of a metropolitan planning organization for an urbanized area with a population of less than 200,000 that would otherwise be terminated under paragraph (5)(B), requests a probationary continuation before the termination of the metropolitan planning organization, the Secretary shall-

"(i) delay the termination of the metropolitan planning organization under paragraph (5)(B) for a period of 1 year; and

(ii) provide additional technical assistance to all metropolitan planning organizations provided an extension under this paragraph to assist the metropolitan planning organization in meeting the minimum requirements under subsection (e)(4)(B)(i).

"(B) DESIGNATION AS TIER II MPO.—If the Secretary determines the metropolitan planning organization has met the minimum requirements under subsection (e)(4)(B)(i) before the final termination date, the metropolitan planning organization shall be designated as a tier II MPO.

"(7) REDESIGNATION.—The designation of a metropolitan planning organization under this subsection shall remain in effect until the date on which the metropolitan planning organization is redesignated, as appropriate. in accordance with the requirements of this subsection pursuant to an agreement between-

"(A) the applicable Governor; and

"(B) affected local officials who, in the aggregate, represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city (based on population), as determined by the Bureau of the Census).

"(8) DESIGNATION OF MULTIPLE MPOS .-

"(A) IN GENERAL.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the applicable Governor and an existing MPO determine that the size and complexity of the existing metropolitan planning area make the designation of more than 1 metropolitan planning organization for the metropolitan planning area appropriate.

"(B) SERVICE JURISDICTIONS.—If more than 1 metropolitan planning organization is designated for an existing metropolitan planning area under subparagraph (A), the existing metropolitan planning area shall be split into multiple metropolitan planning areas, each of which shall be served by the existing MPO or a new metropolitan planning organization

"(C) TIER DESIGNATION.—The tier designation of each metropolitan planning organization subject to a designation under this paragraph shall be determined based on the size of each respective metropolitan planning area, in accordance with subsection (e)(4).

"(d) METROPOLITAN PLANNING AREA BOUND-ARIES.

"(1) IN GENERAL.—For purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the applicable metropolitan planning organization and the Governor of the State in which the metropolitan planning area is located.

"(2) INCLUDED AREA.—Each metropolitan planning area-

"(A) shall encompass at least the relevant existing urbanized area and any contiguous area expected to become urbanized within a 20-year forecast period under the applicable metropolitan transportation plan; and

"(B) may encompass the entire relevant metropolitan statistical area, as defined by the Office of Management and Budget.

"(3) Identification of New Urbanized AREAS.—The designation by the Bureau of the Census of a new urbanized area within the boundaries of an existing metropolitan planning area shall not require the redesignation of the relevant existing MPO.

"(4) Nonattainment and maintenance AREAS.-

"(A) Existing metropolitan planning AREAS.-

"(i) IN GENERAL.—Except as provided in clause (ii), notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area or maintenance area as of the date of enactment of the MAP-21, the boundaries of the existing metropolitan planning area as of that date of enactment shall remain in force and effect.

"(ii) Exception.—Notwithstanding clause (i), the boundaries of an existing metropolitan planning area described in that clause may be adjusted by agreement of the applicable Governor and the affected metropolitan planning organizations in accordance with subsection (c)(5).

"(B) NEW METROPOLITAN PLANNING AREAS.-In the case of an urbanized area designated as a nonattainment area or maintenance area after the date of enactment of the MAP-21, the boundaries of the applicable metropolitan planning area-

"(i) shall be established in accordance with subsection (c)(1);

"(ii) shall encompass the areas described in paragraph (2)(A);

"(iii) may encompass the areas described in paragraph (2)(B); and

(iv) may address any appropriate nonattainment area or maintenance area.

(e) REQUIREMENTS.-

"(1) DEVELOPMENT OF PLANS AND TIPS.—To accomplish the policy objectives described in subsection (a), each metropolitan planning organization, in cooperation with the applicable State and public transportation operators, shall develop metropolitan transportation plans and transportation improvement programs for metropolitan planning areas of the State through a performancedriven, outcome-based approach to metropolitan transportation planning consistent with subsection (h)(2).

"(2) CONTENTS.—The metropolitan transportation plans and transportation improvement programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation) that will function as-

"(A) an intermodal transportation system for the metropolitan planning area; and

"(B) an integral part of an intermodal transportation system for the applicable State and the United States.

"(3) PROCESS OF DEVELOPMENT.—The process for developing metropolitan transportation plans and transportation improvement programs shall-

"(A) provide for consideration of all modes of transportation; and

"(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation needs to be addressed.

"(4) TIERING.-

"(A) TIER I MPOS.—

"(i) IN GENERAL.—A metropolitan planning organization shall be designated as a tier I MPO if—

"(I) as certified by the Governor of each applicable State, the metropolitan planning organization operates within, and primarily serves, a metropolitan planning area with a population of 1,000,000 or more individuals, as calculated according to the most recent decennial census; and

"(II) the Secretary determines the metropolitan planning organization—

"(aa) meets the minimum technical requirements under clause (iv); and

"(bb) not later than 2 years after the date of enactment of the MAP-21, will fully implement the processes described in subsections (h) though (j).

"(ii) ABSENCE OF DESIGNATION.—In the absence of designation as a tier I MPO under clause (i), a metropolitan planning organization shall operate as a tier II MPO until the date on which the Secretary determines the metropolitan planning organization can meet the minimum technical requirements under clause (iv).

"(iii) REDESIGNATION AS TIER I.—A metropolitan planning organization operating within a metropolitan planning area with a population of less than 1,000,000, but more than 200,000, individuals and primarily within urbanized areas with populations of more than 200,000 individuals, as calculated according to the most recent decennial census, that is designated as a tier II MPO under subparagraph (B) may request, with the support of the applicable Governor, a redesignation as a tier I MPO on a determination by the Secretary that the metropolitan planning organization has met the minimum technical requirements under clause (iv).

"(iv) MINIMUM TECHNICAL REQUIREMENTS.— Not later than 1 year after the date of enactment of the MAP-21, the Secretary shall publish a regulation that establishes the minimum technical requirements necessary for a metropolitan planning organization to be designated as a tier I MPO, including, at a minimum, modeling, data, staffing, and other technical requirements.

"(B) TIER II MPOS.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of the MAP-21, the Secretary shall publish a regulation that establishes minimum requirements necessary for a metropolitan planning organization to be designated as a tier II MPO.

"(ii) REQUIREMENTS.—The minimum requirements established under clause (i) shall—

"(I) ensure that each metropolitan planning organization has the capabilities necessary to develop the metropolitan transportation plan and transportation improvement program under this section: and

"(II) include—

"(aa) only the staff resources necessary to operate the metropolitan planning organization; and

"(bb) a requirement that the metropolitan planning organization has the technical capacity to conduct the modeling necessary to fulfill the requirements of this section, except that in cases in which a metropolitan planning organization has a formal agreement with a State to conduct the modeling on behalf of the metropolitan planning organization, the metropolitan planning organization shall be exempt from the technical capacity requirement.

"(iii) INCLUSION.—A metropolitan planning organization operating primarily within an urbanized area with a population of more than 200,000 individuals, as calculated according to the most recent decennial census, and that does not qualify as a tier I MPO under subparagraph (A)(i), shall—

"(I) be designated as a tier II MPO; and

"(II) follow the processes under subsection (k)

"(C) SMALL URBANIZED AREAS.—

"(i) IN GENERAL.—Not later than 2 years after the date of publication of the regulation under subparagraph (B)(i), any existing MPO operating primarily within an urbanized area with a population of fewer than 200,000, but more than 50,000, individuals (as determined before the date of enactment of the MAP-21), with the support of the applicable Governor, may request designation as a tier II MPO on a determination by the Secretary that the metropolitan planning organization has met the minimum requirements under subparagraph (B)(i).

"(ii) ABSENCE OF DESIGNATION.—A metropolitan planning organization that is the subject of a negative determination of the Secretary under clause (i) shall submit to the State in which the metropolitan planning organization is located, or to a planning organization designated by the State, by not later than 180 days after the date on which a notice of the negative determination is received, a 6-month plan that includes a description of a method—

"(I) to transfer the responsibilities of the metropolitan planning organization to the State; and

"(II) to dissolve the metropolitan planning organization.

"(iii) ACTION ON DISSOLUTION.—On submission of a plan under clause (ii), the metropolitan planning area served by the applicable metropolitan planning organization

"(I) continue to receive metropolitan transportation planning funds until the earlier of—

"(aa) the date of dissolution of the metropolitan planning organization; and

"(bb) the date that is 4 years after the date of enactment of the MAP-21; and

"(II) be treated by the State as a nonmetropolitan area for purposes of this title. "(D) CONSOLIDATION.—

"(i) IN GENERAL.—Metropolitan planning organizations operating within contiguous or adjacent urbanized areas may elect to consolidate in order to meet the population thresholds required to achieve designation as a tier I or tier II MPO under this paragraph.

"(ii) EFFECT OF SUBSECTION.—Nothing in this subsection requires or prevents consolidation among multiple metropolitan planning organizations located within a single urbanized area.

"(f) COORDINATION IN MULTISTATE AREAS.—
"(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

TRANSPORTATION CORRIDORS.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire designated transportation corridor.

"(3) COORDINATION WITH INTERSTATE COM-PACTS.—The Secretary shall encourage metropolitan planning organizations to take into consideration, during the development of metropolitan transportation plans and transportation improvement programs, any relevant transportation studies concerning planning for regional transportation (including high-speed and intercity rail corridor studies, commuter rail corridor studies, intermodal terminals, and interstate highways) in support of freight, intercity, or multistate area projects and services that have been developed pursuant to interstate compacts or agreements, or by organizations established under section 135.

"(g) ENGAGEMENT IN METROPOLITAN TRANS-PORTATION PLAN AND TIP DEVELOPMENT.—

"(1) Nonattainment and maintenance area, each metropolitan planning organization has authority within a metropolitan area, nonattainment area, or maintenance area, each metropolitan planning organization shall consult with each other metropolitan planning organization designated for the metropolitan area, nonattainment area, or maintenance area and the State in the development of metropolitan transportation plans and transportation improvement programs under this section.

C(2) Transportation improvements Located in Multiple Metropolitan Planning Areas.—If a transportation improvement project funded under this title or chapter 53 of title 49 is located within the boundaries of more than 1 metropolitan planning area, the affected metropolitan planning organizations shall coordinate metropolitan transportation plans and transportation improvement programs regarding the project.

"(3) COORDINATION OF ADJACENT PLANNING ORGANIZATIONS.—

"(A) IN GENERAL.—A metropolitan planning organization that is adjacent or located in reasonably close proximity to another metropolitan planning organization shall coordinate with that metropolitan planning organization with respect to planning processes, including preparation of metropolitan transportation plans and transportation improvement programs, to the maximum extent practicable.

"(B) Nonmetropolitan planning organization that is adjacent or located in reasonably close proximity to a nonmetropolitan planning organization shall consult with that nonmetropolitan planning organization with respect to planning processes, to the maximum extent practicable.

"(4) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

"(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to cooperate with Federal, tribal. State, and local officers and entities responsible for other types of planning activities that are affected by transportation in the relevant area (including planned growth. economic development, infrastructure services, housing, other public services, environmental protection, airport operations, highspeed and intercity passenger rail, freight rail, port access, and freight movements). to the maximum extent practicable, to ensure that the metropolitan transportation planning process, metropolitan transportation plans, and transportation improvement programs are developed in cooperation with other related planning activities in the area.

"(B) INCLUSION.—Cooperation under subparagraph (A) shall include the design and delivery of transportation services within the metropolitan area that are provided by—

"(i) recipients of assistance under sections 202, 203, and 204;

"(ii) recipients of assistance under chapter 53 of title 49;

"(iii) government agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

"(iv) sponsors of regionally significant programs, projects, and services that are related to transportation and receive assistance from any public or private source.

- "(5) COORDINATION OF OTHER FEDERALLY RE-QUIRED PLANNING PROGRAMS.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the development of metropolitan transportation plans and transportation improvement programs with other relevant federally required planning programs.
- "(h) Scope of Planning Process.—
- "(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—
- "(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency:
- "(B) increase the safety of the transportation system for motorized and non-motorized users:
- "(C) increase the security of the transportation system for motorized and non-motorized users;
- "(D) increase the accessibility and mobility of individuals and freight;
- "(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- "(F) enhance the integration and connectivity of the transportation system, across and between modes, for individuals and freight;
- "(G) increase efficient system management and operation; and
- "(H) emphasize the preservation of the existing transportation system.
  - "(2) PERFORMANCE-BASED APPROACH.—
- "(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 150(b).
  - "(B) PERFORMANCE TARGETS.—
- "(i) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in sections 119(f), 148(h), 149(k), where applicable, and 167(i) to use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.
- "(ii) COORDINATION.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.
- "(C) TIMING.—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 90 days after the date of establishment by the relevant State of performance targets pursuant to sections 119(f), 148(h), 149(k), where applicable, and 167(i).
- "(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropoli-

tan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets [described in this paragraph into other] described in other State plans and processes required as part of a performance-based program, including plans such as—

- "(i) the State National Highway System asset management plan;
- "(ii) the State strategic highway safety plan;
- "(iii) the congestion mitigation and air quality performance [plan] plan, where applicable:
- "(iv) the national freight strategic plan; and
- "(v) the statewide transportation plan.
- "(E) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be used, at a minimum, by the relevant metropolitan planning organization as the basis for development of policies, programs, and investment priorities reflected in the metropolitan transportation plan and transportation improvement program.
- "(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration 1 or more of the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this title, chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a metropolitan transportation plan, a transportation improvement program, a project or strategy, or the certification of a planning process.
- "(4) PARTICIPATION BY INTERESTED PARTIES.—
- "(A) IN GENERAL.—Each metropolitan planning organization shall provide to affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the metropolitan transportation plan and transportation improvement program and any relevant scenarios.
- "(B) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—
- "(i) develop the metropolitan transportation plan and transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the community and interested parties that participate in the development of the metropolitan transportation plan and transportation improvement program:
- "(ii) hold any public meetings at times and locations that are, as applicable—
- "(I) convenient; and
- "(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seg.):
- "(iii) employ visualization techniques to describe metropolitan transportation plans and transportation improvement programs; and
- "(iv) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).
- "(i) DEVELOPMENT OF METROPOLITAN TRANSPORTATION PLAN.—
- "(1) DEVELOPMENT.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 5 years after the date of enactment of the MAP-21, and not less frequently than once every 5 years thereafter, each metropolitan planning organization shall prepare and update, re-

spectively, a metropolitan transportation plan for the relevant metropolitan planning area in accordance with this section.

- "(B) EXCEPTIONS.—A metropolitan planning organization shall prepare or update, as appropriate, the metropolitan transportation plan not less frequently than once every 4 years if the metropolitan planning organization is operating within—
  - "(i) a nonattainment area; or
  - "(ii) a maintenance area.
- "(2) OTHER REQUIREMENTS.—A metropolitan transportation plan under this section shall—
- "(A) be in a form that the Secretary determines to be appropriate;
- "(B) have a term of not less than 20 years; and
  - "(C) contain, at a minimum-
- "(i) an identification of the existing transportation infrastructure, including highways, local streets and roads, bicycle and pedestrian facilities, transit facilities and services, commuter rail facilities and services, high-speed and intercity passenger rail facilities and services, freight facilities (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal connectors that, evaluated in the aggregate, function as an integrated metropolitan transportation system;
- "(ii) a description of the performance measures and performance targets used in assessing the existing and future performance of the transportation system in accordance with subsection (h)(2):
- "(iii) a description of the current and projected future usage of the transportation system, including a projection based on a preferred scenario, and further including, to the extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real properties:
- "(iv) a system performance report evaluating the existing and future condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2) and updates in subsequent system performance reports, including.
- "(I) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports;
- "(II) an accounting of the performance of the metropolitan planning organization on outlay of obligated project funds and delivery of projects that have reached substantial completion in relation to—
- "(aa) the projects included in the transportation improvement program; and
- "(bb) the projects that have been removed from the previous transportation improvement program; and
- "(III) when appropriate, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies, investments, and growth have impacted the costs necessary to achieve the identified performance targets;
- "(v) recommended strategies and investments for improving system performance over the planning horizon, including transportation systems management and operations strategies, maintenance strategies, demand management strategies, asset management strategies, capacity and enhancement investments, State and local economic development and land use improvements, intelligent transportation systems deployment, and technology adoption strategies, as determined by the projected support of the

performance targets described in subsection (h)(2);

"(vi) recommended strategies and investments to improve and integrate disabilityrelated access to transportation infrastructure, including strategies and investments based on a preferred scenario, when appropriate;

"(vii) investment priorities for using projected available and proposed revenues over the short- and long-term stages of the planning horizon, in accordance with the financial plan required under paragraph (4);

"(viii) a description of interstate compacts entered into in order to promote coordinated transportation planning in multistate areas, if applicable:

"(1x) an optional illustrative list of projects containing investments that—

"(I) are not included in the metropolitan transportation plan; but

"(II) would be so included if resources in addition to the resources identified in the financial plan under paragraph (4) were available:

"(x) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies) of types of potential environmental and stormwater mitigation activities and potential areas to carry out those activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan; and

"(xi) recommended strategies and investments, including those developed by the State as part of interstate compacts, agreements, or organizations, that support intercity transportation.

[''(3) SCENARIO DEVELOPMENT.—When preparing the metropolitan transportation plan, the metropolitan planning organization may, while fitting the needs and complexity of their community, develop multiple scenarios for consideration as a part of the development of the metropolitan transportation plan, in accordance with the following:

"(A) The scenarios—

"(i) shall include potential regional investment strategies for the planning horizon;

"(ii) shall include assumed distribution of population and employment;

"(iii) may include a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

"(iv) may include a scenario that improves the baseline conditions for as many of the performance measures under subsection (h)(2) as possible;

"(v) may include a revenue constrained scenario based on total revenues reasonable expected to be available over the 20-year planning period and assumed population and employment; and

"(vi) may include estimated costs and potential revenues available to support each scenario.

"(B) In addition to the performance measures identified in subsection (h)(2), scenarios developed under this paragraph may be evaluated using locally developed metrics for the following categories:

 $\lq\lq(i)$  Congestion and mobility, including transportation use by mode.

"(ii) Freight movement.

"(iii) Safety.

"(iv) Efficiency and costs to taxpayers.]

"(3) SCENARIO DEVELOPMENT.—

"(A) IN GENERAL.—When preparing the metropolitan transportation plan, the metropolitan planning organization may, while fitting the needs and complexity of its community, develop multiple scenarios for consideration as a part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

 $``(B)\ COMPONENTS\ OF\ SCENARIOS.—The\ scenarios—$ 

"(i) shall include potential regional investment strategies for the planning horizon;

"(ii) shall include an assumed distribution of population and employment;

"(iii) may include a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

"(iv) may include a scenario that improves the baseline conditions for as many of the performance measures under subsection (h)(2) as possible:

"(v) shall be revenue constrained based on the total revenues expected to be available over the forecast period of the plan; and

"(vi) may include estimated costs and potential revenues available to support each scenario.

"(C) METRICS.—In addition to the performance measures identified in subsection (h)(2), scenarios developed under this paragraph may be evaluated using locally-developed metrics for the following categories:

"(i) Congestion and mobility, including transportation use by mode.

"(ii) Freight movement.

"(iii) Safety.

"(iv) Efficiency and costs to taxpayers.

"(4) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(C)(vii) shall—

"(A) be prepared by each metropolitan planning organization to support the metropolitan transportation plan; and

"(B) contain a description of each of the following:

"(i) Projected resource requirements for implementing projects, strategies, and services recommended in the metropolitan transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs.

"(ii) The projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment).

"(iii) Estimates of future funds, to be developed cooperatively by the metropolitan planning organization, any public transportation agency, and the State, that are reasonably expected to be available to support the investment priorities recommended in the metropolitan transportation plan.

"(iv) Each applicable project only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(5) COORDINATION WITH CLEAN AIR ACT AGENCIES.—The metropolitan planning organization for any metropolitan area that is a nonattainment area or maintenance area shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(6) PUBLICATION.—On approval by the relevant metropolitan planning organization, a metropolitan transportation plan involving Federal participation shall be, at such times and in such manner as the Secretary shall require—

(A) published or otherwise made readily available by the metropolitan planning orga-

nization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet; and

"(B) submitted for informational purposes to the applicable Governor.

"(7) CONSULTATION.—

"(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with Federal, tribal, State, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a metropolitan transportation plan.

"(B) Issues.—The consultation under subparagraph (A) shall involve, as available, consideration of—

"(i) metropolitan transportation plans with Federal, tribal, State, and local conservation plans or maps; and

"(ii) inventories of natural or historic re-

"(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the metropolitan transportation plan under paragraph (2)(C)(ix).

"(j) Transportation Improvement Program.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the applicable State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the metropolitan planning area that—

"(i) contains projects consistent with the current metropolitan transportation plan;

"(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

"(iii) once implemented, will make significant progress toward achieving the targets established under subsection (h)(2).

"(B) OPPORTUNITY FOR PARTICIPATION.—In developing the transportation improvement program, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties, in accordance with subsection (h)(4).

"(C) UPDATING AND APPROVAL.—The transportation improvement program shall be—

"(i) updated not less frequently than once every 4 years, on a cycle compatible with the development of the relevant statewide transportation improvement program under section 135: and

"(ii) approved by the applicable Governor. "(2) CONTENTS.—

"(A) PRIORITY LIST.—The transportation improvement program shall include a priority list of proposed federally supported projects and strategies to be carried out during the 4-year period beginning on the date of adoption of the transportation improvement program, and each 4-year period thereafter, using existing and reasonably available revenues in accordance with the financial plan under paragraph (3).

"(B) DESCRIPTIONS.—Each project described in the transportation improvement program shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project and the effect that the project or project phase will have in addressing the targets described in subsection (b)(2)

- "(C) Performance target achievement.— The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program on attainment of the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.
- "(D) ILLUSTRATIVE LIST OF PROJECTS.—In developing a transportation improvement program, an optional illustrative list of projects may be prepared containing additional investment priorities that—
- "(i) are not included in the transportation improvement program; but
- "(ii) would be so included if resources in addition to the resources identified in the financial plan under paragraph (3) were available.
- "(3) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(D)(ii) shall—
- "(A) be prepared by each metropolitan planning organization to support the transportation improvement program; and
- "(B) contain a description of each of the following:
- "(i) Projected resource requirements for implementing projects, strategies, and services recommended in the transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs.
- "(ii) The projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment).
- "(iii) Estimates of future funds, to be developed cooperatively by the metropolitan planning organization, any public transportation agency, and the State, that are reasonably expected to be available to support the investment priorities recommended in the transportation improvement program.
- "(iv) Each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.
- "(4) INCLUDED PROJECTS.—
- "(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A transportation improvement program developed under this subsection for a metropolitan area shall include a description of the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.
  - "(B) Projects under chapter 2.—
- "(i) REGIONALLY SIGNIFICANT.—Each regionally significant project proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.
- "(ii) NONREGIONALLY SIGNIFICANT.—A description of each project proposed for funding under chapter 2 that is not determined to be regionally significant shall be contained in 1 line item or identified individually in the transportation improvement program.
- "(5) OPPORTUNITY FOR PARTICIPATION.—Before approving a transportation improvement program, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for par-

ticipation by interested parties in the development of the transportation improvement program, in accordance with subsection (h)(4).

"(6) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Each tier I MPO and tier II MPO shall select projects carried out within the boundaries of the applicable metropolitan planning area from the transportation improvement program, in consultation with the relevant State and on concurrence of the affected facility owner, for funds apportioned to the State under section 104(b)(2) and suballocated to the metropolitan planning area under section 133(d).

- "(B) CMAQ PROJECTS.—Each tier I MPO shall select projects carried out within the boundaries of the applicable metropolitan planning area from the transportation improvement program, in consultation with the relevant State and on concurrence of the affected facility owner, for funds apportioned to the State under section 104(b)(4) and suballocated to the metropolitan planning area under section 149(i).
- "(C) Modifications to project priority.— Notwithstanding any other provision of law, approval by the Secretary shall not be required to carry out a project included in a transportation improvement program in place of another project in the transportation improvement program.
  - "(7) PUBLICATION.—
- "(A) IN GENERAL.—A transportation improvement program shall be published or otherwise made readily available by the applicable metropolitan planning organization for public review in electronically accessible formats and means, such as the Internet.
- "(B) ANNUAL LIST OF PROJECTS.—An annual list of projects, including investments in pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the preceding fiscal year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization in electronically accessible formats and means, such as the Internet, in a manner that is consistent with the categories identified in the relevant transportation improvement program.
- "(k) Planning Requirements for Tier II MPOs.—
- "(1) IN GENERAL.—The Secretary may provide for the performance-based development of a metropolitan transportation plan and transportation improvement program for the metropolitan planning area of a tier II MPO, as the Secretary determines to be appropriate, taking into account—
- $\lq\lq(A)$  the complexity of transportation needs in the area; and
- "(B) the technical capacity of the metropolitan planning organization.
- "(2) EVALUATION OF PERFORMANCE-BASED PLANNING.—In reviewing a tier II MPO under subsection (m), the Secretary shall take into consideration the effectiveness of the tier II MPO in implementing and maintaining a performance-based planning process that—
- "(A) addresses the targets described in subsection (h)(2); and
- "(B) demonstrates progress on the achievement of those targets.
- "(1) CERTIFICATION.—
- "(1) IN GENERAL.—The Secretary shall—
- "(A) ensure that the metropolitan transportation planning process of a metropolitan planning organization is being carried out in accordance with applicable Federal law; and
- "(B) subject to paragraph (2), certify, not less frequently than once every 4 years, that

the requirements of subparagraph (A) are met with respect to the metropolitan transportation planning process.

- "(2) REQUIREMENTS FOR CERTIFICATION.— The Secretary may make a certification under paragraph (1)(B) if—
- "(A) the metropolitan transportation planning process complies with the requirements of this section and other applicable Federal law; and
- "(B) a transportation improvement program for the metropolitan planning area has been approved by the relevant metropolitan planning organization and Governor.
- "(3) DELEGATION OF AUTHORITY.—The Secretary may—
- "(A) delegate to the appropriate State fact-finding authority regarding the certification of a tier II MPO under this subsection; and
- "(B) make the certification under paragraph (1) in consultation with the State.
  - '(4) EFFECT OF FAILURE TO CERTIFY.—
- "(A) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan transportation planning process of a metropolitan planning organization is not certified under paragraph (1), the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.
- "(B) RESTORATION OF WITHHELD FUNDS.— Any funds withheld under subparagraph (A) shall be restored to the metropolitan planning area on the date of certification of the metropolitan transportation planning process by the Secretary.
- "(5) PUBLIC INVOLVEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan planning area under review.
- "(m) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—
- "(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the following:
- "(A) The extent to which the metropolitan planning organization has achieved, or is currently making substantial progress toward achieving, the targets specified in subsection (h)(2), taking into account whether the metropolitan planning organization developed meaningful performance targets.
- "(B) The extent to which the metropolitan planning organization has used proven best practices that help ensure transportation investment that is efficient and cost-effective.
- "(C) The extent to which the metropolitan planning organization—
- "(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and
- "(ii) provides regular reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the metropolitan planning organization.
  - "(2) Report.—
- "(A) IN GENERAL.—Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating—
- "(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and
- "(ii) the effectiveness of the performancebased planning process of each metropolitan planning organization under this section.

- "(B) PUBLICATION.—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.
- "(n) Additional Requirements for Certain Nonattainment Areas.—
- "(1) IN GENERAL.—Notwithstanding any other provision of this title or chapter 53 of title 49, Federal funds may not be advanced in any metropolitan planning area classified as a nonattainment area or maintenance area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles, unless the owner or operator of the project demonstrates that the project will achieve or make substantial progress toward achieving the targets described in subsection (h)(2).
- "(2) APPLICABILITY.—This subsection applies to any nonattainment area or maintenance area within the boundaries of a metropolitan planning area, as determined under subsection (c).
- "(0) EFFECT OF SECTION.—Nothing in this section provides to any metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not subject to the requirements of this title or chapter 53 of title 49.
- "(p) Funding.—Funds apportioned under section 104(b)(6) of this title and set aside under section 5305(g) of title 49 shall be available to carry out this section.
- "(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—
- "(1) IN GENERAL.—In consideration of the factors described in paragraph (2), any decision by the Secretary concerning a metropolitan transportation plan or transportation improvement program shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- "(2) DESCRIPTION OF FACTORS.—The factors referred to in paragraph (1) are that—
- "(A) metropolitan transportation plans and transportation improvement programs are subject to a reasonable opportunity for public comment;
- "(B) the projects included in metropolitan transportation plans and transportation improvement programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- "(C) decisions by the Secretary concerning metropolitan transportation plans and transportation improvement programs have not been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.
- "(r) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for metropolitan planning organizations. The Secretary shall not require a metropolitan planning organization to deviate from its established planning update cycle to implement changes made by this section. Metropolitan planning organizations shall reflect changes made to their transportation plan or transportation improvement program updates by 2 years after the date of issuance of guidance by the Secretary."

## SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended to read as follows:

#### "§ 135. Statewide and nonmetropolitan transportation planning

''(a) STATEWIDE TRANSPORTATION PLANS AND STIPS.—

- "(1) Development.—
- "(A) In general.—To accomplish the policy objectives described in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State in accordance with this section.
- "(B) INCORPORATION OF METROPOLITAN TRANSPORTATION PLANS AND TIPS.—Each State shall incorporate in the statewide transportation plan and statewide transportation improvement program, without change or by reference, the metropolitan transportation plans and transportation improvement programs, respectively, for each metropolitan planning area in the State.
- "(C) Nonmetropolitan areas.—Each State shall [coordinate] consult with local officials in small urbanized and nonurbanized areas of the State in preparing the nonmetropolitan portions of statewide transportation plans and statewide transportation improvement programs.
- "(2) CONTENTS.—The statewide transportation plan and statewide transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation) that will function as—
- "(A) an intermodal transportation system for the State; and
- ``(B) an integral part of an intermodal transportation system for the United States.
- "(3) PROCESS.—The process for developing the statewide transportation plan and statewide transportation improvement program shall—
- ``(A) provide for consideration of all modes of transportation; and
- "(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation needs to be addressed.
- ['(b) COORDINATION.—
- "(1) IN GENERAL.—Each State shall—
- "(A) coordinate planning carried out under this section with—
- "(i) the transportation planning activities carried out under section 134 for metropolitan areas of the State; and
- "(ii) statewide trade and economic development planning activities and related multistate planning efforts;
- "(B) coordinate planning carried out under this section with the transportation planning activities carried out by each nonmetropolitan planning organization in the State, as applicable; and
- "(C) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).]
- "(b) COORDINATION AND CONSULTATION.—
- "(1) IN GENERAL.—Each State shall—
- ``(A) coordinate planning carried out under this section with—
- "(i) the transportation planning activities carried out under section 134 for metropolitan areas of the State; and
- "(ii) statewide trade and economic development planning activities and related multistate planning efforts;
- "(B) coordinate planning carried out under this section with the transportation planning activities carried out by each nonmetropolitan planning organization in the State, as applicable:
- "(C) consult on planning carried out under this section with the transportation planning activities carried out by each rural planning organization in the State, as applicable; and

- "(D) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).
  - "(2) Multistate areas.-
- "(A) In GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan planning area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.
- "(B) COORDINATION ALONG DESIGNATED TRANSPORTATION CORRIDORS.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate transportation corridor to provide coordinated transportation planning for the entire designated corridor.
- "(C) INTERSTATE COMPACTS.—For purposes of this section, any 2 or more States—
- "(i) may enter into compacts, agreements, or organizations not in conflict with any Federal law for cooperative efforts and mutual assistance in support of activities authorized under this section, as the activities relate to interstate areas and localities within the States:
- "(ii) may establish such agencies (joint or otherwise) as the States determine to be appropriate for ensuring the effectiveness of the agreements and compacts; and
- "(iii) are encouraged to enter into such compacts, agreements, or organizations as are appropriate to develop planning documents in support of intercity or multistate area projects, facilities, and services, the relevant components of which shall be reflected in statewide transportation improvement programs and statewide transportation plans.
- "(D) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal any interstate compact or agreement entered into under this subsection is expressly reserved.
- "(c) Relationship With Other Planning Officials.—
- "(1) IN GENERAL.—The Secretary shall encourage each State to cooperate with Federal, tribal, State, and local officers and entities responsible for other types of planning activities that are affected by transportation in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, airport operations, high-speed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, to ensure that the statewide and nonmetropolitan planning process, statewide transportation plans, and statewide transportation improvement programs are developed with due consideration for other related planning activities in the State.
- "(2) INCLUSION.—Cooperation under paragraph (1) shall include the design and delivery of transportation services within the State that are provided by—
- "(A) recipients of assistance under sections 202, 203, and 204;
- "(B) recipients of assistance under chapter 53 of title 49;
- "(C) government agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and
- "(D) sponsors of regionally significant programs, projects, and services that are related to transportation and receive assistance from any public or private source.
  - "(d) Scope of Planning Process.—
- "(1) IN GENERAL.—The statewide transportation planning process for a State under

this section shall provide for consideration of projects, strategies, and services that will—

- "(A) support the economic vitality of the United States, the State, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- "(B) increase the safety of the transportation system for motorized and non-motorized users:
- "(C) increase the security of the transportation system for motorized and non-motorized users:
- "(D) increase the accessibility and mobility of individuals and freight:
- "(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns:
- "(F) enhance the integration and connectivity of the transportation system, across and between modes, for individuals and freight:
- "(G) increase efficient system management and operation; and
- "(H) emphasize the preservation of the existing transportation system.
  - "(2) PERFORMANCE-BASED APPROACH.—
- "(A) IN GENERAL.—The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 150(b).
  - "(B) PERFORMANCE TARGETS.—
- "(i) IN GENERAL.—Each State shall establish performance targets that address the performance measures described in sections 119(f), 148(h), [149(k),] and 167(i) to use in tracking attainment of critical outcomes for the region of the State.
- "(ii) COORDINATION.—Selection of performance targets by a State shall be coordinated with relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.
- "(C) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this paragraph in other State plans and processes required as part of a performance-based program, including plans such as—
- "(i) the State National Highway System asset management plan;
- "(ii) the State strategic highway safety plan: and
- ["(iii) the congestion mitigation and air quality performance plan; and
- "(iv)](iii) the national freight strategic plan.
- "(D) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be used, at a minimum, by a State as the basis for development of policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program.
- "(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration 1 or more of the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this title, chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a statewide transportation improvement program, a project or strategy, or the certification of a planning process.

- ``(4) Participation by interested parties.—
- "(A) IN GENERAL.—Each State shall provide to affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.
- "(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—
- "(i) develop the statewide transportation plan and statewide transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the State and interested parties that participate in the development of the statewide transportation plan and statewide transportation improvement program;
- "(ii) hold any public meetings at times and locations that are, as applicable—
  - "(I) convenient; and
- "(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- "(iii) employ visualization techniques to describe statewide transportation plans and statewide transportation improvement programs; and
- "(iv) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).
  - "(e) COORDINATION AND CONSULTATION.—
- "(1) METROPOLITAN AREAS.-
- "(A) IN GENERAL.—Each State shall develop a statewide transportation plan and statewide transportation improvement program for each metropolitan area in the State by incorporating, without change or by reference, at a minimum, as prepared by each metropolitan planning organization designated for the metropolitan area under section 134—
- "(i) all regionally significant projects to be carried out during the 10-year period beginning on the effective date of the relevant existing metropolitan transportation plan; and
- "(ii) all projects to be carried out during the 4-year period beginning on the effective date of the relevant transportation improvement program.
- "(B) Projected costs.—Each metropolitan planning organization shall provide to each applicable State a description of the projected costs of implementing the projects included in the metropolitan transportation plan of the metropolitan planning organization for purposes of long-range financial planning and fiscal constraint.
- "(2) NONMETROPOLITAN AREAS.—With respect to nonmetropolitan areas in a State, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in [coordination] consultation with affected nonmetropolitan local officials with responsibility for transportation.
- "(3) INDIAN TRIBAL AREAS.—With respect to each area of a State under the jurisdiction of an Indian tribe, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in consultation with—
- ``(A) the tribal government; and
- "(B) the Secretary of the Interior.
- "(4) FEDERAL LAND MANAGEMENT AGEN-CIES.—With respect to each area of a State under the jurisdiction of a Federal land management agency, the statewide transportation plan and statewide transportation improvement program of the State shall be de-

- veloped in consultation with the relevant Federal land management agency.
- "(5) CONSULTATION, COMPARISON, AND CONSIDERATION.—
- "(A) IN GENERAL.—A statewide transportation plan shall be developed, as appropriate, in consultation with Federal, tribal, State, and local agencies responsible for land use management, natural resources, infrastructure permitting, environmental protection, conservation, and historic preservation.
- "(B) COMPARISON AND CONSIDERATION.— Consultation under subparagraph (A) shall involve the comparison of statewide transportation plans to, as available—
- "(i) Federal, tribal, State, and local conservation plans or maps; and
- "(ii) inventories of natural or historic resources.
  - "(f) STATEWIDE TRANSPORTATION PLAN.—
  - "(1) DEVELOPMENT.—
- "(A) In GENERAL.—Each State shall develop a statewide transportation plan, the forecast period of which shall be not less than 20 years for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.
- "(B) INITIAL PERIOD.—A statewide transportation plan shall include, at a minimum, for the first 10-year period of the statewide transportation plan, the identification of existing and future transportation facilities that will function as an integrated statewide transportation system, giving emphasis to those facilities that serve important national, statewide, and regional transportation functions.
- "(C) SUBSEQUENT PERIOD.—For the second 10-year period of the statewide transportation plan (referred to in this subsection as the 'outer years period'), a statewide transportation plan—
- $\lq\lq$ (i) may include identification of future transportation facilities; and
- "(ii) shall describe the policies and strategies that provide for the development and implementation of the intermodal transportation system of the State.
- ``(D) OTHER REQUIREMENTS.—A statewide transportation plan shall—
- ''(i) include, for the 20-year period covered by the statewide transportation plan, a description of—
- "(I) the projected aggregate cost of projects anticipated by a State to be implemented; and
- "(II) the revenues necessary to support the projects;
- "(ii) include, in such form as the Secretary determines to be appropriate, a description of—
- "(I) the existing transportation infrastructure, including an identification of highways, local streets and roads, bicycle and pedestrian facilities, transit facilities and services, commuter rail facilities and services, high-speed and intercity passenger rail facilities and services, freight facilities (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal connectors that, evaluated in the aggregate, function as an integrated transportation system;
- "(II) the performance measures and performance targets used in assessing the existing and future performance of the transportation system described in subsection (d)(2);
- "(III) the current and projected future usage of the transportation system, including, to the maximum extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real properties;

"(IV) a system performance report evaluating the existing and future condition and performance of the transportation system with respect to the performance targets described in subsection (d)(2) and updates to subsequent system performance reports, including—

"(aa) progress achieved by the State in meeting performance targets, as compared to system performance recorded in previous reports; and

"(bb) an accounting of the performance by the State on outlay of obligated project funds and delivery of projects that have reached substantial completion, in relation to the projects currently on the statewide transportation improvement program and those projects that have been removed from the previous statewide transportation improvement program;

"(V) recommended strategies and investments for improving system performance over the planning horizon, including transportation systems management and operations strategies, maintenance strategies, demand management strategies, asset management strategies, capacity and enhancement investments, land use improvements, intelligent transportation systems deployment and technology adoption strategies as determined by the projected support of targets described in subsection (d)(2):

"(VI) recommended strategies and investments to improve and integrate disabilityrelated access to transportation infrastructure:

"(VII) investment priorities for using projected available and proposed revenues over the short- and long-term stages of the planning horizon, in accordance with the financial plan required under paragraph (2);

"(VIII) a description of interstate compacts entered into in order to promote coordinated transportation planning in multistate areas, if applicable;

"(IX) an optional illustrative list of projects containing investments that—

"(aa) are not included in the statewide transportation plan; but

"(bb) would be so included if resources in addition to the resources identified in the financial plan under paragraph (2) were available:

"(X) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies) of types of potential environmental and stormwater mitigation activities and potential areas to carry out those activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the statewide transportation plan; and

"(XI) recommended strategies and investments, including those developed by the State as part of interstate compacts, agreements, or organizations, that support intercity transportation; and

"(iii) be updated by the State not less frequently than once every 5 years.

"(2) FINANCIAL PLAN.—A financial plan referred to in paragraph (1)(D)(ii)(VII) shall—
"(A) be prepared by each State to support

"(A) be prepared by each State to support the statewide transportation plan; and

"(B) contain a description of each of the following:

"(i) Projected resource requirements during the 20-year planning horizon for implementing projects, strategies, and services recommended in the statewide transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from

Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs.

"(ii) The projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment).

"(iii) Estimates of future funds, to be developed cooperatively by the State, any public transportation agency, and relevant metropolitan planning organizations, that are reasonably expected to be available to support the investment priorities recommended in the statewide transportation plan.

"(iv) Each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(v) For the outer years period of the statewide transportation plan, a description of the aggregate cost ranges or bands, subject to the condition that any future funding source shall be reasonably expected to be available to support the projected cost ranges or bands.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—For any nonmetropolitan area that is a nonattainment area or maintenance area, the State shall coordinate the development of the statewide transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(4) Publication.—A statewide transportation plan involving Federal and non-Federal participation programs, projects, and strategies shall be published or otherwise made readily available by the State for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet, in such manner as the Secretary shall require.

"(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2), a State shall not be required to select any project from the illustrative list of additional projects included in the statewide transportation plan under paragraph (1)(D)(ii)(IX).

"(6) USE OF POLICY PLANS.—Notwithstanding any other provision of this section, a State that has in effect, as of the date of enactment of the MAP-21, a statewide transportation plan that follows a policy plan approach—

"(A) may, for 4 years after the date of enactment of the MAP-21, continue to use a policy plan approach to the statewide transportation plan; and

"(B) shall be subject to the requirements of this subsection only to the extent that such requirements were applicable under this section (as in effect on the day before the date of enactment of the MAP-21).

"(g) STATEWIDE TRANSPORTATION IMPROVE-MENT PROGRAMS.—

"(1) Development.—

"(A) IN GENERAL.—In [cooperation] consultation with nonmetropolitan officials with responsibility for transportation and affected public transportation operators, the State shall develop a statewide transportation improvement program for the State that—

"(i) includes projects consistent with the statewide transportation plan;

"(ii) reflects the investment priorities established in the statewide transportation plan; and

"(iii) once implemented, makes significant progress toward achieving the targets described in subsection (d)(2).

"(B) OPPORTUNITY FOR PARTICIPATION.—In developing a statewide transportation improvement program, the State, in cooperation with affected public transportation operators, shall provide an opportunity for participation by interested parties in the development of the statewide transportation improvement program, in accordance with subsection (e).

"(C) OTHER REQUIREMENTS.—

"(i) IN GENERAL.—A statewide transportation improvement program shall—

"(I) cover a period of not less than 4 years; and

"(II) be updated not less frequently than once every 4 years, or more frequently, as the Governor determines to be appropriate.

"(ii) INCORPORATION OF TIPS.—A statewide transportation improvement program shall incorporate any relevant transportation improvement program developed by a metropolitan planning organization under section 134, without change.

"(iii) PROJECTS.—Each project included in a statewide transportation improvement program shall be—

"(I) consistent with the statewide transportation plan developed under this section for the State;

"(II) identical to a project or phase of a project described in a relevant transportation improvement program; and

"(III) for any project located in a nonattainment area or maintenance area, carried out in accordance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(2) CONTENTS.—

"(A) PRIORITY LIST.—A statewide transportation improvement program shall include a priority list of proposed federally supported projects and strategies, to be carried out during the 4-year period beginning on the date of adoption of the statewide transportation improvement program, and during each 4-year period thereafter, using existing and reasonably available revenues in accordance with the financial plan under paragraph (3).

"(B) DESCRIPTIONS.—Each project or phase of a project included in a statewide transportation improvement program shall include sufficient descriptive material (such as type of work, termini, length, estimated completion date, and other similar factors) to identify—

"(i) the project or project phase; and

"(ii) the effect that the project or project phase will have in addressing the targets described in subsection (d)(2).

"(C) PERFORMANCE TARGET ACHIEVEMENT.—A statewide transportation improvement program shall include, to the maximum extent practicable, a discussion of the anticipated effect of the statewide transportation improvement program toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets.

"(D) ILLUSTRATIVE LIST OF PROJECTS.—An optional illustrative list of projects may be prepared containing additional investment priorities that—

"(i) are not included in the statewide transportation improvement program; but

"(ii) would be so included if resources in addition to the resources identified in the financial plan under paragraph (3) were available.

"(3) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(A) shall—

"(A) be prepared by each State to support the statewide transportation improvement program; and "(B) contain a description of each of the following:

"(i) Projected resource requirements for implementing projects, strategies, and services recommended in the statewide transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs.

"(ii) The projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment).

"(iii) Estimates of future funds, to be developed cooperatively by the State and relevant metropolitan planning organizations and public transportation agencies, that are reasonably expected to be available to support the investment priorities recommended in the statewide transportation improvement program.

"(iv) Each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) INCLUDED PROJECTS.—

- "(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A statewide transportation improvement program developed under this subsection for a State shall include the projects within the State that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.
  - "(B) PROJECTS UNDER CHAPTER 2.—
- "(i) REGIONALLY SIGNIFICANT.—Each regionally significant project proposed for funding under chapter 2 shall be identified individually in the statewide transportation improvement program.
- "(ii) Nonregionally significant.—A description of each project proposed for funding under chapter 2 that is not determined to be regionally significant shall be contained in 1 line item or identified individually in the statewide transportation improvement program.
  - "(5) PUBLICATION.—
- "(A) IN GENERAL.—A statewide transportation improvement program shall be published or otherwise made readily available by the State for public review in electronically accessible formats and means, such as the Internet.
- "(B) ANNUAL LIST OF PROJECTS.—An annual list of projects, including investments in pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the preceding fiscal year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and relevant metropolitan planning organizations in electronically accessible formats and means, such as the Internet, in a manner that is consistent with the categories identified in the relevant statewide transportation improvement program.
- "(6) PROJECT SELECTION FOR URBANIZED AREAS WITH POPULATIONS OF FEWER THAN 200,000 NOT REPRESENTED BY DESIGNATED MPOS.—Projects carried out in urbanized areas with populations of fewer than 200,000 individuals, and that are not represented by designated metropolitan planning organizations, shall be selected, from the approved statewide transportation improvement program (including projects carried out on the

National Highway System and other projects carried out under this title or under sections 5310 and 5311 of title 49) by the State, in cooperation with the affected nonmetropolitan planning organization, if any exists, and in consultation with the affected nonmetropolitan area local officials with responsibility for transportation.

"(7) APPROVAL BY SECRETARY.—

"(A) In general.—Not less frequently than once every 4 years, a statewide transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary, based on the current planning finding of the Secretary under subparagraph (B).

"(B) PLANNING FINDING.—The Secretary shall make a planning finding referred to in subparagraph (A) not less frequently than once every 5 years regarding whether the transportation planning process through which statewide transportation plans and statewide transportation improvement programs are developed is consistent with this section and section 134.

"(8) MODIFICATIONS TO PROJECT PRIORITY.— Notwithstanding any other provision of law, approval by the Secretary shall not be required to carry out a project included in an approved statewide transportation improvement program in place of another project in the statewide transportation improvement program.

'(h) CERTIFICATION.—

"(1) IN GENERAL.—The Secretary shall—

"(A) ensure that the statewide transportation planning process of a State is being carried out in accordance with applicable Federal law; and

"(B) subject to paragraph (2), certify, not less frequently than once every 5 years, that the requirements of subparagraph (A) are met with respect to the statewide transportation planning process.

"(2) REQUIREMENTS FOR CERTIFICATION.— The Secretary may make a certification under paragraph (1)(B) if—

"(A) the statewide transportation planning process complies with the requirements of this section and other applicable Federal law; and

"(B) a statewide transportation improvement program for the State has been approved by the Governor of the State.

"(3) EFFECT OF FAILURE TO CERTIFY.—

"(A) WITHHOLDING OF PROJECT FUNDS.—If a statewide transportation planning process of a State is not certified under paragraph (1), the Secretary may withhold up to 20 percent of the funds attributable to the State for projects funded under this title and chapter 53 of title 49.

"(B) RESTORATION OF WITHHELD FUNDS.— Any funds withheld under subparagraph (A) shall be restored to the State on the date of certification of the statewide transportation planning process by the Secretary.

"(4) PUBLIC INVOLVEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the State under review.

 $\lq\lq(i)$  Performance-based Planning Processes Evaluation.—

- "(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:
- "(A) The extent to which the State has achieved, or is currently making substantial progress toward achieving, the targets described in subsection (d)(2), taking into account whether the State developed meaningful performance targets.

- "(B) The extent to which the State has used proven best practices that help ensure transportation investment that is efficient and cost-effective.
  - "(C) The extent to which the State-
- "(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and
- "(ii) provides regular reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State.

"(2) Report.—

- "(A) IN GENERAL.—Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating—
- "(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and
- "(ii) the effectiveness of the performancebased planning process of each State.
- "(B) PUBLICATION.—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.
- ''(j) Funding.—Funds apportioned under section 104(b)(6) of this title and set aside under section 5305(g) of title 49 shall be available to carry out this section.
- ''(k) Continuation of Current Review Practice.—
- "(1) IN GENERAL.—In consideration of the factors described in paragraph (2), any decision by the Secretary concerning a statewide transportation plan or statewide transportation improvement program shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- ``(2) Description of factors.—The factors referred to in paragraph (1) are that—
- "(A) statewide transportation plans and statewide transportation improvement programs are subject to a reasonable opportunity for public comment:
- "(B) the projects included in statewide transportation plans and statewide transportation improvement programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- "(C) decisions by the Secretary concerning statewide transportation plans and statewide transportation improvement programs have not been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.
- "(l) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates by 2 years after the date of issuance of guidance by the Secretary."
- (b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 135 and inserting the following:
- "135. Statewide and nonmetropolitan transportation planning.".

#### SEC. 1203. NATIONAL GOALS.

(a) IN GENERAL.—Section 150 of title 23, United States Code, is amended to read as follows:

#### "§ 150. National goals

- "(a) DECLARATION OF POLICY.—Performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decisionmaking through performance-based planning and programming.
- "(b) NATIONAL GOALS.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:
- "(1) SAFETY.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- "(2) INFRASTRUCTURE CONDITION.—To maintain the highway infrastructure asset system in a state of good repair.
- "(3) SYSTEM RELIABILITY.—To improve the efficiency of the surface transportation system
- "(4) FREIGHT MOVEMENT AND ECONOMIC VI-TALITY.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- "(5) ENVIRONMENTAL SUSTAINABILITY.—To enhance the performance of the transportation system while protecting and enhancing the natural environment."
- (b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150 and inserting the following:

#### "150. National goals.".

## Subtitle C—Acceleration of Project Delivery SEC. 1301. PROJECT DELIVERY INITIATIVE.

- (a) DECLARATION OF POLICY.—It is the policy of the United States that—
- (1) it is in the national interest for the Department, State departments of transportation, transit agencies, and all other recipients of Federal transportation funds—
- $\left(A\right)$  to accelerate project delivery and reduce costs; and
- (B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner, promoting accountability for public investments and encouraging greater private sector involvement in project financing and delivery while enhancing safety and protecting the environment:
- (2) delay in the delivery of transportation projects increases project costs, harms the economy of the United States, and impedes the travel of the people of the United States and the shipment of goods for the conduct of commerce: and
- (3) the Secretary shall identify and promote the deployment of innovation aimed at reducing the time and money required to deliver transportation projects while enhancing safety and protecting the environment.
  - (b) ESTABLISHMENT OF INITIATIVE.—
- (1) IN GENERAL.—To advance the policy described in subsection (a), the Secretary shall carry out a project delivery initiative under this section
- (2) PURPOSES.—The purposes of the project delivery initiative shall be—
- (A) to develop and advance the use of best practices to accelerate project delivery and reduce costs across all modes of transportation and expedite the deployment of technology and innovation;
- (B) to implement provisions of law designed to accelerate project delivery; and

- (C) to select eligible projects for applying experimental features to test innovative project delivery techniques.
- (3) ADVANCING THE USE OF BEST PRACTICES.—
- (A) IN GENERAL.—In carrying out the initiative under this section, the Secretary shall identify and advance best practices to reduce delivery time and project costs, from planning through construction, for transportation projects and programs of projects regardless of mode and project size.
- (B) ADMINISTRATION.—To advance the use of best practices, the Secretary shall—
- (i) engage interested parties, affected communities, resource agencies, and other stakeholders to gather information regarding opportunities for accelerating project delivery and reducing costs;
- (ii) establish a clearinghouse for the collection, documentation, and advancement of existing and new innovative approaches and best practices;
- (iii) disseminate information through a variety of means to transportation stakeholders on new innovative approaches and best practices; and
- (iv) provide technical assistance to assist transportation stakeholders in the use of flexibility authority to resolve project delays and accelerate project delivery if feasible.
- (4) IMPLEMENTATION OF ACCELERATED PROJECT DELIVERY.—The Secretary shall ensure that the provisions of this subtitle designed to accelerate project delivery are fully implemented, including—
- (A) expanding eligibility of early acquisition of property prior to completion of environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (B) allowing the use of the construction manager or general contractor method of contracting in the Federal-aid highway system: and
- (C) establishing a demonstration program to streamline the relocation process by permitting a lump-sum payment for acquisition and relocation if elected by the displaced occupant.

# SEC. 1302. CLARIFIED ELIGIBILITY FOR EARLY ACQUISITION ACTIVITIES PRIOR TO COMPLETION OF NEPA REVIEW.

- (a) IN GENERAL.—The acquisition of real property in anticipation of a federally assisted or approved surface transportation project that may use the property shall not be prohibited prior to the completion of reviews of the surface transportation project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the acquisition does not—
- (1) have an adverse environmental effect; or
- (2)(A) limit the choice of reasonable alternatives for the proposed project; or
- (B) prevent the lead agency from making an impartial decision as to whether to select an alternative that is being considered during the environmental review process.
- (b) EARLY ACQUISITION OF REAL PROPERTY INTERESTS FOR HIGHWAYS.—Section 108 of title 23, United States Code, is amended—
- (1) in the section heading by inserting "interests" after "real property";
- (2) in subsection (a) by inserting "interests" after "real property" each place it appears; and
- (3) in subsection (c)—
- (A) in the subsection heading by striking "RIGHTS-OF-WAY" and inserting "REAL PROPERTY INTERESTS";
- (B) in paragraph (1)—

- (i) in the matter preceding subparagraph (A) by inserting "at any time" after "may be used"; and
  - (ii) in subparagraph (A)-
- (I) by striking "rights-of-way" the first place it appears and inserting "real property interests"; and
- (II) by striking ", if the rights-of-way are subsequently incorporated into a project eligible for surface transportation program funds"; and
- (C) by striking paragraph (2) and inserting the following:
- "(2) TERMS AND CONDITIONS.—
- "(A) Acquisition of real property interests —
- "(i) IN GENERAL.—Subject to the other provisions of this section, prior to completion of the review process for the project required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a public authority may carry out acquisition of real property interests that may be used for a project.
- "(ii) REQUIREMENTS.—An acquisition under clause (i) may be authorized by project agreement and is eligible for Federal-aid reimbursement as a project expense if the Secretary finds that the acquisition—
- "(I) will not cause any significant adverse environmental impact:
- "(II) will not limit the choice of reasonable alternatives for the project or otherwise influence the decision of the Secretary on any approval required for the project:
- "(III) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process;
- " $(\bar{IV})$  is consistent with the State transportation planning process under section 135; "(V) complies with other applicable Fed-
- eral laws (including regulations);
  "(VI) will be acquired through negotiation,
- without the threat of condemnation; and "(VII) will not result in a reduction or elimination of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
- "(B) DEVELOPMENT.—Real property interests acquired under this subsection may not be developed in anticipation of a project until all required environmental reviews for the project have been completed.
- "(C) REIMBURSEMENT.—If Federal-aid reimbursement is made for real property interests acquired early under this section and the real property interests are not subsequently incorporated into a project eligible for surface transportation funds within the time allowed by subsection (a)(2), the Secretary shall offset the amount reimbursed against funds apportioned to the State.
- "(D) OTHER CONDITIONS.—The Secretary may establish such other conditions or restrictions on acquisitions as the Secretary determines to be appropriate.".

#### SEC. 1303. EFFICIENCIES IN CONTRACTING.

- (a) AUTHORITY.—Section 112(b) of title 23, United States Code, is amended by adding at the end the following:
- ``(4) Construction manager; general contractor.—
  - "(A) PROCEDURE.—
- "(i) IN GENERAL.—A contracting agency may award a 2-phase contract to a construction manager or general contractor for preconstruction and construction services.
- "(ii) PRECONSTRUCTION PHASE.—In the preconstruction phase of a contract under this subparagraph, the construction manager

shall provide the contracting agency with advice relating to scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

"(iii) AGREEMENT TO PRICE.—

- "(I) IN GENERAL.—Prior to the start of the second phase of a contract under this subparagraph, the owner and the construction manager may agree to a price for the construction of the project or a portion of the project.
- "(II) RESULT.—If an agreement is reached, the construction manager shall become the general contractor for the construction of the project at the negotiated schedule and price.
- "(B) SELECTION.—A contract shall be awarded to a construction manager or general contractor under this paragraph using a competitive selection process under which the contract is awarded on the basis of—
  - "(i) qualifications:
  - "(ii) experience;
  - "(iii) best value; or
- "(iv) any other combination of factors considered appropriate by the contracting agency.
  - "(C) TIMING.—
- "(i) IN GENERAL.—Prior to the completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may issue requests for proposals, proceed with the award of the first phase of construction manager or general contractor contract, and issue notices to proceed with preliminary design, to the extent that those actions do not limit any reasonable range of alternatives.
  - "(ii) NEPA PROCESS.—
- "(I) IN GENERAL.—A contracting agency shall not proceed with the award of the second phase, and shall not proceed, or permit any consultant or contractor to proceed, with final design or construction until completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).
- "(II) REQUIREMENT.—The Secretary shall require that a contract include appropriate provisions to ensure achievement of the objectives of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) and compliance with other applicable Federal laws and regulations occurs.
- "(iii) SECRETARIAL APPROVAL.—Prior to authorizing construction activities, the Secretary shall approve—
- "(I) the estimate of the contracting agency for the entire project; and
- "(II) any price agreement with the general contractor for the project or a portion of the project.
- "(iv) TERMINATION PROVISION.—The Secretary shall require a contract to include an appropriate termination provision in the event that a no-build alternative is selected."
- (b) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the amendment made by subsection (a).
- (c) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing in this section or the amendment made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning construction manager risk that is being carried out by the Secretary as of the date of enactment of this Act.

## SEC. 1304. INNOVATIVE PROJECT DELIVERY METHODS.

(a) DECLARATION OF POLICY.—

- (1) IN GENERAL.—Congress declares that it is in the national interest to promote the use of innovative technologies and practices that increase the efficiency of construction of, improve the safety of, and extend the service life of highways and bridges.
- (2) INCLUSIONS.—The innovative technologies and practices described in paragraph (1) include state-of-the-art intelligent transportation system technologies, elevated performance standards, and new highway construction business practices that improve highway safety and quality, accelerate project delivery, and reduce congestion related to highway construction.
- (b) FEDERAL SHARE.—Section 120(c) of title 23, United States Code, is amended by adding at the end the following:
  - "(3) INNOVATIVE PROJECT DELIVERY.—
- "(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal share payable on account of a project or activity carried out with funds apportioned under paragraph (1), (2), or (5) of section 104(b) may, at the discretion of the State, be up to 100 percent for any such project, program, or activity that the Secretary determines—
- "(i) contains innovative project delivery methods that improve work zone safety for motorists or workers and the quality of the facility;
- "(ii) contains innovative technologies, manufacturing processes, financing, or contracting methods that improve the quality, extend the service life, or decrease the longterm costs of maintaining highways and bridges:
- "(iii) accelerates project delivery while complying with other applicable Federal laws (including regulations) and not causing any significant adverse environmental impacts or
- "(iv) reduces congestion related to high-way construction.
- "(B) EXAMPLES.—Projects, programs, and activities described in subparagraph (A) may include the use of—
- "(i) prefabricated bridge elements and systems and other technologies to reduce bridge construction time:
- "(ii) innovative construction equipment, materials, or techniques, including the use of in-place recycling technology and digital 3dimensional modeling technologies;
- "(iii) innovative contracting methods, including the design-build and the construction manager-general contractor contracting methods:
- "(iv) intelligent compaction equipment; or
- "(v) contractual provisions that offer a contractor an incentive payment for early completion of the project, program, or activity, subject to the condition that the incentives are accounted for in the financial plan of the project, when applicable.
- "(C) LIMITATIONS.—
- "(i) IN GENERAL.—In each fiscal year, a State may use the authority under subparagraph (A) for up to 10 percent of the combined apportionments of the State under paragraphs (1), (2), and (5) of section 104(b).
- "(ii) FEDERAL SHARE INCREASE.—The Federal share payable on account of a project or activity described in subparagraph (A) may be increased by up to 5 percent of the total project cost."

### SEC. 1305. ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.

Section 139(j) of title 23, United States Code, is amended by adding at the end the following:

"(6) MEMORANDUM OF UNDERSTANDING.— Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under paragraphs (1) and (2), the affected Federal agency and the State agency shall enter into a memorandum of understanding that establishes the projects and priorities to be addressed by the use of the funds."

#### SEC. 1306. APPLICATION OF CATEGORICAL EX-CLUSIONS FOR MULTIMODAL PROJECTS.

(a) IN GENERAL.—Section 304 of title 49, United States Code, is amended to read as follows:

#### "\$ 304. Application of categorical exclusions for multimodal projects

- "(a) DEFINITIONS.—In this section:
- "(1) COOPERATING AUTHORITY.—The term 'cooperating authority' means a Department of Transportation operating authority that is not the lead authority.—The term 'lead au-
- "(2) LEAD AUTHORITY.—The term 'lead authority' means a Department of Transportation operating administration or secretarial office that—
- "(A) is the lead authority over a proposed multimodal project; and
- "(B) has determined that the components of the project that fall under the modal expertise of the lead authority—
- "(i) satisfy the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or procedures of the lead authority; and
- "(ii) do not require the preparation of an environmental assessment or an environmental impact statement under that Act.
- "(3) MULTIMODAL PROJECT.—The term 'multimodal project' has the meaning given the term in section 139(a) of title 23.
- "(b) EXERCISE OF AUTHORITIES.—The authorities granted in this section may be exercised for a multimodal project, class of projects, or program of projects that are carried out under this title.
- "(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—When considering the environmental impacts of a proposed multimodal project, a lead authority may apply a categorical exclusion designated under the implementing regulations or procedures of a cooperating authority for other components of the project, on the conditions that—
- "(1) the multimodal project is funded under 1 grant agreement administered by the lead authority;
- "(2) the multimodal project has components that require the expertise of a cooperating authority to assess the environmental impacts of the components;
- "(3) the component of the project to be covered by the categorical exclusion of the cooperating authority has independent utility:
- "(4) the cooperating authority, in consultation with the lead authority, follows National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or procedures and determines that a categorical exclusion under that Act applies to the components; and
- $\lq\lq(5)$  the lead authority has determined that—
- "(A) the project, using the categorical exclusions of the lead and cooperating authorities, does not individually or cumulatively have a significant impact on the environment; and
- "(B) extraordinary circumstances do not exist that merit further analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

- "(d) Modal Cooperation.—
- "(1) IN GENERAL.—A cooperating authority shall provide modal expertise to a lead authority with administrative authority over a multimodal project on such aspects of the project in which the cooperating authority has expertise.
- "(2) USE OF CATEGORICAL EXCLUSION.—In a case described in paragraph (1), the 1 or more categorical exclusions of a cooperating authority may be applied by the lead authority once the cooperating authority reviews the project on behalf of the lead authority and determines the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) implementing regulations or procedures of the cooperating authority and this section."
- (b) CONFORMING AMENDMENT.—The item relating to section 304 in the analysis for title 49, United States Code, is amended to read as follows:
- "304. Application of categorical exclusions for multimodal projects.".

# SEC. 1307. STATE ASSUMPTION OF RESPONSIBILITIES FOR CATEGORICAL EXCLUSIONS.

Section 326 of title 23, United States Code, is amended—

- [(1) in subsection (c) by striking paragraph (3) and inserting the following:
- "(3) SOVEREIGN IMMUNITY.—By executing an agreement with the Secretary and assuming the responsibilities of the Secretary under this section, the State waives the sovereign immunity of the State under the 11th Amendment of the Constitution from suit in Federal court and expressly consents to accept the jurisdiction of the Federal courts with respect to any action relating to the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.":]
- [(2)](1) by striking subsection (d) and inserting the following:
  - "(d) TERMINATION.—
- "(1) TERMINATION BY THE SECRETARY.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.
- "(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide."; and
- [(3)](2) by adding at the end the following: "(f) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys fees directly attributable to eligible activities associated with the project."

#### SEC. 1308. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

- (a) IN GENERAL.—Section 327 of title 23, United States Code, is amended—
- (1) in the section heading by striking "pilot";
- (2) in subsection (a)—
- (A) in paragraph (1) by striking "pilot"; and
- (B) in paragraph (2)—
- (i) in subparagraph (B) by striking clause (ii) and inserting the following:
- "(ii) the Secretary may not assign—
- "(I) any responsibility imposed on the Secretary by section 134 or 135; or

- "(II) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).": and
  - (ii) by adding at the end the following:
- I"(F) SOVEREIGN IMMUNITY.—By executing an agreement with the Secretary and assuming the responsibilities of the Secretary under this section, the State waives the sovereign immunity of the State under the 11th Amendment of the Constitution from suit in Federal court and expressly consents to accept the jurisdiction of the Federal courts with respect to any action relating to the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.
- "[(G)](F) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorneys fees directly attributable to eligible activities associated with the project.";
- (3) in subsection (b)-
- (A) by striking paragraph (1);
- (B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and
- (C) in subparagraph (A) of paragraph (3) (as so redesignated) by striking "(2)" and inserting "(1)":
  - (4) in subsection (c)—
- (A) in paragraph (3)(D) by striking the period at the end and inserting a semicolon; and
  - (B) by adding at the end the following:
- "(4) require the State to provide to the Secretary any information the Secretary considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;
  - "(5) require the Secretary-
- "(A) after a period of 5 years, to evaluate the ability of the State to carry out the responsibility assumed under this section;
- "(B) if the Secretary determines that the State is not ready to effectively carry out the responsibilities the State has assumed, to reevaluate the readiness of the State every 3 years, or at such other frequency as the Secretary considers appropriate, after the initial 5-year evaluation, until the State is ready to assume the responsibilities on a permanent basis; and
- "(C) once the Secretary determines that the State is ready to permanently assume the responsibilities of the Secretary, not to require any further evaluations; and
- "(6) require the State to provide the Secretary with any information, including regular written reports, as the Secretary may require in conducting evaluations under paragraph (5).":
- (5) by striking subsection (g);
- (6) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and
- (7) in subsection (h) (as so redesignated)—
- (A) by striking paragraph (1);
- (B) by redesignating paragraph (2) as paragraph (1); and
- (C) by inserting after paragraph (1) (as so redesignated) the following:
- "(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide"
- (b) CONFORMING AMENDMENT.—The item relating to section 327 in the analysis of title 23, United States Code, is amended to read as follows:

"327. Surface transportation project delivery program.".

# SEC. 1309. CATEGORICAL EXCLUSION FOR PROJECTS WITHIN THE RIGHT-OF-WAY.

- (a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking for a categorical exclusion that meets the definitions (as in effect on that date) of section 1508.4 of title 40, Code of Federal Regulations, and section 771.117 of title 23, Code of Federal Regulations, for a project (as defined in section 101(a) of title 23, United States Code)—
- (1) that is located solely within the rightof-way of an existing highway, such as new turn lanes and bus pull-offs;
- (2) that does not include the addition of a through lane or new interchange; and
- (3) for which the project sponsor demonstrates that the project—
- (A) is intended to improve safety, alleviate congestion, or improve air quality; or
- (B) would improve or maintain pavement or structural conditions or achieve a state of good repair.
- (b) Notice.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to further define and implement subsection (a) within subsection (c) or (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21).

# SEC. 1310. PROGRAMMATIC AGREEMENTS AND ADDITIONAL CATEGORICAL EXCLUSIONS.

- (a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—
- (1) survey the use by the Department of Transportation of categorical exclusions in transportation projects since 2005;
- (2) publish a review of the survey that includes a description of—  $\,$
- (A) the types of actions categorically excluded: and
- (B) any requests previously received by the Secretary for new categorical exclusions;
- (3) solicit requests from State departments of transportation, transit authorities, metropolitan planning organizations, or other government agencies for new categorical exclusions.
- (b) NEW CATEGORICAL EXCLUSIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to propose new categorical exclusions received by the Secretary under subsection (a), to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations and section 771.117(a) of title 23, Code of Federal Regulations are in effect on the date of the notice).
- (c) ADDITIONAL ACTIONS.—The Secretary shall issue a proposed rulemaking to move the following types of actions from subsection (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to subsection (c) of that section, to the extent that such movement complies with the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act):
- (1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing).

- (2) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
- (3) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
- (d) Programmatic Agreements.—
- (1) IN GENERAL.—The Secretary shall seek opportunities to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews.
- (2) INCLUSIONS.—Programmatic agreements authorized under paragraph (1) may include agreements that allow a State to determine on behalf of the Federal Highway Administration whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- (3) DETERMINATIONS.—An agreement described in paragraph (2) may include determinations by the Secretary of the types of projects categorically excluded (consistent with section 1508.4 of title 40, Code of Federal Regulations) in the State in addition to the types listed in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act).

# SEC. 1311. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

- (a) IN GENERAL.—When preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency makes changes in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant further agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, on the condition that the errata sheets—
- (1) cite the sources, authorities, or reasons that support the position of the agency; and
- (2) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.
- (b) INCORPORATION.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision unless—
- (1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
- (2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

#### SEC. 1312. MEMORANDA OF AGENCY AGREE-MENTS FOR EARLY COORDINATION.

- (a) In General.—It is the sense of Congress that—
- (1) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other and other agencies on environmental review and project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, head off potential conflicts, and ensure that planning and project development decisions reflect environmental values: and
- (2) such cooperation should include the development of policies and the designation of

staff that advise planning agencies or project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(b) TECHNICAL ASSISTANCE.—If requested at any time by a State or local planning agency, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or local planning agency on accomplishing the early coordination activities described in subsection (d).

(c) MEMORANDUM OF AGENCY AGREEMENT.—If requested at any time by a State or local planning agency, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, State, and local governments and other appropriate entities to accomplish the early coordination activities described in subsection (d).

- (d) EARLY COORDINATION ACTIVITIES.—Early coordination activities shall include, to the maximum extent practicable, the following:
- (1) Technical assistance on identifying potential impacts and mitigation issues in an integrated fashion.
- (2) The potential appropriateness of using planning products and decisions in later environmental reviews.
- (3) The identification and elimination from detailed study in the environmental review process of the issues that are not significant or that have been covered by prior environmental reviews.
- (4) The identification of other environmental review and consultation requirements so that the lead and cooperating agencies may prepare, as appropriate, other required analyses and studies concurrently with planning activities.
- (5) The identification by agencies with jurisdiction over any permits related to the project of any and all relevant information that will reasonably be required for the project.
- (6) The reduction of duplication between requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State and local planning and environmental review requirements, unless the agencies are specifically barred from doing so by applicable law.
- (7) Timelines for the completion of agency actions during the planning and environmental review processes.
- (8) Other appropriate factors.

## SEC. 1313. ACCELERATED DECISIONMAKING.

- Section 139(h) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:
- "(4) INTERIM DECISION ON ACHIEVING ACCEL-ERATED DECISIONMAKING.—
- "(A) IN GENERAL.—Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the project sponsor, lead agency, resource agencies, and any relevant State agencies to ensure that all parties are on schedule to meet deadlines for decisions to be made regarding the project.
- "(B) DEADLINES.—The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project sponsor and other relevant agencies.
- "(C) FAILURE TO ASSURE.—If the relevant agencies cannot provide reasonable assur-

- ances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) and before the completion of the record of decision.
- ``(5) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—
- "(A) AGENCY ISSUE RESOLUTION MEETING.—
- "(i) IN GENERAL.—A Federal agency of jurisdiction, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to be conducted by the lead agency.
- "(ii) ACTION BY LEAD AGENCY.—The lead agency shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the project sponsor, including the Governor only if the meeting was requested by the Governor, to resolve issues that could—
- "(I) delay completion of the environmental review process; or
- "(II) result in denial of any approvals required for the project under applicable laws.
- "(iii) DATE.—A meeting requested under this subparagraph shall be held by not later than 21 days after the date of receipt of the request for the meeting, unless the lead agency determines that there is good cause to extend the time for the meeting.
- "(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the lead agency shall notify all relevant participating agencies of the request, including the issue to be resolved, and the date for the meeting.
- "(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.
- "(vi) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue resolution meeting under this subsection at any time without the request of the Federal agency of jurisdiction, project sponsor, or the Governor of a State.
  - "(B) ELEVATION OF ISSUE RESOLUTION.—
- "(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be convened.
- "(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date of issuance of the notice.
  - "(C) REFERRAL OF ISSUE RESOLUTION.—
- "(i) REFERRAL TO COUNCIL ON ENVIRON-MENTAL QUALITY.—
- "(I) IN GENERAL.—If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.
- "(II) MEETING.—Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies, and the project sponsor (including the

Governor only if an initial request for an issue resolution meeting came from the Governor).

"(ii) REFERRAL TO THE PRESIDENT.—If a resolution is not achieved by not later than 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

"(6) FINANCIAL TRANSFER PROVISIONS.—

- "(A) IN GENERAL.—A Federal agency of jurisdiction over an approval required for a project under applicable laws shall complete any required approval on an expeditious basis using the shortest existing applicable process.
  - "(B) FAILURE TO DECIDE.—
- "(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), the agency shall transfer from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law, to the agency or division charged with rendering a decision regarding the application, by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)-
- "(I) \$20,000 for any project for which an annual financial plan under section 106(i) is required; or
- "(II) \$10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.
- "(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—
- "(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and
- "(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
  - "(C) LIMITATIONS.—
- "(i) IN GENERAL.—No transfer of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 1 percent of the funds made available for the applicable agency office.
- "(ii) Fallure to Decide.—The total amount transferred in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 5 percent of the funds made available for the applicable agency office for that fiscal year.
- "(D) TREATMENT.—The transferred funds shall only be available to the agency or division charged with rendering the decision as additional resources, pursuant to subparagraph (F).
- "(E) NO FAULT OF AGENCY.—A transfer of funds under this paragraph shall not be made if the agency responsible for rendering the decision certifies that—
- "(i) the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law: or
- "(ii) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

- "(F) TREATMENT OF FUNDS.—
- "(i) IN GENERAL.—Funds transferred under this paragraph shall supplement resources available to the agency or division charged with making a decision for the purpose of expediting permit reviews.
- "(ii) AVAILABILITY.—Funds transferred under this paragraph shall be available for use or obligation for the same period that the funds were originally authorized or appropriated, plus 1 additional fiscal year.
- "(iii) LIMITATION.—The Federal agency with jurisdiction for the decision that has transferred the funds pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.
- "(G) AUDITS.—In any fiscal year in which any Federal agency transfers funds pursuant to this paragraph, the Inspector General of that agency shall—
- "(i) conduct an audit to assess compliance with the requirements of this paragraph; and
- "(ii) not later than 120 days after the end of the fiscal year during which the transfer occurred, submit to the Committee on Environment and Public Works of the Senate and any other appropriate congressional committees a report describing the reasons why the transfers were levied, including allocations of resources.
- "(H) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.
- "(I) AUTHORITY FOR INTRA-AGENCY TRANSFER OF FUNDS.—The requirement provided under this paragraph for a Federal agency to transfer or reallocate funds of the Federal agency in accordance with subparagraph (B)(i)—
- "(i) shall be treated by the Federal agency as a requirement and authority consistent with any applicable original law establishing and authorizing the agency; but
- "(ii) does not provide to the Federal agency the authority to require or determine the intra-agency transfer or reallocation of funds that are provided to or are within any other Federal agency.
- "(7) EXPEDIENT DECISIONS AND REVIEWS.— To ensure that Federal environmental decisions and reviews are expeditiously made—
- "(A) adequate resources made available under this title shall be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are completed on an expeditious basis and that the shortest existing applicable process under that Act is implemented; and
- C(B) the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP-21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):
- "(i) Projects and activities required to prepare an annual financial plan under section 106(i)
- "(ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State."

# SEC. 1314. ENVIRONMENTAL PROCEDURES INITIATIVE.

- (a) ESTABLISHMENT.—For grant programs under which funds are distributed by formula by the Department of Transportation, the Secretary shall establish an initiative to review and develop consistent procedures for environmental permitting and procurement requirements.
- (b) REPORT.—The Secretary shall publish the results of the initiative described in subsection (a) in an electronically accessible format.

# SEC. 1315. ALTERNATIVE RELOCATION PAYMENT DEMONSTRATION PROGRAM.

- (a) PAYMENT DEMONSTRATION PROGRAM.—
- (1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of identifying improvements in the timeliness of providing relocation assistance to persons displaced by Federal or federally assisted programs and projects, the Secretary may allow not more than 5 States to participate in an alternative relocation payment demonstration program under which payments to displaced persons eligible for relocation assistance pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) (including implementing regulations). are calculated based on reasonable estimates and paid in advance of the physical displacement of the displaced person.
- (2) TIMING OF PAYMENTS.—Relocation assistance payments for projects carried out under an approved State demonstration program may be provided to the displaced person at the same time as payments of just compensation for real property acquired for the program or project of the State.
- (3) COMBINING OF PAYMENTS.—Payments for relocation and just compensation may be combined into a single unallocated amount.
  - (b) CRITERIA.—
- (1) IN GENERAL.—After public notice and an opportunity to comment, the Secretary shall adopt criteria for carrying out the alternative relocation payment demonstration program.
  - (2) CONDITIONS.—
- (A) IN GENERAL.—Conditions for State participation in the demonstration program shall include the conditions described in subparagraphs (B) through (E).
- (B) MEMORANDUM OF AGREEMENT.—A State wishing to participate in the demonstration program shall be required to enter into a memorandum of agreement with the Secretary that includes provisions relating to—
- (i) the selection of projects or programs within the State to which the alternative relocation payment process will be applied;
  - (ii) program and project-level monitoring;
  - (iii) performance measurement;
  - (iv) reporting; and
- (v) the circumstances under which the Secretary may terminate the demonstration program of the State before the end of the program term.
- (C) TERM OF DEMONSTRATION PROGRAM.— Except as provided in subparagraph (B)(v), the demonstration program of the State may continue for up to 3 years after the date on which the Secretary executes the memorandum of agreement.
  - (D) DISPLACED PERSONS.—
- (i) In GENERAL.—Displaced persons affected by a project included in the demonstration program of the State shall be informed in writing in a format that is clear and easily understandable that the relocation payments that the displaced persons receive under the demonstration program may be higher or lower than the amount that the displaced

persons would receive under the standard relocation assistance process.

- (ii) ALTERNATIVE PROCESS.—Displaced persons shall be informed—
- (I) of the right of the displaced persons not to participate in the demonstration program; and
- (II) that the alternative relocation payment process can be used only if the displaced person agrees in writing.
- (iii) ASSISTANCE.—The displacing agency shall provide any displaced person who elects not to participate in the demonstration program with relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) (including implementing regulations).
  - (E) OTHER DISPLACEMENTS.—
- (i) IN GENERAL.—If other Federal agencies plan displacements in or adjacent to a demonstration program project area within the same time period as the project acquisition and relocation actions of the demonstration program, the Secretary shall adopt measures to protect against inconsistent treatment of displaced persons.
- (ii) Inclusion.—Measures described in clause (i) may include a determination that the demonstration program authority may not be used on a particular project.
  - (c) Report.—
- (1) IN GENERAL.—The Secretary shall submit to Congress—
- (A) at least every 18 months after the date of enactment of this Act, a report on the progress and results of the demonstration program; and
- (B) not later than 1 year after all State demonstration programs have ended, a final report.
- (2) REQUIREMENTS.—The final report shall include an evaluation by the Secretary of the merits of the alternative relocation payment demonstration program, including the effects of the demonstration program on—
- (A) displaced persons and the protections afforded to displaced persons by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seg.):
- (B) the efficiency of the delivery of Federal-aid highway projects and overall effects on the Federal-aid highway program; and
- (C) the achievement of the purposes of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
- (d) LIMITATION.—The authority of this section may be used only on projects funded under title 23, United States Code, in cases in which the funds are administered by the Federal Highway Administration.
- (e) AUTHORITY.—The authority of the Secretary to approve an alternate relocation payment demonstration program for a State terminates on the date that is 3 years after the date of enactment of this Act

# SEC. 1316. REVIEW OF FEDERAL PROJECT AND PROGRAM DELIVERY.

- (a) Completion Time Assessments and Reports.—
- (1) IN GENERAL.—For projects funded under title 23, United States Code, the Secretary shall compare—
- (A)(i) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated after calendar year 2005; to
- (ii) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated during a period prior to calendar year 2005; and

- (B)(i) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated during the period beginning on January 1, 2005, and ending on the date of enactment of this Act: to
- (ii) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated after the date of enactment of this Act.
- (2) REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report—
- (A) not later than 1 year after the date of enactment of this Act that—
- (i) describes the results of the review conducted under paragraph (1)(A); and
- (ii) identifies any change in the timing for completions, including the reasons for any such change and the reasons for delays in excess of 5 years; and
- (B) not later than 5 years after the date of enactment of this Act that—
- (i) describes the results of the review conducted under paragraph (1)(B); and
- (ii) identifies any change in the timing for completions, including the reasons for any such change and the reasons for delays in excess of 5 years.
- (b) ADDITIONAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the types and justification for the additional categorical exclusions granted under the authority provided under sections 1309 and 1310.
- (c) GAO REPORT.—The Comptroller General of the United States shall—
- (1) assess the reforms carried out under sections 1301 through 1315 (including the amendments made by those sections); and
- (2) not later than 5 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.
- (d) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Transportation shall—
- (1) assess the reforms carried out under sections 1301 through 1315 (including the amendments made by those sections); and
- (2) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—
- (A) not later than 2 years after the date of enactment of this Act, an initial report of the findings of the Inspector General; and
- (B) not later than 4 years after the date of enactment of this Act, a final report of the findings.

# Subtitle D—Highway Safety SEC. 1401. JASON'S LAW.

- (a) IN GENERAL.—It is the sense of Congress that it is a national priority to address projects under this section for the shortage of long-term parking for commercial motor vehicles on the National Highway System to improve the safety of motorized and non-motorized users and for commercial motor vehicle operators.
- (b) ELIGIBLE PROJECTS.—Eligible projects under this section are those that—
- (1) serve the National Highway System; and
- (2) may include the following:

- (A) Constructing safety rest areas (as defined in section 120(c) of title 23, United States Code) that include parking for commercial motor vehicles.
- (B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.
- (C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities.
- (D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means.
- (E) Constructing turnouts along the National Highway System for commercial motor vehicles.
- (F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round.
- (G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.
- (c) SURVEY AND COMPARATIVE ASSESSMENT.—
- (1) IN GENERAL.—The Secretary, in consultation with relevant State motor carrier safety personnel, shall conduct a survey regarding the availability of parking facilities within each State—
- (A) to evaluate the capability of the State to provide adequate parking and rest facilities for motor carriers engaged in interstate motor carrier service:
- (B) to assess the volume of motor carrier traffic through the State; and
- (C) to develop a system of metrics to measure the adequacy of parking facilities in the State.
- (2) RESULTS.—The results of the survey under paragraph (1) shall be made available to the public on the website of the Department of Transportation.
- (3) PERIODIC UPDATES.—The Secretary shall periodically update the survey under this subsection.
- (d) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded through the authority provided under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

### SEC. 1402. OPEN CONTAINER REQUIREMENTS.

Section 154(c) of title 23, United States Code, is amended—

- (1) by striking paragraph (2) and inserting the following:
  - "(2) FISCAL YEAR 2012 AND THEREAFTER.—
- "(A) RESERVATION OF FUNDS.—On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1) and paragraph (3).
- "(B) Transfer of funds.—As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall—
- "(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402;

- "(ii) release the reserved funds identified by the State as described in paragraph (3).":
- by the State as described in paragraph (3).";
  (2) by striking paragraph (3) and inserting the following:
- ``(3) Use for highway safety improvement program.—
- "(A) IN GENERAL.—A State may elect to use all or a portion of the funds transferred under paragraph (2) for activities eligible under section 148.
- "(B) STATE DEPARTMENTS OF TRANSPORTATION.—If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds.";
- (3) by striking paragraph (5) and inserting the following:
- "(5) DERIVATION OF AMOUNT TO BE TRANS-FERRED.—The amount to be transferred under paragraph (2) may be derived from the following:
- "(A) The apportionment of the State under section 104(b)(1).
- "(B) The apportionment of the State under section 104(b)(2).".

#### SEC. 1403. MINIMUM PENALTIES FOR REPEAT OF-FENDERS FOR DRIVING WHILE IN-TOXICATED OR DRIVING UNDER THE INFLUENCE.

- (a) DEFINITIONS.—Section 164(a) of title 23, United States Code, is amended—
  - (1) by striking paragraph (3);
- (2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and
- (3) in paragraph (4) (as so redesignated) by striking subparagraph (A) and inserting the following:
  - "(A) receive-
- "(i) a suspension of all driving privileges for not less than 1 year; or
- "(ii) a suspension of unlimited driving privileges for 1 year, allowing for the reinstatement of limited driving privileges subject to restrictions and limited exemptions as established by State law, if an ignition interlock device is installed for not less than 1 year on each of the motor vehicles owned or operated, or both, by the individual;".
- (b) TRANSFER OF FUNDS.—Section 164(b) of title 23, United States Code, is amended—
- (1) by striking paragraph (2) and inserting the following:
- "(2) FISCAL YEAR 2012 AND THEREAFTER.—
- "(A) RESERVATION OF FUNDS.—On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall reserve an amount equal to 6 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the States will use those reserved funds among the uses authorized under subparagraphs (A) and (B) of paragraph (1), and paragraph (3).
- "(B) Transfer of funds.—As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall—
- "(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and
- "(ii) release the reserved funds identified by the State as described in paragraph (3)."; (2) by striking paragraph (3) and inserting
- the following:
  "(3) USE FOR HIGHWAY SAFETY IMPROVEMENT
- "(A) IN GENERAL.—A State may elect to use all or a portion of the funds transferred

- under paragraph (2) for activities eligible under section 148.
- "(B) STATE DEPARTMENTS OF TRANSPORTATION.—If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds."; and
- (3) by striking paragraph (5) and inserting the following:
- "(5) DERIVATION OF AMOUNT TO BE TRANS-FERRED.—The amount to be transferred under paragraph (2) may be derived from the following:
- "(A) The apportionment of the State under section 104(b)(1).
- "(B) The apportionment of the State under section 104(b)(2).".

# SEC. 1404. ADJUSTMENTS TO PENALTY PROVISIONS.

- (a) VEHICLE WEIGHT LIMITATIONS.—Section 127(a)(1) of title 23, United States Code, is amended by striking "No funds shall be apportioned in any fiscal year under section 104(b)(1) of this title to any State which" and inserting "The Secretary shall withhold 50 percent of the apportionment of a State under section 104(b)(1) in any fiscal year in which the State".
- (b) CONTROL OF JUNKYARDS.—Section 136 of title 23, United States Code, is amended—
- (1) in subsection (b), in the first sentence—
- (A) by striking "10 per centum" and inserting "7 percent"; and
- (B) by striking "section 104 of this title" and inserting "paragraphs (1) through (5) of section 104(b)"; and
  - (2) by adding at the end the following:
- "(n) For purposes of this section, the terms 'primary system' and 'Federal-aid primary system' mean any highway that is on the National Highway System, which includes the Interstate Highway System."
- (c) ENFORCEMENT OF VEHICLE SIZE AND WEIGHT LAWS.—Section 141(b)(2) of title 23, United States Code, is amended—
- (1) by striking "10 per centum" and inserting "7 percent"; and
- (2) by striking "section 104 of this title" and inserting "paragraphs (1) through (5) of section 104(b)".
- (d) PROOF OF PAYMENT OF THE HEAVY VEHICLE USE TAX.—Section 141(c) of title 23, United States Code, is amended—
- (1) by striking "section 104(b)(4)" each place it appears and inserting "section 104(b)(1)"; and
- (2) in the first sentence by striking "25 per centum" and inserting "8 percent".
- (e) USE OF SAFETY BELTS.—Section 153(h) of title 23, United States Code, is amended—(1) by striking paragraph (1);
- (2) by redesignating paragraph (2) as paragraph (1);
- (3) in paragraph (1) (as so redesignated)—
- (A) by striking the paragraph heading and inserting "PRIOR TO FISCAL YEAR 2012"; and (B) by inserting "and before October 1,
- 2011," after "September 30, 1994,"; and
- (4) by inserting after paragraph (1) (as so redesignated) the following:
- "(2) FISCAL YEAR 2012 AND THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 2011, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer an amount equal to 2 percent of the funds apportioned to the State for the succeeding fiscal year under each of paragraphs (1) through (3) of section 104(b) to the apportionment of the State under section 402."
- (f) NATIONAL MINIMUM DRINKING AGE.—Section 158(a)(1) of title 23, United States Code, is amended—

- (1) by striking "The Secretary" and inserting the following:
- "(A) FISCAL YEARS BEFORE 2012.—The Secretary"; and
  - (2) by adding at the end the following:
- "(B) FISCAL YEAR 2012 AND THEREAFTER.— For fiscal year 2012 and each fiscal year thereafter, the amount to be withheld under this section shall be an amount equal to 8 percent of the amount apportioned to the noncompliant State, as described in subparagraph (A), under paragraphs (1) and (2) of section 104(b)."
- (g) DRUG OFFENDERS.—Section 159 of title 23, United States Code, is amended—
  - (1) in subsection (a)-
- (A) by striking paragraph (1);
- (B) by redesignating paragraph (2) as paragraph (1);
- (C) in paragraph (1) (as so redesignated) by striking "(including any amounts withheld under paragraph (1))"; and
- (D) by inserting after paragraph (1) (as so redesignated) the following:
- "(2) FISCAL YEAR 2012 AND THEREAFTER.— The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on the first day of each fiscal year beginning after September 30, 2011, if the State fails to meet the requirements of paragraph (3) on the first day of the fiscal year."; and
- (2) by striking subsection (b) and inserting the following:
- "(b) EFFECT OF NONCOMPLIANCE.—No funds withheld under this section from apportionments to any State shall be available for apportionment to that State.".
- (h) ZERO TOLERANCE BLOOD ALCOHOL CON-CENTRATION FOR MINORS.—Section 161(a) of title 23. United States Code, is amended—
  - (1) by striking paragraph (1);
- (2) by redesignating paragraph (2) as paragraph (1);
  - (3) in paragraph (1) (as so redesignated)—
- (A) by striking the paragraph heading and inserting "PRIOR TO FISCAL YEAR 2012"; and
- (B) by inserting "through fiscal year 2011" after "each fiscal year thereafter"; and
- (4) by inserting after paragraph (1) (as so redesignated) the following:
- "(2) FISCAL YEAR 2012 AND THEREAFTER.— The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on October 1, 2011, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date."
- (i) OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.—Section 163(e) of title 23, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:
- "(1) FISCAL YEARS 2007 THROUGH 2011.—On October 1, 2006, and October 1 of each fiscal year thereafter through fiscal year 2011, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold an amount equal to 8 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).
- "(2) FISCAL YEAR 2012 AND THEREAFTER.—On October 1, 2011, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold an amount equal to 6 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b)."

- (j) COMMERCIAL DRIVER'S LICENSE.—Section 31314 of title 49, United States Code, is amended—
- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following:
- "(c) Penalties Imposed in Fiscal Year 2012 AND THEREAFTER.—Effective beginning on October 1, 2011—
- "(1) the penalty for the first instance of noncompliance by a State under this section shall be not more than an amount equal to 4 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23: and
- "(2) the penalty for subsequent instances of noncompliance shall be not more than an amount equal to 8 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23."

#### SEC. 1405. HIGHWAY WORKER SAFETY.

- [(a) T5Positive Protective Devices.]—Not later than 60 days after the date of enactment of this Act, the Secretary shall modify section 630.1108(a) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that—
- (1) at a minimum, positive protective measures are used to separate workers on highway construction projects from motorized traffic in all work zones conducted under traffic in areas that offer workers no means of escape (such as tunnels and bridges), unless an engineering study determines otherwise:
- (2) temporary longitudinal traffic barriers are used to protect workers on highway construction projects in long-duration stationary work zones when the project design speed is anticipated to be high and the nature of the work requires workers to be within 1 lane-width from the edge of a live travel lane, unless—
- (A) an analysis by the project sponsor determines otherwise; or
- (B) the project is outside of an urbanized area and the annual average daily traffic load of the applicable road is less than 100 vehicles per hour; and
- (3) when positive protective devices are necessary for highway construction projects, those devices are paid for on a unit-pay basis, unless doing so would create a conflict with innovative contracting approaches, such as design-build or some performance-based contracts under which the contractor is paid to assume a certain risk allocation and payment is generally made on a lump-sum basis.
- (b) TURNOUT GEAR.—Notwithstanding sections 6D 03 and 6E 02 of the Manual on Uniform Traffic Control Devices dated 2009 (as in effect on the date of enactment of this Act). any firefighter engaged in any type of operation while working within the right-of-way of a Federal-aid highway may optionally wear for compliance retroreflective turnout gear that is specified and regulated by other organizations, such as the gear specified in National Fire Protection Association standards 1971 through 2007 (as in effect on that date of enactment), in lieu of apparel meeting the requirements under ANSI/ISEA 107-2004 or ANSI/ISEA 207-2006 (as in effect on that date).]

## Subtitle E—Miscellaneous

#### SEC. 1501. PROGRAM EFFICIENCIES.

The first sentence of section 102(b) of title 23, United States Code, is amended by striking "made available for such engineering" and inserting "reimbursed for the preliminary engineering".

#### SEC. 1502. PROJECT APPROVAL AND OVERSIGHT.

Section 106 of title 23, United States Code, is amended—

- (1) in subsection (a)(2) by inserting "recipient" before "formalizing";
- (2) in subsection (c)-
- (A) in paragraph (1)—
- (i) in the heading, by striking "Non-Inter-STATE": and
- (ii) by striking "but not on the Interstate System"; and
- (B) by striking paragraph (4) and inserting the following:
- ne following:
  "(4) Limitation on interstate projects.—
- "(A) IN GENERAL.—The Secretary shall not assign any responsibilities to a State for projects the Secretary determines to be in a high risk category, as defined under subparagraph (B).
- "(B) HIGH RISK CATEGORIES.—The Secretary may define the high risk categories under this subparagraph on a national basis, a State-by-State basis, or a national and State-by-State basis, as determined to be appropriate by the Secretary.";
- (3) in subsection (e)-
- (A) in paragraph (1)—
- (i) in subparagraph (A)-
- (I) in the matter preceding clause (i)—
- (aa) by striking "concept" and inserting "planning"; and
- (bb) by striking "multidisciplined" and inserting "multidisciplinary"; and
- (II) by striking clause (i) and inserting the following:
- "(i) providing the needed functions and achieving the established commitments (including environmental, community, and agency commitments) safely, reliably, and at the lowest overall lifecycle cost:": and
- (ii) in subparagraph (B) by striking clause (ii) and inserting the following:
- "(ii) refining or redesigning, as appropriate, the project using different technologies, materials, or methods so as to accomplish the purpose, functions, and established commitments (including environmental, community, and agency commitments) of the project.":
  - (B) in paragraph (2)—
- (i) in the matter preceding subparagraph (A) by striking "or other cost-reduction analysis":
- (ii) in subparagraph (A) by striking "Federal-aid system" and inserting "National Highway System receiving Federal assistance"; and
- (iii) in subparagraph (B) by inserting "on the National Highway System receiving Federal assistance" after "a bridge project"; and
- (C) by striking paragraph (4) and inserting the following:
- "(4) REQUIREMENTS.—
- "(A) VALUE ENGINEERING PROGRAM.—The State shall develop and carry out a value engineering program that—
- "(i) establishes and documents value engineering program policies and procedures;
- "(ii) ensures that the required value engineering analysis is conducted before completing the final design of a project;
- "(iii) ensures that the value engineering analysis that is conducted, and the recommendations developed and implemented for each project, are documented in a final value engineering report; and
- "(iv) monitors, evaluates, and annually submits to the Secretary a report that describes the results of the value analyses that are conducted and the recommendations implemented for each of the projects described in paragraph (2) that are completed in the State.

- "(B) BRIDGE PROJECTS.—The value engineering analysis for a bridge project under paragraph (2) shall—
- "(i) include bridge superstructure and substructure requirements based on construction material; and
- "(ii) be evaluated by the State-
- "(I) on engineering and economic bases, taking into consideration acceptable designs for bridges; and
- "(II) using an analysis of lifecycle costs and duration of project construction.";
- (4) in subsection (g)(4) by adding at the end the following:
  - "(C) Funding.—
- "(i) IN GENERAL.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under section 104(b)(2) for carrying out the responsibilities of the State under subparagraph (A).
- "(ii) ELIGIBLE ACTIVITIES.—Activities eligible for assistance under this subparagraph include—
- "(I) State administration of subgrants; and "(II) State oversight of subrecipients.
- "(iii) ANNUAL WORK PLAN.—To receive the funding flexibility made available under this subparagraph, the State shall submit to the Secretary an annual work plan identifying activities to be carried out under this subparagraph during the applicable year.
- "(iv) FEDERAL SHARE.—The Federal share of the cost of activities carried out under this subparagraph shall be 100 percent."; and
  - (5) in subsection (h)-
- (A) in paragraph (1)(B) by inserting ", including a phasing plan when applicable" after "financial plan"; and
- (B) by striking paragraph (3) and inserting the following:
  - "(3) FINANCIAL PLAN.—A financial plan—
- "(A) shall be based on detailed estimates of the cost to complete the project;
- "(B) shall provide for the annual submission of updates to the Secretary that are based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project; and
- "(C) may include a phasing plan that identifies fundable incremental improvements or phases that will address the purpose and the need of the project in the short term in the event there are insufficient financial resources to complete the entire project. If a phasing plan is adopted for a project pursuant to this section, the project shall be deemed to satisfy the fiscal constraint requirements in the statewide and metropolitan planning requirements in sections 134 and 135.".

## SEC. 1503. STANDARDS.

- (a) PRACTICAL DESIGN.—Section 109 of title 23, United States Code, is amended—
  - (1) in subsection (a)—
- (A) in paragraph (1) by striking "and" at the end;
- (B) in paragraph (2) by striking the period at the end and inserting "; and"; and
  - (C) by adding at the end the following:
- "(3) utilize, when appropriate, practical design solutions, as defined in this section, to ensure that transportation needs are met and that funds available for transportation projects are used efficiently.";
- (2) in subsection (c)-
- (A) in paragraph (1), in the matter preceding subparagraph (A)—  $\,$
- (i) by striking ", reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation" and inserting "or reconstruction"; and
- (ii) by striking "may take into account" and inserting "shall consider";

- (B) in paragraph (2)—
- (i) in the first sentence of the matter preceding subparagraph (A) by striking "may" and inserting "shall"
- (ii) in subparagraph (C) by striking "and" at the end:
- (iii) by redesignating subparagraph (D) as subparagraph (F); and
- (iv) by inserting after subparagraph (C) the following:
- "(D) the publication entitled 'Highway Safety Manual' of the American Association of State Highway and Transportation Offi-
- "(E) the publication entitled 'A Guide for Achieving Flexibility in Highway Design, 1st Edition', published by the American Association of State Highway and Transportation Officials; and";
- (3) in subsection (f) by inserting "pedestrian walkways," after "bikeways,"
- (4) in subsection (m) by inserting ", safe, and continuous" after "for a reasonable"
- (5) in subsection (q) by striking "consistent with the operative safety management system established in accordance with section 303 or in accordance with" inserting "that is in accordance with a State's strategic highway safety plan and included on"; and
- (6) by adding at the end the following:
- '(r) DEFINITION.—In this section, the term 'practical design solution' means a collaborative interdisciplinary approach that results in a transportation project that fits its physical setting, preserves safety, and balances costs with the necessary scope and project delivery needs of the project, as well as with scenic, aesthetic, historic, and environmental resources."
- (b) ADDITIONAL STANDARDS.—Section 109 of title 23, United States Code (as amended by subsection (a)(6)), is amended by adding at the end the following:
- (s) PAVEMENT MARKINGS.—The Secretary shall not approve any pavement markings project that includes the use of glass beads containing more than 200 parts per million of arsenic or lead, as determined in accordance with Environmental Protection Agency testing methods 3052, 6010B, or 6010C.".

#### SEC. 1504. CONSTRUCTION.

Section 114 of title 23, United States Code, is amended-

- (1) in subsection (b)—
- (A) by striking paragraph (1) and inserting the following:
- "(1) LIMITATION ON CONVICT LABOR.—Convict labor shall not be used in construction of Federal-aid highways or portions of Federal-aid highways unless the labor is performed by convicts who are on parole, supervised release, or probation."; and
- (B) in paragraph (3) by inserting "in existence during that period" after "located on a Federal-aid system"; and
  - (2) in subsection (c)-
- (A) by striking paragraph (1) and inserting the following:
- '(1) IN GENERAL.—The Secretary shall ensure that a worker who is employed on a remote project for the construction of a Federal-aid highway or portion of a Federal-aid highway in the State of Alaska and who is not a domiciled resident of the locality shall receive meals and lodging.": and
- (B) in paragraph (3)(C) by striking "highway or portion of a highway located on a Federal-aid system" and inserting "Federalaid highway or portion of a Federal-aid highwav"

#### SEC. 1505. MAINTENANCE.

Section 116 of title 23, United States Code, is amended-

- (1) in subsection (a)—
- (A) in the first sentence, by inserting "or other direct recipient" before "to maintain"; and
  - (B) by striking the second sentence;
- (2) by striking subsection (b) and inserting the following:
- "(b) AGREEMENT.—In any State in which the State transportation department or other direct recipient is without legal authority to maintain a project described in subsection (a), the transportation department or direct recipient shall enter into a formal agreement with the appropriate officials of the county or municipality in which the project is located providing for the maintenance of the project."; and
- (3) in the first sentence of subsection (c) by inserting "or other direct recipient" after "State transportation department".

#### SEC. 1506. FEDERAL SHARE PAYABLE.

Section 120 of title 23. United States Code. is amended—

- (1) in the first sentence of subsection (c)(1)—
- (A) by inserting "maintaining minimum levels of retroreflectivity of highway signs or pavement markings," after "traffic con-
- trol signalization,";
  (B) by inserting "shoulder and centerline rumble strips and stripes," after "pavement marking,"; and
- (C) by striking "Federal-aid systems" and inserting "Federal-aid programs";
- (2) in subsection (e)-
- (A) in the first sentence-
- (i) in the matter preceding paragraph (1) by striking "on such highway" and inserting "on the system"; [and]
- (ii) in paragraph (1) by striking "within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof" and inserting ', beginning for fiscal year 2012, in such time period as the Secretary, in consultation with the Governor of the impacted State, determines to be appropriate within 270 days after the occurrence of the natural disaster or catastrophic failure, taking into consideration any delay in the ability of the State to access damaged facilities to evaluate damage and the cost of repair, may be, in the discretion of the Secretary, up to 100 percent if the eligible expenses incurred by the State due to the natural disaster or catastrophic failure exceeds the annual apportionment of the State under section 104 for the fiscal year in which the disaster or failure occurred"; and
- (iii) in paragraph (2) by striking "forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation and inserting "Federal land transportation facilities and tribal transportation facilities": and
- (B) by striking the second and third sentences:
- (3) by striking subsection (g) and redesignating subsections (h) through (l) as subsections (g) through (k), respectively:
- (4) in subsection (i)(1)(A) (as redesignated by paragraph (3)) by striking "and the Appalachian development highway system program under section 14501 of title 40"; and
- (5) by striking subsections (j) and (k) (as redesignated by paragraph (3)) and inserting the following:
- "(j) USE OF FEDERAL AGENCY FUNDS.—Notwithstanding any other provision of law, any Federal funds other than those made available under this title and title 49, United States Code, may be used to pay the non-Federal share of the cost of any transportation project that is within, adjacent to, or

provides access to Federal land, the Federal share of which is funded under this title or chapter 53 of title 49.

"(k) Use of Federal Land and Tribal TRANSPORTATION FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the tribal transportation program under section 202 and the Federal lands transportation program under section 203 may be used to pay the non-Federal share of the cost of any project that is funded under this title or chapter 53 of title 49 and that provides access to or within Federal or tribal land."

#### SEC. 1507. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Section 126 of title 23, United States Code, is amended to read as follows:

#### "§ 126. Transferability of Federal-aid highway funds

- "(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), a State may transfer from an apportionment under section 104(b) not to exceed 20 percent of the amount apportioned for the fiscal year to any other apportionment of the State under that section.
- "(b) APPLICATION TO CERTAIN SET-ASIDES .-Funds that are subject to sections 104(d) and 133(d) shall not be transferred under this sec-
- (b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126 and inserting the following:
- "126. Transferability of Federal-aid highway funds.'

#### SEC. 1508. SPECIAL PERMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by inserting at the end the following:

- "(i) SPECIAL PERMITS DURING PERIODS OF NATIONAL EMERGENCY.-
- "(1) IN GENERAL.—Notwithstanding any other provision of this section, a State may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if-
- "(A) the President has declared the emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);
- "(B) the permits are issued in accordance with State law; and
- "(C) the permits are issued exclusively to vehicles and loads that are delivering relief supplies.
- "(2) EXPIRATION.—A permit issued under paragraph (1) shall expire not later than 120 days after the date of the declaration of emergency under subparagraph (A) of that paragraph.".

#### SEC. 1509. ELECTRIC VEHICLE CHARGING STA-TIONS.

- (a) Fringe and Corridor Parking Facili-TIES.—Section 137 of title 23, United States Code, is amended-
- (1) in subsection (a) by inserting after the second sentence the following: "The addition of electric vehicle charging stations to new or previously funded parking facilities shall be eligible for funding under this section."; and
  - (2) in subsection (f)(1)-
- (A) by striking "104(b)(4)" and inserting "104(b)(1)"; and
- (B) by inserting "including the addition of electric vehicle charging stations," "new facilities,".

  (b) PUBLIC TRANSPORTATION
- .—Section 142(a)(1) of title 23, United States Code, is

amended by inserting "(which may include electric vehicle charging stations)" after "corridor parking facilities".

#### SEC. 1510. HOV FACILITIES.

Section 166 of title 23, United States Code, is amended—

- (1) in subsection (b)(5)—
- (A) in subparagraph (A) by striking "Before September 30, 2009, the" and inserting "The"; and
- (B) in subparagraph (B) by striking "Before September 30, 2009, the" and inserting "The" and
  - (2) in subsection (d)(1)—
- (A) in the matter preceding subparagraph (A)—
- (i) by striking "in a fiscal year shall certify" and inserting "shall submit to the Secretary a report demonstrating that the facility is not already degraded, and that the presence of the vehicles will not cause the facility to become degraded, and certify"; and
  - (ii) by striking "in the fiscal year";
- (B) in subparagraph (A) by inserting "and submitting to the Secretary annual reports of those impacts" after "adjacent highways":
- (C) in subparagraph (C) by striking "if the presence of the vehicles has degraded the operation of the facility" and inserting "whenever the operation of the facility is degraded"; and
  - (D) by adding at the end the following:
- "(D) MAINTENANCE OF OPERATING PERFORM-ANCE.—A facility that has become degraded shall be brought back into compliance with the minimum average operating speed performance standard by not later than 180 days after the date on which the degradation is identified through changes to operation, including the following:
- "(i) Increase the occupancy requirement for HOVs.
- "(ii) Increase the toll charged for vehicles allowed under subsection (b) to reduce demand.
- "(iii) Charge tolls to any class of vehicle allowed under subsection (b) that is not already subject to a toll.
- "(iv) Limit or discontinue allowing vehicles under subsection (b).
- "(v) Increase the available capacity of the HOV facility.
- "(E) COMPLIANCE.—If the State fails to bring a facility into compliance under subparagraph (D), the Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded."

# SEC. 1511. CONSTRUCTION EQUIPMENT AND VEHICLES.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

#### "SEC. 330. CONSTRUCTION EQUIPMENT AND VE-HICLES.

- "(a) IN GENERAL.—In accordance with the obligation process established pursuant to section 149(j)(4), a State shall expend amounts required to be obligated for this section to install [and employ] diesel emission control technology on covered equipment, with an engine that does not meet [any particulate matter emission standards] current model year new engine standards for  $PM_{2.5}$  for the applicable engine power group issued by the Environmental Protection Agency, on a covered highway project within a  $PM_{2.5}$  nonattainment or maintenance area.
- "(b) DEFINITIONS.—In this section, the following definitions apply:
- "(1) COVERED EQUIPMENT.—The term 'covered [construction] equipment' means any

- [off-road] nonroad diesel equipment or onroad diesel equipment that is operated on a covered highway construction project for not less than 80 hours over the life of the project.
- "(2) COVERED HIGHWAY CONSTRUCTION PROJECT.—The term 'covered highway construction project' means a highway construction project carried out under this title or any other Federal law which is funded in whole or in part with Federal funds.
- ''(3) DIESEL EMISSION CONTROL TECH-NOLOGY.—The term 'diesel emission control technology' means a technology that—
  - "(A) is-
  - "(i) a diesel exhaust control technology;
  - "(ii) a diesel engine upgrade;
- "(iii) a diesel engine repower; or
- "(iv) an idle reduction control technology; [and]
- $\ensuremath{^{\prime\prime}}(B)$  reduces  $PM_{2.5}$  emissions from covered equipment by—
- "(i) not less than 85 percent control of any emission of particulate matter; or
- "(ii) the maximum achievable reduction of any emission of particulate matter, and
- "(C) is installed on and operated with the covered equipment while the equipment is operated on a covered highway construction project and that remains operational on the covered equipment for the useful life of the control technology or equipment.
- "(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity (including a subcontractor of the entity) that has entered into a prime contract or agreement with a State to carry out a covered highway construction project.
- "(5) [OFF-ROAD] NONROAD DIESEL EQUIP-MENT.—
- "(A) IN GENERAL.—The term '[off-road] nonroad diesel equipment' means a vehicle, including covered equipment, that is—
- "(i) powered by a nonroad diesel engine of not less than 50 horsepower; and
- "(ii) not intended for highway use
- "(B) INCLUSIONS.—The term '[off-road] nonroad diesel equipment' includes a back-hoe, bulldozer, compressor, crane, excavator, generator, and similar equipment.
- "(C) EXCLUSIONS.—The term '[off-road] nonroad diesel equipment' does not include a locomotive or marine vessel.
- "(6) ON-ROAD DIESEL EQUIPMENT.—The term 'on-road diesel equipment' means any selfpropelled vehicle that—
  - "(A) operates on diesel fuel;
- "(B) is designed to transport persons or property on a street or highway; and
- $\rm ^{\prime\prime}(C)$  has a gross vehicle weight rating of at least 14,000 pounds.
- "(7)  $PM_{2.5}$  NONATTAINMENT OR MAINTENANCE AREA.—The term ' $PM_{2.5}$  nonattainment or maintenance area' means a nonattainment or maintenance area designated under section 107(d)(6) of the Clean Air Act (42 U.S.C. 7407(d)(6)).
- "(e) Criteria Eligible Activities.—
- "(1) DIESEL EXHAUST CONTROL TECHNOLOGY.—For a diesel exhaust control technology, the technology shall be—
- "(A) installed on a diesel engine or vehicle; "(B) included in the list of verified or certified technologies for non-road vehicles and non-road engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149, as in effect on the day before the date of enactment of the MAP-21; and
- "(C) certified by the installer as having been installed in accordance with the specifications included on the list referred to in [subclause (II)] subparagraph (B) for achieving a reduction in PM<sub>2.5</sub>.

- "(2) DIESEL ENGINE UPGRADE.—For a diesel engine upgrade, the upgrade shall be performed on an engine that is—
- "(A) rebuilt using new components that collectively appear as a system in the list of verified or certified technologies for non-road vehicles and non-road engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149, as in effect on the day before the date of enactment of the MAP-21; and
- "(B) certified by the installer to have been installed in accordance with the specifications included on the list referred to in [subclause (I)] subparagraph (A) for achieving a reduction in PM<sub>2.5</sub>.
- "(3) DIESEL ENGINE REPOWER.—For a diesel engine repower, the repower shall be conducted on a new or remanufactured diesel engine that is—
- "(A) installed as a replacement for an engine used in the existing equipment, subject to the condition that the replaced engine is—
  - "(i) used for scrap;
  - "(ii) permanently disabled; or
- "(iii) returned to the original manufacturer for remanufacture to a PM level that is at least equivalent to a Tier 2 emission standard; and
- "(B) certified by the engine manufacturer as meeting the emission standards for new vehicles for the applicable engine power group established by the Environmental Protection Agency as in effect on the date on which the engine is remanufactured.
- "(4) IDLE REDUCTION CONTROL TECH-NOLOGY.—For an idle reduction control technology, the technology shall be—
- "(A) installed on a diesel engine or vehicle; "(B) included in the list of verified or certified technologies for non-road vehicles and non-road engines (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)) published pursuant to subsection (f)(2) of section 149, as in effect on the day before the date of enactment of the MAP-21; and
- "(C) certified by the installer as having been installed in accordance with the specifications included on the list referred to in [subclause (II)] subparagraph (B) for achieving a reduction in PM<sub>2.5</sub>.".
- (b) SAVINGS CLAUSE.—Nothing in this section modifies or otherwise affects any authority or restrictions established under the Clean Air Act (42 U.S.C. 7401 et seq.).
  - (c) Report to Congress.—
- (1) IN GENERAL.—Not later than 21 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the manners in which section 330 of title 23, United States Code (as added by subsection (a)) has been implemented, including the quantity of covered equipment serviced under those sections and the costs associated with servicing the covered equipment.
- (2) Information from states.—The Secretary shall require States and recipients, as a condition of receiving amounts under this Act or under the provisions of any amendments made by this Act, to submit to the Secretary any information that the Secretary determines necessary to complete the report under paragraph (1).
- (d) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:
- "330. Construction equipment and vehicles.".

# SEC. 1512. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES.

Section 1805(a) of the SAFETEA-LU (23 U.S.C. 144 note; 119 Stat. 1459) is amended by striking "highway bridge replacement and rehabilitation program under section 144" and inserting "national highway performance program under section 119".

#### SEC. 1513. EXTENSION OF PUBLIC TRANSIT VEHI-CLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102-388) is amended by striking ", for the period beginning on October 6, 1992, and ending on October 1. 2009."

# SEC. 1514. UNIFORM RELOCATION ASSISTANCE ACT AMENDMENTS.

- (a) MOVING AND RELATED EXPENSES.—Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622) is amended—
- (1) in subsection (a)(4) by striking "\$10,000" and inserting "\$25,000, as adjusted by regulation, in accordance with section 213(d)"; and
- (2) in the second sentence of subsection (c) by striking "\$20,000" and inserting "\$40,000, as adjusted by regulation, in accordance with section 213(d)".
- (b) REPLACEMENT HOUSING FOR HOME-OWNERS.—The first sentence of section 203(a)(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)(1)) is amended—
- Act of 1970 (42 U.S.C. 4623(a)(1)) is amended— (1) by striking "\$22,500" and inserting "\$31,000, as adjusted by regulation, in accordance with 213(d),"; and
- (2) by striking "one hundred and eighty days prior to" and inserting "90 days before"
- (c) REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.—Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended—
- (1) in the second sentence of subsection (a) by striking "\$5,250" and inserting "\$7,200, as adjusted by regulation, in accordance with section 213(d)"; and
- (2) in the second sentence of subsection (b) by striking ", except" and all that follows through the end of the subsection and inserting a period.
- (d) DUTIES OF LEAD AGENCY.—Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended—
  - (1) in subsection (b)-
- (A) in paragraph (2) by striking "and" at the end:
- (B) in paragraph (3) by striking the period at the end and inserting "; and"; and
- (C) by adding at the end the following:
- "(4) that each Federal agency that has programs or projects requiring the acquisition of real property or causing a displacement from real property subject to the provisions of this Act shall provide to the lead agency an annual summary report the describes the activities conducted by the Federal agency."; and
- (2) by adding at the end the following:
- "(d) ADJUSTMENT OF PAYMENTS.—The head of the lead agency may adjust, by regulation, the amounts of relocation payments provided under sections 202(a)(4), 202(c), 203(a), and 204(a) if the head of the lead agency determines that cost of living, inflation, or other factors indicate that the payments should be adjusted to meet the policy objectives of this Act."
- (e) AGENCY COORDINATION.—Title II of the Uniform Relocation Assistance and Real

Property Acquisition Policies Act of 1970 is amended by inserting after section 213 (42 U.S.C. 4633) the following:

#### "SEC. 214. AGENCY COORDINATION.

- "(a) AGENCY CAPACITY.—Each Federal agency responsible for funding or carrying out relocation and acquisition activities shall have adequately trained personnel and such other resources as are necessary to manage and oversee the relocation and acquisition program of the Federal agency in accordance with this Act.
- "(b) INTERAGENCY AGREEMENTS.—Not later than 1 year after the date of enactment of this section, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall enter into a memorandum of understanding with the lead agency that—
- "(1) provides for periodic training of the personnel of the Federal agency, which in the case of a Federal agency that provides Federal financial assistance, may include personnel of any displacing agency that receives Federal financial assistance;
- "(2) addresses ways in which the lead agency may provide assistance and coordination to the Federal agency relating to compliance with the Act on a program or project basis; and
- "(3) addresses the funding of the training, assistance, and coordination activities provided by the lead agency, in accordance with subsection (c).
- "(c) Interagency Payments.—
- "(1) IN GENERAL.—For the fiscal year that begins 1 year after the date of enactment of this section, and each fiscal year thereafter, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall transfer to the lead agency for the fiscal year, such funds as are necessary, but not less than \$35,000, to support the training, assistance, and coordination activities of the lead agency described in subsection (b).
- "(2) INCLUDED COSTS.—The cost to a Federal agency of providing the funds described in paragraph (1) shall be included as part of the cost of 1 or more programs or projects undertaken by the Federal agency or with Federal financial assistance that result in the displacement of persons or the acquisition of real property."
- (f) COOPERATION WITH FEDERAL AGENCIES.— Section 308 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:
  - "(a) AUTHORIZED ACTIVITIES.—
- "(1) IN GENERAL.—The Secretary may perform, by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Federal agencies, cooperating foreign countries, and State cooperating agencies.
- "(2) INCLUSIONS.—Services authorized under paragraph (1) may include activities authorized under section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- "(3) REIMBURSEMENT.—Reimbursement for services carried out under this subsection (including depreciation on engineering and road-building equipment) shall be credited to the applicable appropriation."
- (g) Effective Dates.—
- (1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.
- (2) EXCEPTION.—The amendments made by subsections (a) through (c) shall take effect 2 years after the date of enactment of this Act.

# SEC. 1515. USE OF YOUTH SERVICE AND CONSERVATION CORPS.

- (a) IN GENERAL.—The Secretary shall encourage the States and regional transportation planning agencies to enter into contracts and cooperative agreements with Healthy Futures Corps under section 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)) or qualified urban youth corps (as defined in section 106(c) of the National and Community Service Trust Act of 1993 (42 U.S.C. 12656(c)) to perform—
- (1) appropriate projects eligible under sections 162, 206, and 217 of title 23, United States Code:
- (2) appropriate transportation enhancement activities (as defined in section 101(a) of such title):
- (3) appropriate transportation byway, trail, or bicycle and pedestrian projects under section 204 of such title; and
- (4) appropriate safe routes to school projects under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1228).
  (b) REQUIREMENTS.—Under any contract or
- (b) REQUIREMENTS.—Under any contract or cooperative agreement entered into with a Healthy Futures Corps or qualified urban youth corps under this section, the Secretary—
- (1) shall establish the amount of a living allowance or rate of pay for each participant in such corps—
- (A) at such amount or rate as is required under State law in a State with such a requirement; or
- (B) for corps in a State not described in subparagraph (A), at such amount or rate as determined by the Secretary, not to exceed the maximum living allowance authorized by section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594): and
- (2) shall not subject such corps to the requirements of section 112 of title 23, United States Code.

# SEC. 1516. CONSOLIDATION OF PROGRAMS; REPEAL OF OBSOLETE PROVISIONS.

- (a) CONSOLIDATION OF PROGRAMS.—From administrative funds made available under section 104(a) of title 23, United States Code, not less than [\$10,000,000 for each fiscal year] \$15,000,000 for each of fiscal years 2012 and 2013 shall be made available for the following activities:
- (1) To carry out the operation lifesaver program—
- (A) to provide public information and education programs to help prevent and reduce motor vehicle accidents, injuries, and fatalities: and
- (B) to improve driver performance at rail-way-highway crossings.
- (2) To operate the national work zone safety information clearinghouse authorized by section 358(b)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note: 109 Stat. 625)
- (3) To operate a public road safety clearinghouse in accordance with section 1411(a) of the SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1234).
- (4) To operate a bicycle and pedestrian safety clearinghouse in accordance with section 1411(b) of the SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1234).
- (5) To operate a national safe routes to school clearinghouse in accordance with section 1404(g) of the SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1229).
- (6) To provide work zone safety grants in accordance with subsections (a) and (b) of section 1409 of the SAFETEA-LU (23 U.S.C. 401 note; 119 Stat. 1232).
- (7) To provide grants to prohibit racial profiling in accordance with section 1906 of the

- SAFETEA-LU (23 U.S.C. 402 note; 119 Stat.
- (b) REPEALS.—Sections 105, 110, 117, 124, 147, 151, 155, 160, and 303 of title 23, United States Code, are repealed.
  - (c) Conforming Amendments.—
- (1) TITLE ANALYSIS.—The analysis for title 23, United States Code, is amended by striking the items relating to sections 105, 110, 117, 124, 147, 152, 155, 160, and 303 of that title.
- (2) SECTION 118.—Section 118 of such title is amended-
  - (A) in subsection (b)—
- (i) by striking paragraph (1) and all that follows through the heading of paragraph (2);
- (ii) by striking "(other than for Interstate construction)"; [and]
- (B) by striking subsection (c); and
- (C) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.
- (3) SECTION 130.—Section 130 of such title is amended-
- (A) by striking subsections (e) through (h);
- (B) by redesignating subsection (i) as subsection (e);
  - (C) by striking subsections (j) and (k);
- (D) by redesignating subsection (1) as subsection (f):
- (E) in subsection (e) (as so redesignated) by striking "this section" [the second place it appears the second place it appears and inserting "section 104(b)(3)"; and
- (F) in subsection (f) (as so redesignated) by striking paragraphs (3) and (4).
- (4) SECTION 142.—Section 142 of title 23. United States Code, is amended-
  - (A) in subsection (a)—
  - (i) in paragraph (1)—
- (I) by striking "motor vehicles (other than rail)" and inserting "buses";
- (II) by striking "(hereafter in this section referred to as 'buses')";
- (III) by striking "Federal-aid systems" and inserting "Federal-aid highways"; and
- (IV) by striking "Federal-aid system" and inserting "Federal-aid highway"; and
- (ii) in paragraph (2)-
- (I) by striking "as a project on the the surface transportation program for"; and
- (II) by striking "section 104(b)(3)" and inserting "section 104(b)(2);
- (B) in subsection (b) by striking "104(b)(4)" and inserting "104(b)(1)";
- (C) in subsection (c)-
- (i) by striking "system" in each place it appears and inserting "highway"; and
- (ii) by striking "highway facilities" and inserting "highways eligible under the program that is the source of the funds";
  - (D) in subsection (e)(2)—
- (i) by striking "Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects" and inserting "Projects authorized by subsection (a)(2)"; and
- (ii) striking "on the surface transportation program" and inserting "under the transportation mobility program"; and
- (E) in subsection (f) by striking "exits" and inserting "exists"
- (5) SECTION 145.—Section 145(b) of title 23, United States Code, is amended by striking "section 117 of this title,"
- (6) SECTION 322.—Section 322(h)(3) of title 23, United States Code, is amended by striking "surface transportation program" and inserting "the transportation mobility pro-
- (d) CERTAIN ALLOCATIONS.—Notwithstanding any other provision of law, any unobligated bal-

ances of amounts required to be allocated to a State by section 1307(d)(1) of the SAFETEA-LU (23 U.S.C. 322 note: 119 Stat. 1217: 122 Stat. 1577) shall instead be made available to such State for any purpose eligible under section 133(c) of title 23. United States Code.

#### SEC. 1517, RESCISSIONS.

- (a) FISCAL YEAR 2012.-
- (1) Not later than 30 days after the date of enactment of this Act, of the unobligated balances available under sections 144(f) and 320 of title 23, United States Code, section 147 of Public Law 95-599 (23 U.S.C. 144 note: 92 Stat. 2714), section 9(c) of Public Law 97-134 (95 Stat. 1702), section 149 of Public Law 100-17 (101 Stat. 181), sections 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law 102-240 (105 Stat. 1914), section 1602 of Public Law 105-178 (112 Stat. 256), sections 1301, 1302, 1702, and 1934 of Public Law 109-59 (119 Stat. 1144), and of other funds apportioned to each State under chapter 1 of title 23, United States Code, prior to the date of enactment of this Act, \$2,391,000,000 are permanently rescinded.
- (2) In administering the rescission required under this subsection, the Secretary shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.
  - (b) FISCAL YEAR 2013.
- (1) On October 1, 2012, of the unobligated balances of funds apportioned or allocated on or before that date to each State under chap-1 of title 23, United States \$3,054,000,000 are permanently rescinded.
- (2) Notwithstanding section 1132 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1763), in administering the rescission required under this subsection, the Secretary shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

# SEC. 1518. STATE AUTONOMY FOR CULVERT PIPE

Not later than 180 days after the date of enactment of this Act, the Secretary shall modify section 635.411 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that States shall have the autonomy to determine culvert and storm sewer material types to be included in the construction of a project on a Federal-aid highway.

# SEC. 1519. EFFECTIVE AND SIGNIFICANT PER-FORMANCE MEASURES.

- (a) Limited Number of Performance Meas-URES .- In implementing provisions of this Act (including the amendments made by this Act) and title 23. United States Code (other than chapter 4 of that title), that authorize the Secretary to develop performance measures, the Secretary shall limit the number of performance measures established to the most significant and effective measures.
- (b) DIFFERENT APPROACHES FOR URBAN AND RURAL AREAS.—In the development and implementation of any performance target, a State may, as appropriate, provide for different performance targets for urbanized and rural areas. SEC. 1520. REQUIREMENTS FOR ELIGIBLE BRIDGE

# PROJECTS.

- (a) Definitions—In this section:
- (1) ELIGIBLE BRIDGE PROJECT.—The term "eligible bridge project" means a project for construction, alteration, or repair work on a bridge or overpass funded directly by, or provided other assistance through, the Federal Government.
- (2) QUALIFIED TRAINING PROGRAM.—The term 'qualified training program'' means a training program that-

(A)(i) is certified by the Secretary of Labor;

(ii) with respect to an eligible bridge project located in an area in which the Secretary of Labor determines that a training program does not exist, is registered with-

(I) the Department of Labor; or

(II) a State agency recognized by the Department of Labor for purposes of a Federal training program; or

(B) is a corrosion control, mitigation and prevention personnel training program that is offered by an organization whose standards are recognized and adopted in other Federal or State Departments of Transportation.
(3) Secretary.—The term "Secretary" means

the Secretary of Transportation. (b) ELIGIBILITY REQUIREMENTS.

- (1) IN GENERAL.—Each contractor and subcontractor that carries out any aspect of an eligible bridge project described in paragraph (2) shall—
- (A) before entering into the applicable contract, be certified by the Secretary or a State, in accordance with paragraph (4), as meeting the eliaibility requirements described in paragraph (3); and
- (B) remain certified as described in subparagraph (A) while carrying out the applicable aspect of the eligible bridge project.
- DESCRIPTION OF ASPECTS OF ELIGIBLE BRIDGE PROJECTS.—An aspect of an eligible bridge project referred to in paragraph (1) is-
- (A) surface preparation or coating application on bridge steel of an eligible bridge project;
- (B) removal of a lead-based or other hazardous coating from bridge steel of an existing eliaible bridge project:
- (C) shop painting of structural steel fabricated for installation on bridge steel of an eligible bridge project; and
- (D) the design, application, installation, and maintenance of a cathodic protection system.
- (3) REQUIREMENTS.—The eligibility requirements referred to in paragraph (1) are that a contractor or subcontractor shall-
  - (A) as determined by the Secretary-
- (i) use corrosion mitigation and prevention methods to preserve relevant bridges and overpasses, taking into account
  - material selection:
  - (II) coating considerations;
  - (III) cathodic protection considerations;
  - (IV) design considerations for corrosion; and
  - (V) trained applicators;
  - (ii) use best practices—
- (I) to prevent environmental degradation; and (II) to ensure careful handling of all hazardous materials; and
- (iii) demonstrate a history of employing industry-respected inspectors to ensure funds are used in the interest of affected taxpayers; and
- (B) demonstrate a history of compliance with applicable requirements of the Occupational Safety and Health Administration, as determined by the Secretary of Labor.
- STATE CONSULTATION.—In determining whether to certify a contractor or subcontractor under paragraph (1)(A), a State shall consult with engineers and other experts trained in accordance with subsection (a)(2) specializing in corrosion control, mitigation, and prevention methods.
- (c) OPTIONAL TRAINING PROGRAM As a condition of entering into a contract for an eligible bridge project, each contractor and subcontractor that performs construction, alteration, or repair work on a bridge or overpass for the eligible bridge project may provide, or make available, training, through a qualified training program, for each applicable craft or trade classification of employees that the contractor or subcontractor intends to employ to carry out aspects of eligible bridge projects as described in subsection (b)(2).

### TITLE II—RESEARCH AND EDUCATION Subtitle A—Funding

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

- (1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out sections 503(b), 503(d), and 509 of title 23, United States Code, \$90,000,000 for each of fiscal years 2012 and 2013.
- (2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, \$90,000,000 for each of fiscal years 2012 and 2013.
- (3) Training and education.—To carry out section 504 of title 23, United States Code, \$24,000,000 for each of fiscal years 2012 and 2013.
- (4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, \$100,000,000 for each of fiscal years 2012 and 2013.
- (5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, \$70,000,000 for each of fiscal years 2012 and 2013.
- (6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 65 of title 49, United States Code, \$26,000,000 for each of fiscal years 2012 and 2013.
- (b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—
- (1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and
- (2) remain available until expended and not be transferable.

#### Subtitle B—Research, Technology, and Education

# SEC. 2201. RESEARCH, TECHNOLOGY, AND EDUCATION.

Section 501 of title 23, United States Code, is amended—

- (1) by redesignating paragraph (2) as paragraph (8);
- (2) by inserting after paragraph (1) the following:
- "(2) INCIDENT.—The term 'incident' means a crash, natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.
- "(3) INNOVATION LIFECYCLE.—The term 'innovation lifecycle' means the process of innovating through—
  - "(A) the identification of a need;
- "(B) the establishment of the scope of research to address that need;
- "(C) setting an agenda;
- "(D) carrying out research, development, deployment, and testing of the resulting technology or innovation; and
- "(E) carrying out an evaluation of the impact of the resulting technology or innovation.
- "(4) INTELLIGENT TRANSPORTATION INFRA-STRUCTURE.—The term 'intelligent transportation infrastructure' means fully integrated public sector intelligent transportation system components, as defined by the Secretary.
- "(5) INTELLIGENT TRANSPORTATION SYSTEM.—The terms 'intelligent transportation system' and 'ITS' mean electronics, photonics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.
- "(6) NATIONAL ARCHITECTURE.—For purposes of this chapter, the term 'national ar-

chitecture' means the common framework for interoperability that defines—

- "(A) the functions associated with intelligent transportation system user services;
- "(B) the physical entities or subsystems within which the functions reside;
- "(C) the data interfaces and information flows between physical subsystems; and
- "(D) the communications requirements associated with the information flows.
- "(7) PROJECT.—The term 'project' means an undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this chapter.": and
- (3) by inserting after paragraph (8) (as so redesignated) the following:
- "(9) STANDARD.—The term 'standard' means a document that—
- "(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for the intended purposes of the materials, products, processes, and services; and
- "(B) may support the national architecture and promote—
- "(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and
- "(ii) interoperability among intelligent transportation system technologies implemented throughout the States.".

# SEC. 2202. SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.

- (a) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.—Section 502 of title 23, United States Code, is amended—
- (1) in the section heading by inserting ", DEVELOPMENT, AND TECHNOLOGY" after "SURFACE TRANSPORTATION RESEARCH":
- (2) in subsection (a)—
- (A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;
- (B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:
- "(1) APPLICABILITY.—The research, development, and technology provisions of this section shall apply throughout this chapter.";
- (C) in paragraph (2) (as redesignated by subparagraph (A))—
- (i) by inserting "within the innovation lifecycle" after "activities"; and
- (ii) by inserting "marketing and communications, impact analysis," after "training,";
- (D) in paragraph (3) (as redesignated by subparagraph (A))—
- (i) in subparagraph (B) by striking "supports research in which there is a clear public benefit and" and inserting "delivers a clear public benefit and occurs where";
- (ii) in subparagraph (C) by striking "or" after the semicolon:
- (iii) by redesignating subparagraph (D) as subparagraph (H); and  $\,$
- (iv) by inserting after subparagraph (C) the following:
- "(D) meets and addresses current or emerging needs;
- "(E) presents the best means to align resources with multiyear plans and priorities; "(F) ensures the coordination of highway
- research and technology transfer activities, including through activities performed by university transportation centers;

- "(G) educates current and future transportation professionals; or";
- (E) in paragraph (4) (as redesignated by subparagraph (A)) by striking subparagraphs (B) through (D) and inserting the following:
- "(B) partner with State highway agencies and other stakeholders as appropriate, including international entities, to facilitate research and technology transfer activities:
- "(C) communicate the results of ongoing and completed research:
- "(D) lead efforts to coordinate national emphasis areas of highway research, technology, and innovation deployment:
- "(E) leverage partnerships with industry, academia, and international entities; and
- "(F) conduct, facilitate, and support training and education of current and future transportation professionals.":
- (F) in paragraph (5)(C) (as redesignated by subparagraph (A)) by striking "policy and planning" and inserting "all highway objectives seeking to improve the performance of the transportation system":
- (G) in paragraph (6) (as redesignated by subparagraph (A)) in the second sentence, by inserting "tribal governments," after "local governments,"; and
- (H) in paragraph (8) (as redesignated by subparagraph (A))—
- (i) in the first sentence, by striking "To the maximum" and inserting the following:
  - "(A) IN GENERAL.—To the maximum";
- (ii) in the second sentence, by striking "Performance measures" and inserting the following:
- "(B) PERFORMANCE MEASURES.—Performance measures";
- (iii) in the third sentence, by striking "All evaluations" and inserting the following:
- "(D) AVAILABILITY OF EVALUATIONS.—All evaluations under this paragraph"; and
- (iv) by inserting after subparagraph (B) the following:
- "(C) PROGRAM PLAN.—To the maximum extent practicable, each program pursued under this chapter shall be part of a data-driven, outcome-oriented program plan.";
  - (3) in subsection (b)-
- (A) in paragraph (4) by striking "surface transportation research and technology development strategic plan developed under section 508" and inserting "the transportation research and development strategic plan of the Secretary";
- (B) in paragraph (5) by striking "section" each place it appears and inserting "chapter":
- (C) in paragraph (6) by adding at the end the following:
- "(C) Transfer of amounts among states or to federal highway administration.—
  The Secretary may, at the request of a State, transfer amounts apportioned or allocated to that State under this chapter to another State or the Federal Highway Administration to fund research, development, and technology transfer activities of mutual interest on a pooled funds basis.
- "(D) TRANSFER OF OBLIGATION AUTHORITY.— Obligation authority for amounts transferred under this subsection shall be disbursed in the same manner and for the same amount as provided for the project being transferred."; and
  - (D) by adding at the end the following:
- "(7) PRIZE COMPETITIONS.-
- "(A) IN GENERAL.—The Secretary may carry out prize competitions to award competitive prizes for surface transportation in novations that have the potential for application to the research and technology objectives and activities of the Federal Highway Administration to improve system performance

- "(B) REQUIREMENTS.—
- "(i) IN GENERAL.—The Secretary shall use a competitive process for the selection of prize recipients and shall widely advertise and solicit participation in prize competitions under this paragraph.
- "(ii) REGISTRATION REQUIRED.—No individual or entity shall participate in a prize competition under this paragraph unless the individual or entity has registered with the Secretary in accordance with the eligibility requirements established by the Secretary under clause (iii).
- "(iii) MINIMUM REQUIREMENTS.—The Secretary shall establish eligibility requirements for participation in each prize competition under this paragraph, which, at a minimum, shall—
- ``(I) limit participation in the prize competition to—
- "(aa) individuals who are citizens of the United States:
- "(bb) entities organized or existing under the laws of the United States or of a State;
- "(cc) entities organized or existing under the laws of a foreign country, if the controlling interest, as defined by the Secretary, is held by an individual or entity described in item (aa) or (bb);
- "(II) require any individual or entity that registers for a prize competition—
- "(aa) to assume all risks arising from participation in the competition; and
- "(bb) to waive all claims against the Federal Government for any damages arising out of participation in the competition, including all claims, whether through negligence or otherwise, except in the case of willful misconduct, for—
- "(AA) injury, death, damage, or loss of property; or
- "(BB) loss of revenue or profits, whether direct, indirect, or consequential; and
- "(III) require any individual or entity that registers for a prize competition to waive all claims against any non-Federal entity operating or managing the prize competition, such as a private contractor managing competition activities, to the extent that the Secretary believes is necessary to protect the interests of the Federal Government.
- "(C) RELATIONSHIP TO OTHER AUTHORITY.— The Secretary may exercise the authority in this section in conjunction with, or in addition to, any other authority of the Secretary to acquire, support, or stimulate innovations with the potential for application to the Federal highway research technology and education program.";
  - (4) in subsection (c)—
  - (A) in paragraph (3)(A)—
- (i) by striking "subsection" and inserting "chapter"; and
- (ii) by striking "50" and inserting "80"; and
- (B) in paragraph (4) by striking "subsection" and inserting "chapter"; and
- (5) by striking subsections (d) through (i).
- (b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 502 and inserting the following:
- "502. Surface transportation research, development, and technology.".

# SEC. 2203. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended to read as follows:

# "§ 503. Research and technology development and deployment

"(a) IN GENERAL.—The Secretary shall—

- "(1) carry out research, development, and deployment activities that encompass the entire innovation lifecycle; and
- "(2) ensure that all research carried out under this section aligns with the transportation research and development strategic plan of the Secretary.
- "(b) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM —
- "(1) OBJECTIVES.—In carrying out the highway research and development program, the Secretary, to address current and emerging highway transportation needs, shall—
  - "(A) identify research topics;
- "(B) coordinate domestic and international research and development activities;
- "(C) carry out research, testing, and evaluation activities; and
- "(D) provide technology transfer and technical assistance.
- "(2) CONTENTS.—Research and development activities carried out under this section may include any of the following activities:
- "(A) IMPROVING HIGHWAY SAFETY.-
- "(i) IN GENERAL.—The Secretary shall carry out research and development activities from an integrated perspective to establish and implement systematic measures to improve highway safety.
- "(ii) OBJECTIVES.—In carrying out this subparagraph the Secretary shall carry out research and development activities—
- "(I) to achieve greater long-term safety gains;
- "(II) to reduce the number of fatalities and serious injuries on public roads;
- "(III) to fill knowledge gaps that limit the effectiveness of research:
- "(IV) to support the development and implementation of State strategic highway safety plans;
- "(V) to advance improvements in, and use of, performance prediction analysis for decisionmaking; and
- "(VI) to expand technology transfer to partners and stakeholders.
- "(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) safety assessments and decision-making tools;
- "(II) data collection and analysis;
- "(III) crash reduction projections;
- "(IV) low-cost safety countermeasures;
- ``(V) innovative operational improvements and designs of roadway and roadside features;
- $\mbox{``(VI)}$  evaluation of countermeasure costs and benefits;
- "(VII) development of tools for projecting impacts of safety countermeasures;
  - "(VIII) rural road safety measures;
- "(IX) safety measures for vulnerable road users, including bicyclists and pedestrians;
  - "(X) safety policy studies:
- "(XI) human factors studies and measures;
- "(XII) safety technology deployment; "(XIII) safety workforce professional capacity building initiatives;
- "(XIV) safety program and process improvements; and
- "(XV) tools and methods to enhance safety performance, including achievement of statewide safety performance targets.
- (B) IMPROVING INFRASTRUCTURE INTEGRITY.—
- "(i) IN GENERAL.—The Secretary shall carry out and facilitate highway infrastructure research and development activities—
  - ``(I) to maintain infrastructure integrity;
  - "(II) to meet user needs; and
- "(III) to link Federal transportation investments to improvements in system performance.

- "(ii) OBJECTIVES.—In carrying out this subparagraph, the Secretary shall carry out research and development activities—
- "(I) to reduce the number of fatalities attributable to infrastructure design characteristics and work zones;
- "(II) to improve the safety and security of highway infrastructure:
- "(III) to increase the reliability of lifecycle performance predictions used in infrastructure design, construction, and management;
- "(IV) to improve the ability of transportation agencies to deliver projects that meet expectations for timeliness, quality, and cost:
- "(V) to reduce user delay attributable to infrastructure system performance, maintenance, rehabilitation, and construction;
- "(VI) to improve highway condition and performance through increased use of design, materials, construction, and maintenance innovations:
- "(VII) to reduce the lifecycle environmental impacts of highway infrastructure through innovations in design, construction, operation, preservation, and maintenance; and
- "(VIII) to study vulnerabilities of the transportation system to seismic activities and extreme events and methods to reduce those vulnerabilities.
- "(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) long-term infrastructure performance programs addressing pavements, bridges, tunnels, and other structures;
- "(II) short-term and accelerated studies of infrastructure performance;
- "(III) research to develop more durable infrastructure materials and systems;
- "(IV) advanced infrastructure design methods;
  - "(V) accelerated highway construction;
  - "(VI) performance-based specifications;
- "(VII) construction and materials quality assurance;
- "(VIII) comprehensive and integrated infrastructure asset management;
  - "(IX) infrastructure safety assurance;
  - "(X) highway infrastructure security;
- ``(XI) sustainable infrastructure design and construction;
- "(XII) infrastructure rehabilitation and preservation techniques, including techniques to rehabilitate and preserve historic infrastructure:
- "(XIII) hydraulic, geotechnical, and aerodynamic aspects of infrastructure;
- "(XIV) improved highway construction technologies and practices;
- "(XV) improved tools, technologies, and models for infrastructure management, including assessment and monitoring of infrastructure condition;
- "(XVI) studies to improve flexibility and resiliency of infrastructure systems to withstand climate variability;
- "(XVII) studies of infrastructure resilience and other adaptation measures; and
- "(XVIII) maintenance of seismic research activities, including research carried out in conjunction with other Federal agencies to study the vulnerability of the transportation system to seismic activity and methods to reduce that vulnerability.
- "(iv) LIFECYCLE COSTS ANALYSIS STUDY.-
- "(I) IN GENERAL.—In this clause, the term 'lifecycle costs analysis' means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

- "(II) STUDY.—The Comptroller General shall conduct a study of the best practices for calculating lifecycle costs for federally funded highway projects. At a minimum, this study shall include a thorough literature review and a survey of current lifecycle cost practices of State departments of transportation.
- "(III) CONSULTATION.—In carrying out this study, the Comptroller shall consult with, at a minimum—
- "(aa) the American Association of State Highway and Transportation Officials;
- "(bb) appropriate experts in the field of lifecycle cost analysis; and
- "(cc) appropriate industry experts and research centers.
- "(IV) REPORT.—Not later than 1 year after the date of enactment of the MAP-21, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study which shall include, but is not limited to—
- "(aa) a summary of the latest research on lifecycle cost analysis; and
- $\begin{tabular}{ll} ``(bb) & recommendations & on & the & appropriate— \\ \end{tabular}$ 
  - "(AA) period of analysis;
- "(BB) design period;
- "(CC) discount rates; and
- "(DD) use of actual material life and maintenance cost data.
- "(C) STRENGTHENING TRANSPORTATION PLANNING AND ENVIRONMENTAL DECISION-MAKING.—
- "(i) IN GENERAL.—The Secretary shall carry out research—
- "(I) to improve transportation planning and environmental decisionmaking processes; and
- "(II) to minimize the impact of surface transportation on the environment and quality of life.
- "(ii) OBJECTIVES.—In carrying out this subparagraph the Secretary shall carry out research and development activities—
- "(I) to reduce the impact of highway infrastructure and operations on the natural and human environment;
- "(II) to advance improvements in environmental analyses and processes and context sensitive solutions for transportation decisionmaking;
- "(III) to improve construction techniques;
- "(IV) to accelerate construction to reduce congestion and related emissions;
- "(V) to reduce the impact of highway runoff on the environment;
- "(VI) to maintain sustainability of biological communities and ecosystems adjacent to highway corridors:
- "(VII) to improve understanding and modeling of the factors that contribute to the demand for transportation;
- "(VIII) to improve transportation planning decisionmaking and coordination; and
- "(IX) to reduce the environmental impacts of freight movement.
- "(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) creation of models and tools for evaluating transportation measures and transportation system designs;
  - "(II) congestion reduction efforts;
- "(III) transportation and economic development planning in rural areas and small communities:
- "(IV) improvement of State, local, and tribal capabilities relating to surface transportation planning and the environment;

- ``(V) environmental stewardship and sustainability activities;
- "(VI) streamlining of project delivery processes:
- "(VII) development of effective strategies and techniques to analyze and minimize impacts to the natural and human environment and provide environmentally beneficial mitigation:
- "(VIII) comprehensive multinational planning:
- "(IX) multistate transportation corridor planning;
- "(X) improvement of transportation choices, including walking, bicycling, and linkages to public transportation;
  - "(XI) ecosystem sustainability;
- "(XII) wildlife and plant population connectivity and interaction across and along highway corridors;
- "(XIII) analysis, measurement, and reduction of air pollution from transportation sources;
- "(XIV) advancement in the understanding of health impact analyses in transportation planning and project development:
- "(XV) transportation planning professional development;
- "(XVI) research on improving the cooperation and integration of transportation planning with other regional plans, including land use, energy, water infrastructure, economic development, and housing plans; and
- "(XVII) reducing the environmental impacts of freight movement.
- "(D) REDUCING CONGESTION, IMPROVING HIGHWAY OPERATIONS, AND ENHANCING FREIGHT PRODUCTIVITY.—
- "(i) IN GENERAL.—The Secretary shall carry out research under this subparagraph with the goals of—
- "(I) addressing congestion problems;
- "(II) reducing the costs of congestion;
- "(III) improving freight movement;
- "(IV) increasing productivity; and
- ``(V) improving the economic competitiveness of the United States.
- "(ii) OBJECTIVES.—In carrying out this subparagraph, the Secretary shall carry out research and development activities to identify, develop, and assess innovations that have the potential—
- "(I) to reduce traffic congestion;
- "(II) to improve freight movement; and
- "(III) to reduce freight-related congestion throughout the transportation network.
- "(iii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) active traffic and demand management;
- "(II) acceleration of the implementation of Intelligent Transportation Systems technology:
- "(III) advanced transportation concepts and analysis;
- "(IV) arterial management and traffic signal operation;
- "(V) congestion pricing;
- "(VI) corridor management;
- "(VII) emergency operations;
- "(VIII) research relating to enabling technologies and applications;
  - "(IX) freeway management;
- "(X) evaluation of enabling technologies; "(XI) freight industry professional develop-
- ment;
- ``(XII) impacts of vehicle size and weight on congestion;
- "(XIII) freight operations and technology;
- "(XIV) operations and freight performance measurement and management;
- "(XV) organization and planning for operations:

- ``(XVI) planned special events management;
- ``(XVII) real-time transportation information;
- "(XVIII) road weather management;
- "(XIX) traffic and freight data and analysis tools;
  - "(XX) traffic control devices:
  - "(XXI) traffic incident management;
  - "(XXII) work zone management;
- "(XXIII) communication of travel, roadway, and emergency information to persons with disabilities; and
- "(XXIV) research on enhanced mode choice and intermodal connectivity.
- "(E) ASSESSING POLICY AND SYSTEM FINANCING ALTERNATIVES.—
- "(i) IN GENERAL.—The Secretary shall carry out research and technology on emerging issues in the domestic and international transportation community from a policy perspective.
- "(ii) OBJECTIVES.—Research and technology activities carried out under this subparagraph shall provide information to policy and decisionmakers on current and emerging transportation issues.
- "(iii) RESEARCH ACTIVITIES.—Activities carried out under this subparagraph shall include—
- "(I) the planning and integration of a coordinated program related to the possible design, interoperability, and institutional roles of future sustainable transportation revenue mechanisms:
- "(II) field trials to research potential alternative revenue mechanisms, and the Secretary may partner with individual States, groups of States, or other entities to implement such trials; and
- "(III) other activities to study new methods which preserve a user-fee structure to maintain the long-term solvency of the Highway Trust Fund.
- "(iv) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) highway needs and investment analysis;
  - "(II)  $\alpha$  motor fuel tax evasion program;
- "(III) advancing innovations in revenue generation, financing, and procurement for project delivery;
- ``(IV) improving the accuracy of project cost analyses;
- "(V) highway performance measurement;
- "(VI) travel demand performance measurement;
- "(VII) highway finance performance measurement;
- "(VIII) international technology exchange initiatives;
  "(IX) infrastructure investment needs re-
- ports;
  "(X) promotion of the technologies, prod-
- ucts, and best practices of the United States; and
  "(XI) establishment of partnerships among
- "(XI) establishment of partnerships among the United States, foreign agencies, and transportation experts.
- "(v) FUNDING.—Of the funds authorized to carry out this subsection, no less than 50 percent shall be used to carry out clause (iii).
- "(F) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—
- "(i) IN GENERAL.—Not later than July 31, 2012, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes estimates of the future highway and bridge needs of the United States and the backlog of current highway and bridge needs.

- "(ii) Comparisons.—Each report under clause (i) shall include all information necessary to relate and compare the conditions and service measures used in the previous biennial reports to conditions and service measures used in the current report.
- "(iii) INCLUSIONS.—Each report under clause (i) shall provide recommendations to Congress on changes to the Highway Performance Monitoring System that address—
- "(I) improvements to the quality and standardization of data collection on all functional classifications of Federal-aid highways for accurate system length, lane length, and vehicle-mile of travel; and
- "(II) changes to the reporting requirements authorized under section 315, to reflect recommendations under this paragraph for collection, storage, analysis, reporting, and display of data for Federal-aid highways and, to the maximum extent practical, all public roads.
- "(G) EXPLORING NEXT GENERATION SOLU-TIONS AND CAPITALIZING ON THE HIGHWAY RE-SEARCH CENTER.—
- "(i) IN GENERAL.—The Secretary shall carry out research and development activities relating to exploratory advanced research—
- "(I) to leverage the targeted capabilities of the Turner-Fairbank Highway Research Center to develop technologies and innovations of national importance; and
- "(II) to develop potentially transformational solutions to improve the durability, efficiency, environmental impact, productivity, and safety aspects of highway and intermodal transportation systems.
- "(ii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) long-term, high-risk research to improve the materials used in highway infrastructure:
- "(II) exploratory research to assess the effects of transportation decisions on human health;
- "(III) advanced development of surrogate measures for highway safety;
- "(IV) transformational research to affect complex environmental and highway system relationships;
- "(V) development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials:
- "(VI) development of advanced data acquisition techniques for system condition and performance monitoring;
- "(VII) inclusive research for hour-to-hour operational decisionmaking and simulation forecasting:
- "(VIII) understanding current and emerging phenomena to inform next generation transportation policy decisionmaking; and
- "(IX) continued improvement and advancement of the Turner-Fairbank Highway Research Center.
- "(H) ALIGNING NATIONAL CHALLENGES AND DISSEMINATING INFORMATION.—
- "(i) IN GENERAL.—The Secretary shall conduct research and development activities—
- "(I) to establish a nationally coordinated highway research agenda that—
- "(aa) focuses on topics of national significance:
  - "(bb) addresses current gaps in research;
- "(cc) encourages collaboration;
- "(dd) reduces unnecessary duplication of effort; and
- "(ee) accelerates innovation delivery; and
- "(II) to provide relevant information to researchers and highway and transportation practitioners to improve the performance of the transportation system.

- "(ii) CONTENTS.—Research and technology activities carried out under this subparagraph may include—
- "(I) coordination, development, and implementation of a national highway research agenda;
- "(II) collaboration on national emphasis areas of highway research and coordination among international, Federal, State, and university research programs;
- "(III) development and delivery of research reports and innovation delivery messages;
- "(IV) identification of market-ready technologies and innovations; and
- "(V) provision of access to data developed under this subparagraph to the public, including researchers, stakeholders, and customers, through a publicly accessible Internet site.
- ''(c) Technology and Innovation Deployment Program.—
- "(1) IN GENERAL.—The Secretary shall carry out a technology and innovation deployment program relating to all aspects of highway transportation, including planning, financing, operation, structures, materials, pavements, environment, construction, and the duration of time between project planning and project delivery, with the goals of—
- "(A) significantly accelerating the adoption of innovative technologies by the surface transportation community;
- "(B) providing leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in highway construction processes that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction:
- "(C) constructing longer-lasting highways through the use of innovative technologies and practices that lead to faster construction of efficient and safe highways and bridges:
- "(D) improving highway efficiency, safety, mobility, reliability, service life, environmental protection, and sustainability; and
- "(E) developing and deploying new tools, techniques, and practices to accelerate the adoption of innovation in all aspects of highway transportation.
  - "(2) IMPLEMENTATION.—
- "(A) IN GENERAL.—The Secretary shall promote, facilitate, and carry out the program established under paragraph (1) to distribute the products, technologies, tools, methods, or other findings that result from highway research and development activities, including research and development activities carried out under this chapter.
- "(B) ACCELERATED INNOVATION DEPLOY-MENT.—In carrying out the program established under paragraph (1), the Secretary shall—
- "(i) establish and carry out demonstration programs:
- "(ii) provide incentives, technical assistance, and training to researchers and developers; and
- "(iii) develop improved tools and methods to accelerate the adoption of proven innovative practices and technologies as standard practices.
- $\lq\lq(C)$  IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—
- "(i) IN GENERAL.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials and the Transportation Research Board of the National Academy of Sciences, shall implement the findings and recommendations developed under the future strategic high-

- way research program established under section 510.
- "(ii) Basis for findings.—The activities carried out under this subparagraph shall be based on the report submitted to Congress by the Transportation Research Board of the National Academy of Sciences under section 510(e).
- "(iii) PERSONNEL.—The Secretary may use funds made available to carry out this subsection for administrative costs under this subparagraph, which funds shall be used in addition to any other funds made available for that purpose.
  - "(iv) FEES.—
- "(I) IN GENERAL.—The Secretary may impose and collect fees to recover costs associated with special data or analysis requests relating to safety naturalistic driving databases developed under the future of strategic highway research program.
  - "(II) USE OF FEE AMOUNTS.-
- "(aa) IN GENERAL.—Any fees collected under this clause shall be made available to the Secretary to carry out this section and shall remain available for expenditure until expended.
- "(bb) SUPPLEMENT, NOT SUPPLANT.—Any fee amounts collected under this clause shall supplement, but not supplant, amounts made available to the Secretary to carry out this title.
- "(d) AIR QUALITY AND CONGESTION MITIGA-TION MEASURE OUTCOMES ASSESSMENT RE-SEARCH.—
- "(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a research program to examine the outcomes of actions funded under the congestion mitigation and air quality improvement program since the enactment of the SAFETEA-LU (Public Law 109-59).
- ``(2)' GOALS.—The goals of the program shall include—
- "(A) the assessment and documentation, through outcomes research conducted on a representative sample of cases, of—
- "(i) the emission reductions achieved by federally supported surface transportation actions intended to reduce emissions or lessen traffic congestion; and
- "(ii) the air quality and human health impacts of those actions, including potential unrecognized or indirect consequences, attributable to those actions;
- "(B) an expanded base of empirical evidence on the air quality and human health impacts of actions described in paragraph (1); and
  - "(C) an increase in knowledge of—
- "(i) the factors determining the air quality and human health changes associated with transportation emission reduction actions; and
- "(ii) other information to more accurately understand the validity of current estimation and modeling routines and ways to improve those routines.
- "(3) ADMINISTRATIVE ELEMENTS.—To carry out this subsection, the Secretary shall—
- "(A) make a grant for the coordination, selection, management, and reporting of component studies to an independent scientific research organization with the necessary experience in successfully conducting accountability and other studies on mobile source air pollutants and associated health effects;
- "(B) ensure that case studies are identified and conducted by teams selected through a competitive solicitation overseen by an independent committee of unbiased experts; and
- "(C) ensure that all findings and reports are peer-reviewed and published in a form that presents the findings together with reviewer comments.

"(4) REPORT.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

"(A) not later than 1 year after the date of enactment of the MAP-21, and for the following year, a report providing an initial scoping and plan, and status updates, respectively, for the program under this subsection; and

"(B) not later than 2 years after the date of enactment of the MAP-21, a final report that describes the findings of, and recommendations resulting from, the program under this subsection.

"(5) Funding.—Of the amounts made available to carry out this section, the Secretary shall make available to carry out this subsection not more than \$1,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENT.—The analysis

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 503 and inserting the following:

"503. Research and technology development and deployment.".

#### SEC. 2204. TRAINING AND EDUCATION.

Section 504 of title 23, United States Code, is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)(A) by inserting "and the employees of any other applicable Federal agency" before the semicolon at the end:
- (B) in paragraph (3)(A)(ii)(V) by striking "expediting" and inserting "reducing the amount of time required for";
  - (C) by striking paragraph (4);
- (D) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and
- (E) in paragraph (7) (as redesignated by subparagraph (D)) by striking "paragraph (7)" and inserting "paragraph (6)";
- (2) in subsection (b) by striking paragraph (3) and inserting the following:
- "(3) FEDERAL SHARE.—
- "(A) LOCAL TECHNICAL ASSISTANCE CENTERS.—
- "(i) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out by a local technical assistance center under paragraphs (1) and (2) shall be 50 percent.
- "(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity described in clause (i) may consist of amounts provided to a recipient under subsection (e) or section 505, up to 100 percent of the non-Federal share.
- "(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of an activity carried out by a tribal technical assistance center under paragraph (2)(D)(ii) shall be 100 percent.":
- (3) in subsection (c)(2)—
- (A) by striking "The Secretary" and inserting the following:
- "(A) IN GENERAL.—The Secretary";
- (B) in subparagraph (A) (as designated by subparagraph (A)) by striking ". The program" and inserting ", which program"; and (C) by adding at the end the following:
- "(B) USE OF AMOUNTS.—Amounts provided to institutions of higher education to carry out this paragraph shall be used to provide direct support of student expenses.";
- (4) in subsection (e)(1)—
- (A) in the matter preceding subparagraph (A) by striking "sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e)" and inserting "paragraphs (1) through (4) of section 104(b)":
- (B) in subparagraph (D) by striking "and" at the end:

- (C) in subparagraph (E) by striking the period and inserting a semicolon; and
  (D) by adding at the end the following:
- "(F) meetings of transportation professionals that include education and professional development activities;
- "(G) activities carried out by the National Highway Institute under subsection (a); and "(H) local technical assistance programs under subsection (b).":
- (5) in subsection (f) in the heading, by striking "PILOT":
- (6) in subsection (g)(4)(F) by striking "excellence" and inserting "stewardship"; and
  - (7) by adding at the end the following:
- ("(h) REGIONAL SURFACE WORKFORCE DE-VELOPMENT CENTERS.—
- "(1) IN GENERAL.—The Secretary may make grants under this section to nonprofit institutions of higher education to establish and operate 5 regional workforce development centers.
- "(2) USE OF AMOUNTS.-
- "(A) IN GENERAL.—Amounts made available under this subsection shall be used by a recipient to identify, promote, and advance programs and activities that provide for a skilled, technically competent surface transportation workforce, including—
- "(i) programs carried out through elementary and secondary schools;
- "(ii) programs carried out through community colleges; and
- "(iii) technical training and apprenticeship programs that are carried out in coordination with labor organizations, employers, and other relevant stakeholders.
- "(B) OPTIONAL USE.—Amounts made available under this subsection may be used to support professional development activities for inservice transportation workers.
- "(3) Consultation.—In carrying out this subsection, each regional workforce development center shall consult with stakeholders in the education and transportation communities, including organizations representing the interests of—
  - "(A) elementary and secondary schools;
  - $\lq\lq(B)$  institutions of higher education;
- "(C) inservice transportation workers; and "(D) transportation professionals.
- "(i) CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.—]
- "(h) Centers for Surface Transportation Excellence.—
- "(1) IN GENERAL.—The Secretary may make grants under this section to establish and maintain centers for surface transportation excellence.
- "(2) GOALS.—The goals of a center referred to in paragraph (1) shall be to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.".

### SEC. 2205. STATE PLANNING AND RESEARCH.

Section 505 of title 23, United States Code, is amended—

- (1) in subsection (a)—
- (A) in the matter preceding paragraph (1) by striking "section 104 (other than sections 104(f) and 104(h)) and under section 144" and inserting "paragraphs (1) through (5) of section 104(b)"; and
- (B) in paragraph (3) by striking "under section 303" and inserting ", plans, and processes under sections 119, 148, 149, and 167";
  - (2) in subsection (b)—
- (A) in paragraph (1) by striking "25" and inserting "24"; and
- (B) in paragraph (2) by striking "75 percent of the funds described in paragraph (1)" and inserting "70 percent of the funds described in subsection (a)";

- (3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;
- (4) by inserting after subsection (b) the following:
- "(c) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—
- "(1) FUNDS.—Not less Not less than 6 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be made available to the Secretary to carry out section 503(c)(2)(C).
- "(2) TREATMENT OF FUNDS.—Funds[Funds] expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).": and
- (5) in paragraph (e) (as so redesignated) by striking "section 118(b)(2)" and inserting "section 118(b)".

#### SEC. 2206. INTERNATIONAL HIGHWAY TRANSPOR-TATION PROGRAM.

Section 506 of title 23, United States Code, is repealed.

#### SEC. 2207. SURFACE TRANSPORTATION ENVIRON-MENTAL COOPERATIVE RESEARCH PROGRAM.

Section 507 of title 23, United States Code, is repealed.

#### SEC. 2208. NATIONAL COOPERATIVE FREIGHT RE-SEARCH.

Section 509(d) of title 23, United States Code, is amended by adding at the end the following:

"(6) COORDINATION OF COOPERATIVE RE-SEARCH.—The National Academy of Sciences shall coordinate research agendas, research project selections, and competitions across all transportation-related cooperative research programs carried out by the National Academy of Sciences to ensure program efficiency, effectiveness, and the dissemination of research findings."

# SEC. 2209. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

# "\$ 5505. University transportation centers program

- ''(a) University Transportation Centers Program.—
- "(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.
- "(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—
- "(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities:
- "(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and
- "(C) to address critical workforce needs and educate the next generation of transportation leaders.
  - "(b) Competitive Selection Process.—
- "(1) APPLICATIONS.—To receive a grant under this section, a nonprofit institution of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.
  - "(2) GENERAL SELECTION CRITERIA.—
- "(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the

Secretary that address the research priorities identified in section 503 of title 23.

"(B) CRITERIA.—The Secretary, in conjunction with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

"(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

"(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section."

"(iii) the ability of the recipient to provide leadership in solving immediate and longrange national and regional transportation problems;

"(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

"(v) the demonstrated commitment of the recipient to carry out transportation work-force development programs through—

"(I) degree-granting programs;

"(II) training seminars for practicing professionals:

"(III) outreach activities to attract new entrants into the transportation field, including women, minorities, and persons from disadvantaged communities; and

"(IV) primary and secondary school transportation workforce outreach;

"(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

"(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

"(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

"(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

"(c) Grants.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the MAP-21, the Secretary, in conjunction with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

"(2) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

"(A) IN GENERAL.—For each of fiscal years 2012 and 2013 and subject to subparagraph (B), the Secretary shall provide grants to not more than 15 recipients that the Secretary determines best meet the criteria described in subsection (b)(2).

"(B) RESTRICTIONS.—

"(1) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall not exceed \$3,500,000 per recipient.

"(ii) FOCUSED RESEARCH.—At least 2 of the recipients awarded a grant under this paragraph shall have expertise in, and focus research on, public transportation issues.

"(C) MATCHING REQUIREMENT.—

"(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

"(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

"(I) section 504(b) or 505 of title 23; and

"(II) subject to prior approval by the Secretary, a transportation-related grant from the National Science Foundation.

"(3) TIER 2 UNIVERSITY TRANSPORTATION CENTERS.—

"(A) IN GENERAL.—For each of fiscal years 2012 and 2013, the Secretary shall provide grants of not more than \$2,000,000 each to not more than 20 recipients to carry out this section.

"(B) RESTRICTION.—A grant recipient under paragraph (2) shall not be eligible to receive a grant under this paragraph.

"(C) MATCHING REQUIREMENT.—

"(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

"(ii) Sources.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

"(I) section 504(b) or 505 of title 23; and

"(II) subject to prior approval by the Secretary, a transportation-related grant from the National Science Foundation.

"(D) FOCUSED RESEARCH.—In awarding grants under this paragraph, consideration shall be given to minority institutions, as defined by section 365(3) of the Higher Education Act (20 U.S.C. Sec. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research [and for which the requirements of subparagraph]. The requirements of subsection (c)(3)(C) shall not apply upon demonstration of financial hardship by the applicant institution.

"(d) PROGRAM COORDINATION.—

"(1) IN GENERAL.—The Secretary shall—

"(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

"(B) disseminate the results of that research through the establishment and operation of an information clearinghouse.

"(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate the programs carried out under this section by grant recipients.

"(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2012 and 2013, the Secretary shall expend not more than  $1\frac{1}{2}$  percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section and section 5506.

"(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are appropriated.

"(f) Information Collection.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5505 and inserting the following:

"Sec. 5505. University transportation centers program.".

# SEC. 2210. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end the following:

### "CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

"6301. [Establishment] Definitions.

"6302. [Director] Bureau of Transportation Statistics.

"6303. [Responsibilities] Intermodal transportation database.

"6304. National transportation library.

"6305. Advisory council on transportation statistics.

"6306. Transportation statistical collection, analysis, and dissemination.

"6307. Furnishing of information, data, or reports by Federal agencies.

["6308. Prohibition on certain disclosures
Proceeds of data product sales.
"6309. Data access.]

"[6310]6308. Proceeds of data product sales.

'[6311]6309. Information collection.

"[6312]6310. National transportation atlas database.

"[6313]6311. Limitations on statutory construction.

"[6314]6312. Research and development grants.

"[6315]6313. Transportation statistics annual report.

"[6316]6314. Mandatory response authority for freight data collection.

### "§ 6301. Definitions.

"In this chapter, the following definitions apply:

"(1) BUREAU.—The term 'Bureau' means the Bureau of Transportation Statistics established by section 6302(a).

"(2) DEPARTMENT.—The term 'Department' means the Department of Transportation.

"(3) DIRECTOR.—The term 'Director' means the Director of the Bureau.

"(4) LIBRARY.—The term 'Library' means the National Transportation Library established by section 6304(a).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

## "§ 6302. Bureau of Transportation Statistics.

"(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration the Bureau of Transportation Statistics.

"(b) DIRECTOR.—

"(1) APPOINTMENT.—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary.

"(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of training and experience in the collection, analysis, and use of transportation statistics.

"(3) Duties.—

"(A) IN GENERAL.—The Director shall—

"(i) serve as the senior advisor to the Secretary on data and statistics; and

"(ii) be responsible for carrying out the duties described in subparagraph (B).

"(B) DUTIES.—The Director shall—

"(i) ensure that the statistics compiled under clause (vi) are designed to support transportation decisionmaking by—

"(I) the Federal Government;

"(II) State and local governments;

"(III) metropolitan planning organizations;

- "(IV) transportation-related associations;
- "(V) the private sector, including the freight community; and
- "(VI) the public;
- "(ii) establish on behalf of the Secretary a program—
- "(I) to effectively integrate safety data across modes; and
- ``(II) to address gaps in existing Department safety data programs;
- "(iii) work with the operating administrations of the Department—
- "(I) to establish and implement the data programs of the Bureau: and
- "(II) to improve the coordination of information collection efforts with other Federal agencies:
- "(iv) evaluate and update as necessary surveys and data collection methods of the Department on a continual basis to improve the accuracy and utility of transportation statistics:
- "(v) encourage the standardization of data, data collection methods, and data management and storage technologies for data collected by—
  - "(I) the Bureau;
- "(II) the operating administrations of the Department;
  - "(III) State and local governments;
- "(IV) metropolitan planning organizations; and
- "(V) private sector entities;
- "(vi) collect, compile, analyze, and publish a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—
- "(I) transportation safety across all modes and intermodally;
- "(II) the state of good repair of United States transportation infrastructure;
- "(III) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under section 6310;
- "(IV) economic efficiency across the entire transportation sector;
- "(V) the effects of the transportation system on global and domestic economic competitiveness;
- "(VI) demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;
- "(VII) transportation-related variables that influence the domestic economy and global competitiveness;
- "(VIII) economic costs and impacts for passenger travel and freight movement;
- "(IX) intermodal and multimodal passenger movement:
- (X) intermodal and multimodal freight movement; and
- "(XI) consequences of transportation for the human and natural environment;
- "(vii) build and disseminate the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order), including by coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by other entities:
- "(viii) issue guidelines for the collection of information by the Department that the Director determines necessary to develop transportation statistics and carry out modeling, economic assessment, and program assessment activities to ensure that the information is accurate, reliable, relevant, uniform, and in a form that permits systematic analysis by the Department;

- "(ix) review and report to the Secretary on the sources and reliability of—
- "(I) the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required under the Government Performance and Results Act of 1993 (Public Law 103–62;107 Stat. 285); and
- "(II) at the request of the Secretary, any other data collected or statistical information published by the heads of the operating administrations of the Department; and
- "(x) ensure that the statistics published under this section are readily accessible to the public.
- "(c) ACCESS TO FEDERAL DATA.—In carrying out subsection (b)(3)(B)(ii), the Director shall be given access to all safety data that the Director determines necessary to carry out that subsection that is held by the Department or any other Federal agency.

### "§ 6303. Intermodal transportation database

- "(a) IN GENERAL.—In consultation with the Under Secretary Transportation for Policy, the Assistant Secretaries of the Department, and the heads of the operating administrations of the Department, the Director shall establish and maintain a transportation database for all modes of transportation.
- "(b) USE.—The database shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.
- "(c) CONTENTS.—The database shall in-
- "(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation, intermodal combination, and relevant classification;
- "(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes), intermodal combination, and relevant classification:
- "(3) information on the location and connectivity of transportation facilities and services; and
- "(4) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

### "§ 6304. National transportation library

- "(a) PURPOSE AND ESTABLISHMENT.—To support the information management and decisionmaking needs of transportation officials at the Federal, State, and local levels, there is established in the Bureau of Transportation Statistics a National Transportation Library that shall—
- "(1) be headed by an individual who is highly qualified in library and information science;
- "(2) acquire, preserve, and manage transportation information and information products and services for use by the Department, other Federal agencies, and the general public;
- "(3) provide reference and research assistance;
- "(4) serve as a central depository for research results and technical publications of the Department;
- "(5) provide a central clearinghouse for transportation data and information of the Federal Government;
- "(6) serve as coordinator and policy lead for transportation information access;
- $\lq\lq(7)$  provide transportation information and information products and services to—
  - "(A) the Department;
- "(B) other Federal agencies;
- "(C) public and private organizations; and

- "(D) individuals, within the United States as well as internationally;
- "(8) coordinate efforts among, and cooperate with, transportation libraries, information providers, and technical assistance centers, with the goal of developing a comprehensive transportation information and knowledge network that supports the activities described in section 6302(b)(3)(B); and
- "(9) engage in such other activities as the Director determines to be necessary and as the resources of the Library permit.
- "(b) ACCESS.—The Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a), with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics and other information readily accessible as required under section 6302(b)(3)(B)(x).
  - "(c) AGREEMENTS.-
- "(1) IN GENERAL.—To carry out this section, the Director may enter into agreements with, provide grants to, and receive amounts from, any—
  - "(A) State or local government;
  - "(B) organization;
  - "(C) business; or
  - ``(D) individual.
- "(2) CONTRACTS, GRANTS, AND AGREE-MENTS.—The Library may initiate and support specific information and data management, access, and exchange activities relating to the strategic goals of the Department, knowledge networking, and national and international cooperation, by entering into contracts or other agreements or providing grants.
- "(3) AMOUNTS.—Any amounts received by the Library as payment for library products and services or other activities shall be made available to the Director to carry out this section and remain available until expended.

# "§ 6305. Advisory council on transportation statistics

- "(a) IN GENERAL.—The Director shall establish and consult with an advisory council on transportation statistics.
- "(b) Function.—The function of the advisory council established under this subsection is to advise the Director on—
- "(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department; and
- "(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.
- "(c) MEMBERSHIP.—The advisory council shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who shall not be officers or employees of the United States.
  - "(d) TERMS OF APPOINTMENT.—
- "(1) IN GENERAL.—Except as provided in paragraph (2), members of the advisory council shall be appointed to staggered terms not to exceed 3 years.
- $\lq\lq(2)$  ADDITIONAL TERMS.—A member may be renominated for 1 additional 3-year term.
- "(3) PREVIOUS MEMBERS.—A member serving on an advisory council on transportation statistics on the day before the date of enactment of the MAP-21 shall serve until the end of the appointed term of the member.
- "(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory council established under this

section, except that section 14 of that Act tion to be reasonably determined by direct shall not apply.

#### "§ 6306. Transportation statistical collection, analysis, and dissemination

"To ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director may-

"(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use:

"(2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis:

"(3) confer and cooperate with foreign governments, international organizations, and State, municipal, and other local agencies:

"(4) request such information, data, and reports from any Federal agency as the Director determines necessary to carry out this chapter;

"(5) encourage replication, coordination, and sharing of information among transportation agencies regarding information systems, information policy, and data; and

"(6) confer and cooperate with Federal statistical agencies as the Director determines necessary to carry out this chapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

### "§ 6307. Furnishing of information, data, or reports by Federal agencies

"(a) IN GENERAL.—Except as provided in subsection (b), a Federal agency requested to furnish information, data, or reports by the Director under section 6302(b)(3)(B) shall provide the information to the Director.

"(b) PROHIBITION ON CERTAIN DISCLO-

"(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not-

"(A) make any disclosure in which the data provided by an individual or organization under section 6302(b)(3)(B) can be identi-

"(B) use the information provided under section 6302(b)(3)(B) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6302(b)(3)(B).

"(2) Copies of Reports.—

"(A) IN GENERAL.—No department, bureau. agency, officer, or employee of the United States (except the Director in carrying out this chapter) may require, for any reason, a copy of any report that has been filed under section 6302(b)(3)(B) with the Bureau or retained by an individual respondent.

Limitation on JUDICIAL CEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of the employees, contractors, or agents of the Bureau-

"(i) shall be immune from legal process: and

"(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organizaor indirect means.

"(3) Informing respondent of use of DATA.—If the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, in a manner that informs the respondent who is requested or required to supply the data or information of the nonstatistical purpose.

TRANSPORTATION AND TRANSPOR-"(c) TATION-RELATED DATA ACCESS.—Except as expressly prohibited by law, the Director shall have access to any transportation and transportation-related information in the possession of any Federal agency.

### "§ 6308. Proceeds of data product sales

"Notwithstanding section 3302 of title 31, amounts received by the Bureau from the sale of data products for necessary expenses incurred may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for those expenses.

#### "§ 6309. Information collection

"As the head of an independent Federal statistical agency, the Director may consult directly with the Office of Management and Budget concerning any survey, questionnaire, or interview that the Director considers necessary to carry out the statistical responsibilities of this chapter.

#### "§ 6310. National transportation atlas database

"(a) IN GENERAL.—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict-

'(1) transportation networks;

"(2) flows of people, goods, vehicles, and craft over the transportation networks; and

'(3) social, economic, and environmental conditions that affect or are affected by the transportation networks.

(b) INTERMODAL NETWORK ANALYSIS.—The databases referred to in subsection (a) shall be capable of supporting intermodal network analysis.

### "§ 6311. Limitations on statutory construction

"Nothing in this chapter-

"(1) authorizes the Bureau to require any other Federal agency to collect data; or

"(2) alters or diminishes the authority of any other officer of the Department to collect and disseminate data independently.

#### "§ 6312. Research and development grants

"The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education)

"(1) investigation of the subjects described in section 6302(b)(3)(B)(vi);

"(2) research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

"(3) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

"(4) development of electronic clearinghouses of transportation data and related information, as part of the Library; and

"(5) development and improvement of methods for sharing geographic data, in sup-

port of the database under section 6310 and the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order).

#### "§ 6313. Transportation statistics annual report

'The Director shall submit to the President and Congress a transportation statistics annual report, which shall include-

"(1) information on the progress of the Director in carrying out the duties described in section 6302(b)(3)(B);

"(2) documentation of the methods used to obtain and ensure the quality of the statistics presented in the report; and

"(3) any recommendations of the Director for improving transportation statistical in-

#### "§ 6314. Mandatory response authority for freight data collection.

"[(a) IN GENERAL.—An owner, official, agent, person

(a) FREIGHT DATA COLLECTION.

"(1) IN GENERAL.—An owner, official, agent, person in charge, or assistant to the person in charge of [any] a freight corporation, company, business, institution, establishment, or organization described in paragraph (2) shall be fined in accordance with subsection (b) if that individual neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau to submit data under section 6302(b)(3)(B)-

["(1) to answer completely and correctly to the

"(A) to answer completely and correctly to the best knowledge of that individual all questions relating to the corporation, company, business, institution, establishment, or other organization; or

I''(2) to make available records or statistics in 1

"(B) to make available records or statistics in the official custody of the individual.

(2) DESCRIPTION OF ENTITIES.—A freight corporation, company, business, institution, establishment, or organization referred to in paragraph (1) is a corporation, company, business, institution, establishment, or organization that-

"(A) receives Federal funds relating to the freight program; and

'(B) has consented to be subject to a fine under this subsection on-

"(i) refusal to supply any data requested; or "(ii) failure to respond to a written request.

"(b) FINES .-

"(1) IN GENERAL.—Subject to paragraph (2), an individual described in subsection (a) shall be fined not more than \$500.

"(2) WILLFUL ACTIONS.—If an individual willfully gives a false answer to a question described in subsection (a)(1), the individual shall be fined not more than \$10,000.

(b) RULES OF CONSTRUCTION.—If the provisions of section 111 of title 49, United States Code, are transferred to chapter 63 of that title, the following rules of construction apply:

(1) For purposes of determining whether 1 provision of law supersedes another based on enactment later in time, a chapter 63 provision is deemed to have been enacted on the date of enactment of the corresponding section 111 provision.

(2) A reference to a section 111 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding chapter 63 provision.

(3) A regulation, order, or other administrative action in effect under a section 111 provision continues in effect under the corresponding chapter 63 provision.

- (4) An action taken or an offense committed under a section 111 provision is deemed to have been taken or committed under the corresponding chapter 63 provision
  - (c) Conforming Amendments.—
- (1) REPEAL —Section 111 of title 49. United States Code, is repealed, and the item relating to section 111 in the analysis of chapter 1 of that title is deleted.
- (2) Analysis of subtitle III.—The analysis for subtitle III of title 49, United States Code, is amended by inserting after the items for chapter 61 the following:

"Chapter 63. Bureau of Transportation Statistics .....

#### SEC. 2211. ADMINISTRATIVE AUTHORITY.

Section 112 of title 49. United States Code. is amended by adding at the end the following:

- "(f) Promotional Authority.—Amounts authorized to be appropriated for the administration and operation of the Research and Innovative Technology Administration may be used to purchase promotional items of nominal value for use by the Administrator of the Research and Innovative Technology Administration in the recruitment of individuals and promotion of the programs of the Administration.
- "(g) PROGRAM EVALUATION AND OVER-SIGHT.—For each of fiscal years 2012 and 2013, the Administrator may expend not more than 1½ percent of the amounts authorized to be appropriated for the administration and operation of the Research and Innovative Technology Administration to carry out the coordination, evaluation, and oversight of the programs administered by the Administration.
- "(h) Collaborative Research and Devel-OPMENT -
- "(1) IN GENERAL.—To encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology, the Administrator may carry out, on a cost-shared basis, collaborative research and development with-
- "(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State:
  - '(B) Federal laboratories; and
  - "(C) other Federal agencies.
- "(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—Notwithstanding any other provision of law, the Administrator may directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.
  - "(3) Federal share.
- "(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out under paragraph (2) shall not exceed 50 percent.
- "(B) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.
- "(C) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners,

- including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subparagraph (A).
- "(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).
- "(5) WAIVER OF ADVERTISING REQUIRE-MENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract, grant, or other agreement entered into under this section."

#### SEC. 2212. TRANSPORTATION RESEARCH AND DE-VELOPMENT STRATEGIC PLANNING.

Section 508(a)(2) of title 23, United States Code, is amended by striking subparagraph (A) and inserting the following:

- "(A) describe the primary purposes of the transportation research and development program, which shall include, at a min-
- '(i) promoting safety;
- "(ii) reducing congestion and improving mobility;
- "(iii) protecting and enhancing the environment:
- "(iv) preserving the existing transportation system;
- "(v) improving the durability and extending the life of transportation infrastructure:
  - "(vi) improving goods movement:

#### SEC. 2213. NATIONAL ELECTRONIC VEHICLE COR-RIDORS AND RECHARGING INFRA-STRUCTURE NETWORK.

- (a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a stakeholder-driven process to develop a plan and map of a potential national network of electric vehicle corridors and recharging infrastructure.
- (b) REQUIREMENTS.—The plan under subsection (a) shall—
- (1) project the near- and long-term need for and location of electric vehicle refueling infrastructure at strategic locations across all major national highways, roads, and corridors:
- (2) identify infrastructure and standardization needs for electricity providers, infrastructure providers, vehicle manufacturers, and electricity purchasers; and
- (3) establish an aspirational goal of achieving strategic deployment of electric vehicle infrastructure by 2020.
- (c) STAKEHOLDERS.—In developing the plan under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include-
  - (1) the heads of other Federal agencies;
- (2) State and local officials;
- (3) representatives of-(A) energy utilities;
- (B) the vehicles industry;
- (C) the freight and shipping industry;
- (D) clean technology firms; (E) the hospitality industry:
- (F) the restaurant industry; and
- (G) highway rest stop vendors; and
- (4) such other stakeholders as the Secretary determines to be necessary

### Subtitle C-[Funding] Intelligent Transportation Systems Research

# SEC. 2301. USE OF FUNDS FOR ITS ACTIVITIES.

Section 513 of title 23, United States Code, is amended to read as follows:

### % 513. Use of funds for ITS activities.

"(a) DEFINITIONS.—In this section, the following definitions apply:

- "(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government, tribal government, transit agency, public toll authority, metropolitan planning organization, other political subdivision of a State or local government, or a multistate multijurisdictional group applying through a single lead applicant.
- "(2) MILTLIURISDICTIONAL GROUP —The term 'multijurisdictional group' means a combination of State governments. local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State that-
- '(A) have signed a written agreement to implement an activity that meets the grant criteria under this section; and
- "(B) is comprised of at least 2 members, each of whom is an eligible entity.
- '(b) PURPOSE.—The purpose of this section is to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer pro-
- grams.
  "(c) ITS DEPLOYMENT INCENTIVES.—
- "(1) IN GENERAL.—The Secretary may— "(A) develop and implement incentives to accelerate deployment of ITS technologies
- and services within all funding programs authorized by the MAP-21; and
- "(B) for each fiscal year, use amounts made available to the Secretary to carry out intelligent transportation systems outreach, including through the use of websites, public relations, displays, tours, and brochures,
- (2) Comprehensive plan—To carry out this section, the Secretary shall develop a detailed and comprehensive plan that addresses the manner in which incentives may be adopted through the existing deployment activities carried out by surface transportation modal administrations
- '(d) SYSTEM OPERATIONS AND ITS DEPLOY-MENT GRANT PROGRAM.-
- "(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program to accelerate the deployment, operation, systems management, intermodal integration, and interoperability of the ITS program and ITSenabled operational strategies-
- "(A) to measure and improve the performance of the surface transportation system;
- "(B) to reduce traffic congestion and the economic and environmental impacts of traffic congestion:
  - "(C) to minimize fatalities and injuries;
- "(D) to enhance mobility of people and goods:
- "(E) to improve traveler information and services; and
- "(F) to optimize existing roadway capacity.
- "(2) APPLICATION.—To be considered for a grant under this subsection, an eligible entity shall submit an application to the Secretary that includes-
- "(A) a plan to deploy and provide for the long-term operation and maintenance of intelligent transportation systems to improve safety, efficiency, system performance, and return on investment, such as-
- "(i) real-time integrated traffic, transit, and multimodal transportation information;
- "(ii) advanced traffic, freight, parking, and incident management systems;
- "(iii) advanced technologies to improve transit and commercial vehicle operations;
- "(iv) synchronized, adaptive, and transit preferential traffic signals;
- "(v) advanced infrastructure condition assessment technologies; and
- "(vi) other technologies to improve system operations, including ITS applications necessary for multimodal systems integration and for achieving performance goals;

- "(B) quantifiable system performance improvements, including—
- "(i) reductions in traffic-related crashes congestion, and costs;
- "(ii) optimization of system efficiency; and "(iii) improvement of access to transportation services:
- "(C) quantifiable safety, mobility, and environmental benefit projections, including data driven estimates of the manner in which the project will improve the transportation system efficiency and reduce traffic congestion in the region;
- "(D) a plan for partnering with the private sector, including telecommunications industries and public service utilities, public agencies (including multimodal and multijurisdictional entities), research institutions, organizations representing transportation and technology leaders, and other transportation stakeholders;
- "(E) a plan to leverage and optimize existing local and regional ITS investments; and
- "(F) a plan to ensure interoperability of deployed technologies with other tolling, traffic management, and intelligent transportation systems.
  - "(3) SELECTION.—
- "(A) IN GENERAL.—Not later than 1 year after the date of enactment of the MAP-21, the Secretary may provide grants to eligible entities under this section.
- "(B) GEOGRAPHIC DIVERSITY.—In awarding a grant under this section, the Secretary shall ensure, to the maximum extent practicable, that grant recipients represent diverse geographical areas of the United States, including urban, suburban, and rural areas.
- "(C) Non-federal share.—In awarding a grant under the section, the Secretary shall give priority to grant recipients that demonstrate an ability to contribute a significant non-federal share to the cost of carrying out the project for which the grant is received.
- "(4) ELIGIBLE USES.—Projects for which grants awarded under this section may be used include—
- "(A) the establishment and implementation of ITS and ITS-enabled operations strategies that improve performance in the areas of—
  - "(i) traffic operations;
- "(ii) emergency response to surface transportation incidents;
- "(iii) incident management;
- "(iv) transit and commercial vehicle operations improvements;
- "(v) weather event response management by State and local authorities;
- "(vi) surface transportation network and facility management;
- "(vii) construction and work zone management:
  - "(viii) traffic flow information:
  - "(ix) freight management; and
  - "(x) congestion management;
- "(B) carrying out activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information;
- "(C) the implementation of intelligent transportation systems and technologies that improve highway safety through information and communications systems linking vehicles, infrastructure, mobile devices, transportation users, and emergency responders;
- "(D) the provision of services necessary to ensure the efficient operation and management of ITS infrastructure, including costs

associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services;

- "(E) the provision of support for the establishment and maintenance of institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, shippers, [and public service utilities] public service utilities, and telecommunications providers:
- "(F) carrying out multimodal and crossjurisdictional planning and deployment of regional transportation systems operations and management approaches; and
- "(G) performing project evaluations to determine the costs, benefits, lessons learned, and future deployment strategies associated with the deployment of intelligent transportation systems.
- "(5) REPORT TO SECRETARY.—For each fiscal year that an eligible entity receives a grant under this section, not later than 1 year after receiving that grant, each recipient shall submit a report to the Secretary that describes how the project has met the expectations projected in the deployment plan submitted with the application, including—
- "(A) data on how the program has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;
- "(B) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;
- "(C) the effectiveness of providing realtime integrated traffic, transit, and multimodal transportation information to the public that allows the public to make informed travel decisions; and
- "(D) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.
- "(6) REPORT TO CONGRESS.—Not later than 2 years after date on which the first grant is awarded under this section and annually thereafter for each fiscal year for which grants are awarded under this section, the Secretary shall submit to Congress a report that describes the effectiveness of the grant recipients in meeting the projected deployment plan goals, including data on how the grant program has—
- "(A) reduced traffic-related fatalities and injuries:
- "(B) reduced traffic congestion and improved travel time reliability:
- "(C) reduced transportation-related emissions:
- "(D) optimized multimodal system performance;
- "(E) improved access to transportation alternatives;
- "(F) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;
- "(G) provided cost savings to transportation agencies, businesses, and the traveling public; and
- "(H) provided other benefits to transportation users and the general public.
- "(7) ADDITIONAL GRANTS.—If the Secretary determines, based on a report submitted under paragraph (5), that a grant recipient is not complying with the established grant criteria, the Secretary may—
- "(A) cease payment to the recipient of any remaining grant amounts; and
- "(B) redistribute any remaining amounts to other eligible entities under this section.

- "(8) Non-federal share.—The Federal share of a grant under this section shall not exceed 50 percent of the cost of the project.
- "(9) Grant Limitation.—The Secretary may not award more than 10 percent of the amounts provided under this section to a single grant recipient in any fiscal year.
- "(10) MULTIYEAR GRANTS.—Subject to availability of amounts, the Secretary may provide an eligible entity with grant amounts for a period of multiple fiscal years.
- "(11) FUNDING.—Of the funds authorized to be appropriated to carry out the intelligent transportation system program under sections 512 through 518, not less than 50 percent of such funds shall be used to carry out this subsection."

### SEC. 2302. GOALS AND PURPOSES.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 513 the following:

#### "§ 514. Goals and purposes

- "(a) GOALS.—The goals of the intelligent transportation system program include—
- "(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users:
- "(2) achievement of national transportation safety goals, including enhancement of safe operation of motor vehicles and nonmotorized vehicles and improved emergency response to collisions, with particular emphasis on decreasing the number and severity of collisions;
- "(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals:
- "(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles, and pedestrians (including individuals with disabilities); and
- "(5) enhancement of national defense mobility and improvement of the ability of the United States to respond to security-related or other manmade emergencies and natural disasters.
- "(b) PURPOSES.—The Secretary shall implement activities under the intelligent transportation system program, at a minimum—
- "(1) to expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation:
- "(2) to ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;
- "(3) to improve regional cooperation and operations planning for effective intelligent transportation system deployment;
- "(4) to promote the innovative use of private resources in support of intelligent transportation system development;
- "(5) to facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;
- "(6) to support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

- "(7) to develop a workforce capable of developing, operating, and maintaining intelligent transportation systems:
- "(8) to provide continuing support for operations and maintenance of intelligent transportation systems; and
- "(9) to ensure a systems approach that includes cooperation among vehicles, infrastructure and users"
- (b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 513 the following:
- "514. Goals and purposes.".

#### SEC. 2303. GENERAL AUTHORITIES AND RE-QUIREMENTS.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 514 (as added by section 2302) the following:

### "§ 515. General authorities and requirements

- "(a) SCOPE.—Subject to the provisions of this chapter, the Secretary shall conduct an ongoing intelligent transportation system program—
- "(1) to research, develop, and operationally test intelligent transportation systems; and
- "(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.
- "(b) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to this chapter shall encourage and not displace public-private partnerships or private sector investment in those tests and projects.
- "(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector firms of the United States, the Federal laboratories, and institutions of higher education, including historically Black colleges and universities and other minority institutions of higher education.
- "(d) CONSULTATION WITH FEDERAL OFFI-CIALS.—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal agencies, as appropriate.
- "(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.
- "(f) Transportation Planning.—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.
  - "(g) Information Clearinghouse.—
- "(1) IN GENERAL.—The Secretary shall—
- "(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this chapter; and
- "(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.
  - "(2) AGREEMENT.—
- "(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).
- "(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with

- an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.
- "(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.
  - "(h) ADVISORY COMMITTEE.-
- "(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this chapter.
- "(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—
- "(A) a representative from a State highway department;
- "(B) a representative from a local highway department who is not from a metropolitan planning organization;
- "(C) a representative from a State, local, or regional transit agency;
- "(D) a representative from a metropolitan planning organization:
- "(E) a private sector user of intelligent transportation system technologies;
- "(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues:
- "(G) an academic researcher who is a civil engineer;
- "(H) an academic researcher who is a social scientist with expertise in transportation issues;
- "(I) a representative from a nonprofit group representing the intelligent transportation system industry;
- "(J) a representative from a public interest group concerned with safety;
- "(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and
- "(L) members with expertise in planning, safety, telecommunications, utilities, and operations.
- "(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:
- "(A) Provide input into the development of the intelligent transportation system aspects of the strategic plan under section 508.
- "(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—
- "(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems:
- "(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and if not, to determine the harriers to deployment; and
- "(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.
- "(4) REPORT.—Not later than February 1 of each year after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report that includes—
- "(A) all recommendations made by the Advisory Committee during the preceding calendar year;
- ``(B) an explanation of the manner in which the Secretary has implemented those recommendations; and
- $\lq\lq(C)$  for recommendations not implemented, the reasons for rejecting the recommendations.
- "(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee

- shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).
  - "(i) Reporting.-
  - "(1) GUIDELINES AND REQUIREMENTS.—
- "(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this chapter.
- "(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this chapter.
- "(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.
- "(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this chapter shall not be subject to chapter 35 of title 44, United States Code."
- (b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 514 (as added by section 2302) the following:
- "515. General authorities and requirements.".

### SEC. 2304. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 515 (as added by section 2303) the following:

### "§ 516. Research and development

- "(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research and development, and operational tests of intelligent vehicles, intelligent infrastructure systems, and other similar activities that are necessary to carry out this chapter.
- "(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—
- "(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products:
- "(2) use interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;
- "(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems:
- "(4) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;
- "(5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;
- "(6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; or

- "(7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies
- "(c) FEDERAL SHARE.—The Federal share payable on account of any project or activity carried out under subsection (a) shall not exceed 80 percent.".
- (b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 515 (as added by section 2304) the following:
- "516. Research and development."

# SEC. 2305. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 516 (as added by section 2304) the following:

#### "§ 517. National architecture and standards.

- "(a) IN GENERAL.-
- "(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783; 115 Stat. 1241), the Secretary shall develop and maintain a national ITS architecture and supporting ITS standards and protocols to promote the use of systems engineering methods in the widespread deployment and evaluation of intelligent transportation systems as a component of the surface transportation systems of the United States.
- "(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national ITS architecture and supporting ITS standards and protocols shall promote interoperability among, and efficiency of, intelligent transportation systems and technologies implemented throughout the United States.
- "(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall support the development and maintenance of standards and protocols using the services of such standards development organizations as the Secretary determines to be necessary and whose memberships are comprised of, and represent, the surface transportation and intelligent transportation systems industries.
- "(b) STANDARDS FOR NATIONAL POLICY IM-PLEMENTATION.—If the Secretary finds that a standard is necessary for implementation of a nationwide policy relating to user fee collection or other capability requiring nationwide uniformity, the Secretary, after consultation with stakeholders, may establish and require the use of that standard.
  - "(c) Provisional Standards.—
- "(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives described in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the maximum extent practicable, the work product of appropriate standards development organizations.
- "(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.
- "(d) Conformity With National Architec-
- "(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall ensure that intelligent transportation system projects carried out using amounts made available from the Highway Trust Fund, in-

- cluding amounts made available to deploy intelligent transportation systems, conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under subsection (a) or (c).
- "(2) DISCRETION OF THE SECRETARY.—The Secretary, at the discretion of the Secretary, may offer an exemption from paragraph (1) for projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508.".
- (b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 516 (as added by section 2304) the following:
- "517. National architecture and standards.".
  SEC. 2306. 5.9 GHz VEHICLE-TO-VEHICLE AND VEHICLE TO INFRASTRUCTURE. COM-

#### HICLE-TO-INFRASTRUCTURE COM-MUNICATIONS SYSTEMS DEPLOY-MENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 2305) the following:

### "§ 518. 5.9 GHz vehicle-to-vehicle and vehicleto-infrastructure communications systems deployment

- "(a) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report that—
- "(1) describes a recommended implementation path for dedicated short-range communications technology and applications; and
- "(2) includes guidance on the relationship of the proposed deployment of dedicated short-range communications to the National ITS Architecture and ITS Standards.
- "(b) NATIONAL RESEARCH COUNCIL RE-VIEW.—The Secretary shall enter into an agreement with the National Research Council for the review by the National Research Council of the report described in subsection (a)."
- (b) CONFORMING AMENDMENT.—The analysis of chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 2305) the following:
- "518. 5.9 GHz vehicle-to-vehicle and vehicleto-infrastructure communications systems deployment.".

# TITLE III—AMERICA FAST FORWARD FINANCING INNOVATION

#### SEC. 3001. SHORT TITLE.

This title may be cited as the "America Fast Forward Financing Innovation Act of 2011".

#### SEC. 3002. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AMENDMENTS.

Sections 601 through 609 of title 23, United States Code, are amended to read as follows:

# "§ 601. Generally applicable provisions

- "(a) DEFINITIONS.—In this chapter, the following definitions apply:
- "(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—
- "(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;
- "(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real

- property (including land relating to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and
- "(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.
- "(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this chapter with respect to a project.
- "(3) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.
- "(4) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—
- "(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and
- "(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.
- "(5) LETTER OF INTEREST.—The term 'letter of interest' means a letter submitted by a potential applicant prior to an application for credit assistance in a format prescribed by the Secretary on the website of the TIFIA program, which—
- "(A) describes the project and the location, purpose, and cost of the project;
- "(B) outlines the proposed financial plan, including the requested credit assistance and the proposed obligor;
- "(C) provides a status of environmental review; and
- "(D) provides information regarding satisfaction of other eligibility requirements of the TIFIA program.
- "(6) LINE OF CREDIT.—The term "'line of credit'" means an agreement entered into by the Secretary with an obligor under section 604 to provide a direct loan at a future date upon the occurrence of certain events.
- "(7) LIMITED BUYDOWN.—The term 'limited buydown' means, subject to the conditions described in section 603(b)(4)(C), a buydown of the interest rate by the Secretary and by the obligor if the interest rate has increased between—
- "(A)(i) the date on which a project application acceptable to the Secretary is submitted; or
- "(ii) the date on which the Secretary entered into a master credit agreement; and
- "(B) the date on which the Secretary executes the Federal credit instrument.
- "(8) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.
- "(9) MASTER CREDIT AGREEMENT.—The term 'master credit agreement' means an agreement to extend credit assistance for a program of projects secured by a common security pledge (which shall receive an investment grade rating from a rating agency), or for a single project covered under section 602(b)(2) that would—
- "(A) make contingent commitments of 1 or more secured loans or other Federal credit

chapter; and

instruments at future dates, subject to the availability of future funds being made available to carry out this chapter;

- "(B) establish the maximum amounts and general terms and conditions of the secured loans or other Federal credit instruments;
- "(C) identify the 1 or more dedicated non-Federal revenue sources that will secure the repayment of the secured loans or secured Federal credit instruments:
- "(D) provide for the obligation of funds for the secured loans or secured Federal credit instruments after all requirements have been met for the projects subject to the master credit agreement, including—
- "(i) completion of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); [and]
- "(ii) compliance with such other requirements as are specified in section 602(c); and "(iii) the availibility of funds to carry out this
- "(E) require that contingent commitments result in a financial close and obligation of credit assistance not later than 3 years after the date of entry into the master credit agreement, or release of the commitment, unless otherwise extended by the Secretary.
- ''(10) OBLIGOR.—The term 'obligor' means a party that—
- "(A) is primarily liable for payment of the principal of or interest on a Federal credit instrument; and
- "(B) may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.
- "(11) PROJECT.—The term 'project' means— "(A) any surface transportation project eligible for Federal assistance under this title
- or chapter 53 of title 49; "(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible;
- "(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems; and
  - "(D) a project that—
  - "(i) is a project—
- "(I) for a public freight rail facility or a private facility providing public benefit for highway users by way of direct freight interchange between highway and rail carriers;
- "(II) for an intermodal freight transfer facility;
- "(III) for a means of access to a facility described in subclause (I) or (II);
- "(IV) for a service improvement for a facility described in subclause (I) or (II) (including a capital investment for an intelligent transportation system); or
- "(V) that comprises a series of projects described in subclauses (I) through (IV) with the common objective of improving the flow of goods;
- "(ii) may involve the combining of private and public sector funds, including investment of public funds in private sector facility improvements:
- "(iii) if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port; and
- "(iv) is composed of related highway, surface transportation, transit, rail, or intermodal capital improvement projects eligible for assistance under this subsection in order to meet the eligible project cost threshold

- under section 602, by grouping related projects together for that purpose, on the condition that the credit assistance for the projects is secured by a common pledge.
- "(12) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.
- "(13) RATING AGENCY.—The term 'rating agency' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).
- "(14) RURAL INFRASTRUCTURE PROJECT.— The term 'rural infrastructure project' means a surface transportation infrastructure project located in any area other than an urbanized area that has a population of greater than 200,000 inhabitants.
- "(15) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 603.
- "(16) STATE.—The term 'State' has the meaning given the term in section 101.
- "(17) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).
- "(18) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means—
- "(A) the opening of a project to vehicular or passenger traffic; or
- "(B) a comparable event, as determined by the Secretary and specified in the credit agreement.
- "(19) TIFIA PROGRAM.—The term 'TIFIA program' means the transportation infrastructure finance and innovation program of the Department.
- "(20) CONTINGENT COMMITMENT.—The term 'contingent commitment' means a commitment to obligate an amount from future available budget authority that is—
- "(A) contingent upon those funds being made available in law at a future date; and
- "(B) not an obligation of the Federal Government.
- "(b) TREATMENT OF CHAPTER.—For purposes of this title, this chapter shall be treated as being part of chapter 1.

# "§ 602. Determination of eligibility and project selection

- "(a) ELIGIBILITY.—A project shall be eligible to receive credit assistance under this chapter if the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project, and the project meets the following criteria:
- "(1) CREDITWORTHINESS.—
- "(A) IN GENERAL.—The project shall satisfy applicable creditworthiness standards, which, at a minimum, includes—
- "(i) a rate covenant, if applicable;
- "(ii) adequate coverage requirements to ensure repayment;
- "(iii) an investment grade rating from at least 2 rating agencies on debt senior to the Federal credit instrument; and
- "(iv) a rating from at least 2 rating agencies on the Federal credit instrument, subject to the condition that, with respect to

- [clauses (ii) and] clause (iii), if the senior debt and Federal credit instrument is for an amount less than \$75,000,000 or for a rural infrastructure project or intelligent transportation systems project, 1 rating agency opinion for each of the senior debt and Federal credit instrument shall be sufficient.
- "(B) SENIOR DEBT.—Notwithstanding subparagraph (A), in a case in which the Federal credit instrument is the senior debt, the Federal credit instrument shall be required to receive an investment grade rating from at least 2 rating agencies, unless the credit instrument is for a rural infrastructure project or intelligent transportation systems project, in which case 1 rating agency opinion shall be sufficient.
- "(2) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this chapter.
- "(3) APPLICATION.—A State, local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary, shall submit a project application acceptable to the Secretary.
  - "(4) ELIGIBLE PROJECT COSTS.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this chapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—
  - "(i)(I) \$50,000,000; or
- "(II) in the case of a rural infrastructure project, \$25,000,000; or
- "(ii) 33½ percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.
- "(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed \$15,000,000.
- "(5) DEDICATED REVENUE SOURCES.—The Federal credit instrument shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the project obligations.
- "(6) Public sponsorship of private entities.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraph (2).
- "(b) SELECTION AMONG ELIGIBLE PROJECTS.—
- "(1) ESTABLISHMENT.—The Secretary shall establish a rolling application process in which projects that are eligible to receive credit assistance under subsection (a) shall receive credit assistance on terms acceptable to the Secretary, if adequate funds are available to cover the subsidy costs associated with the Federal credit instrument.
  - "(2) ADEQUATE FUNDING NOT AVAILABLE.—
- [''(A) IN GENERAL.—If the Secretary fully obligates funding to eligible projects in a given fiscal year, and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait until the following fiscal year or until additional funds are available to receive credit assistance[, or pay its own credit subsidy to permit an obligation.
- "(B) USE OF FUNDS.—A project sponsor may use non-Federal funds or any eligible funds

apportioned under chapter 1 of this title or chapter 53 of title 49 to pay a credit subsidy described in subparagraph (A).

- "(3) PRELIMINARY RATING OPINION LETTER.— The Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency—
- "(A) indicating that the senior obligations of the project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating; and
- "(B) including a preliminary rating opinion on the Federal credit instrument.
  - "(c) Federal Requirements.—
- "(1) IN GENERAL.—In addition to the requirements of this title for highway projects, chapter 53 of title 49 for transit projects, and section 5333(a) of title 49 for rail projects, the following provisions of law shall apply to funds made available under this chapter and projects assisted with the funds:
- (A) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
- "(B) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- "(C) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
- "(2) NEPA.—No funding shall be obligated for a project that has not received an environmental Categorical Exclusion, Finding of No Significant Impact, or Record of Decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### "§ 603. Secured loans

- "(a) IN GENERAL.—
- "(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—
- "(A) to finance eligible project costs of any project selected under section 602;
- "(B) to refinance interim construction financing of eligible project costs of any project selected under section 602; [or]
- "(C) to refinance existing loan agreements for rural infrastructure projects; or
- "[(C)](D) to refinance long-term project obligations or Federal credit instruments if the refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—
  - "(i) is selected under section 602; or
- "(ii) otherwise meets the requirements of section 602.
- "(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.
- "(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account each rating letter provided by an agency under section 602(b)(3)(B).
  - "(b) TERMS AND LIMITATIONS.—
- "(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.
- "(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed the lesser of 49 percent of the reasonably anticipated eligible project costs or, if the secured loan does not receive an investment grade rating, the amount of the senior project obligations.

- "(3) PAYMENT.—The secured loan—
- "(A) shall—
- "(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations: and
- "(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and
- "(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.
  - "(4) Interest rate.—
- "(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the interest rate on the secured loan shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.
- "(B) RURAL INFRASTRUCTURE PROJECTS.—A loan offered to a rural infrastructure project under this chapter shall be at ½ of the Treasury Rate.
- "(C) LIMITED BUYDOWNS.—A limited buydown is subject to the following conditions:
- "(i) The interest rate under the agreement may not be lowered by more than the lower of—
- ''(I)  $1\frac{1}{2}$  percentage points (150 basis points); or
- "(II) the amount of the increase in the interest rate.
- "(ii) The Secretary may pay up to 50 percent of the cost of the limited buydown, and the obligor shall pay the balance of the cost of the limited buydown.
- "(iii) Not more than 5 percent of the funding made available annually to carry out this chapter may be used to carry out limited buydowns.
- "(5) MATURITY DATE.—The final maturity date of the secured loan shall be the lesser of—
- "(A) 35 years after the date of substantial completion of the project; or
- "(B) if the useful life of the capital asset being financed is of a lesser period, the useful life of the asset.
- "(6) Nonsubordination.—
- "(A) IN GENERAL.—Except as provided in [subparagraphs (B) and (C)] subparagraph (B), the secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.
  - "(B) PRE-EXISTING INDENTURE.—
- "(i) IN GENERAL.—The Secretary shall waive subparagraph (A) for public agency borrowers that are financing ongoing capital programs and have outstanding senior bonds under a pre-existing indenture, if—
- "(I) the secured loan is rated in the A-category or higher:
- "(Î) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and
- ``(III) the TIFIA program share of eligible project costs is 33 percent or less.
- "(ii) LIMITATION.—If the Secretary waives the nonsubordination requirement under this subparagraph—
- "(I) the maximum credit subsidy that will be paid by the Federal Government shall be limited to 10 percent of the principal amount of the secured loan; and
- "(II) the obligor shall be responsible for paying the remainder of the subsidy cost.
- "(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

- "(8) Non-Federal share.—The proceeds of a secured loan under this chapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds
- "(9) MAXIMUM FEDERAL INVOLVEMENT.—The total Federal assistance provided on a project receiving a loan under this chapter shall not exceed 80 percent of the total project cost.
  - "(c) Repayment.—
- "(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources, and the useful life of the project.
- "(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.
  - "(3) DEFERRED PAYMENTS.—
- "(A) AUTHORIZATION.—If, at any time after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.
- "(B) INTEREST.—Any payment deferred under subparagraph (A) shall—
- "(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and
- "(ii) be scheduled to be amortized over the remaining term of the loan.
  - "(C) CRITERIA.—
- "(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.
- "(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.
  - "(4) PREPAYMENT.—
- "(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.
- "(B) USE OF PROCEEDS OF REFINANCING.— The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.
  - "(d) SALE OF SECURED LOANS.-
- "(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.
- "(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.
  - "(e) LOAN GUARANTEES.—
- "(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

"(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

#### "§ 604. Lines of credit

"(a) IN GENERAL.—

"(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 602.

"(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

"(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 602(b)(3), shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account the rating opinion letter.

"(4) INVESTMENT-GRADE RATING REQUIRE-MENT.—The funding of a line of credit under this section shall be contingent on the senior obligations of the project receiving an investment-grade rating from 2 rating agencies

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNTS.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest but not including reasonably required financing reserves) are insufficient to pay the costs specified in subsection (a)(2).

"(4) INTEREST RATE.—Except as otherwise provided in subparagraphs (B) and (C) of section 603(b)(4), the interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year United States Treasury securities as of the date of execution of the line of credit agreement.

"(5) SECURITY.—The line of credit—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(6) PERIOD OF AVAILABILITY.—The full amount of the line of credit, to the extent not drawn upon, shall be available during the period beginning on the date of substantial

completion of the project and ending not later than 10 years after that date.

"(7) RIGHTS OF THIRD-PARTY CREDITORS.—

"(A) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

"(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the behalf of the lenders.

"(8) NONSUBORDINATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(B) PRE-EXISTING INDENTURE.—

"(i) IN GENERAL.—The Secretary shall waive subparagraph (A) for public agency borrowers that are financing ongoing capital programs and have outstanding senior bonds under a pre-existing indenture, if—

"(I) the line of credit is rated in the A-category or higher;

"(II) the TIFIA program loan resulting from a draw on the line of credit is payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and

"(III) the TIFIA program share of eligible project costs is 33 percent or less.

"(ii) LIMITATION.—If the Secretary waives the nonsubordination requirement under this subparagraph—

"(I) the maximum credit subsidy that will be paid by the Federal Government shall be limited to 10 percent of the principal amount of the secured loan; and

 $\lq\lq(II)$  the obligor shall be responsible for paying the remainder of the subsidy cost.

"(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section

"(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 603 in an amount that, combined with the amount of the line of credit, exceeds 49 percent of eligible project costs.

"(c) Repayment.—

"(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources, and the useful life of the asset being financed.

"(2) TIMING.—All repayments of principal or interest on a direct loan under this section shall be scheduled to commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and to conclude, with full repayment of principal and interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

### " $\S$ 605. Program administration

"(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instruments made available under this chapter.

"(b) FEES.—The Secretary may collect and spend fees, contingent upon authority being provided in appropriations Acts, at a level that is sufficient to cover—

"(1) the costs of services of expert firms retained pursuant to subsection (d); and

"(2) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments.

"(c) Servicer .-

"(1) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

"(2) DUTIES.—The servicer shall act as the agent for the Secretary.

"(3) FEE.—The servicer shall receive a servicing fee, subject to approval by the Secretary.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

#### "§ 606. State and local permits

"The provision of credit assistance under this chapter with respect to a project shall not.—

"(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project: or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

#### "§ 607. Regulations

"The Secretary may promulgate such regulations as the Secretary determines appropriate to carry out this chapter.

#### "§ 608. Funding

"(a) Funding.—

"(1) SPENDING AND BORROWING AUTHORITY.— Spending and borrowing authority for a fiscal year to enter into Federal credit instruments shall be promptly apportioned to the Secretary on a fiscal year basis.

"(2) REESTIMATES.—When the estimated cost of a loan or loans is reestimated, the cost of the reestimate shall be borne by or benefit the general fund of the Treasury, consistent with section 661c(f) of title 2, United States Code.

"(3) RURAL SET-ASIDE.—

"(A) In general.—Of the total amount of funds made available to carry out this chapter for each fiscal year, 10 percent shall be set aside for rural infrastructure projects.

"(B) REOBLIGATION.—Any amounts set aside under subparagraph (A) that remain unobligated by June 1 of the fiscal year for which the amounts were set aside shall be available for obligation by the Secretary on projects other than rural infrastructure projects.

''(4) REDISTRIBUTION OF AUTHORIZED FUND-ING.—

"(A) IN GENERAL.—Beginning [for] in the second fiscal year after the date of enactment of this paragraph, on August 1 of that fiscal year, and each fiscal year thereafter, if the unobligated and uncommitted balance of funding available exceeds 150 percent of the amount made available to carry out this chapter for that fiscal year, the Secretary shall distribute to the States the amount of funds and associated obligation authority in excess of that amount.

"(B) DISTRIBUTION.—The amounts and obligation authority distributed under this paragraph shall be distributed, in the same manner as obligation authority is distributed to the States for the fiscal year, based on the proportion that—

"(i) the relative share of each State of obligation authority for the fiscal year; bears to

- "(ii) the total amount of obligation authority distributed to all States for the fiscal year.
- "(C) PURPOSE.—Funds distributed under subparagraph (B) shall be available for any purpose described in section 133(c).
- "(5) AVAILABILITY.—Amounts made available to carry out this chapter shall remain available until expended.
- "(6) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out this chapter, the Secretary may use not more than 1 percent for each fiscal year for the administration of this chapter.
  - "(b) CONTRACT AUTHORITY.-
- "(1) IN GENERAL.—Notwithstanding any other provision of law, execution of a term sheet by the Secretary of a Federal credit instrument that uses amounts made available under this chapter shall impose on the United States a contractual obligation to fund the Federal credit investment.
- "(2) AVAILABILITY.—Amounts made available to carry out this chapter for a fiscal year shall be available for obligation on October 1 of the fiscal year.

#### "§ 609. Reports to Congress

- "On June 1, 2012, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this chapter (other than section 610), including a recommendation as to whether the objectives of this chapter (other than section 610) are best served—
- "(1) by continuing the program under the authority of the Secretary;
- "(2) by establishing a Federal corporation or federally sponsored enterprise to administer the program; or
- "(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this chapter (other than section 610) without Federal participation."

### SEC. 3003. STATE INFRASTRUCTURE BANKS.

Section 610(d)(1)(A) of title 23, United States Code, is amended by striking "sections 104(b)(1)" and all that follows though the semicolon and inserting "paragraphs (1) and (2) of section 104(b)".

### TITLE IV—HIGHWAY SPENDING CONTROLS

### SEC. 4001. HIGHWAY SPENDING CONTROLS.

(a) IN GENERAL.—Title 23, United States Code, is amended by adding at the end the following:

CHAPTER 7—HIGHWAY SPENDING CONTROLS Sec.

701. Solvency of Highway Account of the Highway Trust Fund.

#### "SEC. 701. SOLVENCY OF HIGHWAY ACCOUNT OF THE HIGHWAY TRUST FUND.

[''(a) SOLVENCY CALCULATION FOR FISCAL YEAR 2012.—Not later than 60 days after the date of enactment of the MAP-21, the Secretary, in consultation with the Secretary of Treasury, shall—

"(1) estimate the balance of the Highway Trust Fund (other than the Mass Transit Account) at the end of such fiscal year and the end of the next fiscal year, for purposes of which estimation the Secretary shall assume that the obligation limitation on Federal-aid highways and highway safety construction programs is equal to the obligation limitations enacted for those fiscal years in the MAP-21;

"(2) determine if the estimated balance of the Highway Trust Fund (other than the Mass Transit Account) would fall below—

- "(A) \$2,000,000,000 at the end of the fiscal year for which the obligation limitation is being distributed; or
- (B) \$1,000,000,000 at the end of the next fiscal year:
- "(3) if either of the conditions in paragraph (1) would occur, calculate the amount by which the obligation limitation in the fiscal year for which the obligation limitation is being distributed must be reduced to prevent such occurrence, for purposes of which calculation the Secretary shall assume that the obligation limitation on Federal-aid highways and highway safety construction programs for the next fiscal year is equal to the obligation limitation for the fiscal year for which the limitation is being distributed as reduced pursuant to this subparagraph;
- "(4) distribute such obligation limitation, less any amount determined under paragraph (3):
- "(5) ensure that any obligation limitation that is withheld from distribution pursuant to paragraph (3) shall lapse immediately following the distribution of obligation limitation under paragraph (4); and
- "(6) upon the lapse of any obligation limitation under paragraph (5), reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for such fiscal year to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) by an aggregate amount equal to the amount determined pursuant to such paragraph. The amounts withheld pursuant to this paragraph are permanently rescinded.]
- "(a) SOLVENCY CALCULATION FOR FISCAL YEAR 2012.—
- "(1) ADJUSTMENT OF OBLIGATION LIMITA-TION.—Not later than 60 days after the date of enactment of the MAP-21, the Secretary, in consultation with the Secretary of Treasury, shall:
- "(A) Estimate the balance of the Highway Trust Fund (other than the Mass Transit Account) at the end of fiscal years 2012 and 2013. For purposes of which estimation, the Secretary shall assume that the obligation limitation on Federal-aid highways and highway safety construction programs will be equal to the obligation limitations enacted for those fiscal years in the MAP-21.
- "(B) Determine if the estimated balance of the Highway Trust Fund (other than the Mass Transit Account) would fall below—
- "(i) \$2,000,000,000 at the end of fiscal year 2012; or
- "(ii) \$1,000,000,000 at the end of fiscal year 2013.
- "(C) If either of the conditions in subparagraph (B) would occur, calculate the amount by which the fiscal year 2012 obligation limitation must be reduced to prevent such occurrence. For purposes of this calculation, the Secretary shall assume that the obligation limitation on Federal-aid highways and highway safety construction programs for the fiscal year 2013 will be equal to the obligation limitation for fiscal year 2012, as reduced pursuant to this subparagraph.
- "(D) Adjust the distribution of the fiscal year 2012 obligation limitation to reflect any reduction determined under subparagraph (C).
  - "(2) LAPSE AND RESCISSION.—
- "(A) LAPSE OF OBLIGATION LIMITATION.—Any obligation limitation that is withdrawn by the Secretary pursuant to paragraph (1)(D) shall lapse immediately following the adjustment of obligation limitation under such paragraph.
- "(B) RESCISSION OF CONTRACT AUTHORITY.— Upon the lapse of any obligation limitation under subparagraph (A), the Secretary shall reduce proportionately the amount authorized to be appropriated from the Highway Trust Fund

(other than the Mass Transit Account) for fiscal year 2012 to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief and funds under the national highway performance program that are exempt from the fiscal year 2012 obligation limitation) by an aggregate amount equal to the amount of adjustment determined pursuant to paragraph (1)(D). The amounts withdrawn pursuant to this subparagraph are permanently rescinded.

"(b) SOLVENCY CALCULATION FOR FISCAL YEAR 2013 AND FISCAL YEARS THEREAFTER.—

- "(1) ADJUSTMENT OF OBLIGATION LIMITATION.—Except as provided in paragraph (2), in distributing the obligation limitation on Federal-aid highways and highway safety construction programs for fiscal year 2013 and each fiscal year thereafter, the Secretary shall—
- "(A) estimate the balance of the Highway Trust Fund (other than the Mass Transit Account) at the end of such fiscal year and the end of the next fiscal year, for purposes of which estimation, the Secretary shall assume that the obligation limitation on Federal-aid highways and highway safety construction programs for the next fiscal year [is] will be equal to the obligation limitation enacted for the fiscal year for which the limitation is being distributed;
- "(B) determine if the estimated balance of the Highway Trust Fund (other than the Mass Transit Account) would fall below—
- "(i) \$2,000,000,000 at the end of the fiscal year for which the obligation limitation is being distributed; or
- "(ii) \$1,000,000,000 at the end of the next fis-
- "(C) if either of the conditions in subparagraph (B) would occur, calculate the amount by which the obligation limitation in the fiscal year for which the obligation limitation is being distributed must be reduced to prevent such occurrence; and
- $\lq\lq(D)$  distribute such obligation limitation less any amount determined under subparagraph (C).
  - "(2) LAPSE AND RESCISSION.—
  - "(A) OBLIGATION LIMITATION.—
- "(i) RECALCULATION.—In a fiscal year in which the Secretary withholds obligation limitation based on the calculation under paragraph (1), the Secretary shall, on March 1 of such fiscal year, repeat the calculations under subparagraphs (A) through (C) of such paragraph. Based on the results of those calculations, the Secretary shall—
- "(I) if the Secretary determines that either of the conditions in paragraph (1)(B) would occur, withdraw an additional amount of obligation limitation necessary to prevent such occurrence; or
- "(II) distribute as much of the withheld obligation limitation as may be distributed without causing either of the conditions specified in paragraph (1)(B) to occur.
- "(ii) LAPSE.—Any obligation limitation that is enacted for a fiscal year, withheld from distribution pursuant to paragraph (1)(D) (or withdrawn under clause (i)(I), and not subsequently distributed under clause (i)(II) shall lapse immediately following the distribution of obligation limitation under such [paragraph] clause.
  - "(B) CONTRACT AUTHORITY.—
- "(i) IN GENERAL.—Upon the lapse of any obligation limitation under subparagraph (A)(ii), an equal amount of the unobligated balances of funds apportioned among the States under chapter 1 and sections 1116, 1303, and 1404 of the SAFETEA-LU (119 Stat. 1177, 1207, and 1228) are permanently rescinded. In administering the rescission required under this [subparagraph] clause, the

Secretary shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies, except as provided in clause (ii).

"(ii) Rescission of funds apportioned in FISCAL YEAR 2013 AND FISCAL YEARS THERE-AFTER.—If a State determines that it will meet any of its required rescission amount from funds apportioned to such State on or subsequent to October 1, 2012, the Secretary shall determine the amount to be rescinded from each of the programs subject to the rescission for which the State was apportioned funds on or subsequent to October 1, 2012, in proportion to the cumulative amount of apportionments that the State received for each such program on or subsequent to October 1, 2012.

"(3) OTHER ACTIONS TO PREVENT INSOL-VENCY.—The Secretary shall issue a regulation to establish any actions in addition to those described in subsection (a) and paragraph (1) that may be taken by the Secretary if it becomes apparent that the Highway Trust Fund (other than the Mass Transit Account) will become insolvent, including the denial of further obligations.

(4) APPLICABLE ONLY TO FULL-YEAR LIMI-TATION.—The requirements of paragraph (1) apply only to the distribution of a full-year obligation limitation and do not apply to partial-year limitations under continuing appropriations Acts.".

(b) TABLE OF CHAPTERS.—The table of chapters for title 23, United States Code, is amended by inserting after the item relating to chapter 6 the following:

"7. Highway Spending Controls ....... 701".

The PRESIDING OFFICER. Under the previous order, the committee-reported amendments are agreed to, and the bill, as amended, will be considered original text for purposes of further amendment.

#### AMENDMENT NO. 1515

Mr. REID. On behalf of Senators JOHNSON and SHELBY, the chairman and ranking member of the Banking Committee. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. Johnson and Mr. Shelby, proposes an amendment numbered 1515.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Missouri.

# AMENDMENT NO. 1520

Mr. BLUNT. Mr. President. I ask unanimous consent that it be in order 1520 to the underlying bill, S. 1813.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I, of course, reserve the right to object and do ob-

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Republican leader is recognized.

### RELIGIOUS LIBERTY

Mr. McCONNELL. Mr. President, our country is unique in the world because it was established on the basis of an idea, an idea that we were all endowed by our Creator with certain unalienable rights—in other words, rights that were conferred not by a king or a President or a Congress, but by the Creator himself. The State protects these rights but it does not grant them. What the State does not grant the State cannot take away. That is what this week's debate on a particularly odious outcome from the President's health care law has been about.

Our Founders believed so strongly that the government should neither establish a religion nor prevent its free exercise that they listed it as the very first item in the Bill of Rights, and Republicans are trying today to reaffirm that basic right. But apparently our friends on the other side do not want to have this amendment or debate. They will not allow those of us who were sworn to uphold the U.S. Constitution to even offer an amendment that says we believe in our first amendment right to religious freedom.

Frankly, this is a day I was not inclined to think I would ever see. I have spent a lot of time in my life defending the first amendment but I never thought I would see the day when the elected representatives of the people of this country would be blocked by a majority party in Congress to even express their support for it, regardless of the ultimate outcome.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

## MAP-21

Mr. REID. Mr. President, I appreciate the comments of my distinguished Republican colleague. The Senate just voted 85 to 11 to invoke cloture on a motion to proceed to the surface transportation bill, a bipartisan bill the sponsors of which, Senator Boxer and Senator Inhofe—an unlikely pairhave joined together to move forward on, a piece of legislation that is extremely important to this country, a bill that will save or create 2 million

There are four parts of this bill within the jurisdiction of four Senate com-

at this time to offer amendment No. mittees. The Environment and Public Works Committee is what we are on now. I have sought to amend that with a provision that is coming from the Banking Committee. We have one coming from the Finance Committee—that has been approved on a bipartisan basis, and we will move after we do those two to the Commerce section. We have not dealt with the Finance Committee provision or the Commerce Committee.

I appreciate that the Republicans never lose an opportunity to mess up a good piece of legislation. We have had that happen now for the last 3 years. We saw it in spades last year. Here is a bipartisan bill to create and save jobs. No one disputes the importance of this legislation. Every State in the Union is desperate for these dollars. We are not borrowing money to do it; it is all paid for. Whether it is the State of West Virginia, the State of Missouri, or the State of Nevada, all the departments of transportation are waiting to find out what is going to happen at the end of March. That is fast approaching. We need to get this done.

Then I hope we can deal with other matters and not get bogged down on this legislation. Let's do the Banking part of this bill. Let's do the Finance part of this bill. Let's do the Commerce part of this bill.

But to show how the Republicans never lose an opportunity to mess up a good piece of legislation, listen to this: They are talking about first amendment rights, the Constitution. I appreciate that. But that is so senseless. This debate that is going on dealing with this issue, dealing with contraception, is a rule that has not been made final yet. There is no final rule. Let's wait until there is at least a rule we can talk about. There is not a final rule. That is all you read about in the newspapers, why there are discussions going on as we speak. There is not a rule. Everybody should calm down. Let's see what transpires.

Until there is a final rule on this, let's deal with the issue before us. That is saving jobs for our country. People can come and talk about the Constitution, the first amendment-I have never seen anything like this before, but I have never seen anything like this before, either. There is no final rule. Why don't we calm down and see what the final rule is.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am, of course disappointed not being able to offer this amendment today, but it is an amendment we talked about for some time. It was a bipartisan amendment. It was a bipartisan piece of legislation. Senator Nelson from Nebraska and I wish to offer it and wish to offer it as soon as possible.

I have the highest regard for both of our leaders, both the majority leader

and minority leader, and understand they have a job to do, but this highway bill is clearly going to take some time. This is a 4-page amendment that I would be glad to see voted on on Monday. It has been widely studied all week, this week. I would have been glad to see it voted on when I filed the bill in August. There was not a rule then either, but both Mr. Nelson and I, Senator Rubio, Senator Ayotte, and others were anticipating that we were going to begin to see exactly the kinds of things this discussion this week has brought about.

This is about the first amendment. It. is about religious beliefs. It is not about any one issue. In fact, this amendment specifically does not mention a specific issue. It refers to the issue of conscience. In the amendment itself the reference is made to the letter that in 1809 Thomas Jefferson sent to the New London Methodist, where he says: of all the principles in the Constitution, the one that we perhaps hold most dear, if I could paraphrase it a little bit, is the right of conscience and that no government should be able to come in and impose itself between the people and their faith-based principles.

In health care we have never had this before. Why didn't we need this amendment or why didn't we need the bill that was filed in August 5 years ago or 1 year ago or 2 years ago or 3 years ago? Because only with the passage of the Affordable Health Care Act did we have the government in a position, for the first time ever, to begin to give specific mandates to health care providers.

This bill would simply say those health care providers do not have to follow that mandate if it violates their faith principles, faith principles that are part of a health care delivery system. That could be through any number of different faith groups, and I have talked to a lot of them. Frankly, some of those faith group views of health care do not agree with my views or my faith's views of health care. But that is not the point here. This is not about whether I agree with what that faith group wants to do. It is whether they are allowed to do it; whether the representative of that view of health care and how it affects people is able to say to their government: No, this is something that is protected by the Constitution. It is protected by the first amendment. You cannot require me to provide a service—through a faithbased institution—that I do not agree with or you cannot require me as a health care provider to provide a service that I do not agree with because of my faith.

It doesn't mean you cannot get it somewhere else if it is something that can legally be done. It just means people of faith or institutions of faith do not have to do it. That is why in almost every Catholic church in America, the last two weekends, a letter has been read from the bishop or the archbishop that said this is unacceptable, it should not be complied with.

That is why the Chaplain to the Army, the Chief Archbishop to the Army, Bishop Broglio, sent out a letter to be read at Catholic mass at Army posts all over the country. Initially that letter was not going to be read because it did not agree with the tenets the government was pursuing at the time—which is the violation that people would see most offensive, I think, that the government would actually begin to say to people of faith you cannot even talk about it. You cannot even have that letter read on a military post, from the person who is responsible to the chaplains and the Catholic chaplains in the military.

Maybe it is a faith view of how to deliver health care that somebody in the Christian Science community has or somebody in the Seventh Day Adventist community has or the Southern Baptist community or whatever that might be. The specific thing is not the issue here. The issue here is can government require a faith-based institution to go beyond the tenets of its faith.

I know the Democratic leader, the majority leader, said there is not even a rule yet. The White House said—the administration said there would be a rule. And to make it even more offensive, they said: And, by the way, here is what the rule is going to be and we are going to give you a year to figure out how to adjust your views to accommodate the rule.

I would have been less offended if they said here is the rule and we understand it is in violation of your views but here is what is going to be the rule and you will have to comply with it. The idea they could change your views, your religious views, your religious beliefs, in a year or a lifetime because some Federal regulator says you need to is unbelievably offensive in our country based on the principles that we hold most dear in the Constitution itself.

So this amendment, which is bipartisan in nature and I think easily understood because it is so fundamental to who we are, is an amendment that could be quickly debated, it could be quickly voted on. The Senate of the United States could express its view. I believe that view would be one supportive of institutions of faith.

By the way, also, the administration saying we gave an exemption for the church itself—No. 1, I do not know how long that exemption would last. And, No. 2, I think that shows a lack of understanding of the work of the church or the work of the synagogue or the work of the mosque or the work of people of coming together. If the only thing that matters in their work is

what happens within the four walls of the church or whoever works in the four walls of the church every day, these institutions are not what I believe they are.

The great schools, the great hospitals, the great community-providing institutions of America have, so many of them for so long, been based on faith principles. This amendment would say for health care, those faith principles would still be the overriding principle. For health care, if someone does not agree with the direction of the government, they do not have to perform that service. They do not have to provide that specific kind of insurance to their employees.

Remember, the underlying bill here, the underlying rule that has been announced, even though it may not have been officially issued, is one that talks about people who have chosen to go to work for, to get a paycheck for, to work at the direction of a faith-based community. Then to tell that community what your insurance has to look like—that is just one of the many steps. If the government can do that, what can't the government do? If the government can do that, where does the government stop? If the government can do that—when you say this is something I don't believe in so I don't want to be part of this particular health care issue, this health care moment, this health care episode-whatever you want to call it. you say, oh. well, you have to do it because the government says you have to do it and the first amendment does not matter, the protection of conscience doesn't matter, the Jefferson letter to New London Methodist doesn't matter.

Until the enactment of the Patient Protection and Affordable Care Act. this was never an issue and nothing would happen if this amendment was approved and became the law of the land. Nothing would be different tomorrow than it was a year ago, because a year ago people were not doing this. Five years ago nobody would have even thought it was possible, that the Federal Government would tell a faithbased hospital what their insurance plan exactly had to look like, the plan that they offered their employees or would tell faith-based health care providers what they could do and what they could not do or would say if you are not going to do everything the government will pay for, we will not pay you to do anything the government pays for.

This is an issue many people in the country feel strongly about, many people in the Senate, both Democrats and Republicans, feel strongly about. We can let this go on and create the anxiety it creates for the faith community or we can bring this amendment up, debate it—and, frankly, I think it is pretty well understood—debate it, vote on it, and let the country know that we

still support the Constitution of the rare occurrence today. It simply re-United States. quires registration for lobbyists who

While I am disappointed I did not get to offer this amendment today, I will be back and I am going to do my best to get this amendment offered at the earliest possible time, and I would be glad to see the Senate join me, and the majority join me, in saying let's get this important issue off the minds of the American people and let them know the Constitution still matters and religious liberty is still the first amendment to the Constitution in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. ENZI pertaining to the introduction of S. 2091 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I vield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

### STOCK ACT AMENDMENT

Mr. GRASSLEY. Mr. President, 1 week ago we passed a very important good government bill, the one that would make sure Members of Congress cannot benefit from insider trading information. I added to that an amendment that I think is a good government amendment. It calls for people who are involved in political intelligence gathering—we don't hear much about that profession, but it is quite a business. I asked that they be registered just like lobbyists are registered, and I would like to speak to the point of why that is very important and why it is important to bring it to the Senate's attention, even though it passed by a vote of 60 to 39 just a few

In the dark of night on Tuesday of this week, the House released its version of the insider trading bill that goes by the acronym STOCK, which wiped out any chance of meaningful transparency for the political intelligence industry. Think about the chutzpah of the people in the House of Representatives—a small group of people—taking out the language I put in that bill when similar language is cosponsored by 288 Members of the House of Representatives, but it happened. So that bill is coming back without the Grassley amendment on it, and we need to think about what we are going to do if we believe in good government, and if we believe there ought to be more transparency in government.

What we are faced with is a powerful industry that works in the shadows—economic espionage. They don't want people to know what they do or whom they work for. They are basically afraid of sunlight, I would guess. My amendment was adopted in the Senate on a very bipartisan basis, kind of a

rare occurrence today. It simply requires registration for lobbyists who seek information from Congress in order to trade on that information.

So isn't it very straightforward if trades are taking place based upon "political intelligence"—that is their word, "economic espionage" is my word-obtained from Congress or the executive branch, people in this country should know who is gathering such information. Not requiring political intelligence professionals to register and disclose their contacts with government officials is a very gaping loophole that my amendment fixes. In fact, political intelligence firms actually brag about this loophole, and I will give an example about that bragging. This is on the Web site of an organization called the Open Source Intelligence Group, a political intelligence firm:

Our political intelligence operation differs from standard 'lobbying' in that the OSINT Group is not looking to influence legislation on behalf of clients, but rather provide unique 'monitoring' of information through our personal relationships between law-makers, staffers, and lobbyists.

Providing this service for clients who do not want their interest in an issue publicly known is an activity that does not need to be reported under the Lobbying Disclosure Act, thus providing an additional layer of confidentially for our clients.

This service is ideal for companies seeking competitive advantage by allowing a client's interest to remain confidential . . .

Think about the words "personal relationships," "confidentiality." Basically, what they are saying is do all this under the radar.

I wish to go back, if you didn't hear it the first time, let me repeat some of this for you, a much shorter quote:

Providing this service for clients who do not want their interests in an issue publicly known is an activity that does not need to be reported under the Lobbying Disclosure Act, thus providing an additional layer of confidentiality for our clients.

We have it here on paper, and I just read it to you. This firm—probably one of many firms; I don't know how many firms are doing this—is telling potential clients: If you don't want anybody to know what you are asking of Federal officials, hire us. That is wrong, but that is why firms such as this don't want to register. If someone on Wall Street is trying to make money off conversations they had with Senators or staff, we should know who they are. It is that plain and simple.

Since the passage of my amendment, which would require political intelligence lobbyists to register as lobbyists, I have heard a great deal of "concern" from the lobbying community. Political intelligence professionals have claimed they should do their business in secret for several reasons.

Now, this is the explanation of why they need secrecy. First, they have said if they are required to register, they will no longer be able to sell information to their clients because people will not want to hire them. That makes me wonder, what do they have to hide?

Second, they have said many of them have large numbers of clients, and it would take them a lot of time to register these large numbers of secret clients. Again, that makes me think we actually need more transparency to find out who are all of these people buying intelligence information.

Third, they have claimed it would not address the so-called "20-percent loophole" that allows people who spend less than 20 percent of their time lobbying from having to register under existing laws as lobbyists. Not too many people know of that 20-percent loophole, but that is a pretty big loophole. A person can lobby, but they don't have to register if they don't spend more than 20 percent of their time on it. Well, on this issue I have some good news for these people. We don't make the mistake that caused the 20-percent loophole. My amendment requires anyone who makes a political intelligence contact to have to register. No loopholes, no deals, no special treatment, just everyone registers.

Finally, I just want to assure people, particularly journalists, that they would not have to register. Now, that information has been floating around, and it has been floating around that some constituents looking for information in order to make a business decision might have to register. Not so. Only political intelligence brokers, people who seek information so others can trade securities, would have to register.

As I said before, if people want to trade stocks from what we do in Congress, we should know who they are. After all, the basic underlying piece of legislation prohibits Members of Congress from having insider trading information and profiting from it. We ought to know with whom we are dealing. The American people deserve a little sunshine from this industry and on this industry.

Last night, the House turned away from transparency. They supported the status quo. What we need is a full and open conference process so we can take up this very important issue once again that the House believes was somehow not very important, even though 288 Members of the House of Representatives—that is two-thirds of the House of Representatives—have signed on to this principle that these people ought to register. We can take that up then in conference, both the House and Senate, working together.

Is every word in this bill the way it ought to be? If somebody wants to point out some things that ought to be changed, I am open to that. But don't forget, 288 people in the House have signed on. It can't be too bad.

So if we don't get to conference or if we have to debate this again on the floor of the Senate, we might not get 60 votes again. So I worry we will miss the best opportunity we have had for openness and transparency in years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

(The remarks of Mr. Wyden pertaining to the introduction of S. 2098 are printed in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Minnesota.

### NEW ENERGY AGENDA

Ms. KLOBUCHAR. Mr. President, I am on the floor today to discuss something that has been a top priority for me in the Senate; that is, the critical need to get serious about building a new energy agenda for America, one that keeps our businesses competitive in the global economy, preserves the integrity of our environment, and restarts the engine that has always kept our country moving forward—and that is innovation. I am specifically focused on the energy tax extenders, those that are so necessary for us to keep going in the area of homegrown and renewable energy.

We all know there is no single solution for getting us there. What we need is not a silver bullet; we need a silver buckshot, as we like to say in Minnesota.

I have talked about the need with many of my colleagues to continue developing alternative resources such as hydro, geothermal, biofuels, solar, wind, and we have also talked about how we need to continue to develop existing technologies such as domestic oil and gas production while enforcing appropriate safeguards. This is the very "all-of-the-above" approach we need to take in order to keep all options on the table.

This means exploring some of the new proposals we have seen with promising technologies such as the smart grid. But it also means extending the critical tax incentives that have been so important in advancing the development of the next generation of biofuels and the next generation of renewable energy. That is why I have pushed to ensure that we have the right policies in place for encouraging clean energy innovation, including the biodiesel tax credit which supports over 31,000 jobs and has allowed domestic production to more than double since 2011. It means the production tax credit, which made it possible for wind power to represent over one-third of all new electricity generation capacity in the United States last year.

Think of that figure. Think of the strides we have made and where we can

go in the future. The advanced energy manufacturing tax credit has leveraged \$5.4 billion in private investment, boosting growth and creating new U.S. manufacturing jobs by producing components and equipment for the burgeoning global renewable energy industry.

Extending these critical tax credits will help strengthen our country's clean energy businesses so they can continue to grow and thrive. But they are just one part of the equation. Again, there is no silver bullet solution to our Nation's energy challenges, and that is why we need to be willing to come together to hammer out a comprehensive strategy for moving forward. We cannot afford to keep our heads buried in the sand. We cannot afford to let yet another golden opportunity pass us by. Sadly, too many have already come and gone.

Over the years, I believe there have been—especially in this last decade—several moments when we could have acted but didn't when we had the full support of the American people who had wanted a new direction in energy policy. The first was immediately after 9/11 when President Bush—if he had made a new energy policy one of the challenges to the country in addition to invading Afghanistan and combating terrorism, I believe we could have moved forward. But that didn't happen, and there is no need to dwell on it today.

The second moment was before the arrival of the Presiding Officer in the Congress, and that was in the summer of 2008 when we did take action to raise gas mileage and energy-efficiency standards—something I like to call building a bridge to the next century—but we didn't make the kind of comprehensive progress on a comprehensive energy plan that we should have made.

The third moment was when President Obama first came into office. At that time, I advocated for a clean energy standard that I believe could have passed in the first 6 months. It could have been combined with some of the other comprehensive things we were talking about. We had a bipartisan group going at the time, a group of 14 of us. But, instead, a decision was made to focus on cap and trade later, instead of starting with that clean energy standard and building from that.

Those were missed opportunities, a chain of missed opportunities. But until we get serious about building a newer energy agenda for America, we are going to continue to struggle with the consequences which have created a vicious cycle of economic and environmental costs, not least of all those caused by climate change.

Climate change, as the Presiding Officer knows, is not just about melting glaciers and rising ocean levels. Shifting global trends have the potential to

wreak intense havoc on local economies, particularly those anchored in agricultural. The facts stand for themselves.

In January 2010, the U.S. Securities and Exchange Commission said for the first time that public companies should add climate change to the list of possible financial or legal impacts that they actually disclose to investors.

The Bureau of Economic Analysis, at the Department of Commerce, estimates that at least one-third of the U.S. gross domestic product is weather and climate sensitive, with a potential economic impact of \$4 trillion a year. Much of that impact would be wrung out of our farm communities and from States with large rural populations, such as my own. Any farmer will tell you a change in weather can mean the difference between a bumper crop and a complete disaster-regardless of how hard that farmer works. So it goes without saying that any kind of significant swing in climate—paired with increasingly unpredictable rainfall could pose a problem to Americans who make their living off the land.

In 2008, Minnesota's farms, forests, and ranches produced \$18 billion in goods and exported close to one-third of that. This is a sector that is critically important to our economy, and we cannot afford for it to be jeopardized. We also cannot afford the rising costs of fire management, as forest fires have become increasingly intense in recent years.

The current path is not sustainable. That is why I am on the floor, in the hope that we can spark a meaningful conversation, but, most specifically, that we look at extending those energy tax credits.

I believe we can take a page from our State, the State of Minnesota.

My home State is proof that policies promoting homegrown energy can also promote business growth and job creation. The unemployment rate in the State of Minnesota is 5.7 percent—well below the national average—and part of that is thanks to our energy policies. In fact, a recent report by the Pew Charitable Trust showed that in the last decade Minnesota jobs in this sector grew by 11.9 percent, compared to 1.9 percent for jobs overall.

As I travel around the State, I can see the progress that has been made. I think of places I have visited, such as Sebeka, MN, where a small telephone company felt their customers who were in extremely rural areas needed backup power supplies. So what did they do? They found a way to combine wind turbines and solar panels so their customers could actually purchase backup power. They did it themselves, and they sold it to their customers.

It was very popular, and at one point an 80-year-old man came to see them, and he said: I would like to purchase more. I want to do my whole house in solar. The telephone company said: Sir, you can do that, but it will take you about 10 years to get your investment back, but it is going to be worth it. Do you mind if we ask how old you are? The man said: I am 80 years old but I want to go green.

That is one of those true stories from the State of Minnesota.

Then there is Pentair, a Minneapolisbased water solutions company that has donated a custom-designed Rain Water Recycling System to the new and great Target baseball field. That technology will capture, conserve, and reuse rainwater, saving the ballpark more than 2 million gallons of water each year.

In one of General Mills' manufacturing plants, they have developed their own innovative way to reuse water—diverting it to the local municipal golf course to water the grass.

These are just a few examples of Minnesota's commitment to energy innovation. There are countless stories out there, but it is not just a Minnesota story, it is an American story.

I would note that the renewable energy standard in Minnesota—25 by 25— is one of the most aggressive in the country—30 percent for Xcel—and yet our unemployment rate is so much better than the rest of the country.

The quest to develop clean, sustainable, homegrown energy is not specific to just one part of the country or, for that matter, just one political party. Our renewable energy standard was actually nearly unanimously adopted by the legislature—Democrats and Republicans—and signed into law by a Republican Governor, Governor Pawlenty. This is an issue I believe can and should unite us, and it is a way to address these concerns because it builds a coalition across a broad spectrum; that is, energy policy. It saves money. It is better for the environment. It is certainly better for our national security, producing our own homegrown energy.

In the past, Democrats and Republicans have managed to come together to confront tough challenges—from the Civil Rights Act in the 1960s, to keeping Social Security solvent in the 1980s, to welfare reform in the 1990s.

But perhaps the most fitting example, in the context of combating climate change, is the Clean Air Act. As the Presiding Officer knows, that landmark bill took the first steps to address acid rain and expanded efforts to control toxic air pollutants.

When the bill passed in the 1990s, it had strong bipartisan support from Democrats and Republicans alike. It is worth mentioning that all 10 Members of the Minnesota delegation at the time, which included 5 Democrats and 5 Republicans—that was our Federal delegation—supported the bill, including Republican Senator Dave Durenberger, who was among its chief authors and staunchest supporters.

Since then, the Clean Air Act has helped prevent more than 18 million child respiratory illnesses and 300,000 premature deaths.

Policies to protect our rivers, lakes, and streams have also had a positive impact on people's health.

Coming from the "Land of 10,000 Lakes," I have a unique appreciation for the importance of clean water. It is the resource that sustains our lakes and rivers, that provides critical habitat to countless fish and millions of migratory birds, that fuels our thriving outdoor economy.

Hunting and fishing are more than just hobbies in our State, I say to the Presiding Officer. They are a way of life, and they are critically important to our economy.

Every year, nearly 2 million people fish our lakes and our streams, and close to 700,000 people hunt our fields and forests.

Nationwide, the hunting and fishing industry is valued at \$95.5 billion a year, and it brings in \$14 billion in revenue. Clean water is a fundamental pillar in supporting this economic sector and protecting people against dangerous toxins such as mercury.

Minnesota has passed some of the most stringent mercury rules in the country. In 2006, our State legislature passed laws requiring our largest powerplants to cut mercury emissions 90 percent by 2015. The Federal Government is finally catching up and will publish a requirement in coming days to make similar reductions by 2016.

Yet despite everything we have done to combat mercury pollution, we are still grappling with its consequences. A recent analysis of 25 years of data has found an unexpected rise in average mercury levels in northern pike and walleye from Minnesota lakes. After declining by 37 percent from 1982 to 1992, average mercury concentrations in these fish began to increase in the mid 1990s.

During the last decade of that period, 1996 to 2006, average mercury concentrations increased 15 percent. These numbers make one of the clearest possible arguments for supporting Federal protection, because we all have a stake in protecting the health of our fish and wildlife, and we cannot do that if we cannot keep dangerous toxins out of our air and water supply.

This is important to our economy, but it is also important to maintaining a certain way of American life, a way of life that many of us grew up with that we ought to be able to pass on to future generations. I grew up in a family that valued the outdoors. I was 18 years old before I took any vacation that did not involve a tent or a camper in one way or another.

This did not just start with my parents. My grandpa was an avid hunter and fisherman. He worked 1,500 feet underground in the mines in Ely, MN.

You can imagine why for him hunting was his way of life. This was his way out. When he got above ground from those mines, it was something he loved to do. I want future generations of Minnesotans to be able to enjoy these same pastimes. I want them to be able to fish in clean water, to hunt in abundant forests, and to camp out in our beautiful wilderness. But I also want them to know the same America we know, an America that is innovative, that is forward thinking, that is willing to come together and hammer out hard-won solutions to tough challenges.

Nowhere is this more important than our quest to move America forward through smarter energy and environmental policies. I cannot help but think, this is our generation's version of the space race and energy race. But the finish line will not be Neil Armstrong placing a flag on the Moon. It will be building the next generation of energy-efficient windows, and doing it in northern Minnesota instead of in China, or an electric car battery factory in Memphis, TN, instead of Mumbai, India, or a wind turbine manufacturer in San Jose, CA, instead of Sao Paulo, Brazil.

This is my vision for an energy America that is energy independent, a stronger, more innovative America. I know you all want to same thing. That is why I am here on the floor today, because I know we cannot continue to get by with piecemeal energy policy. We cannot play red light-green light with our tax incentives as we are doing this year, and that is why we have to put them in place again.

What we need now is a comprehensive national blueprint for energy policy, a solution that will serve the integrity of our air, of our water and natural resources, that gives businesses the incentives to research and develop new sources of energy that invest in the next generation of American innovation.

That is our challenge. It is not going to happen overnight, but I believe we will get it done. We have before; we will do it again. One way to start is to make sure we extend these energy tax credits.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

## RELIGIOUS LIBERTY

Mr. THUNE. Mr. President, there is an old political axiom that is attributed to Thomas Jefferson, more recently to Gerald Ford, that says: A government that is big enough to give you everything you want is also big enough to take it all away.

Those words took on a whole new meaning this last week when we found out the Secretary of the Health and Human Services Department, Kathleen Sebelius, was issuing new regulations with regard to the health care act that passed last year that would apply to religious-affiliated universities, charities, and hospitals.

I think we have to remember exactly why it was that many of our fore-fathers came to this country in the first place. They came, in many cases, because they were trying to get away from religious persecution in their homelands. So they came to the United States with the desire to start anew and to assert that in this new government they formed that they would protect freedoms, basic freedoms, such as religious liberty.

So in the Declaration of Independence they said:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are [the rights to] Life, Liberty, and the pursuit of Happiness.—[In order] to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

So that was a foundational principle of our democracy, and it was enshrined, when they wrote the Constitution, in the first amendment of the Bill of Rights, when they said:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

It was the very first right they enshrined in the Bill of Rights in the Constitution of the United States. That was the weight they attached to the important issue of religious liberty, and it was consistent with the statement in the Declaration of Independence, where it says that those rights are endowed by our Creator. They are not given to us by a State. They are not given to us by government. They are something that is endowed by our Creator. The government is here to protect those rights.

So when this issue popped up on many people's radar screen-and, of course, it has been percolating out there for quite a while, but there had been an opportunity to weigh in and to provide comments, with the hope that the Department of Health and Human Services would come to the right conclusion and exempt religious-affiliated schools, hospitals, and charities—when that was not going to be the case and they were going to require these very organizations to do something that violated their consciences and violated the teachings and the practices of their faith, many people across this country—we have all heard from them—got very engaged on this issue.

It seems to me, at least, there is a very simple answer to this; that is, the administration could go back and revisit this issue and more broadly make this exemption not just for churches—which is where it is today—but also for church schools, church hospitals, church universities.

It was interesting, Tuesday morning the minority leader in the Senate, Senator McConnell, was out here talking about this issue, and he mentioned:

One out of six patients in America is treated at a Catholic hospital. Catholic Charities is the largest private provider of social services to poor children, families, and individuals in America. The Catholic Church runs the largest network of private schools in the country.

He goes on to say:

These institutions have thrived because they have been allowed to freely pursue their religious convictions in a country that, until now, respected their constitutional right to do so.

He went on to say in that statement: If the rights of some are not protected, the rights of all are in danger.

I think what has many of the churches across this country and many of the universities and many of the hospitals concerned about is that this is going to become a finalized regulation.

The proponents of the regulation are saying there is a year to comply with it. I would submit to you that asking people in this country to check their principles at the door not now but a year from now is not making any kind of an accommodation.

This needs to be reversed. This is clearly a violation of religious liberty, the protection and right we have in the first amendment of our Constitution in our Bill of Rights, and I hope the administration will do the right thing and acknowledge that they have made a mistake, that they have gone too far, that they have overreached, that they have treaded in an area they should not tread and make this right. The way to make this right is to reverse this decision.

Some have argued: What is that going to mean? Does that mean people in this country are not going to have access to contraceptive services? The answer to that is absolutely not. Contraception would be widely available. It is just that religious-affiliated employers would not be forced to fund this coverage which violates the tenants of their faith. It does not have anything to do with contraception. It does not have anything to do with that issue at all. What it has to do with is the issue of religious liberty and whether we are going to respect that or are we going to allow that to be eroded, and who knows where this goes next.

The other point I would make is, this is also, I think, an example of what happens when you get a government that is so big it can give you everything you want but also big enough to take it all away. There are a lot of people who, when this was debated, when the affordable care act was debated, argued—myself included—this would lead to government running more of our lives, making more decisions, intruding more, having more control, and making decisions with regard to people's health care.

I would submit this is an example—and perhaps example No. 1—of that very fact. What we are seeing now is, the affordable care act—as it gets implemented, we are giving more and more power to the Federal Government, and when we do that, when big government gets bigger and bigger, it has more latitude when it comes to running over the rights of ordinary Americans. This is a perfect example of that.

I could go down the list of other regulations. I have come down to the floor many times to talk about regulatory overreach, excessive regulations that go way beyond common sense, that do not deal with issues of public health and safety but are simply regulations for regulation's sake.

People have heard me come down and talk about the Department of Labor's efforts now to regulate the young people who work on family farms and ranches and the overly proscriptive way in which they are trying to keep young people from performing duties they learned growing up that they are trained to do, that contribute to the overall success and prosperity of family farms and ranches.

The Department of Labor's proposal right now would restrict young people from working at elevations that are more than 6 feet, from working with farm animals that are more than 6 months old, from working around grain elevators or stockyards or operating certain kinds of equipment, many pieces of equipment, types of equipment that are fairly standard on a farming operation. It strikes at the very heart of what makes a family farm and ranch operation tick. It is an assault on the heartland of this country and the culture and values that have helped shape it and make it great.

So this issue of regulatory overreach and big government is an issue that I think is symbolized by this current debate. What we are having is a debate about the reach of government to where they can start coming up with regulations under the new health care law that clearly violate the religious liberty protections that are afforded for people in this country under the first amendment and which I think our Founders, if they were around today, would find incredibly offensive.

This is an affront, an assault on these very liberties. It is an assault on our Bill of Rights, our Constitution. It is something the administration should walk back from and make right. They can do that very simply by reversing this or widening or broadening this exemption to cover religious-affiliated schools, universities and charities. And they could do that right now.

I would hope that would be the case. If it is not, there is legislation that has been proposed here. A number of my colleagues have already filed bills. In fact, Senator Blunt was down here earlier today and asked to call up an

amendment that would address this issue. It was objected to on the grounds that it is not related to the underlying bill, the highway bill. Well, if it is not related to the highway bill, then let's provide an opportunity for Congress to weigh in on this. I can tell you one thing, the American people are weighing in on this. This Congress of the United States, as their representatives, needs to stand for the American people and, more importantly, needs to defend the Constitution of the United States. If the administration is going to take this step, and if the administration is not going to walk back from this, this Congress of the United States needs to be heard.

There will be numerous attempts until that opportunity is presented by my colleagues and me to make sure this wrong is fixed, is corrected, and that the religious liberties for which our Founders came to this country and for which so many have fought and died over the years to defend are protected, and those rights that are enshrined in our Declaration of Independence and our Constitution and our Bill of Rights are protected for the American people.

I yield the floor.

### ADDITIONAL STATEMENTS

### OBSERVING NATIONAL INVENTORS' DAY

• Mr. BEGICH. Mr. President, today I would like to focus attention on inventors. Senate Joint Resolution 140. Public Law 97-198, designated February 11, the anniversary of the birth of the inventor Thomas Alva Edison, as National Inventors' Day.

Each year we recognize the contributions of those who use their imagination and skills to conceive, create, concoct, discover, devise, and formulate new devices, machines, and processes in order to receive patents, trademarks, and copyrights.

Inventors play an enormously important role in promoting progress in every aspect of our lives. Invention and innovation are basic to the technological and manufacturing strength of the United States and our economic. environmental, and social well-being.

The Constitution specifically provides for the granting of exclusive rights to inventors for their discoveries. During the First Congress, President George Washington prevailed upon the House and Senate to enact a patent statute and wisely advised that "there is nothing which can better deserve your patronage than the promotion of science."

In our State, since our Nation's bicentennial, over 1,600 patents have been issued to Alaska residents. The ingenuity of our citizens is reflected in the variety of patents issued such as a

contaminated sea ice containment, separation, and removal system; an audible fishing weight; and a fish pin bone removal apparatus—just to name a few.

In recent years, over 500 new applications have been received by the U.S. Patent and Trademark Office from Alaskans involving wells, hydraulic and earth engineering, and electric conductors and insulators.

I applaud the efforts of support groups in Alaska such as the Inventors Institute of Alaska, Alaska Inventors and Entrepreneurs, and the Patent and Trademark Resource Center.

The genius of inventors is key to our future. The next great American invention could be among the patent applications pending at the Patent Office.

On the observance of National Inventors' Day, I urge all Alaskans to reflect on contributions of inventors and to take part in appropriate programs and activities.

REMEMBERING CHIEF MASTER. SERGEANT LUTHER JEFFERSON, SR.

• Mrs. BOXER. Mr. President, I am honored to salute the life and service of retired CMSgt Luther Jefferson, Sr., who served as a Tuskegee Airman in the 332nd Fighter Group. Chief Jefferson will be remembered not only for his valor and service to his country but also for his compassion, optimism, and generous spirit. He died at his home in Victorville, California on January 19, 2012

Luther Jefferson was born March 23, 1923, in Cotton Valley, LA, and was the fifth of 11 children born to Andrew and Sue Willie Curry Jefferson. Reared in poverty on a sharecropper's farm, Luther was determined to work hard, study diligently, and maintain a positive outlook on life.

In March 1943, Luther Jefferson was drafted into the U.S. military. While completing basic training at the Army Air Base in Greenberg, NC, he learned of an experimental training program for African-American pilots, based at the Tuskegee Institute and Tuskegee Army Air Field in Alabama. After passing the required examination and being accepted into the program, he was assigned to the 332nd Fighter Group's 99th Fighter Squadron—part of an elite group now known as the Tuskegee Airmen. Logging more than 5,000 hours in aircraft that included the P-40 Fighter and B-25s, he helped protect Army Air Corps bombers in Italy during WWII and participated in the post-WWII Berlin Airlift. Following the war, Jefferson was assigned to Wright-Patterson Air Force Base at Dayton, OH in the Research and Development Section of New Aircraft and Human Characteristics—as one of a select few chosen to test new aircraft and combat simula-

vehicle escape tool; an ocean spill and tions. Luther Jefferson also participated in the Dugway Proving Ground atomic test in Utah. By the time he retired from the U.S. Air Force in 1972, Luther Jefferson had become one of the branch's first African-American chief master sergeants.

As a civilian, Chief Jefferson remained active in his community and volunteered as a Little League umpire and a Meals-on-Wheels driver for homebound seniors.

Luther Jefferson, Sr., passed away at 88 years of age. I extend my heartfelt condolences to his two siblings Avis Jefferson and Alice Shaw; three children, Deborah Jefferson, Yvonne Atkinson, and Andrew Jefferson; and his six grandchildren, extended family, and numerous friends.

I ask my colleagues to join me in honoring the life of Tuskegee Airman CMSgt Luther Jefferson, Sr.

### HONORING CAPTAIN CARLTON JACOB HOLLAND, JR. USA

BARRASSO. Mr. President, today I honor Captain Jake Holland, United States Army, for his service in defense of Wyoming and our Nation.

Captain Holland of Casper, WY, was an Army Ranger assigned to the 48th Army of the Republic of Vietnam, Advance Team 88, Headquarters, Military Assistance Command-Vietnam Advisors, Military Assistance Command. He was stationed in the Central Highlands of Phuoc Long Province as a MACV advisor to the South Vietnamese.

The Central Highlands were a critical supply route for the Viet Cong through the Ho Chi Minh Trail. The MACV mission was infamously known as one of the most dangerous missions for ground troops. They deployed deep into the jungle in small teams of four to train and assist the South Vietnamese Army and the indigenous Montagnard fighters.

Early in the morning on February 9, Captain Holland and his men came under attack. They were outmanned and outgunned by the Viet Cong but that did not dissuade their determination to resist the attack on Bu Dang Compound.

As the enemy advanced closer to the compound demanding surrender over loud speakers, Captain Holland established a perimeter with his remaining forces. He picked up a .50 caliber machine gun and moved from position to position, exposing himself with each burst of fire. After all of the ammunition ran out, Captain Holland and his men succumbed to their wounds but they never gave up the fight. He was 36 years old.

Forty-seven years ago today, on February 9, 1965, Wyoming suffered its first casualty of the Vietnam War. For his valiant actions on this fateful day, Captain Holland was awarded the Distinguished Service Cross, the second

highest honor in the Army. His decorations also included the Purple Heart Medal, National Defense Service Medal, Vietnam Service Medal, and the Vietnam Campaign Medal.

Today, Captain Holland lays in rest with his brothers in arms at Arlington National Cemetery in Section 35, site 3621. His name is engraved on Panel 01E, Line 86 at the Vietnam Veterans Memorial.

In Wyoming we never forget. It is through this tradition that we make every effort to honor and remember those who have selflessly made the ultimate sacrifice. We hold Captain Holland's service and valor high.●

# RECOGNIZING WEST NOTTINGHAM ACADEMY

• Mr. CARDIN, Mr. President, I wish to recognize the 200th anniversary of the chartering and relocation of West Nottingham Academy in Colora, MD. West Nottingham Academy is recognized as the oldest boarding school in the nation 267 years after the school's original founding. West Nottingham Academy was founded in 1744 by Samuel Finley, a young Presbyterian minister from Ireland who later became president of Princeton. The school prepared boys for university study, and two early graduates, Benjamin Rush and Richard Stockton, went on to sign the Declaration of Independence. In 1812, West Nottingham Academy was granted a Charter by the State of Maryland, and moved to its present location. Notable alumni include Maryland Governor Austin Lane Crothers, Cincinnati founder John Filson, North Carolina Governor Alexander Martin, and Pennsylvania Congressman Peter Kostmaver.

West Nottingham Academy has evolved from its humble beginnings as a log cabin addition to Samuel Finley's home to a modern campus that is home to 120 boarding and day students in grades 9-12 representing eight States and ten countries. Student life is enriched outside the classroom by interscholastic sports teams, service learning opportunities, student-led clubs, and educational excursions to Baltimore, Philadelphia, and Washington.

West Nottingham Academy uses an innovative, student-centered academic approach which celebrates students' many learning styles through a variety of teaching methods. The student-centered approach is exemplified in West Nottingham's Chesapeake Learning Center, where students with learning differences receive support services uniquely tailored to help each student reach his or her full potential.

I would ask my colleagues to join me in congratulating West Nottingham Academy on the bicentennial of its chartering and relocation, and on over 200 years of providing educational opportunity and leadership to Maryland and our Nation. ●

# TRIBUTE TO SERGEANT FIRST CLASS JEREMIAH MOCK

• Mr. HELLER. Mr. President, today I wish to honor SFC Jeremiah Mock on the occasion of his oath of reenlistment in the Nevada Army National Guard. His commitment to the citizens of the Silver State is unwavering, and Nevada is honored by his service.

I would first like to recognize all of our Nation's service men and women. Each and every day, our troops are serving the United States to protect our freedom. They dedicate their lives to serve this great Nation and constantly make grave sacrifices to ensure the safety of our country. Our servicemembers and their families deserve our gratitude and thanks.

Before serving in the Nevada National Guard, Sergeant Mock served 9 years in the Army Reserve, where he was deployed repeatedly on combat tours to Iraq and Afghanistan. His continued dedication to service led him to join the Nevada National Guard in 2007, and he continues to serve his State, despite becoming the innocent victim of a brutal shooting in Carson City, NV, on September 6, 2011. I will never forget this tragic event, and I continue to send my thoughts and prayers to the victims and their families.

I commend Sergeant Mock for his bravery and thank him for his faithful service to his State and country. I also wish to recognize Sergeant Mock's wife, SSG Stephanie Mock, who enlisted in the Nevada Air National Guard shortly after the tragic events of September 6, 2011. The Mock family is a true inspiration and illustration of a proud Nevada family who have overcome great hardship through faith and determination.

I congratulate Sergeant Mock on his reenlistment and am humbled by him and all of our courageous service men and women. Let us continue to be mindful of our dedicated servicemembers who fight to protect and preserve the ideals of freedom and democracy.

# RECOGNIZING MIYAKE RESTAURANTS

• Ms. SNOWE. Mr. President, one of the proudest American traditions is that of an individual who starts out on his or her own, takes a risk, and opens a successful business. Such entrepreneurs are the true drivers of our economy, creating jobs and supporting other small enterprises while revitalizing the areas in which they operate. Today I commend chef Masa Miyake of Miyake Restaurants, who has done exactly this in the city of Portland. ME.

In 2007, Masa was working as a chef in New York City and living in Queens with his wife and two young children. He dreamt of relocating to a place that offered a better quality of life for his children and somewhere with savory seafood. Maine offered him all of these things, and having vacationed on Maine's coast in the past, the State reminded him of the beauty of his native Japan. Coincidentally, Masa actually grew up in Japan's Aomori Prefecture in northern Japan, Maine's sister state.

When Masa opened Food Factory Miyake later that year in Portland, he and his wife and eventually one other person were the sole employees of the operation. As a small firm starting out, they did not have a liquor license, and initially the business was BYOB—bring your own beverage. But through hard work and ingenuity, Masa grew the business and built a respected brand, not to mention an excellent selection of authentic drink pairings including wine and sake.

Today, Masa's two restaurants—the revitalized original Miyake and the new Pai Men Miyake noodle restaurant—employ over 38 individuals. Maine is well known for its first-class seafood, and is really beginning to make a name for itself in the trendy world of sushi and haute Asian-fusion cuisine, thanks in no small part to chef Masa Miyake.

Further, Masa has developed his 3-acre backyard into a small farm. Here, Masa and his staff grow vegetables and raise livestock to directly supply his restaurants and other local Maine businesses, including Rosemont Markets, Hugo's, and the Barn on Walnut Hill. These include rare animals such as blue Swedish ducks, Freedom Ranger chickens, and guinea hens. This dynamic blend greatly enhances the rich culture of our State, and I congratulate Chef Miyake for his innovative approach to food and hope other budding entrepreneurs will follow his lead.

I am proud to extend my congratulations to chef Masa Miyake not only for his substantial contribution to the culinary scene in Maine but also for recognizing and highlighting the appeal of Maine as a great place to raise a family and start a business. Job creators with vision and big ideas like Chef Miyake are exactly what Maine needs as we work to restore and improve the economy in our small but vibrant and beautiful State. I offer my best wishes for continued success to Miyake Restaurants and look forward to Chef Miyake's future succulent dishes.

#### MESSAGES FROM THE HOUSE

At 10:05 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1734. An act to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

H.R. 2606. An act to reauthorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

H.R. 3521. An act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes.

H.R. 3581. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes.

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 2038. An act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

The message also announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 99. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to unveil the marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1734. An act to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2606. An act to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3521. An act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; to the Committee on the Budget.

H.R. 3581. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; to the Committee on the Budget.

# MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees.

# EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-4926. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis Cry2Ae Protein in Cotton; Exemption from the Requirement of a Tolerance" (FRL No. 9333-7) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4927. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of (5) officers authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4928. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the amount of funds the Department of Defense intends to obligate to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC-4929. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network: Anti-Money Laundering Program and Suspicious Activity Report Filing Requirements for Residential Mortgage Lenders and Originators" (RIN1506–AB02) received in the Office of the President of the Senate on February 6, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4930. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe declared in Executive Order 13288; to the Committee on Banking, Housing, and Urban Affairs.

EC-4931. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Bank's 2011 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-4932. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report on Uncosted Balances for Fiscal Year Ended 2011"; to the Committee on Energy and Natural Resources.

EC-4933. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule" (RIN3084-AB03) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Energy and Natural Resources.

EC-4934. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmiting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9627-7) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Environment and Public Works.

EC-4935. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of Implementation Plans; New Hampshire: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule" (FRL No. 9627–8) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Environment and Public Works.

EC-4936. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standards" (FRL No. 9627-6) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Environment and Public Works.

EC-4937. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Tennessee: Prevention of Significant Deterioration and Nonattainment New Source Review Rules: Nitrogen Oxides as a Precursor to Ozone" (FRL No. 9627–5) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Environment and Public Works.

EC-4938. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9501–5) received in the Office of the President of the Senate on February 2, 2012; to the Committee on Environment and Public Works.

EC-4939. A communication from the Chief of Recovery and Delisting, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Bald Eagles Nesting in Sonoran Desert Area of Central Arizona Removed from the List of Endangered and Threatened Wildlife" (RIN1018-AX08) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Environment and Public Works.

EC-4940. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of QJSA and QPSA Rules to Deferred Annuity Contracts" (Rev. Rul. 2012-3) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Finance.

EC-4941. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rollover from Qualified Defined Contribution Plan to Qualified Defined Benefit Plan to Obtain Additional Annuity" (Rev. Rul. 2012–4) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Finance.

EC-4942. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application for Recognition as a 501(c) (29) Organization" ((RIN1545-BK64) (TD 9574)) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Finance.

EC-4943. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Senior Community Service Employment Program; Final Rule, Additional Indicator on Volunteer Work" (RIN1205-AB60) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4944. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date" (RIN1205-AB61) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4945. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Further Amendments to General Regulations of the Food and Drug Administration to Incorporate Tobacco Products" (RIN0910-AG60) received in the Office of the President of the Senate on February 6, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-4946. A communication from the Program Manager, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Determining Probability of Causation under the Energy Employees Occupational Illness Compensation Program Act of 2000; Revision of Guidelines on Non-Radiogenic Cancers" (RIN0920-AA39) received in the Office of the President of the Senate on February 6, 2012; to the Committee on Health, Education, Labor, and Pensions

EC-4947. A communication from the Secretary, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4948. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; AL Amyloidosis (Primary Amyloidosis)" (RIN2900-AN75) received during adjournment of the Senate in the Office of the President of the Senate on February 8, 2012; to the Committee on Veterans' Affairs.

EC-4949. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts" (RIN0648-XA917) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4950. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 11" (RIN0648-AX05) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4951. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Harvest Specifications and Management Measures for the Remainder of the 2011 Fishery" (RIN0648-BA01) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4952. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag Grouper Closure Measures" (RIN0648-BA94) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4953. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled 'Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Pacific Cod Fishing in the Parallel Fishery in the Bering Sea and Area" Aleutian Islands Management (RIN0648-AY65) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4954. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Rule Extension, Georges Bank Yellowtail Flounder Catch Limit Revisions" (RIN0648-BA27) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4955. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Program Improvement and Enhancement; Amendment 21–1" (RIN0648–BB13) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4956. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" (RIN0648-BA01) received

during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4957. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: Amendments to the BE-120, Benchmark Survey of Transactions in Selected Services and Intangible Assets with Foreign Persons" (RIN0691–AA76) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4958. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Export Administration Regulations: Addition of a Reference to a Provision of the Iran Sanctions Act of 1996 (ISA) and Statement of the Licensing Policy for Transactions Involving Persons Sanctioned under the ISA" (RIN0694–AF30) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-4959. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cote d'Ivoire Sanctions Regulations; Darfur Sanctions Regulations; Darfur Sanctions Regulations; Oemocratic Republic of the Congo Sanctions Regulations" (31 CFR Parts 543, 546, and 547) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Banking, Housing, and Urban Affairs.

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER:

S. 2080. A bill to authorize depository institutions, depository institution holding companies, Fannie Mae, and Freddie Mac to lease foreclosed property held by such entities for up to 5 years, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURR (for himself, Mr. McConnell, Mr. Cochran, Mrs. Hutchison, Mr. Cornyn, Mr. Paul, Mr. Graham, Mr. Enzi, Mr. Johnson of Wisconsin, Mr. Barrasso, Mr. Wicker, Mr. Risch, Ms. Ayotte, Mr. Boozman, Mr. Coburn, Mr. Demint, Mr. Thune, and Mr. Chambliss):

S. 2081. A bill to require participation in public service and engagement in an active job search as conditions for receipt of extended unemployment benefits; to the Committee on Finance.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 2082. A bill to establish the Cavernous Angioma CARE Center (Clinical Care, Awareness, Research and Education) of Excellence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself and Ms. CANTWELL):

S. 2083. A bill to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that taxpayers reconcile amounts with respect to reportable payment transactions to amounts related to gross receipts and sales; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 2084. A bill to require the Secretary of Transportation to establish accelerated licensing procedures to assist veterans to acquire commercial driver's licenses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL (for himself, Mr. JOHNSON of Wisconsin, and Mr. LEE):

S. 2085. A bill to strengthen employee cost savings suggestions programs within the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. McCASKILL:

S. 2086. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; to the Committee on the Budget.

By Mr. BROWN of Ohio (for himself, Ms. Klobuchar, Mr. Franken, Mrs. Gillibrand, Mr. Schumer, Mr. Casey, and Mrs. Hagan):

S. 2087. A bill to clarify the meaning of "produced" for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2088. A bill to amend the Internal Revenue Code of 1986 to permanently double the amount of start-up expenses entrepreneurs can deduct from their taxes; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2089. A bill to amend title 10, United States Code, to expand the authority of the Secretary of the Army to loan or donate excess small arms to certain eligible organizations for funeral and other ceremonial purposes; to the Committee on Armed Services.

By Mr. AKAKA (for himself, Mr. Bar-RASSO, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, Mr. BAUCUS, Mr. FRANKEN, Ms. CANT-WELL, Mr. HOEVEN, Mrs. MURRAY, and Mr. UDALL of New Mexico):

S. 2090. A bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes; to the Committee on Indian Affairs.

By Mr. ENZI:

S. 2091. A bill to amend the Internal Revenue Code of 1986 to reform the international tax system of the United States, and for other purposes; to the Committee on Finance.

By Mr. MANCHIN (for himself and Mr. Rubio):

S. 2092. A bill to amend title XXVII of the Public Health Service Act to provide conscience protections for individuals and organizations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2093. A bill to establish pilot programs to encourage the use of shared appreciation mortgage modifications, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio:

S. 2094. A bill to amend the Federal Water Pollution Control Act to update a program to provide assistance for the planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows, and to require the Administrator of the Environmental Protection Agency to update certain guidance used to develop and determine the financial capability of communities to implement clean water infrastructure programs; to the Committee on Environment and Public Works.

By Mr. FRANKEN:

S. 2095. A bill to ensure that individuals who are in an authorized job training program or completing work for a degree or certificate remain eligible for regular unemployment compensation; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. Wyden, and Mrs. Hutchison):

S. 2096. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 2097. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing grants programs for provider education, and related research; to the Committee on Finance.

By Mr. WYDEN:

S. 2098. A bill to support statewide individual-level integrated postsecondary education data systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY):

S. 2099. A bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. Rubio, Mrs. Gillibrand, Mrs. Boxer, Mr. ISAKSON, Mr. DURBIN, and Mr. KYL):

S. Res. 370. A resolution calling for democratic change in Syria; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Ms. Col-LINS, Mr. LEVIN, Mr. SANDERS, Mr. WEBB, Ms. KLOBUCHAR, Ms. STABE-NOW, and Ms. SNOWE):

S. Res. 371. A resolution designating the week of February 6 through 10, 2012, as "National School Counseling Week"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 316

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 316, a bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Ameri-

cans who have been killed or wounded in a combat zone overseas and their families.

S. 376

At the request of Mr. COBURN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 376, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 402

At the request of Ms. Snowe, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 402, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 412

At the request of Mr. Levin, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 555

At the request of Mr. Franken, the names of the Senator from Michigan (Mr. Levin) and the Senator from Wisconsin (Mr. Kohl) were added as cosponsors of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 641

At the request of Mr. Durbin, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 704

At the request of Mr. Wyden, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 1164

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. Lee) was added as a cosponsor of S. 1164, a bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of S. 1269, a bill to amend the Elementary

and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1315

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 1315, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. Blumenthal) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1467

At the request of Mr. Blunt, the names of the Senator from Arizona (Mr. McCain), the Senator from Alabama (Mr. Sessions), the Senator from Alaska (Ms. Murkowski), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Massachusetts (Mr. Brown) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1616

of the Senator from Arkansas (Mr.

BOOZMAN) was added as a cosponsor of S. 1990, a bill to require the Trans-S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

At the request of Mr. Thune, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public

S. 1734

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 1734, a bill to provide incentives for the development of qualified infectious disease products.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1796

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mr. Blunt) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1821

At the request of Mr. Coons, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Colorado (Mr. Bennet), the Senator from Montana (Mr. TESTER), the Senator from Montana (Mr. BAUCUS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1925, a bill to Violence Against reauthorize the Women Act of 1994.

S. 1945

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1945, a bill to permit the televising of Supreme Court proceedings.

S. 1990

At the request of Mr. LIEBERMAN, the At the request of Mr. ENZI, the name of the Senator from Missouri (Mr. Blunt) was added as a cosponsor

portation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2043

At the request of Mr. Rubio, the names of the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2053

At the request of Mr. BENNET, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2053, a bill to encourage transit-oriented development, and for other purposes.

S. 2059

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 2059, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpavers.

At the request of Mr. PAUL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2062, a bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. Hoeven) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELLER:

S. 2080. A bill to authorize depository institutions, depository institution holding companies, Fannie Mae, and Freddie Mac to lease foreclosed property held by such entities for up to 5 years, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HELLER. Mr. President, when our Nation's economy was thriving, Nevada was at the heart of the construction boom. Buildings and homes

were going up across the State. Neighborhoods were growing, schools were being built at record rates, and the construction industry was flourishing. All of this activity drove investments into other areas of the economy, and for many life was good in Nevada. But when the crisis hit, the highs that my State experienced were matched by the lows that followed.

Nevada now leads the Nation in unemployment with more than 160,000 Nevadans looking for a job. Many can no longer afford their homes. Nevadans are being forced into bankruptcy and facing foreclosure. While Nevada is home to some of the most resilient, hard-working people in the country, almost one-quarter of Nevadans are so frustrated that they have simply given up hope for better employment.

Much of the difficulty Nevadans are experiencing can be traced back to the crisis in my State. The ill effects of the depressed housing market are widespread. High rates of foreclosures are devastating to families, neighborhoods, and entire communities. Families who have been foreclosed upon are already having a hard time paying their bills. Add to those difficulties the time spent finding a new place and the costs of moving and their problems are compounded. Time spent fighting the bank to avoid foreclosure and relocating would likely be better used to find a job or better paying employment.

One of the biggest problems distressed home owners are facing is the programs that have been put into place to help keep people in their homes that have not lived up to expectations. My office spends a great deal of time with Nevadans on the cusp of losing their homes, looking for help, and trying to keep families in their homes. It is truly heart wrenching to hear some of these stories. These homeowners do not want to foreclose, and obviously they do not want to lose their homes.

I recently received this e-mail from a constituent in Reno who is fighting to keep their home. I would like to share that with you.

We hoped for a win-win situation but in the end all we got was a nightmare in which everyone loses: my sister and I obviously lose, our neighborhood loses as another house sits vacant with a rusting metal sign in the front, our State loses as the housing plight increases again, the bank loses because they lose a customer who just needed another chance and, most importantly, democracy loses as the plutocrats roll over another family.

When families move, their children often have to change schools. So now not only are children forced to move from their homes, they are also leaving behind their schools and their neighborhoods. This kind of destabilization is harmful for families who are already struggling.

Consider the effects of foreclosures on neighborhoods and communities. The widespread availability of housing is flooding the real estate inventory in Nevada. This is forcing down home values and making it difficult for other people to sell their homes as well. In February 2006 the average home in Nevada was valued at \$309,000. Today the home values have dropped to \$120,000.

Homes left vacant and uncared for can quickly become an eyesore, pushing low home values even lower. This means others in the neighborhood can have a difficult time selling their homes if they want to move. If they find a better job elsewhere, for example, they may not be able to take it because they cannot sell their homes for a reasonable price, if they are able to sell them at all.

Today I am introducing legislation to help reverse these destabilizing forces. The bill I am introducing today, the Keeping Families in their Home Act, will help address large unsold housing inventories and give families a chance to stay in their homes. This bill would allow banks, Fannie Mae and Freddie Mac, to enter into long-term leases, including an option to purchase properties acquired through foreclosure with the prior homeowner or any individual.

By providing an opportunity for the homeowner to stay in their home, the bank is giving families a chance to regain sound financial footing. This commonsense solution helps provide some much needed stability is available for all families.

While I believe this bill is a good step in the right direction, let me be clear: much more needs to be done to help the housing problems facing Nevada. The programs already in place simply have not done enough and have not lived up to expectations.

I was pleased to see reports of growth in our economy, but people in my State continue to suffer. Back home Nevadans still believe there are no jobs. Small businesses are trying to survive while gridlock in Washington is making it harder for employers to know what is expected in the coming year. Crushing regulations are bringing Nevada's growth industries to a halt. In order for Nevada to experience real long-term recovery, Washington needs to fundamentally change the way it works. Congress needs to stop overspending. Republicans and Democrats should come together to close unfair loopholes and make the Tax Code easier for businesses to understand and to follow. This bill is just one solution to help turn around this housing crisis. It is also an idea that both Republicans and Democrats can support.

I look forward to working with my colleagues to pass this bill and others into law so that we can help families dealing with foreclosures across the country. As I have said before, moving forward I welcome any and all ideas on how to fix the housing crisis in this country. Nevadans cannot afford to wait any longer.

In the meantime, I urge my colleagues to seriously consider supporting this bill. This legislation can go a long way toward helping families, stabilizing neighborhoods, and stem any further reduction in home prices. I hope Senators will join me in this endeavor so the President can sign this bill into law and help families who badly need it.

#### By Mr. ROCKEFELLER:

S. 2088. A bill to amend the Internal Revenue Code of 1986 to permanently double the amount of start-up expenses entrepreneurs can deduct from their taxes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Small Business Start-up Support Act of 2012, legislation that will promote small business growth in my home state of West Virginia, and around the country.

Since the recession, I have met with countless business owners, as well as those who dream of starting a small business. One of the common themes of these conversations is the difficulty these individuals have raising capital, particularly when a business is in its infancy.

This legislation helps those individuals out, by expanding a successful provision of the tax code that allows business owners to deduct up to \$5,000 of start-up costs. These start-up costs are things like legal and marketing costs that are necessary to get a business up and running, but put a strain on an already tight budget. My bill would expand this deduction so that individuals can deduct up to \$10,000 of start-up costs.

For a business to survive, and thrive, its owner has to do their homework during its infancy. They have to study things like supply chains and distribution models. They have to develop marketing plans. Each of these things has a cost that is incurred before a business makes dollar one. That is when a business owner is most in need of assistance and that is why this credit was first enacted.

A temporary expansion of the startup deduction was enacted in 2008, and it was one of many actions this Congress took to help business owners weather the recession and keep their doors open. President Obama included a permanent extension of this provision in his "Startup America" legislative agenda and I am committed to seeing it become law.

I ask my colleagues to join me in supporting this important legislation and thank the chair for allowing me to speak on this issue.

By Mr. ENZI:

S. 2091. A bill to amend the Internal Revenue Code of 1986 to reform the international tax system of the United States, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise to speak about a bill I am introducing

today, the United States Job Creation nies don't bring those earnings back and International Tax Reform Act of 2012. The name says it all. This is a bill that would incentivize American companies to create jobs in the United States while at the same time leveling the playing field for U.S. companies in the global marketplace. This bill would reform and modernize the rules for taxing the global operations of American companies and would help America become a more attractive location to base a business that serves customers all over the world.

Unfortunately, our current tax rules do just the opposite. In fact, many businesses could be better off if they were headquartered outside the United States. That is not right, and Congress should fix it. This bill would do that.

I wish to thank Senator HATCH and members of his staff who have been helpful in working through the complexities of this international tax.

I also wish to mention Eric Oman, a member of my staff and a CPA, who worked with me in developing this legislation. He has lived overseas and worked with the U.S. tax laws overseas. That is the kind of expertise we need to reform international tax law.

I wish to thank all who testified before the Finance Committee, especially Scott Naatjes, who is the vice president and general tax counsel of Cargill. This man has dealt with the complex accounting of foreign earnings and the money to be repatriated to the United States, an actual practitioner whom we relied on. He gave us insight into years of records that have to be reviewed for a single item in the complex web of the current international tax system in order to bring the money back to the United States.

Finally, I wish to thank DAVE CAMP. the chairman of the House, Ways, and Means Committee, who kick-started the discussion on tax reform when he released his discussion draft last Octoher.

Enacted in the 1960s, our current international tax rules have passed their expiration date. Many of the U.S. major trading partners, including Canada, Japan, the United Kingdom, and most of Europe have moved to what are called territorial tax systems. That is actually a word for a global tax system. These types of tax systems tax the income generated within their borders and exempt foreign earnings from tax.

The United States, on the other hand, taxes the worldwide income of U.S. companies and provides deferral of the U.S. tax until the foreign earnings are brought home. Deferral of the tax until the earnings are brought home encourages them not to bring the money home. It actually incentivizes them to leave their money abroad and to expand over there. Because the United States has nearly the highest corporate tax rate in the world, compaand, as I said, reinvest outside the United States. That certainly is not a recipe for U.S. growth and U.S. job creation.

The dominance of U.S.-headquartered companies in the global marketplace is waning. Thirty-six percent of the For-Global 500 companies were headquartered in the United States in 2000. In 2009, that number dropped to 28 percent. That is from 36 percent to 28 percent among the Fortune Global 500 companies headquartered in the United States. Clearly, America is losing ground and our current international tax rules are a big part of the problem.

The bill I am introducing would help to right the ship by pulling our international tax rules into the 21st century so U.S. companies are not at a competitive disadvantage with foreign companies because of American tax rules that are outdated by changes most other countries have already made. The bill would give U.S. companies incentives to create jobs in the United States and undertake activities in the United States in order to win globally.

First, if the foreign earnings have already been subject to a tax in a foreign country, this bill would provide a 95percent exemption from the U.S. tax on those foreign earnings. This would allow for American-managed capital to be put to the most productive use and help stabilize our economy.

Second, this bill would allow foreign earnings that are currently sitting overseas to be brought back to America at a reduced rate—not a zero tax rate but a greatly reduced rate—and with the ability to pay that, the taxes that are owed in installments. That gets the cash back now and still gets some taxation for us instead of leaving it all overseas. This provision would serve as a transition to the new territorial system by allowing U.S. companies to unlock a significant amount of capital currently being held offshore and quickly move into the new territorial system, and that means more jobs and a better economy. It also emphasizes one of the things I talk about with any of the tax changes—as one of the few accountants—we have to transition into these things if we want the companies stable enough that they can exist through the change in the Tax Code, and that provides for a transition as well.

Third, this bill would reduce the U.S. tax burden on income generated by American companies from ideas and innovations. This bill would encourage companies to develop and keep rights to ideas and inventions in the United States. When families tune in to "60 Minutes" on Sunday evenings, they would hear fewer stories about how U.S. companies are moving their profits to tax haven countries and avoiding U.S. tax on those earnings. Families would hear fewer stories about how the U.S. multinational companies set up post office boxes in the Cayman Islands and Switzerland without a single employee or officer of the company anywhere on site and attribute a significant portion of their foreign earnings to those jurisdictions.

Instead, families would hear more stories about how U.S. companies are generating the ideas and inventions of tomorrow right here in America.

This bill can be a first step in tax reform. We have a lot of work to do in many other areas of tax law in order to make it simpler, fairer, and more transparent. We need to be looking at the individual tax system, the corporate tax system, and particularly how we tax the passthrough entities such as partnerships and S corporations that have to pay the tax on the money when it is still invested in the business.

I also recognize, as we move forward in these other areas, it may be appropriate to make changes to this bill. This is exactly how the legislative process should work, and I look forward to getting back to conducting the Senate's business in regular order, where we work through the issues in the committee first and offer amendments to improve the bills that ultimately come to the Senate floor, where there is a shot for everybody else to make amendments.

But today with the introduction of this bill, we move from discussion to action with respect to a single piece of the tax reform. The Simpson-Bowles deficit commission recommended a move to a territorial system, and I am glad to be moving the conversation forward on this recommendation with the introduction of this bill. I hope this bill will begin a discussion, a discussion of fairness that needs to begin yesterday.

I hope Members and their staff will review the bill and the detailed explanation we have prepared. I also ask that all interested stakeholders review the bill and reach out to my staff and the staff of the Finance Committee to discuss what they like, what they don't like, and their suggestions for improvements. That is the way bills are supposed to work.

The international tax rules are not easy or simple and reforming them will be a heavy lift. But those things are worth doing, and when they are worth doing, they are rarely easy or simple.

I look forward to joining with my colleagues to pass international tax reforms that our American companies and our country desperately need.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

## SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

- (a) SHORT TITLE.—This Act may be cited as the "United States Job Creation and International Tax Reform Act of 2012".
- (b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.
- (c) Table of Contents.—The table of contents of this Act is as follows:
- Sec. 1. Short title; amendment of 1986 Code; table of contents.

## TITLE I—PARTICIPATION EXEMPTION SYSTEM FOR TAXATION OF FOREIGN INCOME

- Sec. 101. Deduction for dividends received by domestic corporations from certain foreign corporations.
- Sec. 102. Application of dividends received deduction to certain sales and exchanges of stock.
- Sec. 103. Deduction for foreign intangible income derived from trade or business within the United States.
- Sec. 104. Treatment of deferred foreign income upon transition to participation exemption system of taxation.

### TITLE II—OTHER INTERNATIONAL TAX REFORMS

Subtitle A—Modifications of Subpart F

- Sec. 201. Treatment of low-taxed foreign income as subpart F income.
- Sec. 202. Permanent extension of look-thru rule for controlled foreign corporations.
- Sec. 203. Permanent extension of exceptions for active financing income.
- Sec. 204. Foreign base company income not to include sales or services income.

#### Subtitle B—Modifications Related to Foreign Tax Credit

- Sec. 211. Modification of application of sections 902 and 960 with respect to post-2012 earnings.
- Sec. 212. Separate foreign tax credit basket for foreign intangible income.
- Sec. 213. Inventory property sales source rule exceptions not to apply for foreign tax credit limitation.

## Subtitle C—Allocation of Interest on Worldwide Basis

Sec. 221. Acceleration of election to allocate interest on a worldwide basis.

## TITLE I—PARTICIPATION EXEMPTION SYSTEM FOR TAXATION OF FOREIGN INCOME

#### SEC. 101. DEDUCTION FOR DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM CERTAIN FOREIGN CORPORATIONS.

(a) ALLOWANCE OF DEDUCTION.—Part VIII of subchapter B of chapter 1 is amended by inserting after section 245 the following new section:

#### "SEC. 245A. DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM CERTAIN FOREIGN CORPORATIONS.

"(a) IN GENERAL.—In the case of any dividend received from a controlled foreign corporation by a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation, there shall be allowed as a deduction an amount equal to 95 percent of the qualified foreign-source portion of the dividend.

- "(b) Treatment of Electing Noncon-TROLLED SECTION 902 CORPORATIONS AS CON-TROLLED FOREIGN CORPORATIONS —
- "(1) IN GENERAL.—If a domestic corporation elects the application of this subsection for any noncontrolled section 902 corporation with respect to the domestic corporation, then, for purposes of this title—
- "(A) the noncontrolled section 902 corporation shall be treated as a controlled foreign corporation with respect to the domestic corporation, and
- "(B) the domestic corporation shall be treated as a United States shareholder with respect to the noncontrolled section 902 corporation.
  - "(2) ELECTION.—
- "(A) TIME OF ELECTION.—Any election under this subsection with respect to any noncontrolled section 902 corporation shall be made not later than the due date for filing the return of tax for the first taxable year of the taxpayer with respect to which the foreign corporation is a noncontrolled section 902 corporation with respect to the taxpayer (or, if later, the first taxable year of the taxpayer for which this section is in effect).
- "(B) REVOCATION OF ELECTION.—Any election under this subsection, once made, may be revoked only with the consent of the Secretary.
- "(C) CONTROLLED GROUPS.—If a domestic corporation making an election under this subsection with respect to any noncontrolled section 902 corporation is a member of a controlled group of corporations (within the meaning of section 1563(a), except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein), then, except as otherwise provided by the Secretary, such election shall apply to all members of such group.
- "(c) QUALIFIED FOREIGN-SOURCE PORTION OF DIVIDENDS.—For purposes of this section—
- "(1) QUALIFIED FOREIGN-SOURCE PORTION.—
- "(A) IN GENERAL.—The qualified foreignsource portion of any dividend is an amount which bears the same ratio to such dividend as—
- "(i) the post-2012 undistributed qualified foreign earnings, bears to
- ``(ii) the total post-2012 undistributed earnings.
- "(B) Post-2012 UNDISTRIBUTED EARNINGS.— The term 'post-2012 undistributed earnings' means the amount of the earnings and profits of a controlled foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 2012—
- "(i) as of the close of the taxable year of the controlled foreign corporation in which the dividend is distributed, and
- "(ii) without diminution by reason of dividends distributed during such taxable years.
- "(C) POST-2012 UNDISTRIBUTED QUALIFIED FOREIGN EARNINGS.—The term 'post-2012 undistributed qualified foreign earnings' means the portion of the post-2012 undistributed earnings which is attributable to income other than—
- ``(i) income described in section 245(a)(5)(A), or
- "(ii) dividends described in section 245(a)(5)(B).
- "(2) ORDERING RULE FOR DISTRIBUTIONS OF EARNINGS AND PROFITS.—Distributions shall be treated as first made out of earnings and profits of a controlled foreign corporation which are not post-2012 undistributed earnings and then out of post-2012 undistributed earnings.
- "(d) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

- "(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to the qualified foreign-source portion of any dividend.
- "(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1).
- "(3) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax for which credit is not allowable under section 901 by reason of paragraph (1).
- "(4) TREATMENT OF NONDEDUCTIBLE PORTION IN APPLYING FOREIGN TAX CREDIT LIMIT.—For purposes of applying the limitation under section 904(a), the remaining 5 percent of the qualified foreign-source portion of any dividend with respect to which a deduction is not allowable to the domestic corporation under subsection (a) shall be treated as income from sources within the United States.
- "(e) SPECIAL RULES FOR HYBRID DIVI-DENDS.—
- "(1) IN GENERAL.—Subsection (a) shall not apply to any dividend received by a United States shareholder from a controlled foreign corporation if the dividend is a hybrid dividend.
- "(2) HYBRID DIVIDENDS OF TIERED CONTROLLED FOREIGN CORPORATIONS.—If a controlled foreign corporation with respect to which a domestic corporation is a United States shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which such domestic corporation is also a United States shareholder, then, notwithstanding any other provision of this title—
- "(A) the hybrid dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the receiving controlled foreign corporation for the taxable year of the controlled foreign corporation in which the dividend was received, and
- "(B) the United States shareholder shall include in gross income an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the subpart F income described in subparagraph (A).
- "(3) DENIAL OF FOREIGN TAX CREDIT, ETC.— The rules of subsection (d) shall apply to any hybrid dividend received by, or any amount included under paragraph (2) in the gross income of, a United States shareholder, except that, for purposes of applying subsection (d)(4), all of such dividend or amount shall be treated as income from sources within the United States.
- "(4) Hybrid dividend' means an amount received from a controlled foreign corporation—
- $\lq\lq(A)$  which is treated as a dividend for purposes of this title, and
- "(B) for which the controlled foreign corporation received a deduction (or similar tax benefit) under the laws of the country in which the controlled foreign corporation was created or organized.
- "(f) DEFINITIONS.—For purposes of this section—  $\,$
- "(1) UNITED STATES SHAREHOLDER.—The term 'United States shareholder' has the meaning given such term in section 951(b).
- "(2) CONTROLLED FOREIGN CORPORATION.— The term 'controlled foreign corporation' has the meaning given such term in section 957(a)
- ''(3) Noncontrolled Section 902 corporation.—The term 'noncontrolled section 902 corporation' has the meaning given such term in section 904(d)(2)(E)(i).

- "(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section."
- (b) APPLICATION OF HOLDING PERIOD REQUIREMENT.—Subsection (c) of section 246 is amended—
- (1) by striking "or 245" in paragraph (1) and inserting "245, or 245A", and
- (2) by adding at the end the following new paragraph:
- "(5) SPECIAL RULES FOR QUALIFIED FOREIGN-SOURCE PORTION OF DIVIDENDS RECEIVED FROM CONTROLLED FOREIGN CORPORATIONS.—
- "(A) 1-YEAR HOLDING PERIOD REQUIRE-MENT.—For purposes of section 245A—
  - "(i) paragraph (1)(A) shall be applied-
- "(I) by substituting '365 days' for '45 days' each place it appears, and
- "(II) by substituting '731-day period' for '91-day period', and
- "(ii) paragraph (2) shall not apply.
- "(B) STATUS MUST BE MAINTAINED DURING HOLDING PERIOD.—For purposes of section 245A, the holding period requirement of this subsection shall be treated as met only if—
- "(i) the controlled foreign corporation referred to in section 245A(a) is a controlled foreign corporation at all times during such period, and
- "(ii) the taxpayer is a United States shareholder (as defined in section 951) with respect to such controlled foreign corporation at all times during such period.
- "(C) SPECIAL RULES FOR ELECTING NONCONTROLLED SECTION 902 CORPORATIONS.—In the case of an election under section 245A(b) to treat a noncontrolled section 902 corporation as a controlled foreign corporation, the requirements of subparagraph (B) shall be treated as met for any continuous period ending on the day before the effective date of the election for which the taxpayer met the ownership requirements of section 904(d)(2)(E) with respect to such corporation."
- (c) APPLICATION OF RULES GENERALLY APPLICABLE TO DEDUCTIONS FOR DIVIDENDS RECEIVED.
- (1) TREATMENT OF DIVIDENDS FROM TAX-EXEMPT CORPORATIONS.—Paragraph (1) of section 246(a) is amended by striking "and 245" and inserting "245, and 245A".
- (2) ASSETS GENERATING TAX-EXEMPT PORTION OF DIVIDEND NOT TAKEN INTO ACCOUNT IN ALLOCATING AND APPORTIONING DEDUCTIBLE EXPENSES.—Paragraph (3) of section 864(e) is amended by striking "or 245(a)" and inserting ", 245(a), or 245A".
- (3) COORDINATION WITH SECTION 1059.—Subparagraph (B) of section 1059(b)(2) is amended by striking "or 245" and inserting "245, or 245A".
- (d) Conforming Amendments.—
- (1) Clause (vi) of section 56(g)(4)(C) is amended by inserting "245A or" before "965".
- (2) Subsection (b) of section 951 is amended—  $\,$
- (A) by striking "subpart" and inserting "title", and
- (B) by adding at the end the following: "Such term shall include, with respect to any entity treated as a controlled foreign corporation under section 245A(b), any domestic corporation treated as a United States shareholder with respect to such entity under such section."
- (3) Subsection (a) of section 957 is amended—
- (A) by striking "subpart" in the matter preceding paragraph (1) and inserting "title", and
- (B) by adding at the end the following: "Such term shall include any entity treated  $% \left( 1\right) =\left\{ 1\right\} =\left\{ 1$

- as a controlled foreign corporation under section 245A(b).".
- (4) The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting after the item relating to section 245 the following new item:
- "Sec. 245A. Dividends received by domestic corporations from certain foreign corporations.".
- (e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## SEC. 102. APPLICATION OF DIVIDENDS RECEIVED DEDUCTION TO CERTAIN SALES AND EXCHANGES OF STOCK.

- (a) SALES BY UNITED STATES PERSONS OF STOCK IN CFC.—Section 1248 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

  "(j) COORDINATION WITH DIVIDENDS RE-
- "(j) COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.—
- "(1) IN GENERAL.—In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for 1 year or more, any amount received by the domestic corporation which is treated as a dividend by reason of this section shall be treated as a dividend for purposes of applying section 245A.
- ``(2) Losses disallowed.—If a domestic corporation—
- "(A) sells or exchanges stock in a foreign corporation in a taxable year of the domestic corporation with or within which a taxable year of the foreign corporation beginning after December 31, 2012, ends, and
- "(B) met the ownership requirements of subsection (a)(2) with respect to such stock, no deduction shall be allowed to the domestic corporation with respect to any loss from the sale or exchange."
- (b) SALE BY A CFC OF A LOWER TIER CFC.—Section 964(e) is amended by adding at the end the following new paragraph:
- "(4) COORDINATION WITH DIVIDENDS RE-CEIVED DEDUCTION.—
- "(A) IN GENERAL.—If, for any taxable year of a controlled foreign corporation beginning after December 31, 2012, any amount is treated as a dividend under paragraph (1) by reason of a sale or exchange by the controlled foreign corporation of stock in another foreign corporation held for 1 year or more, then, notwithstanding any other provision of this title—
- "(i) the qualified foreign-source portion of such dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the selling controlled foreign corporation for such taxable year,
- "(ii) a United States shareholder with respect to the selling controlled foreign corporation shall include in gross income for the taxable year of the shareholder with or within which such taxable year of the controlled foreign corporation ends an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under clause (i), and
- "(iii) the deduction under section 245A(a) shall be allowable to the United States shareholder with respect to the subpart F income included in gross income under clause (ii) in the same manner as if such subpart F income were a dividend received by the shareholder from the selling controlled foreign corporation.
- "(B) EFFECT OF LOSS ON EARNINGS AND PROFITS.—For purposes of this title, in the

case of a sale or exchange by a controlled foreign corporation of stock in another foreign corporation in a taxable year of the selling controlled foreign corporation beginning after December 31, 2012, to which this paragraph would apply if gain were recognized, the earnings and profits of the selling controlled foreign corporation shall not be reduced by reason of any loss from such sale or exchange.

"(C) QUALIFIED FOREIGN-SOURCE PORTION.— For purposes of this paragraph, the qualified foreign-source portion of any amount treated as a dividend under paragraph (1) shall be determined in the same manner as under section 245A(c)."

# SEC. 103. DEDUCTION FOR FOREIGN INTANGIBLE INCOME DERIVED FROM TRADE OR BUSINESS WITHIN THE UNITED STATES.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by adding at the end the following new section:

#### "SEC. 250. FOREIGN INTANGIBLE INCOME DE-RIVED FROM TRADE OR BUSINESS WITHIN THE UNITED STATES.

- "(a) IN GENERAL.—In the case of a domestic corporation, there shall be allowed as a deduction an amount equal to 50 percent of the qualified foreign intangible income of such domestic corporation for the taxable year.
- "(b) QUALIFIED FOREIGN INTANGIBLE IN-
- "(1) IN GENERAL.—The term 'qualified foreign intangible income' means, with respect to any domestic corporation, foreign intangible income which is derived by the domestic corporation from the active conduct of a trade or business within the United States with respect to the intangible property giving rise to the income.
- "(2) REQUIREMENTS RELATING TO TRADE OR BUSINESS WITHIN THE UNITED STATES.—For purposes of this section, foreign intangible income shall be treated as derived by a domestic corporation from the active conduct of a trade or business within the United States only if—
- "(A) the domestic corporation developed, created, or produced within the United States the intangible property giving rise to the income, or
- "(B) in any case in which the domestic corporation acquired such intangible property, the domestic corporation added substantial value to the property through the active conduct of such trade or business within the United States.
- ''(c) Foreign Intangible Income.—For purposes of this section—
- "(1) IN GENERAL.—The term 'foreign intangible income' means any intangible income which is derived in connection with—
- "(A) property which is sold, leased, licensed, or otherwise disposed of for use, consumption, or disposition outside the United States, or
- "(B) services provided with respect to persons or property located outside the United States.
- "(2) EXCEPTIONS FOR CERTAIN INCOME.—The following amounts shall not be taken into account in computing foreign intangible income:
- "(A) Any amount treated as received by the domestic corporation under section 367(d)(2) with respect to any intangible property
- "(B) Any payment under a cost-sharing arrangement entered into under section 482.
- "(C) Any amount received from a controlled foreign corporation with respect to which the domestic corporation is a United States shareholder to the extent such

amount is attributable or properly allocable to income which is—

"(i) effectively connected with the conduct of a trade or business within the United States and subject to tax under this chapter, or

"(ii) subpart F income.

For purposes of clause (ii), amounts not otherwise treated as subpart F income shall be so treated if the amount creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or any other controlled foreign corporation.

"(3) INTANGIBLE INCOME.—The term 'intangible income' means gross income from—

"(A) the sale, lease, license, or other disposition of property in which intangible property is used directly or indirectly, or

"(B) the provision of services related to intangible property or in connection with property in which intangible property is used directly or indirectly,

to the extent that such gross income is properly attributable to such intangible property.

"(4) DEDUCTIONS TO BE TAKEN INTO ACCOUNT.—The gross income of a domestic corporation taken into account under this subsection shall be reduced, under regulations prescribed by the Secretary, so as to take into account deductions properly allocable to such income.

"(5) INTANGIBLE PROPERTY.—The term 'intangible property' has the meaning given such term by section 936(h)(3)(B).

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section."

(b) CONFORMING AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 250. Foreign intangible income derived from trade or business within the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of domestic corporations beginning after December 31, 2012.

#### SEC. 104. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PAR-TICIPATION EXEMPTION SYSTEM OF TAXATION.

(a) In General.—Section 965 is amended to read as follows:

#### "SEC. 965. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PAR-TICIPATION EXEMPTION SYSTEM OF TAXATION.

"(a) DEDUCTION ALLOWED.—In the case of a domestic corporation which elects the application of this section to any controlled foreign corporation with respect to which it is a United States shareholder, there shall be allowed as a deduction for the taxable year of the United States shareholder with or within which the first taxable year of the controlled foreign corporation beginning after December 31, 2012, ends an amount equal to 70 percent of the amount determined under subsection (b) for the taxable year

"(b) ELIGIBLE AMOUNT.—For purposes of subsection (a)—

"(1) IN GENERAL.—The amount determined under this subsection for a United States shareholder with respect to any controlled foreign corporation for the taxable year of the shareholder described in subsection (a) is the lesser of—

"(A) the shareholder's pro rata share of the earnings and profits of the controlled foreign

corporation described in section 959(c)(3) as of the close of the taxable year preceding the first taxable year of the controlled foreign corporation beginning after December 31, 2012. or

"(B) an amount equal to the sum of-

"(i) the dividends received by the shareholder during such taxable year from the controlled foreign corporation which are attributable to the earnings and profits described in subparagraph (A), plus

"(ii) the increase in subpart F income required to be included in gross income of the shareholder for the taxable year by reason of the election under paragraph (2).

"(2) ELECTION OF DEEMED SUBPART F INCLUSION.—A United States shareholder may elect for purposes of paragraph (1)(B)(ii) to treat all (or any portion) of the shareholder's pro rata share of the earnings and profits of a controlled foreign corporation described in paragraph (1)(A) as subpart F income includible in the gross income of the shareholder for the taxable year of the shareholder described in subsection (a).

"(3) ORDERING RULE.—For purposes of paragraph (1)(B)(i), distributions shall be treated as first made out of earnings and profits of a controlled foreign corporation described in paragraph (1)(A).

"(4) DIVIDEND.—The term 'dividend' shall not include amounts includible in gross income as a dividend under section 78.

"(c) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—In the case of a domestic corporation making an election under subsection (a) with respect to any controlled foreign corporation—

"(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to the earnings and profits taken into account in determining the amount under subsection (b).

"(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1).

"(3) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax for which credit is not allowable under section 901 by reason of paragraph (1).

"(4) TREATMENT OF NONDEDUCTIBLE PORTION IN APPLYING FOREIGN TAX CREDIT LIMIT.—For purposes of applying the limitation under section 904(a), the remaining 30 percent of the amount determined under subsection (b) with respect to which a deduction is not allowable under subsection (a) shall be treated as income from sources within the United States.

"(d) ELECTION TO PAY LIABILITY FOR DEEMED SUBPART F INCOME IN INSTALLMENTS.—

"(1) IN GENERAL.—In the case of a United States shareholder with respect to 1 or more controlled foreign corporations to which elections under subsections (a) and (b)(2) apply, such United States shareholder may elect to pay the net tax liability determined with respect to its deemed subpart F inclusions with respect to such corporations under subsection (b)(2) for the taxable year described in subsection (a) in 2 or more (but not exceeding 8) equal installments.

"(2) DATE FOR PAYMENT OF INSTALLMENTS.—
If an election is made under paragraph (1), the first installment shall be paid on the due date (determined without regard to any extension of time for filing the return) for the return of tax for the taxable year for which the election was made and each succeeding installment shall be paid on the due date (as so determined) for the return of tax for the

taxable year following the taxable year with respect to which the preceding installment was made.

"(3) ACCELERATION OF PAYMENT.—If there is an addition to tax for failure to pay timely assessed with respect to any installment required under this subsection, a liquidation or sale of substantially all the assets of the tax-payer (including in a title 11 or similar case), a cessation of business by the taxpayer, or any similar circumstance, then the unpaid portion of all remaining installments shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed).

"(4) PRORATION OF DEFICIENCY TO INSTALL-MENTS.-If an election is made under paragraph (1) to pay the net tax liability described in paragraph (1) in installments and a deficiency has been assessed which increases such net tax liability, the increase shall be prorated to the installments payable under paragraph (1). The part of the increase so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of the increase so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

"(5) TIME FOR PAYMENT OF INTEREST.—Interest payable under section 6601 on the unpaid portion of any amount of tax the time for payment of which as been extended under this subsection shall be paid annually at the same time as, and as part of, each installment payment of such tax. In the case of a deficiency to which paragraph (4) applies, interest with respect to such deficiency which is assigned under the preceding sentence to any installment the date for payment of which has arrived on or before the date of the assessment of the deficiency, shall be paid upon notice and demand from the Secretary.

"(6) NET TAX LIABILITY FOR DEEMED SUB-PART F INCLUSIONS.—For purposes of this subsection—

"(A) IN GENERAL.—The net tax liability described in paragraph (1) with respect to any United States shareholder for any taxable year is the excess (if any) of—

"(i) such taxpayer's net income tax for the taxable year, over

"(ii) such taxpayer's net income tax for such taxable year determined as if the elections under subsection (b)(2) with respect to 1 or more controlled foreign corporations had not been made.

"(B) NET INCOME TAX.—The term 'net income tax' means the net income tax (as defined in section 38(c)(1)) reduced by the credit allowed under section 38.

 $\mbox{``(e)}$  Special Rules.—For purposes of this section—

"(1) ELECTIONS.—Any election under subsection (a), (b)(2), or (d)(1) shall be made not later than the due date (including extensions) for the return of tax for the taxable year for which made and shall be made in such manner as the Secretary may provide.

"(2) SECTION NOT TO APPLY TO NONCONTROLLED SECTION 902 CORPORATIONS TREATED AS CFCS.—No election may be made under subsection (a) with respect to a controlled foreign corporation which was a noncontrolled section 902 corporation which a United States shareholder elected under section 245A(b) to treat as a controlled foreign corporation.

- "(3) PRO RATA SHARE.—A shareholder's pro rata share of any earnings and profits shall be determined in the same manner as under section 951(a)(2)."
  - (b) Conforming Amendments.—
- (1) Clause (vi) of section 56(g)(4)(C), as amended by this Act, is amended—
- (A) by striking "965" and inserting "965(b)", and
- (B) by inserting "AND INCLUSIONS" after "CERTAIN DISTRIBUTIONS" in the heading thereof.
- (2) Paragraph (2) of section 6601(b) is amended—
- (A) by striking "section 6156(a)" in the matter preceding subparagraph (A) and inserting "section 965(d)(1) or 6156(a)" and
- serting "section 965(d)(1) or 6156(a)", and (B) by striking "section 6156(b)" in sub-paragraph (A) and inserting "section 965(d)(2) or 6156(b), as the case may be".
- (3) The table of section for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 965 and inserting the following:
- "Sec. 965. Treatment of deferred foreign income upon transition to participation exemption system of taxation.".
- (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## TITLE II—OTHER INTERNATIONAL TAX REFORMS

#### Subtitle A—Modifications of Subpart F SEC. 201. TREATMENT OF LOW-TAXED FOREIGN INCOME AS SUBPART F INCOME.

- (a) IN GENERAL.—Subsection (a) of section 952 is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and by inserting after paragraph (2) the following new paragraph:
- "(3) low-taxed income (as defined under subsection (e)).".
- (b) LOW-TAXED INCOME.—Section 952 is amended by adding at the end the following new subsection:
- "(e) LOW-TAXED INCOME.—
- "(1) IN GENERAL.—For purposes of subsection (a), except as provided in paragraph (2), the term 'low-taxed income' means, with respect to any taxable year of a controlled foreign corporation, the entire gross income of the controlled foreign corporation unless the taxpayer establishes to the satisfaction of the Secretary that such income was subject to an effective rate of income tax (determined under rules similar to the rules of section 954(b)(4)) imposed by a foreign country in excess of one-half of the highest rate of tax under section 11(b) for taxable years of United States corporations beginning in the same calendar year as the taxable year of the controlled foreign corporation begins.
- "(2) EXCEPTION FOR QUALIFIED BUSINESS IN-COME.—For purposes of paragraph (1), qualified business income—
- "(A) shall be taken into account in determining the effective rate of income tax at which the entire gross income of the controlled foreign corporation is taxed, but
- "(B) the amount of gross income treated as low-taxed income under paragraph (1) shall be reduced by the amount of the qualified business income.
- $\lq\lq(3)$  QUALIFIED BUSINESS INCOME.—For purposes of this subsection—
- "(A) IN GENERAL.—The term 'qualified business income' means, with respect to any controlled foreign corporation, income de-

rived by the controlled foreign corporation in a foreign country but only if—

- "(i) such income is attributable to the active conduct of a trade or business of such corporation in such foreign country.
- "(ii) the corporation maintains an office or fixed place of business in such foreign country, and
- "(iii) officers and employees of the corporation physically located at such office or place of business in such foreign country conducted (or significantly contributed to the conduct of) activities within the foreign country which are substantial in relation to the activities necessary for the active conduct of the trade or business to which such income is attributable.
- "(B) EXCEPTION FOR INTANGIBLE INCOME.— For purposes of subparagraph (A), qualified business income of a controlled foreign corporation shall not include intangible income (as defined in section 250(c)(3)).
- "(4) DETERMINATION OF EFFECTIVE RATE OF FOREIGN INCOME TAX AND QUALIFIED BUSINESS INCOME.—
- "(A) COUNTRY-BY-COUNTRY DETERMINA-TION.—For purposes of determining the effective rate of income tax imposed by any foreign country under paragraph (1) and qualified business income under paragraph (3), each such paragraph shall be applied separately with respect to—
- "(i) each foreign country in which a controlled foreign corporation conducts any trade or business, and
- "(ii) the entire gross income and qualified business income derived with respect to such foreign country.
- "(B) TREATMENT OF LOSSES.—For purposes of determining the effective rate of income tax imposed by any foreign country under paragraph (1)—
- "(i) such effective rate shall be determined without regard to any losses carried to the relevant taxable year, and
- "(ii) to the extent the income of the controlled foreign corporation reduces losses in the relevant taxable year, such effective rate shall be treated as being the effective rate which would have been imposed on such income without regard to such losses.
- "(5) DEDUCTIONS TO BE TAKEN INTO ACCOUNT.—The gross income of a controlled foreign corporation taken into account under this subsection shall be reduced, under regulations prescribed by the Secretary, so as to take into account deductions (including taxes) properly allocable to such income."
- (c) Conforming Amendments.—
- (1) Subsection (a) of section 952 is amend-
- (A) by striking "paragraph (4)" in the next to last sentence and inserting "paragraph (5)", and
- (B) by striking "paragraph (5)" in the last sentence and inserting "paragraph (6)".
- (2) Subsection (d) of section 952 is amended by striking "subsection (a)(5)" and inserting "subsection (a)(6)".
- (3) Paragraphs (1) and (2) of section 999(c) are each amended by striking "section 952(a)(3)" and inserting "section 952(a)(4)".
- (d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

#### SEC. 202. PERMANENT EXTENSION OF LOOK-THRU RULE FOR CONTROLLED FOR-EIGN CORPORATIONS.

(a) IN GENERAL.—Section 954(c)(6)(C) is amended by striking "and before January 1, 2012."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

## SEC. 203. PERMANENT EXTENSION OF EXCEPTIONS FOR ACTIVE FINANCING INCOME.

- (a) EXCEPTION FROM INSURANCE INCOME.— Section 953(e)(10) is amended—
- (1) by striking "and before January 1, 2012,", and
  - (2) by striking the last sentence.
- (b) EXCEPTION FROM FOREIGN PERSONAL HOLDING COMPANY INCOME.—Section 954(h)(9) is amended by striking "and before January 1, 2012."
- (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end

## SEC. 204. FOREIGN BASE COMPANY INCOME NOT TO INCLUDE SALES OR SERVICES INCOME.

- (a) REPEAL.—Paragraphs (2) and (3) of section 954(a) are repealed.
  - (b) Conforming Amendments.—
- (1) Section 954(d) is amended by adding at the end the following new paragraph:
- "(5) TERMINATION.—This subsection shall not apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end."
- (2) Section 954(e) is amended by adding at the end the following new paragraph:
- "(3) TERMINATION.—This subsection shall not apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end."
- (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2012, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

#### Subtitle B—Modifications Related to Foreign Tax Credit

## SEC. 211. MODIFICATION OF APPLICATION OF SECTIONS 902 AND 960 WITH RESPECT TO POST-2012 EARNINGS.

- (a) SECTION 902 NOT TO APPLY TO DIVIDENDS FROM POST-2012 EARNINGS.—Section 902 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:
- "(d) SECTION NOT TO APPLY TO DIVIDENDS FROM POST-2012 EARNINGS.—
- "(1) IN GENERAL.—This section shall not apply to the portion of any dividend paid by a foreign corporation to the extent such portion is made out of earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 2012.
- ''(2) COORDINATION WITH DISTRIBUTIONS FROM PRE-2013 EARNINGS AND PROFITS.—For purposes of this section—
- "(A) ORDERING RULE.—Any distribution in a taxable year beginning after December 31, 2012, shall be treated as first made out of earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning before January 1, 2013.

- "(B) POST-1986 UNDISTRIBUTED EARNINGS.— Post-1986 undistributed earnings shall not include earnings and profits described in paragraph (1).'
- (b) DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.—Section 960 is amended by adding at the end the following new subsection:
- "(d) DEEMED PAID CREDIT FOR SUBPART F Inclusions Attributable to Post-2012 EARNINGS -
- "(1) IN GENERAL.—For purposes of this subpart, if there is included in the gross income of a domestic corporation any amount under section 951(a)—
- '(A) with respect to any controlled foreign corporation with respect to which such domestic corporation is a United States shareholder, and
- "(B) which is attributable to the earnings and profits of the controlled foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 2012,
- then subsections (a), (b), and (c) shall not apply and such domestic corporation shall be deemed to have paid so much of such foreign corporation's foreign income taxes as are properly attributable to the amount so included.
- '(2) FOREIGN INCOME TAXES.—For purposes of this subsection, the term 'foreign income taxes' means any income, war profits, or excess profits taxes paid or accrued by the controlled foreign corporation to any foreign country or possession of the United States.
- (3) REGULATIONS.—The Secretary shall provide such regulations as may be necessary or appropriate to carry out the provisions of this subsection.'

#### SEC. 212. SEPARATE FOREIGN TAX CREDIT BAS-KET FOR FOREIGN INTANGIBLE IN-COME.

- (a) IN GENERAL.—Paragraph (1) of section 904(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:
- "(C) foreign intangible income (as defined in paragraph (2)(J)).".
  (b) FOREIGN INTANGIBLE INCOME.
- (1) IN GENERAL.—Section 904(d)(2) is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:
- "(J) FOREIGN INTANGIBLE INCOME.—For purposes of this section-
- "(i) IN GENERAL.—The term 'foreign intangible income' has the meaning given such term by section 250(c).
- "(ii) COORDINATION.—Passive category income and general category income shall not include foreign intangible income.
- (2) General category income.—Section 904(d)(2)(A)(ii) is amended by inserting "or foreign intangible income" after "passive category income"
- (c) EFFECTIVE DATES -
- (1) IN GENERAL —The amendments made by this section shall apply to taxable years beginning after December 31, 2012.
- (2) Transitional rule.—For purposes of section 904(d)(1) of the Internal Revenue Code of 1986 (as amended by this Act)-
- (A) taxes carried from any taxable year beginning before January 1, 2013, to any taxable year beginning on or after such date, with respect to any item of income, shall be treated as described in the subparagraph of such section 904(d)(1) in which such income would be described without regard to the amendments made by this section, and
- (B) any carryback of taxes with respect to foreign intangible income from a taxable

year beginning on or after January 1, 2013, to a taxable year beginning before such date shall be allocated to the general income category.

#### SEC. 213. INVENTORY PROPERTY SALES SOURCE RULE EXCEPTIONS NOT TO APPLY FOR FOREIGN TAX CREDIT LIMITA-TION

- (a) IN GENERAL.—Section 904 is amended by redesignating subsection (1) as subsection (m) and by inserting after subsection (k) the following new subsection:
- "(1) INVENTORY PROPERTY SALES SOURCE RULE EXCEPTIONS NOT TO APPLY.—Any amount which would be treated as derived from sources without the United States by reason of the application of section 862(a)(6) or 863(b)(2) for any taxable year shall be treated as derived from sources within the United States for purposes of this section."
- (b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

#### Subtitle C-Allocation of Interest on **Worldwide Basis**

#### SEC. 221. ACCELERATION OF ELECTION TO ALLO-CATE INTEREST ON A WORLDWIDE BASIS.

Section 864(f)(6) is amended by striking "December 31, 2020" and inserting "December 31.

#### By Mr. WYDEN:

S. 2098. A bill to support statewide individual-level integrated postsecondary education data systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, when we went to college, usually things were different. Often a student took out a loan, but those loans were manageable, and usually there were jobs waiting. Today, too often that is not the case. In fact, the students today who take out loans will leave school weighed down, on average, with \$25,000 worth of debt. They are going to be trying to get into a labor market where there are more than four unemployed Americans for every available job.

It has been noted that for the first time student loan debt exceeds credit card debt, and that now totals over \$100 billion. Now, clearly, investment in higher education is an economic imperative. Education is the great equalizer. It enables upward economic mobility, and it breaks down class structures that impair many countries' ability to grow their economies. A highly-skilled and educated workforce is the basis for a healthy economy, and it is the linchpin to our economic future.

In every major economic decision our people make, they try to evaluate the value of that decision. Like prospective homeowners who inspect and assess the potential value of their future home, in my view future students should be able to comparison shop and choose a school and a program based on what their return on investment will be.

Our capital markets work best when we can accurately measure the value of the things we choose to invest in. We saw what happens when this is not the case when the housing bubble burst, and our economy is still struggling to recover from the mortgage meltdown. In many instances, consumers who didn't have all the facts bought a product based on misleading information and fell victim to predatory lenders looking to make a profit off that growing bubble.

Consumers must know what they can expect from their investments, and students are entitled to know the value of their education before they go out and borrow tens of thousands of dollars from the banks and from the government to finance their choices. Right now, consumers don't have this information, though the information exists. It is unavailable to students and families too often when they are making perhaps the most important decisions that affect their future—both their financial future and their career.

That is why today I am introducing the Student Right to Know Before You Go Act, which would help college students get the information they need about their education. This proposal would ensure that future students and their families can make well-informed decisions by having access to information on their expected average annual earnings after graduation; rates of remedial enrollment, credit accumulation, and graduation; the average cost, both before and after financial aid, of the program, and average debt upon graduation; and, finally, the effects of remedial education and financial aid on credential attainment and a greater understanding of what student success can mean.

For markets to work, there has to be good information available, and until now it has been extremely hard for students and families to collect this data in a cost-effective way while at the same time ensuring student privacy. However, the States, as we have seen so often-the Presiding Officer of the Senate and I have talked about this from time to time—the States have piloted their own programs and proved that the technology exists to enable our ability to generate and share this information in a way that students and consumers can use while at the same time protecting their privacy.

This technology, in my view, makes it possible to ensure a return on their investment for students, for parents, for policymakers, and taxpayers. It is going to help us create a workforce that meets the demands of the businesses that employ it and ensures that our workers can successfully compete in the global economy.

One last point, if I might. I think it is clear that access to higher education is an integral part of the step ladder to success and particularly success for the middle class who built this country. Chairman HARKIN, of course, the chairman of our committee who deals with these issues, has probably done more than any other Member in the Senate

to put a focus on this issue and how important it is to grow the middle class and address the big concerns they have faced.

Middle-class people haven't had a pay raise in a full decade. It seems to me as part of the agenda—and Chairman HARKIN has had some excellent hearings on these higher education issues—one of the best ways we can come together on a bipartisan basis is to empower students and empower families to be in the best possible position to make the college choices that are going to pay off in the years ahead.

That is what this legislation, the Right to Know Before You Go Act, would do. I hope my colleagues will consider it in the days ahead.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 370—CALL-ING FOR DEMOCRATIC CHANGE IN SYRIA

Mr. CASEY (for himself, Mr. Rubio, Mrs. Gillibrand, Mrs. Boxer, Mr. Isakson, Mr. Durbin, and Mr. Kyl.) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 370

Whereas the Syrian Arab Republic is a signatory to the International Covenant on Civil and Political Rights (ICCPR), adopted at New York December 16, 1966, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, and the Universal Declaration of Human Rights, adopted at Paris, December 10, 1948.

Whereas, in March 2011, peaceful demonstrations in Syria began against the authoritarian rule of Bashar al-Assad;

Whereas, in response to the demonstrations, the Government of Syria launched a brutal crackdown, which has resulted in gross human rights violations, use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

Whereas the United Nations estimated that, as of January 25, 2012, more than 5,400 people in Syria had been killed since the violence began in March 2011;

Whereas, on August 18, 2011, President Barack Obama called upon President Bashar al-Assad to step down from power;

Whereas the Department of State has repeatedly condemned the Government of Syria's crackdown on its people, including on January 30, 2012, when Secretary of State Hillary Clinton stated "The status quo is unsustainable. . . . The longer the Assad regime continues its attacks on the Syrian people and stands in the way of a peaceful transition, the greater the concern that instability will escalate and spill over throughout the region.";

Whereas President Obama, on April 29,

Whereas President Obama, on April 29, 2011, designated 3 individuals subject to sanctions for humans rights abuses in Syria:
Mahir al-Assad, the brother of Syrian President Bashar al-Assad and brigade commander in the Syrian Army's 4th Armored Division; Atif Najib, the former head of the

Political Security Directorate for Daraa Province and a cousin of Bashar al-Assad; and Ali Mamluk, director of Syria's General Intelligence Directorate:

Whereas, on May 18, 2011, President Obama issued an executive order sanctioning senior officials of the Syrian Arab Republic and their supporters, specifically designating seven people: President Bashar al-Assad, Vice President Farouk al-Shara, Prime Minister Adel Safar, Minister of the Interior Mohammad Ibrahim al-Shaar, Minister of Defense Ali Habib Mahmoud, Head of Syrian Military Intelligence Abdul Fatah Qudsiya, and Director of Political Security Directorate Mohammed Dib Zaitoun;

Whereas President Obama, on August 17, 2011, issued Executive Order 13582, blocking property of the Government of Syria and prohibiting certain transactions with respect to Syria;

Whereas, on December 1, 2011, the Department of the Treasury designated two individuals, Aus Aslan and Muhammad Makhluf, under Executive Order 13573 and two entities, the Military Housing Establishment and the Real Estate Bank of Syria, under Executive Order 13582:

Whereas, on May 6, 2011, the European Union's 27 countries imposed sanctions on the Government of Syria for the human rights abuses, including asset freezes and visa bans on members of the Government of Syria and an arms embargo on the country:

Whereas, on November 12, 2011, the League of Arab States voted to suspend Syria's membership in the organization;

Whereas, on December 2, 2011, the United Nations Human Rights Council passed Resolution S-18/1, which recalls General Assembly resolution A/RES/66/176 of December 19, 2011, as well as Human Rights Council resolutions S/16-1, S/17-1 and S/18-1, and further deplores the human rights situation in Syria, commends the League of Arab States, and supports implementation of its Plan of Action;

Whereas the League of Arab States approved and implemented a plan of action to send a team of international monitors to Syria, which began December 26, 2011;

Whereas, on January 28, 2012, the League of Arab States decided to suspend its international monitoring mission due to escalating violence within Syria;

Whereas, on February 4, 2012, the Russian Federation and People's Republic of China vetoed a United Nations Security Council Resolution in support of the League of Arab States' Plan of Action;

Whereas the Governments of the Russian Federation and the Islamic Republic of Iran remain major suppliers of military equipment to the Government of Syria notwithstanding that government's violent repression of demonstrators; and

Whereas the gross human rights violations perpetuated by the Government of Syria against the people of Syria represent a grave risk to regional peace and stability: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the ongoing, widespread, and systemic violations of human rights conducted by authorities in Syria, including the use of force against civilians, torture, extrajudicial killings, arbitrary executions, sexual violence, and interference with access to medical treatment;

(2) maintains that Bashar al-Assad has lost all claims to legitimacy due to the perpetuation of mass atrocities against the people of Syria and continued violations of human rights:

(3) calls upon Bashar al-Assad to step down from power;

(4) strongly condemns the Governments of the Russian Federation and the Islamic Republic of Iran for providing military and security equipment to the Government of Syria, which has been used to repress peaceful demonstrations and commit mass atrocities against unarmed civilian populations in Syria:

(5) commends the League of Arab States' efforts to bring about a peaceful resolution in Syria;

(6) regrets that the League of Arab States observer mission was not able to monitor the full implementation of the League of Arab States' Action Plan of November 2, 2011, due to the escalating violence in Syria:

(7) commends President Obama for authorizing targeted sanctions on human rights abusers in Syria and for extending these sanctions to 12 individuals;

(8) encourages the President to continue designating for sanctions all individuals responsible for human rights violations in Syria;

(9) urges the President to support an effective transition to democracy in Syria by identifying and providing substantial material and technical support, upon request, to Syrian organizations that are representative of the people of Syria, make demonstrable commitments to protect human rights and religious freedom, reject terrorism, cooperate with international counterterrorism and nonproliferation efforts, and abstain from destabilizing neighboring countries;

(10) urges the President to develop a plan to identify weapons stockpiles and prevent the proliferation of conventional, biological, chemical, and other types of weapons in Svria:

(11) urges the Department of State to establish a "Friends of the Syrian People" Contact Group of countries committed to democratic change in Syria, including Turkey, members of the League of Arab States, and members of the European Union:

(12) urges the Department of State to develop a strategy to encourage defections from the military of the Government of Syria;

(13) urges the President to diplomatically engage with the Republic of Turkey and members of the League of Arab States and the European Union to discuss options to protect the people of Syria, including the provision of robust humanitarian assistance, the viability of establishing a safe haven along the borders of Syria, and the use of all means available to monitor and publicly report on abuses inside the country; and

(14) urges the international community to mobilize in support of a post-Assad democratic and inclusive Government of Syria that holds accountable those responsible for crimes against humanity and gross violations of human rights.

SENATE RESOLUTION 371—DESIGNATING THE WEEK OF FEBRUARY 6 THROUGH 10, 2012, AS "NATIONAL SCHOOL COUNSELING WEEK"

Mrs. MURRAY (for herself, Ms. Col-LINS, Mr. LEVIN, Mr. SANDERS, Mr. WEBB, Ms. KLOBUCHAR, Ms. STABENOW, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

Whereas the American School Counselor Association has designated the week of February 6 through 10, 2012, as "National School Counseling Week":

Whereas the importance of school counseling has been recognized through the inclusion of elementary- and secondary-school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students:

Whereas personal and social growth results in increased academic achievement:

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States:

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence:

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mentalhealth matters:

Whereas the roles and responsibilities of school counselors are often misunderstood:

Whereas the school-counselor position is often among the first to be eliminated to meet budgetary constraints:

Whereas the national average ratio of students to school counselors of 459 to 1 is almost twice that of the ratio of 250 to 1 recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate-

(1) designates the week of February 6 through 10, 2012, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1513. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1514. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1813. supra.

SA 1516. Mr. McCAIN (for himself, Mr. CAR-PER, Mr. COATS, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1517. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1518. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1519. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1520. Mr. BLUNT (for himself, Mr. McConnell, Mr. Johanns, Mr. Wicker, Mr. HATCH, Ms. AYOTTE, Mr. RUBIO, Mr. NELSON of Nebraska, Mr. Roberts, Mr. McCain, Mr. KYL, Mr. Coats, Mr. Barrasso, Mr. Toomey, Mr. Lugar, Mr. Cornyn, Mr. Boozman, Mr. PAUL, Mr. HOEVEN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1521. Mr. WICKER (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1813. supra; which was ordered to lie on the table.

SA 1522. Mr. NELSON of Nebraska (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1523. Mr. NELSON of Nebraska (for himself and Mr. Johanns) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1524. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1525. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1526. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1527. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1528. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1529. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1813. supra: which was ordered to lie on the table.

SA 1530. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1531. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1532. Mr. PAUL (for himself, Mr. VIT-TER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1533. Mr. MENENDEZ (for himself, Mr. KIRK, Mr. DURBIN, and Mr. LAUTENBERG) sub-

SA 1515. Mr. REID (for Mr. Johnson of mitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1513. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, line 14, strike the quotation mark and the following period.

On page 354, between lines 14 and 15, insert the following:

"(6) REDUCED REGULATORY BURDENS.—To reduce excessive regulatory burdens that hinder job growth, project and program delivery, and cost reductions."

SA 1514. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

On page 45, between lines 16 and 17, insert the following:

"(C) FURTHER ADJUSTMENT FOR PRIVATIZED HIGHWAYS.-

"(i) DEFINITION OF PRIVATIZED HIGHWAY.—In this subparagraph, the term 'privatized highway' means a highway subject to an agreement giving a private entity-

"(I) control over the operation of the highwav: and

"(II) ownership over the toll revenues collected from the operation of the highway.

"(ii) ADJUSTMENT.—After making the adjustments to the apportionment of a State under subparagraphs (A) and (B), the Secretary shall further adjust the amount to be apportioned to the State by reducing the apportionment by an amount equal to the product obtained by multiplying—

"(I) the amount to be apportioned to the State, as so adjusted under those subparagraphs; and

"(II) the percentage described in clause (iii).

"(iii) PERCENTAGE.—The percentage referred to in clause (ii) is the percentage equal to the sum obtained by adding-

'(I) the product obtained by multiplying— "(aa) 1/2; and

"(bb) the proportion that-

"(AA) the total number of privatized lane miles of National Highway System routes in a State; bears to

"(BB) the total number of all lane miles of National Highway System routes in the State; and

"(II) the product obtained by multiplying-"(aa) ½: and

"(bb) the proportion that-

"(AA) the total number of vehicle miles traveled on privatized lanes on National Highway System routes in the State; bears to

"(BB) the total number of vehicle miles traveled on all lanes on National Highway System routes in the State."

SA 1515. Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1813, to reauthorize Federalaid highway and highway safety construction programs, and for other purposes: as follows:

At the end add the following:

### DIVISION D-PUBLIC TRANSPORTATION

#### SEC. 40001. SHORT TITLE; TABLE OF CONTENTS.

- (a) SHORT TITLE.—This division may be cited as the "Federal Public Transportation Act of 2012"
- (b) Table of Contents.—The table of contents for this division is as follows:
- Sec. 40001. Short title; table of contents.
- Sec. 40002. Repeals.
- Sec. 40003. Policies, purposes, and goals.
- Sec. 40004 Definitions.
- Sec. 40005. Metropolitan transportation planning.
- Sec. 40006. Statewide and nonmetropolitan transportation planning.
- Sec. 40007. Public Transportation gency Relief Program.
- Sec. 40008. Urbanized area formula grants.
- Sec. 40009. Clean fuel grant program.
- Sec. 40010. Fixed guideway capital investment grants.
- Sec. 40011. Formula grants for the enhanced mobility of seniors and individuals with disabilities.
- Sec. 40012. Formula grants for other than urbanized areas.
- Sec. 40013. Research, development, onstration, and deployment projects.
- Sec. 40014. Technical assistance and standards development.
- Sec. 40015. Bus testing facilities.
- Sec. 40016. Public transportation workforce development and human resource programs.
- Sec. 40017. General provisions.
- Sec. 40018. Contract requirements.
- Sec. 40019. Transit asset management.
- Sec. 40020. Project management oversight.
- Sec. 40021. Public transportation safety. Sec. 40022. Alcohol and controlled sub-
- stances testing.
- Sec. 40023. Nondiscrimination.
- Sec. 40024. Labor standards.
- Sec. 40025. Administrative provisions.
- Sec. 40026. National transit database.
- Sec. 40027. Apportionment of appropriations for formula grants.
- Sec. 40028. State of good repair grants.
- Sec. 40029. Authorizations.
- Sec. 40030. Apportionments based on growing States and high density States formula factors.
- Sec. 40031. Technical and conforming amendments.

#### SEC. 40002. REPEALS.

- (a) CHAPTER 53.—Chapter 53 of title 49, United States Code, is amended by striking sections 5316, 5317, 5321, 5324, 5328, and 5339.
- (b) Transportation Equity Act for the 21st Century.—Section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is repealed.
- (c) SAFETEA-LU.—The following provisions are repealed:
- (1) Section 3009(i) of SAFETEA-LU (Public Law 109-59; 119 Stat. 1572).
- (2) Section 3011(c) of SAFETEA-LU (49 U.S.C. 5309 note).
- (3) Section 3012(b) of SAFETEA-LU (49 U.S.C. 5310 note).
- (4) Section 3045 of SAFETEA-LU (49 U.S.C.
- (5) Section 3046 of SAFETEA-LU (49 U.S.C. 5338 note).

#### SEC, 40003, POLICIES, PURPOSES, AND GOALS,

Section 5301 of title 49, United States Code, is amended to read as follows:

#### "§ 5301. Policies, purposes, and goals

- "(a) DECLARATION OF POLICY.—It is in the interest of the United States, including the economic interest of the United States, to foster the development and revitalization of public transportation systems.
- (b) General Purposes.—The purposes of this chapter are to-
- "(1) provide funding to support public transportation:
- '(2) improve the development and delivery of capital projects;
- "(3) initiate a new framework for improving the safety of public transportation systems:
- "(4) establish standards for the state of good repair of public transportation infrastructure and vehicles;
- "(5) promote continuing, cooperative, and comprehensive planning that improves the performance of the transportation network;
- "(6) establish a technical assistance program to assist recipients under this chapter to more effectively and efficiently provide public transportation service;
- "(7) continue Federal support for public transportation providers to deliver high quality service to all users, including individuals with disabilities, seniors, and individuals who depend on public transportation;
- "(8) support research, development, demonstration, and deployment projects dedicated to assisting in the delivery of efficient and effective public transportation service;
- '(9) promote the development of the public transportation workforce.
  "(c) NATIONAL GOALS.—The goals of this
- chapter are to-
- "(1) increase the availability and accessibility of public transportation across a balanced, multimodal transportation network:
- "(2) promote the environmental benefits of public transportation, including reduced reliance on fossil fuels, fewer harmful emissions, and lower public health expenditures;
- "(3) improve the safety of public transportation systems:
- "(4) achieve and maintain a state of good repair of public transportation infrastructure and vehicles:
- "(5) provide an efficient and reliable alternative to congested roadways;
- "(6) increase the affordability of transportation for all users; and
- "(7) maximize economic development opportunities by-
  - "(A) connecting workers to jobs;
- "(B) encouraging mixed-use, transit-oriented development; and
- "(C) leveraging private investment and joint development.".

#### SEC. 40004. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended to read as follows:

#### "§ 5302. Definitions

- "Except as otherwise specifically provided, in this chapter the following definitions
- "(1) ASSOCIATED TRANSIT IMPROVEMENT.-The term 'associated transit improvement' means, with respect to any project or an area to be served by a project, projects that are designed to enhance public transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are-
- "(A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities) intended for use in public transportation service:

- "(B) bus shelters:
- "(C) landscaping and streetscaping, including benches, trash receptacles, and street lights:
  - '(D) pedestrian access and walkways:
- "(E) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on public transportation vehicles:
  - "(F) signage: or
- "(G) enhanced access for persons with disabilities to public transportation.
- '(2) BUS RAPID TRANSIT SYSTEM.—The term 'bus rapid transit system' means a bus transit system-
- '(A) in which the majority of each line operates in a separated right-of-way dedicated for public transportation use during peak periods: and
- (B) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including-
  - '(i) defined stations:
- "(ii) traffic signal priority for public transportation vehicles:
- '(iii) short headway bidirectional services for a substantial part of weekdays and weekend days: and
- "(iv) any other features the Secretary may determine are necessary to produce highquality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.
- (3) CAPITAL PROJECT.—The term 'capital project' means a project for—
- '(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement hous-
  - "(B) rehabilitating a bus;
  - "(C) remanufacturing a bus;
  - "(D) overhauling rail rolling stock;
  - "(E) preventive maintenance;
- "(F) leasing equipment or a facility for use in public transportation, subject to regulations that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction:
- "(G) a joint development improvement that-
- "(i) enhances economic development or incorporates private investment, such as commercial and residential development;
- "(ii)(I) enhances the effectiveness of public transportation and is related physically or functionally to public transportation; or
- "(II) establishes new or enhanced coordination between public transportation and other transportation:
- "(iii) provides a fair share of revenue that will be used for public transportation;
- "(iv) provides that a person making an agreement to occupy space in a facility constructed under this paragraph shall pay a fair share of the costs of the facility through rental payments and other means;
  - "(v) may include-
  - "(I) property acquisition;
  - "(II) demolition of existing structures;
  - "(III) site preparation;
  - "(IV) utilities;
  - "(V) building foundations;
  - "(VI) walkways;
- "(VII) pedestrian and bicycle access to a public transportation facility:

"(VIII) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals;

"(IX) renovation and improvement of historic transportation facilities:

"(X) open space;

"(XI) safety and security equipment and facilities (including lighting, surveillance, and related intelligent transportation system applications):

"(XII) facilities that incorporate community services such as daycare or health care; "(XIII) a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall: and

"(XIV) construction of space for commercial uses; and

"(vi) does not include outfitting of commercial space (other than an intercity bus or rail station or terminal) or a part of a public facility not related to public transportation:

"(H) the introduction of new technology, through innovative and improved products, into public transportation;

"(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311:

"(J) establishing a debt service reserve, made up of deposits with a bondholder's trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter;

"(K) mobility management-

- "(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309): but
- ``(ii) excluding operating public transportation services; or
- "(L) associated capital maintenance, including—
- "(i) equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used: and
- "(ii) reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used.

 $\begin{tabular}{ll} ``(4)$ & DESIGNATED & RECIPIENT.—The & term \\ 'designated recipient' means— \end{tabular}$ 

"(A) an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or

"(B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.

"(5) DISABILITY.—The term 'disability' has the same meaning as in section 3(1) of the

Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(6) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

"(A) that is effective temporarily before the expiration of the otherwise specified perriods of time for public notice and comment under section 5334(c); and

"(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

"(i) would injure seriously an important public interest:

"(ii) would frustrate substantially legislative policy and intent: or

"(iii) would damage seriously a person or class without serving an important public interest.

"(7) FIXED GUIDEWAY.—The term 'fixed guideway' means a public transportation facility—

"(A) using and occupying a separate rightof-way for the exclusive use of public transportation;

"(B) using rail;

"(C) using a fixed catenary system;

"(D) for a passenger ferry system; or

"(E) for a bus rapid transit system.

"(8) GOVERNOR.—The term 'Governor'-

"(A) means the Governor of a State, the mayor of the District of Columbia, and the chief executive officer of a territory of the United States; and

"(B) includes the designee of the Governor. "(9) LOCAL GOVERNMENTAL AUTHORITY.— The term 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least 1 State or political subdivision of a State;

``(C) an Indian tribe; and

"(D) a public corporation, board, or commission established under the laws of a State

"(10) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual whose family income is at or below 150 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

"(11) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues

"(12) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

"(A) that has not been used in public transportation in the United States before the date of production of the model; or

"(B) used in public transportation in the United States, but being produced with a major change in configuration or components.

 $\lq\lq(13)$  Public transportation.—The term 'public transportation'—

"(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income: and

"(B) does not include—

"(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

"(ii) intercity bus service;

"(iii) charter bus service;

"(iv) school bus service;

"(v) sightseeing service;

"(vi) courtesy shuttle service for patrons of one or more specific establishments; or

"(vii) intra-terminal or intra-facility shuttle services.

"(14) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

"(15) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(16) SENIOR.—The term 'senior' means an individual who is 65 years of age or older.

"(17) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(18) STATE OF GOOD REPAIR.—The term 'state of good repair' has the meaning given that term by the Secretary, by rule, under section 5326(b).

"(19) Transit.—The term 'transit' means public transportation.

"(20) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

"(21) URBANIZED AREA.—The term 'urbanized area' means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an 'urbanized area' by the Secretary of Commerce.".

### SEC. 40005. METROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended to read as follows:

#### "§ 5303. Metropolitan transportation planning

"(a) POLICY.—It is in the national interest—  $\phantom{a}$ 

"(1) to encourage and promote the safe, cost-effective, and efficient management, operation, and development of surface transportation systems that will serve efficiently the mobility needs of individuals and freight, reduce transportation-related fatalities and serious injuries, and foster economic growth and development within and between States and urbanized areas, while fitting the needs and complexity of individual communities, maximizing value for taxpayers, leveraging cooperative investments, and minimizing transportation-related fuel consumption and air pollution through the metropolitan and statewide transportation planning processes identified in this chapter;

"(2) to encourage the continued improvement, evolution, and coordination of the metropolitan and statewide transportation planning processes by and among metropolitan planning organizations, State departments of transportation, regional planning organizations, interstate partnerships, and public transportation and intercity service operators as guided by the planning factors identified in subsection (h) of this section and section 5304(d);

"(3) to encourage and promote transportation needs and decisions that are integrated with other planning needs and priorities; and

"(4) to maximize the effectiveness of transportation investments.

"(b) DEFINITIONS.—In this section and section 5304, the following definitions shall apply:

"(1) EXISTING MPO.—The term 'existing MPO' means a metropolitan planning organization that was designated as a metropolitan planning organization as of the day before the date of enactment of the Federal Public Transportation Act of 2012.

- "(2) LOCAL OFFICIAL.—The term 'local official' means any elected or appointed official of general purpose local government with responsibility for transportation in a designated area.
- "(3) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as an air quality nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an air quality attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).
- "(4) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means a geographical area determined by agreement between the metropolitan planning organization for the area and the applicable Governor under subsection (c).
- "(5) METROPOLITAN PLANNING ORGANIZA-TION.—The term 'metropolitan planning organization' means the policy board of an organization established pursuant to subsection (c).
- "(6) METROPOLITAN TRANSPORTATION PLAN.—The term 'metropolitan transportation plan' means a plan developed by a metropolitan planning organization under subsection (i).
- "(7) NONATTAINMENT AREA.—The term 'nonattainment area' has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).
- "(8) NONMETROPOLITAN AREA.—
- "(A) IN GENERAL.—The term 'nonmetropolitan area' means a geographical area outside the boundaries of a designated metropolitan planning area.
- "(B) INCLUSIONS.—The term 'nonmetropolitan area' includes a small urbanized area with a population of more than 50,000, but fewer than 200,000 individuals, as calculated according to the most recent decennial census, and a nonurbanized area.
- "(9) NONMETROPOLITAN PLANNING ORGANIZATION.—The term 'nonmetropolitan planning organization' means an organization that—
- "(A) was designated as a metropolitan planning organization as of the day before the date of enactment of the Federal Public Transportation Act of 2012; and
- "(B) is not designated as a tier I MPO or tier II MPO.
- "(10) REGIONALLY SIGNIFICANT.—The term regionally significant', with respect to a transportation project, program, service, or strategy, means a project, program, service, or strategy that—
- "(A) serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, and major planned developments); and
- "(B) would normally be included in the modeling of a transportation network of a metropolitan area.
- "(11) RURAL PLANNING ORGANIZATION.—The term 'rural planning organization' means a voluntary organization of local elected officials and representatives of local transportation systems that—
- "(A) works in cooperation with the department of transportation (or equivalent entity) of a State to plan transportation networks and advise officials of the State on transportation planning; and
- "(B) is located in a rural area-
- "(i) with a population of not fewer than 5,000 individuals, as calculated according to the most recent decennial census; and
- "(ii) that is not located in an area represented by a metropolitan planning organization.
- "(12) STATEWIDE TRANSPORTATION IMPROVE-MENT PROGRAM.—The term 'statewide trans-

- portation improvement program' means a statewide transportation improvement program developed by a State under section 5304(g).
- "(13) STATEWIDE TRANSPORTATION PLAN.— The term 'statewide transportation plan' means a plan developed by a State under section 5304(f).
- "(14) TIER I MPO.—The term 'tier I MPO' means a metropolitan planning organization designated as a tier I MPO under subsection (e)(4)(A).
- "(15) TIER II MPO.—The term 'tier II MPO' means a metropolitan planning organization designated as a tier II MPO under subsection (e)(4)(B).
- "(16) Transportation improvement pro-GRAM.—The term 'transportation improvement program' means a program developed by a metropolitan planning organization under subsection (j).
- "(17) URBANIZED AREA.—The term 'urbanized area' means a geographical area with a population of 50,000 or more individuals, as calculated according to the most recent decennial census.
- ''(c) Designation of Metropolitan Planning Organizations.—
- "(1) IN GENERAL.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization shall be designated for each urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census—
- "(A) by agreement between the applicable Governor and local officials that, in the aggregate, represent at least 75 percent of the affected population (including the largest incorporated city (based on population), as calculated according to the most recent decennial census): or
- "(B) in accordance with procedures established by applicable State or local law.
- "(2) SMALL URBANIZED AREAS.—To carry out the metropolitan transportation planning process under this section, a metropolitan planning organization may be designated for any urbanized area with a population of 50,000 or more individuals, but fewer than 200,000 individuals, as calculated according to the most recent decennial census—
- "(A) by agreement between the applicable Governor and local officials that, in the aggregate, represent at least 75 percent of the affected population (including the largest incorporated city (based on population), as calculated according to the most recent decennial census); and
- "(B) with the consent of the Secretary, based on a finding that the resulting metropolitan planning organization has met the minimum requirements under subsection (e)(4)(B).
- "(3) STRUCTURE.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, a metropolitan planning organization shall consist of—
- "(A) elected local officials in the relevant metropolitan area;
- "(B) officials of public agencies that administer or operate major modes of transportation in the relevant metropolitan area, including providers of public transportation; and
- "(C) appropriate State officials.
- "(4) EFFECT OF SUBSECTION.—Nothing in this subsection interferes with any authority under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—
- "(A) to develop the metropolitan transportation plans and transportation improve-

- ment programs for adoption by a metropolitan planning organization; or
- "(B) to develop capital plans, coordinate public transportation services and projects, or carry out other activities pursuant to State law.
- "(5) CONTINUING DESIGNATION.—A designation of an existing MPO—
- "(A) for an urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, shall remain in effect—
- "(i) for the period during which the structure of the existing MPO complies with the requirements of paragraph (1); or
- "(ii) until the date on which the existing MPO is redesignated under paragraph (6); and
- "(B) for an urbanized area with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, shall remain in effect until the date on which the existing MPO is redesignated under paragraph (6) unless—
- "(i) the existing MPO requests that its planning responsibilities be transferred to the State or to another planning organization designated by the State; or
- "(ii)(I) the applicable Governor determines not later than 3 years after the date on which the Secretary issues a rule pursuant to subsection (e)(4)(B)(i), that the existing MPO is not meeting the minimum requirements established by the rule; and
- ``(II) the Secretary approves the Governor's determination.
- "(C) DESIGNATION AS TIER II MPO.—If the Secretary determines the existing MPO has met the minimum requirements under the rule issued under subsection (e)(4)(B)(i), the Secretary shall designate the existing MPO as a tier II MPO.
  - "(6) REDESIGNATION.—
- "(A) IN GENERAL.—The designation of a metropolitan planning organization under this subsection shall remain in effect until the date on which the metropolitan planning organization is redesignated, as appropriate, in accordance with the requirements of this subsection pursuant to an agreement between—
  - "(i) the applicable Governor; and
- "(ii) affected local officials who, in the aggregate, represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city (based on population), as calculated according to the most recent decennial census).
- "(B) RESTRUCTURING.—A metropolitan planning organization may be restructured to meet the requirements of paragraph (3) without undertaking a redesignation.
- "(7) DESIGNATION OF MULTIPLE MPOS.—
- "(A) IN GENERAL.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the applicable Governor and an existing MPO determine that the size and complexity of the existing metropolitan planning area make the designation of more than 1 metropolitan planning organization for the metropolitan planning area appropriate.
- "(B) SERVICE JURISDICTIONS.—If more than 1 metropolitan planning organization is designated for an existing metropolitan planning area under subparagraph (A), the existing metropolitan planning area shall be split into multiple metropolitan planning areas, each of which shall be served by the existing MPO or a new metropolitan planning organization.

- "(C) TIER DESIGNATION.—The tier designation of each metropolitan planning organization subject to a designation under this paragraph shall be determined based on the size of each respective metropolitan planning area. in accordance with subsection (e)(4).
- "(d) METROPOLITAN PLANNING AREA BOUNDARIES —
- "(1) IN GENERAL.—For purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the applicable metropolitan planning organization and the Governor of the State in which the metropolitan planning area is located.
- "(2) INCLUDED AREA.—Each metropolitan planning area—
- "(A) shall encompass at least the relevant existing urbanized area and any contiguous area expected to become urbanized within a 20-year forecast period under the applicable metropolitan transportation plan; and
- "(B) may encompass the entire relevant metropolitan statistical area, as defined by the Office of Management and Budget.
- "(3) IDENTIFICATION OF NEW URBANIZED AREAS.—The designation by the Bureau of the Census of a new urbanized area within the boundaries of an existing metropolitan planning area shall not require the redesignation of the relevant existing MPO.
- "(4) NONATTAINMENT AND MAINTENANCE AREAS —
- "(A) EXISTING METROPOLITAN PLANNING AREAS.—
- "(1) IN GENERAL.—Except as provided in clause (ii), notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area or maintenance area as of the date of enactment of the Federal Public Transportation Act of 2012, the boundaries of the existing metropolitan planning area as of that date of enactment shall remain in force and effect.
- "(ii) EXCEPTION.—Notwithstanding clause (i), the boundaries of an existing metropolitan planning area described in that clause may be adjusted by agreement of the applicable Governor and the affected metropolitan planning organizations in accordance with subsection (c)(7).
- "(B) NEW METROPOLITAN PLANNING AREAS.— In the case of an urbanized area designated as a nonattainment area or maintenance area after the date of enactment of the Federal Public Transportation Act of 2012, the boundaries of the applicable metropolitan planning area—
- "(i) shall be established in accordance with subsection (c)(1):
- "(ii) shall encompass the areas described in paragraph (2)(A):
- "(iii) may encompass the areas described in paragraph (2)(B); and
- "(iv) may address any appropriate nonattainment area or maintenance area.
- "(e) REQUIREMENTS.—
- "(1) DEVELOPMENT OF PLANS AND TIPS.—To accomplish the policy objectives described in subsection (a), each metropolitan planning organization, in cooperation with the applicable State and public transportation operators, shall develop metropolitan transportation plans and transportation improvement programs for metropolitan planning areas of the State through a performance-driven, outcome-based approach to metropolitan transportation planning consistent with subsection (h).
- "(2) CONTENTS.—The metropolitan transportation plans and transportation improvement programs for each metropolitan area shall provide for the development and integrated management and operation of trans-

- portation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation) that will function as—
- "(A) an intermodal transportation system for the metropolitan planning area; and
- "(B) an integral part of an intermodal transportation system for the applicable State and the United States.
- "(3) PROCESS OF DEVELOPMENT.—The process for developing metropolitan transportation plans and transportation improvement programs shall—
- "(A) provide for consideration of all modes of transportation; and
- "(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation needs to be addressed.
  - "(4) TIERING.—
  - "(A) TIER I MPOS .-
- "(i) IN GENERAL.—A metropolitan planning organization shall be designated as a tier I MPO if—
- "(I) as certified by the Governor of each applicable State, the metropolitan planning organization operates within, and primarily serves, a metropolitan planning area with a population of 1,000,000 or more individuals, as calculated according to the most recent decennial census; and
- "(II) the Secretary determines the metropolitan planning organization—
- "(aa) meets the minimum technical requirements under clause (iv); and
- "(bb) not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, will fully implement the processes described in subsections (h) though (i)
- "(ii) ABSENCE OF DESIGNATION.—In the absence of designation as a tier I MPO under clause (i), a metropolitan planning organization shall operate as a tier II MPO until the date on which the Secretary determines the metropolitan planning organization can meet the minimum technical requirements under clause (iv).
- "(iii) REDESIGNATION AS TIER I.—A metropolitan planning organization operating within a metropolitan planning area with a population of 200,000 or more and fewer than 1,000,000 individuals and primarily within urbanized areas with populations of 200,000 or more individuals, as calculated according to the most recent decennial census, that is designated as a tier II MPO under subparagraph (B) may request, with the support of the applicable Governor, a redesignation as a tier I MPO on a determination by the Secretary that the metropolitan planning organization has met the minimum technical requirements under clause (iv).
- "(iv) MINIMUM TECHNICAL REQUIREMENTS.—
  Not later than 1 year after the date of enactment of the Federal Public Transportation
  Act of 2012, the Secretary shall issue a rule
  that establishes the minimum technical requirements necessary for a metropolitan
  planning organization to be designated as a
  tier I MPO, including, at a minimum, modeling, data, staffing, and other technical requirements.
  - "(B) TIER II MPOS.—
- "(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule that establishes minimum requirements necessary for a metropolitan planning organization to be designated as a tier II MPO.
- "(ii) REQUIREMENTS.—The minimum requirements established under clause (i) shall—

- "(I) ensure that each metropolitan planning organization has the capabilities necessary to develop the metropolitan transportation plan and transportation improvement program under this section; and
  - "(II) include-
- "(aa) only the staff resources necessary to operate the metropolitan planning organization; and
- "(bb) a requirement that the metropolitan planning organization has the technical capacity to conduct the modeling necessary, as appropriate to the size and resources of the metropolitan planning organization, to fulfill the requirements of this section, except that in cases in which a metropolitan planning organization has a formal agreement with a State to conduct the modeling on behalf of the metropolitan planning organization, the metropolitan planning organization, the metropolitan planning organization shall be exempt from the technical capacity requirement.
- "(iii) INCLUSION.—A metropolitan planning organization operating primarily within an urbanized area with a population of 200,000 or more individuals, as calculated according to the most recent decennial census, and that does not qualify as a tier I MPO under subparagraph (A)(i), shall—
  - "(I) be designated as a tier II MPO; and
- "(II) follow the processes under subsection (k).
  - "(C) CONSOLIDATION.—
- "(i) IN GENERAL.—Metropolitan planning organizations operating within contiguous or adjacent urbanized areas may elect to consolidate in order to meet the population thresholds required to achieve designation as a tier I or tier II MPO under this paragraph.
- "(ii) EFFECT OF SUBSECTION.—Nothing in this subsection requires or prevents consolidation among multiple metropolitan planning organizations located within a single urbanized area.
- "(f) COORDINATION IN MULTISTATE AREAS.—
- "(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.
- "(2) COORDINATION ALONG DESIGNATED TRANSPORTATION CORRIDORS.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire designated transportation corridor.
- "(3) COORDINATION WITH INTERSTATE COM-PACTS.—The Secretary shall encourage metropolitan planning organizations to take into consideration, during the development of metropolitan transportation plans and transportation improvement programs, any relevant transportation studies concerning planning for regional transportation (including high-speed and intercity rail corridor studies, commuter rail corridor studies, intermodal terminals, and interstate highways) in support of freight, intercity, or multistate area projects and services that have been developed pursuant to interstate compacts or agreements, or by organizations established under section 5304.
- "(g) ENGAGEMENT IN METROPOLITAN TRANS-PORTATION PLAN AND TIP DEVELOPMENT.—
- "(1) NONATTAINMENT AND MAINTENANCE AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area, nonattainment area, or maintenance area, each metropolitan planning organization shall consult with all

other metropolitan planning organizations designated for the metropolitan area, non-attainment area, or maintenance area and the State in the development of metropolitan transportation plans and transportation improvement programs under this section.

- "(2) Transportation improvements located in multiple metropolitan planning area, the affected metropolitan planning area, the affected metropolitan planning area, the affected metropolitan planning organizations shall coordinate metropolitan transportation plans and transportation improvement programs regarding the project.
- "(3) COORDINATION OF ADJACENT PLANNING ORGANIZATIONS.—
- "(A) IN GENERAL.—A metropolitan planning organization that is adjacent or located in reasonably close proximity to another metropolitan planning organization shall coordinate with that metropolitan planning organization with respect to planning processes, including preparation of metropolitan transportation plans and transportation improvement programs, to the maximum extent practicable.
- "(B) Nonmetropolitan planning organization that is adjacent or located in reasonably close proximity to a nonmetropolitan planning organization shall consult with that nonmetropolitan planning organization with respect to planning processes, to the maximum extent practicable.
- "(4) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—
- (A) IN GENERAL —The Secretary shall encourage each metropolitan planning organization to cooperate with Federal, State, tribal, and local officers and entities responsible for other types of planning activities that are affected by transportation in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, airport operations, highspeed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, to ensure that the metropolitan transportation planning process, metropolitan transportation plans, and transportation improvement programs are developed in cooperation with other related planning activities in the area.
- "(B) INCLUSION.—Cooperation under subparagraph (A) shall include the design and delivery of transportation services within the metropolitan area that are provided by—
- "(i) recipients of assistance under sections 202, 203, and 204 of title 23;
- "(ii) recipients of assistance under this title:
- "(iii) government agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and
- "(iv) sponsors of regionally significant programs, projects, and services that are related to transportation and receive assistance from any public or private source.
- "(5) COORDINATION OF OTHER FEDERALLY RE-QUIRED PLANNING PROGRAMS.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the development of metropolitan transportation plans and transportation improvement programs with other relevant federally required planning programs.
- "(h) Scope of Planning Process.—

- "(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—
- "(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency:
- "(B) increase the safety of the transportation system for motorized and non-motorized users;
- "(C) increase the security of the transportation system for motorized and non-motorized users:
- "(D) increase the accessibility and mobility of individuals and freight:
- "(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- "(F) enhance the integration and connectivity of the transportation system, across and between modes, for individuals and freight:
- "(G) increase efficient system management and operation; and
- "(H) emphasize the preservation of the existing transportation system.
- "(2) PERFORMANCE-BASED APPROACH.-
- "(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 5301(c) of this title and in section 150(b) of title 23.
  - "(B) PERFORMANCE TARGETS.-
- "(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—
- "(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in sections 119(f), 148(h), 149(k) (where applicable), and 167(i) of title 23, to use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.
- "(II) COORDINATION.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.
- "(ii) Public Transportation Performance Targets.—Each metropolitan planning organization shall adopt the performance targets identified by providers of public transportation pursuant to sections 5326(c) and 5329(d), for use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.
- "(C) TIMING.—Each metropolitan planning organization shall establish or adopt the performance targets under subparagraph (B) not later than 90 days after the date on which the relevant State or provider of public transportation establishes the performance targets
- "(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State plans and processes, as well as asset management and safety plans developed by providers of public transportation, required as part of a performance-based program, including plans such as—
- "(i) the State National Highway System asset management plan;
- "(ii) asset management plans developed by providers of public transportation:

- "(iii) the State strategic highway safety plan;
- "(iv) safety plans developed by providers of public transportation;
- "(v) the congestion mitigation and air quality performance plan, where applicable;
- "(vi) the national freight strategic plan; and
  - "(vii) the statewide transportation plan.
- "(E) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be used, at a minimum, by the relevant metropolitan planning organization as the basis for development of policies, programs, and investment priorities reflected in the metropolitan transportation plan and transportation improvement program.
- "(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration 1 or more of the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a metropolitan transportation plan, a transportation improvement program, a project or strategy, or the certification of a planning process.
- "(4) PARTICIPATION BY INTERESTED PARTIES.—
- "(A) IN GENERAL.—Each metropolitan planning organization shall provide to affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the metropolitan transportation plan and transportation improvement program and any relevant scenarios.
- "(B) CONTENTS OF PARTICIPATION PLAN.— Each metropolitan planning organization shall establish a participation plan that—
- "(i) is developed in consultation with all interested parties; and
- "(ii) provides that all interested parties have reasonable opportunities to comment on the contents of the metropolitan transportation plan of the metropolitan planning organization.
- "(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—
- "(i) develop the metropolitan transportation plan and transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the community and interested parties that participate in the development of the metropolitan transportation plan and transportation improvement program:
- "(ii) hold any public meetings at times and locations that are, as applicable—
  - "(I) convenient; and
- "(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- "(iii) employ visualization techniques to describe metropolitan transportation plans and transportation improvement programs; and
- "(iv) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).
- "(i) DEVELOPMENT OF METROPOLITAN TRANSPORTATION PLAN.—
  - "(1) DEVELOPMENT.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, and not less frequently than once every 5 years

thereafter, each metropolitan planning organization shall prepare and update, respectively, a metropolitan transportation plan for the relevant metropolitan planning area in accordance with this section.

"(B) EXCEPTIONS.—A metropolitan planning organization shall prepare or update, as appropriate, the metropolitan transportation plan not less frequently than once every 4 years if the metropolitan planning organization is operating within—

"(i) a nonattainment area; or

"(ii) a maintenance area.

"(2) OTHER REQUIREMENTS.—A metropolitan transportation plan under this section shall—

"(A) be in a form that the Secretary determines to be appropriate:

"(B) have a term of not less than 20 years; and

"(C) contain, at a minimum-

"(i) an identification of the existing transportation infrastructure, including highways, local streets and roads, bicycle and pedestrian facilities, public transportation facilities and services, commuter rail facilities and services, high-speed and intercity passenger rail facilities and services, freight facilities (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal connectors that, evaluated in the aggregate, function as an integrated metropolitan transportation system;

"(ii) a description of the performance measures and performance targets used in assessing the existing and future performance of the transportation system in accordance with subsection (h)(2):

"(iii) a description of the current and projected future usage of the transportation system, including a projection based on a preferred scenario, and further including, to the extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real properties:

"(iv) a system performance report evaluating the existing and future condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2) and updates in subsequent system performance reports, including—

"(I) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports;

"(II) an accounting of the performance of the metropolitan planning organization on outlay of obligated project funds and delivery of projects that have reached substantial completion in relation to—

"(aa) the projects included in the transportation improvement program; and

"(bb) the projects that have been removed from the previous transportation improvement program; and

"(III) when appropriate, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies, investments, and growth have impacted the costs necessary to achieve the identified performance targets;

"(v) recommended strategies and investments for improving system performance over the planning horizon, including transportation systems management and operations strategies, maintenance strategies, demand management strategies, asset management strategies, capacity and enhancement investments, State and local economic development and land use improvements, intelligent transportation systems deployment, and technology adoption strategies, as determined by the projected support of the performance targets described in subsection (h)(2):

"(vi) recommended strategies and investments to improve and integrate disabilityrelated access to transportation infrastructure, including strategies and investments based on a preferred scenario, when appropriate:

"(vii) investment priorities for using projected available and proposed revenues over the short- and long-term stages of the planning horizon, in accordance with the financial plan required under paragraph (4):

"(viii) a description of interstate compacts entered into in order to promote coordinated transportation planning in multistate areas, if applicable;

"(ix) an optional illustrative list of projects containing investments that—

"(I) are not included in the metropolitan transportation plan; but

"(II) would be so included if resources in addition to the resources identified in the financial plan under paragraph (4) were available:

"(x) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies) of types of potential environmental and stormwater mitigation activities and potential areas to carry out those activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan; and

"(xi) recommended strategies and investments, including those developed by the State as part of interstate compacts, agreements, or organizations, that support intercity transportation.

"(3) SCENARIO DEVELOPMENT.—

"(A) IN GENERAL.—When preparing the metropolitan transportation plan, the metropolitan planning organization may, while fitting the needs and complexity of their community, develop multiple scenarios for consideration as a part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

"(B) COMPONENTS OF SCENARIOS.—The scenarios—

"(i) shall include potential regional investment strategies for the planning horizon;

"(ii) shall include assumed distribution of population and employment;

"(iii) may include a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance targets identified in subsection (h)(2):

"(iv) may include a scenario that improves the baseline conditions for as many of the performance targets under subsection (h)(2) as nossible."

''(v) may include a revenue constrained scenario based on total revenues reasonably expected to be available over the 20-year planning period and assumed population and employment; and

"(vi) may include estimated costs and potential revenues available to support each scenario.

"(C) METRICS.—In addition to the performance targets identified in subsection (h)(2), scenarios developed under this paragraph may be evaluated using locally developed metrics for the following categories:

"(i) Congestion and mobility, including transportation use by mode.

"(ii) Freight movement.

"(iii) Safety.

"(iv) Efficiency and costs to taxpayers.

"(4) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(C)(vii) shall—

"(A) be prepared by each metropolitan planning organization to support the metropolitan transportation plan; and

"(B) contain a description of-

"(i) the projected resource requirements for implementing projects, strategies, and services recommended in the metropolitan transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs;

"(ii) the projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment):

"(iii) estimates of future funds, to be developed cooperatively by the metropolitan planning organization, any public transportation agency, and the State, that are reasonably expected to be available to support the investment priorities recommended in the metropolitan transportation plan; and

"(iv) each applicable project only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(5) COORDINATION WITH CLEAN AIR ACT AGENCIES.—The metropolitan planning organization for any metropolitan area that is a nonattainment area or maintenance area shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(6) PUBLICATION.—On approval by the relevant metropolitan planning organization, a metropolitan transportation plan involving Federal participation shall be, at such times and in such manner as the Secretary shall require—

(A) published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet; and

"(B) submitted for informational purposes to the applicable Governor.

"(7) CONSULTATION.—

"(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with Federal, State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a metropolitan transportation plan.

"(B) Issues.—The consultation under subparagraph (A) shall involve, as available, consideration of—

"(i) metropolitan transportation plans with Federal, State, tribal, and local conservation plans or maps; and

"(ii) inventories of natural or historic resources.

"(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the metropolitan transportation plan under paragraph (2)(C)(ix).

"(j) Transportation Improvement Program.—

"(1) DEVELOPMENT.—

``(A) IN GENERAL.—In cooperation with the applicable State and any affected public

transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the metropolitan planning area that—

- "(i) contains projects consistent with the current metropolitan transportation plan;
- "(ii) reflects the investment priorities established in the current metropolitan transportation plan; and
- "(iii) once implemented, will make significant progress toward achieving the performance targets established under subsection
- "(B) OPPORTUNITY FOR PARTICIPATION.—In developing the transportation improvement program, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties, in accordance with subsection (h)(4).
- "(C) UPDATING AND APPROVAL.—The transportation improvement program shall be—
- "(i) updated not less frequently than once every 4 years, on a cycle compatible with the development of the relevant statewide transportation improvement program under section 5304; and
- "(ii) approved by the applicable Governor. "(2) CONTENTS.—
- "(A) PRIORITY LIST.—The transportation improvement program shall include a priority list of proposed federally supported projects and strategies to be carried out during the 4-year period beginning on the date of adoption of the transportation improvement program, and each 4-year period thereafter, using existing and reasonably available revenues in accordance with the financial plan under paragraph (3).
- "(B) DESCRIPTIONS.—Each project described in the transportation improvement program shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project and the effect that the project or project phase will have in addressing the performance targets described in subsection (h)(2).
- "(C) PERFORMANCE TARGET ACHIEVEMENT.— The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program on attainment of the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.
- "(D) ILLUSTRATIVE LIST OF PROJECTS.—In developing a transportation improvement program, an optional illustrative list of projects may be prepared containing additional investment priorities that—
- "(i) are not included in the transportation improvement program; but
- "(ii) would be so included if resources in addition to the resources identified in the financial plan under paragraph (3) were available.
- "(3) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(D)(ii) shall—
- "(A) be prepared by each metropolitan planning organization to support the transportation improvement program; and
- "(B) contain a description of-
- "(i) the projected resource requirements for implementing projects, strategies, and services recommended in the transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and pri-

vate sources, and innovative financing techniques to finance projects and programs;

- "(ii) the projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment):
- "(iii) estimates of future funds, to be developed cooperatively by the metropolitan planning organization, any public transportation agency, and the State, that are reasonably expected to be available to support the investment priorities recommended in the transportation improvement program; and
- "(iv) each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.
  - "(4) INCLUDED PROJECTS.—
- "(A) PROJECTS UNDER THIS CHAPTER AND TITLE 23.—A transportation improvement program developed under this subsection for a metropolitan area shall include a description of the projects within the area that are proposed for funding under this chapter and chapter 1 of title 23.
  - "(B) PROJECTS UNDER CHAPTER 2.-
- "(i) REGIONALLY SIGNIFICANT.—Each regionally significant project proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.
- "(ii) NONREGIONALLY SIGNIFICANT.—A description of each project proposed for funding under chapter 2 of title 23 that is not determined to be regionally significant shall be contained in 1 line item or identified individually in the transportation improvement program.
- "(5) OPPORTUNITY FOR PARTICIPATION.—Before approving a transportation improvement program, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the transportation improvement program, in accordance with subsection
  - "(6) SELECTION OF PROJECTS.—
- "(A) IN GENERAL.—Each tier I MPO and tier II MPO shall select projects carried out within the boundaries of the applicable metropolitan planning area from the transportation improvement program, in consultation with the relevant State and on concurrence of the affected facility owner, for funds apportioned to the State under section 104(b)(2) of title 23 and suballocated to the metropolitan planning area under section 133(d) of title 23.
- "(B) Projects under this chapter, the selection of federally funded projects in metropolitan areas shall be carried out, from the approved transportation improvement program, by the designated recipients of public transportation funding in cooperation with the metropolitan planning organization.
- "(C) CONGESTION MITIGATION AND AIR QUALITY PROJECTS.—Each tier I MPO shall select projects carried out within the boundaries of the applicable metropolitan planning area from the transportation improvement program, in consultation with the relevant State and on concurrence of the affected facility owner, for funds apportioned to the State under section 104(b)(4) of title 23 and suballocated to the metropolitan planning area under section 149(j) of title 23.
- "(D) MODIFICATIONS TO PROJECT PRIORITY.— Notwithstanding any other provision of law,

approval by the Secretary shall not be required to carry out a project included in a transportation improvement program in place of another project in the transportation improvement program.

"(7) Publication.—

- "(A) IN GENERAL.—A transportation improvement program shall be published or otherwise made readily available by the applicable metropolitan planning organization for public review in electronically accessible formats and means, such as the Internet.
- "(B) ANNUAL LIST OF PROJECTS.—An annual list of projects, including investments in pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the preceding fiscal year shall be published or otherwise made available by the cooperative effort of the State, public transportation operator, and metropolitan planning organization in electronically accessible formats and means, such as the Internet, in a manner that is consistent with the categories identified in the relevant transportation improvement program.
- "(k) PLANNING REQUIREMENTS FOR TIER II MPOS.—
- "(1) IN GENERAL.—The Secretary may provide for the performance-based development of a metropolitan transportation plan and transportation improvement program for the metropolitan planning area of a tier II MPO, as the Secretary determines to be appropriate, taking into account—
- "(A) the complexity of transportation needs in the area; and
- "(B) the technical capacity of the metropolitan planning organization.
- "(2) EVALUATION OF PERFORMANCE-BASED PLANNING.—In reviewing a tier II MPO under subsection (m), the Secretary shall take into consideration the effectiveness of the tier II MPO in implementing and maintaining a performance-based planning process that—
- "(A) addresses the performance targets described in subsection (h)(2); and
- "(B) demonstrates progress on the achievement of those performance targets.
  - "(1) CERTIFICATION.—
- "(1) IN GENERAL.—The Secretary shall—
- "(A) ensure that the metropolitan transportation planning process of a metropolitan planning organization is being carried out in accordance with applicable Federal law: and
- "(B) subject to paragraph (2), certify, not less frequently than once every 4 years, that the requirements of subparagraph (A) are met with respect to the metropolitan transportation planning process.
- "(2) REQUIREMENTS FOR CERTIFICATION.— The Secretary may make a certification under paragraph (1)(B) if—
- "(A) the metropolitan transportation planning process complies with the requirements of this section and other applicable Federal law:
- "(B) representation on the metropolitan planning organization board includes officials of public agencies that administer or operate major modes of transportation in the relevant metropolitan area, including providers of public transportation; and
- "(C) a transportation improvement program for the metropolitan planning area has been approved by the relevant metropolitan planning organization and applicable Governor.
- "(3) DELEGATION OF AUTHORITY.—The Secretary may—
- "(A) delegate to the appropriate State fact-finding authority regarding the certification of a tier II MPO under this subsection; and

- "(B) make the certification under paragraph (1) in consultation with the State.
- "(4) EFFECT OF FAILURE TO CERTIFY.—
- "(A) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan transportation planning process of a metropolitan planning organization is not certified under paragraph (1), the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this chapter and title 23.
- "(B) RESTORATION OF WITHHELD FUNDS.— Any funds withheld under subparagraph (A) shall be restored to the metropolitan planning area on the date of certification of the metropolitan transportation planning process by the Secretary.
- "(5) PUBLIC INVOLVEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan planning area under review.
- "(m) PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.—
- "(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the following:
- "(A) The extent to which the metropolitan planning organization has achieved, or is currently making substantial progress toward achieving, the performance targets specified in subsection (h)(2), taking into account whether the metropolitan planning organization developed meaningful performance targets.
- "(B) The extent to which the metropolitan planning organization has used proven best practices that help ensure transportation investment that is efficient and cost-effective.
- $\mbox{``(C)}$  The extent to which the metropolitan planning organization—
- "(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and
- "(ii) provides regular reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the metropolitan planning organization.
  - "(2) Report.—
- "(A) IN GENERAL.—Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to Congress a report evaluating—
- "(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and
- "(ii) the effectiveness of the performancebased planning process of each metropolitan planning organization under this section.
- "(B) PUBLICATION.—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.
- "(n) Additional Requirements for Certain Nonattainment Areas.—
- "(1) IN GENERAL.—Notwithstanding any other provision of this chapter or title 23, Federal funds may not be advanced in any metropolitan planning area classified as a nonattainment area or maintenance area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles, unless the owner or operator of the project demonstrates that the project will achieve or make substantial progress toward achieving the performance targets described in subsection (h)(2).

- "(2) APPLICABILITY.—This subsection applies to any nonattainment area or maintenance area within the boundaries of a metropolitan planning area, as determined under subsection (d).
- "(0) EFFECT OF SECTION.—Nothing in this section provides to any metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not subject to the requirements of this chapter or title 23.
- "(p) FUNDING.—Funds apportioned under section 104(b)(6) of title 23 and set aside under section 5305(g) of this title shall be available to carry out this section.
- "(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—
- "(1) IN GENERAL.—In consideration of the factors described in paragraph (2), any decision by the Secretary concerning a metropolitan transportation plan or transportation improvement program shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- "(2) DESCRIPTION OF FACTORS.—The factors referred to in paragraph (1) are that—
- "(A) metropolitan transportation plans and transportation improvement programs are subject to a reasonable opportunity for public comment;
- "(B) the projects included in metropolitan transportation plans and transportation improvement programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- "(C) decisions by the Secretary concerning metropolitan transportation plans and transportation improvement programs have not been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.
- "(r) SCHEDULE FOR IMPLEMENTATION.—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for metropolitan planning organizations. The Secretary shall not require a metropolitan planning organization to deviate from its established planning update cycle to implement changes made by this section. Metropolitan planning organizations shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary.".
- (b) PILOT PROGRAM FOR TRANSIT-ORIENTED DEVELOPMENT PLANNING.—
- (1) DEFINITIONS.—In this subsection the following definitions shall apply:
- (A) ELIGIBLE PROJECT.—The term "eligible project" means a new fixed guideway capital project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this division.
- (B) SECRETARY.—The term "Secretary" means the Secretary of Transportation.
- (2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State or local governmental authority to assist in financing comprehensive planning associated with an eligible project that seeks to—
- (A) enhance economic development, ridership, and other goals established during the project development and engineering processes;
- (B) facilitate multimodal connectivity and accessibility;
- (C) increase access to transit hubs for pedestrian and bicycle traffic;
- (D) enable mixed-use development:

- (E) identify infrastructure needs associated with the eligible project; and
  - (F) include private sector participation.
- (3) ELIGIBILITY.—A State or local governmental authority that desires to participate in the program under this subsection shall submit to the Secretary an application that contains, at a minimum—
  - (A) identification of an eligible project;
- (B) a schedule and process for the development of a comprehensive plan;
- (C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;
- (D) proposed performance criteria for the development and implementation of the comprehensive plan; and
  - (E) identification of-
  - (i) partners:
- (ii) availability of and authority for funding; and
- (iii) potential State, local or other impediments to the implementation of the comprehensive plan.

### SEC. 40006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 5304 of title 49, United States Code, is amended to read as follows:

## "\$ 5304. Statewide and nonmetropolitan transportation planning

- "(a) STATEWIDE TRANSPORTATION PLANS AND STIPS.—
  - "(1) DEVELOPMENT.—
- "(A) IN GENERAL.—To accomplish the policy objectives described in section 5303(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State in accordance with this section.
- "(B) INCORPORATION OF METROPOLITAN TRANSPORTATION PLANS AND TIPS.—Each State shall incorporate in the statewide transportation plan and statewide transportation improvement program, without change or by reference, the metropolitan transportation plans and transportation improvement programs, respectively, for each metropolitan planning area in the State.
- "(C) NONMETROPOLITAN AREAS.—Each State shall coordinate with local officials in small urbanized areas with a population of 50,000 or more individuals, but fewer than 200,000 individuals, as calculated according to the most recent decennial census, and nonurbanized areas of the State in preparing the nonmetropolitan portions of statewide transportation plans and statewide transportation improvement programs.
- ''(2) CONTENTS.—The statewide transportation plan and statewide transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation) that will function as—
- "(A) an intermodal transportation system for the State; and
- "(B) an integral part of an intermodal transportation system for the United States.
- "(3) PROCESS.—The process for developing the statewide transportation plan and statewide transportation improvement program shall—
- "(A) provide for consideration of all modes of transportation; and
- "(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation needs to be addressed.
  - "(b) Coordination and Consultation.—

- "(1) IN GENERAL.—Each State shall—
- "(A) coordinate planning carried out under this section with—
- "(i) the transportation planning activities carried out under section 5303 for metropolitan areas of the State; and
- "(ii) statewide trade and economic development planning activities and related multistate planning efforts;
- "(B) coordinate planning carried out under this section with the transportation planning activities carried out by each nonmetropolitan planning organization in the State. as applicable:
- "(C) coordinate planning carried out under this section with the transportation planning activities carried out by each rural planning organization in the State, as applicable; and
- "(D) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).
  - "(2) Multistate areas.—
- "(A) In general.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan planning area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.
- "(B) COORDINATION ALONG DESIGNATED TRANSPORTATION CORRIDORS.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate transportation corridor to provide coordinated transportation planning for the entire designated corridor.
- "(C) INTERSTATE COMPACTS.—For purposes of this section, any 2 or more States—
- "(i) may enter into compacts, agreements, or organizations not in conflict with any Federal law for cooperative efforts and mutual assistance in support of activities authorized under this section, as the activities relate to interstate areas and localities within the States:
- "(ii) may establish such agencies (joint or otherwise) as the States determine to be appropriate for ensuring the effectiveness of the agreements and compacts; and
- "(iii) are encouraged to enter into such compacts, agreements, or organizations as are appropriate to develop planning documents in support of intercity or multistate area projects, facilities, and services, the relevant components of which shall be reflected in statewide transportation improvement programs and statewide transportation plans.
- "(D) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal any interstate compact or agreement entered into under this subsection is expressly reserved.
- "(c) Relationship With Other Planning Officials.—
- "(1) IN GENERAL.—The Secretary shall encourage each State to cooperate with Federal, State, tribal, and local officers and entities responsible for other types of planning activities that are affected by transportation in the relevant area (including planned growth, economic development, infrastructure services, housing, other public services, environmental protection, airport operations, high-speed and intercity passenger rail, freight rail, port access, and freight movements), to the maximum extent practicable, to ensure that the statewide and nonmetropolitan planning process, statewide transportation plans, and statewide transportation improvement programs are developed with due consideration for other related planning activities in the State.
- "(2) INCLUSION.—Cooperation under paragraph (1) shall include the design and deliv-

- ery of transportation services within the State that are provided by—
- "(A) recipients of assistance under sections 202, 203, and 204 of title 23;
- "(B) recipients of assistance under this chapter;
- "(C) government agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and
- "(D) sponsors of regionally significant programs, projects, and services that are related to transportation and receive assistance from any public or private source.
  - "(d) SCOPE OF PLANNING PROCESS.—
- "(1) IN GENERAL.—The statewide transportation planning process for a State under this section shall provide for consideration of projects, strategies, and services that will—
- "(A) support the economic vitality of the United States, the State, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- "(B) increase the safety of the transportation system for motorized and non-motorized users:
- "(C) increase the security of the transportation system for motorized and non-motorized users;
- "(D) increase the accessibility and mobility of individuals and freight;
- "(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- "(F) enhance the integration and connectivity of the transportation system, across and between modes, for individuals and freight;
- "(G) increase efficient system management and operation; and
- "(H) emphasize the preservation of the existing transportation system.
- "(2) PERFORMANCE-BASED APPROACH.—
- "(A) IN GENERAL.—The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 5301(c) of this title and in section 150(b) of title 23.
- "(B) SURFACE TRANSPORTATION PERFORM-ANCE TARGETS.—
- "(i) IN GENERAL.—Each State shall establish performance targets that address the performance measures described in sections 119(f), 148(h), and 167(i) of title 23 to use in tracking attainment of critical outcomes for the region of the State.
- "(ii) COORDINATION.—Selection of performance targets by a State shall be coordinated with relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.
- "(C) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—For providers of public transportation operating in urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan planning organization, each State shall adopt the performance targets identified by such providers of public transportation pursuant to sections 5326(c) and 5329(d), for use in tracking attainment of critical outcomes for the region of the metropolitan planning organization.
- "(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into

- the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and performance targets described in this paragraph in other State plans and processes, and asset management and safety plans developed by providers of public transportation in urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan planning organization, required as part of a performance-based program, including plans such as—
- "(i) the State National Highway System asset management plan;
- "(ii) asset management plans developed by providers of public transportation:
- "(iii) the State strategic highway safety plan;
- "(iv) safety plans developed by providers of public transportation; and
  - "(v) the national freight strategic plan.
- "(E) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be used, at a minimum, by a State as the basis for development of policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program.
- "(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration 1 or more of the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a statewide transportation improvement program, a project or strategy, or the certification of a planning process.
- "(4) PARTICIPATION BY INTERESTED PARTIES.—
- "(A) IN GENERAL.—Each State shall provide to affected individuals, public agencies, and other interested parties notice and a reasonable opportunity to comment on the statewide transportation plan and statewide transportation improvement program.
- "(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—
- "(i) develop the statewide transportation plan and statewide transportation improvement program in consultation with interested parties, as appropriate, including by the formation of advisory groups representative of the State and interested parties that participate in the development of the statewide transportation plan and statewide transportation improvement program;
- "(ii) hold any public meetings at times and locations that are, as applicable—
- "(I) convenient; and
- "(II) in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- "(iii) employ visualization techniques to describe statewide transportation plans and statewide transportation improvement programs: and
- "(iv) make public information available in appropriate electronically accessible formats and means, such as the Internet, to afford reasonable opportunity for consideration of public information under subparagraph (A).
  - "(e) COORDINATION AND CONSULTATION.—
  - "(1) METROPOLITAN AREAS.—
- "(A) IN GENERAL.—Each State shall develop a statewide transportation plan and statewide transportation improvement program for each metropolitan area in the State by incorporating, without change or by reference, at a minimum, as prepared by each

metropolitan planning organization designated for the metropolitan area under section 5303—

"(i) all regionally significant projects to be carried out during the 10-year period beginning on the effective date of the relevant existing metropolitan transportation plan; and

"(ii) all projects to be carried out during the 4-year period beginning on the effective date of the relevant transportation improvement program.

"(B) PROJECTED COSTS.—Each metropolitan planning organization shall provide to each applicable State a description of the projected costs of implementing the projects included in the metropolitan transportation plan of the metropolitan planning organization for purposes of metropolitan financial planning and fiscal constraint.

"(2) Nonmetropolitan areas in a State, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in coordination with affected nonmetropolitan local officials with responsibility for transportation, including providers of public transportation.

"(3) INDIAN TRIBAL AREAS.—With respect to each area of a State under the jurisdiction of an Indian tribe, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in consultation with—

"(A) the tribal government; and

"(B) the Secretary of the Interior.

"(4) FEDERAL LAND MANAGEMENT AGENCIES.—With respect to each area of a State under the jurisdiction of a Federal land management agency, the statewide transportation plan and statewide transportation improvement program of the State shall be developed in consultation with the relevant Federal land management agency.

"(5) CONSULTATION, COMPARISON, AND CONSIDERATION.—

"(A) IN GENERAL.—A statewide transportation plan shall be developed, as appropriate, in consultation with Federal, State, tribal, and local agencies responsible for land use management, natural resources, infrastructure permitting, environmental protection, conservation, and historic preservation.

"(B) COMPARISON AND CONSIDERATION.— Consultation under subparagraph (A) shall involve the comparison of statewide transportation plans to, as available—

"(i) Federal, State, tribal, and local conservation plans or maps; and

"(ii) inventories of natural or historic resources.

"(f) STATEWIDE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—Each State shall develop a statewide transportation plan, the forecast period of which shall be not less than 20 years for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(B) INITIAL PERIOD.—A statewide transportation plan shall include, at a minimum, for the first 10-year period of the statewide transportation plan, the identification of existing and future transportation facilities that will function as an integrated statewide transportation system, giving emphasis to those facilities that serve important national, statewide, and regional transportation functions.

"(C) SUBSEQUENT PERIOD.—For the second 10-year period of the statewide transportation plan (referred to in this subsection as the 'outer years period'), a statewide transportation plan—

"(i) may include identification of future transportation facilities; and

"(ii) shall describe the policies and strategies that provide for the development and implementation of the intermodal transportation system of the State.

"(D) OTHER REQUIREMENTS.—A statewide transportation plan shall—

"(i) include, for the 20-year period covered by the statewide transportation plan, a description of—

"(I) the projected aggregate cost of projects anticipated by a State to be implemented: and

"(II) the revenues necessary to support the projects:

"(ii) include, in such form as the Secretary determines to be appropriate, a description of—

"(I) the existing transportation infrastructure, including an identification of highways, local streets and roads, bicycle and pedestrian facilities, public transportation facilities and services, commuter rail facilities and services, high-speed and intercity passenger rail facilities and services, freight facilities (including freight railroad and port facilities), multimodal and intermodal facilities, and intermodal connectors that, evaluated in the aggregate, function as an integrated transportation system;

"(II) the performance measures and performance targets used in assessing the existing and future performance of the transportation system described in subsection (d)(2);

"(III) the current and projected future usage of the transportation system, including, to the maximum extent practicable, an identification of existing or planned transportation rights-of-way, corridors, facilities, and related real properties;

"(IV) a system performance report evaluating the existing and future condition and performance of the transportation system with respect to the performance targets described in subsection (d)(2) and updates to subsequent system performance reports, including—

"(aa) progress achieved by the State in meeting performance targets, as compared to system performance recorded in previous reports; and

"(bb) an accounting of the performance by the State on outlay of obligated project funds and delivery of projects that have reached substantial completion, in relation to the projects currently on the statewide transportation improvement program and those projects that have been removed from the previous statewide transportation improvement program;

"(V) recommended strategies and investments for improving system performance over the planning horizon, including transportation systems management and operations strategies, maintenance strategies, demand management strategies, asset management strategies, capacity and enhancement investments, land use improvements, intelligent transportation systems deployment and technology adoption strategies as determined by the projected support of performance targets described in subsection (d)(2);

"(VI) recommended strategies and investments to improve and integrate disabilityrelated access to transportation infrastructure:

"(VII) investment priorities for using projected available and proposed revenues over the short- and long-term stages of the planning horizon, in accordance with the financial plan required under paragraph (2);

"(VIII) a description of interstate compacts entered into in order to promote coordinated transportation planning in multistate areas, if applicable;

"(IX) an optional illustrative list of projects containing investments that—

"(aa) are not included in the statewide transportation plan; but

"(bb) would be so included if resources in addition to the resources identified in the financial plan under paragraph (2) were available:

"(X) a discussion (developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies) of types of potential environmental and stormwater mitigation activities and potential areas to carry out those activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the state-wide transportation plan; and

"(XI) recommended strategies and investments, including those developed by the State as part of interstate compacts, agreements, or organizations, that support intercity transportation; and

"(iii) be updated by the State not less frequently than once every 5 years.

"(2) FINANCIAL PLAN.—A financial plan referred to in paragraph (1)(D)(ii)(VII) shall—

"(A) be prepared by each State to support the statewide transportation plan; and

"(B) contain a description of—

"(i) the projected resource requirements during the 20-year planning horizon for implementing projects, strategies, and services recommended in the statewide transportation plan, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs;

"(ii) the projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment):

"(iii) estimates of future funds, to be developed cooperatively by the State, any public transportation agency, and relevant metropolitan planning organizations, that are reasonably expected to be available to support the investment priorities recommended in the statewide transportation plan;

"(iv) each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project; and

"(v) aggregate cost ranges or bands, subject to the condition that any future funding source shall be reasonably expected to be available to support the projected cost ranges or bands, for the outer years period of the statewide transportation plan.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—For any nonmetropolitan area that is a nonattainment area or maintenance area, the State shall coordinate the development of the statewide transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(4) PUBLICATION.—A statewide transportation plan involving Federal and non-Federal participation programs, projects, and strategies shall be published or otherwise made readily available by the State for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet, in such manner as the Secretary shall require.

- "(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2), a State shall not be required to select any project from the illustrative list of additional projects included in the statewide transportation plan under paragraph (1)(D)(ij)(IX).
- "(g) STATEWIDE TRANSPORTATION IMPROVE-MENT PROGRAMS.—
  - "(1) DEVELOPMENT.—
- "(A) IN GENERAL.—In cooperation with nonmetropolitan officials with responsibility for transportation and affected public transportation operators, the State shall develop a statewide transportation improvement program for the State that—
- "(i) includes projects consistent with the statewide transportation plan;
- "(ii) reflects the investment priorities established in the statewide transportation plan; and
- "(iii) once implemented, makes significant progress toward achieving the performance targets described in subsection (d)(2).
- "(B) OPPORTUNITY FOR PARTICIPATION.—In developing a statewide transportation improvement program, the State, in cooperation with affected public transportation operators, shall provide an opportunity for participation by interested parties in the development of the statewide transportation improvement program, in accordance with subsection (e)
  - "(C) OTHER REQUIREMENTS.—
- "(i) IN GENERAL.—A statewide transportation improvement program shall—
- "(I) cover a period of not less than 4 years; and
- "(II) be updated not less frequently than once every 4 years, or more frequently, as the Governor determines to be appropriate.
- "(ii) INCORPORATION OF TIPS.—A statewide transportation improvement program shall incorporate any relevant transportation improvement program developed by a metropolitan planning organization under section 5303, without change.
- "(iii) Projects.—Each project included in a statewide transportation improvement program shall be—
- "(I) consistent with the statewide transportation plan developed under this section for the State;
- "(II) identical to a project or phase of a project described in a relevant transportation improvement program; and
- "(III) for any project located in a nonattainment area or maintenance area, carried out in accordance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.).
  - "(2) CONTENTS.—
- "(A) PRIORITY LIST.—A statewide transportation improvement program shall include a priority list of proposed federally supported projects and strategies, to be carried out during the 4-year period beginning on the date of adoption of the statewide transportation improvement program, and during each 4-year period thereafter, using existing and reasonably available revenues in accordance with the financial plan under paragraph (3).
- "(B) DESCRIPTIONS.—Each project or phase of a project included in a statewide transportation improvement program shall include sufficient descriptive material (such as type of work, termini, length, estimated completion date, and other similar factors) to identify.
  - "(i) the project or project phase; and
- "(ii) the effect that the project or project phase will have in addressing the performance targets described in subsection (d)(2).

- "(C) PERFORMANCE TARGET ACHIEVEMENT.—A statewide transportation improvement program shall include, to the maximum extent practicable, a discussion of the anticipated effect of the statewide transportation improvement program toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets.
- "(D) ILLUSTRATIVE LIST OF PROJECTS.—An optional illustrative list of projects may be prepared containing additional investment priorities that—
- $\lq\lq(i)$  are not included in the statewide transportation improvement program; but
- "(ii) would be so included if resources in addition to the resources identified in the financial plan under paragraph (3) were available
- "(3) FINANCIAL PLAN.—A financial plan referred to in paragraph (2)(D)(ii) shall—
- "(A) be prepared by each State to support the statewide transportation improvement program; and
  - "(B) contain a description of-
- "(i) the projected resource requirements for implementing projects, strategies, and services recommended in the statewide transportation improvement program, including existing and projected system operating and maintenance needs, proposed enhancement and expansions to the system, projected available revenue from Federal, State, local, and private sources, and innovative financing techniques to finance projects and programs:
- "(ii) the projected difference between costs and revenues, and strategies for securing additional new revenue (such as by capture of some of the economic value created by any new investment):
- "(iii) estimates of future funds, to be developed cooperatively by the State and relevant metropolitan planning organizations and public transportation agencies, that are reasonably expected to be available to support the investment priorities recommended in the statewide transportation improvement program; and
- "(iv) each applicable project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.
  - "(4) INCLUDED PROJECTS.—
- "(A) PROJECTS UNDER THIS CHAPTER AND TITLE 23.—A statewide transportation improvement program developed under this subsection for a State shall include the projects within the State that are proposed for funding under this chapter and chapter 1 of title 23.
- ''(B) Projects under this chapter and chapter 2.—
- "(i) REGIONALLY SIGNIFICANT.—Each regionally significant project proposed for funding under this chapter and chapter 2 of title 23 shall be identified individually in the statewide transportation improvement program.
- "(ii) Nonregionally significant.—A description of each project proposed for funding under this chapter and chapter 2 of title 23 that is not determined to be regionally significant shall be contained in 1 line item or identified individually in the statewide transportation improvement program.
  - "(5) PUBLICATION.—
- "(A) IN GENERAL.—A statewide transportation improvement program shall be published or otherwise made readily available by the State for public review in electronically accessible formats and means, such as the Internet.

- "(B) ANNUAL LIST OF PROJECTS.—An annual list of projects, including investments in pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, for which Federal funds have been obligated during the preceding fiscal year shall be published or otherwise made available by the cooperative effort of the State, public transportation operator, and relevant metropolitan planning organizations in electronically accessible formats and means, such as the Internet, in a manner that is consistent with the categories identified in the relevant statewide transportation improvement program.
- "(6) Project selection for urbanized WITH POPULATIONS OF FEWER THAN AREAS NOT REPRESENTED BY DESIGNATED -Projects carried out in urbanized areas with populations of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and that are not represented by designated metropolitan planning organizations, shall be selected from the approved statewide transportation improvement program (including projects carried out under this chapter and projects carried out by the State), in cooperation with the affected nonmetropolitan planning organization, if any exists, and in consultation with the affected nonmetropolitan area local officials with responsibility for transportation
  - "(7) APPROVAL BY SECRETARY.—
- "(A) IN GENERAL.—Not less frequently than once every 4 years, a statewide transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary, based on the current planning finding of the Secretary under subparagraph (B).
- "(B) PLANNING FINDING.—The Secretary shall make a planning finding referred to in subparagraph (A) not less frequently than once every 5 years regarding whether the transportation planning process through which statewide transportation plans and statewide transportation improvement programs are developed is consistent with this section and section 5303.
- "(8) Modifications to project priority.— Approval by the Secretary shall not be required to carry out a project included in an approved statewide transportation improvement program in place of another project in the statewide transportation improvement program.
  - "(h) CERTIFICATION.—
- "(1) IN GENERAL.—The Secretary shall—
- "(A) ensure that the statewide transportation planning process of a State is being carried out in accordance with applicable Federal law; and
- "(B) subject to paragraph (2), certify, not less frequently than once every 5 years, that the requirements of subparagraph (A) are met with respect to the statewide transportation planning process.
- $\begin{tabular}{llll} ``(2) & Requirements & For & Certification. \\ \hline The & Secretary & may & make & a & certification \\ under & paragraph (1)(B) & if— \\ \end{tabular}$
- "(A) the statewide transportation planning process complies with the requirements of this section and other applicable Federal law; and
- "(B) a statewide transportation improvement program for the State has been approved by the Governor of the State.
  - "(3) EFFECT OF FAILURE TO CERTIFY.—
- "(A) WITHHOLDING OF PROJECT FUNDS.—If a statewide transportation planning process of a State is not certified under paragraph (1), the Secretary may withhold up to 20 percent of the funds attributable to the State for

projects funded under this chapter and title

- . "(B) Restoration of withheld funds. Any funds withheld under subparagraph (A) shall be restored to the State on the date of certification of the statewide transportation planning process by the Secretary.
- "(4) PUBLIC INVOLVEMENT.—In making a determination regarding certification under this subsection, the Secretary shall provide for public involvement appropriate to the State under review.
- "(i) Performance-based Planning Proc-ESSES EVALUATION.-
- "(1) IN GENERAL.—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:
- "(A) The extent to which the State has achieved, or is currently making substantial progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed meaningful performance targets.
- (B) The extent to which the State has used proven best practices that help ensure transportation investment that is efficient and cost-effective.
  - (C) The extent to which the State-
- "(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable: and
- '(ii) provides regular reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State.
  - "(2) REPORT -
- "(A) IN GENERAL.—Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to Congress a report evaluating-
- "(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and
- "(ii) the effectiveness of the performancebased planning process of each State.
- "(B) PUBLICATION.—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Inter-
- "(j) FUNDING.—Funds apportioned under section 104(b)(6) of title 23 and set aside under section 5305(g) shall be available to carry out this section.
- "(k) Continuation of Current Review PRACTICE.-
- '(1) IN GENERAL.—In consideration of the factors described in paragraph (2), any decision by the Secretary concerning a statewide transportation plan or statewide transportation improvement program shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- "(2) Description of factors.—The factors referred to in paragraph (1) are that-
- '(A) statewide transportation plans and statewide transportation improvement programs are subject to a reasonable opportunity for public comment:
- "(B) the projects included in statewide transportation plans and statewide transportation improvement programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- "(C) decisions by the Secretary concerning statewide transportation plans and statewide transportation improvement programs have not been reviewed under the National Envi-

ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as of January 1, 1997.

(1) SCHEDULE FOR IMPLEMENTATION.-Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary under this subsection.".

#### SEC. 40007. PUBLIC TRANSPORTATION EMER-GENCY RELIEF PROGRAM.

Section 5306 of title 49. United States Code. is amended to read as follows:

#### "§ 5306. Public transportation emergency relief program

- "(a) DEFINITION.—In this section the following definitions shall apply:
- '(1) ELIGIBLE OPERATING COSTS.—The term 'eligible operating costs' means costs relating to-
- '(A) evacuation services;
- "(B) rescue operations;
- "(C) temporary public transportation service; or
- "(D) reestablishing, expanding, or relocating public transportation route service before, during, or after an emergency.
- (2) EMERGENCY.—The term 'emergency' means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, as a result of which-
- "(A) the Governor of a State has declared an emergency and the Secretary has concurred: or
- "(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).
  - (b) General Authority.
- "(1) CAPITAL ASSISTANCE.—The Secretary may make grants and enter into contracts and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) for capital projects to protect, repair, reconstruct, or replace equipment and facilities of a public transportation system operating in the United States or on an Indian reservation that the Secretary determines is in danger of suffering serious damage, or has suffered serious damage, as a result of an emergency.
- "(2) OPERATING ASSISTANCE.—Of the funds appropriated to carry out this section, the Secretary may make grants and enter into contracts or other agreements for the eligible operating costs of public transportation equipment and facilities in an area directly affected by an emergency during-
- "(A) the 1-year period beginning on the date of a declaration described in subsection (a)(2); or
- "(B) if the Secretary determines there is a compelling need, the 2-year period beginning on the date of a declaration described in subsection (a)(2).
- "(c) Coordination of Emergency Funds.— "(1) Use of funds.—Funds appropriated to carry out this section shall be in addition to any other funds available-
  - "(A) under this chapter; or
- "(B) for the same purposes as authorized under this section by any other branch of the Government, including the Federal Emergency Management Agency, or a State agency, local governmental entity, organization, or person.

- "(2) NOTIFICATION.—The Secretary shall notify the Secretary of Homeland Security of the purpose and amount of any grant made or contract or other agreement entered into under this section.
- TRANSFERS.—Amounts '(d) Interagency that are made available for emergency purposes to any other agency of the Government, including the Federal Emergency Management Agency, and that are eligible to be expended for purposes authorized under this section may be transferred to and administered by the Secretary under this section.
- '(e) Interagency Agreement.—
- "(1) IN GENERAL.—The Secretary shall enter into an interagency agreement with the Secretary of Homeland Security which shall provide for the means by which the Department of Transportation, including the Federal Transit Administration, and the Department of Homeland Security, including the Federal Emergency Management Agencv. shall cooperate in administering emergency relief for public transportation.
- "(2) CONTENTS —The interagency agreement under paragraph (1) shall provide that funds made available to the Federal Emergency Management Agency for emergency relief for public transportation shall be transferred to the Secretary to carry out this section, to the maximum extent possible
- "(f) Grant Requirements.—A grant awarded under this section shall be subject to the terms and conditions the Secretary determines are necessary.
  "(g) GOVERNMENT SHARE OF COSTS.—
- "(1) CAPITAL PROJECTS AND OPERATING AS-SISTANCE.—A grant, contract, or other agreement for a capital project or eligible operating costs under this section shall be, at the option of the recipient, for not more than 80 percent of the net project cost, as determined by the Secretary.
- "(2) Non-federal share.—The remainder of the net project cost may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.
- "(3) WAIVER.—The Secretary may waive, in whole or part, the non-Federal share required under paragraph (2)."

#### SEC. 40008. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49. United States Code. is amended to read as follows:

#### "§ 5307. Urbanized area formula grants

- "(a) GENERAL AUTHORITY .-
- "(1) GRANTS.—The Secretary may make grants under this section for-
  - "(A) capital projects;
- "(B) planning; and
- "(C) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census.
- "(2) SPECIAL RULE.—The Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census-
- "(A) for public transportation systems that operate 75 or fewer buses during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours: and
- "(B) for public transportation systems that operate a minimum of 76 buses and a maximum of 100 buses during peak service hours,

in an amount not to exceed 25 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours.

"(3) TEMPORARY AND TARGETED ASSIST-ANCE.—

- "(A) ELIGIBILITY.—The Secretary may make a grant under this section to finance the operating cost of equipment and facilities to a recipient for use in public transportation in an area that the Secretary determines has—
- "(i) a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census; and
- "(ii) a 3-month unemployment rate, as reported by the Bureau of Labor Statistics, that is—
  - "(I) greater than 7 percent; and
- "(II) at least 2 percentage points greater than the lowest 3-month unemployment rate for the area during the 5-year period preceding the date of the determination.
- "(B) AWARD OF GRANT.-
- "(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the Secretary may make a grant under this section for not more than 2 consecutive fiscal years.
- "(ii) ADDITIONAL YEAR.—If, at the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, the Secretary determines that the 3-month unemployment rate for the area is at least 2 percentage points greater than the unemployment rate for the area at the time the Secretary made the determination under subparagraph (A), the Secretary may make a grant to a recipient in the area for 1 additional consecutive fiscal year.
- "(iii) EXCLUSION PERIOD.—Beginning on the last day of the last consecutive fiscal year for which a recipient receives a grant under this paragraph, the Secretary may not make a subsequent grant under this paragraph to the recipient for a number of fiscal years equal to the number of consecutive fiscal years in which the recipient received a grant under this paragraph.
  - "(C) LIMITATION.—
- "(i) FIRST FISCAL YEAR.—For the first fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 25 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.
- "(ii) SECOND AND THIRD FISCAL YEARS.—For the second and third fiscal years following the date on which the Secretary makes a determination under subparagraph (A) with respect to an area, not more than 20 percent of the amount apportioned to a designated recipient under section 5336 for the fiscal year shall be available for operating assistance for the area.
- "(D) PERIOD OF AVAILABILITY FOR OPERATING ASSISTANCE.—Operating assistance awarded under this paragraph shall be available for expenditure to a recipient in an area until the end of the second fiscal year following the date on which the Secretary makes a determination under subparagraph (A) with respect to the area, after which time any unexpended funds shall be available to the recipient for other eligible activities under this section.
- "(E) CERTIFICATION.—The Secretary may make a grant for operating assistance under this paragraph for a fiscal year only if the recipient certifies that—
- "(i) the recipient will maintain public transportation service levels at or above the

- current service level, which shall be demonstrated by providing an equal or greater number of vehicle hours of service in the fiscal year than the number of vehicle hours of service provided in the preceding fiscal year;
- "(ii) any non-Federal entity that provides funding to the recipient, including a State or local governmental entity, will maintain the tax rate or rate of allocations dedicated to public transportation at or above the rate for the preceding fiscal year;
- "(iii) the recipient has allocated the maximum amount of funding under this section for preventive maintenance costs eligible as a capital expense necessary to maintain the level and quality of service provided in the preceding fiscal year; and
- "(iv) the recipient will not use funding under this section for new capital assets except as necessary for the existing system to maintain or achieve a state of good repair, assure safety, or replace obsolete technology.
  - "(b) Access to Jobs Projects .--
- "(1) IN GENERAL.—A designated recipient shall expend not less than 3 percent of the amount apportioned to the designated recipient under section 5336 or an amount equal to the amount apportioned to the designated recipient in fiscal year 2011 to carry out section 5316 (as in effect for fiscal year 2011), whichever is less, to carry out a program to develop and maintain job access projects. Eligible projects may include—
- "(A) a project relating to the development and maintenance of public transportation services designed to transport eligible lowincome individuals to and from jobs and activities related to their employment, including—
- "(i) a public transportation project to finance planning, capital, and operating costs of providing access to jobs under this chapter."
- "(ii) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;
- "(iii) promoting the use of public transportation vouchers for welfare recipients and eligible low-income individuals; and
- "(iv) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986; and
- "(B) a transportation project designed to support the use of public transportation including—
- "(i) enhancements to existing public transportation service for workers with non-traditional hours or reverse commutes:
- "(ii) guaranteed ride home programs;
- "(iii) bicycle storage facilities; and
- "(iv) projects that otherwise facilitate the provision of public transportation services to employment opportunities.
- "(2) PROJECT SELECTION AND PLAN DEVELOP-MENT.—Each grant recipient under this subsection shall certify that—
- "(A) the projects selected were included in a locally developed, coordinated public transit-human services transportation plan;
- "(B) the plan was developed and approved through a process that included individuals with low incomes, representatives of public, private, and nonprofit transportation and human services providers, and participation by the public;
- "(C) services funded under this subsection are coordinated with transportation services funded by other Federal departments and agencies to the maximum extent feasible;

- "(D) allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.
- ``(3) Competitive process for grants to subrecipients —
- "(A) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under this subsection may conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this subsection.
- "(B) APPLICATION.—If the recipient elects to engage in a competitive process, recipients and subrecipients seeking to receive a grant from apportioned funds shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.
- "(c) PROGRAM OF PROJECTS.—Each recipient of a grant shall—
- "(1) make available to the public information on amounts available to the recipient under this section:
- "(2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;
- "(3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;
- "(4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects;
- "(5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;
- "(6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and
- "(7) make the final program of projects available to the public.
- "(d) Grant Recipient Requirements.—A recipient may receive a grant in a fiscal year only if—
- "(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a Governor under this section)—
- "(A) has or will have the legal, financial, and technical capacity to carry out the program, including safety and security aspects of the program:
- "(B) has or will have satisfactory continuing control over the use of equipment and facilities:
- "(C) will maintain equipment and facilities;
- "(D) will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
  - "(i) senior;
- "(ii) individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and

- "(iii) individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq. and 1395 et seq.);
- "(E) in carrying out a procurement under this section, will comply with sections 5323 and 5325;
- "(F) has complied with subsection (c) of this section:
- "(G) has available and will provide the required amounts as provided by subsection (e) of this section:
- "(H) will comply with sections 5303 and 5304.
- "(I) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- "(J)(i) will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or
- "(ii) has decided that the expenditure for security projects is not necessary:
- "(K) in the case of a recipient for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—
- "(i) will expend not less than 1 percent of the amount the recipient receives each fiscal year under this section for associated transit improvements, as defined in section 5302; and
- "(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and
- "(L) will comply with section 5329(d); and
- "(2) the Secretary accepts the certification.
- "(e) GOVERNMENT SHARE OF COSTS.-
- "(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.
- "(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.
- "(3) REMAINING COSTS.—Subject to paragraph (4), the remainder of the net project costs shall be provided—
- "(A) in cash from non-Government sources other than revenues from providing public transportation services:
- "(B) from revenues from the sale of advertising and concessions:
- "(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;
- "(D) from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and
- "(E) from amounts received under a service agreement with a State or local social service agency or private social service organization.
- "(4) USE OF CERTAIN FUNDS.—For purposes of subparagraphs (D) and (E) of paragraph (3), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42

- U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.
- "(f) Undertaking Projects in Advance.
- "(1) Payment.—The Secretary may pay the Government share of the net project cost to a State or local governmental authority that carries out any part of a project eligible under subparagraph (A) or (B) of subsection (a)(1) without the aid of amounts of the Government and according to all applicable procedures and requirements if—
- "(A) the recipient applies for the payment; "(B) the Secretary approves the payment; and
- "(C) before carrying out any part of the project, the Secretary approves the plans and specifications for the part in the same way as for other projects under this section.
- "(2) APPROVAL OF APPLICATION.—The Secretary may approve an application under paragraph (1) of this subsection only if an authorization for this section is in effect for the fiscal year to which the application applies. The Secretary may not approve an application if the payment will be more than—
- "(A) the recipient's expected apportionment under section 5336 of this title if the total amount authorized to be appropriated for the fiscal year to carry out this section is appropriated; less
- "(B) the maximum amount of the apportionment that may be made available for projects for operating expenses under this section.
  - "(3) FINANCING COSTS.—
- "(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the recipient to the extent proceeds of the bonds are expended in carrying out the part.
- "(B) LIMITATION ON THE AMOUNT OF INTER-EST.—The amount of interest allowed under this paragraph may not be more than the most favorable financing terms reasonably available for the project at the time of borrowing
- "(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.
  - "(g) REVIEWS, AUDITS, AND EVALUATIONS.—"(1) ANNUAL REVIEW.—
- "(A) IN GENERAL.—At least annually, the Secretary shall carry out, or require a recipient to have carried out independently, reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—
- "(i) the activities proposed under subsection (d) of this section in a timely and effective way and can continue to do so; and
- "(ii) those activities and its certifications and has used amounts of the Government in the way required by law.
- "(B) AUDITING PROCEDURES.—An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.
- "(2) TRIENNIAL REVIEW.—At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (d) of this section and the planning process required under sections 5303, 5304, and 5305 of this title. To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.

- "(3) ACTIONS RESULTING FROM REVIEW, AUDIT, OR EVALUATION.—The Secretary may take appropriate action consistent with a review, audit, and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.
- "(h) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.
- "(1) PASSENGER FERRY GRANT PROGRAM.—
  "(1) IN GENERAL.—The Secretary may make
  grants under this subsection to recipients for
  passenger ferry projects that are eligible for
  a grant under subsection (a).
- "(2) Grant requirements.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (a).
- "(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.
- "(4) GEOGRAPHICALLY CONSTRAINED AREAS.—Of the amounts made available to carry out this subsection, \$10,000,000 shall be for capital grants relating to passenger ferries in areas with limited or no access to public transportation as a result of geographical constraints."

#### SEC. 40009. CLEAN FUEL GRANT PROGRAM.

Section 5308 of title 49, United States Code, is amended to read as follows:

#### "§ 5308. Clean fuel grant program

- "(a) DEFINITIONS.—In this section, the following definitions shall apply:
- "(1) CLEAN FUEL BUS.—The term 'clean fuel bus' means a bus that is a clean fuel vehicle.
- "(2) CLEAN FUEL VEHICLE.—The term 'clean fuel vehicle' means a passenger vehicle used to provide public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle.
- "(3) DIRECT CARBON EMISSIONS.—The term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency.
- ``(4) ELIGIBLE AREA.—The term 'eligible area' means an area that is—
- "(A) designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or
- $\lq\lq(B)$  a maintenance area, as defined in section 5303, for ozone or carbon monoxide.
- "(5) ELIGIBLE PROJECT.—The term 'eligible project' means a project or program of projects in an eligible area for—
- "(A) acquiring or leasing clean fuel vehicles:
- "(B) constructing or leasing facilities and related equipment for clean fuel vehicles;
- "(C) constructing new public transportation facilities to accommodate clean fuel vehicles; or
- "(D) rehabilitating or improving existing public transportation facilities to accommodate clean fuel vehicles.
- $\begin{tabular}{lll} ``(6) & Recipient.—The & term & `recipient' \\ means— & \\ \end{tabular}$
- "(A) for an eligible area that is an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, the State in which the eligible area is located; and

- "(B) for an eligible area not described in subparagraph (A), the designated recipient for the eligible area
- "(b) AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this section.
  - "(c) GRANT REQUIREMENTS.—
- "(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.
- "(2) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(j) applies to projects carried out under this section, unless the grant recipient requests a lower grant percentage.
- "(d) MINIMUM AMOUNTS.—Of amounts made available by or appropriated under section 5338(a)(2)(D) in each fiscal year to carry out this section—
- "(1) not less than 65 percent shall be made available to fund eligible projects relating to clean fuel buses; and
- "(2) not less than 10 percent shall be made available for eligible projects relating to facilities and related equipment for clean fuel buses
- "(e) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.
- "(f) AVAILABILITY OF FUNDS.—Any amounts made available or appropriated to carry out this section—
- "(1) shall remain available to an eligible project for 2 years after the fiscal year for which the amount is made available or appropriated; and
- "(2) that remain unobligated at the end of the period described in paragraph (1) shall be added to the amount made available to an eligible project in the following fiscal year."

#### SEC. 40010. FIXED GUIDEWAY CAPITAL INVEST-MENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended to read as follows:

### "§ 5309. Fixed guideway capital investment grants

- "(a) DEFINITIONS.—In this section, the following definitions shall apply:
- "(1) APPLICANT.—The term 'applicant' means a State or local governmental authority that applies for a grant under this section.
- "(2) BUS RAPID TRANSIT PROJECT.—The term 'bus rapid transit project' means a single route bus capital project—
- "(A) a majority of which operates in a separated right-of-way dedicated for public transportation use during peak periods;
- "(B) that represents a substantial investment in a single route in a defined corridor or subarea; and
- "(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—
- "(i) defined stations;
- "(ii) traffic signal priority for public transportation vehicles;
- "(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and
- "(iv) any other features the Secretary may determine are necessary to produce highquality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.
- "(3) CORE CAPACITY IMPROVEMENT PROJECT.—The term 'core capacity improvement project' means a substantial corridor-based capital investment in an existing fixed guideway system that adds capacity and functionality.

- "(4) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term 'new fixed guideway capital project' means—
- "(A) a new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or
- "(B) a bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.
- ''(5) PROGRAM OF INTERRELATED PROJECTS.—The term 'program of interrelated projects' means the simultaneous development of—
- "(A) 2 or more new fixed guideway capital projects or core capacity improvement projects; or
- "(B) 1 or more new fixed guideway capital projects and 1 or more core capacity improvement projects.
- "(b) GENERAL AUTHORITY.—The Secretary may make grants under this section to State and local governmental authorities to assist in financing—
- "(1) new fixed guideway capital projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in the advanced stages of project development or engineering; and
- "(2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate.
  - "(c) Grant Requirements.—
- "(1) IN GENERAL.—The Secretary may make a grant under this section for new fixed guideway capital projects or core capacity improvement projects, if the Secretary determines that—
- $\lq\lq(A)$  the project is part of an approved transportation plan required under sections 5303 and 5304; and
- "(B) the applicant has, or will have-
- "(i) the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of the project;
- "(ii) satisfactory continuing control over the use of the equipment or facilities; and
- "(iii) the technical and financial capacity to maintain new and existing equipment and facilities.
- "(2) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(d)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this subsection.
- "(3) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed at least 1 new bus rapid transit project, new fixed guideway capital project, or core capacity improvement project, if—
- "(A) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and
- "(B) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.
- "(4) RECIPIENT REQUIREMENTS.—A recipient of a grant awarded under this section shall be subject to all terms, conditions, requirements, and provisions that the Secretary de-

FIXED GUIDEWAY CAPITAL termines to be necessary or appropriate for term 'new fixed guideway cap-purposes of this section.

- "(d) NEW FIXED GUIDEWAY GRANTS.—
- "(1) PROJECT DEVELOPMENT PHASE.-
- "(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new fixed guideway capital project shall enter into the project development phase when—
  - "(i) the applicant—
- "(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and
- "(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and
- "(ii) the Secretary responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient.
- "(B) ACTIVITIES DURING PROJECT DEVELOP-MENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.
- ''(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—
- "(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.
- "(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—
- "(I) a reasonable plan for completing the activities required under this paragraph; and
- "(II) an estimated time period within which the applicant will complete such activities.
  - "(2) Engineering phase.—
- "(A) IN GENERAL.—A new fixed guideway capital project may advance to the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—
- "(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- "(ii) is adopted into the metropolitan transportation plan required under section 5303;
- "(iii) is justified based on a comprehensive review of the project's mobility improvements, environmental benefits, and cost-effectiveness as measured by cost per rider."
- "(iv) is supported by policies and land use patterns that promote public transportation, including plans for future land use and rezoning, and economic development around public transportation stations; and
- "(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

- "(B) DETERMINATION THAT PROJECT IS JUSTI-FIED.—In making a determination under subparagraph (A)(iii), the Secretary shall evaluate, analyze, and consider—
- "(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient; and
- "(ii) population density and current public transportation ridership in the transportation corridor.
- "(e) CORE CAPACITY IMPROVEMENT PROJECTS.—
- "(1) PROJECT DEVELOPMENT PHASE.—
- "(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A core capacity improvement project shall be deemed to have entered into the project development phase if—
  - "(i) the applicant—
- "(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and
- "(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and
- "(ii) the Secretary responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including when necessary a detailed description of any information deemed insufficient.
- "(B) ACTIVITIES DURING PROJECT DEVELOP-MENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification and local financial commitment under this subsection.
- "(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—
- "(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.
- "(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—
- "(I) a reasonable plan for completing the activities required under this paragraph; and
- "(II) an estimated time period within which the applicant will complete such activities.
  - "(2) Engineering Phase.—
- "(A) IN GENERAL.—A core capacity improvement project may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—
- "(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969:
- "(ii) is adopted into the metropolitan transportation plan required under section 5303.
  - "(iii) is in a corridor that is—
  - "(I) at or over capacity; or
- "(II) projected to be at or over capacity within the next 5 years;
- "(iv) is justified based on a comprehensive review of the project's mobility improve-

- ments, environmental benefits, and cost-effectiveness, as measured by cost per rider; and
- "(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).
- "(B) DETERMINATION THAT PROJECT IS JUSTI-FIED.—In making a determination under subparagraph (A)(iv), the Secretary shall evaluate, analyze, and consider—
- "(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient:
- "(ii) whether the project will adequately address the capacity concerns in a corridor:
- "(iii) whether the project will improve interconnectivity among existing systems; and
- "(iv) whether the project will improve environmental outcomes.
- "(f) FINANCING SOURCES.-
- "(1) REQUIREMENTS.—In determining whether a project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall require that—
- "(A) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases or funding shortfalls:
- "(B) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and
- "(C) local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.
- "(2) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall consider—
- "(A) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;
- "(B) existing grant commitments;
- "(C) the degree to which financing sources are dedicated to the proposed purposes;
- "(D) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and
- "(E) the extent to which the project has a local financial commitment that exceeds the required non-Government share of the cost of the project.
- "(g) Project Advancement and Ratings.-
- "(1) Project advancement.—A new fixed guideway capital project or core capacity improvement project proposed to be carried out using a grant under this section may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that—
- "(A) the project meets the applicable requirements under this section; and
- "(B) there is a reasonable likelihood that the project will continue to meet the requirements under this section.
- "(2) Ratings.—
- ``(A) OVERALL RATING.—In making a determination under paragraph (1), the Secretary

- shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium medium low or low) based on—
- "(i) in the case of a new fixed guideway capital project, the project justification criteria under subsection (d)(2)(A)(iii), the policies and land use patterns that support public transportation, and the degree of local financial commitment; and
- "(ii) in the case of a core capacity improvement project, the capacity needs of the corridor, the project justification criteria under subsection (e)(2)(A)(iv), and the degree of local financial commitment.
- "(B) INDIVIDUAL RATINGS FOR EACH CRITERION.—In rating a project under this paragraph, the Secretary shall—
- "(i) provide, in addition to the overall project rating under subparagraph (A), individual ratings for each of the criteria established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable; and
- "(ii) give comparable, but not necessarily equal, numerical weight to each of the criteria established under subsections (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, in calculating the overall project rating under clause (i).
- "(C) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single project justification criterion meet or exceed a 'medium' rating in order to advance the project from one phase to another.
- "(3) WARRANTS.—The Secretary shall, to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section. if—
- "(A) the share of the cost of the project to be provided under this section does not exceed—
  - "(i) \$100,000,000; or
- "(ii) 50 percent of the total cost of the project;
- "(B) the applicant requests the use of the warrants:
- "(C) the applicant certifies that its existing public transportation system is in a state of good repair; and
- "(D) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.
- "(4) LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.—In order to expedite a project under this subsection, the Secretary shall, to the maximum extent practicable, issue letters of intent and enter into early systems work agreements upon issuance of a record of decision for projects that receive an overall project rating of medium or better.
- "(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance regarding the review and evaluation process and criteria—
- "(A) not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012; and
- "(B) each time the Secretary makes significant changes to the process and criteria, but not less frequently than once every 2 years.
- "(6) RULES.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue rules establishing an evaluation and rating process for—
- "(A) new fixed guideway capital projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment, as required under this subsection: and

- "(B) core capacity improvement projects that is based on the results of the capacity needs of the corridor, project justification, and local financial commitment.
- "(7) APPLICABILITY.—This subsection shall not apply to a project for which the Secretary issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction agreement before the date of enactment of the Federal Public Transportation Act of 2012.
- "(h) PROGRAMS OF INTERRELATED PROJECTS.—
- "(1) PROJECT DEVELOPMENT PHASE.—A federally funded project in a program of interrelated projects shall advance through project development as provided in subsection (d) or (e), as applicable.
- "'(2) ENGINEERING PHASE.—A federally funded project in a program of interrelated projects may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines
- "(A) the project is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;
- "(B) the project is adopted into the metropolitan transportation plan required under section 5303:
- "(C) the program of interrelated projects involves projects that have a logical connectivity to one another;
- "(D) the program of interrelated projects, when evaluated as a whole, meets the requirements of subsection (d)(2) or (e)(2), as applicable;
- "(E) the program of interrelated projects is supported by a program implementation plan demonstrating that construction will begin on each of the projects in the program of interrelated projects within a reasonable time frame; and
- "(F) the program of interrelated projects is supported by an acceptable degree of local financial commitment, as described in subsection (f)
- "(3) PROJECT ADVANCEMENT AND RATINGS.—
  "(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.
  - "(B) RATINGS.—
- "(i) OVERALL RATING.—In making a determination under subparagraph (A), the Secretary shall evaluate and rate a program of interrelated projects on a 5-point scale (high, medium-high, medium, medium-low, or low) based on the criteria described in paragraph (2)
- "(ii) Individual rating for each criteriance, the Secretary shall provide, in addition to the overall program rating, individual ratings for each of the criteria described in paragraph (2) and shall give comparable, but not necessarily equal, numerical weight to each such criterion in calculating the overall program rating.

- "(iii) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single criterion described in paragraph (2) meet or exceed a 'medium' rating in order to advance the program of interrelated projects from one phase to another.
  - "(4) ANNUAL REVIEW.-
- "(A) REVIEW REQUIRED.—The Secretary shall annually review the program implementation plan required under paragraph (2)(E) to determine whether the program of interrelated projects is adhering to its schedule.
- "(B) EXTENSION OF TIME.—If a program of interrelated projects is not adhering to its schedule, the Secretary may, upon the request of the applicant, grant an extension of time if the applicant submits a reasonable plan that includes—
- "(i) evidence of continued adequate funding; and
- "(ii) an estimated time frame for completing the program of interrelated projects.
- "(C) SATISFACTORY PROGRESS REQUIRED.—If the Secretary determines that a program of interrelated projects is not making satisfactory progress, no Federal funds shall be provided for a project within the program of interrelated projects.
- "(5) FAILURE TO CARRY OUT PROGRAM OF INTERRELATED PROJECTS.—
- "(A) REPAYMENT REQUIRED.—If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the applicant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges that the Secretary may establish.
- "(B) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.
- "(6) NON-FEDERAL FUNDS.—Any non-Federal funds committed to a project in a program of interrelated projects may be used to meet a non-Government share requirement for any other project in the program of interrelated projects, if the Government share of the cost of each project within the program of interrelated projects does not exceed 80 percent.
- "(7) PRIORITY.—In making grants under this section, the Secretary may give priority to programs of interrelated projects for which the non-Government share of the cost of the projects included in the programs of interrelated projects exceeds the non-Government share required under subsection (k).
- "(8) NON-GOVERNMENT PROJECTS.—Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise apply to the project.
- "(i) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (d) and (e) shall not apply to projects for which the Secretary has issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.
- "(j) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—
- "(1) LETTERS OF INTENT.—
- "(A) AMOUNTS INTENDED TO BE OBLIGATED.— The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a new fixed guideway capital project or core capacity improvement

- project, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for a capital project under this section, the amount shall be sufficient to complete at least an operable segment.
- (B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31, United States Code, or an administrative commitment.
  - "(2) FULL FUNDING GRANT AGREEMENTS.-
- "(A) IN GENERAL.—A new fixed guideway capital project or core capacity improvement project shall be carried out through a full funding grant agreement.
- "(B) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under subsection (d), (e), or (h), as applicable, with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project that has been rated as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (h)(3)(B), as applicable.
- "(C) TERMS.—A full funding grant agreement shall—
- "(i) establish the terms of participation by the Government in a new fixed guideway capital project or core capacity improvement project:
- "(ii) establish the maximum amount of Federal financial assistance for the project:
- "(iii) include the period of time for completing the project, even if that period extends beyond the period of an authorization; and
- "(iv) make timely and efficient management of the project easier according to the law of the United States.
  - "(D) SPECIAL FINANCIAL RULES.—
- "(i) IN GENERAL.—A full funding grant agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.
- "(ii) STATEMENT OF CONTINGENT COMMIT-MENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.
- "(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.
- "(iv) COMPLETION OF OPERABLE SEGMENT.— The amount stipulated in an agreement under this paragraph for a new fixed guideway capital project shall be sufficient to complete at least an operable segment.
  - "(E) BEFORE AND AFTER STUDY.-
- "(i) IN GENERAL.—A full funding grant agreement under this paragraph shall require the applicant to conduct a study that—
- "(I) describes and analyzes the impacts of the new fixed guideway capital project or core capacity improvement project on public transportation services and public transportation ridership;

"(II) evaluates the consistency of predicted and actual project characteristics and performance; and

"(III) identifies reasons for differences between predicted and actual outcomes.

"(ii) INFORMATION COLLECTION AND ANALYSIS PLAN —

"(I) SUBMISSION OF PLAN.—Applicants seeking a full funding grant agreement under this paragraph shall submit a complete plan for the collection and analysis of information to identify the impacts of the new fixed guideway capital project or core capacity improvement project and the accuracy of the forecasts prepared during the development of the project. Preparation of this plan shall be included in the full funding grant agreement as an eligible activity.

"(II) CONTENTS OF PLAN.—The plan submitted under subclause (I) shall provide for—

"(aa) collection of data on the current public transportation system regarding public transportation service levels and ridership patterns, including origins and destinations, access modes, trip purposes, and rider characteristics:

"(bb) documentation of the predicted scope, service levels, capital costs, operating costs, and ridership of the project;

"(cc) collection of data on the public transportation system 2 years after the opening of a new fixed guideway capital project or core capacity improvement project, including analogous information on public transportation service levels and ridership patterns and information on the as-built scope, capital, and financing costs of the project; and

"(dd) analysis of the consistency of predicted project characteristics with actual outcomes.

"(F) COLLECTION OF DATA ON CURRENT SYSTEM.—To be eligible for a full funding grant agreement under this paragraph, recipients shall have collected data on the current system, according to the plan required under subparagraph (E)(ii), before the beginning of construction of the proposed new fixed guideway capital project or core capacity improvement project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

"(3) EARLY SYSTEMS WORK AGREEMENTS.—

"(A) CONDITIONS.—The Secretary may enter into an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) Contents.

"(i) IN GENERAL.—An early systems work agreement under this paragraph obligates budget authority available under this chapter and title 23 and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

"(ii) CONTINGENT COMMITMENT.—An early systems work agreement may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(iii) PERIOD COVERED.—An early systems work agreement under this paragraph shall

cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

Interest "(iv) AND OTHER FINANCING -Interest and other financing costs of COSTS.efficiently carrying out the early systems work agreement within a reasonable time are a cost of carrying out the agreement, excent that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(v) Failure to carry out the project.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the early systems work agreement.

"(vi) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived

"(4) LIMITATION ON AMOUNTS.—

"(A) IN GENERAL.—The Secretary may enter into full funding grant agreements under this subsection for new fixed guideway capital projects and core capacity improvement projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

"(B) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation

"(5) NOTIFICATION TO CONGRESS.—At least 30 days before issuing a letter of intent, entering into a full funding grant agreement, or entering into an early systems work agreement under this section, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(k) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

"(1) IN GENERAL.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost. A grant for the project shall not exceed 80 percent of the net capital project cost.

"(2) ADJUSTMENT FOR COMPLETION UNDER BUDGET.—The Secretary may adjust the final net capital project cost of a new fixed guideway capital project or core capacity improvement project evaluated under subsection (d), (e), or (h) to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined project has been completed at a cost that is significantly below the original estimate.

"(3) MAXIMUM GOVERNMENT SHARE.—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

"(A) the Secretary determines that the net capital project cost of the project is not more than 10 percent higher than the net capital project cost estimated at the time the project was approved for advancement into the engineering phase; and

"(B) the ridership estimated for the project is not less than 90 percent of the ridership estimated for the project at the time the project was approved for advancement into

the engineering phase.

"(4) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital

"(5) LIMITATION ON STATUTORY CONSTRUC-TION.—Nothing in this section shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

"(6) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

"(7) LIMITATION ON APPLICABILITY.—This subsection shall not apply to projects for which the Secretary entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

"(1) UNDERTAKING PROJECTS IN ADVANCE.—
"(1) IN GENERAL.—The Secretary may pay
the Government share of the net capital
project cost to a State or local governmental
authority that carries out any part of a
project described in this section without the
aid of amounts of the Government and according to all applicable procedures and re-

"(A) the State or local governmental authority applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before the State or local governmental authority carries out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) FINANCING COSTS.—

quirements if-

"(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

"(B) LIMITATION ON AMOUNT OF INTEREST.— The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

"(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(m) AVAILABILITY OF AMOUNTS.—

"(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 5 fiscal years, including the fiscal year in which the amount is made

available or appropriated. Any amounts that are unobligated to the project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this section.

- "(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.
- "(n) REPORTS ON NEW FIXED GUIDEWAY AND CORE CAPACITY IMPROVEMENT PROJECTS.—
- "(1) ANNUAL REPORT ON FUNDING RECOMMENDATIONS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—
- "(A) a proposal of allocations of amounts to be available to finance grants for projects under this section among applicants for these amounts:
- "(B) evaluations and ratings, as required under subsections (d), (e), and (h), for each such project that is in project development, engineering, or has received a full funding grant agreement; and
- "(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.
- "(2) REPORTS ON BEFORE AND AFTER STUDIES.—Not later than the first Monday in August of each year, the Secretary shall submit to the committees described in paragraph (1) a report containing a summary of the results of any studies conducted under subsection (j)(2)(E).
- "(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—
- "(A) conduct an annual review of-
- "(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects and core capacity improvement projects; and
- "(ii) the Secretary's implementation of such processes and procedures; and
- "(B) report to Congress on the results of such review by May 31 of each year.".
- (b) PILOT PROGRAM FOR EXPEDITED PROJECT DELIVERY.—
- (1) DEFINITIONS.—In this subsection the following definitions shall apply:
- (A) ELIGIBLE PROJECT.—The term "eligible project" means a new fixed guideway capital project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this section, that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of the Federal Public Transportation Act of 2012.
- (B) PROGRAM.—The term "program" means the pilot program for expedited project delivery established under this subsection.
- (C) RECIPIENT.—The term "recipient" means a recipient of funding under chapter 53 of title 49, United States Code.
  (D) SECRETARY.—The term "Secretary"
- (D) SECRETARY.—The term "Secretary" means the Secretary of Transportation.
- (2) ESTABLISHMENT.—The Secretary shall establish and implement a pilot program to demonstrate whether innovative project development and delivery methods or innovative financing arrangements can expedite project delivery for certain meritorious new fixed guideway capital projects and core capacity improvement projects.

- (3) LIMITATION ON NUMBER OF PROJECTS.— The Secretary shall select 3 eligible projects to participate in the program, of which—
- (A) at least 1 shall be an eligible project requesting more than \$100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code; and
- (B) at least 1 shall be an eligible project requesting less than \$100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code.
- (4) GOVERNMENT SHARE.—The Government share of the total cost of an eligible project that participates in the program may not exceed 50 percent.
- (5) ELIGIBILITY.—A recipient that desires to participate in the program shall submit to the Secretary an application that contains, at a minimum—
  - (A) identification of an eligible project;
- (B) a schedule and finance plan for the construction and operation of the eligible project;
- (C) an analysis of the efficiencies of the proposed project development and delivery methods or innovative financing arrangement for the eligible project; and
- (D) a certification that the recipient's existing public transportation system is in a state of good repair.
- (6) SELECTION CRITERIA.—The Secretary may award a full funding grant agreement under this subsection if the Secretary determines that—
- (A) the recipient has completed planning and the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (B) the recipient has the necessary legal, financial, and technical capacity to carry out the eligible project.
- (7) Before and after study and report.—
- (A) STUDY REQUIRED.—A full funding grant agreement under this paragraph shall require a recipient to conduct a study that—
- (i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;
- (ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and
- (iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.
- (B) SUBMISSION OF REPORT.—Not later than 9 months after an eligible project selected to participate in the program begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study under subparagraph (A).

## SEC. 40011. FORMULA GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

Section 5310 of title 49, United States Code, is amended to read as follows:

#### "\$ 5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities

- "(a) DEFINITIONS.—In this section, the following definitions shall apply:
- "(1) RECIPIENT.—The term 'recipient' means a designated recipient or a State that receives a grant under this section directly.
- "(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation that receives a grant under this section indirectly through a recipient.
  - "(b) GENERAL AUTHORITY.—
- "(1) GRANTS.—The Secretary may make grants under this section to recipients for—

- "(A) public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- "(B) public transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.):
- "(C) public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and
- "(D) alternatives to public transportation that assist seniors and individuals with disabilities with transportation.
  - "(2) LIMITATIONS FOR CAPITAL PROJECTS.—
- "(A) AMOUNT AVAILABLE.—The amount available for capital projects under paragraph (1)(A) shall be not less than 55 percent of the funds apportioned to the recipient under this section.
- "(B) ALLOCATION TO SUBRECIPIENTS.—A recipient of a grant under paragraph (1)(A) may allocate the amounts provided under the grant to—
  - "(i) a nonprofit organization; or
- "(ii) a State or local governmental authority that—
- "(I) is approved by a State to coordinate services for seniors and individuals with disabilities; or
- "(II) certifies that there are no nonprofit organizations readily available in the area to provide the services described in paragraph (1)(A).
  - "(3) ADMINISTRATIVE EXPENSES.—
- "(A) IN GENERAL.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section
- "(B) GOVERNMENT SHARE OF COSTS.—The Government share of the costs of administering a program carried out using funds under this section shall be 100 percent.
- "(4) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.
  - "(5) COORDINATION.—
- "(A) DEPARTMENT OF TRANSPORTATION.—To the maximum extent feasible, the Secretary shall coordinate activities under this section with related activities under other Federal departments and agencies.
- "(B) OTHER FEDERAL AGENCIES AND NON-PROFIT ORGANIZATIONS.—A State or local governmental authority or nonprofit organization that receives assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—
- "(i) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and
- "(ii) participate in the planning for the transportation services described in clause (i)
  - "(6) PROGRAM OF PROJECTS.—
- "(A) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for seniors and individuals with disabilities, if such transportation projects are included in a program of projects.
- "(B) Submission.—A recipient shall annually submit a program of projects to the Secretary.
- "(C) ASSURANCE.—The program of projects submitted under subparagraph (B) shall contain an assurance that the program provides

for the maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

"(7) MEAL DELIVERY FOR HOMEBOUND INDI-VIDUALS.—A public transportation service provider that receives assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

"(c) Apportionment and Transfers.-

"(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

"(A) Large urbanized areas.—Sixty percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census. in the ratio that—

"(i) the number of seniors and individuals with disabilities in each such urbanized area; bears to

"(ii) the number of seniors and individuals with disabilities in all such urbanized areas.

"(B) SMALL URBANIZED AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—

"(i) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in each State; bears to

"(ii) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in all States.

"(C) OTHER THAN URBANIZED AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—

"(i) the number of seniors and individuals with disabilities in other than urbanized areas in each State; bears to

"(ii) the number of seniors and individuals with disabilities in other than urbanized areas in all States.

"(2) AREAS SERVED BY PROJECTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B)—  $\,$ 

"(i) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census;

"(ii) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

"(iii) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

"(B) EXCEPTIONS.—A State may use funds apportioned to the State under subparagraph (B) or (C) of paragraph (1)—

"(i) for a project serving an area other than an area specified in subparagraph (A)(ii) or (A)(iii), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the area specified in subparagraph (A)(ii) or (A)(iii); or

"(ii) for a project anywhere in the State, if the State has established a statewide program for meeting the objectives of this section

"(C) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to subparagraph (B) shall be made available only for eligible projects selected under this section.

"(D) CONSULTATION.—A recipient may transfer an amount under subparagraph (B) only after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area for which the amount was originally apportioned.

"(d) GOVERNMENT SHARE OF COSTS.—

"(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be in an amount equal to 80 percent of the net capital costs of the project, as determined by the Secretary.

"(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed an amount equal to 50 percent of the net operating costs of the project, as determined by the Secretary.

"(3) REMAINDER OF NET COSTS.—The remainder of the net costs of a project carried out under this section—

"(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital: and

"(B) may be derived from amounts appropriated or otherwise made available—

"(i) to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; or

"(ii) to carry out the Federal lands highways program under section 204 of title 23, United States Code

"(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B)(i), the prohibition under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) on the use of grant funds for matching requirements shall not apply to Federal or State funds to be used for transportation purposes.

"(e) GRANT REQUIREMENTS.—

"(1) IN GENERAL.—A grant under this section shall be subject to the same requirements as a grant under section 5307, to the extent the Secretary determines appropriate.

"(2) CERTIFICATION REQUIREMENTS.—

"(A) PROJECT SELECTION AND PLAN DEVELOPMENT.—Before receiving a grant under this section, each recipient shall certify that—

"(i) the projects selected by the recipient are included in a locally developed, coordinated public transit-human services transportation plan;

"(ii) the plan described in clause (i) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public; and

"(iii) to the maximum extent feasible, the services funded under this section will be coordinated with transportation services assisted by other Federal departments and agencies.

"(B) ALLOCATIONS TO SUBRECIPIENTS.—If a recipient allocates funds received under this section to subrecipients, the recipient shall certify that the funds are allocated on a fair and equitable basis.

 $\lq\lq(f)$  Competitive Process for Grants to Subrecipients.—

"(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) may conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants under this section.

"(2) STATEWIDE SOLICITATIONS.—A recipient of funds apportioned under subparagraph (B)

or (C) of subsection (c)(1) may conduct a statewide solicitation for applications for grants under this section.

"(3) APPLICATION.—If the recipient elects to engage in a competitive process, a recipient or subrecipient seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient making the election an application in such form and in accordance with such requirements as the recipient making the election shall establish.

"(g) Transfers of Facilities and Equip-MENT.—A recipient may transfer a facility or equipment acquired using a grant under this section to any other recipient eligible to receive assistance under this chapter, if—

"(1) the recipient in possession of the facility or equipment consents to the transfer; and

"(2) the facility or equipment will continue to be used as required under this section.

"(h) Performance Measures.

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to establish performance measures for grants under this section.

"(2) TARGETS.—Not later than 3 months after the date on which the Secretary issues a final rule under paragraph (1), and each fiscal year thereafter, each recipient that receives Federal financial assistance under this section shall establish performance targets in relation to the performance measures established by the Secretary.

"(3) REPORTS.—Each recipient of Federal financial assistance under this section shall submit to the Secretary an annual report that describes—

"(A) the progress of the recipient toward meeting the performance targets established under paragraph (2) for that fiscal year; and

"(B) the performance targets established by the recipient for the subsequent fiscal year"

### SEC. 40012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311 of title 49, United States Code, is amended to read as follows:

#### "§ 5311. Formula grants for other than urbanized areas

"(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

"(1) RECIPIENT.—The term recipient' means a State or Indian tribe that receives a Federal transit program grant directly from the Government.

"(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

"(b) GENERAL AUTHORITY.—

"(1) Grants authorized.—Except as provided by paragraph (2), the Secretary may award grants under this section to recipients located in areas other than urbanized areas for—

"(A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of other than urbanized areas in the State;

"(B) public transportation capital projects; "(C) operating costs of equipment and facilities for use in public transportation; and

"(D) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

- "(2) STATE PROGRAM.—
- "(A) IN GENERAL.—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.
- "(B) SUBMISSION TO SECRETARY.—Each State shall submit to the Secretary annually the program described in subparagraph (A).
- "(C) APPROVAL.—The Secretary may not approve the program unless the Secretary determines that—
- "(i) the program provides a fair distribution of amounts in the State, including Indian reservations; and
- "(ii) the program provides the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.
- $^{"}(3)$  Rural transportation assistance program.—
- "(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.
- "(B) Grants and contracts.—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available under section 5338(a)(2)(F) to make grants and contracts for transportation research, technical assistance, training, and related support services in other than urbanized areas.
- "(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out projects of a national scope, with the remaining balance provided to the States.
- "(4) DATA COLLECTION.—Each recipient under this section shall submit an annual report to the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—
  - "(A) total annual revenue;
  - "(B) sources of revenue;
  - "(C) total annual operating costs;
- "(D) total annual capital costs;
- "(E) fleet size and type, and related facilities;
- "(F) vehicle revenue miles; and
- "(G) ridership.
- "(c) APPORTIONMENTS.—
- "(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) to carry out this paragraph, the following amounts shall be apportioned each fiscal year for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary:
- "(A) \$10,000,000 shall be distributed on a competitive basis by the Secretary.
- "(B) \$20,000,000 shall be apportioned as formula grants, as provided in subsection (k).
- "(2) APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—
- "(A) DEFINITIONS.—In this paragraph—
- "(i) the term 'Appalachian region' has the same meaning as in section 14102 of title 40;
- "(ii) the term 'eligible recipient' means a State that participates in a program established under subtitle IV of title 40.
- "(B) IN GENERAL.—The Secretary shall carry out a public transportation assistance program in the Appalachian region.
- "(C) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(F) to carry out this

- paragraph, the Secretary shall apportion funds to eligible recipients for any purpose eligible under this section, based on the guidelines established under section 9.5(b) of the Appalachian Regional Commission Code.
- "(D) SPECIAL RULE.—An eligible recipient may use amounts that cannot be used for operating expenses under this paragraph for a highway project if—
- "(i) that use is approved, in writing, by the eligible recipient after appropriate notice and an opportunity for comment and appeal are provided to affected public transportation providers; and
- "(ii) the eligible recipient, in approving the use of amounts under this subparagraph, determines that the local transit needs are being addressed.
  - "(3) REMAINING AMOUNTS.—
- "(A) IN GENERAL.—The amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) that are not apportioned under paragraph (1) or (2) shall be apportioned in accordance with this paragraph.
- "(B) APPORTIONMENT BASED ON LAND AREA AND POPULATION IN NONURBANIZED AREAS.—
- "(i) IN GENERAL.—83.15 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.
  - "(ii) LAND AREA.—
- "(I) IN GENERAL.—Subject to subclause (II), each State shall receive an amount that is equal to 20 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in areas other than urbanized areas in that State and divided by the land area in all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.
- "(II) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subclause (I).
- "(iii) POPULATION.—Each State shall receive an amount equal to 80 percent of the amount apportioned under clause (i), multiplied by the ratio of the population of areas other than urbanized areas in that State and divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.
- "(C) APPORTIONMENT BASED ON LAND AREA, VEHICLE REVENUE MILES, AND LOW-INCOME IN-DIVIDUALS IN NONURBANIZED AREAS.—
- "(i) IN GENERAL.—16.85 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.
- "(ii) LAND AREA.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in areas other than urbanized areas in that State and divided by the land area in all areas other than urbanized areas in the United States, as shown by the most recent decennial census of population.
- "(iii) VEHICLE REVENUE MILES.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of vehicle revenue miles in areas other than urbanized areas in that State and divided by the vehicle revenue miles in all areas other than urbanized areas in the United States, as determined by national transit database reporting.
- "(iv) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 40.64 percent of the amount apportioned under

- clause (i), multiplied by the ratio of low-income individuals in areas other than urbanized areas in that State and divided by the number of low-income individuals in all areas other than urbanized areas in the United States, as shown by the Bureau of the Census.
- "(v) MAXIMUM APPORTIONMENT.—No State shall receive—
- "(I) more than 5 percent of the amount apportioned under clause (ii); or
- ``(II) more than 5 percent of the amount apportioned under clause (iii).
- "(d) USE FOR LOCAL TRANSPORTATION SERVICE.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this section and eligible for assistance under this chapter if the project will provide local transportation service, as defined by the Secretary of Transportation, in an area other than an urbanized area.
- "(e) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—The Secretary may allow a State to use not more than 15 percent of the amount apportioned under this section to administer this section and provide technical assistance to a subrecipient, including project planning, program and management development, coordination of public transportation programs, and research the State considers appropriate to promote effective delivery of public transportation to an area other than an urbanized area.
  - "(f) INTERCITY BUS TRANSPORTATION.—
- "(1) IN GENERAL.—A State shall expend at least 15 percent of the amount made available in each fiscal year to carry out a program to develop and support intercity bus transportation. Eligible activities under the program include—
- "(A) planning and marketing for intercity bus transportation;
- "(B) capital grants for intercity bus shelters;
- "(C) joint-use stops and depots;
- "(D) operating grants through purchase-ofservice agreements, user-side subsidies, and demonstration projects; and
- "(E) coordinating rural connections between small public transportation operations and intercity bus carriers.
- "(2) CERTIFICATION.—A State does not have to comply with paragraph (1) of this subsection in a fiscal year in which the Governor of the State certifies to the Secretary, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately.
  - "(g) Access to Jobs Projects.—
- "(1) IN GENERAL.—Amounts made available under section 5338(a)(2)(F) may be used to carry out a program to develop and maintain job access projects. Eligible projects may include—
- "(A) projects relating to the development and maintenance of public transportation services designed to transport eligible lowincome individuals to and from jobs and activities related to their employment, including—
- "(i) public transportation projects to finance planning, capital, and operating costs of providing access to jobs under this chapter;
- "(ii) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;
- "(iii) promoting the use of transit vouchers for welfare recipients and eligible low-income individuals; and

- "(iv) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986; and
- "(B) transportation projects designed to support the use of public transportation including—
- "(i) enhancements to existing public transportation service for workers with non-traditional hours or reverse commutes;
  - "(ii) guaranteed ride home programs;
  - "(iii) bicycle storage facilities; and
- "(iv) projects that otherwise facilitate the provision of public transportation services to employment opportunities.
- "(2) PROJECT SELECTION AND PLAN DEVELOP-MENT.—Each grant recipient under this subsection shall certify that—
- "(A) the projects selected were included in a locally developed, coordinated public transit-human services transportation plan;
- "(B) the plan was developed and approved through a process that included participation by low-income individuals, representatives of public, private, and nonprofit transportation and human services providers, and the public:
- "(C) to the maximum extent feasible, services funded under this subsection are coordinated with transportation services funded by other Federal departments and agencies: and
- "(D) allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.
- "(3) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS —
- "(A) STATEWIDE SOLICITATIONS.—A State may conduct a statewide solicitation for applications for grants to recipients and subrecipients under this subsection.
- "(B) APPLICATION.—If the State elects to engage in a competitive process, recipients and subrecipients seeking to receive a grant from apportioned funds shall submit to the State an application in the form and in accordance with such requirements as the State shall establish.
  - "(h) GOVERNMENT SHARE OF COSTS.—
  - "(1) CAPITAL PROJECTS.—
- "(A) IN GENERAL.—Except as provided by subparagraph (B), a grant awarded under this section for a capital project or project administrative expenses shall be for 80 percent of the net costs of the project, as determined by the Secretary.
- "(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under that section.
  - "(2) OPERATING ASSISTANCE.—
- "(A) IN GENERAL.—Except as provided by subparagraph (B), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.
- "(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).
- "(3) REMAINDER.—The remainder of net project costs—
- "(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;
- "(B) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and

- "(C) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal lands highway program established by section 204 of title 23.
- "(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.
- "(5) LIMITATION ON OPERATING ASSIST-ANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.
- "(1) Transfer of Facilities and Equipment.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.
  - "(j) RELATIONSHIP TO OTHER LAWS.—
- "(1) IN GENERAL.—Section 5333(b) applies to this section if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees.
- "(2) RULE OF CONSTRUCTION.—This subsection does not affect or discharge a responsibility of the Secretary of Transportation under a law of the United States.
- "(k) FORMULA GRANTS FOR PUBLIC TRANS-PORTATION ON INDIAN RESERVATIONS.—
- "(1) Apportionment.—
- "( $\hat{A}$ ) IN GENERAL.—Of the amounts described in subsection (c)(1)(B)—
- "(i) 50 percent of the total amount shall be apportioned so that each Indian tribe providing public transportation service shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of vehicle revenue miles provided by an Indian tribe divided by the total number of vehicle revenue miles provided by all Indian tribes, as reported to the Secretary;
- "(ii) 25 percent of the total amount shall be apportioned equally among each Indian tribe providing at least 200,000 vehicle revenue miles of public transportation service annually, as reported to the Secretary; and
- "(iii) 25 percent of the total amount shall be apportioned among each Indian tribe providing public transportation on tribal lands on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census) so that each Indian tribe shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of low-income individuals residing on an Indian tribe's lands divided by the total number of low-income individuals on tribal lands on which more than 1.000 low-income individuals reside.
- "(B) LIMITATION.—No recipient shall receive more than \$300,000 of the amounts apportioned under subparagraph (A)(iii) in a fiscal year.
- "(C) REMAINING AMOUNTS.—Of the amounts made available under subparagraph (A)(iii), any amounts not apportioned under that subparagraph shall be allocated among Indian tribes receiving less than \$300,000 in a fiscal year according to the formula specified in that clause.
- "(D) LOW-INCOME INDIVIDUALS.—For purposes of subparagraph (A)(iii), the term 'low-income individual' means an individual whose family income is at or below 100 per-

- cent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.
- "(2) NON-TRIBAL SERVICE PROVIDERS.—A recipient that is an Indian tribe may use funds apportioned under this subsection to finance public transportation services provided by a non-tribal provider of public transportation that connects residents of tribal lands with surrounding communities, improves access to employment or healthcare, or otherwise addresses the mobility needs of tribal members.".

## SEC. 40013. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

Section 5312 of title 49, United States Code, is amended to read as follows:

#### "§ 5312. Research, development, demonstration, and deployment projects

- "(a) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.—
- "(1) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements for research, development, demonstration, and deployment projects, and evaluation of research and technology of national significance to public transportation, that the Secretary determines will improve public transportation.
- "(2) AGREEMENTS.—In order to carry out paragraph (1), the Secretary may make grants to and enter into contracts, cooperative agreements, and other agreements with—
- "(A) departments, agencies, and instrumentalities of the Government;
- "(B) State and local governmental enti-
  - "(C) providers of public transportation;
  - "(D) private or non-profit organizations;
  - "(E) institutions of higher education; and
  - "(F) technical and community colleges.
  - "(3) APPLICATION.—
- "(A) IN GENERAL.—To receive a grant, contract, cooperative agreement, or other agreement under this section, an entity described in paragraph (2) shall submit an application to the Secretary.
- "(B) FORM AND CONTENTS.—An application under subparagraph (A) shall be in such form and contain such information as the Secretary may require, including—
- $\lq\lq(i)$  a statement of purpose detailing the need being addressed;
- "(ii) the short- and long-term goals of the project, including opportunities for future innovation and development, the potential for deployment, and benefits to riders and public transportation; and
- "(iii) the short- and long-term funding requirements to complete the project and any future objectives of the project.
  - "(b) Research.—
- "(1) IN GENERAL.—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in subsection (a)(2) to carry out a public transportation research project that has as its ultimate goal the development and deployment of new and innovative ideas, practices, and approaches.
- "(2) PROJECT ELIGIBILITY.—A public transportation research project that receives assistance under paragraph (1) shall focus on—
- "(A) providing more effective and efficient public transportation service, including services to—
  - "(i) seniors;
  - "(ii) individuals with disabilities; and

- "(iii) low-income individuals:
- "(B) mobility management and improvements and travel management systems:
- "(C) data and communication system advancements;
- "(D) system capacity, including-
- "(i) train control;
- "(ii) capacity improvements; and
- "(iii) performance management;
- "(E) capital and operating efficiencies;
- "(F) planning and forecasting modeling and simulation;
  - "(G) advanced vehicle design;
  - "(H) advancements in vehicle technology;
- "(I) asset maintenance and repair systems advancement;
- "(J) construction and project management;
- "(K) alternative fuels;
- "(L) the environment and energy efficiency;
  - "(M) safety improvements; or
- "(N) any other area that the Secretary determines is important to advance the interests of public transportation.
- "(c) INNOVATION AND DEVELOPMENT.—
- "(1) IN GENERAL.—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in subsection (a)(2) to carry out a public transportation innovation and development project that seeks to improve public transportation systems nationwide in order to provide more efficient and effective delivery of public transportation services, including through technology and technological capacity improvements.
- "(2) Project eligibility.—A public transportation innovation and development project that receives assistance under paragraph (1) shall focus on—
- "(A) the development of public transportation research projects that received assistance under subsection (b) that the Secretary determines were successful;
- "(B) planning and forecasting modeling and simulation;
  - "(C) capital and operating efficiencies;
  - "(D) advanced vehicle design;
  - ``(E) advancements in vehicle technology;
- "(F) the environment and energy efficiency:
- "(G) system capacity, including train control and capacity improvements; or
- "(H) any other area that the Secretary determines is important to advance the interests of public transportation.
- "(d) DEMONSTRATION, DEPLOYMENT, AND EVALUATION.—
- "(1) IN GENERAL.—The Secretary may, under terms and conditions that the Secretary prescribes, make a grant to or enter into a contract, cooperative agreement, or other agreement with an entity described in paragraph (2) to promote the early deployment and demonstration of innovation in public transportation that has broad applicability.
- "(2) PARTICIPANTS.—An entity described in this paragraph is—
- "(A) an entity described in subsection (a)(2); or
- "(B) a consortium of entities described in subsection (a)(2), including a provider of public transportation, that will share the costs, risks, and rewards of early deployment and demonstration of innovation.
- "(3) PROJECT ELIGIBILITY.—A project that receives assistance under paragraph (1) shall seek to build on successful research, innovation, and development efforts to facilitate—
- "(A) the deployment of research and technology development resulting from private efforts or federally funded efforts; and

- "(B) the implementation of research and technology development to advance the interests of public transportation.
- "(4) EVALUATION.—Not later than 2 years after the date on which a project receives assistance under paragraph (1), the Secretary shall conduct a comprehensive evaluation of the success or failure of the projects funded under this subsection and any plan for broadbased implementation of the innovation promoted by successful projects.
- moted by successful projects.

  "(e) ANNUAL REPORT ON RESEARCH.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—
- "(1) a description of each project that received assistance under this section during the preceding fiscal year;
- "(2) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (d)(4) for the preceding fiscal year; and
- "(3) a proposal for allocations of amounts for assistance under this section for the subsequent fiscal year.
  - "(f) GOVERNMENT SHARE OF COSTS.—
- "(1) IN GENERAL.—The Government share of the cost of a project carried out under this section shall not exceed 80 percent.
- "(2) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a project carried out under this section may be derived from in-kind contributions.
- "(3) FINANCIAL BENEFIT.—If the Secretary determines that there would be a clear and direct financial benefit to an entity under a grant, contract, cooperative agreement, or other agreement under this section, the Secretary shall establish a Government share of the costs of the project to be carried out under the grant, contract, cooperative agreement, or other agreement that is consistent with the benefit."

## SEC. 40014. TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.

Section 5314 of title 49, United States Code, is amended to read as follows:

## "§ 5314. Technical assistance and standards development

- ''(a) Technical Assistance and Standards Development.—
- "(1) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—
- "(A) more effectively and efficiently provide public transportation service;
- "(B) administer funds received under this chapter in compliance with Federal law; and "(C) improve public transportation.
- "(2) ELIGIBLE ACTIVITIES.—The activities carried out under paragraph (1) may include—
  - "(A) technical assistance; and
- "(B) the development of standards and best practices by the public transportation industry.
  - "(b) Technical Assistance Centers.—
- "(1) DEFINITION.—In this subsection, the term 'eligible entity' means a nonprofit organization, an institution of higher education, or a technical or community college.
- "(2) IN GENERAL.—The Secretary may make grants to and enter into contracts, cooperative agreements, and other agreements with

- eligible entities to administer centers to provide technical assistance, including—
- "(A) the development of tools and guidance; and
- "(B) the dissemination of best practices.
- "(3) COMPETITIVE PROCESS.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements under paragraph (2) through a competitive process on a biennial basis for technical assistance in each of the following categories:
- "(A) Human services transportation coordination, including—
  - "(i) transportation for seniors;
- "(ii) transportation for individuals with disabilities; and
- "(iii) coordination of local resources and programs to assist low-income individuals and veterans in gaining access to training and employment opportunities.
  - '(B) Transit-oriented development.
- "(C) Transportation equity with regard to the impact that transportation planning, investment, and operations have on low-income and minority individuals.
  - "(D) Financing mechanisms, including-
  - "(i) public-private partnerships;
  - "(ii) bonding; and
  - "(iii) State and local capacity building.
- "(E) Any other activity that the Secretary determines is important to advance the interests of public transportation.
- "(4) EXPERTISE OF TECHNICAL ASSISTANCE CENTERS.—In selecting an eligible entity to administer a center under this subsection, the Secretary shall consider—
- "(A) the demonstrated subject matter expertise of the eligible entity; and
- "(B) the capacity of the eligible entity to deliver technical assistance on a regional or nationwide basis.
- "(5) PARTNERSHIPS.—An eligible entity may partner with another eligible entity to provide technical assistance under this subsection.
  - "(c) GOVERNMENT SHARE OF COSTS.—
- "(1) IN GENERAL.—The Government share of the cost of an activity under this section may not exceed 80 percent.
- "(2) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity under this section may be derived from inkind contributions."

#### SEC. 40015. BUS TESTING FACILITIES.

Section 5318 of title 49, United States Code, is amended to read as follows:

#### "§ 5318. Bus testing facilities

- "(a) FACILITIES.—The Secretary shall certify not more than 4 comprehensive facilities for testing new bus models for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.
- "(b) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with not more than 4 qualified entities to test public transportation vehicles under subsection (a).
- "(c) FEES.—An entity that operates and maintains a facility certified under subsection (a) shall establish and collect reasonable fees for the testing of vehicles at the facility. The Secretary must approve the fees.
- "(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—
- "(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with an entity that operates and maintains a facility certified under subsection (a), under which 80 percent of the fee for testing a vehicle at the facility may be available from amounts apportioned to a recipient under section 5336 or from amounts appropriated to carry out this section.

- "(2) PROHIBITION.—An entity that operates and maintains a facility described in subsection (a) shall not have a financial interest in the outcome of the testing carried out at the facility.
- "(e) Acquiring New Bus Models.— Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if—
- "(1) a bus of that model has been tested at a facility described in subsection (a); and
- "(2) the bus tested under paragraph (1)
- "(A) performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy, emissions, and noise, as established by the Secretary by rule; and
- "(B) the minimum safety performance standards established by the Secretary pursuant to section 5329(b).".

#### SEC. 40016. PUBLIC TRANSPORTATION WORK-FORCE DEVELOPMENT AND HUMAN RESOURCE PROGRAMS.

Section 5322 of title 49, United States Code, is amended to read as follows:

### "§ 5322. Public transportation workforce development and human resource programs

- "(a) IN GENERAL.—The Secretary may undertake, or make grants or enter into contracts for, activities that address human resource needs as the needs apply to public transportation activities, including activities that.—
  - "(1) educate and train employees;
- "(2) develop the public transportation workforce through career outreach and preparation;
- "(3) develop a curriculum for workforce development:
- "(4) conduct outreach programs to increase minority and female employment in public transportation;
- "(5) conduct research on public transportation personnel and training needs;
- "(6) provide training and assistance for minority business opportunities;
- "(7) advance training relating to maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation; and
- "(8) address a current or projected workforce shortage in an area that requires technical expertise.
  - "(b) Funding.—
- "(1) URBANIZED AREA FORMULA GRANTS.—A recipient or subrecipient of funding under section 5307 shall expend not less than 0.5 percent of such funding for activities consistent with subsection (a).
- "(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) with respect to a recipient or subrecipient if the Secretary determines that the recipient or subrecipient—
- "(A) has an adequate workforce development program; or
- "(B) has partnered with a local educational institution in a manner that sufficiently promotes or addresses workforce development and human resource needs.
- "(c) INNOVATIVE PUBLIC TRANSPORTATION WORKFORCE DEVELOPMENT PROGRAM.—
- "(1) PROGRAM ESTABLISHED.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under subsection (a).
- "(2) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—
  - "(A) are geographically diverse;
- "(B) address the workforce and human resources needs of large public transportation providers;

- "(C) address the workforce and human resources needs of small public transportation providers:
- "(D) address the workforce and human resources needs of urban public transportation providers;
- "(E) address the workforce and human resources needs of rural public transportation providers:
- "(F) advance training related to maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation;
- "(G) target areas with high rates of unemployment; and
- "(H) address current or projected workforce shortages in areas that require technical expertise.
- "(d) GOVERNMENT'S SHARE OF COSTS.—The Government share of the cost of a project carried out using a grant under this section shall be 50 percent.
- "(e) REPORT.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report concerning the measurable outcomes and impacts of the programs funded under this section."

#### SEC. 40017. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended to read as follows:

#### "§ 5323. General provisions

- "(a) Interests in Property.—
- "(1) IN GENERAL.—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in addition to, transportation service provided by an existing public transportation company, only if—
- "(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303 and 5304;
- "(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and
- "(C) just compensation under State or local law will be paid to the company for its franchise or property.
- "(2) LIMITATION.—A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in public transportation from another governmental authority in the same geographic area.
- "(b) RELOCATION AND REAL PROPERTY REQUIREMENTS.—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to financial assistance for capital projects under this chapter.
- "(C) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—
- "(1) COOPERATION AND CONSULTATION.—In carrying out the goal described in section 5301(c)(2), the Secretary shall cooperate and consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.
- "(2) COMPLIANCE WITH NEPA.—The National Environmental Policy Act of 1969 (42 U.S.C.

- 4321 et seq.) shall apply to financial assistance for capital projects under this chapter.

  "(d) CORRIDOR PRESERVATION —
- "(1) IN GENERAL.—The Secretary may assist a recipient in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.
- "(2) ENVIRONMENTAL REVIEWS.—Right-ofway acquired under this subsection may not be developed in anticipation of the project until all required environmental reviews for the project have been completed.
- "(e) Condition on Charter Bus Transportation Service.—
- "(1) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of public transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it provides regularly scheduled public transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.
  - "(2) VIOLATIONS.—
- "(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.
- "(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.
- "(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.
- "(f) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—
- "(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307, 5309, or 5337 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.
- "(2) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under section 5304, is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.
- "(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that the recipient establishes pursuant to section 5302(3)(J) from amounts

made available to the recipient under section 5309.

"(g) SCHOOLBUS TRANSPORTATION.—

"(1) AGREEMENTS.—Financial assistance under this chapter may be used for a capital project, or to operate public transportation equipment or a public transportation facility, only if the applicant agrees not to provide schoolbus transportation that exclusively transports students and school personnel in competition with a private schoolbus operator. This subsection does not apply—

"(A) to an applicant that operates a school system in the area to be served and a separate and exclusive schoolbus program for the school system; and

"(B) unless a private schoolbus operator can provide adequate transportation that complies with applicable safety standards at reasonable rates.

"(2) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.

"(h) BUYING BUSES UNDER OTHER LAWS.— Subsections (e) and (g) of this section apply to financial assistance to buy a bus under sections 133 and 142 of title 23.

"(i) GRANT AND LOAN PROHIBITIONS.—A grant or loan may not be used to—

"(1) pay ordinary governmental or nonproject operating expenses; or

"(2) support a procurement that uses an exclusionary or discriminatory specification.

- (j) GOVERNMENT SHARE OF COSTS FOR CER-TAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment or facilities required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment or facilities attributable to compliance with those Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment or facilities attributable to compliance with those Acts.
  - "(k) BUY AMERICA.—
- "(1) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.
- "(2) WAIVER.—The Secretary may waive paragraph (1) of this subsection if the Secretary finds that—
- "(A) applying paragraph (1) would be inconsistent with the public interest;
- "(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;
- "(C) when procuring rolling stock (including train control, communication, and traction power equipment) under this chapter—
- "(i) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the rolling stock; and
- "(ii) final assembly of the rolling stock has occurred in the United States; or
- "(D) including domestic material will increase the cost of the overall project by more than 25 percent.

- "(3) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—
- "(A) WRITTEN DETERMINATION.—Before issuing a waiver under paragraph (2), the Secretary shall—
- "(i) publish in the Federal Register and make publicly available in an easily identifiable location on the website of the Department of Transportation a detailed written explanation of the waiver determination; and

"(ii) provide the public with a reasonable period of time for notice and comment.

- "(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, and annually thereafter, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (2) during the preceding year.
- "(4) LABOR COSTS FOR FINAL ASSEMBLY.—In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.
- "(5) WAIVER PROHIBITED.—The Secretary may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

"(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection: and

"(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

"(6) PENALTY FOR MISLABELING AND MIS-REPRESENTATION.—A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under the Federal Public Transportation Act of 2012 if a court or department, agency, or instrumentality of the Government decides the person intentionally—

"(A) affixed a 'Made in America' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

"(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

"'(7) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

(8) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The

burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

"(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

"(1) Participation of Governmental Agencies in Design and Delivery of Transportation Services.—Governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

"(1) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

"(2) be included in the planning for those services.

"(m) RELATIONSHIP TO OTHER LAWS.—

"(1) Fraud and false statements.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter if the Secretary determines that a recipient of such financial assistance has made a false or fraudulent statement or related act in connection with a Federal public transportation program.

"(2) POLITICAL ACTIVITIES OF NON-SUPERVISORY EMPLOYEES.—The provision of assistance under this chapter shall not be construed to require the application of chapter 15 of title 5 to any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to whom such chapter does not otherwise apply.

"(n) Preaward and Postdelivery Review OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements, subsection (k) of this section, and bid specifications requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient. Rolling stock procurements of 20 vehicles or fewer made for the purpose of serving other than urbanized areas and urbanized areas with populations of 200,000 or fewer shall be subject to the same requirements as established for procurements of 10 or fewer buses under the post-delivery purchaser's requirements certification process under section 663.37(c) of title 49, Code of Federal Regulations.

"(0) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(d)(2)

"(p) Grant Requirements.—The grant requirements under sections 5307, 5309, and 5337 apply to any project under this chapter that receives any assistance or other financing under chapter 6 (other than section 609) of title 23.

"(q) ALTERNATIVE FUELING FACILITIES.—A recipient of assistance under this chapter may allow the incidental use of federally

funded alternative fueling facilities and equipment by nontransit public entities and private entities if—

"(1) the incidental use does not interfere with the recipient's public transportation operations;

"(2) all costs related to the incidental use are fully recaptured by the recipient from the nontransit public entity or private entity:

"(3) the recipient uses revenues received from the incidental use in excess of costs for planning, capital, and operating expenses that are incurred in providing public transportation; and

"(4) private entities pay all applicable excise taxes on fuel.

"(r) FIXED GUIDEWAY CATEGORICAL EXCLUSION —

"(1) STUDY.—Not later than 6 months after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall conduct a study to determine the feasibility of providing a categorical exclusion for streetcar, bus rapid transit, and light rail projects located within an existing transportation right-of-way from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with the Council on Environmental Quality implementing regulations under parts 1500 through 1508 of title 40, Code of Federal Regulations, or any successor thereto.

"(2) FINDINGS AND RULES.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue findings and, if appropriate, issue rules to provide categorical exclusions for suitable categories of projects.". SEC. 40018. CONTRACT REQUIREMENTS.

Section 5325 of title 49, United States Code, is amended—

- (1) in subsection (h), by striking "Federal Public Transportation Act of 2005" and inserting "Federal Public Transportation Act of 2012":
- (2) in subsection (j)(2)(C), by striking ", including the performance reported in the Contractor Performance Assessment Reports required under section 5309(1)(2)"; and

(3) by adding at the end the following:

"(k) VETERANS EMPLOYMENT.—Recipients and subrecipients of Federal financial assistance under this chapter shall ensure that contractors working on a capital project funded using such assistance give a hiring preference to veterans, as defined in section 2108 of title 5, who have the requisite skills and abilities to perform the construction work required under the contract.".

#### SEC. 40019. TRANSIT ASSET MANAGEMENT.

Section 5326 of title 49, United States Code, is amended to read as follows:

## "§ 5326. Transit asset management

"(a) DEFINITIONS.—In this section the following definitions shall apply:

"(1) CAPITAL ASSET.—The term 'capital asset' includes equipment, rolling stock, infrastructure, and facilities for use in public transportation and owned or leased by a recipient or subrecipient of Federal financial assistance under this chapter.

"(2) Transit asset management plan' means a plan developed by a recipient of funding under this chapter that—

"(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

"(B) the recipient certifies complies with the rule issued under this section.

"(3) Transit asset management system.— The term 'transit asset management system' means a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively throughout the life cycle of such assets.

"(b) Transit Asset Management System.—The Secretary shall establish and implement a national transit asset management system, which shall include—

"(1) a definition of the term 'state of good repair' that includes objective standards for measuring the condition of capital assets of recipients, including equipment, rolling stock, infrastructure, and facilities;

"(2) a requirement that recipients and subrecipients of Federal financial assistance under this chapter develop a transit asset management plan;

"(3) a requirement that each recipient of Federal financial assistance under this chapter report on the condition of the system of the recipient and provide a description of any change in condition since the last report;

"(4) an analytical process or decision support tool for use by public transportation systems that—

"(A) allows for the estimation of capital investment needs of such systems over time; and

 $\begin{tabular}{ll} ``(B) & assists & with & asset & investment \\ prioritization by such systems; and \\ \end{tabular}$ 

"(5) technical assistance to recipients of Federal financial assistance under this chapter.

"(c) PERFORMANCE MEASURES AND TARGETS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to establish performance measures based on the state of good repair standards established under subsection (b)(1).

"(2) TARGETS.—Not later than 3 months after the date on which the Secretary issues a final rule under paragraph (1), and each fiscal year thereafter, each recipient of Federal financial assistance under this chapter shall establish performance targets in relation to the performance measures established by the Secretary.

"(3) REPORTS.—Each recipient of Federal financial assistance under this chapter shall submit to the Secretary an annual report that describes—

"(A) the progress of the recipient during the fiscal year to which the report relates toward meeting the performance targets established under paragraph (2) for that fiscal year; and

"(B) the performance targets established by the recipient for the subsequent fiscal year

"(d) RULEMAKING.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to implement the transit asset management system described in subsection (b)."

### SEC. 40020. PROJECT MANAGEMENT OVERSIGHT. Section 5327 of title 49, United States Code,

is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "United States" and all that follows through "Secretary of Transportation" and inserting the following: "Federal financial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipient must prepare a project management plan approved by the Secretary and carry out the project in accordance with the project management plan"; and

(B) in paragraph (12), by striking "each month" and inserting "quarterly";

(2) by striking subsections (c), (d), and (f); (3) by inserting after subsection (b) the following:

"(c) ACCESS TO SITES AND RECORDS.—Each recipient of Federal financial assistance for public transportation under this chapter or any other provision of Federal law shall provide the Secretary and a contractor the Secretary chooses under section 5338(g) with access to the construction sites and records of the recipient when reasonably necessary.";

(4) by redesignating subsection (e) as subsection (d); and

(5) in subsection (d), as so redesignated—

(A) in paragraph (1), by striking "subsection (c) of this section" and inserting "section 5338(g)"; and

(B) in paragraph (2)—

(i) by striking "preliminary engineering stage" and inserting "project development phase"; and

(ii) by striking "another stage" and inserting "another phase".

#### SEC. 40021. PUBLIC TRANSPORTATION SAFETY.

(a) PUBLIC TRANSPORTATION SAFETY PROGRAM.—Section 5329 of title 49, United States Code, is amended to read as follows:

#### "§ 5329. Public transportation safety program

"(a) DEFINITION.—In this section, the term 'recipient' means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under this chapter.

"(b) NATIONAL PUBLIC TRANSPORTATION SAFETY PLAN.—

"(1) IN GENERAL.—The Secretary shall create and implement a national public transportation safety plan to improve the safety of all public transportation systems that receive funding under this chapter.

"(2) CONTENTS OF PLAN.—The national public transportation safety plan under paragraph (1) shall include—

"(A) safety performance criteria for all modes of public transportation;

"(B) the definition of the term 'state of good repair' established under section 5326(b):

"(C) minimum safety performance standards for public transportation vehicles used in revenue operations that—

"(i) do not apply to rolling stock otherwise regulated by the Secretary or any other Federal agency; and

"(ii) to the extent practicable, take into consideration—

 $\lq\lq$ (I) relevant recommendations of the National Transportation Safety Board; and

"(II) recommendations of, and best practices standards developed by, the public transportation industry; and

"(D) a public transportation safety certification training program, as described in subsection (c).

"(c) PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a public transportation safety certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight.

"(2) INTERIM PROVISIONS.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall establish interim provisions for the certification and training of the personnel described in paragraph (1), which shall be in effect until the effective date of the final rule issued by the Secretary to implement this subsection.

- "(d) Public Transportation Agency Safety Plan.—
- "(1) IN GENERAL.—Effective 1 year after the effective date of a final rule issued by the Secretary to carry out this subsection, each recipient shall certify that the recipient has established a comprehensive agency safety plan that includes, at a minimum—
- "(A) a requirement that the board of directors (or equivalent entity) of the recipient approve the agency safety plan and any updates to the agency safety plan;
- "(B) methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient:
- "(C) strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;
- "(D) a process and timeline for conducting an annual review and update of the safety plan of the recipient;
- "(E) performance targets based on the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2);
- "(F) assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient: and
- "(G) a comprehensive staff training program for the operations personnel and personnel directly responsible for safety of the recipient that includes—
- "(i) the completion of a safety training program; and
- "(ii) continuing safety education and training.
- "(2) INTERIM AGENCY SAFETY PLAN.—A system safety plan developed pursuant to part 659 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Federal Public Transportation Act of 2012, shall remain in effect until such time as this subsection takes effect.
- "(e) STATE SAFETY OVERSIGHT PROGRAM.-
- ``(1) APPLICABILITY.—This subsection applies only to eligible States.
- "(2) DEFINITION.—In this subsection, the term 'eligible State' means a State that has—
- "(A) a rail fixed guideway public transportation system within the jurisdiction of the State that is not subject to regulation by the Federal Railroad Administration; or
- "(B) a rail fixed guideway public transportation system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the Federal Railroad Administration.
- "(3) IN GENERAL.—In order to obligate funds apportioned under section 5338 to carry out this chapter, effective 3 years after the date on which a final rule under this subsection becomes effective, an eligible State shall have in effect a State safety oversight program approved by the Secretary under which the State—
- "(A) assumes responsibility for overseeing rail fixed guideway public transportation safety;
- $\lq\lq(B)$  adopts and enforces Federal law on rail fixed guideway public transportation safety;
- "(C) establishes a State safety oversight agency;
- "(D) determines, in consultation with the Secretary, an appropriate staffing level for the State safety oversight agency that is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the eligible State;

- "(E) requires that employees and other designated personnel of the eligible State safety oversight agency who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program established under subsection (c); and
- "(F) prohibits any public transportation agency from providing funds to the State safety oversight agency or an entity designated by the eligible State as the State safety oversight agency under paragraph (4).
- "(4) STATE SAFETY OVERSIGHT AGENCY.—
  "(A) IN GENERAL.—Each State safety oversight program shall establish a State safety oversight agency that—
- "(i) is an independent legal entity responsible for the safety of rail fixed guideway public transportation systems;
- "(ii) is financially and legally independent from any public transportation entity that the State safety oversight agency oversees;
- "(iii) does not fund, promote, or provide public transportation services:
- "(iv) does not employ any individual who is also responsible for the administration of public transportation programs;
- "(v) has the authority to review, approve, oversee, and enforce the implementation by the rall fixed guideway public transportation agency of the public transportation agency safety plan required under subsection (d):
- "(vi) has investigative and enforcement authority with respect to the safety of rail fixed guideway public transportation systems of the eligible State;
- "(vii) audits, at least once triennially, the compliance of the rail fixed guideway public transportation systems in the eligible State subject to this subsection with the public transportation agency safety plan required under subsection (d); and
- "(viii) provides, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems the State safety oversight agency oversees to—
- "(I) the Federal Transit Administration;
- $\ensuremath{^{\prime\prime}(II)}$  the Governor of the eligible State; and
- "(III) the board of directors, or equivalent entity, of any rail fixed guideway public transportation system that the State safety oversight agency oversees.
- "(B) WAIVER.—At the request of an eligible State, the Secretary may waive clauses (i) and (iii) of subparagraph (A) for eligible States with 1 or more rail fixed guideway systems in revenue operations, design, or construction, that—
- "(i) have fewer than 1,000,000 combined actual and projected rail fixed guideway revenue miles per year; or
- "(ii) provide fewer than 10,000,000 combined actual and projected unlinked passenger trips per year.
- oversight agency shall have the authority to request that the Secretary take enforcement actions available under subsection (g) against a rail fixed guideway public transportation system that is not in compliance with Federal safety laws.
- "(6) PROGRAMS FOR MULTI-STATE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than 1 eligible State shall—
- "(A) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, ensure uni-

- form safety standards and enforcement procedures that shall be in compliance with this section, and establish and implement a State safety oversight program approved by the Secretary; or
- "(B) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, designate an entity having characteristics consistent with the characteristics described in paragraph (3) to carry out the State safety oversight program approved by the Secretary.
  - "(7) Grants.-
- "(A) IN GENERAL.—The Secretary may make a grant to an eligible State to develop or carry out a State safety oversight program, if the eligible State submits—
- "(i) a proposal for the establishment of a State safety oversight program to the Secretary for review and written approval before implementing a State safety oversight program; and
- "(ii) any amendment to the State safety oversight program of the eligible State to the Secretary for review not later than 60 days before the effective date of the amendment.
  - "(B) DETERMINATION BY SECRETARY.—
- "(i) IN GENERAL.—The Secretary shall transmit written approval to an eligible State that submits a State safety oversight program, if the Secretary determines the State safety oversight program meets the requirements of this subsection and the State safety oversight program is adequate to promote the purposes of this section.
- "(ii) AMENDMENT.—The Secretary shall transmit to an eligible State that submits an amendment under subparagraph (A)(ii) a written determination with respect to the amendment.
- "(iii) No written decision.—If an eligible State does not receive a written decision from the Secretary with respect to an amendment submitted under subparagraph (A)(ii) before the end of the 60-day period beginning on the date on which the eligible State submits the amendment, the amendment shall be deemed to be approved.
- "(iv) DISAPPROVAL.—If the Secretary determines that a State safety oversight program does not meet the requirements of this subsection, the Secretary shall transmit to the eligible State a written explanation and allow the eligible State to modify and resubmit the State safety oversight program for approval.
  - "(C) GOVERNMENT SHARE.—
- "(i) IN GENERAL.—The Government share of the reasonable cost of a State safety oversight program developed or carried out using a grant under this paragraph shall be 80 percent.
- "(ii) IN-KIND CONTRIBUTIONS.—Any calculation of the non-Government share of a State safety oversight program shall include inkind contributions by an eligible State.
- "(iii) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a State safety oversight program developed or carried out using a grant under this paragraph may not be met by—
- "(I) any Federal funds;
- "(II) any funds received from a public transportation agency; or
- "(III) any revenues earned by a public transportation agency.
- "(iv) SAFETY TRAINING PROGRAM.—The Secretary may reimburse an eligible State or a recipient for the full costs of participation in the public transportation safety certification training program established under subsection (c) by an employee of a State safety oversight agency or a recipient who is directly responsible for safety oversight.

- "(8) CONTINUAL EVALUATION OF PROGRAM.— The Secretary shall continually evaluate the implementation of a State safety oversight program by a State safety oversight agency, on the basis of—
- "(A) reports submitted by the State safety oversight agency under paragraph (4)(A)(viii); and
  - "(B) audits carried out by the Secretary.
  - "(9) INADEQUATE PROGRAM.—
- "(A) IN GENERAL.—If the Secretary finds that a State safety oversight program approved by the Secretary is not being carried out in accordance with this section or has become inadequate to ensure the enforcement of Federal safety regulations, the Secretary shall—
- "(i) transmit to the eligible State a written explanation of the reason the program has become inadequate and inform the State of the intention to withhold funds, including the amount of funds proposed to be withheld under this section, or withdraw approval of the State safety oversight program; and
- "(ii) allow the eligible State a reasonable period of time to modify the State safety oversight program or implementation of the program and submit an updated proposal for the State safety oversight program to the Secretary for approval.
- "(B) FAILURE TO CORRECT.—If the Secretary determines that a modification by an eligible State of the State safety oversight program is not sufficient to ensure the enforcement of Federal safety regulations, the Secretary may—
- "(i) withhold funds available under this section in an amount determined by the Secretary; or
- "(ii) provide written notice of withdrawal of State safety oversight program approval.
- "(C) TEMPORARY OVERSIGHT.—In the event the Secretary takes action under subparagraph (B)(ii), the Secretary shall provide oversight of the rail fixed guideway systems in an eligible State until the State submits a State safety oversight program approved by the Secretary.
  - "(D) RESTORATION.—
- "(i) CORRECTION.—The eligible State shall address any inadequacy to the satisfaction of the Secretary prior to the Secretary restoring funds withheld under this paragraph.
- "(ii) AVAILABILITY AND REALLOCATION.— Any funds withheld under this paragraph shall remain available for restoration to the eligible State until the end of the first fiscal year after the fiscal year in which the funds were withheld, after which time the funds shall be available to the Secretary for allocation to other eligible States under this section.
- ''(10) Federal oversight.—The Secretary shall—
- "(A) oversee the implementation of each State safety oversight program under this subsection;
- "(B) audit the operations of each State safety oversight agency at least once triennially; and
- "(C) issue rules to carry out this subsection.
- "(f) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary may—
- "(1) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;
- "(2) make reports and issue directives with respect to the safety of the public transportation system of a recipient;
- "(3) in conjunction with an accident investigation or an investigation into a pattern or

- practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency. if—
- "(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with an ongoing criminal investigation; and
  - "(B) the Attorney General-
- "(i) determines that the subpoena will not interfere with an ongoing criminal investigation; or
- "(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A):
- "(4) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;
- "(5) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents:
- "(6) at reasonable times and in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations, and relevant records of the public transportation system of a recipient; and
  - "(7) issue rules to carry out this section.
  - "(g) Enforcement Actions.—
- "(1) Types of enforcement actions.—The Secretary may take enforcement action against a recipient that does not comply with Federal law with respect to the safety of the public transportation system, including—
- "(A) issuing directives;
- "(B) requiring more frequent oversight of the recipient by a State safety oversight agency or the Secretary;
- "(C) imposing more frequent reporting requirements;
- "(D) requiring that any Federal financial assistance provided under this chapter be spent on correcting safety deficiencies identified by the Secretary or the State safety oversight agency before such funds are spent on other projects;
- "(E) subject to paragraph (2), withholding Federal financial assistance, in an amount to be determined by the Secretary, from the recipient, until such time as the recipient comes into compliance with this section; and
- "(F) subject to paragraph (3), imposing a civil penalty, in an amount to be determined by the Secretary.
- "(2) USE OR WITHHOLDING OF FUNDS.—
- "(A) IN GENERAL.—The Secretary may require the use of funds in accordance with paragraph (1)(D), or withhold funds under paragraph (1)(E), only if the Secretary finds that a recipient is engaged in a pattern or practice of serious safety violations or has otherwise refused to comply with Federal law relating to the safety of the public transportation system.
- "(B) NOTICE.—Before withholding funds from a recipient under paragraph (1)(E), the Secretary shall provide to the recipient—
- "(i) written notice of a violation and the amount proposed to be withheld; and
- "(ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.
- "(C) FAILURE TO ADDRESS.—If the recipient does not address the violation or propose an alternative means of compliance that the Secretary determines is acceptable within the period of time specified in the written notice, the Secretary may withhold funds under paragraph (1)(E).

- "(D) RESTORATION.—
- "(i) CORRECTION.—The recipient shall address any violation to the satisfaction of the Secretary prior to the Secretary restoring funds withheld under paragraph (1)(E).
- "(ii) AVAILABILITY AND REALLOCATION.— Any funds withheld under paragraph (1)(E) shall remain available for restoration to the recipient until the end of the first fiscal year after the fiscal year in which the funds were withheld, after which time the funds shall be available to the Secretary for allocation to other eligible recipients.
- "(E) NOTIFICATION.—Not later than 3 days before taking any action under subparagraph (C), the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such action.
  - "(3) CIVIL PENALTIES.—
  - "(A) IMPOSITION OF CIVIL PENALTIES.—
- "(i) IN GENERAL.—The Secretary may impose a civil penalty under paragraph (1)(F) only if—
- "(I) the Secretary has exhausted the enforcement actions available under subparagraphs (A) through (E) of paragraph (1); and
- "(II) the recipient continues to be in violation of Federal safety law.
- "(ii) EXCEPTION.—The Secretary may waive the requirement under clause (i)(I) if the Secretary determines that such a waiver is in the public interest.
- "(B) NOTICE.—Before imposing a civil penalty on a recipient under paragraph (1)(F), the Secretary shall provide to the recipient—
- "(i) written notice of any violation and the penalty proposed to be imposed; and
- "(ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.
- "(C) FAILURE TO ADDRESS.—If the recipient does not address the violation or propose an alternative means of compliance that the Secretary determines is acceptable within the period of time specified in the written notice, the Secretary may impose a civil penalty under paragraph (1)(F).
- "(D) NOTIFICATION.—Not later than 3 days before taking any action under subparagraph (C), the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such action.
- "(E) DEPOSIT OF CIVIL PENALTIES.—Any amounts collected by the Secretary under this paragraph shall be deposited into the Mass Transit Account of the Highway Trust Fund
- "(4) ENFORCEMENT BY THE ATTORNEY GENERAL.—At the request of the Secretary, the Attorney General may bring a civil action—
- "(A) for appropriate injunctive relief to ensure compliance with this section;
- "(B) to collect a civil penalty imposed under paragraph (1)(F); and
- "(C) to enforce a subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition issued by the Secretary under this section.
  - "(h) Cost-benefit Analysis.—
- "(1) ANALYSIS REQUIRED.—In carrying out this section, the Secretary shall take into consideration the costs and benefits of each action the Secretary proposes to take under this section.
- "(2) WAIVER.—The Secretary may waive the requirement under this subsection if the Secretary determines that such a waiver is in the public interest.

- "(i) CONSULTATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary of Homeland Security issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.
  - "(j) Preemption of State Law .-
- "(1) NATIONAL UNIFORMITY OF REGULA-TION.—Laws, regulations, and orders related to public transportation safety shall be nationally uniform to the extent practicable.
- "(2) IN GENERAL.—A State may adopt or continue in force a law, regulation, or order related to the safety of public transportation until the Secretary issues a rule or order covering the subject matter of the State requirement.
- "(3) More stringent law.—A State may adopt or continue in force a law, regulation, or order related to the safety of public transportation that is consistent with, in addition to, or more stringent than a regulation or order of the Secretary if the Secretary determines that the law, regulation, or order—
  - "(A) has a safety benefit;
- "(B) is not incompatible with a law, regulation, or order, or the terms and conditions of a financial assistance agreement of the United States Government; and
- "(C) does not unreasonably burden interstate commerce.
  - "(4) ACTIONS UNDER STATE LAW .-
- "(A) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has failed to comply with—
- "(i) a Federal standard of care established by a regulation or order issued by the Secretary under this section;
- "(ii) its own program, rule, or standard that it created pursuant to a rule or order issued by the Secretary; or
- "(iii) a State law, regulation, or order that is not incompatible with paragraph (2).
- "(B) EFFECTIVE DATE.—This paragraph shall apply to any cause of action under State law arising from an event or activity occurring on or after the date of enactment of the Federal Public Transportation Act of 2012
- "(5) JURISDICTION.—Nothing in this section shall be construed to create a cause of action under Federal law on behalf of an injured party or confer Federal question jurisdiction for a State law cause of action.
- "(k) Annual Report.—The Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report that—
- "(1) analyzes public transportation safety trends among the States and documents the most effective safety programs implemented using grants under this section; and
- "(2) describes the effect on public transportation safety of activities carried out using grants under this section.".
- (b) Bus Safety Study.—
- (1) DEFINITION.—In this subsection, the term "highway route" means a route where 50 percent or more of the route is on roads having a speed limit of more than 45 miles per hour.
- (2) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a report that—

- (A) examines the safety of public transportation buses that travel on highway routes;
- (B) examines laws and regulations that apply to commercial over-the-road buses; and
- (C) makes recommendations as to whether additional safety measures should be required for public transportation buses that travel on highway routes.

## SEC. 40022. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Section 5331(b)(2) of title 49, United States Code, is amended—

- (1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and
- (2) by inserting before subparagraph (B), as so redesignated, the following:
- "(A) shall establish and implement an enforcement program that includes the imposition of penalties for failure to comply with this section:".

#### SEC. 40023. NONDISCRIMINATION.

- (a) AMENDMENTS.—Section 5332 of title 49, United States Code, is amended—
- (1) in subsection (b)—
- (A) by striking "creed" and inserting "religion"; and
- (B) by inserting "disability," after "sex,";
- (2) in subsection (d)(3), by striking "and" and inserting "or".
  - (b) EVALUATION AND REPORT.—
- (1) EVALUATION.—The Comptroller General of the United States shall evaluate the progress and effectiveness of the Federal Transit Administration in assisting recipients of assistance under chapter 53 of title 49, United States Code, to comply with section 5332(b) of title 49, including—
- (A) by reviewing discrimination complaints, reports, and other relevant information collected or prepared by the Federal Transit Administration or recipients of assistance from the Federal Transit Administration pursuant to any applicable civil rights statute, regulation, or other requirement; and
- (B) by reviewing the process that the Federal Transit Administration uses to resolve discrimination complaints filed by members of the public.
- (2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report concerning the evaluation under paragraph (1) that includes—
- (A) a description of the ability of the Federal Transit Administration to address discrimination and foster equal opportunities in federally funded public transportation projects, programs, and activities;
- (B) recommendations for improvements if the Comptroller General determines that improvements are necessary; and
- (C) information upon which the evaluation under paragraph (1) is based.

#### SEC. 40024. LABOR STANDARDS.

Section 5333(b) of title 49, United States Code, is amended—

- (1) in paragraph (1), by striking "sections 5307-5312, 5316, 5318, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, and 5338(b)" each place that term appears and inserting "sections 5307, 5308, 5309, 5311, and 5337"; and
- (2) in paragraph (5), by inserting "of Labor" after "Secretary".

### SEC. 40025. ADMINISTRATIVE PROVISIONS.

Section 5334 of title 49, United States Code, is amended—

- (1) in subsection (a)(1), by striking "under sections 5307 and 5309-5311 of this title" and inserting "that receives Federal financial assistance under this chapter";
  - (2) in subsection (b)(1)—
- (A) by inserting after "emergency," the following: "or for purposes of establishing and enforcing a program to improve the safety of public transportation systems in the United States,"; and
- (B) by striking "chapter, nor may the Secretary" and inserting "chapter. The Secretary may not";
- (3) in subsection (c)(4), by striking "section (except subsection (i)) and sections 5318(e), 5323(a)(2), 5325(a), 5325(b), and 5325(f)" and inserting "subsection";
- (4) in subsection (h)(3), by striking "another" and inserting "any other";
- (5) in subsection (i)(1), by striking "title 23 shall" and inserting "title 23 may";
  - (6) by striking subsection (j); and
- (7) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively.

#### SEC. 40026. NATIONAL TRANSIT DATABASE.

Section 5335 of title 49, United States Code, is amended by adding at the end the following:

- "(c) DATA REQUIRED TO BE REPORTED.—The recipient of a grant under this chapter shall report to the Secretary, for inclusion in the National Transit Database, any information relating to—
- "(1) the causes of a reportable incident, as defined by the Secretary; and
- "(2) a transit asset inventory or condition assessment conducted by the recipient.".

#### SEC. 40027. APPORTIONMENT OF APPROPRIA-TIONS FOR FORMULA GRANTS.

Section 5336 of title 49, United States Code, is amended to read as follows:

## "§ 5336. Apportionment of appropriations for formula grants

- "(a) Based on Urbanized Area Popu-LATION.—Of the amount apportioned under subsection (h)(4) to carry out section 5307—
- "(1) 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—
- "(A) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the most recent decennial census; and
- "(B) 50 percent of the total amount apportioned multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile; and
- "(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section.
- "(b) BASED ON FIXED GUIDEWAY VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.—(1) In this subsection, 'fixed guideway vehicle revenue miles' and 'fixed guideway directional route miles' include passenger ferry operations directly or under contract by the designated recipient.
- "(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:
- $^{\circ}$ (A) 95.61 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

"(i) 60 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all areas; and

"(ii) 40 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway directional route miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

"(B) 4.39 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

"(i) the number of fixed guideway vehicle passenger miles traveled multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in an area; divided by

"(ii) the total number of fixed guideway vehicle passenger miles traveled multiplied by the total number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

- "(C) Under subparagraph (A) of this paragraph, fixed guideway vehicle revenue or directional route miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.
- "(D) A recipient's apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary that energy or operating efficiencies would be achieved, reduces vehicle revenue miles but provides the same frequency of revenue service to the same number of riders.
- "(c) BASED ON BUS VEHICLE REVENUE MILES AND PASSENGER MILES.—Of the amount apportioned under subsection (a)(2) of this section, 66.71 percent shall be apportioned as follows:
- "(1) 90.8 percent of the total amount apportioned under this subsection shall be apportioned as follows:
- "(A) 73.39 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—
- "(i) 50 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

- "(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown in the most recent decennial census; and
- "(iii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.
- "(B) 26.61 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—
- "(i) 50 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas:
- "(ii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the most recent decennial census; and
- "(iii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.
- "(2) 9.2 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—
- "(A) the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in an area; divided by
- "(B) the total number of bus passenger miles traveled multiplied by the total number of bus passenger miles traveled for each dollar of operating cost in all areas
- "(d) DATE OF APPORTIONMENT.—The Secretary shall—
- "(1) apportion amounts appropriated under section 5338(a)(2)(C) of this title to carry out section 5307 of this title not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later; and
- "(2) publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 50,000 and amounts attributable to each State of a multistate urbanized area, on the apportionment date.
- "(e) AMOUNTS NOT APPORTIONED TO DESIGNATED RECIPIENTS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 an amount apportioned under this section that is not apportioned to a designated recipient, as defined in section 5302(4).

  "(f) TRANSFERS OF APPORTIONMENTS.—(1)
- "'(f) Transfers of Apportionments.—(1) The Governor of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section 5311(c)(3). The Governor may make a transfer only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was apportioned under this section.
- "(2) The Governor of a State may transfer any part of the State's apportionment under

- section 5311(c)(3) to supplement amounts apportioned to the State under subsection (a)(1) of this section.
- "(3) The Governor of a State may use throughout the State amounts of a State's apportionment remaining available for obligation at the beginning of the 90-day period before the period of the availability of the amounts expires.
- "(4) A designated recipient for an urbanized area with a population of at least 200,000 may transfer a part of its apportionment under this section to the Governor of a State. The Governor shall distribute the transferred amounts to urbanized areas under this section.

"(5) Capital and operating assistance limitations applicable to the original apportionment apply to amounts transferred under this subsection.

- "(g) PERIOD OF AVAILABILITY TO RECIPI-ENTS.—An amount apportioned under this section may be obligated by the recipient for 5 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 5-year period, an amount that is not obligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.
- "(h) APPORTIONMENTS.—Of the amounts made available for each fiscal year under section 5338(a)(2)(C)—
- "(1) \$35,000,000 shall be set aside to carry out section 5307(i);
- "(2) 3.07 percent shall be apportioned to urbanized areas in accordance with subsection (j):
- "(3) of amounts not apportioned under paragraphs (1) and (2), 1 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i); and
- "(4) any amount not apportioned under paragraphs (1), (2), and (3) shall be apportioned to urbanized areas in accordance with subsections (a) through (c).
- "(i) SMALL TRANSIT INTENSIVE CITIES FOR-MULA.—
- ``(1) DEFINITIONS.—In this subsection, the following definitions apply:
- "(A) ELIGIBLE AREA.—The term 'eligible area' means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).
- "(B) PERFORMANCE CATEGORY.—The term 'performance category' means each of the following:
- "(i) Passenger miles traveled per vehicle revenue mile.
- "(ii) Passenger miles traveled per vehicle revenue hour.
  - "(iii) Vehicle revenue miles per capita.
  - "(iv) Vehicle revenue hours per capita.
    "(v) Passenger miles traveled per capita.
  - "(vi) Passengers per capita.
  - "(2) APPORTIONMENT.—
- "(A) APPORTIONMENT FORMULA.—The amount to be apportioned under subsection (h)(3) shall be apportioned among eligible areas in the ratio that—
- "(i) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to
- "(ii) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

- "(B) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under this section.
- "(j) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (h)(2) shall be apportioned among urbanized areas as follows:
- "(1) 75 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—
- "(A) the number of eligible low-income individuals in each such urbanized area; bears
- "(B) the number of eligible low-income individuals in all such urbanized areas.
- "(2) 25 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of less than 200,000 in the ratio that—
- "(A) the number of eligible low-income individuals in each such urbanized area; bears to
- "(B) the number of eligible low-income individuals in all such urbanized areas.".

#### SEC. 40028. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended to read as follows:

## "§ 5337. State of good repair grants

- "(a) DEFINITIONS.—In this section, the following definitions shall apply:
- "(1) FIXED GUIDEWAY.—The term 'fixed guideway' means a public transportation facility—
- "(A) using and occupying a separate rightof-way for the exclusive use of public transportation;
  - "(B) using rail;
  - "(C) using a fixed catenary system;
  - "(D) for a passenger ferry system; or
  - "(E) for a bus rapid transit system.
- "(2) STATE.—The term 'State' means the 50 States, the District of Columbia, and Puerto Rico.
- "(3) STATE OF GOOD REPAIR.—The term 'state of good repair' has the meaning given that term by the Secretary, by rule, under section 5326(b).
- "(4) Transit asset management plan.— The term 'transit asset management plan' means a plan developed by a recipient of funding under this chapter that—
- "(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and
- $\lq\lq(B)$  the recipient certifies that the recipient complies with the rule issued under section 5326(d).
  - "(b) GENERAL AUTHORITY.—
- "(1) ELIGIBLE PROJECTS.—The Secretary may make grants under this section to assist State and local governmental authorities in financing capital projects to maintain public transportation systems in a state of good repair, including projects to replace and rehabilitate—
  - "(A) rolling stock;
  - "(B) track;
  - "(C) line equipment and structures;
  - "(D) signals and communications;
  - $\lq\lq(E)$  power equipment and substations;
  - "(F) passenger stations and terminals; "(G) security equipment and systems;
  - "(H) maintenance facilities and equipment;
- "(I) operational support equipment, including computer hardware and software;
- "(J) development and implementation of a transit asset management plan; and

- ``(K) other replacement and rehabilitation projects the Secretary determines appropriate.
- "(2) INCLUSION IN PLAN.—A recipient shall include a project carried out under paragraph (1) in the transit asset management plan of the recipient upon completion of the plan.
- "(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF GOOD REPAIR FORMULA.—
- "(1) IN GENERAL.—Of the amount authorized or made available under section 5338(a)(2)(M), \$1,874,763,500 shall be apportioned to recipients in accordance with this subsection.
  - "(2) AREA SHARE.—
- "(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned for fixed guideway systems in accordance with this paragraph.
- "(B) SHARE.—A recipient shall receive an amount equal to the amount described in subparagraph (A), multiplied by the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been calculated in accordance with section 5336(b)(1) and using the definition of the term 'fixed guideway' under subsection (a) of this section, as such sections are in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012, and divided by the total amount apportioned for all areas under this section for fiscal year 2011.
- "(C) RECIPIENT.—For purposes of this paragraph, the term 'recipient' means an entity that received funding under this section, as in effect for fiscal year 2011.
- "(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—
- "(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned to recipients in accordance with this paragraph.
- "(B) Vehicle revenue miles.—A recipient in an urbanized area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway vehicle revenue miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all urbanized areas.
- "(C) DIRECTIONAL ROUTE MILES.—A recipient in an urbanized area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway directional route miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all urbanized areas.
- "(4) LIMITATION.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), the share of the total amount apportioned under this section that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share apportioned to the area under this subsection in the previous fiscal year.
- "(B) SPECIAL RULE FOR FISCAL YEAR 2012.—
  In fiscal year 2012, the share of the total amount apportioned under this section that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share that would have been apportioned to the area under this section, as in effect for fiscal year 2011, if the share had been calculated using the definition of the term 'fixed guideway' under subsection (a) of this section, as in effect on the day after the date of enact-

- ment of the Federal Public Transportation Act of 2012.
- "(5) USE OF FUNDS.—Amounts made available under this subsection shall be available for the exclusive use of fixed guideway projects.
- "(6) RECEIVING APPORTIONMENT.—
- "(A) IN GENERAL.—Except as provided in subparagraph (B), for an area with a fixed guideway system, the amounts provided under this section shall be apportioned to the designated recipient for the urbanized area in which the system operates.
- "(B) EXCEPTION.—An area described in the amendment made by section 3028(a) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 366) shall receive an individual apportionment under this subsection.
- "(7) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of fixed guideway vehicle revenue miles or fixed guideway directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of fixed guideway systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.
- "(d) FIXED GUIDEWAY STATE OF GOOD REPAIR GRANT PROGRAM.—
- "(1) IN GENERAL.—The Secretary may make grants under this section to assist State and local governmental authorities in financing fixed guideway capital projects to maintain public transportation systems in a state of good repair.
- "(2) Competitive process.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basic
- "(3) PRIORITY CONSIDERATION.—In making grants under this subsection, the Secretary shall give priority to grant applications received from recipients receiving an amount under this section that is not less than 2 percent less than the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been calculated using the definition of the term 'fixed guideway' under subsection (a) of this section, as in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012.
- "(e) HIGH INTENSITY MOTORBUS STATE OF GOOD REPAIR.—
- "(1) DEFINITION.—For purposes of this subsection, the term 'fixed guideway motorbus' means public transportation that is provided on a facility with access for other high-occupancy vehicles.
- "(2) APPORTIONMENT.—Of the amount authorized or made available under section 5338(a)(2)(M), \$112,500,000 shall be apportioned to urbanized areas for high intensity motorbus state of good repair in accordance with this subsection.
- "(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—
- "(A) IN GENERAL.—\$60,000,000 of the amount described in paragraph (2) shall be apportioned to each area in accordance with this paragraph.
- "(B) VEHICLE REVENUE MILES.—Each area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway motorbus vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway motorbus vehicle revenue miles attributable to all areas.
- "(C) DIRECTIONAL ROUTE MILES.—Each area shall receive an amount equal to 40 percent

of the amount described in subparagraph (A), multiplied by the number of fixed guideway motorbus directional route miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway motorbus directional route miles attributable to all areas.

- "(4) SPECIAL RULE FOR FIXED GUIDEWAY MOTORBUS —
- "(A) IN GENERAL.—\$52,500,000 of the amount described in paragraph (2) shall be apportioned—
- "(i) in accordance with this paragraph; and "(ii) among urbanized areas within a State in the same proportion as funds are apportioned within a State under section 5336, except subsection (b), and shall be added to such amounts.
- "(B) TERRITORIES.—Of the amount described in subparagraph (A), \$500,000 shall be distributed among the territories, as determined by the Secretary.
- "(C) STATES.—Of the amount described in subparagraph (A), each State shall receive \$1,000,000.
- "(5) USE OF FUNDS.—A recipient may transfer any part of the apportionment under this subsection for use under subsection (c).
- "(6) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of fixed guideway motorbus vehicle revenue miles or fixed guideway motorbus directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of fixed guideway motorbus systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area."

#### SEC. 40029. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

#### "§ 5338. Authorizations

- "(a) FORMULA GRANTS.—
- "(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5310, 5311, 5312, 5313, 5314, 5315, 5322, 5335, and 5340, subsections (c) and (e) of section 5337, and section 40005(b) of the Federal Public Transportation Act of 2012, \$8,360,565,000 for each of fiscal years 2012 and 2013
- ''(2) Allocation of funds.—Of the amounts made available under paragraph (1)—
- "(A) \$124,850,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5305;
- "(B) \$20,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 40005(b) of the Federal Public Transportation Act of 2012:
- "(C) \$4,756,161,500 for each of fiscal years 2012 and 2013 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307:
- "(D) \$65,150,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5308, of which not less than \$8,500,000 shall be used to carry out activities under section 5312:
- "(E) \$248,600,000 for each of fiscal years 2012 and 2013 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;
- "(F) \$591,190,000 for each of fiscal years 2012 and 2013 shall be available to provide financial assistance for other than urbanized areas under section 5311, of which not less than \$30,000,000 shall be available to carry out section 5311(c)(1) and \$20,000,000 shall be available to carry out section 5311(c)(2);

- "(G) \$34,000,000 for each of fiscal years 2012 and 2013 shall be available to carry out research, development, demonstration, and deployment projects under section 5312;
- "(H) \$6,500,000 for each of fiscal years 2012 and 2013 shall be available to carry out a transit cooperative research program under section 5313:
- "(I) \$4,500,000 for each of fiscal years 2012 and 2013 shall be available for technical assistance and standards development under section 5314:
- "(J) \$5,000,000 for each of fiscal years 2012 and 2013 shall be available for the National Transit Institute under section 5315;
- "(K) \$2,000,000 for each of fiscal years 2012 and 2013 shall be available for workforce development and human resource grants under section 5322:
- "(L) \$3,850,000 for each of fiscal years 2012 and 2013 shall be available to carry out section 5335:
- (M) \$1,987,263,500 for each of fiscal years 2012 and 2013 shall be available to carry out subsections (c) and (e) of section 5337; and
- "(N) \$511,500,000 for each of fiscal years 2012 and 2013 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and other than urbanized areas under section 5311.
- "(b) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5306.
- "(c) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309, \$1,955,000,000 for each of fiscal years 2012 and 2013.
- "(d) PAUL S. SARBANES TRANSIT IN THE PARKS.—There are authorized to be appropriated to carry out section 5320, \$26,900,000 for each of fiscal years 2012 and 2013.
- "(e) FIXED GUIDEWAY STATE OF GOOD REPAIR GRANT PROGRAM.—There are authorized to be appropriated to carry out section 5337(d), \$7,463,000 for each of fiscal years 2012 and 2013.
- "(f) ADMINISTRATION.—
- "(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, \$108,350,000 for each of fiscal years 2012 and 2013.
- "(2) Section 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than \$10,000,000 shall be available to carry out section 5329.
- "(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than \$1,000,000 shall be available to carry out section 5326.
  - "(g) OVERSIGHT.-
- "(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):
- "(A) 0.5 percent of amounts made available to carry out section 5305.
- "(B) 0.75 percent of amounts made available to carry out section 5307.
- "(C) 1 percent of amounts made available to carry out section 5309.
- "(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 126 Stat. 4968).
- $\rm ``(E)~0.5~percent~of~amounts~made~available~to~carry~out~section~5310.$
- "(F) 0.5 percent of amounts made available to carry out section 5311.
- "(G) 0.5 percent of amounts made available to carry out section 5320.
- "(H) 0.75 percent of amounts made available to carry out section 5337(c).

- "(2) ACTIVITIES.—The activities described in this paragraph are as follows:
- "(A) Activities to oversee the construction of a major capital project.
- "(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.
- "(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.
- "(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.
- "(4) AVAILABILITY OF CERTAIN FUNDS.— Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.
- "(h) Grants as Contractual Obliga-
- "(1) Grants financed from highway trust fund.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.
- "(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.
- "(i) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.".

#### SEC. 40030. APPORTIONMENTS BASED ON GROW-ING STATES AND HIGH DENSITY STATES FORMULA FACTORS.

Section 5340 of title 49, United States Code, is amended to read as follows:

- "§ 5340. Apportionments based on growing States and high density States formula factors
- "(a) DEFINITION.—In this section, the term 'State' shall mean each of the 50 States of the United States.
- "(b) ALLOCATION.—Of the amounts made available for each fiscal year under section 5338(a)(2)(N), the Secretary shall apportion—
- "(1) 50 percent to States and urbanized areas in accordance with subsection (c); and
- "(2) 50 percent to States and urbanized areas in accordance with subsection (d).
  - "(c) GROWING STATE APPORTIONMENTS.—
- "(1) APPORTIONMENT AMONG STATES.—The amounts apportioned under subsection (b)(1) shall provide each State with an amount equal to the total amount apportioned multiplied by a ratio equal to the population of that State forecast for the year that is 15 years after the most recent decennial census, divided by the total population of all States forecast for the year that is 15 years after the most recent decennial census. Such forecast shall be based on the population trend for each State between the most recent decennial census and the most recent estimate of population made by the Secretary of Commerce
- "(2) APPORTIONMENTS BETWEEN URBANIZED AREAS AND OTHER THAN URBANIZED AREAS IN EACH STATE.—

- "(A) IN GENERAL.—The Secretary shall apportion amounts to each State under paragraph (1) so that urbanized areas in that State receive an amount equal to the amount apportioned to that State multiplied by a ratio equal to the sum of the forecast population of all urbanized areas in that State divided by the total forecast population of that State. In making the apportionment under this subparagraph, the Secretary shall utilize any available forecasts made by the State. If no forecasts are available, the Secretary shall utilize data on urbanized areas and total population from the most recent decennial census.
- "(B) REMAINING AMOUNTS.—Amounts remaining for each State after apportionment under subparagraph (A) shall be apportioned to that State and added to the amount made available for grants under section 5311.
- "(3) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to urbanized areas in each State under paragraph (2)(A) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (2)(A) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.
- "(d) HIGH DENSITY STATE APPORTION-MENTS.—Amounts to be apportioned under subsection (b)(2) shall be apportioned as fol-
- "(1) ELIGIBLE STATES.—The Secretary shall designate as eligible for an apportionment under this subsection all States with a population density in excess of 370 persons per square mile.
- "(2) STATE URBANIZED LAND FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to-
- "(A) the total land area of the State (in square miles); multiplied by
- (B) 370; multiplied by
- "(C)(i) the population of the State in urbanized areas; divided by
- "(ii) the total population of the State.
- "(3) STATE APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated in paragraph (2).
- '(4) STATE APPORTIONMENT.—Each State qualifying for an apportionment under paragraph (1) shall receive an amount equal to the amount to be apportioned under this subsection multiplied by the amount calculated for the State under paragraph (3) divided by the sum of the amounts calculated under paragraph (3) for all States qualifying for an apportionment under paragraph (1).
- "(5) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to each State under paragraph (4) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (4) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. For multistate urbanized areas, the Secretary shall suballocate funds made available under paragraph (4) to each State's part of the multistate urbanized area in proportion to the State's share of population of the multistate urbanized area. Amounts apportioned to each urbanized area shall be

5307."

#### SEC. 40031. TECHNICAL AND CONFORMING AMENDMENTS.

- (a) SECTION 5305.—Section 5305 of title 49, United States Code, is amended-
- (1) in subsection (c), by striking "sections 5303, 5304, and 5306" and inserting "sections 5303 and 5304":
- (2) in subsection (d), by striking "sections 5303 and 5306" each place that term appears and inserting "section 5303";
- (3) in subsection (e)(1)(A), by striking "sections 5304, 5306, 5315, and 5322" and inserting section 5304";
- (4) in subsection (f)-
- (A) in the heading, by striking "GOVERN-MENT'S" and inserting "GOVERNMENT"; and
- (B) by striking "Government's" and inserting "Government"; and
- (5) in subsection (g), by striking "section 5338(c) for fiscal years 2005 through 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012" and inserting 'section 5338(a)(2)(A) for a fiscal year'
- (b) SECTION 5313.—Section 5313(a) of title 49. United States Code, is amended-
- (1) in the first sentence, by striking "subsections (a)(5)(C)(iii) and (d)(1) of section and inserting section "5338(a)(2)(H)"; and
- (2) in the second sentence, by striking "of Transportation".
- (c) SECTION 5319.—Section 5319 of title 49, United States Code, is amended, in the second sentence-
- (1) by striking "sections 5307(e), 5309(h), and 5311(g) of this title" and inserting "sections 5307(e), 5309(k), and 5311(h)"; and
- (2) by striking "of the United States" and inserting "made by the"
- (d) SECTION 5325.—Section 5325 of title 49, United States Code, is amended-
- (1) in subsection (b)(2)(A), by striking "title 48, Code of Federal Regulations (commonly known as the Federal Acquisition Regulation)" and inserting "the Federal Acquisition Regulation, or any successor there-
- (2) in subsection (e), by striking "Government financial assistance" and inserting 'Federal financial assistance''.
- (e) SECTION 5330.—Effective 3 years after the effective date of the final rules issued by the Secretary of Transportation under section 5329(e) of title 49, United States Code, as amended by this division, section 5330 of title 49, United States Code, is repealed.
- (f) SECTION 5331.—Section 5331 of title 49, United States Code, is amended by striking "Secretary of Transportation" each place that term appears and inserting retarv"
- (g) Section 5332.—Section 5332(c)(1) of title 49, United States Code, is amended by striking "of Transportation"
- (h) SECTION 5333.—Section 5333(a) of title 49, United States Code, is amended by striking "sections 3141-3144" and inserting "sections 3141 through 3144"
- (i) SECTION 5334.—Section 5334 of title 49, United States Code, is amended—
- (1) in subsection (c)-

to"; and

- (A) by striking "Secretary of Transportation" each place that term appears and inserting "Secretary"; and
- (B) in paragraph (1), by striking "Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate" and inserting "Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations

- made available for grants under section of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives":
  - (2) in subsection (d), by striking "of Transportation":
  - (3) in subsection (e), by striking "of Transportation";
  - (4) in subsection (f), by striking "of Transportation":
  - (5) in subsection (g), in the matter preceding paragraph (1)-
    - (A) by striking "of Transportation"; and
  - (B) by striking "subsection (a)(3) or (4) of this section" and inserting "paragraph (3) or (4) of subsection (a)";
  - (6) in subsection (h)-
  - (A) in paragraph (1), in the matter preceding subparagraph (A), by striking Transportation"; and
  - (B) in paragraph (2), by striking "of this section":
  - (7) in subsection (i)(1), by striking "of Transportation"; and
  - (8) in subsection (j), as so redesignated by section 40025 of this division, by striking 'Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate and Committees on Transportation and Infrastructure and Appropriations of the House of Representatives" and inserting "Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives"
  - (i) Section 5335.—Section 5335(a) of title 49. United States Code, is amended by striking "of Transportation"
  - (k) Table of Sections —The table of sections for chapter 53 of title 49, United States Code, is amended to read as follows:
  - "Sec.
  - "5301. Policies, purposes, and goals.
  - "5302. Definitions.
  - "5303. Metropolitan transportation planning.
  - "5304. Statewide and nonmetropolitan transportation planning.
  - "5305. Planning programs.
  - "5306. Public transportation emergency relief program.
  - "5307. Urbanized area formula grants.
  - "5308. Clean fuel grant program.
  - "5309. Fixed guideway capital investment grants.
  - "5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities.
  - "5311. Formula grants for other than urbanized areas.
  - "5312. Research, development, demonstration, and deployment projects.
  - "5313. Transit cooperative research program. "5314. Technical assistance and standards de-
  - velopment.
  - "5315. National Transit Institute.
  - "[5316. Repealed.]
  - "[5317. Repealed.]
  - "5318. Bus testing facilities.
  - "5319. Bicycle facilities.
  - "5320. Alternative transportation in parks and public lands.
  - "[5321. Repealed.]
  - "5322. Public transportation workforce development and human resource programs.
  - "5323. General provisions.
  - "[5324. Repealed.]
  - "5325. Contract requirements.
  - "5326. Transit asset management.
  - "5327. Project management oversight.
  - "[5328. Repealed.]
  - "5329. Public transportation safety program.

- "5330. State safety oversight.
- "5331. Alcohol and controlled substances testing.
- "5332. Nondiscrimination.
- "5333. Labor standards.
- "5334. Administrative provisions.
- "5335. National transit database.
- "5336. Apportionment of appropriations for formula grants.
- "5337. State of good repair grants.
- "5338. Authorizations.
- "[5339, Repealed.]
- "5340. Apportionments based on growing States and high density States formula factors.".

SA 1516. Mr. McCAIN (for himself, Mr. CARPER, Mr. COATS, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_\_. REDUCE UNNECESSARY SPENDING ACT OF 2012.

- (a) SHORT TITLE AND PURPOSES.-
- (1) SHORT TITLE.—This section may be cited as the "Reduce Unnecessary Spending Act of 2012".
- (2) PURPOSE.—The purpose of this section is to create an optional fast-track procedure the President may use when submitting resission requests, which would lead to an upor-down vote by Congress on the President's package of rescissions, without amendment.
- (b) RESCISSIONS OF FUNDING.—The Impoundment Control Act of 1974 is amended by striking part C and inserting the following:

# "PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

#### "SEC. 1021. APPLICABILITY AND DISCLAIMER.

"The rules, procedures, requirements, and definitions in this part apply only to executive and legislative actions explicitly taken under this part. They do not apply to actions taken under part B or to other executive and legislative actions not taken under this part.

#### "SEC. 1022. DEFINITIONS.

- "In this part:
- "(1) The terms 'appropriations Act', 'budget authority', and 'new budget authority' have the same meanings as in section 3 of the Congressional Budget Act of 1974.
- "(2) The terms 'account', 'current year', 'CBO', and 'OMB' have the same meanings as in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 as in effect on September 30, 2002.
- "(3) The term 'days of session' shall be calculated by excluding weekends and national holidays. Any day during which a chamber of Congress is not in session shall not be counted as a day of session of that chamber. Any day during which neither chamber is in session shall not be counted as a day of session of Congress.
- "(4) The term 'entitlement law' means the statutory mandate or requirement of the United States to incur a financial obligation unless that obligation is explicitly conditioned on the appropriation in subsequent legislation of sufficient funds for that purpose, and the Supplemental Nutrition Assistance Program.
- "(5) The term 'funding' refers to new budget authority and obligation limits except to the extent that the funding is provided for entitlement law.

- "(6) The term 'rescind' means to eliminate or reduce the amount of enacted funding.
- "(7) The terms 'withhold' and 'withholding' apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

#### "SEC. 1023. TIMING AND PACKAGING OF RESCIS-SION REQUESTS.

- "(a) TIMING.—If the President proposes that Congress rescind funding under the procedures in this part, OMB shall transmit a message to Congress containing the information specified in section 1024, and the message transmitting the proposal shall be sent to Congress not later than 45 calendar days after the date of enactment of the funding.
- (b) PACKAGING AND TRANSMITTAL OF RE-QUESTED RESCISSIONS.—Except as provided in subsection (c), for each piece of legislation that provides funding, the President shall request at most 1 package of rescissions and the rescissions in that package shall apply only to funding contained in that legislation. OMB shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. OMB shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.
- "(c) Special Packaging Rules.—After enactment of—
- "(1) a joint resolution making continuing appropriations;
- "(2) a supplemental appropriations bill; or "(3) an omnibus appropriations bill;
- covering some or all of the activities customarily funded in more than 1 regular appropriations bill, the President may propose as many as 2 packages rescinding funding contained in that legislation, each within the 45-day period specified in subsection (a). OMB shall not include the same rescission in both packages, and, if the President requests the rescission of more than one discrete amount of funding under the jurisdiction of a single subcommittee, OMB shall include each of those discrete amounts in the same package.

#### "SEC. 1024. REQUESTS TO RESCIND FUNDING.

- "For each request to rescind funding under this part, the transmittal message shall— "(1) specify—
  - "(A) the dollar amount to be rescinded:
- "(B) the agency, bureau, and account from which the rescission shall occur:
- "(C) the program, project, or activity within the account (if applicable) from which the rescission shall occur;
- "(D) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted; and
- "(E) the reasons the President requests the rescission;
- "(2) designate each separate rescission request by number; and
- $\lq\lq(3)$  include proposed legislative language to accomplish the requested rescissions which may not include—
- "(A) any changes in existing law, other than the rescission of funding; or
- "(B) any supplemental appropriations, transfers, or reprogrammings.

## "SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY.

"(a) PRESIDENTIAL AUTHORITY TO WITH-HOLD FUNDING.—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, OMB may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

"(b) EXPEDITED PROCEDURES AVAILABLE ONLY ONCE PER BILL.—The President may not invoke the procedures of this part, or the authority to withhold funding granted by subsection (a), on more than 1 occasion for any Act providing funding.
"(c) TIME LIMITS.—OMB shall make avail-

"(c) TIME LIMITS.—OMB shall make available for obligation any funding withheld under subsection (a) on the earliest of—

- "(1) the day on which the President determines that the continued withholding or reduction no longer advances the purpose of legislative consideration of the rescission request;
- "(2) starting from the day on which OMB transmitted a message to Congress requesting the rescission of funding, 25 calendar days in which the House of Representatives has been in session or 25 calendar days in which the Senate has been in session, whichever occurs second; or
- "(3) the last day after which the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.
  - "(d) DEFICIT REDUCTION.—
- "(1) IN GENERAL.—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.
- "(2) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

#### "SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCISSION REQUESTS.

- "(a) Preparation of Legislation To Consider a Package of Expedited Rescission Requests.—
- "(1) IN GENERAL.—If the House of Representatives receives a package of expedited rescission requests, the Clerk shall prepare a House bill that only rescinds the amounts requested which shall read as follows:
- ""There are enacted the rescissions numbered [insert number or numbers] as set forth in the Presidential message of [insert date] transmitted under part C of the Impoundment Control Act of 1974 as amended."
- "(2) EXCLUSION PROCEDURE.—The Clerk shall include in the bill each numbered rescission request listed in the Presidential package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Chairman of the Committee on the Budget of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission does not refer to funding or includes matter not permitted under a request to rescind funding.
- "(b) INTRODUCTION AND REFERRAL OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.—The majority leader or the minority leader of the House or Representatives, or a designee, shall (by request) introduce each bill prepared under subsection (a) not later than 4 days of session of the House after its transmittal, or, if no such bill is introduced within that period, any member of

the House may introduce the required bill in the required form on the fifth or sixth day of session of the House after its transmittal. If such an expedited rescission bill is introduced in accordance with the preceding sentence, it shall be referred to the House committee of jurisdiction. A copy of the introduced House bill shall be transmitted to the Secretary of the Senate, who shall provide it to the Senate committee of jurisdiction.

"(c) House Report and Consideration of Legislation To Enact a Package of Expedited Rescissions.—The House committee of jurisdiction shall report without amendment the bill referred to it under subsection (b) not more than 5 days of session of the House after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation. If the committee has not reported the bill by the end of the 5-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

"(d) House Motion To Proceed.-

"(1) IN GENERAL.—After a bill to enact an expedited rescission package has been reported or the committee of jurisdiction has been discharged under subsection (c), it shall be in order to move to proceed to consider the bill in the House. A Member who wishes to move to proceed to consideration of the bill shall announce that fact, and the motion to proceed shall be in order only during a time designated by the Speaker within the legislative schedule for the next calendar day of legislative session or the one immediately following it.

"(2) Failure To set time.—If the Speaker does not designate a time under paragraph (1), 3 or more calendar days of legislative session after the bill has been reported or discharged, it shall be in order for any Member to move to proceed to consider the bill.

"(3) PROCEDURE.—A motion to proceed under this subsection shall not be in order after the House has disposed of a prior motion to proceed with respect to that package of expedited rescissions. The previous question shall be considered as ordered on the motion to proceed, without intervening motion. A motion to reconsider the vote by which the motion to proceed has been disposed of shall not be in order.

"(4) REMOVAL FROM CALENDAR.—If 5 calendar days of legislative session have passed since the bill was reported or discharged under this subsection and no Member has made a motion to proceed, the bill shall be removed from the calendar.

"(e) HOUSE CONSIDERATION.—

"(1) CONSIDERED AS READ.—A bill consisting of a package of rescissions under this part shall be considered as read.

"(2) Points of order.—All points of order against the bill are waived, except that a point of order may be made that 1 or more numbered rescissions included in the bill would enact language containing matter not requested by the President or not permitted under this part as part of that package. If the Presiding Officer sustains such a point of order, the numbered rescission or rescissions that would enact such language are deemed to be automatically stripped from the bill and consideration proceeds on the bill as modified.

"(3) PREVIOUS QUESTION.—The previous question shall be considered as ordered on the bill to its passage without intervening motion, except that 4 hours of debate equally divided and controlled by a proponent and an opponent are allowed, as well as 1 motion to further limit debate on the bill.

"(4) MOTION TO RECONSIDER.—A motion to reconsider the vote on passage of the bill shall not be in order

"(f) SENATE CONSIDERATION.—

"(1) REFERRAL.—If the House of Representatives approves a House bill enacting a package of rescissions, that bill as passed by the House shall be sent to the Senate and referred to the Senate committee of jurisdiction.

"(2) COMMITTEE ACTION.—The committee of jurisdiction shall report without amendment the bill referred to it under this subsection not later than 3 days of session of the Senate after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation.

"(3) DISCHARGE.—If the committee has not reported the bill by the end of the 3-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

"(4) MOTION TO PROCEED.—On the following day and for 3 subsequent calendar days in which the Senate is in session, it shall be in order for any Senator to move to proceed to consider the bill in the Senate. Upon such a motion being made, it shall be deemed to have been agreed to and the motion to reconsider shall be deemed to have been laid on the table.

"(5) DEBATE.—Debate on the bill in the Senate under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours, equally divided and controlled in the usual form. Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form. A motion to further limit debate on such a bill is not debatable.

"(6) MOTIONS NOT IN ORDER.—A motion to amend such a bill or strike a provision from it is not in order. A motion to recommit such a bill is not in order.

"(g) SENATE POINT OF ORDER.—It shall not be in order under this part for the Senate to consider a bill approved by the House enacting a package of rescissions under this part if any numbered rescission in the bill would enact matter not requested by the President or not permitted under this Act as part of that package. If a point of order under this subsection is sustained, the bill may not be considered under this part.".

(c) TECHNICAL AND CONFORMING AMEND-MENTS.—

(1) Table of contents.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the matter for part C of title X and inserting the following:

"PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

"Sec. 1021. Applicability and disclaimer.

"Sec. 1022. Definitions.

"Sec. 1023. Timing and packaging of rescission requests.

"Sec. 1024. Requests to rescind funding.

"Sec. 1025. Grants of and limitations on presidential authority.

"Sec. 1026. Congressional consideration of rescission requests.".

(2) TEMPORARY WITHHOLDING.—Section 1013(c) of the Impoundment Control Act of 1974 is amended by striking "section 1012" and inserting "section 1012 or section 1025".

(3) RULEMAKING.—

(A) 904(a).—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking "and 1017" and inserting "1017, and 1026"

(B) 904(d)(1).—Section 904(d)(1) of the Congressional Budget Act of 1974 is amended by striking "1017" and inserting "1017 or 1026".

(d) AMENDMENTS TO PART A OF THE IMPOUNDMENT CONTROL ACT.—

(1) IN GENERAL.—Part A of the Impoundment Control Act of 1974 is amended by inserting at the end the following:

#### "SEC. 1002. SEVERABILITY.

"If the judicial branch of the United States finally determines that 1 or more of the provisions of parts B or C violate the Constitution of the United States, the remaining provisions of those parts shall continue in effect."

(2) Table of contents.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting at the end of the matter for part A of title X the following:

"Sec. 1002. Severability.".

(e) EXPIRATION.—Part C of the Impoundment Control Act of 1974 (as amended by this Act) shall expire on December 31, 2015.

SA 1517. Mr. COATS (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 11005(a), in the amendment to section 104(c)(1) of title 23, United States Code, strike "carry out section 134 shall be determined as follows" and all that follows through subparagraph (B) and insert the following:

"carry out section 134 shall be a percentage of the total amount available for apportionment to all States that is equal to the proportion that—

"(A) the amount of gas taxes paid by the State for a fiscal year; bears to

"(B) the aggregate amount of gas taxes paid by all States for the fiscal year.

SA 1518. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 15007, in the amendment to section 126 of title 23, United States Code, strike subsections (a) and (b) and insert the following:

"Notwithstanding any other provision of law, a State may transfer funds from an apportionment under section 104(b) to any other apportionment of the State under that section."

SA 1519. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In 11008, in the amendment to section 133(c) of title 23, United States Code, strike paragraphs (7) through (28) and insert the following:

(7) Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate

way grade crossings.

- (8) Highway and transit research and development and technology transfer programs.
- (9) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs, including truck stop electrification systems
- (10) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.
- (11) Surface transportation planning.
- (12) Maintenance of and improvements to all public roads, including non-State-owned public roads and roads on tribal land-
- (A) that are located within 10 miles of the international border between the United States and Canada or Mexico; and
- (B) on which federally owned vehicles comprise more than 50 percent of the traffic.
- (13) Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, any public road if-
- (A) the public road, and the highway project to be carried out with respect to the public road, are in the same corridor as, and in proximity to—
- (i) a fully access-controlled highway designated as a part of the National Highway System: or
- (ii) in areas with a population of less than 200,000, a Federal-aid highway designated as part of the National Highway System;
- (B) the construction or improvements will enhance the level of service on the highway described in subparagraph (A) and improve regional traffic flow; and
- (C) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the highway described in subparagraph (A).
- SA 1520. Mr. BLUNT (for himself, Mr. McConnell, Mr. Johanns, Mr. Wicker, Mr. HATCH, Ms. AYOTTE, Mr. RUBIO, Mr. Nelson of Nebraska, Mr. Roberts, Mr. MCCAIN, Mr. KYL, Mr. COATS, Mr. BAR-RASSO, Mr. TOOMEY, Mr. LUGAR, Mr. CORNYN, Mr. BOOZMAN, Mr. PAUL, Mr. HOEVEN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. RESPECT FOR RIGHTS OF CON-SCIENCE.

- (a) FINDINGS AND PURPOSES.—
- (1) FINDINGS.—Congress finds the following: (A) As Thomas Jefferson declared to New London Methodists in 1809, "[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority".
- (B) Jefferson's statement expresses a conviction on respect for conscience that is deeply embedded in the history and traditions of our Nation and codified in numerous State and Federal laws, including laws on health care.
- (C) Until enactment of the Patient Protection and Affordable Care Act (Public Law 111-148, in this section referred to as "PPACA"), the Federal Government has not sought to impose specific coverage or care

- hazards caused by wildlife, and railway-high- requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers.
  - (D) PPACA creates a new nationwide requirement for health plans to cover "essential health benefits" and "preventive services" (including a distinct set of "preventive services for women"), delegating to the Department of Health and Human Services the authority to provide a list of detailed services under each category, and imposes other new requirements with respect to the provision of health care services.
  - (E) While PPACA provides an exemption for some religious groups that object to participation in Government health programs generally, it does not allow purchasers, plan sponsors, and other stakeholders with religious or moral objections to specific items or services to decline providing or obtaining coverage of such items or services, or allow health care providers with such objections to decline to provide them.
  - (F) By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates in PPACA jeopardize the ability of individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.
  - (2) PURPOSES.—The purposes of this section are-
  - (A) to ensure that health care stakeholders retain the right to provide, purchase, or enroll in health coverage that is consistent with their religious beliefs and moral convictions, without fear of being penalized or discriminated against under PPACA; and
  - (B) to ensure that no requirement in PPACA creates new pressures to exclude those exercising such conscientious objection from health plans or other programs under PPACA.
  - (b) RESPECT FOR RIGHTS OF CONSCIENCE.
  - (1) IN GENERAL.—Section 1302(b) of the Patient Protection and Affordable Care Act (Public Law 111-148; 42 U.S.C. 18022(b)) is amended by adding at the end the following new paragraph:
  - "(6) Respecting rights of conscience with REGARD TO SPECIFIC ITEMS OR SERVICES .-
  - "(A) FOR HEALTH PLANS.—A health plan shall not be considered to have failed to provide the essential health benefits package described in subsection (a) (or preventive health services described in section 2713 of the Public Health Service Act), to fail to be a qualified health plan, or to fail to fulfill any other requirement under this title on the basis that it declines to provide coverage of specific items or services because-
  - "(i) providing coverage (or, in the case of a sponsor of a group health plan, paying for coverage) of such specific items or services is contrary to the religious beliefs or moral convictions of the sponsor, issuer, or other entity offering the plan; or
  - "(ii) such coverage (in the case of individual coverage) is contrary to the religious beliefs or moral convictions of the purchaser or beneficiary of the coverage.
  - "(B) FOR HEALTH CARE PROVIDERS.-Nothing in this title (or any amendment made by this title) shall be construed to require an individual or institutional health care provider, or authorize a health plan to require a provider, to provide, participate in, or refer for a specific item or service contrary to the provider's religious beliefs or moral convictions. Notwithstanding any other provision of this title, a health plan shall not be con-

- sidered to have failed to provide timely or other access to items or services under this title (or any amendment made by this title) or to fulfill any other requirement under this title because it has respected the rights of conscience of such a provider pursuant to this paragraph
- "(C) NONDISCRIMINATION IN EXERCISING RIGHTS OF CONSCIENCE -No Exchange or other official or entity acting in a governmental capacity in the course of implementing this title (or any amendment made by this title) shall discriminate against a health plan, plan sponsor, health care provider, or other person because of such plan's. sponsor's, provider's, or person's unwillingness to provide coverage of, participate in, or refer for, specific items or services pursuant to this paragraph.
- (D) CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed to permit a health plan or provider to discriminate in a manner inconsistent with subparagraphs (B) and (D) of paragraph (4).
- (E) PRIVATE RIGHTS OF ACTION.—The various protections of conscience in this paragraph constitute the protection of individual rights and create a private cause of action for those persons or entities protected. Any person or entity may assert a violation of this paragraph as a claim or defense in a judicial proceeding.
  - "(F) REMEDIES.-
- "(i) FEDERAL JURISDICTION.—The Federal courts shall have jurisdiction to prevent and redress actual or threatened violations of this paragraph by granting all forms of legal or equitable relief, including, but not limited to, injunctive relief, declaratory relief, damages, costs, and attorney fees.
- "(ii) INITIATING PARTY.—An action under this paragraph may be instituted by the Attorney General of the United States, or by any person or entity having standing to complain of a threatened or actual violation of this paragraph, including, but not limited to, any actual or prospective plan sponsor, issuer, or other entity offering a plan, any actual or prospective purchaser or beneficiary of a plan, and any individual or institutional health care provider.
- "(iii) INTERIM RELIEF.—Pending final determination of any action under this paragraph. the court may at any time enter such restraining order or prohibitions, or take such other actions, as it deems necessary.
- "(G) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this paragraph and coordinate the investigation of such complaints.
- "(H) ACTUARIAL EQUIVALENCE.—Nothing in this paragraph shall prohibit the Secretary from issuing regulations or other guidance to ensure that health plans excluding specific items or services under this paragraph shall have an aggregate actuarial value at least equivalent to that of plans at the same level of coverage that do not exclude such items or services.".
- (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of Public Law 111-
- SA 1521. Mr. WICKER (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### DOMESTIC OIL AND NATURAL GAS SEC. PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

"(b) DOMESTIC OIL AND NATURAL GAS PRO-DUCTION GOAL .-

"(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is-

"(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf;

"(B) focused on-

"(i) meeting the demand for oil and natural gas in the United States;

"(ii) reducing the dependence of the United States on foreign energy sources; and

"(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

"(2) 2012-2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of-

(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

"(B) not less than 10.000.000.000 cubic feet in the quantity of natural gas produced per day.

"(3) Reports.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including-

"(A) any projections for production under the program; and

"(B) identifying any problems with leasing, permitting, or production that would preproduction goal from being vent the achieved."

SA 1522. Mr. NELSON of Nebraska (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

## SEC. 15\_\_\_. VEHICLE WEIGHT LIMITATIONS.

Section 127(a)(12) of title 23, United States Code, is amended—

- (1) in subparagraph (B), by striking "400" and inserting "550"; and
- (2) in subparagraph (C)(ii), by striking "400-pound" and inserting "550-pound".

SA 1523. Mr. NELSON of Nebraska (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, between lines 3 and 4, insert the following:

#### . EXEMPTION.

Any road, highway, or bridge that is in operation or under construction in a State and is damaged by an emergency that is declared by the Governor of the State and concurred in by the Secretary of Homeland Security or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)-

(1) may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency; and

(2) shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under-

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(D) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(E) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(F) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands);

(I) any Federal law (including regulations) requiring no net loss of wetlands.

SA 1524. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safeconstruction programs, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

## . EMERGENCY EXEMPTIONS.

Notwithstanding any other provision of law, with respect to any road, highway, or bridge that is closed or is operating at reduced capacity because of safety reasons-

(1) the road, highway, or bridge may be reconstructed in the same general location as before the disaster; and

(2) such reconstruction shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under-

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(D) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(E) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(F) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(G) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(H) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands);

(I) any Federal law (including regulations) requiring no net loss of wetlands.

SA 1525. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

#### SEC EXEMPTIONS FOR PROJECTS CARRIED OUT WITH NON-FEDERAL RIED OUT FUNDS.

Notwithstanding any other provision of law, a road, highway, or bridge project carried out only using State or other non-Federal funds shall be exempt from any environmental reviews, approvals, licensing, and permit requirements under-

(1) the National Historic Preservation Act

(16 U.S.C. 470 et seq.);
(2) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(3) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(4) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(5) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species:

(6) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(7) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands);

(9) any Federal law (including regulations) requiring no net loss of wetlands.

SA 1526. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

#### SEC. EXEMPTION FROM REVIEW REQUIRE-MENTS.

Notwithstanding any other provision of law, any request for an approval, such as a request for approval of a permit or license, relating to a transportation project under any Federal law (including a regulation) that is not approved or denied by the date that is 180 days after the date on which the request for the approval is submitted to the Secretary or other appropriate Federal official shall be considered to be approved.

SA 1527. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. JURISDICTION OVER COVERED EN-ERGY PROJECTS.

- (a) Definition of COVERED ENERGY PROJECT.—In this section, the term "covered energy project" means any action or decision by a Federal official regarding-
- (1) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions

and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section and Act shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged breach of the lease.

(b) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this section or any other Act that arise from any covered energy project.

(c) TIME FOR FILING COMPLAINT.—

- (1) IN GENERAL.—Each case or claim described in subsection (b) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.
- (2) PROHIBITION.—Any cause or claim described in subsection (b) that is not filed within the time period described in paragraph (1) shall be barred.
- (d) DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.—
- (1) IN GENERAL.—Each proceeding that is subject to subsection (b) shall—
- (A) be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and
- (B) take precedence over all other pending matters before the district court.
- (2) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this section, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(e) ABILITY TO SEEK APPELLATE REVIEW.— An interlocutory or final judgment, decree, or order of the district court under this section may be reviewed by no other court except the Supreme Court.

(f) DEADLINE FOR APPEAL TO THE SUPREME COURT.—If a writ of certiorari has been granted by the Supreme Court pursuant to subsection (e), the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued.

SA 1528. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_. ENVIRONMENTAL IMPACT STATE-MENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following:
"SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

"(a) COMPLETION.-

"(1) IN GENERAL.—Notwithstanding any other provision of law, each review carried out under section 102(2)(C) with respect to any action taken under any provision of law, or for which funds are made available under any provision of law, shall be completed not later than the date that is 180 days after the commencement of the review.

- "(2) FAILURE TO COMPLETE REVIEW.—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph (1)—
- "(A) the action shall be considered to have no significant impact described in section 102(2)(C); and
- "(B) that classification shall be considered to be a final agency action.
- "(3) UNEMPLOYMENT RATE.—If the national unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.
- "(b) LEAD AGENCY.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.
  - "(c) REVIEW.-
- "(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).
  - "(2) JUDICIAL REVIEW.—
- "(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.
- "(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.
- "(C) PENDENCY OF JUDICIAL REVIEW.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).
- "(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.".

SA 1529. Mr. PAUL (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE V—REINS ACT

#### SECTION 5001. SHORT TITLE.

This title may be cited as the "Regulations From the Executive in Need of Scrutiny Act of 2011" or the "REINS Act".

### SEC. 5002. FINDINGS AND PURPOSE.

- (a) FINDINGS.—Congress finds the following:
- (1) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.
- (2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.
- (3) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.
- (b) Purpose.—The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process.

## SEC. 5003. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

## "CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.

"801. Congressional review.

"802. Congressional approval procedure for major rules.

"803. Congressional disapproval procedure for nonmajor rules.

"804. Definitions.

"805. Judicial review.

"806. Exemption for monetary policy.

"807. Effective date of certain rules.

#### "§ 801. Congressional review

"(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

"(i) a copy of the rule;

"(ii) a concise general statement relating to the rule;

"(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

"(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

"(v) the proposed effective date of the rule.
"(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

"(i) a complete copy of the cost-benefit analysis of the rule, if any;

"(ii) the agency's actions pursuant to title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

"(iii) the agency's actions pursuant to title 2 of the United States Code, sections 1532, 1533, 1534, and 1535; and

"(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

"(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

"(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

"(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

"(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

"(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

- "(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.
- "(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.
- "(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.
- "(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.
- "(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—
- "(A) necessary because of an imminent threat to health or safety or other emergency:
- "(B) necessary for the enforcement of criminal laws;
- "(C) necessary for national security; or "(D) issued pursuant to any statute imple
- "(D) issued pursuant to any statute implementing an international trade agreement.
- "(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.
- "(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—
- "(A) in the case of the Senate, 60 session days, or
- (B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

- "(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—
- "(i) such rule were published in the Federal Register on—
- "(I) in the case of the Senate, the 15th session day, or
- "(II) in the case of the House of Representatives, the 15th legislative day,
- after the succeeding session of Congress first convenes; and
- "(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.
- "(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.
- "(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

# "§ 802. Congressional approval procedure for major rules

- "(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress approves the rule submitted by the \_\_\_ relating to \_\_\_' (The blank spaces being appropriately filled in).
- "(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).
- "(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).
- "(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.
- "(2) For purposes of this section, the term 'submission date' means the date on which the Congress receives the report submitted under section 801(a)(1).
- "(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.
- '(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a ioint resolution described in subsection (a). it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the ioint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.
- "(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a mo-

- tion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.
- "(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred or after such committee or committees have been discharged from further consideration of the resolution.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to

"(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

"(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

"(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

- "(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—
- "(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but
- "(2) the vote on final passage shall be on the joint resolution of the other House.
- "(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.
- "(h) This section and section 803 are enacted by Congress—
- "(1) as an exercise of the rulemaking power of the Senate and House of Representatives,

respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules;

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

#### "§ 803. Congressional disapproval procedure for nonmajor rules

"(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the relating to \_\_\_\_, and such rule shall have no force or effect.' (The blank spaces

being appropriately filled in). (b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdic-

tion. "(2) For purposes of this section, the term 'submission or publication date' means the

later of the date on which-'(A) the Congress receives the report submitted under section 801(a)(1); or

"(B) the nonmajor rule is published in the

Federal Register, if so published.

'(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

"(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a ioint resolution described in subsection (a) shall be decided without debate.

(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule-

"(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

``(2) if the report under section 801(a)(1)(A)was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

"(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

"(1) The joint resolution of the other House shall not be referred to a committee.

'(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution-

'(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House: but

"(B) the vote on final passage shall be on the joint resolution of the other House.

### "§ 804. Definitions

"For purposes of this chapter-

"(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

"(2) the term 'major rule' means any rule. including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in-

"(A) an annual effect on the economy of \$100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

'(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets:

(3) the term 'nonmajor rule' means any rule that is not a major rule; and

"(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include-

"(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the fore-

"(B) any rule relating to agency management or personnel; or

"(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

#### "§ 805. Judicial review

"(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect

## "§ 806. Exemption for monetary policy

"Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

### "§ 807. Effective date of certain rules

"Notwithstanding section 801-

"(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

"(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

shall take effect at such time as the Federal agency promulgating the rule determines."

SA 1530. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

#### NATIONAL HIGHWAY PERFORMANCE SEC. PROGRAM: DEFICIT REDUCTION.

(a) Of the amounts made available under titles II through VI of division I of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), \$14,677,000,000 are rescinded and transferred to the general fund of the Treasury and used for deficit reduction.

(b) The authorization of appropriations to carry out the national highway performance program under section 119 of title 23, United States Code (as amended by section 1106) is increased by \$7,338,000,000.

(c) The total amount specified in subsection (a) shall be derived from an amount rescinded from programs and projects for which funds are made available under titles II through VI of division I of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 786), as determined, for each such program or project, by the Secretary of State or the head of any other agency having administrative authority over the program or project.

SA 1531. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### PROHIBITION ON FOREIGN ASSIST-ANCE TO EGYPT.

Beginning 30 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President certifies to Congress that the Government of Egypt is detaining, holding, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government, and that the Government of Egypt is not holding any property of any such nongovernmental organization.

SA 1532. Mr. PAUL (for himself, Mr. VITTER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the "Davis-Bacon Act") with respect to any project or program funded under this Act (or amendment).

SA 1533. Mr. MENENDEZ (for himself, Mr. KIRK, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

#### . PAY-TO-PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

"(h) PAY-TO-PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located. or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, candidate, or elected official.,

### NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President. I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Monday, March 12, 2012, at 2 p.m., at the U.S. Naval Station, Norfolk, Virginia.

The purpose of the hearing is to receive testimony on specific energy and water policies and programs that the U.S. Department of Navy is implementing as it pertains to its operations ized to meet during the session of the and facilities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan Gins@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Meagan Gins at (202) 224-0883.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 9, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 9, 2012, at 10 a.m., to conduct a Committee hearing entitled "State of the Housing Market: Removing Barriers to Economic Recovery.'

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate, on February 9, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 9, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 9, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorSenate on February 9, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask that we proceed to executive session to consider Calendar No. 437.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit:

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Chris Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer.

Mr. REID. I ask unanimous consent that on February 13, 2012, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 437; that there be an hour of debate equally divided in the usual form prior to the vote; further, that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent we resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent we proceed to S. Res. 371.

PRESIDING OFFICER. The The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 371) designating the week of February 6 through 10, 2012, as "National School Counseling Week.'

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 371) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 371

Whereas the American School Counselor Association has designated the week of February 6 through 10, 2012, as "National School Counseling Week";

Whereas the importance of school counseling has been recognized through the inclusion of elementary- and secondary-school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students:

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence:

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mentalhealth matters:

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school-counselor position is often among the first to be eliminated to meet budgetary constraints:

Whereas the national average ratio of students to school counselors of 459 to 1 is almost twice that of the ratio of 250 to 1 recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

- (1) designates the week of February 6 through 10, 2012, as "National School Counseling Week"; and
- (2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

# ORDERS FOR MONDAY, FEBRUARY 13, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 2 p.m. on Monday, February 13, 2012; that following the prayer and

pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein up to 10 minutes each; and that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be at 5:30 p.m. on Monday on the motion to invoke cloture on the Jordan nomination.

# ADJOURNMENT UNTIL MONDAY, FEBRUARY 13, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:33 p.m, adjourned until Monday, February 13, 2012, at 2 p.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate February 9, 2012:

#### THE JUDICIARY

CATHY ANN BENCIVENGO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

## EXTENSIONS OF REMARKS

RECOGNIZING MS. BEATRICE IVORY

## HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a longtime healthcare provider, Ms. Beatrice Ivory. She is the daughter of T.J. and Martha Ivory and is the mother of Kayla Beatrice Ivory, an Industrial and System Engineering major at Mississippi State University.

Ms. Beatrice graduated from Henry Weather High School in Rolling Fork, MS in 1974. After working for 13 years with mentally challenged patients at Mississippi Christian Family service, she aspired to continue her education. In 1990, she received her LPN license from Hinds Community College along with specialties in Intravenous certification (IV) and Emergency Medical Technical License (EMT). Since receiving her LPN, she has worked with Skarkey-Issaquena Community Hospital (SICH), Heritage Manor Nursing Home, Delta Regional Medical Center, and Continue Care Home Health Agency.

Ms. Beatrice is a member of the Pleasant

Ms. Beatrice is a member of the Pleasant Valley M.B. Church where she is an usher and Sunday school teacher. She is also currently serving as Treasurer of the South Delta School District Parent Teacher Organization.

Mr. Speaker, I ask you and my colleagues to join me in commending Ms. Beatrice Ivory for her services as a healthcare provider and public servant to the State of Mississippi.

HONORING KAREN WASHINGTON, PRESIDENT OF THE NEW YORK CITY COMMUNITY GARDEN COA-LITION

## HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2012, I rise today to recognize a community leader from the Bronx whom I deeply respect, Ms. Karen Washington.

Karen Washington was born and raised in New York City and has resided in the Bronx for more than a quarter century. She attended Hunter College, CUNY where she graduated Magna Cum Laude, with her Bachelor's in Health Sciences. She then attended New York University where she earned her Master's Degree in Occupational Biomechanics and Ergonomics. Since 1985, Ms. Washington has worked to improve the quality of life in the Bronx as a community activist.

Ms. Washington works with residents of the Bronx to turn empty lots into accessible green

spaces through her work as a community gardener and as a member of the Board of Directors of the New York Botanical Garden. Not only has her work brought much needed green space to our neighborhoods but, as President of New York City Community Gardens, she has fought for the protection and preservation of existing community gardens. As a Just Food board member and trainer, Ms. Washington also leads workshops on food growing and food justice for community gardeners throughout the city. She has also worked to increase access to fresh fruits and vegetables in the Bronx that are grown in our community gardens.

Ms. Washington is the Co-Founder of Black Urban Growers, an organization of agricultural volunteers committed to building networks and support for growers in both urban and rural settings. Ms. Washington has achieved these impressive accomplishments while working professionally as a physical therapist for over 30 years.

Mr. Speaker, Ms. Washington's work in creating green space in urban areas and in advocating for food equity has touched thousands of lives throughout New York City. Our communities are stronger and more vibrant due to Ms. Washington's unwavering dedication. Mr. Speaker, I ask that my colleagues join me in paying tribute to a woman of excellence, who aspires to make her community stronger, Ms. Karen Washington.

SEQUESTRATION WEAKENS OUR NATIONAL SECURITY

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. WILSON of South Carolina. Mr. Speaker, this Nation currently faces a clear and present danger to our national security that this body has the ability to defeat: Defense Sequestration. This is an issue that we must address sooner rather than later. Senator JOHN McCAIN recently stated, "I believe the cuts that would be required by sequestration aimed at the Department of Defense are a threat to our Nation's security. We still live in a very dangerous world and everyone agrees that this kind of sequestration cannot take place."

House and Senate Republicans are determined to prevent sequestration from occurring. Slashing the Army by 80,000 troops, cutting 20,000 Marines, and reducing 10,000 Air Force personnel is risky. The United States does not have the luxury of choosing our enemies or deciding if we will be attacked. Our military must be properly funded, equipped and prepared to protect our families from extremists who carry signs calling for "Death to America."

In conclusion, God Bless our troops and we will never forget September 11th in the Global War on Terrorism.

IN RECOGNITION OF THE ACHIEVE-MENTS OF CHRISTOPHER CAN-NING

## HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. SCHOCK. Mr. Speaker, I rise today in recognition of an exceptional young person whose character and accomplishments during his short life of 15 years merit commendation. Chris Canning was an honor student, musician, athlete, humanitarian, and elite martial artist.

In addition to achieving the status of First Degree Black Belt in Taekwondo in only 4 years and playing baseball, basketball and football for his high school, Chris found time to volunteer in his community of Maroa, Illinois, delivering food and clothing to those in need and working in an animal shelter.

Chris has been honored for his service to others and excellence in martial arts by the United Nations Youth Assembly, the World Martial Arts Hall of Fame, the United States Olympic Committee, and the USA Taekwondo Martial Arts Commission, among many others. Despite all of these accolades, the qualities that Chris's family and friends most associate with him were humility and a commitment to service above self. His pursuit in each of life's endeavors, in and out of the martial arts, was to give more than he received, not to gain praise or honor, but to share achievement with others and to set aside his own desires in order to help those less fortunate. His greatest satisfaction came from being there when needed and making a difference.

He was a sincere friend and loving son, and he is missed by all who knew him. His legacy lives on through the Chris Canning Foundation and Awards Program, which has been given to 77 youths from around the world who exemplify the strength of character and excellence that Chris possessed.

It is my honor to recognize the legacy of this exceptional young man from Central Illinois today.

HONORING JAMES "JIM" SCHRANZ

## HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. HALL. Mr. Speaker, I rise today to honor James "Jim" Schranz for his tireless efforts to promote and expand retirement security for all Americans. Jim has played an integral role in the formation of the Employee-

owned S Corporations of America (ESCA) and will soon be stepping down from his role as the founding Treasurer to fully enjoy his retirement with his wife Nancy.

After earning his MBA from the Cox School of Business at Southern Methodist University, Jim began working at Austin Industries, rising to Vice President of Human Resources. In 1998, he took on the role of Treasurer with ESCA where he used his knowledge of this important and unique retirement savings vehicle to help protect and expand it to other businesses across Texas and the United States. Through ESCA's efforts, Members of Congress have become better educated about retirement savings benefits created by private, employee-owned companies for their employee-owners. Jim has been instrumental in the fight to prevent inadvertent harm to S corporation Employee Share Ownership Plans (ESOPs), particularly in the days of pension reform. His retirement is well-deserved.

Mr. Speaker and colleagues, please join me in honoring Jim Schranz and wishing him all the best as he retires.

RECOGNIZING THE NATIONAL SA-LUTE TO VETERAN PATIENTS AND HONORING THE JESSE BROWN AND HINES VETERANS AFFAIRS HOSPITALS

## HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. QUIGLEY. Mr. Speaker, I rise today to recognize the week in which we celebrate the National Salute to Veteran Patients which be-

gins February 12th.

The United States Department of Veterans Affairs annually observes the week of February 14th as our Nation's National Salute to Veteran Patients. This week is our opportunity to honor the more than 98,000 veterans who are cared for day-in and day-out by our Nation's Veterans Affairs hospitals, outpatient clinics, and nursing homes.

Our Nation's veterans have sacrificed much to ensure the safety of our homeland. Their service oftentimes comes at a price to their own personal well-being. When our servicemen and women are injured, our Veterans Affairs hospitals provide vital services that help them heal and return to life in our communities. This week serves as a reminder to thank our veterans for their service to our country while also commending those who treat them with medical care.

I would also like to recognize the Veterans Affairs hospitals that serve the servicemen and women of Illinois's 5th District and the surrounding areas. The Jesse Brown Veteran Affairs Medical Center and the Edward Hines, Jr. Veteran Affairs Hospital admirably serve our veterans throughout the City of Chicago as well as into other parts of Illinois and Indiana. With more than one million outpatient visits between the two hospitals in a single year, the doctors, nurses and staff of both Jesse Brown and Edward Hines, Jr. are to be commended for the care that they provide to our veterans.

Mr. Speaker, I ask my colleagues to join me in honoring our Nation's veterans during this National Salute to Veteran Patients week.

CELEBRATING THE SESQUI-CENTENNIAL OF SAN RAFAEL CITY SCHOOLS

## HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the 150th anniversary of San Rafael City Schools, an institution with a long and proud legacy of service to the young people of Marin County. San Rafael City Schools dates almost to the foundation of our county itself, and its history reminds us of the powerful role our system of public education has played in shaping the character and direction of our communities.

The first of the San Rafael City Schools—the fourth public school in the county—was opened in San Rafael in 1861, just over a decade after Marin County was founded and California was admitted into the Union. In a city numbering only several hundred residents, this first school counted 25 students in its first year, and it remained the city's only public school for 26 years.

As San Rafael began to assume its role as Marin County's population center, the school system expanded rapidly to meet new demand. A second elementary school was added in 1887, and in 1888 the county's first high school, which expanded further in 1899. New elementary schools were added again in 1904 and 1909, followed by an even more intense series of construction projects mid-century, eventually numbering over a dozen new, expanded, or retrofitted facilities. Today, 12 schools serve San Rafael's nearly 6,000 students, including separate districts for K–8 and high school education.

Since its founding, San Rafael City Schools has been an anchor for local families. It has played an integral role in the strength and success of San Rafael and Marin County, sending generations of Marin young people into the world with the preparation necessary to tackle our country's challenges. More recently, the special role of San Rafael City Schools has been recognized in the bond measures city voters have supported to support extensive infrastructure modernization projects.

Mr. Speaker, I ask you to join me in celebrating the sesquicentennial of San Rafael City Schools. This is an institution that represents the democratic promise of public education to empower every individual, and in so doing foster and uplift an entire community.

PERSONAL EXPLANATION

## HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. McINTYRE. Mr. Speaker, an unavoidable conflict required that I miss roll call #45,

the Alexander Amendment No. 2 to H.R. 3521, the Expedited Legislative Line-Item Veto and Rescissions Act of 2011. Had I been present, I would have voted in support of this amendment.

HONORING CARY M. MAGUIRE

## HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. HALL. Mr. Speaker, I rise today in recognition of Cary M. Maguire, a fellow Texan who exemplifies fortitude, American entrepreneurship, and community service.

Over the past twenty years, Cary's strength of character was tested and proven as he fought for justice in a property rights dispute against the Houston, Texas city government. Despite being dealt a bad hand, court after court, Cary never surrendered. He showed courage and faith that justice would prevail, and his perseverance was ultimately rewarded.

Cary is the founder, Chair, and President of the Dallas-based Maguire Oil Company and Maguire Energy Company. In 1991, Cary's company was given a permit by the city of Houston to drill near the banks of Lake Houston. However, when his crew began the project a city officer patrolling the area stopped the team, citing a city ordinance that prohibited drilling within 1,000 feet of the shore. The city revoked Maguire Oil's permit, and a lengthy court battle began.

The case was shuffled around for fourteen years as courts argued over jurisdiction and how to proceed. In 2009, a Harris County court-at-law awarded Maguire \$2 million in damages, plus \$2.2 million in interest. The City appealed this ruling before agreeing on a settlement, settling a lawsuit that spanned two trials, four appeals and the administrations of four mayors.

While acknowledging that the amount spent in legal fees exceeded the amount of the settlement, Cary stated that he continued the case because he thought it was important to defend the principle that while government has the right to take property for the public good, it does not have the right to do so without compensating the property owner.

Cary proceeded to donate the settlement money to found the Center for Ethics and Public Responsibility that bears his name at Southern Methodist University (SMU) in Dallas, Texas, where he serves as Trustee Emeritus in recognition for his outstanding service to the University as a member of the Board of Trustees from 1976 to 2000.

In addition to his founding grant to create the Maguire Center for Ethics and Public Responsibility, Cary also endowed a university-wide professorship in ethics at SMU. He has provided additional funds for programs and facilities in SMU's Edwin L. Cox School of Business, including the Maguire Energy Institute, the Maguire Chair in oil and gas management, and the Maguire Building housing undergraduate programs in the Cox School.

In 1995 he and his wife, Ann, were among the first recipients of SMU's Mustang Award

honoring individuals whose longtime service and philanthropy have had a lasting impact on the University.

His national leadership positions include service on The National Petroleum Council, the Executive Committee of Mid-Continental Oil and Gas Association, and membership of the Madison Council of the Library of Congress, where he funded the Maguire Chair in Ethics and American History.

Mr. Speaker, Cary Maguire's professional and philanthropic contributions will have a lasting value not only in the great State of Texas, but our nation. He embodies many outstanding qualities that define the American spirit. As we adjourn the House of Representatives today, let us do so in appreciation of this American leader, Mr. Cary Maguire.

### PERSONAL EXPLANATION

## HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. LONG. Mr. Speaker, on rollcall No. 46, I did vote "yes" and checked the monitor—apparently the card or system malfunctioned.

RECOGNIZING DR. WILLIAM LLOYD BOOKER FOR HIS CONTRIBU-TIONS AND SERVICES IN MIS-SISSIPPI HEALTH CARE

## HON. BENNIE G. THOMPSON

 $\quad \text{OF MISSISSIPPI} \quad$ 

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Dr. William Lloyd Booker of Clarksdale, Mississippi, for his noteworthy health care contributions to the Clarksdale. Mississippi, community.

Dr. Booker's education began in Tallahatchie County, Mississippi, where he graduated from West Tallahatchie as High Salutatorian in 1973. He completed his undergraduate studies at Tougaloo College majoring in Chemistry where he graduated "Cum Laude" with a Bachelor of Science degree. He received his Doctor of Medicine degree from the University of Iowa in 1982 and residence training at Broadlawns Medical Center in Des Moines, Iowa, where he served as a resident physician.

Dr. Booker has served as Medical Director and Staff Physician for Aaron E. Henry Health Service Center in Clarksdale, Mississippi, since 1985. He practices Family Medicine and was associated with the Northwest Mississippi Regional Medical Center, where he served as Chairman of the Department of Medicine from 2000 to 2002, Vice Chief of Staff from 2002 to 2004, Chief of Staff from 2004 to 2006, and now serves as Regional State Physician Leadership Council Representative.

Dr. Booker is a member of the National Association of Community Health Centers, Mississippi Primary Health Care Association, Phi Beta Sigma Fraternity and Swarokski Crystal Society.

Mr. Speaker, I ask that my colleagues join me in recognizing Dr. William Lloyd Booker for his contributions and services in health care to the Clarksdale, Mississippi, community.

HONORING CARL E. HEASTIE,
MEMBER OF THE NEW YORK
STATE ASSEMBLY AND CHAIRMAN OF THE BRONX DEMOCRATIC COUNTY COMMITTEE

## HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2012, I rise today to recognize a lawmaker from the Bronx whom I admire greatly, the Honorable Carl E. Heastie.

Carl E. Heastie has been Assemblyman for the 83rd Assembly District in the Bronx since 2000. Since he became an Assemblyman, he has been recognized by his colleagues as being one of the most active members in Albany. He currently serves as Chairman of the New York State Assembly Committee on Cities, where he is responsible for addressing issues facing New York City and New York State's other urban areas. He has also earned the respect of local and state elected officials through his work as Chairman of the Bronx Democratic County Committee.

Assemblyman Heastie attended New York City public schools, and always had a love for math. This interest was developed and refined while at the State University of New York at Stony Brook where he earned a Bachelor of Science degree in Applied Mathematics and Statistics and an MBA in Finance from the Bernard M. Baruch College, CUNY. Assemblyman Heastie has extensive experience in budgeting issues, and served as a budget analyst for the City of New York's Comptroller's Office prior to his election. Assemblyman Heastie's expertise in evaluating numbers has garnered the respect and admiration of his peers.

Since taking office, Assemblyman Heastie has been successful in securing much needed resources for his district in the areas of housing, health and human services and education. Among his many accomplishments, he was a lead negotiator for the construction of new schools in the Bronx. Aware of the needs of low-wage workers, Assemblyman Heastie was the author of the Wage Theft Prevention Act which provided stiffer penalties for employers who steal wages from employees. Additionally, because of concerns about potential barriers that victims of domestic violence may face when trying to leave their abuser, Assemblyman Heastie drafted a law to allow domestic violence victims to be released from their lease obligation if it is found that their remaining in their residence would keep them exposed to a dangerous situation.

Mr. Speaker, Assemblyman Carl E. Heastie has earned a much-deserved reputation as a hardworking, determined and exceptional public servant. He is part of a new wave of elected officials in this country whose qualities include fidelity to the best interests of one's constituents and honesty in public dealings. Mr.

Speaker, I ask that my colleagues join me in recognizing a gifted individual, and someone who carries with him the hopes of thousands of New Yorkers, including myself, The Honorable Carl E. Heastie.

HONORING THE LIFE OF LT. COLONEL JOHN JOSEPH MURRAY

## HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. HALL. Mr. Speaker, I rise today to honor the life of Lieutenant Colonel John Joseph Murray, an American patriot, community leader, devoted father and grandfather, and a dear friend of mine for many years, who passed away on January 30, 2012 at the age of 90.

John was born in Brooklyn, New York on January 6, 1922 to Joseph Murray and Madeline Cassidy. After graduating from high school in 1939, he began his military career in 1942—a career that would span nearly a quarter of a century. John served as an officer in the United States Air Force before retiring in 1968 as a Lieutenant Colonel and Combat Rated Pilot with more than 5,000 flying hours. His military career earned him the Air Medal with two oak leaf clusters and numerous other military service medals. He was a gifted pilot, qualifying in 20 different aircraft, and was a dedicated lifetime member of the Air Force Association.

John also recognized the value of higher education, and in 1957 he received a Bachelor of Science in Political Science from St. Joseph's College in Philadelphia, PA, where he served as an ROTC teacher. That same year, he graduated from the United States Air Force Command and Staff College at Maxwell Air Force Base in Alabama. John continued his education by earning his Master's of Business Administration at the University of Dallas in 1977 at the age of 55.

Service was part of John's character, so it came as no surprise that he took the initiative to mentor many young adults in their educational pursuits. John created a scholarship fund through his local Air Force Association chapter for college students struggling financially. He took an active role in encouraging these students and shared in their joy as they reached their goal of graduation.

Upon his retirement from the Air Force, John and his family moved to Greenville, Texas where he began a second distinguished career in the aerospace industry, serving thirty-one years and retiring in 1998 at the age of 76. For nineteen of those years, he was appointed to serve as Chairman of the Employees' Political Action Committee. As Chairman, John hosted informative political forums in Greenville, inviting many special guests over the years including then Governor Bill Clements: then Governor and former President George W. Bush; former U.S. Senators Lloyd Bentsen, Phil Gramm, John Tower, as well as our current U.S. Senator KAY BAILEY HUTCHISON. I was also honored as his Congressman to attend several of John's forums.

John was a highly respected man known for his intelligence, honesty, and integrity, both in his own community and in Washington. Everyone who knew John was struck by his innate optimism, his positive attitude, and his genuine kindness. John was a natural leader, and I am fortunate to have counted him as my friend. He will be dearly missed by all those whose lives he touched.

Mr. Speaker, as we adjourn today I ask that my colleagues join me in honoring this American patriot, Colonel John Joseph Murray.

COLORADO SCHOOL OF MINES WOMEN'S SOFTBALL TEAM

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Colorado School of Mines Women's Softball Team, who last spring won a berth in the NCAA Women's Softball Tournament for the second time in school history. The Orediggers finished the year with a conference record of 28-11, and an overall record of 36-24, sharing the Rocky Mountain Athletic Conference Championship with Metropolitan State College of Denver. The School of Mines also hosted the Rocky Mountain Athletic Conference softball championship last spring. The three day event was a success for the School of Mines and all the schools that participated. Two of the School of Mines players were named to the All Tournament Team, Kelly Ulkrich, and Macy Jones.

The women of the Orediggers softball team should be extremely proud of their 2011 season, and their efforts on the diamond and in the classroom. These women exemplify the idea of the collegiate student-athlete. The Colorado School of Mines specializes in hard sciences, and I commend these young women in their dedication to fields that have traditionally been male dominated. They are an inspiration to girls everywhere who want to study science and engineering.

I also want to congratulate pitcher Kelly Ulkirch who was named the Rocky Mountain Athletic Conference Women's Athlete of the Month for April 2011.

I extend my deepest congratulations to the women of the Colorado School of Mines Women's Softball Team. The lessons they are learning as student-athletes will make these women the science and technology leaders of tomorrow. I am proud to have this world class school in my district. I wish the team best of luck in the 2012 season I hope it is even more successful than 2011, again congratulations, and Go Orediggers!

PERSONAL EXPLANATION

### HON. JOHN L. MICA

 ${\tt OF\ FLORIDA}$ 

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. MICA. Mr. Speaker, on rollcall No. 44 I was unavoidably detained. Had I been present, I would have voted "yes."

IN SUPPORT OF H. RES. 525: NATIONAL SCHOOL COUNSELING WEEK

## HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong support of H. Res. 525 and support the goals of "National School Counseling Week."

I introduced this resolution to recognize the tireless efforts of a group of professionals who have dedicated themselves to our children and their education.

I wish to take this opportunity to recognize the diligent and hardworking school counselors throughout our country. Counselors like Sue Im, in my home district, at Gahr High School in Cerritos.

Every day counselors do exceptional work to help our students reach their highest potential. It is because of their unending dedication—children across our country succeed in becoming engineers, doctors, and even Members of Congress.

School counselors play a vital role in the development of our students on academic, social, and personal levels. Unfortunately, there aren't enough of them. Counselors often find themselves the casualty of budget cuts.

The average student-to-counselor ratio in America's public schools, 459-to-1, is almost double the 250-to-1 ratio recommended by the American School Counselor Association and the National Association for College Admission Counseling. Those numbers are even worse in California where the student to counselor ratio is a dismal 810 students to one counselor—one of the worst ratios in the country.

Our secondary school counselors work vigorously to increase graduation rates, identify problems in our schools and improve morale by inspiring students to challenge themselves and explore new opportunities.

Primary counselors often help identify students with health problems or disabilities that interfere with learning. They also help youngsters to cope with traumatic events, from moving to a new school to the death of a parent.

Our counselors do amazing work that often goes unrecognized. Our communities are strengthened by the students who are championed by their school counselors.

I urge my colleagues to support this effort to recognize the outstanding work that counselors do to ensure that our children's future is full of promise.

THE PASSING OF DR. STEPHEN LEVIN

## HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mrs. MALONEY. Mr. Speaker, it was with tremendous sadness that I learned today of the passing of Dr. Stephen Levin. Dr. Levin was one of our Nation's foremost experts in occupational and environmental medicine and

in his career cared for thousands of Americans with work-related injuries and illnesses. But New Yorkers may know Dr. Levin best at the Director of the World Trade Center Worker and Volunteer Medical Screening Program, where he helped identify the emergence of 9/11-related illnesses and led the medical community's response to this unprecedented health crisis.

The Medical Screening Program was a precursor to the current World Trade Center Health Program, which was enshrined in law by the James Zadroga 9/11 Health and Compensation Act, a bill I authored with Congressmen NADLER and KING and on which I worked with Dr. Levin to pass. Without Dr. Levin's pioneering research, service, and dedication to 9/11 responders, volunteers, and survivors, we may never have passed the Zadroga Act.

This is no doubt a terribly sad time for Dr. Levin's loved ones, but I hope they will be comforted by the fact that his life was so well-lived, and by the thoughts and prayers of thousands of Americans whose lives are immeasurably better because of his work.

### WENDY GOINS

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Wendy Goins of Golden Bodyworker for receiving the Ambassador of the Year Award from the Greater Golden Chamber of Commerce.

This award is given each year to an individual who is a member of the Chamber Ambassadors. Wendy has been very active in promoting the Chamber in several ways, such as attending ribbon cuttings, grand openings, ground breakings, mentoring new Chamber members, attending Chamber functions, staffing the membership luncheon prize table, and many more.

With a full work schedule, Wendy finds time to promote the Chamber, attend functions and accepts challenges with a no defeat attitude. She is a real asset to the Golden community.

I extend my deepest congratulations to Wendy Goins for this well deserved recognition by the Greater Golden Chamber of Commerce. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING LONG-TIME COMMUNITY ACTIVIST & HONORARY FILIPINOTOWN MAYOR: DR. JACINTO "JAY" VALENCIA

## HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Ms. CHU. Mr. Speaker, I rise today to recognize a great loss to our community, Dr. Jacinto "Jay" Valencia, who passed away on January 31, 2012, at the age of 63. My heart goes out to his loving wife, Rosalie; his son,

John; his daughter, Aileen V. Michel; his grandchildren Cello, Mycah and Naiya; and the rest of his family, friends and loved ones.

I was proud to have known Dr. Jay, as he was fondly called by his friends, for many years. He was a tireless advocate for his community and for working families, and rose to one of the highest positions in the Filipino American union movement.

Dr. Jay was vice president for administrative and legislative affairs of the National Union of Health Workers, based in California, where he worked hard to secure fair benefits and compensation for the organization's membership.

His most lasting legacy, however, was his selection as the first Mayor of Philippinetown, Inc. and his work in securing the designation of Filipinotown as a Historic District by the City of Los Angeles in 2002.

His passion for bettering the lives of his fellow community members was evident in his work for elected officials he believed in, such as his stint as field representative for then California Assembly Speaker Antonio Villaraigosa in Sacramento in the 1990s, and his long-time work in organized labor. He joined SEIU 99 in Los Angeles in 2000 and remained with the organization until his selection as vice president of NUHW, which represents many Filipino and Filipina hospital workers.

Born in the Philippines on Sept. 11, 1949, Dr. Jay was very active in politics in his native country. A dedicated fighter for liberty and democratic rights, Dr. Jay was detained under martial law for being a staff member of the late Senator Benigno Aquino, Jr. in 1972. He also actively campaigned for Eddie Villanueva during the Philippines presidential elections in 2009 and was president of Bagong Pilipino.

He brought his passion for serving his community back to the United States, where he was a leader, advisor or member of many Filipino American organizations including Justice for Filipino American Veterans, through which he lobbied for full compensation of Filipino World War II veterans in Washington and Sacramento.

I urge my House colleagues to join me in honoring Dr. Jacinto "Jay" Valencia for his record of civic leadership, indomitable spirit and remarkable service and contributions to his community and to our nation.

RECOGNIZING LIEUTENANT BENNIE F. BOWERS, JR.

## HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES  $Thursday, \ February \ 9, \ 2012$ 

Mr. UPTON. Mr. Speaker, I rise today to recognize Lieutenant Bennie F. Bowers, Jr., a native of Benton Harbor, Michigan, who is retiring from the Michigan State Police after 25 years of impeccable service.

It is with great pleasure that I congratulate Lieutenant Bowers on his impressive and inspiring service record to the state of Michigan. His 25 years of steadfast community involvement have helped keep Michigan safe, and have made all of us from Southwest Michigan extremely proud. Lieutenant Bowers' renowned career includes protecting Michigan's

citizens while posted at Michigan State Police's Battle Creek Post, Paw Paw District Headquarters and Regional Dispatch, Detroit Post, and most recently, the Metro Post. His selfless actions have made a real difference to folks within and outside of my district for decades. Lt. Bowers used innovative methods to enforce law. He was never satisfied with the status quo, and always worked to improve the communities in which he worked. He was respected by his peers and known as one to "lead by example."

Lt. Bowers' leadership is exemplified in his founding of the Michigan Youth Leadership Academy. Lt. Bowers recognized the importance of fostering discipline, respect, leadership, and teamwork in our youth. His efforts assisted in the reduction of youth crime and ingrained skills which those youth will carry with them for their whole lives. Lt. Bowers was also instrumental in the Michigan State Police Explorer Program, a program that works with youth interested in pursuing a career in law enforcement. Part of Lt. Bowers' legacy will be the youth he influenced to serve as Michigan's next generation of law enforcement officers.

Mr. Speaker, I am proud to recognize Lt. Bowers' inspiring commitment to our great state and my constituents. I applaud Bennie on a fine career and wish him the best of luck in his retirement and future endeavors.

RECOGNIZING MRS. BRIDGETT CARPENTER FOR HER NOTABLE SERVICES IN THE MISSISSIPPI HEALTH CARE COMMUNITY

## HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Bridgett Carpenter.

Mrs. Carpenter is a Registered Nurse and Clinical Nurse Specialist at Saint Dominic Hospital in Jackson, Mississippi. She obtained her Bachelor of Science degree in nursing from the University of Mississippi and a Master of Science degree in nursing from the University of Mississippi's Medical Center.

Mrs. Carpenter is a member of the Association of Pediatric Surgical Nurses, National Association of Neonatal Nurses, and Society of Pediatric Nurses. She is a certified Pediatric Advanced Life Support regional faculty member as well as a certified Advanced Burn Life Support Provider. Mrs. Carpenter has worked at Saint Dominic Hospital for the past 23 years.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Bridgett Carpenter for her notable services as a Registered Nurse in the Mississippi health care community.

BEN CORDOVA

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ben Cordova

for his service to our community and the veterans of Colorado.

Mr. Cordova is a U.S. Army Vietnam Veteran, Commerce City business leader, and a tireless advocate for veterans' rights. He created the Ben Cordova Foundation dedicated to help service members. The foundation helps families navigate the state and federal veterans' services bureaucracy including education, VA health care and employment.

Mr. Cordova recently completed a 344-mile walk across Colorado in 44 days to bring awareness and support for his foundation. Despite his diabetes and neuropathy aliments he is set to begin a 2,745 mile journey across the country next February to raise money for veterans' services organizations. It is his goal to ensure every veteran, young or old, is aware of the help available to them nationwide.

I congratulate Mr. Cordova on his efforts to bring awareness to veterans' issues and extend my deepest thanks to him for his courage and service to our country.

HONORING BRONX COUNTY DISTRICT ATTORNEY ROBERT T. JOHNSON

## HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2012, I rise today to recognize an individual from the Bronx whom I admire greatly, the Honorable Robert T. Johnson.

Robert T. Johnson has been the District Attorney of Bronx County since January 1, 1989. His first election was a historic one, as he became the first African-American District Attorney in the history of New York State. He is now the longest serving District Attorney in Bronx history.

Mr. Johnson, a native New Yorker, was born in the Bronx. He is a product of some of the many great schools in our city, including James Monroe High School, the City College of New York, and New York University School of Law. He has dedicated much of his professional life to helping, protecting, and defending the residents of New York City, and has spent several years as both a criminal defense attorney for the Legal Aid Society, and eight years as a Bronx Assistant District Attorney. In August of 1986, he was appointed a Judge of the New York City Criminal Court, and was later promoted to Acting Justice of the New York State Supreme Court, where he served until 1988.

Although Mr. Johnson has emphasized the prosecution of serious crimes, he has shown a great understanding of the many other factors that impact the criminal justice system. He has worked to reduce recidivism, to improve community outreach, to support drug rehabilitation as well as alternatives to incarceration, and to better deploy crime prevention strategies. He deeply understands that being a District Attorney is about more than just conviction rates—it is about solving the underlying problems that cause crime in the first place. Towards that end, Mr. Johnson has also

worked to educate young people in the Bronx in order to help prevent crime and improve the quality of life in our neighborhoods. Two recent examples of these efforts are the Youth Trial Advocacy Program (Y-TAP) and the Students Together Avoiding Risk (STAR) Program. Y-TAP provides high school students with an opportunity to develop debating and advocacy skills by competing in a moot court program under the supervision of Assistant District Attorneys. Through the STAR program, staff from the District Attorney's Office provide 5th and 6th graders, along with their parents, with guidance on the repercussions and impact of gang participation, gun violence and drugs.

Mr. Speaker, after so many years of working to protect the residents of the Bronx, Mr. Johnson has earned the gratitude of more people than he could possibly know. Mr. Johnson is not only a highly respected prosecutor who enforces the law justly and fairly, he is also revered by a wide variety of communities throughout the Bronx. This is a testament to his judicious manner and evenhandedness, qualities that are paramount for a district attorney. Mr. Speaker, I ask that my colleagues join me in paying tribute to someone who serves the residents of the Bronx with such distinction, The Honorable Robert T. Johnson.

HONORING CLYDE W. BOWLING

## HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. GRIFFITH of Virginia. Mr. Speaker, I, along with Mr. GOODLATTE, would like to honor Clyde W. Bowling, a devoted public servant to the people of Bluefield and Tazewell County, on the occasion of his 100th birthday.

Mr. Bowling was born on February 26, 1912. His family moved to Graham, now known as Bluefield, where he graduated from Graham High School in 1931. From 1933 to 1934, Mr. Bowling served as a member of the Civilian Conservation Corps, working at the Beltsville, Maryland, research center and in various forestry projects.

Mr. Bowling is a proud veteran of World War II. During the War, he served with the Combat Engineers, 99th Division, and the 743rd Railroad Battalion building railroads in Germany and Belgium.

His willingness to serve extended to the Tazewell County and Bluefield communities as well. Mr. Bowling served as the leader of Boy Scout Troop 144 for over 30 years. During this time he received several awards, including the Silver Beaver Award for distinguished service to young people. He was the Treasurer of the Town of Bluefield in 1962, a member of the Tazewell County Soil and Water Conservation Board in the 1960s, and held a position as a member of the Cumberland Plateau Planning District for 13 years. He worked closely with the Tazewell County Transportation Safety Commission for 40 years to increase highway safety and support improvements. He was actively involved with American Legion Post #122, the Masonic Lodge #122, the Graham High School Athletic Booster Club, the Bluefield Business and Professional Association, and was a charter member of Veterans of Foreign Wars Post 9696. Mr. Bowling is also a longtime member of Virginia Avenue United Methodist Church.

Through hard work and dedication, Mr. Bowling established the Mountain Dominion Resource Conservation and Development Area, RC & D. He served as chairman of this organization as well as the New River-Highlands RC & D. In addition, he served in all offices of the State Association of RC & D Councils, as second vice president of the Southeast Association of RC & D Councils, and was named to the Virginia State Association of RC & D Hall of Fame. He was also a member of Earth Team.

Currently, Mr. Bowling resides in the Virginia Veterans Care Center next to the V.A. Hospital in Salem, VA. He is the oldest veteran in the Center.

Mr. Bowling's contributions to the community are to be commended. He has impacted many lives throughout his 100 years. As a member of America's greatest generation, the young people of today have much to learn from his service and dedication. We are honored to pay tribute to this great man and this very special birthday. Happy Birthday, Mr. Bowling. Thank you for all that you have done for Southwest Virginia.

HONORING THE LIFE OF LONG IS-LAND VETERAN THOMAS H. WATKINS

## HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. ISRAEL. Mr. Speaker, I rise today to commemorate the life of Thomas H. Watkins, an American veteran from Long Island. He passed away on January 31, 2012. Now, the entire community is mourning this tremendous loss

Before becoming a fixture in the Long Island community, Thomas played a key role in World War II honorably serving the U.S. Army. In late 1942, he was drafted and assigned to the 92nd Infantry Division part of the legendary Buffalo Soldiers. Of the 909,000 African Americans selected for duty in the Army during World War II, the men of the 92nd division were among the only African Americans to see combat in Europe, putting their lives on the line in battle against the German troops in Italy. Despite the harsh reality of racial segregation, Thomas and the Buffalo Soldiers fought valiantly to defend the country they loved. It was their courage and bravery that earned the respect of their fellow servicemen and country. For the next 4 years Thomas went on to serve in Italy and Germany before being honorably discharged.

After serving on the battlefields, Thomas continued his commitment to his country at the Northport Veteran Affairs Medical Center. He went on to work on behalf of Long Island veterans for over 20 years before finishing his career with the Town of Huntington. Not only was Thomas a great resource for Long Island veterans, he was a deeply engaged civic leader and public servant in his community.

A member of the Bethel A.M.E. Church in Huntington, Thomas worked tirelessly for the congregation he loved as Trustee Emeritus. Also, aware of the vital need for racial equality in America, Thomas held a lifetime membership to the NAACP. His devotion to his community, faith and family should be commended.

There is no question that his fellow veterans, his family and Long Islanders will miss Thomas. In the wake of his passing, we should all remember the sacrifice our veterans make to keep us safe here at home. I am forever grateful for Thomas's contributions as a serviceman and leader on Long Island. I offer my sincerest thoughts and prayers to his family.

CITY OF GOLDEN PARKS AND RECREATION DEPARTMENT

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the City of Golden Parks and Recreation Department for receiving the Greater Golden Chamber of Commerce Civic Award.

The city's parks and recreation facilities, programs, activities, and services contribute greatly to the overall quality of life in Golden. The Parks and Recreation Department is responsible for maintaining open spaces, for providing a quality system of parks and recreational facilities and for providing positive leisure opportunities for the community. Golden is home to many unique recreational amenities

The American Academy for Parks and Recreation Administration, in partnership with the National Recreation and Park Association (NRPA), awarded the City of Golden the National Gold Medal Award at NRPA's Annual Congress and Exposition.

The Gold Medal Award honors communities throughout the United States that demonstrate excellence in long-range planning, resource management, volunteerism, environmental stewardship, program development, professional development and agency recognition. Each agency is judged on its ability to address the needs of those it serves.

The Golden Parks and Recreation vision is "Golden will be recognized as a national leader in the provision of high quality parks, trails and recreation facilities."

Their mission is "to promote and provide safe and comprehensive community facilities, programs and services that will enrich the quality of life for all residents and visitors."

I extend my deepest congratulations to all the employees of the City of Golden Parks and Recreation Department for this well deserved recognition by the Greater Golden Chamber of Commerce.

MEMORIAM FOR FRANK CUSHING, APPROPRIATIONS COMMITTEE STAFF DIRECTOR

## HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to Frank Martin Cushing, who gave more than 30 years of service to the Nation as a congressional staffer, culminating as the staff director for the House Appropriations Committee. Frank passed away on Monday, Feb. 6, 2012 at the age of 59.

Frank was a fabulous person, a true leader and someone who you could always count on to get an extremely difficult job done right—while leaving everyone feeling good about it when it was finished. He was a mentor and friend to so many of the wonderful staff who work for the Appropriations Committee, and one of the best people I ever worked with in my career in public service.

I first came to know Frank well when he came to work for me as staff director of the House Appropriations Committee on Veterans Affairs, HUD and Independent Agencies in 1994. He immediately helped craft a bill that reduced spending by several billion dollars, but at the same time won over many agency heads and executive branch officials who found him tough but fair and extremely knowledgeable about their needs.

Frank was a giant of a man. Members on both sides of the aisle—in both the House and Senate—respected him for his integrity, compassion, pragmatism and mastery of the political process. When I became Appropriations Committee chairman in 2005, there was no doubt in my mind who should be staff director of the full committee. I was extremely gratified when Frank agreed—and became just the 12th staff director of the House Appropriations Committee in U.S. history.

His legacy remains on the committee in the many excellent staff members he hired and trained. And he will be missed by the hundreds of members and staff throughout the House and Senate who came to know and admire him. I have no doubt that many will join me in reaching out to his wife, Amy and their four children, and express their sympathy at her loss and their gratitude for having known Frank Cushing.

Mr. Speaker, I would like to provide the obituary for Frank in order for my colleagues to understand what a truly remarkable person and public servant he was:

FRANK MARTIN CUSHING

APRIL 9, 1952-FEBRUARY 6, 2012

Frank Cushing, loving husband, son, father, grandfather, brother, and mentor died at his home in Falls Church on Monday, February 6, 2012. He was 59 years old.

Widely respected for his deep faith, integrity, and love of family and country, Cushing left an indelible mark in public policy through more than 30 years of public service in the House of Representatives, U.S. Senate, and Washington, DC business community. Cushing was widely regarded as one of the most knowledgeable individuals in Washington concerning the congressional appropriations and Federal budget processes.

Cushing graduated from the University of Idaho in 1974 with a Bachelor of Arts degree in political science and completed graduate level work in public policy administration at the University of Idaho and Boise State University in 1974–75. He came to Washington, DC in 1977 to work as a legislative assistant for Senator James McClure of Idaho. Cushing served as clerk of the Senate Interior and Related Agencies Appropriations Subcommittee for Chairman McClure from 1981–84 under full committee Chairman Mark Hatfield of Oregon, and as staff director for the Senate Energy and Natural Resources Committee under Chairman McClure from 1984–91.

Following a three-year stint as Corporate Vice President of a Fortune 50 energy firm, Cushing returned to Capitol Hill in 1995 to serve as Clerk and Staff Director of the House Veterans Affairs, Housing and Urban Development (VA-HUD) and Independent Agencies Appropriations Subcommittee for then Subcommittee Chairman Jerry Lewis of California under full Committee Chairman Bob Livingston of Louisiana. He left the Hill in 2003 to become a partner at a firm specializing in appropriations consulting but returned to the House in 2005 as the Clerk and Staff Director of the full House Appropriations Committee under newly elected Chairman Lewis. Cushing was the twelfth Clerk and Staff Director of the House Appropriations Committee in U.S. history and today his portrait hangs in the U.S. Capitol with his predecessors dating back to 1865.

Cushing retired from the Hill in 2008 to become a partner in a D.C. law and consulting firm where he devoted his time and energy to public policy, particularly relating to funding for science and education. His integrity, compassion, pragmatism, and masterful political skills were admired by House Members, Senators, and staff on both sides of the aisle. Cushing also served as an At-Large Trustee of the Consortium for Ocean Leadership. He also served on the Advisory Board of the Lionel Hampton Jazz Festival at the University of Idaho.

Cushing is survived by his wife, Amy Hammer of Falls Church, VA; his mother, Elizabeth Cushing of Arlington, VA; his brother, William P. Cushing, Jr. of Norristown, PA.; 4 children, Christina Abel of Caldwell, ID, Jennifer Dewing of Crandon, WI, Amy Catherine Cushing of Falls Church, VA, and Nathaniel Allen Cushing, of Falls Church, VA; and 12 grandchildren. Friends and family were blessed to join him at home over the last weeks of his life on earth for a time of reflection, confirmation, and joy.

A memorial service celebrating the life and memory of Frank Martin Cushing will be held on Monday, February 13 at 3 p.m. at Columbia Baptist Church, 103 West Columbia Street, Falls Church, VA, where Cushing served as a deacon.

In lieu of flowers, donations are requested to be designated to the Frank Martin Cushing Public Policy Scholarship through the University of Idaho Foundation, Inc., P.O. Box 443147, Moscow, ID 83844–3147, as a part of the James A. and Louise McClure Center for Public Policy Research for which Cushing served on the Advisory Board. Contributions may also be directed to CrossLink International, 427 North Maple Avenue, Falls Church, VA 22046.

CONGRATULATING CHARLOTTE HAWKINS FLOWERS ON HER 112TH BIRTHDAY

## HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today and ask my colleagues to join me in wishing a happy 112th birthday to Ms. Charlotte Hawkins Flowers.

Ms. Flowers, or Gram as she is lovingly called by her family, was born on March 20, 1900 in Madison, Florida. Throughout her life, Gram has always taken care of others. Whether friends, families, neighbors or strangers, Gram always was ready to help others in any way she could. Her granddaughter, whom she has lived with in Riviera Beach since 2005, reflected that Gram lived her life in adherence to Ecclesiastes 9:10 which states that: "Whatever your hand finds to do, do it with all your might."

With a special place in her heart for helping children, Gram had a in-home day care center in the 60's and 70's and has been a foster grandparent. As the oldest of three daughters and four sons born to Date Hawkins, she left school in the third grade to help care for her siblings. However, she still learned how to read and write and provided her grandchildren with help with their homework.

Gram also has a knack for cooking, working as a cook at Florida State University and also as a private home cook. Although she personally has a sweet tooth and loves Coca-Cola, sweet tea, and sweet potato pie, as a cook, one of her specialties was homemade biscuits. In addition to filling others up with delicious food, she also fills them with wisdom. One of her trademark sayings is "Be careful how you treat people. Because you're up today doesn't mean you won't be down tomorrow." This sentiment was something my grandmother used to also share with me and are words we should all live by every day in caring for others.

To that end, Gram always was active in her church, the Philadelphia Primitive Baptist Church in Tallahassee. She believes that it is her walk with Jesus that keeps her going strong. This strength allowed her until a few years ago to visit the sick and shut-in members of her church. Although she learned to drive, Gram never got her drivers' license or owned a car so she would often walk to make these visits. Even at 111, Gram still tries to help out in any way she can.

Mr. Speaker, on February 20, 2012, Ms. Charlotte Hawkins Flowers will be celebrating her 112th birthday with her son's family in Florida. Although she has survived her six siblings and nine children, she will be surrounded by a multitude of family: 5 grandchildren, 12 great-grandchildren, 11 great-great grandchildren, 16 great-great grandchildren, and 4 great-great-great-great grandchildren, is my distinguished honor to wish her a very happy birthday and congratulate her on reaching this milestone and dedicating her life to caring for others.

HONORING PRINCIPAL YVETTE AGUIRRE

## HON. NYDIA M. VELÁZOUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. VELÁZQUEZ. Mr. Speaker, I rise to honor a pillar of the Sunset Park community, an educator and an advocate for Brooklyn's children. Today, a wing of PS 169 is being dedicated to honor Mrs. Aguirre's years of service to the children of Sunset Park. As a teacher, Mrs. Aguirre saw firsthand the needs and potential of our children. She recognized that, when given the resources and opportunity to learn in the right environment, every child can become a successful member of the community. In that regard, she has been a steadfast champion for relieving overcrowding in our schools and neighborhoods. She successfully led a campaign that united the parents of Sunset Park and helped them coalesce behind a vision of better schools, smaller class sizes and a stronger community.

In 1997, Sunset Park opened Public School 24, an institution that has now served thousands of our community's children. Mrs. Aguirre became the school's first Principal. In that role she was always committed to ensuring students and classrooms were held to high expectations. That guiding philosophy, coupled with strong faculty development and mentoring, served as a recipe for success for all those who passed through PS 24's doors over the years.

While Mrs. Aguirre is now retired, Sunset Park's residents remember her many contributions. Naming a school wing after this prominent leader, woman, educator, principal and mentor is a fitting tribute to her legacy. The name of Principal Yvette Aguirre will remind students and the community of the work of a proud Latina, a positive role model and a champion for education.

Mr. Speaker, talented and passionate educators are a gift. They give of themselves tirelessly in an effort to improve our communities and ensure our children have access to opportunity. Mrs. Aguirre is one of those educators and, today, I would ask all my colleagues to join me in honoring her many achievements.

CITY OF GOLDEN USA PRO CY-CLING CHALLENGE STAGE SIX TEAM

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the City of Golden USA Pro Cycling Challenge Stage Six Team for receiving the Chairman's Award from the Greater Golden Chamber of Commerce.

The Greater Golden Chamber of Commerce Chairman's Award is a very special award and is not awarded every year. This award is at the discretion of the Chair. Nominees must contribute a great deal to the overall economic vitality of the Greater Golden Area.

For seven consecutive days, 135 of the world's top athletes raced across 518 miles through the majestic Rockies, reaching higher altitudes than they have ever had to endure, more than two miles in elevation. It featured the best of the best in professional cycling, competing on a challenging course through some of America's most beautiful scenery, including cities such as Aspen, Vail, Breckenridge, Steamboat Springs and Golden.

The USA Pro Cycling Challenge commissioned IFM, a global sports research firm with 20 plus years of cycling experience around the world, to conduct a quantitative research study to measure the overall economic impact of the inaugural cycling event. Their findings showed the economic impact to the State of Colorado was in excess of \$83.5 million. Golden received a great deal of this impact as the crowds in Golden and surrounding areas were enormous. Due to the Golden Team's excellent job in 2011, the City of Golden has been awarded the beginning of the fifth stage for 2012.

I extend my deepest congratulations to the City of Golden USA Pro Cycling Challenge Six Team for this well deserved recognition by the Greater Golden Chamber of Commerce. I have no doubt they will excel in 2012.

 $\begin{array}{c} {\tt FEDERAL} \ {\tt RESEARCH} \ {\tt PUBLIC} \\ {\tt ACCESS} \ {\tt ACT} \end{array}$ 

## HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES  $Thursday, \ February \ 9, \ 2012$ 

Mr. DOYLE. Mr. Speaker, I appreciate the opportunity this morning to talk to you about bipartisan legislation I've just introduced: the Federal Research Public Access Act.

When a federally-funded researcher writes a paper, too often that paper gets locked away behind a "pay-wall" and anyone who wants to learn from that federally-funded research has to pay exorbitant subscription or one-time

Our nation benefits when scientists are able to share their research and collaborate—sometimes across different fields of study.

The public benefits when it's able to learn about a rare disease whose only discussion is in a scientific paper. Or when science students are able to access and draw from a broad array of work by other scientists to enhance their research.

Other major funders of scientific research—especially in health—such as the U.K. government or private foundations are increasingly requiring the papers they fund to be available to the public.

Some universities such as Harvard, MIT, Stanford, Carnegie Mellon, and the University of Kansas require papers written by their professors to be made available to the public.

In 2008, the Appropriations Committee expanded the public access policy requirements of the National Institutes of Health. The NIH has since implemented an online public access system called PubMed, which has gotten tremendous support from the scientific community.

I believe we'd all benefit from greater access to cutting edge research, but several

specific groups would probably benefit most: Scientists, whose research will be more broadly read; Scholars, who will have fewer barriers to obtaining the research they need and whose research will also be more broadly read; Funders, who will gain from accelerated discovery, facilitation of interdisciplinary research methodologies, preservation of vital research findings, and an improved capacity to manage their research portfolios; and Taxpayers, who will obtain economic and social benefits from the leveraging of their investment in scientific research through effects such as enhanced technology transfer, broader application of research to health care, and more informed policy development.

It's not hard to think of the high school student who wants to major in medicine or science digging around the database looking for ideas.

Nor is it hard to foresee investigators looking at research in other disciplines to get ideas they can apply to their own field.

Or a college student at an undergraduate institution getting access to a journal their college has never been able to purchase.

Or a researcher's publication getting cited more often in other studies because it's easier to find and its reach extended past its original journal's readers.

That's why I've introduced the Federal Research Public Access Act, which would require federal agencies with annual extramural research budgets of \$100 million or more to provide the public with online access to research manuscripts stemming from federally funded research no later than six months after publication in a peer-reviewed journal.

My legislation is a bipartisan effort, and I thank my colleagues, Congressman KEVIN YODER of Kansas and Congressman WM. LACY CLAY of Missouri for joining me to express their strong support for public access to federal research. I'm also pleased to note that my colleagues in the United States Senate have also introduced identical, bipartisan legislation.

I've been working on this issue since the 2006 debate on the reauthorization of the National Institutes of Heath. I'm pleased to note that since 2006, the NIH has implemented a public access policy. But it still only applies to the NIH, while research funded by other federal agencies remains difficult or expensive to access.

In 2009, the White House's Office of Science and Technology Policy, OSTP, expressed interest in public access policies and issued a request for public comment on mechanisms that would leverage federal investments in scientific research and increase access to information that promises to stimulate scientific and technological innovation and competitiveness. In recent months, the OSTP continued this process by collecting a second round of public comments to inform its development of public access policies for federal agencies.

My bill would give the OSTP Congressional direction to assist it in crafting public access policies. I want OSTP to write the strongest, best rule possible. But even they need help and this legislation will provide them with guidance.

I believe that this bipartisan bill strikes a good balance among the needs of scientists, the rights of taxpayers, and the financial interests of companies that have historically published this research in peer-reviewed, usually expensive subscription publications. The bill gives publishers an exclusive six-month period in which the information will be available to subscribers, and it allows them to continue to market the additional value they add to these manuscripts when they publish them.

Mr. Speaker, I hope that we can move this bill through Congress before the end of the year.

RECOGNIZING DR. GENE M. BAINES FOR HIS SERVICES IN THE MISSISSIPPI HEALTH CARE COMMUNITY

## HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Dr. Gene M. Baines of Greenwood, Mississippi. Dr. Baines is the eldest of two children. He was educated in the parochial and public schools of Leflore County and graduated from Amanda Elzy High School in 1972. He received a bachelor of science degree in chemistry from Tougaloo College in 1976. He later attended dental school at the University of Mississippi School of Dentistry where he graduated with his doctor of dental medicine degree in 1980.

Dr. Baines has been a practicing dentist in Greenwood for over 23 years. Prior to establishing his Greenwood practice he was a well respected practicing dentist in Jackson, Mississippi for 8 years. He has extensive postgraduate training in all aspects of general dentistry including cosmetic procedures, endodontic therapy and posthodontics. Dr. Baines keeps up with the new advancements in dentistry and chooses to offer enhanced state of comfort and improved oral health.

Dr. Braines serves on the Mississippi Action for Progress Health Advisory Committee and is a member of Alpha Phi Alpha Fraternity, Inc., Sigma Pi Phi Fraternity, Inc., Academy of General Dentistry, National Dental Association, Mississippi Dental Society, American Dental Association—Give Kids A Smile, and Greenwood Leflore Chamber of Commerce.

Dr. Baines and his wife reside in rural Greenwood where he enjoys traveling, woodworking, photography and is a self-proclaimed connoisseur of jazz music.

Mr. Speaker, I ask that you and our colleagues join me in expressing my appreciation to Dr. Gene M. Baines of Greenwood, Mississippi for his outstanding works in the field of dentistry.

HONORING DEIRDRE SCOTT, EXECUTIVE DIRECTOR OF BRONX COUNCIL ON THE ARTS

## HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2012, I rise today to recognize a dedicated arts and cultural leader in the Bronx who has done wonderful work for the people of our borough, Ms. Deirdre Scott.

Ms. Scott is a lifelong resident of New York and has been a resident and leader in the Bronx for more than 20 years. She attended Temple University School of Architecture and Engineering Technology, before enrolling in Hunter College, CUNY where she earned her Bachelor's Degree in Art History/Fine Arts. She also earned a Business Development Certificate from Columbia University School of Business in 1994. She has been the Executive Director of the Bronx Council on the Arts, BCA, since 2009, and served on the board prior to that. Ms. Scott has extensive experience at art institutions throughout New York City, and prior to her time at BCA, she was the Director of Technology at the Studio Museum in Harlem for seven years. She has also worked at the Metropolitan Museum of Art, Bronx Museum of the Arts and Cooper-Hewitt-The Smithsonian's National Design Museum. She also co-founded the Aquamarine Sculpture Park in Manhattan, which was the first waterfront sculpture park in the borough. Among other roles, she has worked as a curator, educator, exhibition and multimedia designer, and instructor.

Ms. Scott has also been involved in an amazing number of civic efforts. She is a member of the Board of Directors at the Bronx Overall Economic Development Corporation, is a member of the New York City Workforce Investment Board, the Juxtopia Informatics' Virtual Instructors Pilot Research Group, and the Bronx Initiative for Energy and the Environment

The BCA is one of the Bronx's premier organizations, and this year will celebrate its 50th Anniversary. In her role as Executive Director, Ms. Scott has helped numerous artists, art organizations, and community groups through the BCA's programming and grants. In addition, she has played an important role in securing BCA's future by leading an effort that resulted in the donation of a new building to serve as the headquarters for the BCA.

Mr. Speaker, the Bronx has a long and rich history in the arts. I am proud to say that Ms. Scott is not just a part of that past, but is also developing the future of arts and culture in our borough. She is very well respected by leaders in the arts community and her talents have not gone unnoticed by her peers. I am proud to join them in recognizing and thanking her for her contributions to the Bronx and to New York City. Mr. Speaker, I ask that my colleagues join me in recognizing a gifted and talented woman, Ms. Deirdre Scott.

EDS WASTE SOLUTIONS

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud EDS Waste Solutions for receiving the Greater Golden Chamber of Commerce Business of the Year Award.

This award is given to an outstanding Chamber of Commerce business member that

has contributed substantially to the Chamber of Commerce and the community.

The original trash company began in 1896 with a horse and wagon. Today, EDS Waste Solutions proudly operates a fleet of over 30 trucks.

EDS Waste Solutions is a full service company that offers residential, commercial, industrial, and recycle hauling services. They are committed to offering the most innovative waste solutions of the 21st century.

In the 26 years that EDS has been located in Golden they have supported the City of Golden, Golden Chamber of Commerce, Buffalo Bill Days, Golden Fine Arts Festival, Golden Christmas Parades, Golden Car Shows, Golden Clean Up Days and the list goes on. EDS saves the city, citizens and organizations nearly \$20,000.00 each year.

Their Mission Statement is truly who they are. EDS is an environmentally responsible company committed to exceeding the expectations of their customers, employees, and community with integrity, teamwork, innovation, and their desire to serve. Because, "It's not just trash, it's our future".

I extend my deepest congratulations to all the employees of EDS Waste Solutions for this well deserved recognition by the Greater Golden Chamber of Commerce. Thank you for making our community a better place to live.

H.R. 3582—PRO-GROWTH BUDG-ETING ACT AND H.R. 3578—BASE-LINE REFORM ACT

## HON, BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES  $Thursday, \ February \ 9, \ 2012$ 

Ms. McCOLLUM. Mr. Speaker, I rise in opposition to both H.R. 3582 and H.R. 3578. These misguided bills make it easier for Congress to pass budgets that give wealthy individuals unaffordable tax breaks while devastating America's communities with cuts to schools, hospitals and road and bridge repairs.

H.R. 3582, the Pro Growth Budgeting Act, requires the Congressional Budget Office, CBO, to use "dynamic scoring" as part of a macroeconomic impact analysis of tax provisions. This new method is based on the false premise that tax cuts pay for themselves, which would hide the true costs of passing even more tax cuts for America's wealthiest individuals.

H.R. 3578, the Baseline Reform Act, mandates a fundamental change in how CBO forecasts future discretionary spending in its baseline, requiring CBO to unrealistically assume that spending in the future will stay the same and not keep pace with inflation. Over the long-term, this could result in a substantial decrease in vital government services that niillions of Americans rely on.

Both of these bills present a distorted picture of the federal budget outlook. H.R. 3582 and H.R. 3578 will fail to create jobs, reduce the national deficit, or put the country on a fiscally sustainable path. By bringing these bills to the floor, the House Republican Majority is once again failing to focus on the most pressing need of our constituents: growing the economy and creating jobs.

It is time to leave behind the failed Republican economic policies of the last decade. The Great Recession proved that deregulation and tax cuts for the wealthy at a time when America is fighting two wars destroys jobs and produces enormous deficits. Republicans and Democrats need to come together around a new agenda that makes strategic investments in our country. We can start with President Obama's American Jobs Act, which would put more than 1 million Americans back to work, according to independent economists. By working together, we can build a stronger, more competitive economy for the 21st cen-

I urge my colleagues to oppose them.

### PERSONAL EXPLANATION

## HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a death in my family and was not present for rollcall votes numbered 13-20 on Wednesday, February 1, 2012. Had I been present, I would have voted in this manner:

Rollcall Vote #13-Jackson Lee (TX) Amendment (#2): "yes;"

Rollcall Vote #14-Jackson Lee (TX) Amendment (#1): "yes;"

Rollcall Vote #15-Deutch (FL) Amendment (#4): "yes;"

Rollcall Vote #16—Deutch (FL) Amendment (#5): "yes;"

Rollcall Vote #17—Democratic Motion to Recommit: "yes;"

Rollcall Vote #18-Final Passage of H.R. 1173: "no;"

Rollcall Vote #19-H.R. 3835: "no;" and Rollcall Vote #20-H.R. 3567: "yes."

### GAUGING AMERICAN PORT SECURITY

## HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. HAHN. Mr. Speaker, the lessons of 9/11 have taught us that we must continuously be vigilant in proactively seeking out and preventing our country's most pressing threats. That is why after 9/11, Congress began to shine a spotlight on previously ignored issues such as border security, airport security and strengthening identification procedures. However, an area that continues to be ignored is port security.

In the U.S., tens of thousands of ships each vear make over 50,000 calls on U.S. ports. These ships carry the bulk of the approximately two billion tons of freight, three billion tons of oil transports, and 134 million passengers by ferry each year.

The volume of traffic gives terrorists opportunities to smuggle themselves or their weapons into the United States with little risk of detection. According to a report by the Council

on Foreign Relations, in May 2002 there were HONORING THE LIFE AND SERVICE reports that twenty-five Islamist extremists entered the United States by hiding in shipping containers.

This highlights the need for an immediate legislative solution to counter this problem. However, it is difficult to come up with an effective solution without first knowing all of the potential dangers.

That is why I am introducing the Gauging American Port Security (GAPS) Act. The GAPS Act addresses these problems by requiring that the Department of Homeland Security (DHS) report to Congress on the current weaknesses and vulnerabilities of U.S. ports and ensures that DHS develops a comprehensive plan for addressing them. Only by focusing on the specific dangers that threaten our port security, can we develop effective solutions to ensure our nation is prepared for any and all types of attacks.

### KEN KRANZ

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ken Kranz for receiving the Greater Golden Chamber of Commerce Charlie O'Brien Award.

This award goes to a member who is well respected within his or her organization and is motivated by an unselfish desire to contribute to the community for the betterment of greater Golden

Ken Kranz fell in love with Golden while conducting a bank transaction with Wells Fargo. After moving to Golden, Ken met with the Greater Golden Chamber to find out where his talents were needed. His talents were put to use that very day and has continued to today.

Ken has been President of Leadership Golden Alumni Association, Chairman and current member of Citizens Budget Advisory Committee for the City of Golden, President of the Golden Visitors Center Board of Trustees, member of the Golden Fine Arts Festival Committee and responsible for logistics coordination. Ken is also a member of the Board of Directors, current member of the Rotary Club of Golden and volunteer at the National Western Stock Show

Ken retired from banking after 30 years of service to the Wells Fargo Corporation and Wells Fargo Bank.

I extend my deepest congratulations to Ken Kranz for this well deserved recognition by the Greater Golden Chamber of Commerce. Thank you for your dedication to our commuOF MAYOR GREGORIO ACOSTA CALVO

## HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life and service of Gregorio Acosta Calvo, the former Mayor of Tamuning-Tumon, Guam. Mayor Calvo passed away on February 2, 2012 at the age of 87.

Gregorio Acosta Calvo was born on November 9. 1924 in Hagatña. Guam and is the son of Gregorio Leon Guerrero Calvo and Maria Acosta Calvo. In 1960, he was elected Assistant Commissioner of Tamuning-Tumon and served in that role until 1965. In 1965, the Government of Guam changed the title of the position from Commissioner to Mayor. In . 1965, Mr. Calvo was elected Mayor of Tamuning-Tumon and served in this capacity until his retirement on January 14, 1985.

Mayor Calvo began working for the Government of Guam in 1952, where he served as Chairman for Parks and Recreation within the Department of Public Works. During his time at Public Works, Mr. Calvo was instrumental in organizing summer programs for teens. He continued this passion for helping the island's youth during his term as Mayor, where he organized sporting events for baseball and basketball.

Mayor Calvo was strongly involved in the introduction of Little League baseball on Guam. From the early 1950s to the official national chartering of the Little League in 1967. Mayor Calvo was a leading supporter for the development of the sport for our island's youth. In 1983, he proposed to split the Little League Far East region into the Asia region and the Pacific region, in order to give the smaller Pacific nations an opportunity to compete in the Little League World Series. In 2000, the proposal was passed and since then Guam has sent teams to compete in the Little League World Series.

Mayor Calvo was also a strong advocate for the preservation of the Chamorro culture. In 1992, he became a member of the board of the Chamorro Heritage Foundation, a nonprofit organization with the mission of preserving, developing, and enhancing the Chamorro culture and heritage of the people of Guam. Mayor Calvo is also a survivor of the Japanese occupation of Guam during World War II. As a teen, he endured forced labor at the hands of Japanese forces and was tasked with digging caves in the northern village of

Mayor Calvo married Felisidad Salas Calvo in 1946 and together they raised 13 children, and have been blessed with numerous grandchildren and great-grandchildren.

I join our community in mourning the loss of Mayor Gregorio Acosta Calvo. His contributions to our community, especially our island's youth, will be remembered by the many citizens he helped throughout his life. On behalf of the people of Guam, I extend my heartfelt condolences to his family, friends, and loved ones. God bless Mayor Calvo. He will be missed.

HONORING THE ACCOMPLISH-MENTS OF UNITED WAY OF MCLEAN COUNTY ILLINOIS

## HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. JOHNSON of Illinois. Mr. Speaker I rise today to recognize the outstanding achievement of the United Way of McLean County. The United Way provides funding for 27 agencies that operate a total of 45 local programs to help assist the homeless, people with developmental disabilities, and families in crisis.

The United Way, with the help of citizens and businesses throughout McLean County, raised over \$4.3 million during its latest fundraising period.

This money was raised in part by a community that has always valued self reliance and over the years has come together in times of hardship to meet common goals and to assist its own citizens. The great people of McLean County are proof that we do not need to rely on the government to take care of every problem.

I would like to also thank State Farm and all of their employees. Together, they donated a total of \$1.9 million to the cause of the United Way. This includes \$99,000 that State Farm donated before the close of fundraising to make sure the United Way exceeded its goal of \$4.3 million. State Farm's continued relationship with the McLean County community is another illustration of the benefits that accompany accepting and promoting private businesses in your local area.

The United Way is an asset to McLean county, and I pray for their continued success and assistance in the years to come.

TRIBUTE TO JAN SANDERS

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to my constituent, Jan Sanders, a longtime activist, community leader, and cherished friend who is being honored by the League of Women Voters of Dallas Education Fund as the 2012 recipient of the Susan B. Anthony Award on February 10, 2012. I can think of no one more appropriate to receive this award. Throughout her life, Jan has exhibited tireless activism and a relentless pursuit of justice, equality and peace.

Jan has served numerous organizations that provide community development and services for local congregations, schools, and community organizations. Jan Sanders is a longtime member of the League of Women Voters, and is dedicated to outreach initiatives on voter registrations, especially those that involve high school students and new citizens. Jan taught 5th grade in the DISD, and also spent a year teaching government at SMU. She has taught many workshops to improve the public's understanding of the role of government and the

responsibilities of citizenship. She has served many years as an Election Judge and created a training curriculum for poll workers, poll watchers, and others. Jan is especially proud of her work with the 'Dismantling Racism Team' of the Greater Dallas Community of Churches

Not only do her social justice interests know no bounds, but her combination of skills and approaches to the pursuit of justice make her a relentless champion. She has built local, national, and international coalitions against injustice.

Finally, Jan demonstrates seemingly limitless personal commitment. She brings care and compassion to every struggle. Through her coalition building, she has crafted a peace movement that focuses on the humanity of everyone, including policymakers and the peace leaders.

I am indebted to Jan for her expertise, her friendship, and the example of her leadership, and I am honored to have this opportunity to thank her for her lifelong commitment to equality and peace.

Mr. Speaker, I rise today to commend and congratulate Jan Sanders on her recognition. I ask that you and all of my distinguished colleagues join me in commending her for service and dedication.

LECH WALESA DAY IN ILLINOIS

## HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Mr. QUIGLEY. Mr. Speaker, today I am honored to announce that the Illinois General Assembly passed a resolution which declares February 9th to be Lech Walesa Day in Illinois. I have been honored to meet this great patriot during both of my trips to Poland, and fully support this tribute to a man who spent his life fighting for liberty and democracy.

Lech Walesa is a freedom fighter. He fought for the rights of the worker as a trade union activist in the Gdansk shipyards. He is a man who fought to lift the yoke of communism and oppression off of the Polish people and as President of Poland led them into a new age of democracy. President Walesa helped fight for the rights and freedoms of Poles past, present, and future.

President Walesa has always followed his moral compass, which led him towards freedom and democracy. Representing a district which has more than 110,000 people of Polish and Polish-American descent, it is my honor to salute a truly great world leader of the 20th century, President Lech Walesa.

PERSONAL EXPLANATION

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. VAN HOLLEN. Mr. Speaker, on rollcall No. 34, I was unavoidably detained. Had I been present, I would have voted "no."

On rollcall No. 35, I was unavoidably detained. Had I been present, I would have voted "yes."

TRIBUTE TO DR. HENRY LEWIS III

### HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to pay tribute to Dr. Henry Lewis III. After conducting a year-long, nation-wide search, The Florida Memorial University Board of Trustees chose Dr. Lewis to serve as the university's 12th president in 2011. I congratulate him on thirty-five plus years of leadership and service to the Florida community.

Dr. Lewis is recognized for his passion through his motto of transforming educational outlets from Good to Great. This educational passion pushed him to increase FAMU College of Pharmacy's endowment from \$1 million to more than \$22 million. Dr. Lewis is responsible for educating and training 25 percent of the nation's African-American pharmacists. In addition to his legacy as an educator, he raised over \$95 million in biomedical research training grants.

Dr. Lewis has also transitioned his exceptional leadership skills in the community serving as the first African-American elected to the Leon County Board of County Commissioners in Tallahassee, Florida. While a Commissioner, he established the county's Minority Business Enterprise program, developed the branch health clinic network, successfully advocated legislative funding for a \$2.5 million clinic building and strategically placed a \$20 million public library downtown adjacent to the C.K. Steele bus terminal, making it reachable to all Tallahassee citizens.

Dr. Lewis is frequently lauded as a leader amongst leaders. He has been the recipient of the Outstanding Educator Award, Dr. Martin Luther King Leadership Award, Outstanding Tallahassean Award and Pharmacist of the Year. Colleagues, please join me in saluting Dr. Henry Lewis III, whose future educational investments will continue to create the nation's future global leaders.

HONORING THE LIFE OF MAYOR MARCUS CLARK, PIPER CITY, ILLINOIS

## HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES  $Thursday,\ February\ 9,\ 2012$ 

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in recognition of the life of Mr. Marcus Clark, former Mayor of Piper City, Illinois, and a veteran of the U.S. Army. Mr. Clark passed away on Thursday, February 2nd at the age of 82 at his home in Piper City.

Mr. Clark was born September 23, 1929, in Latona, Illinois and spent his childhood in Piper City, graduating from Piper City High School. He married Phyllis June Read in 1952 and together they had six children. Following

his service to our country in the Army, Mr. Clark was an active member of the Gibb Post 588 of the American Legion, as well as Rotary and Eastern Star. He was the Plant Manager for Louis Melind in Onarga and announced football games in Piper City for 22 years.

Mr. Clark served as the Mayor of Piper City for twelve years and was also a Board member. He was an avid hunter and enjoyed golfing. His rich legacy lives on through his family of five children, eight grandchildren, five greatgrandchildren, and three siblings.

Mr. Clark was a tremendous ambassador for Piper City, and he will be missed. Thank you, Mr. Clark, for your service to your country and your support of your community.

## PERSONAL EXPLANATION

## HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. SMITH of Washington. Mr. Speaker, on Monday, February 6, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted "no" on rollcall vote No. 34 (on agreeing to the resolution H. Res. 537) and "yes" on rollcall vote No. 35 (on the motion to suspend the rules and pass H.R. 1162, as amended).

## TRIBUTE TO HAROLD PHILLIPS

## HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. RUNYAN. Mr. Speaker, I rise this evening to pay tribute to a true American hero. Harold Phillips of Moorestown, New Jersey, will soon be awarded the Congressional Gold Medal for his service in the United States Marine Corps during World War II. Harold was a member of our Nation's first African American combat unit, the 51st Defense Battalion, at a time when discrimination pervaded our society. Harold has lived a life of patriotism and service to his community, his State and his country. He is a pioneer who forged a path for future generations of African-American men and women to serve their country in the Armed Services. I am proud to call Harold Phillips my constituent and I urge my colleagues to join me in thanking him for his service.

OUR UNCONSCIONABLE NATIONAL DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES  $Thursday,\ February\ 9,\ 2012$ 

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,335,666,215,381.09. We've added \$10,534,261,040,086.81 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

# HONORING REVEREND CARLTON GARRETT

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, February 9, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of Reverend Carlton Garrett, a lifelong Dallas resident and founding pastor of The Lord's Missionary Baptist Church on Bexar Street. Reverend Garrett was a devoted pastor for more than 37 years before he passed away at the age of 82.

Reverend Garrett was highly respected and well known throughout the South Dallas community. His selfless contributions to those around him and his unwavering dedication to his faith and congregation empowered him to become a dynamic community leader. Even before his passing, people of South Dallas reflected on his seemingly limitless passion for helping others.

Reverend Garrett loved all and served all in his community. Through the Church, he created programs to help the homeless and feed the hungry, provided financial assistance to the poor, funded scholarships for underprivileged youth, and spearheaded initiatives to care for the elderly and the disabled. During Hurricane Katrina, Reverend Garrett assisted with relocating thousands of evacuees, extending his contributions far beyond the Dallas area.

In recognition of his years of service, the community came together last year to petition for the renaming of Bexar Street in Reverend Garrett's honor. With overwhelming support from the community and the Dallas City Council, the street will be named in honor of Reverend Carlton Garrett. It is a fitting tribute to someone who served the South Dallas community and beyond for so many years.

Mr. Speaker, I am saddened to lose such an integral member of the Dallas community. Reverend Garrett is part of a distinguished group of people who have always put the needs of others ahead of their own, and made invaluable contributions to the world. While the Dallas community will surely miss Reverend Garrett, his memory will live on in the hearts and minds of all whom he has inspired throughout his life, and through the good deeds and service that touched so many lives.

PERSONAL EXPLANATION

## HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I was out of town due to a death in my family and

was not present for rollcall votes numbered 21-30 on Thursday, February 2, 2012. Had I been present, I would have voted in this manner: rollcall vote No. 21-Previous Question on H. Res. 534: "no," rollcall vote No. 22-On Agreeing to H. Res. 534: "no," rollcall vote No. 23-Motion to Instruct Conferees-Temporary Payroll Tax Cut Continuation Act: "yes," rollcall vote No. 24-Peters (MI) Amendment: "yes," rollcall vote No. 25-Connolly (VA) Amendment: "yes," rollcall vote No. 26-Fudge (OH) Amendment: "yes," rollcall vote No. 27—Jackson Lee (TX) Amendment: "ves," rollcall vote No. 28—Cicilline (RI) Amendment: "yes," rollcall vote No. 29-Motion to Recommit H.R. 3582: "yes," rollcall vote No. 30-Final Passage of H.R. 3582: "no."

# CONDEMNING THE ONGOING VIOLENCE IN SYRIA

## HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Ms. McCOLLUM. Mr. Speaker, I rise today to condemn the unspeakable violence that the Government of Syria has committed—and continues to commit—against its own citizens. For the past eleven months, the Syrian people have engaged in peaceful demonstrations to demand their basic, universal human rights. These demonstrations have been met with unrelenting bloodshed and torture. Thousands of Syrian men, women, and children have been slaughtered. There can be no question: President Bashar al-Assad must step down, or be removed from power.

Last week, the United States, the Arab League, and a growing international coalition together called for a United Nations Security Council resolution that would end the crisis and begin a transition to democracy in Syria. I am appalled that Russia and China have chosen to veto this measure, and stand with a brutal dictator rather than the Syrian people. This veto is an outrage, and serves only to endorse President Assad's ongoing massacre. On February 4th, the day of the U.N. Security Council vote, the Syrian military launched a devastating attack on the city of Homs that continues today. Hundreds of unarmed civilians have been killed.

I strongly support President Obama's efforts to work with America's western and Arab allies to stop the bloodshed. Though China and Russia have chosen to stand with Assad, the world will not. Already, nations across the Middle East and throughout the world are expelling Syrian diplomats, tightening sanctions, and ratcheting up pressure on the Syrian government. The time has come for President Assad to step down, and for the Syrian people to determine their own future.

PERSONAL EXPLANATION

## HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Mr. McINTYRE. Mr. Speaker, an unavoidable conflict required that I miss rollcall No. 46, which was final passage of H.R. 3521, the Expedited Legislative Line-Item Veto and Rescissions Act of 2011. Had I been present, I would have voted in support of this bill.

RECOGNIZING MRS. LINDA WIL-LIAMS FOR HER SERVICE AND COMMUNITY CONTRIBUTIONS

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES  $Thursday, \ February \ 9, \ 2012$ 

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a longtime Mississippi resident, dedicated health care professional and a remarkable woman, Mrs. Linda Williams. Mrs. Williams has been a nurse practitioner in my district since 1991. She is a very valued member of the Lee County, Mississippi, community and serves on several of the local area boards. She is married to Frederick Williams and to that union they have two children, James and Samantha.

She is a graduate of the Holmes Community College School of Nursing in Goodman, Mississippi. After graduating, she served as a registered nurse at the University of Mississippi Medical Center hospital assisting on the general medical and surgical floors. While there, she aided patients through high risk pregnancies and post partum pregnancy recoveries as well as normal labor and delivery

birth. In 1991, Mrs. Williams began specializing in endocrinology and infertility nursing with Women's Health Care and Reproductive services. Currently, she is a Physician Assistant specialist in reproductive medicine and surgery.

Mrs. Williams is a very active member of the Lee County, Mississippi, community. She serves on the Lee County Alliance of Legal professionals and the Lee County Medical Society Alliance. Mrs. Williams has also been very active in trying to minimize adolescent driving while under the influence of drugs and alcohol.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Linda Williams for her commitment to the healthcare services of women and children as well as advocacy against impaired teenage driving.

HONORING LONG-TIME COMMUNITY ACTIVIST AND UNION ADVOCATE: MRS. LEORA HILL

## HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 2012

Ms. CHU. Mr. Speaker, I rise today to recognize a great loss to our community, Mrs. Leora Hill, who passed away on New Year's Day, 2012, at the young age of 60. My heart goes out to her husband, Wayne Hill; her daughter, Tonii Nichole Brady; her six grand-children and great-grandchild; and the rest of her family, friends and loved ones.

Leora was an extraordinary citizen, an activist for working families, a dedicated public servant and a tireless advocate for her community in the Crenshaw District of Los Angeles. A fighter for her fellow California residents, Leora spent hundreds of hours attending community meetings, lobbying elected offi-

cials and volunteering on dozens of political and public service campaigns.

Leora's dedication to her fellow Californians led her to a 23-year career as a tax technician for the State Board of Equalization, where she helped thousands of entrepreneurs and small business owners navigate the state tax process, file the necessary paperwork to start their businesses and helping entrepreneurs to create jobs and become viable and productive members of the business community.

Her passion for ensuring fair rights and decent wages for California's working families kicked off a longtime tenure as an activist in her union, SEIU Local 1000, where she became chair of the Committee on Political Education, COPE, for Southern California. She also served as President of Local 1000's District Labor Council 723, where she was the labor leader for state employees in south Los Angeles County.

Leora was a true fighter for the underdog. When state employees were threatened with major reductions in wages and furloughed by the governor, she made numerous media appearances, speaking out forcefully in favor of working families.

Leora's tireless efforts on behalf of working families were recognized by then-SEIU International President Andy Stern with a special recognition in 2008.

Leora was also dedicated to increasing political awareness and civic involvement among her fellow residents. Her recruitment of friends, neighbors, and co-workers for political campaigns and other efforts to improve her community truly made a difference in the lives of countless Californians.

I urge my House colleagues to join me in honoring Mrs. Leora Hill for her record of civic leadership, her indomitable spirit and her remarkable service and contributions to her community and to our Nation.

## HOUSE OF REPRESENTATIVES—Monday, February 13, 2012

called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, February 13, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER. Speaker of the House of Representatives.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give

You thanks for giving us another day. Help us this day to draw closer to You so that with Your spirit and aware of Your presence among us, we may all face the tasks of this day with grace and confidence.

Bless the Members of the people's House as they spend their final day in their home districts.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens, nor You.

May all that is done this day be for Your greater honor and glory. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God. indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned debate.

There was no objection.

Accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 14, 2012, at noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4965. A letter from the Secretary, Department of Defense, transmitting the Annual Report of the Reserve Forces Policy Board for Fiscal Year 2011, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Serv-

4966. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

4967. A letter from the Secretary, Department of Health and Human Services, transmitting fourth and fifth quarterly report on Progress Toward Promulgating Final Regulations for the Menu and Vending Machine Labeling Provisions of the Patient Protection and Affordable Care Act of 2010; to the Committee on Energy and Commerce.

4968. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "Biofuels and the Environment: First Triennial Report to Congress"; to the Committee on Energy and Commerce.

4969 A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablock Act; to the Committee on Foreign Affairs.

4970. A letter from the Secretary, Department of Education, transmitting the sixtythird Semiannual Report to Congress of the Office of the Inspector General for the period April 1, 2011, through September 30, 2011; to the Committee on Oversight and Government Reform.

4971. A letter from the Chief Human Capital Officer, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4972. A letter from the Inspector General, Office of Inspector General, U.S. House of Representatives, transmitting a report entitled, "Capstone Summary-Improved Controls Needed Over Procurement Management Processes Report No. 12-CAO-04"; to the Committee on House Administration.

4973. A letter from the Acting Assistant Secretary, Department of the Interior, trans-

The House met at 1 p.m. and was until noon tomorrow for morning-hour mitting the Department's final rule — Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore Off-Road Vehicle Management (RIN: 1024-AD85) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4974. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule -Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA887) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4975. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule -Fisheries of the Northeastern United States: Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA884) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4976. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule -Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea Pollock Total Allowable Catch Amount [Docket No.: 101126521-0640-02] (RIN: 0648-XA906) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee

on Natural Resources.
4977. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2012 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount [Docket No.: 101126521-0640-02] (RIN: 0648-XA903) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4978. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule - Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Recreational Accountability Measures [Docket No.: 111128700-1702-01] (RIN: 0648-BB66) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4979. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for Fiscal Year 2010 as of September 30, 2010; to the Committee on Transportation and Infrastructure.

4980. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule - Small Business Jobs Act: 504 Loan Program Debt Refinancing (RIN: 3245-AG17) received January 20, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Small Business.

4981. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2012-5) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4982. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Dividend Equivalents from Sources within the United States [TD 9572] (RIN: 1545-BK53) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4983. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2012-5) received January 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4984. A letter from the Director, Trade and Development Agency, transmitting the Agency's fiscal year 2011 annual report; to the Committee on Ways and Means.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of February 9, 2012]

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3410. A bill to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, to provide fair and equitable revenue sharing for all coastal States, to formulate future offshore energy development plans in areas with the most potential, to generate revenue for American infrastructure, and for other purposes; with am amendment (Rept. 112–395). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3864. A bill to amend the Internal Revenue Code of 1986 to extend authorities relating to the Highway Trust Fund, to provide revenues for highway programs, and for other purposes (Rept. 112–396, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### [Submitted February 13, 2012]

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 7. A bill to authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs, and for other purposes; with an amendment (Rept. 112–397). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

[Omitted from the Record of February 9, 2012]

Pursuant to clause 2 of rule XIII the Committee on House Administration discharged from further consideration. H.R. 3813 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3864 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

#### By Mr. HERGER:

H.R. 4013. A bill to continue the employee payroll tax cut through 2012; to the Committee on Ways and Means.

By Mr. HUIZENGA of Michigan (for himself, Mrs. Capito, and Mr. Bachus):

H.R. 4014. A bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection; to the Committee on Financial Services.

By Mr. SCOTT of South Carolina:

H.R. 4015. A bill to repeal the conservation stewardship program of the Department of Agriculture; to the Committee on Agriculture.

# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

#### By Mr. HERGER:

H.R. 4013.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

## By Mr. HUIZENGA of Michigan: H.R. 4014.

Congress has the power to enact this legislation pursuant to the following:

In keeping with the Rules of the House of Representatives, Amendment X is cited as delegating to the states or to the people all "powers not delegated to the United States by the Constitution."

Additionally, Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

## By Mr. SCOTT of South Carolina: H.R. 4015.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 452: Mr. BARROW.

H.R. 494: Ms. Waters.

H.R. 679: Mr. OWENS.

H.R. 692: Mr. STEARNS.

H.R. 733: Mr. GINGREY of Georgia.

H.R. 1179: Mr. FLAKE, Mr. POE of Texas, Mr. WOMACK, and Mr. SESSIONS.

H.R. 1206: Mr. WOMACK.

H.R. 1325: Mr. SCHILLING and Mr. SCHOCK.

H.R. 1332: Mr. CHANDLER.

H.R. 1358: Mr. FITZPATRICK.

 $\rm H.R.~1386;~Mr.~King~of~New~York~and~Mr.~Towns.$ 

H.R. 1614: Mrs. McMorris Rodgers.

H.R. 1755: Mr. STIVERS.

H.R. 1830: Mr. RIGELL.

H.R. 1936: Mr. Tonko.

H.R. 1960: Mr. GARAMENDI.

H.R. 2077: Mr. GUINTA and Mr. GARDNER.

H.R. 2088: Ms. Sutton, Mr. Rothman of New Jersey, Mr. Fitzpatrick, and Mrs. Davis of California.

H.R. 2145: Mr. WESTMORELAND, Mr. HARRIS, Mr. BISHOP of Utah, and Ms. JENKINS.

H.R. 2152: Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Ms. Moore, Mr. Neal, and Ms. Buerkle.

 $\rm H.R.~2179;~Mr.~Cooper$  and Mr. Roe of Tennessee.

H.R. 2569: Mr. ROGERS of Alabama and Mr. CARDOZA.

H.R. 2679: Mr. INSLEE.

H.R. 2910: Mr. YOUNG of Indiana.

H.R. 2962: Mr. WELCH.

H.R. 3040: Mr. Gosar.

H.R. 3076: Mr. CLAY.

H.R. 3207: Mr. FILNER.

 $\rm H.R.~3269;~Mr.~Guinta,~Mr.~Schilling,~and~Mr.~Sires.$ 

H.R. 3283: Mr. SCHWEIKERT.

 $\rm H.R.$  3510: Mr. Cooper.

H.R. 3523: Mr. Grimm, Mrs. Miller of Michigan, Mr. Guthrie, Mr. Rogers of Alabama, Mr. Benishek, and Mr. Broun of Georgia.

H.R. 3609: Mr. BROUN of Georgia.

H.R. 3728: Mr. PITTS, Mr. ROSKAM, and Mr. AUSTIN SCOTT of Georgia.

 $\rm H.R.~3767;~Ms.~Woolsey~and~Mrs.~McCarthy~of~New~York.$ 

H.R. 3773: Mr. POE of Texas, Mr. MARCHANT, Mr. HALL, Mr. CANSECO, and Mr. ROSS of Arkansas.

H.R. 3798: McGovern and Mr. Sablan.

 $\rm H.R.~3814;~Mr.~Goodlatte,~Mr.~McClintock,~and~Mr.~Westmoreland.$ 

H.R. 3842: Mr. DAVIS of Kentucky.

H.R. 3860: Mr. GRIJALVA.

H.R. 3877: Mr. HULTGREN.

H.R. 3895: Mr. Benishek, Mr. Rehberg, and Mr. Wilson of South Carolina.

 $\rm H.R.~3974;~Mr.~RANGEL,~Mr.~HASTINGS~of~Florida,~and~Mr.~HINCHEY.$ 

H.R. 3995: Mr. VAN HOLLEN, Mr. PALLONE, Ms. SCHAKOWSKY, and Mr. BUTTERFIELD.

H.J. Res. 101: Mr. MULVANEY.

 $H.\ Res.\ 25:\ Mr.\ CICILLINE.$ 

H. Res. 351: Mr. BUCHANAN.

H. Res. 526: Mr. KINZINGER of Illinois.

## SENATE—Monday, February 13, 2012

The Senate met at 2 p.m. and was called to order by the Honorable Christopher A. Coons, a Senator from the State of Delaware.

#### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord God Omnipotent, You are above all nations. Take our lives and use them for Your purposes. Lord, cleanse our hearts, forgive our sins, and teach us to amend our ways as Your transforming grace changes our lives.

Today, inspire our Senators to be true servants of Your will. In these challenging times, give them the wisdom to labor for justice, to love mercy, and to walk humbly with You. Keep their minds and spirits steady as they strive to please You. We pray in Your sacred Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Honorable Christopher A. Coons led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

# APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Christopher A. Coons, a Senator from the State of Delaware, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m. with Senators

The Senate met at 2 p.m. and was permitted to speak therein for up to 10 American economy depends—and in alled to order by the Honorable CHRIS- minutes each. which we invested our great resources

# RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 4:30 p.m. today. Following morning business, the Senate will go to executive session to consider the nomination of Adalberto Jordan to be a circuit judge for the Eleventh Circuit. At 5:30 p.m., there will be a cloture vote on the Jordan nomination. We hope to be able to yield back postcloture time and confirm this nomination this evening.

## SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, in the 1950s, America embarked on the largest public works project in its history: a new web of interstate highways. This came about as a result of then-President Eisenhower reflecting upon a time when he was given an assignment as a young major to bring a caravan of vehicles across the country as part of his duties in the Army. It was a terrible experience—roads were dilapidated, rutted—and it was something he never forgot.

When he became President of the United States, he decided something should be done about that. This was a tremendous undertaking; 47,000 miles of highways would, for the first time, connect businesses and communities from sea to shining sea. President Eisenhower—of course, a Republican—said the investment would pave the way for a new era of American growth. He said:

America will be a nation of great prosperity, but will be more than that: it will be a nation that is going ahead every day. . . . The expanding horizon is one that staggers the imagination.

President Eisenhower said a new highway system was essential to our economy, our safety, and our progress as a nation. That is just as true today as it was in 1954.

Today, America depends on more than 4 million miles of roadways to keep our economy humming. We use those roads to take the kids across town to school and to take products across the Nation to market. But the system of highways, roadways, railways, and bridges upon which the

American economy depends—and in which we invested our great resources during the last century—has fallen into a state of disrepair.

This is hard to comprehend, but more than 70,000 of our bridges are structurally deficient. They need major repairs or need to be replaced completely—70,000 bridges. Every month in America enough pedestrians are killed to fill a jumbo jet. Many of these deaths could have been prevented by proper sidewalks and crosswalks. Bus and train ridership grows every year while public transportation dollars shrink every year. One of every five miles of American roads is not up to safety standards.

Let me repeat: We have 70,000 bridges that are structurally deficient, and we have 20 percent of our roads not up to safety standards. Crumbling infrastructure is a terrible drag on our economy. But this crisis is also an opportunity. By rebuilding our transportation system, we can put 2 million Americans back to work and boost our economy right away.

The surface transportation bill that is on the Senate floor this week is one of the most important pieces of legislation we will consider the entire year. It will help modernize our transit system, rebuild America's roads and bridges, and create or save millions of middleclass jobs. And, it will do it in a fiscally responsible way.

Democrats and Republicans agree that making America's transportation system great again will boost our economy, and that is what this bill is all about. It is a bipartisan bill sponsored, of course, by the chairman of the committee BARBARA BOXER and the ranking member of the committee Senator INHOFE.

President Reagan called a world-class transportation system an investment in tomorrow that we must make today. So it is no wonder this strong bipartisan surface transportation legislation passed the committee unanimously. I am cautiously optimistic that spirit of cooperation will continue this week.

I hope the junior Senator from South Carolina did not speak for the majority of Republicans last week when he said, "We don't have shared goals with the Democrats." I would like to believe Republicans share our goal of strengthening the economy and creating millions of jobs for American workers. I would like to believe they share a goal, as Eisenhower and Clinton and Reagan did, of rebuilding a world-class transportation system to support a world-class economy.

This week Republicans have an opportunity to prove they share these

goals. The surface transportation jobs bill is too important to get bogged down with ideological amendments. Unrelated legislation that would limit women's access to health care has no place on a transportation bill. So let's stay laser-focused on our most important task: putting 2 million Americans back to work rebuilding our roadways and railways. Together we can keep this Nation, as President Eisenhower said, "moving ahead every day."

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### THE BUDGET

Mr. McCONNELL. Mr. President, President Obama released a budget today that isn't really a budget at all. It is a campaign document. The President's goal isn't to solve our problems but to ignore them for another year, which will only ensure they get even worse. Once again, the President is shirking his responsibility to lead by using this budget to divide us.

The game plan is perfectly clear. Rather than reach out to Congress to craft a consensus budget, the President will take this budget on the road, as he did today, and talk about the parts he thinks audiences will like. What he will not say is that it is bad for job creation, bad for seniors, and it will make the economy worse.

The President's budget is bad for jobs because it includes the biggest tax hike in history and continues policies such as the Democrats' health care law that is making it harder for small businesses to hire.

A little more than a year ago, the President extended current tax rates because he thought raising them would be bad for jobs. Today he will call for raising them anyway because he thinks it is good for him.

The President's budget is bad for our seniors because it doesn't protect the security of Medicare and Social Security and assures those programs keep careening toward insolvency.

The President's budget is bad for our country's economic security because yet again the President failed to take the prime opportunity this budget provides to address the Nation's \$15 trillion debt.

Contrary to the President's claims out on the road, this budget is literally loaded with deficit reduction gimmicks that would trigger an IRS audit for anybody else and make our current economic situation even worse.

Now, the President isn't going to mention any of those things, but Americans deserve to know the whole truth about this budget. They deserve to know why the President's own party

own top advisers are trying to deflect serious questions about what is really going on here.

Yesterday, the President's Chief of Staff said the reason this budget will not get anywhere in the Senate is because it would take 60 votes to pass-60 votes to pass—and the Democrats don't have that many votes on their own.

Well, I would suggest Mr. Lew review his Sunday briefing materials a little more closely next time. As someone who has run the Office of Management and Budget for two different Presidents. he knows as well as anybody in Washington a simple majority is all it takes to pass a budget resolution in the Senate, a simple majority. In other words, Democrats could pass this President's budget without a single Republican vote—not one.

The inconvenient truth that President Obama and his own top advisers don't want to admit is that this budget isn't going anywhere because the President's own party doesn't want to have anything whatsoever to do with it. Indeed, the majority leader in the Senate has already declared it "dead on arrival."

Now, Jack Lew knows this as well as I do, and the fact that he does proves beyond any doubt the President has no intention of this budget ever actually being implemented. If he can't even count on members of his own party to support it, who does he expect is going to support it?

The truth is, Democrats want to have it both ways. The President wants to be able to take his budget around the country to talk about the parts of it he thinks people will like, and Democrats in Congress want to be able to avoid a vote on it because it is so damaging for job creation and seniors and the econ-

Well, if anybody wants to know what a failure of leadership looks like, this is it. This is it. Three years ago, President Obama promised to cut the Federal deficit in half by the end of his first term. He hasn't even come close. Here he is once again proposing the same failed policies that have prolonged this economic crisis well into the President's fourth year in office. After the national debt increased under his watch by more than 40 percent, he is still throwing good money after bad. He is still spending money we don't have on things we don't need. He still refuses to lead.

Democrats in Congress have been more than happy to enable him. They haven't passed a budget of their own in 3 years, and all indications are they will not pass one this year either—a failure of congressional leadership that will surely go down in history. At this point, nothing seems capable of rousing this President to action. Every day we hear the alarm bells sounding from across the Atlantic. It doesn't seem to

doesn't want to vote on it and why his phase him. Every day we hear the warnings from experts and economists that our fiscal situation unsustainable.

Just a few months ago, the unthinkable happened when America's credit rating was actually lowered for the first time in history.

What is this President's response? A budget he knows even his own party will not support. That is his response to this \$15 trillion debt. So this is a charade—a charade. The only question is when this President's own refusal to lead will catch up to all the rest of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President. I wish to continue the comments along the line of our distinguished Republican leader and talk about the President's proposed budget that was released today.

Unfortunately, the President's budget proposes more debt, more spending, and higher taxes. It is bad news for job creation and for America's job creators and portends nothing good; indeed, only does it portend ominously for our country getting back on the right economic track and creating the kind of growth that will generate jobs and prosperity.

The President's proposed budget again ignores his own bipartisan fiscal commission, the Simpson-Bowles Commission, which concluded in December of 2010 that America faced "a moment of truth" because we simply had spent more money than we were taking in for too long and had accumulated too much debt, which was killing economic growth and threatening to turn us into a Western European country, which we see today that the eurozone is in jeopardv.

One week from today, millions of Americans will celebrate President's Day, our national holiday that honors all our Commanders in Chief. But this year, President Obama will share a distinction that no other President has ever had: He has proposed a budget that dwarfs all the debt accumulated over more than 22 decades by all his predecessors.

When President Obama took office in January 2009, the national debt was about \$10 trillion or, broken down for every man, woman, and child in America, about \$33,000, something that neither political party could be particularly proud of.

Today it is far worse: more than \$15 trillion, an increase of more than 50 percent in 3 years. Under this budget proposal that the President released today, Federal borrowing will never stop. The national debt will more than double to \$26 trillion or \$75,000 for every man, woman, and child in America. Simply put, the President's proposed budget makes it worse, not better.

We all know we can't keep this up. The sad part is the President understands this too but simply refuses to provide the leadership necessary to put us on the right path.

We have heard it before, but I will repeat it. Former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, said the debt is the biggest threat to our national security. How could that be? It is because, as Admiral Mullen knows and we are now learning, when we live in fiscally constrained times, some of the first cuts that occur are to the Defense Department. In fact, while the Defense Department incurs roughly 20 percent of discretionary spending, it has so far been planned for 50 percent of the cuts, increasing the national security risk to every American.

After promising the American people he would cut the deficit in half by the end of his first term, the President's most recent plan means America will have an annual deficit of more than \$1 trillion for every year of his Presidency. That is right, \$1 trillion of deficit for each of the 4 years of his first term in office. This is unprecedented and dangerous. It is dangerous to our prosperity and to our Nation's future.

While the President seems to be unwilling to come to grips with the nature of our debt crisis, my constituents in Texas understand that the national debt poses very real security risks because they are already beginning to see the cuts that are occurring or are planned in our national security spending. My constituents in Texas are also concerned, in a State that happens to be growing faster than almost any other part of the country, that the threat of higher taxes discourages the people to whom we look to create jobs, to start new businesses.

Rather than have a comprehensive review of our Tax Code, as the Simpson-Bowles Commission proposed, this budget proposes to target certain industries, such as the domestic oil and gas industry, despite rising prices at the pump. The White House seems oblivious to what would happen to the jobs that are generated by this industry and all the revenue the government would lose if we outsource even more of our energy production to foreign Nations.

The President appears to feel like small businesses are undertaxed because the so-called millionaire's tax he has proposed will hit many small businesses that we depend upon to create jobs. Indeed, as Senator McConnell just acknowledged, it was only December of 2010 when the President himself agreed to extend expiring tax provisions because, as he stated, higher taxes would be the last thing we would want to do during a fragile economic recovery because we know it will serve as a wet blanket; it will be a disincentive on job creation.

We need a serious discussion on tax reform. The Simpson-Bowles Commission made a responsible proposal—not perfect but a good start. But the President has simply ignored the recommendations of his own bipartisan commission since those recommendations were made in December of 2010.

The President's budget also proposes about \$1.9 trillion in new taxes, as I indicated. The good news, from my perspective, is that we already had a number of votes last year on these kinds of tax increases, and the Congress has rejected them. The bad news is these assumed tax increases help mask the true size of the deficits in the President's proposed budget and will do damage to any hope of sustained job creation.

Then there is the phony accounting, the gimmicks. Unfortunately, all we have to do is look at the Gallup poll to see in what regard Congress is held; and it is the kind of gamesmanship and the gimmicks in this budget which contribute to people's cynicism about their elected officials and about their government.

What does the President do? He says we are going to save money from future war spending, and we are going to use that as an offset for new spending and to reduce the deficit. But I have to observe, that is cynical at best. His budget is claiming artificial savings from money that never would be spent in the first place for wars that hopefully will never be fought. But he is saying, because we will not fight this unspecified war, then we are going to take that savings as if we would and save it and offset it to try to balance the budget.

Even this gimmick cannot hide the fact the President wants to continue the record-level stimulus spending that began on his watch. You will recall Christina Romer, head of the White House Council of Economic Advisers, told us if we just pass this \$787 billion stimulus bill, unemployment will never go above 8 percent.

If we go back and look at those same charts and what they say about the first quarter of 2012, they project unemployment at 6 percent. Obviously, that stimulus failed to meet its own projections, and what President Obama wants us to do is more of the same and to spend more borrowed money.

The vacuum of leadership that starts at the White House extends, unfortunately, to this Chamber, a Senate led by Majority Leader REID, in which he has no plans to present a budget for the third year in a row. Even before the President released his budget, the Senate majority leader already told the American people the Senate will ignore it. He was quoted in the press saying it would be foolish for the majority to propose a budget.

Why? Because he doesn't want to subject members of his own caucus to hard votes, to tough decisions. These are exactly the kinds of tough decisions the American people sent us to make, and these are exactly the kinds of tough decisions every household and every small business in America is expected to make in order to cope with this economic crisis we find ourselves in. But this is exactly what Majority Leader REID has chosen to protect his members from making. Why? Because it will help solve the problem? No. Because he doesn't want them to be held accountable in the next election.

We know it has been more than 1,000 days since the Senate passed a budget, and it is just unthinkable, to me, that we would fail to meet one of our most basic responsibilities. Can you imagine a family or a small business operating without a budget? We know why it is so important and why the absence of a budget has encouraged and facilitated runaway spending: Because when we budget, we figure out how much money we have and we figure out what we must have and what our priorities are. Then we figure out what we would like to have but maybe can't afford to have now so we need to put off. And then we figure out what we want but we can't afford that so we are going to have to do without

Congress has simply, under Senator REID and the Democratic majority of the Senate, refused to meet its responsibilities for fiscal discipline. It is clear they are running out of excuses.

Senator McConnell pointed out that Jack Lew, the President's new Chief of Staff, said: The reason why Democrats can't pass a budget, even though they hold the majority, even though they control the agenda, is because of those mean old Republicans, because it takes 60 votes to pass a budget.

Mr. Lew has been around a long time and he knows that is not true. I had hoped he would have corrected the record because he knows—and we all know—it takes a simple majority of the Senate to pass a budget. But before we can pass a budget, Majority Leader REID has to call it up and bring it on the floor of the Senate and schedule a vote, which he has simply refused to do.

So instead of acting responsibly and proposing a budget and voting on a budget and allowing it to be debated, the President has chosen to take the low road and, last year, simply to attack chairman of the House Budget Committee PAUL RYAN and House Republicans for the budget they passed. It is not perfect, but it was trying to do their job and to make a responsible proposal. But rather than meet that responsible proposal with a counterproposal and try to work out the differences during the legislative process, the President, unfortunately, took the low road and attacked and attacked and attacked, rather than trying to offer a viable solution.

It should come as no surprise that under the President's watch, the national debt has grown to more than \$15 trillion and is now larger than the U.S. economy. That is right, our debt is 100 percent of our gross domestic product. Government spending is now 25 percent of our economy; unfortunately, revenue is about 15 percent. So we have a 10-percent gap, which represents the annual deficit, and the cumulative deficits make up that \$15 trillion debt.

We know our Nation has lost its AAA credit rating from Standard & Poor's because they are becoming concerned about our willingness-indeed, about our ability—to meet our most basic responsibilities. All three major rating agencies have assigned a negative outlook to our Nation's long-term rating. What that means is potentially the specter of higher interest rates that we have to pay when China and other countries buy our sovereign debt. A 1percent increase, if they became worried about our ability to repay our debts and they simply charged us more, would wipe out any savings we might otherwise be able to make through

The warning sound has been heard, and the fiscal tsunami that many budget experts have said in the past would not hit this Nation is fast approaching. It is a challenge that faces the country today, not just tomorrow, and we need solutions. The way the American people feel about this overhang of debt and the lack of clarity with regard to taxes and regulation in our future is shown in the stagnant job growth we have seen.

No sensible job creator is going to start a new business or to expand an existing business with such huge debt and such great uncertainty about their taxes, the regulatory overreach, and the economic environment. They are simply not going to do it. All we have to do is look across the Atlantic Ocean and watch our European friends and what they are going through today and see what will happen when governments overspend and debt is allowed to run unchecked.

What is so disappointing is that President Obama has had multiple opportunities to embrace a bipartisan fiscal overhaul plan. The one I keep mentioning is the Simpson-Bowles plan, and the reason I do is because it is his debt commission that he appointed. It was bipartisan. We had three Republican Senators who were on that commission who voted for it; \$4 trillion worth of cuts, tax reform that would lower the marginal tax rates, eliminate \$1 trillion-plus in expenditures, and would create economic growth and certainty for our economy and help put America back to work in the meantime. Unfortunately, the President, instead of embracing that bipartisan proposal, with the budget submission he makes today indicates he has chosen once again to remain on the sidelines and to campaign rather than try to come up with real solutions. The President's plan fails to right the ship and will continue to lead us down the path of more debt, higher taxes, and runaway spending—a path that has brought the economies of many European countries to the brink.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am here today to talk about the President's budget, which he submitted today. In an era of trillion-dollar deficits and historic debt and the greatest level of government spending since World War II, I believe the President's submission today was not a responsible budget. Instead of keeping his campaign promise to cut the deficit in half in his first term, this budget assumes continued deficits this year and next in the trillion-dollar range.

Given the promises President Obama made when he came to the White House and how poorly the last budget was received by Republicans and Democrats alike in Congress—in fact, it was voted on here on the floor of the Senate, and it was defeated by a vote of 97 to 0given those things, I hoped President Obama would step forward and turn the rhetoric into action and put forward a responsible budget to deal with the fiscal problems our government faces—no more punting, no more gimmicks, a real budget that honestly faces the fiscal crisis we have and helps put us back on track. Instead, we see a document today that is really more tailored toward campaign talking points than really addressing the long-term solvency of the Federal Government.

The President begins by proposing a new \$350 billion in stimulus bill. By the way, that is \$350 billion with no offsets—in other words, no spending reductions to pay for it.

The President's budget then claims \$5.3 trillion in deficit reduction over the next decade. As I have looked at this budget today, it seems to me that only a minuscule amount of this is from new spending cuts. In fact, as I read this budget, 99.9 percent of the claimed deficit reduction consists of the following: No. 1, tax increases, about \$1.9 trillion; No. 2, Iraq, Afghanistan war savings, which is viewed by most here in Congress, both sides of the aisle, as a gimmick—in other words, spending money that was not going to be spent anyway—\$848 billion; No. 3, already enacted discretionary caps and entitlement changes, primarily from the Budget Control Act,

these so-called sequesters or acrossthe-board spending cuts that Congress has already enacted, and that is \$1.7 trillion; and then finally net interest savings from those policies, which the budget says is going to be \$800 billion.

Out of the claimed \$5.3 trillion in deficit reduction, that leaves about .1 percent—\$4 billion—of the claimed savings over the decade. So 99.9 percent of the deficit reduction he claims is through tax increases or, again, changes in spending that either have already occurred or they are not going to occur. On top of that, the President hid in his baseline—in the baseline he assumes for his spending, he hides about \$479 billion in new spending. Now, this is on Pell grants and on the Medicare doc fix. So the claimed savings—even the \$4 billion—vanish completely.

Overall, when compared to the current policy baseline, the President would tax \$4 trillion more and spend about \$2 trillion more over the next 10 years of this budget. The yearly deficit would end the decade in the \$600 billion range, even assuming peace, prosperity, and historically low interest rates. The national debt over the next 10 years would rise by \$11 trillion, for a total debt of over \$25 trillion 10 years from now.

The main tax hike would end the 2001-2003 tax cuts for singles making over \$200,000 and couples making over \$250,000. There will be a lot of debate on the floor regarding this tax policy over the next year as we come to the end of the year when all of these tax cuts-\$5 trillion of them—are scheduled to end, but just with regard to this tax hike, this will result in lower economic growth and more job losses according to the Congressional Budget Office. They have now testified before the Budget Committee as to the fact that this will result in higher unemployment next year. This is in large part because, according to Internal Revenue Service data, 48 percent of small business income would be subject to higher taxes under this budget proposal.

I support tax reform. I think it is important. But simply taking the current code and adding higher tax rates is going to have an impact on small businesses and therefore on our economy and on jobs. This is ultimately about jobs. It is about everyday economic concerns people in Ohio and around the country have.

In this budget document, we do see some honesty, but it does not make me optimistic at all. Acknowledging the impact this budget will have on the economy, the President's budget actually concedes unemployment rates next year higher than this year, and the year after higher than this year. His prediction is that unemployment rates will be 8.9 percent in 2012 and 8.6 percent in 2013—totally unacceptable and a testament to the fact that Washington cannot continue to rely on

short-term sweeteners and budget the Senate floor to address this idenspending gimmicks to grow our economy and get the country out of this fiscal mess.

the Senate floor to address this identical issue. In the thick of the very contentious health care debate, I urged my pro-life colleagues and the pro-life

Again, I am disappointed in the budget we have seen today. I hope the Senate will work its will, put together its own budget, taking the President's budget and other ideas but then coming up with something that actually does address the very real fiscal problems we face, bring such a budget to the floor of the Senate, have it debated by both sides, and work out what we have not done in this Senate for over 1,000 days, which is prepare a blueprint for the fiscal and economic future of our country. Until we get such a budget, I fear we will continue to see this lack of economic growth and job loss that all of us would like to see ad-

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RELIGIOUS LIBERTIES

Mr. JOHANNS. Mr. President, I rise today to comment on the developments of the past few weeks which, in my view, have been incredibly tragic but maybe, on the other hand, reassuring. On the one hand, it is tragic that our own government launched an attack on first amendment rights. The President launched this assault unapologetically in the black-and-white print of a rule that clearly restricts religious liberties. It says contraceptives and abortion-inducing drugs must be provided free of charge to women. What the President did not anticipate by his rule was the backlash it would generate.

It is reassuring, on the other hand, to know that Americans will make their voices heard when their constitutional rights are being trampled. For the first time in many years, people of many different faiths, as well as the defenders of the Constitution, have found a unifying rallying cry. They are sending the message that enough is enough; it is time to stop this administration's march into every single facet of our lives. At issue is one of the very basic rights in this country. It is one of the basic rights this country was founded to protect. It is the right to freely exercise religion—a right this President pledged to uphold when taking the oath of office.

Many Americans were lulled into complacency in 2009 by promises that apparently the President did not intend to uphold. Back then I came to

tical issue. In the thick of the very contentious health care debate. I urged my pro-life colleagues and the pro-life community to stand up against the health care bill that was being considered here in the Senate. I pointed out that the Hyde amendment, which prohibits taxpayer dollars from being used for abortion, was absolutely absent in the bill, something that now appears to be no accident whatsoever. On that day I shared the National Right to Life's very real concerns that the bill "tries to conceal that unpopular reality with layers of contrived definitions and hollow bookkeeping requirements." Unfortunately, though, empty promises that the bill respected life were enough to convince my presumably pro-life colleagues to support the bill. After all, they had heard the promises straight from the President's mouth.

Remember when the President told Americans "under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place." Congress ignored the warnings, charged forward, blurry eyed, voting in the middle of the night, and passed the health care bill that we all now know violates the very conscience rights the President himself by his own words promised to protect.

As the law is being put into place, we are truly heading into uncharted waters for this Nation. On Friday, after weeks of criticism, the President announced a so-called compromise. We were told by his Chief of Staff that it will be that way or it will be the highway. So what is the compromise? It would still force every plan to offer contraceptives and abortion-inducing drugs, even plans offered by religious organizations with deeply held religious beliefs.

The President claims religious employers with objections won't technically be required to offer the coverage because insurance companies will be forced to offer it free. What? Are we, as Americans, expected to believe that the many religious organizations paying the employer's share of the health care costs are not paying for these services? What kind of accounting gimmick is that? What kind of sleight of hand is that?

The President is blinded by his ideology. This fight is about religious and moral beliefs. It is not about accounting. What we have witnessed this past week is another attempt to hide the unpopular reality with layers of misleading rhetoric and hollowed promises. The truth? The truth is that many individuals who object to contraceptives and abortion-inducing drugs as a matter of religious principle will still have to provide them and pay for them. Don't fool yourself; they are not going to be free. Drug companies don't walk in and give away free drugs. Pharmacists don't dispense them free. Of course, the cost will be passed along to every employer and every American in the form of premiums that we pay. Calling these services free is flat wrong. There is a cost and, unfortunately, it is a high one at that. They come at the cost of our religious freedoms.

The administration's position is that it can force insurers to provide contraceptive coverage for "free" because the drugs are cheaper than the cost of being pregnant. Our government said that at the very highest level. That logic is unprecedented and it is downright disturbing. Who is to say that in days to come the administration won't order health plans to cover abortion free on the premise that it is cheaper than the cost of prenatal care, birth, and caring for human life? The same twisted logic could apply for physicianassisted suicide and a whole array of controversial procedures.

Many out there may try to refute this by repeating the President's claim that the law prohibits mandated abortions, but that same claim promised to protect the religious liberties he is now forcing many to violate. Well, many of us will not sit idly by and watch this unprecedented effort, and I am not alone. The President should listen to the country. The gimmicks of the 2009 bill may have put some to sleep. This time Americans are not being fooled. Americans of all faiths, all beliefs, of different views on a whole variety of topics share a love for their Constitution and the rights embodied in that Constitution. Well, they are awake now and their eyes are fully open.

As a Catholic myself, I could not be more proud of the Catholic bishops for standing strongly. Their statement rejecting the President's smoke-and-mirrors compromise is compelling and it is spot on. The bishop said:

... today's proposal continues to involve needless government intrusion into the internal governance of religious institutions and to threaten government coercion of religious people ... to violate their most deeply held convictions.

And they go on to say:

In a Nation dedicated to religious liberty as its first and its founding principle, we should not be limited to negotiating within these parameters. The only complete solution . . . is for HHS to rescind the mandate of these objectionable services.

Yes, we were told by the President's Chief of Staff negotiating is over, it will now be our way or the highway. Well, the bishops responded. The bishops called the President's attempt to appease them unacceptable. Yes, America has been awakened and now Congress must act on their objections.

There is legislation waiting to be debated that would protect the religious liberties granted in our Constitution. The legislation introduced by Senator Roy Blunt holds President Obama to his promises. This legislation continues the 200-year tradition of this

great Nation ensuring those who believe in the sanctity of life are not forced to have a hand in someone else's death. It protects conscience rights across the board. There is a bottom line and the bottom line is this: If President Obama is allowed to dictate to religious organizations what beliefs they will be allowed to hold or not to hold, then this country we all love will be a much different place and it will be a much different place for our children and grandchildren.

If the President succeeds, then our Constitution is no longer the defining document of a great Nation. Well, we do know the position of this administration, and I stand here today to categorically reject it.

I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE BUDGET

Mr. CORKER. Mr. President, I came down today to talk about the highway bill we are on, and I want to say I appreciate the way we are dealing with each committee's portion of the bill as we go along. I know we are on the base bill at present, but before I get into that, I do want to make some comments about the budget.

I know we have had an inability in the Senate to pass a budget over the last 1,100 days. I know the Acting President pro tempore—a friend of mine—led a city and had to do this each year. We had to do the same in our State and city. I think those of us who come to this body are always shocked at the lack of fiscal discipline that takes place in Washington in general, but I have to say in looking at the administration's budget that was put forth today, it makes a mockery of the American people.

Our State has been blessed. We have had Governors who have been Republicans and Democrats, we have had people on both sides of the aisle, and our State has been governed well for a long time. I believe if a Governor of our State put forth a budget such as the budget put forth today, they would be run out of our State because it is not a serious budget.

I know the Acting President pro tempore and I have been to many meetings and looked at some of the proposals that have been put out by groups like Bowles-Simpson, and it is stunning to me when we know the biggest issue our

country faces is ourselves—meaning our own inability to deal with the fiscal issues that are before us and to deal with all of the reforms we know have to take place. When we know we are our own greatest enemy, to have a document that has been put out the way this one has been put out in almost a flippant way, is almost to say we don't have to deal with this serious issue that our country has to face which is pretty unbelievable.

There is no focus on the kind of tax reform that I think so many of us support that would broaden the base and lower marginal rates and have tremendous economic growth. There is no focus on dealing with programs such as Medicare and Social Security that people depend upon, that people have counted upon all of their lives and yet we know they are not going to exist in a very short amount of time unless we do something. Instead, this document totally puts its head in the sand on these issues. It doesn't deal with them.

To the Acting President pro tempore I will say that I think it is irresponsible for a President, facing the kinds of issues our country is facing and who is seeking another term, not to lay out to deal with these issues, just as I believe, by the way, that whoever the Republican nominee is, I think it is incumbent upon him to do exactly the same. I think all of us need to know what our Chief Executive Officer's plans are for this country as they relate to, again, the most important issue we have to deal with.

The most appalling about it is we have millions of people looking for jobs right now. Unemployment is exceptionally high. I think almost every Member of this body who talks to people out there who actually are part of small business job creation knows they will tell us they are concerned about the future of our country. That is the biggest overhang that is keeping them from investing. So these issues are tied together in a most unique way. The greatest threat to our future is our inability to deal with fiscal issues. Our Chief Executive Officer, the President, has laid out a laughable document, one that, again, makes a mockery of the American people; yet at the same time it is us acting on real fiscal discipline that actually would drive our economy to grow and create jobs.

## TRANSPORTATION ACT

I am very disappointed, which brings me to the point at hand. We have a highway bill. It is the first time I think we have dealt with a highway bill since I have been in the Senate for 5 years. We keep kicking the can down the road. It is my understanding that the EPW Committee passed this out 100 percent—Rs and Ds passed this out. Apparently they did some very good work, working together, to pass a base bill.

It is also my understanding, though, that the Finance Committee is charged with paying for this and has come up with pay-fors that work like this: We are going to spend this money over a 2year period but we are going to pay for it over a 10-year period. Again, I look at the Acting President pro tempore. somebody I know was responsible in the job he had prior to being here, and I am sure he is in this job too. But here is what we are doing: We are going to have Republicans down here constantly railing against the President's budget. My friends on the other side of the aisle won't do that out of respect, but I am sure they are wondering what in the world has been handed to us. At the same time, we have a piece of legislation on the floor that we are going to be dealing with that candidly does a lot of the same thing. We are going to spend money over the next 2 years and yet we are going to pay for it over the next 10. I think that is absolutely irresponsible. I hope before this highway bill leaves the floor we will either reduce the amount we are spending on it—which I hate to see happen because I know we do need to spend money on infrastructure around our country-or we will figure out a way to pay for it where if we are going to spend money over a 2-year period, we will also generate revenues to pay for it over a 2year period. This bill does not do that.

I do want to remind my Republican friends-I know we had some Republican support on the Finance Committee—that one of the things we railed about most with the health care bill that has divided our country in so many ways was that we took 6 years worth of cost and 10 years worth of revenues. All of us said it was a sleight of hand, and it was a sleight of hand: there is no question. I mean it was not honest in the way it was presented. But even since that time, with this most controversial bill, what we have done is actually moved away and now we are talking about in this highway bill spending money over a 2-year period but using pay-fors over a 10-year period. What that means is the next time we pass a highway bill under this same mode, we are continuing to run up tremendous debts. These young people who are sitting before us as pages, who come here to learn about how our country operates, want to see, hopefully, Senators acting in a responsible way.

The fact is there will be a lot of focus today on the President's budget, and I know there is a lot of disappointment on both sides of the aisle regarding what that budget says. But the thing we can do in this body over the next week or so as we are looking at this highway bill is to ensure we don't fall into that same trap here in Congress in passing a highway bill that is not paid for, that uses future revenues which we will probably never see because we will

flip them out and change them and use them in another way right after this bill is passed.

I thank my colleagues for listening. I yield the floor, and I note the ab-

sence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk pro-

ceeded to call the roll.

Mr. JOHNSON of Wisconsin. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to speak for not more than 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### THE BUDGET

Mr. JOHNSON of Wisconsin. Mr. President, I come to the floor this afternoon before the debate on President Obama's just-submitted budget descends into the arguments over the smaller little details that, quite frankly, are not going to have that great of an effect on our whole debt and deficit issue. What I would like to do is take a look and ask the American people to take a look at the larger picture. I would like to do it with a few charts and graphs.

The first chart I would like to put up really describes, from my standpoint, the root cause of the problem. It really is the size, the scope, all of the rules, all of the regulations, all of the government intrusion into our lives and the cost of government. What this graph depicts is that as of last year the Federal Government was 24 percent of the size of our economy. So 24 cents of every dollar our economy generates flows through the Federal Government. When you add on State and local governments, which are about 16 percent, the total take of government at all levels of the United States now—last year was 39.2 percent. Again, 39 cents of every dollar flows through some form of government.

I do not find government particularly effective or efficient at so many things they do. To make this relative, we are watching what is happening to Greece right now. It is in flames because that social experiment is collapsing. But if you compare the United States in terms of its size of government to European-style Socialist nations, you can see that Norway spends 47 percent of its GDP on government; Greece, which we just mentioned, 50 percent; Italy, which hit a mini debt crisis of its own, 52 percent; and France is 55 percent. Unfortunately, America has arrived at the lower limit, the lower level of European-style socialism. That is not a good metric.

The next chart I want to describe—so many people, I understand, want a balanced approach: revenue and spending reform to address the debt and deficit issue. Listen, I want more revenue too. but I think we need to raise revenue the old-fashioned way—by growing our economy. Everything we do in this country, everything we do here in Washington needs to be targeted toward economic growth.

But I think what this chart describes is the fact that we have a spending problem. It is not that we tax Americans too little; it is because we spend way too much. Ten years ago our Federal Government spent \$1.9 trillion. Last year we spent \$3.6 trillion. We doubled spending in just 10 years. And, of course, the President's budget that he just unveiled today will spend \$3.8 trillion in 2013.

In the argument moving forward, nobody is talking about cutting spending. All we are talking about is reducing the rate of growth in spending. You can tell by the chart. According to President Obama's budget, 10 years in the future, in the year 2022, he is proposing spending \$5.8 trillion. Last year's House budget would have spent \$4.7 trillion. That is what the argument is about—spending \$3.6 trillion last year and increasing it to either \$5.8 trillion or \$4.7 trillion.

Another way of looking at that is taking a look at 10-year spending numbers. In the nineties—a very successful decade—the Federal Government spent \$16 trillion over a 10-year period—\$16 trillion. Over the last 10 years, we spent \$28 trillion. And, again, the debate moving forward is President Obama, in his just-released budget, wants to spent \$47 trillion over the next 10 years. The House budget from last year would have spent \$40 trillion. By the way, when you hear about that \$6 or \$7 trillion of Draconian cuts, that is what we are talking about. All we are talking about is reducing the rate of growth in spending in the size of government.

You have seen an awful lot of charts describing the Nation's debt and how it has exploded. I like this chart because we start it on September 30, 1987, when our entire Federal debt stood at \$2.3 trillion. It took us 200 years to incur \$2.3 trillion worth of debt. Last year, in the Budget Control Act, we gave the President the authority basically—I didn't, I voted against it, but this body gave the President the authority to increase the debt ceiling by \$2.1 trillion. We will blow through that debt in around 2 years. Think of that.

So you can see what is happening. In 2001. we were at \$5.8 trillion. In 2008. right before President Obama entered office, we were at \$10 trillion. Currently we are at about \$15.4 trillion, and in the President's just-released budget, he is proposing adding about \$10 trillion to our debt over the next 10 years, to come in at a whopping \$25.9 trillion. The question is, Will we really be able to borrow that much or are we going to face the day of reckoning, when world investors take a look at the United States and say: You know, I am not going to loan you any more money. What is more likely to happen is they will say: I will loan you some money but at dramatically higher interest rates. That is what we need to be concerned about. That is what a debt crisis is going to be. Take a look at Greece. Take a look at Italy.

One more chart I want to put up shows the extent of the problem of the unfunded liabilities together with the debt. Now, this is actually last year's chart. We have not been able to get the new one printed yet. But last year the trustees of both Medicare and Social Security published the unfunded liability of those two programs. When you add those unfunded liabilities to the Federal debt and what we owe Federal retirees, the total liability of the United States as reported last year was \$99 trillion. The new figure for this year—the accountants in the Federal Government have rejiggered the figures, and now they are claiming it is only \$72 trillion. But whichever figure you take, if you compare that to the private net assets of the United States—that is, household assets, small business assets, large business assets that number is \$79 trillion. So the Federal Government has made promises and incurred debts that are equal to or exceed the entire net private asset base of the United States. Now, that is the definition of a problem. That is the definition of a huge problem that unfortunately this President and this town are not grappling with. We are not coming to terms with that.

Let me specifically hone in on one of those entitlement programs—Social Security. In 2010 we went net cash negative in Social Security, which means the amount of taxes collected were \$51 billion less than the benefits that were paid out. Last year we were \$46 billion in the red. If we take a look at this chart, what we see, without reforming the program, without providing the reforms that would actually save Social Security, within the next 24 years, by the year 2035, we will incur a \$6 trillion cash deficit in Social Security. Again, when you take a look at the President's budget this year, is that even being addressed?

The House budget addressed Medicare last year, and people like my Congressman from Wisconsin were demonized for doing it. Here you had an individual who had the courage to first of all acknowledge the problem and then put forward a proposal, and he is demonized. Political demagoguery is not going to solve our problem. A serious budget is what we need to solve the problem.

even putting forward a budget—and unfortunately, in this body, the majority leader is saying he will not even bring a budget to the floor for a vote: there is no need to. We are only going to incur \$10 trillion more debt in the next 10 years. I want the American people to think about that. I have been involved in business for 33 years. I am an accountant. This is the first time I have been involved with a financial entityand let's face it, America is the largest financial entity in the world—where I have been working with an entity that does not have a budget. That is a national scandal. We need to correct that.

But let me talk about some of the deficit risks, because we are not serious, we are not even addressing, much less-we are not acknowledging. It starts with what I started talking about earlier in terms of not dealing with the debt and deficit issue dramatically increases our risk of higher interest rates, higher interest expense. The CBO reports that for every 1 percent increase in the interest expense—let's face it—times \$15 trillion, times 10 years, that would add \$1.5 trillion to our debt—\$1.5 trillion. Greece—when they hit their debt crisis, their interest rates spiked by 8 percent. If that happened here, it would cost us \$1.2 trillion. It would wipe out all discretionary spending. That is the day of reckoning we need to avoid by putting forward serious proposals.

Another risk we are really not talking about is what happens if we do not grow according to the projections the President lays out in his budget or the CBO projects? Well, again you look to the CBO. For every 1 percent we miss our growth targets by, add \$3.1 trillion to our debt and deficit over the next 10 years—\$3.1 trillion.

Another risk is the true cost of the health care law. Thirty-seven Republican Senators sent a letter to CBO Director Elmendorf pleading with him to please reassess the very unrealistic estimates the CBO made in terms of the number of employees who will lose their employer-sponsored care.

Their estimate says only 1 million. But we have studies that were conducted that say 30 to 50 percent of employers will drop coverage. When that happens, when the employees who lose their employer-sponsored care and get dumped into the exchanges at highly subsidized rates, the cost of ObamaCare will not be \$95 billion a year; it will more likely be \$½ trillion to \$1 trillion a year. Multiply that over 10 years and we can see the depth of risk inherent in the health care law. It needs to be repealed.

The last point I wish to make is a key part of President Obama's supposed deficit reduction in his budget is a tax on millionaires, which, by the way, is defined by couples making over \$250,000. That is interesting math right

there. Two points: I said earlier we should not enact anything in Washington that would harm economic growth. Increasing taxes will do that. That is what CBO says, and that is what the Federal Reserve Chairman Bernanke says. It just makes common sense. I want any American who would think that is a good idea to ask themselves one question: How many jobs will that tax increase create? How will that tax increase actually help us grow our economy? The answer is, it will not.

There is an interesting study just released on Maryland's millionaires' tax they enacted in 2007. When they passed that tax, they estimated it would raise \$330 million. The facts are in. That tax increase only generated \$120 milliononly 36 percent of what they originally estimated. President Obama is hoping to raise \$1.5 trillion with the millionaires' tax. Maybe it is only \$1 trillion; I have not seen the details. Take that number and multiply it times 36 percent, then look at the harm it will cause economic growth and reduce it even further. It simply will not work. It might feel good, but it will do great harm to our economy. To sum it all up, what this country needs is real leadership. We need the President to lead. We need a serious budget. We need the Senate to pass a complete and serious budget for 2013.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to share some remarks about the President's budget which he submitted today. This is it—the real budget. The President asked that the press pay for their copies this year. Maybe that will save a little money. It is a real document that is submitted every year by every President according to the law.

Although the law also requires the Senate to pass a budget every year, we have violated it for over 1,000 days. In fact, the majority leader, Senator REID, said it would be foolish for him to produce a budget-foolish for our colleagues to produce a budget, and I can only assume he thought it would not be good politics. It would not be foolish for America to have a budget. I will make a commitment that if I have anything to do about it and this Republican conference were to achieve a majority in the Senate next year, we will have a budget. It will change the debt course of America. It will be 10 years. It will be a document that brings debt under control and, to the maximum ex-

Because we are not serious about there. Two points: I said earlier we tent possible, will encourage economic ven putting forward a budget—and un-should not enact anything in Wash-growth.

That is a responsibility that leaders have to deal with now, I believe. The President has produced this budget that claims to reduce the deficit by \$4 trillion—I will talk about that—but it does not reduce the deficit \$4 trillion. Basically, it doesn't reduce the deficit at all. This is his fourth year as President. This is the last budget of his Presidential term. He has an opportunity to lay out a plan for the future—to suggest what taxes we ought to have, how much spending we should have, where we can save money by reducing spending, what we need to do in the short run, and in a 10-year term, 20year term, and 30-year term, all of that can and should be dealt with. The President, like a Governor or mayor of a city that is in financial trouble, or a State that is struggling financially they have to deal with their debt. They present their proposals, they fight for them before the legislature, they make compromises, when necessary, and that is how they do their business. But because we don't have a constitutional amendment that requires a budget to be balanced, it becomes easier to borrow the money, not cut spending, and continue the deficit course we are on.

I am the ranking Republican on the Budget Committee, and for the few hours we have had the budget, and the few hours we have had over the weekend to see some of the tables, we have reached a number of conclusions that are not good. I would say a couple of things. At the Budget Committee hearing last week, Senator CONRAD-who is the chair of the committee—announced we should have a \$5 trillion reduction in spending over 10 years—not 4—and also said, he wishes to see a balanced budget. I think Senator CONRAD is right on both counts. But he has basically been told if he even has a budget in committee this year, it won't be brought up on the floor. So I don't know what we will do, whether we will have a budget markup or not.

But Mr. Bernanke indicated during that same hearing that when you reach debt levels as high as we are today—gross debt being 100 percent of the gross domestic product—the country is at risk, particularly when inevitable shocks in the world occur and you don't have the margin of strength necessary to perhaps ride out those crises.

And we could go into crisis. I happened to see this morning on MSNBC that Mr. Richard Haass, president of the Council on Foreign Relations, said we could have a debt crisis next year. Talking about Greece, he said we could have a Greece-like crisis next year, and he laid out the scenario. This is the Council on Foreign Relations, one of the most prestigious world organizations around.

Here are some indisputable facts about the budget before us. First, there

is no \$4 trillion deficit reduction. There is not a \$4 trillion deficit reduction. I know that is hard to believe. We are talking about a difference of \$4 trillion. When the President submits a budget, and we worry about all these accounts, and then we are \$4 trillion off, well, it is a hard thing to imagine. But I will explain to you why I say that.

What we know is this: Under the President's budget and the numbers he has provided us, based on his growth projections and other projections that are in it, he projects when 10 years are up—in 2022—we will have added to the total debt of America \$11.2 trillion. We will have added that much debt. Every year, hundreds of billions of dollars of debt, with the lowest single year being \$575 billion worth of deficits. The debt increases annually each year. So it would be \$11.2 trillion higher.

Under the Budget Control Act that passed last summer that had the sequester in it and the reductions in spending—under that—if left unchanged. And that is the current law. This budget deals with what to do now—what to do on top of the current law we have. Under the Budget Control Act, the debt would increase over 11 years by \$11.5 trillion—perhaps \$270 billion less debt accruing under the President's budget than current law. Well, that is not much.

The budget deficit this year is \$1,300 billion. We are talking about \$11.5 trillion—that is \$11,500 billion. So we are going to reduce that \$11,500 billion by \$270 billion or so and claim somehow we have changed the debt course of America? It is not true.

The American people are tired of this. It is this kind of talk, this kind of misrepresentation and gimmickry that has gotten us to the point where the Nation is on a fiscally unsustainable path, as every expert has told us. Indeed, we are borrowing 40 cents of every dollar that is spent this year. So we take in \$2.5 trillion and we spend \$3.8 trillion. That is not an acceptable path, and we have been told that.

We have seen these gimmicks before. I have a bill called the Honest Budget Act that tightens up on a lot of the more common, smaller gimmicks that need to be eliminated. My bill is called the Honest Budget Act. But let me say we have never seen gimmicks this large. They are so large it is hard to believe anyone would attempt to use them, but so large people don't think it is possible the administration would not be completely truthful in asserting them.

For example, the budget the President submitted for this year claims credit for cuts that occurred last year as part of the budget control process—the \$2.1 trillion in Budget Control Act cuts. He claims he is cutting the budget counting those numbers. Those are not the numbers we are operating under today. Those have already been

is no \$4 trillion deficit reduction. There is not a \$4 trillion deficit reduction. I think we have ever seen in terms of know that is hard to believe. We are talking about a difference of \$4 trillion are

But there is more. Amazingly, this budget eliminates—erases—the \$1.2 trillion in Budget Control Act sequestered spending reductions. We can argue whether they are done in the right way and whether some, particularly Defense, are taking too big a cut under that sequester, but we should not give up on the sequester. We should not acknowledge the sequester is not viable. And to say the \$1.2 trillion we agreed to cut less than a year ago is no longer operable and we are going to spend that money and not cut any more is a stunning reversal. It is the kind of thing that validates the charges we hear from the American people: Oh, yes, you promised to cut money in the future—you have a 10year plan to cut spending—but we know what you politicians are going to do 5 years, 3 years, 6 years down the road, when those spending cuts come up. You are going to say, oh, we can't do that. We have constituents who are complaining. We can't cut this or that. And we will put the money back in and the savings will never occur because they are false promises for the future.

People have complained about that, and correctly so. That was part of the tea party movement—a growing disrespect for the integrity of Congress when it makes projections for the future.

But look at this: In August, we agreed to \$2.1 trillion in total cuts including \$1.2 trillion in the sequester. Less than a year later, the President says, oh, that is too much, we can't do that. We are going to spend \$47 trillion in the next 10 years, but we can't cut 1.2, when we are facing the biggest debt crisis the Nation has ever faced? What kind of world are we living in? No wonder we are going broke. And people are out to hide what we are doing. I don't think it is right.

The President says, yes, I am not cutting that \$1 trillion, I am going to spend the \$1.2 trillion. I am going to spend that, but don't worry, I am raising taxes to pay for it. But his budget prognosticators and commentators and his promoters, in their statements about this budget, claim it reduces the deficit—this tax increase does—by \$1.2 trillion. Well, if you increase spending 1.2 and raise taxes an equal amount, you haven't saved any money; you just are not increasing the debt any more than you would have. So we have eliminated the cuts, making spending go up, and then we raise taxes. That is a wash. That is not another \$1.2 in savings. That is how they get the \$4 trillion. That is a sad state of affairs, to claim credit for that in a way that is not fair.

Then we have the problem with the war cost. I was disappointed at the

State of the Union when the President said we are going to spend half of the war savings on highways. Well, I am for highways. I would like to spend more on highways. I am unhappy we have diverted money to general stimulus spending instead of being spent on highways, as was promised. However, the President said we are going to spend half of the savings from the war on highways. But there are no war savings. Congress has treated this war throughout as an emergency. The attack on 9/11 we treated as an emergency. The money was borrowed. Every dollar spent on the war has been borrowed. There is no source of money being paid out to the war so that when the war costs drop you can grab that money and spend it. There is no money there. When the war cost drops, the American people have a right to expect we will borrow less money or that we don't have to borrow as much.

But they are claiming the natural reduction of war spending creates a surplus of money that can be spent. How illogical is that? There is no money in the war budget account. It is all borrowed. There was never any money to be saved in the war account, only less money to be borrowed as the war came down.

Whoever thought the war would continue at \$100-plus billion per year? We always expected those costs to come down. It has been a long, difficult process, and I am glad to see we can bring troops home. Hopefully, we are doing it in a way that is not risking the efforts thousands of Americans have given to our country to put us in a position to withdraw successfully. I hope we are not going so fast we will jeopardize that.

Well, what about taxes? The President has been arguing for some time that, well, we can't cut the deficit without tax increases. I know we have to cut spending, but we can't cut the deficit without tax increases. We have to have more tax increases.

First he said he wanted a tax on the rich that would bring in \$800 billion. Now, this budget calls for additional taxes of \$1,900 billion—\$1.9 trillion—in new taxes all across, in a lot of different areas. But at any rate, this is what we are talking about.

In his statement released with his budget, he said there was 2.5 in spending reductions for every \$1 of tax increases. We have been talking about, well, what should be the ratio? Some people say: Look, I know you shouldn't have 1-to-1 taxes increased for every spending reduction, but we have to get the deficit down. We have to reduce the deficit. And you Republicans who don't like taxes, we will talk about 4 to 1, \$4 in spending cuts for \$1 in tax increases. The President said in the spring last year 3 to 1, and that was a figure that was being bandied about.

2.5 to 1? Is it 3 to 1? No. Their statement that it is 2.5 to 1 is utterly untrue.

I remember people telling us if we raise taxes, they would not reduce the deficit. They will spend it. We have heard that over and over again, and that maxim is certainly proved by this budget. The taxes that are in this budget are used to pay for more spending. There are no spending cuts in the budget. The budget calls for \$1.5 trillion in increased spending, and the taxes are on top of that. So the taxes are not going to be used to reduce the deficit, just like people have suspected all along that is not an accurate statement. But, indeed, taxes are used to create more spending to create even bigger government.

What about the debt size in its entirety? What are the numbers there? Let's look at this chart. The red is the increase in deficits over the next 10 years as occasioned by the Budget Control Act that is the current law that was passed last August-September, and the President's budget is the dotted

So if we look at what is occurring over the 10-year period, we are starting at \$15 trillion in debt today. Where does it end up? It ends up at \$26 trillion in debt under the Budget Control Act that saved \$2 trillion, supposedly. I guess that would have reduced the total debt from \$13.5 trillion to \$11.5 trillion. We have made some progress. We all knew that wasn't nearly enough, but it was at least a step. Our Democratic colleagues didn't want to cut any more money, so that was the number reached last year and we agreed we needed to come back and do some more work.

The President's budget, which claims to reduce the growth in our debt by \$4 trillion, actually only reduces the growth in debt less than \$300 billion, from 11.5 to 11.2. That is not enough. We have had expert after expert tell us we need \$4 trillion to \$5 trillion to \$6 trillion. Many believe we ought to put this country on a path to a balanced budget and stay there, as I do. We can do that. So the numbers I would say, \$273 billion, only alters this red line by the slightest amount, not nearly enough to make a difference in the financial markets, not nearly enough to create confidence in the business community the United States has a plan for its future that will work.

Furthermore, the President's plan does not provide any noticeable effective effort to do something about Medicare, Social Security, Medicaid-these programs that are moving every year gradually and inexorably out of control, into default, and will endanger those programs for future generations. I think that is a serious criticism we should make.

Finally, I would note the interest on the debt. What do we pay on the inter-

But what does this budget do? Is it est of the debt? This year this Nation, in 2012, will pay \$225 billion in interest on the debt. That is almost half the entire defense budget. But under the plan submitted by the President—and these numbers I am quoting from are in the President's own budget, and I am simply restating the numbers his Office of Management and Budget have determined. Interest in 2022, 10 years from now, will be \$850 billion, from \$225 billion to \$850 billion. The increase in interest alone exceeds the defense budget: \$850 billion exceeds any item, including Social Security and Medicare, in our budget today and certainly exceeds the defense budget.

> It would be the fastest growing item in the entire budget because when we run up debt and we go from \$15 trillion gross debt to \$26 trillion gross debt and we have extraordinarily low interest rates today. They will not hold. Some think they are going up more than the President estimates in his account. But when we add the interest changes and the large amount of additional debt added, it goes from \$225 to \$850, crowding out spending for a host of programs that we are going to have to deal with. Where are we going to find this \$500 billion? By the way, this is 1 year's interest payment, not 10 years. In 1 year we will be paying \$850 billion.

> So we take that \$500 billion a year and run it on for 10 years and we are talking about \$5.7 trillion in interest to be paid over 10 years. What about the next 10 years when it is running \$1 trillion a vear in interest as we age and our entitlement programs continue to go into default?

> Mr. John Hinderaker, an analyst and blogger, has suggested that this whole debt we are seeing today and this claim of \$4 trillion in savings is why we should never have had the secret negotiations all year. The President has asserted all year that he had a plan to save \$4 trillion. I guess this is it. What does it do? Nothing. Does it change the debt course? No. It leads us on a course that is unacceptable. It does not deal with the surging entitlements that indeed count for over half of the spending already in the United States of America. Entitlements like Medicare, Medicaid, Social Security are already nearly 60 percent of the Federal Government's spending. How can we control spending if we don't even talk about those programs? And they are growing faster. The only thing growing faster is the interest on the debt. So we have a deep and serious challenge to bring those programs under control.

> I would just close by saying that our debt course has not been altered. Our debt course is unsustainable. We now are moving to \$26 trillion in debt. I remember last year when the Chairman of the Fed, Mr. Bernanke, testified before the committee and said something to this effect: You see those projections

of your spending and debt trajectory? And in the outvears, you have these projections and what it is going to be like. Basically, he said: You are not going to get there because you are going to have a debt crisis before that happens, before those years pass.

Mr. Erskine Bowles, the man chosen by President Obama to head the deficit commission, with Alan Simpson, they signed a written statement to the Budget Committee last year, and they said: The course we are on will lead America to the most predictable financial crisis in our history.

So we can clearly see the path we are on. It is a path to financial crisis. We have to realize we cannot continue to put this off, and I find it deeply disappointing that the President of the United States, in his fourth year in office, lays out a plan that does nothing to improve the financial status of our country, does nothing to talk and deal seriously with our entitlement programs.

Indeed, what he has indicated is that anybody else in Congress, whether it is Congressman RYAN in the House Budget Committee or Members of this Senate who have the temerity to make any suggestions about containing and saving Social Security and Medicare, will be attacked by him.

So not only is he not proposing a plan that would help the situation, he is lying in wait to politically go after anybody who seriously proposes changes that can put America on a sound debt course. I don't think that is acceptable. I am deeply disappointed in the budget. I wish it would have been so much better because I truly believe he could have had support from Congress to do some things of a historic nature. They were discussed in some of these secret committee meetings but never came to fruition.

Mr. President. I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

NOMINATION OF ADALBERTO JOSE JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEV-ENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided, in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be divided in such a way that the time will run out at 5:30 but divided equally between now and then, between myself or my designee and the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, it pains me, in a way, to have to come and talk about this. This is the eighth time the majority leader has had to file a cloture motion to overcome vet another Republican filibuster of one of President Obama's superbly qualified judicial nominees. I have been here during the time of President Ford, President Carter, President Reagan, President George H.W. Bush, President Clinton, President George W. Bush, and now President Obama. I have been here when the Senate was in Republican control and when it was in Democratic control. Never during all that time have I seen anything where the majority leader has had to file so many cloture motions on superbly qualified judicial nominees, whether it is a Republican or Democratic President.

The nominee we have before us is a former Federal prosecutor and current Federal District Court judge in the Southern District of Florida. Judge Adalberto Jordan is the kind of nominee who in the past would have been confirmed without delay. It probably would have been done on a voice vote shortly after having come out of our committee, rather than having to wait 4 months for Senators to consent to proceed on his nomination.

This nomination has the strong and committed support of the senior Senator from Florida, Mr. Nelson, as well as that of Mr. Rubio, the other Senator from Florida. Not only does he have the support of the two Senators, one a Democratic Senator the other a Republican, but the distinguished Presiding Officer will recall that when we voted on him last October, every single Republican and every single Democrat on the Judiciary Committee voted for him. He came out unanimously. It

would be a little bit strange if any of those Senators now switched their votes because there is nothing different today than there was back in October of last fall.

When he was nominated to the District Court by President Clinton in 1999, even while Senate Republicans were pocket filibustering more than 60 of President Clinton's judicial nominees, Judge Jordan was confirmed without delay. It was an overwhelming vote: 93 to 1. Any of us in elective office would like to have had margins such as that.

The needless delay in Judge Jordan's nomination is the latest example of the tactics that have all but paralyzed the Senate confirmation process. They are actually damaging our Federal courts. It should not take 4 months and a cloture motion, which is hard to schedule because of all the other things we have to do, just to proceed to a nomination such as that of Judge Jordan to fill a judicial emergency.

This is not just filling a normal vacancy, it is a judicial emergency on the Eleventh Circuit. This good judge has already demonstrated as a Federal prosecutor and as a district judge his qualities. They need him on the Eleventh Circuit.

It should not take many more months and more cloture motions before the Senate finally votes on the nearly 20 other superbly qualified judicial nominees who have been stalled by Senate Republicans for months while vacancies continue to plague our American courts and delay justice for the American people. At all these courts where they are bottlenecked because there is no judge, the people who have cases in those courts do not say: I am a Republican or I am a Democrat. they say I have an important case to be heard. Why won't the Senate confirm the judge who has been nominated?

On every single one of the judges that are being stalled, every single Democratic Senator has agreed long ago to a vote. The objection on every single one of these judges being held up is because of Republican objections.

Let's talk about Judge Jordan for a moment, why he is so exceptional. When he is confirmed, he will be the first Cuban-born judge to serve on the U.S. Court of Appeals for the Eleventh Circuit, which encompasses Florida, Georgia and Alabama. Born in Havana, Cuba, Judge Jordan immigrated to the United States at age six. He went on to graduate summa cum laude from the University of Miami law school. Following law school, he clerked for Judge Thomas Clark on the U.S. Court of Appeals for the Eleventh Circuit, the Court to which he is nominated, and Justice Sandra Day O'Connor on the U.S. Supreme Court. He then became a Federal prosecutor in the Southern District of Florida, where he served as Deputy Chief and then Chief of the Appellate Division. Judge Jordan has also been a professor. Since 1990, he has taught at his alma mater, the University of Miami School of Law, as well as the Florida International University College of Law.

It is no surprise that the ABA's Standing Committee on the Federal Judiciary unanimously rated Judge Jordan "well qualified" to serve on the Eleventh Circuit, the highest possible rating from its nonpartisan peer review. Everybody should be down here cheering and supporting this nomination. He should be commended and supported, not filibustered and obstructed. Judge Jordan is a consensus nominee. What has the Senate come to, if somebody such as this man has to go through and overcome a filibuster to be confirmed? At this moment, "Moses the Lawgiver" would have a hard time being confirmed.

I say this because this judge is the kind of consensus nominee I have been urging Senate Republicans to stop stalling. He represents the kind of consensus nominees this President has sent the Senate who have been needlessly and harmfully stalled in the Senate for months and months for no good reason. It needs to stop. Last Thursday, Professor Carl Tobias wrote: "Most troubling has been Republican refusal to vote on noncontroversial, strong nominees—inaction that conflicts with a venerable Senate tradition. When the chamber has eventually voted on nominees, the Senate has overwhelmingly approved many." I expect Judge Jordan to be confirmed with a strong, bipartisan vote, as well. There is no justification for delaying this action over the last 4 months while a judicial emergency vacancy has gone unfilled. There is no justifiable reason for forcing the majority leader to file cloture for the Senate to hold a vote on this qualified consensus nominee. There is no justification for Senate Republicans' refusal to hold votes on nearly 20 Senate nominees who also remain stalled waiting for a vote.

The filibuster of Judge Jordan is just the current example of Senate Republicans' delaying tactics with respect to President Obama's qualified consensus nominees.

Let me give you a little history and a few facts. As we enter the fourth year of President Obama's administration, we are far behind the pace set by the Senate during President George W. Bush's first term. By the end of 2004. the Senate in those 48 months confirmed 205 district and circuit nominees. One hundred of them were confirmed during the 17 months that I was chairman of the Judiciary Committee. I moved President Bush's judges notwithstanding the fact that 60 of President Clinton's judges had been pocket filibustered. I wanted to change that for the good of the Federal judiciary. I wanted to restore respect in the Senate

as well as the Federal judiciary, but nee with 16 years judicial experience, now we have gone back to the same old Republican obstructionism.

The Senate has confirmed only 126 of President Obama's district and circuit nominees, nowhere near the pace there was for President Bush. That leaves 86 judicial vacancies. In fact, the vacancy rate is likely to remain twice what it was in 2004. But I would suggest to this body that the slow pace of confirmation of President Obama's judicial nominees is no accident. It is the result of deliberate obstruction and delays. For the second year in a row, the Senate Republican leadership ignored long-established precedent and refused to schedule any votes before the December recess on the nearly 20 consensus judicial nominees who had been favorably reported by the Judiciary Committee. Here we are in the middle of February, fighting to hold a vote on 1 of the 19 nominees who should have been confirmed last year. Fifteen of the nominees stalled by Senate Republicans were reported with the unanimous support of their home state Senators and every Republican and every Democrat on the Senate Judiciary Committee.

During President Bush's administration, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the "nuclear option" in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominees. Many of them said they would never, ever support the filibuster of a judicial nomination-never. Well, that never lasted. Once President Obama, a Democratic President, came in, the Senate Republicans reversed course. They filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench who had the support of the most senior and longest-serving Republican in the Senate, Senator LUGAR. The Senate rejected that filibuster and Judge Hamilton was fortunately confirmed. The same Senators who had said solemnly on the floor of the Senate that they would never filibuster a judicial nomination—oh well, we have a new Democratic President, now we ought to filibuster. Come on. You wonder why people are concerned about those who represent them.

In fact, that first filibuster portended what was going to happen, and the partisan delays and opposition have continued. Senate Republicans have required cloture votes even for nominees who ultimately were confirmed unanimously when the Senate finally overcame those filibusters and voted on their nomination. So it was with Judge Barbara Keenan of the Fourth Circuit, who was confirmed 99-0 when the filibuster of her nomination finally ended in 2010, and Judge Denny Chin of the Second Circuit, an outstanding nomiwho was ultimately confirmed 98-0 when the Republican filibuster was overcome after four months of needless

Regrettably, Senate Republicans have successfully filibustered the nominations of Goodwin Liu Caitlin Halligan. I have warned that Senate Republicans have imposed a new standard that threatened to make confirmation of any nominee to the D.C. Circuit virtually impossible in the future. At the time, The Washington Post noted: "GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill." I urged Senate Republicans to stop playing politics with the D.C. Circuit, and to allow an up-ordown vote on Ms. Halligan after more than 15 months of delay. Regrettably, the nomination of such a highly-qualified public servant, who had the support of law enforcement, appellate advocates, former Supreme Court clerks, academics and practitioners from across the political spectrum, was prevented from an up or down vote.

But I would also say that aside from the gamesmanship involved, this obstruction hurts the whole country. There are currently 86 judicial vacancies across the country. That means nearly 1 out of every 10 Federal judgeships is vacant. The vacancy rate is nearly double what it had been reduced to by this point in the Bush administration when Democrats, showing unprecedented speed, cooperated to bring judicial vacancies down to 46.

It is the American people who pay the price for the Senate's unnecessary and harmful delay in confirming judges to our Federal courts. It is unacceptable for hardworking Americans who are seeking their day in court to find one in 10 of those courts vacant. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for years before a judge hears his or her case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With 18 more judicial nominees stalled and cloture motions being required for consensus nominees, the Senate is failing in its responsibility, harming our Federal courts and ultimately hurting the American people. If you are one of the people seeking justice in a Federal court—and here is a sign saying: Closed; nobody at home-when you imagine this happening, is it any wonder that only 10 percent of the American people view Congress favorably? Actually with this kind of activity, I am surprised it gets up to 10 percent. I am wondering whether my friends on the other side of the aisle, the Senate Republicans, are intent on bringing the approval rating even lower, into single

Some Senate Republicans are now seeking to excuse these months of delay by blaming President Obama for forcing them to do it. They point to President Obama's recent recess appointments of a Director for the Consumer Financial Protection Bureau and members of the National Labor Relations Board. Of course, those appointments were made a few weeks ago. long after the delay of Judge Jordan's nomination began. Moreover, the President took his action because Senate Republicans had refused to vote on those executive nominations and were intent on rendering the government agencies unable to enforce the law and carry out their critical work on behalf of the American people. Some Senate Republicans are doubling down on their obstruction in response. They are apparently extending their blockage against nominees beyond executive branch nominees to these much-needed judicial nominees. This needless obstruction accentuates the burdens on our Federal courts and delays in justice to the American people. We can ill afford these additional delays and protest votes. The Senate needs, instead, to come together to address the needs of hardworking Americans around the country.

Judge Adalberto Jose Jordan is precisely the kind of qualified consensus nominee we need. He is the kind of person we all will say, when the press asks, this is the kind of nominee we need; this would help our country and our judicial system if we had this kind of nominee. But then we filibuster.

When introducing Judge Jordan to the Senate Judiciary Committee last October, Senator RUBIO praised the nominee's knowledge of the law, experience, participation in community, stating that "he looks forward to [Judge Jordan's] appointment." I certainly believe what Senator RUBIO said. I find him to be very truthful in these things. The day we reported him out of the committee unanimously, every single Democratic Senator in this Chamber was ready to go forward with the vote. The only place we had objections was on the Republican side, and that has gone on for 4 months.

I hope we get this cloture vote and the Senate is finally allowed to vote to confirm this nomination. Again, I urge Senate Republicans to stop the destructive delays that plague the confirmation process. The American people deserve Federal courts ready to serve them, not empty benches, not long delays, not partisan games.

I yield the floor. I suggest the absence of a quorum, and I ask consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to speak today, along with my colleague from Florida. Senator Rubio, about the nomination of Judge Adalberto Jordan. A lot of our folks refer to him as Judge Jordan. He has been nominated to the Eleventh Circuit Court of Appeals. At this time. when we have a very sizable judicial vacancy rate with a lot of these judicial positions empty, we need to get them filled with qualified judges who are going to rule and rule expeditiously. Confirming Judge Jordan to the Eleventh Circuit, which is one of the busiest in the country, is going to be a good step forward in filling the need for all of these judges.

We have in Florida a long history of bipartisan support for our judicial nominees. That is especially so with my colleague MARCO RUBIO, as we participate with our judicial nominating commission, which the two of us appoint, and they screen and interview the applicants for the vacancies on the district court. As a result, we have nominees who come to us who have already been screened, and it takes the politics out of it. In the case of Judge Jordan, it is a continuation of that bipartisan support even though he did not go through that process. He was selected by the President and is a sitting Federal judge who has an excellent record, and thus we see the bipartisan support.

Judge Jordan received his undergraduate and his law degrees from the University of Miami. After law school, he clerked for Judge Thomas Clark on the Eleventh Circuit. Then he moved on to become a clerk for Justice Sandra Day O'Connor. He continued his legal career in private practice at Steel, Hector & Davis and then became an assistant U.S. attorney in the appellate division of the Southern District of Florida. He began his judicial career in 1999 as a U.S. district court judge for the Southern District of Florida, where he still sits.

Based on his experience, Judge Jordan is extremely qualified for this position. Once confirmed, he will become the first Hispanic judge on the Eleventh Circuit Court. So I urge our colleagues to confirm this nominee without further delay.

I am pleased to be joined by my colleague, Senator Rubio, from the State of Florida.

I vield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I thank Senator NELSON for that introduction.

The first thing we have to decide is how to pronounce his last name. Everyone knows whom we are talking about. He has an extraordinary reputation in our community.

I have a few things I wish to add. I have a bias because I also graduated from the University of Miami School of Law, where I have both my law degree and my student loan, so I am grateful to them for that.

He was only 37 years old when he was appointed to the bench. It says a lot that over the years he has garnered a reputation for being fair but also for his intellect. He is highly regarded for his intellect. One will find in legal circles particularly in south Florida that Judge Jordan is somebody for whom people have a tremendous amount of respect, not just for his fairness but for his intellect, his ability to understand complex legal issues. His background is one that would lead a person to that conclusion. He was the chief of the appellate division in the Office of the U.S. Attorney for the Southern District, which is extremely busy, one of the busiest districts in the country for the Justice Department. As Senator NELSON has already pointed out, he spent a year clerking on the U.S. Supreme Court. He also clerked with the Eleventh Circuit, where he now seeks to return and hopefully will return today as one of its judges.

Let me say a couple of things about the Eleventh Circuit. It has two current vacancies—one in Florida and one in Georgia. It is the busiest per judge in the entire country. They have caseloads that range in cases from Florida, Georgia, and Alabama. They include death penalty appeals. It is so overwhelming that they routinely invite cases. So it is critically important that we fill these vacancies, and that is hopefully what we will do today.

There are a couple more points I wish to make about the judge. He continues to be very involved in our community, both through his family and as an individual. He teaches courses at both the University of Miami School of Law and at the Florida International College of Law, which is a new school that started operations a few years ago.

He is an integral part of my community. I can tell my colleagues on both sides of the aisle that, being from south Florida, running in the same circles in which he has run in terms of the legal community, he is highly respected. I think as a nation we are fortunate to have someone such as Judge Jordan, who is willing to bypass the many comforts of private practice and serve his country in a role such as this. I hope that as a body we will confirm him in an overwhelming and bipartisan fashion.

With that, I thank the Chair for this opportunity, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we are considering the nomination of Judge Jordan to be a U.S. circuit judge for the Eleventh Circuit. He is going to fill the vacancy that has been created by Judge Susan Black taking senior status.

Looking back, I think the Senate accomplished much last year, passing legislation and confirming a significant number of judicial and executive nominations. I would note that even the majority leader recognized we have done a good job on nominations and have accomplished quite a bit as well.

We could have confirmed more nominees had the President indicated he would respect the practice and precedent on recess appointments. He would not give the Senate that assurance, so a number of nominations could not be confirmed and now remain on the Executive Calendar. As it turned out, the President went on to violate the practice and precedent.

I wish to remind my colleagues and those who might be listening that the Constitution outlines two ways in which the President may make appointments: One is with the advice and consent of the Senate; the other is he may make temporary appointments when a vacancy in one of those offices happens when the Senate is in recess. Given that the Senate was not in recess, it seems clear to me that advice and consent was required but not obtained by the President.

It is for the Senate to determine its own rules and procedures, including designation of when it is in recess, within the constraints of the constitutional provisions found in article I. Consequently, this is not a matter within the purview of the executive branch. In other words, under the Constitution of the United States, the President is in no position to tell the Senate when we adjourn and when we do not adjourn.

These so-called recess appointments break a longstanding tradition. They violate precedents followed as recently as 2008 under President Bush.

This is a matter of concern to my Republican colleagues, as it should be for all Senators. In fact, I am quite puzzled and disappointed by the silence from the other side. This is more than just a policy issue or disagreement on a particular nominee. The underlying concern is a power grab by the President. I would think all Senators would rise to defend the prerogatives of the Senate and the constitutional principles which have been violated by the President. In other words, if the Constitution of the United States says the Senate determines when we are in adjournment, how does the President get the power to do that?

When a President thinks he can do anything the Constitution does not expressly prohibit, the danger arises that his advisers will feel pressure to say the Constitution does not stand in the way.

At that point, a President is no longer a constitutional figure with limited powers, as the Founders intended. Quite to the contrary, the President looks more and more like a King the Constitution was designed to replace. You remember George III. I hope.

Generally, I am willing to give the President's nominees the benefit of the doubt when the nominee on the surface meets the requirements I have previously outlined. But as I have indicated over the past few weeks, we are not operating under normal circumstances. The atmosphere the President has created with his disregard for constitutional principles has made it difficult to give his nominees any benefit of the doubt.

Despite the conditions the President has created, the committee is moving forward with hearings and with markups. As we see, we continue to have floor votes and confirmations. We are making progress.

This will be President Obama's 26th circuit nominee whom we have confirmed. That means over 62 percent of the President's circuit judge nominees have been confirmed. This is the same pace of confirmation for President Bush's circuit nominees at a comparable point in his first term.

Furthermore, President Obama's nominees are moving through the process at a quicker pace. The average time for President Obama's circuit nominees to be confirmed is about 140 days. For President Bush, the average time was quite longer, at 350 days—more than twice as long.

With regard to judicial vacancies, I would note progress has been made. We have made significant reductions in the vacancy rate. I hear some mistakenly state that the vacancy rate is at historic highs. The claim is not true. I would point out that the current vacancy rate is about where it was at the beginning of the Presidency of George W. Bush. In terms of historical highs, I would like to remind my colleagues of some history. When George H.W. Bush assumed the Presidency, the vacancy rate was around 5 percent. During his term, the Democratic majority in the Senate let the vacancy rate rise to 16 percent-nearly double what it is

Those who continue to complain about vacancy rate should also be reminded that for more than half the vacancies, the President has failed to even submit a nomination to the Senate. This has been a pattern throughout this administration. This is the case even for vacancies designated as judicial emergencies. Nineteen of those thirty-three emergency vacancies have

no nominee. Furthermore, President Obama is significantly behind in the number of nominations he has made. So it is no surprise he would be a little behind in the confirmations as well. In other words, if the President wants the Senate to move faster, send the nominations up here.

I would like to say a few words about the nominee we will be voting on today. Judge Jordan presently serves as a U.S. district judge for the Southern District of Florida. He was appointed to that court byPresident Clinton in 1999, and was confirmed by the Senate later that year.

He received a bachelor of arts from the University of Miami in 1984, his juris doctorate from the University of Miami School of Law in 1987.

Upon graduating from law school, the nominee clerked for Thomas A. Clark of the U.S. Court of Appeals for the Eleventh Circuit and then for Supreme Court Justice Sandra Day O'Connor. He then began his legal career as an associate attorney with Steel Hector & Davis where he handled first amendment matters and commercial litigation cases.

In 1994, he became an assistant U.S. attorney in the appellate division of the U.S. Attorney's Office for the Southern District of Florida. He was made deputy chief of the division in 1996, and chief in 1998. The nominee also worked as an adjunct professor of law at the University of Miami School of Law since 1990. He has taught many courses, including a death penalty seminar, federal courts, a judicial inherent power seminar, and a federal criminal practice seminar.

Since becoming a district judge in 1999, he has presided over nearly 200 cases and has sat by designation frequently on the Eleventh Circuit Court of Appeals.

The American Bar Association Standing Committee on the Federal Judiciary has rated this nominee with a unanimous "Well Qualified" rating. I concur in that rating and will support the nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit:

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Chris Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, is it the sense of the Senate that debate on the nomination of Adalberto Jose Jordan, of Florida, to be U.S. Circuit Judge for the Eleventh Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), and the Senator from Texas (Mrs. HUTCHISON).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea" and the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 5, as follows:

## [Rollcall Vote No. 18 Ex.]

## YEAS-89

Akaka Feinstein Alexander Franken Avotte Gillibrand Barrasso Graham Baucus Grassley Begich Hagan Bennet Harkin Bingaman Heller Blumenthal Hoeven Boozman Inhofe Boxer Inouve Brown (MA) Isakson Brown (OH) Johanns Johnson (SD) Burr Cantwell Johnson (WI) Cardin Kerry Klobuchar Carper Casev Kohl Chambliss Kyl Lautenberg Coats Coburn Leahy Levin Cochran Collins Lugar Conrad Manchin McCain McCaskill Coons Corker Cornyn McConnell Menendez Crapo Durbin Merkley

Moran Murkowski Murray Nelson (NE) Nelson (FL) Portman Pryor Reed Reid Roberts Rockefeller Rubio Sanders Schumer Sessions Shaheen Shelby Snowe Stabenow Tester Thune Udall (CO) Udall (NM) Warner Webb Whitehouse Wicker Wyden

#### NAYS-5

Blunt Paul Vitter Lee Toomey NOT VOTING-6

DeMint Hutchison Landrieu Lieberman Hatch Kirk

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate resume legislative session and proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the time postcloture count during morning business and any recess or adjournment of the Senate.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Reserving the right to object, and obviously I am not going to object, but I want to say to the Senate that this is an example— 89 to 5—that debate has been cut off on a nomination that has the bipartisan support of Senator Rubio and myself of a judge from Florida. One Senator was holding up the works in that he would not agree to the consent that you dismiss the 30 hours of debate. That is now causing us to delay this action. Is it any wonder, I ask the distinguished chairman of the Judiciary Committee, that we cannot get things done around here when we see this kind of action even given this kind of bipartisan support of a judge?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have been here for 37 years. I could not agree more with the distinguished senior Senator from Florida. He notes that 4 months ago, when Judge Adelberto Jordan came out of the Senate Judiciary Committee with every single Republican and every single Democrat voting for him, after the work done by the distinguished senior Senator from Florida and his colleague from Florida, the Senator from Florida, Mr. NELSON, made a commitment that every single Democrat would vote for this Cuban American immediately. Four months later, having had the cloture vote the Senator from Florida just mentionedthere was overwhelming support for him—he is still being held up. This is beneath the Senate of the United States of America. I agree with the Senator from Florida.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, do we have a unanimous consent request pending after the vote?

mous consent request is pending. Is there objection to the request?

Without objection, it is so ordered. The Senator from California.

## DELAY OF JUDICIAL CONFIRMATIONS

Mrs. BOXER, Madam President, I rise because I want to point out to the people of this country who may be watching this proceeding that what has happened tonight on the Senate floor is just ridiculous. Senator BILL NELSON— I think he was restrained, frankly. I know him. He is a very close friendwas restrained in his comments.

One Senator is stopping us from being able to ensure that justice is done, getting a great judge on the bench. It is sad. It is a historic nominee. It is a bipartisan situation with Senators Nelson and Rubio together. but it goes beyond this.

In addition to holding up the Senate and wasting time here-because we can't vote on the judge now; we have to wait until hours and hours go by-what happens after? We are supposed to be on a highway bill, a bill that will protect 1.8 million jobs and create an additional million jobs. Mr. President, 2.8 million jobs are hanging in the balance.

We have obstruction from my friends on the Republican side—and they are my friends. I don't know what they are doing. I don't know whom they think they are helping, but it is not the American people. Whether it is standing in the way of this judge or whether it is stopping this highway bill, they are hurting America. I want to tell them to wake up and smell the roseswe are trying to get out of this recession. This is a jobs bill that is just waiting to happen. We have myself and Senator Inhofe as partners in this effort. We have Senator BAUCUS working with the Republicans in the Finance Committee. We have Senator JOHNSON working in concert with Senator SHELBY on the Banking Committee, On the Commerce Committee, we have a few bumps in the road, but we are going to straighten those out because Senators Hutchison and Rockefeller are working together.

Why is it that we are doing nothing? Is it because Senators on the other side do not want us to move ahead? It is no wonder we have 13 percent approval from the American people. I will tell you, if they did not let our families vote, it would be less. How low can it go? We are going to know.

I have to say we want to get to this highway bill. It also had an 85-to-11 vote to move forward—an 85-to-11 vote to move forward—and guess what the first amendment is. It is not about making sure our highways keep up with the demand. It is not about how we can make sure our transit systems

The PRESIDING OFFICER. A unaniare functional. It is not about how we make our bridges safer. It is about birth control. Excuse me, the first amendment my friends on the other side want to offer is about birth control? I honor my friends' views on birth control. I personally believe, as the vast majority of Americans believe, that it is important women have the ability to have their insurance cover contraception. It saves money, it saves lives, and it reduces abortions by the tens of thousands. It saves insurance companies 15 percent because it avoids so many problems. Fifteen percent of the women who use birth control use it for non-birth-control reasons, such as helping prevent an ovarian cyst from turning into a dangerous situation. They use it to prevent endometriosis. They use it to prevent debilitating pain.

It is a highway bill. I am interested to see what Senator-I have to read again what he is offering. I think it is so broad, it says that anybody in America—any employer can refuse to offer any part of insurance they want if they say it is a religious objection. So let's say you are a Christian Scientist and you run a big organization and don't believe children should get chemotherapy—and we have had those cases. Under the Blunt amendment, I guess you don't have to do it. You just say it is a religious objection. It is so sweeping. My point tonight is to say that such an amendment does not belong on a highway bill. To that end, and I will stop here, we received a letter today: "To the Members of the United States Senate." This is one of the clearest letters I have ever seen. Here is what it savs:

The time is now to pass S. 1813, Moving Ahead for Progress in the 21st Century, the bipartisan highway bill crafted by the Environment and Public Works Committee. Last Thursday 85 Senators voted to invoke cloture on the motion to proceed to S. 1813, clearly demonstrating bipartisan support for passing the highway and transit bill. While we are encouraged by the show of support, the undersigned organizations are concerned that progress may be impeded if non-germane amendments are offered as part of the deliberations on this bill.

I love this letter. Listen to what they

The organizations that we represent may hold diverse views on social, energy, and fiscal issues, but we are united in our desire to see immediate action on the Senate's bipartisan highway and transit reauthorization measures.

This is to every Senator.

Senators, please listen carefully.

Therefore, we strongly urge you to abstain from offering nongermane amendments that would impede the passage of this legislation, which is essential to job creation, economic growth and to the long-term stability of vital transportation programs.

I will read who signed this:

AAA, the American Association of State Highway and Transit Officials, the American Bus Association, American Concrete Association, American

Council of Engineering Companies, American Highway Users Alliance, American Moving and Storage Association, American Public Transportation Association, American Road and Transportation Builders Association, American Society of Civil Engineers, American Traffic Safety Services Association, American Trucking Associations, Associated General Contractors of America, Associated Equipment Distributors, Association of Equipment Manufacturers, Association of Metropolitan Planning Organizations, Commercial Vehicle Safety Alliance, Governors Highway Safety Association, Intelligent Transportation Society. International Union of Operating Engineers, Motor and Equipment Manufacturers Association, the National Asphalt Pavement Association, the National Association of Development Organizations, the National Construction Alliance II, National Stone, Sand and Gravel Association, Portland Cement Association, and U.S. Chamber of Commerce.

Listen, we have to put aside these wedge issues, these "gotcha" issues. We have the equivalent of 10 Super Bowl stadiums filled with unemployed construction workers. We have business after business that is struggling.

This is a bipartisan bill. This will save 1.8 million jobs and create an additional 1 million jobs, and we are talking about birth control amendments, line-item veto amendments, amendments about foreign policy. I have to say to those colleagues of mine, whatever side of the aisle they are on—at this time I only know Republican amendments, but anyone who comes forward with a nongermane amendment and tries to put it on this important bill—let me say this as best I can, either they don't care a hoot about jobs for our people or they just want this economy to tank for political reasons. Because if we don't pass a highway bill—and the authorization ends at the end of March-I am going to be blunt with you. What is going to happen? Our States are going to start shutting down these projects and people will be unemployed and we will see reversal in this very delicate economic recovery.

This is a critical bill, and I am going to be on this floor every single day and I am going to be going on my Facebook and I am going to be going on Twitter and TV and radio everywhere. Why? To say a very simple thing to my colleagues—get out of the way of this jobs bill. Get out of the way. All of America supports it, from the left to the right, to the center and everything in between.

I yield the floor. I thank the Chair.
Mrs. FEINSTEIN. Mr. President,
today I have filed Amendment No. 1536
to the pending surface transportation
reauthorization bill. This amendment
is also supported by Senator BOXER.

This amendment would change the railcar procurement rules to allow transit systems to contract for delivery of railcars for up to 5 years from the date of delivery of the first railcar.

Current law requires the purchase of buses and railcars to be completed within 5 years of the date the contract is signed, not the date of the first delivery.

So this amendment would give transit operators the chance to sign larger and more cost effective contracts, which in some cases can save substantial money.

The current rules do not make sense for rail operators. They are designed to stimulate competition among manufacturers, and they prevent transit agencies from locking themselves into contracts for outdated buses in a market that is constantly evolving and advancing technologically.

But these rules do not recognize the reality of purchasing and producing railcars.

A light rail system's car designs must maintain a basic design for compatibility reasons, so rules designed to promote innovative design have little benefit.

But by forcing the transit rail agency to buy cars with the same basic design in two orders instead of one, these rules almost certainly increase total costs. It may also lead to the purchase of different models from two different orders, increasing maintenance costs in the future.

For instance, the Bay Area Rapid Transit System, or BART, is replacing its entire fleet of 669 railcars and buying an additional 106 for an expansion project.

BART's railcars have been in use for about 50 years, and they have become too costly to maintain. It is clearly time that they be replaced.

The current 5 year procurement rule, however, would force BART to issue two small procurements, instead of one large one.

BART estimates this will cost taxpayers and transit riders \$325 million and they will buy the same number of cars either way.

This amendment would allow transit agencies like BART to sign one single contract, to purchase in bulk, and to save money for strapped systems.

Buying in bulk means cheaper flooring, seats, and all other component parts needed to build a railcar. BART also risks increased prices of component parts between contracts.

This amendment empowers transit systems to apply lessons learned from the airline industry in order to make transit more efficient and less costly.

As BART has pointed out in their letter on this amendment, Southwest Airlines is their model.

Southwest flies only Boeing 737s, making it the lowest cost maintenance system in the country. BART wants a

single railcar design, to bring about the same type of savings.

BART hopes to purchase one model and keep their maintenance costs low as well.

The bottom line is this amendment gets Federal rules out of the way of transit agencies that want to use their market power.

It helps transit get the best possible price when purchasing equipment.

It stretches limited Federal dollars much, much further.

I urge my colleagues to support this amendment and ensure that taxpayers' money is used in an efficient manner. During these critical economic times, every cent of the people's money should be spent wisely.

The PRESIDING OFFICER. The Senator from Ohio.

## THE AUTO INDUSTRY

Mr. BROWN of Ohio. Madam President, earlier today I toured Alcoa's Cleveland Works plant. The plant houses an engineering and manufacturing marvel of a 50,000-ton Mesta forging press. It stands 87 feet high; 36 feet below the surface, 51 feet above the surface. The press has enough steel to lay 42 miles of railroad track. That is roughly here to Baltimore or Akron to Cleveland. It is massive, and one of only five heavy closed-die forging presses in the United States. It is officially considered by the Mechanical Engineering Association a national historic engineering landmark.

Its original purpose was to build components for large airplanes during World War II. During the war, we discovered that German aircraft were being built with structural elements that could only be made by large forging processes that we thought had not yet been invented. So only as it could do, our government, through the Air Force, initiated the Heavy Press Program to compete with the Germans and to show that advanced manufacturing matters to our country.

After the war, we brought the Mesta supergiant forging press to America and to Cleveland, where it remains critical to the commercial and defense aerospace industries. It formed the basis of a public-private partnership, it stamps the "Made in America" label on some of the world's most advanced technologies and products.

Today Alcoa is investing \$100 million to complete and restart its redesign of the massive press. Alcoa invested in America and it is an investment in Ohio manufacturing. It shows the company's ability to leverage public resources to meet industrial-based needs as well as commercial demands of the market. It is for our national security, and it is for our domestic security to build a middle class. It is an example of how partnerships can still pay dividends six decades later and will do so

with continued investment for decades to come.

At the time it was about our national pride and need in times of war. Today it is about creating and retaining jobs. It is about showing that manufacturing is about building and it is about innovation. Manufacturing is about high-tech production, it is sophisticated engineering, it is advanced technologies, and it remains a ticket to the middle-class.

We are finally seeing recognition in Washington that manufacturing is critical to our economic recovery. For 12 years-from 1997 through the 8 Bush years into 2009—we had seen a decline every single year in Ohio manufacturing and in American manufacturing, but for the last 21 months we have seen an increase in manufacturing jobs in America and an increase in manufacturing jobs in Ohio. It started, in part, with the auto rescue where if some conservative politicians in Washington had had their way, they would have allowed the auto industry simply to declare bankruptcy with no ability to finance or restructure the auto industry. Instead, the President, in working with the Senate and working with the House, rescued that industry by investing in that industry.

Today in my State we are seeing thousands of auto jobs in the auto companies, in Chrysler and in GM, jobs that wouldn't have been there if we had not done auto rescue, and we are seeing all kinds of auto supply jobs. For instance, at the Chrysler Jeep plant in Toledo, where 3 years ago only 50 percent of components came from domestic sources, today more than 70 percent come from domestic sources.

plants in Toledo, Today Lordstown, and in Defiance are hiring workers. The Chevy Cruze-one of the hottest selling cars in America—is as close to an all-Ohio car as you can get. The engine is made in Defiance, the transmission is made in Toledo, the bumpers are made in Northwood, the stamping is done in Parma, the steel comes out of Cleveland, the aluminum comes out of Cleveland, part of the sound system comes out of Springboro. and the assembly is in Lordstownthousands and thousands of autoworker jobs, tens of thousands of jobs of auto suppliers supplying the Cruze, supplying Honda, supplying the Jeep plant in Toledo, supplying the Ford plant in Avon Lake.

In the last year alone, Honda and Chrysler and Ford and GM announced multimillion-dollar investments in Ohio alone and, in many cases, around the country. Honda announced it would build and develop its most state-of-theart sports car ever right in Ohio. We see the same jobs creating investments from Chrysler, its Toledo assembly complex, from Ford at the Avon Lake plant, from GM at its Defiance powertrain plant.

As it did when the Nation needed the forging press for aerospace manufacturing, our government did only as it could do; it stepped up to invest in America and the American auto industry. So those who complain about the auto rescue need to read a little history to understand that so often American manufacturing partnered with U.S. taxpayers to make sure these industries were strong and solid and created good-paying jobs to build the middle-class. It is paying off dividends today. It will continue to do so in the future.

I have a unanimous consent request after I speak, that the Senator from Oregon is recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. One more point I wish to make. We must remain vigilant in enforcement of our trade laws. Our progress in autos is at risk of being undercut if we allow China to continue to cheat on trade rules, flaunt its predatory auto trade practices in our faces.

Only 10 years ago, our trade deficit in auto parts with China was only about \$1 billion. That has grown 800 percent to about \$9 billion to \$10 billion. That means more than 1.6 million American jobs are at risk. Our trade deficit with China is continuing to cause difficulty for middle-class Americans. China has begun placing tariffs on American-made automobiles. These massive illegal subsidies are worsened by indirect predatory subsidies such as currency manipulation.

That is why I am encouraged by the President's announcement of a new trade enforcement panel. It is borne of the realization that the stakes are too high for our workers and our economy if we don't fight back. We need an all-hands-on-deck approach among the USTR, the State Department, and the Commerce Department to be involved, to be more aggressive, especially by initiating more trade cases.

I know from representing Ohio in the Senate since 2007 what trade enforcement laws do. Trade enforcement by the Commerce Department and the International Trade Commission against China's cheating created jobs in Lorain, OH, in the steel industry; created jobs in Findlay, OH, in the tire industry; created jobs in paper and other industries around the State and resulted in a new steel mill, V&M Star Steel, in Youngstown, OH, where about 1,000 building trades people are building that plant and 500 or 600 steelworkers will be working in that plant that manufactures Oil Country Tubular steel—jobs that would have been in China if the President of the United States and the Commerce Department and the International Trade Commission did not enforce trade laws.

That is why that matters. That is why the new trade enforcement panel that the President is setting up as part of his budget is so very important for the future of our national security and for the future of the middle class and our great country.

I yield the floor.

#### THE HIGHWAY BILL

Mr. MERKLEY. Madam President, I rise to address legislation we hope will soon be pending on the floor of the Senate, the Moving Ahead for Progress in the 21st Century Act, better known as the highway bill. This bill is dedicated to rebuilding both our highway and transportation system. It is a critical downpayment on both America's economic recovery and our long-term economic success.

Infrastructure is a doubly effective investment. First, in the short term, infrastructure projects create much needed jobs, particularly now when the construction industry is flat on its back. It is one of the hardest hit sectors in this downturn. So rebuilding and repairing our crumbling roads and bridges is one of the best actions we can take to create jobs.

Second, infrastructure investment supports jobs in the long term. Think of how many businesses in this country rely on America's infrastructure to move their goods to consumers—businesses in every State of our Nation, from our most rural communities to our largest cities; small businesses, the largest corporations, and everything in between.

Creating the infrastructure that gives these businesses the tools they need to grow is an essential ingredient for future job growth. Yet, over the past generation, our commitment to infrastructure funding at the Federal level has not reflected its role as a key to our competitiveness.

China is spending 10 percent of its gross domestic product on infrastructure. Europe is spending 5 percent of its GDP on infrastructure. The number here in America is 2 percent—barely enough to keep our roads and transit systems in repair. There are those here in Washington pushing to cut the investment even further.

This is not a recipe for success in the 21st century, nor should this be a partisan issue. When I go home to Oregon I hear from businesses, large to small, from liberal to conservative, telling me that this transportation bill is a good investment in our future. Likewise, more than 1,000 organizations ranging from the U.S. Chamber of Commerce to labor groups to local governments have urged Congress to act without delay and pass this highway bill. It is time for Congress to recognize, as our constituents do, that if we want jobs, if we want growth, if we want competitiveness, this is one of the best investments we can make.

I am very pleased that the committee responsible for this, the Environment

and Public Works Committee, was able to pass a strong bill, and it is going to be merged with work done by three other committees, in all cases with bipartisan votes, and they will bring this bill to the floor with significant support on both sides of the aisle. But our work is not going to be done until we pass this bill through this Chamber, until we pass this bill through the House, and until we put it on the President's desk.

This bill is a downpayment on the next phase of our economic growth. It puts construction workers back on the job, creating 1.8 million jobs over the next 2 years. That is a sizable number—1.8 million jobs. That will make a huge difference to construction workers who are still struggling with an unemployment rate of 18 percent—more than twice the national average.

Second, this bill gives States the flexibility to direct more of their own funds, putting more power in the hands of local communities to decide what their most important transportation priorities are.

Finally, it is an investment in the 21st century system that will move us all forward.

Of course, there are always ways that a bill can be stronger, and I will work with my colleagues to bring a number of amendments to the floor. There are, for example, several loopholes in the "Buy American" provisions that we should fix. We already recognize in current law that if we are spending taxpayer dollars to buy materials for American infrastructure projects, it makes no sense to shift those dollars overseas when they could stay in our economy and support growth and jobs right here. All highway and transit projects have requirements to use American-made materials for public infrastructure and transit. But two specific loopholes have enabled States to buy Chinese steel instead of American steel and shift jobs out of the country. First, we should close the freight rail loophole in our "Buy American" laws. The industrial might of this Nation was built on American railroads, made from American steel. As we update and improve that freight rail system, it is only right that those bridges and tracks continue to be made in America.

This summer, construction of a rail bridge in Alaska to a military base was awarded to a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administrations, doesn't have any "Buy American" provision. An American company was ready to build this bridge but because of this loophole, the contract went to a Chinese company using Chinese steel, paid for with American tax dollars. That is a huge mistake. Let's shut that loophole.

Second, we should close the segmentation loophole. This loophole allows projects to be split into little

pieces in order to bypass the requirement for American-made materials. The Bay Bridge in California was split into nine separate projects instead of one bridge project so that Federal funds and, therefore, "Buy American" provisions would only apply to two out of the nine projects. This allowed the bulk of the bridge to be built with Chinese steel and Chinese workers, with American tax dollars. That is a mistake. Even Republican Members of the House know that is a mistake. They have put forward an amendment to close this loophole. Let's close this loophole as well on the Senate side.

In addition to closing these two loopholes, we need to strengthen the bike and pedestrian provisions in this bill. Bike and pedestrian systems are essential components in an integrated transportation system, reducing congestion and reducing pollution in a highly costeffective manner. With gas prices on the rise, many families are looking for increased opportunities to get around on their bikes and on foot. In many communities around the Nation such as Portland and Eugene in my home State of Oregon, and many other cities in Oregon, biking and walking have become a way of life, with families commuting, running errands, and getting around town. When they are able to do that, they decrease the load on the highway system. They reduce the congestion. They reduce the pollution. It is a win-win at every level.

But Federal funding has not kept up with this shift. Just as traffic lights and highway lanes are necessary to make our roads safer and faster for drivers, pedestrians and bikers need basic infrastructure to make their trips safe and efficient. Yet there is no dedicated Federal funding stream for bike and pedestrian infrastructure. This is a growing demand in many communities and States. Despite the fact of decreasing congestion on the roads, it is one of the most cost-effective strategies we could possibly follow. Biking and walking infrastructure costs little, but it has a big bang for the buck. In Portland 2 percent of the city's transportation dollars were spent on biking and walking, but the percentage of commuters traveling by bike went up 140 percent. Imagine if all those bikers were in cars by themselves, as are so many of us who drive to work. Congestion in Portland would have increased instead of staving constant over a 10-year period as it has.

I am supporting an amendment that will retain the current level of funding at 2 percent for bike and pedestrian projects, and I encourage my colleagues to be smart with the Federal dollar and support this amendment.

This bill—the broader highway bill—is a critical investment in our short-term and long-term economic success. Over the next 2 years, it will provide an immediate boost to a struggling con-

struction industry, creating jobs where they are needed most. And over the next generation, it will act as the downpayment we need on infrastructure for our businesses to grow and prosper in the 21st century.

I urge my colleagues on both sides of the aisle to continue to build support around this bill; indeed, to get this bill to the floor for consideration. While there are some in this Chamber who want to fight social battles by putting unrelated amendments up, there are millions of Americans in need of jobs, there is an infrastructure that needs to be rebuilt, and there are citizens who want us to put aside the games and do the work here so they can do the work back at home.

I yield the floor.

#### ROMA BRIDGE BUILDING

Mr. CARDIN. Mr. President, at the end of January, something remarkable happened: Slovak Deputy Prime Minister Rudolf Chmel made a positive statement about Roma. Saying something nice about Europe's largest ethnic minority may not seem newsworthy, but it is and here is why.

The Deputy Prime Minister reacted to an escalation of anti-Roma rhetoric in the runup to Slovakia's March 10 parliamentary elections by calling on political parties not to play the "Roma card." But more than that, he welcomed a landmark decision of the European Court on Human Rights holding that the sterilization of a Slovak Romani woman without her consent had been cruel and inhuman. He welcomed the findings of a Slovak court that concluded Romani children had been placed in segregated schools in eastern Slovakia. And he commended the human rights organization that had helped litigate both these cases.

To say that statements like these are few and far between is an understatement. On the contrary, officials at the highest levels of government frequently perpetuate the worst bigotry against Roma.

For example, after four perpetrators were convicted and sentenced for a racially motivated firebombing that left a Romani toddler burned over 80 percent of her body, Czech President Vaclav Klaus wondered if their 20-plusyear sentences were too harsh. Romanian Foreign Minister Teodor Baconschi suggested that Roma were "physiologically" disposed to crime. Last year, President Silvio Berlusconi warned the electorate of Milan to vote for his party lest their city become a "Gypsyopolis." And French President Nicolas Sarkozy has explicated targeted Roma-from EU countries-for expulsion from France. The common thread in most of this rhetoric is the portrayal of Roma as inherently crimi-

Nearly 20 years ago in the New York Times—Dec. 10, 1993—Vaclav Havel described the treatment of Roma as a litmus test for civil society. Today, Europe is still failing that test miserably. As Hungary's Minister for Social Inclusion Zolton Balog has argued, Roma are worse off today than they were under communism. While a small fraction of Roma have benefited from new opportunities, many more have been the absolute losers in the transition from the command-to-a market economy, and vast numbers live in a kind of poverty that the United Nations Development Programme described as more typically found in sub-Saharan Africa than Europe. Endemic discrimination has propelled economic marginalization downward at an exponential pace, and the past 20 years have been marked by outbreaks of hate crimes and mob violence against Roma that are on the rise again.

In the current environment, those who play with anti-Roma rhetoric are playing with a combustible mix.

In the near term, there is the real prospect that fueling prejudice against Roma will spark interethnic violence. Before Bulgaria's local elections last October, the extremist Ataka party parlayed an incident involving a Romani mafia boss into anti-Romani rioting in some 14 towns and cities. In the Czech Republic, the government has had to mount massive shows of law enforcement to keep anti-Roma mobs from degenerating into all-out pogroms; its worked so far, but at a huge cost.

Significantly, Roma are not always standing by while the likes of the Hungarian Guard mass on their doorsteps; they have sometimes gathered sticks, shovels, scythes, and anything else handy in an old-school defense.

Even without the prospect of violence, there is a longer term threat to many countries with larger Romani populations: if they fail to undertake meaningful integration of Roma, they will find their economies hollowed out from within. More than a decade ago, then-Hungarian Minister of Education Zolton Pokorni said that one out of every three children starting school that year would be Romani. Some economic forecasts now suggest that by 2040, 40 percent of the labor force in Hungary will be Romani. A number of other countries face similar trajectories.

A desperately impoverished, uneducated, and marginalized population will not serve as the backbone of a modern and thriving economy. But several studies have shown that the cost of investing in the integration of Roma—housing, education, and job training and the like—will be more than offset by gains in GNP and tax revenue. In order to undertake those integration policies, somebody has to build popular support for them. And that is where Mr. Chmel comes in.

Until now, most popular discourse about Roma seems predicated on the ostrich-like belief that perhaps they can be made to go away. Few politicians have shown the courage and foresight to reframe public discourse in any way that acknowledges Europe's future will definitely include Roma. Mr. Chmel has taken an important step in that direction. I hope he will inspire others.

## ADDITIONAL STATEMENTS

## REMEMBERING STEVE APPLETON

• Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in honoring the life of Steve Appleton. We are deeply saddened by Steve's passing, and we join his wife, Dalynn, their children, family, Micron employees and his many friends in honoring his remarkable life.

For more than three decades, our State was a fortunate beneficiary of Steve's determination and hard work. A year after his 1982 graduation from Boise State University, he joined Micron Technology, Inc., and quickly ascended from working on Micron's hightech assembly line to leading the company as CEO, president and chairman. His talent and energy helped overcome significant challenges and shaped Micron into a multinational world leader in semiconductors. As Kurt Marko, a coworker at Micron, poignantly described him, "Appleton personified Micron's can-do spirit. He, and it, defied the odds."

Steve leaves behind a legacy of hard work, focus, integrity and generosity. He was driven to reach remarkable achievements and was generous in sharing the rewards of that hard work to better our State and future generations of Idahoans. For example, he gave his time and financial resources to help Boise State University develop its College of Engineering; raised funds for scholarships, programs, buildings and projects, including the Appleton Tennis Complex; and established the Micron Foundation. Due to his efforts, our State and Nation will be better equipped to compete globally.

We were honored to have many opportunities to work with Steve over the years. His pragmatic approach was instrumental in achieving remedies needed to better ensure a level playing field for U.S. semiconductor products and address unfair trading practices. No matter the challenges, Steve faced them with optimism and sensibility.

Steve's adventurous spirit was widely known and well documented. His passion for sports and competition contributed to him excelling in tennis, including winning the doubles title at the Big Sky Tennis Championship in 1982. Besides his love of aviation, he also was involved in a number of ad-

venture sports including, off-road car racing, scuba diving, wakeboarding, motocross and more.

Steve Appleton's energy and commitment to Idaho will not be forgotten. He has set an extraordinary example of what hard work and initiative in a free enterprise system can achieve. He helped create thousands of jobs and cemented Idaho's standing in the hightech field. His innovation, drive and forward-thinking approach, as well as his wonderful friendship, will be greatly missed.

## RECOGNIZING ARKANSAS HOSPITALS

• Mr. PRYOR. Mr. President, it is my distinct privilege to recognize the work of five Arkansas hospitals that were honored by U.S. News and World Report as among the Nation's best hospitals and classified as "high-performing" in a variety of specialties for their outstanding care. These hospitals were judged against almost 5,000 nationwide hospitals and met rigorous standards of medical care, including patient survival and safety, hospital reputation, and care-related factors such as nursing and patient services. The "high-performing" designation is reserved for hospitals that rank in the top 25 percent of each category after further standards are applied. These five hospitals are tremendous assets to my State, and I am pleased to be able to praise their hard work and worldclass medical care on the Senate floor.

The U.S. News 2011-2012 Best Hospitals rankings recognized three hospitals in the Little Rock metropolitan area, which includes Little Rock, North Little Rock, and Conway. The University of Arkansas for Medical Sciences, UAMS, was recognized as a high-performing hospital in four specialty areas: cancer; obstetrics/gynecology; ear/nose/throat, ENT; and nephrology, kidney, Baptist Health Medical Center was named high-performing in the ENT and nephrology specialties, and St. Vincent Infirmary was recognized as high-performing in the ENT and orthopedics specialties.

The 2011–2012 Best Hospitals list included two additional Arkansas facilities providing outstanding care outside of major metro areas: Sparks Regional Medical Center, in Fort Smith, and Washington Regional Medical Center, in Fayetteville. They were two of only 247 hospitals across the Nation recognized for their exceptional care as regional hospitals. Sparks was listed as "high-performing" in the pulmonology specialty and Washington Regional in geriatrics.

I ask my colleagues to join me in recognizing the achievements of UAMS, Baptist Health, St. Vincent, Sparks Regional, and Washington Regional. I am thankful for the men and women of these five facilities and all the health

care professionals across my State. They are constantly striving to provide Arkansans with the best medical care possible, and I am proud of all their hard work. ●

## TRIBUTE TO WILMA J. WEBB

• Mr. UDALL of Colorado. Mr. President, today I want to recognize a friend and a great Coloradan the Honorable Wilma J. Webb. Wilma is a transformative leader who has left her indelible mark on the State of Colorado and the character of our country.

On February 16, 2012, the Anti-Defamation League's Mountain States Office will present Wilma with the prestigious 2012 Civil Rights Award. Given all of her work on behalf of the African-American community, it is especially appropriate that Wilma will receive her award during Black History Month. I congratulate her on being the recipient of such an esteemed honor and I applaud her for her remarkable achievements in the struggle for civil rights. Wilma's award presents me with an opportunity to tell the U.S. Senate about her remarkable life and work.

Wilma is a native of the Centennial State, born in Denver and raised in the city's Five Points Neighborhood. She later attended the University of Colorado at Denver, and is an alumna of Harvard University's John F. Kennedy School of Government. As a testament to her dedication to public service in Colorado, Wilma also has received honorary doctoral degrees from the University of Northern Colorado and the Art Institute of Colorado.

By 1980, Wilma had become a state representative in the Colorado General Assembly, where she served for 13 years, distinguishing herself as a trailblazing leader in the State Capitol. Among her achievements, Wilma spearheaded legislation to prevent discrimination in its many forms. For example, Wilma successfully secured the ability of the Colorado Civil Rights Commission and Division to use the power of subpoena in cases of discrimination. The first woman to represent House District 8, she was also a champion for the rights of women and led legislation to make it unlawful to discriminate against women in the workplace or in the pursuit of an education. Wilma fought to help women and minority professionals lead successful businesses Colorado. Additionally, Wilma served as an advocate to end discrimination on the basis of a person's sexual orientation or physical disability.

In the 1980s, the United States was considering a policy of divestment in South Africa because of its abhorrent system known as apartheid. At this time, early in her career as a State Representative, Wilma had the foresight and determination to lead the divestment effort in Colorado. To do so, she carried bills to discourage invest-

ment in South Africa until Nelson Mandela was freed from imprisonment on Robben Island and justice was restored to the country's political system. It's a stance that many of us think is common sense now, but we must remember that it took brave leaders like Wilma to be on the forefront of the fight several decades ago.

Wilma's leadership to expand civil rights is laudable, and includes many successful initiatives that make Coloradans proud. She is perhaps most widely known and celebrated for her effort to establish Martin Luther King, Jr. Day as a State holiday in Colorado. Founding the Martin Luther King, Jr. Colorado Holiday Commission along with Mrs. Coretta Scott King and Governor Richard D. Lamm, Wilma committed 18 years to serving as its President and Chairman. The commission, helmed by Wilma, was responsible for organizing the annual "Marade" in the heart of Denver and has served to unite and educate communities across Colorado on the spirit and contributions of Dr. King. The Marade, uniquely named for being both a march and a parade, is one of the largest celebrations of its kind across the country. I have had the distinct privilege of participating in it over the years. In fact, just last month I was in Denver to mark the occasion, and it is among the most important ways we have to celebrate our diverse communities and honor the values to which Dr. King devoted his life. To me. Wilma's visionary leadership in honoring Dr. King's legacy symbolizes our nation's inexorable march toward greater equality and justice for all Americans.

There are many other notable achievements of Wilma Webb. I would like to discuss a few more.

She has been a pioneer on education issues, fighting for a level playing field and full-day kindergarten so that Colorado's children are able to get a quality education. I will note that in President Obama's most recent State of the Union address, he called for a nation-wide effort to establish a mechanism to keep students in school until they are 18 years old or graduate high school. It did not surprise me to learn that Wilma, in her days as a state legislator, carried measures to do the same for Colorado's youth over 20 years ago.

Wilma served as a voice for the community's poor by carrying legislation that supported Colorado's most vulnerable populations, and she successfully advanced provisions that improved the living conditions of both the elderly and troubled youth.

Wilma also developed a prowess tackling thorny budgetary issues. As she rose to become an influential member of the State legislature, she was the first minority woman to earn a prestigious spot on the Joint Budget Committee responsible for guiding Colorado's budget priorities.

Yet Wilma's achievements go beyond what I have mentioned here and are not limited to her time in the General Assembly. Those of us who know Wilma know that her life extends far beyond that.

Wilma was the first African-American woman to be the First Lady of Denver. She stood by her husband, former Mayor Wellington Webb, as an active leader in the affairs of the city and a respected figure within its diverse communities. I know how proud my friend Wellington is of his wife, and vice versa. They are the epitome of a "power couple," but more importantly, a couple devoted to public service.

As First Lady, Wilma was unyielding in her efforts to end drug abuse and consequently devoted much of her time and energy to strengthening Colorado's comprehensive anti-drug abuse programs. These programs, the first of their kind, were enacted as a result of a bill she carried during her days in the Colorado State House.

Wilma was also devoted to resolving the unique issues facing families and youth throughout Denver. As if that did not keep her busy enough, Wilma took on the responsibility of hosting local, national and foreign dignitaries in Denver, and also traveling abroad to over 23 countries to represent Denver and build relationships with worldwide partners. She was instrumental in creating and implementing the Mayor's vision for the arts and played a key role in revitalizing the cultural and artistic vitality of Denver. In one notable example, Wilma founded the Denver Art, Culture and Film Foundation to raise money for public art projects.

And she certainly did not stop after her First Lady of Denver duties were done. Colorado and the Mountain West were fortunate to have Wilma's leadership extend to a new position: she became the U.S. Secretary of Labor's Representative for the Department of Labor's Region VIII. To no one's surprise, Wilma yet again blazed a new trail as the first woman to fill this role, where she had significant budgetary oversight and directed special projects to resolve labor and workforce issues in the West. Her commitment to public service on the Federal level was just as productive as her time working at the State level.

It is clear Wilma has had an extraordinary career. She is warm, she is a visionary leader, she is exceptionally skilled, and she is driven by the desire to do what is right for Coloradans. Yet throughout her years as a leader, she has maintained a strong sense of the importance of family. As a daughter, a wife, a mother and a grandmother, she has been a cornerstone for all those around her. As someone who values the importance of balancing work life with family life, I respect the example that Wilma sets in that regard.

As I conclude, let me say to my colleagues that I am proud—and Coloradans are proud to count Wilma among our numbers. She has earned the 2012 Civil Rights Award through her years of dedication, innovation and persistence in making Colorado a better place. She is a pioneer for civil rights and a forward-thinking public servant who has etched her mark on the lives of Colorado's families, youth and marginalized communities. I commend Wilma for advancing the rights of every Coloradan and for a lifetime of service to others. On behalf of all Coloradans, I extend hearty congratulations on Wilma's well-earned honor. with full confidence that she will continue her groundbreaking work.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Neiman, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

### To the Congress of the United States:

America was built on the idea that anyone who is willing to work hard and play by the rules, can make it if they try—no matter where they started out. By giving every American a fair shot, asking everyone to do their fair share, and ensuring that everyone played by the same rules, we built the great American middle class and made our country a model for the world.

Today, America is still home to the world's best universities, most productive workers, and most innovative companies. But for many Americans, the basic bargain at the heart of the American Dream has eroded.

Long before this recession hit, there was a widespread feeling that hard work had stopped paying off; that fewer and fewer of those who contributed to the success of our economy ac-

tually benefited from that success. Those at the very top grew wealthier while everyone else struggled with paychecks that did not keep up with the rising cost of everything from college tuition to groceries. And as a result, too many families found themselves taking on more and more debt just to keep up—often papered over by mounting credit card bills and home equity loans.

Then, in the middle of 2008, the house of cards collapsed. Too many mortgages had been sold to people who could not afford—or even understand—them. Banks had packaged too many risky loans into securities and then sold them to investors who were misled or misinformed about the risks involved. Huge bets had been made and huge bonuses had been paid out with other people's money. And the regulators who were supposed to prevent this crisis either looked the other way or did not have the authority to act.

In the end, this growing debt and irresponsibility helped trigger the worst economic crisis since the Great Depression. Combined with new tax cuts and new mandatory programs that had never been paid for, it threw our country into a deep fiscal hole. And millions of hardworking Americans lost their jobs, their homes, and their basic economic security.

Today, we are seeing signs that our economy is on the mend. But we are not out of the woods yet. Instead, we are facing a make-or-break moment for the middle class, and for all those who are fighting to get there. What is at stake is whether or not this will be a country where working people can earn enough to raise a family, build modest savings, own a home, and secure their retirement. This is the defining issue of our time.

This Budget reflects my deep belief that we must rise to meet this moment—both for our economy and for the millions of Americans who have worked so hard to get ahead.

We built this Budget around the idea that our country has always done best when everyone gets a fair shot, everyone does their fair share, and everyone plays by the same rules. It rejects the "you'reon your own" economics that have led to a widening gap between the richest and poorest Americans that undermines both our belief in equal opportunity and the engine of our economic growth. When the middle class is shrinking, and families can no longer afford to buy the goods and services that businesses are selling, it drags down our entire economy. And countries with less inequality tend to have stronger and steadier economic growth over the long run.

The way to rebuild our economy and strengthen the middle class is to make sure that everyone in America gets a fair shot at success. Instead of lowering our standards and our sights, we need to win a race to the top for good jobs that pay well and offer security for the middle class. To succeed and thrive in the global, high-tech economy, we need America to be a place with the highest-skilled, highest-educated workers; the most advanced transportation and communication networks; and the strongest commitment to research and technology in the world. This Budget makes investments that can help America win this race, create good jobs, and lead in the world economy.

And it does so with the understanding that we need an economy that is no longer burdened by years of debt and in which everyone shoulders their fair share to put our fiscal house in order. When I took office 3 years ago, my Administration was left an annual deficit of \$1.3 trillion, or 9.2 percent of GDP, and a projected 10-year deficit of more than \$8 trillion. These deficits were the result of a previous 8 years of undertaking initiatives, but not paying for them—especially two large tax cuts and a new Medicare prescription drug benefit—as well as the financial crisis and recession that made the fiscal situation worse as revenue decreased and automatic Government outlays increased to counter the downturn.

We have taken many steps to re-establish fiscal responsibility, from instituting a statutory pay-as-you-go rule for spending to going through the budget line by line looking for outdated, ineffective, or duplicative programs to cut or reform. Importantly, we enacted the Affordable Care Act, which will not only provide Americans with more affordable choices and freedom from insurance company abuses, but will also reduce our budget deficits by more than \$1 trillion over the next two decades.

As economic growth was beginning to take hold last year, I took further steps to put our Nation on a fiscally sustainable path that would strengthen the foundation of the economy for years to come. In April of 2011, I put forward my Framework for Shared Prosperity and Shared Fiscal Responsibility that built on the 2012 Budget to identify \$4 trillion in deficit reduction. During negotiations over extending the debt ceiling in the summer, I presented to congressional Republicans another balanced plan to achieve \$4 trillion in deficit reduction. Finally, in September, I sent my Plan for Economic Growth and Deficit Reduction to the Joint Select Committee on Deficit Reduction, which detailed a way to achieve \$3 trillion in deficit reduction on top of the \$1 trillion already achieved in the Budget Control Act of 2011 that I signed into law the previous month.

I also made sure that this plan covered the cost of the American Jobs Act—a set of bipartisan, commonsense proposals designed to put more people back to work, put more money in the

pockets of the middle class, and do so without adding a dime to the deficit at a time when it was clear that global events were slowing the economic recovery and our ability to create more jobs. Unfortunately, Republicans in Congress blocked both our deficit reduction measures and almost every part of the American Jobs Act for the simple reason that they were unwilling to ask the wealthiest Americans to pay their fair share.

In the year ahead, I will continue to pursue policies that will shore up our economy and our fiscal situation. Together with the deficit reduction I signed into law this past year, this Budget will cut the deficit by \$4 trillion over the next decade. This will put the country on a course to a level of deficits below 3 percent of GDP by the end of the decade, and will also allow us to stabilize the Federal debt relative to the size of the economy. To get there, this Budget contains a number of steps to put us on a fiscally sustainable path.

First, this Budget implements the tight discretionary spending caps that I signed into law in the Budget Control Act of 2011. These caps will generate approximately \$1 trillion in deficit reduction over the next decade. Building on reductions we already have made. this will result in a cut in discretionary spending of \$42 billion since 2010 when higher levels of Federal spending were essential to provide a jumpstart to the economy. Meeting the spending targets in this Budget meant some very difficult choices: reforming, consolidating, or freezing programs where we could; cutting programs that were not effective or essential and even some that were, but are now unaffordable; and precisely targeting our investments. Every department will feel the impact of these reductions as they cut programs or tighten their belts to free up more resources for areas critical to economic growth. And throughout the entire Government, we will continue our efforts to make programs and services work better and cost less: using competition and high standards to get the most from the grants we award; getting rid of excess Federal real estate; and saving billions of dollars by cutting overhead and administrative costs.

Second, this Budget begins the process of implementing my new defense strategy that reconfigures our force to meet the challenges of the coming decade. Over the past 3 years, we have made historic investments in our troops and their capabilities, military families, and veterans. After a decade of war, we are at an inflection point: American troops have left Iraq; we are undergoing a transition in Afghanistan so Afghans can assume more responsibility; and we have debilitated al Qaeda's leadership, putting that terrorist network on the path to defeat.

At the same time, we have to renew our economic strength here at home, which is the foundation of our strength in the world, and that includes putting our fiscal house in order. To ensure that our defense budget is driven by a clear strategy that reflects our national interests, I directed the Secretary of Defense and military leadership to undertake a comprehensive strategic review.

I presented the results of the review, reflecting my guidance and the full support of our Nation's military leadership, at the Pentagon on January 5. There are several key elements to this new strategy. To sustain a global reach, we will strengthen our presence in the Asia Pacific region and continue vigilance in the Middle East. We will invest in critical partnerships and alliances, including NATO, which has demonstrated time and again-most recently in Libya—that it is a force multiplier. Looking past Iraq and Afghanistan to future threats, the military no longer will be sized for large-scale, prolonged stability operations. The Department of Defense will focus modernization on emerging threats and sustaining efforts to get rid of outdated Cold War-era systems so that we can invest in the capabilities we need for the future, including intelligence, surveillance and reconnaissance capabilities. My Administration will continue to enhance capabilities related to counterterrorism and countering weapons of mass destruction, and we will also maintain the ability to operate in environments where adversaries try to deny us access. And, we will keep faith with those who serve by giving priority to our wounded warriors, servicemembers' mental health, and the wellbeing of military families.

Adapting our forces to this new strategy will entail investing in high-priority programs, such as unmanned surveillance aircraft and upgraded tactical vehicles. It will mean terminating unnecessary and lower-priority programs such as the C-27 airlift aircraft and a new weather satellite and maintaining programs such as the Joint Strike Fighter at a reduced level. All told, reductions in the growth of defense spending will save \$487 billion over the next 10 years. In addition, the end of ourmilitary activities in Iraq and the wind-down of operations in Afghanistan will mean that the country will spend 24 percent less on overseas contingency operations (OCO) this year than it did last year, saving \$30 billion. I also am proposing a multi-year cap on OCO spending so that we fully realize the dividends of this change in pol-

Third, I believe that in our country, everyone must shoulder their fair share—especially those who have benefited the most from our economy. In the United States of America, a teacher, a nurse, or a construction worker

who earns \$50,000 a year should not pay taxes at a higher rate than somebody making \$50 million. That is wrong. It is wrong for Warren Buffett's secretary to pay a higher tax rate than Warren Buffett. This is not about class warfare; this is about the Nation's welfare. This is about making fair choices that benefit not just the people who have done fantastically well over the last few decades, but that also benefit the middle class, those fighting to get into the middle class, and the economy as a whole.

In the Budget, I reiterate my opposition to permanently extending the Bush tax cuts for families making more than \$250,000 a year and my opposition to a more generous estate tax than we had in 2009 benefiting only the very largest estates. These policies were unfair and unaffordable when they were passed, and they remain so today. I will push for their expiration in the coming year. I also propose to eliminate special tax breaks for oil and gas companies; preferred treatment for the purchase of corporate jets; tax rules that give a larger percentage deduction to the wealthiest two percent than to middle-class families for itemized deductions; and a loophole that allows some of the wealthiest money managers in the country to pay only 15 percent tax on the millions of dollars they earn. And I support tax reform that observes the "Buffett Rule" that no household making more than \$1 million annually should pay a smaller share of its income taxes than middle-class families pay.

Fourth, to build on the work we have done to reduce health care costs through the Affordable Care Act. I am proposing more than \$360 billion in reforms to Medicare. Medicaid, and other health programs over 10 years. The goal of these reforms is to make these critical programs more effective and efficient, and help make sure our health care system rewards high-quality medicine. What it does not do-and what I will not support—are efforts to turn Medicare into a voucher or Medicaid into a block grant. Doing so would weaken both programs and break the promise that we have made to American seniors, people with disabilities, and low-income families—a promise I am committed to keeping.

Finally, to address other looming, long-term challenges to our fiscal health, I have put forward a wide range of mandatory savings. These include reductions in agricultural subsidies, changes in Federal employee retirement and health benefits, reforms to the unemployment insurance system and the Postal Service, and new efforts to provide a better return to taxpayers from mineral development. Drawn from the plan I presented to the Joint Select Committee on Deficit Reduction, these mandatory proposals would save \$217 billion over the next decade.

Reining in our deficits is not an end in and of itself. It is a necessary step to rebuilding a strong foundation so our economy can grow and create good jobs. That is our ultimate goal. And as we tighten our belts by cutting, consolidating, and reforming programs, we also must invest in the areas that will be critical to giving every American a fair shot at success and creating an economy that is built to last.

That starts with taking action now to strengthen our economy and boost job creation. We need to finish the work we started last year by extending the payroll tax cut and unemployment benefits for the rest of this year. We also need to take additional measures to put more people back to work. That is why I introduced the American Jobs Act last year and why I will continue to put forward many of the ideas it contained, as well as additional measures, to put people back to work by rebuilding our infrastructure, providing businesses tax incentives to invest and hire, and giving States aid to rehire teachers and first responders.

We also know that education and lifelong learning will be critical for anyone trying to compete for the jobs of the future. That is why I will continue to make education a national mission. What one learns will have a big impact on what he or she earns: the unemployment rate for Americans with a college degree or more is only about half the national average, and the incomes of college graduates are twice as high as those without a high school diploma.

When I took office, I set the goal for America to have the highest proportion of college graduates in the world by 2020. To reach that goal, we increased the maximum annual Pell Grant by more than \$900 to help nearly 10 million needy students afford a college education. The 2013 Budget continues that commitment and provides the necessary resources to sustain the maximum award of \$5,635. In this Budget, I also propose a series of new proposals to help families with the costs of college including making permanent the American Opportunity Tax Credit, a partially refundable tax credit worth up to \$10,000 per student over 4 years of college, and rewarding colleges and universities that act responsibly in setting tuition, providing the best value, and serving needy students well.

To help our students graduate with the skills they will need for the jobs of the future, we are continuing our effort to prepare 100,000 science and math teachers over the next decade. To improve our elementary and secondary schools, we are continuing our commitment to the Race to the Top initiative that rewards the most innovative and effective ways to raise standards, recruit and retain good teachers, and raise student achievement. My Budget invests \$850 million in this effort,

Reining in our deficits is not an end which already has been expanded to and of itself. It is a necessary step to cover early learning and individual building a strong foundation so our school districts.

And to prepare our workers for the jobs of tomorrow, we need to turn our unemployment system into a re-employment system. That includes giving more community colleges the resources they need to become community career centers—places that teach skills that businesses are looking for right now, from data management to high-tech manufacturing.

Once our students and workers gain the skills they need for the jobs of the future, we also need to make sure those jobs end up in America. In today's high-tech, global economy, that means the United States must be the best place in the world to take an idea from the drawing board to the factory floor to the store shelves. In this Budget, we are sustaining our level of investment in non-defense research and development (R&D) even as overall spending declines, thereby keeping us on track to double R&D funding in the key R&D agencies. We are supporting research at the National Institutes of Health that will accelerate the translation of new discoveries in biomedical science into new therapies and cures, along with initiatives at the Food and Drug Administration that will speed the approval of new medicines. We make important investments in the science and research needed to tackle the most important environmental challenges of our time, and we are investing in fields as varied as cyber-security, nano-technology, and advanced manufacturing. This Budget also puts an emphasis on the basic research that leads to the breakthroughs of tomorrow, which increasingly is no longer being conducted by the private sector, as well as helping inventors bring their innovations from laboratory to market.

This Budget reflects the importance of safeguarding our environment while strengthening our economy. We do not have to choose between having clean air and clean water and growing the economy. By conserving iconic American landscapes, restoring significant ecosystems from the Everglades to the Great Lakes, and achieving measurable improvements in water and air quality, we are working with communities to protect the natural resources that serve as the engines of their local economies.

Moreover, this Budget continues my Administration's commitment to developing America's diverse, clean sources of energy. The Budget eliminates unwarranted tax breaks for oil companies, while extending key tax incentives to spur investment in clean energy manufacturing and renewable energy production. The Budget also invests in R&D to catalyze the next generation of clean energy technologies. These investments will help us achieve our goal of doubling the share of elec-

tricity from clean energy sources by 2035. By promoting American leadership in advanced vehicle manufacturing, including funding to encourage greater use of natural gas in the transportation sector, the Budget will help us reach our goal of reducing oil imports by one-third by 2025 and position the United States to become the first country to have one million electric vehicles on the road by 2015. We also are working to decrease the amount of energy used by commercial and industrial buildings by 20 percent to complement our ongoing efforts to improving the efficiency of the residential sector. And we will work with the private sector, utilities, and States to increase the energy productivity of American industries while investing in the innovative processes and materials that can dramatically reduce energy use.

It is also time for government to do its part to help make it easier for entrepreneurs, inventors, and workers to grow their businesses and thrive in the global economy. I am calling on Congress to immediately begin work on corporate tax reform that will close loopholes, lower the overall rate, encourage investment here at home, simplify taxes for America's small businesses, and not add a dime to the deficit. Moreover, to further assist these companies, we need a comprehensive reorganization of the parts of the Federal Government that help businesses grow and sell their products abroad. If given consolidation authority—which Presidents had for most of the 20th century—I will propose to consolidate six agencies into one Department, saving money, and making it easier for all companies—especially small businesses—get the help they need to thrive in the world economy.

Finally, this Budget advances the national security interests of the United States, including the security of the American people, the prosperity and trade that creates American jobs, and support for universal values around the world. It increases funding for the diplomatic efforts that strengthen the alliances and partnerships that improve international cooperation in meeting shared challenges, open new markets to American exports, and promote development. It invests in the intelligence and homeland security capabilities to detect, prevent, and defend against terrorist attacks against our country.

As we implement our new defense strategy, my Administration will invest in the systems and capabilities we need so that our Armed Forces are configured to meet the challenges of the coming decade. We will continue to invest in improving global health and food security so that we address the root causes of conflict and security threats. And we will keep faith with our men and women in uniform, their

families, and veterans who have served their Nation.

These proposals will take us a long way towards strengthening the middle class and giving families the sense of security they have been missing for too long. But in the end, building an economy that works for everyone will require all of us to take responsibility. Parents will need to take greater responsibility for their children's education. Homeowners will have to take more responsibility when it comes to buying a house or taking out a loan. Businesses will have to take responsibility for doing right by their workers and our country. And those of us in public service will need to keep finding ways to make government more efficient and more effective.

Understanding and honoring the obligations we have to ourselves and each other is what has made this country great. We look out for each other, pull together, and do our part. But Americans also deserve to know that their hard work will be rewarded.

This Budget is a step in the right direction. And I hope it will help serve as a roadmap for how we can grow the economy, create jobs, and give Americans everywhere the security they deserve.

BARACK OBAMA. THE WHITE HOUSE, February 13, 2012.

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself, Mr. HOEVEN, and Mr. LUGAR):

HOEVEN, and Mr. LUGAR): S. 2100. A bill to suspend sales of petroleum products from the Strategic Petroleum Reserve until certain conditions are met; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON of South Dakota:

S. 2101. An original bill to strengthen the multilateral sanctions regime with respect to Iran, to expand sanctions relating to the energy sector of Iran, the proliferation of weapons of mass destruction by Iran, and human rights abuses in Iran, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Ms. MIKULSKI):

S. 2102. A bill to provide the authority to monitor and defend against cyber threats, to improve the sharing of cybersecurity information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE:

S. 2103. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1945. A bill to permit the televising of Supreme Court proceedings.

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2101. An original bill to strengthen the multilateral sanctions regime with respect to Iran, to expand sanctions relating to the energy sector of Iran, the proliferation of weapons of mass destruction by Iran, and human rights abuses in Iran, and for other purposes.

#### ADDITIONAL COSPONSORS

S. 91

At the request of Mr. WICKER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 339

At the request of Mr. Baucus, the names of the Senator from Maryland (Mr. Cardin) and the Senator from Connecticut (Mr. Blumenthal) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 414

At the request of Mr. Durbin, the names of the Senator from Vermont (Mr. Sanders), the Senator from Ohio (Mr. Brown), the Senator from Washington (Mrs. Murray) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. Harkin, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 489

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 641

At the request of Mr. Durbin, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S 740

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 816

At the request of Mr. Brown of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 816, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 967

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Ms. Klobuchar) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1039

At the request of Mr. Cardin, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S 1616

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1701

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1701, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 174

At the request of Mrs. Hagan, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

#### S. 1925

At the request of Mr. LEAHY, the names of the Senator from Missouri (Mrs. McCaskill) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994

#### S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Alaska (Ms. Murkowski) and the Senator from Arkansas (Mr. Boozman) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

## S. 2028

At the request of Mr. Brown of Ohio, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2028, a bill to amend titles 23 and 49, United States Code, to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes.

### S. 2066

At the request of Ms. Murkowski, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

### S. 2069

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2069, a bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers.

## S. 2077

At the request of Mr. Blumenthal, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

#### S. 2099

At the request of Mr. Johnson of South Dakota, the name of the Senator from Idaho (Mr. Crapo) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

#### S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

## S. RES. 370

At the request of Mr. Casey, the names of the Senator from Michigan (Mr. Levin), the Senator from Massachusetts (Mr. Brown) and the Senator from Texas (Mr. Cornyn) were added as cosponsors of S. Res. 370, a resolution calling for democratic change in Syria.

## AMENDMENT NO. 1516

At the request of Mr. McCain, the names of the Senator from Colorado (Mr. Bennet) and the Senator from Missouri (Mrs. McCaskill) were added as cosponsors of amendment No. 1516 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Mr. Nelson of Florida, his name was added as a cosponsor of amendment No. 1516 intended to be proposed to S. 1813, supra.

## AMENDMENT NO. 1520

At the request of Mr. BLUNT, the name of the Senator from Alabama (Mr. Shelby) was added as a cosponsor of amendment No. 1520 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

## AMENDMENT NO. 1532

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 1532 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Ms. MIKULSKI):

S. 2102. A bill to provide the authority to monitor and defend against

cyber threats, to improve the sharing of cybersecurity information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Cybersecurity Information Sharing Act of 2012, which will improve the sharing of cyber threat and cybersecurity information in the private sector and with the federal government.

We all know that the cyber threat is perhaps the number one threat to our Nation at this time. It is significant that just last month, at the Senate Intelligence Committee's hearing on Worldwide Threats, the U.S. Intelligence Community's official statement equated cyber threats to terrorism and proliferation as the highest priority threats to our security.

An unclassified report by the Intelligence Community made public in November 2011 said cyber intrusions against U.S. companies cost untold billions of dollars annually and named China and Russia as aggressive and persistent cyber thieves.

One of the main obstacles to better U.S. cybersecurity is that a combination of existing law, the threat of litigation, and standard business practices prevent or deter the private sector from sharing information about the cyber threats they face and the losses of information and money they suffer.

We know there have been multi-million dollar cyber thefts from the Royal Bank of Scotland, Citibank, and other financial institutions. But companies like these are reticent about making public these cyber attacks because that could further damage their bottom line.

Even cyber security companies like RSA and national security agencies like the Federal Bureau of Investigation fall victim to malicious cyber activity, but the lessons learned from those attacks are generally not shared with others that face the same threat.

Finally, cyber criminals violate our privacy by hacking into the computers in our homes. They steal passwords for our bank accounts, access our private information, and turn our computers into launching points for further attacks.

These cyber intrusions affect Americans in substantial and real ways, and the threat is only growing. After reviewing the intelligence for many years on the cyber threat, it is clear to me that foreign nations and non-state actors are already causing major damage to our economy. I am also convinced that these bad actors are capable of causing potentially catastrophic loss of life and economic damage by opening a dam, crashing our financial system, or bringing down the electric grid.

For these reasons, I am very pleased that Majority Leader Reid is bringing

comprehensive cybersecurity legislation to the Senate Floor after the President's Day Recess.

For 2 years, Leader REID has worked with the Chairmen and Ranking Members of all the committees of jurisdiction on cybersecurity to produce this legislation, and Senators ROCKE-FELLER, COLLINS, LIEBERMAN and SNOWE in particular are to be commended for their extensive efforts in this area.

As the Chairman of the Intelligence Committee, I am particularly interested in legislation to address the need for better information sharing.

The intelligence committees in the Senate and House have been working to improve information sharing on counterterrorism since the terrorist attacks of September 11. The urgency in the cyber arena is just as important, but is, if anything, more difficult, as we must coordinate and protect the sharing of information that will go to a far greater number of entities, both public and private.

Unfortunately, the private sector entities that operate the critical networks that control financial markets, power plants, dams, and communications are prevented in very real ways from sharing information to warn each other of cyber threats. Barriers to such sharing include perceived financial and reputational risks; legal barriers in electronic surveillance laws; liability concerns that arise from potential lawsuits; and lack of one Federal agency in charge of cyber information sharing.

The bill I am introducing today will allow for more information sharing by providing clear authority to share cyber threat information and by reducing legal barriers to private entities ability to work with each other and with the federal government to share cybersecurity information, in a manner that upholds privacy and civil liberties.

Participation in information sharing in this bill would be voluntary for companies, but any company that does share threat information will be protected for doing so, and the information would be subject to strict privacy controls.

I also want to be very clear that this bill does not give law enforcement or the Intelligence Community any new authorities for conducting surveillance.

In an op-ed published in the Wall Street Journal on January 27, 2012, former Director of National Intelligence Mike McConnell, former Secretary of Homeland Security Michael Chertoff, and former Deputy Secretary of Defense Bill Lynn said that the Intelligence Community needs to make cyber threat information available to other parts of the government and to commercial entities to maximize our cyber defenses.

The Cybersecurity Information Sharing Act of 2012 would do just that.

Specifically, this legislation requires the Federal government to designate a single focal point for cybersecurity information sharing. The bill refers to this focal point as a "Cybersecurity Exchange" because with cybersecurity, it's not enough for entities to operate as "centers" or "task forces" that only receive information; they must also serve as a hub for appropriately distributing and exchanging cyber threat information. The bill also requires the government to reduce bureaucratic obstacles to sharing so that the government can be a more effective partner for the private sector.

The bill establishes procedures for the government to share classified cybersecurity threat information with certified private sector entities. Generally, only government contractors can receive a security clearance, but other companies, such as Internet Service Providers, need to receive classified threat information in order to protect against attacks. This bill makes them eligible to receive security clearances for that purpose. Those companies would be under the same restrictions to protect classified information as the government.

The bill removes legal and policy barriers to information sharing by affirmatively authorizing private sector entities to monitor and defend their own networks and to share cyber information.

By creating a robust privacy compliance regime to ensure that information in the Federal government's hands is protected. Just as the Foreign Intelligence Surveillance Act, the Privacy Act, and many other statutes place conditions on the government's ability to use information it receives, this bill would limit the government's ability to use private sector cyber information for approved cybersecurity purposes only.

And also by providing appropriate liability protections for companies that share cyber information under the terms of the bill. A company that shares threat information with a cybersecurity exchange or with other private sector entities is protected under this bill from litigation for having done so. Many companies have told us that the threat of litigation deters them from sharing details about cyber attacks they have faced. In order to assist other companies and the government to protect against those attacks in the future, that information needs to be shared and acted upon.

I look forward to the consideration of this bill and the rest of the cyber legislative package that will be taken up by the Senate soon.

# AMENDMENTS SUBMITTED AND PROPOSED

SA 1534. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN)

submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1535. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1536. Mrs. FEINSTEIN submitted an

SA 1536. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table

SA 1537. Mr. HOEVEN (for himself, Mr. Lugar, Mr. Vitter, Mr. McConnell, Mr. Johanns, and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1538. Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. MORAN, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

\$A 1539. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1540. Mr. BLUNT (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1541. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1543. Mr. FRANKEN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1544. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1545. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1546. Mr. LEVIN (for himself, Mr. LIEBERMAN, Mr. PORTMAN, Mr. BROWN of Ohio, Ms. STABENOW, Mrs. GILLIBRAND, Mr. WICKER, Mr. BLUMENTHAL, Mr. BEGICH, Ms. LANDRIEU, Mr. FRANKEN, Mr. KIRK, Mr. COONS, Mr. VITTER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1547. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1548. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1549. Mr. CARDIN (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1550. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1551. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1552. Mr. CARDIN submitted an amendment intended to be proposed by him to the

bill S. 1813, supra; which was ordered to lie on the table.

SA 1553. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1554. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table

SA 1555. Mr. TOOMEY (for himself, Mrs. McCaskill, Mr. DeMint, Mr. Rubio, Mr. Paul, Mr. Portman, and Ms. Ayotte) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1556. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1557. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1558. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1559. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1560. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1561. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1562. Mr. LIEBERMAN (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1563. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1564. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table

on the table.

SA 1565. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1566. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1567. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 1534. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

## SEC. \_\_\_. EXTENSION OF CERTAIN LEASES.

Notwithstanding any other provision of law, each lease issued by the Secretary of the Interior prior to January 1, 2011, for oil or gas production in the Gulf of Mexico, including both shallow water and deepwater leases, that has not been extended beyond the term of the original lease, shall be extended for a period of 1 year.

SA 1535. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

#### SEC. . EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the "Secretary") under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATE-MENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SA 1536. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

# SEC. \_\_\_. MULTIYEAR CONTRACTS TO BUY RAIL CARS.

Section 5325(e)(1) of title 49, United States Code, as amended by this Act, is amended by striking "5 years after the date of the original contract." and inserting the following: "5 years after—

"(A) the date of the original contract; or

"(B) in the case of a contract to buy a rail car, the date on which the first rail car produced under the contract is delivered.".

SA 1537. Mr. HOEVEN (for himself, Mr. Lugar, Mr. Vitter, Mr. McConnell, Mr. Johanns, and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

# SEC. \_\_\_. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

- (a) APPROVAL OF CROSS-BORDER FACILITIES.—
- (1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), Trans-

Canada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEY-STONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

- (A) in all material respects, similar to that described in—  $\,$
- (i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and
- (ii) the final environmental impact statement described in subsection (b)(1); and
- (B) carried out in accordance with—

- (i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1):
- (ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;
- (iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and
- (iv) the stipulations identified in appendix S of the final environmental impact statement.
  - (d) ROUTE IN NEBRASKA.—
- (1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.
- (2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.
- (3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).
- (4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.
  - (e) ADMINISTRATION.—
- (1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- (2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.
- (3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.
- (f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

SA 1538. Mr. ROBERTS (for himself, Mr. Nelson of Nebraska, Mr. Moran, and Mr. Johanns) submitted an amendment intended to be proposed by him to the bill S. 1813 to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of division C, add the following:

#### SEC. 34016. HAZARDOUS MATERIAL ENDORSE-MENT EXEMPTION.

- (a) Exclusion.—Section 5117(d)(1) of title 49, United States Code, is amended—
- (1) in subparagraph (B), by striking "and" at the end;
- (2) in subparagraph (C), by striking the period at the end and inserting "; and"; and
- (3) by adding at the end the following:
- "(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—
- "(i) driven by a Class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and
- "(ii) clearly marked with a placard reading 'Diesel Fuel'.".
- (b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:
- "(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading 'Diesel Fuel'."
- **SA 1539.** Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1813 to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:
- At the appropriate place, insert the following:

# SEC. \_\_\_\_\_. PROHIBITION ON PRINTING CERTAIN DOCUMENTS.

- (a) CONGRESSIONAL RECORD.—
- (1) PROHIBITION ON PRINTING.—
- (A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended by striking section 903 and inserting the following:

# "§ 903. Congressional Record: daily and permanent forms

"(a) IN GENERAL.—The public proceedings of each House of Congress as reported by the Official Reporters, shall be included in the Congressional Record, which shall be issued in daily form during each session and shall be revised and made electronically available promptly, as directed by the Joint Committee on Printing, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The Government Printing Office shall not print the Congressional Record.

- "(b) ELECTRONIC AVAILABILITY.—
- "(1) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall make the Congressional Record available to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives in an electronic form in a timely manner to ensure the implementation of subsection (a).
- "(2) Website.—The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall make the Congressional Record available—
- "(A) to the public on the websites of the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives; and
- "(B) in a format which enables the Congressional Record to be downloaded and printed by users of the website."
- (2) TECHNICAL AND CONFORMING AMEND-MENTS.—
- (A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended—
- (i) in section 905, in the first sentence, by striking "printing" and inserting "inclusion"; and
  - (ii) by striking sections 906, 909, and 910.
- (B) TABLE OF SECTIONS.—The table of sections for chapter 9 of title 44, United States Code, is amended by striking the items relating to sections 906, 909, and 910.
- (b) BUDGET OF THE UNITED STATES GOVERNMENT.—
- (1) PROHIBITION ON PRINTING THE BUDGET OF THE UNITED STATES GOVERNMENT.—
- (A) IN GENERAL.—Chapter 13 of title 44, United States Code, is amended by adding at the end the following:

# "§ 1345. Prohibition on printing of the budget of the United States Government

- "The Government Printing Office shall not print the budget of the United States Government described under section 1105 of title 31, United States Code.".
- (B) TECHNICAL AND CONFORMING AMEND-MENT.—The table of sections for chapter 13 of title 44, United States Code, is amended by adding after the item relating to section 1344 the following:
- "Sec. 1345. Prohibition on printing of the budget of the United States Government.".
- (2) ELECTRONIC AVAILABILITY.—The Office of Management and Budget shall make the budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, available—
- (A) to the public on the website of the Office of Management and Budget; and
- (B) in a format which enables the budget to be downloaded and printed by users of the website.
  - (c) Calendars.—
- (1) PROHIBITION ON PRINTING DAILY CALENDARS.—
- (A) SENATE.—The Secretary of the Senate shall not print the Calendar of Business of the Senate or the Executive Calendar of the Senate.
- (B) HOUSE OF REPRESENTATIVES.—The Clerk of the House of Representatives shall not print the Calendars of the House of Representatives
  - (2) ELECTRONIC AVAILABILITY.-
- (A) SENATE.—The Secretary of the Senate shall make the Calendar of Business of the Senate and the Executive Calendar of the Senate available—
- (i) to the public on the website of the Senate; and
- (ii) in a format which enables the Calendar of Business of the Senate and the Executive

printed by users of the website.

- (B) House of representatives —The Clerk of the House of Representatives shall make the Calendars of the House of Representatives available-
- (i) to the public on the website of the House of Representatives; and
- (ii) in a format which enables the Calendars of the House of Representatives to be downloaded and printed by users of the website.
- (d) DEFICIT REDUCTION.—Any savings attributable to this section or an amendment made by this section shall be transferred to the General Fund of the Treasury and used for deficit reduction.

SA 1540. Mr. BLUNT (for himself and Mr. Casey) submitted an amendment intended to be proposed by him to the bill S. 1813 to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 90, strike line 13 and all that follows through page 91, line 14, and insert the following:

- "(A) SET-ASIDE.-Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.
- "(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.
- SA 1541. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### . PROHIBITION ON FOREIGN ASSIST-SEC. ANCE TO EGYPT.

Beginning 30 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President has, prior to such effective date, certified to Congress t.ha.t-

- (1) the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government on the basis of the person's association with or work for the nongovernmental organization: and
- (2) the Government of Egypt is not holding any property of a nongovernmental organization described in paragraph (1) or of a person associated with such a nongovernmental organization.
- SA 1542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safe-

Calendar of the Senate to be downloaded and ty construction programs, and for bridges on Federal-aid highways (other than other purposes; which was ordered to lie on the table; as follows:

> On page 469, after line 22, add the following:

#### SEC. 15 . EQUAL OPPORTUNITY ASSESSMENT.

- (a) IN GENERAL.—In accordance with this section, the Secretary shall conduct an assessment, throughout the United States, of the extent to which nondiscrimination and equal opportunity exist in the construction and operation of federally funded transportation projects, programs, and activities.
- (b) SUPPORTING INFORMATION.—In conducting the assessment under subsection (a) the Secretary shall—
- (1) review all demographic data, discrimination complaints, reports. and other relevant information collected or prepared by a recipient of Federal financial assistance or the Department pursuant to an applicable civil rights law (including regulations); and
- (2) coordinate with the Secretary of Labor. as necessary, to obtain information regarding equitable employment and contracting opportunities.
- (c) REPORT.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall submit to Congress and publish on the website of the Department a report on the results of the assessment under subsection (a), which shall include the following:
- (1) A specification of the impediments to nondiscrimination and equal opportunity in federally funded transportation projects, programs, and activities.
- (2) Recommendations for overcoming the impediments specified under paragraph (1).
- (3) A summary of the information on which the assessment is based.
- (d) COLLECTION AND REPORTING PROCE-DURES.—
- (1) PUBLIC AVAILABILITY.—The Secretary shall ensure, to the maximum extent practicable, that all information reviewed or collected for the assessment under subsection (a) is made available to the public through the prompt and ongoing publication of the information, including a summary of the information, on the website of the Department.
- (2) REGULATIONS.—The Secretary shall promulgate regulations for the collection and reporting of information necessary to carry out this section.
- (e) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the Director of the Bureau of Transportation Statistics, the Director of the Departmental Office of Civil Rights, the Secretary of Labor, and the heads of any other agencies that may contribute to the assessment under subsection (a).

SA 1543. Mr. FRANKEN (for himself and Mr. Blunt) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 119 of title 23, United States Code (as amended by section 1106), strike subsection (e)(1) and insert the following:

"(P) Replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of on the National Highway System).

(e) LIMITATION ON NEW CAPACITY -

"(1) IN GENERAL.—Except as provided in paragraph (2), the maximum amount that a State may obligate under this section for projects under subparagraphs (G) and (P) of subsection (d)(2) and that is attributable to the portion of the cost of any project undertaken to expand the capacity of eligible facilities on the National Highway System, in a case in which the new capacity consists of 1 or more new travel lanes that are not highoccupancy vehicle lanes, shall not, in total, exceed 40 percent of the combined apportionments of a State under section 104(b)(1) for the most recent 3 consecutive years.

SA 1544. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. EXTENSION OF WIND ENERGY CREDIT.

Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking "January 1, 2013" and inserting "January 1, 2014"

. COST OFFSET FOR EXTENSION OF SEC. WIND ENERGY CREDIT, AND DEFICIT REDUCTION, RESULTING FROM DELAY IN APPLICATION OF WORLD-WIDE ALLOCATION OF INTEREST.

- (a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking "December 31, 2020" and inserting "December 31, 2021".
- (b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 1545. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

#### SEC. 15 PROTECTING AMERICANS FROM VIOLENT CRIME.

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36. Code of Federal Regulations (as in effect on the date of enactment of this Act), if-

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is

SA 1546. Mr. LEVIN (for himself, Mr. LIEBERMAN, Mr. PORTMAN, Mr. BROWN of Ohio, Ms. Stabenow, Mrs. Gilli-BRAND, Mr. WICKER, Mr. BLUMENTHAL, Mr. Begich, Ms. Landrieu, Mr. Franken, Mr. Kirk, Mr. Coons, Mr. VITTER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed

by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

#### SEC. \_\_\_\_\_. FUNDING FOR HARBOR MAINTE-NANCE PROGRAMS.

- (a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—
- (1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.
- (2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.
- (b) DEFINITIONS.—In this section, the following definitions apply:
- (1) TOTAL BUDGET RESOURCES.—The term "total budget resources" means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.
- (2) LEVEL OF RECEIPTS PLUS INTEREST.—The term "level of receipts plus interest" means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.
- (c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.
- SA 1547. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 2 and 3, insert the following:

# SEC. 1406. SCHOOL ZONE TRAFFIC SAFETY IMPROVEMENTS.

Section 402(b)(3) of title 23, United States Code, is amended—

- (1) by striking "The Secretary" and inserting the following:
- "(A) IN GENERAL.—Subject to subparagraph (B), the Secretary"; and
  - (2) by adding at the end the following:
  - "(B) SCHOOL ZONE SAFETY.—
- "(i) IN GENERAL.—Subject to clause (ii), not later than 1 year after the date of enactment of the MAP-21, the Secretary shall require States to submit as part of the highway safe-

ty plan of the State, a plan, which shall be updated every 5 years, for law enforcement officers to use technologically advanced traffic enforcement devices (including automatic speed detection devices such as photo-radar) to improve safety in school zones.

"(ii) EXEMPTION.—Clause (i) shall not apply to States that, by State law enacted before or after the date of enactment of the MAP-21, prohibit the use of automatic speed detection devices."

SA 1548. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

#### SEC. 15 . REPORTING.

Section 152 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) Reporting.—

- "(1) STATE REPORTS ON SAFETY IMPROVE-MENTS.—Not later than December 31 of each year, each State shall submit to the Secretary a report that describes progress made during the year covered by the report in—
- "(A) implementing safety improvement projects for hazard elimination, including—
- "(i) an assessment of the effectiveness of those improvements:
- "(ii) an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards; and
- "(iii) a description of the accident experience at improved locations before and after completion of the projects; and
- "(B) mitigating stormwater runoff from Federal-aid highways not covered by a municipal separate storm sewer system permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), including an assessment by the State of—
- "(i) the contribution of stormwater runoff from Federal-aid highways to State water impairment;
- ``(ii) constituent contaminates contained in that runoff;
- "(iii) the impact of that runoff on water treatment facilities;
- $\lq\lq(iv)$  the effectiveness (including descriptions) of control measures in mitigating that runoff; and
- "(v) the cost of constructing and maintaining highway stormwater control measures on Federal-aid highways.
- "(2) REPORT OF THE SECRETARY ON IMPLEMENTATION OF PROJECTS.—Not later than April 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for the year covered by the report, the progress being made by the States in implementing the hazard elimination program, including, at a minimum—
- "(A) a description of progress being made on projects for pavement marking;
- "(B) the number of projects undertaken;
- ''(C) an explanation of the distribution of the projects by—  $\,$ 
  - "(i) cost range;
  - "(ii) road system;
  - "(iii) means and methods used; and
- "(iv) the accident experience at improved locations before and after completion of the improvements;

- "(D) an analysis and evaluation of each State program;
- "(E) identification of each State determined not to be in compliance with the schedule of improvements required by subsection (a): and
- "(F) any recommendations of the Secretary for future implementation of the hazard elimination program.".

SA 1549. Mr. CARDIN (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

- "(3) DISTRIBUTION OF FUNDS.—
- "(A) SUBALLOCATION TO TIER I METROPOLITAN PLANNING ORGANIZATIONS.—
- "(i) IN GENERAL.—If a State has 1 or more Tier I metropolitan planning organizations, of the funds reserved under paragraph (1) (minus the deductions required under subparagraph (C)), the State shall allocate to each Tier 1 metropolitan planning organization an amount that is equal to the proportion that—
- "(I) the population living in the metropolitan planning areas served by the Tier I metropolitan planning organization; bears to
  - "(II) the total population of the State.
- "(ii) USE.—Amounts allocated under clause (i) shall be used for projects to be carried out within the boundaries of the applicable metropolitan planning areas served by the Tier I metropolitan planning organization.
  - "(B) Local access to funds.—
- "(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term 'eligible entity' means—
  - "(I) a local government;
  - "(II) a regional transportation authority;
  - "(III) a transit agency;
- "(IV) a natural resource or public land agency;
- "(V) a school district, local education agency, or school; and
- "(VI) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a Tier 1 metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.
  - "(ii) AWARDS.—
- "(I) IN GENERAL.—Of the funds reserved under paragraph (1) not subject to subparagraph (A), a State shall provide annually to eligible entities, on a competitive basis, awards to carry out this subsection.
- "(II) APPLICATION.—To receive a grant under this subparagraph, an eligible entity shall submit to the State an application at such time, in such form, and in such manner as the State determines to be necessary.
- "(III) STATE RECAPTURE OF FUNDING.—If all eligible applications are not sufficient to use all funding allocated under this subparagraph, the State may use the remaining funds for State projects and priorities eligible under this subsection.
- "(iii) CONDITIONS.—As a condition of receiving funds under the MAP-21, a State—
- "(I) shall establish reasonable timelines for the review of applications received under clause (ii) and notification to applicants of the acceptance or denial of the applications; and

"(II) shall not withhold a grant from an eligible entity that has submitted an application under clause (ii) if—

"(aa) funds remain available to be obligated under this subsection; and

"(bb) the project for which the application is submitted is an eligible project under this subsection.

"(iv) PETITION.—An eligible entity may submit to the Secretary a petition for assistance if the eligible entity determines that the State has an established pattern of not making funds available to eligible entities in accordance with this subparagraph.

"(C) ADMINISTRATIVE PRIORITIES.—Of the funds reserved under paragraph (1) for each year, a State may use not more than 10 percent for administration and State priorities in accordance with this subsection.

On page 161, line 11, strike "(3)" and insert "(4)".

On page 162, line 1, strike "(4)" and "insert

On page 162, line 10, strike "(5)" and insert "(6)".

SA 1550. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 24, add the following:

SEC. 15 DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN THE VICINITY OF MILITARY INSTALLATIONS.

The second sentence of section 210(a)(2) of title 23, United States Code, is amended by inserting ", in consultation with the Secretary of Transportation," before "shall determine".

SA 1551. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, line 15, strike "or"

On page 248, between lines 19 and 20, insert the following:

(iii) for a transportation-related purpose that is associated with a military installation involved in the base closure and realignment process described in section 2687 of title 10, United States Code;

On page 248, line 21, insert "other than a project described in subparagraph (A)(iii)," before "has eligible".

On page 253, between lines 11 and 12, insert the following:

(3) BRAC-RELATED PROJECTS.—Notwithstanding any other provision of this section, the Secretary shall use not less than 10 percent of amounts made available to carry out this section for each fiscal year to provide grants for projects described in subsection (c)(2)(A)(iii).

SA 1552. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

On page 469, after line 22, add the following:

# SEC. \_\_\_\_\_. FEDERAL-AID HIGHWAY RUNOFF POLLUTION MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1511) is amended by adding at the end the following:

# "§ 331. Federal-aid highway runoff pollution management pilot program

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In cooperation with selected State and regional governments, the Secretary shall establish a pilot program to develop programs designed to prevent, control, and treat polluted stormwater runoff discharges from federally funded highways and roads.

"(2) PURPOSE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator'), shall select 3 States or regions to develop cost-effective programs to control and reduce the discharge of polluted highway stormwater runoff into adjacent and receiving waters proximate to highway facilities in accordance with subsection (b).

"(b) HIGHWAY STORMWATER CONTROL PILOT PROGRAMS.—

"(1) IN GENERAL.—Each State and region participating in the pilot program developed under this section shall, in coordination with the Secretary, develop a program of control measures for the operating condition of a covered project to maintain or restore, to the maximum extent technically feasible, water quality as required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with respect to the temperature, rate, chemical composition, volume, and duration of flow for water within the same 8-digit hydrological unit code as the covered project.

"(2) COVERED PROJECTS IN IMPAIRED WATER-SHEDS.—Any covered project carried out within a watershed that contains an impaired water listed under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) shall be in accordance with the load or wasteload allocation requirements established by the applicable State or the Administrator.

"(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the MAP-21, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

"(1) the highway runoff pollution reductions achieved for each covered project;

"(2) the costs to the participating State and regional departments of transportation associated with carrying out the pilot program:

"(3) the impact of the pilot program on—

"(A) the operation and maintenance costs for water infrastructure and water treatment of the applicable State and regional clean water and drinking authority; and

"(B) the ability of the applicable State and regional clean water and drinking authority to meet permit requirements; and

"(4) the water quality improvements attributable to the pilot program.

"(d) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to carry out this section such sums as are necessary.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1511) is amended by adding at the end the following:

"331. Federal-aid highway runoff pollution management pilot program.".

SA 1553. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

## SEC. 11\_\_\_\_. APPALACHIAN DEVELOPMENT HIGH-WAY SYSTEM.

(a) ELIGIBILITY OF ACCESS ROADS.—Section 133(c)(1) of title 23, United States Code (as amended by section 1108), is further amended by inserting "and local access roads under section 14501 of title 40, United States Code" after "system".

(b) Location of Projects.—Section 133(e) of title 23, United States Code (as amended by section 1108), is further amended by inserting "for local access roads under section 14501 of title 40, United States Code," after "subsection (c)."

SA 1554. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 5001. SHORT TITLE.

This title may be cited as the "Small Company Capital Formation Act of 2012".

## SEC. 5002. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking "(b) The Commission" and inserting the following:

"(b) Additional Exemptions.—

"(1) SMALL ISSUES EXEMPTIVE AUTHORITY.— The Commission"; and

(2) by adding at the end the following:

"(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

"(A) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed \$50,000,000.

"(B) The securities may be offered and sold publicly.

"(C) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

"(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

"(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

"(F) The Commission shall require the issuer to file audited financial statements with the Commission annually.

"(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

"(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

"(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

"(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

"(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

"(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount."

(b) Treatment as Covered Securities for Purposes of NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (C), by striking "; or" at the end and inserting a semicolon; and

(2) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

"(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

"(i) offered or sold on a national securities exchange; or

"(ii) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale."

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)) is amended by striking "section 3(b)" and inserting "section 3(b)(1)".

# SEC. 5003. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

Not later than 3 months after the date of enactment of this Act, the Comptroller General shall—  $\,$ 

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as "Blue Sky laws") on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(2) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SA 1555. Mr. TOOMEY (for himself, Mrs. McCaskill, Mr. Demint, Mr. Rubio, Mr. Paul, Mr. Portman, and Ms. Ayotte) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. . EARMARK ELIMINATION ACT OF 2012.

- (a) SHORT TITLE.—This Act may be cited as the "Earmark Elimination Act of 2011".
- (b) PROHIBITION ON EARMARKS.—

(1) BILLS AND JOINT RESOLUTIONS, AMENDMENTS, AMENDMENTS BETWEEN THE HOUSES, AND CONFERENCE REPORTS.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment, amendment between the Houses, or conference report that includes an earmark.

(B) PROCEDURE.—Upon a point of order being made by any Senator pursuant to subparagraph (A) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken.

(2) Conference report and amendment be-TWEEN THE HOUSES PROCEDURE.—When the Senate is considering a conference report on, or an amendment between the Houses, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(3) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(4) Definitions.—

(A) EARMARK.—For the purpose of this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives as certified under paragraph 1(a)(1) of rule XLIV of the Standing Rules of the Senate—

(i) providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional

district, other than through a statutory or administrative formula-driven or competitive award process;

(ii) that-

(I) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(II) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(iii) modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(B) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(5) APPLICATION.—This section shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 1556. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. . EMERGENCY EXEMPTIONS.

With respect to any road, highway, or bridge that is closed or is operating at reduced capacity because of safety reasons—

(1) the road, highway, or bridge may be reconstructed in the same general location as before the disaster; and

(2) such reconstruction shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

SA 1557. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

# SEC. \_\_\_\_\_. EXEMPTIONS FOR PROJECTS CARRIED OUT WITH NON-FEDERAL FUNDS.

A road, highway, or bridge project carried out only using State or other non-Federal funds shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

SA 1558. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

# SEC. \_\_\_\_\_. EXEMPTION FROM REVIEW REQUIREMENTS.

Any request for an approval, such as a request for approval of a permit or license, relating to a transportation project under any

Federal law (including a regulation) that is not approved or denied by the date that is 180 days after the date on which the request for the approval is submitted to the Secretary or other appropriate Federal official shall be considered to be approved.

SA 1559. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_. ENVIRONMENTAL IMPACT STATE-MENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following:
"SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

"(a) COMPLETION —

- "(1) IN GENERAL.—Each review carried out under section 102(2)(C) shall be completed not later than the date that is 180 days after the date of commencement of the review.
- "(2) FAILURE TO COMPLETE REVIEW.—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph
- "(A) the action shall be considered to have no significant impact described in section 102(2)(C); and
- "(B) that classification shall be considered to be a final agency action.
- "(3) UNEMPLOYMENT RATE.—If the national unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.
- "(b) LEAD AGENCY.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.
  - "(c) Review.—
- "(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).
  - "(2) JUDICIAL REVIEW.—
- "(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.
- "(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.
- "(C) PENDENCY OF JUDICIAL REVIEW.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).
- "(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.".
- SA 1560. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:
- At the appropriate place, insert the following:

#### SEC. \_\_\_. HIGH-SPEED RAIL EQUIPMENT.

The Secretary of Transportation shall not preclude the use of Federal funds made available to purchase rolling stock to purchase any equipment used for "high-speed rail" (as defined in section 26106(b)(4) of title 49, United States Code).

SA 1561. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

# SEC. \_\_\_\_. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

- (a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109-8.—
- (1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:
  - (A) The central district of California.
  - (B) The eastern district of California.
  - (C) The district of Delaware.
  - (D) The southern district of Florida.
  - (E) The southern district of Georgia.
  - (F) The district of Maryland.
  - (G) The eastern district of Michigan
- (H) The district of New Jersey.
- (I) The northern district of New York.
- (J) The southern district of New York
- (K) The eastern district of North Carolina.
- (L) The eastern district of North Carolin (L) The eastern district of Pennsylvania.
- (M) The middle district of Pennsylvania.
- (N) The district of Puerto Rico.
- (O) The district of South Carolina.
- (P) The western district of Tennessee.
- (Q) The eastern district of Virginia.(R) The district of Nevada.
- (2) VACANCIES.—
- (A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—
- (i) occurring more than 5 years after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge for the central district of California—
- (i) occurring 5 years or more after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bank-ruptcy judge for the district of Delaware—
- (i) occurring more than 5 years after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—
- (i) occurring more than 5 years after the date of the enactment of this Act, and

- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bank-ruptcy judge for the district of Maryland—
- (i) occurring more than 5 years after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (3) APPLICABILITY OF OTHER PROVISIONS.— Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109-8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).
- (b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109-8.—
- (1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109-8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.
  - (2) VACANCIES.—
- (A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—
- (i) occurring more than 5 years after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—
- (i) occurring more than 5 years after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge.
- shall not be filled.
- (C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—
- (i) occurring more than 5 years after the date of the enactment of this Act, and
- (ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).
- (c) Temporary Office of the Bankruptcy Judge Authorized by Public Law 102–361 for the Middle District of North Carolina.—
- (1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.
- (2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—
- (A) occurring more than 5 years after the date of the enactment of this Act, and

- (B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,
- shall not be filled.
- (3) APPLICABILITY OF OTHER PROVISIONS.— Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).
- (d) TEMPORARY JUDGESHIP PAYGO OFFSET.—
  (1) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking "\$1,000" and inserting
- (2) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of paragraph (1) shall be deposited in a special fund in the United States Treasury, to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.
- (3) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this Act.
- SA 1562. Mr. LIEBERMAN (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

# TITLE \_\_\_\_\_—FIRE GRANTS REAUTHORIZATION

## SEC. \_\_\_\_1. SHORT TITLE.

This title may be cited as the "Fire Grants Reauthorization  $\operatorname{Act}$  of 2012".

## SEC. \_\_\_\_2. AMENDMENTS TO DEFINITIONS.

- (a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—
- (1) in paragraph (3), by inserting ", except as otherwise provided," after "means";
- (2) in paragraph (4), by striking "'Director' means" and all that follows through "Agency;" and inserting "'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;";
- (3) in paragraph (5)—
- (A) by inserting "Indian tribe," after "county,"; and
- (B) by striking "and 'firecontrol'" and inserting "and 'fire control'";
- (4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively:
- (5) by inserting after paragraph (5), the following:
- "(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'':
- (6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);
- (7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:
- "(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;"; and
- (8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

- "(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).".
- (b) Conforming Amendments.—
- (1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator of FEMA".
- (2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking "Director's Award" each place it appears and inserting "Administrator's Award".

## SEC. \_\_\_\_\_3. ASSISTANCE TO FIREFIGHTER GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

### "SEC. 33. FIREFIGHTER ASSISTANCE.

- "(a) DEFINITIONS.—In this section:
- "(1) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (p)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (p)(2) in such fiscal year.
- "(2) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of fire-fighting personnel other than paid-on-call firefighters.
- "(3) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—
  - "(A) paid firefighting personnel; and
- "(B) volunteer firefighting personnel.
- "(4) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments
- "(5) Nonaffiliated EMS organization.— The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.
- "(6) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.
- "(7) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.
  - "(b) Assistance Program.—
- "(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may, in consultation with the Administrator of the United States Fire Administration, award—
- "(A) assistance to firefighters grants under subsection (c); and
- "(B) fire prevention and safety grants and other assistance under subsection (d).
- "(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—
- "(A) establish specific criteria for the selection of grant recipients under this section; and
- $\mbox{``(B)}$  provide assistance with application preparation to applicants for such grants.
- "(c) Assistance to Firefighters Grants.—
- "(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

- "(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;
- "(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and
- "(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).
  - "(2) MAXIMUM GRANT AMOUNTS.—
- "(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:
- "(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.
- "(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.
- "(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.
- "(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year
- "(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.
- "(B) STATE FIRE TRAINING ACADEMIES.—The Administrator of FEMA may not award a grant under this subsection to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.
  - "(C) AGGREGATE.—
- "(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.
- "(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).
- "(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:
  - "(A) To train firefighting personnel in-
  - "(i) firefighting;
- "(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);
  - "(iii) arson prevention and detection;
  - "(iv) maritime firefighting; or
  - "(v) the handling of hazardous materials.
- "(B) To train firefighting personnel to provide any of the training described under subparagraph (A).
- "(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.
  - "(D) To certify—
  - "(i) fire inspectors; and
  - "(ii) building inspectors—
- "(I) whose responsibilities include fire safety inspections; and

- "(II) who are employed by or serving as volunteers with a fire department.
- "(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters.
- "(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.
- "(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.
- "(H) To acquire additional firefighting equipment, including equipment for—
- "(i) fighting fires with foam in remote areas without access to water; and
- "(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.
- "(I) To acquire personal protective equipment, including personal protective equipment—
- "(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or
- "(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.
- "(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.
- "(K) To educate the public about arson prevention and detection.
- "(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.
- "(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.
- "(d) FIRE PREVENTION AND SAFETY GRANTS.—
- "(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—
  - "(A) award grants to fire departments;
- "(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—
  - "(i) fire prevention programs; and
- "(ii) research to improve firefighter health and life safety: and
- "(C) award grants to, or enter into contracts with, regionally accredited institutions of higher education and national fire service organizations or national fire safety organizations to support joint programs focused on reducing firefighter fatalities and non-fatal injuries, including programs for establishing fire safety research centers as the Administrator of FEMA determines appropriate
- "(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.
- "(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:
- "(A) To enforce fire codes and promote compliance with fire safety standards.
  - ``(B) To fund fire prevention programs.

- "(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface
- "(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of—
  - "(i) a fire safety research center; or
  - "(ii) a program at such a center.
- "(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.
  - "(e) APPLICATIONS FOR GRANTS.—
- "(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.
- "(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:
- "(A) A description of the financial need of the applicant for the grant.
- "(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.
- "(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.
- "(D) A list of other sources of funding received by the applicant—
- "(i) for the same purpose for which the application for a grant under this section was submitted: or
- "(ii) from the Federal Government for other fire-related purposes.
- "(E) Such other information as the Administrator of FEMA determines appropriate.
- "(3) JOINT OR REGIONAL APPLICATIONS.—
- "(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.
- "(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).
- "(C) GUIDANCE.—The Administrator of FEMA shall—
- "(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and
- "(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.
- "(f) PEER REVIEW OF GRANT APPLICATIONS.—
- "(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel and personnel from nonaffiliated EMS organizations to conduct peer reviews of applications received under subsection (e)(1).
- "(2) ASSIGNMENT OF REVIEWS.—In administering the peer review process under paragraph (1), the Administrator of FEMA shall ensure that—
- "(A) applications submitted by career fire departments are reviewed primarily by personnel from career fire departments;
- "(B) applications submitted by volunteer fire departments are reviewed primarily by personnel from volunteer fire departments;
- $\lq\lq(C)$  applications submitted by combination fire departments and fire departments

- using paid-on-call firefighting personnel are reviewed primarily by personnel from such fire departments: and
- "(D) applications for grants to fund emergency medical services pursuant to subsection (c)(3)(F) are reviewed primarily by emergency medical services personnel, including—
- "(i) emergency medical service personnel affiliated with fire departments; and
- "(ii) personnel from nonaffiliated EMS organizations.
- "(3) REVIEW OF APPLICATIONS FOR FIRE PRE-VENTION AND SAFETY GRANTS SUBMITTED BY NONPROFIT ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In conducting a review of an application submitted under subsection (e)(1) by a nonprofit organization described in subsection (d)(1)(B), a peer reviewer may not recommend the applicant for a grant under subsection (d) unless such applicant is recognized for its experience and expertise with respect to—
- "(A) fire prevention or safety programs and activities; or
- "(B) firefighter research and development programs.
- "(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.
- "(g) PRIORITIZATION AND ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall—
- "(1) consider the findings and recommendations of the peer reviews carried out under subsection (f);
- "(2) consider the degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards;
- "(3) consider the extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole:
- "(4) consider the number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant;
- ``(5) ensure that of the available grant funds—
- "(A) not less than 25 percent are awarded to career fire departments:
- "(B) not less than 25 percent are awarded to volunteer fire departments; and
- "(C) not less than 25 percent are awarded to combination fire departments and fire departments using paid-on-call firefighting personnel.
- "(h) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—
- "(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).
- "(2) Grant awards to nonaffiliated EMS ORGANIZATIONS.—Not more than 2 percent of the available grant funds for a fiscal year shall be awarded under this section to non-affiliated EMS organizations.
- "(3) FUNDING FOR FIRE PREVENTION AND SAFETY GRANTS.—For each fiscal year, not less than 10 percent of the aggregate of grant amounts under this section in that fiscal year shall be awarded under subsection (d).
- "(4) STATE FIRE TRAINING ACADEMIES.—Not more than 3 percent of the available grant funds for a fiscal year shall be awarded under subsection (c)(1)(C).
- "(5) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal

year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G)

"(i) Further Considerations.—

"(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

"(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

"(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

"(A) prevention of injuries to high risk groups from fire; and

"(B) research programs that demonstrate a potential to improve firefighter safety.

"(4) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

"(j) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

"(1) MATCHING REQUIREMENT FOR ASSIST-ANCE TO FIREFIGHTERS GRANTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

"(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

"(i) more than 20,000 residents but not more than 50,000 residents, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant award to such applicant under such subsection; or

"(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

"(2) MATCHING REQUIREMENT FOR FIRE PRE-VENTION AND SAFETY GRANTS.—

"(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

"(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

"(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection

(c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

"(4) WAIVER .-

"(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

"(B) Guidelines.—

"(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

"(ii) Considerations.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

"(I) Changes in rates of unemployment from previous years.

"(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

"(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

"(IV) Such other factors as the Administrator of FEMA considers appropriate.

"(C) CERTAIN APPLICANTS FOR FIRE PREVEN-TION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

"(i) is described in subsection (d)(1)(B); and "(ii) is not a fire department or emergency medical services organization.

"(k) GRANT GUIDELINES.—

"(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

"(A) guidelines that describe-

"(i) the process for applying for grants under this section; and

"(ii) the criteria that will be used for selecting grant recipients; and

"(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

"(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

"(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and qualified members of emergency medical service organizations to obtain recommendations regarding the following:

"(i) Criteria for the awarding of grants under this section.

"(ii) Administrative changes to the assistance program established under subsection

"(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

"(i) is recognized for expertise in firefighting or emergency medical services;

"(ii) is not an employee of the Federal Government; and

"(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

"(I) providers of emergency medical services that are affiliated with fire departments; or

"(II) nonaffiliated EMS providers.

"(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Com-

mittee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

"(1) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

"(m) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf

of Alaska Native villages.

"(n) Training Standards.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

"(0) ENSURING EFFECTIVE USE OF GRANTS.—

"(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

"(A) the grant amounts are expended for the intended purposes; and

"(B) the grant recipient complies with the requirements of subsection (j).

"(2) PERFORMANCE ASSESSMENT.—

"(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

"(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph

"(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—The recipient of a grant awarded under this section shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts

"(4) Annual reports to congress.-

"(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

"(i) information on the performance assessment system developed under paragraph (2): and

"(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

"(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

"(p) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

- "(A) \$750,000,000 for fiscal year 2013; and
- "(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—
- "(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
- "(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).
- "(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.
- "(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as such term is defined in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate).
- "(q) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on October 1, 2022.".

## SEC. \_\_\_\_\_4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

- (a) IMPROVEMENTS TO HIRING GRANTS.-
- (1) TERM OF GRANTS.—Subparagraph (B) of subsection (a)(1) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:
- "(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.".
- (2) LIMITATION ON PORTION OF COSTS OF HIR-ING FIREFIGHTERS.—Subparagraph (E) of subsection (a)(1) of such section 34 is amended to read as follows:
- "(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—
- "(i) 75 percent in the first year of the grant:
- "(ii) 75 percent in the second year of the grant; and
- "(iii) 30 percent in the third year of the grant.".
- (b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of subsection (a)(2) of such section 34 is amended by striking "organizations on a local or statewide basis" and inserting "national, State, local, or tribal organizations".
- (c) MAXIMUM AMOUNT FOR HIRING FIRE-FIGHTERS.—Paragraph (4) of subsection (c) of such section 34 is amended to read as follows:
- "(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—
- "(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;
- "(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and
- "(C) in the third year of the grant, 30 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.".
- (d) WAIVERS.—Such section 34 is further amended—

- (1) by redesignating subsections (d) through (i) as subsection (e) through (j), respectively; and
- (2) by inserting after subsection (c) the following:
- "(d) WAIVERS -
- "(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—
- "(A) waive the requirements of subsection (a)(1)(B)(ii) or subsection (c)(1); or
- "(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).
  - "(2) GUIDELINES.—
- "(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).
- "(B) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:
- "(i) Changes in rates of unemployment from previous years.
- "(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.
- "(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.
- "(iv) Such other factors as the Administrator of FEMA considers appropriate.".
- (e) IMPROVEMENTS TO PERFORMANCE EVAL-UATION REQUIREMENTS.—Subsection (e) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:
- "(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.
  - "(2) SUBMISSION OF INFORMATION.—"
- (f) REPORT.
- (1) IN GENERAL.—Subsection (f) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by striking "The authority" and all that follows through "Congress concerning" and inserting the following: "Not later than September 30, 2016, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on".
- (2) CONFORMING AMENDMENT.—The heading for such subsection (f) is amended by striking "SUNSET AND REPORTS" and inserting "REPORT".
  - (g) Additional Definitions.—
- (1) IN GENERAL.—Subsection (i) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—
- (A) in the matter before paragraph (1), by striking "In this section, the term—" and inserting "In this section:";
- (B) in paragraph (1)—
- (i) by inserting "The term" before "'fire-fighter' has"; and
- (ii) by striking "; and" and inserting a period;
- (C) by striking paragraph (2); and
- (D) by inserting at the end the following:
- "(2) The terms 'career fire department', 'combination fire department', and 'volunteer fire department' have the meaning given such terms in section 33(a).".
- (2) CONFORMING AMENDMENT.—Subsection (a)(1)(A) of such section 34 is amended by striking "career, volunteer, and combination

- fire departments" and inserting "career fire departments, combination fire departments, and volunteer fire departments".
  - (h) AUTHORIZATION OF APPROPRIATIONS.-
- (1) IN GENERAL.—Subsection (j) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—
- (A) in paragraph (6), by striking "and" at the end;
- (B) in paragraph (7), by striking the period at the end and inserting "; and"; and
  - (C) by adding at the end the following:
- "(8) \$750,000,000 for fiscal year 2013; and "(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—
- "(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
- ``(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).".
- (2) ADMINISTRATIVE EXPENSES.—Such subsection (i) is further amended—
- (A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right:
- (B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;
- (C) by striking "There are" and inserting the following:
  - "(1) IN GENERAL.—There are"; and
  - (D) by adding at the end the following:
- "(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section."
- (3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:
- "(3) CONGRESSIONALLY DIRECTED SPEND-ING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined in paragraph 5(a) of Rule XLIV of the Standing Rules of the Senate)."
- (i) Technical Amendment.—Such section 34 is amended—
- (1) in subsection (a), in paragraphs (1)(A) and (2), by striking "Administrator shall" and inserting "Administrator of FEMA shall, in consultation with the Administrator,"; and
- (2) by striking "Administrator" each place it appears, other than in subsection (a)(1)(A) and (a)(2), and inserting "Administrator of FEMA".
- (j) CLERICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking "expansion of pre-september 11, 2001, fire grant program" and inserting the following: "staffing for adequate fire and emergency response"
- (k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is further amended by adding at the end the following:

"(k) SUNSET OF AUTHORITIES.—The authority to award grants and provide technical assistance under this section shall expire October 1. 2022."

#### SEC. \_\_\_\_\_5. REPORT ON EFFECT OF AMEND-MENTS.

Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this subtitle. Such report shall include the following:

- (1) An assessment of the effect of the amendments made by sections \_\_\_\_\_3 and
- 4 on the effectiveness, relative allocation, accountability, and administration of the grants awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.
- (2) An evaluation of the extent to which the amendments made by sections \_\_\_\_3 and \_\_\_\_4 have enabled recipients of grants awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

## SEC. \_\_\_\_\_6. REPORT ON DUPLICATION OF GRANT PROGRAMS.

- (a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the grant programs administered by the Administrator of the Federal Emergency Management Agency.
- (b) CONTENTS.—The report required by subsection (a) shall include the following:
- (1) Whether and to what degree the grant programs described in subsection (a) provide duplicative or overlapping assistance.
- (2) The cost of each grant program described in subsection (a).
- (3) The recommendations of the Inspector General for consolidation and elimination of grant programs described in subsection (a) to reduce duplication of assistance.
- SA 1563. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:
- At the appropriate place, insert the following:

## SEC. . EXTENSION OF PAY LIMITATION.

- (a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note), as added by section 1(a) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 124 Stat. 3518), is amended—
- (1) in subsection (b)(1), by striking "December 31, 2012" and inserting "December 31, 2013"; and
- (2) in subsection (c), by striking "December 31, 2012" and inserting "December 31, 2013".
- (b) APPLICATION TO LEGISLATIVE BRANCH.—
- (1) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by subsection (a), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

- (2) OTHER LEGISLATIVE BRANCH EMPLOY-EES.—
- (A) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.
- (B) DEFINITION.—In this paragraph, the term "legislative branch employee" means—
- (i) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and
- (ii) an employee of any office of the legislative branch who is not described in clause (i).

**SA 1564.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

# TITLE \_\_\_\_\_NO BUDGET, NO PAY SECTION 01. SHORT TITLE.

This title may be cited as the "No Budget, No Pay Act".

#### SEC. 02. DEFINITION.

- In this title, the term "Member of Congress"—
- (1) has the meaning given under section 2106 of title 5, United States Code; and
- (2) does not include the Vice President.

# SEC. \_03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

# SEC. \_04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

- (a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 05.
- (b) No RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 205, at any time after the end of that period.

## SEC. $\_05$ . DETERMINATIONS.

- (a) SENATE.—
- (1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Sen-

ate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

- (2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—
- (A) on October 1 of each year, make a determination of whether Congress is in compliance with section \_03 and whether Senators may not be paid under that section;
- (B) determine the period of days following each October 1 that Senators may not be paid under section 03; and
- (C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.
  - (b) House of Representatives.—
- (1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).
- (2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—
- (A) on October 1 of each year, make a determination of whether Congress is in compliance with section 03 and whether Member of the House of Representatives may not be paid under that section:
- (B) determine the period of days following each October 1 that Member of the House of Representatives may not be paid under section 03: and
- (C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

### SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 1565. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, strike line 13 and insert the following:

"a Federal-aid system under this chapter. "(m) CODIFICATION OF OZONE DIRECTIVE.— Notwithstanding any other provision of law or court order to the contrary, the Administrator of the Environmental Protection Agency shall not engage in rulemaking proceedings under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to national ambient air quality standards for ozone, or reconsideration of those standards, until March 27, 2013."

SA 1566. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_. EXTENSION OF PUBLIC TRANSIT VEHI-EXEMPTION FROM WEIGHT RESTRICTIONS.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note), as added by section 341 of Public Law 102-388, is amended-

- (1) by striking "The second sentence of section 127 of title 23" and inserting "Section 127(a)(2) of title 23";
- (2) by striking ", for the period beginning on October 6, 1992, and ending on October 1,
- (3) in subparagraph (A), by striking "or" at
- (4) in subparagraph (B), by striking the period at the end and inserting "; or"; and
  - (5) by adding at the end the following:
- "(C) any motor home (as defined in section 571.3(c) of title 49, Code of Federal Regulations).".

SA 1567. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

#### . EFFECT OF NEPA ON CERTAIN FED-ERAL AGENCIES.

- (a) IN GENERAL.—The Comptroller General of the United States shall assess and produce a report on how the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) af-
- (1) the Department of Defense:
- (2) the Department of Energy;
- (3) the Department of the Interior;
- (4) the Department of Transportation;
- (5) the Environmental Protection Agency;
- (6) the Corps of Engineers; and
- (7) the Forest Service.
- (b) CONTENTS.—For each Federal agency described in subsection (a), the report shall include an assessment of-
- (1) the cost of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (2) the quantity of man hours spent on complying with that Act: and
- (3) the quantity of litigation the Federal agency engages in as a result of that Act, including the quantity of time and the cost that litigation adds to a project.

SA 1568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

### SEC. 15\_\_\_. FREEDOM FROM TOLLS.

- (a) IN GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:
- "(d) EXCEPTION FOR EXISTING HIGHWAY SEG-MENTS -
- "(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds made available to carry out this title shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system-
- "(A) the construction of which has been completed as of the date of enactment of this

- this subsection, is not tolled:
- "(C) that was constructed with Federal assistance provided under this title; and
- "(D) that is in actual operation as of the date of enactment of this subsection.
- "(2) Exceptions.—
- "(A) NUMBER OF TOLL LANES.—Paragraph (1) shall not apply to any segment of highway on the Federal-aid system described in that paragraph that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.
- "(B) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this subsection, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if-
- "(i) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or
- '(ii) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.'
- (b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b)(2) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is amended by striking "3 facilities" and inserting "2 facilities".

## PROVIDING THE QUILEUTE INDIAN TRIBE TSUNAMI AND FLOOD PROTECTION

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1162, which is at the desk.

The PRESIDING OFFICER. clerk will report the bill by title.

The legislative clerk read as follows: A bill (H.R. 1162) to provide the Quileute Indian Tribe Tsunami and Flood Protection,

There being no objection, the Senate proceeded to consider the bill.

and for other purposes.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1162) was ordered to a third reading, was read the third time, and passed.

Ms. CANTWELL. Mr. President, for decades the Quileute Tribe in the Pacific Northwest has waited for a chance to move out of the tsunami zone they are in and to safety.

Every day 80 students go to a school in a schoolhouse that is just 1 foot above sea level, and every day they

"(B) that, as of the date of enactment of look directly out the window at the roaring waves of the powerful ocean and wonder when they can move to safer, higher ground.

> When the tragic tsunami hit Japan last March and when a recent earthquake in just the last few weeks hit off Vancouver Island, it sent another urgent message, a wake-up call to hurry to get this legislation passed through Congress. The Department of the Interior, which endorsed this legislation, "clearly said the tsunami demonstrates the risk for the tribe and its citizens, and the need to move housing and infrastructure inland."

> Now, with the 1-year anniversary of this tragedy less than 1 month away, we have finally done our job. With the passage of this bill tonight, the Quileute Tribe can finally begin to move out of the flood zone. I thank Congressman NORM DICKS for his help in making this a reality.

> The Quileute Tribe has been struggling with the natural perils of this land since their reservation was created in 1889. The river that runs through the reservation has been moving constantly over the last century, causing more erosion and flooding problems. The one road that connects the lower village to the higher ground is often flooded, making it even more challenging to deal with this particular area in case of a tsunami.

> The Quileute struggle to move out of the flood zone has gone on for many years, but tonight, with the passage of this legislation, the Quileute Tribe can now move to higher grounds and a safer means to provide for their members. This is an important victory to give the Quileute Tribe and those on the reservation peace of mind.

> I thank Senator Barrasso and Senator Akaka for helping this legislation move out of the Indian Affairs Committee and Senator BINGAMAN and Senator Murkowski for helping it move out of the ENR Committee. To the tribal chairs—Bonita Cleveland and now Tony Foster-thank you for coming to Washington, DC, and explaining how important this legislation is. I also thank the National Park Service and the National Park Service Director. Thank you for your help in getting this legislation passed. I also thank Senator Murray for her cosponsorship of this important legislation.

> It is important in times such as these that Congress does act, that we break gridlock and move forward. For the Quileute Tribe—a tribe that gained much national notoriety in a recent movie series—what is really important is not that notoriety but the fact that today people have come together to help them move to safer grounds.

## ORDERS FOR TUESDAY, FEBRUARY 14, 2012

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate adjourn until 10 a.m. on Tuesday, February 14, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session and resume consideration of the Jordan nomination postcloture; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings; and finally, that all time during adjournment, morning business, and recess count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Ms. CANTWELL. Mr. President, for the information of Members, tomorrow we expect to confirm the Jordan nomination and also resume consideration of the infrastructure bill. Senators will be notified when any votes are scheduled.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. CANTWELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, February 14, 2012, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF DEFENSE

KATHARINA G. MCFARLAND, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

### FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EX-

PIRING JUNE 30, 2017. (REAPPOINTMENT)
WILLIAM P. DOYLE, OF PENNSYLVANIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIR-ING JUNE 30, 2013, VICE JOSEPH E. BRENNAN, TERM EX-PIRED

### DEPARTMENT OF STATE

KENNETH MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

## NATIONAL LABOR RELATIONS BOARD

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUM-

BIA TO BE A MEMBER OF THE NATIONAL LABOR BELA-BIA, TO BE A MEMBER OF THE NATIONAL LABOR RELIA-TIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EX-PIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE

DIPLOMATIC SERVICE OF THE UNITED STATES OF AMER ICA,

ROBERT E. DRAPCHO, OF PENNSYLVANIA ELLEN M. ZEHR, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

PATRICK K. DISKIN, OF FLORIDA ELISE M. JENSEN, OF WEST VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

STEPHANIE M. ACOSTA-MIKULASEK, OF CALIFORNIA MARIA ELENA BARRON, OF TEXAS KIMBERLEE ANN BELL, OF MINNESOTA ALISA MAUTNER CAMERON, OF MARYLAND ROBERT WILLIAM CLARK, OF NEW JERSEY KURT ALEXANDER GAINER, OF THE DISTRICT OF COLUM-

SUSAN K. KUTOR, OF VIRGINIA LINDA BURLINGAME MCELROY, OF FLORIDA GREGORY P. OLSON, OF ILLINOIS ROBERT P. SCHMIDT, JR., OF TEXAS

#### PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL AC-THE FULLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

## To be surgeon

PETER S. AIREL LEANNE M. FOX EDITH R. LEDERMAN SUZETTE W. PENG TIFFANY M. SNYDER DANIEL S. VANDERENDE

To be senior assistant surgeon

ANDREW H. BAKER ELI T. LOTSU

To be dental officer

CAROL J. WONG

To be senior assistant dental officer ANN N. TRUONG

To be assistant dental officer

MELISSA L. AYLWORTH

To be assistant nurse officer

BRUTRINIA S. ARELLANO JASON J. BROWN PATRICIA K. CARLOCK KRISTEN M. COLE JAMES A. DAUGHERTY ELLEN I. DIEUJUSTE SYMPHOSIA A. FORBIN MARCUS S. FOSTER REBECCA GARCIA CYNDA G. HALL
DUSTIN K. HAMPTON
ANASTASIA A. HANSEN
TEMIKA N. HARDY-LOVELOCK CARITA K. HOLMAN ICK H. KIM PATRICE M. LEFLORE STEPHANIEK MARION MYRTLE MASSICOTT RANDA K. MERIZIAN RANDOSHIA M. MILLER GUSTAVO N. MIRANDA NICOLE A. MITCHELL VERA C. MOSES NATHAN A. MOYER DAMIAN P. PARNELL BRYAN SMITH JUULA STUTTS LINDA A. TONDREAU WAYNE A. WEISSINGER PAUL A. WONG

KATRIN E. WOOD

To be junior assistant nurse officer

JESSICA M. ALLEN NICHOLAS R. BAHNER TREVOR A. BAIRD JASON E. BAUER SHANNON D. BRAUNE SHANNON D. BRAUNE KENDALL G. BROWN STACEY L. BRUINGTON KASSIDY L. BURCHETT ANDREW J. COLBURN AIDA CORONADO-GARCIA MARLENE CORRALES JOHN F. EHRHART II JOHN F. EHRHART II
SHARICE N. ELZEY
LINDSAY J. GREGORY
JEREMY V. HYDE
EVERARD A. IRISH
MARTHANIA JEAN-BAPTISTE
BILLYE R. JIMERSON
JEREMY J. LIESVELD
YVETTE E. MACKLIN
BRYCE A. MAY
MATTHEW A. MEYERS
ALEXANDER N. NJINGE ALEXANDER N. NJUNGE JOYCE E. OGBU OKENZIE N. OKOLI IGNATIUS E. OTTEH VANESSA S. PARRISH LESLIE J. POUDRIER PILAR M. PRINCE GINA L. RYAN
JOSUE S. SANCHEZ
CELESTE M. SEGER
CHRISTOPHER D. SNYDER INI B. UPKE CANDICE R. WELLS

To be assistant engineer

KENNETH CHEN PETER LITTLEHAT, JR. LINDSAY O. QUARRIE

To be junior assistant engineer

RAFAEL GONZALEZ

To be assistant scientist

SHANE T. EYNON NELSON H. GUADALUPE MADELINE I. MAYSONET-GONZALEZ LEAH R. MILLER SARA A. VILLARREAL

To be assistant environmental health officer

CHRISTOPHER D. DANKMEYER KAI E. ELGETHUN MICHELLE E. KENNEY

To be junior assistant environmental health officer

ELIZABETH A. SMITH

To be assistant veterinary officer

YANDACE K. BROWN

To be assistant pharmacist

ADEWALE A. ADELEYE TODD D. ANGLE NABEEL BABAA JONATHAN R. BORESS MITCHELL W. BOWEN KEVIN L. CUMMINGS CHAKA N. CUNNINGHAM JORDAN C. DAVIS MELANEE M. DAVIS LINDSAY E. DAVISON TYLER C. DREESE KENDRA N. ELLIS GUSTAVE A. GABRIELSON CARLISHA S. GENTLES ANDREWS A. GENTLES MONICA M. HADDICAN SUSANE HAGY SHANE E. HENRY CINDY C. HONG LINDSAY R. KRAHMER BENJAMIN N. LE GINA L. LUGINBILL JUSTIN A. MATHEW REGINA L. MILLER JOHN P. MISTLER VANESSA R. MULLER TRAMI T. NGUYEN UCHECHUKWU A. NWOBODO BUM-JUN OH LONG T. PHAM FORGE X. PHAM KELLY H. PHAM JOSEPH S. SMITH BRIAN C. TIEU RUBY TIWARI ALLEN R. TRAN JAYSON L. TRIPP JEFFREY VANG JASON K. VANKIRK PHUONG-ANH T. VU JASON R. WAGNER

## CONGRESSIONAL RECORD—SENATE, Vol. 158, Pt. 1

CORINNE M. WOODS PENG ZHOU

#### To be assistant therapist

RUSSELL J. CASE WILLIAM A. CHURCH ANDREW M. HAYES AMANDA C. MCDONALD JEFFREY G. MIDDLETON

## To be assistant health services officer

To be assistant head
CARA ALEXANDER
HENRY J. ALLEN
AYANA R. ANDERSON
MELKA F. ARGAW
SHENENA A. ARMSTRONG
TYSON J. BAIZE
KIMBERLY U. BLACKSHEAR
MONIQUE M. BRANCH
ONIEKA T. CARPENTER
JEFFREY M. COX
EMILY T. CRAREY
JESSICA L. DAMON
TERRI C. DAVIS
GINELLE O. EDMONDSON
ALYSON B. EISENHARDT
JASON W. ENGEL
LAURA M. ERHART
AISHA S. FARIA
JUANA F. FIGUEROA
MIA L. FOLEY
ISRAEL GARCIA
MICHAEL H. HANSEN
PAUL D. HOFFMAN
KEEMIA S. HURST

MARGARET A. KEMP
BRIAN L. LEES
TRAVIS J. MANN
LETICIA M. MANNING
MICHELLE A. MATTHEY
CHRISTOPHER J. MEYER
ETHNY OBAS
DUSTIN J. OXFORD
VICTORIA L. PARSONS
SERAPHINE A. PITT BARNES
PHILLIP K. POPE
KRISTIN M. RACZ
DIYO R. RAI
MARQUITA D. ROBINSON
ALYSON S. ROSE—WOOD
JEFFERY R. SHOWALITER
SARAH E. SWIFT
DEVIN N. THOMAS

## To be junior assistant health services officer

KELLY ABRAHAM
MATTHEW R. BEYMER
CHAWNTEL M. CARTEE
JANA L. CAYLOR
LOUIS R. CORBIN
KIMISHA L. GRIFFIN
RICHARD W. KREUTZ
SHAWN M. NICKLE
CARLOYN L. NOYES
RAYMOND A. PUERINI
JEZAIDA RIVERA
YOLANDA L. RYMAL
LETISHA S. SECRET
JEROME R. SIMPSON II
DONNAMARIE A. SPENCER

JASON E. STEVENS KATIE R. WATSON TRACEE R. WATTS SHAMBREKIA N. WISE

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

#### To be ensign

LUCAS D. JOHNSON
KEVIN G. DOREMUS
MICHAEL N. HIRSCH
JOSHUA D. WITMER
JARED R. HALONEN
DANIEL P. LANGIS
ANDREW R. CLOS
JOHN R. KIDD
ARAS J. ZYGAS
REFAEL W. KLEIN
DAVID B. KEITH
WHITLEY J. GILBERT
KELSEY E. JEFFERS
KASEY M. SIMS
JUNIE H. CASSONE
RICARDO RODRIGUEZ PEREZ
AARON D. COLCHAN
VERONICA J. BRIENO RANKIN
CHELSEA D. FRATE
THERESA A. MADSEN

## EXTENSIONS OF REMARKS

HONORING THE MEMPHIS HORNS

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES Monday, February 13, 2012

Mrs. BLACKBURN. Mr. Speaker, whether you find yourself sitting on the Dock of the Bay, with Sweet Caroline, Takin' It to the Streets, or talking to the Son of a Preacher Man, chances are you've heard the soulful and intense blasts of the Memphis Horns. Music is the very rhythm of our culture, and in the Tennessee 7th, we champion the sounds and cultural treasures of our community. I rise today to honor one great treasure: The Memphis Horns.

Each from simple but musically enriched beginnings, Wayne Jackson and Andrew Love were more than the trumpet and the saxophone behind the Memphis Horns. Playing at the beginning for the greats: Elvis, Otis Redding, Aretha Franklin, the Horns made a name for themselves as the blended tones of Memphis. From the 1960s on, the Horns played for anyone who needed that unique shot of Memphis soul. Including The Doobie Brothers, Peter Gabriel, U2, Jimmy Buffett, B.B. King, and Willie Nelson, The Memphis Horns are the very notes of the south.

When they first came together to form their sound, Love and Jackson wondered what they would do each year when the tour stopped. As they released their final project, the Memphis Horns need never to worry what they will do next. As members of the Musicians' Hall of Fame winner, their place is noted in America's history. As one of the great sounds of Memphis, their place is secure in America's hearts. Their legacy is a permanent part of our musical soul and their unique sound and uplifting notes will be trumpeted for a great long while. I ask my colleagues to join with me and celebrate the quintessential Memphis Horns as they receive the Lifetime Achievement Award.

RECOGNIZING THE IMPORTANCE OF DIABETES AWARENESS AND PREVENTION

## HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  $Monday,\ February\ 13,\ 2012$ 

Ms. BUERKLE. Mr. Speaker, today I would like to call attention to type I diabetes, a disease that is plaguing the citizens of our great Nation. This disease strikes not only our youths, but the ailment is affecting much more of our population. In the last 30 years, the number of people known to have diabetes in the United States has quadrupled to more than 26 million. Another 7 million Americans are estimated to have undiagnosed diabetes.

Bringing awareness to type I diabetes not only combats a devastating illness, but it also saves the country money. Accounting for hundreds of billions of dollars in healthcare expenses, diabetes is also responsible for almost a third of all Medicare costs.

Mr. Speaker, type I diabetes is a problem this country cannot ignore. Today, I ask my colleagues and all Americans to join me in increasing diabetes awareness in our communities and throughout the Nation.

RECOGNIZING THE LIFE OF WHITNEY HOUSTON

## HON, LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES Monday, February 13, 2012

Ms. RICHARDSON. Mr. Speaker, it is with a deep sadness and heavy heart that I rise today to pay tribute to Whitney Houston, a woman whose extraordinary voice touched the heart of America.

Ms. Houston died on Saturday, February 11, 2012 in Beverly Hills. She was 48 years old.

Ms. Houston's musical career began in 1985, when her debut album, Whitney Houston, was released and she became an instant musical sensation. She produced some of the most memorable music of her generation, including her signature hit, "I Will Always Love You."

Whitney Houston was one of the biggest names in the music industry and her accomplishments as a singer are many. In 2009, the Guinness World Records cited her as the most-awarded female act of all time. Her awards include two Emmy Awards, six Grammy Awards, 30 Billboard Music Awards, and 22 American Music Awards, among a total of 415 career awards in her lifetime. Houston was also one of the world's best-selling music artists, having sold over 200 million albums and singles worldwide.

She will always be remembered as one of the greatest voices who ever graced the Earth. To have heard the voice of Whitney Houston was to have witnessed singing perfection. My heart goes out to her daughter, Bobbi Kristina, and all of her family and friends who are mourning the loss of this remarkable woman.

Mr. Speaker, where do broken hearts go? Millions of hearts broke at the news that with her passing, we lost one of the greatest gifts of all; the pure joy we felt whenever Whitney sang one of those songs that made us get up and want to dance with somebody.

Yes, we almost had it all. Whitney Houston left us too soon, but her remarkable voice will live in our hearts as one moment in time we will never forget.

I request a moment of silence in her honor and memory.

COMMENDING HAYATO "JACK" YOSHINO FOR HIS MANY CONTRIBUTIONS TO THE PEOPLE OF GUAM

## HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES Monday, February 13, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to honor Mr. Hayato "Jack" Yoshino for his years of leadership and contributions to the people of Guam as the President of P.H.R. Ken Asset Management Inc. (Ken Corporation) on Guam.

Mr. Yoshino graduated from Hitotsubashi University of Japan, and, in 1980, began his career at one of Japan's largest trading companies. He later ventured into the real estate profession where he made substantial investments in hotels, offices, and housing in the United States mainland. He joined Ken Corporation in 2002 and moved to Guam where he worked to familiarize himself with the island's unique real estate and tourism markets.

Four years later, Mr. Yoshino was appointed President of Ken Corporation and was entrusted with overseeing several premier hotel brands on Guam and Saipan, including the Hilton Guam Resort & Spa, Hyatt Regency Guam, Hotel Nikko Guam, Pacific Islands Club Guam, Sheraton Laguna Guam Resort, Country Club of the Pacific in Guam, and Aqua Resort Club in Saipan. During his tenure as president, Mr. Yoshino implemented major branding initiatives which introduced hotel guests and tourists to the island's culture, cuisine, and people. And in the midst of economic uncertainty following the March 2011 earthquakes and tsunamis in Japan, Mr. Yoshino worked to sustain the operations at each of the corporation's properties.

Mr. Yoshino devoted his time and expertise to developing Guam's visitor industry and local community. In 2009, Mr. Yoshino became a member of the Guam Visitors Bureau Board of Directors and was elected chairman of the Existing Markets Committee. In this capacity, he worked closely with industry leaders to promote Guam as a world-class destination for visitors traveling from the Philippines, North America, Micronesia, and Taiwan. He is an active member of the Guam Chamber of Commerce, the Chinese Chamber of Commerce, and the SKAL Club of Guam, an international association of tourism professionals. Among other contributions to our community, Mr. Yoshino took an interest in public safety and donated equipment to the Guam Police Department.

I join our community in recognizing Mr. Yoshino for his leadership, his service to our community, and for his work in promoting our island's unique history and culture. On behalf of the people of Guam, I extend my heartfelt appreciation for Mr. Yoshino's generosity, and I wish him the best in his future endeavors.

RECOGNIZING THE INNOVATION AND HISTORICAL SIGNIFICANCE OF THE BOEING 787 DREAMLINER

## HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Monday, February 13, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the production and delivery of the first Boeing 787 Dreamliner airplanes and to congratulate everyone at The Boeing Company on this milestone in aviation history.

The roots of today's Boeing Company were five companies founded by visionaries whose names are forever etched in the history of aviation. William Boeing (The Boeing Airplane Co.), Donald Douglas (Douglas Aircraft Co.), James McDonnell (McDonnell Aircraft Corp.), James "Dutch" Kindelberger (North American Aviation), and Howard Hughes, Jr. (Hughes Aircraft) pioneered aviation design, provided our nation with a critical component of military superiority and ushered in the modern era of air travel.

The Boeing 787 Dreamliner builds on the legacy and combined knowledge derived from those early pioneers but takes innovation to new levels. The Dreamliner departs from traditional metal construction with greater use of composite materials than any previous aircraft. Improvements in engine technologies take fuel efficiencies a step further to give the Dreamliner both the range and speed of larger aircraft.

The Dreamliner has used advanced technologies to improve the flying experience beyond exterior design and engine performance. Higher cabin humidity levels, larger passenger windows and monitoring systems that coordinate with land-based computers are a few other examples of Dreamliner innovations.

With final assembly in Boeing's Washington plant, Dreamliner subassembly occurs in locations throughout the United States and across the globe. Named an "Aircraft of Legend," the Dreamliner is an example of American innovation and technological leadership.

Mr. Speaker, I ask my colleagues to join me in recognizing the debut of the Boeing 787 Dreamliner and in congratulating everyone at Boeing and their subcontractors who have been involved in its design, construction and delivery.

HONORING THE GREATER ROCH-ESTER AREA PARTNERSHIP FOR THE ELDERLY ON ITS TWEN-TIETH ANNIVERSARY

## HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Monday, February 13, 2012

Mr. REED. Mr. Speaker, I rise today to honor the Greater Rochester Area Partnership for the Elderly. For twenty years, this community organization has directly and indirectly enhanced and enriched the lives of senior citizens in Western New York State. It brings together professionals, volunteers, and students

who work with the aged in order to improve to ensure contemporary education, quality and implementation of services and support provided to senior citizens. The organization holds monthly workshops and programs which have had a positive impact for two decades on those who work with the elderly. Issues such as health care coordination, housing and residential issues, home health care. financial concerns, transportation, social life, emergency services, food and nutrition, senior volunteer options, and many others are regularly discussed and areas for cooperation and improvement are identified. The result is a better life for senior citizens. We celebrate the milestone of twenty years of effective service and advocacy and look forward to many more. It is with great pride that we recognize the achievements of the Greater Rochester Area Partnership for the Elderly and the dedicated professionals who advance the cause of quality of life for our senior citizens.

HONORING THE MUSICAL ACCOM-PLISHMENTS OF THE POSSUM

## HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2012

Mrs. BLACKBURN. Mr. Speaker, music is in the very fiber of our being, and we are proud to continually showcase the sounds that call Tennessee "home." From the serious songs of the darkest moments to the lighthearted tunes of the breeze, George Jones is one of the staples of country music. I rise today to celebrate the many chart-topping hits, the award-winning duets, and the musical accomplishments of The Possum.

It seems as if each of the past several decades have been marked by a George Jones hit. In the 1950s, it was Billboard's No. 4 "Why Baby Why." In the '60s, his singles consistently hit the Top 10. 1973 brought us the Number 1 single "We're Gonna Hold On." 1980 brought music fans what many call one of greatest country records of all time, "He Stopped Loving Her Today." He rounded out the 20th century with the powerful ballad "Choices," reminding us all of the humanity and redemption found in community. With 13 Number 1 hits, 30 Top 5s, the prized duet partner of James Taylor, Merle Haggard, Ray Charles, Randy Travis, Alan Jackson, and Garth Brooks, Jones's unique country music sound is beloved the world over.

Inducted into the Country Music Hall of fame in 1992, chosen as a Kennedy Center Honors recipient in 2008, and presented with the Lifetime Achievement Award in 2012, George Jones certainly has the laurels of a seasoned country music star. But you won't find him resting on those, nor will you hear his countless fans telling others of his awards. His fans and his peers speak of his fidelity to the music, to the sound, to the hard work of finding and singing the right notes of the soul.

RECOGNIZING THE IMPORTANCE OF MARRIAGE

## HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  $Monday,\ February\ 13,\ 2012$ 

Ms. BUERKLE. Mr. Speaker, I would like to take this opportunity to recognize National Marriage Week 2012. As our country faces challenging times, the value of a strong family is undeniable. Marriage is the foundation of family and economic prosperity in our nation. National Marriage Week reminds us of the importance of maintaining marriage as a sacred union. As the definition of marriage continues to be debated, Mr. Speaker, I urge my colleagues to join me in protecting the institution of traditional marriage as the centerpiece of the family.

IN HONOR OF DON CORNELIUS LEGENDARY CREATOR AND HOST OF "SOUL TRAIN"

## HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to honor, remember and celebrate the life of Don Cornelius, the legendary creator and host of "Soul Train," the ground-breaking television program that helped define my generation and revolutionized the way Americans—and millions of others around the world—learned, experienced, and loved soul music. Don Cornelius passed away on February 2, at the age of 75.

"Soul Train," which he hosted from 1971 to 1993, exposed African American recording artists and groups to national audiences and boosted the reach and popularity of every artist who appeared on the show. The list reads like a who's who of musical giants: Michael Jackson and the Jackson 5; James Brown, the "Godfather of Soul," Aretha Franklin, Gladys Knight and the Pips; the Temptations, the Supremes, Earth, Wind, and Fire; Marvin Gaye; Al Green; Chaka Khan, and the mighty, mighty Dells.

Don Cornelius joined the Marines and was stationed in South Korea during the height of the Cold War. He later became a television journalist reporting on civil rights and urban issues. This background prepared him to conceive and make real "Soul Train," which succeeded in using the love of good music to help bridge racial and social divisions in our country.

As one of the millions of young girls who tuned in every week to "Soul Train" to sing and dance along with that week's musical guests, I want to express my heartfelt thanks to Don Cornelius for the sheer joy and happiness he brought to so many people and for "Soul Train" 's positive impact in bringing people of diverse backgrounds together around their shared love of good music and dance.

We will always remember "Soul Train," the iconic television show best known for its flamboyant colors, striking fashion, great music,

revolutionary dance moves, and the famous "Soul Train Line."

Don Cornelius lived a consequential life. He made a difference. And for that, I conclude by wishing him, as he always concluded each "Soul Train" show by wishing us, as always, "love, peace and soul!"

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest-designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each

Meetings scheduled for Tuesday, February 14, 2012 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED FEBRUARY 15

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to consider the nominations of Michael T. Scuse, of Delaware, to be Under Secretary for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, Department of Agriculture, and Chester John Culver, of Iowa, and Bruce J. Sherrick, of Illinois, both to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration; to be immediately followed by a hearing to examine energy and economic growth for rural America.

SD-G50

10 a.m.

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Transportation.

Finance

To continue hearings to examine the President's proposed budget request for fiscal year 2013.

Judiciary

To hold hearings to examine the Bulletproof Vest Partnership Grant Program, focusing on protecting those who protect us.

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine pay for performance, focusing on incentive compensation at large financial institutions.

SD-538

Commission on Security and Cooperation

To hold hearings to examine violence against Roma in Europe, focusing on violence in the region, and human rights violations.

B318, Rayburn Building

2:30 p.m. Judiciary

> To hold hearings to examine certain nominations.

> > SD-226

#### FEBRUARY 16

9:30 a.m.

Armed Services

To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SVC-217 following the open session. SD-G50

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of Energy.

Banking, Housing, and Urban Affairs

To hold hearings to examine the European debt crisis and its implications.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2013 and revenue proposals.

SD-608

Health, Education, Labor, and Pensions Employment and Workplace Safety Subcommittee

To hold hearings to examine addressing workforce needs at the regional level, focusing on innovative public and private partnerships.

Judiciary

Business meeting to consider the nominations of Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit, John Z. Lee, and John J. Tharp, Jr., both to be a United States District Judge for the Northern District of Illinois, George Levi Russell, III, to be United States District Judge for the District of Marvland, and Kristine Gerhard Baker, to be United States District Judge for the Eastern District of Arkansas.

SD-226

Foreign Relations

Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee To hold hearings to examine Iran's influence and activity in Latin America. SD-419

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine energy development in Indian country.

SD-226 2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine securing America's future, focusing on the "Cybersecurity Act of 2012".

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

#### FEBRUARY 28

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine strengthening conservation through the 2012 farm bill.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for the Department of the Interior.

SR-418

2:30 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Disabled American Veterans (DAV).

345, Cannon Building

#### FEBRUARY 29

10 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2013 for Veterans' Programs.

MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SH-216

## MARCH 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Central Command and U.S. Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open

SH-216

## MARCH 7

10 a.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW).

SD-G50

## MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SD-106

#### 80-

#### MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Southern Command and U.S. Northern Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

#### MARCH 14

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine healthy food initiatives, local production, and nutrition.

Room to be announced

10 a.m.

Veterans' Affairs

To hold hearings to examine ending homelessness among veterans, focusing on Veterans' Affairs progress on its five year plan.

SR-418

2 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A

MARCH 15

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

#### MARCH 20

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Air Force in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

#### MARCH 21

Time to be announced

Agriculture, Nutrition, and Forestry

To hold hearings to examine risk management and commodities in the 2012 farm bill

Room to be announced

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Military Order of the Purple Heart, Iraq and Afghanistan Veterans of America (IAVA), Non Commissioned Officers Association, American Ex-Prisoners of War, Vietnam Veterans of America.

Wounded Warrior Project, National Association of State Directors of Veterans Affairs, and The Retired Enlisted Association.

SD-G50

#### MARCH~22

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of the Paralyzed Veterans of America, Air Force Sergeants Association, Blinded Veterans Association, American Veterans (AMVETS), Gold Star Wives, Fleet Reserve Association, Military Officers Association of America, and the Jewish War Veterans.

345, Cannon Building

#### MARCH 28

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Margaret Bartley, of Maryland, and Coral Wong Pietsch, of Hawaii, both to be a Judge of the United States Court of Appeals for Veterans Claims.

SR-418

2 p.m.

Armed Services

Personnel Subcommittee

To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program.

SR-232A